

## COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	
<b>DA Number</b>	DA2019/161
<b>LGA</b>	Wentworth Shire Council
<b>Proposed Development</b>	<p>Construction of a new Community Health Centre comprising of a single storey building, which contains 3 consulting rooms, 1 dental consulting room, 3 interview rooms, 1 bariatric treatment room, 2 group meeting rooms, 1 gym, open plan offices and staff facilities and reception, waiting areas and toilet facilities.</p> <p>The Community Health Centre will also include 2 ancillary car parks to accommodate 41 car spaces and 1 wash bay/trailer space. Two driveway cross-overs will be provided along the Pitman Avenue frontage to provide entry and exit points from the visitor and staff car parking area. A single crossover entry and exit point will be provided along Friel Street to provide access to the fleet car parking.</p>
<b>Street Address</b>	Silver City Highway, Buronga – Lot 914 DP 756961
<b>Applicant/Owner</b>	Currie & Brown
<b>Date of DA lodgement</b>	11 December 2019
<b>Number of Submissions</b>	0
<b>Recommendation</b>	Development Application Number DA2019/161 be approved subject to conditions
<b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011</b>	The proposed development satisfies Clause 4 Schedule 7 SEPP (State and Regional Development) 2011, being a development that has a Capital investment value exceeding \$5 million for development carried out by or on behalf of the Crown (within the meaning of Division 4.6 of the Act). Applicant CIV estimate was 6 M
<b>List of all relevant s4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>- Environmental Planning and Assessment Act 1979</li> <li>- Environmental Planning and Assessment Regulations 2000</li> </ul> <p>State Environmental Planning Policies (SEPPs):</p> <ul style="list-style-type: none"> <li>- SEPP No. 55 – Remediation of Land</li> <li>- SEPP (Infrastructure) 2007</li> <li>- SEPP (State and Regional Development) 2011</li> <li>- SEPP No. 64 – Advertising and Signage</li> </ul> <p>Local Environmental Planning Policies:</p> <ul style="list-style-type: none"> <li>- Wentworth Local Environmental Plan (WLEP) 2011</li> </ul> <p>Development control plan:</p> <ul style="list-style-type: none"> <li>- Wentworth Development Control Plan 2011 (DCP)</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<p>Attachment 1: Statement of Environmental Effects</p> <p>Attachment 2: Plans of proposed development</p> <p>Attachment 3: Reports in support of the proposed development</p> <p>Attachment 4: Soil Investigation Report</p> <p>Attachment 5: Draft Conditions</p>
<b>Report prepared by</b>	George Kenende, Development Assessment Officer

<b>Report date</b>	6 March 2020
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#### **Summary of s4.15 matters**

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

#### **Legislative clauses requiring consent authority satisfaction**

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**

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

#### **Clause 4.6 Exceptions to development standards**

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Not Applicable**

#### **Special Infrastructure Contributions**

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **Not Applicable**

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

#### **Conditions**

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

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

## **Executive Summary**

### **Reason for consideration by Joint Regional Planning Panel**

The proposal has been referred to the Joint Regional Planning Panel (JRPP) due to the cost of construction exceeding \$5M for development carried out by or on behalf of the Crown (within the meaning of Division 4.6 of the Act) Clause 4 Schedule 7 SEPP (State and Regional Development) 2011. Applicants CIV estimate was \$6 M

### **Proposal**

Construction of a new integrated Community Health Service Facility comprising of 3 consulting rooms, 1 dental consulting room, 3 interview rooms, 1 bariatric treatment room, 2 group meeting rooms, 1 gym, open plan offices and staff facilities and reception, waiting areas and toilet facilities.

The health centre will include 2 ancillary car parks to accommodate 41 car spaces and 1 wash bay/trailer space. Two driveway crossovers will be provided along the Pitman Avenue frontage to provide entry and exit points from the visitor and staff car parking area. A single crossover entry and exit point will be provided along Friel Street to provide access to the fleet car parking.

### **Permissibility**

The site is zoned RU5 Village pursuant to the Wentworth Local Environmental Plan, 2011 (WLEP 2011). The proposed development is defined under the group term 'Health services facility' and is characterized as having components of a 'medical centre' and 'community facility', which are permissible within the RU5 Village zone pursuant to the provisions of the WLEP 2011.

