

COUNCIL ASSESSMENT REPORT (ADDENDUM)

Panel Reference	2017NTH006
DA Number	DA2017/0173
LGA	Clarence Valley Council
Proposed Development	Health Services Facility (Private Hospital and Medical Centre)
Street Address	201 Queen Street and 174 Arthur Street, Grafton
Applicant/Owner	John Wolfe; Jane Wolfe and Grafton Orthopaedics Property Pty Ltd
Date of DA lodgement	23 March 2017
Number of Submissions	Nil
Recommendation	That DA2017/0173 (JRPP Reference No. 2017NTH006) for a Health Services Facility (Private Hospital and Medical Centre) upon Lot A DP904084 and Lot 2 DP125156 be approved subject to the Advices and Conditions contained in Schedule 1
Regional Development Criteria (Schedule 4A of the EP&A Act)	Schedule 4A Clause 6 Private Infrastructure and Community Facilities over \$5 million
List of all relevant s79C(1)(a) matters	<ul style="list-style-type: none"> • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy No. 64 – Advertising and Signage • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy (Vegetation in Non-Rural Areas) • Clarence Valley Local Environmental Plan 2011 • Clarence Valley Council Residential Zones Development Control Plan 2011 • Clarence Valley Estuary Management Plan • Draft State Environmental Planning Policy (Infrastructure) • Draft State Environmental Planning Policy No. 64 - Advertising and Signage
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Section 79C Assessment • Schedule 1 – Recommended Advices and Conditions Plans • Plans • Clause 4.6 Exceptions to development standards – Written Request from Applicant • RMS Letter dated 11 September 2017 • Traffic Impact Assessment by Rytenskild Traffic Group dated 27 October 2017 • Economic Impact Models (Lawrence Consulting and Profile I.D.)
Report prepared by	Carmen Landers, Development Planner
Report date	10 January 2018
Summary of s79C matters	
Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report?	Yes (contained in original report dated 14 November 2017)
Legislative clauses requiring consent authority satisfaction	
Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? <i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i>	Yes (contained in original report dated 14 November 2017)
Clause 4.6 Exceptions to development standards	
If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Yes
Special Infrastructure Contributions	
Does the DA require Special Infrastructure Contributions conditions (S94EF)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	Not Applicable
Conditions	
Have draft conditions been provided to the applicant for comment? <i>Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report</i>	Yes

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Executive Summary

This report provides an addendum to the original report tabled at the 29 November 2016 JRPP meeting held at the Grafton Council Chambers. Issues raised at the meeting with regards to the Clause 4.6 variation to height and traffic impacts have been further addressed and the applicant has provided additional information in support of the application through the submission of amended plans and shadow diagrams and a revised Clause 4.6 Request to Vary the Development Standard including Five (5) Part Test. The additional information provided is provided in the attachments.

The only matters discussed in this report are those pertinent to the issues raised by the Panel at their Meeting of 29 November 2017 and include:

1. A review of the Clause 4.6 Variation with particular attention to solar access and overshadowing to adjoining properties; and
2. Impacts on traffic from the development.

In response to the issues raised, the applicant has submitted an amended Clause 4.6 request, provided shadow diagrams for the proposed development, shadow diagrams for a compliant building with maximum height of 9 metres and offered to do further works within Arthur Street to ensure the safety and efficiency of the road network.

After assessment of the additional information, the development is recommended for approval as per the original report dated 14 November 2017 subject to the imposition of amended advices and conditions. A summary of the amendments to the proposed advices and conditions is provided in Schedule 1 and a complete list of advices and conditions for adoption is provided in Schedule 2. The advices and conditions have been reviewed and agreed to by the applicant.

Statutory Development Assessment Framework

S79C Assessment

Further to the original Section 79C Assessment Report provided in the JRPP Report dated 14 November 2017, additional comments are provided with respect to the pertinent issues raised by the Panel at their Meeting of 29 November 2017. These are included within the relevant sections of Section 79C below.

S79C(a)(i) any environmental planning instrument

State Environmental Planning Policy (Infrastructure) 2007

Clause 42 Notification of certain electricity substation development that may be carried out without consent

Clause 42(1)(b) of the Infrastructure SEPP requires that where a substation is proposed, written notice is to be given to the electricity provider. At this stage, no upgrade or substation is proposed and therefore a referral to the provider was not required. Should any upgrade be required in future, then compliance with the electricity providers requirements will be required.

Clause 45 Determination of development applications—other development

Clause 45(b)(iii) of the Infrastructure SEPP requires that written notice be given to the electricity provider where the development is within 5m of an exposed overhead electricity power line. The Albion Hotel component of the development is an existing building and therefore does not require referral and the new hospital building is located more than 5m from existing power lines with a setback of 6m from the boundary.

Clause 101 Development with frontage to classified road

Clause 101(2) states that the consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:

- (a) where practicable, vehicular access to the land is provided by a road other than the classified road, and*

Comment

Access to the development is from Arthur Street being a road other than a classified road.

- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*

- (i) the design of the vehicular access to the land, or*
- (ii) the emission of smoke or dust from the development, or*
- (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*

Comment

Council has had consideration for the safety efficiency and ongoing operation of the classified road and is satisfied that the development is unlikely to result in any unreasonable risk or impact on Queen Street because the development is accessed from Arthur Street (a road other than the classified road). Further to the JRPP Meeting held on 29 November 2017, the applicant has offered to undertake additional linemarking adjacent to the development site for a distance of 50m on the opposite side of Arthur Street fronting the Correctional Services Centre. The additional draft conditions of consent agreed to by the applicant are:

37. Formal line-marking of on-street parking spaces in Arthur Street is required prior to the issue of an Occupation Certificate for Stage 2 with the locations as follows:
- a) For a distance of approximately 50m from the intersection with Queen Street and adjacent to Lot 1 Sec 118 DP758470 which is opposite the development site; and
 - b) For the full frontage of the development site in Arthur Street.
38. The applicant must carry out a safety assessment to identify a suitable location for a pedestrian refuge with sufficient storage along Arthur Street. The safety assessment and recommendations must be submitted to Council prior to a detailed design of pedestrian refuge area being prepared. The safety assessment must be carried out prior to the lodgment of the Civil CC.
39. A detailed design of the line-marking of the on-street parking bays (prepared in accordance with AS2890.5-1993) and the pedestrian refuge must be submitted as part of the Civil CC, and the works must be completed prior to issue of the Occupation Certificate for Stage 2.

