

## SYDNEY NORTH PLANNING PANEL COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	2017SNH045
<b>DA Number</b>	DA2017/0446
<b>LGA</b>	Northern Beaches Council
<b>Proposed Development</b>	Alterations and Additions to an existing Hospital
<b>Street Address</b>	Lot 1 DP 836109, 14 Patey Street DEE WHY NSW 2099 Lot 12 DP 8270, 9 Patey Street DEE WHY NSW 2099 Lot 93 DP 8139, 64 Quirk Street DEE WHY NSW 2099 Lot 94 DP 8139, 66 Quirk Street DEE WHY NSW 2099
<b>Applicant/Owner</b>	Applicant: CDP Services Pty Ltd Owner: Delmar Private Hospital Pty Ltd
<b>Date of DA lodgement</b>	12 May 2017
<b>Number of Submissions</b>	51
<b>Recommendation</b>	Approval subject to conditions
<b>Regional Development Criteria (Schedule 4A of the EP&amp;A Act)</b>	Private infrastructure and community facilities over \$5 million Total Cost of the Development is \$15,999,995.00
<b>List of all relevant s79C(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• Environmental Planning and Assessment Act 1979</li> <li>• Environmental Planning and Assessment Regulation 2000</li> <li>• State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>• State Environmental Planning Policy – Infrastructure 2007</li> <li>• Warringah Local Environmental Plan 2011</li> <li>• Warringah Development Control Plan 2011</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<ul style="list-style-type: none"> <li>• Attachment 1: Recommended Conditions of Consent</li> <li>• Attachment 2: Pre-Lodgement Meeting Notes</li> <li>• Attachment 3: - Clause 4.6 written request to vary Clause 4.3 Height of Buildings Development Standard</li> </ul>
<b>Report by</b>	David Kerr– General Manager Planning, Place & Community
<b>Report date</b>	24 August 2017

### Summary of s79C matters

Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report? **Yes**

### Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed and relevant recommendations summarized, in the Executive Summary of the assessment report?  
*e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP* **Yes**

### Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the SEPP (HSPD 2004) has been received, has it been attached to the assessment report? **Yes**

### Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)?  
*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions* **Not Applicable**

### Conditions

Have draft conditions been provided to the applicant for comment? **Yes**  
*Note: in order to reduce delays in determinations, the Panel prefers that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report*

## EXECUTIVE SUMMARY

The proposal seeks consent for Alterations and Additions to an existing Hospital (Delmar Private Hospital).

The subject site includes No.14 Patey Street which contains an existing hospital development, No. 9 Patey Street which adjoins the existing site to the north east and is currently occupied by a two storey dwelling house, No. 64 Quirk Street which adjoins the existing site to the east and is currently occupied by a two storey dwelling house and No. 66 Quirk Street which adjoins No. 64 Quirk Street further east and is currently occupied by a two storey dwelling house.

A pre lodgement meeting (PLM) was held to discuss the proposal. The notes from the meeting are attached to this report (Appendix 2).

At the PLM concerns were raised with the proposed height of the building, amenity impacts on neighbours, wall height, side boundary envelope and landscaping.

The proposal the subject of this application has satisfactorily addressed the issues raised at the time of the PLM.

The application attracted 51 submissions as part of the public exhibition process. The submissions raised the following issues:

- Loss of privacy
- Noise emissions
- Bulk
- Traffic and Parking
- Height of the building
- Rezoning

All issues have been addressed within this report (refer to the 'Notifications and Submissions Received' section) and were found not to warrant refusal of the application.

The application was referred internally to Council referral bodies and externally to the Aboriginal Heritage Office and Ausgrid who have raised no objections to the application. All recommendations and matters for consideration pertaining to the Development Application raised by external and internal referral bodies have been included in the recommendation of this report.

The development has been found to not comply with the numerical Height of Buildings Development Standard contained in the WLEP 2011. Notwithstanding, the development has been found to be consistent with the qualitative objectives of the Standard and the zone and is therefore supported.

The development, as conditioned, has been found to be consistent with the relevant controls contained within the WDCP.

Accordingly, it is recommended that the Development Application should be approved for the reasons detailed within this report and subject to the conditions included in the recommendation of this report.

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2017/0446
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<b>Responsible Officer:</b>	Luke Perry
<b>Land to be developed (Address):</b>	Lot 1 DP 836109, 14 Patey Street DEE WHY NSW 2099 Lot 12 DP 8270, 9 Patey Street DEE WHY NSW 2099 Lot 93 DP 8139, 64 Quirk Street DEE WHY NSW 2099 Lot 94 DP 8139, 66 Quirk Street DEE WHY NSW 2099
<b>Proposed Development:</b>	Alterations and Additions to an existing Hospital
<b>Zoning:</b>	LEP - Land zoned R2 Low Density Residential LEP - Land zoned R2 Low Density Residential LEP - Land zoned R2 Low Density Residential LEP - Land zoned R2 Low Density Residential
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Sydney Planning Panel – North
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Delmar Private Hospital Pty Ltd
<b>Applicant:</b>	CDP Services Pty Ltd

<b>Application lodged:</b>	12/05/2017
<b>Application Type:</b>	Local
<b>State Reporting Category:</b>	Infrastructure
<b>Notified:</b>	26/05/2017 to 14/06/2017
<b>Advertised:</b>	27/05/2017
<b>Submissions:</b>	51
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$ 15,999,995.00
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### ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (upto the time of determination) by the applicant,

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persons who have made submissions regarding the application and any advice provided by relevant Council / Government / Authority Officers on the proposal.

## SUMMARY OF ASSESSMENT ISSUES

Warringah Local Environmental Plan 2011 - 4.3 Height of buildings  
Warringah Development Control Plan - B1 Wall Heights  
Warringah Development Control Plan - B3 Side Boundary Envelope  
Warringah Development Control Plan - D1 Landscaped Open Space and Bushland Setting  
Warringah Development Control Plan - Appendix 1 Car Parking Requirements

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 1 DP 836109 , 14 Patey Street DEE WHY NSW 2099 Lot 12 DP 8270 , 9 Patey Street DEE WHY NSW 2099 Lot 93 DP 8139 , 64 Quirk Street DEE WHY NSW 2099 Lot 94 DP 8139 , 66 Quirk Street DEE WHY NSW 2099
<b>Detailed Site Description:</b>	<p>The subject site consists of four (4) allotments located between Patey Street and Quirk Street, Dee Why.</p> <p>The subject site includes No.14 Patey Street which contains an existing hospital development, No. 9 Patey Street which adjoins the existing site to the north east and is currently occupied by a two storey dwelling house, No. 64 Quirk Street which adjoins the existing site to the east and is currently occupied by a two storey dwelling house and No. 66 Quirk Street which adjoins No. 64 Quirk Street further east and is currently occupied by a two storey dwelling house.</p> <p>The site is irregular in shape with a frontage of 80.45m along Quirk Street, 20.12m along Patey Street and a depth of up to 93m. The site has a surveyed area of 6,999m<sup>2</sup>.</p> <p>The site is located within the R2 Low Density Residential zone and accommodates a number of two storey detached buildings which form the existing hospital. Vehicular access to the existing hospital is provided off Quirk Street and Patey Street with at grade car parking provided on site.</p> <p>Surrounding development consists of a mix of single and two storey dwelling houses in landscaped settings.</p> <p>The site sits at the top of a ridge line and is relatively flat without any topographical features or constraints.</p>

Map:





## SITE HISTORY

### RELEVANT APPLICATIONS

#### PLM2015/0141

A pre lodgement meeting (PLM) was held to discuss the proposal. The notes from the meeting are attached to this report (Appendix 2).

In summary, concerns were raised with the proposed height of the building, amenity impacts on neighbours, wall height, side boundary envelope and landscaping. The applicant was advised that the proposal in the form presented` at the PLM could not supported.

#### DA2016/0737

This application for alterations and additions to an existing hospital was lodged on 21 July 2016. A preliminary assessment of the application was undertaken which found fundamental issues with the application. The issues were similar to those identified at the time of the pre lodgement meeting.

A letter was sent to the applicant advising them of the concerns and requesting withdrawal of the application. The applicant subsequently withdrew the application on 14 October 2016.

### PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks consent for Alterations and Additions to an existing Hospital (Delmar Private Hospital).

