

JRPP No:	2010NTH032
DA No:	99/2010
PROPOSED DEVELOPMENT:	Demolition of existing Werris Creek Hospital & Construction of Multi Purpose Service Hospital
APPLICANT:	APP Corporation
REPORT BY:	Donna Ausling, Town Planner Ron Van Katwyk, Director Environmental Services

### Assessment Report and Recommendation

Owner:	Health Administration Corporation
Lodgement Date:	4 November 2011
Capital Investment Value:	\$6,850,000
Land Zoning:	2(v) Village Parry Local Environmental Plan 1987 R1 General Residential Draft Liverpool Plains Local Environmental Plan 2011
Current use & Development:	Werris Creek Hospital

#### EXECUTIVE SUMMARY:

##### *Brief Description of the Proposal:*

This report considers a Development Application for the demolition of the existing Werris Creek Hospital and construction of a single storey Multi Purpose Service Hospital at Lot 1 DP347790, North Street, Werris Creek within the Liverpool Shire Council Local Government Area (LGA). The submitted plans are attached to this report as Annexure 1.

##### *Reason for Consideration by Joint Regional Planning Panel:*

The application is being reported to the Joint Regional Planning Panel (JRPP) as it is classified as "regional development" pursuant to Clause 13 B (1) (c) of the SEPP, being development that has a capital investment value (CIV) of more than \$5 million for the purpose of a health services facility.

##### **Compliance with Planning Controls:**

The subject site is zoned 2(v) Village pursuant to the provisions of Parry Local Environmental Plan (LEP) and R1 under the draft Liverpool Plains LEP 2011. The proposal falls within the definition of a "hospital" which is permissible within the 2(v) Village Zone. Hospitals are currently categorised as a prohibited use under the draft Liverpool Plains LEP 2011. Notwithstanding the provisions of the draft LEP, the development is however captured by the Infrastructure SEPP 2007 as a "health services facility" located within a prescribed zone and is thus permissible under Clause 57 (1) of the SEPP.

The proposal is consistent with the 2(v) Village Zone objectives which promote development that is commensurate with the character and function of existing villages.

**Integrated Development:**

The proposal is not categorised as Integrated development.

**Consultation:**

Adjoining and adjacent landholders were notified in writing of the application received by Council and a public advertisement placed in the local newspaper exhibiting the development for a period of fourteen (14) days. No submissions were received by Council in response to the exhibition of the proposal.

**Recommendation:**

That DA99/2010 for the demolition of the existing Werris Creek Hospital and the construction of a single storey Multi Purpose Service Hospital at Lot 1 DP347790, North Street Werris Creek be approved subject to the conditions contained in Annexure 2.

**Notification of Intention to Exercise Council's Delegated Functions:**

Council is intending to exercise its Delegated Functions pursuant to Section 23(1B) of the Environmental Planning and Assessment Act 1979 and the corresponding Instrument of Delegation of the Northern Region Joint Planning Panel. The use of this delegation is, however, subject to the Crown's agreement to the imposition of the draft conditions as specified in Annexure 2. At the time of writing of this report, Council was awaiting formal concurrence (or otherwise) as to the draft conditions.

In accordance with the Department's advices, Table 1 overleaf demonstrates compliance with the applicable Delegatory Criteria:

---

**Annexures:**

Annexure 1	Plans
Annexure 2	Draft Conditions

**Table 1: Assessment Against Delegation Criteria**

Delegation Criteria	Compliance	Commentary
Part 4, Division 4 of EPAAct Approval Recommended?	Yes	Approval is recommended to this development consent
Crown agreement to imposition of conditions	TBA	TBA
<b>Schedule 2 - Instrument of Delegation – Limitations on the Exercise of the Delegated Functions</b>		
1(a) a Council for the area in which the development is to be carried out is the applicant for development consent or the applicant for an application to modify development consent, or	Yes	The Crown is the applicant for this DA.
1(b) the Council is the owner of any land on which the proposed development is to be carried out, or	Yes	The Crown is the landowner
1(c) the development is to be carried out by the Council, or	Yes	The Crown is the proponent
1(d) the Council is a party to any agreement or arrangement relating to the development (other than any agreement or arrangement entered into under the Act or for the purposes of the payment of contributions by a person other than the Council).	Yes	Council is not party to any agreements or arrangements in relation to this development proposal.
2(a) development identified in clauses 13B(1) or 13C of <i>State Environmental Planning Policy (Major Development) 2005</i> that is the subject of a development application or, of a development consent to which a modification application relates, where:	Yes	The proposal is a Crown Development Application as identified under clause 13B(1)(c) of the Major Development SEPP
2(a)(i) no submissions were made by way of objection during the submission period for the application; and	Yes	No submissions were received in response to the public exhibition of the proposal
2(a)(ii) the Council's assessment report recommends that the application be approved (either with or without conditions)	Yes	Approval is recommended to this development proposal
2(b) development identified in clause 13B(1)(e) of State Environmental Planning Policy (Major Development) 2005 that:	Yes	Not applicable – the development is not affected by this Clause
2(b)(i) has a capital investment value of \$5 million or less; and	Yes	Not applicable – the development is not affected by this Clause
2(b)(ii) is the subject of a development application or, of a development consent to which a development application relates, where the council's assessment report recommends that the application be approved (either with or without conditions)	Yes	Not applicable – the development is not affected by this Clause
3 Subject to paragraph 1, and despite anything to the contrary in paragraph 2, the delegated functions may also be exercised by the relevant Council only in respect of development that (a) is the subject of an application where the Council's assessment report recommends that the application be approved (either with or without conditions); and	Yes	Conditional development approval is recommended.
3(b) is located wholly within any of the following areas: ....	Yes	The development is not located within any of the designated areas
4. Each Council may only exercise the delegated functions in respect of development that is located within its local government area	Yes	The application is wholly located within the Liverpool Plains Shire Council Local Government Area.

