

JRPP No.	2012HCC015
DA No.	11-3501
Proposed Development	Health Service Facility
Location	Lot 102 DP 1010923, 175 Chisholm Road Ashtonfield
Applicant	Doug Sneddon Planning Pty Ltd
Author	Maitland City Council

Assessment Report and Recommendation

Executive Summary

The site is zoned R1 General Residential and is mapped as being bushfire prone. The application seeks approval for the following works on the existing hospital:

- *Construction of new 25 bed medical and mental health ward (1010m²) replacing the existing ground level car park (30 vehicles) and includes alterations to the above existing level 1 medical ward;*
- *The construction of a two storey consultants suites (995m²) with internal connection to the private hospital at the northern corner adjacent to the hydrotherapy pool;*
- *Alteration to the front lobby and the installation of a lift.*
- *Revised ground level car parking at the rear of the hospital site providing 43 spaces including two (2) disabled; replacing the existing parking that will be lost as a consequence of the proposed 25 bed medical and mental health ward.*
- *Installation of an electrical kiosk on SP 64139 (existing private consulting rooms).*

The application is defined under Maitland Local Environmental Plan 2011 as a health services facility which is a permissible use in the zone and is considered to be consistent with the zone objectives. Given the bushfire prone classification of the site, the application was categorised as Integrated Development under the Environmental Planning and Assessment Act 1979 and was referred to the Rural Fire Service. Their General Terms of Approval have been received.

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

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

OFFICER'S RECOMMENDATION

THAT DA 11-3501 for alterations and additions to Maitland Private Hospital on Lot 102, DP 1010923, 175 Chisholm Road Ashtonfield, be approved subject to the conditions of consent set out in the attached schedule.

BACKGROUND / SITE DESCRIPTION

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

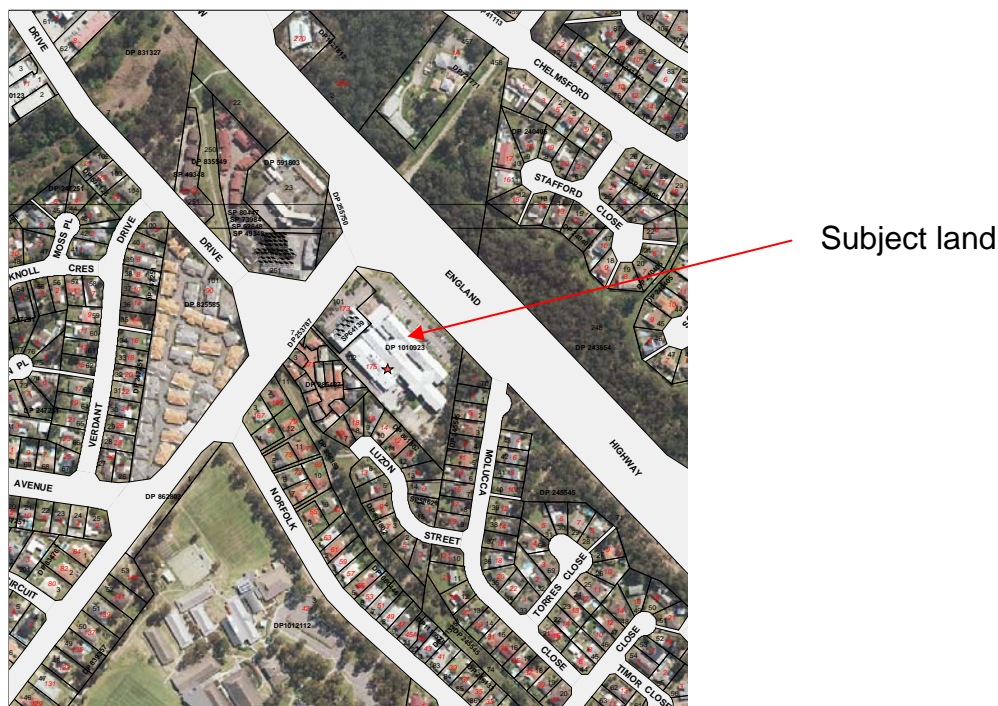


Figure 1: Locality Plan of 175 Chisholm Road Ashtonfield. The hospital site is indicated by the arrow. Source Maitland City Council GIS mapping.

Surrounding land uses include a medical centre associated with the hospital, single dwellings to the east as well as the south west, and medium density housing and motel to the west across Chisholm Road. Other land uses in the locality include a retirement village, Stockland Greenhills shopping centre and Hunter Valley Grammar School. The New England Highway runs along the property's north eastern boundary.

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

In terms of the background of the development, the existing hospital and medical centre were approved as a staged development under DA 97-1529 (approved on 3 March 1998). Stage 1 for a 60 bed hospital and 20 suite medical centre was constructed under BA 98-1508, while Stage 2 for the extension of the hospital of a

40 bed ward plus an additional 8 medical consulting suites was constructed under BA 98-2023. Given that the hospital and medical centre were originally approved on the one allotment, the buildings are adjoining, however easements for overhang were included on the deposited plan following their separation by subdivision (approved under LD 00-213).

Recently a further 2 Development Applications were lodged in 2009 (DA09-2457) and 2011 (DA11-0028) for the construction of 25 Bed rehabilitation ward, hydrotherapy pool and associated, internal renovations, theatre suite, replacement of emergency generator and acoustic enclosure and plant rooms.

PROPOSAL

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

- *Construction of new 25 bed medical and mental health ward (1010m²) replacing the existing ground level car park (30 vehicles) and includes alterations to the above existing level 1 medical ward;*
- *The construction of a two storey consultants suites (995m²) with internal connection to the private hospital at the northern corner adjacent to the hydrotherapy pool;*
- *Alteration to the front lobby and the installation of a lift.*
- *Revised ground level car parking at the rear of the hospital site providing 43 spaces including two (2) disabled; replacing the existing parking that will be lost as a consequence of the proposed 25 bed medical and mental health ward.*
- *Installation of an electrical kiosk on SP 64139 (existing private consulting rooms).*

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

PLANNING ASSESSMENT

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

Local Environmental Plan

The site is zoned R1 General Residential under Maitland Local Environmental Plan 2011 (MLEP). The application is defined as a 'Health Service Facility' under MLEP, which is a permissible use in the R1 General Residential zone with development consent. The application is considered to be consistent with the zone objectives, which are as follows:

Objectives of zone

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

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

State Environmental Planning Policies

The following State Environmental Planning Policies apply to this application:

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

SEPP (Major Development) 2005

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

SEPP (Infrastructure) 2007

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

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

101 Development with frontage to classified road

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

Comment

The development has existing access off Chisholm Road and not the New England Highway, which will not change as part of the current development proposal. The proposed works will not result in a significant rise in the number of vehicles utilising the classified road, and the function of the classified road will not be adversely affected by the new works.

