

**JOINT REGIONAL PLANNING PANEL
(Hunter and Central Coast Region)**

JRPP No	2011HCC017
DA Number	16-2011-207-11
Local Government Area	Port Stephens
Proposed Development	Medical Centre (Health Services Facility)
Street Address	4 Jacaranda Avenue, Raymond Terrace
Applicant/Owner	Hunter New England Local Health Network
Number of Submissions	Nil
Recommendation	Approval with Conditions
Report by	Priscilla Emmett, Senior Development Planner

Assessment Report and Recommendation

1.0 APPLICATION DETAILS

Application no:	16-2011-207-1
Property:	4 Jacaranda Avenue RAYMOND TERRACE
Lot & DP:	LOT: 22 DP: 1088281
Description of development:	Medical Centre (Health Services Facility)
Applicant:	Hunter New England Local Health Network
Date lodged:	24/03/2011
Present use:	Vacant site
Zoning:	2(a) - Residential
Issues:	Jacaranda trees in road reserve
Submissions:	Nil
Recommendation:	Approval with conditions
Integrated development:	No

2.0 THE PROPOSAL

The application is for the construction of a two storey health services facility with at grade parking for 69 vehicles, landscaping and associated services.

The building has a maximum height of 9.07m along on the southern elevation facing Swan Street. The height varies along the facades (generally between 8 and 9m) due to the articulation and use of different building elements.

The ground floor of the building includes an entrance, waiting area, public amenities, reception and clerical areas, consulting and treatment rooms for GPs, community health and pathology services, clinical support and storage facilities.

The first floor comprises of a waiting area and reception, meeting rooms for both public and staff use, a dental consulting suite, community health consulting rooms, support and storage facilities, public and staff amenities and general administration areas. A lift and stairway provide access to the first floor.

The parking area is divided into two areas with vehicular access points located on Jacaranda Avenue and Swan Street. The main parking area to the north of the building contains 51 spaces, including 7 disabled spaces. A secure car park of 18 spaces is located to the west of the building and is designed for staff, with a security gate restricting access. A separate entrance with lift is provided to this car

park and a garbage disposal room is also accessed from the secure carpark. The secure carpark is built at basement level.

A designated Ambulance and service bay is located on the southern side of the building with separate access off Swan St.

Access for persons with a disability has been considered in the design of the building through the provision of accessible facilities such as car parking, toilets and lifts.

The applicant provided an Arborist report and design report to accompany the landscape plans for the development. The Arborist report identified 11 trees located within the road reserve of Jacaranda Avenue as *Jacaranda mimosifolia*, which are to be retained and protected during construction with designated tree protection zones. A number of existing trees on site are also to be retained and included as part of the landscaping concept.

The health care facility will be modelled on the HealthOne NSW model of care which involves the clinical integration of primary and community health care services including GPs, community health and other identified service providers in a 'one stop shop' location. It aims to provide a multidisciplinary team based service to:

- Prevent illness and reduce the risk and impact of disease and disability
- Improve chronic disease management in the community
- Reduce avoidable admissions to hospital
- Improve service access and health outcomes for disadvantaged groups
- Build a sustainable model of health care delivery

The facility will operate between the hours of 8am and 9pm, seven days a week. There may also be after hours use by small groups such as ante natal classes but such uses will be small scale and would generally cease prior to 11pm.

3.0 THE SITE AND SURROUNDING AREA

3.1 The Site

Area	5283m ²
Dimensions	Irregular shape with approximate dimensions of 100.71m (E), 57.10m (N), 65.65m (W) and 54.1m (S) with a curved area of 21.81m (S)
Slope	Slight cross fall from east to west
Existing development	Vacant site
DP and 88b instrument	No restrictions to development

Vegetation	Scattered trees are located on site, 17 will be retained and 9 will be removed
Constraints	Acid Sulphate Soils (Level 4), Flood Prone Land
Stormwater and drainage	Stormwater and drainage plans have been submitted and are acceptable
Access	Vehicular access will be via Swan St and Jacaranda Avenue
Services	Water, sewer, electricity

3.2 Site Description:

The site is located on the south western edge of the Raymond Terrace town centre. It is 5283m² in size and has a dual frontage to Jacaranda Avenue and Swan Street of approximately 100m and 54m respectively.

