

JRPP PLANNING REPORT

JRPP NO:	2012SYW091
DA NO:	543/2012/JP/A
PROPOSED DEVELOPMENT:	SECTION 96(2) MODIFICATION TO AN APPROVED HOSPITAL AND DAY SURGERY WITH FUTURE MEDICAL CONSULTING SUITES AND REHABILITATION WARD.
SUBJECT SITE:	LOT 5090 DP 1003896 NOS. 17-19 SOLENT CIRCUIT, BAULKHAM HILLS
APPLICANT:	MDEQUITY PTY LTD
LODGEMENT DATE:	13 SEPTEMBER 2012
REPORT BY:	DEVELOPMENT ASSESSMENT CO-ORDINATOR GAVIN CHERRY
RECOMMENDATION:	APPROVAL

BACKGROUND

MANDATORY REQUIREMENTS

Owner:	Mdequity Pty Ltd	1.	<u>LEP 2005</u> – Permissible with consent.
Zoning:	Employment 10(a)(Business Park)	2.	<u>LEP 2012</u> – Permissible with consent.
Area:	18,680m ²	3.	<u>SEPP (Infrastructure) 2007</u> – Permissible with consent.
Existing Development:	Commercial Building.	4.	<u>DCP 2011, Part B, Section 6 – Business</u> – Variations approved within the original Development Application and additional variations are proposed with the current application.
		5.	<u>DCP 2011 Part C, Section 1 – Parking</u> – Variations approved within the original Development Application.
		6.	<u>DCP 2011 Part C, Section 2 – Signage</u> – Variations approved within the original Development Application.
		7.	<u>SEPP 64 – Advertising Signage</u> – Complies.

		8.	<u>Section 79C (EP&A, Act)</u> – Satisfactory.
		9.	<u>Section 96(2) (EP&A, Act)</u> – Satisfactory.
		10.	<u>Amended Section 94A Contribution</u> – \$397,645.60

SUBMISSIONS

REASONS FOR REFERRAL TO JRPP

1. Exhibition:	Yes – 30 days as nominated integrated development.	1.	Capital Investment Value exceeds \$5 million (being \$42,706,897.00).
2. Notice Adj Owners:	Yes – 30 days as nominated integrated development.	2.	Section 96(2) Modification Applications require determination by the Joint Regional Planning Panel.
3. Number Advised:	277 (includes individual unit owners, strata management and NSW RMS).		
4. Submissions Received:	One in support of the proposal.		

HISTORY

07/06/1999	Development Application 3608/1999/HA approved for a multi storey commercial office building and associated car parking.
17/05/2012	Development Application 548/2012/JP approved by the Joint Regional Planning Panel – Sydney West Region for a hospital and day surgery with future medical consulting suites and rehabilitation ward.
13/09/2012	Subject Section 96(2) Modification Application lodged with Council.
21/09/2012 – 25/10/2012	The Section 96(2) Modification Application was placed on public exhibition as nominated integrated development.
05/10/2012	The Hills Local Environmental Plan 2012 was publicly notified on the NSW Legislation website.
09/10/2012	Letter sent to the applicant requesting additional flood modelling information, a further section drawing, energy efficiency information and a revised site coverage calculation.
24/10/2012	Amended plans and additional information submitted.

PROPOSAL

The existing approved development is for alterations and additions to an existing commercial development for occupation and fitout as a hospital and day surgery with future capacity for medical consulting suites and a rehabilitation ward.

The proposed Section 96(2) Modification Application seeks to make the following amendments to the approved development: -

EXTENT OF PROPOSED MODIFICATIONS	
BASEMENT	<ul style="list-style-type: none">• A new eastern wing is proposed which includes a hydrotherapy pool, ancillary plant room, office, storeroom, toilets and change room.• The inclusion of the new wing has resulted in reconfiguration of the basement layout including modification to the ambulance bay and x-ray tenancy.• Modified dry and clean linen store.• Modified lift 1 (reduced in size) and modified Lift 4 removing the adjoining riser shaft.• Modified holding room.
GROUND FLOOR	<ul style="list-style-type: none">• A new eastern wing is proposed which includes an additional operating theatre (from 3 to 4) and redesign of the day surgery.• Additional floor area (2.0m wide) is proposed which cantilevers within the easement for public access to the south of the building.• The approved addition over the basement ramp is reduced and pulled back.• An additional 2 beds are proposed within the day surgery recovery stage 1 area.• Lifts 1 and 4 are modified as detailed within the basement section above.• Provision of a new screen enclosure around the approved emergency generator adjacent to the existing substation. This includes the removal of the previously approved underground fuel tank.
FIRST FLOOR	<ul style="list-style-type: none">• Addition of a balcony on the southern elevation.• Additional gross floor area to the western side of the building (above the cafe seating area below).• Enclosure of balconies on the northern and eastern elevations.• Continuation of Stair 5 to the fifth floor level.• Additional gross floor area to the south of Stair 5.
SECOND FLOOR	<ul style="list-style-type: none">• Fitout detail for the rehabilitation wards are now included on the amended plans which indicates provision for 36 beds (in a combination and 1 and 2 bedroom wards).• Continuation of Stair 5 to the fifth floor level.
THIRD FLOOR	<ul style="list-style-type: none">• Continuation of Stair 5 to the fifth floor level.
FOURTH FLOOR	<ul style="list-style-type: none">• Continuation of Stair 5 to the fifth floor level.• Additional gross floor area to the eastern side of the building to extend the size of an operating theatre.

FIFTH FLOOR	<ul style="list-style-type: none"> Continuation of Stair 5. New roofing elements (relating to the extension on Level 4). Additional gross floor area to the eastern and southern sides of the building to extend lounge, boardroom and office areas. Reconfiguration of the approved doctor's temporary residence, storerooms and provision of additional office space.
CAR PARKING AREA	<ul style="list-style-type: none"> Reconfigured entry to retain existing disabled and normal parking spaces at the front of the building. Relocation of parent with pram parking, consolidation of bicycle parking into one location and additional parking spaces in place of landscaping.
SIGNAGE	<ul style="list-style-type: none"> Sign 1 is amended from a height of 2.0m to a height of 2.8m; Signs 5 and 6 are reconfigured to run vertically on the northern and southern facades of the lift shafts (instead of horizontally as approved).

As a result of the above proposed amendments, the applicant has requested the following conditions of consent be amended: -

- Condition No. 1 be amended to reflect the amended plans submitted with the current modification application;
- Condition No. 3 to be amended to reflect any revised requirements of Norwest Association;
- Condition No. 4 be amended to reflect any revised requirements of the NSW Office of Water;
- Condition No. 5 be amended to reflect any revised requirements of the NSW Police Service;
- Condition No. 6 be amended to reflect the amended car parking provision on site;
- Condition No. 7 be amended to remove reference to the rehabilitation ward as this condition requires a separate application for the fitout of the rehabilitation ward and medical consultancy suites however the fitout of the rehabilitation ward is now included in the current modification application.
- Condition No. 42 be deleted as the underground fuel storage tanks are no longer included within the proposal.
- Condition No. 51 be amended to ensure that the 24 hour operating period includes the rehabilitation wards in addition to the approved hospital.

For the existing wording of the above conditions refer to Attachment No. 21.

ISSUES FOR CONSIDERATION

1. Compliance with BHLEP 2005, THLEP 2012 and SEPP (Infrastructure) 2007

1.1 Permissibility

The subject site is currently zoned B7 – Business Park and SP2 – Infrastructure under The Hills Local Environmental Plan (THLEP) 2012. It is noted however that the Development Application was lodged under the provisions of LEP 2005 and is a permissible use under that instrument. A “savings provision” within Clause 1.8A of LEP 2012 requires the proposal to continue to be assessed under LEP 2005 however it is noted that the proposal continues to remain as a permissible use under LEP 2012.

The proposed amended development is still most appropriately defined as a “hospital” under either LEP being as follows: -

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

- (a) day surgery, day procedures or health consulting rooms,*
- (b) accommodation for nurses or other health care workers,*
- (c) accommodation for persons receiving health care or for their visitors,*
- (d) shops, kiosks, restaurants or cafes or take-away food and drink premises,*
- (e) patient transport facilities, including helipads, ambulance facilities and car parking,*
- (f) educational purposes or any other health-related use,*
- (g) research purposes (whether or not it is carried out by hospital staff or health care workers or for commercial purposes),*
- (h) chapels,*
- (i) hospices,*
- (j) mortuaries.*

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

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

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

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

A “hospital” is permissible development as this definition is not specifically referenced within Item 2 (exempt development) or Item 4 (prohibited development) within the zone permissibility table. This is as a result of this form of development being permissible under the State Environmental Planning Policy (Infrastructure) 2007.

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

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

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

A prescribed zone is defined within the SEPP as: -

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

- (a) RU4 Rural Small Holdings,*
- (b) RU5 Village,*
- (c) RU6 Transition,*
- (d) R1 General Residential,*
- (e) R3 Medium Density Residential,*
- (f) R4 High Density Residential,*
- (g) R5 Large Lot Residential,*
- (h) B2 Local Centre,*
- (i) B3 Commercial Core,*
- (j) B4 Mixed Use,*
- (k) B5 Business Development,*
- (l) B6 Enterprise Corridor,*
- (m) B7 Business Park,*
- (n) SP1 Special Activities,*
- (o) SP2 Infrastructure."*

As the subject site is zoned 10(a) under LEP 2005 and B7 and SP2 under LEP 2012, all of which are considered to be prescribed zones as detailed within the SEPP, the proposed development is permissible development under both THLEP 2012 and SEPP (Infrastructure) 2007.

1.2 Mapping Sheets

LEP 2012 includes development standards which would be applicable to the proposed development if the savings provision was not in place. The proposed applicable development standards are as follows: -

- The maximum permitted floor space ratio is 1:1; and
- The maximum building height permitted is RL 116;

Although it is considered that LEP 2012 does not apply, using a precautionary approach, the proposed development has been assessed against these development standards and provides a floor space ratio of 0.68:1 and a maximum building height of RL 115.8. As a result the proposed development ensures compliance with the mapping requirements of The Hills Local Environmental Plan 2012.

2. Compliance with Section 96(2) of the EP & A Act 1979

Section 96(2) of the Environmental Planning and Assessment Act, 1979 requires the following:

“(2) Other modifications

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
- (c) it has notified the application in accordance with:*
 - (i) the regulations, if the regulations so require, or*
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.”*

With respect to the above requirements the following is outlined: -

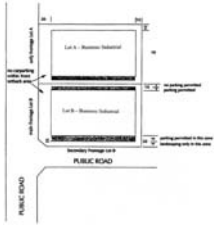
- The proposed development is an amendment to an approved hospital which includes additional gross floor area for ancillary theatres to the hospital and a hydrotherapy pool which is also ancillary to the hospital and rehabilitation wards. In addition the other modifications relate to existing conditions of consent, external building presentation and internal layouts of the existing approved development. As a result the proposed modifications are still considered to be substantially the same development as already approved.
- The modification application was re-referred to the NSW Office of Water being a required concurrence authority under the provisions of the Water Management Act 2000. Further comments have been provided from the NSW Office of Water raising no objections to the amended development.
- The modified application has been re-notified and placed on public exhibition in accordance with the Regulations and BHDGP Part A – Introduction as nominated integrated development.
- Only one submission (in support) was received to the proposed amended development.

As a result of the above assessment, the proposed modification application is appropriate as a Section 96(2) Modification Application and is considered satisfactory.

