

JOINT REGIONAL PLANNING PANEL - NORTHERN

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| JRPP No | 2014NTH025 |
| DA Number | DA2014/0596 |
| Local Government Area | Clarence Valley Council |
| Proposed Development | Redevelopment of Residential Care Facility |
| Street Address | 125 Crown Street & 217-221 Queen Street, Grafton |
| Applicant | Newton Denny Chapelle Surveyors, Planners & Engineers |
| Owner | Frank Whiddon Masonic Homes trading as The Whiddon Group |
| Number of Submissions | Two (2) |
| Regional Development Criteria (Schedule 4A of the Act) | Schedule 4A(3) - Development that has a capital investment value of more than \$20 million. |
| List of all Relevant s79C(1)(a) Matters | <ul style="list-style-type: none"> • State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 • State Environmental Planning Policy (Infrastructure) 2007 • North Coast Regional Environment Plan 1988 • State Environmental Planning Policy No. 55 (Remediation of Land) • Clarence Valley Local Environmental Plan 2011 • Development in Residential Zones & Development in Environmental Protection, Open Space & Special Use Zones Development Control Plans • Clarence Estuary Management Plan |
| Documents submitted with this report for the panel's consideration | Plans Submissions Response from applicant 18 March 2015 |
| Recommendation | Based on the outcome of the assessment, it is recommended that Development Application 2014/0596 be approved pursuant to Section 80(1)(a) of the <i>Environmental Planning & Assessment Act 1979</i> subject to the draft conditions of consent attached to this report. |
| Report by | Pat Ridgway Senior Development Planner Clarence Valley Council |

Assessment Report and Recommendation

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Introduction

Development application DA2014/0596 was received by Council on 4 December 2014 seeking consent for the redevelopment of a Residential Aged Care Facility. The facility will accommodate 113 beds. On-site parking, demolition works, civil works, landscaping and consolidation of lots form part of the application.

The application is made under *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*. The Policy allows the development on land zoned primarily for urban purposes and on land that adjoins such land. It includes any form of seniors housing consisting of a hostel, a residential care facility or serviced self-care housing despite the provisions of any other environmental planning instrument.

The lots to be developed under the proposal are Lot 21 DP 1022431, Lot 9 DP 1095721, Lots 10 & 11 Sec 127 DP 758970 (125 Crown Street, 217, 219 & 221 Queen Street, Grafton). Lot 21 has an existing aged care facility and the other three lots are vacant residential allotments.

The development application has been assessed in accordance with Section 79(C) of the EP&A Act and the relevant State and local environmental planning instruments which are detailed in this report.

The application was advertised and notified between 17 December 2014 and 16 January 2015. Two (2) submissions were received as a result of the public notification. The submissions to the proposal are discussed in this report.

Recommendation

That Development Application 2014/0596 be approved pursuant to Section 80(1)(a) of the *Environmental Planning & Assessment Act 1979* subject to the draft conditions of consent attached to this report.

Details of the Proposal

Currently a single storey Residential Aged Care Facility with 66 high care beds exists on 125 Crown Street. The lot is zoned SP2 – Infrastructure (Health Services Facility). The facility shares this zoning with the Grafton Base Hospital located behind the facility.

Properties 217, 219 & 221 Queen Street are vacant lots and zoned R1 General Residential. A dwelling on 217 Queen Street burnt down in October 1999 and dwellings on 219 & 221 Queen Street were demolished under development approval DA2014/0595 (approved 23 December 2014).

The new two storey residential care facility will be constructed over the four lots and the development will increase the capacity of the facility to a 113 bed facility with associated staff rooms, amenities and operational rooms.

The development of the site is to be implemented over two main phases. The initial construction will occur over the vacant area to part construct a 54 bed facility. This will allow the relocation of residents into the new care home. The second phase will be the demolition of the existing aged care facility and construction of the remaining building that will provide a further 59 beds and associated facilities. Final staging details are expected to be submitted with the Construction Certificate drawings.

Site Description & Location

The site is located on the corner of Crown Street and Queen Street, Grafton. The existing nursing home faces onto Crown Street and the residential lots have frontage to Queen Street. Land located on the other side of both streets is zoned R1 General Residential which are occupied by low set dwelling houses. There are a further nine (9) residential allotments along Queen Street. Grafton Base Hospital and the Grafton Periodic Detention Centre are located at the rear of the aged care facility.



Map 1: Location (source: Statement Environmental Effects - DA2014/0596)

(a) the provisions of:

(i) any environmental planning instrument, and

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

An assessment of the development proposal against the provisions of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors Living SEPP) was submitted within the Statement of Environmental Effects. The proposal has been reviewed by Council staff and found to be an accurate assessment of the proposal.

The proposed development has been designed under the provisions of the Seniors Living SEPP. The objective of the proposal is to undertake alterations and additions to update the purpose-built residential aged care facility.

The following comments are made with respect to the relevant clauses of the SEPP.

Clause 2 – The proposed development is consistent with the objectives of the SEPP in that it will provide housing that will:

- (a) increase the supply and diversity of residences that meet the needs of seniors or people with a disability
- (b) make more efficient use of an existing aging facility, existing infrastructure and services
- (c) be of good design

Clause 4 – The SEPP applies to the subject land as it applies to all land in NSW that is zoned primarily for residential purposes or land that adjoins land primarily designed for urban purposes.

