

2 September 2010

**REFERRAL RESPONSE – TECH. SERVICES**

**FILE NO:** DA 257/2010/1

**ADDRESS:** 88 Newcastle Street ROSE BAY 2029

**PROPOSAL:** The demolition of 88 Newcastle Street (dwelling), 94 Newcastle Street (dwelling), 96-98 Newcastle Street (St Paul's Anglican Church and former Parish Hall) and the construction of a mixed use development comprising of a new residential flat building, new childcare centre, and the retention of the existing Greek Orthodox Church of the Parish of St George.

**FROM:** N Tomkins

**TO:** Ms E Smith

I refer to the following documents received for this report:

1. Architectural Plan Nos DA01, DA01a, DA02, DA03, DA04, DA05, DA06, DA07, DA08, DA08a, DA09, DA10, DA10a, DA11, DA11a, DA13, drawn by Berald Design, dated March 10
2. Survey plan dated Statement of Environmental Effects, prepared by Lockery Planning and Development Solutions Pty Ltd, dated May 2010
3. Survey Plan No 202709, drafted by W. Buxton Pty Ltd, dated 12.03.09
4. Stormwater disposal concept plan prepared by Michael Ell Engineers sheet no. SW01, 02, 03, 04 dated Issue A 10.05.10
5. Traffic & Parking Assessment prepared by McLaren Traffic Engineering dated May 2010
6. Geotechnical Report prepared by Douglas Partners P/L Ref: 71087 dated June 2009

Comments have been prepared on the following. **Where Approval is recommended, Conditions of Consent follow at the end of the comments.**

**Site Drainage comments**

*There are generally no objections to the Stormwater disposal concept plan prepared by Michael Ell Sheet No SW01, 02, 03, 04 dated Issue A 10.05.10*

*However the following amendments are required:*

- a) *2 discharge points to the kerb in Newcastle Street are to be connected to a new underground pipeline*
- b) *The direct connection to Council's underground pipeline in Newcastle Street via new pit in kerb and approx 48m of 375mm dia RCP to the existing pit located near the northern boundary of No 88 Newcastle St. All works are to be to Council's specification.*

- c) *Subsoil drainage around the outside of the underground carpark is not permitted as the structure is to be tanked to prevent the continual drawdown of sub surface water*

*Council's Technical Services Division is satisfied that adequate provision has been made for the disposal of stormwater from the land it is proposed to develop and complies with the provisions of Clause 25 (2) of WLEP 1995*

#### **Construction Management comments**

*As a result of the site constraints, limited space and access a Construction Management Plan is to be submitted to Council. Due to the lack of on-street parking availability a Work Zone will be required from Council during construction and is conditioned accordingly.*

#### **Impacts on Council Infrastructure comments**

*Residential Lots- The existing driveway to 94 and 96 is to be replaced with a new driveway 5.5m wide located at northern boundary of No 94.*

*Childcare Lot- The existing concrete driveway on south side of the lot is to be replaced with a new 5.5m driveway on the northern side – no objections*

*All driveway s are to be constructed in accordance with Council's standard drawing RF2B and all redundant driveways and footpaths are to be removed and the area restored. Conditions applied. A S138 application will be required for all works on a Public Road*

*Council's assets are in serviceable condition.*

#### **Traffic comments**

*No objections - See Traffic Engineers comments dated 30 August 2010 attached*

#### **Vehicle Access & Accommodation comments**

*Driveway and Access - The proposed driveway profiles by are satisfactory.*

*Carpark – There are no objections to the proposed carpark layout*

#### **Geotechnical, Hydrogeological and/or Structural comments**

*A Geotechnical Report by Douglas Partners P/L Ref: 71087 dated June 2009 has been submitted in support of the application. The proposal involved excavation about 6m below the existing ground level for the residential underground carpark.*

*The report identified that the property has various layers of fill over sand with increasing density with depth. Depth to rock is unknown. The permanent groundwater table is at or below RL 6.4m while the basement floor level is at RL 12.5m. However seepage is likely to occur through the sand. Thus the carpark is to be tanked*

*The report made comments and recommendations on the following:*

- *Soil Geology and range*

- *Preparation and Earthworks*
- *Excavation*
- *Vibration / vibration monitoring*
- *Ground Anchors*
- *Groundwater*

*Conditions covering these matters as well as others as identified by Council have been added to the Referral.*

*Council's Technical Services has no objection to the proposed excavation on technical grounds. However, it should be noted that any proposed excavation is also to comply with Council's planning objectives and requirements as set out in the applicable development controls and in particular the setbacks from boundaries*

#### **Other comments**

*Due to the likelihood of additional power usage as a result of the new development, Energy Australia has requested that the applicant contact them with regards to the possible provision of a new Electricity Substation on site.*

*Consolidation of the separate lots should be undertaken*

#### **Recommendation**

Council's Development Engineer has determined that the proposal satisfies Technical Services concerns, subject to the following conditions. Accordingly, the following conditions are recommended.