The proposed works include:

- Demolition of the existing three dwelling houses;
- Basement level car parking for 48 vehicles accessed off Quirk Street;
- Construction of a three storey addition to the existing hospital to provide a further 68 beds and a new indoor hydrotherapy pool;

- Internal alterations to the existing hospital; and
- Landscaping works and reconfiguration of the car parking area located off Patey Street.

## APPLICATION HISTORY

The application was lodged on 15 May 2017. Following a preliminary assessment of the application a number of issues were identified that would not allow Council to recommend approval of the application. The issues related to acoustic impacts, landscaping and insufficient elevation plans.

The applicant was advised of these concerns by letter dated 21 July 2017 and was afforded 14 days to satisfactorily address the concerns and submit additional information.

The applicant responded with additional information on 4 August 2017.

The amendments consisted of the removal of basement ventilation openings on the northern and eastern elevations, an increase in landscaped open space and further detailed elevation plans. The information submitted satisfactorily addressed the concerns raised previously and the application has proceeded to full assessment following the submission of these amendments.

In consideration of the application a review of (but not limited) documents as provided by the applicant in support of the application was taken into account detail provided within Attachment C.

## ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 79C (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 79C (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 79C (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&amp;A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 requires the consent authority to</p>

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Section 79C 'Matters for Consideration'	Comments
	<p>consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
<p>Section 79C (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</p>	<p><u>Environmental Impacts</u></p> <p>The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p>Generally, the proposed development will not result in any reasonable impacts on the natural and built environment. The subject site is not constrained by any natural features and is not subject to any threatened species, critical habitat, bushfire, heritage or acid sulfate soils.</p> <p>As outlined within this report, the development results in non compliance with a number of the relevant Built Form Controls under Part B of the WDCP 201. The assessment of this application has found the development to be consistent with the underlying objectives of the Wall Height, Side Boundary Envelope and Landscaped Open Space and Bushland setting controls and the variations sought to these controls supported in this instance.</p> <p>The proposal, as conditioned, will not result in any unreasonable amenity impacts in terms of privacy, overshadowing or loss of views on adjoining or surrounding properties.</p> <p><u>Social Impact</u></p> <p>The proposed development will not have a detrimental social impact in the locality considering the character of the proposal as it proposed to provide additional hospital facilities in the local area.</p> <p>The improvement in the existing hospital facilities and investment in new facilities within the local area and broader Northern Beaches area will have</p>

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Section 79C 'Matters for Consideration'	Comments
	<p>a positive social impact on the locality.</p> <p><u>Economic Impact</u></p> <p>The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 79C (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Public Exhibition” in this report.
Section 79C (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and Warringah Development Control Plan.

As a result of the public exhibition process council is in receipt of 51 submission/s from:

Name:	Address:
Lauris Knighton	16 Carew Street DEE WHY NSW 2099
Mr Domenico Biviano	68 Quirk Street DEE WHY NSW 2099
Mr Martin Loewensohn	65 Quirk Street DEE WHY NSW 2099
Mrs Marilyn Dawn Fowler	54 Tango Avenue DEE WHY NSW 2099
Mr Brendan Michael O'Connor	72 Quirk Street DEE WHY NSW 2099
Dr Jeffrey Yat Seng Lee	14 Carew Street DEE WHY NSW 2099
Elizabeth Dorothy Lewis	60 Tango Avenue DEE WHY NSW 2099
Joel Alexander Lewis	60 Tango Avenue DEE WHY NSW 2099
Mr Michael Stanley Haysler	5 Patey Street DEE WHY NSW 2099
Michael Joseph Marr	7 Patey Street DEE WHY NSW 2099
Mrs Carolyn Jan Starkey	104 Delmar Parade DEE WHY NSW 2099
Ms Vicki Maggs Ms Louise Maggs	12A Patey Street DEE WHY NSW 2099
Mr Goran Necak	10 Patey St DEE WHY NSW 2099
Dechuan Lu	8 Patey Street DEE WHY NSW 2099
Ashley Rogers	7 A Patey Street DEE WHY NSW 2099

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Name:	Address:
Mr Ehren Angus Mackenzie Taylor	4 Patey Street DEE WHY NSW 2099
Luke Werbeloff	3 Patey Street DEE WHY NSW 2099
Mrs Dimiti Cross	2 Patey Street DEE WHY NSW 2099
Mrs Elaine Sylvia Taylor	59 Quirk Street DEE WHY NSW 2099
Mr John Kalcic	Po Box 4194 NORTH CURL CURL NSW 2099
Mr Geoffrey John Rose	41 Tango Avenue DEE WHY NSW 2099
Mr Peter John Dean Joanne Dean	40 Tango Avenue DEE WHY NSW 2099
Mrs Michelle Sylvia Zaunders	35 Tango Avenue DEE WHY NSW 2099
Anonymous	N/A
Mr Alexander Vukovic Agnes Vukovic	32 Covelee Circuit MIDDLE COVE NSW 2068
Mr George Vukobratovic	50 Quirk Street DEE WHY NSW 2099
Mr Malcolm Francis Tennent	45 Quirk Street DEE WHY NSW 2099
Mr Robert David Taranto	43 Quirk Street DEE WHY NSW 2099
Mr Robert James Taylor Ms Gayle Joanne Taylor	34 Tango Avenue DEE WHY NSW 2099
Mr Michael Patrick Spain	69 Quirk Street DEE WHY NSW 2099
Suellen Jenny Goodman	65 Quirk Street DEE WHY NSW 2099
Mr Brian Ferguson	158 Queenscliff Road QUEENSCLIFF NSW 2096
Ingrid Julie Ferguson	55 Quirk Street DEE WHY NSW 2099
Ms Larissa Ingham	48 Tango Avenue DEE WHY NSW 2099
Mr Matthew James Tennent	46 Quirk Street DEE WHY NSW 2099
Mr Paul Schroder Mrs Nevla Schroder	62 Tango Avenue DEE WHY NSW 2099
Dr Guy Alberto Blasini	61 Quirk Street DEE WHY NSW 2099
Miss Rebecca Laing	PO Box 1392 DEE WHY NSW 2099
Mrs Wendy Jean Doran	73 Quirk Street DEE WHY NSW 2099
Patricia Ann Barwell Mr Peter Edward Barwell	106 Delmar Parade DEE WHY NSW 2099
Penelope Anne Gallagher	76 Quirk Street DEE WHY NSW 2099
Mr Dennis John Boyd Margaret Anne Boyd	79 Quirk Street DEE WHY NSW 2099
Ms Suzy Ford	74 Quirk Street DEE WHY NSW 2099
Mrs Patricia Anne Newton Mr Paul Vincent Newton	26 Carew Street DEE WHY NSW 2099
Ross Palazzi	24 Carew Street DEE WHY NSW 2099
Kathy Thompson	77 Quirk Street DEE WHY NSW 2099
Mrs Wendy Holloway	89 Quirk Street DEE WHY NSW 2099
Ms Anna Margaret Hallgren	32 Tango Avenue DEE WHY NSW 2099



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Name:	Address:
Colin Amm	
Aboriginal Heritage Office	1 Belgrave Street MANLY NSW 2095
John Simpson	Not Provided NSW
Boston Blyth Fleming Pty Ltd	Suite 1/9 Narabang Way BELROSE NSW 2085

The application attracted a total of 51 submissions. There were 36 proforma submissions and 15 individual submissions.

The following issues were raised in the submissions and each have been addressed below:

- **Loss of privacy**
- **Noise emissions**
- **Bulk**
- **Traffic and Parking**
- **Height of the building**
- **Rezoning**
- **Pathway through the site**

The matters raised within the submissions are addressed as follows:

## **Loss of privacy**

The following specific comments have been made regarding loss of privacy:

- *'The proposal creates a substantial loss of privacy to neighbouring properties. The statutory 5-metre setback and boundary envelope has been removed on the northern, eastern and southern orientations. The required 40% landscaping has been reduced to 19% therefore there is clearly insufficient green space in the application.'*

### Comment:

As detailed within this report, the proposal does result in a non compliance with the side boundary envelope on the northern elevation and the minimum required amount of landscaped open space. However the assessment of this application has found that the proposal satisfies the underlying objectives of Clause B3 Side Boundary Envelope and Clause D1 Landscaped Open Space and Bushland Setting of the WDCP 2011, and the variation supported in this instance.

To clarify, the proposal is compliant with the minimum side boundary setbacks specified under Clause B5 Side Boundary Setbacks of the Warringah Development Control Plan 2011 (WDCP 2011).

