_planning

# DEVELOPMENT APPLICATION
# STATEMENT OF ENVIRONMENTAL EFFECTS

## BOURKE ABORIGINAL CORPORATION HEALTH SERVICE (BACHS)
## BOURKE INTEGRATED PRIMARY HEALTH CARE CENTRE
## 88-96 MITCHELL STREET, BOURKE

**Submitted to**
**Bourke Shire Council**
**on behalf of**
**BACHS**

bachs

**November 2024**

_planning Pty Ltd operates under a Quality Management System. This report has been prepared and reviewed in accordance with that system. If the report is not signed below, it is a preliminary draft.

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18 November 2024

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# 1.0 INTRODUCTION

This Statement of Environmental Effects (SEE) is submitted to Bourke Shire Council to support a Development Application (DA) with respect to the proposed new clinic building for the Bourke Aboriginal Corporation Health Service (BACHS) at 88-96 Mitchell Street, Bourke. The development, known as the Bourke Integrated Primary Health Care Centre, serves as a relocation, consolidation, and expansion of its existing services from its current locations at 61 Oxley Street, Bourke and 8 Sturt Street, Bourke. Consent is sought for the construction and operation of the new clinic building.

This SEE is prepared and submitted on behalf of BACHS, the applicant.

The DA seeks consent for the construction and use of the new premises which comprises:

- A new single-storey community health / clinic building of 786m$^2$ gross floor area (GFA) providing for a range of consultation rooms; offices; utility, multi-purpose and storage spaces; and reception and waiting areas.
- 22 at-grade car parking spaces catering for staff, visitors, and emergency vehicles, with access from the unnamed rear laneway to the site's south and egress to Mitchell Street to the site's north.
- Selected tree removal of five (5) planted native trees and one dead tree as well as demolition of poles and stays understood to be used for periodic signage purposes.
- Minor and shallow earthworks and other civil engineering works.
- Landscaping of the development site with decking and hard and soft landscaping.
- Utilities and stormwater connections, including an array of 500W solar photovoltaic cells on the roof of the building achieving up to 42.5kW capacity, and temporary placement and periodic usage of a mobile diesel power generator in the event of power outages.

Remediation required of the site will be Category 2 remediation works at the site. This will not require development consent. The nature of, and need for, remediation is further set out in this SEE. Similar, proposed signage will meet Exempt Development thresholds and will also not require development consent, as also set out in this SEE.

The proposed use is defined as a *health services facility* (which includes community health service facilities) under NSW planning legislation. Community health service facilities are not further defined. The definition of a *health services facility* is set out below.

> ***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.*

Health services facilities are permitted with consent within the site's 'R1 – General Residential' zone under *Bourke Local Environmental Plan 2012* (Bourke LEP).

The development satisfies all relevant planning considerations under Bourke LEP, noting the development site is not subject to any building height or floor space ratio (FSR) controls. Other relevant considerations are further addressed within this SEE.

The land is presently owned by Bourke Shire Council, but is in the process of being acquired by BACHS. Council has provided its landowner's consent for this DA's lodgement.

The DA is Integrated Development only in relation to the new driveway egress onto Mitchell Steet being works which will be into and over part of a classified road (Mitchell Street) under section 138(a) of the *Roads Act 1993*. Transport for NSW (TfNSW) will need to provide its general terms of approval ahead of the DA's consent being granted.

The DA is otherwise not Integrated Development for the purposes of the EP&A Act, and it does not trigger any relevant approval requirements, amongst others, under the *Rural Fires Act 1997* or the *Water Management Act 2000*.

Section 2.48 of *State Environmental Planning Policy (Transport and Infrastructure) 2021* (TISEPP) requires the consent authority to consider any response received from an electrical supply authority (in this case Essential Energy) to a development carried out within, or immediately adjacent to, an easement for electricity purposes (whether or not the electricity infrastructure exists); or immediately adjacent to an electricity substation; or within 5m of an exposed overhead electricity power line. Noting the site is bounded by overhead power lines, the latter of these notification pre-conditions is relevant.

Section 2.119 of the TISEPP further requires the consent authority to be satisfied that safe vehicular access to the land is provided by a road other than the classified road, and that the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of the design of the vehicular access to the land, or the emission of smoke or dust from the development, or the nature, volume or frequency of vehicles using the classified road to gain access to the land.

As egress is proposed to Mitchell Street (a classified road) referral is required to be made to Transport for NSW (TfNSW) to seek commentary and concurrence for the development and to assist in the consent authority being satisfied with the proposed access arrangements.

Lastly, under sections 2.100 and 2.120 of the TISEPP in relation to impacts of road and rail noise, when a development is adjacent to a rail corridor, a freeway, a toll-way, a transit-way or a road with an annual average daily traffic volume (AADT) of more than 20,000 vehicles, an acoustic assessment is required to determine compliance with the clauses.

As per the then NSW Roads & Maritime Services traffic volume data (i.e. Kamilaroi Hwy) AADT of Mitchell Street is less than 20,000 vehicles. Further, the site is not near any operational railway line. Therefore, clauses 2.100 and 2.120 of the TISEPP and the NSW Department of Planning's 'Development near Rail Corridors and Busy Roads – Interim Guideline' do not apply.

## 1.1 Project Background

***BACHS and the project need***

BACHS is an Aboriginal Community Controlled Health Organisation (ACCHO) providing primary healthcare and dental services to Bourke and surrounding areas since 1986. It is run by the local Aboriginal community and delivers holistic, comprehensive and culturally appropriate healthcare to the community. It is a community-based not-for-profit Aboriginal Corporation. Its vision is 'First Nations caring for our community'.

BACHS is presently located at 61 Oxley Street, Bourke and at 8 Sturt Street, Bourke. Across these two locations it provides a range of services, including:

- GP Clinic with bulk-billed services – this provides a wide variety of care for all ages including management of acute and chronic diseases, health assessments, mental health care, preventative care, procedures and health education.
- Dental Clinic – this is delivered by BACHS' third-party provider – Royal Flying Doctors Service. The service conducts annual school and child care visits to screen children and educate families and child care services on how to look after children's teeth as well as dental check-ups and cleaning, simple extractions, filling, x-rays, and dental education and prevention instruction.
- Social, emotional and wellbeing services and mental health services – this includes children, adolescent, and adult psychologist services.
- Integrated Team Care program services – this aims to improve health outcomes for Aboriginal and Torres Strait Islander people with chronic conditions (such as diabetes,

cardiovascular disease, kidney disease, cancer, respiratory disease, and mental illness) through care coordination and support for self-management.
- Podiatry services – addressing prevention, diagnosis, treatment, rehabilitation and surgical conditions of feet and lower limbs.
- Audiology services – this includes:
    - Diagnostic Hearing assessments
    - Ongoing support and guidance for a child's hearing needs and for parents.
    - Hearing reports and referrals to GPs
    - Swimming plugs and ear plugs
    - Hearing solutions to help clients hear clearly in their everyday
    - lives.
    - Ongoing support and professional audiology advice.
    - Advice on how to protect your hearing, including resources and fact sheets.
- Transport services for health appointments between Bourke and its wider environs and Enngonia and Dubbo.

The vision for the new BACHS clinic building is to improve and bring together all the primary healthcare services delivered by BACHS into a single contemporary and purpose-built facility that is inviting, culturally sensitive, and meets respective health planning and design guidelines.

The facility at 61 Oxley Street has housed the organisation's primary health care services for 35 years. The 8 Sturt Street site is a converted 3-bedroom house which accommodates additional auxiliary services and hosts allied health services for specific operational needs as required. Both sites are at functional capacity and are unable to be meaningfully expanded beyond their current footprints to address service capacity constraints and respond to growth in service demand. In addition to no longer being fit for purpose from a capacity and operational perspective, the aging facilities' increased maintenance and upkeep to ensure patients receive an appropriate level of comfort when visiting the clinics has increased.

Capacity issues contribute to increased waiting times for patients seeking appointments which in turn contributes to a growth in emergency or unforeseen presentations by clients who will not use alternate health service providers. As at the 2016 Census, BACHS served more than 800 individuals from the local Aboriginal and Torres Strait Islander community. In 2021 direct clinic services were provided to nearly 1,500 clients, a 10% increase over the prior year and a near doubling of those services over five years. This represents an uptrend in delivery needs over previous years, despite challenges resulting from the COVID19 pandemic. Self-evidently, a positive change is required to ensure appropriate levels of health care can be provided to the community.

***The site, value of the works, and consent authority***

The subject site sits on a parcel of land registered as 88-96 Mitchell Street, Bourke NSW 2840, comprising Lots 6-10 in DP 35797 – see **Figure 1** over along with a recent survey at **Figure 2**. The survey is also included at **Appendix A**. The site is some 4,605m$^2$ in area.

A Cost Report by Genus Advisory has been provided at **Appendix B**. The estimated development cost of the project is $14,054,873 (excluding GST by definition) and therefore over the $5 million threshold for Regionally Significant Development involving *Private infrastructure and community facilities Development over $5 million* under Schedule 7, section 5(b) of *State Environmental Planning Policy (State and Regional Development) 2011.* Accordingly, provisions relating to Regionally Significant Development apply in this instance.

The proposed architectural plan and landscape plan sets are included at **Appendix C** (by DunnHillam) and **Appendix D** (by TaylorBrammer), respectively.


**Figure 1 – Proposed site at 88-96 Mitchell Street, Bourke (DunnHillam)**

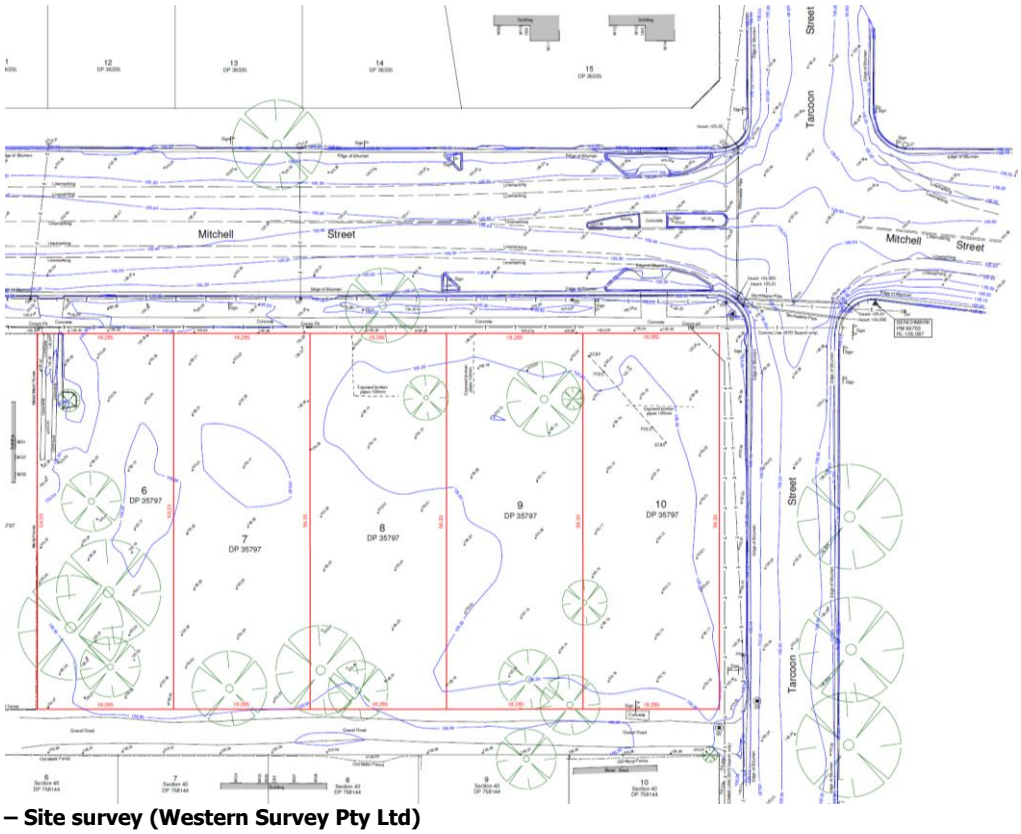



**Figure 2 – Site survey (Western Survey Pty Ltd)**

# 2.0 SITE ANALYSIS

## 2.1 The site and existing development

The development site is a vacant block at 88-96 Mitchell Street, Bourke on the corner of Tarcoon Street and Mitchell Street, towards the eastern edge of the Bourke town centre. Mitchell Street itself is also known as the Kamilaroi Highway and forms the main east-west thoroughfare through Bourke. As noted, Mitchell Street is a classified road.

The site is located close to Bourke District Hospital and is across Tarcoon Street from Bourke High School. See a locality plan below at **Figure 3** also indicating a range of other health care services, Aboriginal community centres and services, and community and education spaces.

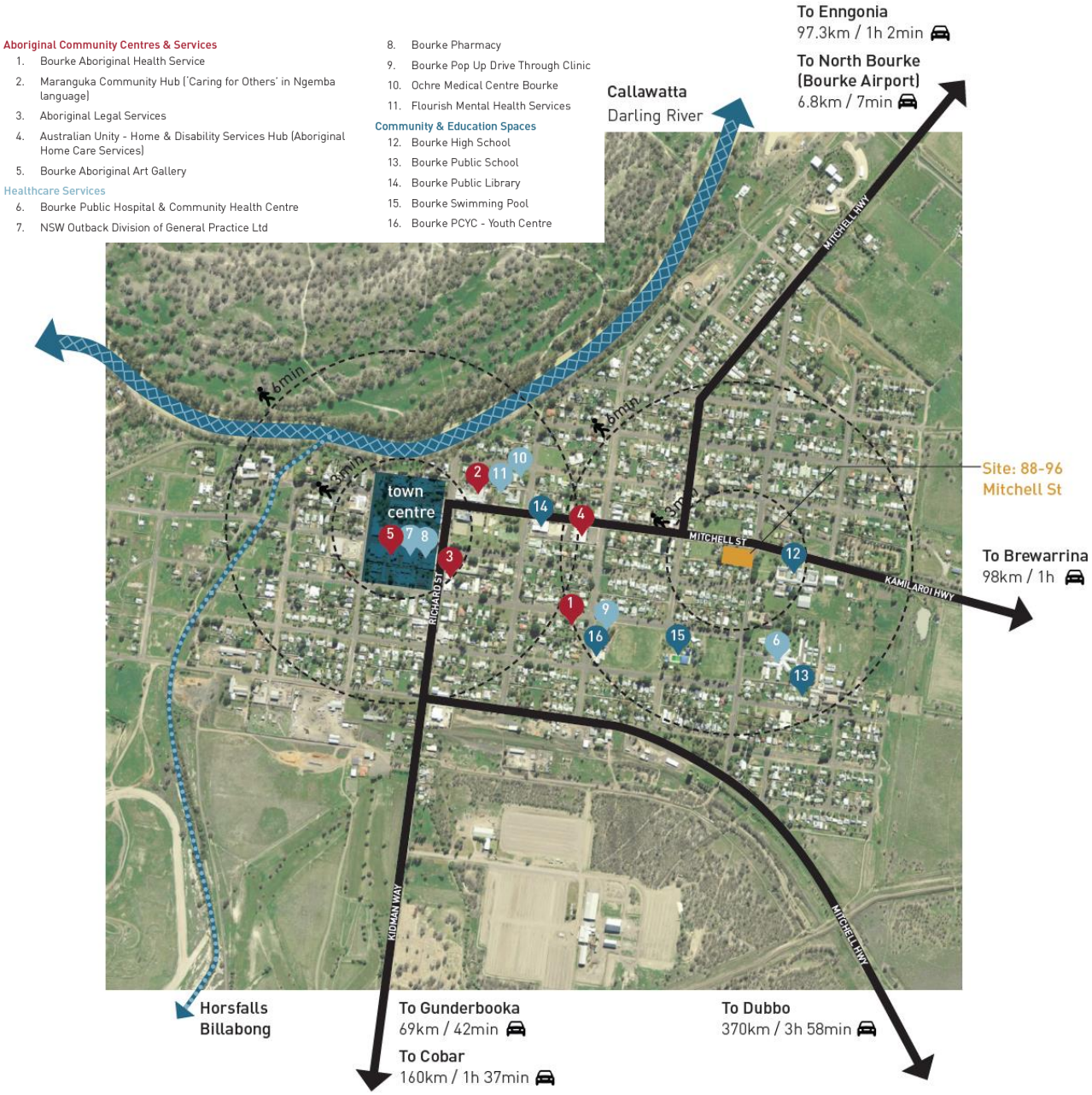



**Figure 3 – Locality and context plan (DunnHillam)**

The site accommodates 15 planted locally indigenous or other native Australian trees in various conditions of health and structure located in a range of central and peripheral locations. See detailed discussion further over. The site accommodates poles and stays addressing the corner of Mitchell Street and Tarcoon Street which appear associated with periodic signage or advertising.

The site is about 4,605m$^2$ in area with a 92m frontage to Mitchell Street to the north and the unnamed rear laneway to the south, and with a 50m frontage to Tarcoon Street to the east and residential development to the west. The site is a regular rectangular shape. The site is generally flat topographically, uniformly sitting at about RL 105.2m AHD to RL 105.3m AHD.

It is understood based on information provided by Council that the site has previously been used for public housing. Historical aerial photographs reveal prior development on the site from at least 1962 to at least 1993 – see **Figures 4** and **5**.

**Figure 4 – Aerial photograph of Bourke in 1962 with the site bounded in red (NSW Government)**

**Figure 5 - Aerial photograph of Bourke in 1993 with the site bounded in red (NSW Government)**

Photographs of the development site are included at **Figures 6**-**13** over.


**Figure 6 – View of the site from the corner of Mitchell Street and Tarcoon Street**


**Figure 7 – Mitchell Street frontage of the site**

**Figure 8 – View from the south-western extremity of the site towards the corner of Mitchell and Tarcoon Sts**

**Figure 9 – View of the site from within the site**


**Figure 10 – View of the recently sealed unnamed lane to the rear of the site from Tarcoon Street**

**Figure 11 - View of recently sealed unnamed lane to the rear of the site from south-western corner of the site**

**Figure 12 – View of the recently sealed unnamed lane at the rear of the site towards Tarcoon Street**

**Figure 13 – Poles and stays within the site at the corner of Mitchell and Tarcoon Streets to be demolished**

## 2.2 Surrounding Development

The site's general context is that broadly of a civic precinct given the proximate locations of Bourke High School and Bourke Hospital on Tarcoon Street and the Bourke Catholic Parish Holy Spirit Church on Oxley Street to the rear of the site. The context is otherwise one of low-rise, low-density residential uses consistent with the site's former use and current zoning.

The existing context and surrounding uses of the development site are included at **Figures 14-17**.

**Figure 14 – Residential development directly opposite the site on Mitchell Street**


**Figure 15 - Bourke Catholic Parish Holy Spirit Church on Oxley Street to the rear of the site**


**Figure 16 – Bourke High School – Tarcoon Street frontage**

**Figure 17 – Bourke Hospital – Tarcoon Street frontage**

## 2.3 Ownership and Property Description

The land is owned by Bourke Shire Council, however, is in the process of being acquired by BACHS. Council has provided its landowner's consent for this DA's lodgement. As noted, the site is legally described as 88-96 Mitchell Street, Bourke NSW 2840, comprising Lots 6-10 in DP 35797.

## 2.4 Topography and Site Conditions

***Topography***

Based on the recent survey, the site's levels range between RL 105.37m at the south-western boundary of the site to RL 105.32m at the north-western corner of the site at its Mitchell Street frontage. The corner of Tarcoon Street and unnamed laneway has a spot height of about RL105.2m

with the site corner to Tarcoon Street and Mitchell Street also sitting at RL105.2m. The site could reasonably be described as being flat. See the survey at **Appendix A**.

***Soil and Geotechnical conditions***
Barnson has prepared a Geotechnical Investigation Report in relation to the site and subject development – see **Appendix E**.

