



KEMPSEY
Shire Council

DIRECTOR SUSTAINABLE DEVELOPMENT REPORT

12th December 2006

DSDS5	PROPOSED 130 BED RESIDENTIAL CARE FACILITY AND TWO (2) BEDROOM STAFF RESIDENCE LOT 14 DP1069003 NO 80-114 MACLEAY STREET FREDERICKTON FILE: T6-06-313 PRJ {Folio No. *}
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SUMMARY:

Reporting that Council has received an application for a proposed 130 bed Aged Care Facility, two (2) bedroom staff residence and associated works at Macleay St Frederickton for which an objection has been received.

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Applicant: Machon Paull Consultancy Pty Ltd Architects
Subject Property: Lot 14 DP1069003 No 80-114 Macleay Street Frederickton
Zone: 1(D) Rural Investigation

Background

The site, Lot 14 DP1069003 is located on the southern side of Macleay Street (Pacific Highway) at Frederickton. It is a rectangular shaped allotment approximately 13.25 HA in size.

Given the development proposes works within 40m of a water course the application is considered to be integrated development under section 91 of the *Environmental Planning and Assessment Act 1979*.

The applicant has provided the following information in support of the application:

- Statement of Environmental Effects (ERM July 2006);
- Architectural Design Statement (Machon Paull Consultancy Pty Ltd);
- Flood Impact Statement (Webb Mckeown & Associates);
- Stormwater Management Strategy (ERM);
- Traffic Impact Assessment (Raodnet);
- Noise Impact Assessment (VIPAC);
- Geotechnical Assessment (Coffey Geosciences);
- Civil and Structural Engineering Design works Statement (Robert Dennis & Associates);
- Fire Safety Schedule (Machon Paull Consultancy and CHH Partnership);
- Ecological (ERM);
- Drawing Schedule – Plans/Elevations/Landscaping (Machon Paull Architects June 2006)

The proposal is for a 130 bed Residential Care Facility and a separate two (2) bedroom staff residence. This application represents stage 1 of a larger development proposed for the site. [\(Appendix H\)](#)

Stage 2, which will be subject to a future application is for forty four (44) self contained dwellings. These dwellings have been presented in concept form within this development application. Stage 2 will require an amendment to Council's Local Environmental Plan.

The proposal for the Residential Care Facility the subject of this application is a single storey building proposed to accommodate the following:

- High Care dementia residents (22 beds);
- High Care residents (60 beds);
- Low care dementia residents (16 beds);
- Low care residents (32 beds); and
- A range of internal common area including lounges, dining areas, a beauty salon, hairdresser, meeting rooms and medical facilities for consultation.

Other development included as part of this application are as follows:

- Ancillary 2x2 bedroom duplex units for staff accommodation;
- On site parking facilities for 45 visitors including eight disabled spaces, a separate parking area for 27 staff car spaces including two disabled spaces, a parking bay, eight electric cart spaces and a dedicated ambulance space;
- The access intersection with Macleay Street, suitable for both stages of the Development;
- Internal circulating roads and pedestrian facilities including a kerbed gravel access road to the south of the site to be upgraded as part of the stage 2 works;
- Site landscaping, incorporating native and exotic plants species; and
- Stormwater collection and treatment components, including two treatment pond systems in the south of the site which allows for both stages of the development.

Heads of Consideration

The proposal has been assessed having regard to the heads of consideration identified under section 79c(1) of the *Environmental Planning and Assessment Act 1979* with the following matters deemed to be of particular relevance to the proposal.

Kempsey Local Environmental Plan 1987

Zone Objectives

The site is zoned 1(d) Rural (investigation) D Zone. The objectives of this zone are:

- (a) to provide for the future expansion of Kempsey Shires Population;

- (b) to ensure that such land is not subject to excessive capital investment; and
- (c) to enable a thorough investigation of land prior to the release for development.

Planning Comment

The proposed development is considered to be consistent with the objectives of the zone.

Acid Sulfate Soils

The applicant has provided an Acid Sulphate Soils Assessment to address clause 56 of the Kempsey Local Environmental Plan 1987.

The acid sulphate soils assessment is included as part of the Geotechnical assessment prepared by Coffey Geosciences. Tests indicated that some potential acid sulphate soils were likely to be present on the site.

On this basis further analysis was undertaken and liming rates for disturbed soil have been provided which should be reinforced by conditions of consent.

State Environmental Planning Policy 11 Traffic Generating Development and General Traffic Issues

The applicant has provided a Traffic Impact Assessment to support the Development Application in regards to Clause 38(1) of the Kempsey Local Environmental Plan 1987, SEPP 11 and other legislative requirements.

The proposal includes parking for over 50 vehicles and provides direct access (pedestrian and vehicular) to the Pacific Highway. Clause 4 of the SEPP 11 indicates that an application which proposes these attributes shall be forwarded to the Traffic Authority as a development described in schedule 2.

The proposed development was forwarded to the Roads & Traffic Authority for consideration.

Council officers had discussions with the applicant and Roads & Traffic Authority prior to the lodgement of the application. The primary purpose of these discussions was to identify the most appropriate access point to the development site.

Roads & Traffic Authority Comments

The Roads & Traffic Authority expressed the view that Cyrus Saul Circuit would be their preferred option. Council officers were of the opinion that the design capacity of Cyrus Saul Circuit was inadequate to service the development and that the impact on existing residents by increased traffic was unacceptable.

Following further advice from Council the Roads & Traffic Authority have now indicated they are prepared to approved the proposed road works on the Pacific Highway and have granted concurrence to the new access comprising a single access point to the highway subject to conditions.