## Proposal

The proposal seeks consent to the demolition of the existing Werris Creek Hospital and the subsequent development of a new multi purpose health services facility on the subject land. The current Werris Creek facility has been identified by Health Infrastructure NSW as requiring redevelopment. It is intended that the existing facility be demolished and replaced by a new Multipurpose Service (MPS).

### 1 Site Description

The subject land comprises a total area of 44,475m<sup>2</sup> in total and has been used as a hospital since the mid 1940's. The site is located within the Town of Werris Creek, with frontage to North Street approximately 400m from the CBD.

The subject property is located on the top of a small ridge with a fall of approximately 6%. The site is surrounded by a mixture of development and to the south, west and north the site is predominantly surrounded by low density single storey residential development. The eastern aspect comprises open space (passive recreation) owned by Liverpool Plains Shire Council.

The key aspects of the proposed development are as follows:

- Demolition of existing weatherboard hospital building;
- South wing (public wing) - comprising main entry & reception;
- North wing (private wing) – comprising 12 Aged Care bedrooms, 3 acute bedrooms and associated support facilities.
- Connecting building nodes containing communal spaces for the aged care residents, main administration and reception areas;
- Internal courtyard (“outdoor room”)
- Dementia courtyard
- Ground level carpark (26 spaces)

The total Gross Floor Area (GFA) of the development totals 1,998m<sup>2</sup>.

**Diagram 1** overleaf identifies the location of the development site relevant to adjacent properties.



*Diagram 1 – Locality Plan*

Diagram 2 overleaf provides an aerial photograph of the subject site and the locality sourced from Google Image.



**Diagram 2 – Aerial Photograph**

## 2 Referrals

The application was referred to internal Council specialists: Water Engineer, Traffic Engineer, Building Surveyor and Council's Contract Heritage Advisor Mr Ray Christison (High Ground Consulting). Their responses are contained within the relevant sections of this Report.

## 3 Environmental Planning and Assessment Act 1979

In determining a development application, the consent authority must take into consideration matters referred to in Section 79C(1) of the *Environmental Planning and Assessment Act 1979* as relevant to the development. The following section of this report summarises the relevant matters for consideration and provides a planning commentary.

**Section 79C(1)(a)(i) any environmental planning instrument**

State Environmental Planning Policies

*State Environmental Planning Policy No. 55 – Remediation of Land*

In accordance with clause 7, following a search of Council records, the subject land is not identified as being potentially contaminated and is suitable for the intended use. It is noted that the development entails the removal of an existing fuel storage tank which may present an immediate soil contamination risk. It is recommended that a condition of consent be imposed requiring further investigation of this potential risk and associated remediation if required.

The requirements of the SEPP are therefore satisfied.

*State Environmental Planning Policy (Infrastructure) 2007*

The provisions of this SEPP apply to the proposed development.

In accordance with Division 10 the proposal is identified as a “health services facility”. In accordance with the SEPP the definition of health service facility is provided below:

*Health services facility* means a facility 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 the treatment of injury to persons, and includes the following:

- (a) day surgeries and medical centres,
- (b) community health service facilities,
- (c) health consulting rooms,
- (d) facilities for the transport of patients, including helipads and ambulance facilities,
- (e) hospitals.

Health services are permissible with development consent on land within a prescribed zone. The land is within a prescribed zone. It is noted that the provisions of this SEPP prevail over the provisions of the Draft Liverpool Plains LEP 2011.

*State Environmental Planning Policy (Major Development) 2005*

The application is being reported to the Joint Regional Planning Panel as it is classified as “regional development” pursuant to Clause 13 B (1) (c) of the SEPP as a crown development that has a capital investment value of more than \$5 million.

Regional Environmental Plans

There are no regional environmental plans that apply to the land.

Local Environmental Plans

*Parry Local Environmental Plan 1987*

The subject land is zoned 2(v) Village pursuant to the provisions of the Parry Local Environmental Plan 1987. Parry Local Environmental Plan adopts the Model Provisions 1980 which defines hospitals as follows:

*Hospital means a building or place (other than an institution) used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, care for people with developmental disabilities, psychiatric care or counselling and services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes:*

- (a) ancillary facilities for the accommodation of nurses or health care workers, ancillary shops or refreshment rooms and ancillary accommodation for persons receiving health care or for their visitors, and*
- (b) facilities situated in the building or at the place and used for educational or research purposes, whether or not they are used only by hospital staff or health care workers, and whether or not any such use is a commercial use.*

Hospitals are permissible with consent within the 2(v) Village Zone.

The objectives of the zone are as follows:

- (a) to enable future development appropriate to the function and character of existing villages; and*
- (b) to enable development to occur in accordance with a development control plan, where appropriate.*

**Section 79C(1)(a)(ii)**      ***any draft environmental planning instrument that is or has been placed on public exhibition***

*Draft Liverpool Plains Local Environmental Plan 2011*

It is proposed to zone the subject land as R1 General Residential under the Draft Liverpool Plains LEP. Hospitals are a prohibited use within zone R1 and are defined as follows:

*Hospital means a building or place used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, psychiatric care or care for people with disabilities, or counseling services provided by health care professionals) to people admitted as in-patients (whether or no out-patients are also cared for or treated there), and includes ancillary facilities for (or that consist of) any of the following:*

- (a) day surgery, day procedures or health consulting rooms,*
- (b) accommodation for nurses or other health care workers,*
- (c) accommodation for persons receiving health care or for their visitors,*
- (d) shops or refreshment rooms,*
- (e) transport of patients, including helipads, ambulance facilities and car parking,*
- (f) educational purposes or any other health-related use,*
- (g) research purposes (whether or not it is carried out by hospital staff or health care workers or for commercial purposes),*
- (h) chapels,*
- (i) hospices,*
- (j) mortuaries.*

It is noted that the Infrastructure SEPP will prevail over the draft LEP.

