

COUNCIL ASSESSMENT REPORT

Panel Reference	2018SWC080
DA Number	DA 66/2019/JP
LGA	The Hills Shire Council
Proposed Development	Alterations and Additions (including 26-bed ward) to an Existing Health Services Facility Lodged Pursuant to State Environmental Planning Policy (Infrastructure) 2007
Street Address	Lot 1 DP 1163540, No. 3 McCausland Place, Kellyville
Applicant/Owner	Health Care Australia Pty Ltd / Vital Healthcare Australian Pty Ltd
Date of DA lodgement	11 July 2018
Number of Submissions	Nil
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Private infrastructure and community facilities (health services facilities) with CIV over \$5 million (\$6,745,455.00)
List of all relevant s4.15(1)(a) matters	• State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy No. 55 – Remediation of Land • The Hills Local Environmental Plan 2012 • The Hills Development Control Plan 2012
List all documents submitted with this report for the Panel's consideration	Plans and Relevant Reports/Documentation
Report prepared by	Claro Patag Development Assessment Co-ordinator
Report date	20 December 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?	Yes
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? <i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i>	Yes
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?	NA
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S94EF)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special</i>	Yes

<i>Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	
Conditions Have draft conditions been provided to the applicant for comment?	Yes

EXECUTIVE SUMMARY

The Development Application is for alterations and additions to an existing health services facility comprising:

- 26-bed ward (single occupancy with ensuite);
- Three (3) group rooms, a patient lounge and nurses station;
- Office, waiting room and storage facilities.

The proposal also includes reconfiguration of the existing carpark (comprising 10 additional spaces, resulting in a total of 68 car spaces plus 1 ambulance space) and landscaping works (which include supplementary trees, shrubs and groundcovers and the removal of 18 trees) and associated site works. The existing hours of operation being 24 hours, 7 days per week are proposed to remain unchanged to provide consistent care to in-patients. Day patient appointments and sessions operate generally between 8:30am and 5:00pm, Monday to Friday.

The application was notified to adjoining and surrounding properties. One submission was received from the NSW Roads and Maritime Services as owner of adjoining land (Memorial Avenue). The RMS raised concerns regarding the cumulative impact of the development on Memorial Avenue as the area develops pending future upgrade of Memorial Avenue and requests Council to install Give Way line marking and signage at the intersection of Memorial Avenue and McCausland Place to improve road safety at this location (refer to recommended Condition No. 4).

The proposal is defined as an “Integrated Development” under Section 4.46 of the Environmental Planning & Assessment Act, 1979 which requires a separate approval from the Department of Industry – Natural Resource Access Regulator (NRAR). The site is located approximately 160 metres from the main tributary of Strangers Creek to the east and 40 metres from a Sydney Water tributary which connects to Strangers Creek. NRAR have issued their General Terms of Approval (GTA) for part of the proposed development requiring a Controlled Activity approval under the Water Management Act 2000 (WM Act) and will be conditioned in any approval (refer Condition No. 3).

The proposal seeks variations to parking requirements prescribed in DCP 2012 Part C Section 1 – Parking. The variation has been assessed on merit and is considered satisfactory.

Having regard to the relevant provisions of Section 4.15 of the Environmental Planning and Assessment Act, 1979, the proposed development is recommended for approval.

BACKGROUND

The existing health services facility known as The Hills Clinic was granted Development Consent (No. 1522/2009/HC) by Council’s Development Assessment Unit on 8 December 2009. The Hills Clinic was approved as a 60-bed private psychiatric hospital with associated medical centre. The existing development consists of a part one and part two storey building with the single storey element fronting the existing car park.

The health services facility caters for a range of psychiatric and psychological conditions with a specific focus on mental health issues and addiction. No medical or surgical procedures are provided on-site.

The hospital currently accommodates 59 patients who are typically treated for an average period of 21 days. The hospital also employs 52 staff working across a 24-hour roster which includes 20 visiting medical officers.

Vehicular access is from McCausland Place to an at grade car park containing 58 car spaces which are provided for visitors and staff. Controlled pedestrian access is provided from a main entry point fronting the car park.

PROPOSAL

The proposed development is for alterations and additions to an existing health services facility comprising of the following works:

- 26-bed ward (single occupancy with ensuite);
- Three (3) group rooms, a patient lounge and nurses station;
- Office, waiting room and storage facilities.

The proposal also includes reconfiguration of the existing carpark (comprising 10 additional spaces, resulting in a total of 68 car spaces plus 1 ambulance space) and landscaping works (which include supplementary trees, shrubs and groundcovers and removal of 18 trees) and associated site works.

The health services facility will continue to operate 24 hours, 7 days per week to provide consistent care to in-patients. Day patient appointments and sessions will continue to operate generally between 8:30am and 5:00pm, Monday to Friday. For staff to access the clinic outside of these hours, a swipe card will be required. The clinic will continue to not carry out any medical or surgical procedures, and no acute facilities will be provided onsite.

The proposal is defined as an "Integrated Development" under Section 4.46 of the Environmental Planning & Assessment Act, 1979 which requires a separate approval from the Department of Industry – Natural Resource Access Regulator. The site is located approximately 160 metres from the main tributary of Strangers Creek to the east and 40 metres from a Sydney Water tributary which connects to Strangers Creek.

The Development Application is lodged pursuant to the provisions of the State Environmental Planning Policy (Infrastructure) 2007.

ISSUES FOR CONSIDERATION

1. State Environmental Planning Policy (State and Regional Development) 2011

Item 5(b) under Schedule 7 - Regionally Significant Development of the State Environmental Planning Policy (State and Regional Development) 2011 provides the following referral requirements to a Joint Regional Planning Panel (now Sydney Central City Planning Panel):-

5 Private infrastructure and community facilities over \$5 million

Development that has a capital investment value of more than \$5 million for any of the following purposes:

(a) air transport facilities, electricity generating works, port facilities, rail infrastructure facilities, road infrastructure facilities, sewerage systems, telecommunications facilities, waste or resource management facilities, water supply systems, or wharf or boating facilities,

(b) affordable housing, child care centres, community facilities, correctional centres, educational establishments, group homes, health services facilities or places of public worship.

The proposed development is for alterations and additions to an existing health services facility with a capital investment value of \$6,745,455.00. Accordingly, the subject Development Application is referred to the SCCPP for determination.

2. State Environmental Planning Policy (Infrastructure) 2007

The development is defined as a *“health service facility”* pursuant to the provisions of the State Environmental Planning Policy (Infrastructure) 2007, which has the same meaning as in the Standard Instrument, as follows:

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

- (a) a medical centre,*
- (b) community health service facilities,*
- (c) health consulting rooms,*
- (d) patient transport facilities, including helipads and ambulance facilities,*
- (e) hospital.*

Clause 57 of the SEPP (Infrastructure) 2007 permits a *“health service facility”* located in a prescribed zone and R3 Medium Density Residential is identified as a prescribed zone under Clause 56 of the SEPP. The proposed development therefore satisfies Clause 57 in this regard. It should be noted that this type of development is also permissible with consent in R3 zone under the provisions of The Hills Local Environmental Plan 2012.

The subject site is a corner lot and has primary road frontage to McCausland Place and secondary road frontage to Memorial Avenue which is a classified road. Clause 101 of the SEPP outlines the requirements for development with frontage to a classified road. The objectives of this clause are:

(a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and

(b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.

Whilst the site has frontage to a classified road, the proposed alterations and additions to the existing use will not significantly or adversely impact on the operation of the classified road. The design of the proposal maintains the existing access driveways from McCausland Place (and not directly from Memorial Avenue) ensuring that vehicles continue to have satisfactory and safe access to and from the site.

Schedule 3 of the SEPP (Infrastructure) 2007 which is referenced in Clause 104 identifies traffic generating development that requires referral to the NSW Roads and Maritime Services (RMS). Hospitals with 100 or more beds with direct access to a classified road or to a road that connects within 90m of a classified road require referral to RMS (noting Memorial Avenue is a classified road). The proposal will bring the total beds on-site to 85 beds. In this regard, referral is not required. Schedule 3 also requires referral to RMS if the car park contains 50 or more parking spaces. As the development is for an enlargement or extension of existing premises, the relevant size or capacity specified in the table to Schedule 3 is the additional

(rather than the total) size or capacity of the premises as a result of the enlargement or extension. This application includes the provision of 10 additional spaces, and therefore referral to RMS is also not required.

3. State Environmental Planning Policy No. 55 - Remediation of Land

State Environmental Planning Policy No 55 – Remediation of Land contains guidelines and prescriptive measures with regard to site contamination and remediation requirements for all land-based development across the State. In considering a development application for new development, the consent authority is to have regard for the prescriptive requirements of Clause 7 of the SEPP provided below:

A consent authority must not consent to the carrying out of any development on land unless:

(a) It has considered whether the land is contaminated. And

(b) If the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

(c) If the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

An Environmental Assessment Report was submitted with the original Development Application (DA 1522/2009/HC). The report concluded that the site was suitable for the health service facility and no further testing was required.

