

# JOINT REGIONAL PLANNING PANEL - SOUTHERN REGION COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	<b>2018STH029</b>
<b>DA Number</b>	RA18/1001
<b>LGA</b>	Shoalhaven City Council
<b>Proposed Development</b>	Construction of a new integrated Community Health Service Facility comprising two (2) operational floors and (1) level of basement parking for 23 spaces, demolition of existing building & associated structures, removal of trees and consolidation of the development site into one lot
<b>Street Address</b>	82 South Street, Ulladulla - Lot 6 DP 22193; & 130 Princes Highway, Ulladulla - Lot 5 DP 22193
<b>Applicant/Owner</b>	NSW Health Admin Corporation – C/- Gran Associates
<b>Date of DA lodgement</b>	19 October 2018
<b>Number of Submissions</b>	2 identical objections from 1 person, 1 submission from adjoining neighbour requesting advice on potential impacts from demolition and construction
<b>Recommendation</b>	That the proposal is approved subject to conditions
<b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011</b>	The proposed development satisfies Clause 4 Schedule 7 SEPP (State and Regional Development) 2011, being a development that has a Capital investment value exceeding \$5 million for development carried out by or on behalf of the Crown (within the meaning of Division 4.6 of the Act). Applicant CIV estimate \$6,823,283 M
<b>List of all relevant s4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>List all of the relevant environmental planning instruments: s4.15(1)(a)(i)</li> </ul> <p><u>Acts</u></p> <ul style="list-style-type: none"> <li>- Environmental Planning and Assessment Act 1979;</li> <li>- Biodiversity Conservation Act 2016</li> </ul> <p><u>State Environmental Planning Policies (SEPPs):</u></p> <ul style="list-style-type: none"> <li>- SEPP No. 55 – Remediation of Land</li> <li>- SEPP (Coastal Management) 2018</li> <li>- SEPP (Infrastructure) 2007</li> <li>- SEPP (State and Regional Development) 2011</li> </ul> <p><u>Local Environmental Planning Policies:</u></p> <ul style="list-style-type: none"> <li>- Shoalhaven Local Environmental Plan (LEP) 2014</li> </ul> <p><u>Other policies</u></p> <ul style="list-style-type: none"> <li>- Shoalhaven Contributions Plan 2019</li> </ul> <ul style="list-style-type: none"> <li>List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: s4.15(1)(a)(ii) <ul style="list-style-type: none"> <li>- Nil</li> </ul> </li> <li>List any relevant development control plan: s4.15(1)(a)(iii) <ul style="list-style-type: none"> <li>- Shoalhaven Development Control Plan 202014 (DCP2014)</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>List any relevant planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4: s4.15(1)(a)(iiia)</li> <li>- No relevant planning agreement.</li> <li>List any relevant regulations (to the extent that they prescribe matters for the purposes of this paragraph): s4.15(1)(a)(iv)</li> <li>- Clause 92: Demolition of all existing structures proposed. Conditions of consent recommended in terms of demolition.</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	Attachment 1 – Draft Conditions of Consent Attachment 2 - Plans of the proposed development Attachment 3 – Reports in support of the proposed development
<b>Report prepared by</b>	Peter Johnston, Senior Development Planner
<b>Report date</b>	15 July 2019

**Summary of s4.15 matters**

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

**Yes****Legislative clauses requiring consent authority satisfaction**

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?  
*e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP*

**Yes****Clause 4.6 Exceptions to development standards**

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

**Not  
Applicable****Special Infrastructure Contributions**

Does the DA require Special Infrastructure Contributions conditions (S7.24)?  
*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

**Not  
Applicable****Conditions**

Have draft conditions been provided to the applicant for comment?

**Yes**

## **Executive Summary**

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### **Reason for consideration by Joint Regional Planning Panel**

The proposal has been referred to the Joint Regional Planning Panel (JRPP) due to cost of construction exceeding \$5M for development carried out by or on behalf of the Crown (within the meaning of Division 4.6 of the Act) Clause 4 Schedule 7 SEPP (State and Regional Development) 2011. Applicant CIV estimate \$6,823,283 M

### **Proposal**

Construction of a new integrated Community Health Service Facility comprising two (2) operational floors and (1) level of basement parking for 23 spaces, demolition of existing building & associated structures, removal of trees and consolidation of the development site into one lot.

### **Permissibility**

The site is zoned B4 Mixed Use pursuant to the Shoalhaven Local Environmental Plan, 2014 (LEP 2014). The proposed development is defined under the Group Term 'Health services facility' and is characterized as having components of a 'medical centre' and 'community facility', which are permissible within the B4 mixed use zone pursuant to the provisions of LEP 2014.

### **Consultation**

The proposal was notified in accordance with Council's Notification Policy. Three submissions from the public were received (2 in objection) from the one submitter, which are discussed at **Table 7** of the assessment report.

### **Main Issues**

The main issues relate to car parking comprising:

- Need for time restricted parking zone in South Street in order to accommodate taxi, community transport services
- Need for increased priority for visitor parking on site in lieu of staff/fleet parking.

Issues related to time restricted parking zone are considered to be resolved in the applicants final revised design with the incorporation of a drop off/pick up zone in South Street that has been approved by Council.

Issues related to prioritization of visitor parking on site are addressed by conditions in the draft consent.

### **RECOMMENDATION**

It is recommended that proposal is approved with conditions.

**APPLICATION OVERVIEW****1. SUMMARY**

<b>DA Number:</b>	RA18/1001
<b>Street Address:</b>	82 South Street, Ulladulla - Lot 6 DP 22193; & 130 Princes Highway, Ulladulla - Lot 5 DP 22193
<b>Proposed Development:</b>	Construction of a new integrated Community Health Service Facility comprising two (2) operational floors and (1) level of basement parking for 23 spaces, demolition of existing building & associated structures, removal of trees and consolidation of the development site into one lot.
<b>Date of lodgement:</b>	19 October 2018
<b>Applicant/Owner:</b>	NSW Health Admin Corporation – C/- Gran Associates
<b>Owner:</b>	Illawarra Shoalhaven Local Health District
<b>Property owned by a Council employee or Councillor:</b>	The site is not known to be owned by a Council employee or Councillor
<b>Political donations/gifts disclosed:</b>	None disclosed on the application form
<b>Notification period:</b>	28 November 2018 to 28 December 2018
<b>Number of submissions:</b>	Three
<b>Recommendations:</b>	That the proposal is approved subject to conditions

**2. PLANNING CONTROLS**

The following planning controls apply to the development:

Acts

- Environmental Planning and Assessment Act 1979;
- Biodiversity Conservation Act 2016

State Environmental Planning Policies (SEPPs):

- SEPP No. 55 – Remediation of Land
- SEPP 64—Advertising and Signage
- SEPP (Coastal Management) 2018
- SEPP (Infrastructure) 2007
- SEPP (State and Regional Development) 2011

Local Environmental Planning Policies:

- Shoalhaven Local Environmental Plan (LEP) 2014

Development Control Plans:

- Shoalhaven Development Control Plan 202014 (DCP2014)

Other policies

- Shoalhaven Contributions Plan 2019

<b>Zoning:</b>	B4 Mixed Use
<b>Heritage:</b>	No
<b>Heritage conservation area:</b>	No
<b>Clause 4.6 Variation:</b>	No

**Delegation:**

JRPP- Southern Region

### 3. PROPOSAL

The proposal comprises the following:

Demolition of all existing structures and removal of all trees on site

Construction of an integrated community health centre building comprising:

- Total floor area of 964m<sup>2</sup> and height of 10.23m
- Two (2) operational floors
- One (1) basement carparking/plant level
- Consolidation of the land into one lot

The applicant's plans & Statement of Environmental Effects indicates the Development proposed on each level as:

- Basement – 23 parking spaces, bike/bicycle parking, ambulance bay, garbage storage area, plant rooms
- Ground Floor – waiting room, children's play area, reception, interview/consult/surgery rooms, meeting rooms, sanitary facilities & outdoor courtyard
- Level 1 – staff room, open work areas, communication room & sanitary facilities

Each floor is connected by stairs and a lift

Vehicular driveway access and egress to the basement car parking is proposed to be obtained from South Street. The driveway is positioned 17.6m east of the Princes Highway boundary of the site.

A drop off/pick up zone is proposed on South Street east of the driveway entry to cater for Taxi and Community Transport Services.

The main pedestrian access to the ground floor of the building is via an entry accessible from the Princes Highway. A lift and two stair wells are to be provided to service the building.

A site plan, basement, ground floor, first floor, elevations, sections, perspective views, materials & colours schedule, landscape plan & shadow diagrams are provided in **Figures 1-17**.

