

## Joint Regional Planning Panel (Southern Region) | 17 December 2013

JRPP No	2013STH020
DA Number	RA13/1002
Local Government Area	Shoalhaven City Council
Proposed Development	Medical Centre (GP Super Clinic) comprising a two storey building associated car parking, landscaping and support infrastructure.
Street Address	Lot 102 and Lot 103 DP 1165533 Scenic Drive, Nowra
Applicant	Grand Pacific Health
Number of Submissions	0
Recommendation	Approval with Conditions
Report by	Andrew Lissenden, Senior Development Planner

### ASSESSMENT REPORT AND RECOMENDATION

#### EXECUTIVE SUMMARY

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

The development application (DA) has been referred to the Joint Regional Planning Panel (JRPP) pursuant to Schedule 4A of the Environmental Planning and Assessment Act 1979 (EPA Act) . Specifically, the proposed development satisfies the criteria of Clause 6 (Private infrastructure and community facilities over \$5 million) (b) of Schedule 4A of the EPA Act as it is for a 'health services facility' that has a capital investment value (CIV) over \$5 million dollars.

##### Proposal

The development application seeks approval for the construction of a new building to be used as medical centre (GP Super Clinic), associated car parking for 65 vehicles, access works, landscaping and associated support infrastructure.

##### Permissibility

The site is zoned 5(a) (Special Uses "A" Zone) under the Shoalhaven Local Environmental Plan 1985 (SLEP 1985). The proposal is a permissible use in a 5(a) zone with development consent under SLEP 1985.

##### Consultation

The application was placed on public exhibition in accordance with Council's Community Consultation Policy. No submissions were received during the notification period.

##### Main Issues

Drainage, car parking and placement of public infrastructure on private property.

#### RECOMMENDATION

It is recommended that RA13/1002 (JRPP Ref 2013STH020) be approved subject to the conditions contained in **Attachment 'A'**.

## ASSESSMENT REPORT

### 1. Background

The following provides details on pre-lodgement discussions, post lodgement actions and general site history:

- a) Pre Lodgement: A pre-lodgement discussion (i.e. Development Advisory Unit (DAU) meeting) was had with Council staff on 15 May 2013.
- b) Post Lodgement: The current application was lodged on 5 September 2013. Council officers during the assessment of the application have requested additional information from the applicant on five occasions (i.e. emails dated 23 October 2013, 31 October 2013, 11 November 2013, 28 November and verbal request on 27 November 2013). Issues raised included:
  - Drainage design;
  - Car parking design including operation of boom gates;
  - Staffing numbers;
  - External colour schedule details; and
  - Medical/contaminated waste management.

Additional information was provided by the applicant on 2 November 2013, 4 November 2013, 5 November 2013, 11 November 2013, 14 November 2013, 27 November 2013 and 3 December 2013. Council staff now consider that sufficient information has been submitted to enable a reasonable assessment of the application to be undertaken.

- c) Site History: A review of Council's records has indicated that the subject parcel of land was created in April 2011. One previous application has been lodged on the subject land. This was a State Significant Development Application (No. 4952-2011) that approved the Shoalhaven Cancer Care Centre (SCCC) on 18 March 2012.

### 2. Subject Site and Surrounds

The development site comprises two parcels of land known as Lot 102 and Lot 103 DP 1165533, Scenic Drive, Nowra. Both parcels are owned by the Health Administration Corporation/NSW Health Infrastructure. They are located approximately 1.2km to the north west of the Nowra Central Business District and have a combined site area of 1.909 hectares. It fronts Scenic Drive to the west, North Street to the south, Nowra Park (Recreation Ground) to the east and the Shoalhaven Memorial District Hospital car park to the north. This proposal relates to the northern portion of the development site and sits between the SCCC and the Shoalhaven Memorial District Hospital. The site is generally cleared of vegetation, although the portion of the site where this development is proposed does contain a number of mature trees, but due to construction activities associated with the SCCC is devoid of ground cover vegetation. The SCCC building that is positioned in the southern portion of the site is a modern building that is 2/3 storeys and is predominately constructed from concrete with timber elements. Access to the existing SCCC development on the site is gained from Scenic Drive (general public access) and North Street (gated/restricted access). It is believed that the site has no significant features that would inhibit the construction of the proposed development.

Refer to **Attachment 'B'** for additional details on the site's location.

### 3. Proposal

The development application comprises the following:

1. A two storey building with a floor area of approximately 1,437m<sup>2</sup>. The ground floor containing operational areas including public waiting areas, 10 general practitioner (GP) rooms, 3 psychology consulting rooms, 2 allied health consulting rooms, 2 nurse consulting rooms, a pharmacy space, pathology room, physiotherapy room, office space and amenities. The first floor containing non-operational areas including 2 conferencing and seminar room, a number of individual and shared office spaces, staff kitchen/respite area, client reception area and amenities;
2. Car parking for 65 cars. This comprising 33 car spaces in a southern public/client parking area and 32 car spaces within an eastern car parking area for staff and clients with access via a code activated boom gate;
3. Landscape works including public forecourt area, landscaped exercise area and sculptural garden area; and
4. Associated access works.

The development is to be used by Medicare Local (Illawarra/Shoalhaven) as a GP super clinic. Refer to **Attachment 'C'** for a copy of the development application plans.

### 4. Community Consultation

In accordance with Council's *Community Consultation Policy for Development Applications (including subdivision) and the Formulation of Development Guidelines and Policies – Amendment 7*, the development application was notified as follows:

- Individual property owners within a 300 metre radius of the site were notified of the proposal (137 letters sent). The notification period for submissions was from 18 September 2013 to 18 October 2013 (30 days);
- The proposal was advertised in the local press on one occasions (South Coast Register on 18 September 2013); and
- The application and supporting documentation were on display at Council's City Administrative Centre in Nowra as well as on Council's website

No public/community submissions have been received by Council.

### 5. Statutory Considerations

The following are relevant planning controls that have been considered in the assessment of this application.

- i. Environmental Planning and Assessment Act 1979;
- ii. State Environmental Planning Policy (State and Regional Development) 2011;
- iii. State Environmental Planning Policy 55 – Remediation of Land;
- iv. State Environmental Planning Policy 71 – Coastal Protection;
- v. Deemed SEPP (Illawarra Regional Environmental Plan);
- vi. Shoalhaven Local Environmental Plan 1985 (as amended);

- vii. Draft Shoalhaven Local Environmental Plan 2013;
- viii. Development Control Plan No.18 – Car Parking Code;
- ix. Development Control Plan No.82 – A Signage Strategy (DCP 82);
- x. Development Control Plan No. 93 – Controls for Waste Minimisation and Management; and
- xi. Shoalhaven Contribution Plan 2010.

Additional information on the proposal's compliance with the above documents is detailed in the following section of this report.

## **6. Statement of Compliance /Assessment**

The following provides an assessment of the submitted application against the matters for consideration under 79C of the EPA Act.

### **Any planning instrument, draft instrument, DCP's and regulations that apply to the land**

i) Environmental Planning and Assessment Act 1979 (EPA Act): The clauses/matters contained in EPA Act, apart from Section 79C, that have relevance to this application are overviewed below:

a) *Schedule 4A (Development for which regional panels may be authorised to exercise consent authority functions of councils)*: The development is identified in Clause 6 under this schedule as a type of development (i.e. 'health service facilities') that has a CIV of more than \$5 million dollars (i.e. the proposed development has a CIV of \$5,294,610.00) and therefore, must be referred to the Joint Regional Planning Panel for determination. As such, the application will be determined by the Southern Joint Regional Planning Panel.

ii) State Environmental Planning Policy (State and Regional Development) 2011 (SEPP 2011): The clauses/matters contained in SEPP 2011 that have relevance to this application are overviewed below:

a) *Part 4 (Regional Development)*: This part applies to development of a class or description included in Schedule 4A of the EPA Act. As this development is of a type identified in Clause 6 of Schedule 4A of the EPA Act, the Council consent functions will be exercised by a regional panel.

In summary, the proposal does not conflict with the applicable provisions of the SEPP 2011.

iii) State Environmental Planning Policy 55 – Remediation of Land (SEPP 55): The clauses/matters as contained in SEPP 55 that have relevance to this application are overviewed below:

a) *Clause 7 (Contamination and remediation to be considered in determining development application)*: Consideration has been given to whether the land on which the works are proposed is contaminated. The applicant, in considering the SEPP 55 issues as part of this application, has used the Stage 1 Preliminary Environmental Site Assessment that was undertaken by Jeffery and Katausakas Pty Ltd in 2011

(Ref: E24682Krpt) for the SCCC. The 2011 assessment included the portion of the site on which the current development is proposed and undertook a review of the site's history with some soil sampling in the southern portion of the site. Council staff's assessment, which has had regard for the 2011 assessment, has indicated that:

- Council records do not identify the site as potentially contaminated land;
- Council is not aware of any previous investigations that found contamination on the land;
- A potentially contaminating activity has not previously/prior to the current operation been conducted on the land;
- The subject land is not currently used for an activity listed in the Managing Land Contamination Planning Guidelines;
- Council is not aware of information concerning contamination impacts on land immediately adjacent to the development site which could affect the subject land
- The current application does not involve a change in use of land as specified by the requirements of SEPP 55;
- There is no land use restriction relating to possible contamination affecting the land; and
- The Jeffery and Katausakas (2011) assessment that was undertaken has indicated that the likelihood of soil and/or groundwater contamination is low and the site is suitable for the type of development proposed (i.e. medical related uses).

Having regard for the above, Council staff are of the opinion that further assessment is not required as there is no reason to suspect contamination. As such, the land is suitable from a contamination perspective for the proposed development/use.

In summary, the proposed development does not conflict with the aims and applicable provisions of SEPP 55.

- iv) State Environmental Planning Policy No.71 – Coastal Protection (SEPP 71): The site is located within the 'coastal zone' and partly within a 'sensitive coastal location' as defined by SEPP 71. The clauses/matters contained in the SEPP71 that have relevance to this application are overviewed below:

- a) *Part 2 (Matters for consideration) Clause 8 (Matters for consideration)*: An assessment of the proposal against the provisions of this clause has indicated that:
- It is not inconsistent with the aims of the policy (i.e. (a) to (l) in Clause 2);
  - It does not impact or impinge on public access to or along the coastal foreshore as the site is located away from the foreshore. No existing access points are being blocked/ closed and no new access points are being proposed;
  - It is suitable development having regard for existing land uses, its location, and its relationship with the surrounding area. The proposed design and use is similar to and will compliment adjacent medical related developments;
  - It will not lead to excessive overshadowing of foreshore areas or view loss from a public place. The proposed building having adequate setbacks from the adjoining property boundaries to minimise overshadowing impacts or loss of views from a public place;
  - It will not diminish the scenic qualities of the area when viewed from public spaces as the proposed building is setback from all boundaries, sits lower than the adjacent

SCCC and is consistent with the scale of the Shoalhaven Memorial District Hospital/surrounding buildings;

- It will not have an adverse impact upon flora and fauna given the site has previously been disturbed and has been subject to a flora and fauna assessment with the impacts being considered as part of the earlier development of the SCCC. The previously completed assessment concluding that there would not be any direct or indirect impacts on flora and/or fauna;
- It will not impact upon wildlife corridors as the site is not identified as one. In addition, the flora and fauna assessment previously prepared for the site identified that the proposal would not fragment any wildlife corridors such that those species recorded will be adversely affected;
- It will not impact on fish or marine vegetation given the site's location away from the foreshore;
- It will not lead to a conflict between land based and water based coastal activities as the site is above river and water levels and does not support water based activities;
- It will not impact upon items of heritage, archaeological or historical significance. There being sufficient separation between the proposed development and the closest heritage item located to the west of Scenic Drive (Bens Walk and Aboriginal Art Sites);
- It will not have an impact upon the water quality of coastal water bodies. The proposed development has incorporated into its design on site reuse, on site detention and associated pollution control devices; and
- The proposal will not impact upon known aboriginal heritage. An Aboriginal Heritage Information Management System (AHIMS) basic search for the site has been undertaken and did not identify any known sites or places. In addition, the Aboriginal Heritage Stage 1 Report (Godden Mackay Logan 2011) undertaken for the SCCC, which included the portion of the site on which this development is proposed, found that the potential for aboriginal sites or objects to be present on or below the ground was low. The relevant requirements/recommendations in the Godden Mackay Logan report to be included as conditions on any development consent.

