

COUNCIL ASSESSMENT REPORT

NORTHERN REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PAN-461578 DA 2024/252 PPSNTH-384
PROPOSAL	Construction of a two storey medical centre, with ground floor car parking, associated infrastructure works and landscaping works and a new business identification sign
ADDRESS	Lot 12 DP 522136 12 Commercial Road, Alstonville
APPLICANT	Dwayne Roberts Ardill Payne & Partners
OWNER	Robert Attila Simon Stephen Roland Strahan Ann Christine McLennan-Simon
DA LODGEMENT DATE	10 September 2024
APPLICATION TYPE	Development Application
REGIONALLY SIGNIFICANT CRITERIA	Section 2.19(1) and Clause 5 (b) of Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> declares the proposal regionally significant development as the proposal is development for health services facilities with a CIV over \$5 million.
CIV	\$5,452,000 (excluding GST)
CLAUSE 4.6 REQUESTS	Not applicable
KEY SEPP/LEP	• <i>State Environmental Planning Policy (Sustainable Buildings) 2022</i> • <i>State Environmental Planning Policy (Industry and Employment) 2021</i> • <i>State Environmental Planning Policy (Resilience and Hazards) 2021</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>
TOTAL & UNIQUE SUBMISSIONS	1 Submission during exhibition period

KEY ISSUES IN SUBMISSIONS	• Location of sewer line within submitters property • Impacts of fence being removed • Type of landscaping being used and impacts on allergies • Parking • Operational hours
DOCUMENTS SUBMITTED FOR CONSIDERATION	• Statement of Environmental Effects (dated August 2024) • Revised Architectural Plans (Issue B, dated 10 March 2025) • Civil Engineering Plans (Issue G, dated 10 March 2025) • Landscape Plan (Issue B, dated 14 March 2025) • Preliminary Site Investigation (Final Issue A, dated 1 July 2025) • Architectural Design Report (Issue A, dated 13 August 2024) • Stormwater Management Plan (Revision 2, dated 10 March 2025) • Site Waste Minimisation and Management Plan (Final Issue A, dated 1 July 2025) • RFI Response (dated 24 October 2024) • Architectural Plan w Perspectives (Issue B, dated 30 March 2025) • Swept Path Analysis (Issue A, dated 4 February 2025) • Response to Request for Addition Information letter (dated 14 March 2025) • Ambulance Bay Planning Diagram (Issue A, 12 August 2024)
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)	Nil
RECOMMENDATION	Approval subject to conditions
DRAFT CONDITIONS TO APPLICANT	Yes
SCHEDULED MEETING DATE	18 August 2025
PLAN VERSION	10 March 2025 Issue B
PREPARED BY	Lauren Thomas
DATE OF REPORT	4 August 2025

EXECUTIVE SUMMARY

The development application (DA 2024/252 PPSNTH-384) seeks consent for the construction of a two storey medical centre, with ground floor car parking, associated infrastructure works and landscaping works and a new business identification sign ('the proposal').

The subject site is known as No. 12 Commercial Road, Alstonville ('the site') and comprises a single allotment described as Lot 1 DP 522136. The site has one road frontage to Commercial Road along its southern boundary and occupies an irregularly shaped area of 1,265m². The site is located on the Alstonville Plateau, adjacent to the Alstonville village centre.

The site is currently vacant, cleared of significant vegetation, and generally flat with a slight fall from the south-west to the north-east. It is traversed by a sewer main and is serviced by a constructed bitumen road with kerb and guttering along its full frontage. The site is zoned R3 Medium Density Residential under the Ballina Local Environmental Plan 2012 ('BLEP 2012'). The proposed land use as a medical centre is permissible with development consent in the R3 zone.

The site is located in a mixed-use locality characterised by urban residential and commercial uses. Development in the immediate vicinity includes a mix of single and two-storey dwelling houses, dual occupancies, residential flat buildings, commercial and retail premises.

Historical records indicate that the site was previously used for residential purposes, with a dwelling and associated structures present on the site from before 1958 until their removal prior to 2007. The site remains undeveloped since that time.

Operational details confirm a maximum of 12 staff onsite at any one time, up to 50 patients per day, and hours of operation between 7:30am and 7:00pm weekdays, with occasional Saturday hours. Waste is managed in accordance with a Waste Management Plan, including secure disposal of specialist medical waste. No drugs are stored on site.

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.

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.

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'). NSW Police were also consulted with recommended conditions of consent being provided.

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

- Section 2.48(2) of the Transport and Infrastructure SEPP in relation to electricity infrastructure.

- 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.

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 building height, floor space ratio, car parking, setbacks, design detail and appearance. This is discussed in greater detail within the body of the report under Section 3.

The application was placed on public exhibition from 23 October 2024 to 7 November 2024, with one submission being received. The submission raised concerns with the location of the sewer line within the submitters property, impacts of fence being removed, type of landscaping being used and impacts on allergies, parking for staff and ambulance vehicles and operational hours. These issues are considered further in this report.

A briefing was held with the Northern Regional Planning Panel on 21 January 2025 where key issues were discussed, including small rigid vehicle, sewer connection, stormwater pipe and design and accessibility.

Overall, the development is considered to be a satisfactory response to the site and its surroundings with regard to the issue 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 2024/252 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 Commercial Road on a singular plot described as Lot 1 DP 522136 and is known as No. 12 Commercial Road, Alstonville. The property has a total area of 1,265.00m². The site is irregular in shape and has a street frontage along Commercial Road along the southern boundary which measures 32.22m. The western boundary is 36.614m in length, the northern boundary measures 36.106m, and the eastern boundary is 43.967m.

The subject land is located on the Alstonville Plateau and can be characterised as generally 'flat' and has levels in the order of approximately 141-139m AHD with a slight fall from the south-west down to the north-east. The subject land is vacant, cleared and is devoid of any significant vegetation. It is traversed by a sewer main and has frontage to Commercial Road which is a constructed urban road with a bitumen seal and kerb gutter for the full property frontage. A Detail Survey of the site is provided within the Architectural Plan Set.

The subject land is zoned R3 Medium Density Residential zone under the *Ballina Local Environmental Plan (BLEP) 2012*.

The below figures provide visual documentation of the site, including both photographs of the site and an aerial view of the site.



Figure 1: View northeast across the subject site



Figure 2: View southeast across the subject site



1.2 The Locality

The site is located on the Alstonville plateau on an urban centre street, Commercial Road. It is situated in the village of Alstonville, adjacent to the village centre in a locality characterised by a mix of urban uses such as residential dwellings (single and double storey dwelling houses, dual occupancies, and residential flat buildings), commercial and retail premises and the Alstonville Showgrounds.

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The proposal seeks consent for the construction of a two storey medical centre with ground floor car parking, associated infrastructure works, landscaping works and a new business identification sign.

Specifically, the proposal involves the following:

- Construction of a two storey health service facility comprising two levels:
 - Ground floor:
 - Entry, lift, stairs, toilets/shower, office, laundry, storeroom and staff room
 - 21 x parking spaces (including 1 x accessible space), turning bay and delivery/ambulance bay
 - First floor:
 - Entry, lift, stairs, waiting room, offices, reception/administration, staff room, 5 x consulting rooms, 2 x procedure rooms, 1 x utility room and toilets
- Construction of a feature wall that forms part of the site landscaping (facing Commercial Road) and which a business identification sign will be located – the plans show the letters “NCSS”, which are the letters of the business and have been shown for indicative purposes, being North Coast Surgical Suite; and
- Building construction materials of a combination of:
 - Concrete columns
 - Metal roof sheeting
 - Metal and weatherboard wall sheeting
 - Painted masonry walls

Following additional information from the applicant the following operational details have been confirmed:

- Waste services will be provided in accordance with the waste management plan, included in the HMC report. Specialist medical waste will be securely stored in a lockable bin in the secure garbage enclosure. This waste will be collected generally fortnightly. Other general and recycling waste will be accommodated by the Council's kerbside service.
- Deliveries will be during operating hours between 7.30am – 5pm Monday to Friday.
- NCSS comprises practice manager, medical administration staff and part-time registered nurses. The practice provides full service to three general surgeons, a urologist and another specialist doctor. Please note that staff are rostered on an as needs basis depending on the number of doctors onsite. There are a maximum of 12 staff at any one time.
- Opening hours are between 7:30am to 7:00pm Monday to Friday, with occasional opening times between 8:30am to 1:30pm on Saturday.

