

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSHCC-154
DA Number	DA2022/0943
LGA	MidCoast Council
Proposed Development	<p>Alterations and additions to existing health services facility (Private Hospital):</p> <ul style="list-style-type: none"> • Demolition of parts of the existing facility and car parking; • Internal reconfiguration of parts of the existing facility; • Inclusion of a new rehabilitation ward, including 12 new beds; • Inclusion of new mental health ward comprising 32 additional beds; • New vehicle ingress and egress arrangements and 44 space car park within the western section of the site; • Additional 22 car parking spaces within the north-eastern corner of the site; • Landscaping of the site; • Provision of necessary services and infrastructure.
Street Address	<p>Lot 1 DP 808421 2 Potoroo Drive TAREE NSW 2430</p>
Applicant/Owner	<p>Applicant: SLR Consulting Australia Pty Ltd Owner: Ram Medical Property Nominees Pty Ltd</p>
Date of DA lodgement	2 September 2022
Total number of Submissions Number of Unique Objections	One
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)	Pursuant to Schedule 6 of State <i>Environmental Planning Policy (Planning Systems) 2021</i> the proposal is a health services facility with a capital investment value over \$5 million.
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • <i>Environmental Planning and Assessment Act 1979</i> • <i>Environmental Planning and Assessment Regulation 2021</i> • <i>Rural Fires Act 1997</i> • <i>State Environmental Planning Policy (Planning Systems) 2021</i> • <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> • <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> • <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> • <i>Greater Taree Local Environmental Plan 2010</i> • <i>Greater Taree Development Control Plan 2010</i>

	<ul style="list-style-type: none"> Greater Taree Section 94A Development Contributions Plan
List all documents submitted with this report for the Panel's consideration	<p>Attachment A – Development Plans</p> <p>Attachment B – Statement of Environmental Effects</p> <p>Attachment C – Landscape Plans</p> <p>Attachment D – Stormwater Plans</p> <p>Attachment E – Bush Fire Report</p> <p>Attachment F – Traffic Report</p> <p>Attachment G - Applicant's Response to RPP Concerns</p> <p>Attachment H – Waste Management Plan</p> <p>Attachment I – Civil Plans</p> <p>Attachment J – BCA Report</p> <p>Attachment K – NSW RFS BFSA</p> <p>Attachment L – DCP Compliance Table</p> <p>Attachment M – Conditions of Consent</p>
Clause 4.6 requests	Nil
Summary of key submissions	<p>Parking</p> <p>Stormwater</p>
Report prepared by	Ben Lim-Cooper, Senior Development Planner MidCoast Council
Report date	28 June 2023

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 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?
e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP **Yes**

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 (S7.24)?
Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions **No**

Conditions

Have draft conditions been provided to the applicant for comment?
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 **No**

EXECUTIVE SUMMARY

Consent is sought for alterations and additions to an existing health services facility at Lot 1 DP 808421, 2 Potoroo Drive TAREE NSW 2430.

Specifically, the proposed development includes:

- Demolition of parts of the existing facility and car parking;
- Internal reconfiguration of parts of the existing facility;
- Inclusion of a new rehabilitation ward, including 12 new beds;
- Inclusion of new mental health ward, including 32 additional beds;
- New vehicle ingress and egress arrangements and 44 space car park within the western section of the site;
- Additional 22 car parking spaces within the north-eastern corner of the site;
- Landscaping of the site;
- Provision of necessary services and infrastructure.

The land currently has consent (610/2009/DA) for Torrens title subdivision of the land into four lots and Strata subdivision of an existing medical centre located on the site.

The application is referred to the Hunter and Central Coast Regional Planning Panel as the application is for a health services facility with a capital investment value over \$5 million.

Two briefings were held the Hunter and Central Coast Regional Planning Panel. The site was inspected by both Council's assessing officer and the Panel.

The application as originally made was exhibited from 7 September 2022 to 18 October 2022. As a result, the application received a single submission. Whilst the application has been the subject of amendments throughout the assessment process, the changes were in direct response to either Council's or the Panel's requests for additional information. The amendments did not result in any additional environmental or amenity impacts beyond those considered in the assessment of the original proposal and, therefore, were not re-exhibited in accordance with Council's Community Engagement Strategy.

The development is identified as 'integrated development' requiring approval from the NSW Rural Fire Service pursuant to s.100B of the Rural Fires Act 1997. The NSW RFS have granted approval to the development.

The application was also referred to Essential Energy for comment.

The development has been assessed against applicable State, Regional, and Local Environmental Planning Instruments and Policies, including:

- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2021*
- *Rural Fires Act 1997*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *Greater Taree Local Environmental Plan 2010*
- *Greater Taree Development Control Plan 2010*
- *Greater Taree Section 94A Development Contributions Plan.*

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within Attachment M.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

It is recommended that the Panel determine Development Application 2022/0943 for alterations and additions to existing health services facility at Lot 1 DP 808421, 2 Potoroo Drive TAREE NSW 2430, pursuant to Section 4.16 of the Environmental Planning & Assessment Act 1979, by approving to grant consent subject to conditions of consent contained within Attachment M.

1. THE SITE AND LOCALITY

The subject site is located approximately 4 kilometres north-west of the Taree CBD and comprises an existing health precinct. The site is legally described as Lot 1 DP 808421, 2 Potoroo Drive TAREE NSW 2430.

The site is irregular in shape and has a total area of 8.3 hectares.

Potoroo Drive forms the eastern, northern and western frontages of the site.

The site is occupied by several buildings which are occupied by a private hospital and other specialist medical facilities within the northern section of the site. Two car parks associated with the existing development are located on the site. The southern portion of the site is vacant of any structures.

The land maintains a north-westerly aspect, with the land sloping from the south-eastern corner toward the north-western frontage of the site. The site levels range from 46m AHD to 24m AHD.

The northern section of the site is clear of any significant vegetation with the exception of a few mature trees and landscaped areas. The southern section of the site contains vegetation comprising mature trees with a clear understorey.

All surrounding lands comprise semi-rural residential lots occupied by dwellings.

The site is identified as bush fire prone land.

The site contains no heritage items, is not in a heritage conservation area, and is not in close proximity to an aboriginal heritage item, as confirmed through an Aboriginal Heritage Information Management System (AHIMS) search.

The site is not burdened by any easements or restrictions.



Figure 1 – Locality Map (Source Intramaps)



Figure 2 - Site Layout Map (Source: Intramaps)

2. SITE HISTORY

A review of Council's records reveals the site was established as a medical precinct following approval for a private hospital granted under Development Application 148/1995/DA on 3 August 1995.

Additions to the private hospital were approved and constructed between 1999 – 2005.

A proposal for subdivision of part of the land into 44 lots and construction of 43 dwellings was refused under Development Application 449/2008/DA on 12 February 2009.

