

The following recommendations are made in the submission from Reihein Airport Consulting:

- The eastern wings of the proposed main hospital are within the Obstacle Identification Surface and may need to be lit for night helicopter operations; and
- The height of any above ground structure associated with the geothermal bores may impact on the Obstacle Limitation Surfaces and will need to be considered in order to protect the flight paths.

The department is satisfied that these design matters can be fully considered in the future stage 2 DA and has recommended an appropriate condition to address these requirements.

Council has suggested that the location for the helipad should be reviewed to ensure that the location of the flight path is further to the north-east mainly across agricultural land.

The flight path as illustrated in the **Figure 8** shows that the helicopter's arrival and departure paths would be over the neighbouring agricultural land. A minor movement of the helicopter landing pad further to the north-east would result in minimal change to neighbouring agricultural land. On balance and having considered the anticipated low level of usage, the department finds the proposed location for the helipad to be acceptable.

4.2.4 Heritage

A Cultural Heritage Impact Assessment prepared by RPS was submitted with the application. The key findings of the report are summarised below:

- A search of the OEH Aboriginal Heritage Information Management System (AHIMS) identified a total of 66 sites within a 5km radius of the site, including 2 sites within the project site (AHIMS sites 62-6-0724 and 62-6-0707). The 2 sites listed were identified to be the same site and comprised an isolated artefact described as a 'grey volcanic flake'. It has been determined that the location of the site will be unaffected by the project;
- Two elevated spur landforms were located on the site during an archaeological site survey. These were identified as potentially forming part of a natural pathway connecting to Bega River. These spurs will be partially affected by the project. It is recommended that the two spur landforms be subject to archaeological testing excavations in accordance with the Code of Practice (DECCW 2010) and in accordance with the Aboriginal Cultural Heritage Consultation Requirements 2010, to determine if any Aboriginal artefacts in the subsurface are present ;and

The preparation of a Cultural Heritage Management Plan is recommended before site excavation or construction activities commence. Furthermore, the Aboriginal community must be allowed 28 days to comment on the excavation methodology and the Office of Environment and Heritage (OEH) must be notified within 14 days of the test excavations commencing.

- There are no registered heritage items on or within the vicinity of the site and therefore, there are no European heritage constraints associated with the project.

The location of the AHIMS site and the spurs are shown on **Figure 9** below.

OEH has recommended that the potential for historic archaeology be further investigated and furthermore, that an archaeological management strategy be developed, if appropriate. A standard condition has also been recommended pertinent to the discovery of historic archaeological deposits/relics including to set out the statutory requirements regarding notification of the Heritage Council in accordance with section 146 of the *Heritage Act 1977*.

The proponent's RTS includes an additional submission from RPS responding to the submission from OEH. RPS has advised that given there are no listed heritage items within 1.9 kilometres of the site and there were no historic items located on the site when visually inspected, there is no need for an archaeology management strategy.

The department concurs with the advice of RPS. Given the potential for archaeological finds on the site is low, the department considers that the imposition of a condition which clarifies the statutory requirements in the event that archaeological deposits/relics are unearthed, is all that is warranted in this instance. The recommendations of RPS with respect to archaeological test excavations of the two spur landforms and the preparation of a Cultural Heritage Management Plan are supported by the department and reflected in the conditions of consent.

* *The RPS Report advises that the spurs on the site are important, as archaeological records show an increased pattern for artefact occurrence in elevated landforms close to permanent water sources.*

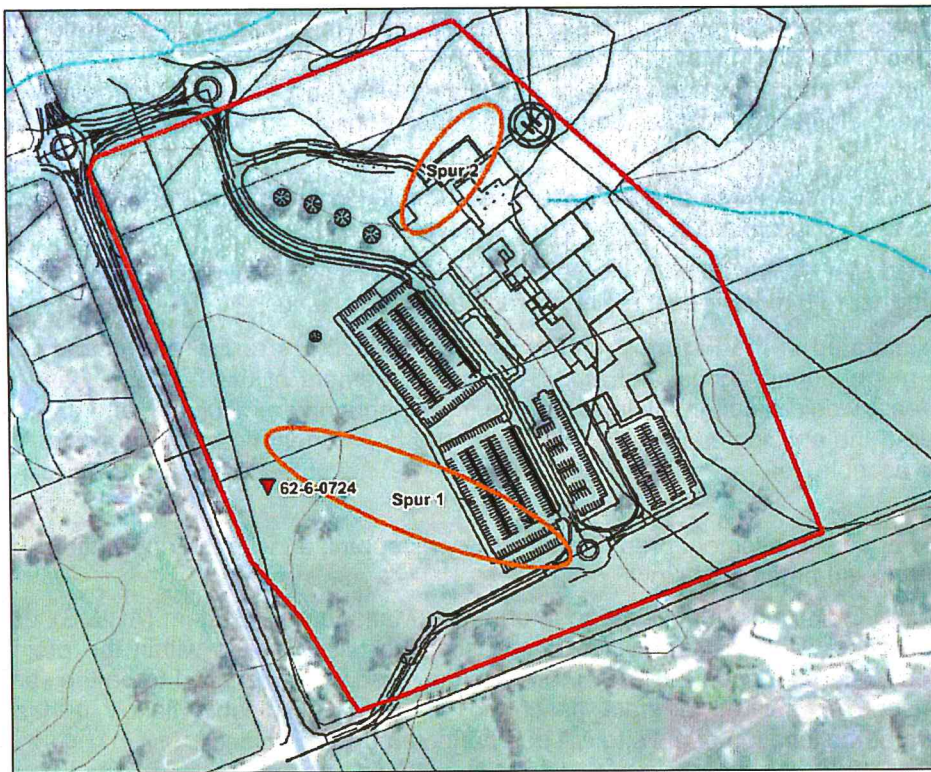


Figure 9: location of the AHIMS site and the spurs (Source: RPS)

4.2.5 Ecology

The potential impacts of the development have been assessed in a Flora and Fauna Report prepared by Abel Ecology. The report has been informed by a flora and fauna survey and a subsequent targeted survey for microbats undertaken in response to Council's submission raising concerns in relation to the loss of potential microbat habitat with the proposed removal of 16 hollow bearing trees from the site.

Abel Ecology made a number of recommendations with respect to tree protection, habitat enhancement and removal of hollow bearing trees and the installation of erosion and sediment control measures.

The Abel Ecology Report identified that the two most important habitat features within the scope of the study area are the hollow bearing trees and the neighbouring wetlands. The department concurs with this conclusion, and is satisfied that appropriate conditions can be imposed to minimise adverse impacts from discharge from the site to the neighbouring wetlands. This matter is discussed in further detail below in the section of the report titled 'stormwater management'. In relation to the hollow bearing trees, Abel Ecology has recommended:

- All hollow-bearing trees must be removed after the tree protection fencing has been installed around all trees to be retained;
- Two (2) weeks prior to the removal of any hollow bearing trees, four (4) nesting boxes are to be installed for each tree or stag containing a hollow to be removed. Two (2) of the boxes must be suitable for birds or arboreal mammals and two (2) for microbats;
- An ecologist must be present during the tree removal process to protect any fauna inhabiting the hollows; and
- Locally indigenous species should be used for landscape planting. At least 54 locally indigenous trees in addition to locally indigenous herbs and grasses, must be planted on the site.

