

JOINT REGIONAL PLANNING PANEL (Hunter and Central Coast)

JRPP No	2015 HCC007																			
DA Number	47372/2015																			
Local Government Area	Gosford City Council																			
Proposed Development	Additions & Internal Alterations to an Existing Private Hospital (JRPP)																			
Street Address	9 Burrabil Avenue NORTH GOSFORD																			
Applicant Name	Doug Sneddon Planning Pty Ltd																			
Owner Name	Healthe Care Properties Pty Ltd																			
No Submissions	Nil																			
Regional Development Criteria (Schedule 4A of the Act)	Health Services Facility over \$5M Capital Investment Value Schedule 4A clause 6(a) of the EP&A Act 1979.																			
List of All Relevant s79C(1)(a) Matters	<div>1. Environmental Planning & Assessment Act 1979 - Section 79C, 91 and Schedule 4A</div> <div>2. Rural Fires Act 1997 – S100B</div> <div>3. Local Government Act 1993 - Section 89</div> <div>4. Gosford Local Environmental Plan 2014</div> <div>5. Gosford Development Control Plan 2013</div> <div>6. State Environmental Planning Policy (SEPP) No 71 - Coastal Protection</div> <div>7. State Environmental Planning Policy (SEPP) State and Regional Development 2011</div> <div>8. State Environmental Planning Policy (SEPP) Infrastructure 2007</div> <div>9. State Environmental Planning Policy (SEPP) No 19 Urban Bushland</div> <div>Relevant Regulations: s79C(1)(a)(iv) e.g. Regs 92, 93, 94, 94A, 288</div> <div>10. Rural Fires Regulation 2013</div> <div>11. Environmental Planning and Assessment Regulation 2000</div> <div>12. Fire Safety Provisions</div> <div>13. Building Code of Australia: buildings to be upgraded may require the existing building to be brought into total or partial conformity with the Building Code of Australia</div> <div>Coastal zone management plan: s79C(1)(a)(v)</div> <div>14. Government Coastal Policy (seaward part)</div>																			
List all documents submitted with this report for the panel's consideration	<div>Architectural Plans by Health Science</div> <div>Landscape Plans by Moir Landscape Architecture</div> <table><tr><th>Drawing</th><th>Description</th><th>Sheets</th><th>Issue</th><th>Date</th></tr><tr><td>40-4066 DA-000</td><td>Drawing Schedule</td><td>0</td><td>1</td><td>06.03.2015</td></tr><tr><td>DA-010</td><td>Existing</td><td>1</td><td>1</td><td>06.03.2015</td></tr></table>					Drawing	Description	Sheets	Issue	Date	40-4066 DA-000	Drawing Schedule	0	1	06.03.2015	DA-010	Existing	1	1	06.03.2015
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		Site/Roof Plan			
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	DA-050	Shadow Diagrams		1	06.03.2015
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	LP02	Landscape Plan		A	30.03.2015
	LP03	Tree Removal Plan		A	30.03.2015
	LP04	Landscape Theming, Plant Schedule and Section		A	30.03.2015

Supporting Documentation

Document	Title	Date
	Concept Stormwater Management Report (Northrop)	26.03.2015
	Arboricultural Impact Assessment (Moir Landscape Architecture)	27.03.2015
DA-050	Shadow Diagrams	06.03.2015
	Waste Management Plan (D.	01.04.2015

			Sneddon)	
			Traffic and Car Parking Assessment (Intersect Traffic)	30.03.2015
			Bushfire Hazard Assessment (Environmental and Land Management Consultants)	
		NL150106 C01 to C03	Sediment and Erosion Control Plans, Concept Stormwater and Management Plans	26.03.2015
		C04 to Co5	Concept Stormwater and Management Plans and Civil Details	26.03.2015
Recommendation	Approval			
Report by	D Spithill			

Assessment Report and Recommendation Cover Sheet

REPORT TO HUNTER & CENTRAL COAST JOINT REGIONAL PLANNING PANEL

TITLE **DEVELOPMENT APPLICATION NO. 47372/2015**
APPLICANT: DOUG SNEDDON PLANNING PTY LTD
PROPOSED: ADDITIONS & INTERNAL ALTERATIONS TO AN EXISTING PRIVATE HOSPITAL - STAGE 4B (JRPP) ON LOT: 1 DP: 1064130, 9 BURRABIL AVENUE NORTH GOSFORD
Directorate: Governance and Planning
Business Unit: Development

The following item is defined as a planning matter pursuant to the Local Government Act, 1993 & Environmental Planning & Assessment Act, 1979.

EXECUTIVE SUMMARY

Reason for Referral to Joint Regional Planning Panel (JRPP)

Health services facility over \$5 Million CIV

Assessing Officer: D Spithill

Reviewing By: Acting Manager Development and Compliance
Chief Executive Officer

Application Received: 02/04/2015

Synopsis: An application has been received for additions and internal alterations to an existing private hospital. The application has been assessed against the matters for consideration detailed in 79C of the Environmental Planning and Assessment Act (EP&A Act) 1979.

The proposed "health services facility", has a capital investment value of \$7.5m and is regional development under Schedule 4A clause 6(a) of the EP&A Act 1979.

The proposal is integrated development as the subject site is identified as "bushfire prone land" and a hospital is classified as a "special fire protection purpose" under section 100B(6)(c) of the Rural Fires Act 1997 and separate approval (i.e. Bush Fire Safety Authority-BFSA) is required from the NSW Rural Fire Service (RFS). The RFS have provided general terms of approval for the granting of a BFSA for the proposed development.

The proposal will not detract from the character or scenic qualities of the area or have unreasonable impacts on the environment.

All relevant matters under Section 79C of the Environmental Planning and Assessment Act, section 89 of the Local Government Act, the objectives of the zone and the principles of ecologically sustainable development have been considered and the proposal is recommended for **approval** subject to conditions.

