

Royal Society for the Welfare of Mothers & Babies  
T/A Tresillian Family Care Centres  
Locked Bag 1003  
CAMPSIE NSW 2194

D326/17  
LD (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED  
SECTION 4.55 MODIFICATION 326/17/2 - APPROVAL**

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**Development Consent Number:** 326/17/2

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**Land to which this applies:** 25 Shirley Road, Wollstonecraft  
Lot No.: B, DP: 964648

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**Applicant:** Royal Society for the Welfare of Mothers & Babies

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**Proposal:** Section 4.55(1A) application to modify DA326/17 with regards to changes to Carpenter House, front boundary wall and changes to conditions to allow for staged construction certificates.

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Pursuant to Section 4.55 of the Act notice is hereby given of the determination by the consent authority of your request for a modification to Development Consent No. **326/17** and registered in Council's records as Application No. **326/17/2** relating to the land described as **25 Shirley Road, Wollstonecraft**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 28 November 2018, has been determined in the following manner: -

**1. To modify the following conditions of consent:**

**Design amendments - CC2**

A2. The floorplate must be reduced and align with the dashed blue line as shown in the approved drawings in the following locations.

- a) Ground level: The area indicated as "Play Area" is to be deleted, and the south eastern room indicated as "Day Bed" is to be reconfigured so as to be located wholly within the area of the dashed blue line.
- b) Level 1: The eastern side of the "Lounge/Dining/Social" room projecting beyond the dashed blue line is to be deleted, and the south eastern room indicated as "Room 5" is to be reconfigured so as to be located wholly within the area of the dashed blue line.

- c) Level 2: The eastern side of the areas indicated as “Void” and “Play Area” projecting beyond the dashed blue line is to be deleted, and the south eastern room indicated as “Room 12” is to be reconfigured so as to be located wholly within the area of the dashed blue line. This may involve relocating the Play Area and/or infilling the Void.

The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced and accompanying the issued Construction Certificate for the new building, is consistent with a Vegetation Management Plan approved in writing by Council.

(Reason: To reduce the building bulk in this location to minimise visual, view and shadow impacts)

### **Sydney Trains - CC1 and CC2**

A8. The development shall comply with the following requirements of Sydney Trains:

**a) Noise and Vibration**

An acoustic assessment is to be submitted to Council prior to the issue of the relevant Construction Certificate demonstrating how the proposed development will comply with the Department of Planning’s document titled “Development Near *Rail Corridors and Busy Roads- Interim Guidelines*”.

(Reason: To manage rail-related noise and vibration impacts on future occupants of the development)

**b) Stray Currents and Electrolysis from Rail Operations**

Prior to the issue of the relevant Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the relevant Construction Certificate.

(Reason: To minimise the impacts of any stray currents as a result of rail operations on nearby development)

**c) Geotechnical and Structural Stability and Integrity**

Prior to the commencement of works, the Applicant shall provide certification from a qualified Geotechnical and Structural Engineers stating that the proposed works are to have no negative impact on the rail corridor and associated rail infrastructure.

(Reason: To ensure no adverse effects on the geotechnical and structural stability and integrity of Sydney Trains Facilities)

**d) Crane and Other Aerial Operations**

If a crane is to be used at any stage of the proposed works, prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. The Principal Certifying Authority shall not issue the relevant Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

(Reason: To control and manage the use of cranes and other equipment capable of intruding into the airspace above the corridor and of operating over any overhead wiring or transmission lines)

**Construction and Traffic Management Plan (Major DAs & sites with difficult access) - CC1 and CC2**

B1. Prior to issue of the relevant Construction Certificate, a Construction and Traffic Management Plan must be prepared. The following matters must be specifically addressed in this Plan:

- a) A plan view (min 1:100 scale) of the entire site and frontage roadways indicating:
  - i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways;
  - ii) Signage type and location to manage pedestrians in the vicinity;
  - iii) The locations of any proposed Work Zones in the frontage roadways;
  - iv) Locations and type of any hoardings proposed;
  - v) Area of site sheds and the like;
  - vi) Location of any proposed crane standing areas;
  - vii) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
  - viii) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected; and
  - ix) The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
  
- b) A Traffic Control Plan(s) for the site incorporating the following: -
  - i) Traffic control measures proposed in the road reserve that are in accordance with the RMS publication "Traffic Control Worksite Manual" and designed by a person licensed to do so (minimum RMS 'red card' qualification).
  - ii) The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each.
  
- c) A detailed description and map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage must be provided detailing light traffic roads and those subject to a load or height limit must be avoided at all time.

A copy of this route is to be made available to all contractors, and must be clearly depicted at a location within the site.