4. The Hills Local Environmental Plan 2012

The proposed development as defined has the same meaning as stated above and is permitted with consent in the R3 zone under the provisions of LEP 2012.

LEP 2012 prescribes a maximum allowed building height of 10m for the site and surrounding residential properties zoned R2 and R3 within the Balmoral Road Release Area. The proposed maximum building height is 9.8m and therefore complies with the LEP building height standard.

5. Compliance with DCP 2012 Part D Section 7 – Balmoral Road Release Area

The proposed development has been assessed against the development standards contained within DCP 2012 Part D Section 7 – Balmoral Road Release Area (BRRRA DCP), however there are no specific development standards relating to a development of this nature. Therefore the proposal has been assessed on merit.

Comment:

It is considered satisfactory as the site adjoins a trunk drainage corridor to the west. The proposed expansion does not impact upon the existing landscape and built form presentation to Memorial Avenue, nor do the side or rear setbacks provide unsatisfactory amenity impacts to neighbouring properties in terms of privacy and overshadowing.

6. Compliance with DCP 2012 Part C Section 1 - Parking

DCP 2012 Part C Section 1 – Parking prescribes the following parking rates relevant to the proposed development:

- 1 space per 2 beds for visitors;
- 1 space per 1.5 employees; and
- 1 space per 2.5 visiting medical officers

Based on the above parking requirements, the proposed expansion to the existing health services facility (26 beds and 9 additional staff) will result in an additional parking requirement of 19 parking spaces. The proposal provides 9 additional car parking spaces, a shortfall of 10 parking spaces.

The applicant has provided the following justification to the parking shortfall:

It is recognised however, that the DCP provides a general hospital rate, which does not distinguish between the various services that a hospital may specialize in. Therefore, the traffic impact assessment (submitted with the application) acknowledges that the actual parking demands of the site will be lower than the DCP rates due to factors such as:

- *The Clinic operates a patient transport service, thus reducing the number of patients driving to the Clinic;*
- *Anecdotally, patients recovering from mental illnesses would be expected to receive fewer visitations than general purpose hospitals; and*
- *As understood from existing operations, a notable proportion of patients are unfit to drive themselves to the Clinic and would be dropped off.*

Moreover, visitor peak parking periods are not considered to overlap significantly with that of staff/commuter peak parking periods. As such, the traffic impact assessment report concludes that the proposed parking provisions are sufficient and parking impacts to the locality are anticipated to be minimal.

A parking accumulation survey of the existing car park (59 spaces) was also undertaken by the applicant as a supplement to the traffic assessment report submitted with the application. The survey was undertaken over 2 days, Wednesday 12 September 2018 and Thursday 13 September 2018 based on advice from the hospital management that these days were representative of busy days with 57 and 53 overnight stay patients respectively as well as 24- and 13-day patients respectively. Staff numbers were consistent on both days at 44 staff.

The following data was extracted from the survey:

- Peak on-site parking demand 12/09/18 – 58 spaces (11.15 am);
- Peak on-site parking demand 13/09/18 – 56 spaces (12.15 pm – 12.30 pm);
- Average on-site parking demand 12/09/18 – 45 spaces;
- Average on-site parking demand 13/09/18 – 39 spaces;
- Median on-site parking demand 12/09/18 – 47 spaces; and
- Median on-site parking demand 13/09/18 – 42 spaces.

Whilst no formal survey of on-street car parking was undertaken it was noted that approximately 23 on-street car parking spaces are also available on McCausland Place and the following counts were recorded during setting up and removal of the cameras used for the parking accumulation survey.

- 1.30 pm Tuesday 11th September 2018 – 16 spaces occupied (7 vacant); and
- 1.50 pm Tuesday 18th September 2018 – 14 spaces occupied (9 vacant).

The survey indicates the following conclusion:

- *There appears to be a reasonable turnover of car parking in the car park;*
- *The car park is only near full for a short time during the middle of the day with vacancies averaging out at 5 vehicles in the 9 am to 11 am period and greater than 10 spaces after 1 pm.*
- *There would appear to be some availability of overflow on-street car parking in McCausland Place.*
- *Overall the survey demonstrates that the site could comfortably accommodate the proposal as the proposed extension is not anticipated to increase parking demand during the peak period during the middle of the day. This is due to the following:*
 - *The nature of the proposal. The proposed rooms will cater for youth and young adult in-patients with a variety of psychological conditions. These patients would most likely not be permitted to drive themselves and would therefore rely on family and friends to drop them off and pick them up. Most in-patients stay for a period of up to 21 days and therefore the parking demand and traffic generation associated with this is expected to be low in comparison to the medical centre and day programs that currently run onsite. Further to this, mental health facilities in general do not have as many traffic movements or the parking demand of a typical acute hospital with an emergency department.*
 - *Staff shift patterns. Shift times for clinical staff are between 6.30am – 3.00pm, 2.00pm – 10:30pm, and 10:00pm – 7.00am, with the administrative staff shift usually between 8:00am – 4:00pm. With a maximum of 3 additional staff proposed at each shift, the onsite parking survey demonstrates the site could comfortably accommodate the additional parking demand during these times.*

Council's Traffic Engineer has reviewed the parking accumulation survey report and no objection is raised from a parking perspective given that the expansion is relatively minor. Council's Traffic Engineer also advised that taking into account the high turnover rate of car parking at the car park and the availability of on-street car parking in McCausland Place, the existing car park could accommodate the proposed expansion.

The variation to Council's car parking requirements is considered satisfactory in this regard.

7. Issues Raised in Submission

The subject application was notified to adjoining and surrounding properties, including the NSW Roads and Maritime Services (RMS) as owner of the adjoining Memorial Avenue. RMS have raised concerns with regard to the cumulative impact of the development on Memorial Avenue as the area develops pending future upgrade of Memorial Avenue. In their response, RMS requests Council to install Give Way line marking and signage at the intersection of Memorial Avenue/McCausland Place (as per their standards and specifications) to improve road safety at this location. Conditions are also recommended for the Panel's consideration in the determination of the application (refer Condition No.4).

8. Internal Referrals

The application was referred to following sections of Council:

- Subdivision & Development Certification (stormwater and engineering related works)
- Tree Management / Landscaping
- Environment and Health (contamination remediation and noise)
- Resource Recovery (waste management and demolition)
- Fire Safety (compliance with Building Code of Australia)

No objection was raised to the proposal subject to conditions.

9. A Metropolis of Three Cities – the Greater Sydney Region Plan

The Central City District Plan contained 'Directions for Liveability' which include:

- A City for People – Planning Priority C3 - Providing services and social infrastructure to meet people's changing needs; and
- A City for People – Planning Priority C4 - Fostering healthy, creative, culturally rich and socially connected communities.

The plan seeks to ensure that social interaction is encouraged where people can support creativity and cultural expression. The plan also refers to the co-location of schools, youth and health services, aged care, libraries, community and cultural facilities, parks and recreation. The Plan also seeks to support social connections to help foster healthy, culturally rich and networked communities that share values and trust and can develop resilience to shocks and stress.

Implementation and monitoring of the Plan and the potential indicators are as follows:

Direction 3: Improved quality of life can be achieved by co-locating schools, recreation, transport, community and health facilities, social infrastructure and local services in walkable mixed use places.

Direction 5: The creation and renewal of great places for people, together with better local accessibility through walking and cycling, will achieve local liveability that attracts and retains residents and workers. Great places exhibit design excellence and start with a focus on open spaces and a people-friendly realm.

The proposed development meets the intent of the Plan as follows:

- The proposal will meet the demand for an improved health service within the existing hospital site;
- The proposal will continue to provide for an improved quality of life as the site is located within an accessible area serviced by existing public transport and in close proximity to a walkable business zoned land which has a current proposal for a shopping centre; and
- The proposal will provide an appropriate built form outcome within the locality.

The proposal is considered satisfactory in regard to the Central City District Plan.

CONCLUSION

The Development Application has been assessed against the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy (Infrastructure) 2007, Local Environmental Plan 2012 and The Hills Development Control Plan 2012 and is considered satisfactory.

A merit assessment has been undertaken with regards to the proposed variation to the parking controls prescribed in Council's DCP 2012. The variations have been addressed in the report and do not warrant refusal of the application. The variations are supported in this regard.

RECOMMENDATION

The Development Application be approved subject to the following conditions:

GENERAL MATTERS

1. Development in Accordance with Submitted Plans

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

REFERENCED PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	SHEET	REVISION	DATE
160509-DA-001	Site Plan	-	4	25/06/2018
160509-DA-002	Ground Floor Plan	-	9	22/08/2018
160509 – DA-003	Level 1 Floor Plan	-	9	20/09/2018
160509-DA-004	Roof Plan	-	4	25/06/2018
160509-DA-005	Demolition Plan	-	4	25/06/2018
160509-DA-101	Elevation Sheet 1	-	4	25/05/2018
160509-DA-102	Elevation Sheet 2	-	4	25/06/2018
160509-DA-201	Sections	-	4	25/06/2018
160509-DA-301	3D Perspective	-	4	25/06/2018
1828	Landscape Report	02	C	23/08/2018
1828	Key Plan & Schedules	03	C	23/08/2018
1828	Landscape Plan	04, 05, 06	C	23/08/2018

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

2. External Finishes

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

3. Compliance with NSW Natural Resources Access Regulator Requirements

Compliance with the requirements of the NSW Natural Resources Access Regulator attached as Appendix “A” to this consent and dated 13 September 2018.

