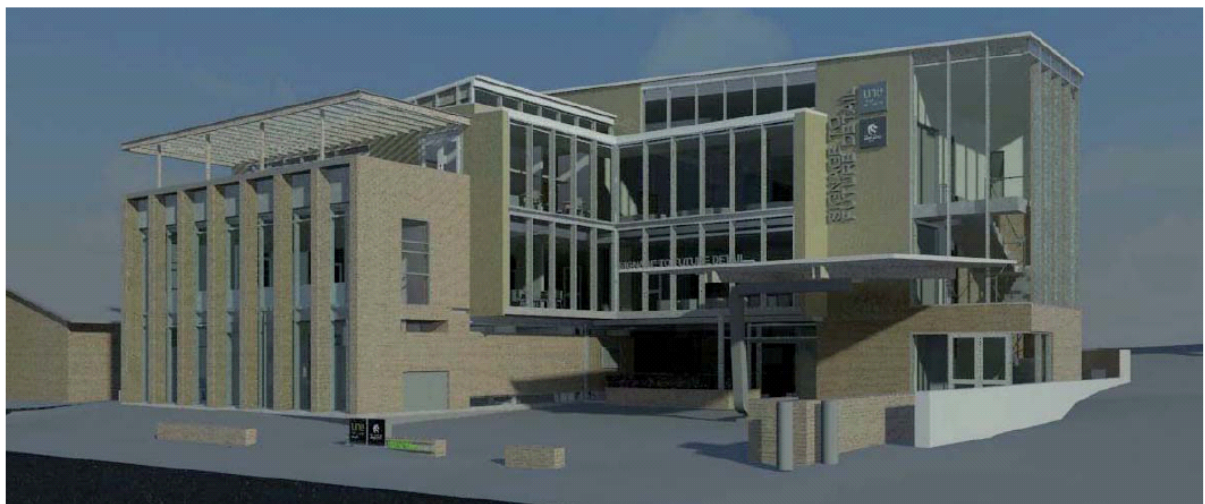


| | |
|------------------------------|---|
| JRPP No: | 2011NTH028 |
| DA No: | Armidale Dumaresq Council DA-170-2011 |
| PROPOSED DEVELOPMENT: | <p>Development: New Clinical Education facility, related car parking and two lot subdivision.</p> <p>Address: Part of property known as 226A Rusden Street (Armidale Hospital Campus), being Part Lot 6 DP 868803 and also land known as 133 Butler Street being Lot 30 DP 1163154.</p> |
| APPLICANT: | University of New England. |
| REPORT BY: | Stephen Gow, FPIA, Director Planning and Environmental Services, Armidale Dumaresq Council. |



Further Application Details:

| | |
|---|---|
| DA Lodgement Date: | 10 August 2011 |
| Additional Information received? / date? | Yes, up to and including 18 October 2011 (note Crown Applicant approval for proposed DA conditions received on 20 October 2011) |
| Estimated Construction Value of Development: | \$7,500,000 |
| Capital Investment Value: | \$10,900,000 (excl. GST) |

Glossary of terms used in this report:

ANEH – Armidale and New England Hospital

BCA – Building Code of Australia

DA – Development Application

DCP - Armidale Dumaresq Development Control Plan 2007, as amended

EP& A Act – Environmental Planning and Assessment Act 1979 as amended

Green Star – Green Star is a comprehensive, national, voluntary environmental rating system managed by the Green Building Council of Australia, which evaluates the environmental design and construction of buildings – for further detail see <http://www.gbca.org.au/>]

JRPP – Joint Regional Planning Panel

LEP – Armidale Dumaresq Local Environmental Plan 2008, as amended

SEE – Statement of Environmental Effects

SEPP – State Environmental Planning Policy

TCEC – Tablelands Clinical Education Centre

UNE – University of New England

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Assessment Report and Recommendations

DA-170-2011 / JRPP Ref 2011NTH028

Executive Summary

Consideration by Joint Regional Planning Panel

The Joint Northern Region Planning Panel is the determining authority for this DA pursuant to Part 4 of State Environmental Planning Policy (State and Regional Development) 2011, as the proposed development is a Crown development for a health services / educational building with a capital investment value of more than \$5 Million. The capital investment value of the project, as estimated by the Applicant, is \$10,900,000 (excl. GST).

Proposal

This DA involves the proposed construction of a new Clinical Education facility to be known as the Tablelands Clinical Education Centre (TCEC) in a new three storey building of approximately 2080m² fronting Butler Street, within the existing ANEH Campus, together with ancillary works including some demolitions of redundant minor Hospital buildings in connection with reconfigured and new car parking facilities to compensate for the loss of existing parking (86 spaces) arising from the proposed TCEC development.

The site of the new building is to be subdivided from the existing campus on its own lot of 1201 square metres, for the purposes of a long term lease.

A new surface car park with 65 spaces, to be used in connection with the new building, is also to be provided as part of the development on land opposite/close to the site known as 133 Butler Street - a residentially-zoned site - with vehicular access to West Avenue.

Permissibility

The proposed development is considered permissible with development consent under Armidale Dumaresq LEP 2008 and also having regard to SEPP (Infrastructure) 2007.

Key Issues

From the attached Assessment Report, key issues for this project can be summarised as follows:

The proposed development is considered compliant with applicable statutory planning controls.

In relation to local policy controls in Council's DCP 2007, the proposed TCEC does not comply with numeric setback and height controls for the site, as a result of site constraints principally arising from having to fit the required accommodation within the ANEH campus while achieving a zero net loss of existing car parking numbers.

The setback to Butler Street is 4 metres instead of 6 which would normally be required opposite residentially-zoned land, and the building height control in the DCP is exceeded by 1.5m above the 9m limit to ceiling from natural ground.

However the design has been developed partly based on the existing height precedent established on the hospital grounds with a number of the surrounding buildings being between 2 and 3 levels. The existing Community Health building, about 80 metres to the north along Butler Street, is understood to have an upper floor ceiling height of 11.2m.

In this case a number of considerations have applied in the assessment of setback and height issues:

- (i) Variable, albeit compliant setbacks of 6 metres or more exist along the Butler Street site frontage of the Hospital;
- (ii) The Architects have achieved a 4 metre setback with landscaping having submitted plans at pre-DA stage which showed a zero setback option;
- (iii) The northern section of Butler Street opposite ANEH is zoned Business 3(a), where zero setback is permissible;
- (iv) Only one residence is opposite the site and this is on the land at 133 Butler Street owned by the Applicant;
- (v) The building design features a stepped façade to Butler Street, so that the first two levels comply with the height control, before stepping back a further 4.5 metres at level 3 where the external terrace with pergola is proposed. No adverse shadow impacts have been identified.

On this basis and the advice of Council's Urban Design and Heritage Advisor, no objection is raised to the relevant variations to DCP controls.

Required utility servicing can be provided for the development, however public stormwater reticulation for the proposed West Avenue car park would need to be extended westwards along West Avenue from its current location at the intersection with Markham Street. This was not proposed as part of the submitted application, which relied on discharge of stormwater into the existing street gutter. However, UNE has agreed to accept a condition requiring the installation of a piped drainage system in the car park and then to connect off-site to Council's existing system. This will also assist in addressing concerns raised by a number of property owners south of the car park site, discussed below.

In discussions between Council and the Applicant, some changes were made to the layout in the West Avenue car park to ensure that the four additional accessible parking spaces proposed there are located as close as possible to the eastern end of the facility and related walkway to Butler Street. Consideration should also be given to installing pedestrian facilities in Butler Street to assist people with disabilities moving from the car park to the TCEC site. However the Applicants are not willing to accept a condition of consent to this effect, as the West Avenue spaces are additional to the single space required for this project under national Access to Premises Standards and the BCA.

Submissions from four parties were received as a result of public notification of the Application, principally raising issues in connection with the new car park facility. These include potential impacts on local stormwater drainage, as well as issues relating to site fencing, lighting and landscaping. These submissions have been considered as part of the assessment and the issues raised have been resolved amicably through dialogue between the Applicant, Council and the submitters, and can be addressed through conditions of consent. In particular UNE has agreed to install piped drainage in the car park and erect boundary fencing there which will address most of the concerns raised. Lighting design will be required to avoid light spillage to neighbouring property and new landscaping introduced for the area which takes into consideration solar access for neighbours.

One submission concerned the potential traffic impact of the proposed parking facility in West Avenue, with a request for Council to consider creating one way (eastbound) traffic flow there. This has not been supported at this time by Council's engineering staff, although this option would not be precluded for future implementation by Council as a result of the approval of the proposed parking facility.

In the meantime, the installation of a “Left Turn Only” sign at the exit of the proposed West Avenue car park is recommended to reduce possible traffic congestion in West Avenue adjacent to the nearby Pre School during pick up time and to reduce vehicular noise past dwellings to the east.

As a result of this assessment, the proposed development is recommended for conditional consent. **Appendix 3** to this report contains all relevant conditions identified throughout the assessment process and as discussed in this report. The Applicant, as a Crown agency, approved the proposed conditions on 20 October 2011, as required pursuant to s.89(1)(b) of the EP & A Act.

Recommendation

- (a) That having regard to the assessment of the Application and the approval of the Applicant to the proposed conditions of consent pursuant to Section 89(1)(b) of the EP & A Act, DA-170-2011 (JRPP ref 2011NTH028) be granted consent in the terms set out in Appendix 3 to this report.**
- (b) That the persons and agencies that made submissions in relation to the Application be notified of the determination in writing.**

Subject site and locality

The site for the new building lies on the eastern side of the ANEH campus, on property known as 226A Rusden Street Armidale. This site comprises Part Lot 6 DP 868803 and has a total area of approximately 1,200 square metres, with a frontage to Butler Street of 60 metres.

The balance of the land subject to this DA includes some of the surrounding sections of Lot 6 where adjustments to the existing parking layout are to be made, as well as land required for new parking known as 133 Butler Street, being Lot 30 DP 1163154, a site of 2,775 square metres, which has frontages to Butler Street of 18.5 metres and to West Avenue of 26.5 metres.

Lot 6 is owned by NSW Health (Hunter New England Health) and Lot 30 by the Applicant.

The sites and locality have been inspected as part of this assessment. A locality plan provided as part of the application is included in **Appendix 1** and a location air photo provided by the Applicant and a closer aerial view of the two sites (not to scale) are reproduced overleaf.