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

102 Impact of road noise or vibration on non-road development

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

Comment

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

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

The application proposes no new hospital wards in front of the existing building line facing the New England Highway. The new construction in the New England Highway frontage is consultation rooms for private practices. The proposed modifications indicate that less noise sensitive rooms are to be constructed along the building's frontage to the New England Highway. The hospital is not a residential use, and therefore compliance with the required dB(A) levels under the clause is not

mandated. Given the above factors, Council did not consider an acoustic report to be warranted for this development.

Clause 104 of the SEPP refers to traffic generating development. The application proposes an additional 25 beds on top of the existing 90 beds within the facility. This does not trigger the requirements as set out in Schedule 3 of the SEPP and therefore referral to Council's Local Traffic Committee, or the RTA Regional Development Committee was not required.

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

No draft environmental planning instruments are relevant to this application.

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

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

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

Carparking

The site currently has 141 marked on-site car parks. The proposal when completed will have 134 spaces. This is due to 53 carpark being removed and only 46 spaces being accommodated on site.

However the entire Health Service Facility requires only 123 car parking spaces on-site under Maitland Citywide Development Control Plan – Part C.11 Vehicle Access and Parking. The Traffic assessment prepared by TPK and Associates has reviewed the proposal and agrees that the 134 on-site car parks are adequate to manage the on-site parking demands of the proposal.

Accessible Living

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

- Provision of disability spaces in both the front and rear parking areas.
- Wide corridors and doorway widths (also allowing for the manoeuvring of beds as well as wheelchairs).
- Accessible toilets, in particular one for the new pool area
- New accessible lift in lobby.
- External pedestrian footpaths complying with accessibility grades, linking parking areas with the adjoining building(s).

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

Controls for Site Waste Management and Minimisation

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

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

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

Advertisement/ Notification of Development Applications

The application was advertised and notified in for two (2) periods of 14 days from 12 January 2012 to 27 January 2012 and 28 May 2012 to 12 June 2012 in accordance with the Act, the Regulations and the Advertisement/ Notification of Development Applications DCP chapter. Three (3) submissions were received during this period. The issues raised in the submission have been addressed in *Section 79C(1)(d)*.

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

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

The application proposes minor demolition and as such, a condition of consent has been included to ensure that demolition is in compliance with the Australian Standard. Although the likelihood of asbestos is remote given the relatively young age of the building (around 15 years), provisions regarding asbestos management have been included in the consent to ensure that it is appropriately handled and disposed of if it is encountered on site.

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

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

Section 79C(1)(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

Access, transport and Traffic

The Statement of Environmental Effects indicated that the use required 123 spaces and the proposal marginally exceeds the minimum requirements under Maitland DCP Chapter C11. The construction of the new carpark will utilise a part of the site which is currently used as an informal carparking area. The site will accommodate a total of 134 on-site car parking spaces, exceeding the required parking required by 11 car park spaces.

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

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

Design and Appearance

The application has proposed a design for the new buildings which has appropriate bulk, scale and height, particularly in considering its function and context in relation to the existing built form on the site. The proposed buildings are to employ design treatments consistent with the architectural theme of the existing buildings.

The assessment on design aspects focused on the new buildings given that the external features of the existing ward are not changing. It should be noted that the massing of the existing building is effectively reduced through the use of 'pull out' rendered features along the north eastern elevation facing the New England Highway. Some significant changes to the external architectural treatments of the Consultant Suite have been undertaken through discussion with Council. These features will be employed on the proposed consultant rooms to provide visual interest to the street frontage. All existing and proposed buildings allow for a sufficient setback from the site boundaries in order to ensure a buffer between the neighbouring residential development and the hospital facility.

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

Natural hazards

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

Given that the site was mapped as bushfire prone and the use is defined under the Act as 'special fire protection purpose', the application was categorised as Integrated Development. As such, the application was referred to the Rural Fire Service (RFS)

for their General Terms of Approval. This approval was issued on the 17th February 2012.

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

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

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

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

The proposal was advertised and notified for two (2) periods of 14 days from 12 January 2012 to 27 January 2012 and 28 May 2012 to 12 June 2012 in accordance with the Act, the Regulations and the Advertisement/ Notification of Development Applications DCP chapter. In these periods, three (3) submissions were received. The issues raised in the submissions are addressed as follows:

Issue 1: Impacts of increased traffic

Comment

A traffic assessment was prepared by TPK & Associates for the proposal. It found that the proposal will generate an increase in staff in non-peak periods and an increase in visitor traffic over the day period. Evaluations of the site traffic observation were compared to the 2009 findings. It was observed that the area has traffic growth in the New England Highway and Chisholm Road intersection however the intersection has the capacity to absorb the small potential increase of traffic in any hour generated by the proposal.

The hospital functions have also been adapted to also help alleviate traffic concerns. Staff shifts change-over times are structured as not to coincide with visitor hours to ensure that the maximum hourly increase in traffic in any one period does not exceed 15vph; as the volume will not impact the current road network operating conditions.

The assessment concludes that the proposal will not have an adverse impact on the road network, the proposal provides adequate amenity on site in terms of parking and pedestrians, and the proposal complies the best practice in terms of access and parking area layouts.

Issue 2: Shortage of on-site parking

The proposed Hospital and Private Consultancy suites require a total of 123 car parking spaces. The proposal proposes 134 car parks with a patient drop off bay, an Ambulance bay within the front parking area with the goods loading dock being located at the rear via the second existing access.

The submissions raise concern regarding the overflow of parking during the advertising period. It was observed that the site didn't have adequate formal parking during the construction stage. A condition has been included requiring the proponent to prepare and implement a 'construction phase parking management plan' prior to the issue of the Construction Certificate to minimise adverse impact on nearby residents and the road network.

Issue 3: Safety concerns with the Mental Health Ward

Comment

The hospital currently already provides mental health services within the existing facility. The proposal is establishing a specifically designed and purpose-built ward to cater for the particular needs of this group of clients/patients. The area will be supervised by qualified staff and personnel. The courtyard that services the ward will be enclosed by 1.8 metre high security fence with no external access. This area will be only utilised during hospital visiting hours and will be placed in lock down over night. This will ensure that the patients do not disturb the adjoining residents or represent a security risk to the residents of the area and other users of the hospital.

