



Online Payment Reference: 555676
DA/535/2017
Julie Garratley
29 September 2017

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

Development Application Notice of Determination

Issued under the Environmental Planning and Assessment Act 1979
Sections 80, 80A & 81 (1)(a)

Development Application No: DA/535/2017
Property Address: Lot 1 DP 1223721
645 Pacific Highway
KANWAL NSW 2259
Description of Development: Hospital and signage, including ancillary works and
demolition of existing structures
Determination: Approved
Determination Date: 21 September 2017
Consent to Operate From: 21 September 2017
Consent to Lapse On: 21 September 2022

Conditions

Approved Plans

- 1 The development is to be undertaken in accordance with the approved development plans and specifications listed below except as modified by any conditions of consent and any amendments in red made to the approved plans:

Title	Drawing No.	Rev.	Date	Drawn By
Site Plan	WHE-P-SITE	3	31.07.17	Health Projects International
Ground Floor Plan	WHE-P-G	19	24.07.17	Health Projects International



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Level 1 – Floor Plan	WHE-P-1	16	31.07.17	Health Projects International
Level 2 – Floor Plan	WHE-P-2	16	31.07.17	Health Projects International
Level 3 – Floor Plan	WHE-P-3	9	31.07.17	Health Projects International
Lower Ground 1 – Floor Plan	WHE-P-LG	18	12.07.17	Health Projects International
Roof Plan	WHE-P-R	6	31.07.17	Health Projects International
Elevation – Overall	WHE-E-OA-1	4	31.07.17	Health Projects International
Elevation – Pacific Highway	WHE-E-1	4	06.04.17	Health Projects International
Elevation – Craigie Avenue	WHE-E-2	5	14.07.17	Health Projects International
Elevation -East	WHE-E-3	5	03.08.17	Health Projects International
Sections	WHE-SE-1	3	05.05.17	Health Projects International
Landscape Plans	LP-002 & LP-003	E D	02/8/17	Moir Landscape Architects
Planting Detail and Schedule	LP-004A	A	10/4/17	Moir Landscape Architects

Landscape Design Review

- 1A The layout of the carpark shall be reviewed in the northern corner with a view to providing additional landscaping (and possibly retention of an existing tree(s)), if possible while still providing vehicular manoeuvring to meet Australian Standards. This may be associated with the loss of a maximum of one car space. Details of this review are to be provided for the written approval of the Council prior to the issue of a Construction Certificate.

Certificates – Application and Approval

- 2 A Construction Certificate is to be issued by the Principal Certifying Authority prior to commencement of any construction works. The application for this Certificate is to satisfy all of the requirements of the *Environmental Planning and Assessment Regulation 2000*.
- 3 Prior to the occupation or use of the building/structure, an application for an Occupation Certificate for the development must be submitted to and approved by the Principal Certifying Authority.

- 4 Where conditions of this consent require approval from Council under the *Roads Act 1993*, *Local Government Act 1993* or *Water Management Act 2000*, a completed Subdivision Construction Certificate application form must be lodged with Council and be accompanied by detailed design drawings and supporting information. Upon submission to Council, fees and charges will be calculated in accordance with Council's Management Plan. The fees and charges must be paid prior to Council commencing the design assessment.

Prior to Release of Construction Certificate:

The following conditions must be satisfied prior to the release of the Construction Certificate. Conditions may require the submission of additional information with the Construction Certificate Application. Applicants should also familiarise themselves with conditions in subsequent sections and provide plans in accordance with any design requirements contained therein.

Other Authorities

- 5 A Water NSW Operating License is to be obtained for dewatering activities prior to the issue of a Construction Certificate.

Contribution Payment Requirements

- 6 Prior to the issue of any Construction Certificate, the payment to Council of developer contributions of the following:

Developer contribution = \$124,650.41

This condition is imposed pursuant to Section 94A of the *Environmental Planning and Assessment Act 1979*.

Food Act Requirements

- 7 Prior to the issue of a Construction Certificate, detailed plans and specifications for the food handling areas are to be submitted to and approved by Council's Environmental Health Officer- Food.

Public Artwork Design and Approval Requirements

- 8 Prior to the issue of a Construction Certificate, the design concept for the development's public artwork must be submitted to and approved by Council. The design should be in accordance with Wyong Development Control Plan Chapter 2.15 Public Art.

Retaining Walls

- 9 Prior to the issue of a Construction Certificate, details of a decorative treatment for the retaining wall along the eastern and north eastern boundaries are to be submitted for the approval of the Accredited Certifier.