- d) A Waste Management Plan in accordance with the provisions of Part B Section 19 of the North Sydney DCP 2013 must be provided. The Waste Management Plan must include, but not be limited to, the estimated volume of waste and method of disposal for the construction and operation phases of the development, design of on-site waste storage and recycling area and administrative arrangements for waste and recycling management during the construction process;
- e) Evidence of RMS concurrence where construction access is provided directly or within 20m of an Arterial and/or Classified Road;
- f) A schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations. These must specify that construction-related vehicles to comply with the approved requirements; and
- g) For those construction personnel that drive to the site, the Site Manager shall attempt to provide on-site parking so that their personnel's vehicles do not impact on the current parking demand in the area.

A suitably qualified and experienced traffic engineer or consultant must prepare the Construction and Traffic Management Plan.

As this plan has a direct impact on the local road network, it must be submitted to and reviewed by Council prior to the issue of the relevant Construction Certificate. A certificate of compliance with this condition from Council's Development Engineers as to the result of this review must be obtained and must be submitted as part of the supporting documentation lodged with the Certifying Authority for approval of the application for the relevant Construction Certificate.

The construction management measures contained in the approved Construction and Traffic Management Plan must be implemented prior to the commencement of, and during, works on-site.

All works must be undertaken in accordance with the approved Construction and Traffic Management Plan.

**A copy of the approved Construction and Traffic Management Plan must be kept on the site at all times and be made available to any officer of the Council on request.**

Notes:

- 1) North Sydney Council's adopted fee for certification of compliance with this condition must be paid upon lodgement, or in any event, prior to the issue of the relevant approval.
- 2) Any use of Council property will require appropriate approvals and demonstration of liability insurances prior to such work commencing.

- 3) Failure to provide complete and detailed information may result in delays. It is recommended that your Construction and Traffic Management Plan be lodged with Council as early as possible.
- 4) Dependent on the circumstances of the site, Council may request additional information to that detailed in the condition above.

(Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the demolition and construction process in a manner that respects adjoining owner's property rights and residential amenity in the locality, without unreasonable inconvenience to the community)

### **Structural Adequacy of Adjoining Properties - Excavation Works - CC1 and CC2**

- C3. A report prepared by an appropriately qualified and practising structural engineer detailing the structural adequacy of adjoining property No. 23 Shirley Road, which certifies their ability to withstand the proposed excavation and outlines any measures required to be implemented to ensure that no damage will occur to adjoining properties during the course of the works, must be submitted to the Certifying Authority for approval prior to the issue of the relevant Construction Certificate. The measures outlined in the certified report must be complied with at all times.

(Reason: To ensure the protection and structural integrity of adjoining properties in close proximity during excavation works)

### **Geotechnical Report - CC2**

- C4. Prior to issue of the relevant Construction Certificate a Geotechnical/Civil Engineering report must be prepared which addresses at a minimum (but is not limited to) the following:
- a) the type and extent of substrata formations by the provision of a minimum of four (4) representative bore hole logs which are to provide a full description of all material from ground surface to 1.0m below the finished basement floor level and include the location and description of any anomalies encountered in the profile. The surface and depth of the bore hole logs must be related to Australian Height Datum;
  - b) the appropriate means of excavation/shoring in light of point (a) above and proximity to adjacent property and structures. Potential vibration caused by method of excavation and potential settlements affecting nearby footings/foundations must be discussed and mechanisms to ameliorate any such impacts recommended;
  - c) the proposed method to temporarily and permanently support the excavation for the basement adjacent to adjoining property, structures and road reserve if nearby (full support must be provided within the subject site);
  - d) the existing groundwater levels in relation to the basement structure, where influenced;

- e) the drawdown effects on adjacent properties (including road reserve), if any, the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater. Where it is considered there is the potential for the development to create a “dam” for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development without a change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flow path is constructed, artificial drains such as perimeter drains and through drainage may be utilised; and
- f) recommendations to allow the satisfactory implementation of the works. An implementation program is to be prepared along with a suitable monitoring program including control levels for vibration, shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages.

The geotechnical report must be prepared by an appropriately qualified consulting geotechnical/hydrogeological engineer with previous experience in such investigations and reporting.

It is the responsibility of the consulting geotechnical/ hydrological specialist to undertake the appropriate investigations, reporting and specialist recommendations to ensure a reasonable level of protection to adjacent property and structures both during and after construction. The report must contain sitespecific geotechnical recommendations and shall specify the necessary hold/inspection points by relevant professionals as appropriate.

The design principles for the geotechnical report are as follows:

- a) no ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure;
- b) no changes to the ground water level are to occur as a result of the development that are sufficient enough to cause an adverse impact to the surrounding property and infrastructure;
- c) no changes to the ground water level are to occur during the construction of the development that are sufficient enough to cause an adverse impact to the surrounding property and infrastructure;
- d) vibration is to be minimised or eliminated to ensure no adverse impact on the surrounding property and infrastructure occurs, as a result of the construction of the development;
- e) appropriate support and retention systems are to be recommended and suitable designs prepared to allow the proposed development to comply with these Design Principles; and
- f) an adverse impact can be assumed to be crack damage as identified within the relevant Australian Standard for determining such damage.