The proposal has been designed to ensure a reasonable level of privacy is maintained to adjoining properties. Adequate physical separation is achieved between buildings which reduces the opportunity for overlooking to occur. Windows have been treated with louvres which will ensure that no unreasonable overlooking occurs from rooms within the hospital into the adjoining properties and that any light spill from these rooms is minimised.

To ensure the effectiveness of the louvres, a condition has been included in the recommendation of this report requiring a maximum 100mm spacing between louvres to ensure overlooking and light spill is minimised.

In addition to the above, areas of deep soil landscaping have been provided around the perimeter of the site which will assist to screen the development and reduce opportunities for overlooking into adjoining properties.

This matter does not warrant refusal of the application.

## Noise emissions

The following specific comments have been made regarding noise emissions:

- *'There will be a significant increase in noise and related disturbances from the 24-hour hospital wards caused by hospital equipment, generators, air-conditioners, patient televisions, nursing stations, ward and common room lights, patients/visitors on balconies etc.'*
- *'Noise generated from delivery trucks at early hours of the morning on Patey Street'*

### Comment:

The matter of noise emissions has been addressed by the imposition of conditions of consent.

Conditions have been included in the recommendation of this report to ensure that any noise generating equipment or machinery externally located on the building are enclosed and certified by a suitably qualified Acoustic Engineer that the use of these items will not exceed more than 5dB (A) above the background level when measured from any property boundary and/or habitable room(s) consistent with the Environment Protection Authority's NSW Industrial Noise Policy and/or Protection of the Environment Operations Act 1997.

It is noted that a number of submissions raise existing noise levels as an issue and concern. This is a matter for Council's Environmental Health Team to investigate who have the responsibility of enforcing compliance with the relevant legislation relating to noise pollution.

In this regard, the issue of existing noise emissions has been forwarded to Council's Environmental Health Team for investigation and is not a matter for consideration in the assessment of this application.

This matter does not warrant refusal of the application.

## Bulk

The following specific comments have been made regarding the bulk of the proposed development:

- *'The sheer bulk and size of the three/four-storey building is totally out of scale and proportion with local residential area which consists of predominantly single or double storey residential dwellings. The maximum regulation height of 8.5 metres has been overlooked and increased to 10.7 metres. This development proposes to construct an expansive hospital wing onto two blocks of land currently occupied by 2 single residences in order to increase the number of beds from 68 to 127 (almost double). The local vicinity comprises of low-density residential dwellings, therefore the proposed building is in no doubt inappropriate and totally out of context.'*
- *The bulk of the building is inconsistent with buildings in the area and will have a negative visual impact.*

### Comment:

As detailed throughout this report, the bulk and scale of the proposed building/s has been effectively reduced by design and will not result in any adverse visual or physical impacts on surrounding or nearby development. The proposed development will fit comfortably within its context and is supported in this instance.

This matter does not warrant refusal of the application.

## **Traffic and Parking**

The following specific comments have been made regarding traffic and parking impacts:

- *'Patey Street is a short narrow cul-de-sac and with Quirk Street are already at full parking capacity. The vehicles of staff, day surgery patients, rehabilitation patients, visitors, delivery drivers, tradesman etc .occupy the street from 6am until late at night. It is virtually impossible to gain street parking at any time in Patey Street, Quirk Street Carew Street and Deimar Parade. The expansion of hospital beds to 127 will only contribute to further adverse traffic and parking implications where deliveries, patients, visitors, staff would be expected to drastically increase. There is no public transport available to facilitate the expansive hospital.'*
- *Traffic congestion and safety along Patey Street and Quirk Street.*

### Comment:

The proposal includes the addition of 48 car spaces within a basement car parking level and the reconfiguration of the existing at grade car parking area located off Patey Street to provide a further 21 spaces. In addition to this there are 22 existing spaces located off Quirk Street. The total provision of car parking post the development will be 90 car spaces. The primary access to the Hospital is off Quirk Street where access is provided directly to the basement car parking level.

Appendix 1 Car Parking Requirements sets out the required amount of car parking based upon the intended land use. There is no specific rate for a hospital, instead Appendix 1 states that comparisons should be drawn from similar developments to determine the required amount of car parking.

The application is supported by a Traffic Report (refer to 'Traffic and Parking Impact Assessment' prepared by Ray Dowsett Traffic and Planning dated 1 May 2017) which provides comparisons from similar developments. The Traffic Report has been reviewed by Council's Traffic Engineer who raises no objections to the proposed provision of car parking.

Further, Council's Traffic Engineer is satisfied that traffic generation from the development will not have an adverse impact on the local road network. Council's Traffic Engineer has recommended the imposition of a number of conditions of consent relating to traffic safety which this assessment has adopted. These include way finding signage and safety mirrors at entry points to the site.

To ensure that deliveries to the site do not cause a traffic or safety concern for local road users, a condition has been included in the recommendation of this report requiring all loading and unloading to occur wholly within the boundaries of the site and off any street.

This matter does not warrant refusal of the application.

## **Height of the building**

Concern is raised regarding the height of the proposed building.

### Comment:

The matter of non compliance with the Height of Buildings Development Standard is addressed in detail elsewhere in this report (refer to Clause 4.6 Exceptions to Development Standards under the Warringah Local Environmental Plan section).



In summary, the assessment of this application has found that the development achieves consistency with the underlying objectives of Clause 4.3 and Clause 4.6 of the WLEP and that there is sufficient environmental planning grounds to justify and support the variation in this instance.

This matter does not warrant refusal of the application.

## Rezoning

Concern is raised that the proposal will rezone land for a commercial purpose (hospital).

### Comment:

The Warringah Local Environmental Plan 2011 (WLEP 2011) contains a list of land uses that are permitted within the R2 Low Density Residential zone. A hospital is a permissible land use and therefore no part of this application involves rezoning of land as the use is already permissible with consent.

This matter does not warrant refusal of the application.

## Pathway through the site

A submission has been lodged that requests a public pathway be provided through the site to link Patey Street to Quirk Street.

### Comment:

There is no existing pathway provided through the private properties from Patey Street to Quirk Street and the proposal does not include any provisions for a pathway. There is no requirement or nexus between the proposed development and the provision of a public pathway through private land and therefore this request is not a matter for consideration in the assessment of this application.

## MEDIATION

No requests for mediation have been made in relation to this application.

## REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>The application has been reviewed by Council's Building Assessment Team who have provided comments:</p> <p><i>'The application has been investigated with respects to aspects relevant to the Building Department. There are no objections to approval of the development subject to inclusion approval and consideration of the notes below.'</i></p> <p><u>Note:</u> <i>The proposed development may not comply with some requirements of the BCA a Issues such as this however may be determined at Construction Certificate stage.'</i></p>
Development	The application has been reviewed by Council's Development Engineer who has provided


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Internal Referral Body	Comments
Engineers	<p><i>Development Engineers have reviewed the proposal and advise the proposal cannot be reasons.</i></p> <p><i>1. The proposed on-site stormwater detention tank is located underneath habitable floors be constructed underneath habitable floors and therefore does not comply with Section 4.8 Detention of Council's PL 850 Water : Water Management Policy. The tank is to be re-located underneath the building to protect the habitable areas of the development from rising dampness or a flood. There appears to be scope to provide an on-site stormwater detention system to the west of the site.</i></p> <p><i>2. It is unclear as to whether unimpeded external access for inspection and cleansing/maintenance of the on-site stormwater detention tank is provided or not. Sufficient details must be shown on the site plan and architectural plans to demonstrate unimpeded external access to the on-site stormwater detention tank.</i></p> <p><i>3. In order for Council to adequately check the design of the OSD system, when the DRA is completed, a summary information including a copy of the model on computer disc must be provided to Council. The outlet pipe must discharge stormwater to the kerb in Patey Street. In this regard, maximum concentrated discharge must not exceed 20 litres per second for all storms up to and including the 1 in 100 year ARI storm.</i></p> <p><i>4. A 600mm x 600mm converter pit is proposed within the public roadway/verge. This is not acceptable as it is located wholly within the development site.</i></p> <p><i>5. Section 4.8 of Council's OSD Design Guideline requires the outlet pipe leaving the site to be at an angle of less than 45 degrees from the boundary. The current proposal does not comply with the guideline.</i></p> <p><i>The proposed driveway access off Quirk St has been assessed and is satisfactory utilising the existing driveway. Also the old driveway crossings are to be reinstated and a new concrete footpath provided. Any other issues can be addressed via conditions.</i></p> <p><i>Not supported for approval due to lack of information to address:</i></p> <ul style="list-style-type: none"> <li><i>• Stormwater drainage for the development in accordance with clause C4 Stormwater of the Development Application Guidelines.</i></li> </ul> <p><u>Further assessment dated 24/8/2017</u></p> <p><i>Development Engineers have reviewed the additional information submitted and now raise the proposal subject to conditions.</i></p>
Environmental Investigations (Industrial)	<p>The application has been reviewed by Council's Environmental Health Team (Noise) who comments:</p> <p><i>'No objections raised subject to conditions.'</i></p>
Landscape Officer	<p>The application has been reviewed by Council's Landscape Officer who has provided the following comments:</p> <p><u>Amended plans</u></p> <p><i>Amended landscape plans are noted. The matters raised previously are satisfactorily addressed. No objections subject to conditions.</i></p> <p><u>Original Comment</u></p> <p><i>The proposal presents several areas of concern which may be able to be resolved via conditions.</i></p>

