JRPP No.	**2009HCC014**
DA No.	**09-2457**
Proposed Development	**Alterations and Additions to Maitland Private Hospital**
Location	**Lot 102 DP 1010923, 175 Chisholm Road, Ashtonfield**
Applicant	**Project Planning and Management Pty Ltd**
Author	**Maitland City Council**

Assessment Report and Recommendation

Executive Summary

The application seeks consent for works proposed at Maitland Private Hospital, located at 175 Chisholm Road Ashtonfield. The site is part zoned 2(a) Residential and part zoned 6(a) Public Recreation and is mapped as being bushfire prone.

The proposed works to Maitland Private Hospital is in three phases and includes the following:

- *Internal demolition of and refurbishment of part of the existing ground floor. Reconfiguration of the reception and administration areas and refit to accommodate new gym and consulting rooms as well as extensions to connect to the new pool.*

- *The construction of a new 25 bed Rehabilitation in-patient unit, including an "assisted daily living" suite with carparking for 30 vehicles below;*

- *A hydrotherapy pool with associated change rooms and plant rooms;*

The application is defined under Maitland Local Environmental Plan 1993 as a 'hospital' which is a permissible use in the zone and is considered to be consistent with the zone objectives. Given the bushfire prone classification of the site, the application was categorised as Integrated Development under the Environmental Planning and Assessment Act 1979 and was referred to the Rural Fire Service. Their General Terms of Approval have been included within the consent conditions.

The application was advertised and notified for a period of fourteen (14) days from 12 November to 26 November 2009. No submissions were received during this period.

The application is submitted to the Hunter and Central Coast Joint Planning Panel for determination because of its classification as a health services facility and the value of works being over $5 million, therefore triggering Clause 13B(1)(b)(i) of State Environmental Planning Policy (Major Development)2005.

The development has been assessed under Section 79C of the Environmental Planning and Assessment Act 1979 and is considered satisfactory. Accordingly, it is recommended that the application be approved subject to conditions.

OFFICER'S RECOMMENDATION

THAT DA 09-2457 for alterations and additions to Maitland Private Hospital on Lot 102, DP 1010923, 175 Chisholm Road Ashtonfield, be approved subject to the conditions of consent set out in the attached schedule.

BACKGROUND / SITE DESCRIPTION

The site is located on the corner of Chisholm Road and the New England Highway at Ashtonfield. The lot is an irregular shape and has an overall land area of approximately 1.5 hectares. It is currently home to the existing private hospital, along with associated carparking.

Figure 1: Locality Plan of 175 Chisholm Road Ashtonfield. The hospital site is indicated by the arrow. Source Maitland City Council GIS mapping.

Surrounding land uses include a medical centre associated with the hospital but on an adjoining allotment, single dwellings to the east as well as the south west, and medium density housing to the west across Chisholm Road. Other land uses

in the locality include a retirement village, motel, Stockland Greenhills shopping centre and Hunter Valley Grammar School. The New England Highway runs along the property's north eastern boundary.

Vehicular access to the site is obtained off Chisholm Road, which is a collector road connecting the residential suburbs of Ashtonfield and Greenhills as well as the Greenhills shopping precinct to the New England Highway (the major arterial road for the locality) at a T-intersection controlled by traffic lights.

In terms of the background of the development, the existing hospital and medical centre were approved as a staged development under DA 97-1529 (approved on 3 March 1998). Stage 1 for a 60 bed hospital and 20 suite medical centre was constructed under BA 98-1508, while Stage 2 for the extension of the hospital of a 40 bed ward plus an additional 8 medical consulting suites was constructed under BA 98-2023. Given that the hospital and medical centre were originally approved on the one allotment, the buildings are adjoining, however easements for overhang were included on the deposited plan following its subdivision (approved under LD 00-213).

PROPOSAL

The application seeks approval for the following works on the existing hospital:

- Phase 1 – Internal demolition of part of the existing hospital building on the ground floor only. Reconfiguration of this floor to allow for the construction of a rehabilitation gymnasium with associated consultation/ examination and administration rooms and alterations to the main hospital reception area. Extensions are also proposed to provide an internal connection to the new pool.

- Phase 2 - The construction of a new 25 bed Rehabilitation in-patient unit, including an "assisted daily living" suite with carparking for 30 vehicles below.

- Phase 3 – A hydrotherapy pool with associated change rooms and plant rooms.

The full development plans are provided as an attachment to this report.

PLANNING ASSESSMENT

Section 79C(1)(a)(i) provisions of any environmental planning instrument

Local Environmental Plan

The site is part zoned 2(a) Residential and part zoned 6(a) Public Recreation under Maitland Local Environmental Plan 1993 (MLEP). The application is

defined as a 'hospital' under MLEP, which is a permissible use in the 2(a) Residential zone with development consent. The application is considered to be consistent with the zone objectives, which are as follows:

Objectives of the zone

(a) To provide for housing and associated facilities in locations of high amenity and accessibility.
(b) To enable development for purposes other than residential only if it is compatible with the character of the living area and has a domestic scale and character.
(c) To ensure that development does not create unreasonable demands, in the present or in the future, for the provision or extension of public amenities or services.

The development is considered to be compatible with the character of the living area, and the bulk and scale of the development is consistent maintaining the predominantly residential amenity of the locality. The development is also able to be serviced by existing utility infrastructure without the need for augmentation.

The site is also part zoned 6(a) Public Recreation. The proposal is considered to be consistent with the zone objectives, which are as follows:

Objectives of the zone

(a) To identify existing publicly owned land that is used or is capable of being used for active or passive recreation purposes.
(b) To encourage the development of public open space in a manner which maximises the satisfaction of the community's diverse recreational needs.
(c) To enable development associated with, ancillary to, or supportive of, public recreation uses.
(d) To encourage the development of open space as a major urban landscape element.

The application is considered to be most consistent with objective d), as the public recreation space is currently open space, and heavily landscaped. This development will not alter the use of this part of the site.

Although a hospital is not listed as a permissible use in the zone, Clause 46 has been applied to the assessment of this application with 20 metres of the 6(a) Public Recreation zone being considered as 2(a) Residential land. This is expanded upon later in the report.

Clause 17 of MLEP refers to the advertisement of certain development applications within residential zones. The Development Application was advertised in accordance with Clause 17 for a period of fourteen days.

Clause 43 of MLEP relates to development near Classified Roads. An assessment under Clause 43(2) has been completed as follows:

> *(a) whether the development, by its nature or intensity or the volume and type of traffic likely to be generated, is likely to constitute a traffic hazard or to materially reduce the capacity and efficiency of the classified road to carry traffic;*
> *(b) whether the development is of a type that justifies a location in proximity to a classified road*;
> *(c) whether the location, standard and design of access points, and on-site arrangements for vehicle movement and parking, ensure that through traffic movements on the classified road will not be impeded*;
> *(d) the extent to which the development might prejudice future improvements or realignment of the classified road, as may be indicated to the Council from time to time by the Roads and Traffic Authority.*

Comment

The development site is located adjacent to the New England Highway, which is defined as a Classified Road for the purposes of this clause. The development currently has no direct vehicular access to the New England Highway. The site is accessed off Chisholm Road via two existing driveways. These access points will be used to service the new development. No new vehicular access points will be created as part of this development.

The development will not generate traffic considered to be a traffic hazard, nor will it reduce the carrying capacity of the road. The access to the site is off Chisholm Road, which intersects the New England Highway at a signal controlled intersection.

The hospital is an existing development and considered to be appropriate for its location as it is easily accessible by patients and staff alike. The building footprint and access arrangements will not constrain any foreseeable improvements or realignment to the New England Highway. There is a substantial landscape buffer between the highway and the carparking area which is able to be developed for road widening or realignment, should the RTA require.

Clause 46 of MLEP allows for minor variations in zoning boundaries. The site has approximately 30 metres of 6(a) Public Recreation land along its boundary to the New England Highway. This clause allows for 20m of this land to be considered as 2(a) Residential land. Once this clause is used, the only part of the site within the 6(a) zoned land is the carparking area, which is existing and will not change as part of this development.

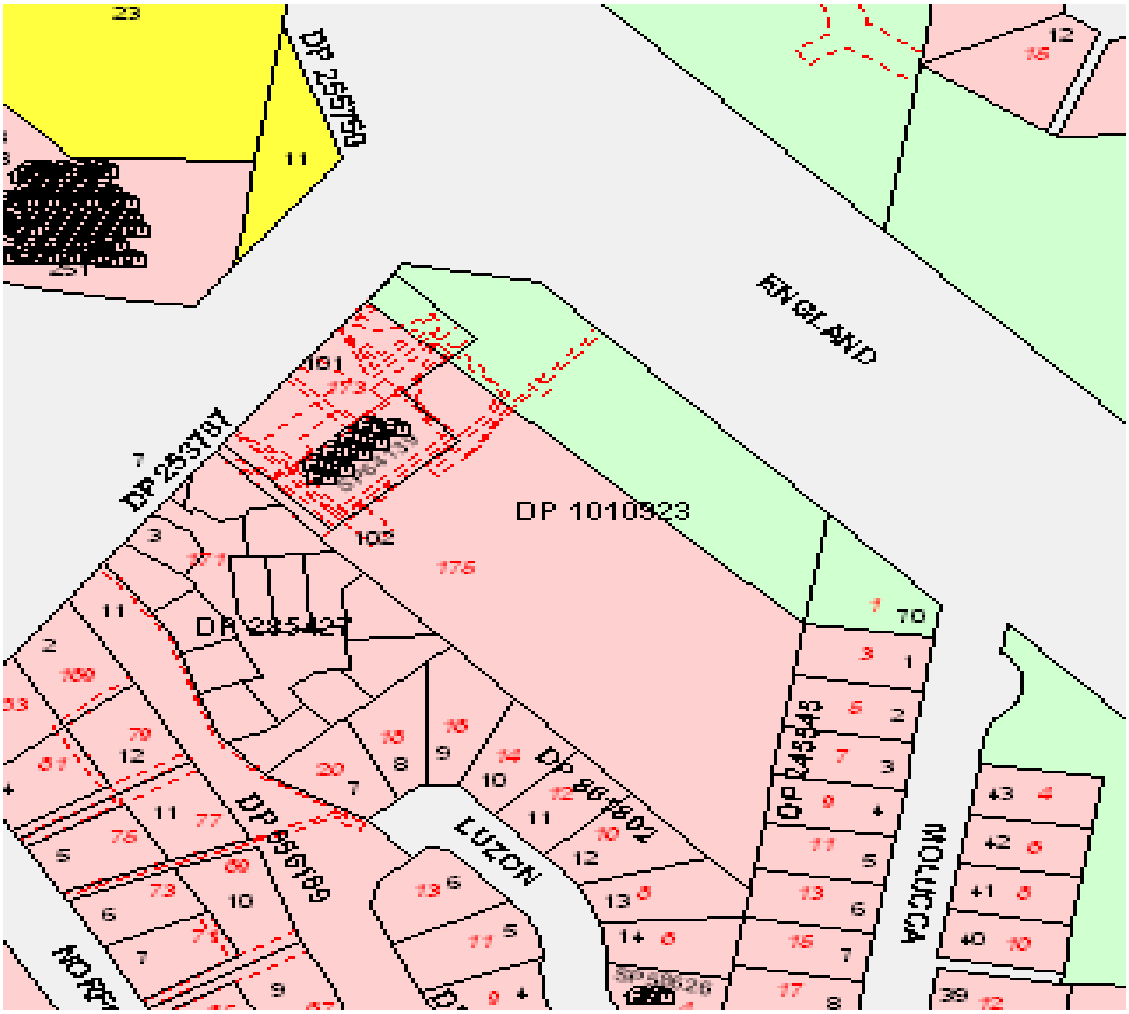


Figure 2: Zoning map of the site. Source Maitland City Council GIS mapping.

In terms of Clause 46(3), Council considers that the development is desirable, given that the use of the site is for carparking, the land is not publically owned, and that the original consent granted approval for the use of the site in this manner. Given the location of the land (in its proximity to the New England Highway), its current ownership and its current use, the potential for use for public recreation is considered limited.

State Environmental Planning Policies

The following State Environmental Planning Policies apply to this application:

- SEPP (Major Development) 2005
- SEPP (Infrastructure) 2007

SEPP (Major Development) 2005

The application was assessed against the criteria of the SEPP and requires determination by the Hunter and Central Coast Joint Planning Panel because of its classification as a health services facility and the value of works being over $5 million pursuant to Clause 13B(1)(b)(i) of the Major Projects SEPP. The proposal is not defined as a Part 3A development under the *Environmental Planning and Assessment Act 1979*, therefore no further criteria under this SEPP are required to be assessed.

