



4 October 2012

Ms A Kenna
Joint Regional Planning Panels
GPO Box 39
SYDNEY NSW 2001

Dear Ms Kenna

Development Application 2012/0378 (2012WES012)
Premises: Lot 236 DP 750357, 353 Panorama Avenue, Mitchell

I refer to the abovementioned Development Application.

Pursuant to Section 89 of the Environmental Planning and Assessment Act 1979, please find **enclosed** a copy of Council's report and conditions of consent in relation to the matter.

If you have any queries please contact Mr Richard Denyer of Council's Environmental Planning & Building Services Department on 02 6333 6276.

Yours faithfully


D R Shaw
DIRECTOR
ENVIRONMENTAL, PLANNING & BUILDING SERVICES

**JOINT REGIONAL PLANNING PANEL
Western**

JRPP No	2012WES012
DA Number	2012/0378
Local Government Area	Bathurst Regional Council
Proposed Development	Health Services and Education Facility
Street Address	353 Panorama Avenue, Mitchell
Applicant/Owner	Charles Sturt University Reserve Trust
Number of Submissions	0
Recommendation	Approval with Conditions
Report by	Jessica Boyle, Development Control Planner & Richard Denyer, Manager Development Assessment

Assessment Report and Recommendation

Executive Summary

The Development Application involves the construction of a health services facility within the 'Community Engagement and Wellness Precinct' on the Charles Sturt University (CSU) Bathurst Campus. The facility includes:

- 9 allied health clinics to be used by University students treating patients in the fields of physiotherapy, podiatry, rehabilitation, nursing, occupational therapy, sports science and human movement.
- 2 group rooms for University students treating patients in the fields of Psychology, Speech Pathology, Nutrition and Dietetics.
- Women's Wellness Clinic for University Nursing and Midwifery students specializing in Women's Health issues to treat patients.
- 4 allied health clinics for the use of a private physiotherapy provider.
- Specialist rooms including testing clinic, Biomechanics clinic, client kitchen and gym to be used by students and professional clinicians treating patients in the facility.
- 8 GP clinics for doctors to treat patients.
- Multi purpose room for community education programs
- A Simulation Suite
- 2 retail tenancies, including one as a wellness café
- A sealed car park

The subject land is zoned 5(a) Special Uses- Public Purposes pursuant to Bathurst Regional (Interim) Local Environmental Plan 2005. The development is permissible with consent.

The development is to be undertaken by Charles Sturt University Bathurst and has an estimated capital investment of \$8.3 million. Accordingly the Joint Regional Planning Panel is the consent authority pursuant to Schedule 4A Environmental Planning and Assessment Act 1979, as amended.

The site is located within the Bathurst Campus of Charles Sturt University approximately 2km south of Bathurst at 353 Panorama Avenue. The site is bounded to the north by Research Station Drive and to the east by Panorama Avenue. Access to the site will be via the main University entrance off Panorama Avenue and Mitchell Drive.

The Development Application has been assessed under Section 79C of the Environmental Planning and Assessment Act 1979 and is considered acceptable.

It is therefore recommended that the Joint Regional Planning Panel approve Development Application 2010/0286 subject to conditions as included in **attachment 4** to this report.

Proposed Development

The Development Application involves the construction of a health services and educational facility within the Charles Sturt University (CSU) Bathurst Campus. This facility aims to provide an integrated approach to the delivery of healthcare for the region. The proposal forms stage 2 and 3 in the development of a Health and Wellness precinct at CSU Bathurst. Stage 1 was the development of a Dentistry Clinic that is currently built and operational.

The facility includes:

- 9 allied health clinics to be used by University students treating patients in the fields of physiotherapy, podiatry, rehabilitation, nursing, occupational therapy, sports science and human movement.
- 2 group rooms for University students treating patients in the fields of Psychology, Speech Pathology, Nutrition and Dietetics.
- Women's Wellness Clinic for University Nursing and Midwifery students specializing in Women's Health issues to treat patients.
- 4 allied health clinics for the use of a private physiotherapy provider.
- Specialist rooms including testing clinic, Biomechanics clinic, client kitchen and gym to be used by students and professional clinicians treating patients in the facility.
- 8 GP clinics for doctors to treat patients.
- Multi purpose room for community education programs
- A Simulation Suite
- 2 retail tenancies, including one as a wellness café
- A sealed and open car park

A full set of plans are provided at **attachment 1**.