# NORTHERN BEACHES COUNCIL


Internal Referral Body	Comments
	<p><i>1. Depth of planters above the basement surrounding the new building on the northern side is 500mm. In view of the importance of these areas to assist with reducing impacts on adjacent planters should be a minimum of 900mm depth to provide adequate soil depth to achieve design in the long term. The planters variously narrow down to 800mm in width and as soil volume via increasing planter depth is critical to provide the best outcome in the long term.</i></p> <p><i>2. The proposed parking arrangement off Patey Street significantly alters the existing street trees, verge landscaping and internal landscaped areas.</i></p> <p><i>The parking area and access road pavement directly abuts the new building and existing significantly harder presentation to the streetscape than currently exists with no landscaping.</i></p> <p><i>Consequently, it is considered that the proposed design is contrary to the following Objectives of WLEP2011:</i></p> <ul style="list-style-type: none"> <li><i>• To ensure that low density residential environments are characterised by landscaped streets and the natural environment of Warringah.</i></li> </ul> <p><i>The interface of the non-residential use with the existing residential use in a low density residential area is an important consideration in the assessment of this application.</i></p> <p><i>It is recommended that the extent of hard surfaces proposed for the Patey Street carpark be reduced and additional soft landscape provided in the form of trees, shrubs and ground-covers to achieve a more pleasant streetscape addressing the residential streetscape and providing suitable transition between the hospital and the surrounding dwellings.</i></p> <p><i>3. The Patey Street lot contains 2 rock outcrops, one in the front and one in the rear of the lot. On Council's GIS mapping data that there is a recorded site of Aboriginal significance with various markings and depressions in the rock which would appear to warrant further investigation. If outcrops are proposed for removal in the plans provided.</i></p> <p><i>It is recommended that the proposal and accompanying photos be referred to the Aboriginal Affairs Committee for a preliminary assessment.</i></p> <p><i>It is therefore recommended that items 2. and 3. above be addressed prior to issue of a development consent. The issues should be addressed via conditions of consent.</i></p> <p><i>If the proposal is to be approved in its current form, relevant conditions have been provided.</i></p>

# NORTHERN BEACHES COUNCIL

Internal Referral Body	Comments
	 <p data-bbox="316 1216 893 1249"><i>Photo 1- Rock outcrop fronting Patey Street</i></p>



# NORTHERN BEACHES COUNCIL

Internal Referral Body	Comments
	 <p><i>Photo 2 - Rock outcrop fronting Patey Street'</i></p>
Road Reserve	<p>The application has been reviewed by Council's Road Assets Team who have provided the following comment:</p> <p><i>'Proposal is consistent with plans for Patey Street closure and sale, noting that earlier proposed basement parking off Patey Street is no longer proposed as part of this DA.'</i></p>
Strategic Planning - Urban Design	<p>The application has been reviewed by Council's Urban Designer who has provided the following comment:</p> <p><i>'The proposed alterations and additions fit well within the surrounding context. The height breach is not considered to have a negative impact on the neighbouring developments. The proposal is acceptable in that respect.'</i></p>
Traffic Engineer	<p>The application has been reviewed by Council's Traffic Engineer who has provided the following comment:</p> <p><i>'The WDCP does not specify a parking requirement for private hospitals, however applying the parking requirements from the RMS Guide to Traffic Generating Developments yield a parking requirement of 48 spaces.'</i></p> <p><i>Only a small portion of the spaces will have access off Patey Street and the new basement parking will provide direct vehicular access to and from Quirk Street.</i></p> <p><i>As the site propose 48 car spaces this is considered acceptable, and there are no object to the application.</i></p> <p><i>The traffic generation using the methodology from the RMS guide, as specified in the traffic impact assessment, results in 10 additional peak hour trips. This level of additional traffic along the surrounding road network is not considered significant to warrant the refusal of the development application.'</i></p>

# NORTHERN BEACHES COUNCIL

Internal Referral Body	Comments
	<i>There are no objections to the proposed development in terms of access, parking provisions and conditions.</i>
Waste Officer	The application has been reviewed by Council's Waste Officer who raises no objections to the proposed development subject to the conditions included in the recommendation of this report.

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.
Aboriginal Heritage	<p>The application was referred to the Aboriginal Heritage Office (AHO). The AHO reviewed the proposal, undertook a site inspection and provided the following comments:</p> <p><i>'No sites are recorded in the current development area and the area has been subject to previous disturbance reducing the likelihood of surviving unrecorded Aboriginal sites. An inspection by the Aboriginal Heritage Office with Council (13th July 2017) inspecting in situ sandstone outcrops did not identify any Aboriginal heritage sites.</i></p> <p><i>Given the above, the Aboriginal Heritage Office considers that there are no Aboriginal heritage issues for the proposed development.</i></p> <p><i>Should any Aboriginal sites be uncovered during earthworks, works should cease and Council, the NSW Office of Environment and Heritage (OEH) and the Metropolitan Local Aboriginal Land Council should be contacted.'</i></p> <p>No objections are raised to the proposed development subject to conditions included in the Recommendation of this report.</p>

## ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)\*

All, Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

## State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

### SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council

records indicate that the subject site has been used for commercial purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the commercial land use.

## SEPP (Infrastructure) 2007

### Ausgrid

Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

### Comment:

The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

## Warringah Local Environment Plan 2011

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

### Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	7.7m to 10.7m	25.88%	No (see Clause 4.6 discussion)

### Compliance Assessment

Clause	Compliance with Requirements
2.7 Demolition requires consent	Yes
4.3 Height of buildings	No (see detail under Clause 4.6 below)
4.6 Exceptions to development standards	Yes
5.9 Preservation of trees or vegetation	Yes



Clause	Compliance with Requirements
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

## Detailed Assessment

### 4.6 Exceptions to development standards

The following assessment of the variation to Clause 4.3 – Height of Buildings development standard has taken into consideration the questions established in Winten Property Group Limited v North Sydney Council (2001) NSW LEC 46.

Requirement:	8.5m
Proposed:	7.7m to 10.7m
Is the planning control in question a development standard?	YES
Is the non-compliance with to the clause requirement a Numerical and / or Performance based variation?	Numerical
If numerical enter a % variation to requirement	25.88%

The proposal must satisfy the objectives of Clause 4.3 – Height of Buildings, the underlying objectives of the particular zone, and the objectives of Clause 4.6 - Exceptions to Development Standards under the WLEP 2011. The assessment is detailed as follows:

#### **Is the planning control in question a development standard?**

The prescribed Height of buildings limitation pursuant to Clause 4.3 of the WLEP 2011 is a development standard.

#### **What are the underlying objectives of the development standard?**

The underlying objectives of the standard, pursuant to Clause 4.3 – 'Height of buildings' of the WLEP 2011 are:

(1) The objectives of this clause are as follows:

*a) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,*

#### Comment:

The subject site is located within an established low density residential area where land is zoned R2 Low Density Residential. The existing Hospital is surrounded by land that is predominantly used for single dwelling purposes. Hospitals and dwelling houses, while dissimilar in their ongoing use, are both permissible land uses within the zone. The existing hospital site is located on one of the largest consolidated parcels of land in the local area, the only comparable land holding being St Luke's Grammar School located to the north west of the subject site. The existing hospital is made up of a number of buildings which is reflective of its large lot size.

