

JOINT REGIONAL PLANNING PANEL (Sydney West Region)

JRPP No	2014SYW169
DA Number	1088/2014
Local Government Area	Camden
Proposed Development	Construction of a 4 storey private hospital with a maximum of 60 beds, provision of car parking, drainage, landscaping and associated site works
Street Address	49 – 59 Rodeo Road, Gregory Hills
Applicant/Owner	Taylor Construction/Dart West Developments
Number of Submissions	1 however this submission was resolved and formally withdrawn following discussions with Council staff
Regional Development Criteria (Schedule 4A of the Act)	Capital investment value > \$5million in that the development is classed as private infrastructure
List of All Relevant s79C(1)(a) Matters	• State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy No 33 – Hazardous and Offensive Development • State Environmental Planning Policy No 55 – Remediation of Land • Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River • State Environmental Planning Policy (Sydney Regional Growth Centres) 2006 • Turner Road Development Control Plan 2007
List all documents submitted with this report for the panel's consideration	• Assessment report and conditions • Statement of environment effects • Architectural plans • Contamination assessment • Stormwater management plan • Landscaping plans
Recommendation	Approve with conditions
Report by	Stacey Houlison – Executive Planner

PURPOSE OF REPORT

The purpose of this report is to seek the Joint Regional Planning Panel's (the Panel) determination of a development application (DA) for the construction of a 4 storey private hospital with a maximum of 60 beds, provision of car parking, drainage, landscaping and associated site works at 49 – 59 Rodeo Road, Gregory Hills.

The Panel is the determining authority for this DA as, pursuant to Part 4 of State Environmental Planning Policy (State and Regional Development) 2011 and Schedule 4A of the *Environmental Planning and Assessment Act 1979*, the capital investment value (CIV) of the proposed development is \$16,639,000 which exceeds the CIV threshold of \$5 million for Council to determine the DA.

SUMMARY OF RECOMMENDATION

That the Panel determine DA 1088/2014 for the construction of a private hospital with a maximum of 60 beds, provision of car parking, drainage, landscaping and associated site works pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions contained in this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA for the construction of a private hospital with a maximum of 60 beds, provision of car parking and associated site works at 49 – 59 Rodeo Road, Gregory Hills.

The site forms part of the Turner Road employment area and is a significant part of the developer's "Central Hills Business Park" estate. The site is located within the Turner Road Precinct of the South West Growth Centre.

The DA has been assessed against the *Environmental Planning and Assessment Act 1979*, the Environmental Planning and Assessment Regulation 2000, relevant Environmental Planning Instruments, Development Control Plans and policies. The outcome of this assessment is detailed further in this report.

The DA was publicly exhibited in accordance with the Camden Development Control Plan 2011. One submission was received objecting to the proposal. Following a number of discussions, the issues raised in the submission have now been fully resolved and the submission was formally withdrawn. One additional letter was received in support of the proposal.

Council staff have worked with the applicant to address a number of issues in relation to the building design, site access and car parking provision. All issues have now been resolved subject to the conditions contained within the report. The applicant has also reviewed the recommended conditions and raises no issues or concerns with them.

Based on this assessment, it is recommended that the DA be approved subject to the conditions contained within the report.

AERIAL PHOTO



THE SITE

The site is commonly known as 49 – 59 Rodeo Road, Gregory Hills and is legally described as Lot 101, DP 1155024. The proposed private hospital and ancillary uses are entirely located within future lot 118, which is not yet registered.

The site is irregular in shape and has a frontage of approximately 61.5m to Rodeo Road, a depth of 158m and an overall area of 1.13ha. The site is currently vacant and has undergone bulk earthworks as part of the approved subdivision application.

The surrounding area is characterised by vacant lots intended for future employment/business uses. A numbers of buildings have been constructed in the vicinity including Masters hardware store, a home makers centre and a number of fast food chains and bulky goods premises. Directly to the east of the site lies the South Creek riparian corridor.

The surrounding area contains the Smeaton Grange Industrial area to the southwest, with the Currans Hill residential suburb to the south-east. To the east and north-east lies the Sydney Catchment Authority upper canal, with the Gledswood, former Caballo Blanco and Lakeside properties further to the north east.

HISTORY

The relevant development history of the site is summarised in the following table:

Date	Development
10 May 2011	DA 985/2009 approved the subdivision of land to create 59 industrial/business lots, roads, drainage, bulk earthworks,

	landscaping and associated site works. There have been a number of subsequent S96 Modification applications lodged to vary the subdivision layout, lot sizes, staging and s94 contributions.
10 December 2014	DA 966/2014 approved the subdivision of land to create one additional lot and associated site works. This lot has yet to be registered.

THE PROPOSAL

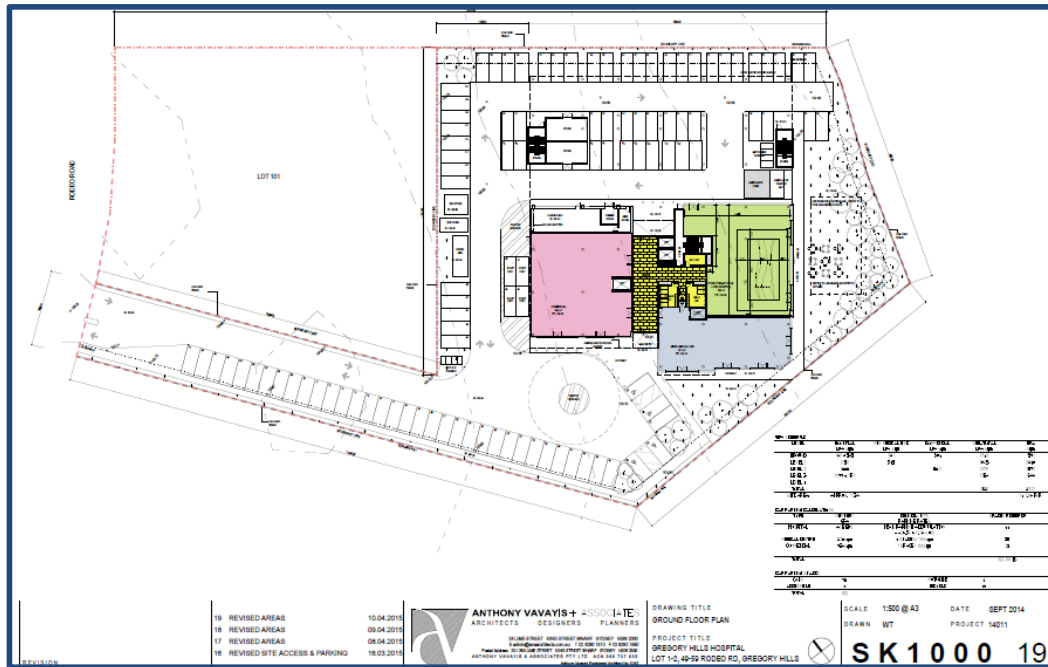
DA 1088/2014 seeks approval for the construction of a 4 storey private hospital with a maximum of 60 beds, provision of car parking, drainage, landscaping and associated site works

