

JRPP PLANNING REPORT

JRPP No:	2011SYW121
DA Number:	543/2012/JP
Local Government Area:	THE HILLS SHIRE COUNCIL
Proposed Development:	ALTERATIONS AND ADDITIONS TO THE EXISTING BUILDING FOR USE AS A HOSPITAL AND DAY SURGERY WITH PROVISION FOR FUTURE MEDICAL CONSULTING SUITES.
Street Address:	LOT 5090 DP 1003896, NOS. 17-19 SOLENT CIRCUIT, BAULKHAM HILLS
Applicant/Owner:	MDEQUITY PTY LTD
Number of Submissions:	NIL
Recommendation:	APPROVAL OF THE APPLICATION SUBJECT TO CONDITIONS
Report by:	GAVIN CHERRY DEVELOPMENT ASSESSMENT COORDINATOR

BACKGROUND

MANDATORY REQUIREMENTS

Owner:	Mdequity Pty Ltd	1.	<u>BHLEP 2005</u> – Permissible with Consent.
Zoning:	Employment 10(a)(Business Park)	2.	<u>Draft THLEP 2010</u> – Permissible with consent.
Area:	18,680m ²	3.	SEPP (Infrastructure) 2007 – Permissible with consent.
Existing Development:	Commercial Building.	4.	<u>BHDCP, Part E, Section 14 – Norwest Business Park</u> – Variation proposed – see report.
		5.	<u>BHDCP Part D, Section 1 – Parking</u> – Complies.
		6.	<u>BHDCP Part D, Section 2 – Signage</u> - Variation proposed – see report.
		7.	SEPP 64 – Advertising Signage – Complies.
		8.	<u>Section 79C (EP&A Act)</u> – Satisfactory.
		9.	<u>Section 94 Contribution</u> - \$312,744.73

SUBMISSIONS**REASONS FOR REFERRAL TO JRPP**

1. Exhibition:	Yes – 30 days as nominated integrated development.	1.	Capital Investment Value exceeds \$5 million (being \$28,423,573.00).
2. Notice Adj Owners:	Yes – 30 days as nominated integrated development.		
3. Number Advised:	104 properties.		
4. Submissions Received:	No submissions received.		

HISTORY

07/06/1999	Development Application 3608/1999/HA approved for a multi storey commercial office building and associated car parking.
16/11/2011	Subject Development Application lodged.
18/11/2011	Referrals sent to the NSW Police Service for comment and NSW Office of Water for concurrence as nominated integrated development.
19/12/2011	Letter sent to the applicant requesting further flood information, signage detail, confirmation of intended pay parking schemes, fuel tank storage details, mortuary fitout details, café fitout details, easement encroachment confirmation, site coverage confirmation, additional bicycle parking, additional accessible parking, additional parents with prams parking and confirmation on basement tenancy details.
19/12/2011	Comments received from the NSW Office of Water.
31/01/2012	Comments received from the NSW Police Service.
02/03/2012	Amended and additional information submitted.

PROPOSAL

The proposed Development Application is for alterations and additions to an existing commercial development for occupation and fitout as a hospital and day surgery with future capacity for medical consulting suites and a rehabilitation ward. The proposal includes the following:-

- Basement Floor Plan: Parking spaces, Medical Gas Bottle Storage Area, X-ray and Ultra Sound Tenancy and Mortuary Holding Room.
- Ground Floor: Parking spaces, Day Surgery, Recovery Stage 1 and 2, Café, Offices and Fuel Storage Tank and Backup Generator (outside);

- Level 1: Future Medical Consulting Suites or Rehabilitation Ward;
- Level 2: Future Medical Consulting Suites or Rehabilitation Ward;
- Level 3: Hospital Rooms and Ancillary Services;
- Level 4: Theatre rooms, Recovery Stage 1 Area and Ancillary Services; and
- Level 5: Board Room, Guest Unit (1 Bedroom), Plant and Services, Clean Room, Storage Area and Decontamination Area;

The proposed development results in an additional 2,164.2m² of gross floor area being a total of 12,164.2m². The proposed additional floor area results from the enclosure of balconies and terrace areas throughout the existing building, minor extensions on all levels of the building, provision of new lift shafts and provision of new fire stairs. In addition sun shading louvers on all levels and plant louvered walls on Level 5 are proposed.

The proposal includes provision for 42 ward beds, six (6) beds in a recovery area associated with the day surgery, six (6) theatres and associated recovery wards, future provision for 30 consulting suites and a further 35 beds within a future rehabilitation ward.

The mortuary holding room is for the temporary storage of bodies prior to transfer to an offsite mortuary. The holding room will be fitted out as per the Public Health (Disposal of Bodies) Regulation 2002 and will have capacity for two (2) bodies without a preparation area. It is intended that bodies will be stored for a maximum 48 hours in accordance with the above Regulation.

The proposed café has been included with preliminary fitout details demonstrating compliance with the relevant Food Safety Regulations. Specific fitout details will be further refined with the Construction Certificate.

The proposed hours of operation are as follows: -

USE	LOCATION	PROPOSED HOURS
Security	Basement	24 hours (2 shifts)
Service Dock	Basement	7.00am to 5.30pm Monday to Sunday
X-ray	Basement	7.00am to 6.00pm Monday to Friday
Hospital Administration	Ground Floor	6.00am to 7.00pm Monday to Sunday
Day Surgery	Ground Floor	7.00am to 6.00pm Monday to Friday
Café / Kitchen	Ground Floor	6.00am to 8.00pm Monday to Sunday
Vacant (future medical suites)	Level 1	N/A
Vacant (future rehabilitation ward)	Level 2	N/A
Hospital	Levels 3 & 4	24 Hours Monday to Sunday (3 shifts) Theatres: 7.00am to 6.00pm Monday to Friday)

The development provides 297 car parking spaces on the site as well as dedicated motorcycle and bicycle parking areas.

The proposal includes additional boom gates and the introduction of a pay parking scheme which includes free parking for staff and ½ an hour of free parking for visitors or patients. The proposed fee schedule is detailed below: -

Time Period	Cost
First ½ Hour	Free
½ Hour – 1 Hour	\$2.20
1 Hour – 1.5 Hours	\$3.30
1.5 Hours – 2.0 Hours	\$4.40
2.0 Hours – 3.0 Hours	\$8.80

3 Hours Plus	\$12.00
Lost Ticket	\$12.00
Overnight Fee	\$14.00 + \$1.10
Minimum Credit Card Transaction Amount	\$5.00

The application also includes advertising signage being directional / identification signage within the front setback and signage on the northern and southern elevations.

The site is located within Norwest Business Park adjacent to Norwest Lake and is directly opposite the Norwest Town Centre Residential Development Site. The Norwest Town Centre Residential Development Site is approved for town house and integrated housing within the Central Residential Precinct (recently approved by the Joint Regional Planning Panel) with a master plan approved for town houses and apartment buildings within the Eastern Residential Precinct (which will be subject to a future separate Development Application).

ISSUES FOR CONSIDERATION

1. Compliance with BHLEP 2005 and SEPP (Infrastructure) 2007

The site is currently zoned Employment 10(a) (Business Park) and Special Uses 5(a) under the provisions of Baulkham Hills Local Environmental Plan 2005 (BHLEP 2005). The Special Uses 5(a) zone relates to a local drainage and flooding affectation along the southern boundary of the site immediately adjacent to Norwest Lake.

The proposed development is most appropriately defined as a "hospital" within Baulkham Hills Local Environmental Plan (BHLEP) 2005 being as follows: -

"hospital means building or place used for the purpose of providing professional health services (including preventative care, diagnosis, medical or surgical treatment and counselling) to people admitted as inpatients of the building or place, whether or not outpatients are also cared for or treated there."

A hospital is a permissible form of development within either zone pursuant to BHLEP 2005. In addition Clause 57(1) of State Environmental Planning Policy (Infrastructure) 2007 permits this form of development.

2. Compliance with Draft THLEP 2010 and SEPP (Infrastructure) 2007

Draft The Hills Local Environmental Plan (THLEP) 2010 seeks to rezone the site to B7 – Business Park and SP2 - Infrastructure. The proposed development is most appropriately defined as a "hospital" under Draft THLEP 2010 being as follows: -

"hospital means a building or place used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, psychiatric care or care for people with disabilities, or counselling services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes ancillary facilities for (or that consist of) any of the following:

- (a) day surgery, day procedures or health consulting rooms,*
- (b) accommodation for nurses or other health care workers,*
- (c) accommodation for persons receiving health care or for their visitors,*
- (d) shops, kiosks, restaurants or cafes or take-away food and drink premises,*
- (e) patient transport facilities, including helipads, ambulance facilities and car parking,*

- (f) educational purposes or any other health-related use,*
- (g) research purposes (whether or not it is carried out by hospital staff or health care workers or for commercial purposes),*
- (h) chapels,*
- (i) hospices,*
- (j) mortuaries.*

Note. *Hospitals are a type of health services facility—see the definition of that term in this Dictionary."*

As outlined within the definition, this form of development is a "health services facility" being defined as follows: -

"health services facility means a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following:

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

The subject site is proposed to be zoned B7 – Business Park under Draft THLEP 2010. A "hospital" is permissible development as this definition is not specifically referenced within Item 2 (exempt development) or Item 4 (prohibited development) within the zone permissibility table. This is as a result of this form of development being permissible under the State Environmental Planning Policy (Infrastructure) 2007.

Clause 57(1) of State Environmental Planning Policy (Infrastructure) 2007 permits the erection of a "health services facility" on land in a 'prescribed zone' subject to development consent from Council. A health services facility is defined within the SEPP as: -

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

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

A prescribed zone is defined within the SEPP as: -

"any of the following land use zones or a land use zone that is equivalent to any of those zones:

- (a) RU4 Rural Small Holdings,*
- (b) RU5 Village,*
- (c) RU6 Transition,*
- (d) R1 General Residential,*

- (e) R3 Medium Density Residential,
- (f) R4 High Density Residential,
- (g) R5 Large Lot Residential,
- (h) B2 Local Centre,
- (i) B3 Commercial Core,
- (j) B4 Mixed Use,
- (k) B5 Business Development,
- (l) B6 Enterprise Corridor,
- (m) B7 Business Park,
- (n) SP1 Special Activities,
- (o) SP2 Infrastructure."

The subject site is intended to be zoned B7 and SP2 which are both prescribed zones as detailed within the SEPP. As a result the proposed development is permissible development under both Draft THLEP 2010 and SEPP (Infrastructure) 2010.

3. Compliance with BHDCP Part E, Section 14 – Norwest Business Park

The proposed development has been assessed against the relevant development standards and objectives of BHDCP Part E, Section 14 – Norwest Business Park and the proposal is considered compliant with the exception of an existing variation relating to car parking setback, as detailed below: -

BHDCP, PART E, SECTION 14 – NORWEST BUSINESS PARK				
CLAUSE	DCP STANDARD	REQUIRED	PROPOSED	COMPLIANCE
2.2.1	Lot Area	Minimum 8,000m ²	18,680m ²	Yes
2.2.2	Site Coverage	Maximum 50% (site coverage excludes uncovered car parking areas and driveways)	2767.4m ² = 14.8%	Yes
2.2.3	Floor Space Ratio	Maximum 1:1	12,164.2/18680 = 0.65:1	Yes
2.3.3	Setback – Public Roads	Minimum 20 metres with no parking forward of the building line	Building: 53 metres (excludes awning over car parking spaces)	Yes – the proposed car parking awning is not considered a building and as the DCP is silent on ancillary structure setbacks, the awning is considered satisfactory on merit due to existing landscaping separation and the fall of the front embankment.

			Parking: Min 9.8m	No – however this is an existing situation unaffected by proposed development
2.2.4	Setbacks – Side and Rear (Note: Merit assessment for setbacks to a riparian corridor)	<u>Building:</u> Min 10 metres <u>Parking:</u> Min 5 metres	<u>Building:</u> Min 25m to eastern boundary (excludes awning over parking) Min 87m to western boundary <u>Parking:</u> Min 5m to eastern boundary (Note: Awning is setback 4.8m) Min 7.5m to western boundary	Yes – the proposed car parking awning structure however is not considered a building and the DCP is silent on ancillary structure setbacks. As a result the awning is considered satisfactory on merit due to existing landscaping separation.
2.2.4	Setback – Riparian Corridor	Merit subject to comments from the NSW Office of Water	<u>Building:</u> Min 8.4m to southern boundary <u>Parking:</u> Min 6.4m to southern boundary	Yes – NSW Office of Water has raised no objections.
2.2.5	Building Height	RL 116 (AHD)	RL 115.8 (to top of Steel Pole on Roof)	Yes
2.4	Building Materials	Select materials which minimise environmental impact. External finishes to be consistent with surrounding developments and landscape features. All roof ventilators, exhaust towers and plant equipment is not to be visible from the public domain Any roof structure or external wall south of Norwest Blvd which is visible from Bella Vista Farm Park shall be dark with non reflective muted colour tones.	The proposed finishes are consistent with the existing building and are considered to be appropriate in the context of the business park. All roof top plant and the lift overrun is screened from view by metal sheeting and metal roofing elements. The site is north of Norwest Boulevard and as such this restriction does not	Yes Yes N/A

			apply.	
2.4.2	Signage	Advertisements or business signs erected within the setbacks to arterial roads are not permitted.	N/A	N/A
2.4.3	Fencing	<p>No fencing other than low ornamental type may be erected.</p> <p>Fencing along rear boundaries adjacent to drainage or open space shall be integrated with the landscaping.</p> <p>All chain wire fencing is to be black or dark green.</p> <p>Pre painted solid metal fencing is not acceptable.</p> <p>Fencing immediately adjacent to Bella Vista Farm Park conservation area shall be simple, low level, rural type timber construction.</p>	N/A	N/A
2.4.4	Hours of Operation	<p>24 hrs, 7 days a week where there is no adverse impacts. Otherwise max 7.00am to 6.00pm Monday to Saturday with no work on Sunday or public holidays.</p>	<p>24 hour operation is proposed.</p> <p>There is not considered to be adverse impact requiring restricted hours of operation.</p>	Yes
2.4.5	Energy Efficiency	<p>Min 4 star greenhouse rating</p> <p>Consider orientation of roof pitch, provision of solar panels, insulation, ventilation and orientation.</p>	The existing building is proposed to be retrofitted with external alterations and additions to fill void and balcony areas.	Yes – satisfactory.
2.4.6	Safer by Design	Consider natural surveillance, lighting, landscaping and building design.	Referred to NSW Police for comment.	Yes – comments received with conditions included.
2.4.7	Biodiversity	Significant bushland should be retained where possible and ensure appropriate Flora and Fauna Assessment is undertaken.	N/A	N/A
2.4.8	Erosion and Sedimentation	Erosion and Sedimentation Control Plans / measures to be considered.	Erosion and Sedimentation Plan submitted, assessed by Councils Environmental Health and Sustainability Section and	Yes