### **Consultation**

The proposal was publicly notified in accordance with Council's Community Participation Plan. No submissions were received during the public notification.

### **RECOMMENDATION**

It is recommended that the proposal is approved subject to conditions.

## **APPLICATION OVERVIEW**

<b>Development Application Number:</b>	<b>DA2019/161</b>
<b>Property Title &amp; Address:</b>	Lot 914 DP 756961 & Silver City Highway Buronga
<b>Property owner(s):</b>	Crown - WSC Trustee Pitman Avenue Recreational Reserve
<b>Applicant(s):</b>	Currie and Brown
<b>Date of Lodgement</b>	11 December 2019
<b>Proposal:</b>	Community Health Centre
<b>Previous DAs:</b>	n/a
<b>Cost of proposed development:</b>	\$6 000 000.00

## **SITE AND SURROUNDING DEVELOPMENT**

The subject site comprises of Lot 914 DP 756961 located in Buronga. The Lot has an area of 9055 m<sup>2</sup> and has frontages to Silver City Highway to the West, Pitman Avenue to the South and Friel Street to the East which links it to the surrounding area.

The subject site is zoned RU5 Village under the Wentworth Local Environmental Plan 2011 (WLEP 2011). The subject site is a slightly irregular shaped vacant Lot with fencing located on a small part of the Western and Southern boundaries of the property. Adjoining Lots are mixed use, with vacant Lots to the North; residential Lots to the East; state highway and park to the West and a church and school to the North. The site does not contain a heritage item or is located within the heritage conservation area. The site is not located within the bushfire and flood prone mapping. No other relevant mapping is affecting the subject land.

## **DESCRIPTION OF PROPOSAL**

The proposal seeks development consent to construct a community health centre on the subject site. The proposed health centre will involve a single storey building that will contain 3 consulting rooms, 1 dental consulting room, 3 interview rooms, 1 bariatric treatment room, 2 group meeting rooms, 1 gym, open plan offices and staff facilities and reception, waiting areas and toilet facilities.

The health centre will also include 2 ancillary car parks to accommodate 41 car spaces and 1 wash bay/trailer space. Two driveway crossovers will be provided along the Pitman Avenue frontage to provide entry and exit points from the visitor and staff car parking area. A single crossover entry and exit point will be provided along Friel Street to provide access to the fleet car parking.

## **HISTORY RELEVANT TO THE DEVELOPMENT APPLICATION**

There are no previous developments on record for the subject land.

A pre-lodgement meeting was held between Council staff and a representative from Currie & Brown. The minutes of this meeting are located within the Statement of Environmental Effects (SEE).

## **SECTION 4.15-MATTERS FOR CONSIDERATION**

**(1) The provisions of any environmental planning instrument and development control plan**

## **State Environmental Planning Policy**

### State Environmental Planning Policy (State and Regional Development) 2011

The proposed development is Regionally Significant Development based on Schedule 7 of this SEPP.

Crown development means development that is made by or on behalf of the Crown. The 'Crown' refers both to the Queen of Australia and to a state or territory. In this context, the applicant, Currie & Brown on behalf of Far West Local Health District (NSW Health), being a state government entity, is the Crown. Clause 4.33 'Determination of Crown development applications' confirms that:

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

*(a) refuse its consent to a Crown development application, except with the approval of the Minister, or*

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

The proposed development satisfies Clause 4 of Schedule 7 of the SEPP (State and Regional Development) 2011, being a development that has a Capital investment value (CIV) exceeding \$5 million for development carried out by or on behalf of the Crown (within the meaning of Division 4.6 of the Act). Applicant CIV estimate was \$6 million.

As such the RPP has the function of determining the application in accordance with section 2.15(a) of the EPA Act.

### State Environmental Planning Policy (Infrastructure) 2007

The provisions of State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) have been considered in the assessment of the development application.

The Silver City Highway is a classified State Road. The objectives and provisions of Clause 101 (Development with frontage to classified road) are satisfactorily addressed. Vehicular access is provided from Pitman Avenue and Friel Street and the functioning of the Silver City Highway will not be affected by the proposed development.

The application was referred to Transport for NSW (formerly RMS) for comment.

