

COUNCIL ASSESSMENT SUPPLEMENTARY REPORT

<b>Panel Reference</b>	PPSHCC-163
<b>DA Number</b>	DA2022/1362
<b>LGA</b>	MidCoast Council
<b>Proposed Development</b>	<p>Demolition of structures and construction of new health services facility (cancer treatment clinic):</p> <ul style="list-style-type: none"> <li>• Demolition of two existing dwellings and associated structures;</li> <li>• Construction of two-storey health services facility comprising: <ul style="list-style-type: none"> <li>○ LINAC/radiation treatment room;</li> <li>○ CT room;</li> <li>○ Two consultation rooms;</li> <li>○ Staff rooms;</li> <li>○ Reception; and</li> <li>○ Waiting room.</li> </ul> </li> <li>• Car parking areas accommodating a total of ten (12) car parks;</li> <li>• Landscaping of the site; and</li> <li>• Provision of necessary services and infrastructure.</li> </ul>
<b>Street Address</b>	<p>Lot 56 DP 626521 &amp; Lot 6 DP 666993</p> <p>88 Cornwall Street TAREE NSW 2430</p>
<b>Applicant/Owner</b>	<p>Applicant: Think Planners</p> <p>Owner: CCA Estates Pty Ltd (at the time of lodgement E T Hutchinson and M Hile were the owners of the land)</p>
<b>Date of DA lodgement</b>	30 November 2022
<b>Total number of Submissions</b>	64
<b>Number of Unique Objections</b>	29
<b>Recommendation</b>	<b>Approval</b>
<b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)</b>	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.
<b>List of all relevant s4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• <i>Environmental Planning and Assessment Act 1979</i></li> <li>• <i>Environmental Planning and Assessment Regulation 2021</i></li> <li>• <i>State Environmental Planning Policy (Planning Systems) 2021</i></li> <li>• <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i></li> <li>• <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i></li> <li>• <i>Greater Taree Local Environmental Plan 2010</i></li> <li>• <i>Greater Taree Development Control Plan 2010</i></li> <li>• <i>Greater Taree Section 94A Development Contributions Plan</i></li> </ul>

<b>List all documents submitted with this report for the Panel's consideration</b>	Attachment A – Revised Development Plans Attachment B – Planning Response Letter Attachment C – Revised Landscape Plans Attachment D – Revised Civil Plans Attachment E – Revised Traffic Report Attachment F – Essential Energy Correspondence Attachment G – Revised Noise Impact Assessment Attachment H – Revised Operational Management Plan Attachment I – Draft Conditions of Consent
<b>Clause 4.6 requests</b>	Nil
<b>Summary of key submissions</b>	Car parking Heritage impacts Non-compliance with health facility guidelines Incompatibility with residential setting Overshadowing Non-compliance with building setback requirements Inability to meet water quality targets – phosphorus Impacts associated with substation Inadequate water, sewer and drainage Ecological impacts Waste management Construction impacts
<b>Report prepared by</b>	Ben Lim-Cooper, Senior Development Planner MidCoast Council
<b>Report date</b>	5 March 2024

#### 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. Chapter 4 Remediation of land, State Environmental Planning Policy (Resilience and Hazards) 2021, 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?

**No**

*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

The subject application (DA2022/1362) for demolition of structures and construction of new health services facility (cancer treatment clinic) at Lot 56 DP 626521 & Lot 6 DP 666993 88 Cornwall Street, Taree was reported to the Hunter Central Coast Regional Planning Panel (HCCRPP) for determination on 11 October 2023.

This supplementary report has been prepared following the HCCRPP's decision to defer the determination of the application and provides further information in response to matters raised during the determination meeting. The supplementary report should be read in conjunction with the original assessment report.

After review of the further information, the application is considered satisfactory when evaluated against Section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended) and adequately addresses concerns previously raised by the community, Council staff and the HCCRPP.

It is recommended that the Panel determine Development Application DA2022/1362 for demolition of structures and construction of new health services facility (cancer treatment clinic) at Lot 56 DP 626521 & Lot 6 DP 666993, 88 Cornwall Street, Taree, pursuant to Section 4.16 of the *Environmental Planning & Assessment Act 1979*, by granting consent subject the conditions of consent contained in this report at Attachment I.