Issue 4: Increase in Noise Generation

The submission raise objections regarding the noise generated by the existing hospital operations, increase in traffic and the external courtyard for use of the new Mental Health Ward. The noise generated from site is plant equipment such as air-conditioning units. The acoustic concerns were detailed and resolved under DA11-28. The current proposal is not proposing any additional service equipment such as air-conditioning units and the increase in traffic is only minor and it not likely in adverse increase the back ground noise level.

The external courtyard will only be operational during the hours of 7:00am to 8:30pm and will be in lock down between 8:30pm and 7:00am. The courtyard is set well back from adjoining residential properties and is enclosed by an 1.8 high security fence for patient safety and will be landscaped for privacy.

Issue 5: Stormwater Runoff

Submission raised concern regarding construction spoil from previsions works diverting stormwater onto adjoining properties. This has occurred due to soil be deposited at the rear of the site. The proposed stormwater plan with the current proposal will divert all stormwater from this area into the existing pits and the new stormwater outlets with the new carpark. The proposed landscaping plan approved under DA 09-2457 has yet to be completed but will also resolve the issue.

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

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

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

CONCLUSION

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

Signed (Assessing Officer)

Alisa-Jane Evans
Town Planner

Date: _____

Reviewed (Supervising Officer)

Stephen Punch
Principal Planner

Date: _____

Authorised for submission to JRPP

Bernie Mortomore
Group Manager
Planning Environment & Lifestyle

Date: _____

Schedule of Conditions DA 11-3501

Reason for Conditions

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

APPROVED PLANS AND DOCUMENTATION

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

Plan Ref. N°	Sheet N°	Rev N°	Revision Date	Prepared by: (consultant)
Site & Location Plan	DA-01	G	19/09/2012	Health Science Planning Consultants
Existing lower Ground Floor Plan - Consults	DA-05	B	12/04/2012	Health Science Planning Consultants
Existing Ground Floor Plan - Consults	DA-06	A	12/04/2012	Health Science Planning Consultants
Existing Roof Plan	DA-07	A	12/04/2012	Health Science Planning Consultants
Existing Ground Floor Plan - Carpark	DA-08	A	12/04/2012	Health Science Planning Consultants
Existing L1 Plan Surgical Wards	DA-09	A	12/04/2012	Health Science Planning Consultants
Existing Roof Plan	DA-10	A	12/04/2012	Health Science Planning Consultants
Existing Ground Floor Plan – Carpark	DA-11	A	12/04/2012	Health Science Planning Consultants
Proposed Lwr Ground Floor Plan – Consults	DA-12	H	16/10/2012	Health Science Planning Consultants

Proposed Ground Floor Plan – Consults	DA-13	H	16/10/2012	Health Science Planning Consultants
Proposed Level 1 Floor Plan – Consults	DA-14	F	16/10/2012	Health Science Planning Consultants
Proposed Roof Plan Consults	DA-15	H	16/10/2012	Health Science Planning Consultants
Proposed Ground Floor plan – 25 Bed Ward	DA-16	E	19/09/2012	Health Science Planning Consultants
Proposed L1 Floor Plan – 25 Bed Ward	DA-17	E	19/09/2012	Health Science Planning Consultants
Proposed Roof Plan – 25 Bed Ward	DA-18	E	19/09/2012	Health Science Planning Consultants
Proposed Ground Level Carpark	DA-19	F	19/09/2012	Health Science Planning Consultants
Existing Elevations Sheet 1	DA-20	A	12/04/2012	Health Science Planning Consultants
Existing Elevations Sheet 2	DA-21	A	12/04/2012	Health Science Planning Consultants
Proposed Elevations Sheet 1	DA-22	F	16/10/2012	Health Science Planning Consultants
Proposed Elevations Sheet 2	DA-23	D	12/04/2012	Health Science Planning Consultants

CONTRIBUTIONS & FEES

- Pursuant to Section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Maitland S94A Levy Contributions Plan 2006, a contribution of \$53,554 shall be paid to the Council.

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

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

- *Building work only - prior to issue of the Construction Certificate.*
- *Subdivision and building work - prior to the issue of the Construction Certificate, or Subdivision Certificate, whichever occurs first.*

- Where no construction certificate is required - prior to issue of an Occupation Certificate.

The above "contribution" condition has been applied to ensure that:

i) Where the proposed development results in an increased demand for public amenities and services, payment towards the cost of providing these facilities/services is made in accordance with Council's adopted contributions plan prepared in accordance with the provisions of section 94A of the Environmental Planning and Assessment Act, 1979.

NSW RURAL FIRE SERVICE

3. The applicant shall comply with the General Terms of Approval under Section 100B of the *Rural Fires Act 1997*, issued by NSW Rural Fire Service, dated 17 February 2012, Ref.DA12/0152, DA12012581918 JH, attached to this schedule of conditions.

CERTIFICATES

4. Prior to the commencement of works an application for a **Construction Certificate** shall be submitted to, and be approved by, the Accredited Certifier.
5. **Prior to the issue of an Occupation Certificate** all conditions of development consent shall be complied with.
6. Prior to occupation of the building an **Occupation Certificate** shall be issued by the Principal Certifying Authority.
7. **Prior to issue of the Construction Certificate**, a certificate of compliance under Section 50 of the *Hunter Water Act 1991* for this development, shall be submitted to the Accredited Certifier.

LANDSCAPING

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

CARPARKING

9. The proponent is to prepare and implement a 'construction phase parking management plan' for the approval of Council prior to the issue of a

Construction Certificate, to minimise adverse impact on nearby residents and the road network.

10. Car parking for the development shall be provided in accordance with the approved plans.
11. All on-site driveways, parking areas and vehicles turning areas shall be constructed as reinforced concrete in accordance with an engineer's design or Councils Manual of Engineering Standards.
12. All parking bays shall be delineated with line-marking and/or signposting.

VEHICLE ACCESS

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

PEDESTRIAN ACCESS

14. Broom finished concrete footpath paving is to be constructed from the existing hospital entry to the proposed consultants' suite entry in accordance with the approved plans and Councils Manual of Engineering Standards.

STORMWATER DRAINAGE

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

EROSION CONTROLS

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

BUILDING CONSTRUCTION

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

18. All excavations and backfilling shall be executed safely, in accordance with appropriate professional standards and shall be properly guarded and protected to prevent the works from being dangerous to life or property.
19. The applicant shall submit to Council or the Accredited Certifier, "Notice of Commencement" at least two days prior to the commencement of construction works.
20. Hours of Work:
Unless otherwise approved by Council in writing; all building work associated with this approval shall be carried out between 7.00am and 6.00pm Monday to Fridays and 7.00am to 5.00pm on Saturdays with no work permitted on Sundays or Public Holidays that may cause offensive noise.