3. Compliance with Part of THDCP 2011 Part B, Section 6 – Business

The proposed amended development has been assessed against the relevant development standards and objectives of BHDCP Part B, Section 6 - Business as detailed below: -

CLAUSE	DCP STANDARD	REQUIRED	PROPOSED	COMPLIANCE
2.1	Precinct Plans	<p>Refer to the following precinct plans: -</p> <ul style="list-style-type: none"> • Appendix B Sheet 14 – Norwest Business Park; • Appendix C, Sheet 15 – Bella Vista Precinct and • Appendix D – Bella Vista Photo Montages 	The proposal has been assessed giving consideration to the precinct plans within Appendix B – Sheet 4 and is considered to be both compliant and satisfactory.	Yes
2.2	Site Analysis	<p>Land with a slope greater than 20% is not suitable for development.</p> <p>Development applications for proposals on land with a slope of between 15-20% must be accompanied by a geotechnical report. Development on land adjoining Bella Vista Farm Park should incorporate measures (such as setbacks and buffers) to minimise any impact on the Bella Vista Farm Park.</p>	<p>The site does not provide a gradient greater than 20%.</p> <p>N/A – the site gradient is less than 15%</p>	<p>Yes</p> <p>N/A</p>
2.3	Development Sites	<p>The minimum site frontage requirement is 18 metres</p> <p>Consent may not be granted to an application that isolates an area of land that does not meet the minimum site area requirements.</p> <p>The maximum site</p>	<p>The allotment frontage exceeds 18m</p> <p>N/A</p> <p>The site coverage is</p>	<p>Yes</p> <p>N/A</p> <p>Yes – as per DCP</p>

		coverage is 50 percent of the allotment area	68.7% however the DCP details in the site coverage submission requirements that uncovered at grade car parking and driveway areas are to be excluded from the site coverage calculation. This results in a site coverage of 16.5%. Note that under this same classification, the previous approval provided a site coverage of 14.8%.	submission requirements when calculating site coverage.
2.4	Floor Space Ratio / Max GFA	Refer to Clauses 4.4 and 4.5 of LEP 2012 and Floor Space Ratio Maps.	THLEP 2012 requires a maximum floor space ratio of 1:1. The proposed development provides a floor space ratio of 0.68:1.	Yes
2.5	Setback – B7 Zoned Land 	<u>Public Road Setback:</u> Minimum 20 metres to any public road with no parking forward of the building line.	Building: 53 metres (excludes awning over car parking spaces) Parking: Min 9.8m	Yes No – however this is an existing approved situation which is unaffected by proposed amended development
		<u>Corner Lot Setback:</u> Minimum 20 metres with no parking forward of the building line to the primary road frontage and 20 metres to the secondary road <u>however</u> parking is permitted to be provided forward of this	N/A	N/A

		building line (secondary road frontage) to a minimum setback of 10 metres		
		<u>Side and Rear Setbacks (non residential / rural / open space interfaces):</u> <ul style="list-style-type: none"> • Building: Min 10 metres • Parking: Min 5 metres 	<u>Building:</u> 5.38m to eastern boundary (excludes awning over parking) Min 87m to western boundary <u>Parking:</u> Min 5m to eastern boundary (Note: Awing is setback 4.8m) Min 7.5m to western boundary	No – however the variation results from the irregular boundary alignment and satisfactory landscaping and building separation to the adjoining development at Nos. 21-23 Solent Circuit is provided.
		<u>Side and Rear (residential / rural / open space interface)</u> Minimum 15 metres exclusively for landscaping	N/A	N/A
		<u>Setbacks for Sites Adjoining Bella Vista Farm Park</u> Minimum 15 metres exclusively for landscaping to screen view from the farm BUT NOT to obscure significant views available to and from the farm.	N/A	N/A
		<u>Setbacks to Riparian Corridors</u> Merit subject to comments from the relevant concurrence authority	<u>Building:</u> Min 8.0m (new wing addition is 12m) <u>Parking:</u> Min 6.4m to southern boundary	Yes – NSW Office of Water has raised no objections to the original application or the proposed amended application. The proposed setback is considered appropriate as

				viewed from the Lake.
	Setback – B2 Zoned Land	<u>Building Setbacks</u> The building setback to roads within land zoned B2 Local Centre and the area identified as the Norbrik Neighbourhood Business Centre are to be considered on merit.	N/A	N/A
		<u>Setbacks to Riparian Corridors</u> Merit subject to comments from the relevant concurrence authority	N/A	N/A
2.6	Building Height	Refer to Clause 4.3 and 5.6 of Local Environmental Plan 2012 and Building Height Mapping Sheets for maximum building height requirements.	LEP 2012 requires a maximum building height of RL 116. The proposed development provides a maximum building height of RL 115.8 to the top of the steel pole on the roof.	Yes
2.7	Building Materials	All external walls of buildings shall be constructed of brick, glass, pre-cast exposed aggregate panels of similar material. However, use of new materials that generate a lower environmental cost will be considered on their merits. Under no circumstances will masonry block work be permitted on external walls. External finishes are to be consistent with surrounding developments and landscape features. All roof ventilators, exhaust towers and plant equipment is not	The proposed finishes are consistent with the existing building and are considered to be appropriate in the context of the business park. All roof top plant and the lift overrun is screened from	Yes Yes

		<p>to be visible from the public domain</p> <p>Any roof structure or external wall south of Norwest Blvd which is visible from Bella Vista Farm Park shall be dark with non reflective muted colour tones.</p>	<p>view by metal sheeting and metal roofing elements.</p> <p>The site is north of Norwest Boulevard and as such this restriction does not apply.</p>	Yes
2.8	Signage	Refer to Part C Section 2 – Signage of The Hills DCP 2011.	Refer to separate assessment against this section of the DCP below.	Yes
2.9	Hours of Operation	24 hrs, 7 days a week where there is no adverse impacts to adjoining properties or business.	<p>24 hour operation is proposed.</p> <p>There is not considered to be adverse impact requiring restricted hours of operation.</p>	Yes
2.10	Energy Efficiency	<p>Min 4 star greenhouse rating</p> <p>Consider orientation of roof pitch, provision of solar panels, insulation, ventilation and orientation.</p> <p>In designing the building consideration must be given to utilising the large areas of roof space for generating electricity via solar panels or other relevant technology.</p> <p>Issues that need to be considered are: -</p> <ul style="list-style-type: none"> • The orientation and pitch of the roof. The portions of the roof suitable for solar panels must be oriented north to maximise sunlight on these areas; and • The capability of the 	<p>The applicant has submitted additional information outlining that the proposed additional wing will incorporate energy efficiency principles which will ensure the intent of the DCP requirement is achieved.</p>	Yes – refer to Condition No.42 as recommended to be amended.

		roof to accommodate, or to be easily reinforced so it can accommodate solar panels and/or other relevant equipment.		
2.11	Biodiversity	Refer to Clause 7.4 – Biodiversity (Terrestrial) of LEP 2012.	Satisfactory – there is no identified significant biodiversity on the subject site.	Yes
2.12	Erosion and Sediment Control	Erosion and Sedimentation Control Plans / measures to be considered.	Erosion and Sedimentation Plan submitted, assessed by Councils Environmental Health and Sustainability Section and considered satisfactory.	Yes
2.13	Fencing	<p>No fencing other than low ornamental type may be erected.</p> <p>Fencing along rear boundaries adjacent to drainage or open space shall be integrated with the landscaping.</p> <p>All chain wire fencing is to be black or dark green.</p> <p>Pre painted solid metal fencing is not acceptable.</p> <p>Fencing immediately adjacent to Bella Vista Farm Park conservation area shall be simple, low level, rural type timber construction.</p>	N/A	N/A
	Landscaping and Tree Preservation	Grassed embankments are not to exceed 1:6 slopes with vegetated embankments planted with soil stabilising species at max 1:3	N/A – The proposal retains existing embankments without amendment.	N/A

		<p>grade. Earth mounding is desirable to mitigate noise impacts.</p> <p>Development south of Norwest Boulevard shall ensure consideration has been given to the Bella Vista Farm Conservation Management Plan.</p>	<p>The site is north of Norwest Boulevard and as such this restriction does not apply.</p>	N/A
2.14	Clause Repealed			
2.15	Clause Repealed			
2.16	Vehicular Access	<p>Entry and exit in a forward direction</p> <p>Design to comply with Council's Work Specifications, BHDCP Part D, Section 1 - Parking and the Australian Standards.</p> <p>Suitable sight distance is to be provided.</p> <p>All development in the Norwest Business Park should ensure that access to the site is via internal roads. Restrictions on access to development sites from Old Windsor Road, Windsor Road and parts of Norwest Boulevard are as indicated on the map in Map Sheet 1 in Appendices A and Appendix B of the DCP</p>	<p>All vehicles can enter and exit in a forward direction.</p> <p>The car parking design has been assessed by Council's Engineering Section and is considered compliant and satisfactory.</p> <p>Sight distance is satisfactory.</p> <p>The location of the access point is not amended by the proposed application and maintains sufficient sight distances.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
2.17	Car Parking	<p>Address BHDCP Part C, Section 1 – Parking.</p> <p>Parking should be provided for "parents with prams" within</p>	<p>Refer to separate assessment against BHDCP Part D, Section 1 – Parking below.</p> <p>3 x parents with pram spaces are proposed adjacent</p>	<p>Yes</p> <p>Yes</p>

		shopping centres and public facilities.	to the building entry.	
2.18	Bicycle Parking	<p>Bicycle: 2 spaces plus 5% of total spaces where development exceeds 4,000m² being 16.8 spaces (rounded up to 17)</p> <p>Bicycle parking should be located in close proximity to the building's entrance and in groups of no greater than 16 spaces.</p> <p>Bicycle parking facilities within car parking areas shall be separated by a physical barrier to protect bicycles from damage by cars, such as curbs, wheel stops or other similar features.</p> <p>Consideration should be given to providing staff change rooms and washing facilities.</p>	<p>20 spaces consolidated into one location.</p> <p>Bicycle parking is located in a satisfactory location but in a group of 20 spaces.</p> <p>The spaces are separated from the car parking spaces by landscaping and kerbing.</p> <p>Suitable change and toilet facilities are located within the hospital.</p>	<p>Yes</p> <p>No – minor variation.</p> <p>Yes</p> <p>Yes</p>
2.19	Loading Docks	<p>Not visible from public domain and must provide buffer landscaping treatments.</p> <p>Not visible from adjoining residential areas.</p> <p>Loading docks are not to transmit excessive noise.</p> <p>Provision of loading docks is to be commensurate with the size and nature of the development as per BHDCP Part C, Section 1 – Parking.</p>	<p>Truck Parking and Loading Areas are contained within trafficable areas with the truck required to reverse into the loading dock if the size of the truck prevents drive through use.</p> <p>This is an existing situation and is not proposed to be altered by the proposed development.</p>	Yes
2.20	Pedestrian Access and Movement	Pathways and ramps to conform to AS 1428 – 1 – 1998 Design for Access and Mobility.	Appropriate disabled access is provided from the car parking area to	Yes

			the entrance / foyer.	
2.21	Parenting Facilities	Parenting rooms are required for new retail developments or extensions of existing retail developments which exceed 3,000m ² in gross floor area. Refer to Clause 2.20 for design considerations.	N/A - the proposal is a separately defined "hospital" and not a retail development and as such this requirement is not applicable to the proposed development.	N/A
2.22	Stormwater Management	<p>For development in Norwest Business Park, two of the measures M1 to M8 of the DCP inclusive must be implemented. Details on the actions required to implement each of these measures are included in Appendix B – Water Sensitive Urban Design of the DCP.</p> <p>Consider satisfactory stormwater collection, discharge and drainage system design against Council's Work Specifications.</p> <p>Development proposals should not result in the filling of flood liable land or the erection of buildings on flood liable land.</p> <p>Reference should be made to the Restriction As to User on the title of the land, or the development consent to which the development is proposed in relation to requirements for on-site detention.</p>	The proposal was referred to, and has been assessed by, Council's Engineering Section who has considered the proposed drainage design measures and have confirmed that the proposal is satisfactory and supportable on these grounds.	Yes
2.23	Waste Management – Storage and Facilities	All waste areas to be screened from the street and adjoining properties.	The submitted plan was referred to Council's Waste Management Section who have	Yes

		<p>Adequate storage for waste materials must be provided on site and are not to restrict access to parking spaces.</p> <p>Waste storage areas to be kept clean and tidy.</p>	<p>confirmed that the proposal is satisfactory and supportable.</p> <p>The storage areas are not visible from the public domain or neighbouring properties.</p>	
2.24	Waste Management	WMP required to be submitted and address demolition, construction and ongoing use requirements.	The submitted plan was referred to Council's Waste Management Section who have confirmed that the proposal is satisfactory and supportable.	Yes
2.25	Heritage	<p>All development should be in accordance with Part C Section 4 – Heritage and Clause 5.10 <i>Heritage Conservation</i> of The Hills LEP 2012.</p> <p>Applications for development on any land adjoining the Bella Vista Farm conservation area are to be accompanied by a heritage impact assessment prepared in accordance with Part C Section 4 – Heritage</p> <p>Development is to demonstrate how the proposal mitigates impacts upon the Bella Vista Farm Park including consideration of building design, colours, finishes, landscaping and impacts on view corridors.</p> <p>A Heritage Impact Assessment is likely to be required giving consideration to the</p>	N/A	N/A

		Bella Vista Farm Conservation Management Plan (2000).		
2.26	Development Contributions	Address Council's Section 94 Contributions Plans.	Section 94A Contributions conditioned as per the adopted plan.	Yes
2.27	Pollution Control	<p>The use of mechanical plant and equipment may be restricted where sites are located near existing and proposed residential areas.</p> <p>Incinerators are not permitted for waste disposal.</p>	<p>The proposal was referred to, and has been assessed by, Council's Health and Environmental Protection Section who have considered the potential environmental, acoustic and waste disposal impacts of the proposed development, and have confirmed that the proposal is satisfactory and supportable on these grounds.</p> <p>Incinerators for waste disposal are not proposed.</p>	Yes