Subdivision of the land and strata subdivision of an existing medical centre was approved under Development Application 610/2009/DA on 2 July 2009.

Further health services facilities were approved on the land under Development Application 327/2010/DA on 4 February 2010.

3. THE PROPOSAL AND BACKGROUND

3.1 The proposal

The application seeks consent for alterations and additions to an existing health services facility. Specifically, the proposed development includes:

- Demolition of parts of the existing facility and car parking;
- Internal reconfiguration of parts of the existing facility;
- Inclusion of a new rehabilitation ward, including 12 new beds;
- Inclusion of new mental health ward comprising 32 additional beds;
- New vehicle ingress and egress arrangements and 44 space car park within the western section of the site;
- Additional 22 car parking spaces within the north-eastern corner of the site;
- Landscaping of the site;
- Provision of necessary services and infrastructure.

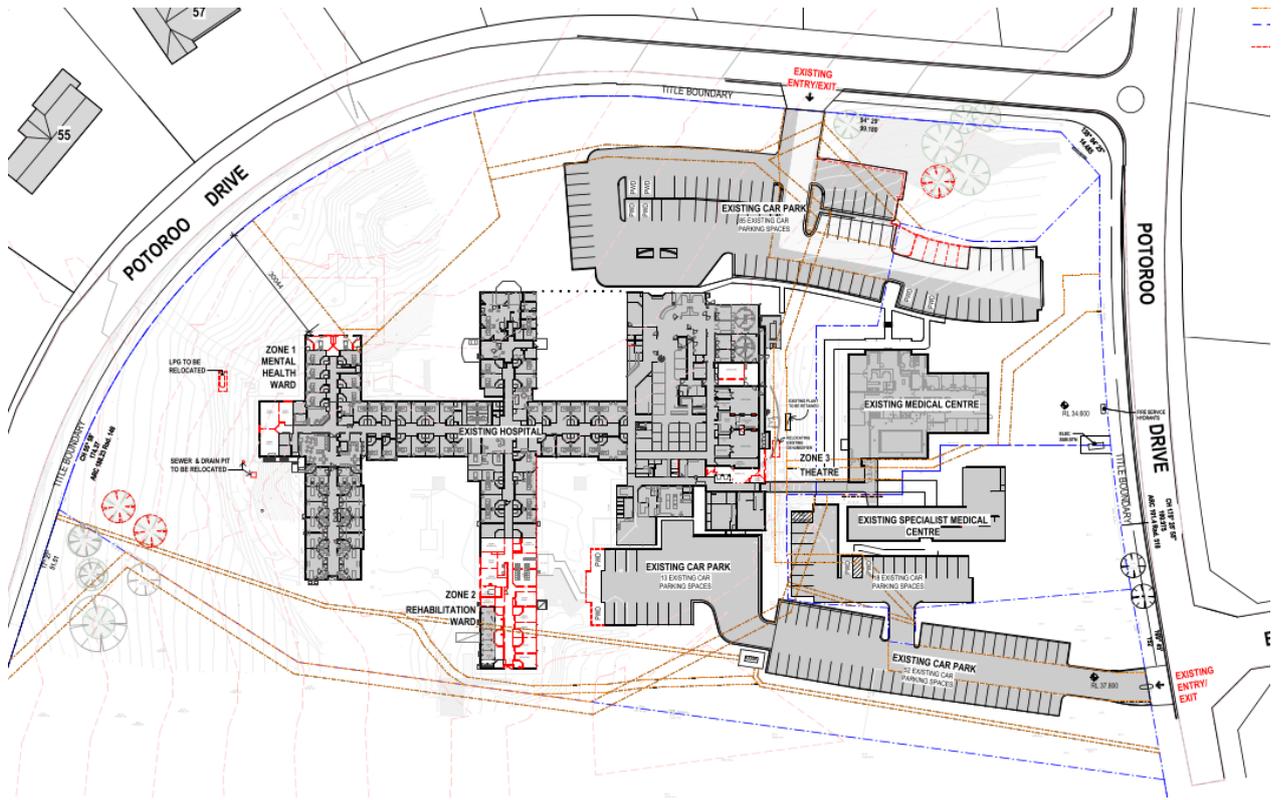


Figure 3 – Demolition Plan (Source: HSPC)

