

Review of Environmental Factors - Submissions Report

Batemans Bay Community Health

Version 01 - Draft

Version 02 – Final

Version 03 – Final updated

18 February 2025

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1 Introduction

This Submissions Report has been prepared by HI-Planning Advisory in response to the Exhibition of the proposed activity at Batemans Bay Hospital, located at 7 Pacific Street, Batemans Bay and aims to consider and address the formal submissions that were received by Health Infrastructure (HI) as part of the Exhibition process.

The Review of Environmental Factors (REF) for the Batemans Bay Community Health was exhibited for 28 days from 18 November 2024 until 16 December 2024. A total of four (4) submissions were received from the public and no submissions were received from Council or any government agencies.

The Public Exhibition and Submissions Report has been prepared in accordance with the requirements of the following:

- *HI Community Participation Plan (CPP) (October 2024)*
- *Guidelines for Division 5.1 assessments – Consideration of environmental factors for health services facilities and schools*
- *Stakeholder and Community Participation Plan for New Health Services Facilities and Schools (DPHI, October 2024). Section 2.64 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&I SEPP) as amended*

This Submissions Report has been prepared to address the submissions received and has been prepared in accordance with the requirements of Section 2.62A (2) (b) of the T&I SEPP which requires the consideration of any response that is received within the exhibition period.

The Submissions Report should be read in conjunction with any supporting technical information (refer to Table of Contents)

1.1 Consultation and Public Exhibition

On 13 November 2024 formal approval was granted to exhibit the REF. The following process has been followed;

- The REF was exhibited on the HI website and documents were accessible via an 'exhibition' tab on the 'projects' dropdown menu for a period of 28-days.
- Exhibition of the REF package on the HI website was managed by HI's Corporate & Digital Communications team.
- Notification letters were sent to Council, SES and adjoining landowners.
- Submissions were able to be sent to HI via the exhibition webpage using Microsoft forms.

2 Submissions Received

2.1 Council Submission

No formal submission was received by Eurobodalla Shire Council (ESC).

2.2 Agency Submissions

No formal submission was received from the State Emergency Services (SES) or any other government agency.

2.3 Public Submissions

A total of four (4) submissions were received. All four (4) submissions were received from members of the public however, one (1) submission was received from a local advocacy group in the form of a petition including nine (9) signatures.

2.4 Summary of Raised Issues

A summary of key issues raised is provided at **Table 1**.

3 Response to Submissions

Table 1 - Response to submissions


Issue	Relevant Submission	Response
Expand existing Community Health within the Hospital and utilise the South Wing.	The submitter recommends upgrading the existing health facility at Batemans Bay Hospital to include community health within the current hospital building to reduce the costs of the build and utilise the existing buildings.	<p>The proposed Batemans Bay Community Health Centre redevelopment aligns with the long-term strategic planning for health services within the Eurobodalla region, aiming to provide improved facilities and better healthcare outcomes to meet the needs of the local community.</p> <p>A thorough assessment and options analysis for the site was conducted which included considering the utilising existing facilities for community health, relocating the community health facility externally (off-site), consider a new build onsite and the option of internal refurbishment were all explored and associated consultation and engagement occurred.</p> <p>The 'External New Build South' option is the preferred approach due to factors such as suitability of existing facilities, timing, minimal disruption to the existing Medicare Urgent Care Clinic and no upgrade works required to the existing building, reducing the overall cost of works. The new build will be compliant with current building regulations, is purpose-built and supports innovative and modern models of care.</p> <p>Retrofitting and refurbishing the existing hospital building/s is cost prohibitive as upgrading hospitals with specialist services and ensuring buildings</p>

