

## COUNCIL ASSESSMENT REPORT

### NORTHERN REGIONAL PLANNING PANEL

<b>PANEL REFERENCE &amp; DA NUMBER</b>	PPSNTH-189 – DA2022 - 901
<b>PROPOSAL</b>	Staged Alterations and Additions to Private Hospital
<b>ADDRESS</b>	Lot 1 DP 1225449 86-94 Lake Road Port Macquarie
<b>APPLICANT</b>	Erilyan Pty Ltd
<b>OWNER</b>	HCOA Operations (Australia) Pty Ltd
<b>DA LODGEMENT DATE</b>	18 October 2022
<b>APPLICATION TYPE</b>	Development Application - Integrated
<b>REGIONALLY SIGNIFICANT CRITERIA</b>	Section 2.19(1) and Clause 5 of Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> declares the proposal regionally significant development as the capital investment value is more than \$5 million and involves a health services facility (hospital).
<b>CIV</b>	\$25.45 million (ex GST)
<b>CLAUSE 4.6 REQUESTS</b>	NIL
<b>KEY SEPP/LEP</b>	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>• State Environmental Planning Policy (Industry and Employment) 2021</li> <li>• State Environmental Planning Policy (Planning Systems) 2021</li> <li>• State Environmental Planning Policy (Primary Production) 2021</li> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>• State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>• Port Macquarie-Hastings Local Environmental Plan 2011</li> </ul>
<b>TOTAL &amp; UNIQUE SUBMISSIONS KEY</b>	Six (6) unique submissions received, including some with multiple signatories.

<b>ISSUES SUBMISSIONS</b>	<b>IN</b>	<p>Key issues raised:</p> <ul style="list-style-type: none"> <li>• Current shortage of parking</li> <li>• Inadequacy of proposed parking</li> <li>• Access, congestion, illegal parking in adjacent streets</li> <li>• Works on adjoining land</li> <li>• Easements for car parking, telephone and electricity</li> <li>• Construction impacts - access, noise, dust</li> <li>• Privacy/overlooking</li> </ul>
<b>DOCUMENTS SUBMITTED FOR CONSIDERATION</b>	<b>FOR</b>	<ol style="list-style-type: none"> <li>1. Architectural Plans</li> <li>2. Arborists Report</li> <li>3. Acoustic Report</li> <li>4. Access Report</li> <li>5. Bushfire Impact Assessment</li> <li>6. BCA Report</li> <li>7. Civil, Stormwater Package</li> <li>8. Cost Report</li> <li>9. Environmental Report</li> <li>10. Landscape Package</li> <li>11. Waste Management Report</li> <li>12. Traffic Impact Assessment</li> <li>13. Geotechnical Report</li> <li>14. Statement of Environmental Effects</li> <li>15. Survey Plan</li> <li>16. Land Contamination - Targeted Asbestos</li> <li>17. Koala Development Assessment Report</li> <li>18. Arborist Report addendum</li> </ol>
<b>SPECIAL INFRASTRUCTURE CONTRIBUTIONS (\$7.24)</b>		NIL
<b>RECOMMENDATION</b>		Partial Consent for Stage 1 only subject to provision of thirty one (31) car parking spaces proposed at Stage 2, at the north east corner of the site, prior to occupation.
<b>DRAFT CONDITIONS TO APPLICANT</b>		Yes
<b>SCHEDULED MEETING DATE</b>		2 August 2023
<b>PLAN VERSION</b>		Health Projects International dated 23 June 2023 Version 6
<b>PREPARED BY</b>		Vanessa Penfold
<b>DATE OF REPORT</b>		21 July 2023

## EXECUTIVE SUMMARY

The development application (DA2022 - 901.1) seeks consent for staged alterations and additions to the existing Port Macquarie Private Hospital (health services facility).

The subject site known as Lot 1 DP 1225449, 86-94 Lake Road Port Macquarie Port Macquarie ('the site') has an area of 17,329m<sup>2</sup>. The site has two (2) road frontages, Lake Road and Parker Street. There are five (5) existing vehicle access points including two (2) driveways off Lake Road, and three (3) driveways off Parker Street.

The site was first occupied as a hospital around 1979. The buildings on site have been subject to various alterations and additions over time to provide additional in-patient beds, day surgery facilities, operating theatres, rehabilitation facilities, hydrotherapy pool and parking. The hospital site had formerly included the adjacent building to the north known as 'The Grange'. The former Port Macquarie Eye Care building site and car parking approved in 1998 with access off Parker Street has been amalgamated with the hospital site.

The current proposal includes:

- Alterations to the building at the Lake Road frontage including new first floor area administration and medical suites, medical imaging, café and pharmacy, signage, reconstruction of the existing front car park and construction of new staff car parking at the south western corner of the site.
- Alterations to building at the Parker Street frontage including new ground floor and first additions, 29 additional hospital beds, bringing total beds to 101.
- Refurbishment of existing rooms.
- Two new operating theatres.
- Demolition of the Pre admission building and construction of 31 car parking spaces at the north eastern corner of the site.
- Provision of a total 144 on site car parking spaces at completion of Stage 2, being 18 in addition to the existing 126 spaces on site. Total on site car parking includes 15 spaces shared with 'The Grange' consulting rooms at 82 Lake Road.

The works are proposed in two stages. The hospital will continue to be operational during the works.

The application is referred to the Northern Planning Panel ('the Panel') as the development is '*regionally significant development*', pursuant to Section 2.19(1) and Clause (5)(b) of Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021* as the proposal is development for a health services facility (hospital) with a Capital Investment Value over \$5 million.

A briefing was held with the Panel on 14 March 2023 where key issues were discussed, including parking, traffic, noise, ecology and works shown on adjoining land.

The site is located in the R1 General Residential zone pursuant to Clause 2.2 of the *Port Macquarie-Hastings Local Environmental Plan 2011* ('LEP 2011'). Development for the purpose of health services facility (hospital) is permissible with consent in the R1 zone.

- The proposal is considered generally consistent with various objects of the EP&A Act and is considered consistent with broader public interest given the benefit associated with additional health care facilities include two (2) additional operating theatres and 29 hospital beds.
- For the most part the proposal is consistent with the matters for consideration under Section 4.15(1) of the EP&A Act. However, the staging of the proposal in its current form and shortfall of car parking has potential for adverse impacts on surrounding uses. The net loss of one (1) space at the completion of Stage 1 and the total shortfall of parking of 16 spaces at completion of Stage 2, based on the estimated parking demand for the development (Traffix, 23 June 2023), is not acceptable.

There were no concurrence requirements from agencies for the proposal. The application is integrated development pursuant to Section 4.46 of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). A bushfire safety authority has been issued under Section 100b Rural Fires Act 1997 for the works.

A referral to Essential Energy pursuant to *State Environmental Planning Policy (Transport and Infrastructure) 2021* ('Transport and Infrastructure SEPP') raised potential safety issues due to proximity to existing electrical infrastructure being a substation on the southern side of the building and underground mains that serve the substation. An extract from advice received 18 November 2022 is provided below.

*'As the plans provided do not show the distances from Essential Energy's infrastructure and the development, there may be a safety risk.'*

- *A distance of 2 metres from the nearest part of the development to Essential Energy's underground infrastructure (measured horizontally) is required to ensure that there is no safety risk.*
- *A clearance distance of 3 metres from the nearest part of the development to Essential Energy's pad mounted substation (measured horizontally) is required and no gas or ventilation system should be permitted within 6 metres of Essential Energy's padmounted substation.*

A new substation is proposed adjacent to Parker Street and the plans amended to show compliant setback to the new building and existing gas supply. Further detail will be required to confirm adequate protection from accidental damage to the substation.

The applicant has advised that the underground mains that traverse the south western corner of the site will be made redundant upon commissioning of the new substation. This information has been provided to Essential Energy. The matters have been addressed by suitable conditions of consent.

Jurisdictional prerequisites to the grant of consent imposed by the following controls have been satisfied including:

- Section 4.6 of the Transport and Infrastructure SEPP for consideration of whether the land is contaminated;
- Section 2.48(2) of the Transport and Infrastructure SEPP in relation to electricity distribution.

The application was placed on public exhibition from 3 November 2022 to 2 December 2022 with six (6) unique submissions received, some with multiple signatories. The submissions raised issues relating to traffic and car parking, easements (access, parking and services), works on adjoining property, disruption potential noise and dust impacts during construction. These issues are considered further in this report.

Most of the issues raised have been addressed through amended plans and submission of specialist reports and/or assessment by specialist Council staff. In particular, a revised Traffic Impact Assessment (TIA) report was submitted (Traffix, June 2023). The report concludes that the development will result in a shortfall of on site car parking.

Following consideration of the matters for consideration under Section 4.15(1) of the EP&A Act, the provisions of the relevant State Environmental Planning Policies, the site is considered suitable for the part of the proposed development being all of Stage 1, subject to provision of the new car parking area at the north east corner of the site following the demolition of the Pre

admission building shown as Stage 2 works. The new car park will provide nineteen 19 new parking spaces in addition to the twelve spaces already provided in that location, and a net gain of 18 spaces. It is considered that the car park works can be reasonably completed together with Stage 1 work without significant impact on the delivery of the proposed development.

The remaining Stage 2 works of the proposal cannot be supported due to a shortfall in provision of 16 off-street car parking spaces and the likely impacts on the amenity of precinct for both residential and non-residential uses. The applicant is encouraged to consider provision of additional parking to serve the development.

