

GRAFTON PRIVATE HOSPITAL
&
SPECIALIST CENTRE



DRAWING LIST

ARCHITECTURAL

DA0000	COVER SHEET				
DA1001	PROPOSED GROUND FLOOR PLAN - STAGE 1	SCALE 1:100@A0	DA1101	PROPOSED GROUND FLOOR PLAN	SCALE 1:100@A0
DA1002	PROPOSED FIRST FLOOR PLAN - STAGE 1	SCALE 1:100@A0	DA1102	PROPOSED FIRST FLOOR PLAN	SCALE 1:100@A0
DA1003	PROPOSED SECOND FLOOR PLAN - STAGE 1	SCALE 1:100@A0	DA1103	PROPOSED SECOND FLOOR PLAN	SCALE 1:100@A0
			DA1104	PROPOSED THIRD FLOOR PLAN	SCALE 1:100@A0
DA2000	PROPOSED SECTION- STAGE 1	SCALE 1:100@A0	DA2100	PROPOSED SECTION	SCALE 1:100@A0
DA3000	PROPOSED ELEVATIONS 1 - STAGE 1	SCALE 1:100@A0	DA3100	PROPOSED ELEVATIONS 1	SCALE 1:100@A0
DA3001	PROPOSED ELEVATIONS 2 - STAGE 1	SCALE 1:100@A0	DA3101	PROPOSED ELEVATIONS 2	SCALE 1:100@A0
DA7000	SHADOW DIAGRAMS	SCALE 1:500@A1			

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LEGEND

2	DEVELOPMENT APPLICATION	31.07.2017
P1	CLIENT REVIEW	22.06.2017
1	DEVELOPMENT APPLICATION	14.03.2017

REVISION



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ANTHONY VAVAYIS REGISTERED ARCHITECT No: 5243

GRAFTON
GRAFTON PRIVATE HOSPITAL &
SPECIALIST CENTRE
ARTHUR STREET
GRAFTON

CLIENT
GRAFTON PRIVATE HOSPITAL UNIT TRUST

DRAWING TITLE
COVER PAGE

SCALE NTS DATE APRIL 2016
DRAWN BS PROJECT 15013

DA0 0 0 0 2

QUEEN STREET

NOTE
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LEGEND

SITE A
LOT A
DP904084
809m²

ARTHUR STREET

PROPOSED DRIVEWAY

EXISTING FOOTPATH

TEMPORARY PARKING

EXISTING GRAVEL CAR PARK TO
BE RETAINED

SITE B
LOT 2
DP125156
1259.2m²

LEGEND

- BUILDING A
- BUILDING B
- BUILDING C

1 PROPOSED GROUND FLOOR PLAN
SCALE 1:100@A0, 1:200@A2

P2 ISSUED FOR CLIENT REVIEW 13.03.2017
P1 ISSUED FOR CLIENT REVIEW 01.03.2017
REVISION

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DRAWING TITLE
PROPOSED GROUND FLOOR PLAN - STAGE 1

SCALE 1: 100 [A0] DATE 01 JAN 2015
DRAWN BJ PROJECT 15013

DA1001P2

QUEEN STREET

NOTE
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LEGEND

P2	ISSUED FOR CLIENT REVIEW	13.03.2017
P1	ISSUED FOR CLIENT REVIEW	01.03.2017
REVISION		

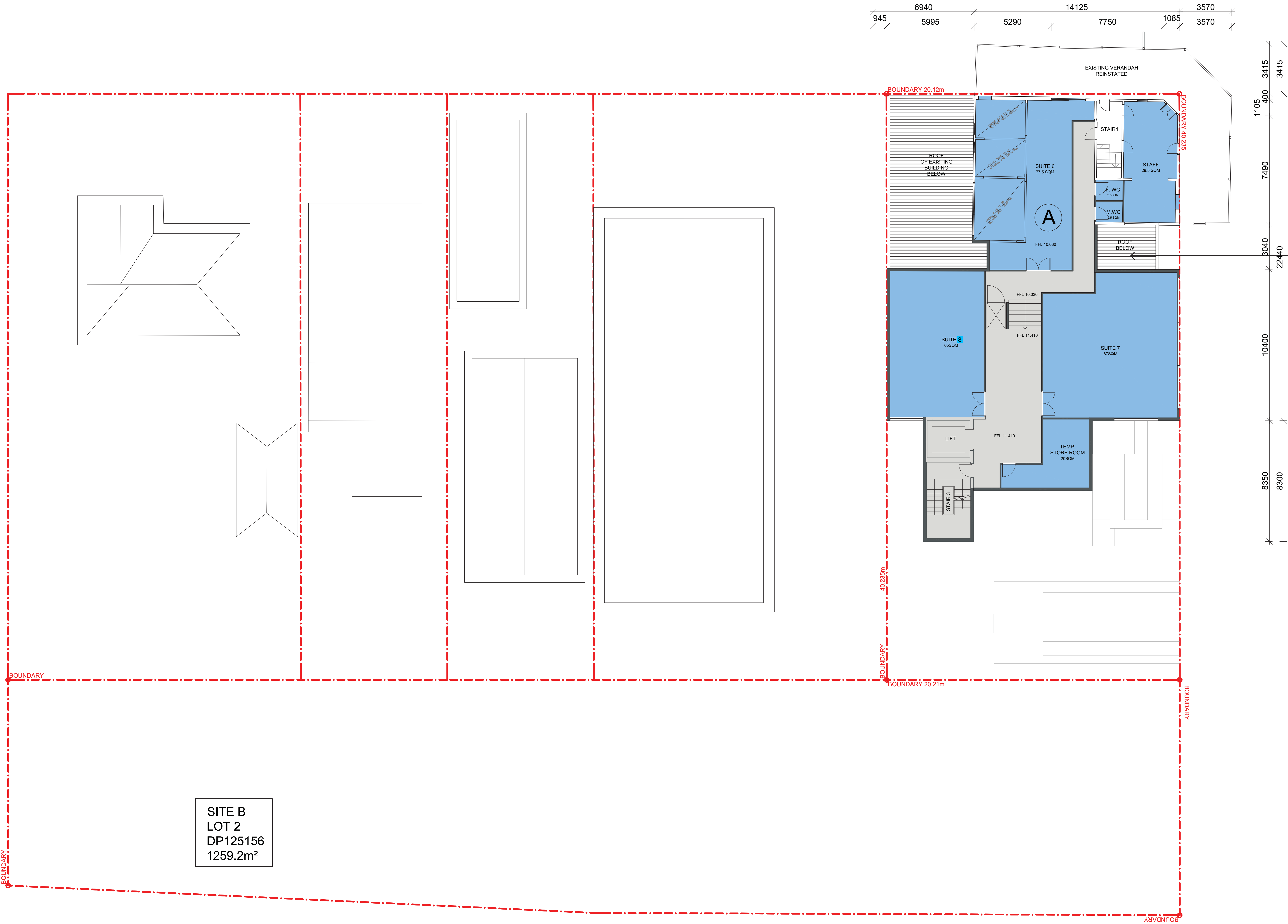
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DRAWING TITLE
PROPOSED FIRST FLOOR PLAN

SCALE 1: 100 [A0] DATE 01 JAN 2015
DRAWN BJ PROJECT 15013

DA 1 0 0 2 P2



1 PROPOSED FIRST FLOOR PLAN
SCALE 1:100@A0, 1:200@A2




LEGEND	
	BUILDING A
	BUILDING B
	BUILDING C

NOTE
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LEGEND




LEGEND

	BUILDING A
	BUILDING B
	BUILDING C

P2	ISSUED FOR CLIENT REVIEW	13.03.2017
P1	ISSUED FOR CLIENT REVIEW	01.03.2017
REVISION		



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CLIENT	
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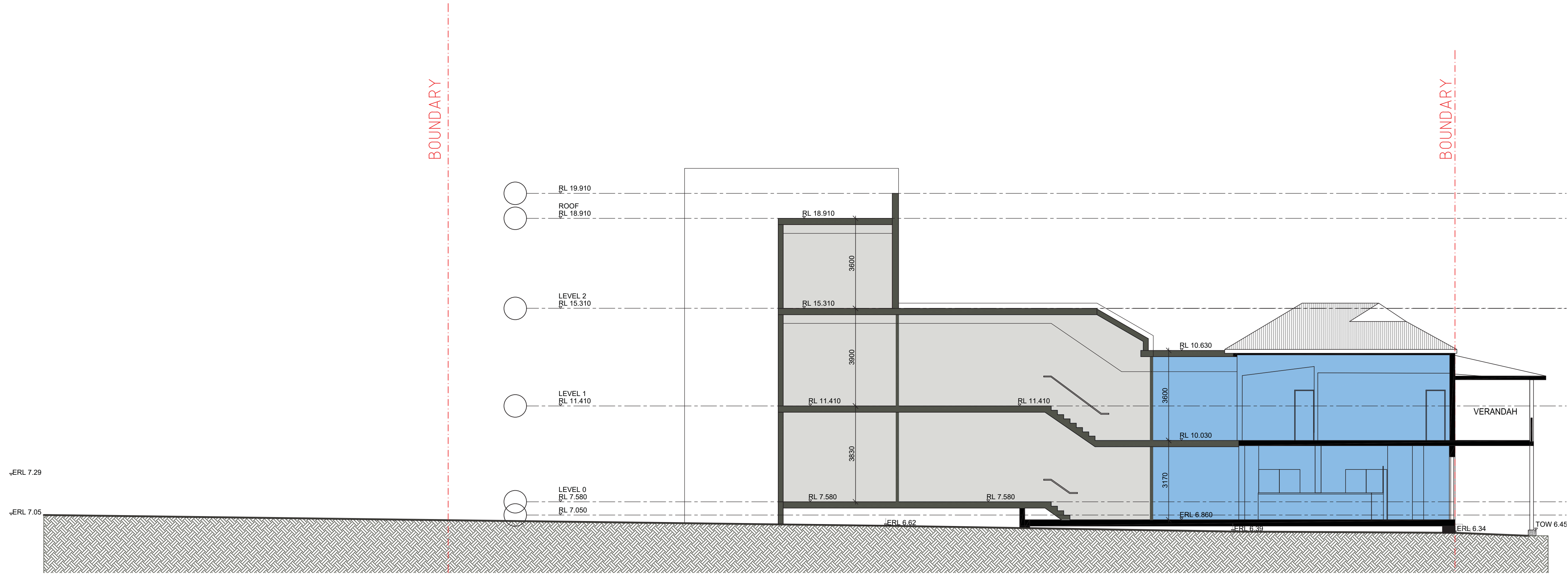
DRAWING TITLE
PROPOSED SECOND FLOOR PLAN - STAGE 1

SCALE 1:100 [A0]	DATE 01 JAN 2015
DRAWN BJ	PROJECT 15013

DA 100 3^{P2}

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LEGEND



LEGEND	
■	BUILDING A
■	BUILDING B
■	BUILDING C

1 PROPOSED SECTION
SCALE 1:100@A0, 1:200@A2

P1 | ISSUED FOR CLIENT REVIEW | 13.03.2017

REVISION



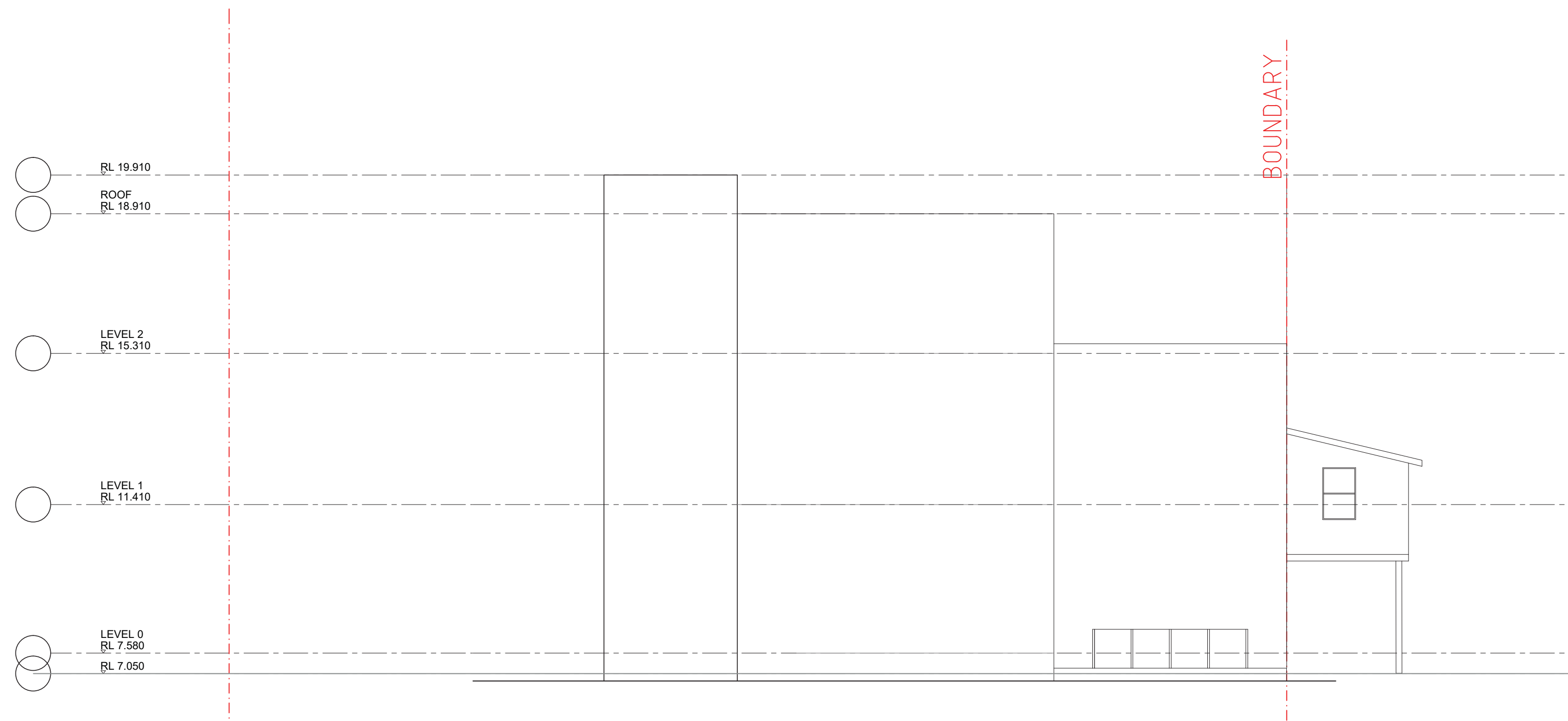
24 LIME STREET KING STREET WHARF SYDNEY NSW 2000
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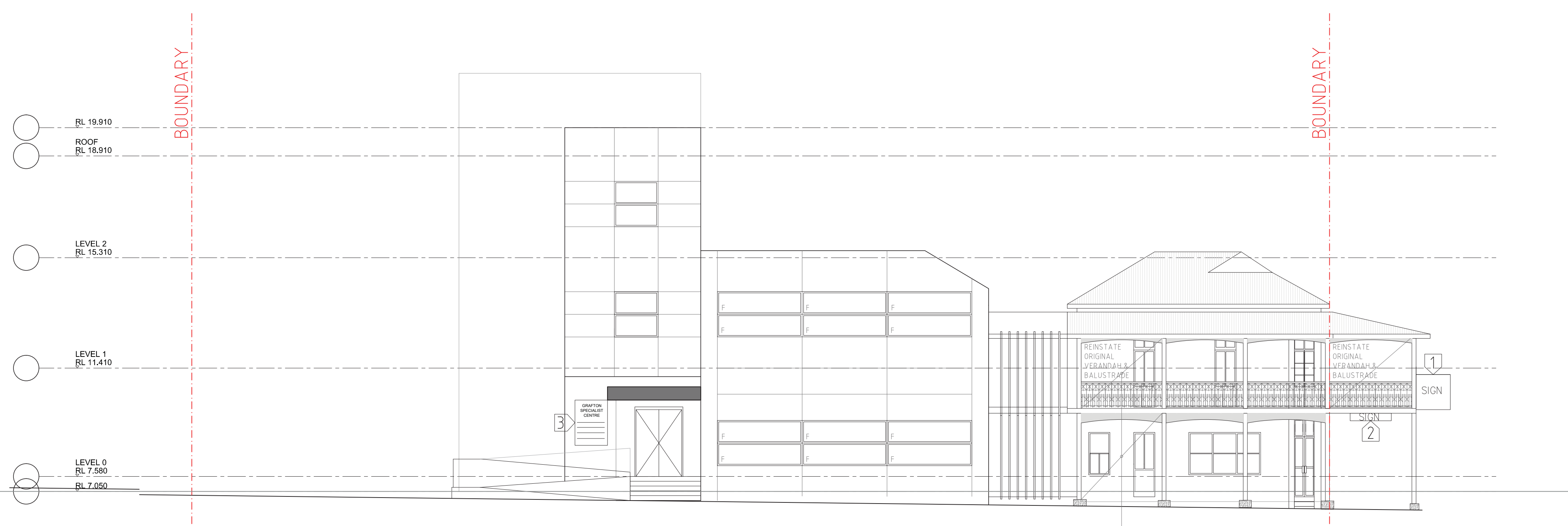
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PROPOSED SECTION - STAGE 1

SCALE 1: 100 [A0] DATE 01 JAN 2015
DRAWN BJ PROJECT 15013

D 2 0 0 0 P1



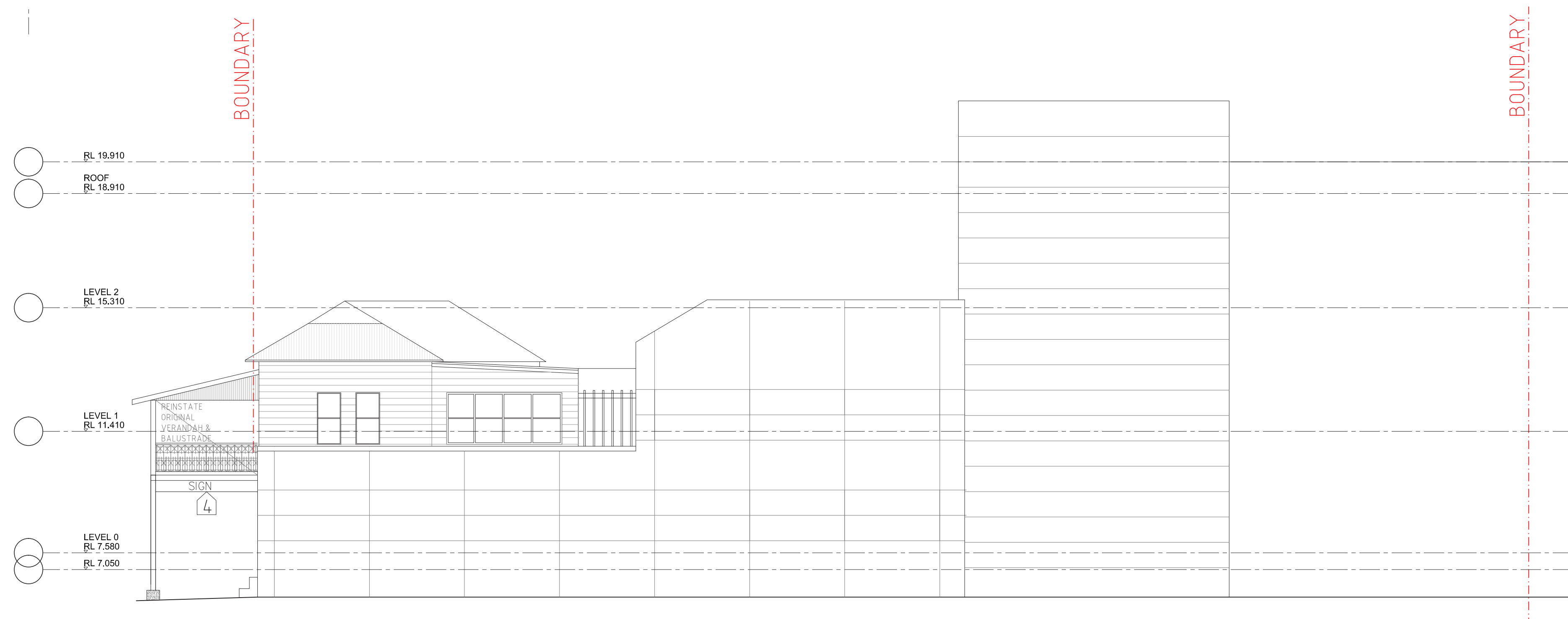
1 PROPOSED WEST ELEVATION
SCALE 1:100@A0, 1:200@A2



1 PROPOSED SOUTH ELEVATION
SCALE 1:100@A0, 1:200@A2



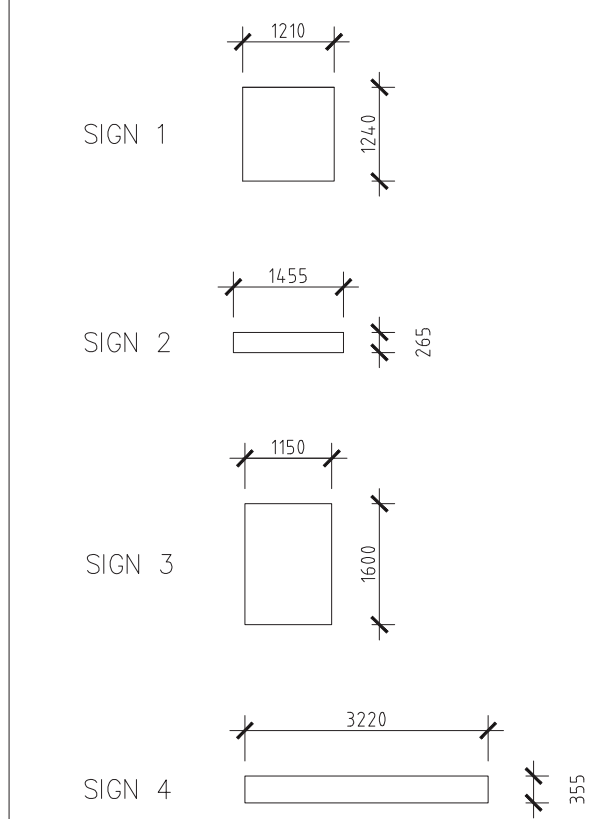
1 PROPOSED EAST ELEVATION
SCALE 1:100@A0, 1:200@A2