SERVICES & EQUIPMENT

21. Upon completion of the building BUT prior to its occupation, a Final Fire Safety Certificate with respect to each critical and essential fire safety measure installed in the building shall be submitted to Council. Such certificates shall be prepared in accordance with Division 4 of Part 9 of the *Environmental Planning and Assessment Regulation, 2000*.
22. At least once in each twelve month period, fire safety statements in respect of each required essential fire safety measure installed within the building shall be submitted to Council. Such certificates are to state that:
 - a) The service has been inspected and tested by a person (chosen by the owner of the building) who is competent to carry out such inspection and test; and
 - b) That the service was or was not (as at the date on which it was inspected and tested) found to be capable of operating to a standard not less than that specified in the fire safety schedule for the building).Such statements shall be prepared in accordance with Division 5 of Part 9 of the *Environmental Planning and Assessment Regulation, 2000*.
23. A copy of the fire safety schedule and fire safety certificate shall be prominently displayed in the building in accordance with Division 4 of Part 9 of the *Environmental Planning and Assessment Regulation 2000*.
24. A copy of the fire safety schedule and fire safety certificate shall be forwarded to the Commissioner of New South Wales Fire Brigades, in accordance with Division 4 of Part 9 of the *Environmental Planning and Assessment Regulation, 2000*.

SITE CONSIDERATIONS

- 25.** All excavated and/or filled areas are to be retained or battered and suitably drained so as to prevent any subsidence of the area and constructed so as to deny any flow of water into or around the building or neighbouring buildings or onto neighbouring land.
- 26.** All building refuse on this building site shall be stored in such a manner so as not to cause a nuisance to adjoining properties.
- 27.** If the work:
- i)** is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - ii)** involves the enclosure of a public place
- a hoarding or fence must be erected between the work site and the public place.
- If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.
- 28.** A sign must be erected in a prominent position on the work:
- (i)** stating that unauthorised entry to work site is prohibited, and
 - (ii)** showing the name of the person in charge of the work site and a telephone number at which that person may be contacted during work hours.
- Any such sign is to be removed when the work has been completed.
- This condition does not apply to:
- (i)** building work carried out inside an existing building, or
 - (ii)** building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
- 29.** Approved toilet facilities are to be provided, at or in the vicinity of the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. The provision of toilet facilities in accordance with this Clause must be completed before any other work is commenced.

- 30. The site is to be cleared of all building refuse and spoil immediately after completion of the building/structure.
- 31. No building materials, refuse or spoil is to be deposited on or be allowed to remain on Council's footpath.
- 32. Suitable and adequate measures are to be applied to restrict public access to the site and building works, materials and equipment.

ADVICES

- A. You are advised that, prior to submitting an application for an **Occupation Certificate** the applicant should ensure that all relevant conditions of development consent have been complied with.
- B. You are advised that in regard to potential soil erosion from the construction site, such pollution of the environment is an offence under the **Protection of the Environment & Operations** (POEO) Act and may incur infringement fines.
- C. You (or the owner) are advised to notify Council in writing, of any existing **damage to the street infrastructure** (including landscaping) along the frontage of the property, prior to commencement of construction. The absence of such notification signifies that no damage exists. Where necessary repairs are carried out by Council, the owner of the property shall be held liable for the cost of those repairs.
- D. You are advised that the issue of this development consent does not amount to a release, variation or modification by Council of any **covenant or easement** applicable to this property and that Council will not be held responsible when action on this consent results in any loss or damage by way of breach of matters relating to title of the property.
- E. You are advised that compliance with the requirements of the **Disability Discrimination Act**, (DDA) applies to works on this site. It should be noted that compliance with the Building Code of Australia does not necessarily meet the requirements of the DDA.

All communications to be addressed to:

Headquarters
15 Carter Street
Lidcombe NSW 2141

Telephone: 8741 5175
e-mail: csc@rfs.nsw.gov.au

Headquarters
Locked Bag 17
Granville NSW 2142

Facsimile: 8741 5433



The General Manager
Maitland City Council
PO Box 220
Maitland NSW 2320

DOC No.
REC'D 23 FEB 2012 MCC
FILE No.
REFER

Your Ref: DA-11-3501
Our Ref: D12/0152
DA12012581918 JH

ATTENTION: Alisa-Jane Evans

17 February 2012

Dear Sir/Madam

Integrated Development for 102//1010923 175 Chisholm Road Ashtonfield 2323

I refer to your letter dated 11 January 2012 seeking general terms of approval for the above Integrated Development in accordance with Section 91 of the 'Environmental Planning and Assessment Act 1979'.

This response is to be deemed a bush fire safety authority as required under section 100B of the 'Rural Fires Act 1997' and is issued subject to the following numbered conditions:

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

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

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

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

Access

The intent of measures for property access is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this, the following conditions shall apply:

3. Property access shall comply with sections 4.1.3(2) and 4.2.7 of 'Planning for Bush Fire Protection 2006'

Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

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

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

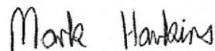
5. New construction shall comply with section 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.

Landscaping

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

For any queries regarding this correspondence please contact Jason Hulston on 8741 5175.

