



Chris Greig - 97100195
File Ref: DN11/0003



PCU034288

25 May 2012

The Director
Metropolitan Projects
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SYDNEY NSW 2001

Department of Planning
Received

31 MAY 2012

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Dear Sir/Madam

Your Reference: MP11_0009 (Part 3A Application)

Proposal: Miranda Dental Hospital at 84-86 Kiora Road, Miranda

I refer to your email of 4 May 2012 inviting Council to make a submission in regard to the submitted Preferred Project Report (PPR), and requesting Council to provide without prejudice conditions of consent.

Council is neither the assessment nor determining authority for this project and therefore has not conducted a detailed assessment the PPR. The following are general comments on issues that were raised in Council's earlier submission and how they have been addressed in the PPR.

Parking

A total of 40 carparking spaces (30 for staff and 10 for visitors) are now proposed within the basement in lieu of the original 43 spaces. No readily accessible designated disabled space has been shown, and a valet service proposed instead. The functionality of the parking system has been improved with the intention of avoiding queuing onto public roads.

There is no credible evidence provided to suggest that 10 spaces for patients would cater for the likely demand from patients arriving by car. Given the number of treatment rooms shown on the plans, logic would suggest that the demand would far exceed the number of spaces provided for both staff and patients.

Council's view is that it is naive to suggest that majority of patients and staff would arrive on foot or by public transport. It is highly likely that patients and staff would instead need to find parking in public areas, where there is already a very heavy demand.

In summary the reduction in the number of parking spaces and the introduction of a valet are not considered to have addressed the significant shortfall in on site parking.

Design

The revised plans and information do not provide a colonnade to Kiora Road as recommended by Council, and only superficially address the future treatment that may be carried out to the glazing of the upper two levels of the south facing wall should the adjoining site be developed to a similar scale and height.

Council is still of the view that provision of a colonnade is a reasonable contribution to the public domain in response to the concessions being sought by the applicant in relation to floor space and car parking. A colonnade will provide improved amenity for visitors to the subject site (which will be a high pedestrian generator), consistency with the colonnade treatment provided by Westfield, and ultimately a better pedestrian connection to the station.

No notable changes have been made to the proposed southern elevation to address the latter issue, however, statements made in the PPR acknowledge that the natural light and views provided by the windows in the southern elevation only be a short term benefit. The report also states that the proposed building has been designed to allow for the upper levels of the building to function if a seven storey building directly adjoins the southern boundary of the site, explaining that windows can be removed and replaced with solid walls.

To ensure this matter could be resolved by the building's owner/s at a future date, and at their expense (i.e. upon redevelopment of the adjoining site) a condition of consent is recommended.

Access for persons with a disability

Council notes reference to the submission of an access report. This has not been reviewed by Council and Council assumes that the Department will carry out a detailed assessment of it prior to making its determination so as to meet its obligations under the Disability Discrimination Act. Ultimately access for persons with a disability must satisfy the relevant legislation and standards. Of particular concern though is the lack of suitable on site disabled parking or 'drop off' areas.

Conclusion

The PPR is essentially a minor rearrangement of the original proposal. There have been no significant changes made to seriously address the issues raised in Council's submission.

Ultimately, whilst Council supports a facility of this nature, it remains of the view that:

- the parking numbers and means of vehicular access/egress is not satisfactory;
- there is a lack of readily useable disabled parking, which would ordinarily be mandatory in a hospital;
- there is a lack of suitable on site 'drop off' area, which would ordinarily be expected in hospital
- the previously suggested colonnade would, when applied to the adjoining site to the south, provide considerable community benefit by way of a continuation

of the colonnade from Westfield to the Miranda railway station. Such a reduction in floor space at street level would also serve to 'offset' the apparent bulk at the human scale and the proposed variation to the required Kiora Road setback for the first and upper floors.

Council remains of the view that a more suitable and more compliant design could be achieved whilst retaining the intended use as a dental hospital.

Council's without prejudice conditions are attached as requested (Appendix A). These have been drafted on the assumption that the Department will be determining the proposal on the basis of the proposal as revised within the PPR.

The final plan numbers need to be added to draft condition #1. The conditions recommended are mostly 'standard' conditions for this scale of development. The following 'proposal specific' conditions are included in order to address certain design and use issues:

- A condition has been included to provide for a 3.0m wide colonnade for the full width of the site and wholly within the Kiora Road setback, as previously recommended;
- A condition has been included to the effect that the design of the development must cater for the likely future need to have some form of fire rated wall 'retro fitted' to the two upper levels of glazing on the southern elevation should the adjoining property be redeveloped to a similar height and nil side setback;
- A condition has been included to the effect that the nurse's station on Level 5 be staffed whilst any of the inpatient suites are occupied, and that these rooms only be used for inpatient accommodation and not for storage, overnight staff or specialist accommodation, or the like. This is essential because the proposal is being considered by the Department on the basis that it is a "hospital."
- A condition has been included requiring that a valet be employed/contracted on a permanent basis and be stationed in the driveway apron area whilst ever the premises is trading/in use. Further, that there be adequate signage, visible to Urunga Parade, indicating that parking is provided within the facility for patients.

