

## CONDITIONS OF APPROVAL

<b>Application Number:</b>	DA2017/0385
<b>Land to be developed (Address):</b>	Lot 2 DP 1145029 2 / 1145029 Myoora Road TERREY HILLS NSW 2084
<b>Proposed Development:</b>	Construction of a Private Hospital with associated car parking signage and landscaping

## DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

### 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:

#### a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Site Survey Plans (Reference: 38442)	10 April 2017	Norton Servey Partners
DA000 and DA001 - Revision 02	28 April 2017	Bureau SRH Architecture
Site Plan - DA100 - Revision 03	22 August 2017	Bureau SRH Architecture
Basement Floor Plan - DA200 - Revision 03	28 April 2017	Bureau SRH Architecture
Lower Ground Floor Plan - DA210 - Revision 03	28 April 2017	Bureau SRH Architecture
Ground Floor Plan - DA211 - Revision 03	28 April 2017	Bureau SRH Architecture
Level 01 Floor Plan - DA212 - Revision 03	28 April 2017	Bureau SRH Architecture
Level 02 Floor Plan - DA213 - Revision 03	28 April 2017	Bureau SRH Architecture
Roof Plan - DA214 - Revision 02	28 April 2017	Bureau SRH Architecture
Elevations Sheet 01 - DA310 - Revision 03	28 April 2017	Bureau SRH Architecture
Elevations Sheet 02 - DA311 - Revision 02	28 April 2017	Bureau SRH Architecture
Sections - DA320 - Revision 03	28 April 2017	Bureau SRH

		Architecture
Signage Details - DA340 - Revision 01	28 April 2017	Bureau SRH Architecture
Materials and Finishes - Revision 02	28 April 2017	Bureau SRH Architecture

**Reports / Documentation – All recommendations and requirements contained within:**

<b>Report No. / Page No. / Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
Species Impact Statement	18/12/2017	Narla Environmental
Accessibility Assessment Report BCA 2016	21 April 2017	Sydney Plan Services
Noise Impact Assessment - Revision 1	20 April 2017	Acoustic Logic
Arboricultural Impact Assessment Report and Plans	31 July 2017	Urban Arbor
Building Code Of Australia Assessment	August 2017	City Plan Services
Biodiversity Management Plan (as amended by the relevant conditions of consent)	August 2017	Narla Environmental Pty Ltd
Cultural Heritage Assessment	April 2017	Narla Environmental Pty Ltd
Fire Engineering Capability Statement for DA Submission	21 April 2017	Olsson Fire & Risk Consulting Engineers
Flora and Fauna Assessment	August 2017	Narla Environmental Pty Ltd
Geotechnical Assessment	August 2017	Martens Consulting Engineers
Hydrogeological Assessment	August 2017	Martens Consulting Engineers
NCC Section J - Design Intent Statement	28 April 2017	ADP Consulting Engineering
Roof Stormwater Report	26 April 2017	ADP Consulting Engineering
Development Application Infrastructure Report	11 April 2017	ADP Consulting Engineering
Service Infrastructure Review & Due Diligence	11 April 2017	ADP Consulting Engineering
Wyvern Private Hospital Operational Management Plan	4 August 2017	QH Australia
Preliminary Site Investigation	April 2017	Martens Consulting Engineers
Stormwater Management Report	April 2017	Martens Consulting Engineers
Traffic and Parking Impact Assessment of New Private Hospital	27 April 2017	Mc Laren Traffic Engineering & Road

		Safety Consultants
Bushfire Assessment including the amended by supplementary information	18/08/2017	Peterson Bushfire Experts
Waterways Impact Statement	August 2017	Narla Environmental Pty Ltd

b) Any plans and/or documentation submitted to satisfy the Conditions of this consent.

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

<b>Landscape Plans</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
SK 01 - Revision - G	August, 2017	Carmichael Studios
SK 02 - Revision -M	August, 2017	Carmichael Studios
SK 03 - Revision - J	August, 2017	Carmichael Studios
SK 04 - Revision - H	August, 2017	Carmichael Studios
SK 05 - Revision_H	August, 2017	Carmichael Studios
SK 06A - Revision- F	August, 2017	Carmichael Studios
SK 06B - Revision-B	August, 2017	Carmichael Studios
SK 07A - Revision -C	August, 2017	Carmichael Studios
SK 07B- Revision- C	August, 2017	Carmichael Studios
SK 07C - Revision-D	August, 2017	Carmichael Studios

<b>Waste Management Plan</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
New Private Hospital Ongoing Waste Management	March 2017	Daniels Heath

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

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

## 2. **Compliance with Other Department, Authority or Service Requirements**

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

<b>Other Department, Authority or Service</b>	<b>EDMS Reference</b>	<b>Dated</b>
Ausgrid	Response Ausgrid Referral	11 May 2017
NSW Office and Environment & Heritage	NSW OEH Response	31 May 2018
NSW Rural Fire Service	Referral - RFS - 2/1145029 Myoora Road Terrey Hills	12 September 2017

(NOTE: For a copy of the above-referenced document/s, please see Application Tracking on Council's website [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au))  
DA2017/0385

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

3. **New Development Application Required**

This consent is for the construction of the base building for the hospital only. A separate Development Application (other than that permitted under Complying Development) is to be lodged for the internal fit-out of the hospital.

