

## NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

**Development Application No:** DA2008/0435

### DEVELOPMENT APPLICATION DETAILS

**Applicant Name:** Boston Blyth Fleming Town Planners

**Applicant Address:** Suit 1, No 9 Narabang Way BELROSE NSW 2085

**Land to be developed (Address):** Lot 1, DP 836109, 14 Patey Street Dee Why

**Proposed Development:** Alterations and additions to the existing Hospital (Delmar private Hospital)

### DETERMINATION

**Made on (Date):** 12<sup>th</sup> May 2008

**Consent to operate from (Date):** 12<sup>th</sup> May 2011

**Consent to lapse on (Date):** 12<sup>th</sup> May 2011

#### Details of Conditions

**The conditions, which have been applied to the consent, aim to ensure that the Environmental Impacts of Development are minimised and the Health and Safety of the community is maintained in accordance with the relevant standards and the Building Code of Australia.**

#### **NOTE:**

If the works are to be certified by a Private Certifying Authority, then it is the certifier's responsibility to ensure all outstanding fees and bonds have been paid to Council prior to the issue of the Construction Certificate or as otherwise specified by Consent conditions.

Pursuant to Section 95(2) of the Environmental Planning and Assessment Act 1979, Council has varied the provisions of Section 95(1) and advise that the consent will lapse 3 years from the date upon which the consent operates.

Section 95A of the Environmental Planning and Assessment Act 1979, allows for an extension of 1 year to the period in which the consent will lapse, except for complying development. Such an application must be made in accordance with Clause 114 of the Environmental Planning and Assessment Regulation 2000.

## CONDITIONS THAT IDENTIFY APPROVED PLANS

### 1. Approved Plans And Supporting Documentation

The development is to be carried out in compliance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of consent:

| Drawing Number | Dated      | Prepared By                            |
|----------------|------------|--|
| DA-A-101       | 11/03/2008 | Quattro Architecture & Interior Design |
| DA-A-102       | 11/03/2008 | Quattro Architecture & Interior Design |
| DA-A-103       | 11/03/2008 | Quattro Architecture & Interior Design |
| DA-A-200       | 11/03/2008 | Quattro Architecture & Interior Design |
| DA-A-201       | 11/03/2008 | Quattro Architecture & Interior Design |

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

Note: Further information on Construction Certificates can be obtained by contacting Council's Call Centre on 9942 2111, Council's website or at the Planning and Assessment Counter.

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

### 2. Building Code of Australia

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

**Reason:** *Prescribed - Statutory.*

### 3. Demolition of Extra Fabric

Alterations to, and demolition of the existing building shall be limited to that shown on the approved plans (by way of notation). No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is shown to be retained.

**Reason:** *To ensure compliance with the approved development.*

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

### 4. Bond for Construction, Excavation and Associated Works

A bond of \$2000 shall be deposited with Council prior to the issue of the Construction Certificate 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.

**Reason:** *To ensure adequate protection to Council infrastructure.*

### 5. Damage to Public Infrastructure

The applicant shall bear the cost of all restoration works to Council's property damaged during the course of this development. The applicant shall advise Council, in writing, of any existing damage to Council property. A dilapidation survey of Council's assets, including photographs and written record, must be prepared by a suitably qualified person and submitted to Council prior to the issue of the Construction Certificate.

Note: This documentation will be used to resolve any dispute over damage to infrastructure. It is in the applicant's interest for it to be as full and detailed as possible.

**Reason:** *To ensure the protection of existing built public infrastructure.*

## 6. Reflectivity Index of Glazing

The reflectivity index (expressed as a percentum of the reflected light falling upon any surface) of external glazing for windows, walls or roof finishes of the proposed development is to be no greater than 20%. Written confirmation of the reflectivity index of materials is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

**Note:** The reflectivity index of glazing elements can be obtained from glazing manufacturers. Glass with mirrored or reflective foil finishes is unlikely to achieve compliance with this requirement.

**Reason:** *To ensure that excessive glare or reflectivity nuisance from glazing does not occur as a result of the development.*

## 7. Roofing Materials – Reflectivity

The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. The metal roof shall not be of light colours such as off white, cream, silver or light grey colours. Details are to be submitted with the Construction Certificate.

**Reason:** *To ensure that excessive glare or reflectivity nuisance from roofing materials does not occur as result of the development.*

## 8. Section 94A Contribution

\$1000 is to be paid to Warringah Council as a Section 94A levy prior to the issue of the Construction Certificate.

This amount has been calculated using the Warringah Section 94A Development Contributions Plan. 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.