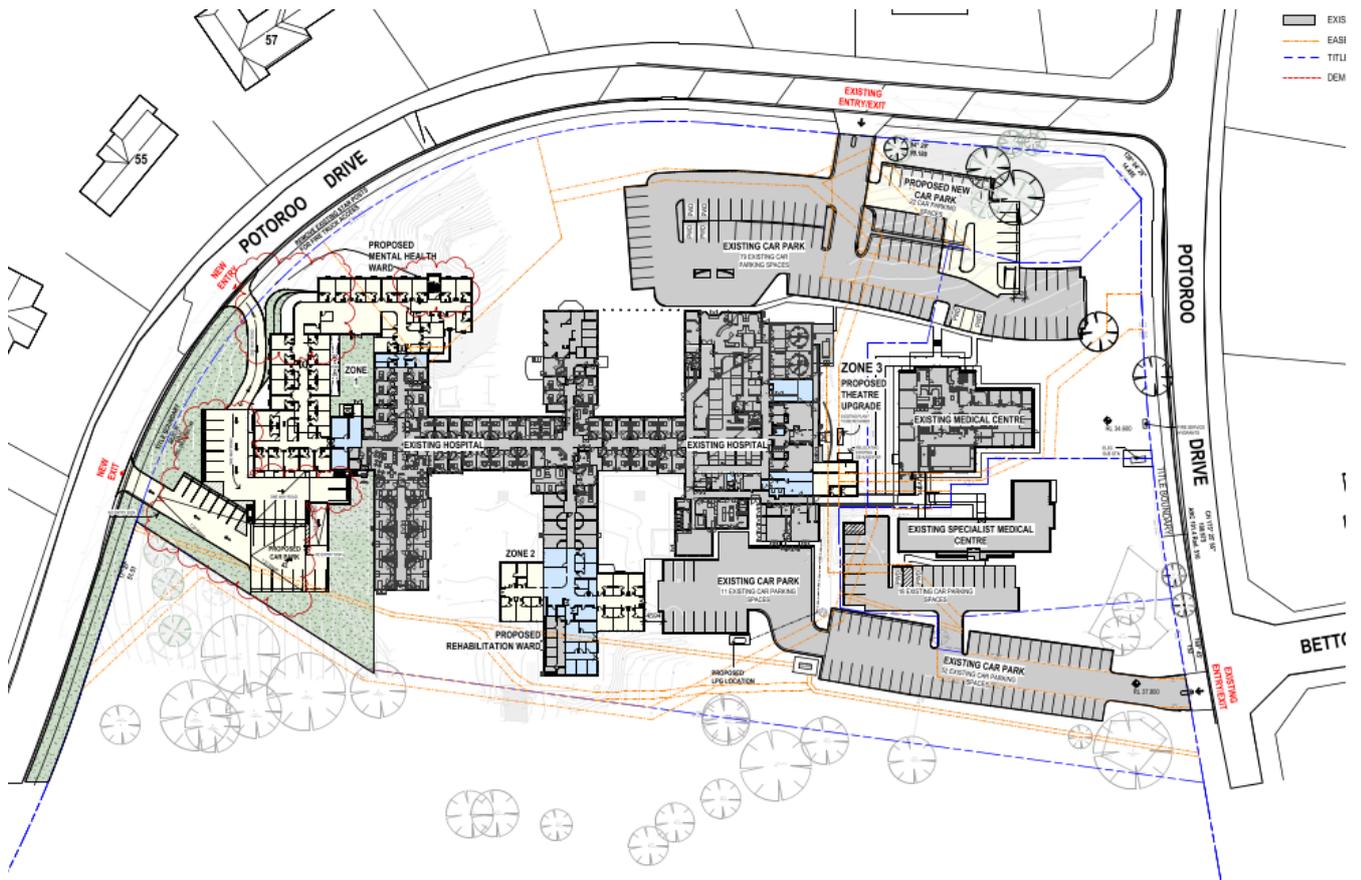


Figure 4 – Proposed Site Plan (source: HSPC)

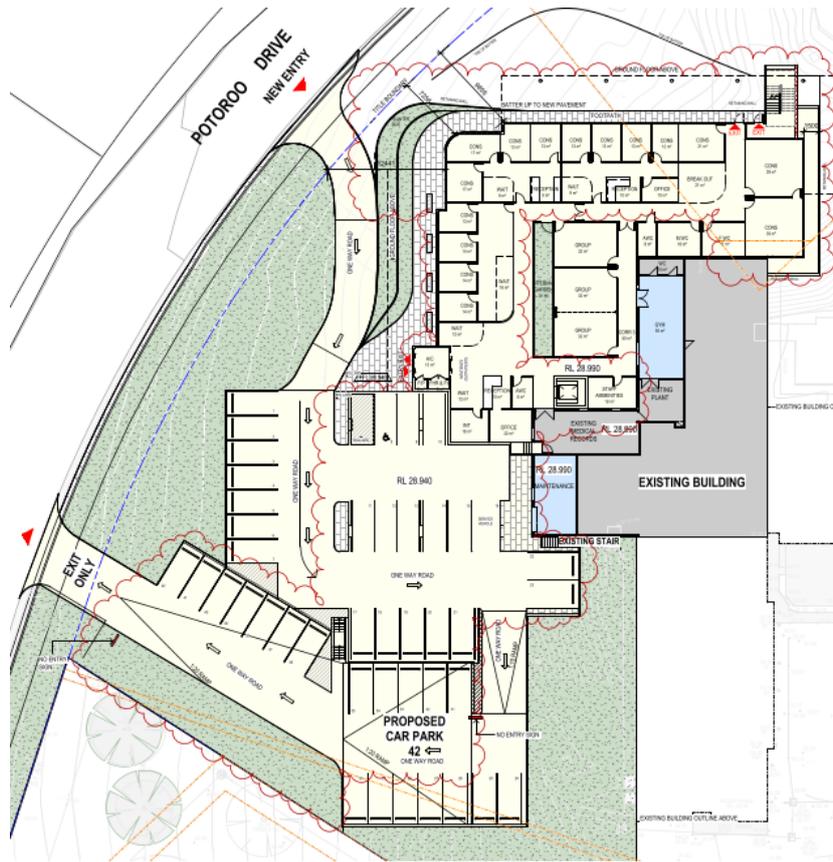


Figure 5 – Proposed Ground Floor Additions - Mental Health Ward (source: HSPC)

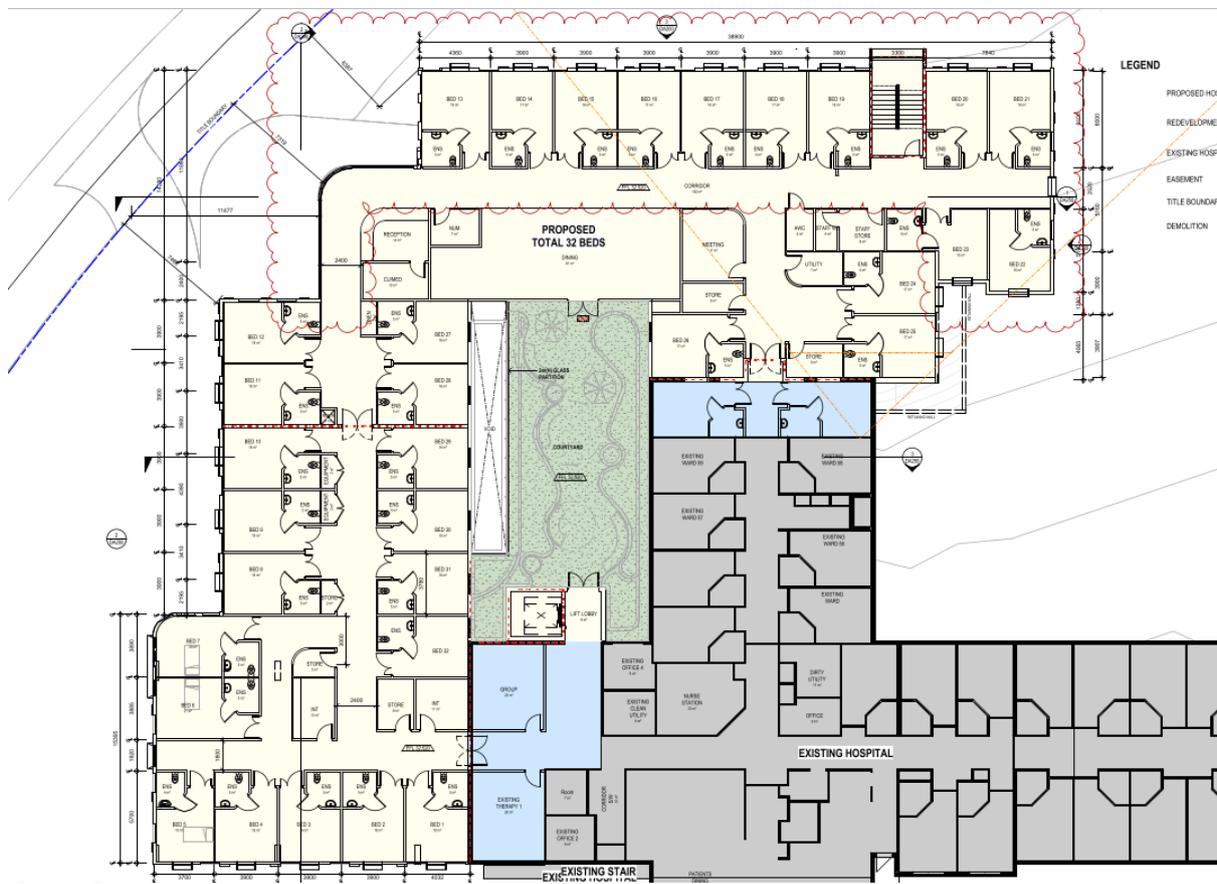


Figure 6 – Proposed First Floor Additions - Mental Health Ward (source: HSPC)



