

# DELEGATED AUTHORITY DEVELOPMENT APPLICATION REPORT

DA No. DA11/0499

DATE 05/04/2012 7:41:00 AM

PROPERTY DESCRIPTION:

Lot 5 DP 1113248; No. 33-35 Corporation Circuit TWEED HEADS SOUTH

APPLICANT:

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Ausjendia Pty Ltd  
C/- Darryl Anderson Consulting Pty Ltd  
Suite 7 Corporate House  
8 Corporation Circuit  
TWEED HEADS SOUTH NSW 2486

PROPOSAL:

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The application seeks consent for a GP Super Clinic.

The facility comprises a single storey building with at grade parking provided all around the structure.

The proposed uses within the clinic include the general practice clinic, dietician, psychology, speech pathology, dental, radiology, pathology, pharmacy, kiosk as well as administration and staff facilities.

The design incorporates a drop off area (at the front of the building) with a covered awning over the top and internal gates within the parking area to segregate the customer parking from staff parking.

The clinic is not an emergency centre rather it is a primary care facility operated by GP's in association with allied health professionals.

The operating hours will be 7.30am – 9pm Monday to Friday and 8.00am to 5.00pm on weekends.

The revised traffic report indicates that actual staff numbers will reach a maximum of 40. This includes student GP's that will work from the facility (which is a requirement of the federal funding as detailed below).

The application has been granted \$7M in federal funding specific to this site, use and building configuration.

DEFINITION AS PER EPI:

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Commercial Premises (all the medical centre activities) & Shop (Pharmacy)

BUILDING  
CLASSIFICATION:

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5 & 6

SITE DETAILS:

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The site is located on the eastern side of Corporation Circuit in Tweed Heads South. The allotment has frontage to Corporation Circuit and backs onto a manufactured home estate. To the north is a warehouse building and to the south is Caldera School.

The site has an area of 5000m<sup>2</sup> and is relatively flat. A 3 metre easement for sewer runs within the site adjacent to the street frontage.

The surrounding area is generally light industrial and commercial in nature with open space areas predominately to the south and east.

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**HISTORY:**

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DA06/1301 approved the subdivision of the subject site. Lot 1 in DP1044477 the previous allotment measured 8,270m<sup>2</sup> and this allotment was subdivided into proposed Lot 4 with an area of 3,268m<sup>2</sup> and proposed Lot 5 (the subject site) with an area of 5,000m<sup>2</sup>.

The subject application DA11/0499 was lodged on 17 October 2011. Throughout the assessment of this application the primary issues for consideration have been compliance with Tweed DCP Section A2 which relates to onsite parking and the overall site suitability for the proposed facility (having specific regard to the level of access to public transport).

Whilst the majority of the facility is defined as a commercial premise (with ancillary kiosk) the proposed pharmacy aspect is defined as a shop. A shop is a Clause 8(2) matter and accordingly the application was advertised for a period of 14 days. One objection was received during public exhibition which is discussed later in this report.

Additional information specifically in the form of an amended traffic report was received on 21 December 2011.

Council's Traffic Engineer and Development Engineer have now reviewed that plan and resolved that the application as proposed can be supported (despite a numerical non compliance with DCP Section A2) on the basis of the applicant's revised traffic report, the way the facility works with student GP's, and consideration of cross utilisation within the proposed clinic.

The applicable s64 and 94 Contributions have been critically reviewed and calculated various ways to find the most equitable and transparent methodology. This has been communicated to the applicant and they appear to accept the methodology of the calculations.

The building is simple in design but will present well with appropriate landscaping and accordingly the application is recommended for conditional approval.

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**RECOMMENDATION:**

That the application be approved subject to the attached conditions:-

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Assessing Officer  
Denise Galle  
Date: 5 April 2012

**RECOMMENDATION APPROVED**  
Determined by me in accordance with  
authority delegated by the General  
Manager dated 14 May 2007

Signed: .....  
Lindsay McGavin

Dated: .....

# ASSESSMENT UNDER SECTION 79(C)(1) OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

## (a)(i) The Provisions of any Environmental Planning Instrument

### Tweed Local Environmental Plan 2000

Zoning:-	3(c) Commerce and Trade
Development Defined as:-	Commercial Premises & Shop
Permissibility:-	Item 2 and Item 3

#### Specific Clauses:-

#### **Clause 4 – Aims of the Plan**

One of the principle aims of the plan is:

*The management of growth so that the unique natural and developed character of the Tweed Shire is retained, and its economic vitality, ecological integrity and cultural fabric is enhanced.*

The proposed development is not likely to impact on the character of the Tweed. The proposal is compatible with the area's other commercial enterprises. This clause also requires that development complies with the zone objectives. This is addressed below.

#### **Clause 5 – ESD Principles**

The intent of this clause is to provide for development which is compatible with principles of ecological sustainable development (ESD) including the precautionary principle, inter-generational equity, ecological and environmental factors. The nature and location of the proposal will not cause conflict with principles of ESD.

#### **Clause 8 – Consent considerations**

#### **Clause 8(1) The Commercial Component of the DA**

(a) it is satisfied that the development is consistent with the primary objective of the zone

It is considered that the proposed development is in keeping with the primary and secondary objectives of the zone and will not have an unacceptable cumulative impact on the locality or catchment.

within which it is located, and

(b) it has considered those other aims and objectives of this plan that are relevant to the development, and

#### **Clause 8(2) The Shop Component of the DA (Pharmacy)**

The applicant has stated the following:

*The concept of a GP Super Clinic is to consolidate a range of medical services in a single location to improve access to health care services for the community. The inclusion of a Pharmacy is considered to be fundamental to this concept. The proposed use of 180m2 of floor space within the development as a Pharmacy (shop) is considered a logical complementary use which will facilitate the delivery of the Tweed GP Super Clinic. The GP Super Clinic proposal is in response to an identified urgent community need to relieve pressure on the NSW Health system. Therefore the proposal satisfies Clause 8(2)(a)(i).*

(c) it is satisfied that the development would not have an unacceptable cumulative impact on the community, locality or

*As mentioned previously the need to utilise a small part of the subject site for the purpose of a shop is to include the essential element of a Pharmacy to the proposed GP Super Clinic. Due to the need to provide a substantial quantity of car parking there are no other appropriate sites where the GP Super Clinic development is permitted with development consent (other than as advertised development) in reasonable proximity. As the Pharmacy needs to be located as part of the GP Super Clinic which is the proposal at hand, the investigation of an alternate remote site for the Pharmacy element only is not warranted.*

catchment that will be affected by its being carried out or on the area of Tweed as a whole.

**NOTE: The above consent considerations apply to Clause 8(1) matters only NOT Clause 8(2) matters which must be considered should the development be subject to Clause 8(2)**

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*The proposed building has been designed to complement the building height and external building appearance of other existing buildings in the locality. Therefore the proposal is consistent with this Clause.*

*The aims of the Local Environmental Plan include:*

*“to encourage sustainable economic development of the area”.*

*The objectives of the 3(c) zone are:*

*“Primary objective*

*to provide for commercial, bulky goods retailing, light industrial and trade activities which do not jeopardise the viability or function of the sub-regional or business centres.*

*Secondary objectives*

*to provide for those retailing activities which are not suited to, or desirable in, the other business zones or which serve the needs of the other businesses in the zone.*

*to allow for other development that is compatible with the primary function of the zone.”*

*The proposed use of 180m<sup>2</sup> of floor space within the proposed GP Super Clinic for the purpose of shop (Pharmacy) is consistent with the aims of the Plan as it will achieve efficient and economic use of the available urban land to deliver essential health services to the community.*

*The proposed Pharmacy element of the proposal is also consistent with the objectives of the zone as it will provide a specialist retail activity that directly caters for the needs of other businesses in the zone (ie. the various medical uses within the GP Super Clinic).*

The above comments from the applicant are concurred with and are considered adequate to justify compliance with Clause 8(2) of the LEP for the 180m<sup>2</sup> pharmacy.

## **Clause 11 – Zone objectives**

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The subject site is located within the 3(c) Commerce and Trade zone pursuant to the provisions of TLEP 2000.

The primary objective of the 3 (c) zone is as follows:

*“to provide for commercial, bulky goods retailing, light industrial and trade activities which do not jeopardise the viability or function of the sub regional or business centres”.*

The secondary objectives of the 3(c) zone are:

*“to provide for those retailing activities which are not suited to or desirable in, the other business zones or which serve the needs of the other businesses in the zone”*

*“to allow for other development that is compatible with the primary function of the zone”*

The proposed GP super clinic is considered to be compatible with the primary function of the zone. The clinic is commercial in nature and will have no

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perceivable negative impact on the viability of the nearby business centre (Tweed City). The clinic will provide a new service to the area in a location that is considered to be relatively central (between Banora Point and Tweed Heads) and close to an aging population.

The proposed development is considered to be compatible with the primary objective of the subject zone and Clause 8 of the LEP.

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**Clause 13 – Development of uncoloured land on the zone map**

Not applicable

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**Clause 15 - Essential Services**

Water, sewer, telecommunication and electricity services are available in the area.

Conditions have been recommended in relation to connection.

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**Clause 16 - Height of Building**

The proposal complies with the statutory 3 storey height limit given the building is single storey. Having consideration to the design of the building and the nature of the surrounding development the proposed height is considered to be consistent with the provisions of Clause 16 of TLEP 2000.

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**Clause 17 - Social Impact Assessment**

Having regard to the provisions of Tweed DCP Section A13, a detailed social impact assessment is required for places of employment >25 persons.

