



Briefing note

To Western Regional Planning Panel

From Glenda Dunn – Senior Planner

Date 10 2 2022

Subject Briefing Note for a Development Application for the approval of a community health facility at Bonney Street Wilcannia. The applicant is the Maari Ma Aboriginal Health Corporation Pty Ltd..

Site Lots 2, 3 and 4 DP 1201089, and Lot 111 DP 1201028, Bonney Street Wilcannia.

File no D20/21 PAN 158296

Topic Development Application for the construction for the proponent- Maari Ma Health Aboriginal Corporation Pty Ltd, intends to provide professional medical and wellbeing support services to the community of Wilcannia and its surrounding localities, in a safe and modern environment.

Proposed works The community medical centre is as follows:

The Healthy Start section includes; three (3) consult rooms, staff amenities, accessible toilets and storage, staff meeting room with associated decking and BBQ.

Proposed floor area of approximately 130.7m² plus 33m² of associated decking.

The Keeping Well Section includes; three (3) consult rooms, two (2) treatment rooms, a mental health room, accessible toilet and backup generator

Proposed floor area of approximately 130.7m² ;

Two (2) corridors- "East Link" and "West Link" that connect each section of the HealthClinic;

Twelve (12) full time staff, with an array of visiting doctors and medical personnel (GPs; midwives; dieticians; speech therapists, paediatricians and pharmacists to name a few) offering services at various frequency ranging from 1 day a week to a quarterly visit.



Briefing note

Two (2) patient/accessible toilets, play net, waiting areas and associated decking, bench seating, reception area and staff offices,
Proposed floor area of approximately 200.6m² plus 56.6m² of associated decking;

Fifteen (15) associated car spaces which includes two (2) accessible car spaces located near the front access ramp and pick up/drop off area;

An ambulance parking area;

Recommendation(s)

1. Western Regional Planning Panel note the contents of this briefing note

Key information

1 Development proposal

The community medical centre is as follows:

Consult/ treatment rooms- total - 9

- The Healthy Start -; three (3) consult rooms, staff amenities, accessible toilets and storage area, staff meeting room, decking and BBQ.
- Proposed floor area - 130.7m² plus 33m² - decking.
- Keeping Well Section three (3) consult rooms, two (2) treatment rooms, a mental health room, accessible toilet and backup generator
- Proposed floor area - 130.7m² ;
- Two (2) corridors- "East Link" and "West Link" that connect the Health Clinic;

Staff

- Twelve (12) full time staff, visiting doctors and medical personnel (GPs; midwives; dieticians; speech therapists, paediatricians and pharmacists).
- Two (2) patient/accessible toilets,
- play net, waiting areas and
- associated decking,



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SHIRE COUNCIL**

Briefing note

- bench seating,
- reception area and
- staff offices,

Proposed floor area of approximately 200.6m² plus 56.6m² of associated decking;

Car parking

- Fifteen (15) car spaces
- two (2) accessible car spaces and
- pick up/drop off area;
- An ambulance parking area.

DEVELOPMENT CONTROLS

Land Zoning

The subject site is zoned R1 General Residential under the Central Darling Local Environmental Plan 2012.

Permissibility

Health service facility is a permissible land use within the R1 zone under Central Darling LEP 2012. The definition of health service facility is as follows:

health services facility means a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following-

- a medical centre,
- community health service facilities,
- health consulting rooms,
- patient transport facilities, including helipads and ambulance facilities,
- hospital.
- Heritage

The subject site is located in proximity of a number of heritage items: item number I 19 - "hospital", I 18 - "Golf Club", 130 - "Old Wilcannia Water Tower" under the Central Darling LEP 2012.