The Section 94A Developer Contributions Plan (Land within the Miranda Centre – Core Commercial Land applies to the site. This Plan requires a contribution equal to 1% of the cost of the development, which equates to \$173,478.16, with indexing in accordance with the Plan. A draft condition of consent has been included to reflect the required contribution.

Please contact Chris Greig on telephone 9710 0195 if you require further information.

Yours faithfully



Peter Barber
Manager, Coastal Assessment Team
for J W Rayner
General Manager

DEVELOPMENT CONSENT

Environmental Planning and Assessment Act 1979

DATE OF DETERMINATION 29 May 2012
DATE OF OPERATION 29 May 2012
DATE OF LAPSING 29 May 2012 ###Change year to +3 years
AUTHORITY

DETERMINATION OF DEVELOPMENT APPLICATION NO. DN11/0003

LAND DESCRIPTION:

Lot C DP 415413
84-86 Kiora Road MIRANDA NSW 2228

APPLICANT:

economia pda Pty Ltd
Suite 811 185 Elizabeth Street
SYDNEY NSW 2000

Sutherland Shire Council, pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, hereby notifies that the abovementioned Development Application for development described below has been determined by the granting of development consent subject to the conditions specified in this notice.

PROPOSED DEVELOPMENT:

Dental Hospital

The conditions of this consent which have been imposed to reduce or eliminate any detrimental effects that the proposed development might have on the environment including the amenity of the area are described on the following pages.

CONDITIONS OF CONSENT

GENERAL CONDITIONS

These general conditions are imposed to ensure that the development is carried out in accordance with the development consent, having regard to the environmental circumstances of the site.

1. Approved Plans and Documents

The development shall be implemented substantially in accordance with the details and specifications set out on the plans ##### approved as part of application MP11_0009 as determined by the Department of Planning and Infrastructure and on any supporting information received with the application except as amended by the conditions specified and imposed hereunder.

Note 1:

Prior to the commencement of any building, construction, or other works being carried out a Construction Certificate shall be obtained.

Note 3:

Prior to any work being carried out relating to the development the subject of the consent, the person implementing the consent shall provide Council with:

- a) Notification of the appointment of a Principal Certifying Authority and a letter of acceptance from the PCA.
- b) Notification of the commencement of building and/or subdivision works with a minimum of 2 days notice of such commencement.

2. Prescribed Conditions - General

The following requirements are prescribed pursuant to s.80A(11) of the Environmental Planning and Assessment Act 1979 and cl.98 of the Environmental Planning and Assessment Regulation 2000.

A. Compliance with the Building Code of Australia

The development must be carried out in accordance with the provisions of the Building Code of Australia.

B. Details to be provided to Council with the Notice of Commencement

In relation to non-residential building work Builders details shall be provided to Council with the Notice of Commencement.

3. Approvals Required under the Roads Act or the Local Government Act

No works, uses or activities shall not be carried out on public land (including a road) adjacent to the development site without approval under the Roads Act 1993 and/or the Local Government Act 1993

An application, together with the necessary fee, shall be submitted and approval granted by Sutherland Shire Council prior to any works, uses or activities commencing on public land.

4. Management Plan for Treatment of Glazing to Southern Elevation

Prior to the issue of a Construction Certificate, detailed information is to be submitted to the consent authority demonstrating how the upper two levels of glazing that form part of the southern side wall will be treated/modified/replaced if a building is developed on the adjoining site to the south to RL59.00 and running the full length of the southern common boundary. The information must demonstrate how the modifications will be accommodated by the structural fabric of the building, will meet BCA requirements, and accommodate temporary relocation/closure of facilities affected by such works.

5. Environmental, Damage and Performance Security Bond

Before the commencement of any works (including demolition) or the issue of a Construction Certificate, the applicant shall provide security to Council against damage caused to any Council property and / or the environment as a consequence of the implementation of this consent. The security may be provided by way of a deposit with the Council or a satisfactory guarantee. A non refundable inspection / administration fee is included in the bond value.

It is the applicant's responsibility to notify Council of any existing damage to public areas in the vicinity of the development site through the submission of a current dilapidation report supported by photographs. This information shall be submitted to Council at least two (2) days **prior** to the commencement of works.

