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Department of Planning  
**Attention: Ben Eveleigh**  
GPO Box 39  
SYDNEY NSW 2001



12 December 2011

Dear Sir

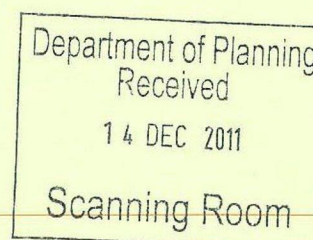
**RE: PROPOSED MAJOR PROJECT APPLICATIONS MP 10\_0149 & MP 10\_0150  
20 EDWARD STREET, NORTH SYDNEY (GRAYTHWAITE)  
AMENDED PROPOSAL AND REVISED EA**

The abovementioned amended applications were the subject of a report considered by Council at its meeting held on 5 December 2011.

At this meeting Council resolved as follows:-

A. **THAT** Council resolves to **OBJECT** to the Part 3A Applications (MP 10\_0149 and MP 10\_0150) at No. 20 Edward Street, North Sydney (Graythwaite) on the following grounds:

1. The Major Project Application made on 20 September 2010 relates to Lot 2 DP 539853 (Graythwaite site) and part of Lot 1 DP 120268 (part of Shore site), however, the project has been expanded under the amended application and Revised EA to include a significant part of Shore school comprising up to nine (9) additional lots, and it is unclear as to whether the enlargement of the site can be accommodated by the original application. Additionally, it is also unclear as to whether the provisions of Part 3A facilitate the submission of an amended scheme and a Revised EA as post exhibition actions that the Director-General may require of the proponent.
2. Assessment and determination of the applications should be postponed until such time as the proposed 41 space car park under the new East Building is deleted, the proposal is amended to provide a formal pick-up/drop-off facility for the Preparatory and Senior students on-site, and a formal bus zone is provided on-site which can accommodate 11 buses. The amended application should then include a review of all traffic and transport issues for the entire Shore and Graythwaite site, once the above modifications have been incorporated into the proposal.





3. The proposed development does not satisfy objective (b) of the Special Uses Zone as it does not minimise adverse impacts on adjoining residential dwellings, including acoustic privacy, visual impact, and traffic and parking impacts. As such, the proposal does not satisfy the provisions of Clause 14 of NSLEP 2001 – *Consistency with aims of plan, zone objectives and desired character*.
  4. The proposal does not comply with the 8.5m building height development standards under both NSLEP 2001 and Draft NSLEP 2009, with the proposed 12m West Building being located adjacent to the interface of the site with adjoining residential dwelling houses. The 12m high West Building remains unsatisfactory with regard to aural privacy and visual impact on the adjoining low density residential dwellings in Bank Street.
  5. Insufficient information has been submitted in relation to the proposed East Building in order to facilitate a detailed assessment of potential impacts on Graythwaite mansion.
- B. **THAT** should the Department of Planning, contrary to Council's recommendation, intend to approve the application without seeking the recommended additional information and modifications, that all recommendations contained in this report in relation to town planning, building design, heritage, traffic and parking, BCA compliance and landscaping be included in any consent granted.
- C. **THAT** Council resolves that the Department of Planning be requested to forward any amended plans received to Council for review and comment.
- D. **THAT** Council is opposed to the lower terrace of Union Street being used in any way for a bus car park.
- E. **THAT** Council holds the view that the streets surrounding Shore School should be regarded as residential streets and prefers the advice from Council's Traffic Engineer over that of the traffic consultant (see attached report).

Please find attached the report considered by Council at its meeting of 5 December 2011 and recommended conditions of consent to be incorporated into the Department's condition set, in the event that approval is granted contrary to Council's recommendation.

Should you have any queries, George Youhanna, Executive Planner is handling the matter and can be contacted on telephone 9936-8100 and email:

[george.youhanna@northsydney.nsw.gov.au](mailto:george.youhanna@northsydney.nsw.gov.au)

Yours sincerely



Penny Holloway  
**GENERAL MANAGER**





**MEETING HELD ON 05/12/11**

**Attached:** Site Plan  
Concept and Stage 1 Plans

**REPORT TO THE GENERAL MANAGER**

**ADDRESS/WARD:** 20 Edward Street, North Sydney (Graythwaite) (V)

**APPLICATION No:** **PART 3A DEVELOPMENT** - Department of Planning  
Reference: MP 10\_0149; MP 10\_0150

**PROPOSAL:** Concept Plan application for Staged Development comprising the conservation and refurbishment of the Graythwaite House, parking and access works, development of additional buildings and associated demolition, and Project Application for Stage 1 including conservation and refurbishment works to existing buildings, stormwater improvements, landscaping, parking and access improvements.

**PLANS REF:** Drawings numbered A.000 to A007 Revision G, A.100 to A.104 Revision G, A.161, A.170 and A.060 to A.063, Revision G, and plans numbered AR.DA.0001 to AR.DA.0003, AR.DA.1001 to 1003, AR.DA.2001 to 2003, AR.DA.3001, AR.DA.4001 and AR.DA.5001, all Revision B, and plans numbered LT.001 to LT.011, all Revision E.

**OWNER:** Sydney Church of England Grammar School

**APPLICANT:** Sydney Church of England Grammar School

**AUTHOR:** George Youhanna, Executive Planner

**DATE OF REPORT:** 25 November 2011

**DATE OF EXHIBITION:** 9 November 2011 to 9 December 2011

**RECOMMENDATION** Council's objection is forwarded to the Department of Planning



## EXECUTIVE SUMMARY

This report has been prepared to provide Councillors with details of the revised Concept Plan and Project Application for extension of Shore School onto No. 20 Edward Street, North Sydney (the Graythwaite site), lodged with the Department of Planning pursuant to Part 3A (transitional arrangements) of the Environmental Planning and Assessment Act, 1979.

The revised Concept Plan seeks approval for the following:

1. Use of the Graythwaite site as an *educational establishment*, being an extension of the adjoining Shore campus
2. Conservation and adaptive reuse of Graythwaite House, the Coach House and other existing buildings on the site (and some demolition works)
3. Building envelopes (above and below ground) for new buildings on the Graythwaite and Shore sites with an additional gross floor area of 4,944.4m<sup>2</sup>
4. Pedestrian and vehicular access arrangements including a new student pick up facility and 48 car parking spaces
5. Capacity or potential to accommodate up to about 450 additional students and 45 additional staff
6. Landscape concept including removal of 98 trees (comprising 58 weed species, 16 inconsistent species, five minor vegetation, three garden escape, four colonisers, two poor quality one unstable Port Jackson Fig and nine located within building footprints or landscaping works)
7. Completion of the Concept Plan works in three stages (Stages may be separated into sub-stages and re-sequenced).

The concurrent revised Project Application for Stage 1 proposes the following development:

1. Conservation and refurbishment of Graythwaite House, the Coach House, Tom O'Neill Centre and associated garden area (the house will be used for administrative support and other activities and not for classes)
2. Minor demolition works
3. Drainage and stormwater improvements, site levelling and landscaping (significantly on the middle and lower terraces) including removal of 98 trees and transplanting of seven trees
4. Use of the Graythwaite middle and lower terrace as a play and educational space
5. Transport, traffic, parking and access improvements to the Graythwaite and Shore sites
6. Miscellaneous works including site fencing and lighting (to Graythwaite House and the driveway)
7. No anticipated increase in student or staff population.
8. Landscaping works on western side boundary adjoining properties that interface with the proposed West Building.

The revised proposal and Environmental Assessment (EA) has been lodged with the Department of Planning and is on exhibition from 9 November 2011 to 9 December 2011. This project is reported to Council in order for Council to provide a formal response to the Department of Planning on the proposed development.



The proposal raises a number of issues relating to impacts on surrounding dwellings, building height, bulk and scale, traffic and parking impacts and heritage impact.

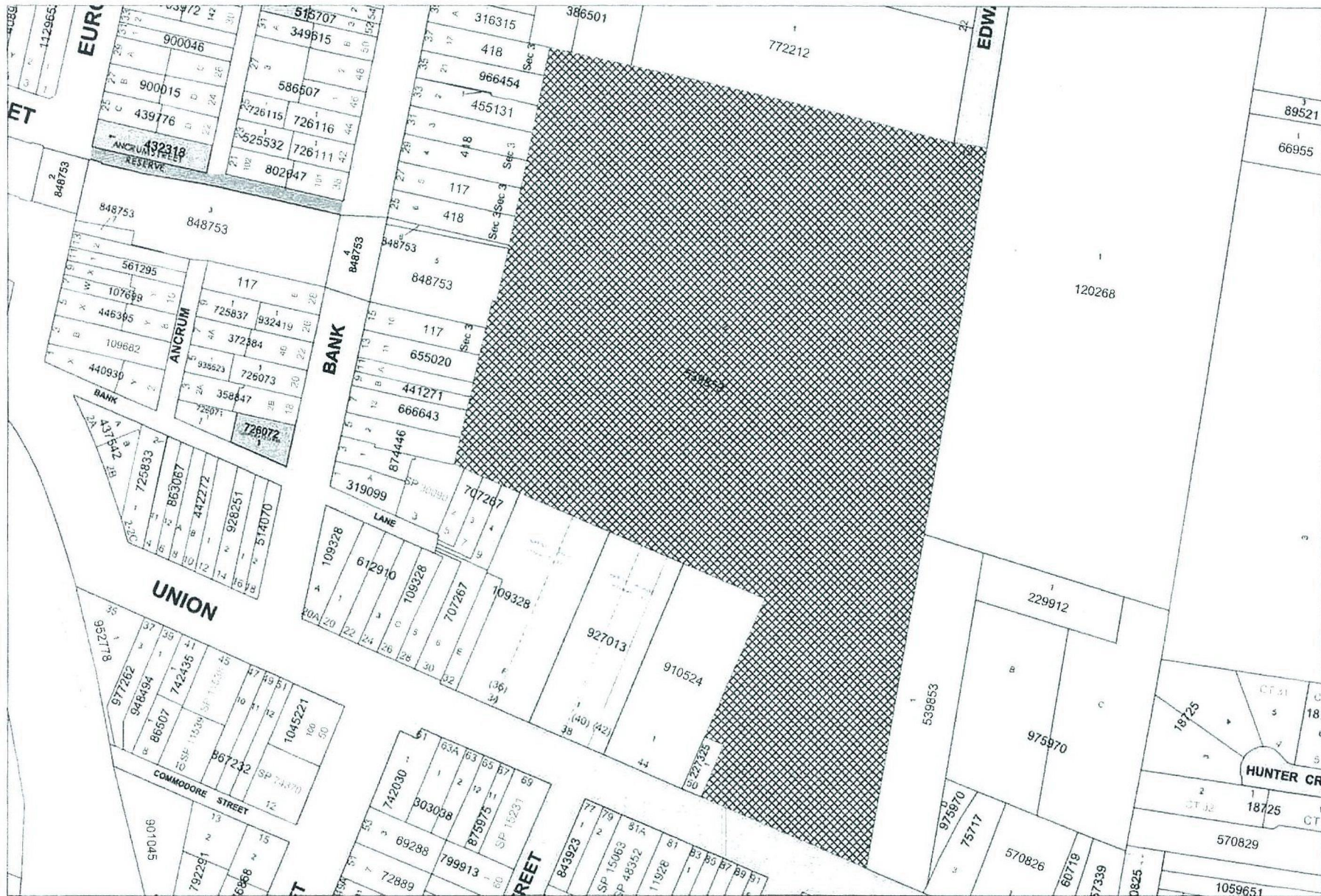
The Minister for Planning is the consent authority for the proposal and all submissions relating to the proposed development are to be considered by the Department of Planning rather than Council.

It is of importance to note in Council's consideration of this proposal that the provisions of Part 3A effectively remove a project so declared from the local planning process to the extent that the applicable Local Environmental Plans and Development Control Plans become guiding documents and are not given statutory weight.

This report considers the proposed development against the relevant controls and it is ultimately the recommendation of this report that Council objects to the proposed development in its current form, and forward a submission to the Department of Planning.



### LOCATION MAP



Property/Applicant      ● Submitters - Properties Notified



## DESCRIPTION OF PROPOSAL

On 9 June 2005, the NSW Parliament passed the *Environmental Planning and Assessment Amendment (Infrastructure and Other Planning Reform) Bill*. This contained key elements of the NSW Government's planning system reforms through major changes to both plan-making and major development assessment. The Act was assented to on 16 June 2005. A key component of the amendments was the insertion of a new Part 3A (Major Projects) into the *Environmental Planning & Assessment Act, 1979* (EP&A Act). On 1 August 2005, the new Part 3A and related provisions commenced.

Part 3A applies to major State government infrastructure projects, development previously classified as State significant, and other projects, plans or programs of works declared by the Minister. The State Environmental Planning Policy (SEPP) for State Significant Development gazetted on 25 May 2005, was accordingly amended to reflect the new arrangements and was renamed as State Environmental Planning Policy (Major Development) 2005.

Clause 20 of Schedule 1 of the SEPP (Major Development) 2005 identifies the following as being Part 3A Major Development:

### ***“20 Educational facilities***

*Development for the purpose of teaching or research (including universities, TAFE or schools) that has a capital investment value of more than \$30 million.”*

The proposed development has an estimated capital investment value of \$42,917,931, and is in excess of the \$30 million threshold. Under Clause 6 of the Major Development SEPP, the Minister has declared the project to be one to which Part 3A of the EP&A Act applies by virtue of it being development of a kind that is described in Schedule 1 of the SEPP (Major Projects). As such, the proposed development will be assessed by the NSW Department of Planning and the Minister for Planning is the consent authority.

It should be noted that although Part 3A of the Environmental Planning and Assessment Act 1979 was repealed on 28/9/2011, the project is subject to the transitional arrangements under Schedule 6A of the Environmental Planning and Assessment Act 1979 which facilitate assessment and determination under the provisions of Part 3A as a *transitional Part 3A project*.

The purpose of this report is to provide Councillors with details of the revised development, comments from Council's professional staff and consultants, consideration of the key issues associated with the proposal, and ultimately a recommendation from Council to the Department of Planning.



## DESCRIPTION OF PROPOSAL

The revised Concept Plan, Project Application and EA have been submitted to the Minister for Planning pursuant to Part 3A of the Environmental Planning and Assessment Act 1979. The applications address the Director-General's Requirements (see attachments) for the preparation of an Environmental Assessment for expansion of the Sydney Church of England Grammar School (Shore) educational establishment onto the Graythwaite site at 20 Edward Street, North Sydney (the Graythwaite site). The project also relates to part of the existing Shore Campus on William Street, North Sydney.

The revised Concept Plan seeks approval for the following:

1. Use of the Graythwaite site as an *educational establishment*, being an extension of the adjoining Shore campus
2. Conservation and adaptive reuse of Graythwaite House, the Coach House and other existing buildings on the site (and some demolition works)
3. Building envelopes (above and below ground) for new buildings on the Graythwaite and Shore sites with an additional gross floor area of 4,944.4m<sup>2</sup>
4. Pedestrian and vehicular access arrangements including a new student pick up facility and 48 car parking spaces
5. Capacity or potential to accommodate up to about 450 additional students and 45 additional staff
6. Landscape concept including removal of 98 trees (comprising 58 weed species, 16 inconsistent species, five minor vegetation, three garden escape, four colonisers, two poor quality one unstable Port Jackson Fig and nine located within building footprints or landscaping works)
7. Completion of the Concept Plan works in three stages (Stages may be separated into sub-stages and re-sequenced).

The concurrent revised Project Application for Stage 1 proposes the following development:

1. Conservation and refurbishment of Graythwaite House, the Coach House, Tom O'Neill Centre and associated garden area (the house will be used for administrative support and other activities and not for classes)
2. Minor demolition works
3. Drainage and stormwater improvements, site levelling and landscaping (significantly on the middle and lower terraces) including removal of 98 trees and transplanting of seven trees
4. Use of the Graythwaite middle and lower terrace as a play and educational space
5. Transport, traffic, parking and access improvements to the Graythwaite and Shore sites
6. Miscellaneous works including site fencing and lighting (to Graythwaite House and the driveway)
7. No anticipated increase in student or staff population.
8. Landscaping works on western side boundary adjoining properties that interface with the proposed West Building.



The following table from Volume 1A of the revised EA compares the original and revised schemes in terms of key numerical indices:

*Table 4 Comparison of the Original and Revised project*

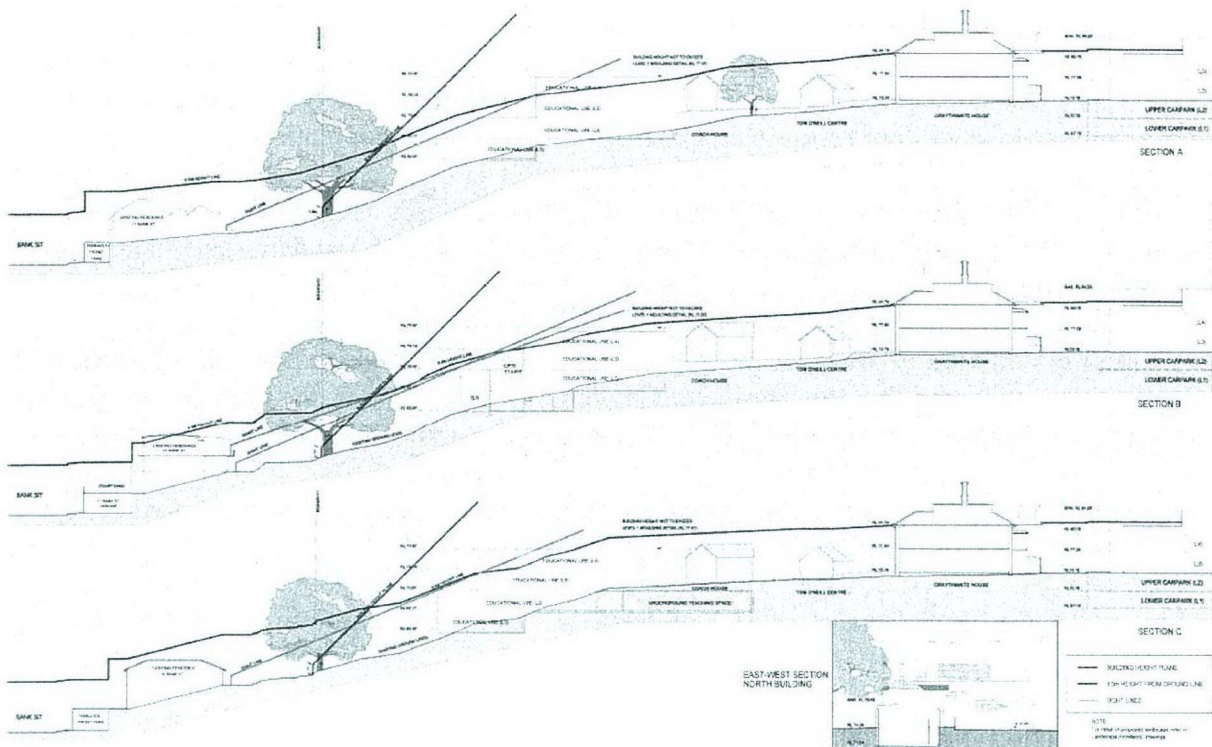
Attribute	Original EAR	Revised EAR	Change
<b>GFA</b>			
- Total (existing + proposed)	7,594.40m <sup>2</sup>	7,193.00m <sup>2</sup>	-401.4m <sup>2</sup>
- Net increase	5,345.80m <sup>2</sup>	4,944.40m <sup>2</sup>	-401.4m <sup>2</sup>
<b>Landscaped area</b>	20,307.6m <sup>2</sup> (75.84% site area)	20,687.2m <sup>2</sup> 77% site area	+360m <sup>2</sup>
<b>Additional population</b>	Up to 500 student Up to 50 staff	Up to 450 students Up to 45 staff	-10%
<b>West Building</b>			
- Western interface - storeys	3 storeys	2 storeys	-1 storey
- Western interface - metres	10.8m	8.5m	-2.1m
- Maximum height	14m	12m	-2m
- GFA	3,082.50m <sup>2</sup>	2,681.10m <sup>2</sup>	-401.4m <sup>2</sup>
- Footprint	11,301m <sup>2</sup>	10,378m <sup>2</sup>	-923m <sup>2</sup>
- Setback	16.8m – 18.8m	20.8m – 27.8m	+4m (or more)
<b>Parking spaces</b>	48 spaces	48 spaces	-
<b>Pick-up facility</b>	As existing	New pick-up facility (Stage 2)	

The figures below include an indicative east-west section and plan of the proposed development. It should be noted that detailed design of the East Building, West Building and North Building would be subject to further future project applications. The section drawing provides an indication of the proposed massing of the building envelopes sought in relation to surrounding development.