Through the implementation of suitable conditions the impact will be minimised and mitigated and the safety, efficiency and ongoing operation of the classified road will not be adversely affected.

(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

Comment

To meet the provisions of Clause 101(2)(c), the following new condition is proposed to ensure that any new or altered glazing to the existing Albion Hotel complies with AS3671 "Acoustics-Road traffic noise intrusion-Building siting and construction".

22. *Any new or altered glazing to the former Albion Hotel shall comply with AS3671 "Acoustics-Road traffic noise intrusion-Building siting and construction". This is required to meet the requirements of Clause 101 of the Infrastructure SEPP 2007 as Queen Street is a classified Road.*

Summary

In summary, the proposed development is considered to meet the objectives of Clause 101 and through the imposition of suitable conditions any potential impact from the development will be minimised and/or mitigated.

Clarence Valley Local Environmental Plan 2011

Clause 4.6 Exceptions to Development Standards

Clause 4.6 allows the approval of development even though it may contravene a development standard imposed by the LEP or any other environmental planning instrument (EPI). In this case, the development standard being contravened is the 9m height maximum required by Clause 4.3 of the LEP. As stated above, the new Private Hospital building (Building C) provides for a varying height across the built form and comprises a maximum roof height of 15.89m and a height of 17.92m for the lift overrun.

In considering an exception to the 9m height development standard under Clause 4.6 of the Clarence Valley Local Environmental Plan 2011, the impact of overshadowing on the adjoining properties located at No. 203, 205, 205A and 207 Queen Street has been further addressed through the submission of shadow diagrams.

The applicant provided shadow diagrams showing the impact of the proposed development on the adjoining properties located in Queen Street and has also provided shadow diagrams of a compliant building with a maximum 9m height (to give a comparison). When comparing the two, it is apparent that a compliant building would have similar impacts to that of the proposed building. Full consideration of Clause 4.6 Exceptions to Development Standards is provided below.

As stated in Clause 4.6(3) development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- a) *That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case,*

Comment

The applicant has submitted a written request providing the following reasons that compliance with the development standard is unreasonable or unnecessary:

- *The height of the proposed development is comparable to that of existing building heights on the adjacent lot (Grafton Base Hospital and associated buildings).*
- *The highest elements of the buildings (lift overruns) are set back from the street so as to reduce impact on pedestrian amenity.*
- *The proposal provides for significant visual amenity at street level, including the retention and renovation of the heritage-listed Albion Hotel, such that any perceived impact of bulk and scale is reduced when viewed from the streetscape*
- *The adjacent development (Grafton Base Hospital) is of similar medical use and nature to that proposed on the site and thus no land use conflicts will occur.*
- *Physical development on the site and the adjoining property to the North West (Grafton Base Hospital) is separated by an internal vehicle access driveway and car parking area. Therefore, the reduced setback does not result in any overlooking issues.*
- *The reduced setback does not result in any overshadowing issues.*
- *All required car parking can be appropriately accommodated onsite.*
- *It is consistent with the State Environmental Planning Policy (Infrastructure) 2007 objectives (discussed in more detail below).*
- *It will contribute to health services and private medical facilities available to service the local area and broader Clarence Valley Shire.*

It is agreed that that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case because:

- The increased height of the building will have no significantly greater impact on surrounding residences, than would a fully compliant building;
- The development results in a public benefit through an increase in health and medical facilities in a regional area. To effectively provide this public benefit, a 4 storey building is required;
- The development provides for satisfactory safety to pedestrians and improved functionality of the surrounding road network and parking facilities;
- The development is a unique development and variations to the development standards for height, setbacks and landscaping will not create undesirable precedents in the residential zone;
- The development is not inconsistent with the aims and objectives of the zone and allows for a land use that provides facilities and services to meet the day to day needs of residents;
- The development is consistent with aims and objectives of the State Environmental Planning Policy (Infrastructure) 2007 to facilitate the effective delivery of infrastructure across the State by providing greater flexibility in the location of infrastructure and service facilities;

- The development is adjacent to other major health facilities (i.e. the Grafton Base Hospital) and will be a complement to that facility.

b) That there are sufficient environmental planning grounds to justify contravening the development standard.

Comment

Council staff support a variation to the nine (9) metre height limit in this case as the public benefit in providing additional medical services and facilities to the area, far outweighs the benefits in maintaining the height limit standard. Further to this, the development provides for the retention and adaptive reuse of the existing heritage listed Albion Hotel which provides for substantial conservation gains and will secure the long term conservation of this item as a landmark element. The development provides a transition with suitable separation distance between the existing heritage listed Albion Hotel and the highest point of the development to ensure that the proposed height does not negatively impact on the landmark quality of the hotel.

The proposed four (4) storey building is set within the context of an established hospital precinct and it is therefore considered that a variation to the height limit will not create an undesirable precedent in the area.

The benefits of providing additional medical facilities to service the needs of the community will also result in economic benefits through flow-on effects.

The development is not inconsistent with the aims and objectives of the zone and allows for a land use that provides facilities and services to meet the day to day needs of residents.

The development is consistent with aims and objectives of the State Environmental Planning Policy (Infrastructure) 2007 to facilitate the effective delivery of infrastructure across the State by providing greater flexibility in the location of infrastructure and service facilities.

Overall, it is considered that there are sufficient planning grounds to justify contravention of the nine (9) metre height standard set by Clause 4.3 in this instance.

Clause 4.6(4) states that development consent must not be granted for development that contravenes a development standard unless:

- a) The consent authority is satisfied that*
- i) The applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*

Comment

Council staff are satisfied that the applicant's request has; adequately demonstrated that a variation to the nine (9) metre height maximum is reasonable in this instance due to it being a unique development within an existing medical precinct and there will be no unreasonable impact to the amenity of the area or heritage listed Albion Hotel; and that there are sufficient planning grounds to justify the contravention of the standard in this instance.