- b) *Part 4 (Development Control), Clause 13 (Flexible zoning provisions), Clauses 14 (Public access), Clause 15 (Effluent disposal) and Clause 16 (Stormwater):* The above clauses have been considered. The proposed development will not conflict with the requirements of these clauses as there are no flexible zoning provisions that apply to the development site, there is no available public access to or along the foreshore in the area of the proposed development, no effluent disposal via a non-reticulated system is proposed as part of the current development and no untreated stormwater is being discharged.

In summary, the proposed development, subject to the imposition of conditions as detailed above, does not conflict with the applicable provisions of SEPP 71.

- v) *Deemed State Environmental Planning Policy - Illawarra Region Environmental Plan (IREP):* An assessment against the requirements of the IREP has indicated that the subject land is not identified as land of prime crop and pasture potential, land containing rainforest vegetation, a wildlife corridor, land affected by a service corridor, land identified as a regional or sub-regional commercial centre, land containing coal resources or land potentially suitable for urban use. It is, however, identified as land with landscape and environmental attributes.

The clauses/matters contained in the IREP that have relevance to this application are overviewed below:

- a) *Clause 3 (Aims, objectives, etc):* The proposal does not conflict with the general aims and objectives as detailed in this clause;
- b) *The Illawarra Region Landscape and Environmental Study:* The IREP contains no specific provisions that apply to land with “landscape and environmental attributes”. The Illawarra Region Landscape and Environmental Study that supports the IREP provides specific recommendations for broad areas of the south coast, including the subject site which is located within ‘Unit 6 – Shoalhaven Delta’ under this study. In terms of the area within which the subject site is located, the study identifies the area as ‘Ve Development Control’. As the development is within the existing urban zoned area of Nowra and this area has no recommendations for change the subject application complies with the requirements.

In summary, the proposal does not conflict with the relevant provisions of the IREP.

- vi) *Shoalhaven Local Environmental Plan 1985 - as amended (SLEP 1985):* The clauses/matters contained in SLEP 1985 that have relevance to this application are overviewed below:

- a) *Clause 2 (Aims and objectives):* The submitted proposal, based on the information provided, generally satisfies the aims as outlined in Sub Clause 1(a) to 1(c) and objectives as outlined in Sub Clause 2(a) to (w);
- b) *Clause 9 (Zone objectives and development control table):* The zoning of the subject land was modified by Amendment 240 (gazetted on 23 September 2012). This amendment re-zoned the site 5(a) (Special Uses “A” Zone), identified this site as suitable for a ‘Health Services Facility’ and included a definition for ‘health services facility’ under SLEP 1985. The proposed development satisfies the objectives of the 5(a) zone as it provides community facilities and services. In terms of permissibility, the proposed development (medical centre/GP super clinic) satisfies the definition of a ‘health services facility’, which, in part, is defined as “*a building or place used to provide medical or other services relating to the maintenance or improvement of health.... and includes a medical centre, community health service facilities, health consulting rooms*” and is therefore a permissible land use with development consent (a ‘Health Service Facility’ being the particular purpose indicated by the scarlet lettering on the SLEP 1985 zoning map).
- c) *Clause 20G (Development in the vicinity of a heritage item):* The subject site is located in the vicinity of two heritage items identified in Schedule 7 (Heritage conservation) of SLEP 1985. These are ‘Bens Walk and Aboriginal Arts Sites’ located to the west of the site and the ‘Nowra Showground and Sports Ground Complex’ located to the south of the site. Bens Walk and Aboriginal Arts Sites are described on the heritage register as a track from the Shoalhaven River Bridge that follows the southern bank of the Shoalhaven River past which there are numerous caves and shelters which contain Aboriginal rock paintings and cascades. Nowra Showground and Sports Ground Complex is described as a group of buildings and includes the grandstand, Victorian

masonry entrance gatehouse, Monaghan memorial fountain, Hanging Rock Lookout and the inter war castellated gateway. SLEP 1985 identifying both items as having local significance. The applicant has used the Heritage Impact Statement (HIS) that was prepared by Godden Macaky Logan in 2011 for the SCCC development, to consider heritage issues as part of this application. Council staff's assessment indicating that the proposed development will not have an impact on the heritage significance of either heritage item given the physical separation between the development site and the items (i.e. no impact on the setting, visual curtilage, or significant views associated with the heritage items). Council's Heritage Adviser has also advised that they have no objection to the proposal in heritage terms.

- d) *Clause 26 (Soil, water and effluent management)*: The proposed development is located in an area, which has sewer and water services/infrastructure therefore satisfying the requirements of this clause. A sediment and erosion control plan and stormwater drainage plan/integrated water cycle management strategy have been submitted with the application. This incorporates both water re-use, on site detention (OSD) and associated pollution control devices. Council staff's assessment concluding that the proposed development, subject to the imposition of conditions in relation to sediment and erosion control implementation and implementation of on-site drainage infrastructure as outlined in the submitted plan, will not adversely impact upon public health, surface water, groundwater or community amenity.
- e) *Clause 28 (Danger of bushfire)*: Council's Bushfire Prone Lands Map identifies that the subject site is partially bushfire prone along its western boundary. The applicant has provided a bushfire assessment as part of this application (Bushfire Risk Assessment, prepared by SET Consultants, Ref. 103059) which has looked at the applicable requirements in *Planning for Bushfire Protection 2006*. Council staff have reviewed this and have concluded that the proposed works based on the location of building as shown on the submitted plan:
- Has a bushfire exposure level equivalent to BAL 12.5;
  - Will not result in a significant threat to the lives of the occupants, visitors or emergency services personnel subject to the implementation of requirements as outlined in advice provided by the RFS and recommendations in the submitted Bushfire Risk Assessment;
  - Will increase the demand for emergency services, however should not significantly decrease their ability to react to and control major bushfires;
  - Has been sited so as to comply with asset protection zone (APZ) requirements and not require additional clearing works on adjoining lands; and
  - Satisfies the objectives of *Planning for Bushfire Protection 2006* and has been designed to have regard for and will be able to satisfy the applicable requirements of *Planning for Bushfire Protection 2006*.

The application, was also referred to the NSW Rural Fire Service (RFS) for comment. The RFS advising that they had no concerns with the proposed development subject to the imposition of recommended conditions relating to the maintenance of the property as an inner protection area, service provision complying with *Planning for Bushfire Protection 2006*, preparation of an emergency evacuation plan, compliance with Building Code of Australia and Australian Standard AS3959-1999 (Construction of buildings in bush fire prone areas);



- f) *Clause 37A (Notification of certain development)*: The submitted application was notified in accordance with Council's Community Consultation Policy. This is discussed in greater detail in Section 4 (Community Consultation) of this report;
- g) *Clause 48 (Development in Zone No.5 (a))*: The land is to be developed in accordance with the use designated on the zoning map (i.e. Health Services Facility), not an alternative use. As such, Council staff are of the opinion that the requirements of this clause do not impact upon the proposed development.

In summary, the proposed development, subject to the imposition of conditions as detailed above, complies with the relevant provisions in SLEP 1985.

- vii) *Draft Shoalhaven Local Environmental Plan 2013 (DSLEP 2013)*: The clauses/matters contained in DSLEP 2009 that have relevance to this application are overviewed below:
  - a) *Clause 2.3 (Zone objectives and land use table)*: The land where the works are proposed is zoned SP2 Infrastructure. The proposed development is best categorised under DSLEP 2013 as a 'health services facility' which is the form of development that is shown on the associated land zoning map and is therefore permissible with development consent.
  - b) *Clause 5.5 (Development within the coastal zone)*: Council has considered the requirements in parts 1 and 2. In addition, Council is satisfied that the proposed development will not impede or diminish public access to or along the foreshore, impact water quality in terms of effluent, will not discharge untreated stormwater and will not be affected by coastal hazards or have a significant impact on coastal hazards.
  - c) *Clause 5.10 (Heritage conservation)*: The development site is in the vicinity of two heritage items (i.e. 'Bens Walk and Aboriginal Arts Sites' and the 'Nowra Showground and Sports Ground Complex'). Consideration has been given to the relevant matters listed in parts 4, 5 and 8 which are discussed in detail in other sections of this report. In summary, the proposed works will not have an adverse impact on the heritage items in the vicinity of the site or place of aboriginal heritage significance.
  - d) *Clause 7.8 (Flood Planning Land)*: The 'Flood Planning Area' map does not identify the site as being flood affected. However, Council's mapping system identifies that the land could be subject to the discharge of a 1:100 ARI flood event and it is therefore affected by this clause. Consideration has been given to the matters listed in part 3 of this clause and Council staff are of the opinion that the development will not adversely be affected by the concentrated flow of water as the site is at the top of the river escarpment and the existing ground levels at the site are significantly in excess of the Flood Planning Level (FPL).

In summary, the proposed development, does not conflict with the aims and relevant provisions of DSLEP 2013.

- viii) *Development Control Plan No.18 – Car Parking Code (DCP 18)*: The clauses/matters contained in DCP 18 that have relevance to this application are overviewed below

- a) *Car Parking Requirement Schedule:* During the applications assessment the car parking design was amended to increase the number of car spaces provided on the site. This was achieved through the deletion of defined landscaped bays within the car parking area. The table below summarises the proposed development's car parking provision and what is required in accordance with the numerical requirements of DCP 18.

<i>Proposed land use</i>	<i>DCP 18 requirement</i>	<i>Floor space proposed</i>	<i>Spaces required</i>	<i>Spaces provided</i>	<i>Compliance with DCP 18</i>
<i>Medical Centre</i>	1 car space per 24m <sup>2</sup> .	1,437m <sup>2</sup> gross floor area	60 (59.87) car spaces.	65 car spaces in total.	Yes
<b>Total</b>			60	65	Yes

As detailed above, the submitted application proposes to provide car parking in excess of the numerical provisions in DCP 18. Requirements in relation to the total number of car spaces are to be conditioned on a development consent. In terms of staff usage of the car parking area, the applicant has advised Council that the maximum number of staff per shift will be approximately 17. As such, the development based on 17 staff is providing 48 car spaces for client/public usage. To limit long term stays and to assist in car parking availability for its clients, the applicant is proposing to time limit the parking in the southern public/client parking area to 2 hours. This is discussed further below.

- b) *Parking Layout and Dimensions:* The parking design has been based on the Australian Standards (AS2890.1:2004 and AS2890.6:2009) not DCP 18. In terms of car space dimensions and manoeuvring, the car parking area has been designed so as to provide car space dimensions and aisle widths which are in excess of the requirements specified in AS2890.1:2004 (i.e. that which is required for a User Class 3). No stack car parking is proposed and, due to the use of boom gates, a dead end aisle has been provided in both the southern public/client parking area and the eastern staff/client car parking area. Provisions have been made in the design for a turning bay in both car parking areas as well as a blind aisle extension of 1m in accordance with AS2890.1. Requirements in relation to the provision of car parking as shown on the submitted car parking plan and associated line marking (i.e. marking of turning bay area, signage, etc) to be conditioned on a development consent.
- c) *Access:* One access point (i.e. combined entry/exit) into/out of the development is proposed off Scenic Drive via the existing access for the SCCC. The access provided allows for vehicles to enter and leave the site in a forward direction. The existing SCCC access point fails to maintain sufficient site distances in accordance with AS2890.1. This is due to the 90 degree angle on street car parking that has been provided in Scenic Drive not being set back sufficiently, and as such, vehicles exiting the site have their sight lines impaired by vehicles parked adjacent to the driveway exit. This is somewhat mitigated by the fact that vehicles using the development's access will all be exiting in a forward manner. To adequately address this issue would require the removal of a number of on street car parking spaces. Given the existing demand for car parking in the area (i.e. already a shortfall of car parking to service existing developments) and the low vehicle speeds in Scenic Drive, it is Council staff's opinion that this reduction in sight distance is acceptable and can be supported in this instance.

