

SYDNEY NORTH PLANNING PANEL ASSESSMENT REPORT

Panel Reference	2017SNH080
DA Number	MOD0222/17
LGA	Ku-ring-gai
Proposed Development	Section 4.55(2) modification to a development consent for the construction of a hospital.
Street Address	746-748 Pacific Highway, GORDON NSW 2072
Applicant	The Lawson Clinic Pty Ltd
Owner	R I A F Pty Ltd, JSNL Pty Ltd
Number of Submissions	None
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)	The proposal is a section 4.55(2) modification to a development that was determined by the former Sydney West Joint Regional Planning Panel.
List of all relevant s4.15(1)(a) matters	• SREP (Sydney Harbour Catchment) 2005 • State Environmental Planning Policy (State and Regional Development) 2011 • Ku-ring-gai LEP (Local Centres) 2012 • Ku-ring-gai Local Centres DCP • Ku-ring-gai Contributions Plan 2010 • Clause 92(1)(b) of the Environmental Planning and Assessment Regulation 2000
Is a Clause 4.6 variation request required?	No, however the proposal does include a variation to the building height development standard
List all documents submitted with this report for the Panel's consideration	Attachment A – Assessment letter dated 22/02/2018 Attachment B – Applicant's cover letter and justification for the variation to the building height development standard Attachment C – Location Sketch Attachment D – Zoning Extract Attachment E – Plans and Elevations Attachment F – Approved colours and finishes Attachment G – Proposed colours and finishes
Report prepared by	Jonathan Goodwill – Executive Assessment Officer
Report date	12 September 2018

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

No

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?

Yes

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards	
If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Yes
Special Infrastructure Contributions	
Does the DA require Special Infrastructure Contributions conditions (S7.24)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	No
Conditions	
Have draft conditions been provided to the applicant for comment? <i>Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report</i>	N/A

EXECUTIVE SUMMARY

RELEVANT HISTORY

DA0327/13: On 3 June 2015, the Sydney West Joint Regional Planning Panel approved a development application for the demolition of three dwellings and the construction of a hospital.

MOD0101/15: On 14 August 2015, a section 96(1A) application to amend Condition 3 of the development consent to include a revised finishes schedule was approved.

MOD0147/15: On 20 October 2015, a section 96(1A) application was approved which modified Condition 58 so that rights of carriageway were required to be registered over 748 Pacific Highway Gordon in lieu of consolidating this lot with the other allotments that form the site.

EXT0015/16: On 25 May 2016 a section 95A application to extend the lapsing date in the Deferred Commencement Condition from 12 months to 24 months was approved.

MOD0065/16: On 31 May 2016 a section 96(1A) application to amend the consent to reflect the approval of the section 95A application was approved.

ASSESSMENT TIMELINE

Date	Event
14 November 2017	The application was submitted.
17 November 2017	The applicant was requested to pay the advertising fee.
23 November 2017	The application was advertised for 30 days.
4 February 2018	The applicant e-mailed amended elevations for comment.
8 February 2018	The applicant was advised that the amended colours and materials identified on the elevations are not consistent with the DA approval and that the planning report submitted with the application did not canvass this amendment. The applicant was advised that a formal amendment to the application would be required including an amended planning report that explained the effect of the changes.
20 February 2018	The applicant provided a written response to the submission from No. 22 St Johns Avenue.
20 February 2018	The applicant was requested to explain how the privacy of No. 22 St Johns Avenue is protected by the deletion of privacy screens from the

