

## COUNCIL ASSESSMENT REPORT

Panel Reference	2017NTH031
DA Number	DA 2017 - 1045
LGA	Port Macquarie-Hastings
Proposed Development	Demolition of Dwelling and Erection of Health Services Facility (Medical Centre)
Street Address	14 Highfields Circuit, Port Macquarie
Applicant/Owner	Idameneo (No.789) Ltd
Date of DA lodgement	23 November 2017
Number of Submissions	Four(4)
Recommendation	For consent subject to conditions
Regional Development Criteria (Schedule 4A of the EP&A Act)	Private and community facilities over \$5 million
List of all relevant s79C(1)(a) matters	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy No.44 – Koala Habitat Protection</li> <li>• State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>• State Environmental Planning Policy No. 64 – Advertising and Signage</li> <li>• State Environmental Planning Policy (Infrastructure) 2007</li> <li>• State Environmental Planning Policy (State and Regional Development) 2011</li> <li>• State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</li> <li>• Development Control Plan 2013</li> <li>• Clause 92 of Environmental Planning and Assessment Regulation</li> </ul>
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> <li>• Architectural plans including amended plan</li> <li>• Arborist Assessment</li> <li>• Ecological Assessment</li> <li>• Acoustic Impact Assessment</li> <li>• Stormwater drawings and Report</li> <li>• Traffic report and additional information</li> </ul>
Report prepared by	Pat Galbraith-Robertson Development Assessment Planner Port Macquarie-Hastings Council
Report date	22 February 2018

### Summary of s79C matters

Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report? **Yes**

### Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**  
*e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP*

### Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Not Applicable**

### Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)? **Not Applicable**  
*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

### Conditions

Have draft conditions been provided to the applicant for comment? **Yes**  
*Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report*

## Executive summary

This report considers a Development Application (DA) for demolition of existing dwelling and construction of health services facility (medical centre) at the subject site. The proposal has been amended during the assessment of the DA following detailed assessment and neighbour notification of the proposal.

The proposal has been amended with regard to the following specific aspects:

- increase to the western side setback to a minimum 1.3m from the original 1.0m side setback

The above changes have been made to respond to the assessment issues raised and submission concerns, particularly by the western neighbour. These changes will provide some additional amenity and improve the space for engineering of required significant retaining walls along the western side of the site.

The proposal has been advertised in accordance with the requirements of the *Environmental Planning and Assessment Regulation 2000*. Following exhibition of the application four (4) written submissions have been received.

This report provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979. The consent authority must be satisfied in relation to a number of provisions in relevant environmental planning instruments applicable to the proposal before granting consent to the development. A detailed assessment of the relevant clauses is noted within the report. A summary is also provided below:

- **Clause 9 of SEPP No 44 – Koala Habitat Protection.** With reference to clauses 6 and 7, the subject land is less than 1 hectare (including any adjoining land under same ownership) and therefore the provisions of SEPP do not require consideration;
- **Clause 7 of SEPP No 55 – Remediation of Land.** A Preliminary Site Investigation has been submitted. This report concludes that the site is considered to have a generally very low risk of contamination and is unlikely to pose an unacceptable risk of harm to human health or the environment in its current condition;
- **Clauses 8 and 13 of SEPP 64 - Advertising and Signage.** The proposed signage has been assessed against the assessment criteria in Schedule 1 and the proposal is acceptable in terms of its likely impacts;
- **Division 10 of SEPP (Infrastructure) 2007.** The proposed health services facility is identified as being a permissible land use subject to obtaining development consent;
- **Clause 7 of SEPP (Vegetation in Non-Rural Areas) 2017.** Clause 9 and 10, the proposal includes removal of trees which require Council approval;
- **Part 4 of Regional Development of SEPP (State and Regional Development) 2011.** The proposal is a Regional Development as defined under Schedule 4A of the Act and the Northern Region Joint Regional Planning Panel is the consent authority for the function of making determination on this DA;

- **Clauses 1.9A, 2.2, 2.3, 2.7, 4.3, 4.4, 5.10 and 7.13 of Port Macquarie-Hastings Local Environmental Plan 2011**

All clauses of this LEP relating to permissibility, height, floor space ratio and satisfactory arrangements for essential services are all complied with.

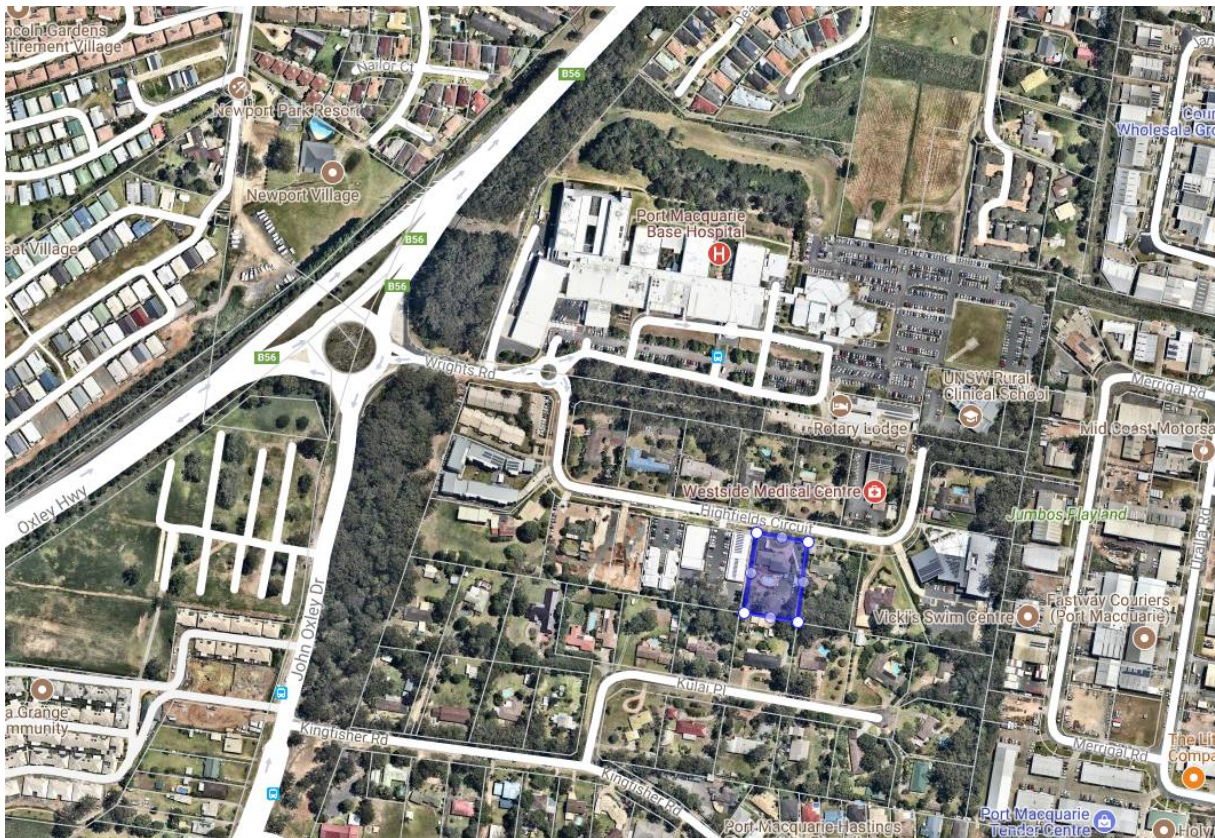
In summary, the assessment of the proposed development has adequately addressed all consent considerations required by the above environmental planning instrument clauses. It is therefore considered that the Panel can proceed with determining the Development Application, subject to the recommended conditions of consent.