Specifically the proposed development involves:

- Construction of a 4 storey private hospital on future lot 118, with an overall floor area of the 8,217m²;
- the building will comprise a variety of uses, including a private hospital for day surgery purposes (5,169m²), future mixed medical uses (826m²) and future ancillary commercial uses (936m²). The remainder of the floor area comprises loading areas, lifts and stairwells;
- the specific use of the hospital, future mixed medical and ancillary commercial areas, including the operating hours, numbers of staff and internal fit-out will be assessed as part of a future development applications;
- the private hospital will operate 24 hours a day, 7 days a week;
- it is estimated that a maximum number of 45 members of staff will be on the site at any one time for the private hospital component of the development;
- the building will have a maximum height of 20.65m and will comprise pre-cast concrete in cream and burnt ochre and aluminum powdered coated window frames;
- construction of a car park containing a total of 102F car parking spaces including 4 accessible spaces, 4 motorcycle spaces and 6 bicycle spaces;
- an entry/exit driveway from Rodeo Road is proposed and a pickup/drop off zone adjacent to the main entrance of the hospital;

The capital investment value of the works is \$16,639,000.

PROPOSED PLANS



PROPOSED ELEVATIONS



PROPOSED PERSPECTIVES





ASSESSMENT

Environmental Planning and Assessment Act 1979 – Section 79(C)(1)

In determining a DA, the consent authority is to take into consideration the following matters as are of relevance in the assessment of the DA on the subject property:

(a)(i) The Provisions of any Environmental Planning Instrument

The Environmental Planning Instruments that relate to the proposed development are:

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy No 33 – Hazardous and Offensive Development
- State Environmental Planning Policy No 55 – Remediation of Land
- Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River
- State Environmental Planning Policy (Sydney Region Growth Centres) 2006

An assessment of the proposed development against these Environmental Planning Instruments is detailed below.

State Environmental Planning Policy (State and Regional Development) 2011 (SEPP)

Pursuant to Clauses 20 and 21 of the SEPP, the proposed development is included in Schedule 4A of the *Environmental Planning and Assessment Act 1979* and has a

CIV of \$16,639,000. This exceeds the CIV threshold of \$5 million for Council to determine the DA and therefore it is referred to the Panel for determination.

State Environmental Planning Policy No 33 – Hazardous and Offensive Development (SEPP)

The SEPP requires Council to assess whether or not the proposed development stores or requires the transport of dangerous goods above its screening thresholds. If any of the SEPP's thresholds are breached, Council must then determine whether or not the proposed development is hazardous or offensive by considering the measures proposed to reduce the impact of the dangerous goods, including set backs from the site boundaries, in accordance with the SEPP.

The application does not seek approval for the internal fit-out or operation of the hospital or other medical facilities. As such, a detailed assessment under the SEPP is not required to be undertaken at this stage as no hazardous materials are proposed to be stored utilised within the premises.

Based on the above, the proposed development is not considered to be hazardous or offensive development as defined by the SEPP.

State Environmental Planning Policy No 55 – Remediation of Land (SEPP)

The SEPP requires Council to be satisfied that the site is suitable for its intended use (in terms of contamination) prior to granting consent.

A phase 2 contamination assessment was previously considered for the site during the assessment of DA 985/2009. The contamination assessment confirmed that there were no areas of environmental concern or remediation works required.

It is therefore considered that the site is suitable for its intended use.

Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River (SEPP)

The proposed development is consistent with the aim of the SEPP (to protect the environment of the Hawkesbury-Nepean River system) and all of its planning controls.

There will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of the proposed development. Appropriate erosion and sediment control measures have been proposed that will provide protection for the river system during the construction of the proposed development

State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (SEPP)

Permissibility

The site is zoned B5 Business Development under the provisions of the SEPP. The proposed development is defined as a "hospital" by the SEPP which is a permissible land use in this zone.

Zone Objectives

The objectives of the B5 Business Development zone are as follows:

- To enable a mix of business and warehouse uses and specialised retail uses that require a large floor area, in location that are close to, and that support the viability of centres

Officer comment:

The proposed development will provide a facility that will support the viability of the centre. As such, the proposal is consistent with this objective.

- To provide a wide range of employment generating development.

Officer comment:

The proposed development will provide for future employment opportunities and is therefore consistent with this objective.

- To provide a mix of ancillary uses to support the primary function of providing employment generating development.

Officer comment:

The proposed development will provide a facility that will support the business and warehouses uses within the Turner Road Business Park and the wider locality. As such, the proposal is consistent with this objective.

- To maintain the economic strength by limiting the retailing of food, clothing and convenience shopping.

Officer comment:

The proposal will maintain and enhance the economic strength of the centre through the provision of a hospital, and does not include food retail, clothing or convenience shopping.

- To provide for a range of uses, including recreational uses and function centres that compliment other permissible employment generating land uses within the zone.

Officer comment:

The proposed development is consistent with this objective as the proposal will provide a use that will compliment the surrounding employment uses.

Relevant Clauses

The DA was assessed against the following relevant clauses of the SEPP.