- d) *Manoeuvrability and service areas:* An assessment of the manoeuvrability in the internal car parking areas for cars has indicated that it complies with the requirements of AS2890. In terms of delivery vehicles, the development has been designed to accommodate a 12.5m service vehicle (i.e. front lift garbage truck). A defined loading/service area has been provided at the south eastern corner of the building. Although, this facility uses the same access and manoeuvring area as the car park, no concerns are raised given:
- i) the low number of service vehicles anticipated to be generated;
  - ii) the loss of on street car parking that would be required if a separate access point was provided; and
  - iii) that all service vehicles will be able to manoeuvre into and out of the site in a forward direction. A discussion in relation to waste servicing (including a review of the submitted plans) has been had with Council's waste services contractor (SITA) and no concerns have been raised with the design of the service area and the adjoining manoeuvring area for garbage trucks to access the external garbage storage area, manoeuvre on site and leave in a forward direction.
- e) *Drivers with a Disability:* Three disabled car parking spaces are proposed. This is above the requirements of DCP 18. The spaces proposed are located in close proximity to the buildings entry points and have been sized so as to comply with the requirements of AS2890.6:2009. Requirements in relation to the marking/identification of the spaces to be conditioned on a development consent.
- f) *Construction Requirements:* Construction details for the car parking areas (within the site), driveway and associated manoeuvring areas are generally in compliance with Council requirements. Specific conditions in relation to the construction requirements to be included on a development consent.
- g) *Miscellaneous Requirements:* The applicant has advised that appropriate access signage, car space markings, lighting of the car park area as well as space for bicycle parking (shown on the submitted plans adjacent to the loading area) are to be provided. Requirements in relation to the above to be conditioned on a development consent.

It is noted that the applicant is proposing to time limit parking within the southern public/client parking area. This to be restricted to 2 hours. No concerns are raised with this given the intended use/turnover of vehicles expected and the issues that have been raised in relation to users of adjoining developments using the site's car parking as all day car parking due to the current limited parking in the vicinity of the site and hospital. It is however unclear as to how the applicant intends to regulate the parking requirement as they will have limited legal ability to enforce the time limits. In this regard, it is Council staff's opinion that the applicant/operator enter into an ongoing arrangement with Shoalhaven City Council to make provision for the enforcement of the 2 hour timed parking by Council Rangers. The ongoing agreement being by way of licence or exchange of letters and is similar to what currently occurs at other private car park sites with the Nowra CBD area (Stocklands car park, Aldi car park). Discussions have been had with Council's Property Manager and Ranger Services Manager and no concerns have been raised as Council staff currently enforce the

timed parking requirements that exist in Scenic Drive. Requirements in relation to the above to be conditioned on a development consent;

- h) *Landscaping*: The car park design (as amended) incorporates a minimal amount of landscaping within the car parking area. The landscaping areas that were originally proposed have been removed to provide extra car spaces. Additional landscaping can however be provided around the perimeter of the car park with minimal impact on the car park. Having regard for the above, Council staff are of the opinion that additional landscaping (i.e. the provision of shade trees) needs to be provided around the perimeter of the internal car parking area. This landscaping would also provide additional screening so as to soften the visual impact of the building and associated car parking and further assist in incorporating the works into the natural environment. This landscaping will not result in the loss of car parking spaces and will not impact upon the usability of the car spaces. Requirements in relation to landscaping and planting of shade trees to be conditioned on a development consent.

In summary, the proposal, subject to the imposition of conditions as outlined above, does not conflict with the aims of DCP 18 and the provisions of the relevant Australian Standards.

- ix) *Development Control Plan No.82 – A Signage Strategy (DCP 82)*: The submitted application is proposing four (4) signs. An assessment against the relevant requirements of DCP 82 for each of the sign types is provided below:
  - a) *On-building Signs*: Two on building signs are proposed. These to be located on the western and southern elevations of the building and will be lit (back-lit or as part of the general building lighting). The signs given their size and the number proposed are not exempt (i.e. exceed the maximum size of 0.75m<sup>2</sup> and more than 1). An assessment against the acceptable solutions for on-building signs indicating that the proposed signage complies with the maximum sign face area allowed which for this development, based on the maximum building width, is 12.95m<sup>2</sup> with 4.8m<sup>2</sup> of signage proposed. In addition, it complies with the maximum sign face area permissible for any one sign (i.e. 4m<sup>2</sup> permissible per sign with 2.4m<sup>2</sup> proposed for each sign).
  - b) *Free Standing Sign*: One free standing sign is proposed. This to be located in the public space/landscaped area between the building and Scenic Drive. This sign is not exempt as it exceeds the exempt sign face area requirements. An assessment against the acceptable solutions for free standing signs indicating that the proposed sign complies with the maximum sign face area allowed, which for this development based on street frontage is 7.5.m<sup>2</sup> with 2m<sup>2</sup> of signage proposed. In addition, it complies with the maximum sign face area permissible for any one sign (i.e. 4m<sup>2</sup> permissible with 2m<sup>2</sup> proposed).
  - c) *Building identification Sign*: One building identification sign is proposed. This to be located at the driveway entrance. As the sign is a directional sign, it meets the exempt requirements of DCP 82 and therefore, no approval for this sign is required.

In summary, the proposed development, does not conflict with the aims and relevant provisions of DCP 82. Requirements in relation to signage (i.e. no signage other than what has been detailed with the current development application or that is considered to

be exempt from requiring development consent under DCP 82 shall be erected without the consent of Council) to be conditioned on a development consent.

- x) *Development Control Plan 93 - Controls for Waste Minimisation and Management (DCP 93)*: A waste minimisation and management plan (WMMP) for the construction and on-going use of the proposed development has been submitted with the development application. Each aspect is further discussed below:
- a) *Demolition/Construction Waste*: The WMMP identifies each of the main waste materials that will be generated during the construction phase, quantities and disposal locations. Council staff are of the opinion that this component of the submitted plan is satisfactory. Requirements in relation to construction waste management (i.e. compliance with the submitted plan) to be conditioned on a development consent.
  - b) *On-going Waste (excluding hazardous waste)*: The WMMP has calculated the ongoing waste requirements based on the 'Best Practice Guide for Waste Management'. Based on this, one 2 cubic metre garbage bin is proposed for general waste and one 2 cubic metre garbage bin for recycling waste (total of 2 bins). The bins to be located within a defined loading/service area which will be serviced by a private contractor. The waste storage area is of a sufficient size to hold the two bins and a contaminated storage waste bin, will be screened from public view (enclosed by a 1.2m high timber screen) and ensure waste is protected from the weather. A discussion has been had with Council's Waste Management Officer in relation to the on-going waste management proposed and no concerns have been raised with the applicant's assessment of waste to be generated by the use and waste disposal methods as summarised above. Requirements in relation to waste associated with the ongoing operation being contained on site and disposed of in accordance with the waste management arrangements as detailed in the submitted WMMP to be conditioned on a development consent.
  - c) *Hazardous Waste Management*: The applicant has advised that medical/hazardous operational waste will be managed in accordance with the requirements of the *NSW Health – Policy Directive 2005\_132: Waste Management Guidelines for Health Care Facilities 2005*. This document detailing waste management procedures to address waste minimisation strategies, waste segregation practices and associated procedures for handling, labelling, containment, transport and storage of medical wastes. No concerns are raised with the above subject to any development consent issued being conditioned to require the operational waste management procedures implemented to comply with the above requirements including any associated amendments.

Having regard for the above, the proposed development subject to the imposition of conditions, does not conflict with the aims and relevant provisions of DCP 93.

- xi) *Shoalhaven Contribution Plan 2010*: Council staff are not aware of any exemptions from Section 94 Contributions that are applicable. As such, the provisions of Council's Section 94 Contribution Plan apply to the development. Having regard for the works proposed, the following Section 94 projects are relevant to the application:

- a) CW FIRE 2001: Citywide Fire & Emergency Services;
- b) CW FIRE 2002: Shoalhaven Fire Control Centre; and

c) CWMGMT 3001: Section Contributions Management and Administration

The total contribution applicable to the development is \$2,350.13 (calculation based on the floor space of the development which equates to 7.18 Equivalent Tenements). If the application is approved, any development consent issued should be conditioned to reflect the above.

**Likely impact of that development on the natural and built environment and social and economic impacts in the locality.**

- i) Threatened Species: A flora and fauna assessment was undertaken as part of the SCCC development and the associated rezoning of the land (Flora and fauna assessment, proposed rezoning, prepared by LesryK Environmental Consultants, dated August 2010). This assessment included the subject site and is considered suitable for use as part of the current application. The assessment concluding that no ecological communities, flora or fauna species that area of national conservation significance or their populations were identified within the study area. It is however noted that there are a number of hollow bearing trees on the site, one of which is in the area between the proposed development and Scenic Drive. The current application seeking to remove this tree. No concerns are raised with this trees removal as the Arborist Assessment undertaken as part of the SCCC development in 2011 (Moore Trees, April 2011) identified this tree as over mature and a dead, dying, suppressed or declining tree. As such, Council staff have no objection to its removal subject to the impact mitigation measures in relation to hollow-bearing tree removal that were recommended in the Flora and fauna assessment prepared by LesryK being incorporated within any development consent.

Council staff are of the opinion that the proposal will not result in any threatened animals, plants, their populations, or habitats being significantly impacted upon such that a locally viable population of that species would be placed at risk of extinction. Similarly, the proposal would not fragment, disturb or alter any plant propagation or isolate any nearby areas of their suitable habitat.

- ii) Noise, odour and dust: Each of these issues is discussed separately below:

- a) Noise: Noise is expected to be created during construction period. The generation of noise during construction is considered to be acceptable, however, having regard for the development's location in between the SCCC and Shoalhaven Memorial District Hospital, any consent issued will be conditioned to restrict construction hours and manage/control construction noise generated to minimise its impact on adjoining buildings and their occupants. Long term noise from the development is anticipated to be comparable with the adjoining land uses/development and, as such, it should not result in a an adverse impact on adjoining developments. Any development consent, if issued, to be conditioned so as to manage/control the ongoing noise generated so that noise in connection with the use of the premises shall not cause 'Offensive Noise' as defined in the Protection of the Environment Operations Act 1997.
- b) Odour: It is not anticipated that odour will be a problem as part of the proposed development. Any development consent issued will, however, be conditioned so as to require no offensive odour being generated.
- c) Dust: Dust has the potential to be an issue during the construction process. To

minimise the impacts of dust during the construction period, any issued development consent will be conditioned to require dust suppression measures to be implemented. This including, but not limited to, the spraying down of vehicles and trafficable areas, installation of shade cloth along the site's existing perimeter fence.

- iii) *Context and Setting:* The proposed building is predominately two storeys and surrounded by a range of outdoor spaces that have been provided for public access, visual purposes or exercise. The building has been setback from the Scenic Drive frontage of the site (i.e. its main frontage) by approximately 13m and has been well articulated along all elevations. The design of the building is modern and of a scale that is compatible with the other developments in close proximity which include the SCCC and Shoalhaven District Memorial Hospital. This creates a consistency in the built form along the street frontage and when viewed from the adjoining public open space to east. The design has stepped the building down to the east where it predominately single storey to the adjoining car parking area and adjacent public open space area. A mix of materials is proposed which include hebel panel, metal cladding and timber posts. The design has incorporated the use of the lightweight materials on the single storey elements, timber vertical posts to symbolise the buildings entry points and to create screening for the first floor outdoor areas and the provision of plantings around these outdoor areas which helps to soften the façades. A detailed colour schedule has been provided and details that the external walls will be painted in natural colours (i.e. dulux deep walnut, colourbond evening haze to the metal wall cladding and colorbond woodland grey to the roof, fascia's and downpipes) which will assist in integrating the building into the existing environment. Council staff are of the opinion that the overall design of the development provides a positive contribution to the quality of the built environment at this location and is satisfactory in terms of its context and setting. Any development consent issued to be conditioned that the building be constructed using the external materials and colour scheme as submitted with the development application.
- iv) *Traffic and access:* The proposed development will increase the number of vehicles utilising the adjoining road network (i.e. Scenic Drive). Given the size of the proposed development and its use, the increase in traffic is considered acceptable and is capable of being handled by the existing road system. The single access point that is to be provided to service this development from Scenic Drive is also considered acceptable and in accordance with Australian Standard requirements (i.e. Table 3.1. and 3.2) as the development on that site that will utilise this access point has under 100 car spaces (SCCC has a separate access point off North Street which this development is unable to utilise and therefore, the number of car spaces using the Scenic Drive access is reduced).