By nature, the built form of a hospital and a dwelling house will vary considerably. In the context of this proposal the predominant land use in the area is single dwelling houses, which are generally two storeys in height and within a landscaped setting.



Therefore the scale of the existing buildings located on the subject site far outweighs any surrounding or nearby development. However it is consistent with that of other infrastructure buildings in the locality such as St Luke's Grammar School.

Given the above, the proposed buildings physical and visual impacts are used to assess its compatibility with the surrounding and nearby development.

The overall height and scale of the proposed building has been effectively reduced by way of substantial articulation of the building as it increases in height. The non-compliance is contained to the upper-most floor at the northern end of the building footprint which has a north-south orientation. The upper most floor of the building is setback 4.7m from the northern side boundary and up to 1.66m from the floors below. These setbacks and resultant physical separation, effectively reduce the visual impact of the development when viewed from surrounding and nearby development and allow for a reasonable level of views, solar access and privacy to be maintained to surrounding and nearby development

In this regard and notwithstanding the numerical non compliance, the proposed building will be compatible with the height and scale of surrounding and nearby development and will fit comfortably within its context.

The development satisfies this objective.

*b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access,*

Comment:

The development has been designed to effectively minimise its visual impact and disruption of views by way of substantial building articulation and increased setbacks to the upper floors of the building. View corridors have been maintained across and through the site in particular those to the north and north-east by virtue of the large building setback to the eastern boundary of the site and compliant building height as the footprint extends to the east.

Shadow diagrams submitted with the application indicate that the development will not unreasonably overshadow adjoining properties. Privacy between buildings has been carefully considered and adequate privacy will be maintained through a combination of physical separation and the privacy treatments proposed and conditioned.

The development satisfies this objective.

*c) to minimise adverse impact of development on the scenic quality of Warringah's coastal and bush environments,*

Comment:

The building and in particular the non-complying elements of the building will not be readily viewable from any of coastal or bush environments. The scenic quality of any coastal and bush environments will therefore be maintained by the proposal.

The development satisfies this objective.

*d) to manage the visual impact of development when viewed from public places such as parks and reserves,*

*roads and community facilities,*

Comment:

The building and in particular the non-complying elements of the building will not be readily viewable from any public spaces such as parks, reserves or community facilities. The development when viewed from Quirk Street is fully compliant with the Height of Buildings Development Standard and the visual impact from this street is therefore effectively managed.

The non complying element of the building will be visual from the Patey Street frontage. As discussed above, the design of the building has incorporated substantial elements of building articulation including increased setbacks to the upper-most floors of the development which effectively manages the visual impact from this public space.

The development satisfies this objective.

**What are the underlying objectives of the zone?**

In assessing the developments the non-compliance, consideration must be given to its consistency with the underlying objectives of the R2 Low Density Residential zone.

The underlying objectives of the R2 Low Density Residential zone:

- *To provide for the housing needs of the community within a low density residential environment.*

Comment:

The proposal relates to an existing hospital development which is a permissible use within the zone. While the proposal does not involve 'housing' it does not restrict future housing development being provided within the local area.

It is considered that the development satisfies this objective.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Comment:

The ongoing use of the site as a hospital provides for an essential service that will continue to meet the day to day needs of residents in the area.

It is considered that the development satisfies this objective.

- *To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.*

Comment:

The proposal includes substantial areas of landscaping located around the perimeter of the site and at each street frontage which provides a suitable landscape setting that is in harmony with the natural environment of Warringah.

It is considered that the development satisfies this objective.

**Is the variation to the development standard consistent with the objectives of Clause 4.6 of the WLEP 2011?**

(1) The objectives of this clause are as follows:

*(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development.*

*(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Comment:

The proposed variation to the development standard is consistent with objectives of this Clause as it provides an appropriate degree of flexibility in applying the Height of Buildings Development Standard to the development.

The proposed variation will achieve a better outcome for the development as it allows for additional beds to be provided within the hospital on a floor plate that is accessible, provides a connection to the existing hospital and does not result in any unreasonable visual or physical impacts on surrounding and nearby development.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

*(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*

*(b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

Comment:

The applicants written request outlines the reasons as to why compliance with the development standard is unreasonable or unnecessary in the circumstances of the proposed development as summarised follows:

- *'Given the sites R2 Low Density Residential zone surrounding development is characterised by 1 and 2 storey detached dwelling houses. The site is also located within 150 metres of R3 Residential zone land on the northern side of Delmar Parade with such land occupied by 3, 4 and 5 storey residential flat buildings. St Lukes Grammar School is located 400 metres to the west of the site with such residential flat and institutional building forming components of the overall character of the immediate locality.*

*In this regard, I have formed the considered opinion that the height, bulk and scale of the development including its part 3 storey form is consistent with the height and scale*

*of larger institutional and residential flat development located within proximity of the site.'*

- *'The development is fully compliant with the building height standard where it adjoins Quirk Street and the properties to the east of the site. The non-compliant building element will be visible from Patey Street and surrounding properties however given its location to the south of these properties it will not give rise to any shadowing impact at any time throughout the day. In fact compliant levels of solar access are maintained to all surrounding development on 21st June.  
We have also formed the considered opinion that the non-compliant portion of building height will not give rise to any unacceptable or unmanageable visual privacy impacts nor will it impact on any views available from surrounding properties. The proposed building height breach will not impact the reasonable development potential or amenity of any adjoining property.'*

*Further, we are of the opinion that most observers would not find the non-compliant building height portion of the development offensive, jarring or unsympathetic in a streetscape context. Accordingly, it can be reasonably concluded that the proposal is compatible with its surroundings.'*

- *'Consistent with the conclusions reached by Senior Commissioner Roseth in the matter of Project Venture Developments v Pittwater Council (2005) NSW LEC 191 we have formed the considered opinion that most observers would not find the proposed development, in particular the area of non-compliance, offensive, jarring or unsympathetic in a streetscape context. We have formed the considered opinion that the proposal will maintain appropriate residential amenity in terms of solar access and privacy and will not give rise to any adverse public or private view affectation. In this regard, the development satisfies the objectives of the height of buildings standard.'*

*Further, having regard to the judgement in the matter of Four2Five Pty Limited v Ashfield Council [2015] NSWCA 248 we have formed the considered opinion that there are sufficient environmental planning grounds to justify contravening the development standard.'*

*In this regard, we note that the development is generally compliant with the building height along Quirk Street, with the non-compliance to a significant extent, arising as the consequence of the landform falling away towards Patey Street and the need to match the existing hospital floor levels.'*

*In accordance with Clause 4.6(5) the contravention of the development standard does not raise any matter of significance for State or regional environmental planning with the public benefit maintained by Council's adoption of a application specific merit based assessment as it relates to building height within the 8.5 metre height precinct in which the site is located.'*

As detailed throughout this Clause, the assessment of the proposed variation against the provisions of this Clause generally concurs with the reasons provided by the applicant.

The variation proposed to the Height of Buildings Development Standard does not result in unreasonable visual or physical impacts on surrounding and nearby development or when viewed from the public domain.

For these reasons the variation is supported in this instance.

(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) *the consent authority is satisfied that:*

*(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*

Comment:

The applicants written request (prepared by Boston Blyth Fleming and dated May 2017) has adequately addressed the matters required to be demonstrated by subclause (3).

*(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.*

Comment:

For reasons detailed above, the proposal is considered to be consistent with the objectives of the R2 Low Density Residential zone in the WLEP 2011.

(b) *the concurrence of the Director-General has been obtained*

Comment:

Planning Circular PS 08-003 dated 9 May 2008, as issued by the NSW Department of Planning, advises that the concurrence of the Director-General may be assumed for exceptions to development standards under environmental planning instruments that adopt Clause 4.6 of the Standard Instrument. In this regard, given the consistency of the variation to the objectives of the zone, the concurrence of the Director-General for the variation to the Height of buildings Development Standard is assumed.

