

COUNCIL ASSESSMENT REPORT

NORTHERN REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPPSNTH-284 DA2023/537 (PAN-400658)
PROPOSAL	Demolition of existing buildings and the construction of a two and three storey medical centre and related infrastructure works and landscaping.
ADDRESS	Lot: B DP: 412148, 18 Grant Street, BALLINA, Lot: A DP: 412148, 20 Grant Street BALLINA, Lot: 1 DP: 301763, 22 Grant Street BALLINA and Lot: C DP: 412148, 109 Tamar Street BALLINA
APPLICANT	Bullinah Aboriginal Health Service Limited (David Kaunitz)
OWNER	Bullinah Aboriginal Health Service LTD
DA LODGEMENT DATE	17 January 2024
APPLICATION TYPE	Development Application
REGIONALLY SIGNIFICANT CRITERIA	Section 2.19(1) and Clause 5 of Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> declares the proposal regionally significant development as: Private infrastructure and community facilities over \$5 million
CIV	\$12,316,778 (excluding GST)
CLAUSE 4.6 REQUESTS	None applicable
KEY SEPP/LEP	<ul style="list-style-type: none"> • <i>State Environmental Planning Policy (Planning Systems) 2021</i> • <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> • <i>State Environmental Planning Policy (Sustainable Buildings) 2022</i> • <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> • <i>Ballina Local Environmental Plan 2012;</i> • <i>Ballina Development Control Plan 2012.</i>
AGENCY REFERRALS	Essential Energy NSW Police

TOTAL & UNIQUE SUBMISSIONS	5 Submissions during exhibition period (3 objections) +1 late submission (objection) 24/6/24
KEY ISSUES IN SUBMISSIONS	<ul style="list-style-type: none"> • Car park access in Holden Lane • Traffic congestion in Holden Lane • Loss of amenity for residence fronting Holden Lane due to increased traffic in Holden Lane • Safety of motorists when Exiting Holden Lane onto Grant Street
DOCUMENTS SUBMITTED WITH THE DA	<ul style="list-style-type: none"> • Statement of Environmental Effects • Revised Architectural Plans (Rev E) • Civil and Driveway Plans (Rev 4) • Swept path analysis • Survey Plan • Revised Traffic Impact Assessment (Issue 4) • Stormwater Management Plan and calculations (Rev 1) • Site Waste Minimisation and Management Plan • Preliminary Construction Management Plan (Rev 1) • Operational Waste Management Plan (rev G) • Noise Impact Assessment (Rev 1) • Preliminary Site Investigation – 22 Grant Street • Preliminary Site Investigation – 18-20 Grant Street and 109 Tamar Street • Flood Risk Assessment Report • Acid Sulfate Management Plan (Rev 1) • Arborist Report • Tree works on Public Land application • Accessibility Design Compliance Statement • SCP Variation Request
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)	Nil
RECOMMENDATION	Approval subject to conditions
DRAFT CONDITIONS TO APPLICANT	Yes
SCHEDULED MEETING DATE	20 November 2024
PLAN VERSION	20 September 2024 Revision E
PREPARED BY	Kathleen Taminiau
DATE OF REPORT	5 November 2024

EXECUTIVE SUMMARY

The development application (DA 2023/537) seeks consent for the demolition of the existing residential buildings (at 22 Grant Street) and the construction of a two and three storey medical centre, associated ground level carpark, landscaping and related infrastructure works and the consolidation of four adjoining lots. ('the proposal').

The proposed medical centre is to be used by Bullinah Aboriginal Health Service to provide a wide range of health services to the local Aboriginal community. The medical centre comprises two levels (ground and first floor) designated for primary healthcare, child and maternal health, emotional and social wellbeing and allied health consulting rooms. The third storey (second floor) will house administrative offices and meeting rooms to support the proposed health services provided by Bullinah Aboriginal Health Service. The proposed operating hours are 8.30am-5pm Monday to Friday with a maximum 80-100 clients expected per day.

The subject site is formally known as 18-22 Grant Street and 109 Tamar Street ('the site') and comprises four lots. Three of the four lots are currently vacant being 109 Tamar Street and 18 and 20 Grant Street, with the previous structures demolished in early 2023. The fourth lot known as 22 Grant Street contains a single storey dwelling house and ancillary outbuildings. These buildings are proposed for demolition as part of this consent.

The subject site is bound by Tamar Street to the south, Grant Street to the east and Holden Lane to the north. The road network immediately surrounding the subject site is predominantly comprised of Local Roads, under the jurisdiction of Ballina Shire Council.

The site has a rectangular shaped area of 2,228m². There are currently multiple vehicle access points to the site from all three street frontages. The existing single access point in Tamar Street and the two access points in Grant Street will be removed following construction of the medical centre with all vehicular access to the onsite carpark proposed from Holden Lane.

The site is located in the E2 – Commercial Centre zone pursuant to Clause 2.2 of the *Ballina Local Environmental Plan 2012* ('LEP 2012'). The proposed land use as a 'medical centre' is permissible with development consent in the E2 zone.

The site is located in an area of transition from the high density and multi use buildings of the Ballina Commercial Centre to the south, east and west, to the 'medium density residential' development area which surrounds the site to the north. This residential area on the opposite side of Holden Lane comprises predominantly one to two storey residential flat buildings and dwelling houses.

The application is referred to the Northern Regional Planning Panel ('the Panel') as the development is '*regionally significant development*', pursuant to Section 2.19(1) and Clause (5)(b) of Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021* as the proposal is development for *health services facilities* with a CIV over \$5 million. Ballina Shire Council has undertaken an assessment of the DA and prepared the following report.

There were no concurrence requirements from agencies for the proposal and the application is not integrated development pursuant to Section 4.46 of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). A referral to Essential Energy pursuant to *State Environmental Planning Policy (Transport and Infrastructure) 2021* was sent and no objections were raised. NSW Police were also consulted with recommended conditions of consent being provided.

The development has been assessed against the relevant matters for consideration pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979 including

the relevant clauses within applicable Environmental Planning Instruments, public interest and suitability of the site and is able to be supported.

The principal planning controls relevant to the proposal include the *Ballina Local Environmental Plan 2012* and the *Ballina Development Control Plan 2012* ('DCP').

A detailed assessment has been completed against the provisions of the Ballina Development Control Plan 2012 and the proposal is considered to be consistent with the relevant controls relating to flood planning, acid sulfate soils, building height, floor space ratio, traffic generation, car parking, setbacks, design detail and appearance. This is discussed in greater detail within the body of the report under Section 3.

Jurisdictional prerequisites to the grant of consent imposed by the following controls have been satisfied including:

- Section 4.6 of *State Environmental Planning Policy (Resilience and Hazards) 2021* ('the Resilience and Hazards SEPP' for consideration of whether the land is contaminated;
- Section 2.48(2) of the Transport and Infrastructure SEPP in relation to electricity distribution pole.

The application was placed on public exhibition from 21 February 2024 to 7 March 2024, with five submissions being received. The submissions included three objections which raised concerns relating to potential impacts on local amenity resulting from the proposed vehicular access in Holden Lane. Traffic congestion and road safety were also raised. These issues are considered further in this report.

A briefing was held with the Panel on 22 May 2024 where key issues were discussed, including traffic management and car parking, neighbourhood amenity, construction management and operational management including site and building security.

Overall, the development is considered to be a satisfactory response to the site and its surroundings with regard to the issues raised. It is considered these matters can be satisfactorily addressed via conditions of consent.

Following a detailed assessment of the proposal, pursuant to Section 4.16(1)(b) of the *EP&A Act*, DA 2023/537 is recommended for approval subject to conditions for the reasons contained at **Attachment A** of this report.

1. THE SITE AND LOCALITY

1.1 The Site

The subject site is located on the corner of Tamar Street and Grant Street and comprises 4 lots described as:

- Lot: B DP: 412148 - 18 Grant Street
- Lot: A DP: 412148 - 20 Grant Street
- Lot: 1 DP: 301763 - 22 Grant Street
- Lot: C DP: 412148 - 109 Tamar Street Ballina.

The site has a total area of 2228.43m². The site has frontage to the northern side of Tamar Street measuring 44.2m wide, the western side of Grant Street measuring 50.4m wide and the southern side of Holden Lane measuring 44.2m wide.

The subject land can be characterised as low lying and generally 'flat'. Elevations are generally in the order of between RL 1.2 - 1.3m AHD. The rear of Lot C is slightly higher, with an elevation in the order of RL 1.5m AHD. A Detail Survey of the site is provided within the Architectural Plan Set.

Three of the lots are currently vacant, with the previous structures demolished in early 2023 via Complying Development Certificates 2022/5207.1, 2022/5208.1 & 2022/5209.1. The fourth property (being 22 Grant Street) contains a single storey dwelling and associated outbuildings, proposed for demolition.

Five trees are located on and adjacent to the property which are identified as follows:

- 1 x Bottlebrush Callistemon;
- 2 x Alexander Palm;
- 1 x Cocos Palm; and
- 1 x Umbrella Tree.

All five trees are proposed to be removed to facilitate the development as proposed. One of the Alexander Palms appears to be growing in the Holden Lane road reserve (rather than on the development site). An application for tree works on public land was submitted with the application and consent has been granted by Council for its removal.

The site is subject to flooding and is Class 2 Acid Sulfate Soils.



Figure 1-Aerial view of subject site. Source: Kaunitz Yeung Architecture



Figure 2 -Looking west from Tamar and Grant Street intersection over development site



Figure 3 - Holden Lane showing development site in left of image.

1.2 The Locality

The subject site is located within the Northern Fringe Precinct of the Ballina Town Centre. The development site is accessible to public transport with the Ballina Bus Interchange located in Tamar Street approximately 400m to the southeast. Immediately to the north is Holden Lane followed by low density residential uses.

Immediately to the east of the subject land is Grant Street followed by dwellings converted to offices / medical facilities. Immediately to the south is Tamar Street followed by mixed uses comprising charity shop, dwellings, office premises and medical services. Immediately to the west is dwellings followed by dwellings converted to offices / medical facilities and then office premises.



Figure 4 - Locality Plan showing site and relationship to commercial and residential zones and public transport (bus stop)

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The proposal seeks consent for demolition of existing single storey dwelling and associated outbuildings (at 22 Grant Street) and the construction of a two and three storey medical centre and related infrastructure works and landscaping over the four combined lots. All four lots are proposed for consolidation.

The proposed development comprises two levels of professional consulting rooms for primary healthcare, child and maternal health, emotional and social wellbeing and allied health. The

third storey will house administrative offices and meeting rooms for the facility. The proposal also includes associated onsite ground level car parking and landscaped outdoor spaces.

Specifically, the proposal involves:

- Demolition of the existing dwelling and associated residential structures on 22 Grant Street;
- Vegetation management works to remove all existing vegetation on the land;
- Site filling and retaining; and
- Construction of a two and three storey health services facility comprising two interconnected buildings with a total GFA of 1,131m²;
- Carparking and civil works;
- Land dedication (6m wide) along entire Tamar Street frontage and the consolidation of the four existing lots into one.