Reason: To ensure the required approvals are obtained for the hospital fit-out.

4. **No Approval for any Signage above the parapet / roof line**

No approval is granted under this Development Consent for the erection of any advertising or business identification signage located above the roof/parapet line. All signage above the roof/parapet shall be deleted.

Reason: Compliance with Warringah Local Environment Plan. (DACPLB07)

5. **Prescribed Conditions**

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) 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.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
  - (i) in the case of work for which a principal contractor is required to be appointed:
    - A. the name and licence number of the principal contractor, and
    - B. the name of the insurer by which the work is insured under Part 6 of that Act,
  - (ii) in the case of work to be done by an owner-builder:
    - A. the name of the owner-builder, and
    - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in

progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

- (e) 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:
- (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)

## 6. 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 and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed 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.
- (j) Prior to the commencement of any development onsite for:
  - i) Building/s that are to be erected
  - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
  - iii) Building/s that are to be demolished
  - iv) For any work/s that is to be carried out
  - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.
- (k) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
  - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;
 

Relevant legislative requirements and relevant Australian Standards (including but not limited) to:

    - (i) Swimming Pools Act 1992
    - (ii) Swimming Pools Amendment Act 2009
    - (iii) Swimming Pools Regulation 2008
    - (iv) Australian Standard AS1926 Swimming Pool Safety
    - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
    - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
  - (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa

area.

- (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
- (4) Swimming pools and spas must be registered with the Division of Local Government.

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

#### 7. **Allocation of Parking Spaces**

A total of 136 parking spaces shall be provided within the site, with three (3) disabled parking spaces to be in accordance to AS2890.6:2009.

Reason: To ensure correct allocation of parking within the site. (DACTRBOC2)

### FEES / CHARGES / CONTRIBUTIONS

#### 8. **Policy Controls**

Northern Beaches Council Section 94A Development Contribution Plan

The proposal is subject to the application of Council's Section 94A Development Contributions Plan.

The following monetary contributions are applicable:

Northern Beaches Council Section 94 Development Contributions Plan		
Contribution based on a total development cost of \$ 22,043,000.00		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 209,408.50
Section 94A Planning and Administration	0.05%	\$ 11,021.50
Total	1%	\$ 220,430.00

The amount will be adjusted at the time of payment according to the quarterly CPI (Sydney - All Groups Index). Please ensure that you provide details of this Consent when paying contributions so that they can be easily recalculated.

This fee must be paid prior to the issue of the Construction Certificate. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To provide for contributions in accordance with Northern Beaches Council's Development Contributions Plan.

## 9. **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.

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.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at [www.warringah.nsw.gov.au/your-council/forms](http://www.warringah.nsw.gov.au/your-council/forms)).

Reason: To ensure adequate protection of Council's infrastructure.

## 10. **Works Bonds**

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

A Bond of \$55,000 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.

(b) 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.

(c) Construction, Excavation and Associated Works Bond (Failure to Remove Waste)

A bond of \$10,000 as security against damage to Council's road(s) fronting the site caused by the transport and disposal of materials and equipment to and from the site.

(d) Construction, Excavation and Associated Works Bond (Maintenance for civil works)

The developer/applicant must lodge with Council a Maintenance Bond of \$5,500 for the construction of driveways and footpath. The Maintenance Bond will only be refunded on completion of the Maintenance Period, if work has been completed in accordance with the approved plans to the satisfaction of Council.

(Note: This bond may be refunded and replaced by the Maintenance Bond upon submission to Council of the final Compliance Certificate or Subdivision Certificate.)

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.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at [www.warringah.nsw.gov.au/your-council/forms](http://www.warringah.nsw.gov.au/your-council/forms)).

Reason: To ensure adequate protection of Councils infrastructure. (DACENZ01)

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

### 11. On-site Stormwater Detention Compliance Certification

Drainage plans detailing the provision of On-site Stormwater Detention in accordance with Warringah Council's "On-site Stormwater Detention Technical Specification" and the concept drawing by Martens and Associates, project no. P1605687 drawing number PS02 - A000 issue C, A050 issue B, E100 issue C, E200 issue B dated 26/6/2017.

The On-site Stormwater Detention system is to be designed and constructed such that the post developed runoff does not exceed the 'state of nature' (0% fraction impervious) pre-developed runoff for all storms up to and including the 1 in 100 year ARI storm event.

Stormwater runoff from the development is to be collected and piped to Council's stormwater drainage pipeline within the public roadway in accordance with Council's requirements.

A Construction Certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979 must be issued by a C3 and C15 Accredited Certifier, ensuring that the stormwater drainage design complies with all requirements of this condition.

Details demonstrating compliance are to be submitted to the Certifying Authority 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. (DACENC03)

### 12. Submission of Engineering Plans for Civil Works in the Public Road Reserve

Engineering plans are to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993. The submission is to include four (4) copies of Civil Engineering plans for the design and construction of four (two(2) x 6 metre wide and two(2) x 3 metre wide) vehicle crossings and 1.5 metre wide concrete footpath and associated layback works which are to be generally in accordance with the Development Application and Council's specification for engineering works – AUS-SPEC #1 and Council's Minor Works Specification. Vehicle crossings are to be constructed in accordance with Council's standard 'Normal' driveway profile.