4. Compliance with NSW Roads and Maritime Services Requirements

Compliance with the requirements of the NSW Roads and Maritime Services attached as Appendix “B” to this consent and dated 1 August 2018, including the provision of a Give Way Control at the intersection of McCausland Place and Memorial Avenue.

The applicant shall obtain approval through the Local Traffic Committee and Council for the provision of the required Give Way Control and shall be responsible for the cost of any signposting and linemarking associated with this requirement.

5. Provision of Parking Spaces

The development is required to be provided with 68 off-street car parking spaces including 3 disabled parking spaces and a designated ambulance bay and motorcycle space. These car parking spaces shall be available for off street parking at all times

6. Separate application for signs

A separate application is to be submitted to, and approved by, Council prior to the erection of any new or additional business identification signs / structures.

7. Tree Removal

Approval is granted for the removal of eighteen (18) trees as indicated on Demolition Plan prepared by Pace Architects dated June 2018.

All other trees are to remain and are to be protected during all works. Suitable replacement trees are to be planted upon completion of construction.

8. Planting Requirements

All trees planted as part of the approved landscape plan are to be minimum 75 litre pot size. All shrubs planted as part of the approved landscape plan are to be minimum 200mm pot size. Groundcovers are to be planted at 5/m².

9. Protection of Public Infrastructure

Adequate protection must be provided prior to work commencing and maintained during building operations so that no damage is caused to public infrastructure as a result of the works. Public infrastructure includes the road pavement, kerb and gutter, concrete footpaths, drainage structures, utilities and landscaping fronting the site. The certifier is responsible for inspecting the public infrastructure for compliance with this condition before an Occupation Certificate is issued. Any damage must be made good in accordance with the requirements of Council and to the satisfaction of Council.

10. Vehicular Access and Parking

The formation, surfacing and drainage of all driveways, parking modules, circulation roadways and ramps are required, with their design and construction complying with:

- AS/ NZS 2890.1
- AS/ NZS 2890.6
- AS 2890.2
- DCP Part C Section 1 – Parking
- Council's Driveway Specifications

Where conflict exists the Australian Standard must be used.

The following must be provided:

- All driveways and car parking areas must be prominently and permanently line marked, signposted and maintained to ensure entry and exit is in a forward direction at all times and that parking and traffic circulation is appropriately controlled.
- All driveways and car parking areas must be separated from landscaped areas by a low level concrete kerb or wall.
- The maximum gradients within the car parking areas will be 5% (measured parallel to the angle of parking) and 6.25% (measured in any other direction).
- All driveways and car parking areas must be concrete or bitumen. The design must consider the largest design service vehicle expected to enter the site.
- All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

11. Vehicular Crossing Request

Each driveway requires the lodgement of a separate vehicular crossing request accompanied by the applicable fee as per Council's Schedule of Fees and Charges.

12. Minor Engineering Works

The design and construction of the engineering works listed below must be provided for in accordance with Council's Design Guidelines Subdivisions/ Developments and Works Specifications Subdivisions/ Developments.

Works on existing public roads or any other land under the care and control of Council must be approved and inspected by Council in accordance with the Roads Act 1993 or the Local Government Act 1993. A separate minor engineering works application and inspection fee is payable as per Council's Schedule of Fees and Charges.

a) Driveway Requirements

The design, finish, gradient and location of all driveway crossings must comply with the above documents and Council's Driveway Specifications.

The driveways must be designed and constructed to Council's heavy duty standard.

b) Site Stormwater Drainage

The entire site area must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

The Construction Certificate/ detailed design must be accompanied with an updated stormwater management plan where a minimum of half the roof runoff generated from the proposed development is required to be directed to the existing 30kL rainwater tank prior to discharge to the basin located north of the lot.

13. Finished Floor Level – Flooding

The finished floor level (or levels) of the structure must reflect the approved plans and are to be no lower than the flooding requirements stated in section 3 of the concept stormwater management plan prepared by Northrop Revision A dated 22/06/2018.

14. Road Opening Permit

Should the subdivision/ development necessitate the installation or upgrading of utility services or any other works on Council land beyond the immediate road frontage of the development site and these works are not covered by a Construction Certificate issued by Council under this consent then a separate road opening permit must be applied for and the works inspected by Council's Maintenance Services team.

The contractor is responsible for instructing sub-contractors or service authority providers of this requirement. Contact Council's Construction Engineer if it is unclear whether a separate road opening permit is required.

15. Construction Certificate

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

16. Building Work to be in Accordance with BCA

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

17. Adherence to Construction and Demolition Waste Management Plan

All requirements of the Waste Management Plan submitted as part of the Development Application must be implemented except where contrary to other conditions of consent. The information submitted can change provided that the same or a greater level of reuse and recycling is achieved as detailed in the plan. Any material moved offsite is to be transported in accordance with the requirements of the Protection of the Environment Operations Act 1997 and only to a place that can lawfully be used as a waste facility. Receipts of all waste/recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

Transporters of asbestos waste (of any load over 100kg of asbestos waste or 10 square metres or more of asbestos sheeting) must provide information to the NSW EPA regarding the

movement of waste using their WasteLocate online reporting tool www.wastelocate.epa.nsw.gov.au.

18. Construction of Waste Storage Area

All work involving construction of the waste storage area must comply with the requirements of Council's 'Commercial/Industrial Waste Storage Area Specifications'. A copy of the specifications is available at www.thehills.nsw.gov.au.

19. Clinical Waste

A yellow sharps container that complies with AS 4031-1992 must be provided at the premises for the storage and disposal of clinical and sharps waste. Clinical and sharps waste must be collected and disposed of by an authorised waste contractor in accordance with the Protection of the Environment Operations (Waste) Regulation 2005.

20. Management of Construction and/or Demolition Waste

Waste materials must be appropriately stored and secured within a designated waste area onsite at all times, prior to its reuse onsite or being sent offsite. This includes waste materials such as paper and containers which must not litter the site or leave the site onto neighbouring public or private property. A separate dedicated bin must be provided onsite by the builder for the disposal of waste materials such as paper, containers and food scraps generated by all workers. Building waste containers are not permitted to be placed on public property at any time unless a separate application is approved by Council to locate a building waste container in a public place.

Any material moved offsite is to be transported in accordance with the requirements of the Protection of the Environment Operations Act 1997 and only to a place that can lawfully be used as a waste facility. The separation and recycling of the following waste materials is required: metals, timber, masonry products and clean waste plasterboard. This can be achieved by source separation onsite, that is, a bin for metal waste, a bin for timber, a bin for bricks and so on. Alternatively, mixed waste may be stored in one or more bins and sent to a waste contractor or transfer/sorting station that will sort the waste on their premises for recycling. Receipts of all waste/recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

Transporters of asbestos waste (of any load over 100kg of asbestos waste or 10 square metres or more of asbestos sheeting) must provide information to the NSW EPA regarding the movement of waste using their WasteLocate online reporting tool www.wastelocate.epa.nsw.gov.au.

21. Disposal of Surplus Excavated Material

The disposal of surplus excavated material, other than to a licenced waste facility, is not permitted without the previous written approval of Council prior to works commencing on site. Any unauthorized disposal of waste, which includes excavated material, is a breach of the Protection of the Environment Operations Act 1997 and subject to substantial penalties. Receipts of all waste/ recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

22. Clause 94 Upgrade

Under clause 94 of the Environmental Planning & Assessment Regulation, the following fire safety/Building Code of Australia (BCA) works are to be undertaken with the construction certificate works and are to be completed prior to the issue of the occupation certificate:

- i. A review of the cladding to the existing building is to be undertaken by a C10 accredited fire safety engineer.

Areas of the façade which contain aluminium composite panels which may:

- a. contribute to fire spread;
- b. not maintain structural stability during a fire;
- c. make any exits unusable;

are to be upgraded to comply with CP1, CP2 & CP3 of the BCA.

- ii. A review of existing fire compartment sizes, ward areas and treatment areas and the integration with new building areas is to be undertaken to determine if any elements are required to restrict fire and smoke spread appropriate to CP2, CP3 and EP2.2 of the BCA.
- iii. A review existing & proposed external walls and openings in different fire compartments is to be undertaken to determine if any openings are required to be provided with elements to restrict fire spread between compartments, appropriate to CP2 & CP3 of the BCA.
- iv. As the existing external fire hydrant landing valves will be affected by the proposed additions, new hydrants are to be provided in locations to serve the existing and proposed building appropriate to EP1.3 of the BCA. The existing block plan is to be upgraded to reflect the new building and hydrant locations.
- v. The existing AS 1670.1 – 2004 automatic fire detection & alarm system is to be upgraded to the current standard of performance, this being AS 1670.1: 2015.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

23. Western Sydney Growth Areas – Payment of Special Infrastructure Contribution

A special infrastructure contribution is to be made in accordance with the Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Growth Areas) Determination 2011, as in force when this consent becomes operative.