Roadworks - Design Requirements

- 10 The submission to Council of Civil Works design drawings and specifications detailing the following design requirements:
- Vehicle access crossing(s).
 - The restoration of any vehicle access rendered redundant by the development, to standard kerb and footpath formation.
 - Any associated works to ensure satisfactory transitions to existing infrastructure
 - Details of the proposed removal (if needed) of the telegraph pole and associated electricity and any communication wires, including details of consultation with relevant authorities.
 - Any physical measures and road signage to improve sightlines to and from the site for road safety, and any other associated road works to prevent undesirable vehicular movements to and from the site (the cost of which is to be fully borne by the applicant/owner and which may necessitate approval from the Local Traffic Committee).

Required design drawings are to be prepared in accordance with Council's *Civil Works Design Guidelines* and must be approved by Council as the Roads Authority prior to the issue of a Construction Certificate.

Signage

- 11 Signage is to be meet the criteria contained in Section 3.2.5 of the Department of Planning's *Transport Corridor Outdoor Advertising and Signage Guidelines (July 2007)*. Final details are to be submitted for the approval of the Accredited Certifier prior to the issue of the Construction Certificate.

Stormwater Drainage - Design Requirements

- 12 The submission to the Accredited Certifier of a detailed stormwater management plan featuring:
- Stormwater disposal to the drainage pit located in Craigie Avenue near the Pacific Highway.
 - The provision of an onsite stormwater detention system. The detention system must be designed to attenuate post developed flow rates to the available capacity of the drainage system within the Pacific Highway.

- The provision of stormwater quality control facilities to treat stormwater in accordance with the Engineers Australia publication *Australian Runoff Quality – A Guide to Water Sensitive Urban Design* prior to entering Council's stormwater drainage system.
- An emergency overland flow path catering for the 100 year ARI design flows.
- The basement is to drain via gravity to the stormwater disposal point. If draining the basement via gravity is not physically possible then full details of the holding tank capacity, pump type and system, discharge rate and the delivery line size for the basement drainage is to be provided in accordance with Section 9 of AS/NZS 3500.3.
- The management and solution of upstream flows, including any existing connections through the site (including No 5 Wiowera Road, Kanwal) and how this will be managed.

The plans must be prepared in accordance with *AS/NZS3500.3:2004* and Council's *Civil Works Design Guidelines*, and be approved by the Accredited Certifier prior to issue of the Construction Certificate.

- 13 Stormwater drainage works external to the site and discharging into a public system or public land requires approval from Council under Section 68 of the *Local Government Act 1993*. Detailed design drawings prepared in accordance with Council's *Civil Works Design Guidelines* must be approved by Council prior to the issue of a Construction Certificate. All other stormwater management works must be approved by the Accredited Certifier.

Structural Design Requirements

- 14 Prior to the issue of a Construction Certificate, satisfactory structural plans prepared by a suitably qualified Registered Structural Engineer are to be submitted for the approval of the Accredited Certifier for all required the following building elements including all retaining walls.

Vehicle Access and Parking - Design Requirements

- 15 The submission to the Accredited Certifier of a detailed car parking design. The design shall include:
 - Pavement marking, appropriate signage and physical controls detailed for the carpark, access driveway and circulation roads.
 - Pavement design able to withstand anticipated vehicle loading
 - Wheel stops for parking spaces where required
 - The placement of clearance signage above the basement entry.

The design drawings shall be prepared in accordance with the requirements of AS/NZS 2890 – Parts 1, 2 and 6, and be approved by the Accredited Certifier prior to the issue of a Construction Certificate.

- 16 The submission to the Accredited Certifier of lighting design drawings for the carpark and public places. The design shall be prepared in accordance with the requirements of AS/NZS 1158 and AS 4282-1997, including the provision of current best practice energy efficient lighting and be approved by the Accredited Certifier prior to issue of a Construction Certificate.

Water and Sewer Services - Design Requirements

- 17 All water and sewer works or works impacting on water and sewer assets must be designed and constructed to the requirements of Council as the Water Supply Authority. The requirements are detailed in the Section 306 Notice of Requirements letter. **Note:** The Section 306 Notice may contain requirements associated with the development that must be completed prior to the issue of the Construction Certificate.

External Cladding

- 17A The external cladding material shall be detailed in the application for a Construction Certificate and have thermal qualities which do not pose a fire safety threat to inhabitants of the building.

Prior to Commencement of Works:

The following conditions must be satisfied prior to the commencement of site works, including any works relating to demolition, excavation or vegetation removal.