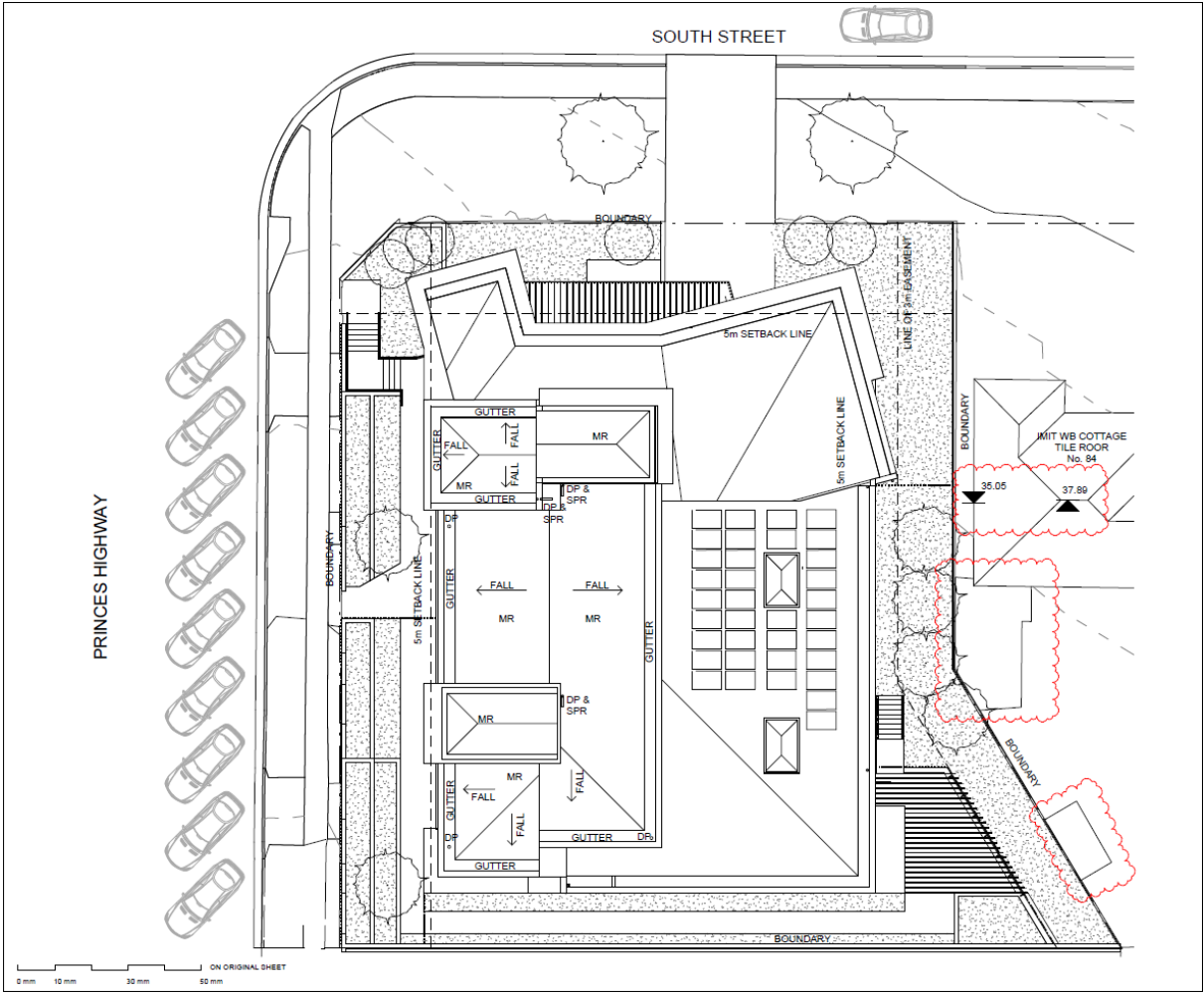
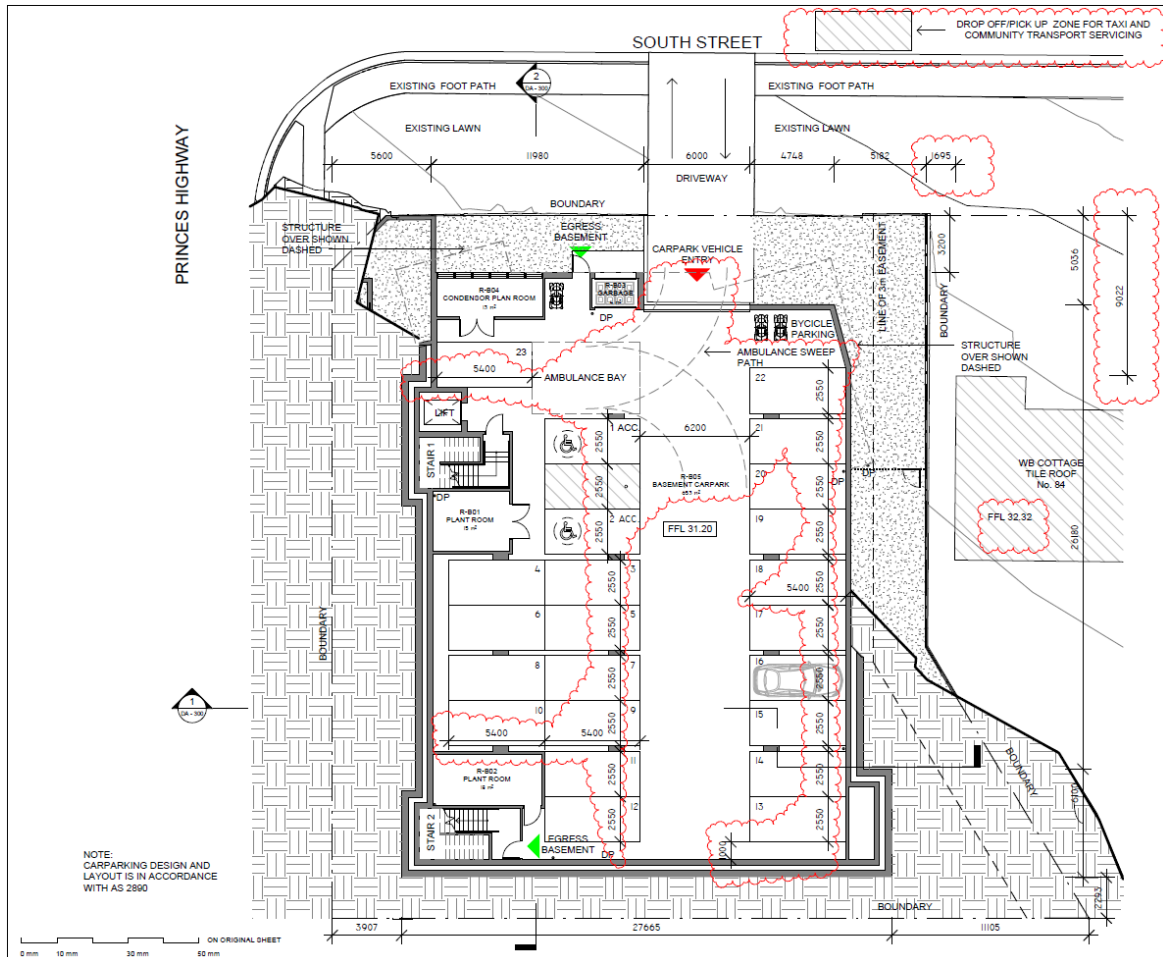


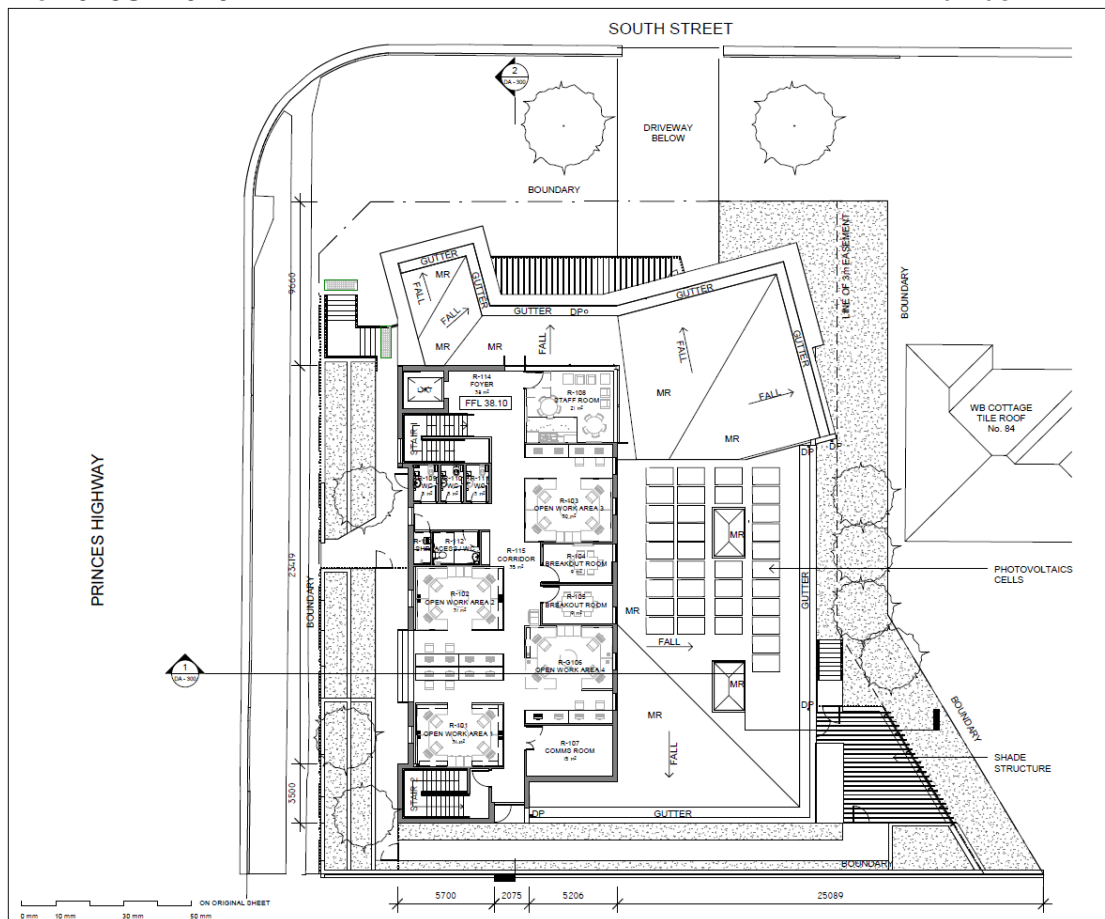
Figure 1 – Site and Roof Plan of the proposed development



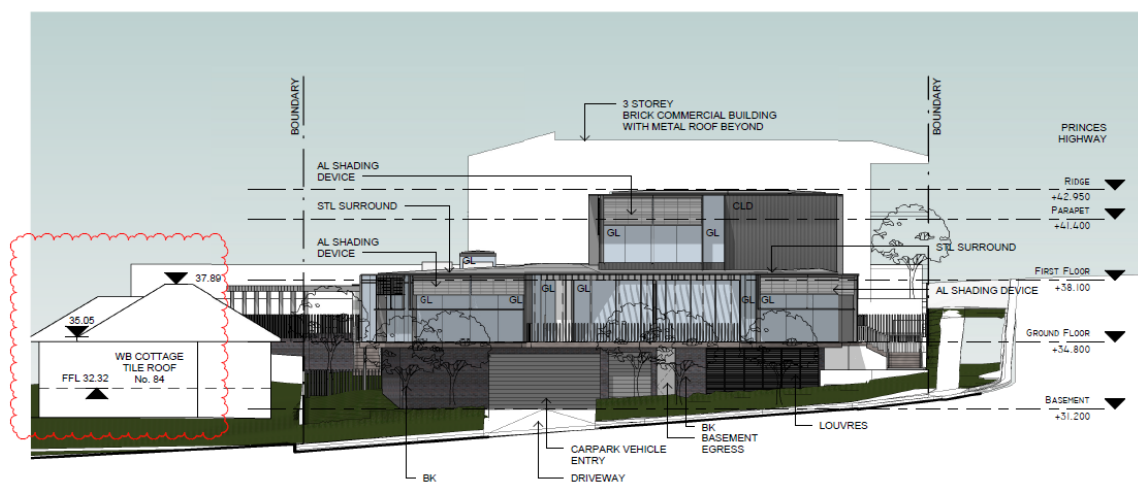


**Figure 3 – Ground floor plan of the proposed development**





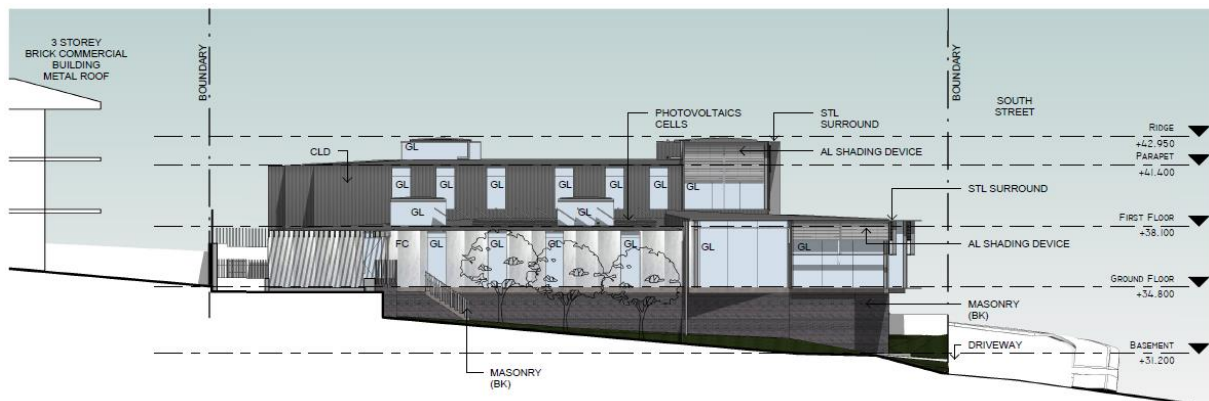
**Figure 4 – First floor plan of the development**



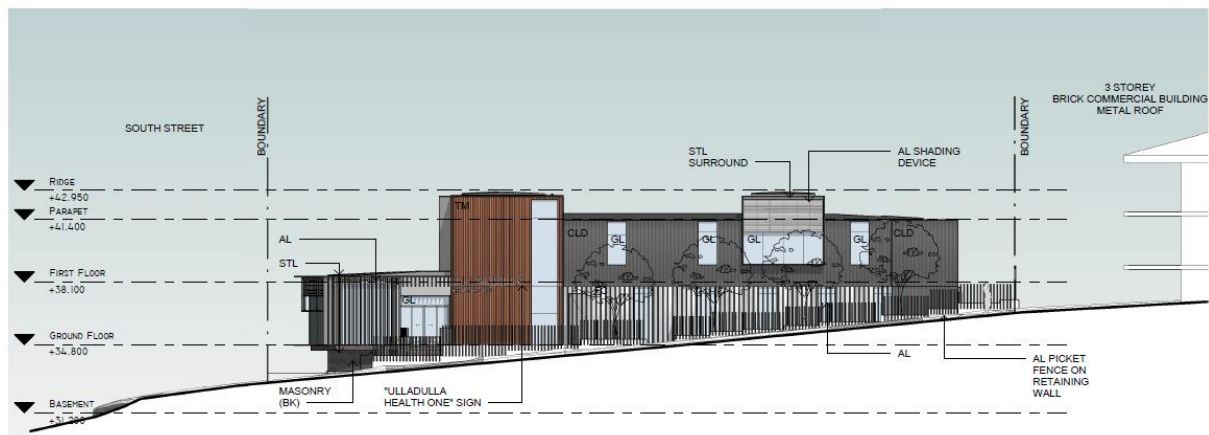
**Figure 5 – North elevation (South Street) of the proposed development**



