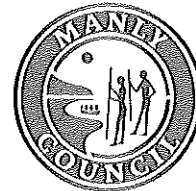


Manly Council



Reference: 050208 DA391/07 NI:RS
Enquiries: Environmental Services

Council Offices
1 Belgrave Street
Manly NSW 2095

Health Administration Corporation
c/- Capital Insight Pty Ltd
Level 6, 66 Berry Street
NORTH SYDNEY NSW 2060

Correspondence to
General Manager
PO Box 82
Manly NSW 1655

DX 9205 Manly

Telephone 02 9976 1500
Facsimile 02 9976 1400

www.manly.nsw.gov.au
records@manly.nsw.gov.au

ABN 43 662 868 065

Dear Sir/Madam,

**Notice of Determination under Section 81(1)(a) of the
Environmental Planning and Assessment Act, 1979
Development Application No. 391/07**

**Proposed Development: Alterations and Additions to the Psycho-Geriatric
Unit at Manly Hospital**

Land to be developed: 150 Darley Road, Manly

Pursuant to the Building Code of Australia, the building is a Class 9a building.

Council determined this application and has granted consent subject to the conditions described below:

DA1

This approval relates to Drawing/Plan Nos. 280300, DA -02, 03, 04 and 05 dated 8 September 2007 and received by Council on 5 October 2007.

ANS01

Noise from mechanical plant and equipment

Noise from the operation of mechanical plant and equipment must not exceed *background noise* when measured at the nearest lot boundary of the site. Where noise sensitive receivers are located within the site, noise from the operation of mechanical plant and equipment must not exceed *background noise* when measured at the nearest strata, stratum or community title boundary.

Reason: This condition has been imposed to protect the amenity of the neighbourhood.

Note: Words in this condition have the same meaning as in the:
NSW Industrial Noise Policy (http://www.environment.nsw.gov.au/resources/ind_noise.pdf)
ISBN 0 7313 2715 2, dated January 2000, and
Noise Guide for Local Government (<http://www.environment.nsw.gov.au/noise/nglg.htm>)
ISBN 1741370671, dated December 2004.

CLEANER HEALTHIER HAPPIER

Manly Council Supports Smoke Free Zones

www.smokefreecouncils.com.au

ANS02

Outdoor lighting – Commercial

Outdoor lighting must comply with AS 4282-1997: *Control of the obtrusive effects of outdoor lighting*. The maximum luminous intensity from each luminaire must not exceed the level 1 control relevant under table 2.2 of AS 4282. The maximum illuminance and the threshold limits must be in accordance with table 2.1 of AS 4282.

Reason: This condition has been imposed to protect the amenity of neighbours and limit the obtrusive effects of outdoor lighting in public places.

Note: Council may consider, subject to an appropriate section 96 application relaxation of this condition where it can be demonstrated, by expert report, that the level of lighting in the existing area already exceeds the above criteria, where physical shielding is present or physical shielding is reasonably possible.

ANS03

Waste Management - Commercial

Waste Management must comply with the *approved Waste Management Plan*.

Waste and recycling bins/crates must be removed from the road or footpath within 1 hour of collection or otherwise in accordance with the *approved Waste Management Plan*.

This condition does not apply to the extent that Activity Approval exists under the Local Government Act 1993 or the Roads Act 1993 and subject that all conditions of such approval(s) are complied with.

Reason: This condition has been imposed to ensure that all waste and recycling receptacles are removed from public places following collection to ensure there is no unnecessary obstruction of footpaths or roads and no unnecessary visual amenity impacts.

ANS04

Dust Mitigation

Dust mitigation must be implemented in accordance with "*Dust Control - Do it right on site*" published by the Southern Sydney Regional Organisation of Councils.

This generally requires:

- a) Dust screens to all hoardings and site fences.
- b) All stockpiles or loose materials to be covered when not being used.
- c) All equipment, where capable, being fitted with dust catchers.
- d) All loose materials being placed bags before placing into waste or skip bins.
- e) All waste and skip bins being kept covered when not being filled or emptied.
- f) The surface of excavation work being kept wet to minimise dust.
- g) Landscaping incorporating trees, dense shrubs and grass being implemented as soon as practically possible to minimise dust.

Note 1: Special precautions must be taken when removing asbestos or lead materials from development sites. Additional information can be obtained from www.workcover.nsw.gov.au and www.epa.nsw.gov.au. Other specific condition and advice may apply.

Note 2: Demolition and construction activities may affect local air quality and contribute to urban air pollution. The causes are dust, smoke and fumes coming from equipment or activities, and airborne chemicals when spraying for pest management. Precautions must be taken to prevent air pollution.