**Figure 1 – Proposed Site Plan**





**Figure 2 – East-west sections showing: Nos.27, 31 and 35 Bank Street, West Building, Graythwaite and East Building**

The Major Project application submitted to the Department of Planning states that the development will result in approximately 250 construction jobs and approximately 50 full time jobs. It is assumed that the 50 full time jobs created by the proposal are the 50 additional staff positions (now revised to 45 staff) specified in the Statement of Environmental Effects. In this regard, Shore School have orally advised Council at briefing meetings that it is not intended to increase student or staff numbers as a result of the proposed development.

This advice is inconsistent with the Major Project application and details contained in the revised EA which state that the proposal has the capacity to accommodate approximately 450 additional students and 45 additional staff. More specifically, section 1.3 of the revised EA states in relation to alternative design and expansion options that:

*Alternative design and expansion options include:*

- *No school expansion: This option is not feasible as Shore's existing and potential future student population cannot be satisfactorily accommodated on the existing Shore site. Additional buildings and grounds are required.*

The claim that it is not intended to increase student or staff numbers is inconsistent with the submitted Transport and Accessibility Impact Assessment and the Acoustic Impact Assessment, which both assess the proposal on the basis of a potential 450 additional students and 45 additional staff.



Finally, the claim of no increase in student or staff numbers is inconsistent with the very nature of the proposal, which seeks approval for additional gross floor area of 4,944.40m<sup>2</sup> at a cost of \$42,917,931. It is considered unrealistic to suggest that the 4,944.40m<sup>2</sup> of additional floor area at significant expense will not result in an expansion of the school population.

On the basis of the above it is assumed that for the purpose of this assessment, the proposal will potentially (by the completion of Stage 3) result in an additional 450 students and 45 staff at the school.

In relation to community access to the Graythwaite site, the Conservation Management Plan (CMP), now endorsed by the Heritage Council, includes under the section of General Management Policies the following policy on stakeholder and community engagement:

*Policy 14 Where appropriate the Shore School should consider holding periodic open days at relevant times of the year.*

Additionally, the Draft Concept Plan Statement of Commitments provides for the following access:

*11. Public access to Graythwaite*

*Community access to the Graythwaite site will be available at nominated times throughout the year (eg. Heritage Week by arrangement). Community access will only be provided on the basis that it does not interfere with school activities.*

## **Stages 2 and 3**

Development in proposed Stages 2 and 3 (subject to further Project Applications) includes the following:

### **Stage 2**

- Development of a new building to the north of the house which may be used for education or administration purposes (North Building)
- Demolition of the Ward Building to the east of Graythwaite House
- Construction of a new building (two wings) to the east of the house for additional classrooms, teaching or other educational facilities (East Building)
- A new student pickup facility on the Shore School site, linking Union Street and Hunter Crescent and William Street.
- Capacity or potential to accommodate approximately 100 students and 10 staff

### **Stage 3**

- Construction of a new building to the west of the Graythwaite House for additional classrooms, teaching or other educational facilities (West Building). The West Building is proposed to be set back 20.8m to 33.6m from the western side boundary of the property, adjoining dwellings at Nos.25-37 Bank Street.
- Capacity or potential to accommodate approximately 350 students and 35 staff
- Potential demolition and replacement of the Tom O'Neill Centre



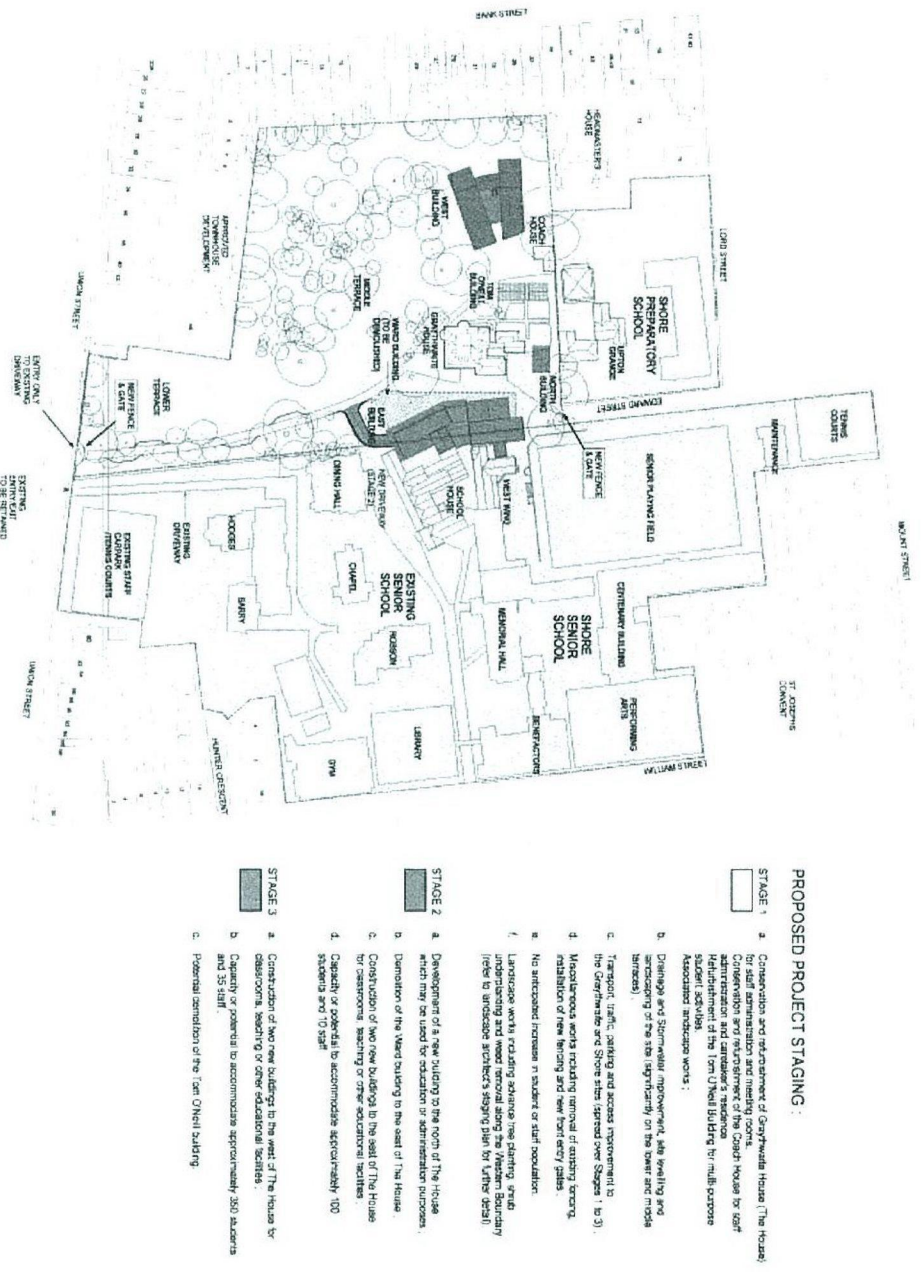


Figure 3 – Concept Plan staging diagram.

## STATUTORY CONTROLS

North Sydney LEP 2001

- Zoning – Special Uses Hospital (Graythwaite); Special Uses School (Shore School)
- Item of Heritage – Yes (Graythwaite – State Heritage Register)
- In Vicinity of Item of Heritage – Yes (multiple, including Shore School buildings)
- Conservation Area - No
- FSBL - No

S94 Contribution – No

Environmental Planning & Assessment Act 1979

SEPP No.19 – Bushland In Urban Areas

SEPP No. 55 – Remediation of Land

SEPP (Major Development) 2005

SEPP (Infrastructure) 2007

SREP (Sydney Harbour Catchment) 2005

Draft North Sydney LEP 2009

## POLICY CONTROLS

DCP 2002



The site as described on the Major Project Application form comprises Graythwaite and part of Shore School, with frontages to Edward and Union Streets, North Sydney. The legal description is Lot 2 DP 539853 (Graythwaite site) and part of Lot 1 DP 120268 (Shore site). The site area of Graythwaite is 2.678 ha. It is noted that the site has now been expanded under the amended application and Revised EA, to include a significant part of Shore school comprising up to nine (9) additional lots, in relation to the Stage 2 student pick-up options.

Existing buildings and structures include:

- The Graythwaite house complex—house, kitchen wing, former c1833 stables, former massage room/doctor's room, lavatory/bathroom block addition, associated enclosed links, courtyard and garden/yard walls
- The c1882 coach house
- The former Tom O'Neill Centre (1918)
- The ward building (c. 1918), recreation room and lavatory/bathroom block and link to the house.





## RELEVANT HISTORY

In October 2009, Sydney Church of England Grammar School (Shore) purchased the Graythwaite site with the objective of integrating the site into the existing school grounds.

Council were advised in correspondence from the Department of Planning, dated 1 October 2010, that an application had been received pursuant to Part 3A of the EP&A Act for the subject Concept Plan and Project Application for the site. Council was requested to review the draft Director-General's Requirements. Council provided a list of matters for inclusion in the DGR's in correspondence dated 18 October 2010.

Council was formally notified of the proposed Part 3A development on 19 January 2011, with the exhibition period starting on 27 January 2011 and concluding on 14 March 2011. The exhibition period end date was extended by the Department of Planning, from 28 February 2011 to 14 March 2011 as a result of a number of adjoining properties not being notified in writing of the proposal.

The original proposal and EA exhibition generated 151 public submissions and 7 submissions from other agencies, including one from North Sydney Council. Under the provisions of clause 75H(6) of Part 3A, the following post exhibition actions may be required

- (6) The Director-General may require the proponent to submit to the Director-General:*
  - (a) a response to the issues raised in those submissions, and*
  - (b) a preferred project report that outlines any proposed changes to the project to minimise its environmental impact, and*
  - (c) any revised statement of commitments.*
- (7) If the Director-General considers that significant changes are proposed to the nature of the project, the Director-General may require the proponent to make the preferred project report available to the public.*

There is no preferred project report available for viewing on the Department of Planning & Infrastructure website. Further, it is unclear which provisions enable the applicant to make significant amendments to the proposal and then lodge a Revised EA for re-exhibition.

Of additional concern is the expansion of the subject site from two (2) lots to eleven (11) lots, as the site area proposed for on-site pick up of students comprises up to nine (9) additional lots that were not part of the original site or scheme. While it is agreed that the proposed development of the site warrants detailed consideration of the potential traffic and parking impacts on the surrounding road network, as acknowledged to some extent by the amended application including options for on site pick-up of students, it is unclear whether the proposed amendments and expanded development site can be considered under the original Major Project Application or whether the revised scheme should be considered under a fresh application. It is noted that Part 3A was repealed prior to the amended scheme and Revised EA being submitted. These are ultimately procedural and statutory matters for the Department of Planning & Infrastructure to address.

## REFERRALS

### Heritage



Council's Conservation Planners Lucinda Varley and Lisa Truman have reviewed the proposal and provided the following heritage comments:

### **1. HERITAGE LISTINGS**

- *The property contains a heritage item of State Significance*
- *Located within the immediate vicinity of several heritage items being: Shore School, Upton Grange at 22 Edward St, Rockleigh Grange at 40 Edward St and Kailoa at 44 Union St.*
- *The property is not located within a Conservation Area, however it is located adjacent to the Union/Thomas/Bank Conservation area and in the vicinity of the Edward Street Conservation Area.*
- *Listed on the Register of the National Estate*

### **2. THE PROPERTY**

*The Property contains the late Victorian estate of 'Graythwaite' house and various outbuildings. The significance of the individual elements of the property and Graythwaite House, have been extensively assessed and researched in the Conservation Management Plan for the property. The CMP (Tanner Architects 2010) has been lodged with the Heritage Office of NSW, but has not yet been endorsed.*

### **3. THE PROPOSAL**

*The proposal is for staged development to accommodate facilities for use by the current owners of the site, being Sydney Church of England Grammar School (Shore). The application is for approval of two proposals which have been deemed 'Major Projects' and are therefore being assessed under Part 3A of the EPA. Council is not the approval authority, but has been asked to provide comments.*

*The current submission includes two separate applications:*

- **Application mp10\_0149** *is for a concept master plan for the entire site that outlines three future stages of works.*
- **Application mp\_0150** *is for the stage one works. Stage One works include the restoration of the Graythwaite House, works to the Tom O'Neill Centre and Coach House, new perimeter fences and gates, landscape and drainage works and change of use to educational establishment.*

### **4. ORIGINAL APPLICATION - BUILT HERITAGE ASSESSMENT**

*An assessment of the application, as originally submitted, was undertaken on 16 February 2011, and the following conclusion was made in relation to the heritage impact of the proposal, specifically on the built heritage of the site (landscape heritage was assessed separately by Lucinda Varley)*

*'The Stage One works propose the full restoration and conservation of Graythwaite House, which is strongly supported on heritage grounds. The Concept Master Plan proposes works that have generally been designed with respect to the heritage significance of the site and*



*seek to minimise any adverse impact, with some exceptions. The change of use to an 'educational establishment' is considered acceptable on heritage grounds.*

*However, two significant concerns are raised in relation to the applications, and a number of other recommendations are suggested in order to ensure that an adverse heritage impact is minimised.*

### **5.1. Concerns relating to the applications:**

#### **5.1.1 Lack of Heritage Council Endorsement of 2010 Graythwaite Conservation Management Plan:**

*The current part 3 applications have been lodged for determination prior to the endorsement of the 2010 Conservation Management Plan for the site. This is considered to be highly inappropriate. It is considered that the Heritage Office should be given the opportunity to comment on, finalise and endorse the CMP prior to assessment of these applications, as this document would guide the assessment of the Heritage impact of the works.*

*It is recommended that Council request that assessment and determination of the applications be postponed until such time as the Heritage Council has endorsed the final 2010 Conservation Management Plan, so that it can be used to facilitate the assessment of the applications.*

#### **5.1.2 Potential changes to the historic lot boundaries and impact on the acknowledged heritage curtilage of Graythwaite.**

*The State Heritage Register listing and CMP 2010 establish the heritage curtilage of the Graythwaite site as being the current (and historic) lot boundaries. The East buildings are proposed to be located across the lot boundary between the current Graythwaite site and Shore School. There is no discussion in the application documents about what impact this has on the historic curtilage of the site. Although there does not appear to be an intention to amalgamate the sites or change the lot boundaries at this stage, changes to the boundaries may be being considered at a later stage. Concerns are raised about the impact any such changes would have on the historic curtilage of the Graythwaite site.*

*Accordingly, concerns are raised about the location of the buildings, pending an assessment of the heritage impact of their construction across the lot boundary and clarification of any changes to the lot boundary in future stages of the development.*

#### **5.1.3 BCA Upgrade, including Fire Safety Upgrade**

*The proposal to upgrade Graythwaite House to the BCA requirements, including the fire safety upgrade is inadequately resolved and will, as currently proposed, result in loss of heritage significance to the building. Some of the detail is lacking and is required as recommended below.*

### **5.2 Specific Recommendations for the Part 3A applications**



*Notwithstanding these general comments, the proposed works have been assessed using the 2010 CMP as a background document. The following recommendations are made*

**5.2.1 Application mp\_0150 for Stage One works:** *the Stage One works are generally supported on heritage grounds, as they will have a significant positive impact on the listed House. The following specific recommendations:*

- 1. The proposed lift to Graythwaite House be lowered in height to no higher than the gutter line of the House, and sensitively designed to minimise its impact on the listed building. A hydraulic system with basement overrun should be implemented, in order to reduce the height of the structure*
- 2. Details of the proposed verandah balustrade, and its compliance with BCA, should be submitted to Council for comment*
- 3. Comments regarding the need for BCA and fire upgrade have been addressed separately*
- 4. Heritage Landscape comments have been addressed separately*

**5.2.3 Application mp\_0149 for Concept Master Plan:** *Although most elements of the Concept Master Plan are generally acceptable, there are some areas that are not supported on heritage grounds. The following specific recommendations are suggested in order to ensure the heritage impact of the works are minimised:*

- 1. Concerns are raised about the location of the East building across the lot boundaries between the Graythwaite site and Shore School, and the potential heritage impact of any future changes to the lot boundaries and historic curtilage.*
- 2. The height of the East Building (North and South) should be reduced in height in order to be subservient to Graythwaite House.*
- 3. The detailed design of all proposed new buildings (East, North, West) must be guided stringently by the 'High Level Design Objectives' and 'Building Descriptions' and 'Building Materials', as given in the 'Graythwaite Planning Parameters' document. The buildings must be designed and detailed under the guidance of, and fully supported by, a heritage architect of considerable experience.*
- 4. Objections are raised to the proposed demolition of Tom O'Neill Centre in Stage 3, which is contrary to the recommendations of the CMP.'*

## **5. AMENDED PROPOSAL - NOVEMBER 2011**

*In response to issues raised by Council, the public and other agencies, in relation to the original proposal, the application was amended, with an amended submission lodged with Council on 1 November 2011.*

*The following changes are relevant to the assessment of the heritage impact if the proposal, in relation to built heritage:*

- 1. Endorsement of CMP by NSW Heritage Office, June 2011.** *The 2010 Conservation Management Plan for Graythwaite was endorsed by the NSW Heritage Office in June 2011. This addresses one of the major concerns relating to the original submission. It is noted that the Heritage Office required a number of changes be made to the document, prior to its endorsement, and that these changes have required amendments to the design and location of buildings on the site, reducing the heritage impact of the development.*



2. **Alternative solution to fire and BCA upgrade of Graythwaite House:** The report prepared by Davis Langdon states that alternative solutions using fire engineered principles are to be used to upgrade the buildings on the Graythwaite site such that they are 'deemed to satisfy' the provisions within the Building Code of Australia 2011. This is most satisfactory subject to the following detail design considerations occurring; most of which could be resolved by the recommended conditions.
3. **Reduction in the size of the 'West Building':** the proposed 'West Building' has been substantially reduced in height and footprint, with increased setbacks and a reduced overall floor area, in accordance with the endorsed CMP. These changes reduce the bulk and scale of the proposed building and result in a reduced heritage impact. The changes are supported on heritage grounds.
4. **Additional information and amendments to landscape plan.** The presence of the pond, cistern, sandstone stairs and springs have been documented on the plans, (however the WW2 shelters have not been precisely located), a detail design of the front boundary in the Stage 1 has been submitted and is considered to be acceptable, and the Site Plan for Graythwaite Defining Levels of Significance, has been satisfactorily modified to include the 1890s brick edging and significant fig tree. However, the landscape plans for these works are still largely conceptual except for that of the Formal Garden, and the documentation does not successfully retain the existing natural landscape, namely the hydrology of the site and its associated landscape features. This is contrary to the CMP Policy.

