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D183/18
LH (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 183/18/4- APPROVAL**

Development Consent Number: 183/18/4

Land to which this applies: 7-11 Mount Street, North Sydney
Lot No.: 1, DP: 225258

Applicant: Roger C Corbin Pty Ltd

Proposal:

To modify a development consent DA183/18 for various modifications to an approved development scheme for demolition of Anderledy Lodge, the Hermitage and the existing basement and construction of a four-level building to be used for short term hotel accommodation and ancillary rooms, basement car parking and landscape works.

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. **183/18** and registered in Council's records as Application No. **183/18/4** relating to the land described as 7-11 Mount Street, North Sydney.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 6 March 2019 has been determined in the following manner:

1. Condition C14 be amended as follows:

Required Infrastructure Works - Roads Act 1993

C14. Prior to issue of any 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. An application must be made to Council on a 'To Satisfy DA Consent Condition' form with payment of the adopted assessment/inspection fees.

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) All elements of the works within the road reserve must be constructed in accordance with the latest version of Council's documents:
 - *Infrastructure Specification,*
 - *Public Domain Style Manual and Design Codes*
 - *Vehicular Access Application Guidelines and Specification*
- b) Construction of a new full width footpath pavement in accordance with Council's *Public Domain Style Manual and Design Codes*, for the Special Areas - Education Precinct, is required across the entire site frontage in William Street, including the corner and kerb ramp at the intersection of William Street and Mount Street. A longitudinal section is required along the footpath property boundary at a scale of 1:50@A3, extending 5.0 m past the property side boundary lines.
- c) All new footpaths shall be designed and constructed at a single straight cross fall grade of 3.0% falling to the kerb so that it is uniform without showing signs of dipping or rising particularly at entrance.
- d) Construction of a fully new 150 mm high granite kerb and concrete gutter in accordance with Council's *Public Domain Style Manual and Design Codes*, for the Special Areas - Education Precinct, is required across the entire site frontage in William Street, including the corner and kerb ramps at the intersection of William Street and Mount Street. A longitudinal section is required along the gutter line (existing and proposed levels), at a scale of 1:50 extending 5.0 m past the property boundary line.
- e) The two (2) new vehicular crossings (access to the new basement parking and the new loading dock) must be constructed in accordance with Council's *Public Domain Style Manual and Design Codes*, for the Special Areas - Education Precinct.
- f) A replacement kerb ramp must be constructed, in accordance with Council's *Public Domain Style Manual and Design Codes*, for the Special Areas - Education Precinct, at the intersection of William Street and Mount Street.
- g) Reconstruction of the carriageway shoulder in William Street and Mount Street is required, extending out 1200 mm from the gutter lip in AC10 – 50 mm thick, adjacent to all new kerb/gutter works.
- h) Full width road carriageway surface reconstruction is required in William Street if the existing road surface is damaged, during the course of demolition, excavation and construction works, (a detailed dilapidation report on Council's infrastructure must be lodged for that purpose).

- i) Cross sections along the centre-line of each access point to the building at a scale of 1:50 to be taken from the existing top of kerb must be provided. The sections are to show the calculated clearance to the underside of any overhead structure and must include all changes of grade, both existing and proposed. Any twisting of access levels to ensure safe pedestrian ingress/egress (including disabled access for visitors and pedestrian) must occur entirely within the boundaries of the subject property. All the entry points are to comply with the Building Code of Australia (BCA), particularly disability requirements. The Council approved footpath levels must be accommodated at the building entry points.
- j) Application for any proposed temporary driveway crossings, must be submitted to Council with plans for approval prior to the issue of the relevant Construction Certificate. To obtain the permit, an application must be made to Council on a '*Vehicular Access Application*' (with notification "Temporary") form and with payment of the adopted assessment/inspection fees.

Drainage Works

Connection of the site stormwater drainage system must be made directly to a newly constructed grated inlet gully pit (with granite lintel) in William Street. To accommodate this requirement, the following drainage infrastructure works must be carried out on Council property at the Applicants expense;

- a) construction of a standard grated gully pit with extended kerb inlet (1.8 m granite lintel) in the kerb fronting the subject site in William Street. The pit must be constructed in accordance with Councils "Infrastructure Specification for Roadworks, Drainage and Miscellaneous Works" and Council's *Public Domain Style Manual and Design Codes*, for the Special Areas - Education Precinct;
- b) *deleted*
- c) *deleted*
- d) all stormwater collected within the subject property must be directed to an isolation pit located entirely within the boundaries of the property;
- e) all stormwater collected in the isolation pit within the property must be conveyed in a controlled manner by gravity via a private underground pipeline with a direct connection to the newly constructed grated inlet gully pit fronting the site in William Street;
- f) the proposed isolation pit located within the property must have a solid fixed lid;
- g) all stormwater discharging from the proposed isolation pit within the property into the private underground pipeline must be at a maximum discharge rate of 22 l/s;
- h) the private underground pipeline must only collect and discharge stormwater from the subject property;
- i) the private underground pipeline within the road reserve shall have a minimum cover of 300 mm;

- j) the private underground pipeline within the road reserve must be hot dipped galvanized steel rectangular hollow section with a minimum wall thickness of 4.0 millimetres and a section height of 100 millimetres;
- k) all drainage works on Council land must be constructed in accordance with Councils “Infrastructure Specification for Roadworks, Drainage and Miscellaneous Works” and Council’s *Public Domain Style Manual and Design Codes*, for the Special Areas - Education Precinct.

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. 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 RTA Traffic Control at Work Sites (1998).