Clause	Requirement	Provided	Compliance
4.3 Height of Buildings	No maximum building height specified under the SEPP	The building will have a maximum height of 20.6m, which is considered to be satisfactory based on its zone	Yes
6.2	Appropriate public	The site is serviced by	Yes

Clause	Requirement	Provided	Compliance
Public Utility Infrastructure	utility infrastructure to service the development	appropriate public utility infrastructure including water and sewer	

(a)(ii) The Provisions of any Draft Environmental Planning Instrument (that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)).

There is no draft Environmental Planning Instrument applicable to the proposed development.

(a)(iii) The Provisions of any Development Control Plan

Turner Road Development Control Plan 2007 (DCP)

The following is an assessment of the proposed development's compliance with the controls in the DCP.

Objective/Control	Requirement	Provided	Compliance
A2.1 Indicative Layout Plan	Development to be consistent with Figure 2 – Indicative Layout Plan (ILP)	The ILP identifies the site for “business development”. As such, the proposed hospital is consistent with the ILP	Yes
A2.2 Vision and Development Objectives	Ensure development achieves a height standard of urban and architectural design quality	The development incorporates a range of architectural design elements including building articulation such as activated frontages, a mix of materials and finishes, parapets and landscaping including various shrubs, groundcovers, on-site trees and street tree provision	Yes
	Maximise opportunities for local employment and business	The proposed hospital will provide new tenancies within the mixed medical and commercial areas of the development. The development will provide employment and business opportunities for the local community	Yes

Objective/ Control	Requirement	Provided	Compliance
	Create vibrant, successful specialist business centres	The use of various architectural design elements together with the creation of a mix of commercial uses encourage the creation of vibrant and successful specialist business centre	Yes
A2.5 Hierarchy of Centres and Employment Areas	Development is to be consistent with Table 1 and Figure 4 <u>Table 1</u> The Turner Road Business Development Area (BDA) is to provide a range of business activities including bulky goods retail, business premises, light industry, warehouse and distribution and small scale retail to cater for the need of employees of the Business Development and Industrial areas The maximum aggregate of retail premises is 2,500m² of GFA, excluding food and drink premises <u>Figure 4</u> Figure 4 identifies this site and surrounding area as Turner Road Employment Area	The proposed hospital will provide a significant business activity within the Turner Road BDA that will support the needs of employees/residents within the surrounding areas. The development is therefore consistent with the DCP No retail use is proposed as part of this DA The proposed hospital will provide a significant business activity within the Turner Road BDA that will support the needs of employees/residents within the surrounding areas. The development is therefore consistent with the DCP	Yes Yes Yes

Objective/ Control	Requirement	Provided	Compliance
A6.1 Riparian Corridors	Development adjacent to the riparian corridor shall be in accordance with the Turner Road Waterfront Land Strategy	The site is located adjacent to the South Creek riparian corridor. The proposal does not propose any works within the vicinity of the riparian corridor and as such is in accordance with the requirements of the clause	Yes
A6.2 Flooding and Water Cycle Management	All development must incorporate water sensitive urban design (WSUD) Development must comply with the environmental stormwater objectives, have post development flows match pre-development flows and comply with Council's engineering specification	WSUD measures such as an underground water quality unit and on-site detention tank are proposed as well landscaping to the car parking areas A concept stormwater management plan and report has been provided which includes an underground on-site detention tank which complies with the environmental stormwater objectives for this area. A condition is recommended to ensure compliance with Council's Engineering Specifications	Yes Yes
A6.3 Salinity and Soil Management	Works to comply with Salinity Initiative booklets and Council's Building in Salinity Prone Environment's policy Sediment and erosion controls to be installed prior to construction	Salinity on this site was considered during the assessment of subdivision under DA 985/2009. The proposed development is recommended to be conditioned to comply with this SMP Details of appropriate sediment and erosion controls have been proposed. A condition is recommended to ensure that this requirements are adhered to	Yes Yes
A6.6	Buildings located	A Bushfire Protection	Yes

Objective/ Control	Requirement	Provided	Compliance
Bushfire Management	adjacent to APZs are to be constructed in accordance with the requirements of Appendix 3 of Planning for Bushfire Protection 2006	Assessment has been prepared which demonstrates that the proposal will comply with the requirements of Planning for Bushfire Protection 2006. A bush fire safety authority has also been issued by NSW Rural Service	
A6.8 Contamination Management	Developments in areas of environmental concern (AEC) as identified by Figure 23 require a Phase 2 Environmental Site Investigation	Figure 23 does not identify any AECs on the subject site. Notwithstanding, a phase 2 contamination assessment was considered for this site during the assessment of the previous subdivision DA 985/2009 and no AECs were identified	Yes
A6.10 Acoustics	All industrial/commercial/employment development is to comply with Council's Environmental Noise Policy (ENP)	The acoustic report submitted in support of the proposed development confirms it is capable of complying with Council's ENP. A number of conditions are recommended to ensure that noise from the development remains at an acceptable level in relation to the surrounding locality	Yes
A8.1 Sustainable Building Design	Developments not affected by BASIX are to achieve a 40% reduction of baseline potable water consumption	The proposed building is not subject to a BASIX assessment. The submitted plans and reports do not confirm whether or not the proposed building can achieve a 40% reduction of baseline potable water consumption. A condition is therefore recommended to ensure compliance with	Yes

Objective/ Control	Requirement	Provided	Compliance
	Building design to respond to local climate and site conditions with passive solar and ventilation measures incorporated into the design	this requirement Passive solar and ventilation measures have been incorporated into the design of the building and overall layout of the development	Yes
A8.2 Stormwater and Construction Management	A stormwater concept plan is to be lodged with DA	A stormwater concept plan was submitted with the DA. Council staff have assessed this plan and consider it to be acceptable	Yes
A8.3 Waste Management	A waste management plan (WMP) is to be lodged with DA Waste storage and bin locations	A WMP has been provided which is generally acceptable All waste storage areas will be located within the hospital building. The location and facilities proposed are considered to be sufficient for the development	Yes Yes
A8.4 Site Facilities and Servicing	Garbage, mail structures, service meters and the like must be integrated into the overall design of the building and landscaping	Site facilities including a waste storage area and a loading dock have been integrated into the service "back of house" area of the proposed development	Yes
A8.6 Safety and Surveillance	Buildings to be designed to overlook streets and public areas to provide casual surveillance and minimise blank walls facing the street	The proposed building provides sufficient opportunities for casual surveillance of the surrounding car parking areas and the riparian corridor land to the rear of the site The proposed building will have a satisfactory relationship with the public domain, in that the design has incorporated suitably articulated facades that avoid long expanses of blank wall	Yes