The property subject of the DA is not affected by any easements, rights of way or any other known title restrictions.

The land is situated (approximately) at contours 983-984m AHD on the Hospital site and 980-981m AHD on the West Avenue land, both with relatively level sites for construction purposes. The new building's entrance level would be elevated about 0.7m above the adjacent footpath on the western side of Butler Street.

The site of the proposed new Clinical Centre is currently sealed and used for off-street parking as part of the Hospital campus. On the Butler Street frontage but still within the subject site, as well as on the southern boundary of the proposed building footprint, are a series of mature trees including a significant deodar, together with claret ash and prunus plantings.

Immediately to the south of this site is the existing single storey Armidale Ambulance Station (on separate Lot 3 DP 41797), while other Hospital facilities around the site of the new building include a single storey Storage, Records and Hydro Pool buildings. Further north along the Butler Street frontage are 2 storey Blood Bank/Pathology buildings and the 3 storey Dental and Community Health building, near the intersection with Rusden Street.

The land in Butler Street / West Avenue to be used as part of the project for car parking is largely cleared, but does include a single storey dwelling fronting Butler Street opposite the site of the new building, which was approved by Council in 2009 but is currently vacant. This is to be retained as part of the current project, which will need to incorporate two off-street parking spaces for this dwelling as required by Council's current consent. However other existing structures on the site, including a large zincalume shed (presently used for furniture storage by the former owner) and small timber outbuilding are proposed to be removed as part of the development.

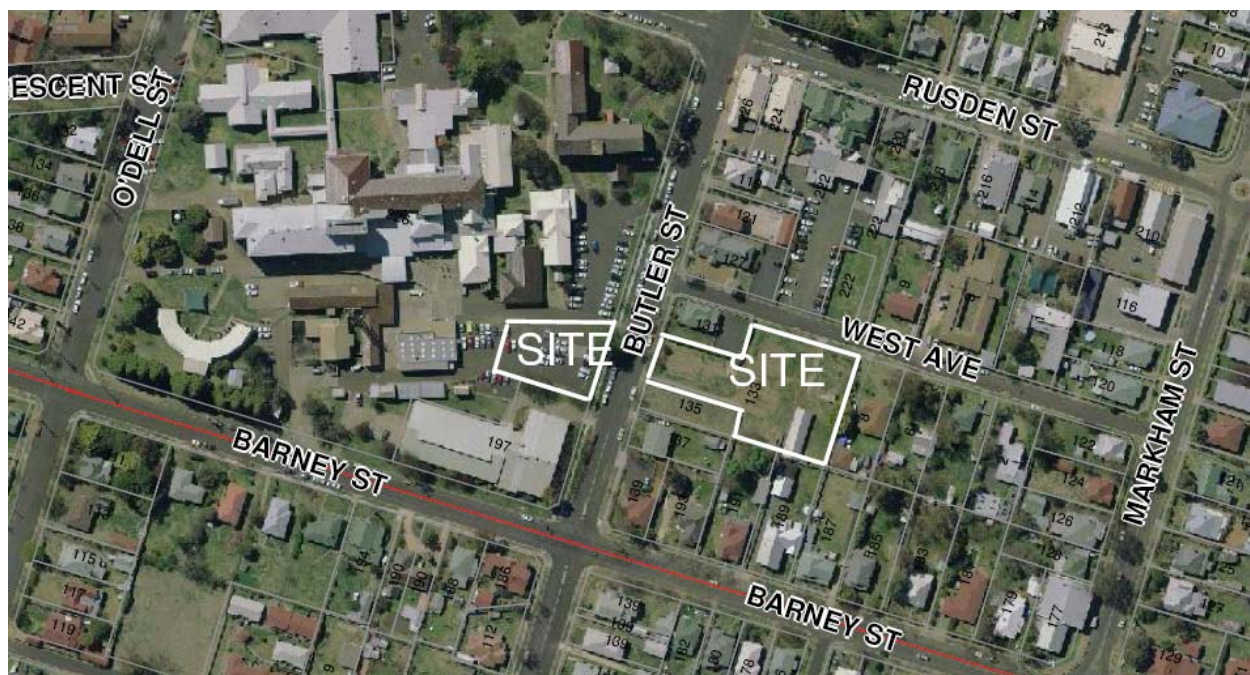
This site is surrounded by various single storey buildings fronting Barney and Butler Streets, as well as West Avenue, which are used for a mixture of residential and medical-related purposes.

The Railway Hotel lies further to the north fronting Rusden Street with its own sealed car park having access to West Avenue opposite the site proposed for parking in this DA.

Other uses in the vicinity of the Hospital precinct include Lambert Park to the north; Freeman House (St Vincent de Paul drug and alcohol rehabilitation facility) to the north-west; a corner shop/café at the intersection of Butler and Rusden Streets; and a mixture of residential and other uses, including a pre-school at the eastern end of West Avenue.

Public utility services, including reticulated water and sewer, electricity, telecommunications and gas can be made available to development. Council water mains are available in Butler Street and trunk sewer and stormwater drainage in Barney Street to the south of the site.

Stormwater reticulation for the proposed West Avenue car park would need to be extended westwards along West Avenue from its current location at the intersection with Markham Street.



Proposed development

The proposed development comprises:

- Preparation of the sites, including demolition of several storage and ancillary structures within the Hospital campus south-west of the proposed TCEC building, relocation of a clinical waste facility and tree removal;
- Construction of the new TCEC Building on three levels, with the following components:
 - Level 1 (ground) floor of 691 square metres comprising lobby and reception, GP clinic including treatment/procedure rooms as well as consultancy / administration facilities, together with two parking bays and an ambulance bay at the entrance off Butler Street; and
 - Level 2 (1st) floor of 716 square metres comprising student, teaching and learning areas, laboratories and clinicians' offices; and
 - Level 3 (2nd) floor of 673 square metres comprising student, teaching and learning areas, laboratories, gyms, café, offices and plant rooms. This level will also feature an external terrace of 53 m² with pergola overlooking Butler Street.
- Ancillary landscaping including new tree planting and ground works on both sites, including stormwater swale/piping south of the proposed building.
- Reconfiguration of existing Hospital parking and landscaping to be displaced by the new building within the surrounding sections of the Hospital campus, so that no net loss of existing parking would occur within the campus as a whole.
- Subdivision of Lot 6 to provide a new allotment of 1201 square metres for the proposed building, which will be subject of a long term lease, together with related title restrictions including a drainage easement and to maintain adequate setbacks from future buildings to ensure compliance with the Building Code of Australia.
- Construction of a new surface car park for 65 vehicles and multiple bicycle racks at the 133 Butler Street site, to serve the proposed development.
- Connection to and relocation of utility services as necessary.

The proposed new off-street parking facilities for a total of 67 vehicles would meet Council's Parking Code requirements in order allow for the following intended population of the building at maximum capacity:

10 medical practitioners, 24 academic staff and 92 students.

However University personnel have indicated to the author that initial student numbers on site are expected to be considerably less than this.

The expected hours of operation for the ground floor clinic have been variously cited in submissions from the applicants and are understood to depend ultimately on various operational circumstances including emergencies. They are understood to most likely be within the span of 8am-10pm on weekdays and 9am-5pm on weekends. The upper levels are expected to be used from 8am-6pm each day with options for weekend and evening group functions up to 60 persons. The Hospital already operates on a 24 hour basis and the nature of the use is not expected to generate significant noise. In the evenings and weekends when users could more readily able to access nearby parking on the Hospital campus itself, there is expected to be less demand for users to access the Butler Street car park.

As part of the submitted SEE, the project Architects have stated:

"The University of New England's (UNE) School of Rural Medicine in association with the University of Newcastle is seeking to develop a proposed stand alone Health Teaching Facility that will enable students of both Universities to work in partnership with private practice whilst having direct access to improved training and research facilities."

The proposed building, referred to as the Tablelands Clinical Education Centre (TCEC) will provide closer ties between the medical profession and future health professionals. The co-locating of the School on the site of Armidale Hospital is seen as a strategic opportunity to dovetail the educational process into the real life experience of students working in both a Hospital and Clinical environment.

The TCEC is seeking to provide a facility that incorporates both private practice, in the form of the proposed community focused GP Clinic on Level 1 and specialist education facilities to be located on Level's 2 & 3. The educational spaces to be provided include Seminar Rooms, Offices, Simulation Laboratories, Tutorial Rooms and academic office space.

The TCEC is aiming to enhance the significance of the building to both the community and University by seeking to deliver a Green Star environmental rating. This positive response reflects UNE's progressive stance towards the environment and the need for healthier buildings.

The 3 storey building has sought to provide a contemporary aesthetic solution that embraces the history of the surrounding hospital buildings, whilst through its ESD objectives adopt strategic planning technologies and materials to reduce the environmental impact of the development. The design is a response to its location on Butler Street and its impact on the adjoining properties. This has fundamentally led a number of the design decisions taken and provided a design outcome that enhances the street frontage, complimenting the adjacent hospital buildings and not adversely impacting on the surrounding residential buildings. This includes: - Setting the building back from Butler Street; - Brick façade; - Referencing commercial typology within Armidale and the Hospital site of brick façade and metal cladding to the rear.

The TCEC is focused on improving the educational and training experience for medical students within the School of Rural Medicine. The proposed building will offer enhanced opportunities to assist students in work placement through direct links to the Armidale Hospital and associated GP Clinic. Key to the training of all future health professionals is the ability to gain real life, on site experience in hospitals. The TCEC aims to provide these opportunities and improve the training currently received by students.

The ability to collocate a University Building within the grounds of the Hospital is unique and will assist both UNE and the City of Armidale in offering students of medicine competitive training opportunities to encourage an increase in student numbers in addition to retaining students in the New England Region. The Clinic will offer unique relationships between students, staff, professionals and the public. The inclusion of a GP Clinic within the building itself offers exceptional real-life training opportunities for students, enabling opportunities to develop the necessary communication skills required to offer the appropriate counselling and understanding in somewhat difficult circumstances.

In addition to the primary health and educational objectives of the project, a key environmental requirement has been the development of the design to achieve a Green Star rating through the Green Building Council of Australia (GBCA). This prestigious rating offers the University the opportunity to demonstrate the environmental credentials of the building. This would not only provide the first Green Star rated building in Armidale but would also tap into UNE's future ambition for greening all new buildings."