State Environmental Planning Policy (Seniors Living) 2004

This Policy aims to encourage the provision of housing (including residential care facilities) that will:

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

The applicant has provided an assessment addressing relevant Clauses of this SEPP.

Planning Comment

As a general planning comment, the design criteria and elements discussed within this SEPP are more relevant on sites which are constrained by size, location and surrounding environment.

In this instance the development is not constrained by these elements given the size and location of the block. The design criteria are more readily achieved on the selected site.

The applicant has fully considered the requirements of this SEPP in the preparation of the development proposal and where necessary the design reflects the requirements of this SEPP. There are no outstanding issues related to SEPP Seniors Living that cannot be addressed through conditions of consent.

Clause 25 – Location and access to facilities

This clause requires a consent authority to consider the location of the proposed facility in relation to services, such as banks, shops, community services etc.

If these services are unavailable within a reasonable distance from the development then transport services are required to be provided.

Planning Comment

The site is located approximately 700m from the Frederickton Village centre, 6km from the Kempsey Town Centre. Given the Kempsey Town Centre is the closest and most accessible area to provide these types of services the applicant has indicated that a twelve seater bus with wheelchair lift will be made available to service the development. For less mobile residents some in house facilities will be available.

Clause 31 Neighbourhood Amenity and Streetscape

This clause indicates that the any proposed development should be sympathetic to the local design and amenity elements within a locality.

Planning Comment

The proposal has considered these elements through a combination of design and landscape features.

A noise mound is required along the frontage of the Pacific Highway this mound is approximately 3m in height above natural ground level at its highest point (eastern section of highway frontage) and shall be landscaped with appropriate species.

Although the mound is reasonably large in size with appropriate landscaping it may contribute to the local streetscape. Furthermore the mound will contribute to privacy of the residents in the facility and screen the proposed development from the highway.

Clause 32 Visual and Acoustic Privacy

This states that a proposal should consider the visual and acoustic privacy of neighbours through appropriate site planning and also ensure acceptable noise levels within bedrooms of the development.

Applicants Comment

It is proposed to utilise built form, topography and landscaping to screen the development from adjacent dwellings.

Aged care facilities by their very nature create very little external noise. The proposed parking areas and loading dock are to be located within the centre of the site. This location will minimise any noise emissions associated with the loading dock at adjacent residences. This has been examined in an acoustic assessment.

Planning Comment

The acoustic assessment prepared in relation to this development has indicated the most significant noise issue related to the development is the impact of the highway on the residents within the residential care facility.

To meet relevant noise requirements the noise consultant has recommended a number of noise treatments. These treatments shall be conditioned through development consent in order to achieve relevant standards.

It is also noted the Pacific Highway is proposed to Bypass this section of Frederickton. Given the highway is the source of the noise, in the not to distant future noise is not expected to be an issue.

Clause 35 – Crime Prevention

Clause 35 indicates that a proposed development should provide personal property security for residents and visitors and encourage crime prevention.

Planning Comment

The applicant has indicated the design of the proposed age care facility includes lighting, staffing, alarms, window mechanisms, sightlines to car parks and signage.

The application was forwarded to the Community Safety Officer (NSW Police) for review. No major concerns were raised by this officer and Council can provide appropriate conditions of consent to ensure that the development achieves a design which does not encourage crime.

Clause 37 Waste Management

This clause indicates the proposed development shall be provided with appropriate waste facilities that maximise recycling opportunities.

Planning Comment

The applicant has indicated recycling facilities will be provided for residents and visitors within the main building. The development consent can be conditioned to require recycling facilities.

Integrated Development

Pursuant to section 91 of the *Environmental Planning and Assessment Act 1979*, the proposed development is integrated development under the *Rivers and Foreshores Improvement Act 1948*.

The proposal was referred to the Department of Natural Resources for comment. The Department of Natural Resources has granted the necessary permit which is attached along with General Terms of Approval.

(Appendix I)

Specific requirements of the department include the re-vegetation of Christmas Creek into a viable riparian corridor and additional details in relation to the subsoil characteristics and management within the stormwater treatment train.

Flooding

Lot 14 DP 1069003 is affected by flood waters from the Macleay River in the lower reaches of the development where part of Stage 1 and 2 of this development is located. However the flooding in this area of the lot will only affect duplex 13 on current levels and not at all once the fill is in place.

The 1 in 100year flood level at this site ranges from 6.967m AHD in west to 6.88m AHD east side of the property, with velocity in the vicinity of 1 m/sec. The figure quoted by the applicant of 6.7m AHD was based upon the figure contained in Council's Flood Risk Management Policy.

The Flood Planning Level for this development will therefore range between 7.4m and 7.5m AHD. The final floor levels of the Duplex units range from 10 to 16m AHD well above the minimum requirement specified.

Planning Comment

Flooding will need to be addressed in more detail when an application is lodged for the Stage 2 duplex's however both Stage 1 and Stage 2 can be accommodated on site.

Stage 1 of the development will not require external fill to be imported to the site due to the construction of the wetland ponds. The stage 1 proposed works are unlikely to impact on flood storage.

The cut and fill proposed on the site will alter the flood storage on the site upon completion of Stage 1 and Stage 2. Webb, McKeown & Associates assessed this issue via flood modelling. The results of the flood modelling

indicated that the proposed infilling has insignificant flood impacts and the loss of flood storage is not significant in the scheme of the Macleay River.

Stormwater

The proposed development includes the following key water sensitive design concepts to address stormwater management which are considered to be more than adequate:

- Landscaping which largely incorporates water wise plant species;
- On site storage tanks for rainwater harvesting of the residential care facility and future duplex units. The estimated storage volume for the residential care facility is approximately 173,000 litres providing storage for re-use on the site.
- Two (2) constructed wetlands to treat runoff from hard paved areas of the site. These wetlands will be constructed as sediment basins as part of the sediment erosion control system during construction phase of the development and later appropriately developed as constructed wetlands for stormwater treatment.