The Fee Associated with the assessment and approval of the plans is to be in accordance with Council's Fees and Charges.

The developer/applicant must lodge with Council a \$55,000 security bond against any failure to construct the driveways and footpath to Council requirements.

The Maintenance Bond of \$5,500 must be lodged with Council upon completion of the above works. The maintenance bond will only be refunded on completion of the Maintenance Period, if work has been completed in accordance with the approved plans and to the satisfaction of Council.

All costs related to the re-location of any underground utility services, electric light poles, power poles, etc in the course of undertaking the civil works are to be borne by the applicant/developer.

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.

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

Reason: Ensure engineering works are constructed in accordance with relevant standards.  
(DACENC08)

13. **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)

14. **Stormwater Quality System**

The Stormwater Quality System must be amended to ensure annual TSS, TN, TP and GP loads do not increase compared to a "natural conditions" pre development scenario. The treatment system must incorporate a rainwater capture/reuse system. MUSIC modelling must be completed to demonstrate compliance with the objectives of this condition.

The Stormwater and Coastal Upland Swamp Recharge Systems must be designed to complement each other to ensure any changes to the natural hydrology and water quality of the Coastal Upland Swamp Endangered Ecological Community are avoided.

The detailed designs must be prepared by suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Engineers Register (NER) and submitted to the Council for approval prior to issue of any Construction Certificate.

Reason: Protection of the receiving environment

15. **Coastal Upland Swamp Recharge System**

A Coastal Upland Swamp Recharge System must be prepared based on the data and recommendations as provided in the Hydrogeological Assessment prepared by Martens Consulting Engineers dated August 2017 and Species Impact Statement prepared by Narla Environmental dated December 2017 and as per any requirement of this condition.

The Coastal Upland Swamp Recharge System shall be designed to ensure existing upstream groundwater and surface is intercepted and directed to the Coastal Upland Swamp. The recharge system must mimic the pre-development hydrological regime and be designed based on the outputs of the Water Balance Model.

A groundwater barrier is to be implemented downslope of the existing Coastal Upland Swamp to replicate site conditions prior to the excavation undertaken along the downstream boundary of the site. This barrier is to be incorporated into the design of the proposed bio-retention swale to be constructed along the south east corner of the site.

All building basement subsoil systems are to be designed to ensure site groundwater levels are not lowered in the vicinity of the Coastal Upland Swamp or capture groundwater flows generated upslope of the site that would otherwise drain to the swamp.

The Coastal Upland Swamp Recharge System designs must be prepared by suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Engineers Register (NER) and approved by the appointed ecologist. The designs and model are to be submitted to the Council for approval prior to issue of the Construction certificate.

Reason: Protection of the receiving environment

16. **Amendment to the On Site Detention System Design**

The design of the On Site Detention (OSD) System shall be amended to comply with the following:

a) Post development flows are to be reduced back to predevelopment levels for all storm events (min. 1yr ARI to 100yr ARI) and durations (min. 5 minutes to 6hrs). The minimum rate of detention is to be 250m<sup>3</sup>/ha of developable area.

b) Detailed modelling of the proposed OSD system is to be completed using the outlet/basin configuration that is proposed to be utilised (ie not a theoretical system or contrived equivalent). The modelling is to demonstrate compliance with a). The modelling is to compare pre and post development flows for the site itself as well as all upstream external catchments.

The designs and model must be prepared by suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Engineers Register (NER). The designs and model are to be submitted to the Council for approval prior to issue of any Construction certificate.

Reason: Protection of the Downstream Environment and Coastal Upland Swamp EEC

17. **Water Balance Model**

A detailed water balance model is to be developed for the pre and post development catchments draining to the existing Coastal Upland Swamp (i.e. for the site itself and all upstream external catchments). The model is to predict both surface and groundwater flows, frequency and volume. The modelling is to demonstrate maintenance of the pre development conditions (i.e. within +/- 10%) and shall be incorporated in the Coastal Swamp Recharge System.

The model must be prepared by suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Engineers Register (NER). The model shall be submitted to the Council for approval prior to issue of any Construction certificate.

Reason: Protection of the Downstream Environment and Coastal Upland Swamp EEC

18. **Temporary Dewatering**

Discharge of construction stage dewatering from the site must not occur until the above water quality parameters are met.

Parameter	Criterion	Method
Oil and grease	None visible	Visual inspection

pH	6.5- 8.5	Probe/meter
Total Suspended Solids (TSS)	<50mg/L	Meter/grab sample m as NTU

*Note: The correlation between NTU and TSS must be established by a NATA accredited laboratory prior to the commencement of dewatering activities.*

All records of discharges from the site and monitoring results are to be documented and kept on site. Copies of all records shall be provided to the appropriate regulatory authority, including Council, upon request.

Water must be discharged to the nearest stormwater pit in accordance with Council's Auspec1 Design Manual and must not spread over any road, footpath and the like. Discharge to the kerb and gutter will not be accepted.

Reason: Protection of the receiving environment

#### 19. **Site Contamination**

**During site preliminary works if areas of the site are found to be contaminated then a contamination action plan is to be prepared and submitted to the Certifier**

All stockpiles of potentially contaminated soil must be stored in a secure area on the site (no greater than 48 hours) so as not to cause pollution or public health risk until disposed of at a waste facility.

