

JRPP Ref No: 2010HCC010
DA No: 657/2010
Proposal: Hospital (Alterations and Additions)
Address: 42 Fairfax Road, Warners Bay
Lot 1 DP 34935
Applicant: Akalan Projects
Owner: HCOA Operations (Australia) Ltd
Lodged: 27 April 2010
Value: \$6 million
Consent Authority: Joint Regional Planning Panel (JRPP)
Referral Agencies: Mine Subsidence Board and Rural Fire Service
Exhibition: 3 May 2010 to 17 May 2010
Report By: Lake Macquarie City Council

Precis

It is proposed to undertake alterations and additions to an existing single level private hospital (Warners Bay Private Hospital), including:

- New rear wing with basement car park, day service rooms and 26 bed mental health unit;
- 6 bed inpatient wing;
- New rehabilitation wing, with hydro-therapy pool; and
- Formalisation of southern car park area.

The land is presently occupied by a 64 bed private hospital and provision for 93 associated car parking spaces. The land is zoned 3(2) Urban Centre (Support) under the Lake Macquarie Local Environmental Plan 2004. The use is permissible on the site as '*hospitals*' defined under LMLEP 2004

The cost of works exceed \$5 million and as such, the JRPP is the consent authority.

Location

The site is located in a predominately residential area on the western edge of Warners Bay on a (presently) no through road. The site is relatively level, falling to the east, with an area of bushland on its eastern periphery. The site is identified as being in the coastal zone, low lying and part bush fire prone.

Surrounding development

To the north of the site is an aged persons multiple dwelling development. To the south is Biddabah Public School and across the road, to the west are detached residential dwellings and the escarpment of Munibung Hill. The Warners Bay town centre is approximately 1 kilometre to the east and Lake Macquarie is located 700m to the south.



Figure 1 – Site Aerial Photograph

The site has an area of 21,647m². The existing hospital and car parking areas are located on the western half of the site. The additions to the hospital remain within the western half of the site on an area currently used for parking purposes. The new basement car park and southern car park will replace this parking area.

The Assessment

This report provides an assessment of the material presented in the application against the relevant State and local planning legislation and policy.

Section 79C: Potential Matters for Consideration

79C(1)(a)(i) the provisions of any Environment Planning Instrument (EPI)

State Environmental Planning Policy 71 Coastal Protection

Clause 8 of the SEPP raises 'Matters for Consideration' for developments within the coastal zone. A SEPP 71 assessment is attached in Appendix B.

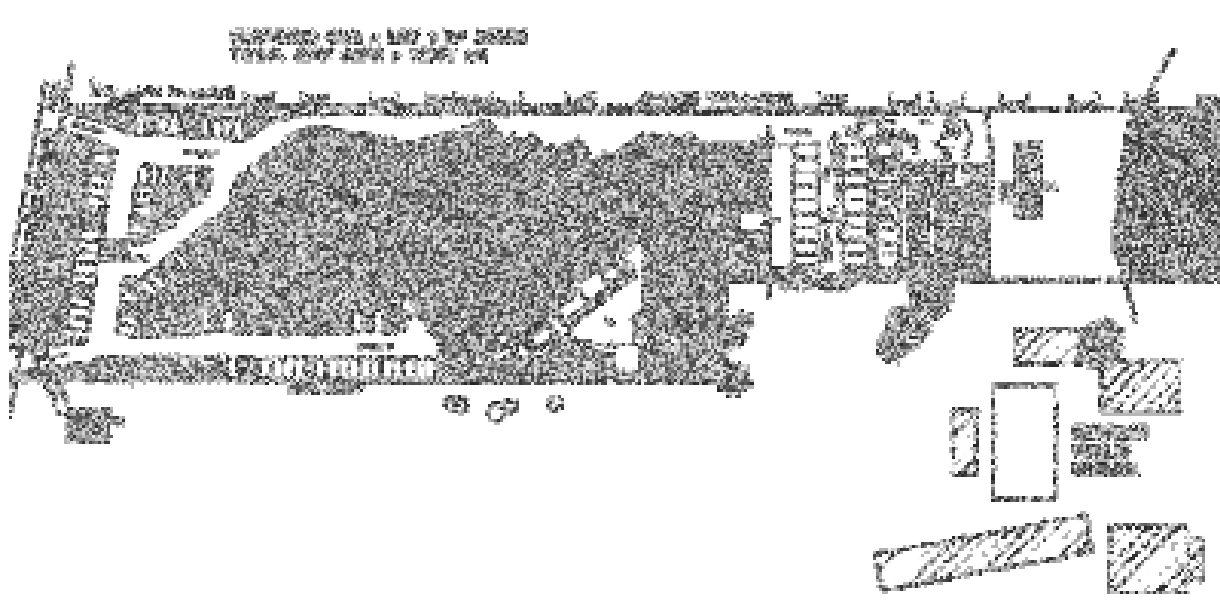


Figure 2 – site plan showing development areas - (for full plan, please refer to EIS)

Lake Macquarie Local Environmental Plan 2004 (LMLEP)

Clause 16 Development Consent – matters for consideration

(a) Lifestyle 2020 Vision, Values and Aims

In considering this application Council must have regard to the following vision, values and aims of the Lifestyle 2020 Strategy as expressed in Part 2 of the LMLEP:

Vision

The vision for land to which this plan applies is described in the Lifestyle 2020 Strategy, which is available from the office of the Council.

Values

The 4 core values of that strategy are sustainability, equity, efficiency and liveability.

Aims

The aims of the Lifestyle 2020 Strategy are to:

- (a) provide the community with realistic expectations about the future development patterns for land in Lake Macquarie City, while retaining flexibility for land use decision making in the longer term, and*
- (b) reinforce and strengthen centres so that a wide range of commercial and community services may be provided in a timely and accessible manner, and*
- (c) provide local employment opportunities for residents and promote economic development consistent with the City's natural, locational and community resources, and*

- (d) *guide the development of urban communities that are compact, distinct and diverse and include a range of housing types and activities, and*
- (e) *achieve a strong sense of positive community identity, through the development of local communities that are safe and liveable and offer a diversity of uses, economic opportunities and ready access to services, and*
- (f) *develop an attractive urban setting for the City which reflects its physical and natural environment, and visual character, and*
- (g) *manage the City's natural environment so that its ecological functions and biological diversity are conserved and enhanced, and contribute to the City's overall well being, and*
- (h) *manage the City's heritage and economic resources in a way that protects the value of these resources and enhances the City's character, and*
- (i) *integrate land use with the efficient provision of public and private movement systems.*

The proposal provides a local employment opportunity and significant health benefits for Lake Macquarie within an appropriate setting. The development will not detract from the visual setting nor affect surrounding communities to a degree that will impact upon the liveability or quality of life of residents in the locality. The proposal utilises land zoned for such a use and as indicated by this assessment, successfully integrates the additions with the existing building and surrounds with minimal environmental impact.

(b) Objectives of Zone

The land is zoned 3(2) Urban (Support), (see Figure 3 below). The objectives of this zone are to:

- (a) provide land for development that supports the viability of Urban Centre (Core) zoned land, and*
- (b) encourage good quality design within the zone, and*
- (c) provide land for mixed use development comprising residential uses in combination with commercial and retail uses, professional services and home based businesses, and*
- (d) provide for sustainable water cycle management.*

The proposal is for alterations and additions to an existing private hospital and is a permissible use. The design complements the existing development and the site constraints, with most works being single level and the rear wing having a basement/undercroft car parking area. This results in minimal environmental impact and a proposal that will not adversely affect the amenity of neighbouring residential uses.

Reuse of water is proposed as part of the works.

Clause 17 Provision of essential infrastructure

The site contains an existing private hospital which is fully serviced by essential infrastructure.

Clause 21 Development the subject of SEPP 1 application

Not applicable.