The Development Application has been supported by a number of documents including:

- Statement of Environmental Effects prepared by Anthony Daintith Town Planning
- Stormwater Management Plan prepared by Northrop Engineers
- Traffic Report by TEF Consulting
- Heritage Management Asset Strategy Charles Sturt University, NSW Government Architect's Office

These documents are provided at **attachment 2**.

The Subject Land

The subject land is Lot 236 DP 750357 and is the Bathurst Campus of Charles Sturt University located at 353 Panorama Avenue. The university campus is bounded by Research Station Drive to the north, Browning Street to the north-east and Panorama Avenue to the south-east.

The subject development site is located within the CSU campus and is currently vacant apart from a large number of trees, 3 of which are considered semi mature eucalyptus. It is approximately 124.3 metres from Research Station Drive and 123.4 metres from Panorama Avenue.

The development site is situated 41.55 metres north of the recently constructed Dentistry Clinic and east of the Rugby Union fields that are part of the CSU campus.

The site slopes gently up to the south-east, back towards Panorama Avenue and Bathurst.

The site does not have any direct access to Panorama Avenue and will be accessed via a recently completed internal road constructed as part of the Dentistry Clinic. This road runs north off Mitchell Drive, an internal campus road. All vehicles will enter from the main university entrance on Panorama Avenue

There are no water courses that traverse the development site.

The locality

The Bathurst campus of Charles Sturt University is located approximately 2 kilometres south-west of the centre of Bathurst.

The general locality is zoned as 5a Special Uses- Public Purposes (SP2 Infrastructure) with 2a Residential (R1 General Residential) land located to the east of the campus across Browning Street.

The University campus sits below the iconic Mount Panorama Racing Circuit.

A locality plan is at **attachment 3**. The most current aerial does not show the location of the recently constructed Dentistry Clinic.

Planning Provisions

In determining a Development Application the consent authority is to take into consideration such of the matters outlined in section 79C of the Act as are relevant to the application.

The relevant matters are outlined below

STATE ENVIRONMENTAL PLANNING POLICIES

SEPP (INFRASTRUCTURE)

The proposed development is defined as a health services facility under clause 56 of the SEPP Infrastructure and is permitted with consent on the subject land that is zoned for 5a Special Uses- Public Purposes.

In accordance with Clause 57 a health services facility means a facility used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes the following:

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

SEPP 64 – ADVERTISING AND SIGNAGE

The proposal does not indicate any advertising structures or signage. Conditions have been imposed requiring approval for advertising signage if consent can not be assumed in accordance with clause 16 of the Bathurst Regional (Interim) LEP 2005.

BATHURST REGIONAL (INTERIM) LOCAL ENVIRONMENTAL PLAN 2005

The subject land is zoned 5 (a) Special Uses- Public Purposes under the provisions of Bathurst Regional (Interim) Local Environmental Plan 2005 (BRILEP).

Clause 6(3) of BRILEP 2005 provides as follows:

Consent must not be granted to the carrying out of development within a particular zone unless the consent authority has taken the objects of the zone into account and:

- (a) is satisfied that the proposed development is consistent with one of more of those objects, or*
- (b) if the proposed development is development of the kind that is identified by this plan as usually not consistent with those objects – is satisfied that, in the particular circumstances of the case, it is appropriate that the proposed development be carried out.*

The objectives of the 5 (a) Special Uses- Public Purposes are as follows:

Zone No 5 (a) Special Uses—Public Purposes Zone

1 Objectives of zone

The objectives of the zone are as follows:

- (a) to identify land that may be used for a particular public purpose, whether by a government or non-government body,*
- (b) to provide for the cultural and social needs of the community.*

2 Without development consent

Nil.