Zone: SP2 Infrastructure

Area: 23990m²

Topography: Sloping gradient to street

Public Submissions: Nil

Employment Generating: Yes **Value of Work:** \$7,500,000.00

Political Donations: None declared

Relevant Statutory Provisions

1. Environmental Planning & Assessment Act 1979 - Section 79C, 91 and Schedule 4A
2. Rural Fires Act 1997 – S100B
3. Local Government Act 1993 - Section 89
4. Gosford Local Environmental Plan 2014
5. Gosford Development Control Plan 2013
6. State Environmental Planning Policy (SEPP) No 71 - Coastal Protection
7. State Environmental Planning Policy (SEPP) State and Regional Development 2011
8. State Environmental Planning Policy (SEPP) Infrastructure 2007
9. State Environmental Planning Policy (SEPP) No 19 Urban Bushland

Key Issues

1. Proposal
2. Site and Surrounds
3. Gosford Local Environmental Plan 2014
4. Principal Development Standards
5. State Environmental Planning Policy (Infrastructure) 2007 (SEPP 2007)
6. State Environmental Planning Policy (State and Regional Development) 2011 (SEPP 2011)
7. State Environmental Planning Policy No. 19 – Urban Bushland (SEPP 19)
8. Gosford Development Control Plan 2013 – relevant provisions.
9. Vehicle Access and Traffic Impact
10. Car Parking
11. Streetscape and Visual Impact
12. Amenity Impacts
13. Environmental Considerations
14. Bush Fire Protection
15. Integrated Development Approval
16. Section 94 Contributions
17. Internal Referrals

Recommendation

Approval, subject to conditions

REPORT

Proposal

The proposed development is for the construction of a new three level building addition to the north eastern corner of the existing North Gosford Private Hospital. Proposed works comprise the following:

- Construction of basement car parking (21 spaces), expansion of day surgery reception/theatre on level 1 and an empty shell for a future cancer care unit on Level 2;
- Revised driveway entries/exit in Burrabil Avenue providing vehicular access to the hospital; and
- Minor internal alterations /refurbishment of the existing hospital levels 1 to 3 day surgery (Level 1), maternity ward (Level 2), and medical ward (Level 3) areas.

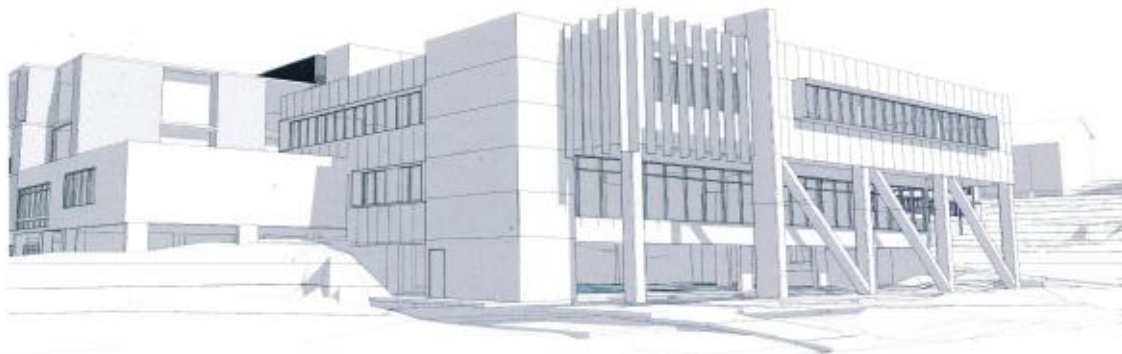


Figure 1: 3D perspective of proposed building from Burrabil Ave. (Source: Drawing DA-000, Health Science)

Details of the future Cancer Care Unit (CCU) on level 2 have not been provided, only the building shell has been indicated. The gross floor area of this level has however been included in the overall floor area calculations. The fitout of the future CCU on Level 2 will therefore be subject to a separate development application to ensure compliance with BCA requirements, determine whether any additional staff will be employed in connection with use and whether any additional car parking or section 94 contributions are generated by the proposed future addition. **(Refer Condition 8.9)**

Site and Surrounds

North Gosford Private Hospital is located on Lot 1 DP 1064130, No. 9 Burrabil Avenue, North Gosford, having an area of 2.39ha. The location of the hospital is shown in Figure 2 and the location of the proposed development site is indicated in Figure 3.

The hospital site is bound by Henry Parry Drive to the west, Burrabil Avenue to the north, Jarrett Street to the east and Etna Street to the south and multi dwelling housing and residential development to the south and east. A school is located directly opposite the development site in Burrabil Avenue. The principal vehicular/pedestrian access to the hospital is via Burrabil Avenue, with a secondary access from Jarrett Street.

The proposed development site contains an existing overland flow path detention basin. Vegetation within the proposed development site consists of landscaped gardens and parkland, with five mature trees located along the Burrabil Avenue street frontage. *Refer Figure 3*



Figure 2: Aerial photograph showing the location of the hospital



Figure 3: Aerial photograph showing the location of the development site

Assessment

This application has been assessed using the heads of consideration specified under Section 79C of the Environmental Planning & Assessment Act 1979, Council policies and adopted Management Plans. The assessment supports approval of the application and has identified the following key issues which are elaborated upon for the Panel's information.

Gosford Local Environmental Plan 2014

The land is zoned SP2 Infrastructure (Health Services Facility) under Gosford Local Environmental Plan 2014. The proposal is defined as a health services facility and is permissible within the zone.

The objectives of the zone are:

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.
- To ensure that development is compatible with the desired future character of the zone.

In this instance, it is considered that the proposal is consistent with the stated objectives of the zone and future character, provides health related infrastructure which is compatible with the desired future character of the zone.

The proposal is also consistent with the principles of Ecologically Sustainable Development, as specified within the Local Government Act 1993.