The revised traffic report states that the facility will have 40 employees.

Accordingly the applicant undertook a socio economic assessment that concluded:

*It is our opinion that the proposal achieves a sound balance between the site's opportunities and constraints and substantially complies with all relevant statutory and strategic planning policies and guidelines.*

*The proposed development, which will provide improved community health care facilities, a direct investment of \$4.1 million, along with direct and indirect jobs during construction and ongoing employment during operation, will result in significant positive and social economic outcomes.*

*In conclusion, it is submitted that the proposal is well justified in terms of socio-economic considerations.*

Based on this assessment the development the applicant is considered adequate.

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**Clause 35 - Acid Sulfate Soils**

The subject site is identified as Class 2 on the "Acid Sulfate Soil Planning Map". Notwithstanding, the site has previously been filled and this proposal only provides minimal disturbance to the soil. Appropriate conditions have been imposed.

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**Other Specific Clauses**

**Clause 34 Flooding**

The subject land has been previously filled to the required level. The development is commercial in nature and accordingly the PMF provisions do not apply.

**Clause 47 – Advertising Signs**

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The applicant has stated that:

The proposal includes the provision of business identification signage in the form of a 'GP Super Clinic' sign in the northern elevation of the entry port cochere, a 'Pharmacy' sign and a 'Clinic Logo' on the western elevation. The balance of signage on the site comprises three bollard height directional signs adjacent to the site frontage (entry, exit, main entry) and a number of 'graphics zones' across the northern elevation which are to comprise appropriate images as an architectural feature of the building.

Based on the frontage controls of Tweed DCP 2008 Section A4, a total of 54.89m<sup>2</sup> of signage area may be provided on the site. This allowance is based on the rate of 1m<sup>2</sup> of signage area for each of the first 10m of frontage and 0.5m<sup>2</sup> for every metre of frontage thereafter.

The proposal provides a total of approximately 26m<sup>2</sup> of business identification signage and approximately 14m<sup>2</sup> of 'graphics zone' and is therefore compliant with the numerical requirements of the signage DCP.

The proposed signs to Corporation Circuit satisfies the relevantly applicable objectives of outdoor advertising being to:

"convey advertisers' messages and images while complementing and conforming to both the building on which it is displayed and the character of the locality, and does not adversely affect the locality in terms of appearance, size, illumination or overshadowing or in any other way, and does not lead to visual clutter through the proliferation of signs"

A condition of consent will be imposed ensuring that any additional signage that falls outside of the provisions of Exempt and Complying Development will be required to seek separate Development Consent.

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**STATE ENVIRONMENTAL PLANNING POLICIES (IF APPLICABLE TICK BOX AND PROVIDE COMMENTS AT END)**

- SEPP No. 1 - Development Standards
- SEPP No. 4 - Development Without Consent & Miscellaneous Complying Development
- SEPP No. 6 - Number of Storeys in a Building
- SEPP No. 14 - Coastal Wetlands
- SEPP No 15 - Rural Landsharing Communities
- SEPP No. 21 - Caravan Parks
- SEPP No. 22 - Shops and Commercial Premises
- SEPP No. 26 - Littoral Rainforests
- SEPP No. 30 - Intensive Agriculture
- SEPP No. 32 - Urban Consolidation (Redevelopment of Urban Land)
- SEPP No. 33 - Hazardous and Offensive Development
- SEPP No. 36 - Manufactured Home Estates
- SEPP No. 44 - Koala Habitat Protection
- SEPP No. 50 - Canal Estate Developments
- SEPP No. 55 - Remediation of Land
- SEPP No. 62 – Sustainable Aquaculture
- SEPP No. 64 – Advertising and Signage
- SEPP No. 65 - Design Quality of Residential Flat Development
- SEPP No 71 – Coastal Protection
- SEPP (Major Development) 2005
- SEPP (Housing for Seniors or People with a Disability) 2004
- SEPP (Mining, Petroleum Production and Extractive Industries) 2007
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (Infrastructure) 2007
- SEPP (Temporary Structures) 2007
- SEPP (Rural Lands) 2008
- SEPP (Exempt and Complying Development Codes) 2008
- SEPP (Affordable Rental Housing) 2009

**Comment**

**SEPP 64 – Advertising and signage**

The aims of this policy relate to ensuring that signage and advertising are compatible with the desired amenity and visual character of the subject locality. To comply with the policy, signage should be:

- (i) Compatible with the desired amenity and visual character of the area;
- (ii) Provide effective communication in suitable locations;
- (iii) Signage should be of high quality design and finish.

Clause 8 requires Council to assess whether proposed signage is consistent with the objectives of the policy, and compliant with Schedule 1 of the policy. Schedule 1 provides 8 assessment criteria, as set out below:

1. Character of the area: The proposal as submitted appears compatible with the existing commerce and trade character of the subject site and the desired future character of the 3(c) Commerce and Trade zone.
2. Special Areas: Being located within the 3(c) zoning and in a generally built-up area, the subject site is not in immediate proximity to any environmentally sensitive areas, heritage areas, natural or other conservation areas, waterways or rural landscapes. As such, the proposal is not considered to detract from the amenity or visual quality of any such areas.
3. Views and vistas: The proposal as submitted is not considered to obscure or compromise important views. It is not considered to dominate the skyline nor reduce the quality of vistas experienced from the subject area. The location of the proposal on the subject site is considered to respect the viewing rights of other advertisers occupying adjacent land.

4. Streetscape, setting or landscape: The scale of the proposal, including its proportions and form is considered appropriate for the streetscape and setting of the proposal. The proposal is not considered to create unsightliness, nor does it protrude above buildings, structures or tree canopies in the area. It is therefore considered to be consistent with these criteria.
5. Site and building: The proposal as submitted appears compatible with the scale and proportion of area and proposed building. It is considered that the proposal's size and design respects the scale of the proposed building and does not detract from any important features of the building.
6. Associated devices and logos with advertisements and advertising structures: The proposal does not contain any safety devices, platforms or lighting devices due to its simple structure.
7. Illumination: The proposed advertising signage will contain illumination. This is compatible with other commercial tenancies in the locality. It is noted that residential properties exist to the rear of the subject site and it will not be impacted upon by the proposal.
8. Safety: The proposal is not considered to reduce the safety for any public road, pedestrians or cyclists as it does not protrude into the sight lines of the subject site nor that of any adjoining lots. It is not considered to obscure any sightlines from public areas and does not encroach onto the footpath or car park of the subject site.

It is considered that the proposal, as submitted is consistent with the aims and objectives of SEPP 64 – Advertising and Signage and the requirements of Schedule 1 of the policy.

To Note:

Clause 10 (1) of this SEPP lists prohibited development under this policy as such:

*Despite the provisions of any other environmental planning instrument, the display of an advertisement is prohibited on land that, under an environmental planning instrument, is within any one of the following zones or descriptions:*

*environmentally sensitive area*

*heritage area (excluding railway stations)*

*natural or other conservation area*

*open space*

*waterway*

*residential (but not including a mixed residential and business zone, or similar zones)*

*scenic protection area*

*national park*

*nature reserve*

The proposed advertisement is not located on land delineated above, and as such is not a prohibited form of development as outlined above in Clause 10 (1).

### **SEPP 71 – Matters for Consideration**

The subject site falls within the coastal zone as identified under SEPP 71, however referral to the Department is not necessary given the minor nature of the proposal and its distance from any sensitive coastal locations.

Notwithstanding, the items contained in Clause 8 of the policy remain a relevant matter for consideration. Items in Clause 8 relate to potential impacts of the proposal on public access to the foreshore, overshadowing, views, the suitability of the site for the development and potential impacts on the environment.

It is considered that the proposed development does not compromise the aims of SEPP 71 given the following:

- The subject site is not located adjacent to the foreshore and public access is not an issue.
- Overshadowing and impacts on views are unlikely given buildings are not proposed as part of this application.
- The proposed GP Super Clinic will result in a valuable service to the community.
- The minor nature and scale of the proposal will result in negligible environmental impact.

### **SEPP (Exempt and Complying Development Codes) 2008**

The only signage that is considered exempt is the replacement of an existing building or business identification sign or the content of such a sign. The proposed signage is part of a new building and is not exempt development.



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**North Coast Regional Environmental Plan 1988 (NCREP 1988) (if applicable tick box and provide comments at the end)**

- Clause 12: Impact on agricultural activities
- Clause 15: Rivers, streams and wetlands
- Clause 18: Extractive industry
- Clause 18A: Mineral sands mining
- Clause 29A: Natural areas and water catchment
- Clause 32B: Coastal Lands
- Clause 33: Coastal hazard areas
- Clause 36: Heritage items, generally
- Clause 36A: Heritage items of state & regional significance
- Clause 36B: Heritage items of regional significance
- Clause 36C: Conservation areas of state & regional significance
- Clause 36D: Advertising heritage applications
- Clause 43: Residential development
- Clause 47 Principles for Commercial and Industrial Development
- Clause 51: Directors concurrence for tall buildings
- Clause 66: Adequacy of community and welfare services
- Clause 75: Tourism development
- Clause 76: Natural tourism areas
- Clause 81: Development adjacent to the ocean or a waterway
- Clause 82: Sporting fields or specialised recreation facilities

**Clause 32B: Coastal Lands**

Clause 32B requires that all development within the region to which the NSW Coastal Policy 1997 applies must consider the provisions of that policy, the Coastline Management Manual and the North Coast: Design Guidelines. The provisions in Clause 32B also require that council must not consent to development which impedes public access to the foreshore or would result in overshadowing of beaches or adjacent open space.