The landscape masterplan prepared by the proponent's consultant, 360°, and submitted with the application, illustrates an extensive planting scheme for the site. The landscaping includes feature planting along the western edge of the new spine road, supplementary tree planting around the perimeter of the hospital including on the western edge of the car parking areas, the creation of planted courtyards/healing areas and gardens and associated planting to embellish the setting. Details submitted with the Landscape Masterplan do not confirm the number of replacement trees proposed or the species. It is noted that landscaping of the site will be undertaken as part of the Stage

2 works and therefore, the department is satisfied that a condition can be included in the development consent to ensure that the tree replacement scheme suitably offsets the tree loss on the site and furthermore, incorporates locally indigenous species.

In response to concerns raised in Council's submission with respect to the potential impact of the proposal on the habitat of the microbats, a further targeted survey was undertaken by Abel Ecology in December 2012. The results of the survey have been reported by Abel Ecology. During the survey, five (5) common bats and (5) threatened bat species were detected (by ultra sonic recordings). It is advised that whilst the bats were recorded foraging on the site, none were observed exiting any tree at dusk. In order to reduce the potential impacts on fauna within the site, Abel Ecology recommends that a total of 94 habitat boxes be placed within the site. It is also recommended that areas within the hospital site which are located outside the development area be replanted with River Red Gum *Eucalyptus tereticornis* at a ratio of 1:2 for the trees removed.

The department supports the recommendations made by Abel Ecology subject to suitable locations being identified for the habitat boxes. The current suggestion made by Abel Ecology is that the habitat boxes be pole mounted and located in a line along the Tathra Road boundary of the site, as illustrated in **Figure 10** below. The department does not support this location due to the visual impacts and proximity to noise associated with the use of Tathra Road. Accordingly, it is recommended that habitat boxes be integrated with the site landscaping including within the areas to the north and west of the site proposed for revegetation- refer Figure 10. A recommended condition addressing this matter has been included in the recommended development consent.

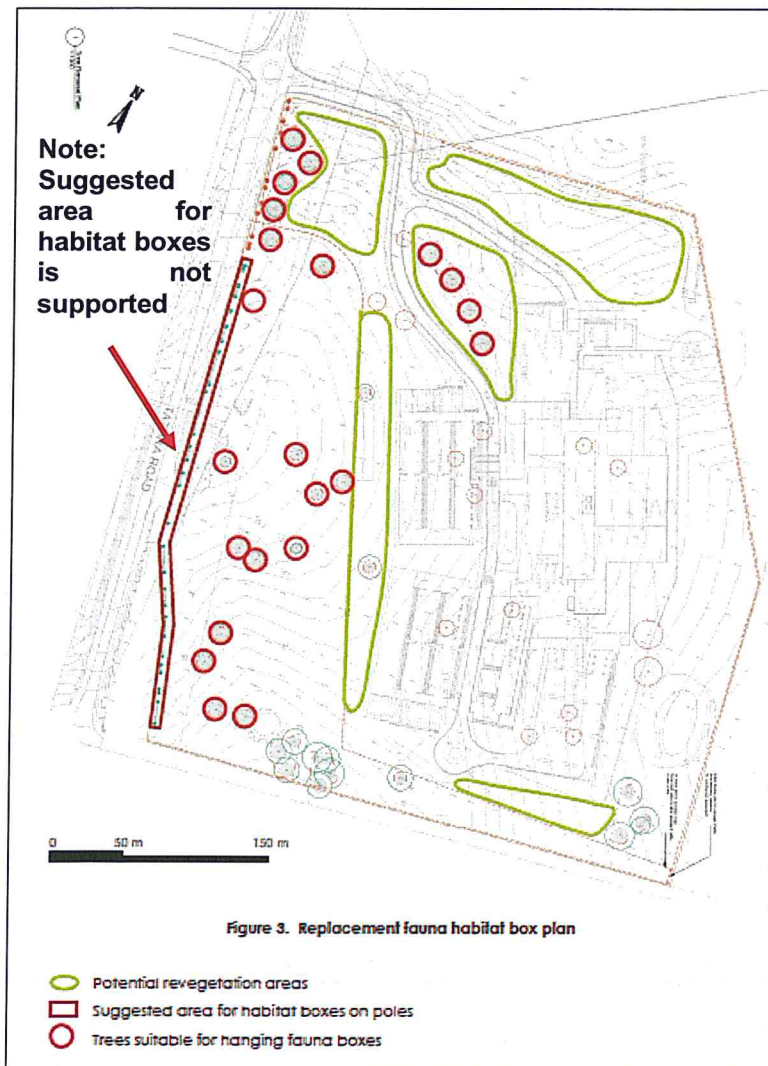


Figure 10: Replacement fauna habitat box plan (Source: Abel Ecology)

4.2.6 Stormwater Management

The existing site has no engineered stormwater system due to its underdeveloped and agricultural nature. In order to ensure that the project does not adversely impact on stormwater flows and the water quality of flows on the downstream drainage system, including the neighbouring wetland and downstream to the Bega River, a Stormwater Management Strategy has been prepared for the site by C & M Consulting Engineers.

The Stormwater Management Strategy proposes short and long term management strategies to manage stormwater runoff. The short-term strategies include erosion and sediments control measures to be implemented during construction that are aimed at limiting movement of sediment and the removal of sediment from runoff prior to discharge from the site. The long term strategies are focused on maintaining the stormwater drainage system and quality discharge from the site during operation of the hospital. These long-term strategies include the installation of rainwater tanks, a piped network system, on-site detention and overland flow-paths, vegetated swales and bio-retention tanks. A number of water quality improvement devices are also proposed to provide for water quality treatment of stormwater runoff.

The proponent has advised that the stormwater management system has been designed to accommodate peak discharge from storm events up to and including a 1 in 2 year Average Recurrence Interval (ARI) post development and the maintenance of existing pre-development peak flows for the same storm event. C & M Consulting has advised that this approach will provide greater control of more frequent storm events post development and that this will reduce the likelihood of downstream disturbance including scouring and instability of the waterways.

Council's stormwater engineers have been consulted during the design development of the stormwater strategy. In its submission on the development application, Council raised no issue with the stormwater management strategy and recommended a series of conditions to address the detailed engineered design. Specifically, Council has advised that the MUSIC modelling undertaken for the site supports stormwater on-site detention design based on an ARI of 1 in 2. Council has advised that whilst this is lower than the normal 1 in 5 on-site detention requirements, in this instance it is satisfied that the stormwater management strategy is sufficient to maintain environmental outcomes for small storm events.

The Office of Water has suggested that additional assessment is required to ensure that the proposed on-site detention for the 1 in 2 year storm event does not adversely impact on the quality of the wetlands and further degrade their quality. The Office of Water has suggested that the further assessment is required to address the potential impacts of discharge from the site to the adjacent watercourses and wetlands and to demonstrate compliance with the requirements of the NSW Wetlands Management Policy. The department concurs with the advice provided by the Office of Water.

Accordingly, it is recommended that the Proponent be required to consult with the Office of Water to ensure that the detailed construction plans and specifications meet its requirements. This requirement is appropriately reflected in a recommended condition of consent. The department accepts the advice from Council that the stormwater on-site detention design based on an ARI of 1 in 2 is acceptable, subject to the matters raised by the Office of Water being suitably addressed.

The department notes that any development works (including erecting a building and other structures, the installation of infrastructure, and excavation or deposition of material) within 40m of a watercourse would ordinarily require a Controlled Activity Approval (CAA) from the NSW Office of Water pursuant to the provisions of the *Water Management Act 2000* (WMA) and the associated *Water Management (General) Regulations 2011* (WMR). However, public authorities and third parties undertaking controlled activities on behalf of the public authority may be exempt from these requirements in certain circumstances. Whilst the proposal will be constructed by contractors on behalf of the Health Infrastructure, the DPI has certain requirements for a CAA to be obtained despite works being undertaken on behalf of a public authority. Whilst the NSW Office of Water did not specify in its submission a requirement for a CAA to be obtained, the department considers it pertinent that prior to any construction works being undertaken within 40 metres of the watercourse, that the proponent consult with the NSW Office of Water regarding any requirement to obtain a CAA.

