

COUNCIL ASSESSMENT REPORT

NORTHERN REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSNTH-202 – DA2022 - 588.1
PROPOSAL	Medical Centre
ADDRESS	Lot 1 DP 1085815 & Lot 4 DP 38266, 8 & 14 Lake Road, Port Macquarie
APPLICANT	Hopkins Consultants Pty Ltd
OWNER	Werin Aboriginal Corporation
DA LODGEMENT DATE	11 July 2022
APPLICATION TYPE	Development Application
REGIONALLY SIGNIFICANT CRITERIA	Section 2.19(1) and Section 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 (medical centre).
CIV	\$9,025,000 (excluding GST)
CLAUSE 4.6 REQUESTS	N/A
KEY SEPP/LEP	<ul style="list-style-type: none"> • State Environmental Planning Policy (Biodiversity and Conservation) 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; • Port Macquarie-Hastings Development Control Plan 2013.
TOTAL & UNIQUE SUBMISSIONS ISSUES SUBMISSIONS UNIQUE KEY IN	Three (3) submissions received.

DOCUMENTS SUBMITTED FOR CONSIDERATION	SOEE Plans Traffic Report Acoustic Report Landscape Plan (Note: available on Portal)
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (\$7.24)	N/A
RECOMMENDATION	Approval, subject to conditions.
DRAFT CONDITIONS TO APPLICANT	N/A
SCHEDULED MEETING DATE	29 June 2023
PLAN VERSION	Robert Snow Architects, Project No 1590-DA dated 18 October 2022
PREPARED BY	Clinton Tink
DATE OF REPORT	13 June 2023

EXECUTIVE SUMMARY

The development application (DA2022 - 588.1) seeks consent for the demolition of the existing house and medical centre onsite and replacement with a larger, more modern 2 storey medical centre with associated parking, landscaping and infrastructure ('the proposal'). Specifically, the proposal will include:

- Multiple consulting rooms, treatment rooms, offices, meeting rooms etc.
- Employment of 30 employees, which is comprised of 8 qualified health consultants and 22 other administrative and support staff.
- Carpark comprising 58 spaces (includes 2 disabled spaces), 5 drop off spaces, 3 motorcycle spaces and 12 bicycle spaces.
- Tree removal being limited to a range of existing planted garden species.
- Hours of operation being 8:30am to 5:30pm, Monday to Friday.

In terms of the existing buildings onsite, the majority are single storey and used by or in association with the existing medical centre onsite. Except for an existing shed in the north east corner, all existing buildings/structures will be demolished to make way for the new medical centre.

The subject site is known as Lot 1 DP 1085815 and Lot 4 DP 38266, 8-14 Lake Road, Port Macquarie ('the site') and has a combined area of 4,511m². The site comprises a corner lot with two (2) road frontages, including Lake Road to the west and Gray Street to the south. A small part of the property also has frontage to Wrights Creek to the east. A vehicle access (entry only) is proposed off Lake Road as well as an entry/egress off Gray Street.

Surrounding the site is a mixture of residential housing types and densities, typically 1-2 storeys in height. The site is also located on the fringe of the Port Macquarie CBD (approx. 300m away) as well as the main Lake Road medical precinct being located a short distance (approx. 400m) to the south. However, similar medical related uses do span out into the surrounding periphery with the existing medical centre located onsite being an example of this.

The site is zoned R1 General Residential in accordance with the Port Macquarie-Hastings Local Environmental Plan 2011, as shown in the following zoning map (Figure 1). Medical centres are noted as being permissible with consent in the R1 zone.

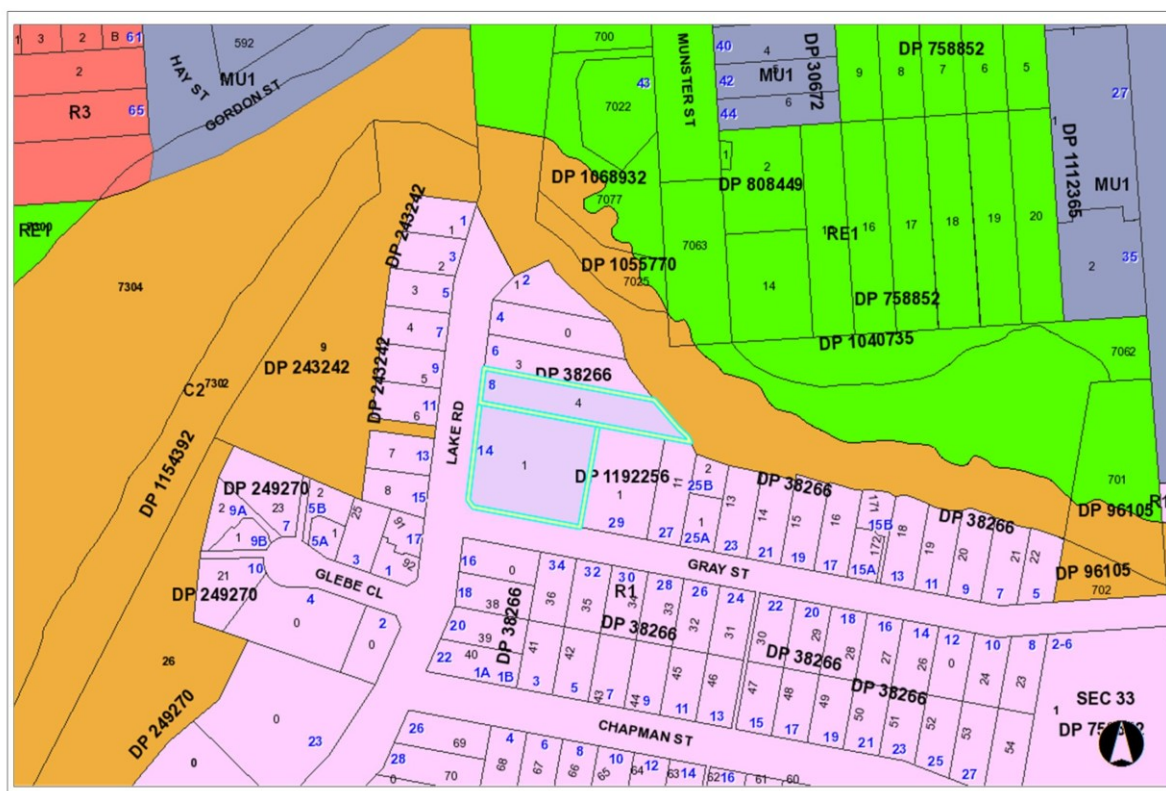


Figure 1 - Zoning

The existing subdivision pattern and location of existing development within the locality is shown in the following aerial photograph (Figure 2):

A briefing was held with the Panel on 19 April 2023 where key issues were discussed, including the amended design, site location, access, parking, noise impacts, stormwater, landscaping and submissions.