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. An application must be made to Council on a ‘*To Satisfy DA Consent Condition*’ form with payment of the adopted assessment/inspection fees. 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.

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

Construction of the works must proceed only in accordance with any conditions attached to the Council Roads Act 1993 approval.

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

2. ***Condition C18 (Pump-Out System Design for Stormwater Disposal) be deleted.***

3. ***Condition C21 be amended as follows:***

Tree Protection Measures to be shown on Construction Drawings

C21. The tree protection measures contained in the arborist report prepared by Raintree Consulting, dated 11 October 2017 and received by Council on 19 June 2018 shall be shown clearly on the Construction Certificate drawings. These tree protection measures shall be amended to include:

- The protection of trees detailed in the Amended Landscape Plan 01, 02 and 03, all issue E prepared by Matthew Higginson, dated 8/3/2019 and received at Council on 18/3/2019 and;
- Amended Landscape Plans SK01 Revision 02 and SK 02 Revision 02, prepared by Mathew Higginson Landscape Architecture Pty Ltd, dated 15/12/2020 and received at Council on 16/12/2020.
- **As amended by Landscape Plans SK01 Revision 02 and SK 02 Revision 04, prepared by Mathew Higginson Landscape Architecture Pty Ltd, dated 4/5/2021 and received at Council on 12/5/2021, and**
- All relevant conditions of consent.

Plans and specifications showing the said tree protection measures must be submitted to the Certifying Authority for approval prior to the issue of any 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)

4. Condition E16 be amended as follows:

Protection of Trees

E16. 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 for the duration of the works and shall include:

- 1) All recommendations contained within the tree report prepared by Raintree Consulting, dated 11 October 2017 and received by Council on 19 June 2018, and;
- 2) As amended by Landscape Plans 01, 02 and 03, all issue E prepared by Matthew Higginson, dated 8/3/2019 and received at Council on 18/3/2019, and;
- 3) **As amended by Landscape Plans SK01 Revision 02 and SK 02 Revision 04, prepared by Mathew Higginson Landscape Architecture Pty Ltd, dated 4/5/2021 and received at Council on 12/5/2021, and**
- 4) As amended by relevant conditions of consent,

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. Note:

- 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 4.55 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 the existing environmental infrastructure and community assets)

5. *Condition G8 (Covenant and Restriction Stormwater Control Systems) be deleted*

6. *Condition G9 (Basement Pump Out Maintenance) be deleted*

7. *Condition G15 be amended as follows:*

Landscaping

G15. Prior to the issue of any Occupation Certificate, all landscaping shown on approved plans must be completed in accordance with the following requirements:

- Approved plans being Landscape Plan Nos. 01, 02 and 03, all issue E prepared by Matthew Higginson Landscape Architecture Pty Ltd, dated 8/3/2019 and received at Council on 18/3/2019, and
- As amended by Landscape Plan SK01 Revision 02 and SK 02 Revision 02, prepared by Mathew Higginson Landscape Architecture Pty Ltd, dated 15/12/2020 and received at Council on 16/12/2020, and
- **As amended by Landscape Plans SK01 Revision 02 and SK 02 Revision 04, prepared by Mathew Higginson Landscape Architecture Pty Ltd, dated 4/5/2021 and received at Council on 12/5/2021, and**
- As amended by all relevant conditions of consent.

The landscape plans shall be amended to be consistent with all relevant conditions of consent.

(Reason: To ensure compliance with landscaping provisions)

8. *Condition G18 be amended as follows:*

Required Tree Planting

G18. On completion of works and prior to the issue of an Occupation Certificate, trees in accordance with the schedule hereunder must be planted on the site:

Schedule

Tree Species	Location	Pot Size
Three (3) replacement canopy trees capable of reaching a mature height of minimum 7 m	Within the subject site	45 Litres
2 x <i>Lagstroemia</i> (<i>Crepe Myrtle</i>)	Southwest of the Temuka Building in the location to replace Tree No. 35.	100 Litres
2 x <i>Elaeocarpus reticulatus</i> (<i>Blueberry Ash</i>) 1 x <i>Brachychytonacerifolia</i> (<i>Illawarra Flame Tree</i>)	Adjacent to Shore School in the location to replace existing trees T7, T8 and T9.	45 Litres

The planting and maintenance of these trees shall be supervised by the project arborist, who shall provide a report to Council at eight-week intervals, from the time of planting until six months after completion of works.

Prior to the issue of an Occupation Certificate, a report prepared by an appropriately qualified person (being an arborist or the like) must be submitted to the Certifying Authority, describing the health of the trees. The report must detail the condition and health of the nominated trees upon completion of the works and shall certify that the trees have not been significantly damaged during the works on the site and have reasonable prospects for survival.

(Reason: To ensure that replacement plantings are provided to enhance community landscaped amenity and cultural assets)

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 replacement landscaping is considered to be acceptable. Council's Development Engineer supports the proposed modifications to engineering requirements.

Reason for Approval:

The proposed modifications are consistent with the reasons for the granted of development consent to the originally approved development and is considered to be acceptable.

Having regard to the provisions of section 4.55 and 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 is therefore recommended for **approval**.

How community views were taken into account:

No submissions were received.

The conditions attached to the original consent for Development Application No. 183/18 by endorsed date of 6 March 2019 still apply.

ADVISINGS

- (a) Council is always prepared to discuss its decisions and in this regard, please do not hesitate to contact **Lara Huckstepp**. 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 and 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 and Assessment Act.

Endorsed for and on behalf of North Sydney Council

DATE

Signature on behalf of consent authority
LARA HUCKSTEPP
EXECUTIVE ASSESSMENT OFFICER