

16 April 2013

Ms Teresa Gizzi
Senior Development Assessment Officer
Warringah Council
Civic Centre 725 Pittwater Road
DEE WHY NSW 2099

By Email: teresa.gizzi@warringah.nsw.gov.au

Dear Teresa,

Re: DA2012/1509 Discussion re Recommended Conditions of Consent
Property: Nos. 24-28 Beach Street, Curl Curl

We have had the opportunity to review Council's report to the JRPP recommending approval for the above Development Application at the JRPP meeting to be held on 18 April 2013. We would like to raise a couple of points for discussion with regard to the recommended conditions of consent for your consideration.

As the proposed works are to be undertaken during the continued occupation of the Hospital, we request that the wording in the conditions accommodate this arrangement. In addition, we raise concern with the potential adverse impacts of requiring the car park to have restricted access afterhours and curfews for the outdoor areas. Specifically, this affects the following conditions: -

Condition 1 Approved Plans and Supporting Documentation

Part (d) of this condition is as follows: -

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

Given the continued operation of the site during works and the phased manner in which the works will be undertaken via staged Construction Certificates, it is considered only reasonable for this condition to relate to the portion of the development which is affected by construction works only. It is therefore requested to amend the wording of the condition to allow flexibility in how the works will be managed as follows: -

*"d) No construction works (including excavation) shall be undertaken prior to the release of the **relevant** Construction Certificate **to which it relates**."*

Conditions 5, 6, 7, 8, 9, 11, 12, 14, 15 and 17 – Relevant Construction Certificates

Given the continued operation of the site during works and the phased manner in which the works will be undertaken via staged Construction Certificates, it is the intention that separate Construction Certificates will be required for various phases of the works. These conditions require the submission of documentation demonstrating compliance prior to the issue of the Construction Certificate. It is considered reasonable for these conditions to relate to each phase of the development, accordingly we request the wording of Conditions 5, 6, 7, 8, 9, 11, 12, 14, 15 to be 17 are amended to require compliance “prior to the issue of the **relevant** Construction Certificate.”

Condition 6 Disability Access Requirements

Proposed Condition 6 Disability Access Requirements

The 'Disability Access' upgrading measures and works required to the building (including any upgrading measures required to the existing adjacent building known as 28 Beach Street) as detailed and recommended in the 'Disability Access Report' prepared by Cheung Access, dated 6 December 2012 and received by Council on 14/12/2012 are to be carried out. This is to include where required, 'Disability Access' upgrading measures and works as detailed in any subsequent amended report/s for the subject building and also No.28 Beach Street.

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

Reason: To ensure adequate provision is made for adequate Disabled Access to, within and egress from the premises including for building occupant safety.(DACBCCPCC1)

Comment

This condition does not clearly demonstrate the timing of the upgrading measures to the site. It is reasonable to allow the necessary upgrading works to be undertaken following the issue of the relevant Construction Certificate. The Construction Certificate will demonstrate compliance with the relevant standards and recommendations in the 'Disability Access Report' prepared by Cheung Access, dated 6 December 2012.

Recommended Conditions

Condition 6 Disability Access Requirements

The 'Disability Access' upgrading measures and works required to the building (including any upgrading measures required to the existing adjacent building known as 28 Beach Street) as detailed and recommended in the 'Disability Access Report' prepared by Cheung Access, dated 6 December 2012 and received by Council on 14/12/2012 are to be **demonstrated on the relevant Construction Certificate(s) and** carried out **as necessary**. This is to include where required, 'Disability Access' upgrading measures and works as detailed in any subsequent amended report/s for the subject building and also No.28 Beach Street.

Details demonstrating compliance to the degree necessary, are to be submitted to the Principal

Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure adequate provision is made for adequate Disabled Access to, within and egress from the premises including for building occupant safety.(DACBCCPCC1)

Conditions 29, 30, 31, 43, 45, 46, 47 and 48 – Continued Occupation of the Site

Given the continued operation of the site during works, it is reasonable to allow for demonstration of compliance of these conditions prior to the issue of the Final Occupation Certificate. Therefore, it is requested that the reference to 'interim' occupation certificates is **deleted** for conditions 29, 30, 31, 43, 45, 46, 47 and 48.

Conditions 32, 33, 34, 35, 37, 38 and 39 - Continued Occupation of the Site

These Conditions require the OSD system to be completely built and operational prior to the issue on any interim Occupation Certificates. Given the Hospital will continue to operate during the proposed works this condition obstructs the occupation and operation of the premises. The current wording of these conditions prevents any occupation of any part of the development prior to the whole of the works being completed. It is considered that this is a standard request which allows items relevant to OSD, including the registration of covenants to be registered following the issue of an interim Occupation Certificate.

It is requested that the wording in these conditions is amended to delete the requirement for the OSD to be completed prior to the issue of any "interim" Occupation Certificate, and allow these conditions to be satisfied prior to the issue of the **final Occupation Certificate** only.

