

**DEVELOPMENT APPLICATION 10.2015.136 – HOSPITAL AND AGED CARE FACILITY ALTERATIONS AND EXTENSIONS – 51-55 BALFOUR & 12-22 EDWARD STREETS CULCAIRN**

**Report by Director Environment and Planning - Mr Colin Kane**

**REASON FOR REPORT**

The purpose of this report is to inform the Southern Region Joint Regional Planning Panel (JRPP) of the above development application which is to be reported to the JRPP.

**REFERENCE TO DELIVERY PLAN ACTION**

Strategy 7.8 Provide efficient and effective environmental health and building services to the community.

Action 7.8.1 Process all developments applications as submitted.

**DETAILS OF PROPOSAL**

Council has received a development application from NSW Health Infrastructure for a major expansion of Culcairn Hospital and Kiltearn House to accommodate a new Inpatient Unit (IPU) and Residential Aged Care (RAC) facility at the existing Multi-Purpose Service (MPS) facility. The proposed development includes 7 inpatient beds, 16 residential aged care rooms, 7 acute care bays and a community health facility. Other facilities include staff zones, staff amenities, store rooms, clinical areas and support and mortuary zones. The proposal will result in the complete demolition and re-construction of the hospital building. Plans and detailed Statement of Environmental Effects are attached.

The property is situated between 51-55 Balfour and 12-22 Edward Streets Culcairn containing Lot: 2-4 Sec: 4 DP: 5523, Lot: 15-20 Sec: 4 DP: 5523, Lot: 1 DP: 878659 & Lot: 1 DP: 862523. The surrounding land is developed with residential dwellings. The subject land is zoned Village RU5 under Greater Hume Local Environmental Plan 2012 (GHLEP 2012) and is identified to be within the Culcairn Flood Study area.

As the proponent for the development is the Crown and the value of the development will exceed \$5 million (\$17,939,114 estimated cost), the Southern Region JRPP will be the consent authority for this application.

**DISCUSSION**

In 2009, as part of the NSW Planning Reforms, the State Government introduced Joint Regional Planning Panels. This application is required to be reported to the Southern Region JRPP in accordance with *Part 4 of State Environmental Planning Policy (State and Regional Development) 2011* and *Schedule 4A of the Environmental Planning and Assessment Act, 1979* as it is a proposal that has a total Capital Improvement Value (CIV) of more than \$5 million.

The application is to be accompanied by plans for the development and a Planning Report prepared by staff. The JRPP replaces Council as the determining authority for this application for the Culcairn Hospital and MPS Extensions and Alterations being Development Consent 10.2015.136.

Although Council owns the lane dissecting the development and adjoining lot (Lot 15 Section 4 DP5523 subject to the conditions of Council's resolution at its June 2015 Ordinary Meeting), it is considered that there is no potential conflict of interest as Council does not directly benefit from the development.

Council at its February Ordinary meeting resolved "that it has no objection to the proposal and fully support the proposed development subject to the applicant demonstrating adequate provision for deliveries to be made in a manner that ensures that truck movements entering and exiting the site in a safe manner".

The Councillor nominated by Council as its representatives for the JRPP should note that the JRPP Code of Conduct prohibits these Councillors from discussing the application or participating in consideration of this matter by Council. Councillor Osborne did not participate in discussions at the February meeting of Council.

### **NOTIFICATION AND REFERRAL PROCESS**

Adjoining landowners were notified of the proposal in writing. An advertisement was also placed in the Border Mail newspaper for the information of the general public.

The application was re-notified from 5 February to 19 February acknowledging that the JRPP has the function of determining the application.

No submissions have been received at the time of the preparation of this report.

### **BUDGET IMPLICATIONS**

Nil.

### **ASSESSMENT**

The plans, Statement of Environmental Effects and various attachments submitted by Health Infrastructure in support of the proposed development were very detailed and comprehensive.

### **LEGISLATION**

This application is required to be reported to the Southern Region JRPP in accordance with *Part 4 of State Environmental Planning Policy (State and Regional Development) 2011* and *Schedule 4A of the Environmental Planning and Assessment Act, 1979* as it is a proposal that has a total Capital Improvement Value (CIV) of more than \$5 million.

### **SECTION 79C EVALUATION**

Section 79C provides the Matters for Consideration that are to be taken into consideration by the consent authority in the determination of a development application.

***79C (a) The provisions of any current or draft environmental planning instrument, development control plan, or matters prescribed by the regulations***

#### ***Environmental Planning Instruments***

All Environmental Planning Instruments including State Environmental Planning Policies and Local Environmental Plans must be considered.