The basis for the contributions is as follows:

| <i>Warringah Section 94A Development Contributions Plan</i> |           |                      |              |
|---|-----------|----------------------|--------------|
| Contribution based on total development cost of             | \$        | 200,000.00           |              |
| Contribution - all parts Warringah                          | Levy Rate | Contribution Payable | Council Code |
| Total S94A Levy   | 0.45%     | \$900                | 6923         |
| S94A Planning and Administration                            | 0.05%     | \$100                | 6924         |
| Total   | 0.5%      | \$1,000              |              |

**Reason:** *To retain a level of service for the existing population and to provide the same level of*

service for the population resulting from new development.

## 9. Design for Access & Mobility

The development must be designed to comply with the requirements of the Disability Discrimination Act 1992 and Australian Standard AS1428.2-1992 Design for Access and Mobility - Enhanced and additional requirements - Buildings and facilities. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** To ensure equitable access to members of the community to all public facilities.

## 10. Long Service Levy

Payment of the Long Service Levy is required prior to the release of the Construction Certificate. 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.

**Reason:** Prescribed - Statutory.

## CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

## 11. Notice of Commencement

At least 2 days prior to work commencing on site Council must be informed, by the submission of a Notice of Commencement in Accordance with Section 81A of the Environmental Planning and Assessment Act 1979 of the name and details of the Principal Certifying Authority and the date construction work is proposed to commence.

**Reason:** Legislative requirement for the naming of the PCA.

## 12. Site Sign

- (1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
  - (a) Stating that unauthorised entry to the work site is prohibited;
  - (b) Showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
  - (c) Showing the name, address and telephone number of the Principal Certifying Authority for the work.
- (2) Any such sign must be maintained while to building work or demolition work is being carried out, but must be removed when the work has been completed.
- (3) This condition does not apply to building works being carried out inside an existing building.

**Reason:** Statutory requirement.

## CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

### **13. Applicant's Cost of Work on Council Property**

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

*Reason: To ensure the proper management of public land*

### **14. Prohibition on Use of Pavements**

No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without prior Council Approval.

*Reason: To ensure public safety and amenity on public land.*

### **15. Installation and Maintenance of Sediment Control**

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

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

### **16. 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.*

### **17. Plans on Site**

A copy of all stamped approved plans, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) shall be kept on site at all times so as to be readily available for perusal by any officer of Council or the Certifying Authority.

*Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information and to ensure ongoing compliance.*

### **18. Protection of Public Places**

- (1) If the work involved in the erection or demolition of a building:
  - (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
  - (b) Building involves the enclosure of a public place,  
a hoarding and site fencing must be erected between the work site and the public place.
- (2) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- (3) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- (4) Any such hoarding, fence or awning is to be removed when the work has been completed.

(5) No access across public reserves or parks is permitted.

**Note:** Prior to the erection of any temporary fence or hoarding over property owned or managed by Council, written approval must be obtained.

**Reason:** *To ensure public safety and the proper management of public land.*

## **19. Removal of Extra Fabric**

Should any portion of the existing building, trees, or curtilage of the site which is indicated on the approved plans to be retained be damaged for whatever reason, all the works in the area of the damaged portion are to cease and written notification given to Council. No work is to resume until the written approval of Council is obtained. Failure to comply with the provisions of this condition will result in the Council taking further action including legal proceedings if necessary.

**Reason:** *To ensure compliance with the terms of this development consent.*

## **20. Construction Hours**

Building construction shall be restricted to within the hours of 7.00 am to 5.00 pm Monday to Friday and on Saturday to within the hours of 8.00 am to 1.00 pm inclusive, with no work on Sundays and Public Holidays.

Demolition and excavation works shall be restricted to within the hours of 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).

Where it is necessary for works to occur outside those hours allowed by these conditions, approval for such will be subject to issue of a permit on each occasion from Council's Customer Services Centre. Such permit must be obtained and the appropriate fee paid at least two (2) clear working days in advance of each relevant date. Such occurrence shall be limited to two occasions per calendar month and shall only be approved if public safety or convenience is at risk.

Note: Failure to obtain a permit for work outside of the approved hours will result in on the spot fines being issued, or Council pursuing any action required (including legal proceedings) to have the out of hours work cease, without prior warning.

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

## **21. Health and Safety**

The work undertaken must satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements.

**Reason:** *To ensure the health and safety of the community and workers on the site.*

## **22. Sediment and Erosion Control Signage**

A durable sign, which is available from Council, shall be erected during building works in a prominent location on site, warning of penalties should appropriate erosion and sedimentation control devices not be maintained.

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

## **23. Dust emission and air quality**

Materials must not be burnt on site.