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

- Potential noise impacts.
- Privacy and retention of neighbour amenity.
- Stormwater disposal.
- Traffic and parking.
- Landscaping.

Key issues have been addressed through the amended plans/design, submission of specialist reports and/or assessment by specialist Council staff.

Having considered the matters under Section 4.15(1) of the EP&A Act, the site is considered suitable for the proposed development and the proposal adequately addresses relevant planning controls. The development is not considered to be contrary to the public's interest and will not result a significant adverse social, environmental or economic impact.

Furthermore, following a detailed assessment of the proposal, pursuant to Section 4.16(1)(a) of the *EP&A Act*, DA2022 - 588.1 is recommended for approval, subject to conditions contained at **Attachment A** of this report.

1. THE SITE AND LOCALITY

1.1 The Site

- The site has an area of 4,511m² with dual frontage to Lake Road and Gray Street.
- Towards the north-eastern rear boundary is the Wrights Creek reserve.
- The site is relatively flat with a range of planted garden trees and shrubs scattered throughout the site.
- A dwelling currently occupies Lot 4 DP 38266, whilst an existing approved medical centre is located on Lot 1 DP 1085815.
- The site is mapped as being bushfire prone, flood prone and as containing acid sulfate soils. However, in terms of flood prone land and acid sulphate land, the areas impacted are located towards the Wrights Creek reserve and are not being developed.
- An aerial image of the site is provided below (Figure 3).



Figure 4 - Aerial image of locality

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The proposal seeks consent for the demolition of the existing house and medical centre onsite and replacement with a larger, more modern 2 storey medical centre with associated car parking and landscaping.

Specifically, the proposal includes:

- Multiple consulting rooms, treatment rooms, offices, meeting rooms etc.
- Employment of 30 employees, which is comprised of 8 qualified health consultants and 22 other administrative and support staff.
- Carpark will comprise 58 spaces (includes 2 disabled spaces), 5 drop off spaces, 3 motorcycle spaces and 12 bicycle spaces.
- Tree removal is limited to a range of existing planted garden species.
- Hours of operation are 8:30am to 5:30pm, Monday to Friday.

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

Table 1: Key Development Data

Control	Proposal
Site area	4,511m ²

GFA	1453m ²
FSR (retail/residential)	0.32:1
Clause 4.6 Requests	No
No of apartments	N/A
Max Height	8.5m height limit. Proposed height 8.5m.
Landscaped area	Over 700m ²
Car Parking spaces	63 spaces plus additional motorcycle and bicycle parking
Setbacks	6m (north), 6m (east), 30m+ (south) and 8.05m (west). The above setbacks are for the new building and do not include the existing shed that is to be retained.

Refer to the Site and Landscape Plans below for more detail (Figure 5 & 6).

