

JRPP No.	Item 1 - 2010SYE010
DA No.	DA-2010/34
Proposed Development	Demolition of existing Toyota motor showroom and construction of new Toyota motor showroom, South-western corner of the intersection of Pacific Highway and Fullers Road, Chatswood
Applicant:	SBA Architects
Report By:	Noni De Carvalho, CBD Place Manager – Willoughby Council

Assessment Report and Recommendation

728 Pacific Highway, CHATSWOOD (Recommendation: APPROVAL)

OWNER: Toyota Motor Corporation Australia Limited
DATE OF LODGEMENT: 29 January 2010
VALID APPLICATION DATE: 29 January 2010

DESCRIPTION OF PROPOSAL

The application proposes demolition of all existing buildings on the site and construction of:

- 1 At basement level and connected by a two-way ramp – vehicle storage area for 70 vehicles, 6 staff spaces, 5 pre-delivery bays, 2 car wash bays and office space for pre-delivery staff (82 square metres NFA).
- 2 At street level – a paved concourse for outdoor display of vehicles with a small flat roofed covered display area of 28.5m². Approximately 72 vehicles can be displayed. Total area of external display is 1949 square metres.
- 3 A new two storey motor showroom building containing office staff areas on the first floor level and on the ground level office, reception, kitchenette and sales advisors areas (total 754 square metres NFA), new car display for 17 cars (573 square metres NFA including terrace), customer lounge and children's area.
- 4 External to the new showroom are proposed 14 customer car parking spaces – 6 adjacent to the driveway off Pacific Highway and 8 at the rear (western) side of the new showroom including 1 accessible space for people with disabilities.
- 5 New access driveway from Pacific Highway to Fullers Road. The access driveway is proposed to operate one-way for car delivery trucks (entry off Pacific Highway and exit to Fullers Road) but two-way for cars.

- 6 Provision of road widening in accordance with RTA requirements along Pacific Highway and Fullers Road frontages.
- 7 New landscaping, services and storm water management.
- 8 Business identification signage structure.

The application proposes to retain an existing crossing in Pacific Highway south of the access drive for use for maneuvering display vehicles. This will be blocked by bollards when not in use. The other three redundant crossings are to be removed.

The application notes the removal of the contaminated soil on the site in conjunction with the redevelopment of the site. The site has been subject to a requirement for remediation by NSW Department of Environment and Climate Change. A copy of the Remediation Action Plan (dated 12 October, 2009) has been provided with the application documentation. The site has been identified as a Significantly Contaminated Site under the *Contaminated Land Management Act 1997*. The remediation will take place once all existing structures and pavements have been demolished. The remediation works do not form part of this development application as the Remediation Action Plan and carrying out of the remediation works are subject to DECCW approval as part of the site preparation work. For the purposes of this development application it is sufficient to note the strategy and scope of the remediation and that it will require removal of all structures and paving on the site for completion of soil testing and scope of remediation requirements to be finalised.

Neighbour Notification

Surrounding land owners were notified of the proposal and 10 submissions have been received. The notification was carried in accordance with Part B9 of WDCP for a period of 21 days.

Prior to the closure of the notification period, the applicant and representatives of Toyota met with residents from 4 Fullers Road, 1/27 and 2/27 James Street, 25 James Street, 23A James Street, 23 James Street, 21 James Street, 19 James Street and 11 James Street. The meetings took place on 18 and 25 February 2010. As a result of the meetings the architect for the proposal produced shadow diagrams for the development and view line sections for seven of the adjacent sites to the west. These were 4 Fullers Road and 21 to 27 James Street inclusive. The owners signed an agreement advising Council that the proposed boundary fencing separating the site from the James Street properties adjacent to the driveway should be an acoustic fence of 2.4 metres in height above the retaining wall rather than 2 metres as indicated in the plans. It is noted that the residents thought Council restricted the fence height but no such control exists and there is no reason why the fence height cannot be continued along the full length of the western boundary if the parties are in agreement.

The written submissions are summarised as follows:-

20 McLean Ave, Chatswood

- 1 Concerns of safety of proposed driveways for students and parents from Chatswood Public School walking past the site.

- 2 SEE did not acknowledge the proximity of the school. [Note: The school was notified of the proposal as part of the notification process carried out by Council].
- 3 There should be an experts report to address impacts on pedestrians especially children.

23 James Street, Chatswood

- 1 Additional noise from new driveway and customer parking adjacent to houses.
- 2 Noise from air-conditioning plant in building and garbage room.
- 3 Loss of security and privacy – staff balcony overlooks back yards.
- 4 Loss of property value.

2/27 James Street, Chatswood

- 1 With demolition of existing buildings our backyards will be exposed to noise.
- 2 Driveway could become a short-cut to by-pass traffic lights.
- 3 Noise and heat from air-conditioning/plant room facing property.
- 4 Security compromised – fence height should be a minimum 2.4 metres.

1/27 James Street, Chatswood

- 1 Loss of screening provided by existing buildings to Pacific Highway/Fullers Road intersection noise.
- 2 Fence height should be a minimum of 2.4 metres or greater.
- 3 Noise from new car deliveries and garbage collection in driveway.
- 4 Entrance from Fullers Road is unsafe.
- 5 Parking restrictions in James Street require review.

4 Fullers Road, Chatswood

- 1 Significant air and noise pollution during demolition.
- 2 Potential damage to property by development.
- 3 Interference with privacy and security during and after development.
- 4 Current showroom is contemporary and sturdy – proposed development is a waste of resources.

23a James Street, Chatswood

- 1 Existing rear brick wall of showroom provides noise shielding – noise will increase with proposal.
- 2 Noise from semi trailers – air brakes, hydraulic lowering of ramps, beeping of reversing trucks.
- 3 Report says two deliveries a day but that will increase creating more noise – negative impact on residents who are shift workers.
- 4 Noise from car parking and air-conditioning plant.
- 5 Loss of privacy and security – staff balcony overlooks back yards – potential for pollution from staff using balcony to smoke.
- 6 Development does not comply with development standards. No justification.

- 7 Odour pollution from refuse room.
- 8 Fencing should be 3 metres in height.
- 9 Potential risk for property damage during construction.

25 James Street, Chatswood

- 1 Increased noise due to removal of current showroom that provides acoustic shield.
- 2 New driveway is in close proximity to backyard.
- 3 Loss of privacy and security with removal of current 4.4m block wall (rear wall of showroom) – safer by design at our expense.
- 4 Increased noise from activities of Toyota – noise from plant room, delivery truck noise, staff balcony.
- 5 Excessive size of showroom breaches allowable floor space and other standards.
- 6 Site waste management located too close to boundary will cause noise and odour.
- 7 Pedestrian safety of school children walking past the site.
- 8 Landscaping not adequate – need street trees Pacific Highway, mature trees being removed.
- 9 Operating hours are longer than trading hours as staff arrive earlier and leave later.
- 10 Expansive area under may be used for vehicle servicing.
- 11 There should be no illuminated signs on the rear facing west.
- 12 Our site should have environmental testing and be remediated if required.
- 13 Noise monitoring was done in our backyard not at 21 James Street as indicated on the report.
- 14 Survey plan does not plot the full footprint of our house – omits a section of our dwelling closest to boundary including kitchen.
- 15 SEE omits Chatswood Public School as being in the vicinity.
- 16 Traffic assessment should have considered traffic movements within the site.

21 James Street, Chatswood

- 1 Increased noise and reduced privacy with removal of existing buildings. Proposed 2.4m acoustic wall should be proven with noise level test data – should be no increase to current noise levels.
- 2 Windows and balcony overlooking backyard opposed – cause loss of privacy.
- 3 Glass will generate reflection.
- 4 Opposed to new driveway and customer parking next to fence – noise from customers at weekends will cause health problems due to lack of restful weekends.
- 5 Toyota should have more consideration of neighbours and have a more friendly development design.

15 James Street, Chatswood

- 1 Want current boundary wall maintained as it provides privacy and blocks some noise.

- 2 New ground level is not clear compared with the existing – someone standing at edge can look over.
- 3 New trees to be planted should be of sufficient numbers and height to stop overlooking and not be of a type that sheds leaves.
- 4 Already experience noise from mechanical plant to existing basement operating 24 hours per day. Concern that southern plant room to basement will generate adverse noise impacts. Plant noise should be assessed in conjunction with all other noise on the site from activity of Toyota combined. The documentation does not give details on acoustic barriers.
- 5 New basement will house 81 cars for what? Will servicing work be done? How will noise be managed?
- 6 Strict time limit has to be set for truck traffic and vehicles unloading, that is, between 8.30 and 17.30.
- 7 A traffic control/timetable is needed to ensure the safety of pedestrians especially children and should be provided by Toyota.

Chatswood Public School P & C Association

- 1 School was not notified [Note: A notification letter was sent to the school's mailing address in Council records].
- 2 Concern regarding safety of children walking to and from school.
- 3 The SEE makes no reference to the proximity of the school and potential impacts.
- 4 Inadequate information has been provided with the application on pedestrian safety and movement of children past the site. Request the applicant to provide the additional information and it be made available to the P & C to review and comment.
- 5 Potential of access arrangements for vehicles entering the site to impact on the performance of the intersection Pacific Highway/Fullers Road. Potential for queuing through the pedestrian crossing on Fullers Road which would be a threat to children.
- 6 Measures need to be considered to enhance pedestrian safety.
- 7 Large delivery vehicles should be prohibited from the site during the hours that the school zone operates.
- 8 Truck entrances should be brightly painted with non-slip paint and flashing warning lights should be operating when trucks are entering or leaving the site.

The matters raised in the submissions are discussed in the assessment section of this report where relevant or in the Neighbour Notification Issues section of this report.

Existing Building, Relevant History and Site Context

The site comprises 5 parcels of land being:

Lot 1 in DP 439185
 Lot 1 in DP 135449
 Lot 3 in DP 3254
 Lot A in DP 373176

Lot 1 in DP 598492

The combined area of the parcels gives a total site area of 5,825.66m². Its main frontage is about 110 metres to Pacific Highway with a secondary frontages of 70 metres to Fullers Road and 30 metres to Western Way.

