

COUNCIL ASSESSMENT REPORT

SOUTHERN REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSSTH-229 – DA10.2022.39769.1
PROPOSAL	Alterations and Additions to Albury Wodonga Private Hospital
ADDRESS	Lot: 2 DP: 1049348 located at 1125 Pemberton Street, West Albury
APPLICANT	Mrs Casey Collins from Spiire
OWNER	Ramsay Health Care Australia Pty Ltd
DA LODGEMENT DATE	14 December 2022
APPLICATION TYPE	Integrated Development (Referral required under Section 100B of Rural Fires Act 1997)
REGIONALLY SIGNIFICANT CRITERIA	Item 5 of Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> for works that have a capital investment value of more than \$5 million to an existing health services facility
CIV	\$12,300,000.00 (excluding GST)
CLAUSE 4.6 REQUESTS	N/A
KEY SEPP/LEP	SEPP (Planning Systems) 2021 SEPP (Transport and Infrastructure) 2021 SEPP (Resilience and Hazards) 2021 SEPP (Biodiversity and Conservation) 2021 Albury Local Environmental Plan 2010
TOTAL & UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS	No submissions have been received to date
DOCUMENTS SUBMITTED FOR CONSIDERATION	1. Site Plans, Elevations & Shadow Plans 2. Floor Plans 3. Statement of Environmental Effects 4. Draft Determination 5. RFS General Terms of Approval 6. Essential Energy response

	7. Tree Report 8. Traffic Report 9. Soil Contamination Report																																																																																
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)	N/A																																																																																
RECOMMENDATION	Approval																																																																																
DRAFT CONDITIONS TO APPLICANT	Yes																																																																																
SCHEDULED MEETING DATE	27 June 2023																																																																																
PLAN VERSION	<table><tr><th>Sheet Number</th><th>Sheet Name</th><th>Current Revision</th><th>Current Revision Date</th></tr><tr><td>AWH-BLP-DWG-ARC-REH-DA-00000</td><td>COVER SHEET</td><td>E</td><td>11/11/2022</td></tr><tr><td>AWH-BLP-DWG-ARC-REH-DA-01001</td><td>SITE CONTEXT - LOCALITY PLAN</td><td>E</td><td>11/11/2022</td></tr><tr><td>AWH-BLP-DWG-ARC-REH-DA-01002</td><td>SITE CONTEXT - SURVEY</td><td>D</td><td>11/11/2022</td></tr><tr><td>AWH-BLP-DWG-ARC-REH-DA-01003</td><td>SITE CONTEXT - SITE PLAN EXISTING</td><td>F</td><td>11/11/2022</td></tr><tr><td>AWH-BLP-DWG-ARC-REH-DA-02001</td><td>SITE CONTEXT - DEMOLITION PLAN</td><td>E</td><td>11/11/2022</td></tr><tr><td>AWH-BLP-DWG-ARC-REH-DA-03001</td><td>SITE PLAN - PROPOSED</td><td>G</td><td>11/11/2022</td></tr><tr><td>AWH-BLP-DWG-ARC-REH-DA-10001</td><td>PLAN - GENERAL ARRANGEMENT - GROUND FLOOR ZONE A</td><td>G</td><td>11/11/2022</td></tr><tr><td>AWH-BLP-DWG-ARC-REH-DA-10002</td><td>PLAN - GENERAL ARRANGEMENT - GROUND FLOOR ZONE B</td><td>G</td><td>11/11/2022</td></tr><tr><td>AWH-BLP-DWG-ARC-REH-DA-10003</td><td>PLAN - GENERAL ARRANGEMENT - GROUND FLOOR ZONE C</td><td>G</td><td>11/11/2022</td></tr><tr><td>AWH-BLP-DWG-ARC-REH-DA-10004</td><td>PLAN - GENERAL ARRANGEMENT - ROOF</td><td>E</td><td>11/11/2022</td></tr><tr><td>AWH-BLP-DWG-ARC-REH-DA-20001</td><td>ELEVATIONS - SHEET 01</td><td>E</td><td>11/11/2022</td></tr><tr><td>AWH-BLP-DWG-ARC-REH-DA-20002</td><td>ELEVATIONS - SHEET 02</td><td>E</td><td>11/11/2022</td></tr><tr><td>AWH-BLP-DWG-ARC-REH-DA-30001</td><td>SECTIONS- SHEET 01</td><td>E</td><td>11/11/2022</td></tr><tr><td>AWH-BLP-DWG-ARC-REH-DA-30002</td><td>SECTIONS- SHEET 02</td><td>E</td><td>11/11/2022</td></tr><tr><td>AWH-BLP-DWG-ARC-REH-DA-40001</td><td>3D SHEET 01</td><td>E</td><td>11/11/2022</td></tr><tr><td>AWH-BLP-DWG-ARC-REH-DA-41001</td><td>SHADOW DIAGRAMS - WINTER</td><td>E</td><td>11/11/2022</td></tr><tr><td>AWH-BLP-DWG-ARC-REH-DA-41002</td><td>SHADOW DIAGRAMS - SUMMER</td><td>E</td><td>11/11/2022</td></tr><tr><td>AWH-BLP-DWG-ARC-REH-DA-60001</td><td>EXTERNAL FINISHES SCHEDULE</td><td>E</td><td>11/11/2022</td></tr><tr><td colspan="4">Grand total: 18</td></tr></table>	Sheet Number	Sheet Name	Current Revision	Current Revision Date	AWH-BLP-DWG-ARC-REH-DA-00000	COVER SHEET	E	11/11/2022	AWH-BLP-DWG-ARC-REH-DA-01001	SITE CONTEXT - LOCALITY PLAN	E	11/11/2022	AWH-BLP-DWG-ARC-REH-DA-01002	SITE CONTEXT - SURVEY	D	11/11/2022	AWH-BLP-DWG-ARC-REH-DA-01003	SITE CONTEXT - SITE PLAN EXISTING	F	11/11/2022	AWH-BLP-DWG-ARC-REH-DA-02001	SITE CONTEXT - DEMOLITION PLAN	E	11/11/2022	AWH-BLP-DWG-ARC-REH-DA-03001	SITE PLAN - PROPOSED	G	11/11/2022	AWH-BLP-DWG-ARC-REH-DA-10001	PLAN - GENERAL ARRANGEMENT - GROUND FLOOR ZONE A	G	11/11/2022	AWH-BLP-DWG-ARC-REH-DA-10002	PLAN - GENERAL ARRANGEMENT - GROUND FLOOR ZONE B	G	11/11/2022	AWH-BLP-DWG-ARC-REH-DA-10003	PLAN - GENERAL ARRANGEMENT - GROUND FLOOR ZONE C	G	11/11/2022	AWH-BLP-DWG-ARC-REH-DA-10004	PLAN - GENERAL ARRANGEMENT - ROOF	E	11/11/2022	AWH-BLP-DWG-ARC-REH-DA-20001	ELEVATIONS - SHEET 01	E	11/11/2022	AWH-BLP-DWG-ARC-REH-DA-20002	ELEVATIONS - SHEET 02	E	11/11/2022	AWH-BLP-DWG-ARC-REH-DA-30001	SECTIONS- SHEET 01	E	11/11/2022	AWH-BLP-DWG-ARC-REH-DA-30002	SECTIONS- SHEET 02	E	11/11/2022	AWH-BLP-DWG-ARC-REH-DA-40001	3D SHEET 01	E	11/11/2022	AWH-BLP-DWG-ARC-REH-DA-41001	SHADOW DIAGRAMS - WINTER	E	11/11/2022	AWH-BLP-DWG-ARC-REH-DA-41002	SHADOW DIAGRAMS - SUMMER	E	11/11/2022	AWH-BLP-DWG-ARC-REH-DA-60001	EXTERNAL FINISHES SCHEDULE	E	11/11/2022	Grand total: 18			
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PREPARED BY	Sharna Holland																																																																																
DATE OF REPORT	7 June 2023																																																																																

EXECUTIVE SUMMARY

The Development Application 10.2022.39769.1 seeks consent for alterations and additions to the existing Albury Wodonga Private Hospital (health services facility) and tree removal, which is permissible with consent in the SP2 Infrastructure zone.

The application seeks to remove ten (10) trees within the site to facilitate an expansion of the existing hospital to include a rehabilitation ward and centre, which will be available to inpatients and outpatients at the hospital. The proposed works are occurring within the Omaru Wing and will increase the number of beds within the wing by three (3), increasing the total number of beds within the wing to twenty-five (25). The rehabilitation centre involves the addition of two (2) gymnasiums, an indoor pool, four (4) consulting rooms, and male and female change rooms and sanitary facilities.

The project is for private infrastructure that has a Capital Investment Value (CIV) greater than \$5 million and is a type of *health services facility*. Under the provisions of *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP) the development is a Regionally Significant Development (RSD).

The key issues associated with the development relate to the existing car park closest to the main entrance of the hospital not complying with the Australian Standards for off-street parking and that the existing site cannot accommodate the additional thirty (30) car parking spaces generated by the proposed hospital additions. These matters however can be resolved through the imposition of conditions, which have been included on the draft consent.

It is considered that the works are consistent with the public interest as the proposed alterations and additions will enhance the amenity of the hospital and improve the provision of medical services that will positively contribute to the local and broader community's well-being. Further, the development was publicly notified twice during the assessment period and no submissions have been received to date.

Council staff have assessed the proposed development in accordance with Section 4.15 of *Environmental Planning and Assessment Act 1979*. This involved consideration of the submitted information and planning controls and requirements contained within Albury LEP 2010, Albury DCP 2010 and the relevant State legislation. It is the role of Council staff to objectively weigh and consider the submitted information.

Overall, it is concluded that the impacts of the proposed development on the environment and neighbouring properties are reasonable with the development representing investment in an existing health services facility that will meet the future needs of the Albury and Wodonga populations. The development is considered appropriate to the context and setting of the site. The proposed development is considered consistent with the objectives of the "SP2 Infrastructure" Zone and the assessment has concluded that the proposed development provides a suitable and satisfactory planning outcome.

1. THE SITE AND LOCALITY

1.1 The Site

The subject land, 1125 Pemberton Street, West Albury, identified in the location map below (see Figure 1), comprises the Albury Wodonga Private Hospital (see Figure 2) and is oriented to the north-west. The site occupies an irregularly shaped area of 2.185ha on a corner allotment, which has three (3) road frontages including Pemberton Street to the north-west, Padman Drive to the south-west, and Ramsay Place to the south-east. There are multiple vehicle access points to the site, including three (3) vehicle crossovers from Pemberton Street and two (2) vehicle crossovers from Ramsay Place.

The private hospital is located approximately 3.7km west of the Albury CBD.

The topography of the subject land is described as predominately flat for the existing developed area of the hospital, with the land surrounding the hospital falling 5 metres from the north-east allotment boundary to the south-west allotment boundary. The existing vegetation on site comprises a variety of native, exotic, and introduced species, between juvenile and semi-mature age.

The existing hospital comprises a variety of single storey attached buildings separated by a series of enclosed and partially enclosed courtyard gardens. The existing hospital comprises ninety-six (96) beds and five (5) operating theatres, offering a variety of services for inpatients and outpatients. The site also accommodates Border Imaging, which is attached to the hospital by a corridor; however, the main entrance to Border Imaging and car parking area is accessed via Ramsay Place.

The hospital provides four (4) car parking areas on site which provides parking provision for one-hundred and twenty-eight (128) vehicles. A car parking area to the north of the site, located within Council's road reserve, provides additional public parking opportunity for forty-six (46) spaces. To the west of the hospital is a separate allotment, 1156 Padman Drive, West Albury (Lot 1 DP 881248), which is developed with a building and small car parking area; however, does not currently form part of the hospital facility.