#### **Conditions of Consents**

***Please note that the standard conditions of consent are generally modified by the Technical Services Division to suit a particular development application***

#### **General Conditions**

##### **A5 Approved Plans & Supporting documents**

Reference	Description	Author/Drawn	Date(s)
Ref: 71087	Geotechnical Report	Douglas Partners P/L	June 2009
SW01, 02, 03, 04 Issue A	Stormwater Management Plan	Michael Ell Engineers	10.05.10
	Traffic Report	McLaren Traffic Engineering	May 2010

##### **A8 Ancillary Aspect of the Development (Repair Damaged Infrastructure)**

**Conditions which must be satisfied prior to the demolition of any building or construction**

Nil

**Conditions which must be satisfied prior to the issue of any construction certificate**

**C.4 Modification of details of the development (s80A(1)(g) of the Act)**

The *approved plans* must be amended and the *Construction Certificate* plans and specification, required to be submitted to the *Certifying Authority* pursuant to clause 139 of the *Regulation*, must detail:

- a. the underground carpark structure is to be tanked to prevent the continual drawdown of sub surface/seepage water

**Note:** The effect of this condition is that it requires design changes and/or further information to be provided with the *Construction Certificate* drawings and specifications to address specific issues identified during assessment under section 79C of the *Act*.

**Note:** Clause 146 of the *Regulation* prohibits the issue of any *Construction Certificate* subject to this condition unless the *Certifying Authority* is satisfied that the condition has been complied with.

**Note:** Clause 145 of the *Regulation* prohibits the issue of any *Construction Certificate* that is inconsistent with this consent.  
Standard Condition: C4

**C.5 Security Deposits/Fees**

a) Property Damage Security Deposit (S138)	\$171,422	No	T115
c) Infrastructure Works Bond (S138)	\$79,000	No	T115
g) Public Road and Footpath Infrastructure Inspection Fee (S138 Fee)	\$406	No	T45
h) Security Administration Fee	\$180	No	T16

**C.13 Road and Public Domain Works – Council approval required**

A separate application under Section 138 of the *Roads Act* 1993 is to be made to, and approved by Council prior to the issuing of a Construction Certificate for the following infrastructure works, which must be carried out at the applicant's expense:

Detailed plans and specifications of all works (including but not limited to structures, road works, driveway crossings, footpaths and stormwater drainage) within existing roads, must be submitted to **Council's Development Engineer** and approved by *Council*.

**Road & Footpath**

- Full width vehicular crossings for the Child car and Residential centres to be 5.5m width including new layback and gutter in accordance with Council's standard drawing RF2B.
- Removal and replacement of the existing footpath for the full width of the property in accordance with Council's standard drawing RF3.
- Removal of all driveway crossings and kerb laybacks which will be no longer required.

- Reinstatement of footpath, kerb and gutter to match existing.
- Where a grass verge exists, the balance of the area between the footpath and the kerb over the full frontage of the proposed development must be turfed. The grass verge must be constructed to contain a uniform minimum 75mm of friable growing medium and have a total cover of Couch turf.

#### Drainage

- Construction of a standard gully pit in the kerb fronting the subject site in accordance with Council's Standard "Grated Gully Pit with extended Kerb Inlet" drawing DR1.
- Construction of approximately 48m of 375mm RCP in-ground drainage line under the kerb and gutter at standard depth. The line must connect the existing gully pit located downstream of the Child Care centre.
- The developer shall be responsible for carrying out any service investigations to allow a gravity connection.

#### Bond

- A bond of **\$79,000** will be used as security to ensure the satisfactory completion of the infrastructure works. The security or bank guarantee must be the original and not have an expiry date.
- Council may use all or part of the Infrastructure Bond as well as the Property Damage Security Deposit to meet the cost of removing or completing the works if they do not meet Council's requirements.
- The Deposit/Bond will not be released until Council has inspected the site and is satisfied that the Works have been completed in accordance with Council approved drawings and to Council requirements

**Note:** To ensure that this work is completed to Council's satisfaction, this consent by separate condition, may impose one or more Infrastructure Works Bonds.

**Note:** *Road* has the same meaning as in the *Roads Act 1993*.

**Note:** The intent of this condition is that the design of the road, footpaths, driveway crossings and public stormwater drainage works must be detailed and approved prior to the issue of any *Construction Certificate*. Changes in levels may arise from the detailed design of buildings, road, footpath, driveway crossing grades and stormwater. Changes required under *Roads Act 1993* approvals may necessitate design and levels changes under this consent. This may in turn require the applicant to seek to amend this consent.