Demolition

The subject site currently contains an existing single storey dwelling house and associated outbuildings on 22 Grant Street. It is proposed these buildings are demolished to facilitate the proposed medical centre.

Tree removal

The proposal seeks to clear the site of all existing vegetation and has identified the following trees for removal:

- 1 x Bottlebrush Callistemon;
- 2 x Alexander Palm;
- 1 x Cocos Palm; and
- 1 x Umbrella Tree.

One of the Alexander Palms appears to be growing in the Holden Lane reserve (rather than on the development site). An application for tree works on public land was submitted with the application and consent has been granted by Council for its removal.

Earthworks

The bulk of the property will be filled and retained to meet Council's flood planning requirements for the site. A dish drain will be provided adjacent to the western property boundary to ensure that stormwater from the adjoining property to the west is redirected to the reticulated drainage system and does not pond on that property. The eastern frontage of the property (ie the 2m building setback) is proposed to be retained at footpath level to provide a soft landscape transition between the public realm and the building. The proposed civil works are illustrated in the plans prepared by Stellen Civil Engineering dated 19 September 2024 (Rev 4).

Construction of Medical Centre

The proposed development seeks consent for the construction of a two and three storey medical centre comprising two interconnected buildings with a total GFA of 1,31.259m².

The proposed buildings are illustrated in the plans prepared by Kaunitz Yeung Architecture dated 20 September 2024 (Rev E).

Access and Carparking

The site currently enjoys vehicular access from Tamar Street, Grant Street and Holden Lane. The development proposes to close all vehicular access points to the site from Tamar Street and Grant Street, with a singular vehicular access from Holden Lane. Appropriate directional signage shall be provided. The sealed pavement in Holden Lane is to be widened along the lane for the length of the development site to allow for two-way traffic. This widening of the laneway will result in an increase in the sealed carriageway width from 3m to 6m. The intersection of Holden Lane and Grant Street is proposed to be upgraded to achieve sufficient sight distances and facilitate two-way traffic.

The western portion of the site comprises the proposed parking area for the development. A total of 26 carparking spaces are provided on site inclusive of two covered accessible parking spaces and 10 designated staff spaces encompassing four EV spaces. A shared loading bay ambulance parking space is also provided on the site. The applicant advises the proposal has catered for small rigid vehicles to safely manoeuvre onsite for delivery services and waste collection. The proposed design allows for all vehicles to enter and exit the sight in a forward-facing direction. The proposed access, and carparking works are illustrated in the plans prepared by Kauntiz Yeung Architecture (Rev E) and Stellen Civil Engineering (Rev 4).

Landscape works

The applicant has submitted a Landscape Plan identifying tree, shrub and grass planting adjacent to both Grant and Tamar Streets. Plantings are also proposed within the proposed internal courtyard area. A compensatory street tree is required to replace the tree approved for removal in Council's road reserve.

Land dedication and consolidation.

The subject site is identified on the Road Widening Policy Map. Under section 3.17 of Chapter 2 of the Ballina CDP 2012, all new development on the northern side of Tamar Street must dedicate 6m of land at the street frontage of the site to Council.

A 6m wide area of land along Tamar Street frontage will be dedicated to Council. The four subject lots associated with the development are to be consolidated into 1 lot.

The key development data is provided in **Table 1**.

Table 1: Key Development Data

Control	Proposal
Site area (post road dedication)	1962.56m ²
GFA	1131.26 m ²
FSR (retail/residential)	0.57:1
Clause 4.6 Requests	No
No of Storeys	3
Max Height	14.560m AHD



Figure 6 -North and East Elevation. Source: Kaunitz Yeung Architecture



Figure 7- South and West Elevation. Source: Kaunitz Yeung Architecture



Figure 8- Ground Floor Plan. Source: Kaunitz Yeung Architecture

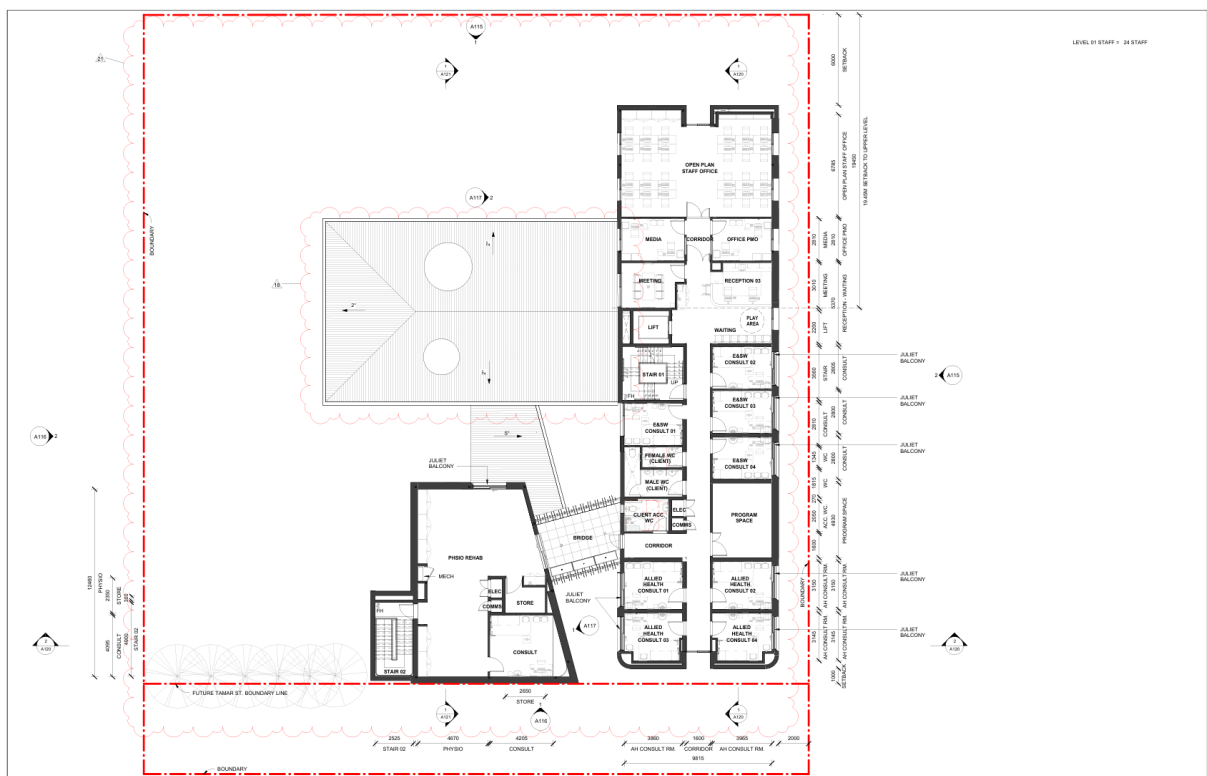


Figure 9- Level 1 Floor Plan. Source: Kaunitz Yeung Architecture

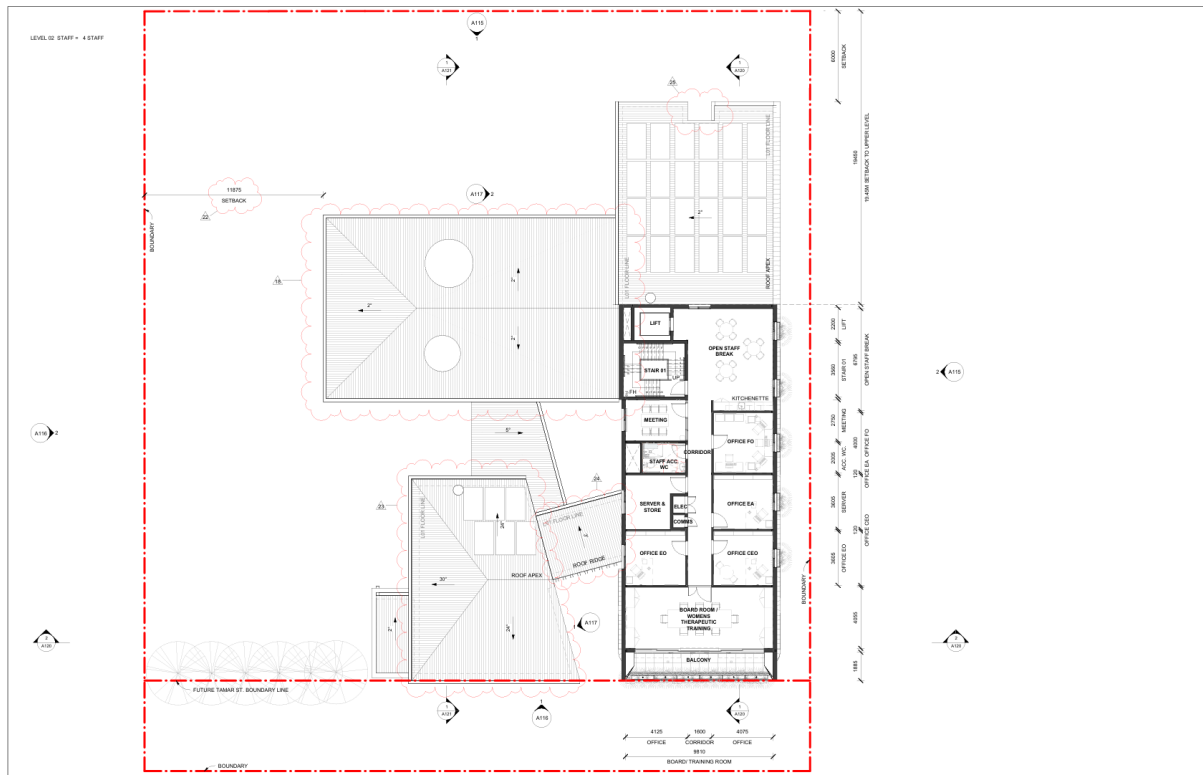


Figure 10- Level 2 Floor Plan. Source: Kaunitz Yeung Architecture

2.2 Background

A pre-lodgement meeting was held prior to the lodgement of the applicant on 21 January 2022 to discuss an earlier iteration of the proposal. A summary of the key issues and how they have been addressed by the proposal is outlined below:

- Height and FSR - complies
- Isolation of 22 Grant Street – now forms part of the development.
- Impacts on amenity of neighbouring residential properties – SEE addresses these matters.
- Crime Prevention through Environmental Design - SEE addresses these matters.
- Landscaping – landscaping plan provided.
- Accessibility – Accessibility Design Compliance statement provided.
- Rear setbacks to lane - Architectural design plans have been amended to conform with this requirement.
- Land contamination – Preliminary Site Investigation reports provided.
- Acid sulfate soils – Acid Sulfate Assessment and Management Plan provided.
- Construction, demolition and operational waste – Preliminary Construction Management Plan and Operational Waste Management Plan provided.
- Road widening and car parking - This arrangement has been incorporated into the architectural design and Traffic and Parking Assessment for the site.
- Flood prone land and stormwater management - This arrangement has been incorporated into the architectural design and stormwater design.