			considered satisfactory.	
2.4.9	Landscaping	<p>Grassed embankments are not to exceed 1:6 slopes with vegetated embankments planted with soil stabilising species at max 1:3 grade.</p> <p>Earth mounding is desirable to mitigate noise impacts.</p> <p>Development south of Norwest Boulevard shall ensure consideration has been given to the Bella Vista Farm Conservation Management Plan.</p>	<p>N/A – The proposal retains existing embankments without amendment.</p> <p>The site is north of Norwest Boulevard and as such this restriction does not apply.</p>	<p>Yes</p> <p>N/A</p>
2.4.10	Vehicular Access	<p>Entry and exit in a forward direction</p> <p>Design to comply with Council's Work Specifications, BHDCP Part D, Section 1 - Parking and the Australian Standards.</p> <p>Suitable sight distance is to be provided.</p>	<p>All vehicles can enter and exit in a forward direction.</p> <p>The car parking design has been assessed by Council's Engineering Section and is considered compliant and satisfactory.</p> <p>The location of the access point is not amended by the proposed application and maintains sufficient sight distances.</p>	Yes
2.4.11	Car Parking	<p>Address BHDCP Part D, Section 1 – Parking.</p> <p>Parking should be provided for "parents with prams" within shopping centres and public facilities.</p>	<p>Refer to separate assessment against BHDCP Part D, Section 1 – Parking below.</p> <p>2 x parents with pram spaces are proposed adjacent to the building entry.</p>	<p>N/A</p> <p>Yes</p>
2.4.12	Loading Docks	<p>Not visible from public domain and must provide buffer landscaping treatments.</p> <p>Loading docks are not to transmit excessive noise.</p>	<p>Truck Parking and Loading Areas are contained within trafficable areas with the truck required to reverse into the loading dock if the size of the truck prevents drive through use.</p>	Yes

			This is an existing situation and is not proposed to be altered by the proposed development.	
2.4.13	Parenting Facilities	Parenting rooms are required for new retail developments or extensions of existing retail developments which exceed 3,000m ² in gross floor area. Refer to Clause 2.4.13 for design considerations.	N/A - the proposal is a separately defined "hospital" and not a retail development and as such this requirement is not applicable to the proposed development.	N/A
2.4.14	Pedestrian Access and Movement	<p>Pathways and ramps to conform to AS 1428 – 1 – 1998 Design for Access and Mobility</p> <p>All surfaces should be stable, even and non slip.</p> <p>Clear pedestrian pathways are to be indicated along arterials road, between developments and links to Public transport stations and rail link lines.</p>	<p>Appropriate disabled access is provided from the car parking area to the entrance / foyer.</p> <p>N/A</p>	Yes
2.4.15	Bicycle Parking	Bicycle: 2 spaces plus 5% of total spaces where development exceeds 4,000m ² being 16.8 spaces (rounded up to 17)	17 spaces	Yes
2.4.16	Services	Consider service provision for Sydney Water, Telecommunications, Electricity, Gas and NSW Fire Brigades	<p>Service provision is satisfactory.</p> <p>Notice of Requirements and Section 73 Certificate requirements to be conditioned.</p>	Yes
2.4.17	Stormwater Management	<p>Consider Water Sensitive Urban Design Measures.</p> <p>Consider satisfactory stormwater collection, discharge and drainage system design against Council's Work Specifications.</p> <p>Development proposals should not include filling of flood liable land or the erection of buildings on flood liable land.</p>	The proposal was referred to, and has been assessed by, Council's Engineering Section who has considered the proposed drainage design measures and have confirmed that the proposal is satisfactory and supportable on these grounds.	Yes

2.4.18	Pollution Control	<p>Air, water and other pollutants to be considered.</p> <p>Noise generating works should consider the Protection of the Environmental Operations Act 1997.</p> <p>Incinerators are not permitted for waste disposal.</p>	The proposal was referred to, and has been assessed by, Council's Health and Environmental Protection Section who have considered the potential environmental, acoustic and waste disposal impacts of the proposed development, and have confirmed that the proposal is satisfactory and supportable on these grounds.	Yes
2.4.19	Waste Management	WMP required to be submitted and address demolition, construction and on going use requirements.	The submitted plan was referred to Council's Waste Management Section who has confirmed that the proposal is satisfactory and supportable.	Yes
2.4.20	Waste Management – Storage and Facilities	<p>All waste areas to be screened from the street and adjoining properties.</p> <p>Waste storage areas to be kept clean and tidy.</p> <p>A Trade Waste Licence may be required prior to the issue of the construction certificate for waste water disposal associated with industrial developments.</p>	The submitted plan was referred to Council's Waste Management Section who has confirmed that the proposal is satisfactory and supportable.	Yes
2.4.21	Heritage (sites adjoining Bella Vista Farm Park)	<p>Consider BHDCP Part D, Section 5 – Heritage</p> <p>Development is to demonstrate how the proposal mitigates impacts upon the Bella Vista Farm Park including consideration of colours, finishes, landscaping and impacts on view corridors.</p> <p>A Heritage Impact Assessment is likely to be required giving consideration o the Bella Vista Farm Conservation Management Plan (2000).</p>	N/A – the site is not in the vicinity of Bella Vista Farm Park.	N/A

4. Compliance with BHDCP Part D, Section 1 – Parking

The proposed development has been assessed against the relevant development standards and objectives of BHDCP Part D, Section 1 – Parking and the proposal is considered substantially compliant with the exception of a minor landscaping variation as detailed below: -

BHDCP, PART D, SECTION 1 - PARKING			
CONTROL	REQUIRED	PROPOSED	COMPLIES
Car Parking	<p><u>Stage 1 Hospital (includes Rehabilitation and Day Surgery):</u></p> <ul style="list-style-type: none"> • 1 space per 2 beds for visitors; • 1 space per 1.5 employees; and • 1 space per 2.5 visiting medical officers <p>83 ward beds (including day surgery) requires 41.5 parking spaces.</p> <p>154 employees requiring 102.6 parking spaces.</p> <p>5 visiting medical officers require 2 spaces.</p> <p>Total Required Parking Spaces = 146.10 spaces</p>	297 parking spaces	Yes
	<p><u>Future Medical Consulting Suites</u></p> <ul style="list-style-type: none"> • 10 medical suites with 30 consulting rooms <p>Medical consulting rooms require 3 spaces per support staff and 1 space per support employee. This definition however is limited to 3 consulting rooms per premise. Even though it is noted that this component is intended in the future, and may be under one operator (like a medical centre), this parking rate is still considered the most appropriate parking rate on merit.</p> <p>As such on the basis that 30 consulting rooms are proposed with 60 support staff, the consulting component of the operation requires the provision of 150 parking spaces.</p>		
	<p>Total Required Parking = 150 plus 146.10 equates to 296.10 spaces which is rounded up to 297 spaces as per the DCP.</p>		

Disabled Parking	Disabled Parking: 4% of required parking being $295/100 \times 4 = 11.84$ rounded to 12) disabled parking spaces.	12 spaces	Yes
Parents with Prams Parking	Hospital: <ul style="list-style-type: none"> 1 space per 100 parking spaces (requiring 3 spaces) 	3 spaces	Yes
Motorcycle Parking	Motorcycle: 1 space per 50 cars = 6 motorcycle spaces.	8 motorcycle spaces	Yes
Loading Facilities	Merit consideration only	Truck Parking and Loading Areas are contained within trafficable areas with the truck required to reverse into the loading dock if the size of the truck prevents drive through use. This is an existing situation and is not proposed to be altered by the proposed development.	Yes - satisfactory
Landscaping	2m wide landscape strips are required between rows served by different aisles and between spaces at a rate of 1 space per every 10 parking spaces.	The existing car parking design is substantially retained however bicycle parking has been placed within the landscape zones thereby creating minor non compliances.	No – landscape strips include bicycle parking which does not meet the requirement of “landscaping” between rows.

4.1 Landscaping Variation

Clause 2.8(a) of BHDGP Part D, Section 1 – Parking provides the following development standard:-

“(a) Outdoor parking areas are to be provided with two metre wide landscaping strips:

- Between rows served by different aisles.
- Between spaces at a rate of one in every ten car parking spaces."

The relevant objectives of this standard are detailed below: -

- "(i) To provide appropriate landscaping for external and uncovered car parks so that they do not detract from the surrounding area.*
- (ii) To provide shade and improve amenity of loading, service and parking areas and to provide a buffer to neighbouring properties."*

Comment

The proposed development substantially maintains the existing car parking design and configuration as constructed with the exception of including additional parent with pram, accessible and bicycle parking spaces. In particular the bicycle parking spaces have been provided within separating landscaping strips resulting in the identified non compliance.

The proposed variation however is considered satisfactory as landscaping is still provided between parking rows ensuring that an appropriate and complimentary landscape setting is provided throughout the car park for the development. The proposed landscaping outcome is not considered to detract from the surrounding area and sufficiently softens the presentation of the impervious car parking area.

As a result the proposed minor variation to BHDCP Part D, Section 1 – Parking is considered satisfactory and supportable.

5. Compliance with BHDCP Part D, Section 2 – Signage

The proposed development has been assessed against the relevant development standards and objectives of BHDCP Part D, Section 2 – Signage and the proposal is considered substantially compliant with the exception of a minor signage quantity variation as detailed below: -

BHDCP, PART D, SECTION 2 - SIGNAGE				
GENERAL SIGNAGE DESIGN REQUIREMENTS				
CONTROL		REQUIRED	PROPOSED	COMPLIANCE
2.1	a)	Advertising shall not incorporate flashing lights or animated or moving components.	No flashing or moving signage proposed.	Yes
	b)	Signs shall be permanently fixed to the premises.	Signage is fixed to the building or on the dedicated pylon boards.	Yes
	c)	Advertising shall not be located or constructed in such a manner as to obstruct any other approved sign.	No obstruction is proposed.	Yes
	d)	Permanent signs shall not be located or	No obstruction	Yes

		constructed in such a manner as to obstruct the view of traffic lights or street signs, nor detrimentally obstruct motorists' or pedestrians' vision at an intersection or on any public road.	is proposed.	
	e)	Signs shall not be constructed of canvas, calico or any like material.	No material type signage is proposed.	Yes
	f)	A free-standing pylon sign shall not exceed ten (10) metres in height, measured from the existing ground level to the top of the structure, provided that the height of any pole sign shall have regard to the nature and height of development in the immediate vicinity.	1m x 2m entrance sign	Yes
	g)	Projecting wall signs and flush wall signs shall not extend above the wall to which they are attached.	No extension above the roof line is proposed.	Yes
	h)	All proposed signage is to be consistent with the objectives of State Environmental Planning Policy No.64 – Advertising and Signage as specified in clause 3(1)(a) of the SEPP.	Satisfactory – refer to separate SEPP 64 assessment.	Yes
	i)	Applications for signage must demonstrate how the proposed signage satisfies the assessment criteria specified in Schedule 1 of State Environmental Planning Policy No.64 – Advertising and Signage.	Satisfactory – refer to separate SEPP 64 assessment.	Yes
	j)	No structure will be erected within 3 metres of the kerb or carriageway. Any structure within 5 metres of the kerb or carriageway will be of frangible design.	Entrance sign is situated 10 metres from the kerb	Yes

BUSINESS PARK SIGNAGE REQUIREMENTS

CONTROL		PERMISSIBLE	PROPOSED	COMPLIANCE
2.5 & 2.9	a)	<p>Only one (1) free-standing pylon sign shall be permitted on any parcel of land zoned light industry or Business Park, and shall meet the following requirements:-</p> <ul style="list-style-type: none"> The height of any free-standing pylon sign shall not exceed ten (10) metres measured from the existing ground level to the top of the structure and shall have regard to the nature and height of development in the immediate vicinity; 	1 x entrance sign proposed in addition to an existing entrance sign.	No – the proposed signage is considered satisfactory as outlined within Section 5.1 of this report below.

