

WARRINGAH DEVELOPMENT ASSESSMENT PANEL MEETING

4.2	Nos. 10-12 Dale Street, Brookvale – Demolition Works and Construction of a Medical Centre
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ATTENDANCE:**Panel Member****Kevin Hoffman**, Chairperson**Patrick O’Carrigan**, Urban Design Expert**Sue Hobley**, Environmental Expert**Lloyd Graham**, Community Representative**DA2011/0892****Application Details**

Demolition Works and Construction of a Medical Centre

Site Description

Lots 13, 14,15, and 16 - Sec 2 within DP 1521, 10-12 Dale Street, BROOKVALE

Independent Public Hearing

This report is of an independent public hearing that has been convened pursuant to cl 15 of WLEP because this application is for Category 3 development. The application was advertised as such and there were two (2) objections.

The Chairperson informed the hearing that applications for Category 3 development entail additional requirements. In particular, the Panel can only recommend that consent be granted if it is satisfied that the proposed development is consistent with the desired future character of the locality as described in the G10 Brookvale Industrial West Locality Statement [WLEP2000 cl 12(3)(b)]. Further, the Panel must consider the Statement of Environmental Effects, prepared by the applicant that addresses the items listed in Schedule 15 [WLEP2000 cl 15(1)].

Desired Future Character

For this application being a Category 3 item to be satisfactory, the application has to be consistent with the desired future character of the G10 Brookvale Industrial West Locality.

The Brookvale Industrial West locality will remain an industrial and employment centre incorporating industries, warehouses and ancillary service uses.

New development or significant redevelopment will be designed to incorporate landscaping to soften the visual impact of industrial buildings and their associated parking and other paved areas as viewed from the street.

At the interface of the locality with adjoining and adjacent residential areas, buildings will be sited and designed and the use of land managed to minimise interference with the amenity of such residential areas.

Allotments are to be consolidated where necessary to ensure the development of one allotment will not render an adjoining allotment unsuitable for development.

Site Visit

An inspection of the site was undertaken by the Panel and staff members prior to the Public Hearing. A copy of all the objection letters was provided to the Panel who considered the objections on the site visit.

Proceedings in Brief

In this matter the public hearing was held and the Panel heard from the objectors Mr John Gude, AMP Capital Investments owners and operators of the Warringah Mall and Mr Nick Juradovitch from Ingham Planning. The applicant was represented by Mr Tim Shellshear of Tim Shellshear Architects for the medical centre and Matthew Young an architect with Mr Shellshear's company and a Mr Lieutenant appearing for the owners.

The principal position put by the objectors was that the Warringah Mall Development Control Plan envisaged that the area, which is zoned specifically for a regional centre, is intended to provide space for uses such as the Medical Centre either there or along Pittwater Road in the F1 Zone, Warringah Mall being the G9 Zone. It was put that the G10 Industrial Zone is intended for industrial uses and ancillary services and the Medical Centre is inappropriate. In the draft Warringah Local Environmental Plan in particular Mr Juradovitch and Mr Gude put that the permissible land uses were intended to be tightened up. Whilst under the existing Warringah Local Environmental Plan, medical centres are a Schedule 3 use, and could be approved under certain circumstances, under the Draft Warringah Local Environmental Plan they could not.

On the other hand the council officer's report provided to the Panel had regard to the provisions of the Draft LEP in its **savings clause 1.8** which states: "*if a development application has been made before the commencement of this plan in relation to land to which this plan applies and the application has not been finally been determined before that commencement the application must be determined as if this plan had not commenced*". The application itself therefore can be considered under the Warringah Local Environmental Plan 2000 subject to appropriate weight being given to the Draft LEP 2009. This must be so, otherwise the savings provision in the Draft LEP 2009 would have no work to do. It is matter of weight to be given, and in this case the Panel had the advantage of taking a view of the locality in Dale Street and its proximity to the Warringah Mall development.

The applicant operates an existing medical centre on the Warringah Mall site on the corner of Dale St and Cross St.. The subject site would be approximately 50 metres along level flat land from the existing medical centre on the corner of Dale St and Cross St. Therefore, the subject site enjoys similar accessibility to public transport as the existing medical centre, and can be described as being on the periphery of the Warringah Mall.

