

## SOUTHERN REGIONAL PLANNING PANEL

### (Southern Region)

JRPP No	<b>2019STH010</b>
DA Number	DA-2019/493
Local Government Area	Wollongong City
Proposed Development	Business premises - demolition of existing buildings and construction of a two storey primary and community health facility
Street Address	Lot 1 DP 526181, 4 Marshall Street, DAPTO
Applicant/Owner	Applicant – Illawarra Shoalhaven Local Health District
Number of Submissions	No submissions received.
Regional Development Criteria (Clause 4.5(b) of the Act and SEPP (State and Regional Development) 2011)	<p>The proposal has been referred to the Joint Regional Planning Panel as the consent authority under Clause 4.5(b) of the Environmental Planning &amp; Assessment Act 1979 as the proposal is for Crown development over \$5 million which is defined as Regionally significant development under the SEPP (State and Regional Development) 2011 Schedule 7 Clause 4.</p> <p>The applicant's CIV estimate for the project is \$5,573,000.</p>
List of All Relevant s4.15(1)(a) Matters	<ul style="list-style-type: none"> <li>· List all of the relevant environmental planning instruments: s4.15(1)(a)(1) –</li> </ul> <p><u>State Environmental Planning Policies (SEPPs):</u></p> <ul style="list-style-type: none"> <li>§ SEPP No. 55 – Remediation of Land; and</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>§ Wollongong Local Environmental Plan 2009</li> </ul> <p><u>Other policies</u></p> <ul style="list-style-type: none"> <li>§ Wollongong City-Wide Development Contributions Plan 2018</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)</li> </ul> <ul style="list-style-type: none"> <li>§ Nil</li> </ul> <ul style="list-style-type: none"> <li>· List any relevant development control plan: s4.15(1)(a)(iii)</li> </ul> <ul style="list-style-type: none"> <li>– Wollongong Development Control Plan 2009</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> </ul> <ul style="list-style-type: none"> <li>– Nil</li> </ul> <ul style="list-style-type: none"> <li>· List any relevant regulations: s4.15(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288</li> </ul> <p>AS 2601 in respect of any demolition.</p> <ul style="list-style-type: none"> <li>· List any coastal zone management plan: s4.15(1)(a)(v)</li> </ul> <p>There is no Coastal Zone Management Plan currently applicable to the land.</p>

List all documents submitted with this report for the panel's consideration	Plans – Architectural, Landscape, Traffic and Engineering Aerial photograph, WLEP 2009 zoning map, site photographs and extract of deposited plan Wollongong DCP 2009 Assessment Draft conditions
Recommendation	DA-2019/493 be approved subject to the conditions contained within <b>Attachment 6.</b>
Report by	Rodney Thew, Development Project Officer

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### 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**

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### 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? **Yes**

*e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP*

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### 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? **N/A**

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### Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **No**

*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

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### Conditions

Have draft conditions been provided to the applicant for comment? **Yes**

*Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report*

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# Assessment Report and Recommendation Cover Sheet

## 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 as the consent authority pursuant to Section 4.5(b) of the Environmental Planning and Assessment Act 1979 as it involves Crown development with a capital investment value of more than \$5 million which is defined as Regionally significant development under State Environmental Planning Policy (State and regional Development) 2011 Schedule 7 Clause 4.

### Proposal

The proposal comprises demolition of the existing structures and construction of a two (2) storey primary and community health facility on the subject site.

### Permissibility

The site is zoned B2 Local Centre pursuant to Wollongong Local Environmental Plan (WLEP) 2009. The proposal is categorised as *community facility* and is permissible in the zone with development consent.

### Consultation

The proposal was notified in accordance with Council's WDCP 2009 Appendix 1: Public Notification and Advertising. No submissions were received following notification.

### Main Issues

The main issues arising from the assessment are:-

- Traffic in particular the number of parking spaces provided. The proposal requires 40 spaces (WDCP 2009 waiver included) whereas the proposal has 22 parking spaces only.
- Development control plan variation in respect to a required 1.5m wide landscape bed to the Northern side boundary and Western rear boundary.