All contaminated soil 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 all relevant Acts, Regulations and Guidelines. 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.

Note: The following Acts and Guidelines applied at the time of determination:

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

Reason: To protect the Environment and the public and site workers (DACHPCPCC6)

#### 20. **Landscaping**

No Grevillea hybrids are to be used in the landscaping for this development due to risk of hybridization with local Grevillea caleyi.

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

Reason: To ensure compliance with the requirements of the Threatened Species Conservation Act 1995 (DACNEC02)

#### 21. **Application for a Biodiversity Stewardship Agreement**

In accordance with letters (including voluntary offer) from the applicant Wyvern Health Pty Ltd (letter dated, 21 February 2018) and property owner, Wyvern Terrey Hills Property (Letter dated,

8 June 2018) to Northern Beaches Council, a Biodiversity Stewardship Agreement (BSA) is to be entered into with respect to:

- i) the 0.95 hectares area (at a minimum) of land identified as “Proposed Conservation Area” on the map in Figure 28 of the Species Impact Statement version 1.0 dated 18 December 2017 (SIS),
- ii) biodiversity credits generated from that land with respect to Plant Community Type 1786 (Red Bloodwood–Silvertop Ash–Stringbark open forest on ironstone in the Sydney region), *Grevillea caleyi*, Eastern Pygmy-possum (*Cercartetus nanus*) and any other species credits species identified on the site during the assessment of that land.

Unless agreed in writing from Council’s Bushland & Biodiversity section (or its successor) or the Chief Executive of the Office of Environment and Heritage (or its successor), the land owner must submit an application for the agreement to the Biodiversity Conservation Trust within six months of development consent being granted.

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

Reason: To compensate for the loss for the loss of threatened species habitat associated with the development and to conserve remaining threatened biodiversity on the land in accordance with the *Biodiversity Conservation Act 2016* (DACNEC04)

## 22. **Bushland Covenant**

Retained bushland is to be protected, conserved, rehabilitated and managed through the use of a Section 88e (*Conveyancing Act 1919*) Instrument in which Northern Beaches Council shall be named as the sole authority to release or modify the restriction.

The instrument is to be written and registered on the title so that the owners are bound to manage and protect the area in perpetuity according to the approved Biodiversity Management Plan and Species Impact Statement (Narla Environmental - December 2018) prepared for the development. The instrument must identify that vegetation removal and management within the APZs is to meet the requirements in Appendices 2 and 5 of Planning for Bush Fire Protection 2006 and the NSW Rural Fire Service's document Standards for asset protection zones of IPAs and OPAs.

This instrument is to be approved by Councils Bushland & Biodiversity section prior to lodgement with the NSW Department of Lands.

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

Reason: Management and protection of bushland. (DACNEC05)

## 23. **Project Ecologist**

A Project Ecologist is to be employed for the duration of the approved works to ensure all bushland protection measures are carried out according to the conditions of consent.

The Project Ecologist will provide certification that requirements identified in the approved Biodiversity Management Plan and Species Impact Statement (Narla Environmental - December 2017) are carried out. The Project Ecologist will ensure that all conditions relating to biodiversity management of the property are fully implemented. The Project Ecologist is to be a vegetation management specialist and must have relevant industry accreditation including:

- Accreditation in the Application of the Biodiversity Assessment Method 2017, OR
- Practicing Member to the NSW Ecological Consultants Association

Reason: To ensure bushland management. (DACNEC07)

#### 24. **Soil and Water Management Plan**

A Soil and Water Management Plan (SWMP) shall be prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Engineers Register (NER) and implemented onsite prior to commencement. The SWMP must meet the requirements outlined in the Landcom publication Managing Urban Stormwater: Soils and Construction - Volume 1, 4th Edition (2004) and Council's Water Management Policy.

The SWMP must include the following as a minimum:-

- Site boundaries and contours;
- Vehicle access points, proposed roads and other impervious areas (e.g. parking areas and site facilities)
- Location of all drains, pits, downpipes and waterways on and nearby the site;
- Planned stages of excavation, site disturbance and building;
- Stormwater management and discharge points;
- Dewatering management activities and discharge points. Reference must be made to the dewatering requirements as provided in this consent.
- Location of environmentally sensitive receivers such as the Coastal Upland Swamp EEC.
- Integration with onsite detention/infiltration;
- Sediment control basin locations and volume (if proposed);
- Proposed erosion and sediment controls and their locations;
- Location of washdown and stockpile areas including covering materials and methods;
- Vegetation management including removal and revegetation;
- A schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.
- Inspection and maintenance program;
- North point and scale.

All Site drainage and sediment and erosion control works and measures as described in the SWMP, and any other pollution controls, as required by these conditions, shall be implemented prior to commencement of any other works at the Site.

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

Reason: To promote the long-term sustainability of ecosystem functions (DACNEC11)

#### 25. **Utilities and Services**

Utility and service lines are not to be located within riparian zones, unless they:

- a) Do not require access tracks for maintenance or other purposes; and
- b) Do not restrict existing vegetation or rehabilitation.

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

Reason: Environmental Protection, Monitoring and Enhancement (DACNEC16)

26. **Revised Biodiversity Management Plan**

A revised biodiversity management plan shall be prepared and submitted for the site and incorporating all amendments identified in the draft report '*Managing Bushfire Mitigation and Asset Protection Zones*' (Narla 26 March 2018).