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Briefing note

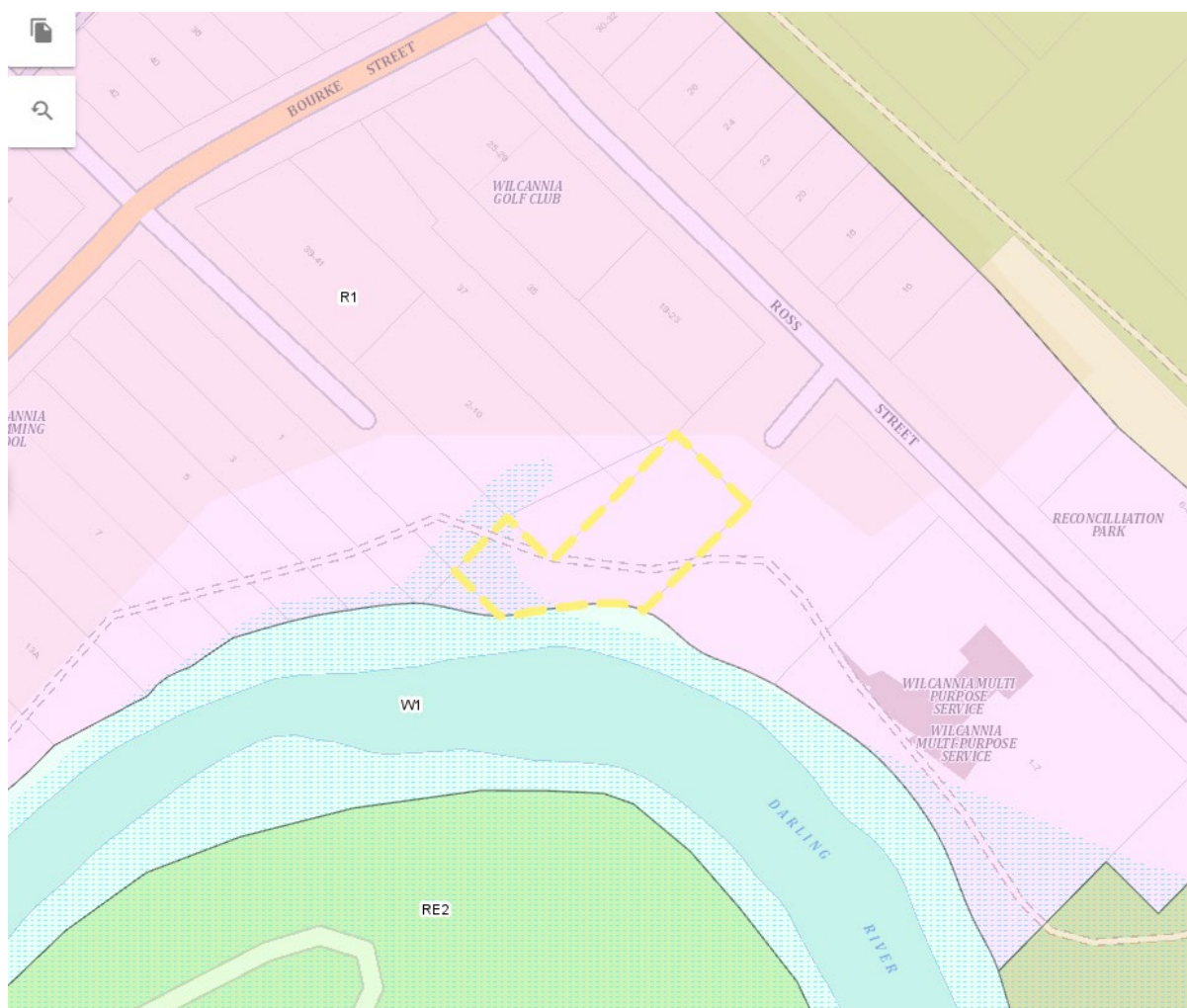


Figure 1: Excerpt from Plan View showing R1 Zoning for subject land at Lots 2, 3 and 4 DP 1201089, and Lot 111 DP 1201028, Bonney Street Wilcannia.

Development standards and key affectations as applicable to the subject site

Minimum lot size:	800 m2
Clause 6.3 of Central Darling LEP	Clause 6.3 Development on river front areas applies to this site. This clause requires that the development consider the riverine corridors and wildlife habitat

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Briefing note

Clause 6.4 of Central Darling LEP	The applicant is to address Clause 6.4 Essential services to Council's satisfaction that any public infrastructure that is essential for the proposed development is available or that adequate arrangement have been made to make that infrastructure available when required (this relates to the supply of water, electricity, disposal and management of sewage and vehicle access).
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Clause 4.46 of the Environmental Planning & Assessment Act 1979

- Fisheries Management Act 1994
- Heritage Act 1977
- National Parks and Wildlife Act 1974
- Protection of the Environment Operations Act 1997
- Roads Act 1993
- Rural Fires Act 1997
- Water Management Act 2000

Integrated development

Heritage NSW did not have a comment on the proposal.