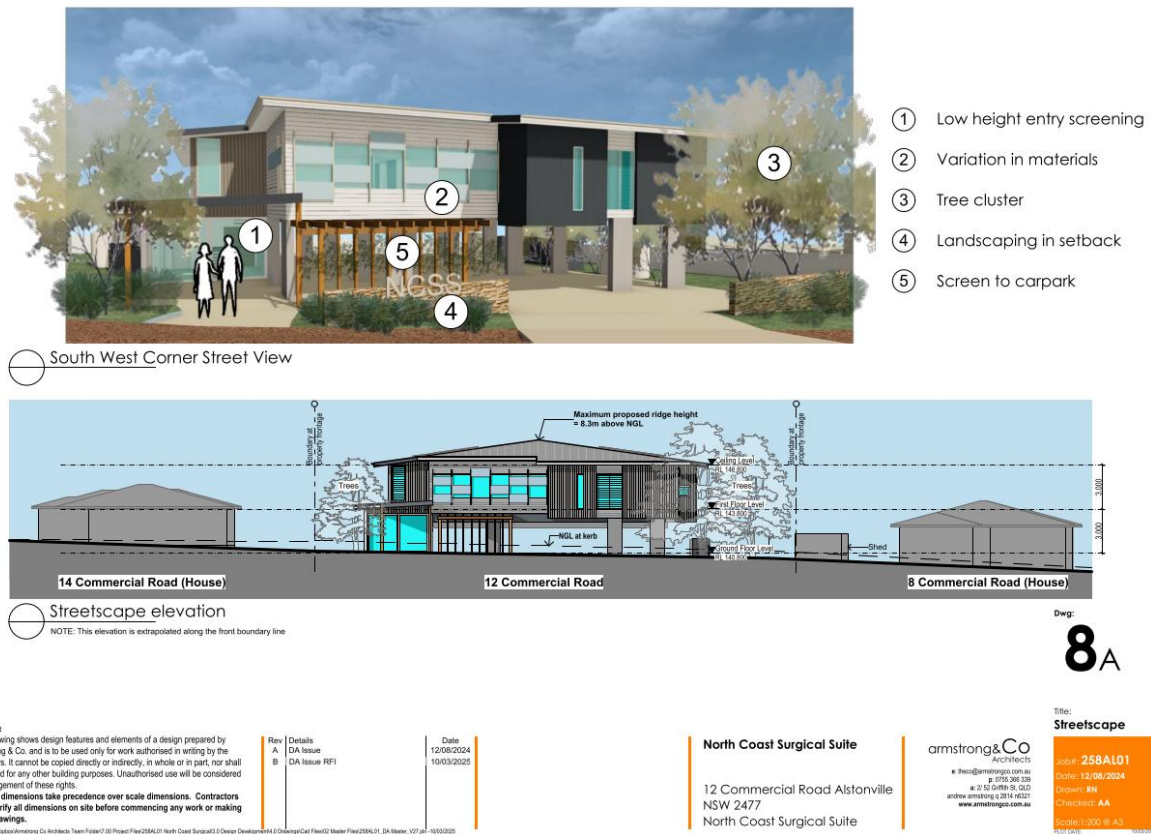
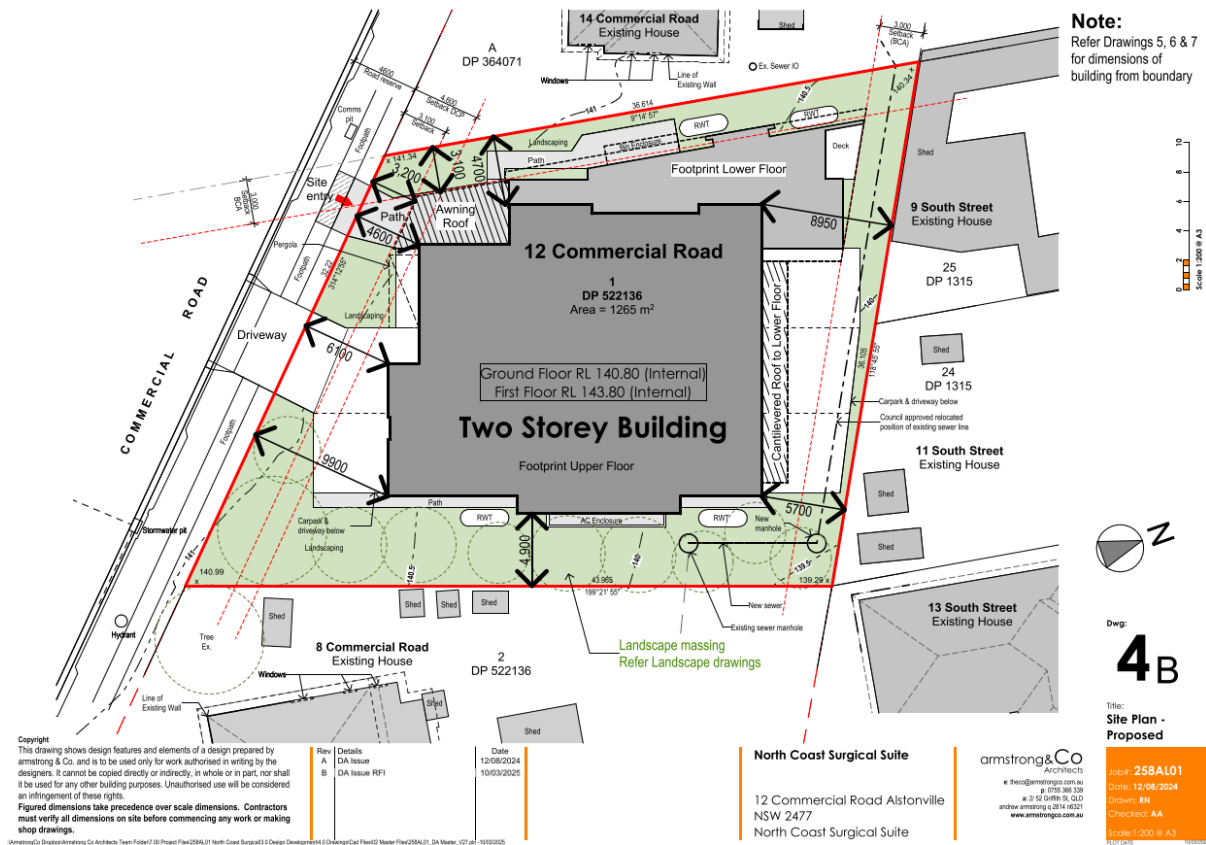
- Expected patients will be up to 50 each day with appointments between 15 minutes and one hour in duration.
- There are no drugs located on site.

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

Table 1: Development Data

Control	Proposal
Site area	1,265m ²
GFA	612m ²
FSR	Not applicable – the subject site is not mapped on the FSR map
Clause 4.6 Requests	No
Max Height	8.3 metres (RL 148.5m AHD)
Landscaped area	422m ² (33%) (minimum required is 20%)
Car Parking spaces	21 spaces (including one accessible space) and one delivery/ambulance bay
Setbacks	Commercial Road (front/southern): 4.6 metres Side (western): 2.5 metres Side (eastern): 4.0 metres Rear (northern): 0.5 metres from turning bay, 1.0 metre from car parks and 3.1 metres from the building

The key site plan and perspectives are provided in the below figures, with the complete architectural plan set provided in Attachment 1.



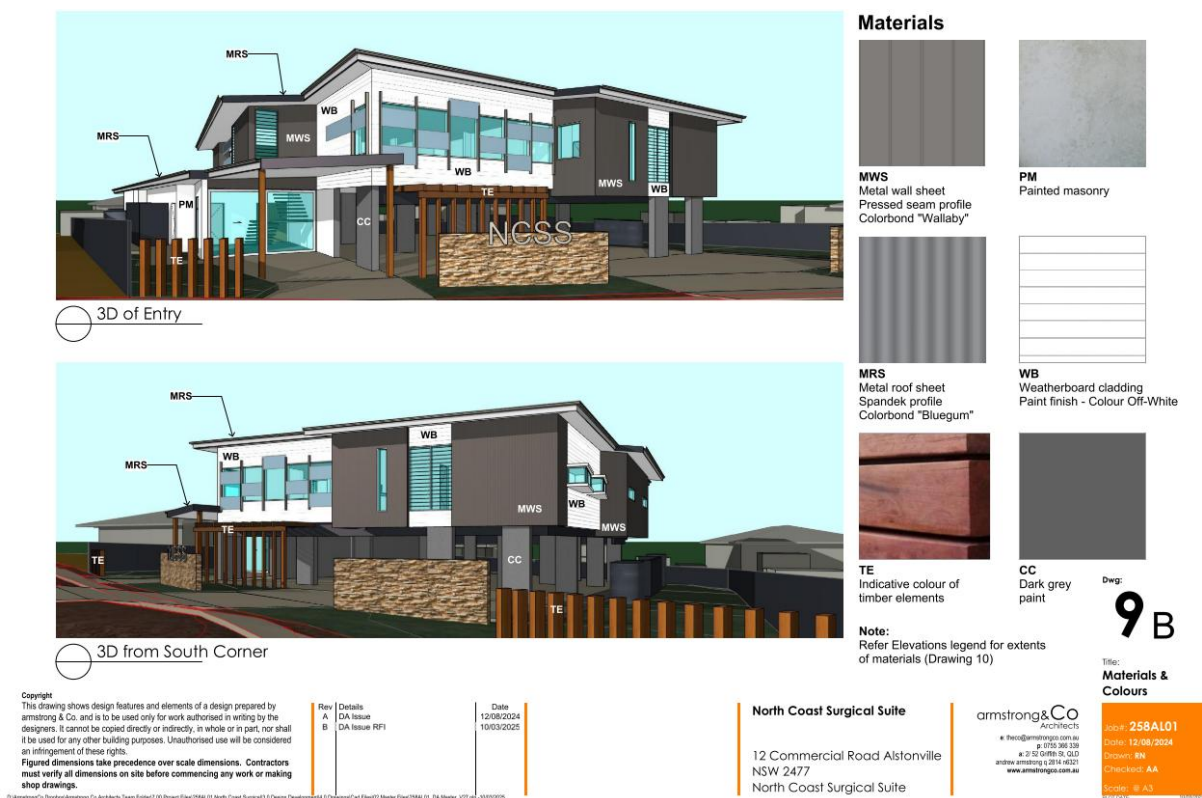


Figure 7: Materials and Colours Source – Armstrong & Co Architects

2.2 Background

A pre-lodgement meeting was held prior to the lodgement of the applicant on 28 February 2023 where various issues were discussed. A summary of the key issues is outlined below:

- Stormwater
- Car Parking
- Building line setback

The development application was lodged on **10 September 2024**. A chronology of the development application since lodgement is outlined below including the Panel's involvement (briefings, deferrals etc) with the application:

Table 2: Chronology of the DA

Date	Event
14 August 2024	Application submitted via NSW Planning Portal
10 September 2024	Application lodged
2 October 2024	Request for Information from Council to applicant lodged on the NSW Planning Portal

10 October 2024	Exhibition of the application commenced
15 October 2024	DA referred to external agencies (Essential Energy and NSW Police)
24 October 2024	Response to Request for Information provided by applicant
1 November 2024	Essential Energy referral completed
4 November 2024	NSW Police referral completed
7 November 2024	Exhibition period closed
21 January 2025	Panel briefing
30 January 2025	Request for Additional Information from Council to applicant lodged on the NSW Planning Portal
14, 17 March 2025	RFI response from applicant
9 April 2025	Additional information provided in regard to the Ambulance Bay
18 August 2025	Panel Determination meeting

2.3 Site History

In recent years there have been no relevant development applications or planning proposals relating to the subject site. The site is currently vacant.

Within the submitted Preliminary Site Investigation (PSI), it revealed that there were previous structures on the site and using historical aerial photography and a review of available information, it indicated the long-term historic use of the property was for residential purposes. The former dwelling and associated structures had been present on site since prior to 1958 until their removal prior to 2007.

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),*
- (b) *that apply to the land to which the development application relates, 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 (which are considered further in this report):

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

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 (Sustainable Buildings) 2022*
- *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 3** and considered in more detail below.