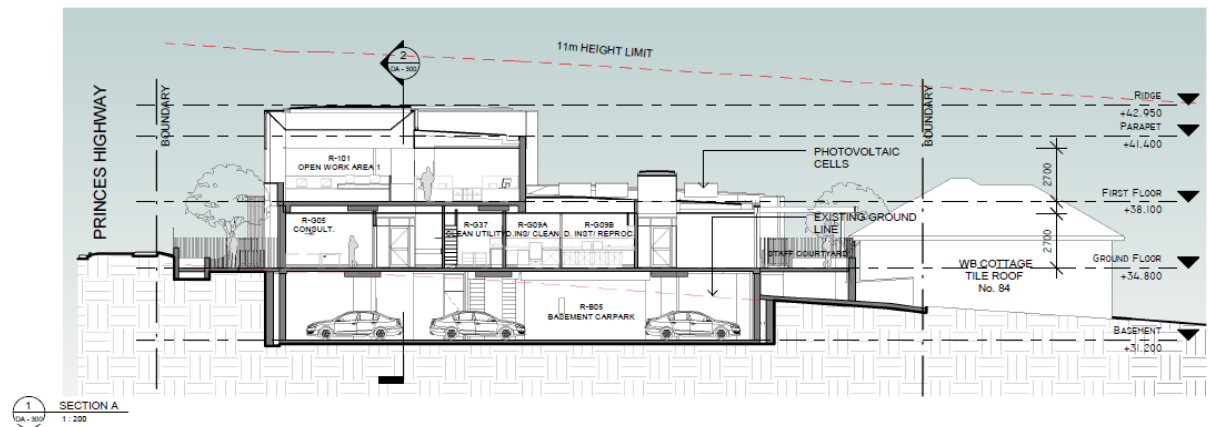
**Figure 6 – South elevation of the proposed development**



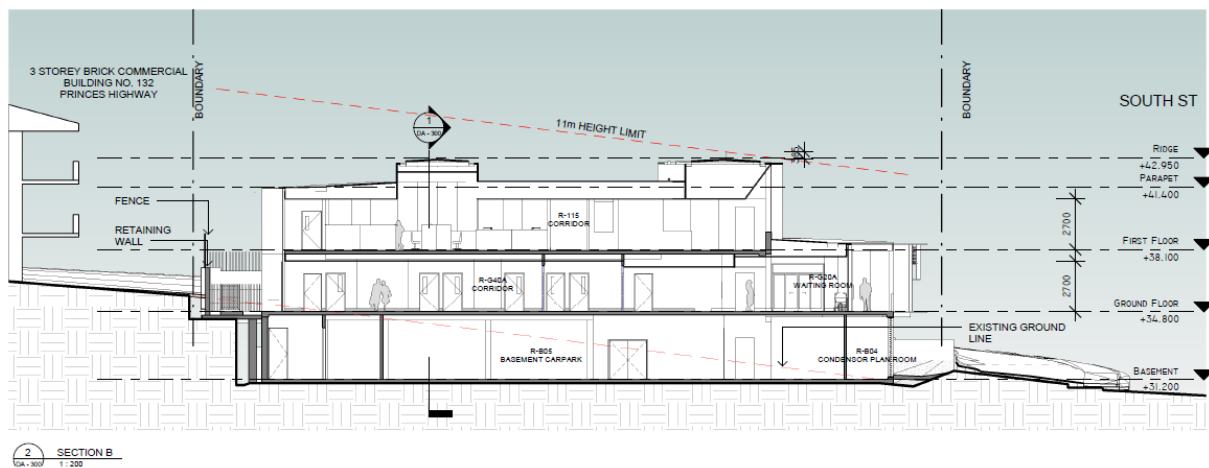
**Figure 7 – East elevation of the proposed development**



**Figure 8 – West elevation (Princes Highway) of the proposed development**



**Figure 9 – Section A plan of the proposed development**



**Figure 10 - Section B plan of the proposed development**



**Figure 11 – Perspective view from Princes Highway of the proposed development**



Figure 12 - Perspective view from South Street of the proposed development



Figure 13 – Materials and colours schedule of the proposed development





Figure 14 – Landscape plan of the proposed development

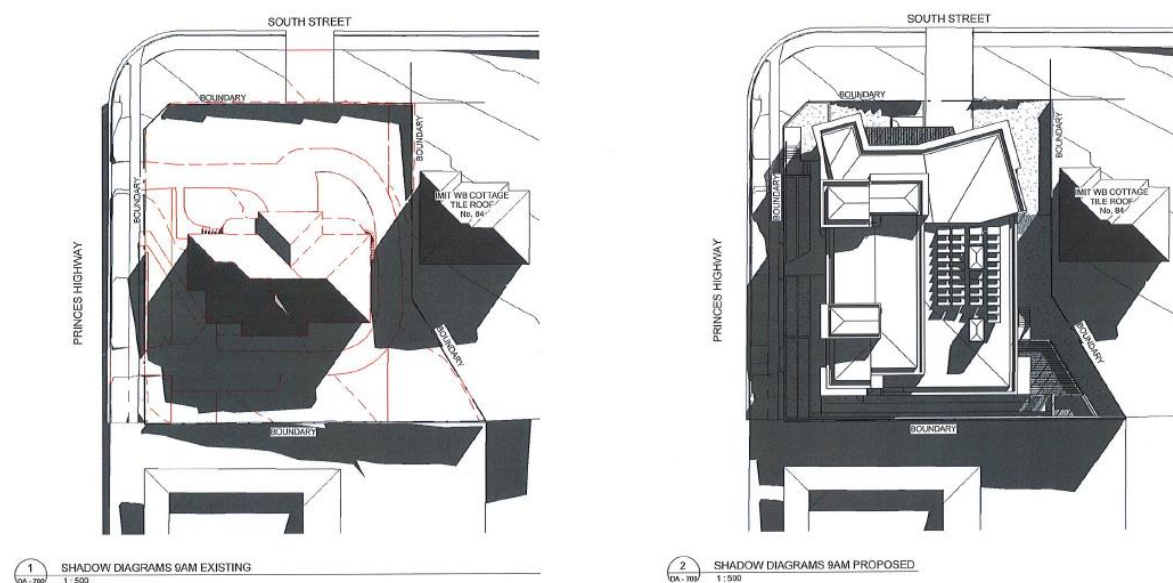
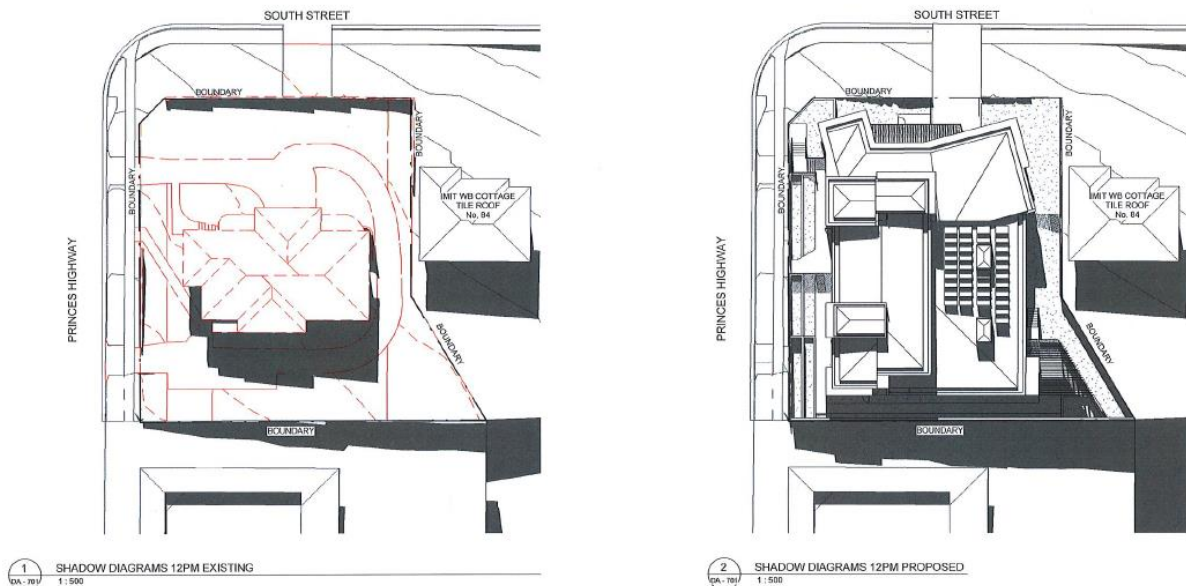
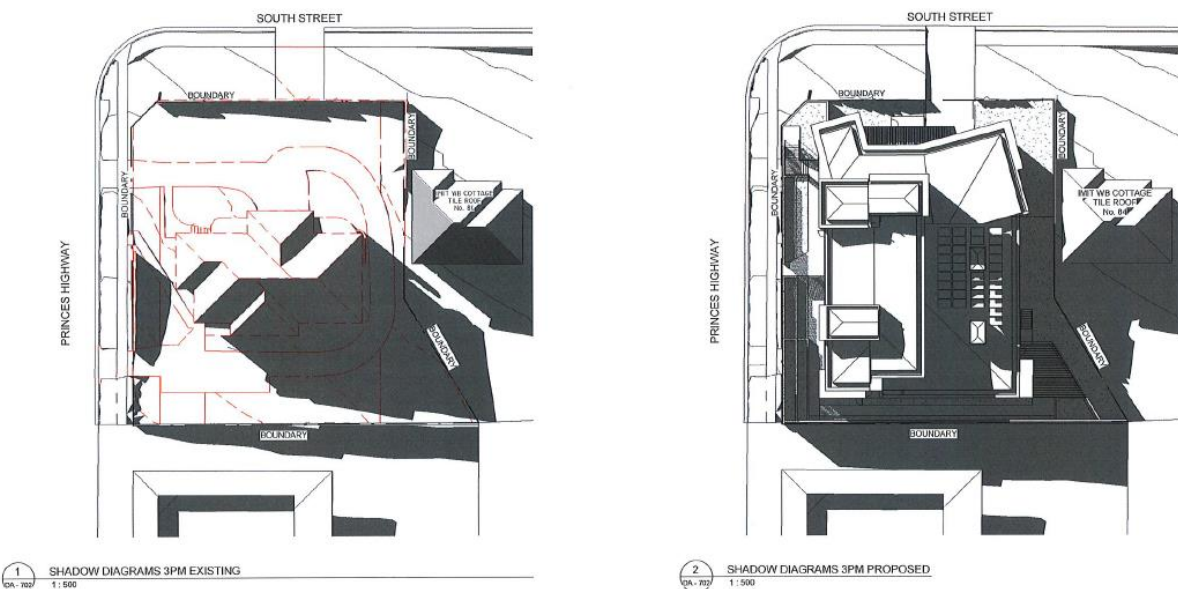


Figure 15 – Shadow diagrams for winter solstice 9.00am



**Figure 16 – Shadow diagrams for winter solstice 12.00am**



**Figure 17 – Shadow diagrams for winter solstice 3.00pm**

#### 4. DEVELOPMENT HISTORY

Council building records for Ulladulla commenced on 21 July 1954.

Council's records for the site show that a Building Application (BA) was approved for BA69/456 for a brick garage. However, no further council records are available for the site.

The Heritage Impact Statement prepared by John Armes for the current application contends that the main building was a dwelling built for Mr & Mrs Vero Veitch around the middle of 1953 & as such Council does not hold any record for this building.