A recommended condition has been included in the development consent to address this requirement. The department notes that such works are likely to be limited to the drainage infrastructure including a drainage swale to the north which is proposed to discharge from bio-retention Basin A to the existing watercourse and the drain proposed from bio-retention Basin B towards the west. The final design for

these systems will be subject to council approval as part of the concept water supply strategy and drainage strategy for the site and include the requirements for appropriate easements to be created to contain all drainage works that are located outside of roads and drainage reserves.

Flooding

The staged development application establishes a development level for the hospital of RL20.5m (AHD). This level has been designed based on the recommendation of a number of flood reports commissioned for the development. Specifically, the proponent has commissioned flooding advice from both ARUP and WMA Water. Based on the review of relevant levels for the site and having regard to the Water Resources Flood Inundation Plan and observed flood events, the 100 year ARI event peak level for the site has been established as RL14.0 AHD.

Table 6 below represents a summary of the estimated peak flood level at the proposed site:

Table 6: Peak Flood level Estimates for the site based on ARI events.

ARI Event	ARUP Peak Flood Level Estimates (m AHD)	WMA Water Peak Flood Level Estimates (m AHD)
100 year	14.0	14.0
500 year	15.0	15.4
1000 year	16.75	16.0
PMF	18.25	20.5

Figure 11 below, illustrates how the various flood levels impact the existing site topography. The site relative to the hospital building will be re-profiled to facilitate construction of the finished floor level of the hospital at RL20.5m AHD. Various batters at a grade of 1:3 and 1:4 are proposed to respond the constructed level changes.

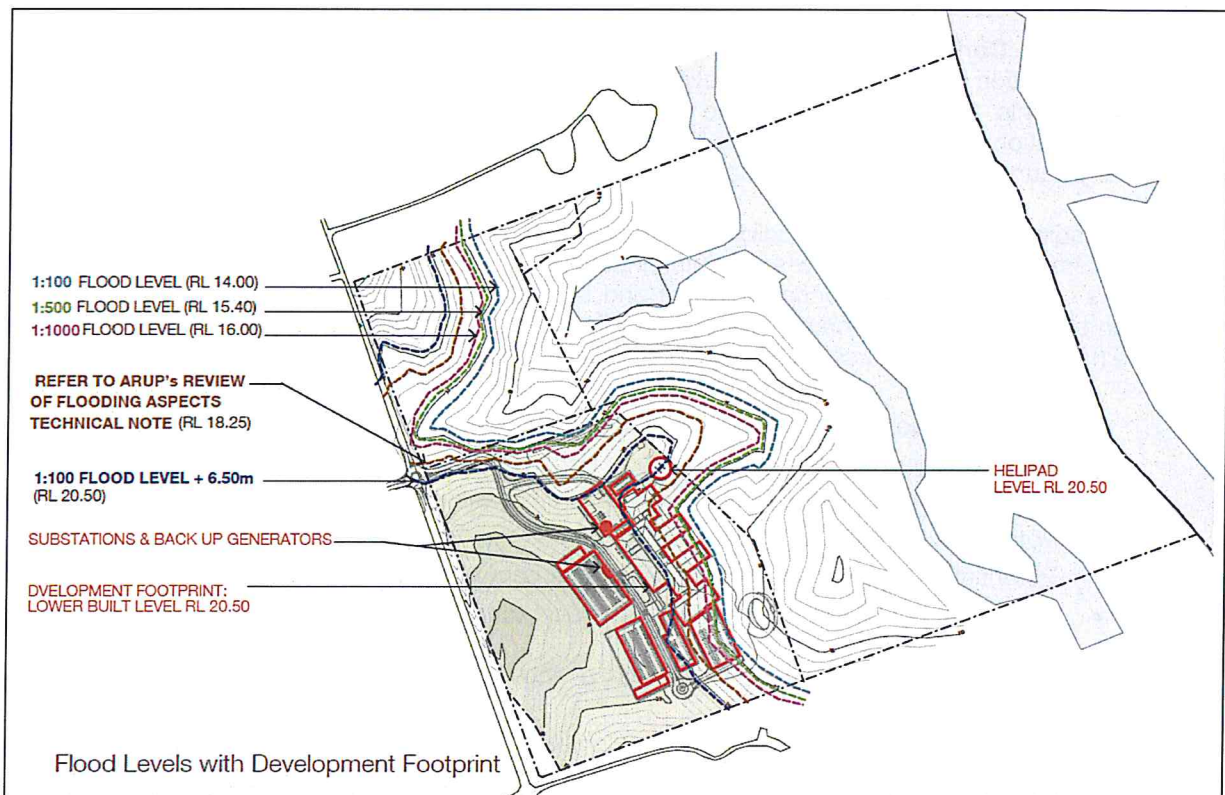


Figure 11: Flood Levels with the development footprint (source: BVN Architecture)

The Floodplain Risk Management Guidelines (including NSW Flood Plan Development Manual and Managing the Floodplain, Emergency Manual Australia, Manual 19), recommend that vulnerable development (ie hospitals) be located above the PMF level. Accordingly, the ARUP Flood Report concludes that the PMF should be adopted as the flood planning level for the site and furthermore, that an access route should be available to the hospital which will remain free of flooding, including during a PMF event. The ARUP Flood Report has recommended that a further comprehensive analysis of the flood risk to the site should be undertaken to confirm the most appropriate flood levels.

Council has advised that it supports the findings of the ARUP Flood Report and the WMA Water Report, however acknowledges that some localised flooding may occur on Tathra Road during a flood event of less than 1 in 100 years. Council has advised that appropriate detours are in place to provide for alternative access to the CBD during such flood events and furthermore, that it is satisfied that there would be no adverse impact to the proposed hospital. Council has advised that the highest recorded flood level for the area is from the 1971 flood and that the 1 in 100 flood height at the site is RL 14.00m AHD. This advice is consistent with the findings of both ARUP and WMA Water.

In order to ensure that risk of flood inundation to the site is minimised and having regard to the above advice, the Flood Report recommends that the following conditions be imposed on the development:

- Prior to the issue of a section 109R certificate for commencement of the Stage 1 works, a comprehensive analysis of the flood risk to the site be undertaken to confirm the most appropriate flood levels for the site.
- a Hospital Emergency (Response and Evacuation) Plan be developed for the site taking into account various flood scenarios which may restrict or cut-off access to the site, result in inundation of low lying parts of the site and extended periods of isolation. It is recommended that the Plan also consider the transfer of equipment and patients to other hospitals.
- An alternative access route be considered in the Stage 2 site planning which will allow the hospital to remain free of flooding, including during a PMF event.

The department concurs with these recommendations and notes that the design levels for the western end of new Hospital Drive (where accessed off Tathra Road) will be below the PMF at approximately RL19.5 to RL 19.0. It is therefore appropriate that consideration be given to allowing for flood free access to the hospital site during a PMF event. The department has recommended an appropriate condition to address this matter.

4.2.7 Site Contamination

The application is supported by a Preliminary Contamination Assessment (PCA) prepared by Coffey Environments Australia Pty Ltd. The key objective of the PCA was to assess the likelihood for contamination to exist on the site and furthermore, to make recommendations with respect to the need for any future investigations or management of the site (as appropriate).