(Sustainable Buildings) 2022		
State Environmental Planning Policy (Transport and Infrastructure) 2021	Chapter 2: Infrastructure • Section 2.48(2) (Determination of development applications—other development) – electricity transmission - the proposal is satisfactory subject to conditions. • Section 2.122 (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.	Y Y
Draft EPIs	• No permissibility or compliance issues identified.	Y
Ballina LEP 2012	• Clause 2.3 – Permissibility and zone objectives The proposed development is permissible within the zone. • Clause 4.3 – Height of Buildings Maximum height of proposed buildings - 8.3m (200mm below the maximum permitted 8.5m height). The building height complies. • Clause 4.4 Floor Space Ratio Not applicable the subject site is not mapped on the floor space ratio map and is not a land use identified under subclause 2A. • Clause 7.2 Earthworks Minor earthworks are proposed for the application. The application was supported with a stormwater management plan. 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 7.4 Drinking Water Catchments The subject site is mapped as being located within a drinking water catchment. The proposal is satisfactory subject to conditions. • Clause 7.7 Essential Services Vehicular access is suitable for the proposed development. Water, electricity and telecommunication services are available to the site. The site will be suitably connected to stormwater and sewer. Council's Development Engineer has assessed the proposed development and is satisfied all essential	Y

	services are available to the site and the proposed development is acceptable subject to conditions.	
Ballina Development Control Plan (DCP) 2012	Chapter 2 – General Environmental Considerations <i>Control 3.4 Potentially Contaminated Land</i> No concerns raised. Refer to SEPP (Resilience and Hazards) for further comments. <i>Control 3.6 Mosquito Management</i> The subject site is identified as Elevated Land on the Mosquito Management Map. Standard conditions to be applied to any consent requiring screening of all windows and use of first-flush system and screening on rainwater tanks. <i>Control 3.7 Waste Management</i> The application was supported with a Site Waste Minimisation and Management Plan. Council's Environmental Health Officer is satisfied with the submitted waste management plan, with the imposition of applicable conditions of any consent. <i>Control 3.9 Stormwater Management</i> 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. <i>Control 3.10 Sediment and Erosion Control</i> The proposal is satisfactory subject to conditions. <i>Control 3.11 Provision of Services</i> The proposal is satisfactory subject to conditions. Refer to Clause 7.7 of the LEP for further comment. <i>Control 3.12 Heritage</i> The subject site is not identified as containing an item of Environmental Heritage pursuant to BLEP 2012. <i>Control 3.13 Drinking Water Catchments</i> The subject site is mapped as being located within a drinking water catchment. The site is not located within close proximity to any waterway and standard conditions can be imposed on any consent for sediment and erosion controls. <i>Control 3.15 Crime Prevention through Environmental Design</i> An assessment against the Department of Planning's Crime Prevention and the Assessment of Development Application was provided in the submitted SEE. The application was referred to the NSW Police. The proposal is satisfactory subject to conditions.	Y

	<i>Control 3.19 Car Parking and Access</i> The applicable car parking rates for the proposed development are as follows: <i>3 spaces per consulting room plus 1 space per 2 employees plus any dwelling requirement</i> The development is required to and provides 21 car parking spaces. One compliant covered disability space has also been provided. Council's Development Engineer has assessed the applicable parking provisions, and the development is satisfactory subject to conditions. <i>Control 3.20 Vibration</i> The proposal is not considered to result in any adverse impacts in regard to vibration. Chapter 2A – Vegetation Management The subject site is cleared of any vegetation and therefore the subject application does not require the removal of any vegetation. Chapter 8 – Other Uses <i>Part 3 General Controls</i> <i>Section 3.4 Signage</i> The development complies with the provisions under these controls, subject to conditions on the consent. <i>Part 4 – Provisions for Other Development in Residential, Business and Industrial Zones</i> The development is consistent with these controls, further assessment is provided within this assessment report.	
--	---	--

Consideration of the relevant SEPPs is outlined below.

State Environmental Planning Policy (Sustainable Buildings) 2022

Chapter 3 – Standard for non-residential development

Section 3.1 identifies the matter for consideration when determining an application for non-residential development with a cost of works of \$5 million or more.

The application demonstrates that these matters relating to sustainability and energy efficiency are satisfied for the following reasons:

- Where possible material selections have focused on products that utilise recycled materials in their manufacture but also materials that can be readily recycled. This includes materials like internal finishes such as wall and ceiling linings, floor coverings

and partition framing and external finishes of steel roofing and wall cladding, fibre cement sheeting.

- Solar panels are proposed to be installed for the development for the generation and storage of renewable energy.
- Low energy light fittings
- All of the internal habitable spaces have access to natural light and openable windows for cross ventilation. Glazing to the east and west is minimised or has sunscreens to enable natural light but reduce heat gain.
- The majority of the external walls utilise insulated double wall frame construction reducing the heat transfer into the building.
- Several forms of lighting will be used in main areas. Lights will be switched in banks so they can be turned off throughout the day where there is sufficient natural light.
- Appropriate metering will be installed as part of the development in order to understand key energy consumption and savings.
- Low flow taps, toilets and shower fitting will be used.

Following the panel briefing additional information was requested in relation to the reuse of rainwater captured on-site, such as for landscaping irrigation and toilet flushing. In response to this the applicant has confirmed that it is intended that rainwater tanks can be used for flushing toilets and irrigation, with low maintenance native plant species being selected requiring minimal watering.

State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3: Advertising and Signage

The proposed application includes the erection of one x business identification sign which will be affixed to the feature wall.

Under Clause 3.6 of the Chapter it identifies that a consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

- (a) that the signage is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and*
- (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.*

The aims of this chapter are to ensure that signage is compatible with the desired amenity and visual character of the area and is beneficial to the public.

The proposal is for the erection of one business identification signage, this signage is considered to be compatible with the existing amenity and visual character of the area, will provide effective communication in a suitable location and is considered to be of a high quality and finish.

An assessment against Schedule 5 of Chapter 3 of this SEPP is provided below.

Schedule 5 Assessment Criteria

1. Character of the area

- *Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?*

The area is characterised by residential and commercial buildings. The subject site is zoned as R3 Medium Density Residential with a medical centre being permissible with consent within the zone. The site is located on the fringe of the commercial precinct, with properties located on the northern side of commercial road being within a residential zone and the properties on the southern side being within a commercial zone. The proposed erection of the business identification signage is considered to be compatible with the existing features of the locality and future character of the area.

- *Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?*

The locality is primarily zoned as residential zones, being R3 Medium Density Residential and is not heavily characterised by signage. However, within the southern side of Commercial Road, the properties are zoned as E1 Local Centre and are characterised by business identification signage, including pylon signs and wall signs. As the proposed signage is proposed to be integrated into the site landscaping, located on a feature wall, the proposed signage is considered to be consistent with the existing signage theme in the locality.

2. Special Areas

- *Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?*

The proposed signage is not considered to detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscape or residential areas.

3. Views and Vistas

- *Does the proposal obscure or compromise important views?*

The application is only for one business signage. The sign will be located on a feature wall that is incorporated into the landscaping of the site. Given this the proposed signage will not obscure or compromise important views.

- *Does the proposal dominate the skyline and reduce the quality of vistas?*

The proposed signage is located on a feature wall. The proposal will not further dominate the skyline and reduce the quality of vistas.

- *Does the proposal respect the viewing rights of other advertisers?*

The proposal is unlikely to affect the viewing rights of other advertisers.

4. Streetscape, setting or landscape

- *Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?*

The proposed signage is considered to be of compatible scale, proportion and form in relation to the streetscape, setting and landscape. The proposal is comprised of business identification signage and will provide for one sign. It is considered that the one signage is appropriate in relation to other existing uses within the locality.

- *Does the proposal contribute to the visual interest of the streetscape, setting or landscape?*

It is considered that the signage will provide a beneficial contribution to the visual interest of the streetscape, setting and landscape.

- *Does the proposal reduce clutter by rationalising and simplifying existing advertising?*

The subject site is not considered to be cluttered by signage. Conditions will be imposed on the consent which identifies the signage that has been approved for the application (one business identification sign). One business identification sign is considered to be appropriate for the site, given the surrounding locality.

- *Does the proposal screen unsightliness?*

The proposed signage does not screen unsightliness. The signage is proposed to identify the proposed health service facility.

- *Does the proposal protrude above buildings, structures or tree canopies in the area or locality?*

The height of the proposed sign will not protrude above buildings or structures within the locality.

- *Does the proposal require ongoing vegetation management?*

The proposal does not require ongoing vegetation management.

5. Site and Building

- *Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?*

It is considered that the proposed signage is compatible with the scale, proportion and other characteristics of the site and building.

- *Does the proposal respect important features of the site or building, or both?*

It is considered that the proposal will not detract from the features of the site of the building.

- *Does the proposal show innovation and imagination in its relationship to the site or building, or both?*

The signage proposed shows some innovation and imagination in its relationship to the site but is generally only considered as business identification signage.

6. Associated devices and logos with advertisement and advertising structures

- *Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?*

The proposal does not comprise any platforms, lighting devices or logos designed as an integral part of the structure.

7. Illumination

- *Would illumination result in unacceptable glare?*

- *Would illumination affect safety for pedestrians, vehicles or aircraft?*
- *Would illumination detract from the amenity of any residence or other form of accommodation?*
- *Can the intensity of the illumination be adjusted, if necessary?*
- *Is the illumination subject to a curfew?*

The applicant has commented that the sign will not likely be illuminated. Condition have been imposed within the draft consent which identifies that the signage is not approved for illumination.

8. Safety

- *Would the proposal reduce the safety for any public road?*

The proposed signage is not expected to impact or reduce road safety. The proposed signage is not considered to impact the sightlines of vehicles or pedestrians, nor would it be interpreted as road signage.

- *Would the proposal reduce the safety for pedestrians or bicyclists?*

The proposal is not expected to adversely impact or reduce pedestrian and bicyclist safety as the signage is located within private land.

- *Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?*

It is not considered that the proposal will reduce the safety for pedestrians and children as there will likely be no obstruction to sightlines from public areas.

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 the Resilience and Hazards SEPP requires consent authorities to consider whether the land is contaminated, and if the land is contaminated, if 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, a Preliminary Site Investigation ('PSI') has been prepared for the site.