As has been noted above, site distance at the development's access point is not in accordance with AS2890.1, due to the 90 degree on street car parking that has been provided in Scenic Drive by NSW Health Infrastructure, not being set back sufficiently. It is Council staff's opinion that this reduction in sight distances at the existing sight access is acceptable and can be supported in this instance.

- v) *Economic/Social Impacts:* In terms of economic impacts, the proposed development will have a positive impact both during the construction phase through the creation of construction jobs, although these will be short term, and post construction through the provision of additional employment opportunities to the local community and wider area. The applicant advising that the development will create up to 39 jobs at the site at any

one time (i.e. total number of jobs when the facility is fully operational). It is, however, unclear given the facilities regional location where the professional staff that are required to service the development will come from (i.e. pulled from existing facilities within the community and therefore, leaving vacancies at these facilities) although it is noted in the applicant's assessment that some of the professionals would already be working at the adjoining Shoalhaven Memorial District Hospital and would arrange appointments at the proposed facility around there existing arrangements. It will also have a positive economic impact through the consolidation of a number of medical services and the associated provision of additional medical facilities within the local area. At present, a number of these services are in short supply resulting in excessive waiting times currently to see a GP and other health care professionals. Furthermore, there will be economic benefits for those businesses that provide goods and or services to the operator. In terms of social impacts, the proposed development will provide additional medical related facilities/ services to the local area which will improve public access to health care facilities and should result a reduction in waiting times and potentially an improvement in the general health of the local community that use the facility. As such, it should have a positive social impact in this regard.

### **The suitability of the site for the development**

The site is considered suitable for the proposed development with regard to zoning/ permissibility, surrounding land uses, and topographical constraints. It is not subject to any constraints that would restrict and/or prohibit the development of the site or have an adverse impact on adjoining lands sufficient to facilitate the current application's refusal. In addition, the proposed development will not adversely impact the physical environment and provides a social and economic benefit which outweighs any potential negative impacts. As such, Council staff are of the opinion that the site is suitable for the proposed development.

### **Any submissions made in accordance with the Act or the regulations**

Submissions from the general public and public authorities are discussed separately below:

- i) The Public: In accordance with Council's Community Consultation Policy, the development application when received was notified as is detailed in Section 4 (Community Consultation) of this report. No submissions were received.
- ii) Public Authorities: No submissions have been received from a public authority.

### **The public interest**

The development as proposed should not have a detrimental impact upon either the public interest or interests of any level of government. There are no known Federal and State Government policy statements that have relevance to this application. The application, based on the information provided, is not expected to have any significant negative impacts on the environment, the amenity of the locality or public health/safety. As such, it is considered that the works proposed are in the public interest.

## **7. Other Issues:**

- a) Drainage: A storm water management plan has been provided with the application that is based on pre to post development conditions. This has been amended once to address concerns that were raised about the design's concentrated storm water outfall adjacent to the site's eastern boundary that had an impact on the adjoining Crown Land to the east



(i.e. Nowra Park). Discussions were subsequently had with all affected groups and an amended design has been submitted. The design indicating that all storm water from the developments roof will be piped to a 30,000 litre rain water harvesting tank to be located under the service area. This water to be used for reuse within the building and for irrigation of site landscaping works. All remaining drainage for the hardstand/car parking areas going to a 50 cubic metre on site detention (OSD) tank to be located beneath the car park in its north eastern corner. The water from this tank exiting through an existing pipe to a swale and then to a new storm water outflow that has been designed to disperse the water equally out over a 15 metre outlet containing a rock scour and an adjacent 200mm deep berm within the development site. This being used to aid the dispersion of the water and settling of the flow before it enters the adjoining Crown Land. Calculations provided indicate that during a 5 year Average Recurrence Interval (ARI) and 20 year ARI rainfall event, post development flows are reduced by 20% and 34% respectively. With respect to impacts on the adjoining Crown Land, the Crown has advised that they do not object to the amended storm water discharge design subject to the imposition of conditions relating to the placement of rocks in the storm water outlet and no encroachment, storage or access being gained over the adjoining Crown Land. Any development consent issued to be conditioned in accordance with their advice.

The submitted drainage design has also incorporated pollution devices to ensure water leaving the site is of a suitable quality. The submitted design proposing the installation of Enviropods inserts into each storm water inlet, ten Stormwater 360 Stormwater Filter Cartridges within the OSD tank and a trash screen at the outlet point of the OSD tank. The above devices being able to remove litter, oil, grease, suspended solids, nutrients and sediment. The modelling provided indicating that the water leaving the OSD tank is of an acceptable quality. Requirements in relation to the provision of drainage infrastructure in accordance with the amended storm water management plan and general OSD requirements relating to construction to be conditioned on a development consent.

- b) Footpath and 90 degree Parking: 90 degree car parking has been provided along the Scenic Drive frontage of the development site. A review of available information has indicated that it was not provided as part of the SCCC development, however was provided as additional car parking for the Shoalhaven Hospital by Health Infrastructure under the exempt provisions of State Environmental Planning Policy (Infrastructure) 2007. The plans submitted with this application showing that a portion of the 90 degree car parking and the entire 1.2m wide footpath that have been provided are within Lot 102 DP 1165533 which forms part of the current development application and is private land owned by the Health Administration Corporation. Concern was initially raised in Council's assessment in terms of public liability and ongoing maintenance given these structures/facilities have been provided as public facilities that partially encroach onto private land. Discussions have been had with Council's Property Section and Risk Manager where it has been advised that the risk in terms of liability is the same as if the structures were provided wholly on Council owned land. As such, no concerns are raised from a risk point of view. Concerns are however raised with the ongoing future maintenance liability of infrastructure that is located on privately owned land. In this regard a condition will be included in any development consent issued that the kerb and gutter and adjoining footpath area in front of the proposed development (i.e. between the development's access from Scenic Drive and the site's northern property boundary) will be maintained by the landowner as and when required.

- c) Helipad: The Shoalhaven Memorial District Hospital to the north of the development site has a helipad located in the northern portion of Nowra Park (i.e. within the adjoining Crown). The two storey construction of the proposed building given its separation from the helipad will not create any issues with the safe operation of the helipad as the required clearances are being maintained.
- d) Aboriginal Land: Council records indicate that the subject land is not affected by an Aboriginal Land Claim.
- e) Aboriginal Cultural Heritage: No known Aboriginal heritage items are known to be on the land. The site and adjoining land have been significantly disturbed by the development of the playing fields, SCCC and hospital car park. As noted in the report above an Aboriginal Heritage Stage 1 Report prepared by Godden Mackay Logan in 2011 as part of the SCCC development found that the potential for aboriginal sites or objects to be present on the ground surface or buried below the surface is low. In addition, a basic AHIMS search undertaken by the applicant did not return any known sites or places. The relevant requirements/recommendations in the Godden Mackay Logan report to be included as conditions on any development consent (i.e. if Aboriginal objects are identified during the construction process all works are to stop, a suitably qualified archaeologist engaged and the find must be reported to the NSW Office of Environment and Heritage, etc).
- f) Tree Removal: The submitted plans propose the removal of all trees within the area of the proposed development except two eucalyptus adjacent to the site's western boundary (i.e. Scenic Drive frontage). The two trees to be retained are established and clear of any of the building works. Within the western frontage, there are two additional established eucalyptus trees clear of the building works. While one of these trees has been determined as not worth while retaining due to its poor health, Council staff are of the opinion that the other established tree (i.e. to the south of the proposed substation) which is located in the front landscaped area is in good health and is sufficiently clear from any building works such that the works proposed will not have an adverse impact upon it. The Arborist Report (Moore Trees, April 2011) that was prepared as part of the SCCC development has also formed the same conclusion in terms of this trees health and condition at the time the assessment was undertaken in 2011. The retention of this tree aiding the provision of a green screen to the building when it is viewed from the west/Shoalhaven River. As such, requirements in relation to its retention and the fencing off of all existing trees to be retained prior to the commencement of any works should be conditioned on a development consent. One hollow bearing tree on the development site will also be removed. No concerns are raised with this trees removal based on the recommendations of the Arborist Assessment undertaken in 2011, subject to the impact mitigation measures in relation to hollow-bearing tree removal, that were recommended in the Flora and fauna assessment prepared by LesryK being incorporated within a development consent.
- g) Landscaping: A concept landscape plan has been submitted with the application. This plan details the use of timber, sandstone and sculptures within the main frontage of the site in an attempt to incorporate materials from the environment in which is located as well as the general plantings proposed around the development site. The western landscaped area (between Scenic Drive and the building's frontage) provides visual interest to the building frontage and has been used to enhance how the building presents to Scenic Drive. Concern is however raised with the submitted plan as it shows the

proposed landscape treatment extending to the top of the existing kerb. At present, there is a 1.2m wide concrete footpath provided adjacent to the top of kerb so as to enable safe pedestrian access along the frontage of the site. Any consent issued to be conditioned so as to require the landscaping along the site's frontage to be setback so it is adjacent to the existing footpath. Landscaping around the remainder of the building is a combination of trees and the mass planting of shrubs with groundcover. This landscaping is seen as sufficient to provide some shade and to further enhance the visual appearance of the building. Some additional landscaping/shade tree planting will be required around the perimeter of the car park areas. Concern is, however, raised that the submitted landscape plan does not provide sufficient details on the pot sizes proposed, number of plants proposed and identification of taps/irrigation systems to allow all landscaped areas to adequately watered. Any consent issued to be conditioned so as to require this additional detail to be provided prior to the issue of a Construction Certificate.

- h) Operating Hours: The applicant has advised that the proposed use/development will operate 7 days a week between the hours of 7.30am to 10.00pm Monday to Friday and 8.00am to 6.00pm Saturday and Sunday. Although these hours are greater than the adjoining SCCC which, based on its issued consent, operates 5 days a week from 7.30am to 5.30pm, no concerns are raised with the proposed hours as the site's location is within a hospital/medical precinct and given the separation that will exist between the proposed development and the closest sensitive receiver that is located approximately 115m to the south (2 North Street). This receiver is currently separated from the development by the SCCC development. Requirements in relation to operating hours as nominated by the applicant to be conditioned on a development consent.
- i) Land Owner's Consent: The application as submitted has provided consent from the owner of the properties (Health Administration Corporation) in the form of a letter from NSW Health Infrastructure. No concerns are therefore raised with land owner's consent.
- j) Flooding: The subject site is not identified as flood affected land on Council's mapping. As such, no further assessment in relation to flooding has been undertaken.
- k) Easements/Restrictions on the use of the land: A review of the Deposited Plans (DP) has indicated that the subject land is affected by a proposed easement for electrical purposes that is 20 metres wide and runs along the western/Scenic Avenue property boundary and covers Lot 102 and part of Lot 103. No works, apart from landscaping works and a substation to service the development are proposed in the vicinity of this easement. No restrictions on the use of the land are in place.
- l) Sediment and Erosion Control: A sediment and erosion control plan and associated specifications has been submitted with the development application. An assessment of the plan indicating that it has generally been prepared in accordance with the requirements of the Landcom manual "*Soils and Construction, Managing Urban Stormwater, Vol 1 4<sup>th</sup> Edition, March 2004*". Requirements in relation to the proposed measures being installed prior to the commencement of any works so as to ensure that no sediment leaves the site will be conditioned on a consent.

The submitted plan does, however, show that construction access for the development will not be gained from the site's existing access point which services the SCCC. It being proposed that access will be gained from an area to the north of this. The proposed access resulting in the temporary removal of three existing 90 degree car spaces

accessed from Scenic Drive. Given the temporary use no concerns are raised. However, separate approval must be gained from Council. Requirements in relation to this and the repair/reinstatement of infrastructure to be conditioned on a consent.