		<ul style="list-style-type: none"> • The maximum width of the entire structure shall be two (2) metres. • The maximum advertising display area within the structure shall be no greater than 12.0m² with maximum advertising dimensions of 1.5 metres in width and 8.0 metres in height. No advertising shall be permissible within the bottom 2.0 metres of the structure. • The free-standing pylon sign may identify the names of the occupant(s) of individual unit/suite in the premises and may include a logo or symbol that identifies the business, but does not include general advertising of products, goods or services; and • The free-standing pylon sign may be erected in the landscaped setback area. <p>Note: Refer to 2.5(f) which over-rides part of this clause.</p>	<p>1.0m</p> <p>2m²</p> <p>The content detail on the sign is considered satisfactory.</p> <p>The proposed location is considered satisfactory.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
	b)	<p>Only one (1) free-standing tenancy listing board shall be permissible per parcel of land zoned light industry or Business Park meeting the following requirements: -</p> <ul style="list-style-type: none"> • The maximum size of the tenancy listing board shall not exceed 6.0m². • The height shall not exceed two (2) metres measured from the existing ground level to the top of the structure and the width of the structure shall not exceed 3 metres; • The structure is to be located at the entry to the site and may be incorporated with an area containing mail boxes for individual units; • The tenancy listing board shall include the property address and identify the names of the occupant(s) of each unit/suite in the premises, but does not include general advertising of products, goods or services. Colour and font used on the tenancy listing board is to be consistent; and • The structure may be erected in the landscaped setback area. 	N/A	N/A
	c)	The combined sign area of all signs on the	Sign 3 = 7.4m ²	Yes

		<p>facade of a building will be permitted on the basis of 0.5m² of sign per one (1) metre of length of the building façade which addresses the primary frontage of the site.</p> <p>Primary Frontage to Solent Circuit: 57 metres permitting a maximum signage area of 28.5m²</p>	<p>Sign 4 = 9.4m² Total: 16.8m²</p>	
	d)	<p>Where the building has more than one (1) frontage, the maximum advertising area for a sign on any side elevation (in addition to signage specified in clause (c) above) shall not exceed 0.25m² of sign per one (1) metre of length of the façade of the building.</p> <p>Southern Elevation: 57 metres permitting a maximum signage area of 14.25m²</p> <p>Western Elevation: (Nil signage proposed)</p> <p>Eastern Elevation: (Nil signage proposed)</p>	Sign 5: 9.0m ²	Yes
	e)	Where a premises or building contains multiple occupancies, the maximum area of signage allowed on the façade of each occupancy shall be determined on the basis of 0.5m ² per 1 metre of length of façade of the subject unit or suite.	N/A	N/A
	f)	Notwithstanding Clause 2.5(a), one pylon sign per street frontage is permitted.	1 x entrance sign proposed in addition to an existing entrance sign.	No – the proposed signage is considered satisfactory as outlined within Section 5.1 of this report below.
	g)	Notwithstanding Clause 2.5(b), one tenancy board is permitted per vehicular entry point. If all entry points propose a tenancy board, the name of the occupant is to be displayed only on the board which provides the most efficient point of access to the unit.	N/A	N/A
	h)	Only 1 directional sign per vehicular entry / exit point is permitted and shall be for directional purposes only, located at the entry, max height of 0.6m and max area of 0.5m ² .	N/A	N/A
ILLUMINATION OF SIGNS				
CONTROL	PERMISSIBLE		PROPOSED	COMPLIANCE

2.11	a)	Any illuminated signage shall not adversely impact upon adjoining properties and shall be designed to ensure that no light spills onto adjoining or adjacent properties.	Internally illuminated signage is not considered to adversely impact on neighbouring properties due to the existing and proposed setbacks and location of the development within the business park.	Yes
	b)	Any illumination of signage shall be switched off upon the closure of business each day. Should the business operate during normal business hours only, illumination shall be switched off by 9 p.m. daily.	N/A – the hospital is proposed to operate 24 hours a day.	N/A
	c)	Illuminated signage is prohibited within Residential zones other than an illuminated cube light to identify health care premises.	N/A	N/A
	d)	Illuminated signs are not to be used on the land upon which a heritage item is located.	N/A	N/A

5.1 Pylon Signage Variation

Clause 2.5(a) BHDGP Part D, Section 2 – Signage provides the following development standard:-

- “(a) Only one free-standing pylon sign shall be permitted on any parcel of land zoned light industry or Business Park.”; and*
- “(f) Notwithstanding Development Control (a) above, one (1) pylon sign per street frontage shall be permitted.”*

The relevant objectives of this standard are as follows:-

- “(i) To provide the opportunity for an approved use to adequately identify the nature of the business conducted on the premises.*
- “(ii) To ensure through design controls that the signage proposed is in sympathy with the building design and architectural treatment of the building.*
- “(iii) To limit the total advertising area of signage in proportion to the building design.”*

Comment

The DCP limits pylon signage within the Employment 10(a)(Business Park) zone to one structure per street frontage with maximum dimensions of 2.0m in width and 10.0m in height. The proposed development includes the erection of an additional signage structure within the front setback being 1.0m x 2.0m. As evidenced, this structure is not a typical

pylon sign and functions as a site identification and directional sign. Nonetheless the most appropriate classification is a “pylon sign” resulting in the identified non compliance as the development will result in two (2) smaller signs within the front setback along one road frontage.

The proposed variation is considered satisfactory for the following reasons:-

- The sign is modest in scale being considerably smaller than that permitted by the DCP;
- The sign does not impede vehicular or pedestrian sight lines;
- The sign is considered to be character with the proposed bulk and scale of the development;
- The Solent Circuit frontage is approximately 175 metres and is considered to be capable of accommodating two (2) signs without providing an excessive signage proliferation within the streetscape.

As a result the proposed minor variation is considered satisfactory with respect to BHDCP Part D, Section 2 – Signage.

6. Compliance with SEPP 64 – Advertising Signage

A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

- (a) that the signage is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and
- (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.

The signage is considered satisfactory with respect to the objectives of the SEPP and has been assessed against Schedule 1 as detailed below

Schedule 1 - Assessment Criteria

Assessment Criteria	Proposal	Compliance
Character of the Area		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage is compatible in terms of scale and area with other signage within the Business Park.	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	There is no established theme within the Business Park other than the DCP signage area requirements.	Yes
Special areas		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes	The proposed signage is modest in scale to the building and does not detract from the development, site, or surrounding environmental features.	Yes

or residential areas?		
Views and vistas Does the proposal obscure or compromise important views? Does the proposal dominate the skyline and reduce the quality of vistas? Does the proposal respect the viewing rights of other advertisers?	No obstruction is proposed. The proposed signage is attached to the building and does not dominate the skyline. The proposed signage does not obstruct other advertisers as the signage relates to the proposed use of the development.	Yes Yes Yes
Streetscape, setting or landscape Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? Does the proposal contribute to the visual interest of the streetscape, setting or landscape? Does the proposal reduce clutter by rationalising and simplifying existing advertising? Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signage is modest in scale to the building and does not detract from the development, site, or surrounding environmental features. The proposed signage is considered to be appropriate within the streetscape along Solent Circuit. The proposed signage does not result in a reduction in signage but is less than that permitted by the DCP. No protrusion is proposed.	Yes Yes Yes Yes
Site and building Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? Does the proposal respect important features of the site or building, or both? Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed signage is modest in scale to the building and does not detract from the development, site, or surrounding environmental features. The proposed signage does not detract from Norwest Lake or the landscaping works around the site. The proposed signage is considered appropriate in the context of the sites location and the intended occupation of the building.	Yes Yes Yes
Illumination Would illumination result in unacceptable glare?	Internally illuminated signage is not considered to adversely impact on	Yes

<p>Would illumination affect safety for pedestrians, vehicles or aircraft?</p> <p>Would illumination detract from the amenity of any residence or other form of accommodation?</p> <p>Is the illumination subject to a curfew?</p>	<p>neighbouring properties due to the existing and proposed setbacks and location of the development within the business park.</p> <p>The hospital is proposed to operate 24 hours a day and as such the signage is not intended to be subject to a curfew.</p>	<p>Yes</p>
<p>Safety</p> <p>Would the proposal reduce the safety for any public road?</p> <p>Would the proposal reduce the safety for pedestrians or bicyclists?</p> <p>Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</p>	<p>The proposed signage will not reduce the safety of any road.</p> <p>The proposed signage will not reduce the safety of pedestrians or bicyclists.</p> <p>The proposed signage will not impede sight lines.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

7. Pay Parking Implications

The proposal includes the introduction of a pay parking scheme which includes free parking for staff and ½ an hour of free parking for visitors or patients. The proposed fee schedule is detailed below: -

Time Period	Cost
First ½ Hour	Free
½ Hour – 1 Hour	\$2.20
1 Hour – 1.5 Hours	\$3.30
1.5 Hours – 2.0 Hours	\$4.40
2.0 Hours – 3.0 Hours	\$8.80
3 Hours Plus	\$12.00
Lost Ticket	\$12.00
Overnight Fee	\$14.00 + \$1.10
Minimum Credit Card Transaction Amount	\$5.00

The parking requirements outlined within BHDGP Part D, Section 1 – Parking are based on an unconstrained site with access freely available without payment or other method of restriction or deterrence. The introduction of a parking fee structure as outlined within the Development Application introduces a constraint on the user requiring a decision to be made between paying a fee to park off street (over a specific duration) or park for free on the street. It is considered that this is particularly relevant in the case of staff parking where the imposition of any fees imposed on a regular basis would tend to discourage the use of the off street parking spaces.

Council's DCP requires the provision of a minimum number of onsite parking spaces for both staff and visitors. From this perspective, paid car parking in a large development performs the same functions as period parking restrictions in any major development.

These functions are:

- (a) ensure sufficient turnover of spaces to meet the demands of the development.

- (b) encourage full time staff to use public transport rather than private motor vehicles.
- (c) ensure that the parking is only used by staff and visitors to that development.

Therefore when paid parking is used, it is the usual arrangement to provide a component of free parking for customers to visit the development. This free parking ensures that visitors use the onsite spaces rather than parking elsewhere in the vicinity to avoid the fee. It is also noted that at present there is not a readily accessible public transport system throughout Norwest Business Park (other than bus connections) however it is noted that the North West Rail link is intended to provide a train station adjacent to the Norwest Boulevard / Brookhollow Avenue / Century Circuit Intersection. This station will be on the southern side of the lake and is a considerable walk from the subject site and as such may not be heavily utilised by employees of the proposed hospital.

It is an indisputable fact that where free parking is not available, substantial numbers of staff and customers/visitors will park in adjacent streets or businesses, often up to 500m away. It is therefore important to note that the local streets in this section of the Norwest Business Park are generally wide enough to allow parking on both sides of the road. As such demand for high turnover parking in these streets should not be exacerbated because full time paid car parking has been introduced in an adjacent development.

It is however acknowledged that hospital staff parking demands, and the types of visitor activity, differ to those of major shopping centres where paid parking typically operates. Therefore it is considered reasonable to permit a pay parking scheme provided free customer parking is available for a reasonable duration with all staff parking made free.

When considering the appropriateness of the required free period, or the pricing scheme to be introduced, it is important to note that the provision of a pay parking scheme for Norwest Private Hospital (Nos. 9 – 11 Norbrik Drive, Bella Vista) has been the subject of two recent NSW Land and Environment Court determinations which permitted the introduction of a pay parking scheme.

Appeal No. 10402 of 2008 permitted the following pay pricing schedule provided 16 short term (30 min) free parking spaces are provided at the entrance with a dedicated drop off and pick up lane for patients, visitors and staff (10 minute limited period). In addition employees are not required to pay any more than \$3.00 a day.

PERIOD	FEE
0 – ½ hour	\$1.00
½ - 1 hour	\$2.00
1 – 1 ½ hours	\$3.00
1 ½ - 2 hours	\$4.00
2 – 3 hours	\$8.00
3 or more hours	\$11.00

Subsequent to this determination and the imposition of a condition restricting pay parking to the above rates, a further Section 96 Modification Application was lodged with Council for deletion of the conditioned pricing rates instead seeking a flexible rate responding to changes in the consumer price index. This application was refused by Council as the proposal was considered to effectively provide unregulated parking deterrents on the site. In response to the Council's refusal, the applicant appealed to the NSW Land and Environment Court (Appeal No. 11195 of 2011). The Court upheld the appeal in part on 4 April 2012 but has maintained a conditioned pricing scheme (albeit marginally increased). The amended pricing limitations as imposed by the Court are as follows which includes an annual increase in accordance with the consumer price index (CPI):-

Time Period	Cost
First ½ Hour	\$2.00
½ Hour – 1 Hour	\$4.00
1 Hour – 1.5 Hours	\$6.00
1.5 Hours – 2.0 Hours	\$8.00
2.0 Hours – 3.0 Hours	\$9.00
3 Hours Plus	\$12.00
Lost Ticket	\$12.00
Overnight Fee	\$14.00 + \$1.10

It is also noted that the daily staff parking fee of \$3.00 is maintained but this fee is also subject to annual increases in accordance with the consumer price index

In upholding the Applicant's appeal (in part only), the Commissioner did not accept that *"it is reasonable or appropriate to abandon a table of fees, for to do so would give the applicant total control over fees. This would effectively deny the opportunity for the council to properly consider the relevant and necessary objectives"* of the DCP. Further, *"in the absence of any table of fees, the important question of whether fees would act as a deterrent to people using the car park cannot be properly addressed"*.

The applicant for the subject application has however requested that a pricing restriction not be imposed with the current application to avoid the need for the subsequent Section 96 Modification Applications. As detailed above, the position of the Court is very clear in specifically ensuring the pricing restriction is incorporated as a condition of consent to regulate the pricing scheme and does not unreasonably deter onsite parking. In this regard the applicant's request is not supported and any favourable determination is recommended to provide a condition similar to that imposed by the Court in the above appeal matters including annual CPI increase allowance.

The indicated fee schedule is very similar to the Norwest Hospital rates (noting the likely inclusion of GST charges and the addition of a Credit Card transaction charge). Nonetheless, with the exception of the first pay period, the resulting fees are less than the approved hospital.

The incorporation of a credit card transaction fee of \$5.00 however is considered unreasonable and excessive given that most credit card transaction fees are usually 1%. This proposed scheme would therefore result in a visitor paying \$7.20 for ½ hour – 1.0 hour parking if paying electronically. This requested fee is not considered to be a mechanism to manage the car park and was not imposed by the Court for the Norwest Private Hospital appeals. As such this fee component is not supported.

