

**JOINT REGIONAL PLANNING PANEL
(Hunter Central Coast)**

JRPP No	2012HCC021
DA Number	DA/990/2012
Local Government Area	Lake Macquarie City Council
Proposed Development	Health Service Facility (new oncology ward) and stratum subdivision
Street Address	3 Sydney and 36 Pacific Highway Gateshead
Applicant/Owner	Applicant: Akalan Pty Ltd Owner: Ramsey Health Care Australia
Number of Submissions	2
Recommendation	Approval with Conditions
Report by	David Lovell, Senior Development Planner, Lake Macquarie City Council

Assessment Report and Recommendation

Proposal

The application proposes the construction of a new oncology ward at the existing Lake Macquarie Private Hospital.

The ward will house two radiation therapy machines known as Linear Accelerators. The machines are used to treat patients with cancer. The machines will be housed in two purpose designed radiation bunkers.

Genesis Care's (GC) physics group has designed the radiation bunkers to comply with safety criteria determined by the guidelines of the International Commission on Radiological Protection (ICRP), International Atomic Energy Agency (IAEA), and the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA).

The new oncology ward is to be leased to Genesis Care who will provide the medical services and maintain the associated daily operations of the facility. To facilitate this arrangement, stratum subdivision will be undertaken to separate the titling of the oncology ward from the existing hospital.

The new oncology ward has a gross floor area of 928m².

The proposed development includes:

- reception / waiting room adjacent to separate entry and patient drop area;
- three consulting rooms;
- bunker control rooms;
- CT simulator/mould room;
- manager office;
- planning /physics workstations;
- staff administration and facilities;
- combined staff/meeting room;
- interview room;
- dirty and clean utility rooms;
- ancillary storage;
- communication room;
- ground floor corridor connection to existing ward rooms in central block;
- landscaping and associated retaining structures and courtyard; and,
- changes to the existing on-site car parking arrangements.

The application also includes demolition of an existing dwelling, earthworks, retaining wall and car parking construction and associated stormwater and landscaping works.

The proposal intends to treat out-patients only and as a result, does not require the addition of any new patient wards to the existing hospital.

Three practitioners and 28 support staff are required.

It is envisaged that up to 85 patients per day will be treated, for an average of 15 minutes per patient. It is expected that 8 to ten patients per hour will be on-site.

The proposed hours of operation are aligned with the existing hospital being 24 hours, seven days per week. The proposal will not be providing any emergency services.

The development is proposed to be mainly constructed of painted FC sheet cladded concrete walls, rendered and painted. The bunkers, due their function are encased in a 1.98 m thick concrete shell.

Figure 1 below shows a floor plan of the proposed development.

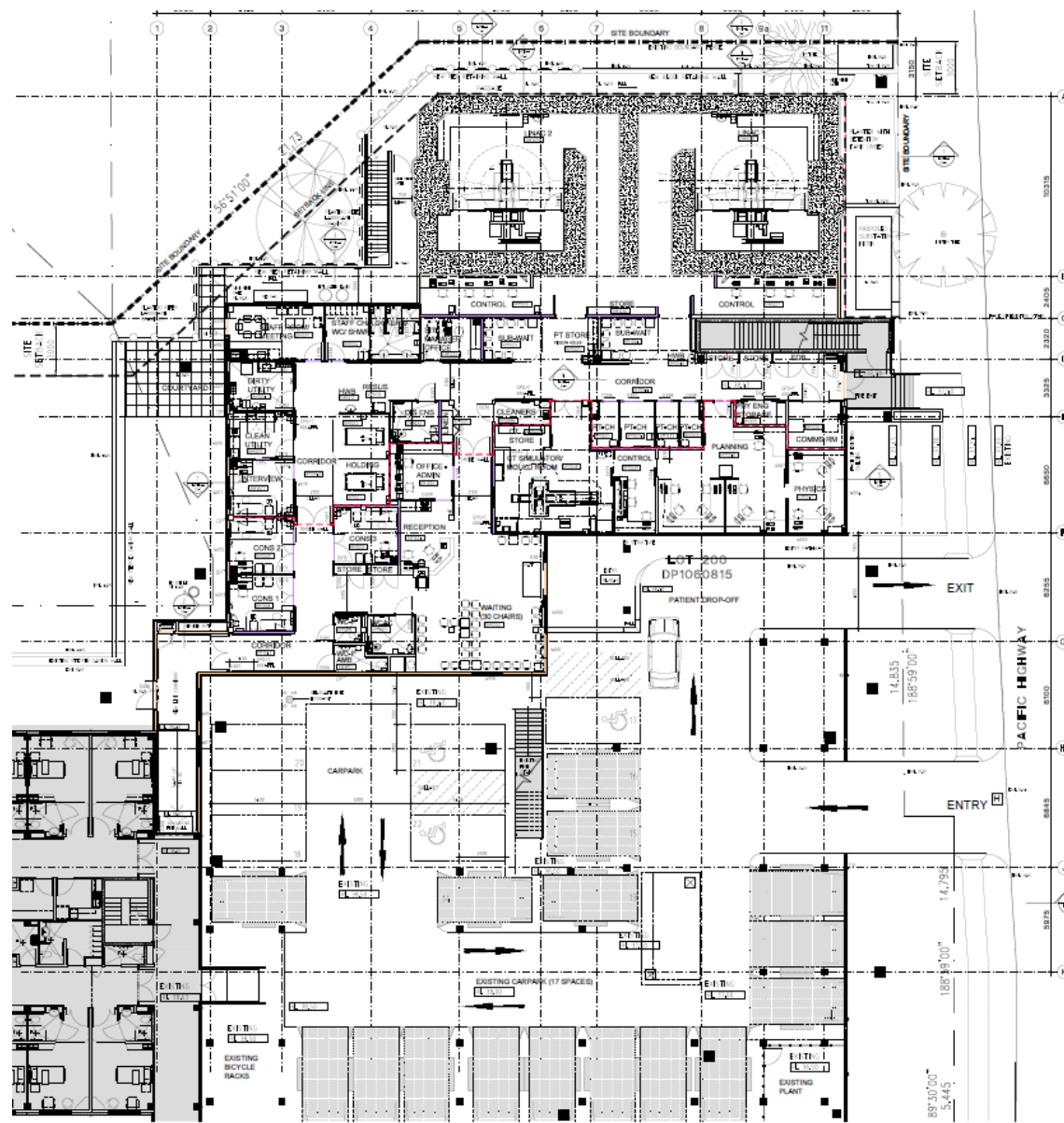


Figure 1- floor plan of the proposed development.

Background

The real property description of the development site is Lot 200 DP 1060815 and Lot 9 DP 24268.

The street addresses is 3 Sydney and 36 Pacific Highway, Gateshead.

The majority of the works are proposed on the 36 Pacific Highway portion of the development site where an existing dwelling is currently located.

Prior to finalising the assessment report it was identified that a small portion of the works are proposed on 12 O'Brien Street which consists of a length of retaining wall (15 metres long) which is proposed partly on, and within the boundaries of this property. This property is owned by the hospital. It is recommended that a separate development application be submitted for approval of these works inclusive of drainage and landscaping, as this site was not included in the public notification of the development application. The application has been conditioned in this regard.

The application also proposes to use part of the existing hospital site. This site will be excavated to allow for the construction of the new ward and car parking.

The development site is accessed off an existing service road. No changes are planned to the state or local road network.

The land is not known to be contaminated.

The land does not contain or in proximity to any known items of heritage.

The land is not low lying, bush fire prone or affected by geo-technical restrictions. The development site is located within a mine subsidence district.

The proposed development is regional integrated development, requiring approval of the Mine Subsidence Board.

Figure 2 below shows the property location and figure 3 shows the proposed site plan



Figure 2 - location plan

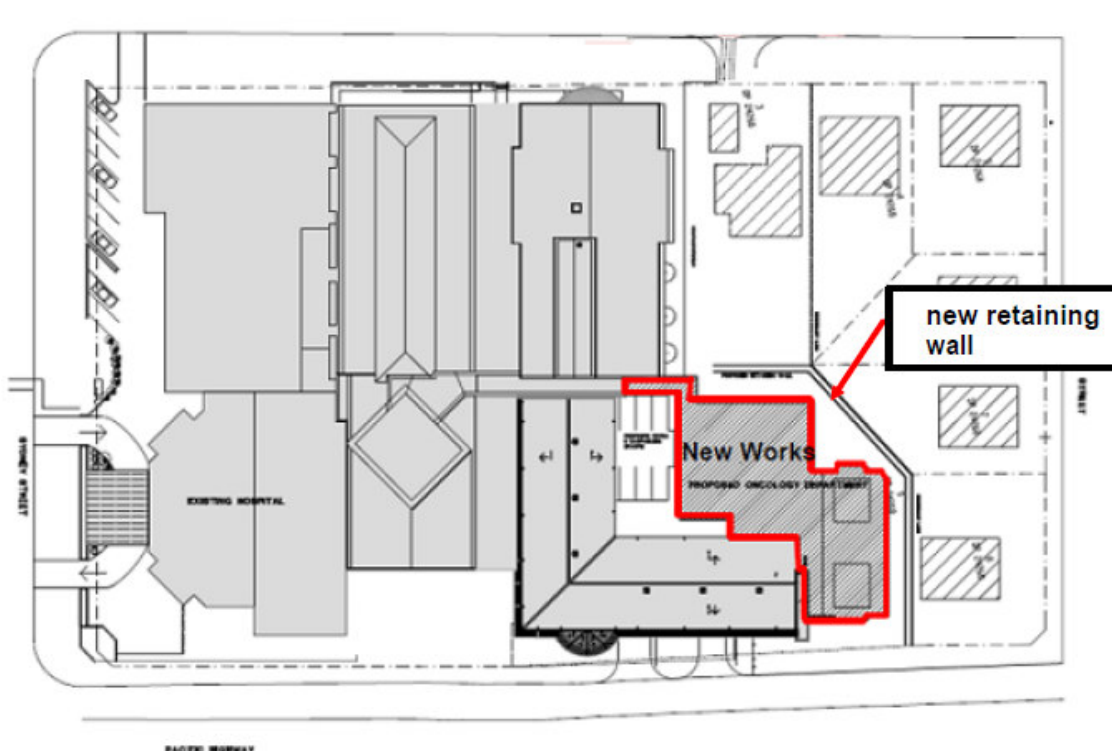


Figure 3 –site plan

Section 79C: Potential matters for consideration

Section 79C(1):