## Draft Liverpool Plains Development Control Plan & Development Contribution Plan 2011

The Draft Liverpool Plains “consolidating” DCP is currently on public exhibition and will come into force upon gazettal of the Draft Liverpool Plains Regional Local Environmental Plan 2011.

The DCP provides a range of matters for consideration ranging from site specific considerations through to Section 94A Contributions. Key items for consideration under the Draft DCP have been assessed in the body of this report.

### ***Section 79C(1)(a)(iii) any development control plan***

#### Parry Development Control Plan No. 9 – Landscape Guidelines (PDCP 9)

Native landscaping is proposed to be established throughout the new development comprising indigenous low maintenance species. It is intended that this landscaping compensate for the loss of some mature vegetation on the premises. These trees have been identified in the SEE as having low significance and in poor or compromised health.

A detailed Landscaping Plan has been prepared by a Landscape Architect for the proposed development. Landscaping as detailed on the plan will comprise primarily low maintenance indigenous species. A condition of development consent may be imposed requiring adherence with the submitted landscaping plan and further, that the landscaping be maintained throughout the life of the development.

PDCP9 also requires that a security be paid to Council in the form of a Bank Guarantee to ensure that landscaping is established and maintained for a period of twelve (12) months from completion and construction. Given the development’s status as a crown development and the existing systems put in place by NSW Health, it is not proposed to impose a requirement for the submission of a bond or bank guarantee in relation to this development. Ongoing monitoring of compliance will be undertaken following completion and occupation of the development.

#### Parry Development Control Plan 10 – Notification and Advertising of Development Applications

The development is not categorised as an Advertised Development under Parry Local Environmental Plan 1987, however, due to the prominent nature of the development and its corresponding importance to the community it was deemed appropriate that the development application be formally notified in accordance with Schedule 1 Item G of DCP 10. The Development Application was publicly advertised in the local newspaper and adjoining owners notified in writing of the proposal from 10 November 2010 until 25 November 2010. No submissions were received in response to the notification of this proposal.

### ***Section 79C(1)(a)(iiia) any planning agreement***

There are no planning agreements applicable to the development proposal.

***Section 79C(i)(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)***

Environmental Planning & Assessment Regulations 2000

*Clause 92 – Demolition*

The development proposes demolition of the existing hospital building following completion of the new facilities. The provisions of AS 2601 will therefore apply and a requirement will be imposed as a condition of development consent.

*Clause 93, 94 & 94A*

The existing building is proposed to be demolished in its entirety and a new building will be constructed in accordance with the current provisions of the Building Code of Australia. On this basis the existing building is not subject to any fire safety upgrade requirements pursuant to Clause 94 of the Regulations.

The new hospital is considered to be a class 9a building under the Building Code of Australia. A detailed BCA assessment of the new building has not been undertaken as the fire protection and structural capacity of the new building shall be determined by the certifying authority (this may be the Crown). It is considered that any future changes to plans that may be required to demonstrate compliance with the BCA would not require a modification of the DA (e.g. insulation requirements to comply with Section J of the BCA, fire essential services etc).

Conditions relating to Building Certification and Demolition requirements are proposed to be incorporated in the development consent.

***Section 79C(1)(b) the likely impacts of the development***

Context and Setting

As detailed in a preceding section, the development site is predominantly surrounded by low density residential development. The site adjoins existing residential land uses to the western and northern elevations. The site also adjoins passive open space areas to the east. Given the single storey design of the facility and the scale and location of the building's footprint, it is considered that the development will be in context with the built environment. There will be no adverse impacts on the views or vistas of surrounding development.

It is intended to incorporate rural themed architectural elements and building materials with the view of integration of the overall building design into the rural context.

The development is considered generally compatible with surrounding land uses.

Access, Transport & Traffic

Council's Traffic Engineer has conducted a review of the submitted Statement of Environmental Effects (SEE) and recommended the incorporation of a number of specific conditions. These conditions specifically pertain to the design and construction of the new access, associated roadworks and the management of stormwater.

## *Roads*

North Street is a dedicated and sealed public road with a section of unformed road shoulder directly adjacent to the current entrance to the Hospital site. There is currently no kerb and gutter available for the length of the development frontage. Kerb and gutter under the care and control of Council is, however, located adjacent to the site servicing existing residential development on North Street.

To ensure the appropriate management of stormwater generated from the site and with the view of protecting Council's road asset, a draft condition has been incorporated requiring the proponent to install kerb and gutter for a length of approximately 160 metres (being the frontage of the development site) in accordance with Council's current design standards.

To ensure that additional roadworks are appropriately designed and constructed in accordance with Council's design standards, a condition has been incorporating requiring the submission of detailed design plans and specifications for endorsement by Council.

## *Traffic*

A detailed traffic analysis has not been prepared in support of the development application. Notwithstanding, the development entails the consolidation of existing services and is not expected to introduce any significant change to the existing traffic flows.

North Street is a sealed dual lane public road on a traditional "grid" layout. The current local road network is considered adequate to accommodate any additional increased traffic usage generated by this development.

## *Access*

Access to the facility will continue to be obtained from North Street. It is proposed to provide defined access points for private vehicles and service and emergency vehicles. Currently, only one access point is in operation and under the new proposal three (3) access driveways will be constructed being a service entrance, carparking ingress and carparking egress.

It is considered that the requirement to install kerb and gutter for the length of the development frontage will also assist in the management of traffic in this area, enable formalization of the adhoc traffic management in addition to enhancing the aesthetics of the overall development.

## *Parking*

Currently a sealed, unmarked parking area exists at the front of the existing development with capacity for approximately 20 (20) vehicles. Under this proposal, space for ten (10) vehicles will be provided on-site adjacent to the main entry with two (2) of these spaces being allocated for use by disabled persons. North Street will be reconfigured to allow for an additional ten (10) on-grade spaces, five (5) staff spaces and a bus parking area providing a total of twenty five (25) spaces.