Within Dale Street there are other Schedule 3 uses under the WLEP2000 such as new commercial office development just north of the site, which is a substantial development approved by Council under the existing Warringah Local Environmental Plan. There are other uses in Dale Street which would also be prohibited under the Draft Local Environmental Plan. It is obvious that Council has considered the Schedule 3 uses under the existing Local Environmental Plan as appropriate to Dale Street at least.

It occurred to the Panel that the proximity of Dale Street, including the site, to the F1 Zone along Pittwater Road and the G9 Zone of the Warringah Mall has rendered it to be a transitional zone between the retail intensive areas and the industrial land further to the west of Dale Street. To that extent the Panel formed the opinion that from a streetscape point of view, and from the urban

character of Dale Street, the proposal would be compatible. Given the possible gazettal of the draft Local Environmental Plan and given the other existing Schedule 3 uses in Dale Street, it is unlikely that incompatible industrial uses would occur in proximity to the subject site.

To some extent it could be said that by the approval of several developments in Dale Street under the Schedule 3 of the existing Warringah Local Environmental Plan 2000 the Council has already compromised or even abandoned the Draft Local Environmental Plan's IN1 General Industrial Zoning intention for the future of Dale Street, although the IN1 zoning may be quite valid for the substantial lands further to the west.

The objectors also said that the size of this proposed medical centre is such that it serves a regional purpose rather than being ancillary to other uses in the Industrial Zone. The Panel is aware of the Metropolitan plan for Sydney which identifies Brookvale as a major regional centre. It is intended obviously to provide uses to serve beyond the Brookvale/Dee Why locality. Indeed even the office complex approved just north of the subject site could not be considered to be servicing just the G10 Industrial Zone.

The Panel had regard to the comment in the staff report that the NSW Government's Metropolitan Strategy has identified Brookvale as the major centre for the north east sub region of Sydney comprising Manly, Warringah, Pittwater local government areas and aims to provide a wide range of employment, retail and service functions. The Panel has concluded that the proposed development is consistent with one of the key directions of the Draft Strategy that is to encourage employment growth and to ensure that an adequate supply of employment land within the major centre. The proposed development will employ 40 people which is consistent with this key direction of the draft strategy.

The Panel was satisfied that the necessary Development Controls such as parking, drainage, flood mitigation, building height and other practical matters had been properly designed and allowed for subject to appropriate draft conditions. The Panel also considered the Schedule 15 Statement of Environmental Effects submitted with the application and concluded that the summary reports provided by the Council staff were appropriate and that there was no reason sufficient for the development to be refused and it could be supported under the Schedule 15 analysis. Earlier concerns in regard to the height of the proposed building and its compliance with its statutory controls have been resolved by further information from the applicant.

The applicant has also requested that Condition No. 5, which limits the hours of construction on Saturdays to between 8 a.m. and 1 p.m. should be extended to allow construction between 7 a.m. and 5 p.m. on Saturdays. The Panel heard that the reason for this latter request was to enable the building to be constructed more quickly and the fact that the nearest residential occupation was several hundred metres away meant dwellings are unlikely to be disturbed by construction. Nevertheless the standard practice of Council is to limit construction on Saturdays and eliminate construction work on Sundays and public holidays. This is a standard requirement that should not be compromised as it contributes to the general amenity of the locality and noise from construction could easily be reflected up the topographical bowl to the residences above the site.

RECOMMENDATION OF WARRINGAH DEVELOPMENT ASSESSMENT PANEL (CATEGORY 3 ITEM)

The Panel recommends to the Joint Regional Planning Panel that the recommendation of the Acting Group Manager Development and Compliance dated 23 November 2011 for approval be adopted subject to the following conditions:

GENERAL CONDITIONS**CONDITIONS THAT IDENTIFY APPROVED PLANS****1. Approved Plans and Supporting Documentation**

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
512.00.00 Issue A	14/07/2011	Tim Shellshear & Associates Architects
512.00.01 Issue B	31/08/2011	Tim Shellshear & Associates Architects
512.00.02 Issue E	26/10/2011	Tim Shellshear & Associates Architects
512.10.01 Issue D	06/10/2011	Tim Shellshear & Associates Architects
512.10.02 Issue E	26/10/2011	Tim Shellshear & Associates Architects
512.10.03 Issue C	31/08/2011	Tim Shellshear & Associates Architects
512.10.04 Issue A	14/07/2011	Tim Shellshear & Associates Architects
512.20.01 Issue C	31/08/2011	Tim Shellshear & Associates Architects
512.20.02 Issue C	31/08/2011	Tim Shellshear & Associates Architects
512.30.01 Issue C	31/08/2011	Tim Shellshear & Associates Architects