The development application was lodged on **17 January 2024**. A chronology of the development application since lodgement is outlined in **Table 2** below including the Panel's involvement (briefings, deferrals etc) with the application:

Table 2: Chronology of the DA

Date	Event
17 January 2024	DA lodged
15 February 2024	DA referred to external agencies
21 February 2024	Exhibition of the application
27 February 2024	Request for Information from Council to applicant re traffic impact assessment
3 April 2024	Revised traffic impact assessment provided.
10 April 2024	Amended plans lodged to rectify error in architectural drawings re materials and finishes legend on elevation drawings. Rendered earth wall changed to rammed earth wall.
12 April 2024	Request for Information from Council to applicant re traffic matters
20 May 2024	Request for Information from Council to applicant re PSI, ASS, operational waste storage area, vegetation management, essential energy infrastructure and public submissions received.
22 May 2024	Panel briefing
4 June 2024	Panel Site Inspection
5 June 2024	Request for Information from Council to applicant re preliminary construction management plan, operational management plan, solar access, parking and disability access
20 September 2024	Clause 37 amendment lodged including revised architectural plans (Rev D) dated 28 August 2024, updated civil design and swept path, acoustic report and waste management plan accepted by Council under CI 38(1) of the <i>Environmental Planning and Assessment Regulation 2021</i> ('2021 EP&A Regulation') on 27 September 2024.
20 November 2024	Panel determination meeting

2.3 Site History

In recent years there have been no relevant development applications or planning proposals relating to the subject land. Three of the properties are currently vacant, with the previous structures demolished in early 2023 via Complying Development Certificates 2022/5207.1, 2022/5208.1 & 2022/5209.1. No other concurrent applications are currently being considered and there are no other applications currently under assessment with Ballina Shire Council on immediately surrounding sites.

The table provided by the applicant below summarises each of the properties subject to the current application, including information regarding the previous land uses for each site.

Table 3– Previous land uses. Source - SEE

Lot / DP	Address	Area	Existing Land Use	Former Land Use (Prior to Demolition)
A / 412148	20 Grant Street	512.2m ²	Vacant	2 bedroom dwelling
B / 412148	18 Grant Street	803m ²	Vacant	<p>Ground floor</p> <ul style="list-style-type: none"> • Business premises (approx. 75m²); and • 3 x 2 bedroom flats. <p>Upper Level</p> <ul style="list-style-type: none"> • – 1 x bedroom unit (shop top housing). <p>The commercial premises at ground level was historically utilised as a corner store. In 2013 development consent was granted (DA 2013/390) for a change of use from 'shop' to 'business premises' in the form of a training room associated with the North Coast Community College (adult education).</p>
C / 412148	109 Tamar Street	600.7m ²	Vacant	Former dwelling converted to a childcare centre (Ballina Kiddi Care). This was approved via DA 1991/182. The consent does not reference pupil numbers, however advertising material for the centre advises that it was a long day care centre and preschool catering for 28 children. The childcare centre closed in 2018 following the sale of the property and has been vacant since that time.
1 / 301763	22 Grant Street	297m ²	Dwelling	Single storey dwelling and associated outbuildings.

A Preliminary Site Investigation (PSI) of 18-20 Grant Street and 109 Tamar Street revealed previous structures on the site may have contained asbestos and that the dwelling located on 18 Grant Street (now demolished) contained asbestos. The report concluded the area of concern is suitable for the proposed use. A further PSI was requested on the **20 May 2024**, to ascertain the likelihood of contamination of the existing residence located at **22 Grant St** which was not included in the previous Preliminary Site Investigation.

A PSI was submitted dated **July 2024** which assessed the potential for contamination based upon the proposed land use. The PSI concluded that the site is suitable for the proposed land use, and it is recommended that no further soil investigation or remediation activities are required for metal and pesticide contamination within the site.

3. STATUTORY CONSIDERATIONS

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). These matters as are of relevance to the development application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
 - (i) *any environmental planning instrument, and*
 - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) *any development control plan, and*
 - (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, and*
 - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,*
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

These matters are further considered below.

It is noted that the proposal is not considered to be:

- Integrated Development (s4.46)
- Designated Development (s4.10)
- Requiring concurrence/referral (s4.13)
- Crown DA (s4.33)

Table 3: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Concurrence Requirements (s4.13 of EP&A Act)			
None Applicable			
Referral/Consultation Agencies			
Essential Energy	SEPP (Transport and Infrastructure) 2021 – S2.48	Plan detail not sufficient. Additional information requested 20 May 2024 and revised site plan provided 4 June 2024 showing separation distance to powerline in excess of 4m. General comments were provided by Essential Energy	Y
NSW Police	General Referral	Supported with recommendations for installation of CCTV system and adequate lighting, passive surveillance and rapid repair of any damage to premises.	Y
Integrated Development (S 4.46 of the EP&A Act)			
None Applicable			

3.1 Environmental Planning Instruments, proposed instrument, development control plan, planning agreement and the regulations

The relevant environmental planning instruments, proposed instruments, development control plans, planning agreements and the matters for consideration under the Regulation are considered below.

(a) Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Industry and Employment) 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *Ballina Local Environmental Plan 2012*

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 5** and considered in more detail below.

Table 5: Summary of Applicable Environmental Planning Instruments

EPI	Matters for Consideration (Brief summary)	Comply (Y/N)
State Environmental Planning Policy (Biodiversity & Conservation) 2021	Chapter 2: Vegetation in non-rural areas Requirements under the BDCP are applicable in accordance with Chapter 2. The proposed removal of five trees is considered in detail under Chapter 2a of the DCP 2012. No compliance issues identified subject to imposition of conditions on any consent granted.	Y
State Environmental Planning Policy (Industry and Employment) 2021	Chapter 3: Advertising and Signage No signage is included in the development application. No compliance issues identified subject to imposition of conditions on any consent granted.	N/A
State Environmental Planning Policy (Planning Systems) 2021	Chapter 2: State and Regional Development <ul style="list-style-type: none"> Section 2.19(1) declares the proposal regionally significant development pursuant to Clause 5 of Schedule 6 as it comprises private infrastructure and community facilities over \$5 million. The application is referred to the Northern Regional Planning Panel ('the Panel') pursuant to Section 2.19(1) and Clause (5)(b) of Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i>. Ballina Shire Council has undertaken an assessment of the DA and prepared the following report and draft conditions of consent. 	Y
SEPP (Resilience & Hazards)	Chapter 2: Coastal Management Section 2.10(1) & (2) - Development on land on the Coastal Environment Area map. No adverse impacts were identified within the assessment provided against subsection (1).	Y
	Chapter 4: Remediation of Land <ul style="list-style-type: none"> Section 4.6 - Contamination and remediation has been considered in both the PSI reports for 22 Grant Street and 18-20 and 109 Tamar Street. Sufficient information has been submitted by the applicant to demonstrate that the subject site is suitable for the proposed development, subject to conditions. 	Y
State Environmental Planning Policy (Sustainable Buildings) 2022	Chapter 3: Standards for Non-Residential Development No compliance issues identified subject to imposition of conditions on any consent granted.	Y
State Environmental Planning Policy (Transport and Infrastructure) 2021	Chapter 2: Infrastructure <ul style="list-style-type: none"> Section 2.48(2) (Determination of development applications—other development) – electricity transmission. 	Y

	<p>Essential Energy has provided a response to the referral advising the proposal is satisfactory subject to conditions.</p> <ul style="list-style-type: none"> • Section 2.121(4) - Traffic-generating development - The proposal does not meet the vehicles per hour criteria specified in schedule 3. As such, referral is not required to TfNSW. 	
Proposed Instruments	Nil	NA
BLEP2012	<ul style="list-style-type: none"> • Clause 2.3 – Permissibility and zone objectives – The proposed development is permissible within the zone. • Clause 4.3 – Height of Buildings Maximum height of buildings – 18m. The proposed development has a maximum height of 14.56m AHD. • Clause 4.3A – Exceptions to height of buildings Building height allowance – 2m. Maximum height of buildings is therefore 20m. The proposed development has a maximum height of 14.56m AHD. • Clause 4.4 – Floor Space Ratio Maximum FSR 2.6:1. The proposed development has a GFA of 1,131.26m² resulting in a FSR 0.57:1 • Clause 5.21 – Flood Planning Council's Development Engineer has assessed the proposed development and is satisfied the proposed development complies with the applicable flood design criteria. • Clause 7.1 – Acid Sulfate Soils The subject land is mapped as containing Class 2 ASS. The application was supported with an Acid Sulfate Soils Management Plan. Council's Environmental Health Officer has assessed this report and is satisfied the proposed management plan subject to conditions. • Clause 7.2 – Earthworks The proposed earthworks (fill) is a requirement under Council flood plain planning policy for flood prone land. Council's Development Engineer and Environmental Health Officer have assessed the proposed earthworks and are satisfied no adverse impacts are expected as the result of the earthworks subject to imposition of conditions. • Clause 7.7 – Essential Services <ul style="list-style-type: none"> - vehicular access. - stormwater drainage 	Y

	<ul style="list-style-type: none"> - connection to sewer and water - electricity and telecommunication <p>Council's Development Engineer has assessed the proposed development and is satisfied all essential services are available to the site and the proposed development is acceptable subject to conditions.</p>	
BDCP2012	<p>Chapter 2 – General Environmental Considerations</p> <p>Clause 3.4 Potentially Contaminated Land Contamination and remediation has been considered in the PSI for 22 Grant Street and 18-20 and 109 Tamar Street. Sufficient information has been submitted by the applicant to demonstrate that the subject site will be suitable for the proposed development subject to conditions.</p> <p>Clause 3.6 Mosquito Management The subject site is identified as Coastal Plains and Lowlands. Council's Environmental Health Officer is satisfied the proposed development is suitable subject to conditions.</p> <p>Clause 3.7 Waste Management The application was supported with an Operational Waste Management Plan. Conditions will be recommended in relation to further information prior to the issue of a Construction Certificate for waste management during demolition works, site filling and construction of the facility. Council's Environmental Health Officer is satisfied the proposed waste management is satisfactory subject to conditions.</p> <p>Clause 3.9 Stormwater Management The application was supported with a stormwater management plan. Council's Development Engineer has assessed this matter and considers the proposal satisfactory subject to conditions.</p> <p>3.10 Sediment and Erosion Control The proposal is satisfactory subject to conditions.</p> <p>3.11 Provision of Services The proposal is satisfactory subject to conditions. Refer to clause 7.7 of the LEP for further comment.</p> <p>3.12 Heritage The subject site is not identified as containing an item of Environmental Heritage pursuant to BLEP2012.</p> <p>3.15 Crime Prevention through Environmental Design The application was supported with a CPTED assessment. The application was referred to the NSW Police and a response received in support subject to recommendations.</p>	Y