Objective/ Control	Requirement	Provided	Compliance
	Crime Prevention Through Environmental Design (CPTED) principles must be incorporated in all developments	A CPTED has been submitted as part of the DA and is considered to satisfactorily incorporate CPTED principles into the design of the development	Yes
B3 - 2.1 Vision for the Employment Area	Area to provide employment for the future residents of Turner Precinct and overall Growth Centre Streets and visually prominent areas to contain quality landscaping with trees and shrubs that resemble a welcoming streetscape	The proposed development will provide direct employment for residents of the growth centre and surrounding area The proposed landscaped areas comply with the requirements of the DCP. The quality of species and density of plantings will result in a design that adequately screens and softens the building and car parking required for the proposed development	Yes Yes
B3.1 Turner Road Employment Area Land Uses	Land uses to be generally in accordance with the preferred land use plan in Figure 2	The preferred land use plan shown in Figure 2 identifies the preferred land use as "bulky goods and highway retail". While, the proposed hospital may not fall within the preferred land use, the hospital is considered to be an appropriate location within the Turner Road Employment Area. There is sufficient area within the business park to provide for bulky goods and highway retail to service the needs of surrounding businesses and residents	No - variation deemed acceptable
B3.4	The principles of	A CPTED assessment	Yes

Objective/ Control	Requirement	Provided	Compliance
Public Domain and Interface Areas	CPTED must be incorporated into the design of the development	has been submitted as part of the DA, which identifies how the CPTED principles have been included into the overall design of the development, which is considered to be satisfactory	
	Compliance with Table 1:		
	- minimum setback from the boundary of riparian corridor of 2.0m	Minimum of 3m provided	Yes
	- buildings facing the riparian corridor shall be visually articulated	The building proposes a suitably articulated building façade facing the riparian corridor	Yes
	- No storage is permitted in the setback area facing the riparian corridor	No storage is proposed within the setback facing the riparian corridor	Yes
	- 2m maintenance easement will be required to be provided in riparian corridor for maintenance purposes	The setback allows for a 2m easement for maintenance purposes	Yes
	- Rear boundary must be fenced with dark coloured, open style fencing to a maximum height of 2.1m	Details in relation to the future fencing along the boundaries of the site have not been provided as part of the application. A condition is therefore recommended requiring compliance with the requirements of the DCP prior to the issue of a Construction Certificate	Yes
	- Opening shall be provided in the façade opening the	The proposal includes openings in the eastern façade to enable	Yes

Objective/ Control	Requirement	Provided	Compliance
	riparian corridor - Development with an interface to residential development must minimise noise, traffic impacts, light spill and bulk and scale	passive surveillance of the open space land The development is considered to be satisfactory in relation to the amenity of the adjoining residential properties in that the hospital has been designed to minimise noise and traffic impacts. In addition, the bulk, scale and design of the building is considered to be sympathetic to the streetscape and neighbouring properties	Yes
B3.5 Site Planning	Minimum 2m setback required the riparian corridor Minimum 3m setback from Rodeo Road Parking area to be broken up by landscaping. Provide convenient, safe and comfortable pedestrian access to the building entrance Provide on-site stormwater detention (OSD) which complies with Table 10 of Part A	Minimum 3m provided 76.5m setback provided The proposed landscaping will sufficiently break up the car parking areas surrounding the hospital and along the entry/exit driveway. Pedestrian paths provide good access to and from the car parking areas and from outside the site to the hospital OSD which complies with Table 10 of Part A is proposed	Yes Yes Yes Yes
B3.6 Building Design	Scale and massing of buildings to reinforce the desired urban design character of the precinct. Larger scale buildings or building elements should be used to signify	The proposed architectural features and overall design of the building adequately addresses its location within the Turner Road Business Development Area and as such	Yes

Objective/ Control	Requirement	Provided	Compliance
	prominent corners and activity nodes	complies with the requirements of this control	Yes
	Facades to include high proportions of glazing and be articulated using architectural elements	Sufficient levels of glazing are proposed in the façade and architectural elements of the building	
	Blank building facades facing the primary street frontage are not permitted	The building proposes suitably articulated building facades to all frontages	
	Glazing shall not exceed 20% reflectivity	Glazing will not exceed 20% reflectivity	
	Development in the Business Development Lands must incorporate building design elements including effective sun-shading for west-facing windows, articulated roof forms, emphasis of customer entries and the use of high quality materials and finishes	As aforementioned, the proposed architectural features and overall design of the building including its height, built form and colour palette adequately signify its location and as such comply with the requirements of this control	
	Rooftop structures to be incorporated into building design	The proposed roof plant has been incorporated into the building design and is considered to be acceptable	
B3.7 Employment Operations	Access, parking and loading to be in accordance with Camden DCP 2011	The access including an entry driveway of 6m, a 1m central median and a 4m exit driveway is considered to achieve compliance with the DCP and the applicable Australian Standards. In addition, the access provides approximately 18m of internal queuing length along the southern boundary to prevent potential	Yes

Objective/ Control	Requirement	Provided	Compliance
	Details to be provided on hours of operation, number and timing of deliveries, frequency of heavy vehicles, machinery and lighting	queuing outside of the site. Council staff have reviewed this configuration and consider it to be satisfactory Operation details will be assessed as part of a future development application	Yes
B3.8 Fencing	Boundary fencing must be of a high quality and not detract from the streetscape	Details in relation to the future fencing along the boundaries of the site have not been provided as part of the application. A condition is therefore recommended requiring compliance with the requirements of the DCP	Yes
B3.9 On Site Landscaping	Where parking is forward of the building line a minimum 2m landscaping strip must be provided Low water use and native plant species to be utilised in all landscaped areas where possible A concept landscape plan must be submitted with the application	A condition is recommended to ensure that an amended landscaping plan reflecting the revised access and parking layout to Rodeo Road are submitted to the Certifying Authority prior to the issue of a Construction Certificate The proposed landscaping generally consists of native and low water consuming plants A concept landscape plan has been provided, which adequately demonstrates compliance with all relevant landscaping controls	Yes Yes Yes
B3.10 Outdoor	No external storage of goods, including bins,	All storage areas are located internally	Yes

