

CM13.1. Development Application 10.2021.39058.1 Hospital Car Park - Albury Wodonga Health (Albury Hospital) 610 & 614 East Street, 169 & 165 Borella Road as well as 166 Bilba Street

DATE	28 January 2022	FIL REFERENCE	AF21/05688
CONFIDENTIAL	No		
FURTHER ENQUIRIES	David Christy City Development	PHONE	6023 8111
AUTHOR	Marius Shepherd		

Summary

This report is presented for Council's determination of Development Application 10.2021.39058.1 regarding land situated at 610 & 614 East Street, 165 Borella Road & 166 Bilba Street, East Albury and described as Lots 7 and 9 in DP 26768, Lot 8 in DP 392155 and Lot 55 in DP 29587. The Development Application proposes a temporary at-grade car park for 103 cars and motorcycles for the exclusive use of employees of the Albury Base Hospital, inclusive of four spaces for people with disabilities. The application proposes the use for a maximum period of 20 years.

The application was publicly notified between 13 December 2021 and 14 January 2022. During this period, Council received 12 submissions.

The report recommends approval of Development Application 10.2021.39058.1 for a temporary at-grade car park with 105 spaces (adjusted following recommended modification of the layout) for a period of 10 years, subject to conditions.

People

Habitat Planning on behalf of Medawa Pty Ltd.

Cost

\$585,432.10.

Development Description

The application seeks approval to construct a temporary at-grade car park for 103 cars and motorcycles, inclusive of four spaces for people with disabilities. The car park will facilitate private unlimited all hours parking for staff of the Albury Hospital, proposed for a period of 20 years, during which time an alternative solution (such as a multi-deck car park) will be implemented on the hospital grounds following completion of the *Albury Wodonga Health Masterplan* for the precinct. The car park has been designed to comply with *Austroads Guide to Traffic Management for off street parking, access and isle widths* and the Australian Standard (AS2890) for off-street parking and disabled

persons spaces. The car park will be illuminated for 24-hour access and connected to the existing public footpath network which provides suitable access to the main entrances of the hospital.

The car park development proposes to consolidate all existing access points into one singular access from East Street and is designed to permit two-way circulation throughout the site permitting forward ingress and egress to and from East Street. The car park will be appropriately sealed, drained and line-marked and include a combination of shade trees and low height shrubs and ground covers in designated areas both within the car park and on the property boundary perimeters abutting residential properties and public interfaces.

The car park is proposed for the exclusive use of Albury Hospital staff. Access controls such as a boom gate, will be implemented to ensure the car parking is accessed and occupied by only those hospital staff holding authorised passes such as a key fob or similar.

A Drainage Report and Stormwater Management Plan was prepared and is included in the application. The plan details existing site conditions and the recommendations for the stormwater management for the site. The development proposes new on-site drainage infrastructure and on-site detention (OSD) to satisfy Council's requirements for urban drainage. It will connect into the existing drainage infrastructure network within the Borella Road road reserve, which is capable of accommodating the pre-existing discharge rates plus flows generated from the site. Underground drainage infrastructure will convey minor storm flows to the legal point of discharge at the Borella Road service road. Overland flow is provided for in the north-east of the site to convey major storm flows. The detailed design of the project will align with the analysis and recommendations of the report and will be completed prior to the issue of a Construction Certificate to ensure any further conditions of Council are considered.

A Lighting Plan has also been prepared (included in attachment 1). The plan illustrates nine indicative light pole locations within the site on the boundary perimeters. The location of the lighting projects illumination internally to minimise light spill and glare to surrounding residential properties and the adjacent road network. According to the manufacturing specifications, the lights use high-quality low-energy fittings for extended illumination time. They have various beam angles to suit the application and minimise directional light glare and spill. The lighting will be designed and installed to comply with AS1680 for night-time lux levels for car parks.

A Landscape Plan has also been prepared for the car park (included in attachment 1). It proposes a combination of low height shrubs and ground covers to maintain and soften streetscape appearance of hard stand areas and the inclusion of shade trees through the car park to provide shade and a greener backdrop when viewed from the public domain. The Landscape design includes a Plant Schedule which nominates the Native Frangipani through the central sections of the car park with four Chinese Elms defining and punctuating the extremities of the site. The tree selection combines both deciduous and evergreen species for function including shade, safety and proportion relative to the site size, shape and the intended use as a car park.