Should any public property and / or the environment sustain damage during the course of and as a result of construction, or if the construction works put Council's assets or the environment at risk, Council may carry out any works necessary to repair the damage and / or remove the risk. The costs incurred shall be deducted from the security.

A request for release of the security deposit may be made to Council after all works relating to this consent have been completed. Such a request shall be submitted to Council on the '*Bond Release Request Form*' signed by the owner or any person entitled to use of the consent.

The value of the bond shall be \$150,110.00

- ♦ Bond amount includes a non refundable administration fee of \$110. Where the bond takes the form of a Bank Guarantee, the \$110 administration fee must be paid separately and not included in the bank guarantee.

Use of Bank Guarantee - As bond releases may occur under different timeframes only one bond amount / bond purpose is permitted on a Bank

Guarantee. Multiple bonds would require multiply bank guarantees to be lodged.

Note: All enquiries in relation to bonds should be directed to Council's Civil Assets Manager on 97100134.

6. Works or Assets in Public Areas

The proposed development generates a need for works to be undertaken by the Applicant/Developer in the road reserve in conjunction with the development:

- (a) A temporary concrete footpath crossing for construction vehicle access.
- (b) Road pavement construction between the existing sealed pavement and the lip of the proposed kerb and gutter where replacement kerb and gutter or vehicular layback crossings are constructed and where existing pavement has failed fronting the development or fails during the course of the development construction .
- (c) Stormwater drainage work comprised of connection of the proposed development stormwater drainage system to the piped drainage system in either Kiora Road or Urunga Parade.
- (d) Demolition of existing kerb and gutter at the proposed point of access and replacement with a concrete layback crossing.
- (e) Removal of all redundant layback and footpath crossings and reconstruction with integral concrete kerb and gutter.
- (f) Construction of 150mm barrier type kerb and gutter across the full frontages of the site where required.
- (g) The footpath crossing in Urunga Lane to be 10.5m wide.
- (h) Removal and reconstruction of any damaged or cracked sections of kerb and gutter
- (i) Provision of street landscaping.
- (j) Adjustment to public services infrastructure where required.
- (k) Reconstruction of the entire frontage footpaths in Kiora Road North and Urunga Parade to the levels and gradients determined by Council
- (l) Provision of pedestrian kerb ramps at the intersections of Kiora Road North with Urunga Parade and Urunga Parade with Urunga Lane.

An application under the Roads Act, together with the necessary fee, shall be submitted and alignment levels shall be issued by Council prior to the issue of a Construction Certificate. Approval under the Roads Act cannot be granted by a Principal Certifying Authority or by a Private Certifier. Failure to obtain approval may result in enforcement action by Council.

Survey and design plans for the above works shall be prepared by Council's Engineering Division and issued by Council's Civil Assets Manager. A fee quotation may be obtained by submitting a "Detailed Frontage Design" application to Council. The application form can be obtained from Council's web site.

Before seeking a Construction Certificate, for a complete understanding of the requirements and procedures for frontage works or queries relating to the administration, holding and release of the required bond, contact Sutherland Shire Council's Civil Assets Manager.

7. Public Liability Insurance

Prior to the commencement of work or the issue of a Construction Certificate, the owner or contractor shall take out a Public Liability Insurance Policy with a minimum cover of \$10 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works. Evidence of this policy shall be submitted to Council prior to commencement of work or the issue of a Construction Certificate.

8. S.94A - Contribution for Miranda Centre Core Commercial Land S94A Levy Plan

Pursuant to s.80A(1) of the Environmental Planning and Assessment Act 1979, and Council's Section 94A Contribution Plan for Miranda Centre Core Commercial Land, a contribution of \$173,478.16 shall be paid to Sutherland Shire Council towards the cost of works contained in the contribution plan. The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of the Section 94A Development Contributions Plan. The amount payable of monetary s.94 contributions will be indexed on 1 July each year in accordance with the Contribution Plan and the following formula:

$$\text{Current outstanding Contribution} \times \text{current IPD} \div \text{previous year's IPD}$$

Payment shall be made prior to the issue of the sub_text1.

The Contributions Plan may be inspected or a copy purchased at the Customer Service Counter in Council's Administration Centre, Eton Street, Sutherland during office hours.

MATTERS RELATING TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions involve either modification to the development proposal or further investigation prior to the issue of a Construction Certificate, so as to ensure that there will be no adverse impact on the environment or adjoining development. This information shall be submitted with the Construction Certificate.