The site has a gentle fall of approximately 1.3m to the north west and is not constrained by any easements. It contains scattered trees along the eastern and western boundaries and is cleared in the centre of the site.

3.3 Site Constraints:

Acid Sulphate Soils - The subject site is identified as containing Class 4 Acid Sulphate Soils (ASS). Accordingly, any works more than 2 metres below the natural ground surface require consideration under clause 51A of the Port Stephens LEP 2000. Further details on this issue are discussed later in the report.

Flood Prone land – The site is considered to be flood prone. The flood planning level for the site is RL 5.1m AHD (minimum floor level for habitable rooms). The building floor level has been designed at RL 5.7m AHD to meet these requirements. Further details are discussed later in the report.

3.4 Surrounding Development:

The site is located within 200m of the Raymond Terrace commercial centre. The area contains residential uses, commercial uses and education facilities with the Raymond Terrace Public School located on the southern end of Jacaranda Avenue.

Raymond Terrace Bowling Club is located to the north of the site, with bowling greens facing Jacaranda Avenue. An access way separates the bowling club from the site and is used by the club as a vehicle exit from their carpark to Jacaranda Avenue. The carpark adjoins the western boundary of the site.

Two dwellings are located to the east of the site, across Jacaranda Avenue. One dwelling is used as a bed and breakfast and the other is a heritage listed single storey building that forms part of the St Johns Anglican Church group of buildings.

Swan St is located to the south of the site and contains one and two storey detached dwellings.

The vegetation in the area consists of a mix of native and exotic trees. Jacaranda Avenue consists of an established avenue of mature Jacaranda mimosifolia street trees which has local heritage significance.

4.0 SITE HISTORY

The Raymond Terrace War Memorial Pool was constructed on the site in 1960 by the Shire Council. The pool was closed in 2000 and demolished in 2002 after the opening of Lakeside Leisure Centre on the edge of Raymond Terrace. Port Stephens Council subsequently sold the site after the land was cleared.

In 2006 a development application for 21 aged care units was approved on the site. This consent has not been acted on to date. In 2010 Hunter New England Health purchased the site and in 2011 submitted the subject application.

5.0 CONSULTATION – COMMUNITY

In accordance with Council's Notification Policy, adjoining neighbours were notified of the proposed development and an advertisement was placed in the local paper. In response, no submissions were received.

6.0 INTERNAL REFERRALS

6.1 Engineering

Council's Engineers reviewed the application and provided the following comments:

- The existing kerb and road pavement partially intrudes onto the property as a legacy of the site formally containing a public pool. The road pavement, kerb and verge will need to be relocated and rectified; preliminary concept plans were submitted and the relevant conditions will be placed on the consent.
- Conditions are required for the realignment of a driveway to meet the development standards.
- The site is in a catchment that has special requirements for stormwater detention due to down stream deficiencies. A stormwater detention system has been submitted and will form part of the consent.

6.2 Traffic Engineer

Council's Traffic Engineer reviewed the application and raised several concerns over the development. These include:

- The need for pedestrian connectivity across Sturgeon Street to the entry point of the development. There are no pedestrian crossing points proposed on either Jacaranda Avenue or on Swan Street for pedestrians coming from Sturgeon Street or from Swan Street to the east. The applicant has agreed that a suitable crossing point is desirable on Jacaranda Avenue, near the location of the entrance to the facility. Conditions will be placed on the consent to this effect.
- The need for a bus stop in close proximity to the development and for satisfactory pedestrian connections. Although there is no bus service currently past the site there is ample road width in Swan Street and an excellent opportunity to include provision for public transport for the future with minimal change to existing routes.

The applicant reviewed this request and agreed that public transport is an important design consideration. However, the process for changing bus routes is complicated and needs approval from the relevant government departments. The service provider has identified that alteration of the existing bus routes can only occur with approval from the Minister of Transport and in consultation with the committee attached to the Transport Authority. It has been stated that changes to the existing route are unlikely to be supported at this stage. On this basis, Hunter New England Health would not support any condition of consent in relation to a new bus stop or change in bus route.