Figure 7 – Proposed Alterations and Additions - Rehabilitation Ward (source: HSPC)



Figure 8 – Proposed Elevations – Mental Health Ward (source: HSPC)



Figure 9 – Perspectives – Mental Health Ward (source: HSPC)



Figure 10 – Landscape Site Plan (Source: SLR)

3.2 Background

On 19 October 2022, following preliminary assessment of the application including review of internal stakeholder comments provided by Council staff, a letter was sent to the applicant requesting additional information.

The additional information request included the following:

- Potential conflicts with the subdivision approved under Development Application 610/2009/DA;
- Fire safety considerations applied under Section 64 of the *Environmental Planning and Assessment Regulation 2021*.

On 9 November 2022, following receipt of referral comments from Council's Water Quality Team, a second letter was sent to the applicant requiring amendments to the submitted Water Sensitive Design Strategy.

On 19 December, the applicant provided additional information in response to the matters raised by Council staff in the letters dated 19 October 2022 and 9 November 2022. More specifically, the applicant provided the following additional information:

- Revised architectural plans and discussions to address potential conflicts with the approved subdivision;
- A Building Code of Assessment Report detailing compliance and upgrades to comply with fire safety provisions;
- Amended Stormwater Plans in accordance with comments provided by Council's Water Quality Team.

On 22 December 2022, a letter was sent to the applicant requesting additional information following receipt of advice from Essential Energy around potential safety concerns relating to the presence of electricity infrastructure. The letter requested the following additional information:

- The car park is proposed to go over the 11kV cable, further details on whether the ground will be cut or filled will be necessary. The cable rating must not be affected due to an increased amount of fill; and
- The new car park shows a drain located in the easement area; this must be clear of the easement area.

On 1 February 2023, the applicant provided additional information in response to Council's letter dated 22 December 2022. The applicant's response adequately addressed the concerns raised by Essential Energy.

On 8 February 2023 a kick-off briefing was held with the Hunter & Central Coast Regional Planning Panel (RPP). The following key issues were identified for consideration:

- In relation to the existing subdivision consent the Panel want to understand the relationship between the existing approval and proposed works under this DA. Will it be surrendered, what was actually approved and whether it needs to be amended and any conditions that may or may not be relevant and impact upon the current proposal?
- The interface between the development, the streetscape and the surrounding rural residential houses needs to be understood. The location of the car parking and any proposed landscaping

on the site will be important and this needs to be demonstrated through the provision of detailed cross sections.

- The Panel noted the proposed setback to the street of 2.7m and questioned the appropriateness of this in a semi-rural area.
- The Panel will consider the proposed development in relation to the context and balance of the site – particularly the interface with the carpark and what is proposed as the balance of the site under current approvals.
- The Panel note the adjacent aged care facility and existing site amenity given the size of the site.
- If not already provided a detailed landscape plan should be required.
- It is noted that any substation/s should be specifically noted on plans and located to provide clear access and to make sure they are isolated, protected and landscaped appropriately.

On 4 April 2022 a second briefing was held to discuss concerns and questions raised by the RPP in the kick-off briefing. This included the presentation of amended concept plans detailing design changes responding to RPP comments. The RPP provided the following comments to the applicant following this second briefing and consideration of the amended concept plans:

- The Panel suggested there would be scope for further redesign of the building footprint.
- No weight will be given to the previous approval.
- The Panel want to understand the policy framework that guides the existing setbacks in this location. It is noted that there is no prescribed setback for the hospital use. The development should respect and take cues from the rural residential context and consider any DCP controls to justify their position.
- The Panel questioned the presentation to the street with the use of a wall/fence as the surrounding context is typically generous landscaped setbacks.
- The Panel questioned the proximity of the proposed car parking to the proposed lot boundary (approximately 400mm) and the ability to effectively landscape this boundary.
- It was noted that two trees are proposed to be removed and the Panel want to see further consideration of tree removal, the placement of the car park and the relationship with the approved subdivision boundaries.

The Panel suggest the Applicant work further with Council on the design outcomes for the site – specifically revised front setback.

On 18 April 2023, a meeting was held between the applicant and Council's assessing officer. Design amendments to address the remaining concerns of the RPP were discussed. These discussions would inform further amendments to the concept plans presented to the RPP at the 4 April 2023 briefing.

On 19 June 2023, additional information was submitted by the applicant. The additional information included revised architectural plans and landscape plans.

4. STATUTORY CONSIDERATIONS

4.1 Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *Greater Taree Local Environmental Plan 2010*

State Environmental Planning Policy (Planning Systems) 2021

The application is regionally significant development pursuant with Schedule 6, Section 5 of the *State Environmental Planning Policy (Planning Systems) 2021* as the development is for a health services facility with a capital investment value of the development exceeds \$5 million.

Accordingly, the Hunter and Central Coast Regional Planning Panel is the consent authority for the application.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 Remediation of land

Under section 4.6 of the SEPP, a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated, and if the land is contaminated, it is satisfied the land is suitable in its contaminated state (or will be suitable after remediation) for the purpose for which the development is proposed to be carried out.

The site is not identified as potentially contaminated land, nor has the site been used for any potentially contaminating land use based on Council's records.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Section 2.48 Determination of development applications—other development

The application was referred to Essential Energy under Section 2.48 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* (Transport and Infrastructure SEPP).

It is important to note that the referral to Essential Energy was in an advisory role only, with the consent authority requiring consideration of the response by Essential Energy only.

The following Table outlines potential safety concerns raised by Essential Energy and demonstrates how these concerns have been considered or addressed in the assessment of the application.

Table 1 – Consideration of Essential Energy Comments	
Concerns	Comment
The proposed LPG storage location must be clear of the pad mount site and suitably protected in the case of fire.	The relocated LPG tank is located clear of the existing substations on the land. A condition of consent will be imposed requiring shielding be erected around parts of the LPG storage tank for protection purposes.
The car park is proposed to go over the 11kV cable, further details on whether the ground will be cut or filled will be necessary. The cable rating must not be affected due to an increased amount of fill.	The applicant has provided that whilst some cut and fill will be required for construction of this car park, the extent will be confirmed during detailed design post-determination. A condition of consent will be imposed requiring further consultation with Essential Energy following preparation of more detailed design plans for the car park.