	<p>The proposal is satisfactory subject to conditions.</p> <p>3.17 Road Widening 6m road widening is required along entire frontage to Tamar Street. The application was supported by architectural plans that demonstrate the required 6m wide land dedication along entire Tamar Street frontage.</p> <p>The existing sealed pavement in Holden Lane is required to be widened for the entire site frontage. Revised civil and architectural plans have been provided that demonstrate this requirement.</p> <p>3.19 Car Parking and Access The application was supported with a variation request for carparking requirements due to a perceived seven space (13.2%) shortfall.</p> <p>Based on the applicant's calculations 53 spaces were required. Medical Centres – 1 space per 25m² GFA. Total GFA - 1131.25</p> <p>Onsite parking provision – 26 (includes 2x PWD spaces) Road widening parking credits – 17 Driveway Parking credits – 2 Proposed Spaces including credits from road widening and driveway closures = 26 + 19 = 45 spaces</p> <p>Council's Development Engineer assessed the original calculations and determined that based on the GFA the number of spaces required had been incorrectly calculated by the applicant resulting in a reduction in the required onsite parking from 53 to 45 spaces meaning the proposed development meets the DCP requirements. No variation required.</p> <p>3.20 Vibration The proposal is satisfactory subject to conditions.</p> <p>Chapter 2A – Vegetation Management The application was supported with an arborist report and a tree works on public land application in relation to the Alexander Palm on the corner of Holden Lane and Grant Street. The proposed vegetation removal is considered acceptable and Council's Natural Resources officer has issued consent for the removal of the Alexander Palm on public land.</p> <p>Chapter 2B – Floodplain Management The site is flood effected. As such minimum fill height required for the site is 2.0m AHD and minimum floor level required is 2.3 AHD. Due to the requirement of fill, a drain along the western boundary is required to prevent ponding</p>	
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	<p>on the adjoining properties. The architectural plans submitted with the application demonstrate compliance with these levels. Council's Development Engineer has assessed this matter and considers the proposal satisfactory subject to conditions.</p> <p>Chapter 6 – Commercial Development The application is generally compliant with this chapter. Precinct specific controls are provided for under Chapter 6a – Ballina Town Centre</p> <p>Chapter 6a – Commercial Development Ballina Town Centre The subject site is located within the 'Northern Fringe Precinct'. The desired future character for this precinct is as follows: <i>The Northern Fringe Precinct accommodates most of the Town Centre's commercial services and professional consulting rooms. While commercial and retail uses occupy the bottom two storeys of buildings, upper floors are typically occupied for commercial and residential uses. Transitions in grade are provided within the ground floor of buildings by ramps and/or terraces in order to provide protection from flood waters. Upper floors have limited building depths and articulated facades which include balconies to facilitate use for either commercial or residential purposes.</i></p> <p>Overall, the proposed building is consistent with the built form objectives applying to new development in the Ballina Town Centre which are set out in Chapter 6a of the DCP.</p> <p>Elements identified where minor non compliance occurs are as follows: xii – Balconies must have a minimum depth of 2m and maximum of 3m. Depth of balcony on Level 3 (outside boardroom) is 1.88m xiii. Ground floor – min ceiling height 3.6m. Floor to ceiling height 2.7m, with a further servicing void taking the distance from floor to top of slab to 3.6m. Both variations are considered to be minor in nature, are reasonable and will not detract from the desired future character of the precinct.</p>	
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Consideration of the relevant SEPPs is outlined below.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2: Vegetation in non-rural areas

The proposed development involves the removal of five trees as detailed in the arborist report and demolition plan. The subject land is zoned E2 Commercial Centre and as such Chapter 2 applies. The trees identified for removal are typically landscape trees not expected to hold any cultural or heritage significance. The proposed development is highly unlikely to result in any significant adverse impacts to the life cycle of any threatened species known to occur, or considered possible to occur, on the subject site or in the local area over

time. Refer to assessment against Chapter 2A of the Ballina Development Control Plan 2012 (BDCP) for the purposes of Section 2.9 in relation to suitability of the tree removal.

State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3: Advertising and Signage

No signage is included in the development application.

No compliance issues identified subject to imposition of a condition on the consent to ensure any proposed future signage that does not meet the provisions of exempt development obtains consent.

State Environmental Planning Policy (Planning Systems) 2021 ('Planning Systems SEPP')

Chapter 2: State and Regional Development

The proposal is *regionally significant development* pursuant to Section 2.19(1) as it satisfies the criteria in Clause 5 of Schedule 6 of the Planning Systems SEPP as the proposal is development for a health services facility over \$5 million. Accordingly, the Northern Regional Planning Panel is the consent authority for the application. The proposal is consistent with this Policy.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4: Remediation of Land

The provisions of Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021 ('the Resilience and Hazards SEPP')* have been considered in the assessment of the development application. Section 4.6 of Resilience and Hazards SEPP requires consent authorities to consider whether the land is contaminated, and 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. In order to consider this, two separate Preliminary Site Investigations ('PSI') were prepared for the site.

Council's Environmental Health officer assessed the application in relation to this matter and provided the following advice:

A Preliminary Site Investigation was conducted by Eco Team on Lot A DP 412148, Lot B DP 412148, Lot C DP 412148 18 & 20 Grant Street & 109 Tamar Street and submitted with the application. Fifteen soil samples, and 1 duplicate were analysed by NATA-accredited Envirolab Laboratory, and 1 duplicate was also analysed by NATA accredited Eurofins Laboratory.

The site investigation was undertaken to describe the current conditions of the site and to identify contamination indicators. A systematic grid sampling plan was implemented for the 1,915.9 m² site, which provides for detecting hotspots with a 95% accuracy.

In accordance with current guidelines and industry practices, the results of the individual soil analyses from this investigation were compared with the National Environment Protection Measures using Column D – Commercial/Industrial (NEPC, 2013a).

The initial PSI concluded that given the nature of the proposed development and the results of the soil laboratory analysis, the risk of soil contamination to human health is negligible.

A further RFI was requested on the **20 May 2024**, to ascertain the likelihood of contamination of the existing residence located at **22 Grant St** which was not included in the previous Preliminary Site Investigation.

A PSI was submitted dated **July 2024** which assessed the potential for contamination based upon the proposed land use for the proposal as Commercial/Industrial 'D' Land Use Criteria (HIL-D) for contaminant exposure risk assessment.

This land use presents the lowest opportunity for outdoor soil contact. Sensitive receptors have been identified within the vicinity of the site and include workers, residents, clients, visitors, and wildlife.

A site walk over identified potential asbestos containing building material which will be required to be demolished and the asbestos containing material removed by a licensed person.

The PSI concluded that the AEC is suitable for the proposed land use, and it is recommended that no further soil investigation or remediation activities are required for metal and pesticide contamination within the AEC.

The proposal is considered to be consistent with the SEPP, subject to imposition of relevant conditions of consent in relation to demolition works on any consent granted.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 - Infrastructure

The aim of Chapter 2 Infrastructure is to facilitate the effective delivery of infrastructure across the State.

Section 2.48 Determination of development applications – other development

Pursuant to Clause 2.48, referral to Essential Energy was required as the development is likely to affect an electricity transmission or distribution network based on the criteria under subclause (1)(b)(iii) within 5m of an exposed overhead electricity power line.

Essential Energy reviewed the proposed development and raised no objections. General comments were provided and will be included as advisory notes in any consent issued.

Section 2.122 Traffic-generating development

Pursuant to section 2.122 the proposed development does not meet the relevant size or capacity outlined in Schedule 3 and therefore referral to TfNSW is not required.

Ballina Local Environmental Plan 2012

The relevant local environmental plan applying to the site is the *Ballina Local Environmental Plan 2012* ('the LEP').

Aims of BLEP 2012 (Clause 1.2)

The aims of this Plan are as follows:

(a) to provide for a sustainable Ballina that recognises and supports community, environmental and economic values through the establishment and maintenance of the following:

- (i) a built environment that contributes to health and wellbeing,
- (ii) a diverse and prosperous economy,
- (iii) a healthy natural environment,
- (iv) diverse and balanced land uses,
- (v) healthy, resilient and adaptable communities,
- (vi) responsible and efficient use of resources,

- (b) to provide for development that is consistent with Council's established strategic planning framework for Ballina,
- (c) to achieve the objectives of the land use zones set out in Part 2 of this Plan,
- (d) to promote the orderly and efficient use of land having regard to the social and environmental characteristics of the land,
- (e) to provide for the development of public services and infrastructure.

The proposed development is generally consistent with the aims and objectives of the BLEP, in that it achieves the objectives of the E2 zone (refer to discussion below) and supports healthy, resilient and adaptable communities, through built infrastructure that contributes to health and wellbeing. The proposal will provide a central health services facility, to be used by the indigenous community.

Zoning and Permissibility (Clause 2.3)

The site is located within the E2 Commercial Centre Zone pursuant to Clause 2.2 of the BLEP 2012.

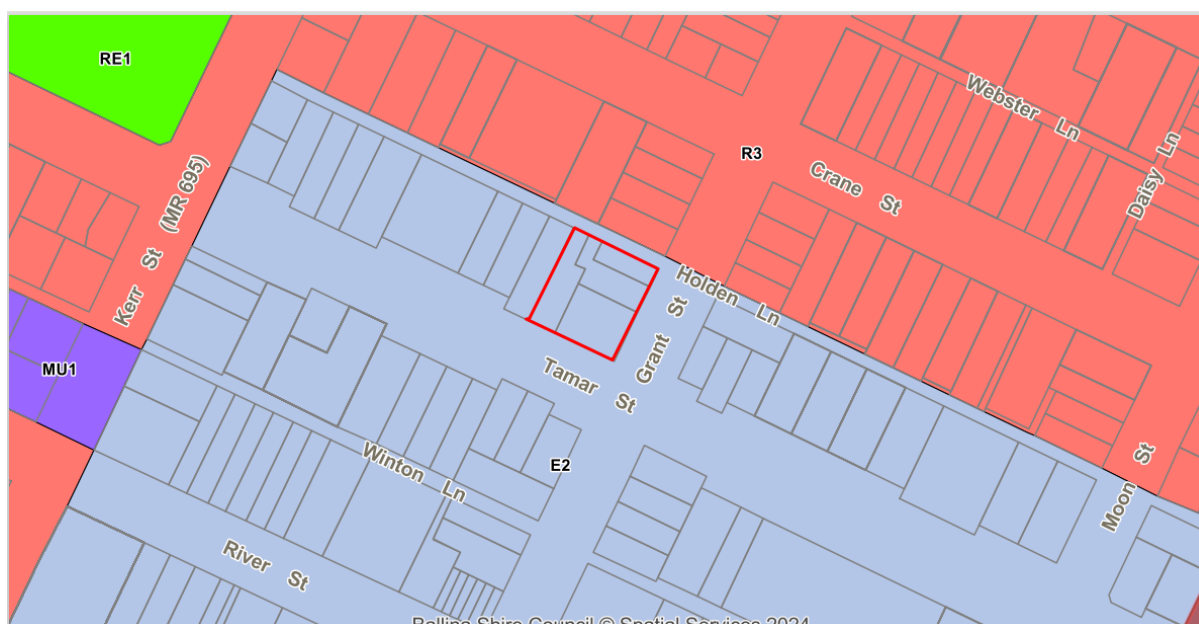


Figure 11 – Land Zone Map. Source: Intramaps

According to the definitions in Clause 1.4 (contained in the Dictionary), the proposal satisfies the definition of **medical centre** which is a permissible use with consent in the Land Use Table in Clause 2.3.

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.

Note—

Medical centres are a type of **health services facility**—see the definition of that term in this Dictionary.