Date	Event
	western elevation.
20 February 2018	The applicant provided further details of the revised privacy screens.
22 February 2018	The applicant was sent a letter requesting that issues relating to accessibility, colours and finishes, tree removal, landscaping, setbacks, fire hydrant, height variation, privacy and deep soil landscaping be addressed.
11 April 2018	The SNPP briefing and site inspection was held.
18 April 2018	The applicant was requested to provide an update on the status of their response to the issues letter.
30 April 2018	The applicant submitted further justification regarding the non-compliant building height and advises that no further information regarding the revised colours and finishes will be provided.
30 April 2018	The applicant was advised that the building height calculation is not correct and is provided with a sketch explaining how the building height has been calculated using the RLs from the survey plan submitted with the DA.
3 May 2018	The applicant submitted via e-mail draft amended colours and finishes and further information regarding the height variation.
4 May 2018	The applicant submitted a sketch showing the height differences between the DA approval and the proposed modifications.
14 May 2018	The applicant submitted an amended sketch showing the height differences between the approved DA and the proposed modifications.
23 May 2018	The applicant was sent Council's Urban Design Comments on the draft amended colours and finishes.
30 May 2018	The applicant submitted additional justification for the height variation.
2 August 2018	The applicant was sent a request for amended plans to address issues relating to landscaping, height variation and colours and finishes.
10 August 2018	The applicant submitted amended plans.

THE SITE AND SURROUNDING AREA

The site:

Visual character study category:	1945-68
Easements/rights of way:	Yes
Heritage Item:	Yes: no impacts
Heritage conservation area:	No
In the vicinity of a heritage item:	Yes: 750-754 Pacific Highway, 738 Pacific Highway (no impacts)
Bush fire prone land:	No
Endangered species:	No
Urban bushland:	No
Contaminated land:	No
Riparian land:	No
Biodiversity land:	No

The site is an irregularly shaped parcel of land located on the western side of Pacific Highway, south of St Johns Avenue. No. 746 Pacific Highway contains a four storey hospital with construction nearing completion. No. 748 Pacific Highway contains a single storey heritage item that is used for the purposes of medical consulting rooms.

THE APPROVED DA

DA0327/13 for, 'Demolition of three dwellings and construction of a hospital' was approved on by the Sydney West Joint Regional Planning Panel on 3 June 2015. The consent became operative on 2 June 2016.

THE PROPOSAL (as amended)

Under the provisions of section 4.55 (2) of the Environmental Planning and Assessment Act 1979, consent is sought to modify the Development Consent to DA0327/13 as follows:

- i. Modifications to the southern end of Level 3, including deletion of the southern lift, extension of Lounge 3 to the south and increasing the building height over the southern-most patient room, ensuite bathroom and interview room.
- ii. Extension of the Basement Floor Level and Lower Ground Floor Level to the north.
- iii. Modifications to the internal layout of the building, including relocation of the main entry foyer from the northern end of the Ground Floor Level to the centre of the Lower Ground Floor Level by enclosing the undercroft parking area and converting this space into habitable floor area.
- iv. Changes to external finishes and colours.
- v. Reduction in the number of beds from 64 to 57.
- vi. Increase in the gross floor area by 76.8m².
- vii. Adjustment of the boundary between the hospital allotment and Lot A DP 350244 to excise the location of the hospital's fire hydrant pump room from Lot 2 in DP 651223 (the existing Lawson Clinic premises).
- viii. Removal of three south facing windows.
- ix. Re-design of the privacy screens on the western elevation.
- x. Deletion of the pedestrian access path adjacent to the northern boundary, retention of the existing driveway, deletion of the connection between the hospital driveway and the carpark and retention of the existing carpark layout at the rear of No. 748 Pacific Highway.
- xi. Construction of a pedestrian access path in the access handle between Nos. 740 and 744 Pacific Highway.
- xii. A reduction in the Development Contribution required by Condition 33 of the consent.

COMMUNITY CONSULTATION

The application was notified in accordance with Development Control Plan, in response a submission from Mr In Shik Hong of 22 St John Avenue Gordon was received. The submission was conditionally withdrawn on 11 April 2018, subject to changes to boundary fences and the privacy screens on the western elevation. The changes to the privacy screens are shown on Drawing No. CD-01 Revision 2 and the boundary fences have been constructed in accordance with Mr Hong's requirements.

