

---

**Sent:** 9/12/2020 1:29:59 PM  
**Subject:** Modification of Development Mod 2020/0592-DA2019/1419 letter in response  
**Attachments:** DEC 20 CCAPT AND NBCCC Letter of Objection to Northern Beaches Council  
- MODIFICATION OF..\_.docx;

Dear Sir/Madam  
We attach a letter of objection in relation to this requested modification.  
We await your response in due course.  
Kind regards

Dr Michael A. Izard  
MBBS FRANZCR MMedHum  
Clinical A/Prof Sydney Medical School  
Medical Director



Building 4, 49 Frenchs Forest Road E  
Frenchs Forest NSW 2086  
P 02 8377 2700 | F 02 8377 2720  
E [mizard@northernbeachescancercare.com.au](mailto:mizard@northernbeachescancercare.com.au) | [www.northernbeachescancercare.com.au](http://www.northernbeachescancercare.com.au)

**CONFIDENTIALITY & PRIVILEGE NOTICE**

The information in this e-mail is confidential and may be privileged or subject to copyright. It is intended for the exclusive use of the addressee(s). If you are not an addressee, please do not read, copy, distribute or otherwise act upon this e-mail. If you have received the e-mail in error, please contact the sender immediately and destroy the e-mail or any printed copy. The unauthorised use of this e-mail may result in liability for breach of confidentiality, privilege or copyright.

09 December 2020

Development Assessment Panel

Northern Beaches Council  
Customer Service Centre  
725 Pittwater Road  
DEE WHY NSW 2099

By email: [council@northernbeaches.nsw.gov.au](mailto:council@northernbeaches.nsw.gov.au)

Dear Sir/Madam

**Letter of objection to Requested Modification of Development Consent – Mod 2020/0592  
- DA2019/1419 for proposed cancer treatment centre at 49 Frenchs Forest Road East,  
Frenchs Forest**

1. This objection is submitted on behalf of the owner of Building 4 in the business park located at 49 Frenchs Forest Road East, Frenchs Forest (**Business Park**), CCA Estates Pty Limited, Trustee for the CCA Property Trust, and the occupant of Building 4, Northern Beaches Cancer Care Centre Pty Ltd (**NBCCC**).
2. NBCCC operates a Radiation Oncology facility at these premises.
3. We refer to application lodged with Council by Ascot Project Management requesting a modification of the Development Consent to remove two conditions of consent, amendment of a third condition and to permit the addition of a fire service water storage tank on the roof of the proposed building (**Modification Request**).
4. As Council is aware, the original Development Application was contentious and was opposed by a significant number of businesses and owners in the Business Park. The Council's assessment also raised many issues of concern.
5. Due to the size of the proposed development, the Development Application was referred to the Sydney North Planning Panel. Council's Assessment Report recommended 36 Conditions and the Panel imposed a further three conditions and amended one of the Conditions recommended by Council.
6. Both Council's Assessment and the Sydney North Planning Panel's consideration were detailed and supported by expert technical advice.
7. The Modification Request seeks to remove conditions that were imposed to protect businesses and owners in the Business Park. We submit that the applicant has not provided justification for doing so, and as reinforced by the Sydney North Planning Panel's assessment and decision, the Conditions of Consent 2, 15 and 23 should remain intact.
8. Further we object to the request to modify the building's bulk, shape and height by adding a fire service water storage tank on to the roof the proposed building. While accepting the need to ensure that Fire and Rescue NSW have appropriate access to water in the event of a fire, we submit that the Applicant be required to do so in a way that is less visually intrusive.
9. Condition 15 requires the basement area to be permanently tanked and structural details of the tanking to be submitted. This was the result of detailed technical analysis submitted with the original DA and assessment by Council officers at that time. The condition was supported by the Sydney North Planning Panel.