Figure 1 – Locality Plan



Figure 2 – Aerial map of subject site, Albury Wodonga Private Hospital

1.2 The Locality

The site is zoned SP2 Infrastructure under *Albury Local Environmental Plan 2010* (Albury LEP 2010). The subject land is located in West Albury and is surrounded by multiple land use zones resulting in a mixture of both residential development and a variety of health services facilities within the surrounding locality. There is a bus stop at the front of the site, which provides connection to Albury's public transport network.

The land to the north of the site is zoned R1 General Residential and SP2 Infrastructure with development on these lots predominately being for the purposes of providing a variety of health services to the community. The land further north of the subject land is developed for residential accommodation. The land to the east of the subject land is zoned R1 General Residential and is predominately developed for the purpose of residential accommodation. The land to the south-east of the site is developed for the purpose of providing health services to the community. The land to the south and west of the subject land is zoned RU2 Rural Landscape and is undeveloped. Further to the south and west of the private hospital is the Murray River.

There is a public car park located within the Pemberton Street road reserve, which is adjacent to the private hospital's main entrance with provision of forty-six (46) parking spaces.

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The Development Application 10.2022.39769.1 seeks consent for alterations and additions to the existing Albury Wodonga Private Hospital (see Figure 3) and tree removal.

The application seeks to remove ten (10) trees within the site and minor demolition works to facilitate a single storey expansion of the existing hospital to include a rehabilitation ward and centre (see Figure 4). The development will increase the Gross Floor Area (GFA) of the existing hospital by 720m².

The proposed works are occurring within the Omaru Wing and will increase the number of beds within the wing by three (3), with the rehabilitation centre involving the addition of two (2) gyms, an indoor pool, four (4) consult rooms, and male and female change rooms and sanitary facilities (see Figure 5).

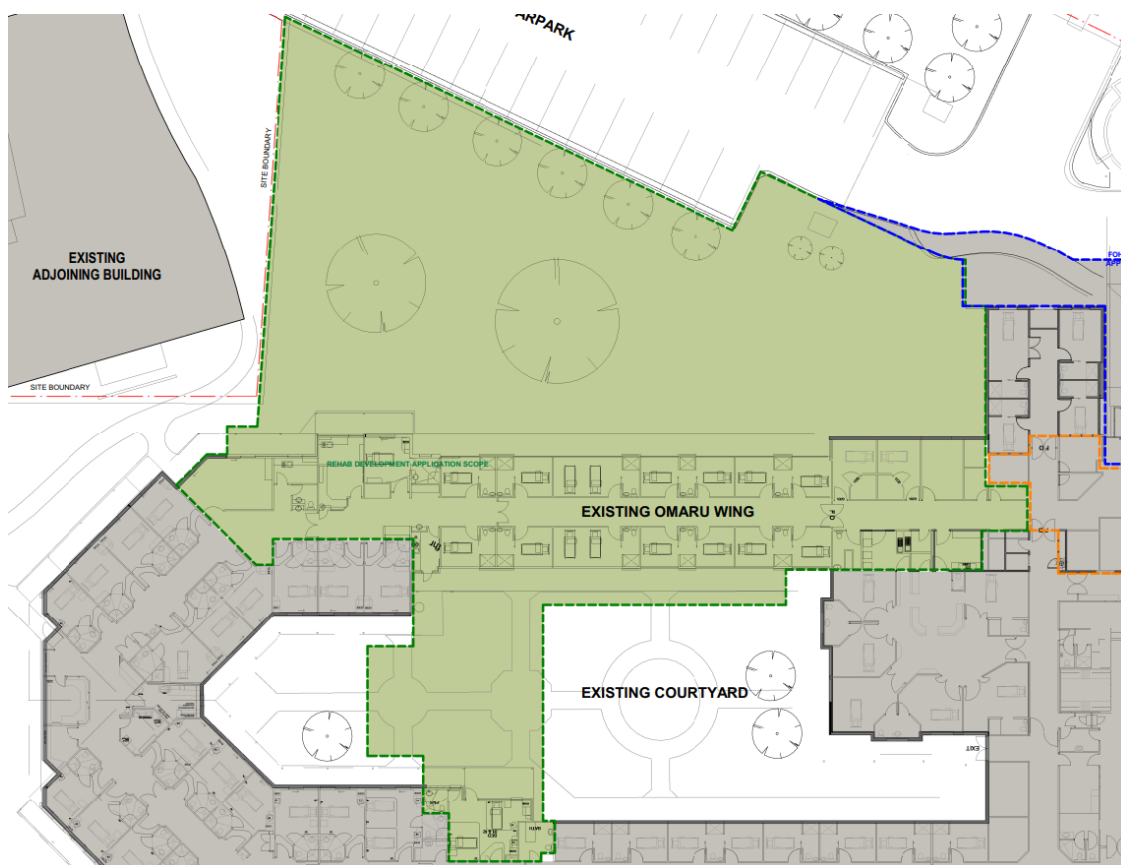


Figure 3 – Existing Site Plan

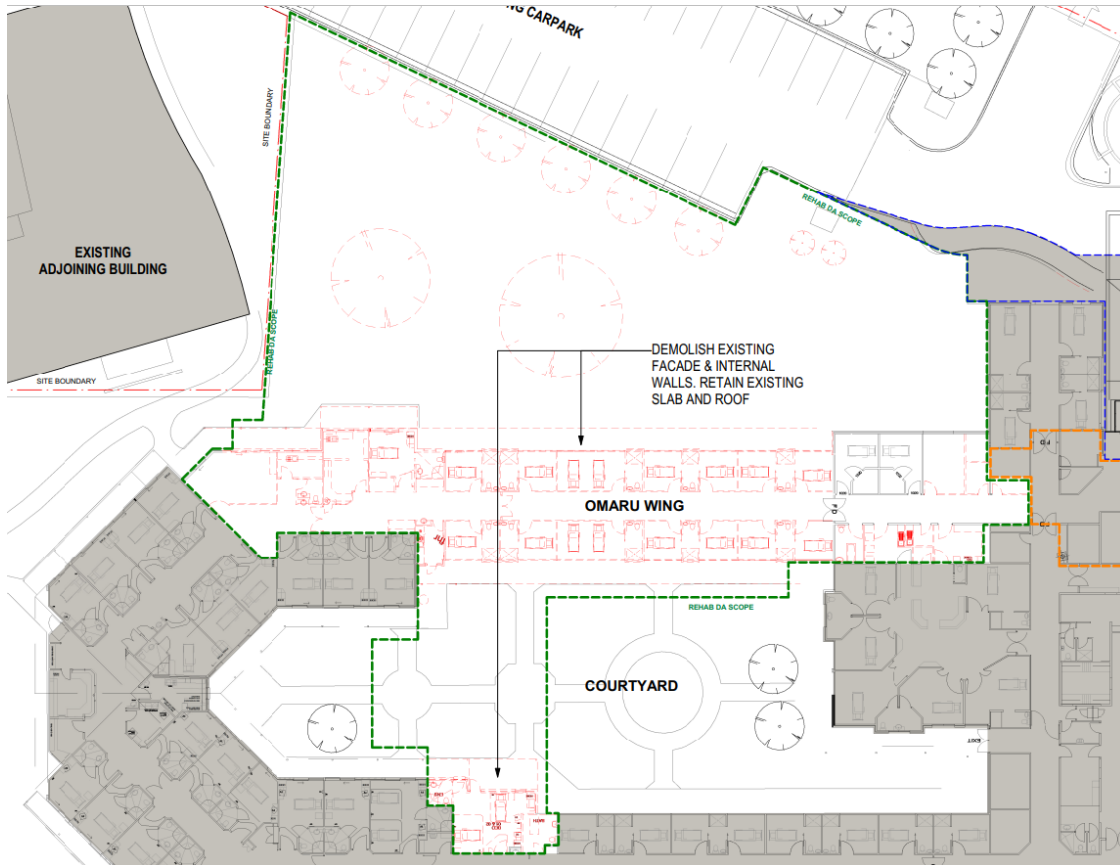


Figure 4 – Demolition Floor Plan

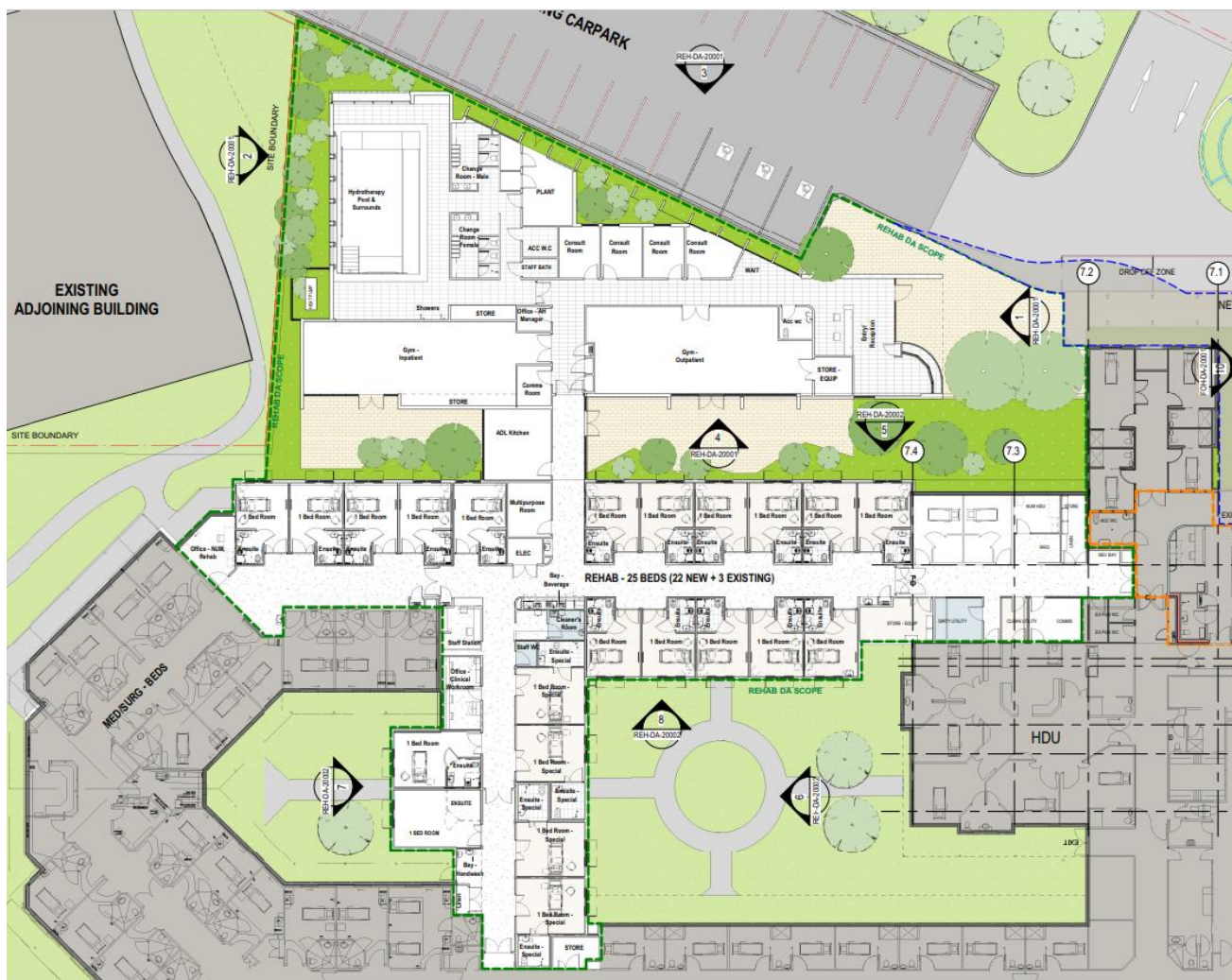


Figure 5 – Proposed Floor Plan

The proposed alterations and additions are designed to contribute to the visual interest of the streetscape, incorporating a variety of exterior materials including brick and fibre cement cladding and a colorbond metal roof, which will match the existing roof cladding (see elevations in Figure 6 and Figure 7).

