

PROPERTY: DA 2011/0268 - LOT 1 & 2 DP 615815, LOT 1 DP 413738, LOT 3 DP 343255, 1-3 PARK STREET, PORT MACQUARIE
APPLICANT: TIM SHELLSHEAR & ASSOCIATES ARCHITECTS PTY LTD
OWNER: SEAL UNITED INVESTMENT PTY LTD
PROPOSAL: DEMOLITION OF TWO (2) EXISTING DWELLINGS AND CONSTRUCTION OF MEDICAL CENTRE
APPLICATION DATE: 26/05/2011
DATE FORMAL: 05/07/2011
ESTIMATED COST: \$6,500,000
LOCATION: PORT MACQUARIE
REPORT BY: BR
FILE NO: DA 2011/0268
PARCEL NO: 20149, 20148, 36144, 36145

PRECIS

This report considers a development application for the demolition of two (2) existing dwellings and construction of a medical centre at Lots 1 and 2 DP 615815, Lot 1 DP 413738, Lot 3 DP 343255, 1-3 Park Street, Port Macquarie.

The application is being reported to the Joint Regional Planning Panel as it is classified as 'regional development' pursuant to SEPP (Major Development) 2005. In accordance with clause 13B(1)(b)(i) it is defined as a health services facility with a capital investment value of more than \$5 million.

Following public exhibition of the proposal three (3) submissions were received.

RECOMMENDATION

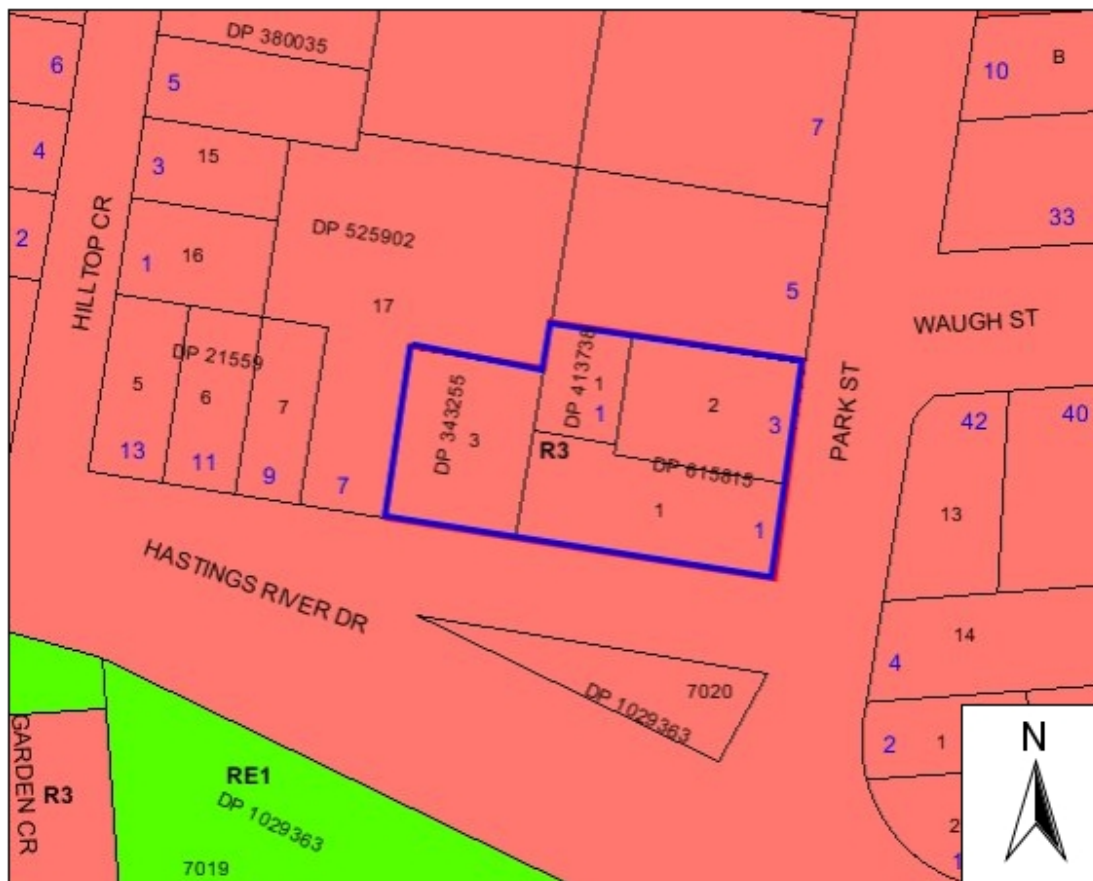
That DA 2011/0268 for the demolition of two (2) existing dwellings and construction of a medical centre at Lots 1 and 2, DP 615815, Lot 1 DP 413738, Lot 3 DP 343255, 1-3 Park Street, Port Macquarie, be determined by granting consent subject to the recommended conditions.