The revised Biodiversity Management Plan is to be submitted to Council's Bushland and Biodiversity section for approval prior to issue of the Construction Certificate.

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

**Reason:** Compliance with concurrence conditions issued by OEH.

27. **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)

28. **External Finishes to Roof**

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.

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 does not occur as a result of the development. (DACPLC03)

29. **Construction Traffic Management Program**

A Construction Management Program shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate. This to be submitted through an 'Application to Implement a Traffic Management Plan' The program shall detail:

- (a) The proposed method of access to and egress from the site for construction vehicles, including access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed;
- (b) The proposed phases of construction works on the site, and the expected duration of each construction phase;
- (c) The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken;
- (d) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process;
- (e) The proposed method of loading and unloading excavation and construction machinery,

excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site;

(f) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period;

(g) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site;

(h) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent;

(i) Proposed protection for Council and adjoining properties;

(j) The location and operation of any on-site crane;

Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process in a manner that respects adjoining owner's property rights and protects amenity in the locality, without unreasonable inconvenience to the community. (DACTRCPC1)

30. **Pedestrian sight distance at property boundary**

A pedestrian sight triangle of 2.0 metres by 2.5m metres, in accordance with AS2890.1:2004 is to be provided at the vehicular access to the property and where internal circulation roadways intersect with footpaths or other pedestrian access areas. This requirement is to be reflected on the Construction Certificate plans and any supporting documentation for the endorsement of the Principal Certifying Authority prior to the release of the Construction Certificate.

Reason: To maintain pedestrian safety. (DACTRCPC2)

## CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

31. **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 \$20 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 is to note, and provide protection for Northern Beaches Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. 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)

32. **Tree protection**

(a) Existing trees which must be retained

i) All trees not indicated for removal in the Arboricultural Impact Assessment Report dated 27 April 2017 prepared by Urban Arbor, unless exempt under relevant planning instruments or legislation

ii) Trees located on adjoining land

(b) Tree protection

i) No tree roots greater than 50mm diameter are to be cut from protected trees unless authorised by the Project Arborist on site.

ii) All structures are to bridge tree roots greater than 50mm diameter unless directed otherwise by the Project Arborist on site.

iii) All tree protection to be in accordance with the recommendations of the

Arboricultural Impact Assessment Report dated 27 April 2017 prepared by Urban Arbor and AS4970-2009 Protection of trees on development sites, with particular reference to Section 4 Tree Protection Measures.

iv) All tree pruning within the subject site is to be in accordance with WDCP2011 Clause

E1 Private Property Tree Management and AS 4373 Pruning of amenity trees

v) All tree protection measures, including fencing, are to be in place prior to commencement of works.

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

33. **Project Arborist**

i) A Project Arborist with minimum qualification equivalent to AQF Level 5 is to be appointed prior to commencement of works.

ii) The Project Arborist is to oversee all tree protection measures, removals and works adjacent to protected trees as outlined in the Arboricultural Impact Assessment Report dated 27 April 2017 prepared by Urban Arbor.

iii) The Project Arborist is to familiarize themselves with and ensure compliance as relevant with, any other environmental requirements regarding trees conditioned under this consent.

Reason: Environmental protection (DACLADPC1)

34. **Establishment of a Biodiversity Stewardship Site**

Unless agreed in writing from Council's Bushland & Biodiversity section (or its successor) or the Chief Executive of the Office of Environment and Heritage (OEH) (or its successor), the biodiversity stewardship agreement and related actions must be implemented in accordance with the following timing:

i) Prior to the issue of a construction certificate or any vegetation clearing or onsite building works, the biodiversity stewardship agreement must be entered into and details demonstrating this are to be provided to the Principal Certifying Authority and Council.

ii) Within six months of the issue of a construction certificate, or prior to the issue of the occupation certificate, whichever is earlier, the total Fund deposit (TFD) for the biodiversity stewardship site is to be paid into the Biodiversity Stewardship Payments Fund and all credits created by the biodiversity stewardship agreement must be retired in accordance with section 6.21(5) of the *Biodiversity Conservation Act 2016* and details demonstrating achievement of these objects are to be provided to the Principal Certifying Authority, the Council and OEH.

Details demonstrating compliance are to be provided to the Principal Certifying Authority, Council and OEH

Reason: To compensate for the loss of threatened ecological communities and threatened species habitat associated with the development and to conserve remaining threatened biodiversity on the land (DACNEC04)

35. **Installation and Maintenance of Sediment and Erosion Control**

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004).

Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

Reason: To protect the surrounding environment from the effects of sedimentation and erosion from the site (DACNED06)

36. **Delineation of the Asset Protection Zones**

Prior to the commencement of any vegetation clearing or onsite building works, the extent of the Inner Protection Areas and of the Outer Protection Areas of the Asset Protection Zones must be surveyed, delineated on the ground and documented on the site survey plan by a registered surveyor.