### **Stage One works to Graythwaite House**

The endorsement of the CMP, and alternative solution to fire and BCA upgrade works, have addressed the major concerns raised in relation to the heritage impact of the Stage One works on the built heritage of Graythwaite. Some detail is lacking, and specific conditions have been recommended to ensure that the impact of the works is further minimised.

However, the landscape plans for the Stage One works are still largely conceptual (except for that of the Formal Garden), and the documentation does not successfully retain the existing natural landscape, namely the hydrology of the site and its associated landscape features. This is contrary to the CMP Policy. Accordingly, extensive landscape conditions have been recommended, should the application be approved.

### **Concept Masterplan**

The amendments to the concept masterplan, in particular the reduction in the size of the West building, are a significant improvement from the original application.

In relation to the issue raised about the location of the 'East Buildings' across the lot boundary and historic curtilage, it is noted that this has been addressed in Policy 90 of the endorsed CMP. As previously stated, the State Heritage Register listing and CMP 2010 establish the heritage curtilage of the Graythwaite site as being the current (and historic) lot boundaries. Concerns were raised about the location of the East building across the lot boundaries between the Graythwaite site and Shore School, and the potential heritage impact of any future changes to the lot boundaries and historic curtilage. The endorsed CMP states, in Policy 90, that 'subdivision of the Graythwaite site for sale to others should not occur, considered integration



*with the Shore School is presumed'. The location of these buildings is therefore supported by the CMP. It is acknowledged that there is no proposal to subdivide or amalgamate the lots in these applications. Any such changes would not be supported.*

*It is noted that some heritage issues raised in relation to the original proposal, as previously detailed, have not been addressed through amendments or further information. Accordingly, those remain of concern, and specific conditions are therefore recommended. Of particular concern is any future plan to demolish the Tom O'Neill Centre, which has heritage significance and should be retained.*

*Further, the landscape plans do not successfully retain the existing natural landscape, namely the hydrology of the site and its associated landscape features. This is contrary to the CMP Policy.*

## **6. CONCLUSION AND RECOMMENDATIONS**

*The amended application is considered to have an improved outcome for the built heritage of Graythwaite. The endorsement of the Conservation Management Plan 2010 prior to the finalisation of the design of the development was essential to ensure an appropriate outcome. It is further considered that the reduction to the scale of the West building, which was guided by the endorsed CMP, is a significant improvement in heritage terms. The change of use to an 'educational establishment' is considered acceptable on heritage grounds.*

*The Stage One works propose the full restoration and conservation of Graythwaite House, which is strongly supported on heritage grounds. The Concept Master Plan proposes works that have generally been designed with respect to the heritage significance of the site and seek to minimise any adverse impact, with some exceptions. However, the landscape plan is considered to be lacking in detail and does not successfully retain the existing natural landscape.*

*A number of conditions are recommended in order to ensure that any adverse heritage impact is minimised, should the application be approved:*

**6.1 Application mp\_0150 for Stage One works:** *the Stage One works are generally supported on heritage grounds, as they will have a significant positive impact on the listed House, subject to the following specific recommendations:*

- **Lowering of height of lift:** *The proposed lift to Graythwaite House be lowered in height to no higher than the gutter line of the House, and sensitively designed to minimise its impact on the listed building. A hydraulic system with basement overrun should be implemented, in order to reduce the height of the structure.*
- **Fire and BCA upgrade:** *the following conditions are recommended in relation to the heritage impact of the fire and BCA upgrade works:*
  - *Council place a Fire Order on Graythwaite House and its associated buildings to ensure that Council is satisfied that the heritage significant fabric is retained.*
  - *A suitably qualified and experienced heritage architect to be engaged to work with the BCA consultant and fire engineer to resolve the detail design of the BCA upgrade to ensure that heritage fabric is retained. Original features with medium, high or exceptional significance are to be retained. All new work should reflect the character of the building. Fire fighting equipment, and egress detection systems are to be located sympathetically with regard to the character of the*



*buildings to be upgraded. Such items are not to be placed in highly intrusive locations and are to be designed to have the least impact to the significant fabric whilst also having proper regard to fire safety requirements. Details to be submitted to Council.*

- *Consideration is to be given to using Edward St as the fire truck entry point such that all major fire equipment and detection panels may be located away from the primary facade of Graythwaite House.*
- *The fire panel to be located away from the primary facade of Graythwaite House rather than detracting from the significant front facade. The existing fire hydrant to be upgraded if necessary and relocated to the rear of Graythwaite House if inadequate when tested. The fire hydrant is to be located in a box and labelled in a contrasted colour and located sympathetically within a landscape setting. The fire board is to be located sympathetically and painted to be visually sympathetic to the building.*
- *All building and fire regulations, notices and signs are to reflect the style of the building and where possible, use traditional materials.*
- *All emergency lighting is to reflect the style of the building and where possible, use traditional materials.*
- *Proposed hose reels and fire extinguishers to be enclosed sympathetically, coloured in a contrasting colour and labelled.*
- *Alternative fire solution to be designed such that the original Victorian round door handles and timber doors are to be retained and cupboards under the staircase are retained.*
- *Details of the proposed First Level verandah and Widow's Walk balustrades, and their compliance with BCA, should be submitted to Council for comment ensuring that they are based on historic evidence.*
- *Details for the usage of the fire places and chimney are to be provided. It is noted that dampers are to be installed where not already existing.*
- *Detail design for dormer windows and windows on stair landings with sill heights below 865mm to be advised on how BCA compliance is to be achieved. Consideration may be given to the insertion of a simple horizontal rail at 1m height.*
- *Details regarding the provision of air conditioning and/or heating to be provided. The location of condenser units, ductwork and registers to be determined by a suitably qualified and experienced heritage architect.*
- *Existing glazing is not to be substituted with double glazing.*
- **Landscape Heritage Conditions:** *the following conditions are recommended in relation to the heritage impact of the landscape works:*
  - *The stormwater engineer in conjunction with a landscape architect suitably experienced in WSUD and a flora/fauna consultant to redesign the stormwater proposal for the drainage design whereby water logged areas are not drained. Connection to the street drainage system does not use the principles of WSUD and does not comply with Policy 25 of the CMP.*
  - *A Landscape Interpretation Plan is to be prepared by a suitably qualified and experienced heritage landscape architect to ensure the understanding and protection of the remnant plantings associated with the Dibbs Family, the well, cistern, pond, sandstone stairs and WW 2 air raid shelters.*



- *A Vegetation Management Plan to be created by a suitably experienced landscape architect and flora/fauna expert in accordance with Policy 74 of the CMP. The Plan is to:*
  - a. Include a Bush Regeneration Location Plan showing clearly the zones where mechanical removal of vegetation is not to occur, and where pesticides and herbicides may/not be used. The plan should identify the techniques to be used in bush regeneration*
  - b. Techniques where specific maintenance methods may be applied with specific reference made to machines that that may/may not be used (slashers and mowers, snippers and the like) and where physical hand removal must occur.*
  - c. Techniques where specific pesticide and herbicide use may or may not occur to ensure the retention of habitat.*
  - d. Identify a project time schedule that identifies the areas to be cleared/modified/re-planted/regenerated against a timeframe.*
  - e. Ensure that the replacement under planting and screen plantings provide adequate habitat for existing fauna and that the removal of under storey weed species and subsequent replanting occurs in a time frame to prevent the wholesale loss of habitat.*
  - f. Include native plant species on the slopes to be retained in accordance with Policy 25, including all under and middle storeys to retain the wildlife habitat.*
  - g. Include Landscape Concept Plans such that ongoing maintenance occurs in accordance with the future landscape proposals for the site and in accordance with Policies 25 and 100 of the CMP.*
- *Landscape Plans are to be prepared by a suitably qualified and experienced landscape architect experienced in heritage assessment and design of Victorian and Federation landscapes as per Policy 99 in the CMP. The plans are to address:*
  - a. Detailed landscape plans for the area around Graythwaite House (Plan LT.005 by Taylor Brammer) to further detail the southern, western and eastern areas.*
  - b. The new location of the palms and their relocation management plan.*
  - c. Detail plan of the supplementary planting to the driveway (Plan LT.007 by Taylor Brammer) to include tree species and specific planting locations.*
  - d. Areas to be cleared.*
  - e. Forward planting to the Western boundary (Plan LT. 010 by Taylor Brammer) to further include the technique for minor regrading and extent of plant removal. The plan is note that grubbing out of the under storey by mechanical plant is not to occur due to the potential wholesale loss of habitat.*
  - f. The product specification for the bonded gravel driveway material and is to be similar in appearance to that used at Kailoa with an appearance similar to gravel.*
- **Standard Conditions:** *In addition, it is recommended that the following standard conditions be attached to any approval:*

**A4**     **No demolition of Extra Fabric**

**C16**    **Heritage Architect to be commissioned**



- C15 Sandstone re-pointing**
- D1 Photographic survey (entire site)**
- E11 Removal of Extra Fabric**

**6.2 Application mp\_0149 for Concept Master Plan:** *Although most elements of the Concept Master Plan are generally acceptable, there are some areas that are not supported on heritage grounds. The following specific recommendations are suggested in order to ensure the heritage impact of the works is minimised:*

- **The Design of the East Building (North and South).** *The majority of the East building must be no higher than the eaves height of Graythwaite House, and must be designed in accordance with Policy 88 of the endorsed Graythwaite CMP 2010*
- **The detailed design of all proposed new buildings** (East, North, West) *must be guided stringently by the 'High Level Design Objectives' and 'Building Descriptions' and 'Building Materials', as given in the 'Graythwaite Planning Parameters' document, and strictly in accordance with the relevant Policies of the endorsed Graythwaite CMP 2010. The buildings must be designed and detailed under the guidance of, and fully supported by, a heritage architect of considerable experience.*
- **The detailed design of future landscaped works:** *must be strictly in accordance with the relevant Policies of the endorsed Graythwaite CMP 2010. The landscaping must be designed and detailed under the guidance of, and fully supported by, a heritage landscape architect of considerable experience.*
- **Retention of the Tom O'Neill Centre.** *The Tom O'Neill building has been determined to have moderate significance and it should be retained. Any application to demolished in Stage 3 would not be supported.*

Council's Conservation Planner, Lucinda Varley has reviewed the proposal and provided the following landscape assessment comments in addition to the landscape heritage comments:

*These comments are provided in addition to the landscape heritage comments as the landscape assessment of the site also includes hydrology and bushland issues.*

*The amended documentation has addressed many of the landscape issues including:*

- *The presence of fauna on site that may require the retention of the water features. The Fauna and Flora consultant, Cumberland Ecology Pty Ltd has recommended that a Vegetation Management Plan be developed to define short and long term management procedures to be used on the site for the protection of habitat and maintenance of habitat. This includes the possible presence of amphibians in summer on site and necessity to retain their habitats.*
- *The presence of the pond, cistern, sandstone stairs and springs have been documented on the plans, however the WW2 shelters have not been exactly located.*
- *A detail design of the front boundary in the Stage 1 has been submitted and is considered to be acceptable.*
- *The Site Plan for Graythwaite Defining Levels of Significance, Figure 4.4 in the CMP has been satisfactorily modified to include the 1890s brick edging and significant fig tree.*
- *The stormwater proposal by Acor Consultants has been modified and is still considered to be unsatisfactory.*



*The Stage 1 landscape works are defined as:*

- *Detailed landscape around Graythwaite House*
- *Transplantation of palms*
- *Supplementary tree planting to drive*
- *Bush regeneration*
- *Forward planting to the western boundary*

*The landscape plans for these works are still largely conceptual except for that of the Formal Garden. In addition, the documentation does not successfully retain the existing natural landscape, namely the hydrology of the site and its associated landscape features. This is contrary to the CMP Policy.*

*The following issues are still of note:*

#### *1. Drainage*

*The drainage solution for the site has been modified but is still a highly engineered solution as shown on the Concept Stormwater Management Plan C1.02 by Acor Consultants. Opportunities for landscape solutions and the benefits of habitat formation have not been fully addressed. There are very few large sites such as this available in North Sydney and this is a prime opportunity to design a water sensitive solution. The proposal is not compliant with Policy 25 of the CMP,*

*'The physical and visual character of the significant cultural landscape at Graythwaite (as defined in Section 4 of this HMP) should be maintained by ...retaining any significant natural landscape features including the freshwater springs on the middle terrace.'*

*The proposal to remove the subsoil drainage system and replace it with an underground stormwater drainage system connecting downpipes from Graythwaite House, the Tom O'Neill centre and the Coach House will radically alter the subsoil moisture levels. The existing drainage scheme from these buildings relies on subsoil drainage systems. This water has been essentially retained on site and has allowed the establishment of the large mature trees and the maintenance of middle storey as there is currently very little net loss of water from the site. The current drainage regime essentially achieves water sensitive urban design. (WSUD).*

*The amended stormwater design still does not exhibit best practice in that it will remove all the stormwater from Graythwaite House and its outbuildings offsite. This is NOT using the principles of WSUD as there is the relocation of the site water to the harbour. On a site of this size there is obviously great potential to utilise the water to great benefit to retain the existing established landscape and to allow for new landscape treatments without any reliance on irrigation. There are landscape opportunities that have not yet been investigated.*

*The stormwater from the western building is to use a stormwater tank. Again, there is a landscape opportunity to use the water onsite in a landscape solution.*

*The consultant has identified areas of waterlogging and underground springs where rainwater infiltrating into the soil at the upper portion of the site has found its way downhill as groundwater and upwelling in lower areas. These areas have now been identified on the plans. They form part of the natural landscape and are important to the understanding of the original*



*landscape setting of Graythwaite. It is recommended that these areas should be resolved with a WSUD landscape treatment rather than connecting the lowest water logged area to subsoil drains that connect to the stormwater in Union Street. Swale drains and plantings could be a sensitive and cheaper solution that will also provide continuity of habitat for the amphibians now identified as being present on the site.*

## *2. Cultural Landscape*

*Further documentation is required for the Landscape Plans. No detail designs have been submitted other than that for the Formal Garden (page 21 of the Environmental Assessment Report.) This is required as per Policies 75 and 100 of the CMP.*

*Detailed Landscape Plans are necessary to guide the ongoing maintenance of the site, even if no capital Landscape works are proposed in the immediate future. Landscape Plans will also assist in the preparation of a Vegetation Management Plan for the maintenance of wildlife habitat as discussed below.*

## *3. Fauna*

*The documentation includes an amended Fauna and Flora study by Cumberland Ecology Pty Ltd. The presence of amphibians is now noted in the amended report and is considered to be likely within the cistern and springs. The drainage of the natural springs is therefore again not considered to be acceptable.*

*The identification of bush regeneration as a Stage 1 work is supported however, there is no documentation guiding the procedure and time frame for the removal of weed species. It is not recommended that this undertaken in a short timeframe however, as there will be significant loss of habitat. In particular, small birds such as the Scrub Wren that will generally only travel five metres in the open and require thick shrubberies in which to live and nest. The whole sale removal of the middle and under storey cover including the lantana, privet and other weed species should therefore occur incrementally.*

*The best practice would be the development of a Vegetation Management Plan in accordance with Policies 74 and 100 of the CMP.*

## **Conclusion and Recommendations**

*The proposal is considered to require additional documentation. The following recommendations are given and should be addressed prior to consent being provided:*

### *a) Masterplan*

- The stormwater engineer in conjunction with a landscape architect experienced in WSUD and a flora/fauna consultant to redesign the stormwater proposal for the site masterplan to utilise the stormwater from the western building in landscape solutions to achieve water sensitive urban design on the site. The site is to be identified as being comprised of varying hydrozones and water conservation, harvesting and re-use to be developed on site by using landscape methods to ensure very little or no net loss of water from the site. This is to comply with Policies 25 and 26 such that the existing cultural and natural landscapes are retained.*



*b) Stage 1 Works*

- *The stormwater engineer in conjunction with a landscape architect suitably experienced in WSUD and a flora/fauna consultant to redesign the stormwater proposal for the drainage design whereby water logged areas are not drained. Connection to the street drainage system does not use the principles of WSUD and does not comply with Policy 25 of the CMP.*
- *A Vegetation Management Plan to be created by a suitably experienced landscape architect and flora/fauna expert in accordance with Policy 74 of the CMP. The Plan is to:*
  - a. Include a Bush Regeneration Location Plan showing clearly the zones where mechanical removal of vegetation is not to occur, and where pesticides and herbicides may/not be used. The plan should identify the techniques to be used in bush regeneration*
  - b. Techniques where specific maintenance methods may be applied with specific reference made to machines that that may/may not be used (slashers and mowers, snippers and the like) and where physical hand removal must occur.*
  - c. Techniques where specific pesticide and herbicide use may or may not occur to ensure the retention of habitat.*
  - d. Identify a project time schedule that identifies the areas to be cleared/modified/re-planted/regenerated against a timeframe.*
  - e. Ensure that the replacement under planting and screen plantings provide adequate habitat for existing fauna and that the removal of under storey weed species and subsequent replanting occurs in a time frame to prevent the wholesale loss of habitat.*
  - f. Include native plant species on the slopes to be retained in accordance with Policy 25, including all under and middle storeys to retain the wildlife habitat.*
  - g. Include Landscape Concept Plans such that ongoing maintenance occurs in accordance with the future landscape proposals for the site and in accordance with Policies 25 and 100 of the CMP.*
- *Landscape Plans to be prepared by a suitably qualified and experienced landscape architect experienced in heritage assessment and design of Victorian and Federation landscapes as per Policy 99 in the CMP. The plans are to address:*
  - a) Detailed landscape plans for the area around Graythwaite House (Plan LT.005 by Taylor Brammer) to further detail the southern, western and eastern areas.*
  - b) The new location of the palms and their relocation management plan.*
  - c) Detail plan of the supplementary planting to the driveway (Plan LT.007 by Taylor Brammer) to include tree species and specific planting locations.*
  - d) Areas to be cleared.*
  - e) Forward planting to the Western boundary (Plan LT. 010 by Taylor Brammer) to further include the technique for minor regrading and extent of plant removal. The plan is note that grubbing out of the under storey by mechanical plant is not to occur due to the potential wholesale loss of habitat.*
  - f) The product specification for the bonded gravel driveway material and is to be similar in appearance to that used at Kailoa with an appearance similar to gravel.*



## **Traffic Comments**

The amended proposal and Revised EA was referred to an external traffic consultant (Colston Budd Hunt & Kafes Pty Ltd) for review, as Council's Traffic Engineer (see previous comments below) has not yet been replaced:

- 1. As requested, we are writing to set down our comments in relation to traffic and parking aspects of the proposed developments at the above site. Our comments are based on a site inspection and a review of the applicant's amended transport report 1 and Council's traffic engineer's report in relation to the previously proposed development.*
- 2. Our comments are set down through the following sections:*
  - *proposed development;*
  - *parking provision;*
  - *traffic generation;*
  - *buses;*
  - *set down and pick-up operations;*
  - *construction traffic management; and*
  - *summary.*

### *Proposed Development*

- 3. Shore school, which owns the Graythwaite site, proposes to construct a number of new buildings as part of a long term development plan which would ultimately extend the school by some 450 students and 45 staff. The original plans were to increase the current school by 500 students and 50 staff. Following exhibition of the proposal and comments in public and authority submissions, the number of proposed students and staff was reduced. Modifications were also made to proposed arrangements for buses, and to set down and pick up operations.*
- 4. The proposed development therefore represents a reduction in the number of students and staff proposed by some 10 per cent, compared to the previously proposed scheme.*
- 5. The school currently provides some 1,430 students and some 390 staff (including some 240 full time and 150 part time). The proposed development would therefore increase student numbers by some 30 per cent and staff by some 12 per cent.*
- 6. Vehicular access to the development would continue to be provided from Edward Street, Union Street and William Street. A new bus zone is proposed to be provided in William Street, adjacent to the site. Additional space for set down and pick-up operations is proposed to be provided on site, via a new road link connecting Union Street with Hunter Crescent.*
- 7. The development would be undertaken in three stages:*
  - *Stage 1: restoration of Graythwaite House and associated buildings, with no increase in students or staff;*