- m) **Safety and Security:** As per the requirements of Council's Safer by Design Guidelines, the applicant has undertaken an assessment to address the principles of Crime Prevention through Environmental Design (CPTED). A preliminary Safer by Design Crime Risk Assessment having regard for Safer by Design Principles has also been undertaken by Council staff. This assessment has determined that the design of the building has ensured that all elevations have been activated through the use of windows which will allow the passive surveillance of the adjoining areas. Fencing has only been used to restrict access to certain areas (i.e. the landscaped area adjacent to the building's northern elevation which will be fenced with gates provided to restrict access). In addition, access to the main public areas has been provided from the two main frontages of the site and has been defined through the use of landscaping and/or building materials (i.e. use of timber posts to symbolise the entry points). The grounds surrounding the building have been designed so they are visually open with the development's car parking and associated walkways being integrated into the site and providing a good visual connection between the building and the adjacent areas that will be used by occupants and visitors. In terms of territorial reinforcement, access, space management and surveillance opportunities, the proposed development has been classified as having low to medium risk rating and therefore, requires no modification and/or incorporation of features above what the applicant has outlined as part of their Statement of Environmental Effects to minimise the potential risk of crime and/or anti-social behaviour (i.e. fencing, lighting, CCTV on the building's eastern elevation to protect plant rooms, etc).
- n) **Green Star Rating:** The submitted application details that the development aims to achieve a 4 green star environmental rating in accordance with the Green Building Council of Australia (GBCA) requirements. However it is not intended to register its rating with GBCA. The green star rating system is a sustainability rating system for buildings that is voluntary and is intended to assist in lowering operating costs, reducing greenhouse gas emissions and improve the health and wellbeing of occupants. The 4 star rating that the building is aiming to achieve is out of a maximum of 6 and represents best practice in terms of performance, design/as built and interior. A condition in relation to the proposed target of 4 stars to be included on a development consent.
- o) **Climate Change:** No cumulative impacts are expected in regard to the proposed development that could further contribute to climate change. Furthermore, there are no risks relevant to the site that could potentially be exacerbated by climate change.

## **8. Referrals**

### **Internal:**

- **Development Engineer:** Concerns initially raised with the drainage design and the discharge onto the adjoining Crown Land. Amended information re-referred for comment. No objection to the updated plans subject to the imposition of recommended conditions relating to design standards for car parking, drainage, erosion/sediment control and construction management.

- Building Surveyor: No objection to the proposed works subject to the imposition of conditions relating to need for a Construction Certificate, Building Code of Australia compliance and Section 68 requirements.
- Shoalhaven Water: No objection to the proposal subject to the imposition of a condition on any consent issued relating to the requirements of Shoalhaven Water being complied with and the provided Shoalhaven Water Development Application Notice being issued concurrently with any development consent issued.
- Heritage Officer: No concerns raised in relation to heritage issues. Suggestion provided that additional plantings of Eucalyptus to the front of the building should be considered to provide a green screen to the building when viewed from the Shoalhaven River.
- Waste Management Officer: Concerns initially raised with clearances available for a front lift garbage truck to service the development. Discussions subsequently had with Council's waste services provider (SITA) where, on reviewing the plans, it was advised that a front lift garbage truck would be able to service the development. No conditions recommended.

#### **External:**

- NSW Rural fire Service: No objection to the proposed works and suggested conditions in relation to asset protection zones, water/utilities, emergency management, design/construction and landscaping provided (advice dated 27 September 2013).
- NSW Crown Lands: Concerns initially raised with information submitted, specifically in relation to the concentrated discharge from the development onto the adjacent property to the east which is Crown Land. Amended information re-referred for comment. No objection to the amended drainage design subject to the imposition of recommended conditions on any issued development consent in accordance with their advice (advice dated 15 November 2013).
- Endeavour Energy: No response to referral received at the time of writing this report.

## **9. Options**

The Joint Regional Planning Panel may:

- a) Resolve to approve the application subject to conditions (i.e. adopt the recommendations of this report including the draft conditions of consent provided or modify the provided conditions); or
- b) Resolve to refuse the application; or
- c) Write to the applicant requesting them to amend/modify the proposal and subject to the matters being satisfactorily resolved, a further report be submitted to the Joint Regional Planning Panel (Southern Region) for its consideration.

## **10. Conclusion**

This application has been assessed having regard to the Matters for Consideration under Section 79C of the Environmental Planning and Assessment Act 1979. Following a detailed assessment, it is considered that Development Application No RA13/1002 (2013STH020)

should be supported subject to suitable conditions being imposed on any issued development consent.

## 11. Recommendation

RECOMMENDED that, in respect of RA13/1002 (2013STH020) for a 'Medical Centre (GP Super Clinic) comprising a two storey building associated car parking, landscaping and support infrastructure', the application be approved as an operational development consent subject to conditions as contained in **Attachment 'A'**.



Signed: Andrew Lissenden  
Senior Town Planner  
Shoalhaven City Council  
Date: 3/12/13



Robert Russell  
Development Manager,  
Shoalhaven City Council  
Date: 3/12/13

# Attachment 'A'

## **NOTICE TO APPLICANT OF DETERMINATION OF APPLICATION DEVELOPMENT CONSENT**

**Environmental Planning and Assessment Act, 1979  
RA13/1002**

**TO:**

Grand Pacific Health  
No. 1/336 Keira Street  
WOLLONGONG NSW 2500

**being the applicant(s) for RA13/1002 relating to:**

Lot 102 and Lot 103 DP 1165533 Scenic Drive, Nowra

**APPROVED USE AND OR DEVELOPMENT:**

**Medical Centre (GP Super Clinic) comprising a two storey building associated car parking, landscaping and support infrastructure.**

**DETERMINATION DATE:**

Pursuant to the Section 81 of the Act, notice is hereby given that the above application has been determined by granting partial development consent, subject to the conditions listed below.

**CONSENT TO OPERATE FROM:**

**CONSENT TO LAPSE ON:**

**DETAILS OF CONDITIONS**

The conditions of consent and reasons for such conditions are set out as follows:



## **PART A**

### **CONDITIONS OF A GENERAL NATURE, INCLUDING A DESCRIPTION OF THE PROPOSED DEVELOPMENT**

#### **General**

1. This partial consent relates to a medical centre (GP Super Clinic) comprising a two storey building associated car parking, landscaping and support infrastructure as illustrated on the plans, specifications and supporting documentation with the following references:
  - Project 12-0034, DA1B – Site Analysis Plan, dated 21/8/13;
  - Project 12-0034, DA2C – Part Site Plan, dated 8/11/13;
  - Project 12-0034, DA3D – Ground Floor Plan, dated 8/11/13;
  - Project 12-0034, DA4C – Upper Floor Plan, dated 28/8/13;
  - Project 12-0034, DA5B – Roof Plan, dated 28/8/13;
  - Project 12-0034, DA6B – Elevations, dated 28/8/13;
  - Project 12-0034, DA7B – Elevations, dated 28/8/13;
  - Project 12-0034, DA8B – Sections, dated 28/8/13;
  - Project 12-0034, DA9A – Perspectives, dated 15/8/13;
  - Project 12-0034, External Colour Scheme, dated 1/11/13;
  - Drawing 1467-LD01A, Sheet 1 of 2 – Landscape Concept Plan (Ground Level), dated 17/07/13;
  - Drawing 1467-LD02A, Sheet 2 of 2 – Landscape Concept Plan (Upper Level), dated 09/08/13
  - Job No: 130662, Drawing Number: C1.01 (Cover Sheet, Drawing Schedule and Site Location), Revision 5, dated: 14/11/13;
  - Job No: 120134, Drawing Number: C1.02 (Specification Notes), Revision 3, dated: 14/11/13;
  - Job No: 120134, Drawing Number: C2.01 (Sediment and Erosion Control Plan), Revision 5, dated: 14/11/13;
  - Job No: 120134, Drawing Number: C2.11 (Sediment and Erosion Control Details), Revision 6, dated: 14/11/13;
  - Job No: 120134, Drawing Number: C3.01 (Siteworks Plan), Revision 4, dated: 14/11/13;
  - Job No: 120134, Drawing Number: C3.11 (Siteworks Details and Sections), Revision 4, dated: 14/11/13;
  - Job No: 120134, Drawing Number: C4.01 (Stormwater Management and Finished Levels Plan), Revision 5, dated: 14/11/13;
  - Job No: 120134, Drawing Number: C4.02 (Stormwater Outfall Plan and Details), Revision 1, dated: 14/11/13;
  - Job No: 120134, Drawing Number: C4.05 (Stormwater Catchment Plan), Revision 2, dated: 14/11/13;
  - Job No: 120134, Drawing Number: C4.11 (Stormwater Details Sheet 1), Revision 4, dated: 14/11/13;
  - Job No: 120134, Drawing Number: C4.11 (Stormwater Details Sheet 2), Revision 3, dated: 14/11/13; and
  - Nowra GP Super Clinic Statement of Environmental Effects, dated August 2013 (Final Rev3), by Locale Consulting Pty Ltd.

stamped with reference to this consent, as modified by the following conditions. The development shall be carried out in accordance with this consent.

**Notes:**

- *Any alteration to the plans and/or documentation shall be submitted for the approval of Council. Such alterations may require the lodgement of an application to amend the consent under s96 of the Act, or a fresh development application. No works, **other than those approved under this consent**, shall be carried out without the prior approval of Council.*
  - *Where there is an inconsistency between the documents lodged with this application and the following conditions, the conditions shall prevail to the extent of that inconsistency.*
2. The use of the **medical centre (GP Super Clinic) comprising a two storey building associated car parking, landscaping and support infrastructure** shall not commence until all relevant conditions of development consent have been met or unless other satisfactory arrangements have been made with Shoalhaven City Council (i.e. a security).

**Occupation Certificate**

3. An Occupation Certificate must be issued by the Principal Certifying Authority (PCA) before the building(s) is used or occupied.

**Note:**

- *Refer to Part E (Conditions that must be complied with before an Occupation Certificate can be issued or building occupied) of this development consent for additional requirements in relation to the above condition.*
- *The issue of an Occupation Certificate is the 'nominated date of commencement' for the purposes of this development consent*

**PART B****CONDITIONS THAT MUST BE COMPLIED WITH BEFORE WORK CAN COMMENCE****Principal Certifying Authority/Construction Certificate**

4. The following must be undertaken before any building works (i.e. construction of dust extractor) can commence:
- a) A Principal Certifying Authority (PCA) must be appointed; and
  - b) A Construction Certificate must be obtained from either Council or an accredited certifier.

**Notice of Commencement**

5. Notice must be given to Council **at least two (2) days** prior to the commencement of building work.
- *If appointment as PCA, **Shoalhaven City Council WILL NOT INSPECT any building work unless evidence of indemnity insurance has been provided.** A copy of the Certificate of Insurance will suffice.*

### **Supervision of Works**

6. Prior to the commencement of any works, Shoalhaven City Council shall be advised in writing of the name of a designated person/company nominated by the applicant to be responsible for construction of all engineering works including erosion and sediment control measures. This must include the provision of a 24 hour contact number for the designated person/company

### **Sign – Supervisor contact details**

7. Prior to the commencement of any building works, the person/company responsible for the construction of all works must erect a sign at the front of the property/site in a visible position with that person/company's name, license number, site address and contact number, and the name of the Principal Certifying Authority, accreditation number and telephone number, where the Principal Certifying Authority is not the Council.

*Note: This condition is prescribed under the Environmental Planning and Assessment Regulation 2000.*

### **Builders' Toilet**

8. Before commencing building operations, a builder's water closet accommodation must be provided to Council's satisfaction.

A chemical toilet may be used on the site or alternatively the site may be provided with temporary closet accommodation connected to Council's sewer where sewer is available and operational.

Under no circumstances will pit toilets or similar be accepted by Council.

### **Fencing**

9. The building site/area where construction works are being undertaken is to be fenced (in accordance with WorkCover requirements) prior to the commencement of construction with a fence suitable to keep members of the public and unauthorised people out.

