

Modification of Development Consent

Section 4.55 (1A) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.



David Gibson
Acting Director
Priority Projects Assessments

Sydney

17 April

2019

SCHEDULE 1

Development consent:	SSD 6980 granted by the Executive Director Priority Projects on 28 April 2016.
For the following:	Construction of a five-storey Community Health Centre building, pedestrian bridge, and a seven-level car park providing approximately 475 parking spaces.
Applicant:	Health Administration Corporation
Consent Authority:	Minister for Planning
The Land:	612 Pittwater Road (Lots A,B,C DP 375728), 620 Pittwater Road (Lot 1 DP 500541) and 624 Pittwater Road (Lot 3 DP 539384).
Modification:	SSD 6980 MOD 2: the modification includes a temporary construction compound upon an expanded site area to enable the approved pedestrian bridge to be constructed.

SCHEDULE 2

The consent (SSD 6980) is modified as follows:

- (a) Schedule 1 – is amended by the insertion of the **bold and underlined** words / numbers as follows:

SCHEDULE 1

Application No.:	SSD 6980
Applicant:	Health Administration Corporation
Consent Authority:	Minister for Planning
Land:	612 Pittwater Road (Lots A,B,C DP 375728), 620 Pittwater Road (Lot 1 DP 500541), <u>Lot 100 in DP 1015283, Lot 102 in DP 1247294</u> and 624 Pittwater Road (Lot 3 DP 539384).
Development:	Construction of a five-storey Community Health Centre building, pedestrian bridge, and a seven-level car park providing approximately 475 parking spaces.

DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	Consent holder or person with the benefit of the development consent.
Application	The development application and the accompanying drawings plans and documentation described in Condition A2.
BCA	Building Code of Australia
BCHC	Brookvale Community Health Centre
Construction	The demolition of buildings or works, the carrying out of works, including bulk earthworks, and erection of buildings and other infrastructure covered by this consent.
Council	Warringah Council
Certification of Crown Building works	Certification under s109R of the EP&A Act
Certifying Authority	Professionals that are accredited by the Building Professionals Board to issue construction, occupation, subdivision, strata, compliance and complying development certificates under the EP&A Act, <i>Strata Schemes (Freehold Development) Act 1973</i> and <i>Strata Schemes (Leasehold Development) Act 1986</i> or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works.
Day time	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	The Department of Planning and Environment
EEC	Endangered ecological community
Evening	The period from 6pm to 10pm
Environmental Impact Statement (EIS)	<i>Environmental Impact Statement, Brookvale Community Health Centre</i> prepared by SMEC, dated October 2015.
EPA	Environment Protection Authority, or its successor
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation or Regulation	Environmental Planning and Assessment Regulation 2000
Feasible	Feasible relates to engineering considerations and what is practical to build
Minister	Minister for Planning, or nominee
Night time	The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays
OEH	Office of the Environment and Heritage, or its successor
Reasonable	Reasonable relates to the application of judgement in arriving at a decision, taking into account mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements
Response to Submissions (RtS)	Response to Submissions letter prepared by Health Infrastructure, dated 5 February 2016 and accompanying attachments
RMS	Roads and Maritime Services Division, Department of Transport or its successor
Secretary	Secretary of the Department of Planning and Environment, or nominee/delegate
Secretary's approval, agreement or satisfaction	A written approval from the Secretary (or nominee/delegate). Where the Secretary's approval, agreement or satisfaction is required under a condition of this consent, the Secretary will endeavour to provide a response within one month of receiving an approval, agreement or satisfaction request. The Secretary may ask for additional information if the approval, agreement or satisfaction request is considered incomplete. When further information is requested, the time taken for the Applicant to respond in writing will be added to the one month period.
Sensitive receiver	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children's day care facility
Subject Site	612 Pittwater Road (Lots A,B,C DP 375728), 620 Pittwater Road (Lot 1 DP 500541), <u>Lot 100 in DP 1015283, Lot 102 in DP 1247294</u> and 624 Pittwater Road (Lot 3 DP 539384).

- (b) Schedule 2 Part A – Administrative Conditions Condition A2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~**bold and struckout**~~ words/numbers as follows:

Development in Accordance with Plans and Documents

- A2. The Applicant shall carry out the development in accordance with the conditions of consent and generally in accordance with the:
- Environmental Impact Statement, Brookvale Community Health Centre* prepared by SMEC, dated October 2015;
 - Response to Submissions letter prepared by Health Infrastructure, dated 5 February 2016 and accompanying attachments;
 - following drawings, except for:
 - Any modifications which are Exempt or Complying Development;
 - As otherwise provided by the conditions of this consent;
 - the S96(1A) Modification Request (SSD 6980 MOD 1) prepared by NSW Health Infrastructure, dated 21 July 2017; **and**
 - the s4.55(1A) Modification Request (SSD 6980 MOD 2) prepared by NSW Health Infrastructure, dated 18 February 2019 and the Response to Submissions letter prepared by Transport for New South Wales, dated 16 April 2019.**

Architectural Drawings prepared by McConnel Smith & Johnson			
Drawing No.	Revision	Name of Plan	Date
CHC-BV-AR-SSD-103	3	SITE PLAN – PROPOSED	16/10/15
CHC-BV-AR-SSD-110	14	LOWER GROUND FLOOR AREA PLAN	16/10/15
CHC-BV-AR-SSD-111	14	GROUND FLOOR AREA PLAN	16/10/15
CHC-BV-AR-SSD-112	14	LEVEL 2 AREA PLAN	16/10/15
CHC-BV-AR-SSD-113	14	SECOND FLOOR AREA PLAN	16/10/15
CHC-BV-AR-SSD-114	14	THIRD FLOOR AREA PLAN	16/10/15
CHC-BV-AR-SSD-251	3	ROOF PLAN – SOUTH	16/10/15
CHC-BV-AR-SSD-252	3	ROOF PLAN – NORTH	16/10/15
CHC-BV-AR-SSD-301	10	CARPARK LEVEL 1 FLOOR PLAN	16/10/15
CHC-BV-AR-SSD-302	10	CARPARK LEVEL 2 FLOOR PLAN	29/09/15
CHC-BV-AR-SSD-303	11	CARPARK LEVEL 3 FLOOR PLAN	16/10/15
CHC-BV-AR-SSD-304	10	CARPARK LEVEL 4 FLOOR PLAN	16/10/15
CHC-BV-AR-SSD-305	10	CARPARK LEVEL 5 FLOOR PLAN	16/10/15
CHC-BV-AR-SSD-306	10	CARPARK LEVEL 6 FLOOR PLAN	16/10/15
CHC-BV-AR-SSD-307	8	CARPARK LEVEL 7 FLOOR PLAN	16/10/15
CHC-BV-AR-SSD-401	4	MAIN BUILDING WEST ELEVATION (NORTH END)	16/10/15
CHC-BV-AR-SSD-402	4	MAIN BUILDING WEST ELEVATION (SOUTH END)	16/10/15
CHC-BV-AR-SSD-403	4	MAIN BUILDING EAST ELEVATION (SOUTH END)	16/10/15
CHC-BV-AR-SSD-404	4	MAIN BUILDING EAST ELEVATION (NORTH END)	16/10/15
CHC-BV-AR-SSD-405	4	MAIN BUILDING NORTH & SOUTH ELEVATIONS	16/10/15
CHC-BV-AR-SSD-410	3	CARPARK NORTH ELEVATION	16/10/15
CHC-BV-AR-SSD-411	3	CARPARK WEST ELEVATION	16/10/15
CHC-BV-AR-SSD-412	4	CARPARK EAST ELEVATION	16/10/15
CHC-BV-AR-SSD-413	3	CARPARK SOUTH ELEVATION	16/10/15
CHC-BV-AR-SSD-501	5	BUILDING SECTIONS 1	16/10/15

CHC-BV-AR-SSD-502	4	BUILDING SECTIONS 2	16/10/15
CHC-BV-AR-SSD-503	4	BUILDING SECTION 3A	16/10/15
CHC-BV-AR-SSD-504	4	BUILDING SECTIONS 3B	16/10/15
CHC-BV-AR-SDD-003	2	LANDSCAPE PLAN	09/10/15
CHC-BV-AR-SSD-850	2	MATERIALS & FINISHES	15/09/15
Brookvale Community Health Centre Signage prepared by McConnel Smith & Johnson			
Drawing No.	Revision	Name of Plan	Date
CHC-BV-AR-SSD-802	2	SIGNAGE PLAN	15/09/15
CHC-BV-AR-SSD-803	2	SIGNAGE PLAN	15/09/15
CHC-BV-AR-SSD-804	2	SIGNAGE PLAN	15/09/15
CHC-BV-AR-SSD-805	2	SIGNAGE PLAN	15/09/15
CHC-BV-AR-SSD-806	2	SIGNAGE PLAN	15/09/15
CHC-BV-AR-SSD-807	2	SIGNAGE PLAN	15/09/15
CHC-BV-AR-SSD-808	2	SIGNAGE PLAN	15/09/15
CHC-BV-AR-SSD-809	2	SIGNAGE PLAN	15/09/15
CHC-BV-AR-SSD-810	2	SIGNAGE PLAN	15/09/15
CHC-BV-AR-SSD-811	2	SIGNAGE PLAN	15/09/15
CHC-BV-AR-SSD-812	2	SIGNAGE PLAN	15/09/15
CHC-BV-AR-SSD-813	2	SIGNAGE PLAN	15/09/15
CHC-BV-AR-SSD-814	2	SIGNAGE PLAN	15/09/15
CHC-BV-AR-SSD-815	2	SIGNAGE PLAN	15/09/15
CHC-BV-AR-SSD-816	2	SIGNAGE PLAN	15/09/15
CHC-BV-AR-SSD-817	2	SIGNAGE PLAN	15/09/15
CHC-BV-AR-SSD-818	2	SIGNAGE PLAN	15/09/15
CHC-BV-AR-SSD-819	2	SIGNAGE PLAN	15/09/15
CHC-BV-AR-SSD-820	2	SIGNAGE PLAN	15/09/15
CHC-BV-AR-SSD-821	2	SIGNAGE PLAN	15/09/15
CHC-BV-AR-SSD-822	2	SIGNAGE PLAN	15/09/15
CHC-BV-AR-SSD-823	2	SIGNAGE PLAN	15/09/15
Architectural Plans prepared by DWP			
Drawing No.	Issue	Name of Plan	Date
SK186	B	PART ELEVATION – NORTH & SOUTH TfNSW AWNING	11/07/17
SK185	A	SECTIONS – TfNSW AWNING	2/3/17
SK184	A	SECTIONS – TfNSW AWNING	2/3/17
SK183	B	TfNSW AWNING PLANS – OVERALL	11/07/17
Site Plan prepared by Transport for NSW			
Drawing No.	Issue	Name of Plan	Date
<u>N/A</u>	<u>N/A</u>	<u>SSD 6980 Site Compound Modification Attachment A</u>	<u>13/03/19</u>

- (c) Schedule 2 Part A – Administrative Conditions is amended by the insertion of the following new Condition A9:

Temporary Pedestrian Bridge Construction Site Compound

A9. To remove any doubt, the Applicant must satisfy all conditions in this consent in the development of the approved temporary site compound at Lot 100 in DP 1015283 and Lot 102 in DP 1247294.

- (d) Schedule 2 Part A – Administrative Conditions is amended by the insertion of the following new Condition A10:

A10. Consent is provided to the development of the approved temporary site compound at Lot 100 in DP 1015283 and Lot 102 in DP 1247294 for a maximum period of 16 months.

- (e) Schedule 2 Part B – Prior to commencement of works Condition B19 is amended by the insertion of the **bold and underlined** words / numbers as follows:

Construction Environmental Management Plan (CEMP)

B19.

- a) Prior to the commencement of works on the Subject Site, a CEMP that addresses those works shall be submitted to the Certifying Authority. The Plan shall address, but not be limited to, the following matters where relevant:
 - i) hours of work;
 - ii) 24 hour contact details of site manager;
 - iii) traffic management, in consultation with the local Council, including a designated off-street car parking area for construction related vehicles;
 - iv) construction noise and vibration management, prepared by a suitable qualified person;
 - v) management of dust to protect the amenity of the neighbourhood;
 - vi) erosion and sediment control;
 - vii) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Subject Site;
 - viii) external lighting in compliance with AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting;
 - ix) an *Unexpected Finds Protocol* (UFP); and
 - x) waste classification (for materials to be removed) and validation (for materials to remain) be undertaken within the expanded areas during construction to confirm the contamination status in these areas of the site.
- b) The CEMP must not include works that have not been explicitly approved in the development consent. In the event of any inconsistency between the consent and the CEMP, the consent shall prevail.
- c) The Applicant shall submit a copy of the CEMP to the Department and to the Council, prior to commencement of work.
- d) **The CEMP must be updated to address all works related to the Pedestrian Bridge Construction Site Compound prior to the commencement of any works approved by SSD 6980 MOD 2. The updated CEMP must address, but not be limited to, the matters listed in Condition B19 (a).**