Public Notification

The application was placed on public exhibition on 25 July and Council received three (3) submissions. [\(Appendix J\)](#)

Submission	Planning Comment
1 Endorsement of the Aged Care Facility on this site.	1 Noted.
2 Existing agricultural activities should not be condemned due to potential conflicts.	<p>2 A noise impact assessment has been completed for the site which indicates that Pacific Highway noise would present the only issue for the residents.</p> <p>The development is designed to be sympathetic with the rural setting. The surrounding agricultural uses will contribute to the character of the development and likely be used for marketing purposes.</p> <p>The presence of the residential care facility is unlikely to create an adverse influence on the continued operation of any surrounding agricultural enterprise. There is sufficient separation to avoid such land use conflicts.</p>
3 Construction of duplex's will obstruct views of neighbouring residences to Macleay River and River Flats.	3 The duplex's shown in this application are part of Stage 2 and Council has not received an application for this stage at this

<p>4 The proposed duplex's appear to be in a position where they will be impacted by flooding.</p>	<p>point in time.</p> <p>Upon receipt of an application for stage 2 appropriate notification will be undertaken. This issue will be addressed in more detail at this time.</p> <p>4 The duplex's shown in this application are part of Stage 2 and Council has not received an application for this stage at this point in time. Nevertheless, flood modelling was completed for the site and it has demonstrated that the proposed duplex's will not be impacted by flooding.</p>
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REPORT IMPLICATIONS:

- ***Environmental***

The proposed landscaping and Stormwater Treatment Wetlands in association with riparian rehabilitation conditions issued by the Department of Natural Resources are likely to significantly improve the existing ecological attributes of the site if managed appropriately.

Although the proposed development requires a significant amount of cut and fill, a geotechnical report has been prepared to support the development and with appropriate management the local environment is not likely to be compromised.

The proposed development can be accommodated on site without detrimental impact to the local environment.

- ***Social***

Demand for senior living accommodation is expected to increase in the near future. Council's Social Plan has addressed this to some extent. Goal 6 Of Council's Social Plan is to provide adequate affordable housing and a primary strategy is to encourage retirement village development. This proposed development reflects this strategy.

In accordance with Goal 1 of Councils Corporate Strategic Plan the proposed development will generate increased employment in the shire. The applicant has indicated that approximately 100 persons will be employed by an operational stage 1 and stage 2 of the development.

The development can occur in a manner which does not encourage crime.

- ***Economic (Financial)***

The proposed development will bring employment opportunities to shire with both construction and operational stages of the development.

- *Policy or Statutory*

The proposed development has appropriately addressed its statutory requirements at a local and state level.

RECOMMENDATION:

A. That consent be granted subject to the following conditions:

1. Development being carried out generally in accordance with the plans and associated documentation lodged by, or on behalf of, the applicant, including plans prepared by (Machon Paull Consultancy Architects for Thompson Health Care 28 June 2006); Machon Paull Consultancy DA-12E, DA-01G, DA-14 amendment 20 September 2006 except as modified by any condition in this consent.

Notes:

- Any alteration to the drawings and/or documentation shall be submitted for the approval of Council. Such alterations may require the lodgement of an application to amend the consent under sec 96 of the Act, or a fresh development application. No works, other than those approved under this consent, shall be carried out without the prior approval of Council.
 - Where there is an inconsistency between the documents lodged with this application and the following conditions, the conditions shall prevail to the extent of the inconsistency.
2. This consent relates to and permits construction of Stage 1 only. Stage 2 is displayed on the approved plans in concept form only and shall be subject to a separate Development Application.
 3. This consent does not permit commencement of any works. Works are not to commence until such time as a Construction Certificate has been obtained. A Construction Certificate may be obtained from Council upon application being made or from an accredited certifier.
 4. A Construction Certificate shall not be issued until all relevant conditions of this consent have been complied with.
 5. Two days prior to commencing work Form 7 under Environmental Planning and Assessment Act Regulations, Notice of Commencement of Building or Subdivision work and Appointment of Principal Certifying Authority is to be submitted to Council.

6. Prior to any civil works commencing onsite, the applicant is to advise Council in writing of the following:
 - i Supervision is to be undertaken in accordance with the attached schedule "*Construction Guidelines*" - Section 4.2.3 Part 3.
 - ii The identity and qualification of the nominated contractor and/or sub-contractors to undertake the civil works associated with the subdivision/development.
 - iii A copy of the nominated contractor and/or sub-contractor's Certificate of Currency for Public Liability Insurance cover shall be forwarded to Council. The public liability cover shall be equal to but not less than \$10 million dollars and indemnify Kempsey Shire Council against loss.
 - iv Roadbase gravel to be used onsite shall conform to ARRB Report No 41, Section 5. A written report is to be forwarded to Council from a registered Geotechnical Engineer certifying that the roadbase material is suitable for the intended use prior to utilising onsite.

7. The residential care facility is not to be occupied prior to the issue of an Occupation/Interim Occupation Certificate by Council or an accredited certifier.

An application for a certificate is enclosed. It is requested that it be completed and returned to Council prior to requesting an inspection. A minimum of 48 hours notice is necessary when requesting the inspection. Appointments will be made in accordance with the inspection program for that area.

8. The ancillary staff duplex is not to be occupied prior to the issue of an Occupation/Interim Occupation Certificate by Council or an accredited certifier.