As a result is considerable reasonable in this instance to support the proposed parking fees provided the following is complied with: -

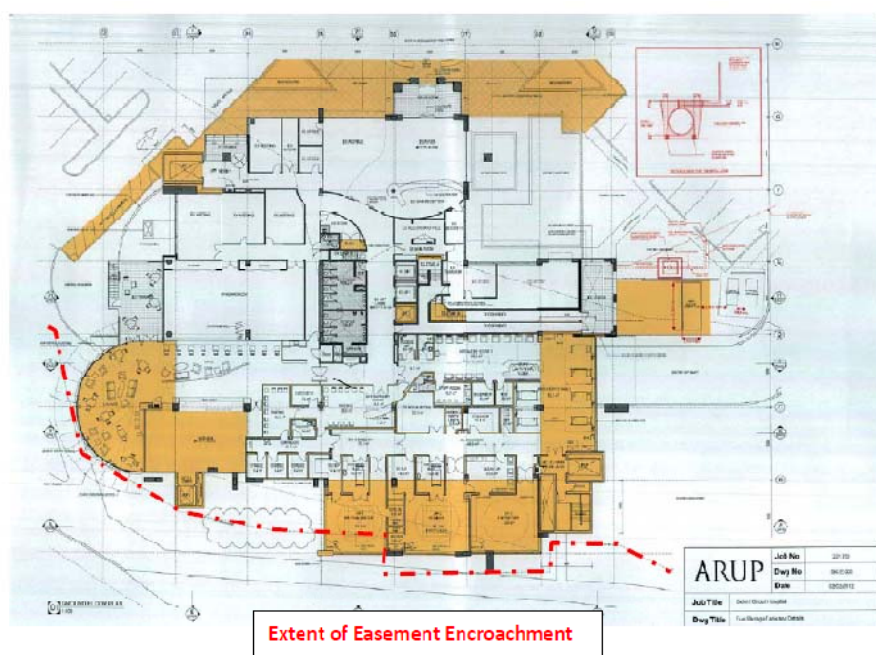
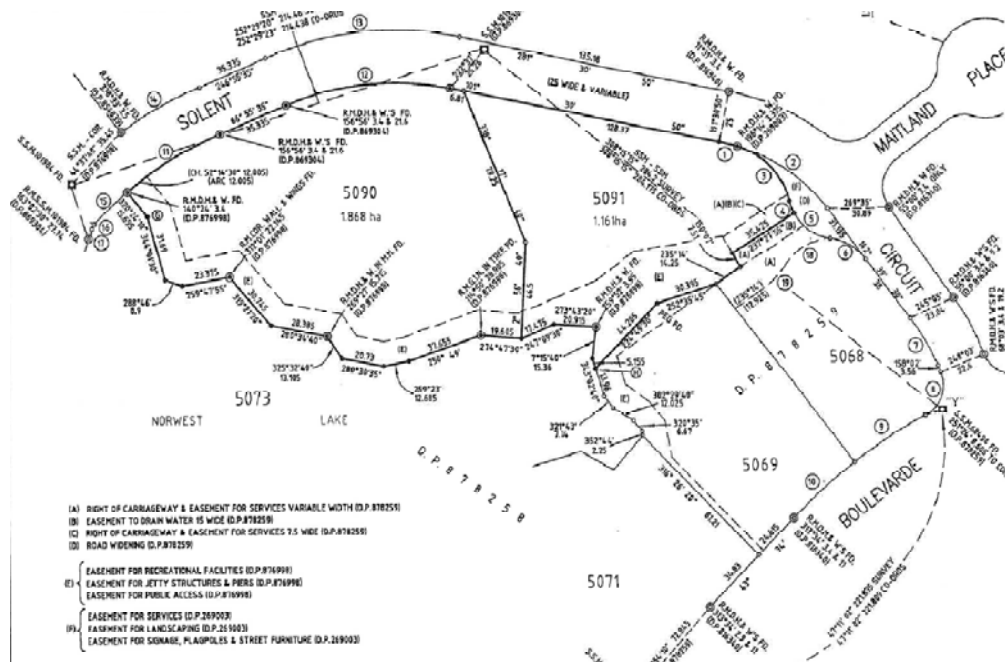
- Parking fees are to be in accordance with the schedule outlined within the Development Application and can only be changed with the further consent of Council;
- All staff parking is to be made free and is to be operated through staff access cards or entry codes (as indicated within the submitted statement); and
- Compliance with the Proposed Car Parking Plan of Management (excluding Part 5 relating to annual rate reviews) dated 28 February 2012 prepared by Don Fox Planning Pty Ltd.

8. Easement Encroachment

The applicant has plotted an easement restriction overlay onto the architectural drawings. The amended drawings now confirm that the proposed basement extension which is to be closer to the lake constitutes an encroachment into the following easements:-

- Easement for Public Access – Benefiting Authority is Council
- Easement for Recreational Facilities, Jetty Structures and Piers – Benefiting Authority is the owner of Lot 2 DP 816340 (now historic lot) being Norwest Association Pty Ltd.

A copy of the applicable Deposited Plan indicating the location of these easements is detailed below:-



The extent of the proposed encroachments is as follows: -

- A roof overhang (louvers) around the lounge area adjacent to the kitchen / café;
- Part of the southern addition being additional gross floor area; and
- Part of the southern addition which is roof overhang at the upper level.

The existing easements traverse the perimeter of the lake and provide a legal entitlement for the public to access both the lake and the footpaths around it. The proposed encroachments are to the easement zone rather than the actual footpath and as such the proposed works will not result in any obstruction to the functionality of the easements.

With respect to the easements for "Recreational Facilities, Jetty Structures and Piers", the benefiting authority being Norwest Association Pty Ltd has provided written consent to the proposed encroachments by email dated 21 March 2012.

With respect to the easement for "Public Access" with The Hills Shire Council as the benefiting authority, a condition of consent is recommended requiring amendment to the easement zone to ensure the encroachment is not within the easement once amended. These requirements are outlined within Condition No. 53 and will require a report to be prepared to Council prior to the issue of the Occupation Certificate. This is the normal practice where an easement or positive covenant, of which the Council is the benefiting authority, is required to be modified or extinguished.

BUILDING COMMENTS

No objection is raised to the proposed development subject to conditions of consent.

SUBDIVISION ENGINEERING COMMENTS

No objection is raised to the proposed development subject to conditions of consent.

TRAFFIC MANAGEMENT COMMENTS

1. Traffic Impact

i) Existing Traffic Environment

This application proposes to change the use of an existing multi floor commercial office building into a hospital and day surgery. Access to the site is currently obtained by a single two-way left in left out driveway off Solent Circuit with boom gate access controls.

Solent Circuit is approximately 1.2km long 18.0m wide with two 6.5m wide carriageways and 5.0m wide median performing collector road within Council's road hierarchy providing access to frontage properties as well as linking Norwest Boulevard and Fairway Drive. The western intersection of Solent Circuit and Norwest Boulevard is under roundabout control whereas the eastern intersection operates under give way sign control and is currently restricted to left in/left out and right in only. On street parking is currently permitted on both sides of the dual carriageways.

ii) Proposed Development - Traffic Generation

The consultant has stated that the Roads and Traffic Authority Guide to Traffic Generating Developments have traffic generation rates for the various classes of developments. Based on these rates the previous commercial use of the property would generate in the order of 200 peak hour vehicle trips. Application of the RTA rates for a 83 bed 249 staff private hospital results in an AM peak hour traffic generation of 43 vehicles per hour (vph) in the morning and 115vph in the afternoon peak or an overall net reduction of around 85 vph from the previous commercial use.

iii) Cumulative Impact in Locality – Solent Circuit – Norwest Boulevard

Due to the reduction in peak hour trips there is not considered to be a negative impact on the surrounding road network resulting from this development.

iv) Need for Traffic Improvements in the Locality

It is not considered that traffic improvements are required for this development.

v) Traffic egress/ingress to arterial/sub-arterial roads

As previously stated both ends of Solent Circuit intersect with the State Arterial of Norwest Boulevard. The western intersection is under roundabout control while the eastern leg operates as left in, left out and right in under sign control. There is a proposal to signalize the eastern intersection to allow controlled right turns out onto Norwest Boulevard. The trigger for this signalization occurs when a previous subdivision approval off Fairway Drive exceeds a certain number of developed allotments. Due to the reduction in peak hour traffic volumes there is limited justification for the imposition of conditions requiring improvements to the surrounding road network.

vi) Sight distance and other safety issues

Sight distance when entering or exiting the proposed access roadways for the property exceeds the minimum safe intersection sight distance standards required under the Austroads Standards for vehicles traveling at 50km/h.

TREE MANAGEMENT COMMENTS

No objection is raised to the proposed development subject to conditions of consent.

ENVIRONMENTAL HEALTH AND SUSTAINABILITY COMMENTS

No objection is raised to the proposed development subject to conditions of consent.

WASTE MANAGEMENT COMMENTS

No objection is raised to the proposed development subject to conditions of consent.

NSW OFFICE OF WATER

No objection is raised to the proposed development subject to general terms of approval dated 14 December 2011.

NSW POLICE COMMENTS

No objection is raised to the proposed development subject to recommendations contained within correspondence dated 31 December 2011.

NORWEST ASSOCIATION COMMENTS

No objection is raised to the proposed development subject to conditions of consent detailed within correspondence dated 14 November 2011 (excluding items 1 and 2 which have since been superseded).

CONCLUSION

The proposed development has been assessed against Section 79C of the Environmental Planning and Assessment Act, 1979, State Environmental Planning Policy No. 64 – Advertising Signage, State Environmental Planning Policy (Infrastructure) 2007, Baulkham Hills Local Environmental Plan 2005, Draft The Hills Local Environmental Plan 2010 and Baulkham Hills Development Control Plan and is considered satisfactory.

The proposed landscaping variation to BHDCP Part D, Section 1 - Parking is considered satisfactory as landscaping is still provided between parking rows ensuring that an

appropriate and complimentary landscape setting is provided throughout the car park for the development. The proposed landscaping outcome is not considered to detract from the surrounding area and sufficiently softens the presentation of the impervious car parking area.

The proposed signage variation to BHDGP Part D, Section 2 – Signage is considered satisfactory as the signage dimensions and area are considerably less than that capable of being pursued under the DCP. The provision of a second “pylon sign” is considered to provide a proliferation of signage within the streetscape with the resulting signage area being considered appropriate given the bulk and scale of the development.

The application was placed on public exhibition for thirty (30) days as nominated integrated development. No submissions were received in response to this notification period.

As a result the proposed development is considered satisfactory.

IMPACTS:

Financial

This matter has no direct financial impact upon Council’s adopted budget or forward estimates.

Hills 2026

The proposed amended development is consistent with the planning principles, vision and objectives outlined within “Hills 2026 – Looking Towards the Future” as the proposed development provides balanced urban growth, satisfactory traffic mobility and employment generation. In addition, the resulting built form is not considered to detrimentally impact upon environmental or social amenity.

RECOMMENDATION

The Development Application be approved subject to the following conditions of consent.

GENERAL MATTERS

1. Development in Accordance with Submitted Plans

The development being carried out in accordance with the following approved plans and details, stamped and returned with this consent except where amended by other conditions of consent.

REFERENCED PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	REVISION	DATE
10053-DA00-A	Cover Sheet and Drawing Schedule	A	25/10/2011
10053-DA01-C	Site & Roof Plan	C	28/02/2012
10053-DA02-D	Basement Floor Plan	D	27/02/2012
SK-E-003	Ground Floor and Fuel Storage Tank and Details	-	02/02/2012
10053-DA04-A	Level 1 Floor Plan	A	25/10/2011
10053-DA05-A	Level 2 Floor Plan	A	25/10/2011
10053-DA06-A	Level 3 Floor Plan	A	25/10/2011
10053-DA07-A	Level 4 Floor Plan - Operating Theatre	A	25/10/2011
10053-DA08-A	Level 5 Floor Plan	A	25/10/2011

10053-DA20-A	North Elevation	A	25/10/2011
10053-DA21-A	East Elevation	A	25/10/2011
10053-DA22-A	South Elevation	A	25/10/2011
10053-DA23-A	West Elevation	A	25/10/2011
10053-DA30-A	Section AA	A	25/10/2011
10053-DA30-A	Section AA	A	25/10/2011
10053-DA31-A	Section BB	A	25/10/2011
10053-DA32-A	Section CC	A	25/10/2011
10053-DA33-A	Section DD	A	25/10/2011
10053-DA34-A	Section EE	A	25/10/2011
10053-DA40-A	Sedimentation & Erosion Control Plan	A	25/10/2011
2809-100	Main Kitchen – Cover Sheet	2	07/12/2011
2809-101	Main Kitchen – Layout	2	07/12/2011
2809-102	Main Kitchen – Equipment Schedule	2	01/12/2011
2809-103	Basement Stores – Layout	1	07/12/2011
2809-104	Typical Pantrys - Layout	1	07/12/2011

No work (including excavation, land fill or earth reshaping) shall be undertaken prior to the issue of the Construction Certificate, where a Construction Certificate is required.

2. External Finishes

External finishes and colours shall be in accordance with the details submitted with the development application and approved with this consent.

3. Compliance with Norwest Association Requirements

Compliance with the requirements of Norwest Association dated 14 November 2011.

4. Compliance with NSW Office of Water Requirements

Compliance with the requirements and general terms of approval issued by the NSW Office of Water dated 14 December 2011.

5. Compliance with NSW Police Requirements

Compliance with the recommendations and requirements of the NSW Police Force dated 31 December 2011.

6. Provision of Parking Spaces

The development is required to be provided with 297 off-street car parking spaces with bicycle, motorcycle, accessible / disabled parking and parent with pram parking as indicated on the approved plans. The required 297 car parking spaces takes into account the future use of level 1 as medical consulting suites and level 2 as a rehabilitation ward as outlined within the Statement of Environmental Effects submitted with this application. These car parking spaces shall be available for off street parking at all times.

7. Separate Development Application for Future Medical Consulting Suite and Rehabilitation Ward Occupations on Levels 1 and 2 of the Approved Development

A separate Development Application is required for the occupation and fitout of Levels 1 and 2 which are indicated to be "future medical consulting suites" and "rehabilitation ward". This application is required to provide assessment against:

- Local Environmental Plan 2005 (if still in force);
- Draft The Hills Local Environmental Plan 2010 (or as adopted); and
- Baulkham Hills Development Control Plan.

The above assessment should specifically address the following:

- Proposed use and its Permissibility
- Hours of Operation
- Delivery Details
- Staff Numbers
- Signage, and
- Parking Provision

8. Separate application for other signs

A separate application is required to be submitted to, and approved by Council prior to the erection of any advertisements or advertising structures other than the sign(s) approved in this consent.

9. Construction Certificate

Prior to construction of the approved development, it is necessary to obtain a Construction Certificate. A Construction Certificate may be issued by Council or an Accredited Certifier. Plans submitted with the Construction Certificate are to be amended to incorporate the conditions of the Development Consent.

10. Building Work to be in Accordance with BCA

All building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).

With respect to the proposed change of use, the building shall be upgraded to comply with the current BCA/National Construction Code in accordance with Section 4 of the submitted Concept Design BCA Review Report dated 28 October 2011 prepared by NBRS+Partners that accompanied the Development Application.

11. Construction and Fit-out of Food Premises

To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, all work involving construction or fitting out of the premises shall comply with the requirements of Australian Standard AS 4674-2004 – Design, construction and fit-out of food premises and the provisions of the Food Safety Standards Code (Australia).

Note: Copies of AS 4674-2004 may be obtained from SAI Global on telephone 1300 654 646 or by visiting the website: www.saiglobal.com

Copies of the Food Safety Standards Code (Australia) may be obtained by contacting the Food Standards Australia New Zealand Authority on Telephone: (02) 6271-2222, or by visiting the website: www.foodstandards.gov.au.

12. Acoustic Requirements

The recommendations of the Acoustic Assessment and Report referenced as REP/221750/R01, dated September 2011 and The Mechanical Services Noise Prediction letter dated January 2012, prepared by ARUP Pty Ltd, and submitted as part of the Development Application are to be implemented as part of this approval.