- The proposed intersection changes to Swan/Sturgeon/Jacaranda intersection would be a welcome improvement to what is currently a very confusing intersection.

6.3 Flood Engineer

Council's Flood Engineer reviewed the application and provided the following comments.

The flood planning level for the site is RL 5.1m AHD. Council's William River Flood study has identified the 0.5% AEP flood level for the site as RL 5.0m AHD while the PMF flood level for the site is RL 9.5m AHD. Council has adopted the 0.5% AEP flood rather than the 1% AEP flood as the relevant design for flood planning purposes.

Having reviewed the plans for the proposed health facility it is noted that the ground floor level is RL 5.70m AHD and the first floor level is RL 9.6m AHD. Therefore the ground floor areas are provided protection up to a flood event in excess of the 0.5% AEP flood event while the first floor areas are provided flood protection for all probable flood events. This means the first floor areas can be used as a flood refuge during extreme flood events provided the building can withstand the flood forces associated with flooding.

In assessing the flood risk of this proposal it is important to consider the proposed use as a health facility. Under the NSW Government's floodplain management manual as a health facility it could be considered a special evacuation needs development and as such the PMF flood event needs to be considered. It is also likely to house expensive medical equipment and important medical records for which protection against the PMF flooding needs to be considered.

The first floor of the development can be used as a flood refuge being higher than the PMF flood event for the site, therefore provided a flood management plan was put in place to move all patients, staff, valuable machinery and records from the ground floor to either the first floor or away from the site in the event of an extreme flood, then there is no reason why the proposal even as a medical facility could not be supported. This of course relies on sufficient warning times being available to carry out such evacuations. Flood warning systems on both the Hunter and Williams River are currently such that it is likely that at least 6 to 18 hours notice of flooding will occur. This is only likely to increase in future as flood data and technology improves and is considered sufficient to allow an effective flood evacuation plan to be implemented and actioned during an extreme flood event.

In considering the risk associated with flooding of the site it is also noted that the services offered by the facility are not considered critical services that are required to operate during extreme flood events and as there is significant warning times of flood events to ensure evacuation the flood risk with the development is more likely to be property damage than risk to life.

It is noted that the secure parking area is well below the 0.5% AEP event and in fact below the 1% AEP flood event (RL 4.4m AHD). Therefore there is some risk that cars in this area could represent a flood debris risk during flood events. However if the

flood evacuation plan is operating it is unlikely any cars will be in the car park when the flood peak occurs. Therefore this flood risk is considered negligible.

Overall the proposed development has sufficient flood protection and the development is supported subject to conditions relating to the preparation, implementation and actioning of a flood evacuation management plan during extreme flood events.

6.4 Building Services

Council's Building Surveyor reviewed the application and has no concerns subject to a number of conditions being placed on the consent.

6.5 Natural Resources

Council's Vegetation Management Officer has reviewed the application and its impact on the locally significant Jacaranda trees along Jacaranda Avenue. The recommendations for the site discussed in the Arborist and landscape report are supported and need to be adopted during the construction of the development.

No concerns have been raised subject to a number of conditions being placed on the consent that address the following issues:

- The adoption of specific recommendations in the Arborist and landscaping report;
- Tree protection fencing;
- Construction access;
- Works within the tree protection zones;
- Encroachment of the tree protection zones; and
- The location of bollards.

6.6 Heritage Advisor

Council's Heritage consultant reviewed the application and noted that the Statement of Heritage Impact (SOHI) for the project is very comprehensive and detailed and meets the requirement for a SOHI.

The retention of the locally listed Jacaranda trees has been incorporated into the design as a positive streetscape element and is supported. However, concerns were raised about the following issues which are to be included as conditions of consent:

- No details on signage have been included. Any proposed signage for the development should be subject to a separate development application.
- External Colours & Materials:
 - a) The external low level façade of face masonry is not to contain contrasting banding and is to be of small masonry brick units, preferably

a dry pressed brick. Similarly any banding to masonry that addresses the street façades should be in the same material colour etc. This is to enable a transition of the building to occur in context.