With regard to the location of the proposed development, public access to the foreshore is not affected. Further, overshadowing will not be an issue. It is therefore considered the consent of the proposed development does not compromise the achievement of Clause 32B.

**Clause 47 Commercial and Industrial Development**

Clause 47(2) requires that before granting consent for commercial or industrial development, the council must consider the principle that the land used for such development should be located where it can be adequately serviced by the transport system and is accessible from urban areas.

The development is proposed within a light industrial / commercial area with access to major transport corridors and existing urban services. Accordingly, consent of the proposed subdivision does not compromise the intent of Clause 47(2).

**(a)(ii) The Provisions of any Draft Environmental Planning Instrument**

**Exhibited Draft Local Environmental Plan (list any plan/s & provide comments)**

The subject site is nominated B5 Business Development within the Draft LEP 2010. The objectives of the zone are as follows:

- *To enable a mix of business and warehouse uses, and specialised retail uses that require a large floor area, in locations that are close to, and that support the viability of centres;*
- *To provide for retailing activities that are not suited to, or desirable in, the other business zones or that serve the needs of the other businesses in the zone.*
- *To allow for other compatible development.*

The development proposal would be permitted with consent within the zone and is considered to comply with the main objectives of the zone. On this basis the proposed development is consistent with the provisions of the B5 Zone.

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**Exhibited Draft State Environmental Planning Policies or Regional Environmental Plan/s**

There are no Draft SEPPs or REPs relevant to the proposal

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Development Control Plans (if applicable tick box and provide comment at end of list)

**WHOLE OF SHIRE**

- A1-Residential and Tourist Development Code (DCP6)
- A2-Site Access and Parking Code (DCP2)
- A3-Development of Flood Liable Land (DCP5)
- A4-Advertising Signs Code (DCP15)
- A5-Subdivision Manual (DCP16)
- A6-Biting Midge and Mosquito Control (DCP25)
- A7-Child Care Centres (DCP26)
- A8-Brothels Policy (DCP31)
- A9-Energy Smart Homes Policy (DCP39)
- A10-Exempt and Complying Development (DCP40)
- A11-Public Notification of Development Proposals (DCP42)
- A13-Socio-Economic Impact Assessment (DCP45)

**SPECIFIC SITES**

- B1-Terranora (DCP1)
- B2-Tweed Heads (DCP18)
- B3-Banora Point West- Tweed Heads South (DCP3)
- B4-West Kingscliff (DCP9)
- B5-Casuarina Beach (DCP11)
- B6-Murwillumbah West (DCP14)
- B7-Cobaki Lakes (DCP17)
- B8-Keith Compton Drive (DCP19)
- B9-Tweed Coast Strategy (DCP51)
- B10-Koala Beach (DCP21)
- B11-Seaside City
- B12-Fraser Drive, Banora Point (DCP24)
- B15-Seabreeze Estate, Pottsville (DCP38)
- B17-Planning Controls - Friday Island, Bogangar (DCP52)

- B19-Bogangar / Cabarita Beach Locality Plan (DCP50)
- B20-Uki Village
- B21-Pottsville Locality Based Development Code
- B22-Murwillumbah Town Centre

## Comment

### **Tweed DCP Section A2 Access and Parking Code**

The applicant's original application (and traffic report) stated that Tweed DCP A2 required the proposed layout to have 94 spaces but based on similar facilities throughout NSW and QLD the applicant's traffic report argued that the supplied 81 spaces were sufficient. In addition the initial traffic report argued;

1. Cross utilisation;
2. 10% of patients would arrive via taxi;
3. Independent customer parking for the pharmacy land use was not required; and
4. A portion of the patients to the GP will travel to/from by private bus arranged by care/retirement homes in the area.

Despite the applicant's calculations Council staff undertook its own assessment of the proposed facility. Based on every room and use being categorised separately TSC staff felt the development needed to supply 119 spaces.

Whilst most of the applicant's arguments had merit it was considered imperative that the applicant's traffic report acknowledge the actual parking requirements in accordance with Tweed DCP A2 (119 spaces) and justify any departures based on the actual use the facility would generate rather than the figures in A2. Council acknowledged that the 119 figure did not have regard to actual staff numbers, cross utilisation or a reduction for the consulting rooms being used by students which could lower the overall customer use for those rooms given the slower turnaround times of the student GP's.

Accordingly the applicant was given an opportunity to respond to Council's car parking calculations with a revised traffic report. A revised traffic report was received which acknowledged Council's calculations and made concessions for the development as proposed based on the following additional principals to those provided above:

- cross utilisation discounts were applied on the basis that the majority of referrals to the Pathology and Radiology will be internal, with only a minor amount of external trips generated at any given time;
- the Pharmacy is not designed as a stand-alone 'Store' and will act more as a 'Dispensary' for the Super Clinic, with no public advertising. Given the location of the site, the Pharmacy is designed to cater for Super Clinic patrons only and not the surrounding retail catchment or drive-by traffic. Existing Pharmacies at Banora Shopping Village on Darlington Drive, Banora Central Shopping Centre on Fraser Drive and at Tweed City Shopping Centre already adequately provide for the surrounding catchment. Therefore, there is not expected to be a latent demand for the Pharmacy that would increase trips to the site; and
- the Super Clinic GPs have identified that around 15% of all patients travel by either taxi or community buses operated by community services (e.g. Veterans Affairs) or retirement villages in the Tweed. In addition, a notable occurrence identified by GPs is for families to make consecutive consultation bookings. This results in a higher than average vehicle occupancy rate to and from the site for customers, which further reduces the number of potential vehicles expected to access the Super Clinic at any given time.

Based on the above operational considerations the applicant's traffic report stated that the site will practically require 80 onsite parking spaces to accommodate all staff and customers/patients. The exact methodology to arrive at this figure is shown in the below full page table.

**The amended plans show a maximum of 88 parking bays onsite (2 may not meet the appropriate standard as they are located right on the front boundary adjoining the access driveways) which will satisfy the applicants parking requirements based on the applicants amended traffic report. The revised report and parking numbers have reviewed and endorsed by Council's Traffic Engineer and Development Engineer as being adequate.**

To further demonstrate site suitability the applicant also provided Council with a comparison of other similar Super Clinics which is shown below:

**Table 5.3: Similar Super Clinic Parking Provisions and Council Parking Requirements**

Location	Development Composition	Rate/GFA	Carparks
Grafton Super Clinic	21 Consulting Rooms + Pathology, Pharmacy, Physio (GFA=1100m <sup>2</sup> )	1 /20m <sup>2</sup>	57
Gladstone Super Clinic	15 Consulting Rooms + Radiology, Audiology, Allied Health, Physio, Pathology (GFA=1300 m <sup>2</sup> )	1 /21m <sup>2</sup>	60
Golden Beach Super Clinic Sunshine Coast	20 Consulting Rooms + Pathology, Dietician, Psychology, Podiatry, Physio (GFA =1450m <sup>2</sup> )	1 /37m <sup>2</sup>	39
Coffs Harbour	1500 m <sup>2</sup> Super Clinic	1 /40m <sup>2</sup>	37.5
Gold Coast Council	(e.g. 1521 m <sup>2</sup> )	1 /20m <sup>2</sup>	76
Sunshine Coast Council	(e.g. 1521m <sup>2</sup> )	1 /20m <sup>2</sup>	76
RTA	(e.g. 1521m <sup>2</sup> )	1 /25m <sup>2</sup>	61
Average rate	(e.g. 1521m <sup>2</sup> )	1 /26m <sup>2</sup>	59
<b>Tweed Super Clinic</b>	<b>Up to 11 Consulting Rooms, Pharmacy, Allied Health, Radiology, Pathology (GFA=1521m<sup>2</sup>)</b>	<b>1 /18m<sup>2</sup></b>	<b>82</b>

This table shows the parking rates adopted for Tweed are higher than other like facilities.