Clause 5 – The SEPP prevails to the extent of any inconsistency with any other environmental planning instrument.

Clause 7 – There are no agreements or restrictive covenants applying to the land that would preclude or restrict the proposed development.

Clause 8-10 – The proposed development is residential accommodation to be used permanently for seniors or people with a disability.

In accordance with Clause 18 of the SEPP, Council must ensure/condition the development that only accommodation of the following is permitted:

- (a) seniors or people who have a disability;
- (b) people who live within the same household with seniors or people who have a disability;
- (c) staff employed to assist in the administration of and provision of services to housing provided in accordance with the SEPP.

A restriction as to user is required to be registered against the title of the property on which development is to be carried out, in accordance with 88E of the Conveyancing Act 1919, limiting the use of any accommodation to which the application relates to the type of people referred to above.

Clause 11-12 – The proposed development involves alterations and additions to an existing residential aged care facility and will be used as a residential care facility.

Clause 14 – The objective of the proposal is to provide housing that will be located and designed in a manner that is expressly suited to seniors and other people with a disability.

Clause 18 – The facility is being expressly constructed to be occupied by those persons permitted by Clause 18(1).

Clause 21 – This application proposes to consolidate the four lots into one. This will be required as a condition of consent.

Clause 24 – The proposal is for the redevelopment of the existing aged care facility on Lot 21 DP 1022431 and for seniors housing which is permissible in the R1 General Residential Zone. A site compatibility certificate is not required.

Clause 26 – The subject land is located approximately 30 metres from Queen Street where a ‘hail and ride’ bus service is available. Access to the bus service is via the public footpath network on Crown Street and Queen Street. The bus service provides access to the Grafton CBD where all facilities and services listed under the Policy are available within 400m of the bus route.

Clause 27 – The land is not mapped as being bush fire prone.

Clause 28 – Reticulated water and sewerage services exist in the immediate locality and there is existing capacity for the proposed services.

Clause 30 – Detailed site analysis and locality information plans have been prepared which address the relevant matters required by Clause 30.

Clause 31 – The proposed development does not comprise “in-fill self-care housing” as defined in Clause 13(2).

Clause 32 – Council must not consent to a development application made pursuant to Chapter 3 unless it is satisfied that the proposed development demonstrates that adequate regard has been given to the principles set out in Division 2 (being Clauses 33-39).

Clause 33 – 39 – The applicant has provided a detailed assessment of the Design Principles to which Council staff are satisfied that adequate regard has been given to the principles set out in Division 2 of the Policy. Some further comments are provided.

Clause 40 – The proposed development must comply with the following development standards:

| Development Standard | Requirement | Proposed | Complies |
|--|---|---------------------------------|---|
| 40(2) Minimum site area | 1000m ² | 9,269m ² | Yes |
| 40(3) Minimum site frontage | 20m | 178m & 60m | Yes |
| 40(4) Height in zones where residential flat buildings not permitted | 8m or less No more than 2 storeys Rear 25% < 1 storey | Max height of buildings is 6.1m | Buildings are a maximum of 2 storeys. The rear of the site will have landscaped areas and parking. The setback to any residential lot |

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| | | | is 7.705. (It is also noted that this part of the site is zoned R1 - residential flat buildings are permissible in the R1 General Residential Zone) |
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Clause 48 – Compliance with the following development standards for residential care facilities cannot be used by Council as grounds for refusal.

| Development Standard – Clause | Standard | Proposed | Complies |
|--|--|--|-------------------|
| 48(a) – Building Height | All proposed buildings are 8m or less in height | Max height of buildings is 6.1m | Yes |
| 48(b) – Density & scale | The density and scale of the building when expressed as a floor space ratio is 1:1 or less | Proposed ratio is 0.68:1 | Yes |
| 48(c) – Landscaped area: | If a minimum of 25m ² of landscaped area per residential care facility bed is provided | Landscaped area is 4,782m ² 113 beds = 42m ² per bed | Yes |
| 48(d) – Parking for residents and visitors | i) 1 space/10 beds (or 1 space/15 beds if the facility provides care only for persons with dementia) ii) 1 space for each 2 persons employed in connection with the development and on duty at any one time iii) 1 space suitable for an ambulance | The applicant originally proposed to provide 14 spaces on site (including a disabled space) with the remainder shared with parking at the rear for the hospital. | See Note 1 below. |

Note 1:

Following the initial assessment of the application the applicant was advised by letter dated 19 February that the shared parking spaces with the Grafton Base Hospital could not be used to provide parking for the development and that there were concerns regarding the ambulance parking area in the entrance driveway and the proposed disabled parking space.

By letter and submission dated 18 March 2015 (including letters from the applicant's consultants) it was agreed that there was a shortfall of parking spaces under the calculation. It was submitted that there is sufficient area on site to accommodate the shortfall in spaces and that parking be provided prior to the issue of a Construction Certificate. Council staff supports this proposal and have included a condition of consent requiring the proposal to meet the provisions of 48(d) of the Seniors Living SEPP.

An amended design of the driveway was also provided to address concerns over the ambulance parking area.