Based on borehole testing (five (5) boreholes) and laboratory analysis, Barnson found as follows:

- Fill material was encountered at all borehole locations. The fill encountered was silty sand and sandy silt with traces of rubble to 0.3m.
- Alluvial soils were encountered throughout the boreholes. These generally comprised of slightly moist sandy silty clays, sandy clays and clayey sands. The clays and sands were noted to be of a low to medium plasticity, which was confirmed with laboratory testing.
- Reference to the Bourke 1:250,000 Geological Map indicates the surrounding area consists of 'Floodplains of clayey silt, sand and gravel'. Rock was not encountered during this investigation.
- The soils tested were generally neutral from an acidic soils perspective with pH readings ranging from 6.5 to 7.4.
- Groundwater was not encountered during the investigation.
- Excavations within the natural silt and clay will be achievable using conventional earthmoving equipment.

Further, the site is not mapped as containing any class of Acid Sulfate Soils.

***Contamination***
A Site Contamination Investigation has also been prepared by Barnson to assess whether the site is suitable, or could be made suitable, for the proposed land use from a contamination perspective – see **Appendix F**.

The site inspection and confirmatory sampling carried out revealed that concentrations of all contaminants investigated were below screening criteria in all surface soil samples collected. However, the presence of asbestos-containing material was confirmed at the site. Visible fragments of asbestos-containing material represent a risk to human health and the site is not suitable for the proposed development without remedial action to remove the asbestos contamination.

The remediation works are minor and are Category 2 remediation works in the context of the contaminating material, the site, and its physical and environmental planning legislative context. Development consent will not be required to carry out the remediation works. Notwithstanding, the Remediation Action Plan (RAP) required for the remediation works is also included at **Appendix F** for information.

***Flooding***
Based on Council's publicly available flood study (Bourke Floodplain Risk Management Study and Plan 2022), during the 1% AEP (1 in 100 year) event, the site is impacted by minor flooding / inundation of up to 0.20m – see **Figure 18**. This is despite sitting within the alignment and protection of the Bourke Levee as vividly seen in **Figure 19**.

During an 'extreme Darling River flood' the site and the whole of the township would be subject to inundation in the order of 3.0m, as derived from Figure 2.6 (sheet 2 of 3) of the Bourke Floodplain Risk Management Study and Plan 2022.

As part of this application's pre-lodgement process, Council has advised that the site's flood levels for non-riverine overland flow is to RL 105.4m. Applying a freeboard of 300mm, the floor level of the proposal would be set at a minimum of RL 105.7m.

***Bushfire***
Based on Council's, and the ePlanning Spatial Viewer, bushfire prone land mapping, the site is not subject to any bushfire risk and is not bushfire prone land.


**Figure 18 – Inundation depths during 1%AEP event – inset with the site bounded in red (Bourke Shire Council)**

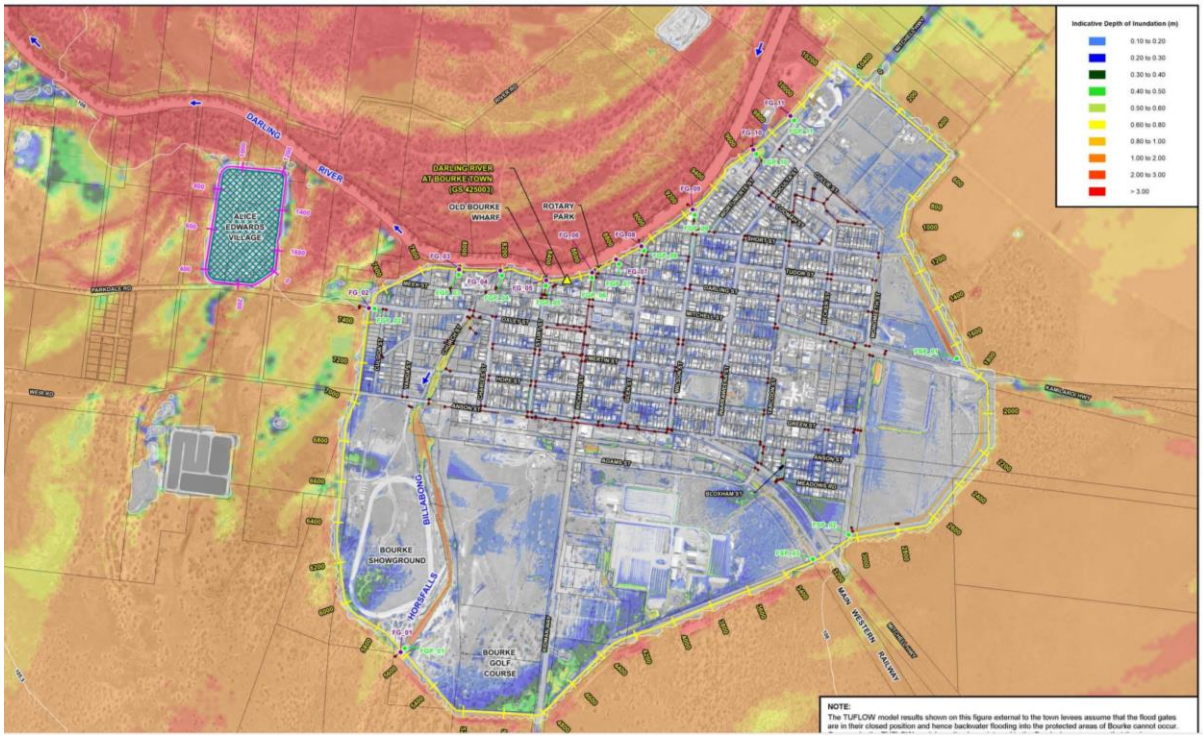



**Figure 19 – Inundation depths during 1%AEP event (Bourke Shire Council)**

## 2.5 Access, Parking, and Transport

The development site, whilst being undeveloped, retains two vehicle crossovers onto Mitchell Street in front of Lots 6 and 8 of DP 35797 from the former use of these parcels for residential development. An unnamed rear lane from Tarcoon Street allows informal access onto / into the site. This laneway has recently been sealed by Council to enhance access to the site and along the rear of other properties addressing Mitchell Street.

***Public and Active Transport***
The precinct is presently serviced by public transport via the 'Wilba' community bus. The pre-booked 12-seater bus service offers residents access around Bourke for daily or routine appointments, shopping and the like. 'Wilba' also provides a link to other major regional and metropolitan service centres by giving residents easier access to Bourke Airport and NSW TrainLink coaches.

Demand for 'Wilba' has exceeded expectations since a trial of the service started in February 2023, with residents from all age groups embracing the service. The positive community demand and response to 'Wilba' has led the NSW Government to expand the trial service for another two years, with funding now secured until February 2026.

The site is also about 790m from the Bourke coach stop on Oxley Street. The coach stop is serviced by two coaches including the 512 and 524 routes to/from Dubbo.

The site is also presently accessible on foot and via bicycle with the Mitchell Street frontage benefiting from a paved footpath at its intersection with Tarcoon Street.

A Traffic Impact Assessment by PDC accompanies this SEE at **Appendix G**.

## 2.6 Existing Services

It is understood that the site, being a vacant site, is not presently serviced by any utilities or services. Existing overhead electricity and underground communications services flank the site. The land may however be subject to remnant and redundant services conduits or capped connections still present at the site. Accordingly the site and the development will require new augmented connections to a range of services. Separate electrical and hydraulics / fire servicing plans are included at **Appendix H**.

## 2.7 Flora and Fauna

***Trees***
There is a mix of 15 planted locally indigenous and otherwise native Australian trees within the development site. treeIQ has prepared an assessment setting out the significance and health of these various trees, including the respective Tree Protection Zones and Structural Root Zones – see **Appendix I**. This is replicated in a summarised form over. **Figures 20-22** generally show the clustering of trees along the rear boundary to the unnamed lane.

**Figure 20 – Trees along the rear boundary to the unnamed lane including Tree 5 identified as 'dead'**

**Figure 21 – Trees along the rear boundary to the unnamed lane including Tree 5 identified as 'dead'**

**Figure 22 – Trees along the rear boundary to the unnamed lane**

**Figure 23** provides the plan identifying these trees on the site. treeIQ has recommended Trees 1, 3, 5, 8, 10, 11, 12, 13, 14 and 15 for (either priority and/or consideration of) removal.

| Tree | Species | Landscape Significance | Height (m) | Condition |
|---|---|---|---|---|
| 1 | *Acacia salicina* (Cooba) | Low | 10 | Fair |
| 2 | *Acacia salicina* (Cooba) | Moderate | 15 | Fair |
| 3 | *Acacia salicina* (Cooba) | Low | 9 | Fair |
| 4 | *Brachychiton populneus* (Kurrajong) | Moderate | 8 | Good |
| 5 | DEAD | - | - | - |
| 6 | *Eucalyptus camaldulensis* (River Red Gum) | Moderate | 18 | Good |
| 7 | *Eucalyptus sideroxylon* (Mugga Ironbark) | High | 16 | Good |
| 8 | *Brachychiton populneus* (Kurrajong) | Low | 7 | Good |
| 9 | *Ficus microcarpa var. Hilli* (Hills Fig) | Moderate | 16 | Good |
| 10 | *Ficus microcarpa var. Hilli* (Hills Fig) | Low | 10 | Fair |
| 11 | *Brachychiton populneus* (Kurrajong) | Low | 5 | Good |
| 12 | *Ficus microcarpa var. Hilli* (Hills Fig) | Low | 6 | Good |
| 13 | *Callistemon viminalis* (Bottlebrush) | Low | 6 | Fair |
| 14 | *Acacia salicina* (Cooba) | Low | 8 | Poor |
| 15 | *Acacia salicina* (Cooba) | Low | 4 | Poor |

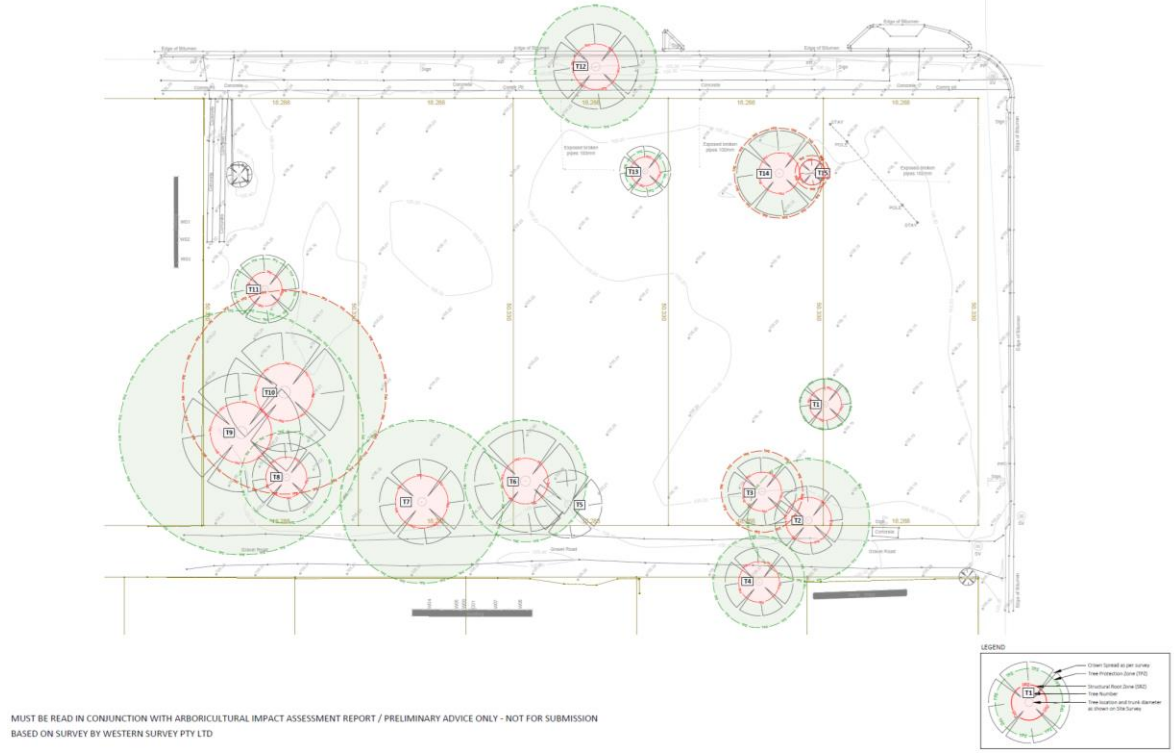



**Figure 23 – Tree Protection Zone and Structural Root Zone Plan (treeIQ)**

***Biodiversity***

The site is not subject to any terrestrial biodiversity given its general urban and disturbed nature. The site is not mapped by either the LEP or the NSW Government BOSET Biodiversity Values Map and Threshold Tool as containing any biodiversity value. Accordingly, the *Biodiversity Conservation Act 2016* does not apply.

## 2.8 Aboriginal Cultural Heritage and Heritage

***Aboriginal Cultural Heritage***

A recent AHIMS search in relation to the site indicates that the site is not subject to either a recorded Aboriginal site or a declared (or nearby declared) Aboriginal place – see **Appendix J**.

***Heritage***

The site is not mapped as a heritage item (local or State) and does not sit within any Heritage Conservation Areas under Bourke LEP. It is located some distance east of the nearest items – see **Figure 24**.

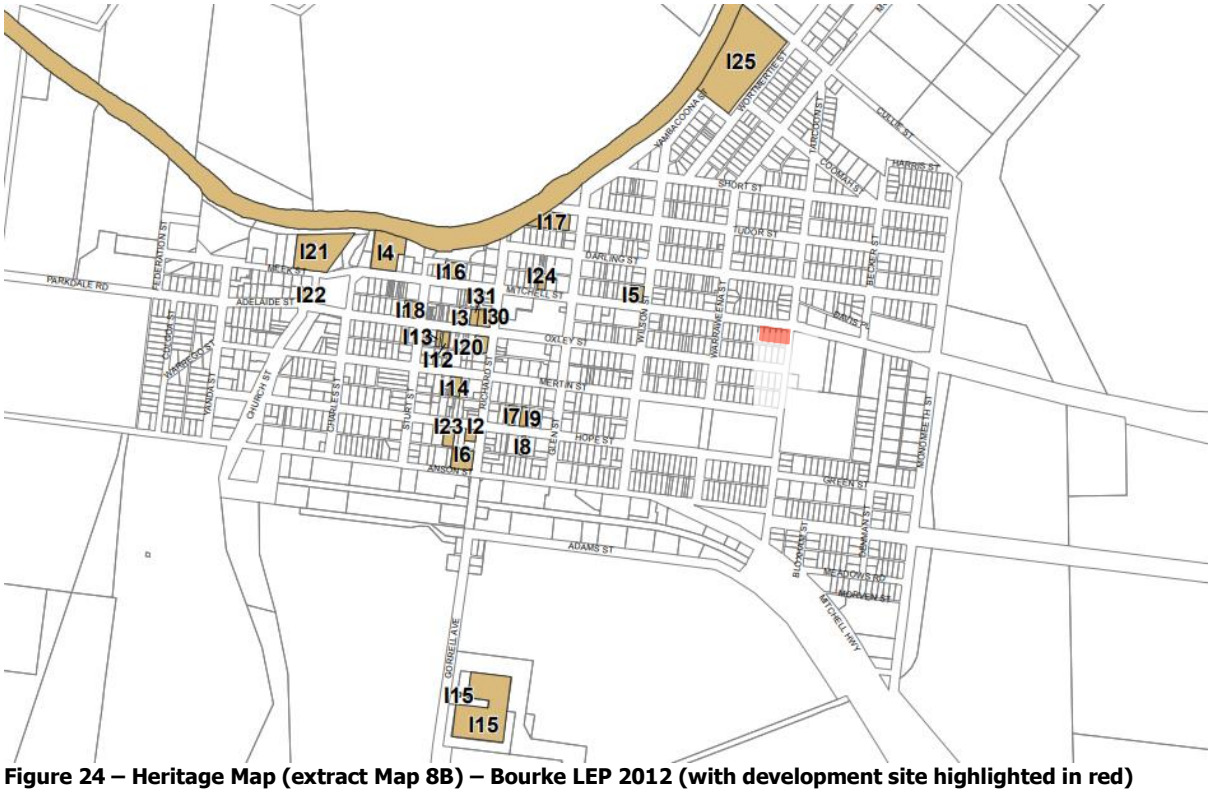



**Figure 24 – Heritage Map (extract Map 8B) – Bourke LEP 2012 (with development site highlighted in red)**

## 2.9 Summary of environmental or planning constraints or impacts

The following sets out a range of planning and environmental considerations related to the site, based on Bourke LEP and other planning-related and Government or Council data-based resources. In general, there are no significant environmental planning impediments to the development of the site.

| Planning controls or environmental considerations | Yes / No / comment |
|---|---|
| Land use zoning | R1 – General Residential |
| Additional Permitted Land Uses | No |
| Height of Buildings | N/A |
| Floor Space Ratio | N/A |
| Minimum Lot Size | 800m$^2$ |
| Local and/or State Heritage item | No, and remote from any nearby heritage items – see **Figure 24**. |
| National Heritage item | No |
| Heritage Conservation Area | No |
| Recorded Aboriginal Site | No (AHIMS Search 27/9/2024) |
| Declared Aboriginal Place | No (AHIMS Search 27/9/2024) |
| Land Reservation Acquisition | No |
| Biodiversity Values mapping (NSW Govt) | No |
| Terrestrial biodiversity | No |
| Bush Fire Prone Land | No |
| Flood Planning mapping | No |
| Flood Affected | Yes – subject to indicative inundation of up to 0.20m during the 1% AEP (1 in 100 year) event (Bourke Floodplain Risk Management Study and Plan 2022) – see **Figures 18** and **19** |
| Acid Sulfate Soils | No |
| Riparian Land and Watercourses | No |
| Wetlands | No |
| Salinity | No |
| Environmentally Sensitive Land | No |
| Mine Subsidence | No |

## 3.0 RELEVANT PLANNING POLICIES, INSTRUMENTS, AND CONTROLS

### 3.1 Statutory Planning Framework

The key and relevant statutory planning legislation and instruments applicable to the site and proposed development include:

- *Environmental Planning & Assessment Act 1979*
- *Environmental Planning & Assessment Regulation 2021*
- *State Environmental Planning Policy (Industry and Employment) 2021* – Chapter 3
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021* – Chapter 4
- *State Environmental Planning Policy (Sustainable Buildings) 2022*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021* – Chapter 2
- *Bourke Local Environmental Plan 2012*

Commentary on each is set out below. The relevance of the Bourke Development Control Plan 2012 – as amended April 2016 (DCP) is also addressed further below.

***Environmental Planning & Assessment Act 1979***

The objects of the Act are:

> *(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
> *(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
> *(c) to promote the orderly and economic use and development of land,*
> *(d) to promote the delivery and maintenance of affordable housing,*
> *(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
> *(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
> *(g) to promote good design and amenity of the built environment,*
> *(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
> *(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
> *(j) to provide increased opportunity for community participation in environmental planning and assessment.*

The proposed development satisfies these objects as detailed in the sections that follow.

The proposed development and the documentation and assessment under this SEE also satisfies the relevant provisions of the Act and Regulation as set out elsewhere and throughout this SEE.

To facilitate the development, as required by the Act, an assessment is undertaken within this SEE in accordance with section 4.15.

<u>Designated Development</u>

The works do not constitute Designated Development under section 4.10 of the EP&A Act and Part 2 of Schedule 3 of the EP&A Regulation. This includes the modest remediation works required to remove surficial asbestos fragments.

<u>Integrated Development</u>

The DA is Integrated Development only in relation to the new driveway egress onto Mitchell Steet being works which will be into and over part of a classified road (Mitchell Street) under section 138(a) of the *Roads Act 1993*. TfNSW will need to provide its general terms of approval ahead of the DA's consent being granted.

The DA is otherwise not Integrated Development for the purposes of the EP&A Act, and it does not trigger any relevant approval requirements, amongst others, under the *Rural Fires Act 1997* or the *Water Management Act 2000*.