'Key Project Objectives' are identified in the SEE as follows:

- *Unique Allied Health Facility able to assist in the delivery of placement training for students of the School of Rural Medicine;*
- *New GP Clinic servicing local community;*
- *Safe, secure and amenable facility;*
- *Building to achieve a recognised Green Star rating (4 or 5 Stars);*
- *Contemporary design outcome that is complimentary and considerate of the adjoining properties and Armidale CBD typologies;*
- *Access for all;*
- *Expand the current education and training facilities for health professional students in Armidale;*
- *Facilitate a larger number of health professional students undertaking high level clinical training in the New England region;*
- *Encourage more students to stay longer in the region for clinical training;*
- *Provide greater opportunity for inter professional health education in the region and for enhanced collaboration between UoN and UNE in health education and training;*
- *Provide significant, state-of-the-art postgraduate learning opportunities for recently graduated health professionals working in the New England region;*
- *Enhance continuing professional development for health professionals working in the New England region;*
- *Expand the opportunity for health research and employment in the region; and*
- *Leverage off the Universities' reputation in Indigenous health education and its translation into effective health delivery in Indigenous communities*

Submitted Documents and Plans

Plans for the development have been prepared by James Cubitt Architects, Brown and Krippner Surveyors, LEGS Engineering consultants and David Kearney and Associates Landscape Architects. The main plans are reproduced (not to scale) in **Appendix 2** (these plans are marked * in the table below). The other plans listed have been provided for Council and panel members with some minor amendments following initial public notification of the full set on lodgement.

In addition, a range of specialist sub-consultants materials addressing ecological and, geotechnical issues, as well as stormwater and sewerage management have also been provided to Council along with the project SEE. Specific documents and plans relied upon for this assessment are listed below.

| Type of Plan | Number / Date of Plans |
|---|---|
| Locality Plan, Site Analysis, Shadow Diagrams (for assessment, not for consent) | A1001 -1, A1003 -1, A 1200-03 -3, 1210 -2, 1211-1, 29-7-2011 |
| Demolition Plan | A1002 -1, 29-7-2011 (<i>note this should show the flammable liquid store as being removed instead of a non-existent structure south east of the boiler house</i>) |
| Site Plan | A1004 -1*, 29-7-2011 (as amended by later car park plan) |
| Floor Plan – Level 1 | A1010 –5*, 29-7-2011 (<i>subject to amendment for approved parking layout - see plan A011A</i>) |
| Floor Plan – Level 2 | A1011 – 5*, 29-7-2011 |
| Floor Plan – Level 3 | A1012 – 5*, 29-7-2011 |
| Elevation Streetscapes | A1020 – 2*, 29-7-2011 |
| Presentation Elevations | A1021 -4, 1022 -4, 29-7-2011 |
| Sections | A1030-7, 1031 -7, 1032-6 1033 -6, 1034-6, 29-7-2011 |
| Footpath/Crossover Plan & Sections | A1050 -1, A1051 -1, A1052 -1, 29-7-2011 |
| Location Plan and Sections– Works to Ambulance Station Site | A1100- 3, A1101 -3, A1102 -3, 29-7-2011 |
| External (axonometric) views | A1300 -4*, A1301 -4, A1302 -4, 29-7-2011 |
| Landscape Intent Plans | 10/059-LS2D*, LS3B, LS4B*, LS5B, 12-10-2011 |
| Proposed Subdivision Plans | 1633A0101 1/1A 9-8-2011; and A011A*, 12-10-11 (<i>also includes final ground floor parking arrangement</i>) |
| Sewer Diversion concept | 41-23225-C001 A, undated |
| Car Park designs (Hospital campus) | IV1906_CPKINT_DA20111011.dwg, B1-B5 inclusive, 11-10-2011 |
| West Avenue Car Park layout | IV1906_WESTDA_CTL.dwg, B1, 11-10-2011 |
| West Avenue Car Park drainage plan | IV1906_WESTDA_CTL.dwg, B2, 11-10-2011 |
| West Avenue Car Park demolition plan | IV1906_WESTDA_CTL.dwg, B3, 11-10-2011 |

- Statement of Environmental Effects dated 28 July 2011 by James Cubitt Architects;
- Capital Investment Value Statement (UNE) 11 August 2011;
- Ecological Statement by Ecological Australia dated 9 August 2011;
- Geotechnical Statement by Hunter Geotechnics dated September 2010;
- Emails and correspondence from the Applicant and project Architects.

Referrals undertaken and other approvals required

The following agencies were notified of the DA on 31 August 2011:

| Referral Agency: | Response Date: | Summary of Advice / Issues: |
|--------------------|------------------|---|
| NSW Police (CPTED) | 11 October 2011 | No objection, recommendations for crime prevention to be referenced in consent. |
| Essential Energy | 5 September 2011 | No objection. |

This proposal will also require separate Council approval under the Roads Act 1993 and for work in Council's road reserves.

Council's acceptance of required water, sewerage and drainage work connected with the proposal is also required, as the local Water and Sewer Authority, noting however that s.69 of the Local Government Act 1993 provides that "*Section 68 [which normally requires Council approval of water, sewer and stormwater work] does not require the Crown . . . to obtain the approval of a council to do anything that is incidental to the erection or demolition of a building*".

Political Donations

At the time of lodging the Development Application the Applicant indicated, pursuant to Section 147(4) of the Environmental Planning and Assessment Act 1979, that no reportable political donation or gift had been made by the Applicant or any person with a financial interest in this Application to a local Councillor or employee of Armidale Dumaresq Council.

Assessment - Matters for Consideration

The assessment of this Development Application has been undertaken in accordance with Section 79C(1) of the Environmental Planning and Assessment Act 1979, as amended. In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development application:

Section 79C(1)(a) the provisions of the following that apply to the land to which the development application relates:

(i) the provisions of any environmental planning instrument

State Environmental Planning Policies (SEPPs):

The following SEPPs have been considered in connection with this development:

SEPP No.55 – Remediation of Land

This Policy requires Council to consider whether land is suitable for a proposed use having regard to any known or potentially contaminating land use activities.

| Clause | Subject | Comments |
|--------|---|--|
| 7 | Contamination and need for remediation to be considered in determining development applications | <p>The Hospital site is recorded in Council's Contaminated Land Information System on the basis of fuel and clinical waste storage on the campus, as well as a coal fired incinerator.</p> <p>As part of the submitted DA, the Applicants indicated that none of the areas subject to development are understood to have been affected by contamination.</p> <p>From a site inspection however a number of the ancillary structures west of the TCEC site, which are to be removed as part of the proposed parking reconfiguration on the Hospital campus, required further investigation, as follows:</p> <p><u>Clinical waste store:</u> This is in a sealed, refrigerated container on a ramp structure north of the Ambulance Station which is regularly serviced by contractors for disposal of waste in a licensed facility. The container is to be retained and relocated westwards to a bay in the approximate location of the current flammable liquid store. No objection.</p> <p><u>Stores buildings:</u> These buildings all have sealed floors and appear to have stored a mixture of medical records, furniture and equipment and some chemicals. Inspection of the interior on 20 October 2011 revealed no cause for concern. As the building is to be demolished and waste removed from the site there is no indication of any potential ongoing exposure pathways for contamination; disposal of any asbestos in the building will need to be addressed as per Council's normal condition requirements for demolition activity.</p> |

SEPP No.55 – Remediation of Land (cont)

| Clause | Subject | Comments |
|--------|--|---|
| 7 | Contamination and need for remediation to be considered in determining development applications (cont) | <p><u>Former incinerator:</u> Located at the western end of the stores complex, this building also has a sealed floor and appears to have housed an electronic incineration facility which has now been removed, with no evidence during inspection of the interior on 20 October 2011 of any furnace waste residues. As the building is to be demolished and waste removed from the site there is no indication of any potential ongoing exposure pathways for contamination. Again, disposal of any asbestos in the building will need to be addressed as per Council's normal condition requirements for demolition activity.</p> <p><u>Flammable Liquid Store:</u> During inspection of the interior on 20 October 2011 this existing building was also confirmed as being identified for demolition, although not shown as such on the submitted demolition plan. It also has a sealed floor and ANEH staff have advised UNE that it is no longer in active use. Any remaining containers are empty and there is no indication of any exposure pathways for contamination. Again, disposal of any asbestos in the building will need to be addressed as per Council's normal condition requirements for demolition activity.</p> <p>The West Avenue site is not recorded in Council's Contaminated Land Information System and there are no records of concern apparent on Council's property file. The shed on the site is known to have been used for furniture storage by the previous owner.</p> <p>Thus no further investigation or remediation requirements are considered necessary under the SEPP.</p> |

SEPP No.64 – Advertising and Signage

Outline details have been provided at this time for internally illuminated Building/Business identification signage on the eastern and western elevations of the proposed building, comprising a vertical building name sign on Butler Street and otherwise organisational logos only. This flush wall signage is considered to be acceptable for consent having regard to the relevant assessment criteria in the SEPP as follows:

| Clause | Subject | Comments |
|--------|---|---|
| 8 | Consistency with SEPP aims and Schedule 1 | <p>Under cl.8 the proposed signs must be assessed in relation to the following aims (<i>assessment comments in brackets</i>):</p> <ul style="list-style-type: none"> (i) compatibility with the desired amenity and visual character of an area (<i>considered acceptable</i>), and (ii) provision of effective communication in suitable locations, (<i>considered appropriate</i>) and (iii) high quality design and finish (<i>yes, to be integrated with building design</i>). |