Full details of the proposal are shown in the development plans (included as attachment 1 and 2) and described in the Statement of Environmental Effects (included as attachment 3).

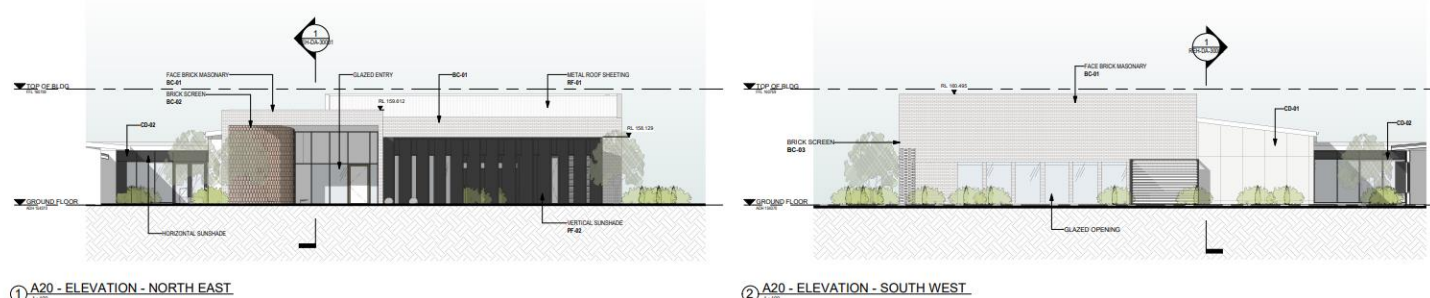


Figure 6 – Elevations of additions (North-East & South-West)



Figure 7 – Elevations (North-West & South-East)

Table 1: Development Data

Control	Proposal
Site area	2.185 hectares
GFA	720m ² additional floor area
FSR (retail/residential)	N/A
Clause 4.6 Requests	No
No of apartments	N/A
Max Height	6.125m
Car Parking spaces	128 on site
Setbacks	24m from Pemberton Street boundary 1.9m from 1156 Pemberton Street, West Albury

2.2 Background

The applicant did not hold a pre-lodgement meeting with Council.

The development application was lodged on 14 December 2022. A chronology of the development application since lodgement is outlined below including the Panel's involvement (briefings, deferrals etc) with the application:

Table 2: Chronology of the DA

Date	Event
14 December 2022	DA lodged
14 December 2022	Exhibition of the application
14 December 2022	DA referred to external agencies (Essential Energy & Albury Police)
16 March 2023	Request for Information from Council to applicant (Quantity Surveyor Cost Summary Estimate)
30 March 2023	Request for Information from Council to applicant (Bush Fire Assessment, Revised Car Parking Plan, Review of Pedestrian Access, Confirmation of Total Hospital Beds, Provision for End of Trip Facilities & Electric Vehicle Charging Stations)
5 April 2023	Panel briefing
11 April 2023	DA referred to external agencies (NSW RFS)
24 April 2023	Applicant provided a copy of the draft Concept Masterplan Design for Albury Wodonga Private Hospital
17 May 2023	Applicant submitted a response to further information dated 30/03/2023
26 June 2023	DA present to Council
27 June 2023	Panel Briefing / Final Briefing

2.3 Site History

The Albury Wodonga Private Hospital was established in 1979, starting out as one ward with thirty-five (35) beds and two (2) operating theatres. Since that time, the site has been subject to many Development Applications lodged to expand the operating capacity, with the

hospital currently comprising of ninety-six (96) beds and five (5) operating theatres and offering services for inpatients and outpatients including orthopaedics, general surgery, urology, ear nose and throat, gynaecology, plastic surgery, breast surgery, general medical, cardiology and psychiatric services.

In relation to recent applications, a search of Council records indicates that there have been several applications lodged since June 2022 including three (3) Complying Development Certificates and a Development Application, see summary below:

- Complying Development Certificate 13.2023.30673.2 – Lodged 29 May 2023
Development Description: Modification to ceiling heights, addition of fire hose reel at the main entrance and removal of an accessible toilet
- Complying Development Certificate 13.2023.30673.1 – Lodged 23 February 2023
Development Description: Internal alterations to Pre-OP holding bays, Stage 3 Recovery and Admin areas within an existing single storey hospital day surgery area.
- Complying Development Certificate 13.2022.30550.1 - Lodged 5 June 2022
Development Description: Internal demolition to Pre-OP holding bays, Stage 3 Recovery and Admin areas within an existing single storey hospital day surgery area.
- Development Application 10.2022.39890.1 – yet to be determined by Council
Development Description: Alterations and Additions to Albury Wodonga Private Hospital

This application sought approval for alterations and additions to the Albury Wodonga Private Hospital comprising a redevelopment of the main entrance of the hospital, an extension and refurbish of the CDC Scope area and a reconfiguration and partial extension of the existing staff room and medical storage facilities within the KARINYA wing.

Given the site is currently undergoing significant works in various areas within the hospital and noting that this application will increase car parking demand by thirty (30) spaces, Council requested further information from the applicant in relation to upgrading the existing carpark closest to the main entrance of the hospital to comply with Australian Standard AS2890. Specifically, the applicant was requested to include a 1.5m pedestrian path (on the side closest to the new building additions), access ramp and compliant accessible carparking spaces.

The applicant has submitted a revised car park plan which maintains the number of existing car parking spaces and identifies three (3) accessible parking spaces; however, the plan does not include a 1.5m pathway. The submitted car park plan has been reviewed by Council's Team Leader Transport and is not accepted as the car park design does not meet Australian Standards. A condition will be imposed on consent requiring a revised car park design that addresses the following criteria:

- The car park is to provide a minimum of forty-eight (48) car spaces.

- The dimensions of the car parking spaces are to comply with AS 2890.1:2004 Parking facilities - Off-street car parking and AS 2890.6:2022 – Off-street parking for people with disabilities.
- A 1.5m pathway is to be provided on the side closest to the hospital for the length of the car park.
- No tree removal is permitted to widen the existing car parking area.
- Provision is to be made for bicycle parking within proximity to the private hospital entrance.
- Provision is to be made for safe pedestrian access from the existing bus stop to the main entrance of the hospital.

Council note it may be beneficial to introduce angled car parking and a one-way aisle to meet compliance with the above condition. Car parking for the hospital is further addressed under Part 17 of Albury DCP 2010 below.

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 considered to be (which are addressed elsewhere in this report):

- Integrated Development (s4.46) – Requires consent under the Rural Fires Act 1997. General Terms of Approval issued on 24 May 2023
- Requiring concurrence/referral (s4.13) – Referral to Essential Energy under SEPP (Transport and Infrastructure 2021). Referral received and attached.

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 (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *Albury Local Environmental Plan 2010*

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	Chapter 5: River Murray Lands	Y
State Environmental Planning Policy (Planning Systems) 2021	Chapter 4: Concurrences and consents Section 5 of Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> for works that have a	Y

	capital investment value of more than \$5 million to an existing health services facility	
SEPP (Resilience & Hazards) 2021	Chapter 4: Remediation of Land Section 4.6 - Contamination and remediation has been considered in the Contamination Report and the proposal is satisfactory subject to conditions.	Y
State Environmental Planning Policy (Transport and Infrastructure) 2021	Chapter 2: Infrastructure Section 2.48(2) (Determination of development applications—other development) – electricity transmission - the proposal is satisfactory subject to conditions. Section 2.119(2) - Development with frontage to classified road Section 2.122(4) – Traffic-generating development	Y
Albury Local Environmental Plan 2010	Section 2.3 – Permissibility and zone objectives	Y
Albury Development Control Plan 2010	Part 3 – Development Notification Policy Part 4 – Developer Contributions Plans Part 5 – Vegetation Protection Part 6 – Planning for Hazards Part 14 – Development in the Special Purposes Zones Part 17 – Off Street Car Parking	N

Consideration of the relevant SEPPs is outlined below:

**State Environmental Planning Policy (Biodiversity and Conservation) 2021
Chapter 5 River Murray lands (formerly Murray REP2)**

The subject site is located within an area to which Chapter 5 River Murray lands applies. In assessing this application, Council must take into consideration the principles listed under Section 5.8 General principles and 5.9 Specific principles of SEPP (Biodiversity and Conservation 2010).

As the subject land does not have direct frontage to the Murray River, it is considered that the development is not contrary to the principles listed under Section 5.9.

The subject land is affected by overland flooding and low hazard flooding during high rainfall weather events; therefore, Council officers must consider how the development will impact upon water flow paths and assess if flood risk levels will change both on site and to surrounding allotments as a result of the proposed development.

The site is predominately affected by overland flooding (red shading), with only a small portion of the land along the south-west allotment boundary affected by low hazard flooding (light blue shading) as shown in Figure 8 below. It is noted that no works are occurring within the low hazard area.

The application proposes building alterations and additions to facilitate the construction of a rehabilitation ward and centre, which involves an increase of 720m² of GFA. It is considered that the area surrounding the subject land is affected by both low hazard and overland flooding and the changes proposed to the existing hospital by this development will not significantly alter risk levels or substantially redirect water flows if flooding was to occur in the area.

Given the development is not anticipated to adversely affect the riverine environment of the River Murray, it is found to be consistent with the requirements of SEPP (Biodiversity and Conservation) 2021 and supportable by Council in this instance.



Figure 8 – Aerial map identifying flood affected land

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) as it satisfies the criteria of Section 5 *Private infrastructure and community facilities over \$5 million* under Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021*. The existing use of the site is a private hospital (health services facility) and the proposed development involves alterations and additions with an estimated cost of \$12.3 million. Accordingly, the Southern Regional Planning Panel is the consent authority for the application. The proposal is consistent with this Policy.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 Remediation of Land

4.6 Contamination and remediation to be considered in determining development application

The provisions of Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* (SEPP Resilience and Hazards 2021) have been considered in the assessment of the development application. Section 4.6 of SEPP Resilience and Hazards 2021 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.

The subject site is currently developed for the purpose of a hospital, with this development proposing alterations and additions to the existing building on site.

The applicant has submitted a Preliminary Site Investigation prepared by SLR Consulting which identifies that the site inspection and intrusive investigation did not identify any evidence of potentially contaminating infrastructure or activities on site and that the main potential source of contamination was considered to be the importation of fill when previous development works had occurred on the site.

The contamination report concludes the following,

“Soil up to 0.15 m depth within the assessment area comprises a clayey sand or sandy clay fill, with concentrations of contaminants below the CT1 (general solid waste) maximum values provided within Table 1 of the NSW EPA Waste Classification Guidelines Part 1: Classifying Waste”.

Given there is no suggestion of any past use that could have contaminated the site, the property is not listed on any Council contaminated lands lists and the contamination report provided does not recommend any further investigation or remediation to the site, a detailed investigation is not required under SEPP (Resilience and Hazards) 2021. A copy of the contamination report is included as attachment 9 with this report. The proposal is considered to be consistent with SEPP (Resilience and Hazards) 2021.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 Infrastructure

Part 2.3 Development controls

Division 5 Electricity transmission or distribution

Subdivision 2 Development likely to affect an electricity transmission or distribution network

2.48 Determination of development applications – other development

The subject site is located within proximity to electricity infrastructure and has been referred to Essential Energy for comment. As a result, Essential Energy have imposed several general conditions to manage potential safety risks arising from the proposed works. See full referral response as attachment 6.