1 PROPOSED NORTH ELEVATION
SCALE 1:100@A0, 1:200@A2

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LEGEND



P2 ISSUED FOR CONSULTANT REVIEW 13.03.2017
P1 ISSUED FOR CONSULTANT REVIEW 01.03.2017
REVISION

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DRAWING TITLE
PROPOSED ELEVATIONS - STAGE 1

SCALE 1: 100[A0] DATE 01 JAN 2015
DRAWN BY PROJECT 15013

DA 3 0 0 0P2

NOTE
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LEGEND

2	DEVELOPMENT APPLICATION	31.07.2017
P2	CLIENT REVIEW	18.07.2017
P1	CLIENT REVIEW	06.06.2017
1	DEVELOPMENT APPLICATION	14.03.2017

REVISION



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DRAWING TITLE
PROPOSED GROUND FLOOR PLAN

SCALE 1:100 [A0] DATE 01 JAN 2015
DRAWN BJ PROJECT 15013

DA1 1 0 1 2

QUEEN STREET

ARTHUR STREET

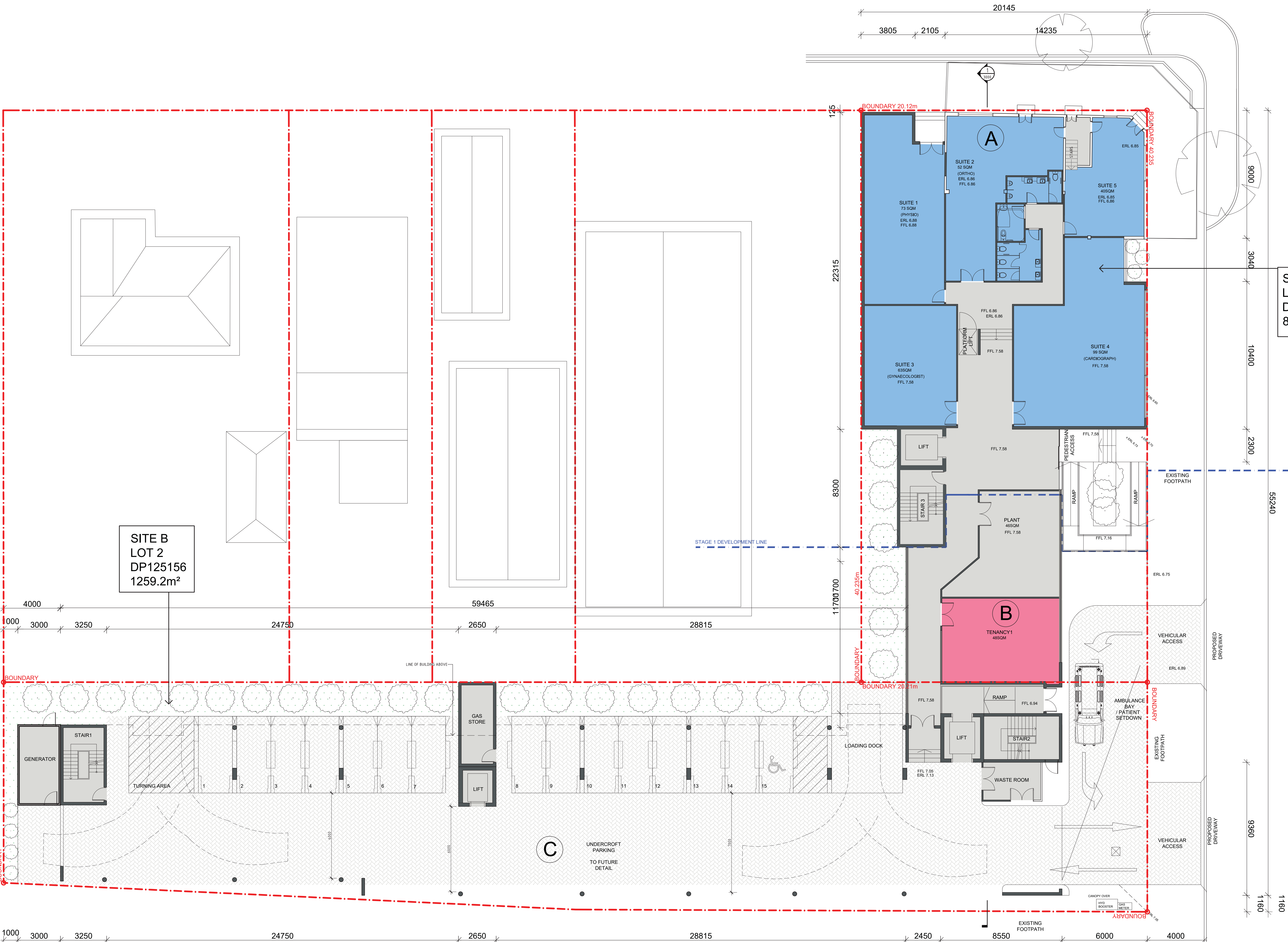
SITE A
LOT A
DP904084
809m²

SITE B
LOT 2
DP125156
1259.2m²

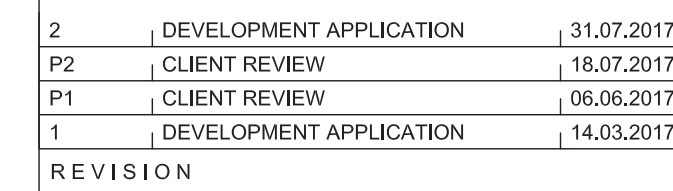
LEGEND

- BUILDING A
- BUILDING B
- BUILDING C

PARKING		MEDICAL	
PARKING SPACES		PROPOSED BEDROOMS-	16+13=29
CARSPACES- ACCESSIBLE SPACE - TOTAL	14 1 15	ACCESSIBLE BEDROOM-	1
AMBULANCE BAY-	1	TOTAL	30



1 PROPOSED GROUND FLOOR PLAN
SCALE 1:100@A0, 1:200@A2



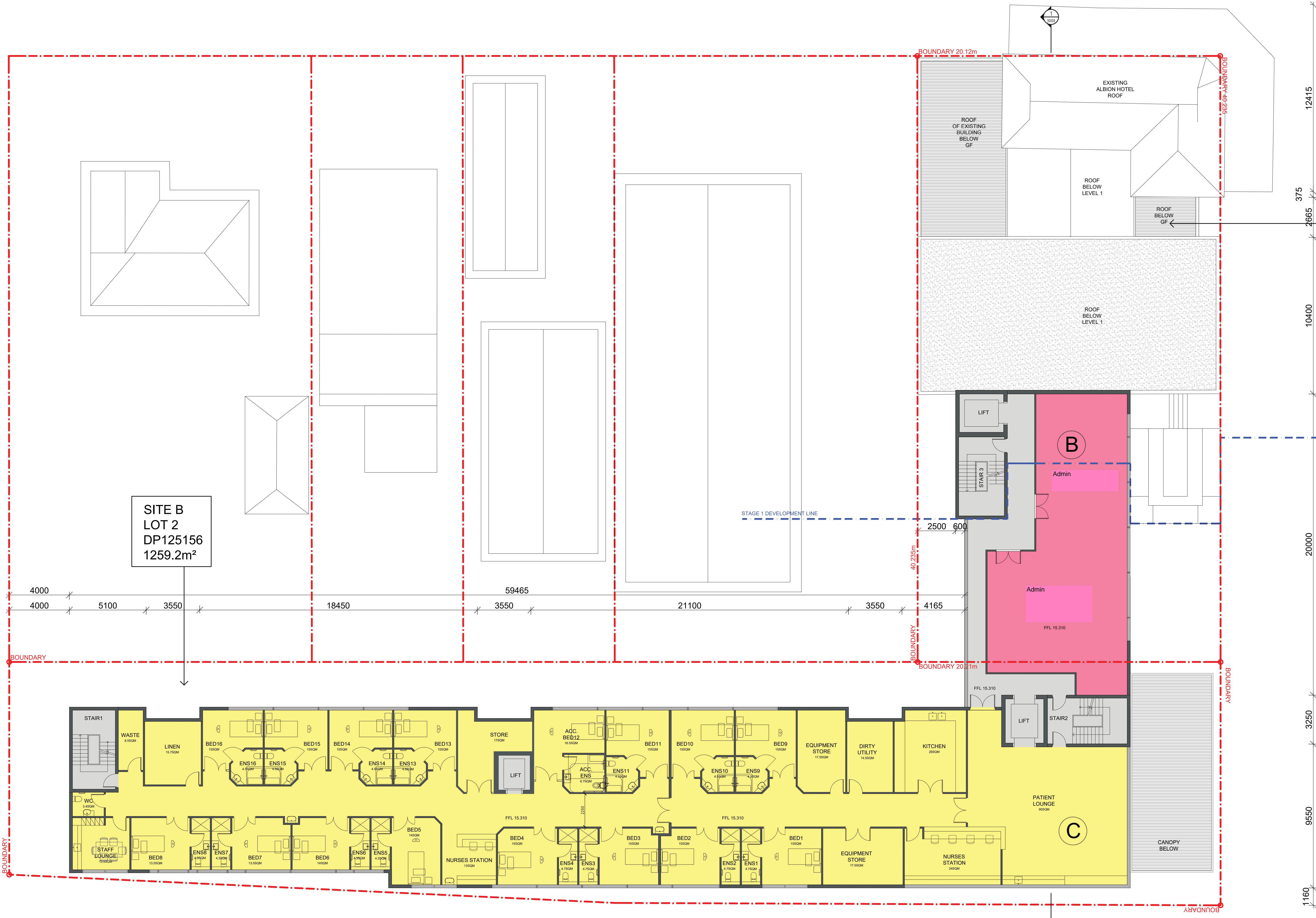
PARKING		MEDICAL	
PARKING SPACES		PROPOSED BEDROOMS-	16+13=
CARSPACES-	14	ACCESSIBLE BEDROOM-	1
ACCESSIBLE SPACE -	1		
TOTAL	15	TOTAL	30
AMBULANCE BAY-	1		

QUEEN STREET

SITE A
LOT A
DP904084
809m²

ARTHUR STREET

SITE B
LOT 2
DP125156
1259.2m²



1 PROPOSED SECOND FLOOR PLAN
SCALE 1:100@A0, 1:200@A2

- LEGEND
- BUILDING A
 - BUILDING B
 - BUILDING C

1400		6160		3440	
PARKING		MEDICAL			
PARKING SPACES		PROPOSED BEDROOMS-		16+13=29	
CARSPACES- ACCESSIBLE SPACE -		ACCESSIBLE BEDROOM-		1	
TOTAL		TOTAL		30	
AMBULANCE BAY-				1	

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REVISION		
2	DEVELOPMENT APPLICATION	31.07.2017
1	CLIENT REVIEW	06.06.2017
1	DEVELOPMENT APPLICATION	14.03.2017

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DRAWING TITLE
PROPOSED SECOND FLOOR PLAN

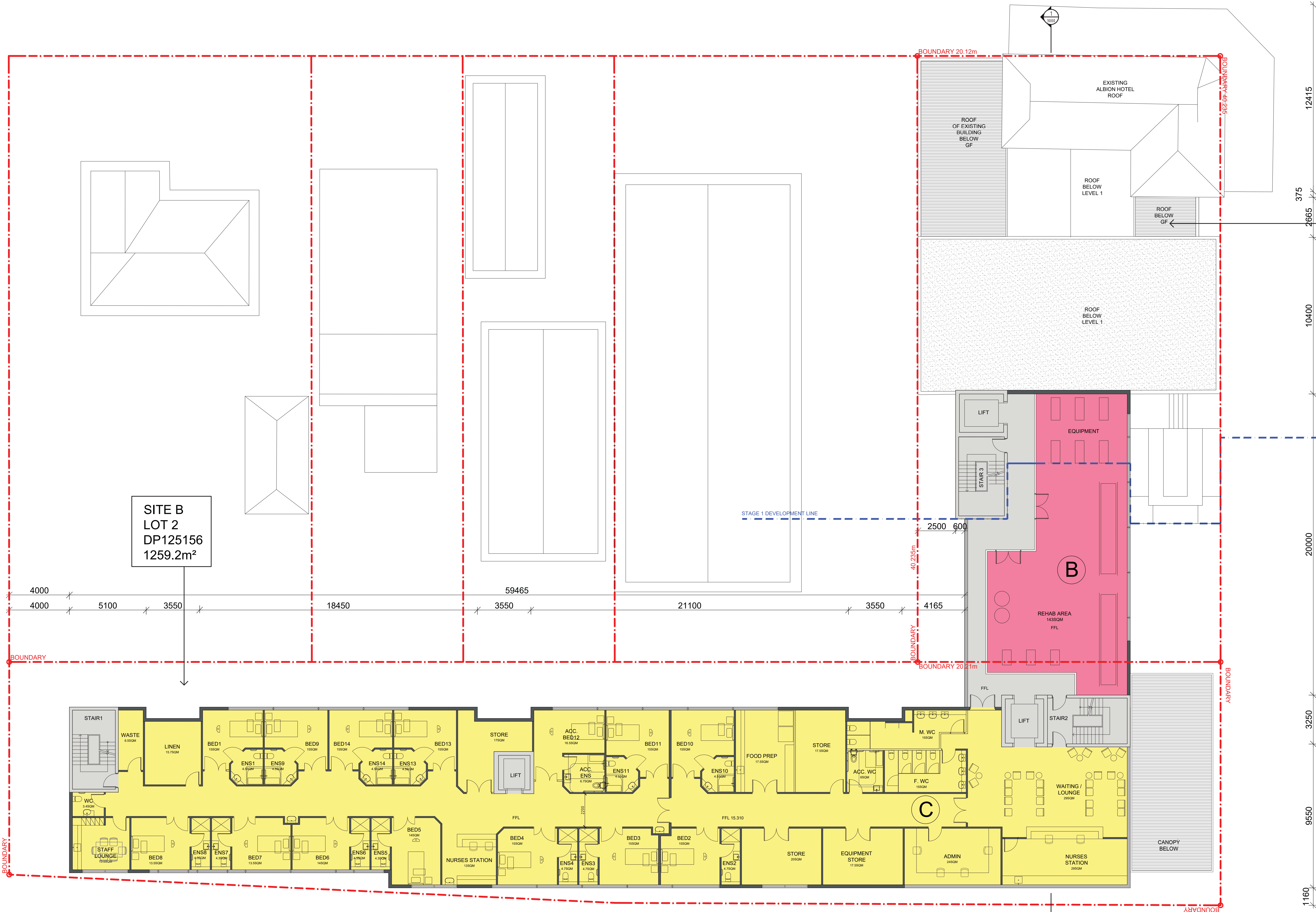
SCALE 1: 100 [A0] DATE 01 JAN 2015
DRAWN BJ PROJECT 15013

QUEEN STREET

ARTHUR STREET

SITE A
LOT A
DP904084
809m²

SITE B
LOT 2
DP125156
1259.2m²



4000 21200 49265 70465

1 PROPOSED THIRD FLOOR PLAN
SCALE 1:100@A0, 1:200@A2

LEGEND

- BUILDING A
- BUILDING B
- BUILDING C

PARKING		MEDICAL	
PARKING SPACES		PROPOSED BEDROOMS- 16+13=29	
CARSPACES- 14		ACCESSIBLE BEDROOM- 1	
ACCESSIBLE SPACE - 1		TOTAL 30	
TOTAL 15			
AMBULANCE BAY- 1			

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LEGEND

1	DEVELOPMENT APPLICATION	31.07.2017
P1	CLIENT REVIEW	06.06.2017

REVISION

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DRAWING TITLE
PROPOSED THIRD FLOOR PLAN

SCALE 1: 100 [A0] DATE 01 JAN 2015
DRAWN BJ PROJECT 15013

DA1 1 0 4 1

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LEGEND

2	DEVELOPMENT APPLICATION	31.07.2017
P1	CLIENT REVIEW	06.04.2017
1	DEVELOPMENT APPLICATION	14.03.2017

REVISION

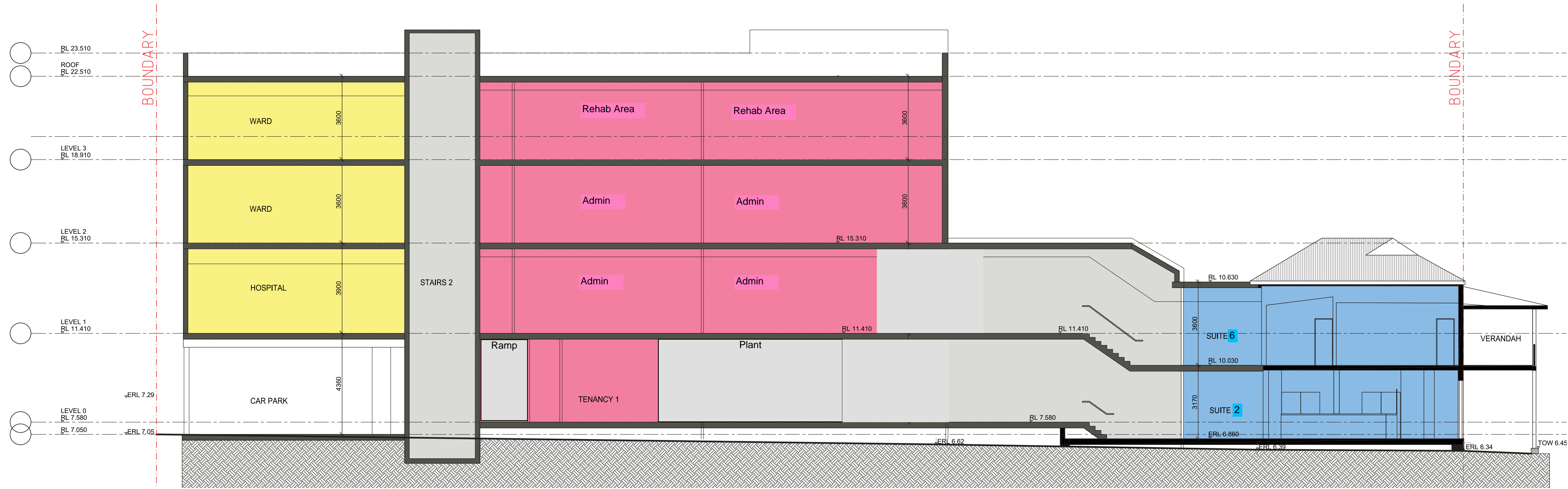
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DRAWING TITLE
PROPOSED SECTION - STAGE 1

SCALE 1: 100 [A0] DATE 01 JAN 2015
DRAWN BJ PROJECT 15013

DA2 1 0 0 2



LEGEND

- BUILDING A
- BUILDING B
- BUILDING C

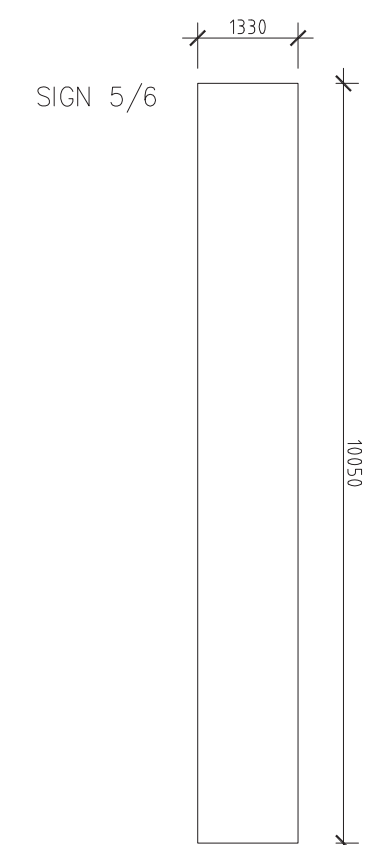
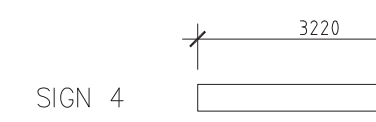
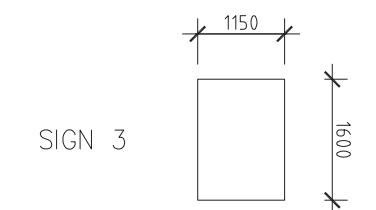
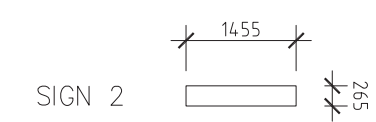
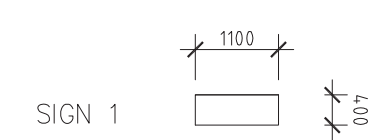
1 PROPOSED SECTION
SCALE 1:100@A0, 1:200@A2

PARKING		MEDICAL	
PARKING SPACES		PROPOSED BEDROOMS-	16+13=29
CARSPACES-	14	ACCESSIBLE BEDROOM-	1
ACCESSIBLE SPACE -	1	TOTAL	30
TOTAL	15		
AMBULANCE BAY-	1		

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LEGEND

F — GLAZING
SG — SPANDREL GLASS
CL1 — CLADDING TYPE 1
CL2 — CLADDING TYPE 2
CR — CEMENT RENDER



2	DEVELOPMENT APPLICATION	31.07.2017
P2	CLIENT REVIEW	22.06.2017
P1	CLIENT REVIEW	06.06.2017
1	DEVELOPMENT APPLICATION	14.03.2017