The new car park shows a drain located in the easement area, this must be clear of the easement area.	Amended Stormwater Plans have been provided showing drains located outside easement area.
Any proposed vegetation plantings must remain clear of the easement area.	This will be addressed by way of condition.
The zone of influence of the trench must be considered for all structures near the trench, any works must be suitably engineered so they're not undermined should Essential Energy excavate the trench.	This will be addressed by way of condition.
The existing building is over the 11kV cable and is a safety concern. There seems to have been an extension between 2011 and 2013 with this new section being placed over the cable. Please provide details of that development's referral to Essential Energy.	This concern has no nexus to the current application and relates to a previous approval.
It is essential that all works comply with SafeWork clearance requirements. In this regard it is the responsibility of the person/s completing any works to understand their safety responsibilities. The applicant will need to submit a Request for Safety Advice if works cannot maintain the safe working clearances set out in the Working Near Overhead Powerlines Code of Practice, or CEOP8041 - Work Near Essential Energy's Underground Assets.	This will be addressed by way of condition.

Section 2.122 Traffic-generating development

Section 2.122 of the Transport and Infrastructure SEPP provides that development specified in Column 1 of the Table to Schedule 3 is considered 'traffic-generating development' requiring referral to Transport for NSW.

For interpretation of Schedule 3, a note provides the following:

"If the development involves an enlargement or extension of existing premises, the relevant size or capacity specified in the table is the additional (rather than the total) size or capacity of the premises as a result of the enlargement or extension."

Column 1 of the Table to Schedule 3 list 'car parks', whether or not ancillary to other development. The development proposes an additional 66 car parking spaces which is greater than the 50 car parks listed within Column 3. However, the vehicle access to the site is greater than 90 metres from Wingham Road (Classified Road) when measured along alignment of connecting road (Potoroo

Drive). Therefore, the additional car parks do not constitute traffic generating development for the purposes of the Transport and Infrastructure SEPP.

'Hospitals' are also listed in Column 1 of the Table to Schedule 3. The development proposes an additional 44 beds which is less than the 100 beds prescribed within Column 3. Therefore, the additional beds do not constitute traffic-generating development in accordance with the Transport and Infrastructure SEPP.

State Environmental Planning Policy (Biodiversity and Conservation) 2021
Chapter 3 Koala habitat protection 2020

The proposed development requires the removal of four mature trees to facilitate the construction of the car park. Whilst the NSW Rural Fire Service require the establishment of Asset Protection Zones over portions of the site, compliance with this requirement is not likely to require significant vegetation removal, if any, given the sparsity of vegetation in this location.

The vegetation removal on the site is minimal when compared to the overall vegetation on the site which will be retained. Any ecological or habitat value provided by those trees to be removed are well represented across the site. Furthermore, any tree removal will be partly offset through proposed landscaping of the site. It is also worth noting that those trees identified to be removed are located within a nominated Asset Protection Zone which is required to be maintained in accordance with the previous approval for subdivision of the land which is yet to be acted upon.

No significant adverse impacts on Koala populations is likely.

Greater Taree Local Environmental Plan 2010

The relevant local environmental plan applying to the site is the *Greater Taree Local Environmental Plan 2010* (LEP).

The site is zoned SP2 - Infrastructure. The Land Use Table within the LEP provides that development for the purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose, is permitted with the consent of Council.

The Land Zoning Map identifies the purpose of the site as 'health services facility'. An extract of this Map is provided in Figure 11 below.



Figure 11 – Land Zoning Map Extract (Source: Greater Taree LEP)

The proposed development is for alterations and additions to an existing ‘health services facility’ and is permitted with the consent of Council in the SP2 Zone under the provisions of the LEP.

The objectives of the SP2 Zone are:

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*
- *To encourage a range of airport-related uses within the Taree Airport.*

The proposed development is considered consistent with the relevant zone objectives as it:

- Will compliment an existing facility which provides health infrastructure to the wider community; and
- Is compatible with existing health infrastructure on the land and will not detract from the use of the land in this capacity.

The LEP also contains controls relating to development standards, miscellaneous provisions, and local provisions. The clauses relevant to the proposal are considered in Table 2 below.

Table 2 – LEP Compliance		
Control	Requirement	Proposal
Heritage conversation (cl 5.10)	Consideration must be given to the effect of the development on heritage significance of Aboriginal objects or places.	The proposed development is not located within a heritage conservation area or within proximity to any items of heritage. A basic AHIMS search was conducted and the search reveals no known items of aboriginal cultural heritage located within proximity to the proposed development.

Earthworks (cl 7.3)	Consideration must be given to impacts arising from earthworks.	Some earthworks will be required for the purposes of constructing building additions and car parking. The earthworks are not to the extent they are likely to result in visual impacts on the streetscape or adjoining lands. There will be no adverse impact on drainage patterns, soil stability or environmentally sensitive areas. The earthworks will be supported with suitable erosion and sediment control measures in accordance with Council requirements.
7.11 Essential services (cl 7.11)	The objective of this clause is to ensure the development will be serviced by essential infrastructure.	The proposed development will be adequately serviced by reticulated water, sewer, electricity and road access.

The proposal is considered generally consistent with the relevant provisions of the LEP.

4.2 Section 4.15 (1)(a)(ii) – Provisions of any proposed instruments

There are no proposed instruments of relevance to the development.

4.3 Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

The Greater Taree Development Control Plan 2010 (DCP) is relevant to the application.

The aims of the Plan are to ensure good quality, sustainable development outcomes that maintain a high level of environmental amenity. The Plan is designed to allow flexibility in the application of its controls where strict compliance is considered unreasonable or unnecessary provided the relevant objectives of the Plan have been achieved.

The following is a summary of the evaluation of the proposal pursuant to the relevant provisions of the Plan.

Table 3: DCP Compliance		
Control	Requirement	Proposal
Part B Character Statements		
Taree	There is no character statement relevant to the Taree locality.	Notwithstanding, compatibility with the context and setting of the site and surrounds is discussed later in this Report.