## Warringah Development Control Plan

### Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	7.2m	7.4m to 10.4m	44.44%	No
B3 Side Boundary Envelope	North - 5m at 45 degrees	Outside of envelope.	N/A	No
	South & East - 5m at 45 degrees	Within envelope.	N/A	Yes
B5 Side Boundary Setbacks	North - 0.9m	Basement - 2m Lower Ground Floor - 3.1m to 3.6m Ground Floor - 2.05m to	N/A	Yes

# NORTHERN BEACHES COUNCIL

		3.96m First Floor - 4.7m		
	South - 0.9m	Basement - 1.2m Lower Ground Floor - 2m to 3m Ground Floor - 2m to 3m	N/A	Yes
	East - 0.9m	Basement - 2m Lower Ground Floor - 6m to 13.09m Ground Floor - 6m to 13.42m First Floor - 13.1m to 32m		Yes
B7 Front Boundary Setbacks	6.5m (Quirk Street)	Basement - 8.4m Lower Ground Floor - 8.42m Ground Floor - 8.56m First Floor - 7.4m	N/A	Yes
	6.5m (Patey Street)	Basement - 6.5m Lower Ground Floor - 6.5m Ground Floor - 6.5m First Floor - 8.4m	N/A	Yes
B9 Rear Boundary Setbacks	6m	N/A - Dual street frontages	N/A	N/A
D1 Landscaped Open Space (LOS) and Bushland Setting	40%	13.46% (942.66m <sup>2</sup> )	33.67%	No

**\*Note:** The percentage variation is calculated on the *overall* numerical variation (ie: for LOS - Divide the proposed area by the numerical requirement then multiply the proposed area by 100 to equal X, then 100 minus X will equal the percentage variation. Example:  $38/40 \times 100 = 95$  then  $100 - 95 = 5\%$  variation)

## Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B1 Wall Heights	No	Yes
B3 Side Boundary Envelope	No	Yes
B5 Side Boundary Setbacks	Yes	Yes
Side Setbacks - R2	Yes	Yes
B7 Front Boundary Setbacks	Yes	Yes
R2 - All other land in R2 Zone	Yes	Yes
B9 Rear Boundary Setbacks	N/A	N/A
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes

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Clause	Compliance with Requirements	Consistency Aims/Objectives
C5 Erosion and Sedimentation	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	No	Yes
D2 Private Open Space	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D18 Accessibility	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E1 Private Property Tree Management	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes
Appendix 1 Car Parking Requirements	Yes	Yes

## Detailed Assessment

### **B1 Wall Heights**

#### Description of non-compliance

The control requires development to have a maximum wall height of 7.2m measured from ground level (existing) to the underside of the ceiling on the uppermost floor of the building.

The development proposes a maximum wall height between 7.4m and 10.4m which equates to a maximum variation of 44.4%.

#### Merit consideration:

With regard to the consideration for a variation, the development is considered against the underlying Objectives of

the Control as follows:

- *To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.*

Comment:

The visual impact of the proposal has been effectively managed through the overall design of the building. The building complies with the minimum setback requirements to all boundaries and street frontages and has been effectively articulated to reduce its visual bulk and scale when viewed from adjoining properties and surrounding streets. There are no waterways or land zoned for public recreation purposes within the visual catchment of the development.

- *To ensure development is generally beneath the existing tree canopy level*

Comment:

While there is no existing tree canopy located on the site, the proposal maintains a human scale by virtue of its overall design and in particular its building articulation and increased setbacks to the upper floors of the development.

- *To provide a reasonable sharing of views to and from public and private properties.*

Comment:

The development allows for a reasonable sharing of views to and from public and private properties.

- *To minimise the impact of development on adjoining or nearby properties.*

Comment:

The proposal, as conditioned, does not result in adverse impacts on adjoining or nearby properties. The proposal ensures a reasonable level of amenity (views, solar access and privacy) is maintained to adjoining properties.

- *To ensure that development responds to site topography and to discourage excavation of the natural landform.*

Comment:

The development has responded to the topography of the site by providing recessed building walls and building articulation along all elevations following the slope of the site. Excavation is proposed for a basement level however this has been minimised in areas where the natural landform falls to the north western corner of the site resulting in part of the basement sitting, in part, above the natural ground level.

- *To provide sufficient scope for innovative roof pitch and variation in roof design.*

Comment:

The proposed roof form is contemporary and consistent with that of recent surrounding and nearby development in the local area that have adopted a flat roof form.



Having regard to the above assessment, it is concluded that the proposed development is consistent with the aims and objectives of WLEP 2011, WDCP and the objectives specified in s.5(a)(i) and (ii) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

## B3 Side Boundary Envelope

### Description of non-compliance

The control requires development to sit within a building envelope measured at 5m and 45 degrees taken from any side boundary of the site.

The proposal breaches the side boundary envelope on the northern elevation. The breach has a maximum height up to 1.8m and extends for a maximum length of 18.2m.

### Merit consideration

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To ensure that development does not become visually dominant by virtue of its height and bulk.*

#### Comment:

The development includes areas of substantial articulation along the northern facade of the building where the breach with the control occurs. This articulation includes recessed walls and increased setbacks to the upper floors of the building which effectively minimise the visual bulk of the development when viewed from adjoining and nearby properties.

- *To ensure adequate light, solar access and privacy by providing spatial separation between buildings.*

#### Comment:

The shadow diagrams submitted with the application demonstrate that at least 50% of the required area of private open space of adjoining dwellings will receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21 as required by Clause D6 - Access to Sunlight of WDCP 2011.

The development, as conditioned, will ensure that adequate privacy is maintained between buildings. Windows located on the lower ground and ground floors are proposed to be treated with louvres which, in addition to the physical separation achieved between buildings, will protect the privacy of those internally and externally within adjoining properties.

In this regard, the proposal provides adequate physical separation between buildings to ensure that adequate light, solar access and privacy is provided to adjoining buildings.

- *To ensure that development responds to the topography of the site.*

#### Comment:

The breach occurs along the northern elevation of the building where the land form falls across the

building footprint towards the norther eastern corner of the site. The building has been progressively stepped as it increases in height along the northern facade of the building which also responds to topography of the site.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

## **D1 Landscaped Open Space and Bushland Setting**

### Description of non-compliance

The control requires a minimum 40% of the total site area to be landscaped open space.

The proposal provides a total of 13.46% (942.66m<sup>2</sup>) of the total site area as landscaped open space which equates to a variation of 33.67%.

### Merit consideration

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To enable planting to maintain and enhance the streetscape.*

#### Comment:

The Landscape Plan submitted with the application (refer to 'Landscape Plan Hospital Addition Issue D' prepared by Selena Hannan Landscape Design dated 18/08/17/) indicates that the front, side and rear setback areas have been designed to accommodate landscaping and planting which will maintain the the local streetscape character and assist to soften the visual impact of the development through the inclusion of a mix of planting including shrubs and small, medium and large sized trees.

- *To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife.*

#### Comment:

The site has been significantly altered over the course of its history. There are no areas of threatened species, significant topographical features or vegetation identified on the site. The Landscape Plan indicates significant additional and replacement indigenous planting to be provided which vary in mature height from 2m to 8m.

The proposed planting is considered to be a significant improvement on the existing provision of landscaping on site and provides a satisfactory landscaped setting.

- *To provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building.*

#### Comment:

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The proposed planting to be located within the front, side and rear setback areas includes a mix of shrubs and small to medium sized trees which achieve a mature height of between 2m to 8m.

The spacing and location of the trees around the perimeter of the site softens the bulk of the building and, given the proposed heights and canopy spreads, will be of a scale and density commensurate with the proposed building height, bulk and scale.

In particular, areas of landscaping along the northern, southern and eastern sides of the site will assist to mitigate the visual height, bulk and scale of the building.

- *To enhance privacy between buildings.*

Comment:

The development includes areas of significant landscaping located around the perimeter of the site which, in-conjunction with the physical separation provided between buildings will provide adequate privacy screening.

The landscape plan indicates small to medium sized trees to be planted around the perimeter of the site which achieve a height of between 2m to 8m at maturity which will further assist to provide adequate screening of the development to the surrounding and adjoining allotments.

- *To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants.*

Comment:

Given the proposed use of the site as a Hospital it is considered that there is adequate areas of landscaping that will meet the needs of patients, visitors or staff.

- *To provide space for service functions, including clothes drying.*

Comment:

This application relates to a hospital and therefore there are no service functions proposed to be located externally..