Issue	Relevant Submission	Response
		<p>conform to the current building and development standards is very costly.</p> <p>The new Batemans Bay Community Health (BBCH) facility will also be located close to the Medicare Urgent Care Centre providing appropriate clinical adjacencies.</p> <p>In addition, the new Eurobodalla Regional Hospital project aims to provide specialist health services to the wider region so that the Batemans Bay hospital will no longer be required as services will be integrated into the new Hospital.</p>
Car parking availability	<p>Some concerns were raised in regard to car parking namely;</p> <ol style="list-style-type: none"> 1. Reduced availability of parking after construction for residents and visitors as the current overflow parking will no longer be available once construction commences and is completed. 2. The new build is removing existing car parking and access to Ambulance Bay, Hospital deliveries, Morgue and other services. 	<p>The Traffic Impact Assessment has been prepared (refer to Appendix Q of the REF) and details the proposed access, parking and traffic arrangements resulting from the build.</p> <p>The assessment of traffic and parking impacts identifies that the proposal is not expected to result in any discernible adverse impact on the surrounding road network in the longer term. It is noted that Batemans Bay Hospital currently provides community health services (located at the north of the hospital). Upon completion of the BBCH, the community health, will be relocated to the new build. In summary, car parking demand analysis found that the 74 staff members for the BBCH will generate 67 car parking spaces given that roughly 90% of staff will drive to work. The development provides for a total of 17 car parking spaces however removes the 21 formed spaces along the southern boundary and 18 informal gravel car parking spaces (identified as</p>

Issue	Relevant Submission	Response
		<p>overflow by residents). As these are not formal, they should not be considered in the overall calculations.</p> <p>After the construction of the facility the Traffic and Parking assessment concludes that there will be an overall loss of 24 car parking spaces across the campus however the 18 spaces which are informal are included in this calculation. When only formal spaces are considered, there is a loss of 6 spaces.</p> <p>The loss of 6 spaces is considered to be minor and can be captured on the street in the short term and in the longer term with the closure of the Hospital there will be excess parking onsite. The deficiency is considered minor and temporary.</p> <p>Section 6.2.1 of the REF details the traffic and parking situation and addresses the proposed program of works during construction of the development. The proposal has been staged, and this will assist with the management of operational parking during construction. A Construction Environmental Management Plan will need to be prepared and the management of parking during construction will occur through the preparation and implementation of a Construction Traffic and Pedestrian Management Plan. These are already included as mitigation measures.</p>
Access to the rear of adjacent residential properties	<p>Access to adjoining residential properties via existing carpark area at the hospital will be removed.</p> <p>Request for ongoing access and use of rear access area for recreational activities and</p>	<p>Currently and historically, residents of No.9-15 Pacific Street have accessed the rear of their sites through the hospital grounds. This is an informal and historic arrangement. HI have sought legal advice, and it was confirmed in October 2024 that there are</p>

Issue	Relevant Submission	Response
	parking of vehicles through the easement of 11 and 13 Pacific Street to be retained.	<p>no formal arrangements in place to allow for the residents to access the rear of their properties through hospital grounds. From our investigations and advice this is unauthorised. It is also our understanding that there are no informal arrangements in place between the property owners and the hospital (LHD).</p> <p>The proposed activity will remove the opportunity for these residents to access the rear of their properties through the hospital grounds during construction.</p> <p>Given there are currently no formal access arrangements there is no requirement for the Hospital or this project to ensure any form of access for residential properties is maintained. Whilst noting this and in good faith, NSW Health have agreed to provide future access via a maintenance access pathway to the south of the new BBCH facility. The terms of this access are to be agreed with residents.</p>
Quality and maintenance of the vegetated area at the rear of the hospital	<p>Concerns are raised in regard to the maintenance of the vegetated area at the rear of the hospital with the following issues being identified;</p> <ol style="list-style-type: none"> 1. Concern regarding a Bushfire. 2. Request for pruning and maintenance of vegetation such as pruning of trees during the construction stage as this will not be undertaken by private residents during this time. 	<p>The Project Team have identified the need to review the vegetated area at the rear (south) and undergo associated pruning/cutting etc. to manage and maintain this area. In managing this area any risk associated with a bushfire will be reduced and its likelihood minimised. As noted in section 6.2.10 of the REF, the site is not identified as bushfire prone land.</p> <p>A neighbour has also highlighted trees and shrubs at the rear that they would like pruned or removed. It is unclear from the submission where the trees are located as details or photos are not provided.</p>