The report, satisfying the requirements of this condition, must be submitted to the Certifying Authority for approval prior to the issue of the relevant Construction Certificate.

The professional recommendations, implementation program, monitoring program, mitigation measures and the like contained in the report must be implemented in full during the relevant stages of excavation and construction.

(Reason: To ensure the structural integrity of the subject site and adjoining sites during the excavation process)

### **Sediment Control - CC1 and CC2**

C5. Where construction or excavation activity requires the disturbance of the soil surface or existing vegetation, erosion and sediment control techniques, as a minimum, are to be in accordance with the publication Managing Urban Stormwater: Soils & Construction (4th edition, Landcom, 2004) commonly referred to as the “Blue Book” or a suitable and effective alternative method.

A Sediment Control Plan must be prepared and submitted to the Certifying Authority for approval prior to the issue of the relevant Construction Certificate and prior to the relevant works commencing. The Sediment Control Plan must be consistent with the Blue Book and disclose:

- a) All details of drainage to protect and drain the site during the construction processes;
- b) All sediment control devices, barriers and the like;
- c) Sedimentation tanks, ponds or the like;
- d) Covering materials and methods; and
- e) A schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.
- f) Methods for the temporary and controlled disposal of stormwater during construction.

All works must be undertaken in accordance with the approved Sediment Control plan.

The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To protect the environment from the effects of sedimentation and erosion from development sites)

### **Waste Management Plan - CC1 and CC2**

C6. A Waste Management Plan is to be submitted for approval by the Certifying Authority prior to the issue of the relevant Construction Certificate. The plan must include, but not be limited to:

- a) The estimated volume of waste and method of disposal for the construction and operation phases of the development;
- b) The design of the on-site waste storage and recycling area; and
- c) Administrative arrangements for waste and recycling management during the construction process.

The approved Waste Management Plan must be complied with at all times in the carrying out of the development.

(Reason: To encourage the minimisation of waste and recycling of building waste)

### **Colours, Finishes and Materials (Heritage Items) - CC1 and CC2**

C7. A traditional palette of finishes, materials and colour schemes must be selected for the new building works appropriate to the architectural style of the original building (“Carpenter House”) and submitted to the Certifying Authority for approval prior to the issue of the relevant Construction Certificate. The painted rendered wall to the southern façade of Carpenter House must be of a similar colour to the existing brickwork along this southern façade of Carpenter House. The Certifying Authority must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition prior to the release of the relevant Construction Certificate.

(Reason: To ensure that exterior colours, finishes and materials are sympathetic to the significance of the heritage item)

### **External Finishes and Materials - CC2**

C10. The external colours and finishes must be in accordance with the approved schedule of finishes and materials. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued relevant Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure quality built form of development)

### **Reflectivity Index of Glazing - CC2**

C11. The reflectivity index (expressed as a percentum of the reflected light falling upon any surface) of external glazing for windows, walls or roof finishes of the proposed development is to be no greater than 20%.

Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of the relevant Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

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



**Roofing Materials - Reflectivity - CC2**

C12. Roofing materials must be factory pre-finished with low glare and reflectivity properties to be compatible with the colours of neighbouring buildings. The selected roofing material must not cause a glare nuisance or excessive reflectivity to adjoining or nearby properties. Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of the relevant Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

**No External Service Ducts - CC2**

C13. Service ducts must be provided within the building to keep external walls free of plumbing, drainage or any other utility installations. Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of the relevant Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure quality built form of the development)

**Work Zone - CC1 and CC2**

C14. If a Work Zone is proposed, an application must be made to the North Sydney Local Traffic Committee to install the 'Work Zone'. A Work Zone permit is required to be issued by the Council prior to the issue of the relevant Construction Certificate.

Work Zones are provided specifically for the set down and pick up of materials and not for the parking of private vehicles associated with the site. Works Zones will generally not be approved where there is sufficient space on-site for the setting down and picking up of goods being taken to or from a construction site. If the Works Zone is approved by the Committee, the Applicant must obtain a written copy of the related resolution from the North Sydney Local Traffic Committee and submit a copy of this to the Certifying Authority to enable issue of the Construction Certificate.

Where approval of the 'Work Zone' is given by the Committee, the requirements of the Committee, including installation of the necessary 'Work Zone' signage and payment of any fees, must occur prior to commencement of any works on the site. Further, at the expiration of the Work Zone approval, the developer is required to remove the Work Zone signs and reinstate any previous signs, all at the developer's cost. The requirements imposed by the Committee on the Work Zone permit (or permits) must be complied with at all times.