#### 5. SITE DESCRIPTION

The land is located on the corner of South Street and the Princes Highway in Ulladulla. The site comprises 2 separate parcels of land being 82 South Street and 130 Princes Highway - Lot 6 DP 22193 and Lot 5 DP 22193.



The site is bound by South Street in the north (33.46m) and Princes Highway in the west (39.7m). The site has a total land area of 1384.78m<sup>2</sup>. The site slopes gradually from the south west at Princes Highway to the north east at South street (RL 36.5 – 29).

The site currently contains a single storey (over an undercroft) brick dwelling with tile roof and is described by the submitted Heritage Impact Statement as an interwar functionalist style dwelling. Existing trees are located within the two Street frontages and along the east and south boundaries.

Opposite the site to the north are commercial premises (Dominos Pizza, Ulladulla Chinese Restaurant, accountants, laundry & carwash). Adjoining the site to the south is a 3 storey commercial premises (comprising a number of retail and commercial tenants). To the east are single storey detached residential dwellings. West of the site and on the opposite side of Princes Highway is a row of shops/commercial premises and Woolworths retail complex.

An aerial image of the subject site is provided in **Figures 18 and 19**.

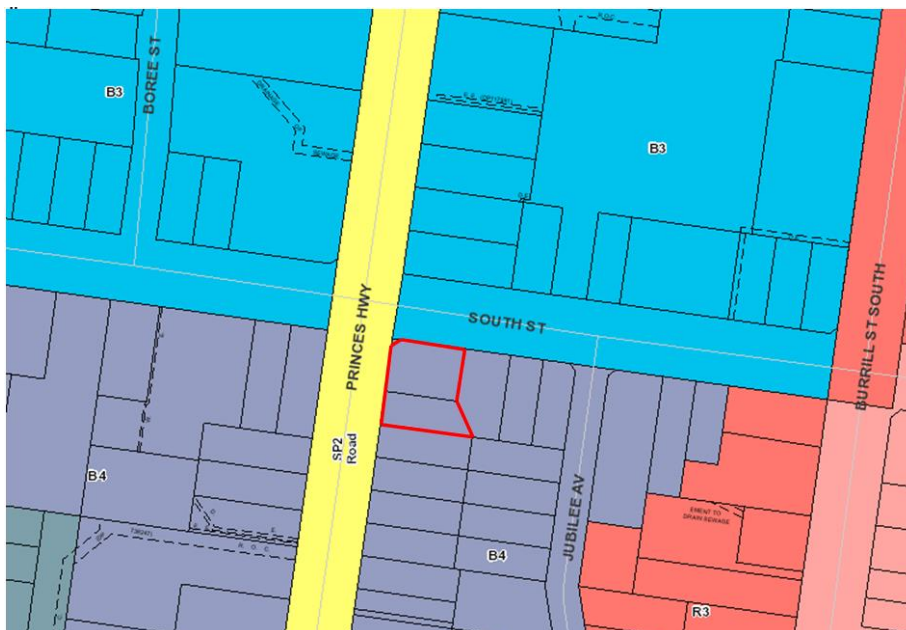


**Figure 18** - Subject site in the local context.



**Figure 19** - Aerial image of the subject site. Site outlined in blue.

The land in this location is zoned B4 Mixed use. Refer to **Figure 20**.  
An extract from the Shoalhaven Local Environmental Plan 2014 (SLEP 2014) Land Use Zoning Map is provided in **Figure 20**.



**Figure 20** - - Extract from the SLEP 2014 Land Use Zoning Map. Site outlined in red.



## 6. BACKGROUND

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

a) Pre-lodgement: On 5 July 2018, Council conducted a pre-lodgement meeting with the applicant and their consultants.

b) Post Lodgement:

On 19 October 2018, the applicant lodged the DA with Council.

On 22 October 2018, council requested confirmation on the identity of the person signing as land owner.

On 26 October 2018, council requested a quantity survey report and confirmation that the construction estimate was based on Capital Investment Value.

On 1 November 2018, the applicant submitted a corrected quantity survey.

On 2 November council requested additional DA fees based on updated valuation for the project.

On 6 November 2018, council notified the applicant that the Ulladulla Community Forum had raised the potential heritage value of the existing building proposed for demolition. Council further advised the applicant to prepare a response to the alleged heritage value for the existing building.

On 6 December 2018, the application was registered with the Regional Planning Panel.

On 27 February 2019, the applicant submitted information to address car parking demand for the site.

On 8 March 2019, the applicants submitted information to address waste management of the site.

On 12 March 2019, the applicants submitted information to address the heritage value of the existing former dwelling on site.

On 27 March 2019, council advised the applicant on the status of the application and raised some issues with the proposed parking strategy for the development.

On 9 April 2018, council requested additional information detailing the intended use of each area of the building, proposed staffing arrangements and hours of operation for each area to better understand the parking demands for the site.

On 11 April 2019, the applicants submitted information to address matters raised by council on 9 April 2019.

On 15 April 2019, a RPP briefing meeting was held on-site in relation to the proposed development. The briefing meeting was attended by the following panel members: Pam Allan (Chair), Alison McCabe and Renata Brooks. The key issues discussed at the meeting were outlined in the Record of Briefing issued by the RPP as follows:

- Need for drop off/pick up zone in South Street for taxi and community transport servicing
- Need for increased priority for visitor parking on site in lieu of staff/fleet parking
- Need to establish levels/setbacks for adjacent existing dwelling [84 South street] in relation to the proposed development

On 18 April 2019, council advised the applicant of the issues raised at the RPP and requested that more parking spaces be made available to the visiting public and requested

additional information to address matters relating to vehicle turning movements and dimensions of the parking bays.

On 9 May 2019, council's assessing officer requested that the Shoalhaven Traffic Unit arrange for the establishment of a time limited drop off zone in South Street between the proposed driveway entry and the intersection with the highway.

On 10 May 2019, the applicant submitted revised site, basement and north elevation plans.

On 10 May 2019, council's assessing officer requested that the Shoalhaven Traffic Unit modify the location of the requested time limited drop off zone in South Street to the eastern side of the exit driveway serving the proposed community health service facility.

On 13 May 2019, the applicant submitted revised basement plan.

On 25 June 2019 Council confirmed the Shoalhaven Traffic Committee has no objection to the proposed installation of 10 minute time restricted parking on South Street.

**Table 1 - Outcomes of the Development referral process**

Internal Referral	
<b>Traffic Unit</b>	<p><u>First Referral</u> - Initial concerns were raised with the application in relation to parking demand for the site and need for a Traffic Impact Statement to be provided.</p> <p><u>Second Referral</u> – The Traffic Unit reviewed the submitted Car Parking Demand Study by Woolacotts (CPDS) and raised concerns regarding the need for swept path turning movement design information for all parking spaces/vehicle types, and the lack of detail in the CPDS addressing peak generation rates, impact of the fleet cars, staff operational arrangements, children visiting the site.</p> <p>Recommended conditions provided prior to works commencing related to site distance from driveway exit, signs and lines plan in accordance to AS2890.1., lighting plan, details of any line markings and regulatory signs required to be approved by council prior to installation in the road reserve and a Traffic Management Plan.</p>
<b>Building Surveyor</b>	Council is not assessing the CC. The application can comply with the BCA. Recommend approval nil conditions.
<b>Development Engineer</b>	<p><u>First Referral</u>- Initial concerns were raised in relation to the following matters:</p> <ul style="list-style-type: none"> <li>- Access and manoeuvrability;</li> <li>- Parking demand;</li> <li>- Security gate details;</li> <li>- Bioretention Basin. Bioretention and absorption systems need to be 3m from any building and boundary.</li> </ul> <p><u>Second Referral</u> – requested the Traffic Unit review the Parking Demand study. Continued concern regarding:</p> <ul style="list-style-type: none"> <li>- Stacked parking management</li> <li>- Parking demand</li> </ul> <p><u>Third Referral</u> Continued concern regarding stacked parking management and parking demand.</p> <p><u>Planners Comment</u>: Stacked parking management and parking demand have been addressed in the Chapter G21 considerations of the DCP refer Table 4.</p>

<b>Environmental Health Officer (noise assessment)</b>	All plant items, such as the basement condensers, rooftop plant, exhausts serving car parks and toilets, roller doors for access etc. must be designed to acoustically comply with the criteria established in Table 4.1 of the DA Acoustic Report prepared by PKA Consulting, dated 18/10/2018.
<b>Environmental Assessment Officer (Threatened Species)</b>	No concerns raised
<b>Landscape Architect</b>	The plan is generally suitable for the development and the site. Plant 3 x 75L Lagerstroemia indica 'Tuscarora' (Crepe Myrtle) between kerb and footpath on Princess Highway. Ensure clear trunk of 1200mm. Ensure edging and appropriate tree pits are installed
<b>Shoalhaven Water</b>	<u>First Referral</u> – No specific concerns raised. Appropriate conditions are recommended in Shoalhaven Water Development Notice.
<b>Waste Services</b>	<u>First referral</u> – Appropriate conditions are recommended to address site preparation works, demolition and ongoing waste management.  <u>Second Referral</u> - No further information required. Revised conditions are recommended to address site preparation works, demolition and ongoing waste management.
<b>GIS Unit</b>	Recommended unit numbering has been provided for the proposed development.
<b>External Referral</b>	
<b>Endeavour Energy</b>	Given the size of the proposed development, the existing local network may be able to service the proposed development. However an extension and/or augmentation of the local network may be required but the extent of the work required will not be determined until the final load assessment is completed.  Appropriate conditions are recommended to address vegetation management, power supply, demolition and excavation activities and public safety.

## 7. 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. *Biodiversity Conservation Act 2016*
- iii. *State Environmental Planning Policy 55 – Remediation of Land*
- iv. *State Environmental Planning Policy (Coastal Management) 2018*
- v. *State Environmental Planning Policy (Infrastructure) 2007*
- vi. *State Environmental Planning Policy (State and Regional Development) 2011*
- vii. *Shoalhaven Local Environmental Plan (LEP) 2014*
- viii. *Shoalhaven Development Control Plan 202014 (DCP2014)*
- ix. *Shoalhaven Contributions Plan 2019*

Biodiversity Conservation Act 2016

The site was inspected by Council Environment Officer on 11 July 2019 following a review of the provided plans, reports and council's planning and environmental data.

The inspection involved a general search for signs of threatened species and supporting habitat components such as hollow-bearing trees. The site is highly modified and contains several native species in the form of garden plantings. No threatened species, ecological communities or their habitat will be significantly impacted by the proposal.

#### Evaluation of proposal against Triggers into the Biodiversity Offset Scheme

1. The Biodiversity Values Map does not affect any land on the property.
2. The area threshold (0.25 ha for minimum lot size of <1ha) for clearing of native vegetation will not be exceeded.
3. No threatened species or endangered ecological communities will be significantly impacted by the proposal.

Entry into the Biodiversity Offset Scheme has therefore not been triggered. A Biodiversity Development Assessment Report by an accredited assessor is not required.

