

15 December 2023

Mr Benjamin Lim-Cooper
Senior Development Planner
MidCoast Council

Dear Ben

DA/2022/1362 CONSTRUCTION OF A HEALTH SERVICES FACILITY AT 88 CORNWALL STREET, TAREE

I refer to the above development and the deferral of the application by the Hunter and Central Coast Regional Planning Panel following its public meeting that was held on 11 October 2023.

The record of deferral from the panel meeting indicates in part that it was deferred as:

The Panel considers that the proposal in its current form is an overdevelopment of the site and would warrant refusal on built form and carparking grounds.

The location of carparking and substation forward of the building line in a low-density residential neighbourhood is incompatible with the character and amenity enjoyed by surrounding properties. The proposal does not satisfy its expected parking needs within the site which is inappropriate within the context of the residential area and cumulative parking demands from surrounding uses. Furthermore, the proposal should not rely on carparking in front of the building line.

The Panel is supportive of the proposed use and acknowledges the importance of these types of health facilities located proximate to the population in need and health facilities, in this case the Manning Base Hospital. For this reason, the Panel proposes to defer the matter given the need for the facility.

The panel required that an amended application be uploaded to the NSW Planning Portal by 15 December 2023.

In accordance with this requirement, the following plans and reports accompany this revised development application submission.

Plans/Reports	Prepared by
Revised Architectural Plans	Team 2 Architects
Revised Civil Plans	Northrop
Revised Landscape Plans	Studio 151
Revised Civil Stormwater Report	Northrop
Revised Traffic Impact Assessment	TTPP
Sub Station Consideration letter	DSA Consulting
Revised MUSIC Model	Northrop
Revised Operational Details	Cancer Care Associates
Revised Acoustic Report	E-Lab consulting

This letter should also be read in conjunction with some of the previously submitted documents.

REDUCTION IN INTENSITY OF USE AND SCALE OF PROPOSAL

Given the concerns expressed by the panel and outlined in the Council assessment report the proposal has been refined by:

- No longer seeking approval to use the premises for Medical Oncology services that can be provided at the nearby Manning Base Hospital. To ensure patient care, CCA will work in collaboration with Manning Base Hospital to coordinate treatments for any patients requiring a combination of Medical and Radiation Oncology services. The removal of Medical Oncology services from this facility reduces the maximum number of proposed staff from seven to six and patients from six to four.
- Reducing the proposed gross floor area of the building from 678.92m² as lodged with Council in August 2023 to 554.48m² (this is a reduction of 124.44m² or a 18.33% reduction in GFA);
- Relocating the proposed substation to Cornwall Lane;
- Relocating a further two carparking spaces to Cornwall Lane;
- Relocating the main pedestrian entry to the premises to the side boundary in close proximity to the main carpark; and

- Increasing landscaping within the front setback to Cornwall Street including the planting of four trees capable of growing between six metres and eight metres in height.

REVISED APPLICATION OVERVIEW

Given the above, the revised application seeks approval for works including:

- Demolition of existing structures and vegetation removal;
- Construction of a part one and part two storey Cancer Care Clinic that will provide radiation oncology services and is proposed to operate Monday to Friday between 8:30am and 5:00pm. The reduction in the maximum intensity of use is 10 persons comprising six staff and four patients. It is noted that one staff member, the Radiation Oncologist, would only be present at the site one weekday; and
- Provision of 10 on-site carparking spaces including one all day parking space accessed from Cornwall Street, and a further nine car spaces accessed from Cornwall Lane that comprises of five staff parking spaces and four patient parking spaces (including an accessible space).

This letter now addresses the key grounds of the deferral.

INSUFFICIENT CAR PARKING

Council's traffic engineer in the Council report assessment prepared for the 11 October 2023 meeting indicated that parking on the site should effectively be provided at the rate of:

- one space per employee in attendance; and
- one space per patient in attendance.

As outlined above, the intensity of use has been reduced ensuring the maximum number of persons on site at any one time each have an assigned car space aligning to the rate suggested by Council's Traffic engineer.

As outlined in the traffic report that accompanies this resubmission this is a conservative rate:

- Noting that on at least four days a week there would be at least one 'vacant' staff space given that the Radiation Oncologist will only attend one day.

Additionally, this correlates with a reduction in patients accessing the facility for consultation,

- As it assumes that all patients and staff will drive a private car and not utilise an alternative method of transport; and
- As it assumes that there will always be four patients in attendance which is unlikely given the requirements for bookings to be made when attending and noting that the Radiation Oncologist will only attend one day per week.

The panel also requested that deliveries be considered in the operational management plan, parking not be provided forward of the building line in Cornwall Street and that all vehicles be able to leave the site in a forward direction.