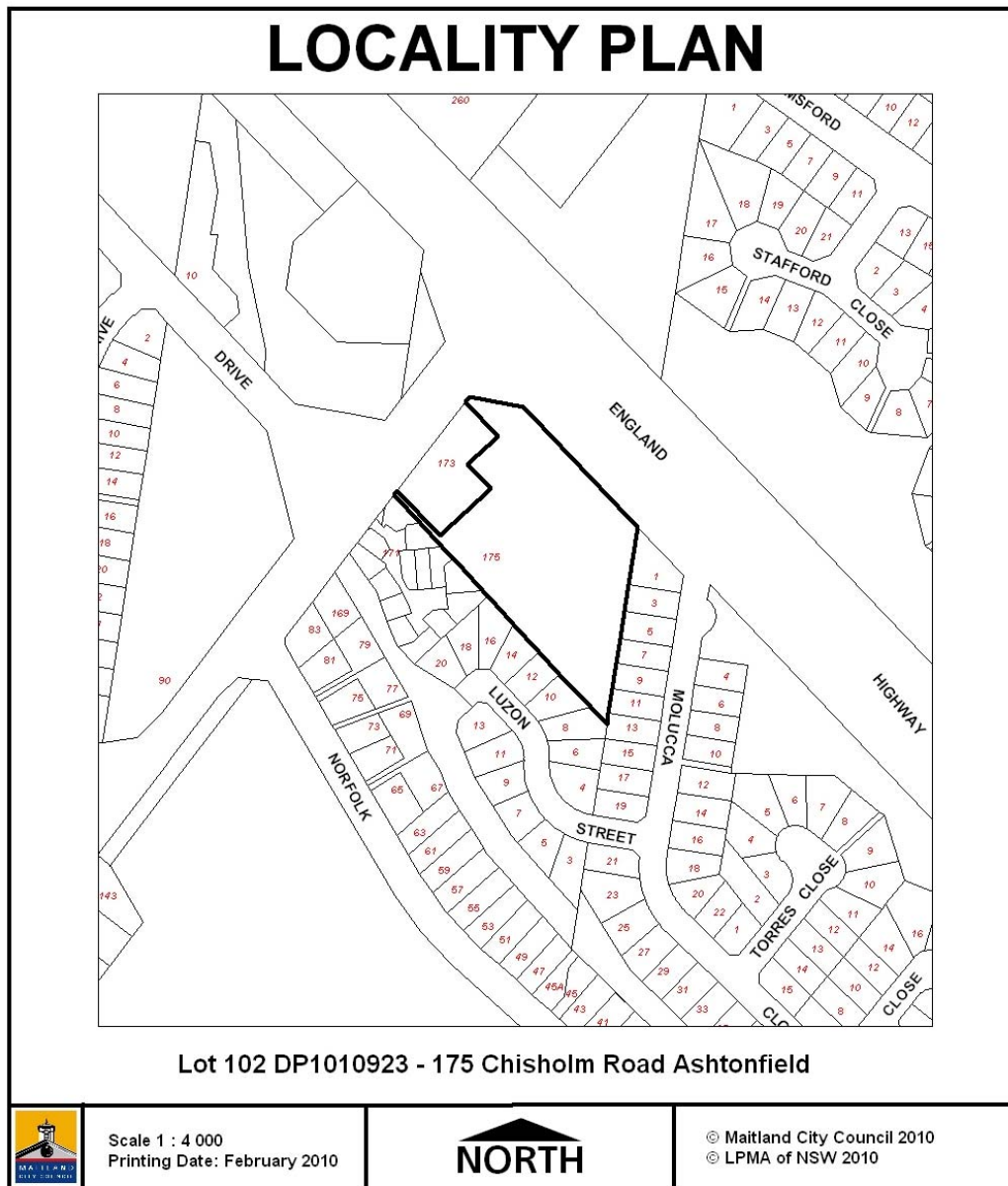
Yours sincerely



Mark Hawkins
A/Team Leader - Development Assessment

The RFS has made getting information easier. For general information on 'Planning for Bush Fire Protection, 2006', visit the RFS web page at www.rfs.nsw.gov.au and search under 'Planning for Bush Fire Protection, 2006'.