Information about the special infrastructure contribution can be found on the Department of Planning and Environment website:

<http://www.planning.nsw.gov.au/>

Please contact the Department of Planning and Environment regarding arrangements for the making of a payment.

24. Acoustic Requirements

Prior to the issue of any Construction Certificate the plans are to be reviewed by a suitably qualified acoustic consultant to ensure that the mechanical plant (eg. air conditioners) will be adequately attenuated to meet the project specific noise criteria conditioned in this consent.

Note: The submitted acoustic report prepared by Muller Acoustic Consulting, referenced as 180637RP1V1 and dated June 2018 detailed in section 5.2 that acoustic modelling was undertaken based on a barrier constructed to an RL of 1.0m above the top of the air conditioning units and consisting of materials with a surface density of at least 10kg/m², and not contain any gaps (ie. lapped and capped timber or equivalent).

25. Notice of Requirements

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

Following an application a “Notice of Requirements” will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water / sewer extensions can be time consuming and may impact on other services and building, driveway and landscape design.

26. Security Bond – Road Pavement and Public Asset Protection

In accordance with Section 4.17(6) of the Environmental Planning and Assessment Act 1979, a security bond of \$132,000 is required to be submitted to Council to guarantee the protection of the road pavement and other public assets in the vicinity of the site during construction works. The above amount is calculated at the rate of \$88.00 per square metre based on the

road frontage of the subject site plus an additional 50m on one side multiplied by the width of the road (7.5m).

The bond must be lodged with Council before a Construction Certificate is issued for the building works.

The bond is refundable upon written application to Council and is subject to all work being restored to Council's satisfaction. Should the cost of restoring any damage exceed the value of the bond, Council will undertake the works and issue an invoice for the recovery of these costs.

27. Security Bond Requirements

A security bond may be submitted in lieu of a cash bond. The security bond must:

- Be in favour of The Hills Shire Council;
- Be issued by a financial institution or other accredited underwriter approved by, and in a format acceptable to, Council (for example, a bank guarantee or unconditional insurance undertaking);
- Have no expiry date;
- Reference the development application, condition and matter to which it relates;
- Be equal to the amount required to be paid in accordance with the relevant condition;
- Be itemised, if a single security bond is used for multiple items.

Should Council need to uplift the security bond, notice in writing will be forwarded to the applicant 14 days prior.

28. Erosion & Sediment Control Plan

Submission of an Erosion and Sediment Control Plan to the Principal Certifying Authority, including details of:

- a) Allotment boundaries
- b) Location of the adjoining roads
- c) Contours
- d) Existing vegetation
- e) Existing site drainage
- f) Critical natural areas
- g) Location of stockpiles
- h) Erosion control practices
- i) Sediment control practices
- j) Outline of a maintenance program for the erosion and sediment controls

(NOTE: For guidance on the preparation of the Plan refer to 'Managing Urban Stormwater Soils & Construction' produced by the NSW Department of Housing).

29. Section 7.12 Contribution

Pursuant to section 4.17 (1) of the Environmental Planning and Assessment Act 1979, and The Hills Section 94A Contributions Plan, a contribution of **\$69,108.74** shall be paid to Council. This amount is to be adjusted at the time of the actual payment in accordance with the provisions of the Hills Section 94A Contributions Plan.

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

You are advised that the maximum percentage of the levy for development under section 7.12 of the Act having a proposed construction cost is within the range specified in the table below;

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

PRIOR TO WORK COMMENCING ON THE SITE

30. Protection of Existing Trees

The trees that are to be retained are to be protected during all works strictly in accordance with AS4970- 2009 Protection of Trees on Development Sites.

At a minimum a 1.8m high chain-wire fence is to be erected at least three (3) metres from the base of each tree and is to be in place prior to works commencing to restrict the following occurring:

- Stockpiling of materials within the root protection zone,
- Placement of fill within the root protection zone,
- Parking of vehicles within the root protection zone,
- Compaction of soil within the root protection zone.

All areas within the root protection zone are to be mulched with composted leaf mulch to a depth of not less than 100mm.

A sign is to be erected indicating the trees are protected.

The installation of services within the root protection zone is not to be undertaken without prior consent from Council.

31. Trenching within Tree Protection Zone

Any trenching for installation of drainage, sewerage, irrigation or any other services shall not occur within the Tree Protection Zone of trees identified for retention without prior notification to Council (72 hours notice) or under supervision of a project arborist.

If supervision by a project arborist is selected, certification of supervision must be provided to the Certifying Authority within 14 days of completion of trenching works.

Root pruning should be avoided, however where necessary, all cuts shall be clean cuts made with sharp tools such as secateurs, pruners, handsaws, chainsaws or specialised root pruning equipment. Where possible, the roots to be pruned should be located and exposed using minimally destructive techniques such as hand-digging, compressed air or water-jetting, or non-destructive techniques. No roots larger than 40mm diameter to be cut without Arborist advice and supervision. All root pruning must be done in accordance with Section 9 of Australia Standard 4373-2007 Pruning of Amenity Trees.

32. Public Infrastructure Inventory Report

A public infrastructure inventory report must be prepared and submitted to Council recording the condition of all public assets in the direct vicinity of the development site. This includes, but is not limited to, the road fronting the site along with any access route used by heavy vehicles. If uncertainty exists with respect to the necessary scope of this report, it must be clarified with Council before works commence. The report must include:

- Planned construction access and delivery routes; and
- Dated photographic evidence of the condition of all public assets.

33. Traffic Control Plan

A Traffic Control Plan is required to be prepared and approved. The person preparing and approving the plan must have the relevant accreditation to do so. A copy of the approved plan must be submitted to Council before being implemented. Where amendments to the plan are made, they must be submitted to Council before being implemented.

A plan that includes full (detour) or partial (temporary traffic signals) width road closure requires separate specific approval from Council. Sufficient time should be allowed for this to occur.

34. Management of Building Sites – Builder’s Details

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

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

35. Consultation with Service Authorities

Applicants are advised to consult with Telstra, NBN Co and Australia Post regarding the installation of telephone conduits, broadband connections and letterboxes as required.

Unimpeded access must be available to the electricity supply authority, during and after building, to the electricity meters and metering equipment.

36. Principal Certifying Authority

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

37. Approved Temporary Closet

An approved temporary closet connected to the sewers of Sydney Water, or alternatively an approved chemical closet is to be provided on the land, prior to building operations being commenced.

38. Stabilised Access Point

A stabilised all weather access point is to be provided prior to commencement of site works, and maintained throughout construction activities until the site is stabilised. The controls shall be in accordance with the requirements with the details approved by Council and/or as directed by Council Officers. These requirements shall be in accordance with Managing Urban Stormwater – Soils and Construction produced by the NSW Department of Housing (Blue Book).

39. Builder and PCA Details Required

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

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

40. Erosion and Sedimentation Controls

Erosion and sedimentation controls shall be in place prior to the commencement of site works and maintained throughout construction activities, until the site is landscaped and/or suitably revegetated. These requirements shall be in accordance with *Managing Urban Stormwater – Soils and Construction (Blue Book)* produced by the NSW Department of Housing.

This will include, but not be limited to a stabilised access point and appropriately locating stockpiles of topsoil, sand, aggregate or other material capable of being moved by water being stored clear of any drainage line, easement, natural watercourse, footpath, kerb or roadside.

41. Erosion & Sediment Control Plan Kept on Site

A copy of the Erosion and Sediment Control Plan must be kept on site at all times during construction and available to Council on request.

42. Demolition Works and Asbestos Management

The demolition of any structure is to be carried out in accordance with the Work Health and Safety Act 2011. All vehicles transporting demolition materials offsite are to have covered loads and are not to track any soil or waste materials on the road. Should demolition works obstruct or inconvenience pedestrian or vehicular traffic on adjoining public road or reserve, a separate application is to be made to Council to enclose the public place with a hoard or fence. All demolition works involving the removal and disposal of asbestos must only be undertaken by a licenced asbestos removalist who is licenced to carry out the work. Asbestos removal must be carried out in accordance with the SafeWork NSW, Environment Protection Authority and Office of Environment and Heritage requirements. Asbestos to be disposed of must only be transported to waste facilities licenced to accept asbestos. No asbestos products are to be reused on the site.

DURING CONSTRUCTION

43. Hours of Work

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

Monday to Saturday - 7.00am to 5.00pm;

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

The builder/contractor shall be responsible to instruct and control sub-contractors regarding the hours of work.