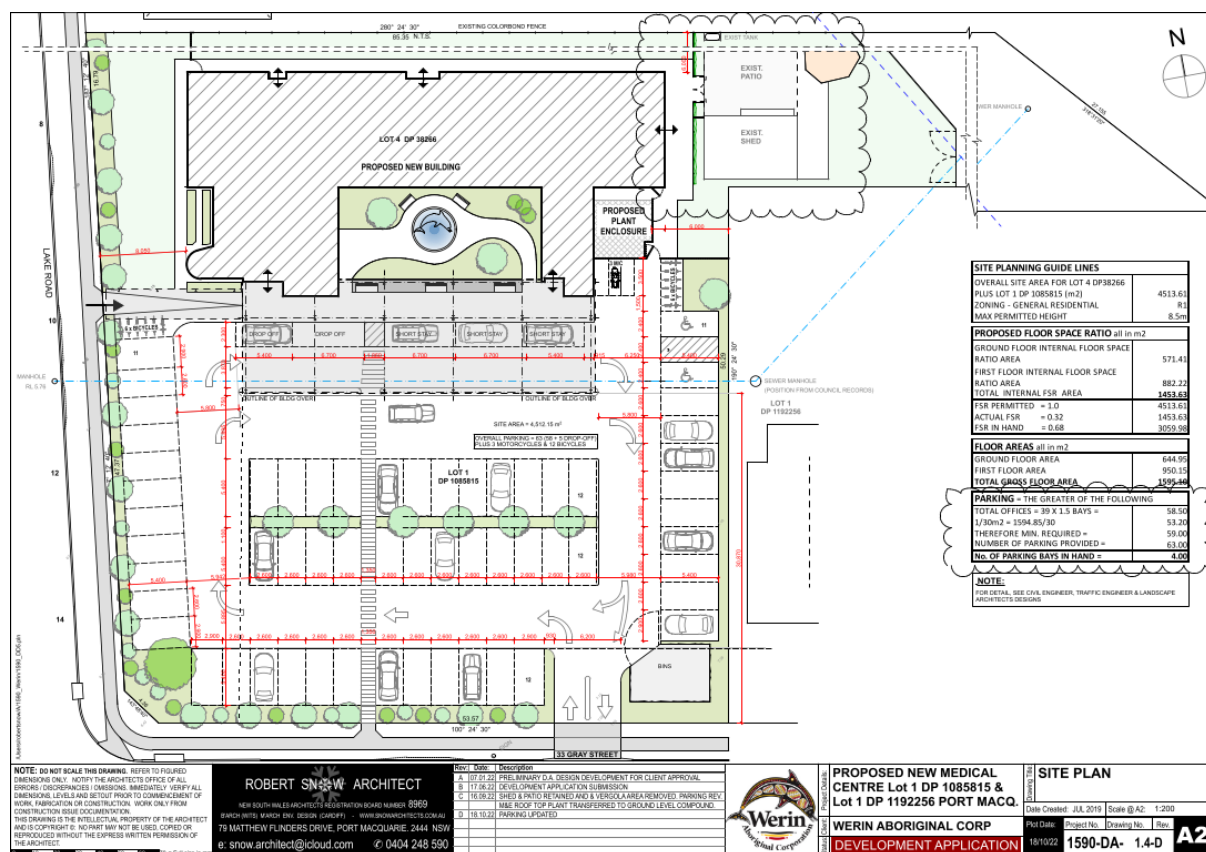


Figure 5 - Site Plan

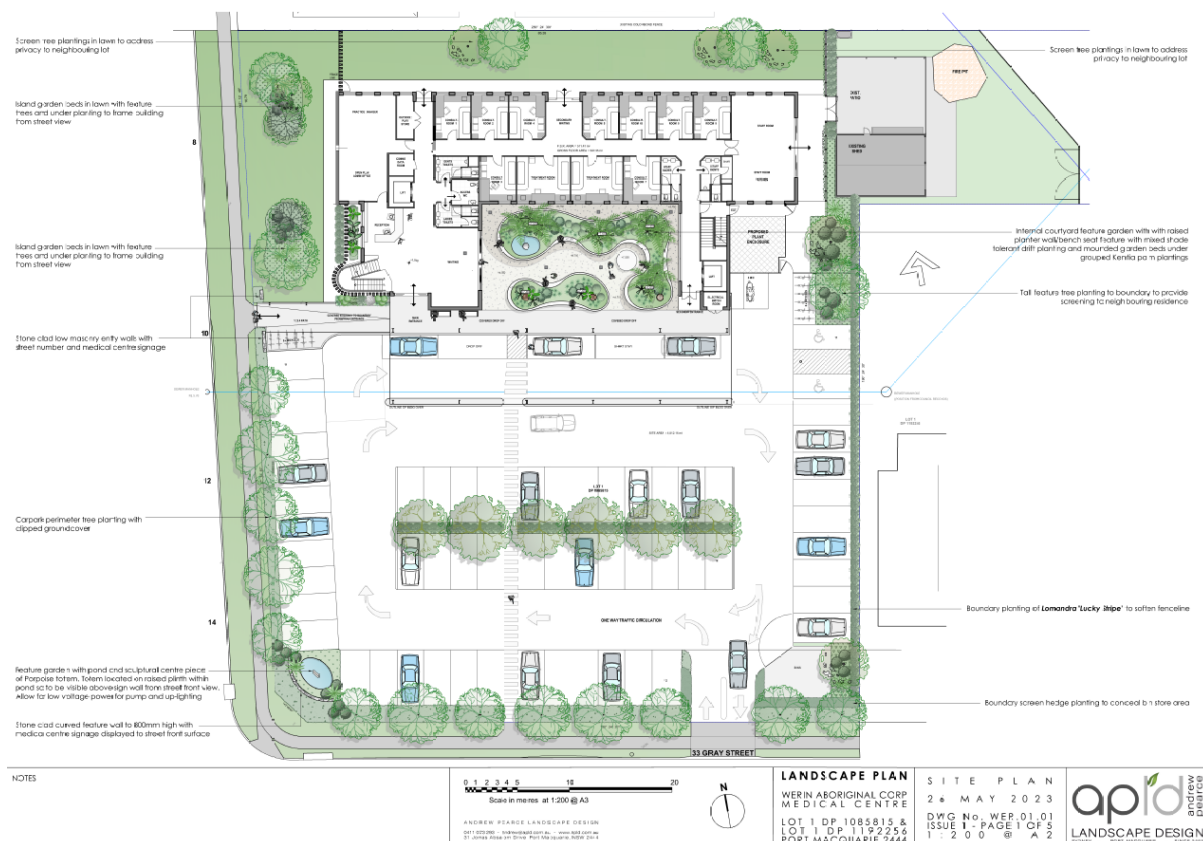


Figure 6 - Landscape Plan

For more detail, refer to the architectural plans by Rob Snow Architect **Attachment B** and landscape plans by apld Andrew Pearce Landscape Design **Attachment C**.

2.2 Background

A Pre-lodgement meeting was held prior to the lodgement of the application on 23 February 2021 where relevant legislation, controls, traffic impacts, noise impacts and servicing requirements applicable to the site were provided to the applicant. Further points requesting clarification on the operation of the medical centre were also raised. The applicant's Statement of Environmental Effects, Plans etc were submitted in response to the points raised at Pre-lodgement.

The development application was lodged on 11 July 2022. A chronology of the development application since lodgement is outlined below including the Panel's involvement (briefings etc) with the application:

Table 2: Chronology of the DA

Date	Event
11 July 2022	DA lodged
21 July 2022	DA referred to external agencies
27 July 2022	Exhibition of the application and again on 9 March 2023
1 August 2022	Request for information from Council to applicant and also 10 August 2022 and 6 March 2022

2 March 2023	Amended plans lodged. The main changes confirmed the height of the building complied with the height limit standard, minor internal changes, acoustic assessment submitted and removal of staging.
6 March 2023	Panel advised of DA. Panel requested confirmation of CIV. The request was put to the applicant.
13 March 2023	Capital Investment Value confirmed by applicant and provided to the Panel on 14 March 2023.
29 March 2023	Panel requested update on the DA so as to arrange a Briefing.
12 April 2023	Discussion and update to Panel on Briefing.
13 April 2023	Site inspection.
19 April 2023	Panel Briefing. Issues raised at the briefing around stormwater endpoint and more detailed landscaping (including trying to retain existing vegetation) were put to the applicant.
5 May 2023	Applicant provided updated stormwater plan with endpoint to the street (not directly into Wrights Creek).
18 May 2023	Council staff sent a follow up on the requested landscaping detail.
29 May 2023	Updated landscaping plan and detail provided.
30 May 2023	Panel advised that the DA is ready to be reported to a meeting. June meeting date provided by the Panel.