### Conclusion

The proposed development has been assessed with regard to the relevant prescribed matters for consideration outlined in Section 4.15 of the Environmental Planning & Assessment Act 1979. The proposed development is permissible with consent and is reflective of the objectives of the B2 Local Centre zone. The development is consistent with the applicable provisions of the relevant planning instruments including Wollongong LEP 2009.

The design of the development is appropriate with regard to the controls outlined in the Wollongong DCP 2009 including the variation requests to onsite car parking and landscaping.

It is considered that the proposed development is unlikely to result in adverse impacts on the character or amenity of the surrounding area, environment and adjoining development.

### RECOMMENDATION

DA-2019/493 be approved subject to the conditions provided in **Attachment 6**.

## 1. APPLICATION OVERVIEW

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### 1.1 PLANNING CONTROLS

The following planning controls apply to the development:

#### State Environmental Planning Policies:

- SEPP No. 55 – Remediation of Land
- SEPP (State and Regional Development ) 2011

#### Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

#### Development Control Plans:

- Wollongong Development Control Plan 2009

#### Other policies

- Wollongong City-Wide Development Contributions Plan 2018

## **1.2 PROPOSAL**

The proposal is Crown Development.

The development consists of the following main elements:

- Demolition of all existing structures; and
- Construction of a two (2) storey primary and community health facility consisting of the following services;
  - Child and Family Health;
  - Women's Health;
  - Mental Health;
  - Oral Health;
  - Drug and Alcohol;
  - Ambulatory and Primary Health Care;
  - Aged Care;
  - Allied Health; and
  - Education, Training and Research.
- Client Spaces and Capacity of the community health care facility consist of the following:
  - Community Health consulting and interview spaces (14 individual rooms);
  - Oral Health consulting rooms (4 individual rooms)
  - Allied Health Space (2 Group Rooms);
  - The facility will operate on an appointments only basis;
  - 35 Permanent full time staff;
  - 11 staff on home visits; and
  - 22 Car Parking Spaces.

Architectural plans are provided at **Attachment 2**.

## **1.3 BACKGROUND**

### *Development History*

A history of the development site is as follows:

<b>Application Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
BA-1958/1517	Dwelling	Approved	13-Aug-1958
DA-1966/344	Use For Panel Beating	Approved	04-Oct-1966
DA-1974/260	Community Mental Health Centre	Approved	02-Sep-1974
DA-1992/769	Relocate Dwelling - (Baby Health Clinic)	Approved	25-Feb-1993
PL-2018/182	Primary and Community Health Facility	Completed	23-Oct-2018
DE-2018/221	Community facility	Completed	12-Feb-2019

DA-2019/493	Business premises - demolition of existing buildings and construction of a two storey primary and community health facility	Current Application	
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#### *Pre-lodgement meetings*

PL-2018/182, Primary and Community Health Facility

#### *Design Review Panel (DRP) meetings*

DE-2018/221, Community facility – The proposal was voluntarily submitted to the DRP for review on 29 January 2019.

#### *Customer service actions*

There are no outstanding customer service requests of relevance to the development.

## **1.4 SITE DESCRIPTION**

The site is located at 4 Marshall Street, DAPTO and the Title reference is Lot 1 DP 526181.

Situated on the land is a single storey health services facility. There is an outbuilding used for maintenance and a small sheds to the rear of the building. Vehicular access to the site is via a driveway off Marshall Street. The site has a pedestrian gate from the rear carpark to the adjacent Council carpark.

The land is an irregular shaped allotment with an overall site area of approximately 1340.5m<sup>2</sup> and falls slightly to the rear.

The street scene in the immediate vicinity is characterised by predominantly commercial and retail development. Adjoining development consists of recreation facility (indoor) to the North and a Council parking lot to the North west. A 12 unit light industrial complex within an IN2 Light Industrial zone borders the Southern and Western boundaries of the subject site.

Aerial photographs of the site and locality, zoning extract and a copy of the deposited plans are provided at **Attachment 1** to this report.

#### Property constraints

- Acid Sulfate Soils – Class 5
- Flood Risk Precinct – Classification under review

There are no restrictions on the title.