The natural ground level of the site prior to the existing development would have had a fall to the west and south west of up to 7 metres with its low point being towards the south-western corner of the site near Western Way. The topography in the general area of the site falls from the Pacific Highway frontage noting that the location of the Highway follows the ridge line through Chatswood.

The original development on the site was a service station and vehicle repair workshop located and orientated to the intersection of Pacific Highway and Fullers Road known as Mema Motors and then Peter Lloyd Limited. Elements of the original service station and workshop building are incorporated into the existing motor showroom building following a number of alterations and additions over a 20 year period. The driveway canopy area and filling points have also been incorporated into the showroom with a new floor covering over the filling points. The service station and vehicle repair business operated on the northern part of the site from about the late 1940's early 1950's. Council records indicate a series of alterations and additions that were approved as the use of the site changed from that of a service station/car repair activity to a motor showroom with car repairs. By the late 1950's the site was used for vehicle sales and repairs and was known as the Lancaster Motors site. The method of decommissioning the service station underground fuel tanks is unknown.

Council records indicate that by about the mid 1970's the use of the site had fully changed to that of a motor showroom with some car repairs initially as Yorkstar Motors and then as Chatswood Motors. Chatswood Motors acquired more land along Pacific Highway increasing the site area to its current size. A basement facility for vehicle repairs was constructed on the southern part of the site.

The fuel tanks located in the centre of the site that have caused known contamination were installed in about 1978. There are also likely to be old decommissioned fuel tanks under the showroom building from its original use as a service station and noting the filler points still located in the pavement on the eastern side of the existing showroom building.

Since Toyota has owned and operated from the site the vehicle repair activities on the site have ceased. Vehicle repairs for Chatswood Toyota are carried out in a purpose built facility located in Marden Street in the Artarmon industrial area.

Controls and Classification

- i) Sydney Regional Environmental Plan No 5
- ii) Conservation Area: No
- iii) Zoning: Business Automotive 3(c4)
- iv) Applicable DCP and SEPPs: SEPP 1, SEPP 55, SEPP (Infrastructure) 2007, SEPP 64, SEPP (REP) Sydney Harbour Foreshores, WDCP.

- v) Other Relevant Policies (Council Resolutions, Draft DCPs): N.A
- vi) BCA Classification: 6, 7
- vii) S94 Contribution Plans: Open Space/Community facilities, Child Care, Traffic and Roadworks.

Development Statistics

	Existing	Proposed	Standard	Compliance
a) Site Area (m2)	5825.66	5825.66	N.A	N.A
b) Gross Floor Area (m2)	3076	4580.5	4369.25	No*
c) Floor Space Ratio	0.53:1	0.79:1	0.75:1	No*
d) Front Setback	10.5 at minimum	5 at minimum	4	Yes
e) Car Parking Spaces	unknown	20	21	Yes**
f) Vehicle storage spaces	unknown	70	N.A	N.A
g) Height (m)	7.6	10.76	10.5	No*
h) Set back to residential (m)	0	3 minimum	3 minimum	Yes
i) Set back from showroom to residential (m)	0	7.4 minimum	5.4 minimum	Yes

*** Note: SEPP 1 objections have been lodged with respect to the non-compliance with the FSR and Height controls of SREP5.**

****Note: See discussion below on car parking.**

Compliance with Plans or Policies

The non-compliances with the FSR (Clause 11) and height (Clause 15) controls of SREP 5 are discussed in the assessment section of the report. A “precautionary” SEPP 1 was also submitted with the application with respect to a future non-compliance with the 4 metre set back requirement (Clause 18) to Pacific Highway and Fullers Road under SREP5. While the current proposal complies with the 4 metre set back, the development will not comply following the road widening of Pacific Highway and Fullers Road required by the RTA.

Also Clause 18 (2) and (3) sets minimum setback requirements to the boundary with residential for the new building that includes consideration of the height of any retaining wall. As the ground level and height of the retaining wall varies from residential site to residential site and the building has variable set back, the compliance assessment considered the set back at the closest point having regard to the height of the retaining wall on the closest residential property (Point (i) in the development statistic table above). Other sites were checked based on the cross-section information provided by the applicant dated 1 March 2010 and although other residential properties required higher retaining walls, a greater set back to the building applied adjacent to those sites.

With respect to the car parking calculations, Council calculations indicated that the net floor area in office for the proposed showroom building and the basement

detailing area totals 836 square metres. This requires 7.6 car spaces for staff car parking with WDCP requiring that it be rounded down to the nearest whole number. As a motor showroom some of the staff are likely to have the use of display/demonstration vehicles to and from work so the requirement for rounding down is reasonable. The total area of vehicle display has been calculated by Council to be 2522 square metres including 573 square metres NFA covered by the showroom building and terrace. This requires 12.7 spaces for customers. Thirteen spaces plus a space for people with disabilities are proposed for customers. This is considered acceptable. An additional staff space can be required as a condition noting the extent of vehicle storage space in the basement. The additional space required should be excluded from gross floor area by definition reducing GFA to 4566.75 square metres.

Referrals

Internal

Landscape Services has no objection in general terms to the proposed development given the nature and scope of the development but the landscape solution was not considered to sufficiently address the prominence of the site and its contribution to the streetscape. In general it was considered that the replacement planting did not sufficiently compensate for the extent of tree removal. The referral recommends retention of the three *Phoenix canariensis* (Canary Island Date Palms), and introduction of additional tree planting as follows:

- 1 In the proposed garden beds either side of the entry from Pacific Highway positioned so as not to obstruct sight lines for an exiting car.
- 2 Provision of a tree on the eastern side of the exit to Fullers Road positioned so as not to obstruct sight lines for an exiting car or vehicle carrier. Suggested species is *Eucalyptus microcorys*.
- 3 Variation of the proposed street tree in Fullers Road to *Tristaniopsis laurina* noting the overhead power lines in the location.

Also the Landscape Group noted that fencing or security control on the site has not been addressed in the application which may interfere with the proposed landscaping. A condition can be included to ensure this does not occur. (Condition 4)

The Traffic Group advised as follows:

1. *Fullers Road and the Pacific Highway are both State Roads under the care and control of the RTA and accordingly the RTA's comments regarding any required road realignment at this site take precedence over any comments made by Council officers. The intersection performs very poorly and it is noted that the traffic study confirms previous modelling undertaken at the site which shows that in both the am and pm peak periods it operates at level of service F (unsatisfactory and requires additional capacity). It is also noted that the RTA has established existing road widening reservations on both the Pacific Highway and Fullers Road frontages of the site and it is therefore concerning that the proposed new showroom is being built very close to the alignment of the road widening reservations. This could create sight distance concerns to oncoming traffic and pedestrians should the road widening take place and a*

greater setback would be beneficial. As a minimum, splays at driveway crossings in accordance with the requirements of AS/NZS 2890.1 sections 3.2.4 should be required to ensure adequate visibility to from pedestrians and oncoming traffic. It is noted that the underground parking is also built close to the road widening reservations which may impact upon the opportunity for the RTA to explore grade separated options at the intersection. (Conditions 4, 16, 85)

The recently completed Chatswood CBD Microsimulation traffic model completed for the RTA and Council provided the RTA with an opportunity to model options for the Fullers Road/Pacific Highway intersection however the RTA chose not to do so. The RTA may however now wish to undertake further modelling to determine what options if any may be viable in the near future. Council considers that road widening to provide extra capacity past the site is essential to relieve congestion on the Pacific Highway, Fullers Road and Help Street at peak periods and the development proposals on this site should be developed with RTA road widening proposals in mind. The traffic study makes no reference to options currently under consideration by the RTA only stating that preliminary consultation with the RTA has taken place. Formal dedication of land to the RTA for road widening purposes would be appropriate if it has not already taken place. (Conditions 16, 53)

- 2. The development has made no provision for bicycle parking on site. To encourage more sustainable means of travel to the site by staff and customers it is considered that bicycle parking for a minimum of 4 bikes should be provided. (Condition 4)*
- 3. The traffic study submitted with the DA advises that redevelopment of the site is not expected to result in any change to the existing traffic generation from the site (41 vehicles/hr according to RTA guidelines and up to 27 vehicles/hr based upon site surveys). Using the RTA guidelines the traffic generation from the redeveloped site would be unchanged however given the increased floor area available for vehicle storage and increased office space it is reasonable to suggest that traffic generation from the site would in fact increase. [See planning assessment later in this report]. The Statement of Environmental effects has provided no information on the magnitude of the increase in office space or available areas for car parking and vehicle storage however it appears that the useable areas have approximately doubled so traffic generation from the site will be expected to increase. Office developments generate 2 peak hour vehicle trips per 100ms of gross floor area. The redeveloped site has 742 sqm of office so will generate 15 peak hour vehicle trips from the office component alone. The addition of a basement vehicle storage area allows more vehicles to be accommodated on site and this can only increase the level of customer and/or delivery activity generated. Vehicle movements to and from the site are anticipated to increase to levels around those predicted by RTA guidelines however the magnitude of change will not be significant given the amount of traffic using the intersection. To minimise the chances for increased pedestrian, rear end, side swipe or cross traffic crashes involving vehicles entering and exiting the site it is once more suggested that splays be required at each driveway crossing as outlined in*

AS2890.1 section 3.2.4 to provide for maximum sight distance. For similar reasons it is also considered that any landscaping on boundaries of the site within the splay areas should be limited to groundcover species not exceeding 700mm in height. It is also suggested that a condition be placed on the development requiring a reduction in the amount of car storage and display area on the site should RTA road widening occur and stipulating that those parts of the site that would be resumed should RTA road widening take place will no longer be available for the display of vehicles. (Conditions 4, 53)

4. *The traffic study notes that a transport access guide is to be prepared for the site. This is supported however in addition to the above it is considered that there should be also be a requirement to prepare and implement a green travel plan for the site outlining proposals and incentives to encourage car pooling, travel by public transport and bicycle, the introduction of a customer shuttle bus service etc. (Condition 122)*

Building Services has no objection to the proposed development subject to conditions.