9. Provision of a Colonnade

A 3m deep set back is to be provided to the Kiora Road street frontage at the lower ground floor level. The set back is to provide a continuous colonnade for the full Kiora road frontage. Finished floor levels throughout the colonnade must be consistent with the adjoining public footpath pavement, levels of which shall be provided by Sutherland Shire Council within the required Roads Act approval.

Details of these design changes shall be submitted to, and approved by, the consent authority prior to issuing of the required Construction Certificate.

10. Construction Site Management Plan and Traffic Management Plan

A detailed Construction Management Plan (CMP) shall be prepared for all demolition, excavation and construction works for the site for the duration all stages of the demolition and construction works.

This plan shall fully detail the methods by which each phase of the works is to be accomplished, methods of materials and waste delivery and removal, storage, site office and facility location, craneage, concrete pumping, site elevators, stormwater and groundwater storage, treatment and discharge, hoardings and the like, location of Work Zones together with details relative to the construction of road frontage works, provision for pedestrians during such works and the provision, adjustment, augmentation and/or relocation of public utility services and conduits or the like.

The CMP shall also address the range of construction management matters including but not limited to noise and vibration control, hazardous materials, odour control, site soil and water management. The CMP shall be submitted to the Accredited Certifier for endorsement as part of the Construction Certificate.

In preparing the CMP, the applicant shall liaise with Sutherland Council's Director Engineering where it is proposed to use or occupy any public lands adjoining the site for any of the above purposes.

A Construction Traffic Management Plan (CTMP) shall be prepared for the development having regard to the requirements of the approved Construction Management Plan for all phases and stages of demolition, excavation and construction. The plan shall detail the routes to be employed within the Sutherland Shire, nominate the ultimate destination/s of all demolition and excavation material and identify the proposed traffic control mode for the intersections during the demolition and construction period.

This plan shall be submitted to Sutherland Council's Director Engineering for approval prior to the issue of any Construction Certificate or any demolition.

11. Nomination of Engineering Works Supervisor

Prior to the issue of a Construction Certificate the applicant shall nominate an appropriately accredited certifier to supervise all public area civil and drainage works to ensure that they are constructed in compliance with Council's current "Specification for Civil Works Associated with Subdivisions and Developments".

The engineer shall:

- a) provide an acceptance in writing to supervise sufficient of the works to

ensure compliance with:

- i) all relevant statutory requirements;
 - ii) all relevant conditions of development consent;
 - iii) construction requirements detailed in the above Specification; and
 - iv) the requirements of all legislation relating to environmental protection;
- b) on completion of the works certify that the works have been constructed in compliance with the approved plans, specifications and conditions of approval; and
- c) certify that the Works As Executed plans are a true and correct record of what has been built.

12. Sydney Water - Referral Requirements

The plans approved as part of the Construction Certificate shall be submitted to a Sydney Water Quick Check agent or Customer Centre to determine as to whether the development will affect Sydney Water's sewer and water mains, stormwater drains and / or easements, and if further requirements need to be met. Plans will be stamped appropriately.

Please refer to the web site www.sydneywater.com.au for:

- Quick Check agents details - see Building Development and Plumbing then Quick Check; and
- Guidelines for Building Over / Adjacent to Sydney Water Assets - see Building Development and Plumbing then Building and Renovation.

13. Public Utility Authorities

Arrangements shall be made to the satisfaction of all Utility Authorities and telecommunications providers including cable television network providers in respect to the services supplied to the development by those authorities. The necessity to provide or adjust conduits/ services within the road and footway areas shall be at full cost to the applicant.

14. Drainage Design - Detailed Requirements

A detailed drainage design shall be prepared in accordance with Sutherland Development Control Plan 2006 (Chapter 8 - Ecologically 'Sustainable Development'; Section 6 - 'Stormwater Management'), "Australian Rainfall and Runoff (1987)", Council's Drainage Design Manual and Council's "On-site Stormwater Detention Policy and Technical Specification" as required.

The design shall include:

- a) A detailed drainage design supported by drainage calculations.
- b) A layout of the drainage system showing existing and proposed pipe sizes, type, class, grades, lengths, invert levels, finished surface levels and location of all pipes with levels reduced to Australian Height Datum.

- c) A longitudinal section of the pipeline/s within the road reserve including existing natural surface levels, design surface levels, design invert levels of the proposed pipeline and the location, size and reduced level of all services to AHD where those services cross the proposed drainage line.
- d) Water from pathways and access drives shall be prevented from entering the road reserve as surface flow. This can be achieved by constructing a box drain at the boundary equipped with a 300mm wide grate and frame to collect the flow or directing the flow to a sag pit within the property.
- e) The rate of discharge of stormwater from the site to a drainage system under Council's control shall be controlled so that it does not exceed the pre-development rate of discharge. Specific certification from the designer to this effect shall be incorporated in the submitted drainage plans / details.