INTERNAL REFERRALS

Urban Design

Council's Urban Design Consultant provided the following comments:

Paint Colour

- The whiter 'Majestic Beige' is to be changed back to the approved darker 'Self Destruct' as a whole-of-development treatment. If only on the western elevation as proposed, it reinforces a lack of coordinated design consideration.

- The Dulux 'Mocha Grey' acceptable on all elevations. It should be noted that the louvres along the western elevation in particular all appear to be dark in the drawings but will in fact be the 'Pearl White' which will provide an accent of colour.
- The reinstatement of the window frame/hood element to wrap the eastern and southern corner is satisfactory.
- All the other approved frames/hoods on the eastern elevation however are to be reinstated also. See comments for Eastern Elevation.

Eastern elevation

This is the primary elevation addressing the street and is the entry to the site. The amendments do not achieve even a minimum of acceptable design for such an important publicly accessible facility.

- All detailed architectural elements have been deleted leaving an elevation that is bald, exposed, with little character and contributing little to the surrounding fabric.
- Use of colour has been arbitrary and there has been a poorly integrated resolution vertically of internal functions that make an acceptable resolution of the elevation more difficult.
- Introduction of the metal screen for the signage will result in poor internal amenity and is unsatisfactory. As an element it has little relationship to the main entry which remains misaligned with the openings of windows above. The screen does little to visually compensate.
- The Vitracore woodgrain finish panels at the ground floor are in the same plane as the 2 components shown as 'Majestic Beige', while the component of the 1st and 2nd floors painted 'Mocha Grey' is set inboard of the ground floor.

Planning comment: Amended plans in response to the issues identified above were submitted on 10 August 2018. The changes include:

- changing the Majestic Beige' paint colour to 'Self Destruct'
- reinstatement of frames/hoods on the eastern elevation
- deletion of Mocha Grey wall feature with metal screen and signage

The issues identified by Council's Urban Design Consultant have been resolved.

Heritage

Council's Heritage Advisor provided the following comments:

Colours

The proposed colour palette is considered acceptable.

Landscaping

More extensive planting has been added along the shared boundary with the St Johns Church complex. This is an improvement on the previous scheme and is considered acceptable, subject to Council's Landscape Assessment Officer being satisfied with the proposed amendment.

Conclusion and recommendations

The proposal has satisfactorily addressed the issues I raised in previous comments regarding colours and landscaping. No heritage conditions are considered necessary.

Landscaping

Council's Landscape and Tree Assessment Officer provided the following comments:

Assessment of modifications

1. Extension of the basement and lower ground floor to the north

The proposed modification includes an external paved terrace and pergola that has a setback from the boundary of 3 metres (approved between 3m and 5m setback). This setback is considered sufficient for tree and shrub planting similar to as approved. The relocation of the courtyard further east from the more sensitive north-west corner adjacent the St John's Cemetery is to be commended.

2. Minor boundary adjustment to Lot 2 in DP 651223

The proposed fire hydrant pump room is to be located within an area of approved planting associated with the rear of 748 Pacific Highway that was required as a buffer between the heritage item and hospital.

The proposed modification for the area marked as for proposed hydrant pump room and the constructed location of the hydrant along the driveway has resulted in a loss of further landscape area. The modified landscape plan (Dwg L001, Rev J, Peta Gilliland Landscape Design, 14/08/16) shows planting on the eastern end of the hospital building and along the northern side of the driveway and is inconsistent with what has been constructed and planted.

Recommended condition:

A minimum 1.2 metres wide planting bed is to be provided on the southern side of the driveway. The planting bed is to support hedge planting and medium size canopy trees located between the existing light standards.