### **Existing services/damage to public assets (all stages)**

10. Prior to the commencement of any work(s) associated with this development, the developer or their agent must:
  - a) Check that the proposed works are not affected by any Council, Integral Energy, telecommunications, gas service or other services. Any required alterations to services as a consequence of undertaking works under this consent will be at the developer's expense. In addition, any repair or damage to services will be at the developer's expense; and
  - b) Undertake a site inspection and document any evidence of damage to the public assets prior to commencement of work. A copy of the inspection documentation is to be provided to Council prior to the commencement of works. Failure to adequately identify existing damage will result in all damage detected by Council after completion of the work being repaired at the developer's expense.

### **Soil and Water Management**

11. Prior to the commencement of any works, the relevant sedimentation and erosion controls required by this consent must be implemented, inspected and approved by the PCA and maintained until the work is completed and the site stabilised.

***Vegetation to be retained***

12. a) Prior to the commencement of any works, the existing trees that are identified on the approved plans to be retained (refer to drawing with reference Project 12-0034, DA2C – Part Site Plan, dated 8/11/13 as amended in red) must to be marked with temporary barrier fencing extending a minimum of 1m external to the base of the tree. This must be inspected and approved by the Principal Certifying Authority. The temporary barrier fencing is to be maintained during the construction period. No vehicles and machinery are permitted to enter the fenced areas.
- c) No excavation is to occur inside the drip line of the tree to be retained unless essential, in which case all excavation is to be by hand to protect and retain tree roots. No vehicles and machinery are permitted to enter the fenced areas.

***Clearing Works***

13. A suitably qualified ecologist must be on site during the removal of the hollow bearing tree (identified as Tree No.79 in the *Flora and fauna assessment, proposed rezoning* prepared by LesryK Environmental Consultants, dated August 2010). The ecologist must provide information on the most suitable removal method and be on site during the removal process to check any hollows for sheltering animals (before and after the tree has been felled).
14. Nest boxes of appropriate dimensions and design to mimic the hollows to be removed must be installed prior to the felling of the hollow-bearing tree in consultation with the suitably qualified environmental consultant supervising the clearing works. The nesting boxes must be erected in the adjacent bushland/vegetation. The nesting boxes must be monitored for a period of two years with any damaged boxes or boxes occupied by exotic species being replaced. Details must be submitted to Council prior to the commencement of works on the suitably qualified ecologist to be used, the nesting box locations and the monitoring program for two years.

***Construction Management Plan (Traffic & Parking)***

15. Details of the proposed method of dealing with construction traffic are to be submitted to Council and approval obtained prior to the commencement of any works on the site. The details shall include, but are not limited to, the following.
  - a) Confirmation of stabilised site construction access location;
  - b) Proposed haulage routes for delivery of materials to the site and spoil disposal from the site.
  - c) Estimated timing of construction works in the form of a Gant chart or similar;
  - d) Parking arrangements for construction employees and contractors noting that all vehicles associated with the construction process must be contained within the site; and
  - e) Details on any maintenance/rectification works that will be required (i.e. to kerb and gutter, etc) and a written undertaking that these works will be completed to Council's satisfaction prior to occupation/use of the approved development.
16. If a construction work zone is required (i.e. where access is required which impacts upon existing car parking arrangements in Scenic Drive or where loading and unloading is not possible on site) then approval is required from the relevant road authority (Shoalhaven City Council). The proponent must obtain approval before the commencement of any works on the site. An approval for the work zones may be given for a specific period and certain hours of the day to meet the particular needs for the site for such facilities at various stages of construction.

## PART C

### CONDITIONS THAT MUST BE COMPLIED WITH BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED

#### ***Contributions for Additional Services and/or Facilities***

17. This development will generate a need for additional services and/or facilities as described in Council's *Contributions Plan 2010*, as itemised in the following tables.

Project	Description	Calculation	Amount
CWFIRE2001	Citywide Fire and Emergency Services	\$120.81 * 7.18	\$867.42
CWFIRE2002	Shoalhaven Fire Control Centre	\$176.75 * 7.18	\$1,269.07
CWMGMT3001	Contributions Management & Administration	\$502.40 * 7.18	\$213.65 (Capped at 10%)
			<b>\$2,350.13</b>

Contribution rates are adjusted annually on 1<sup>st</sup> July in accordance with the indexation formula indicated in the Contributions Plan (currently the implicit price deflator) and the total contribution levied **will be adjusted accordingly at the time of payment**. (i.e. contributions are calculated on the rate applicable at the date of payment, **not** the date of development consent.)

A total contribution, currently assessed at the sum of \$2,350.13 or as indexed in future years shall be paid to Council **before the issue of a Construction Certificate**.

*Contributions Plan 2010* may be inspected at the Council Administrative Offices, Bridge Road, Nowra and Deering Street, Ulladulla.

#### ***Section 68 Approval***

18. a) An application pursuant to Section 68 of the Local Government Act 1993 is required to be made for any works involving water, sewerage and stormwater drainage prior to the issue of a Construction Certificate. In this regard full hydraulics plans/details complying with AS3500 that have been prepared by a properly qualified and practising hydraulics engineer are to be submitted to Council for assessment; and
- b) No water, sewerage and stormwater drainage works are to commence until such time as a Section 68 Approval has been obtained.

#### ***Landscaping – additional plantings***

19. a) The applicant must lodge an amended landscape plan with Council prior to the issue of a Construction Certificate. The plan may be approved by Council or an accredited certifier. The amended landscape plan must include the following **additional** works/details:
- The retention of the existing tree along the Scenic Drive frontage of the site that has been identified as 77 (Red Bloodwood) in the Arborist Development Assessment Report, prepared by Paul Vezgoff, dated 5 April 2011;
  - The setback of all landscaping along the Scenic Drive Frontage of the site to behind the existing 1.2m wide footpath that is located adjacent to the top of kerb;
  - The provision of shade trees within the landscaped area adjoining car space 2, 5, 8, 12, 16, 19, 65, 61, 57, 52 and 50. The trees to be planted must have a single

straight trunk to a minimum of 1m before branching occurs and have a minimum calliper size of 60cm and be a minimum 75 litre pot size. The location and species (including height at maturity) is to be detailed on the approved plan;

- Details on the specific species, number of plants and pot sizes for the plantings as shown the approved landscape plan. In this regard all trees identified on the approved landscape plan must be a minimum of 75 litre pot size and all ;
  - Mulching of all landscaped areas to a depth of 75mm;
  - Location of common tap/taps/irrigation system to permit all landscape works to be adequately watered;
  - Landscaping of the site must comply with the principles of Appendix 5 of 'Planning for Bushfire Protection 2006'; and
  - A maintenance plan for a 26 week period.
- b) Landscaping must be carried out on the land in accordance with the approved plan (i.e. as amended by part a) of this condition).

### ***Shoalhaven Water (Water and/or Sewer requirements)***

20. Prior to issue of a Construction Certificate all conditions listed on the Shoalhaven Water Development Application Notice under the heading "PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE" must be complied with and accepted by Shoalhaven Water. **The authority issuing the Construction Certificate for the development shall obtain written approval from Shoalhaven Water allowing a Construction Certificate to be issued.**

**Note:** Relevant details, including **monetary** contributions (where applicable) under the Water Management Act 2000, are given on the attached Notice issued by Shoalhaven Water.

For further information and clarification regarding the above please contact Shoalhaven Water's Development Unit on (02) 4429 3111.

## ***PART D***

### **CONDITIONS RELATING TO THE APPROVED WORK AND SITE MANAGEMENT**

#### ***Building Code of Australia***

21. All building work must be carried out in accordance with the requirements of the Building Code of Australia.

**Note:** *This condition is prescribed under the Environmental Planning and Assessment Regulation 2000.*

#### ***Design Standards***

22. The following design standards must be complied with:

- a) Engineering design plans and specifications for the internal civil works referred to in this consent must be submitted to an accredited certifier (Private Certifier or Shoalhaven City Council) for approval;
- b) Engineering design plans and specifications for the external civil works (i.e. within the road reserve) referred to in this consent must be submitted to Shoalhaven City Council for approval;
- c) All civil works are to be in accordance with DCP100 Council's Engineering Design Specifications and Development Construction Specifications current at the time of construction unless otherwise specified in this consent;

- d) Road, drainage and other civil works referred to in this Consent within the road reserve and on public or private land shall be prepared by a suitably qualified practising engineer or surveyor; and
- e) All work must be carried out in accordance with the approved plans.

***Road Reserve, Footpath & Gutters***

23. Existing roads, footpaths and reserves adjacent to and nearby the site shall be kept clear of soil, debris, materials and equipment except in accordance with the Traffic Control Plan or as otherwise approved in writing by Council.

***Soil and Water Management***

24. All practical measures must be taken to ensure erosion and subsequent sediment movement off-site does not occur (e.g. sediment fences, etc).

In particular, a silt fence or equivalent must be provided downhill from the cut and fill area (or any other disturbed area). The fence must be regularly inspected and cleaned out and/or repaired as necessary and all collected silt must be disposed of to the satisfaction of the Principal Certifying Authority (PCA).

Unnecessary disturbance of the site (eg excessive vehicular access) must not occur.

All cuts and fills must be stabilised or revegetated as soon as possible after the completion of site earthworks.

All the above requirements must be to the satisfaction of the PCA.

***Construction Hours/Vehicles***

25. a) To limit the impact of the development on adjoining owners, all construction work shall be restricted to the hours of 7.00am to 6.00pm Monday to Friday and 8.00am to 3.00pm Saturdays. No construction work shall take place on Sundays or Public Holidays; and.
- b) All construction vehicles and equipment shall be kept within the confines of the site.

***Waste Minimisation and Management***

26. All waste must be contained within the site during construction and then be recycled in accordance with the approved Waste Minimisation and Management Plan (WMMP) or removed to an authorized/approved waste disposal facility. No waste shall be placed in any location or in any manner that would allow it to fall, descend, blow, wash, percolate or otherwise escape from the site.

Compliance with the WMMP shall be demonstrated by the retention of relevant receipts. These must be submitted to Council, upon request.

*Note: "Waste" has the same meaning as the definition of "Waste" in the Protection of the Environment Operations Act 1997.*

***Dust Management***

27. Dust emissions shall be confined within the site boundary. The following dust control procedures may be employed to comply with this requirement.
- a) Erection of dust screens around the perimeter of the site;
  - b) Securely covering all loads entering or exiting the site;

- c) Use of water sprays across the site to suppress dust;
- d) Covering of all stockpiles of soil remaining more than 24 hours; and
- e) Keeping excavation surfaces moist.

***Internal Driveway, Car Park Design and Construction***

28. The internal off street car parking area must:

- a) Be constructed, line marked and signposted in accordance with AS2890.4:2004 and AS2890.6:2009 (this including the marking of the turning bays). The general off-street car park layout shall be as shown on the plan with reference Project 12-0034, DA2C – Part Site Plan, dated 8/11/13;
- b) Provide a minimum of 65 constructed car spaces including 3 disabled car parking space;
- c) Provide bicycle parking/storage area as shown on the plan with reference Project 12-0034, DA3D – Part Site Plan, dated 8/11/13
- d) Be designed with a flexible pavement, surfaced with 30mm of AC10 asphaltic concrete or two coat bitumen seal using 14mm and 7mm aggregate;
- e) Be constructed for a minimum traffic loading of  $1 \times 10^5$  ESA's and match into the existing;
- f) Be bordered by concrete kerbing, except where surface run-off is concentrated, in which case concrete integral kerb and gutter shall be constructed. The work must comply with Council's Plan No. SC 263710 and SC 263709. The minimum radius for all kerbs and islands shall be 1m; and
- g) Have wheel stops provided to all parking spaces in accordance with AS2890.1.