## **1.5 CONSULTATION**

### **1.5.1 INTERNAL CONSULTATION**

Details of the proposal were referred to Council's Stormwater, Traffic, Environment, Landscape, Community Services, SCAT, Health, Heritage and Contributions Officers for assessment. Satisfactory referral advice, comments and/or recommended conditions were provided in each instance.

#### **Stormwater**

Council's Stormwater Officer has reviewed the application and initially raised concerns in relation to some aspects of the design. Amended plans and further information were provided by the applicant that now resolves the concerns raised and the proposal is now conditionally satisfactory.

#### **Traffic**

Council's Traffic Officer has assessed the application submission and considered it conditionally satisfactory.

Initial concerns were raised with regard to the number of parking spaces provided, the allocation of these spaces to staff and patients and the location of the bicycle parking and end of trip facilities. Amended plans and documentation including secure staff bicycle compound, allocated staff car pool parking spaces, end of trip facilities and a Green Travel Plan were provided by the applicant. These amended plans and documentation have been reviewed and are considered to resolve concerns

raised. Implementation of the Green Travel Plan in combination with a Car Parking and Traffic Management Plan will address car parking impacts from the development.

Draft traffic conditions as at **Attachment 6** specify implementation and monitoring of the Green Travel Plan, preparation of a Car Park Management Plan to Council's satisfaction, car parking, access and bicycle parking facilities to Australian Standards and Waste Servicing of the development.

### **Environment**

Council's Environment Officer has assessed the application submission and considered it conditionally satisfactory.

It is noted that consideration was given to potential site contamination. A Stage 1 Contamination Assessment has been submitted. The Stage 1 Contamination Assessment has been accompanied by a review letter prepared by a Certified Environmental Consultant which concludes that in accordance with Clause 7 of SEPP 55 it is considered that the site can be made suitable for the intended land use.

In accordance with SEPP 55 Clause 7(2) Council's Environmental Officer has reviewed the history of the site in conjunction with these documents. Advice received is that the proposal is considered acceptable subject to conditions. Draft conditions as at **Attachment 6** include the requirement for a Site Environmental Management Plan, safe management and removal of asbestos, additional investigation following demolition as well as unexpected finds protocol and a Site Contamination Validation Report.

### **Landscape**

Council's Landscape Officer has assessed the application submission and considered it conditionally satisfactory.

Initial concerns were raised with regard to landscaping works within the public domain, forward of the building line and the Northern and Western boundaries.

Amended Landscape plans detailing footpath paving, street furniture and retention and location of the memorial plaque along with a variation request with regard to the landscaping along the Northern and Western boundaries were provided by the applicant. These amended plans and documentation have been reviewed and are considered to resolve concerns raised.

Draft landscaping conditions as at **Attachment 6** specify trees to be removed, tree planting, tree protection and management and footpath paving to be constructed within the Marshall Street road reserve.

### **Community Services**

Council's Community Services Officer has assessed the application submission and considered it satisfactory.

### **Safer Community Action Team (SCAT)**

Council's SCAT officer has assessed the application submission and considered it conditionally satisfactory.

### **Health**

Council's Health Officer has assessed the application submission and considered it conditionally satisfactory.

### **Heritage**

Council's Heritage Officer has assessed the application submission and considered it satisfactory with no conditions.

### **Development Contributions**

Council's Development Contributions Officer has assessed the request for an exemption from requirement for development contributions. Advice received is that as the application submission is made by the NSW Government for public infrastructure the proposed development is exempt from development contributions pursuant to Clause 15(b) of Wollongong City Wide Contributions Plan 2018.

## 1.5.2 EXTERNAL CONSULTATION

### Design Review Panel (DRP) (Pre-lodgement)

The proposal was lodged for a voluntary Design Review process which was undertaken on 29 January 2019. There were a number of minor design amendments recommended by the DRP at the time which were included in amended plans received and are considered to have satisfactorily addressed the DRP suggestions. A copy of the Panels notes are provided at **Attachment 3**.