## PREVIOUS PANEL CONSIDERATION OF DEVELOPMENT APPLICATION

A Council Assessment Report dated 4 October 2023 was presented to the HCCRPP at their determination meeting on 11 October 2023. Council's Assessment Report recommended to the HCCRPP that the application be refused. In particular, Council's Assessment Report referenced the following issues in reaching the recommendation:

- *The total number of car parking spaces is not considered adequate to support the development. Furthermore, the car parking arrangements reduce the likelihood of, and provide difficulties for, patients utilising on-site car parks. Therefore, it is considered that the development would have an unacceptable extent of reliance on on-street car parking.*
- *The presentation of part of the north-eastern elevation is visually incompatible with the surrounding residential setting.*

The HCCRPP also identified concerns with the development, which can be summarised as follows:

- Overdevelopment of the site;
- The location of the car parking area and substation located forward of the building is incompatible with the low-density residential setting in which the development is located;
- Insufficient car parking;
- Building entry locations and pedestrian movements through the site; and
- Provision for loading and unloading of supplied needs to be accommodated.

The HCCRPP deferred the determination of the matter on the 23 October 2023 to provide the applicant with the opportunity to amend the development to address the concerns identified by the community, Council and the HCCRPP.

The HCCRPP required amended details to be uploaded to the NSW Planning Portal by the 15 December 2023.

## RESPONSE TO DEFERRAL

In response to the deferral, Council officers met with representatives of the *CCA Estates Pty Limited* and the applicant on several occasions. During these discussions, the applicant advised that they were in discussions with Essential Energy regarding the removal of the substation from the site, however, confirmation would not be provided before the HCCRPP deadline.

The applicant uploaded additional information to the NSW Planning Portal on the 15 December 2023. The additional information included the following:

- Cover letter;
- Revised Substation Letter;
- Revised Acoustic Report;
- Revised Landscape Plans;
- Revised Architectural Plans;
- Revised Operation Management Plan;
- Revised Civil Report and associated plans; and
- Revised Traffic Report.

The additional information was exhibited between 19 December 2023 – 22 January 2024. A total of eighteen (18) submissions were received.

A revised Site Plan and Ground Floor Plan was uploaded to the NSW Planning Portal on the 5 February 2024. The revised plans were uploaded following confirmation from Essential Energy that a substation is no longer required on the site. Correspondence from Essential Energy is provided at Attachment F.

In response to this confirmation, the substation which had been relocated from the northern portion to the southern section of the site was removed from the plans. This enabled the provision of an additional two (2) car parking spaces on the site.

As these plan amendments differ only in minor respects from the development, which was previously exhibited, re-notification of the amended Site Plan and Ground Floor Plan was not necessary in accordance with Council's Community Engagement Strategy.

During assessment of the application, the applicant advised that demolition of the existing structures was approved under a Complying Development Certification and requested the application be amended to remove demolition of the existing structures.

The main changes to the development are outlined below.

### ***Changes to Proposed Operations***

The revised development no longer seeks approval for medical oncology services on the site, with the development only providing radiation and related services. Medical oncology services are not as critical to patient care in the area due to these services being available at the nearby Manning Base Hospital. CCA have advised they will work in collaboration with the hospital for any patient care requiring both medical and radiation oncology services.

The removal of medical oncology services reduces the number of staff from seven (7) to six (6) and the number of patients from six (6) to four (4).

### ***Changes to the Built Form and Internal Reconfiguration***

The built form of the development has been changed under the amended development scheme.

The gross floor area of the building has been reduced by 124.44m<sup>2</sup>, which constitutes a total floor area reduction of 18.33% from the development as originally proposed.

Further changes include the treatment of elevations including articulation, variation in materials and inclusion of false windows. Boundary setbacks of parts of the side elevations have also been increased.

There has been a reconfiguration of the internal portions of the facility.

#### ***Changes to Car Parking Arrangements and Numbers***

All car parking spaces on the site have been relocated to the southern (rear) section of the site behind the front building line of the development. The exception is a single staff car parking space that will be retained within the northern section of the site.

The revised development scheme provides an additional two (2) car parking spaces which results in a total of twelve (12) spaces on the site.

#### ***Deletion of Substation***

The substation was initially relocated to the southern portion of the site and behind the front building line of the development. Following confirmation from Essential Energy that the substation could be removed from the site and placed on an existing power pole, the substation was removed.

#### ***Changes to Landscaping***

The relocation of the car parking areas and substation have enabled additional landscaping along the Cornwall Street frontage.

### **1. ASSESSMENT OF THE ADDITIONAL INFORMATION**

Assessment of the additional information against the unresolved concerns raised in association with the development are addressed below.