An application for a certificate is enclosed. It is requested that it be completed and returned to Council prior to requesting an inspection. A minimum of 48 hours notice is necessary when requesting the inspection. Appointments will be made in accordance with the inspection program for that area.

9. Before the commencement of site works, demolition or building, the following activities must be completed:
 - a Installation of soil erosion and sedimentation control devices.
 - b Installation of safety fencing/hoardings between the property and the street

- c Protection barriers for existing trees
 - d Installation of builder's toilets
 - e Installation of signage in prominent, visible position including -
 - "Unauthorised site entry is prohibited"
 - Name and phone number of builder or other responsible person for contact outside working hours.
10. Submission of an application(s) to Council pursuant to Section 68 of the Local Government Act 1993 for the following, prior to the issue of a Construction Certificate:-
- i Installing a temporary structure on land.
 - ii Carrying out water supply work.
 - iii Drawing water from a Council water supply or a standpipe or selling water so drawn.
 - iv Installing, altering, disconnecting or removing a meter connected to a service pipe.
 - v Carrying out sewerage work.
 - vi Carrying out stormwater drainage work.
 - vii Connecting a private drain or sewer with a public drain or sewer under the control of a Council or with a drain or sewer which connects with such a public drain or sewer.
11. Approval is subject to the condition that the builder or person who does the residential building work complies with the applicable requirements of Part 6 of the Home building Act 1989 whereby a person must not contract to do any residential building work unless a contract of insurance that complies with this Act is in force in relation to the proposed work. It is the responsibility of the builder or person who is to do the work to satisfy Council that they have complied with the applicable requirements of Part 6.
- Details are to be submitted to Council prior to work commencing.
12. Before work commences, the Council must be informed in writing of the name and contractor licence number of the licensee who has been contracted to do or intends to do the work.
13. All excavation and backfilling are to be executed safely and in accordance with appropriate professional standards, and are to be properly guarded and protected to prevent them from being dangerous to life or property.

14. If the excavation is to extend below the level of the base of the footings on an adjoining allotment, the person causing the excavation shall:
- (a) preserve and protect such building from damage; and
 - (b) if necessary, underpin and support the building in an approved manner.

Seven (7) days notice is to be given to the owner of the adjoining allotment of the intention to excavate below the level of the base of the footings. (Reference: Clause 34, Local Government (Approvals) Regulation 1993).

15. Hoarding/fence is to be provided to the site in accordance with the assessment provided to Council.
16. Details of proposed hoarding to be submitted, in writing, prior to the commencement of building operations.
17. A builder's toilet connected directly to the sewer is required on site throughout the entire building operation.
18. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

A construction certificate shall not be issued until the Principal Certifying Authority (PCA) is satisfied that the plans and specifications comply with the BCA.

19. All loading and unloading in connection with the use of the subject premises shall be carried out wholly within the subject property.
20. Building materials are not to be stored within the road reserve or any other public place.
21. Excavated material from the site is not to be placed within the road reserve or any other public place.

Engineering

Filling

Prior to Construction

22. Submission of a Geotechnical Engineering Specification to accompany the plans for the required Construction Certificate for the proposed excavation prepared by a N.A.T.A Registered Geotechnical Engineering Company and or person(s), as it affects this development and shall include but not be limited to the following:-

- (i) Identify the extent of the proposed excavation with schedule of quantities;
- (ii) Geological/Geotechnical Analysis of the proposed excavated material to determine its suitability as a fill material for this stage and Stage 2 of the development. Filling is to be of sound clean material, reasonable standard and free from large rock, stumps, organic matter and other debris.
- (iii) Submission of a Slope Stability Assessment
- (iv) Method of Managing the excess excavated material onsite in the interim period between stages;
- (v) Method of disposing of any unsuitable soil material excavated from within the site;
- (vi) Specify Monitoring and testing regime for the placement of the fill in this stage of the development in accordance with AS 3798-1996 including any quality assurance provisions and having consideration to the contents of the Coffee Geotechnical Assessment.
- (vii) Specify all temporary and permanent drainage including subsoil and surface drainage.
- (vii) How this specification relates to the requirements of the Soil and Water Management Plan.
- (viii) The applicant is to provide written confirmation that the Acid Sulfate Soil Management Plan contained in the statement of Environmental Effects was prepared in consultation with the NSW Department of Natural Resources.
- (ix) Any other matters.

This Specification is to be certified by a Qualified and Practising Geotechnical Engineer who is to confirm that if the earthworks are undertaken in accordance with the approved specification then the earthworks will be suitable for the intended purpose.

- 23. If an excess of earth will result, details of the means of disposing of all material are to be provided. Depending on the amount of any excess, Council may require lodgement of a cash bond to cover the cost of any damage to Council's road system caused by haulage.
- 24. A Soil and Water Management Plan incorporating a Site Inspection and Maintenance Program with associated Engineering Details and Plans is to be prepared by a suitably qualified person who is currently working in this field in accordance with the

Landcom Publication Soils and Construction Volume 1, 4 Edition 2004. This Soil and Water Management Plan is to be submitted to the Department of Natural Services for approval prior to the issue of the Subdivision Certificate.

25. Retaining walls and or other approved methods necessary to prevent the movement of excavated or fill ground, together with associated stormwater drainage measures is to be designed by an appropriately qualified person. Details are to be included with the plans and specifications to accompany any Construction Certificate.

During Construction

26. The applicant's Supervising Engineer is to have available onsite at all times a copy of the Geotechnical Engineering specification for the supply and placement of fill materials and associated engineering plans together with current monitoring and test results.
27. All areas where filling has been placed is to be dressed with clean arable topsoil, fertilized and sown with suitable grasses and landscaped. Top soil is to be spread to a depth of not less than 100 mm.