The findings of the PCA are informed by a site history study, a site walkover including a visual assessment of potential sources of contamination; a limited targeted intrusive soil sampling program in Areas of Environmental Concern (AECs) and laboratory analysis of the selected soil samples. The main types of potentially contaminating activities associated with the former and current uses of the site (namely, agricultural uses) have been identified in the PCA as follows:

- Former silage pits in the north-east and western portions of the site;
- Site wide application of pesticides and herbicides;
- Dumped material in the former silage pit in the western portion of the site;
- Potential fill/reworked natural material in the dam bund;
- Potential deposition (site wide) of asbestos containing materials from off-site sources; and
- Weathering of hazardous materials adjacent to the water tank.

The following key findings are noted as a result of Coffey Environments Australia Pty Ltd investigations and analysis:

- No visually identifiable Asbestos Containing Material (ACM) was observed on the site. However, potential ACM was observed approximately 150 metres to the east of the site;
- The laboratory analysis of soil samples did not exceed the Soil Investigation Levels selected for the site with reference to the NSW DEC (2006) Guidelines for the NSW Site Auditor Scheme 2nd Edition and NSW EPA (1994) Guidelines for Assessing Service Station Sites; and
- The laboratory results indicated that the concentrations of chemicals of concern (OCPs, OPP, herbicides, TPH, PAH, heavy metals and asbestos) were all below the adopted SILs in soil samples.

Based on the above, Coffey Environments Australia Pty Ltd concluded that there is a low likelihood of contamination on the site. It is recommended that the dumped material at the former silage pit in the western portion of the site (which is not within an area covered by the scope of Stage 1 works) be

disposed of to a licensed waste disposal facility. It is also recommended that further sampling and analysis of this area be undertaken to confirm the absence of contamination in the residual fill or soils beneath the dumped material.

The department considers the recommendation in the PCA to be sound and reasonable and has included recommended appropriate conditions in the development consent to ensure compliance with the report recommendations.

The EPA's submission advises that presence of ACM on the site should be confirmed. In this regard, it is suggested that the Contamination Assessment presents conflicting advice regarding the observation of potential ACM. The proponent's RTS includes a supplementary submission from Coffey Environments Australia Pty Ltd confirming that the only potential ACM (fibro fragments) observed was off-site and not in an area that will be trafficked during construction. Coffey Environments Australia Pty Ltd has advised that further clarity on the location and depth of the off-site potential ACM is therefore unwarranted. The department concurs with this advice and notes that Council has been separately advised on this matter so that the land owner of the neighbouring site can be advised to take action to remediate the site, as appropriate.

The department notes that the testing and analysis undertaken by Coffey Environments Australia Pty Ltd does not extend to the south-eastern corner of the site where the GES System is proposed. A condition is recommended requiring the proponent to address this requirement as part of the future Stage 2 DA.

4.2.8 Construction Impacts

The proponent has submitted an 'Outline Construction Management Plan' prepared by Johnstaff with the application. In summary, the plan proposes:

- Construction access to the site for Stage 1 via the existing farm track directly off Tathra Road—refer to Figure 2. Given Hospital Drive, and the associated road works on Tathra Road will be completed at Stage 1, it is then proposed that construction access to the site for Stage 2 will be via Hospital Drive;
- Measures to be implemented during construction to ensure compliance with relevant legislation requirements including *Protection of the Environment Operations Act* and *Regulations and Occupational Health and Safety Act 1983*;
- Measures to minimise amenity and environmental impacts including noise mitigation, dust management, odour control, protection of trees, vibration management and soil and erosion control measures;
- Traffic and pedestrian management measures for the duration of construction; and
- Waste management measures.

In order to ensure that residual construction impacts are fully considered and appropriate management and mitigation measures are employed for the term of construction, the department recommends that the following detailed plans be prepared prior to the commencement of the Stage 1 construction works:

- A Construction Environment Management Plan;
- a Construction Traffic Management Plans;
- a Soil Erosion and Sediment Control Plan;
- a Noise and Vibration Management Plan;
- a Dust Management Plan; and
- a Construction Waste Management Plan.

These Plans are required to be developed in consultation with the EPA, Council and the RMS, as relevant, to ensure that those matters outlined in the agency submission (refer to section 3.2 above) are appropriately addressed and that relevant management and mitigation measures are employed during construction.

The department notes that Council's standard working hours condition would restrict construction to 8am and 1pm on Saturdays. However, the department recommends the imposition of the department's standard working hours which would permit construction on the site until 5pm on Saturdays. This condition is imposed to ensure consistency in the regulation of construction activities for State significant projects.

The application proposes a significant volume of cut and fill to re-profile the site. The estimated preliminary cut volume is 82,770m³ and the estimated preliminary fill volume is 81,398m³. A net volume of 1,372m³ will be required to be delivered to satisfy the required fill volume. The impacts associated with re-profiling the site need to be addressed. Specifically, reactive management measures need to be implemented to ensure that dust associated with the operation is minimised including the management of stockpiles and implementation of dust suppression measures. An appropriate condition requiring the preparation of a Dust Management Plan has been included in the development consent to address this matter.

Associated impacts on the site's aquifer during construction have been raised in Council's submission. Council has advised that the stratum beneath the hospital site has limited interaction with the Bega River alluvial aquifer. However, the potential for contamination during construction will need to be fully mitigated through the adoption of appropriate site, soil and water management arrangements. Council has recommended appropriate conditions to address these matters.

In relation to this matter, the department has considered a brief technical note prepared by ARUP submitted with the application. ARUP's assessment of the hydrogeological setting of the hospital concludes as follows:

- The depths of excavation proposed for the basement and the access road will not exceed 2.5m and 2.4m, respectively below the surface level. The highest measured ground water level in the weathered granodiorite was 5.6 metres below the ground level or 3.1 metres below the deepest part of the excavation. Therefore, the project is highly unlikely to have any no impact on ground water flows;
- The strata beneath the hospital does not constitute an aquifer and the strata has very limited interaction with the Bega River alluvial aquifer;
- There is a very thin saturated zone at the base of the weathered granodiorite, and the contained groundwater is likely to drain towards the alluvial aquifer, under the influence of the topographic gradient;
- There may be a minor reduction in the volume of recharge to the alluvial aquifer as a consequence of the reduction in permeable surface area. Sustainable drainage systems can be incorporated into the design to maintain existing rates of surface infiltration; and
- The most likely form of contamination during construction is from turbidity due to sediment from earthworks entering runoff during period of high rainfall. This risk can be fully mitigated by the adoption of appropriate construction water management.

Having considered the above conclusion, the department is satisfied that the risk to the alluvial aquifer and ground water is low. However, in light of concerns raised by the Office of Water regarding potential construction impacts on the aquifer and in order to overt any unforeseen impacts to ground water, the department recommends that testing and reporting be undertaken at regular intervals during construction. A Condition is included in the development consent to reflect this requirement.

The preparation of a Soil Erosion and Sediment Control Plan which incorporates appropriate site water management arrangements during construction is also considered appropriate and is included in development consent.

4.2.9 Development Contributions and Securities

Section 94 Contribution

BVSC's *Section 94 Contribution Plan No.1- Existing Rural Roads* applies to the subject site. The stated purpose of the Plan is to specify Council's requirements for contributions from developers towards the cost of improvements to existing rural roads within the Bega Valley Shire LGA. As relevant to this proposal, the Plan applies to traffic generating development on land zoned 1(a) Rural.