Principal Development Standards

(a) Maximum Permissible Building Height: Clause 4.3 (2) of LEP 2014 stipulates a maximum building height of 11.5m on the subject land. The proposed development complies, having a maximum parapet building height of 11.5m.

(b) Maximum Permissible Floor Space Ratio: Clause 4.4 (2) of LEP 2014 stipulates a maximum floor space ratio of 2:1 for the subject land.

The existing hospital has GFA of 13,855m² and a floor space ratio of 0.57:1. Following the proposed development (+ 3,305m² floor space) the hospital will have a GFA of 17,160m² and a FSR of 0.71:1. The proposed development therefore complies.

State Environmental Planning Policy (Infrastructure) 2007 (SEPP 2007)

SEPP 2007 provides that development for the purpose of health services (including hospitals) may be carried out with consent on land in a prescribed zone. The subject land is zoned *SP2 Infrastructure (Health Services Facility)* under Gosford Local Environmental Plan 2014. The proposal is permissible with consent under the SEPP.

Consideration of Clause 101

(i) "Clause 101 – Development with frontage to classified road" seeks to ensure that new development does not compromise the effective and ongoing operation and function of classified roads. The subject land has a frontage to Henry Parry Drive which is a State Road and relevant matters for consideration under clause 101 are addressed in the SEE. The proposal is consistent with such requirements for the following reasons:

- Vehicular access to the existing hospital and the proposed development is provided from Burrabil Avenue and Jarrett Street. No vehicle driveway access is proposed to Henry Parry Drive.
- The accompanying Traffic Assessment Report, prepared by Intersect Traffic Pty Ltd demonstrates that the proposed development will not adversely affect the safety, efficiency and ongoing operation of Henry Parry Drive.
- The proposed development is not sensitive to traffic noise or vehicle emissions.
- The proposed development is not of a size or capacity identified in Schedule 3, requiring referral to the RTA.

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

The proposed development (health care facility) has a capital value of \$7.5m and is identified under Schedule 4A of the EPA Act as Regional Development for the purposes of the Policy. The Hunter and Central Coast Joint Regional Planning Panel is therefore the determining authority.

State Environmental Planning Policy No. 19 – Urban Bushland (SEPP 19)

The subject land adjoins bushland zoned *RE1 Public Recreation* and consequently SEPP 19 requires council to consider a number of matters when determining a development application in relation to the subject land.

The general aim (Clause 2(1)) of SEPP 19 is to protect and preserve bushland within urban areas of the City of Gosford. As it is proposed to confine the impacts of the proposed development (including required asset protection zones) entirely within the subject land, which is zoned *SP2 Infrastructure (Health Services Facility)*, the proposed development will have no adverse impact on the adjoining public reserve zoned *RE1 Public Recreation*.

Gosford Development Control Plan 2013

Chapter 2.1 - Character

Chapter 2.1 - Character, requires development applications to demonstrate consistency or compatibility with development objectives contained within the relevant "Statements of Desired Character". The subject land is located within character place "*North Gosford 7 – Community Centres and Schools*". The proposal is considered to be consistent with the statement of desired character as demonstrated in the Statement of Environmental Effects and will not detract from the existing streetscape.

Chapter 6.7 - Water Cycle Management

The application is accompanied by a Concept Stormwater Management Report addressing the requirements of DCP – Chapter 6.7, prepared by Northrop. The report indicates that based on the concept designs, the proposed development can adequately manage and address all issues relating to stormwater runoff.

Council's Development Engineer has advised that:

"stormwater will be discharged to Burrabil Avenue. The existing detention basin is proposed to be filled in. Northrop have submitted a stormwater management report and plan that proposes to replace the existing open detention basin with a closed 160kL underground detention/reuse system. Calculations have been included that demonstrate that the post development 1% AEP runoff rate is no worse than the pre development rate."

Chapter 6.3 - Erosion and Sedimentation Control

The proposed development involves ground disturbance within the footprint of the proposed additions and an increase in site impervious area. The application is accompanied by a Sediment and Erosion Control Plan, prepared by Northrop which adequately addresses relevant requirements of Chapter 6.3.

Chapter 7.2 – Waste Management

Demolition/construction works and the occupation of the proposed development will generate waste products. A Waste Management Plan has been prepared to indicate how waste products will be managed, treated and collected for disposal in accordance with Council's waste management guidelines. The submitted plan however has underestimated waste quantities and a revised plan will be required with the Construction Certificate.

(Refer Condition 2.9)

Chapter 7.1 – Car Parking

Clause 7.1.3.2 of DCP 2013 requires on-site car parking to be provided at the following rate:

- 1 space per 2 beds and 1 space per 2 employees (hospital) and
- 3 car spaces per surgery or consulting room, plus 1 space for each professional practitioner and other staff present at any one time.

The traffic report includes the following table showing car parking requirement for the completed development:

Table 1 - Gosford DCP (2013) Parking requirements

Land Use Type	Item	Existing Development		Proposed Development	
		Quantity	Spaces	Quantity	Spaces
Hospital Beds	beds	143	71.5	144	72
Employees	persons	150	75	150	75
Medical Centre - Radiology Unit	staff	6	6	6	6
Medical Centre - Pathology Unit	staff	20	20	20	20
Medical Centre - Professional Suites	suites	8	24	8	24
Medical Centre - Professional Suites	staff	16	16	16	16
Theatre Expansion	staff			6	3
CCU- Hospital Beds	beds			16	8
CCU- staff	persons			16	8
Subtotal Spaces			212.5		
Projected Total Spaces					232

The entire hospital/medical centre precinct currently generates a total car parking requirement under the existing development scenario of 213 car spaces and a total of 232 spaces for the existing and proposed development,

The available number of existing/proposed on-site car spaces (235 spaces) exceeds the DCP 2013 minimum car parking requirement (232 spaces) by 3 spaces.