The Stage 1 works are adequately depicted in the plan set and it is considered that the determining authority may grant partial consent under the provisions of Sections 4.16(4) and (5) of the Act. Extract as follows:

*(4) **Total or partial consent** A development consent may be granted—*

*(a) for the development for which the consent is sought, or*

*(b) for that development, except for a specified part or aspect of that development, or*

*(c) for a specified part or aspect of that development.*

*(5) The consent authority is not required to refuse consent to any specified part or aspect of development for which development consent is not initially granted under subsection (4), but development consent may subsequently be granted for that part or aspect of the development.*

Following a detailed assessment of the proposal, pursuant to the Act, it is recommended that **partial consent** be granted, pursuant to Section 4.16(4)(c) and subject to the conditions contained at **Attachment A** of this report.

## **1. THE SITE AND LOCALITY**

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### **1.1 The Site**

- The site is 17,329m<sup>2</sup> in area and has street frontage to Lake Road to the west and Parker Street to the east (see Figure 1).
- The site has been occupied by a private hospital since 1979 and the buildings on site have undergone alterations and additions over time.
- The current hospital includes 72 in-patient beds, six (6) operating theatres, and outpatient services (that do not require overnight stay) including day surgery facilities, hydrotherapy pool, rehabilitation services and kiosk/coffee shop.
- Vehicle access and visitor parking is available at each street frontage. The hospital has three parking areas on site that provide 126 spaces, 15 are shared with the adjoining property via an easement that benefits 82 Lake Road known as 'The Grange'.
- Service vehicles enter and leave via Lake Road with the exception of gas servicing from Parker Street.
- The site is identified as bushfire prone land.
- The site is not identified as flood prone.
- Public transport (bus) service and shelter is available on Lake Road.







Photograph 1 - Lake Road frontage looking south, entry driveway on left.



Photograph 2 - Lake Road car park looking south.



Photograph 3 - Main hospital entry portico, Lake Road frontage.



Photograph 4 - Service areas adjacent to southern boundary looking east.





Photograph 5 - Parker Street entrance on left, looking north towards Bellevue Gardens.



Photograph 6 - Driveway entry to The Grange (No.82 Lake Road) from Parker Street. The former Port Macquarie Eye Care building and associated parking in left of frame.

## 2. THE PROPOSAL AND BACKGROUND

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### 2.1 The Proposal

The proposal seeks consent for alterations and additions to the Port Macquarie Private Hospital over two stages.

Specifically, the proposal involves:

#### Stage 1 -

- Alterations to the Lake Road front entry, reception/waiting area, toilets, café and pharmacy, medical imaging facility (ground floor) and five (5) medical suites and executive/administration area (first floor).
- New ground floor east wing extension including new lobby, pre-op beds, switch room and discharge lounge.
- Various other alterations to existing in-patient rooms,
- One (1) additional operating theatre, support room, construction of the shell for another new operating theatre on the southern side of the building to be the eighth theatre and completed in Stage 2.
- New sub-substation (Parker Street), maintenance office and generator in south eastern part of hospital grounds.
- Construction of new on-grade car parking area and acoustic barrier in the south-western corner of the site including tree removal.
- Upgrade to existing car parking adjacent to Lake Road frontage including two (2) ambulance parking spaces and patient/visitor drop off zone.
- Upgrade to temporary drop off area on Parker Street frontage with landscaping.
- Erection of building identification signs on the western and eastern elevations.
- At the completion of Stage 1, 125 parking spaces are proposed to serve the development, including fifteen (15) spaces that are shared with 'The Grange' medical suites under DP793705. This is one (1) less space than currently provided.

#### Stage 2 -

- New first floor addition to eastern part of hospital including 17 additional beds in the surgical/medical inpatient unit and 12 additional critical care unit beds being a total of additional 29 beds and an overall total 101 in-patient beds at the site.
- One (1) additional ground floor operating theatre (south).
- Demolition of the Pre admission Clinic, and construction of 31 car parking spaces and acoustic barrier in the north-east corner.
- Upgraded parking area adjacent to the eastern frontage including day surgery drop off zone.
- At the completion of Stage 2, a total of 144 car spaces are proposed to serve the existing and proposed development, including 15 spaces shared with The Grange. This is an overall increase of eighteen 18 on-site car parking spaces.

Future plans for the site beyond the current application are not known. An overall development masterplan has not been submitted.

The key development data is provided in **Table 1**.

Site plans showing Stage 1 and Stage 2 works are provided below.

**Table 1: Key Development Data - Total development**

<b>Control</b>	<b>Proposal</b>
Site area	1.73 ha
GFA	Total - 7,862m2
Clause 4.6 Requests	No
No. of residential apartments	Nil
Max Height	8.5m height limit. Proposed height 8.5m.
Hospital beds	Current - 72 Additional - 29 Total - 101
Setbacks - buildings	North - 0.45m to building, fire stair East - 12.2m to building South - 1.065m Acoustic barrier, 5.3m Maintenance office West - 36.2m to building
Operating Theatres	Current - 6 Additional - 2 Total - 8
Car parking spaces	Current - 126 (including 15 shared with No.82 Lake Road, The Grange) Additional - 18 Total - 144 (including 15 shared with No.82 Lake Road, The Grange)
Daytime staff	Current - 125 Additional - 25 Total - 150
Daytime Doctors	Current - 18 Additional - 12 Total - 30



Figure 2 - Site Plan - Proposed Stage 1

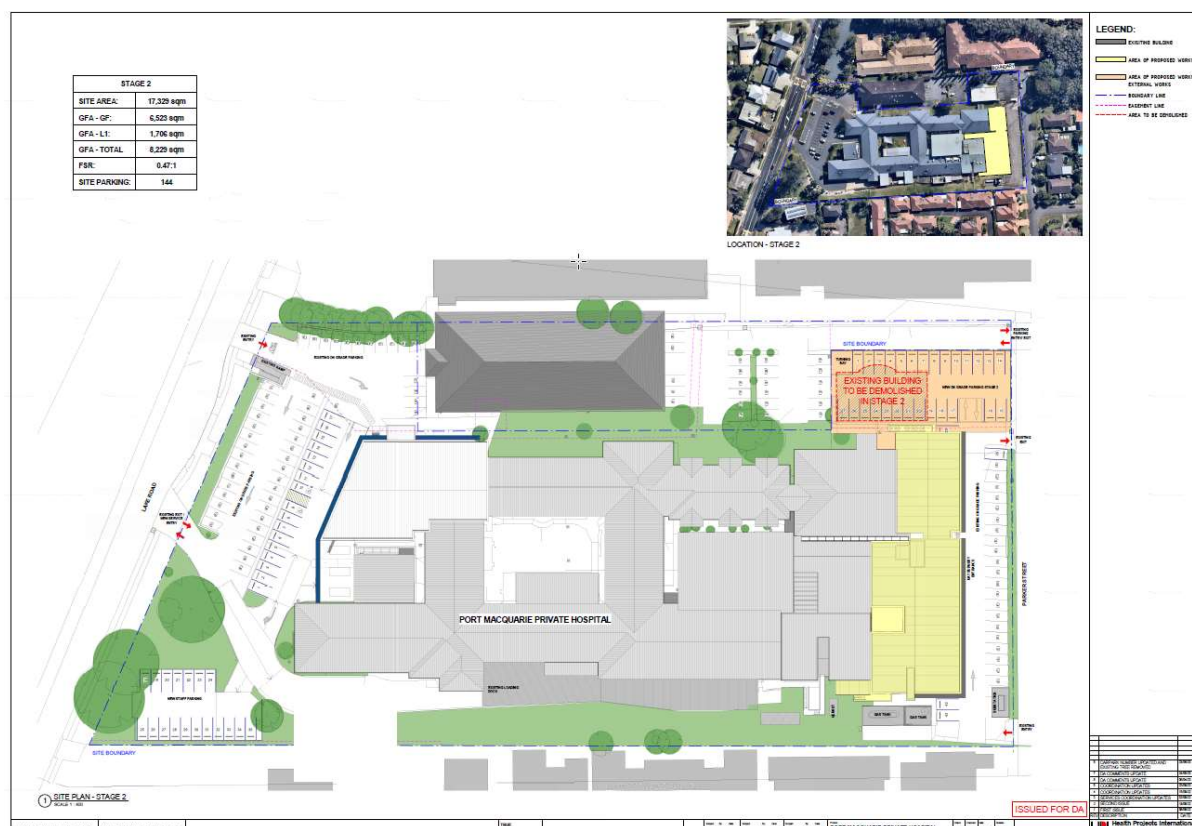


Figure 3 - Site Plan - Proposed Stage 2



For further details and elevations refer to architectural plans prepared by Health Projects International, Issue 6 23 June 2023 **Attachment C**.

## 2.2 Background

A pre-lodgement meeting was held prior to the lodgement of the applicant where relevant legislation, traffic and parking, noise, privacy and servicing applicable to the site were discussed with the applicant. The applicant's Statement of Environmental Effects, plans and associated technical reports have been submitted in support of the application and in response to the matters raised at the pre-lodgement meeting.

The development application was lodged on 18 October 2022. A chronology of the development application since lodgement is outlined in Table 2.