Engineering Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Job No.110664 D01 Revision C	10/10/2011	Northern Beaches Consulting Services Pty Ltd
Job No.110664 D01 Revision D	27/10/2011	Northern Beaches Consulting Services Pty Ltd
Job No.110664 D01 Revision D	27/10/2011	Northern Beaches Consulting Services Pty Ltd
Job No.110664 D01 Revision C	10/10/2011	Northern Beaches Consulting Services Pty Ltd

Reports / Documentation		
Report No. / Page No. / Section No.	Dated	Prepared By
Stage 1 Preliminary Environmental Site Assessment Ref: E25037KBrpt, pages 1-43	July 2011	Environmental Investigation Services (EIS)
Updated Flood Risk Report Ref: W4912:BCP/bcp, pages 1-6	27 October 2011	Cardno
Assessment of Traffic and Parking Implications (Issue B) Ref: 11124, pages 1-12	August 2011	Transport and Traffic Planning Associates
Building Code Compliance Report Report No: 968	13 July 2011	Steven Witheridge
Access Review, pages 1-10	14 July 2011	Morris-Goding Accessibility Consulting

No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.

The development is to be undertaken generally in accordance with the following:

Landscape Plans - Endorsed with Council's stamp		
Drawing Number	Dated	Prepared By
LP01 - LP02 (Revision B)	31/08/2011	Leuchars Partners

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans. (DACPLB01)

2. Compliance with External Department, Authority or Service Requirements

The development must be carried out in compliance with the following:

External Department, Authority or Service	E-Services Reference	Dated
Ausgrid	DA2011/0892	25 July 2011

(NOTE: For a copy of the above referenced document/s, please see Council's 'E-Services' system at www.warringah.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of External Department, Authority or Bodies. (DACPLB02)

3. No Approval for any Signage

No approval is granted under this Development Consent for signs (as defined under Warringah Local Environment Plan 2000 and State Environmental Planning Policy No. 64). A separate Development Application for any signs (other than exempt and signs permitted under Complying Development) must be submitted for the approval prior to the erection or display of any such signs.

Reason: Control of signage. (DACPLB06)

4. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

- (c) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

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- (i) protect and support the adjoining premises from possible damage from the excavation, and
- (ii) where necessary, underpin the adjoining premises to prevent any such damage.
- (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

Reason: Legislative Requirement. (DACPLB09)

5. General Requirements

- (a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

7.00 am to 5.00 pm inclusive Monday to Friday

8.00 am to 1.00 pm inclusive on Saturday,

No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

- (b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (e) Prior to the release of the Construction Certificate payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.

- (f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (g) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (h) All sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level when measured from any property boundary and will comply with the Environment Protection Authority's NSW Industrial Noise Policy.)
- (i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community. (DACPLB10)

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

6. Section 94A Contributions

The Section 94A Contributions are required to be paid for this development. This amount has been calculated using the Warringah Section 94A Development Contributions Plan. The amount will be adjusted at the time of payment according to the quarterly CPI (Sydney - All Groups Index).

The basis for the contributions is as follows:

Warringah Section 94A Development Contributions Plan		
Contribution based on total development cost of		\$11,615,774.00
Contribution - all parts Warringah	Levy Rate	Contribution Payable
Total S94A Levy	0.95%	\$110,349.85
S94A Planning and Administration	0.05%	\$5,807.90
Total	1%	\$116,157.75

Details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To retain a level of service for the existing population and to provide the same level of service for the population resulting from new development. (DACPLC01)

7. Compliance with Standards

The development is required to be carried out in accordance with all relevant Australian Standards.

Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure the development is constructed in accordance with appropriate standards. (DACPLC02)

Advice to Applicants: At the time of determination in the opinion of Council, the following (but not limited to) Australian Standards are considered to be appropriate:

- (a) AS2601.2001 - Demolition of Structures**
- (b) AS4361.2 - Guide to lead paint management - Residential and commercial buildings**
- (c) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting**
- (d) AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted) **
- (e) AS 4970 - 2009 'Protection of trees on development sites'***
- (f) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking**
- (g) AS 2890.2 - 2002 Parking facilities - Off-street commercial vehicle facilities**
- (h) AS 2890.3 - 1993 Parking facilities - Bicycle parking facilities**
- (i) AS 2890.5 - 1993 Parking facilities - On-street parking**
- (j) AS/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities**
- (k) AS 1742 Set - 2010 Manual of uniform traffic control devices Set**
- (l) AS 1428.1 - 2009* Design for access and mobility - General requirements for access - New building work**
- (m) AS 1428.2 - 1992*, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities**

***Note:** The Australian Human Rights Commission provides useful information and a guide relating to building accessibility entitled "the good the bad and the ugly: Design and construction for access". This information is available on the Australian Human Rights Commission website http://www.humanrights.gov.au/disability_rights/buildings/good.htm

****Note:** the listed Australian Standards is not exhaustive and it is the responsibility of the applicant and the Certifying Authority to ensure compliance with this condition and that the relevant Australian Standards are adhered to.

8. External Colours and Materials (Industrial, Commercial, Mixed & Apartment Buildings)

(a) External Glazing

The reflectivity index of external glazing for windows, walls or roof finishes of the proposed development is to be no greater than 20% (expressed as a per centum of the reflected light falling upon any surface).

(b) External Roofing

The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. Light colours such as off white, cream, silver or light grey colours are not permitted.

(c) Anti Graffiti Coating

The finishes of the walls adjoining Dale Street must be finished in heavy duty long life, ultra violet resistant coating with a high resistance to solvents and chemicals as an anti-graffiti coating easily cleaned by solvent wipe.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that excessive glare or reflectivity nuisance from glazing does not occur as a result of the development. (DACPLC04)

9. Sewer / Water Quickcheck

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre prior to works commencing to determine whether the development will affect any Sydney Water asset's sewer and water mains, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the website www.sydneywater.com.au for:

- Quick Check agents details - see Building Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building Developing and Plumbing then Building and Renovating.
- Or telephone 13 20 92.

Reason: To ensure compliance with the statutory requirements of Sydney Water. (DACPLC12)

10. Bonds**(a) Security Bond**

A bond (determined from cost of works) of \$10,000 and an inspection fee in accordance with Council's Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

(b) Construction, Excavation and Associated Works Bond (Crossing / Kerb)

A Bond of \$40,000 as security against any damage or failure to complete the construction of any vehicular crossings, kerb and gutter and any footpath works required as part of this consent.

(c) Construction, Excavation and Associated Works Bond (Pollution)

A Bond of \$10,000 as security to ensure that there is no transmission of material, soil etc off the site and onto the public road and/or drainage systems.

(d) Construction, Excavation and Associated Works Bond (Failure to remove waste)

A Bond of \$20,000 as security against damage to Council's road(s) fronting the site caused by the transport and disposal of materials and equipments to and from the site.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection)

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure adequate protection of Council infrastructure. (DACENC01)

11. On-site Stormwater Detention Compliance Certification

An On-site Stormwater Detention system must be designed and constructed in accordance with Council's current On-site Stormwater Detention Technical Specification and the concept drawing by Northern Beaches Consulting Engineers, Job No.110664, drawing number's D01-D04, latest Revision D dated 27 October 2011.

Onsite stormwater detention system must be designed to comply with the following Permissible Site Discharges:

5 year ARI storm - 50 litres per second
 20 year ARI storm - 90 litres per second
 100 year ARI storm - 128 litres per second

Details demonstrating compliance are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for the disposal of stormwater and stormwater management arising from the development. (Special condition)

12. Pump-Out System Design for Stormwater Disposal

The design of the pump-out system for stormwater disposal will be permitted for drainage of basement areas only, and must be designed in accordance with Council's Stormwater Drainage Policy. Engineering details demonstrating compliance with this requirement and certified by an appropriately qualified and practising hydraulic engineer.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure adequate provision is made for the discharge of stormwater from the excavated parts of the site. (DACENC04)

13. Shoring of Adjoining Property

Should the proposal require shoring to support an adjoining property or Council land, owner's consent for the encroachment onto the affected property owner shall be provided with the engineering drawings. Council approval is required if temporary rock anchors are to be used within Council land.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that owners consent is obtained for ancillary works, and to ensure the protection of adjoining properties and Council land. (DACENCO5)

14. Vehicle Crossings Application Formwork Inspection

An application for street levels shall be made with Council subject to the payment of fee applicable at the time of payment. The fee includes all Council inspections relating to the driveway construction and must be paid.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To facilitate suitable vehicular access to private property. (DACENC12)

15. Vehicle Driveway Gradients

Driveway gradients within the private property are not to exceed a gradient of 1 in 4 (25%) with a transition gradient of 1 in 10 (10%) for 1.5 metres prior to a level parking facility. Access levels across the road reserve are to comply with the allocated vehicle profile detailed in Council's Minor Works Policy.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure suitable vehicular access to private property. (DACENC13)

16. Waterproofing/Tanking of Basement Level

The basement area is to be permanently tanked or waterproofed to levels of minimum 500mm above the 1 in 100 year ARI top water surface level as predicted in the Cardno's *Updated Flood Risk Report for Proposed Development at 6-12 Dale Street, Brookvale*, dated 27 October 2011. Details of the waterproofing/ tanking are to be prepared by a suitably qualified Engineer.

Where dewatering works are required on the development site during construction, the developer/applicant must apply for and obtain a bore license from the Department of Water and Energy. The bore license must be obtained prior to commencement of dewatering works. All requirements of the Department of Water and Energy are to be complied with and a copy of the approval must be submitted to the Certifying Authority.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To prevent ingress of sub-surface flows into the basement area and to comply with State Government Requirements. (DACENC14)

17. Utilities Services

Prior to the issue of the Construction Certificate, evidence is to be submitted to the Certifying Authority that:

- (a) A letter from the telecommunications service provider confirming that satisfactory arrangements have been made for the provision of underground telecommunications for the approved development have been made; and
- (b) Evidence that notification has been received from an Electricity Service Provider of electricity supply requirements for the development can be provided.

Reason: To ensure that services have been provided as required by this consent. (DACENC15)

18. Structural Adequacy and Excavation Work

Excavation work is to ensure the stability of the soil material of adjoining properties, the protection of adjoining buildings, services, structures and / or public infrastructure from damage using underpinning, shoring, retaining walls and support where required.

All retaining walls are to be structurally adequate for the intended purpose, designed and certified by a Structural Engineer, except where site conditions permit the following:

- (a) maximum height of 900mm above or below ground level and at least 900mm from any property boundary, and
- (b) comply with AS3700, AS3600 and AS1170 and timber walls with AS1720 and AS1170.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Safety. (DACENC19)

19. Flood

a) Flood Protection

All new building works and services shall be designed to withstand the hydraulic forces of the floodwaters up a minimum of 500mm above the 1 in 100 year ARI water surface level as predicted in the Cardno's *Updated Flood Risk Report for Proposed Development at 6-12 Dale Street, Brookvale*, dated 27 October 2011. Buoyancy (particularly in relation to cars in the ground floor car park), flowing water with debris, wave action, the flood compatibility of materials and waterproofing shall be addressed.

b) Flood Compatible Design, Construction & Materials

All new building works and services must be designed and constructed to withstand the hydraulic forces of the floodwaters up to a minimum of 500mm above the 1 in 100 year ARI water surface level as predicted in the Cardno's *Updated Flood Risk Report for Proposed Development at 6-12 Dale Street, Brookvale*, dated 27 October 2011. All materials up to the 1 in 100 year ARI water surface level, including fencing, are to be made from flood compatible materials (as defined by the New South Wales Floodplain Development Manual) and are to be designed to withstand the hydraulic forces of the floodwater. All fencing must not impede the existing flood regime, must allow for passage of flood waters and must not result in any adverse flood impact to any surrounding properties for events up to and including the 1% ARI (i.e. open style pool fence).

c) Electric Sub-station

The finished level of the concrete plinth for the electric sub-station is to be a minimum of 500mm above the predicted 1 in 100 year ARI water surface level, as predicted in the Cardno's *Updated Flood Risk Report for Proposed Development at 6-12 Dale Street, Brookvale*, dated 27 October 2011.

(d) Flood Evacuation Plan

A flood evacuation plan is to be prepared by suitably qualified Engineer with experience in flood management who is eligible for Membership to the Australian Institute of Engineers.

Details demonstrating compliance are to be prepared by a suitably qualified Engineer with experience in flood design / management who has, or is eligible for membership to the Australian Institute of Engineers and then submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To protect the building from flooding in accordance with Council and NSW Government policy (DACNEC09)

20. Surface stormwater inlet system

A surface stormwater inlet system must be designed and constructed generally in accordance with the recommendations as detailed in Cardno's *Updated Flood Risk Report for Proposed Development at 6-12 Dale Street, Brookvale*, dated 27 October 2011.