State Environmental Planning Policy (Infrastructure) 2007

The Roads and Maritime Service (RMS) was notified of the development in accordance with the requirements of State Environmental Planning Policy (Infrastructure) 2007 as Queen Street is a classified (regional) road. The RMS has submitted that the Service has no objection to the proposed development and has provided comments for Council to consider in determining the application. Comments in relation to the submission of the RMS are provided:

- *It doesn't appear that any customer parking has been provided on site.*
Comment: Additional on-site parking will be required.
- *Council should consider the need to formalise angle on-street parking in Crown Street.*
Comment: Where on-street parking spaces have been removed Council will require them to be re-provided. Kerb & guttering for the frontage of the development will be required as a condition of consent. New spaces will be required where on-street parking is lost and new parking areas will be formalised.
- *The Traffic and Parking Assessment identifies 15 car parking spaces that form part of the Grafton Base Hospital as being available to the proposed development. However landscaping plan 2426/01 demonstrates that these parking spaces would not be directly accessible to this development.*
Comment: On assessment it was determined that these spaces cannot be used by the facility in the parking requirement calculation. Additional spaces will be required.
- *The area being retained as garden space (emergency mustering area) fronting Crown Street could be utilised as an additional car parking area.*
Comment: It is proposed that additional parking be located on site. This area is available for parking without compromising the required density and landscape area required under the Seniors Living SEPP.
- *The new connection to Queen Street (MR152) will need to be designed and constructed in accordance with the current Austroads Guidelines, Australian Standards and RMS Supplements.*
Comment: agreed – will be conditioned.
- *Council should ensure onsite truck turning paths are adequate and that all trucks/service vehicles can enter and leave the site in a forward manner.*
Comment: agreed – will be conditioned.
- *Any regulatory signposting will need to be referred to Local Traffic Committee for review and endorsement prior to Council approval*

Comment: Agreed – The application was referred to the Local Traffic Committee 17 March 2015 regarding time limited parking spaces and regulatory signage.

North Coast Regional Environmental Plan 1988 (deemed a SEPP 1 July 2009)

Clause 43: Development Control - residential development

Seniors housing is a type of residential accommodation. The proposal has been considered in regard to the environmental features of the land, road widths, access to services, road network and erosion and sediment control. The proposal does not raise any significant issues with regard to the impacts on the surrounding environment that cannot be addressed by conditions of consent.

State Environmental Planning Policy No. 55 – Remediation of Land

Clause 7 of the SEPP provides for contamination and remediation to be considered in determining development applications.

The application will be conditioned to ensure that the provisions of the SEPP and associated guidelines and policies are met (including the *Contaminated Land Management Act 1997*).

A preliminary contaminated land assessment has been provided with the application. The consent will be conditioned in line with the recommendations of the report to provide a detailed investigation report and remedial action plan if contamination is present.

The current nursing home was erected in the early 1980's and is likely to contain some asbestos. Conditions of consent will require that demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with Clarence Valley Council's Asbestos Policy and the relevant requirements of WorkCover NSW and the NSW Department of Environment & Heritage.

Clarence Valley Local Environmental Plan 2011

The subject land is zoned SP2 Infrastructure (Health Services Facility) (Lot 21 DP 1022431) and R1 General Residential (Lots 9, DP 1095721 & Lots 10 & 11 DP 758970).

The proposal is for the redevelopment of the existing aged care facility on Lot 21 DP 1022431 and for seniors housing which is permissible in the R1 General Residential Zone. The proposal is permissible with consent under the LEP and under Seniors Living SEPP.

Under the LEP the consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

The objectives of the SP2 zone are:

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

The objectives of the R1 zone are:

- To provide for the housing needs of the community.

- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

The proposal is consistent with the objectives of the two zones.

- (ii) **any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the draft instrument has been deferred indefinitely or has not been approved),**

A draft LEP to include a clause for Biodiversity & Vegetation mapping was on exhibition until 14 April 2014.

The subject land is not identified as having existing native vegetation.

- (iii) **any development control plan,**

The relevant DCPs are the Development in Residential Zones & the Development in Environmental Protection, Open Space & Special Use Zones. It is noted that the provisions of the Seniors Living SEPP prevail over the DCP provisions and assessment against the SEPP requirements has been made. The following comments are provided regarding the DCP further to the assessment under the Seniors Living SEPP.

Flood prone land:

The site is identified as being flood prone. The ground level at the site ranges from 6.5m to 7.0m AHD which exceeds the current minimum floor level of 6.4m AHD for the primary habitable floor level under the DCP flood controls for North Grafton. This control has been reported to Council and is to be reviewed by the Floodplain Management Committee. The proposal, whilst increasing the number of beds at the site, will improve the flood impact at the property by provision of a first floor above the probable maximum flood level.

Section 94 Contributions:

Seniors Housing development (other than self-contained dwellings forming part of a Seniors Housing Development) are exempt from Section 94 Contributions under the Clarence Valley Contributions Plan 2011.

Section 64 Contributions:

The 3 residential lots have 1ET credit each.

In accordance with the Water Directorate the number of ET for the development will be calculated as; Sewer 0.75ET per additional bed & Water 0.5ET per additional bed.