Vehicles entering and leaving the site with soil or fill material must be covered.

Dust suppression measures must be carried out to minimise wind-borne emissions in accordance with the Landcom's Managing Urban Stormwater: Soils and Construction (The 'Blue Book'). Odour suppression measures must be carried out so as to prevent nuisance occurring at neighbouring properties.

*Reason: To ensure residential amenity is maintained in the immediate vicinity.*

#### **24. No Removal of Trees on Public Property**

No trees or native shrubs or understorey on public property (footpaths, roads, reserves, etc.), unless specifically approved in this consent, shall be removed or damaged during construction including for the erection of any fences, hoardings or other temporary works.

*Reason: Protection of existing environmental infrastructure and community assets.*

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

#### **25. Access for People with Disabilities**

Prior to the issue of an Interim/Final Occupation Certificate provision shall be made for access to and within the building on the site for persons with a disability in accordance with the provisions of Australian Standard AS 1428.2-1992 Design for Access and Mobility - Enhanced and additional requirements - Buildings and facilities.

*Reason: Equitable access for people with a disability.*

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

#### **26. Ancillary Use**

The use of the office area shall be ancillary to the use of the premises, as 'Hospital' at all times.

*Reason: To ensure that the primary use of the premises is the approved use under this application, and that any other uses are ancillary to the approved use.*

#### **27. No Illumination**

No consent is given or implied for any form of illumination or floodlighting to any sign.

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

#### **28. No Parking, Display or Sale of Goods**

No parking, display or sales of goods shall be carried out other than approved by this Consent.

*Reason: Safety.*

#### **29. Separate Development Application for Signs**

A separate Development Application for any proposed signs (other than exempt and complying signs under Council's exempt and complying controls) must be submitted for the approval of Council prior to the erection or display of any such signs.

**Reason:** *Control of signage.*

### **30. Space Enclosure**

No parking spaces or access thereto shall be constrained or enclosed by any form of structure such as fencing, or the like, without prior consent from Council.

**Reason:** *To ensure that minimum dimensions for parking spaces are not reduced or that vehicle manoeuvring is compliant with relevant standards.*

### **31. Signs/Goods in the Public Way**

No signs or goods are to be placed on the footway or roadway adjacent to the property.

**Reason:** *To ensure pedestrian safety.*

### **32. Upgrading of the Building**

This approval does not prejudice any action Council may take in respect of the upgrading of the building pursuant to the provisions of the Environmental Planning and Assessment Act 1979.

**Reason:** *Fire Safety.*

### **33. Noise Generation**

Noise from the combined operation of all mechanical plant and equipment shall not generate noise levels that exceed 5dB (A) above the ambient background noise level measured at the nearest residential property boundary when measured in accordance with the Environment Protection Authority's NSW Industrial Noise Policy.

**Reason:** *Health & amenity.*

### **34. Noise Impact On Surrounding Area**

The use of the premises shall not cause a sound level in excess of 5 dB(A) at any time above the background noise level at any point along the site boundaries when measured in accordance with the Environment Protection Authority's Industrial Noise Policy.

**Reason:** *To ensure compliance with acceptable levels of noise established under best practice guidelines.*

### **35. Storage and Handling of Hazardous Liquids**

All chemicals shall be stored and handled in accordance with all relevant Acts, Regulations and Standards.

**Note:** The following Australian Standard and requirements applied at the time of determination;

- Australian Standard AS 1940 -2004 - The Storage and Handling of Flammable and Combustible Liquids
- Environment Protection Authority's Environment Protection Manual for Authorised Officers: Technical Section Water (Bunding and spill management)

**Reason:** *To ensure a safe working environment and the correct storage of hazardous liquids.*

### **36. Storage, Transport and Disposal of Clinical Waste**



Medical wastes shall be disposed of by an authorised waste disposal contractor. The storage, transport and disposal of clinical wastes is to comply with all relevant Acts and Regulations.

**Note:** The following Regulation applied at the time of determination:

- Protection of the Environment Operations (Waste) Regulation 1996

**Reason:** *To ensure compliance with the legislation and the protection of the health and safety of staff, patients and the community.*

## **Right to Review by the Council**

You may request the Council to review the determination of the application under Section 82A of the Environmental Planning & Assessment Act 1979. Any request to review the application must be within 12 months after the date of determination shown on this notice.

**NOTE:** *A fee will apply for any request to review the determination.*

## **Right of Appeal**

If you are dissatisfied with this decision Section 97 of the Environmental Planning & Assessment Act 1979 may give you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.

**Signed**                      on behalf of the consent authority

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**Steve Findlay**  
**Team Leader – Development Assessment**