

9 October 2023

Ms Alison McCabe
Chairperson
Hunter and Central Coast Regional Planning Panel
C/O
Planning Panel Secretariat

Dear Ms McCabe

RESPONSE TO RECOMMENDATION FOR REFUSAL OF PROPOSED CANCER CARE CLINIC AT 88 -90 CORNWALL STREET, TAREE

I refer to the above development that is known as PPHSC-163 or DA/2022/1362 and seeks to provide a purpose built building to provide Radiation Oncology and Medical Oncology to patients with cancer that reside in Taree or its vicinity.

Radiation Oncology is not currently provided in Taree with patients having to utilise services in Port Macquarie or Newcastle and a federal government grant has been provided to facilitate improved medical care to residents of Taree. This grant requires the service to be operating in 2024


The Council report generally acknowledges the merits of the application, however, recommends refusal of the application on two ground being a shortfall in on-site parking provision and the presentation of part of the north eastern corner of the proposed building that contains the LINAC/Radiation Treatment Room.

This letter now considers how the panel could potentially address these two concerns and proceed with the approval of the development application.

PARKING PROVISION

The development provides 10 parking spaces comprising 6 staff spaces, 4 patient spaces and 1 pick up/ drop off space.

The building would have a maximum of 7 staff on-site at any one time and have a maximum of 5 patients on site at any one time.



The Council assessment report acknowledges that the DCP does not contain a relevant parking rate for this type of medical facility but considers on merits that:

- One additional parking space should be provided for staff given that ABS 2021 Census data indicates that 89% of employed people drive to work in Taree; and
- One additional parking space should be provided for patients given that the survey of a similar centre indicates that only 6% of patients were dropped off.

Accordingly given the above, the Council assessment report considers that the development may need to rely on two on-street parking spaces to cater for the likely demand generated. The Council report considers that due to there being current demand for on-street parking and also the potential future expansion of the Taree Hospital that this would have an unacceptable impact on the locality and warrants refusal of the development application.

To address the above concerns, we consider that the panel has at least the following options.

- Approve development as is;
- Condition a Trial Period to allow actual impacts to be considered; or
- Condition a reduction in intensity of use to reduce parking demand;

These are discussed below in order of the applicant's preference.

APPROVE DEVELOPMENT AS IS

As outlined above the development will have a maximum of 7 staff on site who are provide with 6 staff parking spaces and a maximum of 5 patients who are provided with 4 parking spaces.

The potential shortfall of two spaces is considered to have planning merit and not warrant the refusal of the application as:

- It is atypical of many landuses to provide a parking space per employee and per visitor to business premises. This is because of the mix of the mode of transport utilised by employees and visitors to arrive at business premises that includes self driving a private car, public transport, being dropped off in a private car, walking and community transport etc;

- The traffic and parking report based on a similar Cancer Care centre at Griffith acknowledges that there are some patients that don't arrive by their own private car. Given this it is reasonable to discount the provision of off street parking;
- The traffic and parking survey conducted prior to the development application being lodged confirmed that there were 60 on-street parking spaces available in the immediate vicinity of the site to cater for any overflow parking; and
- The application results in the removal of a crossover from both Cornwall Street and Cornwall Lane that will increase the availability of on-street parking by two spaces.

Given the above it is clear that sufficient parking is available onsite to cater for the likely parking generation of the centre and that even if the assumptions used are slightly incorrect, there is the availability of over 60 on street unrestricted parking spaces in the immediate vicinity of the site to assist with catering for the two space shortfall identified by Council.

TRIAL PERIOD

The traffic reports submitted with the application and Council's parking assessment is based on assumptions and does not necessarily reflect the actual demand that will be generated by the centre.

To allow these assumptions to be tested once the centre has commenced operations, it would be appropriate to allow a trial of the centre to be conducted. This will allow the actual impacts of the centre to be ascertained, whilst ensuring that if the development is causing unacceptable impact that it will only be for a limited period.