REVISION

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ANTHONY VAVAYIS REGISTERED ARCHITECT No: 52423

GRAFTON SPECIALIST CENTER

ARTHUR STREET

GRAFTON

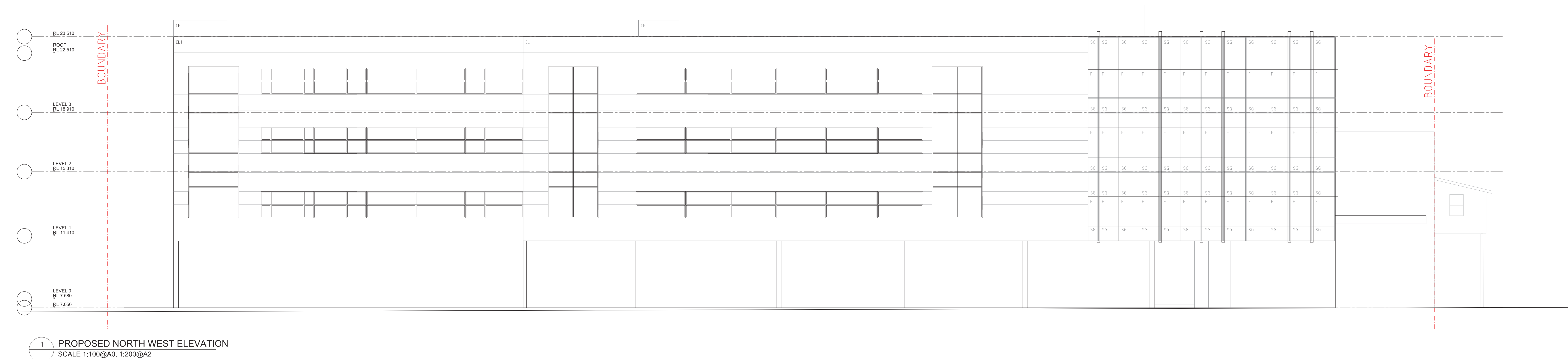
CLIENT

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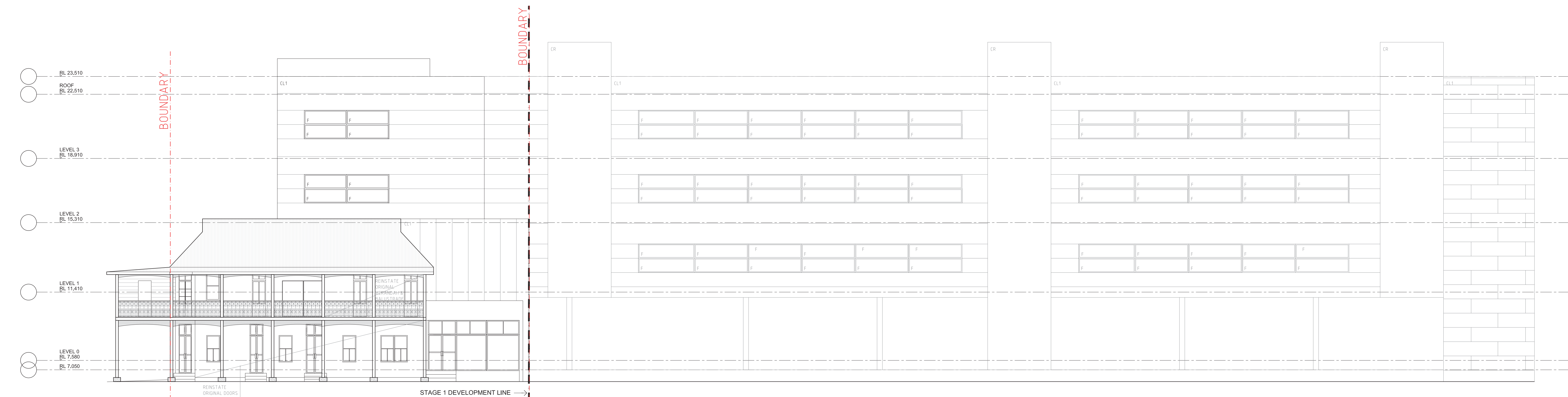
DRAWING TITLE
PROPOSED ELEVATIONS

SCALE 1:100 (A0) DATE 01 JAN 2015
DRAWN BJ PROJECT 10013

DA3 1 0 0 2



1 PROPOSED NORTH WEST ELEVATION
SCALE 1:100@A0, 1:200@A2

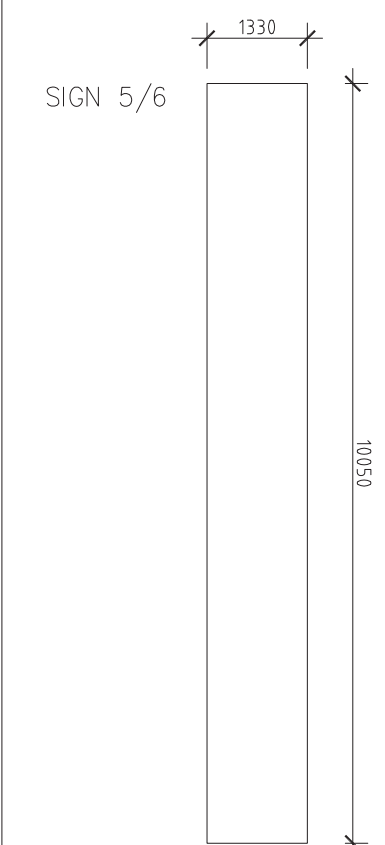
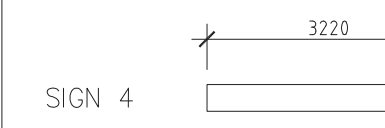
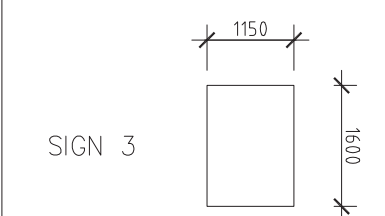
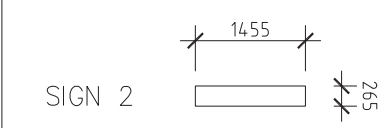
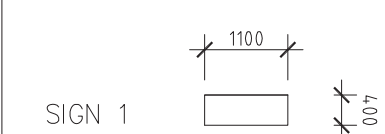


1 PROPOSED SOUTH EAST ELEVATION
SCALE 1:100@A0, 1:200@A2

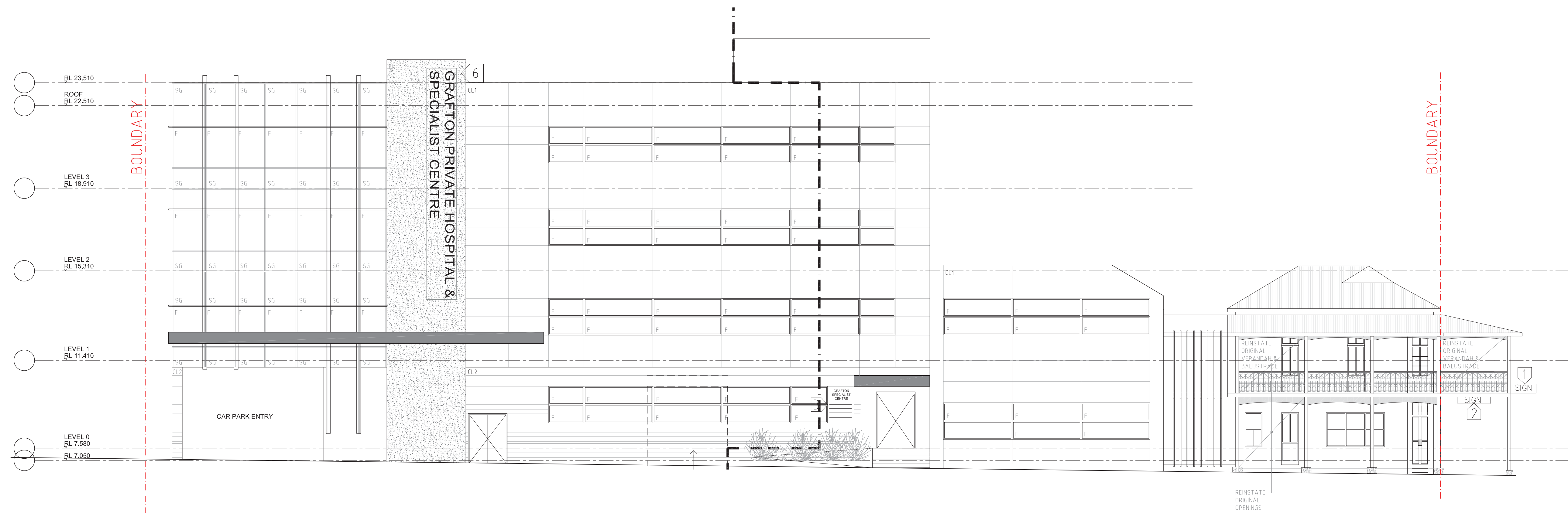
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LEGEND

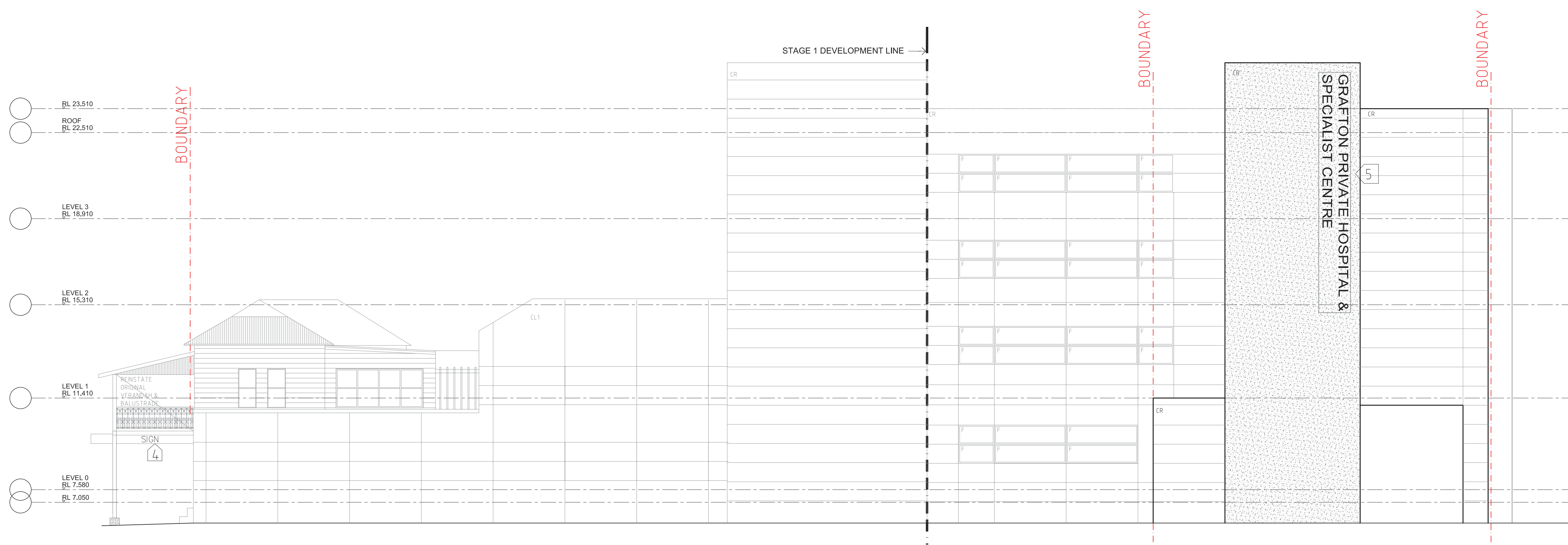
F - GLAZING
SG - SPANDREL GLASS
CL1 - CLADDING TYPE 1
CL2 - CLADDING TYPE 2
CR - CEMENT RENDER



1 PROPOSED SOUTH WEST ELEVATION
SCALE 1:100@A0, 1:200@A2



1 PROPOSED NORTH EAST ELEVATION
SCALE 1:100@A0, 1:200@A2



1	DEVELOPMENT APPLICATION	31.07.2017
P2	CLIENT REVIEW	22.06.2017
P1	CLIENT REVIEW	06.06.2017

REVISION



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GRAFTON SPECIALIST CENTER

ARTHUR STREET

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CLIENT
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DRAWING TITLE
PROPOSED NE & SW ELEVATIONS

SCALE 1:100 [A0] DATE 01 JAN 2015
DRAWN BJ PROJECT 10013

DA3 1 0 11

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JUNE 21ST - 9AM



JUNE 21ST - 12 NOON



JUNE 21ST - 3PM

2	DEVELOPMENT APPLICATION	31.07.2017
P1	CLIENT REVIEW	20.07.2017
1	DEVELOPMENT APPLICATION	14.03.2017

REVISION


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DRAWING TITLE
SHADOW DIAGRAM
JUNE 21ST

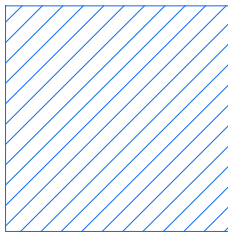
SCALE 1:500 @A1 DATE APRIL 2016
DRAWN BS PROJECT 15013


DA 7 0 0 02

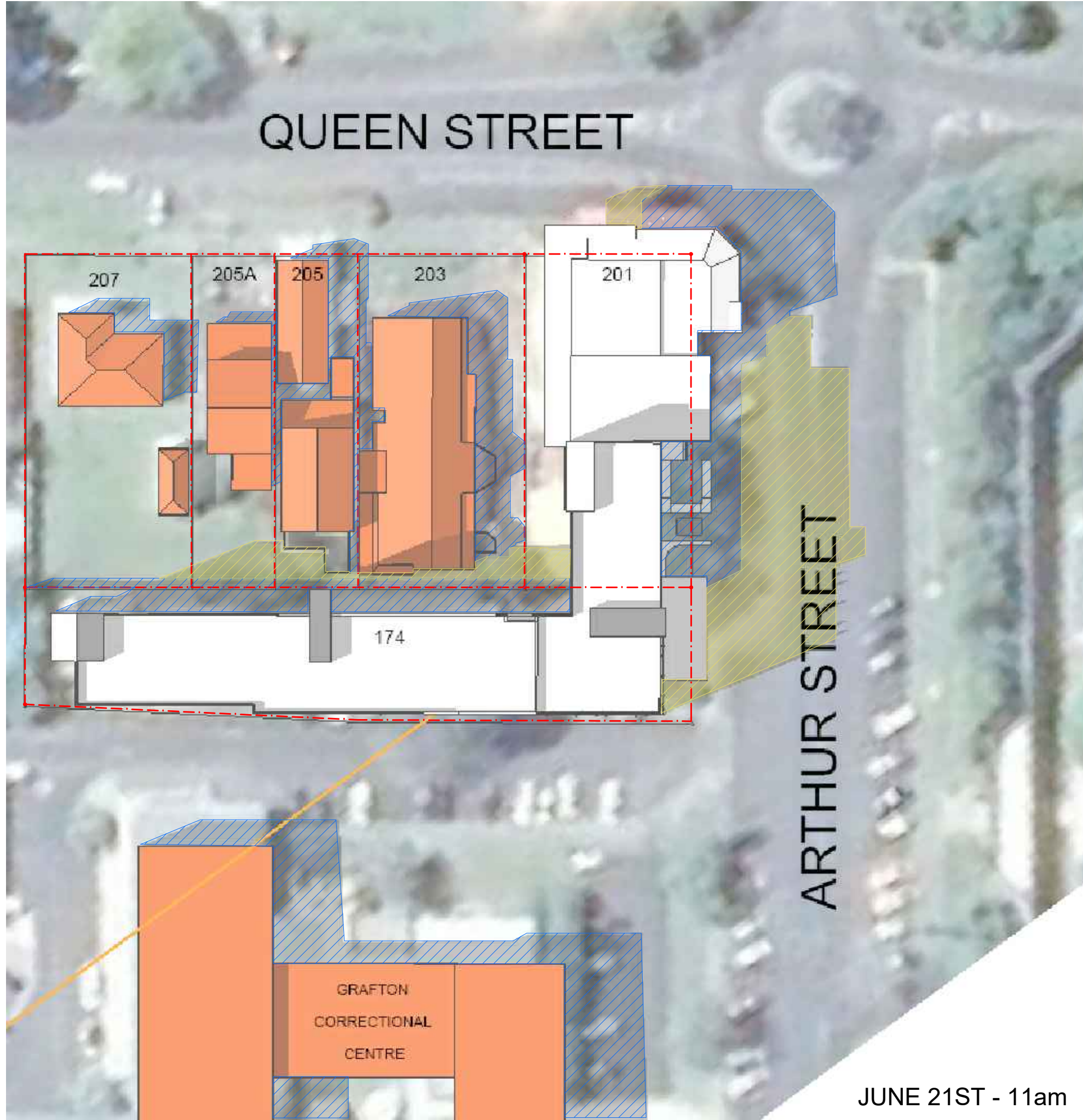
Attachment 2 - Shadow Diagrams of Proposed Building

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 EXISTING SHADOWS

 NEW SHADOWS



3	REVISED FOR DA	09.01.2017
2	DEVELOPMENT APPLICATION	31.07.2017
P1	CLIENT REVIEW	20.07.2017
1	DEVELOPMENT APPLICATION	14.03.2017

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JUNE 21ST


SCALE 1:500 @A1 DATE APRIL 2016
DRAWN BS PROJECT 15013

DA 7 0 0 03

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 EXISTING SHADOWS

 NEW SHADOWS



JUNE 21ST - 12PM



JUNE 21ST - 1PM

1	REVISED FOR DA	09.01.2017
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SHADOW DIAGRAM
JUNE 21ST


SCALE 1:500 @A1 DATE APRIL 2016
DRAWN BS PROJECT 15013

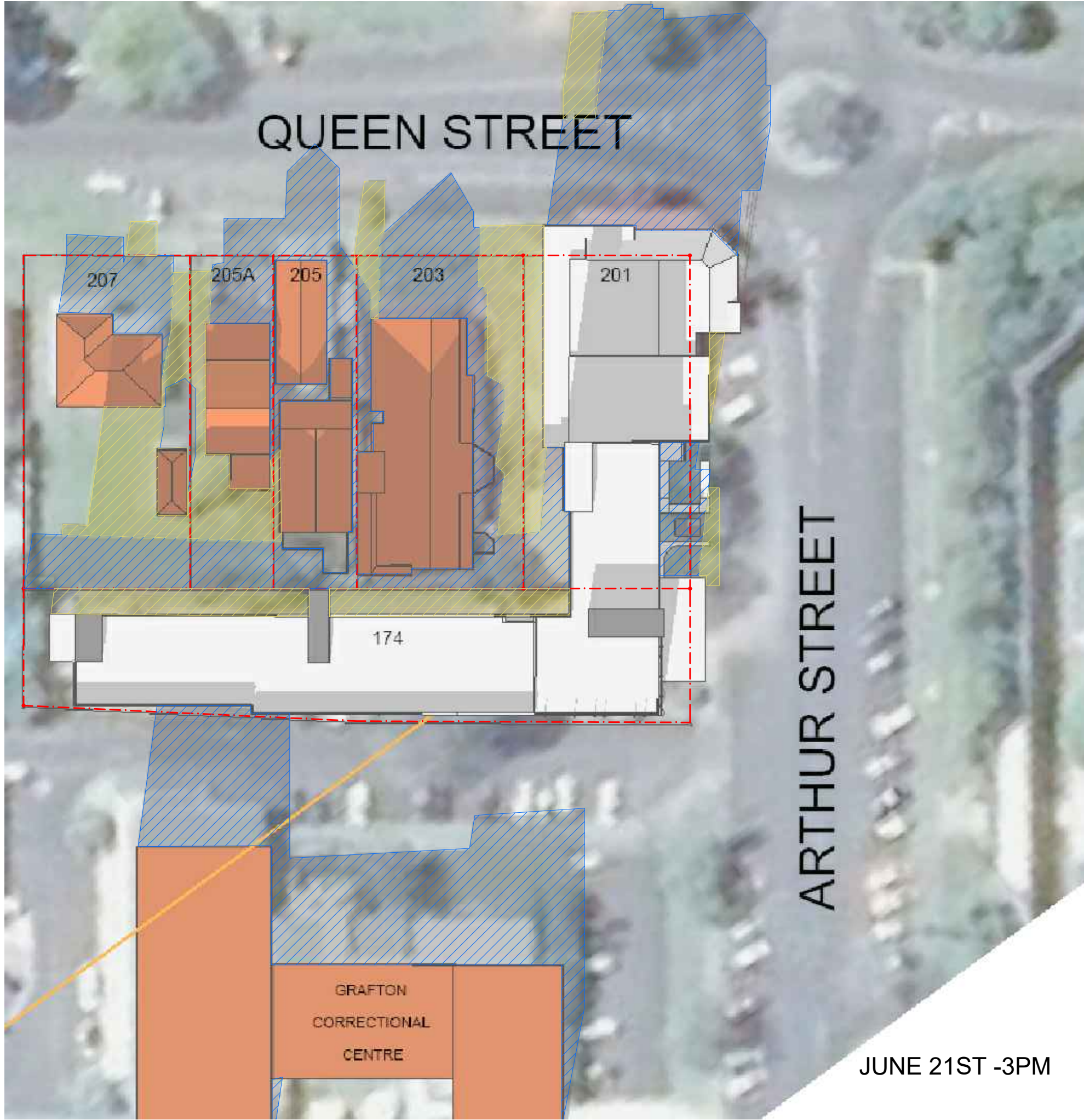
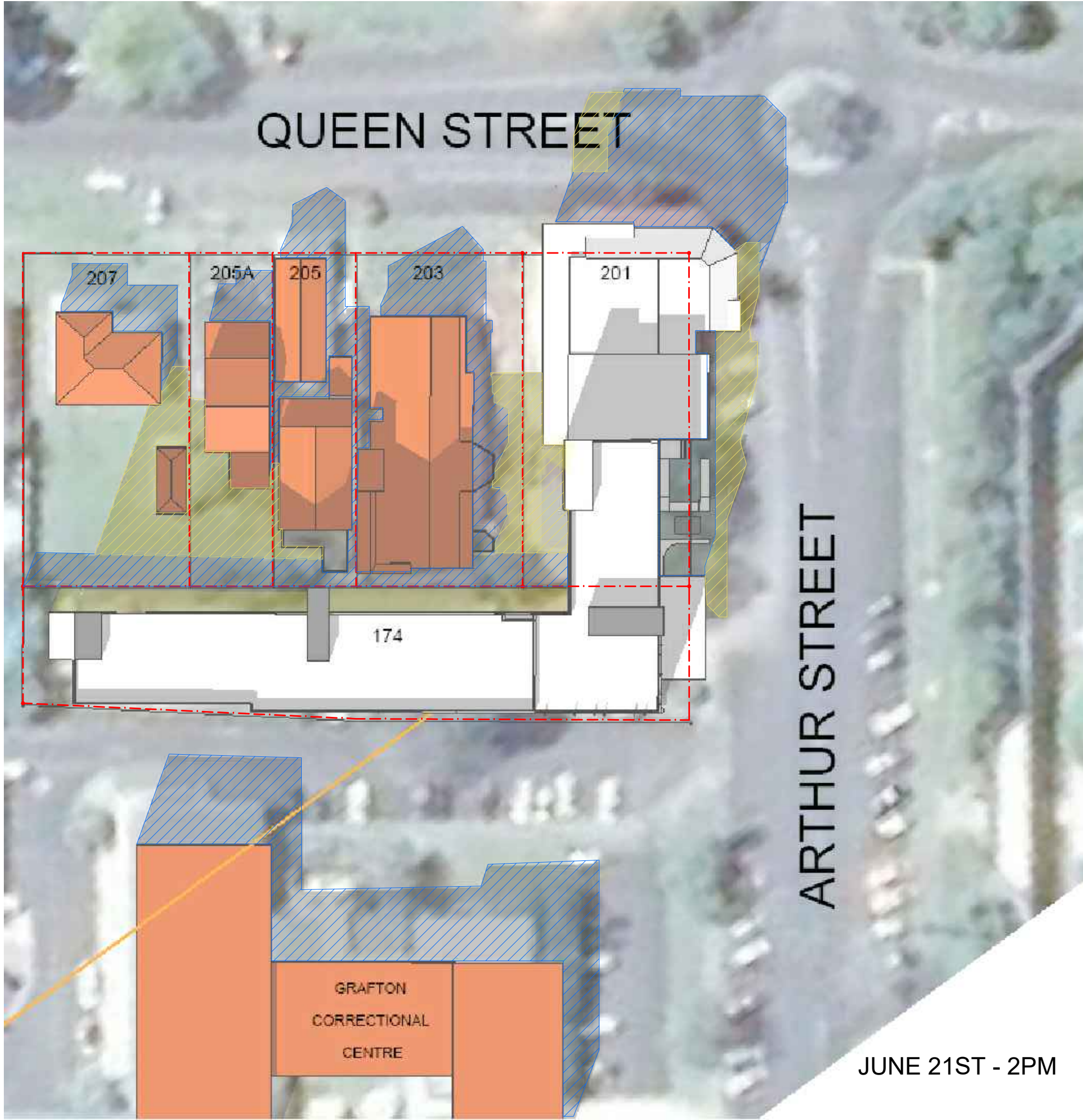
DA 7 0 0 11