SEPP (Infrastructure) 2007

The site is located adjacent to the New England Highway, which is defined as a classified road. Clauses 101 and 102 of the SEPP are relevant to this application and have been taken into consideration as part of the assessment.

Clause 101 of the SEPP relates to development with frontage to a classified road, which is relevant to this application as it is adjoining the New England Highway.

> ***101 Development with frontage to classified road***
>
> *(1) The objectives of this clause are:*
> *(a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
> *(b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*
> *(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:*
> *(a) where practicable, vehicular access to the land is provided by a road other than the classified road, and*
> *(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*
> *(i) the design of the vehicular access to the land, or*
> *(ii) the emission of smoke or dust from the development, or*
> *(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
> *(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

Comment

The development has existing access off Chisholm Road and not the New England Highway, which will not change as part of the current development proposal. The proposed works will not result in a significant rise in the number of

vehicles utilising the classified road, and the function of the classified road will not be adversely affected by the new works.

Clause 102 of the SEPP relates to the impact of road noise on the development, which is as follows:

> ***102 Impact of road noise or vibration on non-road development***
>
> *(1) This clause applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of the RTA) and that the consent authority considers is likely to be adversely affected by road noise or vibration:*
> *(a) a building for residential use,*
> *(b) a place of public worship,*
> *(c) a hospital,*
> *(d) an educational establishment or child care centre.*
>
> *(2) Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Director-General for the purposes of this clause and published in the Gazette.*
>
> *(3) If the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:*
> *(a) in any bedroom in the building—35 dB(A) at any time between 10 pm and 7 am,*
> *(b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.*
>
> *(4) In this clause, **freeway**, **tollway** and **transitway** have the same meanings as they have in the Roads Act 1993.*

Comment

The application is defined as a hospital and is located on the New England Highway, which is a road which has in excess of 40,000 vehicles per day according to RTA data. The proposal has been assessed against the Department of Planning's 'Development near Rail Corridors and Busy Roads – Interim Guideline' policy dated December 2008, fulfilling Part 2 of the clause.

The current application proposes a new ward located towards the rear of the site with a significant setback of 50 metres from the New England Highway. The existing surgical ward is located between the highway and the new ward, providing substantial noise attenuation. The new ward is to be constructed of brick veneer which is a material of suitable density for noise absorption purposes. It should be noted that modern hospitals with climate controlled interiors which serve the dual function of noise control and patient amenity.

The application proposes no new hospital wards in front of the existing building line facing the New England Highway. The proposed modifications indicate that

less noise sensitive rooms are to be constructed along the building's frontage to the New England Highway, such as the gymnasium, hydrotherapy pool and administration areas. The hospital is not a residential use, and therefore compliance with the required dB(A) levels under the clause is not mandated. Given the above factors, Council did not consider an acoustic report to be warranted for this development.

Clause 104 of the SEPP refers to traffic generating development. The application proposes an additional 25 beds on top of the existing 65 beds within the facility. This does not trigger the requirements as set out in Schedule 3 of the SEPP and therefore referral to Council's Local Traffic Committee, or the RTA Regional Development Committee was not required.

Section 79C(1)(a)(ii) any draft environmental planning instrument that is or has been placed on public exhibition

No draft environmental planning instruments are relevant to this application.

Section 79C(1)(a)(iii) any development control plan

The following chapters of the Maitland Citywide Development Control Plan apply to this application:

- Carparking
- Accessible Living
- Controls for Site Waste Management and Minimisation
- Advertisement/ Notification of Development Applications

Carparking

The development is defined as a hospital under this DCP chapter, which has the following carparking requirements:

> *1 space per 10 beds (visitors)* ***plus*** *1 space per 2 employees* ***plus*** *1 space per ambulance*

Under these requirements, the 25 additional beds would trigger 3 spaces and the 15 additional staff would require 8 spaces.

The site also proposes a consulting room, which is assessed under the 'business premises' rate of 1 space per 40m2. Given that a consulting suite of 120m2 is proposed, this would require 3 additional spaces.

Overall, the proposal triggers the requirement of 14 additional spaces to the site. The applicant is providing a 30 space carpark as part of the development, which exceeds the minimum requirements.

The new 30 space carpark provides spaces with a width of 2.6m and a length of 5.5m which is compliant with the requirements of the DCP chapter.

The 5.8m aisle width is below the 6m minimum required in the DCP chapter, however given compliance with the Australian Standard, as well as the nature of the carpark, which given its location is most likely to be used for longer term carparking by staff members, is considered to be appropriate. There are also blind aisles proposed at the end of carparking maneuvering aisles, which are above the 1m minimum required by the Australian Standard.

Accessible Living

This DCP chapter is designed to increase awareness and provide guidelines for access and mobility, particularly for new commercial buildings. Particular accessibility features of this development include, but are not limited to the following:

- Provision of 2 additional disability spaces on top of the four spaces already provided to service the existing building.
- Wide corridors and doorway widths (also allowing for the manoeuvring of beds as well as wheelchairs).
- Accessible toilets, in particular one for the new pool area
- Wheelchair accessible lift.

The nature of the proposed use requires a high level of accessibility, and as such, consent conditions have been included to ensure compliance with AS 1428.1 as well as the *Disability Discrimination Act 1992*.

Controls for Site Waste Management and Minimisation

This DCP chapter acknowledges that waste management and minimisation at both the building construction stage and for ongoing operations is a major issue for the building industry and seeks to encourage resource efficiency. It also seeks to assist in planning for sustainable waste management through this process.

The applicant has complied with the requirements of the DCP chapter by providing a Site Waste Management and Minimisation plan. This plan is not extensive as the applicant does not have a contractor in place for the works, and has indicated that a full assessment can be completed once this has been confirmed.

The applicant also provided detail on the current waste management procedures operating in the hospital. The hospital has ongoing contracts with private companies to collect the waste currently generated by the hospital which will be extended to cover the expanded operations. This includes general waste, biohazards as well as recycling.

Waste Management and Minimisation opportunities have been recognised in the operations of the hospital and include the following:

- Recycling of paper and cardboard materials by Earthcare.
- Recycling of X-ray film and silver from X-ray machines by Photowaste Management Pty Ltd.
- Incineration of clinical and pathology waste to reduce its volume up to 90% (NB gases released by incineration are treated before being released into the atmosphere).
- Regular auditing in order to review and improve on the waste management systems in place.

Advertisement/ Notification of Development Applications

The application was advertised and notified in accordance with this DCP chapter from the 12th to the 26th November 2009. No submissions were received during this exhibition period.

Overall the proposal is considered to be consistent with the aims, objectives and requirements of the relevant DCP chapters.

Section 79C(1)(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

The application proposes minor demolition and as such, a condition of consent has been included to ensure that demolition is in compliance with the Australian Standard. Although the likelihood of asbestos is remote given the relatively young age of the building (around 10 years), provisions regarding asbestos management have been included in the consent to ensure that it is appropriately handled and disposed of if it is encountered on site.

The site is not affected by the NSW Government's Coastal Policy.

Division 5 of Part 9 of the *Environmental Planning & Assessment Regulation 2000* applies to the proposal. The proposal fulfils the fire safety and structural adequacy requirements of the regulations and is therefore considered appropriate. In accordance with the requirements of the regulation, a condition of consent is included requiring the submission of annual fire safety statement from the applicant.

Section 79C(1)(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

Access, transport and Traffic

The original Development Application for the site approved 111 spaces for the joint uses, together with ambulance facilities and loading and unloading bays.

The original consent allocated carparking in the following manner:

Stage 1 medical centre – 35 spaces
Stage 2 medical centre – 24
Stage 1 hospital (60 beds) – 34 spaces
Stage 2 hospital (40 beds) – 18 beds

The original development assessment report indicated that the use required 110 spaces and the proposal marginally exceeds the minimum requirements at the time. The construction of the new carpark will utilise a part of the site which is currently used as an informal gravel carparking area, as well as providing a practical use for the area under the new ward.

Figure 3: Location of the 25 bed new ward, which is currently used as an informal carpark. Source B Barrie, 2010.

Vehicular access to the site is via two existing driveways off Chisholm Road, which will not change as part of this development. Council considers that the existing access is adequate for the new carpark.

Figure 4: The existing service access which will be used for access to the new carpark. Source B Barrie 2010.

The application proposes no changes to the current access arrangements, and does not propose any direct access to the New England Highway. All emergency vehicle arrangements also remain unchanged as part of this development.

Design and Appearance

The application has proposed a design for the new buildings which has appropriate bulk, scale and height, particularly in considering its function and is suitable within the residential context. The proposed buildings are to employ design treatments consistent with the architectural theme of the existing buildings.

The assessment on design aspects focused on the new buildings given that the external features of the existing ward are not changing. It should be noted that

the massing of the existing building is effectively reduced through the use of 'pull out' rendered features along the north eastern elevation facing the New England Highway. All existing and proposed buildings allow for a sufficient setback from the site boundaries in order to ensure a buffer between the neighbouring residential development and the hospital facility.

The new ward is set back from the existing building and will not be visually prominent from the New England Highway. This building proposes an unbroken roof form, but given its recessed location and the landscaping buffer along the highway, it is considered to be appropriate. The bulk of the new ward is not as great as that of the existing ward given that there is a new open carparking area located underneath and that horizontal elements such as recessed brickwork create articulation. The height of new ward at approximately 9.7m is below that of the existing ward, which has an overall height of 11.3m.

The proposed building which houses the hydrotherapy pool creates visual interest from the highway due to the use of glazing, as well as the roof form, which is consistent with other structures on site. The hydrotherapy pool building uses a roof pitch consistent with that of the existing medical centre. The location of the hydrotherapy pool has used the existing topography of the site in order to minimise large scale excavation. The existing retaining wall can be seen in the following figures. The plans indicate a difference of four metres in the finished floor level of the existing ward and the natural ground level.

Figure 5: Location of hydrotherapy pool looking towards the New England Highway. Note the retaining wall. Source B Barrie 2010.

Figure 6: Location of hydrotherapy pool when viewed from the west. Note the existing building in the top portion of the photo. Source B Barrie 2010.

All buildings are screened from the New England Highway by vegetation, which will remain unchanged as part of this development. This screening softens the impacts of the structures located on the site. Vegetation located on the eastern boundary of the development will not be impacted by the proposed alterations and additions.

The application also proposes additional landscaping to enhance the site. The landscaping plan submitted with the application proposes the use of native rainforest trees, accent plants and native grasses around the new carpark, with a mix of heights to provide ground cover as well as taller trees to compliment the scale of the new building. This mix of heights (with ground covers and larger trees) also allows visibility to the carparking area, which is considered appropriate for natural surveillance opportunities.

The landscaping in front of the building containing the hydrotherapy pool is designed to be a continuation of the existing planting in front of the current building. The landscaping proposed is to also be accent plants and native grasses, which are low maintenance and consistent with the landscaping theme of the site. This landscaping design with the smaller scale planting also accentuates the feature glazing proposed on the north eastern elevation.

Plant equipment is located towards the rear of the site, on the existing building housing the operating suite. A new plant area is proposed as part of the new carparking area. This plant area is located approximately 33 metres off the southern property boundary and approximately 55 metres off the eastern property boundary, therefore ensuring a suitable separation distance from the nearest residential areas. The plant area is proposed to be enclosed as a brick structure. The combination of the large separation distance and the enclosed structure will ensure that noise from the plant equipment should not be a significant concern for the neighbouring residential properties.

Natural hazards

The site is mapped as being bushfire prone as it is located within the 100m bushfire buffer zone to Category 1 vegetation adjoining on the north eastern boundary, containing eucalypt remnant vegetation.

Given that the site was mapped as bushfire prone and the use is defined under the Act as 'special fire protection purpose', the application was categorised as Integrated Development. As such, the application was referred to the Rural Fire Service (RFS) for their General Terms of Approval. This approval was issued on the 8th December 2009.

The application requires compliance with Planning for Bushfire Protection 2006 as well as the construction of the new buildings in accordance with the Level 1 provisions of AS 3959-1999. The full RFS 'General Terms of Approval' has been included in the overall consent conditions.

Overshadowing

Given the proximity of residential development and the proposed two storey building, overshadowing and its potential impact was identified as an initial concern. However, after further assessment, its impact was not seen as significant for the following reasons:

- The applicant has provided shadow diagrams which demonstrate that the residential properties to the south of the site maintain 3 hours of sunlight in their backyards on the winter solstice, which is compliant with the requirements of the Maitland Citywide Development Control Plan – Residential Design chapter.

