

## SYDNEY NORTH PLANNING PANEL COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	PPSSNH-164
<b>DA Number</b>	Mod2020/0488
<b>LGA</b>	Northern Beaches
<b>Proposed Development</b>	Modification of Development Consent DA2017/0446 granted for alterations and additions to an existing hospital - Delmar Private Hospital
<b>Street Address</b>	Lot 12 DP 8270, 14 Patey Street DEE WHY NSW 2099 Lot 93 DP 8139, 14 Patey Street DEE WHY NSW 2099 Lot 94 DP 8139, 14 Patey Street DEE WHY NSW 2099 Lot 58 DP 1239854, 58 Quirk Street DEE WHY NSW 2099
<b>Applicant/Owner</b>	CDP Services Pty Ltd Delmar Private Hospital Pty Ltd
<b>Date of DA lodgement</b>	30/09/2020
<b>Number of Submissions</b>	57
<b>Recommendation</b>	Approval
<b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011</b>	Private infrastructure and community facilities
<b>List of all relevant s4.15(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: Architectural Plans</li> <li>• Attachment 3: Original Notice of Determination</li> </ul>
<b>Clause 4.6 requests</b>	None
<b>Summary of key submissions</b>	<ul style="list-style-type: none"> <li>• Retrospective work</li> <li>• Breach of height development standard</li> <li>• Visual and acoustic impacts of roof top plant</li> </ul>
<b>Report prepared by</b>	Anne-Marie Young, Principal Planner
<b>Report date</b>	23 November 2020

### Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 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 LEP) has been received, has it been attached to the assessment report? **Not Applicable**

### Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?  
*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 prefer 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

Northern Beaches Council is in receipt of Section 4.55(2) application MOD2020/0488 from CDP Services Pty Ltd for the modification of development consent DA2017/0446 for alterations and additions to Delmar Hospital which was approved by the Sydney North Planning Panel (SNPP) on 20 November 2017.

The subject modification generally seeks retrospective consent to regularise a number of 'as built' changes that occurred during the construction of the extension including:

- The relocated hydrotherapy pool and other minor internal alterations and the installation of roof top plant and associated screens.

The subject site is zoned R2 Low Density Residential under the provisions of the Warringah Local Environmental Plan (WLEP 2011) and the proposed development is permissible with consent.

The "as built" roof top plant breaches the 8.5m maximum building height development standard, by 40% or 3.48m (1.68m higher than the approved roof top). Despite the numerical non-compliance the development achieves consistency with the underlying objectives of Clause 4.3 of WLEP 2011.

The plant is set back in the centre of the roof and will have negligible visual impacts from the primary Quirk Street frontage and limited visual impact from the secondary frontage to Patey Street. A condition requires the acoustic screens to be treated with an anti-reflectivity coating to address issues relating to glare. The existing condition, No 43 on DA2017/0447 remains valid which requires certification that the plant will not result in unreasonable acoustic issues.

The public notification of the application resulted in fifty seven (57) submissions, thirty four (34) submissions were received from one individual on behalf of others. The concerns raised in the submission have been addressed in the assessment report. Overall, there were no matters raised in the submission received that would warrant the refusal of the subject application in the public interest.

## PROPOSED DEVELOPMENT IN DETAIL

On 30 September 2020, CDP Services Pty Ltd ("Applicant") lodged a Section 4.55 (2) Modification Application Mod2020/0488("MOD") with Northern Beaches Council ("Council").

The proposal seeks the following modifications (all which have been constructed) to the original consent DA2017/0446:

## Internal

### **Basement:**

- A sprinkler hydrant tank underneath the ramp to the basement;
- A hydrant sprinkler pump room as part of the enlarged switch room required as part of the new requirements for the sprinkler system of the building;
- A larger fire stair in the middle of the carpark and a larger OSD tank to satisfy the conditions of consent;
- The relocated hydrotherapy pool, and
- Re-configuration of on-site parking resulting in a net increase in 2 car parking spaces.

### **Lower ground floor:**

- Two (2) new single bed wards in place of the hydrotherapy pool, and
- A larger fire stair and 2 exits.

### **Ground floor including:**

- A new store and utility room, and
- A new ward and nurse's station.

### **Level 1**

- Addition of a ramped area

## External

- An increase in the lift overrun height, roof top plant and acoustic enclosure to RL 77.480 being 11.98m above ground level (1.68m higher than the approved roof top structures) (works completed), and
- A reduction in the number of windows on the Quirk Street elevation and the addition of two fire doors.

There are no changes proposed in the modification which have not already been built.

Note: The applicant has advised that the modification generally seeks to regularise a number of "as built" changes and other modifications that occurred during the construction process that the applicant states were required to achieve compliance with the Building Code of Australia, the Ministry of Health, (design and construction requirements), provisions of the Private Health Facilities Act 2007, Private Health Facilities Regulations 2017 and the Australasian Health Facility Guidelines.

## **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 the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

## **SUMMARY OF ASSESSMENT ISSUES**

Warringah Local Environmental Plan 2011 - 4.3 Height of buildings

Warringah Development Control Plan - D3 Noise

Warringah Development Control Plan - D11 Roofs

Warringah Development Control Plan - D21 Provision and Location of Utility Services

MOD2020/0488

## SITE DESCRIPTION

The subject site consists of:

- Lot 12 DP 8270, 14 Patey Street;
- Lot 93 DP 8139, 14 Patey Street;
- Lot 94 DP 8139, 14 Patey Street; and
- Lot 58 DP 1239854, 58 Quirk Street, Dee Why



The subject site consists of one (1) allotment Lot 58 DP 1239854 located between Patey Street and Quirk Street, Dee Why. The site consolidates four previous lots which included No. 9 and No. 14 Patey Street and No. 64 and No 66 Quirk Street, Dee Why.