In response to these concerns:

- The operational management plan outlines the limited deliveries the site would receive, and the above analysis confirms that there will very likely be an available parking space in the Cornwall Lane carpark for the delivery vehicle;
- No parking is provided forward of the building line in Cornwall Street; and
- Vehicles utilising nine of the 10 car parking spaces can exit the site in a forward direction. The staff person utilising the space accessed from Cornwall Street would need to reverse out of the site. The revised traffic report considers the merits of this and states:

Vehicles exiting from the single proposed staff space at the front of the site will need to be reversed out to the street. This is the same arrangement as majority of the residential dwellings along the street. Notwithstanding this, this space will be allocated to the centre leader/manager, who will only enter and exit the site once per day. Therefore, this arrangement is considered acceptable and is not expected to have adverse impacts on the frontage road taken into account of the user and movement frequency;

Given the above it is considered that sufficient parking is provided to cater for the use.

BUILT FORM AND RESIDENTIAL COMPATIBILITY

The panel raised concern that the proposed building is not compatible with the residential setting of Cornwall Street.

To address this concern the design has been refined with:

- The proposed gross floor area of the building reduced from 678.92m² as lodged with Council in August 2023 to 554.48m². (This is a reduction of 124.44m² or a 18.33% reduction in GFA);
- The required substation relocated to Cornwall Lane;
- The removal of two car parking spaces and an associated accessible zone that were located in the front setback to Cornwall Street;
- Refinement of elevations to provide articulation and variation of material on all sides of the facility to reflect a more residential aesthetic; and
- Reduction in hard surfaces and increased landscaping along the Cornwall Street frontage including the planting of four trees capable of growing between six and eight metres in height.

The letter now addresses the requirements of the key planning instruments for the site being the Greater Taree Local Environmental Plan 2010 and the associated Greater Taree Development Control Plan 2010.

GREATER TAREE LOCAL ENVIRONMENTAL PLAN 2010

As illustrated by Council's zoning map extract overleaf, the development site remains zoned R1 – General Residential under the Greater Taree Local Environmental Plan 2010.

Figure 5: Zoning Map Sheet LZN_015G (Source: Greater Taree LEP 2010)



 Subject Site

A Health services facility is permissible with development consent within the R1 General residential, noting that the revised proposal remains consistent with the definition within the LEP that is outlined below/

Health services facility means a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following –

- (a) a medical centre,
- (b) community health service facilities,
- (c) health consulting rooms,
- (d) patient transport facilities, including helipads and ambulance facilities,
- (e) hospital.

The table below provides detail on the development standards relevant to the current proposal.

The development proposal is also consistent with the prescribed zone objectives that are stipulated as:

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

The proposed health services facility is compatible with the low-density residential character and the site is well located with appropriate access to public transportation and community infrastructure. The proposed scale and character of the proposal is compatible with the established character of the neighbourhood. There are no resultant detrimental impacts arising from this proposal as detailed in this submission along with the supporting technical statements.

The proposal will deliver much needed health service facility for the community as well as providing local employment opportunities. The proposed development will assist with creating vitality within this neighbourhood and a sustainable future for the local community.

The table below provides detail on the development standards relevant to the current proposal as well as other relevant LEP provisions.

Greater Taree Local Environmental Plan 2010 – Compliance Table			
Clause	Controls	Comment	Complies
Zoning	R1 – General Residential	'Health services facilities' are permissible with Council consent in the R1 – General Residential zone.	Yes

Part 2 Permitted or Prohibited Development

2.3	Zone Objectives and Land Use Table	<p>The proposal is consistent with the objectives of the R1 General Residential</p> <p>The proposal will appropriately fulfil the objectives of the zone in providing facilities and services for the day to day needs of the community members.</p>	Yes
2.6	Subdivision – Consent Requirements	Subdivision does not form part of the proposal Not applicable.	N/A
2.7	Demolition Requires Consent	Council consent is sought for the demolition of the dwellings and associated outbuildings on the site.	Yes

Part 4 Principal Development Standards

4.3	Height of Buildings – 8.5m	<p>Greater Taree Local Environmental Plan 2010 Height of Buildings Map Sheet HOB_015G indicates that the development site is subject to a maximum building height of 8.5m.</p> <p>No part of the building exceeds 8.5m in height as shown on the submitted section plans. The maximum height is approximately 8m. The building adopts a 2 storey form with an in-set upper level element.</p>	Yes
4.4	Floor Space Ratio: 0.6:1	<p>Greater Taree Local Environmental Plan 2010 Floor Space Ratio Map Sheet FSR_015G indicates that the development site has a maximum floor space ratio of 0.6:1.</p> <p>The revised development has an FSR of 0.46:1 Complies</p>	Yes