***Environmental Planning & Assessment Regulation 2021***

Section 24 of the Regulation requires a DA to be in the approved form. The approved form is defined by the DPE Guideline Application Requirements (March 2022). In this instance Part 1 of this Guideline applies to DAs. General compliance tables with respect to the DA and the SEE are set out below.

| DA Requirement | Response |
|---|---|
| a. the name and address of the applicant | See Section 1.2 of this SEE. |
| b. a description of the development to be carried out | See Sections 1 and 4 of this SEE. |
| c. the address, and formal particulars of title, of the land on which the development is to be carried out | See Section 1 of this SEE. |
| d. an indication as to whether the land is, or is part of, critical habitat | See Section 2 of this SEE. |
| e. an indication as to whether the development is likely to significantly affect threatened species, populations or ecological communities, or their habitats, unless the development is taken to be development that is not likely to have such an effect because it is biodiversity compliant development | See Sections 2 and 5 of this SEE. |
| f. the estimated cost of the development | See Section 1 and **Appendix B** of this SEE. A cost report has been prepared confirm the estimated cost of development. |
| g. evidence that the owner of the land on which the development is to be carried out consents to the application, but only if the application is made by a person other than the owner and the owner's consent is required by the Regulation | See Section 1 of this SEE. Council will separately issue its landowner's consent ahead of formal lodgement. |
| h. a list of the documents accompanying the application | See the Appendix list provided at the head of this SEE. |
| i. a Statement of Environmental Effects<br>See separate table below for detailed requirements | This document is a SEE consistent with the further requirements of the DPE guideline. |
| j. a site plan of the land. See section 1.3 below for detailed site plan requirements | See **Appendix C** as well as a range of relevant site-related plans in other appendices provided with this SEE. |
| k. drawings of the development. See section 1.4 below for drawing requirements | As set out above and as far as relevant to the scope of this DA. |

| SEE Requirement | Response |
|---|---|
| a. the environmental impacts of the development | See Section 5 of this SEE. |
| b. how the environmental impacts of the development have been identified | See Sections 2 and 5 of this SEE. |
| c. the steps to be taken to protect the environment or to lessen the expected harm to the environment | See Section 5 of this SEE. |
| d. any matters required to be indicated by any guidelines issued by the Planning Secretary | N/A in this instance.<br><br>Additionally, the Department's 1998 'Managing Land Contamination – Planning Guidelines SEPP 55 – Remediation of Land' document has been applied by Barnson as far as relevant in the preparation of its documentation and in the preparation of this SEE. |
| e. drawings of the proposed development in the context of surrounding development, including the streetscape | Scaled drawings of the proposed development are provided in a number of sources, primarily **Appendix C**. |
| f. development compliance with building heights, building height planes, setbacks and building envelope controls (if applicable) marked on plans, sections and elevations | See Sections 2, 3, and 5 in relation to relevant planning controls and other provisions. |

| | |
|---|---|
| g. drawings of the proposed landscape area, including species selected and materials to be used, presented in the context of the proposed building or buildings, and the surrounding development and its context | See **Appendix D**. |
| h. if the proposed development is within an area in which the built form is changing, statements of the existing and likely future contexts | See Design Statements as part of **Appendix C** and **Appendix D**. |
| i. photomontages of the proposed development in the context of surrounding development | See Design Statement as part of **Appendix C**. |
| j. a sample board of the proposed materials and colours of the facade | See **Appendix C**. |
| k. detailed sections of proposed facades | See **Appendix C**. |
| l. if appropriate, a model that includes the context. | N/A in this instance. |

Section 30B of the Regulation relates to Council-related DAs. The provisions state that a council-related development application must be accompanied by—

(a) a statement specifying how the council will manage conflicts of interest that may arise in connection with the application because the council is the consent authority (a management strategy), or

(b) a statement that the council has no management strategy for the application.

In this instance the DA is not for Council-related development. The land is presently owned by Council, however, the development in itself has no relationship to any Council functions or activities and is only for BACHS, a separate entity. Furthermore, Council is not the consent authority for the development as noted previously, being the Western Regional Planning Panel in this instance. BACHS is also in the process of acquiring the land from Council. See further discussion on consent authority roles further below. For clarity, the definition of Council-related DA from Schedule 1, clause 9B of the EP&A Act is:

> ***council-related development application*** *means a development application, for which a council is the consent authority, that is—*
> *(a) made by or on behalf of the council, or*
> *(b) for development on land, other than a public road within the meaning of the Local Government Act 1993—*
> *(i) of which the council is an owner, a lessee or a licensee, or*
> *(ii) otherwise vested in or under the control of the council.*

***State Environmental Planning Policy (Industry and Employment) 2021 – Chapter 3***

Chapter 3 of *State Environmental Planning Policy (Industry and Employment) 2021* sets out the provisions of the former State Environmental Planning Policy No 64 - Advertising and Signage and seeks to ensure that signage (including advertising) is compatible with the desired character of an area, provides effective communication in suitable locations, and is of high-quality design and finish. Chapter 3 of the SEPP does not regulate the content of signage.

The signage under this application however does not trigger the need for a detailed assessment under the provisions of section 3.4 and 3.6 and Schedule 5 of the SEPP.

Chapter 3 of the SEPP only applies to signage that is not Exempt Development under any environmental planning instrument. The proposed signage is Exempt Development being able to satisfy the suite of requirements of Division 2 Advertising and Signage Exempt Development Code, and Subdivision 1 General requirements for advertising and signage and Subdivision 2 Building identification signs of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

No further consideration of this SEPP / chapter is necessitated.

***State Environmental Planning Policy (Planning Systems) 2021***

Schedule 6 of the SEPP sets out Regionally Significant Development. Section 5 of that Schedule sets out some relevant types of development to be determined by the relevant Regional Planning Panel – see below:

***5 Private infrastructure and community facilities over $5 million***
***Development that has an estimated development cost of more than $5 million for any of the following purposes—***

*(a) air transport facilities, electricity generating works, port facilities, rail infrastructure facilities, road infrastructure facilities, sewerage systems, telecommunications facilities, waste or resource management facilities, water supply systems, or wharf or boating facilities,*

***(b)*** *affordable housing, child care centres, community facilities, correctional centres, educational establishments, group homes,* ***health services facilities*** *or places of public worship.*

In this instance because of the development's Estimated Development Cost being over $5 million, it is Regionally Significant Development. The development's estimated development cost is $14,054,873 (excluding GST by definition).

***State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4***
The former *State Environmental Planning Policy No. 55 – Remediation of Land* (now Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021*) provides for a State-wide planning approach to the remediation of contaminated land. A consent authority must consider whether the land subject of a proposal is contaminated and, if the land is contaminated, be satisfied that the land is suitable in its contaminated state for the use proposed. If the land requires remediation to be made suitable for the proposed purpose, the determining authority must be further satisfied that the land will be so remediated before the land is used for that purpose.

As noted in Section 2.4 of this SEE, based on the Site Contamination Investigation, remediation of the land will be required to remove surficial and other sub-surface asbestos containing material fragments from the site, and a RAP has been prepared and is included for information. These documents are found at **Appendix F**.

Section 4.8 of Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* sets out the type of remediation works that need development consent – namely Category 1 Remediation Works, as replicated below with relevant text bolded for emphasis.

***4.8 Category 1 remediation work: work needing consent***

*For the purposes of this Chapter, a category 1 remediation work is a remediation work (not being a work to which section 4.11(b) applies) that is—*
*(a) designated development, or*
*(b) carried out or to be carried out on land declared to be a critical habitat, or*
*(c) likely to have a significant effect on a critical habitat or a threatened species, population or ecological community, or*
*(d) development for which another State environmental planning policy or a regional environmental plan requires development consent, or*
*(e) carried out or to be carried out in an area or zone to which any classifications to the following effect apply under an environmental planning instrument—*
*(i) coastal protection,*
*(ii) conservation or heritage conservation,*
*(iii) habitat area, habitat protection area, habitat or wildlife corridor,*
*(iv) environment protection,*
*(v) escarpment, escarpment protection or escarpment preservation,*
*(vi) floodway,*
*(vii) littoral rainforest,*
*(viii) nature reserve,*
*(ix) scenic area or scenic protection,*
*(x) wetland, or*
*(f) carried out or to be carried out on any land in a manner that does not comply with a policy made under the contaminated land planning guidelines by the council*

*for any local government area in which the land is situated (or if the land is within the unincorporated area, the Minister).*

Of the above, in relation to section 4.8(a), the relevant provisions in relation to Designated Development from section 20 Part 2 of Schedule 3 of the EP&A Regulation 2021 are set out below, including the exception provided within section 49 Part 3 of that Schedule.

***20 Contaminated soil treatment works***

*(1) Development for the purposes of contaminated soil treatment works is designated development if—*

*(a) the contaminated soil does not originate from the site on which the development is located, and*

*(b) the works are located—*

*(i) within 100 metres of a natural waterbody or wetland, or*

*(ii) in an area of high watertable or highly permeable soils, or*

*(iii) in a drinking water catchment, or*

*(iv) on land that slopes at more than 6 degrees to the horizontal, or*

*(v) on a floodplain, or*

*(vi) within 100 metres of a dwelling not associated with the development.*

*(2) Development for the purposes of contaminated soil treatment works is designated development if the works treat more than 1,000 cubic metres per year of contaminated soil that does not originate from the site on which the development is located.*

*(3) Development for the purposes of contaminated soil treatment works is designated development if—*

*(a) the contaminated soil originates exclusively from the site on which the development is located, and*

*(b) the works—*

*(i) incinerate more than 1,000 cubic metres per year of contaminated soil, or*

*(ii) treat, otherwise than by incineration, and store more than 30,000 cubic metres of contaminated soil, or*

*(iii) disturb more than an aggregate area of 3 hectares of contaminated soil.*

*(4) In this section—*

*contaminated soil treatment works means works for on-site or off-site treatment of contaminated soil and includes works that incinerate or store contaminated soil but does not include works that excavate contaminated soil for treatment at another site.*

***49 Ancillary development***

*(1) Development of a kind specified in this Schedule, Part 2 is not designated development if—*

*(a) it is ancillary to other development, and*

*(b) it is not proposed to be carried out independently of the other development.*

*(2) This section does not apply to development of a kind specified in this Schedule, section 7 or 42(1).*

The works are none of the various matters listed in section 4.8 of this SEPP and are ancillary to the principal development of the site by BACHS and are not proposed to be carried out independently.

This makes the works Category 2 Remediation Works under section 4.11 of Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021*, to which no development consent is required.

***State Environmental Planning Policy (Sustainable Buildings) 2022***

This recently commenced SEPP aims:

*(a) to encourage the design and delivery of sustainable buildings,*

*(b) to ensure consistent assessment of the sustainability of buildings,*

*(c) to record accurate data about the sustainability of buildings, to enable improvements to be monitored,*

*(d) to monitor the embodied emissions of materials used in construction of buildings,*

*(e) to minimise the consumption of energy,*
*(f) to reduce greenhouse gas emissions,*
*(g) to minimise the consumption of mains-supplied potable water,*
*(h) to ensure good thermal performance of buildings.*

Chapter 3 of the SEPP applies to non-residential development involving the erection of a new building, if the development has an estimated development cost of $5 million or more. This includes the subject development. Accordingly, the only relevant provisions of this SEPP are found in Chapter 3 and section 3.2, as set out in full below:

***3.2 Development consent for non-residential development***
*(1) In deciding whether to grant development consent to non-residential development, the consent authority must consider whether the development is designed to enable the following—*
*(a) the minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials,*
*(b) a reduction in peak demand for electricity, including through the use of energy efficient technology,*
*(c) a reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design,*
*(d) the generation and storage of renewable energy,*
*(e) the metering and monitoring of energy consumption,*
*(f) the minimisation of the consumption of potable water.*

*(2) Development consent must not be granted to non-residential development unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified.*

These matters are addressed in Section 5 of this SEE and in **Appendix K**.

***State Environmental Planning Policy (Transport and Infrastructure) 2021* – Chapter 2**
As noted earlier, section 2.48 of *State Environmental Planning Policy (Transport and Infrastructure) 2021* (TISEPP) requires the consent authority to consider any response received from an electrical supply authority (in this case Essential Energy) to a development carried out within, or immediately adjacent to, an easement for electricity purposes (whether or not the electricity infrastructure exists); or immediately adjacent to an electricity substation; or within 5m of an exposed overhead electricity power line. Noting the site is bounded by overhead power lines, the latter of these notification pre-conditions is relevant and Council will be expected to notify Essential Energy of this development.

Section 2.119 of the TISEPP further requires the consent authority to be satisfied that safe vehicular access to the land is provided by a road other than the classified road, and that the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of the design of the vehicular access to the land, or the emission of smoke or dust from the development, or the nature, volume or frequency of vehicles using the classified road to gain access to the land

As egress is proposed to Mitchell Street (a classified road) referral is required to be made to Transport for NSW (TfNSW) to seek commentary and concurrence for the development and to assist in the consent authority being satisfied with the proposed access arrangements. Council will be expected to notify TfNSW of this development.

Lastly, under sections 2.100 and 2.120 of the TISEPP in relation to impacts of road and rail noise, when a development is adjacent to a rail corridor, a freeway, a toll-way, a transit-way or a road with an annual average daily traffic volume (AADT) of more than 20,000 vehicles, an acoustic assessment is required to determine compliance with the clauses.

As per the then NSW Roads & Maritime Services traffic volume data the AADT of the Kamilaroi Hwy / Mitchell St is less than 20,000 vehicles. Further, the site is not near any operational railway line. Therefore, clause 2.100 and 2.120 of the SEPP and the NSW Department of Planning's 'Development

near Rail Corridors and Busy Roads – Interim Guideline' do not apply and notification to TfNSW is not triggered.

***Bourke Local Environmental Plan 2012 (LEP)***

The site is zoned 'R1 – General Residential' under *Bourke Local Environmental Plan 2012* – see **Figure 25** below.

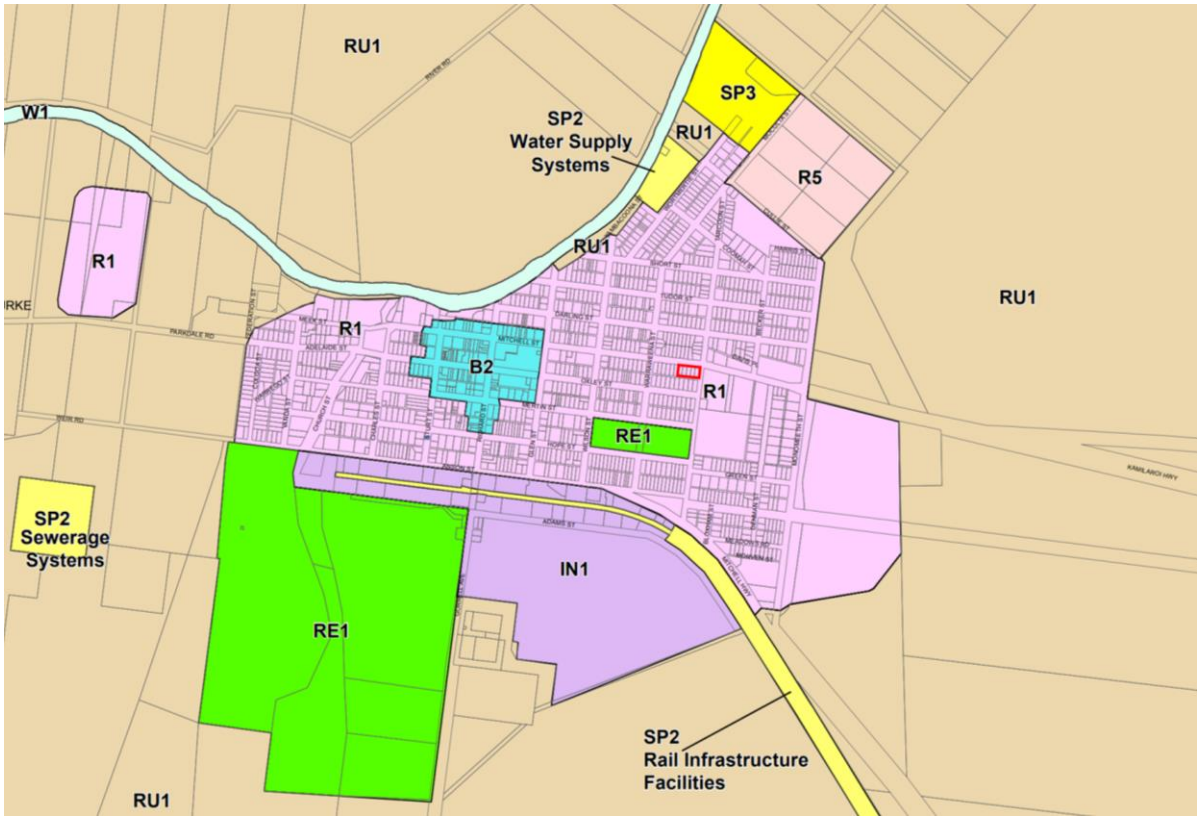



**Figure 25 – Land Use Zoning Map - Map 8B with the site bounded in red (Bourke LEP 2012)**

The proposed use would be best defined under NSW planning legislation as a *health services facility* (which includes community health service facilities). Community health service facilities are not further defined.

> ***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 'R1 – General Residential' land use table from Bourke LEP 2012 is included in full below (with relevant provisions bolded).

> ***Zone R1 General Residential***
>
> ***1 Objectives of zone***
> - *To provide for the housing needs of the community.*
> - *To provide for a variety of housing types and densities.*
> - ***To enable other land uses that provide facilities or services to meet the day to day needs of residents****.*
> - ***To ensure that any non-residential land uses permitted on land in the zone are compatible with the amenity of the zone****.*

***2 Permitted without consent***

*Environmental protection works; Home-based child care; Home occupations; Roads; Water reticulation systems*

***3 Permitted with consent***

*Attached dwellings; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Food and drink premises; Group homes; Home industries; Hostels; Kiosks; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Residential flat buildings; Respite day care centres; Semi-detached dwellings; Seniors housing; Shop top housing; Tank-based aquaculture;* ***Any other development not specified in item 2 or 4***

***4 Prohibited***

*Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Car parks; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Entertainment facilities; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Industrial retail outlets; Industrial training facilities; Industries; Local distribution premises; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Public administration buildings; Recreation facilities (major); Registered clubs; Research stations; Resource recovery facilities; Restricted premises; Retail premises; Rural industries; Rural workers' dwellings; Service stations; Sewage treatment plants; Sex services premises; Signage; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste disposal facilities; Water treatment facilities; Wharf or boating facilities; Wholesale supplies*

*Health services facilities* are not prohibited in the R1 zone as they are captured by 'Any other development not specified in item 2 or 4' and accordingly the development is permitted with development consent, which enables the lodgement and consideration of a DA.

Note also that sections 2.59 and 2.60(1) of the TISEPP reinforce the permissibility of the proposed development, as set out below in the event the LEP did not permit the development or doubt remained concerning the development's permissibility.

***2.60 Development permitted with consent***

*(1) Development for the purpose of* ***health services facilities*** *may be carried out by* ***any person with consent on land in a prescribed zone****.*

***2.59 Definitions***

*In this Division—*
***health services facility*** *has the same meaning as in the Standard Instrument.*

***prescribed zone*** *means any of the following land use zones or a land use zone that is equivalent to any of those zones—*
*(a) RU4 Primary Production Small Lots,*
*(b) RU5 Village,*
*(c) RU6 Transition,*
*(d)* ***R1 General Residential****,*
*…*

Bourke LEP does not limit the development of the site with any building height or floor space ratio controls. In the absence of these controls the zone objectives (as set out above) would be the relevant consideration with respect to the scale or density of the development.

A minimum lot size control of 800m$^2$ applies to the site and zone. No further subdivision is proposed and this control should not pose any constraint in this regard. Note lot consolidation does not require any planning consent, should lot consolidation be contemplated or necessitated by Council.