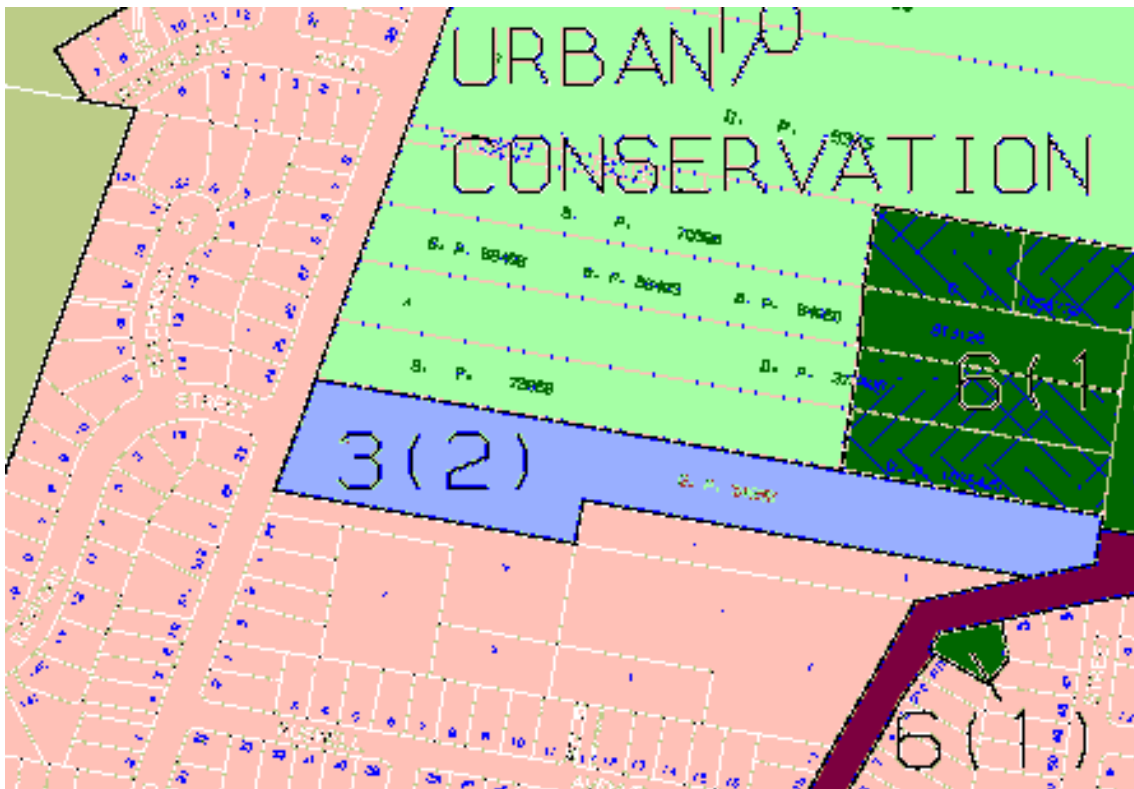


Figure 3 – Zoning of the land / locality – LMLEP 2004

Clause 29 Building heights

Proposed Heights

The maximum height of the rear wing exceeds 9.5 metres in height given the fall of the land. The roof form of the rear wing is of a low pitch to reduce overall height and the visual impact. As this height exceeds 8 metres, consideration must be given to whether the height is compatible with the heights of other buildings in the vicinity or locality.

Surrounding buildings

Development within the immediate vicinity of the site includes Biddabah Public School and multiple dwelling developments (townhouses/villa homes), which are generally single storey in height. Given the slope of the land the rear of the existing building presents as one and a half storey and therefore will integrate with the new rear wing which will present as two storeys.

Compatibility with surrounding buildings and site attributes

The proposed building with an average height of 8.5m towards the rear of the site is compatible with existing height of the hospital and the rear wing (which exceeds 8m) and will not be highly visible from the public sphere (Fairfax Road) or properties to the east which are separated by bushland. It will be visible from the Biddabah Public School (south) and residents to the north, however the residents to the north are separated by over 10 metres of driveway and landscaping. The proposal will not cause unreasonable impact on the school's amenity. It is concluded that the building's height does not significantly adversely impact upon the site, or surrounding built environment. The proposed height is compatible with the site attributes and existing land uses on the site and with limited environmental or visual impacts on the immediate vicinity and in the locality.

Clause 30 Control of pollution

The application was referred to Council's Environmental Health Officer. In respect to medical waste and noise / air pollution. No objections were raised and a number of standard conditions in relation to commercial buildings, medical and food related uses were recommended. These have been included in the recommended conditions of approval.

Clause 31 Erosion and sediment control

No specific concerns in relation to erosion and sediment control were raised by Council's Subdivision Engineer.

Concerns were raised independently with the stability of the eastern side of Munibung Hill. This matter was raised with the Council's Chief Subdivision Engineer who noted the following:

There is still a potential landslip issue on the eastern side of Munibung Hill. However, the affected area is a long way from the private hospital and will not have any consequences for this site.

There are no landslip concerns in relation to this DA.

Clause 32 Flood prone land

The land is flood prone. Council's Climate Change Adaptation Coordinator who indicated the floor levels are above the draft North Creek Floodplain Risk Management Plan.

Clause 33 Bush fire considerations

The land is bush fire prone. The use is a Special Fire Protection purpose and the application is integrated development. The Rural Fire Service have provided the GTAs in a letter dated 4 June 2010. The GTAs have been included in the recommended conditions for approval.

Clause 34 Trees and native vegetation

A number of trees need to be removed for the development and to manage the APZ. Council's Flora and Fauna officer has raised no objection to the proposal. (See further comments at section 2.1 DCP No 1.)

Clause 35 Acid Sulfate Soils

The site is identified as class 5, land being within 500 metres of an area of having a higher risk of acid sulfate soils. Given the limited extent of excavation no specific conditions have been recommended.

Clauses 36 - 42

Not applicable.

79C(1)(a)(ii) the provisions of any draft EPI

There are no amendments that have any impacts in relation to this particular lot or use.

79C(1)(a)(iii) the provisions of any Development Control Plan (DCP)

Development Control Plan No. 1 – Principles of Development

Section 1.8 – Development Notification Requirements

As required by the EPA Regulation 2000, relevant government bodies were notified, being:

Rural Fire Service and Mine Subsidence Board

The NSW Rural Fire Service General Terms of Approval were received on 9 June 2010.

The Mine Subsidence Board General Terms of Approval were received (by Council) on 1 July 2010.

Adjoining and adjacent neighbours were notified of the proposal. A total of one submission were received, raising concerns with the proposal. This objection is addressed at section 79C(1)(d) of this report.

Section 2.1 – Environmental Responsibility and Land Capability

2.1.1, 2.1.2, and 2.1.4 Ecology

A stand of native vegetation exists on the site to the east of the proposed development works. A number of trees are identified as being removed to undertake the project and the RFS has required a 49m APZ to the east of the proposed ear wing. This will result in the removal of more trees. The application was therefore referred to Council's Flora/Fauna Planner who noted the following:

Where required the application has been assessed for compliance with ecological requirements / recommendations detailed in the LMCC LEP (2004), DCP 1, TSC Act (amended 2004), Lake Macquarie Flora and Fauna Survey Guideline (2001), Lake Macquarie Tetratheca juncea Management Plan (Payne 2001), Lake Macquarie Wetlands Management Study, Lake Macquarie Coastal Management Plan, SEPP 14, 19, 26 & 44, FM Act 1994 and EPBC Act 1999. Flora and fauna comments are provided below:

The eastern portion of the site has been identified as an ecological corridor by Councils Native Vegetation Corridor Maps. Vegetation in the eastern portion of the site is also comprised of Coastal Apple Woodland vegetation and may provide habitat for the squirrel glider that has been identified in vegetation continuous with the site to the east.

A minor flora and fauna assessment should have been provided with the application, however on inspection of the site I found the proposed development appropriately located in relation to significant trees including habitat trees on site, and that minimisation of impact to flora and fauna of the site had been achieved equally effectively by:

- Locating the proposed development and associated APZs appropriately within existing disturbed areas of the site (ie; areas where mid storey vegetation had been previously removed and the ground cover slashed);*
- Minimising tree loss on the site to 7 trees, none of which appear to have habitat hollows; and*
- Avoiding impact to potential threatened species habitat and the native vegetation corridor that occur within the eastern portion of the site;*

Given the above, I have no objection to the application with regard to flora and fauna and have added recommended conditions to pathway.