## 2. ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

### SECTION 4.15 ASSESSMENT

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#### 2.1 SECTION 4.15 1(A)(1) ANY ENVIRONMENTAL PLANNING INSTRUMENT

##### 2.1.1 STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND

#### 7 Contamination and remediation to be considered in determining development application

- (1) *A consent authority must not consent to the carrying out of any development on land unless:*
  - (a) *it has considered whether the land is contaminated, and*
  - (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
  - (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*
- (2) *Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*
- (3) *The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.*
- (4) *The land concerned is:*
  - (a) *land that is within an investigation area,*
  - (b) *land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
  - (c) *to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:*
    - (i) *in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
    - (ii) *on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

A Stage 1 Contamination Assessment has been submitted in accordance with Clause 7(3). Two (2) areas of concern were identified which were due to fill of unknown origin and ineffective removal/weathering of hazardous demolition material. Recommendations have been provided that can make the site suitable for the proposed development. The Stage 1 Contamination Assessment has been accompanied by a review letter prepared by a Certified Environmental Consultant which concludes that the site can be made suitable for the intended land use in accordance with SEPP 55.

In accordance with Clause 7(2) Council's Environmental Officer has reviewed the history of the site in conjunction with these documents. Advice received is that the proposal is considered acceptable subject to conditions. Draft conditions as at **Attachment 6** include the requirement for a Site Environmental Management Plan, safe management and removal of asbestos, additional

investigation following demolition as well as unexpected finds protocol and a Site Contamination Validation Report.

It is considered the proposal is satisfactory with regard to SEPP 55 matters.

## 2.1.2 STATE ENVIRONMENTAL PLANNING POLICY (STATE AND REGIONAL DEVELOPMENT) 2011 SCHEDULE 7 CLAUSE 4

The proposal is for crown development with a capital investment value of more than \$5 million and accordingly the application is required to be determined by the State Regional Planning Panel pursuant to Clause 4.5(b) of the Environmental Planning & Assessment Act, 1979.

## 2.1.3 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

### Part 1 Preliminary

#### Clause 1.4 Definitions

**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.

**Demolition:** In relation to a building means wholly or partly destroy, dismantle or deface the building.

### Part 2 Permitted or prohibited development

#### Clause 2.2 – zoning of land to which Plan applies

The zoning map identifies the land as being zoned B2 Local Centre.

#### Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To allow for residential accommodation and other uses while maintaining active retail, business or other non-residential uses at the street level.*

It is considered that the proposed community health facility is satisfactory with regards to the above objectives for Zone B2 Local Centre. It is considered that the proposed community facility will provide community use that serves the needs of the people who live, work in and visit the local area and provide employment opportunities in an accessible location.

The land use table permits the following uses in the zone.

*Advertising structures; Amusement centres; Boarding houses; Car parks; Centre-based child care facilities; Commercial premises; **Community facilities**; Educational establishments; Entertainment facilities; Exhibition homes; Function centres; Hostels; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Roads; Self-storage units; Seniors housing; Service stations; Sex services premises; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Veterinary hospitals; Wholesale supplies*

The proposal is categorised as a community facility as described above and is permissible in the zone with development consent. Demolition is ancillary work to facilitate the proposal and as such is also permissible.



#### Clause 2.7 Demolition requires development consent

Demolition of a building may be carried out only with development consent. Demolition of the existing structures on the subject sites is proposed.

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

#### Clause 4.3 Height of buildings

This clause prescribes a maximum height of 20 metres for the Site, as shown on the Height of Buildings Map. The proposal has a maximum overall height of 10.595m and is therefore compliant.

#### Clause 4.4 Floor space ratio

Maximum FSR permitted for the site: 2.5:1

FSR proposed:  $1027.72\text{m}^2/1340\text{m}^2 = 0.767:1$

The proposed floor space ratio is compliant.

### **Part 5 Miscellaneous provisions**

#### Clause 5.10 Heritage conservation

The subject site is within the immediate vicinity of WLEP 2009 heritage items 61021 (former Fairley's Building), 61022 (Dapto Hotel), 61023 (former Crystal clothing factory) and 6435 (Dapto Railway Station). Therefore application submission was referred Council's Heritage Officer to assess the proposal's compliance with Part 5.10 of WLEP2009. Advice received indicates there are no issues with the proposal.

### **Part 7 Local provisions – general**

#### Clause 7.1 Public utility infrastructure

This clause seeks to ensure that sufficient infrastructure is available to service development and requires that consent not be granted for development unless the consent authority is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.