- b) The random patterning and colours of external vertical battens on facades to the streetscape is to be kept to neutral tones with stronger colours reserved for internal site facades.

6.7 Community Planner

Council's Community Planner reviewed the application and has no concerns subject to a number of conditions being placed on the consent regarding disabled access and public art.

6.8 Safer by Design

Council's Safety by Design Officer reviewed the application and has no concerns subject to a number of conditions being placed on the consent regarding lighting and graffiti management.

7.0 EXTERNAL REFERRALS

The application was not referred to any external agency.

8.0 STATUTORY PROVISIONS

8.1 State Environmental Planning Policies (SEPP)

SEPP Infrastructure 2007

The *Infrastructure SEPP (ISEPP)* was introduced to facilitate the delivery of infrastructure across the State by improving regulatory certainty and efficiency. The SEPP simplifies the process for providing infrastructure in areas such as education, hospitals, roads, railways, emergency services, water supply and electricity delivery.

The application has been submitted as a 'health services facility' under the ISEPP. Division 10, Clause 57 of the ISEPP relates to health services facilities and identifies the type of development permitted with consent as such:

Development for the purpose of health services facilities may be carried out by any person with consent on land in a prescribed zone.

Clause 56 identifies the relevant definitions as such;

health services facility means a facility 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 the following:

- (a) day surgeries and medical centres,
- (b) community health service facilities,
- (c) health consulting rooms,
- (d) facilities for the transport of patients, including helipads and ambulance facilities,
- (e) hospitals.

prescribed zone means any of the following land use zones or a land use zone that is equivalent to any of those zones:

- (a) RU4 Rural Small Holdings,
- (b) RU5 Village,
- (c) RU6 Transition,
- (d) R1 General Residential,
- (e) R3 Medium Density Residential,
- (f) R4 High Density Residential,
- (g) R5 Large Lot Residential,
- (h) B2 Local Centre,
- (i) B3 Commercial Core,
- (j) B4 Mixed Use,
- (k) B5 Business Development,
- (l) B6 Enterprise Corridor,
- (m) B7 Business Park,
- (m1) B8 Metropolitan Centre,
- (n) SP1 Special Activities,
- (o) SP2 Infrastructure.

The proposed development falls into the definition of a health services facility. Therefore this use must be permissible within a prescribed zone.

The site is currently zoned 2(a) Residential under *Port Stephens Council's Local Environmental Plan 2000*. The *Port Stephens Local Environmental Plan 2000* (LEP) does not define a 'health service facility'. This facility would be defined as a medical centre under the LEP, as such:

medical centre means a building or place used for the purpose of providing professional health services (such as preventative care, diagnosis, medical or surgical treatment or counselling) to out-patients only.

The proposed use is prohibited in the 2(a) residential zone.

In this case, for the use to be permissible, the 2(a) zone must be equivalent to the zones listed in clause 56 of ISEPP. To determine the equivalent zone, Clause 6 of the ISEPP states:

(1) A reference in this Policy to a land use zone that is equivalent to a named land use zone is a reference to a land use zone under an environmental planning instrument that is not made as provided by section 33A (2) of the Act:

(a) that the Director-General has determined under clause 1.6 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 is a land use zone in which equivalent land uses are permitted to those permitted in that named land use zone, or

(b) if no such determination has been made in respect of the particular zone, that is a land use zone in which (in the opinion of the relevant authority) equivalent land uses are permitted to those permitted in that named land use zone.

(2) An assessment made by a relevant authority under subclause (1) (b) applies only in respect of the particular development that is proposed to be carried out and more than one such assessment may be made in respect of the same land use zone.

*(3) In this clause, **relevant authority** means:*

(a) the public authority proposing to carry out the development, or on whose behalf the development is proposed to be carried out, or

(b) if the development is to be carried out by or on behalf of a person other than a public authority, the Director-General.

Note. Land use zones that are named in this Policy are those set out in the standard instrument.