2.1.3 Scenic Values

The site is located in Scenic Management Zone B (the second highest ranking).

No Visual Impact Statement was sought from the applicant given the low scale nature of the development, the relatively level topography and the perceived limited visual impact of the works.

2.1.5 Bushfire Risk

See comments at 'Clause 33' above.

2.1.6 - 2.1.7 Waterbodies

At the eastern end of the site (approx. 200 metres from the development) is an arm of North Creek. Given the distance to the creek, the possible impacts generated by the development are significantly reduced. Conditions in relation to sediment control are proposed. The floor levels have been deemed satisfactory by Council's Climate Change Adaptation Coordinator.

2.1.9 Sloping Land and Soils

The entire site is located in a T5 geotechnical zone. As such, a geotechnical report (prepared by Douglas Partners project no 49498) was submitted with the application and considered by Council's Subdivision Engineer. Council's Chief Subdivision Engineer raised no objection to the proposal. Council's standard condition in relation to compliance with the geotechnical report has been included as a condition for any approval.

2.1.10 Acid Sulfate Soils

See comments Clause 35 above.

2.1.11 Erosion Prevention and Sediment Control

See comments at Clause 31 of this report, above.

2.1.12 Mine Subsidence

The Mine Subsidence Board approved of the proposal and provided General Terms of Approval will be attached to any development consent issued.

2.1.13 Contaminated Land

The land is not known to be contaminated. There is further discussion on this matter below under the DCP area plan.

2.1.14 Energy Efficiency

The proposal will need to comply with part J of the BCA.

2.1.15 Noise and Vibration and 2.1.16 Air Quality and Odour

Noise impacts could be generated by the new deck, mechanical plant and the new basement level car park. Council's Senior Environmental Officer has reviewed the information submitted with the Noise Assessment (NO 04243 version C by Wilkinson Murray), and raised no objection to the proposal.

2.1.17 Building Waste Management

Council's standard condition regarding building waste is recommended. .

Section 2.2 – 2.4 Social, Economic and Heritage

Not applicable.

Section 2.5 – Stormwater Management, Infrastructure and On-site Services

2.5.1 Essential Infrastructure

The site is fully serviced with essential infrastructure.

2.5.2 On-Site Wastewater Treatment

Not applicable.

2.5.3 Stormwater Management (Drainage System Design) and 2.5.4 On-Site Stormwater Harvesting (Source Controls)

Council's Chief Subdivision Engineer advises that a suitable Stormwater Management Plan incorporating detention, water harvesting and site discharge index requirements in accordance with DCP 1 has been provided. The plan is considered adequate to demonstrate compliance with DCP 1 and is supported.

Section 2.6 – Transport, Parking, Access and Servicing

2.6.1 Movement System

Not applicable.

2.6.2 Traffic Generating Development

The additions and total bed numbers are under the figure (i.e. 200 beds) identified as Traffic Generating Development under SEPP (Infrastructure) 2007. The application was referred to Council's Traffic Engineer for comment and no objection to the proposal was raised.

2.6.3 Road Design

Not applicable.

2.6.4 - 2.6.5 Pedestrian / Public Transport

Not applicable.

2.6.6 Vehicle Parking Provision

The proposal includes 93 car parking spaces. Council's DCP requires 80 car parking spaces for a hospital of this size. As such, the number of car parking spaces is considered adequate for the development.

2.6.7 Car Parking Areas and Structures

Council's Chief Subdivision Engineer advises that the internal driveway and car parking area (including turning movements) appear adequate for the development and comply with DCP requirements including AS 2890.1. The 5.5 metres parking aisle for the southern car park may require widening to satisfy the AS. Compliance with the AS would be conditioned as part of any approval.

2.6.8 Vehicle Access

The existing car park entry and exit will be used.

2.6.9 Access to Bushfire Risk Areas

See comments at Cause 33 above.

2.6.10 Servicing Areas

The existing service areas will be retained.

2.6.11 On-Site Bicycle Facilities

Although not specifically indicated on the plans, suitable areas for on-site bicycle facilities can be provided.

2.6.12 Non-Discriminatory Access and Use

The proposal was referred to Council's Access Officer for comment. The officer requested minimum two disabled car parking spaces and a full access audit.

The spaces have been marked on the plans and the applicant has provided a BCA comment in relation to the proposed works noting:

Access for people with disabilities shall be provided to levels 4 & 5 in accordance with the requirements of Clause D3.2, D3.3 and D3.4 of the BCA. Parts of the building required to be accessible shall comply with the requirements of AS1428.1-2001.

Section 2.7 – Streetscape and the Public Realm

2.7.1 Streetscape and Local Character

The context of the site is one of a primarily residential nature. When viewed from the street the proposal will not result in significant changes with the building presently set back from the street behind a landscaped car parking area.

The hospital is of a small size and does not stand out in the streetscape and with the additional works it is considered that the proposal will sit comfortably in the streetscape.

While the site has a 3(2) Urban Support zoning, the character of the development is consistent with the abutting residential and future residential zones.

2.7.2 Landscape

Council's Landscape Architect advises the following:

The Landscape Plan does not cover the extent of the entire development. Apart from the building extension to the east that indicated on the landscape plan, there are new car park, driveway and on-slab courtyard proposed on the site and architectural plans. Subject to the separate locations of the development, a Landscape Master Plan should be provided for the entire hospital site.

The Landscape Master Plan needs to address the issues listed on 'Checklist for Landscape Master Plan' on DCP no.1, Section 2.7.2.

Additionally, the submitted Landscape Site Analysis and Landscape Design Statement need to be amended to cover the entire site. They both need to comply with the requirements listed on the Checklists on DCP no.1, Section 2.7.2.

The following comments are provided on basis of the submitted Landscape Plan:

- *Plant Schedule is left out from the drawing.*
- *The detail of landscape treatment for Area 3 is insufficiently addressed. Planting density, quantity, pot size and planting details should be provided.*
- *Sapium sebiferum is a good choice for feature planting. It is recommended moving this tree further away from the fence line to allow more sun exposure to facilitate the tree growth and colour changing in Autumn.*

- *If new fencing is going to be installed along southern boundary, the fence detail needs to be provided.*

In summary, I request the following landscape documents to be resubmitted prior to the determination of this application:

- *Landscape Site Analysis*
- *Landscape Master Plan*
- *Landscape Design Statement*

Discussions were held between the applicant and Council's landscape architect. Amended plans were lodged with Council (on 2 July 2010). These plans along were considered acceptable. Standard and additional landscaping conditions have been recommended for any approval.

2.7.3 - 2.7.4 Public Open Space

Not applicable.

2.7.5 Light, Glare and Reflection

Council's standard conditions in relation to light and glare have been included in the recommended conditions of approval.

2.7.6 Views

The proposal will not result in significant view loss for neighbouring residential properties.

2.7.7 Signs

No signs are proposed as part of this application.

2.7.8 Fences

New fencing of the site is not proposed.

2.7.9 Safety and Security

The application was referred to Council's Community Safety officer who made the following comments:

I refer to the subject application and advise that, Crime Prevention Through Environmental Design (CPTED) is based upon the principle of designing out crime by making the chances of being caught in the act of crime, outweigh the benefits of the criminal activity. The four broad principles for assessment are Surveillance, Access Control, Territorial Reinforcement and Space Management (further information is available upon request).

Lighting of the under car park area should comply to Australian and New Zealand Lighting Standard 1158.1 – Pedestrian, requires lighting engineers and designers to consider crime risk and fear when selecting lamps and lighting levels.

There is one concern internally on A block which, relates to the set back of the DU room. The set back provides an area with poor visibility and allows for a possible entrapment. It is recommended that the room be extended in line with the surrounding walls and that the storage be repositioned or relocated. This will result in clear surveillance of the corridor areas.

The issues raised by the officer are minor and will be addressed via condition.

Section 3.1 - Lake, Waterway and Coastline Development

3.1.1 - 3.1.2

The development is over 200 metres to a waterway at rear (eastern end) of the site and 700 metres to the Lake. The proposal will not have any adverse impacts on the coastal zone or coastal processes, subject to satisfactory site management during the construction phase.

Section 3.2 – Subdivision

Not applicable.