44. Compliance with Critical Stage Inspections and Inspections Nominated by the PCA

Section 6.5 of the Environmental Planning and Assessment Act 1979 requires critical stage inspections to be carried out for building work as prescribed by Clause 162A of the Environmental Planning and Assessment Regulation 2000. Prior to allowing building works to commence the PCA must give notice of these inspections pursuant to Clause 103A of the Environmental Planning and Assessment Regulation 2000.

An Occupation Certificate cannot be issued and the building may not be able to be used or occupied where any mandatory critical stage inspection or other inspection required by the PCA is not carried out. Inspections can only be carried out by the PCA unless agreed to by the PCA beforehand and subject to that person being an accredited certifier.

45. Dust Control

Prior to works commencing a dust management plan is to be prepared and submitted to Council. The dust management plan must detail measures to be taken to ensure that the emission of dust is controlled to minimise nuisance to the occupants of the surrounding premises. In the absence of any alternative measures, the following measures must be taken to control the emission of dust:

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

The dust management plan is to be implemented during construction.

46. Construction Noise

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

47. Contamination

Ground conditions are to be monitored and should evidence such as, but not limited to, imported fill and/or inappropriate waste disposal indicate the likely presence of contamination

on site, works are to cease, Council's Manager- Environment and Health is to be notified and a site contamination investigation is to be carried out in accordance with *State Environmental Planning Policy 55 – Remediation of Land*.

The report is to be submitted to Council's Manager – Environment and Health for review prior to works recommencing on site.

PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE

48. Landscaping Prior to Issue of any Occupation Certificate

Landscaping of the site shall be carried out prior to issue of any Occupation Certificate (within each stage if applicable). The Landscaping shall be either certified to be in accordance with the approved plan by an Accredited Landscape Architect or be to the satisfaction of Council's Manager Environment and Health. All landscaping is to be maintained at all times in accordance with THDCP Part C, Section 3 – Landscaping and the approved landscape plan.

49. Section 73 Certificate

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

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

50. Provision of Electricity Services

Submission of a compliance certificate from the relevant service provider confirming satisfactory arrangements have been made for the provision of electricity services. This includes undergrounding of existing and proposed services where directed by Council or the relevant service provider.

51. Provision of Telecommunications Services

The submission of a compliance certificate from the relevant telecommunications provider, authorised under the Telecommunications Act confirming satisfactory arrangements have been made for the provision of, or relocation of, telecommunication services including telecommunications cables and associated infrastructure. This includes undergrounding of aerial telecommunications lines and cables where required by the relevant telecommunications carrier.

52. Compliance with NSW Roads and Maritime Services Requirements

A letter from the NSW Roads and Maritime Services must be submitted confirming that all works outlined in their letter dated 1 August 2018 (Ref. No. SYD18/01142) have been completed in accordance with their requirements and that they have no objection to the issuing of an Occupation Certificate.

53. Compliance with NSW Natural Resources Access Regulator Requirements

A letter from the NSW Natural Resources Access Regulator must be submitted confirming that all works associated with the Controlled Activity Authority have been completed to their satisfaction.

54. Public Infrastructure Inventory Report - Post Construction

Before an Occupation Certificate is issued, an updated public infrastructure inventory report must be prepared and submitted to Council. The updated report must identify any damage to public assets and the means of rectification for the approval of Council.

55. Completion of Engineering Works

An Occupation Certificate must not be issued prior to the completion of all engineering works covered by this consent, in accordance with this consent.

56. Waste and Recycling Collection Contract

There must be a contract with a licenced contractor for the removal of all waste generated on site. Written evidence of a valid and current collection contract must be held on site at all times and produced in a legible form to any authorised officer of the Council who asks to see it.

THE USE OF THE SITE

57. Operational Restrictions

The hours of operation being restricted to the following: -

- Hospital: 24 hours a day, seven days a week
- Medical Centre: 8.00am – 7.00pm Monday to Sunday

The maximum stay for patients is twenty one (21) days.

The hospital is not permitted to accommodate “scheduled” patients.

The doors of the Hospital / Medical Centre are to be locked at 8.00pm Monday to Sunday.

Any alteration to the above operational restrictions will require the further approval of Council.

58. Lighting

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

59. Offensive Noise - Acoustic Report

The use of the premises and/or service (such as mechanical ventilation) installed must not create offensive noise so as to interfere with the amenity of the neighbouring properties.

Should an offensive noise complaint be received and verified by Council staff, an acoustic assessment is to be undertaken (by an appropriately qualified consultant) and an acoustic report is to be submitted to Council’s Manager – Environment and Health for review. Any noise attenuation measures directed by Council’s Manager - Environment and Health must be implemented.

60. Plan of Management

The submitted Plan of Management is to be implemented and reviewed annually to ensure that it remains relevant for the operation of The Hills Clinic.

The Plan of Management is to include annual inspections of the required acoustic barriers to ensure that they are maintained and remain effective in attenuating noise (achieving the project specific criteria conditioned in this consent).

61. Acoustic Operation Requirements

- A. The project specific criteria for the operation of all mechanical equipment / air conditioning units (whether operating individually or simultaneously), measured at the boundary of any residential premises are:

Time period	Criteria dB(A)Leq(15min)
Day (7.00am – 6.00pm)	48
Evening (6.00pm – 10.00pm)	46
Night (10.00pm – 7.00am)*	39

*In addition to the criteria, the operation of the mechanical equipment / air conditioning units is to not be audible within any habitable room of any residential property during the night time period.

- B. Internal noise generated due to the operation of the clinic (patients, amplified music) is not to be audible within any habitable room of any residential property.

62. Waste and Recycling Management

To ensure the adequate storage and collection of waste from the use of the premises, all garbage and recyclable materials emanating from the premises must be stored in a designated waste storage area, which includes provision for the storage of all waste generated on the premises between collections. Arrangement must be in place in all areas of the development for the separation of recyclable materials from garbage. All waste storage areas must be screened from view from any adjoining residential property or public place. Under no circumstances should waste storage containers be stored in locations that restrict access to any of the car parking spaces provided onsite.

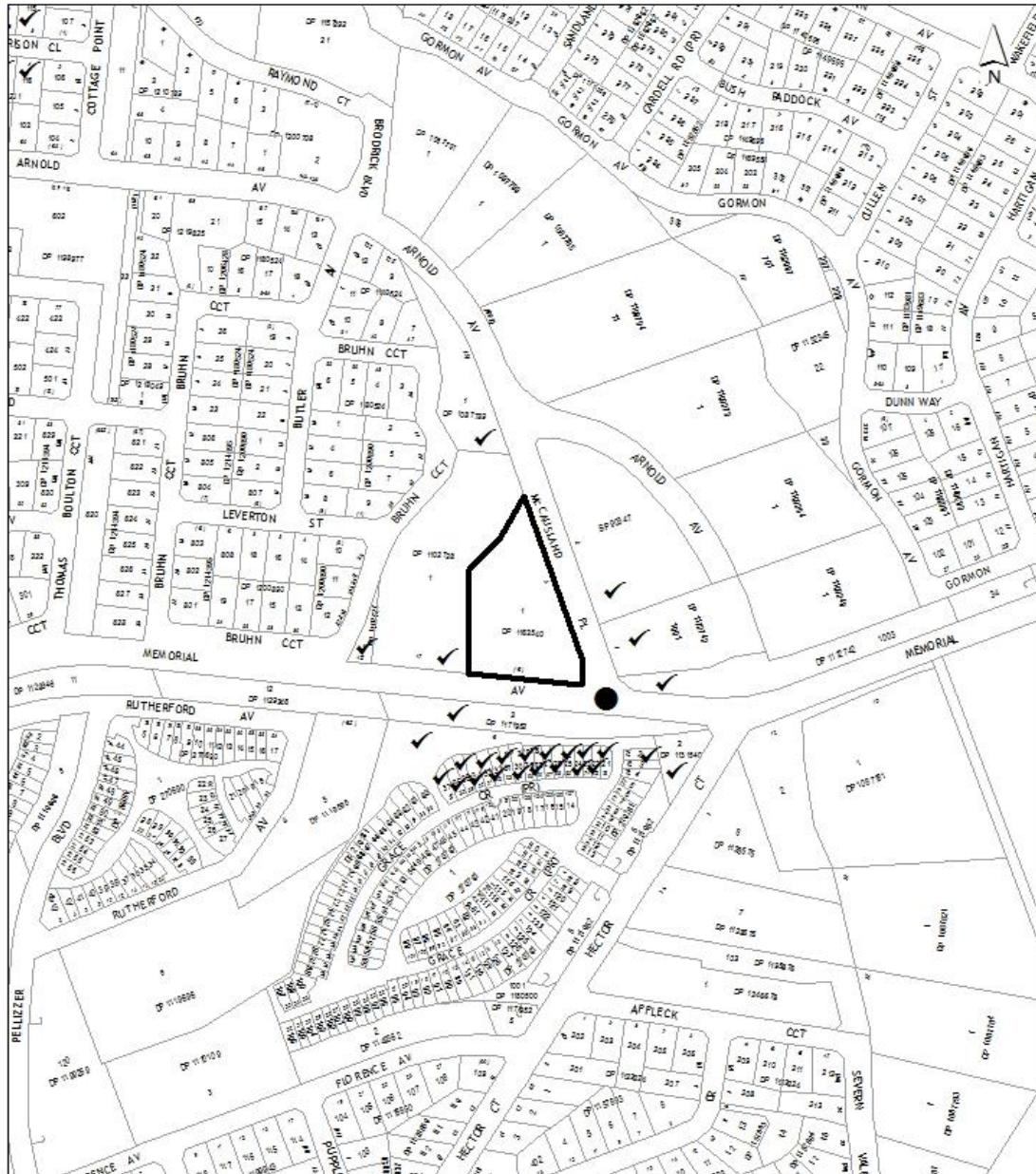
63. Waste and Recycling Collection

All waste generated onsite must be removed at regular intervals. The collection of waste and recycling must not cause nuisance or interfere with the amenity of the surrounding area. Garbage and recycling must not be placed on public property for collection without the previous written approval of Council. Waste collection vehicles servicing the development are not permitted to reverse in or out of the site.