- ii) The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

Comment

The objectives of Clause 4.3 Height of Buildings are:

- a To maintain the low scale character of towns and villages in the Clarence Valley*
- b To protect the amenity of neighbouring properties by minimising visual impact, disruption to views, loss of privacy and loss of solar access to existing development and to public land.*

The objectives of the R1 General Residential zone are:

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

With regard to the objectives of Clause 4.3 Height of Buildings, the location of the development within the context of an established medical hospital precinct is considered to maintain the character of the area which contains a mix of medical facilities, residential development, seniors living and the correctional service building (gaol).

As stated in the additional information letter submitted by Planit Consulting Pty. Ltd., the design of the hospital component of the development has attempted to minimise visual impact and potential loss of views whilst still retaining a viable layout and operation.

Solar access and potential overshadowing have been examined in detail and shadow diagrams demonstrating the impact of the development are provided within the attachments. Shadow diagrams for a building comprising the same footprint but at a 9m height are also provided for comparison.

Council's General Residential DCP is silent on what reasonable overshadowing and solar access is required except for Part W of the DCP which only applies to the Yamba Hill area. That provision requires that half of the private open space of adjoining properties should receive direct sunlight between 10am and 2pm. The shadow diagrams provided show the hourly breakdown 9am to 3pm mid winter for each site having particular regard to the existing areas of private open space.

It is acknowledged that the development will impact on the adjoining properties located in Queen Street (No.'s 203, 205, 205A and 207) through overshadowing and a reduction in solar access. However due to the orientation and setbacks of these buildings, they are already impacted by the amount of shadowing cast by the buildings themselves.

Further to the above, Clause C20 of the DCP details the private open space (POS) requirements for dwellings which requires the POS area to be located on the northern or eastern side. It is noted that the overshadowing affecting properties in Queen Street will impact on the western aspect and does not affect the northern or eastern aspect for morning sun.

Importantly, as demonstrated in the shadow diagrams of a compliant 9 metre building (Attachment 3 - DA7003³, DA7004¹ and DA7005¹), any complying development would still cause extensive overshadowing to the same areas of the affected properties in Queen Street.

The privacy of the dwellings located in Queen Street has been maintained and no direct overlooking of the adjoining residential dwellings will occur through the placement of small fixed windows along the south western elevation and the planting of trees species Eumundi Quandong (*Elaeocarpus emundaii*) which grows up to eight (8 metres).

The proposed development is considered to comply with the objectives of the R1 General Residential Zone by providing facilities and or services to meet the day to day needs of the

residents. The development is not inconsistent with the character of the developing medical precinct and will add to the availability of medical facilities to the community.

For the reasons listed above and the fact that no submissions were received from any adjoining land owner, a variation to the height limit in this instance is supported.

b) The concurrence of the Secretary has been obtained.

Comment

In accordance with Planning Circular PS08-0003, Council has assumed concurrence of the Secretary of NSW Department of Planning and Environment to grant approval to the variation of height required by Clause 4.3 of the LEP.

Clause 4.6(5) requires that in deciding whether to grant concurrence, the Secretary must consider:

a) Whether contravention of the development standard raises any matter of significance for state or regional environmental planning, and

Comment

The contravention of the standard does not raise any matters of significance for state or regional planning as the development. A variation to the height limit in this instance is supported to allow the efficient delivery and operation of the 30 bed hospital whilst protecting the heritage significance of the existing Albion Hotel building.

b) The public benefit of maintaining the standard, and

Comment

As stated earlier in this report, the public benefit in providing additional medical services and facilities to the area far outweighs the benefits in maintaining the height limit standard as it allows the effective delivery of additional health services facilities within an existing medical precinct without jeopardising the amenity of the area whilst retaining the historical significance of the Albion Hotel.

c) Any other matters required to be taken into consideration by the Secretary before granting consent.

Comment

There are no other matters of significance required to be taken into consideration by the Secretary before granting consent.

Five Part Test

In accordance with the NSW Planning and Infrastructure document *Varying Development Standards: A Guide 2011*, the applicant also provided consideration of the matters set out in the Five (5) Part Test established by the NSW Land and Environment Court for written applications to vary development standards which is provided below (please note that the 'comments' in the following 5 Part extract are those of the applicant. Council staff comments follow at the end of the 5 part test).

3 – FIVE (5) PART TEST

In accordance with the Department of Planning and Environment's 'Varying development standards: A Guide, 2011' written applications to vary development standards will not only address the above matters but may also address matters set out in the 'five part test' established by the NSW Land and Environment Court.

The 5 different ways in which an objection may be well founded and that approval of the objection may be consistent with the aims of the policy are discussed below.

1) the objectives of the standard are achieved notwithstanding noncompliance with the standard;

Comment: The objectives of the standard are achieved as outlined above. The proposed Health Services Facility (Hospital and Medical Centre) will not result in any detrimental overshadowing or loss of privacy for adjoining land and there is adequate provision of car parking, access and communal open space provided onsite.

It has been demonstrated that, were the Grafton Private Hospital be constructed to the permitted building height of 9.0m, the extent of the overshadowing would largely remain the same. That is, the difference in the amount of overshadowing between the proposed development and a permitted 9m building height with the same building footprint, between 9am and 3pm in mid-winter is largely negligible. This can be seen in the additional shadow diagrams provided (Drawing Nos. Da7003³, DA7004¹ and DA7005¹).

As demonstrated, a building of the same footprint but of a 9.0m height limit in accordance with the provisions of Clause 4.3 would still result in a similar extent of overshadowing across all four affected lots. This, coupled with the existing orientation of the dwellings, setbacks from side boundaries and existing fencing, means that much of the private open space areas, particularly that of the Rear dwelling of No. 205 and Unit 3 of No. 203 would be overshadowed regardless of any proposed height variation.