SEPP No.64 – Advertising and Signage (cont)

| Clause | Subject | Comments |
|--------|--|--|
| 8 | Consistency with SEPP aims and Schedule 1 (cont) | <p>Moreover cl.8 requires consideration of the following matters in Schedule 1 to the SEPP (<i>assessment comments in brackets</i>):</p> <p>1 Character of the area</p> <ul style="list-style-type: none"> • Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? (<i>Yes</i>) • Is the proposal consistent with a particular theme for outdoor advertising in the area or locality? (<i>N/A</i>) <p>2 Special areas</p> <ul style="list-style-type: none"> • Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas? (<i>No</i>) <p>3 Views and vistas</p> <ul style="list-style-type: none"> • Does the proposal obscure or compromise important views? (<i>No</i>) • Does the proposal dominate the skyline and reduce the quality of vistas? (<i>No</i>) • Does the proposal respect the viewing rights of other advertisers? (<i>Yes</i>) <p>4 Streetscape, setting or landscape</p> <ul style="list-style-type: none"> • Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? (<i>Yes</i>) • Does the proposal contribute to the visual interest of the streetscape, setting or landscape? (<i>Yes</i>) • Does the proposal reduce clutter by rationalising and simplifying existing advertising? (<i>N/A</i>) • Does the proposal screen unsightliness? (<i>N/A</i>) • Does the proposal protrude above buildings, structures or tree canopies in the area or locality? (<i>No</i>) • Does the proposal require ongoing vegetation management? (<i>No</i>) <p>5 Site and building</p> <ul style="list-style-type: none"> • Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? (<i>Yes</i>) • Does the proposal respect important features of the site or building, or both? (<i>Yes</i>) • Does the proposal show innovation and imagination in its relationship to the site or building, or both? (<i>No</i>) <p style="text-align: right;"><i>cont...</i>/Error! Hyperlink reference not valid.</p> |

SEPP No.64 – Advertising and Signage (cont)

| Clause | Subject | Comments |
|--------|--|---|
| 8 | Consistency with SEPP aims and Schedule 1 (cont) | <p>6 Associated devices and logos with advertisements and advertising structures</p> <ul style="list-style-type: none"> • Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed? (Yes) <p>7 Illumination</p> <ul style="list-style-type: none"> • Would illumination result in unacceptable glare? (<i>Not expected with internal illumination of sign boxes</i>) • Would illumination affect safety for pedestrians, vehicles or aircraft? (<i>No</i>) • Would illumination detract from the amenity of any residence or other form of accommodation? (<i>Not anticipated</i>) • Can the intensity of the illumination be adjusted, if necessary? (<i>Yes</i>) • Is the illumination subject to a curfew? (<i>No, but lighting would be expected to be linked to proposed hours of operation after dusk only – and advising to this effect should be included in any consent</i>). <p>8 Safety</p> <ul style="list-style-type: none"> • Would the proposal reduce the safety for any public road? (<i>No</i>) • Would the proposal reduce the safety for pedestrians or bicyclists? (<i>No</i>) • Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas? (<i>No</i>) |

Further signage, if required in future, can be assessed separately at the appropriate time.

State Environmental Planning Policy (State and Regional Development) 2011

This SEPP took effect during the assessment of the DA and replaced the relevant provisions of SEPP (Major Development) 2005 in relation to regional development.

In any case, the threshold for JRPP consideration of Crown development that has a capital investment value of more than \$5 million has been retained through clause 20 of the new SEPP and therefore this DA is to be determined by the Northern Regional Panel.

UNE and NSW Health (Hunter New England Health) are both Crown agencies for the purposes of the EP& A Act (refer s.88 of that Act and in turn cl.226 of the Regulation to the Act).

SEPP (Infrastructure) 2007

The Application has also been considered having regard to the relevant provisions of this SEPP, as follows.

| Clause | Subject | Comments |
|----------------------------|--|--|
| Part 3 Div. 5, cl.45 | Development likely to affect an electricity transmission or distribution network | <p>Essential Energy has been consulted regarding this proposal in writing and raised no objection.</p> <p>The location of any new substation for the project (not yet known), in terms of impact on site function and visual amenity, can be addressed through a condition of consent.</p> |
| Part 3 Div. 10 | Health Services Facilities – permissible in prescribed zones | <p>The proposed development of the TCEC and related car parking is a Health Services Facility for the purposes of cl.56 of this SEPP, being:</p> <p><i>“ 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:</i></p> <p><i>(a) day surgeries and medical centres,</i></p> <p><i>(b) community health service facilities,</i></p> <p><i>(c) health consulting rooms,</i></p> <p><i>(d) facilities for the transport of patients, including helipads and ambulance facilities,</i></p> <p><i>(e) hospitals.</i></p> <p>cl.57 (1) in turn states that <i>“Development for the purpose of health services facilities may be carried out by any person with consent on land in a prescribed zone.”</i></p> <p>The list of relevant “prescribed” Standard Instrument zones in cl. 56 of the SEPP include R1 General Residential and SP2 Infrastructure.</p> <p>Although the Council’s LEP is not a Standard Instrument LEP and does not currently contain such zone names, a draft instrument currently under preparation would zone the land subject to this DA both SP2 and R1.</p> <p>cl.6 of the SEPP allows a public authority proposing to carry out the development to determine if existing land use zones are equivalent to zones identified in the SEPP.</p> <p>That has not been done in this case, however if such a submission had been made both R1 General Residential and SP2 Infrastructure would be considered equivalent to and consistent with the current zones in Council’s current LEP, discussed further below.</p> <p>On this basis the development would be considered permissible with consent under the SEPP.</p> |

Local Environmental Plans (LEPs):

Armidales Dumaresq Local Environmental Plan 2008 has been considered in connection with this development.

| Clause | Subject | Comments |
|--------|----------------------------------|---|
| 2 | Aims | <p>Relevant aims of the LEP considered in this assessment include:</p> <p><i>(b) to facilitate stimulation of demand for a range of residential, enterprise and employment opportunities; and</i></p> <p><i>(c) to ensure that development is sensitive to both the economic and social needs of the community, and</i></p> <p><i>(f) to ensure that development has regard to the principles of ecologically sustainable development.</i></p> <p>These issues are addressed in this assessment report.</p> |
| 7 | Adoption of Model Provisions | <p>The following clauses of <i>Environmental Planning and Assessment Model Provisions 1980</i> are adopted and are relevant to the proposed development:</p> <ul style="list-style-type: none">• 5(2) requires in relation to development likely to cause increased vehicular traffic on any road in the vicinity of the site, consideration of the adequacy of vehicular entrance / exit, parking, loading / unloading and pick-up / set-down of passengers.• 13 requires provision of (vehicle) loading and unloading facilities satisfactory to the consent authority.• 30 requires the availability of services (water supply and facilities for removal or disposal of sewage and drainage) or satisfactory arrangement for provision of such services. <p>Relevant comments on the likely impact of the development and the suitability of the site are included in this assessment, below.</p> |
| 10 | Zones indicated on the (LEP) map | <p>The site of the proposed development is within Zone 5(a) Special Uses (Hospital) and Zone 2(a) – Residential (West Avenue car park).</p> |
| 13 | 13(6) Zone objectives | <p>This clause provides that the consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land in the zone (see below).</p> |

Armidale Dumaresq Local Environmental Plan 2008 (cont)

| Clause | Subject | Comments |
|-----------|--|---|
| 19(1) | 2(a) Zone objectives | <p>The objectives for development in Zone No. 2(a) <u>[emphasis added]</u> are:</p> <ul style="list-style-type: none"> (a) <i>to allow for diversity and choice of housing types and locations, appropriate to the zone and other essential needs of all households, and</i> (b) <i>to encourage the development of predominantly residential areas, and</i> (c) <i>to provide an environment where people can live and work in home businesses and professional services while maintaining the residential amenity of the surrounding area, and</i> (d) <i>to enable retail development that is compatible with the predominantly residential characteristics of this zone and which serve the local neighbourhood, and</i> (e) <u><i>to enable development of land in this zone that is appropriate to the surrounding residential area where the scale, height, type, operation and traffic-generating characteristics of the development are compatible with the character and amenity of the surrounding residential area and with existing or proposed development nearby.</i></u> <p>The proposed development of the proposed landscaped surface car park off West Avenue on land which is largely vacant has been assessed having regard to these objectives. In particular traffic issues are considered later in this report and considered acceptable in the context of the subject site.</p> |
| 19(3) | Development permissible with development consent | <p>The purpose of this development is ancillary to uses (hospitals and educational establishments) which are permissible in this zone subject to consent.</p> |
| 26(1) | 5(a) Zone objectives | <p>The objectives for development in Zone No. 5(a) are:</p> <ul style="list-style-type: none"> (a) <i>to facilitate the development of land in this zone for a range of community service uses whether provided publicly or privately and including, but not limited to, educational establishments, places of worship, health care services, utility services and ancillary activities, and</i> (b) <i>to provide for development of land in this zone, not required for community services, that reflects adjoining or nearby land uses, provided that the viability of the business and industrial zones is not compromised.</i> |
| 26(3)&(5) | Development permissible with development consent | <p>These sub-clauses confirm that the proposed building identification signs; business identification signs; subdivision as well as <i>“the particular purpose indicated by red lettering on the zoning map (Hospital) and purposes associated with or ancillary to the particular purpose indicated on the zoning map”</i> are permissible with consent.</p> |

Armidale Dumaresq Local Environmental Plan 2008 (cont)

Thus the LEP provisions are consistent with those of SEPP (Infrastructure) and are considered to permit the development with consent. Other relevant LEP clauses are:

| Clause | Subject | Comments |
|--------|-------------------|--|
| 58 | Tree Preservation | <p>The proposed development would result in the loss of ten existing trees on both the Hospital campus and the West Avenue site including a mature deodar, several claret ash and prunus trees around the footprint of the proposed TCEC building and two cypress pines on the West Avenue site.</p> <p>Council's responsible officer who advises on arboricultural matters has inspected and assessed the trees and reported on the matter on the DA file which will be tabled at the Panel meeting. Having regard to the matters for consideration in cl. 58(3) of the LEP, the following advice is provided:</p> <ul style="list-style-type: none"> (a) <i>the reason for the proposed work,</i> The work is necessitated by the footprint of the proposed development and in the case of the West Avenue site concerns from a neighbour about loss of potential solar access resulting from two existing cypress trees. (b) <i>the visibility and contribution of the tree or trees in the local landscape or streetscape,</i> (c) <i>the type and rarity of the species,</i> Some of the trees, especially the cedrus deodara on the Butler Street frontage of the TCEC site, contributes in a positive way to the streetscape, however it is poorly located relative to the footpath and development site. (d) <i>the number of trees in the vicinity,</i> Other trees exist in and adjacent to Butler Street and will be supplemented by new plantings as part of the development's proposed landscaping. (e) <i>whether the tree may become dangerous or damage property or utility services,</i> See comment above re deodar. (f) <i>whether new plantings are proposed or are desirable,</i> Council's officer considers that the loss of trees required for the development will be adequately compensated for by the proposed new landscaping in connection with the development. Proposed tree planting at the frontage of the TCEC is considered especially important and final details must be approved prior to establishment. (g) <i>the effect of the tree or trees on local views, on solar access to properties and on local amenity,</i> The existing deodar in particular is attractive and contributes in a positive way to the streetscape (h) <i>any heritage significance of the tree, and</i> (i) <i>soil conservation and erosion issues.</i> N/A. <p>Council's assessment concludes that the loss of the trees would be adequately compensated for by the establishment of proposed new trees and landscaping as detailed in the submitted landscape intent plans, subject to final details.</p> |