Commonwealth Legislation - Native Title Act 1993 applies

All activities on this land must address the issue of Native Title

The Native Title process must be considered for each activity on the land and a Native Title assessment must be undertaken

Note: The site is freehold land. The site has been reclassified from community land to operational land.

There is no Native title claim on the land as it is freehold land.

Key issues raised by Blacktown City Council (preparing planning assessment report):

Community land Issues



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SHIRE COUNCIL**

Briefing note

The R1 General Residential zone permits health care facilities, The location of the Maari Ma Health Aboriginal Corporation to develop a health care facility adjoining the existing Wilcannia Hospital allows the provider to give a wider health services to the local community. Given the proposal is a permissible development in the R1 zone, the PP can run its own course and the DA process is not reliant on the gazettal of the PP.

Flooding

The subject site is potentially flood prone land given its frontage to the Darling River. While there is currently no official flood information made available for the site, Central Darling Shire Council has advised BCC that developments are being assessed based on 1976 flood information.

BCC drainage officer raised concerns that according to 1976 flood information the flood level is approximately 2-3 metres higher than the natural level of the site. As such, the design of the proposed facility must respond to the flood affectation and provide suitable management plan in the event of flooding and enable evacuation in a timely and orderly manner.

Council has concerns for a structure that is elevated too high from the natural topography due to safety, access, amenity and maintenance issues. A design certificate by a qualified structural engineering to the effect that the proposed building can withstand forces during a flood is to be submitted with the DA

A Flood Study including how the proposal meets current state and any flood controls including local flooding from overland flow paths and ephemeral watercourses.

Site Planning

Configuration of infill development in established residential areas that provides adequate solar access, privacy and amenity to all sites requires careful and skilful execution of site planning and building layout. Site planning should: -

- Ensure the site layout and building location respond to the unique characteristics of the site and the surrounding context.
- Ensure development achieves adequate levels of natural lighting and ventilation, privacy, visual amenity and spatial separation from the
- neighbouring properties.
- Contextual Analysis

The DA must address the contextual aspects influencing urban form such as: -

- Neighbourhood/locality context, street layout and hierarchy and prevailing development densities
- Open space distribution and quality, topography, views and built form rhythm
- Heights, alignments and massing of surrounding buildings



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- Prevailing character elements, such as roof forms, building articulation and modulation and the range and combinations of materials and details

Bushfire

The subject site is identified as bushfire prone land on the NSW Rural Fire Service web site. A Bushfire Assessment Report is required.

Contamination

State Environmental Planning Policy No 55 - Remediation of Land Clause 7 'Contamination and remediation to be considered in determining development application.

Salinity

A review of the NSW Acid Sulfate Soil Risk mapping concludes the site is not identified as containing acid sulfate soil.

Trees and vegetation

Trees located on site are to be retained where practicable in accordance with an arborist report and Biodiversity Development Assessment Report (BDAR) below.

Biodiversity Development Assessment Report (BOAR)

The applicant is informed that any vegetation / tree removal on the site may be subject to assessment, therefore the applicant will be required to provide a BOAR prepared by an Accredited Assessor under the BOS with the DA

Landscaping

A comprehensive landscape concept plan is required.

Heritage

Site close to Heritage listed Wilcannia Hospital.

Traffic

A traffic impact assessment statement required.

National Construction Code

All proposed works are to comply with the National Construction Code (NCC).

Cut and fill and retaining walls

Details of any cut and fill are to be verified on a separate cut and fill plan.



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Briefing note

Waste management

A waste management plan (WMP) is to be submitted with the DA .

Crime Prevention Through Environmental Design (CPTED)

A Crime Prevention Through Environmental Design report required.

Accessibility

An Accessibility Report is required

Operational Plan of Management

A plan of operation is required.

A summary of the key planning issues

General:

The subject lot is vacant and Maari Ma Health Aboriginal Corporation will be the applicant for the DA.

Planning:

Permissibility

Planning matters

Thorough and detailed archaeological investigation and reporting in relation to the Aboriginal heritage of the site and its surroundings. Ongoing assessment and reporting during construction.