Sections 3.3 – Urban Centre Development

3.3.1 Centre – Design of Buildings and Places

The site is located within a 3(2) Urban Centre (Support) zone. It is noted that this 3(2) zone is an isolated parcel, well way from other urban centre zonings and the sub regional, town and local centres identified in this clause of the DCP.

The design reflects the nature of the existing built structure through design, height, materials and fenestration. The rear wing has a different roof from, but this is in light of the desire to lower the overall height of the development. The proposal provides for water reuse in landscaping and toilet flushing.

3.3.2 Centre – Amenity and Performance

Overshadowing diagrams were prepared and provided by the applicant. Given the orientation of the site, the most significant additional overshadowing falls on the neighbouring school yard. This is not considered adverse given the extent of the overshadowing and the size of the school play area.

The site layout is acceptable in the circumstances. Its amenity impacts are also considered minimal.

3.3.3 Centre – Home Employment Development

Not applicable.

Section 4

4.20 East Munibung Hill Area Plan

The proposal sits within the identified school/hospital precinct. The proposal will maintain the character of this part of the precinct.

4.20.1 Traffic and Transport

N/A

4.20.2 Open Space, Recreation and Pedestrian Links

The proposal does not affect the future open space links identified in the DCP in this precinct.

4.20.3 Built Form, Local Character and Scenic Values

The DCP stipulates a 54m AHD level where development to be limited in this locality to protect views of Munibung Hill. With an identified height of approximately RL26, the development does not exceed 54AHD height limitation. The proposal has a limited impact on streetscape.

4.20.4 Ecological Values and Corridors

The proposal does not adversely affect the ecological corridor or bushland area to the east of the site.

4.20.5 Land Contamination

The DCP notes the area along Fairfax Road is potentially affected by contamination. Given the development is not on a green field site a referral was made to Council's Senior Environmental Health Officer, who noted the following:

The area of Fairfax Road and the hospital are outside of the lead grid zone, which is to the north of Fairfax Road. There is potential for land contamination for some allotments in and around Fairfax Road, but these allotments are affected from former uses such as market gardens and orchards.

There are no land contamination issues with the proposed hospital extensions.

As such no issues were raised in relation to contamination.

79C(1)(a)(iia) any planning agreement that has been entered into or any draft planning agreement that the developer has offered to enter into

Not applicable.

79C(1)(a)(iv) any matters prescribed by the regulations

The Regulation 2000 provides:

(1) *For the purposes of section 79C (1)(a)(iv) of the Act, the following matters are prescribed as matters to be taken into consideration by a consent authority in determining a development application:*

(a) *in the case of a development application for the carrying out of development:*

- (i) *in a local government area referred to in the Table to this clause, and*
- (ii) *on land to which the Government Coastal Policy applies,*

the provisions of that Policy,

(b) *in the case of a development application for the demolition of a building, the provisions of AS 2601.*

The application is not for the demolition of a building. The Government Coastal Policy applies. As noted elsewhere the site is at the furthest edge of the Coastal Zone and is not considered to have any adverse impacts on this zone.

79C(1)(b) the likely impacts of the development

The following matters were considered and, where applicable, have been addressed elsewhere in this report.

Context & Setting	Waste
Access, transport & traffic	Energy
Public domain	Noise & vibration
Utilities	Natural hazards
Flora & fauna	Technological hazards
Other land resources	Safety, security & crime prevention
Water	Social impact on the locality
Soils	Economic impact on the locality
Air & microclimate	Site design
	Construction

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

Does the proposal fit the locality?

The proposal is suited to the locality, subject to the imposition of appropriate conditions.

Are the site attributes conducive to development?

The site attributes are conducive to the proposed development.

79C(1)(d) any submissions made in accordance with this Act or the Regulations?

Public submissions:

A total of one submission was received from the public.

	Address	Date of Correspondence
1	71 Fairfax Road, Warners Bay NSW 2282	14 May 2010

The submission noted concerns regarding:

Lack of parking

Planning Comment:

The proposal provides more parking on site than is required by DCP No 1. The concern of the resident is noted, as many visitors prefer to park at the front of the site, which has resulted in an underutilisation of the existing rear car park. The formalisation of the southern car park should reduce on street parking demand, as well as a new formal entrance to the rear wing, encouraging cars to park in the rear car park. In addition it is recommended that the applicant prepare a car parking management plan to encourage and manage on-site car parking. This plan would be required to be approved prior to occupation.

Additional traffic

Planning Comment

The addition of 26 bed wing and rehabilitation wing will not add significant levels of traffic to the existing system or Fairfax Road as assessed by Council's traffic Engineer.

It has been confirmed that the hospital will still be operational during the construction phase. While additional vehicles will be evident at this time, the continued use of the hospital at this time should reduce construction impacts on neighbouring properties.

Dangerous vehicle entry

Planning Comment

The existing vehicular entry and exit points will be retained. The sight lines are considered satisfactory and no objections to their continued use has been raised by Council's Traffic Engineer.

Submissions from public authorities:

Apart from the integrated authorities the proposal was also forwarded to Energy Australia and NSW Police for comment. No comments were received from these bodies.

79C(1)(e) the public interest

There are no significant objections to the proposal from the community.

Conclusion:

Based on the above assessment it is concluded that the alterations and additions to the existing Warners Bay Private Hospital at 42 Fairfax Road, Warners Bay will result in a minimal impact on the environment and therefore the development is recommended for approval with conditions

Recommendation:

It is recommended the DA/657/2010 be approved, subject to the conditions contained in Appendix A to this report.

Andrew Leese
Senior Development Planner
Lake Macquarie City Council

I have reviewed the above planning assessment report and concur with the recommendation.

John Andrews
Chief Development Planner
Lake Macquarie City Council

APPENDIX A – CONDITIONS

Reason For The Imposition Of Conditions

The reason for the imposition of the following conditions is to ensure, to Council's satisfaction, the objects of the Environmental Planning and Assessment Act 1979 (as amended) are achieved:

- (a) To encourage:
 - (i) The proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forest, minerals, water, cities, towns, and villages for the purpose of promoting the social and economic welfare of the community and a better environment,
 - (ii) The promotion and co-ordination of the orderly and economic use of development of land,
 - (iii) The protection, provision, and co-ordination of communication and utility services,
 - (iv) The provision of land for public purposes,
 - (v) The provision and co-ordination of community services and facilities, and
 - (vi) The protection of the environment, including the protection and conservation of native animals and plants including threatened species, populations, and ecological communities and their habitats, and
 - (vii) Ecologically Sustainable Development, and
 - (viii) The provision and maintenance of affordable housing.
- (b) To promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and
- (c) To provide increased opportunity for public involvement and participation in environmental planning and assessment.

1. Prescribed Conditions

- (a) The work must be carried out in accordance with the requirements of the Building Code of Australia.
- (b) In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

(i)	showing the name, address and telephone number of the Principal Certifying Authority for the work, and
(ii)	showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
(iii)	stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the council) has given the Council written notice of the following information:

(i)	in the case of work for which a principal contractor is required to be appointed:	
	a.	the name and licence number of the principal contractor, and
	b.	the name of the insurer by which the work is insured under Part 6 of that Act,
(ii)	in the case of work to be done by an owner-builder:	
	a.	the name of the owner-builder, and
	b.	if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under (d) becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

- (e)

(i)	For the purposes of section 80A (11) of the Act, it is a prescribed condition of development consent that if the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:	
	a.	protect and support the adjoining premises from possible damage from the excavation, and
	b.	where necessary, underpin the adjoining premises to prevent any such damage.
(ii)	The condition referred to in (e) (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.	