A surface stormwater inlet system is to be constructed on the northern boundary of 12 Dale Street to collect stormwater trapped in this location and to discharge this stormwater back into the gutter in Dale Street at a location to achieve gravity drainage of the shallow trapped low point.

Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER) and registered in the General Area of Practice for civil engineering.

Detailed drainage plans, including engineering certification confirming the above requirements have been satisfied are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for the disposal of stormwater and stormwater management arising from the development. (Special condition)

21. Trees and / or Landscaping

In order to protect and enhance onsite vegetation and trees the following applies to the development site:

Existing trees which must be retained

All trees not indicated for removal on Landscape Plan		
Drawing Number	Dated	Prepared By
LP 01 Revision B	31/08/2011	Leuchars Partners

All tree protection measures to be in accordance with AS 4970-2009 Protection of trees on development sites

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site. (DACLAC01)

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT**22. Public Liability Insurance - Works on Public Land**

Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$10 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy must be valid for the entire period that the works are being undertaken on public land.

Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land. (DACEND01)

23. On-street Work Zone

The applicant shall lodge an application for a work zone for the frontage of the site to Council for consideration and approval. The provision of a work zone will require approval from Warringah Traffic Committee and the Roads & Traffic Authority of NSW. Application forms for work zones are available on Council's website or at the Customer Service section at Council's administration building. Applications shall be lodged at least 4 weeks prior to work commencing.

Reason: To ensure works vehicles do not impact on parking, traffic flows and pedestrian thoroughfares.

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK**24. Surveyor's Report**

A Registered Surveyor's identification report indicating the finished ground floor levels to a nominated fixed datum point are in accordance with the levels indicated on the approved plans. A Surveyor's Report is to be provided for confirmation prior to pouring of the slab or construction of the floor platform.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To ensure the height of buildings under construction comply with levels shown on approved plans. (DACENE04)

25. Vehicle Crossings

The provision of two vehicle crossings 6 metres wide each in accordance with Warringah Council Drawing No A4-3330/ 1 Normal profile and specifications. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To facilitate suitable vehicular access to private property. (DACENE05)

26. Footpath Construction

The applicant shall construct a 1.5 metre wide concrete footpath along the entire frontage of Dale Street in an alignment to be approved by Council's Development Engineers. The works shall be in accordance with the following:

- (a) All footpath works are to be constructed in accordance with Council's minor works policy.
- (b) Minimum cross fall to be 3% rise from the existing top of kerb level to the boundary alignment.

- (c) Council is to inspect the formwork prior to pouring of concrete to ensure the works are in accordance with Council's specification for footpath.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To ensure compliance of footpath works with Council's specification for engineering works. (DACENE07)

27. Layback Construction

Two laybacks 6 metres wide each (excluding the wings) is to be constructed in accordance with Warringah Council Drawing No A4-2276 and specifications.

Reason: To ensure suitable vehicular access to private property. (DACENE08)

28. Maintenance of Road Reserve

The public footways and roadways adjacent to the site shall be maintained in a safe condition at all times during the course of the work.

Reason: Public Safety. (DACENE09)

29. Notification of Inspections

Council's Development Engineer is to be given 48 hours notice when the works reach the following stages:

- (a) Installation of Silt and Sediment control devices
- (b) Prior to pouring of concrete footpath and driveways

Reason: To ensure new Council infrastructure is constructed to Council's requirements. (DACENE10)

30. Traffic Control During Road Works

Lighting, fencing, traffic control and advanced warning signs shall be provided for the protection of the works and for the safety and convenience of the public and others in accordance with Council's Minor Works Policy and to the satisfaction of the Principal Certifying Authority. Traffic movement in both directions on public roads, and vehicular access to private properties is to be maintained at all times during the works.

Reason: Public Safety. (DACENE11)

31. Trees Condition

During the construction period the applicant is responsible for ensuring all protected trees are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to. In this regard all protected plants on this site shall not exhibit:

- (a) A general decline in health and vigour.
- (b) Damaged, crushed or dying roots due to poor pruning techniques.
- (c) More than 10% loss or dieback of roots, branches and foliage.
- (d) Mechanical damage or bruising of bark and timber of roots, trunk and branches.

- (e) Yellowing of foliage or a thinning of the canopy untypical of its species.
- (f) An increase in the amount of deadwood not associated with normal growth.
- (g) An increase in kino or gum exudation.
- (h) Inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition.
- (i) Branch drop, torn branches and stripped bark not associated with natural climatic conditions.