## **1. BACKGROUND**

### **Existing sites features and surrounding development**

The site is located on Highfields Circuit, Port Macquarie. The aerial photograph below provides an overview of the site, existing subdivision pattern and location of existing development (source nearmap.com December 2017):





The subject site is known as 14 Highfields Circuit, Port Macquarie, and has the legal description Lot 15 DP 262236 and a total area of approximately 3,524m<sup>2</sup>.

The site has a frontage to Highfields Circuit of 50 metres to the north; a side boundary of 70 metres shared with the dwelling at 16 Highfields Circuit to the east; and a side boundary of 70 metres shared with Macquarie Specialist Centre at 12 Highfields Circuit to the west.

Existing on the site is a detached dwelling-house including integrated garage, in-ground swimming pool, detached garage, and landscaped gardens.

Access to the site is via two crossovers to Highfields Circuit which provide access to a semi-circular driveway of brick paver construction. There is currently no formal pedestrian pathway provided within the verge at the frontage to the property.

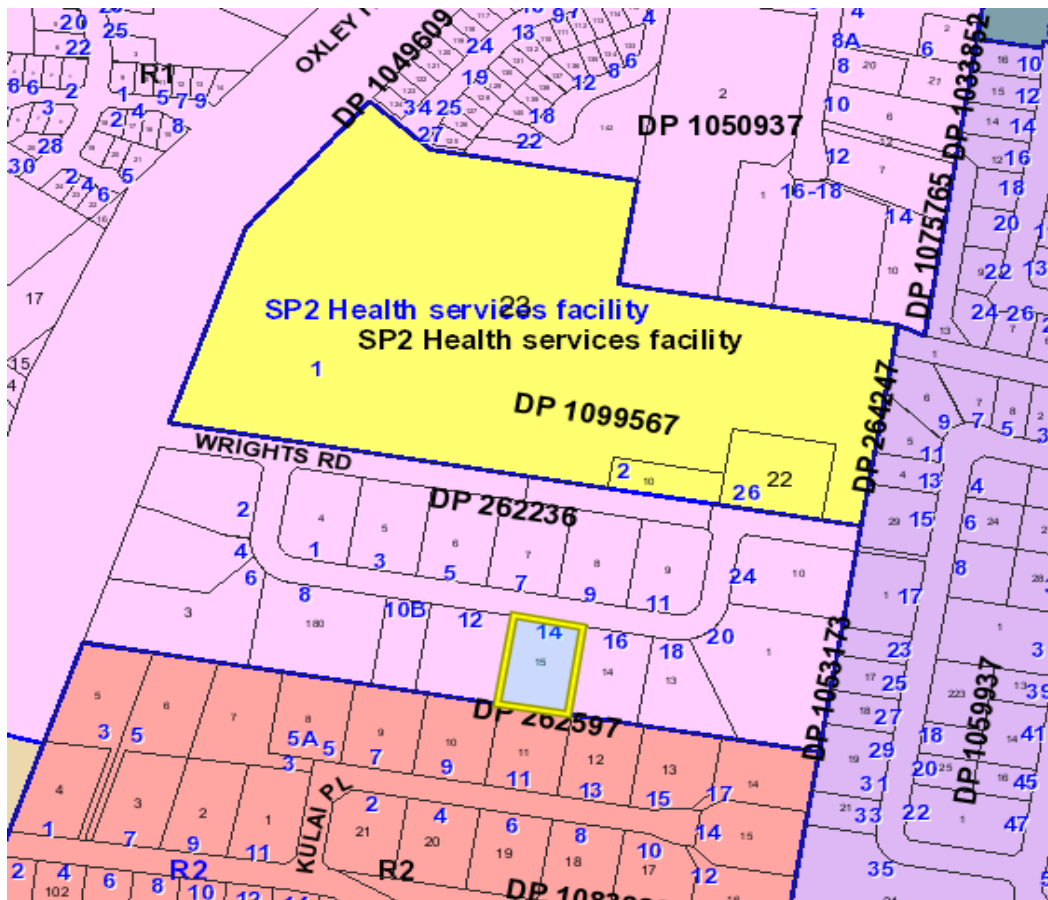
The subject site is serviced by public transport in the form of bus serves between Port Macquarie and the Base Hospital via Wrights Road including Routes 325, 328, 335, and 335W.

The following development surrounds the site:

- North: Development opposite the subject site on the northern side of Highfields Circuit comprises a mix of health services facilities and private dwellings. Further to the north, approximately a five (5) minute walk from the site, is the Port Macquarie Base Hospital complex;
- West: Development to the immediate west of the subject site comprises an approved and recently constructed health services facility. The east-facing elevation of this building is set back from the shared boundary by approximately 1.5 metres. Further to the west are numerous other existing medical uses as well as one under construction at No 10A Highfields Circuit;
- East: Adjoining the site to the east is a private residence in the form of a detached dwelling house. Further to the east is a mix of uses including a health services facility, Highfields Gastroenterology, and educational establishment and UNSW's JHEF Centre (Rural Clinical School);

- South: South of the site is an established low-density residential area comprising Kulai Place and Kingfisher Roads. The site directly adjoins the rear yard of No. 11 Kulai Place. This residential area transitions to a commercial centre, Lake Innes Shopping Village, at the corner of John Oxley Drive and Major Innes Road adjacent to the Charles Sturt University Port Macquarie campus.