Zone Objectives (Clause 2.3)

The zone objectives include the following (pursuant to the Land Use Table in Clause 2.3):

- To strengthen the role of the commercial centre as the centre of business, retail, community and cultural activity.
- To encourage investment in commercial development that generates employment opportunities and economic growth.
- To encourage development that has a high level of accessibility and amenity, particularly for pedestrians.
- To enable residential development only if it is consistent with the Council's strategic planning for residential development in the area.
- To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.
- To enable tourist development that is compatible with the commercial nature of activities in the zone.
- To encourage development that—
 - (a) recognises natural, cultural and built heritage, and
 - (b) uses resources efficiently, including energy and water, and
 - (c) is compatible with the hierarchy of centres.

The proposed development is considered to comply with these objectives, particularly in providing for development that strengthens the role of the commercial centre as the centre of business, retail community and cultural activity. The proposed works will provide a medical centre that has a high level of accessibility and amenity. The design contributes to diverse and functional streets.

General Controls and Development Standards (Part 2, 4, 5 and 6)

The LEP also contains development standards and various other local provisions. The provisions relevant to the proposal are considered in **Table 6** below.

Table 6: Consideration of the LEP Provisions

Standard/Provision	Requirement	Proposal	Comply
Height of buildings (CI 4.3(2))	18 metres	The proposed development has a maximum height of 14.56m AHD	Yes
Exceptions to height of buildings (CI 4.3A)	2 meters	Maximum height of buildings is therefore 20m. The proposed development has a maximum height of 14.56m AHD	Yes

FSR (CI 4.4(2))	2.5:1	The proposed development has a GFA of 1,131.25m ² resulting in a FSR 0.57:1	Yes
Heritage (CI 5.10)	Not applicable	The subject site is not identified as containing an item of Environmental Heritage or an aboriginal object and is not within a heritage conservation area pursuant to BLEP2012.	Yes
Flood Planning (CI 5.21)	The site is located within the flood planning area. Minimum Fill Height Required: = RL 2.0m Minimum Floor Level Required: = RL 2.3m (Commercial)	Proposed Fill Height – 2m Proposed Floor Level – 2.3m	Yes
Acid sulphate soils (CI 7.1)	The subject land is mapped as containing Class 2 ASS. Specified works <ul style="list-style-type: none"> - Works below the natural ground surface. - Works by which the watertable is likely to be lowered. 	The application was supported with an Acid Sulfate Soils Management plan. Council's Environmental Health Officer is satisfied no adverse impacts are expected as the result of the earthworks subject to imposition of conditions.	Yes
Essential Services (CI 7.7)	(a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage, (d) stormwater drainage or on-site conservation, (e) suitable vehicular access, (f) telecommunication services.	All essential services are available to the site subject to imposition of conditions.	Yes

The proposal is considered to be generally consistent with the BLEP 2012.

(f) Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments

There are no proposed instruments which have been the subject of public consultation under the EP&A Act, and are relevant to the proposal.

(g) Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

The following Development Control Plan is relevant to this application:

- *Ballina Development Control Plan 2012* ('the DCP')

Chapter 2 – General and Environmental Considerations

This chapter of the DCP identifies Council's requirements relating to general and environmental planning elements that have a broad application to land within Ballina Shire.

Section 3.4 – Potentially Contaminated Land

This issue has been addressed in this report in relation to SEPP (Resilience and Hazards) 2021. No concerns are raised in relation to potentially contaminated land.

Section 3.6 – Mosquito Management

The site is identified as being within the 'coastal plain and low lands' on Council's Mosquito Management Map. The proposed development does not involve works that trigger mosquito management works however the SEE states the proposed development will provide mosquito protection and management measure in accordance with the requirements of the DCP. A condition has been included in the draft consent to ensure all windows, external doors and other openings must be provided with effective insect screening in accordance with Ballina DCP 2012 Chapter 2 Part 3.6 'Mosquito Management'.

Section 3.7 – Waste Management

An Operational Waste Management Plan prepared by ELEPHANTS FOOT CONSULTING PTY LTD, Revision G dated 19 September 2024 was provided. Following the panel briefing, additional information was requested in relation to potential impacts during the construction phase (demolition, site filling and construction). A Preliminary Construction Management Plan prepared by Anton Kouzmin, dated 24 June 2024 was provided. Council's Environmental Health Officer has reviewed the proposed development and the associated plan and considers the proposal is satisfactory subject to conditions. Conditions will be recommended in relation to waste management during demolition works, site filling and construction of the facility.

Section 3.9 – Stormwater Management

A stormwater management plan prepared by Stellen Consulting (Rev 1 dated 15/12/2023) was submitted with the application. The site is flood affected. Due to the requirement of fill, a drain along the western boundary is required to prevent ponding on the adjoining properties. The plan includes the use of rainwater tank and bioretention basin. Council's Civil Services Division have reviewed the plan and are satisfied that the design complies with the Ballina Shire Council Stormwater Standards for Development (2016) and the Australian Standard AS3500.3 (2021) – Plumbing and Drainage: Part 3 Stormwater Drainage subject to conditions of consent.

Section 3.10 – Sediment and Erosion Control

The applicant has indicated that appropriate sediment and erosion control measures will be installed and effectively maintained to control stormwater run-off throughout construction and operation so that there is no impact on the surrounding environments. Conditions have been recommended to ensure appropriate sediment and erosion control measures are in place prior to the commencement of works on the site and maintained until the land has been stabilised.

Section 3.11 – Provision of Services

The site is connected to reticulated urban infrastructure required to service the proposed health services facility. The servicing of the site has been addressed previously in this report under Clause 7.7 of the BLEP 2012, such that the controls in Section 3.11 are satisfied.

Section 3.12 – Heritage

The subject land is not mapped as containing a heritage listed item.

Section 3.15 – Crime Prevention through Environmental Design

The application is to be accompanied by a Crime Risk Assessment that is in accordance with the process and principles contained in Crime Prevention and the Assessment of Development Applications (Department of Urban Affairs and Planning). A CPTED assessment was submitted with the application.

The key CPTED principles contained in Crime Prevention and The Assessment of Development Applications (Department of Urban Affairs and Planning) have been addressed below in relation to the proposed development.

- Natural Surveillance
- Lighting
- Access Control
- Ownership
- Site and Building Design

The proposal was referred to the NSW Police. The crime risks identified in the local area include malicious damage/graffiti, break, and enter, anti-social behaviour such as public intoxication and stealing both from residential as well as vehicles. The NSW Police assessment concluded no new crimes will be introduced or facilitated from the proposed development. No significant issues were identified with the proposal, with consideration for the following recommendations:

- Installation of a quality CCTV system is encouraged in all public/shared spaces, including the car park.
- Ensure that staff are trained to review and download CCTV images should they be required by Police.
- Ensure there is adequate lighting installed around the premises, especially at all entry/exit points and carpark.
- Ensure that lighting used does not produce glare or dark shadows and be orientated to illuminate potential threats or suspects rather than impede those persons within the proposed development observing or looking out.
- Ensure both internal and external lighting is repaired or replaced in a timely manner.
- Promote visibility and surveillance opportunities around the premises by keeping sightlines clear of obstructions, such as overgrown vegetation, placement of garbage bins, and any other items that may provide concealment areas.
- Ensure that proposed landscaping does not inhibit natural surveillance opportunities or impact on the sight lines of pedestrians and motorists.
- Ensure the rapid removal of graffiti and/or repair of any damage to the premises which may be visible to members of the public.

During the panel briefing meeting, concerns were also raised in relation to safety and security resulting from medications being kept on the premises. A response was provided that details the policies and procedures Bullinah have in place for the keeping of medical supplies on the premises to ensure the safety and security of staff and the public are maintained.

Comment: Conditions will be recommended in relation to the recommendations provided by NSW Police for the installation of CCTV systems for surveillance, suitable lighting and landscaping.

Section 3.19 – Car Parking and Access Parking Numbers

The western portion of the site comprises the proposed onsite parking area for the development. The carpark will be accessed from Holden Lane and will be locked outside of normal business hours.

A total of 26 carparking spaces are provided inclusive of 2 x covered accessible parking spaces located adjacent to the main entrance of the building and 10 designated staff spaces encompassing 4 EV spaces. A shared loading bay and ambulance parking space is also provided on the site. The applicant advises the proposal has catered for small rigid vehicles to safely manoeuvre onsite for delivery services and waste collection. The proposed design allows for all vehicles to enter and exit the sight in a forward facing direction. The proposed access, and carparking works are illustrated in the plans prepared by Stellen Civil Engineering (Rev 4).

A Traffic Impact Assessment was submitted with the application. The application was referred to Council's Traffic Engineer. The subject application was not required to be reported to the Local Traffic Committee. During public exhibition, concerns were raised in relation to road safety and loss of local amenity resulting from the proposed vehicular access in Holden Lane. A request for additional information was issued to the proponent in relation to traffic volume capacities, traffic generation assessment and a road safety audit and a revised TIA (Issue 4 dated 27 June 2024) was provided.

Council Traffic Engineer is satisfied the revised TIA (Issue 4, dated 10 July 2024) responds appropriately to the issues raised in relation to vehicular access in Holden Lane, the Holden Lane and Grant Street intersection, and the necessary changes to civil/road infrastructure, traffic regulation, markings and signage raised in the RFI. Council's Civil Services Division have provided the following comments in relation to car parking associated with the facility:

Determination of Parking requirements

Ground Floor

475.92m² @ 1 space per 25m²

Level 1

459.52m² @ 1 space per 25m²

Level 2

195.81m² @ 1 space per 25m²

Total GFA = 1,131.25m² @ 1 space per 25m² = 45.25 spaces

Total = 45 spaces required

Credits

Tamar Street land dedication = 17 spaces

Grant Street = 2 driveway crossovers

Holden Lane = 1 driveway crossover, no credits given

All disused driveway crossings will need to be restored to kerb and channel.

Total Credits = 19 spaces

Total on site parking provided

26 spaces including 2 disabled spaces.

Spaces including credits = 26 + 19 = 45 spaces

Meets requirements – Particularly due to the addition of linemarking on the streets to eliminate the random nature of parking.

In regard to On Street Parking as there are numerous credits due to road frontages with this development it does seem reasonable to have the applicant to linemark the parking bays to avoid any encroachment into adjoining parking areas.

This will need to be sent to Council's Traffic Committee in order to derive the most appropriate marking configuration ie 45deg 60deg angle parking.

The provision of mobility scooter parking was recommended by Council's Accessibility Reference Group and was discussed during the panel briefing meeting. The applicant has responded to this recommendation stating *consideration will be given to the provisions of a mobility scooter charging point 1m above the ground in the internal or external waiting area inclusive of a universal adapter. Risks associated with the provision of the mobility charging stations will be carefully considered.*

Section 3.20 – Vibration

Concerns were raised generally in relation to potential impacts to adjoining properties in relation to demolition and construction. A Preliminary Construction Management Plan was requested and provided. Council's Environmental Health Officer has reviewed the plan provided and is satisfied the proposed management is satisfactory subject to conditions. No concerns are raised in relation to vibration during the use.

Section 3.22 – Road Noise Mitigation

Not applicable as the proposal does not involve a road.