**Table 2: Chronology of the DA**

Date	Event
<b>18 October 2022</b>	Development Application Lodged
<b>3 November 2022</b>	Notification of the application 3 November 2022 to 2 December 2023
<b>31 October 2022</b>	DA referred to external agencies - Essential Energy and NSW Rural Fire Service
<b>21 February 2023</b>	Comments received from Essential Energy
<b>18 January 2023</b>	NSW Rural Fire Service - Bushfire Safety Authority issued
<b>14 December 2022</b>	Redacted submissions provided to applicant.
<b>3 February 2023</b>	Request for Information sent from Council to applicant: Various matters
<b>14 February 2023</b>	Request for information from Council to the applicant: Waste Management
<b>14 March 2023</b>	Panel Briefing
<b>26 April 2023</b>	Panel site visit
<b>9 May 2023</b>	Part Additional information received.
<b>24 May 2023</b>	Part additional information received. <ul style="list-style-type: none"><li>- Architectural Plans</li><li>- New TIA, Version 2</li><li>- New Koala Development Assessment Report,</li></ul>

	<ul style="list-style-type: none"> <li>- New Targeted Asbestos Assessment</li> <li>- Covering letter - Think Planners</li> </ul>
<b>27 June 2023</b>	Part additional information received. <ul style="list-style-type: none"> <li>- Architectural Plans, Version 6 23 June 2023</li> <li>- TIA, Version 3, 23 June 2023</li> <li>- Addendum to Arborist report for Norfolk Pine 27 June 2023</li> <li>- Letter of support from Hospital CEO.</li> </ul>
<b>19 July 2023</b>	Draft conditions to applicant

## 2.3 Site History

- The site has been occupied by a private hospital since 1979 and has expanded over time.
- There are no concurrent applications currently being considered for the subject site.
- The private hospital site had previously included land to the north at 82 Lake Road (formerly Lot 2 DP793705) now known as 'The Grange' and has been subdivided into ten (10) individual units under Strata Plan 35876.
- The Grange site benefits from an easement for right of way and parking over the hospital land. The easement contains 15 marked car parking spaces. The easement for parking was established under DP 793705 when the hospital site was subdivided into two lots. The development proposal does not impact the parking spaces within the easement. The applicant has advised that access and parking for The Grange will be maintained during the construction phases.
- The Grange also benefits from an easement for electricity purposes over existing line of mains (approximate position only) through the hospital building and an easement for telephone supply over an existing line of cables (approximate line of mains only). The applicant has advised that the services will continue to be catered for as part of alterations and additions. The development proposal involves construction work in the vicinity of the easements.
- The Grange also has an access driveway from Parker Street to the east. The hospital site benefits from a 'right of access' 7.0m wide over The Grange site at the north-east corner of the site under DP 883314. The development proposal does include use of the right of access.
- The existing building at the north-east corner of the hospital land off Parker Street is used as the hospital Pre admission Clinic. It was previously located on a separate allotment and known as PM Eye Centre. The lot has been consolidated with the hospital site.
- Day surgery services are accessed from Parker Street and operate Monday to Friday. Patients are generally dropped off and picked up for day surgery procedures.
- On-site parking areas are often near capacity weekdays. On-street parking along Parker Street, parts of Mayfair and Chelsea (off Parker Street) and the Lake Road frontage have also been observed to be heavily utilised on weekdays.

## 3. STATUTORY CONSIDERATIONS

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When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and*

*Assessment Act 1979* ('EP&A Act'). These matters as are of relevance to the development application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
  - (i) *any environmental planning instrument, and*
  - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
  - (iii) *any development control plan, and*
  - (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
  - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,*
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

These matters are further considered below.

It is noted that the proposal is for Integrated Development (s4.46) and requires consent under Rural Fires Act. General Terms of Approval were issued on 18 January 2023.

The proposal requires referral to Essential Energy under SEPP (Transport and Infrastructure 2021) referral issues and comments received.

It is noted that the proposal is not considered to be:

- Designated Development (s4.10)
- Crown DA (s4.33)

### **3.1 Environmental Planning Instruments, proposed instrument, development control plan, planning agreement and the regulations**

The relevant environmental planning instruments, proposed instruments, development control plans, planning agreements and the matters for consideration under the Regulation are considered below.

#### **(a) 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 (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Industry and Employment) 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*

- *State Environmental Planning Policy (Primary Production) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *Port Macquarie-Hastings Local Environmental Plan 2011*

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 3** and considered in more detail below.

**Table 3: Summary of Applicable Environmental Planning Instruments**

EPI	Matters for Consideration	Comply (Y/N)
State Environmental Planning Policy (Biodiversity & Conservation) 2021	<u>Chapter 4: Koala Habitat Protection 2021</u>  Section 4.10 - The site is greater than 1 hectare in area and a Koala Development Assessment report has been submitted following evidence of Koala use of the site. Proposal considered acceptable subject to conditions of consent.	Y
State Environmental Planning Policy (Industry and Employment) 2021	<u>Chapter 3: Advertising and Signage</u> <ul style="list-style-type: none"> <li>• Section 3.6 – granting consent to signage</li> <li>• Section 3.11(1) – matters for consideration are included in the table attached at Appendix B.</li> </ul> Proposed signs considered acceptable.	Y
State Environmental Planning Policy (Planning Systems) 2021	<u>Chapter 2: State and Regional Development</u> <ul style="list-style-type: none"> <li>• Section 2.19(1) declares the proposal regionally significant development pursuant to Clause 5(b) of Schedule 6 as it comprises a Health Services Facility with a capital investment value over \$5 million dollars.</li> </ul>	Y
SEPP (Resilience & Hazards)	<u>Chapter 2: Coastal Management</u> <ul style="list-style-type: none"> <li>• Section 2.8(1) - Development on land in proximity to coastal wetlands or littoral rainforest.</li> </ul> <u>Chapter 4: Remediation of Land</u> <ul style="list-style-type: none"> <li>• Section 4.6 - Contamination and remediation has been considered in the Contamination Report and the proposal is satisfactory subject to conditions.</li> </ul>	Y
State Environmental Planning Policy (Primary Production)	<u>Chapter 2: Primary Production and Rural Development</u>	Y
State Environmental Planning Policy (Transport and Infrastructure) 2021	<u>Chapter 2: Infrastructure</u> <ul style="list-style-type: none"> <li>• Section 2.48(2) (Determination of development applications—other development) – electricity transmission - the proposal is acceptable subject to conditions requiring satisfactory arrangements for</li> </ul>	Y



	<p>protection of the proposed substation and decommissioning of underground power lines in the south west corner of the site.</p> <ul style="list-style-type: none"> <li>• Section 2.121(4) - Traffic-generating development (proposal is not of a scale that triggers traffic generating development)</li> <li>• Section 2.60 - Development for health services facilities permitted with consent in prescribed zones, that includes R1 General Residential zone and is located over 90m from Gordon Street (classified road).</li> </ul>	
Proposed Instruments	No compliance issues identified	NA
Port Macquarie-Hastings LEP 2011	<ul style="list-style-type: none"> <li>• Clause 2.3 - Permissibility and zone objectives</li> <li>• Clause 4.3 - Height of Buildings</li> <li>• Clause 4.4 - Floor Space Ratio</li> <li>• Clause 7.1 - Acid Sulfate Soils</li> <li>• Clause 7.13 - Essential Services</li> </ul>	Y
Development Control Plan 2013	Part B - General Provisions - refer to <b>Attachment B.</b>	Y

Consideration of the relevant SEPPs is outlined below.

### ***State Environmental Planning Policy (Biodiversity and Conservation) 2021***

Section 4.4 This SEPP applies to all non-rural zoned land within the Port Macquarie-Hastings Local Government Area. The subject site is zoned R1 general Residential (non-rural zone) and the SEPP applies.

Section 4.10 Having considered the SEPP, the application and site inspection, the consent authority is not prevented from granting consent in this case for the following reasons:

- The property is not subject to a Koala Plan of Management
- A Koala Development Assessment has been completed.
- The assessment concludes that the proposal will not have adverse direct or indirect impact on Koala and its habitat.

A detailed significance of impact assessment has been applied in accordance with Section 7.2 of the Biodiversity Conservation Act and concluded no significant impact. A significance assessment has been applied in accordance with the EPBC Act and concluded no significant impact.

Planting of 12 Koala feed trees is proposed at the southern side of the site to replace the six (6) trees to be removed. The assessment report recommends:

- Pre-clearance survey of trees
- Provision of signs along roads within the development to warn drivers of the presence of koalas
- New roads to have speed limit of 10 km/h
- Installation of speed-bumps within the development
- Regular roadside weed management to increase driver visibility.

Recommendations have been reviewed by Council's Ecologist and Development Engineer with appropriate conditions of consent applied. Installation of speed bumps have not been incorporated in the consent as these are not considered necessary due to low traffic speed and would pose potential risk to visitors and pedestrians with low mobility. Refer to **Attachment A**.

### State Environmental Planning Policy (Industry and Employment) 2021

#### Chapter 3: Advertising and Signage

- Section 3.6 – granting consent to signage
- Section 3.11(1) – matters for consideration are included in the table attached at **Attachment B**.

Proposed business identification signs are considered acceptable.

### State Environmental Planning Policy (Planning Systems) 2021 ('Planning Systems SEPP')

#### Chapter 2: State and Regional Development

The proposal is *regionally significant development* pursuant to Section 2.19(1) as it satisfies the criteria in Clause 5 of Schedule 6 of the Planning Systems SEPP as the proposal is development for Health Services Facility. Accordingly, the Northern Region Planning Panel is the consent authority for the application.

The proposal has been referred to the Panel and is consistent with this Policy.