The Environmental Health Officer considered the proposal and advised of conditions required addressing remediation, soil and water management during construction, noise management issues, building ventilation requirements and so on.

Engineering Services advised following submission of amended hydraulic plans on 11 March 2010 that there is no objection to the proposal subject to conditions addressing road widening, stormwater management, construction site management and so on.

External

The RTA has given its concurrence to the development subject to conditions that include:

1. The road widening area must be kept clear of any obstructions. It was noted that a section of the roof encroaches into the road widening area. A plan of the road widening was attached to the RTA letter.
2. The layout of the car parking must comply with AS2890.1 and AS2890.2.
3. The modifications to the gutter crossings must be in accordance with RTA requirements.
4. Heavy vehicles are not permitted to service the site in the morning peak hour.
5. The driveway to Fullers Road is to be restricted to left in/left out only. [Note Pacific Highway is similarly restricted by the median strip].
6. Storm water discharge from the site to the RTA drainage system is not to exceed existing levels.
7. All vehicles must enter and leave the site in a forward direction.
8. All vehicles must be wholly within the site before coming to a stop.
9. All demolition and construction vehicles must be accommodated on site – no work zones can be provided.
10. Provision for car parking in accordance with Council requirements.

RTA requirements are addressed in Conditions 4, 10, 16, 22, 52, 53, 63, 64 and 85.

Matters for Consideration Under S.79C EP&A Act

Satisfactory ✓ Unsatisfactory ✗ Not Relevant N/A

(a)(i)	The provisions of any environmental planning instrument (EPI)	
	State Environmental Planning Policies (SEPP)	✓
	Regional Environmental Plans (REP)	✓
	Comment: See Assessment – SEPP 1 objections supported	
(a)(ii)	The provision of any draft environmental planning instrument (EPI)	
	Draft State Environmental Planning Policies (SEPP)	NA
	Draft Regional Environmental Plans (REP)	NA
	Draft Local Environmental Plans (LEP)	NA
(a)(iii)	Any development control plans	
	Development control plans (DCPs)	✓
	Comment: See assessment	
(a)(iv)	Any matters prescribed by the regulations	
	Clause 92 EP&A Regulation-Government Coastal Policy	NA
	Clause 93 EP&A Regulation-Fire Safety Considerations	✓
	Clause 94 EP&A Regulation-Fire Upgrade of Existing Buildings	NA
(b)	The likely impacts of the development	
	Context & setting	✓
	Access, transport & traffic, parking	✓
	Servicing, loading/unloading	✓
	Public domain	✓
	Utilities	✓
	Heritage	NA
	Privacy	✓
	Views	✓
	Solar Access	✓
	Water and draining	✓
	Soils	✓
	Air & microclimate	✓
	Flora & fauna	✓
	Waste	✓
	Energy	✓
	Noise & vibration	✓
	Natural hazards	NA
	Safety, security crime prevention	✓
	Social impact in the locality	✓
	Economic impact in the locality	✓
	Site design and internal design	✓
	Construction	✓
	Cumulative impacts	✓
(c)	The suitability of the site for the development	
	Does the proposal fit in the locality?	✓
	Are the site attributes conducive to this development?	✓
(d)	Any submissions made in accordance with this Act or the regulations	

	Public submissions	✓
	Submissions from public authorities	✓
(e)	The public interest	
	Federal, State and Local Government interests and Community interests	✓

Assessment

Statutory Considerations of SREP5

The proposed use will continue to be consistent the objective of the Business Automotive 3(c4) zone. Already in this report a number of non-compliances with the statutory development standards of SREP5 have been noted and objections pursuant to SEPP 1 lodged with the application. The objections are considered in detail below.

SEPP 55 Remediation of Land

A Remediation Action Plan (RAP) prepared in general accordance with the EPA Guidelines (*Contaminated Sites: Guidelines for Consultants Reporting on Contaminated Sites*) has been provided with the application. The RAP provides the strategy for remediation to make the site suitable for its use as a motor showroom, remove the potential source of hydrocarbons impacting on the adjacent residential properties and to remediate the impacts that have occurred ensuring the adjacent properties are suitable for residential use. The fundamental approach of the RAP is to remove all contaminated soil from the site in its entirety. It is also proposed to remove the contaminated soil from adjacent affected sites at 21 and 23 James Street where contaminated soil has been found. The contaminated soil is proposed to be disposed of to appropriate licensed land-fill facilities.

All the underground fuel storage tanks are proposed to be removed and disposed of in accordance with the requirements of AS4976 (2008) for '*The removal and disposal of underground petroleum storage tanks*'. It is noted that the underground storage tanks in the middle of the site are known to have caused the identified contamination but there is a high probability that when the buildings are demolished and the original storage tanks from the service station use are uncovered there is likely to be more contamination than currently identified. As a result the volume of soil removal cannot be finally determined but is estimated to be in the order of 7,083 tonnes. It is noted that in exposing the soil and possible old underground fuel tanks under the existing showroom building after demolition it is possible that part of the existing retaining wall along the western boundary of the Toyota property adjacent to the residential properties may require demolition and rebuilding following the excavation of the contaminated soil. The conditions of consent can address this possibility. (Condition 11)

A Voluntary Management Plan (VMP) pursuant to the *Contaminated Land Management Act 1997* is required once the site can be fully tested after demolition. This will require approval by the Department of Environment, Climate Change and Water prior to any Construction Certificate being issued.

It is noted that various actions have been taken on the site since it was first identified as having a significant risk following the Stage 1 Environmental Site assessment completed in May 2005. The two underground storage tanks and fuel lines in the centre of the site were decommissioned and the bowser removed. Soil assessment in February 2006 found that the contamination had migrated off-site to the west (19 James Street). Stage 2 environmental site assessment completed in January 2007 revealed the contamination was migrating north-west into 21 and 23 James Street. To manage the contamination and prevent further migration until such time as the site was redeveloped interim management measures were put in place including installation of a groundwater sump and pump in the north-east corner of 19 James Street with treatment before disposal of water. Also installation and operation of soil vapour extraction adjacent to the western boundary behind 19, 21, 23, and 23A James Street has occurred.

SEPP 64 Advertising and Signage

The proposal includes business identification signage for Toyota including an internally illuminated pylon sign proposed to be located on the south side of the Pacific Highway entry and an internally illuminated signage band (fascia) sign on the Pacific Highway and Fullers Road frontages of the new showroom building.

The proposed pylon sign is further south on the site than the existing pylon sign structure. The proposed structure has the dimension of 6.8 metres in height (the existing pylon sign structure is approximately 7 metres in height) and a width of 1.7 metres. The fascia banding proposed is 1.5 metres in height approximately 34.5 metres in length as it “wraps” the corner of the building. The colour palette is in accordance with the Toyota corporate imaging, that is, white background, red “Toyota” sign and logo and black dealership name.

The proposed signage is considered to be consistent with the objectives of SEPP 64 as it is consistent with the character of the Pacific Highway frontage in the location, is of high quality design and finish and provides effective communication of the message. The character of Pacific Highway in the location is one of motor showrooms for various vehicle brands. The form of the banding sign on the showroom building will address both frontages at a prominent intersection. The design does not obstruct views, sight lines or vistas nor does it dominate the skyline.

The scale and proportion of the fascia banding has regard to the style, scale and proportion of the new showroom building. The pylon sign is not excessive in size and will provide business identification without detracting from the streetscape or causing visual confusion or clutter in the streetscape.

While other identification signs are indicated on the elevations provided with the application, only the fascia banding on the showroom building and the pylon sign have been identified in the application documentation for approval. Other signage has been identified to be subject to separate application if required. It is noted that a condition is required to prohibit illuminated signage from facades facing residential development at the rear. (Condition 110)

Willoughby Development Control Plan – Advertising and Advertising Structures

The proposed pylon signage structure and fascia banding has been considered in the context of WDCP requirements. The building façade signage has been designed into the architecture of the building and takes into consideration the building proportions as required by WDCP. In conjunction with the separately located proposed pylon structure on the site, the business identification signage is clear and uncluttered. The messages are simple and informative and no third party advertising is proposed.

The design and placement of the proposed signage is not considered will cause a traffic safety issue.

The proposed pylon sign is replacing an existing pylon sign although it appears to be identical to the existing pylon sign on the site. An approximately 7 metre pylon sign structure has been on the site for many years. The proposed pylon sign is consistent with the height of the existing structure. WDCP sets a maximum of 5 metres in height for pylon sign structures which is proposed to be exceeded by 1.8 metres. In the context of this site it is not considered that strict compliance with the height control for pylon signs is reasonable. A requirement to comply will have the likely result that the current pylon signage structure which has had approval in the past would be recycled on the site with perhaps an upgrade in the graphics. Also having regard to the length of the Pacific Highway frontage to the site, the form of the proposed structure and its relationship to the proposed showroom building, the structure in the circumstances of this site is considered acceptable.

Landscaping Flora and Fauna

The Landscape Plan proposes a predominance of groundcovers (Star Jasmine *Trachelospermum jasminoides* and Native Dwarf Mat Rush *Lomandra "Nyalla"*) along the site frontages to Pacific Highway and Fullers Road. New Zealand Flax plants are proposed at regular intervals in the groundcover. The Landscape Plan clearly has the intention of maximising the exposure of the site.