Demolition Requirements

- 18 Prior to the demolition of nominated structures on site, all existing site services are to be disconnected, sealed and made safe. With regard to any sewer and water, service is to be disconnected by a licensed plumber and drainer with a Start Work Docket submitted to Council's Plumbing and Drainage Inspector as the Water and Sewer Authority.
 - Any demolition work carried out is to be carried out in accordance with the requirements of AS 2601-2001 – The Demolition of Structures.

Erosion and Sediment Control Requirements

- 19 Prior to the commencement of construction an initial Erosion and Sediment Control Plan (ESCP) prepared in accordance with the latest edition of the Landcom Publication 'Soils and Constructions- Volume 1' (The Blue Book) shall be provided to the Principal Certifying Authority. This plan shall be modified and updated during construction to reflect any changes due to the on-ground/site conditions. A copy of any modifications or updates to the ESCP shall be provided to the PCA and provided to Council upon request.

Erosion and sediment controls shall be monitored, maintained and adapted in accordance with the most recent ESCP until the site is fully stabilised and landscaped. Failure to comply with this condition may result in fines under the provision of the *Protection of the Environment Operations Act 1997*.

Protection of Adjoining Property Requirements

- 20 Prior to works associated with the development commencing, the owner of the adjoining property affected by the proposed excavation and/or structural protective works, must be given written notice of the intention to commence works. The required notice must be accompanied by details of the proposed work at least seven (7) days prior to the commencement of proposed excavation and/or structural protective works.
- 21 Prior to works associated with the development commencing, the applicant must supply the Principal Certifying Authority with a dilapidation report for the adjoining properties, which documents and photographs the condition of buildings and other improvements. The report must be submitted to and approved by the Principal Certifying Authority prior to the commencement of any works. **Note:** The report is to be made available by the Principal Certifying Authority in any private dispute between neighbours regarding damage arising from construction works upon the development site.

Trees Requirements

- 22 Prior to works associated with the development commencing the recommendations made in the Arborist Report prepared by Bradley Magus Valuation Solutions Pty Ltd dated 7 April 2017 are to be implemented.

Roads - Preconstruction Requirements

- 23 Prior to works associated with development commencing, a dilapidation report must be prepared and submitted to Council as the Roads Authority. The required dilapidation report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, water supply, sewer works, street trees, street signs or any other Council assets in the vicinity of the development. **Note:** The report will be used by Council to determine the extent of damage arising from site and construction works.

Site Requirements

- 24 Prior to works associated with the development commencing, the Principal Contractor (or Owner/Builder) is to erect a suitable sign in a prominent position on the development site (not attached to any tree) identifying the name, address and telephone number of the Principal Certifying Authority (PCA) for the work, the name, address and telephone number (including a number for outside of business hours) of the Principal Contractor for the work (or Owner/Builder) and stating that unauthorised entry to the site is prohibited. The required sign is to be maintained for the duration of works associated with the development.

- 25 Prior to works associated with the development commencing, suitable toilet facilities must be available or be provided upon the development site, with the required toilet facility(s) maintained until development works are completed at a ratio of one (1) toilet plus one (1) additional toilet for every twenty (20) persons employed at the site. Each toilet must:
- be a standard flushing toilet connected to a public sewer system; or
 - have an on-site effluent disposal system approved under the *Local Government Act 1993*, or be a temporary chemical closet approved under the *Local Government Act 1993*, supplied by a suitably licensed contractor.
- 26 Prior to works associated with the development commencing, a suitable metal waste skip (with self-closing lid or secure covering) or lined mesh steel cage(s) is to be provided upon the development site for the duration of the construction phase of the development in accordance with the requirements of Development Control Plan 2013, Chapter 2.1 – *Dwelling Houses & Ancillary Development*. The required waste receptacle is to be suitably emptied at appropriate times during the construction phase of the development.
- 27 A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works if the works:
- could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic;
 - could cause damage to adjoining lands by falling objects; or
 - involve the enclosure of a public place or part of a public place.

These works are specified as exempt development within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 – where the development standards are prescribed in Clause 2.110.

- 28 Prior to works associated with the development commencing, a Construction and Environment Management Plan (CEMP) is to be submitted to and approved by the Principal Certifying Authority. The required CEMP must outline the sequence and construction methodology, and specify mitigating measures to ensure all works are carried out with minimal environmental impact in relation to project staging, waste management, traffic management and environmental management.

During Construction Works:

The following conditions must be satisfied during construction works.

Dust Control Requirements

- 29 Suitable dust suppression measures shall be implemented and maintained by the developer during demolition, excavation and construction works associated with the development. Such measures are required to minimise the emission of dust and other impurities into the surrounding environment.