#### **1.1 Insufficient Car Parking and Inadequate Car Parking Arrangements**

Previously, the development proposed a total of ten (10) car parking spaces in order to accommodate the operations which included oncology services.

The amended development now provides a total of twelve (12) car parking spaces. Additionally, the amended development no longer provides medical oncology services, thereby reducing the number of staff from seven (7) to six (6) and the number of patients from six (6) to four (4). The total number of car parking spaces now exceeds the total number of expected staff and patients.

Concerns were also raised about the distribution of staff and patient car parks across the site. The proposal now seeks to concentrate all patient car parking to the rear of the site. There has been an internal reconfiguration of the facility to accommodate the changes to the car parking layout and enhance patient accessibility into the building.

The removal of the 'drop-off/pick up' reduces potential vehicle manoeuvring conflicts which had been previously identified.

Finally, the amended car parking arrangements allow for all vehicles to exit the site in a forward direction. The exception is the single staff car park located within the northern section of the site. A single car park which relies on exiting the site in a reversing motion is not dissimilar to existing

arrangements associated with dwellings along Cornwall Street and presents no significant adverse traffic impacts.

The amended development resolves issues previously identified in relation to insufficient car parking and inadequate car parking arrangements.

## **1.2 Compatibility with Surrounding Residential Context**

Concerns were previously raised in relation to the visual incompatibility of the development with the surrounding low-density, residential setting.

The amended development results in changes to the built form of the development. These changes include a reduction in the gross floor area, increased side setbacks and additional articulation all of which positively respond to previous concerns by providing greater integration into the surrounding residential development. The amendments also include the inclusion of false windows in the side elevation to provide a more conducive residential presentation.

The amended development also resulted in development layout changes. The car park which was previously located within the northern portion of the site fronting Cornwall Street has been relocated to the rear of the site. This arrangement is consistent with the adjoining land to the east and reduces the visual incompatibility of the development when viewed from Cornwall Street. The applicant has retained the Cornwall Street presentation of the development which potentially could have been jeopardised through the concentration of car parking to within the rear of the site.

The substation which was previously located forward of the front building line has been removed from the site. The presence of the substation was previously identified by the HCCRPP as being an uncommon feature on a residential parcel of land.

## **1.3 Building Entry Locations and Pedestrian Movements Through the Site**

The HCCRPP previously identified issues in relation to the building entries and patient car parking. More specifically, the HCCRPP had concerns about patients parking in the rear of the site and walking around to the front of the site to access the main entry and the ensuing conflicts between this pedestrian activity and the residential amenity of adjoining lands.

The amended development now concentrates all patient car parking to the rear of the site. The main entry to the facility is provided along the western (side) elevation of the building. The main entry and the footpath connecting the entry with the car park are located adjacent detached garages on the adjoining land to the west and not the existing dwelling. The presence of these structures provides a physical barrier between the pedestrian movements associated with the proposal and the use of adjoining private open space.

Hours of operation will be 8.30am - 5.00pm, Monday to Friday. Whilst emergencies may arise outside these standard hours of operation, these are likely to be infrequent.

The revised Landscape Plan shows planting along the western boundary of the site which will provide an element of noise attenuation and buffering between the pedestrian entry and pathway and adjoining land to the west. Notwithstanding, noise generation from pedestrians is likely to be minimal.

## **1.4 Service Vehicles**

As detailed within the revised Operational Management Plan, the delivery of medical consumables would only need to be done fortnightly or monthly. These goods are anticipated to be delivered by a courier van which is able to be accommodated by the surplus on-site car parking. Similarly, weekly linen delivery could also be accommodated. Deliveries are likely to take approximately 10 minutes and any utilisation of car parks is likely to be minimal.

Should the HCCRPP still have concerns about the servicing arrangements, there is the possibility of establishing a service vehicle space at the frontage of the site. Preliminary discussions with the Manager of Council's Transport Assets Team has been conducted and no significant issues with this proposal were identified, however would be subject to formal approval by Council's Traffic Committee. The impacts on on-street car parking associated with this arrangements is likely to be negligible, noting that the proposal would see the decommissioning of one of the two vehicle crossovers along Cornwall Street. This means that the additional on-street car park gained by the decommissioning of the vehicle crossover could be used for service vehicles.

## **2. STATUTORY CONSIDERATIONS**

### **2.1 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*
- *Greater Taree Local Environmental Plan 2010*

#### **State Environmental Planning Policy**

The amended development remains compliant with the provisions of the relevant State Environmental Planning Policies (SEPP). Reference should be made to the initial assessment report for assessment against the relevant SEPPs.