In respect to the Stage 1 works, the proponent proposes to undertake works which will incorporate the construction of a new roundabout at the intersection of Tathra Road and the proposed Hospital Drive including localised road widening and minor road alignment adjustments. Council has advised that the planned upgrade of the Bega-Tathra Road to accommodate the proposed hospital development will suitably offset any contribution requirements under Council Section 94 Contribution Plan.

Sewer and Water Provisions

The subject site is located outside the area currently covered by both Council's Development Services Plan for Sewerage and Development Services Plan for Water. There are currently no services to the site. Consequently, Council's submission has requested the following:

- That the proponent prepare both a concept sewer strategy and a concept water supply strategy for the proposed development for the approval of Council; and
- That the proponent undertake the works in the sewer strategy and water supply strategy approved by Council.

Council has recommended conditions to address these matters and in its RTS, the proponent has raised no objection to these requirements.

Additionally, as the Water Authority pursuant to section 64 of the *Local Government Act*, Council has also requested that the proponent pay contributions in accordance with Council's adopted Development Servicing Plan for Sewer and Development Servicing Plan for Water Supply pursuant to Section 306 of the *Water Management Act 2000*. Such payments will be required to be made as a pre-condition to Council issuing a Certificate of Compliance for Stage 1 of the development. A number of conditions have been recommended by council to reflect these requirements.

Council and the Proponent have agreed that the section 64 contributions, for both sewer and water, will be offset against any allowable credits calculated for the closure or change of use of the existing Bega District Hospital. The contributions will be payable prior to the commencement of any sewer and water works, as per normal practice.

Council's revised recommended conditions are included in the development consent.

Security bonds

As detailed throughout this report, construction of the project is proposed in two (2) stages with the Stage 1 works comprising the construction of the civil works package. This will mean that the sewer, water and road infrastructure required to service the development will be constructed during Stage 1 and is likely to be completed prior to the completion of the Stage 2 (hospital building) works.

The proponent has advised that access to the site for Stage 2 construction will be via the new Hospital Drive. Furthermore, access to Hospital Drive will require that construction trucks entering the site will need to negotiate the new Tathra Road roundabout. Council has raised concerns regarding potential damage to council infrastructure as a result construction phasing and has stated a preference for these works to be completed during Stage 2, and has requested that a bond be paid as security against any future damage. The proponent has agreed to accept Council's terms. Accordingly, Council's recommended conditions regarding this matter have been included in the development consent.

5. CONCLUSION AND RECOMMENDATION

5.1 Conclusion

The proposed Bega Valley Health Services Development, comprising the construction of a new three (3) storey hospital building, new internal road network, parking and landscaping works will significantly benefit the local and regional community through the provision of increased and improved health services.

The proposed development is consistent with key objectives of State, local and regional planning strategies, and represents an increased investment in infrastructure that would provide for improved health services and increased employment opportunities.

The proposed health infrastructure improvements will also strengthen the importance and function of the locality, supporting the growth and development of Bega as a major centre within the South Coast Region. In this regard, the department considers the infrastructure, health and employment benefits generated by the proposed development to be in the public's interest.

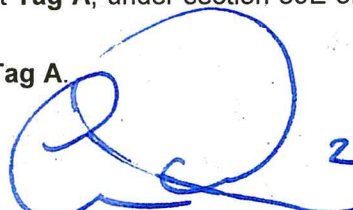
The department is satisfied that the proposed development satisfactorily responds to the issues raised and recommends that the SSD application for the proposed Bega Valley Health Services Development be approved. The department's recommended conditions of approval will ensure that the construction and future operation of the proposed stage 1 (construction enabling works) will maintain the environmental and residential amenity of the surrounding environment.

5.2 Recommendation

In accordance with section 89E of the *Environmental Planning and Assessment Act 1979*, it is recommended that the Executive Director, Development Assessment Systems & Approvals:

- (a) **considers** the recommendations of this report for the staged development application including the concept proposal and Stage 1 construction enabling works for the Bega Valley Health Services Redevelopment (SSD 5307_2012);
- (b) **form** the opinion that the SEPP 1 objection is well founded and is also of the opinion that the granting of consent to the State significant development application is consistent with the aims of SEPP 1, notwithstanding the development standard the subject of the objection;
- (c) **approves** the staged development application, as outlined in the Environmental Impact Statement prepared by Urbis dated September 2012, as amended by the Response to Submissions report prepared by Urbis dated December 2012 and subject to the conditions of approval set out in the attached instrument at **Tag A**, under section 89E of the *Environmental Planning and Assessment Act 1979*; and
- (d) **signs** the attached development consent at **Tag A**.


Director
Metropolitan and Regional Projects North
18/3/13


Executive Director
Development Assessment
Systems & Approvals
25.3.13

APPENDIX A RELEVANT SUPPORTING INFORMATION

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Infrastructure website as follows.

1. Environmental Assessment

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5307

2. Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5307

3. Proponent's Response to Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5307

APPENDIX B CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENT(S) (INCLUDING DRAFT) AND DCP(S)

State Environmental Planning Policy No 1 - Development Standards

A SEPP 1 objection has been lodged and it is considered that the development standard in relation to height is unreasonable and unnecessary due to an absence of any environmental impacts. Refer to section 2.3 and clause 48 of Table 1 of Appendix B for detailed consideration on the merits of the objection.

State Environmental Planning Policy (State and Regional Development) 2011

The aims of this SEPP are to identify State significant development and State significant infrastructure and provide the necessary functions to joint regional planning panels to determine development applications.

The proposal is for SSD in accordance with section 89C of the *Environmental Planning and Assessment Act 1979* (EP&A Act) because it is development for the purpose of a hospital with a capital investment value (CIV) in excess of \$30 million under clause 14 of Schedule 1 of State Environmental Planning Policy (State and Regional Development) 2011.

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development

SEPP 33 provides clear definitions of hazardous and offensive industries and aims to facilitate development defined as such and to ensure that in determining developments of this nature, appropriate measures are employed to reduce the impact of the development and require advertisement of applications proposed to carry out such development.

It likely that future operation of the hospital will include the use of medical supplies which could be classified as 'dangerous goods' or 'hazardous materials'. Matters in relation to the type and storage such medical supplies will be relevantly assessed as part of the future Stage 2 DA. A condition has been included in the development consent to require SEPP 33 to be suitably addressed in any future application. This matter is also covered in the DGRs.

State Environmental Planning Policy No.55 – Remediation of Land

SEPP 55 aims to provide a state wide approach to the remediation of contaminated land. In particular, SEPP 55 aims to promote the remediation of contaminated land to reduce the risk of harm to human health and the environment by specifying under what circumstances consent is required, specifying certain considerations for consent to carry out remediation work and requiring that remediation works undertaken meet certain standards.

A geotechnical investigation and preliminary contamination assessment report for the proposed development was submitted by the applicant, identifying potential contaminating activities and areas of concern. Results of laboratory testing from soil samples revealed that concentrations of potential contaminants were found to be below their laboratory detection limits and adopted assessment criteria.

Accordingly, the department is satisfied that the applicant has demonstrated that the concentrations of potential contaminants are below their respective thresholds and that the subject site is considered suitable for the proposed development. Refer to **section 4.2.7** of the report.

However, as noted in the assessment report, preliminary contaminations investigations are required to be undertaken in the area identified in the concept proposal as the site for the GES System. Refer to **section 4.2.1** of the report.

State Environmental Planning Policy (Infrastructure) 2007

The aim of the Infrastructure SEPP is to facilitate the effective state wide delivery of infrastructure by providing greater flexibility in the location of infrastructure and service facilities, allowing the development of surplus government land, identifying relevant environmental assessment categories for development and relevant matters to be considered and providing for consultation with relevant public authorities.