Issue	Relevant Submission	Response
	<p>3. The rear area is largely covered by dense vegetation and concerns relating to emergencies such as fires, increase in anti-social behaviour and how ongoing maintenance of assets will be undertaken if this access is removed. It is suggested that the south-eastern vegetated area is cleared.</p>	<p>However, if the trees in question are on hospital grounds, then the Project Team has confirmed they will examine and trim, prune and/or remove the trees depending on their location, feasibility and the impact.</p> <p>All pruning and maintenance of vegetation in the rear during construction will be completed in consultation with adjoining properties. The following mitigation measures are recommended to be imposed in response to the submission:</p> <p>General maintenance and pruning of the vegetation along the eastern and southern side of the hospital shall be conducted to ensure no trees impact on private properties immediately adjoining the hospital and the area is not overgrown and unmanageable. This process shall be conducted in consultation with the adjoining neighbours and a fully Qualified Arborist and shall not impact on any ecological features.</p>
<p>Tree removal</p>	<p>A submission and associated petition was received raising concerns regarding the removal of the Cheese Tree located within the drainage easement and adjoins the rear boundary of No. 9 Pacific Street.</p> <p>The proposed tree removal is discouraged as this tree provides natural privacy, amenity and screening for adjoining residents from the health centre.</p>	<p>An Aboricultural Impact Assessment and Tree Protection Plan has been prepared by Tree Survey Pty Limited (refer to Appendix H of the REF). It included an assessment of 31 trees on site in which 26 of these trees have been recommended to be removed. Tree removal is necessary as the building footprint affects the tree location. Mitigation measure 9.4 requires tree replacement at a ratio of 1:1 to occur.</p>

Issue	Relevant Submission	Response
		<p>Residents have requested that a Cheese tree earmarked for removal should be retained as it provides privacy, screening and amenity. The tree is located along the south-eastern corner of the site within the drainage easement adjacent to the rear boundary with No.9 Pacific Street. This tree is denoted as Tree No.30 in the Arborist report and is identified as a Cheese Tree (<i>Glochidion ferdinandi</i>) with a height of 8m having medium retention value and significance. Its location is shown in Figure 1 below and at the photo below.</p>  <p>Figure 1: Extract from the tree location plan showing Tree No.30 (courtesy: Tree Survey 2024)</p>

Issue	Relevant Submission	Response
		<div></div> <p>Photo 1: Tree No.30 proposed to be removed and identified as a Cheese Tree</p> <p>The report recommends the removal of this tree as it is subject to a major encroachment of greater than 20% within the structural root zone and therefore, may lead to the destabilisation and/or decline of the tree. Works are proposed along the easement to regrade it so that access is easier as currently the easement is uneven. The civil plans include details of the works along the easement. They include regrading and applying grasscrete to the front</p>

Issue	Relevant Submission	Response
		<p>(south-western) section and then continuing the remaining area as unsealed pavement. During the development of the project the team discussed options to improve and regrade the easement with Council and no objections were raised.</p> <p>The intention of the civil works is to create a more even area and include simple materials which will not affect access to the easement but tidy up this space. The proposed works will be located within the tree protection zone hence the tree won't be able to be retained. Given that access through to the rear and southern side of the hospital will be limited, access through the easement may be relied on at certain times i.e. maintaining the vegetation at the rear, fencing and the like.</p> <p>Although the tree provides some greenery and screening the new built form has been sensitively designed with windows located higher than 1.2m (from the finished floor level) which is higher than a standard window sill location. In addition, the side setback from the boundary with No.9 is 5.9m which is ample separation distance for a largely single storey structure. It is suggested that additional tree planting is proposed subject to liaison with the neighbour and Arborist.</p> <p>The following mitigation measure is recommended to be imposed in response to the submission:</p>