After Construction

28. Submission of a Certificate from your Geotechnical Engineer(including all supporting documentation) prior to issue of the final Occupation Certificate Certifying that the fill materials have been placed in accordance with the Geotechnical Engineering Specification, is fit for the intended use.
29. The applicant is to Submit a Work as Executed Plan to Council showing the final site levels after the cut of the site and filling for the noise barriers is completed for this stage of the development, prior to the issue of the Occupation Certificate.

Stormwater Drainage

Prior to Construction

30. A Constructed Wetlands Design prepared by an appropriately qualified person in strict compliance with the current publication The Constructed Wetlands Manual published by the Department of Land and Water Conservation(now the Department of Natural Resources) and incorporating a Plan of Management for the Operation, Maintenance and repair of the two proposed wetland basins identified in plan HS001 DA "E" shall be submitted to and approved by Council prior to the release of the construction certificate.

Further a Quantative Assessment is to be prepared by an appropriately qualified person in conjunction with the Constructed Wetlands Design in order to determine Goals for the reduction of nutrients from this site.

The off line Wetlands system is not to be fully operational until this stage of the development is complete.

The applicant is to apply under Part 3A of the Rivers and Foreshores Act 1948 as amended for a permit to excavate the two proposed wetland basins and associated structures shown on plan HS001 DA "E" and obtain a permit for this work from the NSW Department of Natural resources prior to the issue of the Construction Certificate.

All Engineering Plans and details associated with the constructed wetlands design is to be certified by the appropriately qualified person as complying with the Constructed Wetlands Manual and once constructed will perform as designed.

31. All stormwater drainage from this site shall be designed to satisfactorily drain rainfall intensities for an average recurrence interval of 10 years and meet the following criteria:
 - i) Is to comply with Specification D5 Stormwater Drainage Design of Councils Development Control Plan No. 36 Engineering Guidelines for Subdivision and Development;
 - ii) Ensure that this proposed development either during construction and or upon completion does not impede and or divert natural surface water runoff outside the limits of the existing natural drainage pattern.
 - ii) Provide for a piped stormwater drainage system to discharge to the existing natural drainage lines where appropriate thence to the proposed water quality and quantity control systems and finally to the natural creek.
 - iv) Specify all temporary and permanent drainage including subsoil and surface drainage requirements.
32. The Detention Basin design is to be incorporated into the Constructed Wetlands Design by an appropriately qualified person for construction at full cost to the development. Full Engineering Plans and details are to accompany the application for Construction Certificate. The Engineering Plans and details associated with the Detention Basin design is to be certified by the appropriately qualified person as complying with the Constructed Wetlands Manual,

Australian Rainfall and Runoff 1987 and Development Control Plan No.36 and once constructed will perform accordingly.

During Construction

33. The applicant is to have in place a site Inspection and Maintenance Program for the following work prior to work commencing onsite:

- i Constructed Wetlands; and
- ii Soil and Water Management Plan

34. Disturbance of existing vegetation and soil on this site should be kept to the minimum practical. All drainage lines should remain undisturbed. This provision is most critical on the steeper sloping sections of the property.

All felled timber should be placed in stockpiles, located away from drainage lines.

Topsoil should be removed from all areas to be disturbed and stockpiled for later use in revegetation works. Run-off should be diverted away from disturbed areas during site development works.

After Construction

35. The applicant is to Submit Work as Executed Plans to Council for the following civil engineering works:-

- i) The two Constructed Wetland (incorporating the detention basins and associated structures) basins have been constructed in accordance with the approved design, prior to the issue of the Occupation Certificate.
- ii) The internal piped stormwater drainage system.

36. Submission of a Certificate from the Consultant Engineer (including all supporting documentation) prior to issue of the final Occupation Certificate certifying that the constructed wetlands has been constructed in accordance with the Construction certificate Plan and Specification Plans, and is suitable for the intended use.

Road-works and Parking

Prior to Construction

37. The plans for the required construction certificate are to include the design and construction details of new urban intersection in Macleay Street, Frederickton and include the following:

- i) Detailed engineering plans providing for design and construction of a single cross intersection opposite William Street and with opposed right turns in Macleay Street and including pedestrian links are to be prepared having regard for the Aust Roads Guide, Intersections at Grade Part 5 and any NSW Roads and Traffic Authority requirements. The applicant is to liaise with the NSW Roads and Traffic Authority during the preparation of the design.
 - ii) The applicant is to apply separately to the NSW Roads and Traffic Authority seeking concurrence pursuant to Sections 61, 87 and 138 of the Roads Act 1993 for the Design and Construction of the new Urban Single Cross Intersection with opposed right turns in Macleay Street opposite William Street, Frederickton, prior to issue of the Construction Certificate.
 - iii) The applicant is to apply separately to the NSW Roads and Traffic Authority to obtain a Works Authority Deed (WAD) to carry out the proposed intersection upgrading work in Macleay Street prior to issue of the Construction Certificate.
 - iv) A Traffic Management Plan is to be incorporated into the detailed intersection design plans for all work to be carried out within Macleay Street(a public road) in strict compliance with the requirements contained in AS 1742.3 (Traffic Control Devices for Works on Roads).
 - v) Written evidence is to be obtained from the NSW Roads and Traffic Authority demonstrating that all the necessary liaison and approvals and consents have been obtained prior to the issue of the construction certificate.
 - vi) Preparation of a separate Soil and Erosion and Sediment Control Plan for the proposed intersection work in Macleay Street.
38. The plans for the required construction certificate are to include the design and construction details of all new internal parking areas, access-ways, turning areas, driveways and ramps and having regard for the following standards and guidelines:
- i) Council's Parking Code, AS/NZ 2890.1 Off Street car parking, AS/NZ 2890.2 Off Street Commercial vehicle facilities and Development Control Plan 36 Engineering Guidelines for Subdivision and Development before

occupation of the building or commencement of the proposed land use.