1. BACKGROUND

Existing sites features and surrounding development

The site has a combined area of 3,342m².

The site is zoned R3 Medium Density Residential in accordance with the Port Macquarie-Hastings Local Environmental Plan 2011 as shown in the following zoning plan:



The existing subdivision pattern and location of existing development within the immediate locality is shown in the following aerial photo:



2. DESCRIPTION OF DEVELOPMENT

The application proposes the following:

- Demolition of two (2) existing dwellings and construction of a medical centre. The building will be 1513m² in gross leasable floor area with a 78 space basement level carparking. The centre includes consulting rooms, radiology clinic, physiotherapist, dental clinic and an ancillary dispensary.

Attachments - site plans and elevations

Refer to attachments at the end of this report.

Application Chronology

- 26 May 2011 - Application lodged
- 2 June 2011 – Amended plans incorporating setback along Park Street frontage
- 3 June 2011 – Request for additional DA fees and details/location of plant equipment
- 7-23 June 2011 - Public exhibition
- 10 June 2011 – Additional information and fees paid
- 14 June 2011 – Referral to RTA for proposed access off Hastings River Drive (Classified Road)

20 June 2011 – Concern expressed that the proposed pharmacy has the potential to act as an independent use. Recommended that its floor area be reduced to represent that of an ancillary dispensary and access be solely restricted to the main entry of the medical centre.

1 July - 10 August 2011 – Various correspondence and meeting with applicant to discuss access and size of dispensary to meet ancillary component of a medical centre.

18 July 2011 – Advice from RTA expressing concern over direct access onto Hastings River Drive and right turn in and out of the proposed development.

26 July 2011 – Additional information request relating to RTA concerns and access of Hastings River Drive.

10 August 2011 – Amended plans with new access off Park Street and revised dispensary floor layout.

17 August 2011 – Amended plans referred to RTA for further comment.

22 August – 5 September 2011 – Re-notification of amended plans to neighbours and submitters to original application.

20 September 2011 – Noise Impact Assessment provided addressing proposed access via Park Street frontage.

22 September 2011 – Amended Landscape Plan provided incorporating revised access off Park Street.

26 September 2011 – Response from RTA providing concurrence to proposed revised access off Park Street frontage.

3. STATUTORY ASSESSMENT

Section 79C Matters for Consideration

In determining the application, Council is required to take into consideration the following matters as are relevant to the development that apply to the land to which the development application relates:

- (a) The provisions (where applicable) of:**
(i) any Environmental Planning Instrument:

SEPP 55 – Remediation of Land

In accordance with clause 7, following an inspection of the site and a search of Council records, the subject land is not identified as being potentially contaminated and is suitable for the intended use of the land in this regard.

The requirements of this SEPP are therefore satisfied.

SEPP 64 – Advertising & Signage

The southern elevation incorporates a form of business identification reading "Port Macquarie Medical Centre". The eastern elevation incorporates a form of business identification reading "Medical Centre". The proposed business identification signage is of a scale, character and design that is considered to be consistent with the surrounding environment and consistent with the objectives of this Plan.

Refer to assessment table attached to this report for consideration of the Schedule 1 assessment criteria and objectives of this Policy.

It should also be noted that two (2) pylon signs are shown on the site plan and ground floor plan which have been nominated for exclusion under this application. A condition has been recommended advising that a further development application would be required for consideration prior to their erection.

SEPP 71 – Coastal Protection and Clause 5.5 of Port Macquarie-Hastings Local Environmental Plan 2011

The site is located within a coastal zone as defined in accordance with clause 4.