No specific requirements are available in Council's current Policy and Planning documents in relation to the management of parking on the subject site. Given the current informal parking arrangements at the site, and having regard to the nature of the development, it is considered that the proposal will substantially enhance the current management of parking on the subject site and adequate allowance has been made for parking commensurate with expected traffic generation.

### *Manoeuvring*

Service and emergency vehicles will have a dedicated entry into a service yard which will provide for adequate manoeuvring area. Satisfactory manoeuvring area is provided for within the proposed carparking areas and all ingress and egress to the site will be in a forward direction.

### *Pedestrians*

New pedestrian access will be provided adjacent to the on street parking to allow additional direct access from the street to the main entry.

There are no adverse impacts identified with regard to access, transport and traffic. The existing road network will satisfactorily cater for any increase in traffic generation as a result of the development.

### Public Domain

The subject land is located adjacent to an existing under-utilised passive recreation area. It is not considered that the development would create additional demands in terms of the use of this open space or need for additional pedestrian linkages.

The proposal does not negatively impact on the public domain.

### Utilities

Water, sewer and communication facilities are available to the subject site. Council's Water Services Engineer has conducted a review of the submitted Statement of Environmental Effects (SEE) and recommended the incorporation of a number of specific conditions. These conditions specifically pertain to the provision of water, sewer and trade waste services.

### *Water*

Council is the Water Supply Authority in relation to this proposal. The site has been identified as having a number of metered connections to the Werris Creek Water Supply. However, water service capacity may be subject to Fire Control requirements, in addition to flow requirements for intended activities within the property (eg health care requirements). It is intended that a condition be imposed requiring the submission of information pertaining to the flow and pressure characteristics required for the determination of existing water supply capabilities to meet the needs of the proposed development. The proponent will be required to indicate if any additional dedicated fire service is required by that service and any installation be in accordance with Council's *Fire Water Service Connection Policy*.

Concerns have been raised as to the potential for interconnection of various water services currently existing into the development. This interconnection is not currently permitted by Council Policy and has been identified as presenting a risk to the operator of the site due to potential for cross contamination. Accordingly, draft conditions have been imposed requiring that the proponent make arrangements to rationalize all water connections or alternatively, retain the multiple connections and provide documentary evidence that there is no inter-connection ability.

An existing water service currently exists off Council's Water Main located in North Street into the development site. Should the existing meter assembly location be contained within the footprint of proposed buildings in the development, the proponent will need to make arrangements for the relocation of the meter assembly. Protection of this water meter from pedestrian and vehicular contact will also need to be provided.

Any existing or new water services retained for the development will need to be assessed for compliance with the Authority's (Council's) *Backflow and Cross Connection Prevention Policy*. Inadequate containment protection or device locations will be required to be rectified and or installed prior to occupation at no cost to Council.

### *Sewer*

A single sewer service is currently provided to service the site and will need to be retained. Any redundant pipe work created during the construction phase will need to be sealed to prevent ingress of water and appropriate documentation of drainage layout be provided to Council as the Water Supply Authority. Any works associated with providing or altering the sewer service will be at no cost to Council.

### *Stormwater*

The existing stormwater drainage service which conveys all rainwater from downpipes on the existing building and all hard stand surface area runoff from the courtyard and forecourt areas to the existing stormwater infrastructure is proposed to remain.

To ensure the appropriate management of stormwater generated from the site and with the view of protecting Council's road asset, a draft condition has been incorporated requiring the proponent to install kerb and gutter for a length of approximately 160 metres in accordance with Council's current design standards incorporating Council's stormwater infrastructure.

### *Gas*

A new LPG gas tank is proposed to be installed at the front of the premises (forward of the building line). In the interest of mitigating any potential storage hazards, siting of the proposed gas tank is considered generally appropriate with adequate separation being provided from the proposed hospital facilities and adjoining buildings.

From review of the submitted plans, no screening of the tank is proposed. Given the prominent location of the tank, it is recommended that appropriate screening be provided. A condition of development consent may be imposed in this regard.

### Heritage

Council's Heritage Advisor has conducted a review of the submitted Statement of Environmental Effects (SEE) and recommended the incorporation of a number of specific conditions. It is recognized that the facility was not recorded in the comprehensive *Parry Shire Community Based Heritage Study (2002)* and the existing buildings are typical duration style structures built under government emergency powers during the Second World War. Notwithstanding, the building's age and absence from the Parry Community Based Heritage Study it is expected that the hospital would have local historical and social significance. It has been therefore recommended that a condition be imposed requiring the preparation of an assessment of significance and a basic record of the existing buildings be made prior to demolition.

### Water

The property does not currently have a Liquid Trade Waste approval with the Water Authority. Consequently, an application will need to be made in line with Council's Policy for the Disposal of Trade Waste. Provision will also need to be made for the installation of any pre-treatment devices which will require approval from the Water Authority prior to installation.

Water is proposed to be collected onsite and stored in a 40,000L rainwater storage tank to be located between the north wing and the staff residence. Harvested rainwater is proposed to be used for toilet flushing and the irrigation of landscaping.

## Soils

It is noted that the development entails the removal of an existing fuel storage (diesel) tank which may present an immediate soil contamination risk. It is recommended that a condition of consent be imposed requiring further investigation of this potential risk and associated remediation if required.

The proposed development is unlikely to have any adverse impact on soils in terms of quality, erosion, stability and/or productivity subject to imposition of a standard condition requiring erosion and sediment controls to be in place prior to and during construction.

## Air & Microclimate

The operation of the proposed development will be unlikely to result in any adverse impacts on the existing air quality or result in any pollution.

## Flora & Fauna

A detailed flora and fauna impact assessment has not been undertaken in relation to this proposal, and it is noted that at least two (2) very mature isolated trees with hollows will require removal. Compensatory plantings are proposed to be undertaken by the proponent using some advanced landscaping stock.