Division 17 Roads and traffic

Subdivision 2 Development in or adjacent to road corridors and road reservations

2.119 Development with frontage to classified road

(1) *The objectives of this section are—*

- (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
- (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*

(2) *The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—*

- (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—*
 - (i) the design of the vehicular access to the land, or*
 - (ii) the emission of smoke or dust from the development, or*
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

Comment: The subject land is a corner allotment which has road frontage to both Pemberton Street and Padman Drive/Riverina Highway. The development is considered to be consistent with the requirements of Section 2.119 of SEPP (Transport and Infrastructure) 2021 as the main entrance to the private hospital is accessed from Pemberton Street via an existing vehicle crossover and the development is not anticipated to generate significant additional traffic within the locality. The use of the existing building is for a private hospital and the proposed alterations and additions have been designed in response to the locality to ameliorate potential traffic noise arising from the adjacent classified road.

2.122 Traffic-generating development

This section applies to development specified in Schedule 3 *Traffic-generating development to be referred to TfNSW – Chapter 2* that will result in an enlargement or extension of the existing premises.

The subject land is a corner allotment and has road frontage to both Padman Drive/Riverina Highway and Pemberton Street. The main entrance to the private hospital is accessed from Pemberton Street and there is an existing vehicle crossover that is located within 90m of the Padman Drive/Riverina Highway intersection. As this development proposes building works that will increase the GFA of the existing hospital, consideration against Schedule 3 *Traffic-generating development to be referred to TfNSW – Chapter 2* is required.

A review of Schedule 3 identifies that a referral to Transport for NSW is only required if the proposal was to increase the number of beds by one-hundred (100) or more. Given this application will result in an addition of three (3) beds only, the development does not require referral to Transport for NSW in this instance.

Albury Local Environmental Plan 2010

The relevant local environmental plan applying to the site is the *Albury Local Environmental Plan 2010* (Albury LEP 2010). The aims of the Albury LEP 2010 include:

(1) This Plan aims to make local environmental planning provisions for land in Albury 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 give effect to the desired outcomes, principles and actions contained in the Council's adopted strategies and policy documents, and*
- b) to promote sustainable urban development by providing for efficient management of urban growth and resource utilisation, and*
- c) to promote a city for the people, with a high level of social and physical amenity and a diversity of activities and uses, and*
- d) to maintain or improve biodiversity across Albury, and to avoid significant impacts on matters of environmental significance.*

The proposal is consistent with these aims as the proposal effects the growth of a critical health services facility, through a high level of social and physical amenity within an area of related activities and uses.

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

Clause 2.3 Zone objectives and Land Use Table

The site is located within the "Special Purpose Zone" (SP2 – Health Services Facility) pursuant to Clause 2.2 of the Albury LEP 2010 (see Figure 9).

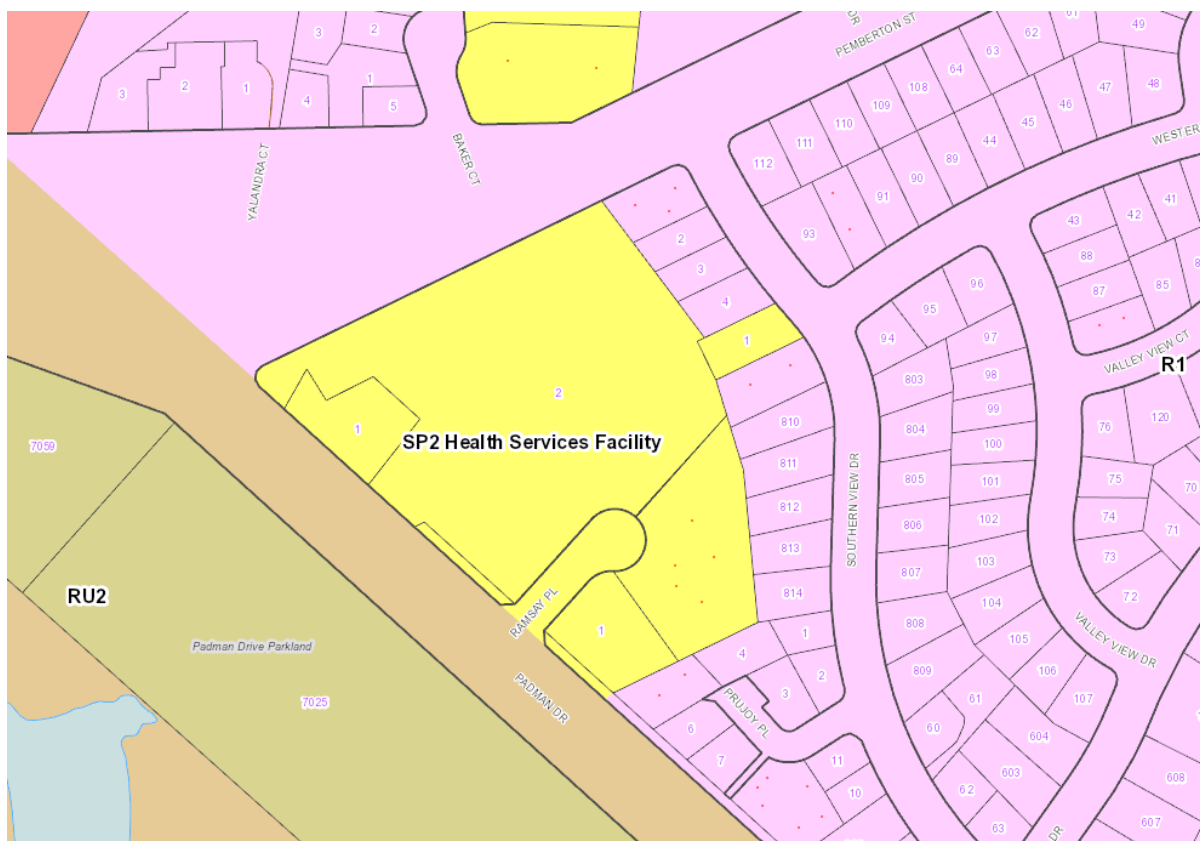


Figure 9 – Land zoning map

According to the definitions in the Albury LEP 2010 Dictionary, the proposal satisfies the definition of *health services facility* which is consistent with the purpose of the zone shown on the Land Zoning Map.

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

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*

The proposal is considered to be consistent with these zone objectives as it continues to provide regionally significant health services facility infrastructure associated with the Albury Wodonga Private Hospital. The proposed new rehabilitation centre and ward represents a 'health services facility', which is permitted with development consent in the SP2 Infrastructure zone as it relates to the defined purpose.

Clause 2.7 Demolition

Clause 2.7 of the Albury LEP 2010 states that demolition of a building or work may be carried out only with development consent. This proposal involves demolition works to the existing building and as identified in the demolition plans as included in the attached plan set. The application details the extent of demolition which is proposed and required to facilitate the alterations and additions to the private hospital.

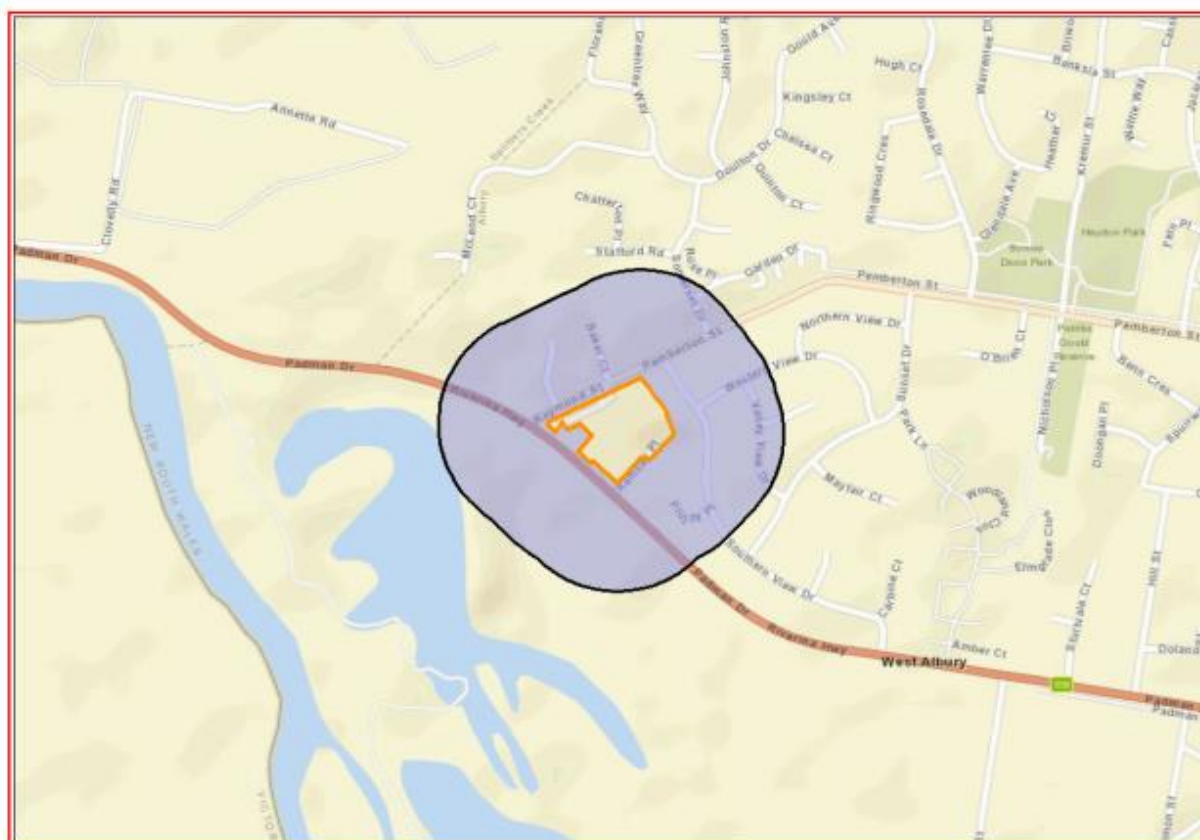
Clause 5.10 Heritage Conservation

Clause 5.10(8) of the Albury LEP 2010 states that the consent authority must consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment.

A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that there is no Aboriginal sites or Aboriginal places recorded or declared within 200m of 1125 Pemberton Street, West Albury (see Figure 10).

AHIMS Web Service search for the following area at Lot : 2, DP:DP1049348, Section : - with a Buffer of 200 meters, conducted by Sharna Holland on 14 June 2023.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

Figure 10 - Aboriginal Heritage Information Management System map

Clause 5.21 Flood Planning

Clause 5.21(2) of the Albury LEP 2010 states that the consent authority must consider the following criteria when the land is affected by flooding:

- (a) is compatible with the flood function and behaviour on the land, and*
- (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*
- (d) incorporates appropriate measures to manage risk to life in the event of a flood, and*
- (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*

The site is predominately affected by overland flooding with only a small portion of the land along the south-west allotment boundary affected by low hazard flooding (refer to Figure 8). Given the proposed development is only occurring on land identified as overland flooding, it is considered that the building additions proposed will not significantly affect flood behaviour or substantially redirect water flows during high rainfall weather events.

The development will not alter the capacity of existing evacuation routes or adversely impact the safe occupation of people in the event of a flood.

The subject land does not have direct frontage to the Murray River; therefore, the development will not impact upon the riparian vegetation or stability of the riverine environment of the River Murray.

Council must also consider the following criteria under Clause 5.21(3) of Albury LEP 2010 when deciding whether to grant development consent:

- (a) the impact of the development on projected changes to flood behaviour as a result of climate change,*
- (b) the intended design and scale of buildings resulting from the development,*
- (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,*
- (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.*

The proposed works are occurring on land identified as overland flooding and though climate change may alter flood behaviour in future, it is considered that the development is suitably designed and located given the existing low flood risk applicable to the site.

The development is intended to be a permanent structure on the site, with the proposed use of the building additions offering increased rehabilitation services for both inpatients and outpatients of the private hospital. It is considered the proposed single storey alterations and additions have been designed to be compatible with the existing scale and built form of the private hospital. To minimise risk to life and property in the event of a flood occurring, a condition will be imposed on consent requiring all electrical fittings to be flood proofed or located above the 1 in 100 year flood level.