The site has approval for a total of 73 beds (56 beds were approved under Consent number 2260 approved on 27 March 1980 and 17 beds approved under DA10.2002.265.1 on 28 November 2002).

Thus existing credits: Water = 3 + 73 x 0.5 = 38ET & Sewer = 3 + 73 x 0.75 = 57ET.

Proposed Development: Water = $113 \times 0.5 = 56.5\text{ET}$ & Sewer = $113 \times 0.75 = 84.75\text{ET}$.

Amount Payable:

Water = $56.5 - 38 = 18.5\text{ET} \times \$5119.65/\text{ET} = \$94,713.50$

Sewer = $84.75 - 57 = 27.75\text{ET} \times \$5119.65/\text{ET} = \$142,070.30$

Road and Drainage:

Kerb and Gutter and shoulder sealing will be required to be extended along Crown Street to include for the full frontage of the development on Crown Street. Blisters will be required on the corner of Crown and Queen Street to ensure any cars parking on Crown Street are protected from traffic. Any additional drainage infrastructure to allow this to happen shall be installed in conjunction with the kerb & gutter construction works.

On-street parking:

Discussions have been undertaken with Council's Operations Section in regard to potential loss of on-street parking. Prior to this development the amount of formalised on-street parking available was assessed to be 45 spaces at 60 degree angled parking (discussions with operations revealed that drivers find 60 degree angled parking more usable).

Post development, due to the installation of the ambulance bay and drop off area, there will be a reduction in on-street parking to 40 spaces. It is noted that there may be additional spaces lost through the access driveway for the additional spaces to be provided on-site.

To facilitate a reduction in on-street parking it is proposed that the on-street parking area be increased towards Queen Street with the required kerb & guttering produced along the frontage. To facilitate this, and not cause adverse safety issues a blister will also be required on the corner of Queen and Crown Street to protect parked cars. AS2890.5 states that parking can be provided as close to the corner as the road rules allow; in this case this is 6m back from the property boundary on Queen Street. This will ensure that existing all day parking is maintained, whilst the timed parking as proposed below can be implemented.

With the increased size of the facility, and to facilitate the drop off and pick up of patients, it is suggested that some spaces be designated 2 hour parking close to the entrance to the facility. For this reason, 2 spaces either side of the main access on Crown Street are to be 2 hour limited parking spaces. While the applicant has not agreed to this, the proposal for regulated signage has the concurrence of the Local Traffic Committee. A draft condition of consent has been provided to this effect.

As detailed in the RMS referral, the new driveway connection to Queen Street (scheduled road MR152) will need to be designed and constructed in accordance with the current Austroads Guidelines, Australian Standards and RMS Supplements.

Construction, staging and on-street parking:

The construction of the facility for the initial phase will have little effect on the existing on-street parking. However the second phase will be problematic. It would appear that the on-site parking is not proposed to be undertaken until the second part of construction. Additionally, the existing parking on Crown Street will also be affected by these construction works. Full details of the parking arrangements during construction will need to be provided prior to the issuing of a Construction Certificate.

Stormwater:

The stormwater design as outlined in the application is acceptable to Council. Full details must be submitted and approved prior to the release of the Building Construction Certificate during construction.

- (iia) **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,**
NA
- (iv) **the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,**

The proposed development is consistent with the prescribed matters.

- (v) **any coastal zone management plan (within the meaning of the [Coastal Protection Act 1979](#)),**

The aim of Clarence Estuary Management Plan is to encourage the integrated, balanced, responsible and ecologically sustainable use of the State's estuaries.

The proposed development is not inconsistent with this plan or any other coastal zone management plan. Erosion and Sediment control measures and water quality monitoring will be required to be undertaken as part of the development.

- (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.**

The proposal, if implemented with the recommended conditions, will provide a sustainable development. Ecologically, the impacts of the development are minor and can be adequately managed. Economically there are positive outcomes through the creation of employment opportunities, provision of special needs facility and efficient use of infrastructure.

Socially there may be some negative impacts on adjoining communities through the impacts on the road network during construction however these impacts will be short term. There is a positive gain to the public given the community benefit provided from the development.

Impacts on cultural values will remain the same.

- (c) the suitability of the site for the development,**

The subject site is considered suitable for the proposed development. The expanded residential care facility will be suitably serviced and not adversely impact on the surrounding environment.

- (d) any submissions made in accordance with this Act or the regulations,**

The proposed development was notified and advertised in accordance with Act, Regulations and Council's DCP. During the exhibition period two (2) submissions were received. A copy of the submissions have been provided to the Panel Secretariat and are attached to this report. The

impacts of the proposed development on the surrounding environment have been dealt with through design, or can be addressed by conditions of consent. Comments regarding the issues raised are discussed below:

1. Structural damage during demolition and construction.

Comment: Potential damage to adjoining properties is possible and the requirement for a dilapidation report is included in the draft conditions of consent.

2. Street parking in Crown Street is a major problem. The provision of parking spaces is not sufficient.

Comment: Additional spaces are to be provided as well as formalising on-street parking to meet the requirements of the development.