It is considered that any adverse impacts may be managed on this occasion via the imposition of appropriate conditions of development consent requiring the submission of a flora and fauna protection component as part of the requisite Construction Environmental Management Plan and the submission and review of the composition of the current Landscaping Plan.

## Waste

The existing building and ancillary facilities are proposed to be demolished and removed following the completion and commissioning of the proposed facility. This aspect of the development will need to be carefully managed in accordance with applicable Australian Standards and Best Practice requirements. Disposal of any asbestos and lead based contaminants will need to be undertaken at an approved waste disposal facility.

Any clinical or special wastes generated by the development will need to be collected, stored and disposed of by a licensed contractor.

## Energy & Ecologically Sustainable Building Design

BASIX provisions do not apply to this type of development. The building enjoys a positive northern orientation with north facing windows to permit natural lighting of the aged care bedrooms and sitting areas. The location of the cantilever will permit shading of the north façade during the summer months.

The building is proposed to be insulated in line with the requirements of the Building Code of Australia (BCA) and arrangements for natural ventilation appear satisfactory. The proponent intends to install reverse cycle air conditioning and energy efficient heating systems.

A report pursuant to Section J of the Building Code of Australia (BCA) will be required to be prepared.

## Noise & Vibration

Operation of the air conditioning unit and the facility generator both have the potential to create localised noise impacts.

User group meetings previously coordinated by the proponent have identified that noise created by the operation of generators will be tolerable and that the provision of a standard residential sound proofing enclosure for generators will be satisfactory. Good separation distance is currently afforded to adjacent residential potential receptors.

A condition of development consent may be imposed requiring that mechanical noise sources associated with the ongoing operation of the building be acoustically treated. It is considered that the development will have any significant adverse impacts subject to the imposition of the recommended conditions of development consent.

## Natural Hazards

The subject land is not subject to inundation by floodwater and is not identified as bushfire prone land. No adverse impacts have been identified.

## Safety, Security & Crime Prevention

The proposed development will be unlikely to create any concealment/entrapment areas or crime spots that would result in a loss of safety or security in the area. The site benefits from natural surveillance from North Street. Given the exposure of hospitals to crime risk, it is recommended that due regard be provided to the NSW Planning Guidelines '*Crime Prevention Through Environmental Design*'.

## Social Impact in the Locality

It is considered that the provision of medical related facilities will contribute toward a positive social impact. The existing facilities are significantly outdated and require substantial upgrade to comply with current legislative requirements.

## Compliance with the Disability Discrimination Act

It is intended that an advisory note drawing attention to compliance with the *Disability Discrimination Act* and associated Australian Standards will be attached to the draft conditional approval documentation.

## Economic Impact in the Locality

No adverse impacts have been identified and it is considered that the facility will provide for ongoing employment opportunities and positive economic impact.

## Site Design and Internal Design

The proposed development design satisfactorily addresses the prevailing site attributes and will fit into the locality. No adverse impacts are foreseen.

The subject allotment is irregular in shape with a relatively small proportion of the lot proposed to be covered by buildings which are proposed to be positioned in an appropriate location which would provide for future expansion. The scale and bulk of the development is appropriate for the demographic/locality of Werris Creek. Landscaping is proposed to be provided and the existing aged care residents will be provided with improved access to communal open space areas.

## Construction

No potential adverse impacts have been identified to neighbouring properties with the construction of the proposal. Standard conditions of development consent will be imposed in relation to hours of operation for construction activities.

## Cumulative Impacts

The proposed development is not expected to have any adverse cumulative impacts on the natural or built environment or the social and economic attributes of the Werris Creek locality.

### ***Section 79C(1)(c) The suitability of the site for the development***

The site is considered suitable for the proposed development, as follows:

- it is consistent with the desired future character of the area;
- no adverse site constraints or impacts have been identified;
- acceptable access arrangements and traffic impacts; and
- any identified negative externalities are considered capable of being managed and appropriate conditions have been applied as has been deemed necessary.

### ***Section 79C(1)(d) Any submissions made in accordance with the Act or the Regulations***

No submissions were received in following completion of the requisite public exhibition of the application.

### ***Section 79C(1)(e) The public interest***

The proposed development supports the wider public interest with the provision of consolidated and contemporary health and aged care facilities.

No policy statements from State or Federal Government are known to have any relevance to the assessment of this Development Application. The proposal is considered to be consistent with the general objectives of the *Liverpool Plains Shire Council Growth Management Strategy (2009)* in particular objectives 9.5.3 – Community Services and Quality of Life-Implementation Strategies 2-3 to *ensure that residents have adequate access to and equity for the provision of services and facilities*; and 9.5.5 – Infrastructure Requirements – Implementation Strategy 4 – *Ensure that there are adequate community facilities to house the required level of social services*.

The health and safety of the public is not likely to be affected as a result of this development proposal. The proposal satisfies the relevant planning controls and is not considered to be contrary to the general public interest.

#### 4 Development Contributions Payable

The *Liverpool Plains Shire Council Section 94A Contributions Plan* applies to this development proposal. The primary objective of this Plan is to assist Council in providing and enhancing public amenities and services.

The Section 94A Plan affects all land within the Liverpool Plain Shire Council Local Government Area and pertains to all developments considered under Part 4 of the *Environmental Planning and Assessment Act 1979*. The Plan authorises Council to impose a levy as a condition of development consent in accordance with the levy schedule provided in the Plan (currently levied at 1.0% of the development cost). This amount may also be amended by the Ministerial Director.

Accordingly, a draft condition of consent has been incorporated into this report in line with the current requirements of the S94A Plan.

#### 5 Recommendation

The application has been assessed in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*. The evaluation demonstrates that the proposal is satisfactory in terms of the matters for consideration identified in the legislation.

It is recommended that the proposal be granted conditional development consent in accordance with the draft conditions contained in Annexure 2.