***Stormwater Drainage Design***

29. The stormwater drainage must be constructed in accordance with Northrop stormwater design plans with Job number W120134, Civil Design, dated 14-11-13 and comply with the following requirements:

- a) Detailed design of permanent stormwater pipelines and quality improvement devices shall be certified by an Engineer who has current NPER-III registration or who can demonstrate the appropriateness of the proposed design for the site; and
- b) Runoff currently entering the site from uphill properties shall not be obstructed nor redirected from entering the site to increase the quantity or concentration of surface runoff entering adjoining properties, other than by works in accordance with a plan approved by Council;
- c) The stormwater outflow design as shown on drawing with reference Job No: 120134, Drawing Number: C4.02 (Stormwater Outfall Plan and Details), Revision 1, dated: 14/11/13 must be constructed such that:
  - i) The gradient of rock work area at the stormwater outlet as shown on the approved drawing is designed and constructed to ensure the even spread of water from the outflow of the pipe to the 15m edge of the rock work; and
  - ii) Rock placement as shown in the approved drawing must be such that all sizes of rock used are able to withstand movement by the stormwater under the design event.
- d) On-site detention storage for stormwater runoff from the site must:
  - i) incorporate lockable access for maintenance and a suitably graded invert to prevent ponding; and
  - ii) Be able to withstand a T44 load as defined in Austroad's Bridge Design requirements.



**Crown Land Requirements**

30. No activities are to be undertaken on the adjoining Crown Land to the east (Lot 104 DP 1165533). In this regard the applicant/developer must not:
- a) Encroach upon the adjoining Crown Land;
  - b) Remove any vegetation from the adjoining Crown Land;
  - c) Stockpile materials, equipment or machinery on the adjoining Crown Land;
  - d) Use the adjoining Crown Land as access;
  - e) Direct contaminated waste on the adjoining Crown Land; and
  - f) Use the adjoining Crown Land as asset protection zones.

**Bushfire Requirements**

31. The following works/requirements relating to bushfire measures must be complied with:
- a) At the commencement of building works the entire property must be managed as an inner protection area (IPA) as outlined within Section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones';
  - b) Water, electricity and gas provisions are to comply with the Section 4.1.3 of 'Planning for Bush Fire Protection 2006';
  - c) An Emergency/Evacuation Plan is to be prepared in accordance with the NSW Rural Fire Services document 'Guidelines for the Preparation of Emergency/Evacuation Plan' and comply with Australian Standard AS4803 1997 'Planning for Emergencies for Health Care Facilities'; and
  - d) New construction must comply with Sections 3 and 5 (BAL 12.5), Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.

**Colour Schedule/Exterior Materials**

32. a) The approved building must be constructed in accordance with the approved schedule of colours and building materials and finishes; and
- b) The light reflectivity from any building materials used on the facades of the building shall not exceed 20% and must be designed so as to not result in glare that causes any nuisance or interference to any person or place.

**Approval of Regulatory Signage and Pavement Markings**

33. Details of proposed line markings and regulatory signs within the road reserve, car park and loading bay must be submitted to Council for approval and approval obtained prior to their installation. This will include referral to the Shoalhaven Traffic Committee, and subsequently the formal adoption by Council.

*Note: Six to eight weeks should be allowed for this process.*

**Lighting – Internal Driveway and Car Parking Areas**

34. All outdoor lighting must be provided to the internal driveways and visitor car parking areas in accordance with:
- a) AS/NZS 1158.3: 1999 Road Lighting - Pedestrian area (Category P) lighting - Performance and installation design requirements; and
  - b) AS4282: 1997 Control of the obtrusive effects of outdoor Lighting.

Particular attention shall be given to all entry/exit points as well as the general interior lighting levels and all pedestrian areas.

### ***Aboriginal Cultural Heritage***

35. If Aboriginal objects are identified during the development of the subject land, works must stop and a suitably qualified archaeologist notified immediately to assess the finds. The finds must be reported to the NSW Office of Environment and Heritage (OEH) and further approvals, if required, obtained prior to the recommencement of works.
36. If human remains are discovered during the development of the subject land, the findings must be reported immediately to the NSW Coroner's Office and/or the NSW Police. If the remains are suspected to be Aboriginal, OEH must be contacted and a specialist consulted to determine the nature of the remains

### ***Ecological Sustainable Development***

37. The approved development shall target a design rating of a 4 star - green star rating from the Green Building Council of Australia.

### ***Easements/Restrictions as to User – 88b***

38. The applicant shall comply with the requirements of the easements and restrictions-as-to-user placed over the title at the time of subdivision and as amended.

## ***PART E***

### **CONDITIONS THAT MUST BE COMPLIED WITH BEFORE AN OCCUPATION CERTIFICATE CAN BE ISSUED**

39. Prior to the issue of an Occupation Certificate for the approved development the following must be complied with and completed:
- a) The requirements of conditions 19(b) (Landscaping), 28 (Internal Driveway, Carpark Design and Construction), 29 (Site Drainage Design), 31 (Bushfire Requirements), 32 (Colour Schedule/Exterior Materials), 33 (Approval of Regulatory Signage and Pavement Markings), 34 (Lighting – Internal Driveway and Car Parking Area) and 50 (Control of Regulatory Parking); and
  - b) A Certificate of Compliance must be obtained from Shoalhaven Water;
  - c) Written approval must be obtained from Shoalhaven Council advising that the road reserve area in the vicinity of the development and the adjoining kerb/gutter and footpath within Lot 102 and Lot 103 DP 1165533 has not been damaged as a result of the development works and is in a satisfactory condition.

**Note:** Any infrastructure within the road reserve, along the frontage of the subject site or within close proximity in the road reserve which has been damaged as a result of construction works associated with the approved development, is to be repaired by the applicant at their cost.

## **PART F**

### **CONDITIONS THAT RELATE TO ONGOING MANAGEMENT OF THE PROPOSED DEVELOPMENT**

#### ***Site Management and Maintenance***

40. The proprietor/operator must at all times be responsible for on-going site management and maintenance in accordance with the following:
- a) loading and unloading in relation to the use of the premises must occur within the subject site (i.e. in the designated loading areas);
  - b) goods or machinery must be stored, and all activities must occur, inside the building(s) and not in the carpark or drive way areas;
  - c) activity on the site must not impact upon the amenity of any adjoining property or tenancy by reason of the emission of noise, dust, fumes, odour, vibration, electrical interference or otherwise;
  - d) removal of all graffiti within a maximum of 14 days of being notified by Council;
  - e) The storage of the waste bins (i.e. ongoing waste, recycling waste and medical waste) within the approved waste storage area so they are not visible from a public place;
  - f) maintenance of all:
    - vehicular movement areas including driveways, carparking, manoeuvring areas and line marking to the standard specified in this consent;
    - stormwater drainage pipes and systems to ensure efficient discharge of stormwater in accordance with the approved stormwater drainage plans including on-site detention and associated stormwater pollution control devices being maintained;
    - signs and lines; and
    - buildings, fencing to the standards outlined in the development application and/or specified in this consent and/or earlier development consent that are still applicable.

#### ***Hours of Operation***

41. The hours of operation of the approved use are restricted to:
- a) Monday to Friday between the hours of 7.30am to 10.00pm; and
  - b) Saturday and Sunday between the hours of 8.00am to 6.00pm.

#### ***Annual Fire Safety Certificate***

42. An annual Fire Safety Statement must be given to Council and the NSW Fire Brigade commencing within 12 months after the date on which the initial interim/final Fire Safety Certificate is issued. This must ensure that essential services installed in the building for the purpose of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard.

#### ***Bushfire Requirements***

43. In perpetuity the entire property must be managed as an inner protection area (IPA) as outlined within Section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'

### ***Waste Disposal***

44. Waste materials generated from the approved development must be managed/disposed of in accordance with the:
- a) Waste management measures as detailed in the approved Statement of Environmental Effects; and
  - b) The requirements of the *NSW Health – Policy Directive 2005\_132: Waste Management Guidelines for Health Care Facilities 2005* and any associated amendments.

### ***Noise***

45. The use of the approved development must not give rise to transmission of unacceptable vibration or an offensive noise to any place of different occupancy or the public in accordance with the NSW Environment Protection Authority's Environmental Noise Control Manual and Industrial Noise Policy 2000 and The Protection of the Environment Operations Act 1997 (NSW).

### ***Kerb/Gutter and Footpath Maintenance***

46. The kerb/gutter and adjoining footpath area in front of the proposed development (i.e. between the developments access from Scenic Drive and the sites northern property boundary) that are located within Lot 102 DP 1165533 and Lot 103 DP 1165533 must be maintained by the landowner as and when required.

### ***Neighborhood Amenity***

47. Suitable measures shall be taken to ensure that there is no adverse effect to occupants of adjoining buildings and the public and that no injury shall be caused to the amenity of the neighbourhood by the generation and emission of noise, smoke, smell, vibration, gases, vapour, odours, dust, particulate matter or other impurities which are a nuisance or injurious or dangerous or prejudicial to health, the exposure to view of any unsightly matter or otherwise.

### ***Car Parking***

48. a) The public/client car parking area located to the south of the building (car spaces 1 to 33 as shown on the plan with reference Project 12-0034, DA2C – Part Site Plan, dated 8/11/13) must allow for unimpeded access and be available for use by patrons/clients of the development during operating hours.
- b) The staff/client car parking area located to the east of the building (car spaces 34 to 65 as shown on the plan with reference Project 12-0034, DA2C – Part Site Plan, dated 8/11/13) must allow access to patients as detailed in the email from Goldie Consulting Pty Ltd dated 4 November 2013.

### ***Signage***

49. No signage other than what has been approved as part of this development consent or that is considered to be exempt from requiring development consent under Development Control Plan No.82 – A Signage Strategy for the City of Shoalhaven, is approved as part of this development application.

### ***Control of Regulatory Parking***

50. The applicant/operator must enter into and maintain an ongoing arrangement with Shoalhaven City Council to make provision for the enforcement of the 2 hour timed

parking within the area shown on the plan with reference Job No: 120134, Drawing Number: C3.01 (Siteworks Plan), Revision 4, dated: 14/11/13 (i.e. by way of licence or other arrangement).

## **PART F**

### **REASONS FOR CONDITIONS**

#### ***Conditions of consent have been imposed to:***

1. Ensure the proposed development:
  - a) achieves the objects of the Environmental Planning and Assessment Act, 1979;
  - b) complies with the provisions of all relevant environmental planning instruments;
  - c) is consistent with the aims and objectives of Council's Development Control Plans, Codes and Policies.
2. Ensure that the relevant public authorities and the water supply authority have been consulted and their requirements met or arrangements made for the provision of services to the satisfaction of those authorities.
3. Meet the increased demand for public amenities and services attributable to the development in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979.
4. Ensure the protection of the amenity and character of land adjoining and in the locality of the proposed development.
5. Minimise any potential adverse environmental, social or economic impacts of the proposed development.
6. Ensure that all traffic, carparking and access requirements arising from the development are addressed.
7. Ensure the development does not conflict with the public interest.

## **PART G**

### **ADVICE ABOUT RIGHTS OF REVIEW AND APPEAL**

#### ***Development Consent under Environmental Planning and Assessment Act, 1979***

*Under section 82A of the Environmental Planning and Assessment Act, 1979 an applicant may request the council to review its determination except where it relates to a complying development certificate, designated development or integrated development. The request must be made **within twelve (12) months** of the date of the receipt of the determination, with a prescribed fee of 50% of the original DA fee.*

*Section 97 of the Environmental Planning and Assessment Act, 1979 confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court which can be exercised **within twelve (12) months** after receipt of this notice.*

### **Approvals under Local Government Act, 1993**

*Section 100 of the Local Government Act, 1993 provides that an applicant may request Council to review its determination of an application.*

*Section 176 of the Local Government Act, 1993 provides that an applicant who is dissatisfied with the determination of the Council may appeal to the Land and Environment Court. The appeal must be made within **twelve (12) months** of the date of determination.*

## **PART H**

### **ADVICE ABOUT WHEN THIS CONSENT LAPSES**

*This consent is valid for five years from the date hereon.*

*In accordance with Section 95 of the Act, development consent of the erection of a building does not lapse if building, engineering or construction work relating to the building or work is physically commenced on the land to which the consent applies before the lapse date.*

## **PART I**

### **GENERAL ADVICE TO APPLICANT**

#### **Disability Discrimination Act 1992**

This application has been assessed in accordance with the Environmental Planning & Assessment Act, 1979. No guarantee is given that the proposal complies with the Disability Discrimination Act 1992.

The applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation.

The Disability Discrimination Act covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS1428.1 - "Design for Access and Mobility". AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the Disability Discrimination Act currently available in Australia.