With regard to clause 6, the Director General has not made a determination on the equivalent land use zone. Clause 6(1)(b) of the SEPP allows the relevant authority to form an opinion about whether equivalent land uses are permitted in each of the zones. Hunter New England Local Health Network is the public authority proposing the development and in accordance with clause 6(1)(b) of the SEPP, have formed the view that land uses permitted in a 2(a) zone are equivalent to those permitted in the R1 zone. Hunter New England Local Health Network is of the opinion that the development is permissible under clause 57 of the SEPP.

As Port Stephens Council does not have a Standard Template LEP the Department of Planning required Council to review their current LEP zones and determine what the "equivalent" zone will be in the interim period. Strategic Planning reviewed the current 2(a) and 2(c) zones. The uses in the zones are generally similar excluding the prohibition of medical centres in the 2(a), however the "intensity" of the zones, as prescribed in the LEP are quite different. In the LEP the 2(a) zone has a height limit on residential development of either 8/9 metre, where as the 2(c) zone allows for a height of 15 metres. As a result the density and character of the two zones are significantly different. There is clearly a low and medium density outcome.

Both 2(a) and 2(c) zones have a primary function of facilitating residential outcomes not commercial. With all this in mind, Strategic Planning reviewed the intent of the Standard Template residential zones and determined that the R2 Low Density Residential was equivalent to the 2(a) and the R3 Medium Density Residential was equivalent to the 2(c). This methodology has also been employed when transitioning the current LEP into a new Principal LEP which is currently being developed.

Council is of the view that although the ISEPP does override the Port Stephens LEP, medical centres are still prohibited in a 2(a) zone, as the 2(a) zone is the equivalent

of the R2 zone under the *Standard Instrument (Local Environmental Plans) Order 2006*, the effect of which is that medical centres in that zone are not permissible under the ISEPP. However, Council received legal advice on this issue and it was determined that the use is not prohibited in the zone and the decision as to which R-zone under the Standard Instrument is the equivalent of Port Stephens LEP Residential 2(a) zone, is one which is made by the applicant being the public authority, not the consent authority.

In this case, the use is permissible as determined by Hunter New England Local Health Network.

SEPP Major Development 2005

Part 3, Clause 13B of the *Major Development SEPP* identifies classes of *regional development* to be determined by Regional Panels. The subject application falls under this classification as it has a capital investment value of over \$5 million (\$5.5M) and is Crown development. The application is to be determined by the Regional Panel, which in this case is the Hunter and Central Coast Regional Planning Panel.

The application has been assessed by Port Stephens Council and has been submitted to the Panel for determination on 21 July 2011. Council has recommended the application be approved subject to conditions of consent.

SEPP 71 – Coastal Protection

State Environmental Planning Policy No. 71 aims to protect and manage the New South Wales coast and foreshores and requires certain development applications in sensitive coastal locations to be referred to the Director-General for comment, and it identifies master plan requirements for certain developments in the coastal zone.

The proposal of a health services facility in this location will not impact on the foreshore or the interface with the waterways and related activities and as such is considered to be consistent with Clause 2 and 8 of SEPP 71. As such the application is acceptable under this policy.

SEPP 55 – Remediation of Land

SEPP 55 requires consideration to be given to previous uses on the site and whether the site needs to be remediated for future uses. Council's contaminated land register lists the site as having possible contamination due to the large amount of fill that was installed on the site after the removal of the municipal swimming pool.

The previous development application on the site for the construction of aged housing submitted a Geotechnical and Preliminary Contamination Report. The report concluded that the sand fill placed in the pool excavation area appears to have been uncontaminated controlled fill. As such, no further investigation of the site is required as it is considered to be suitable for the proposed development.

8.2 Port Stephens Local Environmental Plan 2000 (PSLEP 2000)

Clause 16 – Residential zonings

The site is zoned 2 (a) Residential under the LEP and development for the purpose of a medical centre is prohibited in this zone. However, as the provisions of the ISEPP override the LEP to the extent of any inconsistency and as discussed above the proposed development is permissible in this zone and is defined as a health services facility.

Clause 37 and 38 - Development on flood prone land

The site is flood prone and consideration has been made to the risks and extent of potential flooding on the site. Further details on flooding have been discussed in the comments from the flood engineer.