Given the development is not anticipated to adversely affect the riverine environment of the River Murray, it is found to be consistent with the requirements Clause 5.21 of Albury LEP 2010.

Clause 7.1 Earthworks

Clause 7.1 of the Albury LEP 2010 relates to earthworks and applies in this instance as the excavation works are not classified as exempt development under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. Consequently, consent is required for the earthworks and the provisions of this clause require consideration.

Before development consent can be granted, the following matters must be considered:

- a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development,*
- b) the effect of the development on the likely future use or redevelopment of the land,*
- c) the quality of the fill or the soil to be excavated, or both,*
- d) the effect of the proposed development on the existing and likely amenity of adjoining properties,*
- e) the source of any fill material and the destination of any excavated material,*
- f) the likelihood of disturbing relics,*
- g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.*

The proposed development is consistent with these matters for consideration as follows:

- It will not adversely affect existing drainage conditions or soil stability in the area as it does not involve works to an existing drainage line. Furthermore, the development will be undertaken in accordance with a sediment and erosion control plan and the land will be stabilised and rehabilitated.
- The purpose of the works is for alterations and additions to the existing private hospital to facilitate the construction of a rehabilitation ward and centre.
- Any fill imported to the site will be clean virgin fill.
- The works are not expected to have an adverse amenity impact on adjoining properties (or the function of the existing hospital) due primarily to the minor scale of the proposed earthworks and measures to be implemented to mitigate any impact.
- Where excavation is required as part of the demolition and/or construction works, all excavated material will be stockpiled on site. Any material to be removed from the site will be taken to a registered landfill (Albury Waste Management Centre).
- The likelihood of disturbed relics is considered low given the developed nature of the site.

- The subject land is not classified as an environmentally sensitive area, nor will it adversely affect a drinking water catchment.

Clause 7.6 – Essential Services

Clause 7.6 of the Albury LEP 2010 refers to essential services and aims to ensure that all relevant services are available to the site. Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required:

- a) the supply of water,*
- b) the supply of electricity,*
- c) the disposal and management of sewage,*
- d) stormwater drainage or on-site conservation,*
- e) suitable road access.*

As confirmed above, the site is within an established urban area of Albury with existing suitable access and connection to reticulated water, sewer and electricity infrastructure, urban stormwater drainage and public road access. Internal services may be realigned and connected where necessary within the allotment boundaries. In consultation with the applicable service providers, all services are confirmed to have suitable capacity for minor augmentation work as required.

The Albury LEP 2010 contains no other specific controls relating to the site or proposed development. Notwithstanding, the proposal is considered to be generally consistent with the Albury LEP 2010.

(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, which may be relevant to the proposal.

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

The Albury Development Control Plan 2010 (Albury DCP 2010) provides specific a guideline for development within the Albury City Local Government Area, including the subject site. Section 4.15(3A) of the EP&A Act requires a consent authority to apply its DCP provisions flexibly and allow reasonable alternative solutions that achieve the objects of those standards.

The following chapters of the Albury DCP 2010 are applicable to the proposed development:

- Part 3 – Development Notification Policy
- Part 4 – Developer Contributions
- Part 5 – Vegetation Protection
- Part 6 – Planning for Hazards
- Part 14 – Development in the Special Purposes Zone
- Part 17 – Off-street parking

The below details provide an assessment of the proposal against the relevant chapters of the DCP.

Part 3 – Development Notification Policy

Part 3 of the Albury DCP 2010 identifies public notification is an essential component of the development assessment process and that it should be undertaken in accordance with the Community Participation Plan under Albury DCP 2010 Appendices.

Council's Community Participation Plan required the application to be notified to adjoining and adjacent landowners, advertised within the local newspaper, The Border Mail, and listed on Council's website (Application Tracker). The public notification period was between 14 December 2022 and 18 January 2023.

Following Council's preliminary assessment of the application, it was identified that the subject land is identified as bushfire prone land and therefore the application was Integrated Development under the EP&A Act 1979 (s4.46) and required consent under the *Rural Fires Act 1997*. The application was publicly re-notified in accordance with Council's Community Participation Plan to adjoining and adjacent landowners, advertised within the local newspaper, The Border Mail, and listed on Council's website (Application Tracker). The second public notification period was between 15 April 2023 and 16 May 2023.

No submissions have been submitted to Council to date.

Part 4 – Developer Contributions

Part 4 of the DCP provides details regarding the payment of developer contributions under Section 7.11 or 7.12 of the *Environmental Planning and Assessment Act 1979* and/or Section 64 of the *Local Government Act 1993*, to provide Council with funds to provide coordinated infrastructure and services for the City. Developer Contributions will be levied in accordance with the requirements of the *Albury Infrastructure Contributions Plan 2014* (Albury ICP 2014).

Section 2.2 of the Albury ICP 2014 states that all newly developed and redeveloped properties subject for payment of water supply and sewerage charges are liable for paying Developer Contributions and that an Equivalent Tenement (ET) is the basic unit of measure to quantify the demand or loading on water supply or sewerage systems respectively. The Plan states that ETs for commercial and industrial development will be charged in accordance with NSW Water Directorates Guidelines for Determining Water and Sewer ET Figures.

The amount of Developer Charges payable for a development is calculated as follows:

- Water supply: Demand in ETs x Developer Charge per ET
- Sewerage: Loading in ETs x Developer Charge per ET

Section 3.6(b) of the Albury ICP 2014 states the Plan applies to development that has a proposed cost of \$100,000 or more, insofar a Section 7.12 (formerly Section 94A) contribution is applicable.

Based on the above, the following Section 7.12 and Section 64 contributions are applicable to the proposed development:

Section 7.12 (formerly Section 94A)

Calculated at 1% of cost of works as per the Quantity Surveyor Cost Summary Report (TRIM DOC23/281294).

Given the submitted cost summary report does not include GST in the final estimated cost, GST has been applied by Council officers for the purpose of calculating Section 7.12.

Cost of Works (as shown on submitted Cost Summary Report) = \$12,300,000

GST (10% of cost of works) = \$1,230,000

TOTAL (inc. GST) = \$13,350,000

Section 64

As per the Water Directorate Guidelines 2017, Section 64 is calculated based on per bed.

Water = 0.90 ET

Sewer = 1.43 ET

The applicant has indicated the existing number of beds in the ward was 22, with this application proposing an increase to 25 beds; consequently, the S64 contributions will be based on 3 additional beds.

Water = $0.90 \times 3 = 2.7$ ET

Sewer = $1.43 \times 3 = 4.29$ ET

No credit is applicable to the site as the proposed works are considered to be additional demand.

Summary

A condition will be imposed on consent requiring \$162,372.18 to be paid to Council prior to the release of the Construction Certificate.

Part 5 – Vegetation Protection

Part 5 of Albury DCP 2010 guides the management and preservation of trees, vegetation, and native vegetation across the Albury LGA. The applicant has submitted a Tree Report (see attachment 7), which has been prepared by Bradsworth Tree Services & Contracting (BTSC) and has identified that there are sixteen (16) trees within proximity to the developable area. The development proposes the removal of ten (10) of these trees to facilitate the requested hospital alterations and additions. The subject land is a Biodiversity Certification Exclusion Area Map therefore the proposed tree removal requires assessment under 5.2 and 5.3 of this part.

Clause 5.2 *General Vegetation Protection* identifies that consent is required for the proposed tree removal of eight (8) of the trees as they exceed 3m in height. The report identifies the species, height, spread, age, health, and structure of each tree (see Figure 11 and Figure 12).

3 TREE DATA

Tree #	Species	DBH	Height	Spread	Age	Health	Structure	ULE	Retention Value
1	Acer, x freemanii	16	4.5	4	Semi-mature	Good	Fair / good	15 > 40	Medium
2	Acer, x freemanii	14	4.5	3	Semi-mature	Good	Fair	15 > 40	Medium
3	Acer, x freemanii	16	4.5	4	Semi-mature	Good	Poor	15 > 40	Medium
4	Acer, x freemanii	13	4.5	4	Semi-mature	Good	Poor	15 > 40	Medium
5	Acer, x freemanii	15	4.5	4	Semi-mature	Good	Fair	15 > 40	Medium
6	Acer, x freemanii	16	4.5	3	Semi-mature	Good	Poor / fair	15 > 40	Medium
7	Acer, palmatum	10	2.5	3	Semi-mature	Good	Good	15 > 40	Medium
8	Acer, palmatum	8	3	2	Semi-mature	Poor	Poor	5 > 15	Low
9	Eucalyptus, blakelyi	41	11	11	Semi-mature / mature	Fair	Fair	10+	Low / medium
10	Eucalyptus, blakelyi	39	11	11	Semi-mature / mature	Poor	Fair	10+	Low
11	Magnolia, grandiflora	21	6	5.5	Semi-mature / mature	Good	Good	15 > 40	Medium
12	Magnolia, sp.	5	2.2	1	Juvenile	Poor	Fair	<5	Low
13	Lagerstroemia, indica	10	4	2	Semi-mature	Good	Good	15 > 40	Medium
14	Lagerstroemia, indica	10	4	2	Semi-mature	Good	Good	15 > 40	Medium
15	Lagerstroemia, indica	10	4	2	Semi-mature	Good	Good	15 > 40	Medium
16	Lagerstroemia, indica	8	3	2	Semi-mature	Good	Good	15 > 40	Medium

Figure 11 – Tree data

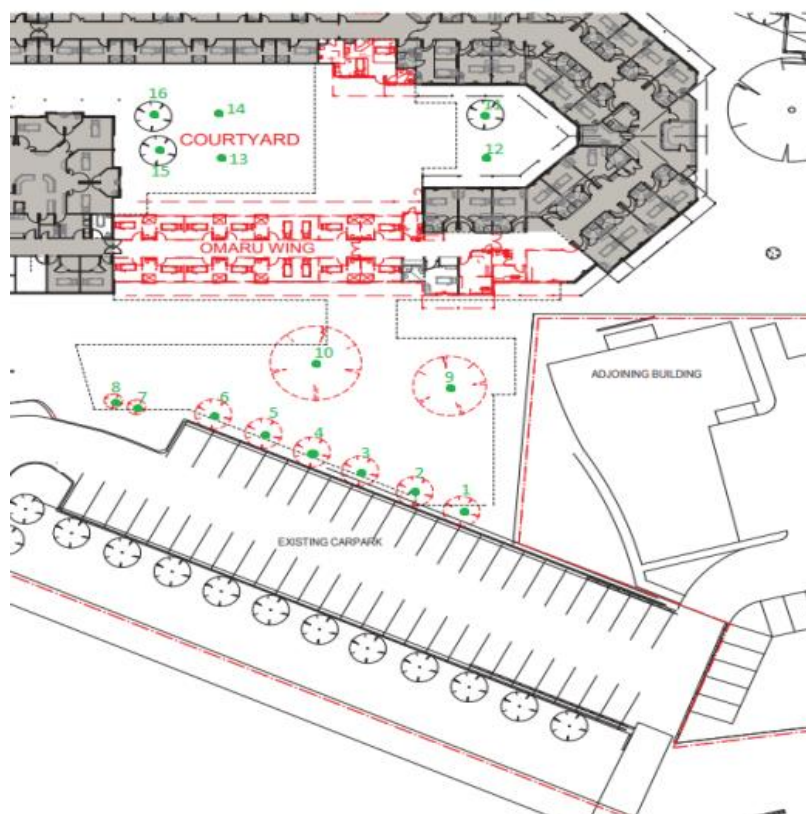


Figure 12 – Site Map of Trees

The Tree Report concluded that of the sixteen (16) trees within the assessment area, there are only two (2) trees that are native (tree number 9 and 10) and that the remaining trees within

the developable area are exotic or introduced species between juvenile and semi-mature age and consequently, the removal of the requested trees will not have a significant impact upon the landscape.