(Reason: Amenity and convenience during construction)

**Bicycle Storage and Parking - CC2**

C15. The bicycle storage area must accommodate a minimum of three (3) bicycles, including visitor parking bicycle rail(s) in proximity to the main public entry to the new health services building. All aspects of bicycle storage and parking facilities shall be designed in accordance with with AS2890.3. The bicycle storage lockers and bicycle rail shall be designed in accordance with the applicable Australian Standards. Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of the relevant Construction Certificate. The Certifying Authority must ensure that the building plans and specifications, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To promote and provide facilities for alternative forms of transport)

**Car park to comply with relevant standards - CC2**

C17. The car park layout must comply with all requirements of Australian Standard AS2890.1. Certification from a suitably qualified and practicing Civil Engineer that the design will comply with the requirements of the Australian Standard must be provided to the Certifying Authority for approval prior to issue of the relevant Construction Certificate.

(Reason: To ensure the basement layout complies with relevant standards)

**Required Infrastructure Works -Roads Act 1993 - CC2**

C18. Prior to issue of the relevant Construction Certificate engineering design plans and specifications must be prepared by a qualified civil design engineer. The plans and specifications must be to a detail suitable for construction issue purposes and must provide detail and specification for the following infrastructure works to be completed as part of the development. The responsibility for accuracy of the design fully rests with the designing engineer. All responsibility on implementation and supervision of works specified on design plans fully rests on designing engineer or whoever is chosen to be applicant's engineering representative:

Road Works

- a) Construction of a fully new replacement concrete footpath is required across the entire site frontage in Shirley Road. A longitudinal section is required along the footpath property boundary at a scale of 1:50 extending 5m past the property boundary line. The footpath shall be designed (at a single straight grade of 3% falling to top of kerb) so that it is uniform without showing signs of dipping or rising particularly at entrances.
- b) Construction of a new replacement kerb and gutter is required across the entire site frontage in Shirley Road. A longitudinal section is required along the gutter line (existing and proposed levels), at a scale of 1:50 extending 5m past the property boundary line.
- c) Construction of a fully new road shoulder (maximum grade 5% down towards new gutter) extending to 1.2 metres out from the gutter alignment and across the entire development site frontage.

Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of the relevant Construction Certificate.

Certifying Authorities must not issue a Construction Certificate without the formal written approval of Council (as Roads Authority) under the Roads Act 1993.

The required plans and specifications are to be designed in accordance with North Sydney Council's current documents Infrastructure Specification for Road

Works, Drainage and Miscellaneous Works and Performance Guide for Engineering Design and Construction. The drawings must detail existing utility services and trees affected by the works, erosion control requirements and traffic management requirements during the course of works. A detailed survey must be undertaken as required. Traffic management is to be certified on the drawings as being in accordance with the documents SAA HB81.1 - 1996 - Field Guide for Traffic Control at Works on Roads - Part 1 and RMS Traffic Control at Work Sites (1998). **Construction of the works must proceed only in accordance with any conditions attached to the Council Roads Act 1993 approval.**

Note: A minimum of 21 days will be required for Council to assess Roads Act submissions. Early submission is recommended to avoid any delays in obtaining a Construction Certificate. A fee to cover cost of assessment (set out in Council's adopted fees and charges) is payable and Council will withhold any consent and approved plans until full payment of the correct fees. Plans and specifications must be marked to the attention of Council's Development Engineers. In addition, a copy of this condition must be provided, together with a covering letter stating the full address of the property and the accompanying DA number.

(Reason: To ensure infrastructure works are designed and constructed to appropriate standards and requirements of the Roads Act 1993)

### **Obtain Driveway Crossing Permit under S.138 Roads Act 1993 - CC1 and CC2**

C19. Prior to the issue of the relevant Construction Certificate, North Sydney Council must issue the applicant with a driveway crossing and road infrastructure works **permit** to suit the approved off-street parking facilities. To obtain the permit, an application must be made to Council on a '*Vehicular Access Application*' form with payment of the adopted assessment/inspection fees. Council will require civil design construction drawings and certification from the applicant's Civil Engineer to verify design details and enable permit issue. The responsibility for accuracy of the design fully rests with the designing engineer. All responsibility on implementation and supervision of works specified on design plans fully rests on designing engineer or whoever is chosen to be applicant's engineering representative. The civil design drawings shall detail **the following infrastructure construction requirements of Council in relation to the consent:**

- a) The proposed vehicular access ways must comply with AS 2890.1 and Council's current Vehicular Access Application Guidelines and Specification (gutter bridges not permitted) to ensure that a B85 vehicle will not scrape/strike the surface of the carriageway, layback, vehicular crossing or parking floor.