**Note:** See condition K24 in *Section K. Advisings of this Consent titled Roads Act Application*.  
Standard Condition: C13

## **C20 Utility Services Generally**

### **C.21 Provision for Energy Supplies**

### **C35 Structural Adequacy of Existing Supporting Structures**

### **C36 Professional Engineering Details**

### **C40 Geotechnical and Hydrogeological Design, Certification & Monitoring**

### **C.41 Ground Anchors**

## C.45 Bicycle, Car and Commercial Parking Details

### C51 Stormwater management plan Clause 25(2) WLEP 1995)

The *Construction Certificate* plans and specifications, required by clause 139 of the *Regulation*, must include a *Stormwater Management Plan* for the site.

The *Stormwater Management Plan* must detail:

- a. general design in accordance with the stormwater disposal concept plan prepared by Michael Ell Sheet No SW01, 02, 03, 04 dated Issue A 10.05.10 other than amended by this and other conditions
  - 2 discharge points to the kerb in Newcastle Street are to be connected to a new underground pipeline
  - The direct connection to Council's underground pipeline in Newcastle Street via new pit in kerb and approx 48m of 375mm dia RCP to the existing pit located near the northern boundary of No 88 Newcastle St. All works are to be to Council's specification.
  - Subsoil drainage around the outside of the underground carpark is not permitted as the structure is to be tanked to prevent the continual drawdown of sub surface water
- b. compliance the objectives and performance requirements of the BCA;
- c. any rainwater tank required by BASIX commitments including their overflow connection to the *Stormwater Drainage System*, and
- d. general compliance with the Council's draft Development Control Plan Stormwater Drainage Management (draft version 1.1, public exhibition copy dated 14/12/2006) and
- e. on-site stormwater detention ("OSD").

### OSD Requirements

The minimum (OSD) Site Storage Requirements ("SSR") and the Peak Site Discharge ("PSD") from the site must be in accordance with the following minimum storage/discharge relationships based upon a 1000m<sup>2</sup> site area:

Average Reoccurrence Interval	PSD L/s	Minimum Site Storage Requirement (SSR) m <sup>3</sup>
2 year	23.5 L/s	4m <sup>3</sup>
100 year	34 L/s	25m <sup>3</sup> – Dwelling House 27m <sup>3</sup> – Residential Flat Building 29m <sup>3</sup> – Other Development
All values based on per 1000m <sup>2</sup> site area (interpolate to site area).		

Where a rainwater tank is proposed in conjunction with OSD, the volume of the rainwater tank may contribute to the SSR as follows:

- i. Where the rainwater tank is used for external uses only, 40% of the rainwater tank volume to a maximum of 4m<sup>3</sup>, or
- ii. Where the rainwater tank is used for external and internal uses, 75% of the rainwater tank volume to a maximum of 7.5m<sup>3</sup>.

**Example:** The Site Storage Requirements may be 25,000 litres and a 10,000 litre rainwater tank is to be used for garden irrigation. Therefore, the rainwater tank contributes 4,000 litres toward SSR. Therefore, the OSD tank needs to be 21,000 litres (25,000 litres less the 4,000 litres allowance). Note: 1m<sup>3</sup> = 1,000 litres.

The *Stormwater Management Plan* must include the following specific requirements:

### **Layout plan**

A detailed drainage plan at a scale of 1:100 based on drainage calculations prepared in accordance with the Institute of Engineers Australia publication, *Australian Rainfall and Run-off*, 1987 edition or most current version thereof.

It must include:

- All pipe layouts, dimensions, grades, lengths and material specification,
- Location of On-Site Detention,
- All invert levels reduced to Australian Height Datum (AHD),
- Location and dimensions of all drainage pits,
- Point and method of connection to Councils drainage infrastructure, and
- Overland flow paths over impervious areas.

### **On-site Detention (OSD) details:**

- Any potential conflict between existing and proposed trees and vegetation,
- Internal dimensions and volume of the proposed detention storage,
- Diameter of the outlet to the proposed detention storage basin,
- Plans, elevations and sections showing the detention storage basin invert level, centre-line level of outlet, top water level, finished surface level and adjacent structures,
- Details of access and maintenance facilities,
- Construction and structural details of all tanks and pits and/or manufacturer's specifications for proprietary products,
- Details of the emergency overland flow-path (to an approved Council drainage point) in the event of a blockage to the on-site detention system,
- Non-removable fixing details for orifice plates where used,

Copies of certificates of title, showing the creation of private easements to drain water by gravity, if required.