Part D Environmental Requirements		
Environmental Buffers	<p>Limit new development in areas that might now or in the future be subject to impacts from sewerage treatment works, abattoirs quarries and landfill sites.</p> <p>To ensure a buffer is provided between residential development and agricultural or industrial activities so as to minimise the potential for land use conflict.</p>	The site is not identified as being within any environmental buffer.
Earthworks, Erosion and Sedimentation	To minimise environmental and amenity impacts associated with earthworks.	<p>As detailed above, the earthworks are not to the extent they are likely to result in visual impacts on the streetscape or adjoining lands.</p> <p>There will be no adverse impact on drainage patterns, soil stability or environmentally sensitive areas.</p> <p>The earthworks will be supported with suitable erosion and sediment control measures in accordance with Council requirements.</p>
Part G Car Parking and Access		
G1.1 Location of driveways	<p>A vehicular driveway, entry and/or exit, which crosses the edge of the carriageway and the property boundary, shall:</p> <p>a. Be clear of all obstructions which may prevent drivers from having a timely view of pedestrians;</p> <p>b. Be located such that any vehicle turning from the street into it or into the street from it can be readily seen by the driver of an approaching vehicle in the street;</p> <p>c. Be constructed in accordance with Australian Standard AS2890.1 Parking Facilities – Off Street Car Parking.</p>	<p>The proposed new vehicle entry and exit within the western portion of the site will maintain sufficient sight-lines and allow for safe ingress and egress of vehicles from the site.</p> <p>No conflict between vehicles and pedestrians is likely.</p> <p>A condition of consent will be imposed requiring proposed car parks to be constructed and line marked in accordance with the relevant Australian Standard.</p> <p>Council's Development Engineer has reviewed and supported the proposal subject to conditions of consent.</p>
G1.2 Service vehicle requirements	Ensure servicing vehicles are adequately accommodated on-site to support the proposed development.	Existing service arrangements will remain unchanged and are satisfactory to support the proposed development.
G1.3 Parking requirements for specific land uses	Ensure car parking is provided in accordance with the Table provided in Part G1.3.	<p>The proposed car parking satisfies the car parking requirements prescribed by the Table.</p> <p>This is discussed further below.</p>
G1.4 Car parking requirements	Ensure car parking is provided in accordance with the Table provided in Part G1.3.use	As above.

G1.5 Contributions in lieu of providing off street parking	Provides the ability for car parking to be offset through payment of contributions in certain circumstances.	The proposed car parking satisfies the relevant car parking requirements and payment of contributions is not necessary.
Part M Site Waste Minimisation and Management		
M2 Demolition of buildings or structures	The principal aim of managing this activity is to maximise resource recovery and minimise residual waste from demolition activities.	A Waste Management Plan prepared by SLR dated 13 July 2022 has been submitted in support of the application. The Plan adequately addresses waste management procedures associated with the demolition. A condition of consent will be imposed requiring demolition works to be undertaken in accordance with the Plan.
M3 Construction of buildings or structures	To encourage source separation of waste, reuse, and recycling by ensuring appropriate storage and collection facilities for waste, and quality design of waste facilities.	The Waste Management Plan adequately addresses waste management procedures associated with construction. A condition of consent will be imposed requiring construction works to be undertaken in accordance with the Plan.
Part N Landscaping Requirements		
N1.1 Site coverage and lot requirements	To ensure development result in a good balance between built and non-built upon areas.	The extent of site coverage proposed by the development is minimal when compared to the overall site - which has an area of approximately 8 hectares, much of which is undeveloped. The proposed development will include landscaping which will complement the development, soften the physical built form and contribute to an aesthetically pleasing streetscape.
N1.2 Landscape plans	A Landscape Plan is required for certain developments.	The submitted Landscape Plan prepared by SLR and dated 12 June 2016 satisfies the requirements of Part N1.2 of the DCP.
N1.5 Car Parks	Landscaping to car parking areas improves the aesthetic appearance and provides shade to both vehicles and pedestrians.	The proposed car park within the western section of the site will be adequately landscaped as demonstrated within the submitted Landscape Plan. The proposed new car parks within the eastern section of the site benefit from existing landscaping.

Part G1.3 – Car Parking Requirements

Part G1.3 of the DCP prescribes minimum car parking requirements for specific land uses.

For hospitals, Part G1.3 provides the following car parking rates:

- 1 space per 3 beds for visitors;

- plus 1 space per 2 staff/resident doctor;
- plus 1 space per 15 beds for visiting doctors;
- plus 1 space for ambulance (minimum).

The car parking requirements are calculated in Table 4 below.

Table 4: Car Parking Calculations			
Type	DCP Requirement	Number Proposed	Total space required
Visitors	1 space per 3 beds	44 beds	15 spaces
Staff/resident doctor	1 space per 2 staff/resident doctor	22 staff/resident doctor	11 spaces
Visiting Doctors	1 space per 15 beds	44 beds	3 spaces

In accordance with the above calculations, the proposed development requires a total of 29 car parking spaces. The proposed development provides an additional 44 car parking spaces which results in a car parking surplus of 15 spaces.

In relation to ambulance parking, it should be noted that the development relates to a private facility which does not provide emergency services. Notwithstanding, sufficient ambulance parking is provided throughout the site.

1.4 Section 4.15(1)(a)(iia) – Planning agreements under Section 7.4 of the EP&A Act

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the site.

1.5 Section 4.15(1)(a)(iv) - Provisions of Regulations

Part 4 Division 1 of the Regulation contains matters that must be taken into consideration by a consent authority in determining a development application.

In relation to Section 61 of the Regulation, a condition of consent will be imposed requiring demolition to be done in accordance with Australian Standard AS 2601—2001: *The Demolition of Structures*.

In relation to Section 64 of the Regulation, Council’s Building Team requested a Building Code of Assessment (BCA) Report from a suitably qualified and Registered Building Certifier to identify any non-compliance of the existing building and how the existing building will comply with the Building Code of Australia Parts C, D and E in correlation with the proposed works.

The applicant provided a BCA Report prepared by BCA Logic and dated 13 December 2022 in response to Council’s Building Team request. The BCA Report confirms that existing fire-safety provisions are adequate and Council’s Building Team have confirmed no upgrades required.

Section 4.15(1)(b) - Likely impacts of development

Context, Setting and Design

It is noted that the RPP has raised concerns with the proposed development and its compatibility with the surrounding context and setting. It is understood these concerns pertain to the nominated

setback of the proposed addition to the Potoroo Drive boundary and inconsistencies between setback distances between the proposed addition and existing dwellings located on the opposite side of Potoroo Drive.

In response to the RPP concerns, the applicant has provided amended details including revised plans. These changes are comprehensively detailed in the applicant's letter dated 19 June 2023. A brief summary of the main changes are as follows:

- Increases in the setback of the addition including deletion of a terrace on the first-floor and other reconfigurations,
- Increased setbacks of the planter box;
- Terracing of retaining walls; and
- Reconfiguration of pedestrian path around the ground floor expansion building to increase the landscaped area and setback from site boundary.

The proposed addition will maintain the following minimum setbacks from the Potoroo Drive boundary:

- 1.3 metres to the planter box;
- 4.7 metres from the ground-floor terrace;
- 7.2 metres from the ground-floor building line; and
- 6.3 metres from the first-floor building line.