Chapter 2A – Vegetation Management

This chapter of the BDCP is for the purposes of the Section 2.9 set out in SEPP (Biodiversity and Conservation) 2021. This chapter identifies Council's requirements relating to the management of vegetation on urban land within Ballina Shire which includes the E2 Commercial Centre zone.

The proposed development involves vegetation management works including removal of five trees as identified below.

- 1 x Bottlebrush Callistemon;
- 2 x Alexander Palm;
- 1 x Cocos Palm; and
- 1 x Umbrella Tree.

A landscape plan has been provided to support the application and includes areas of revegetation associated with the proposed development. An Arboriculture Report prepared by Northern Tree Care dated 28 November 2023 was provided to support the application and provided recommendations in relation to removal of these trees. Conditions have been recommended in relation to the removal of the Alexander Palm located on Council land and a compensatory tree on the adjacent nature strip.

Section 4.2.1 of Chapter 2A provides for the assessment criteria for development applications within urban zones.

- a) whether the tree or other vegetation contributes to the aesthetic qualities of the locality and comprises an important component of the skyline;

Comment: The trees on the subject land are considered to have a minimal contribution to the aesthetic qualities of the locality. The proposed development involves landscaping and courtyard spaces which will provide improved amenity of vegetation with appropriate plantings that will be suitable in the locality. The subject trees do not appear to be an important component of the skyline.

- b) whether the tree or other vegetation makes a significant contribution to the amenity and character of the locality;

Comment: The vegetation onsite has a low contribution to the amenity and character of the locality. The five trees for removal are landscape trees only, not noted to be threatened or of any significance. The proposed development involves suitable compensatory landscaping within these areas to ensure that the surrounding amenity and character are maintained.

- c) whether the tree or other vegetation is important from a cultural and/or heritage perspective;

Comment: The vegetation is not noted to be important from a cultural or heritage perspective. The subject land is not mapped or known to be a place or contain items of cultural significance. The site is not noted under Schedule 5 of the BLEP as a heritage item.

- d) whether the growth habit (crown or root) or mature size of the tree or other vegetation is undesirable in a given situation (e.g. under power lines, on top of or under retaining walls or banks, over sewer lines, close to roads or driveways etc.) such that it unreasonably interferes with infrastructure or sight distances;

Comment: The proposed growth habit was not noted to be in an undesirable location in relation to infrastructure as they do not interfere with power lines, retaining walls or sewer lines. However, the trees interfere with the footprint of the proposed development. For this reason, removal is required. The proposed development involves landscape plantings that will be suitably located within the proposed courtyard spaces once earthworks have occurred and therefore will be capable of being long term vegetation to maintain amenity, character, and well-being for the patrons of the facility.

- e) whether the tree or other vegetation is causing damage to public or private utilities and services including kerb and guttering and the aesthetic value of the tree or other vegetation is not greater than the effect of damage caused by the tree;

Comment: The existing vegetation onsite was not noted to be creating any damage to public or private utilities or services on the site or surrounding the property. However, the trees are located in an undesirable location for the proposed development to occur and there are opportunities for other more desirable species and plantings in a location that would be suitable.

- f) whether the tree or other vegetation is interfering with, or may interfere with, the efficiency of a solar or communication appliance;

Comment: The vegetation was not noted to be interfering with the efficiency of solar or communication appliances. However, these trees are in an undesirable location in relation to the proposed development and therefore would not be suitable for retention. The proposed development has involved a landscape plan that will provide additional compensatory plantings which will not be located to interfere with infrastructure or services and will maintain amenity and character of the surrounding area.

- g) whether the tree or other vegetation is in an overcrowded situation where the overcrowding is detrimental to tree growth and the judicious removal of tree(s) will result in improved growth of other trees;

Comment: The trees were not noted onsite to be in an overcrowded situation that would be detrimental to the tree growth. The proposal involves landscape plantings that will ensure that there is no future overcrowding or impaired tree growth in the area.

- h) whether the species and/or growth form of the tree or other vegetation is ecologically significant in the local or regional context and its ability in providing habitat for native fauna; and

Comment: The subject trees proposed for removal are not noted to be ecologically significant in the local or regional context. The trees were not noted to be providing habitat for native fauna, are landscape trees only, and not noted to be threatened or endangered species. The proposal involves compensatory landscape plantings. These will be required to be native trees that may have capacity to provide habitat for native fauna and improve amenity to the locality.

- i) whether, based on supporting documentation submitted with the application, the tree or other vegetation is dying or diseased and its safe useful life expectancy is diminished.

Comment: The trees noted onsite to be removed were not recognised to be dying or diseased. No visible signs of decay were present.

Chapter 6 – Commercial Development

This chapter of the DCP identifies Council's requirements relating to commercial development. The planning controls considered relevant to the proposed development are contained in a number of different elements of Chapter 6, as outlined below.

Control	Requirement	Proposal	Comply
A. Element – Building Height	Building heights are to comply with the provisions of BLEP 2012, being 18 metres	The proposed development has a maximum height of 14.56m AHD	Yes
B. Floor space ratios	Where a mixed use development is proposed involving commercial premises, the floor space ratio	The proposed development has a GFA of 1,131.25m ² resulting in a FSR 0.57:1	Yes

	(FSR) shown on the Floor Space Ratio Map will be applied being 2.5:1		
C. Element – Roof Form	Consideration must be had for the design of the roof form to provide visually interesting and harmonious roof scapes.	Roof forms are varied and are complementary to surrounding developments.	Yes
D. Element – Building Setbacks	<p>Building lines or setbacks shall comply with the detailed requirements established for each precinct outlined in Chapters 6a .</p> <p>Front setback</p> <ol style="list-style-type: none"> Zero up to and including the third storey Zero side setback Corner buildings may have zero boundary setback from the longer frontage of the site for all storeys of the building subject to the provision of active frontages. <p>Rea setbacks to Lane – North Tamar Street – 3m to Holden Lane at the ground floor and second storey. 25m above second storey minus the depth of any land dedicated to Council for car parking/lane widening</p>	<p>Building setbacks comply with the requirements for the Northern Fringe Precinct as outlined in Chapters 6a.</p> <ul style="list-style-type: none"> Tamar St – 0m Grant St – 2m Holden Lane – Ground and Level 1 – 3m Level 2 – 19.45m 	Yes
G. Element - Landscaping	Development applications for new buildings in a business	The Architectural Plan Set includes a concept landscape plan.	Yes

	zone must be supported by a landscape plan.		
H. Element – Gateway and Landmark Sites	The design of buildings on corner sites or at the ends of a business/commercial zone shall emphasis the corner as a focal point through design elements	The design provides for the highest element of the building to address the street corner. A rammed earth wall provides a design feature in this location, with both windows and a third storey balcony overlooking the street.	Yes
I. Element – Vehicular Access and Parking	On-site car parking and vehicular access is to be provided for development in accordance with the car parking requirements specified in Chapter 2	26 onsite parking spaces are provided including 2 covered accessible spaces.	Yes
J. Element- Waste Storage Facilities	<p>i. Waste storage facilities are to be physically and visually integrated into the design of the development at ground or basement level and are to be of a size appropriate to the scale of the development;</p> <p>ii. Waste storage facilities shall meet the following design requirements:</p> <ul style="list-style-type: none"> • located behind the building line or setback and screened from the street or a public place; • accessed from a rear lane or secondary street frontage wherever possible;. • easily accessible for all tenancies /occupancies in the building; • can be adequately serviced by waste collection vehicles, having regard for 	<p>A refuse area is incorporated as part of the design which physically and visually integrates the waste storage facility into the design.</p> <p>The bin storage area is screened from a public place, is accessed from Holden Lane and can be adequately serviced onsite by waste collection vehicles having regard for safety and ease of manoeuvring. To meet the above design requirements, the storage area has been located in the area adjacent to the loading bay resulting in the facilities being positioned within the rear setback area. Council's Environmental Health Officer and Civil Services have reviewed the OWMP and consider this location is reasonable subject to</p>	Yes

	safety and ease of manoeuvring;	conditions to control the storage and collection of waste.	
K. Element – Pedestrian Entries and Access	Development is to comply with Australian Standard 1428 – Design for Access and Mobility. Secure and convenient parking and storage areas for bicycles are to be provided close to the entrance of the development.	An Accessibility Compliance Design Statement was provided with the application. The application was referred to Council's Accessibility Reference Group who provided recommendations in regard to best practice in relation to access and mobility. The proposed development includes pedestrian access and entries compliant with AS 1428. The site enjoys direct access to Council's footpath network along Tamar and Grant Street.	Yes
L. Element – Energy Efficiency	All non-residential development is to comply with the Building Code of Australia Class 5 to 9 energy efficiency provisions	A section J report was provided with the application. Council's Building Surveyor is satisfied the building complies with the BCA in regard to energy efficiency.	Yes
M. Element – Water Efficiency	Development must incorporate the following; <ul style="list-style-type: none"> • Use at least AAA rated shower roses, taps and appliances; • Use of dual flush toilets; 6 litres or less for a full flush and 3 litres or less for a half flush; • Use of waterless urinals; and • Install sensor operated taps, or automatic shut-off taps, especially in public areas. 	Conditions to be included to ensure the proposed development will comply with the water efficiency provisions of the DCP.	Yes

Chapter 8 – Other Uses

Section 3.4 Signage

No signage is included in the development application. No compliance issues identified subject to imposition of conditions on any consent granted.

The following contributions plans and developer charges are relevant pursuant to Section 7.18 of the EP&A Act and the Water Management Act 2000 and have been considered in the recommended conditions (notwithstanding Contributions plans are not DCPs they are required to be considered):

- Ballina Shire Roads Contribution Plan Version 4.2 22 July 2021
- Ballina Shire Council Water Supply Infrastructure Development Servicing Plans, 2024
- Ballina Shire Council Wastewater and Recycled Water Infrastructure Development Servicing Plans 2024,
- Rous County Council Development Servicing Plan for Bulk Water Supply 2023.

These Contribution Plans have been considered and included in the recommended draft consent conditions.

(h) **Section 4.15(1)(a)(iia) – Planning agreements under Section 7.4 of the EP&A Act**

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the site.

(i) **Section 4.15(1)(a)(iv) - Provisions of Regulations**

The Environmental Planning and Assessment Regulation 2021 (EP&A Reg) provisions are considered as follows:

Section 61 of the 2021 EP&A Regulation contains matters that must be taken into consideration by a consent authority in determining a development application, with the following matters being relevant to the proposal:

- The provisions of AS 2601-2001: The demolition of structures

These provisions of the 2021 EP&A Regulation have been considered and are addressed in the recommended draft conditions (where necessary).

Section 62 (consideration of fire safety) of the 2021 EP&A Regulation is relevant to the proposal.

These provisions of the 2021 EP&A Regulation have been considered and are addressed in the recommended draft conditions (where necessary).

3.2 **Section 4.15(1)(b) - Likely Impacts of Development**

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above and the Key Issues section below.