Having regard to clauses 8 and 12 to 16 inclusive the proposed development will not result in any of the following:

- any restricted access (or opportunities for access) to the coastal foreshore;
- any identifiable adverse amenity impacts along the coastal foreshore and on the scenic qualities of the coast;
- any identifiable adverse impacts on any known flora and fauna (or their natural environment);
- subject to any identifiable adverse coastal processes or hazards;
- any identifiable conflict between water and land based users of the area;
- any identifiable adverse impacts on any items of archaeological/heritage; and
- reduce the quality of the natural water bodies in the locality.

In particular, the site is predominately cleared and located within an area zoned for medium density residential purposes.

Refer to the assessment table attached to this report for compliance with specific requirements of this SEPP.

The requirements of this SEPP are therefore satisfied.

SEPP (Infrastructure) 2007

In accordance with Division 10 the proposed medical centre is defined as a Health Services Facility which may be carried out by any person with consent in a prescribed zone. The land is identified as being zoned R3 medium density residential which is a prescribed zone.

In accordance with schedule 3 the proposal includes provision for >50 carparking spaces. The proposal includes 79 carparking spaces. Accordingly the application was referred to the RTA for comment. The RTA provided comment and raised concern with direct access onto Hastings River Drive. The applicant subsequently amended the proposed access arrangements to restrict left in and out from the Hastings River Drive access and provided an additional access off the Park Street frontage. The RTA were satisfied with the amended access arrangements. Refer to comments under traffic, transport and access for further details comments.

SEPP (Major Development) 2005

In accordance with clause 13(B)(1) the proposed development is recognised as Regional Development to which the regional panel is the consent authority.

Port Macquarie-Hastings Local Environmental Plan 2011

In accordance with clause 2.2, the subject site is zoned R3 Medium Density Residential.

In accordance with clause 2.3(1) and the R3 zone landuse table, the proposed development is for a 'medical centre' which is a permissible landuse with consent.

The medical centre also includes a pharmacy which upon amendment to access and floor space is considered ancillary to the primary use as a medical centre. Original plans provided a 90m² pharmacy with access only via the Park Street frontage of the building. In accordance with the land use table commercial premises are prohibited in the R3 zone. The original plans for the pharmacy indicated that it had the ability to operate as an independent use to the medical centre and would be considered a commercial premises. Subsequently the applicant amended plans reducing the floor area to 50m² (and subsequent available retail space) and access through the main entry of the medical centre. Having regard for the reduction in floor area, integration of access with the medical centre and scale of the overall facility, it is considered the pharmacy component is ancillary to the medical centre use. The provision of medical scripts associated with a prior consultation is considered to be a genuine ancillary service.

The objectives of the R3 Medium Density Residential zone are as follows:

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

As the proposed development is not residential in nature the third objective is most relevant. In this regard the medical centre will provide health related facilities and services to residents within the locality. In accordance with clause 2.3(2), the proposal is consistent with the zone objectives, particularly as the proposal is a permissible land use.

In accordance with clause 2.7 the demolition of the two existing dwellings requires consent and is provided for under this application.

Although no subdivision is proposed as part of this application it is a recommended condition that all the lots be consolidated prior to the issue of an Occupation Certificate. Upon consolidation the resultant lot would be 3,342m² in area. This satisfies that 1000m² minimum lot size provisions that applies to the site under clause 4.1.

In accordance with clause 4.3 the maximum building height of 11.5m applies to the site. The proposal is single storey in nature with a proposed ridge height of 9.8m at its highest point.

In accordance with clause 4.4 the maximum floor space ratio for a building on any land is not to exceed the floor space ratio of 1:1 that applies to the site. The proposed gross floor area of the building is 1,513m², which represents an FSR of approximately 0.45:1.

In accordance with clause 7.2, the following comments are provided with regard to the likely earthworks proposed to be undertaken as part of the proposal:

- the works will be unlikely to lead to any significant identifiable adverse effects upon existing drainage patterns, soil stability of the site or adjoining/adjacent sites, any nearby water course or known environmental sensitive area within the immediate locality.
- the works will be unlikely to adversely affect potential additional future land uses on the site.
- the existing soil quality and structure will not present an identifiable constraint to the construction of the proposal on the site.
- no fill is proposed to be imported to the site to construct the development.
- the likely change in levels associated with the proposed development will not have any identifiable adverse effect on the amenity of adjoining/adjacent properties to the site.
- the site does not contain any known items of aboriginal or other cultural significance.