Under section 1.5 of the EP&A Act, which sets out what 'development' is, lot consolidation is excluded from that definition and is also excluded from the definition of 'subdivision'. This is reinforced by section 6.2(3)(e)(i) of the EP&A Act, which states that subdivision of land does not include *(e) the procuring of the registration in the office of the Registrar-General of—*
*(i) a plan of consolidation, a plan of identification or a miscellaneous plan within the meaning of section 195 of the Conveyancing Act 1919.*

The LEP otherwise sets out a range of relevant matters for consideration. Of those, the following appear the most pertinent in the circumstances:

- 5.21 Flood planning – whilst the site is not mapped as subject to Flood planning controls or provisions, the matters for consideration under clause 5.21(3) may be relevant in Council's assessment. These provisions are:

  *(3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—*
  *(a) the impact of the development on projected changes to flood behaviour as a result of climate change,*
  *(b) the intended design and scale of buildings resulting from the development,*
  *(c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,*
  *(d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.*

- 6.5 Essential services
  *Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—*
  *(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.*

No other provisions of the LEP are relevant in this instance.

### 3.2 Other NSW Legislation

Other than the role of the *Contaminated Land Management Act 1997* and the *Contaminated Land Management Regulation 2022*, in relation to the required remediation, no other NSW legislation (not already mentioned) is applicable to this DA in this instance.

### 3.3 Bourke DCP 2012

Bourke Shire Development Control Plan 2012 – as amended April 2016 (DCP) applies to all land within the Bourke LGA. It sets out a range of planning controls for specific development types or in response to particular environmental conditions and circumstances. A health services facility is not a type of development set out for specific controls or provisions, other than parking requirements for medical centres / health consulting rooms – which the development would not strictly be classified as under the NSW LEP template dictionary.

The DCP otherwise sets out the following which will be relevant for the preparation of the design and the DA documentation:

- **Chapter 2 – Information Requirements**
  - 2.3 Statement of Environmental Effects
  - 2.4 Plans and Reports (see later discussion on deliverables)
  - 2.5 Potential site contamination

- **Chapter 3 – Natural Hazards**
  - 3.2 Flooding

- **Chapter 4 – Development Types**
  - 4.8 Commercial and Retail Development – noting no social infrastructure or community facility provisions apply in the DCP

- **Chapter 6 – General Development Specifications**
  - 6.3 Environmental Controls
    - Environmental Effects (see later discussion on deliverables)
    - Soil and Erosion Control
    - Vegetation
    - Waste Management
    - Noise
    - Geology

In early consultation with Council (and its consultant planner engaged to assist in this assessment) it was suggested that residential controls be applied given the zoning of the land and the adjacent housing. To that extent consideration has been made to Chapter 4 and section 4.3 in a limited sense reflective of built form and setback matters. These include:

- 4.3.1. Building Setbacks
- 4.3.2. Design
- 4.3.3. Building Height
- 4.3.5. Site Coverage
- 4.3.6. Solar Access
- 4.3.9. Access
- 4.3.10. Fencing

Further, the role of DCPs is established under Section 3.42 of the Act:

> ***3.42 Purpose and status of development control plans***
> *(1) The principal purpose of a development control plan is to* ***provide guidance*** *on the following matters to the persons proposing to carry out development to which this Part applies and to the consent authority for any such development:*
> *(a)* ***giving effect to the aims of any environmental planning instrument*** *that applies to the development,*
> *(b)* ***facilitating development that is permissible*** *under any such instrument,*
> *(c)* ***achieving the objectives of land zones*** *under any such instrument.*
>
> *The provisions of a development control plan made for that purpose* ***are not statutory requirements****.*

The development is otherwise reasonably able to be considered on its merits and its context which also includes non-residential uses in close proximity.

### 3.4 Development Contributions

A review of Council's webpage reveals that no current Development Contributions Plan is in force or applies to the LGA. Notwithstanding, and in this instance, given the social dimensions and public benefits being provided by the project coupled with the development being subject to funding via Government grants for a not-for-profit organisation, it would be expected that the development would be exempted from any development contributions.

### 3.5 Strategic Planning Framework

The relevant strategic planning documents are the 'Draft Far West Regional Plan 2041' and the 'Wentworth Local Strategic Planning Statement' (LSPS). Discussion on each and its relationship to the overall development is set out below.

#### *Draft Far West Regional Plan 2041*

This Plan seeks to update the Regional Plan to 2036 and was on exhibition from 6 October 2022 to 21 November 2022. The exhibition was a key part of the draft plan's first 5-yearly review to reset priorities and extend the plan's reach to 2041.

The draft plan's 20-year vision is that the region's communities will be able to adapt to change, supported by a diverse economy, the right infrastructure and an exceptional natural environment. Key parts of the plan also seek to help local councils to deliver the planning system and local Aboriginal land councils to achieve their aspirations for their land.

The draft plan supports the region's natural environment. The draft plan aims to protect and harness it to support ongoing prosperity and to improve communities' ability to adapt to a changing climate and withstand and recover from natural hazards.

As the future of energy is renewable, the draft plan supports NSW's transition to net zero emissions by 2050.

The draft Plan has 16 objectives across the themes of Environment; People and Communities; and Ongoing Prosperity.

The objectives most relevant to this development would include:

- **Objective 4** - **Increase natural hazard resilience in the region** (as it relates to addressing flooding risk at the site and protecting the development as a community asset)
- **Objective 5 – Support Aboriginal aspirations through land use planning** (through the design process and engagement with the Aboriginal community and Designing with Country and Connecting with Country as well as the provision of the new clinic building in itself).
- **Objective 7 - Create a network of centres for the dispersed population** (by reinforcing BACHS role and location in, and service for, the Bourke community).
- **Objective 15 – Support the transition to net zero by 2050** (through adoption of, and delivery of a design and infrastructure supporting Chapter 3 of *State Environmental Planning Policy (Sustainable Buildings) 2022*).
- **Objective 16 - Ensure government and community service provision** (through the delivery of the project in itself).

***Bourke Local Strategic Planning Statement (LSPS)***

In general, LSPS's set out:

- the 20-year vision for land use in the local area.
- the special characteristics which contribute to local identity.
- shared community values to be maintained and enhanced.
- how growth and change will be managed into the future.

LSPS's show how Councils' visions give effect to the regional or district plan, based on local characteristics and opportunities, and the councils' own priorities in the community strategic plans they prepare under local government legislation.

Bourke Shire Council's 'Local Strategic Planning Statement – November 2019' sets the framework for the economic, social and environmental land use needs over the next 20 years. The LSPS has also taken account of land use planning in adjacent councils. It also works with Council's Community Strategic Plan (CSP) and Local Environmental Plan (LEP). The LSPS gives effect to the Far West Regional Plan 2036, implementing the directions and actions at a local level. The LSPS planning priorities, directions and actions provide the rationale for decisions about how we will use our land to achieve the community's broader goals. The LSPS document sets the land use direction for the area.

The LSPS Vision is that "Bourke Shire will continue to establish as an iconic, outback, regional community and destination. Focusing on engagement and unity within the Shire to foster sustainable prosperity and productivity".

The key directions under the LSPS are:

- Industry Diversification and Sustainability
    - Argibusiness
    - Tourism
    - Health
    - Education

    - Supporting infrastructure
- United Sustainable Prosperity
    - Our changing demographic
    - Housing
- Protect Our Natural Environment
    - Increase resilience to climate change and natural hazard risks
    - Protect and manage environmental assets
    - Celebrate heritage assets

Of these, 'Health' has the most direct relationship to the subject development. Relevantly, the LSPS indicates that *maintaining and expanding health care services across the Shire is integral for community wellbeing, we are committed to supporting the retaining of these services into the future.* The subject development ensures the maintenance and expansion of such health care services.

Given the nature of the development, it is likely to significantly and positively affect the community in a way that is consistent with the LSPS higher level vision. The works reinforce and support the provision of health services in the LGA and the health of the LGA's community.

### 3.6 Summary

In summary, based on the review of the relevant planning legislation and DCP, the following apply to the site and the proposed development and are further addressed / assessed in this SEE:

- *Environmental Planning & Assessment Act 1979*
- *Environmental Planning & Assessment Regulation 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021* – Chapter 4
- *State Environmental Planning Policy (Sustainable Buildings) 2022*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021* – Chapter 2
- *Bourke Local Environmental Plan 2012*

As noted, the Bourke DCP provides guidance only. Various relevant matters are addressed throughout Section 5.0. Broadly, the proposed development also satisfies the relevant strategic planning objectives of the Draft Far West Regional Plan 2041 and the Bourke Local Strategic Planning Statement (LSPS).

# 4.0 THE PROPOSED DEVELOPMENT

## 4.1 The Proposed Development

***Overview***

This DA seeks consent for the construction and use of the new BACHS premises which comprises:

- A new single-storey community health / clinic building of 786m$^2$ gross floor area (GFA) providing for a range of consultation rooms; offices; utility, multi-purpose and storage spaces; and reception and waiting areas.
- 22 at-grade car parking spaces catering for staff, visitors, and emergency vehicles, with access from the unnamed rear laneway to the site's south and egress to Mitchell Street to the site's north.
- Selected tree removal of five (5) planted native trees and one dead tree as well as demolition of poles and stays understood to be used for periodic signage purposes.
- Minor and shallow earthworks and other civil engineering works.
- Landscaping of the development site with decking and hard and soft landscaping.
- Utilities and stormwater connections, including an array of 500W solar photovoltaic cells on the roof of the building achieving up to 42.5kW capacity, and temporary placement and periodic usage of a mobile diesel power generator in the event of power outages.

The remediation of the site to remove surficial and other sub-surface asbestos containing material fragments will be Category 2 remediation works at the site. This will not require development consent.

Each component of the proposed development is addressed individually in turn below.

***Proposed new community health / clinic building***

The proposed building is single storey in height with a total GFA of about 786m$^2$. The proposed maximum building height is at RL 111.80 (or approximately 6.6m in height at its maximum relative to the existing variable ground level at approximately RL 105.2).

The proposed facility will continue to cater for BACHS existing health-care and medical services, namely:

- GP Clinic with bulk-billed services.
- Dental Clinic.
- Social, emotional and wellbeing services and mental health services.
- Integrated Team Care program services.
- Podiatry services.
- Audiology services.
- Transport services for health appointments between Bourke and its wider environs and Enngonia and Dubbo.

The vision for the new BACHS clinic building is to improve and bring together all the primary healthcare services delivered by BACHS into a single contemporary and purpose-built facility that is inviting, culturally sensitive, and meets respective health planning and design guidelines.

The general arrangement of the facility provides for:

- Entrance, reception and waiting areas.
- Offices and meeting rooms.
- Patient consultation rooms (10).
- Staff area with kitchenette.
- Toilets and amenities.
- Storage, utility, comms, and cleaner's spaces / rooms.
- Equipment bay
- Multi-purpose room with adjoining servery.
- Shed.

The floor plan, elevations, and renders are included below and over at **Figures 26-29**, as well as the architectural plan set at **Appendix C** by DunnHillam and the landscape plan set at **Appendix D** as prepared by TaylorBrammer.

Compliance with various statutory and/or DCP-related requirements is addressed in Section 5.1 further within this SEE.

The building and development also features a number of ESD measures including an array of photovoltaic cells; rainwater storage tanks for water reuse within the landscaping, outdoor spaces and toilet systems; energy efficient LED lighting; high thermal performance glazing; and water efficient fixtures and fittings.

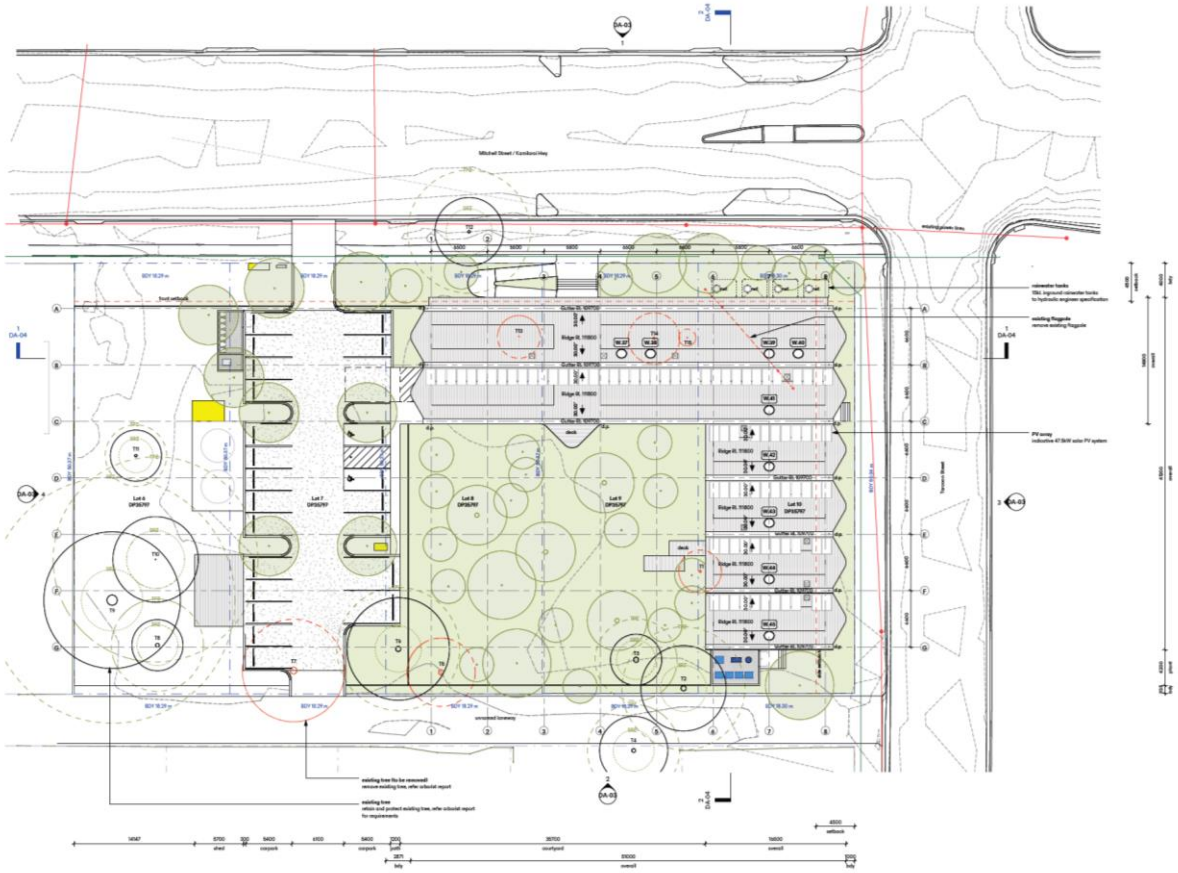


**Figure 26 – Site Plan (DunnHillam)**

The proposed building / development has been designed in consideration of the suite of Government Architect NSW guides, including Better Placed; Design Guide for Health, and Connecting with Country, along with the technical design requirements arising from a range of health care guidelines, such as *General Practice Business Toolkit Module 2* – Designing Your Practice prepared by The Royal Australian College of General Practitioners; Rebirth of a Clinic - A Design Workbook for Architecture in General Practice and Primary Care prepared by RMIT University and The Royal Australian College of General Practitioners; and the *Australasian Health Facility Guidelines* (AusHFG) prepared by Australasian Health Infrastructure Alliance (based in NSW at Health Infrastructure). Foremost, in seeking to satisfy the requirements of the BACHS clientele, significant consultation and engagement on the desired community outcomes also formed part of the design process. This is documented in architectural design statement also at **Appendix C**.

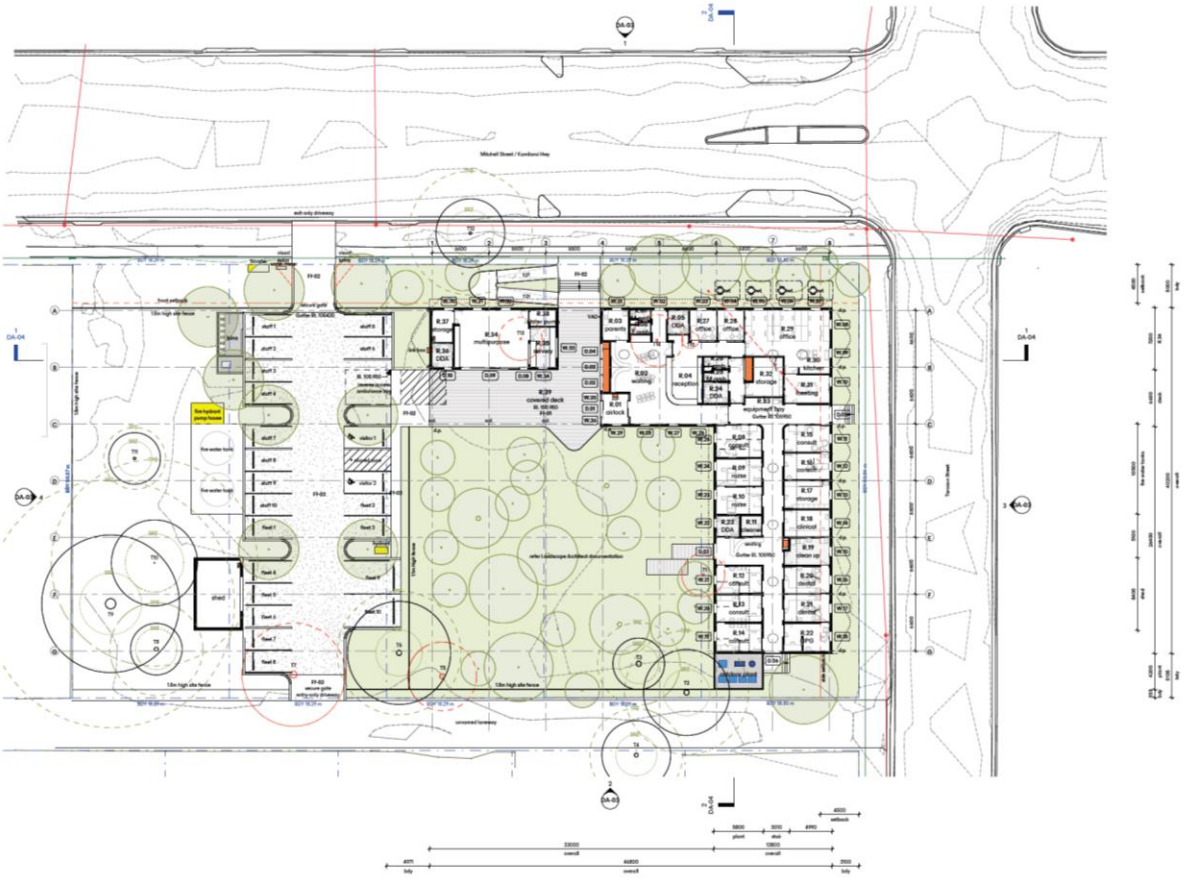


**Figure 27 – Ground Floor Plan (DunnHillam)**

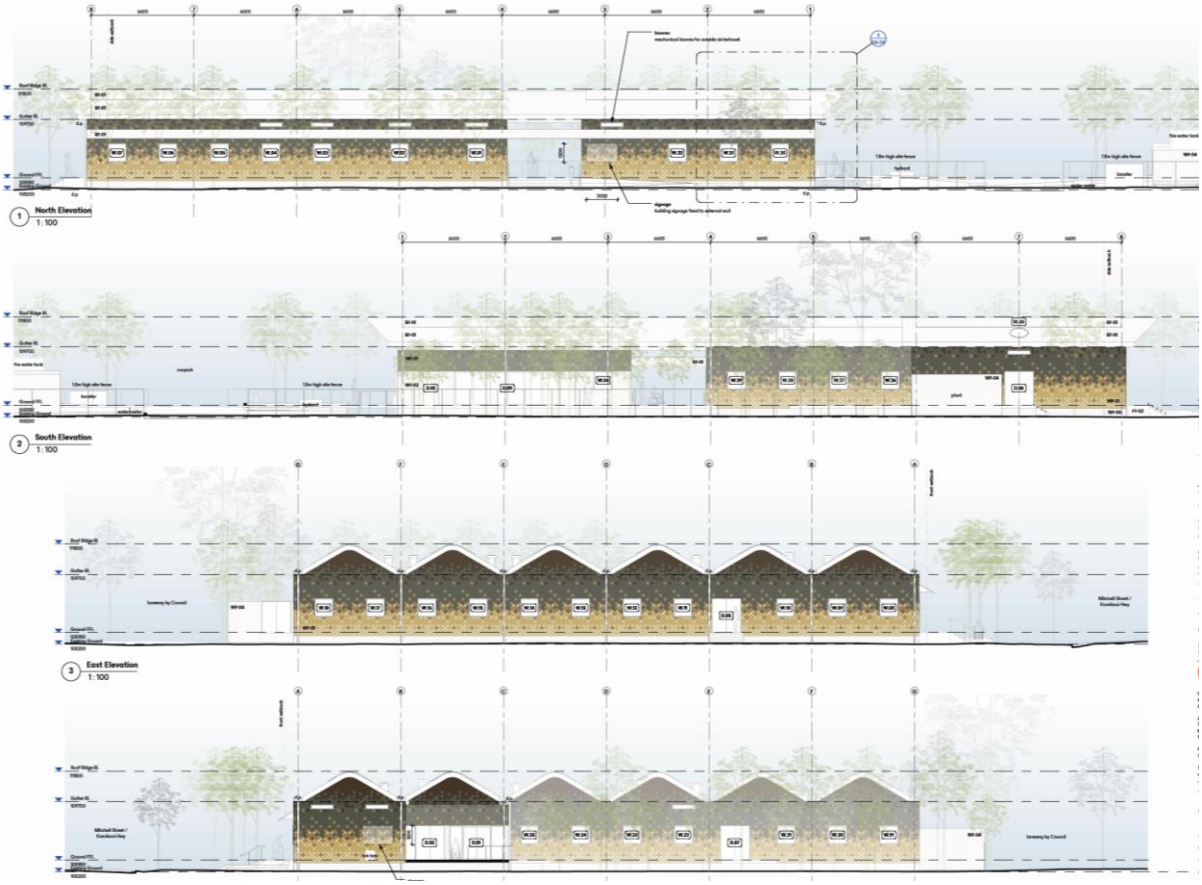



**Figure 28 – Elevations (DunnHillam)**

This culminated in a series of design principles formulated to meet contemporary standards of health care design and provision, community aspirations, sustainability and resilience, and a focus on designing for Country. These design principles are:

- Bourke appropriate.
- Efficient, Inclusion, Flexible.
- Plan for the future.
- Climate responsive and sustainable.