Current Site Issues			Review Site Problems		Consortial Site Analysis Considered					Maximum Parking Requirement Based on Site Considerations					
Node	Site	TCR At Capacity	Matter of use	Category of use	Day Trip	Daytime	Evening	Customer	Daytime	Evening	Weekend	Customer	Daytime	Evening	Weekend
1	Medical Consulting Store	61 Medical Centre West	Medical Consulting Store	Medical Consulting Store	1	0.11	2	1	1	1	1	1	1	1	1
2	Medical Consulting Store	61 Medical Centre West	Medical Consulting Store	Medical Consulting Store	2	0.11	2	1	1	1	1	1	1	1	1
3	Medical Consulting Store	61 Medical Centre West	Medical Consulting Store	Medical Consulting Store	3	0.11	2	1	1	1	1	1	1	1	1
4	Medical Consulting Store	61 Medical Centre West	Medical Consulting Store	Medical Consulting Store	4	0.11	2	1	1	1	1	1	1	1	1
5	Medical Consulting Store	61 Medical Centre West	Medical Consulting Store	Medical Consulting Store	5	0.11	2	1	1	1	1	1	1	1	1
6	Medical Consulting Store	61 Medical Centre West	Medical Consulting Store	Medical Consulting Store	6	0.11	2	1	1	1	1	1	1	1	1
7	Medical Consulting Store	61 Medical Centre West	Medical Consulting Store	Medical Consulting Store	7	0.11	2	1	1	1	1	1	1	1	1
8	Medical Consulting Store	61 Medical Centre West	Medical Consulting Store	Medical Consulting Store	8	0.11	2	1	1	1	1	1	1	1	1
9	Medical Consulting Store	61 Medical Centre West	Medical Consulting Store	Medical Consulting Store	9	0.11	2	1	1	1	1	1	1	1	1
10	Medical Consulting Store	61 Medical Centre West	Medical Consulting Store	Medical Consulting Store	10	0.11	2	1	1	1	1	1	1	1	1
11	Medical Consulting Store	61 Medical Centre West	Medical Consulting Store	Medical Consulting Store	11	0.11	2	1	1	1	1	1	1	1	1
12	Medical Consulting Store	61 Medical Centre West	Medical Consulting Store	Medical Consulting Store	12	0.11	2	1	1	1	1	1	1	1	1
13	Medical Consulting Store	61 Medical Centre West	Medical Consulting Store	Medical Consulting Store	13	0.11	2	1	1	1	1	1	1	1	1
14	Medical Consulting Store	61 Medical Centre West	Medical Consulting Store	Medical Consulting Store	14	0.11	2	1	1	1	1	1	1	1	1
15	Medical Consulting Store	61 Medical Centre West	Medical Consulting Store	Medical Consulting Store	15	0.11	2	1	1	1	1	1	1	1	1
16	Medical Consulting Store	61 Medical Centre West	Medical Consulting Store	Medical Consulting Store	16	0.11	2	1	1	1	1	1	1	1	1
17	Medical Consulting Store	61 Medical Centre West	Medical Consulting Store	Medical Consulting Store	17	0.11	2	1	1	1	1	1	1	1	1
18	Medical Consulting Store	61 Medical Centre West	Medical Consulting Store	Medical Consulting Store	18	0.11	2	1	1	1	1	1	1	1	1
19	Medical Consulting Store	61 Medical Centre West	Medical Consulting Store	Medical Consulting Store	19	0.11	2	1	1	1	1	1	1	1	1
20	Medical Consulting Store	61 Medical Centre West	Medical Consulting Store	Medical Consulting Store	20	0.11	2	1	1	1	1	1	1	1	1
21	Medical Consulting Store	61 Medical Centre West	Medical Consulting Store	Medical Consulting Store	21	0.11	2	1	1	1	1	1	1	1	1
22	Medical Consulting Store	61 Medical Centre West	Medical Consulting Store	Medical Consulting Store	22	0.11	2	1	1	1	1	1	1	1	1
23	Medical Consulting Store	61 Medical Centre West	Medical Consulting Store	Medical Consulting Store	23	0.11	2	1	1	1	1	1	1	1	1
24	Medical Consulting Store	61 Medical Centre West	Medical Consulting Store	Medical Consulting Store	24	0.11	2	1	1	1	1	1	1	1	1
25	Medical Consulting Store	61 Medical Centre West	Medical Consulting Store	Medical Consulting Store	25	0.11	2	1	1	1	1	1	1	1	1
26	Medical Consulting Store	61 Medical Centre West	Medical Consulting Store	Medical Consulting Store	26	0.11	2	1	1	1	1	1	1	1	1
27	Medical Consulting Store	61 Medical Centre West	Medical Consulting Store	Medical Consulting Store	27	0.11	2	1	1	1	1	1	1	1	1
28	Medical Consulting Store	61 Medical Centre West	Medical Consulting Store	Medical Consulting Store	28	0.11	2	1	1	1	1	1	1	1	1
29	Medical Consulting Store	61 Medical Centre West	Medical Consulting Store	Medical Consulting Store	29	0.11	2	1	1	1	1	1	1	1	1
30	Medical Consulting Store	61 Medical Centre West	Medical Consulting Store	Medical Consulting Store	30	0.11	2	1	1	1	1	1	1	1	1

As part of the subject application the applicant wants to segregate the staff parking from the customer parking by **utilising boom gates** for after standard hours only. The parking space at the rear of the building would be designated for staff only. The submitted plans show the boom gates would segregate 45 spaces for staff use after hours and the remaining front 43 spaces for customer use.

Council's Traffic Engineer and Development Engineer critically reviewed the proportion of parking for staff and customers and have now agreed that a condition of consent should be imposed which states:

*The proposed security gates shall be installed to restrict vehicle access to the rear of the building (eastern boundary) after 6pm only. Security gates are not to restrict vehicle access (to be left opened) during business hours, prior to 6pm. A maximum of 40 car parks shall be restricted by the security gates.*

The nominated 40 spaces is to align with the applicant's traffic report which states staff numbers will not exceed 40.

In regards to **service vehicles** that applicant has argued that access to the site for HRV vehicles would be seldom or never required as deliveries to the pharmacy and clinic is undertaken by small delivery vans. Council's traffic engineer concurred with this conclusion.

To compensate for the lack of a HRV space the applicant proposes to include a 15m long signed loading area adjacent to the Super Clinic on Corporation Circuit to cater for a HRV or large bus if required. An internal memo from Ray Clark (Traffic Engineer) has indicated that the designation of an on road parking for HRV vehicles would be subject to future application to Council's Local Traffic Committee and does not form part of this proposal.

Based on the applicants traffic report and Council's recommended conditions of consent the application is considered suitable for approval having regard to Tweed DCP Section A2.

### **Tweed DCP Section A3 – Development of Flood Liable Land**

The existing site is currently flat with site levels ranging from approximately RL 2.85 to RL 2.53. The proposed building pad is RL 3.0m AHD. The existing sites Q100 flood level in this vicinity is RL 2.6m AHD, with a 400mm of free board.

The site is affected by Probable Maximum Flood level (PMF). As the proposed development is not a permanent dwelling the PMF contingencies do not apply.

The application as proposed satisfies the provisions of Tweed DCP A3.

### **Tweed DCP Section A4 – Advertising Signs Code**

The applicant has stated that:

The proposal includes the provision of business identification signage in the form of a 'GP Super Clinic' sign in the northern elevation of the entry port cochere, a 'Pharmacy' sign and a 'Clinic Logo' on the western elevation. The balance of signage on the site comprises three bollard height directional signs adjacent to the site frontage (entry, exit, main entry) and a number of 'graphics zones' across the northern elevation which are to comprise appropriate images as an architectural feature of the building.

Based on the frontage controls of Tweed DCP 2008 Section A4, a total of 54.89m<sup>2</sup> of signage area may be provided on the site. This allowance is based on the rate of 1m<sup>2</sup> of signage area for each of the first 10m of frontage and 0.5m<sup>2</sup> for every metre of frontage thereafter.

The proposal provides a total of approximately 26m<sup>2</sup> of business identification signage and approximately 14m<sup>2</sup> of 'graphics zone' and is therefore compliant with the numerical requirements of the signage DCP.

The proposed signs to Corporation Circuit satisfies the relevantly applicable objectives of outdoor advertising being to:

“convey advertisers' messages and images while complementing and conforming to both the building on which it

is displayed and the character of the locality, and does not adversely affect the locality in terms of appearance, size, illumination or overshadowing or in any other way, and does not lead to visual clutter through the proliferation of signs”

The signs are of a professional nature and will unlikely detract or create excessive clutter along the streetscape and will not impact adversely on the commercial/retail nature of the subject site.

#### **Tweed DCP Section A11 – Notification**

The application was advertised and notified for a period of 14 days. One objection was received on traffic and access grounds. This is discussed in detail later in the report

#### **Tweed DCP Section A13 – Socio Economic**

Having regard to the provisions of Tweed DCP Section A13, a detailed social impact assessment is required for places of employment >25 persons.

The revised traffic report states that the facility will have 40 employees.

Accordingly the applicant undertook a socio economic assessment that concluded:

*It is our opinion that the proposal achieves a sound balance between the site's opportunities and constraints and substantially complies with all relevant statutory and strategic planning policies and guidelines.*

*The proposed development, which will provide improved community health care facilities, a direct investment of \$4.1 million, along with direct and indirect jobs during construction and ongoing employment during operation, will result in significant positive and social economic outcomes.*

*In conclusion, it is submitted that the proposal is well justified in terms of socio-economic considerations.*

Based on this assessment the development the applicant is considered adequate.

#### **Tweed DCP Section B3 – Banora Point West Tweed Heads South**

The subject site is identified as being located within the Industry Commerce and Trade zone associated with Tweed DCP Section B3.

Section 6 of the plan identifies 12 general guidelines for development in the designated vicinity and therefore, some the controls are not applicable to the proposal. The relevantly applicable controls are addressed below:

- a) *No Buildings within 9 metres from the street alignment – **Complies minimum setback 12.6 metres.***
- b) *No buildings to be erected within 3 metres of public reserve – **Complies***
- c) *within Building setback to street min 3 metres of landscaping – **Carparking is located 1m from the front property boundary which will be vegetated. Internal of the site around the entry door the site will be landscaped to improve the visual impact of the building. This is considered adequate to enhance the site.***
- d) *Fencing – **Not applicable***
- e) *Landscaping – **The submitted Landscape Concept is satisfactory***
- f) *Advertising Signs – **Complies with the Tweed DCP, Clause 47 of TLEP 2000 and SEPP 64.***
- g) *Adequate provision for vehicular entry – **Traffic Engineer has deemed it satisfactory***
- h) *Parking to comply with DCP 2 – **Satisfactory see above***
- i) *Investigate possible noise consequences – **Satisfactory see assessment below under “amenity”***
- j) *Open Storage should be screened – **Not applicable***
- k) *Waste Disposal Facilities – **Satisfactory***
- l) *Development within Sewerage Treatment Works Buffer – **Not applicable.***

The application is consistent with similar developments in the area and is considered to satisfy the objectives of this DCP.