- Much of the overshadowing is formed by the existing buildings on site. No new buildings have an impact on neighbouring properties given their extensive setback (in the case of the new ward) and their location on the opposite side of the site (in the case of the hydrotherapy pool).

- The proposed development achieves large setbacks from the boundaries, which minimises its potential effects on neighbouring properties.

Section 79C(1)(c) the suitability of the site for the development

It is considered that the proposed location of the new development within the site is suitable. The portions of the site which are to be developed are relatively level and do not contain any significant vegetation. The location of the hospital is relatively central to the population that it serves, noting that it is a private hospital with no emergency facilities.

Section 79C(1)(d) any submissions made in accordance with this act or the regulations

The proposal was advertised and notified for a period of 14 days from 12th November 2009 to 26 November 2009 in accordance with the Act, the Regulations and the Advertisement/ Notification of Development Applications DCP chapter. No submissions were received during this period.

Pursuant to Section 91 of the *Environmental Planning and Assessment Act 1979*, the application was referred to the Rural Fire Service for their General Terms of Approval (GTA's). These GTA's have been incorporated into the overall consent conditions.

Section 79C(1)(e) the public interest

The proposal is considered consistent with the public interest as it is providing additional health facilities, particularly important in a growth area such as Maitland. The development also represents employment opportunities both during the construction phase and once completed in the health sector.

In the context of the Lower Hunter Regional Strategy, the expansion of facilities such as hospitals is important to cater for the increased population expected in the area. A future 26,500 dwellings is forecasted for Maitland under this strategy, which also brings a large number of new residents to the area.

There are no Council management plans affecting this land. The proposal is considered competent with regard to Environmentally Sustainable Development Principles.

CONCLUSION

An assessment of the application has been carried out under Section 79C(1) of the *Environmental Planning and Assessment Act, 1979* as amended. The proposed development is considered satisfactory in terms of the relevant matters for consideration under the Act and the development application is recommended for approval.

Signed (Assessing Officer) _____ **Date:** _____
Belinda Barrie
Town Planner

Reviewed (Supervising Officer) _____ **Date:** _____
Stephen Punch
Principal Planner

Authorised for submission to JRPP _____ **Date:** _____
Leanne Harris
Group Manager
Service Planning and Regulation

Schedule of Conditions DA 09-2457

Reason for Conditions
The following condition(s) have been applied to the development, subject of this consent, to ensure that the development meets the requirements of the NSW Environmental Planning and Assessment Act 1979, the NSW Environmental Planning and Assessment Regulation 2000, and the various policies and development controls of Maitland City Council and other government agencies relevant to the development being undertaken.

APPROVED PLANS AND DOCUMENTATION

1. The development shall be carried out in accordance with the stamped approved plans and documentation as detailed in the following schedule and any amendments arising through conditions to this consent or as shown in red colour on the plans:

Plan Ref. Nº	Sheet Nº	Rev n Nº	Revision Date	Prepared by: (consultant)
Demolition Plan Lower Ground Floor	003	3	17.12.09	Health Science Planning Consultants
Demolition Plan Ground Floor	004	3	17.12.09	Health Science Planning Consultants
Demolition Plan First Floor	005	3	17.12.09	Health Science Planning Consultants
Proposed Plan Lower Ground Floor	006	3	30.11.09	Health Science Planning Consultants
Proposed Plan Ground Floor	007	3	30.11.09	Health Science Planning Consultants
Proposed Plan First Floor	008	3	30.11.09	Health Science Planning Consultants
Site and Roof Plan	009	3	7.12.09	Health Science Planning Consultants
Proposed Plan Lower Ground Floor	010	3	1.12.09	Health Science Planning Consultants
Proposed Plan Ground Floor	011	4	1.12.09	Health Science Planning Consultants
Proposed Plan First Floor	012	3	1.12.09	Health Science Planning Consultants
Elevations Sheet 1	100	4	1.12.09	Health Science Planning Consultants
Elevations Sheet 2	101	4	1.12.09	Health Science Planning Consultants

Landscape Plan	1	C	16.10.09	Moir Landscape Architecture
Sketches and Theming	2	C	16.10.09	Moir Landscape Architecture

CONTRIBUTIONS & FEES

2. Pursuant to Section 80A(1) of the *Environmental Planning and Assessment Act 1979*, and the Maitland S94A Levy Contributions Plan 2006, a contribution of **$59,958** shall be paid to the Council.

The above amount may be adjusted at the time of the actual payment, in accordance with the provisions of the Maitland City Council S94A Levy Contributions Plan 2006.

Payment of the above amount shall apply to Development Applications as follows:

- *Building work only - prior to issue of the Construction Certificate.*
- *Subdivision and building work - prior to the issue of the Construction Certificate, or Subdivision Certificate, whichever occurs first.*
- *Where no construction certificate is required - prior to issue of an Occupation Certificate.*

The above "contribution" condition has been applied to ensure that:
i) Where the proposed development results in an increased demand for public amenities and services, payment towards the cost of providing these facilities/services is made in accordance with Council's adopted contributions plan prepared in accordance with the provisions of section 94 of the Environmental Planning and Assessment Act, 1979.
ii) Council's administration expenses are met with respect to the processing of the application.

CERTIFICATES

3. Prior to the commencement of works for each stage, an application for a **Construction Certificate** shall be submitted to, and be approved by, the Accredited Certifier.

4. **Prior to the issue of an Occupation Certificate for each stage,** all conditions of development consent relevant to that stage shall be complied with.

5. Prior to occupation of the building/s an **Occupation Certificate** shall be issued by the Principal Certifying Authority for each stage.

6. **Prior to issue of a Construction Certificate**, a certificate of compliance under Section 50 of the *Hunter Water Act 1991* for this development, shall be submitted to the Accredited Certifier.

LANDSCAPING

7. All landscaped areas of the development shall be maintained in accordance with the approved landscape plan. The landscaped areas shall be kept free of parked vehicles, stored goods, waste material, and the like.

CARPARKING

8. Car parking for the development shall be provided in accordance with the approved plans.

9. All on-site driveways, parking areas and vehicles turning areas shall be constructed with a bitumen sealed granular pavement, segmental pavers, or as reinforced concrete.

10. All parking bays shall be delineated with line-marking and/or signposting.

VEHICLE ACCESS

11. Damage to existing footway and/or kerb and gutter along the frontage of the property, arising from construction activity on the site, shall be reinstated in accordance with Council's standards.

STORMWATER DRAINAGE

12. Stormwater runoff shall be piped to the existing drainage system.

EROSION CONTROLS

13. The property shall be protected against soil erosion, such that sediment is not carried from the construction site by the action of stormwater, wind or "vehicle tracking".

BUILDING CONSTRUCTION

14. All building work shall be carried out in accordance with the provisions of the Building Code of Australia.

15. The building, at the time of its original design and construction, was required to comply with the 1996 edition of the Building Code of Australia. The part(s) of the building(s) or measures contained therein which are not directly affected by the subject re- development must continue to perform as originally designed and implemented unless they are directly affected or interface with the re-development. Where this occurs, or has the potential to occur, the measures, either *active* or *passive,* must accord with the current version of the Building Code of Australia as defined by the Act and Regulations.

16. Any proposal to comply with the requirements of the Building Code of Australia via means other than that prescribed (i.e. via Alternative Solution) must be referred to the NSW Fire Brigade in accordance with Clause 144 of the *Environmental Planning and Assessment Regulation*.

17. All excavations and backfilling shall be executed safely, in accordance with appropriate professional standards and shall be properly guarded and protected to prevent the works from being dangerous to life or property.

18. The applicant shall submit to Council, "Notice of Commencement" at least two days prior to the commencement of construction works.

19. Hours of Work:

Unless otherwise approved by Council in writing; all building work associated with this approval shall be carried out between 7.00am and 6.00pm Monday to Fridays and 7.00am to 5.00pm on Saturdays with no work permitted on Sundays or Public Holidays that may cause offensive noise.

SERVICES & EQUIPMENT

20. Upon completion of the building BUT prior to its occupation, a Final Fire Safety Certificate with respect to each critical and essential fire safety measure installed in the building shall be submitted to Council. Such certificates shall be prepared in accordance with Division 4 of Part 9 of the *Environmental Planning and Assessment Regulation, 2000*.

21. At least once in each twelve month period, fire safety statements in respect of each required essential fire safety measure installed within the building shall be submitted to Council. Such certificates are to state that:

a) The service has been inspected and tested by a person (chosen by the owner of the building) who is competent to carry out such inspection and test; and

b) That the service was or was not (as at the date on which it was inspected and tested) found to be capable of operating to a standard not less than that specified in the fire safety schedule for the building).

Such statements shall be prepared in accordance with Division 5 of Part 9 of the *Environmental Planning and Assessment Regulation, 2000*.

22. A copy of the fire safety schedule and fire safety certificate shall be prominently displayed in the building in accordance with Division 4 of Part 9 of the *Environmental Planning and Assessment Regulation 2000.*

23. A copy of the fire safety schedule and fire safety certificate shall be forwarded to the Commissioner of New South Wales Fire Brigades, in accordance with Division 4 of Part 9 of the *Environmental Planning and Assessment Regulation, 2000*.

SITE CONSIDERATIONS

24. All excavated and/or filled areas are to be retained or battered and suitably drained so as to prevent any subsidence of the area and constructed so as to deny any flow of water into or around the building or neighbouring buildings or onto neighbouring land.
Where a retaining wall is planned for this purpose and such wall exceeds 1.0m in height at any point from finished ground level, plans and specifications of the construction SHALL BE APPROVED BY COUNCIL BEFORE WORKS COMMENCE. Plans and specifications of retaining walls greater than 1.0m in height MUST BE CERTIFIED BY A PRACTICING PROFESSIONAL ENGINEER.
Note: The submission of a separate Development Application is not required for a retaining wall associated with this approval and indicated on the approved plans.

25. All building refuse on this building site shall be stored in such a manner so as not to cause a nuisance to adjoining properties.

26. A sign must be erected in a prominent position on the work:

(i) stating that unauthorised entry to work site is prohibited, and

(ii) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted during work hours.

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

This condition does not apply to:

(i) building work carried out inside an existing building, or

(ii) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.

27. Approved toilet facilities are to be provided, at or in the vicinity of the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. The provision of toilet facilities in accordance with this Clause must be completed before any other work is commenced.

28. The site is to be cleared of all building refuse and spoil immediately after completion of the building/structure.

29. No building materials, refuse or spoil is to be deposited on or be allowed to remain on Council's footpath.

30. Suitable and adequate measures are to be applied to restrict public access to the site and building works, materials and equipment.

RURAL FIRE SERVICE GENERAL TERMS OF APPROVAL

31. At the commencement of building works and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

32. Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'.

33. Internal roads shall comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

34. Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

35. New construction shall comply with Australian Standard AS3959-1999 'Construction of buildings in bush fire-prone areas' Level 1.

SWIMMING POOL

36. The management of the swimming pool is to be in accordance with the NSW Department of Health Public Swimming Pool and Spa Pool Guidelines June 1996, *Public Health Act 1991* and *Public Health (Swimming Pools and Spa Pools) Regulation 2000*.

37. The pool shall be equipped with an effective water circulation system, filter and continuous automatic disinfectant dosing control system. Automatic control and dosing refers to a continuous dosing system activated and controlled by feedback from electrical chemical sensing equipment and does not include the use of a dissolving chemical floating dispenser.

38. The frequency of pool water testing shall be carried out in accordance with the aforementioned document with the use of suitable testing apparatus to ensure accurate results. Plastic Perspex kits known as ‘4 in 1’ or ‘5 in 1’ kits are not suitable for testing public/learn to swim pools.

39. A register or log book shall be used to record the results of every test performed on the pool. The register shall be used to record data as detailed in the aforementioned document.

40. In accordance with the Public Health (Swimming Pools and Spa Pools) Regulation 2000, Council’s Environmental Health Officers may undertake inspections of the pool and surround, records, carry out field tests on pool water

and take or remove samples of pool water. A fee may be charged for this inspection.

ACCESS & EGRESS

41. It is the Applicants responsibility to ensure compliance with the requirements of the *Disability Discrimination Act, 1992* (DDA).
Note: Compliance with the Building Code of Australia does not necessarily meet the requirements of the DDA.

42. Access for disabled persons must be provided in accordance with DP1, DP2, and DP8 of the Building Code of Australia. Compliance with Part D3 of the Building Code of Australia satisfies this requirement. All elements are to meet the requirements of Australian Standard AS1428.1 "Design for Access & Mobility".