- *Stage 2: new buildings accommodating an additional 100 students and 10 staff; and*
- *Stage 3: a new building accommodating an additional 350 students and 35 staff.*

#### Parking Provision

8. *The North Sydney Development Control Plan 2002 indicates that educational establishments should provide a maximum of one space per six staff, which is relatively low. Based on an increase of 45 staff, the proposed developments would be permitted a maximum of eight parking spaces.*

9. *The proposed provision is 41 spaces which is greater than the maximum permitted under DCP 2002. In relation to parking provision, the applicant's report notes that the provision of 41 spaces would be offset by a net reduction of some 18 spaces on the Graythwaite site. Therefore, the net increase of 23 spaces would be 16 spaces more than DCP 2002 would permit.*

10. *In the context of the existing parking provision on the school site of some 150 spaces, an additional 16 spaces would not have significant implications for traffic generation in the area. We note that of the three significant issues in Council's traffic engineer's previous report (the other two being buses and set down and pick up operations), the parking provision, in our view, would be the smaller concern.*

11. *Providing a relatively small quantity of additional parking (beyond the DCP maximum) would also have a number of benefits. Teachers often travel with equipment and materials for which travel modes other than car are impractical. The additional on-site parking would mean there is less demand for on-street parking in the vicinity of the site, both during the day, when school is operating, and at night, when residents in the area return home and there may be other activities occurring at the school.*

12. *The proposed parking provision is therefore considered to be appropriate.*

13. *It is recommended that appropriate bicycle parking be provided on the site in association with future applications.*

#### Traffic Generation

14. *We agree with the estimates of additional traffic generation in the Halcrow report. We also generally agree that the surrounding roads will be able to cater for the additional traffic from the proposed development.*

15. *Council's traffic engineer's previous report considered the effects of the additional traffic in surrounding streets against the RTA's residential amenity criteria. With regards to residential amenity, the school and Graythwaite sites are effectively on the edge of the North Sydney CBD. We do not consider it appropriate to apply RTA residential amenity criteria to increased traffic flows on streets such as Mount Street, Union Street, Blue Street and William Street. The possible exception to this is Edward Street, which, while providing access*



*to the site, also has a significant residential component. This matter is considered further in the section below on set down and pick-up operations.*

#### *Buses*

*16. Council's traffic engineer's previous report has suggested that the school be required to provide an on-site area to accommodate the buses which will ultimately service the school (estimated to be some 11 buses on a staggered basis). We do not consider that provision for buses on the site would be an efficient or appropriate use of the land. Buses service the site for short periods, generally during the afternoons, and would be most appropriately accommodated on the street, where potential safety conflicts with students can be better managed and the bus zones can be used for other purposes at other times.*

*17. The applicant has proposed that a new bus zone be implemented in William Street to supplement the existing bus zone in Mount Street. Council's traffic engineer's previous report also notes that "Council will reduce the length of the existing bus zone in Mount Street to accommodate one bus, for use by the Mary Mackillop site."*

*18. In light of these changes, William Street is considered to be the most appropriate location for bus operations at the site. It is recommended that a condition of consent be included requiring future applications to include, subject to North Sydney Traffic Committee approval, implementation of a bus zone in William Street to serve the school during the afternoon period.*

#### *Set Down and Pick-Up Operations*

*19. Following authority and public submissions in relation to the initial application, the school undertook significant work to investigate the potential for additional set down and pick up operations to occur on the site.*

*20. A number of options have been developed, involving a new road connection, through the site, between Union Street and Hunter Crescent. These options are provided in an appendix to the applicant's transport report.*

*21. Two options, involving using the Mount Street tennis courts and a road connection between the school and Graythwaite sites, were discounted as impractical.*

*22. There are six options considered for a new road connection through the site, between Union Street and Hunter Crescent. One option involves a new driveway from Union Street, one involves traffic travelling through the existing car park on the southern part of the site and one involves using the existing driveway to the site, with the new road travelling between the existing car park and Union Street. In these three options, traffic would enter the site from Union Street and exit to Hunter Crescent.*



23. The other three options keep the same internal road connections, but reverse the flow of traffic through the site, so that vehicles would enter from Hunter Crescent and exit to Union Street. These three options were suggested by Council, apparently to have traffic exit the site by left turn onto Union Street.

24. However, other changes would be required to accommodate these movements, including reversing the flow of traffic in William Street, south of Blue Street, to one-way southbound from one-way northbound. We consider this to be a disproportionately large change required to accommodate this measure and would therefore recommend that the on-site provision for set down and pick-up occur with entry from Union Street and exit to Hunter Crescent.

25. Nevertheless, as indicated in the applicant's amended transport report, all options should be investigated further in association with future applications, including consideration of sight lines at the various possible access points. It is recommended that a condition of consent be included requiring additional onsite provision for set down and pick up operations, generally in accordance with the amended transport report, with details to be provided in association with future applications.

26. Provision of an on-site area for set down and pick up operations from Union Street/Hunter Crescent will reduce the reliance on Edward Street and spread traffic more evenly around the area.

#### *Construction Traffic Management*

27. At this stage it is considered too early in the process to require detailed information in relation to construction traffic management. The amended Part 3A applications include principles for construction traffic management and these are generally considered to be appropriate. A condition of consent should be included requiring detailed construction traffic management plans to be prepared as part of future applications for the site.

#### *Summary*

28. In summary, the main points relating to our review of the traffic and parking aspects of the Part 3A applications for Shore School and the Graythwaite site are as follows:

- i) the proposed amended development would be undertaken in three stages and would ultimately cater for an additional 450 students and 45 staff;
- ii) the proposed car parking provision is considered appropriate;
- iii) a condition of consent should be included requiring appropriate on-site bicycle parking to be provided in association with Stages 2 and 3 of the development;
- iv) the surrounding road network would be able to cater for the additional traffic from the proposed development;
- v) an additional bus zone, subject to approval of the North Sydney Traffic Committee, should be provided in William Street;
- vi) details in relation to the bus zone should be provided in association with



*future applications;*  
*vii) an on-site set down and pick-up facility should be provided on a new road connection between Union Street and Hunter Crescent;*  
*viii) details of this facility should be investigated and provided in association with future applications for the site; and*  
*ix) a condition of consent should be included requiring detailed construction traffic management plans to be prepared as part of future applications for the site.*

**Planning comment** – In relation to set-down and pick-up operations, it is considered that rather than deferring proper consideration of the details of such operations to Stages 2 and 3, given that the amended application now includes a substantial part of the Shore school grounds in addition to the Graythwaite site, a more holistic approach should be adopted to traffic management on the Shore/Graythwaite site, with all options thoroughly explored and assessed. It is currently only proposed to provide a pick-up facility and the details and feasibility of both a set-down and pick-up area should be provided and reviewed at concept stage, before approval of other buildings and works limits alternatives to the presented options.

The original proposal was referred to Council's Traffic Engineer, who raised a number of concerns, as follows:

### ***Existing Development***

*The Graythwaite site was most recently used as a nursing home under the ownership of the NSW Department of Health. Vehicle access to Graythwaite is provided via driveways to Union Street and Edward Street. There are seven marked parking spaces on the Graythwaite site.*

*The existing school has 1,430 students, 240 full-time staff and 150 part-time staff. The school currently has 151 formal car parking spaces.*

### ***Proposed Development***

*It is proposed that the development will be staged over 10-15 years as follows:*

- Stage 1 – Restoration of Graythwaite House and associated buildings. No additional students or staff.*
- Stage 2 – New buildings accommodating an additional 100 students and 10 staff*
- Stage 3 - New buildings accommodating an additional 400 students and 40 staff*

### ***Parking***

*Stage 1 includes formalisation of the existing on-site parking to provide six visitor car parking spaces and one space for use by the site's caretaker.*

*Stage 2 proposes the construction of a basement car park for 41 vehicles underneath the new East Building, with access via Union Street. The Halcrow report states that Stage 2 will be allocated for staff or visitor parking during school days, and it would be available at other times for meetings outside of school hours.*

*Stage 3 does not include the addition of parking.*



*The North Sydney DCP 2002 and draft North Sydney DCP 2010 outlines a maximum parking rate of 1 space per 6 staff. The existing school has 240 full-time staff and 150 part-time staff. Assuming the 150 part-time staff is 100 full-time equivalent staff, this gives 340 full-time equivalent staff in Stage 1. In Stage 2 this will rise to 350 full-time equivalent staff and in Stage 3 this will rise to 390 full-time equivalent staff. Under the DCP, a maximum of 65 parking spaces is required for 390 full-time equivalent staff. A conservative calculation, taking into account all of the part-time staff gives 440 staff which equates to a maximum of 74 parking spaces. The School already has 151 formal parking spaces.*

*Therefore at Stage 1, the school already has 132% more parking than that envisaged under the current and draft DCP. Increasing the parking by 48 parking spaces will see the development exceeding the maximum parking space limits set out in the DCP by 169% at Stage 3. This is of significant concern.*

*I do not accept Halcrow's argument in Section 5.2.4 that parking is required to meet the needs of staff and despite proximity to public transport. If parking is restricted on-site, and on-street parking is increasingly restricted within easy walking distance, then all commuters to the CBD (including teachers and students associated with this development) will be forced to consider their travel options, with public and sustainable transport modes as the preferred option.*

*Council must take into consideration the development in the context of North Sydney as a whole. Council's LEP and DCP have been prepared in consideration of the overall impact of future development on the local area. Traffic generation is one of the key impacts associated with new developments. North Sydney is a high density area and congestion and traffic generation issues are of particular concern to the community and impact greatly on resident amenity.*

*The parking rates as outlined in Council's DCP were a deliberate policy decision of Council to restrict car parking and therefore car ownership and commuting by car in the busy CBD/retail areas close to good public transport. Council's strategic plan, the 2020 Vision states, "Public transport and alternative means of transport are the mode of choice for trips to, from and within North Sydney. The community's reliance on the car has reduced. Considerable effort has been made to improve public transport and reduce traffic congestion, particularly through the use of more innovative and environmentally friendly systems."*

*The various State and Local policies and plans quoted in Section 3 Strategic Context of Halcrow's report all support and prioritise the utilisation of public and alternative transport modes above private motor vehicles.*

*If Council were to permit all developments to provide 169% more parking than is permitted under the DCP, the road network in North Sydney, and particularly the North Sydney CBD where this development is located would increasingly reach failure point.*

*It is accepted that the existing seven marked parking spaces on Graythwaite can remain under "existing use" rights. However, it is recommended that Council not permit the construction of the proposed 41 space car park in Stage 2 for the reasons stated above.*



## ***Traffic Generation***

### ***Stage 1***

*I concur with Halcrow's findings that the parking and net traffic generation associated with Stage 1 of the proposal is not considered to have an adverse impact on the road network.*

### ***Stage 2***

*As above, the addition of 41 new parking spaces is not supported. If this parking is provided, I concur with Halcrow that it is likely to result in 21 peak hour vehicle trips.*

*It is understood that it is proposed to have an additional 100 students in Stage 2, however it is unknown whether these will be preparatory or senior students. I concur with Halcrow's calculations that 100 preparatory students is likely to result in an additional 96 peak hour vehicle trips and 100 senior students is likely to result in an additional 48 peak hour vehicle trips.*

### ***Stage 3***

*In Stage 3, the School is seeking to have an additional 100 preparatory students and 400 senior students. I concur with Halcrow's calculations that this is likely to result in an additional 288 peak hour vehicle trips.*

*The addition of 288 peak hour vehicles will have the following impacts:*

- *A decrease in service levels on the surrounding road network and increase in congestion*
- *A decrease in resident amenity*
- *Localised parking and congestion issues associated with the School pick-up/ drop-off*

## ***Road Network***

*Due to the size of the school, with multiple access points, traffic generation and impacts are somewhat dispersed throughout the surrounding streets.*

*I generally concur with Halcrow's calculations that the surrounding road network can generally physically accommodate the proposed additional vehicle movements. There will be modest decreases in service levels at the intersections.*

*The intersection of concern is Edward and Mount Street. This intersection is already experiencing significant congestion and delays, as demonstrated by the photos below. This is discussed further below. The proposed development will increase the average delays at this intersection. The existing congestion at this intersection already impacts on pedestrian accessibility. There are numerous school children crossing at this intersection, and they are currently forced to cross between queued vehicles. It is appropriate that the School pays to upgrade the pedestrian facilities and access at this intersection in order to safely cater for the number of pedestrians forced to interact with queued vehicles at this location.*

## ***Resident Amenity***



*The definition of the impact on residential/environmental amenity by varying levels of traffic flow is extremely complex. Perceptions of impact vary greatly from person to person. Traffic flows that one person may find perfectly acceptable may be considered excessive by another. Impact is affected by the nature of the street and the area in which it is located, its width, building setbacks, grades, etc. as well as by the speed of traffic and the mix of cars and heavy vehicles.*

*The functional classification of the street is important when determining the impact on residential/environmental amenity. The RTA's Guide to Traffic Generating Developments states that the environmental capacity performance for a collector road is a goal of 300 vehicles per hour and a maximum of 500 vehicles per hour. The RTA's Guide to Traffic Generating Developments states that the environmental capacity performance for a local road is a goal of 200 vehicles per hour and a maximum of 300 vehicles per hour.*

*Utilising Halcrow's distribution figures, the proposed development will have the following impact on vehicle volumes on the surrounding streets:*

Street	Existing AM	Existing PM	Goal	Maximum	Stage 3 AM	% Increase	Stage 3 PM	% Increase
Mount Street	221	122	200	300	256	15.8	159	30.3
William Street	244	87	200	300	340	39.3	183	110.3
Edward Street, north of Mount	298	147	200	300	359	20.5	206	40.1
Edward Street, south of Mount	287	111	200	300	383	33.4	207	86.5
Blue Street	322	117	200	300	386	19.9	161	37.6
Union Street	551	408	300	500	565	2.5	426	4.4

*The proposed development will increase student numbers by 35%. The impact of this proposed development on resident amenity will be significant. The maximum environmental capacity in William Street and Edward Street will be exceeded in the AM Peak.*

*The increase in vehicle volumes will be experienced over two major steps, at Stage 2 and Stage 3. I concur with Halcrow that the Environmental Capacity guidelines are not absolute thresholds. Of significant concern is the impact of the development on vehicle volumes in surrounding streets in percentage terms. There will be a large and sudden increase in vehicles due to one development, albeit over two stages, rather than a gradual increase caused by a number of smaller developments over a number of years. Therefore the impact of this increase in vehicles is more likely to be "felt" by the local residents and community.*

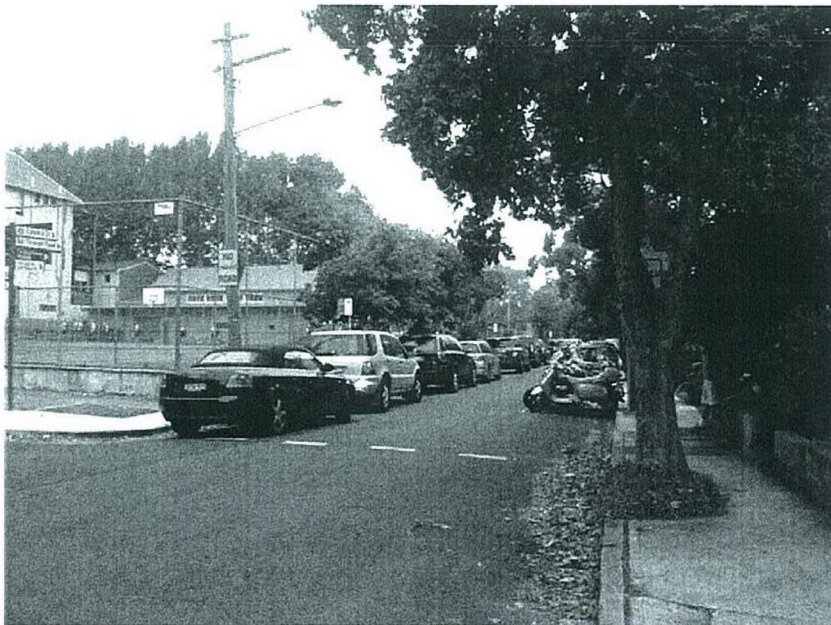


### ***Localised Parking and Congestion Issues***

*As demonstrated by Figures 6 and 7 in Halcrow's report, the peak period at Schools is usually short and intense, particularly the PM peak. This therefore leads to localised parking and congestion issues adjacent to the school, for a short period of time during the two daily peaks. This congestion and demand for parking can then impact on student safety, with vehicles being frequently double-parked and children being expected to cross the road amongst the congestion.*

*Halcrow have noted in their report in Section 2.4.2 in relation to the Preparatory School pick-up/ drop-off facility that "Observations indicate that some congestion occurs during the peak PM pick up period. This suggests that the facility is approaching capacity under its current operation management." Section 5.2.2 of the Halcrow report states that if the Preparatory school is expanded, the School will examine strategies to address the additional traffic load in Edward Street. This is not acceptable. The addition of 96 two-way vehicle movements associated with the Preparatory School is a significant issue which needs to be addressed prior to any approval.*

*An on-site visit was undertaken on Wednesday 9 February 2011. The following photos were taken between about 3pm and 3.10pm.*



*Photograph 1: Cars were observed, queued along the length of Edward Street, south of Mount Street, approximately 100 metres.*





*Photograph 2: Up to five cars were observed queued on Mount Street, east of Edward Street*



*Photograph 3: Cars were observed queued in Edward Street, north of Mount Street. Cars were observed to be queued as far as Oak Street, approximately 60 metres.*





*Photograph 4: An impatient motorist travelling southbound on Edward Street, travelled onto the wrong side of the roadway to overtake a queued vehicle to then turn left into Mount Street*



*Photograph 5: An impatient motorist travelling westbound on Mount Street, travelled onto the wrong side of the roadway to overtake three queued vehicles to then turn right into Edward Street.*





*Photograph 6: A vehicle was queued into the intersection. The westbound bus was then forced to "cut the corner", crossing onto the inside corner of the intersection to turn from Mount Street into Edward Street.*

*The photographs demonstrate the existing level of congestion and unsafe driver behaviour currently being experienced around Edward Street and Mount Street, associated with the school pick-up. The existing school pick-up/ drop-off zone does not adequately cater to the existing number of students who travel by private vehicle to the site.*

*As well as the above photographed incidents, two motorists were observed leaning out of their windows and yelling at each other on Edward Street. A southbound motorist on Edward Street, north of Mount Street could not enter the southern side of Mount Street, due to queued vehicles. She was therefore queued north of Mount Street. A motorist further north of her vehicle, who wished to turn left into Mount Street honked the horn, and the two motorists were observed shouting abuse at each other. This incident highlights the existing level of motorist frustration and impatience.*

*The majority of Senior School students are dropped off at the William Street school entrance. There are already significant congestion and road safety issues associated with students being dropped off near the William Street school entrance. The proposed additional students will add to these localised congestion and road safety issues.*