### **State Environmental Planning Policy (Primary Production) 2021**

#### Chapter 2: Primary Production and Rural Development

Section 2.28 and 2.29 The proposed development will create no adverse impact on any oyster aquaculture development or priority oyster aquaculture area. In particular, the development is well buffered to any watercourse, contains no hazardous type use/activities and is well buffered from any oyster growing areas located within the Hastings River.

### **State Environmental Planning Policy (Resilience and Hazards) 2021**

#### Chapter 2: Coastal Management

Section 2.8 The site is mapped as within proximity to coastal wetlands. Having considered Section 2.8, the proposed development is not considered likely to result in any of the following:

- (a) *identifiable adverse impacts on the biophysical, hydrological and ecological integrity of the nearby coastal wetland; and*
- (b) *identifiable impact to water flows to the nearby coastal wetland.*

In particular, the proposed development works are located over 40m from the mapped coastal wetland.

Section 2.10 - The site is located within a mapped coastal environment area. Having regard to Section 2.10 of the SEPP, the proposed development is not considered likely to result in any of the following:

- a) any adverse impact on integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment;
- b) any adverse impacts on coastal environmental values and natural coastal processes;
- c) any adverse impact on marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms;
- d) any adverse impact on Aboriginal cultural heritage, practices and places;
- e) any adverse impacts on the cultural and built environment heritage;
- f) any adverse impacts on the use of the surf zone;
- g) any adverse impact on the visual amenity and scenic qualities of the coast, including coastal headlands;
- h) overshadowing, wind funneling and the loss of views from public places to foreshores; and
- i) any adverse impacts on existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability.

Overall, the bulk, scale and size of the proposed development is compatible with the surrounding built environment and the zoning provides for health services facilities. The proposed development works are also noted as being over 40 metres from the mapped coastal wetland and no processes will occur that create an adverse impact on such an environment. Access to key coastal environments is also not impacted and the area to be developed onsite is already disturbed from past uses/activities, ensuring no additional coastal environment is to be lost.

#### Chapter 4: Remediation of Land

The provisions of Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* ('the Resilience and Hazards SEPP') have been considered in the assessment of the development application. Section 4.6 of Resilience and Hazards SEPP requires consent authorities to consider whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is for the purpose for which the development is proposed to be carried out.

The initial geotechnical report for the site identified the presence of asbestos within an existing internal courtyard. A further assessment was undertaken (Presna, May 2023) including additional sampling, could not locate the initial find. Whilst no remediation of the site is required based on the findings of the report, it is advised that the land owner update their Asbestos Register to include this area as potentially containing asbestos waste. In addition, any works that are done on this site should have an unexpected finds procedure to follow in the event that material containing asbestos is found during the development. Council's Environmental Health Officer has recommended suitable conditions of consent.

The proposal is considered to be consistent with the SEPP, subject to imposition of relevant conditions of consent in relation to works during construction.

#### ***State Environmental Planning Policy (Transport and Infrastructure) 2021***

#### Chapter 2: Infrastructure

Section 2.48 - Referral to Essential Energy is required for any of the following:

- (a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,
- (b) development carried out:

- (i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or
- (ii) immediately adjacent to an electricity substation, or
- (iii) within 5m of an exposed overhead electricity power line,
- (c) installation of a swimming pool any part of which is:
  - (i) within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or
  - (ii) within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool.

A referral to Essential Energy pursuant to *State Environmental Planning Policy (Transport and Infrastructure) 2021* ('Transport and Infrastructure SEPP') raised potential safety issues due to proximity to existing electrical infrastructure being a substation on the southern side of the building and underground mains that serve the substation.

A new substation is proposed adjacent to Parker Street and the plans amended by the applicant to show compliant setback to the new building and existing gas supply. Further detail will be required to confirm adequate protection from accidental damage to the substation. Preliminary plans have been provided in this respect.

The applicant has advised that the underground mains that traverse the south western corner of the site will be made redundant upon commissioning of the new substation. This information has been provided to Essential Energy.

The matters have been addressed by suitable conditions of consent.

Section 2.60 - Outlines that development for health services facilities (includes hospital) are permitted with consent in certain prescribed zones. The site is zoned R1 General Residential, which is a prescribed zone and therefore permits the hospital, with consent. The proposal is considered compatible with the surrounding and envisaged development for the area. Furthermore, the height, floor space ratio and setbacks of the development are consistent with those applicable to residential development, being the other predominant use in the area. This ensures an acceptable level of bulk and scale.

Section 2.121(4) - Prescribes certain traffic-generating development and thresholds and the need to refer such proposals to Transport for NSW. In this case, the proposal is not of a scale that triggers traffic generating development and is located over 90m from Gordon Street (classified road).

Based on the above, the proposed development addresses relevant clauses in the SEPP.

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

The relevant local environmental plan applying to the site is the Port Macquarie Hastings *Local Environmental Plan 2011* ('the LEP'). The aims of the LEP include:

#### **1.2 Aims of Plan**

- (1) *This Plan aims to make local environmental planning provisions for land in Port Macquarie-Hastings in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.*
- (2) *The particular aims of this Plan are as follows—*



- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- (a) to protect, conserve and sustainably manage the ecological biodiversity and natural environment of the Port Macquarie-Hastings area,*
- (b) to facilitate a strong and diverse local economy within the Port Macquarie-Hastings area,*
- (c) to manage and coordinate the orderly, equitable and economic use and development of land within the Port Macquarie-Hastings area,*
- (d) to facilitate the provision and coordination of community services and facilities within the Port Macquarie-Hastings area,*
- (e) to facilitate adaptive planning for natural hazards and risks, including flooding, erosion, inundation, land stability, bush fire risk and acid sulfate soils within the Port Macquarie-Hastings area,*
- (f) to reinforce the role of the Port Macquarie-Hastings area's settlement hierarchy, centred on Port Macquarie and supported by its surrounding towns and villages,*
- (g) to ensure the effective management of public assets within the Port Macquarie-Hastings area,*
- (h) to provide a land use framework for development within the Port Macquarie-Hastings area that is safe, inclusive and equitable, and caters for the housing, employment, entertainment, cultural, welfare and recreational needs of residents and visitors,*
- (i) to ensure that development does not conflict with the hierarchy of business and retail centres in the Port Macquarie-Hastings area and the role of the Greater Port Macquarie Central Business District as the focal point for subregional functions and service delivery,*
- (j) to identify and protect features of environmental, cultural or visual importance within the Port Macquarie-Hastings area,*
- (k) to ensure that new urban development makes a positive contribution to the public domain and streetscape,*
- (l) to facilitate efficient use of urban land and infrastructure by appropriate staging of development and ensuring appropriate density of development,*
- (m) to provide effective and efficient connectivity and movement corridors within and between subdivisions.*

The proposal is consistent with these aims for the following reasons:

- The development does not significantly impact on any ecology, biodiversity or natural environment.
- The proposal will upgrade and continue to provide important medical facilities for the local community.
- The development does not adversely impact on public assets.
- The site is already used for a private hospital and located within an area that comprises other health service facilities.
- The development does not impact on any important environmental or cultural features.

#### *Zoning and Permissibility (Part 2)*

The site is located within the R1 Zone pursuant to Clause 2.2 of the LEP



The LEP also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in **Table 4** below.

**Table 4: Consideration of the LEP Controls**

Control	Requirement	Proposal	Comply
Height of buildings (CI 4.3(2))	8.5 metres	8.5 metres	Yes
FSR (CI 4.4(2))	1:1	0.45:1	Yes
Acid sulphate soils (CI 6.1)	Class 5	Part of the site is mapped as containing potential for acid sulphate soils. A suitable condition of consent will be imposed requiring a management plan should these soils be encountered.	Yes
Essential Services Clause 7.13	Adequate arrangements for services required.	Adequate arrangements can be made for provision of essential services including water supply, electricity supply, sewer, storm water drainage and suitable road access to serve the development. Provision of electricity will be subject to obtaining satisfactory arrangements as a condition of consent.	Yes

The proposal is considered to be generally consistent with the LEP.

**(b) Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments**

There are no proposed instruments which have been the subject of public consultation under the EP&A Act relevant to the proposal.

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

The following Development Control Plan is relevant to this application:

- *Port Macquarie Hastings Development Control Plan 2013* ('the DCP')

The development generally complies with the Port Macquarie Hastings Development Control Plan 2013 - refer to the attached Assessment Table **Attachment B**.

It should be noted that the DCP does not provide specific controls for health services facility (hospital) however the proposal complies with setbacks required for residential development in the R1 zone and locality being a minimum 4.5m to street setbacks and 3 metres to side

boundary for first floors and above and down to 900mm side setback where it can be demonstrated that solar access to adjoining development is not adversely impacted.

The DCP does not provide specific car parking requirements for a hospital as discussed in section 3.2 of this report.

#### **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.

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

Section 61 of the 2021 EP&A Regulation contains matters that must be taken into consideration by a consent authority in determining a development application, with the following matters being relevant to the proposal:

- Provisions of AS 2601 (demolition) - demolition work on site is capable of compliance with this Australian Standard and is reinforced by conditions. See condition included in Attachment A.
- Section 62 Consideration of fire safety does not apply as this section applies to the determination of a development application for a change of building use for an existing building if the applicant does not seek the rebuilding or alteration of the building.
- Section 64 Consent authority may require upgrade of buildings of the 2021 EP&A Regulation is relevant to the proposal. There appears to be some impact to existing egress and fire safety provisions due to the proposed additions and alterations.