The site is currently zoned R1 General Residential, in accordance with the Port Macquarie-Hastings Local Environmental Plan 2011, as shown in the following zoning plan:



## 2. DESCRIPTION OF DEVELOPMENT

In summary the proposed development comprises the following:

- Demolition of existing improvements generally comprising detached dwelling house, in-ground swimming pool, outbuildings (shed) and hardstand area;
- Removal of 18 trees;
- Erection of a single storey medical centre (GFA 1145 sqm), comprising nuclear and medical imaging, pathology, and reception areas;
- Construction of associated at-grade carpark with a total of 54 parking spaces including three (3) accessible spaces as well as an ambulance/ service bay;
- Landscaping works including footpath construction to comply with Council standard (ASD-100).
- Associated infrastructure works, including pump-room and provision for stormwater management including on-site detention.
- Key operational details associated with the proposal include the following:

Hours of Operation 8.00am – 5.00pm Monday-Saturday (inclusive). Saturday by appointment only.

Total staff number:

- o Doctors – 1.5 Full time Equivalent (FTE)
- o Technical (Radiographers, Sonographers, Nuc Med, Nursing) – 13.5 FTE
- o Clerical – 7 FTE

- Private waste contractor employed for the removal all conventional and medical waste

Plans of the proposed development are included in the attachments to this report. As noted earlier in this report, the proposal has been amended to increase the west side setback.

### **Application Chronology**

- 23 November 2017 – DA lodged with Council.
- 1 to 14 December 2017 – Neighbour notification of proposal
- 9 January 2018 – Copy of submissions (redacted form) forwarded to Applicant for consideration
- 19 January 2018 – Additional information received from Applicant including a response to submission issues raised
- 24 January 2018 – Change of Council Assessing Officer for this DA
- 31 January 2018 – Update on assessment provided to Applicant
- 5 February 2018 – Additional information requested from Applicant – question west side setback, retention of tree on east neighbouring property, swept paths vehicles, traffic assessment technical data
- 14 February 2018 – Additional information received from Applicant including an amendment to the west side setback of building.

### **3. STATUTORY ASSESSMENT**

**The provisions (where applicable) of:**

#### **(a)(i) Any environmental planning instrument**

##### **State Environmental Planning Policy No. 44 - Koala Habitat Protection**

With reference to clauses 6 and 7, the subject land is less than 1 hectare (including any adjoining land under same ownership) and therefore the provisions of SEPP do not require consideration. Notwithstanding this, a detailed ecological assessment has been submitted as addressed later in this report. This assessment concludes that assessment of the potential fauna species on the site is unlikely to be significantly impacted by the proposal due to their ecology, the limited vegetation loss associated with the proposal and the mitigation measures proposed within that assessment.

##### **State Environmental Planning Policy No.55 – Remediation of Land**

A Preliminary Site Investigation Report prepared by Martens Consulting Engineers has been submitted. This report concludes that the site is considered to have a generally very low risk of contamination and is unlikely to pose an unacceptable risk of harm to human health or the environment in its current condition.

Following a further search of Council records, the subject land is not identified as being potentially contaminated and is suitable for the intended use.

##### **State Environmental Planning Policy No. 62 – Sustainable Aquaculture**

Given the nature of the proposed development and proposed stormwater controls, the proposal will be unlikely to have any adverse impact on existing aquaculture industries.

##### **State Environmental Planning Policy No. 64 – Advertising and Signage**

The proposal includes three (3) signage zones in limited area as shown on the plans submitted. The proposed signage satisfies the applicable requirements of this SEPP. The

assessment table provided below provides consideration of the signage in accordance with Schedule 1 of the SEPP.

<b>Applicable clauses for consideration</b>	<b>Comments</b>	<b>Satisfactory</b>
Clause 8(a) Consistent with objectives of the policy as set out in Clause 3(1)(a).	The proposed signage is consistent with the objectives of this policy.	Yes
Schedule 1(1) Character of the area.	The signage is consistent with the desired future character of the area and locality as it is limited to the building's purpose and does not protrude above the building.	Yes
Schedule 1(2) Special areas.	The signage will not detract from the amenity or visual quality of any special areas.	Yes
Schedule 1(3) Views and vistas.	The signage will not obscure or adversely impact on any views of vistas.	Yes
Schedule 1(4) Streetscape, setting or landscape.	The signage is proportionate to the building proposed and the site to which it will be installed and will not detract from the streetscape.	Yes
Schedule 1(5) Site and building.	The signage is of a suitable scale and proportion to the site which it's to be located.	Yes
Schedule 1(6) Associated devices and logos with advertisements and advertising structures.	No safety devices or logos nominated.	Yes
Schedule 1(7) Illumination.	No illumination proposed.	Yes
Schedule 1(7) Safety.	No adverse safety impacts identified from the proposed signage.	Yes

### **State Environmental Planning Policy (Infrastructure) 2007**

Clause 57, the proposed health services facility can be carried out in the R1 general residential zone applying to the site.

### **State Environmental Planning Policy (State and Regional Development) 2011**

This policy aims to identify state and regionally significant development or infrastructure and confer functions on Joint Regional Planning Panels.

Clause 20 and 21, regional development is triggered by the development. Schedule 4A to the Act identifies the development for which a regional panel is authorised to exercise the consent authority function.

Clause 6 of schedule 4A reads as follows:

**6 Private infrastructure and community facilities over \$5 million**

*Development that has a capital investment value of more than \$5 million for any of the following purposes:*

- (a) air transport facilities, electricity generating works, port facilities, rail infrastructure facilities, road infrastructure facilities, sewerage systems, telecommunications facilities, waste or resource management facilities, water supply systems, or wharf or boating facilities,*
- (b) affordable housing, child care centres, community facilities, correctional centres, educational establishments, group homes, health services facilities or places of public worship.*

The proposed development meets Clause 6 as the proposal has an estimated construction value greater than \$5 million and is a health services facility.

Clause 21 identifies the Northern Joint Regional Planning Panel as the consent authority. The purpose of this report is to provide an assessment of the Development Application in accordance with section 79C of the Act.