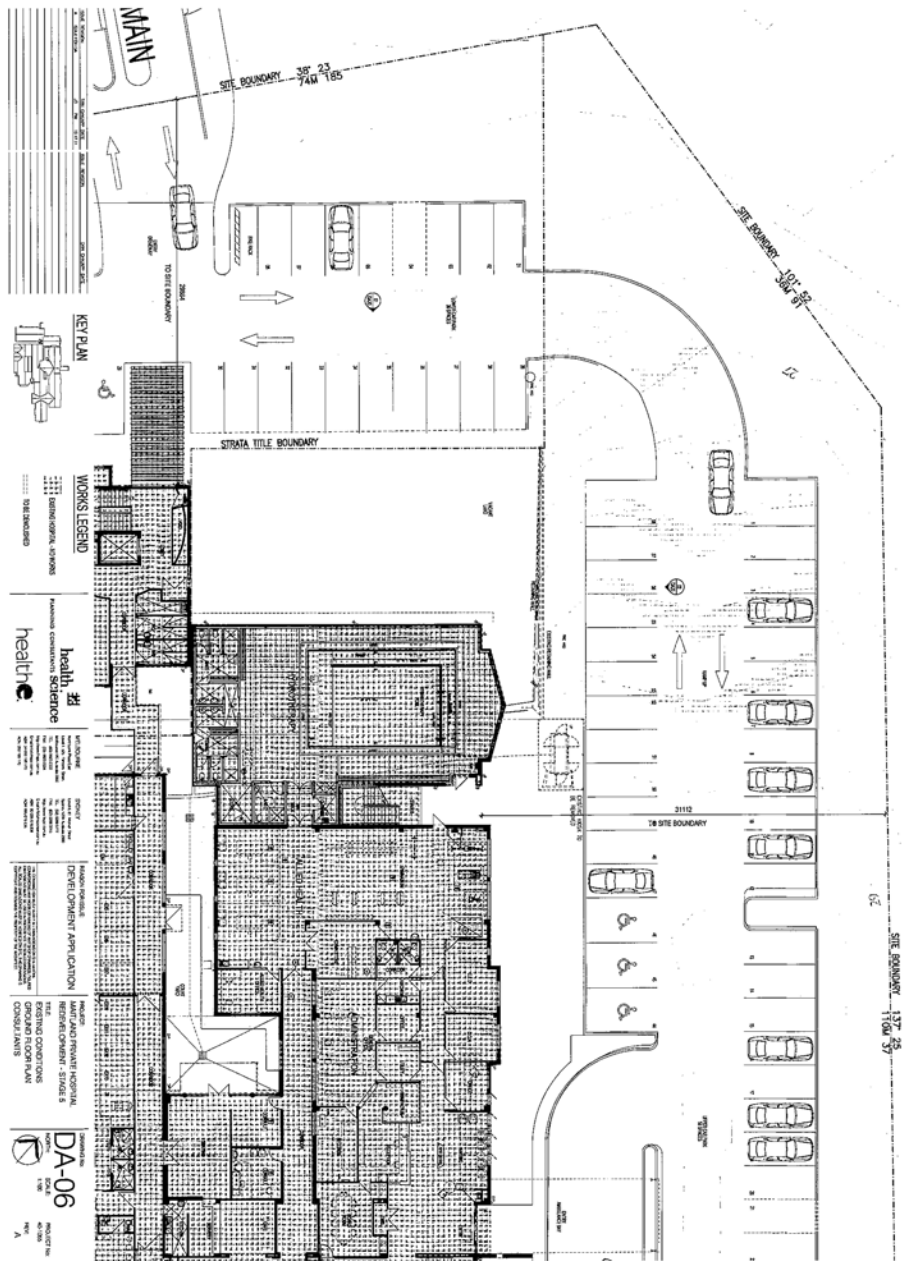
ATTACHMENT A: LOCALITY PLAN

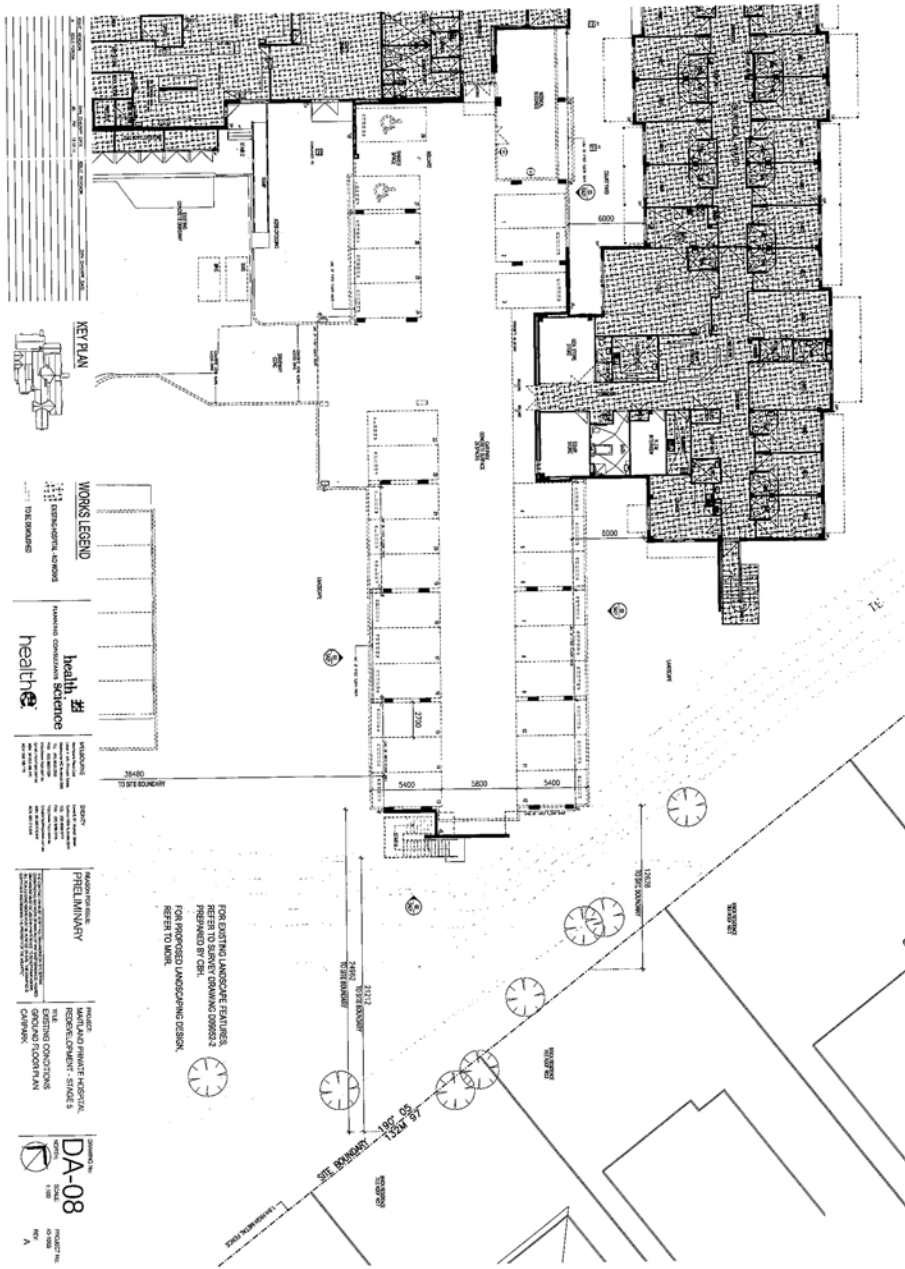


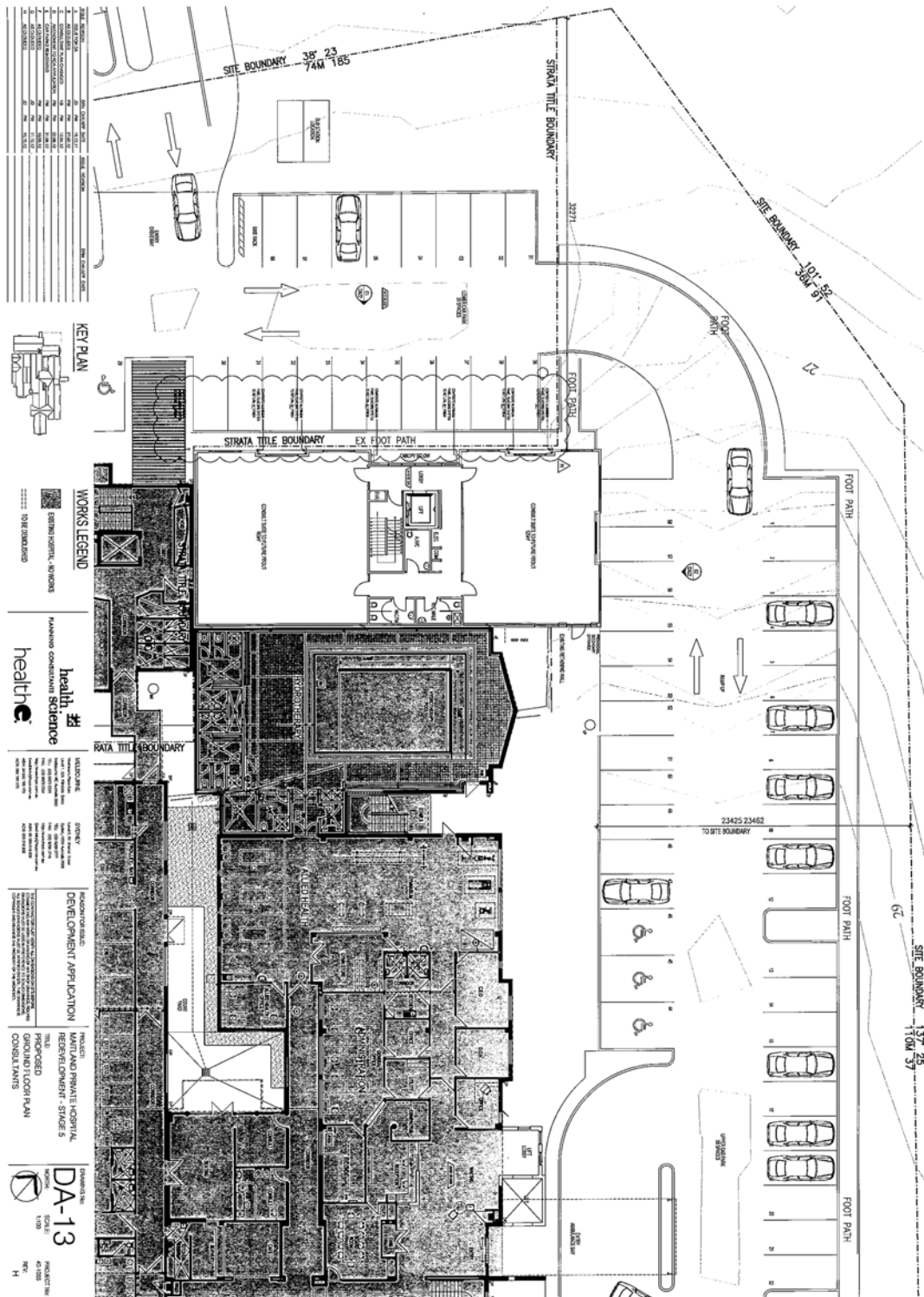
Page | 22

DA-00	COVER SHEET / FLOOR PLAN	1:250
DA-003-301	FEATURE SURVEY SHEET 1	1:250
DA-003-302	FEATURE SURVEY SHEET 2	1:250
DA-003-303	FEATURE SURVEY SHEET 3	1:250
DA-01	SITE PLAN	1:250
DA-01	EXISTING W/ND GROUND FLOOR PLAN	1:250
DA-06	EXISTING GROUND FLOOR PLAN - CONSULTS	1:100
DA-07	EXISTING GROUND FLOOR PLAN - CHAIRS	1:100
DA-08	EXISTING LEVEL, FLOOR PLAN - SINGULAR WHOS	1:100
DA-10	EXISTING ROOF PLAN	1:100
DA-11	EXISTING GROUND LEVEL CHAIRS	1:100
DA-12	PROPOSED W/ND GROUND FLOOR PLAN - CONSULTS	1:100
DA-14	PROPOSED LEVEL, FLOOR PLAN - CONSULTS	1:100
DA-15	PROPOSED ROOF PLAN	1:100
DA-16	PROPOSED GROUND FLOOR PLAN - 25 BED W/ND	1:100
DA-17	PROPOSED LEVEL, FLOOR PLAN - 25 BED W/ND	1:100
DA-18	PROPOSED ROOF PLAN - 25 BED W/ND	1:100
DA-19	PROPOSED GROUND LEVEL CHAIRS PLAN	1:100
DA-20	EXISTING ELEVATIONS	1:100
DA-21	PROPOSED ELEVATIONS	1:100
DA-22	PROPOSED SECTION ELEVATIONS	1:100
DA-23	PROPOSED SECTION ELEVATIONS	1:100

[illegible]









ATTACHMENT C: SUBMISSIONS

Your reference DA-11-13501

DOC No.	
REC'D	25 JAN 2012
FILE No.	
REFER	

We the property owners of 171 Chisholm Road Ashtonfield wish to voice our objections and concerns about the Integrated Development Proposal for Lot 102 DP101923 at Maitland Private Hospital.

For the last several months the noise generated from the building has come from a number of sources.

Firstly the fan from an air conditioning plant was going 24 hours a day was very loud.

After a complaint was made to the council (Customer Service Request 11-7945) the noise decreased but is still noticeable from the villa adjoining the hospital.

Then building extensions commenced that are yet to be completed.

Before Christmas noise such as grinders and other building tools could be heard from 6am until 9pm.

The latest proposal is for a car park to be created, access to which is the laneway next to the villa that adjoins the hospital.

Our concern is that the noise that will result during the construction of the car park and from the traffic noise generated when accessing it on its completion will have adverse health affects on the residents of Tahitian Court from the stress the traffic noise will create and the pollution from the vehicles.

Is it possible to erect a sound barrier before construction begins in order to keep the noise to a minimum for the residents living next to the hospital?

UNIT 2 P. Butler
UNIT 3 G. Butler
Unit 5 h. McDonald. 22/1/12,
Unit 6 J. Fenner, S. Fenner 24/1/12 PH. 0412628515
Comment: Car parking is already over allocated
Once development proposed is complete
there will be less carparks but the
hospital will have 25 more beds and
another consultant suite. Where will the
Extra visitors & Support Staff Park? How is
Chisholm Rd & Molly Morgan Drive going to cope,
especially considering the STOCKLAND EXPANSION
