

<b>DATE OF DETERMINATION</b>	20 April 2022
<b>DATE OF PANEL DECISION</b>	20 April 2022
<b>DATE OF PANEL MEETING</b>	Wednesday, 23 March 2022
<b>PANEL MEMBERS</b>	Chris Wilson (Acting Chair), Renata Brooks, Tim Fletcher
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 23 March 2022.

#### **MATTER DETERMINED**

PPSSTH-139 – Albury – DA10.2021.38711.1 - 201 Borella Road, East Albury - Alterations and Additions to Albury Base Hospital - Redevelopment of Emergency Department (as described in Schedule 1).

#### **PANEL CONSIDERATION AND DECISION**

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

#### **Development application**

The panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

#### **REASONS FOR THE DECISION**

The panel determined to approve the application:  
for the reasons outlined in the council assessment report. In addition, the Panel was satisfied that any residual issues could be addressed through the submission of additional information and amendments to the recommended conditions of consent as follows:

#### **Contamination**

For the purposes of SEPP (Resilience and Hazards), the Panel sought advice from Council to assist its consideration of whether the land is contaminated. In addition to information in the Council's assessment report, the Council submitted supplementary information by email dated 14 April 2022 which stated that:

*'The subject site is not listed on Council's contaminated land register. Council is not in possession of any records that would indicate that previous land uses at the site are consistent with Appendix 2 of the Albury City Council Contaminated Land Management Policy'*

Consequently, the Panel is satisfied that the requirements of SEPP (Resilience and Hazards) have been addressed and consent can be issued, noting that no change of use is proposed.

#### **CONDITIONS**

The development application was approved subject to the conditions recommended by Council with a number of amendments to address car parking in the short and long term. A number of other conditions were amended to ensure they serve a planning purpose and provide legal certainty.

## **Car Parking**

The Panel has determined that the Applicant will need to provide 93 car parking spaces for the exclusive use of Albury Base Hospital. It is noted that at the time of issuing this consent, temporary car parking had been approved on adjacent land in East Street up until 14 February 2032 but was not yet operational (Development Consent 10.2021.39058.1). To ensure the ongoing management and timely provision of parking in both the short and long term, several additional conditions have been incorporated to provide more certainty. These are as follows:

### **(A2) Car Parking**

- I. The Applicant must not commence construction of the development until the temporary car parking in East Street is operational, or alternatively, a Management Plan is prepared and submitted to Council that satisfactorily demonstrates that any parking shortfall created by construction will be accommodated.
- II. Within 2 years of the date of this consent, the Applicant must prepare and submit to Council a parking strategy that demonstrates that parking for a minimum of 93 spaces can be provided within the hospital campus from the 14 February 2032.
- III. Prior to 14 February 2032, the Applicant must provide 93 additional car parks in accordance with the strategy approved under condition A (2) ii.

### **(D7) Deletion of Condition D7** *(requirements incorporated into updated condition A2)*

### **(A4) Car Park Design**

The on-site car park design, including hold lines, internal pavement markings and wheel stop provisions are to be provided where appropriate and in accordance with the Australian Standard 2890.1. Similarly, all new and revised parking spaces are designed to accord with AS2890.1 with minimum dimensions 5.4m x 2.6m and aisle widths of minimum 5.8m. Pedestrian priority is to be given where any path crosses an access road, and Tactile Ground Surface Indicators (TGSI) are to be installed. All new paths shall be designed to be Disability Discrimination Act compliant. All road crossing points must be designed to be perpendicular to the kerb.