Proposed new work is required to comply with the BCA in force at the time the construction certificate application is lodged. Additionally, where new works impact the existing egress or fire safety of the existing building, that part will be required to be upgraded to comply with current requirements. This includes fire safety and egress provisions.

The Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 under Section 14 also places an onus on the certifier to ensure the fire protection and structural capacity of the building will not be reduced. This is separate to any conditions of consent. This includes the measures to protect persons using the building, and to facilitate their safe egress from the building, if there is a fire, and also the measures to restrict the spread of fire from the building to other buildings nearby.

It is considered that due to the extent and nature of the proposed alterations and additions, the construction certificate assessment by the relevant certifier, will be required to assess building upgrades, if required, to comply with current guidelines and there are no specific conditions of development consent required.

### 3.2 Section 4.15(1)(b) - Likely Impacts of Development

The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above.

The consideration of impacts on the natural and built environments includes the following:

- **Context and setting** – the site has street frontage to Lake Road and Parker Street. A mix of low density residential development and medical uses adjoin the site to the north and south.

The broader Lake Road precinct between Savoy Street and Hill Street comprises a number of medical uses. The proposal is considered to be compatible with other development in the locality and adequately addresses planning controls in the area.

The bulk and scale of the development is considered acceptable in the location.

The proposal does not have adverse impact on view sharing.

There are no significant adverse privacy impacts with adequate building separation and screening provided.

There are no significant adverse overshadowing impacts.

- **Access and traffic** - Additional information was requested by Council and the applicant has submitted a new Traffic Impact Assessment (TIA) dated 23 June 2023 **Attachment E**.

The report adequately describes the road network and key nearby intersections including Lake Road and Hill Street located north of the site, Lake Road and Savoy Street to the south, and Savoy Street and Parker Street to the south east.

Intersection surveys were conducted in May 2023 and from this traffic volume data obtained regarding the existing peak hour conditions in the morning and evening. The assessment confirmed that intersections will continue to operate with spare capacity during morning and evening peaks under the existing plus development scenario that factors in the impact of the development. The impact on the wider road network has been assessed and no external improvements are required to support the development.

The applicant has confirmed that the Lake Road north driveway will remain operational throughout the construction phase and access will be maintained to The Grange.

The existing Lake Road south driveway is currently egress only and proposed to be access for service vehicles. The introduction of an additional 'right turn' movement from Lake Road by service vehicles into the existing Lake Road south driveway is not supported and the applicant has been advised. Access (left in) by service vehicles would be acceptable and draft conditions of consent have been included to require upgrade to the driveway.

A future access driveway connecting between Parker Street and Lake Road along the southern boundary would be subject to further detailed analysis and justification and is not approved as part of the current application.

- **Parking and Manoeuvring** - The site is currently served by a total of **126** marked car parking spaces across three areas as follows:

1. Lake Road with access driveway at the northern end of the site and egress to the south. There are a total of 68 existing marked spaces in this location. Notably 15 marked car parking spaces along the northern boundary and across the front of The Grange building form part of an easement for right of way and parking (DP793705). These spaces are shared with The Grange site. The Grange site had previously formed part of the hospital site and the easement was formed when the property was subdivided. The Grange building has ten (10) strata units that contain health related uses and also has 23 marked parking spaces at the rear of the building that are accessed off Parker Street.

There are two drop off spaces adjacent to the front entry of the hospital.

2. Parker Street South adjacent to the day surgery facilities has an access and egress driveway with 46 marked spaces.

3. Parker Street North parking area has 12 marked car parking spaces adjacent to the Pre admission clinic.

Deliveries and servicing areas are located at the southern side of the building and separate to the parking areas and no changes are proposed.

There are no bicycle or motorcycle parking spaces currently provided.

Numeric values used to estimate demand for car parking varies between councils in NSW and there is no standard approach to calculate demand for a private hospital other than the *RTA Guide to Traffic Generating Development 2002* - discussed below.

Port Macquarie Hastings Development Control Plan 2013 includes objectives for parking provision to ensure that adequate provision is made for off-street parking commensurate with the volume and turnover of traffic likely to be generated by the development. DCP 2013 does not provide minimum car parking rates for a hospital. Council's DCP 2013 does include a rate for Medical Centre or Health Consulting Room based on three (3) spaces per practitioner plus one (1) space per two staff.

Where proposed development does not fall within listed land uses the provision of car parking should be supported by a parking demand study. The capacity of on street parking to address peak or acute demand may be considered in some cases however, the DCP provides that on street parking will not be used for the purposes of car parking calculations unless it can be demonstrated that there is adequate on street space to accommodate peak and acute parking demands and road function, safety and garbage collection is not compromised.



The initial Traffic and Access Report (TTPA, September 2022) submitted with the application calculated additional parking requirements based on *RTA Guide to Traffic Generating Development 2002*. The guidelines are based on in-patient hospital beds. This approach is not considered appropriate for the Port Macquarie Private Hospital site because the proposed development will provide complementary services in addition to in-patient hospital beds such as day surgery, rehabilitation, medical imaging and consulting rooms.

For comparison, the RTA rate is calculated as follows:

Peak parking accumulation (PPA) for a private hospital is estimated - using the 2002 RTA guidelines as follows:

$$PPA = -19.56 + 0.85 B + 0.27 ADS$$

B = the number of beds

ASDS = the average number of staff per weekday shift

Based on current beds of 72 and current maximum daytime staff of 143, the estimated demand based on the RTA guideline would be 80.25 spaces.

Based on total proposed beds of 101, maximum daytime staff of 180, the estimated demand based on RTA guideline would be 115 spaces.

A new Traffic Impact Assessment (TIA) (Traffix, June 2023) was submitted following a request for further information by Council assessment staff. The Traffix assessment relies on a 'first principles' approach to determine parking future demand based on existing travel characteristics determined via a travel mode questionnaire for staff, patients and visitors to the hospital and a parking survey.

A summary of travel mode survey findings is provided below. There are no details for how many people were surveyed or over what period.

- 97% of staff drove, 2.8% of staff were dropped off.
- No staff walked or arrived by public transport.
- Approximately 60% of staff surveyed parked on site, while the remainder parked in adjacent car parks or on Lake Road or Parker Street.
- 74% of patients surveyed were dropped off.
- 97% of patients surveyed drove, 97% parked within the site.

The TIA includes results of the on-site car parking demand surveyed in May 2023 between 6.00am and 6.00pm. The results are reported in the TIA and summarised in the table below.

Chart 2: On-site Car Parking Survey (Excludes 'The Grange' Rear Car Park)

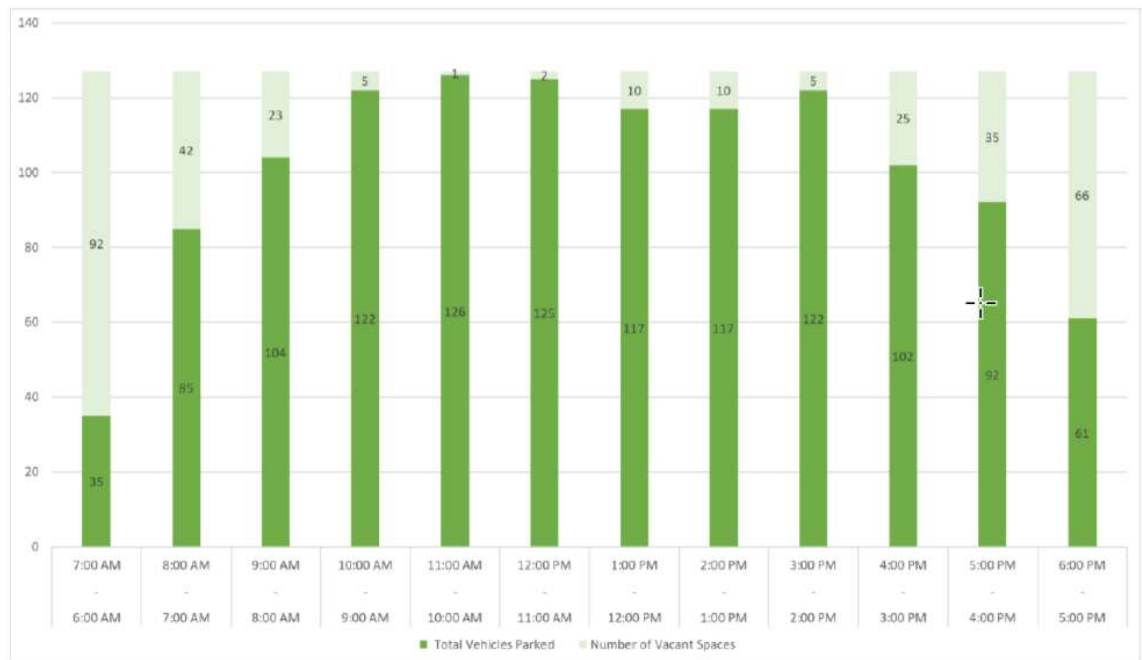


Figure 4 - Chart 2 Extract from TIA Page 13 (23 June 2023)

The TIA survey results confirm observation by Council staff that car parking demand at the hospital site, and surrounding sites, peak from about 10am to 12pm each day weekday with a 'handful' of spaces being available in each of the three on-site parking areas at any one time. Either side of the peak, spare capacity on-site ranges between 5 to 92 spaces.