- ii) All pavement areas to be concrete paved and or bitumen sealed including the proposed access road connecting this stage of the development to the proposed rainwater harvesting tanks.
39. Details on the method(s) to be employed by the Contractor to dispose of cleared vegetation shall be lodged with Council for approval prior to Council issuing the Construction Certificate. Council will not approve of disposal by burning off onsite.
40. Provision of a general security deposit to Kempsey Shire Council totaling \$50,000 to cover any damage sustained to public property including footway and kerb and gutter or road pavement during construction and to ensure satisfactory completion of any works on public property required in connection with this approval. The deposit is to be lodged with Council prior to the issuing of the required Construction Certificate and will be released upon submission of documentary evidence indicating that the development is complete and Final Occupation Certificate has been issued.

During Construction

41. The hours of operation of the activity are to be confined to 7.00 a.m. to 6.00 p.m., Mondays to Fridays, and 7.00 a.m. to 12 noon, Saturdays.
42. Inspections for the intersection upgrading are required to be made and a minimum of 48 hours notice is necessary where requesting an inspection. Appointments will be made in accordance with the inspection program for the area. Where inspections are carried out by an accredited certifier other than Council, compliance certificates will be required following each inspection and forwarded immediately to The Principal Certifier.

The following inspections are required: -

- (i) Council is to inspect all Telstra and Country Energy cables where they cross existing and or new Council sewer or water mains prior to the contractor back filling the trench.
- (ii) The inspections for the required civil engineering works are listed in Section 6.3 of Council's Engineering Guidelines for Subdivision and Development (DCP 36) and must be undertaken prior to the appointed contractor proceeding to the next stage of the construction.

Note: Accounts will be forwarded for inspections that are required and/or undertaken in addition to those inspections for which a pre-payment has been made.

After Construction

43. The applicant is to obtain in writing a clearance letter from the NSW Roads and Traffic Authority that all the new intersection work undertaken in Macleay Street has been carried out in accordance with the Works Authority Deed issued for this work.
44. A Work as Executed Plan is to be submitted to Kempsey Shire Council upon completion of the new intersection work located in Macleay Street, Frederickton by either a Professional Engineer or Registered Surveyor and duly certified prior to the issue of the Occupation Certificate. This plan is to be submitted in PDF format.

Road Traffic Noise

45. The applicant is to submit prior to the issue of the construction certificate an appropriately qualified Noise Engineers Certificate certifying that the proposed buildings have been designed to offset any potential impacts of noise emanating from Macleay Street (Pacific Highway) after having considered the recommendations of the VIPAC Noise Assessment, relevant Australia Standards, industry guidelines and compliance with the Building Code of Australia.

Contributions

46. Submission of an application for a Certificate of Compliance pursuant to Section 305 of the Water Management Act 2000 and the lodgement of a Certificate of Compliance indicating that the requirements of Section 306 of the Water Management Act 2000 have been met, prior to release of the Subdivision Certificate.
47. You are advised that a Certificate of Compliance pursuant to Division 5 of the Water Management Act 2000 will be issued by Council, subject to the following matters being complied with:-
 - (i) Payment of a Sewerage developer charge in accordance with the Development Servicing Plan adopted by Council at the rate of \$6,300 per equivalent tenement, ie. \$6,300 x 101 E.T = \$636,300 total for 2006/2007(Indexed).
 - (ii) Payment of a Water Supply developer charge in accordance with the Development Servicing Plan adopted by Council at the rate of \$7,468 per equivalent tenement, ie. \$7,468 x 67 E.T = \$500,356 total for 2006/2007(Indexed).

Macleay Water

48. The proposed sewer system for the development which will discharge into Council's town system is to be completed at full cost to the applicant. Detailed plans are to be submitted for approval prior to commencing work. The proposed Sewer System shall be designed in accordance with DCP36 and in consultation with Macleay Water. The system shall be designed to suit ultimate capacity. Discharge point for rising main to be manhole O6 on William St. Following construction the pump station and rising main will be privately owned.
49. Extension or modification of the town water supply main(s) is necessary to serve the proposed development, at full cost to the applicant. Detailed plans are to be submitted for approval prior to commencing work. The proposed shall be designed in accordance with DCP36 and in consultation with Macleay Water. The existing 100 mm diameter mains in the Macleay St Road Reserve shall be extended along the front boundary and connection will occur of this new main. Following construction the internal system will be privately owned

Department of Natural Resources

50. Irrespective of the granting of this consent or approval by any other Authority, work is not to commence in, or within a horizontal distance of 40 m from the top of the bank of the watercourse, without the prior issue of a Part 3A permit by DNR.
51. The Part 3A permit will be issued upon application to DNR comprising:
 - a. A copy of Council's development consent including all conditions of approval;
 - b. Plans and/or other documentation (2 copies) that satisfy the DNR General Terms of Approval and recommendations which are included in Council's consent conditions; and
 - c. The appropriate permit fee paid to DNR
52. Work is to be carried in accordance with drawings and any management plans required by these conditions and approved by DNR that will accompany the 3A permit.
53. Any Part 3A permit issued is to be renewed on an annual basis until all works and all rehabilitation, including maintenance provisions, have been satisfactorily completed in accordance with the permit conditions. Any application for renewal will

be lodged at least 1 month prior to the permit expiry date.