The comments of Council's Landscape staff are supported. It is not considered that the Landscape Plan makes sufficient effort with tree replacement noting the number of trees to be removed along the Pacific Highway frontage. Additional tree planting as recommended in the Landscape comments is supported. It is also considered that additional trees should be provided along Western Way in addition to the retention/replanting of the Canary Island Date Palms *Phoenix canariensis* as well as in the vicinity of the southern driveway (to be removed - see later discussion) and a tree at the corner of the building facing the intersection. Consideration was also given to requiring additional street trees but given the issue of sight lines and pedestrian volumes in the area, preference for onsite tree planting was preferred as the set back of the trees from the boundary can be adjusted to ensure there is no adverse impact on sight lines. This can be addressed in the conditions of development consent. (Condition 4)

The planting proposed along the western boundary varies in location. At the southern end of the site adjacent to 11 and 15 James Street, the existing landscaping

is proposed to be replaced because of poor condition with Lillipilly and weeping Lillipilly (*Syzygium luehmannii* and *Watehousia floribunda* "Sweeper"). Currently the basement structure is prominent to the residential properties above the retaining wall at the boundary. The new basement structure will be more appropriately screened by the proposed landscaping. It is noted that the proposed basement structure will maintain the existing set back to the boundary which is 3 to 4.8 metres. As there is no requirement for remediation on that part of the site and the new basement is proposed to have a consistent floor level to the existing basement requiring minimal site works in the location, the existing retaining walls to the boundary are proposed to be retained.

At the rear of 17 and 17A James Street it is proposed to retain the existing stand of Pencil Pines (*Cupressus sempervirens*). This is again possible as minimal site works are required in the location and the existing retaining wall at the boundary can be retained. The existing pines provide an established privacy screening and a landscaped backdrop to the existing Toyota development.

From 21 James Street to Fullers Road, the extent of site works will not be fully known until demolition occurs and the extent of remediation is known. This may involve partial or complete demolition of the existing retaining wall along the boundary if the structural integrity of the wall is compromised. The essential matter is that the retaining wall is rebuilt and it offers the opportunity to require quality finishes to the wall when viewed from the residential side. On top of the wall will be constructed the 2.4 high fence as agreed with the residents. (Conditions 4, 11)

Noted in the architectural drawings and the Landscape Plan are planters extending over the boundary into each of the properties in James Street. The Landscape Plan indicates planting with "Sundowner". There is no evidence in the documentation that the residents have agreed to this proposal. The conditions of consent require that resident approval be gained before the planters are constructed. (Condition 4)

The screen planting along the boundary adjacent to 21 to 27 James Street is proposed to be hedging of *Viburnum odoratissimum* which has a mature height of 2.5 metres comparable to the agreed height of the fence. Two *Syzygium luehmannii* are proposed along the length which can grow to 4 – 5 metres. As the *Syzygium luehmannii* is also used as a hedging plant and can handle regular pruning, it is considered that their number should be increased to at least 8 along the boundary as they will add height and green relief to the backdrop of the new showroom building behind when viewed from the residential dwellings. This can also be conditioned. (Condition 4)

19 James Street is adjacent to the proposed new access ramp to the new basement level. There is no opportunity for buffer landscaping in addition to the boundary fence at the location as the depth of the site extends further into the Toyota site. As it is the location of the vehicular ramp, there is minimal opportunity for overlooking and some green relief will be afforded by proposed landscaping each side at the rear of the property.

Architectural Style and Character

The proposed development of a new motor showroom is traditional in its approach with a component of internal display of vehicles but a significant component of external display. Other recent motor showrooms in Willoughby have sought to enclose the majority of the vehicle display area into the building structure requiring much larger buildings.

Although some of this external display space will be removed when the widening of the Highway occurs, in the interim the use of the road widening land for vehicle display is acceptable. (Condition 53)

The proposed showroom building with two-storey glazing, structural framing that can be viewed externally and its angled roof is contemporary in style and orientated to address the corner location. Light, visibility and transparency with double height spaces are features of the proposed building. Variations in the alignment of the external facades and the roof form and height provides articulation and interest while achieving a cohesive built form. It allows the main showroom part of the building to be read as the dominant with the rear office and pre-delivery to be read separately. The architectural form is consistent with the style of other recent Toyota showrooms in Sydney reflecting a corporate style.

The proposed colours and external finishes incorporating aluminium composite panel, "Horiso" louvers/sunscreens and aluminium windows indicate a quality durable external finish. Painted finish (Spanish Olive in colour) is proposed to the basement walls where they extend above natural ground level when viewed from the residential properties. The colour and proposed or retained landscaping will provide an acceptable outlook and generally be an improvement on the existing situation. The boundary fencing above the retaining wall is also proposed to be finished in a similar colour which should provide a non-reflective backdrop to the existing landscaping on the residential sites adjacent to the driveway north of 21 James Street.

The plant rooms to the basement are located 3.5 to 4 metres from the adjacent residential properties at 17 and 19 James Street. This structure will replace the existing basement plant rooms and offices in the location. Openings currently in the existing basement design are not going to be incorporated into the new design. It is considered that potential overlooking will be reduced as a result and plant room noise will be more appropriately managed. One plant room grill is noted in the elevation, however, this is for air intake only and not exhaust so noise is not anticipated to have an impact that would warrant a change.

The plant room to the showroom building is located above the new car delivery area and angled from directly facing the residential properties. It is set back between 10.4 metres and 16.4 metres from the boundary and is unroofed but screened from the residential properties on the façade by the metal louvres ("Horiso") proposed elsewhere as feature elements in the building. It is considered that the plant room with appropriate noise control conditions on the mechanical ventilation system will have minimal impact on the residential neighbours. (Conditions 18, 56)

Mass, Bulk, Set Backs and Relationship to Adjoining Land

The extent of above ground built form proposed on the site when viewed from Pacific Highway and Fullers Roads is acceptable in its mass and bulk. The site coverage is less than the existing development and it is noted that the sales offices and internal showroom floor space is actually reduced from the existing 1729 square metres to 1721 square metres. The increase in gross floor area in the proposal is attributable to the increased size of the vehicle storage proposed in the basement.

The set back to the Highway will comply but following road widening by the RTA the set back will reduce to 1 to 2 metres. This is discussed later in this report in the context of a SEPP 1 objection. Along the Pacific Highway frontage the proposed development is consistent with development to the north of the site.

The set backs to the residential side are variable and acknowledge the requirements of SREP 5 Clause 18. The mass and bulk of structures resulting from the stepped nature of the proposed built form when viewed from the residential sites, that is, from the boundary retaining walls to the set backs of proposed structures on the site is acceptable. It is considered that the mass and bulk impacts compared with the existing structures on the site built to the boundary at the rear of 4 Fullers Road and 21 to 27 James Street will be an improvement over the existing situation. It will also improve light penetration to the rear of those houses. Although additional height is proposed in the showroom building, the foot print of the showroom is reduced and its additional height is set back and modulated.

Privacy and overlooking from the proposed new showroom building and in particular the staff balcony is considered to be mitigated by the set backs proposed, the height of the proposed acoustic fencing and landscaping and the fall of natural ground level. No other windows are proposed along that façade. In addition vertical metal louvers along the upper level façade are proposed with the additional purpose of controlling the heat impact of the western sun. The staff balcony aligns approximately with 23A James Street. That house appears to have its main recreation area on its northern side and ground level is approximately 4.7 metres below the top of a 2.4 metre fence. The staff balcony is set back 13 metres from the boundary and the floor height of the first floor is RL 110.1 which is within 100mm of the top of a 2.4 metre fence. From the staff balcony it is considered the view lines will be of the fence, the roof of the house and beyond. The louvers will restrict the angled view lines over 23A James Street as well the view lines towards 25, 23 and 21 James Street.

Residential properties abutting the site south of 21 James Street have their privacy maintained and in fact improved by the proposed new basement with no openings in the external walls (unlike the existing basement). The height of the basement rises above ground level on the south west part of the site as in the existing situation and the landscaping in the set back is proposed to be upgraded where necessary.

To the south of the site is Kenneth Slessor Park, a small commercial office building, a boarding house/retail shopfront and Chatswood Public School. In a visual context the site is well separated from development to the south by the Park. The relationship to the Park noting that open external display area is proposed on the southern part of the site is acceptable and views of the Park and sunlight access to

the Park will be retained. The additional planting required along the boundary discussed earlier in this report should enhance that interface.

Traffic/Pedestrian Impacts and Car Parking Requirements

The car parking provision on the site has been assessed and discussed earlier in this report.

Also required is provision of 4 bicycle parking spaces as noted in Council's Traffic Group comments and one motorcycle space is required in accordance with WDCP. (Condition 4)

The traffic impact assessment considered AM peak (15 vehicle movement per hour) and PM peak (27 vehicle movements per hour) to and from the site based on survey information from the current site. The peak hour movements are primarily attributed to staff with some customer activity. This was assigned to the surveyed traffic volumes at the intersection which made a negligible difference to the performance of the intersection. The intersection already experiences significant delays and operates at level of service F which is unsatisfactory.

Council's Traffic Group expressed concerns regarding possible increased traffic generation. The traffic impact assessment report does not make clear that there is very little change proposed from the existing situation to the proposed situation other than for increased vehicle storage capacity. It is understood that vehicle storage includes not just new vehicles but also used vehicles that are traded in and are waiting on detailing for sale. The increased storage capacity is advised to be to improve the efficiency of the site. The report notes that with a new facility there may be increased customer activity in which case a minor increase in staff may be required but the report advises an intention to implement a Green Travel Plan for staff and Travel Access Guide for customers although a draft plan and guide has not been included in the application documentation. As customer activity peaks at weekends when congestion in the surrounding State Road network is marginally less, the report concludes that the redevelopment of the site will have minimal traffic impacts and this is accepted subject to the conditions requiring a Green Travel Plan and Access Plan as noted by the Traffic Group (Condition 122). The application SEE indicates that a maximum of 35 staff will be employed at the site.

Pedestrian impacts were not specifically discussed in the traffic report although it is noted that pedestrian counts were taken at the intersection when the traffic counts were made on 19 December 2009. This found that pedestrian movements numbered 422 in the AM and PM peak hours using the traffic light controlled crossings which are significant movements of pedestrians at the Pacific Highway/Fullers Road intersection. The traffic consultant Traffic and Transport Planners provided the additional comment that the number of kerb crossings to the site is being reduced by the proposal and the new access points are being designed to comply with AS2890. The standards include requirements for sight lines to pedestrians and driveway splays to improve turning manoeuvres. Further it is considered that the southern driveway proposed to be retained for staff use for movement of display cars is not justified and should be removed. The new driveway proposed is adequate to

accommodate all vehicular access to and from the site. This can be conditioned. (Condition 4)

Servicing and deliveries to the site have been designed for the maximum sized 19 metre vehicle carrier. Council has been advised by letter from the Dealer Principal of Chatswood Toyota and supported by Toyota Australia that 19m carriers are no longer used at the site and there is no intention to change from the current operational policies with the new development. The operational policies that include delivery management followed a review of delivery methods given the location at a congested intersection, traffic volumes and pedestrian impacts as well as management of unloading on site and the operational safety of staff. The site uses 4 car carrier trucks which were selected because of the smaller size that enables better drive-in/drive-out manoeuvrability as well as minimising the unloading noise. With up to two deliveries per day at 8.00am and 2.30 pm it allows the dealership to optimise the quantity of vehicles being delivered to the site. The Dealer Principal noted in the letter that Chatswood Toyota implements strict adherence to its operational safety policy in staff inductions and audits highlight the dealerships current good safety record.

If the current method of delivery continues with the new facility, many of the resident concerns on noise from deliveries and the schools concerns regarding the impact of large trucks crossing the footpath and potential accidents with children are addressed. To ensure that the current operational policies continue with the new facility, it is proposed that it be conditioned. (Condition 98)

On the basis that the use is existing, the number of driveway crossings is reduced, the driveways entrances are to be splayed to assist turning and visibility, the number of additional vehicle movements will not be significant and the placement of tactile indicators on the driveway edges, the safety of pedestrians and school children is considered to be addressed.

Hours of Operation

The hours of operation of the showroom are noted in the application to be 8.30am to 5.30 pm weekdays and Saturday and 9.30am to 5.30pm on Sundays. These hours of operation cannot be the hours of operation for the whole site as the morning delivery occurs earlier. It is proposed that the hours of operation of the site as a whole be restricted to 7.00am to 6.00pm for Monday to Saturday to more realistically reflect activity on the site and without change for Sunday. This will preclude a morning delivery of vehicles on Sundays which is considered appropriate given the proximity of residential but on other days allows for the morning delivery to occur before the start of the school zone times.

Provision for People with Disabilities

The proposed development provides amenities on the ground floor and an accessible car space for people with disabilities. It is not considered that the proposal adequately considers the needs of staff with disabilities noting that the first floor in the showroom building where the meeting room and staff area is located is only accessible by stair. Also the basement car parking and vehicle storage area is only

accessible via a fire stair or by walking down the vehicular ramp. This is not considered acceptable in a new development of the value proposed where an approval would in effect be condoning a situation of discrimination in selection of staff. It is considered that a lift connecting the basement to the ground and first floor of the showroom building must be provided in the development and the plans amended accordingly. A basement level or ground level car parking space is required for staff with disabilities. (Condition 4)

Noise Impacts

The noise impacts were assessed in an acoustic report by Wilkinson Murray. The existing ambient noise levels were monitored by a noise logger located in the rear of 25 James Street. The noise logger site was at the rear of the existing showroom built to the boundary of 25 James Street. The background noise levels were found to be relatively high at 64dBA during the day, 56dBA in the evening and 52dBA at night. The noise from the operation of the site was assessed considering the anticipated truck deliveries and movements, site operations and mechanical plant noise. The truck movements were based on the noise of a large vehicle carrier and the unloading of 6 vehicles. As previously noted a smaller truck is proposed to be used. The noise impact assessment had regard to the mitigating elements to noise such as fencing (only considered a 1.8 metre fence) and topography and the spherical spreading of noise. The noise averaged over a 15 minute period generated by deliveries was found to be 51dBA at the rear of the residences which is below intrusive levels. Plant equipment noise cannot be fully assessed in the absence of the detailed mechanical ventilation design. Operational performance standards of plant and equipment noise can be addressed in the conditions of consent. (Conditions 18, 56, 96, 97)

The noise report did not consider the noise from collection of refuse from the garbage room located at the rear of the showroom. The refuse room is located at ground level and is set back 10 metres from the boundary with residential development. It is not considered that a garbage collection vehicle would create more noise than a vehicle delivery carrier assessed in the noise report. It is therefore concluded that the noise generation from a vehicle delivery carrier is able to be addressed then noise from a waste collection vehicle would not result in intrusive noise impacts on the residential. The collection hours can be conditioned to align with the operating hours of the site (Condition 101). The waste material likely to be generated and held in the storage area would be office waste and recyclables.

Residents along the driveway noted concerns regarding the removal of the existing showroom building and the noise shielding the building provides from Highway noise and noise on the site. Nevertheless the background noise assessed by the noise logger at the rear of 25 James Street recorded significant noise levels in the existing situation. In the circumstances it is considered that a reasonable degree of shielding will still be afforded by the acoustic fencing to a height of 2.4 metres. It is noted that retention of the existing showroom building is not an option in view of the contamination on the site. The extent of demolition which may include sections of the retaining walls along the northern half of the boundary in the vicinity of the known and possible contamination cannot be determined until the final testing occurs after the buildings and concrete slabs are removed.

Shadowing

The shadowing of the proposed building is primarily within the site itself. There is reduced morning shadowing impacts on the residential properties adjacent to the new showroom compared with the existing situation. Shadowing impacts are not considered an issue for the proposed development.

Environmental Sustainability

WDCP requires sustainability initiatives be incorporated into the design. The development proposes collection and retention of roof stormwater for use on site for car washing and landscape irrigation. Low water consumption fittings are proposed to be used.

The fixed metal louvers are proposed to the glazing and along the western façade to manage solar radiation. The large void areas within the new showroom building will achieve natural light penetration into the building. Energy efficient lighting, automatic time switching and daylight sensors are proposed.

Undertakings in the documentation submitted with the application indicate that the mechanical ventilation systems will comply with BCA Part J5 and the lighting will comply with Part J6.

Suitability of the Site

The proposed development is a continuation of the current use which has a long history at the location. The remediation required is of a scale that requires redevelopment of the site but continuation of the existing use of the site is appropriate and consistent with the zoning of the land for automotive uses. The site is therefore suitable for the proposed development.

Neighbour Notification Issues:

A number concerns raised by the neighbours and the Chatswood Public School have been considered in the above discussion including the concerns regarding noise and truck deliveries to the site and operational noise, privacy and overlooking, noise shielding from the existing structures and equipment noise. Pedestrian safety has also been considered having regard to the design of the driveways, sight lines and driveway splays, delivery times and the fact that a smaller sized vehicle carrier to be used. The public school recommended the introduction of warning flashing lights or surface treatment. These are not supported because of the adverse impact on the amenity of the adjacent residents and the potential for slip on treated surfaces. Level changes in the footpath are possible at the crossings with tactile indicators either side. The driveway crossings can be considered in the detailed design.
(Condition 22)

The security concerns raised by residents with the demolition of the existing showroom are noted and are considered adequately addressed by the proposed 2.4 metre acoustic fence. In addition the out of hour security requirements of Toyota

especially with the extent of external display area of vehicles will need to monitor the site that will have an added benefit for the residents.

Other issues – SEPP 1 Objections to the development standards of Clauses 11, 15 and 18 of SREP5 submitted with the Application.

Objectives of Zoning

The site is zoned Business Automotive 3(c4) in SREP 5. The objective of the zone is to retain the existing development rights of automotive uses while not encouraging further commercial development west of Pacific Highway.

a) SEPP 1 Objection to Clause 11 development standards for FSR

Objectives of the Standard

The maximum FSR for the site allowing for bonus floor space for the required road widening is 0.75:1. Acknowledging the additional staff car space noted in the assessment of the development the proposed FSR is 0.784:1. The objectives of the standard are not specifically stated in SREP5. However, it is common practice to use an FSR control to manage density of development and hence traffic generation as well as the mass, bulk and scale of the built form.

Applicant's reasons in support of the variation

The applicant provided the following reasons in support of the objection:

- 1 The proposed development meets the underlying objective of bulk and scale of development as most of the floor area (62%) is in the basement level. The actual showroom building is well below the permissible FSR when considered separately.
- 2 The proposed showroom building is consistent with the style, orientation or pattern of surrounding buildings and is of a form which sits comfortably with the Pacific Highway and Fullers Road frontages.
- 3 The bulk and scale of the proposal are appropriate in the circumstances of the site.
- 4 The overall development is of an appropriate size, scale and intensity in this location.
- 5 The non-compliance with the FSR standard does not give rise to any adverse environmental impacts.
- 6 The development meets the objectives of the standard and the appearance of the development when viewed from the street will be positive

Whether the objective of the Control is satisfied notwithstanding the non-compliance

The reasons given by the applicant in support of the objection are supported. The gross floor area of the above ground development is slightly reduced from the existing situation and the site coverage is also reduced.

The traffic generation from the site has been based on surveys of the existing situation. The traffic impact assessment acknowledges an undertaking in the application of a proposed Green Travel Plan for staff travelling to the premises and development of a Travel Access Guide for customers making use of the convenience of public transport availability to the site. Therefore, it is not considered that additional traffic generation could cause the application to fail and the objectives of the standard to not be met.

Whether or not compliance is unnecessary or unreasonable in the circumstances and the objection well founded

In the circumstances of this redevelopment of an existing motor showroom and the additional floor area being largely attributable to vehicle storage space in a basement, it is considered the strict compliance with the development standard would be unreasonable. The objection is well founded and is considered to achieve the objectives of the standard notwithstanding the non-compliance.

b) SEPP 1 Objection to Clause 15 development standards for height.

Objectives of the Standard

The maximum height under the provisions of Clause 15 of SREP5 in the 3(c4) zone is 10.5 metres. The proposed height of the new showroom building varies and is generally below or complying with the height control but at its maximum is 10.76 metres in the south-eastern section of the showroom facing Pacific Highway.

The objectives of the height control are not specifically stated in SREP5 but are considered to be to manage development to a scale and height compatible with the intended purpose and the relationship to surrounding development.

Applicant's reasons in support of the variation

The applicant provided the following reasons in support of the objection:

- 1 The non-compliance of 0.26 metres is a minor encroachment and will be indiscernible.
- 2 The 0.26 metres is confined to the southern roof edge of the building and is required to obtain the necessary grade for drainage of roof water.
- 3 The non-compliance will not adversely impact on adjoining and surrounding properties including the residential development to the west. The proposed showroom building has been located 10.5 metres from the western boundary.
- 4 On the above basis the height of the proposed showroom is appropriate in the circumstances of the case.

Whether the objective of the Control is satisfied notwithstanding the non-compliance

The applicant's opinion that the non-compliance will be indiscernible is supported. It occurs on a part of the building orientated to the Pacific Highway frontage where the scale of the proposed showroom building sits appropriately in its context. It is

therefore considered that the objectives of the standard will be met notwithstanding the non-compliance.

Whether or not compliance is unnecessary or unreasonable in the circumstances and the objection well founded

The proposed development is appropriate in the location and consistent with the scale of motor showroom development. Strict compliance with the height control would be unreasonable noting that the small non-compliance occurs only on part of the building and will not result in any adverse environmental impacts in the context of the location of the non-compliance on the site. The scale is compatible in the area and the development is considered to meet the objectives of the standard. The objection is considered to be, therefore, well founded.

c) SEPP 1 objection to Clause 18 development standards for placement of buildings facing Pacific Highway and Fullers Road in the 3(c4) zone

Objectives of the Standard

The objectives of the standard are not specifically stated in the instrument but are considered to be to provide for landscaping in conjunction with the built form for automotive uses and ensure buildings do not dominate the streetscape. There is also considered to be a secondary objective of allowing for road widening along Pacific Highway and Fullers Road. The reason for this secondary consideration is that at the time of gazettal of SREP 5 in 1983 the RTA design plans for upgrading the intersection were not formulated although a traffic congestion problem at the location was developing.

Applicant's reasons in support of the variation

The applicant lodged the objection having regard to the fact that although the development currently complies with the set back requirement of 4 metres, after the road widening occurs the development will not comply as the set back will be reduced to 1 to 2 metres.

The objection can be considered a precautionary approach in the interpretation of the development standard.

The applicant's reasons in support of the objection are:

- 1 The proposed showroom is well modulated and includes large glazed areas to ensure the showroom addresses both Pacific Highway and Fullers Road whilst not dominating the built form in the area.
- 2 The showroom set back after road widening will be compatible with surrounding development.
- 3 The non-compliance does not give rise to significant environmental impacts.

Whether the objective of the Control is satisfied notwithstanding the non-compliance

The non-compliance arises only following the road widening. Although the road widening is required as part of this application, the use of the land for road purposes will not occur until the RTA proceeds with construction in the area. In the interim the land will be used by Toyota for display of vehicles. The possible objective of allowing for road widening is achieved with the proposal.

The proposed development is considered will be compatible with the built form in the location. The set backs required to the residential development to the west also stipulated in Clause 18 will be met which requires the building to be positioned as proposed. Although the set back will reduce to 1 to 2 metres following the road widening, it is proposed that the set back be landscaped as indicated in the Landscape Plan. Therefore, it is considered that the objectives of the control are met notwithstanding the non-compliance.

Whether or not compliance is unnecessary or unreasonable in the circumstances and the objection is well founded

The proposed development will achieve the essential road widening in the location and the non-compliance only occurs as a result of the road widening. It is considered that the showroom is well located to address the intersection and both road frontages while providing the required set back to the residential.

The proposed development is compatible in the location and consistent with the intended use of the land. In the circumstances compliance with the control is considered to be both unreasonable and unnecessary and the objection is well founded.

Conclusion

The proposed remediation and redevelopment of the Chatswood Toyota site at 728 Pacific Highway has been assessed and is considered to be an acceptable proposal and worthy of approval.

OFFICER'S RECOMMENDATION

THAT the SEPP 1 objections to the development standards of Clauses 11, 15 and 18 of SREP5 be supported for the reasons discussed in the report.

THAT the application be approved by the JRPP and delegated authority be granted to the General Manager of Willoughby Council to issue the consent notice subject to the attached conditions.

Schedule of Conditions

CONDITIONS OF CONSENT:

GENERAL CONDITIONS

1. Hours of Work

All construction/demolition work relating to this Development Consent within the City must be carried out only between the hours of 7 am to 5 pm Mondays to Fridays and 7 am to 12 noon on Saturdays. No work is permitted on Sundays or Public Holidays.

An application under Section 96 of the Environmental Planning and Assessment Act for a variation to these approved hours must be lodged with Council at least 3 working days in advance of the proposed work. The application must include a statement regarding the reasons for the variation sought and must be accompanied by the required fee.

Note: This S96 application may require re-notification in some circumstances. (Reason: Ensure compliance and amenity)

2. Approved Plan/Details

The development must be in accordance with plans numbered 09111 – DA 00/A, DA 01/E, DA02/B, DA03/C, DA04/E, DA05/E, DA06/F DA07/E, DA08/E, DA09/D, DA10/C and colour scheme by SBA Architects; Landscape Plan LPDA 10-164/1B by Conzept Landscape Architects date stamped by Council 29 January 2010; and, Hydraulic Plans 09S693 – DAH02/A, DAH03/B, DAH04/A, DAH05/A, DAH06/A, DAH07/A, DAH08/A, DAH09/A, DAH10/B by Hughes Trueman date stamped by Council 29 January 2010 and 11 March 2010 plus, the application form and any other supporting documentation submitted as part of the application, except for:

- a) any modifications which are "Exempt Development" in SEPP (Exempt and Complying Development Codes) 2008.
- b) any modifications which are 'Exempt Development' in Willoughby Development Control Plan Part B.2, or as may be necessary for the purpose of compliance with the Building Code of Australia and any Australian Standards incorporated in the Code:
- c) otherwise provided by the conditions of this consent.
(Reason: Information and ensure compliance)

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of a construction certificate.

3. Detailed Drawings

Detailed construction drawings, specifications, and other supporting documentation required for a Construction Certificate are to be in accordance with the terms of this Consent and comply with the requirements of the Building Code of Australia.

(Reason: Ensure compliance)

4. Amendments

The proposal is to be amended in the following manner:

- (a) An acoustic fence 2.4 metres high above the floor level of the proposed showroom building shall be provided along the boundary at the rear of 4 Fullers Road and 1/27, 2/27, 25, 23A, 23 and 21 James Street as agreed between the applicant and the residents. The fence may be extended along the western boundary if requested by the adjacent resident. The fence is to be of solid construction providing no potential for climbing.
- (b) A lift is to be provided connecting the basement level to the ground floor and first floor of the showroom building to provide access for people with disabilities to all levels of the development.
- (c) Provision of 7 staff car spaces in the basement. Provision of one motorcycle space and 4 bicycle parking space on the site.
- (d) Review of the design of the access locations and the design of the building to ensure that sight lines are preserved after the construction of the road widening. The splays shall comply with AS2890.1 section 3.2.4.
- (e) Deletion of the southern driveway and access point to the used car external display area.
- (f) Amendment of the roof design to remove the corner encroaching element over the boundary after road widening.

Plans detailing these amendments are required to be shown on the Construction Certificate plans.

The Landscape Plan is to be amended to provide for the following:

- 1 Replacement tree planting *Eucalyptus microcorys* in the garden beds either side of each access point from the Highway, at the location of the deleted southern crossing, in front of the showroom building at the corner facing the intersection and on the eastern side of the access point in Fullers Road. The location of the tree replacement is to be set back from the frontage to maintain sight distances of pedestrians on the footpath and traffic on the adjacent road where necessary. The

planting within the sight lines shall not exceed 700mm in mature height. The garden beds are to be adjusted if required to accommodate the tree planting.

- 2 Retention of the *Phoenix canariensis* along the southern boundary with supplementary tree planting along the western boundary.
- 3 Change of the proposed street tree in Fullers Road to *Tristaniopsis laurina*.
- 4 Deletion of the planter boxes overhanging the boundary to residential properties unless agreement is given in writing by each residential owner to the proposed planters and use of "Sundowner" in the planters.
- 5 Provision of 8 *Syzygium luehmannii* spaced along the western boundary adjacent to the driveway.
(Reason: Ensure compliance and amenity)

5. Additional Details and Information

Any requirements outlined by conditions of this consent requiring changes and/or information to be noted on plans are to be incorporated within the Construction Certificate plans and documentation.

(Reason: Ensure Compliance)

6. Section 94 Contributions

A cash contribution is to be paid in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979, in relation to the following items specified below:

A

Childcare

\$43,112.49

Calculation

\$28.92 per m² of additional GFA
(4566.75 – 3076 = 1490.75m²)

B

Open Space and Recreational Facilities

\$57,885.82

Calculation

\$38.83 per m² of additional showroom GFA
(4566.75 – 3076 = 1490.75m²)

C

Roads and Traffic Transport/Management

\$NIL

Note A contribution for Roads and Traffic Transport/Management has not been applied to

this application in recognition of land dedication for road widening in conjunction with the redevelopment of the site.

Total

\$100,998.31

Office Use – Calculation Checked

This contribution is based on needs generated by the development as identified in the relevant adopted Section 94 Contributions Plan. The contribution rate and calculation is current until 30 June 2010, if payment is made after this date the rate/contribution will be increased in accordance with the CPI adjusted rates current at the time of payment.

Please note that payment will only be accepted by way of a bank cheque or cash.

Copies of the Contributions Plans and revised rates are available for inspection at the Councils Administration Building, 31 Victor Street, Chatswood or online at www.willoughby.nsw.gov.au

;(Reason: Statutory requirement)

7. Services - Notification to Sydney Water

Suitable documentation is to be submitted to Council which indicates that Sydney Water has been informed of this development and that satisfactory arrangements have been made to adequately service the proposal.