The development has been referred to Council's Environmental team who have reviewed and approved the requested tree removal, subject to conditions of consent requiring the tree removal to be at the developer's cost and that retained trees shall be suitably protected while works are occurring on site.

Clause 5.3 *Biodiversity Certification Exclusion Areas* identifies the following Objectives and Controls.

Objectives

1. *Maintain and improve Albury's biodiversity.*
2. *Protect existing habitat features within and adjacent to development sites.*
3. *Enhance the recovery of threatened species and ecological communities.*
4. *Prevent the fragmentation of environmental land.*

Controls

- a. *Development is to be designed to avoid clearing native vegetation. Where this is not possible, the development must demonstrate that it has been designed to minimise the clearing of native vegetation.*
- ii. *Clearing of native vegetation must not result in increased erosion or sedimentation by leaving exposed soil within 40 metres of a watercourse.*
- iii. *Clearing native vegetation of ecological value, where the Biodiversity Offset Scheme does not apply, requires compensatory planting in accordance with Section 5.3.2.*

The development requests the removal of two (2) native trees within the development site to facilitate the proposed building alterations and additions. The submitted Tree Report identifies that the native trees are of semi-mature/mature age, and of low/medium retention value (refer to Figure 11).

It is considered that the proposed development will expand upon the existing service offerings at the Albury Wodonga Private Hospital and due to limited space on the subject land, retaining the native trees is not possible. It is considered that the removal the two native trees, being *Eucalyptus blakelyi*, will not result in a significant environmental impact as the trees are in poor to fair health and due to their separation to other native vegetation, are unlikely to contribute meaningfully to the biodiversity in the area.

The Biodiversity Offset Scheme does not apply to this application as the land is not identified within the Biodiversity Values Map, the clearing does not exceed the threshold of 0.25 hectares for land less than 1 hectare, and the removal of two (2) native trees is not likely to significantly impact threatened species and threatened ecological communities in accordance with the Test of Significance under Section 7.3 of the *Biodiversity Conservation Act 2016* and in accordance with the *Biodiversity Conservation Regulation 2017*.

A condition will be imposed on consent requiring the submission of a Landscape Plan prior to the issue of the Construction Certificate which will need to identify compensatory planting of

two (2) trees and twenty (20) shrubs (medium to large size at maturity) within the allotment boundaries.

Part 6 – Planning for Hazards

Part 6 of Albury DCP 2010 seeks to minimise the risks associated with natural hazards, including bushfire, flooding, and land contamination. The subject site is not known to be contaminated; however, is identified as flood prone land on the Albury Flood Planning Map and identified as bushfire prone land on Albury Bushfire Prone Land Map.

Flooding

As addressed previously under Chapter 5 River Murray lands of SEPP (Biodiversity and Conservation) 2021, the subject land is affected by overland flooding and low hazard flooding during high rainfall weather events.

The Objectives of Part 6.2.1 of Albury DCP 2010 seek:

- 1. To ensure consideration of the appropriateness of certain development types within identified Flood Planning Areas.*
- 2. To ensure that development/s proposed within Flood Planning Areas are capable of withstanding mainstream flooding and that additional safeguards against flood damage are incorporated into development plans.*

In assessing the flood risk of the proposed development, it is considered that the proposed alterations and additions will be constructed on land that is wholly identified as overland flood risk (see Figure 8).

Council's Development Engineers have reviewed the application and have not raised any significant concerns in relation to the proposed development. Consequently, there is no requirement to enforce an increased finished floor level (FFL) for the proposed works.

As previously outlined within this report, to minimise risk to hospital staff, patients and visitors, an advisory condition will be imposed on consent requiring all electrical fittings to be either be designed to be flood proofed or raised to be 0.5m above the 1 in 100 year flood level.

Bushfire

A portion of the subject land is identified as bushfire prone land ('Buffer') on the Albury Bushfire Prone Land Map. The area of land, identified by the light yellow overlay in Figure 13, represents a 5.5m wide bushfire buffer zone that extends the length of the south-west boundary of the site.

The objectives of Section 6.4.1 of Albury DCP 2010 seek:

- 1. To ensure, where consent is required for subdivision and development, that the following occurs in bushfire prone areas:*
 - Occupants of any building are afforded with adequate protection from exposure to a bushfire.*
 - A defensible space is located around buildings.*

- *Appropriate separation between a hazard and buildings which, in combination with other measures, prevent direct flame contact and material ignition.*
- *Safe operational access and egress for emergency service personnel and residents is available.*
- *Ongoing management and maintenance of bushfire protection.*
- *Measures, including fuel loads in the Asset Protection Zone (APZ), are established.*
- *Utility services are adequate to meet the needs of fire fighters (and others assisting in bushfire fighting).*

The proposed development is consistent with the objectives of Section 6.4 as the development will be set back from the adjoining bushfire hazard with Padman Drive/Riverina Highway providing separation between the grassland and subject site, appropriate road access is maintained via Pemberton Street and the site is connected to a reticulated water supply. A Bushfire Risk Assessment has also been prepared in support of the proposed application and the application was submitted to the NSW Rural Fire Service (RFS) as “integrated development, requiring a Bush Fire Safety Authority (BSA), under section 100B of the *Rural Fires Act 1997*. General Terms of Approval was issued by RFS on 24 May 2023 and is included with this report as attachment 5. The conditions of the General Terms of Approval have been included in the Draft Determination.

Overall, the proposed development is consistent with the applicable objectives and controls of Part 6 of the Albury DCP 2010.

The proposed development increases the capacity of the hospital and therefore increases the demand on car parking within the site. For the purposes of calculating car parking for a hospital, Albury DCP 2010 requires the following:

Hospital

1 space per 4 beds plus 1 per 2 employees

Medical Centre

3 spaces per consulting room or 1 space per 25sqm GFA (whichever is greater)

The hospital component of the development proposes three (3) additional beds and no additional staff members, requiring 0.8 car spaces.

The rehabilitation centre component of the development will increase the GFA of the hospital by 720m², which would require twenty-nine (29) spaces.

The total parking demand generated by the proposed development is an additional thirty (30) spaces.

The applicant has submitted a Parking Study prepared by Spotto Consulting which included consideration of the locality, parking within the site and the availability of on-street car parking, public transport availability, and parking studies which compared parking data collected in 2017 to a later study completed in 2022. The traffic report is included with this report as attachment 8.

The submitted parking study concluded the following:

- *Parking surveys carried out on a typical weekday show that off-street parking demand at the site and surrounds is within acceptable limits (below a peak usage of 85%), while on-street parking demand in the area in general is relatively low. There are always at least 81 parking spaces available either on the site, or within public parking immediately adjacent to the site (with additional spaces available in the broader area of the site);*
- *The proposed development does not have sufficient off-street parking to meet the minimum parking space requirements specified in Albury Development Control Plan (DCP) Part 17;*
- *Actual demand for parking at the proposed development is likely to be lower than that specified in Albury DCP Part 17, due to the change of use of the hospital from surgery to rehabilitation, and use of the rehabilitation clinic by rehabilitation ward clients. The likely parking demand for the site would be 8 spaces. With at least 81 parking spaces available either on the site or within public parking immediately adjacent to the site (with additional spaces available in the broader area of the site), there is sufficient capacity to accommodate this increase in demand;*
- *Access to and layout of the off-street parking area meets the dimensional requirements of AS2890 and Albury DCP Part 17, and the development is able to meet the objectives outlined in Albury DCP Part 17;*
- *Adequate provision has been made for servicing and delivery vehicles; and*

- *There is no significant adverse impact of the proposed development on pedestrians and cyclists.*

The parking study states that the existing site cannot accommodate the additional car parking demand of thirty (30) spaces.

Given the shortfall of car parking proposed as part of this application and noting there are several other applications submitted to approve significant works within other areas of the hospital, Council have concerns relating to the growth of the hospital and how car parking for staff members, patients and visitors to the site will be managed in the long term, considering the parking study relied heavily upon the availability of on-street parking. To address these concerns, a condition will be imposed on consent requesting the applicant prepare a Car Parking Strategy for the existing site, which at a minimum shall address the following:

- Identifies the car parking demand of the hospital and any ancillary buildings within the site.
- Reviews the number of existing car parking areas on site, identifying any shortfalls.
- Identifies the location of staff car parking and visitor car parking
- Identifies any upgrades required to existing car parking areas to comply with AS 2890.1:2004 Parking facilities - Off-street car parking and AS 2890.6:2022 – Off-street parking for people with disabilities
- Identifies the provision of end of trip facilities within the hospital to encourage other modes of transport
- Identifies the provision of electric vehicle charging spaces
- Identifies the availability public transport to and from the site
- Investigation into the land surrounding the site and its suitability to be developed for additional car parking opportunity

It is not acceptable that the existing car parking area closest to the main entrance of the hospital does not comply with the Australian Standard (AS) 2890, given this car park would be used frequently by patients and visitors to the site.

A further information request was sent to the applicant requesting upgrades to this carpark to satisfy the design requirements of Australian Standard AS 2890. Specifically, the applicant was requested to include a 1.5m pedestrian path (on the side closest to the new building additions), access ramp and compliant accessible carparking spaces. The applicant submitted a revised car parking plan which maintains the number of existing car parking spaces and identifies three (3) accessible parking spaces; however, the plan does not include a 1.5m pathway.

To address this concern, a condition will be imposed on consent requiring a revised car park design that addresses the following criteria:

- The car park is to provide a minimum of forty-eight (48) car spaces.
- The dimensions of the car parking spaces are to comply with AS 2890.1:2004 Parking facilities - Off-street car parking and AS 2890.6:2022 – Off-street parking for people with disabilities.

- A 1.5m pathway is to be provided on the side closest to the hospital for the length of the car park.
- No tree removal is permitted to widen the existing car parking area.
- Provision is to be made for bicycle parking within proximity to the private hospital entrance.
- Provision is to be made for safe pedestrian access from the existing bus stop to the main entrance of the hospital.

The above conditions are considered to resolve parking concerns related to the demand generated by this application.

(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:

- *If demolition of a building proposed - provisions of AS 2601;*

These provisions of the 2021 EP&A Regulation have been considered and are addressed in the recommended draft conditions (where necessary).

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 subject land is zoned 'SP2' and is located in West Albury and is surrounded by multiple land use zones resulting in a mixture of both residential development and a variety of health services facilities within the surrounding locality. The proposed building additions will create a high quality and positive outcome without detrimental impacts to the surrounding context. The development retains significant landscape features including established trees adjacent to the main entrance car parking area, and the built form of the additions is consistent with the zoning of the land and established land use setting. The proposed building works will integrate with the existing development

on site and surrounding built form and the use is entirely compatible with surrounding land uses.

- Access and traffic

Private vehicle access to the site remains unchanged by this application, with the main entrance of the hospital accessed via the existing vehicle crossovers within Pemberton Street. As outlined in the report, concerns have been raised in relation to the availability of onsite car parking and the safety and standard of the existing car parking area in proximity to the main entrance of the private hospital. To address these concerns, a condition will be imposed on consent requiring a revised car park design prior to the issue of the Construction Certificate demonstrating compliance with the relevant Australian Standards for off-street car parking (see full condition outlined under Albury DCP 2010, Part 17 – Off-street parking).

In relation to the shortfall of carparking on site, and noting there are several other concurrent applications submitted to approve significant works within other areas of the hospital, a condition is recommended on the consent requiring the submission of a car parking strategy to address how car parking will be managed in the long term, considering this application results in a shortfall of thirty (30) car spaces and that the parking study relied heavily upon the availability of on-street parking to justify the variation to the Albury DCP 2010 (see full condition outlined under Albury DCP 2010, Part 17 – Off-street parking).

The above conditions are considered to resolve parking concerns related to the demand generated by this application.