3 Only with development consent

Development for the purpose of:

advertisements (displayed in conjunction with a permissible use and situated on the land on which that use is conducted), child care centres, community buildings, drainage, entertainment facilities, public facilities or buildings, recreation facilities or areas, roads, technology businesses, utility installations (other than gas holders or generating works).

4 Prohibited

Any development not included in Item 2 or 3.

The development would be defined as a “public facility or building” as this would cover a building used for such a purpose as an educational establishment, a hospital or a building used for broader social benefit to the community.

The proposed use is permissible with consent within the zone and is not inconsistent with the objectives of the zone.

The land is subject to the special provisions contained in Clause 12 Mount Panorama environs and Clause 11 Tree Preservation Order. These special provisions are addressed as follows:

Clause 11- Tree preservation order

The whole of the former Bathurst City Council area is subject to a Tree Preservation Order adopted by Council in 1991. This Tree Preservation Order prohibits the ring barking, cutting down, lopping, topping, removal or any other activity that may result in the demise of any tree, such as the application of herbicides, transplanting and/or pruning without the prior written consent of Council.

There are a number of trees that would be protected by this order that are proposed to be removed as part of the proposal. Three of these are nearly mature eucalyptus. It will be a condition of consent that the applicant submits a application form to remove these trees. The planting of appropriate replacement species will all so be required.

The landscape plan submitted as part of this proposal indicates that eucalyptus trees will be planted as part of the landscaping of the project.

Clause 12 - Mount Panorama environs

Clause 12 Mount Panorama environs applies to the western part of the subject land and is repeated below:

- (1) *This clause applies to the land identified on the land use map by red hatching and the words "50dBA Noise Contour".*
- (2) *Despite any other provision of this plan, the only development for residential purposes that may be carried out on the land to which this clause applies is development that could have been carried out on that land under Bathurst Local Environmental Plan 1997 as in force immediately before the appointed day.*

Clause 12 seeks to limit residential development around the Mount Panorama racing circuit. As there is no residential development proposed for this application, the special provision is satisfied.

Clause 23 Protection of environmental heritage

The university campus has a number of recognised heritage items. The proposed development site is located a significant distance from these buildings and it is therefore not considered to affect the significance and integrity of these items.

The design of the building is modern and its bulk and scale has been designed to suit the open space setting of the surrounding site. In context of the setting the proposed landscaping and overall appearance of the building is mindful of the neighbouring Dentistry building and the overall natural setting of the site.

BATHURST 2036 COMMUNITY STRATEGIC PLAN

The Bathurst 2036 Community Strategic Plan sets the vision and direction of the Bathurst community for the future. It was adopted by Council in February 2012.

Two of the objectives identified as necessary to make Bathurst a liveable community into the future were:

Objective 25: To support the provision of high quality medical care that meets the needs of the Bathurst community

Objective 26: To encourage and support the provision of a range of opportunities for life long learning.

The proposed development is aligned with both of these objectives as it will provide additional healthcare services to the region as well as offering facilities and training environments for medical, health and nursing students.

BATHURST REGION URBAN STRATEGY

The Bathurst Region Urban Strategy provides the broad ranging strategy on which Council guides future land management and development of urban areas and the urban villages within the LGA.

One of the priorities addressed within the social opportunity strategies of this document was:

To determine the best way to protect and enhance education as a significant industry for the City

The proposed development enhances the existing CSU campus as a significant education provider in the City.

BATHURST REGIONAL (INTERIM) DEVELOPMENT CONTROL PLAN 2011 (BRIDCP 2011)

There are no specific development controls that relate to the proposal.

LIKELY IMPACTS (NATURAL AND BUILT ENVIRONMENTS AND SOCIAL AND ENVIRONMENTAL IMPACTS)

SCENIC QUALITY

It is not considered that the proposed facility will negatively impact upon the scenic quality of the campus and the locality.

The facility will be located adjacent to the existing dentistry clinic and is also of a modern design which is considered to compliment the overall character of the site.