ROADS AND TRAFFIC

43. **Prior to the issue of the Occupation Certificate for Stage 1,** a bus shelter is to be constructed at the existing bus stop in front of the site on Chisholm Road.

ADVICES

A You are advised that in regard to potential soil erosion from the construction site, such pollution of the environment is an offence under the **Protection of the Environment & Operations** (POEO) Act and may incur infringement fines.

B You (or the owner) are advised to notify Council in writing, of any existing **damage to the street infrastructure** (including landscaping) along the frontage of the property, prior to commencement of construction. The absence of such notification signifies that no damage exists. Where necessary repairs are carried out by Council, the owner of the property shall be held liable for the cost of those repairs.

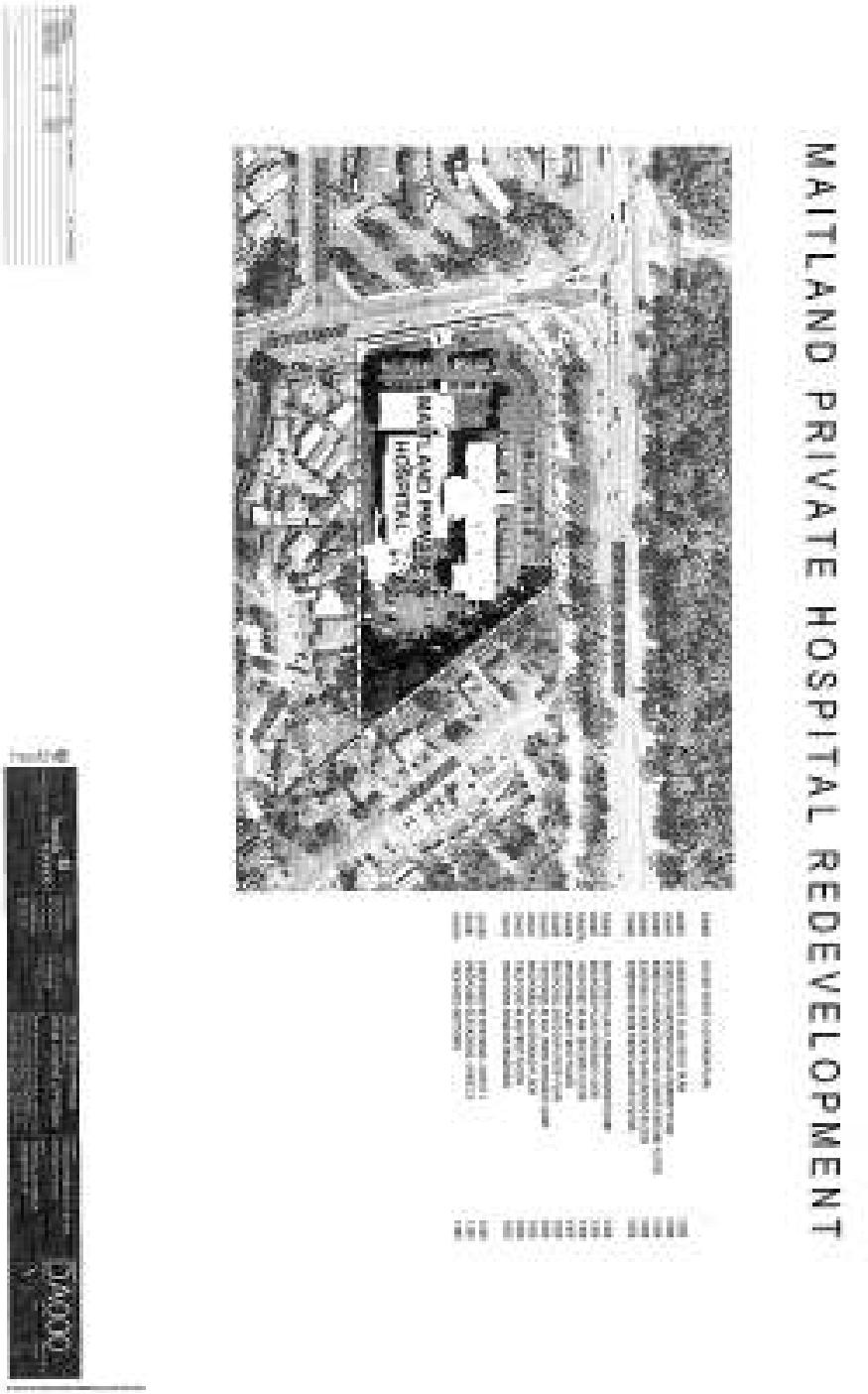
C You are advised that the issue of this development consent does not amount to a release, variation or modification by Council of any **covenant or easement** applicable to this property and that Council will not be held responsible when action on this consent results in any loss or damage by way of breach of matters relating to title of the property.

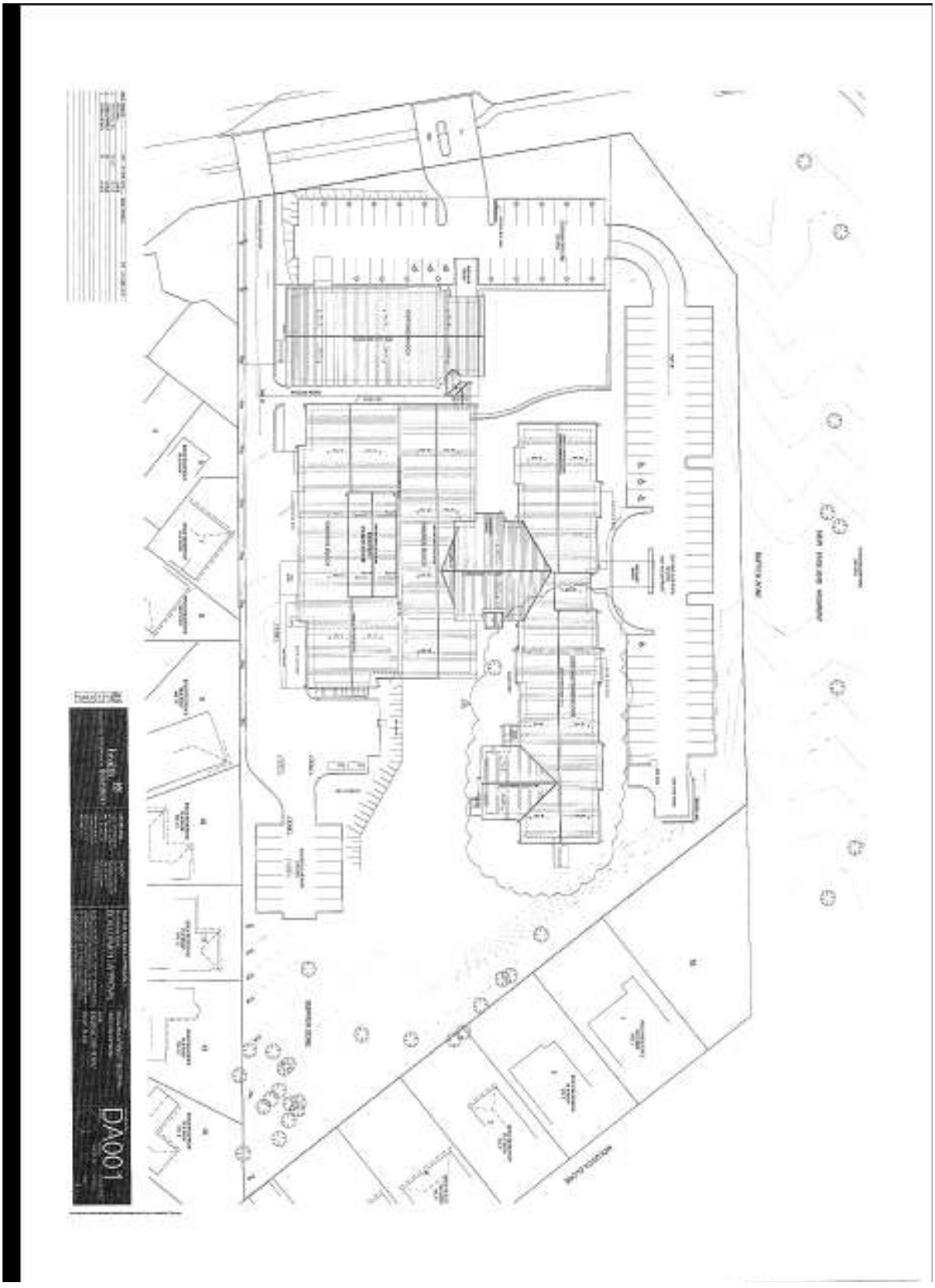
D The water recirculation and filtration system in the spa/swimming pool shall comply with the building code of Australia NSW 1.1 (pools associated with houses) and NSW GP1.5 (other pools) by incorporating safety measures to avoid entrapment of/or injury to young children. Compliance with AS1926.3 satisfies the requirement.

E Upon completion of the work on the hydrotherapy pool, a Certificate of Compliance under the *Electricity (Consumer Safety) Act 2004* is required to be submitted to the Electricity Authority confirming compliance with AS 3000.