#### State Environmental Planning Policy 55 – Remediation of Land

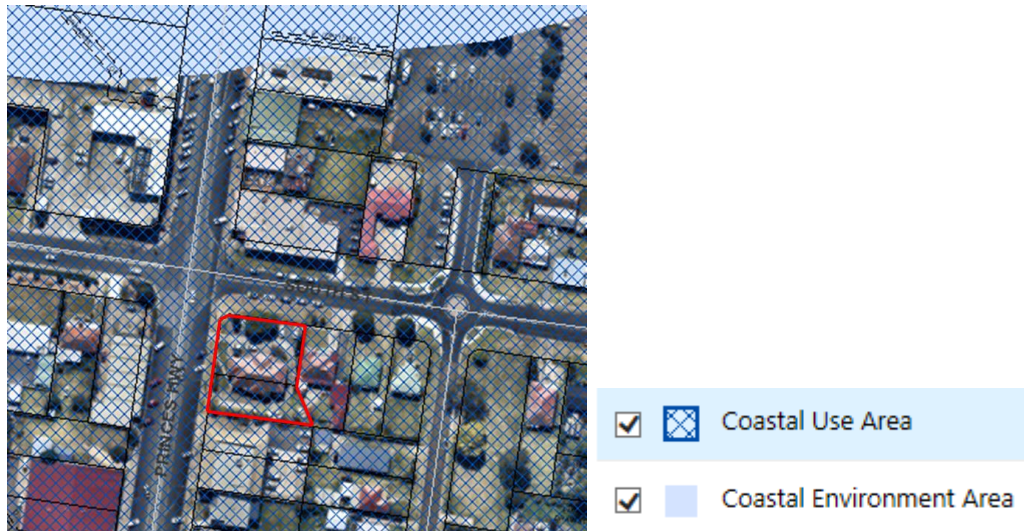
A Phase 1 Contamination Assessment report carried out by SMEC, dated 20 December 2017 was submitted with the development application. The report found:

- Levelling appears to have occurred with deeper fill placed downslope in the northern portion of the site, supported by a retaining wall along the northern site boundary.
- Preliminary soil sampling was carried out at the site in combination with a geotechnical investigation. Results did not record exceedences of the adopted criteria for the proposed commercial style land use at the locations tested.
- The results of samples were also compared to waste classification criteria and this suggested that the site fill soils are likely to classify as General Solid Waste if disposed at a licenced waste facility. Undisturbed natural deeper soils if unmixed may classify as Virgin Excavated Natural Material subject to visual confirmation of all surface fill being removed and observation by an experienced environmental consultant.

The report recommended:

- a) that all site structures be appropriately demolished in accordance with all relevant guidance with respect to removal and clearance of hazardous building materials.
- b) A pre-demolition intrusive hazardous materials survey may also be required. This may also include tracing and chasing out any subsurface conduits that are made of hazardous materials (e.g. ACM piping). Completion of this prior to any bulk earthworks (along with a clearance) is recommended to avoid incidental damage and/or mixing of hazardous materials with site soils.
- c) Considering the potential for unidentified structures to have been present prior to 1948, implementation of an unexpected finds protocol would also be prudent.

For the purposes of clause 7 of SEPP 55 no further investigations are deemed necessary.

State Environmental Planning Policy (Coastal Management) 2018

**Figure 21** – Extract of council Geographic Information System SEPP (Coastal Management) 2018 layer. Site outlined in red.

The land in this location is identified within the coastal use area. Clause 14 of SEPP (Coastal Management) 2018 identifies those matters that must be considered in the assessment of the proposal which are discussed below.

**Table 2** - Clause 14 of SEPP (Coastal Management) 2018 considerations

14(1)(a) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:		
(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,		NA
(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,		NA
(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,		NA
(iv) Aboriginal cultural heritage, practices and places,		NA
(v) cultural and built environment heritage, and	There is no evidence of any cultural value to the subject site.  The site is not identified on any official heritage registers/listing. A HIS was prepared for the application by John Oultram Heritage & Design that confirmed that the current house is not at a level of significance that would preclude its demolition. The HIS recommended that the house be photographically archivally recorded in accordance with the Office and Environment and Heritage guidelines for digital capture.	
14(b) is satisfied that:		
(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or		Complies
(ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or		NA
(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and		NA
(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.	The proposed development is remote from the coast, is well below the FSR and within the height limit for the site. Given its location and surrounding development its bulk, scale and size are considered appropriate.	

### State Environmental Planning Policy (Infrastructure) 2007

The provisions of State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) have been considered in the assessment of the development application.

In accordance with the requirements of Clause 45(2) of the SEPP, Endeavour Energy was notified of the proposal, as outlined earlier in this report.

The Princes Highway is a classified State Road. The objectives and provisions of Clause 101 (Development with frontage to classified road) are satisfactorily addressed. Vehicular access is provided from South Street and the functioning of the Princes Highway will not be affected by the proposed development.

### State Environmental Planning Policy (State and Regional Development) 2011

At the time of lodgement Schedule 7 SEPP (State and Regional Development) 2011 was operative.

The proposed development satisfies Clause 4 Schedule 7 SEPP (State and Regional Development) 2011, being a development that has a Capital investment value exceeding \$5 million for development carried out by or on behalf of the Crown (within the meaning of Division 4.6 of the Act). Applicant CIV estimate \$6,823,283 M

As such the RPP has the function of determining the application in accordance with section 2.15(a) of the EPA Act.

### Shoalhaven Local Environmental Plan (LEP) 2014

#### **Land Zoning**

The land is zoned B4 Mixed Use under the SLEP 2014.

#### **Characterisation and Permissibility**

The proposal is best characterised as a “Health services facility” which incorporates a ‘medical centre’ and ‘community health service facility’ under the SLEP 2014. The proposal is permitted within the zone with the consent of Council.

The above terms are defined in the Dictionary to SLEP 2014 as follows:

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

- (a) a medical centre,
- (b) community health service facilities,
- (c) health consulting rooms,
- (d) patient transport facilities, including helipads and ambulance facilities,
- (e) hospital.

**community facility** means a building or place:

- (a) owned or controlled by a public authority or non-profit community organisation, and
- (b) used for the physical, social, cultural or intellectual development or welfare of the community, but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

**medical centre** means premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services.

### **Zone Objectives**

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.

Comment:

The proposed development is not inconsistent with the objectives of the B4 zone.

### SLEP 2014 Clauses

#### **Part 2 Permitted or prohibited development**

##### Clause 2.7 Demolition

Comment: The applicant seeks to complete demolition works for the removal of structures from the site in accordance with this application. Complies.

#### **Part 4 Principal development standards**

##### Clause 4.3 Height of Buildings

The objectives of this clause are stated in subclause (1) as follows:

- (a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of a locality,
- (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,
- (c) to ensure that the height of buildings on or in the vicinity of a heritage item or within a heritage conservation area respect heritage significance.

In accordance with subclause (2), the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.



**Figure 22** - Extract from ePlanning Spatial Viewer of the SLEP 2014 Height of Building Map. Subject site outlined in red.

The Height of Buildings Map indicates a maximum height of 11m applies to the site.  
The development proposes a maximum height of 10.23m – complies.

#### *Clause 4.4 Floor Space Ratio*

The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map (subclause (2)).





**Figure 23** - Extract from ePlanning Spatial Viewer of the SLEP 2014 Floor Space Ratio (FSR) Map. Subject site outlined in red

The FSR Map indicates that the subject site has a Floor Space Ratio of 1.5:1. The gross floor area of the building is 964m<sup>2</sup>. The subject site is 1392.7m<sup>2</sup> in area giving a maximum Floor Space Ratio of 0.69:1 – complies.

## Part 5 Miscellaneous provisions

### *Clause 5.10 Heritage conservation*

(1) Objectives The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of Shoalhaven,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

The development proposes the demolition of the existing dwelling and associated structures from the site.



**Figure 24** – extract of North and West elevation image from HDR



**Figure 25** - extract of East elevation image from HDR



**Figure 26** - extract of South elevation image from HDR

The potential heritage value of the site was raised by one submitter in response to public notification process.

The applicants submitted a Heritage Demolition Report (HDR) prepared by John Oultram Heritage & Design, dated March 2019. The HDR advised:

- The property is not classified on the Register of the National Trust of Australia (NSW), is not listed on the State Heritage Register (SHR) or State Heritage Inventory and is not listed as a heritage item in Schedule 5 Part 1 of the Shoalhaven Local Environmental Plan 2014 (as amended) (LEP).
- The property is not within a conservation area and not in the vicinity of any heritage items.
- The current house is not at a level of significance that would preclude its demolition. Though the house is a good example of a Post War development, its architectural qualities are not such that it would merit retention.
- That the house should be photographically archivally recorded in accordance with the Office and Environment and Heritage guidelines for digital capture.

#### *Clause 5.12 Infrastructure development and use of existing buildings of the Crown*

The subject development comprises development made by or on behalf of the Crown. Under clause 5.12 of the SLEP, nothing in the SLEP can restrict or prohibit the proposed development as the works are permitted with consent under the State Environmental Planning Policy (Infrastructure) 2007.

## **Part 7 Additional local provisions**

### *Clause 7.1 Acid Sulfate Soils*

It is unlikely that the proposed works would disturb, drain or expose acid sulfate soils to the atmosphere to cause environmental damage. The subject works are proposed to be undertaken on Class 5 acid sulphate soil. The works would not involve disturbing the earth at a depth of 5 metres or the lowering of the watertable.

### *Clause 7.2 Earthworks*

**Table 3** - Clause 7.2 of SLEP considerations

<b>7.2 Earthworks</b>	
(1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.	
(3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:	
(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,	The existing site drains gradually to the north east comprising roofwater and hard stand/sealed pavement runoff. The submitted Stormwater Management Plan (D18/365470) prepared by Woolacots Consulting Engineers, dated 10/09/2018, confirms that the predevelopment flow from the site will not be exceeded with the use of a 30m <sup>3</sup> detention tank below the basement slab.



**Figure 27** - extract of Phase 1 Contamination Assessment SMEC

The Phase 1 Contamination Assessment submitted with the application (SMEC), dated 20/12/2017 included a geotechnical investigation comprising two shallow surface samples (HA3 and HA4), and four auger boreholes (nominated BH05, BH06, BH07 and BH08). The report divided the site into three geological units described below:

Inferred Geotechnical Unit	Depth to Top of Unit from Ground Surface Level in Boreholes (m)	Approximate Unit Thickness (m)	Description
Unit 1: Fill	0.0	0.3 to 1.6	Wearing Surface, Topsoil, Sand, Silty Sand, dry (but moist to wet in the lower parts of the unit in BH05), loose to medium dense
Unit 2: Residual	0.3 to 1.6	1.2m to >2.2m	Clay: High plasticity, pale grey, wetter than the plastic limit, stiff to very stiff  Silty Sand and Sandy Clay (encountered in BH08 only): fine to medium grained sand, medium plasticity clay, firm to stiff
Unit 3: Residual to Extremely Weathered (Only BH07 and BH08)	1.7 to 2.0	-	Clay: High plasticity, pale grey to red very stiff to hard

**Table 4** - extract of Phase 1 Contamination Assessment - Subsurface Geotechnical Unit Descriptions - SMEC

No water inflows were encountered during the investigation. It can be inferred from the SMEC report that there is no evidence of existing soil instability in the locality of the development.

(b) the effect of the development on the likely future use or redevelopment of the land,

The development will satisfy the likely future use for the site as community health centre.

(c) the quality of the fill or the soil to be excavated, or both,

Soil material (approximate volume being 1320m<sup>3</sup>) will be excavated from the site to accommodate the basement car park. Site levelling appears to have occurred with deeper fill placed downslope in the northern portion of the site, supported by a retaining wall along the northern site boundary. A previous hazardous materials survey report has identified that site structures contain non-friable asbestos, lead paint and PCBs in light capacitors. The SMEC contamination assessment report found that the fill soils appear to meet the classification of General Solid Waste in their current form while the



	natural deeper clay soils did not show evidence of contamination and had contaminant concentrations within what would be expected of natural background levels. These soils may be classified as Virgin Excavated Natural Material subject to visual confirmation during excavation by an experienced environmental consultant.
(d) the effect of the development on the existing and likely amenity of adjoining properties,	<p>A single storey dwelling (84 South Street) is located approximately 5.69m away from the foundations (RL31.2) of the basement level of the proposed development.</p> <p>Given the setback of 84 South Street relative to the proposed development it is estimated that the depth of cut below existing ground level for the proposed development will range from 0.8m (N alignment) to 2.2m (S alignment) and is therefore well outside the zone of influence for the footings of the existing dwelling.</p> <p>A 3 storey commercial building (132 Princes Highway) stands 11.6m south of the basement level of the proposed development.</p> <p>The finished ground level for 132 Princes Highway boundary relative to the alignment of the proposed development ranges from 36.25m AHD (SW corner) to 34.5m AHD (SE corner). Given proposed foundation level of (RL31.2) it is estimated that the depth of cut below existing ground level for the proposed development will range from 4.91m (SW corner) to 3.16m (SE corner). The proposed basement cut is well outside the zone of influence for the footings of 132 Princes Highway.</p>
(e) the source of any fill material and the destination of any excavated material,	<p>The submitted SEE states:</p> <p>Excavated material will be transported to a landfill accredited to receive the classification of waste. VENM material may be transported to approved fill sites. Material classification and haulage routes will be confirmed with the head contractor prior to the issue of the construction certificate. Refer draft conditions.</p>
(f) the likelihood of disturbing relics,	The site is not identified on Council's GIS as having any evidence of heritage or cultural significance.
(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,	The proposed development site is not located within the vicinity of any waterway, drinking water catchment or environmentally sensitive area
(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.	The storm water management and erosion control plans submitted with the application provide measures to control storm water runoff impacts and erosion from the site.