**SEPP (Infrastructure) 2007**

*Division 10 Health Service Facilities applies to the development. The development is not in conflict with the ISEPP.*

**SEPP No. 33 – Hazardous and Offensive Development**

Refer to Appendix L prepared by Architectus – no increase regarding hazardous or offensive substances on site.

**SEPP No. 55 – Remediation of Land**

*Site assessments have been undertaken and subject to the preparation of various management plans. No significant issues were identified for the site and proposed works.*

**Draft Murray Regional Strategy 2009-2036**

*The Strategy recognises that the region and GHSC has an aging population and health services must respond to the changing demographic trend in the area. The proposed development is addressing these concerns.*

**Local Environmental Plans**

*The subject land is zoned RU5 Village under the Greater Hume Local Environmental Plan 2012. The ISEPP provides for development of health service facilities and hospitals as the LEP prohibits such development.*

**The Provisions of any Draft Environmental Planning Instrument that is or has been placed on Public Exhibition**

Nil.

**Development Control Plan**

*The Greater Hume Development Control Plan 2013 applies to the land.*

**2. Residential Development**

*Refer to Appendix F Greater Hume Development Control Plan 2013 Compliance Table prepared by Architectus. The proposal is not in conflict with the DCP requirements.*

**3. Industrial Development:**

*Not applicable to this development.*

**4. Commercial Development**

*Not applicable for this development.*

**5 Township Structure Plans:**

*Not applicable for this development.*

**6 Subdivision:**

*Not applicable for this development.*

**7 Vegetation:**

*Refer to Appendix F Greater Hume Development Control Plan 2013 Compliance Table prepared by Architectus. The proposal is not in conflict with the DCP requirements.*

**8 Flood Liable Land:**

*Refer to comments Appendix G Civil & Utilities Report, Part 3.2 of the SoEE prepared by Architectus. The site is within the Culcairn Flood Study area. The current flood map indicates a Flood Planning Level of RL215.5 for the site. Kiltarn House has a floor level of RL215.6 indicating a minimum freeboard level of approximately 100mm for the existing building to the 100*

*year flood level. The design floor level for the new buildings is RL215.7 which will result in a freeboard of approximately 200mm from the 100 year flood level.*

*Furthermore, flood mitigation works are proposed for the Culcairn Township in the near future which will reduce if not remove the need for a freeboard for flood affected properties.*

*Based on the above, it is considered that the proposed development will not adversely affect the existing flood patterns.*

**9 Heritage Conservation Areas:**

*Refer to Appendix F Greater Hume Development Control Plan 2013*

*Compliance Table prepared by Architectus. The proposal is not in conflict with the DCP requirements.*

**10 Notification Policy:**

*The development was notified to all adjoining properties. No submissions were received.*

**11 Site Specific Controls:**

*Not applicable to this development.*

**12 Developer Contributions Plan:**

*There is a contribution required pursuant to Council's Contributions Plan. A contribution of \$179,391.00 is required under Council's Development Contributions Plan.*

*The applicant has requested that these fees be waived as the development is development for the Crown and these fees were waived at Council's Ordinary meeting in February.*

**79C (b) The Likely Impacts of that Development, Including Environmental Impacts on Both the Natural and Built Environments, and Social and Economic Impacts in the Locality**

ISSUE	ACCEPTABLE	COMMENT
Context & setting	✓	No issues. Designed to be sympathetic with the existing buildings on site.
Access & parking	Yes, subject to conditions and possible additional works.	<p>Adequate vehicle access available as noted in the SoEE. Disabled parking is provided. The laneway from Gordon Street and along the western side of the hospital for ambulance access will have new asphalt. The car park fronting Balfour Street and other access ways are also to have new asphalt (refer Plan SKC01). This includes the driveway to the bin storage area.</p> <p>Additional clarification was sought from the applicant relating to access and turning of trucks and other vehicles on the eastern side of the building. A turning circle plan was also requested.</p> <p>The response from the applicant was that all vehicles entering the site will enter and exit the site in a forward direction.</p> <p>The application does not include any proposed upgrade of the laneway to the east although plans indicate some traffic movement to that laneway.</p> <p>The bin area will store for collection 14 garbage 240 litre MGB's, 10 recycle 240 litre MGB's and a cardboard recycling skip with pick-ups varying from weekly, fortnightly and monthly respectively. A truck will also be servicing the grease arrestor located in that laneway periodically. There will also be various deliveries/pickups from this area.</p> <p>A vehicle travel and turning circle plan is considered necessary to allow a proper assessment of the movements of vehicles in this area.</p> <p>Consideration may need to be given to the upgrade of the eastern laneway, ie. asphalt sealing and stormwater drains, similar to the western laneway for ambulance access, for the trucks and other vehicles needing to access the eastern side of the MPS building.</p> <p>The draft conditions have been included to address the above, ie. require a Vehicle Turning Circles Plan and prevention of using the eastern laneway without Council approval.</p>
Roads & traffic	✓	No issues.
Utilities	✓	All are existing to the property. Significant fire services upgrade is proposed.