In accordance with Schedule 3 of the Infrastructure SEPP, clause 104 Traffic-generating development applies to the proposed development. In this regard and in accordance with clause 104(3) of the Infrastructure SEPP, the RMS was given written notice of the SSD application and due consideration was given to its comments received. Subject to compliance with the conditions recommended by the RMS, the RMS has issued its concurrence under section 138 of the *Roads Act 1993*. As the roads authority, Council will be responsible for issuing a section 138 consent for works within the classified road reserve and ensuring that the works are designed and constructed in accordance with the relevant standards.

Local Environmental Plan(s)

Consideration is given to the relevant Local Environmental Plan below.

Table 1: Consideration of Bega Valley Local Environmental Plan 2002.

Bega Valley LEP 2002	Criteria	Department Comment / Assessment	Complies
Clause 2: Aims of the Plan	This plan aims to establish the framework for future development within the local government area of Bega Valley and to achieve the following objectives: - to ensure a balanced approach to development which is sensitive to both the economic and social needs of the community, - to protect and improve the economic, natural, social and cultural resources within the Council's area, - to encourage the efficient and effective delivery of services, - to recognise, protect and improve the inherent natural and built character of the Council's area, - to ensure that development has regard to the principles of ecologically sustainable development.	The concept proposal is considered to be consistent with the aims of the plan for the following reasons: - it will promote and improve economic development and will provide necessary health services for the community; - it will protect the natural environment through the incorporation of appropriate ESD principles and environmental mitigation measures; and - it will improve the built environment through the provision of necessary infrastructure to service the development including to make contributions to local infrastructure provision.	YES
Clause 12: General controls for development- Zone 1(a) Rural General Zone- Zone objectives	The objectives of Zone 1 (a) are as follows: (a) to encourage continued growth in the area's rural economic base, (b) to encourage other forms of development, including tourism, that are compatible with agricultural activities and do not create undesirable environmental and cultural impacts, (c) to protect and conserve the productive potential of prime crop and pasture land, (d) to maintain the scenic amenity and landscape quality of the area, (e) to promote the protection, and the preservation and enhancement, of natural ecological systems and processes, (f) to provide proper and coordinated use and protection of rivers, riparian corridors and water catchment areas, (g) to promote the economic provision of services compatible with the	The concept proposal is not considered to be inconsistent with the objectives of Zone 1(a) for the following reasons: - it will encourage economic development and employment opportunities in the area; - it includes appropriate mitigation measures to protect the ecology and natural features of the area; - it will provide health services compatible with the nature and intensity of development in the region; and - it will enhance with the landscape quality of the site and therefore, will not adversely impact on the scenic or landscape	YES

	nature and intensity of development and the character of the area, (h) to ensure that development and management of the land has minimal impact on water quality and environmental flows of receiving waters, (i) to maintain significant features of natural and cultural heritage.	quality of the area.	
Clause 75: Land subject to Bushfire Hazard	Clause 75 requires that consent must not be granted to the subdivision of land or the erection of a building on land which is, in the opinion of the consent authority, subject to bushfire hazards unless it is satisfied that: (a) adequate provision will be made for access for fire fighting vehicles, (b) adequate safeguards will be adopted in the form of fire breaks, reserves and fire radiation zones, and (c) adequate water supplies will be available for fire fighting purposes as recommended by the New South Wales Rural Fire Service.	The site has been identified as being located more than 100 metres from Category 2 Bushfire Prone Land, which is mapped as being located adjacent to the watercourse in the central north-west of Lot 2 DP1176012. The vegetation on the Hospital site is identified on Bega Valley Bushfire Prone Land Map as being non-bushfire prone vegetation (ie. grassland). The application has been referred to the NSW RFS and no conditions have been recommended. It is noted that the Bushfire Assessment report submitted with the application advises that there is no requirement to comply with the bushfire construction standards in the Building Code of Australia and AS 3959-2009. However, the report makes recommendations on the provision of fire-fighting access, water requirements and the preparation of an evacuation management plan. These recommendations are relevant to the future Stage 2 DA. A relevant condition is included in the development consent to ensure that these matters are suitably addressed in the Stage 2 DA.	YES
Clause 77: Development along arterial roads	Clause 77 provides that consent must not be granted to development of land which had frontage to an arterial road unless, in the opinion of the consent authority: a) Wherever practicable, vehicular access to that land is provided by a road other than the arterial road' and b) The safety and efficiency of the arterial road will not be adversely affected.	As detailed in section 4.2.2 of the assessment report, access to the site, including the construction of a new roundabout on Tathra Road and Hospital Drive, have been the subject of detailed discussions with the RMS and BVSC. Both authorities have raised no objection to the proposal subject to compliance with the recommended conditions- refer to the development consent. Matters in relation access and	YES

		road safety are addressed in section 4.2.2 of the assessment report.	
Clause 78: Land filling and excavation	Clause 78 requires consent for to excavate or fill any land or waterbody to which the plan applies. Before granting consent, the consent authority must have regard to the likely disruption or, or detrimental effect on, existing drainage patterns, vegetation, sediment and soils stability in the locality; the effect on the likely future use or redevelopment of the land; and the effect on the existing and likely amenity of adjoining properties.	The application seeks consent to re-profile the site to accommodate the hospital and reduce potential for flood affectation. Matters relevant to the extent of cut and fill are assessed in section 4.2.8 of the assessment report.	YES
Clause 79: Ecological Sustainable Development	Clause 79 requires the consent authority have regard to the principles of ecological sustainable development.	The department has considered the project in relation to the ESD principles. The Precautionary and Inter-generational Equity Principles have been applied in the decision making process via a thorough and rigorous assessment of the environmental impacts of the project. The proposal is considered to be consistent with ESD principles as described in section 9.2 of the applicant's EIS, which has been prepared in accordance with the requirements of Schedule 2 of the Regulation. The Stage 2 building design will be assessed against these principles. A condition has been included in the development consent requiring consideration to be given to rainwater harvesting, as recommended by Council.	YES
Clause 81: Flood Liable Land	Clause 81 (1) requires development consent to subdivide land or build or carry out works on flood liable land. Clause 18(2) requires that such consent not be granted if the proposal would be likely to: (a) to impede the flow of flood waters on that land or land within its immediate vicinity, or (b) to imperil the safety of persons or to cause damage to property on the land or land within its immediate vicinity in the event of those lands being inundated by floodwaters, or (c) to aggravate the consequences of floodwaters flowing on to that land or land within its vicinity with regard to erosion, siltation or the destruction of vegetation, or	The concept proposal establishes a development level for the hospital of RL 20.5m (AHD). This level has been designed based on the recommendation of a number flood reports commission for the development. Matters in relation to the flood affectation of the site have been considered in detailed in Section 4.2.6 of the assessment report. Relevant conditions have been included the development consent to address flooding. The proposal is considered to comply with the provisions of	YES