Vehicle Access and Traffic Impact

Vehicular Access

The proposed development includes provision of revised access arrangements, including:

- modification of the existing main driveway entry from Burrabil Avenue, to provide both entry/exit movements;
- providing a new driveway entry/ vehicle crossing to the proposed car parking level from Burrabil Avenue;
- regrading existing internal roadways to suit;
- removal of the existing vehicle access crossing; and
- minor drainage works in the road reserve.

The revised access arrangements are considered satisfactory.

Traffic Generation/Road Capacity

The proposed development will result in a minor increase in bed numbers (+17); staff (+6) and on-site car parking spaces (+18). The application is accompanied by a Traffic and Parking Assessment report (Intersect Traffic, March 2015) which advises the proposal will not increase traffic generation to a level which would be beyond the capacity of the local road network, cause congestion, or adversely affect road safety.

A condition will be imposed requiring a site construction / traffic management plan to ensure appropriate traffic management measures are in place to minimise traffic impacts on surrounding road network during construction works. **(Refer Condition No. 2.8)**

Road and Maritime Service (RMS)

RMS have raised no objections or requirements and consider the development will have no significant impact on the classified (State) road network.

Streetscape and Visual Impact

The proposed hospital building additions are located within the existing hospital grounds and will be partially screened by the existing hospital/medical centre buildings and remnant vegetation within the bushland located on the northern side of Burrabil Avenue and proposed site landscaping will assist in softening the development at the frontage of the site.

The proposal will not have a significant visual impact on the locality or streetscape of Burrabil Avenue and will be compatible with the existing character of the hospital and school precinct.

Amenity Impacts

The proposed development has no proximity or visual exposure to any residential property in the immediate vicinity and consequently does not result in any amenity impacts on residential properties.

Environmental Considerations

Tree Removal

The proposed development requires the removal of seven existing trees located along the site frontage to Burrabil Avenue road reserve and within the property. An Arboricultural Impact

Assessment of the proposed tree removal and protection requirements for neighbouring trees has been prepared by Moir Landscape Architecture.
Council's Tree Management Officer has advised the following:

“Seven trees are shown on plan to be removed. Five (5) of the trees are located on Council road reserve and have been addressed in the Arboricultural Impact Assessment provided in the supporting documentation.

Trees to be removed consist of Eucalypt and Angophora up to 20m in high. The trees vary in condition, with the largest Eucalypt being tri dominant and an Angophora containing cambium damage. Considering the size of the trees and works to occur close to those trees, removal and replacement of those trees is accepted.

A Tree Protection Zone is to be created around trees to be retained to the east of the works.

Tree replacement shown in the Landscape Plans shows the use of Water Gum, Lilly Pilly and Quandong. These species are suitable for street tree planting and will suit the site.

Other trees shown on plan for removal within the site consist of an ornamental (5m) and a poor quality She oak (10m).”

Flooding

The land is identified as being affected by Review of Narara Creek Flood Study and Council's Flood Management Policy.

This land has been classified as being under a “flood planning level” but is not subject to the imposition of a minimum floor level. The development is considered satisfactory in respect to Clause 7.2 of Gosford Local Environmental Plan 2014.



Figure : Aerial showing 1 in 100 year flood extent

Council's Development Engineer has advised the following:

“Parts of the lot are subject to overland flooding in the 1% AEP event; however after reviewing the scope of the proposed works, flood related conditions are not required.”

Climate Change and Sea Level Rise

Climate change and sea level rise have been considered in the assessment of this application.

Climate change and sea level rise will be felt through:

- increases in intensity and frequency of storms, storm surges and coastal flooding;
- increased salinity of rivers, bays and coastal aquifers resulting from saline intrusion;
- increased coastal erosion;
- inundation of low-lying coastal communities and critical infrastructure;
- loss of important mangroves and other wetlands (the exact response will depend on the balance between sedimentation and sea level change); and
- impacts on marine ecosystems.

In the absence of any detailed information at the present however, refusal of this application is not warranted.

Coastal Zone

The provisions of Clause 5.5 Gosford Local Environmental Plan 2014 and State Environmental Planning Policy (SEPP) No 71 - Coastal Protection require Council to consider matters in relation to the Coastal Zone. These matters have been considered in the assessment of this application and are considered consistent with the stated aims and objectives.

Bush Fire Protection

The subject land is identified on the council's bushfire hazard maps as being "bushfire prone land" and the proposal is classified as a "Special Fire Protection Purpose" development under Section 100B(6)(c) of the Rural Fires Act 1997 and separate approval (i.e. Bush Fire Safety Authority) is required from the NSW Rural Fire Service. The proposal has been assessed in accordance with the relevant provisions of *Planning for Bushfire Protection (RFS 2006)*. A Bushfire Hazard Assessment Report has been prepared by Conacher Environmental Group, which concludes that the overall aims and objectives of Planning for Bushfire Protection (2006) can be achieved by the proposed development.

Integrated Development (NSW Rural Fire Service)

The proposal is integrated development under Section 91 of the EP&A Act 1997, requiring separate approval (i.e. a Bush Fire Safety Authority) from the NSW Rural Fire Service (RFS) under Section 100B of the Rural Fires Act 1997.

The RFS by letter, dated 9 June 2015, have provided general terms of approval for the granting of a Bush Fire Safety Authority.

(Refer Conditions 7.1 and 7.2)

Section 94 Contributions

The land is zoned SP2 Infrastructure and is subject to Section 94 contribution plan No 164 – Gosford Regional Centre. For the purpose of the plan, commercial floor space includes activities such as health and other community services. A workforce density rate of 1 worker per 20m² is assumed under the plan. The application indicates a floor area of 3305m² and a contribution of \$251,518.00 has been levied for the development

(Refer Condition 2.2)

Internal Referrals

Development Engineer

Council's Development Engineer has assessed the application and has raised no objections to the proposal subject to relevant conditions being included in the conditions of consent.