The site is already serviced by electricity, water and sewerage services. It is expected that the existing utility services can be augmented to support the proposed development.

Conditions at **Attachment 6** require approval from the relevant authorities for the connection of electricity, water and sewerage to service the site prior to the commencement of works.

#### Clause 7.3 Flood planning area

The subject land is identified as being flood hazard affected. Council's Stormwater Officer has assessed the application submission in this regard against the submitted flood assessment report and has not raised any objections subject to draft conditions.

#### Clause 7.5 Acid Sulfate Soils

The subject site is identified as being affected by Class 5 acid sulphate soils and is less than 200m from a Class 4 acid sulphate soils area. However as the proposed works are to be located at and above 12m A.H.D and are not likely to lower the water table beyond 1m it is considered that there is minimal impact. Council's Environment Officer has considered the application submission and raised no issues with regards to Acid Sulphate Soils.

#### Clause 7.6 Earthworks

The proposal involves excavation to facilitate the proposal. The earthworks have been considered in relation to the matters for consideration outlined in Clause 7.6 and are not expected to have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features of surrounding land. Council's Environment and Stormwater Officer's have considered the application submission and have provided satisfactory referrals subject to conditions.

## **2.1 SECTION 4.15(A)(II) ANY PROPOSED INSTRUMENT**

None applicable to the site or proposed development.

## 2.2 SECTION 4.15 1(A)(III) ANY DEVELOPMENT CONTROL PLAN

### 2.2.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

The development has been assessed against the relevant chapters of WDCP 2009. Compliance tables are provided at **Attachment 4**. It is noted that the development requests variations to the following controls:

- Number of parking spaces (Chapter E3); and
- 1.5m wide landscape bed to the Northern side boundary and Western rear boundary (Chapter E6)

### 2.2.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN (2018)

The Wollongong City Wide Development Contributions Plan (2018) applies to the subject site.

Details of the application were referred to Councils' Contributions Officer for assessment. Advice received is that as the application submission is made by the NSW Government for public infrastructure the proposed development is exempt from development contributions pursuant to Clause 15(b) of Wollongong City Wide Contributions Plan 2018.

## 2.3 SECTION 4.15 1(A)(IIIA) 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 are no planning agreements entered into or any draft agreement offered to enter into under S7.4 which affect the development.

## 2.4 SECTION 4.15 1(A)(IV) THE REGULATIONS (TO THE EXTENT THAT THEY PRESCRIBE MATTERS FOR THE PURPOSES OF THIS PARAGRAPH)

Clause 92 What additional matters must a consent authority take into consideration in determining a development application?

- (1) *For the purposes of section 4.15 (1) (a) (iv) of the Act, the following matters are prescribed as matters to be taken into consideration by a consent authority in determining a development application:*
- (a) *in the case of a development application for the carrying out of development:*
- (i) *in a local government area referred to in the Table to this clause, and*
- (ii) *on land to which the Government Coastal Policy applies,*
- the provisions of that Policy,*
- (b) *in the case of a development application for the demolition of a building, the provisions of AS 2601.*

A draft condition at **Attachment 6** requires notification of demolition and compliance with AS 2601.

## 2.5 SECTION 4.15 1(A)(V) ANY COASTAL ZONE MANAGEMENT PLAN (WITHIN THE MEANING OF THE COASTAL PROTECTION ACT)

There is no Coastal Zone Management Plan currently applicable to the land.

## 2.6 SECTION 4.15 1(B) THE LIKELY IMPACTS OF DEVELOPMENT

### Context and Setting:

In regard to the matter of context, the planning principle in *Project Venture Developments v Pittwater Council* [2005] NSWLEC 191 is relevant in that it provides guidance in the assessment of compatibility. The two major aspects of compatibility are physical impact and visual impact. In assessing each of these the following questions should be asked:

- Are the proposals physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.
- Is the proposals appearance in harmony with the buildings around it and the character of the

street?

In response to the first question, matters such as overshadowing, privacy concerns, bulk scale and setbacks are relevant. The proposed development involves demolition of existing structures and construction of a two (2) storey primary and community health facility within a business zone. Siting of the proposed development satisfies the objectives of Council's building height requirements so as to have minimal impact on the adjoining properties in terms of overshadowing and to allow reasonable solar access.