In regard to other modes of travel to the private hospital, there are existing public transport networks in the area with buses operating through Albury, Wodonga and Thurgoona. While reliance upon public transport accounts for a small number of visitors, it is a service that is readily available on weekdays, and its use should be promoted and encouraged. The surrounding street network also supports shared pedestrian linkages to the hospital encouraging a variety of alternate transport modes.

- Public Domain

The proposed development does not significantly impact on the public domain. Pedestrian infrastructure in the area (specifically on the side of the hospital) is existing. A condition is included on the consent to provide safe pedestrian access from the existing bus stop on Pemberton Street to the main entrance of the hospital.

- Utilities

The subject site is located in an established urban area where the development has access to, and is currently supplied with, all necessary reticulated infrastructure and services including water, sewerage, gas, telecommunications, electricity and stormwater drainage. It is understood that there is adequate capacity within these networks to accommodate the development.

A condition will be imposed on consent to require a Stormwater Management Plan prior to the issue of a Construction Certificate to demonstrate the existing stormwater network within the site has capacity to cater for flows resulting from the proposed development.

- Heritage

There are no heritage items or conservation areas identified within the site or immediately surrounding areas on either the OEH heritage database or listed in Schedule 5 of the Albury LEP 2010. There will be no adverse heritage impacts as a result of the proposed development. The subject land is a highly modified site and has a low likelihood of containing any items of cultural heritage significance. A review of the Aboriginal Heritage Information Management System (AHIMS) database was undertaken, and it is confirmed that there are no recorded items of Aboriginal cultural significance within 200 metres of the subject site.

- Other land resources

The proposed development will have no significant impact on any land resources.

- Water/air/soils impacts

The subject land has been subject to previous site disturbance with the development of the Albury Wodonga Private Hospital. The applicant has submitted a land contamination report outlining that the site is suitable for the proposed development.

In order to avoid impacts of sediment loss or erosion, an Erosion and Sediment Control Plan (ESCP) will be prepared in accordance with Council guidelines and will be implemented throughout the life of the project to minimise impacts. The erosion and sediment control plan shall demonstrate the capacity of drainage infrastructure to service the development, treat and retard stormwater, and reduce any impacts on soil and water downstream of the proposed development. This plan shall provide for (as a minimum):

- The diversion of uncontaminated run-off around cleared or disturbed areas.
- The erection of a silt fence to prevent debris escaping into drainage systems or waterways.
- The prevention of tracking of sediment by vehicles onto roads.
- The stockpiling of topsoil, excavated material, construction and landscaping supplies and debris within the site, and the removal or utilisation (where appropriate) of that stockpile after completion of the works.
- Maintenance of control measures until the land is effectively rehabilitated and stabilised beyond the completion of construction.

Matters regarding erosion and sediment control are considered to be satisfactorily addressed via the above condition of consent.

- Flora and fauna impacts

The development proposes to remove ten (10) trees on site to facilitate the proposed development. It is considered that the proposed development will expand upon the existing service offerings at the Albury Wodonga Private Hospital and due to limited

space on the subject land, retaining the existing trees is not possible. The Tree Report submitted in support of the application concluded that of the sixteen (16) trees within the subject area, there are only two (2) trees that are native (tree number 9 and 10) and that the remaining trees within the developable area are exotic or introduced species between juvenile and semi-mature age and consequently, the removal of the requested trees will not have a significant impact upon the landscape. It is considered that the removal the two native trees, being *Eucalyptus blakelyi*, will not result in a significant environmental impact as the trees are in poor to fair health and due to their separation to other native vegetation, are unlikely to contribute meaningfully to the biodiversity in the area.

- Natural environment

The development does not propose significant changes to the natural contours of the site. The area where the proposed building additions are occurring will require earthworks to remove the existing grassed mound to create level surfaces for construction; however, these works are considered to be minor, and conditions will be imposed on consent in relation to the appropriate disposal of any excavated soils.

- Noise and vibration

Whilst it is expected some noise will be generated during the construction phase of the development, a condition will be included on the consent to limit construction and demolition works between the hours of 7am and 6pm Monday to Friday and 8am and 1pm on Saturdays. No work is permitted on Sundays and Public Holidays.

Once constructed, it is expected minimal noise from mechanical equipment to service the hospital will be generated. Any noise generated from the proposed additions to the hospital that may impact upon the residential land adjoining the site to the east, will be buffered by the existing hospital buildings. The applicant has identified within the SEE that the equipment for the hospital additions will be carefully selected and sited to avoid any adverse impacts on surrounding land uses.

- Natural hazards

A small portion of the subject land is identified as being bushfire prone on the Albury Bushfire Prone Land Map. The application was referred to the NSW Rural Fire Service as Integrated Development seeking a BSA pursuant to Section 100B of the Rural Fires Act 1997. General Terms of Approval was issued by RFS on 24 May 2023 and attached to this report. The conditions of the General Terms of Approval have been included in the Draft Determination.

The subject land is predominately affected by overland flooding, with only a small portion of the land along the south-west allotment boundary affected by low hazard flooding. Given no works are occurring within the low hazard area, it is considered that the changes proposed to the existing hospital by this development will not significantly alter risk levels or substantially redirect water flows if flooding was to occur in the area.

In summary, the proposed hospital alterations and additions are not anticipated to increase risk to life or property in the event of a bushfire or flood occurring within proximity to the site.

- Safety, security, and crime prevention

The existing use of the site is for the Albury Wodonga Private Hospital and this application seeks building alterations and additions to increase the services offered on site. In terms of safety, security, and crime prevention, it is considered that the proposed development will not substantially alter existing safety, security, and crime prevention measures currently utilised by the hospital.

The application was referred to NSW Police who have made the following comments:

The current development application and plans have been received and viewed for potential crime risks and safety issues. After considering all the details shown in the development application, the location and previous crime trends, Police have no objection to this Development Application however NSW Police would recommend:

- During construction stage, all areas are monitored to prevent unlawful access, property theft and or injuries to patrons from the construction site;
- CCTV cameras in the main entrance of the building to monitor and record patrons / guests attending and assist police investigations when required.

A condition will be imposed on consent to enforce the recommendations made by NSW Police which is considered to satisfactorily address safety, security, and crime prevention on site.

- Social impact

The site is suitable for the purpose of the development as demonstrated through site analysis and justification of the development provided with the application. It is considered that the proposed alterations and additions will enhance the amenity of the hospital and improve the provision of medical services that will positively contribute to the local and broader community's well-being. It is determined that the community and regional benefits of the proposed development far outweigh the impacts of increased reliance upon off-site carparking and public transport. The development represents investment in an existing health services facility that will meet the future needs of the Albury and Wodonga populations.

- Economic impact

The proposed development represents continued investment in high quality health care in regional NSW and Victoria. The rehabilitation ward and centre will provide an enhanced health service offering to both inpatients and outpatients of the Albury Wodonga Private Hospital. The positive flow-on effects to the regional economy include economic benefit through trades and services during construction in the short term, and additional job opportunities in the long term.

- Site design and internal design

The development is designed in a form which is responsive and respectful to the existing built form and the surrounding context, including boundary setbacks, landscaping screening and interface treatments. The proposal is of a high-quality design that proposes high-quality finishes, which will provide a high level of services and health benefit to the regional community without impact upon nearby properties.

The site is suitable for the purpose of the development as the land already comprises of a significant health services facility and the proposed building alterations to include a rehabilitation ward and centre will further complement the existing services offered at the Albury Wodonga Private Hospital. Further, the proposed works will deliver significant social, welfare and economic benefits to the community at large.

The site is suitable for the proposed development for the following reasons:

- The development will expand and enhance the provision of health services to meet existing and future demands of a cross border and regional community.
- The site does not have any significant environmental constraints which would prevent the development.
- The site is capable of being developed without any adverse impacts on the environment or adjoining properties.

- Construction

The potential impacts from construction have been adequately mitigated in recommended conditions or consent.

- Cumulative impacts

The proposal will not result in any adverse cumulative impacts. It is generally consistent with the planning controls and key issues have been satisfactorily addressed through design and recommended conditions of consent relating to the upgrade of the existing car park and the provision of safe pedestrian access to the main entrance of the private hospital.

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 site is suitable for the purpose of the development as demonstrated by the site analysis and justification of the development provided with this report. The land already comprises of a hospital facility and the proposed works are designed to meet the existing and future needs of the Albury and Wodonga populations. The expansion of the rehabilitation ward and centre will enhance the amenity of the hospital and improve the provision of medical services that will positively contribute to the local and broader community's well-being.

The alterations and additions have been designed to be compatible the scale and built form of the existing buildings on site and will present an improved high-quality interface to the main

entry approaches from Pemberton Street. The site is suitable for the proposed development for the following reasons:

- The development will expand and enhance the provision of rehabilitation services to meet existing and future demand of a cross border and regional community;
- The site does not have any significant environmental constraints which would prevent the development; and
- The site is capable of being developed without any adverse impacts on the environment or adjoining properties.

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

No submissions have been received to date.

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

The public interest is best served by the orderly and economic use of land for appropriate and permissible land uses. In this instance, the proposal represents a land use which is permissible and preferred for the land, being alterations and additions to an existing health services facility. The works will provide for improved care services and rehabilitation of both hospital inpatients and outpatients.

The proposed development is in the public interest as it will provide rehabilitation services to meet existing and future demand at the Albury Wodonga Private Hospital. The development does not result in any detrimental long-term impacts on the environment or neighbouring properties. The development will deliver economic and social benefits to the broader community through the creation of temporary and permanent job opportunities in various medical and allied health professions, construction trades, manufacturing and general specialist medical and health practices for the residents of the wider Albury and Wodonga LGA's.

The development is designed in a form which is responsive and respectful to the existing built form and the surrounding context, including boundary setbacks and landscaping screening. The proposal is of a high-quality design that proposes high-quality finishes, which will provide a high level of services and health benefit to the regional community without impact upon nearby properties.

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.

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 4: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Referral/Consultation Agencies			
Electricity supply authority	Section 2.48 – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> Development near electrical infrastructure	Essential Energy has considered the plans and documentation submitted and has no specific comments to make as to potential safety risks arising from the proposed development. Essential Energy have provided general comments, which will be included as a condition of consent.	Y
Integrated Development (S 4.46 of the EP&A Act)			
RFS	S100B - <i>Rural Fires Act 1997</i> bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes	The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted. General Terms of Approval, under Division 4.8 of the Environmental Planning and Assessment Act 1979, and a Bush Fire Safety Authority, under section 100B of the Rural Fires Act 1997, were issued 24 May 2023, subject to conditions.	Y

4.2 Council Officer Referrals

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

Table 5: Consideration of Council Referrals

Officer	Comments	Resolved
Engineering	No concerns raised. Standard conditions recommended.	Y

Traffic and Transport	<p>Council's Transport officer reviewed the proposal and raised concerns in relation to the design of the existing car parking area opposite the main entrance of the hospital, specifically that the current design did not comply with the relevant Australian Standards. Concerns were also raised in relation to no additional car parking being provided on site.</p> <p>A request for further information was sent to the applicant requesting upgrades to the car park; however, the amended plan submitted to Council did not satisfactorily address all standards.</p> <p>To address concerns raised, conditions will be imposed on consent requiring the car park closest to the main entrance of the hospital to be redesigned to demonstrate compliance with the relevant Australian Standards and that a car parking strategy identifying how car parking will be managed in the long term.</p> <p>These issues are considered in more detail under Part 17 of Albury DCP 2010 of this report.</p>	Refer to assessment under Part 17 of Albury DCP 2010.
Building	No significant concerns raised. Request for Building Code of Australia (BCA) compliance report prior to the issue of the Construction Certificate to ensure fire separation measures are appropriate given the use of the site and size of the existing building.	Y
Plumbing	No concerns raised. Standard conditions recommended.	Y
Environmental Health	No concerns raised. Standard conditions recommended.	Y
Environmental Planning	<p>The applicant has requested the removal of ten (10) trees within the site. A Tree Report has been prepared by Bradsworth Tree Services & Contracting (BTSC) identifying the species, height, spread, age, health, and structure of each tree. The Tree Report concluded that of the sixteen (16) trees within the assessment area, there are only two (2) trees that are native (tree number 9 and 10) and that the remaining trees within the developable area are exotic or introduced species between juvenile and semi-mature age and consequently, the removal of the requested trees will not have a significant impact upon the landscape.</p> <p>Council's Environmental Planning team have assessed the development and have approved the requested tree removal, subject to several conditions of consent, being:</p>	Y

	<ul style="list-style-type: none"> - tree removal to be at the developers cost - retained trees shall be suitably protected whilst works are occurring on site - A Landscape Plan shall be submitted and approved prior to the issue of the Construction Certificate which will need to identify compensatory planting of two (2) trees and twenty (20) shrubs (medium to large size at maturity) within the allotment boundaries. 	
Water and Wastewater	No significant concerns raised. A condition will be imposed on consent requiring a new trade waste agreement to be in place prior to any works occurring on site as the existing trade waste agreement has expired.	Y
Contributions	No concerns raised. Standard condition recommended.	Y

The outstanding issues raised by Council officers are considered in the Key Issues section of this report.