54. Work shall not cause damage to, or increase erosion of, the stream bed or banks. The permit holder shall carry out any instructions given by DNR with a view to preventing degradation of the stream bed or banks.
55. Any vegetation or other material removed from the area of works shall be disposed of so that the material cannot be swept back into the stream during a flood.
56. Any stormwater outlet to the watercourse is to be designed and constructed to minimise any erosion or scour of the banks or bed of the watercourse.
57. All works proposed must be designed, constructed and operated so they do not cause erosion or sedimentation and do minimise adverse impacts on aquatic and riparian environments.
58. Erosion and sediment control measures are required to be implemented prior to any works commencing, and must be maintained for as long as necessary after the completion of works, to prevent sediment and dirty water entering the river system. These measures are to be in accordance with Council's requirements and follow best management practices as outlined in the Landcoms "Managing Urban Stormwater: Soils and Construction" (4th Edition 2004) manual (the "Blue Book").
59. The permit holder and the owner or occupier of the land are responsible for any works undertaken by any other person or company on this site.
60. The rehabilitation of the area in accordance with the Part 3A permit conditions is the responsibility of the permit holder and the owner or occupier of the land.
61. Any Part 3A permit granted is not transferable to any other person or company without the written approval of DNR and does not authorise works at any other site.
62. Any Part 3A permit granted does not give the holder the right to occupy any land without the owner(s) consent nor does it relieve the holder of any obligation which may exist to also obtain permission from local government and other authorities who may have some form of control over the site and/or the activities proposed.
63. Work as executed survey plans of a professional standard shall be provided to DNR upon request.

64. If, in the opinion of a DNR officer, any activity is being carried out in such a manner that it may degrade the riparian zone, stream, lake or foreshore environment, all work shall cease immediately upon oral or written direction of such an officer.
65. If the permit conditions have been breached, the permit holder shall restore the site in accordance with the permit conditions and/or as directed by DNR. If any breach of the permit conditions requires a special site inspection by DNR, then the permit holder shall pay a fee prescribed by DNR for this inspection and all subsequent breach inspections.
66. If works are to cease prior to completion DNR must be notified in writing one month in advance of the cessation of the operation.
67. A riparian zone is to be established along Christmas Creek. The riparian zone is to consist of a diverse range of native plant species as recommended in the brochure titled "Revegetating Streams in the Macleay Catchment".
68. A *Vegetation Management Plan* be prepared for the site by a person with knowledge and experience in bush regeneration and the establishment and maintenance of native vegetation. The VMP is to fully address all issues relating to the establishment and maintenance of planting within the riparian zone.
69. The area covered by the VMP must be maintained and monitored for a period of two years following final planting and primary bush regeneration works to ensure successful native vegetation establishment. Maintenance must include any watering, weed control, replacement of plant losses, disease and insect control, mulching etc, necessary for successful plant establishment.
70. Outlet structure not to protrude beyond the stream bank and to align evenly with the bank;
71. Outlet structure outlet to be located at invert level of stream and to point downstream;
72. Avoid use of concrete headwalls – pipes/culverts to rest on, and be packed in by, rip-rap;
73. Scour apron to be rip-rap and cut-off provided; flanks to be rip-rap and keyed in;
74. Scour protect the bed of the stream near the outlet if not bedrock and if scour is likely;
75. Scour protect to opposite bank as required (consider bank material and "jet" effect);

76. Calculate tractive stresses generated from outlet discharges and from bank full stream discharges to determine rock size requirements for the structure;
77. Rip-rap to consist of angular run-of-quarry durable rock placed over a bedding layer of angular cobbles over geotextile – all rock and cobbles to be packed with topsoil – gaps in rip-rap to be planted with local native sedges and rushes e.g. lomandra.
78. Rehabilitation of the stormwater outlet (or other) areas shall include planting native trees, shrubs and groundcover species local to the area. Bush regeneration works extending a minimum of 5 metres either side of the areas disturbed during construction is also required for weed control and to promote natural regeneration.
79. Test subsoils of site for their dispersiveness.

Dispersive soils require containment of all runoff from the 75th percentile, 5-day rainfall event and treatment of turbid water so that suspended solid content is less than 50mg per litre before being discharged into a receiving water.

80. Prepare a *Soil and Water Management Plan (S&WMP)* for all site works by a suitably qualified person prior to the issue of the Part 3A Permit.
81. The (S&WMP) is to be prepared in accordance with:
 - a. *Managing Urban Stormwater: Soils & Construction* 4th Edition Landcom; and
 - b. *Water Sensitive Urban Design Technical Guidelines* for Western Sydney May 2004

Clearly detail how works and mitigation measures are to be implemented and monitored;

82. The S&WMP is to cover all aspects of soil and water management requirements for the site that could impact on the stream and must include details of staging, monitoring, management responsibilities, maintenance and decommissioning requirements.

Roads and Traffic Authority (RTA)

83. All access to this land from the highway is to be restricted to a single point opposite William Street. All other existing accesses to the highway are to be legally and physically closed.
84. A section of the new access is to be constructed and dedicated as a public road in order to regulate traffic. This should be in accordance with an AUSTRROADS Fig.6.24 BAL treatment.

85. The existing seagull at William Street is to be removed and replaced with opposing CHR right-turn bays designed to AUSTRROADS standards.
86. The existing seagull and other superfluous road markings on the highway are to be removed by rot-milling and resealing with asphaltic concrete.
87. A pedestrian refuge is to be installed in one of the new right-turn bay medians to suit existing bus services.
88. The Pacific Highway is to be widened to provide an AUSTRROADS AUL left-turn deceleration lane.
89. A shared pedestrian/cycleway path is to be provided to connect to the new refuge and the existing network.
90. The highway frontage is to be landscaped to screen the development.
91. The development is to be designed to meet current DEC guidelines for road traffic noise and vibration.
92. All advertising is to be restricted to a single structure fronting the highway.