Objective/ Control	Requirement	Provided	Compliance
Storage	permitted where visible from the public domain Details on size, height and screening structures for outdoor storage required to be submitted with the DA	No outdoor storage is proposed as part of the development	Yes

Camden Development Control Plan 2011 (Camden DCP)

Control	Requirement	Provided	Compliance
B1.1 Erosion and Sedimentation	Appropriate erosion and sediment control measures	Appropriate erosion and sediment control measures have been proposed	Yes
B1.2 Earthworks	Minimise cut and fill and use clean fill material	Minor earthworks are proposed for this development and use of clean fill material is conditioned	Yes
B5.1 Off-street Car Parking Rates and Requirements	There are no specific cars parking rates for hospitals within the DCP. As such, Roads and Maritime Services (RMS) rates for private hospitals have been adopted for hospital component of this development: Peak Parking Accumulation (PPA) = $-19.56 + (0.85 \times \text{number of beds}) + (0.27 \times \text{maximum number of staff})$ Car parking rates are however provided for the other components proposed in association with the hospital:	The proposed hospital and associated uses will require a minimum of 102 car spaces based on applicable standards contained with the RMS Guide to Traffic Generating Development and the Camden DCP. The DA proposes to provide 102 spaces, which is in accordance with RMS and Council standards. To ensure car parking levels remain satisfactory, a condition is recommended to ensure that there is no more 45 members of staff	Yes

	1 car parking space per 100m² of Gross Floor Area (GFA) of medical centre 1 car parking space per 40m² of business premises <u>Parking Calculations:</u> Hospital $-19.56 + (0.85 \times 60) + (0.27 \times 45) = 43.59$ spaces Medical Centre GFA = 826m² = 33.03 spaces Business Premises GFA = 936m² = 23.4 spaces Total spaces required = 102 Requirement for bicycle and motorcycle spaces are not identified within the DCP for proposed hospital and associated uses. As such the provision is to be merit assessed.	working at the hospital at any one time. The application proposes to provide 6 bicycle spaces and 4 motorcycle spaces, which is considered to be satisfactory for the nature of the development proposed	Yes
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(a)(iia) The Provision of any Planning Agreement that has been entered into under Section 94F, or any draft Planning Agreement that a developer has offered to enter into under Section 93F

No relevant agreement exists or has been proposed as part of this DA.

(a)(iv) The Regulations

The Regulations prescribe several matters that are addressed in the conditions contained in this report.

(b) *The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality*

As demonstrated by the above assessment, the proposed development is unlikely to have a significant impact on both the natural and built environments, and the social and economic conditions of the locality.

(c) *The suitability of the site*

As demonstrated by the above assessment, the site is considered to be suitable for the proposed development.

Noise and Light Spillage Impacts

The DA has been accompanied by an Environmental Noise Impact Assessment, which assesses the potential noise impacts associated with the proposed hospital in relation to the surrounding uses. The report concludes that noise levels comply with the relevant EPA Guidelines and Council's Environmental Noise Policy. Council staff have reviewed this assessment and consider the potential noise impacts of the development to be satisfactory. Noise impacts associated with any mechanical plant or diesel generator will be assessed as part of a separate development application for the use and internal fit-out of the building.

The lighting details submitted as part of DA have also been reviewed by Council staff to ensure that there will be no significant impact to the surrounding residential properties. The applicant has advised that as the hospital will operate primarily as a day surgery, excessive lighting will not be required. As such standard lighting will be provided to the car parking and external area for safety and security purposes only. To ensure compliance with this, a condition is recommended requiring all lighting to comply with the relevant Australian Standards.

Traffic Impacts

The DA has been accompanied by a traffic assessment report which assessed the traffic generation trips of the development based upon RMS guidelines. The report concludes a peak traffic generation of 121 vehicle trips in the AM peak period and 114 vehicle trips in the PM peak period. This has been reviewed by Council's traffic engineers who have advised that these traffic generation rates can be appropriately accommodated within the existing road network.

Vehicular access to the site is proposed by means of a combined entry/exit driveway from Rodeo Road. The access will include a 6m entry driveway, a 1m central median and a 4m exit driveway. In addition, the access provides approximately 18m of internal queuing length along the southern to prevent queuing outside of the site. The access arrangements have been reviewed by Council's traffic engineer who has advised the access is satisfactory and achieves compliance with Camden Development Control Plan and AS 2890.1. A condition is also recommended requiring line marking along the access to delineate the entry and exit lanes.

The DA proposes to provide 102 car parking for the proposed hospital and associated uses. This provision has been reviewed by Council's traffic engineer who has advised that the car parking provision is in accordance with the RMS Guide to Traffic Generating Development and Camden DCP. Furthermore, to alleviate any potential conflict with vehicles entering and exiting the spaces along the access

driveway, a condition is recommended requiring spaces 1 – 20 to be allocated and marked for staff parking only.

Based on the above, it is not considered that the proposed development will have any adverse traffic impacts on the surrounding road network.

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

The DA was publicly exhibited in accordance with the DCP. The exhibition period was from 22 December 2014 to 20 January 2015. One submission was received objecting to the proposal in relation to the potential impacts from lighting and noise. Following a number of discussions with the submitter, the issues raised have now been resolved and the submission formally withdrawn. In addition, one submission in support of the proposal was received.

(e) The public interest

The public interest is served through the detailed assessment of this DA under the *Environmental Planning and Assessment Act 1979*, the Environmental Planning and Assessment Regulation 2000, Environmental Planning Instruments, Development Control Plans and policies. Based on the above assessment, the proposed development is consistent with the public interest.

EXTERNAL REFERRALS

NSW Rural Fire Service (RFS)

The DA was referred to the RFS for assessment as the development is classified as Integrated Development in that it requires authorisation under Section 100B in respect of bushfire safety of land that could lawfully be used for special fire protection purposes pursuant to the Rural Fires Act 1997.