4.1 Side Setback

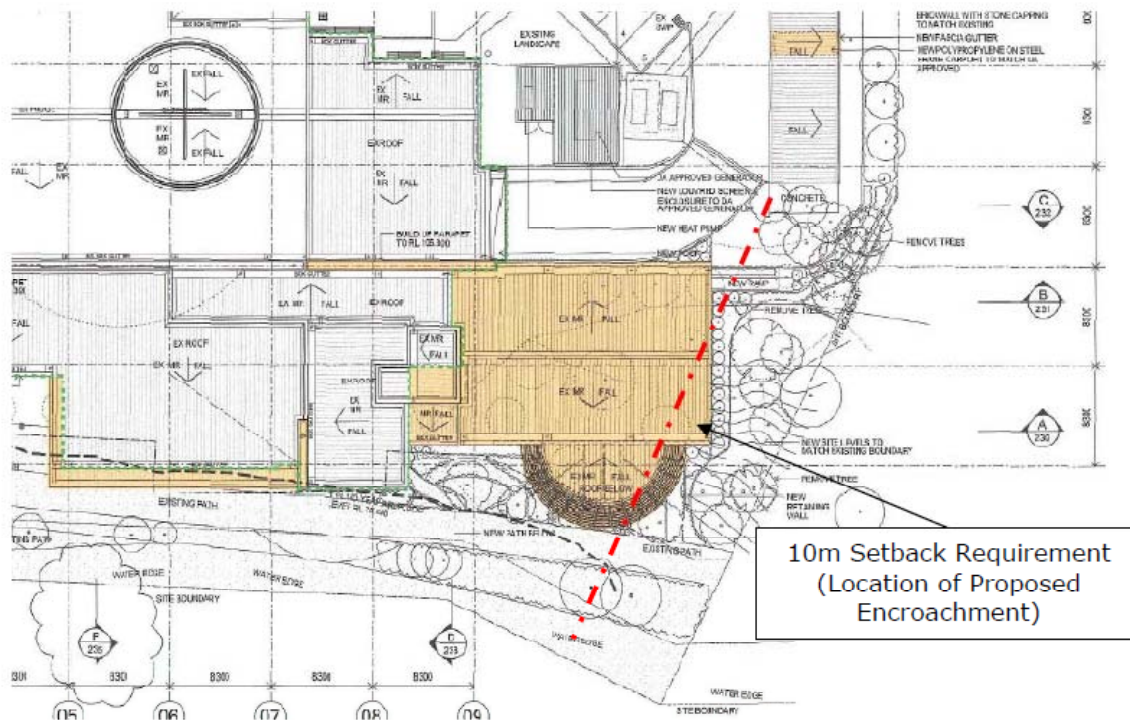
Clause 2.5(L) of THDCP Part B, Section 6 – Business relating to Norwest Business Park requires the following setbacks to side property boundaries: -

- (L) *The setback to side and rear boundaries where the adjoining land use is of an industrial, business or commercial nature shall be a minimum 10.0m except in the case of car parking where a 5.0m setback applies provided the first 5.0m is landscaped to screen that car parking.*

The relevant objectives of this clause of the DCP are as follows: -

- (i) *To provide an attractive streetscape and substantial areas for landscaping and screen planting.*
- (ii) *To ensure adequate sight distance is available for vehicles entering and leaving the site.*
- (iii) *To minimise overshadowing of adjoining properties.*
- (iv) *To protect privacy and amenity of any adjoining land uses.*

The proposed development provides a minimum setback to the eastern property boundary of 5.38m which results in a 4.62m variation to the DCP requirement. The extent of the variation is depicted below:-



Comment

The eastern property boundary adjacent to the proposed additional wing is irregular in alignment and as such the proposed additional wing extension provides a setback variation of 4.62m. The resulting variation is considered satisfactory on the following grounds: -

- The variation relates to a small portion of the extension and results from the irregular alignment of the boundary line at this location;
- The extension is at the rear of the site adjacent to the lake and as such the setback encroachment does not impact upon the streetscape or public domain;
- The setback zone is proposed to be landscaped with new trees along the eastern property boundary to minimise the visual impact of the structure from the adjacent property;
- The encroachment is only two storeys in height compared to the 6 storey hospital and is not visually prominent;
- The adjoining development at Nos. 21-23 Solent Circuit provides a similar side boundary setback in the same location further demonstrating that the proposed setback is consistent with existing development in this location.

- The proposed development provides satisfactory landscaping throughout the site, a vegetated streetscape presentation to Solent Circuit and does not adversely impact upon and privacy and amenity of adjoining developments. As a result the proposal complies with the above objectives of the DCP.

As a result the proposed side setback variation is considered satisfactory.

4.2 Bicycle Parking

The DCP stipulates that no more than 16 bicycle parking spaces are to be located in one area. The proposal seeks to consolidate all 20 spaces in one location representing a variation to the DCP.

In addition the following relevant objective is applicable:-

- (i) *To make it easier and more convenient for people to travel to and from places using bicycles.*

The consolidated location is considered satisfactory as they are in close proximity to the building entrance, are located in one area to minimise impacts on landscaping and do not adversely impact on the circulation of the car parking design. The proposed location also ensures that the use of bicycles as an alternate form of transport can be accommodated. As a result the proposed variation is considered satisfactory.

5. Compliance with THDCP 2011 Part C, Section 1 – Parking

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

THDCP 2011, PART C, SECTION 1 - PARKING			
CONTROL	REQUIRED	PROPOSED	COMPLIES
Car Parking	<p><u>Stage 1 Hospital (includes Rehabilitation and Day Surgery):</u></p> <p>1 space per 2 beds for visitors; 1 space per 1.5 employees; and 1 space per 2.5 visiting medical officers</p> <p>86 ward beds (including day surgery) requires 43 parking spaces.</p> <p>157 employees requiring 105 parking spaces.</p> <p>5 visiting medical officers require 2 spaces.</p> <p>Total Required Parking Spaces = 150 spaces</p>	300 car parking spaces inclusive of the designated ambulance parking bay in the basement.	Yes

	<p><u>Future Medical Consulting Suites</u></p> <p>10 medical suites with 30 consulting rooms</p> <p>Medical consulting rooms require 3 spaces per support staff and 1 space per support employee. This definition however is limited to 3 consulting rooms per premise. Even though it is noted that this component is intended in the future, and may be under one operator (like a medical centre), this parking rate is still considered the most appropriate parking rate on merit.</p> <p>As such on the basis that 30 consulting rooms are proposed with 60 support staff, the consulting component of the operation requires the provision of 150 parking spaces.</p> <p><u>Hydrotherapy Pool</u></p> <p>The proposed hydrotherapy pool is intended to be utilised as an ancillary rehabilitation facility to the hospital and as such is not an attractor in its own right and doesn't require a specific additional car parking provision or allocation.</p> <p><u>Total Required Parking</u> = 300 spaces.</p>		
Disabled Parking	<u>Disabled Parking:</u> 4% of required parking being $300/100 \times 4 = 12$ disabled parking spaces.	12 spaces	Yes
Parents with Prams Parking	<u>Hospital:</u> <ul style="list-style-type: none"> 1 space per 100 parking spaces (requiring 3 spaces) 	3 spaces	Yes
Motorcycle Parking	<u>Motorcycle:</u> 1 space per 50 cars = 6 motorcycle spaces.	8 motorcycle spaces	Yes
Loading Facilities	Merit consideration only	Truck Parking and Loading Areas are contained within trafficable areas	Yes - satisfactory

		<p>with the truck required to reverse into the loading dock if the size of the truck prevents drive through use.</p> <p>This is an existing situation and is not proposed to be altered by the proposed development.</p>	
Landscaping	2m wide landscape strips are required between rows served by different aisles and between spaces at a rate of 1 space per every 10 parking spaces.	The existing car parking design is substantially retained as approved by the Joint Regional Planning Panel with bicycle parking consolidated into one (already approved) location and additional parking provided where landscaping was in excess of the DCP requirements.	No – the landscape strips and resulting variation to the DCP is already approved.

6. Compliance with THDCP 2011 Part C, Section 2 - Signage

The proposed amended development has been assessed against the relevant development standards and objectives of BHDCP 2011 Part C, Section 2 – Signage as detailed below: -

THDCP 2011 PART C, SECTION 2 - SIGNAGE				
GENERAL SIGNAGE DESIGN REQUIREMENTS				
CONTROL		REQUIRED	PROPOSED	COMPLIANCE
2.1	a)	Advertising shall not incorporate flashing lights or animated or moving components.	No flashing or moving signage proposed.	Yes
	b)	Signs shall be permanently fixed to the premises.	Signage is fixed to the building or	Yes

			pylon boards.	
	c)	Advertising shall not be located or constructed in such a manner as to obstruct any other approved sign.	No obstruction is proposed.	Yes
	d)	Permanent signs shall not be located or constructed in such a manner as to obstruct the view of traffic lights or street signs, nor detrimentally obstruct motorists' or pedestrians' vision at an intersection or on any public road.	No obstruction is proposed.	Yes
	e)	Signs shall not be constructed of canvas, calico or any like material.	No material type signage is proposed.	Yes
	f)	A free-standing pylon sign shall not exceed ten (10) metres in height, measured from the existing ground level to the top of the structure, provided that the height of any pole sign shall have regard to the nature and height of development in the immediate vicinity.	1m x 2m entrance sign	Yes
	g)	Projecting wall signs and flush wall signs shall not extend above the wall to which they are attached.	No extension above the roof line is proposed.	Yes
	h)	All proposed signage is to be consistent with the objectives of State Environmental Planning Policy No.64 – Advertising and Signage as specified in clause 3(1)(a) of the SEPP.	Satisfactory – refer to separate SEPP 64 assessment.	Yes
	i)	Applications for signage must demonstrate how the proposed signage satisfies the assessment criteria specified in Schedule 1 of State Environmental Planning Policy No.64 – Advertising and Signage.	Satisfactory – refer to separate SEPP 64 assessment.	Yes
	j)	No structure will be erected within 3 metres of the kerb or carriageway. Any structure within 5 metres of the kerb or carriageway will be of frangible design.	Entrance sign is situated 10 metres from the kerb	Yes
BUSINESS PARK SIGNAGE REQUIREMENTS				
CONTROL		PERMISSIBLE	PROPOSED	COMPLIANCE
2.5 & 2.9	a)	Only one (1) free-standing pylon sign shall be permitted on any parcel of land zoned light industry or Business Park, and shall meet the following requirements: -		

		<ul style="list-style-type: none"> • The height of any free-standing pylon sign shall not exceed ten (10) metres measured from the existing ground level to the top of the structure and shall have regard to the nature and height of development in the immediate vicinity; • The maximum width of the entire structure shall be two (2) metres. • The maximum advertising display area within the structure shall be no greater than 12.0m² with maximum advertising dimensions of 1.5 metres in width and 8.0 metres in height. No advertising shall be permissible within the bottom 2.0 metres of the structure. • The free-standing pylon sign may identify the names of the occupant(s) of individual unit/suite in the premises and may include a logo or symbol that identifies the business, but does not include general advertising of products, goods or services; and • The free-standing pylon sign may be erected in the landscaped setback area. <p>Note: Refer to 2.5(f) which over-rides part of this clause.</p>	<p>1 x entrance sign proposed in addition to an existing entrance sign.</p> <p>1.0m</p> <p>2.8m²</p> <p>The content detail on the sign is considered satisfactory.</p> <p>The proposed location is considered satisfactory.</p>	<p>No – however the provision of the second entrance sign was approved by the JRPP in the original Development Application.</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
	b)	<p>Only one (1) free-standing tenancy listing board shall be permissible per parcel of land zoned light industry or Business Park meeting the following requirements:-</p> <ul style="list-style-type: none"> • The maximum size of the tenancy listing board shall not exceed 6.0m². • The height shall not exceed two (2) metres measured from the existing ground level to the top of the structure and the width of the structure shall not exceed 3 metres; • The structure is to be located at the entry to the site and may be incorporated with an area containing mail boxes for individual units; 	N/A	N/A

		<ul style="list-style-type: none"> The tenancy listing board shall include the property address and identify the names of the occupant(s) of each unit/suite in the premises, but does not include general advertising of products, goods or services. Colour and font used on the tenancy listing board is to be consistent; and The structure may be erected in the landscaped setback area. 		
	c)	<p>The combined sign area of all signs on the facade of a building will be permitted on the basis of 0.5m² of sign per one (1) metre of length of the building façade which addresses the primary frontage of the site.</p> <p>Primary building length facing Solent Circuit following addition of eastern wing: 73.8 metres permitting a maximum signage area of 36.9m².</p>	<p>Sign 3: 12.0m x 0.3m = 3.6m² Sign 4: 4.8m x 2.0m = 9.6m² Sign 6: 1.0m x 15.0m = 15.0m² Total = 28.2m²</p>	Yes
	d)	<p>Where the building has more than one (1) frontage, the maximum advertising area for a sign on any side elevation (in addition to signage specified in clause (c) above) shall not exceed 0.25m² of sign per one (1) metre of length of the façade of the building.</p> <p>Secondary building length facing the lake following addition of eastern wing: 73.8 metres permitting a maximum signage area of 18.45m².</p> <p>Western Elevation: (Nil signage proposed)</p> <p>Eastern Elevation: (Nil signage proposed)</p>	<p>Sign 5: 1m x 15.0m = 15.0m²</p>	Yes
	e)	Where a premises or building contains multiple occupancies, the maximum area of signage allowed on the façade of each occupancy shall be determined on the basis of 0.5m ² per 1 metre of length of façade of the subject unit or suite.	N/A	N/A
	f)	Notwithstanding Clause 2.5(a), one pylon sign per street frontage is permitted.	1 x entrance sign proposed in addition to an existing entrance sign.	No – however the provision of the second entrance sign was approved by the JRPP in the original Development Application.