### Clause 7.11 Essential Services

The subject site has access to all essential services. All services are to be augmented as required. Endeavour Energy has raised no specific concerns with the application and Shoalhaven Water have issued their Notice of Approval to the application.

### Draft Environmental Planning Instrument

The following draft EPIs are relevant to the subject site:

- Draft State Environmental Planning Policy (Remediation of Land)

### Shoalhaven Development Control Plan 202014 (DCP2014)

**Table 4 – DCP 2014 Considerations**

## Site Specific Chapters

### Chapter S8: Ulladulla Town Centre

#### Section 3 Context

**Comment:** The subject site is identified within Precinct 2 'Mixed Use (Commercial Residential)' precinct. The proposed development maintains the existing compatible commercial use on the site (community health centre) which has demonstrated to be a complementary use to the existing and envisaged future uses within the precinct.

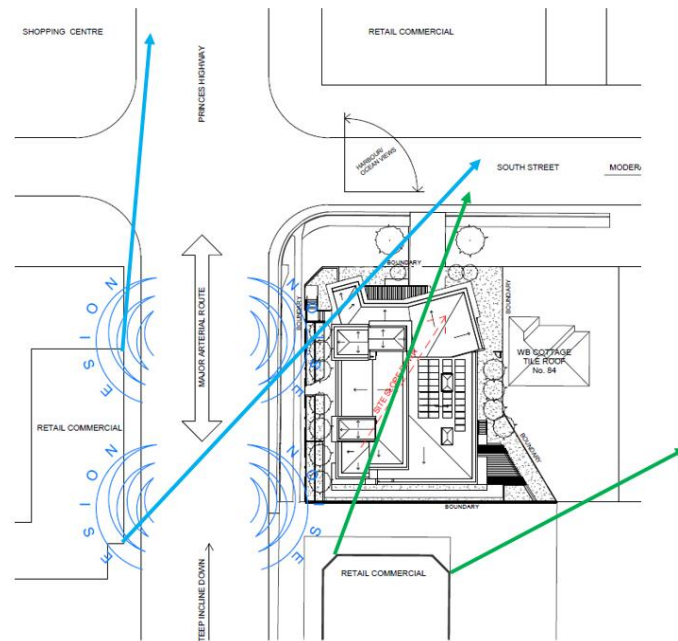
The site has direct corner frontage to the Princes Highway & South Street, has good visibility and accessibility while being a complementary use to the existing adjacent properties (having both residential and commercial uses).

#### Section 4 – Objectives

**Comment:** The proposed development is considered to meet all of the key objectives of the chapter.

#### 5 Controls

##### 5.1.1 Important views and vistas



**Figure 28 – Site Analysis Plan**

**Comment:** The proposed building is two storeys in height which steps down the slope to reflect the topography. The design provides for view sharing to the harbor from the adjoining commercial/retail buildings to the south & west as a result of the overall height being nestled below the 11m height plane and the first floor occupying the western half of the site. View sharing angle is represented by the views retained between the green & blue arrows – complies

##### 5.1.2 Building Setbacks

Map 3 shows a 5m average setback as applying to both street frontages at the subject site.

**Comment:** Setbacks are considered satisfactory - complies

##### 5.1.3 Building height and floor space ratio

Comment: The development is two storeys plus basement, with a maximum building height of 10.23m and FSR of 0.69:1. The submitted shadow diagrams demonstrate that the adjoining dwelling (84 South Street) will receive adequate natural sunlight in accord with the planning principles established by the Land and Environment Court. - complies

#### 5.1.4 Landscape

Comment: Submitted landscape plan is generally satisfactory subject to conditions in the draft consent - complies

#### 5.2.1 Ecologically sustainable developments

Comment: The development incorporates an OSD stormwater system, adequate deep soil zones and will comply with Part J of the Building Code of Australia (BCA) as a requirement of the Construction Certificate process. - complies

#### 5.2.2 Building form/orientation and 5.2.5 Building appearance, materials and finishes

Comment: The proposed building:

- Provides an appropriate graduated transition between the three storey commercial building to the south and the one storey dwelling to the east.
- Recesses the vehicle entry so that they are not the dominant element facing South Street.
- Provides articulated façade elements to visually break down the scale of the street walls and uses varying finishes including timber battens, stacked stone, glass, fibre cement sheet, face brick, manufactured vertical cladding and anodized windows & door frames.
- Addresses the maritime theme.

#### 5.2.3 Accessibility

Comment: The building provides an accessible path from Princes Highway to the principal public entry and lift access between the basement carpark and each floor and accessible sanitary facilities are provided on both operational floors - complies

#### 5.2.4 Building roofscapes

Comment: The building design will provide unobtrusive yet visually interesting and landmark silhouette when viewed from adjoining streets and public vantage points within the Town Centre – complies

#### 5.3 Infrastructure

##### 5.3.1 Car parking and access

Comment: The proposed car parking avoids direct access to the Princes Highway, maintains on-street parking on the Princes Highway, provides for timed drop-off parking on South Street approved by council's Traffic Committee while screening parking areas within the basement - complies

##### 5.3.2 Traffic facilities, pedestrian movement and safety

Comment: The location of the proposed driveway parking entry and on-street drop-off pick up parking bay will not impede the future installation footprint requirements for Traffic Lights at the intersection of South Street and the Princes Highway. Suitable bicycle parking facilities are included - complies

## 5.4 Utility Service, Waste Management and Soil and Stormwater Management

### 5.4.1 Waste

Comment: Suitable screened waste facilities are provided in the basement with kerbside pickup for general waste and medical waste to be serviced by contractor.  
Condition wash down area for bins in the basement.

### 5.4.2 Water supply and 5.4.3 Sewerage

Comment: Refer to Shoalhaven Water Development Notice attached to the draft conditions of consent.

## Generic Chapters

### G1: Site Analysis, Sustainable Design and Building Materials in Rural and Coastal Areas

#### 4 Objectives

Comment: The objectives of the chapter have been satisfied

#### 5 Controls

##### 5.1 Site Analysis

Comment: A compliant site analysis was submitted with the application

### G2: Sustainable Stormwater Management and Erosion/Sediment Control

#### 4 Objectives

Comment: The objectives of the chapter have been satisfied

##### 5.1.1 Minor Systems Stormwater Design

Proposed stormwater design is provided by Woolacotts Consulting Engineers Pty Ltd (D18/365482 & D18/365470) in accordance with the requirements in this chapter. The development has been design to cater for a 10 year ARI event with all stormwater directed to a 30m<sup>3</sup> OSD tank under the basement slab which then discharges to the kerb in South Street via a bioretention basin.

Comment: Subject to Council's Development Engineer recommended conditions of consent, as amended.

##### 5.1.2 Climate Change Controls

Comment: Noted. No concerns raised by Council's Development Engineer.

##### 5.1.3 Onsite Stormwater Detention (OSD)

Proposed: OSD has been sized to match pre-development peak rates for the 5, 20 and 100 yr ARI events. Pre and post-development peak flow calculation must be based on the impervious percentage. Detention storage is located above the 5 year ARI.

Comment: Council's Development Engineer recommended conditions of consent to address OSD for the development and management of systems to ensure capacity is maintained.

##### 5.2 Stormwater Reuse

Comment: Subject to Council's Development Engineer recommended conditions of consent.



### 5.3.1 Erosion and Sediment Control

The application is supported by Erosion and Sediment Control Plan & Details prepared by Woolacotts Consulting Engineers Pty Ltd (D18/365464).

Comment: Council's Development Engineer recommended conditions of consent for a detailed erosion and sediment control plans and soil and water management plan prepared in accordance with Managing Urban Stormwater: Soils and Construction, Volume 1, 4th Edition (Landcom 2004) (Blue Book).

### 5.3.2 Stormwater Retention – General

Comment: Complies, subject to Council's Development Engineer recommended conditions of consent.

## **G3: Landscaping Design Guidelines**

The application is supported by a Landscape Plan prepared by Iscape Landscape & Architecture Pty Ltd (D18/365454).

Comment:

Suitable landscaping is proposed and subject to recommended conditions of consent.

## **G7: Waste Minimisation and Management Controls**

### 5 Controls

The application is supported by a Waste Management Plan and addendum (D18/365393 & D19/77303) prepared by Gran Associates Australia Ltd that address demolition, construction and operational use in accord with Chapter G7.

Comment: Council's Waste Services Section has considered the proposed on-going waste management arrangements and determined them to be acceptable subject to recommended conditions.

## **G18: Streetscape Design for Town and Village Centres**

### 5.1 Streetscape Character and Function

A1.2 A landscape plan is to be submitted with a Development Application illustrating works that are within the streetscape.

Comment: The submitted landscape plan includes the provision of 2 Brush Box trees in the South Street frontage. Council's Landscape Architect has provided recommended plantings of 3 x 75L Lagerstoemia indica 'Tuscarora' (Crepe Myrtle) to the Princes Highway frontage that will be compatible with overhead power lines. – complies.

## **G21: Car Parking and Traffic**

The SEE states the new community health service facility will provide a single integrated source of community health services, including:

Community Nursing, Child & Family, Early Childhood, Violence Abuse & Neglect, Women's Health, Mental Health, Drug & Alcohol and Oral Health

The current facilities (ie to be relocated to the new Health One Centre) are provided by

approximately 29 full time equivalent staff. The number of staff on site at any one time is fluid and will change on any given day, which may include some staff who:

- Will be located at the centre and provide services onsite
- Use the centre as a base, and will provide outreach services off site / in people's homes
- Visit the centre on a regular or adhoc basis to provide in reach services
- Provide services a few days a week or five days per week.

On any given day, there is likely to be an average of 15 staff located on site, with the rest offsite providing outreach services.

A basement car park is proposed, to be accessed from a single six metre wide ingress/egress driveway to South Street.

A total of **23** car parking spaces have been provided under the proposed development.

The applicants proposed allocation of parking spaces is represented by Figure 29 below. Yellow spaces represent fleet parking, blue spaces represent staff parking while green spaces represent parking allocated to patients/visitors. A pick up/drop off area for an ambulance is also located in the basement adjacent to the lift corridor.



**Figure 29** – Proposed parking allocation

### 5.1 Car Parking Schedule

**Comment:** Due to inadequate parking information within the submitted SEE council's Traffic Unit initially adopted a conservative approach of assessing the entire building as a medical centre and applying the flat rate of 1 space per 24m<sup>2</sup> gross floor area (GFA). With a combined operational floor area of 964m<sup>2</sup> this equated to 40 parking spaces to be provided on site.

The SLEP2014 dictionary defines **gross floor area** as:

*the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:*

- (a) the area of a mezzanine, and*
- (b) habitable rooms in a basement or an attic, and*
- (c) any shop, auditorium, cinema, and the like, in a basement or attic,*

**but excludes:**

- (d) any area for common vertical circulation, such as lifts and stairs, and*
- (e) any basement:*
  - (i) storage, and*
  - (ii) vehicular access, loading areas, garbage and services, and*
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and*
- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and*
- (h) any space used for the loading or unloading of goods (including access to it), and*
- (i) terraces and balconies with outer walls less than 1.4 metres high, and*
- (j) voids above a floor at the level of a storey or storey above.*

The proposed development is best characterized as a **community health service facility** that incorporates some of the features of a medical centre and other features of a community facility.