The consideration of impacts on the natural and built environments are considered in Table 7 below:

Table 7: Section 4.15(1)(b) assessment of the likely impacts of the development

Component of Natural and Building Environment	Comment
i) Context and Settings	<p>The proposal is considered to be generally consistent with the context of the site, in that the proposed health services facility is permitted with consent in the E2 zone. The development will strengthen the role of the commercial centre as the centre of business, community and cultural activity. The development will encourage investment in commercial development that generates employment opportunities and economic growth. The design is considered to have a high level of accessibility and amenity, including for pedestrians and is located near public transport.</p> <p>The site is surrounded by single and double storey commercial development to the south, east and west, with a mix of single and double storey residential developments to the north.</p> <p>The proposed development supports healthy, resilient and adaptable communities, through built infrastructure that contributes to health and wellbeing. The medical centre will provide a central health services facility, to be used by the indigenous community.</p> <p>In this regard, the proposed development is consistent with the context and setting of the subject land.</p> <p>The development is in keeping with the current and desired character and amenity of the E2 centre and positively contributes to the streetscape. The potential impacts on adjoining properties and surrounding development have been discussed in the key issues section of this report. Council's technical officers have assessed the potential impacts and are satisfied these can be managed by way of conditions.</p>
ii) Site Design and Internal Design	<p>The subject site has a total area of 2228.43m², is surrounded by a mix of commercial uses and residential properties. The site enjoys frontage to Tamar Street, Grant Street and Holden Lane. The proposed interlinked building form presents a sympathetic response to the streetscape and is of a bulk and scale that positively contributes to the desired future character of the area.</p> <p>The building alignment to street frontages is compatible with the existing and desired future commercial streetscape character. The design incorporates a setting back of upper levels and the proposed vehicle entry from</p>

		<p>Holden Lane. The sufficient setbacks and facade articulation to Holden Lane and side boundaries further reduces its perceived bulk and scale.</p> <p>The design is considered to be sensitive to environmental conditions, and site attributes.</p> <p>The site design and internal design is considered to respond to the general and environmental considerations of the site in that it will provide a holistic approach to managing development on the floodplain, effectively minimises and manages environmental risks identified with the site, and is consistent with the strategic directions for the commercial development within the Ballina Town Centre.</p>
iii)	Ecologically Sustainable Building Design	<p>The proposed development has had regard for the minimisation of energy consumption. No further requirements are necessary in relation to the ecologically sustainable building design.</p>
iv)	Access, Transport and Traffic	<p>The proposed medical centre has had regard for the traffic and travel demand, public transport options, parking spaces, traffic generation and capacity of the local road network.</p> <p>Vehicular access to the proposed development will be off Holden Lane. The carpark involves provision for a shared loading bay and ambulance space to the ground level of the facility. The proposal involves formalised car parking along Grant Street including a pedestrian footpath to the access ramp that provides direct access to the first floor of the foyer area.</p> <p>Overflow car parking will be maintained along Tamar and Grant Street adjoining the subject site. This was considered to be appropriate. Car parking, bicycle parking, and motorised scooter parking have been previously assessed within the BDCP section of this report. No concerns have been raised in relation to these parking areas.</p>
v)	Public Domain	<p>It is not expected that the proposal will have a detrimental impact on the public domain. The proposal involves land dedication in Tamar Street, road widening and intersection treatment in Holden Lane and formalised car parking along the property boundary fronting Grant Street. This is considered to improve the public domain.</p>
vi)	Utilities	<p>The proposed development has access to all essential services. No concerns have been raised in this regard.</p>
vii)	Heritage	<p>The site is not identified within Schedule 5 of the BLEP 2012 as containing an item of heritage significance. The site is not within the vicinity of, any heritage items or heritage conservation areas. An Aboriginal Heritage Information Management System (AHIMS) search carried out has revealed that no Aboriginal sites or places have been recorded or declared within or near the subject site.</p>

	No concerns are raised in relation to impacts to a heritage item. Refer to further comments under the BLEP 2012 section of this report.
viii) Construction	Concerns were raised regarding impacts on surrounding amenity and road network resulting from the construction phase (demolition, site filling and construction). A preliminary construction management plan was requested to assess the potential impacts. A PCMP was prepared by Kaunitz Yeung Architecture dated 24 June 2024. The preliminary plan is considered satisfactory by Council's Civil Services and Environmental Health officers subject to conditions of consent being imposed.
Environmental Impacts	
ix) Other land resources	As the proposed development is to be located within the commercial centre, it is not considered the proposal will impact upon the conservation and/or use of productive agricultural land, mineral and extractive resources or water supply catchments.
x) Water	<p><u>Water</u> No particular issues are raised with respect to the servicing of the proposed development. Council's Civil Services section have reviewed the proposal and considered that the existing infrastructure available to the subject land is suitable for servicing the proposed development.</p> <p><u>Stormwater management</u> A stormwater management plan has been provided to support the application. Council's Civil Services Division have reviewed the design and considered the proposed management is appropriate.</p> <p><u>Trade waste</u> Council's Trade Waste Officer has reviewed the design and has not raised any concerns in relation to the proposed development. Conditions have been recommended.</p>
xi) Soils	<p><u>Acid Sulfate Soils</u> The subject land is mapped as having class 2 Acid Sulfate Soils. Council's Environmental Health Officer has reviewed the ASSMP prepared by Ecoteam, dated June 2024 and considers the proposed management satisfactory.</p> <p><u>Contamination</u> No issues are raised with respect to the contamination of land on the subject site. Refer to assessment under <i>SEPP (Resilience and Hazards) 2021</i> section of this report for discussion.</p> <p><u>Sediment and erosion control</u> Conditions are recommended with respect to sediment and erosion control and ensuring fill material imported to the site is free of contaminants and sediment and erosion</p>

	control measures are in place to ensure no impacts to adjoining properties.
xii) Air and Microclimate	The proposed development is unlikely to adversely impact on air quality and microclimate conditions given the nature of the use is not anticipated to produce odours, fumes, gases or pollutants. It is noted that there is potential for dust generation during construction works, which can be managed via conditions. Concerns were also raised in relation to odours from the refuse area which can be managed via conditions.
xiii) Flora and Fauna	<p>The proposed development involves the removal of five trees. These trees are generally landscape trees and further assessment has been provided under BDCP section of this assessment. The trees and communities are not noted to be threatened or endangered.</p> <p>A condition is recommended to be imposed advising that landscape trees and shrubs should be native species endemic to the locality to encourage bird life and compensate for trees removed.</p>
xiv) Waste	<p>Waste management has been previously addressed within the DCP section of this assessment.</p> <p>An operational waste management plan was provided to support the development application. Conditions will be recommended in relation to further information prior to the issue of a Construction Certificate for waste management during demolition works, site filling and construction of the facility.</p>
xv) Energy	<p>The subject land has existing connection to electricity. The proposed development will be required to be connected, and consultation with the local energy provider may be required.</p> <p>The proposed development was referred to Essential Energy. No concerns were raised.</p>
Hazards	
xvi) Noise and Vibration	<p>Council's Environmental Health Officer has assessed the proposal with regard to noise and vibration both during construction and during the operation of the development.</p> <p><u>Noise</u></p> <p>A Noise Impact Assessment was provided by Acoustic Logic dated 24/9/2024 to support the assessment of the application. The assessment is considered adequate to comply with the NSW Noise Policy for Industry. It is noted in Section 4.4 Recommendations that the use of the car park may only be used between 7.00 a.m. and 10.00 p.m. Mechanical Plant is also recommended to be assessed after the plant has been purchased and fitted. These have both been conditioned.</p> <p><u>Vibration</u></p> <p>Concerns were raised generally in relation to potential impacts to adjoining properties in relation to demolition and construction. A Preliminary Construction</p>

	Management Plan was requested and provided. Council's Environmental Health Officer has reviewed the plan provided and is satisfied the proposed management is satisfactory subject to conditions. No concerns are raised in relation to vibration during the use.
xvii) Natural Hazards	<p><u>Flood Prone Land</u> The subject land is mapped as being flood prone land. A Flood Risk Assessment was provided by Stellen Civil Engineering. Council's Development Engineer has assessed the proposed development and is satisfied the proposed development complies with the applicable flood design criteria.</p> <p><u>Acid Sulfate Solis</u> The subject land is mapped as containing Class 2 ASS. The application was supported with an Acid Sulfate Soils Management Plan. Council's Environmental Health Officer has assessed this report and is satisfied the proposed management plan subject to conditions.</p>
xviii) Technological Hazards	<p><u>Industrial and technological hazards</u> Having regard for the activities proposed within the proposed development, it is not considered the proposal will result in any risks to people, property or the biophysical environment from industrial and technological hazards.</p> <p><u>Fire risk</u> The proposal will be conditioned to comply with the National Construction Code (NCC) in relation to fire safety.</p>
xix) Safety, Security and Crime Prevention (CPTED)	As assessment has been carried out with respect to the proposal's compliance with CPTED principles. The proposal was also referred to NSW Police for comment. The proposal has had regard for the relevant CPTED provisions and it is considered any potential crime risk can be managed by way of the conditions recommended to be imposed on any consent granted. Refer to BDCP section of this assessment for discussion.
Social and Economic Impacts	
xx) Social Impacts in the Locality	The proposal is considered to have ongoing positive social impacts in the locality through the provision of an Aboriginal health services facility.
xxi) Economic Impact in the Locality	<p><u>Employment generation</u> The proposal is considered to create employment to the local area during the construction period and the ongoing use of the site.</p> <p><u>Existing and future businesses</u> The proposed development is to function consistent with the existing health services currently offered by the</p>

	Bullinah Aboriginal Health Service that currently operate from another sites in Tamar Street. As such, it is considered the proposal will not have an unacceptable impact on existing and future businesses in the locality.
Cumulative Impacts	
xxii) Cumulative Impacts	<p>The proposed development is not considered to have any unacceptable negative cumulative impacts on the surrounding locality by way of noise, odour, car parking and traffic generation, subject to adherence with the recommended conditions of consent.</p> <p>The proposed development will provide for an improved health services facility for the surrounding aboriginal community and locality.</p>

Accordingly, it is considered that the proposal will not result in any significant adverse impacts in the locality as outlined above.

3.3 Section 4.15(1)(c) - Suitability of the site

The proposal relates to a permitted use within the zone and has access to all essential services required for the development. The site enjoys connectivity to Council's footpath network and public transport services. The site is flood affected however the design responds to the site attributes and relevant flood planning controls.

It is considered that the application adequately demonstrates that the site is suitable for the proposed development for the following reasons:

The application adequately demonstrates that:

- The proposed works will achieve an appropriate response to the identified environmental and physical constraints of the site;
- The proposal will not result in adverse flooding impacts and risk to human life;
- The built form and landscape outcomes for the site respond to the character of the surrounding locality;
- The proposal will result in access to a improved health care service facility for a vulnerable population being the local Aboriginal community;
- The measures required to accommodate the proposal, including the earthworks and upgrades to Holden Lane result in reasonable impacts to the site and adjoining land;
- The potential impacts to the amenity for adjoining residential developments can be managed by way of conditions.

Therefore the proposed medical centre is considered to fit within the subject land and immediate surrounding locality.

3.4 Section 4.15(1)(d) - Public Submissions

These have been addressed in Section 4.3 of this report.