Further, a building of this height would not be a viable option given the need for safe and efficient operation of a Health Services Facility on site and the need to achieve an appropriate level of flood immunity for the Hospital. The proposed Health Services Facility (Hospital and Medical Centre) is considered to still achieve the objectives of the standard, notwithstanding noncompliance with Clause 4.3.

2) the underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;

Comment: This development standard outlines the desire of Clarence Valley Shire Council to ensure that appropriately scaled medical development is provided. The encroachment of the building height is not considered to impact on the adjoining development, which is of a similar nature. The development also includes good design outcomes which integrate existing heritage elements, materials and colours evident in the surrounding streetscape. It is considered the proposed Health Services Facility will achieve a good level of amenity and support a developing medical precinct. It is unnecessary in the case to uphold this standard.

3) the underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;

Comment: Compliance with the standard would result in the development not meeting the operational capacity of the Health Services Facility, therefore compliance to the maximum height would result in the development being defeated or thwarted. The development will provide additional medical and private hospital services and add to the existing medical area servicing

the greater Grafton community. It is not contended that the underlying object or purpose of Clause 4.3 would be thwarted if compliance was required.

- 4) *the development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;***

Comment: The requested variation is not founded on the argument that Council has abandoned or destroyed the function of the standard. Rather, the variation is justified given that the objectives of the zone and standards are achieved and that the particulars of the development proposal are sufficiently unique to justify a variation to the standard.

- 5) *the compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone***

Comment: Upholding the development standard is considered both unnecessary and unreasonable. The proposed Health Services Facility is consistent with the nearby medical nature of the area. The increase in height is due to the building standards for floor to ceiling height for the safe and efficient delivery of medical services and the need to achieve appropriate level of flood immunity for the Hospital.

The requested variation is not founded on the argument that the land should not have been included in the height limit area. Rather, the variation is justified given that the objectives of the zone and standards are achieved and that the particulars of the development proposal are sufficiently unique to justify a variation to the standard.

Council staff Comment

In consideration of the arguments provided under the Five (5) Part Test, a variation to the nine (9) metre height limit in this case is supported as the public benefit in providing additional medical services and facilities to the area, far outweighs the benefits in maintaining the height limit standard. Further to this, the development provides for the retention and adaptive reuse of the existing heritage listed Albion Hotel which provides for substantial conservation gains and will secure the long term conservation of this item as a landmark element. The development provides a transition with suitable separation distance between the existing heritage listed Albion Hotel and the highest point of the development to ensure that the proposed height does not negatively impact on the landmark quality of the hotel.

Overall, it is considered that there are sufficient planning grounds to justify contravention of the nine (9) metre height standard set by Clause 4.3 in this instance.

Section 79C (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.

Roads, Traffic and parking

The original JRPP report dated 14 November 2017 outlined the concerns of the RMS and Council's Development Engineer and fully detailed the potential impacts of the development on the surrounding road network. Following on from the JRPP onsite meeting held on 29 November 2017, Council staff have further liaised with the applicant regarding the potential traffic impacts and as part of the additional information submitted for this Report Addendum, the applicant has:

1. Amended Drawing No. DA1101² to provide a combined ambulance/patient set down area.
2. Offered to undertake linemarking and/or formalisation of car parking within the vicinity of the development site, being immediately adjacent to the subject site, and also to an extent of 50m on the opposite side of Arthur Street fronting the Correctional Services Centre; and
3. Investigated further a suitable location of a pedestrian refuge to facilitate the safe movement of pedestrians across Arthur Street; and if a suitable location is determined the applicant has no objections to the full design and construction of such a refuge.

Council's Development Engineer supports the proposed works offered by the developer and appropriate additional conditions have been provided as follows:

37. Formal line-marking of on-street parking spaces in Arthur Street is required prior to the issue of an Occupation Certificate for Stage 2 with the locations as follows:
 - a) For a distance of approximately 50m from the intersection with Queen Street and adjacent to Lot 1 Sec 118 DP758470 which is opposite the development site; and
 - b) For the full frontage of the development site in Arthur Street.
38. The applicant must carry out a safety assessment to identify a suitable location for a pedestrian refuge with sufficient storage along Arthur Street. The safety assessment and recommendations must be submitted to Council prior to a detailed design of pedestrian refuge area being prepared. The safety assessment must be carried out prior to the lodgment of the Civil CC.
39. A detailed design of the line-marking of the on-street parking bays (prepared in accordance with AS2890.5-1993) and the pedestrian refuge must be submitted as part of the Civil CC, and the works must be completed prior to issue of the Occupation Certificate for Stage 2.

As stated in the report dated 14 November 2017, it is acknowledged that there are issues from traffic and parking congestion in the area. However, the additional works proposed by the applicant and additional conditions of consent requiring those works to be completed will ensure that the impacts from the proposed development to the surrounding traffic network are minimised and improved pedestrian access is provided to improve safety.

Further to the above, Council's Development Engineer will be reporting to the Local Traffic Committee to request that up to two of the kerbside parking spaces on the Arthur Street frontage of the site (or nearby) be designated as 15 minute parking bays, to facilitate patient set down and pick up activity associated with the development, as well as deliveries and collections (for example by pathology vehicles) in connection with the proposed Medical Centre. This report will be presented to the Traffic Committee as a separate matter and not as part of the development application process.

Schedule 1: Summary of amended advices and conditions

Advice No. 5 has been amended to read as follows:

5. Prior to building work commencing approval under Section 68 of the Local Government Act shall be obtained from Clarence Valley Council for sewer work, water plumbing and stormwater work. Two copies of hydraulic engineers plans to AS 3500 detailing the size and location of water, sewer, stormwater and fire services shall be submitted to Council for approval.

The following advice has been deleted:

6. The building shall comply with the Australian Building Codes Board Standard for Construction of Buildings in Flood Hazard Areas. A Structural Engineers certificate shall be submitted prior to issue of the construction certificate to verify the building will withstand the likely forces imposed on it by a 1:100 year flood event including hydrostatic, hydrodynamic, debris, wave, erosion and scour actions.