ATTACHMENT A: LOCALITY PLAN

ATTACHMENT B: DEVELOPMENT PLANS

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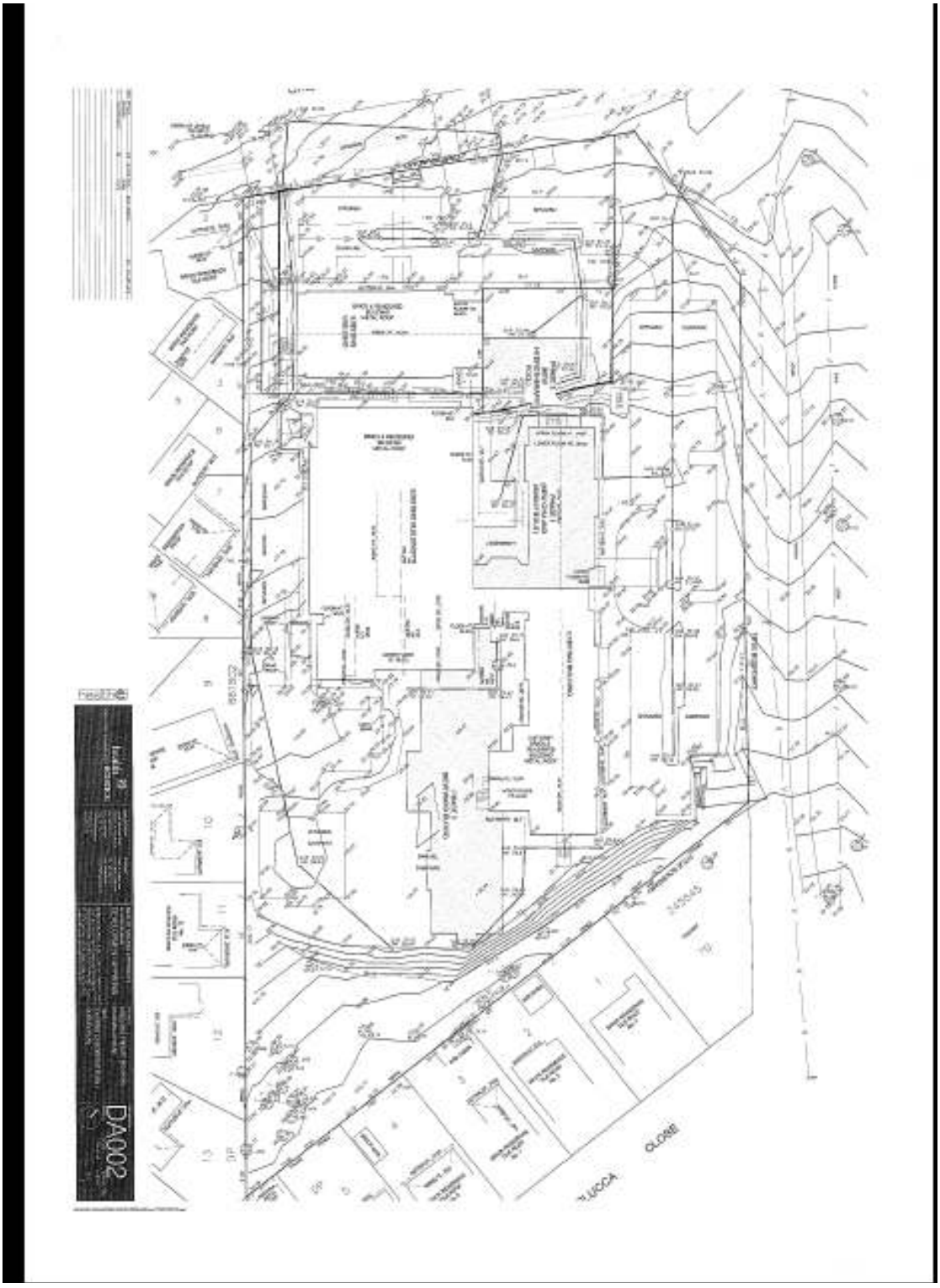
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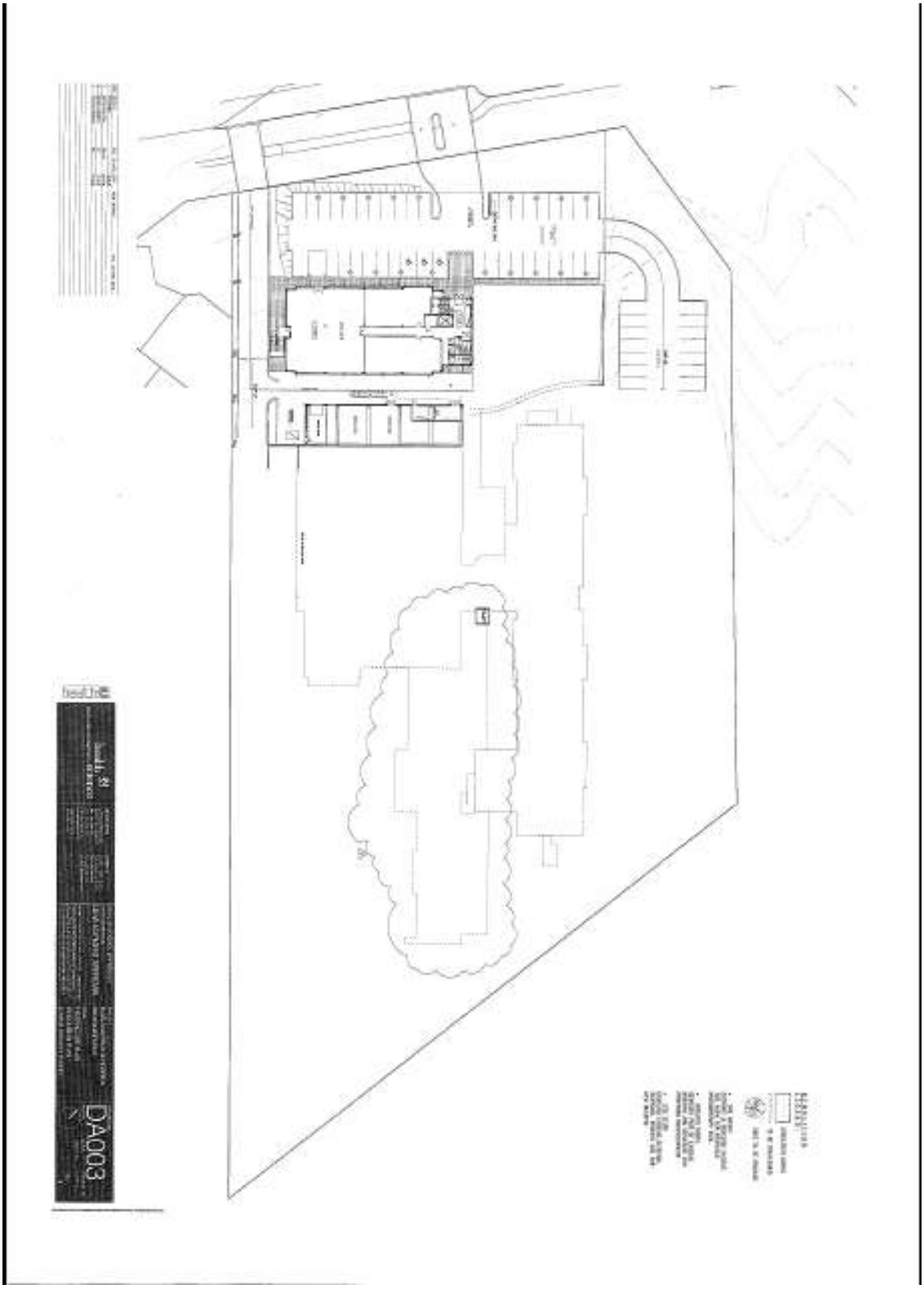
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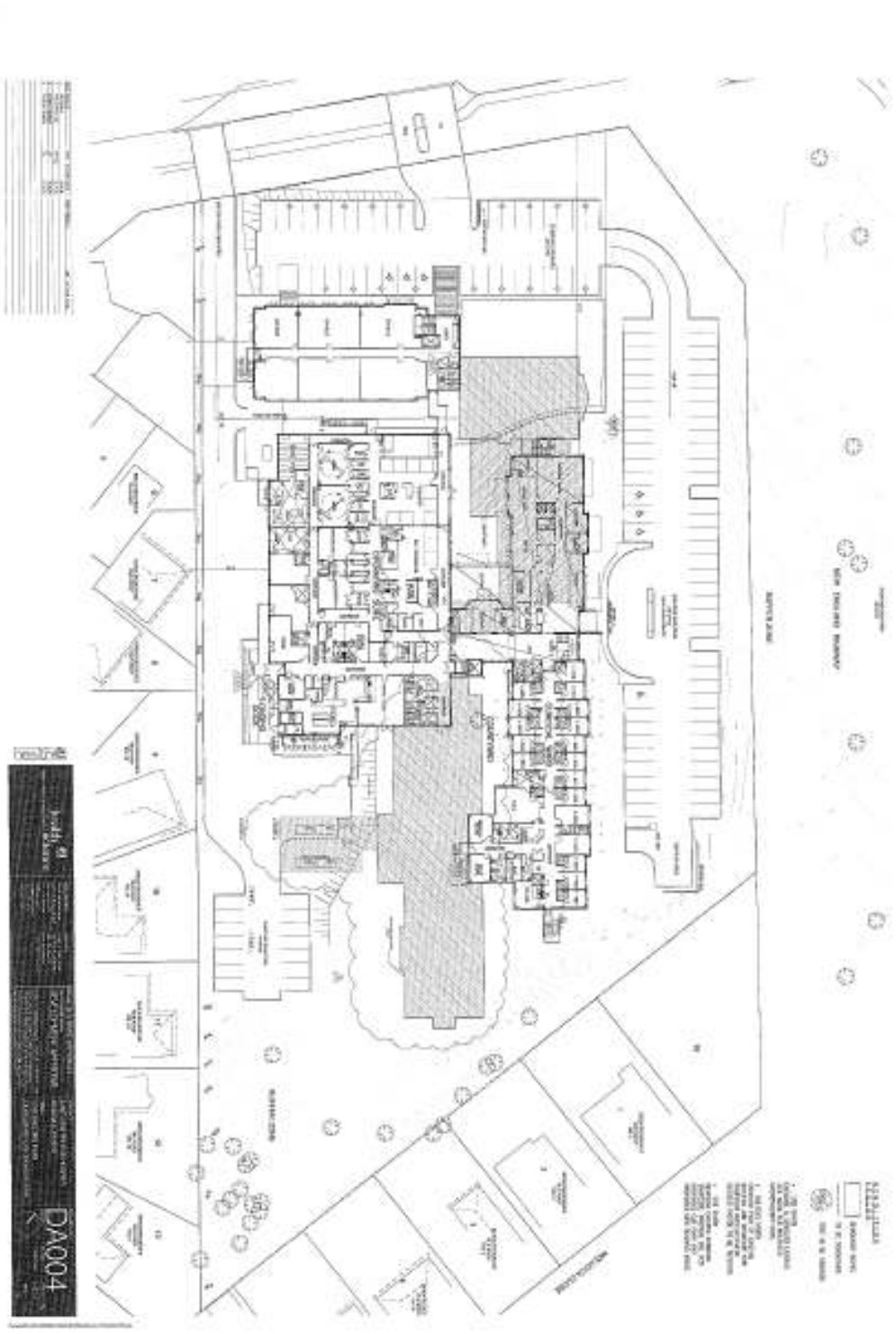
