



maitland
city council

NOTICE OF DETERMINATION

DEVELOPMENT APPLICATION

Environmental Planning and Assessment Act, 1979 as amended

APPLICANT:

DOUG SNEDDON PLANNING PTY LTD
2/101 EXCELSIOR STREET
LISAROW NSW 2250

Pursuant to Section 81A of the Environmental Planning and Assessment Act, 1979 notice is hereby given of the determination by the Council of the City of Maitland of Application No. 14-582 relating to the land and development described as follows:

LAND:

175 CHISHOLM ROAD, ASHTONFIELD
LOT 102 DP1010923

DEVELOPMENT:

Internal Alterations, Carpark and Additions to Health Services Facility

DETERMINATION:

Granting of consent subject to the conditions specified in and annexed to this notice.

CONSENT TO OPERATE FROM:

16 OCT 2014

CONSENT TO LAPSE ON:

16 OCT 2019

PER GENERAL MANAGER

Right of Review

Section 82A of the *Environmental Planning and Assessment Act 1979* provides that the applicant may request the Council to review the determination. The request must be made in writing within six months after the date as specified in this notice of determination, together with payment of the appropriate fee (See Note below).

Note: a request to review the determination of a development application pursuant to section 82A of the *Environmental Planning and Assessment Act 1979* can only be undertaken where the consent authority is Council, other than:

- a) A determination to issue or refuse to issue a complying development certificate; or
- b) A determination in respect of designated development; or
- c) A determination in respect of integrated development; or
- d) A determination made by the council under section 116E in respect of an application by the Crown.

Right of Appeal

If you are dissatisfied with this decision, Section 97 of the *Environmental Planning and Assessment Act, 1979*, gives you the right to appeal to the Land and Environment Court within six months after the date on which you receive this notice.

Schedule of Conditions DA 14-582

The following conditions are applied to:

- Confirm and clarify the terms of Council's Approval;
- Identify minor modifications and additional requirements that will result in improved compliance, development and environmental outcomes; and
- Draw to the attention of the applicant and owner their responsibility to comply with the requirements of various legislation including but not limited to the Environmental Planning and Assessment Act, 1979, Local Government Act 1993; relevant Regulations; Building Code of Australia, Australian Standards and Local Policies relating to development works, building construction and protection and enhancement of public health and the environment. Fire Safety improvements under the provisions of Clause 94 of the Environmental Planning and Assessment Regulations 2000.

APPROVED PLANS AND DOCUMENTATION

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

Plan Ref. N ^o	Sheet N ^o	Rev N ^o	Revision Date	Prepared by
Existing Site Plan & Key Plan of Proposed Works	DA-01	G	03.07.14	Health Science Planning Consultants
Proposed Lwr Ground Floor Plan Basement Store	DA-20	E	03.06.14	Health Science Planning Consultants
Proposed Ground Floor Plan OT	DA-21	E	03.06.14	Health Science Planning Consultants
Proposed Ground Flood Plan Car Park Under 50 Bed Ward Sheet 1	DA-22	G	10.9.14	Health Science Planning Consultants
Proposed Ground Flood Plan Car Park Under 50 Bed Ward Sheet 2	DA-23	F	20.06.14	Health Science Planning Consultants
Proposed Upper Deck Carpark	DA-24	F	01.07.14	Health Science Planning Consultants
Proposed Level 1 Floor Plan 50 Bed Ward Sheet 1	DA-26	F	20.06.14	Health Science Planning Consultants
Proposed Level 1 Floor Plan 50 Bed Ward Sheet 2	DA-27	F	20.06.14	Health Science Planning Consultants
Proposed Roof Plan 50 Bed Ward Sheet 1	DA-28	F	20.06.14	Health Science Planning Consultants

Proposed Roof Plan 50 Bed Ward Sheet 2	DA-29	F	20.06.14	Health Science Planning Consultants
Proposed Elevations Key	DA-30	G	10.9.14	Health Science Planning Consultants
Proposed Elevations Sheet 1	DA-31	G	10.09.14	Health Science Planning Consultants
Proposed Elevations Sheet 2	DA-32	G	10.09.14	Health Science Planning Consultants
Proposed Elevations Sheet 3	DA-33	G	10.09.14	Health Science Planning Consultants
Proposed Section	DA-35	E	03.06.14	Health Science Planning Consultants
Proposed Section Upper Deck Carpark	DA-36	G	22.06.14	Health Science Planning Consultants
Privacy Screen detail Upper Deck Carpark	DA-37	A	22.06.14	Health Science Planning Consultants
Erosion and Sediment Control Concept Plan	CDA2	A	15.01.14	Northrop
Landscape Plan	LP02	A	13.01.14	Moir Landscape Architecture
Landscape Plan	LP03	A	13.01.14	Moir Landscape Architecture
Landscape Plan – Elevations	LP04	A	13.01.14	Moir Landscape Architecture
Landscape Plan – Elevations & Details	LP05	A	13.01.14	Moir Landscape Architecture