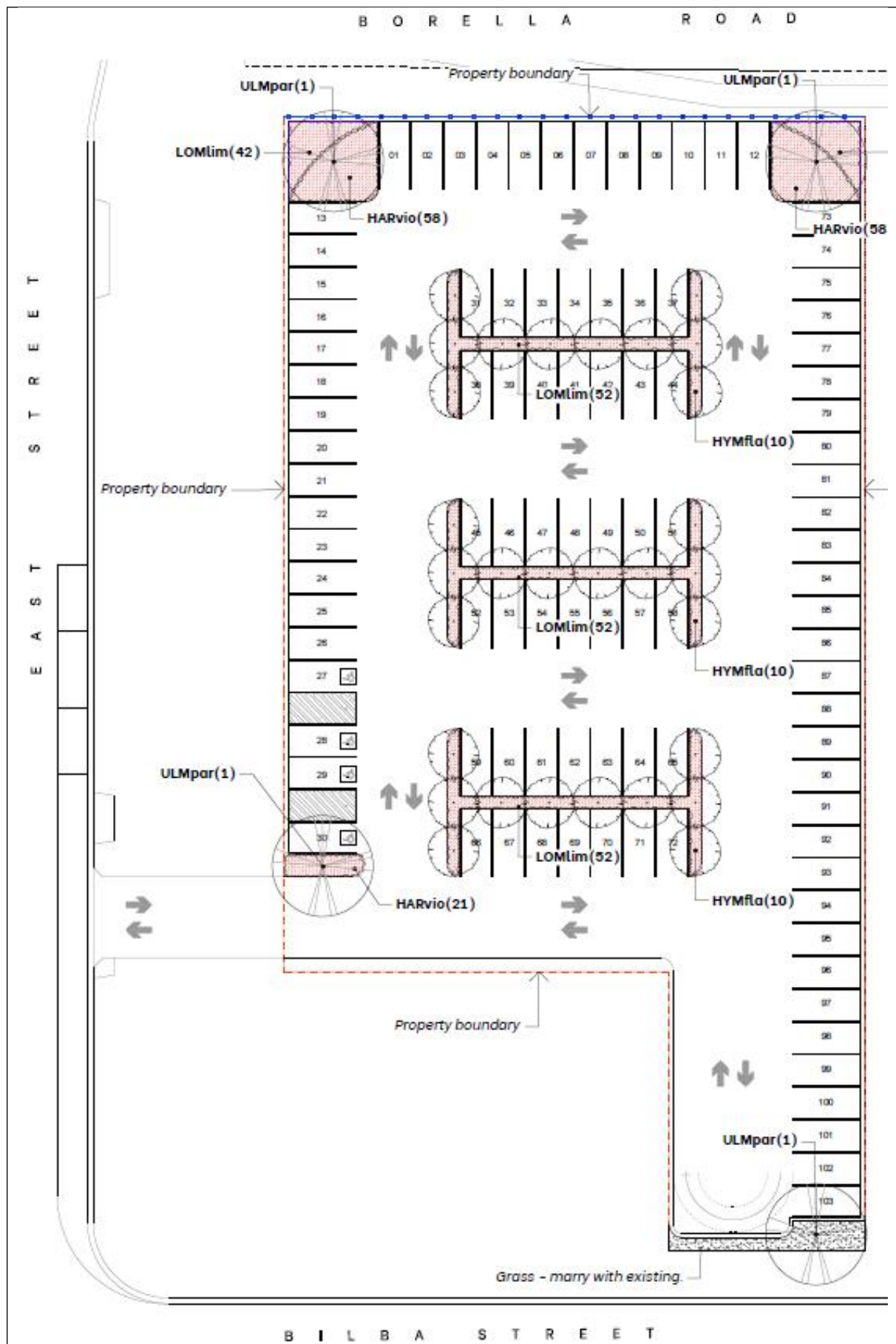


Figure 1 – Proposed car park layout

Site and Locality Description

The subject land is located on the south-eastern corner of the East Street and Borella Road intersection opposite the Albury Hospital. It is approximately 1.2 kilometres east of the Hume Highway, 1.6 kilometres south-west of the Albury Airport and approximately 2 kilometres north-east of the Albury CBD.



Figure 2 – Site locality and current conditions

The land comprises four rectangular shaped parcels that combined form an irregular, but generally rectangular, shape with a total area of 3,458.4m². The land is zoned “R1 General Residential” under the Albury Local Environmental Plan (ALEP) 2010.