(a)(i) the provisions of any EPI's

State Environmental Planning Policy (State and Regional Development) 2011

Under the Policy, the proposed development is described as Regional Development, being a class of development described in Schedule 4A of the Act.

Schedule 4A (6) (b) includes *health service facilities* where the development has a capital investment value (CIV) of more than \$5 million. The application proposes a CIV of \$6,407,738.

In this regard, the Policy confers consent authority functions on the Joint Regional Planning Panel.

State Environmental Planning Policy (Infrastructure) 2007

Under the Policy, the proposed development is defined as a *health service facility* and is permissible in a *prescribed zone*.

The proposed development is located on lands currently zoned 2(2) Residential (urban living) pursuant to *Lake Macquarie local Environmental Plan 2004*.

The equivalent land use zone (prescribed zone) in the standard instrument (issued by the NSW Department of Planning 5 August 2009) is R3 – Medium Density Residential zone. Under the Policy, the proposed development is permissible in this *prescribed zone*.

Under the Policy, the proposal is not identified as a 'traffic generating development'. The application does not meet the thresholds identified under schedule 3 of the Policy. The application proposes an addition where the number of hospital beds are not proposed to be

increased by 100 or more beds. The proposal does not contribute to any additional 'beds' of the existing hospital.

Clause 101 of the policy is applicable and has been taken into consideration during assessment.

Council staff are satisfied that:

- *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development; and,*
- *the development is appropriately located, designed and includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

Lake Macquarie Local Environmental Plan 2004

Permissibility is obtained through SEPP Infrastructure. Notwithstanding this, the application has been considered with regard to the following relevant clauses of the Plan that apply: *15 General controls for land within zones; 25 Demolition; 29 Building Heights; 30 Control of Pollution; and 31 Erosion and Sedimentation Control.*

The proposal generally complies with the aforementioned clauses, apart from clause 15, as discussed below.

The subject site is zoned 2(2) Residential (Urban Living) zone. In this zone, the proposal is prohibited. However, as discussed above, permissibility is conferred pursuant to SEPP Infrastructure. Albeit, it is considered that the objectives of the zone remain relevant to the proposed development.

Clause 16 (a) of the Plan requires the consent authority to be satisfied that the development has had regard to the vision, values and aims of *Lifestyle 2020 Strategy* and Clause 16(b) requires the consent authority to be satisfied that the proposed development, to be carried out, is consistent with the relevant objectives for the zone.

The proposal is considered to comply Clause 16(a). With regard to Clause 16(b), a merit assessment must be undertaken to consider which zone objectives are firstly relevant and secondly, whether on merit, the proposed development is consistent with the relevant zone objectives.

Zone Objectives Relevancy

- Objective (a) *provide for medium and high density housing*

Objective (a) is not considered to be relevant.

The proposed development is prohibited in the zone, however SEPP Infrastructure confers permissibility and has greater determining weight. In this case, the requirement for medium or high density housing is not considered to be relevant.

- Objective (b) *encourage development of good quality design within the zone*

Objective (b) is considered to be relevant.

Regardless of the development type, development should be encouraged to be of a good quality. In this regard, the proposal is considered to propose a good quality outcome where the amenity of the locality is likely to be adequately maintained.

- Objective (c) *provide an environment where people can live and work in home businesses and professional services whilst maintaining the residential amenity of the surrounding area*

Objective (c) is considered to be relevant.

Whilst the application does not propose any residential development on-site, the objective raises the question of whether an environment is provided, where people can live and work in home businesses and professional services whilst maintaining the residential amenity of

the surrounding area. In this regard, the key consideration is whether the proposal is likely to have an affect on the residential amenity of the surrounding area. The proposal is not considered to adversely affect the amenity of adjoining residential area and prevent home based employment from being undertaken.

- Objective (d) *provide residents with good access to a range of urban services and facilities*

Objective (d) is considered to be relevant.

The development is considered likely to provide residents of the City with improved access to health service facilities, particularly in the area of cancer treatment.

- Objective (e) *encourage amalgamation of existing lots to facilitate well designed medium and high density development*

Objective (e) is considered to be relevant.

Whilst, objective (a) is not considered to be relevant due to the permissibility conferred via another environmental planning instrument, the proposed development should still be able to demonstrate that the proposal does not impede or reduce the potential for lot amalgamation of existing lots to be undertaken, to facilitate either well designed medium and high density development, on adjoining lands. The objective does not discriminate between lands subject to the development site or adjoining lands. In this regard, and consistent with *Lifestyle 2020 Strategy* and the objects of the Act, there is an expectation that the development within the zone, has considered it's impact on the amalgamation of lots to facilitate medium and High density development.

This matter is further discussed below under Lot Isolation.

- Objective (f) *provide for sustainable water cycle management*

Objective (f) is considered to be relevant.

Notwithstanding, what form of development or land use is proposed in the zone, the provision for sustainable water cycle management is a well recognised principle of Water Sensitive Urban Design, informing the Council's stormwater management controls and the core values of *Lifestyle 2020 Strategy*, being sustainability, equity, efficiency and liveability.

The proposal is considered to comply with this relevant objective.

Lot Isolation

Melissa Grech v Auburn Council (2004) NSWLEC 40 dealt with, among other matters, the isolation of land by redevelopment.

Commissioner Brown considered that there are three main principles that apply to assessment, in these cases, where a development on one allotment may affect the orderly and economic development of adjoining lands or allotments.

An assessment of the development with regard to the three principles is detailed below:

1. *Where a property will be isolated by a proposed development and that property cannot satisfy the minimum lot requirements, then negotiations between the owners of the properties should commence at an early stage and prior to the lodgment of the development application.*

As shown at figure 4 below, Lot 8 DP 24268 a corner lot (Skinner & Davoren) has the potential to be isolated, as being unable to be developed in accordance with the zone objectives. This is mainly due to the fact that both adjoining lots are currently owned by Ramsey Health Care (being the owners of the existing hospital) and the corner lot does not meet the minimum lot size for development in the zone.

The minimum lot size for a standard corner site within 2(2) (Urban Living) zone is 1200m². The corner lot has an area of 581.7 m². Consequently, the corner lot does not meet the minimum lot requirements.

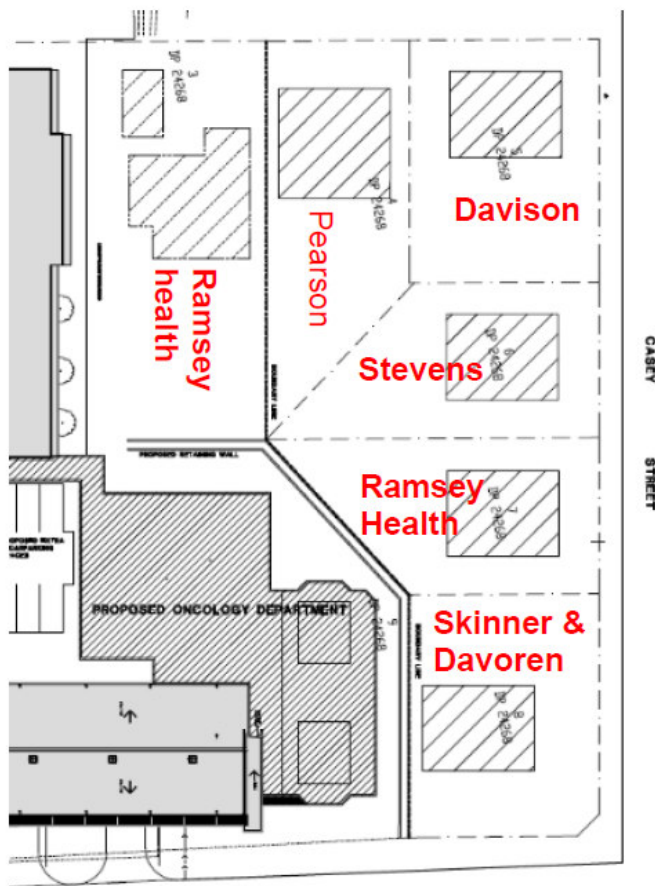


Figure 4 – adjoining land ownership

The lot adjoining Lot 8 DP 24268 (Skinner & Davoren) off Casey Street owned by Ramsey Health Care (Lot 7 DP 24268) is 518.5 m². The amalgamation of these two lots would not achieve the minimum lot size requirements for a corner lot.