**State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017**

Clause 9 and 10, the proposal includes proposed removal of trees which require Council approval. The removal of these trees is assessed under the flora and fauna section of this report.

**Port Macquarie-Hastings Local Environmental Plan 2011**

Clause 1.9A, for the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose. In this regard, there is historical private restriction from 1981 on the title to require a development of the site to a dwelling and of a restricted size which benefits other landowners within the locality. This provision can be overridden with current planning controls.

Clause 2.2, the subject site is zoned R1 General Residential.

Clause 2.3(2), the consent authority must have regard to the objectives of a zone when determining a Development Application.

The objectives of the R1 General Residential zone are as follows:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposal complies with the objectives as the development is a permissible use and provides a facility to meet the day to day needs of residents.

Clause 2.7 the proposed demolition of the existing dwellings and associated structures on the site is permissible. A suitable demolition condition has been recommended to manage any potential asbestos within these buildings.

Clause 4.3, the maximum overall height of the building above ground level (existing) is 8.3m which complies with the standard height limit of 8.5m applying to the site.

Clause 4.4, the floor space ratio of the proposal is 0.33:1.0 (gross floor area 1145m<sup>2</sup>) which complies with the maximum 0.65:1 floor space ratio applying to the site.

Clause 5.10 of the plan aims to conserve the heritage significance of items, objects and areas identified under this plan. No items of heritage significance are mapped under this plan on the site or within proximity to the site.

Clause 7.13, satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, sewer infrastructure, stormwater drainage and suitable road access to service the development.

The requirements of this LEP are considered to be satisfied.

**(a)(ii) Any proposed instrument that is or has been placed on exhibition**

No draft instruments apply to the site.

**(a)(iii) Any DCP in force**

**Port Macquarie-Hastings Development Control Plan 2013:**

The following tables provide a checklist against the Development Provisions requirements of this DCP.

<b><i>DCP 2013: General Provisions</i></b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
2.7.2.2	Design addresses generic principles of Crime Prevention Through Environmental Design guideline	The layout does not create any crime safety issues. The design allows separation from habitat/concealment areas and allows surveillance of the carpark and street in part. Appropriate lighting can be provided to improve safety as well – subject to a condition that the lighting is not obtrusive.	Yes
2.3.3.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls	Cut and fill >1.0m change 1m outside the perimeter of the external building walls	No*
2.3.3.2	1m max. height retaining walls along road frontage	None proposed	N/A
	Any retaining wall >1.0 in height to be certified by structure engineer	Condition recommended to require engineering certification	Yes
	Combination of retaining wall and front fence height max 1.8m, max length 6.0m or 30% of frontage, fence component 25% transparent, and splay at corners and adjacent to driveway	The eastern side boundary fence is proposed to range in height from 1.0-3.3 metres	No*
2.3.3.8	Removal of hollow bearing trees	No hollow trees proposed to be removed	N/A
2.6.3.1	Tree removal (3m or higher with 100mm diameter trunk at 1m above ground level and 3m from external wall of existing dwelling)	Tree removal applied for and addressed later in this report	Yes

<b>DCP 2013: General Provisions</b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
2.4.3	Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace protection, Noise and Stormwater	Refer to main body of report.	
2.5.3.2	New accesses not permitted from arterial or distributor roads	No new access proposed to arterial or distribution road.	N/A
	Driveway crossing/s minimal in number and width including maximising street parking	Driveway crossing minimal in width including maximising potential for street parking	Yes
2.5.3.3	Parking in accordance with Table 2.5.1. 3 per consultant + 1 per 2 employees 13.5 consultants x 3 = 40 7 x 0.5 – 3.4 (4) Total = minimum 44 required	54 parking spaces proposed	Yes
2.5.3.11	Section 94 contributions	Refer to main body of report.	
2.5.3.12 and 2.5.3.13	Landscaping of parking areas		N/A
2.5.3.14	Sealed driveway surfaces unless justified	Sealed driveway proposed	Yes
2.5.3.15 and 2.5.3.16	Driveway grades first 6m or 'parking area' shall be 5% grade with transitions of 2m length	Driveway grades capable of satisfying Council standard driveway crossover requirements. Condition recommended for section 138 Roads Act permit	Yes
2.5.3.17	Parking areas to be designed to avoid concentrations of water runoff on the surface.	Proposed stormwater management systems satisfies all relevant standards and requirements.	Yes

The proposal seeks to vary the Development Provision relating to the performance based cut and fill regrading associated with the building (outside 1m of the building itself) and carpark (fill on east side).

The relevant objectives are:

*To ensure that design of any building or structure integrates with the topography of the land to:*

- *Minimise the extent of site disturbance caused by excessive cut and fill to the site.*
- *Ensure there is no damage or instability to adjoining properties caused by excavation or filling.*
- *Ensure that there is no adverse alteration to the drainage of adjoining properties.*
- *Ensure the privacy of adjoining dwellings and private open space are protected.*
- *Ensure that adequate stormwater drainage is provided around the perimeter of buildings and that overflow paths are provided.*

Having regard for the development provisions and relevant objectives, the variation is considered acceptable for the following reasons:

- Due to the existing topography of the land and the need to provide appropriate levels for access to the both the proposed health services facility and associated carpark the proposal does not strictly comply. Retaining walls to a maximum height of 3.0 metres are proposed on the western side of the site.
- There are no adverse stormwater impacts identified.
- The floor levels are set lower than the western neighbour to where there is significant cut (outside 1m of the immediate building envelope noting there is a 1.3m west side setback).
- The additional fill height on the eastern section of the site will be unlikely to result in any identifiable adverse impacts to the eastern neighbour particularly noting the fencing proposed, orientation of the site and existing building locations.
- A condition is recommended to require the cut to be stabilized appropriately with appropriately designed engineered retaining walls.

The proposal seeks to vary Development Provision relating to the performance based combined retaining wall and fence height associated with the carpark. The image below shows a representation of how this will appear as constructed within the immediate context when viewed from an elevated position from the east looking west:



The relevant objectives are:

- *To ensure retaining walls are functional, safe and positively contribute to the development and/or the streetscape.*

Having regard for the development provisions and relevant objectives, the variation is considered acceptable for the following reasons:

- Due to the existing topography, the eastern side boundary fence is proposed to range in height from 2.0-3.3 metres (2 m high fencing on a wall shown on plans). However, fence height is greatest adjacent to the garage on the neighbouring property at 16 Highfields Circuit to the east and is therefore anticipated to have minimal visual impact.
- The additional fill height on the eastern section of the site will be unlikely to result in any identifiable adverse impacts to the eastern neighbour particularly noting the fencing proposed and orientation of the site.