2. Approved Documentation

This development consent incorporates plans/and or documents referenced and stamped:

- (a) Development Consent No. DA/657/2010
 (b) Plans Reference:

Architectural (or Design) Drawings; prepared by: Health Projects International; Project no. Warners Bay Private Hospital Redvelopment and Extension.			
Drawing No.	Issue	Name of Plan	Date
WBP-P-PARK	1	Vehicle Parking	23.04.10

		Plan	
WBP-P-LG	9	Lower Ground Level Plan	22.12.09
WBP-P-G	9	Ground Level Plan	20.04.10
WBP-P-WARD	10	Ground Floor Plan	20.04.10
WBP-E-W1	2	Elevation	20.04.10
WBP-E-W2	2	Section	23.04.10
WBP-R-WARD	6	Ground Floor and Roof Plan	20.04.10
WBP-E-1	3	Elevation	22.12.09
WBP-E-2	3	Elevation	22.12.09
WBP-E-3	1	Section	10.12.09
WBP-P-1	2	Roof Plan	17.12.09

(c) Document Reference:

Document	Reference	Author	Date
Statement of Environmental Effects		Health Projects International P L	23 April 2010

Details of the development shown in the approved plans and documents referenced are altered in the manner indicated by:

- (i) Any amendments in RED on the approved plans or documents;
- (ii) Any notes, markings, or stamps on approved plans or documents;
- (iii) Any conditions contained in this consent.

3. Construction Certificate

Prior to the commencement of work for the construction of a building or structure, it will be necessary to obtain a Construction Certificate.

4. Occupation Certificate

Prior to the occupation and/or use of a new or altered building, an Occupation Certificate must be issued by the accredited certifier.

5. Flood Levels

Council records indicate that the land is likely to be or has been affected by flooding.

The development shall be constructed in accordance with the minimum levels specified on the approved plans.

6. Bushfire - Development

The development for any purpose on bushfire prone land shall conform to the specifications and requirements of:

- the guide “*Planning for Bushfire Protection 2006*” produced by the NSW Rural Fire Services; and
- if another document is prescribed by the regulations for the purposes of Section 79BA of the Environmental Planning and Assessment Act, that document; and
- the bushfire assessment prepared and approved for the subject development.

7. Fix Damage Caused By Construction Works

The Applicant shall make good any damage or injury caused to a public road or associated structures including drains, kerb and gutter and utility services caused as a consequence of the development works. Any disused gutter and footpath crossing shall be removed and replaced with full kerb to match adjoining kerb to the satisfaction of the Principal Certifying Authority.

8. Landscaping Works

The site shall be landscaped with all disturbed ground being rendered erosion resistant to Council's satisfaction.

9. Topsoil

Topsoil shall only be stripped from approved areas and shall be stockpiled for re-use during site rehabilitation and landscaping.

10. Stockpiles of Topsoil

Stockpiles of topsoil, sand, aggregate, spoil or other material capable of being moved by running water shall be stored clear of any drainage line or easement, natural watercourse, footpath, kerb or road surface.

11. Disposal of Excess Fill

Any excess fill arising from the proposed development shall be deposited at a Council approved site. Notification and prior arrangement to this Council approved site may be required prior to any fill being deposited. The details of the composition and volume of the fill and the site of disposal are to be forwarded to Council prior to issue of a Construction Certificate.

12. Category 1, 2, 3 Landscaping

All landscaping shall be permanently maintained in a good condition in accordance with Council's Development Control Plan No. 1 – Section 2.7.2 Landscape for Category 2 Landscaping. The site shall be landscaped with all disturbed ground being rendered erosion resistant.

In addition to the landscape plans the following is also required:

- Four semi advanced tree (75L) planting is required around the upgraded car park near site southern boundary as marked on the attached plan. Medium evergreen canopy trees are recommended, such as *Tristaniopsis laurina*, or *Eucalyptus 'Summer Red'*.
- The *Syzygium 'Cascade'* planting along the side boundaries at the rear shall be planted at 45L pot size to achieve immediate screening function.
- All the other shrubs shall be no less than 200mm pots and groundcovers, climbers and native grasses shall be no less than 150mm pots.

At the completion of landscape works for Category 2 and 3 Landscaping, the landscape consultant must submit to Council a Landscape Compliance Report that

establishes satisfactory completion of the landscaping works approved by this consent prior to the issuing of the Occupation Certificate.

13. Construction Site Safety Fencing

Construction site safety fencing must be provided around the construction area to prevent unauthorised access to the construction site.

14. Bicycle Parking racks

Bicycle parking racks shall be provided to accommodate bicycles in accordance with DCP 1. (A minimum of 3 for first 5,000sqm GFA plus 1 per additional 1,000sqm GFA)

15. Parking Areas & Access Ways

All parking areas and access ways shall be constructed, sealed and drained in accordance with the standards nominated in Lake Macquarie City Council's Development Control Plan No. 1 and the associated Engineering Guidelines.

16. Drop Off and Loading Areas

All drop off zones or loading areas are to be clearly identified as such areas and the space adjacent the rear ambulance bay is to be designated as a loading area.

17. Lighting

Lighting of the land shall be designed so as to ensure minimal glare onto adjoining properties or roadways. The design of the lighting shall comply with the relevant Australian Standard.

18. Buildings & Structures

Buildings and structures shall be constructed of materials having non-reflective properties (low reflective properties in the case of windows). Natural tones and finishes which complement native vegetation are required. Preferred colours include olive greens, ochres, browns and greys.

19. Retention of Trees Native Vegetation (Development)

All native vegetation on the site shall be retained and protected unless it:

- has been identified for removal on the approved plans or documentation; or
- has been identified for selective removal by the NSW Rural Fire Service.

NOTE In accordance with Clause 34 of Council's Local Environmental Plan 2004 :

- trees or native vegetation on the site that are in close proximity to the approved buildings (ie; within 0 to 5 metres of the approved building) may also be removed provided they have not been identified for specific retention in any of the approved plans or documentation.
- an application shall be made to Council in accordance with Clause 34 of Council's LM LEP 2004 for the removal of any other trees or native vegetation. This includes application for the removal of any understorey vegetation or the stripping of ground cover vegetation that is outside those areas approved for construction.

All reasonable measures shall be undertaken to protect all other native vegetation on the site and on adjoining lands from damage during construction. Such measures shall include but not be limited to:

- installing exclusion fencing (eg; No Go tape, helicopter tape or orange mesh) around vegetation that adjoins the construction area to minimise damage to vegetation that is to be retained. Exclusion fencing is to be installed prior to

commencement of works and maintained in good working order for the duration of works;

- prohibiting compaction and the placement of fill within 5 metres of trees and native vegetation that are to be retained;
- keeping all vehicles, construction materials and refuse within areas approved for buildings, structures, access ways and car parks;
- limiting the number of access points;
- Salvaging useable trees and shrubs which are felled for re-use, either in log form, or as woodchip mulch for erosion control and/or site rehabilitation. Non-salvageable material such as roots and stumps may only be disposed of at an approved site;
- Notifying all contractors, sub-contractors, and personnel of vegetation protection requirements of this condition.

20. Noise assessment report

Council has reviewed & relied on information contained in the noise assessment report from Wilkinson Murray dated April 2010 (Report No: 08243 Version C) relating to noise generation from the development.

The consultant will need to be engaged by the developer to ensure that proper attenuation measures such as barriers, acoustic suppression materials and the correct sound power levels of specified mechanical plant are installed within the development.

Prior to the issue of the **Occupation Certificate**, Council requires certification from the acoustic consultant advising noise mitigation measures comply with the consultant's recommendations & thus the relevant noise policies and standards.

Within one (1) month of occupation, Council requires certification from the consultant stating that the desired acoustic performance has been achieved.

21. Noise - Commercial & Industrial/Home Occupation

The Laeq (15 minute) operating noise level of machinery, plant and equipment when measured at the boundary of the worst affected residential premises shall comply with the more stringent of the intrusive or amenity criteria calculated in accordance with the NSW Department Environment and Climate Change (DECC) Industrial Noise Policy, which is also applied to commercial premises. For assessing amenity criteria, the area shall be categorised in accordance with the guidelines outlined in Chapter 2 of the policy.

22. Noise - Construction Sites

The operating noise level of machinery, plant and equipment when measured at the boundary of the worst affected residential premises during construction operations shall comply with the following:

- (i) Construction period of 4 weeks and under.

The L10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the L90 background level by more than 20 dBA.

- (ii) Construction period greater than 4 weeks and not exceeding 26 weeks.

The L10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the L90 background level by more than 10 dBA.

Time Restrictions

- Monday to Friday, 7.00am to 6.00pm.
- Saturday, 7.00am to 1.00pm if inaudible on residential premises, otherwise: 8.00am to 1.00pm.
- No construction work to take place on Sundays or Public holidays.