	g)	Notwithstanding Clause 2.5(b), one tenancy board is permitted per vehicular entry point. If all entry points propose a tenancy board, the name of the occupant is to be displayed only on the board which provides the most efficient point of access to the unit.	N/A	N/A
	h)	Only 1 directional sign per vehicular entry / exit point is permitted and shall be for directional purposes only, located at the entry, max height of 0.6m and max area of 0.5m ² .	N/A	N/A
ILLUMINATION OF SIGNS				
CONTROL		PERMISSIBLE	PROPOSED	COMPLIANCE
2.11	a)	Any illuminated signage shall not adversely impact upon adjoining properties and shall be designed to ensure that no light spills onto adjoining or adjacent properties.	Internally illuminated signage is not considered to adversely impact on neighbouring properties due to the existing and proposed setbacks and location of the development within the business park.	Yes
	b)	Any illumination of signage shall be switched off upon the closure of business each day. Should the business operate during normal business hours only, illumination shall be switched off by 9 p.m. daily.	N/A – the hospital is proposed to operate 24 hours a day.	N/A
	c)	Illuminated signage is prohibited within Residential zones other than an illuminated cube light to identify health care premises.	N/A	N/A
	d)	Illuminated signs are not to be used on the land upon which a heritage item is located.	N/A	N/A

7. Compliance with SEPP 64 – Advertising Signage

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

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

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

Schedule 1 - Assessment Criteria

Assessment Criteria	Proposal	Compliance
Character of the Area Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed amended signage is compatible in terms of scale and area with other signage within the Business Park. There is no established theme within the Business Park other than the DCP signage area requirements.	Yes Yes
Special areas Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed amended signage is modest in scale to the building and does not detract from the development, site, or surrounding environmental features.	Yes
Views and vistas Does the proposal obscure or compromise important views? Does the proposal dominate the skyline and reduce the quality of vistas? Does the proposal respect the viewing rights of other advertisers?	No obstruction is proposed. The proposed amended signage is attached to the building and does not dominate the skyline. The proposed amended signage does not obstruct other advertisers as the signage relates to the proposed use of the development.	Yes Yes Yes
Streetscape, setting or landscape Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? Does the proposal contribute to the visual interest of the streetscape, setting or landscape? Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposed amended signage is modest in scale to the building and does not detract from the development, site, or surrounding environmental features. The proposed amended signage is considered to be appropriate within the streetscape along Solent Circuit. The proposed amended signage does not result in a reduction in signage but is less than that permitted by the DCP.	Yes Yes Yes

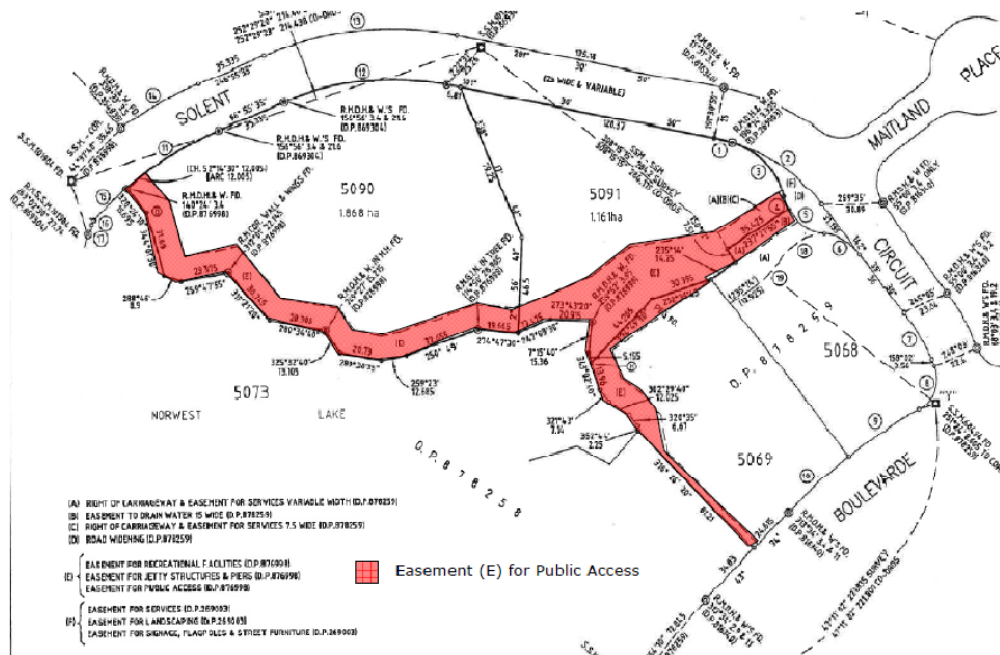
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No protrusion is proposed.	Yes
Site and building Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? Does the proposal respect important features of the site or building, or both? Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed amended signage is modest in scale to the building and does not detract from the development, site, or surrounding environmental features. The proposed amended signage does not detract from Norwest Lake or the landscaping works around the site. The proposed amended signage is considered appropriate in the context of the sites location and the intended occupation of the building.	Yes Yes Yes
Illumination Would illumination result in unacceptable glare? Would illumination affect safety for pedestrians, vehicles or aircraft? Would illumination detract from the amenity of any residence or other form of accommodation? Is the illumination subject to a curfew?	Internally illuminated signage is not considered to adversely impact on neighbouring properties due to the existing and proposed setbacks and location of the development within the business park. The hospital is proposed to operate 24 hours a day and as such the signage is not intended to be subject to a curfew.	Yes Yes
Safety Would the proposal reduce the safety for any public road? Would the proposal reduce the safety for pedestrians or bicyclists? Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed amended signage will not reduce the safety of any road. The proposed amended signage will not reduce the safety of pedestrians or bicyclists. The proposed amended signage will not impede sight lines.	Yes Yes Yes

8. Easement Encroachment

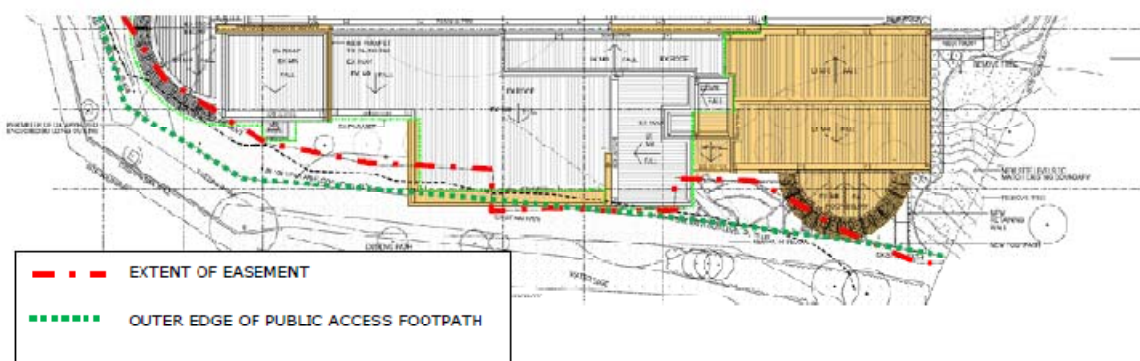
The subject site burdened by the following easements and restrictions on title: -

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

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



The original development application included a minor basement encroachment into the easement but did not extend into the public access pathway. The proposed amended development now includes physical building works over the public access pathway with the extended building cantilevered over the pathway (but not compromising its function as the minimum height clearance is 3.75m). The extent of the amended encroachments is as follows: -



The proposed height clearance of the works above the pathway is best detailed in the following section drawing: -



The existing easements traverse the perimeter of the lake and provide a legal entitlement for the public to access both the lake and the footpaths around it. The proposed minor encroachments do not compromise the useability of this pathway (once construction is completed). As a result the minor encroachment is considered supportable.

With respect to the easement for "Public Access" with The Hills Shire Council as the benefiting authority, a condition of consent is recommended requiring amendment to the easement zone and associated terms of the restriction. These requirements are outlined within Condition No. 43 (as already imposed) and will require a report to be prepared to Council prior to the issue of the Occupation Certificate for Council to consent to the amendment. This is the normal practice where an easement or positive covenant, of which the Council is the benefiting authority, is required to be modified or extinguished.

With respect to the easement for "Recreational Facilities, Jetty Structures and Piers", the benefiting authority being Norwest Association Pty Ltd has provided written consent to the proposed amended easement encroachment.

BUILDING COMMENTS

No objection is raised to the proposed amended development subject to amended conditions of consent relating to the proposed inclusion of the hydrotherapy pool.

ENGINEERING COMMENTS

No objection is raised to the proposed amended development and no amended conditions of consent are recommended.

TRAFFIC MANAGEMENT COMMENTS

No objection is raised to the proposed amended development and no amended conditions of consent are recommended.

TREE MANAGEMENT COMMENTS

No objection is raised to the proposed amended development and associated tree removal subject to amended conditions of consent.

PROPERTY MANAGEMENT COMMENTS

No objection is raised to the proposed amended development and resulting easement encroachment so long as the terms of the easement created by Deposited Plan No. 876998 are not compromised, being the following:

"Full and free right for the body in whose favour this easement is created, and every person authorised by it, to go, pass and re-pass at all times and for all purposes over that part of the lot burdened designated (A) on the above mentioned plan"

ENVIRONMENTAL HEALTH AND SUSTAINABILITY COMMENTS

Council's Environmental Health and Environmental Protection Section have assessed the amended application and have raised no objection to the deletion of Condition No. 42 - *Underground Fuel Storage Tank Installation* as the underground fuel tank have been removed from the proposed development.

RESOURCE RECOVERY COMMENTS

No objection is raised to the proposed amended development subject to the retention of the existing waste management conditions already imposed.

NSW OFFICE OF WATER

No objection is raised to the amended development and no amended general terms of approval are required as outlined in correspondence from the Department of Primary Industries – Office of Water dated 19 October 2012.

NSW POLICE COMMENTS

No objection is raised to the amended development and no amended conditions are required as outlined within correspondence dated 24 October 2012.

NSW ROADS AND MARITIME SERVICES COMMENTS

No objection is raised to the amended development and no amended conditions are required as outlined within correspondence dated 16 October 2012.

CONCLUSION

The proposed development has been assessed against Section 79C of the Environmental Planning and Assessment Act, 1979, State Environmental Planning Policy (Infrastructure) 2007, The Hills Local Environmental Plan 2012 and Baulkham Hills Development Control Plan 2011 and is considered satisfactory.

The proposed building side setback variation to THDCP 2011 Part 2, Section 6 Business (relating to Norwest Business Park) is considered satisfactory as the variation is similar to the side boundary setback of the adjacent development at Nos. 21-23 Solent Circuit and results in part of the irregular alignment of the boundary line adjacent to the proposed wing extension. The setback zone will be appropriately landscaped and does not provide an adverse impact to the streetscape, public domain or adjoining developments.

The proposed bicycle parking variation to THDCP 2011 Part 2, Section 6 Business (relating to Norwest Business Park) is considered satisfactory as the bicycles are located in a centralised location, in close proximity to the building entrance minimising impacts on landscaping and parking aisles.

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

As a result the proposed development is considered satisfactory.

IMPACTS:

Financial

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

Hills 2026

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

RECOMMENDATION

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

1. Condition No. 1 be **deleted** and **replaced** as follows:-

1. Development in Accordance with Submitted Plans

The development being carried out in accordance with the approved plans and details, stamped and returned with Development Consent 543/2012/JP as amended by the further plans and details stamped and returned with Development Consent 543/2012/JP/A, except where amended by other conditions of consent.

REFERENCED PLANS AND DOCUMENTS – Development Consent 543/2012/JP

DRAWING NO.	DESCRIPTION	REVISION	DATE
10053-DA00-A	Cover Sheet and Drawing Schedule	A	25/10/2011
10053-DA01-C	Site & Roof Plan	C	28/02/2012
10053-DA02-D	Basement Floor Plan	D	27/02/2012
SK-E-003	Ground Floor and Fuel Storage Tank and Details	-	02/02/2012
10053-DA04-A	Level 1 Floor Plan	A	25/10/2011
10053-DA05-A	Level 2 Floor Plan	A	25/10/2011
10053-DA06-A	Level 3 Floor Plan	A	25/10/2011
10053-DA07-A	Level 4 Floor Plan - Operating Theatre	A	25/10/2011
10053-DA08-A	Level 5 Floor Plan	A	25/10/2011
10053-DA20-A	North Elevation	A	25/10/2011
10053-DA21-A	East Elevation	A	25/10/2011
10053-DA22-A	South Elevation	A	25/10/2011
10053-DA23-A	West Elevation	A	25/10/2011
10053-DA30-A	Section AA	A	25/10/2011
10053-DA30-A	Section AA	A	25/10/2011
10053-DA31-A	Section BB	A	25/10/2011
10053-DA32-A	Section CC	A	25/10/2011
10053-DA33-A	Section DD	A	25/10/2011

10053-DA34-A	Section EE	A	25/10/2011
10053-DA40-A	Sedimentation & Erosion Control Plan	A	25/10/2011
2809-100	Main Kitchen – Cover Sheet	2	07/12/2011
2809-101	Main Kitchen – Layout	2	07/12/2011
2809-102	Main Kitchen – Equipment Schedule	2	01/12/2011
2809-103	Basement Stores – Layout	1	07/12/2011
2809-104	Typical Pantrys - Layout	1	07/12/2011

REFERENCED PLANS AND DOCUMENTS – Development Consent 543/2012/JP/A

DRAWING NO.	DESCRIPTION	REVISION	DATE
10053-DA200-B	Cover Sheet and Drawing Schedule	B	17/10/2012
10053-DA201-B	Site & Roof Plan	B	17/10/2012
10053-DA202-B	Basement Floor Plan	B	17/10/2012
10053-DA203-A	Ground Floor Plan	A	14/08/2012
10053-DA204-A	Level 1 Floor Plan	A	14/08/2012
10053-DA205-A	Level 2 Floor Plan	A	14/08/2012
10053-DA206-A	Level 3 Floor Plan	A	14/08/2012
10053-DA207-A	Level 4 Floor Plan - Operating Theatre	A	14/08/2012
10053-DA208-A	Level 5 Floor Plan	A	14/08/2012
10053-DA220-A	North Elevation	A	14/08/2012
10053-DA221-A	East Elevation	A	14/08/2012
10053-DA222-A	South Elevation	A	02/08/2012
10053-DA223-A	West Elevation	A	02/08/2012
10053-DA230-A	Section AA	A	15/06/2012
10053-DA230-A	Section AA	A	15/06/2012
10053-DA231-A	Section BB	A	02/08/2012
10053-DA232-A	Section CC	A	02/08/2012
10053-DA233-A	Section DD	A	02/08/2012
10053-DA234-A	Section EE	A	02/08/2012
10053-DA235-B	Section FF	B	17/10/2012
10053-DA240-A	Sedimentation & Erosion Control Plan	A	02/08/2012
10053-LP01-B	Landscape Plan	B	19/07/2012

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

2. Condition No. 3 be **deleted** and **replaced** as follows: -

3. Compliance with Norwest Association Requirements

Compliance with the requirements of Norwest Association dated 29 August 2012.