Earthworks and Haulage - Construction Requirements

- 30 Where required, any site fill material shall be classified as Virgin Excavated Natural Material (VENM) or Excavated Natural Earth (ENM) in accordance with the Waste Classification Guidelines – Part 1: Classifying Waste published by the Department of Environment, Climate Change and Water NSW (now Office of Environment and Heritage). Site fill material shall be certified as VENM or ENM by a practising Geotechnical Engineer prior to haulage to site. Certification documentation shall be provided to the Principal Certifying Authority throughout the construction phase of the works.

Trees - Construction Requirements

- 31 During construction, the recommendations made in the Arborist Report prepared by Bradley Magus Valuation Solutions Pty Ltd dated 7 April 2017 are to be implemented.

Services/Utility Requirements

- 32 The developer is solely responsible for any costs relating to alterations and extensions of existing roads, drainage, water and sewer infrastructure and other utilities for the proposed development.
- 33 Other public authorities may have separate requirements and should be consulted prior to commencement of works in the following respects:
- Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments;
 - AGL Sydney Limited for any change or alteration to gas line infrastructure;
 - Ausgrid for any change or alteration to electricity infrastructure or encroachment within transmission line easements;
 - Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure.

Site Requirements

- 34 Construction or demolition works involved with the development may only be carried out between the hours of 7.00 am and 5.00 pm Monday to Saturday with no construction or demolition works associated with the development permitted to be carried out at any time on a Sunday or a public holiday.
- 35 During the construction phase of the development, all building materials, plant and equipment must be placed on the site of the development in order to ensure that pedestrian and vehicular access within adjoining public roads, footpaths and reserve areas, is not restricted and to prevent damage to public infrastructure.
- 36 Any mechanical anchors placed within the road reserve for the basement construction are to comply with the Road Authority's requirements. The relevant Authority for the Pacific Highway is the Roads and Maritime Services and Central Coast Council for Craigie Avenue.

Prior to Release of Occupation Certificate:

The following conditions must be satisfied prior to the release of an Occupation Certificate.

Building Code of Australia – Compliance Requirements

- 37 Prior to the issue of an Occupation Certificate, the building shall be completed in accordance with the relevant provisions and requirements of the Building Code of Australia.

Dilapidation Rectification Requirements

- 38 Prior to the issue of an Occupation Certificate, any damage not shown in the Dilapidation Report submitted to and approved by the Principal Certifying Authority prior to site works commencing, will be assumed to have been caused as a result of the site works undertaken with respect to the development and must be rectified at the applicant's expense.

Disabled Access Requirements

- 39 Prior to the issue of an Occupation Certificate, access to and throughout the buildings shall comply with AS 1428.1-2009 and the objectives of the *Disability Discrimination Act 1992* (Commonwealth).

External Colours/Finishes Requirements

- 40 Prior to the issue of an Occupation Certificate, the completed development must comply with the schedule of external colours and materials submitted with the application and as shown on the materials board/model/photomontage.

Food Act Requirements

- 41 No food handling, (as defined by the *NSW Food Act 2003*), is permitted in the food premises prior to the issue of the Occupation Certificate.
- 42 All liquid trade waste is required to pass through a basket arrestor with fixed screens, fitted to all floor wastes and sinks, before being discharged into the sewerage system.
- 43 Compliance with the requirements of the *NSW Food Act 2003*, the Food Regulation 2015, and AS4674–2004 – Design, Construction and Fitout of Food Premises, and AS1668, Part 11 – Mechanical Ventilation, for all food preparation and food storage areas, including liquor areas.
- 44 The installation of hand wash facilities with a minimum dimension of 500mm x 400mm providing warm running water through a common mixing spout with hands-free tap operation (consisting of elbow or wrist operated tap levers, foot or hip operated tap levers, or electronic sensor tap operation).

Landscaping Requirements

- 45 Prior to the issue of an Occupation Certificate, to ensure landscaping works are properly completed, the landscape designer must provide certification to the Principal Certifying Authority certifying that landscaping has been implemented in accordance with the approved landscape plan as amended by any conditions of this consent.

Lighting Requirements

- 46 Prior to the issue of an Occupation Certificate, suitable lighting to the carpark and basement carpark shall be provided in accordance with the requirements of AS/NZS 1158 and AS/NZS 2890.1.