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 EXISTING SHADOWS

 NEW SHADOWS



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DRAWING TITLE
SHADOW DIAGRAM
JUNE 21ST

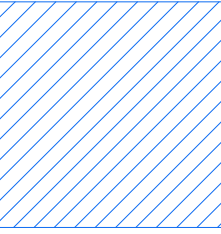
SCALE 1:500 @A1 DATE APRIL 2016
DRAWN BS PROJECT 15013

DA 7 0 0 21


Attachment 3 - Shadow Diagrams of Compliant 9m Building

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EXISTING SHADOWS



SHADOW CAST BY MAX 9m HEIGHT BUILDING



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SHADOW DIAGRAM
JUNE 21ST

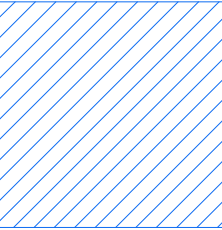
SCALE 1:500 @A1 DATE APRIL 2016

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DA 7 0 0 3³

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EXISTING SHADOWS



SHADOW CAST BY MAX 9m HEIGHT BUILDING



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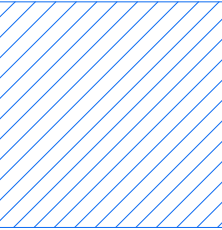
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SHADOW DIAGRAM
JUNE 21ST

SCALE 1:500 @A1 DATE APRIL 2016
DRAWN BS PROJECT 15013


DA 7 0 0 4¹

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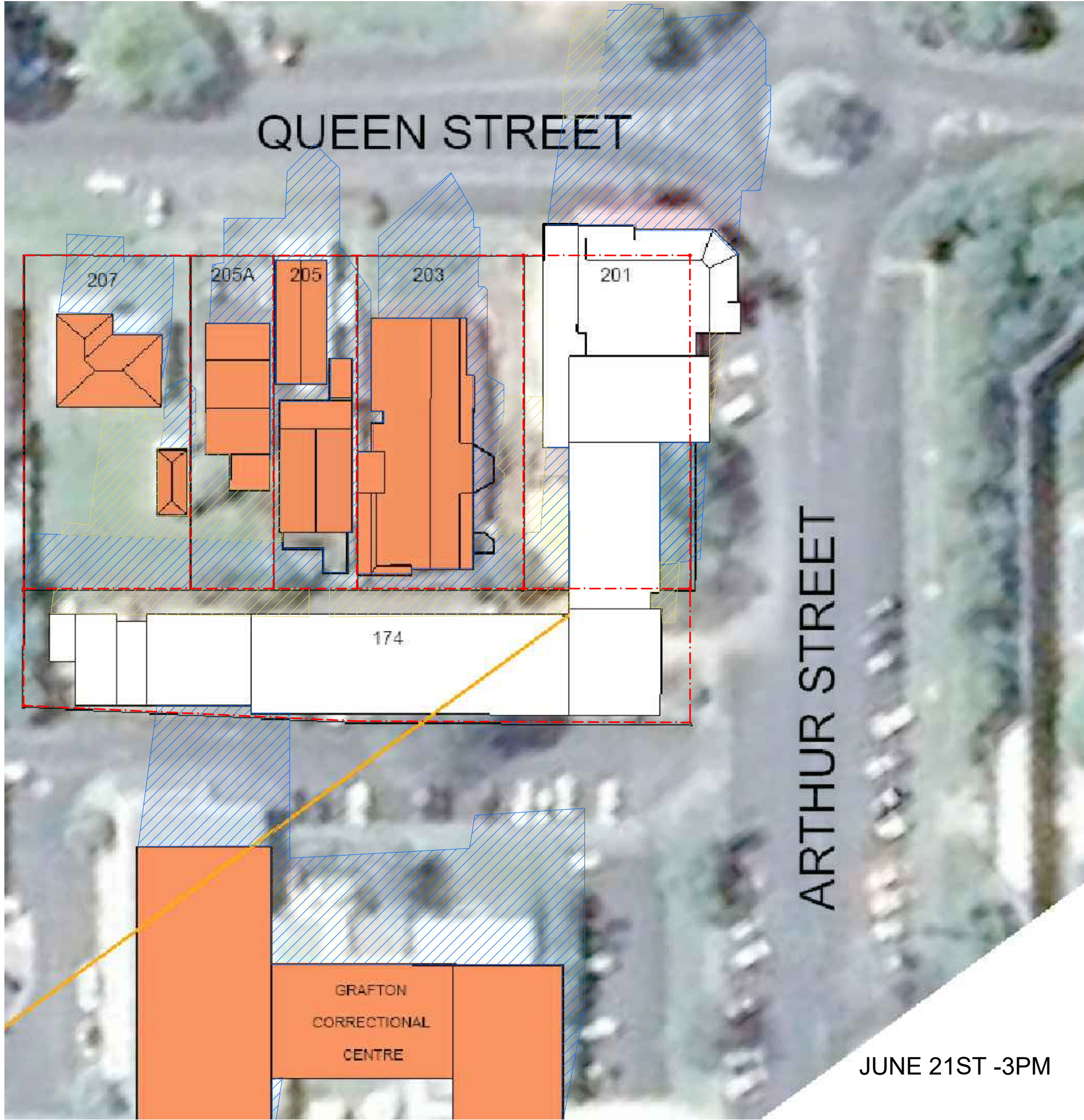
LEGEND



EXISTING SHADOWS



SHADOW CAST BY MAX 9m HEIGHT BUILDING



1	ISSUED FOR DA	09.01.2017
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SHADOW DIAGRAM
JUNE 21ST

SCALE 1:500 @A1 DATE APRIL 2016
DRAWN BS PROJECT 15013

DA 7 0 0 51

Application to vary a standard under Clause 4.6

1 – INTRODUCTION

This application is made in respect to a proposed Health Services Facility (Medical Centre and Private Hospital) at No. 201 Queen Street, Grafton NSW 2460; and No.174 Arthur Street, Grafton NSW 2460 and is to be read in conjunction with the accompanying Development Application.

The proposed height for the Health Services Facility exceeds the maximum requirements under Clause 4.3 under of the Clarence Valley Local Environmental Plan 2011 (Clarence Valley LEP 2011). Clause 4.3 requires that the maximum building height is not to extend more than 9m above the existing ground level. The maximum proposed height of the development measures 12.86m (top of roof) and 14.27m (lift overrun) in height.

The overall height of the building has been determined by the floor to floor and ceiling heights needed for a Health Service facility, the natural fall of the land and the need to achieve appropriate flood immunity for such a facility. The overall development has a varying roof plane which reduces the perceived height of the building. This varying roof height is purposely lower towards existing heritage element of the site, where the building structures are more visible to the residential areas of Queen Street.

This application seeks to justify a variation to this provision in this instance to demonstrate to the Northern JRPP, as the consent authority, that it could allow the proposed development on the site.

2 – JUSTIFICATION UNDER CLAUSE 4.6

Clause 4.6 of the CVLEP2011 provides a mechanism to vary development standards under the local planning instrument.

- 2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*

Comment: The proposal seeks a variation to Clause 4.3 under the Clarence Valley LEP 2011. This clause is not expressly excluded from the operation of 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, and*

Comment:

In the instance of this development it is considered both unreasonable and unnecessary to comply with the maximum height requirements under Clause 4.3 of the Clarence Valley LEP 2011.

The site is subject to a maximum height of 9m and the proposed Health Services Facility provides a maximum roof height of 12.86m and a maximum lift overrun if 14.27m above the natural ground level. Without this increased height, the use of a Health Service Facility would be drastically restricted and limit or prevent the delivery of the specialist services to the wider Grafton and Clarence Valley Shire community.

Due to floor to floor and ceiling heights needed, the natural fall of the land and the need to achieved appropriate flood immunity the variation is confined to the Hospital component of the development. As illustrated on Figure 1 & 2, the encroachment relates to building B & C which ultimately form the Hospital Component of the development.

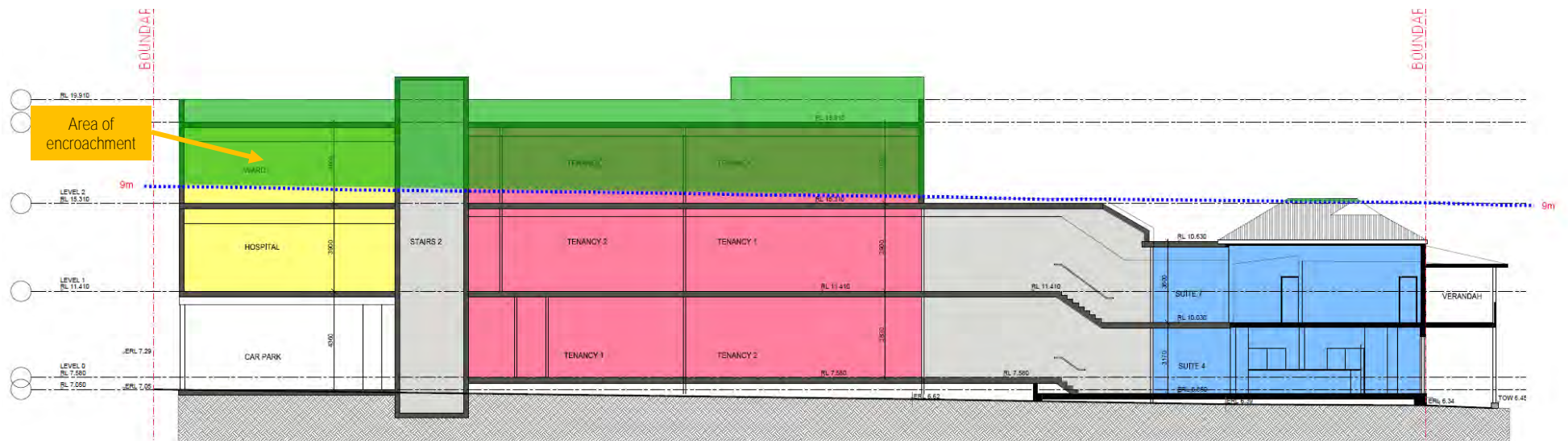


Figure 1: Highlighted area of encroachment.

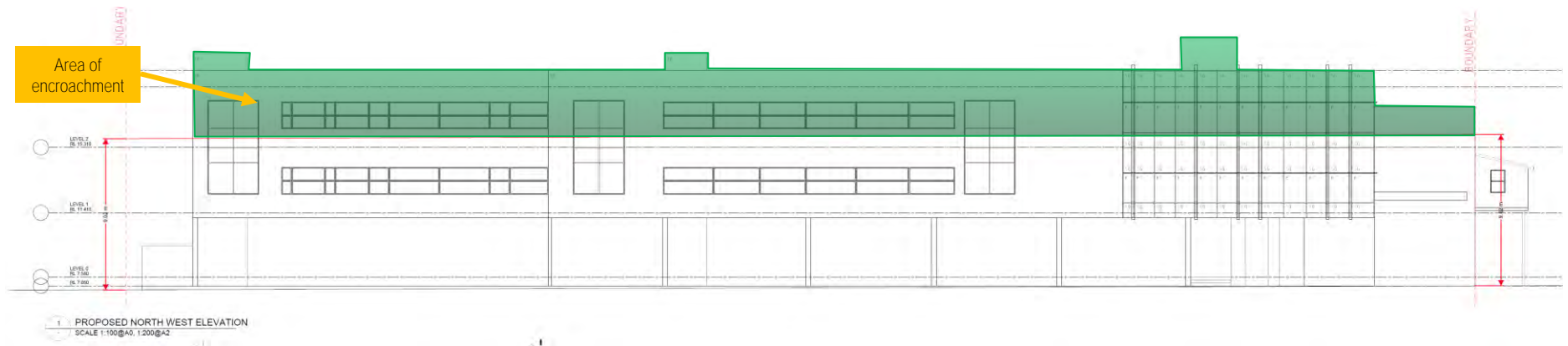


Figure 2: Highlighted area of encroachment.

The appearance of the building elevations to both Arthur Street and Queen Street is broken up through the use of building articulation, clear entrances and windows. The variation in materials and colour also assists in breaking up the overall vertical and horizontal bulk and scale of the building.

Upholding the maximum building height requirement in this regard would seem unnecessary and unreasonable in the case, considering:

Upholding the maximum height standard is considered unnecessary and unreasonable in the circumstances, given that:

- 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 a 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 (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.

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

Comment: As noted above the site is zoned R1 – General Residential under the Clarence Valley Local Environmental plan 2011. A Health Services Facility (Medical Centre and Private Hospital) is permitted within the R1 zone through the State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure). The objectives of the R1 General Residential 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 seeks to establish a Health Services Facility (Medical Centre and Private Hospital) on the site. The location of these proposed uses is consistent with the emerging medical precinct, which includes the existing Grafton Base Hospital and ancillary services immediately adjacent to the site.

The proposed development is considered to comply with the objectives of the R1 – General Residential zone, providing additional facilities and medical services to meet the day-to-day needs of the residents. The proposed private hospital and medical centre achieves good urban design and heritage retention outcomes which is in keeping with the established locality. The proposed development is in keeping with the character of the increasing medical precinct of Grafton and will add to the private hospital capabilities of the Clarence Valley Shire.

With regard to the above, it is considered that there are sufficient planning grounds to justify the contravention of the standards and that compliance with these standards would seem unnecessary in the case.

4) *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: The matters required to be addressed under subclause (3) have been demonstrated above.

- (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 the Clause 4.3 Height of Buildings are:

- (a) *to achieve building design that does not exceed a specified maximum height from its existing ground level to finished roof or parapet,*
- (b) *to ensure the height of buildings complements the streetscape and character of the area in which the buildings are located,*
- (c) *to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development.*

Each of the objectives has been addressed as follows:

- (a) *to achieve building design that does not exceed a specified maximum height from its existing ground level to finished roof or parapet,*

The proposal does not comply with objective (a), as the proposed development exceeds the specified maximum height. The subject site is mapped with a maximum building height of 9m. The proposal provides built form of varying height with a maximum roof height of 12.86m and lift overrun height of 14.27m.

The encroachment above the maximum building height relates to the overall floor to ceiling height for the 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.

- (b) *to ensure the height of buildings complements the streetscape and character of the area in which the buildings are located,*

The development is located immediately adjacent to an established medical precinct and the encroachment above the maximum building height will not generate any significant impact on the amenity of the locality. Stage 1 of the development will see an extension to and fitout of the existing Albion Hotel. The retention of such a prominent character building facade on a landmark corner ensures that the streetscape will remain easily identifiable. The design of the Stage 1 and 2 extensions have been carefully curated to complement & enhance the existing streetscape.

- (c) *to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development.*

The design of the proposed development has attempted to minimize visual impact and potential loss of views as much as is practicable whilst still retaining a viable layout and operation. Solar access and potential overshadowing has been examined in great detail in order to mitigate impacts where possible.

Detailed shadow diagrams have been provided to show the hourly breakdown between 9am and 3pm mid-winter for each site, having particular regard to the existing areas of principle private open space. The individual building footprints and roof designs of buildings on the affected lots have been shown. Please note that the shadows cast by all existing buildings and fences are shown in black, while the additional shadows cast by the proposed development on site are shown in yellow. Refer Drawings DA7000³, DA7001¹, and DA7002¹.

Due to the orientation and existing setbacks of the buildings at 203, 205, 205A and 207 Queen Street, there is significant shadow across these lots, particularly across 203, 205 and 205A Queen Street. These dwellings and the private open space areas are already impacted on by the shadow cast by the buildings themselves, as well as existing fencing, patios and the like.

It is also noted that were the Grafton Private Hospital be constructed to the permitted building height of 9.0m, the extent of the overshadowing would largely remain. 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 can be seen in these diagrams, 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, Unit 3 of No. 203 has the primary private open space oriented to the north/north-eastern corner of the site, with an enclosed patio roof to boundary. This not only restricts existing solar access to this particular unit, but also means that the dwelling is further overshadowed by existing shadow from the fence line and adjoining development at no. 205.

It is noted that a building of 9m 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.

It is considered that the proposal would be in the public interest because it is consistent with the objectives of the particular standards and the objectives for development within the zone in which the development is proposed to be carried out. It will also add to the capacity of the Clarence Valley Shire in regard to the availability of private hospital beds and other specialist medical services not currently available.

In conclusion, it is contended that the integrity of Clause 4.3 would not be impacted upon via the approval of the proposed development, based upon the merit of the proposal.

(b) *the concurrence of the Secretary has been obtained.*

Comment: In accordance with *Varying Development Standards: A Guide August 2011*, Council has the assumed concurrence of the Secretary of NSW Department of Planning and Environment to approve proposed variations to Clause 4.3.

5) *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 proposal relates to a proposed Health Services Facility (Medical Centre and Private Hospital) immediately adjacent to an existing Hospital (Grafton Base Hospital). A variation is required to achieve the required building standards for floor to ceiling height for the safe and efficient operation of the 16-bed private hospital and to achieve an appropriate level of flood immunity for the Hospital component. The proposal does not raise any matters of State or Regional planning significance.

(b) *the public benefit of maintaining the development standard, and*

Comment: As the proposed development demonstrates consistency with the intent and objective of the development standard, the granting of a variance in this instance would not prejudice the future integrity of that standard nor impact upon the amenity of the locality.

The development of a Health Services Facility will provide additional medical and private hospital services which are increasing in demand within the Grafton area. The building bulk and scale is consistent to the adjacent existing medical precinct.

It is considered in this regard that there is no public benefit in maintaining the development standards in this instance.

- (c) *any other matters required to be taken into consideration by the Secretary before granting concurrence.*

Comment: There are no other **matters required to be taken into consideration by the Secretary's delegate.**

With regard to the above, it is considered that there are sufficient planning grounds to justify the contravention of the standards and therefore compliance with the standards would seem unreasonable and unnecessary in the case.

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.

In consideration of the Land and Environment Court five part test, it is considered that the proposal would be consistent with a number of the tests and accordingly a departure from the standard can be supported.

4 – CONCLUSION

Considering the matters raised under Clause 4.6 of the Clarence Valley LEP 2011 **and the 'Five Part' test**, it has been demonstrated that there are sufficient planning grounds to justify the contravention of the standards and therefore compliance with the standards would seem unnecessary in the case.