(Reason: Ensure compliance)

8. Services - Energy Australia

The applicant should consult with Energy Australia to determine the need and location of any electrical enclosure for the development. Should such an electrical enclosure be required, the location and dimensions of the structure are to be detailed on all the plans issued with the Construction Certificate. In the event of Energy Australia requiring such a structure, for example, a substation, the applicant is if required by Energy Australia to dedicate the land for the substation as public roadway. The Plan of Dedication shall be lodged to Council prior to issue of the Construction Certificate and registered at the Department of Lands prior to issue of the Occupation Certificate.

(Reason: Compliance)

9. Damage Deposit

The applicant shall lodge a Damage Deposit of \$120,000 (GST Exempt) by way of cash deposit or an open bank guarantee against possible damage to Council's property during the course of the building works.
(Reason: Protection of public asset)

10. Traffic Management Plan

A detailed Traffic Management Plan is to be prepared for traffic management during site demolition, remediation and construction and submitted to Council for approval. In this regard it is noted that:

- a) Prior to implementation of any road impacts during remediation and construction, the Council shall be advised of these changes and a Traffic Control Plan submitted for approval. This Plan is to detail times and dates of changes, measures, signage and temporary traffic control measures.
- b) The building contractor/developer is to implement a public information campaign to advise of road impacts well in advance of each possibility. The campaign is to be approved by the Traffic Committee.
- c) The building contractor is to nominate a contact person who is to have authority without reference to other persons to comply with instructions issued by Council's Traffic Engineer or the Police.
- d) **Note: The RTA has advised that all demolition, remediation and construction vehicles are to be wholly contained on-site and that there will be no work zones approved along either Pacific Highway or Fullers Road.**

(Reason: Public safety and amenity)

11. Contaminated Land Remediation – DECCW approval

As the site is classified as a Significantly Contaminated Site under the Contaminated Land Management Act 1997, a Voluntary Management Proposal (VMP) shall be submitted to the Contaminated Sites Section of the Department of Environment, Climate Change and Water (DECCW) and a Notice of Approval from DECCW in accordance with the Contaminated Land Management Act 1997 shall be granted prior to the issue of the Construction Certificate. **Note the VMP shall provide for reconstruction to the height of ground level of the showroom building of the retaining wall adjacent to the residential properties should damage or partial demolition be required during the remediation at no cost to the residential owners. The external face of the retaining wall shall be finished in natural non-reflective colours that blend with the landscape.**

(Reason: Environmental and Health Protection)

12. Soil and Water Management Plan (SWMP)

To avoid potential pollution a Soil and Water Management Plan shall be prepared for the demolition and construction phases prior to the issue of the construction certificate and this shall be provided to both the Principal Certifying Authority and Willoughby City Council. This plan shall be completed in accordance with the criteria set out in Managing Urban Stormwater: Soils and Construction (2004), the Protection of the Environment Operations Act 1997 and any requirements of the Remedial Action Plan approved by the Department of Environment, Climate Change and Water.

Details required to comply with this condition shall be submitted with the Construction Certificate.
(Reason: Environmental Protection)

13. Building Ventilation

To ensure that adequate provision is made for ventilation of the building, mechanical and/or natural ventilation shall be provided. These shall be designed in accordance with the provisions of:

- a) The Building Code of Australia
- b) AS1668.1-1998 – Mechanical Ventilation and Air Conditioning in Buildings
- c) AS1668.2-1991 – Mechanical Ventilation and Air Conditioning in Buildings

Details of all mechanical ventilation and exhaust systems, and certification provided by an appropriately qualified person verifying compliance with these requirements, shall accompany the application for the Construction Certificate.
(Reason: Health protection)

14. Temporary ground anchors

Obtain written permission from all private property owners affected by any encroachment either below ground or the air space above as a result of the above works. Copies of the permission shall be sent to Council. All works associated with the drilling and stressing of the ground anchors shall be installed in accordance with approved drawings.
(Reason: Encroachment of works)

15. Construction Management Plan (CMP)

Submit to Council a detailed Construction Management Plan. The CMP shall address:

- 1 Construction vehicle access to and egress from the site.
- 2 Locations of site office, accommodation and the storage of major material related to the project.
- 3 Protection of adjoining properties, pedestrians, vehicles and public assets.

- 4 Location and extent of builder's hoarding, Work Zones and traffic control devices.
- 5 Tree protection and management measures for all protected and retained trees.
(Reason: Compliance)

16. Dedication of Land – Road Widening

The applicant is required to dedicate to the RTA, at no cost to Council or the RTA, land of variable width in accordance with the RTA plan SW0732 dated 10/6/05 along the full frontage of the site to Pacific Highway and Fullers Road.

Note the left turn from the Pacific Highway into Fullers road should be of a suitable radius to accommodate the 6 lane scheme identifies in plan SW0732 by the RTA.

The Plan of Dedication is to be lodged with Council prior to the issue of the Construction Certificate and registered with the Department of Lands prior to issue of the Construction Certificate. A copy of the registered document shall be submitted to Council for record purposes.
(Reason: Public Safety)

17. Basement Pumpout Drainage System

Provision of a pumpout drainage system comprising two (2) submersible type pumps. Each pump is able to deliver the 100 year runoff and has an emergency alarm system. The two (2) pumps shall be designed to work on an alternative basis to ensure that both pumps receive equal use and neither remains continuously idle. In the event of power pump failure, the system is to include a holding well which has a storage capacity equivalent to the runoff volume from a 2 hour 100 year ARI storm.

Design drawings which include holding well volume calculations, inflow and outflow calculations, pump specifications and duty curves are to be prepared by a suitably qualified and experienced civil engineer and submitted to the Principal Certifying Authority for approval.
(Reason: Prevent nuisance flooding)

18. Emitted Noise - Air Conditioning

To minimise the impact of noise from plant and equipment including air conditioning on the occupants of adjoining residential buildings the air conditioning system or other plant and equipment shall be designed and constructed so that the noise emitted from all plant shall be not more than 5dBA above the ambient background noise level at any time measured at the boundaries of the property.

Evidence from an appropriately qualified consultant that these design requirements have been met shall accompany the application for the

Construction Certificate.
(Reason: Amenity)

19. Detailed Stormwater Management Plan (SWMP)

Submit for approval by the Principal Certifying Authority, detailed stormwater management plans, prepared by a suitably qualified and experienced civil engineer in relation to the stormwater management and disposal system for the development. The construction drawings and specifications shall be prepared in accordance with the concept stormwater plans approved by Council, Part C.5 of Council's Development Control Plan and Technical Standards and AS3500.3 – *Plumbing and Drainage Code* and the BCA.
(Reason: Ensure Compliance)

20. Submit Erosion and Sediment Control Plan

Details of the control devices shall be submitted to the accredited certifier.

Erosion and sediment control devices shall be provided whilst work is being carried out in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into Council's stormwater system, natural watercourses, bushland, trees and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the requirements of the Protection of Environment Operations Act 1997 and the Environmental Protection Authority guidelines. The control devices are to be maintained in a serviceable condition AT ALL TIMES.
(Reason: Environmental protection)

21. Stormwater Discharge to Council's Drainage System

Stormwater runoff from the site shall be collected and conveyed to the street drainage system in accordance with Council's specifications. Any new drainage pipe connections to Council's drainage system shall comply with the requirements described in Part C.5 of Council's DCP and Technical Standards.
(Reason: Stormwater control)

22. Design of Works in Public Road (Roads Act Approval)

The Applicant must submit, for approval by Council as a road authority, full design engineering plans and specifications prepared by a suitably qualified and experienced civil engineer for the following infrastructure works:

- Construct a 1.5 metre wide footpath (max. 2.5% crossfall) for the full frontage of the site in Pacific Hwy and Fullers Road with a full width concrete footpath at the intersection and turfing of the balance of the nature strip. All Adjustments to public utility services and associated construction works in the nature strip are to be at the full cost to the applicant. Tactile indicators shall be provided either side of driveway crossings of the footpath;
- Reconstruct new kerb-inlet with 2.4m lintel in Western Way;
- Undergrounding of the overhead cables in Fullers Road.

The required plans must be designed in accordance with Council's specifications (AUS-SPEC). For the purpose of inspections carried out by Council Engineers, the corresponding fees set out in Council's current *Fees and Charges Schedule* are payable to Council prior to issue of the approved plans. Approval must be obtained from Willoughby City Council as the road authority under the Roads Act 1993 for any proposed works in the public road prior to the issue of any Construction Certificate.

The design of the gutter crossings off Pacific Highway and Fullers Road shall be in accordance with RTA requirements (that is, Pacific Highway layback is to be 17.4 metres at the kerb and 12 metres at the current and proposed future boundary, Fullers Road layback is to be 16.5 metres at the current and proposed future boundary). Details of these requirements should be obtained from RTA's Project Services Manager, Traffic Projects Section, Parramatta or on telephone 8849 2496.

Detailed design plans of the proposed modifications are to be submitted to the RTA for approval prior to the commencement of any road works. It should be noted that a plan checking fee and lodgement of a performance bond may be required by the RTA prior to release of the approved road design plans by the RTA.

(Reason: Ensure compliance)

PRIOR TO THE COMMENCEMENT OF ANY WORKS

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. All of these conditions are to be complied with prior to the commencement of any works on site, including demolition.

23. Construction Certificate Required

This consent IS NOT an approval to carry out any building works (with the exception of demolition work). A Construction Certificate is required PRIOR TO ANY BUILDING WORKS BEING COMMENCED.

Enquiries regarding the issue of a construction certificate can be made to Council's Customer Service Centre on 9777 1000.

(Reason: Ensure compliance and Statutory requirement)

24. Notify Council of Intention to Commence Works

In accordance with the provisions of Clause 81A(2) of the Environmental Planning and Assessment Act 1979 the person having the benefit of the development consent shall appoint a Principal Certifying Authority and give at least 2 days' notice to Council, in writing, of the persons intention to commence the erection of the building.

(Reason: Information and ensure compliance)

25. Waste Management Plan

A Construction and Demolition Waste Management Plan which provides details of specific strategies to salvage and recycle a minimum of 85% of used and unused demolition and construction materials shall be submitted to Council.