The following new conditions are proposed:

4. The Ambulance Bay off Arthur Street must be available for use for patient set down and pick up purposes, and these uses appropriately signposted at the point of entry.
23. Any new or altered glazing to the former Albion Hotel shall comply with AS3671 "Acoustics-Road traffic noise intrusion-Building siting and construction". This is required to meet the requirements of Clause 101 of the Infrastructure SEPP 2007 as Queen Street is a classified Road.
37. Formal line-marking of on-street parking spaces in Arthur Street is required prior to the issue of an Occupation Certificate for Stage 2 with the locations as follows:
 - a) For a distance of approximately 50m from the intersection with Queen Street and adjacent to Lot 1 Sec 118 DP758470 which is opposite the development site; and
 - b) For the full frontage of the development site in Arthur Street.
38. The applicant must carry out a safety assessment to identify a suitable location for a pedestrian refuge with sufficient storage along Arthur Street. The safety assessment and recommendations must be submitted to Council prior to a detailed design of pedestrian refuge area being prepared. The safety assessment must be carried out prior to the lodgment of the Civil CC.
39. A detailed design of the line-marking of the on-street parking bays (prepared in accordance with AS2890.5-1993) and the pedestrian refuge must be submitted as part of the Civil CC, and works must be completed prior to issue of the Occupation Certificate for Stage 2.

Schedule 2: Complete Amended Draft Advices and Conditions

Definitions

NRDC means the current civil engineering standards in accordance with the:

- a Northern Rivers Local Government Development and Design Manual (AUS-SPEC)
- b Northern Rivers Local Government Construction Manual (AUS-SPEC)
- c Northern Rivers Local Government Handbook of Stormwater Drainage Design (AUS-SPEC)
- d Northern Rivers Local Government Handbook for Driveway Access To Property (AUS-SPEC)

AUS-SPEC documents can be obtained from the 'Planning & Building' section of the Clarence Valley Council webpage. WSA documents are subject to copyright and may be obtained from the 'Water Services Association of Australia'. For 'MUSIC' guidelines and policy documents contact Council's development engineer.

Civil Works includes -

- a Earthworks
- b Roadworks including car parking
- c Flood, Drainage works including **WSUD**
- d Provision of Utility Services including Streetlighting

CivilCC is a 'Construction Certificate (Civil Engineering)' and means a :

- Subdivision Construction Certificate in accordance with the Environmental Planning and Assessment Act 1979 Sections 109C(1)(b), 81A(2) & 81A(4); and/or
- Section 138 & 139 Roads Act 1993 (road opening) approval issued by Council and/or **RMS**; and/or
- Section 68 Local Government Act (drainage, water & sewer) approval; and/or
- Approval of Civil engineering works for development on private property. (Refer Environmental Planning and Assessment Act 1979 Sections 109D & E, Section 74A Building Professionals Act - Categories C1 to C6 inclusive and Section 20C 'Building Professionals Regulations').

A **CivilCC** may be issued by Council and/or accredited private certifier subject to the applicable NSW legislation, in order to ensure civil works are designed and constructed to comply with Council's standard.

ITP means Inspection and Testing Plan in accordance with **NRDC**.

TCP means Traffic Control Plan in accordance with the **RMS** 'Traffic Control at Worksites' guideline.

ET means an 'equivalent tenement'. A development is assessed for the demand or loading it will have on water and/or sewer infrastructure in proportion to an average residential dwelling.

Advices

1. All building and construction work, which includes subdivision and civil works, which cost \$25,000 or more require the payment of the long service levy prior to a Construction Certificate being issued. The levy is required under the Building and Construction Industry Long Service Payments Act 1986. The total value of works must be included on the **CivilCC C** application form.
2. Prior to work commencing on a development the applicant must give notice to Council of their intention to commence work. Such notice shall be in the form of a Notice of Commencement form and must be submitted to Council at least two (2) business days before work commences.

Building Advices

3. No construction is to be commenced until a Construction Certificate has been issued.
4. All plumbing and drainage work to be in accordance with AS 3500 and the Plumbing Code of Australia.
5. Prior to building work commencing approval under Section 68 of the Local Government Act shall be obtained from Clarence Valley Council for sewer work, water plumbing and stormwater work. Two copies of hydraulic engineers plans to AS 3500 detailing the size and location of water, sewer, stormwater and fire services shall be submitted to Council for approval.
6. The subject property is flood prone and receives a level of flood protection from the Grafton flood levee system. To meet Council's current Floodplain Management Controls the floor level of the primary habitable floor level is to be a minimum of 6.4 metres Australian Height Datum (AHD). However, you are advised that the latest BMT-WBM 'Lower Clarence Flood Model Update 2013' study indicates that the 1:100 year flood level (1% annual exceedance probability flood level) in the vicinity of the subject site is 7.08m Australian Height Datum (AHD) and the extreme flood level is 8.94m AHD. Council is currently reviewing the flood planning levels for North Grafton based on consideration of the revised flood model (Council resolution 13.043/14). Until that review is completed and a revised minimum floor level for primary habitable areas of buildings in North Grafton is determined the current minimum of 6.4m AHD will continue to apply. It is recommended that you take into consideration the findings of the latest BMT-WBM 'Lower Clarence Flood Model Update 2013' when determining the floor level of the primary habitable areas of the subject building.
7. The energy efficiency requirements in Section J of the Building Code of Australia (BCA) apply to all new building work. A Section J report shall be submitted with the Construction Certificate application.
8. The following street numbers shall be prominently displayed prior to final inspection: Specialist Medical Centre: 201 Queen Street; Private Hospital: 174 Arthur Street.

Engineering Advices

9. Civil Construction Certificate (**CivilCC**) approvals, issued by Council and/or accredited private certifier are required for this development.
 - A private certifier accredited for Civil Construction under the NSW Building Professionals Act 2005 (Categories B and/or C), may be engaged for all or part of civil works (subdivision and/or on private property) other than public infrastructure water and sewer reticulation works.
 - Accreditation of private certifiers for public sewer and water reticulation works is not offered under the Building Professionals Act 2005.
 - Connection to Council drainage, water and sewer systems require the approval of Council under the NSW Local Government Act.
 - Works within public road reserves require the approval of the Road Authority as defined in the NSW Roads Act.