The subject land has undergone demolition works to remove single detached dwellings at 166 Bilba Street, 610 East Street and 614 East Street. An abandoned non-residential building located on the land at the corner of East Street and Borella Road previously used as a mechanics workshop was also recently demolished under Development Consent 10.2021.38257.1. The subject land is vacant and all utility services available to the site have been appropriately capped and/or disconnected.

The topography of the land is generally flat; however, gently slopes towards to the north-east corner of the site with approximately 2 metres of fall across the land equating to a grade of approximately 3%. Vegetation on site is limited to non-native grasses and ground covers. There are no trees located on the site. The land is highly disturbed by urban development and particularly recent demolition works; however, it maintains a grassy ground cover.

Vehicular access to the site is available via an existing road opening on the Borella Road service road, three established crossover points on East Street to the west and a crossover on Bilba Street. As the

subject land is located in an established urban area and has previously been developed, the property has access to all urban infrastructure and services including water, sewerage, stormwater, telecommunications, and electricity.

The subject land is located within an established mixed-use area comprising residential dwellings, the Albury Hospital and a range of commercial enterprises including a supermarket, butcher, pharmacy and a hotel. Borella Road service road forms the northern boundary of the site. Beyond this is Borella Road, which is a dual carriageway and Transport for NSW controlled road. Land to the immediate east at 161 Borella Road contains a single storey dwelling and associated outbuildings and sheds. To the south of the subject land are a number of residential dwellings fronting both Bilba and East Streets. East Street forms the western boundary of the subject site.

Key Issues

Land Zoning

It is noted that under ALEP 2010, car parks are prohibited in the “R1 General Residential” zone. Car parks are defined as follows:

A building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not.

The prohibition therefore applies to car parks as the primary land use. In this instance the car park serves only to temporarily support the operation of the Albury Hospital and will have no other independent, public or commercial function.

Although the land is separately titled to the Albury Hospital land, the proposed car park will be entirely subservient to the hospital and is proposed to be intrinsically linked to its operation via a Section 88B instrument on the subject land title that restricts the use of the land as a car park for the exclusive use of Albury Hospital. In other words, the use of the land will be made to be linked but subservient to the primary use of adjacent land, on which the primary use is a state hospital in desperate need of parking. The car park is required to accommodate existing high demands for parking generated by Albury Hospital staff and the increasing demands forecast by the imminent redevelopment of the Emergency Department (ED) presented to Council under separate cover (DA10.2021.38711.1).

The proposed car park is also proposed to be a temporary use of the land that is intended to fill the shortfall of parking spaces on the hospital site whilst alternate options for additional parking on the Hospital site are explored by Albury Wodonga Health with the development of a Masterplan. It is understood that the Masterplan is in the development phase and places high priority on car parking on the site to satisfy the existing and projected demand. To ensure the security and flexibility of available parking spaces in the short to medium term, it is proposed that the temporary use be permitted by the Section 88B instrument for 10 years. It is acknowledged that the application is for a period of 20 years; however, this is not considered ‘temporary’ or short term by any definition, and the time period is recommended to be reduced in the interest of a better Planning outcome. A shorter time period will ensure urgency in the implementation of an on-site solution (such as a multi-deck car park building) and will reduce the likelihood of the car park use becoming ingrained in the urban

fabric, which is contradictory to the objectives of the R1 zone as well as the *Borella Road and Riverina Highway Corridor Strategy*. Once the car park becomes redundant within this time, the site shall be reverted back to land suitable for permissible uses in the R1 zone.

Conditions of Consent can be imposed to this effect, should Council resolve to approve the development.

Supporting Infrastructure

To ensure the efficient use of the car park whilst operational, supporting infrastructure will be required. A Disability Discrimination Act (DDA) compliant footpath is to be constructed along the full frontage of the site, connecting to existing footpaths on Borella Road north of the site and to the bus stop and pedestrian refuge approximately 100m to the south of the site. The footpath is to be constructed as per AlburyCity's Engineering Guidelines, to a minimum width of 1.5m. DDA compliant pram ramps are also to be provided at the shared zones for parking spaces 30, 29, 28, and 27. A footpath is to be constructed connecting these pram ramps to the footpath across the frontage of the site. Pedestrian priority paths are to be provided within the car park to cross the main circulating aisle as per the requirements of AS2890.1. Paths within the car park can be painted.