*Given the significant nature of this proposed development with a proposed increase in student numbers by 35%, it is essential that the School makes formal arrangements for the pick-up and drop-off of the students. It is therefore recommended that the development incorporate a formalised on-site pick-up/ drop-off zone for the Preparatory and Senior school students. The on-site facility will reduce congestion issues on the surrounding local roads and a formalised arrangement will increase safety for through traffic in the area as well as the school students. The location of this on-site pick-up/ drop-off point should be determined by the School to best fit in with the other operational needs of the site.*



*It is noted that the provision of an on-site pick-up/ drop-off facility, depending on its entry and exit points, will significantly alter traffic patterns. Therefore the level of impact of the proposed development on the traffic network, as well as resident amenity issues will need to be assessed further.*

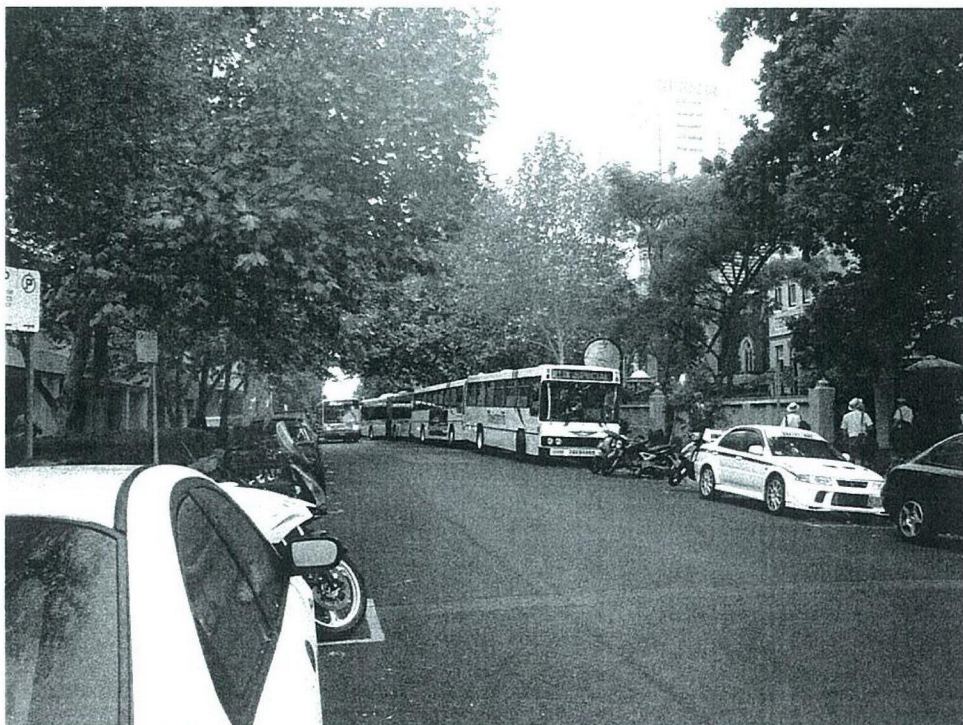
### **Buses**

*Shore currently has up to eight buses in Mount Street in the afternoons, to take the students to after-school sports. Halcrow have stated that this is likely to increase to nine buses in Stage 2 and 11 buses in Stage 3.*

*I disagree with the statement on page 21 that "It is understood that Council has acknowledged that bus operations are part of all schools' activities and that the Mount Street bus stops are considered to be a practical location for this travel task". It is noted that this is currently the appropriate location for the bus stops, in preference to surrounding streets such as William Street or Edward Street. Any conversations I have had with the School regarding the buses in Mount Street have been in the context of the current development, not any proposed future development.*

*The existing Shore buses in Mount Street already cause significant congestion issues and potential safety issues. There is a Bus Zone which can accommodate 3-4 buses. On-site observations reveal that buses are not being managed/ staggered and therefore buses are frequently observed double-parking and/ or parking outside of the formal Bus Zone.*

*An on-site visit was undertaken on Wednesday 9 February 2011. The following photos were taken between about 3pm and 3.10pm.*



*Photograph 7: Queued buses in Mount Street*





*Photograph 8: A queued bus is double-parked in Mount Street*



*Photograph 9: The double-parked queued bus forces through motorists to cross onto the wrong side of the road.*





*Photograph 10: The end of the queue of waiting buses. These three buses are parked in the No Parking zone on Mount Street, between William Street and the Pacific Highway (opposite the Post Office). The buses were observed to be parked at this location for longer than two minutes.*

*Given this proposed significant redevelopment with a proposed increase in student numbers by 35%, it is appropriate that the School now provides on-site accommodation for the buses. The benefit of this is:*

- The existing bus zone parking can be returned to regular timed parking for the benefit of the wider community*
- Relocating the buses will reduce the current congestion issues in Mount Street*
- Relocating the buses will increase safety for through traffic in the area*
- A formalised arrangement on-site will increase safety for the school students, as they are no longer required to interact with general traffic in the area*

*The location of this on-site bus zone should be determined by the School to best fit in with the other operational needs of the site.*

### ***Pedestrians***

*43% of staff and students walk to the site or walk from public transport to the site and 55% of staff and students leave the school on foot. The proposed development will therefore see a significant increase in pedestrian activities. It is important that these additional pedestrian movements are adequately catered for in a safe manner. It is therefore recommended an operational transport plan incorporate consideration into pedestrian access and safety.*



### ***Bicycles***

*The applicant has stated that bicycle parking will be provided in Stage 1 works, within the existing site. No detail has been provided about this bicycle parking.*

*The survey undertaken by Halcrow indicates that at the moment just four people (0.5%) ride to the school. This low take-up rate is not surprising given the catchment area for the school. The provision of improved bicycle facilities may encourage additional students and staff to ride to work.*

### ***Through Pedestrian & Bicycle Access***

*The combined Shore School and Graythwaite site are large sites, which provide a significant barrier to pedestrian and bicycle links in the area. From a community access point of view, it would be desirable to have pedestrian and bicycle access through the site.*

*It is understood that the School has safety concerns for the children in relation to full public open access to the site. It is understood that the School intends to allow informal through site access, whilst maintaining the right to ask undesirable people to leave the site.*

### ***Conclusion***

*It is recommended that this development not be approved until the following matters have been addressed:*

- 1. That the applicant not be permitted to construct the proposed 41 space car park underneath the new East Building.*
- 2. That the applicant provide a formal pick-up/ drop-off facility for the Preparatory and Senior students on-site.*
- 3. That the applicant provide a formal bus zone on-site which can be managed to accommodate 11 buses on a staggered basis.*
- 4. The applicant review the traffic and transport issues associated with the proposed development, once the above modifications have been incorporated.*

*Should this development be approved, it is recommended that the following conditions be imposed:*

- 1. That a Construction Traffic Management Program be prepared and submitted to Council for approval by Council's Traffic Committee prior to the issue of the Construction Certificate for each of the three Stages. Any use of Council property shall require appropriate separate permits/ approvals.*
- 2. That an operational Transport Management Plan for delivery and garbage vehicles, for the operation of the on-site bus zone, for the operation of the on-site pick-up/ drop-off zone and to address pedestrian access and safety for staff and students walking to the site shall be prepared and submitted to Council for approval by Council's Traffic Committee prior to the issue of the Occupation Certificate for Stage 2.*



3. *A green travel plan is to be developed to highlight to staff and students the available public and alternative transport options for travelling to the site. The green travel plan is to include development of a school car pooling system to encourage multiple occupants in each vehicle. This is to be submitted to Council for approval by the Director of Engineering and Property Services prior to the issue of the Occupation Certificate for Stage 2.*
4. *All vehicles, including delivery vehicles, garbage collection vehicles and buses must enter and exit the site in a forwards direction.*
5. *The driveways to the site must be modified such that there are minimum sight lines for pedestrian safety as per Figure 3.3 of AS 2890.1.*
6. *That a minimum of 10 undercover bicycle parking spaces be provided for use by the students and staff.*
7. *That end-of-trip shower and locker facilities be provided for use by those that cycle to the school.*
8. *That all aspects of the bicycle parking and storage facilities comply with the Australian Standard AS2890.3.*
9. *That the developer pay to upgrade the lighting levels to the Australian Standard in William Street, Mount Street, Edward Street and Union Street, adjacent to the site.*
10. *All driveway exits from the school are to have signage which says "Stop – Give Way to Pedestrians"*
11. *That the developer pay to improved pedestrian access and safety at the intersection of Mount Street and Edward Street. The plans are to be subject to community consultation and submitted to the North Sydney Traffic Committee for approval, with the works to be constructed prior to the issue of the Occupation Certificate for Stage 2.*
12. *That it be noted that Council will reduce the length of the existing bus zone in Mount Street to accommodate one bus, for use by the Mary Mackillop site.*

A number of these issues remain outstanding, despite significant amendments to the proposal.

### **Building**

Council's Executive Assessment Officer (Fire Safety) has provided the following advice:

*Please refer to Item 2 (3) (Introduction) within the 3 reports from Davis Langdon and the following statement:*

*"As such those matters listed in the upgrading section are the only ones proposed to be upgraded as part of these works and **unless a specific DA condition requiring an upgrade for the other items is provided then this is all the upgrading works that the Applicant is anticipating to be undertaken** as part of these works."*

*Please also refer below for comment in regard to Davis Langdon amended BCA report and alternative solution report for Graythwaite:*



*BCA Report Graythwaite House:*

*1. Item 5 (2) (Page 6) - (Balustrades) Council does not accept last paragraph in that:*

*"Should this not be able to be obtained, then an amendment to the consent is to be obtained to remove the requirement to achieve compliance with the BCA for these measures."*

*Heritage is not to over ride safety requirements. Condition to be placed on Development Consent - All balustrades are to be made safe either by BCA deemed to satisfy or performance solution.*

*5. Item 9 BCA Clause E2.2 - Council does not agree with comments in regard to the compromise of a compliant smoke hazard management system. The building is made of combustible material, has virtually no fire separation, no sprinkler system etc. Justification for a smoke hazard management is to be justified by the fire engineer on fire safety grounds only. Condition to be placed on DA consent to this effect.*

*BCA Report Coach House:*

*1. BCA provisions (P17) - Heritage is not to over ride safety requirements. Condition to be placed on Development Consent Condition - All balustrades are to be made safe either by BCA compliance with the "deem to satisfy" or performance solution.*

*BCA report Tom O'Neil Centre: No additional Comments*

*Strategy Report to be adopted for Fire Safety Engineering Assessment of Alternative Solution comments:*

*1. Building Description Graythwaite House - Type of Construction differs from Davis Langdon Report and Strategy for Alternate Solution:*

*Strategy Alt Sol (P3) - Building Type C construction*

*Davis Langdon (P5) - Building Type B Construction*

*Report to be amended for type B compliance or include as part of alternative solution.*

*2. Item 6 (P13) – Assessment Method & Acceptance Criteria*

*Council considers that an additional sequence of events should be incorporated into each fire scenario from the International Fire Engineering Guide Lines, in that Subsystem C (Fire Spread, Impact and Control) to ensure that the building particularly the stair will be structurally adequate at time of evacuation. Given the internal tenability of the building, no use having a tenable smoke layer if the stairs fail.*



## Landscaping

Council's Landscape Development Officer has provided the following comments:

*It is advised that I have inspected the property with the benefit of the submitted plans and Arborist's report.*

*The Development of the site is to be staged and there is little vegetation of significance threatened by stage one of the works with the majority of the plantings to be removed are either shrubs or small trees in poor condition, weed or undesirable species. The majority of the appropriate plantings in the garden area to the west of the "Graythwaite House" itself are being retained.*

*However I believe that my observations and commentary should cover the whole site and include what impacts stage two and three may have on existing vegetation.*

*The general nature of all the embankment, grassed areas and tree plantings to the west of "Graythwaite House" are as follows:*

- *The upper level of the embankment leads down to grassed area and the embankment itself has some quite valuable and desirable mature trees both native and exotic species, intermingled with numerous undesirable tree species such as Celtis sp., as well as many weed species including Privet, Ochna, Balloon Vine etc. There are four mature Cotton Palms approximately 16-20 metres tall (indicated as trees T61, T61a, T190, T191 in the Arborist's report, they are shown as relocated to the lower embankment referred to below.) While no objection is raised with their relocation, my own observations are that they do not appear to be getting in the way of any proposed works, and I wonder why they do not allow them to remain in their existing location. .*
- *The grassed area that acts as a terrace between the upper embankment and the lower embankment that leads down the Railway Tunnel and the rear of properties along the eastern side of Bank Street, has a few useful mature trees in dispersed within the area, a clump of Giant Bamboo and a number of undesirable and weed species growing amongst small Palm Trees and Tree Ferns and semi-mature and mature Fig Trees along its west and south western alignment.*
- *The lower embankment that descends down to western and southern boundaries of the property and has common boundaries with both properties in Bank and Union Street, is quite steep, undeveloped and consists of a number of mature Fig Trees, a couple of Eucalyptus Sp., a number a tree ferns, ferns and Palm Trees. However in dispersed between these plantings are numerous Pittosporum sp., undesirable and weed species. Due to the numerous Pittosporum sp. growing amongst the Figs, Palms and Ferns, the area has very much the feel of a rainforest pocket.*
- *Whilst there are numerous tree, shrub and groundcover plantings covering the whole property, the majority of plantings are contained within the lower embankment area.*



- *Stage two of the proposal will impact on little if any of the mature or valuable plantings on the property. However during the course of these works, or maybe even through stage one a mature Fig (indicated as tree no: 160 in the Arborist's report) may be removed as it has poor structural integrity and has been shown on the Taylor Brammer tree removal and retention plan as potentially removed subject to a further assessment and testing by the appointed Arborist. It is apparent from my own visual assessment of the tree that the majority of primary branching is re growth from limbs pruned potentially 40-50 years ago. As a result the tree does have a most unusual main trunk that consists of three or four main trunks that have grown together.*
- *Stage Three of the Development may impact on a number of mature trees; however they are either undesirable or weed species. The large Fig trees growing along the western boundary and south western boundary that act as privacy screens to residential properties in both Bank Street and Union Street do not appear to be impacted upon by the proposed works in stage three.*

*In conclusion there are a number of valuable and mature trees growing within the property, however the majority of all valuable trees will be maintained through all three stages of the development proposal and should not be threatened by the works. This provided an Arborist is consulted during the works to ensure the protection methods contained within the submitted Arborist's report are undertaken.*

*It should be further noted that as this property has been allowed to fall into such a state of disrepair due to minimal maintenance for more than 50 years, the undeveloped portion of the site has been overcome by numerous undesirable and weeds species. If appropriate weed removal takes place and many of the useful and appropriate existing trees, shrub and Palm Tree plantings are retained and inter-planted with appropriate species the vegetative qualities of the western side of the property should be quite good and provide a reasonable privacy screen.*

#### ***Approved Landscaping Plan***

- A5 *Landscaping works on the site are to be undertaken generally in accordance with the landscaping plan numbered LA. DA.001,.002,.003,.004,.005 and.006, prepared by Taylor Brammer, dated 24/11/2010, and received by Council on 19/1/2011.*  
(Reason: *To ensure appropriate landscaped area and landscaping amenity at the final inspection stage of the development*)

#### ***Protection of Trees***

- C43 *The recommendation contained within the Development Impact Report Assessment Report prepared by Earthscape Horticultural Services, dated November 2010, and received by Council on 19/1/2011, shall be implemented on site for the duration of the works. The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.*  
(Reason: *To ensure that appropriate tree protection measures are adopted and employed for the duration of works on the site*)



### ***Pruning***

*C45 Any tree pruning necessary for construction shall be carried out under the supervision of an appropriately qualified Arborist.*

*(Reason: To ensure the protection and longevity of existing significant trees)*

## **PUBLIC SUBMISSIONS**

Council was formally notified of the amended Part 3A development on 19 October 2011, with the exhibition period starting on 9 November 2011 and concluding on 9 December 2011. As the consent authority, the Department of Planning rather than Council are responsible for notification and exhibition of the application and submissions must be directed to the Department. However, a number of submissions have been copied to Council for information and these will be made available to Councillors.

## **CONSIDERATION**

The relevant matters for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*, are assessed under the following headings:

### **STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007**

Clause 28(2)(b) of SEPP (Infrastructure) 2007 states:

#### ***28 Development permitted with consent***

- (2) Development for any of the following purposes may be carried out by any person with consent on any of the following land:*
  - (a) development for the purpose of educational establishments—on land on which there is an existing educational establishment,*
  - (b) development for the purpose of the expansion of existing educational establishments—on land adjacent to the existing educational establishment.*

The provisions of SEPP (Infrastructure) 2007 permit the development of the Graythwaite site for the purpose of expansion of an existing educational establishment on adjacent land, with consent. In this instance, the consent authority is the Minister for Planning.

The site is also subject to Division 15 of SEPP (Infrastructure) 2007, relating to excavation in, above or adjacent to rail corridors. The consent authority must obtain the concurrence of the CEO of Rail Corporation NSW (RailCorp).

Division 17 of SEPP (Infrastructure) 2007 relates to Roads and Traffic and clause 104 states:

#### ***104 Traffic-generating development***

- ...(3) Before determining a development application for development to which this clause applies, the consent authority must:*
  - (a) give written notice of the application to the RTA within 7 days after the application is made, and*



(b) *take into consideration:*

- (i) *any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and*
- (ii) *the accessibility of the site concerned, including:*
  - (A) *the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*
  - (B) *the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and*
- (iii) *any potential traffic safety, road congestion or parking implications of the development.*

This clause requires the consent authority to consider the traffic, parking, safety and road congestion implications of the development. In this regard, Council's Traffic Engineer has provided detailed comments on the original proposal and has raised a number of concerns in relation to impact on the surrounding road network. The traffic engineer engaged by Council to review the proposed amended scheme and Revised EA has also recommended that on site set-down and pick-up be provided.

## **STATE ENVIRONMENTAL PLANNING POLICY (MAJOR DEVELOPMENT) 2005**

Clause 20 of Schedule 1 of SEPP (Major Development) 2005 identifies educational facilities as being Part 3A Major Development. Given the proposed development has an estimated capital investment value of \$38,781,805, it is in excess of the \$30 million threshold and under Clause 6 of the SEPP, the Minister has declared the project to be one to which Part 3A of the EP&A Act applies.

## **PART 3A OF THE EPA ACT 1979**

As previously raised, although Part 3A of the Environmental Planning and Assessment Act 1979 was repealed on 28/9/2011, the project is subject to the transitional arrangements under Schedule 6A of the Environmental Planning and Assessment Act 1979 which facilitate assessment and determination of the application under the provisions of Part 3A as a *transitional Part 3A project*.

## **NORTH SYDNEY LOCAL ENVIRONMENTAL PLAN 2001**

### **1. Permissibility within the zone**

The site is zoned 'Special Uses - Hospital' pursuant to Clause 14 of NSLEP2001, and the proposed development for an educational establishment is prohibited under NSLEP 2001. However, the proposal is permissible pursuant to SEPP (Infrastructure) 2007, as previously discussed.

Pursuant to s.75R(3) of the EP&A Act, major project applications are only required to comply with State Environmental Planning Policies and other environmental planning policies (LEPs and REPs). However, s.75O(3) which relates to concept plans provides that the Minister may take into account the provisions of any environmental planning instrument that would not otherwise (ie, because of section 75R) apply to the project if approved.



In this instance, the DGR's require an assessment of compliance with both NSLEP 2001 and DCP 2002.

## 2. Objectives of the zone

The particular objectives of the Special Uses Zone as stated in clause 14 are:

- (a) identify land on which special land uses are carried out, and*
- (b) minimise the impact of the use of that land on adjoining land*

The proposed concept plan is considered to be inconsistent with objective (b) of the Special Uses Hospital zone, particularly with regard to the impact of the west building on adjoining residential properties in Bank Street and with regard to traffic and parking on the surrounding road network.