	(d) to have an adverse effect on the water table of that land or of land within its immediate vicinity, or (e) to cause pollution or contamination of floodwaters or land as a result of inundation by floodwaters. Clause 81(3) require that consent shall not be granted to development on flood liable land unless the consent authority has taken into consideration the cumulative impact of development on flooding within the area. Clause 81(4) require that before granting consent, the consent authority shall consider the possible effects of floods in excess of the flood planning level and the significance of the risk proposed by larger floods to the development.	Clause 81.	
Clause 85: Building Heights	Clause 85 restricts the building height on the subject land to 3 storeys or 10 metres.	The development exceeds the 10 metres height limit specified in Clause 85 of BVLEP by 4.1 metres. The building height is technically 3 storeys. The Proponent has lodged a SEPP No.1 Objection to vary the height standard. The department is satisfied that the indicative form and massing proposed for the hospital is appropriate in this rural context and therefore, considers that a variation to the height standard is reasonable and justified in this instance. It is noted that Council has raised no objection to the general height and form of the development.	NO
Clause 86: Development in Flight Paths	Clause 68 requires that: (1) A person shall not erect a building on land that is within the flight path of an airport to a height greater than 4 metres above natural ground level, except with development consent. (2) Such a consent may be granted only if the consent authority is satisfied, after consultation with the Civil Aviation Safety Authority, that the building will not constitute an obstruction, hazard or potential hazard to aircraft flying in the vicinity. (3) Before granting such a consent, the consent authority shall give consideration to any noise exposure forecasts prepared by the Civil Aviation Safety Authority and as to whether the proposed use of the building will be adversely affected by exposure to aircraft noise. (4) For the purposes of this clause, the flight path of an airport shall include such land as is determined	The Civil Aviation Authority has been consulted in relation to the proposal and has raised no objection or terms. Refer to section 4.2.3 of the assessment report.	YES

	by the Civil Aviation Safety Authority and communicated to the Council.		
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Table 2: Consideration of Draft Bega Local Environmental Plan 2012

Draft Bega Valley LEP 2012	Criteria	Department Comment / Assessment	Complies
Clause 1.2 Aims of the Plan	(1) This Plan aims to make local environmental planning provisions for land in Bega Valley in accordance with the relevant standard environmental planning instrument under section 33A of the Act. (2) The particular aims of this Plan are as follows: (a) To protect and improve the economic, natural and social resources of Bega Valley through the principles of ecologically sustainable development, including biodiversity, energy efficiency and climate change. (b) To provide employment opportunities and strengthen the local economic base by encouraging a range of enterprises, including tourism, which respond to lifestyle choices, emerging markets and changes in technology. (c) To conserve and enhance environmental assets including estuaries, rivers, wetlands, remnant native vegetation, soils and wildlife corridors. (d) To encourage compact and efficient urban settlement (e) To ensure that development contributes to the natural landscape and built form environments that make up the character of the Bega Valley Shire. (f) To provide opportunities for a range of housing choice in locations that have good access to public transport, community facilities and services, retail and commercial services, employment opportunities. (g) To protect agricultural lands by preventing land fragmentation and impacts from non-agricultural land uses. (h) To identify and conserve the Aboriginal and European cultural heritage of the Bega Valley Shire. (i) To restrict development of land that is subject to natural hazards. (j) To ensure that development of land has minimal impact on water quality and environmental flows of receiving waters.	The concept proposal is not considered to be inconsistent with the aims of the plan including for the following reasons: - As detailed in section 2.6 of the assessment report, the proposal includes ESD initiatives; - As detailed in section 2.9 of the assessment report, the proposal will result in considerable employment opportunities and strengthen the local economic base, consistent with local, regional and state strategies; - As detailed throughout the assessment report, the proposal incorporates a appropriate measure to protect and conserve the sites environmental assets; and - The development will contribute to the emerging character of the Bega Valley.	YES
Part 2 Permitted or prohibited	Zone SP2 Infrastructure 1 Objectives of zone	The Land Zoning Map nominates the 'new Bega	YES

development	To provide for infrastructure and related uses. To prevent development that is not compatible with or that may detract from the provision of infrastructure.	Hospital' as development being permitted on the land with consent. The proposal is considered to be consistent with the objectives of the zone as new infrastructure will be constructed and funded as a result of the development.	
4.4 Floor space ratio	(1) The objectives of this clause are as follows: (a) to establish the maximum development density and intensity of land use, taking into account the availability of infrastructure to service that site and the vehicle and pedestrian traffic the development will generate, (b) to ensure buildings are compatible with the bulk and scale of the locality. (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.	A floor space ratio is not nominated for the site on the Floor Space Ratio map. The bulk and scale of the concept proposal is considered to be compatible for the locality and for a development of this nature. The design will be subject to a detailed assessment with the future Stage 2 application. Refer to further discussion in section 4.2.1 of the assessment report.	YES
4.5 Calculation of floor space ratio and site area	(1) Objectives The objectives of this clause are as follows: (a) to define <i>floor space ratio</i>, (b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to: (i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and (ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and (iii) require community land and public places to be dealt with separately.	A floor space ratio is not nominated for the site on the Floor Space Ratio map. Notwithstanding this, the bulk and scale of the concept proposal is considered to be appropriate in the context of the site and for a development of this nature. The design will be subject to a detailed assessment with the future Stage 2 application. Refer to further discussion in section 4.2.1 of the assessment report.	YES
5.10 Heritage conservation	(1) Objectives The objectives of this clause are as follows: (a) to conserve the environmental heritage of <i>Bega Valley Shire</i>, (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, (c) to conserve archaeological sites, (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.	There are no heritage items nominated on the site or neighbouring sites on the Heritage Map or in Schedule 5. Matters in relation to the potential to unearth site archaeology have been addressed in section 4.2.4 of the report and by condition.	YES
6.1 Flood planning	(1) The objectives of this clause are as follows: (a) to minimise the flood risk to life and property associated with the use of land, (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes	The concept proposal establishes a development level for the hospital of RL 20.5m (AHD). This level has been designed based on the recommendation of a number flood reports commission for the development.	YES

	as a result of climate change, (c) to avoid significant adverse impacts on flood behaviour and the environment. (2) This clause applies to land at or below the flood planning level. (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development: (a) is compatible with the flood hazard of the land; and (b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and (c) incorporates appropriate measures to manage risk to life from flood, and (d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding. 4. A word or expression used in this clause has the same meaning as it has in the NSW Government's <i>Floodplain Development Manual</i> published in 2005, unless it is otherwise defined in this clause. 5. In this clause <i>flood planning level</i> means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metres freeboard.	Matters in relation to the flood affectation of the site have been considered in detailed in section 4.2.6 of the assessment report. Relevant conditions have been included the development consent including to address on-site detention, preparation of an emergency evacuation plan. The proposal is considered to be consistent with the provisions of Clause 6.1.	
6.11 Earthworks	(1) The objectives of this clause are as follows: (a) to ensure that any earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features surrounding land, (b) to allow earthworks of a minor nature without separate development consent. (2) Development consent is required for earthworks unless: (a) the work does not alter the ground level (existing) by more than 800 millimetres, or (b) the work is exempt development under this Plan or another applicable environmental planning instrument, or (c) the work is ancillary to other development for which development consent has been granted. (3) Before granting development consent for earthworks, the consent authority must consider the following matters:	As detailed in section 4.2.1 and 4.2.8 of the assessment report, the Stage 1 works include the re-profiling of the site to accommodate the hospital development. Matters in relation to drainage, site stability and impact on neighbouring lands have been assessed in the Proponent's EIS. Council and department are satisfied that this aspect of the proposal is satisfactory subject to appropriate conditions addressing, soil and water management, dust control and the quality of imported fill.	YES

	(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality, (b) the effect of the proposed development on the likely future use or redevelopment of the land, (c) the quality of the fill or of the soil to be excavated, or both, (d) the effect of the proposed development on the existing and likely amenity of adjoining properties, (e) the source of any fill material or the destination of any excavated material, (f) the likelihood of disturbing Aboriginal objects or other relics, (g) proximity to and potential for adverse impacts on any watercourse,		
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Development Control Plans

It is noted that clause 11 of State Environmental Planning Policy (State and Regional Development) 2011 provides that development control plans do not apply to SSD. Notwithstanding, consideration of relevant DCP's and associated controls has been given in **Table 2**.