- b) The redundant layback crossing on Shirley Road must be reinstated as upright kerb gutter and concrete footpath.
- c) The width of the vehicular layback must be **6.0m** (including the wings).
- d) The left hand side edge of the crossing must be at least 1 m away from the street tree trunk.
- e) The vehicular laybacks must be set square to the kerb.
- f) The boundary footpath levels and gutter invert levels must match the existing levels and shall not be altered unless agreed to by Council.
- g) Alignment levels at the boundary have an important impact on the proposed levels for new driveway. The works must not start until confirmation of boundary alignment levels from registered surveyor. Council has the authority to remove any unauthorized works at the cost of the property owner.
- h) The Certifying Authority must ensure that the internal property levels at boundary matches council's confirmed boundary levels.
- i) The kerb gutter, and 1200 mm road shoulder wide- strip, adjacent to all new layback and gutter works, on Shirley Road must be reconstructed, to ensure uniformity in the road reserve.
- j) The footpath and grass verge on Shirley Road must be reconstructed for a full property frontage.
- k) Any twisting of driveway access to ensure vehicles do not scrape must occur wholly within the subject property.
- l) All inspection openings, utility services must be adjusted to match the proposed driveway levels and location.
- m) The design detail has to be provided with **vehicular access application** and must include sections along centre-line and extremities of the crossing at a scale of 1:25. Sections are to be taken from the centre of the roadway through to the parking area itself and shall include all changes of grade and levels, **both** existing and proposed.
- n) A longitudinal section along the footpath property boundary at a scale of 1:50 is required and shall include all changes of grade and levels, **both** existing and proposed.
- o) All details of internal ramps between parking levels.
- p) A swept path analysis is required demonstrating that an 85th percentile vehicle can manoeuvre in and out of the garage spaces in accordance with AS 2890.1 2004 "Off Street Parking".

- q) Pipelines within the footpath area must be hot dipped galvanized rectangular steel hollow section with a minimum wall thickness of 4.0 millimetres and a section height of 100 millimetres.
- r) Arrangements must be made with council's traffic engineering department for the existing parking restriction sign relocation. All relocation cost must be raised by the applicant.

All driveway and infrastructure works on the road reserve must proceed in accordance with the terms of the permit issued by Council. Inspections by Council will be required as specified on the permit. The Certifying Authority issuing the relevant Construction Certificate must ensure that the permit issued by Council is obtained prior to its issue, is referenced on and accompanies the relevant Construction Certificate issued.

(Reason: To facilitate appropriate vehicular access to private sites, without disruption to pedestrian and vehicular traffic)

### **Stormwater Management and Disposal Design Plan - Construction Issue Detail - CC2**

- C20. Prior to issue of the relevant Construction Certificate, the applicant shall have a site drainage management plan prepared by a qualified drainage design engineer. The site drainage management plan must detail the following requirements of North Sydney Council:
- a) Compliance with BCA drainage requirements, Councils Engineering Performance guide and current Australian Standards and guidelines, such as AS/NZ3500.3.2 1998, National Plumbing and Drainage Code.
  - b) The majority of stormwater runoff and subsoil drainage generated by the approved dwellings must be conveyed in a controlled manner by gravity to Council's kerb in Shirley Road via OSD system. Kerb stormwater outlets (if more than one) must be no less than 10 m apart from each other. Stormwater that cannot be drained to the street kerb, must be drain towards back of the property to the "soak away pit" - structure.
  - c) All redundant stormwater pipelines within the footpath area shall be removed and the footpath and kerb reinstated.
  - d) Pipelines within the footpath area shall be hot dipped galvanized steel rectangular hollow section with a minimum wall thickness of 4.0 millimetres and a section height of 100 millimetres.
  - e) Provision is to be made for the collection and disposal in an approved manner of any overland flow entering the subject property, or concentrated as a result of the proposed works.
  - f) All sub-soil seepage drainage shall be discharged via a suitable silt arrester pit. Details of all plans certified as being adequate for their intended purpose and compliant with the provisions of AS3500.3.2 by an appropriately qualified and practising civil engineer, shall be submitted with the application for a Construction Certificate.

- g) The design and installation of the Rainwater Tanks shall comply with Basix and **Sydney Water** requirements. Overflow from tank shall be connected by gravity to the stormwater disposal system.
- h) Prevent any stormwater egress into adjacent properties by creating physical barriers and surface drainage interception.

Details demonstrating compliance are to be submitted with the relevant Construction Certificate.

The Certifying Authority issuing the relevant Construction Certificate must ensure that the approved drainage plan and specifications, satisfying the requirements of this condition, is referenced on and accompanies the relevant Construction Certificate.

(Reason: To ensure controlled stormwater management and disposal without nuisance)

### **On-Site Stormwater Detention - CC2**

- C21. On site detention must be provided to ensure that the maximum discharge from the site towards kerb and gutter does not exceed 22l/s discharge which would occur during a 1 in 20-year storm. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.