3. Noise from waste collection vehicles.

Comment: The access to the parking and service area of the facility will be from Queen Street and along the boundary of 215 Queen Street. To mitigate any impacts it is proposed that screening by way of capped and lapped fencing is to be provided along the common boundary of Lot 8 DP 663921 to provide for visual and acoustic privacy. Details are to be submitted for approval with the Construction Certificate.

4. Roof heights and privacy

Comment: The height of the building will be a maximum 6.1m which is consistent with the Seniors Living SEPP. The building will be set back 7.7 metres from the boundary of 215 Queen Street. The heights and setbacks in the design satisfactorily address privacy and amenity issues. The fence along the common boundary as proposed above will further mitigate potential impacts of the development.

(e) the public interest.

The proposed development complies on planning grounds with the relevant legislation and local Council policies ensuring that the public interest is maintained and any potential impacts from the development are minimised. There is a positive gain to the public through the provision of the expanded facility.

Schedule of draft conditions

1. The development being completed in conformity with the Environmental Planning & Assessment Act 1979, the Regulation thereunder, the Building Code of Australia and being generally in accordance with Drawing Nos. DA00 – DA07 Issue A, dated July 2014 & DA08 Issue B, dated August 2014, Project No. 2013008, drawn by Jackson Teece Architecture, as amended in red, or where modified by any conditions of this consent.
2. Additional parking spaces are to be provided on-site in accordance with Clause 84(d) of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. Detailed drawings are to be submitted to Council for approval prior to the issue of a Building Construction Certificate.

Building

3. All current lots on the development site (Lot 21 DP 1022431, Lot 9 DP 1095721, Lots 10 & 11 Sec 127 DP 758970) shall be consolidated into one allotment prior to issue of the Occupation Certificate.
4. A comprehensive flood emergency plan shall be prepared for the facility, in consultation with the local State Emergency Service (SES), prior to occupation. A copy shall be submitted to the SES and Council for their information.
5. The preliminary waste management plan prepared by Steve Watson & Partners and submitted with the development application is noted. An updated waste management plan shall be prepared and submitted for Council approval prior to commencement of demolition works and issue of the Construction Certificate. Both reports shall be complied with during demolition/construction work and all measures outlined in these plans required for the ongoing use of waste management facilities in the development shall be in place prior to the issue of the Occupation Certificate.
6. The development is not to be occupied or used until such time as an Occupation Certificate has been issued for the relevant part of the building.
7. Working hours on construction or demolition shall be limited to the following:

7.00 am to 6.00 pm 6 days per week
No work permitted on Sundays and public holidays

The builder is responsible to instruct and control sub contractors regarding the hours of work and the requirements of the Protection of the Environment Operations Act 1997 and Regulations.

8. Site Safety Management Building equipment and/or materials shall be contained wholly within the site and shall not be stored or operated on the footpath or roadway, unless specific written approval has been obtained from Council beforehand.

All excavations and back filling associated with the erection and demolition of a building must be executed safely and in accordance with appropriate professional standards and must be properly guarded and protected to prevent them from being dangerous to life or property.

9. Toilet Facilities - are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:

- A A standard flushing toilet, connected to a public sewer, or
- B An approved temporary chemical closet.

The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.

10. A person who causes an excavation that extends below the level of the base of the footings of a building on an adjoining allotment of land shall, at their own expense and where necessary:

- A Preserve and protect the building from damage; and
- B If necessary, underpin and support the building in an approved manner, details of which are to be submitted with the application for the Construction Certificate and certified by a professional engineer or an accredited certifier.

The person who causes this excavation must, at least seven (7) days before commencing this work, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to this owner of the proposed work. (Note: An adjoining allotment of land includes a public road and any other public place. A building includes a fence).

11. Prior to commencement of works, a sign must be erected in a prominent position on any work site on which work is being carried out:

- A Stating that unauthorised entry to the work site is prohibited, and
- B Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside of working hours, and
- C Showing the name, address and telephone number of the principal certifying authority for the work, and

Any such sign is to be removed when the work has been completed.

12. The building shall comply with the Australian Building Codes Board Standard for Construction of Buildings in Flood Hazard Areas. Prior to occupation an Engineer's report shall be submitted to the Principal Certifying Authority to certify that the structure can withstand the forces of floodwater, debris and buoyancy up to and including a 100 year flood plus freeboard.

13. A dilapidation report shall be prepared for buildings located at 114, 116, 118, 120, & 124 Queen St; 215 Queen St, properties affected on Crown Street and adjacent buildings in the Grafton Base Hospital site prior to demolition/construction works commencing. This will provide a basis for comparison should any damage occur to these buildings as a result of the demolition/construction works.

14. Prior to any work commencing involving the disturbance or removal of any asbestos materials the principal contractor shall give two days written notice to the owner or occupier of any dwelling within 20m of the development site of his intention to carry out the work.

15. The demolition, removal, storage, handling and disposal of products and materials

containing asbestos must be carried out in accordance with Clarence Valley Council's Asbestos Policy and the relevant requirements of WorkCover NSW and the NSW Department of Environment & Heritage (formerly the Environment Protection Authority), including:

- A Work Health and Safety Act 2011 and associated regulations
- B WorkCover NSW Code of Practice for the Safe Removal of Asbestos
- C Australian Standard 2601 (2001) – Demolition of Structures
- D The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 1996.