A design certificate issued by an appropriately accredited person to the effect that these design requirements have been met shall accompany the Construction Certificate. Stormwater shall be connected to the existing piped system within the road reserve.

15. Building Ventilation

To ensure that adequate provision is made for ventilation of the building mechanical and / or natural ventilation systems shall be provided. These shall be designed, in accordance with the provisions of:

- a) The Building Code of Australia.
- b) AS 1668 Part 1 - 1998.
- c) AS 1668 Part 2 - 1991.
- d) The Public Health Act - 1991.
- e) The Public Health (Microbial Control) - Regulation 2000.
- f) AS 3666.1 - 2002.
- g) AS 3666.2 - 2002.
- h) AS 3666.3 - 2000.

Details of all mechanical and / or natural ventilation systems, along with specific certification provided by an appropriately qualified person verifying compliance with the abovementioned requirements, shall accompany the Construction Certificate.

16. Noise Control - Design of Plant and Equipment (Continual Operation)

To minimise the impact of noise from the development, all sound producing plant, equipment, machinery, mechanical ventilation systems and / or refrigeration systems, shall be designed and / or located so that the noise emitted does not exceed the Project Specific Noise level when measured at the most affected point on or within any residential property boundary.

The Project Specific Noise level shall be the most stringent noise level of the Intrusive and Amenity criteria and be calculated in accordance with the

provisions of the Department of Environment and Conservation's Industrial Noise Policy.

Note: The method of measurement of sound shall be carried out in accordance with Australian Standard 1055.1.

Details of the acoustic attenuation treatment required to comply with this condition, shall be prepared by a practising acoustic engineer and shall be submitted with the Construction Certificate.

17. Submission of Fire Safety Schedule

A Fire Safety Schedule shall be issued by an appropriately qualified person and provided to Council as part of the Construction Certificate in accordance with the *Environmental Planning and Assessment Regulation 2000*. This schedule shall distinguish between current, proposed and required fire safety measures, with the minimum standard of performance being indicated for each fire safety measure. The Fire Safety Schedule shall identify each fire safety measure that is a Critical Fire Safety Measures and the intervals at which supplementary fire safety statements shall be given to the Council in respect of each such measure.

PRE-COMMENCEMENT CONDITIONS

The following conditions are imposed to ensure that all pre-commencement matters are attended to before work is commenced.

18. Pre-Commencement - Notification Requirements

No works in connection with this development consent shall be commenced until:

- a) A Construction Certificate has been issued and detailed plans and specifications have been endorsed and lodged with Council;
- b) A Principal Certifying Authority has been appointed. Council shall be notified of this appointment along with details of the Principal Certifying Authority, and their written acceptance of the appointment; and
- c) Notice of commencement has been provided to Council 48 hours prior to commencement of construction work on the approved development.

19. Pre-commencement Inspection

The pre-commencement meeting is to be convened by the Applicant on-site a minimum 5 days prior to any demolition and/or construction activity and between the hours of 8.00 am and 4.30 pm Monday to Friday. Prior to this meeting the relevant sections of the Environmental Site Management Plan (ESMP) must be implemented. The meeting must be attended by a representative of Council's Civil Assets Branch, the PCA, the builder/site manager of the building/civil construction company and where necessary the supervising engineer. The attendance of the owner is required when it is

intended to use more than one builder/principal contractor throughout the course of construction.

The purpose of the meeting is to:

- i) Inspect the implementation of relevant sections of the ESMP such as safe passage for pedestrians, the installation of sediment and erosion controls, hoardings, Work and Hoarded Zones;
- ii) Check the installation and adequacy of all traffic management devices;
- iii) Discuss/explain any sections of the development consent that may require clarification or elaboration;
- iv) Confirm that a Construction Certificate has been issued where necessary and all Council fees paid;
- v) Vet the compliance of any special/specific conditions of consent;
- vi) Confirm that the supervising engineer has a copy of Council's Specification for Civil Works Associated with Subdivisions and Developments - January 1996; and,
- vii) Confirm that the builder/site manager/principal contractor has a copy of the Sutherland Shire Development Control Plan 2006 and Environmental Specification 2007.

20. Sign to be Erected on Site

A rigid and durable sign shall be erected prior to the commencement of work and maintained in a prominent position on the site. The responsibility for this to occur is that of the principal certifying authority or the principal contractor.