Although not quantified in the survey, on-street parking along the Lake Road frontage and Parker Street has also been observed as part of the assessment to be heavily utilised during the peak on-site parking times. The two car parking areas off Parker Street and on-street parking are generally vacant during evenings and on Saturdays and Sundays.

The TIA (Section 5) adopts the following approach to estimating demand for each hospital component:

- Parking demand for hospital beds (in-patient/overnight) has been determined based on the number of additional beds (29), the percentage of patients who drive (26%) at the 85<sup>th</sup> percentile demand factor = 6.4 spaces (rounded to 6).
- Parking demand for staff and doctors has been estimated based on the number of additional staff/doctors (37) with 97% driving and 60% parking on site = 21.53 spaces (rounded to 22)
- Operating theatres have been accounted for in the bed assessment noting that patients undergoing operations generally do not drive and will be dropped off.

- Consulting suites demand has been based on 5 new suites, 26% of patients driving and 3 patients per suite at any one time with doctors/staff accounted for above.
- Medical imaging is based on the RTA medical centre rate 4 spaces per 100m GFA with a 50% reduction for synergy factor between other uses at the hospital based on 306m<sup>2</sup> = 6 spaces
- The café and pharmacy uses are considered to be ancillary to other uses at the hospital.

A summary of additional demand is provided in Table 3 from the TIA. Extract below.

**Table 3: Overall Parking Demands**

Hospital Component	Stage 1	Stage 2
Beds	0	6
Staff	6	15
Doctors	5	7
Operating Theatres	0	0
Consulting Suites	4	4
Medical Imaging	6	6
Pharmacy	0	0
Clinic	NA	-4
Day Surgery Expansion	0	0
Café	0	0
Administration	0	0
CSSD	0	0
<b>New Demand</b>	<b>+21</b>	<b>+34</b>
<b>Existing MAXIMUM Demand (See Section 3.5)</b>	<b>126</b>	<b>126</b>
<b>Total MAXIMUM Demands</b>	<b>147</b>	<b>160</b>
<b>Total Provision</b>	<b>125</b>	<b>144</b>
<b>Difference</b>	<b>22</b>	<b>16</b>

Figure 5 - Table 3 Extract from TIA Page 25 (23 June 2023)

On balance the estimate for additional parking demand prepared by Traffix (June 2023) considered a better reflection of likely demand than the RTA guideline. Additional demand generated for each stage as referred to in the Figure 5 above is summarised as follows:

- Stage 1 - Additional demand generated by Stage 1 is 21 spaces in addition to the existing 126 spaces provided on site. With one less space proposed, resulting in a shortfall of 22 spaces.

- Stage 2 - Additional demand generated by Stage 2 is 13 spaces, with 19 spaces to be provided.
- Overall additional demand has been estimated at 34 spaces with an overall requirement of 160 spaces. One hundred and 144 spaces are proposed at completion of Stage 2 which results in a shortfall of 16 spaces based on the Traffix (June 2023) assessment.

The TIA recommends the implementation of a Green Travel Plan to address some issues associated with management of parking demand. A Green Travel Plan may assist to reduce demand for on-site parking by encouraging staff and visitors to take public transport, ride or walk to the site. Such plans are more likely to be successful in metropolitan areas with access to public transport options. A Green Travel Plan would be difficult to monitor from a compliance perspective. Nevertheless, the hospital operators are encouraged to consider a Green Travel Plan. A suitable condition has been included for preparation of a Travel Access Guide to provide information about travel options for staff and visitors. This is considered appropriate given the shortfall of car parking spaces proposed compared with estimated demand.

There are no additional parking spaces proposed at Stage 1 and loss of one (1) space that results in a shortfall of 22 spaces based on the Traffix (June 2023) assessment.

The total additional spaces proposed in Stage 2 would provide an overall of 144 on site car parking spaces that results in a shortfall of 16 spaces.

The provision of no additional parking at Stage 1 is not acceptable based on the introduction of new uses including five (5) new medical suites (first floor), a new medical imaging facility (ground floor) and new operating theatre. This is likely to result in adverse impacts for neighbouring properties and surrounding streets as drivers search for parking.

It is recommended that partial consent be granted for Stage 1 only subject to provision of 31 car parking spaces after the Pre-admission centre and existing car park is demolished at the north east of the site that are identified as Stage 2 works. It is considered that these works can be reasonably completed together with Stage 1 work, potentially just prior to occupation, without significant impact on the delivery of the proposed development. A suitable condition of consent in this regard has been included at **Attachment A**.

Based on the information submitted, the remaining Stage 2 works of the proposal cannot be supported due to a shortfall in provision of 16 car parking spaces and the likely impacts on the amenity of precinct for both residential and non-residential uses. The applicant is encouraged to consider provision of additional parking to serve the development.

Bicycle parking for 10 bikes is recommended and a suitable condition proposed to require these to be provided prior to occupation.

Parking and driveway widths on site comply with relevant Australian Standard (AS2890) and conditions have been recommended to reflect these requirements. Refer to **Attachment A**.

**Public Domain** – The proposed development will not adversely impact the public domain. A 2.2m acoustic barrier proposed along the frontage of Parker Street the northern end of new car parking area to prevent noise impacts from the car park

resulting on adjacent residences during the night is considered acceptable in that location. However, parking demand at the hospital overnight is considerably less than daytime, it is considered appropriate to remove the requirement for an acoustic barrier if the 27 spaces located in the north western corner are not used between 7.00pm and 7.00am. A suitable condition has been applied in this regard.

Bicycle parking for ten (10) bikes is recommended and a suitable condition proposed to require provision prior to occupation. Marked spaces for people with disabilities are recommended in accordance with Building Code requirements.

Parking and driveway widths on site and comply with relevant Australian standard (As 2890) and conditions have been recommended to reflect these requirements. Refer to **Attachment A**.

- **Water Supply Connection** - Council records indicate that the development site is serviced by an 80mm potable water service and separate fire service from the 100mm main on the far side of Lake Rd. Final water demand will need to be determined by a hydraulic consultant. Further modelling will be required as augmentation of existing infrastructure is considered to be likely. Council's water and sewer servicing team have reviewed the proposal and appropriate conditions are recommended to reinforce the above.
- **Sewer Connection** - Council records indicate that the development site is serviced by a 150mm reticulation sewer on the northern side of the property. This sewer has been identified as being at or over capacity. A 450mm trunk sewer also traverses the southern boundary of the development site. Final demand will need to be determined by a hydraulic consultant. Further modelling will be required as augmentation of existing infrastructure is considered to be likely. Council's water and sewer servicing team have reviewed the proposal and appropriate conditions are recommended to reinforce the above.
- **Stormwater** - The site drains towards the north and the site is served by an existing stormwater drainage system. A detailed stormwater drainage design, including on-site detention to limit discharge, will be required prior to release of the Construction Certificate. Council's Stormwater Engineer has reviewed the proposal and appropriate conditions are recommended to reinforce the above.
- **Utilities** - Telecommunications and electricity services are available to the site. A new electrical substation is proposed off Parker Street. The applicant has advised that underground power lines that traverse the site from Lake Road to the existing substation will be redundant when the new substation is operational.
- **Heritage** – The site does the site contain any known heritage items or sites of significance. The site is also disturbed from past uses.
- **Other land resources** – the site is located within an established urban context and will not sterilise any significant mineral or agricultural resources
- **Water/air/soils impacts** - The proposed development will not have any significant adverse impacts on water resources and the water cycle. The northern part of the site is mapped for potential Class 5 Acid sulphate soils. A suitable condition of consent will require the applicant to monitor the site during construction.

The construction and/or operations of the development will not result in any significant adverse impacts on the existing air quality or result in pollution. Standard precautionary site management, including erosion and sediment control and occupation conditions are recommended in **Attachment A**.

- **Flora and fauna impacts** - Construction will require removal of some native vegetation however this site is not located within a mapped Biodiversity area. The site is also heavily disturbed for past land use. Tree removal includes removal of six (6) Koala feed trees in the south western corner of the site. Replacement planting at a ratio of 2:1 trees is proposed in accordance with Council's DCP 2013

The development is considered compliant with the Biodiversity Conservation Act 2016.

- **Natural environment** – Excavation is proposed at the south-west corner to cater for new staff car parking area. It is considered that the new parking area (uncovered) can be constructed and retained without impact on adjoining properties, infrastructure and trees subject to suitable conditions.

Tree removal, including six (6) Koala feed trees and a mature Norfolk Pine, is proposed to accommodate a new car parking area in the south west of the site. An Aboricultural assessment has been provided together with an addendum letter related to removal of a mature Norfolk Pine (27 June 2023). The report has been reviewed by Council's arborist and suitable condition of consent applied related to management of trees during construction and removal as appropriate. Replacement planting is referred to above under Flora and Fauna.

- **Noise and vibration** – Noise and vibration generated during the construction phase is capable of being managed. Suitable conditions will be imposed to limit demolition and construction works.

The acoustic report predicts that the installation of plant will not increase ambient noise which will impact neighbouring properties. That the attenuation over distance is sufficient based on a 'worst case scenario' as the specific plant makes and models are not available at this stage. However, the acoustic design and certification of mechanical services is recommended to be provided prior to the construction certificate.

The report identifies 2.2m acoustic walls be installed along the sections of proposed car parking that most impact neighbouring residential properties. The walls would provide around an 11dB reduction in noise for the first floor premises on Parker St. Without this barrier, it is predicted that the noise would be over the recommended level for sleep. The requirement for the north eastern wall could be replaced by restricting parking in that area to between 7.00am to 7.00pm and a suitable condition has been included to address this matter.