Council's Environmental Health Officer has assessed the application in relation to the requirements under the SEPP for land contamination and provided the following advice:

Preliminary site investigation was conducted and report submitted with NRCL summary table. Sampling detected presence of lead on site, which is below the minimum prescribed levels under NEPM guidelines for HIL-D Commercial/Industrial. The site is therefore considered suitable for the proposed use.

Given the above, the proposal is considered to be consistent with the Resilience and Hazards SEPP.

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 have been included as conditions within the draft consent.

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 the BLEP 2012 (Clause 1.2)

The aims of the LEP are listed below.

(1) This Plan aims to make local environmental planning provisions for land in Ballina in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.

(2) The particular aims of this Plan are as follows—

(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,

(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,

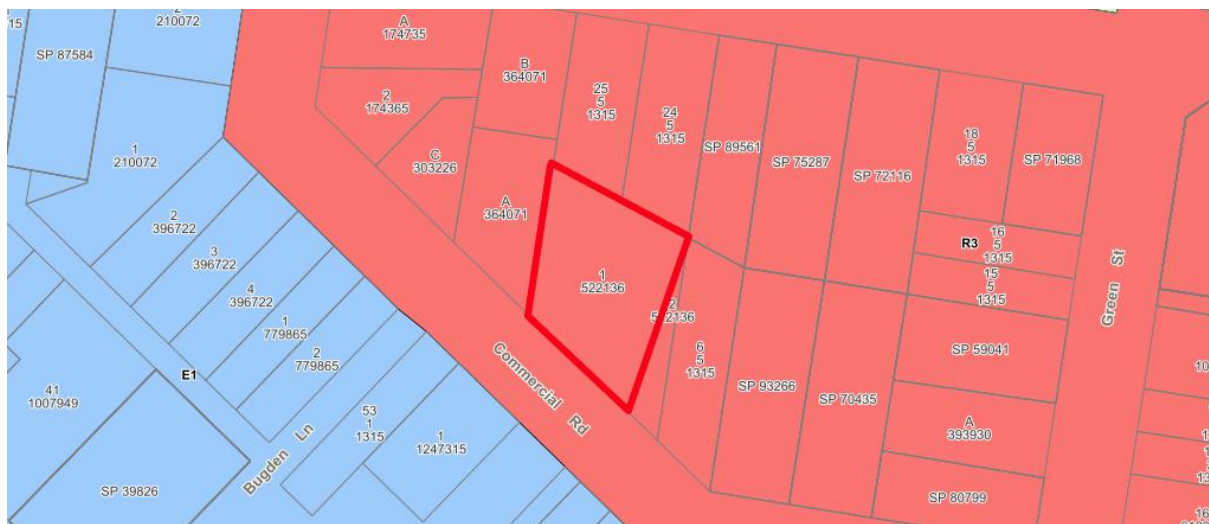
(vi) responsible and efficient use of resources,

- (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 proposal is generally consistent with these aims as the proposal 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 community.

Zoning and Permissibility (Part 2)

The site is located within the R3 Medium Density Residential Zone pursuant to Clause 2.2 of the LEP.



According to the definitions in Clause 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.

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

- (a) a medical centre,
- (b) community health service facilities,
- (c) health consulting rooms,

- (d) patient transport facilities, including helipads and ambulance facilities,
- (e) hospital.

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

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide development that is compatible with the character and amenity of the surrounding neighbourhood.
- To encourage housing and infrastructure that supports the ageing population.
- To provide for development that meets the social and cultural needs of the community.
- To encourage development that achieves the efficient use of resources such as energy and water.

The proposed medical centre is consistent with the objectives of the R3 Medium Density Residential zone as it provides a community service that meets the day-to-day needs of residents, including the ageing population. The development is appropriately scaled, compatible with the surrounding residential character, and supports the social and health needs of the local community. While it does not involve housing, it complements residential use by delivering essential infrastructure within a walkable and accessible location.

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

The LEP also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in **Table 4** below.

Table 4: Consideration of the LEP Controls

Control	Requirement	Proposal	Comply
Height of buildings (Cl 4.3(2))	8.5 metres	8.3 metres (200mm) below the maximum permitted 8.5m height).	Yes
FSR (Cl 4.4(2))	N/A	Not applicable the subject site is not mapped on the floor space ratio map and is not a land use identified under subclause 2A.	N/A
Heritage (Cl 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.	N/A
Earthworks (Cl 7.2)	(3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the	The nature of the site, is relatively flat and the proposed building will be largely elevated on concrete	Yes

	consent authority must consider the following matters— (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development, (b) the effect of the development on the likely future use or redevelopment of the land, (c) the quality of the fill or the soil to be excavated, or both, (d) the effect of the development on the existing and likely amenity of adjoining properties, (e) the source of any fill material and the destination of any excavated material, (f) the likelihood of disturbing relics, (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area, (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.	columns, so given this there are no significant earthworks and none that will disrupt the existing drainage patterns or soil stability. Suitable conditions are included in the draft consent for sediment and erosion controls and the implementation of the stormwater management plan. The purpose of the earthworks is to facilitate the construction of the medical centre. It is considered that the proposed development will not adversely impact adjoining properties given any earthworks will be undertaken using appropriate erosion and sediment measures, as conditioned. Suitable conditions have been included in the draft consent to ensure that any fill is sourced from an approved facility. The proposed development is unlikely to disturb relics given the subject land is a developed urban lot. The subject site is not located in any proximity to any waterways or environmentally sensitive areas.	
Drinking Water Catchments (CI 7.4)	(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following— (a) whether or not the development is likely to have any adverse impact on the	The proposed development is located on a vacant lot which is located within a built urban area. Given the nature of the development, it is considered that the proposal will not have any	Yes

	quality and quantity of water entering the drinking water storage, having regard to the following— (i) the distance between the development and any waterway that feeds into the drinking water storage, (ii) the on-site use, storage and disposal of any chemicals on the land, (iii) the treatment, storage and disposal of waste water and solid waste generated or used by the development, (b) the cumulative impacts of development on water quality and quantity in the catchment, (c) any appropriate measures proposed to avoid the impacts of the development, (d) any comments that have been provided in relation to the development by the relevant water supply authority or local or county council exercising water supply functions under Division 2 of Part 3 of Chapter 6 of the Local Government Act 1993, (e) whether or not the development would be more suitably carried out on an alternative site. (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development is designed, sited and will be managed to avoid any significant adverse impact on water quality and flows.	adverse impacts on the quality and quantity of water entering the drinking water catchment given the following: • The site is not located within any close proximity to any waterway. • The proposal/land does not involve the on-site use, storage and/or disposal of any chemicals on the land. • All stormwater will be managed in accordance with the submitted stormwater management plan.	
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 LEP.

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

There are several proposed instruments which have been the subject of public consultation under the EP&A Act, and are relevant to the proposal, including the following:

- *Draft Ballina Local Environmental Plan 2012 – General Amendments PP 24/002*

The proposed general amendments to the Draft LEP 2012 do not result in any changes to the subject application.

(c) 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*

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.

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.

3.6 Mosquito Management

The site is identified as being within the 'elevated land' on Council's Mosquito Management Map. The proposed development does not involve works that trigger mosquito management works. A condition has been included in the draft consent to ensure all windows, external doors and other openings must be screened, use of first-flush system and screening on rainwater tanks, in accordance with this control.

3.7 Waste Management

A Site Waste Minimisation and Management Plan prepared by HMC Environmental Consulting Pty Ltd dated July 2024 was submitted as part of the application. The report outlines waste generation and waste storage requirements for both during construction and operational. Council's Environmental Health Officer has reviewed the proposed development and the associated plan and considers the proposal is satisfactory subject to conditions.

3.9 Stormwater Management

A Stormwater Management Plan prepared by Ardill Payne & Partners, revision 2, dated 10 March 2025 was submitted with the application. Council's Development Engineer has reviewed the plan and are satisfied that it meets the requirements of Council. The following comments were provided by Council's Development Engineer:

The site is graded away from Commercial Road and cannot therefore drain surface water to the Commercial Road drainage system. There is no easement or interallotment drainage system through the adjoining downslope of the site.

The applicant wrote to the downslope owner seeking to obtain an easement through their property. The adjoining owner wrote to Council confirming that they weren't prepared to create an easement through their property.

The applicant therefore designed their development to convey roof water flows to Commercial Road to ensure the development doesn't increase overland flows onto the adjoining downslope property.

The sites car park is located under the building. The impervious car park area will not increase flows given it is located underneath the building roofline.

The stormwater management plan provided is acceptable (report by Ardill Payne & Partners, Revision 2, Dated: 10 March 2025). This plan provides four x 5KL rainwater tanks and an Atlan Spel Filter Chamber.

The plan proposes to capture 100% of the Q100 roof water flows and convey them to the Commercial Road drainage system. A Drains model was provided confirming the stormwater system in Commercial Road is capable of servicing the development and that flows from the site to the downslope property will not increase due to the development.

Given the above, the development is considered to comply with the requirements of the Ballina DCP 2012 Chapter 2 3.9 Stormwater Management.

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.

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.

3.13 Drinking Water Catchments

Under the Ballina Local Environmental Plan 2012 the subject site is mapped as being located within a drinking water catchment area. However, within Council's Drinking Water Catchments map, the site is not located within a specific drinking water catchment area. Notwithstanding this, comments made in regard to the drinking water catchment area are made in this report under Clause 7.4 of the BLEP 2012.

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 the Crime Prevention and the Assessment of

Development Applications (Department of Urban Affairs and Planning). A CPTED assessment was provided within the submitted Statement of Environmental Effects.