Noise Control Requirements

- 47 All recommendations and noise control measures specified in the acoustic report titled “Noise Impact Assessment Tuggerah Lakes Private Hospital 645-647 Pacific Highway Kanwal NSW (April 2017 Report No. 17-2056-R1)” prepared by Reverb Acoustics” must be implemented prior to the issue of any Occupation Certificate. A suitably qualified acoustic consultant who is currently practising in this field must provide the Principal Certifying Authority a “Compliance Certificate”, which certifies that all acoustic measures have been correctly applied and installed. A copy of the “Compliance Certificate” must be provided to Council with the Occupation Certificate.
- 48 Prior to the issue of any Occupation certificate, an acoustic compliance certificate must be provided to Council's Senior Environmental Protection officer which demonstrates that the construction of the building complies with AS 2107:2000 Acoustics - Recommended design sound levels and reverberation times for building interiors.

Other Authorities – Compliance Requirements

- 49 Prior to the issue of an Occupation Certificate, the developer must comply with the requirements (including financial costs) of any relevant utility provider (for electricity, water, sewer, drainage, gas, telecommunications, roads, etc.) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.

Public Artwork – Compliance Requirements

- 50 Prior to the issue of an Occupation Certificate, the public artwork is to be constructed and/or installed in accordance with Council's Development Control Plan 2013 Chapter 2.15 – *Public Art* and this is to include a certificate of completion being signed by the artist and this certificate being submitted to Council.

Roads – Compliance Requirements

- 51 The construction of the carpark and accesses in accordance with AS/NZS 2890 - Parts 1. Certification of the construction of the carpark and associated accesses by a suitably qualified consultant shall be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Security Requirements

- 52 Prior to issue of the Occupation Certificate, the developer must install a system of CCTV of a type and in locations on the site that will provide high-quality images of all public areas within the site.

Stormwater – Compliance Requirements

- 53 The construction of the stormwater management system in accordance with the approved Stormwater Management Plan and AS/NZS 3500.3-2004. Certification of the construction by a suitably qualified consultant shall be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Subdivision– Compliance Requirements

- 54 The consolidation of Lot 1 DP 1223721 and Lot 1 DP 650180 into one lot by registered subdivision prior to the issue of an Occupation Certificate. Documentary evidence of the Consolidation Plan registration with the Land and Property Management Authority must be submitted to the Accredited Certifier prior to the issue of the Occupation Certificate.

Vehicle Access and Parking – Compliance Requirements

- 55 The construction of the carpark and accesses in accordance with AS/NZS 2890 - Parts 1, 2 and 6. Certification of the construction of the carpark and associated accesses by a suitably qualified consultant shall be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Water and Sewer Services/Infrastructure – Compliance Requirements

- 56 The obtaining of a satisfactory final plumbing & drainage inspection advice or Section 307 Certificate of Compliance under the *Water Management Act 2000* for water and sewer requirements for the development from Wyong Shire Council as the Water Supply Authority, prior to issue of the Occupation Certificate. All works for the development must be approved by Council prior to the issue of a Certificate of Compliance

Ongoing Operation:

The following conditions must be satisfied during use / occupation of the development.

Commercial Operational Requirements

- 57 The proposed use shall not cause unreasonable noise or interference to adjoining occupations. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from warning sirens, intruder alarms, public address systems, heavy-duty compressors and the like.
- 58 Loading and unloading of vehicles and delivery goods and merchandise and the like to and from the premises must be carried out within the land and be conducted so as to cause minimum interference with other vehicular traffic.
- 59 Maintenance of the building, surrounds and parking areas within the site shall be carried out in such a manner to render the site to be neat, tidy and clean at all times.

Restrictions on Use Requirements

- 60 All lighting shall be designed so as to ensure that glare does not adversely impact upon any adjoining property.

Site Appearance, Maintenance and Security Requirements

- 61 The operator of the site must maintain the external finishes of the building, structures, walls and fences for the life of the development and any graffiti must be removed in a timely manner.
- 62 The operator of the site must maintain the required CCTV for the life of the development so that at all times the CCTV provides high-quality images of all public areas within the site.
- 63 All carpark and public place lighting must be maintained to ensure continuing energy efficient lighting and the amenity of adjoining properties is preserved.

Stormwater – Ongoing Maintenance Requirements

- 64 All stormwater treatment devices (including drainage systems, sumps and traps) must be regularly maintained in order to remain effective.

Right of Appeal

If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court.

Section 82A of the Environmental Planning and Assessment Act 1979 provides that the applicant may request the Council to Review the determination, except where the application is Integrated or Designated development.

Signed on behalf of the Consent Authority



Julie Garratley
Development Planner
DEVELOPMENT ASSESSMENT