In accordance with clause 7.13, satisfactory arrangements are in place for provision of essential public utility infrastructure.

The requirements of this LEP are therefore satisfied.

Any draft instruments on applies or on exhibition pursuant to Section 47(b) or 66(1)(b):

No draft instruments apply.

(iii) any Development Control Plan in force under Section 72:

Port Macquarie-Hastings DCP 2011
Part 3 - General Provisions

Advertising and Signage

The proposed business identification signage is consistent with objectives of this plan. Note pylon signage not considered as part of this application separate development consent required.

Community Participation & Social Impact Assessment

The proposed development has been publicly exhibited in accordance with the requirements of this plan. Postive social impacts are anticipated as part of the development through the provision of medical services to the community.

Crime Prevention

The development design addressess the generic principles of Crime Prevation Through Environmental Design and is consistent with the objectives of this plan.

Environmental Management

No adverse impacts on Aboriginal or European Heritage and Archeology identified. The proposed cut for the purpose of constructing the basement carpark is to be retained by the external walls of the building and is not considered to have a detrimental impact subject to imposition of the recommended conditions. Retaining walls greater than 1m in height will need to be certified by a certified practicing structural engineer. Condition recommended.

Tree Management

The site is cleared of all significant vegetation. No adverse impacts anticipated.

Hazards Management

Stormwater can be adequately managed on the site. Details to be provided with section 68 application under the Local Governemnt Act 1993.

Transport, Traffic Management, Access and Car Parking

In accordance with the requirements of this plan medical centres/health consulting rooms require spaces 3 per consultant + 1 per 2 employees + any dwelling requirement.

The following table summarises the occupancy and parking demand:

Room use	Number of	Parking demand
General practisioners	17	51
Specialists	3	9

Radiography	1 + nurse	3.5
Dentist	1 + nurse	3.5
Physiotherapist	1	3
Pharmacy	50m ² (1 space per 30m ²)	1.67
Pathology	1 treatment nurse	0.5
Treatment & ECG rooms	1 treatment nurse	0.5
Reception	4 receptionists	2
Administration	1 manager + 3 staff	2
Total		77 spaces

The proposed development provides for 78 offstreet carparking spaces within the basement carpark facility which includes 3 designated disabled spaces. The proposal provides the required off-street parking under this plan.

Refer to detailed comments under transport, traffic and access later in this report for Council's engineering comments.

Part 4 – Development Specific Provisions

Although there are no specific development provisions applicable to this form of development consideration should be given to the relevant sections of the residential, tourist and visitor accomodation and ancillary development section of this plan.

Scale, Built form and Density

The proposal satisfies the relevant height limit and floor space ratio controls applicable under the Port Macquarie-Hastings Local Environmental Plan 2011. The proposed building is single storey in nature, setback a minimum of 6m from side and rear boundaries and 6m to both street frontages. This would more than satisfy the setback requirements of a typical residential building of a similar scale.

Landscape

While there is no requirement for private open space areas for this type of development the proposal incorporates sufficient landscaping around the buildings footprint where possible. The landscaping will present an attractive streetscape. A landscape plan has been provided and is considered to be consistent with the objectives of this plan.

Amenity

Given the single storey nature and generous setbacks of the proposed building there will be no adverse impact on the privacy of any adjoining dwelling or unit. It should also be noted that all north facing windows are highlight windows (minimum sill height of 2.1m) to the residential units adjoining to the north.

Aesthetics

The building design and finish is of a high standard and will compliment the visual amenity of the area. Landscaping has been proposed to compliment the buildings design.

Part 5 – Area Based Provisions

Westport Precinct

There are two objectives outlined in this section of the plan:

1. To provide streetscape improvements to the public realm.

Comments: The plan nominates street tree plantings along the sites Park Street frontage. The landscapae plan includes plantings along this frontage. Consistent.

2. New connections in the form of public streets and desirable to permit better quality development and aimproved access.

Comments: The plan nominates a new laneway running parallel to Hastings River Drive connecting to Park Street. The intent of the new laneway is to provide access to the four lots existing on the site. The proposal will result in an amalgamation of the lots and access will be available from both Hastings River Drive and Park Street. The construction of the laneway is not considered necessary as part of this development as it will serve no purpose given the proposed access arrangements.