(Refer Conditions 2.3 to 2.7)

Waste Management Officer

Council's Waste Management Officer has assessed the application and has requested submission of a revised signed and dated Waste Management Plan in accordance with the Gosford City Council Development Application Guide and Chapter 7.2 - Waste Management of Gosford DCP 2013 for all site preparation, demolition, construction, use of premises and on-going management of waste. The submitted plan has under estimated waste quantities.

(Refer Conditions 2.9 and 4.4)

Tree Management

Council's Tree Management Officer has assessed the application and raises no objections to the proposal subject to relevant conditions being included in the conditions of consent.

(Refer Conditions 3.8, 4.8, 4.9, 6.8 and 6.9)

Building Officer

Council's Building Officer has assessed the application and raises no objections to the proposal subject to relevant conditions being included in the conditions of consent.

Accessibility

The application is not accompanied by a BCA and Accessibility Report, however these issues, regarding compliance with the BCA and the *Disability (Access to Premises - buildings) Standards 2010* (the Premises Standards) will be considered at the Construction Certificate stage.

Conclusion

The proposal is for additions and internal alterations to Gosford Private Hospital, on Lot 1 DP 1064139, No. 9 Burrabil Avenue, North Gosford. All relevant matters under Section 79C of the Environment Planning and Assessment Act, Section 89 of the Local Government Act, the objectives of the zone and the principles of ecologically sustainable development have been considered.

The proposal is considered to have minimal environmental impact being located within existing hospital grounds and the subject land is suitable for the proposed development. In this regard, the site is well located in terms of accessibility by private and public transport and all utility services are available to the proposed development.

No public submissions were received in relation to the application during the notification period.

The site is identified as bushfire prone land and the proposal is classified as a special fire protection purpose. The NSW Rural Fire Service has provided general terms of approval for the issue of a bushfire safety authority under Section 100B of the Rural Fires Act 1997.

The proposed development will contribute to improving the city's health care infrastructure and local community's health care requirements and no objection is raised to the proposal subject to compliance with the conditions contained within the recommendation.

RECOMMENDATION

- A The Joint Regional Planning Panel as consent authority grant consent to Development Application No 47372/2015 for Additions & Internal Alterations to Existing Private Hospital - Stage 4B (JRPP) on LOT: 1 DP: 1064130, 9 Burrabil Avenue NORTH GOSFORD subject to the conditions attached.

- B The applicant be advised of Joint Regional Planning Panel decision and of their right to appeal in the Land and Environment Court under Section 97 of the Environmental Planning and Assessment Act 1979 six (6) months after the date on which the applicant receives notice in respect to Council's decision.
- C The External Authorities be notified of the Joint Regional Planning Panel decision.

CONDITIONS

1.. PARAMETERS OF THIS CONSENT

1.1. Approved Plans and Supporting Documents

The development shall be implemented substantially in accordance with the plans and supporting documents listed below as submitted by the applicant and to which is affixed a Council stamp "*Development Consent*" unless modified by any following condition.

Architectural Plans by Health Science

Landscape Plans by Moir Landscape Architecture

Drawing	Description	Sheets	Issue	Date
40-4066 DA-000	Drawing Schedule	0	1	06.03.2015
DA-010	Existing Site/Roof Plan	1	1	06.03.2015
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NL150106 C01 to C03	Sediment and Erosion Control Plans, Concept Stormwater and Management Plans	26.03.2015
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1.2. Building Code of Australia

All building works must be carried out in accordance with the Building Code of Australia.

2.. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

2.1. No activity is to be carried out on site until any Construction Certificate has been issued. Other than:

- a Site investigation for the preparation of the construction, and/or
- b Implementation of environmental protection measures, such as erosion control etc that are required by this consent.

2.2. The payment to Council of a total contribution amount of **\$251,518.00** in accordance with the relevant Council Contribution Plans No. 164 – **Gosford Regional Centre**

The contributions are calculated from Councils adopted Section 94 Contributions Plans No. 164 – **Gosford Regional Centre** and the applicable amounts are as follows:

Recreation Facilities - Embellishment	A	(Key No 851)	\$68,968.00
Roadworks - Capital	A	(Key No 850)	\$97,193.00
Community Facilities - Capital	A	(Key No 852)	\$56,677.00
Environmental Protection	A	(Key No 853)	\$28,680.00
TOTAL AMOUNT			\$251,518.00

The total amount to be paid is to be adjusted at the time of actual payment, in accordance with the provisions of the Gosford City Council Section 94 Contributions Plans No. 164 – **Gosford Regional Centre**. The basis of the calculation and the total amount is to be indexed quarterly in accordance with the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician as outlined in the contributions plan.

The total contribution amount is to be paid prior to the issue of any Construction Certificate.

Any Construction Certificate is not to be issued by a certifying authority until the developer has provided the certifying authority with a copy of a receipt issued by Council that verifies that the section 94 contributions have been paid in accordance with the wording of this condition. A copy of this receipt is to accompany the documents required to be submitted by the certifying authority to Council under Clause 104 of the Environmental Planning and Assessment Regulation 2000.

A copy of the Contribution Plan may be inspected at the office of Gosford City Council, 49 Mann Street Gosford or on Council's website

www.gosford.nsw.gov.au/building-and-development/planning-guidelines-and-forms/contributions-plan

- 2.3. All work required to be carried out within a public road reserve must be separately approved by Council, under Section 138 of the Roads Act 1993.

Engineering plans for the required work within a public road must be prepared and designed by a suitably qualified professional, in accordance with Council's "Civil Construction Specification", "GCC Design Specification for Survey, Road and Drainage Works" and "Policy 'D6.46 Erosion Sedimentation Control".