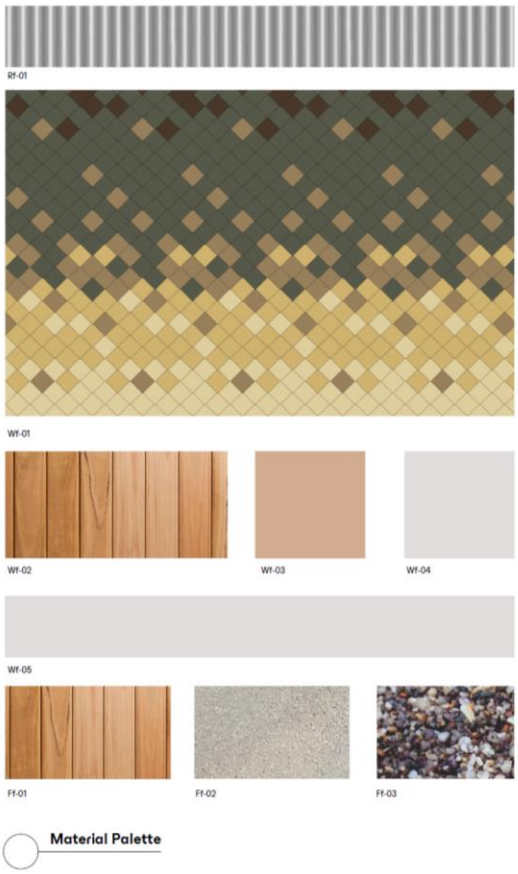
To that end, the design provides for a building form addressing its three street frontages but providing for enclosure at the site. The finished floor level of the building sits some 500mm above the flood level at the site to protect the building from overland flows. It has also sought to retain as many of the few trees at the site.

**Figure 29 – 3D Perspective (DunnHillam)**

### *Materials, finishes and colours*

The proposed materials, finishes and colours are inspired by the site's and locality's conditions and context. The design seeks to address the site's place and provide for a place-making response.

The selection of the building materials is driven by this and includes a natural pallete of materials focussed on wooden, stone, metal and earth tones and textures. The proposed external cladding references the Yellowbelly (Golden Perch) found in the Darling River and identified during the Walk on Country as a signficant fish for local people. The metal shingles are coloured to match the colours found on the scales of the Yellowbelly. The proposed materials and finished are shown in **Figure 30** over.




**Material Schedule**

| Code | Location | Type | Substrate | Colour |
|---|---|---|---|---|
| | | | | |
| Ff-01 | external covered deck | timber decking | - | hardwood |
| Ff-02 | external paths, ramps, stairs, carpark | concrete | - | local exposed aggregate |
| Ff-03 | carpark | permeable paving | - | local exposed aggregate |
| Rf-01 | roof, awnings | corrugated metal | - | galvanised |
| Wf-01 | external walls | metal shingles | - | green, beige, yellow |
| Wf-02 | external walls | lining boards | - | hardwood |
| Wf-03 | door/window frames | aluminium | - | cream/pink |
| Wf-04 | external plant walls | aluminium louvres | - | grey |
| Wf-05 | external walls | metal mesh | - | grey |


**Figure 30 – Materials and finishes (DunnHillam)**

### *Landscaping*

The core landscaping design principles and opportunities for the development are to:

- Retain existing trees and increase shade cover.
- Create calm and restorative places for people.
- Integrate the natural patterns of the place.
- Integrate significant Aboriginal recognitions into the design.

The design has been informed by engagement with the local community and feedback provided, as well as the principles within the NSW Government Architect documents Connecting with Country and Designing for Country.

The landscape design provides for a range of spaces and uses within the proposed external areas of the site. These include:

- Pedestrian entry with access from Mitchell Street and into the building and its courtyard.
- Patterned paving with artwork celebrating the local community groups.
- A shaded breakout area and children's play area.
- External seating and waiting areas.
- A Yarning Circle for over 8 people to congregate.
- A 'bushwalk' with medicinal plants.
- An ephemeral creek bed with feature rocks.
- A timber bridge connection over the creek bed.
- A productive community garden.

The planting palette will include hardy climate tolerant species with a range of trees, shrubs, grasses, ground covers and climbers.

The removal of five (5) planted native trees and one dead tree will be offset by the planting of 40 new trees, including River Red Gums, River Box, Mulga, Kurrajong, and Desert Kurrajong all able to grow between 10m to 30m in height.

See the proposed landscape plan at **Figure 31** and planting palette at **Figure 32**. These are also found at **Appendix D**, along with the Landscape Design Statement.


**Figure 31 – Landscape Plan (TaylorBrammer)**

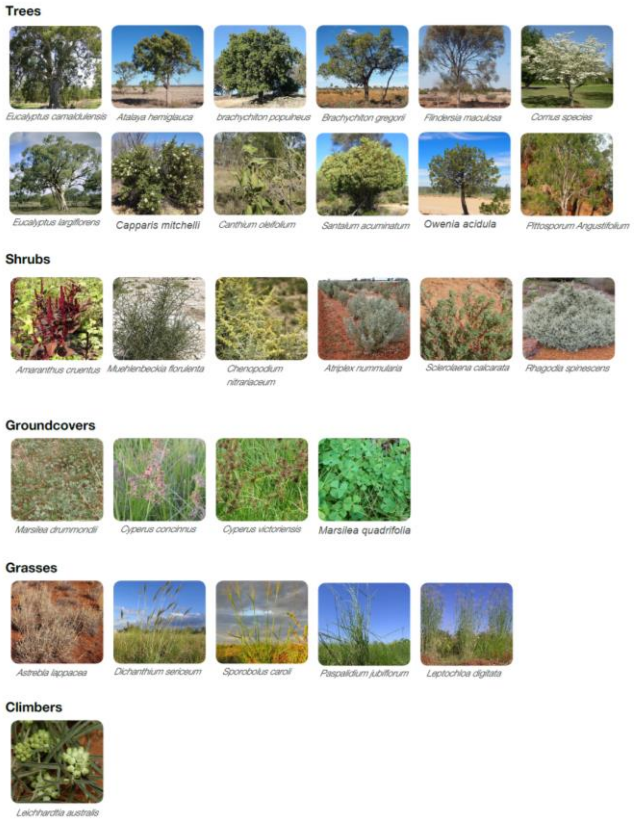



**Figure 32 – Planting palette (TaylorBrammer)**

***Access, Parking and Servicing***

As noted, the proposed parking at the site provides for 22 at-grade car parking spaces catering for staff, visitors, and emergency vehicles, with access (ingress) from the unnamed rear laneway to the site's south and egress to Mitchell Street to the site's north - see **Figure 33**.

A swept path analysis has been provided by pdc in its Traffic Impact Assessment to demonstrate the adequacy of these arrangements and the design.

The car park provides for:

- 10 staff spaces for use by permanent health practitioners and visiting specialists.
- Two (2) visitor spaces.
- 10 BACHS fleet spaces. Two of the senior administration staff members, the Chief Executive Officer (CEO) and Deputy CEO, are designated with two fleet vehicles.
- A dedicated ambulance bay.

Based on the GFA of the development, its general functionality and usage, and the nature of visitation to the site by clientele, the proposed 22 spaces have been considered appropriate by pdc in applying a first principles approach to car parking demand and traffic generation.

No bicycle or motorcycle parking is proposed on the basis of the use and with cross-reference to Council's DCP for medical centres.

In terms of servicing of the site, again the DCP does not stipulate a service vehicle parking rate for any developments. Nevertheless, based on information provided by BACHS, occasional supplies deliveries will be required. Given the proposed use and moderate scale of the development it is considered that any infrequent servicing demands be accommodated on-street within the available kerbside parking along Tarcoon Street and Mitchell Street. Convenient pedestrian access points are provided along both street frontages to facilitate efficient movement of goods to and from development. The proposed service vehicle arrangements are considered acceptable and a loading dock / servicing area is not proposed.

Similarly, waste collection is proposed to be undertaken on-street along Mitchell Street. To facilitate this, a designated bin storage room is provided near the Mitchell Street frontage. The appointed waste contractor will transfer bins between the bin room and truck. Following collection, the bins will be secured within the bin room. The proposed waste collection arrangements are considered acceptable and noting such kerbside collection arrangements currently occurs along Mitchell Street, near the site.

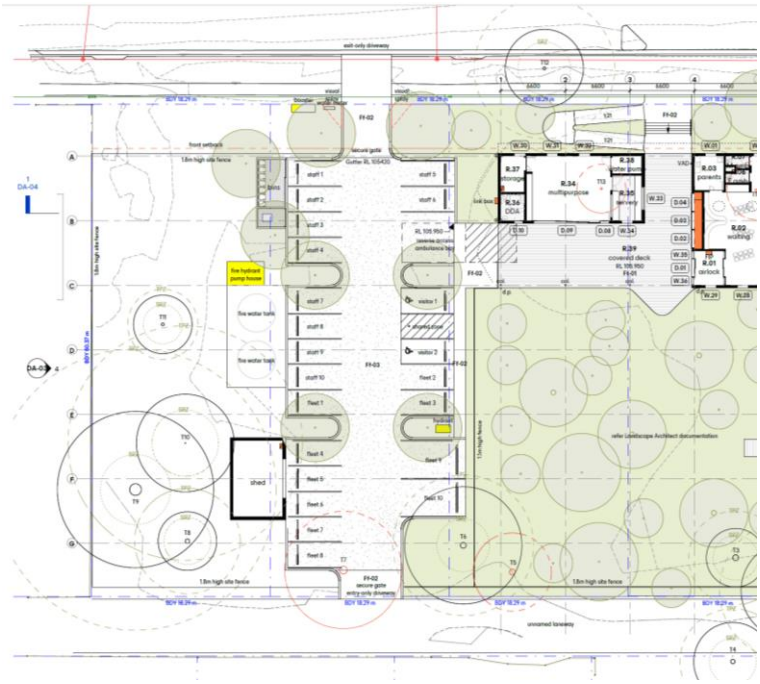


**Figure 33 – Parking Area - extract (DunnHillam)**

***Signage***
Two building / business identification signs of 2.4m$^2$ in area (2m x 1.2m) are proposed to be fixed to the building façade displaying the BACHs logo in metal lettering – one on the north elevation facing Mitchell Street and another on the west elevation also visible from Mitchell Street. The signs are proposed to be backlit.

As these signs are Exempt Development under clauses 2.83, 2.84 and 2.85 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (the Codes SEPP), no consent is required for the signage and consent is not sought via this DA. The signage is included for information and reference under the architectural drawings.

These details are shown in the architectural plan set at **Appendix C**.

***Demolition***
The only demolition works required relate to the removal of the existing poles and stays, assumed to relate to periodic usage for signage purposes at the eastern entry point into Bourke on Mitchell Street. The site is otherwise devoid of development.

***Earthworks and Civil Works***
Earthworks will generally involve a cutting and filling of the site as shown in **Figure 35**. The proposed or likely cut-fill balance is 791.6m$^3$ of imported and reused fill arising from 2.0m$^3$ being cut and 793.6m$^3$ fill being needed to further level to site for the construction. The vast majority of the earthworks will cut or fill at the $\pm$ 0.5m range across the site.

Civil works will generally entail the following:
- Bulk earthworks as set out above
- Paving / car park
- Drainage (water quality and quantity measures)

The new paving and impervious area is centred upon the car park which will involve permeable pavement with concrete driveways from the unnamed laneway and to Mitchell Street. Footpaths are also proposed within the site to the building from the car park. Stormwater drainage has been designed in prior consultation with Council.

The proposed stormwater management design for the development involves the collection of stormwater runoff either via a pit and pipe network or a series of open channels. These systems drain to a single kerb and gutter connection within Mitchell Street, to the north of the site, and via four (4) stormwater kerb and gutter connections to Tarcoon Street to the west. It is JHA's understanding that there is no existing TfNSW pit and pipe system existing within the Mitchell Street frontage and therefore the proposed works shall not impact or damage any existing TfNSW drainage asset.

In addition, four underground tanks with capacity of 20,000 litres are proposed under the northern-eastern corner of the site to capture rain water for reuse within the development.

Details of the civil works are found at **Appendix L**.


**Figure 34 – Cut-Fill Plan (JHA)**

***Tree Removal / Tree Protection***

The development site includes a mix of 15 planted native trees. Of these, five (5) are proposed to be removed in addition to a single dead tree. These are tabulated thereafter with red colour-coding signifying the trees to be removed and green for those to be retained.

| Tree | Species | Landscape Significance | Height (m) | Condition |
|---|---|---|---|---|
| 1 | *Acacia salicina* (Cooba) | Low | 10 | Fair |
| 2 | *Acacia salicina (Cooba)* | Moderate | 15 | Fair |
| 3 | *Acacia salicina* (Cooba) | Low | 9 | Fair |
| 4 | *Brachychiton populneus* (Kurrajong) | Moderate | 8 | Good |
| 5 | DEAD | - | - | - |
| 6 | *Eucalyptus camaldulensis* (River Red Gum) | Moderate | 18 | Good |
| 7 | *Eucalyptus sideroxylon* (Mugga Ironbark) | High | 16 | Good |
| 8 | *Brachychiton populneus* (Kurrajong) | Low | 7 | Good |
| 9 | *Ficus microcarpa var. Hilli* (Hills Fig) | Moderate | 16 | Good |
| 10 | *Ficus microcarpa var. Hilli* (Hills Fig) | Low | 10 | Fair |
| 11 | *Brachychiton populneus* (Kurrajong) | Low | 5 | Good |
| 12 | *Ficus microcarpa var. Hilli* (Hills Fig) | Low | 6 | Good |
| 13 | *Callistemon viminalis* (Bottlebrush) | Low | 6 | Fair |
| 14 | *Acacia salicina* (Cooba) | Low | 8 | Poor |
| 15 | *Acacia salicina* (Cooba) | Low | 4 | Poor |

Trees 1, 7, 13, 14 and 15 are proposed for removal as they sit within the footprint of the development or are in direct proximity of the footprint of development. Tree 5 is the dead tree and is to be removed. Only Tree 7, a *Eucalyptus sideroxylon* (Mugga Ironbark), is of some identified landscape significance with a good health. The balance of the trees are in a poor or fair condition with low landscape significance. The general justification for the removal of Tree 7 is to ensure / allow suitable vehicular ingress into the site whilst allowing for the retention of other trees within the site and the required floor space and configuration of the development. As noted in the treeIQ assessment, despite Tree 7's relative significance and current good health which *meets the criteria to be allocated Retention Value of Consider for Retention, the tree has a short (5-15 years) Useful Life Expectancy.*

Nine (9) trees are proposed to be retained and will be protected during works.

See Arboricultural Development Assessment Report at **Appendix I**.

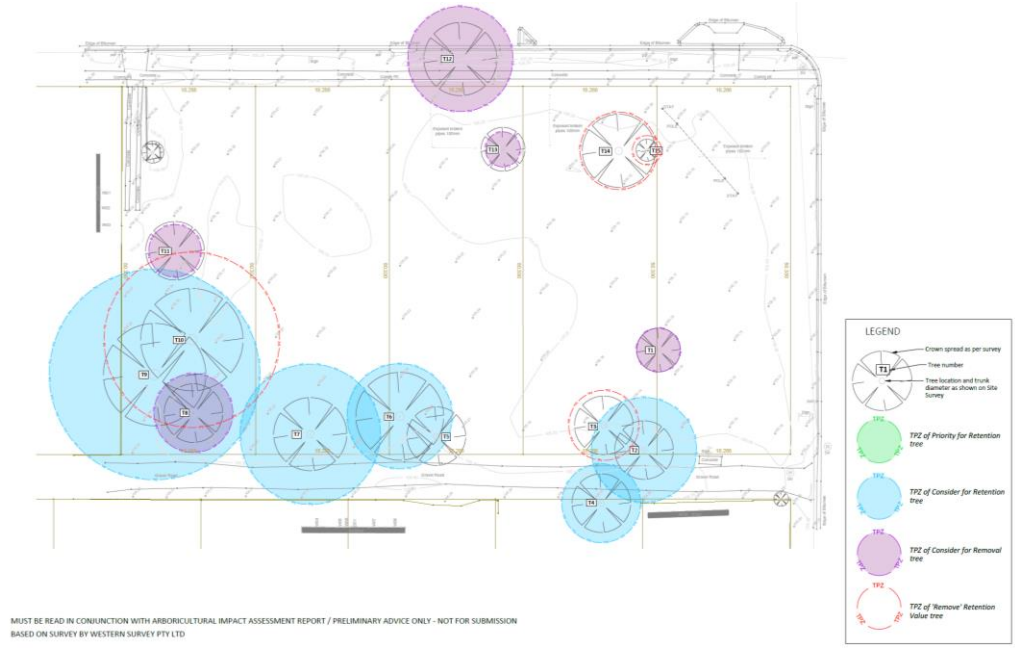



**Figure 35 – Tree Protection Plan (treeIQ)**

***Services***

The development will require new connections to electrical, telecommunications, and hydraulic (water, sewer and fire) services.