Armidale Dumaresq Local Environmental Plan 2008 (cont)

| Clause | Subject | Comments |
|--------|---|--|
| 61 | Waste management | <p>Under this clause, the consent authority must take into consideration any of the following matters relating to waste management that are relevant to the application before granting consent to any development:</p> <ul style="list-style-type: none"> (a) <i>re-use and recycling of building and construction materials,</i> (b) <i>re-use and recycling of household, commercial and industrial waste,</i> (c) <i>site storage requirements for construction, and for managing household, commercial and industrial waste.</i> <p>The project SEE also states that <i>"The waste disposal policy requires a managed process and protocol relating to general waste, health waste and recyclables. The GP Clinic has a dedicated waste store located on Level 1 (room 143) servicing the GP Clinic, securely contained within the building but providing easy access to the rear of the site. Waste collection will be by private contractor and servicing will be associated with the GP Clinic only. This includes general and clinical waste and will be via the hospital roadway network.</i></p> <p><i>Waste generated by Levels 2 & 3 University operated spaces is to be via Contractor collection from the Butler Street frontage. This includes general and recyclable and minimal clinical waste. Waste will be stored within wheelie bins contained on levels 2 and 3 and managed by the Building Manager."</i></p> <p>Council's Health Surveyor has recommended as part of the assessment a condition be included in any consent to ensure that all clinical and other related waste must be disposed of in accordance with clause 43, Protection of the Environment Operations (Waste) Regulation 2005.</p> <p>A Construction Management Plan should be required as a condition of any consent to address waste and other site management issues during the construction phase of the project.</p> |
| 62 | Community use of educational establishments | <p>This clause provides for community use with consent. Such use, especially in the proposed clinic, is integral to the proposed development and is supported from an educational and social perspective. Parking provision for the project allows for patient access commensurate with the expected number of practitioners for the clinic.</p> |

Armidale Dumaresq Local Environmental Plan 2008 (cont)

| Clause | Subject | Comments |
|--------|-----------------------|---|
| 63 | Solar access | <p>Under clause 63:</p> <p><i>“consent must not be granted for the purposes of erecting a building on land if, in the opinion of the consent authority, the building would significantly affect the access of solar radiation between the hours of 9 am and 3 pm Eastern Standard Time (as measured on 21 June) to existing or likely developments on adjoining land or on other land in the locality.”</i></p> <p>Shadow diagrams provided with the DA provide a comprehensive analysis of the impact of the proposed TCEC building at the winter solstice between the relevant hours. These indicate that shadow impact would be confined to the Hospital stores and car park, a windowless section of the adjacent Ambulance Station, as well as part of Butler Street. No third party residential property would be affected.</p> <p>In this context no objection is raised.</p> |
| 67(4) | Heritage Conservation | <p>The consent authority may require a heritage impact statement in connection with a development proposal in the vicinity of a heritage item or conservation area (under the LEP).</p> <p>In this case the ANEH is not listed under Council’s LEP nor on the NSW State Heritage Register. However the Hospital is a identified on the NSW Heritage Office (HO) web site as having a s.170 listing under the NSW Heritage Act (State agencies register). This was submitted by NSW Health being the State agency responsible for its care and control. Council was also provided with a 1998 Conservation Management Plan (CMP) for the ANEH in 2010.</p> <p>In the assessment of significance on the HO web site, is the following:</p> <p><i>“There is substantial evidence of major building development from the 1880s through to 1938 on the site including the Isolation Wards building - 1906, Original Hospital building -1882, private Wards building - 1894, First Floor Domestic Quarters - 1903 and the Infectious Diseases Ward Building. The buildings of the earlier phases exhibit historical associations between design, location and purpose.”</i></p> <p>The new development would not affect fabric associated with these early phases of the ANEH development, which have now been largely surrounded by and incorporated into later Hospital development.</p> <p>Nevertheless, the TCEC design has acknowledged the 1998 CMP document. The SEE states that <i>“3 key impacts of the conservation plan were drivers in significant design decisions that have fundamentally governed the building’s evolution.”</i></p> |

Armidale Dumaresq Local Environmental Plan 2008 (cont)

| Clause | Subject | Comments |
|--------|-----------------------|---|
| 67(4) | Heritage Conservation | <p><i>"1. The Great Northern Rd. considered of vital historical importance, although no longer in existence its memory is retained by the orientation of buildings within the hospital grounds as the site has developed over time. The proposed TCEC seeks to reinforce that by reinforcing the angled symmetry of the site with the northern façade matching the orientation indicated in plan by the Pathology Building and Clair House, still giving frontage to Butler Street.</i></p> <p><i>2. The material language constant through much of the early architecture of Armidale and the Hospital itself has been based on the use of brickwork as a key architectural feature. Brickwork is the predominant material on the Hospital site and reflects traditional building practices in the region. Another common feature of the architecture on the site and within Armidale is the use of sheet metal, particularly for sheds and the rear of buildings (back-of-house) where brick was either not affordable or necessary. This combination of materials lends itself to much of the historical architecture of the region and has been a key factor in the design outcomes of the project;</i></p> <p><i>3. Item 3, is the outcome from point 2 above – noting that the design has embraced the character of the hospital site and its historical buildings by continuing the tradition of using both brickwork and metal cladding as an architectural aesthetic. This is identifiable in the drawings provided as part of this application and the materials schedule also included."</i></p> <p>Finally, the SEE advises:</p> <p><i>"Although unlikely, it is recognised that during the excavation of the site items of a possible archaeological or historical value may be unearthed. This will be managed through the Contractors' obligations on site and would be dealt with as a latent condition if the circumstance were to arise."</i></p> <p>The management of any archaeological finds is the subject of relevant NSW laws which can be referenced in any consent.</p> <p>In his assessment of the DA, Council's Heritage and Urban Design Advisor Mr Ian Kirk in a report dated 16 September 2011, which is on the Council file to be tabled at the Panel meeting, does not object to the proposed development.</p> |

(ii) the provisions of any draft environmental planning instrument

No relevant draft instruments apply.

(iii) the provisions of any development control plan

Armidale Dumaresq Development Control Plan (DCP) 2007 applies to the land.

The Introduction – Part A - of this DCP provides that:

“We assess all applications having regard to relevant legal requirements and the merits and circumstances of each case. Where an applicant can demonstrate that strict compliance with any of our local policy requirements would be unreasonable or unnecessary, Council may vary the DCP provisions to enable specific development activity to proceed.”

The following Table outlines the relevant Chapters / provisions of the DCP that have been considered in connection with this assessment.

| Chapter | Comment |
|--|--|
| B3 – Development Applications and Assessment | <p>The Application was publicly exhibited in accordance with Chapter B3. This included public advertisement in the local print media, notification signs placed on the site and notification by mail to the owners of properties in the vicinity of the site.</p> <p>At the closing date for submissions on 23 September 2011, submissions had been received from four parties. These are discussed under s.79C(1) (d) below.</p> |
| B4 – Vehicle Parking Code | <p>Relevant objectives of this Code at Part 1.1 include:</p> <ul style="list-style-type: none">(a) <i>To ensure that adequate provision is made for off-street parking of passenger and service vehicles commensurate with the volume and turnover of all traffic likely to be generated by a development.</i>(c) <i>To ensure that parking areas are safely and attractively constructed, designed and landscaped, to encourage their use by both vehicles and pedestrians.</i>(e) <i>To encourage the provision of facilities for parking of vehicles used by people with disabilities and of cycles, within appropriate developments.</i> <p>The site of the proposed TCEC building is located on an existing off-street car parking area for ANEH, but loss of this parking (total of 86 spaces) would be fully compensated for within the site by reconfiguration of existing parking and provision of new parking in areas to the west of the proposed building where some minor ancillary Hospital structures are to be demolished as part of the project.</p> <p>This work needs to be undertaken by UNE under an agreement with Hunter New England Health and managed also during the construction process to minimize adverse impacts on the functionality of the Hospital parking which is frequently full, especially during daylight hours.</p> <p style="text-align: right;"><i>Cont.../</i></p> |

Armidale Dumaresq Development Control Plan (DCP) 2007 (cont)

| Chapter | Comment |
|----------------------------------|---|
| B4 – Vehicle Parking Code (cont) | <p>The total of 67 additional car parking as well as 15 new bicycle spaces to be provided at West Avenue and at the frontage of the proposed TCEC building is sufficient for the existing dwelling at 133 Butler Street approved by Council in DA-358-2009 (two spaces, one of which must be covered), and for the following personnel/student numbers in the proposed Clinical Education Building, under Council's Parking Code:</p> <p>10 medical practitioners (also allowing for their patients and staff); 24 academic staff; and 92 students.</p> <p>Therefore any consent should be issued on the basis that this is the maximum capacity of the proposed Clinical Education Facility. Further consent would need to be sought for any increase in the above numbers in any category if that becomes necessary in future.</p> <p>Moreover, the proposed off-street parking area for 65 car spaces to be provided off West Avenue must be owned or tenanted, and so managed for use in conjunction with the proposed Clinical Education Building for the lifetime of that development (unless alternative arrangements are made to the satisfaction of the consent authority), to ensure that adequate off-street parking facilities remain available for users of the building. Again a suitable condition of consent is required to ensure compliance.</p> <p>Council's Development Engineer and Access Advisor have assessed the proposed parking facilities and their reports are on the Council file to be tabled at the Panel meeting. In particular they have required the following matters to be addressed:</p> <ul style="list-style-type: none"> (i) Installation of a "Left Turn Only" sign at the exit of the proposed West Avenue car park is required to reduce possible traffic congestion in West Avenue adjacent to the nearby Pre School during pick up time and to reduce after hours vehicular noise past the residential dwellings to the east. This can be addressed in a condition of any consent. (ii) Proposed accessible parking space at the principal public entrance to the TCEC is to meet current Australian Standards in terms of width and circulation space. This matter has been satisfactorily addressed in a revised drawing submitted by the project Architect which can be referenced in any consent. <p>Finally, in discussions between Council and the Applicant some changes were made to the layout in the West Avenue car park to ensure that the four additional accessible parking spaces proposed there are located as close as possible to the eastern end of the facility and related walkway to Butler Street. Consideration should also be given to installing pedestrian facilities in Butler Street to assist people with disabilities moving from the car park to the TCEC site. However the Applicants are not willing to accept a condition of consent to this effect, as the West Avenue spaces are additional to the single space required for this project under national Access to Premises Standards and the BCA.</p> |