13. Adherence to Approved Waste Management Plan

The Waste Management Plan submitted to and approved by Council must be adhered to at all stages in the demolition/construction/design of facilities and on-going use phases. All waste material nominated for recycling must be reused or recycled. Any material moved offsite is to be transported in accordance with the requirements of the Protection of the Environment Operations Act (1997) and only to a place that can lawfully be used as a waste facility. Dockets/receipts verifying recycling/disposal must be kept and presented to Council when required.

14. Waste Collection

Waste and recycling material, generated by the premises, must only be collected between the hours of 6am and 10pm except for Sundays and public holidays, where collection shall be between 8am and 10pm.

15. Garbage Storage – Odour Control

A waste contractor shall be engaged to remove all waste from the garbage storage area on a regular basis so that no overflow of rubbish will occur. Practical measures are also to be taken to ensure that odour emission from the garbage storage area does not cause offensive odour as defined by the Protection of the Environment Operations Act, 1997.

16. Waste Management- Commercial/Industrial

To ensure the adequate storage and collection of waste from the occupation or use of the premises, all garbage and recyclable materials emanating from the premises must be stored in a designated waste storage area. Arrangement must be in place in all areas of the development for the separation of recyclable materials from general waste and for the movement of recyclable materials and general waste to the main waste/recycling storage room/area.

The waste storage area must be:

- i) provided with a hose tap connected to the water supply;
- ii) paved with impervious floor materials;
- iii) graded and drained to a waste disposal system in accordance with the requirements of the relevant regulatory authority (Sydney Water);
- iv) adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour as defined by the Protection of the Environment Operations Act 1997;
- v) fitted with appropriate interventions to meet fire safety standards in accordance with the Building Code of Australia.

17. Waste Storage and Separation - Construction and Demolition

The reuse and recycling of waste materials must be maximised during construction and demolition. The separation and recycling of the following waste materials is required:

- 1) masonry products (bricks, concrete, concrete roof tiles) to be sent for crushing/recycling;
- 2) timber waste to be separated and sent for recycling;
- 3) metals to be separated and sent for recycling;
- 4) clean waste plasterboard to be returned to the supplier for recycling (excluding plasterboard from demolition); and
- 5) mixed waste (plastic wrapping, cardboard etc) to be sent to a licenced recycling or disposal facility

This can be achieved by constructing a minimum of five trade waste compounds on-site. Each waste compound must be adequately sized to enclose the waste. Alternatively, mixed waste may be stored in one or more adequately sized waste compounds and sent to a waste contractor/waste facility that will sort the waste on their site for recycling. Waste must be adequately secured and contained within designated waste areas and must not leave the site onto neighbouring public or private properties. Personal waste must not litter the site. Copies of actual weighbridge receipts verifying recycling/disposal must be kept and presented to Council when required.

18. Surplus Excavated Material

The disposal/landfill of surplus excavated material, other than to a DECC licensed facility, is not permitted without formal approval from Council prior to the commencement of works. Any unauthorised disposal of waste, which includes excavated material, is a breach of the *Protection of the Environment Operations Act 1997* and subject to substantial penalties. Unless Council approves an alternate site, then all surplus excavated material must be disposed of at a licensed waste facility. Copies of actual receipts verifying recycling/disposal must be kept and presented to Council when required.

19. Garbage Collection – Commercial/Industrial

Collection of waste and recycling material, generated by the premises, must not cause nuisance or interference with the amenity of the surrounding area.

20. Compensate Flood Storage

The proposed garden/ lawn area modification to off-set the loss of flood storage due to the proposed extension must be completed, and certified by a suitably accredited engineer of the satisfactory completion prior to occupation certificate.

PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

21. Notice of Requirements

The submission of documentary evidence to the Certifying Authority, including a Notice of Requirements, from Sydney Water Corporation confirming that satisfactory arrangements have been made for the provision of water and sewerage facilities.

Following an application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water / sewer extensions can be time consuming and may impact on other services and building, driveway and landscape design.

22. Acoustic Consultant – Traffic Noise

An appropriately qualified acoustic consultant shall be engaged to certify that the design of the traffic noise affected portions of the building complies with the EPA's – Environmental criteria for the road traffic noise. A copy of this certification shall be submitted to Council prior to the issue of a Construction Certificate.

23. Stormwater Treatment - Car Parks

The car parking area(s) must drain to a stormwater treatment device capable of removing litter, oil, grease and sediment prior to discharge to the stormwater system. Details of the stormwater treatment device are to be submitted to Council.

24. Section 94A Contribution

Pursuant to section 80A (1) of the Environmental Planning and Assessment Act 1979, and The Hills Shire Wide Section 94A Contributions Plan, a contribution of **\$312,744.73** shall be paid to Council. This amount is to be adjusted at the time of the actual payment in accordance with the provisions of the Hills Shire Wide Section 94A Contributions Plan.

The contribution is to be paid prior to the issue of the Construction Certificate or Complying Development Certificate.

You are advised that the maximum percentage of the levy for development under section 94A of the Act having a proposed construction cost is within the range specified in the table below;

Proposed cost of the development	Maximum percentage of the levy
Up to \$100,000	Nil
\$100,001 - \$200,000	0.5 %
More than \$200,000	1%

PRIOR TO WORK COMMENCING ON THE SITE

25. Management of Building Sites – Builder's Details

The erection of suitable fencing or other measures to restrict public access to the site and building works, materials or equipment when the building work is not in progress or the site is otherwise unoccupied.

The erection of a sign, in a prominent position, stating that unauthorised entry to the site is not permitted and giving an after hours contact name and telephone number. In the case of a privately certified development, the name and contact number of the Principal Certifying Authority.

26. Notification

Two days before work commences, Council shall be notified of the Principal Certifying Authority in accordance with Form 7 of the Regulation.

27. Principal Certifying Authority

A sign is to be erected in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000.

28. Builder and PCA Details Required

Notification in writing of the builder's name, address, telephone and fax numbers to be submitted to the Principal Certifying Authority prior to work commencing.

Two days before work commences, Council shall be notified of the Principal Certifying Authority in accordance with the Regulations.

29. Stormwater Management

All existing stormwater pits to the site will be covered with geofabric sediment fencing to prevent sediment runoff into the stormwater system. To prevent sediment contamination the filters will be regularly inspected and replaced during the duration of the works.

DURING CONSTRUCTION

30. Hours of Work

Work on the project to be limited to the following hours: -

Monday to Saturday - 7.00am to 5.00pm;

No work to be carried out on Sunday or Public Holidays.

The builder/contractor shall be responsible to instruct and control sub-contractors regarding the hours of work. Council will exercise its powers under the Protection of the Environment Operations Act, in the event that the building operations cause noise to emanate from the property on Sunday or Public Holidays or otherwise than between the hours detailed above.

31. Compliance with Critical Stage Inspections and Other Inspections Nominated by the Principal Certifying Authority

Section 109E(d) of the Act requires certain specific inspections (prescribed by Clause 162A of the Regulations) and known as "Critical Stage Inspections" to be carried out for building work. Prior to permitting commencement of the work, your Principal Certifying Authority is required to give notice of these inspections pursuant to Clause 103A of the Regulations.

N.B. An Occupation Certificate cannot be issued and the building may not be able to be used or occupied where any mandatory critical stage inspections or other inspections required by the Principal Certifying Authority are not carried out.

Where Council is nominated as Principal Certifying Authority, notification of all inspections required is provided with the Construction Certificate approval.

NOTE: You are advised that inspections may only be carried out by the PCA unless by prior agreement of the PCA and subject to that person being an accredited certifier.

32. Stockpiles

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

33. Coving in Food Premises

The intersection of floors with walls and exposed plinths in food preparation, storage and servery are to be coved.

Coving is defined as a concave curve at the junction of two surfaces with the radius of the curve to be no less than 25mm.

Coving to all vertical junctions shall be an impervious material such as epoxy resin or ceramic tiles.

34. Walls and Partitions in Food Premises

All walls are to be solid construction.

Solid construction is defined as brick, concrete blocks, structural fibrous cement or performed panels that are filled with suitable material.

35. Hand Wash Basin/s in Food Premises

Taps that only operate hands free shall be provided to all hand wash basins. Hand wash basins must be located within five (5) metres of where food handlers are handling open food.

Hand wash basins shall be located at staff entrance to areas where open food is handled and shall be at bench height either permanently fixed to wall to a supporting frame or set in a bench top.

36. Pipes and Conduits in Food Premises

Pipes and conduits adjacent to walls are to be set 25mm minimum off wall face with brackets.

Pipes and conduits entering floors, walls or ceilings are to be fitted with a flange and all gaps fully sealed.

37. Mechanical ventilation in Food Premises

Exhaust hoods are to be of a stainless steel construction with an internal 50mm x 50mm gutter and unscrewable drainage plug at one corner.

Exhaust hoods are to have removable grease filters for cleaning.

Documentation shall be submitted to the certifying authority that the ventilation system has been installed and is operating in accordance with: -

- *AS/NZS 1668.1:1998 – The use of ventilation and air conditioning in buildings – Fire and smoke control in multi-compartment buildings; and*
- *AS/NZS 1668.2:2002 – The use of ventilation and air conditioning in buildings – ventilation design for indoor air contaminant control.*

38. Dust Control

The emission of dust must be controlled to minimise nuisance to the occupants of the surrounding premises. In the absence of any alternative measures, the following measures must be taken to control the emission of dust:

- Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the construction work.
- All dusty surfaces must be wet down and suppressed by means of a fine water spray. Water used for dust suppression must not cause water pollution; and
- All stockpiles of materials that are likely to generate dust must be kept damp or covered.

39. Rock Breaking Noise

Upon receipt of a justified complaint in relation to noise pollution emanating from rock breaking as part of the excavation and construction processes, rock breaking will be restricted to between the hours of 9am to 3pm, Monday to Friday.

Details of noise mitigation measures and likely duration of the activity will also be required to be submitted to Council seven (7) days of receiving notice from Council.

40. Construction Noise

The emission of noise from the construction of the development shall comply with the *Interim Construction Noise Guideline* published by the Department of Environment and Climate Change (July 2009).

41. Contamination

Ground conditions are to be monitored and should evidence such as, but not limited to, imported fill and/or inappropriate waste disposal indicate the likely presence of contamination on site, works are to cease, Council is to be notified and a site contamination investigation is to be carried out in accordance with *State Environmental Planning Policy 55 – Remediation of Land*.

The report is to be submitted to Council for review prior to works recommencing on site.

42. Underground Fuel Storage Tank Installation

The underground fuel storage tank is to be installed in accordance with the requirements of Australian Standard AS4897-2008: *Design, installation and operation of underground petroleum storage systems (AS 2008a)*.

PRIOR TO ISSUE OF A OCCUPATION CERTIFICATE

43. Amendment to Existing Easement for Public Access and the Process for Council Endorsement

The existing easement for public access must be amended prior to the issue of the Occupation Certificate.

Where an encumbrance on the title of the property is required to be released or amended and Council is listed as the benefiting authority, the relevant release or amendment documentation must be submitted along with payment of the applicable fee as per Council's Schedule of Fees and Charges. This process includes the preparation of a report and the execution of the documents by Council. Sufficient time should be allowed before lodging an Occupation Certificate application.

44. Section 73 Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Development and Plumbing section of the web site www.sydneywater.com.au and then refer to Water Servicing Co-ordinator under "Developing Your Land" or telephone 13 20 92 for assistance.

45. Flooding Extent Plan

An amended plan of survey prepared by a registered surveyor must be provided that shows the 1 in 100 year ARI storm event flood levels associated with the adjacent drainage system. The plan must reflect the modified landscape works as required under this consent and clearly indicate the extent of inundation.

46. Fire Safety Schedule for Building Upgrades or Change of Use

The following conditions have been imposed to ensure that adequate fire safety measures are included in the building.

- a) Upon completion of works or prior to the commencement of a change of use, a Final Fire Safety Certificate (or Form 15) is to be issued by the owner of the building to the effect that each essential fire safety measure installed within the building and specified in the attached fire safety schedule:
 - i. has been assessed by a properly qualified person, and
 - ii. was found, when it was assessed, to be capable of performing to at least the standards required by the current fire safety schedule for the building.

- b) A Final Fire Safety Certificate must be provided before a Final Occupation Certificate can be issued under Clause 153 of the Environmental Planning & Assessment Regulation 2000.

As soon as practicable after a Final Fire Safety Certificate is issued, the owner of the building to which it relates:

- a) Shall submit a copy of the Certificate (together with a copy of the current fire safety schedule) to the Commissioner of NSW Fire Brigades, AND
- b) Shall ensure that the Certificate (together with a copy of the current fire safety schedule) is prominently displayed in the building.