Liaise with Elders

In addition to the above, close consultation to be made with local Elders who could be included as decision-makers in the process.

Disabled access

Consideration to be given to providing disabled access from Ross Street to the site. Ross Street is sealed and has a footpath . Bonney Street is unsealed and while it provides good access, disabled access is not ideal.

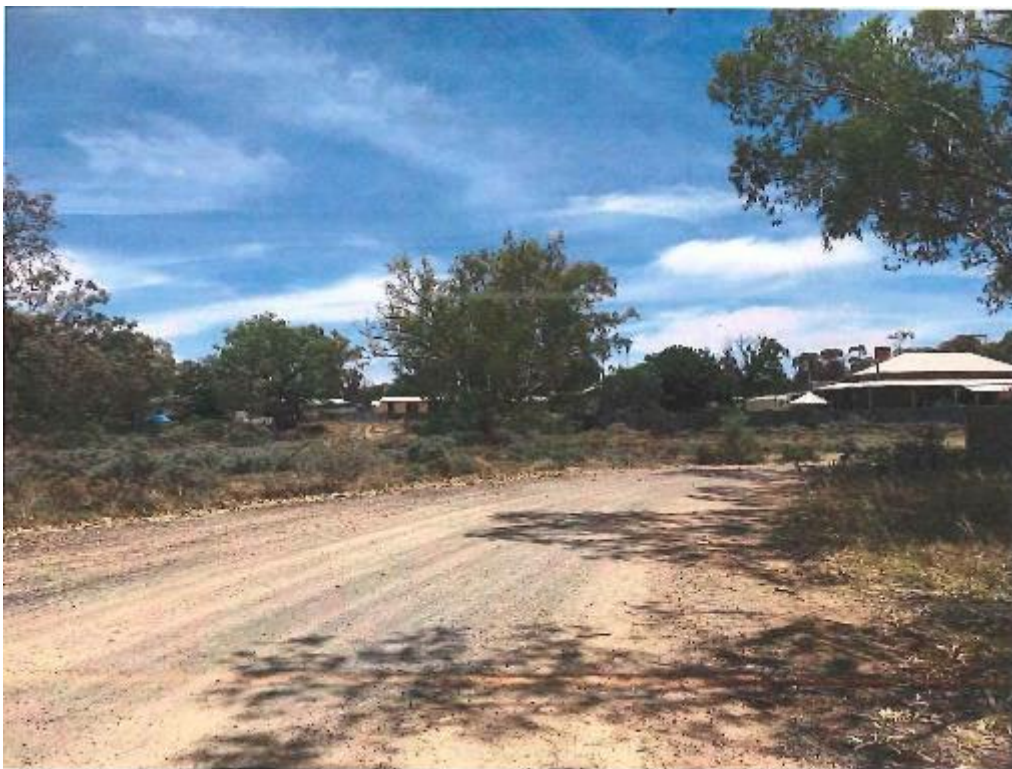


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Briefing note

Unsealed road

Consideration should be given to sealing Bonney Street (and providing a footpath) in order to provide improved access to the site improved access to the site



View of the site looking north-west from unsealed Bonney Street - looking towards residential properties adjacent to the site

Flood liable land

The site is located on the eastern bank of the Darling River . This is an important consideration in the design of the building and ensuring that it is capable of withstanding flood waters.

The Flood Study will need to ensure it addresses the following factors:

The subject land is flood prone and a Flood Study is required.



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Briefing note

The proposed finished floor levels of the Health Service Facility need to meet NSW Water requirements and should be at least 500mm above the 1 in 100 year flood level for at this area given this is a sensitive land use.

The proposed health service facility is next to the river and is on piers. Firstly, any relevant flood information will need to be obtained from NRAR or similar state government department to

determine how much of the site is impacted by the 1% AEP and/or PMF (if available). The flood study will need to address the following:

- Freeboard/ habitable floor level.
- Should PMF be considered to protect critical infrastructure.
- Structural design / flood debris/ loading on the supporting columns
- Flood evacuation through a Flood management plan.

Provide pre and post development flood models and addressing changes in flood levels, flows, velocities and hazards caused by alterations to flood flows, if impacted by the 1% AEP.

Structure may require flood compatible building components up to the 1% AEP flood level plus freeboard.