ATTACHMENTS

1. Locality Plan
2. Aerial Photograph
3. Site Plan
4. Floor Plans
5. Elevations
6. Sections
7. Shadow Diagrams
8. Perspectives
9. General Terms of Approval - Natural Resource Access Regulator (5 pages)
10. Letter from the NSW Roads and Maritime Services dated 1 August 2018 (5 pages)

ATTACHMENT 1 – LOCALITY PLAN



- ☐ SUBJECT SITE
- ✓ PROPERTIES NOTIFIED
- SUBMISSION

THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

THE HILLS SHIRE COUNCIL DOES NOT GIVE ANY GUARANTEES CONCERNING THE ACCURACY, COMPLETENESS OR CURRENCY OF THE TEXTUAL INFORMATION HELD IN OR GENERATED FROM ITS DATABASE
BASE CADASTRE COPYRIGHT LAND & PROPERTY INFORMATION NSW (LP1). CADASTRE UPDATE INCLUDING COUNCIL GENERATED DATA IS SUBJECT TO THSC COPYRIGHT.

ATTACHMENT 2 – AERIAL PHOTOGRAPH



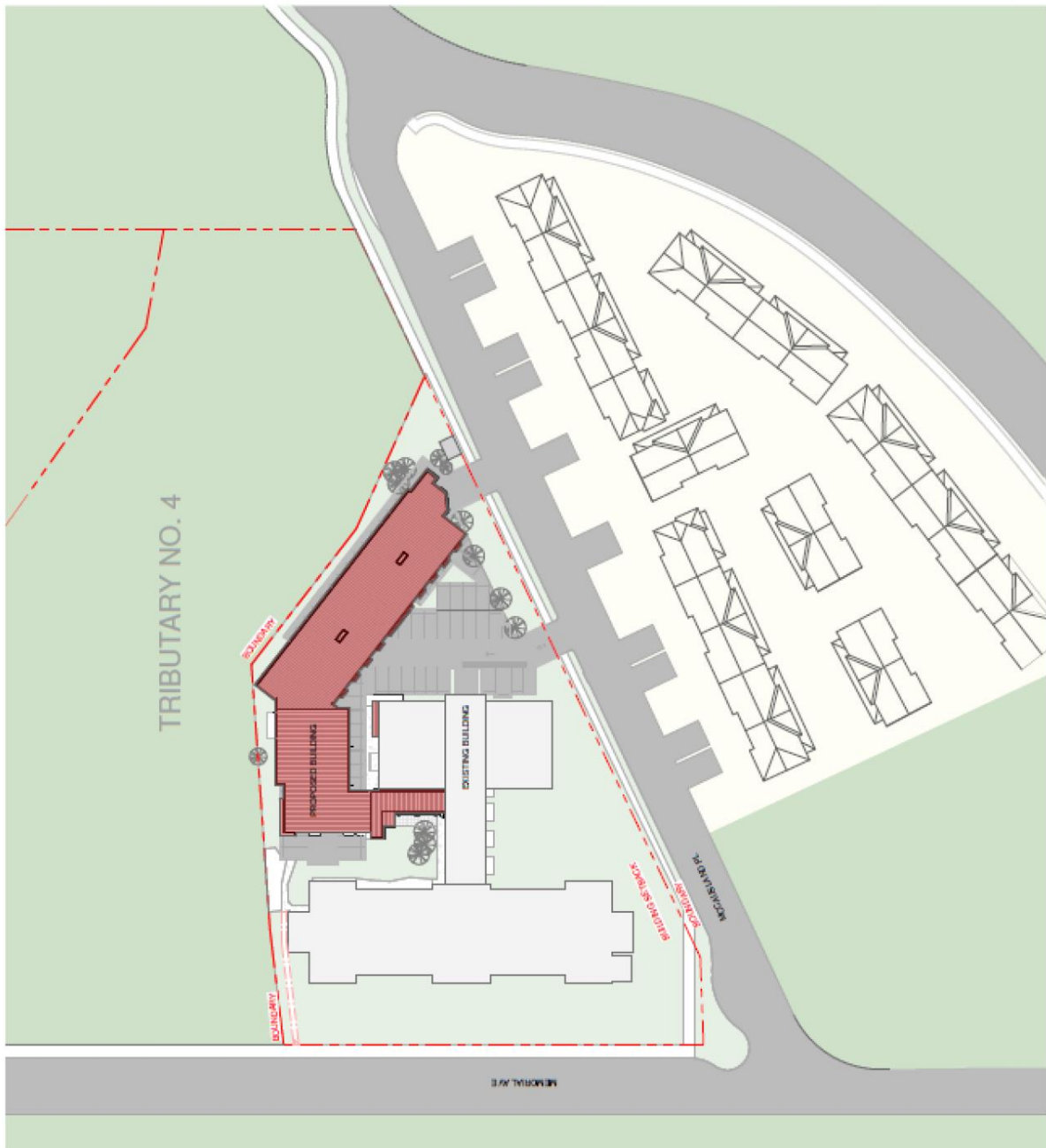
SUBJECT SITE

THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

THE HILLS SHIRE COUNCIL DOES NOT GIVE ANY GUARANTEES CONCERNING THE ACCURACY, COMPLETENESS OR CURRENCY OF THE TEXTUAL INFORMATION HELD IN OR GENERATED FROM ITS DATABASE
BASE CADASTRE COPYRIGHT LAND & PROPERTY INFORMATION NSW (LP1), CADASTRE UPDATE INCLUDING COUNCIL GENERATED DATA IS SUBJECT TO THSC COPYRIGHT.

