

Supplementary report to the Western Regional Planning Panel

PPSWES-122

Development application

DA number	D20/21	Date of lodgement	1 December 2021
Applicant	Maari Ma Aboriginal Health Corporation		
Owner	Aboriginal Housing Office		
Proposed development	Construction of a Community Health Facility for the Maari Ma Health Aboriginal Corporation to serve Wilcannia.		
Street address	Bonney Street, Wilcannia		
Notification period	40 days - concluding 18 February 2022	Number of submissions	Nil

Assessment

Panel criteria	<ul style="list-style-type: none"> The development is Regionally Significant Development under Part 2.4 and Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021 (as it has a CIV of greater than \$5 million) and is a 'health services facility'.
Relevant section 4.15(1)(a) matters	<ul style="list-style-type: none"> Environmental Planning and Assessment Act 1979 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 Central Darling Local Environmental Plan 2012
Original report date	June 2022
Panel meeting date and deferral	<p>Panel meeting held on 2 August 2022.</p> <p>The Panel deferred the determination of the application until a supplementary report and final set of conditions has been prepared and uploaded to the Portal for the Panel to consider prior to giving its determination. The recommended conditions shall include commentary outlining the changes from those conditions submitted to the Panel at its meeting of 2 August 2022.</p>
This report date	4 August 2022
Report prepared by	Alan Middlemiss Coordinator Planning Assessment, Blacktown City Council
Recommendation	Approval, subject to the conditions listed in Attachment 1.

Attachments

- Recommended conditions of consent
- Previous set of conditions considered by the Panel as uploaded to the Portal by Central Darling Shire Council
- Revised set of conditions as agreed by Blacktown City Council prior to the Panel meeting (where Blacktown City Council reinstated certain conditions)

Checklist

Summary of section 4.15 matters

Have recommendations in relation to relevant section 4.15 matters been summarised in the Executive summary of the Assessment report? Yes

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments, where the consent authority must be satisfied about a particular matter, been listed and relevant recommendations summarised in the Executive Summary of the Assessment report?	Not applicable
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Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the Assessment report?	Not applicable
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Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (section 7.24)?	No
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Conditions

Have draft conditions been provided to the applicant for comment?	Previously
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1 Executive summary

- 1.1 This supplementary report is the second report on this proposal. This report provides conditions of consent in response to the Panel's adjournment of its consideration of the matter on 2 August 2022.
- 1.2 The key issues that need to be considered by the Panel relate to the matters raised in its adjournment and these are covered in Section 3 of this report.
- 1.3 The application is considered satisfactory when evaluated against Section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended).
- 1.4 This report recommends that the Panel approve the application subject to the recommended conditions listed in Attachment 1.

2 Previous Panel consideration of DA

- 2.1 The Western Regional Planning Panel met on 2 August 2022 to consider this development application and adjourned the matter pending receipt of a final set of conditions to encompass the matters raised during the discussions at the meeting.
- 2.2 The Panel adjourned the matter until a final set of conditions has been prepared and submitted to the Portal for its consideration prior to determination.
- 2.3 A copy of the previous set of conditions considered by the Panel is at Attachment 2, as well as conditions recommended by Blacktown City Council after considering Central Darling Shire Council's recommended modifications to those conditions at Attachment 3.

3 Assessment of revised conditions

3.1 Conditions of consent

- (i) Condition 2.1 has been amended to provide the correct revision identification for Drawing 01. The latest plan provided to Blacktown City Council and uploaded to the Portal is dated 13 May 2022 and is Revision C. This is the plan that removed staging from the development and updated carparking details.
- (ii) Condition 2.1 has been amended to make specific reference to the Arboricultural Impact Assessment (Ref 23037) dated 5 March 2021 and prepared by Urban Tree Management. This will further emphasise the protection and retention of Tree No. 1.
- (iii) Condition 2.5 has been reinstated.

2.5 *Written notice must be provided to adjacent properties, at least 5 days prior to works commencing, where works are approved by this consent and located within Council controlled lands (i.e. roads, drainage reserves, parks, etc.)*

A copy of this notice must be provided to Central Darling Shire Council.