Determination of the required cumulative storage must be based on the mass curve technique as detailed in Technical Note 1, Chapter 14 of the Australian Rainfall and Runoff Volume 1, 1987 Edition.

Engineering calculations, design and certification complying with this condition must be provided by an appropriately qualified and practising Civil Engineer and submitted to the Certifying Authority for approval prior to the issue of the relevant Construction Certificate.

(Reason: To ensure appropriate provision is made for the disposal and management of stormwater generated by the development, and to ensure that public infrastructure in Council's care and control is not overloaded)

### **Tree Protection Measures to be shown on Construction Drawings - CC1 and CC2**

- C25. The tree protection measures contained in Section 3 and Attachment A of the arborist report prepared by RainTree Consulting, dated 23 November 2017, and received by Council on 20 December 2017, and the arborist addendum report prepared by RainTree Consulting, dated 6 August 2018 and the arborist report titled 'Stage 1 Works - Arboricultural Report' prepared by RainTree Consulting, dated 24 September 2020 shall be shown clearly on the Construction Certificate drawings for the relevant construction certificate. Plans and specifications showing the said tree protection measures must be submitted to the Certifying Authority for approval prior to the issue of ~~any~~ the relevant Construction Certificate. The Certifying Authority must ensure the construction plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure that appropriate tree protection measures are shown on construction drawings)

**Protection of Trees - CC1 and CC2**

- C26. With the exception of the trees identified for removal in Section 3 of the arborist report prepared by RainTree Consulting, dated 23 November 2017, and received by Council on 20 December 2017, and Section 2 of the arborist report titled 'Stage 1 Works - Arboricultural Report' prepared by RainTree Consulting, dated 24 September 2020 all trees within the site and adjoining land are required to be protected and retained as part of the development consent in accordance with AS 4970-2009 - Protection of trees on development sites.

Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of the relevant Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

Any tree(s) shown as being retained on the approved plans must be protected and retained in accordance with this condition.

(Reason: Protection of existing environmental and community assets)

**Garbage and Recycling Facilities - CC2**

- C27. Adequate provision must be made for the storage of waste and recyclable material generated by the premises. Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of the relevant Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure the provision of appropriate waste facilities and to ensure efficient collection of waste by collection contractors)

**Compliance with Acoustic Report -CC1 and CC2**

- C30. The recommendations contained in the acoustic report prepared by Acoustic Logic dated 21 June 2017, must be implemented during construction and use of the development.

A statement from an appropriately qualified acoustical consultant eligible for membership of the Association of Australian Acoustic Consultants, certifying that the acoustic mitigation measures outlined in the above stated report have been suitably incorporated into the development and that relevant noise criteria have been satisfied, must be submitted to the Certifying Authority for approval prior to the issue of the relevant Construction Certificate.

The Principal Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To maintain an appropriate level of amenity for adjoining land uses)

**Construction Noise Management Plan - CC1 and CC2**

C31. A Construction Noise Management Plan must be prepared by an appropriately qualified acoustical consultant eligible for membership of the Association of Australian Acoustic Consultants, and must include the following:

- a) Identification of noise affected receivers near to the site.
- b) A prediction as to the level of noise impact at noise affected receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite.
- c) Details of work schedules for all construction phases;
- d) A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the Environment Protection Authority's Interim Construction Noise Guideline ("ICNG").
- e) Representative background noise levels should be submitted in accordance with the ICNG.
- f) Confirmation of the level of community consultation that is to be undertaken by occupants at noise affected receivers likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
- g) Confirmation of noise monitoring methodology that is to be undertaken during the noise intensive stages of work including details of monitoring to be undertaken at the boundary of any noise affected receiver.
- h) What course of action will be undertaken following receipt of a complaint concerning offensive noise.
- i) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupants at noise affected receivers.
- j) Details of selection criteria for any plant or equipment that is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on occupants at noise affected receivers and other less intrusive technologies available; and
- k) Details of site induction to be carried out for all employees and contractors undertaking work at the site.

"affected receiver" includes residential premises (including any lot in the strata scheme or another strata scheme), premises for short-term accommodation, schools, hospitals, places of worship, commercial premises and parks and such other affected receiver as may be notified by the Council in writing.



“boundary” includes any window or elevated window of an affected residence.

The Construction Noise Management Plan and must be submitted to the Principle Certifying Authority and a copy provided to Council prior to the issue of the relevant Construction Certificate.

(Reason: To ensure noise generating activities are appropriately managed and nearby sensitive receivers protected)

### **Top Floor Balcony Planting - CC2**

C32. To maintain acceptable levels of privacy to adjoining properties, a 1m wide planter box must be provided to the outer perimeter of the balcony on the top floor of the health services building. Plantings must be installed and maintained within the planters to a mature height of 1.5 metres above finished floor level. Details of the screen planting required by this condition must be provided to the Certifying Authority for approval prior to the issue of the relevant Construction Certificate. The Certifying Authority must ensure that the details submitted fully satisfy the requirements of this condition.