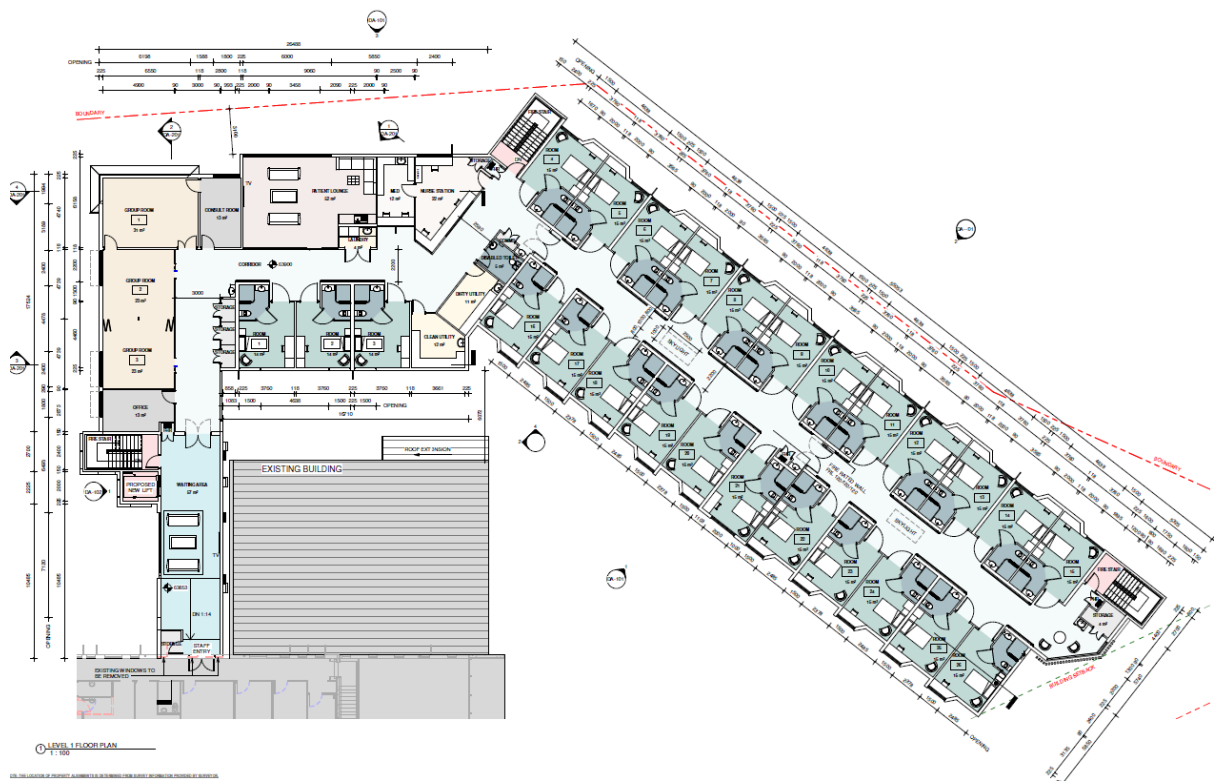
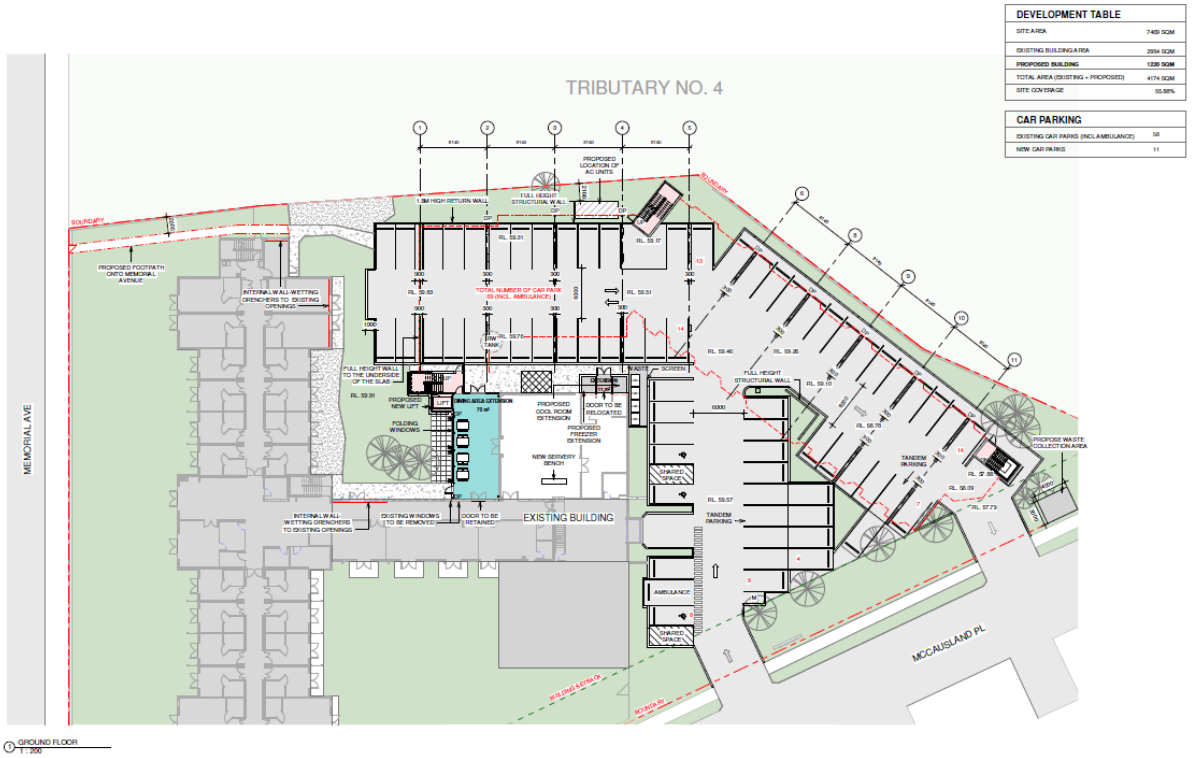
ATTACHMENT 3 – SITE PLAN



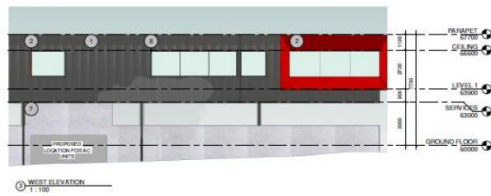
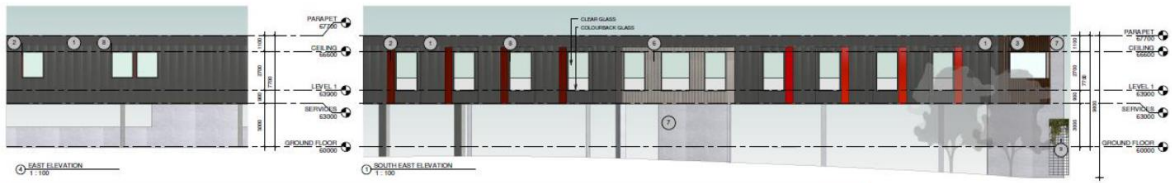
LEGEND

-  EXISTING BUILDING
-  PROPOSED BUILDING

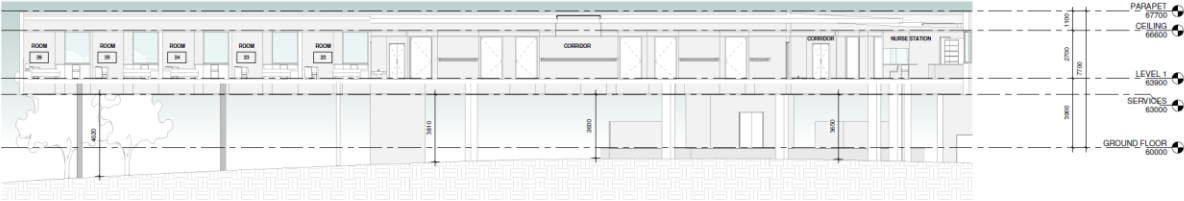
ATTACHMENT 4 – FLOOR PLANS



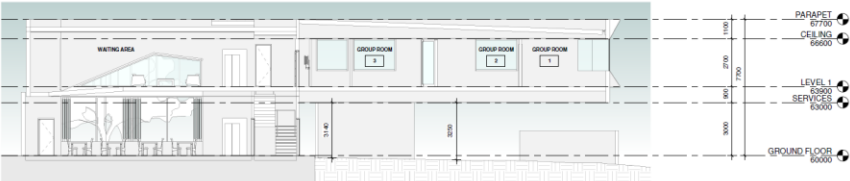
ATTACHMENT 5 – ELEVATIONS



ATTACHMENT 6 – SECTIONS



SECTION 1
1:100



SECTION 2
1:100



SECTION 3
1:100



SECTION 4
1:100

ATTACHMENT 7 – SHADOW DIAGRAMS



① SHADOW DIAGRAM 21ST JUNE 9AM
1:500



② SHADOW DIAGRAMS 21ST JUNE 10AM
1:500



③ SHADOW DIAGRAMS 21ST JUNE 11AM
1:500



④ SHADOW DIAGRAM 21ST DEC 9AM
1:500



⑤ SHADOW DIAGRAM 21ST DEC 10AM
1:500



⑥ SHADOW DIAGRAM 21ST DEC 11AM
1:500

ATTACHMENT 8 – PERSPECTIVES



**ATTACHMENT 9 - GENERAL TERMS OF APPROVAL – NATURAL RESOURCES
ACCESS REGULATOR (5 PAGES)**



**Natural Resources
Access Regulator**

Contact: Jeremy Morice
Phone: 02 4224 9736
Email: Jeremy.Morice@dpi.nsw.gov.au

The General Manager
The Hills Shire Council
PO Box 7064
Baulkham Hills BC NSW 2153

Our ref: IDAS1108622
Our file:
Your ref: DA66/2019

Attention: Claro Patag

13 September 2018

Dear Sir/Madam

Re: Integrated Development Referral – General Terms of Approval
Development Reference: DA66/2019
Description: Alterations and additions to an existing hospital (The Hills Private Clinic) to provide an additional 26 bed ward and associated works
Location: 3 McCausland Place KELLYVILLE

I refer to your recent letter regarding an integrated Development Application (DA) proposed for the above location. Attached, please find the Natural Resource Access Regulator (NRAR) General Terms of Approval (GTA) for part of the proposed development requiring a Controlled Activity approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 91A (3) of the *Environmental Planning and Assessment Act 1979* (EPA Act) which requires a consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, NRAR request these GTA's be included (in their entirety) in Council's development consent. Please also note NRAR requests notification:

- If any plans or documents are amended and these amendments significantly change the proposed development or result in additional works or activities (i) in the bed of any river, or lake or estuary; (ii) on the banks of any river, lake or estuary; (iii) on land within 40 metres of the highest bank of a river, lake or estuary; or (iv) any excavation which interferes with an aquifer.

NRAR will ascertain from the notification if the amended plans require review of or variation/s to the GTA. This requirement applies even if the amendment is part of Council's proposed consent conditions and do not appear in the original documentation.
- If Council receives an application under s96 of the EPA Act to modify the development consent and the modifications change the proposed work or activities described in the original DA.
- Of any legal challenge to the consent.