Support for the proposed variation is respectfully requested.

COUNCIL ASSESSMENT REPORT

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	Applicant: Grafton Private Hospital Unit Trust C/- Planit Consulting Pty. Ltd. Owners: 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	<ol style="list-style-type: none"> 1. Plans 2. Landscape plans Drawing No. 2642/01 and 2642/02(Revision A) dated 13 October 2016 by GeoLink 3. Flood Evacuation Plan (Grafton Specialist Medical Centre and Private Hospital) by GeoLink dated 2017 4. Appendix A Schedule of Conservation Works NBRs Architecture (pages 83 and 84) 5. Clause 4.6 Exceptions to development standards – Written Request from Applicant 6. RMS Submissions 7. Traffic Impact Assessment by Rytenskild Traffic Group dated 27 October 2017 8. Economic Impact Models (Lawrence Consulting and Profile I.D.)
Report prepared by	Carmen Landers, Development Planner
Report date	14 November 2017
Summary of s79C matters	
Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction	
Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? <i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i>	Yes
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

Clarence Valley Council received Development Application, DA2017/0173, from Planit Consulting for a Health Services Facility (Private Hospital and Medical Centre) on Lot A DP904084 and Lot 2 DP125156 on 13 March 2017. A Section 55 amendment was subsequently lodged under the Environmental Planning and Assessment Act 1979 on 9 August 2017 to amend the design through addition of a fourth storey and increase in the number of beds from 16 to 30. The development will be undertaken in two stages; Stage 1 being for the medical centre and Stage 2 the private hospital.

The proposed development constitutes 'regional development' requiring referral to the Joint Regional Planning Panel (Northern Region) (JRPP) for determination as the development is for Private Infrastructure and Community Facilities with a value over \$5 million. While Council officers are responsible for the assessment of the DA, the JRPP is the authority to determine the application.

The subject site is zoned R1 General Residential under the Clarence Valley Local Environmental Plan 2011 (LEP). The proposed Health Services Facility (Private Hospital and Medical Centre) is permissible with development consent within the R1 zone under the provisions of *State Environmental Planning Policy (Infrastructure) 2007*, Division 10.

A health services facility is defined as *a facility used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons of the prevention of disease in or treatment of injury to persons, and includes the following:*

- a) *day surgeries and medical centres*
- b) *community health service facilities*
- c) *health consulting rooms*
- d) *facilities for the transport of patients, including helipads and ambulance facilities*
- e) *hospitals*

The proposed Medical Centre is consistent with the general aims of the SEPP to facilitate the effective delivery of infrastructure across the State by providing greater flexibility in the location of infrastructure and service facilities.

A detailed assessment has been undertaken against the provisions of the LEP, other relevant Environmental Planning Instruments and the Clarence Valley Council Residential Zones Development Control Plan 2011 (DCP). A detailed assessment is contained in the s79C assessment forming part of this report (see section 4.1). A summary of the relevant clauses that list matters the consent authority must be satisfied with as set out in the relevant instruments is contained in the below table.

Environmental Planning Instrument	Clause	Summary / Recommendations
SEPP No. 55 – Remediation of Land	Clause 7: Contamination and remediation to be considered in determining development application	A detailed site history has been carried out over the land which houses an unformed carpark (Lot 2 DP125156) and the existing Albion Hotel (Lot A DP904084). Given the long documented use of the land for the purposes of a hotel and no identified land uses listed in Table 1 of the Contaminated Land Planning Guidelines, this site is unlikely to be contaminated and is suitable for a change in use to a health services facility.

SEPP 64 – Advertising and Signage	Clause 13: Matters for consideration	The proposed development has been assessed using the assessment criteria in Schedule 1 below and overall, the proposed signage locations and size are considered to be compatible with the desired amenity and visual character of the area. The potential impacts are considered to be acceptable.
SEPP (Infrastructure) 2007	Clause 101: Development with frontage to classified road	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 (classified road) because the development is accessed from Arthur Street (a road other than the classified road). The Roads and Maritime Services (RMS) were notified and raised some concerns with the proposal, however through the implementation of suitable conditions the impact will be minimised and mitigated.
Clarence Valley Local Environmental Plan 2011	Clause 4.6: Exceptions to development standards	Council staff are satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3). The proposed development will be in the public interest because it is consistent with the objectives of Clause 4.3 of the LEP and objectives for development within the R1 General Residential zone in which the development is proposed to be carried out. 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.
	Clause 5.10: Heritage conservation	The proposed development is considered to meet the objectives of Clause 5.10 of the LEP. The development results in conservation of environmental heritage and conserves the significance of the Albion Hotel including the associated fabric and setting.
	Clause 7.3: Flood planning	The proposed new hospital is considered to be compatible with the flood hazard of the land and is not is

		not likely to have a significant adverse affect on flooding behaviour resulting in detrimental increases in the potential flood affectation of other developments or properties.
	Clause 7.8: Essential services	The existing Albion Hotel building is already connected to all essential services. Extension of the essential services will be required to service the proposed Private Hospital in Stage 2 prior to occupation of that part of the building and will be conditioned accordingly.

The development complies with the standards and requirements of the LEP and DCP and is consistent with the relevant objectives and a full assessment under the relevant provisions is provided under the Section 79C Assessment of this report.

The DA was referred to Roads and Maritime Services for comment as an informal referral as there is no requirement under the Infrastructure SEPP that requires referral as the Private Hospital is not a Traffic Generating Development of over 100 beds. The RMS raised some concerns with the development which are discussed in detail in this report. However through the imposition of suitable conditions related to pedestrian and motor vehicle safety, Council is satisfied that the concerns of the RMS have been addressed. This is discussed in detail in this report.

The DA as submitted on 13 March 2017 was notified to adjoining and nearby property owners and advertised between 31 March 2017 and 24 April 2017, in accordance with requirements of the *Environmental Planning and Assessment Regulation 2000* and the DCP. No submissions to the application were received. The application as amended on 9 August 2017 to include a fourth storey was renotified and readvertised between 18 August 2017 and 4 September. No submissions to the amended design were received.

Overall, the development is considered satisfactory with regard to key issues, including the variation to the 9 metre maximum height, setbacks and landscaping requirement and potential impacts of spill parking generated from the development, subject to the imposition of suitable conditions of consent to satisfactorily control and enable function of the development. The proposed development has been assessed against the relevant matters for consideration pursuant to Section 79C of the *Environmental Planning and Assessment Act 1979*, including suitability of the site and the public interest, and is considered satisfactory.

It is recommended that the proposed development be approved subject to the conditions listed in Schedule 1 to this report.

Section 1: Recommendation

That Development Application DA2017/0173 (JRPP reference No. 2017NTH006) for a Health Services Facility (Medical Centre and Private Hospital) on lot A DP904084 and Lot 2 DP125156 be approved subject to the imposition of advices and conditions contained in Schedule 1 attached to this report.

The recommendation is provided for the following reasons:

- The development results in a public benefit through an increase in health and medical facilities in a regional area;
- 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.

Section 2: Site Description & Location

The subject site includes Lot A DP904084 known as No. 201 Queen Street and Lot 2 DP125156 known as No. 174 Arthur Street, Grafton. Lot A contains the heritage listed Albion Hotel and Lot 2 contains an unformed car park which holds approximately 50 car parking spaces. The site comprises an area of 2068.2^m² in total. The subject land is zoned R1 General Residential under the provisions of the Clarence Valley Local Environmental Plan 2011.

The proposed development is located within an institutional precinct and adjoins the Grafton Base Hospital and is located adjacent to the Grafton Correctional Services Centre.

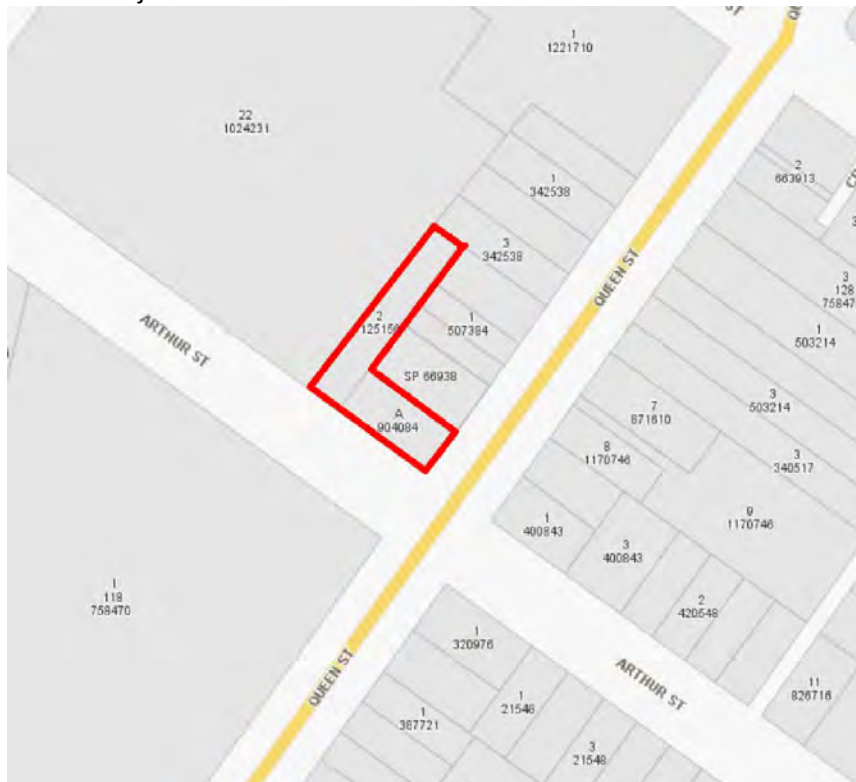


Figure 2 – Site Plan (Source CVC Mapping)



Figure 3 Aerial Site Plan (Source CVC Mapping)

Section 3: Details of Proposal

The development proposes a health services facility to provide a 30 bed hospital and medical centre comprising eight (8) professional consulting rooms. It also provides for a component of ancillary commercial space for the purposes of a pharmacy or similar. The existing heritage listed Albion Hotel will be retained and restored for adaptive reuse for the medical centre component of the development. A total of 15 car parking spaces and loading dock will be provided onsite plus an ambulance bay and setdown/dropoff point within the Arthur Street frontage.

The proposed development will be completed in two (2) stages with the following key elements:

Stage 1

Building A	
Works	<ul style="list-style-type: none"> • Restoration works to the façade of the Albion Hotel • Change of Use of existing Albion Hotel to Medical Centre • Internal fitout and works and two (2) storey extension to establish eight (8) specialist suites, amenities, staff room and PWD access including rear entry foyer and ramp
GFA	Ground Floor – 351.2m ² First Floor – 284m ²
Height	Top of Roof – 9 metres
Building B	
Works	Construction of new three (3) storey access stair and lift shaft
Height	Top of Roof – 12.86 metres Lift Overrun/Parapet – 14.27 metres

Stage 2

Building B	
Works	Expansion of three (3) storey access “pod” to provide four storeys and 397m2 of ancillary commercial space and facilitate through connection of the medical centre to the hospital
GFA	Ground Floor – 48m2 Level 1 - 139m2 Level 2 – 143m2 Level 3 – 143m2
Height	Top of Roof – 15.89m Lift Overrun/Parapet – 17.92m
Building C	
Works	Construction of new four (4) storey Hospital (three levels plus at grade car park below)
GFA	Ground Floor – N/A Level 1 – 740m2 Level 2 – 740m2 Level 3 – 740m2
Height	Top of Roof – 15.89m Lift Overrun/Parapet – 17.92m

The operating hours of the proposed Specialist Medical Centre is 7am to 9pm Monday to Sunday. The proposed private hospital is not an emergency facility and will only undertake medical procedures during normal business hours. The Private Hospital however will be staffed on a 24 hour basis to ensure care for overnight patients. The Private Hospital will be open to the public (visitors) between 7am to 9pm Monday to Sunday.

Section 4: Statutory Development Assessment Framework

The development is listed as development for which regional panels may be authorised to exercise the consent authority functions of councils under Schedule 4A of the EP&A Act.

Whilst the development does not trigger the provisions of Schedule 3 Traffic Generating Development to be referred to Roads and Maritime Services, an informal referral was sent seeking any comments from them regarding the proposed development.

4.1: S79C Assessment

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

- (a) the provisions of:
- (i) any environmental planning instrument,

SEPP No. 55 – Remediation of Land

Clause 7 of the SEPP states that a consent authority must not consent to the carrying out of any development in land unless:

- (a) it has considered whether the land is contaminated, and

- (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

A detailed site history has been carried out over the land which houses an unformed carpark (Lot 2 DP125156) and the existing Albion Hotel (Lot A DP904084). Given the long documented use of the land for the purposes of a hotel and no identified land uses listed in Table 1 of the Contaminated Land Planning Guidelines, this site is unlikely to be contaminated and is suitable for a change in use to a health services facility.

State Environmental Planning Policy No. 64 – Advertising and Signage

Clause 13 of the SEPP states that a consent authority must not grant development consent to an application to display signage unless the advertisement of advertising structure:

- (a) *is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and*
- (b) *has been assessed by the consent authority in accordance with the assessment criteria in Schedule 1 and the consent authority is satisfied that the proposal is acceptable in terms of its impacts; and*
- (c) *satisfies any other relevant requirements of this Policy.*

A total of six (6) business identification signs will be provided (Stage 1 four (4) signs and Stage 2 two (2) signs) as follows:

Stage 1		
Sign No.	Size	Illumination
1	1210mm x 1240mm	No
2	1455mm x 265mm	No
3	1150mm x 1600mm	No
4	3220mm x 355mm	No
Stage 2		
5	1330mm x 10050mm	No
6	1330mm x 10050mm	No

The proposed development has been assessed using the assessment criteria in Schedule 1 below and overall, the proposed signage locations and size are considered to be compatible with the desired amenity and visual character of the area. The potential impacts are considered to be acceptable. A condition of Consent is contained in the Draft Schedule of Advices and Conditions requiring final details of signage including colours be submitted to Council for approval prior to installation.

SEPP 64 - Schedule 1 Assessment Criteria

<p>1. Character of the Area</p> <ul style="list-style-type: none"> • Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? • Is the proposal consistent with a particular theme for outdoor advertising in the area or locality? 	<p>The proposed signage is considered to be compatible with the existing and desired character of the surrounding area with respect to business identification signage of the adjoining public hospital and Grafton Correction Centre.</p>
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<p>2 Special areas</p> <ul style="list-style-type: none"> • Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas? 	<p>The proposed signage does not detract from the amenity or visual quality of the heritage item that is located on the site, the Grafton Correctional Services Centre heritage site or adjoining residential area. The removal of the existing signage located on the heritage item (Albion Hotel) located on 201 Queen Street will reduce clutter and any unsympathetic advertisement and replace it with signage that is of a suitable scale and size to ensure that the visual quality</p>
<p>3 Views and vistas</p> <ul style="list-style-type: none"> • Does the proposal obscure or compromise important views? • Does the proposal dominate the skyline and reduce the quality of vistas? • Does the proposal respect the viewing rights of other advertisers? 	<p>The location of the proposed signage does not compromise important views or dominate the skyline and is considered to respect the viewing rights of other advertisers.</p>
<p>4 Streetscape, setting or landscape</p> <ul style="list-style-type: none"> • Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? • Does the proposal contribute to the visual interest of the streetscape, setting or landscape? • Does the proposal reduce clutter by rationalising and simplifying existing advertising? • Does the proposal screen unsightliness? • Does the proposal protrude above buildings, structures or tree canopies in the area or locality? • Does the proposal require ongoing vegetation management? 	<p>The scale, proportion and form of the proposed signage is considered appropriate to streetscape and context of the development it represents.</p>
<p>5 Site and building</p> <ul style="list-style-type: none"> • Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? • Does the proposal respect important features of the site or building, or both? • Does the proposal show innovation and imagination in its relationship to the site or building, or both? 	<p>The proposed signage is considered to be compatible in scale, proportion and character of the site and existing building. The signs will be made of materials compatible with the finishes of the heritage building respecting both the important features of the existing building and site.</p>
<p>6 Associated devices and logos with advertisements and advertising structures</p> <ul style="list-style-type: none"> • Have any safety devices, platforms, lighting devices or logos been 	<p>No safety devices, platforms or logos have been included in the design of the proposed signage.</p>

designed as an integral part of the signage or structure on which it is to be displayed?	
<p>7 Illumination</p> <ul style="list-style-type: none"> • Would illumination result in unacceptable glare? • Would illumination affect safety for pedestrians, vehicles or aircraft? • Would illumination detract from the amenity of any residence or other form of accommodation? • Can the intensity of the illumination be adjusted, if necessary? • Is the illumination subject to a curfew? 	There will be no illumination of the proposed signage.
<p>8 Safety</p> <ul style="list-style-type: none"> • Would the proposal reduce the safety for any public road? • Would the proposal reduce the safety for pedestrians or bicyclists? • Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas? 	The proposed signage is unlikely to reduce the safety of any public road, nor reduce safety for pedestrians or bicyclists as the proposed signage does not obscure sightlines from public areas.

State Environmental Planning Policy (Infrastructure) 2007

For the purposes of this development application, the proposed Private Hospital and Medical Centre has been defined as a Health Services Facility which is permissible with consent within the R1 General Residential Zone under the provisions of *State Environmental Planning Policy (Infrastructure) 2007*, Division 10.

A health services facility is defined as *a facility used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons of the prevention of disease in or treatment of injury to persons, and includes the following:*

- f) *day surgeries and medical centres*
- g) *community health service facilities*
- h) *health consulting rooms*
- i) *facilities for the transport of patients, including helipads and ambulance facilities*
- j) *hospitals*

The proposed Health Services Facility (Private Hospital and Medical Centre) is consistent with the general aims of the SEPP to facilitate the effective delivery of infrastructure across the State by providing greater flexibility in the location of infrastructure and service facilities.

State Environmental Planning Policy (State and Regional Development) 2011

The proposed development is classified as Regionally significant development under Schedule 4A of the Environmental Planning and Assessment Act, 1979 and is therefore subject to the provisions of the Act and Part 4 of the State Environmental Planning Policy (State and Regional Development) 2011 (SEPP).

Under Schedule 4A of the Act, and part 4 of the SEPP, Regional Panels may be authorised to exercise the consent authorities of Council's. The trigger for the referral to the Panel is set out in Schedule 4A Clause 6(b) Private Infrastructure and Community Facilities over \$5 million in that:

1. The projected cost of the development is \$12.5 million dollars (as per the amended application); and
2. The development comprises private infrastructure for the purposes of a health services facility over \$5 million.

Clarence Valley Local Environmental Plan 2011

The subject land is zoned R1 General Residential under the Clarence Valley Local Environmental Plan 2011. The proposed medical centre is not permissible within the zone using the provisions of the LEP, however, the proposed development is permissible by use of the provisions of the *SEPP (Infrastructure) 2007* as previously stated above. The proposed medical centre is consistent with the objective of the zone to enable other land uses that provide facilities or services to meet the day to day needs of the residents.

Clause 4.3 Height of Buildings

The existing Albion Hotel building which will house some of the specialist suits located on Lot A DP904084 generally complies with the maximum 9 metre height limit required under Clause 4.3 and as shown on the Height of Buildings Map HOB_007H.

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. The proposed heights exceed the 9m maximum as set out in Clause 4.3. The applicant has applied for a variation to the height controls under Clause 4.6 Exceptions to Development Standards and this is discussed in detail below.

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

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 additional building height does not result in overlooking issues.*
- *Physical development on the site and the adjoining properties to the South East are separated by landscape setback and windows on this elevation re: fixed highlight windows to allow natural light into the hospital only. Therefore, the additional building height does not result in any overlooking issues.*
- *The additional height does not result in any overshadowing issues, allow solar access to the adjoining properties to the north for the morning period mid winter.*
- *All required car parking can be appropriately accommodated onsite.*
- *It is consistent with the State Environmental Planning Policy (Infrastructure) 2007 objectives.*
- *It will contribute to health services and private medical facilities available to service the local area and broader Clarence Valley Shire.*
- *The adjoining Grafton Base Hospital has no mapped height limit under the CVLEP 2011.*

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 increase

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.*

The development does not unreasonably compromise the objectives of Clause 4.3 due to its setting as part of a public infrastructure precinct (public hospital, gaol, aged care) where large and bulky buildings predominate. In particular, the highest building component has a relatively small frontage to Arthur Street where there are no low density residential developments in that streetscape which is dominated by the other large public infrastructure – gaol and hospital.

The proposed development is considered to be in the public interest because the development is unique and variations to the development standards for height, setbacks and landscaping will not create undesirable precedents in the residential zone. Privacy and solar access to the adjoining dwellings located in Queen Street has been maintained and the development will provide for additional medical facilities and services to meet the day to day needs of the residents.

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.

Clause 5.9AA – Trees or vegetation not prescribed by development control plan

The applicant has applied for the removal of six (6) non-native trees as part of the development application in accordance with Clause 5.9AA which requires consent to be obtained for vegetation removal of a species that is not prescribed by a development control plan. The trees are supported for removal in accordance with the Tree Removal Retention Plan by Geolink dated 13 October 2016 subject to the provision of landscaping being completed in accordance with the approved plan prior to the issue of an Occupation Certificate.

Clause 5.10 Heritage Conservation

The Albion Hotel located on No. 201 Queen Street (Lot A DP904084) is listed as an item of Environmental Heritage under Schedule 5 Part 1 of the CVLEP. The Albion Hotel is considered to be a landmark building on the northern gateway to Grafton with several adjoining heritage items in its vicinity including the Grafton Correctional Services Centre on the State Heritage Register.