Conditions of Consent can be imposed to this effect, should Council resolve to approve the development.

Accessible Spaces

The proposed car park layout includes four accessible spaces for people with disabilities near the entrance. These spaces are not considered necessary on this site as there are no buildings on-site that require accessible spaces, and staff with a disability will be much better served with spaces near the hospital entrances. As a result, the layout can be amended through a Condition of Consent should Council resolve to approve the development, to revert the accessible spaces to regular spaces, which will also result in two additional spaces, bringing the total spaces in the car park to 105. In turn, the four accessible spaces will be provided on the hospital site through a Condition of Consent for DA10.2021.38711.1.

Submissions

The Development Application was publicly exhibited from 13 December 2021 to 14 January 2022. Twelve submissions were received in relation to this development. Redacted copies of the submissions are included in attachment 3 to this report. The following main issues were raised:

Traffic Issues (congestion, safety)

Planning Comment: The application was referred to Council's Traffic and Transport team who assessed the proposal and did not raise objections, however, did recommend the construction of supporting infrastructure as discussed under "Key Issues" above. The proposal consolidates the number of accesses to East Street from three to one, significantly reducing conflict points. East Street is a 60km/h road with significant sight distances (the road reserve is 45m wide with 25m verges). The

wide verges provide ample stacking distance into the site to enable safe entry and exit. The proposed access point is approximately 80m from the Borella Road roundabout which is sufficient distance for southbound traffic to safely approach the entrance and for vehicles leaving the site to see oncoming traffic from the right. Intersections to the south are primarily local access roads with 50km/h speed limits, and there are no significant anticipated traffic concerns with regard to traffic speed, volumes, sight distances and alternative route finding. The car park is for the exclusive use of hospital staff, 24 hours a day. Whilst this is therefore continuous use, it reduces the intensity of the use and significantly less intensive traffic movements are anticipated than would be the case for visitors to the hospital or indeed a commercial car park.

Noise (especially to adjoining residential properties)

Planning Comment: The car park is an open-air parking lot with no enclosed spaces. The car park is for the exclusive use of hospital staff, 24 hours a day. Whilst this is therefore continuous use, it reduces the intensity of the use. Vehicle movements and the associated noise generation will be concentrated to smaller, shorter bursts at a change of shifts and will be mostly consistent with the current noise generated by vehicles within the surrounding street network. Although residential properties abut at the south and the east, the car park is not for public use or of a scale of public use that would likely generate adverse impacts associated with noise or other emissions.

Privacy

Planning Comment: The proposed development will have minimal impact on the privacy of adjoining properties, as these boundaries are fenced. The proposed development is not considered to lead to privacy impacts in excess of those anticipated with any other permissible development.

Safety and security (no fences proposed)

Planning Comment: The development has been designed with consideration to the CEPTED principles. Overall, the development maintains open visual and accessible design to avoid and minimise antisocial behaviour and criminal activity on the site. Entry points are easily identifiable and accessible from the public domain. The car park was proposed to be unfenced and open, maintaining constant pedestrian access, clear sightlines and visibility to and from the public domain. However, in consideration of potential unauthorised access, it is recommended that barriers be installed along the edges of the car park adjacent to all street frontages to prevent vehicular access. The entry point will be controlled for vehicle access via boom gates. However, pedestrian access remains open with natural vantage points and minimal potential concealment or entrapment areas. Being unfenced provides security as the development is highly visible to surrounding streets and buildings and is therefore under constant surveillance. Surveillance is maintained at night with appropriate security lighting. Illumination of the area will occur using a high-quality low energy fitting for extended night-time illumination. They have various beam angles to suit the application and minimise directional light glare and spill. A condition of consent requiring compliance with AS4282 Control of the Obtrusive Effects of Outdoor Lighting will be applied.

Devaluation of neighbouring properties

Planning Comment: Property value is not a planning consideration listed under Section 4.15 of the Environmental Planning and Assessment Act. Even if considered as a potential “social and economic impact” under Section 4.15(b), the assertion that the proposed development will negatively impact property values is unproven, and no supporting documentation has been submitted to validate this claim.

Safety of carpark users crossing East Street

Planning Comment: As discussed under “Key Issues” above, a compliant footpath is to be constructed the full frontage of the site, connecting to existing footpaths on Borella Road north of the site and to the bus stop and pedestrian refuge approximately 100m to the south of the site. The footpath is to be constructed as per AlburyCity’s *Engineering Guidelines*, to a minimum width of 1.5m. The two pedestrian crossings in East Street are considered adequate given the anticipated usage of the car park by hospital staff.