Planning and Environment

93. The proposed noise mound fronting the Pacific Highway as illustrated on plan DA-12E (Machon Paull Consultancy Pty Ltd amendment 20 September 2006) shall not continue over/beyond the eastern property boundary. All works shall be restricted to Lot 14 DP 1069003.
94. The recommendations given in Appendice C Coffey Geosciences (CH1566/1-AD) (2006) Acid Sulphate Soils Management Plan shall be endorsed. Prior to the release of the Construction Certificate, the Acid Sulphate Management Plan shall be refined to include and address the following features:
 - a. A schedule of the proposed acid sulphate treatment which includes any staging required for the treatment works. This schedule shall be cross referenced with a plan of the site which details areas which require treatment.
 - b. Prepare a plan for the location of treatment pads, stockpiles and other sensitive areas. During the treatment process these areas should be located away from sensitive environmental receptors such as watercourses.
 - c. During the treatment process vehicle movements shall be isolated to identified routes on the site in order to avoid un-

necessary disturbance during remediation works.

- d. A plan of the site shall clearly indicate where the acid sulphate soils containment areas will be located, illustrating the positions of containment bunds, diversion banks and ponding areas for leachate collection. Particular emphasis shall be placed on protection of the watercourses.
 - e. Prepare contingency plans/measures for any disruption to works through unforeseen adverse events which may affect the remediation program. Such events may include:
 - i. Extremes in weather such as excessive wind or rain; and
 - ii. Deterioration of protection controls;
 - f. Spillage of potential acid sulphate soils outside of secured areas.
 - g. Appropriate techniques shall be used to finalise any treated acid sulphate soils. Techniques used will ensure that treated soils are appropriately contained.
 - h. A pump shall be located and maintained on site during the remediation works. Such equipment would be useful at removing excess rainwater from leachate containment areas if required in emergency situations.
95. All loading and unloading of goods is to be carried out off-street and wholly within the site.
96. A waste Management Plan shall be submitted and approved by Council prior to the release of the occupation certificate/s. This plan shall identify any strategies and/or policies directed to staff and residents to ensure a high level of Recycling occurs on site. The plan shall include but not be limited to:

Functional attributes of waste management including but not limited to:

- i Hazardous substances – management and disposal;
- ii Paper reuse and recycling;
- iii Food organics and garden organics reprocessing;
- iv Container recycling and general garbage collection;
- v End-of-life computer reuse;
- vi Electronic equipment e-waste recycling scheme; and
- vii Environmentally Preferred Procurement.
- viii Educational/training actions for staff/ residents;

97. The minibus service made available through the Residential Care Facility shall be restricted to passenger pick up and set down within the premises. Pick up and set down on the Pacific Highway/ Macleay St is prohibited.
98. A schedule of all external building materials and finishes shall be submitted to and approved by Council prior to the release of the construction certificate.
99. The building, constructed works and activities carried out on the site shall not cause injury to, or prejudicially affect the amenity of the locality by reason of the appearance of the buildings, works, materials or goods on the site; traffic movements, on-street parking; the emission of smell, noise, vibration, dust, waste products, oil, lights and the like.
100. The Structural Engineer's design of the buildings must be based upon a geotechnical report from a reputable soil testing engineering consultant. The structural engineer is to identify on the design plan the company and date of the geotechnical report on which the design is based.
101. Prior to the release of the construction certificate an amended landscape plan shall be provided to Council. The amended landscape plan shall incorporate locally occurring tree and shrub species within area not identified as 'courtyards' or areas immediately adjacent to the main building. This plan shall delete any reference to the following species within the planting schedule:
 - i Thornless Honey Locusts *Gleditsia triacanthos*;
and
 - ii Pampass Grass *Cortaderia selloana*
102. Internal lighting shall be provided in accordance with AS/NZS 1158 as required.
103. A lighting Maintenance Policy shall be developed for the development.
104. Vehicle Access routes to the Foyer/ Lobby and Car parking area of the Residential Care Facility shall be clearly signposted.
105. Pedestrian footpaths located within the Macleay Street road reserve will be subject to RTA approval. Design and location plans such footpaths shall be prepared in consultation with the RTA and Council.
106. Washing of vehicles shall be conducted in a wash bay which is roofed and bunded to exclude rainwater. All waste water from vehicle washing shall be discharged

to sewer under a Trade Waste Agreement. This may require the installation of a pre-treatment device. Alternative water management and disposal options may be appropriate where water is recycled, minimised or re-used on the site.

The means of disposal shall comply with:

- a. Council DCP 36 Guidelines for Engineering and Subdivision;
- b. EPA's Environment Protection Manual for Authorised Officers: Technical Section (Car Washing Waste); and
- c. EPA's Managing Urban Stormwater: treatment technique

107. The applicant is to pay a contribution towards the embellishment of open space and ancillary facilities for each additional dwelling unit after the first unit in accordance with Council's Section 94 Plan for Outdoor Recreation. The contribution is to be paid prior to the release of the Construction Certificate, at the rate prevailing at that time. The current rate is \$555 per additional dwelling unit, i.e \$555 x 45.54 E.T = \$25,274.70. (Indexed 2006/2007)

A copy of Council's Section 94 Plan may be inspected at Council's offices, Corner Elbow and Tozer Streets, West Kempsey.

- B. That the objectors be advised of Councils decision.

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R B Pitt
DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES