



Telephone (02) 4325 8222

Please Quote: DA 40004/2010
8 arch 2011

Doug Sneddon Planning Pty Ltd
2/101 Excelsior Street
LISAROW NSW 2250

sneddond@bigpond.net.au

Gosford City Council

49 Mann Street
Gosford NSW 2250
PO Box 21
Gosford NSW 2250
DX 7211 Gosford

Telephone: 02 4325 8222
Facsimile: 02 4323 2477
goscity@gosford.nsw.gov.au
www.gosford.nsw.gov.au
ABN 78 303 458 861

Notice of Determination of a Development Application
issued under the *Environmental Planning and Assessment Act, 1979*
section 81(1)(a)

Development Application No: 40004/2010 Part 1

Applicant: Doug Sneddon Planning Pty Ltd

Premises: LOT: 1 DP: 1064130 No 9 Burrabil Avenue NORTH
GOSFORD

Proposal: Hospital Additions - (North Gosford Private Hospital) -
Critical Care Centre, Maintenance Office/Workshop &
Body Holding Room & 26 Space Car Park

Date from which this consent operates

Subject to Section 83 of the Act this consent becomes effective and operates from 8 March 2011.

Consent to Lapse on

Five (5) Years from date of Consent

Imposition of Conditions

Subject to the provisions of Section 80A of the Act this Consent has been granted subject to conditions annexed to this consent.

On behalf of the consent authority
Peter Wilson
General Manager

Per: *D Spithill*

Date: 8 March 2011

1. PARAMETERS OF THIS CONSENT

1.1 Approved Plans and Supporting Documents

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

Architectural Plans by Health Science Planning Consultants / Moir Landscape Architecture

Drawing	Description	Sheets	Issue	Date
41-9001 DA001	Site Plan	DA001	5	16.12.2010
DA002	New Car Park	DA002	4	16.12.2010
DA010	Existing Conditions & Demolition – Level 1	DA010	2	16.12.2010
DA011	Existing Conditions & Demolition – Level 2	DA011	3	16.12.2010
DA020	Proposed Floor Plan – Level 1	DA020	4	16.12.2010
DA021	Proposed Floor Plan – Level 2	DA021	4	16.12.2010
DA022	Proposed Floor Plan – Roof	DA022	5	16.12.2010
DA030	South & West Elevations	DA030	4	16.12.2010
DA031	North & East Elevations	DA031	4	16.12.2010
DA040	Sections	DA040	4	16.12.2010
DA060	Perspective View	DA060	-	16.12.2010
LP01	Landscape Plan	1	B	15.12.2010

Supporting Documentation

Document	Title	Date
	Statement of Environmental Effects (Doug Sneddon Planning Pty Ltd)	December 2010
2008142-1	Survey Plan – Sheet 1 (Chase Burke & Harvey)	16.01.2009
2008142-2	Survey Plan – Sheet 2 (Chase Burke & Harvey)	16.01.2009
2008142-3	Survey Plan – Sheet 3 (Chase Burke & Harvey)	16.01.2009
DA061	Site Photos (Health Science Planning Consultants)	16.12.2010
C01DA	Proposed Sediment & Erosion Control Plan (Northrop)	14.12.2010
C02DA	Proposed Stormwater Management Plan (Northrop)	15.12.2010
Ref 10141B	Bushfire Assessment Report (Conacher Environmental Group)	December 2010
	Traffic Assessment Report (TPK & Associates)	December 2010
	North Gosford Private Hospital Waste Management Plan (Healthcare)	February 2008

1.2 Building Code of Australia

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

2 PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE

- 2.1 No activity is to be carried out on site until a Construction Certificate has been issued. Other than:
- a Site investigation for the preparation of the construction, and/or
 - b Implementation of environmental protection measures, such as erosion control etc that are required by this consent.
- 2.2 The following contributions are payable under Section 94 of the Environmental Planning and Assessment Act 1979 in accordance with the relevant Council Contribution Plan No 164 – **Gosford Regional Centre** as amended and are subject to quarterly review as detailed in the Contribution Plan.

Recreation Facilities - Embellishment	A	(Key No 851)	\$29,781.00
Roadworks - Capital	A	(Key No 850)	\$41,969.00
Community Facilities - Capital	A	(Key No 852)	\$24,474.00
Environmental Protection	A	(Key No 853)	\$12,385.00
TOTAL AMOUNT			\$108,609.00

The total contribution amount of \$108,609.00 is to be paid prior to the issue of a Construction Certificate.

The basis of the calculation and the total contribution amount is subject to quarterly review. An adjustment amount will become payable if the contribution is not paid prior to the next review.

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

A copy of the Contribution Plan may be inspected at the Customer Service Centre of Gosford City Council, 49 Mann Street, Gosford or on the Council website http://www.gosford.nsw.gov.au/customer/document_gallery/contribution_plans

- 2.3 Surface water collected on driveways, parking areas and other impervious areas are to be treated so as to control pollution in accordance with one or more of the methods detailed in Section 10 of the Water Cycle Management Guidelines referenced by DCP 165 - Water Cycle Management.
- 2.4 Satisfactory arrangements must be made for the provision of water and sewer services to the land. A copy of the Certificate of Compliance under Section 307 of the Water Management Act 2000, must be obtained from the Water Authority (Council) prior to the issue of a Construction Certificate. Contributions may be applicable to the Section 307 Certificate.
- 2.5 Development constructed near or over the sewer main and/or adjacent to Council's water main must comply with Council's guidelines for "Building Over or Near Council Sewer and Water Mains". Details prepared by a practising structural engineer must be submitted to and approved by the Water Authority (Council) in accordance with the Water Management Act 2000 prior to the issue of a Construction Certificate.

2.6 Design of the following engineering works within private property:

- a. Driveways/ramps and car parking areas must be designed according to the requirements of the current Australian Standard AS2890 for the geometric designs, and industry Standards for pavement designs.
- b. A stormwater detention system must be designed in accordance with Council's DCP165 - Water Cycle Management and Council's 'GCC Design Specification for Survey, Road and Drainage Works'. The stormwater detention system shall limit post development flows from the proposed development to less than or equal to predevelopment flows for all storms up to and including the 1%AEP storm event. A runoff routing method is to be used. An on-site stormwater detention report including an operation and maintenance plan shall accompany the design. On-site stormwater detention is not permitted within private courtyards, drainage easements, and/or secondary flowpaths.
- c. Nutrient/pollution control measures must be designed in accordance with Council's DCP165 - Water Cycle Management. A nutrient/pollution control report including an operation and maintenance plan shall accompany the design.
- d. Piping of all stormwater from impervious areas within the site via an on-site stormwater detention structure to Council's drainage system.

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

- 2.7 On site vehicular turning facilities are to be provided to enable all vehicles to exit the site in a forward direction.
- 2.8 A Construction Traffic Management Plan (CTMP) shall be prepared and include a Vehicle Movement Plan and Traffic Control Plan. It shall be prepared with the intention of causing minimal impact to the operation of the road network during construction. The CTMP shall be submitted to RTA for review and approval prior to any construction activities occurring onsite.
- 2.9 Appropriate site works are to be constructed across the street frontage so as to comply with the minimum sight distance requirements and minimum sight lines for pedestrian safety set out in the RTA publication "Guide to Traffic Generating Developments" (1993) and ASINZS 2890.1:2004 Part I: "Off-street car parking".
- 2.10 Ground water seepage and overland stormwater flow which affect the classified road reserve shall be managed on site.
- 2.11 Stormwater from the development shall be conveyed by gravity (not a charged or pump system except for basement carparks) to the street kerb or via a direct connection to an on street stormwater gully pit. If the pit option is implemented the pipeline within the footpath area shall have a minimum cover of 300mm.
- 2.12 Where any direct stormwater connection to the kerb is made, it is to be by way of a low-profile rectangular hollow galvanised steel section. All kerb and footpath rectification works are to be undertaken to the satisfaction of the RTA.
- 2.13 The works referred to by conditions 2.6 to 2.12 are to be undertaken at no cost to the RTA.

3 PRIOR TO COMMENCEMENT OF ANY WORKS

- 3.1 A construction certificate for the building work is to be issued and the person having the benefit of the development consent must appoint a principal certifying authority prior to the commencement of any building works.

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

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

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

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

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

4 DURING WORKS

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

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

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

a No work is permitted on Sundays and Public Holidays

b No work is permitted on:

- Saturdays when a public holiday is adjacent to that weekend.
- Construction industry awarded rostered days off.
- Construction industry shutdown long weekends.

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

- i Minor renovation or refurbishments to single dwelling construction.
- ii Owner occupied renovations or refurbishments to single dwelling construction.
- iii Owner builder construction of single dwelling construction; and/or

- iv Any cottage constructions, single dwellings or housing estates consisting of predominantly unoccupied single dwellings.
- 4.2 Erosion and Siltation control measures must be undertaken and maintained in respect to any part of the land where the natural surface is disturbed or earthworks are carried out. The controls shall comply with Council's Code of Practice of Erosion and Sedimentation Control.
- 4.3 Building materials must not be stored nor construction work carried out on the road reserve unless associated with a separate approval under the *Roads Act 1993*.
- 4.4 This development is subject to Council's DCP106 – Controls for Site Waste Management. The Waste Management Plan submitted as supporting documentation with this development consent is required to be implemented during all stages of demolition and construction.
- 4.5 The engineering works within private property that formed part of the Construction Certificate shall be constructed in accordance with Council's 'Civil Construction Specification', 'GCC Design Specification for Survey, Road and Drainage Works' and Policy 'D6.46 Erosion Sedimentation Control'.

5 PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE

- 5.1 Application for an Occupation Certificate must be submitted to and approved by the Principal Certifying Authority prior to occupation of the building.
- 5.2 The premises not being occupied until an occupation certificate has been issued.
- 5.3 A concrete kerb, or alternative of similar standard, must be provided to the driveways and around areas of landscaping to prevent encroachment of vehicles.
- 5.4 The driveway, vehicle manoeuvring area and proposed 26 car parking spaces as shown on the approved plan must be properly constructed, graded, drained, sealed and line marked including directional arrows with impervious paving material, in accordance with Australian Standard 2890.1-2004 Off Street Parking.
- 5.5 The internal engineering works within private property that formed part of the Construction Certificate shall be completed in accordance with Council's 'Civil Construction Specification', 'GCC Design Specification for Survey, Road and Drainage Works' and Policy 'D6.46 Erosion Sedimentation Control', prior to the issue of an Occupation Certificate.
- 5.6 Prior to the issue of an Occupation Certificate the Deposited Plan must be amended to include a Section 88E Instrument under the Conveyancing Act 1919 for the following restrictive covenants; with the Council having the benefit of these covenants and having sole authority to release and modify. Wherever possible, the extent of land affected by these covenants shall be defined by bearings and distances shown on an attached diagram.
 - a To create a Restriction as to User over the lot containing an on-site stormwater detention system restricting any alteration to such a facility or the erection of any structure over the facility or the placement of any obstruction over the facility.
 - b To create a Restriction as to User over the lot containing a nutrient/pollution facility restricting any alteration to such a facility or the erection of any structure over the facility or the placement of any obstruction over the facility.

- 5.7 A Section 88E instrument under the Conveyancing Act 1919 must establish the following positive covenants; with the Council having the benefit of these covenants and having sole authority to release and modify. Contact Council for wording of the covenant(s).
- a To ensure that for any on-site stormwater detention system/s shown on the approved Construction Certificate documentation:
 - The facility will remain in place and fully operational,
 - The facility is maintained in accordance with the operation and maintenance plan so that it operates in a safe and efficient manner,
 - Council staff are permitted to inspect and repair the facility at the owners cost,
 - Council is indemnified against all claims of compensation caused by the facility.
 - b To ensure that for any nutrient/pollution control facility/s shown on the approved Construction Certificate documentation:
 - The facility will remain in place and fully operational,
 - The facility is maintained in accordance with the operation and maintenance plan so that it operates in a safe and efficient manner,
 - Council staff are permitted to inspect and repair the facility at the owners cost,
 - Council is indemnified against all claims of compensation caused by the facility.
- 5.8 Compliance with the recommendation contained within Section 4.3 of the Bushfire Assessment Report (Conacher Environmental Group, Ref: 10141B, December 2010).

6 ONGOING OPERATION

- 6.1 No materials, waste matter or products shall be stored outside the building or the approved waste storage area, at any time.
- 6.2 All external lights shall be operated and maintained in accordance with the Australian Standard AS4282 - Control of the Obtrusive Effects of Outdoor Lighting so as not to cause a nuisance or adverse impact on the amenity of residents of the surrounding area or to motorists on nearby roads.
- 6.3 All car parking areas and spaces required by this consent are to be maintained and periodically reline-marked. Such spaces are to be made available to all users of the site at all times during trading hours.
- 6.4 Maintenance of the on-site stormwater detention facility in accordance with the operation & maintenance plan.
- 6.5 Maintenance of the nutrient/pollution control facilities in accordance with the operation & maintenance plan.
- 6.6 Compliance with all requirements under the Waste Management Plan.
- 6.7 The use of the body holding room is to comply with the *Public Health (Disposal of Bodies) Regulation 2002*.

7 OTHER APPROVALS

- 7.1 Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'.
- 7.2 Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

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

8 ADVICE

- 8.1 The public authorities may have separate requirements and should be consulted in the following aspects:
- a *Jemena Asset Management* for any change or alteration to the gas line infrastructure;
 - b *Energy Australia* for any change or alteration to electricity infrastructure or encroachment within transmission line easements;
 - c *Telstra, Optus* or other telecommunication carriers for access to their telecommunications infrastructure.
 - d *Gosford City Council* in respect to the location of water, sewerage and drainage services.
- 8.2 All work carried out under this Consent should be done in accordance with WorkCover requirements including the Occupational Health and Safety Act 2000 No 40 and subordinate regulations, codes of practice and guidelines that control and regulate the development industry.
- 8.3 It is the sole responsibility of the owner, builder and developer, to ensure that the proposed building or works complies with the requirements of the *Disability Discrimination Act*.
- NOTE: The *Disability Discrimination Act* (DDA) is a Federal anti-discrimination law. The DDA covers a wide range of areas including employment, education, sport and recreation, the provision of goods, services and facilities, accommodation and access to premises. The DDA seeks to stop discrimination against people with any form of disability including physical, intellectual, sensory, psychiatric, neurological, learning, disfigurement or presence in the body of a disease-causing organism. Whilst this development consent issued by Council is in accordance with the relevant provisions of the current *Building Code of Australia*, it does not indicate nor confirm that the application complies with the requirements of the DDA.
- 8.4 Developers should make early application for a Section 307 Certificate under the Water Management Act 2000 from the Water Authority (Council). For a copy of the application form 'Application for Certificate under Section 305' contact Customer Service on (02) 4325 8200 or visit Councils web site www.gosford.nsw.gov.au to download a form from the Water & Sewerage forms index.

9 PENALTIES

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

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

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

Warnings as to Potential Maximum Penalties

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

10 RIGHT OF APPEAL

- 10.1 Sections 96(6) or 97 of the Act, where applicable, confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court exercisable within 60 days or 12 months respectively, from the date of determination.
- 10.2 To ascertain the date upon which the determination becomes effective refer to Section 83 of the Act.