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 7331sqm<sup>2</sup>.

The site is located within the R2 Low Density Residential Zone from WLEP 2011 and accommodates a number of two storey buildings which form Delmar Private Hospital. A site inspection confirmed that the construction for the two storey extension to the hospital, approved under DA2017/0446 is almost complete. Vehicular access to the hospital is off Quirk Street and Patey Street with an at grade car park provided within the south-west corner of the site access via Quirk Street.

The site sits at the top of a ridge line and is relatively flat without any topographical features or constraints.

Adjoining and surrounding development is characterised by a mix of single storey and two storey dwelling houses.

## SITE HISTORY

There is an extensive history on the site. The relevant history is provided below:

### DA2017/0447 (2017SNH045)

On 20 November 2017, Sydney North Planning Panel (SNPP) approved alterations and additions to the existing Hospital including:

- Demolition of three (3) dwellings;
- Construction of a new basement level car park for 48 vehicles access off Quirk Street;
- Construction of a new three storey addition to provide a further 68 beds and an indoor hydrotherapy pool;
- Internal alterations to the existing hospital;
- Landscape works;
- Reconfiguration of the car park area located off Patey Street, and
- Consolidation of 4 lots.

By way of background it is noted that at the meeting on 19 September 2017, the Panel defer the decision on the matter for the following reasons:

*“Whilst the Panel considers the proposal will generally improve not only the facilities of the hospital but also its relationship to surrounding residences, the Panel is not minded to allow the extent of the height breach proposed on the northern boundary.*

*Accordingly, the Panel defers determination of the application in order to allow the applicant to submit amended plans which increase the setback of the upper level (marked ‘first floor’ on plan DA 13) to a minimum of 13.7 metres from the northern boundary.... accompanied by an amended Clause 4.6 variation.”*

The applicant subsequently amended the proposal and the Clause 4.6 variation and Council provided a supplementary report to the Panel and on further deliberation, the SNPP found the development to be satisfactory and conditional approval was granted on 20 November 2017.

A search of Council records confirm that a significant number of complaints were recorded during the construction phase of the development relating to breaches of conditions and unauthorised building work including the roof top plant, amongst other matters.

#### **BC2020/0181**

On 23 September 2020, a Building Information Certificate applications was submitted to regularise non-structural internal and external walls and windows and associated finishes, bathroom facilities, smoke wall, BCA Matters including Section J. Additional information was submitted in relation to the roof plant room and acoustic screen.

The BIC application has been held in abeyance until the subject Modification application has been determined.

The applicant notes that the application addresses all omissions of the Private Certifier. The hospital extension is fully completed, including all required certification other than the final Occupation Certificate which can only be obtained from the new PCA with Council’s approval of the BIC application and the subject modification application.

#### **History of subject DA**

On the 19 November 2020, the applicant amended the application to delete the modification of stormwater detention system which included the construction of a new below ground retention basin in the existing Quirk Street car park.

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

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

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 and is attached taking into all relevant provisions of the Environmental Planning and Assessment Act 1979 and 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 (up to the time of determination) by the

applicant, persons who have made submissions regarding the application and any advice given by relevant Council / Government / Authority Officers on the proposal;

In this regard, the consideration of the application adopts the previous assessment detailed in the Assessment Report for DA2017/0447, in full, with amendments detailed and assessed as follows:

The relevant matters for consideration under Section 4.55 (2) of the Environmental Planning and Assessment Act, 1979, are:

Section 4.55 (2) - Other Modifications	Comments
<p>A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:</p>	
<p>(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and</p>	<p>The proposal represents “substantially the same” development compared to the development for which consent has been granted, namely DA2017/0466. With the exception of the centrally located roof top plant and associated screening the approved building footprint, wall heights, setbacks and general envelope are maintained. In summary, it is considered that the application can be assessed under Section 4.55 (2) of the Act.</p> <p>The application seeks retrospective approval through the provisions of Section 4.55(2) of the Environmental Planning and Assessment Act 1979 (‘EP&amp;A’) Act 1979. As such reference is made to the Windy Dropdown Pty Ltd v Warringah Council (2000) 111 LGERA 299 (‘Windy Dropdown’) case.</p> <p>In Windy Dropdown, Talbot J held that an application that relates to development which has been already carried out can be made pursuant to Section 96 (now known as Section 4.55), stating that Section 96 is a broad and facultative provision “that enables a consent authority to deal with unexpected contingencies as they arise during the course of construction of development or even subsequently” (Windy Dropdown [32-33]). The reference to “subsequently” clearly encompasses post-construction.</p> <p>This was subject to the development to which the consent as modified relates being substantially the same development, which for the current application is considered in this report. Accordingly, the Court was in a position to consider the application on the merits. In this way, it is within the Panel’s power to consider and determine this modification application on its merits, which is outlined in this report.</p> <p>As such, an assessment of the merits of the additional height of the roof top plant, lift over-run and associated screen is provided under consideration of the WLEP and the WDCP.</p>

Section 4.55 (2) - Other Modifications	Comments
(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and	Development Application DA2017/0447 did not require concurrence from the relevant Minister, public authority or approval body.
(c) it has notified the application in accordance with:  (i) the regulations, if the regulations so require,  or  (ii) a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and	The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, Warringah Local Environmental Plan 2011 and Warringah Development Control Plan.
(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	See discussion on "Notification & Submissions Received" in this report.

### Section 4.15 Assessment

In accordance with Section 4.55 (3) of the Environmental Planning and Assessment Act 1979, in determining an modification application made under Section 96 the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application.

The relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, are:

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used as a hospital for an extended period of time. The proposed development retains the hospital use of the site, and is not considered a contamination risk.

Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (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 in the original 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 allow Council to request additional information. No additional information was requested in this case.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition in the original 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 clause is not relevant to this application.</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 Clause is not relevant to this application.</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 in the original consent.</p> <p>Clause 143A 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>



Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (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><b>(i) Environmental Impact</b> 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><b>(ii) Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p><b>(iii) Economic Impact</b> 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 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (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.

## BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 09/10/2020 to 23/10/2020 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Northern Beaches Community Participation Plan.

As a result of the public exhibition process council is in receipt of 57 submission/s were received by Council.

A total of fifty-seven (57) submissions, including one petition (27 signatures) have been recorded as being received in response to the notification. It is noted that thirty four (34) submissions were received from one individual on behalf of other individuals and companies. These include pro-forma letters with handwritten names and addresses at the end of the letters. Copies of e-mail correspondence providing specialist advice to individuals, as opposed to Council, have also been submitted as objections, these include email correspondence from Engineers, Surveyors, A/C Specialists and a Law Firm. Ten (10) additional submissions are pro-forma letters which have been lodged from the following email address:

delmarhospital.objections@gmail.com.

It is also noted that a number of individuals / companies have contacted Council to advise that they had not consented to the submissions lodged in their name.

While it is difficult to calculate the unique number of submissions, for the reasons noted, the following issues have been raised which primarily relate to the "as built" work on the roof:

- **Unauthorised work/ breach of conditions.**

- **Excessive Height.**
- **Bulk / visual impact.**
- **Reflectivity issues.**
- **Visual / acoustic privacy issues.**

The matters raised within the submissions are addressed as follows:

**The proposal seeks approval for illegal works for roof plant using a loop hole in the planning system. The modification for illegal works cannot be approved as a modification and the built works require approval as a Building Information Certificate (BIC) or an order to have the structures removed.**

Comment:

The application seeks consent for the retrospective use of the as built work. As discussed under matters to be considered under Section 4.55(2) the consent authority, in this case SNPP, can consider retrospective approval considering the Planning Principles established in the Windy Dropdown case. In the Windy Dropdown case Talbot J held that an application that relates to development which has been already carried out can be made pursuant to Section 96 (now known as Section 4.55), stating that Section 96 is a broad and facultative provision “*that enables a consent authority to deal with unexpected contingencies as they arise during the course of construction of development or even subsequently*” (Windy Dropdown [32-33]). The reference to “*subsequently*” encompasses post-construction as is the case with the subject application. In this regard, it is within the Panel's power to consider the subject modification on its merits.

The subject application justifies the as built work on the basis of changes and other modifications that occurred during the construction process that were required to achieve compliance with the Building Code of Australia, the Ministry of Health, (design and construction requirements), provisions of the Private Health Facilities Act 2007, Private Health Facilities Regulations 2017 and the Australasian Health Facility Guidelines.

The applicant has lodged a BIC for the structural work which has been held in abeyance until the subject modification has been determined. The modification seeks consent for the continued use of the as built structures. Should the modification application be refused an order will be issued to have the structures removed.

**SNPP restricted the height of the development after consideration of impacts on neighbour's the modification should not over-ride the original decision.**

Comment:

It is acknowledged that following submissions from neighbour's expressing concerns about the scale of the development the Panel restricted the upper floor of the hospital extension on the northern boundary. The final approved plan sets the top floor back 14.7m from the northern boundary to Patey Street which did reduce the overall scale and massing of the addition. The subject plant is set back 22.9m from the northern boundary with a height of 1.6m above the approved roof level. On balance, the height, scale and massing of the roof top plant to the northern neighbours do not represent the same issues as the upper floor which was amended at the request of the Panel.

**The original consent required the services to be located within the building.**

Comment

The original consent did not include any conditions requiring the services to be located within the building. It is noted that condition 43 requires any noise generating equipment to externally located on the building to be enclosed and certified.

**The development continues to breach conditions of consent.**

Comment:

The application seeks to rectify issues with the non-compliance with the approved plans pursuant to the subject modification and the BIC.

**The proposal represents an increase in the building height from three storeys to four in an**

**area of 1 / 2 storey dwellings. The plant is 2m in height x 10m in length.**

Comment:

The roof top plant has a maximum height of 1.68m whereas a standard floor has a typical height of 2.7m. As such, it is not considered that the proposal represents an additional floor. It is acknowledged that a 10m long acoustic screen is provided along the eastern edge of the centralised plant which provides an acoustic and visual screen to the properties to the east.

Overall the scale and height of the roof top plant is not considered to increase the building from three storey to four storey. The WLEP and WDCP do not measure height in this locality by number of storeys, simply by an overall height of 8.5 metres.

**The bulk and height of the roof top plant will represents visual impacts. The plant can be observed from every angle / street view. The result is an industrial looking development which is out of character with the R2 low density residential character of the area.**

Comment:

As discussed elsewhere in this report due to the setback of the plant from the boundaries there will be negligible visual impact of the proposal from the primary Quirk Street frontage and limited views of the plant from the end of the secondary street. The acoustic screens help reduce the visual impact of the plant to the on views towards the roof from the east and north. The subject site has an historic use as a hospital which although permitted within the R2 Low Density Residential area is by its nature and operation a more dense built form to the surrounding detached one, two and three storey dwellings. Notwithstanding this, due to the central location of the roof top plant and the screens the bulk and scale of the plant will not result in unreasonable visual impacts on the residential character of the area.

**Acoustic impacts from roof top plant for 24/7 use of hospital to residential neighbours. The acoustic screen is insufficient and adds to the visual bulk. The AC units should be re-located to ground level.**

Comment:

As discussed elsewhere in this report, condition 43 remains to be valid which requires the noise from mechanical plant to be controlled so as not to exceed 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 must be certified prior to the issue an Occupation Certificate. The acoustic screen has been installed around the plant in order to satisfy condition 43 which also requires the plant to be enclosed. The acoustic screen is not considered to add excessive visual bulk to the building.

**Light reflects the metal AC units that impacts residential amenity.**

Comment:

A condition is recommended requiring the screens which surround the A/C units to be treated in an anti-reflectivity coating.

**Approval of the Modification application will be challenged by residents through the Land and Environment Court, in addition, it is noted that there are errors in the original DA documentation.**

Comment:

The assessment of the subject application has followed due process and there is no reason why the decision should be challenged.

**The louvres installed on the windows do not provide for privacy and other windows are un-screened windows overlooking residential properties.**

Comment:

The subject application reduces the number of windows on the eastern elevation and the southern Quirk Street elevation. The modification does not propose to change the condition relating to privacy screens.

**Future works are required to increase and expand the building.**

Comment:

Council is not aware of any future plans for the expansion of the hospital, should a new application be lodged the consent authority will assess it on its merits.

**REFERRALS**

Internal Referral Body	Comments
Environmental Health	<p>General Comments</p> <p>Environmental Health's main concern with the MOD relates to any noise related impacts of the plant/equipment located on the roof and acoustic screening.</p> <p>Condition of approval 43 on the original DA DA2017/0446 requires certification from an acoustic consultant prior to OC and would therefore cover any design changes before occupation. This condition is still applicable and does not require reproduction as an additional condition.</p> <p>Recommendation</p> <p><b>APPROVAL - no additional conditions.</b></p>
Development Engineer	<p>The application includes modifications to the building which have been reviewed and they do not alter the original assessment by Development Engineering. A separate drainage design and drawings have also been provided by the applicant for a revised method of stormwater collection and disposal for the front car park area of the site. These works do not form part of the original development consent relating to this modification and cannot be supported. Also the method of disposal proposed in this design is contrary to Council's Water Management Policy and the design will not be supported if lodged under a modification of the correct development application.</p> <p>Development Engineers cannot support the application due to incorrect information submitted for the stormwater management of the proposal in accordance with Clause C4 of Warringah DCP.</p> <p><u>Planners comments</u></p> <p>The application has been amended to delete the modification of the stormwater detention system to the Quirk Street car park. This issue is no longer relevant.</p>

<p>Building Assessment - Fire and Disability upgrades</p>	<p>The application generally seeks to regularise a number of as built changes and other modifications that occurred during the construction process that the applicant states were required apparently to achieve compliance with the Building Code of Australia, the Ministry of Health, (design and construction requirements), provisions of the Private Health Facilities Act 2007, Private Health Facilities Regulations 2017, and the Australasian Health Facility Guidelines.</p> <p>The works include a number of internal changes to the new portion of the Hospital building including various changed room layouts and associated fenestration placement. Additionally, there is the relocation of a hydrotherapy pool, a new lift overrun, and reconfiguration of on- site parking.</p> <p>A plant room and associated acoustic screening being approximately 61.0 m2 in area x 2.20 m in height has been constructed on the roof of the new east wing to house mechanical plant and associated equipment that was not included during the design and approval process for the hospital. Other mechanical exhaust structures are located on the roof and also form part of this application.</p> <p>The changes render the original Building Code of Australia compliance assumptions and the required Fire Engineering Alternate Solution design/s obsolete.</p> <p>Accordingly, as the 'as built works' and the development as modified by this application appear to be substantially the same development as the development for which consent was originally granted, it is considered that the application is consistent with objectives of S4.55 of the Environmental Planning and Assessment Act.</p> <p>Therefore, subject to conditions being applied to any modified Consent appropriate to capture relevant Building Certification matters, no objections are raised to the Modification application.</p>
<p>Road Reserve</p>	<p>No impact on existing road assets</p>
<p>Strategic and Place Planning (Urban Design)</p>	<p>The application seeks to regularise the use of a number of modifications that occurred during the construction process to achieve compliance with Australian code regulations and requirements. These works included minor internal changes to room layouts and associated fenestration placement, the relocation of the hydrotherapy pool, an increased lift overrun height, and the reconfiguration of on- site parking resulting in a net increase in 2 carparking spaces. A plant room and associated acoustic screening was also constructed at roof level to house the necessary mechanical plant and associated equipment.</p> <p>The proposed screened roof plant area and lift overrun is well set- back in the middle of the built form and will not be obvious from street views and will not cast additional shadow on neighbouring sites.</p>

Traffic Engineer	<p><b>General:</b> These proposed works include;</p> <ul style="list-style-type: none"> <li>- minor internal changes to room layouts and associated fenestration placement,</li> <li>- the relocation of the hydrotherapy pool,</li> <li>- an increased lift overrun height,</li> <li>- and the reconfiguration of on-site parking resulting in a net increase in 2 carparking spaces.</li> </ul> <p>A plant room and associated acoustic screening was also constructed at roof level to house the necessary mechanical plant and associated equipment being the only feasible location on site capable of satisfying the necessary ventilation, air flow and acoustic requirements of the plant required to service a hospital of this size.</p> <p>Other essential mechanical exhaust structures are located on the roof and form part of this application.</p> <p><b>Conclusion:</b> Based on the modifications, proposed, there is no anticipated increase in traffic or parking demands. Therefore Council's Traffic Team raise no objections.</p>
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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.

### 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.

### Warringah Local Environmental 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

Development Standard	Requirement	Approved	Proposed	% Variation	Complies
Height of Buildings:	8.5m	7.7m -10.23m (20.35% / 1.7m variation)	11.98m (roof top plant) (1.68m higher than approved)	40.9% (3.48m) Proposed 20.35% (1.7m) Approved	No

#### Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	No (see detail under Clause 4.6 below)
6.4 Development on sloping land	Yes

#### Detailed Assessment

##### 4.3 Height of buildings

Pursuant to Clause 4.3 of the WLEP the height of any building on the land shall not exceed 8.5m above the existing ground level as detailed on the heights of building map.

The dictionary to the LEP defines building height to mean:

*“building height (or height of building) means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like”.*

DA2017/0446 (2017/SNH045) approved an extension, as amended, to the hospital with an approved building height of between 7.7m and 10.23m which resulted in 20.35% or 1.73m variation of the height development standard. The assessment of the original application and variation proposed to the height of buildings development standard found that the development achieved consistency with the underlying objectives of Clause 4.3 and Clause 4.6 of WLEP 2011 and that there was sufficient environmental planning grounds to justify and support the variation supported in that instance.

It is noted that roof top plant was not approved under the original consent. The subject application seeks approval for the retention and use of the existing roof top plant, acoustic enclosure and lift overrun which will have a maximum RL of 77.480 being 11.98 above ground level (40.9% or 3.48m variation of the height development standard) or 1.68m above the height of the approved development.

Whilst clause 4.6 of WLEP provides a mechanism by which a development standard can be varied, such provisions do not apply to an application made pursuant to Section 4.55 of the Environmental Planning and Assessment Act. Instead, it is appropriate to assess such variation against the applicable objectives to determine whether strict compliance is unreasonable or unnecessary under the circumstances.

An assessment of the proposal against the stated objectives of the height of buildings development standard, Clause 4.32 of the WLEP are as follows:

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

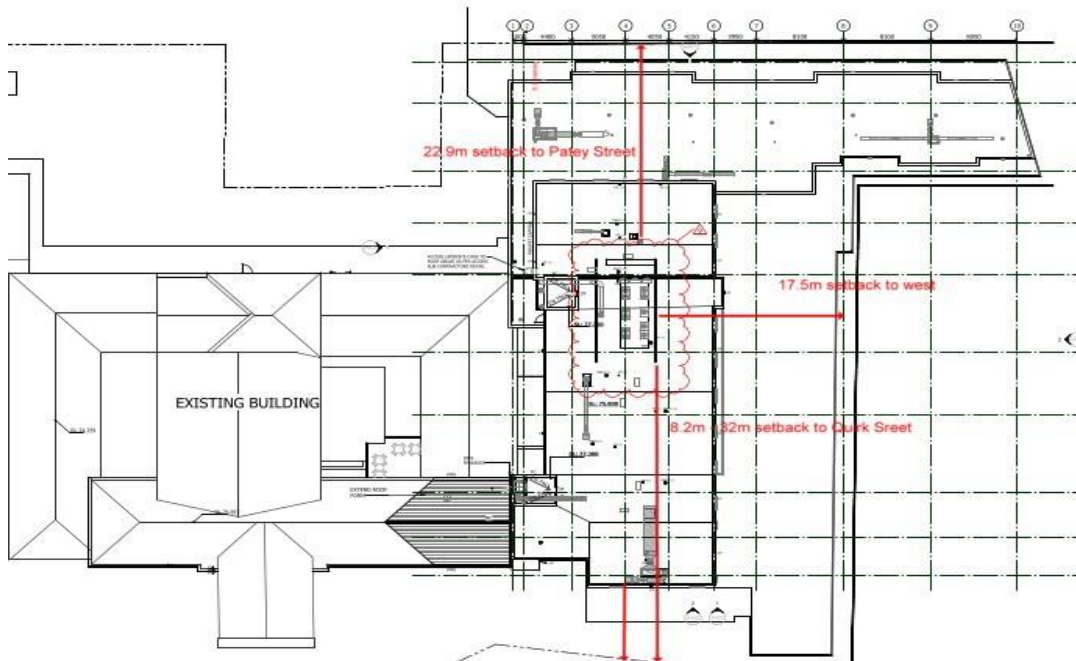
development,

Comment

The subject site is located within an established low density residential area where land is zoned R2 Low Density Residential. The existing 2/3 storey hospital is surrounded by detached one, two and three storey dwellings. By nature, the built form, design and operational needs of a hospital and a dwelling vary considerably. The overall height and scale of the existing hospital has been established with previous development consents, including DA2017/0446 which approved the 2/3 storey eastern extension.

The applicant notes that condition 43 of the DA2017/0446 anticipated externally located and acoustically treated mechanical plant. The Applicant justifies the development on the basis that the constructed of the plant room at roof level was the only feasible location on site capable of satisfying the necessary ventilation, air flow and acoustic requirements of plant required to serve the hospital of this size. The applicant's justification for the location of the plant on the roof has merit.

The "as built" plant generally set back within the centre of the roof of the new extension. The main area of plant which sits at RL 77.48 (1.68 above the approved roof level) and comprises the A/C units, lift overrun and associated 11m long screening. The principle area of plant is located approximately 22.9m from the northern boundary, 18.7m from the eastern boundary and 32m from the southern boundary. Secondary, smaller structures include four exhausts one being located are located 6.9m from the northern boundary and one being located 8.2m from the southern boundary. Refer to the roof plans and elevation of the approved and proposed development below.



*Proposed Roof plan (Note: the roof plan was not included in the original DA master set of drawings)*

Having inspected the site from available vantage points from within the public domain it is considered that given the setbacks and resultant physical separation of the as built plant that the additional 1.68m height breach is considered to be moderate for the reasons discussed below under objective b, c, d and e of clause 4.3 of the WLEP.

The development satisfies this objective.

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

Comment

As discussed above, due to the setback of the plant from the site boundaries the proposal will not result in unreasonable visual impacts to the surrounding and nearby development and the public domain. The site is located at the top of the ridgeline, as such, the additional height will not result in unreasonable disruption of



views. Shadow diagrams have been submitted which confirm that the proposal will not result in unreasonable loss of solar access. The breach in the height development standard as a result of the roof top plant will not give rise to any visual privacy impacts. Council's Environmental Health Unit confirms that condition 43 of development consent DA2017/0446 remains valid which requires the certification that the plant will not give rise to unacceptable acoustic issues, refer to clause D8 Noise of the WDCP for further discussion below. Subject to this condition the continued use of the plant should not give rise to any unreasonable impacts on acoustic privacy.

The development satisfies this objective.

*c) to minimise any 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 visible 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.*

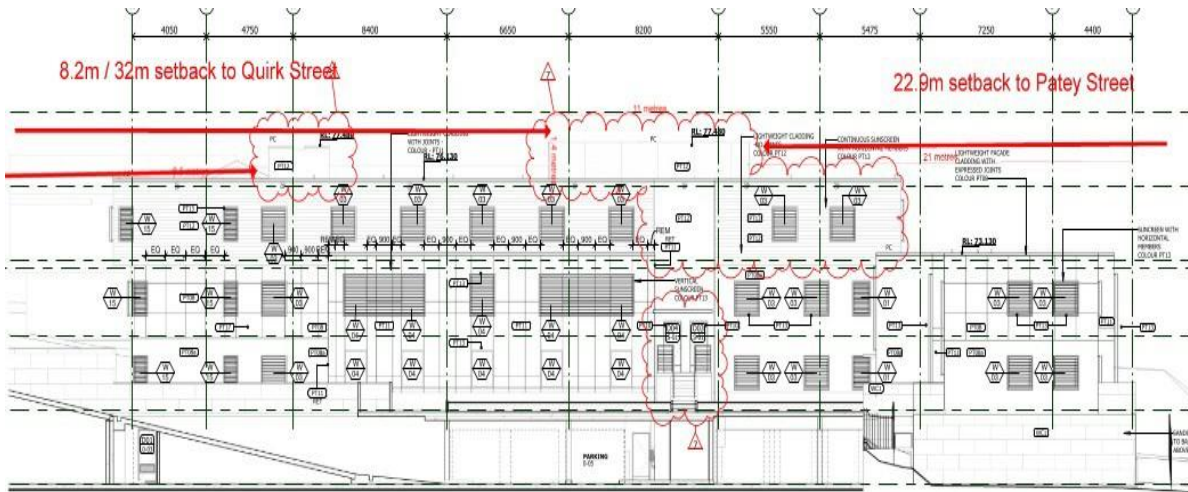
#### Comment

The additional roof top plant will not be readily discernible from any public spaces such as parks, reserves or community facilities.

Due to the setback of the "as built" roof plant and screens the structures are not readily discernible from the primary Quirk Street frontage. As such, the proposal will not result in unreasonable visual impacts on Quirk Street, refer to elevations and photos below. Furthermore, it is noted that plant has been installed on the on the western roof of the original hospital. The subject plant can be argued to be of reduced visual impacts on the Quirk Street streetscape compared to this structure given the central location of the subject plant on the roof of the new wing.



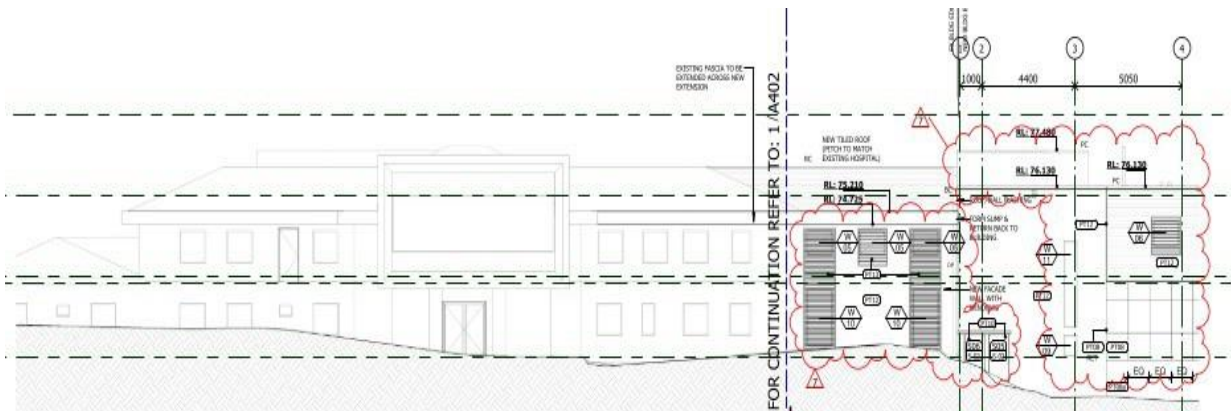
*Approved east elevation*



Proposed east elevation



Approved south elevation to Quirk Street



Proposed southern elevation to Quirk Street



*View from Quirk Street looking north-west. – photo taken with rooftop screen in place*



*View from Quirk Street looking to the east. The roof plant is seen set back from the roof.*



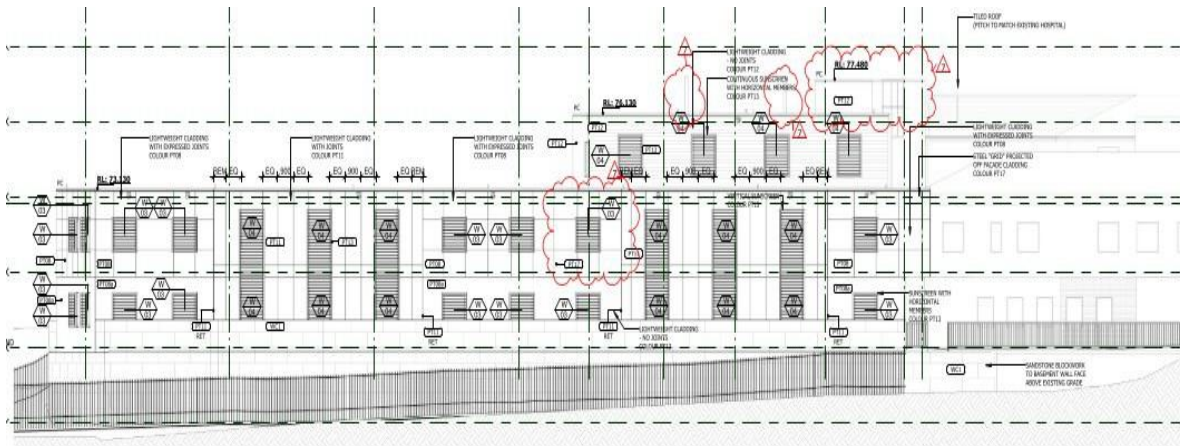
Existing  
Plant

*View from Quirk Street of existing plant on the original hospital roof.*

Patey Street is a dead end street / cul-de-sac. While it is noted that the roof plant can be observed from the end of the Street the views of the roof top plant are negligible on approach from the north and are generally read as forming an integral part of the upper floor of the hospital extension, refer to elevation and photos below. The visual impact on the plant on the public domain is negligible and the development satisfies this objective.



*Approved North elevation – Patey Street*



*Proposed North elevation – Patey Street*



*View from Patey Street looking south-east at the end of the cul-de-sac. The lift over-run and screen are visible.*



Views from Patey Street on approach from the north. The lift-over-run and screen can be seen in the distance.

In summary, notwithstanding the numerical non-compliance, the existing hospital building, including the roof top plant, remains to be compatible with the height and scale of larger institutional development such as hospital and schools which are permitted within the R2 zone. Furthermore, the proposal retains a two storey presentation to Quirk Street with the third storey being setback from Patey Street to reflect the existing height and scale of surrounding development. The roof top plant will not change the presentation of the general built from the streets or result in unreasonable amenity impacts in terms of privacy, view loss of solar access.

### Warringah Development Control Plan

#### Built Form Controls

Standard	Requirement	Approved	Proposed	Complies
B1 Wall height	7.2m	7.4m to 10.4m	No change	No
B3 Side Boundary Envelope	4m/5m	South within envelope	No change	Yes
	4m/5m	North outside envelope	No change	No
B5 Side Boundary Setbacks	0.9m	Exceeds setbacks	No change	Yes
	0.9m	Exceeds setbacks	No change	Yes
B7 Front Boundary Setbacks	6.5m	Exceeds setbacks on Quirk Street and Patey Street	No change	Yes
B9 Rear Boundary Setbacks	6m	N/A Dual street frontage	N/A	N/A
D1 Landscaped Open Space and Bushland Setting	40%	13.4% (942.6sqm)	No change	Yes

#### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives

A.5 Objectives	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	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	No	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D18 Accessibility and Adaptability	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

## Detailed Assessment

### **D3 Noise**

Clause D3 requires the following:

*“1. Noise from combined operation of all mechanical plant and equipment must not generate noise levels that exceed the ambient background noise by more than 5dB(A) when measured in accordance with the NSW Industrial Noise Policy at the receiving boundary of residential and other noise sensitive land uses”*

#### Comment:

The proposal seeks consent for the continued use of the roof top plant and acoustic screen which has been installed around the plant room containing the air conditioning units. Council Environmental Health Team have confirmed that condition 43 on the original approval DA2017/0446 is still valid. Condition 43 requires certification from an acoustic consultant prior to the issue of an Occupation Certificate.

Condition 43 requires:

#### *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.*

Subject to the satisfaction of this existing condition the proposal will address Clause D3 of the WDCP and no further conditions in respect of noise are necessary.

## **D11 Roofs**

Clause D11 requires:

- 1. Lift overruns, plant and other mechanical equipment are not to detract from the appearance of roofs.*
- 2. Roofs should complement the roof pitch and forms of the existing buildings in the streetscape.*
- 3. Articulate the roof with elements such as dormers, gables, balconies, verandahs and pergolas.*
- 4. Roofs shall incorporate eaves for shading.*
- 5. Roofing materials should not cause excessive glare and reflection.*
- 6. Service equipment, lift overruns, plant and other mechanical equipment on the roof shall be minimised by integrating as many services, etc as possible into the building.*

### Comment

While it would be preferable to have had the service equipment integrated within the building the applicant has confirmed that the roof is the only feasible location for the plant required to service the hospital. The justification for the location of the plant on the roof has some merit. Furthermore, given the central location of the plant and the screens which conceal the A/C units it is not considered that the proposal will not result in unreasonable impacts on the appearance of the roof or the surrounding area. Refer to discussion under consideration of Clause 4.2 of the WLEP. In order to minimise excessive glare and reflection it is recommended that a condition be imposed requiring the acoustic screens to be treated with an anti-reflective coating.

## **D21 Provision and Location of Utility Services**

Clause D21 requires:

*Service structures, plant and equipment are to be located below ground or be designed to be an integral*

*part of the development and suitably screened from public places or streets.*

### Comment

As discussed elsewhere in this report it would have been preferable to have had the service equipment integrated within the building. However, the applicant has confirmed that the roof is the only feasible location for the plant required to service the hospital. Given the central location of the plant and the acoustic screens the plant has minimal visual impacts on views from public places and street. Refer to discussion under Clause 4.3 of the WLEP.

## **THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES**

The proposal will not significantly affect 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**

### **Northern Beaches Section 7.12 Contributions Plan 2019**

Section 7.12 contributions were levied on the Development Application.



## 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

In summary, a detailed assessment has been required for the following specific issues:

- **Retrospective consent -**

It is within the Panels powers to consider retrospective approval taking into account the caselaw established in *Windy Dropdown Pty Ltd v Warringah Council (2000)* which noted that a Section 96 (now known as a Section 4.55) is a broad and facultative provision “that enables a consent authority to deal with unexpected contingencies as they arise during the course of construction of development or even subsequently” As such, the subject application for the continued use of retrospective building work has been assessed on its merits.

- **Height – bulk massing and visual impact of the roof top plant on the streetscape and character of the area.**

Despite the numerical non-compliance with the 8.5m height of building development standard, the development achieved consistency with the underlying objectives of Clause 4.3 of WLEP 2011. The plant is set back in the centre of the roof and will have negligible visual impacts from the primary Quirk Street frontage and limited visual impact from the secondary frontage to Patey Street.

The subject site is located within an established R2 low density residential zone. By nature, the built form, design and operational needs of a hospital and a dwelling vary considerably. The overall height and scale of the existing hospital has been established with previous development consents, including DA2017/0446, which approved the 2/3 storey eastern extension. The addition of the roof plant centrally located on the roof of the eastern extension generally maintains the approved built form which has been assessed as being compatible with the surrounding area.

- **Impacts on residential amenity**

Subject to conditions, the proposal will not result in unreasonable impacts on residential amenity. A condition requires the acoustic screens to be treated with an anti-reflectivity coating to address issues relating to glare. The existing condition, No 43 on DA2017/0447 remains valid which requires certification that the plant will not result in unreasonable acoustic issues.

In summary, 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 approval to Modification Application No. Mod2020/0488 for Modification of Development Consent DA2017/0446 granted for alterations and additions to an existing hospital - Delmar Private Hospital on land at Lot 12 DP 8270, 14 Patey Street, DEE WHY, Lot 93 DP 8139, 14 Patey Street, DEE WHY, Lot 94 DP 8139, 14 Patey Street, DEE WHY, Lot 58 DP 1239854, 58 Quirk Street, DEE WHY, subject to the conditions outlined in Attachment 1.

## ATTACHMENT 1

### A. Add Condition No.1A - Modification of Consent - Approved Plans and supporting Documentation to read as follows:

The development, as modified, must be carried out in compliance (except as amended by any other condition of consent) with the following:

#### a) Modification Approved Plans

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
A202 Issue 12 General Arrangement Plan - Basement	14.08.2020	DWP
A203 Issue 17 General Arrangement Plan - Lower Ground	14.08.2020	DWP
A204 Issue 8 General Arrangement Plan - Ground Floor	14.08.2020	DWP
A205 Issue 8 General Arrangement Plan - Level 1	14.08.2020	DWP
A206 Issue 9 General Arrangement Plan Roof	14.08.2020	DWP
A402 Issue 7 Building Elevations - Sheet 1	14.08.2020	DWP
A402 Building Elevations Sheet 2	14.08.2020	DWP
A403 Issue 6 Building Elevations Sheet 3	14.08.2020	DWP

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

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

### B. Modify Condition 15 External Finishes to Roof read as follows:

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.

#### (a) The acoustic screens shall be treated with an anti-reflectivity coating.

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

Reason: To ensure that excessive glare or reflectivity nuisance does not occur as a result of the

development. (DACPLC03)

**C Add the following condition 42 (B) Building Information Certificate**

An application for a Building Information Certificate (BIC) is to be lodged with and determined by, the relevant Consent Authority for all unauthorised and varied works onsite for the new part of the Hospital Complex. The application is to include 'as built' plans with changes highlighted, and all documentation/certifications required by the Consent Authority and deemed relevant to the as built development (new portion) including, but not limited to: -

- (i) Certification that all facilities within the complex comply with Part F of the Building Code of Australia (BCA), including number of toilets provided and verification that other ancillary facilities and requirements are completed/installed appropriate to the use of the building and number of persons to be accommodated.
- (ii) Certification that all plant and equipment, including Mechanical Ventilation services and Air conditioning services within the complex and on the roof of the complex comply with the BCA and AS1668. Certifications are to include relevant up to date test reports on the compliance or otherwise of the noise emanating from both the rooftop installations and any other internal or external equipment. Other required equipment certifications are to include the lift installation and other plant or equipment installed.
- (iii) Certification in respect of all engineering and structural issues (adequacy of foundation material and geotechnical matters, piers, footings, slabs, beams, columns, retaining walls, driveway, mechanical services, onsite detention and Hydraulic Engineering).
- (iv) Provision of an updated BCA and Fire Engineering Report with accompanying certification that the completed services and building works are satisfactory, comply with the BCA and design solution, and do meet the minimum requirements of the Fire Engineering design guidelines. The certification is to be accompanied by a Final Fire Safety Certificate where required.
- (v) Other documentation and certifications appropriate to the scope of work applied for in the BIC application.

Details demonstrating compliance (an approved Building Information Certificate) is to be submitted to the Certifying Authority prior to the issue of any Occupation Certificate.

Reason: To regularise unauthorised development; To ensure that the building complies with relevant legislation and is fit for purpose for building occupant health and safety.