A copy of Council's Asbestos Policy is available on Council's web site at www.clarence.nsw.gov.au or a copy can be obtained from Council's Customer Service Centres.

16. A Demolition Work Plan must be prepared for the development in accordance with Australian Standard AS2601-2001, Demolition of Structures.
The Work Plan must include the following information (as applicable):

- a The name, address, contact details and licence number of the Demolisher/Asbestos Removal Contractor
- b Details of hazardous materials, including asbestos
- c Method/s of demolition and removal of asbestos
- d Measures and processes to be implemented to ensure the health & safety of workers and community
- e Measures to be implemented to minimise any airborne asbestos and dust
- f Methods and location of disposal of any asbestos or other hazardous materials
- g Other relevant details, measures and requirements to be implemented as identified in the Asbestos Survey
- h Date the demolition and removal of asbestos will commence

The Demolition Work Plan must be submitted to Council and the Principal Certifying Authority (PCA) if the Council is not the PCA, not less than two (2) working days before commencing any demolition works involving asbestos products or materials. A copy of the Demolition Work Plan must also be maintained on site and be made available to Council officers upon request.

Note *it is the responsibility of the persons undertaking demolition work to obtain the relevant WorkCover licences and permits.*

17. On demolition sites involving the removal of asbestos, a professionally manufactured sign must be clearly displayed in a prominent visible position at the front of the site, containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" and include details of the licensed contractor. The sign shall measure not less than 400mm x 300mm and the sign is to be installed prior to demolition work commencing and is to remain in place until such time as all asbestos has been safely removed from the site.
18. Asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Waste) Regulation 1996. Asbestos waste must be disposed of at an approved waste disposal depot. Copies of all receipts detailing method and location of disposal must be maintained on site and be provided to Council officers upon request, as evidence of

correct disposal.

19. An Asbestos Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council upon completion of the asbestos related works (prior to an Occupation Certificate being issued), which confirms that the relevant requirements contained in the Asbestos Survey and conditions of consent, in relation to the safe removal and disposal of asbestos, have been satisfied.

Occupation of premises

20. As required by the *State Environmental Planning Policy – (Housing for Seniors & People with Disability) 2004* the residential care beds, which are subject to this approval, may only be occupied by the following groups of people:
 - a) seniors or people who have a disability;
 - b) people who live within the same household with seniors or people who have a disability; and/or
 - c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.
21. A restriction as to user is to be placed against the title of the property restricting the occupation of the accommodation to the following:
 - a) seniors or people with a disability,
 - b) people who live within the same household with seniors or people who have a disability,
 - c) staff employed to assist in the administration of and provision of services to housing provided under the SEPP (Housing for Seniors or People with a Disability) 2004.

The restriction is required to be registered prior to the issue of an Occupation Certificate.

Screening

22. Screening by way of capped and lapped fencing is to be provided along the common boundary of Lot 8 DP663921 to provide for visual and acoustic privacy. Details to be submitted for approval with the Building Construction Certificate.

Waste Management

23. An updated Waste Management Plan addressing the demolition and construction phase of the development must be prepared in accordance with Council's Waste Not Development Control Policy. This must be submitted to Council for approval prior to release of the Building Construction Certificate.
24. A Waste Management Plan is to be submitted to demonstrate how day to day general waste will be managed for the 113 bed facility (stored and collected) and the required servicing rates for the waste generated and its removal. This must be submitted to Council for approval prior to release of the Building Construction Certificate.

Engineering

25. A Certificate of Compliance for Water and or Sewer works must be obtained from Council prior to issue of the first Building Construction Certificates. This may require payment of a fee.
26. The developer must bear any costs relating to alterations and extensions of existing roads, drainage and services for the purposes of the development.
27. The developer must design all civil works, in accordance with NRDC, SEQ WSUD; and construct these works in accordance with the approved, dated and stamped engineering plans; and Construction Certificate issued by Council or accredited private certifier. This work must be done under the supervision of a suitably qualified and experienced engineer or land surveyor approved by Council. The Council will hold the Occupation Certificate or a bond in accordance with Council's fees and charges against the works until such time as Council is satisfied to take over the system.
28. The supervising engineer / surveyor must arrange for the hold point inspection, and accompany Council or accredited private certifier on the inspection unless alternative arrangements are made. Where Council is the Certifying Authority for civil engineering works the applicant must give Council one (1) business day's notice to permit hold point inspections of the following components of the construction process:
 - A Roadworks
 - i Stripping with erosion controls in place
 - ii Subgrade
 - iii Subbase (at discretion of Development Engineer)
 - iv Completion of pavement ready for sealing
 - v Final including stormwater
 - B Stormwater
 - i Prior to backfilling of trenches
 - ii In accordance with the submitted and Council approved stormwater drainage construction, inspection, testing, establishment and staging management plan for WSUD components
 - C Sewer
 - i Prior to commencement of work
 - ii Prior to backfilling of trenches
 - iii Pressure testing

Plus any other part of the works specific to the development that the Development Engineer or Water Cycle Supervisor may request. Note: Council must be the Certifying Authority for water supply and sewer works.
29. Prior to the release of the Occupation Certificate, certification is to be provided by the supervising engineer to Council, that civil engineering works for the development have been constructed in accordance with the approved plans and NRDC.
30. Where occupation of the road reserve is proposed, a Traffic Control Plan must be prepared and submitted to Council showing how vehicle and pedestrian traffic will be safely managed within the road reserve. This plan must be prepared by a person authorised by the RMS to prepare Traffic Control Plans and must be approved by Council prior to the occupation of the road reserve.