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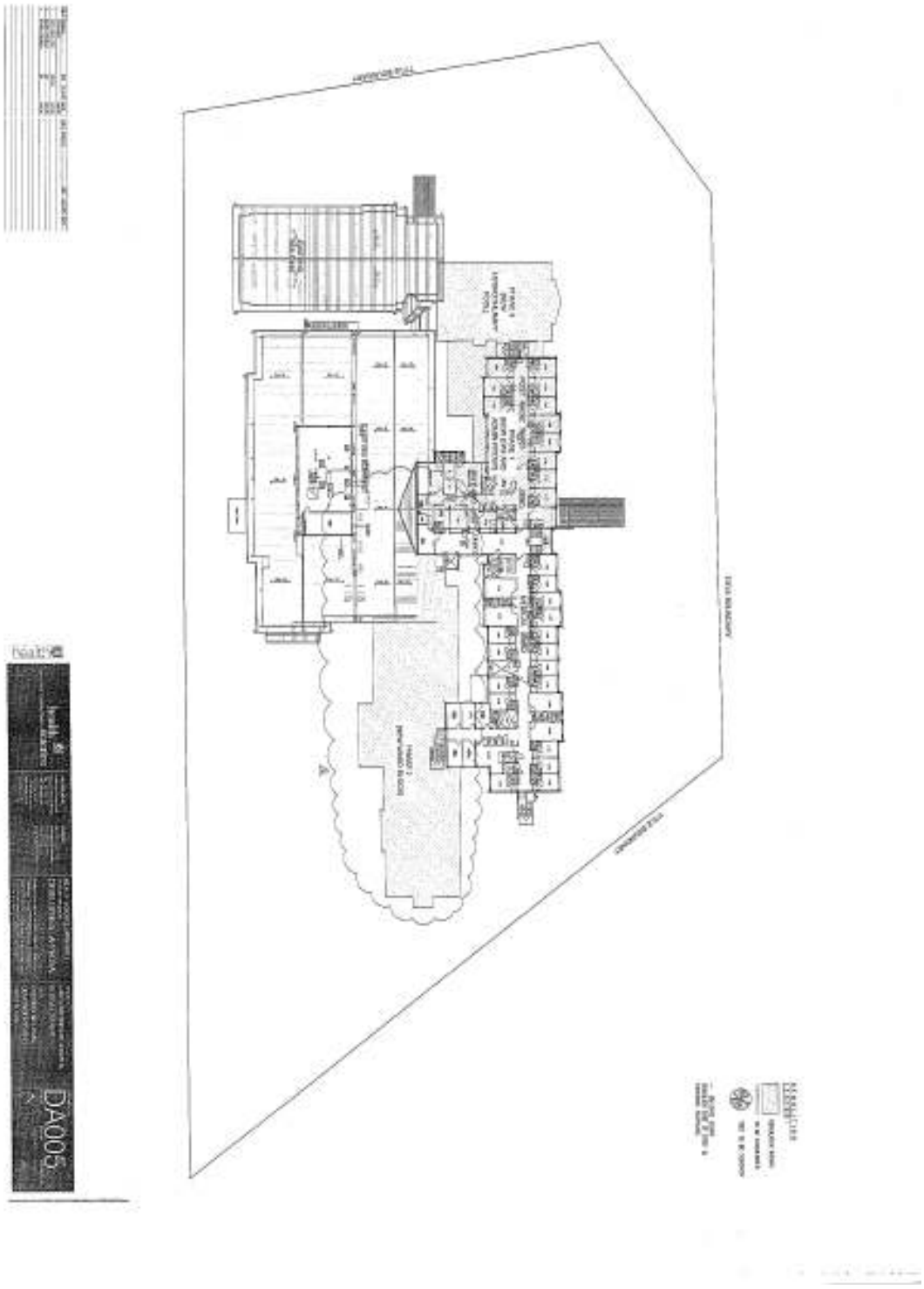
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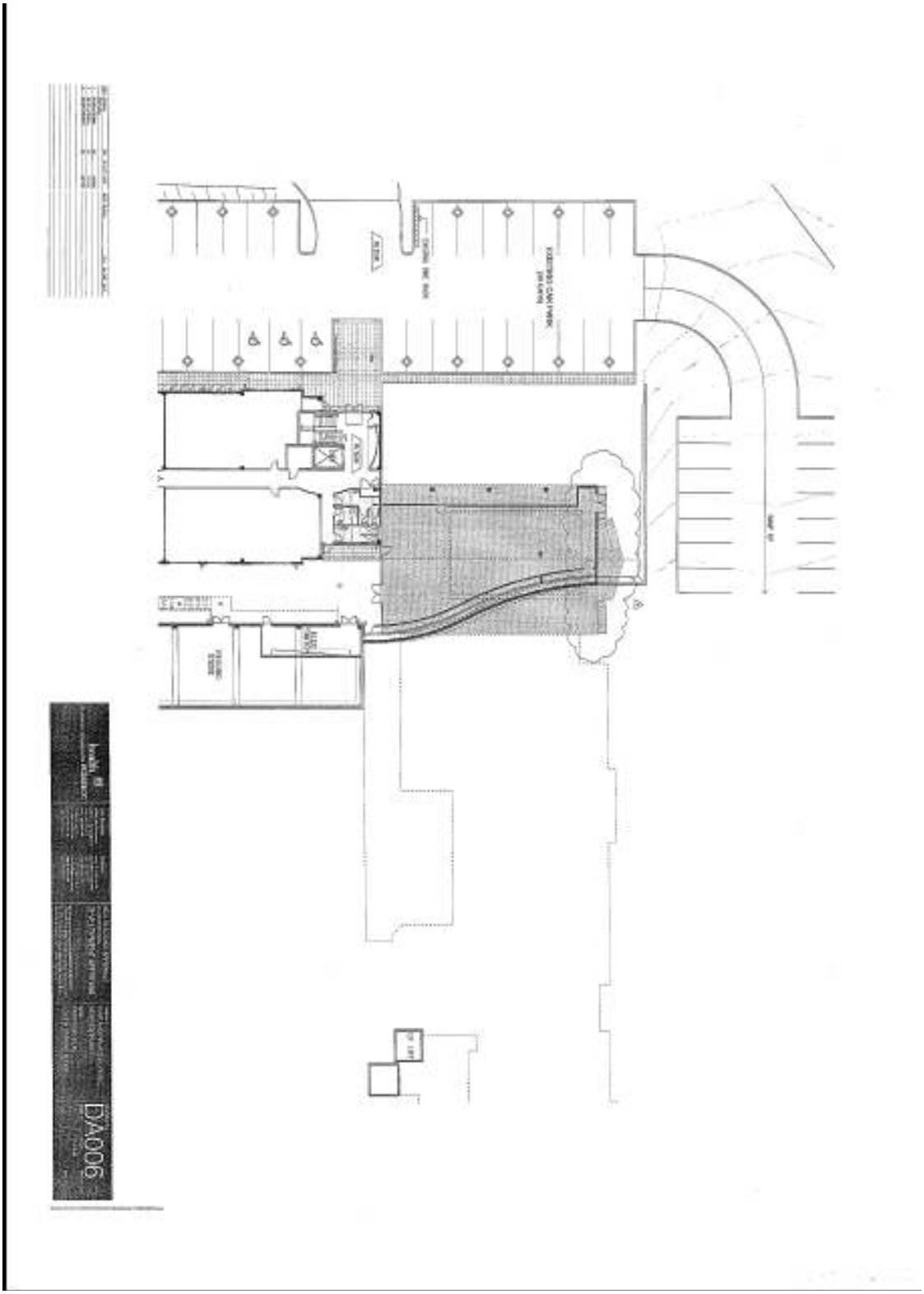
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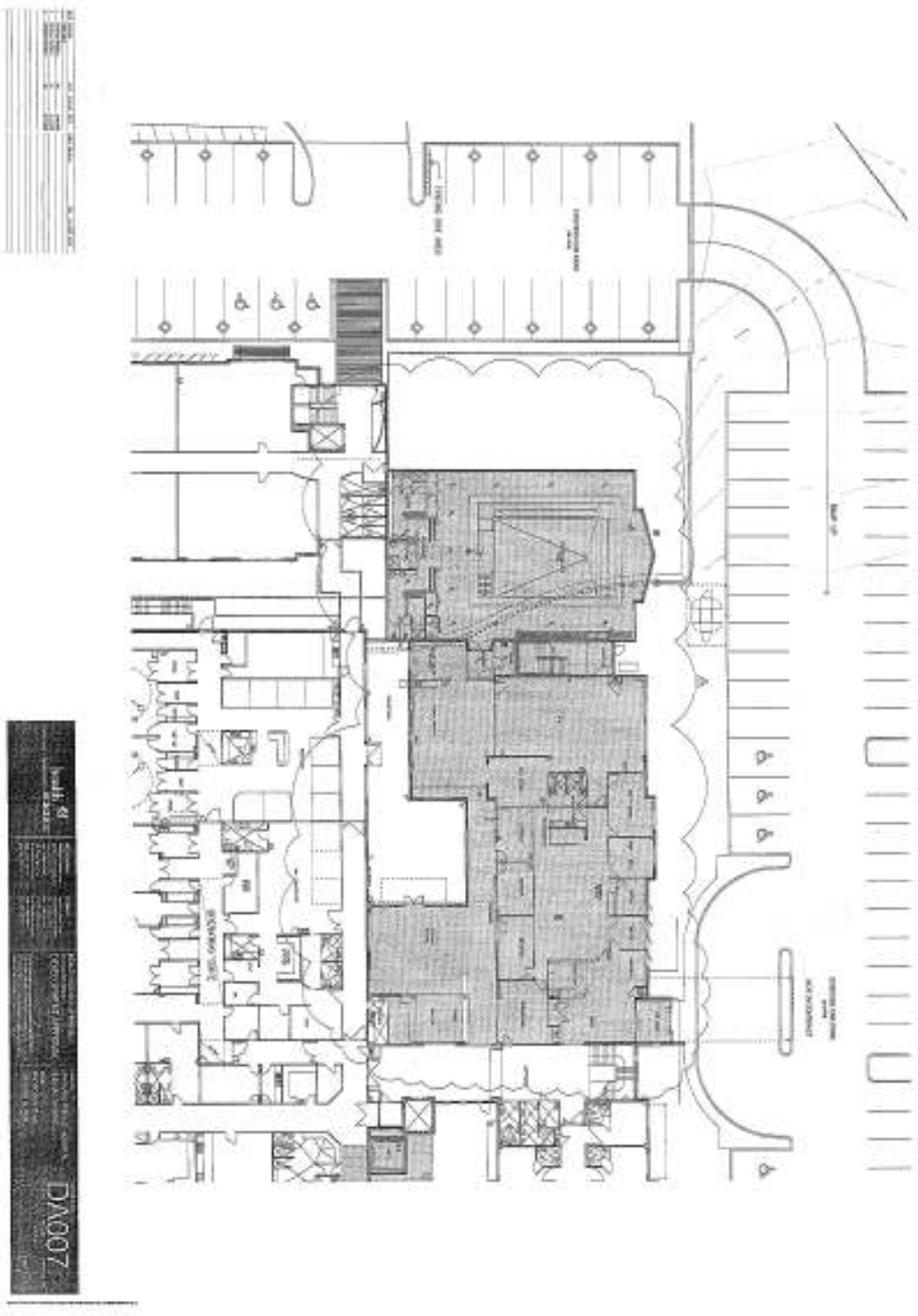
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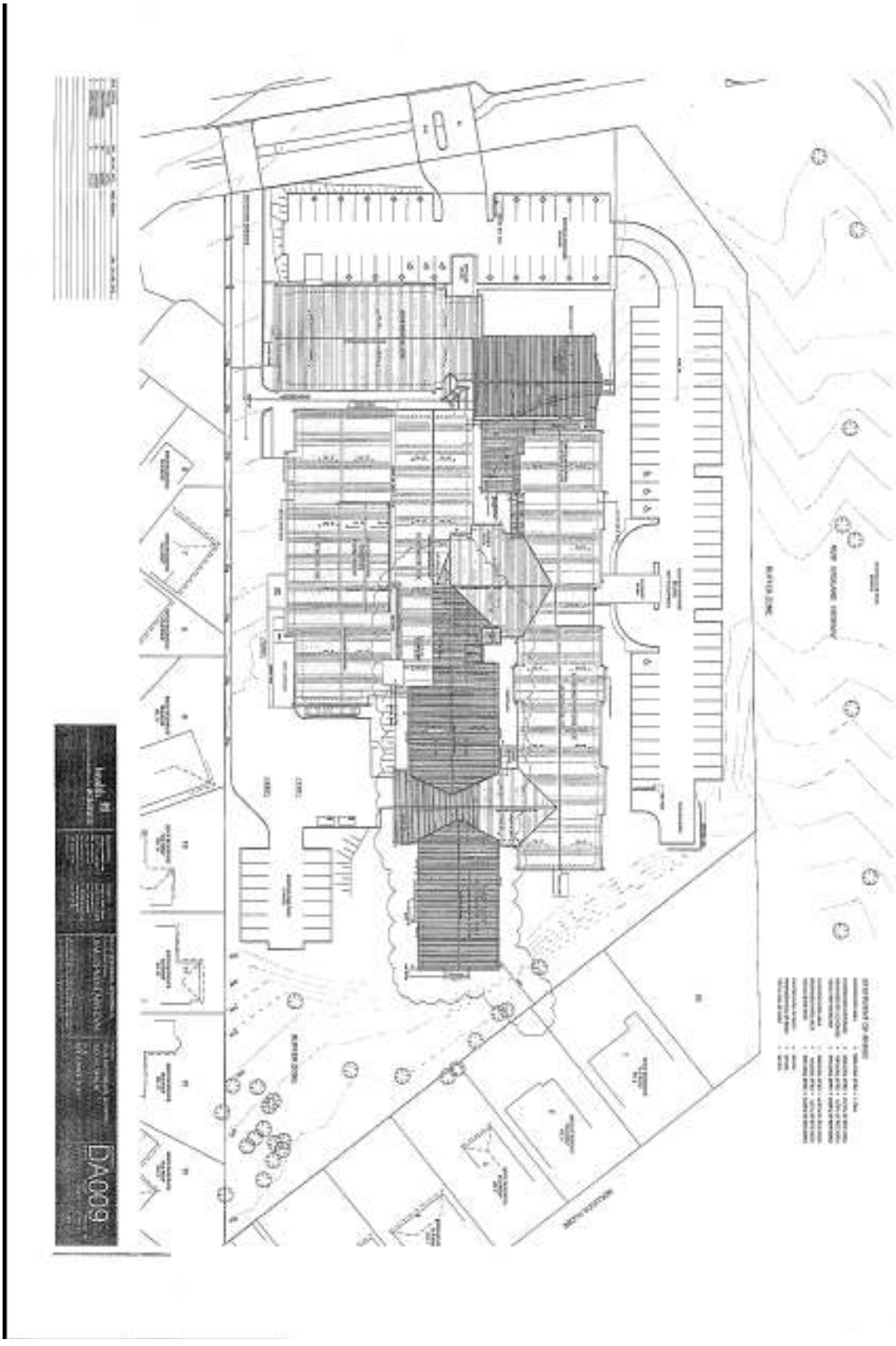
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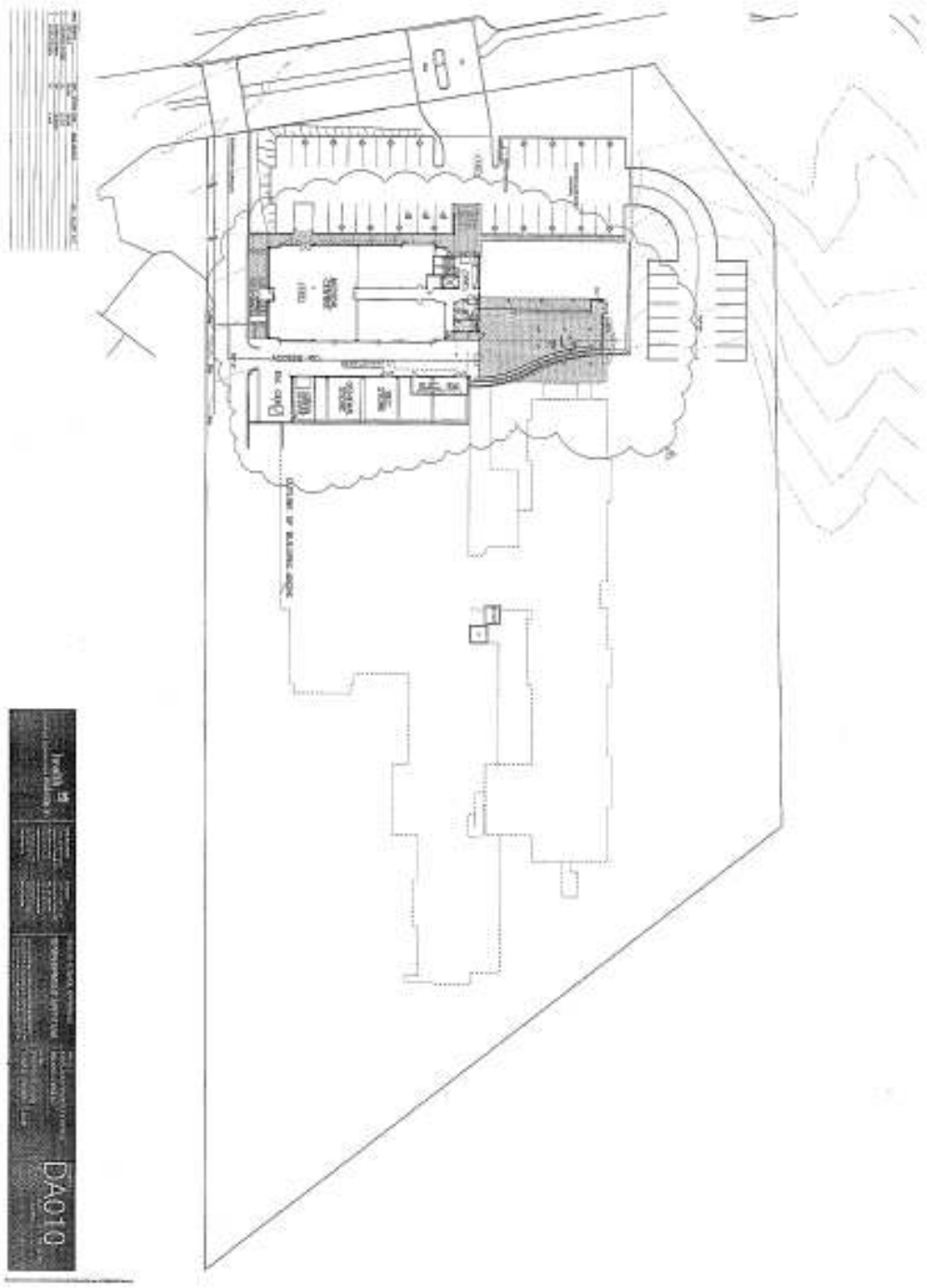