#### **Disclaimer – s88B restrictions on the use of land**

The applicant should note that there could be covenants in favour of persons other than Council restricting what may be built or done upon the subject land. The applicant is advised to check the position before commencing any work.

Under clause 37 of Shoalhaven Local Environmental Plan 1985 agreements, covenants or instruments that restrict the carrying out of the proposed development do not apply to the extent necessary to enable the carrying out of that development, other than where the interests of a public authority is involved.

#### **Inspections**

If Council is the appointed PCA for this project, a minimum twenty-four (24) hours notice must be given to Council to make an inspection of the work.

***DBYD Enquiry - 'Dial Before You Dig'***

In order to avoid risk to life and property it is advisable that an enquiry be made with "Dial Before You Dig" on 1100 or [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au) prior to any excavation works taking place to ascertain the location of underground services.

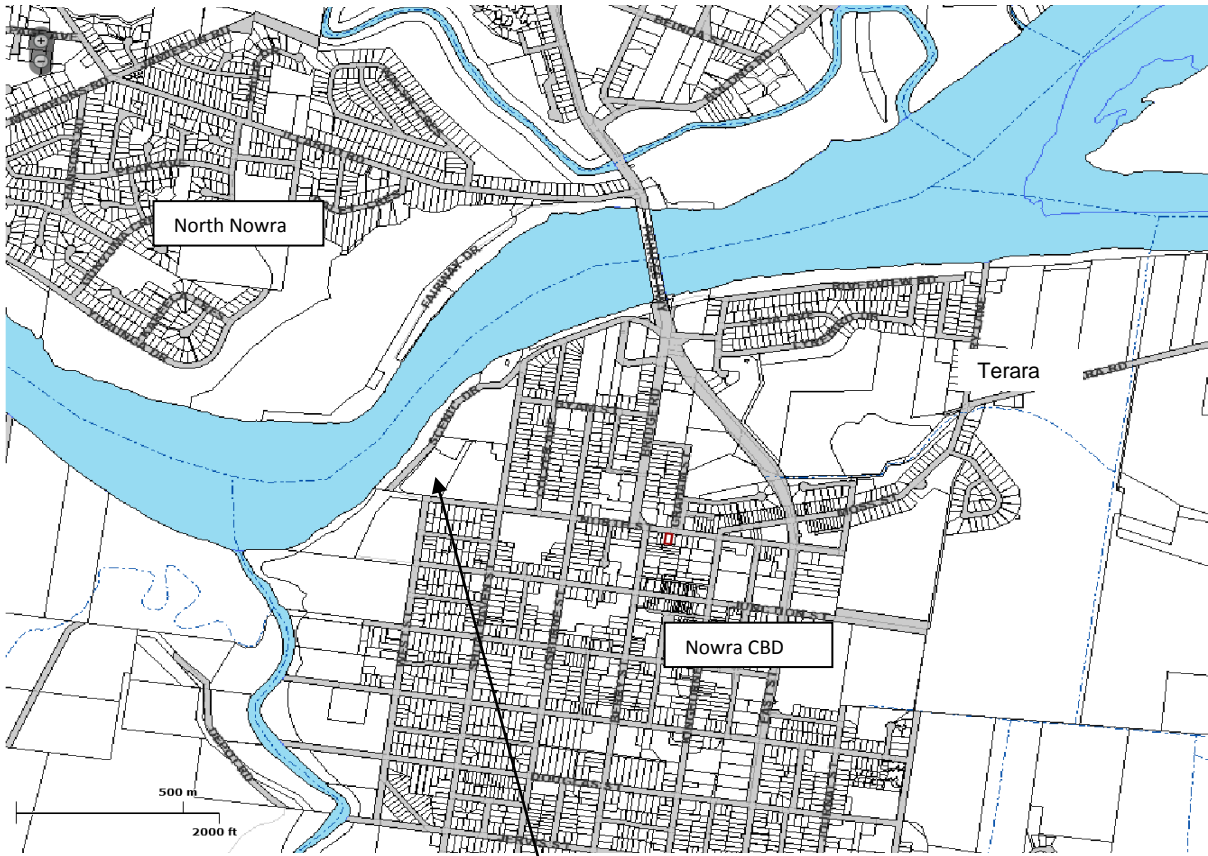
***Privacy Notification***

Personal information contained on this Development Consent and any associated documents will be published on Council's website as required by the Government Information (Public Access) (GIPA) Act 2009.

## Attachment 'B'



Location Plan



Subject Site

Location and Zoning Plan

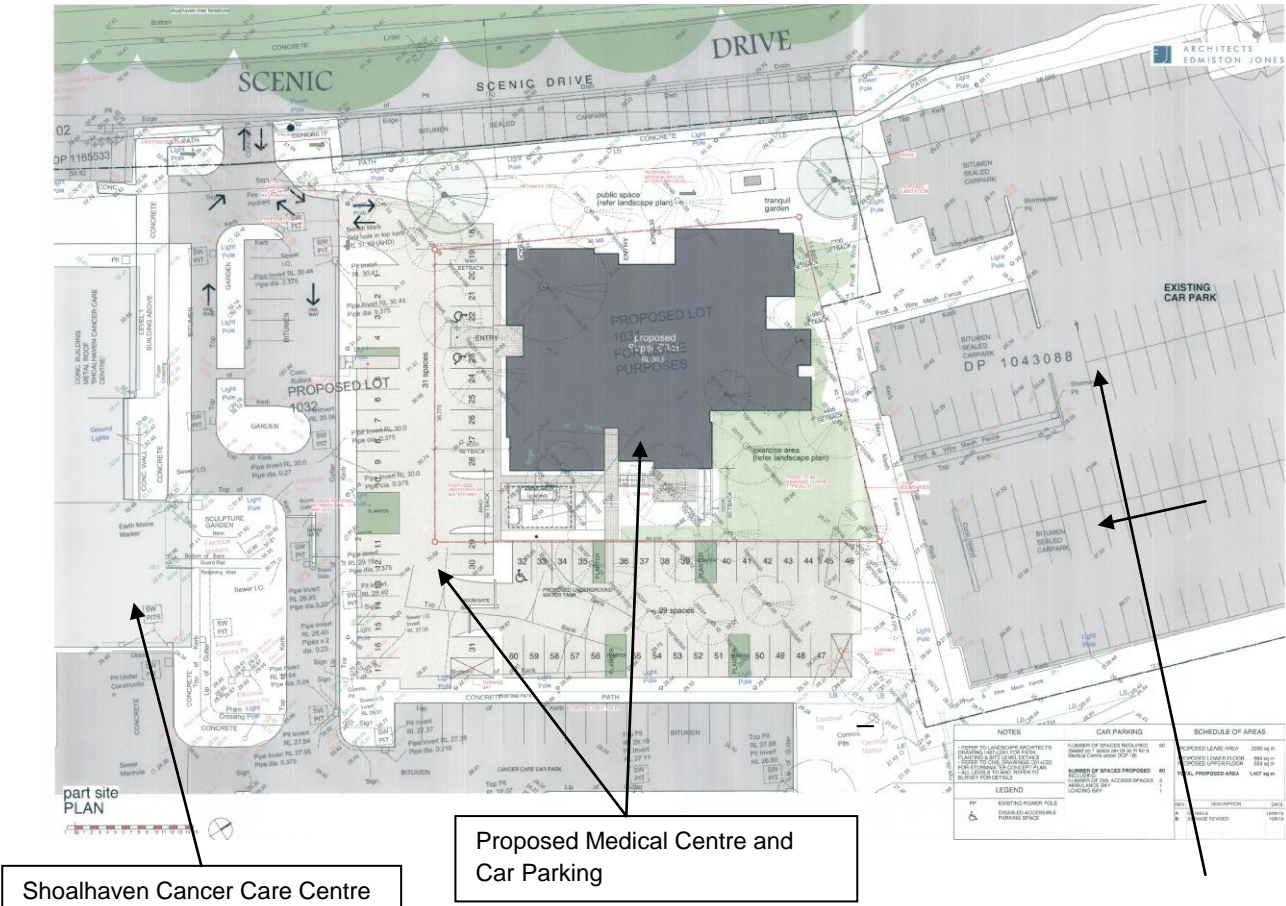


Subject Site

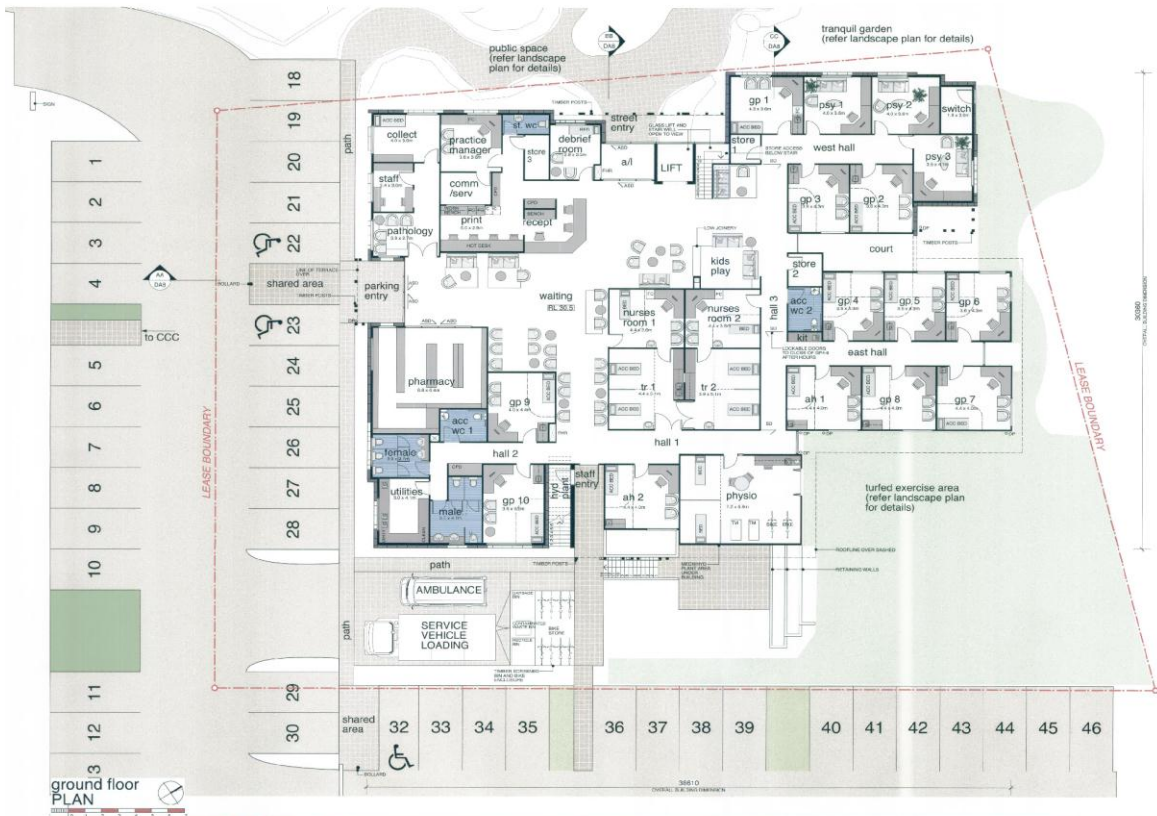
## Attachment 'C'



Site Layout Plan



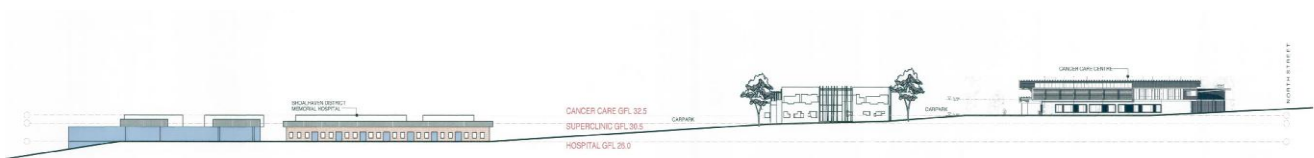
Ground Floor Plan



First Floor Plan



Elevations



Scenic Drive Elevation



Elevations