(Reason: To preserve the privacy of adjoining properties)

### **Outdoor Lighting - CC1 and CC2**

C34. All outdoor lighting must comply with, where relevant AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282:1997 Control of the Obtrusive Effects of Outdoor lighting. Details demonstrating compliance with these requirements must be submitted to the Certifying Authority for approval prior to the issue of the relevant Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition.

(Reason: To maintain the amenity of adjoining land uses)

### **Vegetation Management Plan - CC2**

C36. A Vegetation Management Plan for the site is to be developed and submitted to Council for approval by the Bushland Management Team prior to issue of the relevant Construction Certificate.

The Vegetation Management Plan should provide a strategy for the transition of the rear portion of the block from a mostly weedy/exotic mix of plants to a more native-dominated and structurally diverse bush habitat garden, with consideration for bushfire management, and integration of stormwater management including incorporation of an ephemeral creekline connecting to the Badangi Reserve creek.

The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced and accompanying the issued Construction Certificate, is consistent with a Vegetation Management Plan approved in writing by Council.

The recommendations of the Vegetation Management Plan must be implemented and reviewed within 2 years of issue of the Occupation Certificate.

(Reason: Bushland management)

### **Protection of Trees - CC1 and CC2**

- D1. All trees that are specifically nominated to be retained by notation on plans or by condition as a requirement of this consent must be maintained and protected during demolition, excavation and construction on the site in accordance with AS4970-2009 (Protection of trees on development sites).

A report containing recommendations, and methods of tree protection prepared by an appropriately qualified person must be provided to the Certifying Authority for approval by an appropriately qualified person prior to commencement of relevant works on the site. Any recommendations must be undertaken for the duration of works on the site.

(Reason: To ensure compliance with the requirement to retain significant planting on the site)

### **Sydney Water Approvals - CC1 and CC2**

- D4. Prior to the commencement of the relevant works, the approved plans must be submitted to Sydney Water to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The Certifying Authority must ensure that Sydney Water has appropriately stamped the plans before the commencement of the relevant building works.

Notes:

- **Sydney Water Building Plan Approvals** can be obtained from the Sydney Water Tap in™ online service. Building plans must be submitted to the Tap in™ to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met. For further information, visit <http://www.sydneywater.com.au/tapin/index.htm> or call 13 000 TAP IN (1300 082 746) for further information.

(Reason: To ensure compliance with Sydney Water requirements)

### **Protection of Trees - CC1 and CC2**

- E15. All trees required to be retained, as part of this consent must be protected from any damage during construction works in accordance with AS4970-2009. All recommendations contained within Section 3 of the tree report prepared by RainTree Consulting dated 23 November 2017 and Section 2 of the arborist report titled 'Stage 1 Works - Arboricultural Report' prepared by RainTree Consulting, dated 24 September 2020 must be implemented for the duration of the relevant works.

In the event that any tree required to be retained is damaged during works on the site, notice of the damage must be given to Council forthwith.

Notes:

- a) If the nominated tree is damaged to a significant degree or removed from the site without prior written approval being obtained from Council, the issuing of fines or legal proceedings may be commenced for failure to comply with the conditions of this consent.
- b) An application to modify this consent pursuant to Section 96 of the Environmental Planning and Assessment Act 1979 will be required to address the non-compliance with any of the conditions of consent relating to the retention of nominated trees, and Council may require tree replenishment.

(Reason: Protection of existing environmental infrastructure and community assets)

**2. To add the following conditions of consent:**

**Development in Accordance with Plans (S4.55 Amendments)**

A9. The development being carried out in accordance with plans identified in Condition A1 of the consent and endorsed with Council's approval stamp, except as modified by the modifications shown in colour on:

Plan No.	Issue date/ Rev	Description	Prepared by	Dated
A0102	H	Staging Plan	Team 2 Architects	4/12/2020
A1020	E	Carpenter house - Early Works - Ch South Facade	Team 2 Architects	4/12/2020
A0200	G	Demolition Plan	Team 2 Architects	28/10/2020
A0201	C	Carpenter House - Demolition Elevations	Team 2 Architects	22/09/2020
A2100	C	Carpenter House - Proposed Elevations	Team 2 Architects	22/09/2020
A2105	A	Street Elevations	Team 2 Architects	4/12/2020

except as amended by the following conditions and this consent.