A review of aerial imagery reveals the front building line of existing dwellings with frontage to Potoroo Drive is variable, with no consistent building line setback established. This is assumed to be a result of the historic nature of development on these lots, the curvature of the road alignment and the semi-rural nature of the residential lots.

The primary setbacks of existing dwellings located on the opposite side of Potoroo Drive from the proposed addition are as follows:

- No. 53 Potoroo Drive – 17 metres;
- No. 55 Potoroo Drive – 18 metres; and
- No. 57 Potoroo Drive – 16 metres.

The average primary setback of the abovementioned dwellings is 17 metres.

Whilst it is understood the proposed addition will be inconsistent with the average setback of existing dwellings located along Potoroo Drive, it is considered that the proposed development is not likely to result in significant adverse streetscape or visual impacts. This is addressed in the following:

Whilst it is acknowledged the surrounding context and setting is predominately characterised by semi-rural residential development, it is important to note that the site has historically been established as a health precinct as reinforced by the SP2 Infrastructure Zone. The site was assumed for medical purposes following approval for the construction of a hospital in 1995. Since then, the site has been further developed in this capacity through additions to the hospital and the inclusion of other health related development. Therefore, despite the surrounding context and setting being residential in nature, the site is evidently used and visualised for a different purpose to that surrounding the site.

Despite the existing setbacks of dwellings, it should be noted that Council's current setback controls contained within the *Greater Taree Development Control Plan 2010* require only a 10 metre primary setback for dwellings located on land Zoned R5, which is the zoning of the land located on the opposite side of Potoroo Drive. As detailed in the extracts provided by the applicant in Figure 12 below, the building line of proposed additions only marginally exceed this 10 metre setback requirement.

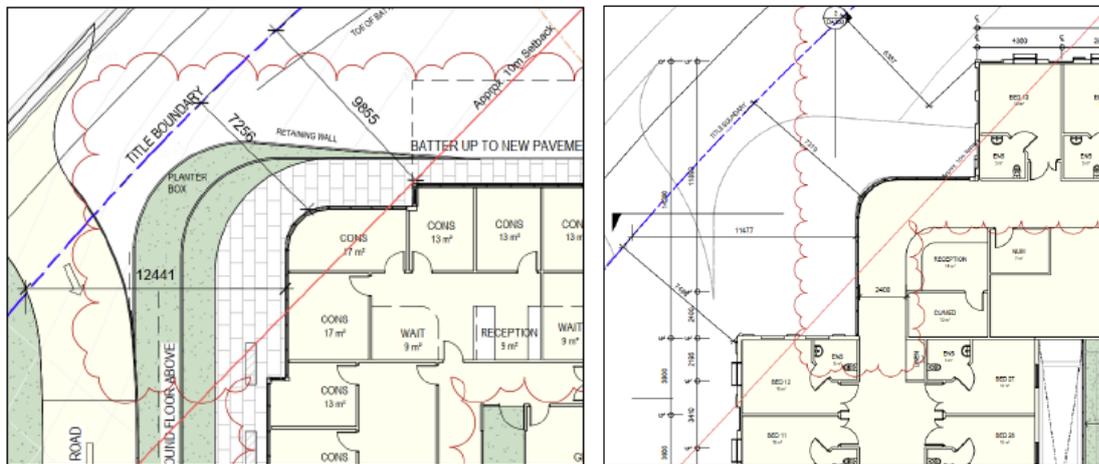


Figure 12 – 10m Setback Encroachment (Source: SLR)

The minimum setbacks of the addition are a single point encroachment which is a consequence of the shape of the site and alignment of the Potoroo Drive carriageway. The setbacks of the addition increase from this point, with the eastern and southern extents of the addition maintaining setbacks which better align with setbacks of existing dwellings along Potoroo Drive. The point encroachment means that the visual prominence of the addition is diminished when viewed from Potoroo Drive further to the north-east and south-west of the encroachment.

The terracing of the retaining walls breaks up the building mass of these structures. Furthermore, these structures will be landscaped to further reduce their mass, whilst also diluting the physical built form of the addition. The landscaping also provides an aesthetically pleasing streetscape, with this portion of the site currently devoid of any significant landscape treatment.

The addition integrates articulation into the design particularly within that portion of addition which is closest to the Potoroo Drive boundary. This articulation includes architectural design elements such as curvatures, a mixture of materials and finishes and recession of the upper floor. This articulation provides visual relief and reduces the visual dominance of the additions when viewed from Potoroo Drive.

Finally, it is understood that the location of the proposed addition is dictated by the necessity to be connected with existing portions of the facility and design requirements prescribed by legislation that extend beyond those matters for consideration within the *Environmental Planning and Assessment Act 1979*. For example, the operator has advised that the design is required to minimise visual obstructions by providing long corridors that reduce concealments and facilitate casual surveillance of patients. Balancing the above makes responding to the site constraints, such as the availability of developable land, difficult and should be considered in the assessment of the design of the development.

Despite the setbacks of the development not being consistent with the setbacks of existing residential development along Potoroo Drive, the proposed setbacks are considered reasonable and are not likely to detract from the existing streetscape or undermine the context and setting of the site and surrounds as demonstrated above.

Access and Transport

The proposed development is likely to generate additional traffic along the adjacent local road network.

A Traffic Impact Assessment prepared by SLR and dated July 2022 has been submitted in support of the application. The assessment has been informed through analysis of the capacity of surrounding road network and traffic surveys. The assessment concludes that the surrounding road network is capable of accommodating the additional traffic movements stemming from the proposed development.

The additional car parking spaces located within the eastern section of the site will rely on existing vehicle access arrangements. These arrangements are considered satisfactory to accommodate the additional car parks in this area.

The proposed new car park within the western section of the site will rely on a drive-through arrangement. This portion of Potoroo Drive is not subject to high traffic volumes and proposed ingress and egress arrangements will not have a significant impact on existing traffic flows. The new vehicle crossovers benefit from sufficient sight-lines.

Council's Development Engineer has reviewed the submitted Traffic Assessment and supports the conclusions of the Report. Council's Development Engineer is in support of the proposed development and has identified no traffic or access concerns that cannot be addressed through conditions of consent.

Natural Hazards

The site is mapped as bush fire prone land and the development, being a hospital, is classified as a Special Protection Fire Purpose.

A Bush Fire Assessment Report prepared by Hunter Valley Bushfire Consulting Services dated 12 July 2022 has been submitted in support of the application. The Report concludes that the development will conform to the relevant performance criteria contained within Planning with Bush Fire Protection 2019 subject to compliance with conditions of consent.

The development is considered 'integrated development' and s.100b of the *Rural Fires Act 1997* requires that the development be referred to the NSW Rural Fire Service (RFS) for their approval.