Subsoil Drainage - Subsoil drainage details, clean out points, discharge point.

**Note:** This Condition is imposed to ensure that site stormwater is disposed of in a controlled and sustainable manner.  
Standard Condition: C51

**Conditions which must be satisfied prior to the commencement of any development work**

**D.4 Dilapidation Reports for existing buildings**

Dilapidation surveys must be conducted and dilapidation reports prepared by a *professional engineer* (structural) of all buildings on land whose title boundary abuts the site and of such further buildings located within the likely “zone of influence” of any excavation, dewatering and/or construction induced vibration.

These properties must include (but is not limited to):

- a. 458 Old South Head Road

The dilapidation reports must be completed and submitted to *Council* with the *Notice of Commencement* prior to the commencement of any *development work*.

Where excavation of the site will extend below the level of any immediately adjoining building the *principal contractor* or *owner builder* must give the adjoining building owner(s) a copy of the dilapidation report for their building(s) and a copy of the *notice of commencement* required by s81A(2) of the *Act* not less than two (2) days prior to the commencement of any work.

Standard Condition: D4

**D6 Adjoining buildings founded on loose foundation materials**

**D9 Construction Management Plan – Approval & Implementation**

**D10 Work (Construction) Zone – Approval & Implementation**

**D11 SECURITY FENCING**

**D.14 Erosion and Sediment Controls – Installation**

**Conditions which must be satisfied during any development work**

**E3 Compliance with Construction Management Plan**

**E7 Maintenance of Vehicular and Pedestrian Safety and Access**

**E11 Maintenance of Environmental Controls**

**E12 Compliance with Geotechnical/Hydrogeological Monitoring Program**

**E13 Support of Adjoining Land Owners**

**E14 Vibration Monitoring**

**E15 Erosion and Sediment Controls – Maintenance**



**E17 Disposal of Site Water during Construction**

**E24 Compliance with Council's Specification for Roadworks, Drainage and Miscellaneous Road Works**

**Conditions which must be satisfied prior to any occupation or use of the building**

**F7 Commissioning and Certification of Systems and Works**

**F9 Commissioning and Certification of Public Infrastructure Works**

**Conditions which must be satisfied prior to the issue of any Subdivision Certificate**

**G4 Electricity Substations – Dedication as road and/or easements for access**

**Conditions which must be satisfied prior to the issue of a Final Occupation Certificate**

**H13 Road Works (including footpaths)**

**H.14 Dilapidation Report for public infrastructure works**

**H20 Positive Covenant & Works-As-Executed Certification of Stormwater Systems**

**Conditions which must be satisfied during the ongoing use of development**

**I12 On-going Maintenance of the on-site detention systems**

**Miscellaneous Conditions**

**Nil**

**Advisings**

**K15 Release of Security**

**K.23 Dilapidation Report Condition**

**K.24 Roads Act Application**

# Memorandum

Date 30 August 2010  
File No. DA 257/ 2010  
To Nick Tomkins - Development Engineer Team Leader  
CC  
From Daniel Pearse - Development and Traffic Engineer  
Subject 88 NEWCASTLE STREET - ROSE BAY  
PROPOSED RESIDENTIAL FLAT BUILDING AND CHILDCARE  
CENTRE

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I refer to the following documents;

- Statement of Environmental Effects dated May 2010
- Traffic Report by McLaren Traffic Engineering dated May 2010

A review of the development application has been undertaken and the following concerns were noted;

- The childcare component does not fully satisfy the offstreet parking capacity required by Council's Offstreet Parking DCP with one car space short of the required 3.
- The childcare centre lacks a pickup/ dropoff area in the site however the applicants Traffic Report has requested that a 6m No Parking Zone during pickup/ dropoff times be provided at the front of the site. The provision for a No Parking zone is not supported for this application unless there is an established agreement between the carers and parents that the child can be escorted by the carer to and from the centre and pickup/ dropoff zone. Notwithstanding this, Councils traffic section would accept this activity could be accommodated on street as it occurs only for a relatively short period and the site has a long street frontage such that neighbouring residents aren't likely to be impacted. Should the arrangement present any problems in practise, it is noted that there is a 20m long No Parking zone fronting the church adjoining the proposed centre. Subject to the approval of the church, the No Parking restrictions could be altered to accommodate the childcare centres parking activities for the relatively short morning and late afternoon periods.

## Recommendation

**The proposed development does not fully comply with Councils Offstreet Parking requirements as the proposed childcare centre is short a single carspace from**

**complying with Council's Offstreet Parking DCP. Given there is a relatively low parking demand in this area and the parking demand for the childcare centre occurs only during operation hours on a weekday, the arrangement is acceptable.**

**Regards,**

**Daniel Pearse**