Silencing

All possible steps should be taken to silence construction site equipment. It is particularly important that silenced equipment should be used on road or rail works where 24 hour operations is necessary.

If the construction period is in excess of 26 weeks, the applicant is to provide Council with a Site Management Plan prepared with the assistance of a recognised acoustic consultant, indicating whether the use of machinery, plant and equipment during those operations can be completed without causing offensive noise to neighbourhood. If the applicant is unable to achieve this performance standard, Council may impose further time restrictions during which construction may proceed.

23. Construction Site Vibration

Vibration from construction site operations on surrounding land shall comply with AS2670.1 – 2001 and/or Chapter 174 of the NSW Department of Environment and Climate Change (DECC) Noise Control Manual.

24. Bund Spillage Areas

All work storage areas where spillages are likely to occur are to be suitably banded in accordance with the NSW Department of Environment, Climate Change & Water (DECCW) Environment Protection Manual – “Bunding and Spill Management.

25. Control Liquid Gaseous Emissions

Any liquid or gaseous wastes or emissions shall be properly controlled and disposed of in accordance with the requirements of the Department of Environment, Climate Change & Water (DECCW), the Hunter Water Corporation and Council’s policy, full details are to be submitted prior to the release of the Construction Certificate.

26. Emissions

There is to be no interference with the amenity of the neighbourhood by reason of the emission of any "offensive noise", vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the proposed development.

27. Construction Of Food Premises

REASON: To ensure compliance with the Food Regulation 2004, under the Food Act 2003, the Local Government Act 1993 and Regulations, Standard 3.2.3 – Food Premises and Equipment, of the Australia New Zealand Food Standards Code, Australian Standard AS 4674-2004 “Design, construction and fit-out of food premises”, and Council's local policies, for the purpose of sanitation, rodent and vermin proofing and to reduce the risk of food borne illness.

(a) Compulsory Inspection Prior To Opening

Prior to commencing to operate the food premises, an inspection of the premises shall be carried out, by an “authorised officer”, as defined in the Food Act 2003, to ensure that the premises including the construction and installation of all equipment, fixtures and fittings and finish therein comply with Standard 3.2.3 – Food Premises and Equipment, of the Australia New Zealand Food Standards

Code, Australian Standard AS 4674-2004 "Design, construction and fit-out of food premises" and Council's local policies.

(b) Fitout To Comply With Acts & Codes

The walls, floors and ceiling construction including finishes and fitout of rooms used for food preparation, storage or display shall comply with the requirements of the Food Regulation 2004 under the Food Act 2003, Standard 3.2.3 – Food Premises and Equipment, of the Australia New Zealand Food Standards Code, Australian Standard AS 4674-2004 "Design, construction and fit-out of food premises", and Council's local policies.

(c) Solid Walls

The walls including internal walls of the food premises to the food preparation areas, kitchens, sculleries, food displays, food serveries and food storage areas shall be of **solid construction** eg. brick, concrete, concrete block. lightweight concrete block or other similar approved homogenous material.

(d) Wall Finishes

Any kitchens, sculleries, food preparation areas, food serveries and the like shall be finished to a height of at least two (2) metres above the floor level with:-

- (i) glazed tiles fixed in accordance with the requirements of AS3958.1;
- (ii) stainless steel or other approved impervious material adhered directly to the wall.

(e) Rendering Walls Above Two (2) Metres

Where wall tiling does not extend to the ceiling level the wall surface above the tiles shall be rendered to a smooth steel trowel finish flush with the face of the tiles and painted with a durable gloss paint of a light colour.

(f) No Ledge On Wall Tiles

The face of the tiles fixed to the vertical wall surfaces shall be flush with the adjoining wall surfaces to reduce the likelihood of the collection of dust and other accumulations on the ledge formed.

(g) Ceilings

Ceilings over food preparation, display and storage areas are to be constructed of rigid smooth faced material such as plasterboard or villa board finished with set joints and a plaster cornice at the walls and is required to be painted in a washable gloss paint of a light colour.

(h) Partition Walls Splayed

Any partition walls that do not extend to the ceiling shall be splayed on top at an angle of 60 degrees to prevent storage of articles and ensure ease of vision to detect dust buildup.

(i) Floor Finishes

Floors are to be covered with approved floor coverings:

- (i) with the use of ceramic floor tiles coved with a 25mm ceramic cove tile at the intersection with the walls, or
- (ii) with the use of a continuous sheet vinyl returned 150mm up the wall to form a cove and sealed to the wall and fillet with an approved fillet or backing piece to provide support, or

- (iii) with the use of impervious trowelled epoxy over concrete, coved at the intersection of the walls and floor.

(j) Floorwastes

Floors are to be adequately graded and drained to the required floor waste(s).

(k) Light Fittings

Light fittings being recessed flush to the ceiling surface or be attached to the underside of the ceiling, such as squareline profile, which does not have ledges, is sealed to the ceiling and provided with diffuser covers. Pendant lights are not permitted behind the front line of the counter area.

(l) Window Sills Splayed

All window-sills are to be splayed inwards at an angle of 45 degrees and finished with a material matching the wall finish, with all vertical and horizontal edges rounded or bullnosed to a smooth even finish.

(m) Vermin Proofing

Windows, external doors and other external openings shall be provided with vermin and insect proofing.

(n) Coolroom Construction

Any cool rooms and freezing rooms shall be constructed and drained in accordance with Standard 3.2.3 – Food Premises and Equipment, of the Australia New Zealand Food Standards Code, Australian Standard AS 4674 and Council's local policies.

(o) Coolroom Coving

Coving of the coolroom and/or freezer room shall be finished up to a 25mm aluminium "arrowhead" moulding installed 50mm above the finished floor surface to prevent damage to the coving and to allow ease of cleaning.

(p) Coolroom Floor

The floor of the coolrooms/freezer rooms must be finished with a trowelled epoxy finish or tile with an epoxy grout or similar to ensure that the floor is impervious and easily cleaned. The concrete floor must be coved a minimum of 25mm and capped with an aluminium arrowhead.

(q) Coolroom Shelving

Shelves to the coolroom/freezer rooms shall be constructed of galvanised pipe, angle iron, T iron, flat metal or other approved materials, all of which should be treated to prevent corrosion. The base of the shelves in the coolroom/freezer room must be at least 300mm above the floor surface.

(r) Coolroom Top Infill

The coolroom being sealed and vermin proofed against the existing ceiling and wall surface.

(s) Plumbing & Electrical

Services pipes, conduits, condensate drains and the like being concealed behind the finished floor and ceiling surfaces. Where such services are installed pre-fabricated panels provide 25mm clearance off panel surfaces. **NOTE : The use of corrugated electrical conduit is not permitted.**

(t) Fixed Thermometers

All hot and cold holding units used for storage of perishable foods eg. coolrooms/freezer rooms, fridges, pie warmers, bain maries, roller grills etc. must be fitted with permanent thermometers accurate to one (1) degree that are able to be read from outside the unit (ie. without opening the unit) and must be fitted in a location that gives an accurate reading of the temperature of the food.

(u) Refrigeration Drainage

The refrigeration condensation drainage shall be conveyed to the reticulated sewerage system where available and in other cases disposed of without causing a nuisance.

(v) Equipment 150mm Off Floor

All cookers, ovens, vats, fridges, freezers, benches, dishwashers, hot water heaters, cupboards, shelves or similar appliances or equipment are required to be fitted with legs so as the base of the unit is at least 150mm off the floor surface. Further consideration must be given to deep units so as to not hinder cleaning requirements.

(w) Coffee Machine Waste

Waste drainage from any coffee machine shall be conveyed to the sewer by approved concealed means.

(x) False Bases

False bottoms beneath counters, cupboards, fittings, fixtures and equipment are not permitted. The above shall be installed on approved metal legs not less than 150mm in height.

(y) Shelves Over Food Preparation Areas

Shelves, storage racks and other projections shall not be located above food storage or food preparation benches in rooms used for food preparation, storage or display to ensure that foreign matter does not fall into or contaminate an article of food.

(z) Roller Shutters

Where roller shutters are provided, the drum casings are to be concealed above the ceiling level or enclosed in a plasterboard bulkhead.