When assessing mixed use facilities it is more accurate to prepare a calculation for the different uses on each floor while excluding those areas not covered under the definition of gross floor area. This calculation provides:

#### Ground Floor – Medical Centre

$565\text{m}^2/24=23.5$  spaces

#### First floor – Offices

$255\text{m}^2/40 = 6.375$  spaces

Combined mixed use parking demand for both floors of **28** spaces. (Chapter G21).

### **5.15 Parking Credits**

The HIS prepared by John Armes (D19/78484) contends that the current dwelling building was erected around the middle of 1953 and was owned and operated by NSW government agencies associated with the administration of local healthcare services from the mid-1970s.

This building contains a double garage (2 parking spaces) in the undercroft space.

Council's first planning scheme (Shoalhaven City Council Interim Development Order) was gazette on 28 February 1964.

Given that a search of council records did not reveal any record of an approval for change of use from dwelling to a health service facility the current application benefits from **2 parking credits** associated with the dwelling as it was erected prior to the commencement of council's planning scheme.

This provides a revised total parking demand for both floors of **26** spaces. (Chapter G21).

Community health service facilities are not directly addressed by either the car parking

schedule in council's DCP or the RTA Guide to Traffic Generating Developments. Under these circumstances a Traffic Impact Assessment (TIA) is required to support the application.

A Parking Demand Study (TIA) (D19/69763) was submitted by Woolacotts Consulting Engineers. Council Traffic Unit reviewed the TIA and found:

*Based on pre-lodgement notes the following information doesn't appear to have been provided: "parking layout plans need to provide swept path turning movement design information for all parking spaces/vehicle types demonstrating that vehicles can safely enter, manoeuvre and exit in a forward direction"*

- *Typically, a turning bay would need to be provided for cars at the end of the aisle to turn around.*
- *Adequate clearances would need to be applied as per AS2890.2 cl 5.4 especially for Ambulance and mini bus.*

*The CPDS is considered limited in its data and further investigation should be recommended including:*

- *The survey should identify the peak generation rates so limiting the study to one half day survey does not identify peak periods due to overlap of the various services during the week; consideration should be given to the facilities timetable.*
- *The impact of the fleet cars was not considered sufficiently in the study given there is expected to be 29 FTE staff and only 15 situated on site, therefore the remaining 14 staff (if they all arrived on the same day) would be sharing 15 fleet cars.*
- *Reference to "Guide to Traffic Management Part 11: Parking Table 4.1 and C2.1" provides alternative car parking rates ranging from 34 to 48 but this is determined by:*
  - *How many practitioners/professional staff and how many assisting staff would be working, and what would be the maximum working at any given period?*
  - *How many children would be using this facility?*
- *Study should incorporate surrounding premises and their car parking demands in addition to the proposed demands compared to what is available on the surrounding streets.*
- *The removal of existing driveways on Princes Highway will only increase the parking by 2. As per AS2890.5 Figure 2.3 the width of the carparks parallel to the kerb for 45° would need to be 3.5m, and 3m clearance would need to be maintained from adjacent driveway as well as 10m from intersection with South St.*

Health Infrastructure NSW subsequently submitted the following additional information on 11 April 2019 addressing the proposed use of each area (D19/119745).

- *RG01 – 08 are consulting rooms used for the provision of medical consulting and, on occasions, minor procedures. These may include immunisation injection. They can accommodate a medical professional such as a nurse, a patient and sometimes an accompanying person*
- *RG10 – 11 are dental surgeries. They can accommodate a dentist and assistant, a patient and sometimes an accompanying person*
- *RG12 to 17 are interview rooms. They can accommodate a health service professional, a client and sometimes an accompanying person*
- *RG32 is a store room –clinical items*
- *RG33 is a store room – general items*
- *RG34 is a disposal room*
- *R101, R102 and the space between, R103, 106 are open work areas providing for outreach health service workers generally in the early morning and/ or the late*

afternoon when they are not providing services in the community

- R104 & 105 are break out rooms to have private meetings as necessary or to have a quiet area for private conversations.

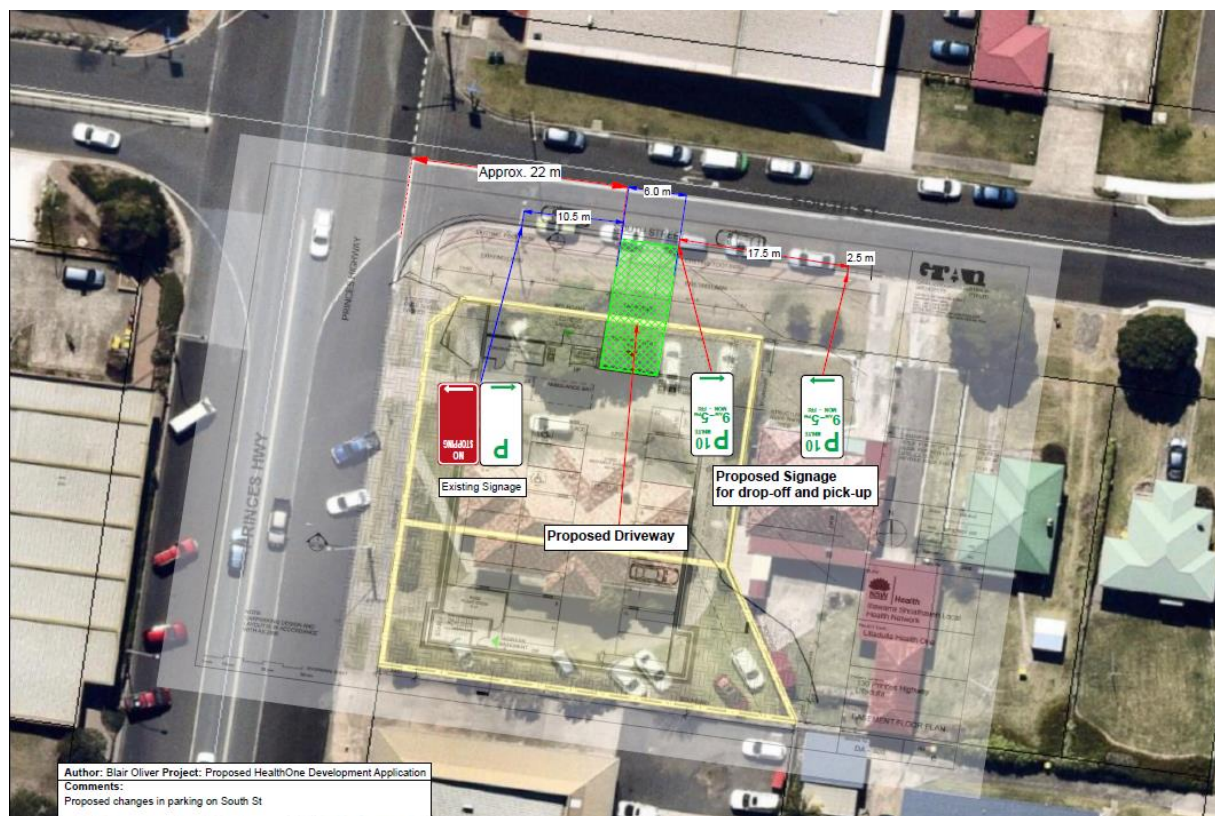
The centre will be open from 8.30am to 5.00pm, Monday to Friday. However, in regards to the consult and interview rooms - they are shared rooms for the various services that will be provided from within the facility. The only exception are the dental consult rooms. The consult and interview rooms are specifically booked for the service which can include, child and family, mental health, drug and alcohol, etc. Some of these services are only provided one to two days per week, some would be provided 5 days a weeks, with the majority of the consultation and interviews by the community health nurses being via home visits.

As noted in the submitted Parking Demand Study, services are provided at different times and frequencies through the week. Therefore, not all consulting/interview rooms will be used at the same time. The provision of outreach services involves staff driving to patients' residences, thereby reducing the number of patients coming to site and reducing the number of staff on site at any one time.

On 15 April 2018, council's assessment planner briefed the Regional Panel Members on site. Key parking issues discussed included:

- Need for drop off/pick up zone in South Street for taxi and community transport servicing
- Need for increased priority for visitor parking on site in lieu of staff/fleet parking

Council Traffic Committee subsequently approved (MIN19.437) the installation of 10 minute time restricted parking signs for approximately 17.5 meters on South Street Ulladulla to accommodate the proposed HealthOne development application, as detailed in the attached plan (D19/187923).



**Figure 30 – Report Attachment – Time restricted parking – South Street Ulladulla – Shoalhaven traffic**

Committee 11 June 2019

On 13 May 2019 the applicants submitted a revised basement parking plan (D19/217898 refer Figure 2) that incorporated the approved time limited drop off/pick up parking in South Street and swept path turning movement details for ambulance/service vehicles.

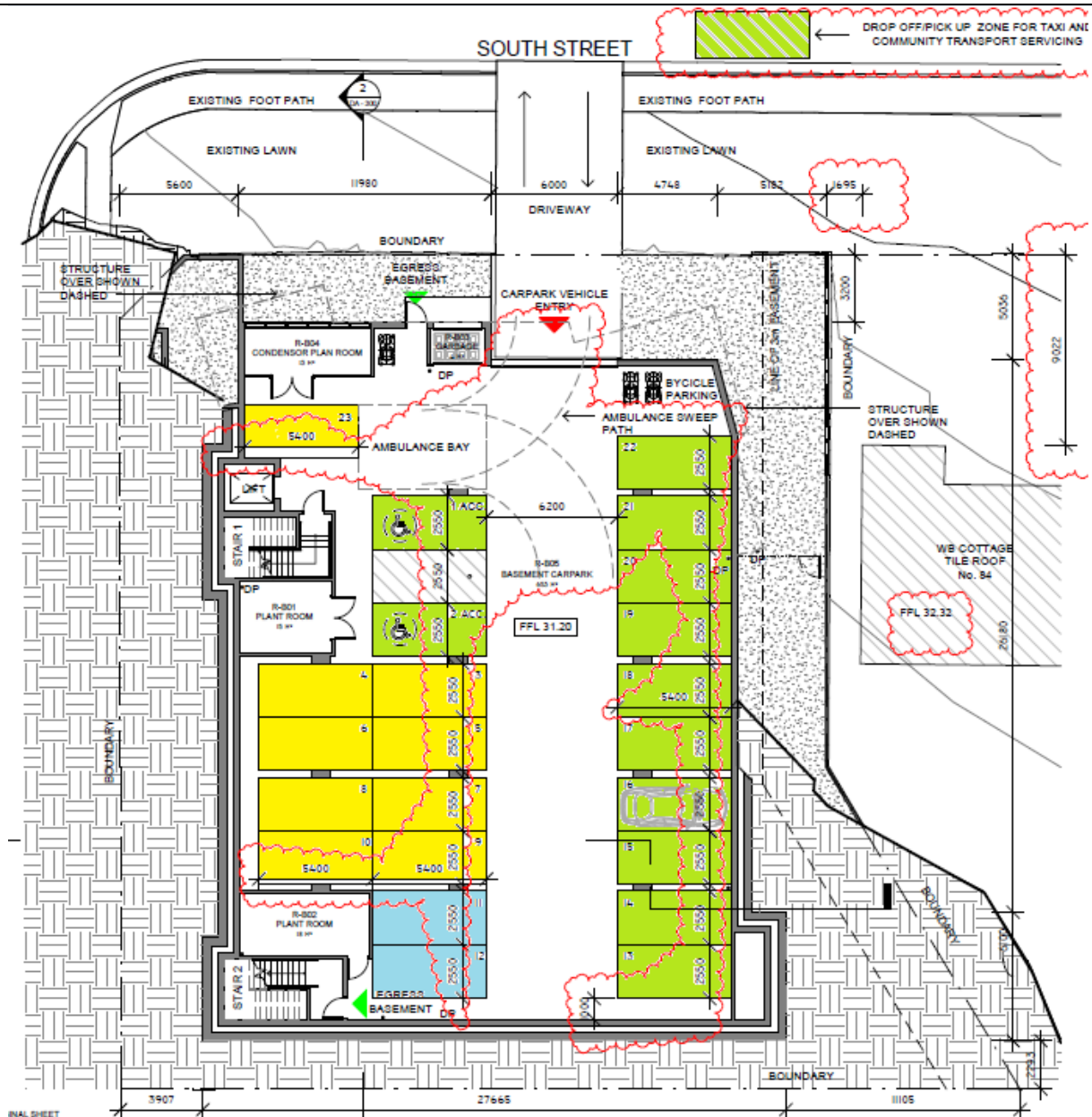
Clause 5.13 of Chapter G1 States:

*All on-site car parking spaces must be available in accordance with the development consent for use by patrons/clients of the development at all times during operating hours and clearly signposted. If car parking spaces are required for the exclusive use of an owner or operator, then such spaces must be provided over and above those required by any development consent.*

Comment: Council has no formal record of a change of use from dwelling to health service facility. It is recognized that the site has provided community health services for the past 44 years with informal on-site parking of community health vehicles.