In regard to the visual impact, the development is considered to be largely in harmony with the surrounding character of the area. The immediate area surrounding the site is characterised by a mixture of retail, commercial and light industrial developments, of varying architectural styles.

The proposal is considered to be consistent with the desired future character of the Dapto regional centre as identified through the development standards and controls applicable to the land. The bulk and scale of the development is consistent with the applicable planning controls for the area inclusive of building height, floor space ratio, street frontage heights, building setbacks and other built form controls. The development is not considered to be out of context with regard to the desired future character of the area.

The scale of the development as viewed from the street is considered comparable to the future desired character of the locality and area is taken into consideration.

In summary, the proposal has been assessed with regard to the amenity impacts from the development, the zoning and existing and future character of the area, and is considered to be compatible with the local area when the future desired character of the area is taken into consideration.

#### Vehicular Access, Transport and Traffic:

The proposal is satisfactory with regard to carparking, vehicular access, manoeuvring and servicing. Provision has been made for appropriate arrangements for on-site servicing and deliveries.

Traffic generation from the development can be readily absorbed into the existing local street network. Pedestrians will be safely accommodated.

#### Public Domain:

The proposal involves frontage works including a public footpath to Marshall Street. The proposed works are considered a positive public domain outcome for the locality.

#### Utilities:

The proposal is not expected to place an unreasonable demand on utilities supply. Existing utilities are likely to be capable of augmentation to service the proposal. Conditions require the developer to make appropriate arrangements with the relevant servicing authorities prior to construction.

#### Heritage:

No nearby heritage items are expected to be affected by the proposed development. Details of the application submission were referred to Council's Heritage Officer for assessment. Advice received indicates that the proposal is considered satisfactory.

#### Other land resources:

The proposal is not expected to impact upon valuable land resources.

#### Water:

*Supply & infrastructure* - The site is presently serviced by Sydney Water's reticulated water and sewerage services. It is expected that these services can be extended/ augmented to meet the requirements of the proposed development.

*Consumption* - The proposal is not envisaged to involve excessive water consumption having regard to the uses proposed within the building.

#### Soils:

It is expected that, with the use of appropriate erosion and sedimentation controls during construction, soil impacts will not be unreasonably adverse.

The soil profile is considered to be acceptable for the construction of the proposed development.

Council's Stormwater and Environment Officers have assessed the application submission and considered it satisfactory subject to consent conditions.

#### Air and Microclimate:

The proposal is not expected to have negative impact on air or microclimate.

#### Flora and Fauna:

Two (2) small trees are proposed to be removed as part of this proposal to facilitate the development. Council's Landscape and Environment Officers have assessed the application submission. Conditionally satisfactory referral advice was received and draft conditions as at **Attachment 6** specify trees to be removed, tree planting and tree protection and management.

#### Waste:

Waste management during construction can be managed through proper arrangements. Conditions require the use of an appropriate receptacle for any waste generated during the construction and compliance with the Site Waste Management and Minimisation Plan provided with the Development Application.

On-going waste management arrangements are satisfactory and comply with the relevant provisions of Wollongong DCP 2009 as detailed within this report. Advice received from Council's Traffic Officer indicates the proposal is considered conditionally satisfactory.

#### Energy:

The proposal is not envisaged to have unreasonable energy consumption. The application includes an Energy Efficiency report.

#### Noise and vibration:

Noise and vibration impacts during demolition, excavation and construction are unavoidable. Conditions are recommended to minimise nuisance during demolition and construction.

#### Natural hazards:

There are no natural hazards affecting the site that would prevent the proposal.

Council records list the site as being flood affected. Council's Stormwater Officer has assessed the application submission in this regard and has not raised any objections subject to conditions.

#### Technological hazards:

There are no technological hazards affecting the site that would prevent the proposal.

The subject site is identified as being affected by Class 5 acid sulphate soils and is less than 200m from a Class 4 acid sulphate soils area. However as the proposed works are to be located at and above 12m A.H.D and are not likely to lower the water table beyond 1m it is considered that there is minimal impact. Council's Environment Officer has considered the application submission and raised no issues with regards to Acid Sulphate Soils.