3. Condition No. 6 be deleted and replaced as follows: -

6. Provision of Parking Spaces

The development is required to be provided with 300 off-street car parking spaces with ambulance, bicycle, motorcycle, accessible / disabled parking and parent with pram parking as indicated on the approved plans. The required 300 car parking spaces takes into account the future use of level 1 as medical consulting suites and the approved use of level 2 as a rehabilitation ward as outlined within the Statement of Environmental Effects submitted with this application. These car parking spaces shall be available for off street parking at all times.

4. Condition No. 7 be **deleted** and **replaced** as follows: -

7. Separate Development Application for Future Medical Consulting Suites

A separate Development Application is required for the occupation and fitout of the "future medical consulting suites". This application is required to provide assessment against:

- The Hills Local Environmental Plan 2012; and
- The Hills Development Control Plan 2011.

The above assessment should specifically also address the following:

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

5. Condition No. 24 be **deleted** and **replaced** as follows: -

24. Section 94A Contribution

Pursuant to section 80A (1) of the Environmental Planning and Assessment Act 1979, and The Hills Shire Wide Section 94A Contributions Plan, a contribution of **\$397,645.60** shall be paid to Council. This amount is to be adjusted at the time of the actual payment in accordance with the provisions of the Hills Shire Wide Section 94A Contributions Plan.

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

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

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

6. Condition No. 42 be **deleted** and **replaced** as follows: -

42. Energy Efficiency Requirements

The development is required to incorporate the energy efficiency strategies and works outlined in correspondence prepared by ARUP Pty Ltd, dated 17 October 2012.

7. Condition No. 51 be **deleted** and **replaced** and follows: -

51. Hours of Operation

The hours of operation being restricted to the following: -

USE	LOCATION	PROPOSED HOURS
Security	Basement	24 hours
Service Dock	Basement	7.00am to 5.30pm Monday to Sunday
X-ray	Basement	7.00am to 6.00pm Monday to Friday
Hospital Administration	Ground Floor	6.00am to 7.00pm Monday to Sunday
Day Surgery	Ground Floor	7.00am to 6.00pm Monday to Friday
Café / Kitchen	Ground Floor	6.00am to 8.00pm Monday to Sunday

Vacant (future medical suites)	Level 1	N/A
Hospital (including rehabilitation ward)	Levels 2, 3 & 4	24 Hours Monday to Sunday Theatres: 7.00am to 6.00pm Monday to Friday)

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

8. The following additional condition be **added**: -

20(a). Swimming Pool Safety Requirements

All pools and safety barriers are to comply with the Swimming Pools Act 1992, the Swimming Pools Regulation 2008 and Australian Standard 1926.1-2007.

In accordance with the Swimming Pools Regulation 2008, a Warning Notice is to be displayed in a prominent position, in the immediate vicinity of the swimming pool. The notice is to contain a diagrammatic flow chart of resuscitation techniques, the words:

- (i) "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL",
- and
- (ii) "POOL GATES MUST BE KEPT CLOSED AT ALL TIMES", and
- (iii) "KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900 MILLIMETRES CLEAR OF THE POOL FENCE AT ALL TIMES",

and all other details required by the Regulation.

ATTACHMENTS

- 1. Locality Plan
- 2. Aerial Photograph
- 3. BHLEP 2005 Zoning Plan
- 4. THLEP 2012 Zoning Plan
- 5. Site Plan
- 6. Basement Floor Plan
- 7. Ground Floor Plan
- 8. Level 1 Floor Plan
- 9. Level 2 Floor Plan
- 10. Level 3 Floor Plan
- 11. Level 4 Floor Plan
- 12. Level 5 Floor Plan
- 13. Elevation Drawings
- 14. Section Drawings
- 15. Landscape Plan
- 16. Photomontage
- 17. Norwest Association Comments
- 18. NSW Police Comments
- 19. NSW Office of Water Comments
- 20. NSW Roads and Maritime Services Comments
- 21. Existing Conditions of Consent

[illegible]

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

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ATTACHMENT 2 – AERIAL PHOTOGRAPH



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DA NO. 543/2012/JP



Scale is 1:2551

15/03/2012

33
DP 247442

DP 503812
1

2(a)

CRCT

SOLENT

SOLENT

10(a)

DP 1003096
5090

21-23
5091
DP 1003096

SP 69693
SP 69693
SP 69693
SP 64242
SP 63477
SP 67140

5(a)

LOCAL DRAINAGE

DP 1003042
5074

DP 1008602
5080

DP 2704001
SP 72832
SP 72832
SP 72832
SP 72831
SP 74517

3(a)

DP 878258
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PRIVATE RD

BLVD

DP 270163

10 0 15

THE HILLS SHIRE COUNCIL

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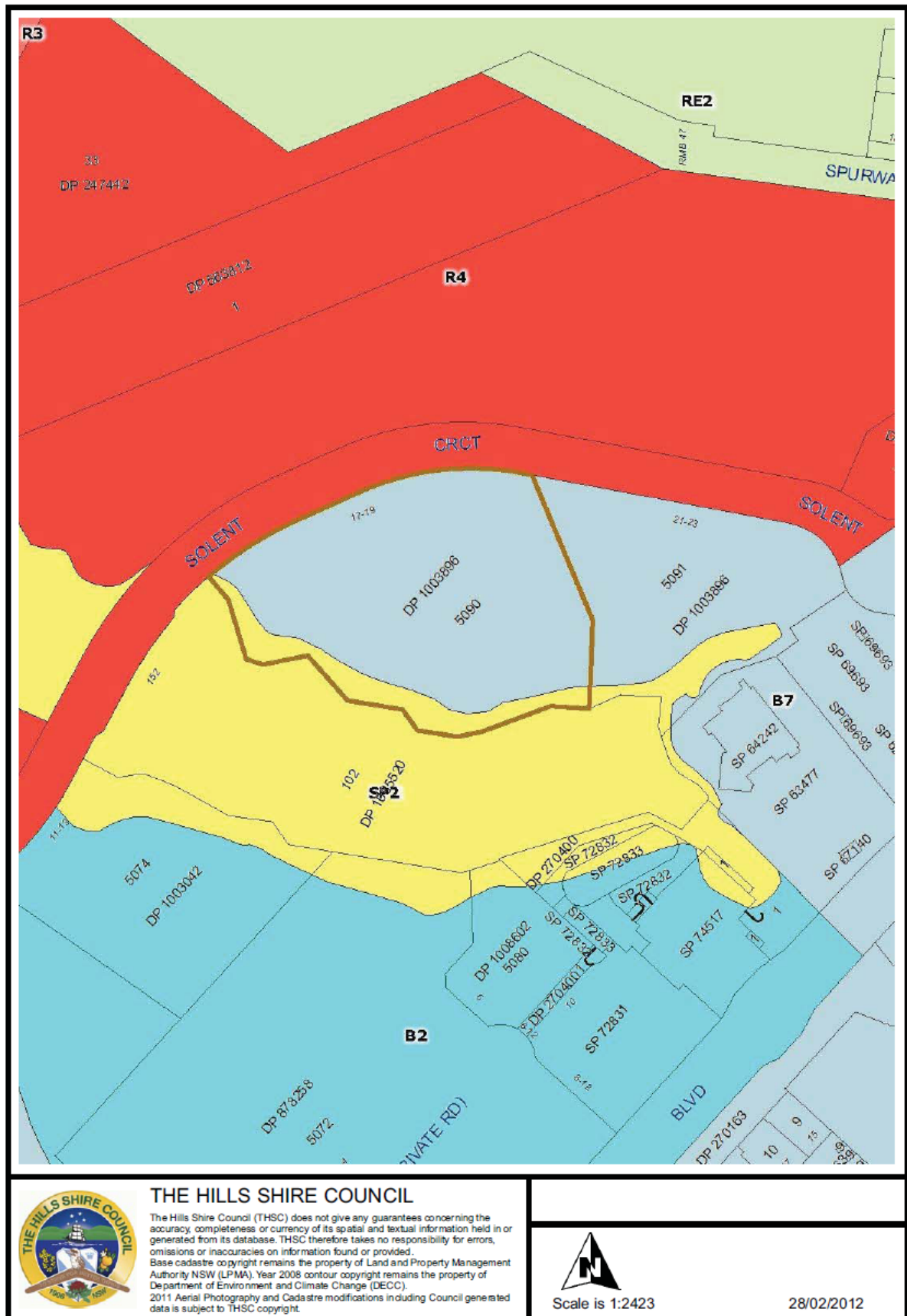
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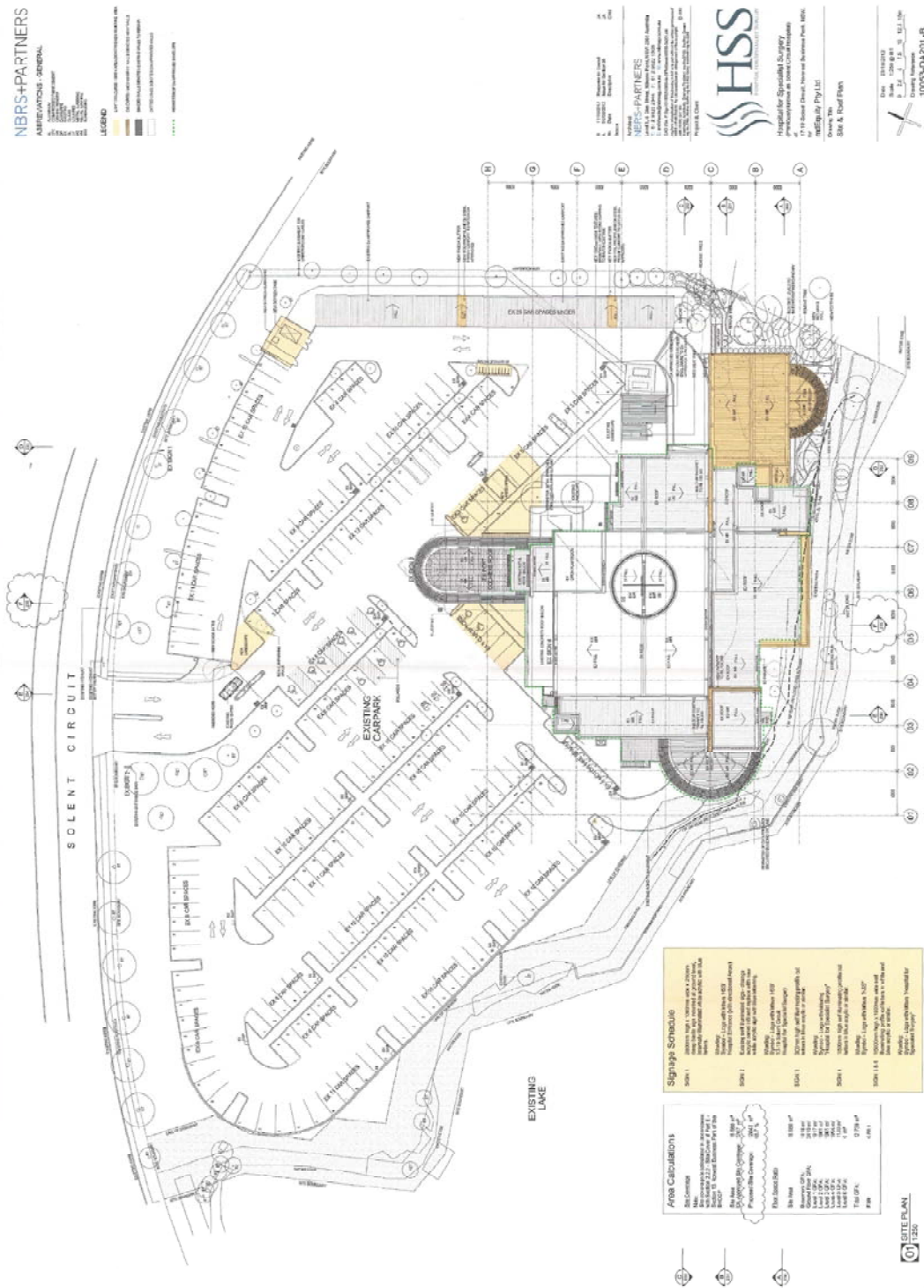
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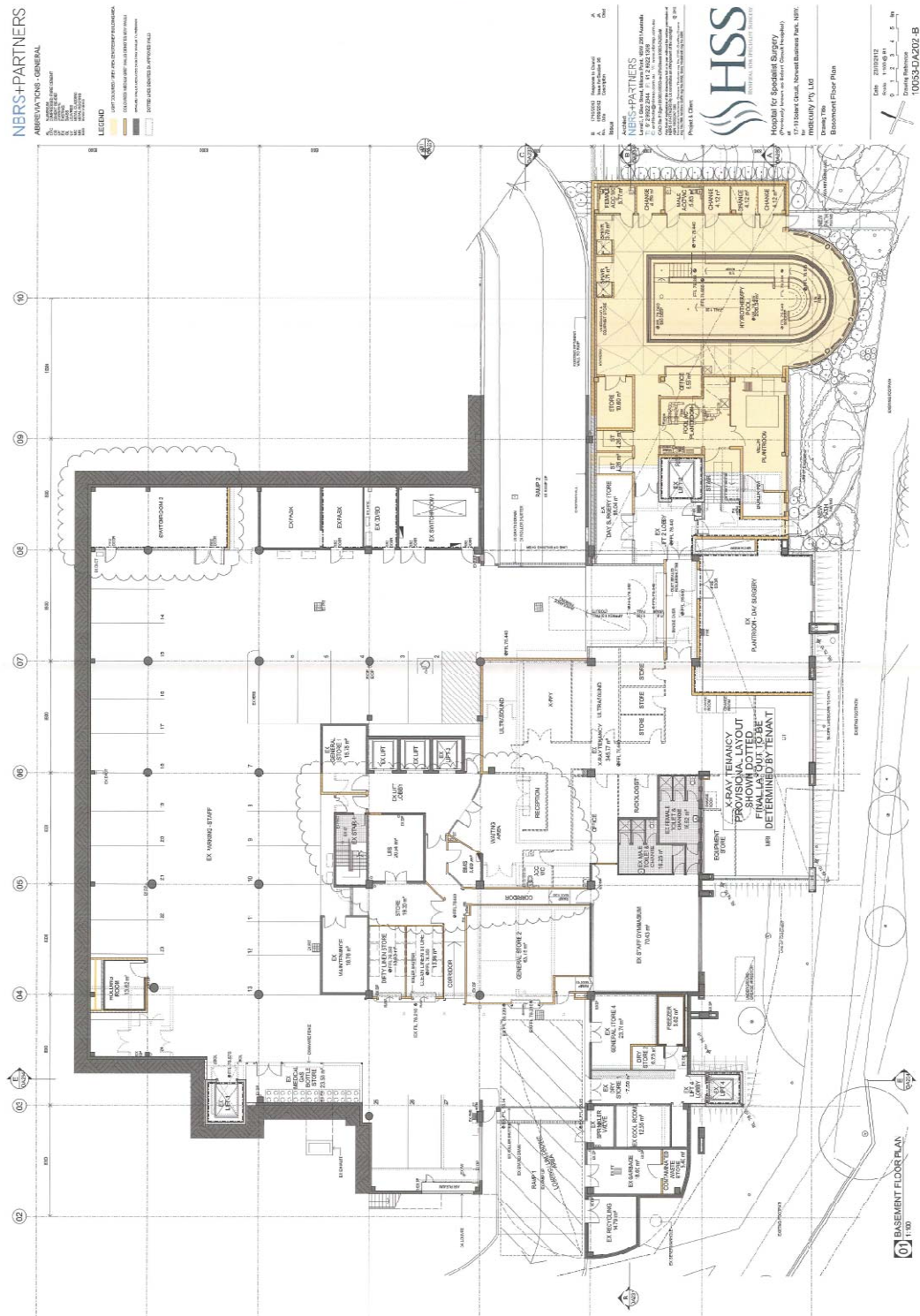
28/02/2012