A possible condition to achieve this is:

Trial Period of Operation

Following the issue of an occupation certificate the centre may operate at full capacity for a period of 12 months or until such time as a section 4.55 modification is determined (whichever is the greater).

During the trial period the proponent must conduct a minimum of three parking counts of available on street parking spaces on an hourly basis between 8:30am and 5:30pm on weekdays (including at least one Thursday) . The available parking count is to be conducted along both sides of:

- *Cornwall Street (between Commerce Street and Manning Street);*

- Cornwall Lane (between Commerce Street and Manning Street);
- Manning Street (between York Street and Cornwall Street) and
- Pultney Street between York street and Cornwall Street)

The section 4.55 modification is to be lodged no later than 8 months after operations commence.

Should the modification not be lodged, Medication Oncology services shall cease at the premises, 12 months after the issue of the occupation certificate.

REDUCE INTENSITY OF OPERATIONS

As noted above, Council is suggesting it is appropriate to provide one parking space per employee and one per patient.

The medical oncology component of the business is proposed to cater for 2 patients at a time and has a dedicated nurse.

Should panel members have remaining concerns about the potential impact of the development on the availability of on-street parking a condition could be imposed to not approve the medical oncology component of the business and these areas of the building to be utilised for additional storage.


This would reduce Council's parking demand by 3 spaces and ensure that the development had a surplus of one parking space in accordance with Council's requirements.

NORTH EASTERN ELEVATION

The second ground of refusal relates to a portion of the North Eastern Elevation with Council's assessment report stating in part:

Whilst it is acknowledged the applicant has since increased the side setback of this part of the building, Council's initial concerns regarding the visual impacts of this part of the building still remain. Whilst a mixture of materials and finishes have been incorporated, this part of the elevation provides no physical articulation such as building modulation or windows which would be expected for a residential dwelling development. This lack of articulation, compounded by the overall height of the wall, results in a visual presentation that is inconsistent with the surrounding residential setting in which it is located.

It is noted that this portion of the building contains the medical linear accelerator (LINAC) that is a device used for external beam radiation treatment of patients with



cancer. It delivers high-energy x-rays or electrons to the region of the patient's tumour. The LINAC must be shielded to ensure that the radiation is captured appropriately allowing the areas outside the bunker to be maintained at safe levels. The shielding takes the form of 2m thick concrete 'band' and must also incorporate the minimum internal headroom and mechanical servicing required to compensate for the heat produced by the equipment.

Despite the above comment this portion of the building is considered to be compatible with its residential setting as:

- The LINAC is located at the rear of the site and will not be a discernible element when viewing the building from Cornwall Street;
- This portion of the building is approximately 11m long along a 52m long boundary and given this will not be highly visible;
- The LINAC adjoins a portion of the site at 86 Cornwall Street that largely contains an at grade carpark associated with a community building run by Baptist Care and given this the interface is not considered to be sensitive;
- The immediate precinct although predominantly residential contains a mix of land uses including industrial buildings located along Manning Street opposite Cornwall Lane that are visible from the site. Given this the minor portion of the building that contains the LINAC is consistent with the existing character of the area;
- The development complies with the numerical controls within the LEP such as height and FSR as well as the side setback controls within the DCP for dwellings. Given this the building is of a bulk and scale envisioned by the applicable planning controls.
- The design has been refined since lodgement and as acknowledged within the Council assessment the revised design is considered (other than this minor element) to be compatible with its largely residential setting; and
- This portion of the elevation is expressed as a tripartite composition, notably a base, middle and top architectural elements to add interest to this elevation and does not appear as tilt up slab or Colourbond elevation that you would typically utilise for an industrial style development

Despite the above, if the panel still has concerns about this minor building element, a condition of consent could be imposed requiring a trellis to be erected along this portion of the elevation to support a vine that would result in this element presenting as a green wall or the inclusion of other applied treatments e.g. faux windows.

REQUEST

We trust after reviewing the above that the panel confirms that approval of this development application to allow the construction of a much needed health facility is the appropriate option.

We look forward to presenting this to you with the team on Wednesday.

Brad Delapierre
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