Issue	Relevant Submission	Response
		The Landscape Plan prepared by Architectus and Conrad Gargett shall be updated to include some additional screen planting (where possible) along the rear of No 9 Pacific Street in consultation with a Qualified Arborist and the resident.
Design	Majority of the proposed building is raised above the natural ground level, creating unused space, is an expensive build, visually obtrusive and results in the requirement of lifts for accessibility purposes.	<p>It is noted that the design takes advantage of the site's natural topography, providing an undercroft level at the rear (away from sensitive receivers) to house plant and associated equipment. The building presents as a single storey development to Pacific Street and is consistent with the low-density residential character of the local area.</p> <p>The design is considered sympathetic to the character of development in the streetscape and considers the nature and setting of the hospital and its surrounds. Level access is provided to the main entry which is located along the northern side adjacent to the car park.</p>
Boundary fencing	<p>Side boundary fencing along the south-eastern boundary and the metal fencing along the southern boundary are damaged and do not sufficiently prevent trespassing and provide privacy for adjoining residential properties.</p> <p>Ongoing issue regarding use of land at the rear of the property as this space and broken dividing fencing encourages anti-social behaviour. A submission recommends installation of a high security type gate at the easement access area.</p>	<p>The project team have confirmed that a review of boundary fencing will occur with replacement of boundary fencing will be undertaken where required, in consultation with any affected and/or adjoining properties.</p> <p>It is suggested that an additional mitigation measure be imposed in respect to this issue and shall read;</p> <p>A detailed review of the boundary fencing along the south-eastern and southern part of the site shall occur and fencing shall be replaced and</p>

Issue	Relevant Submission	Response
		<p>repaired where it is broken and new fencing constructed where required and as appropriate (to a minimum height of 1.8m) to ensure safety and security around the hospital boundary is maintained.</p> <p>Any new or replacement boundary fencing adjoining private residential properties shall be undertaken in consultation with the property owners.</p> <p>If the boundary fencing is improved, it is less likely that anti-social behaviour occurs as access will be limited and more difficult. In addition, the management of the vegetation may also discourage people accessing this area as it is less private and inviting.</p> <p>Fencing at the front and rear of the easement is not permitted as the easement is a drainage easement which needs to be accessible at all times.</p>

4 Proposed Amendments Since Exhibition

The submissions received in response to the REF do not generate the need for any design changes.

In addition, standard mitigation measures have been updated to address recent changes to the T&I SEPP provisions which came into effect on 22 November 2024. Section 2.62A (5) is a new requirement which states;

The public authority must also give written notice of the intention to start work at least 2 days before the work starts to—

- (a) the occupiers of any dwelling located within 20m of the site boundary of the proposed development, and
- (b) if the public authority is not the relevant council—the relevant council.

In addition, mitigation measure 19 (Consultation Approach) shall be strengthened to include the development of a consultation strategy to ensure that during the construction of the BBCH immediately adjoining neighbours and submitters are informed of the construction process and staging. The mitigation measure proposed shall be amended to read;

19 Consultation Approach

Prior to the commencement of work, a communication strategy shall be prepared that:

- (a) provides mechanisms to facilitate regular communication between the contractor, and the immediately adjoining residents to the south prior to commencement of works and through the construction process.
- (b) The strategy shall Identify people to be consulted during the construction phase; and
- (c) Set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the stages of construction to keep the neighbours informed of construction staging and the building process.
- (d) Determines the suitable methods of consultation with relevant stakeholders, including the receipt of feedback; and
- (e) Provides the approach access to project information.

The mitigation measures have been updated to ensure they include this requirement and consider the response to submissions process. The updated measures (**Appendix A** to the REF) are **Attachment A**.

5 Conclusion

In accordance with section 2.62A (2)(b) of the T&I SEPP, this Submissions Report documents all submissions received during the public exhibition period from 28 days from 18 November 2024 until 16 December 2024. All responses have been considered and addressed in accordance with the response to submissions process.

Appendices

Attachment A

Appendix A - Updated Mitigation Measures

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