2. The proposed 50 hospital beds shall be used for the exclusive use of people with mental health issues.

CONTRIBUTIONS & FEES

3. Pursuant to Section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Maitland S94A Levy Contributions Plan 2006, a contribution of \$107,800 shall be paid to the Council.

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

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

- *Building work only - prior to issue of the Construction Certificate.*

- *Subdivision and building work - prior to the issue of the Construction Certificate, or Subdivision Certificate, whichever occurs first.*
- *Where no construction certificate is required - prior to issue of an Occupation Certificate.*

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

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

CERTIFICATES

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

ACOUSTIC

8. The proposal shall comply with the recommendations contained in the Acoustic Assessment prepared by SLR dated 14 January 2014.

NSW RURAL FIRE SERVICE

9. The applicant shall comply with the General Terms of Approval under Section 100B of the *Rural Fires Act 1997*, issued by NSW Rural Fire Service, dated 1 May 2014, Ref.DA14-582, DA14031991367CR, as detailed below.

Asset Protection Zones

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

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

Water and Utilities

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

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

Evacuation and Emergency Management

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

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

Design and Construction

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

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

Landscaping

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

LANDSCAPING

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

CARPARKING

- 11. The proponent is to prepare and implement a 'construction phase parking management plan' for the approval of Council prior to the issue of a Construction Certificate, to minimise adverse impact on nearby residents and the road network.
- 12. Car parking for the development shall be provided in accordance with the approved plans, resulting in the provision of 194 parking spaces on the total site.
- 13. All driveways, parking areas and vehicles turning areas shall be constructed as reinforced concrete.

14. All parking bays shall be delineated with line-marking and/or signposting.

STORMWATER DRAINAGE

15. Prior to issue of the Construction Certificate for stormwater control, a drainage design providing:
 - i) Piped conveyance of stormwater runoff, and
 - ii) an emergency overland flow path for major storm events,shall be prepared for approval, by a suitably qualified person, in accordance with Council's Manual of Engineering Standards.

EROSION CONTROLS

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

BUILDING CONSTRUCTION

17. All building work shall be carried out in accordance with the provisions of the Building Code of Australia.
18. All excavations and backfilling shall be executed safely, in accordance with appropriate professional standards and shall be properly guarded and protected to prevent the works from being dangerous to life or property.
19. Unless otherwise approved by Council in writing, all general building work shall be carried out between the hours of:
 - a. 7.00am to 6.00pm Monday to Friday
 - b. 7.00am to 5.00pm Saturday

Any work performed on Sunday's or Public Holidays that may cause offensive noise, as defined under the Protection of the Environment Operations Act, is prohibited. Minor works (such as hand sanding, painting, digging and the like) is permitted between the hours of 9.00am to 5.00pm. Power operated tools are not permitted to be used.

SERVICES & EQUIPMENT

20. Upon completion of the building BUT prior to its occupation, a Final Fire Safety Certificate with respect to each critical and essential fire safety measure installed in the building shall be submitted to Council. Such certificates shall be prepared in accordance with Division 4 of Part 9 of the Environmental Planning and Assessment Regulation, 2000.

21. A copy of the Fire Safety Schedule and Fire Safety Certificate shall be prominently displayed in the building in accordance with Division 4 of Part 9 of the Environmental Planning and Assessment Regulation 2000.
22. A Fire Safety Statement in respect of each required essential and/or critical fire safety measure installed within the building shall be submitted to Council and the NSW Fire Commissioner annually (or at a more frequent interval for supplementary statements).

Statements shall be prepared and issued in accordance with Division 5 of Part 9 of the Environmental Planning and Assessment Regulation, 2000. Note that monetary penalties may apply for failure to lodge a fire safety statement within the prescribed timeframe. Statements to the NSW Fire Commissioner are to be submitted electronically to afss@fire.nsw.gov.au.