- A **CivilCC** application to Council for public and/or private property works requires payment in accordance with the Council's adopted 'Fees and Charges'. The application form may be downloaded from Council's website.
10. A completed 'Design Certification Report' with supporting documentation, in accordance with the requirements of **NRDC** must be submitted to Council and/or accredited private certifier with the submission of the **CivilCC** application.
- Approval of a **CivilCC** will be current for a period of two years after which time Council may require the alteration to the Engineering Design to comply with current standards. Copies of the engineering plans for the **CivilCC** are required in hardcopy, PDF and DXF format.
11. No civil construction works, including the removal of vegetation or topsoil, shall be commenced until a **CivilCC** has been issued by Council and/or accredited private certifier.
- A private certifier who issues a **CivilCC** must forward a copy of the Certificate along with a copy of the approved plans and **ITP** to Council two days before work commences on the development.
- Council attendance at any required inspections will be charged in accordance with the adopted 'Fees & Charges' current at the time of the inspections. Payment is required prior to any inspections.
12. To obtain a Certificate of Compliance for water and or sewer works, Council requires completion of any works on Council's water or sewer infrastructure specified as a condition of this consent and payment of contributions in accordance with Section 64 of the Local Government Act, 1993, which applies Section 306 of the Water Management Act, 2000. The application form for a Certificate of Compliance is available on Council's website.
- The proposed development has been assessed as contributing an additional 23.09 ET demand on Council's water supply, and an additional 34.15 ET loading on Council's sewerage system. This takes into consideration a credit of 11.9 ET's for sewer and 18.58 ET's for water for pre-existing uses. The headworks charges at 2017/18 financial year rates are:
- | | |
|---|----------------|
| Water Headworks 23.09 additional ET's @ \$4,715.00 per ET | = \$108,869.35 |
| Sewer Headworks 34.15 additional ET's @ \$6,450.00 per ET | = \$220,267.50 |
- The contribution(s), as assessed, will hold for a period of 12 months from the date of this approval. Contributions not received by Council within 12 months of the date of this determination will be adjusted in accordance with the adopted Schedule of Fees and Charges current at the time of payment.
13. Occupation of the road reservation requires the approval of Council under the NSW Roads Act 1993.
14. Certification of constructed **Civil Works** by the supervising engineer and/or registered surveyor is required prior to acceptance 'On Maintenance' (public infrastructure) and/or 'Practical Completion' (private property works).
15. The applicant is advised that Council has an adopted Pedestrian and Access Mobility Plan (PAMP) for Grafton. Should the location of any future on-street car parking be located adjacent to the adopted alignment of the PAMP, then the PAMP alignment must be adopted.

16. The applicant is advised that the Stormwater Management Plan prepared by Geolink must be amended to provide 13m³ of storage detention and the sizing of the Spel Filter GPT must be sized to achieve Total Suspended Solids (TSS) of 85%, Total Phosphorous (TP) of 65% and Total Nitrogen (TN) 45%.

Conditions

1. The development being completed in conformity with the Environmental Planning & Assessment Act, 1979, the Regulations thereunder, the Building Code of Australia (BCA) and being generally in accordance with plan(s) numbered:

- DA1001^{P2} Project No. 15013 dated 13 March 2017 by Anthony Vavayis & Associates
- DA1002^{P2} Project No. 15013 dated 13 March 2017 by Anthony Vavayis & Associates
- DA1003^{P2} Project No. 15013 dated 13 March 2017 by Anthony Vavayis & Associates
- DA2000^{P1} Project No. 15013 dated 13 March 2017 by Anthony Vavayis & Associates
- DA3000^{P2} Project No. 15013 dated 13 March 2017 by Anthony Vavayis & Associates
- DA1101² Project No. 15013 dated 31 July 2017 by Anthony Vavayis & Associates
- DA1102² Project No. 15013 dated 31 July 2017 by Anthony Vavayis & Associates
- DA1103² Project No. 15013 dated 31 July 2017 by Anthony Vavayis & Associates
- DA1104¹ Project No. 15013 dated 31 July 2017 by Anthony Vavayis & Associates
- DA2100² Project No. 15013 dated 31 July 2017 by Anthony Vavayis & Associates
- DA3100² Project No. 15013 dated 31 July 2017 by Anthony Vavayis & Associates
- DA3101¹ Project No. 15013 dated 31 July 2017 by Anthony Vavayis & Associates
- Landscape plans Drawing No. 2642/01 and 2642/02 (Revision A) dated 13 October 2016 by GeoLink
- Flood Management Plan (Grafton Specialist Medical Centre and Private Hospital) by GeoLink dated 2017
- Appendix A Schedule of Conservation Works NBRS Architecture (pages 83 and 84)

as amended in red, or where modified by any conditions of this consent.

2. Payment to Council of the contributions pursuant to Section 94 of the Environmental Planning and Assessment Act:

\$125,000.00

GL S94ACVCOthResAcco

This amount is based on the following calculation:

- a Proposed cost of carrying out the development is more than \$200,000 = value of development x 0.01
- b The value of development stated in the application was \$12,500,000.00

The contributions are to be paid to Council prior to release of the Construction Certificate. All contribution plans are available for inspection at Clarence Valley Council Offices, 50 River Street, Maclean and 2 Prince Street, Grafton.

In the event of any subsequent amendment to the approved Development Plans, the calculated contribution amounts may vary, and if so will become the contribution payable. A true estimate of the value of development must be provided when application is made for the Construction Certificate.

3. Lot A DP904084 and Lot 2 DP125156 shall be consolidated into one allotment prior to issue of the Occupation Certificate for Stage 2.
4. The Ambulance Bay off Arthur Street must be available for use for patient set down and pick up purposes, and these uses appropriately signposted at the point of entry.

Building Conditions

5. The development is not to be occupied or used until such time as an Occupation Certificate has been issued.
6. Working hours on the construction project being 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 to be 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.

7. 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.