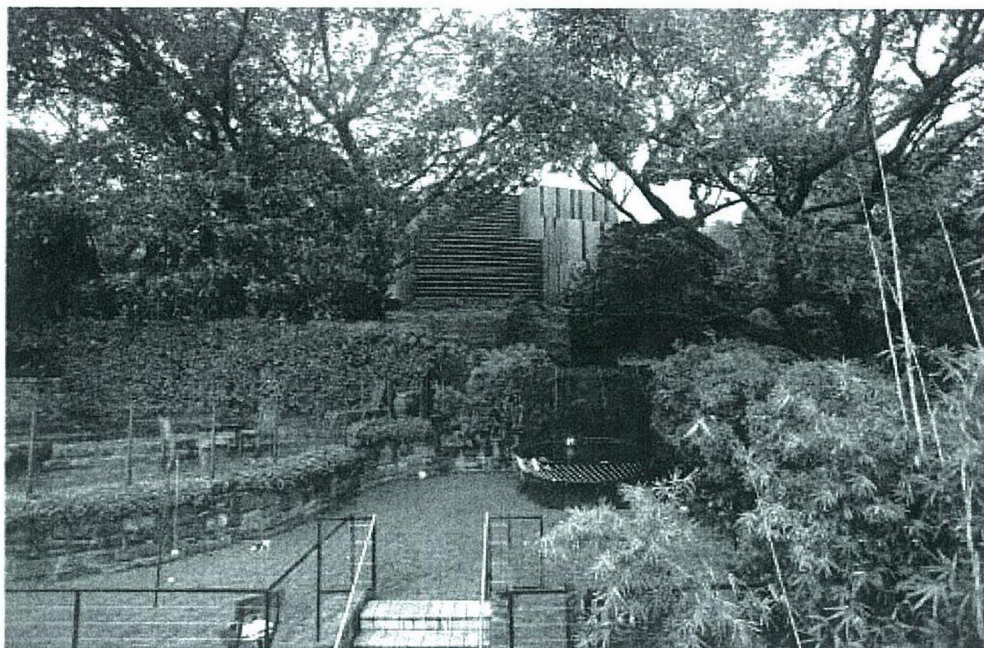
## 3. LEP Compliance Table

Site Area – 2.678ha	Proposed	Control	Complie s
Buildings in the Special Use Zone: A2 zone development standards apply			
Building Height (Cl. 17)	12m	8.5m	NO
Building Height Plane (Cl. 18)	Within plane	1.8m / 45° plane	YES
Landscaped Area (Cl. 20)	77%	60%	YES

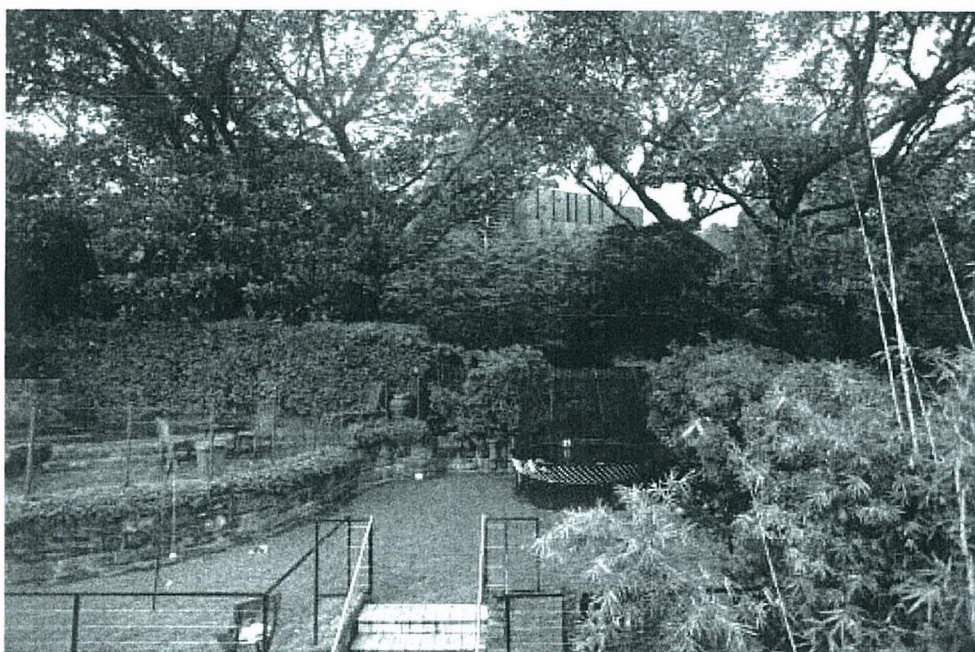
The proposed west building has a maximum height of approximately 12m and steps down to the west. The building has a setback of 20.8m to 27.8m from the western side boundary of the site at Levels 1 & 2 then steps back at Level 3 to 27m-32.5m, with the 4<sup>th</sup> level set back 32.5m to 33.7m from the western boundary. The uppermost level (5<sup>th</sup> level) is set back 26.9m to 33.6m from the western boundary. The West Building will read as a stepped 4 storey building from the adjoining dwellings to the west of the site, in Bank Street, with the upper two levels having a greater setback but remaining visible. Existing landscaping includes a number of Fig Trees adjacent to the western boundary of the site.

A number of dwellings are located immediately to the west of the proposed West Building, at Nos.25-37 Bank Street. These dwellings have their rear yards adjoining the boundary with the development site. The following photomontages show the visual impact of the proposed West Building on No.31 Bank Street, with and without additional landscaping:





B. View with Proposed West Building and Weed Vegetation Removed



C. View with Proposed West Building and Screen Planting

As can be seen from these photomontages, the West Building will remain visible from the rear yard of No.31 Bank Street, despite the planting of screen landscaping. It should be noted that the most visually prominent part of the building (Level 4) above the proposed landscape screening exceeds the 8.5m height limit. A compliant building would have a discernibly reduced visual impact.



## **Impacts on adjoining land:**

### **Solar Access**

The submitted shadow diagrams indicate that the West Building will not adversely affect the adjoining residential properties at midwinter. At 9am midwinter, based on the amended building RLs and design, the West Building will cast a shadow over the rear of Nos.9-29 Bank Street, until approximately 9.30am only. This would provide adequate solar access at midwinter which exceeds the 3hr requirement and is acceptable.

### **Privacy**

Visual privacy impacts from the West Building are proposed to be minimised through the use of landscape screening, raised sill heights, fixed louvres or screens, obscure glazing, etc. These details will not be finalised until the Stage 3 application is submitted, however, they can be conditioned if consent is granted to the Concept Plan. It is considered likely that visual privacy impacts could be satisfactorily addressed through the use of a combination of building design measures and landscape screening.

In relation to aural privacy and noise intrusion, the noise assessment report by SLR states that achieving the daytime noise criteria of 47dBA in relation to student and teacher activity and school bells depends on windows in the West Building being closed. In this regard, it would be far preferable for the building design itself to regulate noise generation rather than relying on good management of the building (eg, closing windows during noisy activities, etc)

### **Visual Impact**

Existing Fig Trees adjoining the western boundary of the site would to some extent soften the visual impact of the proposed West Building when viewed from the residences in Bank Street. Additional understorey landscaping below the Fig Tree canopies would be required as part of Stage 3 to further screen the West Building. It should be noted that additional screen planting will assist in providing visual privacy to the Bank Street residences, although it will not significantly reduce any noise generated by the school use. Regardless of existing and future landscaping, it is considered that the West Building would have an adverse visual impact on the low density residential dwellings to the west and this can be directly attributed to the exceedance of the 8.5m height limit.

The overall design and treatment of the elevations of the West Building are particularly important given that this part of the development interfaces with adjoining low density residential development and an improved building design which is primarily oriented to the east and north is considered to be a more appropriate form in the subject location.

## **4. Excavation**

Clause 39 of NSLEP provides a number of objectives and controls with regard to minimising excavation and ensuring land stability and the structural integrity of neighbouring properties.

In this instance, significant excavation is required to construct the West Building and the basement car parking in the East Building. A detailed geotechnical investigation should be required to be provided as part of the Project Application stage of the development at Stages 2 and 3.



## 5. Heritage Conservation

Council's Conservation Planner has assessed the proposal and provided detailed comments – see Heritage Comments.

## 6. North Sydney DCP 2002 Compliance Table – Graythwaite Character Statement

DEVELOPMENT CONTROL PLAN 2002		
	<i>Complies</i>	<i>Comments</i>
<b>Function</b>		
<p><b>Building typology:</b></p> <p>Graythwaite is a grand Victorian Italianate mansion on a large, prominent urban property. Historic fabric from its three phases of development are readily evident within the main complex of buildings and the earliest remnants c.1830-50. Substantial sandstone Victorian villa with attached kitchen wings, single storey sandstone outbuilding with loft, and single storey masonry building. Single storey brick building, single storey brick outbuilding with attic, and associated landscaped grounds.</p> <p>ii. Additional uses, as identified in the Conservation Management Plan, include:</p> <ul style="list-style-type: none"> <li>• A grand residence on substantial grounds</li> <li>• A residence in conjunction with a commercial use</li> <li>• Wedding and function reception centre</li> <li>• Community use – a neighbourhood centre in conjunction with public open space</li> <li>• Professional offices in association with a hospital or other health care facility</li> </ul> <p>Uses must be non-intrusive and maintain the heritage fabric of the site. An interpretive feature or explanation may be incorporated into the site.</p>	No	The proposed school use is not consistent with the provisions of DCP 2002.
Archaeological relics on the site are protected and can be used to shed light on its development or add to understanding of past uses. An excavation permit is obtained for any ground disturbance.	Yes	The adopted CMP includes provisions for excavation and ground disturbance.
<b>Environmental Criteria</b>		
<p><b>Views:</b></p> <p>i. Distant views of CBD and Sydney Harbour. ii. Views of the mansion and substantial landscaping from Union St.</p>	Yes	The proposal would improve views of the mansion, including from Union Street.



<p><b>Natural Features:</b></p> <p>i. Trees in grounds of Graythwaite (Moreton Bay &amp; Port Jackson Figs, Washington Palms, Small fruit fig; Cook Pine; Firewheel tree; Jacaranda; English Oak; Monterey pine; Coral trees, Camphor laurels; Brush Box).</p>	<p>Yes</p>	<p>Council's Landscape Development Officer has indicated that the proposal is generally satisfactory, subject to conditions, and that the landscaping works will remove a number of weed species and undesirable tree species currently present on the site.</p>
<p><b>Quality built form</b></p>		
<p><b>Subdivision:</b></p> <p>i. The grounds form the curtilage to the mansion and should not be subdivided. Do not break up or separate the landscaped terraces and their relationship to the mansion.</p>	<p>Yes</p>	<p>No subdivision is proposed. The landscaped terraces are not proposed to be separated from the mansion.</p>
<p><b>Siting:</b></p> <p>i. New buildings are located to the north-east and north-west of Graythwaite Mansion.</p> <p>ii. View corridors of Sydney Harbour, Parramatta River to Parramatta are retained.</p>	<p>No</p> <p>Yes</p>	<p>The proposed West building is located generally to the north-west of the mansion, however, the East Building (replacing the Ward Building in Stage 2) is located to the south-east of the mansion.</p> <p>Existing view corridors are retained.</p>
<p><b>Fences:</b></p> <p>i. Fences are no higher than 1 metre to provide views of Graythwaite from Union Street.</p> <p>ii. Fencing includes open timber picket fences, low brick or stone wall or a hedge.</p>	<p>No</p> <p>No</p>	<p>The proposed Union Street fence is approximately 1.8m high, comprising a 300mm high sandstone plinth with timber pickets above. The picket fence details indicate that only limited views of Graythwaite would be available through the fence, which is inconsistent with this provision.</p> <p>The proposed picket fencing above a sandstone plinth is considered to not be open style – this could be modified by condition of consent.</p>
<p><b>Gardens:</b></p> <p>i. Historic plantings and significant trees are retained, including figs, pines and remnant vineyards.</p> <p>ii. The lower, middle landscaped terraces are retained as open space for public access.</p>	<p>Yes</p> <p>No</p>	<p>Council's Landscape Development Officer has indicated that the proposal is generally satisfactory, including in relation to the retention of valuable trees on the site.</p> <p>It is accepted that when DCP 2002 was adopted, the Graythwaite site was in public ownership, and as it is now private land, Shore School has a duty of care to its students (including 198 boarders) which precludes unrestricted public access. The applicant has indicated that public access will be available during nominated events throughout the year as indicated in the Statement of Commitment.</p>
<p><b>Form, Massing and Scale:</b></p> <p>i. New buildings are subordinate to massing and scale of Graythwaite Mansion, are lower in height and have a smaller footprint.</p>	<p>No</p>	<p>The new buildings are lower in height, however, both the East and West Buildings have larger footprints than the Graythwaite mansion. It is unclear whether the new buildings are subordinate in massing and scale, due to the limited details provided in the Concept Plan.</p> <p>In the absence of additional details of the</p>



		proposed East and West Buildings, such as elevations and façade details, finishes, materials, perspectives, etc, it is difficult to determine whether the relationship of the new buildings to Graythwaite Mansion is satisfactory, particularly given the larger building footprints.
<b>Roofs:</b>  i. Roofs are pitched between 30 - 45 degrees made of either slate or terracotta tiles.	No	The proposed buildings have flat roofs. It is difficult to determine whether the relationship of flat roof buildings to Graythwaite Mansion is satisfactory, due to the lack of details provided in this application in relation to building design.
<b>Windows and doors:</b>  i. Windows are timber framed with traditional vertical proportions.	No	No elevation details have been provided in relation to the new buildings.
<b>Materials, colours, detail:</b>  i. Buildings are constructed of face brick, masonry, timber and/or sandstone.  ii. Colours used are browns, greens, grey.  iii. Architectural detail, external finishes of any new building are compatible with the Graythwaite Mansion but not a copy.	No  No  No	No details have been provided.  No details have been provided.  No details have been provided.
<b>Quality urban environment</b>		
<b>Car Accommodation:</b>  i. Car spaces or underground parking is available to accommodate cars.	Yes	7 at grade and 41 basement car parking spaces are proposed (Stages 1 and 2).
<b>Public Access:</b>  i. Public access is maintained through the site from Edward to Union Street. Access should be maintained during daylight hours and should not be restricted by keyed access.  ii. Public access is retained to open space on lower, middle and upper terraces.  iii. Property is retained in public ownership, and some buildings are retained for community use.	Yes	As previously discussed, when DCP 2002 was adopted the Graythwaite site was in public ownership. It is now privately owned by Shore School, which has a duty of care to its students (including 198 boarders) which precludes unrestricted public access to the site. The applicant has indicated that public access will be available during nominated events throughout the year as indicated in the Statement of Commitment. It is doubtful that the unrestricted access of the public to the site as has occurred in the past will exist in any way in the future.



## **7. Draft North Sydney LEP 2009**

The Draft North Sydney Local Environmental Plan 2009 was publicly exhibited from 20 January 2011 to 3 March 2011, following certification of the plan by the Director-General of the Department of Planning. It is therefore a matter for consideration under S.79C of the Environmental Planning and Assessment Act 1979. However at this stage little weight can be given to the plan since the final adoption of the plan is neither imminent nor certain.

The provisions of the draft plan have been considered in relation to the subject proposal. Draft LEP 2009 is the comprehensive planning instrument for the whole of Council's area which has been prepared in response to the planning reforms initiated by the NSW state government.

The provisions of the Draft Plan largely reflect and carry over the existing planning objectives, strategies and controls in the current NS LEP 2001 in relation to this site, particularly the 8.5m height limit. The Draft Plan does, however, rezone the site to SP2 Educational Establishments.

The proposal is unsatisfactory with regard to Draft NSLEP 2009 due to non-compliance with the 8.5m height limit.

## **SECTION 94 CONTRIBUTIONS**

Section 94 contributions do not apply to educational establishments.

## **SEPP 55 and Contaminated Land Management Issues**

The applicant has submitted a soil investigation concluding that identified contaminants can be removed during the development stages.

## **CONCLUSION**

The proposed Concept Plan for the Graythwaite site relates to a property with immense heritage significance. The amended proposal also includes a significant part of Shore school, however, the addition of this land to the development site raises concerns, given that it was not part of the original application. The actual growth of the site to accommodate 2300 commuting persons will place great demands on local infrastructure.

The amended proposal does not satisfactorily address the likely impacts on traffic congestion and parking demand in the surrounding road network, particularly as a result of the necessary on site set-down and pick-up facility. Issues relating to the absence of a formal bus-zone, increased traffic generation due to excessive on site parking, etc, have not been adequately addressed. These issues should be resolved before any consent is granted. There is a possibility that the school use of this site will place unreasonable and unsustainable demands on the local road network. Staff, parents and students must embrace public transport to minimise these impacts.

The proposal does not comply with the 8.5m height limit under NSLEP 2001 or Draft NSLEP 2009. While not strictly required to comply with these standards, the West Building as currently proposed is inconsistent with adjoining residential development in Bank Street due to the proposed height, bulk and scale, given the 1 to 2 storey nature of the adjoining dwellings. A modified West Building with an improved interface with the residential dwellings to the west could be designed within the 8.5m height limit.



It is concluded that the proposed development in its current form cannot be supported and it is the recommendation of this report that Council should resolve to **OBJECT** to the application.

## RECOMMENDATION

- A. **THAT** Council resolves to strongly **OBJECT** to the Part 3A Applications (MP 10\_0149 and MP 10\_0150) at No. 20 Edward Street, North Sydney (Graythwaite) on the following grounds:
1. The Major Project Application made on 20 September 2010 relates to Lot 2 DP 539853 (Graythwaite site) and part of Lot 1 DP 120268 (part of Shore site), however, the project has been expanded under the amended application and Revised EA to include a significant part of Shore school comprising up to nine (9) additional lots, and it is unclear as to whether the enlargement of the site can be lawfully accommodated by the original application. Additionally, it is also unclear as to whether the provisions of Part 3A facilitate the submission of an amended scheme and a Revised EA as post exhibition actions that the Director-General may require of the proponent.
  2. Assessment and determination of the applications should be postponed until such time as the proposed 41 space car park under the new East Building is deleted, the proposal is amended to provide a formal pick-up/drop-off facility for the Preparatory and Senior students on-site, and a formal bus zone is provided on-site which can accommodate 11 buses. The amended application should then include a review of all traffic and transport issues for the entire Shore and Graythwaite site, once the above modifications have been incorporated into the proposal. Ultimately such a proposal may fail on heritage grounds.
  3. The proposed development does not satisfy objective (b) of the Special Uses Zone as it does not minimise adverse impacts on adjoining residential dwellings, including acoustic privacy, visual impact, and traffic and parking impacts. As such, the proposal does not satisfy the provisions of Clause 14 of NSLEP 2001 – *Consistency with aims of plan, zone objectives and desired character*.
  4. The proposal does not comply with the 8.5m building height development standards under both NSLEP 2001 and Draft NSLEP 2009, with the proposed 12m West Building being located adjacent to the interface of the site with adjoining residential dwelling houses. The 12m high West Building remains unsatisfactory with regard to aural privacy and visual impact on the adjoining low density residential dwellings in Bank Street.
  5. Insufficient information has been submitted in relation to the proposed East Building in order to facilitate a detailed assessment of potential impacts on Graythwaite mansion.
  6. The proposal is a clear overdevelopment of the site and makes unreasonable and unsustainable demands on its locality.



- B. **THAT** should the Department of Planning, contrary to Council's recommendation, intend to approve the application without seeking the recommended additional information and modifications, that all recommendations contained in this report in relation to town planning, building design, heritage, traffic and parking, BCA compliance and landscaping be included in any consent granted.
- C. **THAT** Council resolves that the Department of Planning be requested to forward any amended plans received to Council for review and comment.