The following is a schedule of existing and/or new essential fire or other safety measures required to be installed, and the minimum standards to which these measures must be designed, installed and/or maintained under Part 9 of the Environmental Planning & Assessment Regulation:

Property Address:

Essential fire or other Safety Measures	Building Code of Australia Section/Clause/Specification	Minimum standard of performance Australian Standard Number	Existing	Proposed
1. Access panels, doors & hoppers to fire resisting shafts	C3.12, C3.13, C3.15		✓	✓
2. Automatic fail safe devices	C 3.6, D2.19, D 2.21, D 2.22			
3. Automatic fire detection and alarm systems	E 2.2, G3.8, Spec G3.8 Spec E2.2a H101.17	1670.1-2004	✓	✓
4. Automatic fire suppression systems	E1.5, Spec E1.5 G3.8, Spec G3.8 H101.4, H 101.7	2118.1-1999 2118.4/6-1995	✓	✓
5. Emergency lighting	E4.2, E4.4, H101.20	2293.1-2005	✓	✓
6. Emergency Lifts	E3.4	1735.1-2003 1735.2-2001 1735.11-1986 1735.12-1999		✓
7. Emergency Warning and Intercommunication systems	E4.9 G3.8, Spec G3.8	1670.4-2004	✓	✓
8. Exit Signs	E4.5-4.8	2293.1-2005	✓	✓
9. Fire control centres and rooms	E1.8			
10. Fire dampers	E2.2	1668.1-1998 1668.2-1991	✓	✓
11. Fire Doors	C2.10, C2.12, C2.13 C3.3-3.8, C3.10, C3.11	1905.1-1997 1851.7-1984	✓	✓

	Spec C 3.4, Spec D1.12			
12. Fire Hydrant systems	E1.3	2419.1-2005	✓	✓
13. Fire seals protecting openings in fire-resisting construction	C3.12, C3.15, Spec3.15 D2.6, D2.7	4072.1-2005	✓	✓
14. Fire Shutters	C3.4, Spec C3.4, C3.6	1905.2-2005		
15. Fire Windows	C 3.2, Spec C3.4, C3.6			
16. Hose reel systems	E1.4	2441-2005	✓	✓
17. Lightweight fire resisting construction	C1.8, Spec C1.8			
18. Mechanical air handling systems	E2.2, Spec E2.2b G3.8, Spec G3.8 H101.18	1668.1-1998 1668.2-1991		
19. Perimeter vehicle access for emergency vehicles	NSW C2.3, C2.4			
20. Portable fire extinguishers (including fire blankets)	E1.6	2444-2001	✓	✓
21. Safety curtains in proscenium openings	Spec C1.10, H101.10			
22. Smoke and heat vents	C2.3 E2.2 Spec E2.2c G3.8, Spec G3.8, H101.22	2665-2001		
23. Smoke dampers	C2.5 (d), E2.2	1668.1-1998		
24. Smoke detectors and heat detectors	C3.5-3.8, C 3.11 D2.19, D2.21 E2.2, Spec E2.2a	3786-1993		
25. Smoke doors	C2.5(d) Spec C3.4, D2.6			
26. Solid-core doors	C3.11			
27. Stand-by power systems	Spec G3.8			
28. Wall wetting sprinkler and drencher system	C3.4	2118.2-1999		
29. Warning and operational signs	NSW D2.19, D2.23, Spec D1.12 E3.3, E4.6, Spec E1.8, H101.8, EP & A Regulation 2000 C1.183		✓	✓
30. Emergency evacuation procedures		3745		
31. Entertainment Venue-prescribed conditions	Maximum Capacity Signage to be displayed • Cl.98D of EP&A Regulation 2000 Emergency Evacuation			

	Plans		
	<ul style="list-style-type: none"> Schedule 3A Prescribed Condition 11 of EP&A Regulation 2000 		
32. Non-Entertainment Venue - max capacity signage	<ul style="list-style-type: none"> Maximum Capacity Signage to be displayed Cl.98D of EP&A Regulation 2000 		
S1.Fire engineering/alternative solution report	Regarding doors leading onto balconies and lift lobby to be unlocked by security staff when building is occupied	✓	✓

47. Interim Fire Safety Certificate

An Interim Fire Safety Certificate must be issued prior to the issue of an Interim Occupation Certificate to use or change the use of a building, except in the case of a Class 1a or Class 10 building(s).

48. Regulated Systems

To ensure that adequate provision is made for ventilation of the building all mechanical and/or natural ventilation systems shall be designed, constructed and installed in accordance with the provisions of:

- a) Australian/New Zealand Standard AS/NZS 1668.1:1998 – The use of ventilation and air conditioning in buildings – fire and smoke control in multi-compartment buildings
- b) Australian Standard AS 1668.2 – 2002 - The use of ventilation and air conditioning in buildings – ventilation design for indoor air contaminant control
- c) Australian/New Zealand Standard AS/NZS 3666.1:2002 – Air handling and water systems of buildings – Microbial control – Design, installation and commissioning
- d) Australian/New Zealand Standard AS/NZS 3666.2:2002 – Air handling and water systems of buildings - Microbial Control - Operation and maintenance
- e) Australian/New Zealand Standard AS/NZS 3666.2:2002 – Air handling and water systems of buildings - Microbial Control – Performance based maintenance of cooling water systems; and
- f) Public Health (Microbial Control) Regulation 2000

The regulated system is to be registered with Council by completing and submitting an *Application for Registration of Regulated Water Cooling/Warm Water Systems*, available on Council's website www.thehills.nsw.gov.au prior to commissioning.

49. Acoustic Compliance Report

The acoustic consultant shall progressively inspect the installation of the required noise suppressant components as recommended in the Acoustic Assessment and Report referenced as REP/221750/R01, dated September 2011 and The Mechanical Services Noise Prediction letter dated January 2012, prepared by ARUP Pty Ltd. Certification is to be provided to Council as to the correct installation of components and that the required criteria's have been met.

50. Emergency Response Management Plan

An Emergency Response Management Plan for the operation of the underground fuel storage tank shall be prepared and submitted to Council's satisfaction before the issue of the Occupation Certificate. The plan shall include the following:

- List of chemicals and maximum quantities to be stored at the site;
- Details of fuel deliveries
- Identification of potentially hazardous situations;

- Procedure for incident reporting;
- Details of spill stations and signage;
- Containment and clean-up facilities and procedures; and
- The roles of all staff in the Plan and details of staff training.

THE USE OF THE SITE

51. Hours of Operation

The hours of operation being restricted to the following: -

USE	LOCATION	PROPOSED HOURS
Security	Basement	24 hours
Service Dock	Basement	7.00am to 5.30pm Monday to Sunday
X-ray	Basement	7.00am to 6.00pm Monday to Friday
Hospital Administration	Ground Floor	6.00am to 7.00pm Monday to Sunday
Day Surgery	Ground Floor	7.00am to 6.00pm Monday to Friday
Café / Kitchen	Ground Floor	6.00am to 8.00pm Monday to Sunday
Vacant (future medical suites)	Level 1	N/A
Vacant (future rehabilitation ward)	Level 2	N/A
Hospital	Levels 3 & 4	24 Hours Monday to Sunday Theatres: 7.00am to 6.00pm Monday to Friday)

Any alteration to the above hours of operation will require the further approval of Council.

52. Work Within Building

All works, processes and the storage of materials or goods, shall be carried out within the building.

53. Grease Trap (Food Premises)

The proprietor/owner shall contact the Trade Waste Office of Sydney Water so as to ensure that the sewerage pre-treatment system installed is appropriate for the proposed use of the premises.

54. Offensive Noise

The use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to "offensive noise" as defined under the provisions of the *Protection of the Environment Operation Act 1997*.

55. Liquid Spill Clean-up Equipment

Sufficient supplies of appropriate absorbent materials and/or other spill cleanup equipment shall be kept on site to cover any liquid spillage. Liquid spills shall be cleaned up using dry methods only.

Any contaminated materials are to be disposed of appropriately.

56. Maintenance of Car Park Stormwater Treatment Device

All wastewater and stormwater treatment devices (including drainage systems, sumps and traps), shall be regularly maintained in order to remain effective.

All solid and liquid waste is to be collected and removed by a licenced contractor.

57. Lighting

Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact

on the amenity of the surrounding area by light overspill. All lighting shall comply with the *Australian Standard AS 4282: 1997 The Control of Obtrusive Effects of Outdoor Lighting*.

58. Operation of Regulated Water Cooling/Warm Water Systems

Regulated system must be operated in accordance with AS/NZS 3666.2: 2002 Air-handling and water systems of buildings – Microbial Control – Operation and Maintenance. A process designed to control microbial growth must be provided and must be certified by a competent person annually and a copy of the certificate must be submitted to Council within of month of the issue of the certificate.

59. Waste Storage and Collection – Commercial/Industrial

To ensure the adequate storage and collection of waste from the occupation or use of the premises, all garbage and recyclables emanating from the premises must be stored in the designated waste storage area. Arrangement must be in place in all areas of the development for the separation of recyclable materials from general waste.

60. Servicing of Bins

Council contracted or private garbage/recycling collection vehicles servicing the development are not permitted to reverse in or out of the site. Collection vehicles must be travelling in a forward direction at all times to service bins.

61. Pay Parking Restrictions and Plan of Management

Parking fees are not permitted to exceed the following rates (which may be adjusted by the Operator each anniversary of the issuing of the Occupation Certificate for the premise at a rate no greater than the increase in the Consumer Price Index since the last adjustment to the parking fee): -

<u>Time Period</u>	<u>Cost</u>
First ½ Hour	Free
½ Hour – 1 Hour	\$2.20
1 Hour – 1.5 Hours	\$3.30
1.5 Hours – 2.0 Hours	\$4.40
2.0 Hours – 3.0 Hours	\$8.80
3 Hours Plus	\$12.00
Lost Ticket	\$12.00
Overnight Fee	\$14.00 + \$1.10
Minimum credit card transaction amount	\$5.00

In addition the following is to be complied with: -

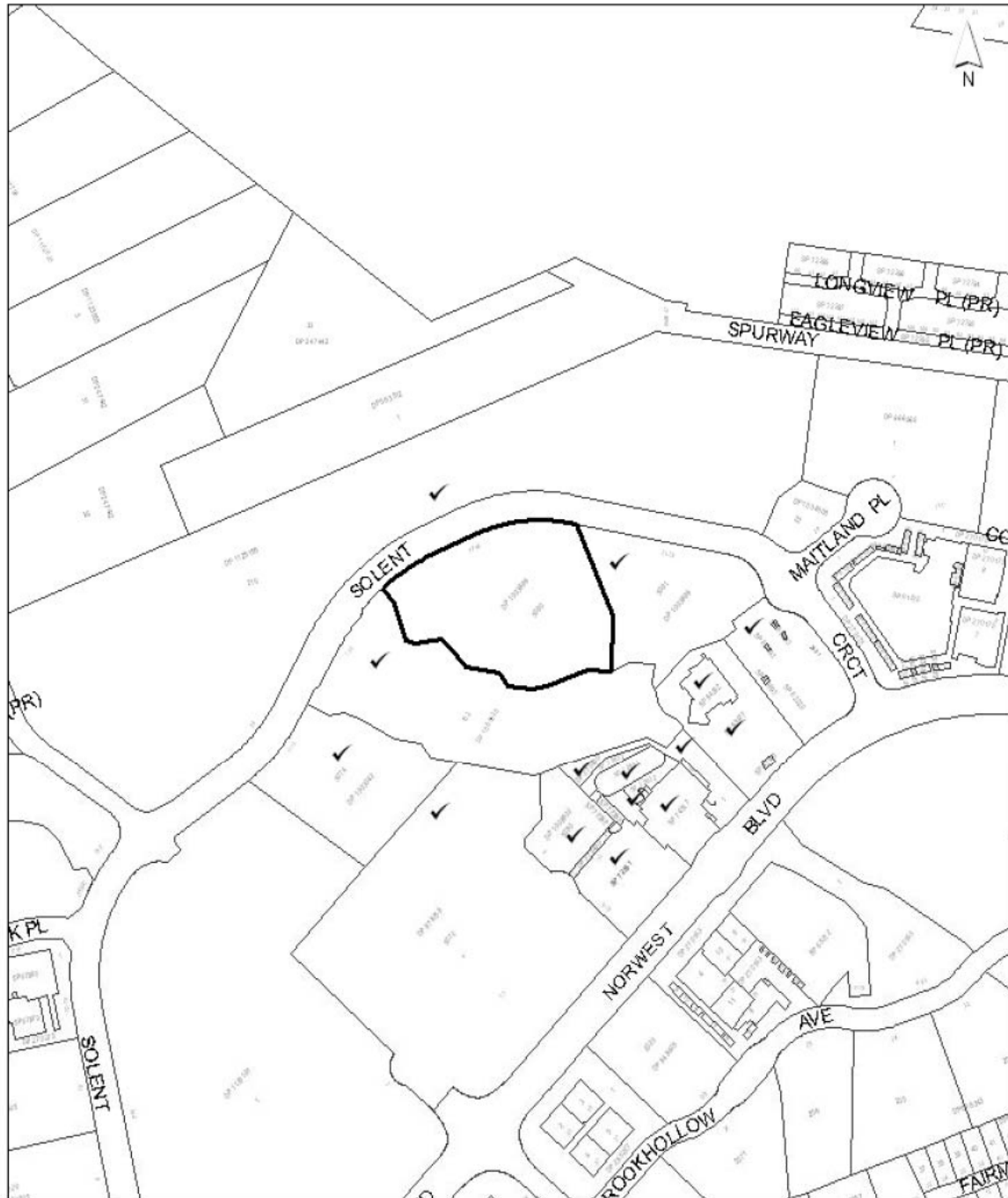
- All employee parking is to be made free and is to be facilitated by way of staff access cards or boom gate entry codes; and
- The development is required to comply with the “Proposed Car Parking Plan of Management” dated 28 February 2012 prepared by Don Fox Planning Pty Ltd (excluding Part 5 relating to annual rate reviews which is restricted by the details above).

ATTACHMENTS

1. Locality Plan
2. Aerial Photograph
3. BHLEP 2005 Zoning Plan
4. Draft THLEP 2010 Zoning Plan
5. Site Plan
6. Basement Floor Plan
7. Ground Floor Plan
8. Level 1 Floor Plan
9. Level 2 Floor Plan

10. Level 3 Floor Plan
11. Level 4 Floor Plan
12. Level 5 Floor Plan
13. Elevation Drawings
14. Shadow Diagrams
15. Comparative Photomontages
16. NSW Office of Water Comments
17. NSW Police Comments
18. Norwest Association Comments

ATTACHMENT 1 – LOCALITY PLAN



☐ SUBJECT SITE

✓ PROPERTIES NOTIFIED

THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

THE HILLS SHIRE COUNCIL DOES NOT GIVE ANY GUARANTEES CONCERNING THE ACCURACY, COMPLETENESS OR CURRENCY OF THE TEXTUAL INFORMATION HELD IN OR GENERATED FROM ITS DATABASE

BASIS CADASTRE COPYRIGHT LAND & PROPERTY INFORMATION NSW (LP), CADASTRE UPDATE INCLUDING CO UNCIL GENERATED DATA IS SUBJECT TO THSC COPYRIGHT.

ATTACHMENT 2 – AERIAL PHOTOGRAPH



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2011 Aerial Photography and Cadastre modifications including Council generated data is subject to THSC copyright.