Clause 51A - Development on land identified on Acid Sulphate Soils Planning Map

The subject site is identified as containing Class 4 and Class 5 Acid Sulphate Soils (ASS). Accordingly, any works more than 2 metres below the natural ground surface require consideration under clause 51A of the Port Stephens LEP 2000.

A geotechnical investigation has been carried out on the site and several test pits were used to determine the natural ground level. The applicant has stated that the excavation is unlikely to be more than two metres below natural ground level.

The Beresfield Acid Sulphate Soil Risk Map indicated that there is a low probability of the occurrence of acid sulphate soils at depths greater than 3m below the ground surface. Testing of ground water undertaken as part of the investigations revealed pH values of 8.01 and 6.27 indicating a relative neutral subsoil condition. The report considers the site non-aggressive to steel and concrete. These investigations confirm a low probability of acid sulphate soils.

The application is considered acceptable with regards to Clause 51A of *Port Stephens LEP 2000*.

Division 3 – Heritage Provisions

The site is located within a Heritage Conservation Area and there are a number of items of individual state significance in the immediate area including:

- 48 Sturgeon St - the St Johns Anglican Church Group rectory and ornamental planting of two Norfolk Island Pines
- 1 Jacaranda Avenue - former Parish Hall, St John's Anglican Church Group.

There are also a number of items of local significance in the vicinity including:

- 12 Swan St – 'Roeth house', two story weatherboard cottage
- 14 Swan St – brick cottage. Former Headmaster's residence

- 2a Jacaranda Ave – Raymond Terrace war memorial
- Jacaranda Ave road reserve – ornamental planting of Jacaranda trees

A Heritage Impact Statement was submitted with the application and has been reviewed by Council's Heritage Consultant. The proposed development is considered to be sympathetic to the Raymond Terrace Heritage Conservation Area and nearby heritage items. As discussed previously concerns were raised by the heritage consultant regarding the colours of battens on the facades to be in neutral tones and the low level façade is to not contain contrasting banding and be of small masonry brick units. These issues are to be addressed via conditions of consent as well as a condition stating that a development application is required for any signage to be installed on the site.

In addition, Council's Vegetation Management Officer has reviewed the impact of the development on the Jacaranda trees. The impacts on these trees are considered to be minimal and appropriate conditions have been placed on the consent to minimise any impacts.

9.0 POLICY PROVISIONS

9.1 Port Stephens Development Control Plan 2007

The application has been assessed against the relevant provisions of *Port Stephens Development Control Plan 2007* (DCP) as follows:

B2 - Environmental and Construction Management

The application has been assessed against the applicable provisions of *Port Stephens Development Control Plan, 2007* – Environmental and Construction Management and is considered satisfactory as follows:

DCP Control	Control	Applicable	Compliance
B2.2	General Standards	Yes	Yes
B2.3	Water Quality Management	Yes	Yes
B2.4	Acid Sulphate Soils	Yes	Yes
B2.5	Landfill	Yes	Yes
B2.6	Contaminated Land	Yes	Yes
B2.7	Vegetation Management	Yes	Yes
B2.8	Koala Management	No	N/A
B2.9	Mosquito Control	Yes	Yes
B2.10	Weed Control	Yes	Yes
B2.11	Tree Management	Yes	Yes
B2.12	Waste Water	Yes	Yes
B2.13	Aircraft Noise	No	N/A
B2.14	Erosion and Sediment Control	Yes	Yes
B2.15	Construction Waste	Yes	Yes
B2.16	Public Domain	Yes	Yes
B2.17	Neighboring buildings	No	N/A

Landscaping

An Arborist report was submitted with the application and an assessment was made on 11 trees on the road reserve and 32 trees within the subject property. The heritage listed Jacaranda trees were considered to be of good health and condition with minor deadwood only. They range in height from 9 to 14 metres and are to be retained. Four of these trees require protection measures during the construction period as they are located along the site frontage.

In total 26 trees are proposed for removal on site. These trees are to be removed due to their location in relation to the proposed development or for reasons of poor health. A total of 17 trees are proposed for retention and recommendations have been made in the report for various tree protection, setback and pruning measures to minimise the impact of the development on these trees. In this regard, appropriate conditions will be placed on the consent to protect the trees.