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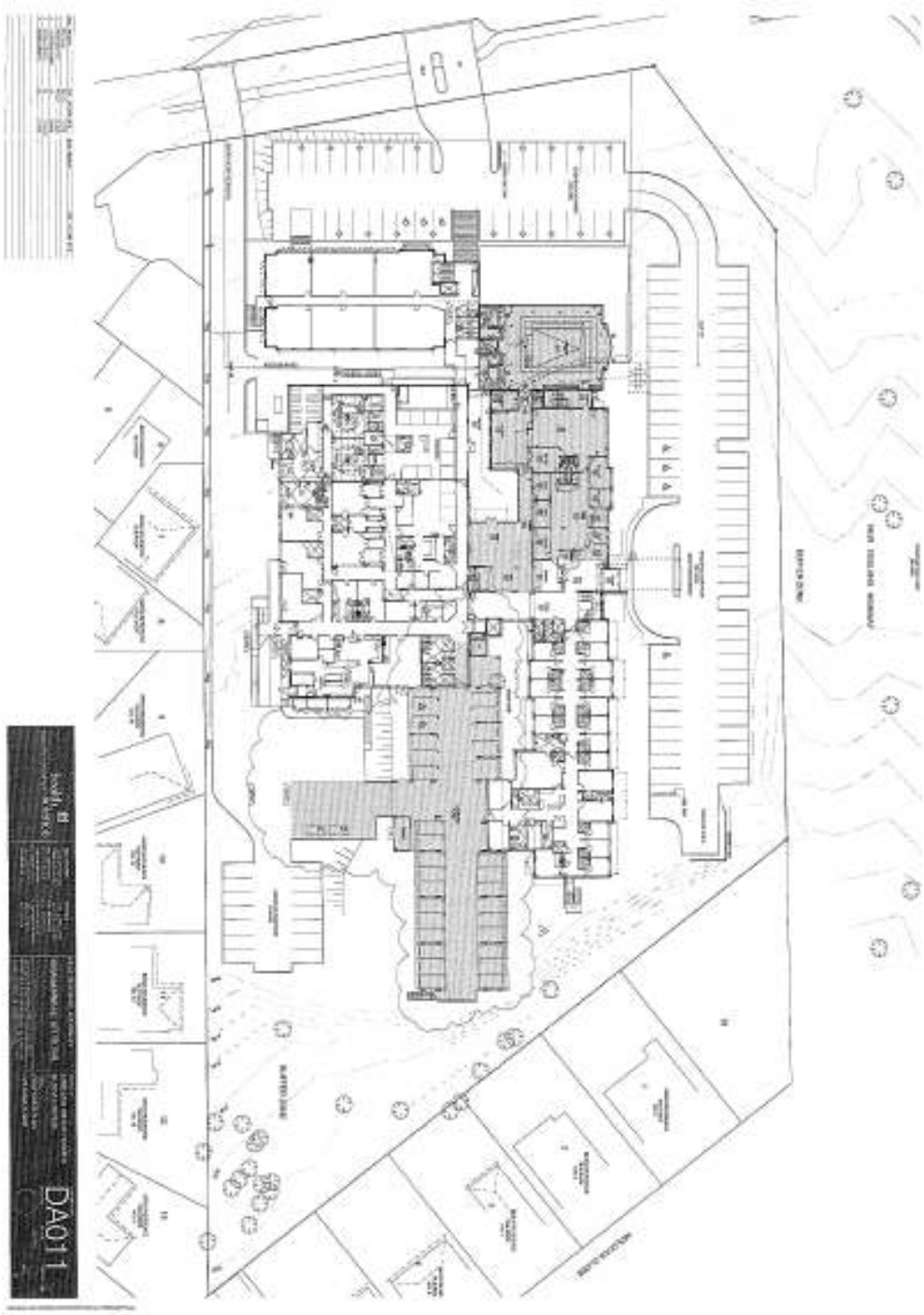
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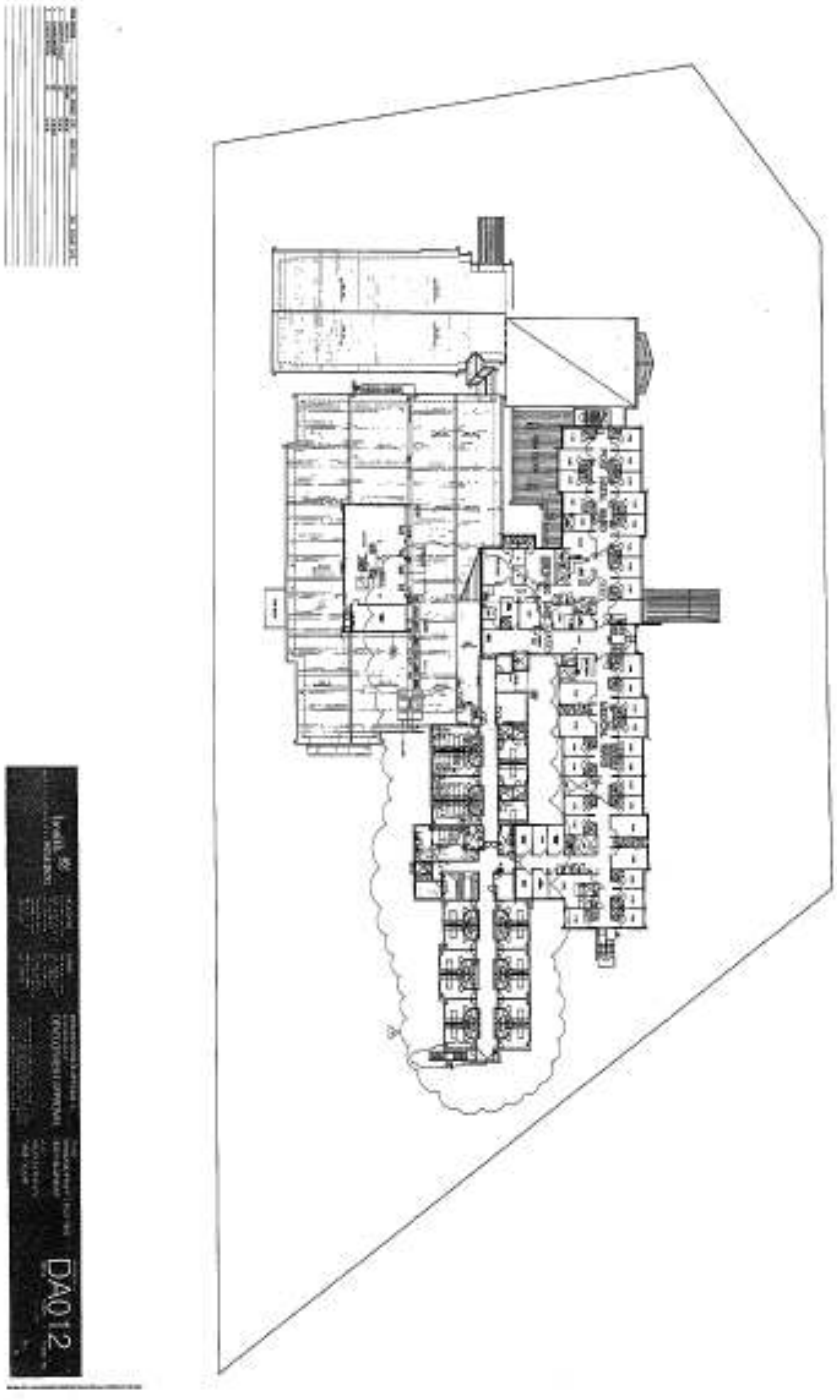
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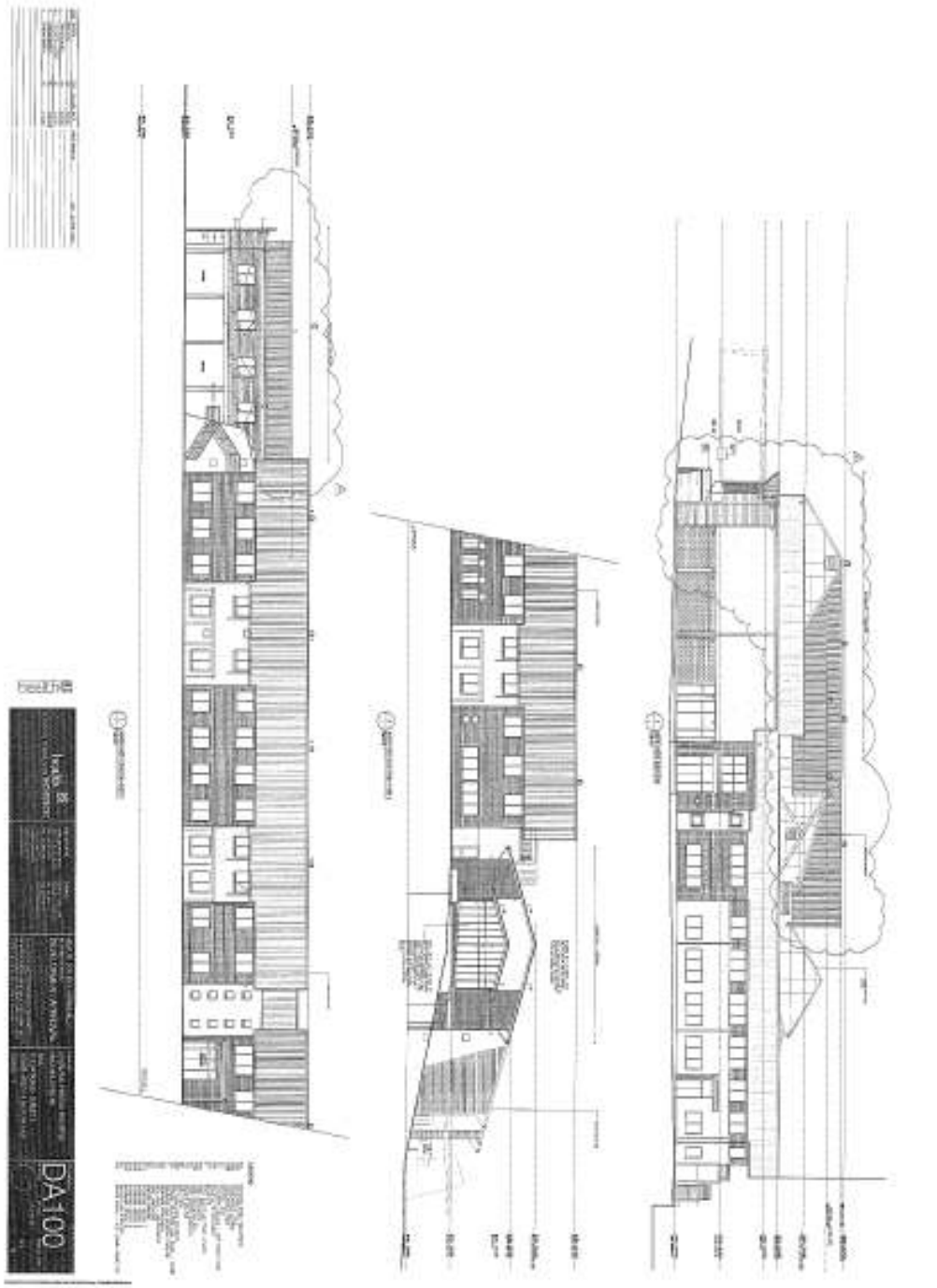
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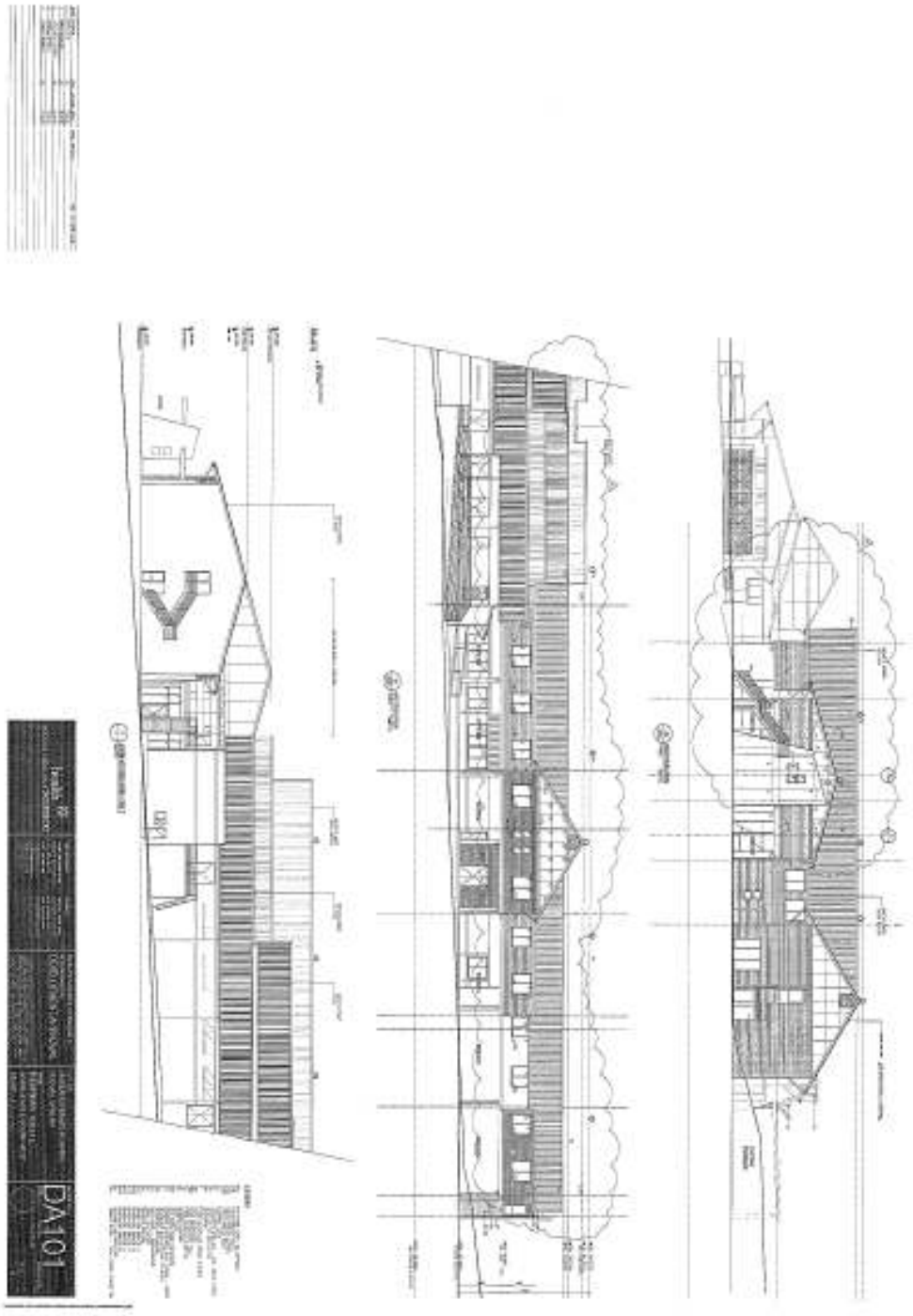