Armidale Dumaresq Development Control Plan (DCP) 2007 (cont)

| Chapter | Comment |
|--|---|
| B4 – Vehicle Parking Code (cont) | <p>As part of the building's proposed environmental/ecological initiatives, a dedicated cycle change facility is to be incorporated within Level 1. This would offer shower and change facilities in addition to bike storage, to supplement that contained within the West Avenue carpark.</p> <p>Off-street service vehicle access including a dedicated Ambulance bay is provided at the Butler Street frontage to the TCEC. A further access point for service vehicles / waste is proposed at the south-west corner of the ground floor with access via a future right of way through the Hospital campus.</p> <p>These arrangements are considered acceptable for the proposed use of the building and the use of off-street servicing can be confirmed as a condition of any consent.</p> |
| B5 – Design for Access and Mobility Code | <p>As a new public building, the TCEC development is expected to be fully compliant with the BCA, which is now linked to the Access to Premises Standard under the Commonwealth Disability Discrimination Act 1992.</p> <p>The proposed development provides for access between floors by lift as well as a BCA compliant stairway. An accessible parking space is proposed adjacent to the principal public entrance at the ground floor, which appears to comply with the requirement in Part D3.5 of the BCA in relation to the proportion of accessible parking spaces provided for the proposed development, given the nature / variety of the uses proposed for this development. This matter will be finally determined as part of the building classification and certification process by the Crown building certifier.</p> <p>Several design issues were identified in the assessment process relating to access to car parking facilities as noted above in relation to Chapter B4. These have been addressed by the Applicants with the exception of installing pedestrian facilities in Butler Street to assist people with disabilities moving from the additional accessible car spaces proposed in the West Avenue car park to the TCEC site. The desirability of such facilities is proposed to remain as an advising in any consent.</p> <p>As this is a Crown development it will be a matter for UNE and their consultants to ensure compliance with the BCA in construction.</p> |

Armidale Dumaresq Development Control Plan (DCP) 2007 (cont)

| Chapter | Comment |
|--|---|
| B7 - Stormwater Drainage Code | <p>The submitted stormwater concepts lodged with the DA envisages as gravity stormwater drainage system as required under Council's Code for the TCEC site, to connect with the Council's stormwater system in Butler/Barney Streets.</p> <p>Gravity stormwater reticulation for the proposed West Avenue car park would need to be extended westwards along West Avenue from its current location at the intersection with Markham Street. Though this was not proposed as part of the submitted application, which relied on discharge of stormwater into the existing street gutter, UNE has agreed to accept a condition requiring the installation of a piped drainage system in the car park and to connect off-site to Council's existing system. This will also assist in addressing concerns raised by a number of property owners south of the car park site, as discussed under s.79C(1)(d) below.</p> <p>Noting that s.69 of the Local Government Act 1993 provides that "<i>Section 68 [which normally requires Council approval of stormwater work] does not require the Crown . . . to obtain the approval of a council to do anything that is incidental to the erection or demolition of a building,</i> detailed design for these piped systems still requires Council's acceptance as the responsible authority for the public stormwater system, consistent with its Code requirements. Detailed engineering design issues will therefore need to be addressed prior to construction and as a condition of any consent.</p> <p>As it is understood there are already some concerns about the existing drainage system in West Avenue further east from the site, it may be that Council and UNE will both contribute to the required upgrading works there, subject to further negotiations once engineering designs are completed.</p> |
| C4 - Advertising/ Signage | <p>The proposed flush wall signage indicated on the submitted plans complies with the dimensional requirements for such signage under this Code.</p> |
| D1 – Summary of Development Standards for LEP Land Use zones | <p><u>Subdivision:</u> The proposed subdivision of existing lot 6 on the Hospital Campus complies with the relevant development standards for new subdivision lots in the 5(a) Special Uses zone under this Chapter, in relation to lot size (to be suitable for intended use), available reticulated utility services and sealed road access.</p> <p>Relevant standards for the TCEC Building itself are as follows:</p> <p><u>Setback from (Butler) Street Road Reserve to building:</u> DCP requires a setback "<i>Consistent with highest standard of any adjoining zone</i>". The adjoining zone is residential 2(a) where a 6 metre setback is required, however in this case due to site constraints (including required replacement of parking) a 4 metre setback is proposed, with new landscaping at the frontage.</p> <p style="text-align: right;"><i>Cont . . . /</i></p> |

Armidale Dumaresq Development Control Plan (DCP) 2007 (cont)

| Chapter | Comment |
|--|--|
| D1 – Summary of Development Standards for LEP Land Use zones cont. | <p><u>Building height (in metres) from natural ground to ceiling:</u> DCP requires 9 metres maximum ground to ceiling height <i>“subject to urban design considerations in the individual case”</i>.</p> <p>The project SEE indicates: <i>“The proposed design of the TCEC exceeds 9m upper floor ceiling height by approximately . . . 1.5m above the 9m limit from natural ground. The design has been developed based on the existing height precedent established on the hospital grounds with a number of the surrounding buildings being between 2 and 3 levels. It is noted that the existing Community Health building [about 80 metres to the north along Butler Street] has an upper floor ceiling height of 11.2m.”</i></p> <p>The overall height of the proposed TCEC building to plant room roof would be comparable to that existing building to the north.</p> <p>In this case a number of considerations have applied in the assessment of setback and height issues:</p> <ul style="list-style-type: none"> (i) Variable, albeit compliant setbacks of 6 metres or more exist along the Butler Street site frontage of the Hospital; (ii) The Architects have achieved a landscaped 4 metre setback having submitted plans at pre-DA stage which showed a zero setback option; (iii) The northern section of Butler Street opposite ANEH is zoned Business 3(a), where zero setback is permissible; (iv) Only one residence is opposite the site and this is on the land at 133 Butler Street owned by the Applicant; (v) The TCEC building design features a stepped façade to Butler Street, so that the first two levels comply with the height control, before stepping back a further 4.5 metres at level 3 where the external terrace with pergola is proposed. No adverse shadow impacts have been identified. <p>Council’s Urban Design Advisor, in a report on the DA of 16 September 2011 is on the DA file to be tabled at the Panel meeting, states:</p> <p><i>“The 2 storey section is slightly forward of the adjacent ambulance station but there is a landscaped setback proposed which will soften the streetscape impact.</i></p> <p><i>The proposed mix of external materials (face brick, metal panels and glass) and stepped overall form (2 and 3 storeys) will help break down the scale of the building. The proposed building sits comfortably with the scale and materials of existing surrounding buildings.</i></p> <p><i>No objections to proposal.”</i></p> <p>Photomontages of the development showing ‘before and after’ views along Butler Street have been provided in the SEE and these are reproduced overleaf.</p> |

Armidale Dumaresq Development Control Plan (DCP) 2007 (cont)
Urban Design Photomontage for Butler Street / Rusden Street - before



Urban Design Photomontage for Butler Street / Rusden Street - after



Urban Design Photomontage for Butler Street / Barney Street - before



Urban Design Photomontages for Butler Street / Barney Street - after



| Chapter | Comment |
|---|---|
| D1 – Summary of Development Standards for LEP Land Use zones (cont) | The proposed West Avenue Car Park, provided it is served with reticulated services as proposed and discussed with the Applicant, will comply with the relevant standards of this DCP Chapter. |

(iiia) the provisions of any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F

Not applicable.

(iv) the provisions of the regulations

Pursuant to clause 92(1)(b) of the Environmental Planning and Assessment Regulation 2000, the demolition of existing structures on the site is required to comply with Australian Standard AS 2601: The Demolition of Structures. This can be addressed by condition of consent.

79c (1)(a) (v) the provisions of any coastal zone management plan (within the meaning of the Coastal Protection Act 1979)

Not applicable.

79C (1)(b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

This assessment has been undertaken having regard to various issues, as follows:

Construction Impacts

As the project is expected to involve a lengthy construction phase and is located in a major health facility precinct, with nearby residential uses, a detailed construction management plan should be required as a condition of any consent. This would need to address issues such as:

- Hours of building work (to be consistent with NSW State Guidelines);
- Parking and Traffic Management;
- Waste storage and management;
- Toilet facilities for builders;
- Noise and dust management and control of other potential pollutants;
- Site hoardings and public/worker safety;
- Signage.

Urban and Building Design

Issues of height and setback to Butler Street have been discussed above in relation to Council's DCP controls.

As discussed above the proposal has been considered by Council's Heritage and Urban Design Advisor, who does not object to the proposal.

In the submitted SEE the Architects have advised:

"The external appearance of the Tablelands Clinical School has been governed by 2 key factors:

- 1. Heritage and historical context due to its location within the Hospital grounds;*
- 2. Green Star.*

These items have informed the selection of materials, the buildings form, massing, use of shading devices and extent of glazing. The impact of both, being integrated early in the design has created a holistic design solution that is sympathetic to both its context and character of the adjoining medical buildings. The adjacent images reflect key buildings within the Hospital grounds and adjacent the proposed TCEC - This has influenced building material selection and heights, enabling the retention of the unique aesthetic used on the Campus."

Urban and Building Design (cont)

Proposed Building Materials are as follows:

Façade:

- *Brickwork – Building base (Namoi Valley Brickworks);*
- *Insulated pre-finished metal cladding – Upper floors and roof;*
- *Double glazed aluminium framed windows;*
- *Lightweight external sunshading;*
- *Masonry and in-situ concrete retaining walls;*
- *Exposed galvanised steel;*

Roofing / Gutters:

- *Prefabricated insulated metal roof panel;*
- *Double glazed skylights;*
- *Stainless steel gutters and downpipes;*

Details of final finishes and colours should be confirmed, to ensure an acceptable infill development in the existing streetscape, prior to construction. This can be required as a condition of any consent.