Any mitigating measures and recommendations required by the Arborist are to be implemented.

The owner of the adjoining allotment of land is not liable for the cost of work carried out for the purpose of this clause.

Reason: Protection of Trees. (DACLAEO3)

32. Requirement to Notify about New Contamination Evidence

Any new information revealed during demolition works that has the potential to alter previous conclusions about site contamination or hazardous materials shall be immediately notified to the Council and the Principal Certifying Authority.

Reason: To protect human health and the environment. (DACHPE01)

33. Off-site Disposal of Contaminated Soil - Chain of Custody

All contaminated material removed from the site must be disposed of at a waste facility that can lawfully receive that waste and must be done in accordance with:

- *Protection of the Environment Operations Act 1997 (NSW); and*
- *Environment Protection Authority's Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999).*

Copies of all test results and disposal dockets must be retained for at least 3 years and be made available to authorised Council officers on request.

Reason: For protection of environment and human health and to ensure compliance with the legislation.

34. Dewatering

Any water being discharged from the site to stormwater must not cause pollution and must comply with the ANZECC 2000 guidelines and meet the following requirements:

- Suspended sediment must be less than 50mg/L
- Turbidity must be less than 150 NTU
- Oil & Grease must be less than 10mg/L
- BOD 5 must be less than 30
- pH must be between 6.5 -8.5

Any discharged water must be analysed prior to discharge, and weekly thereafter, by an independent NATA accredited laboratory and records of water quality discharge must be kept on site. Water must be discharged in a manner that does not cause safety nuisances.

Reason: *Environmental Protection*

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**35. Removal of All Temporary Structures/Material and Construction Rubbish**

Once construction has been completed all silt and sediment fences, silt, rubbish, building debris, straw bales and temporary fences are to be removed from the site.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure bushland management. (DACPLF01)

36. Consolidation of Lots

Lots 13-16, Sec 2, DP 1521, 10-12 Dale Street must be consolidated as one (1) allotment and registered on a survey plan (prepared and signed by a Registered Surveyor) with the NSW Land & Property Information Service (NSW Department of Lands).

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any final Occupation Certificate.

Reason: To ensure development is not constructed over property boundaries. (DACPLF02)

37. Garbage and Recycling Facilities

All internal walls of the storage area shall be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained to the sewer with a tap in close proximity to facilitate cleaning.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To prevent pollution of the environment and to protect the amenity of the area. (DACPLF03)

38. Building Number

Building number is to be affixed to the building to be readily visible from the public domain.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: Proper identification of buildings. (DACPLF04)

39. Authorisation of Legal Documentation Required for On-site Stormwater Detention

The original completed request forms (Department of Lands standard forms 13PC and/or 13RPA) must be submitted to Council, with a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers certification and Compliance Certificate issued by an Accredited Certifier in Civil Works.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To create encumbrances on the land. (DACENF01)

40. Registration of Encumbrances for On-site Stormwater Detention

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for on-site storm water detention as to user is to be submitted.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To identify encumbrances on land. (DACENF02)

41. Reinstatement of Kerb

All redundant laybacks and vehicular crossings shall be reinstated to conventional kerb and gutter, footpath or grassed verge as appropriate with all costs borne by the applicant.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To facilitate the preservation of on street parking spaces. (DACENF03)

42. Restriction as to User for On-site Stormwater Detention

A restriction as to user shall be created on the title over the on-site stormwater detention system, restricting any alteration to the levels and/or any construction on the land. The terms of such restriction are to be prepared to Council's standard requirements, (available from Warringah Council), at the applicant's expense and endorsed by Council prior to lodgement with the Department of Lands. Warringah Council shall be nominated as the party to release, vary or modify such restriction.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure modification to the on-site stormwater detention structure is not carried without Council's approval. (DACENF04)

43. On-Site Stormwater Detention Compliance Certification

Upon completion of the on-site stormwater detention (OSD) system, certification from a consulting engineer and a "work as executed" (WAE) drawing certified by a registered surveyor and overdrawn in red on a copy of the approved OSD system plans are to be provided to Council. Additionally a Compliance Certificate is to be issued by an Accredited Certifier in Civil Works registered with the Institute of Engineers Australia, stating that the works are in accordance with the approved plans.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure stormwater disposal is constructed to Council's satisfaction. (DACENF10)

44. Positive Covenant for the Maintenance of Stormwater Pump-out Facilities

A Positive Covenant (under the provisions of Section 88B of the Conveyancing Act 1919) is to be created on the property title to ensure the on-going maintenance of the stormwater pump-out facilities on the property being developed.