If the proposed development site (Lot 9 DP 24268) at 518.5 m² was amalgamated with these other two lots then the conceptual larger corner lot, as a development site, could meet the minimal lot size requirements. However, this is unlikely due to the current development and the land ownership of Lot 7 DP 24268.

In this regard, it is considered that Lot 8 DP 24268 (Skinner & Davoren) has the potential to be isolated, in short, not being able to be developed in keeping with the objectives of the plan.

(It is noted that clause 24 of LMLEP2004 allows consent to be granted to a dwelling house in the 2(2) zone on a dwelling lot, which in this case means: a lot that was lawfully created at the commencement of the plan, or via development consent, or one that complies with the minimum lot sizes. Albeit, the fact remains that the site cannot be redeveloped in keeping with the zone objectives, which includes the provision of medium to high density housing).

As a result, due to the potential isolation of the site, the applicant commenced discussions with the affected landowner prior to lodgment of the development application.

In this regard, it is considered that this principle has been met by the applicant.

2. *Where no satisfactory result is achieved from the negotiations, the development application should include details of negotiations between the owners of the properties. These details should include offers to the owner of the isolated property.*

A reasonable offer, for the purposes of determining the development application and addressing the planning implications of an isolated lot, is to be based on at least one recent independent valuation and may include other reasonable expenses likely to be incurred by the owner of the isolated property in the sale of the property.

The applicant made an offer in writing to the affected landowner. The offer was based on an independent and recent valuation of the land. It is understood that the offer has been accepted by the landowner of Lot 8 DP 24268 (Skinner & Davoren).

In this regard, this principal has been met by the applicant.

3. *The level of negotiation and any offers made for the isolated site are matters that can be given weight in the consideration of the development application. The amount of weight will depend on the level of negotiation, whether any offers are deemed reasonable or unreasonable, any relevant planning requirements and the provisions of s 79 C of the Environmental Planning and Assessment Act 1979.*

A reasonable offer has been made to the affected landowner of the potential isolated site.

It is understood that the offer has been accepted by the affected landowner.

It is considered that this principal has been met and the proposed development can proceed unimpeded, notwithstanding the potential isolation of the subject property, subject to the application complying with these principles of case law.

(a)(ii) the provisions of any draft EPI

Draft *Lake Macquarie Local Environmental Plan 2012* is currently on exhibition.

The development site under the draft plan is zoned R3 Medium Density Residential. In this zone, the proposed development is permissible with consent. The proposal does not conflict with the draft clauses and or provisions of the plan.

The proposal has also been considered with regard to the draft *Lake Macquarie Development Control Plan 2012*. There are no specific controls in the plan applicable to *health service facilities*. In this regard, an assessment against the general provisions of the draft plan was undertaken. The proposal is considered to generally comply with the provisions of the draft plan. However, there are two areas where the existing DCP and the draft DCP vary with regard to the proposal, as discussed below.

Draft development control 2.1.19 is a specific control that requires consideration of lot isolation/lot amalgamation in R3 zones, which currently does not exist. The assessment of the application with regard to this issue as described under Lot Isolation in the *Lake Macquarie Local Environmental Plan 2004* section above, follows the approach prescribed in the draft planning controls. In this regard, there is no conflict between the assessment and the draft controls.

Draft development control 2.1.18 Economic Impact would require the lodgment of an Economic Impact Assessment as the proposed development has a capital investment value of greater than \$5,000,000. This is a more onerous requirement than the existing controls. In discussion with Council's Manager Economic Development, given the type and scale of the development proposed, an economic impact assessment in this case would not be required.

(a)(iii) DCP's

Development Control Plan No. 1 – Principles of Development

Section 1.8 – Development Notification Requirements

The application was placed on public notification for a period of 14 days. During this period, two objection submissions were received.

These submissions have been considered below:

Car Parking

Adjoining landowners are concerned that the proposal will introduce adverse traffic impacts resulting from additional car movements and car parking.

The hospital currently provides 249 off-street car parks. Based on existing approvals the hospital has an oversupply of 28 car parks.

The proposed development is being partly constructed over an existing car park that will reduce the overall existing hospital supply by 24 spaces. This will result in a surplus of four spaces.

Under Council's controls, the proposed development requires 24.5 (25) car parks. The application proposes 29 car parks.

Of the 29 car parks proposed, ten are proposed to be located immediately adjacent the new ward with 19 to be provided under a separate development application (as an addition to the existing hospital car parking facility off Hughes Street as shown at figure 5 – car parking master plan).

The new oncology ward is likely to accommodate 8 to 10 persons per hour based on the possible usage of the linear accelerators. In this regard, the supply of 10 car parks in close proximity to the new oncology ward and allocated solely for this ward's use, is considered to be an acceptable car parking outcome. This is a greater amount of parking than the planning controls prescribe where the allocation of 6.5 spaces for patients would be required. The remaining 19 spaces (of the total required by the oncology ward) which will mainly be used by staff, as discussed above shall be subject to a separate development application. It will be a condition of consent that these 19 spaces are constructed and operational, prior to occupation of the new oncology ward.

At the location of the new ward a patient drop off-zone and four 30-minute timed spaces are proposed in close proximity to the access to the development.

In addition, the recommended conditions of consent also include the upgrading of the existing pedestrian network between the development and existing parking infrastructure.

Under this application, the hospital reconsidered the allocation of car parks over the whole hospital site, through a car parking master plan. A copy of the master plan is shown below at figure 5.

In summary, this master planning process has allowed for the proposed allocation of patient parking close to the new oncology ward and the allocation of staff parking, apart from Doctor's parking, at the more remote car parking locations.

The master plan also demonstrates how the additions to the Hughes Street car park will unfold.

As detailed above the applicant is planning to lodge a separate development application for the construction of additional car parking at the Hughes Street car park to cater for the proposed development. Whilst 19 spaces are required at this location, the master plan shows the construction of an additional 43 spaces at the Hughes Street car park. In this regard, it is expected that further car parking surpluses shown under the approved master plan will aid the function of the hospital.

In this regard, subject to conditions of consent, Council staff are satisfied that the proposed development can cater for its car parking needs, providing a surplus of car parking and is unlikely to introduce adverse traffic impact to the locality.

located within the orange area of the Hughes Street car park, where mainly staff will be parking is located, however is available to visitors as well.

Radiation

An adjoining landowner is concerned that the development will introduce adverse radiation to the locality and affect the health of residents.

The radiation therapy involves the use of x-rays and electrons to treat patients with cancer.

The radiation apparatus consists of two linear accelerators which produce x-rays that are tightly focused and directed only at the cancer.

As no radioactive material is present anywhere in these machines, the treatments are safe to patients and staff that operate the equipment and residents living nearby to the development.

The facility is designed with the radiation apparatuses located within a purpose designed concrete shell. The walls are designed to be 1.98m thick. The facility has been designed by Genesis Care's (GC) physics group to comply with safety criteria determined by the guidelines of the International Commission on Radiological Protection (ICRP), International Atomic Energy Agency (IAEA), and the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA).

In this regard, it is stated by GC that the layout and design of the development will match the radiation safety criteria according to international guidelines.

GC (the operator) also currently has an EPA licence issued under the *Radiation Control Act 1990* for the possession of the radiation apparatus. The EPA will issue individual licences to operate the apparatus on a person by person basis.

The EPA does not inspect the facility prior to commissioning of the development. Currently in NSW or Australia, there are no requirements for this to be undertaken. Commissioning is self-regulated.

The EPA is required to investigate the development only where there is a reported infringement of Australian Standards with regard to personal exposure to radiation. Equally, ARPANSA do not currently undertake any regulatory functions in NSW. As a rule, staff operating the development wear monitoring badges that records their daily exposure to radiation. Where staff record a higher level of micro-civets above the applicable Australian Standards then an investigation is undertaken by the EPA. Currently, there is no legal requirement for a radiation shielding plan to be undertaken, however should there be a breach of the relevant Australian Standards, then the EPA may request a copy of the operator's shielding plan at this time.

Therefore, in the absence of regulatory requirements concerning the commissioning of the development, the applicant has indicated they will undertake the following actions prior to operating the facility. These measures form recommended conditions of consent:

- GC's physics group will undertake a radiation bunker survey (check to make sure that the bunker has been completed as designed), including the radiation survey. GC shall use a calibrated and traceable survey meter to measure the "worst case scenario" that could be treated with. The results shall be submitted to EPA. GC shall also perform the calibration of the linear accelerator for both photons and electrons;
- additionally GC shall engage another hospital/department (public or private) to perform a bunker survey and dose calibration using their own equipment (independent and separately traceable) and staff, to ensure the radiation bunker and linear accelerator are as planned;
- if additional assurances are required, ANSTO (Australian Nuclear Science and Technology Organization) and ARPANSA (Australian Radiation Protection and

Nuclear Safety Agency) do offer these services, and GC may employ these bodies to carry out these checks if we needed to; and,

- GC will request another department (not GC) to perform these independent checks.