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information)

**Staged Construction**

C37. The works may be carried out in stages with the relevant conditions being satisfied prior to the issue of a construction certificate and/or the commencement of works for each stage as follows:

Stage	Condition/s to be satisfied
CC1 - Early works to Carpenter House and the preparatory works for the driveway widening	A8, B1, C3, C5, C6, C7, C14, C19, C25, C26, C30, C31, C34, D1, D4, E15
CC2 - New building, site works in vicinity of new building	A2, A8, B1, C3, C4, C5, C6, C7, C10, C11, C12, C13, C14, C15, C17, C18, C19, C20, C21, C25, C26, C27, C30, C31, C32, C34, C36, D1, D4, E15

If any of the conditions are not referenced in the above table, the conditions must be satisfied prior to the issue of any construction certificate or prior to commencement of any works (as referenced in the relevant conditions)

(Reason: To clarify the conditions that will need to be satisfied prior to the issue of the relevant construction certificate).

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The proposed modifications are considered to be generally consistent with the originally approved development application and s.4.55 of the EP & A Act 1979. Furthermore, the modifications do not result in any material amenity impact to adjoining properties or the surrounding area. The proposed modifications are consistent with the reasons for the granting of development consent to the originally approved development and is considered to be acceptable.

The proposed modifications will not adversely affect the heritage significance of the site.

There is nothing in the planning legislation which prohibits the splitting of a consent into stages via multiple construction certificates. Further, the recommended changes to the conditions, into two stages, corresponds with the relevant works. It is noted that most of the conditions relate to the new health facility at the rear of the site. The terms of these conditions will still need to be satisfied prior to the issue of the construction certificate for this new building.

**Reason for approval:**

Given the consent relates to both the new health facility at the rear and alteration and additions to Carpenter House at the front of the site, and to ensure the orderly development of land and for constructability purposes it make sense for the works to Carpenter House and the demolition of the ancillary buildings at the front of the site to occur before works commences for the new building.

Some conditions relate to both stage 1 and 2, which means that these works will need to be satisfied prior to the issue of each construction certificate.

The length of the construction process is unfortunately not a matter for consideration under Section 4.15 of the Act. Appropriate conditions will remain in place for the duration of the construction to appropriately safeguard surrounding properties.

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The issues raised within the submissions have been considered in detail within the planning report and where appropriate, conditions recommended to address the issues raised.

Having regard to the provisions of section 4.55 & 4.15(1) of the Environmental Planning and Assessment Act 1979, the proposed development as modified is substantially the same development as originally consented to. The application can therefore be approved.

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**How community views were taken into account:**

The subject application was notified to adjoining properties and Wollstonecraft Precinct inviting comment between 9 to 23 October 2020 and then again between 30 October and 13 November 2020. This second period of notification was due to an error in the description of the proposal on the first notification letter. There was a total of fifteen (15) submissions which have been addressed in the delegated report.

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The conditions attached to the original consent for Development Application No. 326/17 by endorsed date of 28 November 2018 still apply.

**ADVISINGS**

- (a) Council is always prepared to discuss its decisions and in this regard, please do not hesitate to contact **the undersigned**. However, if you wish to pursue your rights of appeal in the Land and Environmental Court pursuant to Section 8.7 of the Environmental Planning and Assessment Act 1979 (as amended), you are advised that Council generally seeks resolution of such appeals through a Section 34 Conference, instead of a full Court hearing, subject to any further advice to the contrary from Council's Solicitors and senior staff. Such an approach is less adversarial, it achieves a quicker decision than would be the case through a Court hearing and it can give rise to considerable cost and time savings for all parties involved.
- (b) Pursuant to Section 8.2, an applicant is able to request Council to review its determination. An application for a review under Section 8.2 of the Act must be made no later than 28 days after the date on which the application for the modification of the development consent was determined.
- (c) Prior to commencing any building, subdivision or associated constructions works, the following provisions of the Environmental Planning and Assessment Act 1979 (the 'Act') are to be complied with:
  - (i) A Construction Certificate is to be obtained in accordance with Section 6.3 of the Act.
  - (ii) A Principal Certifier is to be appointed and Council is to be notified of the appointment in accordance with Section 6.6 of the Act.

- (iii) Council is to be notified at least two (2) days of the intention to commence building works, in accordance with Section 6.6(2)(a) of the Act.
  
- (d) You are advised that changes to the external configuration of the building, changes to the site layout, density and unit configuration internal changes to the proposed building or any changes to the proposed operation of a use **MAY** require the submission of a further modification under Section 4.55 of the Environmental Planning & Assessment Act, 1979 (as amended).

Council staff would be pleased to assist in identifying such changes which may require the submission of a modification of a Development Application under Section 4.55 of the Environmental Planning & Assessment Act.

**Endorsed for and on behalf of North Sydney Council**

\_\_\_\_\_  
DATE

\_\_\_\_\_  
Signature on behalf of consent authority  
LUKE DONOVAN  
**SENIOR ASSESSMENT OFFICER**