The Office of Environment and Heritage (OEH) Heritage Database provides the following Statement of Significance for the Albion Hotel:

The Albion Hotel has a long historical association with Grafton having been first established c1879-1880 by Richard Arnold. For many years it was associated with the extended Quinn family who added a top storey to the building in 1918. This transformed the hotel into the one we recognised today. It has landmark qualities on the corner of Queen and Arthur streets and tells of the importance of Licensed Public Houses in the developing towns of Grafton and South Grafton.

Council's Heritage Officer states that:

Whilst the proposed new hospital development is of considerable scale, a transition is proposed from the existing the hotel to the highest component and provides sufficient separation to enable the heritage item to retain its landmark qualities on the corner of Queen and Arthur Streets.

The proposed 4 storey building is set within the context of an established hospital precinct, therefore it is considered that this is a unique type of development which is not likely to create an undesirable precedent in relation to other heritage listed items.

The proposed development will create some impact upon the current setting and views at the rear of the hotel, and result in the removal of two mature trees to the Arthur Street frontage; however this view contains non-significant later additions and extensions.

The proposed building lies opposite the State heritage listed Gaol and its boundary wall, however the historic buildings address Hoof Street on the parallel street frontage.

The proposed development is not likely to have an adverse impact upon the principal views and landmark aesthetic qualities of the item or adjacent heritage listed dwellings on Queen Street, when viewed from the main vantage point on the corner of Queen and Arthur Streets which is also a northern gateway entry point to Grafton.

The proposal signals the end of a continuous historic use of this site as a hotel since 1879 on this site. However the proposal will deliver substantial conservation gains to the heritage item, including removal of non-sympathetic later additions, the reconstruction and restoration of the exterior to original details including the removal of fibre cement cladding and a return to the weatherboard cladding, the removal of aluminium windows and replacement with timber windows to original openings and repainting in an authentic heritage colour scheme based on original paint scrapes.

The proposed use will still enable the wider community to access the building interior and the proposed restoration and reconstruction works will secure the long term conservation of this item as a landmark element.

The proposed development is considered to meet the objectives of Clause 5.10 of the LEP the development results in conservation of environmental heritage and conserves the significance of the Albion Hotel including the associated fabric and setting.

Clause 7.1 Acid Sulfate Soils

The subject land is identified as containing Class 4 Acid Sulfate Soils (ASS) which requires the preparation of an ASS Management Plan for works more than 2 metres below natural ground surface or works by which the watertable is likely to be lowered more than 2 metres below natural ground surface. The application states that there are no works below 2 metres natural ground surface, however, on completion of detailed engineering design of the building some works below 2 metres may be required for footings and/or other elements of the construction. In this case, a standard condition will be placed in the Draft Schedule that requires the preparation of an ASS Management Plan for any works below 2m natural ground surface.

Clause 7.3 Flood Planning

As shown on the LEP Flood Planning Map CL1_007H, all of Lot A DP904084 and most of Lot 2 DP125156 is located within a flood planning area. Clause 7.3 states that development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:

- b) is compatible with the flood hazard of the land , and
- c) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other developments or properties, and
- d) incorporates appropriate measures to manage risk to life from flood, and
- e) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
- f) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

Comment

The ground levels of the subject lands are at, or above the 6.4m AHD which is Council's current flood planning level for new dwellings in North Grafton. The subject property is flood prone and receives a level of flood protection from the Grafton flood levee system. 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. The proposed hospital beds are located on the second and third floor of the new hospital building which is well above the extreme flood level and therefore there will be no undue risk to patients. The development has also been conditioned to comply with the Flood Evacuation Plan submitted as part of the application.

A draft condition of consent will be placed in Schedule 1 requiring a Structural Engineer's certificate to verify that the building will withstand the likely forces imposed on it by a 1 in 100 year flood event. This will ensure that the risk to life from flood is managed and prevent unsustainable social and economic costs to the community as a consequence of flooding. The proposed new hospital is considered to be compatible with the flood hazard of the land and is not likely to have a significant adverse affect on flooding behaviour resulting in detrimental increases in the potential flood affectation of other developments or properties.

A Flood Management Plan was also prepared and submitted as part of the application given the land is flood affected. Compliance with the measures outlined in the plan and Part D of Council's DCP will ensure that there is no significant risk to life from flood and that the proposal will not result in any adverse impact on the surrounding environment.

Clause 7.8 Essential Services

The existing Albion Hotel building is already connected to all essential services and will not require any extension for the medical centre proposed in Stage 1. The extension of essential services such as telephone, water, sewer and electricity will be required to service the proposed Private Hospital in Stage 2 prior to occupation of that part of the building and will be conditioned accordingly.

The development will most likely be able to be supplied with electricity from an extension to the underground low voltage electrical reticulation, however, if an upgrade to the high voltage reticulation is required the provisions of the electricity supplier will have to be complied with.

Council's Water Supply Section has advised that there is sufficient capacity in the water and sewer network to cater for the proposed development. However, any new water and sewer connection will be subject to an application to Council and provisions of a hydraulics analysis to appropriately size the service connection.

The stormwater concept plan prepared by Geolink (Drawing No. 2642/SK2) is generally acceptable, however the onsite detention volume must be amended to provide 13m³ and the sizing of the SPEL Filter GPT must be prepared as part of the Civil Construction Certificate. This has been conditioned accordingly in Schedule 1 of this report.

- (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),**

Draft State Environmental Planning Policy (Infrastructure)

The Infrastructure SEPP is currently under review as part of the five (5) year statutory review process. Key changes proposed include:

- Supporting health infrastructure to allow delivery of hospital beds more quickly
- Changes to correctional facilities and police services to provide for a safer and more secure community

- Optimising the use of commuter hubs by providing more services and conveniences at transport interchanges
- Enabling councils to manage and maintain their lands better, including their operational lands

Proposed changes also include other operational and housekeeping improvements to ensure the policy remains up to date and effective.

Some of proposed key amendments to Health Services Facilities to help lower costs and reduce timeframes for the delivery of health service facilities include:

- Introduction of a new complying development regime which permits health services facilities, buildings used for training/education of professionals, commercial premises, administration buildings, child care centres, car parks within the boundaries of existing health services facilities
- Expanding the permissibility of health services facilities in additional residential and business zones.
- Expansion of the use of Schedule 1 exempt provisions within the boundaries of an existing health services facility for public authorities to include private operators
- Amending the definition of 'health services facility' to be consistent with the Standard Instrument LEP.

The proposed amendments are not likely to impact on compliance of the development with the Infrastructure SEPP

Draft State Environmental Planning Policy No. 64 - Advertising and Signage (SEPP 64)

The Draft State Environmental Planning Policy No. 64 – Advertising and Signage was placed on public exhibition from 5 May 2017 to 30 June 2017. The proposed State Environmental Planning Policy (proposed SEPP) will amend SEPP 64 to:

1. repeal clause 16(4)(b) to ensure advertising in transport corridors is permissible with consent;
2. insert a new clause to prohibit advertising on parked trailers on roads and road related areas;
3. to require development consent to display advertising on trailers that are parked on private land, viewable from a road or road related area; and
4. update terms and definitions and rephrase clause 6.

The proposed amendments to the SEPP do not affect the proposed development with regard to the existing SEPP 64 controls and a full assessment has been carried out above under Part 4.1(a)(i) of this report.

(iii) any development control plan,

The proposed development is subject to the provisions of the Residential Zones Development Control Plan (DCP). The standards provided in the DCP are designed to provide guidance for residential development and are not strictly relevant to non residential developments such as this. However, consideration to the DCP is provided in the assessment below.

Part A Introduction

The following aims and objectives of the DCP have been achieved through retention of the existing heritage listed building which is responsive to the surrounding character providing a well designed, high quality development:

- *To provide setbacks, site coverage requirements, private open space controls and other development controls for residential zones.*
- *To set out procedures for notification and advertising of development applications in residential zones.*
- *To ensure that there is adequate provision for car parking facilities and for the safe and convenient circulation of all forms of vehicles, pedestrians and bicycles in the residential areas.*
- *To provide controls for erosion and sediment control.*
- *To provide controls to manage water in a sustainable way.*
- *To provide subdivision and engineering standards.*
- *To provide controls for advertising structures.*
- *To ensure that development in flood prone areas is compatible with the flooding characteristics of the site and is designed so that the likelihood of damage to buildings, stock and equipment from flood water is minimised.*

Clause A9 of the DCP states that Council can grant consent to a development proposal that does not comply with the specific requirements of the DCP after considering the particular merits of the proposal. Justification for departure from the DCP is required to be provided with the Development Application and the overall objectives of the DCP achieved.

The applicant has requested the following variations to the DCP:

Clause C4.4 Building Height

Clause C13.1 Building Height

Clause C13.2 Maximum Top Plate Height of Buildings

Clause C16.2 Setbacks

Clause C19.1 Landscaped Area requirements in R1, R2 and R3 zones

Each of the proposed variations are discussed in detail under the provisions of each relevant clause.

Part B Notification and Advertising of Development

As stated above, the DA as submitted on 13 March 2017 was notified to adjoining and nearby property owners and advertised between 31 March 2017 and 24 April 2017, in accordance with requirements of the *Environmental Planning and Assessment Regulation 2000* and the DCP. No submissions to the application were received. The application as amended on 9 August 2017 which included the addition of a fourth storey and increase to 30 beds was renotified and readvertised between 18 August 2017 and 4 September. No submissions to the amended design were received.

Part C General Controls

C1 Aims and Objectives

Through retention and adaptive reuse of the existing heritage listed building for medical suites and high quality design of the new hospital element of the proposal, the development is considered to be responsive to the site constraints and the surrounding development and meets the following aims and objectives of designing development in residential zones:

- Siting*
Development which is responsive to site constraints and the surrounding development
- Local Character and identity*
Development which is of a high quality and is sensitive to the character of the locality in which it is being developed
- Streetscape*

Streetscapes which enhance the amenity of an area and preserve the established character of the locality where this is warranted

d) *Building Design*

i) *Building design that responds to the site and reflect a North Coast Character*

ii) *The siting and design of buildings which provides visual and acoustic privacy for residents and their neighbours*

e) *Building Height and setbacks*

Buildings which conform with the prevailing setbacks in the street and which are an appropriate scale and height so as to minimise adverse impacts on adjacent properties

f) *Open Space and landscape*

To provide for private areas of open space and accompanying landscaped areas to enhance appearance and amenity of development.

C4 Streetscape Requirements

C4.1 Presentation to the street

The proposed development has been designed to retain the Albion Hotel heritage building for adaptive reuse which is an important landmark building situated on the corner of Queen and Arthur Street. This building provides for verandahs, awnings and balustrading elements to both Queen and Arthur Street. The new elements of the proposal are located in Arthur Street and a defined entry is visible to the street.

C4.2 Setbacks

Setbacks for the proposed new hospital building accessed from Arthur Street provide a sufficient setback to enable landscaping within the front setback to help define the main entrance to the street.

The existing Albion Hotel to be retained comprises zero setbacks which will be maintained as part of the development.

C4.3 Heritage

Whilst the proposed new hospital is of considerable scale, a suitable transition has been provided between the existing hotel and new elements of the proposed development which ensures that the hotel retains its landmark qualities.

C4.4 Building Height

The proposed development does not comply with the 9m height maximum set out in Clause 4.3 of the LEP. A variation to the height controls has been applied for under Clause 4.6 of the LEP discussed under part 4.1(a)(i) of this report.

C4.5 Buildings on corner blocks

Part of the proposed development is located within an existing heritage listed building located on the corner of Queen and Arthur Streets. The proposed adaptive reuse of this landmark building and proposed restoration works secure the building for long term conservation and its important siting on the corner of Queen and Arthur Street.

C4.6 Roofing

Variation in roof forms is proposed between the existing hotel and new hospital component of the development to create interest to the streetscape while respecting the heritage aesthetics of the hotel. The reroofing of the hotel will be required to be completed in custom orb galvanised steel which helps retain the character of the heritage significance of the building.

C4.7 Fences and walls

The proposed wall of the hospital located in Arthur Street is sufficiently setback to be compatible with the character of the surrounding development.

C4.8 Landscaping

A landscape plan has been provided as part of the proposal and will help reduce the scale, bulk and visual impact of the proposed development.

C5 Building Design Requirements

C5.1 Siting

The siting of the new building elements has been orientated to take advantage of natural sunlight and breezes whilst protecting the privacy of adjoining residential dwellings.

C5.2 Cut and Fill

Minimal cut and fill is required for the proposed development other than for footings and lift and stair shaft. Details of such will be required to be provided as part of the construction certificate documents.

C5.3 Energy Efficiency

The energy efficiency requirements of Part J of the Building Code of Australia (BCA) applies to all new building work. A Section J Report is required to be submitted with the Construction Certificate to ensure compliance with the energy efficiency requirements of commercial development.

C5.4 Materials and Colours

The proposed materials and colours of the development complement the existing streetscape whilst respecting the heritage listed hotel.

C5.7 Privacy

As per Clause C5.7. of the DCP, direct overlooking of the adjoining residential dwellings has been avoided 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).

C13 Building Height

C13.1 Building Height

As discussed under Part 4.1(a)(i) of this report, a maximum height of nine (9) metres applies to development on the land. The proposed development is non compliant with the section as it provides for a maximum building height of 15.89 metres with a lift overrun of 17.92 metres.

A variation to this height requirement has been applied for and fully assessed under Clause 4.6 Exceptions to Development Standards of the LEP. A variation to the height in this instance is supported because:

- Whilst the proposed new hospital is of considerable height and scale, it is not incompatible with the height elements of the adjoining Grafton Base Hospital and associated buildings.
- The retention of the existing heritage building restricts the development potential of the site than that of a green field site.
- The visual impact of the development has been minimised through retention of the existing heritage listed building and setback location of the highest lift overrun element off the street frontage.
- The retention and adaptive reuse of the existing heritage listed building located on the corner of Queen and Arthur Streets, helps protect the local the character and significance of this landmark building which is an important feature to the identity of the area.
- The proposed four (4) storey building is set within the context of an established hospital precinct and is therefore considered to be a unique type of development which is not likely to create an undesirable precedent in the residential zone.

- The proposed development is sensitive to the character of the area which contains a mix of medical facilities, residential development, seniors living and the correctional service building (gaol).

C13.2 Maximum Top Plate Height of Buildings

The proposed development does not comply with the specified maximum top plate height of buildings for land with a maximum height of nine (9) metres. As discussed above and under Clause 4.3 and 4.6 of the LEP considerations, a variation has been sought and is supported as it will not result in significant impacts to the surrounding area and existing heritage listed building.

C16 Setbacks

The proposed new sections of the development provide for a 6m setback to Arthur Street with the exception of the existing heritage listed hotel having a zero setback. The development also provides for a 3m side setback to the residential dwellings on the south western boundary.

The elevation of the development located along the north eastern side that adjoins the Grafton Base Hospital only provides a setback of between 0.1 and 1.16 metres which does not comply with setbacks required by Clause C16. However, a variation to this setback can be varied using the provisions of Clause C17 and a detailed discussion is provided below.

C17 Variations

As discussed above under C16, the side setbacks along the north eastern elevation do not comply with the minimum setbacks. Clause C17.5 allows Council to consider variations to the side and rear boundaries on merit if a better development outcome or clear advantages in other aspects of the design are achieved with regard to overshadowing and overlooking. Compensatory setbacks elsewhere in the development will be considered in granting variations to side and rear setback requirements.

The proposed variation to the side and rear is supported in this instance because:

- It meets the setback objectives by providing sufficient separation of buildings to provide privacy and sunlight access to neighbouring dwellings; the building is setback from Arthur Street six (6) metres and provides for an attractive streetscape compatible with the adjoining Grafton Base Hospital frontage.
- The adjoining Grafton Base Hospital located along the boundary where the setback is being varied is of a similar use and nature to that of the proposed development and consequently no land use conflicts are likely to occur.
- The reduced setback does not result in an unreasonable overshadowing of buildings located on the Grafton Base Hospital site.

C19.1 Landscape Area requirements in R1, R2 and R3 zones

Clause 19.1 of the DCP requires that all development in the R1 General Residential Zone be provided with a minimum landscaped area of 45%. The proposed development provides approximately 10.5% landscaped area and the applicant has requested a variation to the DCP Controls on the following basis:

- *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.*
- *Landscaping is focused on the interface with the street and interface with the adjoining residential properties ensuring the intent for the provision of landscaping is maintained.*
- *The controls are intended to guide development of residential uses and the proposal being a "health services facility" is somewhat unique in its application and assessment of the landscaping area on its merit and will not set a negative precedent.*

The reasons to vary the proposed development are supported in this instance because the retention of the existing heritage building restricts the development potential of the site more than that of a green field site; and the proposed development is set within the context of an established hospital precinct and is therefore considered to be a unique type of development which is not likely to create an undesirable precedent in the residential zone

Part D Floodplain Management Controls

As considered under Clause 7.3 of the LEP considerations, the subject land 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) of which the development complies. The proposed development meets the objectives of Part D of the Floodplain Management Controls while and managing risk to life and damage to property through appropriate design. Compliance with the measures outlined in the plan and Part D of Council's DCP through suitable conditions of consent will ensure that there is no significant risk to life from flood and that the proposal will not result in any adverse impact on the surrounding environment.

Part F Heritage Conservation

The detailed Statement of Heritage Impact prepared by NBRIS dated 7 August 2017 provided a comprehensive report and a sound basis for assessment of the heritage significance of the item and its fabric. A full assessment of heritage conservation has been provided above under Clause 5.10 of the LEP considerations. In summary, the proposed development is not likely to have an adverse impact upon the principal views and landmark aesthetic qualities of the item or adjacent heritage listed dwellings on Queen Street and provides for the conservation of environmental heritage whilst conserving the significance of the Albion Hotel including the associated fabric and setting.

The proposed restoration works to the heritage listed building will secure the long term conservation of the building

Part G Parking and Vehicular Access Controls

Part G of the DCP dictates that a total of 48 car parking spaces are required for the proposed development. A total of 15 onsite car parking spaces have been provided to service the development and the physical shortfall is dealt with under Part G2.1 below.

Part G2.1 allows Council to consider what credits will be given for the current land use on a site and how many car spaces are to be provided on site using the following formula:

- a) Calculate the number of car spaces required for the current land use under the provisions of the DCP.
- b) Determine the number of spaces that have been physically provided onsite
- c) Determine the number of spaces (if any) previously paid for through Section 94 Contributions.
- d) Calculate the number of spaces credited to the subject land by $[a-(b+c)]$.
- e) Calculate the number of spaces required for the proposed land use under the provisions of the DCP.

The number of spaces to physically be provided onsite is $[(e)-(d)]$, any required spaces which cannot be physically provided onsite may be required to be paid for through Section Contributions.

Using the provision of Clause G2.1 above the car parking credits are calculated as follows:

- a) Car parking spaces required for existing use:

Existing Use	Car Parking Rate	No. of Car Parks Required
Restaurant 88m ²	1 space per 5m ²	18
Pub 334m ²	1 space per 4m Licensed Floor Area	84
Dwelling	1 space	1
TOTAL		103

A total of 103 car parkings are required for the current use.

- b) Onsite car parking spaces 50
- c) No car parking credits have been paid for through S94 contributions
- d) $[a-(b+c)] = 103-(50) = 53$ car parking credits exists
- e) Number of spaces required for proposed use as per Table G1 of DCP:

Proposed Use	Car Parking Rate	No. of Car Parks Required
Hospital (30 beds and 32 staff)	1 space per 5 beds plus 1 space per 2 employees	6 16
Health Consulting Rooms (8 suites)	3 space per health care professional	24
Ancillary Commercial Space (Tenancy 48m ²)	1 space per 30m ²	2
TOTAL		48 spaces required for proposed use

Therefore, the number of car parking spaces to physically be provided onsite is [(e-d). This equates to no physical car parking spaces required to be provided onsite (48 – 53 = -5).

The applicant proposes to construct 15 onsite car parking spaces. Whilst there is no car parking shortfall using the DCP car parking provisions, a physical shortfall of 33 spaces will be generated from the development (48 - 15 = 33). Some concerns were raised by Council's Development Engineer regarding the lack of onsite car parking and impacts to the surrounding street network. However, the DCP allows for the development to claim credits and even though there is a physical shortfall of spaces, there is no legal basis to require the developer to provide for the physical shortfall.

Clause G10 of the DCP requires that large scale development prepare a Traffic Impact Assessment in accordance with the RTA Guidelines for Traffic Generating Development. Whilst the development does not trigger the provisions of Schedule 3 Traffic Generating Development requiring referral to RMS, an informal referral was sent and comments received are discussed in the Section 79C(b) considerations below.

Part H Sustainable Water Controls

The proposed development is subject to the sustainable water controls set out in Part H of the DCP. The Stormwater Management Plan prepared by Geolink and submitted is generally acceptable, however an amended report is required to provide for 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%. This has been provided as part of the Draft Conditions in Schedule 1 and once amended will meet the provisions of Part H of the DCP.

Part I Erosion and Sediment Control

Erosion and Sediment controls during construction are required to comply with Part I of the DCP. Suitable conditions have been placed in the Draft Schedule to ensure compliance with these controls.

Part K Advertisements and Advertising Structures

Schedule K1 of the DCP sets out the assessment criteria for advertisements and advertising structures in Residential Zones. The assessment criteria contained in Schedule K 1 is taken from SEPP 64 Schedule 1 and an assessment under this criteria is already provided above under 4.1(a)(i). In summary however, the proposed signage locations and size are considered to be compatible with the desired amenity and visual character of the area it is located and the potential impacts are considered to be acceptable.

- (iiia) **any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F,**

No planning agreement has been entered into or offered to be entered into under Section 93F of the Act.

- (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 not inconsistent with the matters prescribed by the Regulations.