3. Relocation of the pedestrian access path on the northern side of 748 Pacific Highway to the southern side of 742 Pacific Highway;

Deletion of access path and associated planting on the northern side of heritage item at 748 Pacific Highway

The approved landscape works in association with 748 Pacific Highway have been deleted including the approved accessible path and planting to the north of 748 Pacific Highway and planting to the rear carpark that created a vegetated setting to the building and a backdrop to the heritage item. The applicant previously advised (letter prepared by NBRS dated September 2014) that landscaping of the existing driveway area to the north of the heritage item was intended to improve views from the Highway towards the heritage item. The proposed modification will result in a significant change to the approved development, namely in the deletion of all approved landscape amenity along the eastern elevation of the proposed hospital building adjoining 748 Pacific Highway. The modified landscape plan (Dwg L001, Rev J, Peta Gilliland Landscape Design, 14/08/16) shows planting on the eastern elevation of the hospital building and is inconsistent with what has been constructed, however, Council's Heritage Advisor has not raised any issues with the loss of landscape between the heritage item and the hospital.

Principal access path to hospital

The proposed principal accessible path to the hospital is relocated to the southern side of 744 Pacific Highway. The path is centrally located within the access handle and provides sufficient width for screen planting. The path then continues along the

eastern side of the driveway by way of an accessible ramp. As the BCA access requirements stipulate that 'an accessway must be provided to a building' (14.2 (a), Access Report, Access Mobility Solutions, 10/11/17), the point at which the path crosses the driveway must be identified.

Recommended condition:

The pedestrian pathway is to be clearly marked.

4. Relocation of four parking spaces within the approved lower ground floor to 748 Pacific Highway and incorporating the resulting vacant space within the building.

The proposed relocated four carparking spaces located at the rear of the heritage item will replace approved soft landscape areas that created a vegetated setting to the building and a backdrop to the heritage item. Council Heritage Advisor has not raised any issues with the loss of landscape between the heritage item and the hospital.

Conclusion

The proposed modification is acceptable, subject to the conditions recommended above.

Planning comment: The recommendation that a 1.2m wide planting bed be provided on the southern side of the driveway has not been adopted as this would require planting within No. 744 Pacific Highway which is not land to which the subject Development Consent relates. The recommendation for line marking of the pedestrian pathway where it crosses the driveway has been incorporated into **Condition No. 5**.

Engineering

Council's Development Engineer provided the following comments:

Vehicular access and parking

A Traffic Statement, prepared by TTW and dated 7 November 2017, has been submitted. The proposal seeks modification to the carpark which is a result in the reduction in beds from 64 to 57. The reduction in beds would not have any impact on the staffing levels. It is noted that a reduction of 7 beds would result in a reduction of 3 parking spaces as required under the Ku-ring-gai Local Centres DCP.

The approved development comprised of a total of 43 parking spaces provided for the clinic and the hospital. The number of parking spaces for the modification is now 41 parking spaces which comprises of 39 car spaces including 1 ambulance bay and 1 garbage loading bay. The required number of parking spaces is compliant. The parking space configuration, basement access and vehicular access remain as per the approval and is acceptable.

EXTERNAL REFERRALS

Roads and Maritime Services

The application was referred to Roads and Maritime Services as the site has frontage to Pacific Highway. Roads and Maritime Services advised that no changes to the conditions they recommended for inclusion in the Development Consent were required.

STATUTORY PROVISIONS

Section 4.55(2) of the Environmental Planning and Assessment Act 1979 – Modification of consents

Part A: Substantially the same development

The development, as modified is substantially the same development as that approved. The proposed modifications do not alter the essence or character of the development in any materially significant way.

Part B: Consultation with the Minister, public authority or approval body

The application was referred to Roads and Maritime Services as the site has frontage to Pacific Highway. Roads and Maritime Services advised that no changes to the conditions they recommended for inclusion in the Development Consent were required.

Part C: Notification

The application has been notified in accordance with the Ku-ring-gai Local Centres Development Control Plan.

Part D: Submissions

One submission was received in response to the notification of the proposal. The privacy issues identified in the submission have been addressed by the amendments to the plans which reinstated the privacy screens on the western elevation of the building. The submission was withdrawn on 11 April 2018.

Part E: Section 4.15 considerations

This assessment report includes consideration of the matters specified in section 4.15 of the Act.

Part F: Threatened species

The proposed modification does not relate to a development to which a bio-banking statement has been issued under the Threatened Species Conservation Act 1995.