#### **Greater Taree Local Environmental Plan 2010**

The proposal remains permissible within the zone and consistent with the relevant objectives of the zone. The amended development does not change the development's compliance with the relevant provisions of the *Greater Taree Local Environmental Plan 2010* (LEP). Reference should be made to the initial assessment report for assessment against the LEP.

### **2.2 Section 4.15 (1)(a)(ii) – Provisions of any proposed instruments**

There are no proposed instruments of relevance to the development.

### **2.3 Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan**

The amended development remains generally consistent with Parts B, D & H of the *Greater Taree Development Control Plan 2010* (DCP). Reference should be made to the initial assessment report for assessment of the relevant parts of the DCP.

The proposal could not previously be supported due to non-compliance with Parts G1.1 & G1.3. Assessment of the amended development against these parts of the DCP is provided below.



### **Part G1.1 Location of driveways**

A pick-up/drop-off area was provided amongst the car park under the previous development scheme. The pick-up/drop-off area conflicted with the car parking spaces by restricting manoeuvrability and obstructing access to the car parking spaces from the street. Furthermore, use of the pick-up/drop-off area required vehicles to frequently reverse onto Cornwall Street to exit the site which is an arrangement which was not supported in this context.

The removal of the pick-up/drop-off area reduces potential vehicle manoeuvring conflicts which had been previously identified. The need for the pick-up/drop-off area is now redundant, given the amended development now provides car parking surplus to operational needs.

The amended car parking arrangements allow for all vehicles to exit the site in a forward direction. The exception is the single staff car park located within the northern section of the site. A single car park which relies on exiting the site in a reversing motion is not dissimilar to existing arrangements associated with dwellings along Cornwall Street and presents no significant adverse traffic impacts.

The development is now considered to comply with Part G1.1 of the DCP.

### **G1.3 Parking requirements for specific land uses**

The number of car parking spaces provided under the previous development scheme was considered deficient.

Under the amended scheme, the development no longer seeks approval for medical oncology services on the site. The removal of medical oncology services reduces the number of staff from seven (7) to six (6) and the number of patients from six (6) to four (4).

In addition to the reduced reliance on car parking stemming from the change in operations, the amended development also provides two (2) additional on-site car parking spaces.

The development is now considered to comply with Part G1.3 of the DCP.

### **2.4 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.

### **2.5 Section 4.15(1)(a)(iv) - Provisions of Regulations**

The amended development requires no additional consideration of the relevant regulations.

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

#### ***Context, Setting and Design***

Whilst the overall design was considered generally compatible with the surrounding context and setting, concerns remained with specific elements of the previous approval. These concerns can be summarised as follows:

- Presentation of part of the north-eastern elevation associated with the LINAC/Radiation Treatment Room;

- Car parking located forward of the front building line addressing Cornall Street;
- The location of the substation.

The amended development has appropriately responded to these concerns through design changes. These include:

- Increased side setbacks, greater articulation and reduced gross floor area;
- The integration of false windows into the side elevation to provide a more conducive residential appearance;
- Relocation of the car park to the rear of the site;
- Removal of the substation; and
- Increased landscaping to the Cornwall Street frontage.

It is considered that the above changes have satisfactorily addressed previous concerns relating to visual incompatibility.

### ***Access and Transport***

As detailed elsewhere in this Report, the amended development now adequately accommodates the car parking needs of the development through reduced operations and increased car parking spaces.

The removal of the pick-up/drop-off area and reconfiguration and relocation of the main car park addressed previously identified traffic impacts.

#### **1.4 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 Transport and Infrastructure SEPP.

The proposed development presents an economic and orderly use of the land.

The site is considered suitable for the proposed use and the appearance of the development positively responds to the residential character of the site and surrounds.

#### **1.5 Section 4.15(1)(d) - Public submissions**

The amended development was exhibited between 19 December 2023 – 22 January 2024 accordance with the *Environmental Planning and Assessment Act 1979*, *Environmental Planning and Assessment Regulation 2021* and the MidCoast Council Community Engagement Strategy. A total of eighteen (18) submissions were received.

A revised Site Plan and Ground Floor Plan was uploaded to the NSW Planning Portal on the 5 February 2024. The revised plans were uploaded following confirmation from Essential Energy that a substation is no longer required on the site. In response to this confirmation, the substation which had been relocated from the northern portion to the southern section of the site was removed from the plans. This enabled the provision of an additional two (2) car parking spaces on the site.