The proposed landscaping and treatment of the existing Jacaranda trees sufficiently addresses Council's requirements for landscaping under the DCP.

B3 Parking, Traffic & Transport

Council's DCP requires 4 parking spaces per 100sqm of gross floor area and 1 disabled space per 10 parking spaces. The gross floor area of the building is 1720sqm, requiring 69 spaces with 7 of these being disabled parking spaces. The proposal meets these requirements.

The design of the carpark including driveway access points, widths and turning paths has been reviewed and is considered to be satisfactory. Pedestrian footpaths will be provided along the road frontages of the site to improve pedestrian amenity and access.

Bus stops are required to be located as close as possible to the destination point. As previously discussed Council requested that a bus stop is provided in close proximity to the development. Upon consultation with the applicant it was noted that the process for changing bus routes is complicated and needs approval from the relevant government departments and such changes to the existing route are unlikely to be supported at this stage. In addition, Hunter New England Health would not support any condition of consent in relation to a new bus stop or change in bus route.

B4 Commercial and Mixed Use Development

DCP Control	Control	Applicable	Compliance
B4.2	Site Analysis	Yes	Yes
B4.3	Uses	Yes	Yes
B4.4	Street character and front setback	Yes	No
B4.5	Scale and bulk	No – relates to 3a zone	N/A
B4.6	Building height	No – relates to 3a zone	N/A
B4.7	Side and rear setback	Yes	Yes
B4.8	Building design	Yes	Yes
B4.9	External Lighting	Yes	Yes
B4.10	Energy Efficiency	Yes	Yes
B4.11	Landscape	Yes	Yes
B4.12	Public art	Yes	Yes
B4.13	Access, parking and servicing	Yes	Yes

In relation to B4.4, the building is required to be built to the street property boundary along both frontages, the entrances must be recognisable from the street and a 3m awning must be provided around the street frontage. The building has been setback a minimum of three metres from the street boundaries to provide a landscape buffer and to acknowledge the surrounding residences, rather than adopt the zero setback for commercial premises. The entrance is located internally and accessed from the car park and no awning has been provided. However, these design elements are supported as the provision of awnings in this location and a prominent entrance would further highlight the non residential nature of the development in the residential zoning and may impact on the heritage conservation area. On this basis, the building design is consistent with the controls and the objectives of the DCP.

Public art is required to form part of the development. Sculptural seating is included in the forecourt entrance area to the building. However, for it to meet the requirements of the DCP it is to be designed by an artist or artisan upon consultation with Council. A condition of consent is to be placed on the consent in this regard.

Part C1 – Raymond Terrace

DCP Control	Control	Applicable	Compliance
C1.2	Town Structure	Yes	Yes
C1.3	Streetscape	Yes	No
C1.4	Building height	Yes	Yes
C1.10	Residential Areas	Yes	Yes
Figure C1.23	Heritage Conservation Area	Yes	Yes

The site is located in the Residential precinct of the Raymond Terrace town centre. Clause C1.3 states that development must provide continuous awnings along the entire frontage of new buildings to the public street. The site is located in a residential zone and large awnings would be out of character in this area and would detract from the amenity of the heritage trees along Jacaranda Avenue. The proposed variation to the DCP is supported.

10.0 SECTION 94 CONTRIBUTIONS

The development is subject to the provisions of *Port Stephens S94A Development Contributions Plan*. This plan requires that any consent granted for the development is subject to the applicant paying Council a levy of 1% of the proposed cost of carrying out the development. A condition to this effect has been placed on the consent.

11.0 LIKELY IMPACTS

11.1 Built Environment

Adjoining Properties

The construction of the proposed development at the subject site is considered unlikely to result in any adverse impacts upon adjoining properties.

Streetscape and Amenity

The development of a contemporary building on the street will improve the existing amenity and streetscape of the area, in comparison to the existing vacant and somewhat degraded site. The proposed building has been articulated to create an interesting façade to both Jacaranda Avenue and Swan Streets. The proposed development will not have an adverse impact upon the local streetscape and amenity of adjoining properties.