An objector was also concerned that they may be adversely affected by electromagnetic radiation emanating from the proposed pad-mounted kiosk to be located fronting the development.

A pad-mounted kiosk is proposed in front of the development for electrical supply. These units do produce an electric magnetic field, however the field is not considered likely to introduce adverse impacts to the residents of adjoining development. Advice from APANSA demonstrates that exposure to a computer within the home or an electric stove and or an electric blanket at normal operating levels is more likely to produce a higher field than the proposed pad mounted kiosk external to the objectors dwelling. Ausgrid states that it operates its network under Australia's National Health and Medical Research Council guidelines.

Under these circumstances, given the advice from APANSA and Ausgrid it is considered that the pad-mounted kiosk is unlikely to introduce adverse impacts to adjoining residents. Notwithstanding this, Council staff have negotiated a new position for the kiosk further away from the residential property than originally planned by the applicant.

Acoustic Impacts

An objector is concerned that the operation of the development, mainly the operation of the roof-mounted plant servicing the linear accelerators, will introduce adverse acoustic impacts to the locality.

The application is supported by an acoustic impact assessment.

The assessment report has been considered by Council's environmental management staff.

The assessment concludes that the development will not introduce any adverse acoustic impacts to the locality. Notwithstanding this, conditions of consent are recommended to manage noise during the construction and operational phases of the development.

Construction Impacts

An objector is concerned that the development will introduce adverse impacts to the locality during construction, mainly dust, car parking, and noise.

The applicant has provided a draft construction management plan (CMP) for assessment.

The applicant is cognisant of the impacts of construction on the amenity of the locality, particularly noise and car parking, as these impacts have the potential to adversely affect the operation of the existing hospital.

The draft CMP details that construction vehicle parking, waste bin, site sheds, site access and construction fencing and screening and dust management infrastructure, will be located within the boundaries of the development site.

The draft CMP also details the use of sprinkler lines during excavation to control dust and the use of neighbourhood notification plans when noisy or traffic related activities will be occurring on-site.

In combination with recommended conditions of consent, it is considered that a final CMP, prior to works commencing on-site, will provide adequate management of the likely construction impacts of the proposed development, inclusive of: acoustic; air quality; and, traffic/parking impacts.

In addition, it is recommended that a dilapidation survey of existing adjoining residential properties be undertaken as a condition of consent and prior to works commencing and post-construction, to assess whether the construction of the development produced any material effect on existing adjoining properties.

Section 2.1 – Environmental Responsibility and Land Capability

2.1.1 Ecological Values - 2.1.2 Ecological Corridors

The development site is not located within an ecological corridor.

No vegetation of ecological significance is required to be removed.

The proposal is not located on land containing any critical habitat.

2.1.3 Scenic Values

The proposal is not positioned in a location of high scenic quality as detailed under Lake Macquarie Scenic Quality Guidelines.

The visual impacts of the development will be confined mainly to the immediate public domain of the locality, which includes the Pacific Highway

The closest static visual receiver to the development is the adjoining residential property at 38 Pacific Highway.

The residents of this property are likely to have views of the proposed development, as shown below at figure 6.

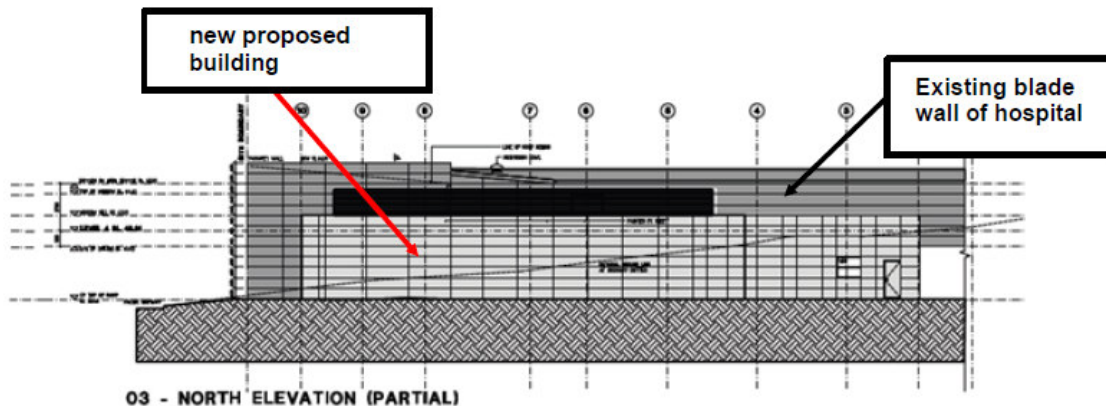


Figure 6- proposed northern (partial elevation) facing 38 Pacific Highway. Showing context of addition against the existing northern two storey blade wall of the existing hospital.

However, with fencing at height of 1.8 metres, digging in of the development on-site and landscaping along the full length of the boundary line, the proposed visual impacts of the development are not considered to be unacceptable. The visual impacts of the new building viewed against the existing blade wall of the hospital are not considered to introduce an unacceptable visual outcome.

Other residential properties west of the site on O'Brien Street are also unlikely to have substantial views of the proposal due to the proposed height of the additions, level changes between the development site and adjoining development and the screening affect of fencing and landscaping.

The proposal is located at a significantly lower level then the existing properties west of and to the rear of the site. As a result, there is only the potential for the top 600 mm of the proposed roof mounted louvered wall, used to screen plant equipment of the proposed bunkers, to be observable above boundary fencing to the adjoining properties fronting O'Brien and Casey Street (west of the site). With landscaping, the majority of the new works are likely to be substantially screened from these properties to the rear of the development site. In context with the scale of the existing hospital, the resulting visual impact of the top of the new works above the fence line is not considered likely to introduce adverse visual impacts to the locality.

Figure 7 below shows the western elevation of the proposed development and the affect of level changes on the degree of development likely to be observable by adjoining development and the proposed changes in context with the existing hospital.

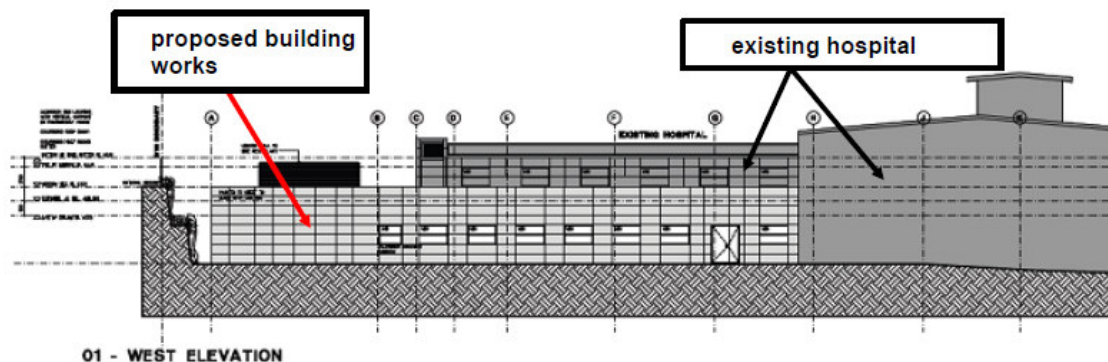


Figure 7-western elevation showing proposed addition in context with the existing two storey hospital.

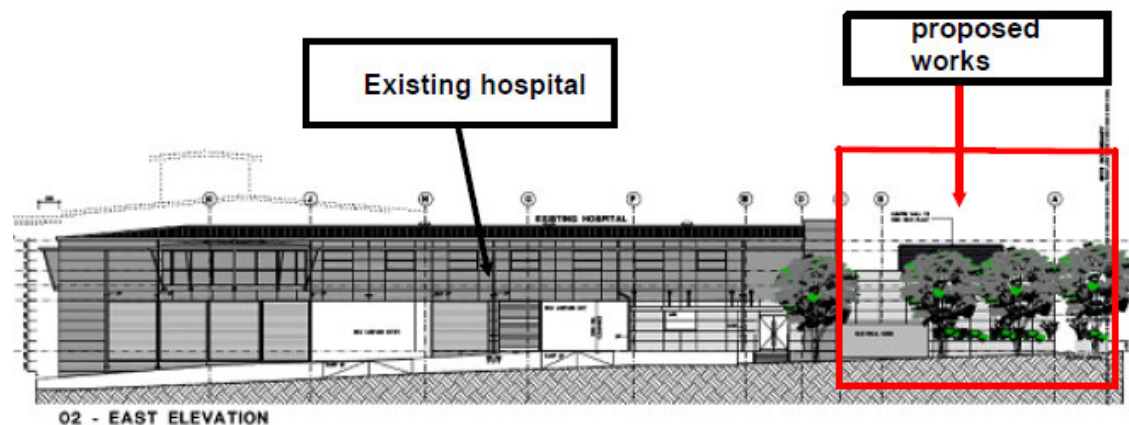


Figure 8 – shows the front elevation of the development to the streetscape of the locality with the proposed landscaping and in context with the existing hospital development on-site.