The required works to be designed are as follows:

- a Heavy-duty vehicle crossing in Burrabil Avenue, that has a minimum width of 4m and constructed with 200mm thick concrete reinforced with 1 layer of SL72 steel fabric top and bottom.
- b All redundant vehicular crossings to be removed and the footway formation reinstated with turf and a 1.2m wide reinforced (SL72 steel fabric, 100mm thick) concrete footpath in an approved location.
- c The piping of stormwater from within the site to Council's drainage system located in Burrabil Avenue.
- d Stormwater drainage works in Burrabil Avenue generally in accordance with Northrop's "Concept Stormwater Management Plan" Ref NL150106, drawing C04 revision A and dated 26.03.15.

The engineering plans must be approved by Council prior to the issuing of any Construction Certificate required under this consent.

- 2.4. A dilapidation report must be submitted to Council prior to issue of any Construction Certificate and/or approval of engineering plans under the Roads Act. The report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, street trees, street signs or any other Council assets in the vicinity of the development.
- 2.5. A security deposit of \$15,000 must be paid into Council's trust fund prior to the issue of any Construction Certificate. The payment of the security deposit is required to cover the cost of repairing damage to Council's assets that may be caused as a result of the development. The security deposit will be refunded upon the completion of the project if no damage was caused to Council's assets as a result of the development.
- 2.6. Satisfactory arrangements must be made for the provision of water and sewer services to the land. A copy of the Certificate of Compliance under Section 307 of the Water Management Act 2000, must be obtained from the Water Authority (Council) prior to the issue of any Construction Certificate. Contributions may be applicable to the Section 307 Certificate.
- 2.7. Design of the following engineering works within private property:
- a Driveways/ramps and car parking areas must be designed according to the requirements of the current Australian Standard AS2890 for the geometric designs, and industry Standards for pavement designs.
 - b A stormwater detention system must be designed in accordance with Council's DCP Chapter 6.7 - Water Cycle Management and Council's 'GCC Design Specification for Survey, Road and Drainage Works'. The stormwater detention system shall limit post development flows from the proposed development to less than or equal to predevelopment flows for all storms up to and including the 1%AEP storm event. A runoff routing method is to be used. An on-site stormwater detention report including an operation and maintenance plan shall accompany the design. On-site stormwater

- detention is not permitted within private courtyards, drainage easements, and/or secondary flowpaths.
- c Nutrient/pollution control measures must be designed in accordance with Council's DCP Chapter 6.7 - Water Cycle Management. A nutrient/pollution control report including an operation and maintenance plan shall accompany the design.
- d Piping of all stormwater from impervious areas within the site via an on-site stormwater detention structure to Council's drainage system located in Burrabil Avenue.

The design of these details and any associated reports shall be included in any construction certificate.

- 2.8. Preparation of a Construction Traffic Management Plan (CTMP) including a Vehicle Movement Plan and Traffic Control Plan. The CTMC shall be prepared with the intention of causing minimal impact on the operation of the road network during construction of the development. The Construction Traffic Management Plan (CTMP) shall be prepared and approved by the Principal Certifying Authority and provide for:
 - Delivery and storage of materials
 - Worker's parking and amenities
 - Hours of construction
 - Noise and dust mitigation
 - Process of handling complaints
 - Crane permits (crane location plan) if required
- 2.9. Submission of a revised waste management plan (signed and dated), prepared in accordance with the Gosford City Council Development Application Guide and Chapter 7.2 - Waste Management of Gosford DCP 2013 for all site preparation, demolition, construction, use of premises and on-going management of waste. Such plan to be submitted to Council, prior to the issue of a construction certificate, to the satisfaction of Council's Waste Management Officer.

3.. PRIOR TO COMMENCEMENT OF ANY WORKS

- 3.1. Any construction certificate for the building work is to be issued and the person having the benefit of the development consent must appoint a Principal Certifying Authority prior to the commencement of any building works.

The Principal Certifying Authority (if not the Council) is to notify Council of their appointment and notify the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work no later than 2 days before the building work commences.

- 3.2. A copy of the stamped approved plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.
- 3.3. Site works are not to commence until the sediment control measures have been installed in accordance with the approved plans.
- 3.4. A sign is required to be erected in a prominent position on any work site on which building or demolition work is being carried out. The sign shall indicate:
 - a The name, address and telephone number of the principal certifying authority for the work; and

- b The name of the principal contractor and a telephone number at which that person may be contacted outside of working hours; and
- c That unauthorised entry to the work site is prohibited.

The sign is to be removed when the work has been completed.

- 3.5. Public access to the construction site is to be prevented, when building work is not in progress or the site is unoccupied.

These prevention measures must be in accordance with the NSW WorkCover publication titled, '*Site Security and Public Access onto Housing Construction Sites*' and installed prior to the commencement of any demolition, excavation or building works and be maintained throughout construction. The use of barbed wire and/or electric fencing is not to form part of the protective fencing to construction sites.

- 3.6. A suitable hoarding or fence is to be erected between the building or site of the proposed building and any public place to prevent any materials from or in connection with the work, falling onto the public place.

If it is intended or proposed to erect the hoarding or fence on the road reserve or public place, a separate application made under the *Roads Act 1993* will need to be lodged with Council together with the associated fee.

- 3.7. The Principal Certifying Authority must ensure that all parties/trades working on the site are fully aware of their responsibilities with respect to tree protection conditions.
- 3.8. Tree Protection measures are to be undertaken in accordance with the recommendations of the Arboricultural Impact Assessment, prepared by Moir, dated March 2015.

4.. DURING WORKS

- 4.1. Clearing of land, excavation, and/or earthworks, building works, and the delivery of building materials shall be carried out between the following hours:

Mondays to Fridays - 7:00am to 6:00pm

Saturdays - 8:00am to 4:00pm except as noted in Clause 'b'

- a No work is permitted on Sundays and Public Holidays
- b No work is permitted on:
 - Saturdays when a public holiday is adjacent to that weekend.
 - Construction industry awarded rostered days off.
 - Construction industry shutdown long weekends.