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

The subject land is located in sub-catchment 5 of the Clarence Estuary Management Plan which is identified as a low value high risk area in terms of estuary significance and potential threats. The stormwater concept plan prepared by Geolink (Drawing No. 2642/SK2) is generally acceptable and will ensure that there is no adverse impacts to the estuary from 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.**

Context and setting

The proposed development will have some impact on the built environment through infill of a currently vacant site. However the location of the development within the context of an established medical hospital precinct is considered to be appropriate to the character of the area.

As stated within the Statement of Heritage Impact by NBRS Architecture, the impact to the existing heritage item is considered to be acceptable as the new building located at the rear will not adversely affect the ability to view and appreciate the heritage item from the most significant location on the corner of Queen and Arthur Streets. Further, the roof height of the transitional building is lower and emulates the form of the hipped roof of the Albion Hotel where the structures are more visible to the residential areas of Queen Street which protects the current context and setting of the heritage item.

Roads, Traffic and parking

Concerns were raised by both Council's Development Engineer and the RMS regarding the potential impacts of the amended development on the surrounding road network. Of particular concern was the spillage of approximately 50 unformed car parking spaces that are currently located on 174 Arthur Street, and the impact of the development on the efficiency and safety to the surrounding road network. It should be noted that the unformed car park located on 174 Arthur Street is currently used by patrons of the surrounding development such as the Grafton Base Hospital and Correctional Services Centre and not from the Albion Hotel. The use of this land for a car park has no lawful approval or formal commitment. The amended Traffic Impact Assessment states that the displacement of the parking from this site is not considered to be the applicant's responsibility and that the spillage can be taken up by the hospital grounds and the surrounding on-street car parking located in Arthur, Crown and Mary Streets. Concern has been raised that the non-provision of the 33 car parking spaces mentioned above will also exacerbate parking shortfalls in the area.

The matter was also reported to the Local Traffic Committee who resolved to support the development subject to:

- A study into parking and pedestrian safety/access implications
- An amended Traffic Impact Assessment for both Arthur Street/Queen Street intersection
- That the applicant be required to demonstrate how the 50 car parking spaces in 174 Arthur Street is justified.

In response to the Traffic Committee resolution, Council did request additional information and an amended Traffic Impact Assessment Report by Ryterskild was submitted (copy provided in the attachments). The TIA report states that the traffic generated by the proposal will be minor and not have a significant impact on the surrounding network. In respect to the displacement of the 50 car parking spaces located at 174 Arthur Street, there is no legal obligation that this the responsibility of the developer as the area is not an approved or lawful car park and the existing car parking could be excluded at any time.

Council's Development Engineer advised that the proposal could not be supported on the grounds that there is insufficient capacity for parking in the surrounding street network. However, subject to the imposition of suitable conditions, Council's Development Engineer provided that the development could be supported subject to the imposition of suitable conditions requiring a parking study and the construction of the 33 physical car parking space shortfall generated from the development within the surrounding road network; a pedestrian and access mobility plan be prepared to identify the footpaths and pedestrians crossing from the new development to new parking areas; and detailed design and construction of the on-street parking, footpath, pedestrian crossing and all associated street lighting be undertaken;

Council's Development Engineer also advised that the surrounding area is already experiencing safety issues due to the amount of development in the area with two accidents reported in 2016 in the vicinity of the development. The accidents cannot be directly linked or attributed to existing or proposed uses and therefore are not considered to be relevant to this application.

In response to concerns raised by Council's Development Engineer and the RMS, an amended Traffic Impact Assessment was prepared by Ryterskild Traffic Group (RTG) dated 27 October 2017. In response to the concerns raised, the RTG Report provided that:

- *The proposed development will not have any negative impact upon the safety and operation of the Queen Street/Arthur Street intersection.*
- *Peak traffic counts have been carried out at the Queen Street / Arthur Street intersection over two typical weekdays and a Saturday. The intersection has been modelled using SIDRA software for the current and future (10 year) horizon) scenarios. The intersection will continue to perform satisfactorily upon completion of the proposed development and within 10 years.*
- *On-street car parking demand surveys were carried out over two typical weekdays (Thursday and Friday) in October 2017 and a Saturday and Sunday.*
- *The gravel area of 174 Arthur Street is currently being used temporarily by hospital employees. The displacement of this parking throughout the surrounding area is not considered to be the applicant's responsibility. Notwithstanding this, it is noted that a maximum of 38 cars were recorded in this area. It is likely that some of these will be relocated to the hospital grounds and the rest will use on-street parking in Arthur Street.*
- *The majority of on-street car parking demands in the local area (Arthur Street and Mary Street) are generated by the Grafton Base Hospital, with a small proportion attributed to the nearby correction facility.*
- *There are approximately 155 on-street car parking spaces located within a comfortable walking distance of the site. This excludes parking along the frontage of residential properties in the area (Mary Street and Queen Street).*
- *Part of the subject site is currently used by hospital employees on a temporary/casual basis. Presumably some of these cars will park on hospital grounds and the balance throughout the surrounding street network (mainly Arthur Street, Mary Street and Crown Street).*
- *There is opportunity for the existing on-street parking arrangements along Arthur Street and other streets in the area (Crown Street and Mary Street), to be improved. Such works would include:*
 - *Increase capacity*
 - *Provide safer conditions for pedestrians walking between these facilities and the hospital and proposed use*
 - *Improve traffic access and mobility in the area*

- *The proposed car parking layout complies with AS2890.1:2004. All vehicles will be able to manoeuvre onsite and not have to reverse to or from the public roadway.*
- *There is a public bus stop located in Arthur Street, just to the west of the site. An existing concrete footpath provides for safe access between the site and this facility.*

The concerns raised by Council's Development Engineer and the RMS are respected, however, the proposed conditions regarding the provision of 33 on-street car parking spaces to cater for the physical shortfall is considered to be unreasonable for the following reasons:

- The development meets the parking requirements of Residential Zones DCP Part G Parking and Vehicular Access Controls and when the credits available are applied, there is no shortfall of onsite car parking spaces.
- While additional physical car parking spaces would be desirable the DCP allows for the development to claim credits and even though there is a physical shortfall of spaces, there is no legal basis to require the developer to provide for the physical shortfall.
- The retention of the heritage listed Albion Hotel limits the development potential of the site and results in a design disadvantage than that of a green field site.
- The development has a narrow frontage to the classified road on the intersection with the roundabout and it is difficult to provide additional car parking along the frontage of the development site.

It is acknowledged that there are issues from traffic and parking congestion in the area, however it is unreasonable to impose uncertain conditions with respect to additional parking and infrastructure as the proposed development meets the provisions of the DCP in terms of parking. The parking issues identified in this locality are not sufficient or relevant to lead to refusal of the application, particularly when balanced against the community benefits of the proposed development. Conditions requiring the formalisation of existing on-street parking fronting the development will be required.

Height, bulk and scale

Whilst the proposed new hospital is of considerable height and scale, it is not incompatible with the surrounding development including the Grafton Base Hospital and Grafton Correction Services which comprise a mix of large scale buildings and large expanses of solid walls to the street frontage.

The orientation of Lot 2 DP125156 which will house the bulk of the new hospital enables the bulk and scale of the building to be minimised and reduces the potential visual impacts to the Arthur Street frontage.

Visual Impact

There will be some visual impact to the area from the development when viewed from the Queen Street frontage. However whilst the proposed new hospital is of considerable height and scale, it is not incompatible with the height elements of the adjoining Grafton Base Hospital and associated buildings.

The visual impact of the development has been minimised through retention of the existing heritage listed building and setback location of the highest lift overrun element off the Arthur street frontage.

The proposed development is sensitive to the character of the area which contains a mix of medical facilities, residential development, seniors living and the correctional service building (gaol) and the visual impact is considered to be acceptable in this instance.

Social

The proposed development will provide social benefits through the provision of additional medical and hospital facilities in a regional area that people may otherwise have to travel for. It will also provide a suite of medical specialists that are mostly and currently unavailable in the local area. The development will improve the social well being of the regional area through improved and additional access to medical services and have a positive social outcome.

Economy

Council undertook economic impact modelling using two different models (Lawrence Consulting and Profile I.D.) to explore the direct and indirect impacts to the economy that will result from the proposed development. The models were based on an estimated total of 44 staff generated from the development. When comparing the two models, it is estimated that the development will result in a combined output of between \$8.49m and \$10.9m to the Clarence Valley Council area economy and will create an increase of between 65 and 72 jobs in the local area.

Economically, the proposed development will have positive impacts through the creation of employment and economic stimulus both in the short term during construction and long term operation.

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

The site is suitable for the proposed development as approved subject to the imposition of suitable conditions as outlined in Schedule 1 of this report.

The suitability of the site in terms of likely impacts on the environment and amenity has been discussed in detail in the above sections of this report.

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

The proposed development was advertised and notified in accordance with Part B of the Residential Zones DCP and no submissions were received during the exhibition of the original application or the amended application.

(e) the public interest.

The public interest has been considered as part of the application process. Overall, the proposed development will result in a material public material benefit through improved and additional hospital and medical facilities in a regional area. The development meets the following objectives of the Environmental Planning and Assessment 1979 and provides for:

- *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
- *the promotion and co-ordination of the orderly and economic use and development of land,*
- *the provision and co-ordination of community services and facilities, and*
- *ecologically sustainable development, and*
- *to provide increased opportunity for public involvement and participation in environmental planning and assessment.*

4.2: External Agency Consultation / Comments

Agency	Consultation / Comment
Roads and Maritime Services (RMS)	Comments received - see comments in report

4.3: Internal Officer Consultation / Comments

Officer	Consultation / Comment
Engineering	Conditions provided – see comments in report
Health and Building	Supported with conditions
Trade Waste	Supported with conditions
Heritage	Supported with conditions
Environmental Health	Supported with conditions

Schedule 1: 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 Council for sewer work, water plumbing and stormwater work. Two copies of hydraulic 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 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.
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 94A 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.

Building Conditions

4. The development is not to be occupied or used until such time as an Occupation Certificate has been issued.

5. 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.

6. 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.

7. 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.

8. 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).

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. 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.

11. 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.
12. 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.

13. 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.*

14. 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.
15. 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.
16. 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
17. 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.
18. Full electrical and structural details prepared and certified by appropriately qualified persons shall be submitted with Construction Certificate documentation.
19. 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.
20. 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.

21. 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.

Engineering Conditions

22. A Certificate of Compliance for Water and or Sewer works must be obtained from Council prior to release of the Occupation Certificate.
23. The developer must bear any costs relating to alterations and extensions of existing roads, drainage and services for the purposes of the development.
24. 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'.
25. 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)
26. 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.
27. 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.

28. 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.

29. 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.

30. 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.

31. 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**.

32. 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.

33. 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)

34. 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.

35. 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

36. 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

37. 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'.
38. 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.
39. 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

40. 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 NBRIS dated 7 August 2017.
41. That all original fabric is to be carefully conserved and repaired to original details.
42. 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.
43. 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.
44. Details of the colour scheme based on original paint scrapes to be provided prior to commencement of work.
45. 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.
46. Details of proposed signage for the new hospital/medical centre (including colours) to be submitted for approval prior to installation.

Liquid Trade Waste Conditions

47. 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.

48. Approval to discharge liquid trade waste to Council's sewerage system shall be obtained from Council prior to release of the Occupation Certificate.
49. 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.
50. All sinks and floor wastes in food preparation areas to contain basket arrestors.
51. 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

52. 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.
53. The L_{Aeq(15 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.
54. Waste collection and deliveries are to be take place between the hours of 7am and 6pm.

Landscaping

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

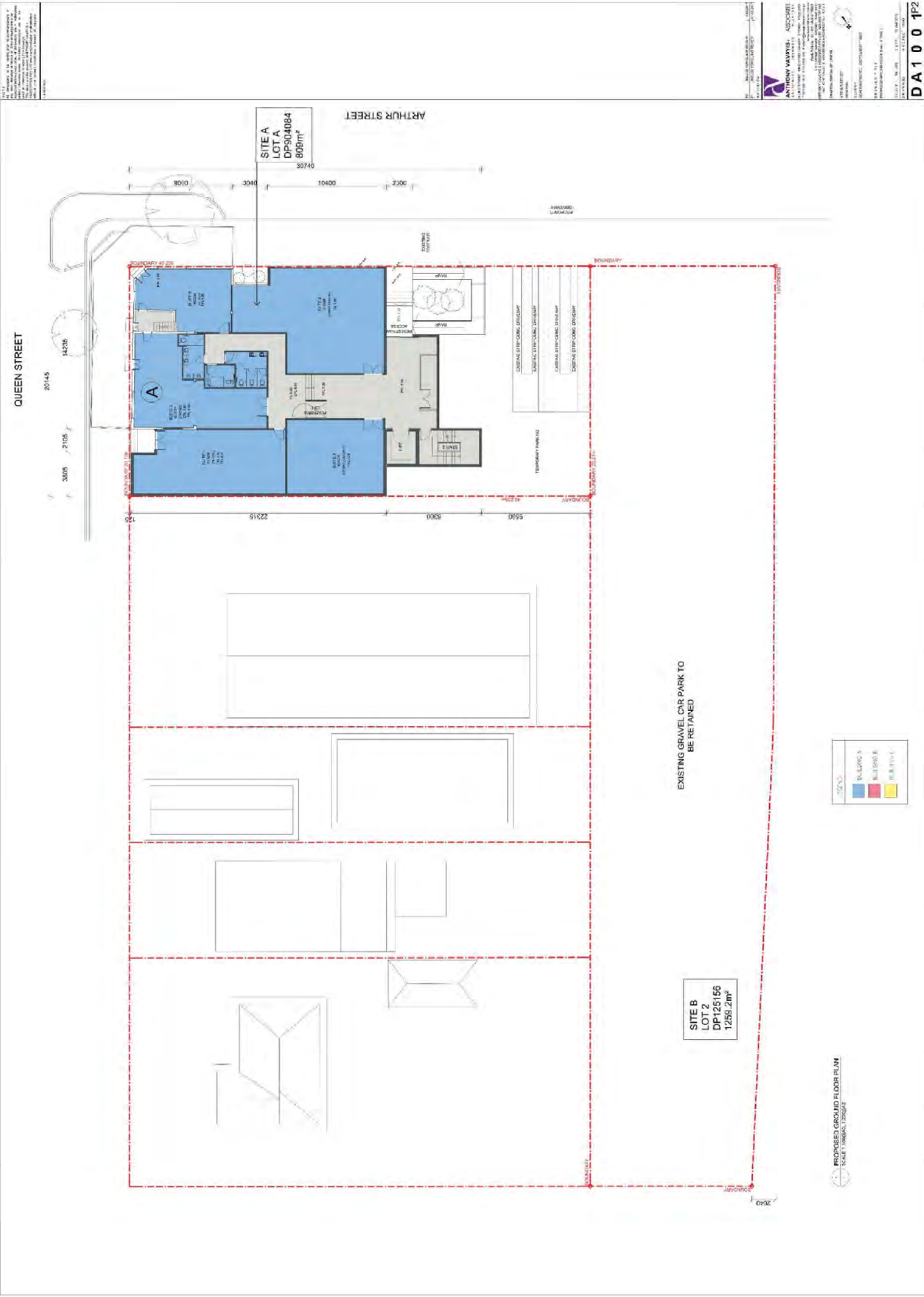
Reasons

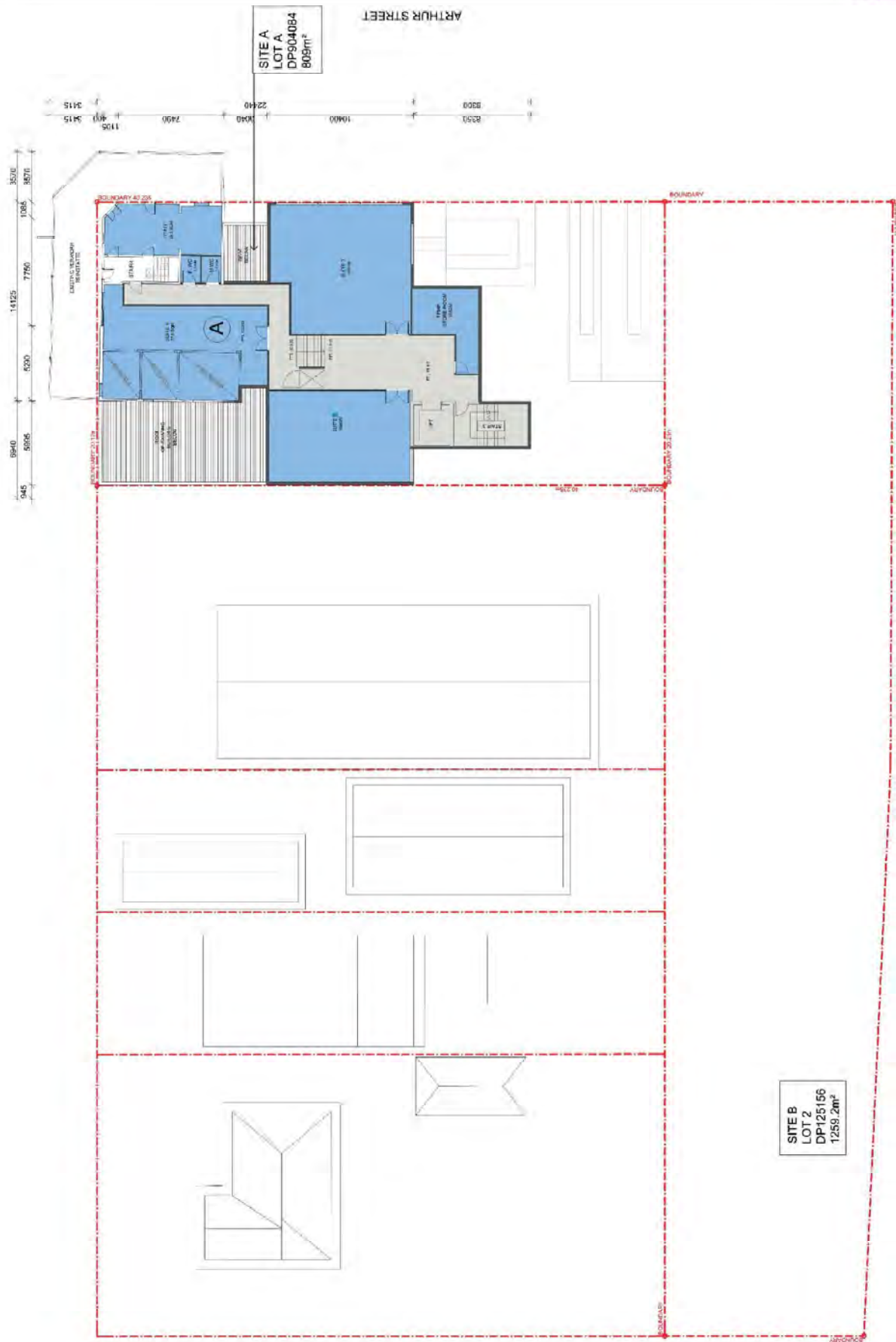
1. To ensure that the development complies with Council's Local Environmental Plan and any Development Control Plan that may be applicable to the proposed development.
2. To ensure that the surrounding environment is not detrimentally affected as a result of the development.
3. To comply with legislative 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. Plans
2. Landscape plans Drawing No. 2642/01 and 2642/02(Revision A) dated 13 October 2016 by GeoLink
3. Flood Management Plan (Grafton Specialist Medical Centre and Private Hospital) by GeoLink dated 2017
4. Schedule of Conservation Works NBRS Architecture (Appendix A pages 83 and 84)
5. Clause 4.6 Exceptions to development standards – Written Request from Applicant
6. RMS Response Letter
7. Traffic Impact Assessment by Rytenskild Traffic Group dated 27 October 2017
8. Economic Impact Models (Lawrence Consulting and Profile I.D.)