(iiia) any planning agreement that has been entered into under Section 93f or any draft planning agreement that a developer has offered to enter into under Section 93f:

No planning agreement has been offered or entered into relating to the site.

iv) any matters prescribed by the Regulations:

NSW Coastal Policy 1997

The proposed development is consistent with the objectives and strategic actions of this policy.

Demolition of buildings AS 2601 – Cl. 66 (b)

Demolition of the existing buildings on the site is capable of compliance with this Australian Standard - condition recommended.

(b) The likely impacts of that development, including environmental impacts on both the natural and built environments and the social and economic impacts in the locality:

Context & Setting

The site is located at 1-3Park Street on the corner of the intersection with Hastings River Drive and Park Street, Port Macquarie.

The site comprises four existing allotments with two residential homes located on Lots 1 & 2 DP 615815. These houses front Park Street and have driveways off Park Street. The remainder of the site is vacant and falls from north to south.

Adjoining the site to the north are six single storey residential units with direct access off Park Street. Adjoining the site to the west are single storey units. Adjoining the site to the south is Hastings River Drive. Adjoining the site to the east is Park Street.

It should also be noted that an approval was granted by Council in 2004 for a commercial office building of approximately 1,780m² floor space. This consent has subsequently lapsed.

The proposed development for the site incorporates the demolition of the two existing dwellings and development of a single storey medical centre over the four allotments. The centre

proposes a number of specialist medical practitioners. A 78 space basement carpark is proposed with an accessible lift to the main reception.

The proposed medical centre has been designed to high standard and finish and its scale and density is considered to be compatible with the context of the locality.

Access, Transport & Traffic

Access

Current plans propose all vehicle access to the basement carpark through a combined ingress/egress driveway on Hastings River Drive near the western site boundary and an ingress-only access with an exclusive lay-by/turn-lane off Park St. Proposed access arrangements are to prohibit right-in/right-out access through the extension of the existing median associated with the Hastings River Drive & Park Street Roundabout. Access arrangements proposed allow for full movement into and out of the area in any direction through turning movements associated with the roundabout.

The application shall be conditioned to extend the existing median island along Hastings River Drive to restrict access from this driveway to left-in/left-out only. Any road modifications and access driveway shall be designed to coordinate with Council future design plans (RU-PM4-100).

Access driveways shall comply with Council standards (AUSPEC and AS 28901 and AS 2890.2) requirements for design vehicles including servicing vehicles.

Roads

Hastings River Drive is a dedicated sealed arterial public road which is a RTA regional road under the care and control of Council. Adjacent to the site Hastings River Drive is currently a two-way two-lane road with SA kerb and gutter construction with bus bays provided both sides of the road. Council preliminary design plans (currently in review) (RU-PM4-100) propose duplication of the road to dual carriageway with cycleway and footpath construction with roundabout at both Park Street (existing) and Findlay Drive (future). Ultimate design plans propose a raised 2m island which will limit any access on Hastings River Drive to left-in/left-out. Construction works associated with these plans are not planned by Council until 2029/2030.

Park Street is a dedicated sealed arterial road maintained by Council. Adjacent to the site Park Street is a two-way undivided dual carriageway road with SA kerb and gutter construction within a 20.115m wide road reserve.

The development proposes minor changes to both Hastings River Drive and Park Street to better facilitate access control around the site. Specifically, the development proposes to extend the existing median island along Hastings River Drive to prohibit right-in/right-out access; and the development proposes the construction of a left-in turn-lane/lay-by to remove turning vehicles from the northbound through traffic movements along Park Street. Road widening shall be required along Park Street at no cost to Council to accommodate the proposed lay-by/turn-lane.

Traffic

A traffic impact assessment has been provided from Transport and Traffic Planning Associates (TTPA) with the application. Supplemental traffic information was provided by TTPA on 1 August 2011 providing more details associated with the proposed access, service vehicle movements and disabled parking.