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

- Site Management
- Surveillance
- Access Control and Target Hardening
- Territorial Reinforcement
- Space Management

The proposal was referred to the NSW Police. The crime risks identified in the local area include break and enter, property theft, motor vehicle theft, malicious damage (including graffiti) and anti-social behaviour. 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:

- Surveillance – The proposed development indicates that landscaping will be incorporated into the development. To ensure and promote visibility and surveillance opportunities it is recommended that the proposed landscaping is maintained to prevent it becoming overgrown and reduce concealment areas.
- Surveillance – Ensure landscaping plants in areas along pathways and other areas used by the premises formal guardians consist of low-lying plants to ensure open sightlines and reduce concealment areas.
- Surveillance – promote visibility and surveillance opportunities around the premises by keeping sightlines clear of obstructions, such as bulky items of street furniture, placement of garbage bins, and any other items that may provide concealment areas.
- Surveillance CCTV – Installation of a quality CCTV system is encouraged that covers all public/shared spaces, including the underbuilding car park. The installed CCTV cameras should be placed in areas to capture a person's face and be of sufficiently high resolution to discern facial features and clothing details. Staff should be trained to review and download images should Police require them. Ensure that the CCTV cameras can be remotely monitored by staff and/or a reputable security company.
- Surveillance Lighting – Installation of adequate external lighting around the proposed exterior and under the building in the carpark and at the entry/exit points.
- Surveillance Lighting – Ensure that lighting utilised does not produce glare or dark shadows and be orientated to illuminate potential threats or suspects accessing the location rather than impede those that may be within the proposed development observing or looking out.
- Surveillance Lighting – Ensure that damaged lighting both internally and externally is repaired or replaced in a timely manner.
- Space Management – Ensure the rapid removal of graffiti and/or repair of any damage to the premises which may be visible to member of the public.
- Territorial reinforcement – Keep areas under windows free of any structures that can be climbed on to gain access to the facility.

During the panel briefing meeting, concerns were raised in relation to safety and security resulting from medications being kept on the premises. A response was provided that from the applicant that there will be no drugs located on site.

Additionally concerns were also raised in relation to the proposed security gate and the proposed closing times and how this would be dealt with in regard to the car park management.

A response provided by the applicant has confirmed the gate will be closed for after-hours secure parking for staff when there are no patients. The gate will be opened when staff arrive. All carparking spaces will be available during normal opening hours for patient access. The gate is proposed to be closed to restrict public access to the carpark out of operating hours. It will be part of a series of security management techniques across the site preventing unauthorised people accessing the rear of the building. The proposed fencing and gate have been confirmed to be open in appearance to enable vision from the car park area, similar to the gate in the below figure.



3.19 Car Parking and Access

The car parking for the site will be located at the ground floor, under the first floor of the building. The site is provided with a total of 21 car parking spaces. Council's Development Engineer has reviewed the proposed application in regard to the requirements of this control of the DCP 2012, the following comments were made:

*ROADS AND TRAFFIC
Local Traffic Committee
Referral not required*

*Local Development Traffic Committee
Referral not required.*

*TfNSW
Referral not required.*

*External Roads and Traffic
The existing external road network is constructed to a suitable standard to service the proposed development. Commercial Road is currently fully constructed with kerb and gutter to a width of 11.0m. No further roadworks are required to support the development.*

*Pedestrian and Cyclist Requirements
There is no existing Council footpath within Commercial Road along the sites frontage. The development shall be required to construct a new footpath along the sites entire frontage to Commercial Road.*

Internal Roads and Traffic

N/A

Site Access, Internal Driveways and Parking Design

The proposed driveway location and width are acceptable. Sight distances at the access driveway are acceptable given the speed and location.

Provisions for Service and Delivery Vehicles

The applicant was sent an RFI advising that the development requires provision of a small rigid vehicle service bay that complies with the requirements of AS 2890.2, including the dimensions for the space and vertical clearances. The space noted on the plans for deliveries does not comply with the minimum dimensions required under the standard.

The applicant responses as follows:

It is noted that Chapter 2 – Ballina DCP provides that Service areas and loading bays should be designed to cater for the vehicles and servicing operations anticipated to occur in a particular development.

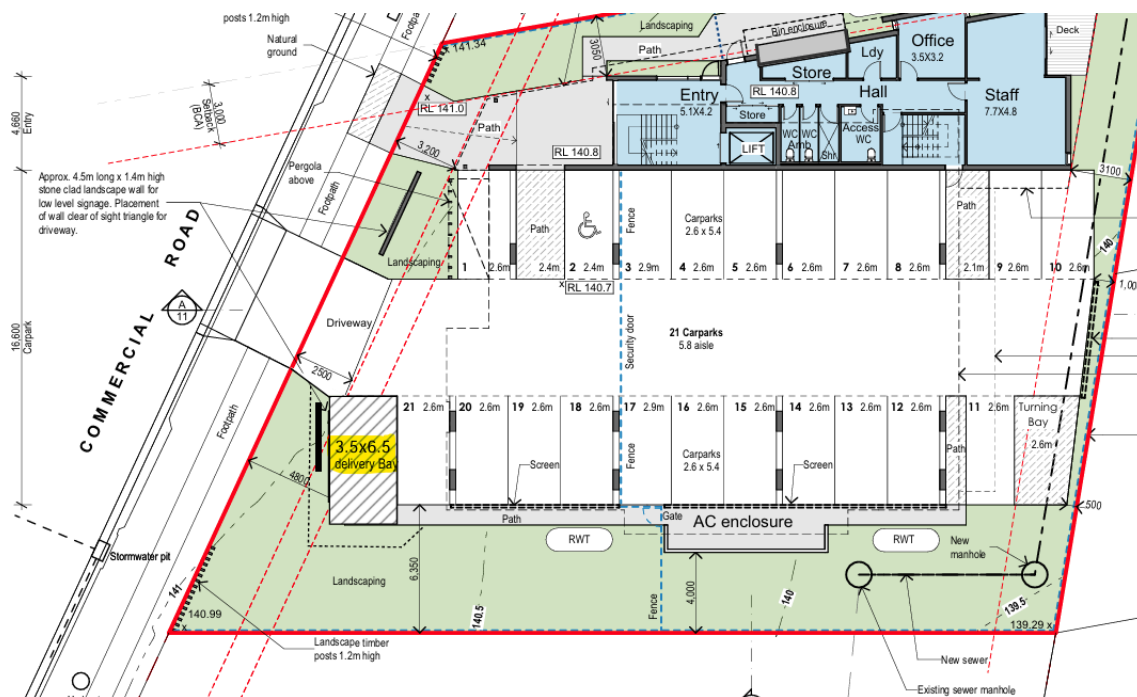
The onsite delivery bay has been provided based on the size of vehicles that regularly service the facility. Vehicles will be courier vans and pathology couriers. The space provided will accommodate these uses. Deliveries will be limited to 9am to 5pm during opening hours.

The response by the applicant was acceptable in regards to the general delivery vehicles at the facility however it does not consider the attendance of ambulances at the site. The development should include a service bay capable of servicing the standard NSW Ambulance. This is dictated by the NSW Ambulance document “Ambulance Access Specification for Hospitals and Other Buildings”.

The applicant responded to this requirement as follows.

Please find attached, an updated carparking plan demonstrating a revised dimensioned delivery space. This delivery space will accommodate an ambulance in the extremely rare event that such is required onsite. Please note that the ambulance will be required to reverse out from the site due to the building footprint. It is considered that the reversing out by the ambulance is satisfactory due to the following circumstances of the case:

- Ambulance drivers are professionally trained to safely manoeuvre these vehicles*
- The ambulances are highly visible with lights and sirens if required during any forward or reversing movements*
- It is considered the need for an ambulance onsite will be an extremely rare event given the characteristics of the use*
- The street has a relatively low traffic volume, and the vehicles will be able to safely exit the site in a reversing motion without compromising traffic safety.*



Councils DCP requires service vehicles for commercial developments to enter and exit the development site in a forward direction. It is however considered reasonable in this circumstances to provide an exemption to this requirement for ambulance vehicles given the reasons put forward by the applicant in blue text above. Other service vehicles associated with the development shall be able to comply with the requirement to enter and exit the development site in a forward direction.

Parking Number

Council's parking requirements are described in:

- DCP Chapter 2, Section 3.16 Car Parking and Access

The following requirements apply:

Council Requirement		Proposed Number	Required Number of Parking Spaces
Use	Rate		
Medical Centre	3 spaces per consulting room plus	5 consulting rooms	15
	1 space per 2 employees	12 employees	6
		Total required	21 spaces

The development provides 21 car parking spaces therefore complying with the requirements of Councils DCP in regards to car parking.

The plans include a gate that can be used to close off the car park. The applicant advised that the gate was to enable the site to be secured after hours. A condition shall be included in the consent requiring that the car gate remain open during the operating hours of the business to ensure the car park is accessible to employees and visitors.

One compliant disability space has been provided.

Bicycle and Scooter Parking
There is not bicycle rack proposed on the plans.

Chapter 8 – Other Uses

This chapter of the DCP identifies Council's requirements relating to various land uses that are not, or are only partly, addressed elsewhere in the DCP.

3.4 Signage

The proposal is considered to be generally consistent with the planning objectives of Chapter 8.

A. Location-based Requirements

Residential Zones

- i. Signage located in residential zones must comply with the following:*
 - *Must not adversely impact on the amenity of residential neighbourhoods having particular regard for noise, visual amenity and lighting impacts;*
 - *Must be located wholly within the boundary of the property to which it applies;*
 - *Must be located unobtrusively so as to appear an integrated part of the building or landscape.*

The proposed signage relates to a health service facility and will be located on an ornate feature wall that forms part of the site landscaping. The proposed sign:

- Comprises a business identification sign that relates to the use on which the sign is located.
- Is located wholly within the boundary of the subject land.
- Has been designed and located so that it is unobtrusive and has been integrated into the overall design of the building and landscape.

B. Context, Siting and Number of Advertising Signs

- i. Signage must be of a scale compatible with the streetscape, setting or landscape, in which it is located and must not dominate the streetscape, setting or landscape in terms of style, proportion or form.*

The proposed signage is considered to be of a scale compatible with the streetscape, setting or landscape and will not dominate the streetscape, setting or landscape in terms of style, proportion or form. It is also considered that the signage is consistent with the signage that is existing within the locality.

- ii. Signage must be compatible with the “desired future character” of the locality in which it is located (as defined in the Ballina Shire Growth Management Strategy).*

The signage in the locality mainly consists of pole, wall and business identification signage. With regard to the existing signage in the locality, it is unlikely that the proposed signage will dominate the streetscape in terms of style, proportion or form. No issues are raised regarding any impact on the desired future character of the area.

Under the Ballina Shire Growth Management Strategy, the site is located within the Alstonville area. The proposed signage is considered to be consistent with the desired future character of the locality.