Warringah Council shall be nominated in the instrument as the only party authorised to release, vary or modify the instrument. Warringah Council's delegate shall sign these documents prior to the submission to the Land & Property Information Department.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure adequate provision is made for the stormwater pump out system to be maintained to an appropriate operational standard. (DACENF11)

45. Positive Covenant for On-site Stormwater Detention

A positive covenant shall be created on the title of the land requiring the proprietor of the land to maintain the on-site stormwater detention structure in accordance with the standard requirements of Council. The terms of the positive covenant are to be prepared to Council's standard requirements, (available from Warringah Council), at the applicant's expense and endorsed by Warringah Council's delegate prior to lodgement with the Department of Lands. Warringah Council shall be nominated as the party to release, vary or modify such covenant.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure ongoing maintenance of the on-site stormwater detention system. (DACENF12)

46. Creation of Positive Covenant and Restriction as a User

Where any conditions of this Consent require the creation of a positive covenant and/or restriction as a user, the original completed request forms, (Department of Lands standard forms 13PC and/or 13RPA), shall be submitted to Warringah Council for authorisation.

A certified copy of the documents shall be provided to Warringah Council after final approval and registration has been affected by the "Department of Lands".

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of a Interim / Final Occupation Certificate.

Reason: To identify encumbrances on land. (DACENF14)

47. Required Planting

Species	Location	Pot Size
All tree species	As indicated on Landscape Plan Dwg No. LP 01 B dated 31.08.11 prepared by Leuchars Partners	25 litre

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To maintain environmental amenity. (DACLAF01)

48. Environmental Reports Certification

Written certification from a suitably qualified person(s) shall submit to the Principal Certifying Authority and Warringah Council, stating that all the works/methods/procedures/control measures/recommendations approved by Council in the Stage 1 Preliminary Environmental Site Assessment Report prepared by Environmental Investigation Services dated July 2011 (report No. E25037KBrpt).

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of a Interim / Final Occupation Certificate.

Reason: To ensure compliance with standards. (DACHPF04)

49. Site Validation

A validation certificate prepared by a suitably qualified environmental consultant must be provided to Council certifying that the site is safe for its intended use.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure environmental amenity is maintained. (DACHPF06)

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES**50. Hours of Operation**

The hours of operation are to be restricted to:

Day	Other	Day Surgery
Monday	7.00am – 10.00pm	7.00am – 8.00pm
Tuesday	7.00am – 10.00pm	7.00am – 8.00pm
Wednesday	7.00am – 10.00pm	7.00am – 8.00pm
Thursday	7.00am – 10.00pm	7.00am – 8.00pm
Friday	7.00am – 10.00pm	7.00am – 8.00pm
Saturday	7.00am – 10.00pm	7.00am – 8.00pm
Sunday	7.00am – 10.00pm	7.00am – 8.00pm

Upon expiration of the permitted hours, all services shall immediately cease, no patrons shall be permitted entry and all customers on the premises shall be required to leave within the following 30 minutes.

Reason: Information to ensure that amenity of the surrounding locality is maintained. (DACPLG08)

51. Signs/Goods in the Public Way

No signs or goods are to be placed on the footway or roadway adjacent to the property.

Reason: To ensure pedestrian safety.

52. Loading Within Site

All loading and unloading operations shall be carried out wholly within the confines of the site and within the approved loading area, at all times.

Reason: To ensure that deliveries can occur safely within the site and does not adversely affect traffic or pedestrian safety and amenity. (DACPLG20)

53. Delivery Hours

No deliveries, loading or unloading associated with the premises are to take place between the hours of 10pm and 6am on any day.

Reason: To protect ensure the acoustic amenity of surrounding properties. (DACPLG21)

54. Allocation of Spaces

Car parking spaces provided shall be provided, made accessible and maintained at all times. The spaces shall be allocated as follows:

127	Medical Centre
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Car-parking provided shall be used solely in conjunction with the uses contained within the development. Each car parking space allocated to a particular unit / tenancy shall be line marked and numbered or signposted to indicate the unit / tenancy to which it is allocated.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure that adequate parking facilities to service the development are provided on site. (DACPLG01)

Voting 4/0