- *To facilitate water management, including on-site detention and infiltration of stormwater.*

Comment:

The development has been reviewed by Council's Development Engineers having regard to the provisions for stormwater management and has raised no objections to the proposed stormwater system subject to conditions included in the recommendation of this report.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

## Appendix 1 Car Parking Requirements

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The development provides the following on-site car parking:

Use	Appendix 1 Calculation	Required	Provided	Difference (+/-)
Hospital	Comparisons to be drawn from similar developments	Comparisons to be drawn from similar developments.	47 spaces - basement 21 spaces - at grade off Patey Street 22 spaces - at grade off Quirk Street	N/A
<b>Total</b>	N/A	N/A	90 spaces	N/A

Clause C3 of WLEP 2011 requires that adequate off-street car parking is to be provided within the subject property boundaries in accordance with the use provisions of Appendix 1.

The proposed car parking proposed has been reviewed by Council's Traffic Engineer who raises no objections to the proposal.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

## THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly effect threatened species, populations or ecological communities, or their habitats.

## CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

## POLICY CONTROLS

### Warringah 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:

Warringah Section 94 Development Contributions Plan		
Contribution based on a total development cost of \$ 15,999,995		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 152,000
Section 94A Planning and Administration	0.05%	\$ 8,000
Total	1%	\$ 160,000

## CONCLUSION

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

The application attracted 51 submissions as part of the public exhibition process. The submissions raised the following issues:

- Loss of privacy
- Noise emissions
- Bulk
- Traffic and Parking
- Height of the building
- Rezoning

All issues have been addressed within this report (refer to the 'Notifications and Submissions Received' section) and were found not to warrant refusal of the application.

The application was referred internally to Council referral bodies and externally to the Aboriginal Heritage Office and Ausgrid who have raised no objections to the application. All recommendations and matters for consideration pertaining to the Development Application raised by external and internal referral bodies have been included in the recommendation of this report.

The development has been found to be permissible and consistent with the objectives of the R2 Low Density Residential zone.

The development has been found to not comply with the numerical Height of Buildings Development Standard contained in the WLEP 2011. Notwithstanding, the development has been found to be consistent with the qualitative objectives of the Standard and the zone and is therefore supported.

The development, as conditioned, has been found to be consistent with the relevant controls contained within the WDCP.

Accordingly, it is recommended that the Development Application should be approved for the reasons detailed within this report and subject to the conditions included in the recommendation of this report.

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

## **RECOMMENDATION**

THAT Sydney North Planning Panel as the consent authority grant Development Consent to DA2017/0446 for Alterations and Additions to an existing Hospital on land at Lot 1 DP 836109, 14 Patey Street, DEE WHY, Lot 12 DP 8270, 9 Patey Street, DEE WHY, Lot 93 DP 8139, 64 Quirk Street, DEE WHY, Lot 94 DP 8139, 66 Quirk Street, DEE WHY, subject to the conditions outlined in Attachment 1.

## ATTACHMENT 1

### 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**

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
DA02	04/04/17	Unnamed
DA04	13/07/17	Unnamed
DA05	13/07/17	Unnamed
DA06	13/07/17	Unnamed
DA07	04/04/17	Unnamed
DA08	04/04/17	Unnamed
DA09	04/04/17	Unnamed
DA10	04/04/17	Unnamed
DA11	04/04/17	Unnamed
DA12	04/04/17	Unnamed
DA13	04/04/17	Unnamed
DA14	04/04/17	Unnamed
DA15	04/04/17	Unnamed
DA16	13/07/17	Unnamed
DA18-A	13/07/17	Unnamed
DA18-A	13/07/17	Unnamed
DA21	13/07/17	Unnamed

<b>Reports / Documentation – All recommendations and requirements contained within:</b>		
<b>Report No. / Page No. / Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
Access Report Issue C	21 April 2017	Access Mobility Solutions
Risk Analysis and Management Report	5 April 2017	Jack Hodgson Consultants

b) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.

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

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

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

Landscape Plans		
Drawing No.	Dated	Prepared By
LP01 E Issue E	1/08/17	Selena Hannan Landscape Design
LP02 D Issue D	18/08/17	Selena Hannan Landscape Design

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. **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)

### 3. **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) Where works are to be carried out to a Class 1a building, smoke alarms are to be installed throughout all new and existing portions of that Class 1a building in accordance with the Building Code of Australia prior to the occupation of the new works.

(g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.

(h) 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.

(i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.

(j) All sound producing plant, equipment, machinery or fittings and the use will not exceed more than 5dB (A) above the background level when measured from any property boundary and/or habitable room(s) consistent with the Environment Protection Authority's NSW Industrial Noise Policy and/or Protection of the Environment Operations Act 1997.

(k) 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.

(l) 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.

(m) Any Regulated System (e.g. air-handling system, hot water system, a humidifying system, warm-water system, water-cooling system, cooling towers) as defined under the provisions of the Public Health Act 2010 installed onsite is required to be registered with Council prior to operating.

Note: Systems can be registered at [www.warringah.nsw.gov.au](http://www.warringah.nsw.gov.au)

(n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.

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(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 sewerred 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.

(o) New solid fuel burning heaters or existing solid fuel heaters affected by building works must comply with the following:

- (1) AS 2918:2001 Domestic Solid Fuel Burning Appliances – Installation.
- (2) AS 4013:2014 Domestic Solid Fuel Burning Appliances – Method of Determination of Flue Gas Emissions.

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

## FEES / CHARGES / CONTRIBUTIONS

### 4. 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 \$ 15,999,995.00		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 151,999.95
Section 94A Planning and Administration	0.05%	\$ 8,000.00

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Total	1%	\$ 159,999.95
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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.

## 5. **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.

## 6. **Works Bonds**

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

A Bond of \$20,000 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.

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

### 7. **On-site Stormwater Detention Compliance Certification**

Drainage plans detailing the provision of On-site Stormwater Detention in accordance with Northern Beaches Council's "On-site Stormwater Detention Technical Specification" and the concept drawing by Acor Consultants, drawing number SY160223 dated 28/4/2017.

Maximum discharge from the development is to be restricted to 20 litres per second for the 1 in 100 year ARI storm and minimum site storage volume of the OSD tank must be 93 cubic metres. A minimum 50mm air gap must be provided between the top of the OSD tank and underside of the Lower Ground floor (FFL 66.80m)

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)

### 8. **Vehicle Crossings Application Formwork Inspection**

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

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

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

### 9. **Vehicle Driveway Gradients**

Driveway gradients and transition gradients within the private property are to comply with Australian Standards AS2890.1 : 2004.

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)

### 10. **Waste Management Plan**

A Waste Management Plan must be prepared for this development. The Plan must be in accordance with Parts C8 and C9 of the WDCP 2011 and Council's Waste Management

Guidelines (that apply to land covered by the WLEP 2011).

Details demonstrating compliance must be provided to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that any demolition and construction waste, including excavated material, is reused, recycled or disposed of in an environmentally friendly manner.

## 11. **Tree protection**

(a) Existing trees which must be retained

- i) All trees not indicated for removal on the approved plans, 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 a qualified Arborist on site.
- ii) All structures are to bridge tree roots greater than 50mm diameter unless directed otherwise by a qualified Arborist on site.
- iii) All tree protection to be in accordance with 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)

## 12. **Tree Protection Plan**

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

(a) A Tree Protection Plan prepared by a AQF Level 5 Arborist (or equivalent) showing the following:

- Layout of the approved development
- Location of trees identified for retention
- Extent of canopy spread
- Location of tree protection fencing / barriers (fencing in accordance with AS2470 – 2009)
- General tree protection measures

(b) The Tree Protection Plan is to be submitted to the Principal Certifying Authority for approval prior to issue of a Construction Certificate.

(c) Tree protection measures identified on the plan 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)

13. **Above slab planters**

- i) The design of the above slab planters is to provide adequate soil volume and soil type for the establishment of proposed planting to maturity.
- ii) All planters and on-slab planting areas shall be waterproofed to all internal sides, and shall drain to the stormwater system.
- iii) All planters and on-slab planting areas shall be serviced by an automated irrigation system.

Plans addressing the above shall be submitted to the Principal Certifying Authority for approval prior to issue of a Construction Certificate.