Ku-ring-gai LEP (Local Centres) 2012

Clause 2.3 - Zone objectives and Land Use Table

The proposed modifications do not change the approved land use. The development as modified is a permissible form of development under the provisions of SEPP (Infrastructure) 2007 and consistent with the zone objectives.

Clause 4.1 – Minimum subdivision lot size

The proposed boundary adjustment to excise the area occupied by the hydrant pump room from the site of the Lawson Clinic (No. 748 Pacific Highway) will reduce the site area from 1309m² to the allotment from to 1271.5m². Compliance with the 1200m² minimum lot size development standard is achieved.

Clause 4.3 – Height of buildings

The site is subject to a height limit of 11.5m. The approved development was assessed as having a maximum height of 12.19m and the variation to the development standard was supported by a clause 4.6 variation request. The southern end of the building between the

rear boundary of No. 744 Pacific Highway and the side boundary of No. 22 St Johns Avenue is the part of the building that does not comply with the height control.

During the assessment of the current modification application it has been determined that the height measurements relied upon by Council in the assessment of the original development application were not correct and that the approved development in fact had a maximum height of 12.95m not 12.19m and that the building was 1450mm over height limit, not 690mm over the height limit.

The modifications that alter the height of the building include extending Lounge 3 towards the south and increasing the roof height over the southern-most bedroom ensuite and interview room. These modifications increase the area of the height breach from 50m² to 114m² but reduce the maximum height of the building by 50mm, from 12.95m to 12.90m. The distance between the breach and the eastern side boundary of No. 22 St Johns Avenue has increased from 9m to 11m due to the deletion of the lift and lift overrun structure. The distance between the breach and the rear boundary of No. 744 Pacific Highway has decreased from 8m to 7.3m due to the extension of the Lounge 3 towards the southern boundary.

The EP & A Act states that a modification to a development consent is not the granting of a development consent, accordingly a clause 4.6 variation request is not applicable.

The variation to the height standard is considered to be acceptable for the following reasons:

- the height variation was a result of design issues which were required to be rectified to improve patient amenity and safety
- the modifications have no discernible effect on solar access
- the height variation does not result in adverse visual impacts on the streetscape or adjacent properties
- the objectives of the standard are achieved

Section 4.55 (3) considerations

Section 4.55 (3) requires that the reasons for the previous decision be considered in the assessment of a modification application. During the assessment of the approved development application, the JRPP considered an assessment report which recommended that a clause 4.6 variation to vary the development standard not be supported. The reasons for this included:

- i. inadequate reasons for why compliance cannot be achieved
- ii. insufficient information to determine the impact of the height variation on overshadowing of No. 3 Bushlands Avenue
- iii. a reliance upon a reduction in cut and fill to justify the variation despite the minimisation of cut and fill not being an objective of the building height development standard

In response to this assessment report the JRPP asked the applicant to provide amended plans addressing the following issue:

- a) *Reduction of the height non-compliance to the greatest extent practicable by adjusting the Western lift bay and stairwell.*

The applicant submitted amended plans which complied with the above request. The current modification application includes the deletion of the western lift bay and a modified stairwell which complies with the 11.5m height control. It is considered that the reasons for the previous decision do not affect the conclusion that the modification satisfies the requirements of clauses 4.3 and 4.6 of the LEP.

Clause 4.4 - Floor space ratio

The site is subject to a floor space ratio development standard of 0.8:1. The proposed modifications will increase the floor space ratio to 0.66:1.

Ku-ring-gai Local Centres DCP

Part 22.1 – Equitable access

The approved development included the conversion of the existing Lawson Clinic driveway into a compliant access pathway for the proposed hospital. The proposal seeks to delete the works within the grounds of the Lawson Clinic and construct a pedestrian access path with a maximum gradient of 1:14 in the access handle between Nos. 740 and 744 Pacific Highway. The access path leads directly to the main entry of the foyer of the hospital. The proposal satisfies the requirements of Part 22.1.