The existing building facing the streetscape at this locality will be taller than the addition, the addition will be setback further than the existing building and the existing building has a greater mass than the proposed addition.

It is recommended that the addition be coloured and finished similarly to the existing hospital to provide visual connectivity with the existing hospital. A proposed colour scheme for the development is shown at Appendix B.

Overall, it is considered that the scale of the proposed addition in context with the scale of the existing hospital is minor and unlikely to introduce any adverse visual impacts to the public domain and local character of the place.

2.1.4 Tree Preservation and Management

The application does not propose the removal of any vegetation of ecological or scenic significance from the locality.

2.1.9 Sloping Land and Soils

The application is supported by a geo-technical report. The development site is considered to be suitable for the proposed development.

Retaining structures are planned for the northern and north-western boundaries of the site. The walls shall be constructed in benches. The highest amount of cut equates to five metres and is positioned at the rear of the site. The retaining structure at this point will be benched at 2.5m lifts. The walls will not be observable to the public domain or adjoining residential properties. The benching of the walls allows effective landscaping to be constructed around the perimeter of the site. This degree of cut and boundary treatment is similar to other areas of the hospital site. The boundary retaining structures, given their location and screening from the public domain by buildings, are not considered likely to introduce any adverse visual impacts to the streetscape of the locality.

Subject to conditions of consent, the proposal is considered to meet the intent of the plan.

2.1.11 Erosion Prevention and Sediment Control

Subject to conditions of consent, Council staff are satisfied that the proposal will meet the intent of the plan.

2.1.12 Mine Subsidence

The Mine Subsidence Board has considered the application. The board has granted general terms of approval subject to the following condition of consent:

“The submission of final drawings prior to commencement of construction, are to contain a certification by a qualified structural engineer to the effect that the improvements will be constructed in accordance with existing site conditions.”

2.1.13 Contaminated Land

The land is not known to be contaminated.

2.1.15 Noise and Vibration

The application is supported by an acoustic report.

The application proposes a roof-mounted mechanical plant which is screened by the roof mounted louvered wall surrounding the plant.

The plant consists of:

- 1 x VRV condensing set for the A/C;
- 2 x Condensing set for the A/C to linac;
- 2 x R1500 Series II Chillers; and,
- an exhaust fan.

The application has been considered by Council's environmental management staff. Staff are satisfied that the proposed development, subject to conditions of consent, will not introduce any adverse impacts to the receiving environment.

The proposal is also considered to be adequately designed to cater for road and traffic noise. Conditions of consent apply in this regard.

The development is not considered likely to introduce any additional acoustic impacts from car parking on-site. The application proposes to build over existing car parking areas. The parking supply in this area shall be reduced by 24 car parks, in turn reducing the overall impacts of noise associated with car parking at this part of the hospital site.

Subject to conditions of consent, the proposal is considered to meet the intent of the plan.

2.1.16 Air Quality

The application does not propose a hazardous or offensive development.

2.1.17 Building Waste Management – Demolition and Construction

The application is supported by a building waste management plan. Subject to conditions of consent, Council staff are satisfied that the proposal will meet the intent of the plan.

Section 2.2 – Social Impact

2.2.1 Social Impact Assessment

The application is of a type required to be supported by a social impact assessment due to the application proposing a health service facility. However, in this case, the proposal is considered to be of type and or scale to warrant the support of a Social Impact Assessment. The proposal is considered likely to positively improve the availability of oncology services and facilities to the City.

Section 2.3 – Economic Impact

2.3.1 Economic Impact Assessment

The application is not required to be supported by an economic impact assessment. However, the application is considered likely to positively affect the socio-economic development of the city and promote the orderly and economic development of the land.

Section 2.4 – Heritage

There are no known items of heritage in the vicinity or in proximity to the proposed development.

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

2.5.1 Essential Infrastructure

The proposal is located in a well-served part of the City with existing access to essential services and infrastructure.

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

The application is supported by a stormwater management plan. Subject to conditions of consent, the proposal is considered to meet the intent of the plan.

2.5.5 Occupational Waste Management

Council staff are satisfied that subject to conditions of consent, the likely occupational wastes of the proposed development can be adequately managed on-site as currently performed by the hospital.

Section 2.6 – Transport, Access, Parking and Servicing

2.6.1 Movement System

The development site is accessed off an existing service road fronting a classified road. There is no direct access off the classified road to the proposed development. Access is gained via Sydney Street, which is a local road. Modification to the local or state road networks are not proposed.

2.6.2 Traffic Generating Development

The proposal is not defined as a traffic generating development as defined under *State Environmental Planning Policy (Infrastructure) 2007*. The application does not propose any additional beds to the existing hospital.

2.6.3 Road - Design

No new road works are proposed.

2.6.4 Pedestrian and Cycle Paths

It is recommended that the existing pedestrian network linking existing infrastructure to the site be enhanced.

The pedestrian footpath within the road reserve is incomplete around the site, and does not provide connectivity from some of the available parking spaces to the facility. In this regard,

the following measures are conditioned to be undertaken prior to occupation of the proposed development:

- Pacific Highway access road - Extend the footpath south to Sydney Street. Install pedestrian access across the service road to the signals inclusive of a ramp either side of the service road and a pedestrian crossing would probably be the more preferred treatment; and,
- Sydney Street – provide concrete footpath along the entire northern frontage of Sydney Street, between the Pacific Highway and O'Brien Street. This will provide access from the on-street parking and connect to the existing footpath around the site.

2.6.5 Public Transport

The proposed development is located in proximity to existing public transport links. The scale of the proposed development does not warrant the construction of additional public transport infrastructure.

2.6.6 Vehicle Parking Provision

The car parking requirements for the development are discussed under section 1.8 Development Notification Requirements.

2.6.7 Car Parking Areas and Structures

The car parking requirements for the development are discussed under section 1.8 Development Notification Requirements.

The car parking access and layout has been considered by Council's Traffic and Transportation engineer who is satisfied that the access arrangements and the layout meets the intent of the plan.

A separate development application shall be lodged for a portion of the required car parking (19 parking spaces). The application has been conditioned for this car parking (19 spaces) to be constructed and operational prior to occupation of the proposed development.

2.6.8 Vehicle Access

Access to the development is obtained off the existing service road. The access is considered to meet the intent of the plan.

2.6.10 Servicing Areas

The hospital has an existing loading bay which is not proposed to be altered by this development. The existing supply of service areas can cater for the additional use on-site.

2.6.11 On-Site Bicycle Facilities

Subject to conditions of consent, Council staff are satisfied that the proposal will meet the intent of the plan.

2.6.12 Non-Discriminatory Access and Use

The application is supported by an access and mobility audit. The access arrangements and degree of disabled car parking in proximity to the development are considered to be acceptable and meet the intent of the plan. A patient-drop-off zone is proposed and four timed car parking spaces are also planning in proximity to the access to the new ward.

Section 2.7 – Streetscape and the Public Realm

2.7.1 Streetscape and Local Character

As discussed under section 2.1.3 Scenic Values, the proposal is not considered to adversely affect the streetscape or the local character of the area.

The addition is setback five metres from the street setback and three metres from the side boundary. These setbacks are greater than the setbacks of the existing hospital buildings

The development is not of scale that will impede any public or private views to place of visual significance.

2.7.7 Signs

No advertising signage is proposed.

2.7.8 Fences

In the circumstance that new boundary fencing is required or existing boundary fencing is required to be replaced as a result of the construction of the development, these cost of construction shall be borne by the developer. Conditions apply.

2.7.9 Safety and Security

The hospital currently uses permanent CCTV, static and active surveillance and security throughout the hospital grounds and buildings. The Hughes Street car park is also fitted with CCTV and security lighting. Additional infrastructure for this latter car park can be considered under the future car parking development application to be submitted.

The proposal is not considered to introduce any adverse safety or security impacts to the locality or the future users of the development.

Subject to conditions of consent, Council staff are satisfied that the proposal meets the intent of the plan.

(a)(iv) any matters prescribed by the regulations

The proposal is not located in the coastal zone.

Regulations applicable to demolition of the existing building have been taken into consideration.

(b) the likely impacts of the development

The likely impacts of the development have been considered above. The proposal is not considered to introduce any adverse impacts to the locality.

(c) the suitability of the site for development

The development site is suitable for the proposed development.

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

Public submissions:

Two public submissions were received to the application. These submissions are considered above under section 1.8 Development Notification Requirements.

Submissions from public authorities:

The submission from the NSW Mine Subsidence Board has been taken into consideration.

(e) the public interest

Approval of the proposed development subject to conditions of consent is considered to be in the public interest.

Approval of the development would see the introduction of much needed oncology treatment facilities to residents of the city and the region.

In the public interest, the draft *Lake Macquarie Local Environment Plan 2012* and draft *Lake Macquarie Development Plan 2012* has been taken into consideration.

Conclusion

It is recommended that the panel grant consent to Development Application 990/2012 subject to the conditions of consent at Appendix A.