Part 5 Miscellaneous Provisions

5.10	Heritage Conservation	<p>The subject site is not listed as a heritage item and is not located within a conservation area. However, the subject site is adjacent to a heritage item and is in the vicinity of an items.</p> <p>As outlined in the Council assessment report :</p> <p><i>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</i></p>	Yes
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		<p>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. As detailed elsewhere, the design of the proposed development does not undermine the surrounding residential setting in which it is located.</p> <p>No significant adverse heritage impacts are likely.</p>	
5.21	Flood Planning	Greater Taree Local Environmental Plan 2010 Flood Planning Map indicates that the development site is not flood prone.	N/A
Part 7 Additional Local provisions			
7.1	Acid Sulphate Soils	The subject site is not identified as containing Acid Sulfate Soils under the Greater Taree Local Environmental Plan 2010. Not Applicable.	N/A
7.3	Earthworks	<p>This application seeks Council consent for minor excavation of the site as per the attached plans.</p> <p>It is considered that the proposed excavation, will have minimal adverse environmental or amenity impacts. The proposal will not adversely affect or disrupt drainage and flood patterns, flood storage or soil stability in the area.</p> <p>It is considered unlikely due to the location of the site as well as previous development that excavation will lead to the disturbance of relics.</p>	Yes

GREATER TAREE DEVELOPMENT CONTROL PLAN 2010 - PART D ENVIRONMENTAL REQUIREMENTS

All relevant Council controls have been considered in the tables below, noting that those of most relevance relate to earthworks and vegetation management.

Part D – Environmental requirements			
Section	Controls	Comment	Complies
Part D3 – Earthworks, Erosion and Sedimentation			
D3.1	Earthworks	Cut and Fill and Retaining Walls – residential development	Yes
		Building work will be designed to respond to the natural topography and minimize cut and fill.	
		The maximum amount of cut will not exceed 1m and no fill is proposed outside of the building footprint.	
		Use of Virgin Excavated Natural Material (VENM) All land forming operations will involve the use of clean fill (Virgin Excavated Natural Material) and will meet the same salinity characteristics of the receiving land.	Yes
		Land Landscaping details which identify soil conservation, landfill stability, fill, depth, volume, quality, treatment and landscaping are provided in the attached landscaping plan.	Yes
D3.1	Earthworks	Water A Stormwater management plan has been attached as part of this development application which identifies stormwater pollution controls, required easements, and depth and quality of groundwater.	Yes
		Rehabilitation The development application is accompanied by a landscaping plan which addresses the vegetation removed and retained, proposed site stabilisation, weed control programs and details of plantations.	Yes
		Species selected will achieve short, medium and long term soil stability.	
D3.2	Erosion and sediment control requirements	The erosion and Sediment Control Plan is attached as part of this development application.	

All disturbed areas will be progressively rehabilitated and sediment and erosion controls will be implemented prior to the commencement of construction works.

Soil and Water Management Plan Requirements

The soil and Water Management Plan will include a detailed calculation to determine the amount of soil losses and size of any sediment basins required for the site.

General requirements

The proposed development will minimise the potential erosion through construction and operational controls and will minimise the extent of soil disturbance through the retention of vegetation and limiting earthworks.

Clearing and earthworks

The development will minimise vegetation disturbance and site excavations. An Erosion and Sediment control plan will be in place before earthworks.

Drainage

All upslope run-off will be managed and diverted around all areas.

Diversion drains will be made erosion proof and will prevent sediment materials from entering open drains or watercourses.

All roof guttering and downpipes will be installed and connected to an approved drainage system.

Site access

Vehicular access for the construction phase will be restricted to a single, well defined access point from both Cornwall Street and Cornwall Lane. Vehicular access will be controlled and prevent sediment from being tracked onto adjoining land.

Topsoil and stockpiles:

Topsoil will be stripped and saved before excavation and respread after completion of works.

Stockpiles will not be stored in public spaces including footpaths, kerb, access reserves or nature strips.

Stabilisation and rehabilitation

All disturbed areas at the completion of works will be rehabilitated and stabilised.

Part D4 – Vegetation Management

D4.1	Vegetation Management	Removal or pruning of vegetation will comply with chapter 2 of the State Environmental Planning Policy (Biodiversity and Conservation)	Yes
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GREATER TAREE DEVELOPMENT CONTROL PLAN 2010 - PART F HERITAGE REQUIREMENTS

All relevant Council controls have been considered in the tables below, noting that those of most relevance relate to setback requirement for new development.