Reason: Landscape amenity(DACLACPC1)

14. **Compliance with Standards**

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

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

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

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

- (a) AS2601.2001 - Demolition of Structures\*\*
- (b) AS4361.2 - Guide to lead paint management - Residential and commercial buildings\*\*
- (c) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting\*\*
- (d) AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted) \*\*
- (e) AS 4970 - 2009 'Protection of trees on development sites'\*\*\*
- (f) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking\*\*
- (g) AS 2890.2 - 2002 Parking facilities - Off-street commercial vehicle facilities\*\*
- (h) AS 2890.3 - 1993 Parking facilities - Bicycle parking facilities\*\*
- (i) AS 2890.5 - 1993 Parking facilities - On-street parking\*\*
- (j) AS/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities\*\*
- (k) AS 1742 Set - 2010 Manual of uniform traffic control devices Set\*\*
- (l) AS 1428.1 - 2009\* Design for access and mobility - General requirements for access - New building work\*\*
- (m) AS 1428.2 - 1992\*, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities\*\*
- (n) AS 4674 Design, construction and fit out of food premises
- (o) AS1668 The use of mechanical ventilation

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

\*\*Note: the listed Australian Standards is not exhaustive and it is the responsibility of the applicant and the Certifying Authority to ensure compliance with this condition and that the relevant Australian Standards are adhered to. (DACPLC02)

15. **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)

**16. External louvres**

External louvres are to be erected on the external face of all full height windows on the northern, southern and eastern elevations of the building as shown on the approved plans.

The louvres are to have a maximum spacing of 100mm to ensure opportunities for overlooking into adjoining properties and light spill is limited. The louvres are to be finished in materials that complement the design of the approved development.

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

Reason: In order to maintain privacy to the adjoining / nearby property. (DACPLC06)

**17. Sewer / Water Quickcheck**

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

Please refer to the website [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

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

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

**18. Basement Ventilation**

The basement is required to be mechanically vented, which is to be discharged to the roof top and not adjacent any adjoining property boundary or private open space and not readily view-able from the street or adjoining properties.

Details to be provided to the satisfaction of the Principal Certifying Authority prior to issue of the Construction Certificate.

Reason: To ensure adequate ventilation of the carpark and to protect the amenity of adjoining lands. (DACPLCPCC1)

**19. Dilapidation Report**

A photographic survey of adjoining properties (being No. 68 and No. 70 Quirk Street, No. 7 Patey Street, No. 16 Carew Street) detailing the physical condition of those properties, both

internally and externally, including such items as walls, ceilings, roof, structural members and other similar items, SHALL BE submitted to Council/Accredited Certifier prior to the issue of a Construction Certificate. This survey is to be prepared by an appropriately qualified person.

On completion of the excavation and building works and prior to occupation of the building, a certificate prepared by the appropriately qualified person to the effect that no damage has resulted to adjoining premises, is to be provided to the Principal Certifying Authority.

If damage is identified by the appropriately qualified person which is considered to require rectification, the damage shall be rectified or a satisfactory agreement for rectification of the damage is to be made with the affected person/s as soon as possible and prior to a final Occupation Certificate being issued.

All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent. In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate, in writing, to the satisfaction of Council/Accredited Certifier that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.

(Note: This documentation is for record keeping purposes only, and may be used by an applicant or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from the works. It is in the applicant's and adjoining owner's interest for it to be as full and detailed as possible)

Reason: Proper management of records. (DACPLCPCC2)

## 20. **Construction Management Plan**

A Construction Management Plan shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate. The plan 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, noise and dust 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)

**21. Sight Distance at Property Driveway**

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 area is to be clear of obstructions at all times. 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. (DACTRCPC1)

**22. Redundant Vehicular Crossing**

Any existing vehicular crossings rendered unnecessary by this development must be removed and the footpath and normal kerbing and guttering must be restored. This work shall be carried out by a Council recognised concrete contractor at the developer's expense.

Reason: To ensure redundant crossings are restored to kerb and gutter. (DACTRCPC2)

## CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

**23. 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)

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

**24. Vehicle Crossings**

The provision of one vehicle crossing six metres wide 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. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

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

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

25. **Footpath Construction**

The applicant shall construct 1.5 metre wide concrete footpath along the Quirk Street frontage in front of 64 and 66 Quirk Street. 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)

26. **Layback Construction**

1. A layback six metres wide (excluding the wings) is to be constructed in accordance with Warringah Council Drawing No A4-2276 and specifications in Quirk Street.
2. A layback/dish drain 11.5 metres wide (excluding the wings) is to be constructed in accordance with Warringah Council Drawing No. A4-2276 and specifications in Patey Street along the northern boundary of the road closure.

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

27. **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)

28. **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.

29. **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)

**30. 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)

**31. Waste/Recycling Requirements (Waste Plan Submitted)**

During demolition and/or construction the proposal/works shall be generally consistent with the submitted Waste Management Plan.

Reason: To ensure waste is minimised and adequate and appropriate waste and recycling facilities are provided. (DACWTE01)

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

**32. 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)

**33. 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)

34. **Reinstatement of Kerb**

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

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

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

35. **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)

36. **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)

37. **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)

38. **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)

## 39. **Required Planting**

Trees shall be planted in accordance with the following schedule:

No. of Trees Required.	Species	Location	Pot Size
All trees	As indicated on Landscape Plans Dwg Nos. LP01 E and LP02 C dated 1.8.2017 prepared by Selena Hannan Landscape Design	As indicated on the Landscape Plan	As indicated on the Landscape Plan

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)

## 40. **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)

## 41. **Waste Management Confirmation**

Prior to the issue of a Final Occupation Certificate, evidence / documentation must be submitted to the Principal Certifying Authority that all waste material from the development site arising from demolition and/or construction works has been appropriately recycled, reused or disposed of generally in accordance with the approved Waste Management Plan.

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

## 42. **Fire Safety Matters**

At the completion of all works, a Fire Safety Certificate will need to be prepared which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and the NSW Fire Brigade.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the

issue of the Interim / Final Occupation Certificate.

Each year the Owners must send to the Council and the NSW Fire Brigade an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement under Part 9 Division 4 & 5 of the Environmental Planning and Assessment Regulation 2000. (DACPLF07)

43. **Acoustic Treatment**

Any noise generating equipment or machinery externally located on the building are enclosed and certified by a suitably qualified Acoustic Engineer that the use of these items will not exceed more than 5dB (A) above the background level when measured from any property boundary and/or habitable room(s) consistent with the Environment Protection Authority's NSW Industrial Noise Policy and/or Protection of the Environment Operations Act 1997.

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

Reason: To ensure a reasonable level of amenity is maintained to adjoining properties.

44. **Consolidation of Lots**

Lot 1 DP 836109 , Lot 12 DP 8270, Lot 93 DP 8139 and Lot 94 DP 8139 must be consolidated as one (1) allotment and registered on a survey plan (prepared and signed by a Registered Surveyor) with the NSW Land & Property Information Service (NSW Department of Lands).

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

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

45. **Disabled Spaces**

A bollard is to be provided at the shared zone between disabled space no.19 & 20 in accordance to Australian Standards AS2890.6:2009. 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 Australian Standards. (DACTRFPOC1)

46. **Allocation of Stacked Parking (staff parking)**

Stacked parking spaces no. 19&20, 22&24, 23&25, 29&31, and 30&32 are to be allocated, signposted or linemarked as staff parking. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To minimise conflicts regarding parking spaces. (DACTRFPOC2)

47. **Waste and Recycling Facilities Certificate of Compliance**

The proposal shall be constructed in accordance with Warringah Development Control Plan – Part C9 Waste Management

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 waste and recycling facilities are provided. (DACWTF01)

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

### 48. **Noise Impact on Surrounding Areas**

Any noise from the premise shall not exceed more than 5dB(A) above the background level when measured from within any property boundary and will comply with the Environment Protection Authority's NSW Industrial Noise Policy and any appropriate legislation to prevent offensive noise.

Reason: To ensure that noise generated from the premise does not create offensive noise (DACHPGOG5)

### 49. **Landscape maintenance**

i) Trees shrubs and ground-covers 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

### 50. **Allocation of Spaces**

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

90 - Hospital users

Car-parking provided shall be used solely in conjunction with the uses contained within the development. Each car parking space shall be line marked.

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

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

### 51. **Commercial Waste Collection**

Waste and recyclable material, generated by this premises, must not be collected between the hours of 9pm and 7am on any day.

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

### 52. **Loading Within Site**

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

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

53. **Delivery Hours**

No deliveries, loading or unloading associated with the premises are to take place between the hours of 9pm and 7am on any day.

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

54. **Height Clearance Bar**

Height Clearance Bar indicating the maximum clearance height of the basement carpark is to be provided at or near the property boundary.

Reason: To minimise vehicular conflicts. (DACTRGOG1)