8. Where the work is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves enclosure of a public place, the following must be provided:
 - a A hoarding or fence must be erected between the work site and the public place.
 - b If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
 - c The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
 - d Any such hoarding, fence or awning is to be removed when the work has been completed.
9. 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).

10. 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.

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;
 - 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.

12. 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.

13. 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.

14. 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.*

15. 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.
16. 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.
17. 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
18. The waste management plan submitted with this application shall be complied with during demolition/construction work and all measures required for the ongoing use of waste management facilities in the development shall be in place prior to the issue of the Occupation Certificate.
19. Full electrical and structural details prepared and certified by appropriately qualified persons shall be submitted with Construction Certificate documentation.
20. Prior to issue of the Construction Certificate the principal certifying authority shall be provided with certification from a practising structural engineer that the former Albion Hotel building will be capable of withstanding all loads likely to be imposed upon it as a result of the proposed change in use. The certificate shall also cover the structural adequacy of the verandah and awning over the public footpath.

21. A termite management plan prepared by a pest control professional shall detail any required upgrading to the building to comply with AS3660.1. The plan shall be submitted to the principal certifying authority for approval prior to issue of the construction certificate. The recommendations of the approved plan shall be implemented prior to issue of an Occupation Certificate.
22. Essential fire safety measures required by the National Construction Code (NCC) shall be installed throughout the former Albion Hotel building in full compliance with current NCC standards prior to issue of an Occupation Certificate.
23. Any new or altered glazing to the former Albion Hotel shall comply with AS3671 "Acoustics-Road traffic noise intrusion-Building siting and construction'. This is required to meet the requirements of Clause 101 of the Infrastructure SEPP 2007 as Queen Street is a classified Road.

Engineering Conditions

24. A Certificate of Compliance for Water and or Sewer works must be obtained from Council prior to release of the Occupation Certificate.
25. The developer must bear any costs relating to alterations and extensions of existing roads, drainage and services for the purposes of the development.
26. The developer must design and construct all civil works, in accordance with **NRDC** and the approved **CivilCC**. Civil construction works must be supervised by a suitably qualified and experienced engineer or registered surveyor who must certify the completed works prior to the release of the Occupation Certificate. The Council will hold a bond in accordance with Council's fees and charges for constructed public infrastructure works until such time as Council accept the works 'Off Maintenance'.
27. An **ITP** must be submitted for approval with the application for a **CivilCC**. The supervising engineer or registered surveyor must arrange for the hold/witness point inspections, and accompany Council and/or accredited Private Certifier on the inspection unless alternative arrangements are made. Hold Point, Witness Point, On / Off Maintenance and/or Practical Completion inspections involving public infrastructure must be attended by Council officers

Where Council is the Certifying Authority for civil engineering works the applicant must give Council one (1) business day's notice to attend inspections.

Hold Point, Witness Point and Audit Inspections must be documented by the ITP and include the following works (but not limited to):

- a Pre-start Meeting (Attended by Council and/or Accredited Private Certifier, Principal Contractor & Supervising Engineer and/or Registered Surveyor)
- b Erosion & Sedimentation Controls
- c Earthworks
- d Roadworks
- e Stormwater Drainage
- f Sewer
- g Water
- h Other Services
- i 'On Maintenance' (Public Infrastructure)
- j Practical Completion (Works on Private Property)
- k 'Off Maintenance' (Acceptance of Public infrastructure by Council)

28. A **TCP** must be prepared and submitted to Council showing how vehicle and pedestrian traffic will be safely managed within the work site and road reserve. This plan must be prepared by a person authorised by the **RMS** to prepare **TCP's** and must be endorsed by Council prior to the occupation of the road reserve and commencement of work.

29. Construction & Traffic Management Plans (C&MP's) are required to be endorsed by Council prior to commencement of work. These plans must document workplace health and safety, traffic management (pedestrian & vehicular) and the proposed methods of work within the development work site and the associated public road network.

Associated Traffic Control Plans (TCP's) must be prepared by a person authorised by the RMS to prepare TCP's.

The approval of Council under the Roads Act 1993 is required for construction works within and occupation of, the road reserve. The road reserve is classed as the property boundary to opposite property boundary and includes roadway, nature strip and footpath.

30. The applicant is to carry out an adequate hydraulic assessment of the normal domestic demands for the development and size the external connection and internal reticulation accordingly to cater for the proposed development. All new connections must be in accordance with Council's Sewer and Water Connection Policy. Any live connections can only be undertaken by Council.

Connection to the public water reticulation system requires the approval of Council under the NSW Local Government Act.

Any upgrade to the existing water service to the property will be subject to the costs outlined in Council's list of fees and charges.

31. Connection to the public sewerage reticulation system requires the approval of Council under the NSW Local Government Act.

Any upgrade to the existing sewerage service or any new connection to the property will be subject to the costs outlined in Council's list of fees and charges and Council's Sewer and Water Connection Policy. Cutting in of sewer junctions can only be undertaken by Council. In respect to these works, contact Council's Water Cycle Section.

32. All pathways and shared bicycle/footpath for the development are to be provided in accordance with **NRDC**, Clarence Valley Council - Bike Plan and Pedestrian Access and Mobility Plan (PAMP), AS1428 and AS2890.

33. Prior to release of the Occupation Certificate of Stage 2, the pedestrian pathway/cycleway for the frontage of the development shall be lit to the minimum standard of Australian Standard AS 1158 (Public Lighting Code) and the NSW Police 'Safer By Design' guidelines. Details of how this will be achieved, including location, types and energy efficiency of lighting devices, must be approved by Council prior to issue of the **CivilCC**.

34. Car parking, driveways, manoeuvring and access areas must be constructed, sealed, line marked and drained for a minimum of 15 car parking spaces in accordance with the DA approved plan and made available thereafter. The car parking classification is Class 3 for the internal parking and is to be designed in accordance with AS2890, the relevant parts of the applicable Council DCP and **NRDC**. All car parking spaces must be accessible by B99 vehicles.