Anticipated traffic impacts for the proposed development were initially reviewed based upon the RTA *Guide to Traffic Generating Developments*. Based upon the land use category of "Extended Hours Medical Centres", projected trip generation rates for these developments are anticipated to be 10.4 trips/ hr/100 m² in the morning period and 8.8 trips/hr/100 m² in the evening period. It is noted that data associated with these rates are associated with smaller floorspace centres ranging from 110 m² to 935 m².

Due to limitations in the data provided, the applicant has undertaken traffic surveys at other similar facilities in the Sydney area. Findings of this analysis determined average vehicle trip rates ranging from 1.25 to 1.65/hr/100 m² in the morning period and 2.0 to 2.7/hr/100 m² in the evening period. Based upon "worst case" rates studied, the development is anticipated to generate a total of 26 vehicles trips per hour (vtp) and 42 vtp in the morning and evening peaks respectively. Based upon report findings, traffic impacts associated with the development will not present any unsatisfactory traffic capacity implications.

RTA Comments

As Hastings River Drive is an RTA classified road, the application was referred to the RTA for comment as part of the application. The initial application sent to the RTA did not include turn lane restrictions along Hastings River Drive nor the ingress driveway on Park Street. Findings of their initial review is provided below:

11 July 2011 RTA Comments (Without access restrictions on Hastings River Drive and Park Street ingress)

- i. Any new access onto Hastings River Drive will require the RTA's concurrence. This should be resolved beforehand. Currently access is available from Park Street which meets the requirements of ISEPP2007.

Council Comment

Noted. The applicant shall provide additional information to RTA required in order to obtain concurrence regarding access from Hastings River Drive. Otherwise, alternative access process shall be obtained from Park Street.

- ii. There is already an existing adjoining access to Hastings River Drive for residential units. This needs to be taken into consideration.

Council Comment

Noted.

- iii. The safety and impact of right-turning traffic into and out of the development has not been adequately addressed.

Council Comment

Agreed. Council has concerns regarding providing right-in/right-out access to the development off Hastings River Dr. The applicant shall demonstrate safe right-in/right-out

access to the development or right-in/right-out shall be prohibited through median extension.

- iv. It is noted that Council, in the future, proposes to replace the existing roundabout with traffic signals. It is the practice not to allow any vehicle access close to the signals. The existing centrally raised medians on each approach may also need to be extended and additional turning lanes created.

Council Comment

Noted. Council will consider traffic signals at this intersection in the future; however these plans are outside Council's current long range plans. Future traffic signal plans by Council will need to consider any access modifications as appropriate.

Council's long range plans (Council plan RU-PM4-100) are to upgrade Hastings River Drive to a dual carriageway roadway with raised median between Hastings River Drive & Findlay Avenue and a new roundabout at Hastings River Drive & Findlay Avenue intersection.

- v. There is no on-street parking nearby. It will be critical that adequate off-street parking is provided with sufficient clearance for larger vehicles such as maintenance and four wheel drives.

Council Comment

Noted. Applicant shall be conditioned to comply with Australian Standards providing requiring adequate clearance for larger design vehicles. It is noted that proposed parking along the western boundary of the site is not restricted by the building height. Architectural plans (Basement Level Plan) show service vehicles manoeuvring outside of the proposed building. Adequate offstreet carparking is provided.

- vi. The number of handicap parking spaces is insufficient for the type and scale of development being proposed.

Council Comment

Noted. The number of parking spaces shall comply with Council's disabled parking requirements. Revised plans have included an additional disabled space for a total of three (3) disabled spaces.

- vii. All service and delivery vehicles will need to be able to turn around onsite so they do not have to reverse onto the road. This needs to be demonstrated by indicating turning paths.

Council Comment

Noted. Architectural plans (Basement Level Plan) show service vehicles manoeuvring outside of the proposed building allowing vehicle ingress and egress in a forward manner.

Amended plans and supporting information submitted to Council have modified the access configuration to facilitate a left-in ingress driveway with exclusive lay-by and turn-lane along Park Street, and extension of the existing median island to prohibit right-in/right-out access along Hastings River Drive. This additional information has been provided to RTA for further comment. Upon review of revised plans, the RTA concurs with the proposed access arrangements.

Manoeuvring

Satisfactory. Internal vehicle circulation of the basement carpark has been designed with one-way circulation in accordance with AS2890.1 and AS 2890.2. Service vehicles access Hastings River Drive through a two-way circulation aisle located along the western boundary of the site.