- (iv) Condition 2.15 has been reinstated:

2.15 *The Floodway Warning Sign and Flood Management Plan are to be maintained for the life of the development*

- (v) Condition 3.1 has been amended to include the words '**.....and these conditions of consent.**' as recommended by the Panel.

(vi) Condition 3.16 has been reinstated

3.16 Soil erosion and sediment control measures shall be designed in accordance with Council's soil erosion and sediment control requirements. Details shall accompany any construction certificate.

(vii) Condition 3.19 to be reinstated

3.19 Structural design certification is required by a chartered structural engineer registered on NER, indicating that the structure has been designed to withstand all flood impacts prior to the release of the construction certificate. The certificate should consider scour, impact of debris, hydrodynamic pressure, and hydrostatic and buoyancy forces at the design floor level.

(viii) Condition 3.35 to be reinstated

3.35 Submit a certificate from a registered engineer (NER) certifying the building has been designed to withstand the forces of floodwaters and the impact of any flotsam likely to be carried by such floodwaters.

(ix) Unnumbered condition under the heading 'Engineering' between Conditions 3.30 and 3.31 of Attachment 2 be deleted and replaced with the following condition:

3.36 The engineering drawings referred to below are not for construction. The Construction Certificate drawings shall be generally in accordance with the approved drawings and conditions of consent. Any significant variation to the design shall require a section 4.55 application

Construction Certificate plans shall be generally in accordance with the following drawings and relevant Consent conditions:

Prepared by	Project No.	Drawing No.	Revision	Dated
Barnson	32342	C00	B	23-04-2021
Barnson	32342	C01	B	23-04-2021
Barnson	32342	C02	B	23-04-2021
Barnson	32342	C03	B	23-04-2021
Barnson	32342	C04	B	23-04-2021
Barnson	32342	C05	B	23-04-2021
Barnson	32342	C06	B	23-04-2021
Barnson	32342	C07	A	23-04-2021
Barnson	32342	C10	A	23-04-2021

The following items are required to be addressed on the Construction Certificate plans:

- (i) ***The works within the Bonney Street road reserve are to be offset a minimum of 3.5m from the south eastern boundary to provide a verge area.***
- (ii) ***A 1.5m concrete footpath is to be constructed within the verge from Ross Street to the car park area.***
- (iii) ***Provide marked pedestrian access paths within the carpark area by way of suitable line marking or similar, from the end of the concrete path across the ambulance turning area.***
- (iv) ***Provide a barrier kerb adjacent to the verge.***
- (v) ***Delete the requirement for on-site stormwater detention. This is not needed so close to the river.***
- (vi) ***The rainwater tanks from under the 'Healthy Start Building' are to be consolidated into an integrated set of rainwater tanks all under the 'Nerve Centre Building'.***
- (vii) ***On Drawing C02 provide an additional table drain TD3 that extends from the pipe above along the north-west boundary and extending to Bonney Street to align with the future realignment of the discharge from Ross Street.***
- (viii) ***For all the swale designs allow for a Mannings 'n' of 0.05.***
- (ix) ***On Drawing C06 provide a new detail (including all calculations) for TD3 sized to take all the flow from Bonney Street and the flow that discharges off Ross Street in a 10% AEP event.***
- (x) ***Reposition the swale/table drain that currently meanders along the north-western side of the development site which conveys the flows from Bonney Street and Ross Street within the proposed 3m wide easement allocation along the boundary.***
- (xi) ***The back-up generator or electrical substation is to be raised to match the proposed floor level.***

(note: (ix) above also includes the additional words '***including all calculations***', as recommended by the Panel).

- (x) Condition 5.8 has been amended to highlight the retention of the site's significant tree

5.8 *The measures required to effectively protect trees on the land shall be maintained throughout the development works. The recommendations of the Arboricultural Impact Assessment, prepared by Urban Tree Management and dated 5 March 2021 must be followed at all times, with particular attention to the protection and retention of Tree 1 Eucalyptus largiflorens – Black Box.*

- (xi) Reinstate Condition 5.22 with amended wording as suggested by the Panel:

5.22 Works shall comply with the requirements of Council's Works Specification – Civil listed below.

- a) Compaction certificates for fill within road reserves.
- b) Compaction certificates for road sub-grade.
- c) Compaction certificates for road pavement materials (sub-base and base courses).
- d) Applicant to submit material compliance documentation
 - Compliance certificate and test results
 - Delivery dockets (road construction material)
 - Summary of material deliveries

Note: Council requires road pavement and pipe bedding materials be sourced from N.A.T.A. certified stockpiles.