Part 22R.1 – Car parking rates

The car parking requirements are based on the following indices:

- 360m² consulting rooms (medical centre) with 11 day staff
- 57 bed hospital with 13 day staff

Parking required under the Ku-ring-gai Local Centres DCP is:

Consulting rooms – 1 space per 25m² of floor area = 14.4 spaces.
Hospital – 1 space per 3 rooms + 1 space per 2 staff = 25.5 spaces.
TOTAL = 40 spaces

The proposal provides 14 spaces within the Lawson Clinic car park and 27 spaces (including ambulance space and loading bay) within the grounds of the hospital. The provision of 41 car spaces complies with the parking rates specified by the DCP.

Part 23.9 – General visual privacy

The proposal includes the modification of the privacy screens for the windows on the western elevation by deleting the louvres that cover the upper portion of the windows. The uppermost blade of each privacy screen is approximately 1.7m above the floor level. The redesigned screens prevent direct overlooking of the adjacent properties to the west and maintain views of the skyline and tree canopy. The modification does not have an unacceptable impact on privacy and satisfied the requirements of Part 23.9.



Figure 1 – the view from an existing room on the western elevation

Part 23.4 – Materials and finishes

The objectives of Part 23.4 include:

1. *To reflect and reinforce the local character of Ku-ring- gai.*
2. *To complement the streetscape and natural environment.*
3. *To promote the use of high quality materials, finishes and colours for building facade articulation design and visual interest.*
4. *To ensure the use of materials, finishes and colours creates well proportioned facades and minimises the visual bulk.*
5. *To encourage the use of a subdued palette of colours and limited range of hues for building consistency across the LGA.*

The approved colours and finishes (**Attachment F**) include a mix of rendered elements and two different styles of cladding. The proposal (**Attachment G**) seeks to change the colours and finishes to a predominantly rendered and painted finish with cladding only used for part of the ground floor eastern elevation. The finishes used for the construction of the building are consistent with the proposed colours and finishes schedule, however at the time of preparing this report the colours are inconsistent and the cladding, window detailing, frame and blade elements had not been installed. Implementation of façade attachments, such as the framing and blade elements, will assist in reducing the bulky appearance of the facades and provide architectural and aesthetic character that better represents the character of the area and achieve the 'good design' objective of the Act.

The proposed colours and finishes are consistent with the approved colours and darker in tone than the existing colours, therefore repainting of the building will be required. The proposed finishes have been assessed by Council's Urban Design Consultant and the applicant has made the requested amendments. The proposal satisfies the objectives of Part 23.4.

Ku-ring-gai Contributions Plan 2010

Condition 33 of the development consent requires the payment of development contributions under the Ku-ring-gai Contributions Plan 2010. In *The Lawson Clinic Pty Ltd v Ku-ring-gai*

Council (No 2) [2016] NSWLEC 65, Moore J held that it was reasonable to depart from the Contributions Plan as the likely traffic generation of the hospital was substantially less than provided for in the Contributions Plan for “business premises” in the Gordon Town Centre. As the proposed modifications result in an 11% reduction in the number of bedrooms and a reduction in the number of daytime staff the applicant has requested that the contributions (Condition 33) be modified to reduce the contributions. Section 7.13 (1) of the Act states:

(1) A consent authority may impose a condition under section 7.11 or 7.12 only if it is of a kind allowed by, and is determined in accordance with, a contributions plan (subject to any direction of the Minister under this Division).

It is noted that the Land and Environment Court is not bound by section 7.13(1) of the Act and that the Act only permits a consent authority to impose a condition that is determined in accordance with a contributions plan. As the proposal seeks to increase the gross floor area of the development by 77m², a condition determined in accordance with the Contributions Plan would require the payment of \$20,200 in additional contributions.

Part 1.37.2 of the Contributions Plan which deals with the modification of consents for which contributions have been paid states:

Note: No refunds will be provided in the event there are no nett additional contributions required as all contributions received are committed to Council's rolling works programme in such a manner as will address temporal nexus and Council is entitled to certainty in cash-flow.