The acoustic assessment was reviewed by Council's Environmental Health Officer and suitable conditions recommended.

- **Natural hazards** – A bushfire hazard assessment was submitted with application and referred to the NSW RFS as integrated development. General Terms of Approval were issued on 18 January 2023 and included in the draft consent. Refer to **Attachment A**.
- **Safety, security and crime prevention** – The proposed development is unlikely to create adverse concealment/entrapment areas or crime spots that would result in any



identifiable loss of safety or reduction of security as a result of the alterations and additions. Additional security by way of lighting and/or CCTV could be retrospectively installed by the operator should further security be required.

- **Social impact** – The development will have a positive benefit by providing additional health care facilities for the region.
- **Economic impact** – The proposal is not considered to have any significant adverse economic impacts on the locality. A likely positive impact is employment as a result of construction and staff required for ongoing operation of the hospital.
- **Site design and internal design** – The proposed development design satisfactorily responds to the site attributes and fits in with the locality.
- **Construction** – Construction impacts are considered capable of being managed through standard conditions of consent noting that extended periods of excavation and piling will not be required.

Furthermore, a Construction Management Plan is recommended to address matters below, prior to commencement of work:

- Notification of neighbours of commencement and likely time frames for construction.
  - Alternative arrangements for access and parking staff and visitors.
  - Construction traffic, access and parking.
  - Management of noise and dust.
- **Cumulative impacts** – The proposed development is not considered to result in significant cumulative impact on the natural environment.

The potential for cumulative impacts associated with a shortfall of car parking is addressed above under Parking and Manoeuvring section of the report.

### **3.3 Section 4.15(1)(c) - Suitability of the site**

The proposal will fit into the locality and site attributes are generally conducive to part of the development as recommended for approval being Stage 1 and construction of car parking as proposed in Stage 2.

### **3.4 Section 4.15(1)(d) - Public Submissions**

Submissions are considered in Section 4.3 of this report.

### **3.5 Section 4.15(1)(e) - Public interest**

The public interest is served by the orderly and economic use of land for appropriate uses. The expansion health services at the current hospital site is considered favourable to the broader community and in the public interest. The expansion of facilities to cater for additional demand created by population growth will assist to attract a range of specialty medical services to Port Macquarie and has potential for improved medical outcomes for local residents.

The Private Hospital Chief Executive Officer, Moira Finch, has provided a supporting statement that includes examples of benefits to the community as a result of the development. An extract is provided below:

*‘ I am writing to provide insight into the benefits for the community of the proposed development of Port Macquarie Private Hospital. I consider the development will have multifactorial benefits. These will include:*

- *Supporting the Public Hospital and providing improved patient flow which will reduce the pressures experienced at the Base Hospital post COVID 19*
- *Keeping pace with the private health care needs of the existing and significantly increasing population within our community*
- *Providing new opportunities for joint appointments across the public and private hospital to attract new medical Specialists to the region*
- *New Doctor recruitment for the region, providing greater options for the community and*
- *Reducing the need for travel to major city centres*
- *Improved customer experience for our Patients with onsite Pharmacology for prescriptions on discharge*
- *On site radiology to improve patient experience and reduce transfers to Highfields and Public hospital precinct*
- *Support for local university and TAFE students attending our facility for placements*
- *Increased job opportunities with the growth of services within the hospital, particularly high skilled clinical roles*
- *Flow on effects for the community by investing significantly in capital works which will have spin offs for local trade and commercial entities.’*

The development is also considered consistent with the principles of Ecologically sustainable development as follows:

- The precautionary principle
- Intergenerational equity
- Conservation of biological diversity and ecological integrity
- Improved valuation, pricing and incentive mechanisms

The principles of ESD require that a balance needs to be struck between the man-made development and the need to retain the natural vegetation. Based on the assessment provided in the report and with recommended conditions of consent, it is considered an appropriate balance has been struck.

The proposal is not considered to be vulnerable to any risks associated with climate change.

Overall, the proposed development satisfies relevant planning controls and will not have any significant adverse impacts on the wider public interest, subject to partial consent for Stage 1 and construction of car parking (part Stage 2), as recommended.

## 4. REFERRALS AND SUBMISSIONS

### 4.1 Agency Referrals and Concurrence

The development application has been referred to various agencies for comment/concurrence/referral as required by the EP&A Act and outlined below in **Table 5**.

**Table 5: Concurrence and Referrals to agencies**

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
<b>Concurrence Requirements (s4.13 of EP&amp;A Act)</b>			
Environment, Energy & Science Group within DPIE	S7.12(2) - <i>Biodiversity Conservation Act 2016</i>	Referral not required.	NA
<b>Referral/Consultation Agencies</b>			
Essential Energy	<b>Chapter 2: Infrastructure</b> • <b>Section 2.48(2)</b> (Determination of development applications—other development)	Comments received and provided to the applicant. Initial safety concerns raised by EE in connection with setbacks, potential damage to the substation and proximity of underground power lines have been resolved. Suitable conditions of consent are proposed.	Yes
<b>Integrated Development (S 4.46 of the EP&amp;A Act)</b>			
RFS	S100B - <i>Rural Fires Act 1997</i> bush fire safety authority for development of land for special fire protection purposes.	General term of approval have been issued and Bushfire Safety Authority under section 100B issued.	Yes
Transport for NSW	S138 - Roads Act 1993 for works in the road reserve.	Not a Classified Road. Council is the road authority.	NA
Heritage NSW	S58 of the Heritage Act 1977 for demolition or works etc to an item listed on State Heritage Register or with an interim heritage order.	Not a Heritage item.	NA

The development application has been referred to Essential Energy and NSW Rural Fire Service required by the EP&A Act and outlined below in Table 5.

There are no outstanding issues arising from these concurrence and referral requirements subject to the imposition of the recommended conditions of consent being imposed.

## 4.2 Council Officer Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 6**.

**Table 6: Consideration of Council Referrals**

Officer	Comments	Resolved
Storm Water	Council's Storm Water Officer has reviewed the application and raised no concerns with the proposal subject to recommended conditions of consent.	Yes
Traffic and Parking	Council's Traffic Engineering Officer reviewed the proposal and considered the additional information in relation to traffic generation and car parking. These issues are considered in more detail in section 3.2 of report.	Yes/No*
Environmental Health	Additional information was received regarding the acoustic assessment and potential contamination: asbestos. These issues are considered in more detail in the section 3.2 of this report. Council's Environmental Health Officer has reviewed the information and recommended suitable conditions of consent.	Yes
Building	Council's Building Surveyor has reviewed the proposal. Standard conditions regarding demolition and construction included in the draft conditions.	Yes
Water & Sewer	Council's water and sewer has reviewed the proposal and recommended that final demand be determined by a hydraulic consultant. Further modelling will be required as augmentation of existing infrastructure is considered to be likely. Appropriate conditions are recommended to reinforce the above.	Yes
Ecology	Additional information was received including a Koala Development Assessment Report. This matter is considered in section 3.2 of this report. Council's Ecologist has reviewed the information and recommended suitable conditions of consent.	Yes
Tree Removal & Protection	Council's Arborist has reviewed the tree assessment report submitted with the application and recommended suitable conditions of consent.	Yes
Waste	The submitted waste management plan is considered acceptable.	Yes

### 4.3 Community Consultation

The proposal was notified in accordance with the Council's Community Participation Plan from 3 November 2022 until 2 December 2022. A total of six (6) unique submissions were received, some submitted with joint signatories, all comprising objections.

The notification included the following:

- Notification letters sent to adjoining and adjacent properties.
- Notification on the Council's website.

The key issues raised in these submissions are referred to below.

**Table 6: Community Submissions**

Issue	Council Comments
Current shortage of parking at the site and inadequate provision of additional parking to cater for the proposed development.	<p>The parking survey indicates that current parking at the site peaks during the middle of the day on a weekday. A shortfall of parking of 22 spaces is proposed as part of Stage 1 of the development. Partial consent for Stage 1 only, with the provision of additional spaces following the demolition of the Pre Admission clinic building in the north east of the site is recommended.</p> <p><b>Outcome:</b> The issue has been addressed in part via the recommendation for partial consent for Stage 1 only subject to construction of the proposed car parking at the north east corner of the site.</p>
Concern about ongoing access to The Grange building (82 Lake Road), including access for ambulances.	<p>The applicant has advised that access and parking for 'The Grange' will be available during the construction phase. A Construction Management Plan is recommended to address notification of neighbours and parking arrangements during construction.</p> <p><b>Outcome:</b> This issue has been satisfactorily addressed subject to the imposition of relevant recommended condition of consent.</p>
Fifteen (15) of the current 123 car parking spaces referred to in the application form part of a parking easement that benefits The Grange and therefore only 108 spaces are currently provided for the private hospital.	<p>'The Grange' site benefits from an easement for parking and access located on the western side of The Grange building. This does not restrict use by the hospital (landowner) and is considered a shared arrangement. The Grange also has 23 marked spaces at the eastern side of building with access from Parker Street.</p> <p><b>Outcome:</b> This issue has been addressed in the Parking and Manoeuvring section of the report.</p>