The signage, which must be able to be easily read by anyone in any public road or other public place adjacent to the site, must:

- a) show the name, address and telephone number of the principal certifying authority for the work, and
- b) show the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- c) state that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

CONSTRUCTION CONDITIONS

These conditions are imposed to ensure the development does not unreasonably impact on the amenity of the locality during the construction or demolition phase.

21. Environmental Site Management DCP

All work shall be undertaken in accordance with the objectives and controls in Part 3 of Chapter 8 of Sutherland Shire Development Control Plan 2006 and the Sutherland Shire Environmental Specification 2007 - Environmental Site Management and the approved site management plan.

22. Permitted Hours for Building and Demolition Work

To minimise the noise impact on the surrounding environment all building and demolition work shall be carried out only between the hours of 7.00am and 6.00pm Monday to Friday inclusive, 8.00am and 3.00pm Saturdays. No work shall be carried out on Sundays and Public Holidays.

23. Toilet Facilities

Toilet facilities shall to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided:

- a) shall be a standard flushing toilet, and
- b) shall be connected:
 - i) to a public sewer, or
 - ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
 - iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

The provision of toilet facilities in accordance with this clause shall be completed before any other work is commenced.

24. Demolition Work

To ensure that demolition of structures is carried out in an environmentally acceptable and safe manner:

- a) The demolition of the existing building shall be carried out strictly in accordance with Australian Standard 2601 - The Demolition of Structures.
- b) It is the applicant's responsibility to notify Council of any existing damage to public areas in the vicinity of the development site through the submission of a dilapidation report supported with suitable photographic records. This information shall be submitted to Council prior to the commencement of work. Any damage other than that noted prior to commencement of the demolition shall be the responsibility of the owner of the property for repair or reinstatement.
- c) The applicant shall ensure that the demolition contractor has a current public risk insurance coverage for a minimum of \$5 million. A copy of the

- Policy must be submitted to the Council prior to demolition.
- d) If demolition is to commence prior to the issue of a Construction Certificate, the applicant shall submit to Council a Site Management Plan - Demolition for assessment prior to the commencement of any demolition work. This plan shall satisfy the objectives of Council's Environmental Site Management Development Control Plan and shall consider the following:
- i) What actions and works are proposed to ensure safe access to and from the site and what protection will be provided to the road and footpath area from demolition activities, crossings by heavy equipment, plant and materials deliveries and the like;
 - ii) The proposed method of loading and unloading demolition machines within the site;
 - iii) The proposed areas within the site to be used for the storage of demolished material and waste containers during the demolition period;
 - iv) How it is proposed to ensure that soil / demolished material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways;
 - v) The requirements of any site specific Development Control Plan that may affect this development site.
- e) Pre-Commencement Inspection
If demolition is to commence prior to the issue of a Construction Certificate, the Builder/principal contractor shall undertake a pre-commencement site inspection with Council's Engineering Compliance Officer and Council's Civil Asset Manager. The purpose of this inspection is to facilitate the implementation of the consent specifically with regard to the impact on the public way and to clarify any matters of concern.

Note: An inspection fee shall be paid to Council prior to the meeting. Please refer to Sutherland Shire Council's Adopted Schedule of Fees and Charges.

25. Support for Neighbouring Buildings and Roadways

As the excavation associated with the erection of the development extends below the level of the base of the footings of buildings on an adjoining allotment of land and the road reservations, the person causing the excavation to be made:

- a) Shall preserve and protect the building and the road reserves from damage.
- b) If necessary, shall underpin and support the building and the roadway in an approved manner.
- c) Shall, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land or the road reserve, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- d) The owner of the adjoining allotment of land nor Sutherland Shire Council is not liable for any part of the cost of work carried out for the purposes of

this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

26. Protection of Public Places

To protect public safety and convenience during the course of constructing the works covered by this consent, the following matters shall be complied with:

- a) If the work involved in the erection or demolition of a building:
 - i) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed, inconvenienced, or rendered unsafe; or
 - ii) building involves the enclosure of a public place,
A hoarding or fence shall be erected between the work site and the public place. In this instance it has been determined that a "B" Class hoarding is required and shall be installed on the Kiora Road North and Urunga Parade frontages of the site.
- b) 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.
- c) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

The hoarding, fence or awning shall be removed and any damage to any public place reinstated to Council's satisfaction when the work has been completed.

27. Noise Control during Construction and Demolition

To minimise the impact on the surrounding environment the LAeq sound pressure level measured over a period of 15 minutes when the construction or demolition site is in operation, shall not exceed the ambient background level (LA90 15min) by more than 10dB(A) when measured at the nearest affected premises.