ATTACHMENT 4 –THLEP 2012 ZONING PLAN

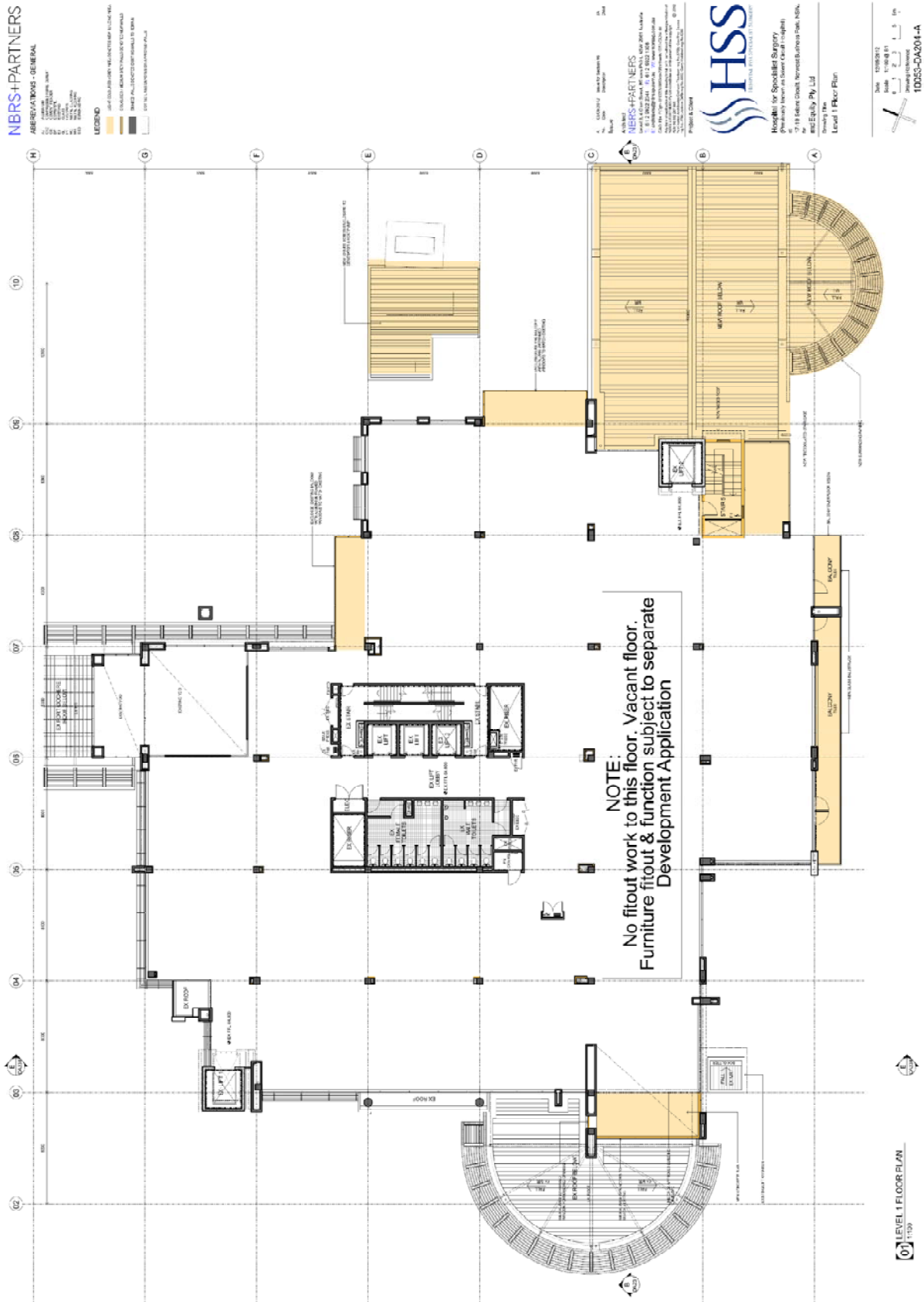




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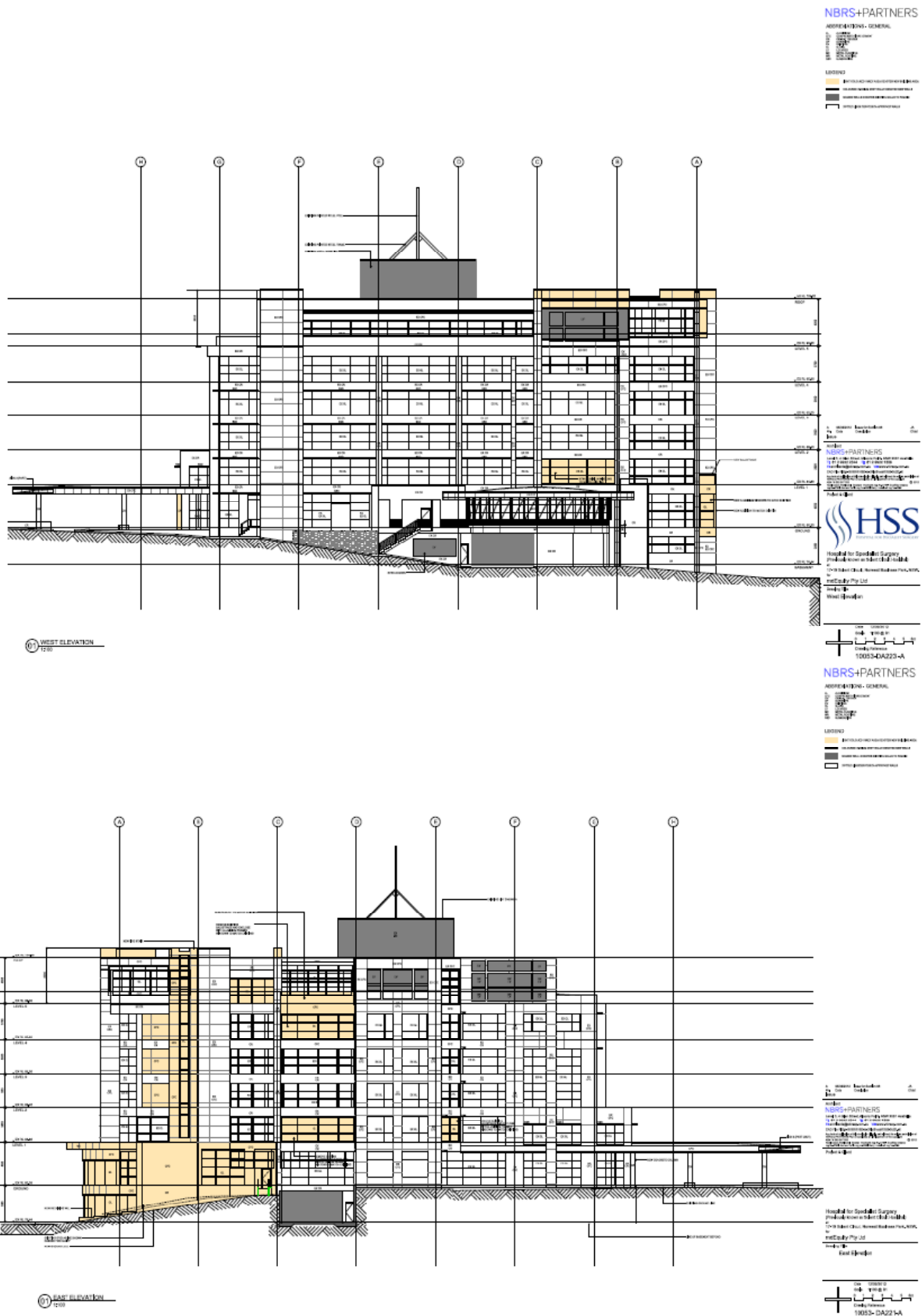
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ATTACHMENT 12 – LEVEL 5 FLOOR PLAN