PROPOSED FIRST FLOOR PLAN
SCALE 1:100 (SAC, 1250042)

ARTHUR STREET

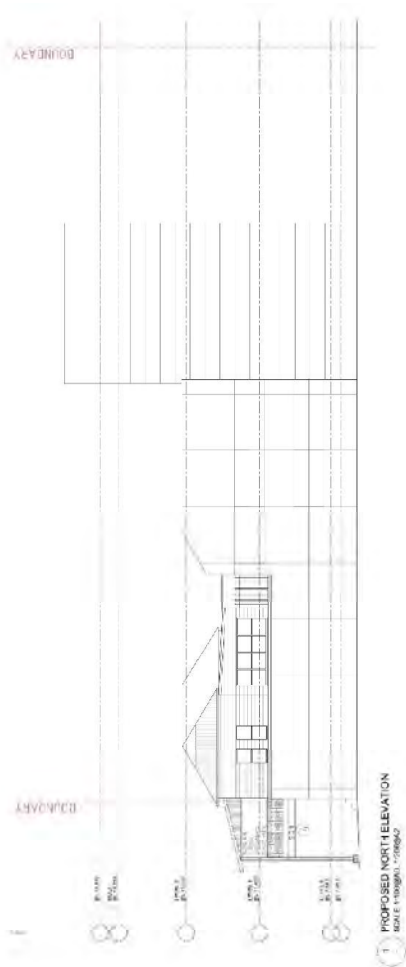
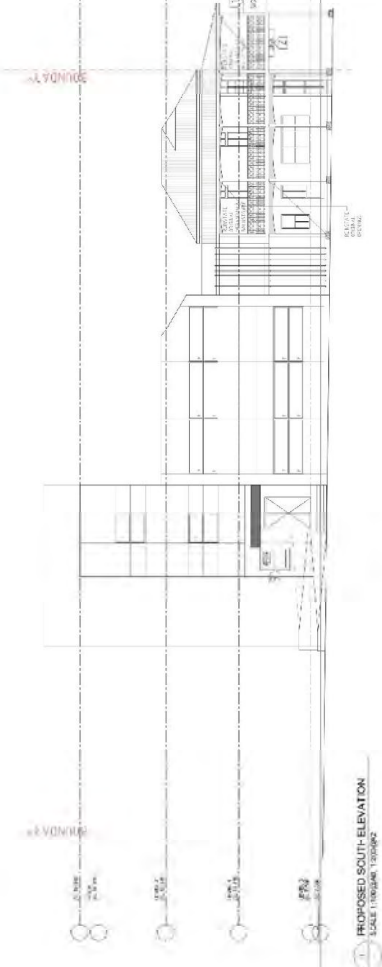
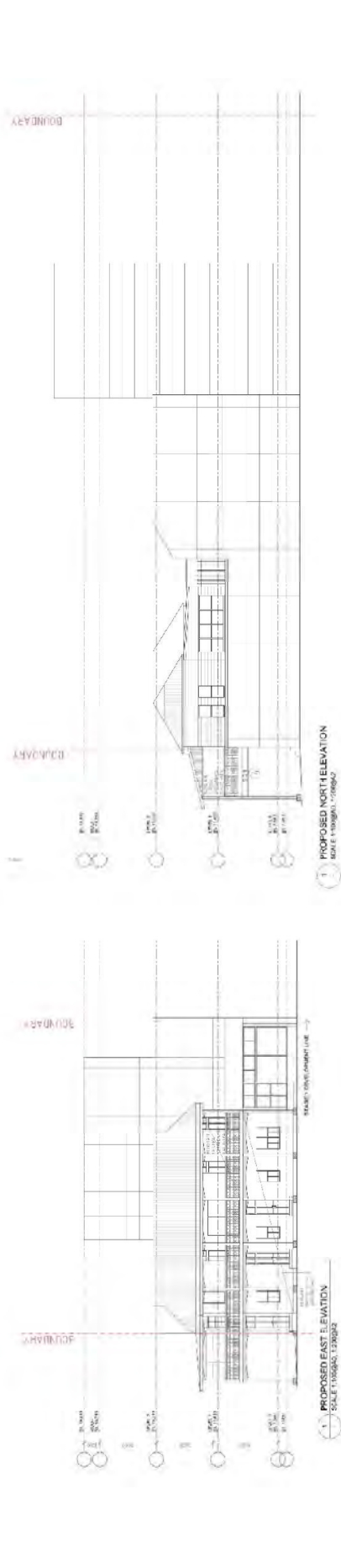
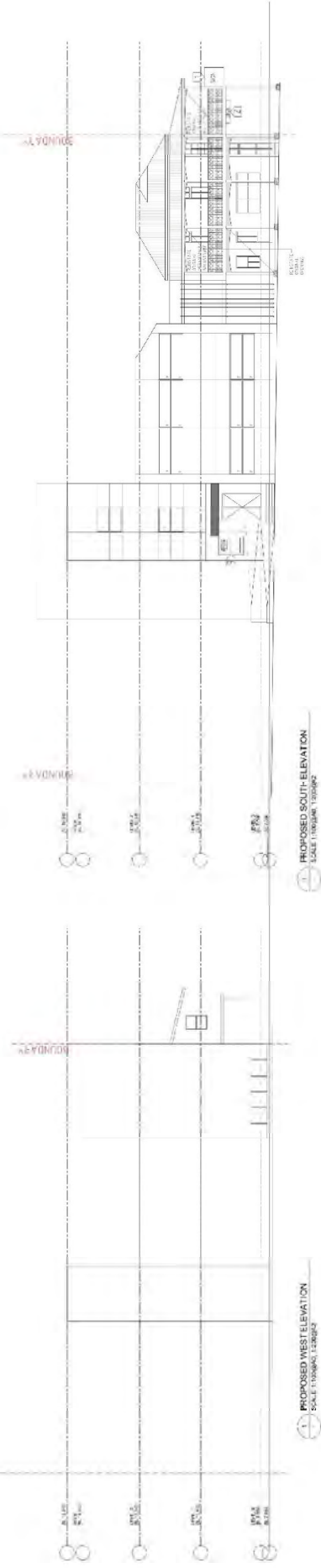
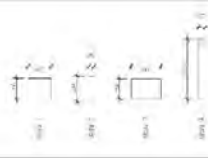
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809m²

SITE B
LOT 2
DP125156
1259.2m²

1 PROPOSED SECOND FLOOR PLAN
SCALE 1/8"=1'-0"

Topic
PL DNA A
PL DNA B
PL DNA C

DA 3000P2



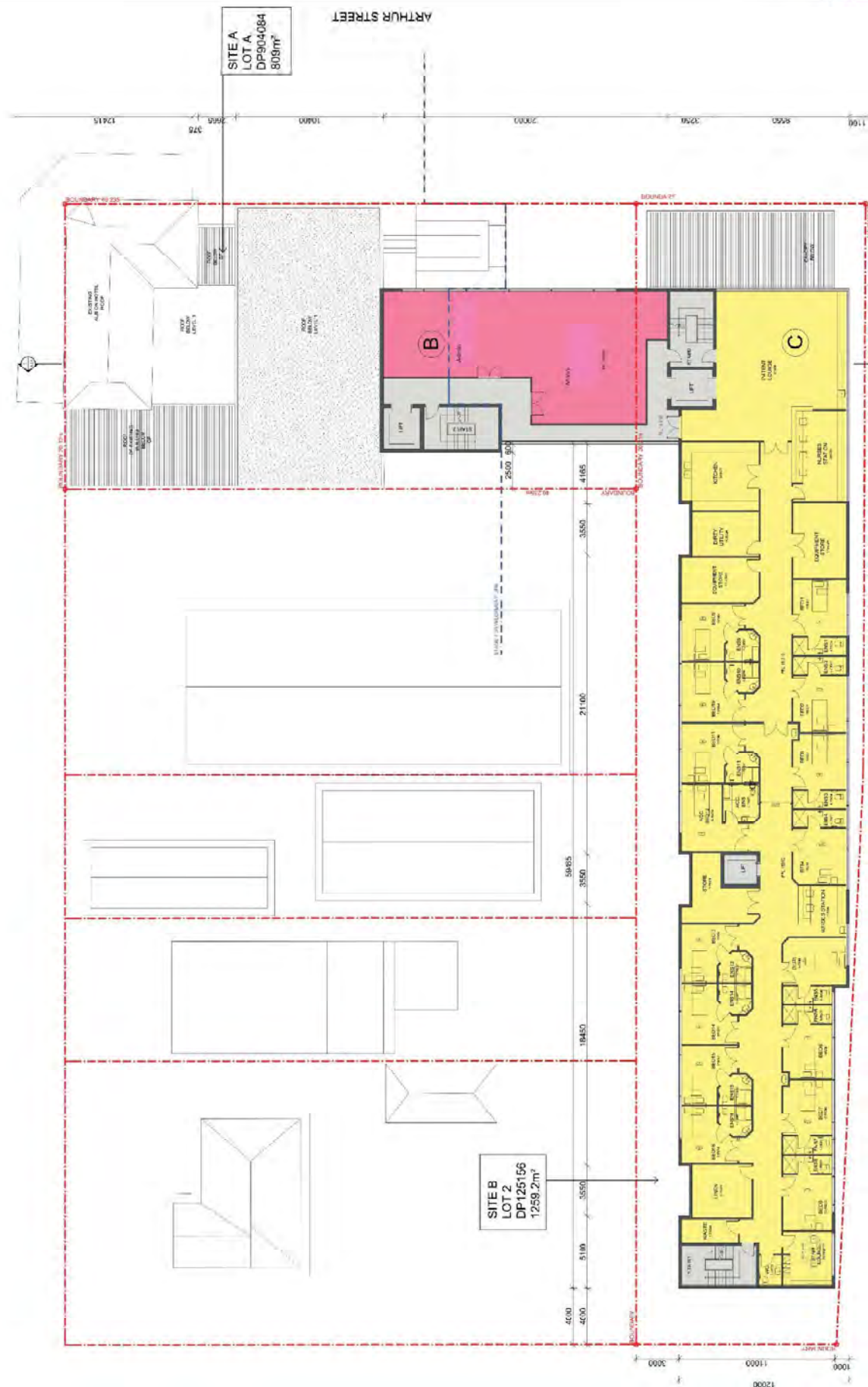
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1
PROPOSED SECOND FLOOR PLAN
SCALE 1/8"=1'-0" (NOT TO SCALE)

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2/20/80	RENT	50.00	100.00
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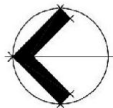


PROPOSED THIRD FLOOR PLAN

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1999

BUILDING A
BUILDING B
BUILDING C



LEGEND

Site Boundary

DRAFT

Rev	Description	Date	Drawn	Checked	Approved
1					
2					
3					
4					
5					

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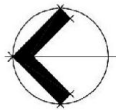
Level 1, 60 Eglinton Street
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info@geolink.co.nz

23 Gordon Street
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Grafton Specialist Rooms

Design	Drawn	Checked	Approved
RE	RE	RE	RE
13/02/2016			
13/02/2016			
13/02/2016			

Site Survey and
Tree Removal Retention Plan
Drawing number 2642 101
Revision



LEGEND

- Site boundary
- Areas to be landscaped

DRAFT

Rev	Description	Date	By	Appr	Chk
1	Issue for comment				

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Grafton Specialist Rooms

Design	Rev	Date	By	Appr	Chk
Health Project Services	RE	13/02/2016			

Scale: 1:100

Drawing Title

Landscape Plan and
Proposed Species Images

2642 102

2642 102

2642 102

2642 102

2642 102

2642 102



Tree to 8 metre



Eucalyptus eumula
Eumula Outcross

Shrub to 3 metre



Syzygium australe Pinnate
Lily Pilly

SHRUBS to 1 - 2 metre



Acmena smithii 'Allyr Magic'
Dwarf Lily Pilly

SHRUBS to 1.5 metre



Gardinia augusta 'Radiant'
Gardinia

GRASSES



Lomandra shara
Basket Grass



Dianella caerulea
Flax Lily



Dianella grandiflora
Wild Iris

Dianella grandiflora
Gardinia augusta 'Radiant'

Dianella grandiflora
Gardinia augusta 'Radiant'
Acmena smithii 'Allyr Magic'
Westringia fruticosa

Dianella grandiflora
Gardinia augusta 'Radiant'

Flood Management Plan

Grafton Specialist Medical Centre and Private Hospital



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PO Box 1446
Coffs Harbour NSW 2450
T 02 6651 7666

PO Box 1267
Armidale NSW 2350
T 02 6772 0454

PO Box 229
Lismore NSW 2480
T 02 6621 6677

info@geolink.net.au

Prepared for: Health Project Services
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Appendices

Appendix A Architectural Plans

Appendix B Flood Evacuation Route Plan



1. Introduction

1.1 Background

This Flood Management Plan has been developed to address the flood management requirements for the proposed Specialist Medical Centre and Private Hospital development at 201 Queen Street, Grafton, Lot A DP 904084 and 174 Arthur Street, Lot 2 DP 125156 (the site). Please refer to **Illustration 1.1** for site location details.

The proposal involves the refurbishment of an existing heritage building (the Albion Hotel) and the construction of a three story building with under-croft parking. The existing heritage building will be used for Specialist Medical Centre providing seven specialist suites, amenities, staff room, access (pedestrian and vehicle) and waste storage, and will be developed as Stage 1 of the proposal. Stage 2 will incorporate a Private Hospital providing 30 beds, full surgical operating and support facilities, staff rooms, access (pedestrian and vehicle), ancillary commercial spaces and waste storage. See **Appendix A** for the current architectural plans.

This report will address the flood management requirements outlined in the Clarence Valley Council Residential Zones Development Control Plan (DCP) 2011. This DCP applies as the site is zoned as *R1 General Residential* in the Clarence Valley Local Environmental Plan (LEP) 2011.

For the purpose of appropriate flood management assessment the proposal has been divided into two separate entities; the Specialist Medical Centre (Stage 1) section of the development and the Private Hospital element of the proposal (Stage 2). The Specialist Medical Centre will be developed through modifications and additions to the existing heritage listed Albion Hotel.

1.2 Flooding Situation

The site is located within the township of Grafton opposite the Grafton Correctional Centre and immediately adjacent to the Grafton Base Hospital. This area has been identified by Clarence Valley Council (Council) flood mapping as being affected by flooding. This is further reinforced in a number of reports including; *The Clarence Valley Local Flood Plan 2012*, *The Grafton and Lower Clarence Floodplain Risk Management Plan V2 2007*, *The Lower Clarence Flood Model Update 2013* and *The Lower Clarence River Flood Study Review 2004*.

Discussions with Council Development Engineer Renan Solatan indicate flood levels in the vicinity of the proposed development are as follows: Probable Maximum Flood (PMF) = 8.94m AHD (Australian Height Datum), Q_{100} = 7.08m AHD, Q_{50} = 6.45 to 6.34m AHD.

1.3 Site Flood Evacuation

Evacuation is to be as depicted in Annex L - Map 2 of the *Clarence Valley Local Flood Plan 2012* (attached in **Appendix B**). The site is in close proximity to an existing evacuation route. Alternatively the *Clarence Valley Local Flood Plan 2012* has identified an aircraft landing zone at the adjacent Grafton Base Hospital should occupants require immediate evacuation.



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2. Flood Management Controls

2.1 Specialist Medical Centre (Stage 1) Controls

As per the DCP the closest land use category for the proposed development of Specialist Medical Centre has been deemed 'Urban Residential and Associated Uses'. **Table 2.1** below summarises the required flood planning considerations for this category as applicable to the Specialist Medical Centre element of the proposed development. Also outlined are brief explanations of how the proposal complies with each planning consideration.

Table 2.1 Specialist Medical Centre Flood Planning Consideration Responses

<i>Planning Consideration</i>	<i>Specified Requirement</i>	<i>Compliance Explanation</i>
Floor and Pad Levels	<ul style="list-style-type: none"> Unless otherwise specified all floor levels to be no lower than the five year flood level plus freeboard (500mm) unless justified by site specific assessment. Primary habitable floor levels to be no lower than the 100 year flood plus freeboard (500mm). The primary habitable floor levels for infill development in Grafton, South Grafton and the Heber Street Catchment may be reduced to no lower than 6.4, 7.1 and 8.0 metres AHD respectively where the development (i) would otherwise be incompatible in the streetscape; (ii) result in unacceptable visual, overlooking or overshadowing impacts on adjoining properties; or is not part of a larger proposal which does not need to conform with the height and character of existing surrounding development. 	<p>The lowest finished floor level within the proposed development is 6.86m AHD. This is well above the Q₅₀ flood level and is constrained by the use of an existing heritage building which cannot be significantly altered. This level is also required for the building to be compatible with the streetscape. This level easily meets the required 6.4m AHD.</p> <p>The lowest level of the new construction areas are to have a finished floor level of 7.58m AHD which meets the 100 year flood level (7.08m AHD) plus 500mm freeboard requirement.</p>
Building Components	<ul style="list-style-type: none"> All structures to have flood compatible building components below the design level of the primary habitable floor level. 	<p>Wherever possible the Specialist Medical Centre component of the proposal will comply in full with DCP Schedule D1 - Flood Compatible Materials and Building Components.</p> <p>The only exception will occur where limitations are placed on</p>



		the development due to the utilisation of a heritage building.
Structural Soundness	<ul style="list-style-type: none"> Engineer's report to certify that the structure can withstand the forces of floodwater, debris and buoyancy up to and including a 100 year flood plus freeboard (500mm), or a PMF if required to satisfy evacuation criteria (see below). 	To be addressed as part of Construction Certificate documentation.
Flood Effects	<ul style="list-style-type: none"> The flood impact of the development to be considered to ensure that the development will not increase flood effects elsewhere, having regard to: (i) loss of flood storage; (ii) changes in flood levels and velocities caused by alterations to the flood conveyancing; and (iii) the cumulative impact of multiple potential developments in the floodplain. An engineer's report may be required. 	No significant changes are proposed to the current finished levels therefore impacts will be negligible.
Evacuation	<ul style="list-style-type: none"> Reliable access for pedestrians or vehicles required during a 100 year flood to a publicly accessible location above the PMF. Reliable access for pedestrians or vehicles is required from the building, commencing at a minimum level equal to the lowest habitable floor level to an area of refuge above the PMF level, or a minimum of 20% of the gross floor area of the dwelling to be above the PMF level. <p>Or</p> <ul style="list-style-type: none"> The development is to be consistent with any relevant flood evacuation strategy, flood plan adopted by Council or similar plan. Safe and orderly evacuation of the site (in any sized flood) has been demonstrated in a regional evacuation capability 	<p>The development evacuation will be consistent with the SES <i>Clarence Valley Local Flood Plan 2012</i>. Evacuation is to be as depicted in Annex L - Map 2 of the <i>Clarence Valley Local Flood Plan 2012</i>.</p> <p>Alternatively the <i>Clarence Valley Local Flood Plan 2012</i> has identified an aircraft landing zone at the adjacent Grafton base hospital should occupants require immediate evacuation.</p> <p>As mentioned in the <i>Grafton and Lower Clarence Floodplain Risk Management Plan V2</i> the direction of evacuation will depend on warning times, flood duration and available evacuation routes.</p> <p>Fortunately given the second level of the Specialist Medical Centre have a minimum finished floor level of 10.03m AHD (well above the PMF level of 8.94m AHD) occupants can</p>

	<p>assessment prepared to the satisfaction of Council and the SES. Where such an assessment has not been prepared, development will only be permitted where, in the opinion of Council, safe and orderly evacuation can occur (in any size flood).</p>	<p>seek shelter in safety.</p> <p>Alternatively the Specialist Medical Centre have internal pedestrian access to the habitable floor level of the Private Hospital section which is also well above the PMF level).</p> <p>See Appendix B for Flood Evacuation Plans.</p>
Management and Design	<ul style="list-style-type: none"> Applicant to demonstrate that the potential development as a consequence of a subdivision proposal can be undertaken in accordance with the DCP. Site Emergency Response Flood Plan required where floor levels are below the design floor level, (except for single dwelling houses). 	<p>The proposal will be undertaken in accordance with the DCP.</p> <p>Lowest floor level of the development is 6.86m AHD which is well above the minimum requirement of 6.4m AHD.</p>

2.2 Private Hospital (Stage 2) Controls

As per the DCP a hospital falls under the 'Critical Uses and Facilities' land use category. **Table 2.2** below summarises the required flood planning considerations for this category as applicable to the Private Hospital element of the proposed development. Also outlined are brief explanations of how the proposal complies with each planning consideration.

Table 2.2 Private Hospital Flood Planning Consideration Responses

Planning Consideration	Specified Requirement	Compliance Explanation
Floor and Pad Levels	<ul style="list-style-type: none"> Habitable floor levels to be no lower than the PMF level. Non-habitable floor levels to be no lower than the PMF unless justified by a site specific assessment. 	<p>The proposed Private Hospital component of the development has a ground level car park with habitable areas commencing on the first floor at a finished floor level of 11.410m AHD. This is well above the PMF level of 8.94m AHD.</p>
Building Components	<ul style="list-style-type: none"> All structures to have flood compatible building components below the design level of the primary habitable floor level. 	<p>The construction of the Private Hospital section of the development will wherever possible comply in full with DCP Schedule D1 - Flood Compatible Materials and Building Components.</p>
Structural Soundness	<ul style="list-style-type: none"> Engineer's report to certify that the structure can withstand the forces of floodwater, debris and 	<p>To be addressed as part of Construction Certificate documentation.</p>

	buoyancy up to and including a PMF.	
Flood Effects	<ul style="list-style-type: none"> The flood impact of the development to be considered to ensure that the development will not increase flood effects elsewhere, having regard to: (i) loss of flood storage; (ii) changes in flood levels and velocities caused by alterations to the flood conveyancing; and (iii) the cumulative impact of multiple potential developments in the floodplain. An engineer's report may be required. 	Proposed development will result in minimal loss of flood storage. Note the site incorporates an under-croft parking area which is close to the existing natural surface levels.
Evacuation	<ul style="list-style-type: none"> The development is to be consistent with any relevant flood evacuation strategy, flood plan adopted by Council or similar plan. Safe and orderly evacuation of the site (in any sized flood) has been demonstrated in a regional evacuation capability assessment prepared to the satisfaction of Council and the SES. Where such an assessment has not been prepared, development will only be permitted where, in the opinion of Council, safe and orderly evacuation can occur (in any size flood). 	<p>The development evacuation will be consistent with the <i>SES Clarence Valley Local Flood Plan 2012</i>. Evacuation is to be as depicted in Annex L - Map 2 of the <i>Clarence Valley Local Flood Plan 2012</i>.</p> <p>Alternatively the <i>Clarence Valley Local Flood Plan 2012</i> has identified an aircraft landing zone at the adjacent Grafton Base Hospital should occupants require immediate evacuation.</p> <p>As mentioned in the <i>Grafton and Lower Clarence Floodplain Risk Management Plan V2</i> the direction of evacuation will depend on warning times, flood duration and available evacuation routes.</p> <p>Fortunately given the habitable floor level of the Private Hospital section is well above the PMF; occupants can seek shelter inside the hospital.</p> <p>See Appendix B for Flood Evacuation Plans.</p>
Management and Design	<ul style="list-style-type: none"> Applicant to demonstrate that the potential development as a consequence of a subdivision proposal can be undertaken in accordance with the DCP. Site Emergency Response Flood Plan required where 	<p>The proposal will be undertaken in accordance with the DCP.</p> <p>The habitable floor level of the Private Hospital is well above the PMF level. This provides ample storage room for goods and materials which may cause</p>



	<p>floor levels are below the design floor level, (except for single dwelling houses).</p> <ul style="list-style-type: none"> • Applicant to demonstrate that area is available to store good above the 100 year flood level plus freeboard (500mm). • No storage of materials below the design floor level which may cause pollution or be potentially hazardous during any flood. 	<p>pollution or be potentially hazardous during any flood.</p>
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