Based on the above assessment, the variations proposed to the provisions of the DCP are considered acceptable and the relevant objectives have been satisfied. Cumulatively, the variations do not amount to an adverse impact or a significance that would justify refusal of the application.

**(a)(iii)(a) Any planning agreement or draft planning agreement**

No planning agreement has been offered or entered into relating to the site.

**(a)(iv) Any matters prescribed by the regulations**

**Demolition of buildings AS 2601 – Clause 92**

Demolition of the existing building on the site is capable of compliance with this Australian Standard and is recommended to be conditioned.

**(a)(v) Any Coastal Zone Management Plan**

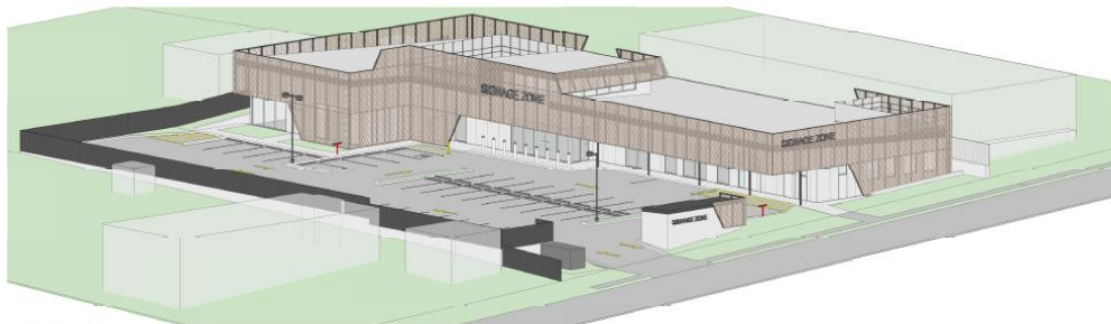
No Coastal Zone Management Plan applies to the subject site.

**(b) The likely impacts of that development, including environmental impacts on both the natural and built environments and the social and economic impacts in the locality**

**Context and Setting**

With regard to the likely impact on the existing streetscape the proposal is technically not subject to the front setback controls under Development Control Plan 2013. The proposal has however adopted a typical minimum 4.5m front setback alignment for the main building and provided satisfactory landscaping in front of the open at-grade carparking areas.

As shown below, the proposal has also had regard to addressing the satisfactorily addressing the street.



The building placement has also had satisfactory regard to the other existing developments in the locality and therefore the proposal will be unlikely to result in adverse impacts to the streetscape.

The proposal has been amended during the assessment the application to increase the western side setback to a minimum 1.3m setback. This was in response to initial assessment issues identified and to respond to the neighbour's concerns raised during the neighbour notification process. The side and rear setbacks are considered acceptable with regard to the east, south and west boundaries of the site.

The proposal will be unlikely to have any adverse impacts to existing adjoining properties and satisfactorily addresses the public domain.

The proposal is considered to be consistent with other residential development in the locality and adequately addresses planning controls for the area as justified.

The proposal will not have a significant adverse impact on existing view sharing.

The proposal will not have significant adverse lighting impacts subject to compliance with the recommended conditions.

There are no significant adverse privacy impacts to the immediately adjoining neighbouring properties. Adequate building separation and tenancy is proposed/existing.

There are no identifiable no adverse overshadowing impacts. The proposal does not prevent adjoining properties with residential occupation (note western neighbour is an effective commercial use) from receiving 3 hours of sunlight to private open space and primary living areas on 21 June.

## **Roads**

The site has direct frontage to Highfields Circuit, a Council-owned and maintained Local street with a sealed width of 8m within a 20m wide road reserve. The road is bordered by upright (SA) type kerb and gutter on both sides. An existing traffic count (from 2017) on Highfields Circuit near the site indicates an Annual Average Daily Traffic (AADT) around 1700 vehicles per day is likely, or approximately 170 each peak hour, inbound and outbound combined.

A 1.2m wide concrete footpath has been progressively extended along Highfields Circuit in connection with neighbouring medical and residential developments in recent times. In accordance with Council's policies and standards a footpath will be required along the full frontage of this site to cater for the resulting increase in pedestrian traffic.

Highfields Circuit meets Wrights Road 300m by road northwest of the site, in front of the Port Macquarie Base Hospital. Wrights Road is also Council-owned and maintained but has no hierarchy classification in Council's asset database. Despite this, a recent traffic count (2017) indicates an AADT of 6300 trips per day or 630 each peak hour, which is in a high range for urban roads indicating an important distributor road which comprises the only public access to the hospital precinct. It has a carriageway width of 9m being two-lane flow with line marked shoulders within a 20m wide road reserve.

A further 150m west, Wrights Road joins the Oxley Highway and John Oxley Drive, at a key signalised roundabout which is an arterial gateway to the city of Port Macquarie.

## **Trip Generation**

The site is currently considered to generate approximately 7 to 9 trips per day being the rate assigned to a single residential dwelling in the RMS *Guide to Traffic Generating Developments* (2002) and from Council studies locally. The proposal will demolish the dwelling so a credit of (-)7 to 9 trips per day is recognised, or (-)1 trip during the peak hour.

A Traffic Impact Assessment (TIA) authored by TTM dated 20/11/2017 was lodged as part of the development application, consistent with pre-lodgement advice received from Council. A supplementary report was lodged 14/02/2018 in response to Council queries.

In terms of trip generation, the TIA has adopted a rate of 2.2vph / 100sqm using the RMS guidance for medical centres associated with shopping centres. For the proposed 1084 sqm of Gross Floor Area this is a total of 24 vehicles per hour (inbound and outbound combined).

Council staff have not adopted this rate as the RMS Guide rate for extended hours medical centres is considered more appropriate, at 4.4 to 19 (mean 10.4) trips per hour during the 9am – 12noon peak period. This would equate to 48 to 205 trips (mean 113).

To check this range, it could be assumed that each consultant (of which there are estimated to be 1.5 doctors and 12 technical staff totalling 13.5 FTE) might generate 6 trips during each peak hour (3 inbound and 3 outbound patients). This is a total of 81 trips. From this rate, the existing dwelling credit of 1 trip per hour is deducted. Council staff has therefore adopted a total of 80 trips per hour (inbound and outbound combined) as a more likely estimate for the AM and PM peaks.