The applicant's request to modify the condition by reducing the contributions is contrary to Part 1.37.2 of the Contributions Plan as refunds of paid contributions will not be issued. For the aforementioned reasons it is recommended that the applicant's request to amend Condition 33 of the consent not be approved

CONCLUSION:

Having regard to the provisions of Section 4.55 of the Environmental Planning and Assessment Act 1979, the proposed modifications are considered satisfactory, therefore, it is recommended that the application be approved, subject to conditions.

RECOMMENDATION:

THAT the Sydney North Planning Panel approve MOD0222/17 and modify the development consent to DA0327/13 for land at 746-748 Pacific Highway, Gordon in the following manner:

Replace Condition No. 3 with the following condition:

3. Approved architectural plans and documentation (new development)

The development must be carried out in accordance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:

Plan no.	Drawn by	Dated
S96-01 Amendment B	Boffa Robertson Group	9/03/2018
S96-02 Amendment B	Boffa Robertson Group	9/03/2018
S96-03 Amendment B	Boffa Robertson Group	9/03/2018
S96-04 Amendment F	Boffa Robertson Group	30/05/2018
S96-05 Amendment B	Boffa Robertson Group	9/03/2018
S96-06 Amendment A	Boffa Robertson Group	14/11/2018
S96-07 Amendment B	Boffa Robertson Group	23/04/2018
S96-08 Amendment E	Boffa Robertson Group	3/08/2018

Plan no.	Drawn by	Dated
S96-09 Amendment D	Boffa Robertson Group	30/05/2018
S96-10 Amendment C	Boffa Robertson Group	1/05/2018

Document(s)	Dated
Survey Plan pages 1 to 5 inclusive Stuart Bland Consulting Surveyor.	Date printed 8 August 2013
BCA Compliance Statement Relating to base building works only Comcert Building Certifiers	6 August 2013
Draft Operation Management Plan – The Lawson Clinic	August 2013

Reason: To ensure that the development is in accordance with the determination.

Replace Condition No. 5 with the following condition:

5. Approved landscape plans

Landscape works shall be carried out in accordance with the following landscape plan, listed below and endorsed with Council's stamp, subject to the amendments identified below and as amended by other conditions of this consent:

Plan no.	Drawn by	Dated
Landscape Site Plan L001 Revision J	Peta Gilliland Landscape Design	14/08/2018

The above landscape plan is to be modified as follows:

- i. The pedestrian pathway crossing of the driveway is to be clearly identified through the application of durable and slip resistant paint finish to the surface of the driveway.

Reason: To ensure adequate landscape, pedestrian safety and that the development is in accordance with the determination.

Add the following conditions:

3A. External walls and cladding flammability

The external walls of the building including attachments must comply with the relevant requirements of the *National Construction Code (NCC)*. Prior to the issue of a Construction Certificate and Occupation Certificate the Certifying Authority and Principal Certifying Authority must:

- (a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and
- (b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.

Reason: Statutory requirement to ensure the safety of occupants.

77. Pedestrian walkway lighting

Lighting shall be provided to the pedestrian walkway between the street boundary and the main hospital entry in accordance with AS/NZ1158.3: 2005 Pedestrian Area (Category P) Lighting and AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting.

Reason: To provide adequate lighting and protect the amenity of surrounding properties.

Signed

Jonathan Goodwill
Executive Assessment Officer

Selwyn Segall
**Team Leader Development Assessment
South**

Corrie Swanepoel
Manager Development Assessment

Michael Miotic
Director Development & Regulation

Attachments:

- Attachment A – Assessment letter dated 22/02/2018
- Attachment B – Applicant's cover letter and justification for the variation to the building height development standard
- Attachment C – Location Sketch
- Attachment D – Zoning Extract
- Attachment E – Plans and Elevations
- Attachment F – Approved colours and finishes
- Attachment G – Proposed colours and finishes