Consideration of Crime Prevention through Environmental Design (CPTED)

The Application has been assessed by the NSW Police (NEW England Local Area Command) having regard to the CPTED Guidelines issued by the former Department of Urban Affairs and Planning (2001) and the current NSW Police “*Safer by Design*” Manual (2010). These documents promote the key principles of effective surveillance from buildings, access control, territorial reinforcement through design, and effective space management.

The Police have no objection to the development but as limited details of crime prevention measures to be included in the development (other than lighting) were provided in the DA, they have included a detailed school security assessment audit which has since been forwarded to the Applicants for their consideration in detailed design for construction.

The need for appropriate measures should also be referenced in any consent issue for the development. Generally the TCEC development would provide good natural surveillance over the Butler Street frontage and surrounding land and the complex will have a clear context as part of the Hospital campus. With the West Avenue carpark an on-site pedestrian access to the Butler Street frontage of the site is provided and the design of the facility includes appropriate landscaping and illumination.

Utility Infrastructure Impacts

See also 79C (1)(c) re the suitability of the site for the development, below.

Council water and sewer utility service capacity at the site is considered adequate for the project and connection to relevant services (including stormwater drainage as discussed above) can be subject of appropriate consent conditions. Electricity and telecommunications services are also available to the site and arrangements for connection will be subject to negotiation by the Applicants with relevant providers.

Council has a Development Servicing Plan for water and sewer services, which provides for developer contributions in connection with related works/increased loading on these services, pursuant to Chapter 6 of the Water Management Act 2000 and s.64 of the Local Government Act 1993.

Utility Infrastructure Impacts (cont)

However in State Government Guidelines on Developer Charges on Water Supply, Sewerage and Stormwater (DLWC, 2002) the NSW Government has advised that Crown development for community services including education and health projects are exempt from general developer charges of this nature. While this may be viewed as cost shifting or local community subsidisation of State infrastructure, Council understands the argument from Government to be that this effective subsidy recognises the local community benefit of the facilities being provided.

No other developer contributions apply to this development.

Traffic and parking impacts

Parking issues have been addressed under Council's DCP Parking Code, above. In relation to traffic impacts, Council's Development Engineer has provided the following advice in a report on the project which is one the DA file to be tabled at the Panel meeting:

"Predominant traffic in Butler Street and West Avenue is local traffic servicing ANEH and other commercial and residential developments in the area. Butler Street is wide enough for two travelling lanes plus parking lanes on either side.

West Avenue is relatively narrow, generally 7 metres wide. The road reserve is also narrower than standard road reserve of 15metres for a minor road with varying width from 13 to 9.5 metres.

The Railway Hotel and Montessori Pre School are existing significant developments in terms of traffic generation in West Avenue. A report was found in [2004] Council Records for a traffic management plan in West Avenue. A major issue identified was the traffic congestion in school drop off and pick up time. 85th percentile speed was 41 Km/hr with very few over the posted speed limit. Council proposed to implement one way west to east bound traffic but it apparently could not be agreed upon by all residents and business involved and Council decided to maintain status quo.

The proposed development would increase traffic in West Avenue but half of the traffic generated by the car park is [expected] from patients to visit the GP clinic, which would be uniformly distributed all day rather than high traffic in peak hour. Installation of a left only sign at the exit of driveway will reduce some traffic in the front of Montessori pre school.

[The likely] Increase in traffic is considered to be within the acceptable limit of the capacity of West Avenue. Council's DCP 2007 Chapter D5 section 2.4.1 Traffic Flows prefers that all roads should remain two-way as these are easier to understand for all road users.

If any need is felt in future for improved traffic, traffic committee could look at the issues again and could impose restriction on parking on one side of the road and making it one way.

Normal warrant for Zebra Crossing is $PV > 60,000$, where P is pedestrian flow per hour and V is vehicle traffic per hour in accordance with RTA Supplement to AS 1742.10 -2009.

Current traffic in Butler Street is clearly well below that level and does not warrant a new pedestrian crossing across Butler Street. However as there are 4 parking spaces for people with disability [in the proposed West Avenue car park] and possible number of parents with prams visiting clinics, it may require disability accessible pathway between car park and the main building which may require kerb ramps with kerb blisters on either sides of Butler Street."

This last issue and the Applicant's current position on the matter has been discussed under DCP Chapter B4 above.

Social and Economic impacts

The development also represents a major investment in medical and education infrastructure for Armidale and region.

The SEE for the project includes the following statement:

“The project will seek to offer major health related services to the community in Armidale through the inclusion of the GP Clinic located on Level 1. This service will support the capabilities of Armidale Hospital and . . . offer an alternative to patients not requiring Hospital treatment. The TCEC aims at delivering opportunities to students studying within the School of Rural Medicine, training and placement opportunities that currently limit their ability to achieve the desired experience offered by competing Institutions. The retention of students who live within the region and the ability to attract students from outside the region will offer significant benefits to both UNE and the community of Armidale.

Currently 943 students undertake health professional degrees at UNE. This is expected to expand to 1300 students over the next few years. The additional clinical training space afforded through this proposal will greatly enhance the capacity of UNE to offer state-of-the-art clinical training in close proximity to the Armidale Hospital where a number of students will undertake their placements.

This important project is a significant social and economic addition to Armidale – its dual ability to provide services for the community and offer training opportunities at a scale and size reflective of the region will greatly assist in promoting UNE and Armidale as leading alternatives for future medical students.”

The design issues for the development in terms of access by people with disabilities have been discussed previously.

Economically, a project of this magnitude is expected to provide beneficial impacts for the local economy through relevant multipliers both during construction and thereafter (including employment), as well as boosting Armidale’s regional function as a health service centre.

Noise

The nature and functions of the proposed development are not expected to result in any significant noise levels in the street compared to the current site usage and operation.

Building plant location on Level 3 is located away from the Hospital wards and surrounding residential properties.

Parking within the TCEC site is limited to 2 vehicles and 1 emergency vehicle bay.

Additional parking provided within the West Avenue Car Park would result in users accessing that site over a considerable span of hours including on occasions after dark, to park and to move to and from their vehicles.

It is acknowledged that many parts of ANEH provide a 24 hour service and that the proposed building may occasionally be used on that basis, although in the evenings parking on the ANEH campus would become more readily available for users of the TCEC building.

Nevertheless, this assessment has sought to provide some limits on the hours of use of the TCEC and thus its related car park mindful of the fact that the latter would adjoin at least three residential properties.

Noise (cont)

The following condition has been agreed with the Applicant for inclusion in any consent:

“The hours of operation of the proposed building (when it is open to the general public) are to be restricted to between 8.00am and 10.00pm on Mondays to Fridays and 8.00am to 6.00pm on weekends and public holidays, to maintain the amenity of the locality.

Allowance is made for 24 hour operation of the facility in exceptional circumstances such as managing medical disaster events.”

Privacy issues

As discussed, the proposed car parking facility off West Avenue adjoins a number of residential properties. In order to address the privacy and amenity of those adjoining premises, an appropriate fencing treatment up to 1.8 metres in height (on the parking facility site) should be provided at the common boundaries as a condition of any consent and by agreement with the owners of the adjoining properties. As part of the assessment process Council staff attended a site meeting between UNE and neighbours where an appropriate undertaking to this effect was provided by the Applicant.

Cumulative impacts

No such impacts have been identified. The TCEC has been designed to accommodate a building population of medical and academic practitioners as well as students, which can be conditioned in any consent to prevent additional (eg parking demand) impacts occurring without a further DA assessment process.

Other potential environmental impacts

The location of the TCEC and limitations of the site will result in the removal of a number of trees currently located on the site – these will be replaced by landscaping that will seek to provide a green buffer between the building and street in addition to softening at eye level the impact of the development. The reconfiguring of the hospital car park will also result in the removal of trees from the site.

As part of the project a landscape strategy for the project has considered Council's preferred species list and publication 'The Right Tree in the Right Place'. This issue has been addressed under the relevant provisions of Council's LEP, discussed above.

No other impacts of significance have been identified as part of this assessment. A flora and fauna assessment by Ecological Australia submitted with the DA has not identified any threatened or vulnerable flora or fauna species on the land subject of the development for the purposes of the NSW Threatened Species Conservation Act 1995 (which must be considered pursuant to s.5A of the EP&A Act) nor the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.

79C (1)(c) the suitability of the site for the development

The subject site is considered suitable for the proposed development for the following reasons:

- The land affected by the project is zoned to permit the proposed development and is contiguous with the existing ANEH precinct and readily accessible from the other sections of the Hospital and nearby medical related uses in Butler and Rusden Streets . In that context the subject sites for the TCEC and related car park are considered appropriate.
- The site is well served by both public bus and taxi services serving the Hospital. These local services connect with the Armidale Railway Station, suburban areas of Armidale, the University and Airport.
- As indicated previously, the site is generally well served by utility service infrastructure, with electricity and telecommunications services also available to the site. Council water mains are available in Butler Street and trunk sewer and stormwater drainage in Barney Street to the south of the site. As discussed previously a stormwater main extension will be necessary in West Avenue to serve the new sealed car park proposed there. Detailed arrangements for connection to these utility services will need to be made as part of the construction / engineering design process for the project.
- The issue of site contamination has been discussed under SEPP 55 and there has been no basis identified for any remediation activity in connection with this development. There are no other known site hazards from Council's records. The site is not bush fire or flood prone.
- Likewise, the site is not identified as subject to slip or spring hazard in Council's Geotechnical Code. However a geotechnical report has been provided as part of the DA and will inform the construction process. No substantial geotechnical issues or constraints that would preclude the development have been identified in this report.

79C (1)(d) any submissions made in accordance with the Act or the Regulations

Agency submissions

As noted previously, two submissions (no objection) were received from the Police and Essential Energy in relation to the DA. The Police submission including a detailed school security assessment audit has been forwarded to the Applicants for their consideration in detailed design for construction and this should be referenced in an appropriate condition of any consent.

Public submissions

Following receipt, the submitted DA was publicly exhibited in accordance with Council's DCP 2007 – Chapter B3. This included public advertisement in the local print media, a notification sign being placed on the site frontage as well as notification by mail to owners of properties in the vicinity of the site.

The period for response closed on 23 September 2011.

Submissions from four parties were received during this period and in turn forwarded to the Applicant for consideration and to the Panel Secretariat for the information of Panel members. An site meeting was held with some of the neighbours and the Applicant to discuss drainage and fencing issues in particular, on 10 October 2011.