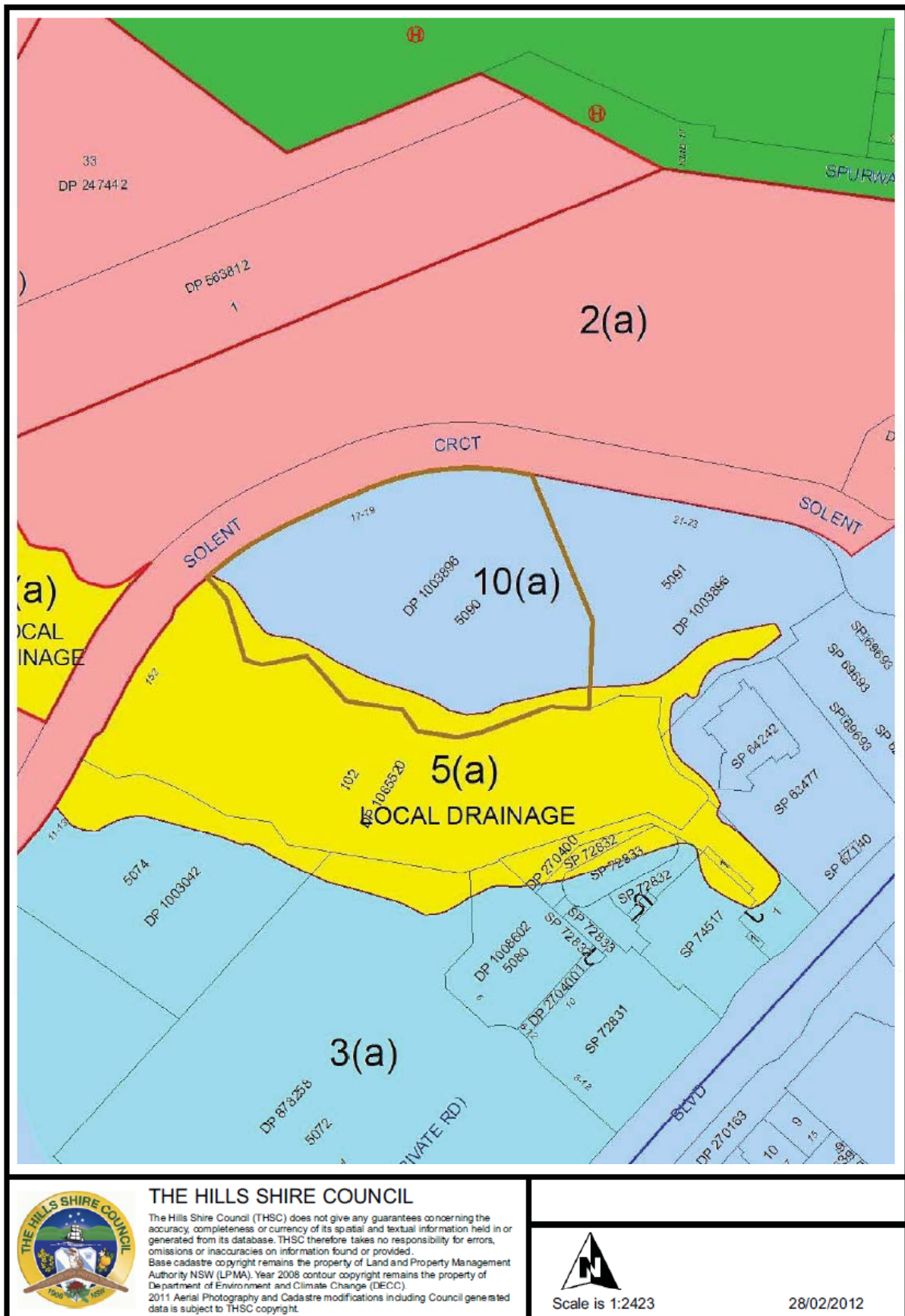
DA NO. 543/2012/JP



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15/03/2012

ATTACHMENT 3 – BHLEP 2005 ZONING PLAN



THE HILLS SHIRE COUNCIL

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28/02/2012

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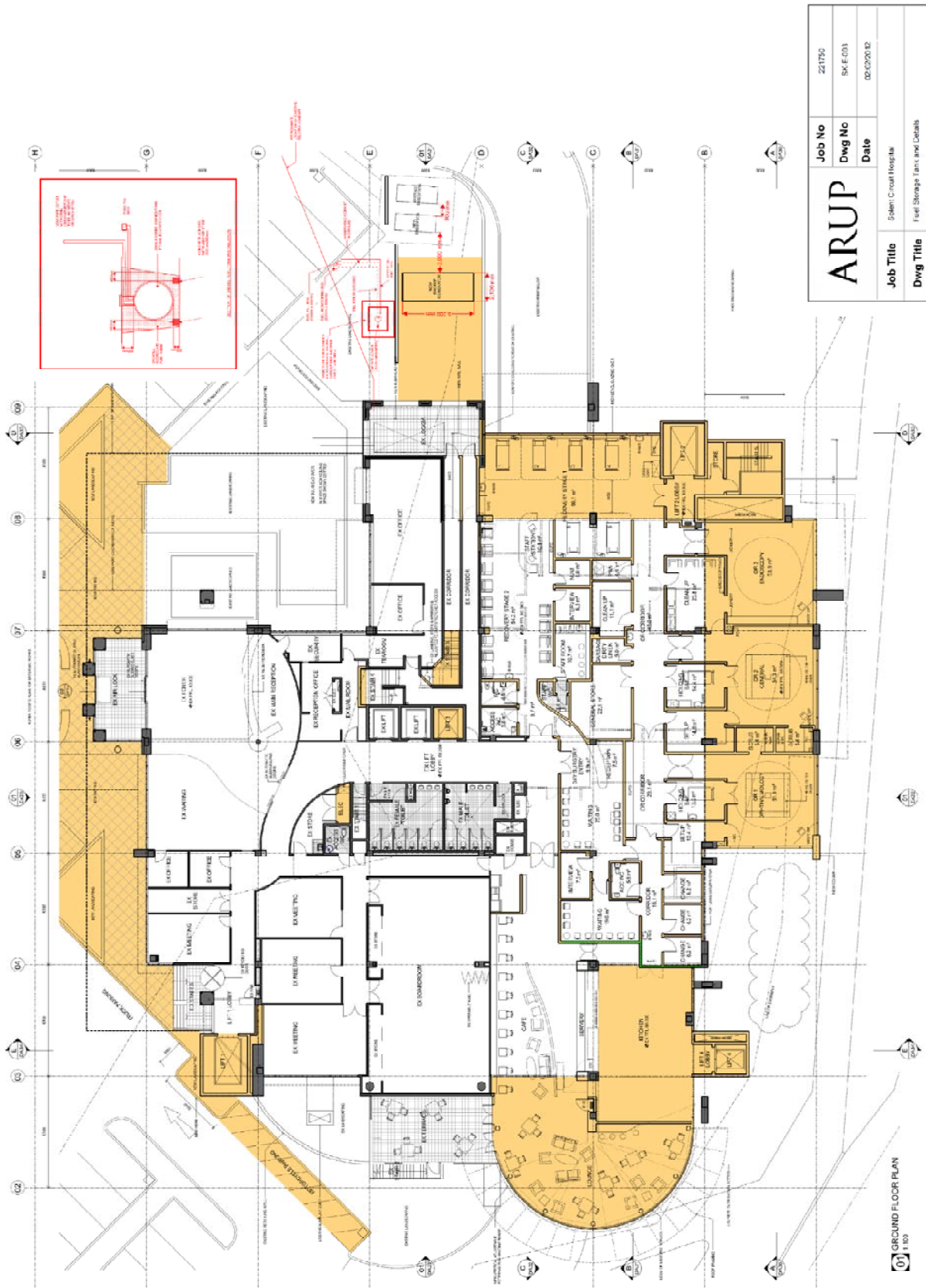
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28/02/2012

NBRS+PARTNERS
ABBREVIATIONS - GENERAL



ATTACHMENT 7 – GROUND FLOOR PLAN



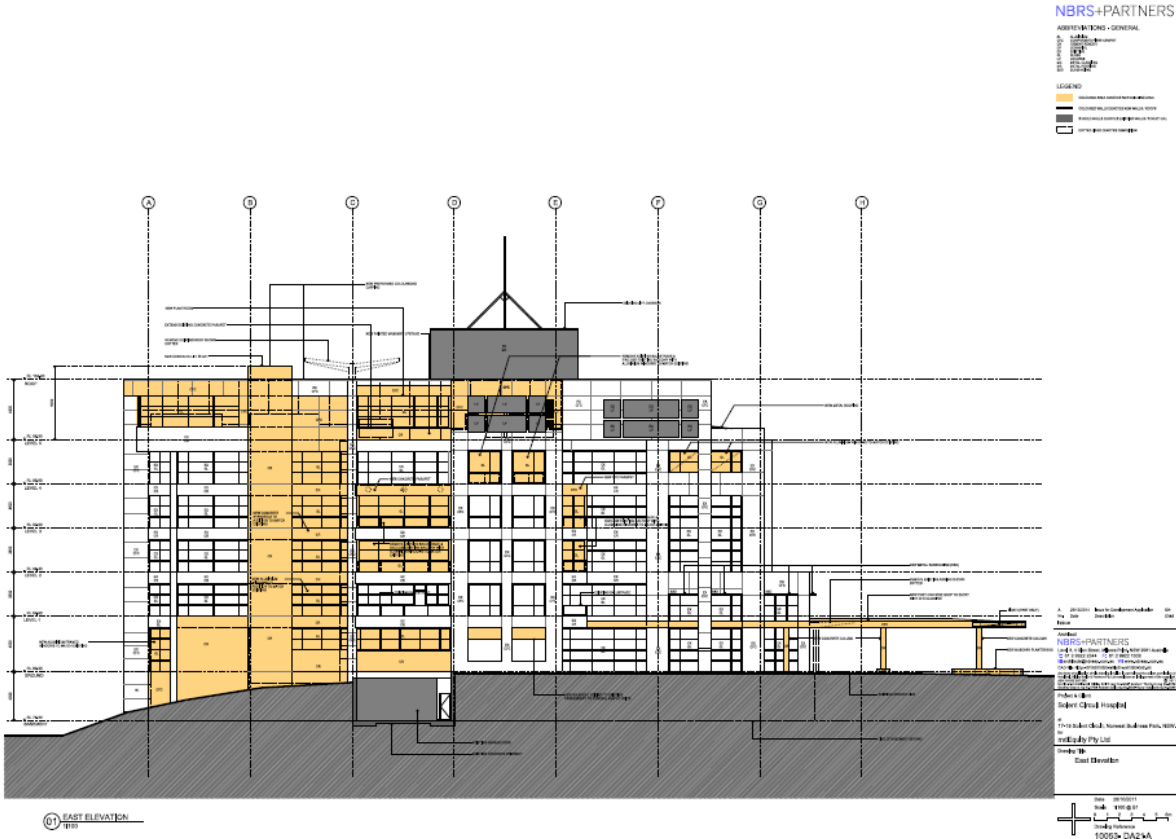
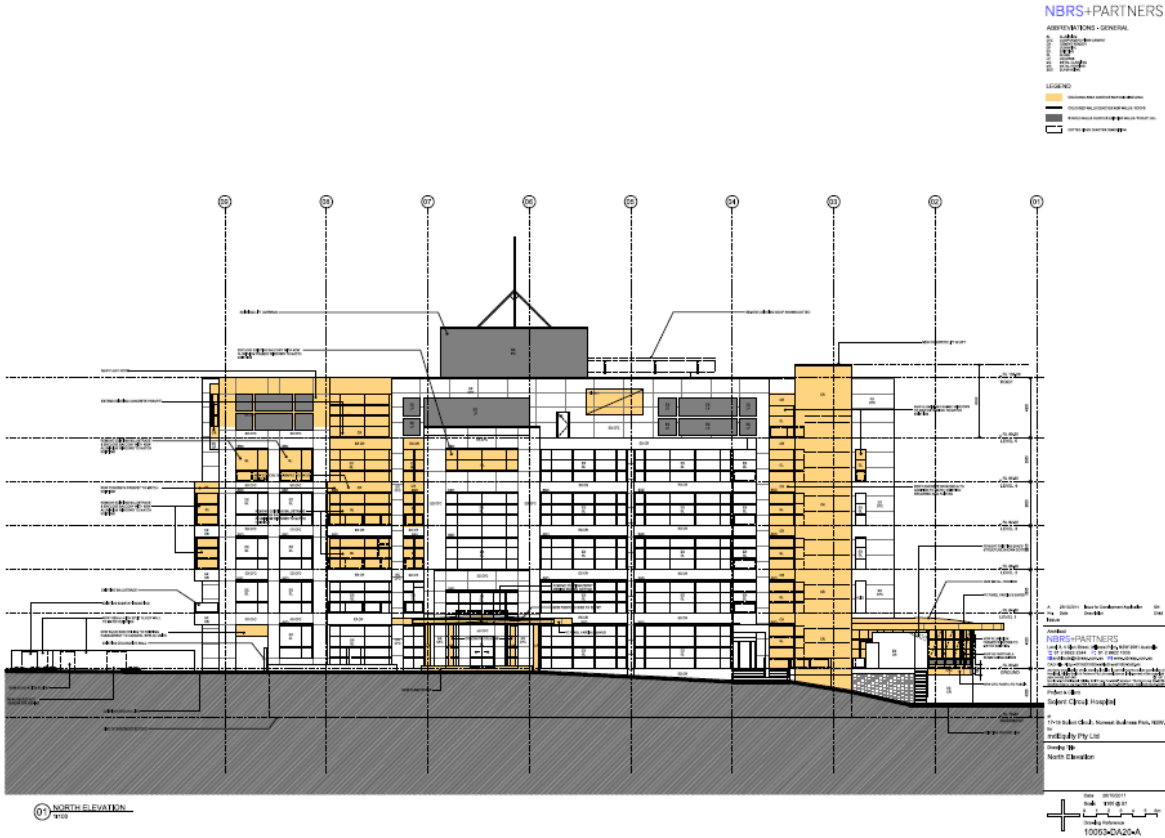
NBRS+PARTNERS
ABBREVIATIONS • GENERAL



NBRS+PARTNERS
ABBREVIATIONS - GENERAL



ATTACHMENT 13 – ELEVATION DRAWINGS





ATTACHMENT 14 – SHADOW DIAGRAMS



ATTACHMENT 15 – COMPARATIVE PHOTOMONTAGES



OCT 2011 JOB NO. 10053
Level 3, 4 Glen Street Milsons Point, NSW 2061 Australia
T: 61 2 9922 2344 F: 61 2 9922 1308
W: www.nbrsap.com.au

VIEW NORTH WEST TO EXISTING BUILDING
HOSPITAL FOR SPECIALIST SURGERY
SOLENT CIRCUIT

NBRS+PARTNERS
ARCHITECTURE HERITAGE INTERIORS PLANNING



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VIEW NORTH WEST TO PROPOSED BUILDING
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HOSPITAL FOR SPECIALIST SURGERY
SOLENT CIRCUIT

NBRS+PARTNERS
ARCHITECTURE HERITAGE INTERIORS PLANNING

ATTACHMENT 16 – NSW OFFICE OF WATER COMMENTS

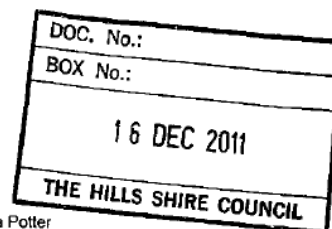


Office
of Water

The General Manager
The Hills Shire Council
PO Box 75
Castle Hill NSW 1765

Contact: Gina Potter
Phone: 02 8838 7566
Fax: 02 8838 7554
Email: gina.potter@water.nsw.gov.au

Our ref: 10 ERM2011/1202
Our file:
Your ref: DA 2012/543/JP



Attention: Gavin Cherry

14 December 2011

Dear Sir/Madam

**Re: Integrated Development Referral – General Terms of Approval
DA 2012/543/JP - Alteration and additions to the existing building as a hospital
day surgery, 17-19 Solent Circuit Baulkham Hills Lot 5090 DP1003896**

I refer to your recent letter regarding an Integrated Development Application (DA) proposal for the subject property. Attached, please find the NSW Office of Water's General Terms of Approval (GTA) for works requiring a Controlled Activity Approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 91A(3) of the *Environmental Planning and Assessment Act, 1979* (EPA Act) which requires a consent, granted by a consent authority, to be consistent with the GTA proposed to be granted by the approval body.