Standard forms and further information for lodging Fire Safety Statements may be downloaded from Councils website.

23. All excavated and/or filled areas are to be retained or battered and suitably drained so as to prevent any subsidence of the area and constructed so as to deny any flow of water into or around the building or neighbouring buildings or onto neighbouring land.

Where a retaining wall is planned for this purpose and such wall requires consent (refer to State Environmental Planning Policy -Exempt and Complying Development Codes, 2008) plans and specifications of the wall shall be approved by Council and/or an accredited certifier.

Note: The submission of a separate Development Application is not required for a retaining wall associated with this approval and indicated on the approved plans.

24. If an excavation extends below the level of the base of the footings of a building/structure on an adjoining allotment of land, the person causing the excavation to be made.
 - i) Must preserve and protect the building/structure from damage, and
 - ii) If necessary, must underpin and support the building/structure in an approved manner, and
 - iii) Must, at least 7 days before excavating below the level of the base of the footings of a building/structure on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building/structure being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land. (Includes a public road and any other public place).

25. Rubbish generated from the development is to be suitably contained on site at all times. No rubbish shall be stockpiled in a manner which facilitates the rubbish to be blown off site.

26. If the work:
- i) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - ii) involves the enclosure of a public place
- a hoarding or fence must be erected between the work site and the public place.
- If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.
27. A sign must be erected in a prominent position on the work:
- i) stating that unauthorised entry to work site is prohibited, and
 - ii) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted during work hours.
- Any such sign is to be removed when the work has been completed.
- Note: This condition does not apply to:*
- i) building work carried out inside an existing building, or
 - ii) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
28. Approved toilet facilities are to be provided, at or in the vicinity of the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. The provision of toilet facilities in accordance with this Clause must be completed before any other work is commenced.
29. The site is to be cleared of all building refuse and spoil immediately after completion of the building/structure.
30. No building materials, refuse or spoil is to be deposited on or be allowed to remain on Council's footpath.
31. Suitable and adequate measures are to be applied to restrict public access to the site and building works, materials and equipment.

FIRE SAFETY

32. For the purposes of clause 94 of the *Environmental Planning and Assessment Regulation 2000*, prior to issue of an Occupation Certificate, the existing building shall be brought into compliance with the following Parts of the Building Code of Australia 2013:
- Part D1 Provision for Escape
 - Part D2 Construction of Exits
 - Part E1 Fire Fighting Equipment

- Part E2 Smoke Hazard Management
- Part E4 Emergency Lighting, Exit Signs and Warning Systems

FOOD PREMISES

33. The premises, including the construction and installation of all equipment, fixtures and fittings must comply with the requirements of The Food Act 2003, Food Regulation 2004, Food Standards Code and Australian Standard 4674 for the Design, Construction and Fit-out of Food Premises.

If Council is nominated as the Principal Certifying Authority, details of compliance are to be included in the plans and specifications for the Construction Certificate. Council's Environmental Health Officer is to be given 48 hours-notice to inspect the premises prior to the commencement of the business.

Prior to commencement of trade the business is to be registered with Council.

DEMOLITION

34. All demolition works are to be carried out in accordance with Australian Standard AS 2601-2001.

AUSTRALIAN STANDARDS

35. The proposal shall comply with Australia Standard AS 1428.1, and other relevant Australian Standards.

SCHEDULE OF ADVICE

- A. You are advised that in regard to potential soil erosion from the construction site, such pollution of the environment is an offence under the Protection of the Environment & Operations (POEO) Act and may incur infringement fines.
- B. You (or the owner) are advised to notify Council in writing, of any existing damage to the street infrastructure (including landscaping) along the frontage of the property, prior to commencement of construction. The absence of such notification signifies that no damage exists. Where necessary repairs are carried out by Council, the owner of the property shall be held liable for the cost of those repairs.
- C. You are advised that the issue of this development consent does not amount to a release, variation or modification by Council of any covenant or easement applicable to this property and that Council will not be held responsible when action on this consent results in any loss or damage by way of breach of matters relating to title of the property.

- D. You are advised that compliance with the requirements of the Disability Discrimination Act, (DDA) applies to works on this site. It should be noted that compliance with the Building Code of Australia does not necessarily meet the requirements of the DDA.
- E You are advised that, prior to submitting an application for an Occupation Certificate the applicant should ensure that all relevant conditions of development consent have been complied with.