Clause b does not apply to works of a domestic residential nature as below:

- i Minor renovation or refurbishments to single dwelling construction.
- ii Owner occupied renovations or refurbishments to single dwelling construction.
- iii Owner builder construction of single dwelling construction; and/or
- iv Any cottage constructions, single dwellings or housing estates consisting of predominantly unoccupied single dwellings.

- 4.2. Erosion and Siltation control measures must be undertaken and maintained in respect to any part of the land where the natural surface is disturbed or earthworks are carried out. The controls shall comply with Council's Erosion Sedimentation Control Policy D6.46.

- 4.3. Building materials must not be stored nor construction work carried out on the road reserve unless associated with a separate approval under the *Roads Act 1993*.
- 4.4. This development is subject to DCP 2013 Chapter 7.2 – Waste Management. The Waste Management Plan submitted in accordance with condition 2.9 of this development consent is required to be implemented during all stages of demolition and construction.
- 4.5. Buildings are to be demolished in a safe and systematic manner in accordance with the requirements of Australian Standard *AS 2601-2001 - Demolition of Structures*, and disposed of in an approved manner.
- 4.6. The works within the road reserve that required approval under the Roads Act shall be constructed in accordance with Council's 'Civil Construction Specification', 'GCC Design Specification for Survey, Road and Drainage Works' and Policy 'D6.46 Erosion Sedimentation Control'.
- 4.7. The Engineering works within private property that formed part of any construction certificate shall be constructed in accordance with the plans and details approved with any construction certificate.
- 4.8. Public Tree Removal - Any tree located on Council managed land that requires removal due to works approved by a Development Application must be undertaken at the full cost and responsibility of the developer/owner using a Pre-qualified Tree Contractor.
- 4.9. Trees to be removed shown on the approved plan must be removed in a manner so as to prevent damage to those trees that are to be retained.

5.. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

- 5.1. Application for any Occupation Certificate must be submitted to and approved by the Principal Certifying Authority prior to occupation of the building.
- 5.2. The premises not being occupied until any occupation certificate has been issued.
- 5.3. A concrete kerb, or alternative of similar standard, must be provided to the driveways and around areas of landscaping to prevent encroachment of vehicles.
- 5.4. The driveway, vehicle manoeuvring area and car parking spaces as shown on the approved plan must be properly constructed, graded, drained, sealed and line marked including directional arrows with impervious paving material, in accordance with Australian Standard 2890.1-2004 Off Street Parking.
- 5.5. Prior to the issue of any Occupation Certificate an instrument under the Conveyancing Act 1919 must be created on the Certificate of Title establishing a restrictive covenant detailing the areas to be maintained as a Asset Protection Zone in accordance with the Bushfire Report prepared by Conacher consulting and condition 8.1 of this consent. The restriction shall ensure the owner continually maintains the Asset Protection Zone in accordance with the recommendation and findings detailed in the Bushfire Report. The restriction is to be created at the applicants cost with the Council having the sole authority to release or modify.
- 5.6. A material or device is to be installed to prevent the build up of flammable material (such as leaf matter) within the roof gutters. The material or device must have a flammability index of not greater than 5 when tested in accordance with AS1530.2.

- 5.7. Works within the road reserve that required approval under the Roads Act are to be completed in accordance with Council's 'Civil Construction Specification', 'GCC Design Specification for Survey, Road and Drainage Works' and Policy 'D6.46 Erosion Sedimentation Control', and documentary evidence for the acceptance of such works obtained from the Roads Authority prior to the issue of any Occupation Certificate.

Note 1: A maintenance bond shall be paid on completion of the works in accordance with Section 1.07 Maintenance of the 'Civil Construction Specification'.

- 5.8. Any damage not shown in the dilapidation report submitted to Council before site works had commenced, will be assumed to have been caused as a result of the site works undertaken and must be rectified at the applicant's expense, prior to release of any Occupation Certificate.

- 5.9. Prior to the issue of any occupation certificate, the internal engineering works within private property that formed part of any construction certificate shall be completed in accordance with the plans and details approved with any construction certificate.

- 5.10. Prior to the issue of any Occupation Certificate the Deposited Plan (DP) must be amended to:

- Include an Instrument under the Conveyancing Act 1919 for the following restrictive covenants; with the Council having the benefit of these covenants and having sole authority to release and modify. Wherever possible, the extent of land affected by these covenants shall be defined by bearings and distances shown on the plan.
 - a To create a 'Restriction as to User' over all lots containing an on-site stormwater detention system and/or a nutrient/pollution facility restricting any alteration to such facility or the erection of any structure over the facility or the placement of any obstruction over the facility.

And,

- Include an instrument under the Conveyancing Act 1919 for the following positive covenants; with the Council having the benefit of these covenants and having sole authority to release and modify. Contact Council for wording of the covenant(s).
 - a To ensure on any lot containing on-site stormwater detention system and/or a nutrient/pollution facility that:
 - (i) The facility will remain in place and fully operational.
 - (ii) The facility is maintained in accordance with the operational and maintenance plan so that it operates in a safe and efficient manner
 - (iii) Council's officers are permitted to enter the land to inspect and repair the facility at the owners cost.
 - (iv) Council is indemnified against all claims of compensation caused by the facility.

Registered title documents showing the restrictive and positive covenants must be submitted to and approved by the Principal Certifying Authority prior to the issue of any occupation certificate.

6.. ONGOING OPERATION

- 6.1. No materials, waste matter or products shall be stored outside the building or the approved waste storage area, at any time.
- 6.2. Provision must be made for illumination of the common areas in the front of the site, throughout the hours of darkness.