ISSUE	ACCEPTABLE	COMMENT
Heritage	✓	No issues. The section of Balfour Street to the north of the hospital property is listed as a Heritage Item under Council's LEP Schedule 5. The proposed development will have no impact on the item.
Stormwater	✓	Stormwater disposal is to existing k & g in Balfour and Edward Streets. Additional clarification was sought from the applicant relating to stormwater disposal from the western laneway which is to be sealed providing an all-weather surface for ambulance access. The response from the applicant was that this area is outside the boundary of the site.  This area was inspected with Council's Drainage Engineer and it is considered that the stormwater drain is required to be upgraded as part of the development. The provision of an open concrete invert, similar to those proposed either side of the building would be satisfactory on the northern side of the laneway discharging into an appropriately sized stormwater pit prior to Gordon Street.  The draft conditions have included the above.
Soils & erosion	✓	No issues. Erosion and sedimentation control plans provided for proposed earthworks.
Flora & fauna	✓	No impacts.
Flooding	✓	See above comments.
Bushfire	✓	No issues.
Technological hazards	✓	No issues.
Safety, security & crime prevention	✓	No issues.
Privacy	✓	No issues.
Landscaping	✓	No issues. Satisfactory landscape concept plans have been provided for the development.
Overshadowing	✓	No issues.
Land resources	✓	There are no resources known to exist on the land.

***79C(c) The Suitability of the Site for Development***

The site is considered suitable for the development having had regard to the current nature of the site and the surrounding land use. The extensions/re-build is to the existing hospital building and aged care facility and it is envisaged that there will be negligible negative impact from this proposal.

***79C (d) Any submissions made in accordance with this Act or the regulations***

No submissions were received in relation to this development application.

### ***79C (e) The Public Interest***

The proposal is not in conflict with the public interest and the social and economic benefits outweigh any adverse impacts of the development.

### **CONCLUSION**

The proposed major expansion at the existing Culcairn Multi-Purpose Service Facility to provide 7 inpatient beds, 16 residential aged care beds, 7 acute care bays, a community health facility, staff amenities and other zone improvements is considered a suitable continuation and an appropriate use for the site.

A site inspection for the proposal was undertaken.

The SoEE is quite comprehensive in its detail and assessment. The conditioning of the consent to include an evacuation plan to address the possible flood issue safety concerns will satisfy Council's concerns in that regard as will conditions relating to laneway stormwater and vehicle movements.

Section 69 outlines the exemption for the Crown to obtain approvals required under Section 68 of the LGA. It should be noted however that the applicant still needs to comply with AS 3500 and the plumbing codes, the exemption is from the need to obtain any approval but not the need to comply with the associated legislation.

Therefore there will be no inspections of those works undertaken during construction, however, appropriate conditions have been proposed on the consent for compliance and requesting Works As Executed plans for sewer and stormwater works.

Reference is made to correspondence received from Health Infrastructure (HI) dated 16 December 2015 for the Holbrook hospital development.

Request was made to modify the consent after the review by HI representing the Crown. Amendments as requested were made. This assessment has assumed that similar conditions would be appropriate for this DA.

Therefore, the works will need to comply with the BCA and the Local Government Act 1993 and the requirements of the EP & A Act 1979 and appropriate conditions will need to be imposed on the consent.

An assessment of the application has been undertaken by staff and this concluded that the application is consistent with relevant GHLEP2012 provisions and the strategic intent of GHSC DCP2013 and therefore could be recommended for approval.

As the proponent for the development is the Crown, and the value of the development will exceed \$5 million (\$17,939,114 estimated cost), the Southern Region JRPP will be the consent authority for this application.

The following conditions are recommended to the Southern Region JRPP for Development Consent.

## **RECOMMENDED CONDITIONS:**

### **1. APPROVED PLANS**

#### **1.1 Compliance with Plans and Conditions**

The development shall take place in accordance with the approved development plans, except as modified in red by Council and/or any conditions of this consent.