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SHIRE COUNCIL**

Briefing note



View looking south from Bonney Street towards the Darling River beyond the trees, with the existing hospital to the left and pump station to the right

Evacuation routes

An assessment is required for escape routes due to the flood issue.



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Briefing note

Tree retention and planting

Consideration to retaining existing significant vegetation and planting of new indigenous species around the perimeter of the site

Improved access to the river

Access to the river for the local community is difficult and unsafe in areas. The proposed community gathering/ weir lookout is an excellent idea, as is the proposed river walking trail.

Compatibility of the proposal with the surrounding development

Compatibility of all the uses proposed within the development is to be demonstrated.

Compatibility of the proposed development with other adjoining and surrounding development is also to be demonstrated.

Subdivision

All plans of subdivision must be prepared by a registered surveyor.

All proposed lots must comply with the minimum lot size requirement under Central Darling LEP 2012.

Archaeology

In the event where archeological items have been identified on the site, the proponent is required to apply for an Aboriginal Heritage Impact Permit (AHIP) and submit it with any DA. Written advice from Heritage NSW is to be submitted with any DA.

Car parking and traffic

The proponent needs to demonstrate that there is sufficient parking on site and that there will be no traffic related issues resulting from the proposed development.

Uses proposed cannot create on-street parking problems and must be able to cater for their own car parking demands within the subject site.

All vehicles must be able to enter and exit the site in a forward direction.

Waste management

A waste management plan outlining construction plus ongoing use of the site, including ongoing management of waste is to be submitted with the DA.

Acoustic requirements

An acoustic report prepared by a suitably qualified acoustic consultant must be submitted as part of the DA.



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SHIRE COUNCIL**

Briefing note

Cut and fill

Details of any cut and fill are to be shown on a separate plan including details of any retaining walls (including top of wall and bottom of wall heights).

Key matters raised by other sections of Council

The following comments are provided by other sections of Council. This advice does not necessarily consider the planning matters raised earlier in this report, and therefore need to be read with the above planning matters as context.

Traffic Engineering:

The applicant is to submit a Traffic Impact Statement addressing the adequacy of roads to and from the proposed facility and if any upgrades or traffic measures are required as a result of the proposal.

- Address the provision of onsite parking adequate to meet the needs of staff and visitors with the assumption that all areas of the facility are operating concurrently.
- The Traffic Impact Statement should also take consideration in the event of flooding and indicate designated evacuation route.
- An accessible disabled parking space is to be provided close to the entry of the building.
- Swept turning paths need to be shown on the plans for all critical vehicle movements

Waste:

The sorting, location and collection of waste material by the Council's Garbage truck are to be shown on the plans including truck turning swept paths and discussed in a Waste Management Plan with the SEE

The applicant is to advise how any medical waste will be collected. It must not be collected with the general waste. Any medical waste must be stored securely until collected.

Floor plans/site plans are to show where any medical waste is stored, and where it is picked up from onsite.

Building:

An access consultant is to prepare an accessibility report to ensure proposal meets Disability Discrimination Act 1992 (ODA) requirements

A fire safety report is to be prepared to ensure the proposal meets all the travel distance emergency access requirements.



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SHIRE COUNCIL**

Briefing note

All proposed works are to comply with the National Construction Code (NCC). A NCC compliance report is to be submitted with the DA

Engineering:

- Stormwater concept plan - where will runoff from building and hardstand areas be directed.
- Any stormwater treatment device before it drains into the Darling River
- Any Water Sensitive Urban Design measures to be proposed in and around the development
- Any road construction and driveway construction to meet Council's requirements and car parking to meet Australian Standards

Heritage advice:

A Heritage Impact Statement required to address suitability of the proposal and its design with the hospital heritage building to the southeast and other items of environmental heritage located in proximity to the site.

Social Planning:

Social Impact Statement explaining how this proposal is addressing social issues in the community.

A Crime Prevention Through Environmental Design report required.