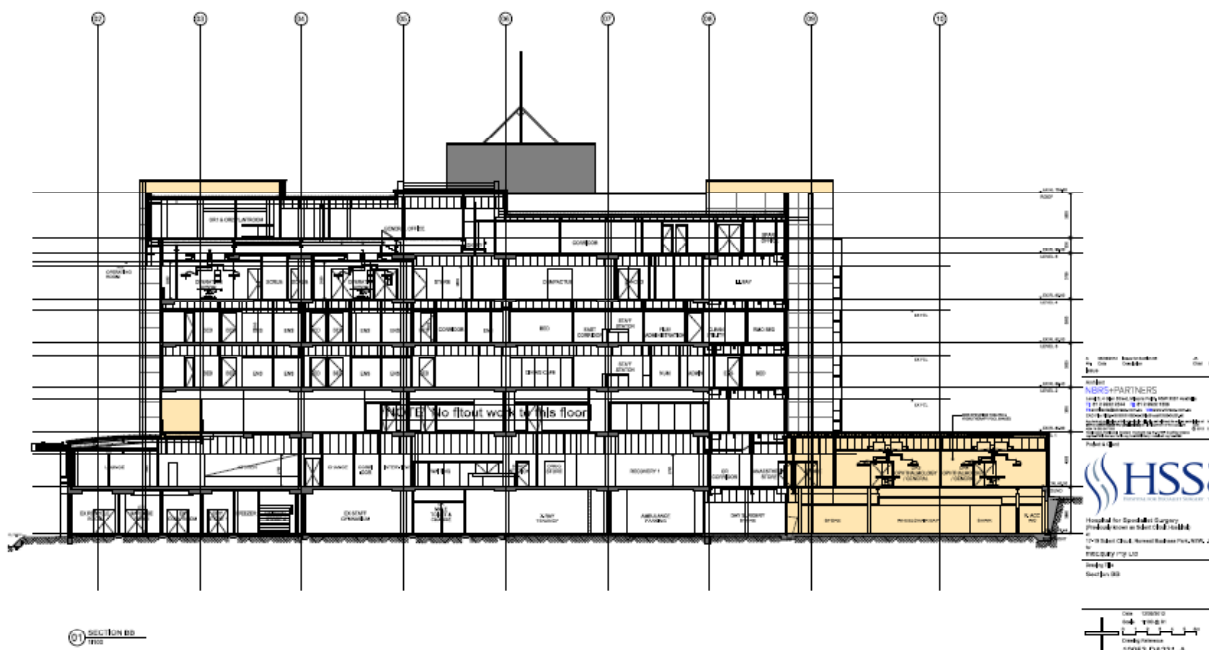
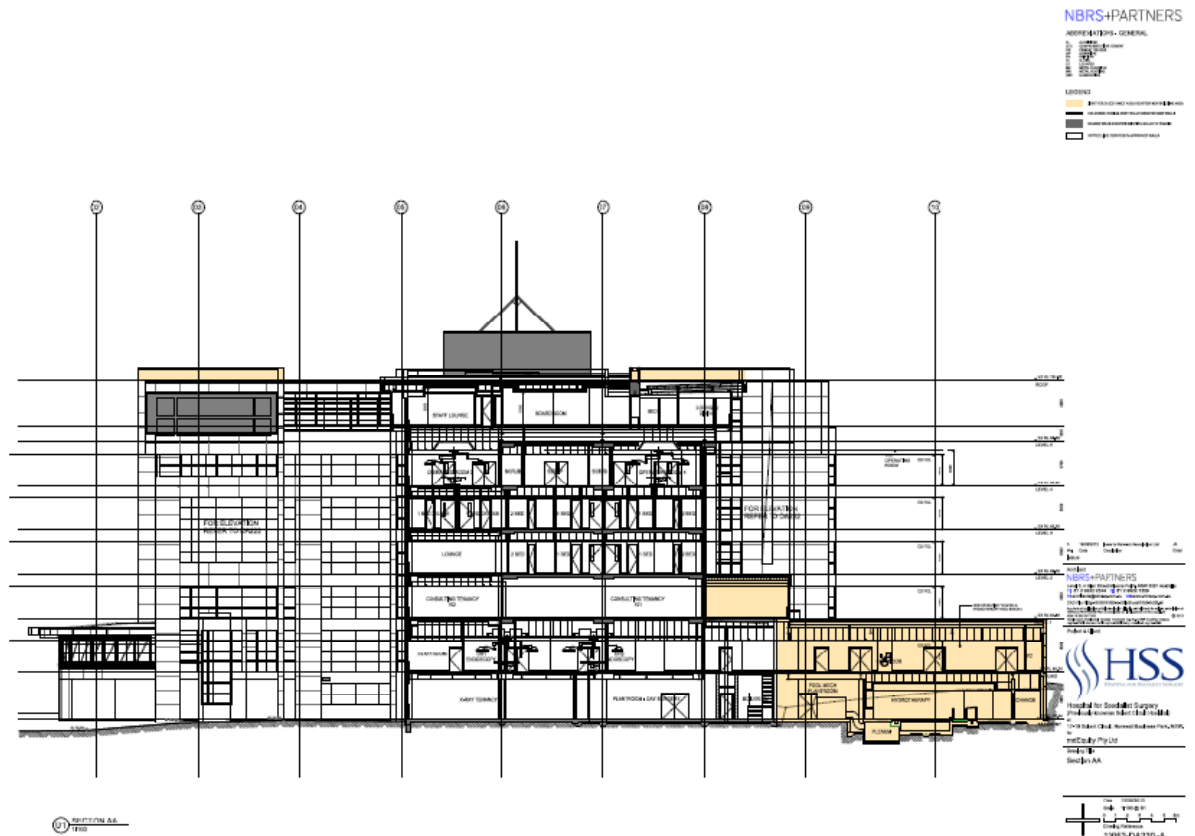


ATTACHMENT 13 – ELEVATION DRAWINGS





ATTACHMENT 14 – SECTION DRAWINGS



WATER SCHEDULE						
Activity	Estimated Name	Common Name	Quantity	Actual Used	Notes M.B.B. Rating	Storing Status
Trucks	Gravel pit #1	Wagon Road to the Bldg.	4	2	OK	
	Gravel pit #2	Gravel pit #2	4	2	OK	
	Gravel pit #3	Gravel pit #3	4	2	OK	
	Gravel pit #4	Gravel pit #4	4	2	OK	
	Gravel pit #5	Gravel pit #5	4	2	OK	
	Gravel pit #6	Gravel pit #6	4	2	OK	
	Gravel pit #7	Gravel pit #7	4	2	OK	
	Gravel pit #8	Gravel pit #8	4	2	OK	
	Gravel pit #9	Gravel pit #9	4	2	OK	
	Gravel pit #10	Gravel pit #10	4	2	OK	
Bldgs. & Tanks						
AC	Acid generator	Gravel Pit	142	111		
CC	Acid container	Gravel Pit	9	451		
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ATTACHMENT 16 – PHOTOMONTAGE OF AMENDED DEVELOPMENT



ATTACHMENT 17 – NORWEST ASSOCIATION COMMENTS

**NORWEST ASSOCIATION LIMITED
CONDITIONS OF DEVELOPMENT CONSENT**



Application No: DA 526
Site: 17-19 Solent Circuit, Baulkham Hills
Project: Section 96 Modifications – HSS
Applicant: md Equity Pty Ltd
Approval Date: 29 August 2012

Norwest Association Limited
ACN 003 443 883

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

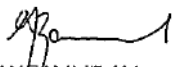
Telephone (02) 8824 9821
Facsimile (02) 8824 8497

1. The development to be in accordance with the details submitted with this application and correspondence dated 20 August 2012, stamped Statement of Environmental Effects dated August 2012 and stamped drawings as follows:

Drawing Number	Title
10053-DA200-A	Cover Sheet & Drawing Schedule
10053-DA201-A	Site & Roof Plan
10053-DA202-A	Basement Floor Plan
10053-DA203-A	Ground Floor Plan
10053-DA204-A	Level 1 Floor Plan
10053-DA205-A	Level 2 Floor Plan
10053-DA206-A	Level 3 Floor Plan
10053-DA207-A	Level 4, Operating Theatre
10053-DA208-A	Level 5 Floor Plan
10053-DA220-A	North Elevation
10053-DA221-A	East Elevation
10053-DA222-A	South Elevation
10053-DA223-A	West Elevation
10053-DA230-A	Section AA
10053-DA231-A	Section BB
10053-DA232-A	Section CC
10053-DA233-A	Section DD
10053-DA234-A	Section EE
10053-DA240-A	Sediment & Erosion Control Plan
10053-DA250-p1	Shadow Diagram 9am
10053-DA251-p1	Shadow Diagram 12pm
10053-DA252-p1	Shadow Diagram 3pm
10053-LP01-B	Landscape Plan

2. The applicant is to relocate the footpath lighting for the pedestrian pathway around the lake in the area of the ground floor addition, to the satisfaction of Norwest Association, with all costs to be borne by the applicant.
3. No change to the car parking arrangement without the prior approval of Norwest Association.

4. The applicant is to comply with all the previous conditions of approval of DA 465 issued by Norwest Association on 14 November 2011, except where varied with this approval.
5. Norwest Association Limited confirms that it has no objection to the encroachment in the easement for the pedestrian pathway around the lake provided the applicant complies with condition 2 above.


ALAN ZAMMIT AM
Director
Norwest Association Limited

ATTACHMENT 18 – NSW POLICE COMMENTS

From: Jodie Suters [mailto:sute1jod@police.nsw.gov.au]
Sent: Wednesday, 24 October 2012 12:39 PM
To: Gavin Cherry
Subject: Solent Circuit DA

Gavin,

I'm happy with the proposed modifications to the Approved Hospital and Day Surgery with Future Medical Consulting Suits, DA 543/2012/JP/A, if the previous Police comments made for the original DA are still considered.

Thanks,
Jodie

Jodie Suters
Constable * Crime Prevention Officer
The Hills Local Area Command * 16-22 Castle St, Castle Hill 2154
☎ (02) 9680 5318 [EN 78318] 📠 (02) 9680 5365 [EN 78365]
✉ sute1jod@police.nsw.gov.au



NSW Police Force

ATTACHMENT 19 – NSW OFFICE OF WATER COMMENTS



Department of
Primary Industries
Office of Water

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

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

Our ref: 10 ERM2011/1202
File No: 9055647
Your Ref: DA 2012/543/JP

Attention: Gavin Cherry

19 October 2012

Dear Sir/Madam

**Re: Proposed Development / Controlled Activity Approval
17-19 Solent Circuit Baulkham Hills Lot 5090 DP1003896 – Alteration and
additions to the existing building as a hospital day surgery**

I refer to your letter dated 17 September 2012 related to an S96 submission for the above site.


The General Terms of Approval issued by the NSW Office of Water on 14/12/2011 remain valid.

Further information on controlled activity approvals under the *Water Management Act 2000* can
be obtained from the Office of Water's website

www.water.nsw.gov.au Water licensing > Approvals > Controlled activities

Please direct any questions or correspondence to Gina Potter, gina.potter@water.nsw.gov.au.

Yours sincerely


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

DOC. No.:
BOX No.:
23 OCT 2012
THE HILLS SHIRE COUNCIL

ATTACHMENT 20 – NSW RMS COMMENTS

Our Reference: SYD12/01164
Your Reference: 543/2012/JP/A
Contact: Pahee Sellathurai
Telephone: 8849 2219



Transport
Roads & Maritime
Services

The General Manager
The Hills Shire Council
DX 8455
CASTLE HILL

Attention: Gavin Cherry

SECTION 96(2) MODIFICATION TO AN APPROVED HOSPITAL AND DAY SURGERY 17 – 19 SOLENT CIRCUIT, BAULKHAM HILLS

Dear Sir/Madam,

I refer to your letter dated 21 September 2012 regarding the subject Section 96 application forwarded to Roads and Maritime Services (RMS) for comment.

RMS has reviewed the application and raises no objection to the proposed modifications as the proposal will have minimal impact on classified road network.

Any inquiries in relation to this matter can be directed to Pahee Sellathurai on 8849 2219.

Yours faithfully,

Owen Hodgson
Senior Land Use Planner
Transport Planning, Sydney Region

16 October 2012

Roads and Maritime Services

Page 1 of 1

LEVEL 11, 27-31 ARGYLE STREET PARRAMATTA NSW 2150
PO BOX 973 PARRAMATTA CBD NSW 2124 DX 28555
www.rms.nsw.gov.au | 13 22 13

ATTACHMENT 21 – EXISTING CONDITIONS OF CONSENT

THE HILLS Sydney's Garden Shire	THE HILLS SHIRE COUNCIL
	129 Showground Road, Castle Hill NSW 2154 PO Box 75, Castle Hill NSW 1765
	Telephone 02 9843 0555 Email council@thehills.nsw.gov.au Facsimile 02 9843 0409 www.thehills.nsw.gov.au
	DX 8455 Castle Hill ABN No. 25 034 494 656

25 May 2012

|||||

Mdequity Pty Ltd
PO Box 8126
BAULKHAM HILLS NSW 2153

Ref No.:543/2012/JP
Joint Regional Planning Panel: 17 May 2012

Dear Sir/Madam

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979
NOTICE TO APPLICANT OF DETERMINATION OF A DEVELOPMENT APPLICATION

Pursuant to Section 81 of the Environmental Planning and Assessment Act, 1979, notice is hereby given of the determination by the NSW Governments Joint Regional Planning Panel (Sydney West Region) of the Development Application referred to herein.

The Application has been determined by the granting of Consent subject to the conditions referred to in this Notice.

The conditions of the Consent referred to herein are deemed necessary by The Hills Shire Council, pursuant to Part 4, Division 2 of the Environmental Planning and Assessment Act, 1979.

This Consent shall become effective from the endorsed date of Consent.

This Consent shall lapse unless development, the subject of the Consent, is commenced within five (5) years from the endorsed date of Consent or as otherwise provided under Section 95 of the Environmental Planning and Assessment Act, 1979 which may vary the above date of the lapsing of the Consent.

Right of Review

Section 82A of the Environmental Planning and Assessment Act 1979 confers on the applicant the right of review of determination, subject to such request being made within six (6) months of the determination date and accompanied by a fee as prescribed in clause 257 of the Environmental Planning and Assessment Regulation 2000. For development applications lodged before 28 February 2011, the statutory timeframe for review is twelve (12) months from the determination date.

Section 82(A)(1) of the Environmental Planning and Assessment Act 1979 does not permit a review of determination in respect of:

- a) Designated development, or
- a) Integrated development, or
- b) An application by the Crown determined by Council under section 116(E).