#### **1.2 Time period of consent**

This consent will lapse five (5) years from the date of determination unless the approved building, engineering or construction work has been physically commenced in accordance with this consent.

Development consent for the use of land does not lapse if the approved use of any land, building or work is actually commenced prior to the date on which the consent would otherwise lapse.

### **2.0 PRIOR TO THE COMMENCEMENT OF ANY WORKS**

Prior to the commencement of any works, certification is required in accordance with Section 109R of the Environmental Planning and Assessment Act 1979.

#### **2.1 Notify Council of Intention to Commence Works**

The applicant must notify Council, in writing of the intention to commence works at least two (2) days prior to the commencement of any works on site.

#### **2.2 Sign During Construction**

Prior to the commencement of works, a sign must be erected in a prominent position on site during construction:

- a. Stating that unauthorised entry to the work site is prohibited,
- b. Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours, and
- c. Showing the name, address and a telephone number of the applicant for the development.

Note: A \$600 on the spot fine may be issued for non-compliance with this condition.

### **3 GENERAL CONDITIONS OF CONSENT**

**The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land.**

#### **3.1 Compliance with the Building Code of Australia**

All building work must be carried out in accordance with the provisions of the Building Code of Australia. Compliance with the performance requirements can only be achieved by:

- a. complying with the deemed-to-satisfy provisions; or
- b. formulating an alternative solution which:
  - i. complies with the performance requirements; or
  - ii. is shown to be at least equivalent to the deemed-to-satisfy provisions; or
- c. a combination of (a) and (b).



### **3.2 All work to be carried out by a licensed Plumber and Drainer**

All plumbing and drainage work shall be carried out by a licensed plumber and drainer and to the requirements of AS/NZS 3500-2003 and the Local Government Act 1993 and Local Government (General) Regulations, 2005, the Plumbing & Drainage Act 2011 and Plumbing & Drainage Regulations 2012.

### **3.3 Construction - hours of work**

All construction works will be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

- (a) Mondays to Fridays, 7.00am to 6.00pm
- (b) Saturdays, 8.00am to 1.00pm
- (c) No work is permitted on Sundays and Public Holidays.

Construction works that are carried out in the open that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties is to be restricted to the above hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines.

In the event that the demolition/construction relates to works inside the building and does not involve external walls or the roof, and do not involve the use of equipment that emits noise then the works are not restricted to the hours stated above. The provisions of the Protection of the *Environment Operations Act, 1997* in regulating offensive noise also apply to all construction works.

### **3.4 Construction – Maintenance and Clearing of Site**

The site shall remain clean and all waste building materials and the like shall be contained within the site boundaries. The site is to be cleared of all building refuse and spoil immediately after completion of the works.

### **3.5 Submission of an Annual Fire Safety Certificate**

The owner of any building in which fire safety measures are installed, must cause the Council to be given an annual fire safety statement, within 12 months after the last such statement or final fire safety certificate was issued.

The certificate shall certify:

- (a) that each essential fire safety measure has been assessed by a properly qualified person and was found, at the date of assessment, to be capable of performing to a standard not less than that required by the current fire safety schedule, and
- (b) that a properly qualified person has inspected the building and has certified that, as at the date of inspection, the condition of the building did not disclose any grounds for a prosecution under Division C.

#### **NOTES:**

1. *As soon as practicable after an annual fire safety statement is issued, the owner of the building to which it relates:*
  - (i) *must cause a copy of the statement (and current fire safety schedule) to be given to the Commissioner of NSW Fire Brigades, and*
  - (ii) *must cause a further copy of the statement (and current copy of the current fire safety schedule) to be prominently displayed in the building.*
2. *A "fire safety measure" is defined as any measure (including any item of equipment, form of construction or fire safety strategy) that is or is proposed to be,*

*implemented in the building to ensure the safety of persons using the building in the event of fire.*

### **3.6 Amenity of the Area**

The approved development must not adversely affect the amenity of the neighbourhood in any way, including:

- a. the appearance of any building, works or materials used;
- b. the parking of motor vehicles;
- c. the hours of operation;
- d. electrical interference;
- e. the storage of chemicals, gasses or other hazardous materials; or
- f. emissions from the site.

### **3.7 Vehicle Crossovers**

The vehicle crossover to Balfour Street kerb and gutter shall be in accordance with Council's Specifications Drawing No. STD-R-32 (see attached). All works associated with the vehicle crossover shall be inspected by Council's Engineering Department prior to any pouring of concrete.