2.3 Site History

- The site has an existing approval for the current medical centre use on Lot 1 DP 1085815.

3. STATUTORY CONSIDERATIONS

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 not considered to be:

- Integrated Development (s4.46) - no works proposed within 40m of Wrights Creek.
- Designated Development (s4.10)
- Requiring concurrence/referral (s4.13)
- 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 (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)
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State Environmental Planning Policy (Biodiversity & Conservation) 2021	<u>Chapter 4: Koala Habitat Protection 2021</u> Section 4.4 - Land to which the Chapter applies. Section 4.10 - Development assessment on land that is less than 1ha and not subject to a Koala Plan of Management.	Y
State Environmental Planning Policy (Planning Systems) 2021	<u>Chapter 2: State and Regional Development</u> Section 2.19(1) and Section 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 (medical centre).	Y
State Environmental Planning Policy (Primary Production) 2021	<u>Chapter 2: Primary Production and Rural Development</u> Section 2.28 & 2.29 - Consideration of effects of the proposed development on oyster aquaculture.	Y
SEPP (Resilience & Hazards)	<u>Chapter 2: Coastal Management</u> <ul style="list-style-type: none"> Section 2.8 - Development on land in proximity to coastal wetlands Section 2.10 - Development on land within the coastal environment area Section 2.11 - Development on land within the coastal use area <u>Chapter 4: Remediation of Land</u> <ul style="list-style-type: none"> Section 4.6 - Contamination and remediation to be considered in determining the development application. 	Y
State Environmental Planning Policy (Transport and Infrastructure) 2021	<u>Chapter 2: Infrastructure</u> <ul style="list-style-type: none"> Section 2.48(2) (Determination of development applications—other development) – electricity transmission - the proposal is satisfactory subject to conditions. Section 2.60 - Development for health services facilities permitted with consent in prescribed zones, which includes R1 General Residential. Section 2.121(4) - Traffic-generating development (proposal is not of a scale that triggers traffic generating development and is located over 90m from Gordon Street/classified road). 	Y
Proposed Instruments	No compliance issues identified.	Y
Port Macquarie-Hastings Local Environmental Plan 2011	<ul style="list-style-type: none"> Section 2.3 – Permissibility and zone objectives Section 4.3 - Height Section 4.4 - FSR Section 5.21 - Flooding Section 7.1 - Acid sulfate soils 	Y

Port Macquarie-Hastings Development Control Plan 2013	Part B - General Provisions	Y
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Consideration of the relevant SEPPs is outlined below.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 4 Koala Habitat Protection 2021

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

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

1. The property is not subject to a Koala Plan of Management.
2. There are no significant koala feed trees onsite.
3. The site is disturbed from existing residential/medical uses onsite.
4. The site is not considered to be core koala habitat.

State Environmental Planning Policy (Planning Systems) 2021

Chapter 2: State and Regional Development

The proposal is *regionally significant development* pursuant to Section 2.19(1) and Section 5 of Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021*, which declares the proposal *regionally significant development* as the capital investment value is more than \$5 million and involves a health services facility (medical centre). Accordingly, the Northern Joint Regional Planning Panel is the consent authority for the application.

The proposal is consistent with this Policy.

State Environmental Planning Policy (Primary Production) 2021

Chapter 2: Primary Production and Rural Development

Section 2.28 & 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 separated 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 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 impacts to water flows to the nearby coastal wetland.

In particular, the proposed development works are located over 40m from the mapped coastal wetland and the development use contains no processes that would create an adverse impact on the wetland. Drainage from the site is also proposed to be directed away from the coastal wetland, towards the street. Whilst the street eventually drains into Wrights Creek, it will be at an existing point.

Section 2.10 & 2.11 - The site is located within a mapped coastal use area and coastal environment area. Having regard to Section 2.10 and 2.11 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 funnelling 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 coastal/built environment and the area is zoned to allow for medical centres. The proposed development works are also noted as being over 40m 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 suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

Following an inspection of the site and a search of Council records, the subject land is not identified as being potentially contaminated. Any sources of contamination would be limited to hazardous building materials, such as asbestos, within the existing structures that are to be demolished. However, this can be addressed through standard conditions of consent around demolition, which require asbestos materials be removed by a suitably qualified person.

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 was carried out with no objection received. Standard advice about clearances, safety, Dial before you Dig, guidelines for landscaping and excavation etc was provided and forwarded to the applicant. It was noted that Essential Energy required the existing transformer pole on Gray Street, to be 1m clear of the new driveway. It appears the pole is located within 1m. Unless shown otherwise at the more detailed Construction Certificate stage, the pole will need to be relocated at the applicant's expense.

Section 2.60 - Outlines that development for health services facilities (includes medical centres) are permitted with consent in certain prescribed zones. The site is zoned R1 General Residential, which is a prescribed zone and therefore permits the medical centre with consent. The re-development of the existing medical centre onsite and existence of other health services facilities in the Lake Road area, ensures the proposal remains compatible with the surrounding and envisaged development for the area. Furthermore, the height, floor space ratio and setbacks of the medical centre 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 the following:

- (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 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 is designed and located to ensure no adverse impacts from natural hazards. In particular, the development is clear of the mapped flood prone area.
- The development does not adversely impact on public assets.
- The site is already used for a medical centre and located within an area that comprises other health service facilities.
- The development does not impact on any important environmental or cultural features.
- The design of the building and extensive landscaping throughout the car park results in a positive contribution to the public domain and streetscape.

Zoning and Permissibility (Part 2)

The site is located within the R1 General Residential zone pursuant to Clause 2.2 of the LEP.