Planning Determination Pathway

The proposal will have a CIV of \$3 million

The proposal is not Regionally Significant under State Environmental Planning Policy (State and Regional Development) 2011 as it is not over \$5 million

The proposal is local development but there is no Local Planning Panel as the Central Darling Council (CDC) is not a Council LGA subject to the Minister's Local Planning Panel's Direction - Development Applications effective 1 March 2018

To address a potential or perceived conflict of interest as Council is the owner of the land on which this proposal is to be situated, Blacktown City Council (BCC) as an independent body will do the planning assessment of the DA & draft a report with associated recommendations and determination of the DA



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Briefing note

Key Issues raised in community consultation on the Planning Proposal to rezone the land at Bonney Street from community land to operational land.

Note: the land at Bonney Street is now operational land and will be sold to the Maari Ma Health Aboriginal Corporation.

Issues raised in previous community consultation regarding the proposed Maari Ma Health Facility.

Cultural – Bonney Street site is used as a viewing area for the weir and river by residents and tourists by car (important cultural connection to river by residents),

Biodiversity - Issue with impact on riverine vegetation and wildlife of the proposed development,

Environment – Issue with potential for localised flooding and impact on site biodiversity,

Design – Concern that the design of the proposed community health facility was not attractive and the building would prevent access to the river by the local community.

The original submissions received from the New South Wales State agencies generally raised no issues with the planning proposal, however the Department of Environment NSW (DPIE) raised concerns in the development stage due to flood issues and impact on the river biodiversity.

Comments by Maari Ma Health Organisation on issues previously raised on the proposed Community Health Facility

The Maari Ma Aboriginal Health Organisation wrote to Central Darling Shire Council on 20 February 2020. The letter to Council explained the intention of Maari Ma Aboriginal Health Corporation to build a new community health facility at Wilcannia.

Maari Ma explained to original intention to locate within the hospital grounds or on a nearby lot in close proximity to the hospital. (The lot identified was consolidated into a larger lot used by Central Darling Shire Council for council housing).

On 4 March 2020 a letter from Maari Ma Aboriginal Health Corporation was received by Central Darling Shire Council stating after meeting with the CDSC Director of Corporate Services and the Town Planner that the preferred site due the larger site area required for the proposed health facility was Lots 2, 3 and 4 DP 1201089, and Lot 111 DP 1201028, Bonney Street Wilcannia. These lots were selected due to proximity to hospital and ease of access to site.

Flood levels - Lots 2, 3 and 4 DP 1201089, and Lot 111 DP 1201028, Bonney Street Wilcannia.

The following information has been provided by the applicant consultant firm Barnson Pty Ltd.

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SHIRE COUNCIL**

Briefing note

Note: There is no current flood study for the Darling River in Wilcannia, for the 1:100 year flooding information and the effect of this level of flooding on the nominated site.

However, the consultant has utilised historical data and the current Darling River water levels from Water NSW to make the following statement.

“The proposed Health Clinic at Ross St in Wilcannia will be situated on the north bank of the Darling River. The Heath Centre’s finished floor level is proposed to be 77.42 AHD. This floor level corresponds to Wilcannia Hospital in the neighbouring allotment. Contemporary anecdotal evidence from local sources suggests that the hospital, built in 1879, has not been subject to flooding from the river in the past 50 years. No account of historical flooding has been determined from a desktop study. Without knowledge of the specific 1% Annual Exceedance Probability (AEP) level at this point on the Darling River, it seems appropriate to adopt this level for the floor level of the proposed development.

As per “National Arrangements for Flood Forecasting and Warning” by the Bureau of Meteorology, the “minor flood” event occurs at a river height of 9.0m at Gauging Station 425008 (BOM ref 546010), located adjacent to the proposed site. The “major flood” event occurs at 10.4m. As of the date of this letter, the current river height is 9.244m, according to the Bureau of Meteorology website. This exceeds the “minor flood” level. A Central Darling Shire Council representative reported that the river level is perceived appreciably lower than the Hospital’s floor level on this date. This indicates the “major flood” level is below the proposed floor level. The corresponding AHD level of the “major flood” and its correlation to the 1% AEP are unknown at this time.

In the past 50 years, the “major flood” level has been exceeded in April 2012, March 2011, September- November 1998, June-July 1990, July-September 1983, March-May 1976, and February-March 1974. In that period, the highest water level (11.583m) was recorded on the 5th of April 1976. Anecdotal evidence suggests that this was below the Hospital’s floor level. Flood data has been sourced from the Murray- Darling Basin Authority website.