Pedestrians

Pedestrian footpaths are proposed providing access to the development along the property boundary of the site along Hastings River Drive and Park Street. A pedestrian pathway is proposed adjacent to Park Street within the area of the exclusive lay-by/turn lane. This pathway shall be of adequate width to accommodate pedestrian travel with vehicle door opening and shall be design consistent with Council requirements (AUSPEC and Australian Standards).

Council future design plans (RU-PM4-100) plan a combined pedestrian and cycleway adjacent to the site within Hastings River Drive. The applicant will need to provide these pathways in accordance with these plans.

Public Domain

No adverse impacts on public spaces or access thereto.

Utilities

Electricity and telecommunication facilities are available to the site.

Council's Sewerage Engineer has provided the following comments:

Sewerage facilities are available to serve the proposed development. The sewer connection for the development is to be to a manhole. This may be a direct connection from the property to the existing manhole just outside the south western corner of the development site or to a new manhole east of the existing manhole on the existing sewer line (new dead end manhole).

The sewer main east from the manhole serving the development site along Hastings River Drive and then turning into the development site is to be removed and disposed of. The developer to pay for all relocation, removal & disposal. Council can quote for this work (if resources permit) or a registered contractor permitted to work on Council infrastructure may be used.

Stormwater

A stormwater drainage plan has been submitted with the subject application and demonstrated how the development can drain to the existing council piped drainage system downstream of the site in Hastings River Dr.

In this regard, the proposal relies upon an extension of the public drainage system from Hilltop Crescent to the frontage of the site. No objections are raised to this approach subject to the alignment of the pits/pipes being consistent with council's future plans for the alignment of

Hastings River Drive. The plans as submitted are generally compliant in this regard however detailed plans are required and this can be addressed by way of conditions of consent.

The proposal also includes the use of OSD facilities to reduce post development stormwater discharge to predevelopment rates and an ECOSOL gross pollutant trap to ensure compliance with Councils water quality specifications (AUSPEC D7). Again, no objections are raised to this proposal in concept subject to detailed design and modelling being undertaken and submitted with the Construction Certificate plans.

Water

Records indicate that the development site has a 20mm water meter for lot 2 DP 615815 on the Park street frontage and a 20mm water meter for lot 1 DP 615815 on the Hastings River Drive frontage.

The new metered domestic water service (and fire hydrant service if required) is to come from the 100mm AC water main in Hastings River Drive and be located adjacent to the proposed driveway entrance. Final water service sizing for the proposed development will need to be determined by a hydraulic consultant to suit the domestic and commercial components of the development, as well as addressing fire service and protection requirements. Minimum backflow protection is to be an RPZD at the property boundary. The RPZD is to be registered with Council.

The proposed road widening of the Park Street road pavement will required the relocation of a 150mm PVC water main currently in the Park Street footpath area into the new footpath area to the west.

Soils

Significant earthworks will be required with the construction of the basement carpark. It is anticipated that spoil will be removed from the site. Retaining structures will be created on the southern and eastern site boundaries. Erosion and sediment controls are required with any works to be undertaken. Conditions recommended accordingly.

Air & Micro-climate

The operations 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

The site is cleared of all significant vegetation and therefore will be unlikely to have any significant adverse impacts on biodiversity or threatened species of flora and fauna.

Waste

Satisfactory arrangements can be put in place for proposed storage and collection of waste and recyclables. A condition has been recommended requiring an approved waste contractor for the removal of contaminated and clinical waste from the site. No adverse impacts anticipated.

Energy

No adverse impacts anticipated.

Noise & Vibration

The applicant has submitted a Noise Impact Assessment, prepared by Environmental Resource Management dated September 2011, as part of the application to determine the extent of noise impacts from the access drive off Park Street.

The noise modelling identified that noise emissions from the on-site vehicular traffic and associated car park are expected to meet the relevant Project Specific Noise Level at all assessed receivers. The proposed 1.8m noise barrier will provide additional beneficial mitigation to residents; however the presence of the existing masonry wall provides adequate mitigation to ensure predicted noise levels are below the relevant Project Specific Noise Level.

The new 1.8m timber boundary fence will act as the noise barrier. A condition has been recommended that Construction Certificate plans detail the specification of the new 1.8m boundary fence to suit the requirements of a sound barrier.