ANS05

Disposal of site water during construction

The principal contractor or owner builder must ensure:

- a) Prior to pumping any water into the road or public stormwater system that approval is obtained from *Council* under section 138(1)(d) of the *Roads Act 1993*;
- b) That *water pollution*, as defined by the *Protection of the Environment Operations Act 1997*, does not occur as the result of the discharge to the road, public stormwater system or other place or any site water;
- c) That stormwater from any roof or other impervious areas is linked, via temporary downpipes and stormwater pipes, to a Council approved stormwater disposal system immediately upon completion of the roof installation or work creating other impervious areas.

Note: This condition has been imposed to ensure that adjoining and neighbouring land is not adversely affected by unreasonable overland flows of stormwater and that site water does not concentrate water such that they cause erosion and water pollution.

ANS06

Maintenance of Environmental Controls

The *principal contractor* or *owner builder* must ensure that the following monitoring, measures and controls are maintained:

- (a) Erosion and sediment controls,
- (b) Dust controls,
- (c) Dewatering discharges,
- (d) Noise controls;
- (e) Vibration monitoring and controls;
- (f) Ablutions;

Note 1: See http://www.epa.nsw.gov.au/small_business/builders.htm for additional information.

ANS07

Asbestos Removal, Repair or Disturbance

Anyone who removes, repairs or disturbs bonded or a friable asbestos material must hold a current removal licence from Workcover NSW.

Before starting work, a work site-specific permit approving each asbestos project must be obtained from Workcover NSW. A permit will not be granted without a current Workcover licence.

All removal, repair or disturbance of or to asbestos material must comply with:

- The Occupational Health and Safety Act 2000;
- The Occupational Health and Safety Regulation 2001;
- The Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (1998)];
- The Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998)] <http://www.nohsc.gov.au/>; and
- The Workcover NSW Guidelines for Licensed Asbestos Removal Contractors.

Note: The Code of Practice and Guide referred to above are known collectively as the Worksafe Code of Practice and Guidance Notes on Asbestos. They are specifically referenced in the Occupational Health and Safety Regulation 2001 under Clause 259. Under the Occupational Health and Safety Regulation 2001, the Worksafe Code of Practice and Guidance Notes on Asbestos are the minimum standards for asbestos removal work. Council does not control or regulate the Worksafe Code of Practice and Guidance Notes on Asbestos. You should make yourself aware of the requirements by visiting www.workcover.nsw.gov.au or one of Workcover NSW's offices for further advice.

ANS08

Lead Paint

It is beyond the scope of this consent to provide detailed information about dealing with lead paint. Painters working in an area containing lead-based paint should refer to Australian Standard AS 4361.1–1995, Guide to Lead Paint Management—Industrial Applications, or AS 4361.2–1998, Guide to Lead Paint Management—Residential and Commercial Buildings.

Industrial paints, may contain lead. Lead is used in some specialised sign-writing and artist paints, and road marking paints, and anti-corrosive paints. Lead was a major ingredient in commercial and residential paints from the late 1800s to 1970. Most Australian commercial buildings and residential homes built before 1970 contain lead paint. These paints were used both inside and outside buildings.

Lead hazards - Lead particles are released when old lead paint flakes and peels and collects as dust in ceiling, wall and floor voids. If dust is generated it must be contained. If runoff contains lead particles it must be contained. Lead is extremely hazardous, and stripping of lead-based paint and the disposal of contaminated waste must be carried out with all care. Lead is a cumulative poison and even small levels in the body can have severe effects.

ANS09

Protection of Long Nosed Bandicoot

Prior to the commencement of works all workers on, and visitors to, the work site are to be made aware of the potential presence of Long Nosed Bandicoots through the site induction. The site induction is to include information about; the conservation significance of the Long Nosed Bandicoot, their potential activities on-site, and the measures in place on-site to be implemented for their protection.

ANS10

Where works are undertaken or material/debris/spoil is stockpiled outside the existing high brick boundary wall or in areas within the high brick boundary wall that become exposed to areas external to the site due to construction, temporary chain wire fencing is to be installed around these work areas (including; demolition, storage and construction areas) prior to the commencement of works/construction. Fencing is to be maintained throughout the duration of the works. The fencing is to be designed to minimise the possibility for Long Nosed Bandicoot; access to the works areas and sheltering in cavities or voids eg: contain a surrounding barrier of minimum 300mm in height to exclude Bandicoots from this area.

ANS11

All machinery and construction material stockpiles are to be inspected daily prior to commencing operation to ensure that no Bandicoots are sheltering in these areas. In the case that a Long Nosed Bandicoot is encountered within one of these work areas, no work shall proceed until the Bandicoot has safely vacated the works area.