---

Donna Ausling  
Senior Planner

---

Ron Van Katwyk  
Director Environmental Services

# ANNEXURE 1

## DA PLANS



L:\Donna Ausling\  
JRPP\DA 99\_2010 Pla

# **ANNEXURE 2**

## **DRAFT CONDITIONS OF DEVELOPMENT CONSENT**

## DRAFT CONDITIONS OF APPROVAL

DA No: 99/2010

DATE: 17/12/2010

### PART A – ADMINISTRATIVE CONDITIONS

#### A1. *Development Description*

Consent is granted for the demolition of the Werris Creek Hospital Building and the construction of a multi purpose service hospital.

#### A2. *Development in Accordance with Plans and Documentation*

The development is to be carried out in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of consent.

Plan / Supporting Document	Reference	Prepared by	Date
Statement of Environmental Effects	-	Rice Daubney	October 2010
Development Application – Cover Sheet	10510 - DA 01	Rice Daubney	05/10/2010
Development Application – Site Survey	10510 - DA 02	Rice Daubney	05/10/2010
Development Application – Site Plan	10510 – DA 03	Rice Daubney	05/10/2010
Development Application – Site Works Plan	10510 – DA 04	Rice Daubney	05/10/2010
Development Application – Ground Level Plan	10510 – DA 05	Rice Daubney	05/10/2010
Development Application – Roof Plan	10510 – DA 06	Rice Daubney	05/10/2010
Development Application - Elevations	10510 – DA 07	Rice Daubney	05/10/2010
Development Application - Elevations	10510 – DA 08	Rice Daubney	05/10/2010
Development Application - Sections	10510 – DA 09	Rice Daubney	05/10/2010
Development Application – Hydraulic Services and Existing Services Plan	SY100425 H1.01	Accor	Sep 2010
Development Application – Landscape Plan	SS10-2232 101C	Site Image Landscape Architects	-
Development Application – Landscape Details	SS10-2232 501A	Site Image Landscape Architects	-
Development Application – Overall Plan	101401 C02 P3	TaylorThomsonWhitting	02/10/2010
Development Application – Siteworks Plan	101401 C03 P3	TaylorThomsonWhitting	02/10/2010
Development Application – Erosion and Sediment Control Plan	101401 C04 P3	TaylorThomsonWhitting	02/10/2010
Development Application – Details Sheet	101401 C06 P3	TaylorThomsonWhitting	02/10/2010

**A3. *Inconsistency Between Plans and Documentation***

In the event of any inconsistency between the conditions of this consent and the plans and documentation referred to above, the conditions of this consent prevail.

**A4. *Compliance with Relevant Legislation and Australian Standards***

The proponent shall comply with all relevant Australian Standards and Codes (including Building Code of Australia) and obtain all necessary approvals required by State and Government Legislation in undertaking the project described in Condition A1 of this approval.

**PART B – PRIOR TO COMMENCEMENT OF WORKS**

**B1. *Stormwater – Drainage Report***

Submission of a Drainage Report by a suitably qualified Engineer, to demonstrate to Council that the drainage scheme will meet the requirements of the development. The drainage report shall include an assessment of the Q<sub>100</sub> (1 in 100 year) overland flow, downstream infrastructure capacity and stormwater easement requirements. The report is to be submitted prior to commencement of construction works. Any deficiency in the existing infrastructure must be upgraded by the applicant.

**B2. *Construction Management Plan***

Prior to commencement of construction works, A *Construction Environmental Management Plan* will be prepared and forwarded to Liverpool Plains Shire Council for approval. This plan will include:

- (a) Site specific soil erosion and sediment control plan,
- (b) Construction hours,
- (c) Construction traffic and transport,
- (d) Air quality/dust control procedures,
- (e) Asbestos and lead based paint material control,
- (f) Noise management procedures - including but not limited to noise attenuation of air conditioning & refrigeration plant, vehicle noise minimization from delivery trucks and like operational aspects,
- (g) Waste management plan,
- (h) Flora and Fauna protection plan,
- (i) Community safety plan – including but limited to incorporation of community safety recommendations as detailed under the NSW Planning *'Crime Prevention Through Environmental Design'* Publication,
- (j) Arrangements for temporary pedestrian and vehicular access,
- (k) Storage and handling of materials procedures,
- (l) Environmental training and awareness,
- (m) Contacts and complaints handling procedures,
- (n) Emergency preparedness and response,
- (o) Heritage assessment and photographic archive, and
- (p) Preliminary contamination investigations and any associated remediation recommendations (eg fuel storage tanks).

An Access and Safety Plan will be prepared to maintain access and use of the site during the redevelopment of the building to ensure the safety of staff, visitors and the public.

**B3. *Car Park***

The car park is to be designed to comply with AS 2890.1-2004.

**B4. *Remediation***

All demolition, excavation and construction works are to be undertaken in accordance with AS2601.

**B5. Roadworks – Requirements for Plans and Specifications**

Submission to Council of plans and specifications for intended roadworks, including the entry / exit driveway with traffic calming devices and signage, and associated drainage for the allotment and footway associated with the proposal. The plans and specifications shall comply with the requirements of Council's Engineering Guidelines for Subdivision and Developments.

**B6. Roadworks – Kerb and Gutter**

Kerb and gutter shall be constructed to North Street at the front of the development. The kerb and gutter shall be approximately 80m either side (total 160m) of the entry/exit driveway and incorporate Council's stormwater infrastructure.

**B7. Roadworks – Design and Construction**

The engineering works, including car park development and linemarking, are to be designed and the construction supervised by a qualified consulting Engineer. The works are to be carried out in accordance with Council's Engineering Guidelines for Subdivision and Developments.

**B8. Stormwater - Design**

The design and construction of the underground piped stormwater drainage system in accordance with the requirements for Council's Engineering Guidelines for Subdivisions and Developments and shall take into account the whole catchment area, as well as, an overland flow path to a lawful point of discharge.

**B9. Permanent Survey Marks**

Permanent survey mark/s shall be established by an authorized licensed Surveyor in accordance with Council's Engineering Guidelines for Subdivisions and Developments.