In terms of electrical and telecommunications servicing:

- Essential Energy records indicate the network would not support the requested 200A, 3 phase power supply requirement. Calculations indicated that the maximum load currently available at the nominated location is 40A/phase. Any application for load above this would result in a standard connection offer requiring network augmentation via contestable works process.
  The application for the new electrical connection to the site via the Essential Energy's network have already commenced and the connection offer from Essential Energy has been accepted. A new pole substation rated 200kva is proposed to the site.
- In addition to new connections, given Essential Energy's records have identified that there have been multiple power outages in the past couple of years and due to the necessity to keep the electricity supply to the site, an electrical system emergency back-up is to be provided for the site via the temporary placement and periodic usage of a mobile diesel generator in the event of such power outages. The mobile unit will be brought to the site only once outages have been identified. It will be removed once power has been restored. The diesel generator is to be placed adjacent to the building addressing Mitchell Street and behind staff parking spaces 5 and 6 near the proposed ambulance bay. Access to these parking spaces will be unaffected. The mobile diesel generator is proposed to be 4.0m long by 2.0m high, and 1.5m wide.
- New telecommunications fibre lead-in to the building will be provided via the NBN network. Pathway provisions by way of underground conduits, duct and cable paths will be made for the lead-in cable system to the building main communication room. Fibre lead-in will be linked to NBN network along Mitchell street.

In terms of hydraulic and fire servicing:

- New 100mm water supply connection to Council's water main in Mitchell Street to supply domestic potable and fire water requirements along with adjacent water meter and backflow assembly.

- Water pumproom in the building near the pedestrian entry off Mitchell Street.
- Four (4) 20kl underground rainwater harvesting tanks with hardware for landscape irrigation at the corner of Mitchell and Tarcoon Streets.
- A new 100mm sewer connection to Council's existing pipework to the ear of the site at the unnamed laneway.
- A new fire hydrant booster assembly will be placed at the vehicular egress addressing Mitchell Street and will be supported by an external fire hydrant, fire hydrant pumphouse, and two 38kl fire water tanks located in the car parking area.

The respective servicing plans by JHA are each found at **Appendix H**.

***Operational aspects of the facility***

The relocated facility will continue to operate in the same manner as per its current primary location at 61 Oxley Street, Bourke. The main change is that it will operate with an enhanced capacity and within purpose-built contemporary facilities.

The facility will continue to operate 5-days per week (Monday to Friday) from 8am to 5pm with a maximum of 22 permanent staff comprising administrative staff (8); GPs (2); nurses (2); Aboriginal health services workers (4); and program services staff (up to 6). Visiting specialists would be to a maximum of three staff at any given time given provision of space and a rotational roster for visitation. Accordingly, up to 25 permanent and visiting staff may be anticipated on site at any one time.

Waste will be sorted into the relevant Council bins and collected as part of Council's programmed weekly garbage collection. See further later discussion on waste management.

The proposed Operational Plan as prepared by BACHS is attached at **Appendix M**. This is presently draft until it is further formalised once operations are confirmed upon commencement. The proposed operational waste handling measures are included as part of both this document as well as the Construction and Operational Waste Management Plan at **Appendix N**.

### 4.2 Prior Consultation with Council and other authorities

Informal pre-DA meetings and other consultation has been held with Council's officers across 2023 and 2024 in the preparation of the design of the development and this DA. This included provision of advice in relation to flooding, stormwater and civil matters, traffic and transport, the DA process, and required documentation. An informal pre-lodgement meeting was held on 7 November 2024 to, amongst other things, resolve and refine aspects of the DA and SEE.

TfNSW was also consulted early in the design process with respect to referral matters by pdc. Notes from that consultation are included in pdc's Traffic Impact Assessment at **Appendix G**.

These matters are addressed by respective consultants within their reports and plans, as well as in this SEE in Section 5.0.

# 5.0 ASSESSMENT

This section contains an assessment of the environmental effects of the proposed development as described in the preceding sections of this SEE.

Under section 4.15(1) of the EP&A Act, in determining a development application the consent authority must take into account a range of matters relevant to the development including the provisions of environmental planning instruments; impacts upon the built and natural environment, the social and economic impacts of the development; the suitability of the site; and whether the public interest would be served by the development.

The assessment includes only those matters under section 4.15(1) that are relevant to the proposal based on consideration of the site's and development's characteristics and context as set out in preceding sections of this SEE. Accordingly, the key planning issues associated with the proposed development are as follows:

- Compliance with planning regime, including SEPPs, the LEP and relevant DCP provisions.
- Contamination and suitability of the site.
- Earthworks and other civil engineering works, including protection of any TfNSW assets within the Mitchell Street road reserve.
- Flooding and stormwater management.
- Tree removal and protection.
- Urban design and built form of the development.
- Traffic, access, and parking impacts during construction and operation, including any referral to TfNSW.
- Noise impacts during construction and operation, including consideration of any road and rail noise upon development due to proximity to noise sources or high traffic volumes.
- Utilities and servicing of the site, including referral to Essential Energy.
- BCA and Access compliance.
- Operational aspects of the development.
- Social and Economic Impacts, Suitability of the Site and the Public Interest.

## 5.1 Compliance with planning regime

Based on the review of the relevant planning legislation earlier in this SEE, the following require further consideration and assessment in relation to the proposed development:

- *Environmental Planning & Assessment Act 1979*
- *Environmental Planning & Assessment Regulation 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021* – Chapter 4
- *State Environmental Planning Policy (Sustainable Buildings) 2022*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021* – Chapter 2
- *Bourke Local Environmental Plan 2012*

The broader requirements of the EP&A Act and EP&A Regulation are satisfied in the preparation of this SEE and its content. The Bourke DCP is also addressed in relevant detail.

### *State Environmental Planning Policy (Planning Systems) 2021*

As set out in Section 3 of this SEE, Schedule 6 of the SEPP sets out Regionally Significant Development. Section 5 of that Schedule sets out some relevant types of development to be determined by the relevant Regional Planning Panel – see below:

> ***5 Private infrastructure and community facilities over $5 million***
> ***Development that has an estimated development cost of more than $5 million for any of the following purposes—***
>
> *(a) air transport facilities, electricity generating works, port facilities, rail infrastructure facilities, road infrastructure facilities, sewerage systems, telecommunications facilities, waste or resource management facilities, water supply systems, or wharf or boating facilities,*

> ***(b)*** *affordable housing, child care centres, community facilities, correctional centres, educational establishments, group homes,* ***health services facilities*** *or places of public worship.*

In this instance because of the development's estimated development cost being over $5 million, it is Regionally Significant Development. The development's estimated development cost is $14,054,873 (excluding GST by definition).

***State Environmental Planning Policy (Resilience and Hazards) 2021 –*** **Chapter 4**
The former *State Environmental Planning Policy No. 55 – Remediation of Land* (now Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021*) provides for a State-wide planning approach to the remediation of contaminated land. A consent authority must consider whether the land subject of a proposal is contaminated and, if the land is contaminated, be satisfied that the land is suitable in its contaminated state for the use proposed. If the land requires remediation to be made suitable for the proposed purpose, the consent authority must be further satisfied that the land will be so remediated before the land is used for that purpose.

As noted in Section 2.4 of this SEE, based on the Site Contamination Investigation, remediation of the land will be required to remove surficial and other sub-surface asbestos containing material fragments from the site, and a RAP has been prepared and included for information. These documents are found at **Appendix F**.

The remediation works will be Category 2 Remediation Works under section 4.11 of Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021*, to which no development consent is required.

Based on the recommendations in the Site Contamination Investigation and the RAP, the preferred remediation option to ensure the site is suitable for the proposed development, will be to excavate all the affected material (and validate the work undertaken that no visible asbestos is present on the site surface) and undertake off-site disposal at an appropriate waste facility. Validation assessment of the remedial works will confirm the asbestos impacted material as having been removed. A detailed site investigation is not required to demonstrate suitability of the site for the proposed use / development.

***State Environmental Planning Policy (Sustainable Buildings) 2022***
This recently commenced SEPP aims:

> *(a) to encourage the design and delivery of sustainable buildings,*
> *(b) to ensure consistent assessment of the sustainability of buildings,*
> *(c) to record accurate data about the sustainability of buildings, to enable improvements to be monitored,*
> *(d) to monitor the embodied emissions of materials used in construction of buildings,*
> *(e) to minimise the consumption of energy,*
> *(f) to reduce greenhouse gas emissions,*
> *(g) to minimise the consumption of mains-supplied potable water,*
> *(h) to ensure good thermal performance of buildings.*

Chapter 3 of the SEPP applies to non-residential development involving the erection of a new building, if the development has an estimated development cost of $5 million or more. This includes the subject development.

Accordingly, the only relevant provisions of this SEPP are found in Chapter 3 and section 3.2, as set out in full below:

> ***3.2 Development consent for non-residential development***
> *(1) In deciding whether to grant development consent to non-residential development, the consent authority must consider whether the development is designed to enable the following—*
>
> > *(a) the minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials,*
> > *(b) a reduction in peak demand for electricity, including through the use of energy efficient technology,*

*(c) a reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design,*
*(d) the generation and storage of renewable energy,*
*(e) the metering and monitoring of energy consumption,*
*(f) the minimisation of the consumption of potable water.*

*(2) Development consent must not be granted to non-residential development unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified.*

JHA has prepared a suite of ESD-related reports addressing various compliance matters including a General Sustainability Provisions Report – see **Appendix K**. This report has addressed the provisions of the SEPP confirming the development is designed to and will enable the requirements at section 3.2(1)(a)-(f) to be satisfied. A range of strategies and physical measures will be adopted to ensure compliance.

Additionally, the consent authority can be satisfied that the embodied emissions attributable to the development have been quantified, based on review of section 2.1 of the JHA report which states / indicates the methodology for the collection of data to quantify material quantities associated with the development's design and the documentation and calculation of embodied emissions using current tools. These spreadsheets are included at **Appendix K** for review.

***State Environmental Planning Policy (Transport and Infrastructure) 2021* – Chapter 2**
As noted earlier, section 2.48 of *State Environmental Planning Policy (Transport and Infrastructure) 2021* (TISEPP) requires the consent authority to consider any response received from an electrical supply authority (in this case Essential Energy) to a development carried out within, or immediately adjacent to, an easement for electricity purposes (whether or not the electricity infrastructure exists); or immediately adjacent to an electricity substation; or within 5m of an exposed overhead electricity power line. Noting the site is bounded by overhead power lines, the latter of these notification pre-conditions is relevant and Council will be expected to notify Essential Energy of this development.

Section 2.119 of the TISEPP further requires the consent authority to be satisfied that safe vehicular access to the land is provided by a road other than the classified road, and that the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of the design of the vehicular access to the land, or the emission of smoke or dust from the development, or the nature, volume or frequency of vehicles using the classified road to gain access to the land

As egress is proposed to Mitchell Street (a classified road) referral is required to be made to Transport for NSW (TfNSW) to seek commentary and concurrence for the development and to assist in the consent authority being satisfied with the proposed access arrangements. Council is expected to refer the application to TfNSW for is commentary and concurrence, noting early consultation has been made with TfNSW on the design as part of pdc's assessment and reporting on traffic and transport matters – see **Appendix G**.

Lastly, under sections 2.100 and 2.120 of the TISEPP in relation to impacts of road and rail noise, when a development is adjacent to a rail corridor, a freeway, a toll-way, a transit-way or a road with an annual average daily traffic volume (AADT) of more than 20,000 vehicles, an acoustic assessment is required to determine compliance with the clauses.

As per the then NSW Roads & Maritime Services traffic volume data the AADT of the Kamilaroi Hwy / Mitchell St is less than 20,000 vehicles. Further, the site is not near any operational railway line. Therefore, clause 2.100 and 2.120 of the SEPP and the NSW Department of Planning's 'Development near Rail Corridors and Busy Roads – Interim Guideline' do not apply and notification to TfNSW is not triggered.

***Bourke Local Environmental Plan 2012***

As noted in earlier sections of this SEE, the development broadly satisfies and complies with the few relevant requirements of the Bourke LEP. A compliance table is set out below.

| LEP Provision | Compliance | Comment |
|---|---|---|
| 2.1, 2.2 and 2.3 Land use zones and permissibility | Yes | As set out in Section 3 of this SEE, the land use is permitted with consent under the LEP, as well as this being confirmed / reinforced under sections 2.59 and 2.60 of the TISEPP. |
| 2.7 Demolition requires development consent | Yes | The proposed demolition of the poles and stays requires consent and forms part of the scope of this DA for which consent is sought. |
| 4.1 Minimum subdivision lot size | N/A | No subdivision is proposed noting the lots comprising the site total some 4,605m$^2$ in area. A minimum lot size of 800m$^2$ is otherwise required. In the event lot consolidation is required or proposed, as set out in section 3.1 of this SEE, development consent is not required under the EP&A Act to do so, and accordingly this does not form part of this DA. |
| 4.3 Height of Buildings | N/A | - |
| 4.4 Floor Space Ratio | N/A | - |
| 5.10 Heritage conservation | N/A | The site and development does not involve any heritage items and is not near or within any heritage conservation area. The development is unlikely to adversely impact any heritage items or conservation areas remote from the site. |
| 5.21 Flood planning | Yes | The land is not within any LEP-mapped flooding planning area. However, the site is impacted by minor flooding / inundation of up to 0.20m. During an 'extreme Darling River flood' the site and the whole of the township would be subject to inundation in the order of 3.0m, as derived from Figure 2.6 (sheet 2 of 3) of the Bourke Floodplain Risk Management Study and Plan 2022.<br><br>As part of this application's pre-lodgement process, Council has advised that the site's flood levels for non-riverine overland flow is to RL 105.4m. Applying a freeboard of 300mm, the floor level of the proposal would be required to be at a minimum of RL 105.7m. The finished floor level of the building sits at RL 105.9 (some 500mm above the flood level of RL 105.4) and accordingly protects the building from overland flows.<br><br>Based on the proposed design, and in consideration of non-riverine stormwater events, the development is able to satisfy the objectives of this clause in minimising the flood risk to life and property associated with the use of land; allowing development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change; avoiding adverse or cumulative impacts on flood behaviour and the environment; and enabling the safe occupation and efficient evacuation of people in the event of a flood.<br><br>The shallow and slow moving non-riverine stormwater flooding is generally isolated pooled areas of water unlikely to cause significant evacuation events or downstream impacts in consideration of the proposed modest earthworks and level changes at the site. |
| 6.1 Earthworks | Yes | Clause 6.1 applies and sets out a range of provisions and matters for consideration in relation to earthworks. Consent is being sought for the proposed earthworks as set out in the Bulk Earthworks Plan in JHA's Civil Engineering drawing set – see **Appendix L**.<br><br>As noted, the majority of the earthworks will cut or fill at the $\pm$ 0.5m range across the site and result in approximately 793.6m$^3$ of fill. |

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| | | The scale and formation of the works is unlikely to significantly affect drainage patterns and soil stability in the locality of the site as the general pattern of waterflow pool in isolated focal points as it presently the case.<br><br>The works will not adversely alter the future use of the land in its immediate environs. The earthworks will not perceptibly alter the likely amenity of adjoining properties.<br><br>It is unlikely relics will be discovered / uncovered, however an unexpected finds protocol would be in place in that event.<br>The works will be engineered to address stormwater flows (during works and once complete), general water quality, and sediment and erosion control. |
| 6.5<br>Essential services | Yes | With respect to essential services, Council can be satisfied that the appropriate investigations and negotiations have been made or are underway with respect to supply of water, electricity, and disposal and management of sewage, stormwater drainage, and suitably vehicular access. Various appendices forming part of this DA set out the proposed servicing arrangements, stormwater management, and suitability of the proposed vehicular ingress and egress. |

***Development Contributions***

A review of Council's webpage reveals that no current Development Contributions Plan is in force or applies to the LGA. Notwithstanding, and in this instance, given the social dimensions and public benefits being provided by the project coupled with the development being subject to grants for a not-for-profit organisation, it would be expected that the development would be exempted from any development contributions.

Consideration of exemption would be a reasonable course of action by Council in the circumstances.

***DCP***

Bourke Shire Development Control Plan 2012 – as amended April 2016 (DCP) applies to all land within the Bourke LGA. It sets out a range of planning controls for specific development types or in response to particular environmental conditions and circumstances. A health services facility is not a type of development set out for specific controls or provisions, other than parking requirements for medical centres / health consulting rooms – which the development would not strictly be under the NSW planning dictionary.

The DCP otherwise sets out the following which will potentially be relevant:

- **Chapter 2 – Information Requirements**
  - 2.3 Statement of Environmental Effects
  - 2.4 Plans and Reports (see later discussion on deliverables)
  - 2.5 Potential site contamination
- **Chapter 3 – Natural Hazards**
  - 3.2 Flooding
- **Chapter 4 – Development Types**
  - 4.8 Commercial and Retail Development – noting no social infrastructure or community facility provisions apply in the DCP
- **Chapter 6 – General Development Specifications**
  - 6.3 Environmental Controls
    - Environmental Effects (see later discussion on deliverables)
    - Soil and Erosion Control
    - Vegetation
    - Waste Management
    - Noise

- Geology

As noted, the role of DCPs is established under Section 3.42 of the Act:

> ***3.42 Purpose and status of development control plans***
> *(1) The principal purpose of a development control plan is to* ***provide guidance*** *on the following matters to the persons proposing to carry out development to which this Part applies and to the consent authority for any such development:*
> *(a)* ***giving effect to the aims of any environmental planning instrument*** *that applies to the development,*
> *(b)* ***facilitating development that is permissible*** *under any such instrument,*
> *(c)* ***achieving the objectives of land zones*** *under any such instrument.*
>
> *The provisions of a development control plan made for that purpose* ***are not statutory requirements****.*

In early consultation with Council (and its consultant planner engaged to assist in this assessment) it was suggested that residential controls be applied given the zoning of the land and the adjacent housing. To that extent consideration has been made to Chapter 4 and section 4.3 in a limited sense reflective of built form and setback matters. These include:

- 4.3.1. Building Setbacks
- 4.3.2. Design
- 4.3.3. Building Height
- 4.3.5. Site Coverage
- 4.3.6. Solar Access
- 4.3.9. Access
- 4.3.10. Fencing

The development is otherwise reasonably able to be considered on its merits and its context which also includes non-residential uses in close proximity.

The following tables set out commentary in terms of suitability of the development in consideration of the abovementioned set of controls.