A condition has been recommended restricting construction to normal construction hours.

Natural Hazards

The site is not mapped as bushfire prone or flood prone.

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.

Social Impact in the Locality

Given the nature of the proposed development it is unlikely to result in any adverse social impacts.

Economic Impact in the Locality

No adverse impacts. Likely positive impacts can be attributed to the construction of the development.

Site Design and Internal Design

The proposed development design satisfactorily responds to the site attributes and will fit into the locality. No adverse impacts likely.

Construction

No potential adverse impacts identified to neighbouring properties with the construction of the proposal.

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 locality.

(c) The suitability of the site for the development:

The proposal will fit into the locality and the site attributes are conducive to the proposed development.

Site constraints access have been adequately addressed and appropriate conditions of consent recommended.

(d) Any submissions made in accordance with this Act or the Regulations:

Three (3) written submissions were received following completion of the required public exhibition of the application.

A list of names and addresses of members of the public who have lodged submissions is provided as an attachment to this report.

Issues raised in the submissions received and comments in response to these issues are provided as follows:

Submission Issue/Summary	Planning Comment/Response
Pharmacy is not considered ancillary direct access available from Park Street frontage.	The applicant amended plans reducing the floor space of the pharmacy to 50m ² and restricting access through the main entry of the medical centre. The pharmacy is considered ancillary to the medical centre. Refer to LEP comments.
Pharmacy is a form of retail premises and is prohibited in the R3 Medium Density Residential zone under the LEP 2011.	The proposed amended pharmacy is considered ancillary to the primary use as a medical centre and permissible under the LEP 2011.
Proposed access into and out of Hastings River Drive present unsafe traffic environment.	Amended plans provided. Refer to comments under transport, traffic and access. Revised access arrangement considered acceptable.
No consideration has been given to noise impacts of mechanical ventilation, air conditioning or traffic access to surrounding residential properties.	Refer to comments under Noise and Vibration earlier in the report. Adequate separation from air conditioning plant to residential receivers exist that will not have an adverse noise impact on these receivers. Standard condition applied regarding construction hours.
The proposed pharmacy is within 250m of an existing pharmacy (Plunketts pharmacy on corner of Gordon and Hindman Streets) this contravenes the rules of the Australian Community Pharmacy Authority Applicant's Handbook.	The handbook referred to and proximity to like businesses is not a relevant consideration under the Environmental Planning and Assessment Act, 1979.
Objection to pharmacy within medical centre as it is a commercial business to be operated in a residential area.	The amended pharmacy is considered ancillary to the primary use as a medical centre of which are a permissible land use with consent in the R3 Medium Density Residential zone.
Parking and traffic concerns.	Refer to comments under transport, access and traffic. Adequate offstreet parking is proposed to service the development.
The proximity of this proposal to a planned GP super clinic at 38 Clifton Drive may decrease the size of the viable health workforce in the planned super clinic.	The proximity of health services facilities to one another is primarily based on market forces and competition and is not a relevant consideration under the Environmental Planning and Assessment Act, 1979. It should also be noted that no development application has been received by Council for a super health clinic at 38 Clifton Drive.

(e) The Public Interest:

Issues of concern raised in submissions received following public exhibition of the proposal have been addressed earlier in this report.

The proposed development satisfies relevant planning controls and is not expected to impact on the wider public interest.

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

- Development contributions will be required towards augmentation of town water supply and sewerage system head works under Section 64 of the Local Government Act 1993.
- Development contributions will be required under Section 94 of the Environmental Planning and Assessment Act 1979 towards roads, open space, community cultural services, emergency services and administration buildings.

Refer to draft contribution schedule attached to this report.

5. CONCLUSION

The application has been assessed in accordance with Section 79C of the Environmental Planning and Assessment Act 1979.

Issues raised during assessment and public exhibition of the application have been considered in the assessment of the application. Where relevant, conditions have been recommended to manage the impacts attributed to these issues.

The site is suitable for the proposed development, is not contrary to the public's interest and will not have a significant adverse social, environmental or economic impact. Consequently, it is recommended that the application be approved, subject to the recommended conditions of consent provided in the attachment section of this report.

ATTACHMENTS

Development Contributions Calculation Sheet
Recommended Conditions
Assessments Tables
Submission List