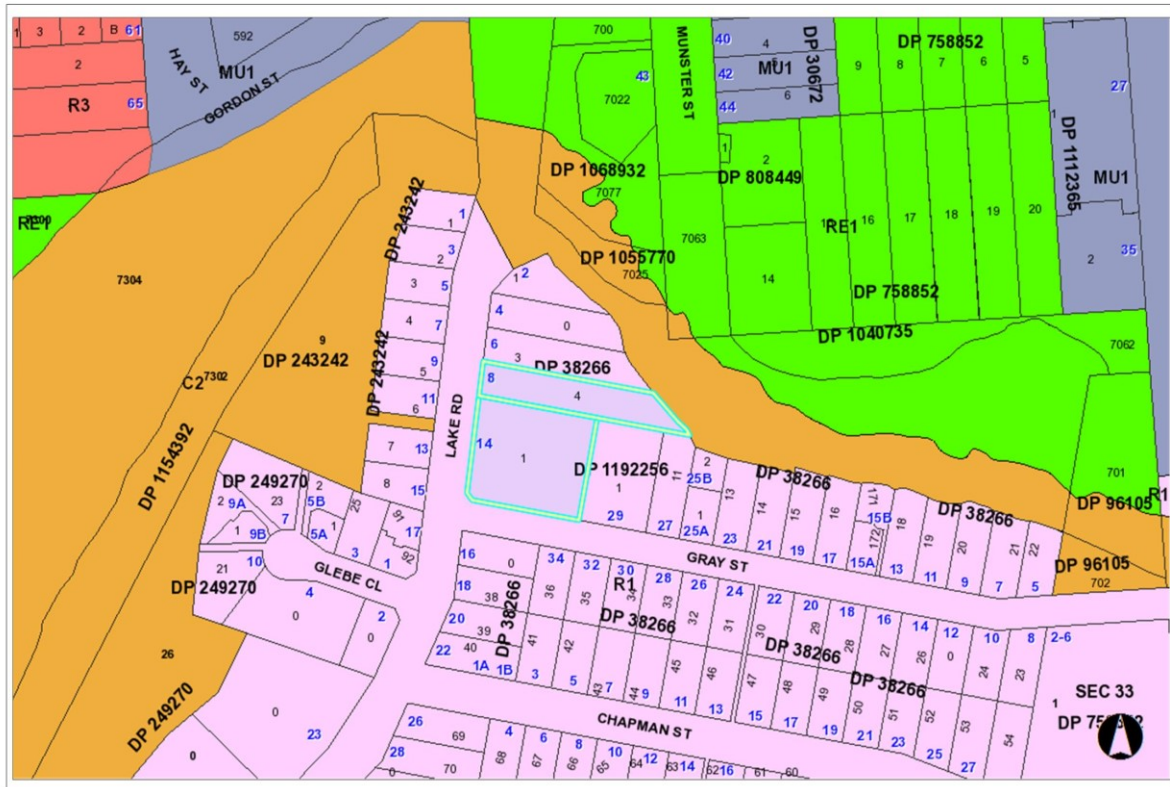


Figure 7 - Zoning map

According to the definitions in Clause 4 (contained in the Dictionary), the proposal satisfies the definition of medical centre, which is a permissible use with consent in the Land Use Table in Clause 2.3. The medical centre is also permitted with consent as per Section 2.60 of State Environmental Planning Policy (Transport and Infrastructure) 2021.

The zone objectives include the following (pursuant to the Land Use Table in Clause 2.3):

- 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 proposal is considered to be consistent with these zone objectives for the following reasons:

- The proposal is permissible with consent under State and Local legislation.
- The proposal provides a medical service to meet the day to day needs of residents.

General Controls and Development Standards (Part 2, 4, 5, 6 and 7)

Height of buildings (CI 4.3(2))	8.5 metres	8.5 metres	Yes
FSR (CI 4.4(2))	1:1 (4,511m ²)	0.32:1 (1,453m ²)	Yes
Heritage (CI 5.10)	Consent and consideration requirements for certain development relating to heritage items and sites of significance.	The site does not contain or adjoin any known heritage items or sites of significance. The site is also disturbed from past activities onsite.	Yes
Flood planning (CI 5.21)	Consent and consideration requirements for certain development on mapped flood prone land.	Part of the north-eastern corner of the property is mapped as being flood prone. However, no works or development are proposed in the mapped area.	Yes
Acid sulphate soils (CI 7.1)	Consent and consideration requirements for certain development on mapped acid sulfate soils.	Part of the north-eastern corner of the property is mapped as containing acid sulfate soils. However, no works or soil disturbance are proposed in the mapped area.	Yes
Essential services (CI 7.13)	Adequate arrangements for services required.	Satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, sewer infrastructure, stormwater drainage and suitable road access to service 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 that are 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 D**. There are a number of minor variations to controls in the DCP, which are outlined in the Assessment Table. The variations satisfactorily meet the objectives of the DCP in the circumstances of the proposal and do not warrant refusal of the application.

It should also be noted that whilst the DCP does not have a specific section or controls for medical centres, it is noted that the height, FSR, side setbacks and front setbacks of the proposal are consistent with those applicable to surrounding residential housing. For example, residential housing would need to comply with the same 8.5m height limit and 1:1 FSR. The medical centre also proposes an 8m+ street setback and 6m side/rear boundary setbacks. Such setbacks would comply with the 4.5m street setback and 3m/4m side/rear boundary setbacks of the DCP, applicable to residential housing.

(d) 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.

(e) 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 the site is capable of compliance with this Australian Standard and is to be reinforced by conditions. See condition D(4) in **Attachment A**.

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

The likely impacts of that 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 and the Key Issues section below.

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

- Context and setting – The site has street frontage to Lake Road to the west and Gray Street to the south.
Adjoining the site to the north, east and south are forms of residential housing.

The proposal is considered to be consistent with the context of the site and area. In particular, the proposed medical centre will replace the existing ad hoc medical centre onsite with a more modern design and thought-out layout. Furthermore, the Lake Road area comprises a number of other medical centre uses that draw on similar attributes, including parking in the front setback. Overall, the proposal is considered to be compatible with other development in the locality and adequately addresses planning controls for the area.

The bulk and scale of the development is also consistent with the height, FSR and setback provisions applicable to residential housing, which are also located throughout the area.

The proposal will not have any significant adverse impacts to existing adjoining properties and satisfactorily addresses the public domain.

The proposal does not have a significant adverse impact on existing view sharing.

The proposal does not have significant adverse lighting impacts.

There are no significant adverse privacy impacts with adequate building separation and screening proposed. The placement of the medical centre and associated openings are not directed towards key living room or open space areas on neighbouring properties. Where there is potential for views and privacy impacts, fencing, screening or landscaping is proposed.