Part F Heritage Requirements – F2. Development Requirements			
Section	Controls	Comment	Complies
Part F2.1 – Site requirements			
F2.1.1	Sitting setbacks	and The proposed development will provide sufficient setbacks and will have no undue impact on adjoining heritage trees. The proposed Cornwall Street setback follows the neighbourhood setback patterns, and the proposed building is of a height and scale that will not unduly dominate nearby heritage items.	Yes

GREATER TAREE DEVELOPMENT CONTROL PLAN 2010 - PART G CAR PARKING AND ACCESS

All relevant Council controls have been considered in the tables below, noting that the proposed development does not fit within a specific category in the DCP.

Part G Car Parking and Access			
Section	Controls	Comment	Complies
G1 Car parking and access			
G1	General requirements for all development	Car parking spaces are within 3m of the street but given this is a rear lane it is considered appropriate. Driveways have a combined entry/exit driveway width of 6m. Hardstand areas are minimised and utilise concrete.	Variation Yes Yes
G1.1	Location of driveways	The driveway will be constructed to be clear of all obstructions and be in accordance with Australian Standards	Yes

G1.2	Service vehicle requirements	Convenient and safe access is provided to facilitate on-site service operations with the site generating very few delivery vehicles.	Yes
G1.3	Parking requirements for specific land uses	<p>There is no specific DCP parking rate that applies as this is a cancer care treatment facility which varies significantly from the normal medical centre type facility in terms of the staffing and patient numbers</p> <p>The merits of the proposed carparking have been discussed previously in this letter.</p>	Merit based discussion.

GREATER TAREE DEVELOPMENT CONTROL PLAN 2010 - PART H RESIDENTIAL REQUIRMENT

All relevant Council controls have been considered in the tables below, noting that the proposed development does not fit within a specific category in the DCP. The most relevant is the setback requirements and solar access to neighbouring properties.

Part Residential requirements			
Section	Controls	Comment	Complies
H2.1 Site coverage and lot requirements			
H2.1	Site coverage and lot requirements	The maximum site coverage will not exceed the site coverage area of 65%, the proposed ground floor coverage is 443.81m ² which is approximately 36% of the site area.	Yes
H2.2	Building setbacks	Building setbacks are in accordance with neighbouring dwellings to maintain the rhythm and street character.	Yes
H2.3	Building height	<p>The development area is mapped as 8.5m, and at no point, the building height will exceed 8.5m. The proposed development will only have two levels.</p> <p>The maximum height to the point of intersection of wall and eaves lines is 6m above the corresponding lowest storey at any point.</p>	Yes
H2.4	Car parking and access	The proposed development is not for residential development. Not applicable.	
H2.5	Private Open Space	The proposed development is not for residential development. Not applicable.	

The following table outlines how the revised proposal complies with relevant requirements contained with the Manning DCP for one and two storey single detached dwellings.

Greater Taree City Council -Part H3.1 Controls for one and two storey single detached dwellings

Control	Comment
The minimum primary street boundary setback is 5m. However, where adjacent residential development is closer to the front boundary, Council may consider a setback equal to that of whichever neighbouring dwelling/building most closely meets the required setback. Where adjacent development is set further back than the minimum requirement, Council may require a greater setback than the minimum permissible.	<p>The revised development provides a minimum front setback to Cornwall Street of 7.17m.</p> <p>A minimum front setback of 4.42m is provided to the roof over the entry porch to the development from Cornwall Street which is consistent with the setback to 86 Cornwall Street.</p> <p>Accordingly the development complies with this control.</p>
The garage door (regardless of the frontage of the site) shall achieve a minimum setback of 5m from the relevant street frontage.	The development does not incorporate a garage. Not applicable
Side and rear setbacks are to be a minimum of 900mm for single storey development.	The development provides a ground floor side setback of between 1.6m and 2.2m to its northern side boundary and between 3m and 3.58m to its southern side boundary. Complies
Two storey developments are to be set back a minimum of 1600mm from side and rear boundaries.	The second storey is recessed and setback 6.34m from its southern side boundary and 6.29m to its northern side boundary.
Projections permitted into setback areas include: eaves, sun-hoods and vertical sun screens, gutters, downpipes, flues, light fittings, electricity or gas meters and aerials. These can project 450mm (where the setback is 900mm) or to the boundary, whichever is less.	1Gutters project into the side setback with the minimum setback from the gutter to the boundary being approximately 1100mm.



Conclusion

I trust the above in conjunction with the attached additional information responds to Council 's issues identified in the assessment report and that any remaining concerns with the project can be conditioned to allow a report recommending approval of the application to be finalised

Should you require any further information, I can be contacted on 02 9687 8899 or brad@thinkplanners.com.au.

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