## **Other**

Several conditions have been amended to ensure legal certainty. These are as follows:

### **(B8) Landscaping Plan**

Prior to commencement of work, a landscaping plan is to be submitted to Council for approval. Two copies of the plan are to be provided. The plan is to indicate the following information:

- (a) Site boundaries and locations of all buildings and existing features.
- (b) The location and name of shrub and tree species to be planted and method of planting.
- (c) Species chosen must relate in scale to the building, with taller and more diverse planting for buildings of greater dimension.
- (d) Mature height and spread of trees and shrubs.
- (e) The location of grassed and paved areas.
- (f) Landscaping areas protected from vehicle activity by a minimum height 100mm kerb or similar barrier.
- (g) Measures to assist in the establishment and maintenance of the landscaping.

### **(C5) Protection of public property**

To ensure public roads in the vicinity of the development are maintained in a clean condition, the Applicant must ensure there is no tracking of mud and soil deposits from the site.

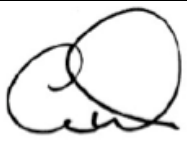
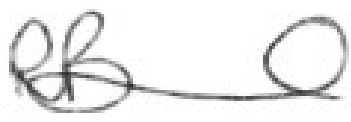

**Other:** The replacement of “should” with “shall” throughout the conditions to provide certainty of outcome.

**CONSIDERATION OF COMMUNITY VIEWS**

In coming to its decision, the panel considered written submissions made during public exhibition. The panel notes that issues of concern included:

- Parking
- Pedestrian Access

The Panel considers these concerns have been addressed through conditions of consent, including additional conditions requiring provision of car parking and design of car parks.

PANEL MEMBERS	
 Chris Wilson (Acting Chair)	 Renata Brooks
 Tim Fletcher	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-139 – Albury – DA10.2021.38711.1
2	PROPOSED DEVELOPMENT	Alterations and Additions to Albury Base Hospital - Redevelopment of Emergency Department
3	STREET ADDRESS	201 Borella Road, East Albury
4	APPLICANT/OWNER	Habitat Planning / Department of Health
5	TYPE OF REGIONAL DEVELOPMENT	Crown development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy No 55 – Remediation of Land</li> <li>State Environmental Planning Policy (State and regional Development) 2011</li> <li>State Environmental Planning Policy (Infrastructure) 2007</li> <li>Albury Local Environmental Plan 2010</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Albury Development Control Plan 2010</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>Coastal zone management plan: Nil</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council assessment report: 31 January 2022</li> <li>List any council memo or supplementary report received: 9 March 2022 <ul style="list-style-type: none"> <li>Updated Landscape Plans</li> <li>Letter = AWH ED – MOU – Funding agreement finalised – June 2020</li> <li>Updated conditions contained in draft NOD received 08/04/2022</li> <li>Email relating to potential contamination</li> </ul> </li> <li>Written submissions during public exhibition: 1</li> <li>Total number of unique submissions received by way of objection: 1</li> <li>Council assessment officer - Marius Shepherd</li> <li>On behalf of the applicant – Craig McPartland, Susan Medlin</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Briefing: 16 February 2022 <ul style="list-style-type: none"> <li><u>Panel members</u>: Chris Wilson (Chair), Renata Brooks, Tim Fletcher</li> <li><u>Council assessment staff</u>: Marius Shepherd, Matt Wilson, David Christy</li> </ul> </li> <li>Final briefing to discuss council's recommendation: 23 March 2022 <ul style="list-style-type: none"> <li><u>Panel members</u>: Chris Wilson (Acting Chair), Renata Brooks, Tim Fletcher</li> <li><u>Council assessment staff</u>: Marius Shepherd, Matt Wilson, David Christy</li> <li><u>Applicant representatives</u>: Craig McPartland, Susan Medlin</li> </ul> </li> </ul>

		<ul style="list-style-type: none"><li>• Site visit: 29 March 2022<ul style="list-style-type: none"><li>○ Panel members: Renata Brooks, Tim Fletcher</li><li>○ Council assessment staff: Marius Shepherd.</li></ul></li><li>• Site visit: 30 March 2022<ul style="list-style-type: none"><li>○ Panel member: Chris Wilson</li><li>○ Council assessment staff: Marius Shepherd</li></ul></li></ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report