(aa) Mechanical Ventilation Application

Where any system of Mechanical Ventilation and/or air conditioning is proposed or installed within the premises such system shall be designed to comply with Australian Standard, 1668, Part 2 and AS 3666, and shall be subject to a separate application to be approved by the Principal Certifying Authority prior to installation.

(ab) Exhaust Required Over 8 Kw

If the total maximum power electrical input of the proposed cooking appliance exceeds 8kw or a total gas power input exceeding 29 MJ/h then an approved method of local exhaust shall be provided in accordance with AS 1668 Part 2.

(ac) Menu Boards

Menu boards are to be sealed to the adjoining ceiling and/or wall surfaces and designed to eliminate ledges.

(ad) Hands Free Basin

At least one hand washbasin shall be provided within five (5) metres of any area where food is prepared or handled and must be fitted with a 'hands free' operation with a single spout to mix hot and cold water.

Examples of acceptable 'hands free' tap operation are:-

- (i) Electronic sensor tap operation, or
- (ii) Foot or knee operated tap levers.

Units are to be mounted directly off the wall on metal brackets and **shall not be incorporated in timber bench tops** nor shall there be cupboards or enclosures there under.

The wash hand basin shall be of stainless steel having a minimum size of **450 x 400mm, clearly designated for the sole purpose of washing hands, arms, and face.**

Provide liquid soap and paper towels to the wash hand basin.

(ae) Loading Dock Floor

The path from the meat cool room to the loading dock shall be sealed with epoxy or the like.

(af) Cleaners Sink

A cleaners sink shall be provided with hot and cold water connected thereto, through a common mixing spout.

(ag) Inspection Requirements

It is the Applicants responsibility to ensure that the appropriate progress and final inspections of the food premises fitout have been carried out by the Principal Certifying Authority.

Following the issue of an Occupation Certificate, Council's Environmental Management Section shall be notified within 7 days, for the premises to be registered with Council as a food business.

28. Goods Receival Area & Driveway

Any spillage, wastes or rubbish generated as a result of activities or the area being hosed down are to be contained within the area so as to prevent access to drainage sumps and nearby water courses.

29. Medical/Pathological Waste

Any contaminated medical or pathological wastes stored on the premises is to be properly secured in approved containers and disposed of by a registered contractor, in accordance with the requirements of the NSW Department of Health and the NSW Department of Environment, Climate Change & Water (DECCW).

30. Section 50 Certificate

Prior to the issue of any Construction Certificate, a certificate of compliance under **Section 50** of the **Hunter Water Act 1991** for this development shall be submitted to the Principal Certifying Authority.

31. Building Waste

Suitable provision for the containment of building waste materials generated by the building process, shall be provided within the boundaries of the building site prior to any construction work being commenced above natural or excavated ground level, as follows:-

- (a) Such containment measures are to be either by means of a screened area of silt stop fabric or shade cloth, having dimensions of 2.4 x 2.4 x 1.2 metres high OR equivalent size waste disposal bin;
- (b) The provision of a suitable enclosure or bin shall be maintained for the term of the construction to the completion of the project;
- (c) The enclosure or bin shall be regularly cleaned to ensure proper containment of the building wastes generated on the construction site.

Appropriate provision is to be made to prevent wind blown rubbish escaping from the containment.

32. Demolition

Demolition work shall be carried out only between the hours of 7.00am to 5.00pm Mondays to Fridays and 8.00am to 5.00pm Saturdays. No work is to be carried out on Sundays or public holidays.

Council's road and footpath is not to be damaged or obstructed at any time.

No trees shall be removed from the site, unless approved by Council and shown on the approved plans.

Erosion and sediment control measures shall be installed and maintained in accordance with Council's Development Control Plan No. 1, a copy of which is available from Council's Administrative Offices.

The site is to be grassed and otherwise rendered erosion resistant immediately upon completion of demolition.

Temporary toilet facilities shall be provided during the course of demolition in accordance with Council's requirements ie. chemical closet or temporary sewer connection. Separate application shall be made to council where a chemical closet is proposed.

All demolition work shall be carried out strictly in accordance with Australian Standard AS 2601—1991: The Demolition of Structures, published by Standards Australia, and as in force at 1 July 1993.

Demolition work, as defined within Chapter 10 of the Occupational Health and Safety Regulation 2001, must be undertaken by a licensed contractor.

33. Site Amenities

Throughout the course of building operations on the land, toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided must be installed as follows:

- (i) in a sewered area, connect the temporary builder's service to the Hunter Water Corporation's sewerage system in accordance with such authority's requirements prior to commencing building operations.
- (ii) Where the connection of the builder's toilet to the Hunter Water Corporation's sewer is impractical, an application to approve the use of a chemical closet is to be made to Council accompanied with the appropriate fee for approval.

34. Dust Suppression

During the extraction, removal, and transportation stage of material, the applicant shall ensure that airborne dust does not leave the site. This may require the watering of the material to prevent the generation of wind-blown dust particles.

If airborne dust affects the amenity of adjoining properties then dust suppression methods (such as watering of the material using water trucks) must be implemented to the satisfaction of Council or the Principal Certifying Authority in order to negate the affect of airborne dust affecting the amenity of adjoining properties.

35. Asbestos

If asbestos is encountered during construction or demolition work, measures must be in place in accordance with WorkCover NSW guidelines. Work must not commence until all the necessary safeguards required by WorkCover NSW are fully in place.

You must be licensed to remove and handle asbestos, if asbestos greater than 10m² is proposed to be removed. **Failure to comply with this can result in fines being issued.**

Contractors who are licensed for asbestos disposal by WorkCover NSW must only carry out the removal and disposal of asbestos from demolition and construction sites.

Prior to commencing work on demolition sites where buildings containing asbestos are to be demolished, a commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring 400mm x 300mm (see below) is to be erected in a prominent visible position on the site in accordance with AS1319 "Safety Signs for the Occupational Environment".



The applicant shall notify adjoining residents in writing five (5) working days prior to the demolition of asbestos buildings.

Asbestos waste must only be disposed of at a landfill authorised to receive such waste. Council's Awaba Waste Management Facility can accept asbestos, for a fee, which must be safely secured in accordance with the relevant guidelines. At least 24 hours prior notice must be given to allow an area to be prepared for disposal. The Awaba Waste Management Facility can be contacted on (02) 4959 3337.

36. Stormwater Disposal

Stormwater Detention and Harvesting

The applicant shall include stormwater plans and supporting calculations for the development with the Construction Certificate, generally in accordance with the stormwater plan prepared by Whipps-Wood Consulting, drawing No. HDA02 dated 14 January 2010 and in accordance with the following:-

- Stormwater shall be disposed of through a piped system designed in accordance with Australian Standard AS 3500 by a suitably qualified professional. Qualifications shall be in accordance with Part DQS.06 of Council's Engineering Guidelines.
- Stormwater detention measures shall be constructed and maintained to ensure that the development does not increase upstream or downstream flood levels,
- Detention storage shall be calculated and designed in accordance with "Australian Rainfall and Runoff 1987" and the Lake Macquarie City Council guideline –

“Handbook for Drainage Design Criteria” and shall conform to the specifications and standards contained in the LMCC Engineering Guidelines.

- Stormwater harvesting measures shall be constructed and maintained in accordance with clause 2.5.4 of DCP 1 (and supporting guidelines). Stormwater drainage plans shall include details of the harvesting system (eg. rainwater tank and pump details plus reticulation diagrams).

All drainage works shall be carried out in accordance with the approved plans. A **Works As Executed Plan** that shows that the works comply with the Construction Certificate Drainage Plans shall be provided to the Principal Certifying Authority before the issue of any **Occupation Certificate**.

The Works as Executed Plan shall be endorsed by a Registered Surveyor or the Designing Engineer.

37. Geotechnical Report Compliance

The Applicant shall comply with the recommendations of the Geotechnical Report No. 49498 prepared by Douglas Partners dated February 2010. Any works proposed to be undertaken in relation to the application shall embody all the relevant recommendations of the Geotechnical Consultants. All construction plans shall be endorsed by and carry the original signatures of the Geotechnical Consultants (ie not photocopies) prior to the issue of a **Construction Certificate**.