The modern design, overall bulk, external colours and landscaping used for the development have been considerate to the open space character of the site. The development is not located on a ridgeline or natural rise and is therefore not considered to visually dominate the area. Given that the proposed development will be located 123 metres down slope from Panorama Avenue the development will not detract from any views towards the iconic Mount Panorama.

POLLUTION

Conditions have been imposed in relation to the disposal of any trade waste through Council's infrastructure. The appropriate disposal of medical waste will also be required as a result of the development. The opportunity for water or air pollution is not considered a major concern for this development as there are no waterways that traverse the site and all dust generating surfaces will be sealed.

ECONOMIC IMPACTS

There are numerous positive economic impacts for the community as a result of this development.

The construction will provide employment for local trades people and other ancillary businesses that supply materials and fittings. There are also additional employment opportunities during the facility's operation for local practitioners. The economic and employment opportunities particularly for young professionals and students may also enhance the overall economic viability of the region and attractiveness of Bathurst as a place to live.

SOCIAL IMPACTS

The development of a health services facility is considered to have significant positive social impacts on the area. It will provide additional health services to the region. The educational and teaching component of the facility is also considered to contribute to the overall social capital of the region by enhancing the skill capacity of students and the community in the allied health professions and preventative healthcare.

THREATENED SPECIES

There is no critical habitat, threatened species or sensitive ecological communities and their habitats on the site.

ADJOINING PROPERTIES

The facility is located solely within the university campus, adjacent to the dentistry clinic. There are no adjoining properties that will be affected. Privacy and overshadowing are not considered relevant to the proposal given the use of the site for educational purposes. The proposed development is consistent with current zoning and compatible with the other teaching and educational buildings.

TRAFFIC GENERATION

The Traffic and Parking Impact Assessment submitted is based on the RTA guide to Traffic Generating Developments. There are no averages provided, so using comparisons with other sites the estimated maximum peak hour traffic generation for the development were:

	Morning Peak	Evening Peak
Trips in	28-32	7-8
Trips out	7-8	28-32

The traffic and parking impact assessment submitted has concluded that the proposed development will generate little additional traffic and will not affect the existing traffic conditions. The current intersection of Panorama Ave/CSU entrance would continue to operate with a good level of service.

SUITABILITY OF THE SITE FOR DEVELOPMENT

DESIGN OF THE DEVELOPMENT

The proposed facility forms stage 2 and 3 in the development of a Health and Wellness precinct at Charles Sturt University. Stage 2 is a Community Allied Health Clinic aimed at delivering a range of student led health services to the community and stage 3 is an Inter Professional Primary Health Clinic which will be leased to a private medical practice. This will be focussed on the delivery of primary healthcare to individuals and families. Both clinics will be incorporated into the same building which will also offer a café, children's playground and a small ancillary retailer. The mixed design approach is focussed on helping create an integrated health and medical environment that aims to better engage with rural and regional patients by also providing social, preventative health and wellness opportunities.

The design of the overall building has been undertaken by Brewster Hjorth Architects. It is evident in the plans that thought has been put into linking the proposed building with the existing dentistry clinic by reflecting the modern character. The building will be single storey with external colours being fairly muted so as to reflect the surrounding open, natural landscape.

The design of the building is considered appropriate for the locality as a modern, innovative educational establishment. The proposed building is considered to be located in such a way as to match the neighbouring building and provide for an integrated health and wellness precinct.

RISK AND SUITABILITY OF SITE

There are no technological or natural hazards associated with this proposal.

PARKING AND ACCESS

Council's Parking Code (under BRIDCP 2011) stipulates that for public buildings, health consulting rooms and medical centres the parking standard required is 1 space per 50 square metres. The proposed development has a floor area of 2320 square metres. This will require 46.4 (47) spaces. The development has provided 42 spaces including 2 spaces for people with a disability.

However, the statement of environmental effects recognises that if the space within the development used for storage and other ancillary uses is not included, the floor area for public and personnel is 1975m². This requires 40 car spaces which are provided for.