- iii. Signage must not obscure or compromise important views, dominate the skyline, or reduce the quality of public views or vistas.*

The proposed signage is not likely to obscure or compromise important views, dominate the skyline, or reduce the quality of public views and vistas.

- iv. Signage must not protrude above buildings, structures or tree lines in the area or locality in which it is located.*

The proposed signage does not protrude above buildings, structures or tree lines.

- v. Signage must be compatible with the building on which it is located and the character of the locality in which it is located with regard for size, height, shape or colour.*
- vi. A premises must not provide signage in excess of the following except as identified under (vii):*
- 1 x under awning sign; and*
 - 1 x awning fascia sign; and*
 - 1 x window sign; and*
 - 2 x removable teardrop signs; and*
 - 2 of the following (where each listed sign type may only be used once): - a top hamper sign; - a wall sign; - a projecting wall sign; - an above awning sign.*

The proposed application is for one signage only, this sign will be affixed to an ornate feature wall that forms part of the integrated landscaping of the site.

- vii. Commercial premises occupying more than 25m² of commercial street frontage must not provide signage in excess of two times the standards identified under (vi).*

Not applicable, the subject site is not a commercial premises.

C. Illumination

As part of this application the proposed signage is not proposed to be illuminated.

D. Wording and Content

- i. In the case of a sign with clearly defined edges, the height of text or other content of the sign must not exceed 75% of the total height of the sign;*

The height of text and other content of the signs does not exceed 75% of the total height of the signs.

- ii. The name or logo of the person or company which owns or leases an advertisement or advertising structure must not be greater than 0.25m², and may only appear in the advertising display area;*

Not applicable.

- iii. Where a business or organisation offers a product or service, the name of the business or organisation must have greater dominance over the product or service advertising; and*

The proposed business identification signage contains only the name of the business and logo.

- iv. The wording or content of the advertisement must not contain undesirable discriminatory advertising messages as regulated by the Anti-Discrimination Act 1977.*

Signage wording and content directly relates to the name of the business/nature of the operation and does not contain any known undesirable discriminatory advertising messages.

E. Safety Considerations

- i. Signage must not impact adversely on the safety of pedestrians, cyclists and vehicles on any public road, or on users of watercraft on any navigable waters;*

The proposed signage will be located entirely on private property and will be set back from the public domain. It is considered that the signage will not result in adverse safety impacts to pedestrians or cyclists. The sign will not pose a risk to pedestrians as the sign will be securely fixed to the feature wall. As such, the signage will not be located near any footpath and not cause any risk to pedestrians, cyclists or vehicles.

- ii. Signage must not obscure sightlines to public areas;*

The proposed signage will not obscure sightlines to public areas.

- iii. Signage must be securely fastened to the structure or building to which it is attached; and*

The signage is to be securely fastened to the feature wall.

- iv. Signage must not be liable to interpretation as an official traffic sign or to be confused with instructions given by traffic signals or other devices, or block the view of traffic signals or signs.*

The proposed signage is not considered liable for interpretation as official traffic sign and will not interfere with official traffic signals/signs.

F. Sensitivity in Special Areas

- i. Signage must not detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas; and*

The proposed signage is not located on or near any environmentally sensitive area, heritage areas, natural or other conservation areas, open space areas, waterways or rural landscapes.

- ii. Signage on properties that adjoin heritage items should be designed and located in a manner which enhances and complements the item and streetscape; and does not dominate or detract from the heritage item.*

The property does not adjoin a heritage item.

G. Large Developments & Multiple Tenancies

- i. *Signage for large commercial type developments and those that contain multiple tenancies must be designed and sited in a co-ordinated manner; and*
- ii. *A maximum of one directional board per street frontage is permitted for multiple occupancy buildings.*

Not applicable. The proposed does not involve signage for multiple tenancies.

H. New Developments

- i. *For new buildings, information regarding the location, type and total number of advertising signs is to be provided in conjunction with the development application for the building to enable integration of signage into building design.*

The proposal includes the signage as a part of the application and has been assessed in conjunction with the health service facility, being a medical centre.

I. Sign Specific Controls

The proposed sign does not specifically fall under the types of signage provided in Table 8.2 of the DCP. Whilst the sign would likely fit within the sign type of a wall sign, the definition (as per Chapter 3 of the SEPP Industry and Employment) identifies that the sign is painted on or fixed flat to the wall of a building. The proposed sign is not fixed the building, rather a feature wall that is used within the landscaping.

Notwithstanding the above, the sign is for one business identification sign only which will be securely fixed to the feature wall and of moderate size. Within the draft consent conditions have been imposed in relation to this.

Part 4 Provisions for Other Development in Residential, Business and Industrial Zones

4.1.3 Development Controls

- i. *Development must comply with the building envelope and design provisions applicable to the zone in which the development is proposed.*

The subject site is zoned as R3 Medium Density Residential, the applicable building envelope and design provisions are located within DCP Chapter 4 Residential and Tourist Development. The below table provides an assessment against the relevant controls within DCP Chapter 2.

Chapter 4 Residential and Tourist Development	Assessment	Complies Yes/No – Provide justification if No
3.1 Dwelling Houses and Dual Occupancies (and Secondary Dwellings, except for where identified in 3.2)		
3.1.3.2 Setbacks		
<u>Front Setback</u>	The subject site is mapped on the DCP Building Lines map as having a front setback of 4.6 metres.	Yes
i. Dwellings and dual occupancies are to be setback from the front		

property boundary as specified on the Building Line Map (BLM). ii. Where not specified on the BLM, the front building line shall be greater of: • 4.5m; or • A distance equal to the average of the setbacks of dwellings on immediately adjoining lots. iii. Garages and carports must be setback a minimum of 5.5m from the front boundary. iv. For corner lots, the dwellings must be setback a minimum of 3m from the boundary on a secondary road. Garages and carports accessed from the secondary road must be setback a minimum of 5.5m from that boundary. *where an encroachment forward of building line, see notes in DCP.	The proposed development will have a setback of 4.6 metres up to 9.9 metres along Commercial Road, the front setback.	
<u>Side and Rear Boundaries</u> v. A single-storey dwelling, or ground floor of a two-storey dwelling, is to be setback a minimum of 900mm from the side and rear boundary line to the wall of the building. Guttering, eaves, hoods and other similar structures may be constructed within the side setback but not closer than 450mm from the boundary. vi. Walls more than 4.5 metres above existing ground level must be setback from side and rear boundaries as follows: • 2.5m for western and southern elevations. • 1.5m for northern and eastern elevations. Guttering, eaves, hoods and other similar structures may be constructed within the side setback to a maximum width of 600mm. vii. Unenclosed ancillary development, other than visually impermeable	The proposed development is two storeys in height. The ground floor of the development will have a setback of 2.5 metres from the western boundary, 3.1 metres from the northern boundary and 4.6 metres from the eastern boundary. The first floor will have a setback of 4.7 metres from the western boundary, 4.9 metres from the northern boundary and 4.9 metres from the eastern boundary. Where the walls are greater than 4.5 metres in height, from the first floor the development complies with the 2.5 metre setback from the western and southern elevation and 1.5 metre from the northern and eastern elevation.	

fences, may be located within the foreshore building line specified for Ballina Quays and Banyanda Lake, between the rear of the dwelling and the edge of the gutter defining location of the revetment wall. <u>Additional Rear Setback Requirement</u> viii. Dwellings and dual occupancies are to be setback a minimum of 4.0m from the rear boundary (including verandahs, patios, decks, etc) for at least 30% of the lot width. <u>* see notes in DCP as to 4m setback area along side boundary for solar access outcome reasons</u>		
---	--	--

3.1.3.3 Landscaping and Open Space

i. The minimum landscaped area that must be provided on a lot is shown in Table 4.2. <table><caption>Table 4.2 – Landscaping Controls</caption><tr><th>Lot Size</th><th>Minimum Landscaped Area</th></tr><tr><td>Less than 600m²</td><td>20% of lot area</td></tr><tr><td>600m² – 900m²</td><td>30% of lot area</td></tr><tr><td>900m² or more</td><td>30% of lot area</td></tr></table> ii. Each dwelling must be provided with an area of private open space that is predominately flat (1:10), and at least 24m² in contiguous area, and a minimum dimension of 4m in at least one direction. iii. Each dwelling is to be provided with a covered outdoor living area (i.e. patio, courtyard, deck or the like).	Lot Size	Minimum Landscaped Area	Less than 600m ²	20% of lot area	600m ² – 900m ²	30% of lot area	900m ² or more	30% of lot area	Not applicable, specific landscaping provisions are identified within Chapter 8.	N/A – however development complies with DCP Chapter 8 controls
Lot Size	Minimum Landscaped Area									
Less than 600m ²	20% of lot area									
600m ² – 900m ²	30% of lot area									
900m ² or more	30% of lot area									

3.1.3.4 Solar Access / Design for Climate

i. Each new dwelling must have one indoor living area with a major window that is oriented to the north, north-west, north-east or east <u>and which receives</u> at least two hours of direct sunlight between 9.00am and 3.00pm (Australian Eastern	Not applicable the development is not for a dwelling.	N/A
---	--	------------

Standard Time) on 21 June (Winter Solstice);		
ii. At least 50% of the area of private open space provided for each dwelling is to receive at least two hours of direct sunlight between 9.00 and 3.00pm (Australian Eastern Standard Time) on 21 June (Winter Solstice);	Not applicable the development is not for a dwelling.	N/A
iii. New buildings must not result in overshadowing of beaches or adjoining public foreshore open space before 3.00pm (Australian Eastern Standard Time) on 21 June (Winter Solstice) or 6.30pm (Australian Eastern Daylight Saving Time) on 21 December (Summer Solstice).	As part of the architectural plan set submitted shadow diagrams were submitted. The shadow diagrams show that the development will not adversely impact on the neighbouring properties, 14 and 8 Commercial Road. The development is not located near any beaches or public foreshore open space.	Yes

Chapter 4 Residential and Tourist Development

3.4 Controls Applicable to all Residential and Tourist Development

Applies to Residential Accommodation Tourist and Visitor Accommodation.