- (xii) Condition 5.26 to be reinstated:

5.26 Any 'Traffic Control Plan' utilised for engineering works required by this consent must be prepared by a person who holds a current Transport for NSW (Roads & Maritime) Work Zone Traffic Management Plan accreditation and photo card for all works that are carried out in or adjacent to a public road. This plan must satisfy all the requirements of AS1742.3-2009.

- (xiii) Condition 5.28 to be reinstated:

5.28 A plumber, licenced with NSW Fair Trading, is to undertake flow testing of the non-potable water reuse system to certify that all the toilets are capable of being supplied by rainwater and that there is no cross mixing, or cross contamination with the potable water supply.

- (xiv) Conditions 6.20 and 6.21 to be reinstated:

6.20 A plumber licensed with NSW Fair Trading is to certify that the buildings comply with the minimum standards defined by the Water Efficiency Labelling and Standards (WELS) Scheme for any water use fittings. Minimum WELS ratings are:

- i. 4 star dual-flush toilets;
- ii. 3 star showerheads;
- iii. 5 star taps (for all taps other than bath outlets and garden taps);
- iv. 3 star urinals; and
- v. 3 star water efficient washing machines and dishwashers have been used.

6.21 A plumber licensed with NSW Fair Trading, or experienced hydraulic engineer, is to certify that:

- (i) All the non-potable water uses are being supplied by rainwater;
- (ii) All the requirements of the detailed non-potable water supply & irrigation plan have been installed to the required locations.

- (iii) The flow meters have been installed on the pump outflow and the solenoid-controlled mains water bypass to determine non-potable usage*
 - (iv) The initial flow meter readings are detailed in the certificate;*
 - (v) The pumps, alarms and all other systems are working correctly;*
 - (vi) Rainwater warning signs are fitted to all external taps using rainwater.*
- (xv) Condition 6.26 to be reinstated:
- 6.26 *The creation of an Easement in Gross to Drain Water, with a minimum width of 3.0m in favour of Central Darling Shire Council over the following nominated lot(s) free of cost to Council. The alignment of the easement shall generally follow the drainage lines TD1 and TD2 on the northern side of the site as shown on Barnson Pty Ltd Drawing No 32342-C03 Revision B dated 23-04-02021. The easement must be created under the Conveyancing Act 1919 and have the nominated lot(s) burdened and Central Darling Shire Council as benefiting authority.***
- Nominated Lot(s) Burdened: Lot 11 DP 1201028, Lot 2 and 3 DP 1201089***
- (xvi) Condition 6.27 (shown as Condition 6.25 in Attachment 2) to be reinstated and original wording provided:
- 6.27 *All Section 88B restrictions and covenants created as part of this consent shall contain a provision that they cannot be extinguished or altered except with the consent of Central Darling Shire Council.***
- (xvii) The hours of operation as highlighted by the Panel be more flexible. Accordingly, Condition 7.4 to be amended to allow more flexible operation **7 days per week 7:00am to 6:00pm, with those hours not applying in the event of an emergency.**
- (xviii) Condition 6.33 relating to the Voluntary Planning Agreement be reinstated with the deletion of the words - ***'This condition will not be satisfied until Central Darling Shire Council has given its written certification to this effect'***, as recommended by the Panel. The condition will now read:
- 6.33 *Prior to the issuing of an occupation certificate, any relevant requirements under the Voluntary Planning Agreement made between Central Darling Shire Council and the Maari Ma Health Aboriginal Corporation shall be satisfactorily completed.***

4 Conclusion

- 4.1 The proposed development has been assessed against all relevant matters and is considered to be satisfactory. It is considered that the likely impacts of the development have been satisfactorily addressed and that the proposal is in the public interest. The site is considered suitable for the proposed development, subject to conditions.

5 Recommendation

- 1 Approve development application subject to the conditions listed in Attachment 1.

Alan Middlemiss
Coordinator Planning Assessment
(4 August 2022)

Judith Portelli
Manager Development Assessment