***Chapter 2 – Information Requirements***

| Provision | Commentary |
|---|---|
| **2.3. Statement of Environmental Effects** | |
| A Statement of Environmental Effects is required to be lodged with all DAs. This is to address all of the relevant issues associated with the application. | This SEE satisfies this requirement. |
| **2.4. Plans and Reports** | |
| **2.1.1 – Site Plans**<br>A detailed site plan is required with all applications for residential development. In preparing this plan, an analysis of the range of environmental factors that will influence the proposed development is required. These factors may be both internal and external to the site. The level of site analysis varies with the complexity of the<br>project.<br>For small alterations and additions, a simple plan/diagram outlining key site characteristics, such as:-<br>• True north;<br>• Location of trees, boundaries, buildings and streets;<br>• Location of sewer and water lines and septics;<br>• Location of any drainage line or natural waterways;<br>• Location of any easements. | A Site Plan along with contextual information is provided in **Appendix C** to this DA. This also includes floor plans, elevations, and sections. |

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| **2.1.2 - Floor Plans, Elevations & Sections**<br>Detailed floorplans and elevation along with sections of the building are to be supplied as appropriate | |
| **2.1.3 - Landscape Plans**<br>A landscape plan is to accompany all development applications which involve commercial or industrial buildings. | A Landscape Plan (at **Appendix D**) accompanies this DA. |
| **2.5. Potential Site Contamination** | |
| A statement must be included providing a history of the site to ascertain if it is potentially contaminated | **Appendix F** provides a Site Contamination Investigation which is also addressed within this SEE. |

### *Chapter 3 – Natural Hazards*

| Provision | Commentary |
|---|---|
| **3.2 Flooding** | |
| **3.2.1. Flood Affected Land**<br>• A significant amount of land along the Darling River and its tributaries is floodprone.<br>• The Bourke Shire LEP states that land at or below the flood planning level the flooding provisions of the LEP apply. Council's adopted 1:100 ARI flood is the level of the 1974 flood.<br>• As a general rule, flood affected land within the Shire is that land that is grey soil adjacent to the Darling River and its tributaries. Red soil is generally considered not to be floodprone.<br>• If a development is proposed for land on the grey soil or is, in the opinion of a senior officer of the Council, likely to be flood affected, it is deemed to be flood affected land for the purposes of this DCP. | The development site is not adjacent to the Darling River but is otherwise identified as being impacted by localised stormwater events from within the levee.<br><br>Based on Council's publicly available flood study (Bourke Floodplain Risk Management Study and Plan 2022), during the 1% AEP (1 in 100 year) event, the site is impacted by minor flooding / inundation of up to 0.20m – see **Figure 18**.<br><br>As part of this application's pre-lodgement process, Council has advised that the site's flood levels for non-riverine overland flow is to RL 105.4m. Applying a freeboard of 300mm, the floor level of the proposal would be set at a minimum of RL 105.7m. The proposed design sits 200mm higher than the freeboard threshold. |
| **3.2.2. Access**<br>• Flood free vehicle access is required for all lots created by subdivision.<br>• For development of existing lots, where flood free vehicle access is not possible, the development must be able to achieve safe wading criteria as specified in Figure L1 of the Floodplain Development Manual. | No subdivision is proposed, however suitable vehicular access will be available upon completion of the development that would enable movement in a flood free scenario given the modest flood depths and the low velocity of the pooled waters likely. |
| **3.2.3. On - site Sewer Management**<br>Onsite sewer management facilities must be sited and designed to withstand flooding conditions (including consideration of structural adequacy, avoidance of inundation, and flushing/leaking into flowing flood waters). Tank and trench style of systems are not permitted on land affected by the Flood Planning Level.<br><br>All sewer fixtures must be located above the 1% Flood. | No specific on-site sewer management infrastructure is proposed. Sewer management will be directly via connection to Council's existing adjacent pipework to the south of the site which is considered appropriate and adequate in the circumstances. |
| **3.2.4. General Development Requirements**<br>• No building or work (including land filling, fencing, excavation) shall be permitted on flood affected land where in the opinion of Council, such building or work will obstruct the movement of floodwater or cause concentration or diversion of floodwaters.<br>• DA must demonstrate the building or structure can withstand the force of flowing floodwaters, including debris and buoyancy forces as appropriate. | Given the relatively shallow depths of flooding (0.2m) coupled with the localised pooling of waters based on Council's mapping, the likely velocity and risk of 'downstream' impacts is remote to low.<br><br>Based on the above the development has been designed to address and cater for the flooding impacts identified by Council at the site for the 1% AEP (1 in 100 year) event. This includes the development's structural integrity and suitable freeboard levels. |

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| • A survey plan prepared by a registered surveyor showing existing ground levels, finished ground levels, finished floor levels, flood levels and location of existing/proposed buildings and safe evacuation path on the site relative to AHD. This survey plan is to have regard to the flood planning level of the 1:100 ARI flood.<br>• All materials used in construction shall be flood compatible.<br>• Development must be designed in accordance with the Flood Proofing Guidelines (refer Discretionary Development Standards). | A recent survey with existing ground levels has been included with this DA at **Appendix A**. |
| **3.2.5. Residential Development**<br>• Floor levels of all habitable rooms, or rooms with connection to sewer infrastructure shall not be less than the flood planning level which is 500mm (freeboard) above the level of the highest known flood.<br>• Upon completion and prior to the occupation (where relevant), a certificate by a registered surveyor showing the finished ground and floor levels conform to approved design levels shall be submitted to Council.<br>• Additions to existing buildings will only be permitted, with limitations, as follows:<br>o where the floor level of the proposed addition is located below the flood standard the maximum increase in floor area is not to exceed 10% of the floor area of the existing dwelling; or<br>o where the floor level of the proposed addition is located above the flood standards the maximum increase in habitable floor space shall not exceed 100m2.<br>• Where additions are below the 500mm "freeboard" (the flood planning level) Council must be satisfied that the addition will not increase risk to inhabitant in the event of a flood.<br>• Rebuilding part of a dwelling may be permitted provided the building maintains the same dimensions which result in the same impact on flood behaviour | Whilst not a residential development, and in keeping with (and exceeding) Council's pre-lodgement advice, a 500mm freeboard has been designed for and applied in the new development. This ensures a design response some 200mm above the identified freeboard threshold. |
| **3.2.6. Commercial / Retail / Industrial Development**<br>• Development shall incorporate measures to seal or flood proof buildings, to avoid activities or fittings susceptible to flood damage, or to store the contents of buildings above the flood planning level. | All activities within the building are above the flood level by some 500mm. |
| **3.2.7. Subdivision**<br>• Residential subdivision will not be permitted where any lot to be created will be fully inundated by flood higher than the flood planning level event and the creation of such lot will create the potential for increased intensity of development on flood liable land. | Subdivision is not proposed. |
| **3.2.8. Landfilling**<br>• Survey plan prepared by a registered surveyor is required, showing the contour levels of | No landfilling per se is proposed however as per the proposed cut/fill plan, the proposed or likely cut-fill balance is 791.6m3 of imported and reused |

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| natural surface, any existing fill and the designed contour levels for the finished work.<br>• A report certified by a consulting engineer is required to detail the impact of the proposed fill on adjoining properties and, where levee banks are proposed, and the methods of internal drainage.<br>• Applications shall be accompanied by a construction management plan to show source of fill, including contamination assessment an assessment of the impact of haulage vehicles on roads precondition report of all haulage routes<br>• details of method of compaction of fill and associated impacts: control of dust, sedimentation, water quality impacts, noise and vibration<br>• contingency for containment of fill in the event of a flood during placement | fill arising from 2.0m$^3$ being cut and 793.6m$^3$ fill being needed to further level to site for the construction. The vast majority of the earthworks will cut or fill at the ± 0.5m range across the site. |
| **3.2.9. Non - residential rural buildings**<br>• Not permitted in "floodways".<br>• Floor areas shall be located above the flood planning level.<br>Definitions are as per the Floodplain Development Manual (NSW Government). | N/A. |

***Chapter 4 – Development Types***

| Provision | Commentary |
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| **4.3. General Housing and Ancillary Structures** | |
| **4.3.1. Building Setbacks**<br>The building setbacks are related to the zone in the Bourke Shire Local Environmental<br>Plan. They are set out in the following table.<br>…<br>*General Residential*<br>Street frontage - 4.5m<br>Side / rear boundaries – BCA Requirements | The proposed Mitchell Street setback is 5.0m from the property boundary to the façade wall of the building and exceeds this 4.5m control.<br><br>The Tarcoon Street setback is 3.1m from the property boundary to the façade wall of the building, and is less than the 4.5m control.<br><br>The unnamed rear laneway setback is 0.935m noting the BCA requirement is understood to be 900mm / 0.9m.<br><br>The Tarcoon Street setback is justified in the urban design response of the development, as set out further over. |
| **4.3.2. Design**<br>• No windowless facades at the street frontage(s) | No windowless facades are proposed towards any street frontage. |
| **4.3.3. Building Height**<br>Measured from natural ground level to:<br>• Topmost ceiling: maximum 7.2m<br>• Top of the ridge: maximum 10m | The proposed maximum building height is at RL 111.80 (or approximately 6.6m in height at its maximum relative to the existing variable ground level at approximately RL 105.2), as so therefore satisfies this control noting no height control is applicable under the LEP. |
| **4.3.5. Site Coverage**<br>The maximum site coverage for all buildings is set out in the following table.<br>…<br>*General residential*<br>60% | With a combined GFA and deck area of some 951m$^2$ and a site area of 4,605m$^2$, the site coverage of the built form is just over 20% and therefore satisfies this residential development control. |
| **4.3.6. Solar Access** | The development is not proposed at 2 storeys and accordingly, due to its placement on the site fails to |

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| • Two storey development >2m from the boundary does not require a shadow diagram or notification.<br>• Two storey dwellings <2m from the boundary shall ensure habitable rooms of adjoining dwellings and major part of their landscaped open space to retain a minimum of 4hrs sunlight between 9am - 3pm on 21st June (winter solstice). | cast any shadows onto neighbouring residential property. |
| **4.3.7. Privacy**<br>• Single storey development meeting setbacks do not require specific privacy controls.<br>• Development of more than one storey should locate and size windows to habitable rooms to avoid facing onto windows, balconies or courtyards of adjoining dwellings. | As the placement of building satisfies the setback controls no privacy controls or measures apply. |
| **4.3.9. Access**<br>• All weather 2WD access is required to the dwelling. | All weather access is provided to the development. |
| **4.3.10. Fencing**<br>• Street fencing shall be open or combination of open panels and masonry columns to a maximum height of 2.4 metres.<br>• Where a street fence is proposed, the section of side boundary fencing located in front of the building setback shall be open or combination of open panels and masonry columns to match front fence.<br>• Street fencing details are required with DA for dwelling.<br>• no barb wire on front or side fence below 2.2m | In the areas where the building does not act to secure the site a 1.8m high fence is proposed along the unnamed rear laneway, the boundary to residential properties to the west, and part of the Mitchell Street frontage. The height satisfies this control. |
| **4.8. Commercial & Retail Development** | |
| **4.8.1. Building Setbacks**<br>• No minimum setbacks are specified.<br>• Side and rear setbacks must meet BCA requirements | As above – complies. |
| **4.8.2. Height**<br>No height restrictions. | N/A |
| **4.8.8. Traffic and Access**<br>• All vehicles must be able to enter and exit the site in a forward direction.<br>• Design must demonstrate no conflict between pedestrian, customer vehicles and delivery vehicles.<br>• Wearing surfaces for access driveways, parking areas, loading/unloading facilities and associated vehicle manoeuvring areas relative to the design vehicle.<br>• Unsealed vehicle movement areas are not acceptable due to environmental management impacts.<br>• Loading bay(s) must be sited to avoid use for other purposes such as customer parking or materials storage and be linemarked and signposted.<br>• Site access not permitted:<br>o Close to traffic signals, intersection or roundabouts with inadequate sight distances;<br>o Opposite other large developments without a median island; | Each of these matters has been addressed by the design and satisfied, where applicable and relevant. |

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| ○ Where there is heavy and constant pedestrian movement on the footpath;<br>○ Where right turning traffic entering the site may obstruct through traffic.<br>• Separate, signposted entrance and exit driveways are required for developments requiring more than 50 parking spaces or where development generates a high turnover of traffic.<br>• The number of access points from a site to any one street frontage is limited to 1 ingress and 1 egress.<br>• Driveways must be provided in accordance with AS 2890.1 Parking Facilities | |

***Chapter 6 – General Development Specifications***

| Provision | Commentary |
|---|---|
| **6.3. Environmental Controls** | |
| **6.3.1. Environmental Effects**<br>The application documentation shall identify any potential environmental impacts of the development and demonstrate how they will be mitigated. These impacts may relate to:<br>• Traffic<br>• Flood liability<br>• Slope<br>• Construction impacts<br>• Solid and Liquid Waste<br>• Air quality (odour and pollution)<br>• Noise emissions<br>• Water quality<br>• Sustainability | This DA / SEE has addressed each of these matters with the exception of air quality which may be adequately mitigated through a condition of consent via a Construction Management Plan requirement. Council in pre-lodgement discussion with the project's engineer JHA advised that specific water quality measures were not required to be addressed or incorporated in this instance. The proposed concept stormwater design was considered suitable. Notwithstanding, construction sediment and erosion control measures are incorporated into the JHA civil engineering drawing set. |
| **6.3.2. Soil and Erosion Control**<br>• Runoff shall be managed to prevent any land degradation including offsite sedimentation.<br>• Cut and fill will be minimised and the site stabilised during and after construction.<br>• Arrangements in place to prompt revegetation of earthworks to minimise erosion. | As set out above. |
| **6.3.3. Vegetation**<br>Development design shall accommodate the retention of any significant trees and vegetation. | See further discussion in Section 5.5 below. The loss of 5 planted native trees and one dead tree is to be offset with the planting of 40 new trees. These supplement the retention of none (9) other trees on the site. |
| **6.3.4. Waste Management**<br>General waste storage and collection arrangements shall be specified. | A Waste Management Plan has been prepared and submitted as part of the DA. |
| **6.3.5. Noise**<br>Where relevant, applications are to contain information about likely noise generation and the method of mitigation. | A construction and operational noise assessment has been prepared and submitted as part of this DA – see also section 5.8 below. |
| **6.3.6. Geology**<br>The design process must give consideration to the potential impact of erosive soils, saline soils, soils of low wet strength, highly reactive soils and steep slopes and document how these constraints are addressed. | A Geotechnical Assessment accompanies this DA. |

### 5.2 Contamination and suitability of the site

As noted in the section above, remediation of the land will be required to remove surficial and other shallow-depth sub-surface asbestos containing material fragments from the site. The remediation works will be Category 2 Remediation Works under section 4.11 of Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021*, to which no development consent is required.

Based on the recommendations in the Site Contamination Investigation and RAP, the preferred remediation option to ensure the site is suitable for the proposed development, will be to excavate all the affected material (and validate the work undertaken that no visible asbestos is present on the site surface) and undertake off-site disposal at an appropriate waste facility. Validation assessment of the remedial works will confirm the asbestos impacted material as having been removed. A detailed site investigation is not required to demonstrate suitability of the site for the proposed use / development. A Remediation Action Plan is included for information as part of this application for information and to address the requirement that the consent authority be satisfied that if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, that the land will be remediated before the land is used for that purpose.

### 5.3 Earthworks and other civil engineering works

The earthworks generally are within the range of $\pm$ 1m above or below existing ground level at the site, with some outlying changes in level to the western and eastern parts of the site generally to maintain a suitable accessible and trafficable grade. The earthworks are not of a magnitude to significantly detrimentally affect environmental objectives, including tree protection, run-off, water quality, amenity, and the like.

Based on the modest nature and extent of the earthworks, they will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

The earthworks are unlikely to disrupt, or any detrimental effect on, localised drainage patterns and soil stability given the existing and proposed flat nature of the site. The addition of fill to the site will not impact adjacent properties by reducing amenity and privacy and will not impact any waterway, drinking water catchment or environmentally sensitive area,

In order to avoid, minimise or mitigate the impacts of the development, JHA has prepared a sediment and erosion control plan which identifies the details of the control measures, including the location and placement of stockpiles, site access shaker grids, sediment fences, and mesh and gravel inlet filters.

### 5.4 Flooding and stormwater management

The non-riverine flooding impacts upon the site and the proposed development in a 1:100 year event are modest. As noted water is modelled as pooling in isolated pockets to a depth of 0.2m. This is largely reflective of the existing variable flat topography in this general location of Bourke. The velocity of the water is accordingly likely to be slow and flood risk upon human health and safety and upon the structural integrity of the proposed building low.

The freeboard of the development is set higher than identified by Council in pre-lodgement discussion and therefore the development is readily suitable and able to comply with Council's basic requirements. This includes ensuring:

- Minimising flood risk to life and property associated with the use of land.
- Development on land is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change.
- Adverse or cumulative impacts on flood behaviour and the environment are avoided.
- The safe occupation and efficient evacuation of people in the event of a flood.

Based on the existing and likely future non-riverine flood scenario at the development site, Council can be satisfied that the development, due to its location, design, scale, and accessibility:

- Is compatible with the flood function and behaviour on the land.

- Will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties.
- Will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood.
- If relevant, incorporates appropriate measures to manage risk to life in the event of a flood.
- Will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.

### 5.5 Tree removal and protection

As noted earlier in this SEE, the site is not subject to any terrestrial biodiversity given its urban and disturbed nature. The site is not mapped by either the LEP or the NSW Government BOSET Biodiversity Values Map and Threshold Tool as containing any biodiversity value. Accordingly, the *Biodiversity Conservation Act 2016* does not apply. There will be no impacts upon any protected or threatened species in this regard.

Trees 1, 7, 13, 14 and 15 are proposed for removal as they sit within the footprint of the development or are in direct proximity of the footprint of development. Tree 5 is the dead tree and is to be removed. Only Tree 7, a *Eucalyptus sideroxylon* (Mugga Ironbark), is of some identified landscape significance with a good health. The balance of the trees are in a poor or fair condition with low landscape significance. The general justification for the removal of Tree 7 is to ensure / allow suitable vehicular ingress into the site whilst allowing for the retention of other trees within the site and the required floor space and configuration of the development. As noted in the treeIQ assessment, despite Tree 7's relative significance and current good health which *meets the criteria to be allocated Retention Value of Consider for Retention, the tree has a short (5-15 years) Useful Life Expectancy.*

Nine (9) trees are proposed to be retained and will be protected during works in accordance with legislative and Australian Standards measures as well as other practical measures set out in the treeIQ report at **Appendix I**.

Importantly, the removal of five (5) planted native trees and one dead tree will be offset by the planting of 40 new trees, including River Red Gums, River Box, Mulga, Kurrajong, and Desert Kurrajong all able to grow between 10m to 30m in height. This will significantly ensure the site's appearance and amenity and provide for shade within the courtyard and open areas of the site. The planting palette will include hardy climate tolerant shrubs, grasses, ground covers and climbers species to supplement the new and additional offset planting.

### 5.6 Urban Design

The potential for environmental impacts to arise from the design, siting, and materials chosen is unlikely. As discussed, the building is relatively modest in scale and height, being single storey up to 6.6m in height from existing ground level, and is designed to largely blend with the civic and residential urban contexts within which it sits. The siting of the building is consistent with residential setbacks required under the DCP noting also the prominent visible location of this corner of Mitchell and Tarcoon Streets. This allows the building to make a different statement than adjacent residential development and address the corner more distinctly than a more domestically-scaled development might. It provides a built edge to the streets in its L-shaped form and is set away from the adjacent residences to the west.

In terms of addressing the 4.5m setback control for residential developments, and justifying the 3.1m setback for the Tarcoon Street frontage, the following is provided.

- The basis for the existing 3.1m setback is driven by the National Construction Code (NCC), where the minimum setback is 3.0m from a fire source feature (boundary) to not have to fire rate the development's external wall. The extra 100mm is for construction tolerance.
- The balance of the development is then designed and set to avoid additional tree impacts or tree removal at the site and to appropriately place the site's access points from that datum.
- As noted, the DCP is not a statutory requirement and operates as a guide only. A non-compliance is reasonable in the context. Most relevantly, no DCP setback controls operate for this form of development.

- Council has indicated applying the residential controls to a non-residential development is appropriate due to the land's zoning. However this is incongruous in the context of the site's location and range and mix of land uses in its immediate environs.
- There is no prevailing uniformity in land use nor setbacks in this part of Bourke, despite the zoning.
- The residential 4.5m setback off all street frontages is not a reasonable target or outcome in the context. If the closest development type was applied (Commercial/retail) the setback would be 0m or at worst compliance with the BCA (0.9m or 3.0m as set out above).
- The prevailing pattern of setbacks along Tarcoon Street (where Tarcoon Street is not the primary frontage, such as this site) vary in this locality based on measurements taken from SixMaps. The setbacks are generally less than 4.5m and more commonly zero. The Tarcoon Street side setbacks rarely meet or correspond with the 4.5m control.
- The setbacks should more relevantly then be a function, or reflective, of the hierarchy of the respective streets. In this regard to apply a 4.5m side setback to Tarcoon Street would infer Tarcoon Street having the same role or status as Mitchell Street, which it does not. It is clearly secondary to Mitchell Street and the setback ought reasonably to mirror the same.
- Relevantly, the site is a corner lot and corner lots can reasonably (or justifiably) have an alternative approach to built form and urban design in addressing the corner. The general and commonly applied urban design principle is to build to corners to emphasise block edges. It is fair to note that the Bourke DCP does include the following provision in relation to Commercial / Retail developments

  *Development on corner sites shall incorporate splays, curves, building entries and other architectural elements to reinforce the corner as land mark feature of the street.*

- Above all, there are no streetscape, visual, amenity, overshadowing, or privacy impacts arising from the current design and setback. None of these matters would be improved if the 3.1m setback was increased to 4.5m.