**B10. Water – Relocation of Water Meters**

An existing water service currently exists off Council's water main located off North Street into the development. Should the existing meter assembly location be contained within the footprint of the proposed buildings in the development, the Developer shall make arrangements to relocate this meter assembly in accordance with the Council's Engineering Guidelines and Specifications for Development and Subdivision Works. Protection of the meter shall be provided from vehicular and pedestrian contact to the satisfaction of the Water Services Manager.

**B11. Water – Backflow and Cross Connection**

Any existing or new water services retained for the development shall be assessed for compliance with Council's Backflow and Cross Connection Prevention Policy. Inadequate containment protection or device locations shall be rectified and/or installed prior to issue of the Occupation Certificate. Registration and payment of appropriate fees, of existing and new backflow devices shall be made in accordance with Council's Backflow and Cross Connection Policy.

**B12. Sewer – Sewer Service**

A single sewer service shall be retained for the development. The sewer service shall be provided by utilizing the existing connection to Council's sewer main midway along the western boundary of the property. Any alteration to the existing sanitary plumbing shall be subject to inspection for compliance with the National Plumbing and Drainage Code and AS 3500.

**B13. Sewer – Redundant Pipe Work**

Redundant pipe work shall be appropriately sealed so as to prevent the ingress of water from any source and escape of foul air. Such work shall be subject to inspection and approval prior to backfill.

**B14. Sewer – Drainage Layout**

The intended drainage layout design within the lot must be supplied for approval prior to construction. Consideration to Liquid Trade Waste treatment and sampling points must be included.

**B15. Sewer – Sewer at Developer’s Own Cost**

All the works associated with providing and/or altering the sewer service to the development shall be at the proponent’s own cost.

**B16. Erosion and Sediment Control**

Erosion and sediment control facilities shall be provided to avoid damage to the environment during construction. The plans and specifications for these facilities are considered an integral part of the development and must be approved prior to the commencement of construction works (a requirement prior to the commencement of the work on the site). The approved erosion and sediment control are to be maintained throughout the construction of the development and until adequate vegetation has been established on the site.

**B17. Landscaping**

Submission of an amended Landscaping Plan for approval by Council prior to the commencement of construction works. Landscaping shall incorporate screening of the proposed LPG gas tanks without compromising delivery vehicle accessibility. The landscaping shall be established and maintained throughout the life of the development.

**B18. Building Certification**

The Applicant shall ensure that all new buildings and structures are constructed in accordance with the relevant requirements of the Building Code of Australia.

**Documentary evidence is to be submitted to Liverpool Plains Shire Council prior to commencement of work to demonstrate that the building work has been certified.**

Note:

- (a) Under Section 109R of the EP&A Act, Crown building work cannot be commenced to be carried out unless the Crown building work is certified by or on behalf of the Crown to comply with the technical provisions of the State’s building laws in force as at:
- The date of the invitation for tenders to carry out the Crown building work, or
  - In the absence of tenders, the date on which the carrying out of the Crown building work commences, except as provided by the section.

**PART C – DURING CONSTRUCTION**

**C1. Disposal of Stormwater**

All rainwater collected on-site during construction shall not be pumped to the street stormwater system unless separate approval has been given in writing by Council.

**C2. Dust Control Measures**

Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted:

- (1) Physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust emissions,
- (2) Earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimize the amount of time the site is left cut or exposed,
- (3) All materials shall be stored or stockpiled in the most appropriate locations,

- (4) The surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that runoff occurs,
- (5) All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material,
- (6) All equipment wheels shall be washed before exiting the site,
- (7) Gates shall be closed between vehicle movements and shall be fitted with shade cloth, and
- (8) Cleaning of footpaths and roadways shall be carried out regularly.

**C3. Waste Management**

- (1) All waste generated by the development shall be disposed of by delivery to a licensed facility to receive such waste. Hazardous materials including asbestos and lead shall managed be in accordance with Work Cover requirements and relevant Australian Standards.
- (2) Any asbestos waste generated by the development must be disposed of in accordance with the requirements of Clause 42 of the *Protection of the Environment Operations (Waste) Regulation 2005*.
- (3) Clinical waste shall be managed in accordance with the latest version of the applicable Best Practice Guidelines.

**C4. Hours of Construction**

Construction activities associated with the development, including heavy vehicles entering and exiting the site, may be only carried out between 7:00am and 6:00pm, Monday to Friday inclusive, and between 8:00am and 1:00pm on Saturdays. No work is to be carried out on Sundays and Public Holidays. The following activities may be carried out outside of these hours:

- (1) Any works that do not cause noise emissions to be audible at any nearby residences not located on the premises;
- (2) The delivery of materials as requested by Police or other authorities for safety reasons;
- (3) Emergency work to avoid the loss of lives, property and/or to prevent environmental harm.

Any work undertaken outside the specified construction hours must not be undertaken without prior notification to Council.

**C5. Roadworks – Driveway**

During construction and prior to issuing of the Compliance Certificate the following designs covering proposed works must be received and approved by Council's Engineering (Works) Department:

- (1) A new entry/exit driveway is to be constructed from North Street to the property boundary and finished with a two (2) coat bitumen seal, applied by a Contractor approved by Council. Application for inspection is required forty eight (48) hours prior to construction.

**C6. Liquid Trade Waste – Installation of Pre-Treatment Devices**

The Developer shall install any pre-treatment devices and observe any conditions as set out in Council's General Conditions of Approval (including any monitoring sample points) as required by the approval. Intended Pre-Treatment devices are to be approved by the Council and installed in accordance with the relevant standards.

**C7. Liquid Trade Waste – During Construction**

Adequate notice shall be given (a minimum of two working days) for inspection by Council's officers for various aspects of pre-treatment device installations as required. An inspection schedule will be provided by Council as part of the approval dependent on the system complexity ascertained from the design submitted.