ANS12

Prior to the removal of any vegetation/debris piles on-site, a pre-clearance survey for nesting activity is required. Clearing of existing vegetation / debris is only to occur once construction is complete. All clearing is to be undertaken at dusk.

ANS13

Vegetation clearing is to be undertaken using hand tools in the first instance, with careful checking of likely shelter sites (including the base of all vegetation and under deep leaf litter). All clearance is to be undertaken in one day so that Bandicoots do not re-occupy partially cleared areas.

ANS14

Cleared vegetation that is stockpiled on-site must be removed by hand rather than by machinery.

ANS15

Normal construction hours are to be adhered to, with no machinery to be used outside the hours of 7:30am and 4:30pm.

ANS16

Any injured or dead Long-nosed Bandicoots should be reported by phoning Manly Council on 9976 1500 or Department of Environment and Climate Change (DECC) on 9977 6732.

ANS17

The proposed retaining wall on Council land is to be deleted. All works relating to the development are to be contained within the subject. Plans are to be amended accordingly.

ANS18

Asset Protection Zone

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building.

- At the commencement of building works and in perpetuity the entire property shall be managed as an 'Inner Protection Area' as outlined within Planning for bush fire Protection 2006 and the Service's document 'Standards for Asset Protection Zones'.

ANS19

Landscaping to the site is to comply with the principles of Appendix 5 of the Planning for Bush Fire Protection 2006.

ANS20

Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purposed developments.

An Emergency/Evacuation Plan is to be prepared (or updated) detailing the following:-

- a) under what circumstances will the complex be evacuated;
- b) where will all persons be evacuated to;
- c) roles and responsibilities of persons co-ordinating the evacuation;
- d) roles and responsibilities of persons remaining with the complex after evacuation; and
- e) a procedure to contact the NSW Rural Fire Service District Office / NSW fire Brigade and inform them of the evacuation and where they will be evacuated to

ANS21

All proposed works on Council land and not within the property, including but not limited to retaining walls are to be removed.

DA017

No obstruction shall be caused to pedestrian use of Council's footpath or vehicular use of any public roadway during construction.

DA342

Separate application shall be made to Council's Infrastructure Division for approval to complete, to Council's standards and specifications, works on Council property. This shall include vehicular crossings, footpaths, drainage works, kerb and guttering, brick paving, restorations and any miscellaneous works. Applications shall be made a minimum of twenty-eight (28) days prior to commencement of proposed works on Council's property. Applicant to notify Council at least 48 hrs before commencement of works to allow Council to supervise/inspect works.

DA343

Any adjustment to the public utility service is to be carried out in compliance with their standards and the full cost is to be borne by the applicant.

DA021

Toilet facilities are to be provided at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 person or part of 20 persons employed at the site, by effecting either a permanent or temporary connection to the Sydney Water's sewerage system or by approved closets.

DA031

Consent given to build in close proximity to the allotment boundary is in no way to be construed as permission to build on or encroach over the allotment boundary. Your attention is directed to the provisions of the Dividing Fences Act which gives certain rights to adjoining owners, including use of the common boundary. In the absence of the structure standing well clear of the common boundary, it is recommended that you make yourself aware of your legal position which may involve a survey to identify the allotment boundary.

DA040

Where any excavation extends below the level of the base of the footing of a building on an adjoining allotment of land, the person causing the excavation shall support the neighbouring building in accordance with the requirements of the Building Code of Australia.

DA044

The floor surfaces of bathrooms, shower rooms, laundries and WC compartments are to be of an approved impervious material properly graded and drained and waterproofed in accordance with AS3740. Certification is to be provided to the Principal Certifying Authority from a licenced applicator prior to the fixing of any wall or floor tiles.

DA058

An adequate security fence, is to be erected around the perimeter of the site prior to commencement of any excavation or construction works, and this fence is to be maintained in a state of good repair and condition until completion of the building project.

DA109

All demolition is to be carried out in accordance with AS2601-2001.

DA111

Asbestos cement sheeting must be removed in accordance with the requirements of the WorkCover Authority.

DA094

Stormwater drainage from the proposed addition/extension shall be disposed of to the existing drainage system. All work shall be carried out in accordance with Council standards and specifications for stormwater drainage.

DA120

The building being erected in Type C, construction for a Class 9(a) building in accordance with the Fire Resistance Provisions of the Building Code of Australia.

DA121

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

DA230

No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council, including payment of relevant fees.

DA261

A sediment/erosion control plan for the site shall be submitted to the Council. Implementation of the scheme shall be completed prior to commencement of any works on the site and maintained until completion of the development.