Appendix A	Recommended Conditions of Consent
Appendix B	Proposed Plans

Appendix B – Conditions of Consent

Conditions of Consent

(Approved subject to the conditions specified in this notice and in accordance with the stamped approved plans.)

Reason for the Imposition of Conditions

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

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

1. Prescribed Conditions

- (a) The work must be carried out in accordance with the requirements of the *Building Code of Australia*.
- (b) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

2. Inspections

The person having the benefit of the consent shall ensure that critical stage inspections are carried out and notify the Principal Certifying Authority giving adequate notice of the time that each stage of the building/development is ready for inspection.

Note: Failure to have a critical stage inspection conducted by the PCA will constitute a breach of the *Environmental Planning and Assessment Act 1979*. Penalties may apply.

Additional inspections required under other legislation:

- Inspection of Vehicular Access to Property across Footpath (prior to pouring concrete) – Section 138 Roads Act 1993

3. Approved Documentation

The development consent incorporates this schedule of conditions and the plans and documents referenced and stamped as follows:

(a) Plans Reference:

Plans prepared by: Health Projects International			
Name of Plan	Drawing Number	Issue	Date
Level 3 Floor Plan – Radiation Oncology	LMPH6-P-3-RT	6	October 2012
Level 4 Roof Plan	LMPH6-P-4	6	October 2012
Site/location plan	LMPH6-P-S	5	June 2012
Elevations	LMPH6-E-1	2	June 2012
Sections	LMPH6-S-1	2	June 2012
Proposed stratum subdivision plan	LMPH6-P-Sub div	5	June 2012
External finishes schedule	Pages 1 to 4	1	14 June 2012
Stormwater Management Plan by Whipps – Wood	H01/P1	P1	7 June 2012
Stormwater Management Plan by Whipps – Wood	H02/P2	P2	13 June 2012
Stormwater Management Plan by Whipps – Wood	H03/P1	P1	7 June 2012
Stormwater Management Plan by Whipps – Wood	H04/P2	P2	13 June 2012
Subdivision Plan	CRH12-375C Sheet 1	A	2 July 2012
Subdivision Plan	CRH12-375C Sheet 2	A	2 July 2012
Landscape Plan by Health Project International	LMPH6-EL-1	3	15 June 2012
Landscape Design Report by terras	L01	C	24 September 2012
Landscape Plan by terras	L02	D	24 September 2012
Landscape Plan by terras	L03	D	24 September 2012
Landscape Plan by terras	L04	A	15 June 2012
Landscape specifications by terras	L05	D	24 September 2012
Car parking allocation master plan	LMPH6-P-LS	1	9 October 2012

(b) Document Reference:

Document	Reference	Author	Date
Statement of Environmental Effects		McKenzie Group Consulting	July 2012
Access Review		Morris-Goding Accessibility Consulting	4 September 2012

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

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

4. Construction Certificate

Prior to the commencement of building work or subdivision work, a Construction Certificate shall be obtained.

Note: If the Construction Certificate is issued by a Principal Certifying Authority that is not Council it will be necessary to lodge the Construction Certificate and other approved documents with Council within two days of such approval. (Clause 142(2) EPA Regulation 2000).

5. Occupation Certificate

The development shall not be occupied or used prior to the issuing of a Final Occupation Certificate or Interim Occupation Certificate by the Principal Certifying Authority. Where an Interim Occupation Certificate has been issued, only that part of the building to which the Certificate applies may be occupied or used.

6. Mine Subsidence Board

The board has granted general terms of approval subject to the submission of final drawings prior to commencement of construction, are to contain a certification by a qualified structural engineer to the effect that the improvements will be constructed in accordance with existing site conditions.

7. Ausgrid Requirements

Prior to the issue of the first Construction Certificate, any requirements of Ausgrid shall be obtained and a copy of the requirements shall be lodged with Council and the Principal Certifying Authority. All works shall comply with the requirements of Ausgrid.

8. Strata Certificate

Prior to the endorsement of the Strata Certificate the requirements of s37 or s37A of the *Strata Schemes (Freehold Development) Act 1973* shall be satisfied.

9. Location of substation – pad mounted kiosk

The location of the electrical substation - pad mounted kiosk shall be generally located as shown at approved plan:

Level 3 Floor Plan – Radiation Oncology	LMPH6-P-3-RT	6	October 2012
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10. Hours of Operation

Following commencement of occupation, the premises may operate or trade 24 hours per day, seven days per week.

11. Commissioning of the facility

In the absence of regulatory requirements concerning the commissioning of the development, the applicant shall undertake the following actions, prior to use of the facility:

- GC's physics group will undertake a radiation bunker survey (check to make sure that the bunker has been completed as designed), including the radiation survey. GC shall use a calibrated and traceable survey meter to measure the "worst case scenario" that could be treated with. The results shall be submitted to EPA. GC shall also perform the calibration of the linear accelerator for both photons and electrons;
- GC shall engage another hospital/department (public or private) to perform a bunker survey and dose calibration using their own equipment (independent and separately traceable) and staff, to ensure the radiation bunker and linear accelerator are as planned; and,
- if additional assurances are required, either ANSTO (Australian Nuclear Science and Technology Organization) or ARPANSA (Australian Radiation Protection and Nuclear Safety Agency) shall be engaged, to carry out these checks prior to use of the facility.

The operator shall furnish Council within three months of commissioning of the development with a report that certifies that the facility complies with the required design parameters and detailing that the above actions have been undertaken.

12. Construction Management Plan

The applicant shall submit a Construction Management Plan (CMP) to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate. The CMP shall include details to show how the construction process will be managed for both the on-site and external areas, showing the expected timeframes for each building phase.

Inclusive of the plan, the following matters relevant to construction shall be addressed:

- a. traffic management and car parking;
- b. acoustic management and timetabling measures;
- c. dust management procedures
- d. waste management infrastructure;
- e. erosion and sedimentation management controls; and,
- f. hoardings and pedestrian management.

The developer shall provide a monthly update/newsletter to residents living within the vicinity of the construction works, particularly residents at: Lot 5 DP 24268; Lot 4 DP 24268; Lot 6 DP 24268; and, Lot 8 DP 24268. The update/newsletter shall include, as a minimum, updates on the progress of the construction, future timetabling of works on-site, a record of any complaints received to the construction works and actions taken by the development/applicant to remedy. The update/newsletter shall also inform residents of the inspection regime of the proposed development.

All construction car parking associated with the development shall be located within the boundaries and prolongations of the street boundary of the hospital (if on street parking is required). If on-street construction parking is required the installation of a Works Zone within the street network shall be required, so as work vehicles can park in a designated area. The use of an on-street works zone shall require approval by Council's Traffic Committee, prior to works commencing.

13. Excavation and Retaining

Only retaining walls indicated on the approved plans shall be constructed under this consent.

No additional excavation/fill is to occur outside the area as shown on the approved plans.

No fill or retaining walls shall be located within any drainage easement located upon the subject property.

Retaining walls, footings and associated drainage works shall be located wholly within the subject property boundaries and shall be connected to the existing stormwater system or other approved stormwater system on the subject property.

Note: Some retaining walls are able to be erected without consent, as Exempt or Complying Development pursuant to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (SEPP). Prior to erection of any retaining wall not approved under this consent, reference to the SEPP should be undertaken to ascertain whether approval is required.

14. Filling Importation and Compaction

Prior to works commencing, documentary evidence shall be provided to Council demonstrating that the proposed fill material is either:

- (a) Uncontaminated virgin excavated natural material (VENM) as defined under the provisions of the NSW Protection of the Environment Operations Act 1997; or
- (b) The material is from a known origin and composition, free of contamination from manufactured chemicals, process residues, building debris, sulfidic ores, or other foreign matter; or
- (c) Fill which has been characterised and validated by a suitably qualified and experienced site contamination consultant, in accordance with the NSW Office of Environment and Heritage publication "Contaminated Sites - Sampling Design Guidelines dated September 1995".

Prior to works commencing, written certification from a suitably qualified geotechnical engineer that the material is suitable for the proposed use on the site, shall be provided to Council. Only that material certified by the geotechnical engineer shall be imported to the site.

Written details are to be kept of address of the origin of the fill; quantities, dates, and times of delivery from each location; registration numbers and driver's identification details; and laboratory test results/consultants reports and available for inspection by the Principal Certifying Authority or Council upon receipt of a written request.

All fill shall be placed in accordance with the standards specified in Table 5.1 of AS 3798-2007 "Guidelines on Earthworks for Commercial and Residential Developments."

15. Topsoil and Stockpiles of Materials

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

Stockpiles of topsoil, sand, aggregate, spoil or other material stored on the site that is capable of being moved by running water shall be stored clear of any drainage line or easement, natural watercourse, footpath, kerb, and/or road surface. Suitable sediment and erosion control devices shall be installed prior to the stockpile being created. The stockpile shall be treated so its surface is erosion resistant to wind and water action. No stockpiles of topsoil, sand, aggregate, spoil or other material shall be located on the public footpath or road reserve.