The RFS raise no objection to the proposed development subject to general terms of approval. Compliance with these general terms of approval is a recommended condition.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The DA has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, DA 1088/2014 is recommended for approval subject to the conditions contained in this report.

CONDITIONS

1.0 - General Conditions of Consent

The following conditions of consent are general conditions applying to the development.

- (1) **General Terms of Approval** - The General Terms of Approval from state authorities shall be complied with prior to, during, and at the completion of the development.

The General Terms of Approval are:

1. NSW Rural Fire Service, reference number D14/3832 dated 6 February 2015

- (2) **Approved Plans and Documents** – Development shall be carried out in accordance with the following plans and documentation, and all recommendations made therein, except where amended by the conditions of this development consent:

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
D000 Issue A	Cover Sheet	Anthony Vavayis and Associates	9.04.2015
D100 Issue C	Site Plan	Anthony Vavayis and Associates	9.04.2015
D101 Issue A	Survey Plan	Anthony Vavayis and Associates	9.04.2015
D1000 Issue C	Ground Floor Plan	Anthony Vavayis and Associates	9.04.2015
D1001 Issue A	Level 1 Floor Plan	Anthony Vavayis and Associates	9.04.2015
D1002 Issue A	Level 2 Floor Plan	Anthony Vavayis and Associates	9.04.2015
D1003 Issue A	Level 3 Floor Plan	Anthony Vavayis and Associates	9.04.2015
D1004 Issue A	Level 4 Floor Plan	Anthony Vavayis and Associates	9.04.2015
D2001 Issue A	Section 1	Anthony Vavayis and Associates	9.04.2015
D2002 Issue A	Sections 2	Anthony Vavayis and Associates	9.04.2015
D2003 Issue A	Sections 3	Anthony Vavayis and Associates	9.04.2015
D3001 Issue A	Elevations 1	Anthony Vavayis and Associates	9.04.2015
D3002 Issue A	Elevations 2	Anthony Vavayis and Associates	9.04.2015
D3003 Issue A	Elevations 3	Anthony Vavayis and Associates	9.04.2015
SK1000 Issue 19	Ground Floor Plan	Anthony Vavayis and Associates	10.04.2015
SK1001 Issue 12	Level 1 Floor Plan	Anthony Vavayis and Associates	14.04.2015
SK1002 Issue 11	Level 2 Floor Plan	Anthony Vavayis and Associates	14.04.2015
SK1003 Issue 11	Level 3 Floor Plan	Anthony Vavayis and Associates	14.04.2015
SK1004 Issue 10	Level 4 Floor Plan	Anthony Vavayis and Associates	14.04.2015
14911_DA_C000 Revision 02	Cover Sheet, Drawing Schedule,	Henry and Hyams	30.10.2014

	Notes and Locality Sketch Plan		
14911_DA_C101 Revision 02	Detail Plan Sheet 1 of 2	Henry and Hyams	29.10.2014
14911_DA_C102 Revision 02	Detail Plan Sheet 2 of 2	Henry and Hyams	29.10.2014
14911_DA_C200 Revision 02	Stormwater Miscellaneous Details and Pit Lid Schedule	Henry and Hyams	29.10.2014
14911_DA_C250 Revision 01	Music Modelling Catchment Plans	Henry and Hyams	30.10.2014
14911_DA_C251 Revision 01	Stormwater Catchment Plan	Henry and Hyams	30.10.2014
14911_DA_C252 Revision 01	Pre-Development Catchment Plan	Henry and Hyams	30.10.2014
14911_DA_SE01 Revision 02	Sediment and Erosion Control Plan	Henry and Hyams	30.10.2014
14911_DA_SE02 Revision 02	Sediment and Control Typical Sections and Details	Henry and Hyams	30.10.2014

(3) **Modified Documents and Plans** - The development shall be modified as follows:

- a) Car parking spaces 1 – 20 as shown on plan number D100 Issue C shall be allocated and marked for staff parking only.
- b) Line marking must be provided along the access to delineate entry and exit lanes.
- c) A revised landscaping plan shall be provided to reflect the amendments to the entry and exit layout from Rodeo Road. Specifically, the plans should incorporate a 2m landscaping setback from Rodeo Road.

Amended plans or documentation demonstrating compliance shall be provided to the Certifying Authority and Council prior to the issue of a Construction Certificate.

- (4) **Separate Approval for Use** - A separate development application for the fit out and use of the building shall be provided to, and approved by, the Consent Authority prior to that use commencing.
- (5) **Separate Approval for Signs** - A separate development application for any proposed signs shall be provided to, and approved by, the Consent Authority prior to the erection or display of any such signs.
- (6) **Mechanical Plant Equipment** – A separate development application shall be submitted to the Consent Authority for the use and operation of all mechanical plant equipment. An acoustic report shall be submitted as part of that application confirming compliance with Council's Environmental Noise Policy.
- (7) **Building Code of Australia** - All building work shall be carried out in accordance with the BCA. In this clause, a reference to the BCA is a

reference to that Code as in force on the date the application for the relevant Construction Certificate is made.

- (8) **Engineering Specifications** - The entire development shall be designed and constructed in accordance with Council's Engineering Specifications and the relevant DCP.
- (9) **Protection of adjoining Bushland and/or Waterfront Areas** - To limit the potential for damage to the adjoining Bushland areas and/or Waterfront areas, the boundaries to these areas must be fenced prior to the commencement of any earthworks, demolition, excavation or construction works. As well as the fencing prior to any earthworks commencing, other protection measures must be completed in accordance with the standards as specified in AS 4970-2009 Protection of Trees on Development sites.

The fencing must be kept in place until the completion of development and maintenance works and be marked by appropriate signage notifying all site visitors that the subject trees and vegetation areas are protected. The fencing should be a minimum of a 1.8 metres high chain link or welded mesh fencing.
- (10) **Outdoor Lighting** - All lighting shall comply with AS 1158 and AS 4282.
- (11) **Reflectivity** - The reflectivity of glass index for all glass used externally shall not exceed 20%.
- (12) **Fencing** – All future fencing along the boundaries of the site shall comply with the requirements of section B3.8 of the Turner Road Development Control Plan.
- (13) **Service Vehicles** – No Medium Rigid Vehicles greater than 10m in length shall access the site

2.0 – Prior to Issue of a Construction Certificate

The following conditions of consent shall be complied with prior to the issue of a Construction Certificate.