PROPOSED? PLEASE GIVE US SOME ANSWERS

Mr Craig Sweeney
8 Luzon Street,
Ashtonfield NSW 2323

DOC No.	
REC'D	30 JAN 2012 MCC
FILE No.	
REFER	

Alisa-Jane Evans
Council Town Planner

26th January, 2012

Concerning the Maitland Private Hospital Proposed Development DA 11-3501 / LOT 102 DP101092

Dear Sir/Madam,

I am sorry that I have not been able to get this matter to your attention earlier as I have had serious medical emergencies to deal with. I would like to hope that these matters will deserve some consideration before final plans have been made concerning the rather major redevelopment that is about to be undertaken in the Maitland Private Hospital's estate announced in the current 25 bed ward and car park development proposal. Though the various maps did not include a traditional compass mark, I hope my descriptions of compass direction will not present any problems to you interpreting my concerns. Perhaps my marked map attached will help illustrate my concerns

An existing drainage problem caused by the deposition of building rubble and fill in the south east corner of the hospital property, from previous, albeit recent various construction works - seemingly without any particular thought as to the impact upon it from the weather, in particular rain.

The general slope of the land is in south westerly declination and the pile is redirecting rainwater run-off along a south westerly natural furrow created by the added deposition - which is parallel to the fence-line, and then is released to resume the declination of the land toward the properties on the lower side which form the most southern boundary of the hospital ground. Much of this runoff as particularly noticed in the recent heavy rains, is forced through the fence line and invades the properties on the boundary line of the southern fence line of the hospital property.

We are aware that this section will be landscaped under this development and hope that these problems will be rectified in the process.

Noise and exhaust pollution from added traffic through to the proposed new car park servicing the psychiatric wing. With the added car and police van traffic flow, transporting psych patients as is the habit in the lower side entrance of the Maitland Public Hospital, it is of concern that the added traffic and extra use of that corner of the property will generate an unpredictable amount of noise and air pollution from vehicle exhaust.

A question of Security and enjoyment of peace and comfort:

Though there is not a desire or intent to burden the hospital with extra expense, the existence of a newly established or expanded psychiatric ward poses the question of the impact that even one patient could have on the surrounding extremely close domestic housing. This potential hazard could well be in the form of noise such as screaming or shouting for whatever reason; such as escaping from custody or restraint or treatments protested in a bid for freedom.