3.5 Section 4.15(1)(e) - Public interest

Public Interest

The proposed development is consistent with the objects of the Environmental Planning and Assessment Act 1979 in that it promotes the economic and social welfare of the community and facilitates good design and amenity of the built environment.

The proposed development is consistent with the North Coast Regional Plan 2041 in that it aligns with the vision for healthy and thriving communities supported by a vibrant and dynamic economy.

It is considered that the key issues as outlined in Section 5 have been resolved satisfactorily through additional information, amendments to the proposal and in the recommended draft conditions of consent.

The proposed development is in the interests of the Federal, State and Local Governments, and also the community.

Accordingly, the application is in the public interest and is considered that development consent should be granted on this basis.

Social Impact

The proposal is considered to have positive social impacts in the locality through the provision of an improved health services facility for the indigenous community including people with a disability.

Economic Impact

The proposal is considered to have a positive economic impact through the construction works to be carried out (materials use and employment) and the ongoing use of the site. It is considered the proposal will not have an unacceptable impact on existing and future businesses in the locality. Section 64 and Section 7.11 Contributions are applicable to the proposed development. These have been included within the draft conditions for consideration.

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

The development application did not require referral to any other government agencies for comment/concurrence/referral as required by the EP&A Act and outlined below in Table 8.

There are no outstanding issues arising from these concurrence and referral requirements subject to the imposition of the recommended conditions of consent being imposed.

Table 8: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Concurrence Requirements (s4.13 of EP&A Act)			
None applicable			

Referral/Consultation Agencies (if none – N/A – to show consideration)			
Electricity supply authority	Section 2.48 – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> Development near electrical infrastructure	General comments were provided and will be included as recommended advisory notes. A request for additional information was issued to the applicant to ensure the required distance from Essential Energy infrastructure could be achieved. A revised site plan was provided that shows the development can comply with the required distance being 4m.	Yes
NSW Police	General Referral	Recommendations were made and have been included as recommended conditions. Refer to CPTED assessment within this report.	Yes
Transport for NSW	Section 2.121 – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> Development that is deemed to be traffic generating development in Schedule 3.	Medical centres are not specifically defined in Schedule 3. The Traffic Impact Assessment (version 4) has calculated the development is estimated to generate a peak of 30 vehicle movements per hour and a total of 336 vehicle movements per day. Therefore the medical centre does not require referral to TfNSW.	NA
Integrated Development (S 4.46 of the EP&A Act)			
None applicable			

4.2 Council Officer Referrals

The development application has been referred to various Council officers for technical review as outlined in **Table 9** below.

Table 9: Consideration of Council Referrals

Officer	Comments	Resolved
Engineering	Council's Development Engineer reviewed the application and considered that there were no objections to the proposal subject to conditions.	Y
Traffic	Council's Development and Traffic Engineer reviewed the proposal and raised concerns in relation to traffic generation and car parking. These issues are considered in more detail in the Key Issues section of this report. A revised TIA (version 4) was provided and is considered satisfactory subject to conditions.	Y

Building	Council's Building Surveyor reviewed the application and considered that there were no objections to the proposal subject to conditions.	Y
Public and Environmental Health	Council's Environmental Health Officer reviewed the application and raised concerns in relation to potential contamination on lot 1 DP301763, 22 Grant Street. This issue is considered in more detail in the Key Issues section of this report. An additional PSI was provided that concluded the site is suitable for the development. The development application is supported in relation to environmental health issues. Should consent be granted then the specified conditions are recommended.	Y
Trade Waste	Council's Trade Waste Officer reviewed the application and considered that there were no objections to the proposal subject to conditions.	Y
Public Domain/ Assets	Council's Natural Resources Officer reviewed the application and considered that there were no objections to the proposal subject to conditions being imposed in relation to the removal of the tree on public land.	Y
Access Reference Group	The application was referred to the Access Reference Group who had no concerns subject to compliance with the relevant legislation and Australian Standards.	Y

4.3 Community Consultation

The proposal was notified in accordance with the Council's Community Participation Plan from 21 February 2024 until 7 March 2024

The notification included the following:

- 4 signs placed on the site;
- Notification letters sent to adjoining and adjacent properties (48 properties);
- Notification on the Council's website.

During the exhibition period, the Council received a total of five unique submissions, comprising three objections and two submissions in favour of the proposal. A further objection was received on 24 June 2024 from a new owner of one of the properties in Holden Lane where a previous submission was received. The issues raised in the submissions are considered in **Table 10** below:

Table 10: Community Submissions

Issue	No of submissions	Council Comments
Increased Traffic in Holden Lane from all vehicular access being	4	A RFI was issued 12 April 2024 seeking further information in relation to traffic volume capacities, traffic generation assessment and a road safety audit. Outcome: The revised TIA V4 has satisfactorily addressed the matters raised, subject to the

directed to Holden Lane		imposition of relevant recommended conditions of consent (Schedule 1).
Safety and Visibility at Grant Street and Holden Lane intersection	4	A RFI was issued 12 April 2024 seeking further information in relation to traffic volume capacities, traffic generation assessment and a road safety audit. Outcome: The revised TIA V4 has satisfactorily addressed the matters raised, subject to the imposition of relevant recommended conditions of consent (Schedule 1).
Location of waste storage area resulting in loss of amenity from noise and smell	1	Council's EHO is satisfied with the proposed location and operational waste management plan, subject to conditions of consent being imposed to ensure no adverse impacts result from the waste storage area.
Noise from plant enclosure location	1	Council's EHO is satisfied with the Noise Impact Assessment subject to conditions of consent being imposed to ensure no adverse impacts result from potential noise generating sources on the site including plant and vehicles.

5. KEY ISSUES

The following key issues are relevant to the assessment of this application having considered the relevant planning controls and the proposal in detail:

5.1 Neighbourhood Amenity – During Construction

Traffic

The potential for associated traffic to impact on the amenity of adjoining properties during construction (demolition, site filling and construction) is an important consideration given the extent of demolition, site filling and construction proposed. Following a RFI a Preliminary Construction Management Plan (PCMP) prepared by Anton Kouzmin, dated 24 June 2024 was provided which considered this issue.

It is expected that some parking along both Tamar Street and Grant Street will be affected during the construction phase. Existing driveways and access points along Tamar Street and Grant are to be maintained throughout the construction phase to provide vehicular access to the site. No construction vehicles will be permitted to use Holden Lane. All loading and unloading of materials will occur on site. Temporary Fencing will be installed around the worksite for pedestrian safety and to prevent public access to the site. Pedestrians will be managed by qualified traffic controllers when required so that they will not conflict with construction vehicles accessing the site to maximise pedestrian safety. Council's Civil Services Division and Environmental Health Officers have reviewed the PCMP and are satisfied with the proposed management subject to conditions of consent including a detailed Construction Environmental Management Plan (CEMP) being submitted to and approved by Council prior to the issue of a Construction Certificate.

Noise and vibration

The potential for noise to impact on the amenity of adjoining properties during construction (demolition, site filling and construction) is an important consideration given the extent of demolition, site filling and construction proposed. The PCMP considered the noise and vibration impacts arising from the proposed demolition of the buildings remaining on the site, the filling of the land and the construction of the proposed three storey building.

The report concluded that plant operators will be made aware of their responsibilities in reducing excess noise. Council's Environmental Health Officer has reviewed this report and following a detailed assessment, concluded the report was satisfactory considering the likely noise and vibration impacts can be addressed in recommended conditions of consent, which is supported.

Resolution: The issues have been resolved through revised plans and recommended conditions of consent

5.2 Neighborhood Amenity – During Operations

The potential for impacts on the adjoining residential development during operations resulting from increased traffic, noise and odours is an important consideration. Concerns were raised in relation to these matters during Council's assessment, public exhibition and the panel briefing. Additional information was requested in relation to these concerns.

Traffic

The potential for traffic associated with ongoing operations at the site (post construction) was considered during the assessment. Council's Civil Services Division requested additional information in relation to traffic volume capacities to determine if the existing road network is suitable to service the development. Analysis of the traffic generation assessment was required to determine the effects on vehicle movements if a right turn only sign was installed for vehicles leaving the site. A road safety audit was required to determine if the existing road network was suitable to service the development.

Outcomes - Holden Lane requires widening for the full length of the development site to accommodate two way traffic in this area. Intersection upgrades are required to the Holden Lane and Grant Street Intersection to improve sight lines for south bound vehicles and to facilitate two way traffic in Holden Lane. Line marking is required in Grant to Street to formalise on street parking..

Noise and Odours

The potential for noise resulting from the carpark and plant area and potential odours resulting from the waste storage area were identified. A revised Noise Impact Assessment was provided by Acoustic Logic dated 24 September 2024. Council's Environmental Health Officer has reviewed the noise assessment and operational waste management plan and is satisfied with the proposed management subject to conditions of consent including the requirement for the mechanical plant to be assessed after fit out and a detailed waste management plan to be submitted to and approved by Council prior to the release of a Construction Certificate.

Furthermore, the panel raised concerns in relation to impacts on public amenity from staff and clients smoking in public places adjoining the site. An Operational Management Plan was requested including details on the capacity for common outdoor waiting areas to incorporate a designated smoking area to cater for staff and clients to ensure no impacts occur in the public domain. A response was provided by Bullinah Aboriginal Health Service (BAHS)

identifying BAHS has a smoke free work environment policy and as such no smoking will be permitted on the site. 'No Smoking' Signs will be displayed in all areas of the premises as well as a sign on the exterior boundaries of the premises requesting that people refrain from smoking nearby due to the vulnerability of clients and community members that will be accessing the premises. Under the Smoke-free Environment Act 2000, smoking in several outdoor public places is banned, including four metres of a pedestrian entrance to or exit from a public building in NSW. A condition has been included to address this. A Local Policy under the Local Government Act would need to be in place for further enforcement beyond the public places listed under the Smoke-free Environment Act 2000.

Outcomes- Vehicles servicing the development (including deliveries and waste collection) shall not park and or wait in the loading docks or surrounding residential areas prior to 7.00am or after 6.00pm Monday to Fridays and prior to 8.00am or after 1.00pm Saturdays. Operational activities at the site shall be in accordance with the recommendations of the Noise Impact Assessment report prepared by Acoustic Logic dated 24 September 2024. Mechanical plant must be located and or treated to comply with the intrusive noise criteria for the day, evening and night periods which have been identified in Table 4-2 of the Acoustic Logic dated 24 September 2024 report.

Resolution: The above issues have been resolved through revised plans and recommended conditions of consent.

6. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. The key *issues* identified with the proposed development are traffic management and surrounding amenity. It is considered that the key issues as outlined in Section 5 have been resolved satisfactorily through additional information, amendments to the proposal and in the recommended draft conditions at **Attachment A**. It is recommended that the proposed development be approved subject to conditions.

7. RECOMMENDATION

That Development Application DA No 2023/537 for demolition of existing buildings and the construction of a two and three storey medical centre and related infrastructure works and landscaping at 18-22 Grant Street and 109 Tamar Street be APPROVED pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent attached to this report at **Attachment A**.

The following attachments are provided:

- Attachment A: Draft Conditions of consent
- Attachment B: Developer Contributions