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**(a)(iv) Any Matter Prescribed by the Regulation (Clause 92, 92A 93 & 94)**

**Primary matters**

- Clause 92(a) Government Coastal Policy

**Specific Considerations**

Does the policy apply and if so what are the implications?

**Comment**

The subject site is located on land to which the Government Coastal Policy applies. The policy contains a strategic approach aiming to protect, rehabilitate and improve the natural environment of areas covered by it. This proposal has been assessed with this in mind, and it is considered that the proposed warehouse will not contravene the objectives of the policy.

- Clause 92(b) Applications for demolition

What are the implications of Australian Standard AS 2601-1991?

**Comment**

The application does not involve any demolition.

- Clause 93 Fire Safety Considerations

Is the application for a change of use of an existing building?

No

- Clause 94 Buildings to be upgraded

Is the application for rebuilding, alteration, enlargement or extension of an existing building?

No

**(a)(v) Any coastal zone management plan (within the meaning of the Coastal Protection Act 1979)**

**Tweed Shire Coastline Management Plan 2005**

Not applicable for the subject site.

**Tweed Coast Estuaries Management Plan 2004**

Not applicable for the subject site.

**Coastal Zone Management Plan for Cobaki and Terranora Broadwater (adopted by Council at the 15 February 2011 meeting)**

Not applicable for the subject site.

**(b) The Likely Impacts of that Development, including Impact on both the Natural and Built Environment, and Social and Economic Impacts in the Locality**



(Provided below is a list of matters to be used as a guide in assessing the impacts of the development. Tick the significant matters relevant to the application and provide comments below. This list is not inclusive and any other matters relevant to the application should also be listed and assessed. Matters not ticked are considered satisfactory in terms of the application)

- Context and Setting
- Access, Transport and Traffic
- Public Domain
- Utilities
- Heritage
- Farmland of State or Regional significance (Section 117(2) Direction 14 dated 30 September 2005 (Refer to Council resolution of 25 July 2006))
- Other Land Resources
- Water
- Soils
- Air and Microclimate
- Flora and Fauna
- Waste
- Energy
- Noise and Vibration
- Natural Hazards
- Technological Hazards
- Social Impact in Locality
- Economic Impact in Locality
- Site Design and Internal Design
- Construction
- Cumulative Impacts
- Crime prevention
- Impact on Oyster Industry (refer to NSW Government Oyster Industry Sustainable Aquaculture Strategy 2006)

**List any other matters considered relevant**

No additional matters relevant.

**Assessment of matters identified above**

Context and Setting:

The proposed development is situated within an established commercial and trade precinct estate.

The development presents as a long 70m building with a reasonably plain roof line. Interest in the front elevation is created by a varied setback, landscaping, signage, a covered entry drop off area and some minor changes to roof pitch. The application does incorporate space for courtyards and outdoor waiting areas that will be landscaped and these design elements will be crucial in creating an enhanced building form.

Having regard for the design of the building and the street context the proposal is not likely to provide an unacceptable impact upon existing amenity within the commercial precinct.

Landscaping

The proposed landscaping plans on the frontage of the site includes

- Archontophoenix cunninghamiana* (Bangalow palm) - native species
- Asplenium australasicum* (Bird's nest fern) - native species
- Aspidistra sp.*(Cast iron plant) - non-native species

*Calathe zebrina* (Zebra plant) - non-native species  
*Clivia miniata* (Kaffir lilly) - non-native species  
*Trachelospermum jasminoides* (Star jasmine) - non-native species  
*Dietes grandiflora* (Wild iris) - non-native species  
*Dichorisandra reginae*- non-native species  
*Cordyline 'Firestorm'* (Palm lilly) - cultivar  
*Dendrobium speciosum* (Native orchid) - native species  
*Liriope 'Isabella'* (a liriope) - cultivar  
*Phormium 'Flamin'* (a NZ flax) - cultivar  
*Lomandra 'Tanika'* (a matt rush) - cultivar  
*Viola hederacea* (Native violet) - native species  
*Ophiopogon 'Stripy White'* - cultivar

The species chosen are not suitable (i.e. not local native or a cultivated species). Therefore, the following conditions are necessary:

*Prior to the issue of a construction certificate*

*A detailed plan of landscaping with a minimum 80% of total plant numbers comprised of local native species and no noxious or environmental weed species is to be submitted and approved by Council's General Manager or his delegate prior to the issue of a Construction Certificate.*

*Prior to the issue of an occupation certificate*

*All landscaping work is to be completed in accordance with the approved plans prior to any use or occupation of the building.*

In addition, the applicant when deciding their species selection, should take into account the size of the area in which they wish to plant them. As a general rule of thumb, trees require an undisturbed (no hardstand areas) area of 4m and shrubs/grasses 2m.

Tuckeroo's are suitable, but consideration should be given to maintenance issues regarding Bangalow Palms (i.e. drop fronds, fruit etc).

**Access, Transport & Traffic**

Council's Development Engineer has provided the following assessment in regard to **intersection design**:

*Corporation Circuit intersects with Greenway Drive and is a newly constructed intersection with limited (minimal) line marking. The intersection could be improved by additional line marking, defining left and right turning movements. This proposed development increases the degree of saturation (DOS) passed the practical operating capacity at peak Thursday PM to 1.033 (DOS<0.80). The proposed traffic report by Bitzios Consulting concludes with the following statement "Based on the existing and future base operations of Corporation Circuit / Greenway Drive intersection, the intersection will require improvements irrespective of the proposed development." This suggests that the intersection is operating at capacity prior to the proposed GP super clinic construction.*

*An updated report by Bitzios Consulting is provided to Tweed Shire Council following an RFI to the applicant on the 16<sup>th</sup> November, 2011 and a meeting held with the applicant and applicant's representatives on the 22<sup>nd</sup> November, 2011. This report details that the previous included default input modelling criteria, which was inappropriate for the subject intersection. Bitzios Consulting indicates that in the updated report Sidra was re-modelled to include 5 seconds for critical gap (previously 7 seconds) and 3 seconds for Follow-up Headway within the Gap Acceptance Parameters (previously 4 seconds). Below is table 3.1 as indicated in the new amended report.*

**Table 3.1: Corporation Circuit/Greenway Drive Base 2011 Operating Performance**

Year	Peak Period	Degree of Saturation (DOS)	Average Delay (s)	95% Back of Queue (m)
2011	Thursday AM	0.391	5.0	33.7
	Thursday PM	0.347	5.6	21.4
	Saturday AM	0.311	4.4	25.6
2021	Thursday AM	0.548	7.7	11.2
	Thursday PM	0.752	11.1	53.0
	Saturday AM	0.675	9.2	66.4

As indicated in the above table the existing intersection currently performs within capacity, being within the practical operating capacity of  $DOS < 0.80$ . The performance of the intersection in the future, 2021 indicates that the intersection is operating close to theoretical capacity. The intersection would need to be updated in the future, prior to 2021 to improve on the intersection performance and safety.

Table 3.4 below indicates the operating performance of Corporation Circuit and Greenway Drive with the development traffic.

**Table 3.4: Corporation Circuit/Greenway Drive Operating Performance**

Year	Peak Period	Scenario	Degree of Saturation (DOS)	Average Delay (s)	95% Back of Queue (m)
2011	Thursday AM	With development traffic	0.422	5.8	38.8
	Thursday PM	With development traffic	0.412	6.6	24.4
	Saturday AM	With development traffic	0.323	4.8	27.5
2021	Thursday AM	With development traffic	0.585	9.1	83.7
	Thursday PM	With development traffic	0.980	17.2	57.1
	Saturday AM	With development traffic	0.775	10.5	68.3

The above table indicates that the inclusion of the proposed development will operate within capacity for the current year. The future, 2021 traffic will exceed acceptable theoretical operating capacity  $DOS < 0.8$ .

Based on the information provided by Bitzios Consulting the intersection is not currently operating at capacity or will operate at capacity once the proposed Super GP clinic. The intersection will require upgrading in the future to improve performance and safety. The performance of this intersection is largely affected by the existing intersection and driveway access to Harvey Norman / Bunning's located north along Greenway Drive (this intersection will also require upgrading in the future).

The report concludes that the intersection upgrade is a staging requirement which will result in the overall Greenway Drive subdivision and full development of Corporation Circuit, not specifically as a result of the proposed development alone.

Council's traffic engineer may wish to independently assess the intersection to determine if the proposed development requires upgrading as part of this development, however based on Bitzios Consulting calculations the intersection will be working within operating capacity after the GP Super Clinic development.

Council's traffic engineer reviewed this data and concluded that:

*The applicant's report adequately addresses perceived intersection limitations.*

No intersections upgrades have therefore been recommended.

Council's Development Engineer has provided the following assessment in regard to **Access**:

Tweed Shire Councils Access to Property – Design Specification indicates that driveways in industrial / commercial zones are to have a width of 7m at the property boundary and 13m at the kerb. These widths are indicative only and different widths may be specified in the section 138 application.

The proposal is for two access locations. The applicant has indicated that the two driveways are proposed to be 5.8 meters in width. The traffic report by Bitzios Consulting has referenced AS 2890.1 in regards to driveway widths. The reference states “The Australian Standard AS2890.1 specifies that for an access to a facility where less than 100 car parking spaces are provided on a local road, that the entry width should be 3.0 meters to 5.5 meters (combined exist and entry)”.