31. A Construction Management Plan must be submitted to and approved by the principal certifying authority prior to the issue of each Civil or Building Construction Certificates. The plan must document the proposed method of work within the construction site boundaries with regard to the health and safety of the public and affect on the road reserve. If any part of the road reserve or public land is proposed for long term (exceeding 24 hours) inclusion in the construction site boundaries this area must be identified in the Construction Management Plan. The road reserve is classed as the property boundary to opposite property boundary and includes roadway, nature strip and footpath. The Construction Management Plan for Stage 2 shall include details on how the sewer services for the hospital will be maintained whilst the sewer relocation is taking place.
32. A Traffic Management Plan must be submitted with the Construction Management Plan for approval by the Principal Certifying Authority. The Plan must show the proposals for reducing any impact of the construction site on the adjacent traffic network. This plan will include traffic management of short term activities such as delivery of materials; accessing, exiting and parking in and near the work site by cranes, concrete agitator trucks; tradesmen work vehicles and the like.

The Traffic Management Plan may include Traffic Control Plans detailing proposed methods to ensure safe vehicle access into and out of the general traffic stream, pedestrian control and safe transfer of materials from road reserve to construction site. The Traffic Management Plan should be and any associated Traffic Control Plans must be, prepared by a person authorised by the RMS to prepare Traffic Control Plans. Any Traffic Control Plan must be approved by Council.

An estimate of the number of vehicles that will need to be accommodated at various stages of the construction and what arrangements have been made to accommodate that number of vehicles is to be included in the Traffic Management Plan. These arrangements must also include how any existing on-street parking that will be lost during construction can be accommodated.

Should it become necessary to occupy the road reservation for any reason not included in the approved Traffic Management Plan, even short term, then a specific Traffic Control Plan for the event or events, is to be prepared by a person authorised by the RMS to prepare Traffic Control Plans. The submission must include the reasons that the occupation is required and any revision of the Construction Management Plan and/or Traffic Management Plan to accommodate the change in the construction methodology.

33. Where long term (exceeding 24 hours) occupation of the road reserve or Council land is proposed for areas additional to the areas approved for works under the Construction Certificate, a Construction Activity Application - Encroachment / Use of Council Land - must be approved by Council and appropriate fees paid prior to any occupation of the road reserve or Council lands.
34. Prior to commencement of works, a sign must be erected in a prominent position on any work site on which work is being carried out:
- a Stating that unauthorised entry to the work site is prohibited;
 - b Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside of working hours, and
 - c Showing the name, address and telephone number of the principal certifying

authority for the work.

Any such sign is to be removed when the work has been completed.

35. The sewer line servicing the hospital must be relocated to ensure it is not located under the proposed building and eaves, and the easements must be created in accordance with this consent.
36. Prior to the issue of a Civil Construction Certificate, for the sewer relocation, a detailed Sewerage Reticulation Management plan must be submitted for assessment and approval by Council.
37. The granting of an easement for sewerage purposes, over the Council's sewer main relocated as part of this development.

The width of the easement must be;

- a Where the sewer is less than 1.5 metres depth, the easement width shall be 3.0 metres,
- b Where the sewer is between 1.5 metres and 3.0 metres depth, the easement width shall be 5.0 metres,
- c Where the sewer is greater than 3.0 metres depth, the easement width shall be determined by Council following an assessment of maintenance access requirements.

Unless specific approval or direction is given by Council to an alternative easement width having regard to the particular circumstances of the development and the sewer infrastructure.

The easement shall be located centrally by a line drawn between manholes to an accuracy of 0.15 metres by a registered surveyor and supported by an engineering survey plan showing the dimensions between the sewer line and the extremity of the easement at each point where the easement dissects the boundary of the subdivided lot or lots or any change of direction.

38. All roadworks for the development are to have full road construction, 30mm minimum depth of compacted asphaltic concrete surface together with kerb and guttering. Should it be demonstrated that an alternative longitudinal surface drainage system is more appropriate, details must be provided to Council for approval with the Civil Construction Certificate.

The Asphaltic Concrete mix shall be designed in accordance with the estimated maximum traffic loading or the Equivalent Standard Axles specified in NRDC whichever is the greater.

39. The road construction/re-construction plans must include design calculations for and any necessary upgrade of, existing stormwater drainage cross-culverts and affected services/utilities.
40. The dedication of splays at the Queen Street and Crown Street intersection is required to ensure the footpath is fully located within the road reserve.
41. Four (4), two hour parking spaces shall be provided along the Crown Street frontage of

the development. They shall be located (two on either side) at the ambulance entrance/exit. They shall be sized for 60° angled parking, marked and signposted in accordance with AS2890 and AS1742. The area between the entry and exit shall be designated “No Stopping”, by the installation of an unbroken yellow line in accordance with AS1742.