Matters raised in the submissions (in italics) are discussed below with assessment comments following:

1. Concerns about stormwater drainage and proposed car park retaining walls affecting properties to the south/east of the site of the new car park at 133 Butler Street/West Avenue.

From inspection of the relevant properties in Barney Street and West Avenue it is apparent that issues of existing stormwater ponding in high rainfall events and further run off could potentially be exacerbated in the absence of suitable measures as part of the development.

Firstly, the new car park would be kerbed to prevent run off to neighbouring properties.

Moreover, as discussed in this report the Applicant has agreed to install a stormwater drainage system involving the use of a gravity piped system serving the property, connecting in turn to Council's stormwater system at the eastern end of West Avenue.

From the site meeting held on 10 October 2011, the Applicant has also undertaken to provide access stubs in pipework for property owners to the south and east of Lot 30 to connect into the new stormwater system serving the proposed car park and thus allow for the alleviation of the ponding affecting those properties. Details should be included in the required design submission to Council for stormwater drainage for the project.

2. Proposal that two-way traffic flow in West Avenue should be reviewed as a consequence of the new car park adding to traffic in that street.

A submission concerning the potential traffic impact of the proposed parking facility in West Avenue included a request for Council to consider creating one way (eastbound) traffic flow there.

This issue has been discussed in relation to potential traffic impacts of the proposal, above. The potential to revisit a 2004 Council plan to this effect has not been supported at this time by Council's Engineering staff, although this option would not be precluded for future implementation by Council as a result of the approval of the proposed parking facility.

Public submissions (cont)

In the meantime, the installation of a “Left Turn Only” sign at the exit of the proposed West Avenue car park is recommended to reduce possible traffic congestion in West Avenue adjacent to the nearby Pre School during pick up time and to reduce after hours vehicular noise past the residential dwellings to the east.

3. Request for privacy / security fencing for properties adjoining the proposed car park.

Agreed and accepted by the Applicant during on site discussions held on 10 October 2011. The proposed car parking facility off West Avenue adjoins a number of residential properties. Submissions requested fencing of 2.1 metres in height, however on its southern side the proposed car park would incorporate a retaining wall of approximately 350mm in height.

In order to address the privacy and amenity of those adjoining premises, an appropriate fencing treatment up to 1.8 metres in height (on the parking facility site) is considered reasonable and for provision by the Applicant at the common boundaries, by agreement with the owners of the adjoining properties.

4. Request for controls on lighting of the car park so that this does not adversely affect properties adjoining the facility.

Agreed. A condition of any consent should require that lighting is to be designed to minimise light entering adjacent dwellings, to ensure the amenity of adjoining properties is maintained and that any lighting used in connection with the development is to comply with AS 4282 – Control of the Obtrusive Effects of Outdoor Lighting.

Consideration should also be given to extinguishing outdoor lighting, including signage by timer or other means after the use of the facility ceases each day, to save energy and reduce any light impacts at night time.

5. Request for removal of two cypress pine trees adjoining the respondent's property which currently block solar access to his house. The home is occupied by retired persons, one of whom has a serious illness.

The Applicant is prepared to remove these trees as part of the proposed car park development and Council does not object. A condition of any consent should require new landscaping along the relevant boundary to be carried out in consultation with the relevant party in order to improve solar access to his property.

79C (1)(e) the public interest

Public Funding for Project

UNE, as part of a Joint Medical Program with the University of Newcastle and Hunter New England Health, has been successful in receiving \$5.5 million dollars in Commonwealth funding towards this project.

This was awarded under the Rural Education Infrastructure Development (REID) program, to construct and fit out the TCEC and develop a training practice building in collaboration with the New England Division of General Practice and GP Synergy, an organisation delivering GP education programs across Sydney and the New England/Northwest region of NSW.

State Plan 2021

The development is considered consistent with the recently updated State Plan which includes, inter alia, Goal 11 concerned with preventative medicine and Goal 12 to provide high quality clinical services with timely access and an increased investment in infrastructure. The development is also consistent with Goal 15 of the State Plan which seeks to promote high quality education and learning outcomes for all students.

Other Local Plans

Council's Community Strategic Plan has supported the redevelopment of the Hospital campus to provide modern medical facilities for the community, in pursuit of its vision "Excellent Lifestyle, Sustainable Growth". The development would be consistent with this intent.

Building Code of Australia requirements

The new building will need to comply with relevant requirements of the BCA. Section 109R(2) of the EP& A Act provides that:

"Crown building work cannot be commenced unless the Crown building work is certified by or on behalf of the Crown to comply with the technical provisions of the State's building laws in force as at:

- (a) the date of the invitation for tenders to carry out the Crown building work, or*
- (b) in the absence of tenders, the date on which the Crown building work commences, except as provided by this section."*

Under cl.227 of the Regulation to the Act the provisions of the BCA are prescribed as technical provisions of the State's building laws. During assessment of the Application some similar minor adjustments in relation to access for people with disabilities have been identified in the Access Report provided by the Council's Access Advisor and modifications made by the Applicants to the car park layouts.

Certification of compliance with the BCA for this project before and during construction will be the responsibility of the Crown agencies involved in the project.

Ecologically Sustainable Development

A relevant aim of the Council's LEP (clause 2(f)) is to ensure that development has regard to the principles of ecologically sustainable development (ESD).

ESD is defined in NSW Legislation (for example the Dictionary to the Local Government Act 1993), and involves consideration of the following principles and programs:

- (a) the precautionary principle - namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In the application of the precautionary principle, public and private decisions should be guided by:*

Ecologically Sustainable Development (cont)

- (i) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and*
- (ii) an assessment of the risk-weighted consequences of various options,*
- (b) inter-generational equity - namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations,*
- (c) conservation of biological diversity and ecological integrity - namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration,*
- (d) improved valuation, pricing and incentive mechanisms - namely, that environmental factors should be included in the valuation of assets and services, such as:*
 - (i) polluter pays - that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement,*
 - (ii) the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste,*
 - (iii) environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.*

The Applicants have indicated their intention to achieve a Green Star rating through the Green Building Council of Australia for this project. This would, it is claimed, provide the first Green Star rated building in Armidale. Green Star is a comprehensive, national, voluntary environmental rating system that evaluates the environmental design and construction of buildings – for further detail see <http://www.gbca.org.au/>.

By seeking a Green Star rating for the building in addition to the mandatory compliance with Part J of the BCA addressing energy efficiency, UNE has sought to achieve a number of environmental outcomes, many of which require consideration towards the existing site, landscape, surrounding buildings, orientation, shading, materials, traffic, acoustics, stormwater and sewerage.

The project SEE states:

“This opportunity will help the Council, community and University in visibly understanding the outcomes of a holistic and integrated ESD philosophy. The TCEC will seek to be the first of many sustainable built outcomes for the city and region in the future.”

The development also represents a major investment in medical and education infrastructure for Armidale and region and is supported in improving the region’s sustainability on that basis.

Assessment Conclusion

The development involves a major investment in providing new medical and education infrastructure for Armidale and region, which is welcomed.

The proposed development is for a use which is permissible with consent under the Council's LEP and complies with statutory planning controls.

In relation to local policy controls in Council's DCP 2007, the proposed TCEC does not comply with numeric setback and height controls for the site, as a result of site constraints principally arising from having to fit the required accommodation within the ANEH campus while achieving a zero net loss of existing car parking numbers.

The setback to Butler Street is 4 metres instead of 6 which would normally be required opposite residentially-zoned land, and the building height control in the DCP is exceeded by 1.5m above the 9m limit to ceiling from natural ground.

However having considered the site circumstances and the advice of Council's Urban Design and Heritage Advisor, no objection is raised to the relevant variations to DCP controls.

Required utility servicing can be provided for the development, however gravity stormwater reticulation for the proposed West Avenue car park would need to be extended westwards along West Avenue from its current location at the intersection with Markham Street. UNE has agreed to accept a condition requiring the installation of a piped drainage system in the car park and to connect off-site to Council's existing system. This will also assist in addressing concerns raised by a number of property owners south of the car park site, discussed below.

In discussions between Council and the Applicant, some changes were made to the layout in the West Avenue car park to ensure that the four additional accessible parking spaces proposed there are located as close as possible to the eastern end of the facility and related walkway to Butler Street. Consideration should also be given to installing pedestrian facilities in Butler Street to assist people with disabilities moving from the car park to the TCEC site. However the Applicants are not willing to accept a condition of consent to this effect, as the West Avenue spaces are additional to the single space required for this project under national Access to Premises Standards and the BCA.

Submissions from four parties were received as a result of public notification of the Application, principally raising issues in connection with the new car park facility. These include potential impacts on local stormwater drainage, as well as issues relating to site fencing, lighting and landscaping. These submissions have been considered as part of the assessment and the issues raised have been resolved amicably through dialogue between the Applicant, Council and the submitters, and can be addressed through conditions of consent. In particular UNE has agreed to install piped drainage in the car park and erect boundary fencing there which will address most of the concerns raised. Lighting design will be required to avoid light spillage to neighbouring property and new landscaping introduced for the area which takes into consideration solar access for neighbours.

One submission concerning the potential traffic impact of the proposed parking facility in West Avenue, with a request for Council to consider creating one way (eastbound) traffic flow there, has not been supported at this time by Council's engineering staff, although this option would not be precluded for future implementation by Council as a result of the approval of the proposed parking facility. In the meantime, the installation of a "Left Turn Only" sign at the exit of the proposed West Avenue car park is recommended to reduce possible traffic congestion in West Avenue adjacent to the nearby Pre School during pick up time and to reduce vehicular noise past the residential dwellings to the east.

As a result of this assessment, the proposed development is recommended for conditional consent. **Appendix 3** to this report contains all relevant conditions identified throughout the assessment process and as discussed in this report. The Applicant, as a Crown agency, approved the proposed conditions on 20 October 2011, as required pursuant to s.89(1)(b) of the EP & A Act.

Recommendation

- (a) That having regard to the assessment of the Application and the approval of the Applicant to the proposed conditions of consent pursuant to Section 89(1)(b) of the EP & A Act, DA-170-2011 (JRPP ref 2011NTH028) be granted consent in the terms set out in Appendix 3 to this report.
- (b) That the persons and agencies that made submissions in relation to the Application be notified of the determination in writing.

Stephen Gow FPIA
Director Planning and Environmental Services, Armidale Dumaresq Council

Armidale, 25 October 2011