Asset protection zones (APZs) and their boundaries are to be established in accordance with the additional bushfire assessment information, including revised Figure 4, provided by Peterson Bushfire in letter dated 18 August 2018, as follows:

- as two outer protection areas (OPAs) in the locations specified in revised Figure 4
- as an Inner Protection Area (IPA) within a distance of no more than 50 metres from the walls of the hospital building on the north-western and south-western elevations of the hospital building, or to the boundary, where vegetation is identified by the approved Biodiversity Management Plan as Coastal Upland Swamp
- where the vegetation is identified by the approved Biodiversity Management Plan as Coastal Upland Swamp, it will remain not cleared or otherwise modified, except for a 'defendable space' to a maximum distance of 10 metres horizontally from the walls of the hospital building.

Prior to the commencement of any onsite building works or commencement of vegetation clearance/modification, the extent of the Asset Protection Zone must be fenced as follows:

- The fence shall conform to the specification for bush protection fencing, consisting of 1150mm high galvanised hinge joint fencing (8/115/30) (Stocktite or similar) fixed to fence with 3x strands 3.15mm galvanised fencing wire. Posts are to be capped, 50mm round galvanised pipe at 3m centres. End posts are to be stayed with galvanised pipe stay every 15m. Inline stays are to be fixed to 50mm post. Posts are to be concreted into the ground.
- This fence is to be constructed prior to any construction works.
- The alignment of the fence should avoid significant habitat features including large rock outcrops and cliffs.

Any proposed alternative fence designs and alignment must be agreed by Council's Bushland & Biodiversity section (or its successor) in writing.

Details demonstrating compliance are to be submitted to Council's Bushland & Biodiversity section and the Principal Certifying Authority.

**Reason:** Compliance with Bushland Protection and NSW Rural Fire Services Bushfire Safety Authority (DACNED02)

## CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

37. **Vehicle Crossings**

The provision of four vehicle crossings in accordance with Warringah Council Drawing No A4-3330/1 Normal 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.

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

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

38. **Civil Works Supervision**

All civil works approved in the Construction Certificate are to be supervised by an appropriately qualified and practising Civil Engineer.

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

Reason: To ensure compliance of civil works with Council's specification for engineering works. (DACENE06)

39. **Footpath Construction**

The applicant shall construct a 1.5 metre wide concrete footpath for the full width of the Myoora Road frontage. 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) 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)

40. **Layback Construction**

Four laybacks are to be constructed in accordance with Warringah Council Drawing No A4-2276 and specifications.

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

41. **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)

42. **Waste Management During Development**

The reuse, recycling or disposal of waste during works must be done generally in accordance with the Waste Management Plan for this development.

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

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

43. **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)

44. **Protection of rock and sites of significance**

- a) All rock outcrops outside of the area of approved works are to be preserved and protected at all times during demolition excavation and construction works.
- b) Should any Aboriginal sites be uncovered during the carrying out of works, those works are to cease and Council, the NSW Office of Environment and Heritage (OEH) and the Metropolitan Local Aboriginal Land Council are to be contacted.

Reason: Preservation of significant environmental features (DACLAEOG1)

45. **Works Environment Protection Plan and Environment Protection Induction**

A Works Environment Protection Plan (WEPP) is to be prepared and must be kept in the site office. All construction staff must be inducted by the Project Ecologist with an induction record being maintained and available onsite at all times.

Personnel conducting the site induction will be able to:-

- (a) Be familiar with the names and contact details of relevant people and authorities in the event of any environmental or site management emergency that may arise.
- (b) Be familiar with the presence of environmentally significant areas within and surrounding the site.
- (c) Be familiar with the location of trees with hollows and the importance of tree hollows to a variety of wildlife species and the protection and significance of tree hollows.
- (d) Be familiar and aware of the presence of weed locations, spoil mounds and the potential of weed infections and weed seed propagules accidentally being introduced to the site.
- (e) Identify threatened species of fauna that may venture into the subject site.
- (f) Identify threatened species of fauna that may be cryptic such as the Eastern Pygmy Possum, Red-crowned Toad and Heath Monitor, etc.
- (g) Be familiar with animal welfare issues and procedures should human-wildlife interactions take place during the construction phase.
- (h) Have an understanding of flora and fauna management issues.
- (i) A certificate demonstrating compliance must be prepared by the Project Ecologist and submitted to the Certifying Authority prior to the issue of the Occupation Certificate.

Reason: Protection of Bushland. (DACNEEO3)

46. **Installation and Maintenance of Sediment Control**

Measures used for erosion and sediment control on building sites are to be adequately maintained at all times and must be installed in accordance with Council's Specifications for Erosion and Sediment Control. All measures shall remain in proper operation until all development activities have been completed and the site fully stabilised.

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

Reason: To protect the environment from the effects of sedimentation and erosion from development sites.

**47. 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. 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. (DACTREDW1)

## CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

**48. 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)

**49. 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)

**50. 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)

51. **Stormwater Disposal**

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person.

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

**Note:** The following Standards and Codes applied at the time of determination:

(a) Australian/New Zealand Standard **AS/NZS 3500.3** - 2003 - Plumbing and drainage - Stormwater drainage

(b) Australian/New Zealand Standard **AS/NZS 3500.3** - 2003/Amdt 1 - 2006 - Plumbing and drainage - Stormwater drainage

(c) National Plumbing and Drainage Code.

Reason: To ensure appropriate provision for the disposal of stormwater arising from the development. (DACENF05)

52. **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)

53. **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)

54. **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)

55. **Positive Covenant for Stormwater Quality Devices**

A positive covenant shall be created on the title of the land requiring the proprietor of the land to maintain the stormwater quality devices. The terms of the positive covenant are to be prepared to Council’s standard requirements, (available from Council), at the applicant’s expense and endorsed by the Northern Beaches Council’s delegate prior to lodgement with the Department of Lands.