Assessing the proposed development using AS 2890.1:2004 the following was determined:

<b>Car parking user class (Table 1.1)</b>	<b>Number of car parking spaces (Table 3.1)</b>	<b>Entry Width (Table 3.2)</b>	<b>Exit width (Table 3.2)</b>
3	Category 2	6.0 to 9.0	(Combined)

Using AS2890.1:2004 it can be seen that the entry / exit width is to be between 6m – 9m, hence the driveway widths in accordance with Tweed Shire Councils standards of 7m at the boundary and 13m at the kerb is valid.

An updated report by Bitzios Consulting is provided to Tweed Shire Council following an RFI to the applicant on the 16<sup>th</sup> November, 2011 and a meeting held with the applicant and applicant’s representatives on the 22<sup>nd</sup> November, 2011. The updated report has re-assessed the proposed driveway widths and have provided the following response:

- 1) The sites circulating roadway has been redesigned to provide a one-way entry only and exit only driveway with a one-way aisle along the frontage of the site.
- 2) The re-design aims to provide a safer internal road network by minimising potential conflicts with parked vehicles and pedestrians along the front of the aisle of the site.

With the redesign of the one way only aisle and driveways exit and entry the applicant proposes to maintain the driveway widths of 5.8m based on the following criteria:

- Applicability to AS2890.1 and AS2890.2
- Expected vehicle usage
- Road frontage classification and width; and
- Similar one-way driveway configurations along Corporation Circuit.

Tweed Shire Councils Driveway Access to Property – Design Specification Policy specifies that driveway widths are indicative only and the different widths may be specified in Section 138 approvals. The proposed final driveway widths are to be approved through the Section 138 approval. (to be conditioned)

There is an existing stormwater gully pit located adjacent to the northern proposed driveway. The proposed driveway is to be clear of the existing gully pit. (Condition to indicate that if the proposed driveways conflict with the exiting stormwater gully pits the pits will need to be relocated).

Appropriate conditions have been recommended.

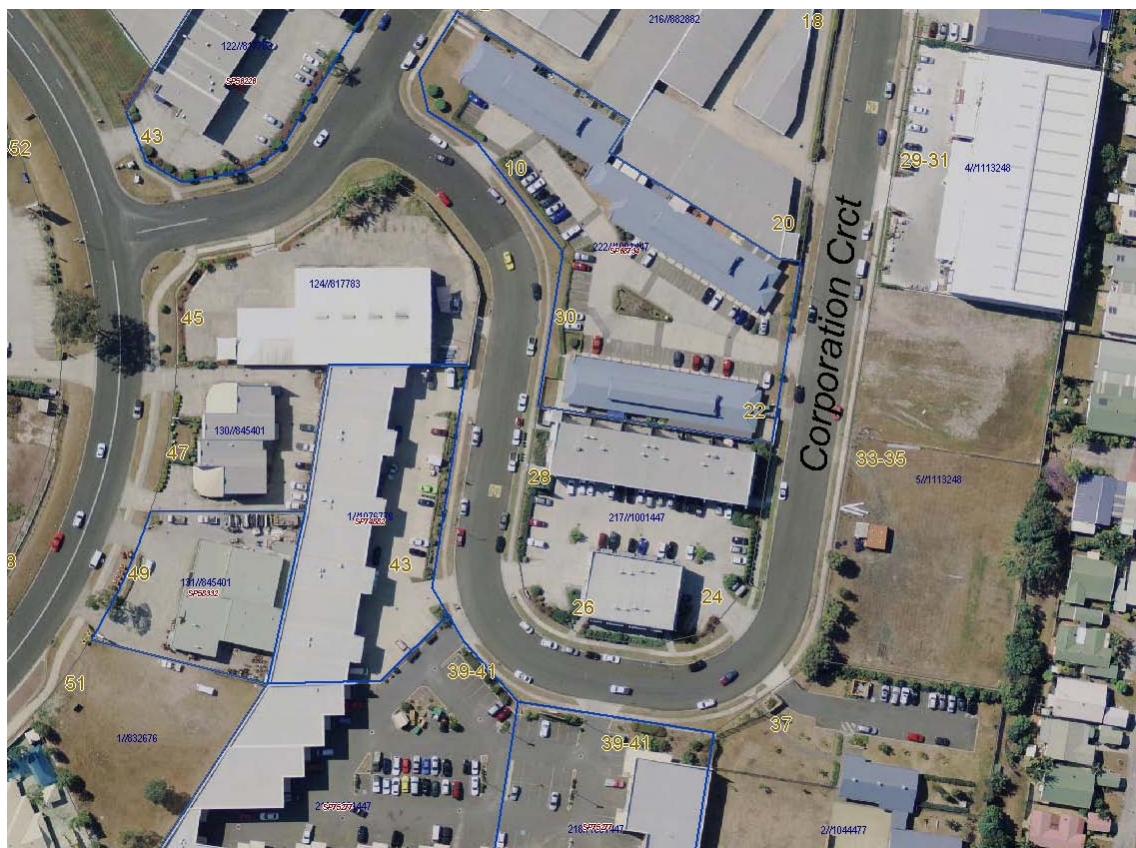
Council’s Development Engineer has provided the following assessment in regard to **Footpaths**:

There is an existing footpath located on the frontage of the site.

DCP A2 requires approximately 56 bus seating arrangements for the proposed development. The applicant is relying on Surfside Buslines which operate Route 607 which services Greenway Drive and operates on an hourly frequency between Tweed Heads and Flame Tree park, via Tweed City. The nearest bus stop is located approximately 460m on Greenway Drive and the desired route is highlighted in black below. Approximately 85m of footpath has not been constructed on the desired link between the bus stop and proposed development. The high number of bus seating required for the proposed development (use of the public transport) may provide grounds for the applicant to construct the footpath. Council’s Planner may wish to engage the applicant to construct the footpath as part of this application or seek clarification if the proposed footpath is scheduled as part of TSC works in the future.



The missing link of the footpath occurs on the north eastern corner of Lot 124 in DP 817783 which is approximately 175m away from the subject site as shown on the below aerial.



Discussion with Council's Planning and Infrastructure Engineer (29/02/2012) indicated that it was probably unreasonable to ask the developer to do this missing link of footpath as the development did not get the ESD discount under DCP A2 and furthermore that the separation distance between the subject site and the missing link of footpath is probably too far away. Accordingly this missing link of footpath has been forwarded to Council's Planning and Infrastructure Engineer to put on Council's Work Program to ensure a footpath is available to and from the bus stop in Greenway Drive to the subject site.

### (c) The Suitability of the Site for the Development

(Provided below is a list of matters to be used as a guide in considering the suitability of the site for the development. Tick the significant matters relevant to the application and provide comments below. This list is not inclusive and any other matters relevant to the application should also be listed and assessed. Matters not ticked are considered satisfactory in terms of the application)

- Surrounding Land Uses/Development
- Availability of Utilities & Services
- Ambient Noise Levels
- Natural Hazards including Flooding, Tidal Inundation, Subsidence, Slip, Mass Movement and Bushfire
- Soil Characteristics
- Site Orientation
- Topography
- Contamination
- Site Drainage
- Resource Value
- Fauna or Flora
- Effluent Disposal
- Farmland of State or Regional significance (Section 117(2) Direction 14 dated 30 September 2005)

**List any other matters considered relevant**

#### **Gold Coast Airport Lighting Zone**

The following comments were received by Gold Coast Airport;

*We refer to the subject DA for construction of the GP Super Clinic, and advise that the application is of interest to Gold Coast Airport Pty Ltd (GCAPL).*

*The application documents indicate that the roof of the building is to be constructed of Colorbond "Surf Mist".*

*The site is located within the Lighting Zone for the airport, wherein a reflective roof constitutes a "controlled activity" under the Commonwealth Airports Act. Roofs are required to be constructed of non-reflective materials, unless otherwise approved by GCAPL. Colorbond is a "deemed to comply" roof material, with the exception of colours having solar absorptance of less than 0.35. "Surf Mist" is one of two Colorbond colours currently falling within the non-approved category, and therefore is not permissible in the absence of GCAPL approval.*

*It is requested that the standard condition agreed between TSC and GCAPL be imposed on any consent for the proposed development, as follows:*

***The subject land is within the Lighting Zone for Gold Coast Airport, in which use of non-reflective roof surfaces is mandatory. Any proposed use of reflective roof materials requires approval from Gold Coast Airport Pty Ltd, prior to issue of an occupation certificate. (Note: Colorbond is a pre-approved material, with the exception of roof colours having solar absorption equal to or less than 0.35).***

*Please let us know if you would like any further information.*

The above condition has been imposed on the recommended conditions of consent.