- (f) Schedule 2 Part B – Prior to commencement of works Condition B21 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold and struckout~~** words/numbers as follows:

Construction Noise and Vibration Management Plan

B21. The Applicant shall prepare and implement a Construction Noise and Vibration Management Plan (CNVMP) and the plan must:

- a) be prepared by a suitably qualified expert and submitted to the Certifying Authority;
- b) be prepared in consultation with Council and all noise sensitive receivers where noise levels exceed the construction noise management level, in accordance with EPA guidelines;
- c) describe the measures that would be implemented to ensure:
 - i. best management practice is being employed;
 - ii. compliance with the relevant conditions of this consent;
- d) describe the proposed noise and vibration management measures in detail;

- e) include strategies that have been developed to address impacts to noise sensitive receivers where noise levels exceed the construction noise management level, for managing high noise generating works;
- f) describe the consultation undertaken to develop the strategies in e) above;
- g) evaluates and reports on the effectiveness of the noise and vibration management measures; ~~and~~
- h) include a complaints management system that would be implemented for the duration of the project; and
- i) **be updated to address all works related to the Pedestrian Bridge Construction Site Compound prior to the commencement of any works approved by SSD 6980 MOD 2. The updated CNVMP must address, but not be limited to, the matters listed in B21.**

- (g) Schedule 2 Part B – Prior to commencement of works Condition B23 is amended by the insertion of the **bold and underlined** words / numbers as follows:

Construction Waste Management Plan

B23.

- a) Prior to the commencement of works on the Subject Site, a Construction Waste Management Plan (CWMP) prepared by a suitably qualified person in consultation with the Council, shall be submitted to the Certifying Authority. The Plan shall address, but not be limited to, the following matters:
 - i) recycling of demolition materials including concrete; and
 - ii) removal of hazardous materials and disposal at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works.
- b) Details demonstrating compliance with the relevant legislative requirements, associated with the removal of hazardous waste, particularly the method of containment and control of emission of fibres to the air, are to be submitted to the satisfaction of the Certifying Authority prior to the removal of any hazardous materials.
- c) The Applicant shall submit a copy of the plan to the Department and to the Council prior to the commencement of work.
- d) The Applicant must notify the Roads and Maritime Authority's Traffic Management Centre (TMC) of the truck route(s) to be followed by trucks transporting waste material from the Subject Site, prior to the commencement of the removal of any waste material from the Subject Site.
- e) **The CWMP must be updated to address all works related to the Pedestrian Bridge Construction Site Compound prior to the commencement of any works approved by SSD 6980 MOD 2. The updated CEMP must address, but not be limited to, the matters listed in B23.**

- (h) Schedule 2 Part B – Prior to commencement of works Condition B25 is amended by the insertion of the **bold and underlined** words / numbers as follows:

Traffic and Pedestrian Management Plan

B25.

- a) Prior to the commencement of works on the Subject Site, Traffic and Pedestrian Management Plan (TMP) prepared by a suitably qualified person shall be submitted to the Certifying Authority. The Plan must be prepared in consultation with the Council.
- b) The Plan shall address, but not be limited to, the following matters:
 - i) ingress and egress of vehicles to the Subject Site as well as sites sharing ingress and egress;
 - ii) loading and unloading, including construction zones;
 - iii) predicted traffic volumes, types and routes; and
 - iv) pedestrian and traffic management methods.

- c) The Applicant shall submit a copy of the final plan to the Council, prior to the commencement of works.
- d) **The TMP must be updated to address all works related to the Pedestrian Bridge Construction Site Compound, and a copy of the final updated plan submitted to Council, prior to the commencement of any works approved by SSD 6980 MOD 2. The updated CEMP must address, but not be limited to, the matters listed in B25 (b) and:**
 - i) how pedestrian and vehicular access to the northbound Pittwater Road bus stop will be maintained throughout the works.
 - ii) how the safety of bus stop users will be maintained throughout the works.
- (i) Schedule 2 Part D – Prior to occupation or commencement of use is amended by the insertion of the following new Condition D12:

Temporary Use of Land

D12. Prior to the commencement of use of the pedestrian footbridge, the Pedestrian Bridge Construction Site Compound must be restored to the condition in which it was before the commencement of works, including the replacement of all existing trees.

End of modification
(SSD 6980 MOD 2)