42. Angled parking shall be formalised along the Crown Street Frontage.

Kerb and Gutter and shoulder sealing shall be extended along Crown Street to include the full frontage of the development. Kerb blisters shall be installed on the corner of Crown and Queen Street to ensure any cars parking on Crown Street are protected. Any additional drainage infrastructure to allow this to happen shall be installed in conjunction with the Kerb & Gutter construction works.

43. The development shall not reduce the amount of formed all-day on-street parking provided along the frontages of the development. Details in regards to how this is to be facilitated shall be included in the Civil Construction Certificate. All works shall be undertaken in accordance with NRDC, and approved by Council.

44. All stormwater falling on the property is to be collected within the property and discharged in accordance with the relevant parts of the applicable Clarence Valley Council Development Control Plans, NRDC, SEQ WSUD and SCA WSUD. A Stormwater Management Plan must be prepared to reflect these standards and guidelines.

45. Prior to the release of any Occupation Certificate which dedicates additional infrastructure to Council, a completed asset register works return must be submitted to Council. The return is to be in the Council approved format.

46. Prior to the release of any Occupation Certificate, submission of satisfactory Work as Executed Plans for all works relevant to the development/stage of the development, and certification from the supervising professional engineer or land surveyor, that the works have been constructed in accordance with the approved plans and specifications.

The Work as Executed plans shall include detailed records of the materials used, inspections and testing for the construction plans, NRDC and SEQ WSUD.

47. Prior to release of the Occupation Certificate, a maintenance bond is required for 5% of the contract value for works that will become Council infrastructure or \$1,500 whichever is greater. This is required in each stage of the development. All work is subject to a maintenance period of six (6) months from the date of Practical Completion as certified by Council or accredited private certifier. The maintenance period may be extended should the application for an Occupation Certificate be delayed beyond the maintenance period.

48. The new driveway on Queen Street shall be designed and constructed in accordance with the current Austroads Guidelines, AS2890 and RMS Supplements. These works must be included in the Civil Construction Certificate.

49. The access and egress on Crown Street, for the ambulance parking area, shall be designed and constructed to comply with AS2890 and NRDC. The ambulance parking area shall be designed to ensure the other uses of the area (disable parking) can be fully utilized when an ambulance parking area is in use. Signage and pavement marking shall

be utilized to ensure the area is used as designed.

50. Prior to the issue of the Occupation Certificate, any existing vehicular crossings rendered unnecessary by this development are to be removed, and the kerb restored to upright kerb where the adjacent kerb is upright.

The works must be included in a Civil Construction Certificate Approval.

51. Prior to the issue of the Building or Civil Construction Certificates, the adequacy of parking, car parks, driveways and vehicular accesses for the development is to be demonstrated by the submission of standard scale plans with manoeuvring paths shown in accordance with AS2890. This must clearly demonstrate that the parking area will function as intended. The parking area plans are to be submitted and approved by Council or accredited private certifier.
52. Grades and paths of travel for persons with disabilities are to be provided from carparking bays through to the main entrance of the building. Access provisions are to be in accordance with AS1428.1 and the Building Code of Australia.
53. Erosion and Sediment Control is to be implemented in accordance with the relevant parts of the applicable Council Development Control Plans and NRDC.
54. The applicant must ensure that vehicles or plant associated with the works do not adversely impact on the roadways to such an extent that cause them to become untrafficable for other road users particularly during wet weather. Any such damage is to be rectified by the contractor immediately.
55. During dry weather, standard dust suppressions methods are to be used as often as is necessary to ensure that adjoining properties are not adversely affected by undue dust.

Trade Waste

56. Approval to discharge liquid trade waste to Council's sewerage system is to be gained prior to issuing the Occupation Certificate.
57. The café, kitchen and level 1 server's drainage shall discharge through an approved grease arrestor with a minimum capacity of 1500L.
58. The laundry drainage shall discharge through an appropriately sized cooling pit with lint basket to capture lint and other items. The cooling pit is to be sized to cool the wastewater to 38°C or less prior to entering the sewerage system.
59. All sinks and floor wastes in food preparation and serving areas shall contain basket arrestors.
60. All sinks and salon wash station chairs in the hairdressing salon shall contain hair arrestors.
61. All sinks and floor wastes in the cleaners' rooms shall contain basket arrestors.

Contaminated Land

62. A detailed site investigation report for each stage of the development prepared by duly qualified person/s, shall be submitted to Council for assessment that details the types and extent of any contamination present on site. Construction works on each Stage are not permitted to commence until Council has advised that all contamination issues have been adequately addressed.
63. If contamination is present above acceptable levels, a Remediation Action Plan (RAP) prepared by duly qualified person/s, shall be submitted to Council for approval prior to remediation works commencing on each stage.
64. After completion of remediation works for each stage Council must be furnished with a Validation Report that confirms that the site for each stage is suitable for its proposed use. Construction works are not permitted to commence until Council notifies the Applicant of concurrence with the Validation Reports findings.

Food preparation and Storage

65. Detailed plans and elevations of the food preparation and food storage areas shall be submitted to, and approved by Council, prior to release of the Construction Certificate. Plans shall include the finishes to floors, walls, ceilings, benches and shelves, elevations of fixtures and fittings and location of hand wash basins.