**GEORGE YUHANNA**  
**EXECUTIVE PLANNER**

**STEPHEN BEATTIE**  
**MANAGER DEVELOPMENT SERVICES**

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North Sydney Council

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Further details can be obtained by calling (02) 3006 4100 or e-mail [mapinfo@nordsydney.nsw.gov.au](mailto:mapinfo@nordsydney.nsw.gov.au)



## Conditions of Consent

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### Standard Conditions:

#### *A. Conditions that Identify Approved Plans*

##### **Plans on Site**

- A1. A copy of all stamped approved plans, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) shall be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.

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

##### **No Demolition of Extra Fabric**

- A2. Alterations to, and demolition of the existing building shall be limited to that documented on the approved plans. No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is shown to be retained.

(Reason: To ensure compliance with the approved development)

##### **Approved Landscaping Plan**

- A3. Landscaping works on the site are to be undertaken generally in accordance with the landscaping plan numbered [INSERT], prepared by [INSERT], dated [INSERT].

(Reason: To ensure appropriate landscaped area and landscaping amenity at the final inspection stage of the development)



## Conditions of Consent

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### *B. Ancillary Matters to be Completed Prior to Issue of a Construction Certificate*

#### **Construction and Traffic Management Plan**

B1. Prior to issue of the Construction Certificate, the Applicant must have a Construction and Traffic Management Plan prepared. The following matters must be specifically addressed in the 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 devices proposed in the road reserve must in accordance with the RTA publication "Traffic Control Worksite Manual" and designed by a person licensed to do so (minimum RTA 'red card' qualification). 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 route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage must be provided detailing: -
  - i. Light traffic roads and those subject to a load or height limit must be avoided at all times; and
  - ii. A copy of this route is to be made available to all contractors, and shall be clearly depicted at a location within the site.



## Conditions of Consent

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- d) A Waste Management Plan in accordance with the provisions of Section 19 of the North Sydney DCP 2002 must be provided. The plans should 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.

In addition, this plan must specify:

- a) Evidence of RTA concurrence where construction access is provided directly or within 20m of an Arterial Road;
- i. 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;
- c) For those construction personnel that drive to the site, the Applicant 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 consultant shall prepare the Construction and Traffic Management Plan. The construction management measures contained in the approved plan shall be implemented in accordance with the plan prior to the commencement of, and during, works on-site. As the plan has a direct impact on the local road network, the plan must be submitted to and reviewed by Council. A written acknowledgment from Council engineers as to the result of this review shall be obtained (attesting to this condition being appropriately satisfied) and must be sighted as part of the supporting documentation lodged with the Certifying Authority for approval of the Construction Certificate application.

Notes:

- 1) North Sydney Council's adopted fee for certification of compliance with this condition shall be payable on lodgement, or in any event, prior to the issue of the relevant approval.
- 2) Any use of Council property shall 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 above.



## Conditions of Consent

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- (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)

### ***C. Prior to the Issue of a Construction Certificate***

#### **Dilapidation Report Damage to Public Infrastructure**

- C1. The applicant must have a dilapidation survey and report (including photographic record) prepared which details the pre-developed condition of the existing public infrastructure in the vicinity of the development site. Particular attention must be paid to accurately recording any pre-developed damaged areas so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development. The developer may be held liable to all damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded and demonstrated as pre-existing under the requirements of this condition.

The applicant shall bear the cost of restoration of all infrastructure damaged as a result of the development, and no occupation of the development shall occur until damage is rectified. A copy of the dilapidation report must be lodged with North Sydney Council by the Certifying Authority with submission of the Construction Certificate documentation.

- (Reason: To ensure protection of existing built infrastructure)

#### **Geotechnical Report**

- C2. A certificate prepared by an appropriately qualified Geotechnical Engineer certifying that the existing rock formations and substrate on the site is capable of:
- a) Withstanding the proposed loads to be imposed;
  - b) Withstanding the extent of the proposed excavation, including any recommendations for shoring works that may be required to ensure the stability of the excavation;
  - c) Providing protection and support of adjoining properties; and
  - d) The provision of appropriate subsoil drainage during and upon completion of construction works.

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



## Conditions of Consent

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

### Sediment Control

C3. Where construction or excavation activity requires the disturbance of the soil surface and 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. The sediment Control Plan shall incorporate 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.

The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition. All works must be undertaken in accordance with the approved Sediment Control plan.

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

### Waste Management Plan

C4. A Waste Management Plan is to be submitted with the Construction Certificate. The plan should 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.

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



## Conditions of Consent

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### C Stormwater Management and Disposal Design Plan – Construction issue detail

*Prior to issue of the 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) Stormwater runoff and subsoil drainage generated by the approved dwellings must be conserved on site in form recommended by independent hydraulic consultancy that may include wetlands, irrigation or other form of water reuse specified under “BASIX”. Any overflow must be conveyed in a controlled manner by gravity and connected to nearest available Council’s stormwater system.
- c) The applicant shall engage a specialist Hydraulics Engineer to carry out an evaluation of possible impact on surrounding properties or Council’s stormwater system. The results of this evaluation shall be submitted with all other drainage details to Council prior to issue of any Construction Certificate by the Certifying Authority.
- d) The stormwater drainage system shall be designed for an average recurrence interval (A.R.I.) of 1 in 20 years.
- e) Any proposed building structures are to be constructed so as not to impede the natural overland flow.
- f) 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.
- g) Floor levels adjacent to overland flow path, are to be minimum 300 mm above 1 in 100 year flood level. A report prepared by an appropriately qualified hydraulics engineer is to be submitted to the certifying authority with the construction certificate application, detailing the 1 in 100 year flood level and minimum floor level.
- h) All sub-soil seepage drainage shall be discharged via a suitable silt arrester pit, directly to Council’s nearest stormwater drainage line. 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.
- i) 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.
- j) Prevent any stormwater egress into adjacent properties by creating physical barriers and surface drainage interception.
- k) Provide subsoil drainage to all necessary areas with pump out facilities as required.

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

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



## Conditions of Consent

### Security Bond Schedule

- C\* All fees and security bonds in accordance with the schedule below must be paid or in place prior to the issue of the required Construction Certificate:

Security Bonds	Amount (\$)
Street Tree Bond (on Council Property)	\$10,000.00
Council's Infrastructure Damage Bond	
Drainage Construction Bond	
Engineering Construction Bond	
Others	
<b>TOTAL BONDS</b>	<b>\$10,000.00</b>
<b>Fees</b>	
Section 94 contribution	
Transportation and Excavation	
Railway Contribution – North Sydney CBD (Railway Deed of Agreement)	
Others	
<b>TOTAL FEES</b>	<b>\$#</b>

(Reason: Compliance with the development consent)

### Bonds

- C\* Council will accept a bank guarantee for the purpose of any security bond imposed by these conditions of consent. Such bank guarantee shall be in a form acceptable to the Council and shall be in place prior to the issuing of the Construction Certificate and shall remain in place until the submission of the certificate required prior to the occupancy of the completed works.

(Reason: Information, Protection of infrastructure and the environment)

### Bond for Damage and Completion of Infrastructure Works – Stormwater, Kerb and Gutter, Footpaths, Vehicular Crossing and Road Pavement

*NOTE: <delete> Development Engineers only to apply*

- C5. The applicant must lodge a Bond of \$[INSERT] with Council against any potential infrastructure damage or failure to complete to the relevant specification the construction of any infrastructure works required as part of this consent (See Schedule). The bond shall be lodged in the form of a deposit or bank guarantee and will be refundable following Occupation Certificate issue and at the end of any maintenance period stipulated by consent conditions, upon inspection and release by Council's Engineers. Further, Council shall have full authority to make use of the bond for such restoration works as deemed necessary by Council in the following circumstances: -



## Conditions of Consent

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- a) Where the damage constitutes a hazard in which case Council may make use of the bond immediately;
- b) The applicant has not repaired or commenced repairing damage within 48 hours of the issue by Council in writing of instructions to undertake such repairs or works;
- c) Works in the public road associated with the development are to an unacceptable quality; and
- d) The Certifying Authority must ensure that bond is lodged with North Sydney Council prior to issue of any Construction Certificate.

(Reason: To ensure appropriate security for works on public land and an appropriate quality for new public infrastructure)

### Upgrade of existing building – Fire Spread and Safe Egress

C6. Council considers, pursuant to clause 94(b) of the EP&A Regulation 2000, that it is appropriate to require aspects of the existing building to be brought into conformity with the Building Code of Australia (BCA). The applicant must ensure that building upgrade work is detailed on the plans and specifications submitted to obtain the Construction Certificate and required pursuant to clause 139 of the Regulation. The Certifying Authority must be satisfied that such work, to be implemented as part of the development, will upgrade the building to bring into compliance with the following provisions of the BCA in force at the date of issue of the Construction Certificate: -

- (a) *All balustrades are to be made safe either by BCA deemed to satisfy or performance solution*
- (b) *Council does not agree with comments in regard to the compromise of a compliant smoke hazard management system. The building is made of combustible material, has virtually no fire separation, no sprinkler system etc. Justification for a smoke hazard management is to be provided by the fire engineer on fire safety grounds only*
- (c) *Council considers that an additional sequence of events should be incorporated into each fire scenario from the International Fire Engineering Guide Lines, in regard to Subsystem C (Fire Spread, Impact and Control) to ensure that the building, particularly the stair will be structurally adequate at time of evacuation. Given the internal tenability of the building, there is no use having a tenable smoke layer if the stairs fail.*



## Conditions of Consent

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Notes:

1. The Certifying Authority issuing the Construction Certificate has no power to remove the requirements to upgrade the existing building as required by this condition.
2. Where this condition specifies compliance with the performance requirements of the BCA, the Certifying Authority, subject to their level of accreditation, may be satisfied as to such matters.
3. Where this condition specifies compliance with DTS provisions of the BCA, these prescriptive requirements must be satisfied and cannot be varied unless this condition is amended under section 82A or Section 96 of the Act.

(Reason: Application of Regulations relating to Fire and Life Safety)

### Asbestos & Hazardous Material Survey

- C7. A survey of the existing building fabric shall be undertaken identifying the presence or otherwise of asbestos contamination. Any works subsequently required to address asbestos contamination shall be undertaken in strict accordance with the requirements of the WorkCover Authority in relation to the removal, handling and disposal of material containing asbestos and Work Safe Australia.

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

(Reason: To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily)

### Heritage Architect to be Commissioned

- C8. An experienced heritage architect shall be commissioned to assist the design development, contract documentation and overseeing of construction works on the site for their duration by undertaking regular inspections of the works in progress and providing advice in relation to heritage matters.

Written details of the engagement of the experienced heritage architect must be submitted by the Applicant to the Certifying Authority prior to the issue of the Construction Certificate.

(Reason: To ensure that all matters relating to significant fabric and spaces are resolved and recorded using best practice for heritage conservation)



## Conditions of Consent

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### Sandstone Re-pointing

- C9. Any repointing works to the sandstone block wall and/or retaining wall is to be re-pointed using traditional lime mortar by a qualified stonemason. Written details of the engagement of a qualified stonemason must be submitted by the Applicant to the Certifying Authority prior to the issue of the Construction Certificate. The Certifying Authority must also ensure that the building plans and specifications submitted by the Applicant, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

Note: The provisions of the Heritage Act may also apply to altering any sandstone elements on any site.

(Reason: To allow for preservation of cultural resources within the North Sydney Council area)

### Heritage

- C\* The following heritage related matters must be addressed:

- **Lowering of height of lift:** The proposed lift to Graythwaite House be lowered in height to no higher than the gutter line of the House, and sensitively designed to minimise its impact on the listed building. A hydraulic system with basement overrun should be implemented, in order to reduce the height of the structure
- **Fire and BCA upgrade:** the following conditions are recommended in relation to the heritage impact of the fire and BCA upgrade works:
  - Council place a Fire Order on Graythwaite House and its associated buildings to ensure that Council is satisfied that the heritage significant fabric is retained.
  - A suitably qualified and experienced heritage architect to be engaged to work with the BCA consultant and fire engineer to resolve the detail design of the BCA upgrade to ensure that heritage fabric is retained. Original features with medium, high or exceptional significance are to be retained. All new work should reflect the character of the building. Fire fighting equipment, and egress detection systems are to be located sympathetically with regard to the character of the buildings to be upgraded. Such items are not to be placed in highly intrusive locations and are to be designed to have the least impact to the significant fabric whilst also having proper regard to fire safety requirements. Details to be submitted to Council.
  - Consideration is to be given to using Edward St as the fire truck entry point such that all major fire equipment and detection panels may be located away from the primary facade of Graythwaite House.
  - The fire panel to be located away from the primary facade of Graythwaite House rather than detracting from the significant front façade. The existing fire hydrant to be upgraded if necessary and relocated to the rear of Graythwaite House if inadequate when tested. The fire hydrant is to be located in a box and labelled in a contrasted colour and located sympathetically within a landscape



## Conditions of Consent

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setting. The fire board is to be located sympathetically and painted to be visually sympathetic to the building.

- All building and fire regulations, notices and signs are to reflect the style of the building and where possible, use traditional materials.
- All emergency lighting is to reflect the style of the building and where possible, use traditional materials.
- Proposed hose reels and fire extinguishers to be enclosed sympathetically, coloured in a contrasting colour and labelled.
- Alternative fire solution to be designed such that the original Victorian round door handles and timber doors are to be retained and cupboards under the staircase are retained.
- Details of the proposed First Level verandah and Widow's Walk balustrades, and their compliance with BCA, should be submitted to Council for comment ensuring that they are based on historic evidence.
- Details for the usage of the fire places and chimney are to be provided. It is noted that dampers are to be installed where not already existing.
- Detail design for dormer windows and windows on stair landings with sill heights below 865mm to be advised on how BCA compliance is to be achieved. Consideration may be given to the insertion of a simple horizontal rail at 1m height.
- Details regarding the provision of air conditioning and/or heating to be provided. The location of condenser units, ductwork and registers to be determined by a suitably qualified and experienced heritage architect.
- Existing glazing is not to be substituted with double glazing.

### Landscape Heritage

C\* The following landscape heritage related matters must be addressed:

- The stormwater engineer in conjunction with a landscape architect suitably experienced in WSUD and a flora/fauna consultant to redesign the stormwater proposal for the drainage design whereby water logged areas are not drained. Connection to the street drainage system does not use the principles of WSUD and does not comply with Policy 25 of the CMP.
- A Landscape Interpretation Plan is to be prepared by a suitably qualified and experienced heritage landscape architect to ensure the understanding and protection of the remnant plantings associated with the Dibbs Family, the well, cistern, pond, sandstone stairs and WW 2 air raid shelters.
- A Vegetation Management Plan to be created by a suitably experienced landscape architect and flora/fauna expert in accordance with Policy 74 of the CMP. The Plan is to:
  - a. Include a Bush Regeneration Location Plan showing clearly the zones where mechanical removal of vegetation is not to occur, and where pesticides and herbicides may/not be used. The plan should identify the techniques to be used in bush regeneration
  - b. Techniques where specific maintenance methods may be applied with specific reference made to machines that that may/may not be used



## Conditions of Consent

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- (slashers and mowers, snippers and the like) and where physical hand removal must occur.
- c. Techniques where specific pesticide and herbicide use may or may not occur to ensure the retention of habitat.
- d. Identify a project time schedule that identifies the areas to be cleared/modified/re-planted/regenerated against a timeframe.
- e. Ensure that the replacement under planting and screen plantings provide adequate habitat for existing fauna and that the removal of understorey weed species and subsequent replanting occurs in a time frame to prevent the wholesale loss of habitat.
- f. Include native plant species on the slopes to be retained in accordance with Policy 25, including all under and middle storeys to retain the wildlife habitat.
- g. Include Landscape Concept Plans such that ongoing maintenance occurs in accordance with the future landscape proposals for the site and in accordance with Policies 25 and 100 of the CMP.
- Landscape Plans are to be prepared by a suitably qualified and experienced landscape architect experienced in heritage assessment and design of Victorian and Federation landscapes as per Policy 99 in the CMP. The plans are to address:
  - a. Detailed landscape plans for the area around Graythwaite House( Plan LT.005 by Taylor Brammer) to further detail the southern, western and eastern areas.
  - b. The new location of the palms and their relocation management plan.
  - c. Detail plan of the supplementary planting to the driveway (Plan LT.007 by Taylor Brammer) to include tree species and specific planting locations.
  - d. Areas to be cleared.
  - e. Forward planting to the Western boundary (Plan LT. 010 by Taylor Brammer) to further include the technique for minor regrading and extent of plant removal. The plan is note that grubbing out of the understorey by mechanical plant is not to occur due to the potential wholesale loss of habitat.
  - f. The product specification for the bonded gravel driveway material and is to be similar in appearance to that used at Kailoa with an appearance similar to gravel.

## Landscaping

C\* The following landscaping related issues must be adequately addressed:

- a) Masterplan
  - The stormwater engineer in conjunction with a landscape architect experienced in WSUD and a flora/fauna consultant to redesign the stormwater proposal for the site masterplan to utilise the stormwater from the western building in landscape solutions



## Conditions of Consent

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to achieve water sensitive urban design on the site. The site is to be identified as being comprised of varying hydrozones and water conservation, harvesting and re-use to be developed on site by using landscape methods to ensure very little or no net loss of water from the site. This is to comply with Policies 25 and 26 such that the existing cultural and natural landscapes are retained.

### b) Stage 1 Works

- The stormwater engineer in conjunction with a landscape architect suitably experienced in WSUD and a flora/fauna consultant to redesign the stormwater proposal for the drainage design whereby water logged areas are not drained. Connection to the street drainage system does not use the principles of WSUD and does not comply with Policy 25 of the CMP.
- A Vegetation Management Plan to be created by a suitably experienced landscape architect and flora/fauna expert in accordance with Policy 74 of the CMP. The Plan is to:
  - a. Include a Bush Regeneration Location Plan showing clearly the zones where mechanical removal of vegetation is not to occur, and where pesticides and herbicides may/not be used. The plan should identify the techniques to be used in bush regeneration
  - b. Techniques where specific maintenance methods may be applied with specific reference made to machines that that may/may not be used (slashers and mowers, snippers and the like) and where physical hand removal must occur.
  - c. Techniques where specific pesticide and herbicide use may or may not occur to ensure the retention of habitat.
  - d. Identify a project time schedule that identifies the areas to be cleared/modified/re-planted/regenerated against a timeframe.
  - e. Ensure that the replacement under planting and screen plantings provide adequate habitat for existing fauna and that the removal of understorey weed species and subsequent replanting occurs in a time frame to prevent the wholesale loss of habitat.
  - f. Include native plant species on the slopes to be retained in accordance with Policy 25, including all under and middle storeys to retain the wildlife habitat.
  - g. Include Landscape Concept Plans such that ongoing maintenance occurs in accordance with the future landscape proposals for the site and in accordance with Policies 25 and 100 of the CMP.
- Landscape Plans to be prepared by a suitably qualified and experienced landscape architect experienced in heritage assessment and design of Victorian and Federation landscapes as per Policy 99 in the CMP. The plans are to address:
  - a) Detailed landscape plans for the area around Graythwaite House( Plan LT.005 by Taylor Brammer) to further detail the southern, western and eastern areas.
  - b) The new location of the palms and their relocation management plan.
  - c) Detail plan of the supplementary planting to the driveway (Plan LT.007 by Taylor Brammer) to include tree species and specific planting locations.