The proposed Health Centre will be located on the northern bank. The floodplain at this location is located on the south bank and it is expected that the majority of flooding will occur on this side of the river. Minor flood depths and flow velocities are expected at the proposed facility during a significant flood event.

Maari Ma response to flooding affecting the Community Health facility

It should also be stated that the proposed development is a Health Clinic intended to provide non- emergency out-patient care that is routine or preventative. In-patient care will continue



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SHIRE COUNCIL**

Briefing note

to be at the Wilcannia Hospital. As such, consideration of long-term continuous care of patients in critical condition at the facility is not applicable.”¹

Wilcannia community health facilities by Maari Ma Aboriginal Health Corporation

The representative of Maari Ma Aboriginal Health Corporation at the public hearing Dr Steve Gagin stated that the reason for the selection of the Bonney Street site in Wilcannia for the new Maari Ma community health facility was due to the location on the river.

This location was selected over other nominated sites, as it will offer a good view of the Darling River from the waiting area and medical consultation rooms. This view of the Darling River is considered an important motivation or enticement to attract medical professionals (Doctors and nurses and other medical specialist consultants) to work in Wilcannia and far west New South Wales. During the public hearing Dr Gagin discussed the difficulty in engaging medical professionals willing to work in far west of NSW (with salary of \$1,800.00 a day). The solution to the critical shortage in medical staff is to offer a medical facility with great views of the river. This will benefit the traditional owners of the land the by the Barkindji tribe (from barka meaning a river).

Maari Ma – Health, Development & Wellbeing In Far Western NSW – Our Children & Youth

Central Darling Shire is ranked as the second, and Broken Hill as the seventh, most disadvantaged local government area (LGA) in NSW out of 128 LGAs. Social statistics on average show the Maari Ma region to be socio economically disadvantaged, with fewer residents completing their secondary education and more people in the social welfare system, compared with the rest of NSW.

Maari Ma has followed a few indicators over time to monitor progress against “Closing The Gap” targets for Aboriginal children in the Maari Ma region and NSW as a whole. (Since 2008, Australian governments have worked together to deliver better health, education and employment outcomes for Aboriginal and Torres Strait Islander people, and to eliminate the gap between Indigenous and non-Indigenous Australians.

The first “Closing the Gap” framework outlined targets to reduce inequality in Aboriginal and Torres Strait Islander people’s life expectancy, children’s mortality, education and employment.) The desired outcome is for the ‘Gap status’ to be equal to or less than one, to show that the result for the Aboriginal population in the Maari Ma region is the same as, or better than, the NSW population as a whole.

If the figure in the ‘Gap status’ column is equal to or less than 1, it indicates that the Aboriginal population in the Maari Ma region is doing the same or better, respectively, than the NSW population as a whole. Conversely, if the figure in the ‘Gap status’ column is

¹ Flood Levels, Wilcannia Health Clinic – Barnson Consultants- Diarmaid J OShea Civil Engineer 13 May 2021



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SHIRE COUNCIL**

Briefing note

greater than 1, this indicates that the figure in the Maari Ma region Aboriginal population is worse than the NSW population as a whole and improvement is required.

The new Maari Ma community health facility will be providing healthcare and social services to the local community to assist in the goal of “closing the gap” to provide better outcomes for the local Aboriginal and wider community in Wilcannia.

The main functions of the proposed clinic will be

- Antenatal checks/consultations (performed by GP/obstetrician, midwife and Aboriginal health practitioner)
- Child health checks/consultations (performed by paediatrician, GP, child and family nurse, Aboriginal health practitioner)
- Adult health checks/consultations (performed by GP, nurse, Aboriginal health practitioner)
- Specialist appointments
- Allied health appointments (including speech and occupational therapies, and dietician)
- Wound care
- Pathology collection
- Counselling

Maari Ma manages the primary health care services including General Practice clinics run by Maari Ma and Royal Flying Doctor Service doctors for chronic disease and acute care. Visiting services include child and adult dental; and a wide range of visiting specialist clinics held quarterly – cardiology, renal, endocrinology, smoking cessation, GP obstetrician, ophthalmology and optometry.

The proposed Maari Ma Community Health Facility Clinic in Wilcannia will expand the healthcare and social services currently provided to the Wilcannia local community (both Aboriginal and non Aboriginal residents).