28. Geotechnical and Structural Engineers Reports

A Geotechnical engineer's report shall be prepared relative to the stability and suitability of the existing site materials to support the proposed development and all associated structures and to indicate any constraints to be placed on earthmoving plant and equipment. This report shall make recommendations and form the basis for the production of the Structural Engineer's report and the preparation of structural drawings for the development and for the types of excavation plant and equipment to be employed on the site.

During the course of excavation, should site conditions be encountered that vary from the initial findings, a revised Geotechnical Report shall be prepared that makes amended recommendations relative to the methods of excavation

and support of the excavation together with any amended structural works that shall be required for the foundations or the development itself.

All rock anchors within 3m of the road surface of Kiora Road North, Urunga Parade and Urunga Lane are to be removed only following the completion of final stabilisation works.

The report shall be provided to the Accredited Certifier, to be endorsed as forming part of the Construction Certificate. As such, copies shall be provided to the PCA and to Sutherland Shire Council.

A Structural engineer's report shall be prepared based upon the recommendations of the Geotechnical Report. This report shall include details of the methods by which the surrounding roadways, all public utility infrastructure and the abutting developments shall be supported during the course of excavation and construction within the subject site. The report shall also detail methods by which all supports required for all such works shall be removed from the abutting properties and the public road reserve following the completion of construction.

The report shall be provided to the Accredited Certifier to be endorsed as forming part of the Construction Certificate.

29. Environment Protection and Management

The environment protection and management measures described in the required Environmental Site Management Plan (including sediment controls and tree protection) shall be installed or implemented prior to commencement of any site works and continuously maintained during the period of construction or demolition. These measures shall generally be in accordance with the requirements of Part 3 of Chapter 8 of Sutherland Shire Development Control Plan 2006 and the Sutherland Shire Environmental Specification 2007 - Environmental Site Management.

30. Dewatering of Excavation

Any water from excavations to be discharged to Council's stormwater system must meet the following criteria:

- a) It shall not contain a concentration of suspended sediment exceeding 50 mg/L.
- b) It shall have a pH of between 6.5-8.
- c) It shall comply with the ANZECC Guidelines for Marine and Freshwater Quality, for Protection of Aquatic Ecosystems (95% protection level).

Water testing shall be carried out to ensure compliance with the above by a suitably qualified environmental scientist, and results provided to Council upon request. A permit may be required to discharge water to Council's stormwater system. Consultation with Council shall be undertaken prior to discharge of any water to stormwater.

POST CONSTRUCTION CONDITIONS

These conditions are imposed to ensure all works are completed in accordance with the Development Consent prior to either the issue of an Occupation Certificate, a Subdivision Certificate or habitation / occupation of the development.

31. Section 73 Compliance Certificate

A Compliance Certificate under s73 of the Sydney Water Act, 1994, shall be submitted to Council by the PCA prior to the issue of an Occupation Certificate or before the issue of a Subdivision Certificate. Sydney Water may require the construction of works and/or the payment of developer charges.

Advice from Sydney Water:

An application must be made through an authorised Water Servicing Coordinator. For details see the Sydney Water web site at www.sydneywater.com.au/customer/urban/index or by telephone 13 20 92.

Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water / sewer extensions can be time consuming and may impact on other services as well as building, driveway or landscaping design.

32. Works As Executed Information

Certification shall be provided from a registered surveyor to the effect that:

- a) All civil engineering works required by this development consent have been carried out in accordance with the terms of the development consent and the approved engineering drawings with regard to location and level.
- b) All pipes, pits and detention facilities lay within their relevant existing or proposed easements.
- c) All rights-of-way or positive covenants required by conditions of this development consent have been provided.

33. Works As Executed Drawings

Certification shall be provided from the supervising engineer acting as an Accredited Certifier, to the effect that:

- a) All civil engineering and stormwater works associated with development have been carried out in accordance with the terms of the development consent, the approved engineering drawings and in the case of public works Council's "Specifications for Civil Works associated with Subdivisions and Developments".
- b) The construction of the drainage system for the proposed development has been carried out generally in accordance with the requirements of the

approved stormwater drainage plans, Council's stormwater management policy and guidelines and Council's On-site Detention Policy and has been carried out in order that stormwater runoff downstream is not increased as a result of the development and that all assumptions made during the design remain valid. Works-as-Executed drawings certified in the above manner and containing all relevant information as required by Council's "Specification for Civil Works Associated with Subdivisions and Developments" shall accompany the Subdivision / Occupation Certificate.

34. Survey for building levels and location

The Occupation Certificate shall be accompanied by a Certificate from a Registered Surveyor certifying that the building has been built to the reduced levels and boundary setbacks shown on the approved plans.