38. Setback of DU Room

The DU room, located in the new rear wing off the main southern corridor (plan WBP-P-G issue 9) is to be extended so that the entry door is in line with the surrounding corridor walls to increase visibility and reduce areas for entrapment.

39. On-Site Car Parking Management Plan

The applicant shall prepare and submit a carparking management plan to Council for approval by Council's Asset Management Department prior to the issue of any Occupation Certificate. The plan shall detail (but not be limited to) methods to:

- encourage patients, visitors and staff cars to park on site,
- restrict the occurrence of on-street parking, by means inclusive of
 - a parking attendant
 - on-site electronic system indicating availability
 - signage/print/web-based information on the use and location of on-site car parking

40. Rural Fire Service GTAs

Asset Protection Zones

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities.

1. At the commencement of building works and in perpetuity, a 49 metre asset protection zone shall be provided to the east of the proposed development and shall be managed as an inner protection area (IPA) as outlined within Appendices 2 & 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Water and Utilities

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities.

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

Access

The intent of measures for internal roads is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area.

3. A suitable turning head shall be provided at the end of the proposed access to allow a Category 1 Tanker to turn.

Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments.

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

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack.

5. The proposed eastern building shall comply with Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' BAL-12.5 and Section A3.7 of Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.

Landscaping

6. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

General Terms of Approval

The following approval bodies have given general terms of approval in relation to the development: Mines Subsidence Board and Rural Fire Service

APPENDIX B – SEPP 71 Assessment

State Environmental Planning Policy 71 – Coastal Protection

Clause		Yes/No
Part 1 - Preliminary		
4(1)	Is the subject site within the coastal zone? <i>If yes, then this policy applies.</i>	YES
Part 2 – Matters for Consideration		
8	<p>(a) the aims of this Policy set out in clause 2;</p> <p><i>This Policy aims:</i></p> <p>(a) <i>to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast, and</i></p> <p>(b) <i>to protect and improve existing public access to and along coastal foreshores to the extent that this is compatible with the natural attributes of the coastal foreshore, and</i></p> <p>(c) <i>to ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore, and</i></p> <p>(d) <i>to protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge, and</i></p> <p>(e) <i>to ensure that the visual amenity of the coast is protected, and</i></p> <p>(f) <i>to protect and preserve beach environments and beach amenity, and</i></p> <p>(g) <i>to protect and preserve native coastal vegetation, and</i></p> <p>(h) <i>to protect and preserve the marine environment of New South Wales, and</i></p> <p>(i) <i>to protect and preserve rock platforms, and</i></p> <p>(j) <i>to manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6 (2) of the Protection of the Environment Administration Act 1991), and</i></p> <p>(k) <i>to ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and</i></p> <p>(l) <i>to encourage a strategic approach to coastal management.</i></p>	

Clause		Yes/No
	<p><u>Comments:</u></p> <p>In relation to item (k), the existing building is not visible from the foreshore of Lake Macquarie. The scale of the hospital is increased, but when viewed from the Lake foreshore the additions will not be visible from the foreshore either.</p>	
	<p>(b) existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved;</p> <p><u>Comments:</u></p> <ul style="list-style-type: none"> • N/A 	
	<p>(c) opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability;</p> <p><u>Comments:</u></p> <ul style="list-style-type: none"> • N/A 	
	<p>(d) the suitability of development given its type, location and design and its relationship with the surrounding area;</p> <p><u>Comments:</u></p> <ul style="list-style-type: none"> • The zoning permits such developments and it complies with the fundamentals set f within Council's DCP No 1. 	
	<p>(e) any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore;</p> <p><u>Comments:</u></p> <ul style="list-style-type: none"> • N/A 	
	<p>(f) the scenic qualities of the New South Wales coast, and means to protect and improve these qualities;</p> <p><u>Comments:</u></p> <ul style="list-style-type: none"> • As the development is within a developed area the proposal will not have an adverse impact on the natural scenic quality of the surrounding area. 	
	<p>(g) g) measures to conserve animals (within the meaning of the Threatened Species Conservation Act 1995) and plants (within the meaning of that Act), and their habitats;</p> <p><u>Comments:</u></p> <ul style="list-style-type: none"> • N/A 	
	<p>(h) measures to conserve fish (within the meaning of Part 7A of the Fisheries Management Act 1994) and marine vegetation (within the meaning of that Part), and their habitats;</p> <p><u>Comments:</u></p>	

Clause	Yes/No
<ul style="list-style-type: none"> N/A 	
<p>(i) existing wildlife corridors and the impact of development on these corridors; <u>Comments:</u> The works are within a disturbed area, with the bushland area of the site (an identified ecological corridor) is not affected by the proposal.</p>	
<p>(j) the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards; <u>Comments:</u> <ul style="list-style-type: none"> N/A </p>	
<p>(k) measures to reduce the potential for conflict between land-based and water-based coastal activities; <u>Comments:</u> <ul style="list-style-type: none"> N/A </p>	
<p>(l) measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals; <u>Comments:</u> <ul style="list-style-type: none"> N/A </p>	
<p>(m) likely impacts of development on the water quality of coastal waterbodies; <u>Comments:</u> <ul style="list-style-type: none"> N/A </p>	
<p>(n) the conservation and preservation of items of heritage, archaeological or historic significance, <u>Comments:</u> <ul style="list-style-type: none"> N/A </p>	
<p>(o) only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities, <u>Comments:</u> <ul style="list-style-type: none"> N/A (no draft LEP applies to the land) </p>	
<p>(p) only in cases in which a development application in relation to proposed development is determined: (i) the cumulative impacts of the proposed development on the environment, and (ii) measures to ensure that water and energy usage by the proposed development is efficient. <u>Comments:</u> <ul style="list-style-type: none"> the cumulative impacts of the proposal could not be considered adverse in relation to their environmental impact. </p>	

Clause		Yes/No
Part 3 – Significant Coastal Development		
9	<p>Is the proposed development within 100m below mean high water mark of the sea, a bay or an estuary?</p> <p><i>If yes, then this part applies to the proposal unless:</i></p> <p><i>(2) This Part does not apply to:</i></p> <p><i>(a) development in relation to which, under another environmental planning instrument, development consent cannot be granted without the concurrence of the Minister or the Director-General, or</i></p> <p><i>(b) development in relation to which, under another environmental planning instrument, the Minister or the Director-General is the consent authority.</i></p> <p><i>(3) Despite subclause (2), this Part does apply to development in relation to which, under:</i></p> <p><i>(a) State Environmental Planning Policy No 1 Development Standards , or</i></p> <p><i>(b) State Environmental Planning Policy No 14 Coastal Wetlands , or</i></p> <p><i>(c) State Environmental Planning Policy No 26 Littoral Rainforests ,</i></p> <p><i>development consent cannot be granted without the concurrence of the Director-General, whether or not the concurrence may be lawfully assumed.</i></p>	No
11(2)	If answered yes above and this part applies, has a copy of the development application been sent to the Director-General within 2 days of the application being received by Council?	N/A
Part 4 – Development Control		
14	<p>A consent authority must not consent to an application to carry out development on land to which this Policy applies if, in the opinion of the consent authority, the development will, or is likely to, result in the impeding or diminishing, to any extent, of the physical, land-based right of access of the public to or along the coastal foreshore.</p> <p><u>Comments:</u></p> <ul style="list-style-type: none"> N/A 	
15	<p>The consent authority must not consent to a development application to carry out development on land to which this Policy applies in which effluent is proposed to be disposed of by means of a non-reticulated system if the consent authority is satisfied the proposal will, or is likely to, have a negative effect on the water quality of the sea or any nearby beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or a rock platform.</p> <p><u>Comments:</u></p> <ul style="list-style-type: none"> N/A 	
16	<p>The consent authority must not grant consent to a development application to carry out development on land to which this Policy applies if the consent authority is of the opinion that the development will, or is likely to, discharge untreated stormwater into the sea, a beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or onto a rock platform.</p> <p><u>Comments:</u></p>	

Clause		Yes/No
	<ul style="list-style-type: none"> N/A 	