35. A detailed plan for construction of the on-street parking fronting the development, footpath and associated street lighting must be submitted for approval with the CivilCC. Construction works are to be completed prior to issue of the Occupation Certificate for Stage 2 (Private Hospital)
36. Existing vehicular crossings rendered unnecessary by this development are to be removed, and the kerb restored to match the existing kerb profile. All existing on-street car parking along Arthur Street affected by the construction of the driveway must be maintained.
37. Formal line-marking of on-street parking spaces in Arthur Street is required prior to the issue of an Occupation Certificate for Stage 2 with the locations as follows:
 - a) For a distance of approximately 50m from the intersection with Queen Street and adjacent to Lot 1 Sec 118 DP758470 which is opposite the development site; and
 - b) For the full frontage of the development site in Arthur Street.
38. The applicant must carry out a safety assessment to identify a suitable location for a pedestrian refuge with sufficient storage along Arthur Street. The safety assessment and recommendations must be submitted to Council prior to a detailed design of pedestrian refuge area being prepared. The safety assessment must be carried out prior to the lodgment of the Civil CC.
39. A detailed design of the line-marking of the on-street parking bays (prepared in accordance with AS2890.5-1993) and the pedestrian refuge must be submitted as part of the Civil CC, and the works must be completed prior to issue of the Occupation Certificate for Stage 2.
40. 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 Plan and **NRDC**.

A Stormwater Management Plan (SWMP) that demonstrates **NorBe** must be prepared in accordance with **NRDC**. A detailed design of the amended stormwater management plan must be provided as part of the **CivilCC**.

Acid Sulfate Soils

41. Any excavation resulting in disturbance of more than one tonne of soil at a depth of greater than 2m below natural ground surface, or work that is likely to lower the watertable beyond 2m below natural surface shall comply with Councils' Acid Sulfate Soil management provisions.

Erosion and Sedimentation Control

42. Erosion and Sediment Control is to be implemented in accordance with the relevant parts of the applicable Council Development Control Plans, 'NSW Managing Urban Stormwater - Soils and Construction (Blue Book)' and **NRDC**. These controls are to be maintained and managed by the applicant and/or the appointed contractor until an occupation certificate is issued or the development is accepted 'Off Maintenance'.
43. During the course of the works, 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.

44. 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.

Heritage Conditions

45. That the Schedule of Conservation Works is to be carried out in accordance with Appendix A Part 8 of the Statement of Heritage Impact prepared by NBRS dated 7 August 2017.
46. That all original fabric is to be carefully conserved and repaired to original details.
47. The proposed reconstruction work to reinstate missing details or elements is to be based upon historical evidence as documented in the SOHI. New material which forms part of the reconstruction is to be distinguished from the original by subtle variation or date stamping in accordance with Article 20.2 of the ICOMOS Burra Charter.
48. The proposed re-roofing is to be carried out in custom orb, Galvanised Steel Z600 and appropriate non perforated low front gutter profiles are to be used.
49. Details of the colour scheme based on original paint scrapes to be provided prior to commencement of work.
50. Should any item of heritage significance be uncovered during works on the site, all work is to cease and the Office of Environment Heritage shall be contacted immediately and any directions or requirements of the Office complied with.
51. Details of proposed signage for the new hospital/medical centre (including colours) to be submitted for approval prior to installation.

Liquid Trade Waste Conditions

52. An application to discharge liquid trade waste to Council's sewerage system, with detailed trade waste drainage diagrams shall be submitted to Council for assessment prior to release of each Construction Certificate application.
53. Approval to discharge liquid trade waste to Council's sewerage system shall be obtained from Council prior to release of the Occupation Certificate.
54. An approved grease arrestor of minimum capacity 1000L to be installed to service the liquid trade waste from the kitchen on the second floor and food preparation room of the third floor. Grease arrestor shall be located in an area that is accessible for the pump out contractor.
55. All sinks and floor wastes in food preparation areas to contain basket arrestors.
56. Details of the proposed liquid trade waste pre-treatment equipment for the first floor Clean CSSD, Dirty CSSD, CU and DU rooms, and the second floor Dirty Utility room shall be submitted with the trade waste application for assessment.

Environmental Health Conditions

57. An acoustic barrier of 1800mm height is to be erected above the finish grade level of the proposed car park or the existing ground level, whichever is higher at the location specified in Sketch 1 of Appendix A of the CRGAcoustic Environmental Noise Impact Report. Barriers are to be free of gaps or holes including between the barrier panels and the ground below and have a minimum 11kg/m² surface mass.

58. The $L_{Aeq(15\text{ mins})}$ noise level emitted from the premise (inclusive of mechanical plant) shall not exceed the background noise level by more than 5 dB at any time at the nearest residential receiver who has not given written permission for an exceedance of this condition.
59. Waste collection and deliveries are to take place between the hours of 7am and 6pm.

Landscaping

60. All landscaping works are to be completed in accordance with the approved plan prior to the Occupation Certificate being issued.
61. The onsite landscaping is to be maintained on a regular basis, to comply with the approved plans.

Reasons

1. To ensure that the development complies with Council's Local Environmental Plan and any Development Control Plan that may be applicable to the proposed development.
2. To ensure that the surrounding environment is not detrimentally affected as a result of the development.
3. To comply with legislative requirements.
4. To ensure works are completed to an appropriate standard and documented.
5. To comply with Council's Section 94 Contribution Plans.
6. To ensure that adequate infrastructure and services are provided in accordance with Council's Engineering Specifications for development.
7. To ensure that vehicular access and parking are provided in accordance with Council's Engineering Specifications for Development.
8. To ensure compliance with Australia Standards.
9. To ensure any disturbance or likely adverse impact on Acid Sulphate Soils is properly assessed and managed.
10. Ensure that the history and significance of buildings on the subject land are documented before their removal or re-use due to the age of the structures and nature of previous occupants of this land.
11. To ensure that the development is adequately landscaped and maintained, and in accordance with the approved plans.

Attachments

1. Amended Plans
2. Shadow diagrams of proposed building
3. Shadow diagrams of compliant 9m building
4. Clause 4.6 Exceptions to development standards (Amended Written Request from Applicant)
5. JRPP Report dated 14 November 2017
6. Section 55 Amendment to Application