Light spill/Glare

Planning Comment: Illumination of the area will occur using a high-quality low energy fitting for extended night-time illumination. They have various beam angles to suit the application and minimise directional light glare and spill. The lighting will be designed and installed to comply with AS1680 for night-time lux levels and AS4282 for the control of obtrusive effects of lighting.

Water run-off

Planning Comment: Stormwater drainage will not negatively impact on adjoining properties or the existing stormwater drainage system. Prior to construction, the development will require a Construction Certificate, which will require detailed designs compliant with Australian Standards and AlburyCity’s *Engineering Design Guidelines*. All work regarding stormwater drainage will be performed by suitably qualified plumbers.

Visual amenity

Planning Comment: The development incorporates landscape features to help the car park integrate with the surrounding residential setting. Landscaping will be maintained to enhance the appearance of the development and assist in reducing opportunities for vandalism.

Too little/unsuitable landscaping

Planning Comment: The proposed landscaping has been designed to complement the use of the site and integrate with the surrounding setting whilst providing surveillance of the car park in the interests of safety and security. The short-term nature of the proposed use renders extensive landscaping especially the planting of large trees, unsuitable.

Site unlikely to revert back to intended use after 20 years

Planning Comment: The proposed use is only supported for a maximum period of 10 years. The shorter timeframe will ensure urgency in the implementation of an on-site solution and will reduce the likelihood of the car park use becoming ingrained in the urban fabric, which is contradictory to the objectives of the R1 zone as well as the *Borella Road and Riverina Highway Corridor Strategy*. Once the car park becomes redundant, the Development Consent will lapse, and the site shall be reverted back to land suitable for permissible uses in the R1 zone.

20 years is too long for a temporary car park

Planning Comment: Acknowledged. The proposed use is only supported for a maximum period of 10 years.

It is also noted that the shortened timeframe indicated in this report (10 years as opposed to 20 years) inherently reduces many of the concerns raised in the submissions and could be added to most of the comments above.

Options

The Council has the following options in relation to this report.

1. Approve the application; or
2. Approve the application subject to conditions; or
3. Defer the application for further information or redesign; or
4. Refuse the application.

Based on the assessment of the application, this report recommends that Council resolves to approve the application, subject to conditions contained in the Draft Determination, included as attachment 6 to this report as per Option 2.

Conclusion

Council staff have assessed the proposed development with regard to the submitted information, issues raised during public notification, and planning controls and requirements contained within *Albury LEP 2010*, *Albury DCP 2010* and relevant State and, where applicable, Federal legislation. It is the role of Council staff to objectively weigh and consider the submitted information, as well as any issues raised during public notification. This involves balancing the issues identified by all parties and will not always result in agreement with the noted opinion of any of these parties.

Overall, it is concluded that the impacts of the proposed development on the environment and neighbouring properties are reasonable and satisfy the requirements of this consideration subject to the construction of a car park on neighbouring land as described in the report.

The proposed development is considered appropriate in the “R1 General Residential” Zone in the context of being a subservient and extended use of the Albury Base Hospital, and the assessment has concluded that the proposed development provides a suitable and satisfactory planning outcome. As temporary and reversible development, the proposal does not adversely impact on the desired outcomes of the *Borella Road and Riverina Highway Corridor Strategy 2020 – 2060*.

Recommendation

That Council:

- a. Receives the contents of this report; and
- b. Grants consent to Development Application 10.2021.39058.1 for a temporary at-grade car park for 105 cars and motorcycles for the exclusive use of employees of the Albury Base Hospital for a period of no longer than 10 years on land described as Lots 7 and 9 in DP 26768, Lot 8 in DP 392155 and Lot 55 in DP 29587 addressed as 610 & 614 East Street, 165 Borella Road & 166 Bilba Street, East Albury subject to the conditions contained in the Draft Determination, included at attachment 6 to this report.

Attachments

1. Development Plans (DOC21/269782).
2. Statement of Environmental Effects (Executive Summary) (DOC21/269781).
3. Submissions (DOC22/26033).
4. Transport for NSW Response (DOC22/19512).
5. Assessment Report (DOC22/17329).
6. Draft Determination (DOC22/19517).