There are no significant adverse overshadowing impacts. The proposal does not prevent adjoining properties from receiving 3 hours of sunlight to private open space and primary living areas on 21 June between the hours of 9am and 3pm.

- Access and traffic – The applicant provided a Traffic Impact Assessment (TIA) by Streetwise Road Safety & Traffic Services dated 27 June 2022 **Attachment E**, which was provided as supplementary information to the DA application. The TIA included consideration of the effects of the development on local traffic and determined that the local road network would sufficiently cater for the increase in traffic.

The TIA included a SIDRA (a software package used for modelling intersection and road network capacity, level of service and performance) analysis of the intersection of Gray St and Lake Road, which indicated a level of service “B” (A being best to F being worst). Council Engineering staff have reviewed and accepted the report findings. Overall, the proposal will not have any significant adverse impacts in terms access, transport and traffic and the existing road network will satisfactorily cater for any minor increase in traffic generation as a result of the development.

- Parking and Manoeuvring - A total of 58 parking spaces (including 2 accessible spaces) have been provided onsite. In addition, 5 drop off spaces, 3 dedicated motorbike spaces and a 12 space bicycle rack are also included. Parking and driveway widths on site can comply with relevant Australian Standards (AS 2890) and conditions have been recommended to reflect these requirements. See conditions B(9) and F(1) in **Attachment A**.

Due to the type of development, car park circulation is required to enable vehicles to enter and exit the site in a forward manner. Site plans show adequate area is available and specify a one-way traffic flow with entry/exit to Gray Street.

The driveway from Lake Road is to be one-way access only. No egress is permitted from the development site to Lake Road. Conditions have been recommended to reflect these requirements. See condition A(18) in **Attachment A**.

- Public Domain – The proposed development will not impact on the public domain. Driveways will be rationalised and footpaths maintained and/or upgraded where necessary.
- Water Supply Connection - Council records indicate that the development has three 20mm metered water services. Final water service sizing to be determined by a hydraulic consultant to suit the domestic and commercial components of the development, as well as addressing fire service and backflow protection requirements.

Minimum backflow protection for a medical centre is a Reduced Pressure Zone Device (RPZ) at the boundary.

Overall, the above requirements are achievable and detailed plans showing compliance will need to be submitted for assessment with the Section 68 application. Appropriate conditions are recommended in this regard.

- Sewer Connection - Council records indicate that the development site is connected to sewer via a number of junctions to the 150mm VC sewer main that traverses the development site. The discharge from the development is to be determined by a hydraulic consultant. Should the discharge from the development exceed four equivalent tenements (ET), then all sewer shall discharge to a new junction out of a manhole with any unused junctions to be capped.

Replacement or relining of the sewer main is required where structures are proposed over the main. Footings are to be designed so that no load is transferred to the sewer main.

Overall, the above requirements are achievable and detailed plans showing compliance will need to be submitted for assessment with the Section 68 application. Appropriate conditions are recommended in this regard.

- Stormwater - The site naturally grades towards both the Lake Road and Wrights Creek frontages of the site with the existing point of discharge for the development being unknown.

The legal point of discharge for a development of the scale/type proposed is either:

1. Direct connection to the adjacent Wrights Creek via a newly installed piped outlet, or
2. A direct point of connection to the downstream piped drainage system in Lake Road. This will require an extension of the piped drainage system to the frontage of the site.

In terms of Option 1 above, a direct connection to Wrights Creek would require owners consent from the Crown and a controlled activity approval. Neither of these have been applied for/provided. As a result, a revised stormwater drainage plan **Attachment F** was submitted in support of the proposed development, demonstrating compliance with the latter Option 2.

In addition and in accordance with the requirements of AUSPEC D7, water quality control facilities are required to be incorporated into the development as a means of reducing the pollutants discharged for the developed site to pre-defined limits. Suitable controls have been incorporated into the concept stormwater plans in this regard.

Given the proximity of the site to the lower reaches/outlet of Wrights Creek, it is considered that OSD facilities are not required at this location.

Appropriate conditions are recommended to reinforce the above.

- Utilities – Telecommunication and electricity services are available to the site. Some changes to electricity infrastructure may be required at the applicant's expense (ie relocation of the power pole on Gray Street to ensure compliant setback to the driveway).
- Heritage – The site does not contain any known heritage items or sites of significance. The site is also disturbed from past residential and medical centre works onsite.
- Other land resources – The site is within an established urban context and will not sterilise any significant mineral or agricultural resource.
- Water/air/soils impacts - The proposed development will not have any significant adverse impacts on water resources and the water cycle.

The construction and/or operations of the proposed development will not result in any significant adverse impacts on the existing air quality or result in any pollution. Standard precautionary site management and occupation conditions recommended. See condition A(4) and Section F in **Attachment A**.

The proposed development will also not have any significant adverse impacts on soils in terms of quality, erosion, stability and/or productivity subject to a standard condition requiring erosion and sediment controls to be in place prior to and during construction. See condition A(4) in **Attachment A**.

- Flora and fauna impacts - Construction of the proposed development will not require any removal/clearing of any significant native vegetation (only planted garden species), does not trigger the thresholds and is also not located within a mapped Biodiversity Values area (Note: a small portion of the site in the north-eastern corner is mapped as Biodiversity Values but no works are proposed within such an area - see Figure 8 below). The site is also heavily disturbed from past activities onsite and unlikely to contain or impact on any threatened species. Development is considered to be compliant with the Biodiversity Conservation Act 2016.



Figure 8 - Biodiversity Values (purple shaded area)

- Natural environment – There are no significant changes to the natural environment. The site is relatively flat and only requires very minor cut and fill.
- Noise and vibration – An acoustic assessment by PWNA dated 16 February 2023 **Attachment G** has been submitted as supporting information with this application. The report recommends a 1.8m noise wall be installed to protect residences on the eastern side of the development as well as conditions to cover potential noise from operational plant. Conditions will also cover hours of construction and operation. See conditions A(4), B(15), B(16), E(22) and Section F in **Attachment A**.

The acoustic assessment was reviewed and accepted by Council's Environmental Health Officer, subject to conditions reinforcing the above.