16. Building Waste

Prior to any construction work commencing, containment of building waste materials shall be provided within the boundaries of the building site, above natural or excavated ground level, by a screened area of silt stop fabric or shade cloth, having minimum dimensions of 2.4 x 2.4 x 1.2 metres high OR equivalent size waste disposal bin. The enclosure or bin shall be maintained for the term of the construction to the completion of the development. The enclosure or bin shall be regularly cleaned to ensure proper containment of the building wastes generated on the site. Appropriate provision is to be made to prevent wind blown rubbish escaping from the containment.

17. Unobstructed Footpath Access

The person having the benefit of the consent shall maintain unobstructed footpath access within the public road reserve at all times. Building materials shall not be placed or stored within the road reserve.

In the case of sites where it is not possible to keep the footpath or road reserve clear during construction works written approval from Council shall be obtained prior to any closing of the road reserve or footpath area. The closure shall take place in accordance with Council's written approval. The area shall be signposted and such signposting be maintained in a way that ensures public safety at all times.

18. Demolition

Demolition work shall be carried out only between the hours of 7:00am to 5:00pm Mondays to Fridays and 8:00am to 1:00pm Saturdays. No work is to be carried out on Sundays or public holidays.

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

No trees shall be removed from the site unless they are shown for removal on the approved plans, or separately approved by Council.

Erosion and sediment control measures shall be installed prior to any demolition works and maintained in accordance with *Lake Macquarie City Council Development Control Plan 1 – Principles of Development*.

The site shall be grassed or otherwise rendered erosion resistant immediately upon completion of demolition.

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

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

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

19. Site Amenities

Throughout the course of building or demolition works on the site, toilet facilities shall be provided at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet shall be installed as follows:

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

approval. Such approval shall be obtained prior to the issue of a Construction Certificate.

20. Dust Suppression

During the extraction, removal, and transportation of material associated with the works, the person having the benefit of the consent shall ensure that airborne dust is contained within the work site or transport vehicles, and does not impact on the amenity of the surrounding environment.

Effective environmental controls and practices shall be implemented and maintained to the satisfaction of Council or the Principal Certifying Authority and in compliance with NSW POEO Act 1997.

21. Asbestos

If asbestos is encountered during construction or demolition work, even if the works are partial demolition (eg one wall), measures must be in place in accordance with WorkCover NSW guidelines and the *Occupational Health & Safety Regulations 2001* NSW. Work shall not commence or continue until all the necessary safeguards required by WorkCover NSW are fully in place.

Only contractors who are appropriately licensed for asbestos disposal by WorkCover NSW may carry out the removal and disposal of asbestos from demolition and construction sites.

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



The person entitled to act on this consent shall notify adjoining residents in writing five working days prior to the demolition.

Asbestos waste must only be disposed of at a landfill site authorised to receive such waste and copies of receipts received from such disposal kept and made available for inspection by Council during normal working hours and upon the giving of reasonable notice.

Note: Council's Awaba Waste Management Facility can accept asbestos for a fee, provided that the material is safely secured in accordance with the relevant guidelines. At least 24 hours prior notice must be given to allow an area to be prepared for disposal.

22. Erosion and Sediment Control Plan

An Erosion and Sediment Control Plan (ESCP) shall be submitted to and approved by the Principal Certifying Authority prior to the issue of the first Construction Certificate.

The ESCP shall comply with the provisions of *Lake Macquarie City Council Development Control Plan 1 Section 2.1.11 Erosion Prevention and Sediment Control* and *Managing Urban Stormwater: Soils and Construction "The Blue Book," 4th Edition, Landcom, 2004*.

The ESCP shall be implemented to the satisfaction of the Principal Certifying Authority prior to the commencement of works, and during construction and shall be maintained until the site is rendered erosion resistant.

The plan must incorporate on the drawing or in a separate commentary specifying how soil conservation measures will be conducted on site (without being limited to):

- timing of works;
- minimise disturbance of existing stabilised land or areas of vegetation outside of the limits of the development;
- upslope interception of stormwater run-off with diversion drains/ bunds around disturbed areas;
- location and design of appropriate erosion control and sediment interception measures (stabilised site access, catch drains, contour banks, detention basins, settling ponds, straw bale, dust controls, gabion or mulch barriers, sediment traps, (silt) sediment fences etc) sufficient to prevent sediments, contaminants, and other debris leaving the site or entering downstream drainage lines;
- satisfactory disposal of intercepted sediments and other contaminants from the above mentioned measures;
- frequency and nature of any maintenance program of erosion and sediment control measures;
- long-term stabilisation procedures, including proposed vehicle accessways/parking areas and other impervious areas, which can be incorporated in a landscape rehabilitation plan if appropriate; and
- site boundaries;
- approximate grades and fall directions;
- vegetation to be removed or retained; and
- existing and proposed drainage patterns.

23. Hoarding and Construction Site Safety Fencing

Construction site safety fencing and/or hoarding shall be provided in accordance with WorkCover requirements. Such fencing and/or hoarding shall be erected wholly within the property boundary unless prior approval from Council is obtained.

Council approval is required to install hoarding, site fencing or overhead protective structures over or adjoining a public place i.e. a footpath or a Public Reserve. No work shall commence until written approval is obtained.

24. Acoustic Certification

The recommendations contained in the acoustic report prepared by Wilkinson Murray Project No.12169 dated 26th June 2012 shall be incorporated into the design and construction of the development.

A suitably qualified acoustic consultant shall be engaged to assist with the preparation of the final building plans and specifications to ensure compliance with any acoustic conditions and that no other noise nuisance is created to the neighbourhood.

Upon completion of the works, and prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first, a certificate shall be provided to the Principal Certifying Authority from a suitably qualified acoustic consultant certifying that the works have been completed in accordance with their requirements and the development or proposed use is capable of operating in accordance with the design criteria.

At 90 days of operation a suitably qualified acoustic consultant shall test, measure, report and certify that the development is operating, at that time, in accordance with the approved acoustic report. The reporting and certification is to be submitted to Council for record purposes.

25. Noise - Construction Sites

The operating noise level of construction site operations, including machinery, plant and equipment when measured at any affected premises, shall be evaluated and comply with the requirements of the NSW Office of Environment and Heritage publication "Interim Construction Noise Guideline" July 2009.

Construction Time Restrictions

Monday to Friday 7.00am to 6.00pm

Saturday 8.00am to 1.00pm

No construction work to take place on Sundays or Public Holidays.

Construction Periods in Excess of 26 Weeks

If the construction period is in excess of 26 weeks, a Noise Management Plan (NMP) shall be provided to Council prior to the issue of the first construction certificate. Such plan shall be prepared with the assistance of a suitably qualified acoustic engineer, indicating whether the use of machinery, plant and equipment during those operations can be completed without causing offensive noise (as defined in the *Protection of the Environment Operations Act 1997*) in the neighbouring area. The NMP shall be complied with at all times during the construction period and shall identify any mitigation measures to control noise, noise monitoring techniques and reporting methods, likely potential impacts from noise and a complaints handling system. Operational times may be amended with the written advice of Council's General Manager or delegate.

26. Construction Site Vibration

Vibration on surrounding land from construction site operations shall comply with the Office of Environment and Heritage publication "Assessing Vibration: a technical guideline" February 2006.

27. Noise - Sleep Arousal

The L1 (one minute) operating noise level during night time hours of the premises, when measured at the window of any affected residential dwelling, shall comply with the NSW Office of Environment and Heritage sleep arousal criteria, calculated in accordance with Chapter 19 of the NSW Office of Environment and Heritage Noise Control Manual.

28. Medical / Pathological Waste

Any contaminated medical or pathological wastes stored on the premises shall be secured in approved containers and disposed of by a registered contractor, in accordance with the requirements of the NSW Department of Health and the NSW Office of Environment and Heritage.

29. Liquid Gaseous Wastes, Emissions and Odour Control

Emissions shall be responsibly managed at all times, so as not to cause a danger to public health or loss of amenity or damage to the environment.

Any liquid gaseous wastes, emissions or odours shall be controlled and disposed of in accordance with the *NSW Protection of the Environment Operations Act 1997* and *Regulations 1997*, as amended.

Where it is proposed to treat and discharge waters to the Hunter Water Corporations Sewer, formal approval from the Corporation shall be obtained.

30. Stormwater Disposal - Stormwater Detention

The Stormwater Detention system submitted with any Construction Certificate shall be generally in accordance with the plans approved by the Development Consent

prepared by Whipps – Wood Consulting, Ref: 2009-0284 dated June 2012 and must comply with the following:

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

Prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first:

- (d) All drainage works shall be carried out generally in accordance with the approved Construction Certificate plans.
- (e) A **Works As Executed Plan** is to be submitted to the Principal Certifying Authority that shows any changes (in different colour) to the approved Construction Certificate plans and endorsed by a registered surveyor.
- (f) Certification by the engineer, is to be submitted to the Principal Certifying Authority that any changes comply with the requirements (a), (b) & (c) as shown above. **Note:** This may be shown on the Works As Executed Plan.

31. Geotechnical Report Required

A Slope Stability Assessment shall be prepared by a qualified geotechnical engineer, and shall be submitted to the Principal Certifying Authority prior to the issue of the first Construction Certificate.

The slope stability assessment shall have due regard and make appropriate recommendations with respect to the pre-existing site conditions (such as any uncontrolled fill, excavations, or construction works).