10. The excavation is substantial, being for four basement levels down to a lowest level of RL 146.95m, with excavation being between 12-14 metres in depth.
11. We have noted the Hydrogeological Investigation and Analysis (**Appendix 5**) and Preliminary Groundwater Quality Screening (**Appendix 6**) prepared by JK Geotechnics and JK Environments submitted with the Modification Request.
12. The reports advise the following:  
*Appendix 5*
  - (a) “The estimates given above assume homogenous materials and in practice lower and higher inflows may be experienced. We recommend that the inflow into the excavation be monitored during construction” (page 8)
  - (b) “The analysis detailed in this report only related to seepage analysis and not stability analysis or design of the shoring system or other geotechnical issues relating to the proposed development” (page 8)
  - (c) “There may be design features we are not aware of or have not commented on for a variety of reasons.” (page 9)*Appendix 6*
  - (d) “Based on these findings, JKE recommend that the extracted groundwater be held in a settlement tank or lined sump pit for additional sampling prior to discharge/disposal” (page 12)
  - (e) “Based on our experience, disposal of groundwater to sewer is unlikely to be accepted by Sydney Water .... and additional information. Analysis and/or data assessment may be required to support a license application for disposal to sewer.” (page 12)
  - (f) “In addition a license from NSW Water may be required for temporary construction dewatering”. (page 12)
  - (g) “In the event unexpected conditions are encountered during development work or during dewatering that may pose a contamination risk, all works should stop and an environmental consultant should be engaged to inspect the site and address the issue.”
13. We submit that far from providing a “clean bill of health”, the reports reinforce the need to maintain stringent controls on the excavation, management of seepage and groundwater and monitoring and disposal. This should be done by maintaining detailed consent conditions.
14. We also note that Water NSW requires that water take records be retained for a period of 5 years and that copies of the records be provided annually to the relevant Minister (page 1 Water NSW Exemptions Construction dewatering Fact Sheet). We submit that this condition should also be imposed.
15. **Condition 23** requires dilapidation reports and photographic surveys of all individual lots including the access easement and shared driveway of 49 Frenchs Forest Road East, Frenchs Forest to be provided to the Principal Certifying Authority (PCA) prior to the commencement of any works on site.
16. We submit that it is essential that this condition be maintained.
17. As already outlined in the many objections to the original DA and in submissions to the Sydney North Planning Panel, there are major concerns over the disruption associated with the planned development due to the construction, extensive excavation and the very high number

of truck movements along the central access road required during the construction. This will seriously affect all the lots in the Business Park and not just adjoining lots.

18. Damage to the buildings is not simply damage for a commercial office space. Many of the other lots contain medical and other health services involving use of sensitive equipment and facilities. The Sydney North Planning Panel supported this condition of consent and the Modification Request does not provide additional information to justify removal of this condition of consent.
19. Further the Modification Request has not provided any evidence of consultation with and/or the consent of the other businesses and lot owners in the Business Park to the deletion of this important protective condition of consent.
20. The Geotechnical Investigation Report prepared by JK Geotechnics dated 10 December 2019 (**Geotech Report**) identified that the primary geotechnical issue concerning the Proposed Development is maintaining the stability of the excavation sides and nearby structures during excavation works.
21. As set out in the Geotech Report, the risks here are exacerbated by the fact that the land is mostly comprised of sandstone of a very low to low strength. Accordingly, it is not strong enough to be cut vertically and requires the installation of a full depth shoring system.<sup>1</sup> Of note, the implementation of this shoring system will likely require approval from neighbouring landowners as anchors may need to be installed below their property.<sup>2</sup>
22. Further, the Geotech Report identifies that given the close proximity of the site to adjoining structures, the use of hydraulic rock hammers throughout the excavation process may also lead to additional risks associated with the transmission of vibrations.<sup>3</sup> Given this risk, it recommends the installation of vibration monitors on adjoining structures with real time warning systems to alert construction workers as to vibration impacts on neighbouring properties.
23. These risks are exacerbated by the fact that the degree of excavation proposed is very significant, especially when compared with the adjoining buildings.
24. As noted earlier, these risks and potential impacts also need to be considered in the context of the surrounding land uses. In particular, many of the existing tenants of the Business Park, including our client, operate medical and health services with sensitive diagnostic and treatment equipment with practices which are open to members of the public. This increases the severity of any potential geotechnical impacts and disturbance experienced as a direct result of the excavation works proposed.
25. The high volume of truck movements will also damage the internal road in the Business Park.
26. Furthermore, we note that the development will require strict monitoring to ensure that risk mitigation measures are in place throughout the excavation phase, including:
  - (a) vibration monitoring should be in place with requirements to cease if any specified limits are exceeded; and
  - (b) the original DA Geotech Report recommends engaging excavation contractors with experience in such work and with a competent supervisor who is aware of vibration damage risks. With this in mind, the applicant should be required to identify who will be

---

<sup>1</sup> Geotech Report, page 11.

<sup>2</sup> Geotech Report, page 11.


<sup>3</sup> Geotech Report, page 15.

engaged as excavation contractors along with the supporting plans and statements to confirm these contractors are capable of completing the excavation works safely.

### Conclusion

27. On the basis of the above information, we consider that the Modification Request to remove consent conditions should be refused and the request for a fire service water storage tank on the roof be referred back to the applicant for further design work to reduce the visual impact.
28. Should you have any questions regarding this content of this letter, please do not hesitate to contact us.

Yours sincerely



**A/Prof Michael Izard**  
Director, Medical Services  
Northern Beaches Cancer Care Centre

**Tony Noun**  
Director  
CCA Estates Pty Limited