- Natural hazards – Part of the north-eastern corner of the site is affected by flooding. However, no development or access are proposed in such an area.

The site is also identified as being bushfire prone. However, the site contains separation and cleared areas to the threat, along with safe access/egress.

Based on the above, the site will not be adversely impacted by flooding or bushfire and is considered suitable for the development.

- Safety, security and crime prevention – The proposed development will be unlikely to create any adverse concealment/entrapment areas or crime spots that would result in any identifiable loss of safety or reduction of security in the immediate area. There are some minor concealment areas created by the internal garden area and some gaps/indentations within the building. However, the development will also provide a level of natural surveillance over these areas and the locality via openings, staff onsite etc.

Lighting and CCTV can also be installed retrospectively by the owner, should they wish to have further security in the future.

- Social impact – The development will have a positive benefit by providing ongoing employment of local health care professionals and staff as well as providing important medical services to the local community within a more appropriate scaled building.
- Economic impact – The proposal is not considered to have any significant adverse economic impacts on the locality. A likely positive impact is that the development will maintain employment in the medical and construction industries, which will lead to flow on impacts such as expenditure in the area.
- Site design and internal design – The proposed development design satisfactorily responds to the site attributes and will fit into the locality.
- Construction – Construction impacts are considered capable of being managed, standard construction and site management conditions have been recommended, including limited hours of operation. See condition A(4) in **Attachment A**.
- Cumulative impacts – The proposed development is not considered to have any significant adverse cumulative impacts on the natural or built environment or the social and economic attributes of the locality.

Accordingly, it is considered that the proposal will not result in any significant adverse impacts in the locality as outlined above.

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

The proposal will fit into the locality and the site attributes are conducive to the proposed development.

Site constraints have been adequately addressed and where relevant, appropriate conditions of consent recommended.

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

These submissions are considered in Section 4.3 of this report.

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

Ecologically sustainable development requires the effective integration of economic and environmental considerations in decision-making processes.

The four principles of ecologically sustainable development are:

- 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.

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

The development application has been referred to the following agencies for comment/concurrence/referral as 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.

Table 5: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Concurrence Requirements (s4.13 of EP&A Act) - N/A			
Referral/Consultation Agencies			
Electricity supply authority	Section 2.48 – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> Development near electrical infrastructure	A referral to Essential Energy was carried out with no objection received. Standard advice about clearances, safety, Dial before you Dig, guidelines for landscaping and excavation etc was provided and forwarded to the applicant. It was noted that Essential Energy required the existing transformer pole on Gray Street, to be 1m clear of the new driveway. It appears the pole is located within 1m. Unless shown otherwise at the more detailed Construction Certificate stage, the pole will need to be relocated at the applicant's expense.	Y

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
Engineering	Council's Engineering Officer reviewed the application, TIA, access, and parking arrangements. No objections raised, subject to conditions.	Y
Health	Council's Environmental Health Officer reviewed the application and acoustic assessment. No objections raised, subject to conditions.	Y
Water & Sewer	Council's Water and Sewer Section reviewed the application. No objections raised, subject to conditions.	Y
Stormwater	Council's Stormwater Officer reviewed the application and concept stormwater design. No objections raised, subject to conditions.	Y

4.3 Community Consultation

The proposal was notified in accordance with the DCP/Council's Community Participation Plan from 27 July 2022 until 9 August 2022 and again on 9 March 2023 until 22 March 2023. The notification included the following:

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

The Council received a total of three (3) unique submissions, comprising three (3) objections to the proposal. The issues raised in these submissions are considered in **Table 7**.

Table 7: Community Submissions

Issue	No of submissions	Council Comments
Traffic and Access Safety risk for drivers turning into Lake Road with parked vehicles blocking sight distances.	2	Council's Development Engineer has reviewed the proposal and the TIA, which accompanied the application. The proposed traffic, driveway locations and existing road network were considered acceptable and capable of accommodating the development. Outcome: This issue has been satisfactorily addressed.

<p>Staging and Parking</p> <p>Parking issues created by staging the project (ie combination of the medical centre workers and construction staff competing for spaces).</p>	1	<p>Issue has been resolved via the removal of staging from the development. In particular, the existing medical centre onsite will close, be demolished and not re-open until the new building and parking is completed.</p> <p>Outcome: This issue has been satisfactorily addressed by removal of staging.</p>
<p>Parking</p> <p>Parking issues with the existing medical centre and concern the new medical centre will re-create problems. In particular, insufficient parking and flow on impacts to the surrounding streets (ie cars parking on the road).</p>	1	<p>Parking provided onsite exceeds the numbers required by Council's DCP. Furthermore, the development will provide a more holistically designed medical centre for the overall site rather than the current medical centre arrangement, which has occurred in a more ad hoc nature (ie conversion of houses).</p> <p>The application and parking layout has also been reviewed and accepted by Council's Engineering staff.</p> <p>Outcome: This issue has been satisfactorily addressed.</p>
<p>Access</p> <p>Gray Street driveway will impact on access and amenity to neighbour at 34 Gray Street by increased traffic and reduction of on street parking. The Gray Street access will also create a safety concern as vehicles exiting the premises will be forced into oncoming traffic.</p> <p>Neighbour suggests existing driveway location</p>	1	<p>The driveway location has been accepted by Council Engineering staff on safety grounds. There are also restricted parking signs/areas along Gray Street, which are not proposed to change. The signage helps control parking and provide a wide safe area near the Lake Road Intersection.</p> <p>The car park/bin area will be screened by landscaping. The landscaping is considered to provide a better/softer edge to the street than the existing fence.</p> <p>Hours of operation are limited to daylight times which will ensure limited headlight glare and the new driveway is not directed towards any key neighbour living area.</p> <p>Based on the above, the design is considered acceptable and will not result in a significant adverse impact on amenity or safety in the area.</p> <p>Outcome: This issue has been satisfactorily addressed.</p>

on Gray St not change and fencing be used/retained to ensure a residential feel and maintain privacy.		
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5. 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 a medical centre 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 condition B(12) in **Attachment A**. A Notice of Payment Estimate is also included as **Attachment H** to show contribution amount payable.