### State Environmental Planning Policy No 64—Advertising and Signage

As no specific details for signage were produced, it can't be assessed against this SEPP in this report. Any proposed signage for the community health centre facing a classified road (Silver City Highway) might require approval and will need to meet the requirements of this SEPP.

### State Environmental Planning Policy No 55—Remediation of Land

A history search conducted of the subject site did not identify any past land uses which might have caused it to be contaminated.

## **Wentworth Local Environmental Plan (WLEP) 2011**

The subject land is zoned RU5 Village.

The proposed community health centre is permitted with consent as it meets the definitions of a Health Services Facility as per 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.”*

The zone objective are as follows:

- *To provide for a range of land uses, services and facilities that are associated with a rural village.*
- *To promote development in existing towns and villages in a manner that is compatible with their urban function.*
- *To encourage well-serviced sustainable development.*
- *To ensure there are opportunities for economic development.*
- *To deliver new residential and employment growth in Buronga and Gol Gol.*
- *To ensure business and retail land uses are grouped within and around existing activity centres.*

The proposed development is consistent with the relevant objectives of the RU5 Village zone.

#### Development standards

<b>Wentworth Local Environmental Plan (WLEP) 2011</b>		<b>COMMENT</b>
<b>Clause</b>	<b>Standard</b>	
4.3	Height of building	Not relevant because not adopted into the WLEP. Proposed building will have maximum height of 6.02. No significant impacts anticipated due to the surrounding land uses and distance to nearby buildings.
4.4	Floor space ratio	Not relevant because not adopted into the WLEP. The SEE addressed how the scale of the development will be appropriately built to be compatible with the surrounding locality.
4.6	Exception to development standards	Not relevant as no WLEP development standard will be varied.
5.6	Architectural roof features	Not adopted in the WLEP
5.10	Heritage Conservation	Not located in heritage identified area

7.1	Earthworks	Adequately addressed with the inclusion of expert reports
7.2	Essential Services	Expert report provided clearly identifies the services available for connection to the subject land
7.3, 7.4 & 7.5	Flood planning, Terrestrial biodiversity & Wetlands	Based on WLEP 2011, the subject land is not flood liable and not located in terrestrial biodiversity & wetlands mapped area

### **Wentworth Development Control Plan (DCP) 2011**

The proposed development is acceptable against the relevant provisions of the Wentworth Development Control Plan (DCP) 2011 as outlined in Table 3, Section 4.2.36 of the SEE. The 2.2 m secondary street frontage setback to Friel Street was missed under the assessment of the setback in Chapter 6.

The subject site is not located within land identified in 'Map to Clause 8.1' and as such the development was not required to be assessed against Chapter 8 of the WDCP. However, after reviewing the assessment against Chapter 8 of the DCP conducted in the SEE it has been found to be adequate and no further assessment against the WDCP has been undertaken in this report.

### **(2) The provisions of any draft environmental planning instrument**

There is no Division 3.4 draft environmental planning instrument that affect the proposed development. (Post 1 July 2009 LEP amendments).

### **(3) Any matters prescribed by regulations**

There are no further matters prescribed by regulations.

### **(4) The likely impacts of the development**

There are no likely impacts from the proposal as discussed in the table below.

<b>Impact item</b> <i>(insert an 'x' in the relevant section)</i>	<b>Acceptable</b>	<b>Not acceptable</b>	<b>Not relevant</b>	<b>Comment</b>
Context and setting	X			The proposed uses will fit in the area and not negatively disrupt the existing land uses
Public domain & Streetscape	X			Development will be visible from the public area, but does not detract from the surrounding area
Landscaping	X			The landscaping plan provided is satisfactory