**C8. Demolition**

The Applicant shall ensure that any demolition work is carried out in accordance with the latest version of AS2601-2001: The Demolition of Structures.

**PART D – PRIOR TO OCCUPATION OR COMMENCEMENT OF USE**

**D1. Section 94A Contributions**

Payment of Section 94A contributions in accordance with the requirements of the Liverpool Plains Shire Council S94A Contributions Plan. The levy is percentage based, varying depending on the costs of works.

\$0-\$100,000	Levy = 0%
\$100,001-\$200,000	Levy = 0.5%
\$200,001+	Levy = 1%

The amount payable is **\$68,500**. Payment of this levy is required prior to the commencement of construction works.

**D2. Fire Safety Certificate**

A Fire Safety Certificate shall be submitted to Council for all Fire Safety Measures required within the new hospital.

An Annual Fire Safety Statement must be provided to Council and the NSW Fire Brigade commencing within 12 months after the date on which the approval authority initial Fire Safety Certificate is received.

**D3. Work As Executed Plans**

Prior to occupation, one (1) full set of works as executed plans, and other supporting documentation including further studies and revised plans required by this approval, shall be submitted to Council for information purposes only.

**D4. Sewer – Drainage Diagram**

On completion, and prior to occupation, a scaled drainage diagram shall be provided to Council for all sanitary pipe work, both existing and new, servicing the building. The diagram shall indicate accurately the catchments within the building and the sewer connection to which they drain. The diagram shall be compiled or verified by an appropriately qualified person such as a licensed plumber to the satisfaction of Council.

**D5. Liquid Trade Waste – Application for Approval**

The existing property does not currently have a Liquid Trade Waste Approval with Council. An application shall be made in accordance with Council's Policy for Discharge for Liquid Trade Waste to the Sewerage System prior to any discharge into Council's sewer reticulation from the existing and proposed development.

**D6. Liquid Trade Waste – Prior to Discharge**

Prior to discharge:

- (1) A Liquid Trade Waste Application Form is to be completed and submitted to the Water Authority along with supporting information.
- (2) An approval for Discharge for Liquid Trade Waste into the Sewerage System including General Terms of Approval is to be in place prior to discharge.
- (3) Pre-treatment device selection and installation method is to be approved prior to installation.

**D7. Liquid Trade Waste – Following Construction**

The construction of all works associated with the approved plans and specifications for pre-treatment devices and proposed in the submission to Council shall be completed in accordance with Council's standards and within thirty (30) days of completion, a full set of Drainage Diagrams (including all components of the approved works and any manufacturer's specifications/maintenance schedules for installed devices) shall be provided to Council with verification by an appropriately qualified installer.

**ADVISORY NOTES**

**AN1. Self Certification by Crown Authorities**

Self-certification can be made by the Crown or on behalf of the Crown or behalf of the Crown under Section 109R of the *Environmental Planning and Assessment Act 1979*.

Where the Crown building provisions are used under Section 109R of the *Environmental Planning and Assessment Act 1979* the Crown is not required to obtain a construction certificate or appoint a principal certifying authority nor does it require an occupation certificate to be obtained (Section 109M of the *Environmental Planning and Assessment Act 1979*).

The Crown Authority undertaking the building work may contract a Council or an accredited certifier to undertake the BCA assessment of the proposed building. The Crown can then certify the building relying upon this advice. The certification is not to be confused with certification under Part 4A of the *Environmental Planning and Assessment Act 1979*.

**AN2. Requirements of Public Authorities for Connection to Services**

The proponent shall comply with the requirements of any public authorities (e.g. Country Energy, Telstra etc) in regard to the connection to, relocation and/or adjustment of the services affected by construction of the proposed building and/or structures. Any costs in relation to the relocation, adjustment or support of services shall be the responsibility of the proponent.

**AN3. Roads Act 1993**

A separate application shall be made to Council for approval under Section 138 of the *Roads Act 1993* to undertake any of the following:

- (1) erect a structure or carry out a work in, on or over a public road, or
- (2) dig up or disturb the surface of a public road, or
- (3) remove or interfere with a structure, work or tree on a public road, or
- (4) pump water into a public road from any land adjoining the road, or
- (5) connect a road (whether public or private) to a classified road.

**AN4. Stormwater Drainage Works or Effluent Systems**

Works that involve water supply, sewerage and stormwater drainage work or management of waste as defined by Section 68 of the *Local Government Act 1993* require separate approval by Council under Section 68 of that Act. Applications for these works must be submitted on Council's standard Section 68 application form accompanied by the required attachments and the prescribed fees.

**AN5. Excavation – Historical Relics**

Should any historical relics be unexpectedly discovered then all excavations or disturbance to the area is to stop immediately and the Heritage Council of NSW shall be informed in accordance with Section 146 of the *Heritage Act 1977*.

**AN6. Long Service Levy**

Under Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* any work costing more than \$25,000 or more is subject to a Long Service Levy. The levy rate is 0.35% of the total cost of the work and shall be paid to either the Long Service Payments Corporation or Council. Under Section 109F(1) of the *Environmental Planning & Assessment Act 1979* this payment must be made prior to commencement of building works.

**AN7. Commonwealth Environment Protection and Biodiversity Conservation Act**

The *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* provides that a person must not take action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES); or Commonwealth land, without an approval from the Commonwealth Environment Minister.

This application has been assessed in accordance with the New South Wales *Environmental Planning and Assessment Act 1979*. This assessment has not involved any assessment of the application of the Commonwealth legislation. It is the proponent's responsibility to consult Environment Australia to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice on this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

**AN8. Disability Discrimination Act**

The *Commonwealth Disability Discrimination Act 1992* and the *NSW Anti-Discrimination Act 1977* provide that it is an offence to discriminate against a person in certain situations.

This application has not been assessed in the context of this legislation. It is the owner's responsibility to ensure that the building or structures proposed as part of this application comply with the applicable legislation.