3.4.3.2 Articulation Zone

i. Accepted building elements may project 1.5m forward of the building line. - an entry feature or portico, - a balcony, deck, pergola, terrace or verandah, - a window box treatment, - a bay window or similar feature, - an eave. Note: no building element including eave of building element can project forward of articulation. i.e. no part of the building should be forward of 4.5m if subject to 6m building line.	As part of the design of the medical centre it involves a front entry feature/portico and front pergola that are located within the articulation zone, these elements as shown on the first floor plan (Dwg number: 6B). These features do not extend beyond 3.1 metres, being the articulation zone.	Yes
ii. Up to 25% of the articulation zone may include accepted building elements. (Eaves excluded from calculation)	The area combination of the elements within the articulation zone is 9m ² , this equates to 18.5%.	Yes
iii. New dwellings are to be designed to address the street, identifiable entrances and contribute to streetscape.	The new development is considered to be designed to address the street, with an easily identifiable front entrance and pathway being provided to the entry.	Yes

3.4.3.4 Overlooking and Privacy

i. A window must have a privacy screen if: • It is a window in a habitable room other than a bedroom, and • The wall in which the window is located is within 3m of side or rear boundary, and • The window has a sill height less than 1.5m and floor level greater than 1m above the existing ground level. Note, all three points are to be satisfied to require privacy screening.	The location of all windows within the consulting rooms, procedure rooms and admin area are located greater than three metres from the side boundaries. Notwithstanding the above, aluminium screens are provided on western and southern elevation. It is also considered that the window selection has been considered to reduce impacts on the adjoining properties. Following the panel briefing meeting and concerns about amenity additional comments were provided from the applicant, these comments are outlined below.	Yes
ii. A balcony, deck pergola etc, must have a privacy screen if: • Has a setback of less than 3m from side or rear boundary, and • Has a floor area of more than 3m² and a floor level greater than 1m above existing ground level. • Balconies, decks, pergolas etc that are within 3m of side or rear boundaries that require privacy screens are not permitted within the articulation zone. Note, all three points are to be satisfied to require privacy screening.	A deck is provided on the ground floor which has an area of 8 m². The location of the deck is greater than 3 metres from the northern and western boundaries and therefore does not require a privacy screen.	Yes
iii. For residential accommodation (excluding secondary dwellings on R2) and tourist and visitor accommodation involving multiple dwellings on the same site, direct views between habitable rooms (not bedrooms) are to be screened where: • Ground and first floor windows within a 9m radius from any part of the window on adjacent dwelling on the same site, and • Other floor windows within a 12m radius of an adjacent dwelling on the same site, and • Direct views from habitable rooms, excluding bedrooms of dwellings into the principal area of POS of other dwellings on the same site where within a 12m radius.	Not applicable.	N/A

iv. Details of privacy screening required in (i)-(iii) must be submitted with the development application and may consist of: • Screening that has 25% openings (maximum), is permanently fixed and is constructed of durable materials, or • A 1.8 metre high visually impervious fence or wall between a ground-level balcony, deck, patio, pergola, terrace, verandah or window where the floor level is not more than 1 metre above ground level (existing), or • Landscape screening by using existing dense vegetation or new planting that can achieve a 75% screening effectiveness within three years (without affecting solar access or views), or • Fixed opaque glazing in any part of a window below 1.5 m above floor level.	Not applicable – no privacy screens are required.	N/A
Following the Panel briefing, additional information was requested regarding the potential amenity impacts associated with overlooking and privacy from upper-level windows on the northern, eastern and southern elevations. In response, the applicant has confirmed that the building has been designed with careful consideration of neighbouring properties, with the following design features implemented to mitigate privacy impacts: • Setbacks: All upper-level windows are located at least 5 metres from the side and rear boundaries, reducing direct views into adjoining properties. • Overshadowing: Shadow diagrams submitted with the application demonstrate full compliance with Council's overshadowing controls. • Southern Elevation: Substantial planting is proposed along the Commercial Road frontage to enhance screening. Consulting room windows on this elevation are set at desk height and extend beyond the main building line, orienting views outward toward the street and distant outlooks, rather than into adjacent properties. The largest area of glazing is associated with the waiting area, which faces the street and includes perforated screening to improve privacy and break up the façade. The waiting room design also prioritises access to natural light and street views—elements widely recognised as contributing to patient comfort and reduced anxiety in medical environments. • Eastern and Northern Elevations: Landscaping is proposed between the building and the adjoining eastern property to enhance privacy for both the medical centre and its neighbour. In the northern direction, existing outbuildings within neighbouring backyards limit useable open space and provide additional visual separation. Upper-level consulting room windows on these elevations are pushed outward and oriented to provide offset views, generally focused over rooftops or toward the sky. The window placement and sill height support natural ventilation and daylight while maintaining a high degree of visual privacy. Given their height and orientation, blinds or external screening are not considered necessary.		

Overall, it is considered that the design of the building has demonstrated that the proposal incorporates consideration to the amenity impacts for the development, while maintaining privacy and reducing amenity impacts to surrounding residential properties.

3.4.3.5 Fences and Walls

i. Height of fences must not exceed below: <table><caption>Table 4.7 - Height of Fences</caption><tr><th>Fence Location</th><th>Height</th></tr><tr><td>Front Fence*</td><td>1.2 metres unless fence complies with point ii below.</td></tr><tr><td>Side Fence</td><td>1.2 metres forward of the building line and 1.8 metres for the remainder.</td></tr><tr><td>Rear Fence</td><td>1.8 metres. Where the rear fence is the primary frontage, 1.2 metres.</td></tr></table> *Front fence refers to a fence on the front boundary or forward of the building line on the primary street frontage of a site.	Fence Location	Height	Front Fence*	1.2 metres unless fence complies with point ii below.	Side Fence	1.2 metres forward of the building line and 1.8 metres for the remainder.	Rear Fence	1.8 metres. Where the rear fence is the primary frontage, 1.2 metres.	Side boundary fencing is proposed as part of the application which is proposed at a height of 1.8 metres. Along the front boundary a small section is proposed to include a 1.2 metre high fence.	Yes
Fence Location	Height									
Front Fence*	1.2 metres unless fence complies with point ii below.									
Side Fence	1.2 metres forward of the building line and 1.8 metres for the remainder.									
Rear Fence	1.8 metres. Where the rear fence is the primary frontage, 1.2 metres.									
ii. Where fences or walls exceed 1.2m the fence must be designed in accordance with: • The fence or wall is to be articulated. • Maximum height of 1.8m. • Incorporate at least 50% visual permeability.	Not applicable.	N/A								
iii. Where fence abuts a driveway, a minimum 2.5m x 2m splayed area. Or a fully open or part open style fence to a maximum height of 1m.	Not applicable, however it is acknowledged that a security gate is proposed for the carpark, however applicable conditions are imposed in the draft consent.	N/A								
iv. Refer to DCP for list of where acoustic fencing is supported.	Not applicable.	N/A								
3.4.3.6 Roof Pitch										
i. Roof must have minimum pitch of 5°.	The development has a roof pitch of 8 degrees.	Yes								
ii. Variation can be considered to maintain views or to correspond with adjoining building design that is consistent with character of the locality.	Not applicable	N/A								

ii. Site coverage of buildings must not exceed 60% of the total site area.

The subject site has a total land area of 1,265m².

Under the BLEP site coverage is defined as the following:

site coverage means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage—

- (a) any basement,
- (b) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,
- (c) any eaves,
- (d) unenclosed balconies, decks, pergolas and the like.

The proposed site coverage for the development is 606m². This equates to 47.9%, which complies with this control.

- iii. A minimum landscaped area of 20% of the total site area of an allotment must be provided.*

The site is provided with a landscaped area of 423m², this equates to 33%, which complies with this control.

- iv. Car parking will be assessed in relation to standards for comparable land uses where specified in the DCP or based on relevant guidelines published by NSW Roads and Maritime Services. Car parking must be sufficient to meet demand generated by staff and visitors.*

The proposal achieves the car parking requirements specified under Chapter 2, Section 3.19 of the DCP. For further comments refer to that section within this assessment report.

- v. Development must demonstrate the following:*
- That the proposed development is consistent with the character of surrounding development, particularly in relation to the height, bulk and scale;*
 - That the proposed development will not adversely impact on the amenity of adjoining properties and the surrounding area, particularly in relation to noise, traffic movement and lighting and having regard for cumulative impacts; and*
 - That the proposed development actively addresses the primary street frontages.*

It is considered that the proposed development has demonstrated that the development:

- Is consistent with the character of the surrounding development, particularly in respect to height, bulk and scale.
- Will not adversely impact the amenity of adjoining properties and the surrounding area, particularly in relation to noise, traffic movement and lighting and have regard for cumulative impacts.
- Actively addresses the primary street frontage.

The following contributions plans are relevant pursuant to Section 7.18 of the EP&A Act 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 Plan, 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 has been considered and included the recommended draft consent conditions.

(d) 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.

(e) Section 4.15(1)(a)(iv) - Provisions of Regulations

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, none of the matters within Section 61 are applicable to the subject proposal.

Section 62 (consideration of fire safety) and Section 64 (consent authority may require upgrade of buildings) of the 2021 EP&A Regulation are not 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 5 below:

Table 5: Section 4.15(1)(b) assessment of the likely impacts of the development

Component of Natural and Building Environment	Comment
Context and Settings	The proposal is considered to be generally consistent with the context of the site, in that the proposed medical centre is permitted with consent in the R3 zone. The development will strengthen the role of the commercial centre of Alstonville and community and cultural activity within the area. The development will encourage investment in the area that generates employment and opportunities and economic growth. The design is considered to have a high level of accessibility and amenity. The site is surrounded by single and double storey residential houses to the north, east and west. To the south of the site, it is surrounded by commercial development and the Alstonville CBD. The proposed development supports health, 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 community. In this regard, it is considered that the development is consistent with the context and setting of the subject land.