The Northern Beaches 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:

Reason: To ensure ongoing maintenance of the stormwater quality system

56. **Stormwater Quality Operation and Maintenance Plan**

An Operation and Maintenance Plan is to be prepared to ensure proposed stormwater quality measures remain effective.

The Plan must contain the following:

- a) Inspection and maintenance schedule of all stormwater quality treatment devices
- b) Record keeping and reporting requirements
- c) Funding arrangements for the maintenance of all stormwater quality treatment devices
- d) Waste management and disposal
- e) Traffic control measures (if required)
- f) Relevant contact information
- g) Renewal and replacement requirements of all stormwater quality treatment devices
- h) Work Health and Safety requirements

Details demonstrating compliance shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate.

Reason: Protection of the receiving environment

57. **Works as Executed Drawings**

Works as Executed Drawings for all stormwater quality devices must be prepared in accordance with Council’s Guideline for Preparing Works as Executed Data for Council Stormwater Assets.

The drawings shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate.

Reason: Protection of the receiving environment

**58. Certification of Water Management Systems**

A certificate from a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Engineers Register (NER) stating that the following systems have been installed in accordance with the Construction Certification Plans.

- Onsite Detention System;
- Coastal Upland Swamp Recharge System; and
- Stormwater Quality System

The certificate shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate.

Reason: Protection of the Downstream Environment and Coastal Upland Swamp EEC

**59. Mechanical Ventilation certification**

Prior to the issuing of any interim/final occupation certificate, certification is to be provided from the installer of the mechanical ventilation system that the design, construction and installation of the mechanical ventilation system is compliant with the requirements of AS1668 The use of mechanical ventilation.

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

Reason: To ensure that the mechanical ventilation system complies with the design requirements. (DACHPFPOC4)

**60. Required Planting**

- i) Planting is to undertaken in accordance with the approved Landscape Plans.
- ii) 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)

**61. Positive Covenant for Stormwater Quality System**

A positive covenant shall be created on the title of the land requiring the proprietor of the land to maintain the stormwater quality system in accordance with the standard requirements of Council, the manufacturer and as required by the Stormwater Quality Operation and Maintenance Plan.

The terms of the positive covenant are to be prepared to Council's standard requirements, (available from Council), at the applicant's expense and endorsed by the Northern Beaches Council's delegate prior to lodgement with the Department of Lands. The Northern Beaches 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 (DACNEFPOC1)

**62. Registration of Encumbrances for Stormwater Quality System**

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for stormwater quality system 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: Reason: To identify encumbrances on land (DACNEFPOC2)

63. **Restriction as to User for Stormwater Quality System**

A restriction as to user shall be created on the title over the stormwater quality system, restricting any alteration to system. The terms of such restriction are to be prepared to Council's standard requirements, (available from Northern Beaches Council), at the applicant's expense and endorsed by Council prior to lodgement with the Department of Lands. Northern Beaches 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 (DACNEFPOC3)

64. **Installation of Rainwater Tanks**

Rainwater tanks shall comply with the following:

1. Be fitted with a first-flush device that causes initial rainwater run-off to bypass the tank and must drain to a landscaped area. The first flush device will not be permitted to connect to the stormwater system
2. Have a sign affixed to the tank stating the contents is rainwater
3. Be constructed or installed in a manner that prevents mosquitoes breeding, such as the use of mesh to protect inlets and overflows
4. Have its overflow connected to an existing stormwater drainage system that does not discharge to an adjoining property, or cause a nuisance to adjoining owners
5. Pumping equipment must be housed in a soundproof enclosure
6. Where the rainwater tank is interconnected to a reticulated water supply, it must be installed in accordance with Plumbing Code of Australia, particularly backflow/cross connection prevention requirements.

A certificate from a licenced plumber shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate.

Reason: To conserve potable water (DACNEFPOC4)

65. **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)

66. **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)

67. **Sydney Water**

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

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) <<http://www.sydneywater.com.au>> then refer to “Water Servicing Coordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

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

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 compliance with the statutory requirements of Sydney Water. (DACPLF08)

68. **Speed humps at internal roadway and at property boundary**

Speed humps in accordance to Australian Standards AS2890.1:2004 is to be provided inside of the property boundary to control vehicle speeds. Speed humps shall be installed every 50m within the internal roadway to maintain positive vehicle speeds. 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 safety at property boundary and carpark. (DACTRFPOC1)

69. **On-Street Parking**

The applicant is to apply in writing to Council for a No Stopping zone 4m on each side of the two-way driveway servicing building 01, and the single existing driveway from the main entrance of the hospital and the two-way driveway servicing building 02. This will be subject to approval from the Northern Beaches Local Traffic Committee, with all signposting work undertaken at no cost to Council. 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 correct and safe allocation of on-street parking. (DACTRFPOC2)

## ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

70. **Maintenance period for civil works under the provisions of the Roads Act 1993 and Environmental Planning and Assessment Act 1979**

A Maintenance Period of six (6) months shall apply to the driveway and footpath construction works located in, on or over a public road as approved under the provisions of Section 139 of the Roads Act 1993 and Section 80A of the Environmental Planning and Assessment Act 1979, after it has been completed and approved in writing by the appropriate Roads Authority. In that period the applicant shall be liable for any part of the work which fails to perform in the manner outlined in Roads Authority's specifications, or as would be reasonably be expected under the design conditions.