Concern that the current café was not approved by Council.	<p>The change of use of the former hospital board room to kiosk has not been considered as part of the subject application. The subject application includes a new café area located adjacent to the Lake Road entry.</p> <p><b>Outcome:</b> This issue has been satisfactorily addressed. Suitable conditions related to operation of the food premises have been included.</p>
Additional car parking required for Stage 1 to serve the medical imaging, pharmacy, consulting suites and café.	<p>Provision of additional spaces to serve Stage 1 of the development is recommended.</p> <p><b>Outcome:</b> This issue has been addressed via recommended conditions to provide partial consent only.</p>
Consulting suites could be occupied by multiple consultants.	<p>Additional parking generated by the new first floor medical suites has been considered in the TIA. Additional doctors, staff and visitors have been considered.</p> <p><b>Outcome:</b> This issue has been addressed subject to the imposition of relevant recommended conditions of consent related to staging and provision of car parking.</p>
Inadequate car parking will impact on residents in Parker Street, Mayfair Road and Chelsea Place. Concern about illegal parking on Council's reserve.	<p>Potential impact on adjoining land uses has been considered in the Parking and Manoeuvring section of this report.</p> <p><b>Outcome:</b> This issue has been addressed subject to the imposition of relevant recommended conditions of consent related to staging and provision of car parking.</p>
Concern that access for emergency vehicles to adjacent streets is impact by cars parked on both sides of Parker Street vehicles	<p>Potential impact on adjacent residents and health consulting rooms has been considered in the Parking and Manoeuvring section of the report.</p> <p><b>Outcome:</b> This issue has been satisfactorily addressed subject to the imposition of relevant recommended conditions of consent related to staging and provision of car parking.</p>
The application does not address existing services and easements for power and telecommunications across the hospital site that serve The Grange.	<p>The applicant has advised that the existing easements and services can be accommodated by the proposed works. Potential relocation of services and extinguishment of the existing easements for telephone and electricity is a matter for the landowners to resolve.</p> <p><b>Outcome:</b> Services will continue to be provided.</p>

<p>The acoustic and landscaping reports include The Grange property as part of the hospital site and propose construction of acoustic barriers on The Grange property.</p>	<p>The reports and associated plans have been amended to remove reference to works on 'The Grange' land.</p> <p><b>Outcome:</b> This issue has been satisfactorily addressed.</p>
<p>Concern about service vehicle and tradespeople using the Grange carpark to access the private hospital site.</p>	<p>It is recommended that a Construction Management Plan be required prior to works commencing that addresses potential impacts on neighbouring properties associated the construction phase including the management of trades and subcontractors.</p> <p><b>Outcome:</b> This issue has been satisfactorily addressed subject to the imposition of relevant recommended conditions of consent.</p>
<p>Concern about loss of car parking and access at The Grange during construction.</p>	<p>The applicant has confirmed that the shared car parking area off Lake Road will remain in available during the construction phase. Furthermore, it is recommended that a Construction Management Plan be required prior to works commencing that addresses potential impacts on neighbouring properties associated the construction phase including parking.</p> <p><b>Outcome:</b> This issue has been satisfactorily addressed subject to the imposition of relevant recommended conditions of consent.</p>
<p>Concern about disruption and impact on adjoining business and residences resulting from construction noise and dust.</p>	<p>Standard conditions regarding hours of work and noise from construction activities are recommended, furthermore a Construction Management Plan is required to address additional matters prior to works commencing.</p> <p><b>Outcome:</b> This issue has been satisfactorily addressed subject to the imposition of relevant recommended conditions of consent.</p>
<p>Concern that redevelopment of The Grange building would be stymied by congestion and parking problems.</p>	<p>Future development of adjacent sites would be subject to separate assessment, including traffic and parking.</p> <p><b>Outcome:</b> This issue has been satisfactorily addressed.</p>
<p>Concern about additional wear and tear on the shared driveway at the rear of The Grange as a result of the new parking area created</p>	<p>The applicant has reconfigured the car parking to remove the need for use of the northern driveway off Parker Street.</p>

after demolition Pre admissions building.	<b>Outcome:</b> This issue has been satisfactorily addressed via redesign of the car park.
Noise impacts in relation to mechanical and electrical plant.	Suitable conditions are recommended to require certification of plant as identified in the Noise and Vibration Assessment submitted with the application.
Noise impacts resulting from servicing of the site including waste collection and gas cylinder refilling.	Suitable conditions have been applied to address hours of waste servicing to reduce impacts on adjoining residents. <b>Outcome:</b> This issue has been satisfactorily addressed subject to the imposition of relevant recommended conditions of consent.
Concern about overlooking of residential courtyards from the new first floor (east).	Stage 2 of the development is not recommended for approval. However, it is considered that a suitable condition could be applied should Stage 2 proceed that requires the window to be screened. Details to be submitted prior to release of the Construction Certificate. <b>Outcome:</b> This issue has been satisfactorily addressed.
Concerned about the overall height of the southern elevation and impact on views to the north.	The overall height of the proposed first floor extension at the Parker Street side of the building complies with height of building controls for the site.  Views from the single storey villas at Parker street are obscured by existing boundary fencing and the proposal is not considered to have significant adverse impact on views. <b>Outcome:</b> This issue has been satisfactorily addressed.

## 5. DEVELOPMENT CONTRIBUTIONS

### Section 7.11 Contributions

The development does not contain any residential component. As a result, s7.11 contributions do not apply.

### Section 7.12 Contributions

In assessing s7.12 contributions, Council staff have reviewed the development in accordance with the Port Macquarie-Hastings Council Development Contributions Assessment Policy (DCAP) and the Port Macquarie-Hastings Council Section 94A (now s7.12) Levy Contributions Plan 2007.

The proposed development will comprise alterations and additions to hospital and is deemed to increase the demand for public amenities/services. As a result, s7.12 contributions apply and a condition of consent has been imposed to ensure payment. See **Attachment A**.

An estimate for the total development as proposed is included as **Attachment H**. An estimate for Stage 1 only is included as **Attachment I**

#### Section 64 Water and Sewer Contributions

In assessing s64 water and sewer contributions, Council staff have reviewed the development in accordance with the Port Macquarie-Hastings Council Development Contributions Assessment Policy (DCAP) and applicable Development Servicing Plans.

A contribution credit applies for demolition of the Pre admission Clinic (former PM Eye Care Building) and this has been factored into the contribution calculations for the total development but will depend on the timing of the decommissioning of the use of the building.

Having considered the above, the proposed development will increase the demand on water and sewer services. As a result, s64 contributions apply and a condition of consent has been imposed to ensure payment. See conditions **Attachment A**. An estimate is included as **Attachment H** and **Attachment I** to show the contribution amounts payable.

## **6. KEY ISSUES**

The following key issues are relevant to the assessment of this application having considered the relevant planning controls and the proposal in detail:

### 6.1 Adequacy of proposed car parking to serve the development.

There are no additional parking spaces proposed at Stage 1 and loss of one (1) space that results in a shortfall of 22 spaces based on the Traffix (June 2023) assessment.

The total additional spaces proposed in Stage 2 would provide an overall 144 on site car parking spaces that results in a shortfall of 16 spaces.

The provision of no additional parking at Stage 1 is not acceptable based on the introduction of new uses including five (5) new medical suites, a new medical imaging facility (ground floor) and new operating theatre. This is likely to result in adverse impacts for neighbouring properties and surrounding streets as drivers search for parking.

Partial consent for Stage 1 only, with the provision of additional car parking spaces following the demolition of the Pre Admission clinic building in the north east of the site, is recommended.

Resolution: The issue has been resolved through recommended conditions of consent that support partial consent for Stage 1 of the development subject to provision of additional car parking to serve the development.

## **6.2 Impact of operational and construction noise on adjoining properties.**

Ongoing operation of the site and potential construction impacts are considered capable of being managed through standard conditions of consent noting that extended periods of excavation and piling will not be required.

Furthermore, a Construction Management Plan is recommended to address matters below, prior to commencement of work:

- Notification of neighbours of commencement and likely time frames for construction.
- Alternative arrangements for access and parking staff and visitors.
- Construction traffic, access and parking.
- Management of noise and dust.

Resolution: The issue has been resolved through recommended conditions of consent that requires a construction management plan.

## **CONCLUSION**

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application can be partially supported.

Following assessment of the development application and taking into account the issues raised in submissions from the community and Council officers, it is recommended that the applicant provide additional car parking to serve Stage 1 of the development, prior to further consideration of Stage 2 works.

It is considered that the key issues as outlined in Section 6 have been resolved satisfactorily, A partial consent is recommended for Stage 1 work only, subject to the provision of 31 car parking spaces, prior to occupation, that are proposed in Stage 2 following demolition of the Pre admissions clinic building in the north east corner of the site.

Following a detailed assessment of the proposal, pursuant to the Act, it is recommended that **partial consent** be granted, pursuant to Section 4.16(4)(c) and subject to the conditions contained at **Attachment A** of this report.

## **RECOMMENDATION**

That the Development Application (DA2022 - 901.1) for alterations and additions to private hospital at 84 to 96 Lake Road, Port Macquarie be partially APPROVED pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent attached this report at **Attachment A**.



The following attachments are provided:

- Attachment A: Draft Conditions of consent Note: Partial Consent only.
- Attachment B: SEPP (Industry and Employment) Signage and DCP 2013 Table of Compliance
- Attachment C: Architectural Plans
- Attachment D: Landscape Plans
- Attachment E: Traffic Impact Assessment
- Attachment F: Noise and Vibration Assessment
- Attachment G: Aboricultural Assessment & Addendum
- Attachment H: Contributions Estimate (Total)
- Attachment I: Contributions Estimate (Stage 1 only)