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.

The site has been provided contribution credit based on the existing residential lots as it returns the higher credit.

The proposed development will comprise a re-developed, larger medical centre onsite. The rates for the larger medical centre have been factored into contribution calculations.

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 condition B(4) in **Attachment A**. A Notice of Payment Estimate is also included as **Attachment H** 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 Noise

The potential for noise on adjoining properties is an important consideration given the type of development (non-residential) within a residential zoning and setting. An acoustic assessment by PWNA dated 16 February 2023 was submitted as supporting information with the application. The assessment looked at noise impacts from the development, including car park noise and garbage collection. The assessment recommended a 1.8m noise wall be installed to protect residences on the eastern side of the development.

The application and acoustic assessment were also reviewed and accepted by Council's Environmental Health Officer, subject to conditions. In particular, conditions will also be applied to manage construction and operational hours, deliveries/garbage collection and limitations on plant noise.

Resolution: The issue has been resolved through recommended conditions of consent as outlined in **Attachment A**. See conditions A(4), B(15), B(16), E(22) and Section F.

6.2 Privacy and amenity

The potential for privacy and amenity impacts on adjoining properties is an important consideration given the type of development (non-residential) within a residential zoning and setting. However, the applicant has demonstrated that there will be no significant adverse privacy impacts with adequate building separation and screening proposed. The placement of the medical centre and associated openings are also not directed towards key living room or open space areas on neighbouring properties. Where there is potential for views and privacy impacts, fencing, screening and/or landscaping is proposed.

It should also be noted that there is already a medical centre operating from the site. The current medical centre has evolved in an ad hoc way via the conversion of existing dwellings. The proposed design will provide an improved and more holistically designed building and layout.

Conditions of consent will also control hours of operation to ensure there is no amenity impacts on neighbours.

Resolution: The issue has been resolved through recommended conditions of consent as outlined in **Attachment A**. See conditions A(4), B(15), B(16), E(22) and Section F.

6.3 Stormwater disposal

- The site naturally grades towards both the Lake Road and Wrights Creek frontages of the site with the existing point of discharge for the development being unknown.

The legal point of discharge for a development of the scale/type proposed is either:

1. Direct connection to the adjacent Wrights Creek via a newly installed piped outlet, or
2. A direct point of connection to the downstream piped drainage system in Lake Road. This will require an extension of the piped drainage system to the frontage of the site.

In terms of Option 1 above, a direct connection to Wrights Creek would require owners consent from the Crown and a controlled activity approval. Neither of these have been applied for/provided. As a result, a revised stormwater drainage plan was submitted in support of the proposed development, demonstrating compliance with the latter Option 2.

Resolution: The issue has been resolved through the amended stormwater design and recommended conditions of consent as outlined in **Attachment A**.

6.4 Traffic and parking

The development has potential to create traffic and parking issues given the medical centre use (non-residential) within a residential zone. The applicant submitted a Traffic Impact Assessment (TIA) by Streetwise Road Safety & Traffic Services dated 27 June 2022, which was provided as supplementary information to the application. The TIA included consideration of the effects of the development on local traffic and determined that the local road network would sufficiently cater for the increase in traffic.

The TIA included a SIDRA (a software package used for modelling intersection and road network capacity, level of service and performance) analysis of the intersection of Gray St and Lake Road, which indicated a level of service “B” (A being best to F being worst). Council Engineering staff have reviewed and accepted the report findings. Overall, the proposal will not have any significant adverse impacts in terms access, transport and traffic and the existing road network will satisfactorily cater for any minor increase in traffic generation as a result of the development.

In terms of parking, a total of 58 parking spaces (including 2 accessible spaces) have been provided on-site. In addition, 5 drop off spaces, 3 dedicated motorbike spaces and a 12 space bicycle rack(s) are also included. Parking and driveway widths on site can comply with relevant Australian Standards (AS 2890) and conditions have been recommended to reflect these requirements. See conditions B(9) and F(1) in **Attachment A**.

Due to the type of development, car park circulation is required to enable vehicles to enter and exit the site in a forward manner. Site plans show adequate area is available and specify a one-way traffic flow with entry/exit to Gray Street.

The driveway from Lake Road is to be one-way access only. No egress is permitted from the development site to Lake Road. Conditions have been recommended to reflect these requirements. See condition A(18) in **Attachment A**.

Overall, the traffic, parking and layout are considered acceptable and will create no significant adverse impacts.

Resolution: The issue has been resolved through the design and recommended conditions of consent.

6.5 Landscaping

To soften the development and provide screening for privacy purposes, a landscape plan was considered a key element for the design. The site also contained existing

vegetation, albeit comprising a random mixture of planted garden species. It was questioned whether any of the existing vegetation could be retained.

The applicant subsequently provided a landscape plan, which outlined perimeter plantings in key locations and a landscape theme utilising selected species of various shapes and size. Due to the extent of works proposed and the development opting for a specific landscape theme, the existing vegetation is proposed to be removed. Overall, the proposed landscape plan complements the design and addresses screening requirements in key areas.

Resolution: The issue has been resolved through the design and recommended conditions of consent as outlined in **Attachment A**. See condition E(15).

7 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 supported.

Overall, the site is considered suitable for the proposed development and the proposal adequately addresses relevant planning controls. The development is not considered to be contrary to the public's interest and will not result a significant adverse social, environmental or economic impact. It is considered that the key issues as outlined in Section 6 have been resolved satisfactorily through amendments to the proposal and/or in the recommended draft conditions at **Attachment A**.

8 RECOMMENDATION

That the Development Application DA2022 - 588.1 for a medical centre at Lot 1 DP 1085815 and Lot 4 DP 38266, 8-14 Lake Road, Port Macquarie be approved pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent attached to this report at **Attachment A**.

The following attachments are provided:

- Attachment A: Draft Conditions of consent
- Attachment B: Architectural Plans
- Attachment C: Landscape Plans
- Attachment D: DCP Table of Compliance
- Attachment E: Traffic Impact Assessment
- Attachment F: Servicing Plans
- Attachment G: Acoustic Assessment
- Attachment H: Notice of Payment Contributions Estimate