If the proposed development is approved by Council, the NSW Office of Water requests that these GTA be included (in their entirety) in Council's development consent. Please also note the following:

- The NSW Office of Water should be notified if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works on waterfront land (being land in or within 40 metres from top of highest bank of a watercourse, foreshore, or lake). Once notified, the NSW Office of Water will ascertain if the amended plans require review or variation/s to the GTA. This requirement applies even if the proposed works are part of Council's proposed consent conditions and do not appear in the original documentation.
- The NSW Office of Water should be notified if Council receives an application to modify the consent conditions. **Failure to notify may render the consent invalid.**
- The NSW Office of Water requests notification of any legal challenge to the consent.

Under section 91A(6) of the EPA Act, Council must provide the NSW Office of Water with a copy of any determination/s including refusals.

As the controlled activity or works on waterfront land cannot commence before the applicant applies for and obtains a Controlled Activity Approval, the NSW Office of Water recommends that the following condition be included in the development consent:

www.water.nsw.gov.au

Macquarie Tower, 10 Valentine Avenue, Parramatta NSW 2150 PO Box 3720 Parramatta NSW 2124 Australia | t + 61 2 8281 7777 | f + 61 2 8838 7554 | e information@water.nsw.gov.au | ABN 47 661 556 763

"The Construction Certificate will not be issued over any part of the site requiring a Controlled Activity Approval until a copy of the Approval has been provided to Council".

The attached GTA are not the Controlled Activity Approval. The applicant must apply (to the NSW Office of Water) for a Controlled Activity Approval **after consent** has been issued by Council **and before** the commencement of any works on waterfront land.

Finalisation of a Controlled Activity Approval can take up to 8 weeks from the date the NSW Office of Water receives all documentation (to its satisfaction). Applicants must complete and submit (to the undersigned) an application form together with any required plans, documents, the appropriate fee and security (ie bond, if applicable) and proof of Council's development consent.

Application forms for the Controlled Activity Approval are available from the undersigned or from the NSW Office of Water's website

www.water.nsw.gov.au [Water licensing](#) » [Approvals](#) » [Controlled activities](#)

The NSW Office of Water requests that Council provide a copy of this letter to the applicant.

Yours Sincerely



Gina Rotter
Licensing Officer (Controlled Activities)
NSW Office of Water - Licensing South



General Terms of Approval – for works requiring a Controlled Activity Approval under the Water Management Act 2000

Our Reference	10 ERM2011/1202	File No:	
Site Address	17-19 Solent Circuit Baulkham Hills Lot 5090 DP1003896		
DA Number	DA 2012/543/JP		
LGA	The Hills Shire Council		
Number	Condition		
Plans, standards and guidelines			
1	<p>These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA 2012/543/JP and provided by Council:</p> <p>(i) Site plan, map and/or surveys</p> <p>Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.</p>		
2	<p>Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.</p>		
3	<p>The consent holder must prepare or commission the preparation of:</p> <p>(i) Erosion and Sediment Control Plan</p>		
4	N/A		
5	<p>The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.</p>		
6	N/A		
7	<p>The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.</p>		
8-13	N/A		
14	<p>The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.</p>		
15-16	N/A		
17	<p>The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.</p>		

www.water.nsw.gov.au

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Our Reference	10 ERM2011/1202	File No:	
Site Address	17-19 Solent Circuit Baulkham Hills Lot 5090 DP1003896		
DA Number	DA 2012/543/JP		
LGA	The Hills Shire Council		
Number	Condition		
18	The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.		
19-27	N/A		
END OF CONDITIONS			



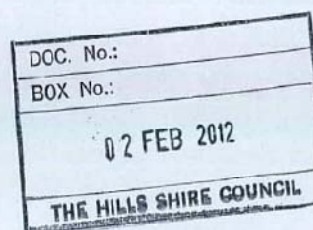
NSW POLICE FORCE

THE HILLS LOCAL AREA COMMAND

Castle Hill Police Station
Cnr Castle & Pennant St
Castle Hill NSW 2154
Ph. 9680 5399
Fax: 9680 5303

Saturday 31st December 2011

Gavin CHERRY
Town Planning Co-ordinator
Baulkham Hills Shire Council
P.O. Box 75
Castle Hill NSW 1765



Dear Mr CHERRY,

Subject: Development Application No. 543/2012/JP Alterations and additions to the existing building for use as a Hospital, Day Surgery and ancillary uses

**Property: Lot 5090 DP 1003896
17-19 Solent Circuit, Baulkham Hills NSW 2153**

Police Ref: 2012/589

We refer to your development application which seeks approval for the proposed alterations and additions to the existing building for use as a Hospital and Day Surgery. After perusing the paperwork and plans associated with this proposal, Police have no objections to the development however there are a number of Crime Prevention Through Environmental Design (CPTED) factors that should be considered.

Surveillance

The attractiveness of crime targets can be reduced by providing opportunities for effective surveillance, both natural and technical. Good surveillance means that people can see what others are doing. People feel safe in public areas when they can easily see and interact with others. Would-be offenders are often deterred from committing crime in areas with high levels of surveillance. This can be achieved by having clear sightlines between public and private places, and effective lighting of public places.

Natural Surveillance

Windows, doors and balconies facing semi-public and public areas maximise 'natural' surveillance and in doing so, increase the risk to potential offenders. Police recommend glass areas are kept clear of promotional material, furniture, etc. that limits surveillance by passer-bys as these environments are considered attractive by armed robbers.

Car Park

Internal car park structures such as concrete columns, solid internal walls, service rooms and enclosed fire exits can create significant visual obstruction in car parks. From a criminal's perspective, obstructions reduce risk and provide opportunities for cover and entrapment. This needs to be considered in the car park which is situated in the basement.

Also Police recommend that the car parking area in the basement be painted white to greatly help to reflect light. Painted facilities not only look larger and more spacious than unpainted car parks, but can greatly reduce the number of lights required to illuminate the car park and on-going energy costs.

Vegetation

The safety objective of "to see and be seen" is important in landscaped areas. Dense vegetation can provide concealment and entrapment opportunities. As this development proposes to have landscaping throughout the site, it must be emphasised that the vegetation be kept trimmed at all times. Lower tree limbs should be above average head height and shrubs should not provide easy concealment.

Bicycle Parking

Bicycle parking areas should be located within view of capable guardians. The provision of covered, lockable racks to secure bicycles increases the effort required to commit crime.

Lighting and Technical Supervision

Lighting should meet minimum Australian standards. Effective lighting can reduce fear, increase community activity, improve visibility and increase the likelihood that offenders will be detected and apprehended. Special attention should be made to lighting the entry and exit points from the buildings and because of the 24hr proposed operation, the car parks need to be well illuminated. It is noted that the existing lighting of the car park and building surroundings will be maintained however this should be reviewed to make sure the lighting is adequate and meets required standards.

A broadly accepted, non-technical yardstick of lighting effectiveness in public car parks is that lighting should be bright and even enough to permit an observer to see inside a parked vehicle.

Security lighting should not illuminate observers or vantage points. In the case of factories and commercial applications, observers are more likely to be passing motorists and pedestrians outside the building. In this instance, security lights should be directed towards the buildings.

Lighting from external signage however should not be too bright as this may cause distraction to motorists travelling on the adjacent roadways.

CCTV

Police support the use of the existing CCTV system however Police would suggest the CCTV system monitor all heavily used public areas of the development, inside and outside. Based on information received from the Australian Federal Police, CCTV footage is effective in criminal matters when the images display shots of an alleged offender from the shoulder upwards. CCTV cameras need to be able to zoom in on a person of interest without loss of focus.

Police would also suggest the implementation of height indicator stickers on the entrance/exit doors. These used in conjunction with CCTV, can give police an indication of an offender's height as they enter or exit, and in turn may assist in the identification of possible offenders.

Territorial Reinforcement

With few exceptions, criminals do not want to be detected, challenged or apprehended. For offenders, the capability of a guardian to detect, challenge or apprehend is an important consideration. The strategic location of supervisors and employees increases the risk to offenders and crime effort. It is argued that employees are more effective as guardians (crime deterrents) than passing members of the community.

Territorial reinforcement can be achieved through:

- ✓ Design that encourages people to gather in public space and to feel some responsibility for its use and condition
- ✓ Design with clear transitions and boundaries between public and private space
- ✓ Clear design cues on who is to use space and what it is to be used for.

Confusion resulting from ambiguous entry design can legitimise exploration, trespassing and excuse making by opportunistic criminals. It is recommended that all public access points are well marked and inviting.

Environmental Maintenance

Clean, well-maintained areas often exhibit strong territorial cues. Rurdown areas negatively impact upon perceptions of fear and may affect community confidence to use public space and ultimately, it may affect crime opportunity. Vandalism can induce fear and avoidance behaviour in a public space, therefore the rapid repair of vandalism and graffiti, the replacement of car park lighting and general site

cleanliness is important to create a feeling of ownership. Ownership increases the likelihood that people will report or attempt to prevent crime.

Access Control

Physical and symbolic barriers can be used to attract, channel or restrict the movement of people. They minimise opportunities for crime and increase the effort required to commit crime. By making it clear where people are permitted to go or not go, it becomes difficult for potential offenders to reach and victimise people and their property. Illegible boundary markers and confusing spatial definition make it easy for criminals to make excuses for being in restricted areas. All areas of the development not open to the public need to have clear indications of this.

Police suggest the use of an electronic card or key pad system throughout the premises to prevent unauthorised access. Access should only be granted to staff for the areas that they need to work in. This would prevent patients and potential thieves from accessing restricted areas.

There should be only a few persons on staff that will require full 24 hour access to all areas of the hospital. Staff who do not need access to all levels should not be provided with a pass key that allows complete access. This means that a plan needs to be developed that will determine the access level of all hospital staff, including visiting physicians, ancillary staff and tradesmen. A register should be kept of the allocation of access cards or pass keys. All cards/keys should be numbered and signed for in an accountable register by receiving staff. When a key holder is no longer employed at the Hospital, return of the card/key should be a priority. A regular audit should be conducted to ensure these procedures remain current.

Other Matters

Unfortunately, offenders target this type of development, both in its construction phase and when the building/s are occupied. Police would support the use of security sensor lights and a security company to monitor the site while construction is in progress.

If there are any questions in relation to this report please contact me at Castle Hill Police Station on 9680 5399.

Respectfully yours,



Constable Jodie SUTERS
Crime Prevention Officer
Castle Hill Police

ATTACHMENT 18 – NORWEST ASSOCIATION COMMENTS



NORWEST ASSOCIATION LIMITED CONDITIONS OF DEVELOPMENT CONSENT

Application No: DA 465

Site: Lot 5090 DP 1003896
17-19 Solent Circuit, Baulkham Hills
Norwest Business Park

Project: Proposed Private Hospital, Day Surgery,
Consulting Rooms & Signage

Applicant: MD Equity Pty Ltd as trustee for The Solent Trust

Approval Date: 14 November 2011

Norwest Association Limited
ACN 003 443 883

Suite 402, 5 Celebration Drive
Norwest Business Park
Bella Vista NSW 2153

Telephone (02) 8824 9821
Facsimile (02) 8824 8497

APPROVED PLANS

1. The development is approved in accordance with the details submitted in the Statement of Environmental Effects dated 4 November 2011 and Drawings, as follows:

Title	Plan Number
Site & Roof Plan	DA01 A
Proposed Basement Plan	DA02 A
Proposed Ground Floor Plan	DA03 A
Proposed Level 1 Plan	DA04 A
Proposed Level 2 Plan	DA05 A
Proposed Level 3 Plan	DA06 A
Proposed Level 4 Plan	DA07 A
Proposed Level 5 Plan	DA08 A
Proposed North Elevation	DA20 A
Proposed East Elevation	DA21 A
Proposed South Elevation	DA22 A
Proposed West Elevation	DA23 A

2. The provision of a minimum of 296 car parking spaces as part of the overall car parking provision on site.
3. All building services, plant, equipment, loading dock, garbage & recycle areas and car parking is to be screened from view from any public street or place. Car park lighting spill or glare is not to affect adjoining properties.
4. Building material details and finishes are to be in accordance with renders submitted with the proposal.
5. All disturbed landscaping to be restored with all existing paths accessed by the public to be maintained.
6. No adverse impact from illuminated signage facing proposed residential development in Solent Circuit. To be confirmed by expert report.

PRIOR TO RELEASE OF APPROVED PLANS

6. The submission of a Compliance Bond by way of Bank Guarantee (undated) or Cheque made out to Norwest Association Limited for the sum of \$50,000.00 to secure satisfactory completion of the development including landscape restoration.

The applicant is to provide the following certifications prior to the release of the Compliance Bond:

- a) Certification by a suitably qualified architect at the completion of the works that the building and landscaping as installed fully satisfies the design intent and complies with the approved plans including the reinstatement of any works, infrastructure, paving or landscaping adjacent to the site boundary disturbed during the construction phase.
- b) Certification by a suitably qualified acoustic engineer 3 months post the fully commenced operation of the hospital that noise levels generated by the hospital comply with the relevant requirements as outlined within the Acoustic report dated 9 September 2011.



TIM SPENCER
Director
Norwest Association Limited