### Wrights Road Roundabout

A key concern for this development precinct is traffic impacts at the intersection of the Oxley Highway and Wrights Road. Existing traffic was surveyed by TTM on Thursday 26/10/2017 and the peak hours were found to be 7:15-8:15am and 3:30-4:30pm. The number of trips on the Wrights Road leg of the roundabout totalled 556 in the AM peak hour and 605 trips in the PM peak hour. These counts broadly coincide with recent traffic counts by Council which indicate an Annual Average Daily Traffic of 6300 trips on Wrights Road (total for westbound and eastbound).

Trip generation rates for existing approved developments which have not yet commenced operation (and therefore are not represented in the existing traffic counts) are summarised in the below table (vph = vehicles per hour). These rates have been adapted from previous TIAs.

Comment	AM peak vph	PM peak vph
2017 count Wrights Rd	410 in / 146 out	197 in / 408 out
DA2013/0005: 2 Wrights Rd, 24 short term units	19 in / 5 out	19 in / 12 out
DA2016/0701: 1 Highfields Cct, Seniors Living	35 in / 25 out	25 in / 35 out
DA2013/0625: 8 Highfields, 2600sqm Medical	135 in / 135 out	135 in / 135 out
<b>SUBTOTAL Wrights Rd</b>	<b>599 in / 311 out</b>	<b>376 in / 590 out</b>
DA2017/1045: 14 Highfields, Current Proposal	56 in / 24 out	24 in / 56 out

Analysis of roundabout capacity (using SIDRA software) was performed by TTM to demonstrate the impacts of the proposed development. With existing traffic and approved developments to date, vehicles on the southern leg of the roundabout experience significant delays and queuing during peak hours. Other legs of the roundabout including traffic exiting Wrights Road still function with minimal delay, as they have priority over the southern leg.

The results of the model appear to be prone to variation depending on assumptions, and underestimate queue lengths compared with observation in the field. The model has also not accounted for effects of the existing signalisation ('metering') of the southern leg. But, they sufficiently indicate that additional queuing on the southern leg (John Oxley Drive) resulting from the proposed development will not be significant compared with the overall traffic flows using the roundabout, being in the order of 30m (5 cars) in the AM peak and 20m (4 cars) in the PM. The worsening delays are a symptom of a broader capacity issue at the roundabout which is for the RMS and Council to strategically fund and upgrade at a regional level.

### Traffic in Highfields Circuit

As discussed above, the Highfields precinct has been subject to growth in traffic demand as it develops into a medical and education precinct. As it was originally designed as a residential subdivision, the existing road pavement in Highfields Circuit is now in very poor condition as a result of heavy truck movements associated with both construction and service vehicles. The incremental development of properties along this road presents challenges for the provision of pavement widening and strengthening, and an equitable funding mechanism is needed. Having regard to the proposed traffic increase and previous approved developments, this issue is not for the current developer to resolve. Council and

future interested parties will consider strategic mechanisms to upgrade road infrastructure within the precinct, and/or apply s94 contributions funding towards this aim if appropriate.

## Access and Parking

Vehicle access to the site is proposed through a single commercial width driveway. The Applicant provided the following parking calculations with reference to Council's DCP 2013 rates:

Land-Use	No./GFA	Rate	Standard	Provision
Health Services Facilities – Medical Centers	13.5 consultants 7 employees	3 spaces per consultant 1 space per two employees	40 spaces 4 spaces	53 spaces
Total			44 spaces	53 spaces

For comparison, using the parking survey data for extended hours medical centres in the RMS guide, a rate of 1 parking space per 25sqm GFA is obtained, which equates to 44 spaces for this facility – the same minimum requirement as Council's DCP.

54 onsite parking spaces are proposed including two disabled spaces compliant with AS 2890.6, but do not include an onsite parking area for ambulance transfers which has also been provided.

Parking and driveway widths on site can comply with relevant Australian Standards (AS 2890) and Council's AUSPEC, and conditions have been imposed to reflect these requirements.

Due to the type of development, car park circulation is required to enable vehicles to enter and exit the site in a forward manner. Site plans show adequate area is available and conditions have been imposed to reflect these requirements.

## Water Supply Connection

Council records indicate that the development site has an existing 20mm metered water service. Final water service sizing will need to be determined by a hydraulic consultant to suit the domestic and commercial components of the development, as well as fire service and backflow protection requirements in accordance with AS3500.

Water supply modelling indicates that the 100mm water main must be augmented to 150mm diameter pipe from the eastern boundary of Lot 180 to the eastern boundary of Lot 15 (approximately 135 metres). The water supply augmentation works is to occur at no cost to Council.

Refer to relevant conditions of consent.

## Sewer Connection

Council records indicate that the development site is connected to Sewer via junction to the existing sewer line that runs inside the southern property boundary. The proposed development shall discharge all sewage to a proposed sewer manhole. Any alterations to existing sewer infrastructure is to occur at no cost to Council.

Refer to relevant conditions of consent.

## Stormwater

The site naturally grades towards the Highfields Circuit frontage to the northeast of the site and is currently not serviced by any public stormwater pipe. The nearest public pit is approximately 100m east of the site which was constructed as part of the original residential land subdivision.

Council's Stormwater Standards stipulate that commercial developments of this scale are to extend public stormwater lines at no cost to Council up to 80m to serve the site. The legal point of discharge for the proposed development is defined as an extension from Council's stormwater pipeline in Highfields Circuit to provide a piped connection to the site, noting however that part of the cost in proportion to any public benefit may be redeemable as Works In Kind in an offset against s94 contributions, subject to merit and negotiation with Council.

A detailed site stormwater management plan will be required to be submitted for assessment with the S.68 application and prior to the issue of a CC. The applicant's concept plan provided with the DA is consistent includes a piped connection to the site and demonstrates that all stormwater requirements can be satisfied. In accordance with Council's AUSPEC requirements, the following must also be provided onsite:

- On site stormwater detention facilities
- Water quality controls as the site exceeds 2500 sqm in area.

Refer to relevant conditions of consent.

### **Other Utilities**

Telecommunication and electricity services are available to the site.

### **Heritage**

Following a site inspection (and a search of Council records), no known items of Aboriginal or European heritage significance exist on the property. No adverse impacts anticipated.