The Traffic Study prepared by TEF Consulting based their car parking requirements on Councils' Development standards and the level of demand for car parking spaces drawn from the CSU Bathurst Campus Study which looked at various modes of travel used on campus. The Traffic Study calculated that 37 spaces were required.

Based on these considerations, the level of car parking provided for is considered

adequate to service the development proposal.

In accordance with Council's bicycle parking standards, the development will be required to provide 6.5 (7) spaces for employees (1/300m²) and 1.9 (2) spaces for visitors (1/1000m²). The development has provided 6 bicycle spaces. An additional 2 spaces will be required along with 1 shower facility. The staff change room facility provided for in the plans is considered satisfactory.

Access to the site will be from an internal University road that runs along beside the dentistry clinic. All vehicles will enter through the main university entrance that intersects with Panorama Avenue.

The traffic report submitted concludes that there will be no negative impact on the operation of intersection and the capacity of the local streets as a result of this development. The traffic generation from the site will not require any upgrading of the intersections.

PUBLIC TRANSPORT

The University is serviced by a local bus service. The facility is not considered to require additional services.

UTILITIES

The University campus has its own water, sewer and stormwater systems connected to the Council systems. It will be a condition of consent that during construction the relevant connections are made to these services.

TRADE WASTE

It is expected that there is a potential for some form of trade/medical waste to be generated during the operation of the facility. The disposal of this through the appropriate channels will be a condition of consent.

LANDSCAPING

A landscape plan was submitted as part of this application. This plan has been reviewed by Council's Parks Manager who has raised no objections and has recommended conditions.

The site has a number of trees with the majority of them being small in nature. 28 trees will be removed as a result of the proposal. 3 of these are considered to be significant, semi mature eucalyptus. To offset the removal of these trees the applicant has proposed to continue to undertake replanting of the same or similar native species. On site there is evidence that replanting is a common feature of this section of the campus.

SOIL AND WATER MANAGEMENT

The site slopes gently north-west, back towards the rugby fields. A stormwater

management plan was also submitted with the application. This details that a number of diversion and banks and retention basins will be constructed to capture and divert up slope run-off to the appropriate discharge point. The proposal and documentation have been reviewed by Council's Development Engineer who has raised no objections and has recommended conditions.

AMENITY CONSIDERATIONS

The proposed development is considered to be compatible with the existing and likely future character and use of the mixed use locality, in particular the range of services and facilities that are available within the university campus itself.

There will be some noise and vibration impact during the construction of this development however this will only be temporary and can be further mitigated by limiting construction to a particular time of day.

The building will be in use generally from 9am- 5pm, with some student classes operating outside of these hours on the odd occasion. As the proposed development is located solely within the CSU campus with no other adjoining owners, there is not considered to be any amenity considerations.

DEVELOPER CONTRIBUTIONS

The proposed site is subject to contributions to the Jordon Creek Stormwater Management Plan. Monetary contributions in relation to public buildings on land zoned Special uses is calculated on the level of impervious area generated by a development.

As the area of impervious surfaces is still unclear from the plans, Council will require the submission of survey plan prepared by a registered surveyor clearly indicating the final area of the impervious surfaces for the development to enable the relevant contribution to be calculated.

CONSULTATION AND SUBMISSIONS

This proposal did not require exhibition or notification in accordance with Council's exhibition and notification of development application policy under the BRIDCP 2011. Further it did not trigger the notification of any government departments.

At the request of the Department of Primary Industries (adjoining landowner), a copy of the plans and associated documentation were forwarded for review and comment. No issues have been raised.

PUBLIC INTEREST

The proposal is not inconsistent with any relevant published Commonwealth, State or local government policy, plan, guideline, study or strategy.

CONCLUSION

An assessment of the Development Application has been carried out in accordance with Section 79C of the Environmental Planning and Assessment Act. It is considered that the development warrants approval subject to conditions to address the environmental impact.

A copy of the draft conditions of consent are provided at **attachment 4**.

RECOMMENDATION

It is recommended that the JRPP approve Development Application 2012/0378 (2012WES012) subject to those conditions included in this report.