#### **Assessment of matters identified above**

#### **Site Suitability**

Council's Social Planner provided the following e-mail for consideration;

*Further information about this proposal includes the following from Denise Galle and from the Socio-Economic, Environmental and Traffic Assessments.*

*Denise has concerns about the location, but notes that other sites have been considered and this site preferred on cost, so the private developer may lose the contract if another site is required.*

*My concern is that these large community service delivery facilities should be in accessible, central locations on the transport network.*

*Similar existing facilities are:*

- 1. Amaroo in Keith Compton Dr, TH - 2 bus services at the door, 30 min interval*
- 2. Wharf St Medical Centre, TH - 7 bus services at the door, 8 min interval*
- 3. Tweed City Medical Centre, South Tweed - 7 bus services within 100m, 8 min interval*
- 4. Home Mart Medical Centre, South Tweed - 6 bus services within 50m, 12 min interval*

*- compared to this proposal with 1 hourly bus service, not within 400m. This is presented as, quote: 'good public transport facilities within walking distance'. To reach the facility from most parts of Tweed Heads would require a change of bus onto route 607 at Tweed City or some other point. It would operate until 6.00pm, whilst the bus service finishes around 5.00pm.*

*It is a large facility with 18 consulting rooms of various specialists, so it would generate large numbers of clients (no numbers given, but a rate of 6 patients/hour/consulting room is mentioned, which would mean up to 1,080 patients/day, plus carers, drivers, etc. 81 car spaces (3 disability) are proposed, generating 97-115 vehicle trips per peak hour, plus 10 cycle spaces, and a requirement for 36 seats at the bus stop (Access Code-2 seats/consulting room)!*

*The number of patients appears to exceed the daily total of car trips by around 480. This happens to be about the same proportion as the population that is transport disadvantaged, 40% (who don't have individual use of a car).*

*I won't argue about the proposal being in a 3(c) Business Zone for bulky goods retailing, or other compatible uses.*

Based on Council Officer's initial concerns with general site suitability for the proposed facility the applicant was asked to supply additional information to address:

- 1. Detailed information on site suitability. The GP Super Clinic is a great initiative for the whole of Tweed Shire. Please demonstrate how and why the subject site is chosen to support this project. Furthermore please demonstrate why the subject site is the most suitable site to accommodate the facility. In this regard please specifically comment on proximity to public transport, level of site exposure and the suitability of the facility operating 24 hours a day in the subject location.*

In response the applicant provided:

As discussed at our meeting on 22 November 2011, the proposed GP Super Clinic on the subject site is the project for the Tweed region which has been approved for funding by the Federal Department of Health and Aging (DOHA).

In summary, the site selection process required that the GP Super Clinic be located in an area with:

- poor access to health services;
- poor health infrastructure and or coordination;
- where a GP Super Clinic could help take pressure off the emergency department of a local hospital;
- high levels of chronic disease and/or populations with high health needs, such as large numbers of children or the elderly; or
- areas with high population growth or anticipated high population growth.

A plot of the key locational criteria, which in the local context relates to the location of Tweed Hospital, John Flynn Hospital, residential aged care facilities (which accommodate a large proportion of persons with chronic disease) and the existing and future residential areas is provided on the plan at **Figure 1**.

While meeting the above criteria, the project also needed to demonstrate a minimum level of multi-disciplinary health care and teaching, and an ability to be constructed to the federal grant budget and in the allocated timeframe.

The project team initially considered upwards of 8 potential sites. A preliminary design and costing analysis was applied to each potential site and a matrix prepared to address the 14 different criteria.

In short, sites which could satisfy the key criteria but could not accommodate a single level building and at grade car parking were eliminated as multi-level construction or basement car parking were cost prohibitive and provided poor accessibility and did not allow for true interaction between the different health care professionals.

The minimum site area to accommodate the required building and car parking was estimated at 5000m<sup>2</sup>. In addition prospective sites were required to be brought to sale terms within the tender period. Of the three shortlisted sites the, site at Tweed Heads South scored 66 out of 70.





Figure 1 – Tweed GP Super Clinic Locational Criteria Assessment  
Source: Fulton Trotter Architects DOHA Funding Application

The subject site is also considered superior in terms of providing safe access for the elderly who can access the site from Corporation Circuit which has a low traffic volume. The site still maintains a direct line of sight from Greenway Drive and is within walking distance from Surfside Bus Route 607 on Greenway Drive. Importantly, the Corporation Circuit site allows a single storey building to achieve economy of construction, ease of access for the disabled and elderly and the required integrated model of clinical care with multiple medical disciplines on the same floor.

The clinic is not an emergency centre, rather it is a primary care facility operated by GPs in association with allied health professionals and includes an integral teaching component as a long term condition of the funding. The facility may support local hospital outpatient services during limited timeframes being the operating hours of 7:30am – 9:00pm Monday to Friday and 8:00am – 5:00pm on weekends. The location of the building is therefore not required to be in a prominent position.

Development on the subject site for the purpose of a Medical Centre, defined under Tweed LEP as a 'commercial premises', is permissible with consent as an Item 2 use in the 3(c) zone which applies to the site. In this regard the proposed use is among other commercial premises (professional offices) and a school in Corporation Circuit. The proposed development is therefore consistent with the character of the area.

The site is vacant, level, serviced with all normal urban utilities, has a sealed road frontage with kerb and gutter and is flood free. In this respect and with regard to the above selection process that was undertaken by the Project Team, the subject site is entirely suitable for the proposed development.

As previously explained, the approval process for the Federal Funding was quite detailed in order to ensure that the locational and health demand based requirements of DOHA were satisfied.

It is also important for Council to note that the funding approval (\$7 million of Federal Government funding) is site specific and is conditional on the basis of an agreed building configuration on the approved site, with the project to be delivered (operational) within a tight timeframe.

There are also strict ongoing contractual arrangements for Ausjendia Pty Ltd to uphold over the long term in order to deliver and maintain this service to the community. Council's assistance is therefore requested to ensure that the Federal funding can be delivered so that the public benefit associated with these additional health services is realised for the Tweed Area. If the funding approval lapses due to the failure of the Development Application, unfortunately the Tweed will lose the opportunity of being provided with a GP Super Clinic altogether.

Having regard to this information and the general permissibility of the proposal in the subject area, the site is considered suitable subject to the recommended conditions of consent.

## **Waste**

A Waste Management Plan has been prepared and submitted.

Council's Coordinator Waste Management has reviewed the plan and has requested additional information as detailed below:

1. The waste management plan in Annexure K uses a waste generation figure of 10L/100m<sup>2</sup> for determination of weekly refuse and recycling loadings. This waste generation rate is usually associated with offices and does not take into consideration the pharmacy component (potentially up to 50L/100m<sup>2</sup> ) or the kiosk (potentially up to 80L/100m<sup>2</sup> ). It is recommended that the applicant review the waste generation rates used and amend the weekly refuse and recyclable loadings accordingly. The applicant is guided to the NSW Better Practice Guide for Multi Unit Dwellings for typical waste generation rates.
2. The refuse storage area is described in the waste management plan (Annexure K) and shown diagrammatically in drawing SK302. However no further detail on the size or the screening or the refuse storage area could be found in the provided documentation. It is recommended that the applicant provide further detail and drawings detailing the refuse storage area.

The additional information was supplied on 14 November 2011 and Council's Coordinator Waste Management stated that the additional information satisfies his request and that he does not require any further information relating to management of solid waste for this development.

## **Dust/Noise**

Standard condition to apply regarding dust in the construction phase.

Consideration has been applied regarding the occupied adjoining residential premises which states that the rear car parking area will be vacated and locked so as to deny access to all customers after 6.00pm each day.

An Environmental Noise Impact Report dated 28 September 2011 has been prepared by CRG and submitted.

All facets of the operation of the proposed business have been considered in the Report and Recommendations for noise amelioration where considered necessary are included. The Report has been assessed and is considered satisfactory. Standard conditions to apply regarding normal operational activities. Other conditions regarding noise which are to be included are as per dot points in the Recommendations in Cl. 6.0 in Annexure "L" of the of the Report.

The site is located external to the ANEF and therefore this is not an issue.

## **Operation Times**

Due to the location of the site, its surroundings and the orientation of the building it is considered that the hours as applied for will not impact adversely on the general community.

## **Lighting**

Standard conditions to apply. Main external lighting as proposed is to the street frontage which is opposite other commercial premises. Security lighting is provided and will be conditioned as indicated.

## **Groundwater**

The attached sampling documents provided indicates that on testing by Bordertech minimal groundwater was intercepted between the depths of 2.4m. to 2.6 m. below the existing ground surface. Further advice in this regard is provided in Cl. 5.2 of Appendix "J" in the attached documents by Bordertech. The construction of the building is stated as being slab on ground with tilt-up panel walls. Foundation options as referenced are as follows -- strip and pad footings or raft slab and/or piled footings. The proposed works may extend to a maximum of 1.000m. below the existing surface level. Based on this it is considered that groundwater will not be intercepted. However as no defined preference or definitive advice has been submitted regarding footing construction it is considered sufficient to apply a standard condition.

## **Acid Sulfate Soils**

The site is classified as Class 2. Contents of the Application referencing ASS indicate that works are unlikely to penetrate or disturb Acid Sulfate Soils. However as a precautionary measure Council's condition for "Minor Works Only" is to be included.

## **Food**

It is not known at this time the identity of the operator of this facility. Therefore it is to be conditioned that detailed Drawings including (a) Floor Plan and (b) Sectional Elevations from two (2) directions through the Kiosk at a Scale of 1:50 are to be provided for assessment and approval by Council's Health Unit prior to commencement of any fit-out or internal works in regard to this facility. Complete fit-out details including a Schedule of Fittings and finishes are to be provided in conjunction with and/or as part of these Drawings.

### **(d) Any Submissions made in Accordance with the Act or Regulations**

#### **Public Submissions Comment**

##### **Summary of Submissions**

##### **Response**

The proposed development was advertised in the Tweed Link from 9 November 2011 to 23 November 2011. In addition letters were sent to adjoining owners including all residents in the adjoining Palm Lake Resort Banora Point (a custom built village designed for the over-50s consisting generally of detached dwelling houses centred around community facilities).