As the proposed work or activity cannot commence before the applicant applies for and obtains an approval, NRAR recommends the following condition be included in the development consent:

The attached GTA issued by NRAR do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to NRAR for a Controlled Activity approval **after consent** has been issued by Council **and before** the commencement of any work or activity.

A completed application form must be submitted to NRAR together with any required plans, documents, application fee, security or bank guarantee (if required) and proof of Council's development consent. Finalisation of an approval can take up to eight (8) weeks from the date the application and all required supporting documentation is received.

Application forms are available from the NRAR website at:

www.water.nsw.gov.au > [Water licensing](#) > [Approvals](#).

NRAR requests that Council provide a copy of this letter to the development consent holder.

NRAR also requests a copy of the determination for this development application be provided by Council as required under section 91A (6) of the EPA Act.

Yours sincerely,



pp
Irene Zinger
Manager Regional Water Regulation (East)
Water Regulatory Operations
Natural Resources Access Regulator



General Terms of Approval

for proposed development requiring approval
under s89, 90 or 91 of the Water Management Act 2000

Reference Number: IDAS1108622

Issue date of GTA: 13 September 2018

Type of Approval: Controlled Activity

Description: Alterations and additions to an existing hospital (The Hills Private Clinic) to provide an additional 26 bed ward and associated works

Location of work/activity: 3 McCausland Place KELLYVILLE

DA Number: DA66/2019

LGA: The Hills Shire Council

Water Sharing Plan Area: Greater Metropolitan Region Unregulated River Water Sources

The GTA issued by NRAR do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to NRAR for the relevant approval **after** development consent has been issued by Council **and before** the commencement of any work or activity.

Condition Number	Details
------------------	---------

Design of works and structures

- | | |
|--------------|--|
| GT0009-00010 | Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Natural Resources Access Regulator, and obtained, for a controlled activity approval under the Water Management Act 2000. |
| GT0019-00003 | Any proposed excavation on waterfront land must be undertaken in accordance with a plan submitted as part of a controlled activity approval, to be approved by Natural Resources Access Regulator. |

Erosion and sediment controls

- | | |
|--------------|---|
| GT0014-00007 | A. The consent holder must ensure that any proposed materials or cleared vegetation, which may: i. obstruct water flow, or ii. wash into the water body, or iii. cause damage to river banks, are not stored on waterfront land, unless in accordance with a plan held by Natural Resources Access Regulator as part of a controlled activity approval. B. When the carrying out of the controlled activity has been completed, surplus materials must be removed from waterfront land. |
| GT0021-00004 | The proposed erosion and sediment control works must be inspected and maintained throughout the construction or operation period of the controlled activity and must not be removed until the site is fully stabilised. |

Plans, standards and guidelines

- | | |
|--------------|--|
| GT0002-00521 | A. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents found in Schedule 1, relating to Development Application 66.2019 provided by Council to Natural Resources Access Regulator. B. Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Natural Resources Access Regulator, Queanbeyan Office, must be notified in writing to determine if any variations to the GTA will be required. |
| GT0005-00170 | A. The application for a controlled activity approval must include the following plan(s): - 1. Detailed Construction Civil and Drainage Plans; 2. Sediment and Erosion Plan. B. The plan(s) must be prepared in accordance with Natural Resources Access Regulator's guidelines located on the website https://www.industry.nsw.gov.au/water/licensing-trade/approvals/controlled- |

Level 11, 10 Valentine Avenue, Parramatta, NSW 2124 | LOCKED BAG 5123, Parramatta, NSW 2124
water.enquiries@dpi.nsw.gov.au | www.water.nsw.gov.au



General Terms of Approval

for proposed development requiring approval
under s89, 90 or 91 of the Water Management Act 2000

Reference Number: IDAS1108622

Issue date of GTA: 13 September 2018

Type of Approval: Controlled Activity

Description: Alterations and additions to an existing hospital (The Hills Private Clinic) to provide an additional 26 bed ward and associated works

Location of work/activity: 3 McCausland Place KELLYVILLE

DA Number: DA66/2019

LGA: The Hills Shire Council

Water Sharing Plan Area: Greater Metropolitan Region Unregulated River Water Sources activities.

GT0010-00006 All documents submitted to Natural Resources Access Regulator as part of an application for a controlled activity approval must be prepared by a suitably qualified person.

GT0012-00004 Any proposed controlled activity must be carried out in accordance with plans submitted as part of a controlled activity approval application, and approved by Natural Resources Access Regulator.

GT0030-00006 The application for a controlled activity approval must include plans prepared in accordance with Natural Resources Access Regulator's guidelines located on the website <https://www.industry.nsw.gov.au/water/licensing-trade/approvals/controlled-activities>.

Rehabilitation and maintenance

GT0023-00001 Vegetation clearance associated with the proposed controlled activity must be limited to where the controlled activity is to be carried out, as shown on the approved plan(s).

Reporting requirements

GT0016-00003 The consent holder must inform Natural Resources Access Regulator in writing when any proposed controlled activity carried out under a controlled activity approval has been completed.

SCHEDULE 1

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by NRAR for integrated development associated with DA66/2019 as provided by Council:

- Statement of Environmental Effects
- Civil Engineering Plans
- Landscape Plan

**ATTACHMENT 10 – LETTER FROM THE NSW ROADS AND MARITIME SERVICES
(5 PAGES)**



Transport
Roads & Maritime
Services

1 August 2018

Our Reference: SYD18/01142 (A23361186)
Council Ref: DA 66/2019/JP

The General Manager
The Hills Shire Council
PO Box 7064
BAULKHAM HILLS NSW 2153

Attention: **Claro Patag**

Dear Mr Edgar,

**PROPOSED ALTERATIONS AND ADDITIONS TO EXISTING HOSPITAL (THE HILLS CLINIC)
LOT 1 DP 1163540 – 3 MCCAUSLAND PLACE, KELLYVILLE**

Reference is made to Council's letter dated 17 July 2018, regarding the abovementioned application which was referred to Roads and Maritime Services (Roads and Maritime) for comment.

Roads and Maritime has reviewed the submitted documentation and notes the impact of the development on the intersection of Memorial Avenue/McCausland Place has not been assessed. Roads and Maritime has concerns with regard to the cumulative impact of the development on Memorial Avenue as the area develops pending future upgrade of Memorial Avenue. In this regard, Roads and Maritime requests Council to install Give Way line marking and signage at the intersection of Memorial Avenue/McCausland Place (as per Roads and Maritime standards and specifications) to improve road safety at this location.

Roads and Maritime provides the following comments/conditions for Council's consideration in the determination of the application:

1. The subject property is affected by a road proposal for the Memorial Avenue Upgrade as shown by pink colour on the attached Aerial "X" and sketch SR2442. Therefore, any new buildings or structures, together with any improvements integral to the future use of the site are to be erected clear of the land required for road (unlimited in height or depth).

The area required for road should be identified on any plan of development or as a separate lot/part of the common property in any plan of the subdivision.

Property acquisition (partly) is required for Memorial Avenue project. Please refer to the property adjustment plans attached.

2. Site drainage system shall not be connected to Memorial Avenue road drainage system.

Roads and Maritime Services

27-31 Argyle Street, Parramatta NSW 2150 |
PO Box 973 Parramatta NSW 2150 |

www.rms.nsw.gov.au | 131 782

3. Detailed design plans and hydraulic calculations of any changes to the Roads and Maritime's stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works. Details should be forwarded to:

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114.

4. The proposed footpath joining Memorial Avenue from the western side of the property should consider the level difference between the proposed road shared path level (RL60.5 approx) and the existing surface level (RL59.4 approx).
5. Council to consider 'No Stopping' signposting along the McCausland Place frontage of the site to increase road capacity for northbound traffic on McCausland Place. This will also improve sight lines for vehicles exiting the car parking area.
6. Council to be satisfied with the shortfall in parking spaces as per Councils DCP requirements. The impact of the overlapping shifts on the parking has not been assessed in the submitted documents. It is suggested the proponent to carry out a parking survey to establish the use of existing car parking area to ensure adequacy of proposed car parking.
7. Council to make sure the proposed on-street waste collection will not impact the traffic on McCausland Place and Memorial Avenue.
8. All vehicles are to enter and exit the site in a forward direction. Provision for vehicles to turn around must be provided within the property boundary.
9. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for determination prior to the issue of a construction certificate.
10. Should the construction coincide with the Memorial Avenue upgrade works, the developer to obtain relevant approval/s from the Roads and Maritime's project team prior to commencing construction work and must be scheduled not to conflict with any Roads and Maritime activities.
11. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Memorial Avenue.
12. A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Memorial Avenue during construction activities.
13. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.
14. All works/regulatory signposting associated with the proposed development are to be at no cost to Roads and Maritime.

Any inquiries in relation to this application can be directed to Zhaleh Alamouti on 8849 2331 or by email at development.sydney@rms.nsw.gov.au

Yours sincerely

A handwritten signature in black ink, appearing to read 'Malgy'.

Malgy Coman
A/Senior Land Use Assessment Coordinator
North West Precinct



"X"