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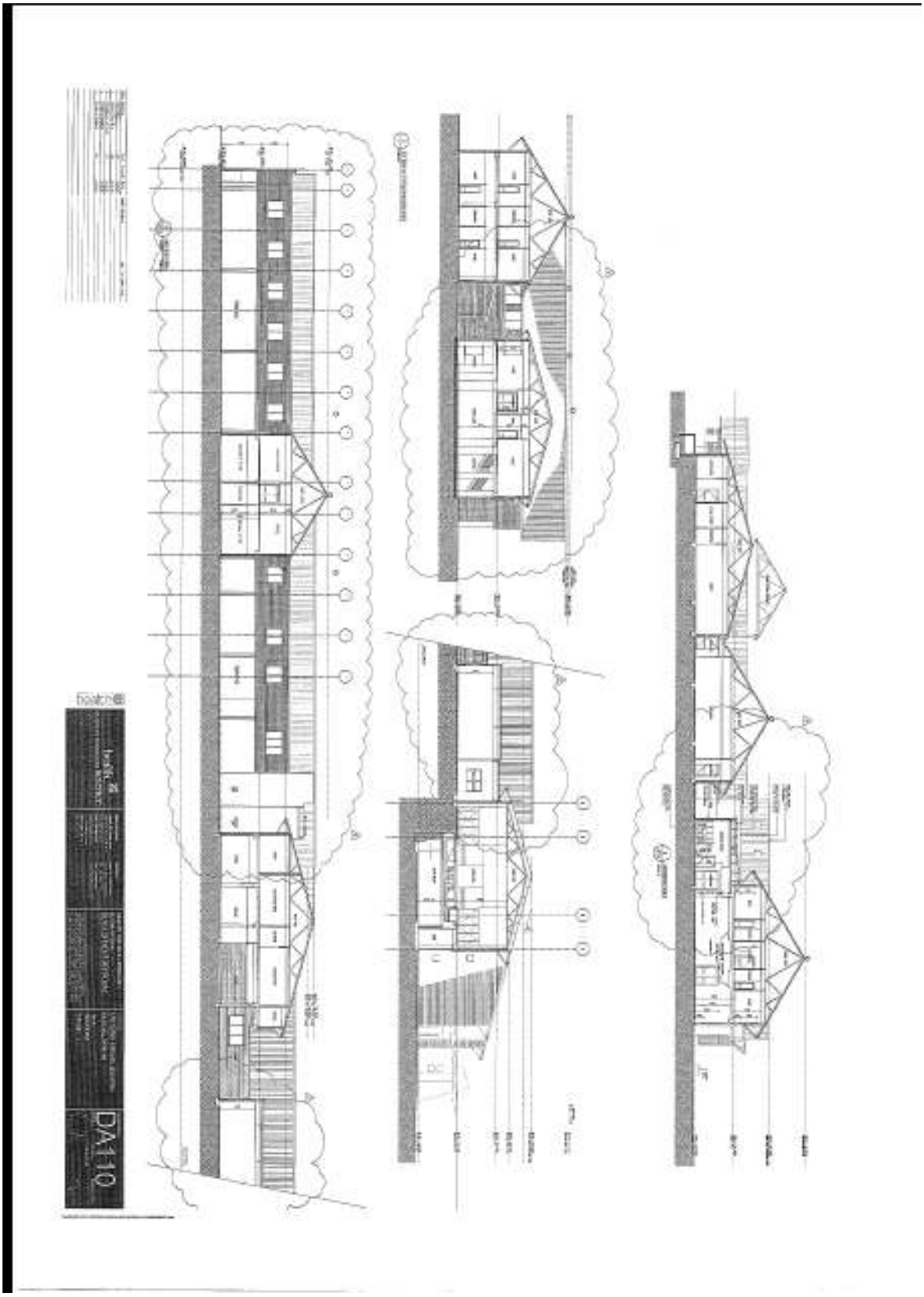
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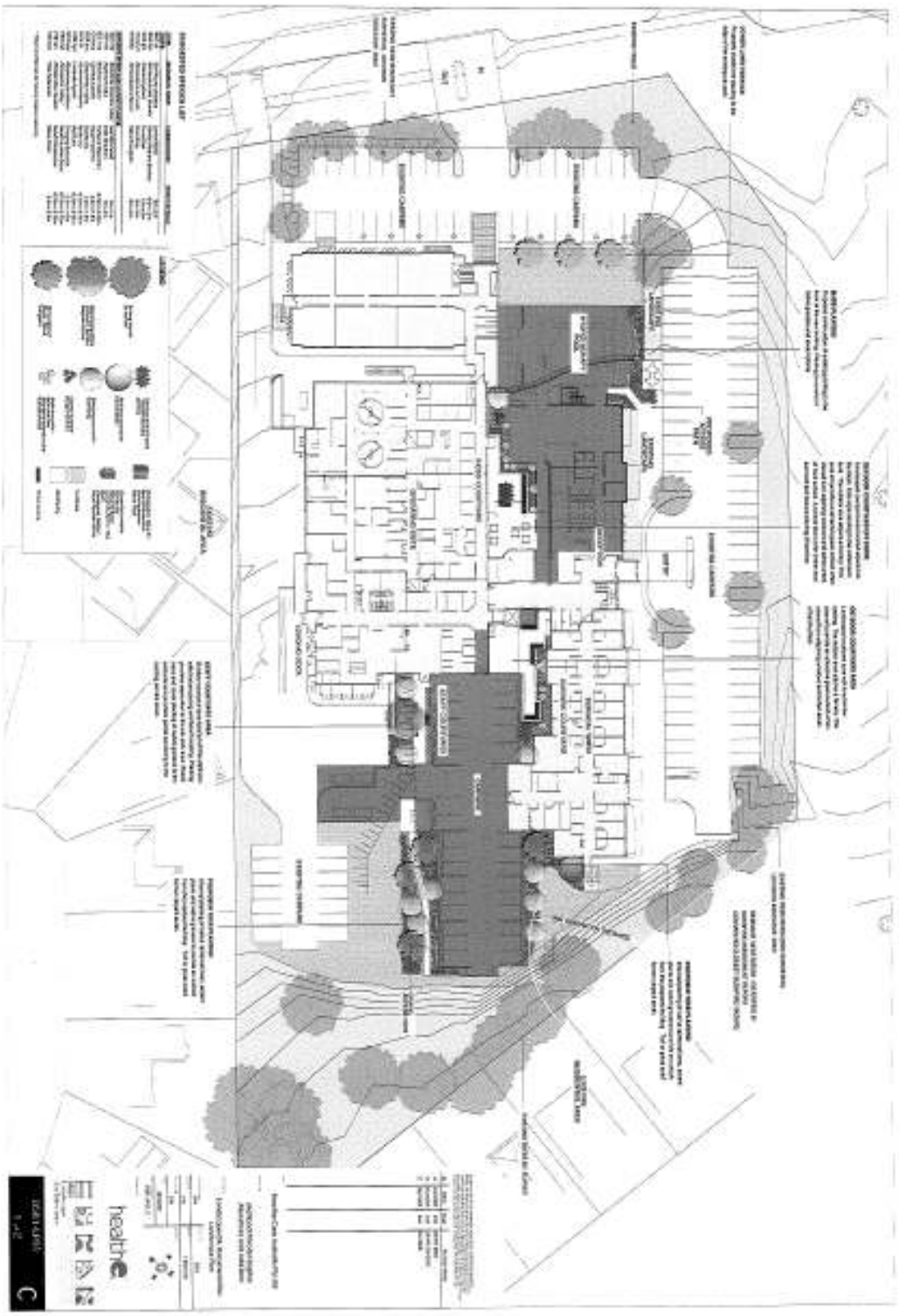

Planting Themes - Internal Courtyards
Carpark Courtyard
Kiosk Courtyard
Staff Courtyard
Planting Themes - External Areas
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