Therefore a buffer zone in the form of adequate security fencing should be considered and seems imperative. Tenants have a right to quiet enjoyment and reasonable peace, comfort and privacy of their properties, and the commercial interests of the hospital should not justifiably over ride this right.

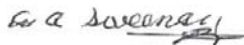
Proposal...

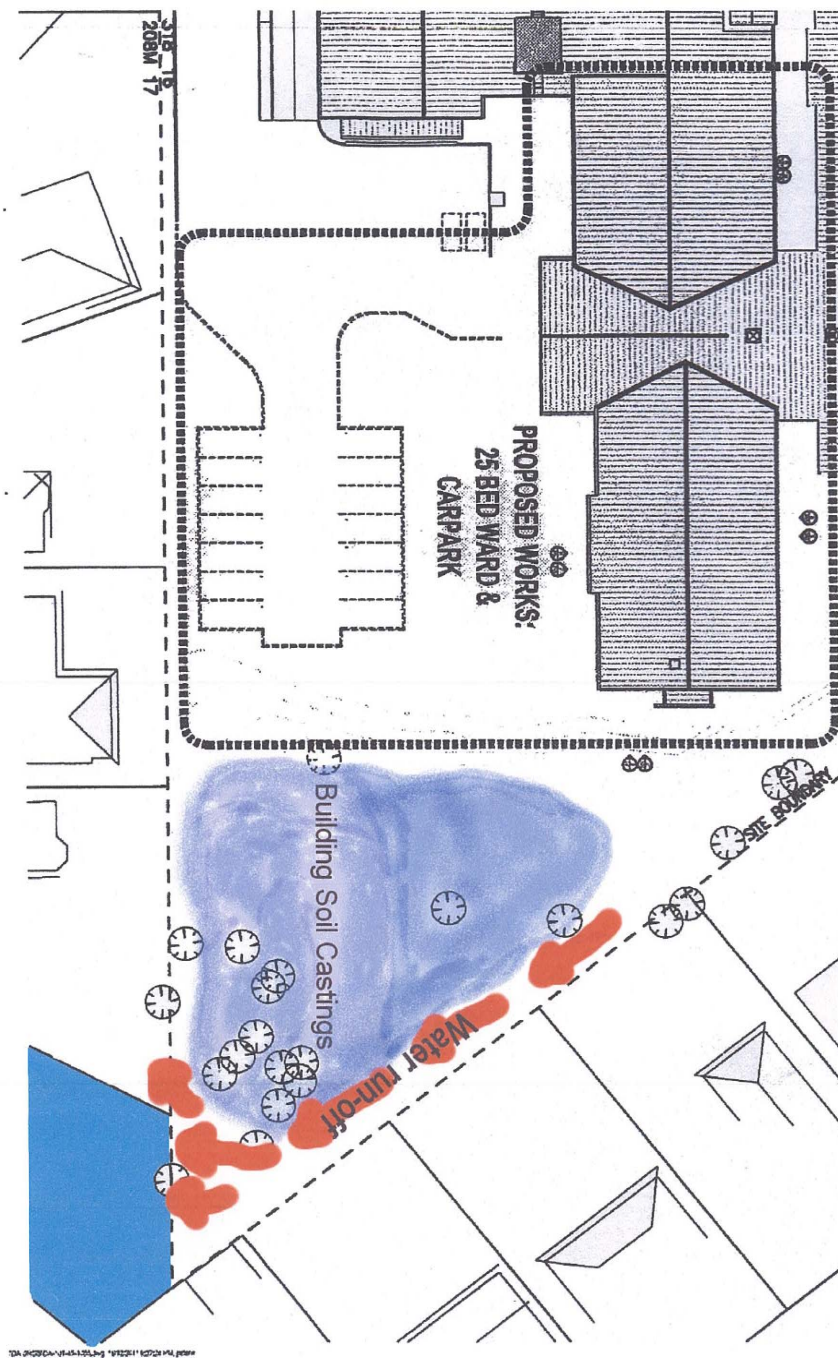
A decent suitably designed brick fence at least 6 feet high with adequate foundation that can last the test of time constructed along the entire length of the car access route. This would act as a noise barrier from the addition traffic volume, and in particular the after hours Mental Health admissions - and other visitations. Such a fence should be constructed in such a way as studies in noise abatement has shown to foster the use of brick fences in places of high traffic and noise pollution - such as along the Cumberland Highway of West Pennant Hills. This should also be purpose built to act as a security screen against any possible future hospital occurrences.

Should you like to discuss this matter any further please feel free to contact me and I will be happy to show you anything that may may assist you in resolving my concerns which may well be crossing the minds of many other residents along the said fence line.

Yours Sincerely

Craig Sweeney







PHOTOGRAPH 8: SITE OF PROPOSED GROUND LEVEL REAR CAR
PADVIEW 9

Ashtonfield Place
Unit 10/22 Molly Morgan Drive
East Maitland NSW 2323

16 January 2012

Ref.D-A 11-3501

Attn. Alisa-Jane Evans

Council Town Planner ,

Maitland City Council.

Dear Alisa-Jane,

DOC No.	
REC'D 18 JAN 2012	LCC
FILE No.	
REFER	

This written submission to Maitland City Council re the Extensions to Private Hospital is to voice our concerns .

1. Traffic. As we have mentioned in earlier submissions ,the volume of traffic flow in such a small, compact area of Chisholm Drive, including the bus stop area ,(position,) the main Entrance to Private Hospital, The Molly Morgan Motel Entrance, Molly Morgan Drive corner,

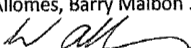
And now the busier service Entrance ,with extra traffic flow into Chisholm Drive, and a short way down further , Norfolk St and a small roundabout at the top of Stronach Ave.

2. Parking. On the D.A. it shows an extra 43 spaces will be provided. At the time of writing this submission ,there are 20 cars parking on the front of Hospital grassed area. So after they are accommodated ,this would leave 23 spaces left for your extension wards. (seems inadequate).

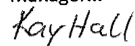
Because of this parking on grass area , when it rains, the cars are diverting the water run off from the drains , and causing the soil and water to deposit ,in front of Molly Morgan Motel entrance ,and traffic light area , thus creating a slippery ,dangerous spot which the traffic must drive through.

- 3.The Mental Health Ward(14 bed) Our concern here is for Security of residents in this area. The Grammer School. (941 pupils) The retirement village .Our 50 Residents,and Molly Morgan Motel . There is no provision shown on the DA. For extra security in this regard .

Hoping you will consider this submission as a valid concern of the residents in this area.

Yours sincerely Warren Allomes, Helen Allomes, Barry Malbon ..Exec. Committee...On Behalf of the owners --- Ashtonfield Place . and 

Manager...



Molly Morgan Motel .