Based on the current design, there are consequential impacts in seeking to strictly comply with the control (which arguably does not apply). These include the following:

- The current position is the optimal setback for the location of the swale within the landscaping, and the carpark entry (and corresponding egress to retain a logical car park design within the development).
- The current design maximises landscape between the building and carpark without encroachment upon that landscaping or diminishing its extent.
- Loss of a possible future stage of development or site capacity opportunities should growth be needed.

The chosen materials' tones and textures are generally expressive in portraying a naturalistic and rusticated finish. The scale, materials, and siting of the development complements its location without being jarring. The visual impacts are likely to be negligible despite the introduction of new development at this frontage of the longstanding vacant site. The development will generally reinforce the scale of civic infrastructure within this eastern part of Bourke.

***Overshadowing and privacy***

As shown in **Figure 36**, the likely overshadowing of the development during the winter solstice is confined to the development site and parts of the adjacent unnamed rear lane during the majority of the day and part of Tarcoon Street in the afternoon only. In the summer solstice all shadows fall within the site, other than minor shadowing of the Tarcoon Street verge from mid-afternoon onwards. There will be no impact upon any of the development's neighbours, including residential development to the west and south.

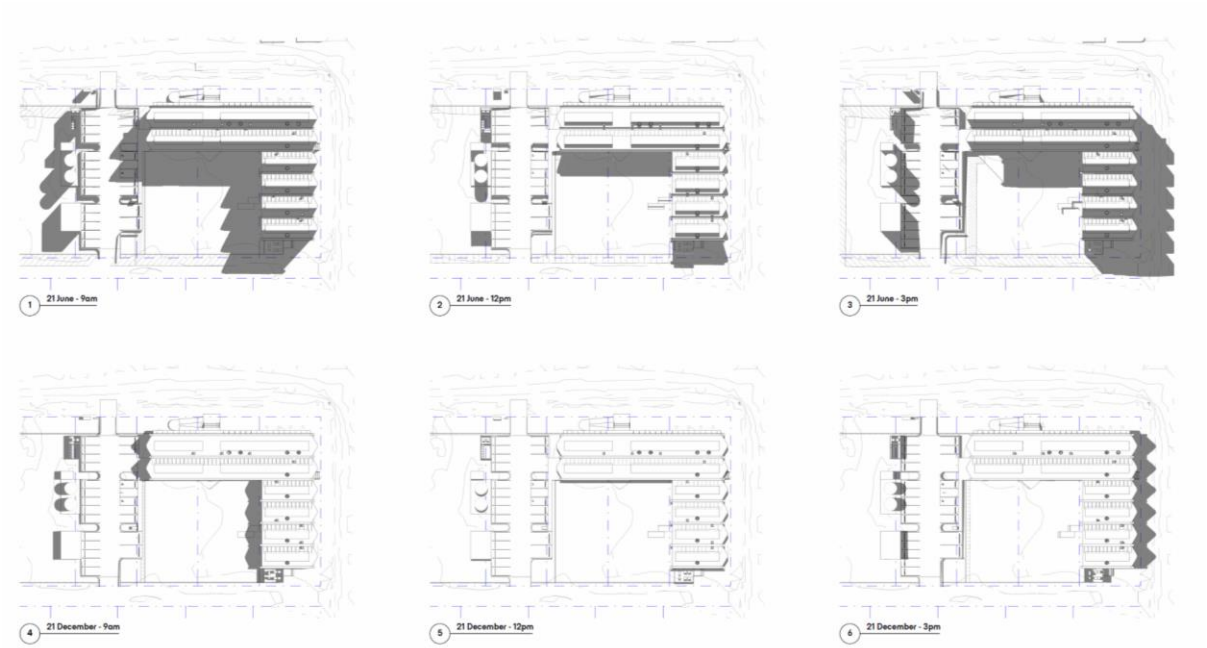


**Figure 36 – Winter and summer solstice shadow diagrams (DunnHillam)**

## 5.7 Traffic, Access and Parking

***Construction***

Whilst the pdc Traffic Impact Assessment at **Appendix E** does not specifically address construction-related traffic, it is clear that in the context of the scale of the development, the size of the site, the likely duration of the works, the general availability of parking at and near the site, as well as the capacity of the road network around the site that construction traffic impacts are likely to be minor and manageable.

Access into the site during construction is likely to be via the unnamed rear laneway with suitable areas for on-site car parking as well as at the perimeter of the site on Tarcoon Street and Mitchell Street. The existing road network will be able to suitably accommodate the minor additional traffic. In the event the proposed off-site prefabrication opportunities as described in the DunnHillam Architectural Design Statement arise, the construction traffic generated and associated impacts would commensurately reduce with the reduced workforce and reduced duration of construction.

A formal construction traffic management plan will, as per standard conditions of consent, be expected to be completed once the contractor has been engaged and the construction methodology is confirmed.

***Operation***

<u>Traffic generation and impact upon intersections</u>

Using a first principles assessment of the car parking demand of the development, and in consideration of AM and PM peak periods, pdc has projected that the traffic generation (and net increase due to the vacant existing site) will be:

- 22 vehicle trips / hour (22 in / 0 out) during the AM peak.
- 22 vehicle trips / hour (0 in / 22 out) during the PM peak.

The proposed development will result in a net increase in traffic generation of 22 vehicle trips / hour during the weekday AM and PM peak periods. This equates to only one additional vehicle trip every two -three minutes which will have a negligible impact on the performance of the external road network or key intersections in the locality and accordingly, no external road improvements will be required to facilitate the development.

Computer modelling techniques available to analyse intersection performances are not sensitive to such small changes in traffic volumes and hence, such an assessment is not considered to be required. The traffic impacts of the proposed development are therefore considered acceptable.

The subject site is within proximity of a '40 km / hour School Zone' (the school zone) associated with Bourke High School, located immediately west of the site, on the eastern side of Tarcoon Street. The hours of operation of the proposed development generally coincide with the operations of the school zone. During this period, there will be heightened pedestrian and vehicle movements associated with the pick-up and drop-off operation of school students, particularly around the site.

pdc has considered the impacts of the interaction of the two land uses upon Tarcoon Street and its environs. It advises:

- As with any redevelopment near a school, there will be an uplift of vehicle trips that will interact with school pedestrians and vehicles.
- With the school zone in operation, the immediate vicinity of the site will be subject to 40 km/h speed zoning restrictions creating a low-speed environment that will assist drivers with reacting to any issues that may occur on the road.
- For exiting drivers leaving the site onto Mitchell Street, it is noted that both vehicles travelling along the road and pedestrians travelling along the footpath have right-of-way. Exiting drivers are to stop within the site until there is a clear gap in both vehicle and pedestrian traffic before joining the traffic stream along Mitchell Street. To enforce this, 'Stop' signs may be installed at the exit-only driveway onto Mitchell Street, facing exiting drivers.
- Trip generation of the subject site is relatively low in comparison to that of the school and the existing road network and accordingly, no material impacts would be experienced by users of the school.

Access

As discussed earlier in this SEE, ingress to the site is from the unnamed rear laneway with egress to Mitchell Street. To meet the requirements of Australian Standards a 6.1m wide ingress is proposed along with a 4.5m egress driveway. The proposed arrangements have also been assessed using swept path analysis which confirms compliance with AS 2890.1, and that the proposed access arrangements will operate safely and efficiently.

Sight distance requirements have been considered and found to be suitable given the 50km/h speed restriction at Mitchell Street and the egress only arrangement in that location.

Noting the straight alignment of Mitchell Street and its relatively flat grade, with no notable horizontal or vertical curves, at either side of the exit-only driveway, the sight distances achieved at the access driveway are in excess of 69 metres, being the 'desirable 5s gap'. The sight distance arrangements at the exit-only driveway are acceptable.

Parking

The proposed open at-grade car park provides for:

- 10 staff spaces for use by permanent health practitioners and visiting specialists.
- Two (2) visitor spaces.
- 10 BACHS fleet spaces. Two of the senior administration staff members, the Chief Executive Officer (CEO) and Deputy CEO, are designated with two fleet vehicles.
- A dedicated ambulance bay.

Based on the GFA of the development, its general functionality and usage, and the nature of visitation to the site by clientele, the proposed 22 spaces have been considered appropriate by pdc in applying a first principles approach to car parking demand and traffic generation.

No bicycle or motorcycle parking is proposed on the basis of the use and with cross-reference to Council's DCP for medical centres.

See pdc's Traffic Impact Assessment at **Appendix E**.

## 5.8 Noise Impacts

A noise impact assessment has been prepared for the proposed development addressing both construction and operational noise impacts likely to arise – see **Appendix O**. The following separately addresses construction and operational noise along with any required mitigation measures to manage likely or foreseeable impacts in consideration of sensitive receivers of noise adjacent, or in proximity, to the site / development.

Sensitive receivers of noise are tabulated below, as derived directly from the JHA assessment.

| *ID* | *Sensitive Receiver* | *Receiver Type* | *Distance (m)* |
|---|---|---|---|
| 1 | 86 Mitchell Street | Residential | ≤5 |
| 2 | 121 Oxley Street | Residential | ≤5 |
| 3 | 107 Mitchell Street | Residential | 25 |
| 4 | Bourke Seventh-Day Adventist Church | Place of Worship | 60 |
| 5 | Holy Spirit Catholic Church | Place of Worship | ≤5 |
| 6 | Darling River Motel | Commercial | 140 |
| 7 | Bourke Highschool | Educational | 80 |

Table 1: Nearest sensitive receivers surrounding the site location plus approximate distances.

***Construction***

While a detailed construction program is yet to be formulated, appropriate assumptions can be made regarding the typical types of plant and equipment to be used in a worst-case conservative scenario and the likely noise power levels generated by that equipment and the corresponding predicted noise levels at the closest sensitive receiver, namely 86 Mitchell Street.

Standard EPA construction hours are expected, as follows:

- Monday to Friday: 7am to 6pm.
- Saturday: 8am to 1pm.
- Sundays and Public Holidays: No excavation or construction works.

JHA advises that based on the results of the preliminary assessment, the noise associated with the normal construction works is expected to exceed the noise limits for highly noise affected receivers within standard hours.

Nevertheless, compliance with the relevant construction noise criteria can be achieved through specific noise mitigation measures such as acoustic screening around the site. These noise mitigation measures are to be provided in a detailed Construction Noise & Vibration Management Plan and prepared by a qualified acoustic consultant prior to Construction Certificate.

JHA has set out the types of mitigation measures that could be employed to manage noise (and vibration) impacts within the locality, including more generic measures to temporary noise shielding. These include:

- Plant and equipment choice.
- On-site noise management practices.
- Work Scheduling.
- Consultation, notification, and complaints handling.

Further, from a construction traffic noise perspective, there is not expected to be any exceedances of the NSW Road Noise Policy due to the traffic generation from the proposed development during the AM and PM peak hours.

***Operation***
The operational noise impacts will be less intrusive, and whilst they are not temporary, they will nonetheless be periodic only in relation to the operation of mechanical plant. As the choice of such plant is still to be finalised, only conservative assumptions can be made as part of the JHA assessment.

Nonetheless, JHA has advised that the mechanical plant is predicted to comply during the day-time period and evening / night noise criteria, noting the assessment is a worst-case scenario of all units running at full capacity during the evening, this is unlikely as the development proposes after hours operation to only service specific services and needs which will unlikely require the use of all external plant to operate at full capacity. Therefore noise impacts are likely to be less than the predictions made by JHA in their assessment.

To address operational noise impact JHA has recommended the following acoustic screening attenuation measures are required to achieve compliance in accordance with NSW Noise Policy for Industry:

- Condenser units to run at low capacity during the evening and night periods to achieve 3dB reduction.
- Install acoustic screening around the southern condenser plant deck as shown in Figure 4 of the JHA assessment. The screening shall extend at 300mm above the top of the plant. Based on 1.7m high units and assumed 100mm plinth, the height of the screening should be at least 2.1m.
- The minimum surface mass of the solid barriers shall be not less than 12kg/m2 and be free of any air gaps. Alternatively, acoustic louvre can be used for the screening, equivalent to ACRAN 200. The performance of the acoustic louvre shall meet the following transmission losses, shown in the Table 11 of the JHA assessment at a minimum.
- 50mm internally line any discharge duct installed to condenser units, and to not exceed more than 100mm from the top of the screening.
- Install weather-proof louvre to the northern condenser plant deck as shown in Figure 4 of the JHA assessment. The weather-proof louvre shall extend at 300mm above the top of the plant.

The temporary diesel generator will only operate periodically once brought to the site. Noise from emergency generators within the development should generally be controlled to ensure external noise emissions do not impact the amenity of noise sensitive receivers. There is no criteria for noise emissions from emergency generators, however it is recommended that a generator set that is acoustically treated be used for installation during these events in order to mitigate the noise emissions to surrounding sensitive receivers.

Predicted noise emissions due to operational use of the carpark is not expected to exceed the relevant noise criteria during the day times hours to the surrounding residential receivers, noting some shielding of car park noise to the west is likely due to new built form and structures between the car park and the closest neighbour to the west at 86 Mitchell Street.

Again, and further, from an operational traffic noise perspective, there is not expected to be any exceedances of the NSW Road Noise Policy due to the traffic generation from the proposed development during the AM and PM peak hours. Given the nature of the BACHS operation it is unlikely ambulance siren noise will be generated at the site as the facility does not cater for emergency treatment in the same manner as a typical hospital does.

Acoustic assessment of all mechanical plant will continue during the detailed design phase of the project in order to confirm any noise control measures.

### 5.9 Servicing of the site

Under the Bourke LEP, development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—

(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.

As set out earlier in this SEE, adequate and suitable supply of water and electricity is proposed, including emergency back-up electricity supply. The disposal and management of sewage is planned for, whilst the stormwater drainage measures are compatible with pre-lodgement advice provided by Council in draining rainwater to the street. As noted, the proposed stormwater management design for the development involves the collection of stormwater runoff either via a pit and pipe network or a series of open channels. These systems drain to a single kerb and gutter connection within Mitchell Street, to the north of the site, and via four (4) stormwater kerb and gutter connections to Tarcoon Street to the west. In addition, four underground tanks with capacity of 20,000 litres are proposed under the northern-eastern corner of the site to capture rain water for reuse within the development.

The proposed vehicular access is suitable in splitting inward and outwards movements to the unnamed rear lane (ingress) and to Mitchell Street (egress). TfNSW will need to be consulted during the DA assessment process to provide its concurrence consistent with requirements under the TISEPP.

### 5.10 BCA and access compliance

DC Partnership has prepared a BCA statement / Building Code Report - see **Appendix P**. DC Partnership advises (and concludes) that subject to the various measures set out in the assessment, compliance with the provisions of the BCA is readily achievable. Compliance matters will be captured as the design evolves through design development. Furthermore, such matters can be adequately addressed during certification without giving rise to inconsistencies with any development consent.

An Accessibility Capability Statement has also been prepared by DC Partnership to address DDA compliance – also at **Appendix P**. The development, including the substantive community health centre component of the building, as well as the multi-purpose room and car park, is capable of achieving compliance with the relevant accessibility provisions of the BCA, whether as Deemed to Satisfy or via performance solutions.

### 5.11 Operational aspects of the development

As noted, the operation of the facility generally involves a like-for-like transition from the existing 61 Oxley Street, Bourke and 8 Sturt Street, Bourke addresses to this new address. Existing hours of operation are maintained and existing servicing and other operational aspects of the facility will also be maintained.

The operation of the facility is unlikely to have anything more than a negligible to minor impact upon the locality in terms of management of waste, traffic generation, operational noise, and other possible amenity or environmental impacts. This is chiefly because the existing uses are transferred to a new location where they are consolidated into a purpose-built and contemporary building and facilities. The development in itself does not result in a net gain in clientele or usage. As previously described, the facility will enhance visitation and reduce existing waiting lists and delays to providing health care services for the existing clientele. The consolidation of services to a site able to cater for the use and the development as a whole removes the existing dispersal of a range of existing minor impacts across two locations.

### 5.12 Social and Economic Impacts

The social and economic impacts of the proposed development are generally deemed to be positive given the identified need to (continue to) provide health care services to the Bourke Aboriginal population albeit within a new expanded purpose-built and contemporary facility. The development maintains the facility's accessibility and connection to the Bourke Aboriginal community. The development provides for a compatible and permissible land use in its location. The development also enables BACHS to better cater for its existing clientele under contemporary health project design requirements. The development continues to support its existing clientele and catchment with only a

small change of location, noting many clients will rely upon either the dedicated BACHS or the 'Wilba' bus service to access the site.

The subject DA also demonstrates BACHS's investment in renewed and expanded health services for the locality, and local population and catchment. The direct impacts associated with maintaining and enhancing health care services within the locality ensures the social benefits of such services can be maintained in the short-term and can grow over the longer-term. The benefits of this investment are likely to be palpable and immediate. Similarly, the new BACHS facility will become an instant community asset.

Additionally, the construction works provide economic stimulation to the labour market and other local businesses and the preliminary steps towards social benefits and prosperity from investment in social infrastructure and facilities which meet both the Council's and the State's broader infrastructure and jobs delivery objectives and goals.

The consequences of not proceeding with the development as proposed at this site can only be identified as negative. To do nothing would not result in any positive outcomes that are likely to arise.

### 5.13 Suitability of the Site

The site's suitability for the proposed development is demonstrated through:

- its permissibility under the Bourke LEP.
- the limited number of development controls or provisions in place in relation to development of the site.
- the development's general benign or manageable nature in terms of negative impacts upon other uses within the locality, and its immediate vicinity.
- the development's positive contribution in the (ongoing but improved) delivery of a much needed new health services facility.
- the general lack of environmental and planning constraints present on the site, and ability for the development to manage these constraints where they arise.
- the positive economic and social impacts as identified above and the public interest outcomes highlighted below.

### 5.14 The Public Interest

The proposal involves the delivery of a new relocated and consolidated health care facility within the same general location near the centre of the Bourke township. The development is an important step in further delivering upon BACHS vision and its objectives of supporting and providing for health services to the Bourke Aboriginal community.

The site presents a significant opportunity to provide a permissible development that meets the few relevant planning controls and which has a minimal impact upon its environs.

The proposal suitably addresses or mitigates the short-term and temporary impacts upon the environment and the amenity of its neighbours arising from construction. Its impacts are minor and manageable in their context. To forego the subject development as proposed would not be in the broader public interest.

## 6.0 CONCLUSION

The proposed construction and use of the relocated BACHS health care facility from 61 Oxley Street, Bourke and 8 Sturt Street, Bourke to new purpose-built premises at 88-96 Mitchell Street will have no significant or lasting adverse environmental impacts upon its locality. This includes noise, stormwater run-off, air quality, traffic or other impacts during construction. Any impacts it does have are short-term and temporary and will be able to be suitably managed and mitigated, including through the provision of suitable conditions of consent as imposed by Council and subsequent adherence to environmental management plans during construction.

The built form of the development is generally modest and domestic in scale given its single-storey height. This is consistent with other existing developments within its immediate context, particularly nearby residences and other civic and social infrastructure development clustered nearby, including the Bourke High School, Bourke Hospital and the Holy Spirit Catholic Church. This includes providing an appropriate design and built form response to the adjacent context. The removal of five (5) planted native trees and one dead tree will be offset by the planting of up to 40 new trees. These supplement the nine (9) trees proposed to be retained.

The operation of the facility will generate few additional traffic movements to that already experienced in the locality in relation to the existing site and adjacent land uses, including peak periods of activity at those land uses, such as Bourke High School.

The DA is supported by a range of specialist reports which collectively identify that the overall impact of the development is minor and manageable in both its construction and operational phases, and the site is appropriate for the development given it is able to be serviced, will cater for its traffic and parking demands, and is designed to be compatible with its urban context. The development of the site is also consistent with the few statutory planning controls that apply, including permissibility.

It is recommended that the Regional Planning Panel grant consent to this DA.