Right of Appeal

Section 97 of the Environmental Planning and Assessment Act 1979 confers on the applicant who is dissatisfied with the determination of a consent authority, a right of appeal to the NSW Land and Environment Court exercisable within six (6) months after receipt of this notice. For development applications lodged before 28 February 2011, the statutory timeframe for appeal is twelve (12) months from the determination date.

Page 1 of 21

APPLICANT Mdequity Pty Ltd

OWNER: Mdequity Pty Ltd

PROPERTY: Lot 5090 DP 1003896
17-19 Solent Circuit, BAULKHAM HILLS NSW
2153

DEVELOPMENT: Alterations and Additions to the Existing Building
for use as a Hospital and Day Surgery with
Provision for Future Medical Consulting Suites
and Rehabilitation Ward.

ENDORSED DATE OF CONSENT: 17 May 2012

CONDITIONS OF CONSENT

GENERAL MATTERS

1. Development in Accordance with Submitted Plans

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

REFERENCED PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	REVISION	DATE
10053-DA00-A	Cover Sheet and Drawing Schedule	A	25/10/2011
10053-DA01-C	Site & Roof Plan	C	28/02/2012
10053-DA02-D	Basement Floor Plan	D	27/02/2012
SK-E-003	Ground Floor and Fuel Storage Tank and Details	-	02/02/2012
10053-DA04-A	Level 1 Floor Plan	A	25/10/2011
10053-DA05-A	Level 2 Floor Plan	A	25/10/2011
10053-DA06-A	Level 3 Floor Plan	A	25/10/2011
10053-DA07-A	Level 4 Floor Plan - Operating Theatre	A	25/10/2011
10053-DA08-A	Level 5 Floor Plan	A	25/10/2011
10053-DA20-A	North Elevation	A	25/10/2011
10053-DA21-A	East Elevation	A	25/10/2011
10053-DA22-A	South Elevation	A	25/10/2011
10053-DA23-A	West Elevation	A	25/10/2011
10053-DA30-A	Section AA	A	25/10/2011
10053-DA30-A	Section AA	A	25/10/2011
10053-DA31-A	Section BB	A	25/10/2011
10053-DA32-A	Section CC	A	25/10/2011
10053-DA33-A	Section DD	A	25/10/2011
10053-DA34-A	Section EE	A	25/10/2011

Page 2 of 21

10053-DA40-A	Sedimentation & Erosion Control Plan	A	25/10/2011
2809-100	Main Kitchen – Cover Sheet	2	07/12/2011
2809-101	Main Kitchen – Layout	2	07/12/2011
2809-102	Main Kitchen – Equipment Schedule	2	01/12/2011
2809-103	Basement Stores – Layout	1	07/12/2011
2809-104	Typical Pantrys - Layout	1	07/12/2011

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

2. External Finishes

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

3. Compliance with Norwest Association Requirements

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

4. Compliance with NSW Office of Water Requirements

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

5. Compliance with NSW Police Requirements

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

6. Provision of Parking Spaces

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

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

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

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

The above assessment should specifically address the following:

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

8. Separate application for other signs

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

9. Construction Certificate

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

10. Building Work to be in Accordance with BCA

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

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

11. Construction and Fit-out of Food Premises

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

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

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

12. Acoustic Requirements

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

13. Adherence to Approved Waste Management Plan

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

14. Waste Collection

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

15. Garbage Storage – Odour Control

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

16. Waste Management- Commercial/Industrial

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

The waste storage area must be:

- i) provided with a hose tap connected to the water supply;

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

17. Waste Storage and Separation - Construction and Demolition

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

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

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

18. Surplus Excavated Material

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

19. Garbage Collection - Commercial/Industrial

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

20. Compensate Flood Storage

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

PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

21. Notice of Requirements

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

Following an application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-

ordinator, since building of water / sewer extensions can be time consuming and may impact on other services and building, driveway and landscape design.

22. Acoustic Consultant – Traffic Noise

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

23. Stormwater Treatment - Car Parks

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

24. Section 94A Contribution

Pursuant to section 80A (1) of the Environmental Planning and Assessment Act 1979, and The Hills Shire Wide Section 94A Contributions Plan, a contribution of **\$288,847.29** shall be paid to Council. This amount is to be adjusted at the time of the actual payment in accordance with the provisions of the Hills Shire Wide Section 94A Contributions Plan.

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

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

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

PRIOR TO WORK COMMENCING ON THE SITE

25. Management of Building Sites – Builder's Details

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

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

26. Notification

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

27. Principal Certifying Authority

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

28. Builder and PCA Details Required

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

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

29. Stormwater Management

All existing stormwater pits to the site will be covered with geofabric sediment fencing to prevent sediment runoff into the stormwater system. To prevent sediment

contamination the filters will be regularly inspected and replaced during the duration of the works.

DURING CONSTRUCTION

30. Hours of Work

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

Monday to Saturday - 7.00am to 5.00pm;

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

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

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

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

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

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

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

32. Stockpiles

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

33. Coving in Food Premises

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

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

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

34. Walls and Partitions in Food Premises

All walls are to be solid construction.

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

35. Hand Wash Basin/s in Food Premises

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

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

36. Pipes and Conduits in Food Premises

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

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

37. Mechanical ventilation in Food Premises

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

Exhaust hoods are to have removable grease filters for cleaning.

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

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

38. Dust Control

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

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

39. Rock Breaking Noise

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

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

40. Construction Noise

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

41. Contamination

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

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

42. Underground Fuel Storage Tank Installation

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

PRIOR TO ISSUE OF A OCCUPATION CERTIFICATE

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

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

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

44. Section 73 Certificate

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

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

45. Flooding Extent Plan

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

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

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

- a) Upon completion of works or prior to the commencement of a change of use, a Final Fire Safety Certificate (or Form 15) is to be issued by the owner of the building to the effect that each essential fire safety measure installed within the building and specified in the attached fire safety schedule:
 - i. has been assessed by a properly qualified person, and
 - ii. was found, when it was assessed, to be capable of performing to at least the standards required by the current fire safety schedule for the building.
- b) A Final Fire Safety Certificate must be provided before a Final Occupation Certificate can be issued under Clause 153 of the Environmental Planning & Assessment Regulation 2000.

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

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

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

Property Address:

Essential fire or other Safety Measures	Building Code of Australia Section/Clause/Specification	Minimum standard of performance	Existing	Proposed
1. Access panels, doors & hoppers to fire resisting shafts	C3.12, C3.13, C3.15		✓	✓
2. Automatic fail safe devices	C 3.6, D2.19, D 2.21, D 2.22			
3. Automatic fire detection and alarm systems	E 2.2, G3.8, Spec G3.8 Spec E2.2a H101.17	1670.1-2004	✓	✓
4. Automatic fire suppression systems	E1.5, Spec E1.5 G3.8, Spec G3.8 H101.4, H 101.7	2118.1-1999 2118.4/6-1995	✓	✓
5. Emergency lighting	E4.2, E4.4, H101.20	2293.1-2005	✓	✓
6. Emergency Lifts	E3.4	1735.1-2003 1735.2-2001 1735.11-1986 1735.12-1999		✓
7. Emergency Warning and Intercommunication systems	E4.9 G3.8, Spec G3.8	1670.4-2004	✓	✓
8. Exit Signs	E4.5-4.8	2293.1-2005	✓	✓
9. Fire control centres and rooms	E1.8			
10. Fire dampers	E2.2	1668.1-1998 1668.2-1991	✓	✓
11. Fire Doors	C2.10, C2.12, C2.13 C3.3-3.8, C3.10, C3.11 Spec C 3.4, Spec D1.12	1905.1-1997 1851.7-1984	✓	✓
12. Fire Hydrant systems	E1.3	2419.1-2005	✓	✓
13. Fire seals protecting openings in fire-resisting construction	C3.12, C3.15, Spec3.15 D2.6, D2.7	4072.1-2005	✓	✓
14. Fire Shutters	C3.4, Spec C3.4, C3.6	1905.2-2005		
15. Fire Windows	C 3.2, Spec C3.4, C3.6			
16. Hose reel systems	E1.4	2441-2005	✓	✓
17. Lightweight fire resisting construction	C1.8, Spec C1.8			
18. Mechanical air handling systems	E2.2, Spec E2.2b G3.8, Spec G3.8	1668.1-1998 1668.2-1991		

	H101.18			
19. Perimeter vehicle access for emergency vehicles	NSW C2.3, C2.4			
20. Portable fire extinguishers (including fire blankets)	E1.6	2444-2001	/	/
21. Safety curtains in proscenium openings	Spec C1.10, H101.10			
22. Smoke and heat vents	C2.3 E2.2 Spec E2.2c G3.8, Spec G3.8, H101.22	2665-2001		
23. Smoke dampers	C2.5 (d), E2.2	1668.1-1998		
24. Smoke detectors and heat detectors	C3.5-3.8, C 3.11 D2.19, D2.21 E2.2, Spec E2.2a	3786-1993		
25. Smoke doors	C2.5(d) Spec C3.4, D2.6			
26. Solid-core doors	C3.11			
27. Stand-by power systems	Spec G3.8			
28. Wall wetting sprinkler and drencher system	C3.4	2118.2-1999		
29. Warning and operational signs	NSW D2.19, D2.23, Spec D1.12 E3.3, E4.6, Spec E1.8, H101.8, EP & A Regulation 2000 C1.183		/	/
30. Emergency evacuation procedures		3745		
31. Entertainment Venue-prescribed conditions	Maximum Capacity Signage to be displayed <ul style="list-style-type: none"> • Cl.98D of EP&A Regulation 2000 Emergency Evacuation Plans • Schedule 3A Prescribed Condition 11 of EP&A Regulation 2000 			
32. Non-Entertainment Venue - max capacity signage	<ul style="list-style-type: none"> • Maximum Capacity Signage to be displayed • Cl.98D of EP&A Regulation 2000 			
S1. Fire engineering/alternative solution report	Regarding doors leading onto balconies and lift lobby to be unlocked by security staff when building is occupied		/	/

47. Interim Fire Safety Certificate

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

48. Regulated Systems

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

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

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

49. Acoustic Compliance Report

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

50. Emergency Response Management Plan

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

- List of chemicals and maximum quantities to be stored at the site;
- Details of fuel deliveries
- Identification of potentially hazardous situations;
- Procedure for incident reporting;
- Details of spill stations and signage;
- Containment and clean-up facilities and procedures; and
- The roles of all staff in the Plan and details of staff training.

THE USE OF THE SITE

51. Hours of Operation

The hours of operation being restricted to the following: -

USE	LOCATION	PROPOSED HOURS
Security	Basement	24 hours
Service Dock	Basement	7.00am to 5.30pm Monday to Sunday
X-ray	Basement	7.00am to 6.00pm Monday to Friday
Hospital Administration	Ground Floor	6.00am to 7.00pm Monday to Sunday
Day Surgery	Ground Floor	7.00am to 6.00pm Monday to Friday
Café / Kitchen	Ground Floor	6.00am to 8.00pm Monday to Sunday
Vacant (future medical)	Level 1	N/A

suites)		
Vacant (future rehabilitation ward)	Level 2	N/A
Hospital	Levels 3 & 4	24 Hours Monday to Sunday Theatres: 7.00am to 6.00pm Monday to Friday)

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

52. Work Within Building

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

53. Grease Trap (Food Premises)

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

54. Offensive Noise

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

55. Liquid Spill Clean-up Equipment

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

Any contaminated materials are to be disposed of appropriately.

56. Maintenance of Car Park Stormwater Treatment Device

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

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

57. Lighting

Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the *Australian Standard AS 4282:1997 The Control of Obtrusive Effects of Outdoor Lighting*.

58. Operation of Regulated Water Cooling/Warm Water Systems

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

59. Waste Storage and Collection – Commercial/Industrial

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

60. Servicing of Bins

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

61. Pay Parking Restrictions and Plan of Management

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

Time Period	Cost
2.0 Hours – 3.0 Hours	\$8.80
3 Hours Plus	\$12.00
Lost Ticket	\$12.00
Overnight Fee	\$14.00 + \$1.10
Minimum credit card transaction amount	\$5.00

In addition the following is to be complied with:-

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

The purpose of this is to ensure that parking is provided in the manner intended by the DCP and will not cause disruption to what will be a partial residential street.

62. Medical/Sharps Waste - Storage and Disposal

Arrangements are to be made with the Department of Health in relation to the on site management of and disposal of medical / sharp wastes generated by the activities conducted on site.

ATTACHMENT: GENERAL CONDITIONS

General conditions as attached are to be complied with.

Pursuant to Section 80A of the Environmental Planning and Assessment Act 1979, the reasons for the conditions imposed on this application are as follows:-

1. To facilitate the orderly implementation of the objectives of the Environmental Planning and Assessment Act, 1979 and the aims and objectives of Council's Planning instrument.
2. To ensure that the local amenity is maintained and is not adversely affected and that adequate safeguards are incorporated into the development.
3. To ensure the development does not hinder the proper and orderly development of the subject land and its surrounds.
4. To ensure the relevant matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979 are maintained.

Should you require any further information please contact Gavin Cherry on 9843 0279.

Yours faithfully



Paul Osborne

MANAGER-DEVELOPMENT ASSESSMENT