#### Safety, Security and Crime Prevention:

Refer to WDCP compliance table at **Attachment 4**. The proposal is not expected to provide increased opportunities for criminal or antisocial behaviour and is considered to be reasonably well designed with regard to CPTED principles subject to some matters including lighting and landscaping being dealt with via conditions; see **Attachment 6**.

#### Social Impact:

No significant adverse social impacts are expected to arise from the proposal.

#### Economic impact:

There are not expected to be adverse economic impacts arising from the proposal.

#### Site Design and Internal Design:

The application does not result in any departures from development standards.

The proposal does request consideration for variations to Council's WDCP 2009 in relation to the number of car parking spaces required and the 1.5m wide landscaping bed to the Northern and Western boundaries. The requests have been considered at **Attachment 4** and are capable of

support.

Construction:

Construction impacts have the potential to impact on the amenity of the neighbourhood. Conditions are proposed to reduce the impact of construction works including those relating to hours of work, erosion and sedimentation controls, dust mitigation, works in the road reserve, excavation, demolition management, waste management, and use of any crane, hoist, plant or scaffolding, amongst others. These are included in the draft conditions at **Attachment 6**.

A condition is also included at **Attachment 6** that all works are to be in compliance with the Building Code of Australia/National Construction Code.

Cumulative impacts:

Approval of the proposal is not expected to give rise to adverse cumulative impacts.

## **2.7 SECTION 4.15 1(C) THE SUITABILITY OF THE SITE FOR DEVELOPMENT**

Does the proposal fit in the locality?

The proposal is considered appropriate with regard to the zoning of the site and is not expected to have negative impacts on the amenity of the locality or adjoining developments.

Are the site attributes conducive to development?

There are no site constraints that would prevent the proposal.

## **2.8 SECTION 4.15 1(D) ANY SUBMISSIONS MADE IN ACCORDANCE WITH THIS ACT OR THE REGULATIONS**

The proposal was notified in accordance with Council's WDCP 2009 Appendix 1: Public Notification and Advertising. No submissions were received following notification.

Submissions from public authorities

There were no submissions from public authorities.

## **2.9 SECTION 4.15 1(E) THE PUBLIC INTEREST**

The proposed development is considered appropriate with consideration to the zoning and the future desired character of the area. Approval of the proposed development is considered to be in the public interest.

## **2.10 SECTION 4.33 1(B) DETERMINATION OF CROWN APPLICATIONS**

*(1) A consent authority (other than the Minister) must not:*

*(b) impose a condition on its consent to a Crown development application, except with the approval of the applicant or the Minister.*

As Crown development is proposed the draft conditions at **Attachment 6** were forwarded to the Illawarra Shoalhaven Local Health District as applicant for agreement.

Agreement was provided by way of email confirmation dated 6 November 2019 at **Attachment 7**.

## **3. CONCLUSION**

The proposed development has been assessed with regard to the relevant prescribed matters for consideration outlined in Section 4.15 of the Environmental Planning & Assessment Act 1979. The proposed development is permissible with consent and is reflective of the objectives of the B2 Local Centre zone of the WLEP 2009.

The design of the development is appropriate with regard to the controls outlined in the Wollongong DCP 2009 including the variation request to the car parking and 1.5m wide landscape bed to the Northern and Western boundaries.

It is considered that the proposed development is unlikely to result in adverse impacts on the character or amenity of the surrounding area, environment and adjoining development.

#### 4. RECOMMENDATION

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DA-2019/493 be approved pursuant to Section 4.16(1) of the Environmental Planning & Assessment Act 1979 subject to the conditions provided at **Attachment 6**.

#### 5. ATTACHMENTS

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- 1 Aerial photograph, WLEP 2009 zoning, floor space ratio and building height maps and site photographs
- 2 Plans
- 3 Design Review Panel Notes from meeting 29 January 2019
- 4 Wollongong DCP 2009 Assessment
- 5 Clause 8 Variation to Development Controls Statements
- 6 Draft conditions
- 7 Agreement from Applicant to Draft Conditions