- 6.3. All external lights shall be operated and maintained in accordance with the Australian Standard AS4282 - Control of the Obtrusive Effects of Outdoor Lighting so as not to cause a nuisance or adverse impact on the amenity of residents of the surrounding area or to motorists on nearby roads.
- 6.4. All car parking areas and spaces required by this consent are to be maintained and periodically reline-marked. Such spaces are to be made available to all users of the site at all times during hours of operation.
- 6.5. The operation of all mechanical plant equipment and machinery (i.e. air conditioning unit and/or heat pump) shall not give rise to offensive noise as defined in the Protection of the Environment Operation Act 1997.
- 6.6. Maintenance of the on-site stormwater detention facility in accordance with the operation & maintenance plan.
- 6.7. Maintenance of the nutrient/pollution control facilities in accordance with the operation & maintenance plan.
- 6.8. To ensure the survival and establishment of the landscaping, all works associated with the approved Landscape Plans are to be maintained for a period of 12 months from the date of the issue of an Occupation Certificate.
- 6.9. At the completion of the landscaping maintenance period any areas of lawn and plantings, including adjoining road reserve areas that are in a state of decline, damage or missing are to be replaced or restored to a healthy and vigorous condition and compliant with the approved detailed Landscape Plans and Development Consent Conditions.

7.. OTHER APPROVALS

RFS Integrated Approval for the issue of a Bush Fire Safety Authority under Section 100B of the Rural Fires Act 1997

- 7.1. At the commencement of building works and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
- 7.2. Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

8.. ADVICE

- 8.1. The public authorities may have separate requirements and should be consulted in the following aspects:
 - a *Australia Post* for the positioning and dimensions of mail boxes in new commercial and residential developments;
 - b *Jemena Asset Management* for any change or alteration to the gas line infrastructure;

- c *Ausgrid* for any change or alteration to electricity infrastructure or encroachment within transmission line easements;
- d *Telstra, Optus* or other telecommunication carriers for access to their telecommunications infrastructure.
- e *Gosford City Council* in respect to the location of water, sewerage and drainage services.

8.2. Dial Before You Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

Telecommunications Act 1997 (Commonwealth)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.

- 8.3. All work carried out under this Consent should be done in accordance with WorkCover requirements including the Occupational Health and Safety Act 2000 No 40 and subordinate regulations, codes of practice and guidelines that control and regulate the development industry.

- 8.4. Separate application being made for connection to Council's sewerage system.

- 8.5. It is the sole responsibility of the owner, builder and developer, to ensure that the proposed building or works complies with the requirements of the *Disability Discrimination Act*.

NOTE: The *Disability Discrimination Act* (DDA) is a Federal anti-discrimination law.

The DDA covers a wide range of areas including employment, education, sport and recreation, the provision of goods, services and facilities, accommodation and access to premises. The DDA seeks to stop discrimination against people with any form of disability including physical, intellectual, sensory, psychiatric, neurological, learning, disfigurement or presence in the body of a disease-causing organism. Whilst this development consent issued by Council is in accordance with the relevant provisions of the current *Building Code of Australia*, it does not indicate nor confirm that the application complies with the requirements of the DDA.

- 8.6. A fee for the approval of engineering plans under the Roads Act 1993 applies. The amount of this fee can be obtained by contacting Council's Customer Services on (02) 4325 8222.

- 8.7. The inspection fee for works associated with approvals under the Roads Act is calculated in accordance with Council's current fees and charges policy.
- 8.8. Developers should make early application for a Section 307 Certificate under the Water Management Act 2000 from the Water Authority (Council). For a copy of the application form 'Application for Certificate under Section 305' contact Customer Service on (02) 4325 8200 or visit Council's web site www.gosford.nsw.gov.au to download a form from the Water & Sewerage forms index.
- 8.9. The internal fitout and use of the hospital building addition for the purpose of a future Cancer Care Unit (CCU) on Level 2 is not subject of this consent. Such use and proposed future building works may require further development consent, unless such works are classified as exempt development. Details of staff to be employed in connection with the proposed use and cost of construction will be required to determine whether any additional car parking or section 94 contribution is generated by the proposed future addition.

9.. PENALTIES

Failure to comply with this development consent and any condition of this consent may be a **criminal offence**. Failure to comply with other environmental laws may also be a **criminal offence**.

Where there is any breach Council may without any further warning:

- Issue Penalty Infringement Notices (On-the-spot fines);
- Issue notices and orders;
- Prosecute any person breaching this consent, and/or
- Seek injunctions/orders before the courts to retain and remedy any breach.

Warnings as to Potential Maximum Penalties

Maximum Penalties under NSW Environmental Laws include fines up to \$1.1 Million and/or custodial sentences for serious offences.

10.. RIGHT OF APPEAL

- 10.1. Section 97 of the Act, confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court within six (6) months, from the date of determination.
- 10.2. To ascertain the date upon which the determination becomes effective refer to Section 83 of the Act.

<<Insert Attachment Link/s Here >>

SITE CALCULATIONS

The site calculations associated with the proposed development are:

- Site area (Lot 1 DP 787109) – 2.39 ha;
- Existing Hospital GFA – 13,855m²;
- Proposed additions GFA – 3,305m²;
- Total Hospital GFA with proposed additions – 17,160m²;
- Existing FSR – 0.57:1;
- Proposed FSR – 0.71:1;
- Existing bed numbers - 143 beds;
- Proposed bed numbers (day surgery) - + 1 bed (total 144 beds);
- Proposed bed numbers (with future CCU) - + 16 beds (total 160 beds);
- Existing car spaces - 217 spaces;
- Proposed loss of car spaces – 3 spaces;
- Proposed additional car spaces - 21 spaces;
- Proposed net gain of car spaces – 18 spaces;
- Total car spaces with additions – 235 spaces;
- Existing hospital staff numbers – 150; and
- Proposed hospital staff numbers – 156 (+6) (excluding CCU).