During the exhibition period one objection was received from Rory Curtis

Name: rory curtis

Address: 15 captains way banora pt

Contact Number: 0414187357

Email Address: [rorycurtis@thegoodguys.com.au](mailto:rorycurtis@thegoodguys.com.au)

Comment: I don't support the clinics location and the number of vehicle spaces allocated in the design. Below are comments to support its refusal. 1: The GP clinic will generate an extremely high volume of traffic in the sth easter corner of corporation circuit which is in a close proximity to the school and day care centre which is in conflict with the safe amenity currently enjoyed. 2: According to the data provided the LOS for traffic out of corporation is a FAIL which is a direct result of projected traffic numbers circulating corporation circuit from the clinic. 3: The number of vehicle spaces allocated in the DA is insufficient given you can't book a time to see a GP which means cars can be there for hours on end which pushes parking onto corporation circuit and causes a new set of issues for businesses and visitors to the area. I am in support of the council recommended 94 spaces. Examples of real parking issues experienced with a medical centre that doesn't adhere to (or have) patient booking times can be seen monday - friday at the home mart centre on Minjungbal Drive. 4: there is no public bus transport to the clinic. people who use this mode of transport will not and possibly could not walk the long distance from the greenway drive drop off point.

All of the issues raised above have been addressed in detail in the above report. The applicant has demonstrated suitable traffic and access arrangements based on the exact nature of the business. A separate letter will be drafted to go to Mr Curtis advising him of the revised traffic report and Council's satisfaction with this data.

The objection does not warrant refusal or further amendment of the application.

#### **Public Authority Submissions Comment**

##### **Summary of Submissions**

##### **Response**

Nil received or required.

**NOTE:** (1) *If the development is likely to directly or indirectly impact upon State Significant Farmland as referred to in the "Northern Rivers Farmland Protection Project, Final Map 2005 (Section 117(2) Direction), then the application will need to be referred to the Regional Office of the Department of Primary Industry for comment (Council resolution of 25/7/2006)*

Not applicable

- (2) *If the development may affect a priority oyster aquaculture area or oyster aquaculture outside such an area the application will require referral to the Director General of the Department of Primary Industry in accordance with NSW Oyster Industry Sustainable Aquaculture Strategy 2006.*

Not applicable

**(e) The Public Interest**

In assessing public interest, consideration should be given to any government interests and community interests having regard to any policy statements, planning studies, guidelines, management plans, advisory documents, public meetings and enquiries held, public submissions, public health and safety etc. Attached as appendix 1 is a list of documents which may be of relevance. This list is by no means inclusive).

It is considered that the application complies with the zone objectives and with the objectives outlined in local and state policies.

The proposed GP Super Clinic represents an opportunity to increase employment generating activities within the Shire while providing a valuable community health benefit.

The proposal is therefore favourable to the public and community interest.

**Section 94 and 64 Contributions Plan (tick if relevant)**

<input type="checkbox"/>	Plan No. 1	Banora Point West/Tweed Heads South
<input type="checkbox"/>	Plan No. 2	Banora Point West Drainage Scheme
<input type="checkbox"/>	Plan No. 4	Tweed Road Contribution Plan
<input type="checkbox"/>	Plan No. 5	Open Space Contribution
<input type="checkbox"/>	Plan No. 6	Street Tree Planting in Residential Areas
<input type="checkbox"/>	Plan No. 7	West Kingscliff
<input type="checkbox"/>	Plan No. 10	Cobaki Lakes Public Open Space & Community Facilities
<input type="checkbox"/>	Plan No. 11	Shirewide Library Facilities
<input type="checkbox"/>	Plan No. 12	Bus Shelters
<input type="checkbox"/>	Plan No. 13	Eviron Cemetery
<input type="checkbox"/>	Plan No. 14	Rural Road Upgrading, Mebbin Springs Subdivision, Kyogle Road, Kunghur
<input type="checkbox"/>	Plan No. 15	Developer Contributions for Community Facilities
<input type="checkbox"/>	Plan No. 16	Emergency Facilities (Surf Lifesaving)
<input type="checkbox"/>	Plan No. 18	Council Administration Offices & Technical Support Facilities
<input type="checkbox"/>	Plan No. 19	Casuarina Beach/Kings Forest
<input type="checkbox"/>	Plan No. 20	Public Open Space at Seabreeze Estate
<input type="checkbox"/>	Plan No. 21	Terranora Village Estate - Open Space and Community Facilities
<input type="checkbox"/>	Plan No. 22	Cycleways
<input type="checkbox"/>	Plan No. 23	Offsite Parking
<input type="checkbox"/>	Plan No. 25	SALT Open Space and Associated Car Parking
<input type="checkbox"/>	Plan No. 26	Shirewide/Regional Open Space
<input type="checkbox"/>	Plan No. 27	Tweed Heads Master Plan - Local Open Space/Streetscaping
<input type="checkbox"/>	Plan No. 28	Seaside City
<input type="checkbox"/>	S64	Water
<input type="checkbox"/>	S64	Sewer

Water, Sewer, TRCP & Council Admin are applicable

The file show's the calculations for these.

S64 Water - \$124,195.17 (10.73331 ET)  
S64 Sewer - \$92,796.23 (16.68997 ET)  
S94 No. 4 TRCP - \$419,599 (318.33 equivalent daily trips)  
S94 No. 18 Council Admin - \$1947.74 (1.0987 ET)

GRAND TOTAL = \$638,497.84

**Consideration of Section 5A of the Environmental Planning & Assessment Act, 1979**

Having considered the eight points listed in Section 5A of the Environmental Planning & Assessment Act, 1979, it is considered the proposal - **Is Not Likely** - (Is Likely/Is Not Likely) to have a significant effect on threatened species, populations or ecological communities, or their habitat.

## APPENDIX 1

### USEFUL DOCUMENTS RELEVANT TO ASSESSMENT UNDER SECTION 79(C)(1) OF THE Environmental Planning & Assessment Act, 1979

#### Volume One

- \* **Tweed Shire Council Strategic Plan**
- \* **Tweed Heads 2000+**  
A Strategy for the Tweed Heads Central Area, Tweed Shire Council
- \* **Social Plan - Tweed Shire 1996**  
Community Directions for the Tweed. Tweed Shire Council 1996
- \* **Infrastructure Provision: Tweed Development Program**  
Tweed Shire Council
- \* **Residential Development Strategy**  
Tweed Shire Council
- \* **Draft Open Space and Recreation Strategy**  
Tweed Shire Council
- \* **North Coast Urban Planning Strategy Into the 21<sup>st</sup> Century**  
NSW Government: Department of Planning
- \* **Chinderah Local Environmental Study**  
The GeoLINK Group
- \* **Cudgen Nature Reserve Plan of Management**  
NSW National Parks and Wildlife Service
- \* **Pottsville Village Strategy: October 1998**  
Tweed Shire Council

#### Volume Two

- \* **Managing Land Contamination: Planning Guidelines SEPP55 - Remediation of Land, 1998**  
Department of Urban Affairs and Planning & EPA
- \* **Environmental Management Guidelines for Solid Waste Landfills (draft 1994)**  
Environment Protection Authority
- \* **Contaminated Land Policy**  
Tweed Shire Council
- \* **DIPMAC Sites: Guidelines for Consultants Reporting on Contaminated Sites**  
Environment Protection Authority
- \* **DIPMAC Guidelines for Assessing Developments within 200 metres of Cattle Tick Dip Sites**  
Prepared for Cattle Dip Site Management Committee
- \* **Rabbit Farming: Planning and Development Control Guidelines**  
NSW Agriculture
- \* **Koala Habitat Atlas: Project No. 4, Tweed Coast**  
Prepared for Tweed Shire Council
- \* **Rural Settlement Guidelines: Guidelines for Rural Settlement on the North Coast of NSW**  
Department of Urban Affairs and Planning
- \* **Planning for Bush Fire Protection: A guide for land use planners, etc. May 1991**  
Department of Bush Fire Services

- \* **Tourism Development Near Natural Areas: Guidelines for the North Coast**  
Department of Planning
- \* **Tweed Shire Council: Policy on Road Naming**  
Tweed Shire Council
- \* **Tweed Shire Council: Policy on Development in Flight Path**  
Tweed Shire Council

### **Volume Three**

- \* **Australian Water Quality Guidelines for Fresh and Marine Waters. November 1992**  
Australia and NSW Environment Conservation Council
- \* **Coastline Management Manual**  
NSW Government
- \* **Tweed River Water Quality Review**  
WBM Oceanics Australia
- \* **Tweed River Estuary Bank Management Plan, November 1998**  
Tweed River Manager Plan Advisory Committee
- \* **Estuary Management Plan: Cudgen, Cudgera and Mooball Creeks, August 1997**  
Tweed Shire Council & WBM Oceanics Australia
- \* **Cobaki Broadwater Management Plan, 1998**  
Tweed Shire Council
- \* **Terranora Broadwater Management Plan, 1994**  
Tweed Shire Council
- \* **Upper Tweed Estuary Management Plan**  
Tweed Shire Council
- \* **Floodplain Development Manual**  
NSW Government

### **Volume Four**

- \* **Tweed Vegetation Management Plan: Report & Appendices: July 1999**  
Prepared for Tweed Shire Council
- \* **Tweed Shire Council: Landscape Evaluation Report, November 1995**  
Catherine Brouwer Landscape Architect
- \* **Tweed Coast Littoral Rainforest Draft (SEPP26) Management Plan**  
Prepared for Tweed Shire Council

### **Ministerial Directions**

Section 76A	Kings Beach Koala Beach Artificial Waterways Extractive Industries
Section 94A	Development Contributions - SEPP5 development