Reason: To ensure works are appropriately constructed and repaired where defective.  
(DACENG01)

71. **Maintenance of Stormwater Quality System**

The stormwater quality system must be maintained at all times in accordance with the Stormwater Quality Operation and Maintenance Plan, manufacturers specifications and as necessary to achieve the required stormwater quality targets for the development.

Reason: Protection of the receiving environment

72. **Noise pollution**

The ventilation systems shall not create *offensive noise* under the Protection of the Environment Operations Act 1997. The council may require the owner or occupier of the premises to engage the services of a suitably qualified professional to undertake an acoustic assessment of the system/s in the event concerns regarding the emission of 'offensive noise' are raised and/or justified by Council.

Reason: To protect the acoustic amenity of neighbouring properties and the public (DACHPGOG6)

73. **Landscape maintenance**

- i) Trees shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilized as required at the time of planting.
- ii) If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Landscape Plan.

Reason: To maintain local environmental amenity

74. **Fertiliser**

No fertilisers are to be spread on any portion of any Lot at any time.

Reason: To ensure bushland and riparian zone management (DACNEG01)

75. **Exotic Plant Species/Weeds**

All exotic plant species, noxious and environmental weeds are to be managed continuously and are not to be imported to the site.

Only certified weed free and contaminant free mulch is to be used on the site, as they may contain weed seeds and viable vegetative matter and other contaminants, which may impact adversely on the vegetation, soil, water quality or ecology of the site.

Reason: To ensure bushland and riparian management (DACNEG05)

76. **Vegetation Management within Asset Protection Zones**

Vegetation removal within the APZs is to meet the requirements in Appendices 2 and 5 of *Planning for Bush Fire Protection 2006* and the NSW Rural Fire Service's document *Standards*

for *Asset Protection Zones*. Vegetation removal must be undertaken to the minimum extent possible in accordance with the approved Biodiversity Management Plan and identified in the terms of the positive covenant on use under Section 88E of the *Conveyancing Act 1919* OR a planning agreement under subdivision 2 of Part 7 of the Environmental Planning and Assessment Act 1979.

No other clearing of native vegetation is permitted outside the construction footprint, APZs and the fire access track approved for this development.

Details demonstrating compliance are to be submitted to Council's Bushland & Biodiversity section and the Principal Certifying Authority prior to occupation certificate.

Reason: To ensure that the development complies with the bushfire safety authority issued by the NSW Rural Fire Service on 12 September 2017, while minimising environmental impact in accordance with the planning panel's requirement that there be "satisfactory agreement on the maintenance measures within the Biodiversity Management Plan to address the manner in which Asset Protection Zones are managed to ensure the ongoing retention of biodiversity values and creation of a positive covenant to ensure these measures are implemented over the life of the development" (DACNEDPC1)

**77. Implementation of Biodiversity Management Plan**

All requirements in the approved Biodiversity Management Plan are to be implemented prior, during and post construction.

Details demonstrating pre-construction compliance are to be certified by the project ecologist and submitted to the Certifying Authority prior to the issue of the Construction Certificate and prior to issue of occupation certificate.

Reason: Biodiversity/Vegetation Conservation and Management. (DACNEGOG2)

**78. Certification of ongoing work**

A Bush Regeneration contract is to be entered into to ensure that works required by the approved Biodiversity Management Plan to occur post Occupation Certificate are adequately completed. The bush regeneration company is to certify that such a contract has been entered into.

**Reason:** Bushland management.

**79. Biodiversity Monitoring and Reporting**

The project ecologist must undertake all monitoring and reporting in accordance with the approved Biodiversity Management Plan. Copies of annual reporting are to be provided to Council.

Reason: Ongoing Biodiversity Management

**80. Visitors Sign**

A sign, legible from the street, shall be permanently displayed to indicate that visitor parking is available on the site and the visitor car parking spaces shall be clearly marked as such.

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 visitors are aware that parking is available on site and to identify those

spaces to visitors. (DACPLG04)

81. **No Illumination**

No consent is given or implied for any form of illumination or floodlighting to any sign or building or other external areas other than that approved.

Reason: To ensure appropriate forms of illumination that are consistent with Council's controls, and do not interfere with amenity of nearby properties. (DACPLG13)

82. **Commercial Waste Collection (DACPLG18)**

Waste and recyclable material, generated by this premises, must not be collected between the hours of 10pm and 6am on any day.

Reason: To protect the acoustic amenity of surrounding properties.(DACPLG18)

83. **Loading and Unloading**

All loading and unloading of vehicles and the delivery of goods must be carried out wholly within the site.

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

84. **Deliveries**

No deliveries, loading or unloading associated with the premises are to take place between the hours of <INSERT> and <INSERT> on any day.

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

85. **Commercial Waste and Recycling Storage**

Commercial waste and recycling material/storage bins must be stored in a separate area to the residential waste and recycling material/storage bins.

Reason: To ensure that commercial waste and residential waste is not mixed and is properly managed. (DACPLG25)