The NSW RFS have issued a Bush Fire Safety Authority (BFSa) in support of the application. The issue of the BFSa is contingent on certain requirements including the establishment of Asset Protection Zones, construction requirements to BAL 12.5 and specifications for internal roads. These requirements will be imposed by way of a condition of consent.

Stormwater

The development proposes that stormwater associated with the development located within the western portion of the site be collected and piped to a 110m² bioretention basin located to the west of the proposed new car park. Treated stormwater will then be conveyed to a below ground on-site detention tank prior to dispersal into drainage infrastructure located within the Potoroo Drive roadway.

The additions to the rehabilitation ward will be connected to existing drainage infrastructure serving this section of the site.

The impervious areas associated with the new car parks within the eastern section of the site will be connected to bio-retention immediately north of the new car parks. Treated stormwater will be connected to existing drainage infrastructure prior to dispersal into the drainage network within Potoroo Drive.

Both Council's Water Quality Team and Development Engineer have reviewed the proposed stormwater arrangements and considered them satisfactory.

Ecology

The vegetation removal on the site is minimal when compared to the overall vegetation on the site which will be retained. Any ecological or habitat value provided by those trees to be removed are well represented across the site. Furthermore, any tree removal will be partly offset through proposed landscaping of the site. It is also worth noting that those trees identified to be removed are located within a nominated Asset Protection Zone which is required to be maintained in accordance with the previous approval for subdivision of the land which is yet to be acted upon.

Council's Natural Systems Team have supported the removal of vegetation and advised no significant adverse ecological impacts are likely.

Interface with Surrounding Development

Concerns raised by the RPP in relation to the location and design of the proposed car park within the western section of the site. This was due to the relationship with the approved lot to the south of the development and the setback and appearance of the car park when viewed from Potoroo Drive.

In response to the concerns raised by the RPP, the applicant has provided amended details including revised plans. These changes are comprehensively detailed in the applicant's letter dated 19 June 2023. A brief summary of the main changes are as follows:

- Increased setback of the car park from Potoroo Drive;
- Additional survey work undertaken to clearly demonstrate changes to levels and tree removal/retention;
- Retention of two additional trees achieved through increased setback to future southern boundary; and
- Reconfiguration of proposed western car park area including:
 - Relocation of eleven (11) car parks from southern boundary to new space under building expansion and park east of ramp;
 - Relocation of accessible parking space to new space under building expansion with former space converted to two (2) parking space;

- Relocation one (1) car parking space at exit crossover to next to proposed maintenance room.

It is noted that there is extensive car parking already existing on the site. The existing car park located within the north-eastern section of the site is located forward of the front building line of the existing development on the land. This car park bookmarks the existing development particularly for traffic approaching the site from the nearby Wingham Road.

As detailed elsewhere in this Report, the site has historically been characterised as a health precinct which is different from the surrounding semi-rural living context. The characterisation of the health precinct is in part due to existing car parking throughout the site, which is visible from the surrounding road network.

Whilst it is appreciated the proposed car park within the western section of the site is located closer to Potoroo Drive than existing car parking areas on the site, it is not considered that the inclusion of this car park renders the existing development incompatible with the surrounding setting.

Landscaping will be provided to the south and west of the car park which will address the interface between the car park and existing development on the opposite side of Potoroo Drive and any future development on the approved lot to the south of the car park. This landscaping will partly screen the car park and visually soften the proposed impervious areas.

The southern extent of the car park will be retained through the construction of retaining walls. Vehicle egress will be retained through batters, however the setback distance between the egress and approved boundary is sufficient to ensure batters are contained wholly within the site.

In regard to the relationship between the car park and any future development on the approved lot to the south, it is important to note that the entire site is zoned SP2 – Infrastructure, including the approved lot to the south. Any future development to the south will be restricted to health related infrastructure by virtue of the zoning of the land and, therefore, it is reasonable to expect that any future development will be consistent with the existing uses on the site. In this respect, no significant land use conflict is likely.

The proposed car park is not likely to have any significant detrimental impact on the amenity of existing and potential future development of adjoining lands.

Social and Economic Impact

The proposed development will serve the medical needs of the wider community and is likely to have positive social impacts.

The proposed development is likely to attract medical professionals to the area and will result in positive economic impacts. Furthermore, the construction of the proposed development is likely to stimulate the construction industry and create positive economic impacts.

1.6 Section 4.15(1)(c) - Suitability of the site

The proposal is permitted with consent on the site under the relevant zoning pursuant to the LEP.

The proposed development presents an economic and orderly use of the land without representing an overdevelopment of the site.

The proposed development adequately responds to the inherent bush fire risks of the land.

The site is considered suitable for the proposal.

1.7 Section 4.15(1)(d) - Public submissions

The application as originally made was exhibited from 7 September 2022 to 18 October 2022 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the MidCoast Council Community Engagement Strategy. As a result, the application received a single submission.

Whilst the application has been the subject of amendments throughout the assessment process, the changes were in direct response to either Council's or the Panel's requests for additional information. The amendments did not result in any additional environmental or amenity impacts beyond those associated with the original proposal and, therefore, were not re-exhibited in accordance with Council's Community Engagement Strategy.

The submissions referred to the following issues:

1. Car Parking

The submission raised concerns in relation to the inadequacy of existing car parking requirements on the site.

Considerations for car parking under the assessment is restricted to the proposed development only and there is no remit to consider existing car parking arrangements.

As detailed elsewhere in this Report, the development proposes 44 car parks which satisfies the relevant car parking requirements prescribed by the DCP and results in a car parking surplus on the site.

2. Drainage

The submission raises concern that the existing stormwater arrangements are inadequate and would only be exacerbated by the proposed development.

Proposed impervious areas will be conveyed to an on-site detention tank which will be designed to ensure stormwater flows from the proposed development match pre-development flows.

As detailed elsewhere in this Report, Council's Development Engineers have reviewed the proposed stormwater arrangements and are in support.

1.8 Section 4.15(1)(e) – The Public Interest

The proposed development will ensure the ongoing functions of a facility which provides medical services to the wider community. The proposed development will introduce new services to the existing operations. The proposed development is in the public interest.

5.0 Other Matters

5.2 Section 7.12 Contributions Plan

The development would require the payment of contributions in accordance with Council's Section 7.12 Contributions Plan. It is recommended that conditions be imposed on any consent requiring the payment of these contributions prior to the issue of a construction certificate.

6.0 CONCLUSION

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

7.0 RECOMMENDATION

It is recommended that the Panel determine Development Application 2022/0943 for alterations and additions to existing health services facility at Lot 1 DP 808421, 2 Potoroo Drive TAREE NSW 2430, pursuant to Section 4.16 of the Environmental Planning & Assessment Act 1979, by approving to grant consent subject to conditions of consent contained within Attachment K.