DA332

The capacity and effectiveness of erosion and sediment control devices must be maintained to Council satisfaction at all times.

DA333

A copy of the Soil and Water Management Plan must be kept on-site at all times and made available to Council officers on request.

DA334

Stockpiles are not permitted to be stored on Council property (including nature strip) unless prior approval has been granted.

DA335

Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage line or easement, natural watercourse, kerb or road surface.

DA336

Drains, gutters, roadways and access ways shall be maintained free of sediment and to the satisfaction of Council. Where required, gutters and roadways shall be swept regularly to maintain them free from sediment.

DA337

Building operations such as brickcutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.

DA338

All disturbed areas shall be stabilised against erosion to Council satisfaction within 14 days of completion, and prior to removal of sediment controls.

DA339

Stormwater from roof areas shall be linked via a temporary downpipe to a Council approved stormwater disposal system immediately after completion of the roof area. Inspection of the building frame will not be made until this is completed to Council satisfaction.

DA340

The applicant and/or builder must prior to the commencement of work, install at the periphery of the site, measures to control sedimentation and the possible erosion of the land. The measures must include:-

- (i) siltation fencing;
- (ii) protection of the public stormwater system; and
- (iii) site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place.

DA289

Building or construction work must be confined to the hours between 7.00am to 6.00pm, Monday to Friday and 7.00am to 1.00pm, Saturday, with a total exclusion of such work on Public Holidays and Sundays. Non-offensive works where power operated plant is not used and including setting out, surveying, plumbing, electrical installation, tiling, internal timber or fibrous plaster fixing, glazing, cleaning down brickwork, painting, building or site cleaning by hand shovel and site landscaping, is permitted between the hours of 1.00pm to 4.00pm Saturdays. Note: That the Protection of the Environment Operations Act 1997 may preclude the operation of some equipment on site during these permitted working hours.

DA323

This approval shall expire if the development hereby permitted is not commenced within 2 years of the date hereof or any extension of such period which Council may allow in writing on an application made before such an expiry.

The reason for the imposition of the conditions is to ensure that the development generally conforms with section 79C of the Environmental Planning and Assessment Act, 1979, Building Code of Australia and Council Development Control Plan and Policies.

In accordance with Clause 284 of the Environmental Planning and Assessment Regulation 2000, non compliance with the above conditions may result in Council issuing a Penalty Notice of \$600.

Note: The applicant is further advised of the following:-

Long-Nosed Bandicoots – Best Practices for Residents

Residents are encouraged to follow a number of “Best Practices” to assist with the protection and management of the endangered population of Long-Nosed Bandicoots:

- Bandicoots and other native animals should never be fed.
- Feral cats or foxes should never be fed or have access to food – e.g. rubbish bins without lids or pet food bowls.
- The use of insecticides, fertilisers, or snail baits should be avoided on the property. Garden insects will be kept in low numbers if Bandicoots are present.
- When the North Head Long - nosed Bandicoot Recovery Plan is released it should be implemented where relevant.
- Cat/s and or dog/s that currently live on the property should be kept indoors at night to avoid disturbance/death of native animals. When the current cat/s and/or dog/s that live on the property no longer reside on the property it is recommended that they not be replaced by new dogs or cats.
- Dead Long-nosed Bandicoots should be reported by phoning Manly Council on 9976 1744 or Department of Environment and Conservation on 9977 6732.
- Please drive carefully as vehicle related injuries and deaths of Long-nosed Bandicoots have occurred in the area.

Notes:

1. If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court (their address being Level 4, 225 Macquarie Street, Sydney NSW 2000) within 12 months after the date on which you receive this notice.
2. If you are dissatisfied with this decision, Section 82A of the Environmental Planning and Assessment Act gives you the right of review by Council within twelve months of the date of determination.

It is necessary for payment of a Long Service Levy for works costing \$25,000 or more at a rate of 0.35% of the cost and insurance pursuant to the Building and Construction Industry Long Service Payments Act 1986 prior to issue of a Construction Certificate.

It is advised that your plans must be submitted to Sydney Water for approval at least fourteen days before commencement of works. Please phone Sydney Water on Tel: 132 092 for information regarding an office closest to you. Further, you are advised to consult with Sydney Electricity with respect to electrical installations, telephone installers with respect to any telecommunication lines and Australia Post should the proposal involve the provision of a letterbox.

Should you have any questions in relations to the matter, please contact Council's Environmental Services, on 02 9976 1414, during business hours or email myda@manly.nsw.gov.au.

Signed below on behalf of the consent authority.

Yours faithfully,

Date: 7-2-08

DS


V. Hudson
Public Officer