Given that the proposed development is intended to provide for public access to community health services it is the author's view that the allocation of basement car parking needs to be balanced more in favour of the community it serves than the proposed allocation detailed in the SEE and Parking Demand Study. Figure 31 below is a copy of the basement floor plan that has been marked up with colours to represent preferred parking allocation which is also referenced in the draft conditions of consent. This parking allocation provides a good balance between fleet pool stacked parking and visitor parking that is logical and defensible.





**Figure 31** – Marked up basement plan with assessment officer's recommended parking allocation. (9) Yellow spaces = Health Infrastructure NSW pool cars, (2) blue = staff parking & (12) green = visitor parking.

## 5.2 Traffic

*P1 To ensure new development:*

- Can be accommodated without adverse impact on the surrounding road network.
- Does not jeopardise the provision of future network requirements.

**Comment:** The surrounding road network provides underutilized on-street parking opportunities on the Princes Highway and South Street and in Council's South Street public carpark.

With a multidisciplinary facility, the expected peak parking demand for the site is likely to occur in the early morning and late afternoon periods while outreach health workers are not conducting their site visits. Assuming that only half of the outreach workers conduct site visits during the remainder of each day the simultaneous parking demand then drops to **23** spaces.

When we consider a net increase of 1 on street parking space due to rearrangement of

driveways, increased allocation of off street parking for visitors (the community being served by the proposal) and other modes of transport detailed in the TIA:

- Ulladulla Bus Lines local service 4 x per day
- Premier Motor Service provides daily coach service from Eden to Bomaderry
- Bicycle and pedestrian use
- Milton Ulladulla Taxis; and
- Shoalhaven Community Transport

It is considered that the development can be accommodated without adverse impact on the surrounding road network.

The intersection of the Princes Highway and South Street has been identified by Map 6 Chapter S8: Ulladulla Town Centre for the future provision of traffic lights. The proposed development driveway and timed drop off zone in South Street have been located outside the exclusion zone required by RMS for traffic signals.

### 5.3 Parking Layout and Dimensions

*P2 To provide safe and efficient circulation, manoeuvring and parking of vehicles*

*P3 To minimise potential for pedestrian conflict.*

*P4 To ensure that a vehicle can enter and leave the parking space in no more than two manoeuvres.*

- The design of the basement proposes the use of 9 spaces of stacked parking (refer yellow spaces in Figure 31).

Comment: Chapter G21 allows for stacked parking for a mixed use development provided a management plan is in place. The Parking and Vehicle Strategy attached to the SEE states:

*“stacked” cars will managed by the administration staff – as part of the vehicle booking system. Staff will be directed to use / access the car that is the most convenient (or at the front of the stack) first. The ISLHD does not allocate cars to staff, which increases the flexibility of how the pool cars are managed and utilised.*

The proposed vehicle booking methodology submitted to address stacked parking is supported for ISLHD pool cars only.

The development application has been assessed by council’s development engineer and traffic unit who have recommended conditions of consent. The development is considered to meet the objectives and acceptable solutions.

- *Proposed stacked spaces 4, 6, 8 & 10 have structural support columns that encroach the design envelope for a parked car under AS2890.1:2004.*

Comment: Condition spaces 4, 6, 8 & 10 to be relocated adjacent the western wall & have the column locations adjusted as required. Condition stacked spaces 3, 5, 7 & 9 be moved west to suit as this will provide additional aisle width for general maneuverability.

- *Swept path requirements for Ambulance and minibus*

Comment: The revised basement parking plan includes swept path diagram that demonstrates ambulance vehicles will be able to enter and leave the site in a forward direction with two movements. Community transport services have been addressed with the provision of the timed parking space on South Street.

Subject to Council’s Development Engineer recommended conditions of consent the parking



layout (excluding stacked parking) and dimension are consistent with Chapter G21 and parking spaces shall be designed in accordance with Australian Standard 2890.1:2004 and 2890.2:2002.

#### 5.4 Access

Comment: The proposed site entry and exit have been designed to ensure the safe movement of vehicles into and out of the site with minimal impact on South Street and the Princes Highway. Subject to Council's Development Engineer recommended conditions of consent, access to the site is considered to be appropriate.

#### 5.5 Maneuverability

Comment: Internal aisle width is designed to AS/NZS2890.1:2004 & AS/NZS 2890.6:2009 and provide sufficient room for the maneuvering of a vehicle.

Subject to Council's Development Engineer recommended conditions of consent the development is capable of achieving internal maneuverability for B99 vehicle and ambulance vehicles entering the basement.

#### 5.6 Service Areas

Comment: A loading bay is not considered necessary for the proposed development.

#### 5.7 Landscape Design

Comment: Complies.

#### 5.8 Drivers with a disability

Comment: Adaptable car parking spaces are provided in accordance with AS/NZS 2890.6-2009 Off-street parking for people with disabilities.

#### 5.9 Construction Requirements and 5.10 Design of Driveways

Comment: Subject to Council's Development Engineer recommended conditions of consent, as amended.

#### 5.11 Miscellaneous

*P16 To ensure efficient operation and safety of parking areas through appropriate signage.*

Comment: Condition signs and lines plan for vehicle entry and exit points, location and availability of visitor and bicycle parking to be approved by council prior to issue of a construction certificate.

*P18 To ensure the safety of persons using, and security of vehicles parked within car park areas through provision of lighting where appropriate.*

Comment: Condition effective illumination to comply with AS1158.1 – 1997.

*P19 To encourage the use of bicycles.*

Comment: Condition bicycle parking facilities and bicycle parking devices (BPD) be installed in accordance with AS2890.3:2015 Parking Facilities - Part 3: Bicycle Parking.

#### 5.12 Contributions

<b>Comment:</b> The proposed community health facility is exempt under councils contribution scheme – refer Table 5.
<b>G22: Advertising Signs and Structures</b>
As detailed signage design and compliance statement was not provided with the current application a separate application for any non-exempt signage is required.

**Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4**

There is no planning agreement that relates to the subject site.

**Environmental Planning and Assessment Regulation 2000**

There are no relevant considerations.

Shoalhaven Contributions Plan 2019

**Environmental Planning and Assessment Act 1979**

*7.13 Section 7.11 or 7.12 conditions subject to contributions plan*

*(1) A consent authority may impose a condition under section 7.11 or 7.12 only if it is of a kind allowed by, and is determined in accordance with, a contributions plan (subject to any direction of the Minister under this Division).*

In accordance with the Shoalhaven Contribution Plan 2010 (the Plan) authorises the imposition of contributions on development at the subdivision or consolidation of the land stage where subsequent development demands the provision of community infrastructure.

Part 2.5 Exemptions of the Plan states:

Development types & land use terms This Plan shall not apply to development provided by or on behalf of State Government or the Council for the purposes of community infrastructure included in this Plan or another contributions plan prepared under the EP&A Act;

A summary of land use and development definitions and their equivalent development categories under the Plan are shown in the Table to Schedule 4.2 which states:

**Table 5 – Contributions Plan 2019 Considerations**

Shoalhaven Local Environmental Plan 2014 Land Use Terms	Contributions Rate
Other LAND USE terms relating to community infrastructure	
community facilities	Exempt if provided by Council or State Government

Therefore no Section 7.11 contribution is payable in relation to the proposed community health facilities.

**The Likely impacts of that development, including environmental impacts on the natural and built environments, and social and economic impacts in the locality**

**Table 6 – Impacts Considerations**

Head of Consideration	Comment
Natural Environment	No threatened species, ecological communities or their habitat will be significantly impacted by the proposal. While

Head of Consideration	Comment
	all existing trees and vegetation will be removed from the site, suitable replacement landscaping is to be included in the new development.
Built Environment	The site benefits from 2 street frontages. The proposed development transitions in steps from the 3 storey commercial premises on the Princes Highway to the one storey dwelling to the east (84 South Street) in compliance with the (11m) height limit for the site. The proposal has adequate setback and design to provide for solar access and view sharing for surrounding development.  The aesthetics of the building are satisfactory
Social Impacts	The development has the potential to have a positive contribution through the provision of integrated community health services in the CBD of Ulladulla.
Economic Impacts	Employment opportunities will be created during demolition and construction phases of the proposal.

### Suitability of the site for the development

The site is zoned B4 Mixed use which permits Health Service Facilities - community health service facilities and medical centres. The site has historically provided community health services to the southern Shoalhaven population for the past 44 years. The new proposal will combine all community health services within one site that has good proximity to the Ulladulla CBD, is close to off-site parking opportunities and has access to local transport services.

The site is not identified as being encumbered by any potential constraints or natural hazards.

### Submissions made in accordance with the Act or the regulations

As mentioned previously, this DA has been exhibited in accordance with Council's *Community Consultation Policy for Development Applications (including subdivision) and the Formulation of Development Guidelines and Policies*.

Three (3) submissions were received by Council comprising two (2) identical submissions from one objector and one (1) submission requesting advice on the proposal.

**Table 7 – Submission Considerations**

Submitter 1 – Adjoining neighbour	
Submitter requested detail on the proposed measures to prevent demolition/construction dust/asbestos from escaping the development site and impacting their property/health?	A number of conditions in the draft consent address dust/asbestos health and safety measures for the development
Submitter requested detail on the proposed measures to prevent demolition/construction materials from falling on their property?	Refer hoarding condition to development site
Submitter requested detail on the proposed measures to prevent excavation work from	Refer comments under Table 3 Clause 7.2 earthwork considerations and draft condition

damaging their property?	- Support for neighbouring buildings
Submitter requested detail on the proposed finish of the adjoining fence between the development site and their property?	There is a relatively new colorbond metal fence constructed on the adjoining boundary between the submitter and the development site. Condition - If the fence is intended to be retained then it must be repaired or replaced should it be damaged during demolition/construction work.
Submitter requested detail on the proposed replacement for the adjoining masonry retaining wall that is proposed for demolition?	Condition replacement retaining wall
Submitter requested detail on the proposed depth of cut for the basement carpark as they were concerned that the cut may impact the structural stability of their dwelling?	Refer comments under Table 3 Clause 7.2 earthwork considerations
Submitter requested that the proponents consult with them during the demolition/building process to minimise impacts on their living arrangements?	Condition site demolition/construction manager to liaise with adjoining neighbours at each stage of the development to minimise impacts on adjoining neighbours.
<b>Submitter 2</b>	
Objected to the demolition of the building which alleged it was a significant post war dwelling with potential local heritage significance	Refer to comments under SLEP 2014 Clause 5.10. Heritage significance for retention not supported. Condition photographic archival record in accordance with the Office and Environment and Heritage guidelines for digital capture

### The Public Interest

The development has been assessed against state and local environmental planning instruments and the development control plan and related guidelines for the Shoalhaven City Council. The assessment identified the development complies with the height control and setbacks while demonstrating a suitable built form and massing that is compatible with surrounding development.

The amalgamation of community health services into one location provides economies of scale that should improve the management and delivery of community health while freeing up redundant facilities for other purposes.

Accordingly, the proposal is considered to be in the public interest.

### 8. RECOMMENDATION

This application has been assessed having regard for Section 4.15 (Matters for consideration) under the EPA Act. As such, it is recommended that Development Application No. RA18/1001 be approved subject to conditions detailed in Attachment 1.