As these plan amendments differ only in minor respects from the development, re-notification of the amended Site Plan and Ground Floor Plan was not necessary in accordance with Council's Community Engagement Strategy.

The following details planning related concerns raised in submissions received against the most recent amendments. Concerns have been grouped to avoid repetition.

#### 1. Car Parking

Under the amended scheme, the development no longer seeks approval for medical oncology services on the site. The removal of medical oncology services reduces the number of staff from seven (7) to six (6) and the number of patients from six (6) to four (4). In addition to the reduced reliance on car parking stemming from the change in operations, the amended development also provides two (2) additional on-site car parking spaces.

#### 2. Heritage Impacts

The existing dwellings on the land do not contain any significant heritage value, with the design of these dwellings typical of existing dwellings within this section of the Taree locality. Whilst Registered Heritage Items in the form of dwellings exist along Cornwall Street, these Items are located approximately 100 metres from the site on the opposite side of Cornwall Street. It is also noted that despite the existence of Heritage Items along Cornwall Street, the site is not located within a Heritage Conservation Area.

Furthermore, the proposed development necessitates no removal of Brush Box trees for the purposes of driveway construction.

No significant adverse heritage impacts are likely.

#### 3. Incompatibility with Residential Setting

The amended development has appropriately responded to these concerns through design changes. These include:

- Increased side setbacks, greater articulation and reduced gross floor area;
- The integration of false windows into the side elevation to provide a more conducive residential appearance;
- Relocation of the car park to the rear of the site;
- Removal of the substation; and
- Increased landscaping to the Cornwall Street frontage.

It is considered that the above changes has satisfactorily addressed previous concerns relating to visual incompatibility.

#### 4. Rear Access from Cornwall Lane

The previous development scheme proposed rear access to the site via Cornwall Lane. The lane is considered to have sufficient capacity to accommodate these access arrangements and was supported by Council's Development Engineers.

#### 5. Reduced Operations and Funding Obligations

The reduced operations and how they relate to the funding conditions is not a matter for consideration by the consent authority.

#### 6. Side Entry and Impacts on Adjoining Residential Amenity

The amended development now concentrates all patient car parking to the rear of the site. The main entry to the facility is provided along the western elevation of the building. The main entry and the footpath connecting the entry with the car park are located adjacent detached garages on the adjoining land to the west and not the existing dwelling. The presence of these structures provides a physical barrier between the pedestrian movements associated with the proposal and the use of adjoining private open space.

Hours of operation will be 8.30am - 5.00pm, Monday to Friday. Whilst emergencies may arise outside these standard hours of operation, these are likely to be infrequent. The revised Landscape Plan shows planting along the western boundary of the site which will provide an element of noise attenuation between the pedestrian entry and pathway and adjoining land to the west. Notwithstanding, noise generation from pedestrians is likely to be minimal.

#### 7. Impacts Associated with Power Pole Substation

Concerns have been raised about the proposal to provide a power pole substation. Whilst in this circumstance, the power pole substation is directly related to this development, such arrangements are not uncommon within residential settings where deficiencies in power supply are prevalent.

Any installation of a power pole substation will be administered by Essential Energy to ensure the installation and operation of the substation complies with all relevant Australian standards and manufacturer specifications.

#### 8. Concerns Relating to Increased Operations in the Future

The operations, including staff numbers, will be restricted via a condition of consent. The revised Operation Management Plan also details maximum staff numbers. A condition of consent will also require compliance with this plan associated with ongoing operations.

### **1.6 Section 4.15(1)(e) – The Public Interest**

The proposed development will result in a positive community benefit by providing critical medical services not currently provided to patients in the area. The facility will complement medical services provided by the nearby hospital and increase care options within the community.

The development integrates into the residential setting in which it is located.

The proposed development is considered to be 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. Should the Panel approve the development, 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**

The proposed development will result in a positive community benefit by providing critical medical services not currently provided to patients in the area.

The amended development scheme has adequately responded to concerns raised by the community, Council staff and the HCCRPP.

The changes to the built form of the development results in a development which is conducive with the residential setting.

On-site car parking satisfactorily accommodates the operations of the development.

## **7.0 RECOMMENDATION**

It is recommended that the Panel determine Development Application DA2022/1362 for demolition of existing structures and construction of a health services facility at Lot 56 DP 626521 & Lot 6 DP 666993, 88 Cornwall Street TAREE NSW 2430, pursuant to Section 4.16 of the Environmental Planning & Assessment Act 1979, by granting consent subject to the conditions of consent contained within Attachment I.