- (1) **Potable Water Consumption** – Prior to the issue of a Construction Certificate, details must be provided to the Certifying Authority which demonstrate the ability of the building to achieve a 40% reduction of baseline potable water consumption.
- (2) **Civil Engineering Plans** - Civil engineering plans indicating drainage, roads, accessways, earthworks, pavement design, details of line-marking, traffic management, water quality and quantity facilities including stormwater detention and disposal, shall be prepared in accordance with the approved plans and Council's Engineering Design and Construction Specifications. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.

Note. Under the *Roads Act 1993*, only the Council can approve commencement of works within an existing road reserve.

- (3) **Dilapidation Report – Council Property** - A Dilapidation Report prepared by a suitably qualified person, including a photographic survey of existing public

roads, kerbs, footpaths, drainage structures, street trees and any other existing public infrastructure within the immediate area of the subject site. Details demonstrating compliance shall be provided to the Certifying Authority prior to issue of a Construction Certificate.

- (4) **Traffic Management Plan** - A Traffic Management Plan (TMP) shall be prepared in accordance with Council's Engineering Specifications and AS 1742.3. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (5) **Stormwater Detention and Water Quality** - An on-site detention system and water quality system shall be provided for the site and designed in accordance with Council's Engineering Specifications.
- (6) **Soil, Erosion, Sediment and Water Management** - An Erosion and Sediment Control Plan (ESCP) shall be prepared in accordance with Council's Engineering Specifications. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (7) **Smoke Free Premises** - The construction and fit out of the premises shall comply with the *Smoke-Free Environment Act 2000* and Smoke-Free Environment Regulation 2000. Details demonstrating compliance shall be provided to the Certifying Authority.
- (8) **Garbage Room** - Plans showing the location and details of garbage room(s) and room(s) used for the washing and storage of garbage receptacles shall be provided to the Certifying Authority for approval. Garbage room(s) are to be constructed of solid material, cement rendered and trowelled to a smooth even surface. Floors are to be impervious, coved, graded and drained to an appropriate floor waste. Walls are to be smooth impervious surfaces. Ventilation, pest proofing and a hose tap to be provided.
- (9) **Bush Fire Safety – Subdivision** - The site is located within a bush fire prone area. Certification from a suitably qualified bush fire consultant shall be provided to certify that the development complies with:
 - a) the RFS' General Terms of Approval for the DA;
 - b) the Bush Fire Report provided with the DA; and
 - c) the NSW Rural Fire Service publication "Planning for Bush Fire Protection 2006."
- (10) **Long Service Levy** - In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant shall pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any work that cost \$25,000 or more.

3.0 - Prior to Commencement of Works

The following conditions of consent shall be complied with prior to any works commencing on the development site.

- (1) **Public Liability Insurance** - The owner or contractor shall take out a Public Liability Insurance Policy with a minimum cover of \$20 million in relation to the occupation of, and works within, public property (i.e. kerbs, gutters, footpaths, walkways, reserves, etc.) for the full duration of the proposed works. Evidence of this Policy shall be provided to Council and the Certifying Authority.
- (2) **Notice of PCA Appointment** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 103 of the EP&A Regulation 2000. The notice shall include:
- a) a description of the work to be carried out;
 - b) the address of the land on which the work is to be carried out;
 - c) the registered number and date of issue of the relevant development consent;
 - d) the name and address of the PCA, and of the person by whom the PCA was appointed;
 - e) if the PCA is an accredited certifier, his, her or its accreditation number, and a statement signed by the accredited certifier consenting to being appointed as PCA; and
 - f) a telephone number on which the PCA may be contacted for business purposes.
- (3) **Notice Commencement of Work** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 104 of the EP&A Regulation 2000. The notice shall include:
- a) the name and address of the person by whom the notice is being given;
 - b) a description of the work to be carried out;
 - c) the address of the land on which the work is to be carried out;
 - d) the registered number and date of issue of the relevant development consent and construction certificate;
 - e) a statement signed by or on behalf of the PCA to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
 - f) the date on which the work is intended to commence.
- (4) **Construction Certificate required** - In accordance with the provisions of Section 81A of the *EP&A Act 1979*, construction or subdivision works approved by this consent shall not commence until the following has been satisfied:
- a) a Construction Certificate has been issued by a Consent Authority;

- b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 109E of the *EP&A Act 1979*;
 - c) if Council is not the PCA, Council is notified of the appointed PCA at least two (2) days before building work commences;
 - d) the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and
 - e) the PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
- (5) **Sign of PCA and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:
- a) that unauthorised entry to the work site is prohibited;
 - b) the name of the principal contractor (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours; and
 - c) the name, address and telephone number of the PCA.

The sign shall be maintained while the work is being carried out, and shall be removed upon the completion of works.

- (6) **Performance Bond** - Prior to commencement of works a performance bond of 10% value of civil works must be lodged with Camden Council in accordance with Camden Council's Engineering Construction Specifications.
- (7) **Site is to be Secured** - The site shall be secured and fenced to the satisfaction of the PCA. All hoarding, fencing or awnings (associated with securing the site during construction) is to be removed upon the completion of works.
- (8) **Sydney Water Approval** - The approved development plans shall be approved by Sydney Water.
- (9) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction (the blue book)' and any Sediment and Erosion plans approved with this Development Consent.

Soil erosion and sediment control measures shall be maintained during construction works and shall only be removed upon completion of the project when all landscaping and disturbed surfaces have been stabilised (for example, with site turfing, paving or re-vegetation).

4.0 - During Works

The following conditions of consent shall be complied with during the construction phase of the development.