Table 3: Consideration of Bega Valley Shire Council's DCP's, as relevant to Hospital

DCP	Key controls	Comment from Department/ Compliance
DCP 6 Minimum Setback to Roads and nominated waterways.	The minimum setback for buildings from public roads in Rural zones shall be 20 metres.	YES- the hospital building is proposed to be set back in excess of 200 metres from Tathra Road.
DCP 5- On-site Sewer Management	Section 9.4 development for all other purposes requires that the design of the on-site sewer system is to be specific to the intended use.	YES- The proponent has consulted with Council in relation to the on-site sewer requirements. A condition is included in the development consent. A requiring the preparation of a Sewer Strategy for the development.
DCP 7- Off-street car Parking	The car rate nominated for hospitals 1 space per 3 beds, plus emergency vehicle parking. Parking spaces should be designed in accordance with Australian Standard 2890.1 and 2890.2.	YES- The quantum of parking proposed has been negotiated in consultation with Council and the RMS. DCP 7 would only require provision of 45 parking spaces on the site. This is considered to be an inappropriately low rate given the rural location of the site and the anticipated high level of car dependency. Based on the provision of 136 bed hospital and the associated patient support, staffing and visitor requirements, the provision of 485 spaces has been determined to be sufficient to meet daily demands of the hospital. The proposal has been designed in accordance with the relevant Australia Standards- conditions have been included in the development consent to reinforce this requirement.

Table 4: Consideration of Draft Bega Development Control Plan.

Draft DCP	Key Control	Comment from Department/ Compliance
5.4 Tree and Vegetation Preservation	Specifies matters for consideration in assessing whether or not to approve an application for removal of trees.	YES- the application is supported by a Flora and Fauna Report prepare by Abel Ecology. This report assesses the ecological significance of the vegetation/habitat on the site. The proposal has been determined to have minimal impact on the sites ecology. The requirement for planting of replacement trees to offset loss of habitat (16 x

		hollow bearing trees) is included in development consent. Refer to detailed discussion in section 4.2.5 of this assessment report.
5.5 On-site Sewerage Management	Includes controls to safeguard and improve the quality of public and environmental health within the Bega Valley Shire by regulating the approval of systems of on-site sewer management.	YES- The proponent has consulted with Council in relation to the on-site sewer requirements. A condition is included in the development consent requiring the preparation of a Sewer Strategy for the development.
5.6.1 Planning for Hazards	Includes controls to minimise the impacts of flooding on development, ensure that development on flood prone land is consistent with the objectives of the NSW Flood Prone Land Policy 1984 and the NSW Floodplain Development Manual and to ensure that impact of climate change is considered. All applications are to be accompanied by a Flood Assessment Report.	YES- Matters in relation to flooding have been addressed in detail in section 4.2.6 of the assessment report. The proposal is considered to be consistent with Council's requirements.
5.6.3 Contaminated Land	An assessment is required to determine any land contamination that may have resulted from a previous use. Any remediation shall be undertaken in accordance with SEPP 55 and Managing Land Contamination Planning Guidelines.	YES- The application is supported by a Preliminary Contamination Assessment (PCA) prepared by Coffey Environments Australia Pty Ltd. The key objective of the PCA was to assess the likelihood for contamination to exist on the site and furthermore, to make recommendations with respect to the need for any future investigations or management of the site (as appropriate) in accordance with the requirements of SEPP 55. Matters in relation to contaminated land have been address in detail in section 4.2.7 of the assessment. The proposal is considered to satisfy the requirements of section 5.6.3 of the draft DCP.
5.7 Off-street car and bicycle parking	A car parking rate of 1 per 3 beds, plus emergency vehicle parking is required. No requirement for bicycle parking is nominated in Table 5.3.	YES- The quantum of parking proposed has been negotiated in consultation with Council and the RMS. The Draft DCP would only require provision of 45 parking spaces on the site- this is considered to be an inappropriately low rate given the rural location of the site and the anticipated high level of car dependency. Based on the provision of 136 bed hospital and the associated patient support, staffing and visitor requirements, the provision of 485 spaces has been determined to be sufficient to meet daily demands of the hospital. The proposal has been designed in accordance with the relevant Australia Standard. Conditions have been included in the development consent to reinforce this requirement. Additional requirements for bicycle parking have been conditioned, in accordance with Council's recommendation. The provision of a shared access pathway to the site, which can accommodate bicycles, will trigger the need for cyclist facilities on the site.
6.0 Engineering Requirements	Nominates controls: to ensure that the design and construction of development conforms to sound engineering practice and recognised codes and	YES- the requirements for road construction and associated easements and dedication to council, parking and driveway design, soil and stormwater management and utility services relevant to the project have been addressed in sections 4.2.2 to 4.2.9 of the assessment report. The proposal has

	standards. Implement best practice water quality controls by ensuring that pre-development water quality is maintained or enhanced in post-development runoff.	been assessed by council to be generally consistent with council's requirements, subject to suitable conditions.
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APPENDIX C GLOSSARY

Ecologically Sustainable Development can be achieved through the implementation of:

- (a) *the precautionary principle - namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In the application of the precautionary principle, public and private decisions should be guided by:*
 - (i) *careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and*
 - (ii) *an assessment of the risk-weighted consequences of various options,*
- (b) *inter-generational equity—namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations,*
- (c) *conservation of biological diversity and ecological integrity—namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration,*
- (d) *improved valuation, pricing and incentive mechanisms—namely, that environmental factors should be included in the valuation of assets and services, such as:*
 - (i) *polluter pays—that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement,*
 - (ii) *the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste,*
 - (iii) *environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.(Cl.7(4) Schedule 2 of the Regulation)*

Objects of the Act

- (a) *to encourage:*
 - (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
 - (ii) *the promotion and co-ordination of the orderly and economic use and development of land,*
 - (iii) *the protection, provision and co-ordination of communication and utility services,*
 - (iv) *the provision of land for public purposes,*
 - (v) *the provision and co-ordination of community services and facilities, and*
 - (vi) *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
 - (vii) *ecologically sustainable development, and*
 - (viii) *the provision and maintenance of affordable housing, and*
- (b) *to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*
- (c) *to provide increased opportunity for public involvement and participation in environmental planning and assessment.*

Relevant Environmental Planning Instruments.

These are EPIs that are required to be taken into consideration in the assessment of the project under S79C. A detailed evaluation of each is provided at **Appendix B**.

S79C Evaluation

(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) the provisions of:*
 - (i) any environmental planning instrument, and*
 - (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) any development control plan, and*
 - (iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and*
 - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
 - (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,*
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) the suitability of the site for the development,*
- (d) any submissions made in accordance with this Act or the regulations,*
- (e) the public interest.*

Note. See section 75P (2) (a) for circumstances in which determination of development application to be generally consistent with approved concept plan for a project under Part 3A.

Note. The consent authority is not required to take into consideration the likely impact of the development on biodiversity values if:

- (a) the development is to be carried out on biodiversity certified land (within the meaning of Part 7AA of the Threatened Species Conservation Act 1995), or*
 - (b) a biobanking statement has been issued in respect of the development under Part 7A of the Threatened Species Conservation Act 1995.*
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TAG A

RECOMMENDED CONDITIONS OF APPROVAL