Where the geotechnical report requires inspections, a geotechnical engineer shall inspect the works at the stages as specified in that report.

The geotechnical engineer who inspected the works shall provide written confirmation to the Principal Certifying Authority that the constructed works are in accordance with the recommendations of the Slope Stability Assessment prepared for the development prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first.

32. Geotechnical Report Compliance

Any works undertaken in relation to the development shall embody all the relevant recommendations of the Geotechnical Report.

Where the geotechnical report requires inspections, a geotechnical engineer shall inspect the works at the stages as specified in that report.

Prior to the issue of the first Construction Certificate, all construction and engineering plans shall be certified as being designed in accordance with the approved Geotechnical Report by a suitably qualified structural / civil engineer.

33. Fix Damage Caused by Construction Works

Any damage or injury caused to a public road or associated structures including footpaths, drains, kerb and gutter and utility services caused as a consequence of the construction works shall be made good at the cost of the person with the benefit of the consent.

Any disused kerb and gutter and footpath crossing shall be removed and replaced with full kerb and gutter in accordance with Council's standards to match finished adjoining kerb and gutter. All replacement works are to be completed to the satisfaction of Council prior to the issue of an Occupation Certificate at the cost of the person with the benefit of the consent.

34. Dilapidation Survey Report

Prior to the commencement of works (including demolition) on the land, a dilapidation survey report prepared by a suitably qualified practising engineer, of properties and existing public infrastructure potentially affected by the proposed development, shall be lodged with Council and submitted to the Principal Certifying Authority.

The dilapidation survey report shall locate the area within which the damage may be potentially caused to nearby and neighbouring properties as a result of the carrying out of demolition or construction works pursuant to this consent.

The report is to include a description of the location and nature of any existing observable defects to the properties and existing public infrastructure, including a photographic record.

A final Dilapidation Survey Report shall be prepared by a suitably qualified practising engineer at the completion of the works to ascertain if any structural or cosmetic damage has occurred to the properties specified in the earlier report.

A copy of the report shall be submitted to Council the Principal Certifying Authority and owners of potentially affected properties and public infrastructure prior to the issue of the Final Occupation Certificate.

35. Parking Areas and Access Ways

All parking areas and access ways shall be designed, constructed, sealed and drained in accordance with the standards nominated in Council's Development Control Plan 1, Volume 1 and 2 Engineering Guidelines and the Australian Standard 2890.

All parking areas and access ways, line marking and signage shall be completed prior to the issue of an Occupation Certificate.

Car parking allocation on-site shall be undertaken as shown at the approved car park master plan drawing No. LMPH6-P-LS, issue 1, dated 9.10.12 by Health Projects International.

As shown at the approved car park master plan, 10 spaces shall be allocated to the development within the hospital north east car park (below ward). Four of these spaces, shall be time-limited to 30 minute parking only. Spaces 12 to 16 shall be allocated to the 30 minute time parking only. These spaces shall be signposted and line-marked as required prior to occupation of the development.

A separate development application shall be submitted for an additional 19 off-street car parking spaces. The development shall not operate until an occupation certificate has been issued for these spaces.

At all times, the development shall have access to 29 off-street car parking spaces.

36. Bicycle Parking Racks

To encourage the use of alternate transport modes, secure bicycle parking/storage shall be provided to accommodate three bicycles. The facility must be located in close proximity to the building entrances and be highly visible and well illuminated to minimise the likelihood of theft and vandalism. The installation and dimensions of the facility shall be in accordance with Austroads Part 14 - Bicycle Standards. These works shall be completed prior to the issue of the Final Occupation Certificate.

37. Pedestrian Network

The pedestrian footpath within the road reserve is incomplete around the site, and does not provide connectivity from some of the available parking spaces (Hughes Street car park) to the facility. In this regard, the following works are required to be undertaken, prior to occupation of the proposed development:

- Pacific Highway access road - Extend the footpath south to Sydney Street. Install pedestrian access across the service road to the signals inclusive of a ramp either side of the service road and a pedestrian crossing would probably be the more preferred treatment; and,
- Sydney Street – provide concrete footpath along the entire northern frontage of Sydney Street, between the Pacific Highway and O'Brien Street. This will provide access from the on-street parking and connect to the existing footpath around the site.

38. Boundary Fencing

The existing boundary fencing of the site may require replacing due to the construction of the development. In this case, should the fencing require replacing the full cost of a new boundary fence at a height of 1.8 metres, all costs associated with the removal and replacement of any fence shall be borne by the person with the benefit of the consent and not the relevant neighbouring property owners.

Fourteen days written notice shall be given to the relevant neighbouring property owner of the intention to erect the boundary fencing.

39. Disability Access Requirements

All recommendations from the approved access audit by Morris –Goding Accessibility Consulting dated 4 September 2012, shall be implemented prior to occupation of the development and demonstrated in documentation at Construction Certificate stage.

40. Tactile Indicators

The development shall have tactile indicators installed in accordance with AS 1428.4.

Note: The areas of the development to have tactile indicators installed are varied and include kerb ramps and footpaths along the street frontage; carpark pedestrian crossings (street frontage and internal); lifts; stairways and ramps.

41. Category 3 Landscaping

Landscaping shall be implemented/installed in accordance with the approved landscape plans and documentation prepared by terras Landscape Architects dated 24 September 2012, revision D.

All landscape works shall be carried out by members of the Landscape Contractors Association of Australia and implemented under the full supervision of the appropriately qualified landscape consultant until the Landscape Compliance Report is received by the Principal Certifying Authority.

Tree Planting within the public domain turf areas must be planted in accordance with Lake Macquarie City Councils Landscape Design Guideline February 2012 'Exhibition Draft', pg 44-F2009/00952 Figure 10 LSD-PLA-002 "Street Tree in Turf, no Footpath".

At the completion of landscape works, the landscape consultant who supervised the works shall submit to the Principal Certifying Authority a Landscape Compliance Report that establishes satisfactory completion of the landscaping works approved by this consent.

All landscaping shall be permanently maintained in accordance with Section 2.7.2 of *Lake Macquarie City Council Development Control Plan 1*.

All landscape works within the Public Domain (road reserve) shall be coordinated with Council's Project Manager during the construction period (Contact details for Council's Coordinator of Project Management, contactable on 49210333).

Witness or hold points must be communicated in an appropriate time (minimum 7 days prior to commencement of landscape works within the public domain) with Council's Coordinator of Project Management, for the following inspections (where applicable) to be carried out by Council's Project Manager:

- Commencement of Public Domain Works (witness point);
- Set out of tree pits (witness point);
- Excavation of tree pits with regard to Councils Street Tree planting detail and specifications;
- Tree delivery prior to installation (hold point). Note: if desired, arrangements may be made to inspect trees prior to delivery to assist in avoiding rejection due to poor quality (NB inspection will still be required on site prior to installation);
- Commencement of tree planting (witness point); and,
- Completion of tree planting, including installation of any guards / grates (witness point).

The following submissions must be submitted in a timely manner by the Contractor to Council's Project Manager:

- Batch Certificates for all imported soil; and,
- Certification that trees comply with the Tree Supply Specification

The Landscape Consultant that produced the Landscape documentation and Specification shall submit a **Landscape Compliance Report** that details the above inspections and submissions and certify that the finished works comply with the approved Plans and Specification. The certification is to outline any minor defects which must be rectified and any specific landscape maintenance requirements during the maintenance period. The Landscape Consultant may delegate production of this report to a local Consultant with equivalent qualifications.

The Landscape Consultant that produced the Landscape Documentation and Specification shall submit two **Landscape Maintenance Reports** (one at 26 weeks and one at 52 weeks after practical completion) that certify that at 26 and 52 weeks after Practical Completion the works were being satisfactorily maintained. The Landscape Consultant may delegate production of this report to a local Consultant with equivalent qualifications.

42. Safety and Security

Lighting shall be erected in the car park for the proposed development to ensure the safety of clients and staff at night is adequately maintained.

The proposed car park shall be incorporated into the existing CCTV network for the hospital.

A long-term maintenance plan shall be prepared for the development. A copy of the plan shall be submitted to the Principal Certifying Authority for approved prior to the issue of the Final Occupation Certificate. The long-term maintenance plan shall be complied with at all times. The long-term maintenance plan shall cover maintenance of vegetation, lighting, graffiti management and malicious damage. Graffiti shall be removed within 72 hours, and lighting, if damaged or broken shall be restored within 48 hours.

43. Lighting

Any lighting shall be designed and installed to ensure minimal glare and light spill onto adjoining properties or roadways. Lighting shall comply with Australian Standard AS4282-1997.

A light spill diagram shall be approved by Council prior to occupation of the development. The plan shall demonstrate that new lighting of the land will not adversely affect adjoining development.

44. Retaining Wall on 12 O'Brien Street Gateshead (Lot 3 DP 24268)

A separate development application shall be submitted for the retaining wall and associated drainage and landscape works shown on the approved plans over Lot 3 DP 24268.

The final occupation certificate for the proposed development, shall not be issued, until works on Lot 3 DP 24268, shown on the approved plans, have been constructed.