Landscaping

There will be no significant impact on the existing Jacaranda trees as a result of the development and no objections have been raised to the removal of trees on the site. The proposed landscaping concept will provide a buffer to the development and will improve the visual appearance of the site upon completion.

Views

The construction of the proposed development at the subject site is considered unlikely to result in any adverse impacts upon existing views of neighbouring properties.

11.2 Access and Traffic

Council has considered the Traffic Report submitted with the application and is satisfied that the development will not have a significant impact on the existing road network. Vehicular access is provided off Jacaranda and Swan St. In addition, a separate access is provided for loading and emergency vehicles off Swan St.

The applicant has proposed to make improvements to the intersection of Jacaranda Ave, Swan and Sturgeon Street through improved road marking, signposting and closure of one end of the Swan Street north, one way slip lane. The closure of the slip lane in Swan St is proposed through the use of bollards. The impact on the residential precinct through the closure of this road is considered minimal in comparison to the potential improvement in traffic discipline and safety in this area. Council's Traffic Engineer is highly supportive of this proposal and a condition has been placed on the consent for this work to be completed prior to the occupation of the building.

11.3 Natural Environment

Flora and Fauna

The development is considered to have minimal impact on flora and fauna. A number of existing trees are to be removed from the site. To mitigate the removal of these trees the landscape plan includes the planting of trees, scrubs and ground covers on the site.

Water

The flood constraints for the site have been considered and are not a major impediment to the development of the site.

The construction of the proposed development at the subject site is considered unlikely to result in any adverse impacts upon existing water within the locality. Furthermore, appropriate conditions of consent shall be imposed to ensure that the site will be managed appropriately during construction to mitigate any potential environmental impacts.

Site Contamination

Council's contaminated land register lists the site as having possible contamination due to the large amount of fill that was placed on the site after the removal of the municipal swimming pool.

The previous development application on the site in 2006 for the construction of aged housing submitted a Geotechnical and Preliminary Contamination Report. This report concluded that the sand fill placed in the pool excavation area appears to be uncontaminated controlled fill. As such, no further investigation of the site is required as the site is considered to be suitable for the proposed development.

Noise

The construction of the proposed development at the subject site is considered unlikely to result in any adverse acoustic impacts within the locality.

The operation of the health facility is considered to have minimal noise impacts on the surrounding neighbourhood. The hours of operation have been restricted to between 8am and 9pm, with limited use up to 11pm.

11.4 Social and Economic Impacts

The construction of the proposed development at the subject site is considered to have a positive social impact as it will provide much needed health facilities to Raymond Terrace. Hunter New England Health has stated that there is a shortage of and access to medical practitioners in the Hunter Region and the facility will allow for the provision of quality medical facilities in close proximity to existing infrastructure. On this basis, the development is considered unlikely to result in any adverse social or economic impacts upon the local community.

12.0 SUITABILITY OF THE SITE

The site is considered to be suitable for the proposed development. It is located within walking distance to the Raymond Terrace town centre and is of sufficient size to adequately supply parking and associated facilities to the development. The use is also permissible on the site subject to the provisions of the Infrastructure SEPP and the development has been designed with consideration to the site constraints, such as flooding and the Jacaranda trees.

13.0 PUBLIC INTEREST

The approval of the application is considered to be in the public interest.

14.0 ANY OTHER RELEVANT MATTERS

There are no other matters for discussion. However, it is noted that relevant owners consent has been received and all submitted plans have been stamped by Hunter Water Corporation.

15.0 UNAUTHORISED WORKS

None identified.

16.0 CONCLUSION

Having regard to the provisions of section 79C of the *Environmental Planning and Assessment Act 1979*, the proposed development is considered to be satisfactory. Therefore, it is recommended that the application be approved.

17.0 RECOMMENDATION

THAT the Joint Regional Planning Panel grant development consent to Development Application No. 16-2011-207-1 for the construction of a health services facility on land at Lot: 22 DP: 1088281; 4 Jacaranda Avenue subject to the recommended conditions of consent.

Signed

Officer: Priscilla Emmett

Date