## Conditions of Consent

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- d) Areas to be cleared.
- e) Forward planting to the Western boundary (Plan LT. 010 by Taylor Brammer) to further include the technique for minor regrading and extent of plant removal. The plan is note that grubbing out of the understorey by mechanical plant is not to occur due to the potential wholesale loss of habitat.
- f) The product specification for the bonded gravel driveway material and is to be similar in appearance to that used at Kailoa with an appearance similar to gravel.

### ***D. Prior To Any Commencement***

#### **Photographic Survey (Heritage Items)**

- D1. A black and white photographic survey of the entire site, in accordance with the guidelines of the Heritage Council, is to be submitted to Council with the Construction Certificate prior to the commencement of Stage 1 works. These documents, including a hard copy, must be to the satisfaction of North Sydney Council's Historian.

(Reason: To provide a historical record of heritage significant works on the site for archival purposes)

### ***E. During Demolition and Building Work***

#### **Cigarette Butt Receptacle**

- E1. A cigarette butt receptacle is to be provided on the site for the duration of excavation/demolition/construction process, for convenient use of site workers.

(Reason: To ensure adequate provision is made for builders' waste)

#### **Re-use of Sandstone**

- E2. Sandstone blocks (if any) removed from the site are to be either stored for re-use on site or offered to Council in the first instance.

Note: The provisions of the Heritage Act may also apply to altering any sandstone elements on any site)

(Reason: To allow for preservation of cultural resources within the North Sydney Council area)

#### **Parking Restrictions**

- E3. Existing public parking provisions in the vicinity of the site must be maintained at all times during works. The placement of any barriers, traffic cones, obstructions or other device in the road shoulder or kerbside lane is prohibited without the prior written consent of Council. Changes to existing public parking facilities/restrictions are only



## Conditions of Consent

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to be approved via the North Sydney Local Traffic Committee. The Applicant will be held responsible for any breaches of this condition, and will incur any fines associated with enforcement by Council regulatory officers.

(Reason: To ensure that existing kerbside parking provisions are not compromised during works)

### Road Reserve Safety

- E4. All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials and plant must not be stored in the road reserve without approval. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site.

Where public infrastructure is damaged, repair works must be carried out in when and as directed by Council officers (at full Applicant cost). Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) "Traffic Control Devices for Work on Roads". **If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.**

(Reason: Public Safety)

### Temporary Disposal of Stormwater Runoff

- E5. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems must be installed to reasonably manage and control runoff as far as the approved point of stormwater discharge. Such ongoing measures shall be to the satisfaction of the Principal Certifying Authority.

(Reason: Stormwater control during construction)

### Structures Clear of Drainage Easements

- E6. It is the full responsibility of the Applicant and their contractors to: -
- a) Ascertain the exact location of the Council drainage infrastructure traversing the site in the vicinity of the works;
  - b) Take full measures to protect the in-ground Council drainage system; and



## Conditions of Consent

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- c) Ensure dedicated overland flow paths are satisfactorily maintained through the site.

Drainage pipes can be damaged through applying excessive loading (such as construction plant, material storage and the like). All proposed structures and construction activities are to be located clear of Council drainage pipes, drainage easements, watercourses and trunk overland flow paths on the site. Trunk or dedicated overland flow paths must not be impeded or diverted by fill or structures unless otherwise approved.

In the event of a Council drainage pipeline being uncovered during construction, all work is to cease and the Principal Certifying Authority and Council must be contacted immediately for advice. Any damage caused to a Council drainage system must be immediately repaired in full as directed, and at no cost to Council.

(Reason: Protection of Public Drainage Assets)

### Geotechnical Stability During Works

- E7. A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee the excavation procedure.

Geotechnical aspects of the development work, namely appropriate excavation method and vibration control, support and retention of excavated faces, and Hydrogeological considerations must be undertaken in accordance with the recommendations of the [INSERT REPORT] prepared by [INSERT], dated [INSERT] and all subsequent geotechnical inspections carried out during the excavation and construction phase.

Approval must be obtained from all affected property owners, including North Sydney Council where rock anchors (both temporary and permanent) are proposed below adjacent private or public property.

(Reason: Ensure appropriate professional are engaged at appropriate stages during construction)

### Removal of Extra Fabric

- E8. Should any portion of the existing building, trees, or curtilage of the site which is indicated on the approved plans to be retained be damaged for whatever reason, all the works in the area of the damaged portion are to cease and written notification given to Council. No work is to resume until the written approval of Council is obtained. Failure to comply with the provisions of this condition will result in the Council taking further action including legal proceedings if necessary.

(Reason: To ensure compliance with the terms of this development consent)



## **Conditions of Consent**

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### **Dust Emission and Air Quality**

- E9. Materials must not be burnt on the site.

Vehicles entering and leaving the site with soil or fill material must be covered.

Dust suppression measures must be carried out to minimise wind-borne emissions in accordance with the NSW Department of Housing's 1998 guidelines - Managing Urban Stormwater: Soils and Construction. Odour suppression measures must also be carried out where appropriate so as to prevent nuisance occurring at adjoining properties.

(Reason: To ensure residential amenity is maintained in the immediate vicinity)

### **Noise and Vibration**

- E10. Noise and vibration from works is to be undertaken in accordance with industry best practice, to ensure excessive levels of vibration do not occur to minimise adverse effects experienced on any adjoining land.

(Reason: To ensure residential amenity is maintained in the immediate vicinity)

### **No Work on Public Open Space**

- E11. The applicant shall not undertake any work within adjoining public lands (ie. Parks, Reserves, Roads etc) without the prior written consent of Council. In this regard the applicant is to liaise with Council prior to the commencement of any design works or preparation of a Construction and Traffic Management Plan.

(Reason: Protection of existing public infrastructure and land and to ensure public safety and proper management of public land)

### **Applicant's Cost of Work on Council Property**

- E12. The applicant shall bear the cost of all works associated with the development that occurs on Council's property, including the restoration of damaged areas.

(Reason: To ensure the proper management of public land and funds)

### **No Removal of Trees on Public Property**

- E13. No trees on public property (footpaths, roads, reserves, etc.) unless specifically approved in this consent shall be removed or damaged during construction including for the erection of any fences, hoardings or other temporary works.

(Reason: Protection of existing environmental infrastructure and community



## Conditions of Consent

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### Construction Hours

- E14. Building construction shall be restricted to within the hours of 7.00 am to 5.00 pm Monday to Friday and on Saturday to within the hours of 8.00 am to 1.00 pm inclusive, with no work on Sundays and Public Holidays.

Demolition and excavation works shall be restricted to within the hours of 8.00 am to 5.00 pm Monday to Friday only. For the purposes of this condition:

- i. “Building construction” means any physical activity on the site involved in the erection of a structure, cladding, external finish, formwork, fixture, fitting of service installation and the unloading of plant, machinery, materials or the like.
- ii. “Demolition works” means any physical activity to tear down or break up a structure (or part thereof) or surface, or the like, and includes the loading of demolition waste and the unloading of plant or machinery.
- iii. “Excavation work” means the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders, or the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site and includes the unloading of plant or machinery associated with excavation work.

The builder and excavator shall display, on-site, their twenty-four (24) hour contact telephone number, which is to be clearly visible and legible from any public place adjoining the site.

(Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community)

### Installation and Maintenance of Sediment Control

- E15. Techniques used for erosion and sediment control on building sites are to be adequately maintained at all times and must be installed in accordance with the publication Managing Urban Stormwater: Soils & Construction (4th edition, Landcom, 2004), commonly referred to as the “Blue Book”. All techniques shall remain in proper operation until all development activities have been completed and the site fully stabilised.

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

### Sediment and Erosion Control Signage



## Conditions of Consent

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- E16. A durable sign, which is available from Council, shall be erected during building works in a prominent location on site, warning of penalties should appropriate erosion and sedimentation control devices not be maintained.

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

### Site Amenities and Facilities

- E17. The provision and maintenance of amenities, at a site where work involved in the erection and demolition of a building is being carried out, must satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements. The type of work place determines the type of amenities required.

Further information and details can be obtained from the Internet at [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)

(Reason: To ensure the health and safety of the community and workers on the site)

### Health and Safety

- E18. The work undertaken must satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements to prepare a health and safety plan. Site fencing must be installed sufficient to exclude the public from the site. Safety signs must be erected that; warn the public to keep out of the site, and provide a contact telephone number for enquiries.

Further information and details regarding occupational health and safety requirements for construction sites can be obtained from the internet at [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)

(Reason: To ensure the health and safety of the community and workers on the site)

### Landscaping and Rehabilitation

- E19. Disturbed areas must be progressively stabilised and revegetated in accordance with the approved landscape plan as soon as practical after construction.

(Reason: To ensure that appropriate landscaping is undertaken within a reasonable timeframe in accordance with community expectations)

### Community Information

- E20. Reasonable measures must be undertaken at all times by the proponent to keep nearby



## Conditions of Consent

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residents informed about the proposed work, such as by way of signs, leaflets, public meetings and telephone contact numbers, to ensure that adjoining residents are aware of the likely duration of the construction works on the site

(Reason: To ensure that residents are kept informed of activities that may affect their amenity)

### Aboriginal Heritage

E21. If in undertaking excavations or works, any Aboriginal site or relic is, or is thought to have been found, all works are to cease immediately and the applicant is to contact Aboriginal Heritage Officer for North Sydney Council, and the National Parks and Wildlife Service (NPWS). Any work to a site that is discovered to be the location of an Aboriginal relic, within the meaning of the National Parks and Wildlife Act, requires a permit from the Director of the NPWS.

(Reason: Aboriginal Heritage Protection)

### Plant & Equipment Kept Within Site

E22. All plant and equipment used in the erection of the building, including concrete pumps, wagons, lifts, mobile cranes, hoardings etc, shall be situated within the boundaries of the site (unless a permit is obtained from Council beforehand) and so placed that all concrete slurry, water, debris and the like shall be discharged onto the building site, and is to be contained within the site boundaries.

Details of Council requirements for permits on public land for standing plant, hoardings, storage of materials and construction zones and the like are available on Council's website at [www.northsydney.nsw.gov.au](http://www.northsydney.nsw.gov.au).

(Reason: To ensure public safety and amenity on public land)

### Imported Fill Material

E23. The only waste derived fill material that may be received at the development site is: -

1. Virgin excavated natural material (within the meaning of the Protection of the Environment Operations Act 1997); and
2. Any other waste-derived material the subject of a resource recovery exemption under cl. 51A of the Protection of the Environment Operations (Waste) Regulation 2005 that is permitted to be used as fill material.



## Conditions of Consent

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Any waste-derived material the subject of a resource recovery exemption received at the development site, must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority on request.

(Reason: To ensure that imported fill is of an acceptable standard for environmental protection purposes)

### ***F. Operational Conditions imposed under EP&A Act and Regulations and other relevant Legislation***

#### **Building Code of Australia**

F1. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

(Reason: Prescribed - Statutory)

#### **Home Building Act**

- F2. 1) Building work that involves residential building work (within the meaning and exemptions provided in the Home Building Act 1989) must not be carried out unless the Principal Certifying Authority for the development to which the work relates has given North Sydney Council written notice of the following:
- a) in the case of work for which a principal contractor is required to be appointed:
    - i) the name and licence number of the principal contractor, and
    - ii) the name of the insurer by which the work is insured under Part 6 of that Act, or
  - b) in the case of work to be done by an owner-builder:
    - i) the name of the owner-builder, and
    - ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- 2) If arrangements for doing residential building work are changed while the work is in progress so that the information submitted to Council is out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.

Note: A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance



## Conditions of Consent

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policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

(Reason: Prescribed - Statutory)

### Appointment of a Principal Certifying Authority (PCA)

- F3. Building work, demolition or excavation in accordance with the development consent must not be commenced until the person having the benefit of the development consent has appointed a PCA for the building work in accordance with the provisions of the EP&A Act and its Regulations.

(Reason: Statutory; To ensure appropriate safeguarding measures are in place prior to the commencement of any building work, demolition or excavation)

### Construction Certificate

- F4. Building work, demolition or excavation in accordance with the development consent must not be commenced until a Construction Certificate for the relevant part of the building work has been issued in accordance with the provisions of the EP&A Act and its Regulations.

(Reason: Statutory; To ensure appropriate safeguarding measures are in place prior to the commencement of any building work, demolition or excavation)

### Occupation Certificate

- F5. A person must not commence occupation or use of the whole or any part of a new building (new building includes an altered portion of, or an extension to, an existing building) unless an Occupation Certificate has been issued in relation to the building or part. Only the PCA appointed for the building work can issue an Occupation Certificate.

(Reason: Statutory)

### Mandatory Critical Stage Inspections

- F6. Building work must be inspected by the PCA on the mandatory critical stage occasions prescribed by the EP&A Act and its Regulations, and as directed by the appointed PCA.

(Reason: Statutory)



## Conditions of Consent

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### Commencement of Works

- F7. Building work, demolition or excavation in accordance with a development consent must not be commenced until the person having the benefit of the development consent has given at least 2 days notice to North Sydney Council of the persons intention to commence the erection of the building.

(Reason: Statutory; To ensure appropriate safeguarding measures are in place prior to the commencement of any building work, demolition or excavation)

### Excavation/Demolition

- 3) Demolition work must be undertaken in accordance with the provisions of AS2601- Demolition of Structures.

(Reason: To ensure that work is undertaken in a professional and responsible manner and protect adjoining property and persons from potential damage)

### Retaining Walls & Drainage

- F8. If the soil conditions require it:

- 1) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and
- 2) adequate provision must be made for drainage in accordance with the provisions of the applicable Australian Standard.

(Reason: To ensure appropriate measures are in place to address site conditions and provide appropriate site drainage)

### Protection of Public Places

- F9. 1) If the work involved in the erection or demolition of a building:-
- a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
  - b) building involves the enclosure of a public place,
- a hoarding and site fencing must be erected between the work site and the public place.
- 2) If necessary, an awning is to be erected, sufficient to prevent any substance



## Conditions of Consent

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from, or in connection with, the work falling into the public place.

- 3) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- 4) Any such hoarding, fence or awning is to be removed when the work has been completed.
- 5) No access across public reserves or parks is permitted.

Note: Prior to the erection of any temporary fence or hoarding over property owned or managed by Council, written approval must be obtained. Any application needs to be accompanied by plans indicating the type of hoarding and its layout. Fees are assessed and will form part of any approval given. These fees must be paid prior to the approval being given. Approval for hoardings will generally only be given in association with approved building works, maintenance or to ensure protection of the public. An application form for a Hoarding Permit can be downloaded from Council's website.

(Reason: To ensure public safety and the proper management of public land)

### Site Sign

- F10.
- 1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
    - a) stating that unauthorised entry to the work site is prohibited;
    - b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
    - c) showing the name, address and telephone number of the Principal Certifying Authority for the work.
  - 2) Any such sign must be maintained while to building work or demolition work is being carried out, but must be removed when the work has been completed.

(Reason: Prescribed - Statutory)



## Conditions of Consent

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### ***G. Prior to the Issue of an Occupation Certificate***

#### **Infrastructure Repair and Completion of Works**

- G1. Prior to issue of any Occupation Certificate all required works in the road reserve must be completed in full and any damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) must be fully repaired to the satisfaction of Council Engineers at no cost to Council.

(Reason: Maintain quality of Public assets)

#### **Utility Services**

- G2. All utility services shall be adjusted, to the correct levels and/or location/s required by this consent, prior to issue of a final occupation certificate. This shall be at no cost to Council.

(Reason: To ensure compliance with the terms of this consent)

#### **Asbestos Clearance Certificate**

- G3. Prior to issuing any Occupation Certificate for building works where asbestos based products have been removed or altered, an asbestos clearance certificate signed by an appropriately qualified person (being an Occupational Hygienist or Environmental Consultant) must be submitted to the Principal Certifying Authority (and a copy forwarded to Council) for the building work which certifies the following: -

- a) The building/ land is free of asbestos; or
- b) The building/ land has asbestos that is presently deemed safe.

The certificate must also be accompanied by tipping receipts, which detail that all asbestos waste has been disposed of at an approved asbestos waste disposal depot. If asbestos is retained on site the certificate must identify the type, location, use, condition and amount of such material.

Note: Further details of licensed asbestos waste disposal facilities can be obtained from [www.dec.nsw.gov.au](http://www.dec.nsw.gov.au)

(Reason: To ensure that building works involving asbestos based products are safe for occupation and will pose no health risks to occupants)

### ***I. On-Going / Operational Conditions***



## Conditions of Consent

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### Loading within Site

- II. All loading and unloading operations shall be carried out wholly within the confines of the site, at all times.

(Reason: To ensure that deliveries can occur safely within the site and does not adversely affect traffic or pedestrian amenity)

### Specific Traffic Conditions:

1. That an operational Transport Management Plan for delivery and garbage vehicles, for the operation of the on-site bus zone, for the operation of the on-site pick-up/ drop-off zone and to address pedestrian access and safety for staff and students walking to the site shall be prepared and submitted to Council for approval by Council's Traffic Committee prior to the issue of the Construction Certificate for Stage 2.
2. A green travel plan is to be developed to highlight to staff and students the available public and alternative transport options for travelling to the site. The green travel plan is to include development of a school car pooling system to encourage multiple occupants in each vehicle. This is to be submitted to Council for approval by the Director of Engineering and Property Services prior to the issue of the Occupation Certificate for Stage 2.
3. All vehicles, including delivery vehicles, garbage collection vehicles and buses must enter and exit the site in a forwards direction.
4. The driveways to the site must be modified such that there are minimum sight lines for pedestrian safety as per Figure 3.3 of AS 2890.1.
5. That a minimum of 10 undercover bicycle parking spaces be provided for use by the students and staff.
6. That end-of-trip shower and locker facilities be provided for use by those that cycle to the school.
7. That all aspects of the bicycle parking and storage facilities comply with the Australian Standard AS2890.3.
8. That the developer pay to upgrade the lighting levels to the Australian Standard in William Street, Mount Street, Edward Street and Union Street, adjacent to the site.



## Conditions of Consent

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9. All driveway exits from the school are to have signage which says "Stop – Give Way to Pedestrians"
10. That the developer pay to improved pedestrian access and safety at the intersection of Mount Street and Edward Street. The plans are to be subject to community consultation and submitted to the North Sydney Traffic Committee for approval, with the works to be constructed prior to the issue of the Occupation Certificate for Stage 2.
11. That it be noted that Council will reduce the length of the existing bus zone in Mount Street to accommodate one bus, for use by the Mary Mackillop site.

### Conditions relating to Concept Plan:

- **The Design of the East Building (North and South).**

The majority of the East building must be no higher than the eaves height of Graythwaite House, and must be designed in accordance with Policy 88 of the endorsed Graythwaite CMP 2010

- **The Design of the West Building.**

The West building must be no higher than 8.5m at any point in order to remain consistent with the one and two storey residential character of the adjoining residential properties.

- **The detailed design of all proposed new buildings**

(East, North, West) must be guided stringently by the 'High Level Design Objectives' and 'Building Descriptions' and 'Building Materials', as given in the 'Graythwaite Planning Parameters' document, and strictly in accordance with the relevant Policies of the endorsed Graythwaite CMP 2010. The buildings must be designed and detailed under the guidance of, and fully supported by, a heritage architect of considerable experience.

- **The detailed design of future landscaped works:**

Must be strictly in accordance with the relevant Policies of the endorsed Graythwaite CMP 2010. The landscaping must be designed and detailed under the guidance of, and fully supported by, a heritage landscape architect of considerable experience.

- **Retention of the Tom O'Neill Centre.**

The Tom O'Neill building has been determined to have moderate significance and it should be retained. Any application to demolished in Stage 3 would not be supported.