Conditions 16 and 44 - Restricted Access to the Carpark

Conditions 16 and 44(c) are recommended to be imposed restricting access to the car park after hours as follows: -

Council's recommended Condition 16. Secure Carpark

The car park is to be secured between the hours of 9pm and 6am with access during these hours via intercom or similar only. Grills, gates etc. used to secure the car park are to be of an open style in colours and materials that match the approved development.

Details are to be provided to the certifying authority prior to the issue of the Construction Certificate.

Reason: To maintain safety and security.

Council's recommended Condition 44. Operational Plan of Management

"The draft operational plan of management is to be amended as follows...

(c) The car park is to be secured between the hours of 9pm and 6am seven days a week with access during these hours via intercom or similar only."

Comment

The introduction of this condition is for the purpose of safety and security for the premises, however we raise concern that this approach will adversely impact on the amenity of the occupants and the neighbouring residents. From an operational perspective, an intercom system will delay vehicles swiftly entering the site while they wait for a member of staff to respond to the intercom request and allow access to the car park. While the vehicles wait for permission to access the site the vehicle will obstruct pedestrian access along the footpath, and if two vehicles are waiting for access the road will also be obstructed. This arrangement will adversely impact on neighbouring residents accessing the road and their driveways. Furthermore, the noise caused by the opening and closing of these gates, noise generated by vehicles and noise from the intercom are likely to be cause for objections and complaints from neighbouring residents.

It is also noted that the reception area is only formally attended to by staff during normal hours of operation. After hours, the staff and nurses on night duty are on call and generally away from the reception desk. Given the responsibilities and tasks of the night staff, they are not available to respond to an intercom system in a prompt manner. For these reasons, we do not consider that blocking off the car park will advantage the overall operations of the Hospital nor it neighbours.

The car park area has been carefully design to provide a sense of separation between the public and private spaces. This is enhanced by the car park being located beneath the first floor structure, and the use of architectural and landscaping elements in relation to the street boundary. We consider that the CPTED principles are satisfied and that a physical gate structure is not necessary.

It is requested that Conditions 16 and 44(c) are **deleted**.

Curfew for the Serenity Garden and Second Floor Terrace

Council's recommended Condition 44(a). Operational Plan of Management

"The draft operational plan of management is to be amended as follows:

(a) The outdoor terrace adjoining the dining room and kitchen at the first floor level and the serenity garden in the south eastern corner of the site are not to be used between the hours of 9pm and 7am, seven days a week."

Note: We assume that this condition relates to the outdoor terrace adjoining the dining room on the **Second Floor Level**.

Comment

In response to Council's recommended condition requiring the outdoor terraces adjoining the dining room and kitchen at the second floor level and the serenity garden in the south eastern corner of the site not to be used between the hours of 9pm and 7am, we would like to provide clarification of how these separate areas are to be used after hours and request that these areas are available for use until 10pm as proposed in the Plan of Management.

The proposal is seeking to retain the existing serenity garden and to convert part of the rear car park to extend the serenity garden in the south east corner of the site. The serenity garden features landscaping and acoustic measures to support the protection of the privacy and amenity of

neighbouring dwellings. After hours, this area will be used for quiet reflection by individuals and small groups. Given the low level of activity in the serenity garden it is requested that this area is permitted to operate until 10pm, and will accept an appropriate condition of consent for the period between 9pm and 10pm, such as *"between the hours of 9pm to 10pm, this area will only be used by individuals and small groups for quiet reflection and conversation."*

The introduction of the second floor terrace which is an extension of the dining area has been designed to be utilised by the patients without imposing on the privacy and amenity of neighbouring properties. This has been achieved by providing acoustic treatments around its perimeter including a 1.8m high acoustic glass balustrade and landscaping. We consider it appropriate that this area is available for use after hours for certain activities. For example, SPP see this space as being highly valuable for holding 'storytelling' activities prior to bedtime, which would involve one individual 'storytelling' to the group. This activity is currently undertaken at SPP and has proven to be successful and does not raise complaint from neighbours. This activity generates a low level of activity and noise and will continue to be appropriately managed to reduce potential noise impacts.

In response to concerns raised from Council and the public, we suggest that the terrace space on the second floor is afforded the opportunity to be utilised until 10pm on Friday or Saturday evenings for purposes such as this. SPP are dedicated to continuing to operate the Hospital in a manner which provides high quality services to its patients whilst also being respectful to the privacy of its neighbours. Such a condition may read *"(a) the outdoor terrace adjoining the dining room and kitchen at the Second Floor Level is not to be used between the hours of 9pm and 7pm from Sunday to Thursday, and 10pm and 7am on Friday and Saturday evenings."*

We appreciate the opportunity to review the recommended approval and conditions of consent in the interest of ensuring that the development of the site can be undertaken in an unobstructed and compliant manner. We look forward to a favourable outcome for South Pacific Private which provides a unique and substantially beneficial service to the community.

Should you have any further queries please do not hesitate to contact Holly Palmer on 8270 3500.

Yours Sincerely,



David Ryan
Executive Director
City Plan Strategy and Development Pty Ltd

cc: Lorraine Wood: LWood@southpacificprivate.com.au
JRPP: Angela.Kenna@planning.nsw.gov.au