	The development is in keeping with the current and desired character and amenity of the locality and is considered to positively contribute to the streetscape. The potential impacts on adjoining properties and surrounding development have been discussed within this assessment. Council's technical officers have assessed the potential impacts and are satisfied these can be managed by way of conditions.
Site Design and Internal Design	The subject site has a total land area of 1,256m², is surrounded by a mix of commercial uses and residential properties. The site enjoys frontage to Commercial Road. It is considered that the design of the development is sympathetic to the streetscape and is of a bulk and scale that positively contributes to the desired future character of the area. The building alignment to the street frontage is compatible with the existing streetscape character of the area. Sufficient setbacks and façade articulation and side boundaries further reduce the building's perceived bulk and scale. The design is considered to be sensitive to environmental conditions, and site attributes. 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 design that is consistent with the Alstonville commercial district.
Access, Transport and Traffic	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. Vehicular access to the proposed development will be off Commercial Road. The carpark involves provision for a shared loading bay and ambulance space to the ground level of the facility. Car parking has been previously assessed within the BDCP section of this report. No concerns have been raised in relation to these parking areas.
Public Domain	It is not expected that the proposal will have a detrimental impact on the public domain.
Utilities	The proposed development has access to all essential services. No concerns have been raised in this regard.
Heritage	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.

	No concerns are raised in relation to impacts to a heritage item.
Construction	The proposal relates to the erection of a medical centre and will be provided with ancillary car parking, infrastructure and landscaping works. A range of conditions will be imposed to manage the construction phase of the development, including sediment and erosions control, dust management, safety fencing, traffic management and hours of noise generating activities.
Other Land Resources	As the proposed development is located within a residential area, 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.
Water	<u>Water</u> No particular issues are raised with respect to the servicing of the proposed development. Council's Development Engineer has reviewed the proposal and considered that the existing infrastructure available to the subject land is suitable for servicing the proposed development. <u>Stormwater Management</u> A stormwater management plan has been provided to support the application. Council's Development Engineer has reviewed the design and considered the proposed management is appropriate.
Flora and Fauna	No vegetation removal is required as a result of the proposed development. The proposal will include landscaping to soften the site. This is an improvement of the existing situation.
Natural Environment	The subject site is relatively flat and the proposed building is mainly proposed to be elevated on concrete columns, given this there are no significant earthworks proposed. Suitable conditions have been included in the draft consent in regard to sediment and erosion controls.
Noise and Vibration	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.
Natural Hazards	The subject site is not mapped as being affected by any natural hazards (i.e. flooding, bushfire).
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 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.
Economic Impact in the Locality	The proposal is considered to create employment to the local area during the construction period and the ongoing use of the site.
Cumulative Impacts	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. The proposed development will provide for an improved health services facility for the community.

Accordingly, it is considered that the proposal will 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 is located within close proximity to the commercial precinct where there are adequate services to support the proposed development.

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

- The proposed works will achieve an appropriate response to the constraints of the site.
- The built form and landscape outcomes for the site respond to the character of the surrounding locality.
- The proposal will result in access to an improved health care service facility.
- The potential impacts to the amenity for adjoining residential developments can be managed by way of conditions.

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

These submissions are considered 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 objectives 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.

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

As outlined within this report, it is considered that 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 a positive social impact in the locality through the provision of an improved health services facility for the community.

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 that 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 has been referred to various agencies for comment/concurrence/referral as required by the EP&A Act and outlined below in Table 6.

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 6: 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			
Electricity supply authority	Section 2.48 – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> Development near electrical infrastructure	No concerns to potential safety risks. Supported with recommendations.	Y
NSW Police	General Referral	Supported with recommendations.	Y
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 **Table 7**.

Table 7: Consideration of Council Referrals

Officer	Comments	Resolved
Building Surveyor	No objections subject to recommended conditions	Yes (conditions)
Environmental Health Officer	No objections subject to recommended conditions	Yes (conditions)
Trade Waste Officer	No objections subject to recommended conditions	Yes (conditions)
Plumbing and Drainage Officer	No objections subject to recommended conditions	Yes (conditions)
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.	Yes
Development Engineering	Council's Development Engineer has reviewed the application and considered that there were no objections to the proposal subject to conditions. This is following review of the additional information provided to address the concerns raised in the request for additional information letter.	Yes (conditions)

4.3 Community Consultation

The proposal was notified in accordance with Council's Community Participation Plan from 23 October 2024 until 7 November 2024. The notification included the following:

- One signs placed on the site;
- Notification letters sent to adjoining and adjacent properties (29 letters sent);
- Notification on the Council's website.

The Council received a total of one unique submission, which did not identify whether it objected or supported the proposal. The issues raised in these submissions are considered in **Table 7**.

Table 5: Community Submissions

Issue	No of submissions	Council Comments
-------	-------------------	------------------

Location on sewer line in connection to property and no mention of work that will take place	1	The sewer servicing for the development can be achieved via connection to the existing Council system. The application includes the proposed relocation of the existing Council sewer main that currently traverses the subject site. The proposed diversion has been reviewed by a qualified engineer and is considered acceptable, as it maintains the required grades and complies with relevant design standards. The proposed relocation requires modification to the internal sewer system within the adjoining property at 14 Commercial Road. Written consent has been provided by the owner of 14 Commercial Road, confirming agreement to the proposed. On this basis, the proposal is considered satisfactory with respect to sewer servicing and the concerns raised in the submission have been appropriately addressed by the applicant.
Replacement fence	1	The applicant acknowledges the submitter's concerns regarding the removal and replacement of the existing fence during the proposed works. It is confirmed that the fence will be fully reinstated upon completion of the works. The replacement fence will match or improve upon the existing fence in terms of height, materials, and appearance to ensure privacy and security are maintained for adjoining properties, including the safety of pets
Proposed Landscaping	1	The proposed landscaping plan has been reviewed and is considered appropriate to enhance the amenity of the site and adjoining properties. The landscaping includes a mix of native and ornamental species selected to provide visual screening, privacy, and shade. In response to concerns raised by the adjoining neighbour, it is understood that the applicant worked with the neighbour to amend the landscape plan alongside them to ensure that the species were to the preference of the neighbour.
Parking for staff and ambulance vehicles	1	The proposed development provides adequate onsite parking to meet the needs of staff and service vehicles. Concerns regarding ambulance access have been addressed through revised plans, which provide a suitably dimensioned bay to accommodate standard NSW ambulance vehicles.
Noise impact resulting from cars and large vehicles	1	The potential noise impact from cars and large vehicles accessing the site has been considered in the assessment. The development includes the car parking provided on the ground floor, which will help reduce noise emissions from vehicles. Deliveries are

		limited to standard business hours (9am to 5pm), reducing the likelihood of noise disturbance during early morning or late evening periods. Council's Environmental Health Officer has reviewed the proposal and is satisfied that any noise generated by vehicles can be managed through recommended conditions of consent, including operational hours and appropriate onsite management measures.
--	--	--

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 Service Vehicles – Small Rigid Vehicle and Ambulance Bay

The development is required to provide a service bay that accommodates a small rigid vehicle (SRV) in accordance with AS 2890.2. The original plans identified a delivery bay; however, the space did not meet the minimum dimensions required for an SRV and lacked a swept path diagram demonstrating compliance. Given these concerns a request for additional information was issued to the applicant.

In response to Council's request for additional information, the applicant advised that regular deliveries to the site are undertaken by courier vans and pathology couriers rather than SRVs. The delivery area has therefore been designed to accommodate these smaller vehicles, consistent with the scale and operational needs of the development, in line with DCP Chapter 2 which allows service areas to reflect anticipated vehicle types. Delivery times will be restricted to between 9am and 5pm. Council's Development Engineer has reviewed this justification and considered it acceptable for the delivery operations proposed.

Concerns were also raised regarding ambulance access, as the nature of the use may involve the attendance of emergency vehicles. The originally proposed loading area did not allow for appropriate accommodation of a standard NSW ambulance, as outlined in the NSW Ambulance document Ambulance Access Specifications for Hospitals and Other Buildings.

Following discussions with Council's Development Engineer, the applicant submitted revised car parking plans including a dimensioned space to accommodate an ambulance. It was acknowledged, however, that ambulances will be required to reverse out of the site. The applicant provided justification for this design outcome, which has been assessed in detail as part of this report.

Council's Development Engineer has reviewed the revised information and considers it reasonable in the circumstances to allow an exemption to the standard requirement for ambulances to enter and exit in a forward direction. All other service vehicles associated with the development will be required to comply with the forward entry and exit requirement.

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

5.2 Sewer

The proposed development involves modification to the existing sewer main, which includes works affecting the internal sewer drainage located within the adjoining property, Lot A DP 364071. As these works extend beyond the subject site, owner's consent from the affected property was required.

The original application did not include this consent. In response to Council's request for additional information, written owner's consent was provided by the owner of Lot A DP 364071, confirming agreement to the proposed sewer works affecting their property.

Council's Development Engineer has reviewed the updated documentation and is satisfied that the matter has been appropriately addressed.

Resolution: The issue has been resolved through the provision of the adjoining property owner's written consent.

5.3 Stormwater

Stormwater management is a key consideration for the development given the site falls away from Commercial Road and cannot naturally drain to the existing drainage infrastructure in that location. There is no existing easement or interallotment drainage system through the adjoining downslope property.

The applicant sought to resolve this by writing to the owner of the downslope property to request an easement. In response, the adjoining owner advised Council in writing that they were not prepared to create an easement across their land.

As a result, the applicant has redesigned the development to ensure all roof water is captured and directed to Commercial Road via a proposed drainage system. The car parking area is located beneath the building footprint and is therefore considered part of the impervious roof area. As such, it does not contribute to any increase in overland flow.

A stormwater management plan (prepared by Ardill Payne & Partners, Revision 2, dated 10 March 2025) has been submitted. The plan proposes four 5,000L rainwater tanks and an Atlan Spel Filter Chamber, with 100% of the Q100 roof water flows to be captured and conveyed to Commercial Road. A Drains model was also submitted, demonstrating that the Commercial Road stormwater system is capable of accommodating the development and confirming no increase in runoff to the downslope property.

Council's Development Engineer has reviewed the stormwater strategy and supporting documentation and, following detailed assessment, has concluded the proposed drainage solution is acceptable, subject to conditions.

Resolution: The issue has 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 were stormwater and sewer design. It is considered that the key issues as outlined in Section 5 have been satisfactorily through additional information, amendments to the proposal and in the recommended draft conditions at **Attachment A**. Following a

thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application can be supported.

7. RECOMMENDATION

That the Development Application DA 2024/252 for the construction of a two storey medical centre, with ground floor car parking, associated infrastructure works and landscaping works and a new business identification sign at 12 Commercial Road, Alstonville 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
- Attachment C: Draft Stamped Approved Plans