### **3.8 Western Laneway Stormwater Disposal**

An open concrete invert, similar to those proposed either side of the new building shall be provided on the northern side of the laneway discharging into an appropriately sized stormwater pit prior to discharging to the Gordon Street stormwater drainage system. All works shall comply with Council's Road Opening Procedures. Details and plans of such works shall be submitted to and approved by Council prior to any such works commencing.

### **3.9 Vehicle Turning Circles Plan**

A vehicle travel and turning circle plan shall be provided for the eastern laneway and bin storage area confirming access vehicles have the ability to access and manoeuvre within the site constraints and enter and leave the site in a forward direction. Details and plans of such works shall be submitted to and approved by Council prior to any such works commencing.

### **3.10 Vehicle Entry and Exit Forward Direction**

All vehicles are to enter and exit the site in a forward direction.

### **3.11 No Use of Eastern Laneway**

No use of the eastern laneway shall occur for any deliveries and/or servicing of the property without further consultation and approval by Council.

### **3.12 Demolition/Construction Waste Management Plan**

A Demolition/Construction Waste Management Plan shall be submitted to and approved by Council prior to commencement of those works.

### **3.13 Compliance with Approved Waste Management Plan**

The Waste Management Plan submitted to and approved by Council must be adhered to throughout all stages of the demolition and/or construction process. The applicant is required to keep supporting documentation (receipts/dockets) of

reuse/recycling/ disposal methods carried out, which are to be produced upon request by Council.

In addition, the applicant is to supply Council with the name and address of the waste disposal facility where the fill materials will be disposed. The applicant must keep supporting documentation (dockets/receipts), which is to be produced upon request by Council.

### **3.14 Demolition Requirements**

Demolition of the existing building(s) shall be carried out in accordance with the requirements of AS 2601 – 2001 and the following:

- a. The property being secured to prevent unauthorised entry.
- b. Asbestos sheeting shall only be removed by licensed operators in accordance with the requirements of the SafeWork NSW. Proper procedure shall be employed in the handling and removal of asbestos to minimise the risk to personnel and the escape of particles to the atmosphere.
- c. All other materials and debris is to be removed from the site and disposed of to approved outlets in accordance with the approved Waste Management Plan.
- d. Seven (7) days notification to commence demolition work shall be given to SafeWork NSW in accordance with relevant regulations.

## **4 PRIOR TO OCCUPATION OF THE DEVELOPMENT**

### **4.1 Compliance with Fire Safety Schedule**

All fire safety measures listed in the fire safety schedule are to be installed and certified as achieving no less than their applicable performance standard as noted beside each fire safety measure on the fire safety schedule.

### **4.2 Submission of a Final Fire Certificate**

Prior to the occupation of the building, a Fire Safety Certificate shall be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority.

Such certificate shall state that each essential fire safety measure specified:

- (a) has been assessed by a properly qualified person, and
- (b) was found, at the date of assessment, to be capable of performing to a standard not less than that required by the current fire safety schedule for the building for which the certificate is issued.

#### **NOTES:**

*1. As soon as practicable after a final fire safety certificate is issued the owner of the building to which it relates:*

- (i) must cause a copy of the certificate (and current fire safety schedule) to be given to the Commissioner of NSW Fire Brigades, and*
- (ii) must cause a further copy of the certificate (and current copy of the current fire safety schedule) to be prominently displayed in the building.*

*2. A "fire safety measure" is defined as any measure (including any item of equipment, form of construction or fire safety strategy) that is, or is proposed to be, implemented in the building to ensure the safety of persons using the building in the event of the fire.*

#### **4.3 Drainage Works-As-Executed Plan**

Upon completion of installation of all sewer drainage lines, a works-as-executed plan prepared by the licensed plumber/drainier shall be submitted for Council's records.

#### **4.4 Stormwater Works-As-Executed Plan**

Upon completion of installation of all stormwater lines, a works-as-executed plan prepared by the licensed plumber/drainier shall be submitted for Council's records.

#### **4.5 Evacuation Plan**

Prior to the occupation of the building, a Flood Evacuation Plan shall be developed and submitted to Council for approval to demonstrate that evacuation of the residents during flooding can proceed safely without increasing demand on emergency service resources. Such plan may be incorporated into the Hospital Emergency Plan.

### **5 ADVISORY NOTES**

**The following information is provided for your assistance to ensure compliance with other relevant Council policy(s) and any other relevant requirements.**

#### **5.1 Access Facilities**

The applicant is advised of the Commonwealth Disability (Access to Premises – Buildings) Standards commenced on 1 May 2011.