4.3 Community Consultation

The proposal was notified in accordance with the Council's Community Participation Plan from 14 December 2022 to 18 January 2023. The notification included the following:

- An advertisement in the local newspaper, The Border Mail;
- Notification on Albury City Council website (Application Tracker);
- Notification letters sent to adjoining and adjacent properties (40 properties).

The Council received no submissions from this notification.

Following Council's preliminary assessment of the application, it was identified that the subject land is identified as bushfire prone land and therefore the application was Integrated Development under EP&A Act 1979 (s4.46) and required consent under the *Rural Fires Act 1997*. The application was publicly re-notified in accordance with Council's Community Participation Plan to adjoining and adjacent landowners, advertised within the local newspaper, The Border Mail, and listed on Council's website (Application Tracker). The second public notification period was from 15 April 2023 to 16 May 2023.

The Council received no submissions from the second public notification of the application.

Council is satisfied that the application has been suitably notified to adjoining landowners to provide the opportunity for any concerns to be raised and considered prior to the determination of the application.

5. KEY ISSUES

As previously addressed within this report, a key concern of this application is that the existing car park closest to the main entrance of the hospital, which provides parking provision for forty-eight (48) vehicles, does not comply with the relevant Australian Standards.

The existing site conditions allow for informal pedestrian access to the main entrance of the hospital via the grassed area, which is to the south of the carpark (refer to Figure 14). This application proposes to extend the hospital into this space, which will remove this informal access and will require patients, visitors, and staff members to walk through the car parking area to access the hospital entrance.

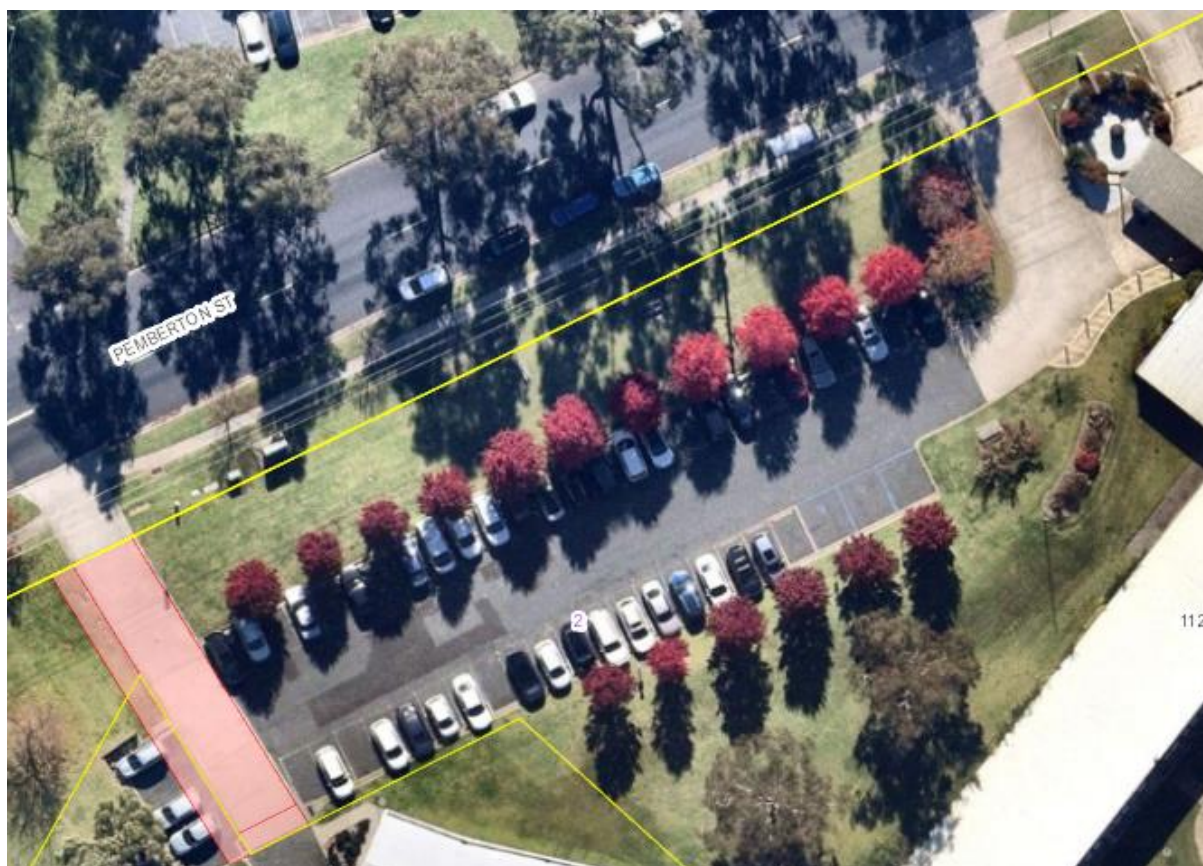


Figure 14 – Existing car park conditions

To address this concern, Council requested further information from the applicant, as detailed below:

The existing carpark will be required to be redesigned to comply with Australian Standard AS2890. This will involve the inclusion of a 1.5m pedestrian path (on the side closest to the new building additions), access ramp and compliant accessible carparking spaces.

The applicant submitted a revised car parking plan, as shown in Figure 15, and provided the following response in relation to this matter:

“It is not practical to provide a path between the new car park and the building, due to the proposed setback of the building to the car park. Furthermore, it is considered the path is not necessary with only short walk through the car park required and accessible spaces have easy access to the main entrance”.

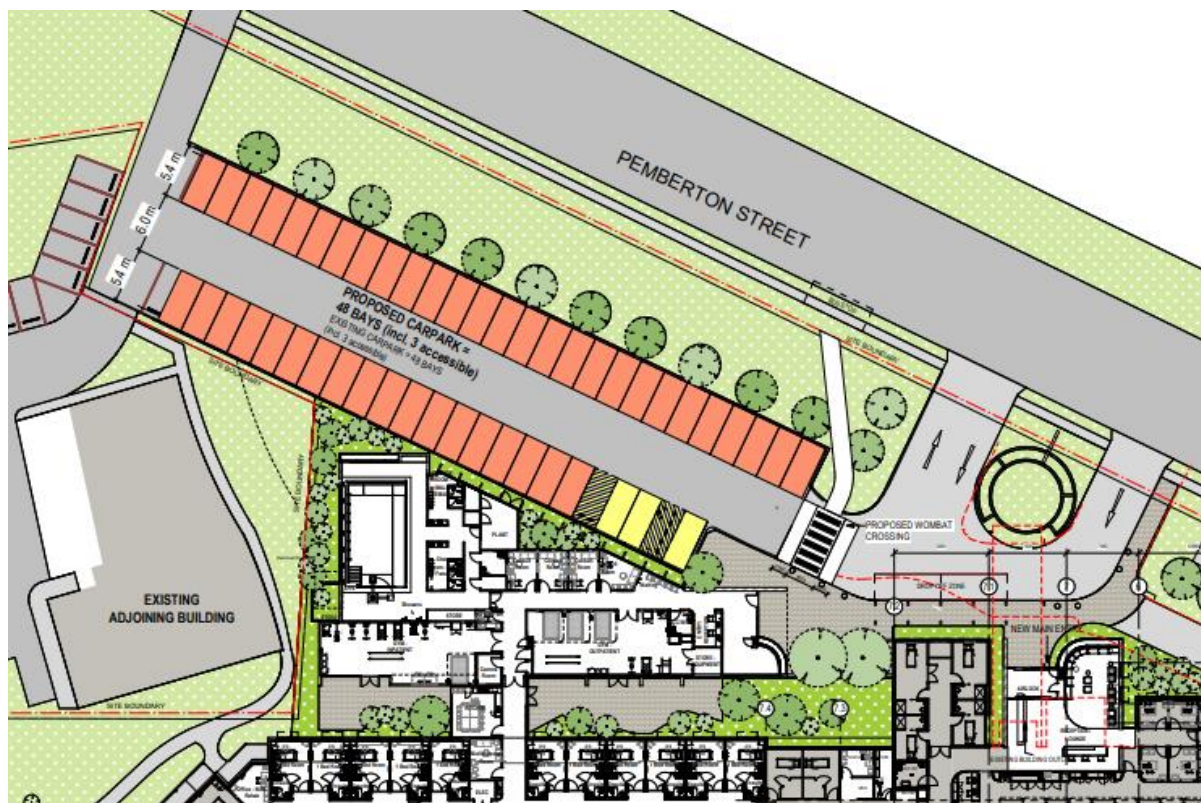


Figure 15 – Proposed car park plan

Council considers that the proposed development will increase parking demand on the site by thirty (30) car spaces and that the increase of traffic generation will be predominately in this car park due to its proximity to the main entrance of the hospital. Therefore, it is unacceptable for this car park to not comply with the Australian Standard (AS) 2890.

To address this concern, a condition will be imposed on consent requiring a revised car park design prior to the issue of the Construction Certificate.

Further, given the shortfall of car parking proposed as part of this application and noting there are several other concurrent applications submitted to approve significant works within other areas of the hospital, a condition is recommended on the consent to address how car parking will be managed in the long term, considering the parking study relied heavily upon the availability of on-street parking.

The above conditions are considered to resolve parking concerns related to the demand generated by this application.

Car parking is further addressed under Albury Development Control Plan 2010, Part 17 – Off Street Car Parking.

6. 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 planning controls and requirements contained within Albury LEP 2010, Albury DCP 2010 and relevant State legislation, and the key issues identified in this report, it is considered that the application can be supported.

It is considered that the key issues as outlined in Section 6 can be resolved with conditions, as shown on the recommended draft conditions at attachment 4.

Overall, it is concluded that the impacts of the proposed development on the environment and neighbouring properties are reasonable with the development representing investment in an existing health services facility that will meet the future needs of the Albury and Wodonga populations.

The development is considered appropriate to the context and setting of the site. The proposed development is considered consistent with the objectives of the “SP2 Infrastructure” Zone and the assessment has concluded that the proposed development provides a suitable and satisfactory planning outcome.

7. RECOMMENDATION

That the Development Application 10.2022.39769.1 for Alterations and Additions to the Albury Wodonga Private Hospital at 1125 Pemberton Street, West Albury (Lot 2 DP 1049348), 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.

The following attachments are provided:

1. Site Plans, Elevations & Shadow Plans
2. Floor Plans
3. Statement of Environmental Effects
4. Draft Determination
5. RFS General Terms of Approval
6. Essential Energy response
7. Tree Report
8. Traffic Report
9. Soil Contamination Report