- (1) **Construction Hours** - All work (including delivery of materials) shall be restricted to the hours of 7.00am to 5.00pm Monday to Saturday inclusive. Work is not to be carried out on Sundays or Public Holidays.
- (2) **Survey Report** - The building shall be set out by a registered land surveyor. A peg out survey detailing the siting of the building in accordance with the approved plans shall be provided to the PCA prior to the pouring of concrete.
- (3) **Traffic Management Plan Implementation** - All construction traffic management procedures and systems identified in the approved Construction Traffic Management Plan shall be introduced during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems.

- (4) **Site Management Plan** - The following practices shall be implemented during construction works:

- a) a sign shall be erected at all entrances to the subdivision site and be maintained until the subdivision has reached 80% occupancy. The sign shall be constructed of durable materials, be a minimum of 1200mm x 900mm, and read as follows:

"WARNING UP TO \$1,500 FINE. It is illegal to allow soil, cement slurry or other building materials to enter, drain or be pumped into the stormwater system. Camden Council (02 4654 7777) – Solution to Pollution."

The wording shall be a minimum of 120mm high and the remainder a minimum of 60mm high. The warning and fine details shall be in red bold capitals and the remaining words in dark coloured lower case letters on a white background, surrounded by a red border.

- (5) **Salinity Management Plan** – All proposed earthworks, landscaping, buildings and associated infrastructure proposed to be constructed on the land must be carried out or constructed in accordance with the Report on Salinity Management Plan – Proposed Central Hills Business Park, Gregory Hills Development Project 40747.14 revision 2, dated January 2010 and prepared by Douglas Partners.
- (6) **Noise** – All works shall not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act (1997)*.

All works shall comply with the requirements of NSW Industrial Noise Policy and the Environment Protection Authority Environmental Noise Policy.

- (7) **Location of Stockpiles** - Stockpiles of soil shall not be located on / near any drainage lines or easements, natural watercourses or water bodies, footpath or roadway without first providing suitable protective measures adequate to protect these water bodies. All stockpiles of contaminated materials shall be suitably covered to prevent dust and odour nuisance.

- (8) **Offensive Noise, Dust, Odour and Vibration** - All work shall not give rise to offensive noise, dust, odour or vibration as defined in the *Protection of the Environment Operations Act 1997* when measured at the property boundary.
- (9) **Erosion and Sedimentation Control** - Soil erosion and sedimentation controls are required to be installed and maintained for the duration of the works. The controls must be undertaken in accordance with version 4 of the *Soils and Construction – Managing Urban Stormwater manual (Blue Book)*.
- (10) **Unexpected Finds Contingency (General)** - Should any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material, etc.) be encountered during any stage of works (including earthworks, site preparation or construction works, etc.), such works shall cease immediately until a qualified environmental specialist has been contacted and conducted a thorough assessment.

In the event that contamination is identified as a result of this assessment and if remediation is required, all works shall cease in the vicinity of the contamination and Council shall be notified immediately.

Where remediation work is required, the applicant will be required to obtain consent for the remediation works.

5.0 - Prior to Issue of an Occupation Certificate

The following conditions of consent shall be complied with prior to the issue of an Occupation Certificate.

- (1) **Occupation Certificate required**- An Occupation Certificate shall be obtained prior to any use or occupation of the development.
- (2) **Fire Safety Certificates** - A Fire Safety Certificate shall be provided to the PCA in accordance with the requirements of the EP&A Regulation 2000.
- (3) **Survey Certificate** - A registered surveyor shall prepare a Survey Certificate to certify that the location of the building in relation to the allotment boundaries complies with the approved plans or as specified by this consent. The Survey Certificate shall be provided to the satisfaction of the PCA.
- (4) **Completion of Landscape Works** - All landscape works, including the removal of noxious weed species, are to be undertaken in accordance with the approved landscape plan and conditions of this Development Consent.

6.0 – Ongoing Use

The following conditions of consent are operational conditions applying to the development.

- (1) **Number of Employees** - The number of people working at the private hospital and associated uses shall not exceed 45 at any given time.
- (2) **Manoeuvring of Vehicles** - All vehicles shall enter and exit the site in a forward direction.

- (3) **Hours of Operation** - The private hospital component of the development is approved to be in use 24 hours a day, Monday to Sunday (including public holidays).

Note: Hours of operation are not approved for the future mixed medical, commercial or café/refreshment components of the development.

- (4) **Loading to Occur on Site** - All loading and unloading operations are to be carried out wholly within the building/site.

The loading dock (if provided) shall be used for loading and unloading operations in connection with the approved use.

- (5) **Parking – Signage (Loading docks)** - Proposed parking areas, service bays, truck docks, driveways and turning areas shall be maintained clear of obstructions and be used exclusively for purposes of car parking, loading/unloading, and vehicle access respectively for the life of the development. Under no circumstances are such areas to be used for the storage of goods or waste materials.

- (6) **Driveways to be Maintained** - All access crossings and driveways shall be maintained in good order for the life of the development.

- (7) **Parking Areas to be Kept Clear** - At all times, the loading, car parking spaces, driveways and footpaths shall be kept clear of goods and shall not be used for storage purposes.

- (8) **Landscaping Maintenance Establishment Period** - Commencing from the date of practical completion, the applicant will have the responsibility to establish and maintain all hard and soft landscaping elements associated with this consent.

The 12 month maintenance and establishment period includes the applicant's responsibility for the establishment, care and repair of all landscaping elements including all street tree installations, plantings, lawn and hardscape elements including paths, walls, bins, seats, BBQs, shelters, playground equipment and soft fall treatments.

The date of practical completion is taken to mean completion of all civil works, soil preparation and treatment and initial weed control, and completion of all planting, turn installation, street tree installation and mulching.

At the completion of the 12 month landscaping maintenance and establishment period, all hard and soft landscaping elements (including any nature strip and road verge areas, street trees, street tree protective guards and bollards, etc.) shall be in an undamaged, safe and functional condition and all plantings have signs of healthy and vigorous growth.

At the completion of the maintenance and establishment period, the landscaping works shall comply with the approved landscape plans.

RECOMMENDED

That the Panel approve DA 1088/2014 for the construction of a 4 storey private hospital with a maximum of 60 beds, provision of car parking, drainage, landscaping and associated site works at 49 – 59 Rodeo Road, Gregory Hills subject to the conditions listed above.