Stormwater	X			A stormwater plan was provided as part of the DA. The plan adequately addressed the management of the stormwater from the new development
Heritage	X			No local heritage items on site, adequate due diligence was conducted to manage aboriginal heritage.
Soils & Soils Erosion	X			Soil erosion adequately addressed in the erosion management plan
Air and microclimate	X			Condition will be imposed to control emission from the building site.
Water Resources	X			None located on land, and none expected to be impacted by proposed development.
Biodiversity (Flora & Fauna)	X			The subject site is vacant, no vegetation to be removed as part of the development
Land Resources	X			None located on the site expected to impact the proposed development.
Utilities	X			All services are available for connection to the new development
Access & Parking	X			Adequate access and parking provided as shown in the traffic report.
Roads & Traffic	X			Traffic report provided addresses possible impacts from the development
Solar Access and Energy Efficiency	X			Adequate solar access available to the proposed development, energy efficiency will be addressed during the building certification.
Overshadowing	X			Overshadowing diagram shows that any impact from the proposed development will be minor in nature.
Privacy & Overlooking				No land uses located close to the development to be impacted by overlooking
Flooding	X			The subject land is not located within flood liable land based on the WLEP 2011 flood mapping
Bushfire Prone Area	X			The subject site is not located within the bushfire prone mapped area
Noise	X			Noise is anticipated during construction. The environmental noise assessment provided addresses noise from the subject site during the health centre operation
Technological hazards	X			No technological hazards anticipated from the proposed development
Safety, Security & Crime Prevention	X			Adequate lighting will be provided for the facility and along the car parking area as well.
Social and Economic Impacts	X			The development will provide much required health care service in the Buronga/Gol Gol and surrounding area.

#### **(5) The suitability of the site for development**

The site is suitable for the proposed health centre as it will not have any adverse impact on the locality. The proposed development is permitted by the RU5 Village zoning of the area under the Wentworth LEP 2011. The site where the development will be located is vacant, and utilities are easily available for connection.

#### **(6) Any submissions made in accordance with this Act or Regulation**



The application was notified for 14 days. No submissions were received.

## **(7) The public interest**

The development has been assessed against state and local environmental planning instruments and the development control plan. The proposed development has a suitable built form and size that is compatible with surrounding development. The amalgamation of community health services into one location should improve the management and delivery of community health. It will provide much required health care service in the Buronga/Gol Gol and surrounding area. The proposed development will provide space for community groups to meet and/or hold a wide range of activities. Moreover, no objections were received during the public notification period.

### **DEVELOPMENT CONTRIBUTIONS**

The Wentworth 7.12 Development Contribution Plan authorises the imposition of contributions on development. Under part 3.5 "Exemptions to the levy" an application for or on behalf of the NSW Government for public infrastructure, such as but not limited to hospitals, police stations, fire stations; education facilities and public transport infrastructure may be exempt from paying the contribution levy.

The proposed health care facility is being done as a State government community health facility. Therefore, no Section 7.12 contribution is payable in relation to the proposed community health facilities.

### **COMMENTS FROM COUNCIL INTERNAL DEPARTMENTS**

<b>Department</b>	<b>Referred Y/N</b>	<b>Comments</b>
<b>Building</b>	<b>Y</b>	BCA Class: 5 Fire separation to the rear boundary does not comply with the deemed to satisfy provisions of the BCA, however, this matter will be dealt with at CC stage and may not require any changes in setback dimensions. Application to discharge trade waste to Council sewer is required. No further building department requirements prior to the issue of a DA.
<b>Roads &amp; Engineering</b>	<b>Y</b>	Satisfied with the plans provided, no other comment.
<b>Finance &amp; Policy</b>	<b>N</b>	

### **COMMENTS FROM REFERRAL AGENCIES**

#### **Transport for NSW (formerly Roads and Maritime Services)**

No Objection, but advised that any proposed signage may require referral to TfNSW for assessment.

#### **Essential Energy**

No Objection, but provided general comments which will be attached to the conditions as advisory notes.

### **NTSCORP**

No objection  
**CONCLUSIONS**

- 1. General comments:**
- 2. The proposal satisfies the points for consideration listed under Section 4.15 of the *Environmental Planning and Assessment Act*.**
- 3. The proposal occurs on land zoned RU5 Village. The proposal is not considered to have detrimental impact on the site and surrounds.**
- 4. The proposal is consistent with the Wentworth Shire Development Control Plan (Dec 2011).**
- 5. The proposed community health centre accords with the objectives, requirements and provisions of the relevant State Environmental Planning Policies.**
- 6. There is no draft local environmental plan affecting the proposed development.**

**Recommendation:**

This application has been assessed having regard for Section 4.15 (Matters for consideration) under the EPA Act. Based on assessment, it is recommended that Development Application Number DA2019/161 be approved subject to conditions.