### **Other land resources**

The site is within an established urban context and will not sterilise any significant mineral or agricultural resource.

### **Water cycle**

The proposed development will be unlikely to have any adverse impacts on water resources and the water cycle.

### **Soils**

The proposed development will be unlikely to have any adverse impacts on soils in terms of quality, erosion, stability and/or productivity subject to a standard condition requiring erosion and sediment controls to be in place prior to and during construction.

### **Air and microclimate**

The construction and/or operations of the proposed development will be unlikely to result in any adverse impacts on the existing air quality or result in any pollution. Standard precautionary site management condition recommended.

### **Flora and fauna**

A total of 34 trees (including stands) have been identified within the boundaries of the site including one planted tree (T6) of threatened plant species. Removal of 18 trees/groups including three (2) high retention value trees, 0 medium retention value trees and 16 low retention value trees are proposed – as identified in the submitted Arborist Report has been submitted by Woodvale Tree Services.

Although one tree, T6, has been identified as an 'other browse species' of koala feed trees, this tree is planted, displays poor vigour and declining vitality; and unlikely to recover. The site has not been identified as protected via SEPP 44.

An Ecological Report prepared by NatureCall Environmental has been submitted. The assessment within the Ecology Report has concluded that assessment of the potential fauna

species on the site were unlikely to be significantly impacted by the proposal due to their ecology, the limited vegetation loss associated with the proposal and the mitigation measures proposed within that assessment. The mitigation measures include, but are not limited to, general clearing restrictions, pre-clearing survey, landscaping and external lighting. An appropriate condition is recommended in this regard.

A landscape plan prepared by Taylor Brammer landscape architects has been submitted which is considered satisfactory.

The Arborist Assessment has identified also a neighbouring trees to the east, particularly 1 large Tallowwood, which are recommended to be retained. The following recommendations are made by the Arborist and an appropriate condition is recommended to require compliant with the recommendations including but not limited to the below:

- *Construction methods of the carpark, substation and waste area are to be of pier with above current grade beam construction which must have flexible installation points of the piers, the location of the piers are to be approved or declined by the project arborist as to avoid any significantly diameter root system. This may or may not incorporate the use of preliminary non-invasive excavation by the project arborist to determine suitable pier locations.*
- *The OSD stormwater tank must be installed and located at a minimal distance from trees 21-34 so as to only encroach on TPZs by 10% maximum.*

Construction of the proposed development has been assessed to not propose/require any removal/clearing of any significant vegetation and therefore will be unlikely to have any significant adverse impacts on biodiversity or threatened species of flora and fauna. Section 5AA of the Act is considered to be satisfied.

## **Waste**

Satisfactory arrangements are in place for proposed storage and collection of waste and recyclables. No adverse impacts anticipated. Standard precautionary site management condition recommended.

## **Energy**

The proposal includes measures to address energy efficiency and will be required to comply with the requirements of Section J of the Building Code of Australia. No adverse impacts anticipated.

## **Noise and vibration**

The proposed hours of operation are 8.00am – 5.00pm Monday-Saturday (inclusive). Saturday by appointment only.

Appropriate site-specific noise criteria for the proposal have been determined in accordance with the NSW Industrial Noise Policy, as set out in Table 4-2 of the Preliminary Noise & Vibration Assessment Report prepared by Wilkinson Murray. During the detailed design phase, noise emission allowances for each mechanical plant item will be calculated to ensure compliance with the criteria. This can be addressed via Council's standard conditions of consent.

The adoption of standard engineering noise controls, such as silencers, barriers and lined ducts, can be adopted to mitigate any future noise emissions associated with plant.

No adverse impacts anticipated. The proposed hours of operation are acceptable and a condition is recommended to restrict construction to standard construction hours.

## **Bushfire**

The site is not identified as being bushfire prone.

## **Safety, security and crime prevention**

The proposed development will be unlikely to create any concealment/entrapment areas or crime spots that would result in any identifiable loss of safety or reduction of security in the immediate area.

## **Social impacts in the locality**

The proposal will deliver a health services facility in support of an existing cluster of health-related uses anchored by the Port Macquarie Base Hospital. The proposal will broaden the range of health services available to local residents and the broader Port Macquarie community to the benefit of the population.

The proposal therefore is considered to have a positive impact in terms of social impacts.

## **Economic impact in the locality**

No adverse impacts. A likely positive impact is that the development will maintain employment in the construction industry, which will lead to flow impacts such as expenditure in the area.

## **Site design and internal design**

The proposed development design satisfactorily responds to the site attributes and will fit into the locality. No adverse impacts likely.

## **Construction**

A National Construction Code (NCC) Assessment Report prepared by Certis Building Certification has been submitted with the DA. The Report concludes that the proposal is capable of compliant with the NCC and a condition is required to require compliance with this Code.

No potential adverse impacts identified to neighbouring properties with the construction of the proposal subject to conditions requiring engineering certification and a dilapidation report being prepared.

## **Cumulative impacts**

The proposed development is not expected to have any adverse cumulative impacts on the natural or built environment or the social and economic attributes of the locality.

## **(c) The suitability of the site for the development**

The proposal will fit into the locality and the site attributes are conducive to the proposed development.

All potential site constraints have been adequately addressed and appropriate conditions of consent recommended where required beyond what is proposed by the Applicant.

## **(d) Any submissions made in accordance with this Act or the regulations**

Key issues raised in the four (4) submissions received and assessment comments in response to these issues are provided as follows:

<b>Submission Issue/Summary</b>	<b>Planning Comment/Response</b>
<b><u>11 Kulai Place</u></b>	
Construction, material, and colour of	The Applicant has provided additional

dividing fence proposed at the southern (rear) boundary not specified.	information in response that details regarding boundary treatment are provided by the architectural drawing set prepared by BN Group (A06.02 [DA-B]). The southern boundary fence is proposed to be constructed of profiled metal sheet fencing (Colorbond or similar) at a height of 1.8 metres. Although not shown in the materials schedule, the proposed colour is Dulux Domino. This is considered to be an acceptable response.
Light spill as a result of security lighting in the evening hours.	Lighting design is to be resolved at the construction certification stage. Appropriate treatment to avoid light spill can be ensured via Council's standard conditions of consent.
Health issues for residents arising as a result of radiation use.	The Applicant has provided satisfactory additional advice that concludes that the radiation levels that will be experienced at the nearest receiver will be well within EPA regulations and well below the naturally occurring radiation levels, posing a negligible health risk.
Acoustic impacts of vehicle reverse alarms during construction phase	Standard conditions are recommended and appropriate site-specific noise criteria for the proposal have been determined in accordance with the NSW Interim Construction Noise Guideline, as set out in Table 4-5 of the Preliminary Noise & Vibration Assessment Report prepared by Wilkinson Murray. As part of the process for appointing a head contractor, the Applicant has advised that a Construction Management Plan will be prepared to address issues such as appropriate use of reversing warning alarms to ensure compliance with the criteria. The issues raised have been satisfactorily addressed subject to compliance with the recommended conditions.
Removal of two (2) large gum trees.	<p>It is not clear to which trees the submission refers. Three trees belonging to the Eucalyptus genus are proposed for removal, namely, two Northern Grey Ironbarks (Trees 3 &amp; 5) and a peppermint gum (Tree 6).</p> <p>Tree 3 is identified as of low significance with a short useful life expectancy due to a suppressed canopy and reactive trunk bulge growth.</p> <p>Tree 5 is identified as being of high significance with a long useful life expectancy. Due to its location internal to the site the tree falls within the construction/ building footprint of the proposal. The Arboricultural Impact Assessment prepared by Woodvale Tree Services concludes that, on balance, replacement is favourable above re-design. The concept landscape plan</p>

	<p>prepared by Taylor Brammer includes nine (9) replacement native trees.</p> <p>Tree 6 is identified as being of poor health and unlikely potential to recover following climber/vine strangulation (canopy approximately 70% necrotic).</p>
<b><u>12 Highfields Circuit (form letters)</u></b>	
Loss of solar access to meeting rooms and staff rooms	<p>The proposal has been amended during the assessment of the application to increase the western side setback to a minimum 1.3m setback. This was in response to initial assessment issues identified and to respond to the neighbour's concerns raised during the neighbour notification process.</p> <p>The proposed building provides a compliant setback from the eastern boundary shared with 12 Highfields Circuit and sits well within the permissible height limit of 8.5 metres, which is sufficient to enable construction of a two-storey building while only a single storey structure is proposed. A skillion roof form is proposed to concentrate building bulk toward the centre of the site. In addition, the decorative parapet proposed to screen rooftop plant is constructed of perforated metal sheeting designed to enable approximately 30% of direct sunlight to penetrate through to the openings at No. 12 Highfields Circuit.</p> <p>An additional axonometric solar study prepared by BN Group has been submitted which satisfactorily demonstrates additional overshadowing generated by the proposal is generally minimal. At mid-winter some overshadowing occurs in the morning hours before 11AM. Overshadowing is greatest in respect of the northernmost opening, the recessed alcove of which is overshadowed at 8AM. However, the adjacent louvered window at this opening will continue to receive direct sunlight between 8-9AM until it is overshadowed by the proposed building at 10AM and then by <i>existing shadows</i> cast by the building at No. 12 from 11AM.</p> <p>The central and southernmost openings to this elevation will continue to receive sunlight between 8-10AM until they become overshadowed from 11AM by <i>existing shadows</i> cast by the existing building at No. 12 Highfields Circuit.</p> <p>It is important to note, the level of overshadowing generated by a compliant two-storey development would significantly exceed that currently proposed.</p>
Health issues arising for users of	The Applicant has provided additional

neighbouring medical practice, which includes a Sleep Laboratory, as a result of radiation use.	information which satisfactorily advises that the likely radiation levels that will be experienced at the nearest receiver will be well within EPA regulations, posing a negligible health risk.
Acoustic impacts generated by rooftop plant.	<p>Appropriate site-specific noise criteria for the proposal have been determined in accordance with the NSW Industrial Noise Policy, as set out in Table 4-2 of the Preliminary Noise &amp; Vibration Assessment Report prepared by Wilkinson Murray. During the detailed design phase, noise emission allowances for each mechanical plant item will be calculated to ensure compliance with the criteria. This can be addressed via Council's standard conditions of consent.</p> <p>The adoption of standard engineering noise controls, such as silencers, barriers and lined ducts, can be adopted to mitigate any future noise emissions associated with plant.</p>
Loss of outlook currently available from 12 Highfields Circuit due to the height, location and proximity of the proposed structure.	<p>The proposal is for a single-storey building where existing planning controls allow for a multi-storey development. Further, the Applicant has chosen to locate the proposed building adjacent to the western boundary (rather than the eastern boundary) to minimise potential impacts on more sensitive residential uses to the east. The proposal is compliant in both height and setbacks and is consistent with other existing and recently approved developments along Highfields Circuit, including No. 12.</p> <p>It is important to note, the level of impact generated by a compliant two-storey development would significantly exceed that currently proposed and the western side setback has now been increased to 1.3m from the original 1.0m setback proposed.</p>

### **(e) The public interest**

The proposed development satisfies relevant planning controls, including well justified variations to objective based development control provisions, and is not expected to impact on the wider public interest.

### **Ecologically Sustainable Development and Precautionary Principle**

Ecologically sustainable development requires the effective integration of economic and environmental considerations in decision-making processes.

The four principles of ecologically sustainable development are:

- the precautionary principle,
- intergenerational equity,
- conservation of biological diversity and ecological integrity,
- improved valuation, pricing and incentive mechanisms.

Consideration of the proposal in relation to the ESD principles have been applied in the assessment of the environmental impacts of the development. In particular, while providing additional medical opportunities, much of the site will be protected and rehabilitated in nominated environmental lands.

#### **4. DEVELOPMENT CONTRIBUTIONS**

- Development contributions will be required towards augmentation of town water supply and head works and sewer services headworks under Section 64 of the Local Government Act 1993.
- Development contributions will be required under Section 94A of the Environmental Planning and Assessment Act 1979.

Refer to recommended contribution conditions and contribution estimate attached to the report.

#### **5. CONCLUSION**

The application has been assessed in accordance with Section 79C of the Environmental Planning and Assessment Act 1979.

Issues raised during assessment of the application have been considered and where relevant, conditions have been recommended to manage the impacts attributed to these issues.

The site is suitable for the proposed development, is not contrary to the public's interest and will not have a significant adverse social, environmental or economic impact. Consequently, it is recommended that the application be approved, subject to the recommended conditions of consent provided in the attachment section of this report.