35. Works in Roadway

A completion certificate from the supervising civil engineer shall be submitted with Occupation Certificate. This shall certify that all works undertaken in the road reserve have been completed in accordance with the conditions of the required Roads Act approval/s and the conditions of this Development Consent.

36. Geotechnical Certification

Certification shall be provided from the supervising Geotechnical Engineer to the effect that related works have been carried out and completed in accordance with the recommendations of the geotechnical engineer's report and that any rock anchors utilised to stabilise the excavation works have been removed.

37. Prior to Occupation or Use of the Development

The Development shall not be occupied or used until:

- a) A Final Occupation Certificate is issued and provided to Council for the development; or
- b) An Interim Occupation Certificate is issued and provided to Council for the development. This shall clearly identify the part of the development to which the Interim Occupation Certificate relates.

OPERATIONAL CONDITIONS

These conditions are imposed to ensure that the use or operation of the development does not adversely impact on the amenity of the neighbourhood and the environment.

38. External Lighting

All external lights shall be operated and maintained in accordance with the Australian Standard AS4282 - Control of the Obtrusive Effects of Outdoor

Lighting so as not to cause a nuisance or adverse impact on the amenity of residents of the surrounding area nor to motorists on nearby roads.

39. Noise Control - Plant & Equipment (General)

To minimise the impact of noise from the development, all sound producing plant, equipment, machinery, mechanical ventilation or refrigeration systems, shall be operated and maintained in such a manner so that the noise emitted does not exceed a LAeq sound pressure level of 5 dB above the ambient background level when measured at the most affected point on or within any residential property boundary.

Note: The method of measurement of sound shall be carried out in accordance with Australian Standard 1055.1.

40. Ventilation - Operation

To ensure that adequate ventilation within the building, all mechanical and / or natural ventilation systems shall be operated and maintained in accordance with the provisions of:

- a) The Building Code of Australia.
- b) AS 1668 Part 1 - 1998.
- c) AS 1668 Part 2 - 1991.
- d) The Public Health Act - 1991.
- e) The Public Health (Microbial Control) - Regulation 2000.
- f) AS 3666 - 2002.
- g) AS 3666.2 - 2002.
- h) AS 3666.3 - 2000.

41. Use of Inpatient 'Studios'

The nurse's station on Level 5 must be staffed whilst any of the inpatient suites (shown as "Studios") are in use for inpatient accommodation. These rooms shall only be used for inpatient accommodation and are not to be converted, used or adapted for any other use, such as storage, overnight staff or specialist accommodation, or the like.

42. Provision of a Valet for Parking Operations

To ensure that the electronic parking system functions correctly and in the manner intended, and that access to the visitors spaces in particular is available during trading, a valet shall be employed/contracted on a permanent and be stationed onsite generally in the 'stacker' and driveway apron area whilst ever the premises is trading/in use. Adequate signage shall be provided, visible to Urunga Parade, indicating that visitor spaces are provided within the facility and that these are for patient use.

END OF DETERMINATION

for J W Rayner
General Manager
Sutherland Shire Council

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NOTES

This Notice of Development Consent is issued by Sutherland Shire Council as the Authority responsible in respect of development under the provisions of the Sutherland Shire Local Environmental Plan 2006 / State Environmental Planning Policy (Kurnell Peninsula) 1989.

The cutting down, lopping, injury and destruction of trees is regulated by Sutherland Shire Local Environmental Plan 2006 and Sutherland Shire Development Control Plan 2006. A person who contravenes, causes or permits the controls in relation to trees to be contravened is guilty of an offence. Trees designated to be removed on the approved plans under this consent may be removed unless specified otherwise in the conditions in this consent. All other trees on the site covered by Council's controls referred to above must be retained.

Section 82A of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of the application the right to lodge an application with Council for a review of such determination. Any such review must however be completed within six (6) months from this determination. Should a review be contemplated sufficient time should be allowed for Council to undertake public notification and other processes involved in the review of the determination. Please note also that you cannot request a review under S82A for any applications for Integrated Development, or any Land and Environment Court determined applications.

Note: Review provisions do not apply to Complying Development, Designated Development, State Significant Development and Integrated Development.

Division 8 (Appeals and Related Matters) of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales.

This consent will lapse unless the development is physically commenced within three (3) years from the Date of Operation of this consent, in accordance with Section 95 of the Environmental Planning and Assessment Act 1979 as amended.

DECISION

Pursuant to the provisions of Section 80(1)(a) of the Environmental Planning and Assessment Act 1979, Development Application No DN11/0003 is determined by the granting of approval subject to the conditions outlined in the Development Assessment Report attached to Council's file.

Signed:

Date: 29 May 2012

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