(Reason: Environment Protection/Waste Reduction)

26. Construction Information sign

A clearly visible all weather sign is required to be erected in a prominent position on the site detailing:

- (a) that unauthorised entry to the work site is prohibited;
- (b) the excavator's and / or the demolisher's and / or the builder's name;
- (c) contact phone number/after hours emergency number;
- (d) licence number;
- (e) approved hours of site work; and
- (f) name, address and contact phone number of the Principal Certifying Authority (if other than Council)

ANY SUCH SIGN IS TO BE REMOVED WHEN THE WORK HAS BEEN COMPLETED.

Council may allow exceptions where normal use of the building/s concerned will continue with ongoing occupation, or the works approved are contained wholly within the building.

(Reason: Ensure compliance)

27. Licensee Details

The name, address and contractor licence number of the licensee who has contracted to carry out the work or the name and permit number of the owner-builder who intends to carry out the work shall be furnished in writing to Council.

NB: Should changes be made for the carrying out of the work Council must be immediately informed.

(Reason: Information)

28. Building Site Hoarding

Provision of a hoarding, complying with WorkCover NSW requirements which is to be erected to restrict public access to the site (including demolition and/or excavation site) and building works, materials or equipment. A separate application is to be made to Council's Infrastructure Services Division for this purpose should the hoarding be located on Council property.

(Reason: Safety)

29. Provide Erosion and Sediment Control

Erosion and sediment control devices shall be provided whilst work is being carried out in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into Council's stormwater system natural watercourses, bushland, trees and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the water pollution requirements of the Protection of Environment Operations Act 1997 and the Managing Urban Stormwater, Soils and Construction guidelines. The control devices are to be maintained in a serviceable condition **AT ALL TIMES**.

(Reason: Environmental protection)

30. Suitable Screens

Suitable screens and/or barricades shall be erected during demolition and building work and where required by the principal certifying authority to reduce the emission of noise, dust, water effluent or other matter from the site.

(Reason: Maintain amenity to adjoining properties)

31. Demolition Work AS 2601

Demolition works being carried out in accordance with the requirements of AS 2601 "The demolition of structures".

(Reason: Safety)

32. Suitable footpath crossing provided

Adequate provision is to be made to ensure that a suitable footpath crossing is provided to the site so as to allow safe pedestrian access along the footpath area **AT ALL TIMES**.

(Reason: Protection of public safety)

33. Access to site

During Demolition, Excavation/remediation and Construction, access to the site is to be available in all weather conditions, and stabilised to prevent vehicles tracking soil materials onto public roads.

(Reason: Environmental protection)

34. Wash down and shaker areas

During Demolition, Excavation/remediation and Construction, wash down and shaker areas are to be provided with facilities for the collection and treatment of waste water.

(Reason: Environmental protection)

35. Site Management

A Site Management Plan shall be submitted to and approved by the Principal Certifying Authority prior to the commencement of work. The site management plan shall include the following measures as applicable.

- 1 Details and contact telephone numbers of the owner, builder and developer;
- 2 Location and construction details of protective fencing to the perimeter of the site;
- 3 Location of site storage areas, sheds and equipment;
- 4 Location of stored building materials for construction;
- 5 Provisions for public safety;
- 6 Dust control measures;
- 7 Site access location and construction;
- 8 Details of methods of disposal of demolition materials;
- 9 Protective measures for tree preservation;
- 10 Provisions for temporary sanitary facilities;
- 11 Location and size of waste containers and bulk bins;
- 12 Soil and Water Management Plans (SWMP); comprising a site plan indicating the slope of land, access controls, location and type of sediment controls and storage/control methods for material stockpiles;
- 13 Construction noise and vibration management.

The site management measures shall be implemented prior to the commencement of any site works and maintained during the construction period. A copy of the approved Site Management Plan shall be conspicuously displayed, maintained on site and be made available to the PCA/Council officers upon request.

(Reason: Environment protection, public health and safety)

36. Dilapidation Report of RTA/Council's property

Submit a dilapidation report including photographic record of RTA/Council's property extending to a distance of 50m from the development, detailing the physical condition of items such as, but not exclusively to, the footpath, roadway, nature strip, and any retaining walls.

The developer may be held liable to any recent damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded under the requirements of this condition prior to the commencement of works. In this respect, the damage deposit lodged by the applicant may be used by Council to repair such damage on Council's property.

This dilapidation report shall be submitted to Council and the Principal Certifying Authority.

(Reason: Protection of Council's infrastructure)

37. Dilapidation Report of adjoining properties

A dilapidation report is to be prepared by a practising Structural Engineer, at no cost to Council or adjoining property owners, detailing the structural adequacy of adjoining properties, including Council's property, and their ability to withstand the proposed excavation. This report must include any measures required to be incorporated to ensure that no damage will occur during the course of works. The report shall be submitted to the PCA and relevant adjoining property owners including Council.
(Reason: Protection of adjoining properties)

38. Rock Hammering/Sawing

Having regard to the residential nature of surrounding area rock sawing is to be used in preference to rock hammering during the excavation/construction phase of the development.
(Reason: Amenity)

39. Public Risk Insurance Policy

The Public Risk Insurance Policy held by all contractors must not be less than \$10 million and must contain a clause indemnifying Council against any claims in respect of the excavation, remediation and construction work. A copy of this policy is to be submitted to Council.
(Reason: Limit liability)

40. Asbestos sign to be erected

On sites involving demolition or alterations and additions to building where asbestos cement is being repaired, removed or disposed of a standard commercially manufactured sign not less than 400mm x 300mm containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" is to be erected in a prominent visible position on the site. The sign is to be erected PRIOR TO THE COMMENCEMENT OF WORKS AND IS TO REMAIN IN PLACE UNTIL SUCH TIME AS ALL ASBESTOS CEMENT HAS BEEN REMOVED FROM THE SITE TO AN APPROVED WASTE FACILITY.
(Reason: Public Health & Safety/Ensure Compliance)

41. Neighbour Notification of Asbestos Removal

The applicant/builder is to notify the adjoining residents five working days prior to demolition works involving removal of asbestos. Such notification is to be clearly written, giving the date work will commence, Work Cover NSW phone number 131 050, Councils phone number 9777 1000.

This notification is to be placed in the letterbox of every property (including every residential flat or unit) either side and immediately at the rear of the site.
(Reason: Public Health)

42. Asbestos Removal

Works involving the removal of asbestos must comply with Councils Policy on handling and disposal of asbestos, and must also comply with the Code of Practice for Safe Removal of Asbestos (National Occupational Health and Safety Committee 2002).

Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS 2601 – The Demolition of Structures.
(Reason: Public Health & Safety/Ensure Compliance)

43. Asbestos Disposal

All asbestos laden waste, including bonded or friable asbestos must be disposed of at a waste disposal site approved by the NSW Department of Environment, Climate Change and Water.

Upon completion of the asbestos removal and disposal the applicant must furnish the Principal Certifying Authority with a copy of all receipts issued by the waste disposal site as evidence of proper disposal.
(Reason: Environmental Protection/Public Health and Safety)

44. Ventilation Plans and Details

Plans and specifications of mechanical ventilation, air conditioning systems and any associated pollution control equipment are to be submitted and approved by the PCA.
(Reason: Ensure Compliance)

45. Contamination/Remediation - Validation study

Upon completion of the remediation a validation study is to be submitted to the Principal Certifying Authority (*and the Council if the Council is not the Principal Certifying Authority*) confirming that the remediation of the site complies with the clean up criteria stated in the remedial action plan.
(Reason: Environmental protection)

46. Contamination/Remediation – Waste classification

All materials excavated from the site (fill or natural) shall be classified in accordance with the NSW DECC (2008) Waste Classification Guidelines prior to being disposed of to a NSW approved landfill or to a recipient site.
(Reason: Environmental protection)

47. Permits and Approvals required

Application is to be made to Council's Infrastructure Services Division for the following approvals and permits as appropriate:-

- a) Permit to erect Builder's hoarding where buildings are to be erected or demolished within 3.50m of the street alignment. Applications are to include current fees and are to be received at least 21 days before commencement of the construction.
- b) Permit to stand mobile cranes and/or other major plant on public roads. Applications are to include current fees and security deposits and are to be received at least seven days before the proposed usage. It should be noted that the issue of such permits may also involve approval from the Police Department and the R.T.A. A separate written application to work outside normal hours must be submitted for approval.

It should also be noted that, in some cases, the above Permits may be refused and temporary road closures required instead which may lead to longer delays due to statutory advertisement requirements.

- c) Permit to open a public road, including footpaths, vehicular crossing or for any purpose whatsoever. All applications are to include current fees.
- d) Permit to construct vehicular crossings over Council's footpath into an RTA road.
(Reason: Legal requirements)

48. Geotechnical Report

The site and adjoining sites (including the road reserve or other public space) are to be inspected by an independent Geotechnical Engineer and a comprehensive report shall be submitted to the accredited certifier indicating how the work is to be undertaken with safety, and identifying the stages at which the engineers' personal supervision is to occur during the works.
(Reason: Protection of adjoining properties)

49. Tree Protection

Retain and protect all the trees and vegetation not indicated for removal in Landscape Drawing No. 1B dated December 2009 by Conzept as amended by Condition 4 of this consent throughout the demolition, remediation and construction period

The protective measures must comply with the following specifications:

- i. WCC Landscape Specification 01/2007: Tree Protection Area;
- ii. WCC Landscape Specification 02/2007: Tree Protective Fencing.

(Reason: Tree Management)

PRIOR TO OCCUPATION OF THE DEVELOPMENT

The following conditions of consent must be complied with prior to the issue of an occupation certificate.

50. Occupation Certificate

The building/structure or part thereof SHALL NOT BE OCCUPIED OR USED UNTIL AN INTERIM OCCUPATION / FINAL OCCUPATION CERTIFICATE HAS BEEN ISSUED in respect of the building or part.

(Reason: Safety)

51. Survey Certificate

Certification of the following shall be submitted to Council by a registered surveyor:

- a) Prior to the construction of footings or first completed floor slab (i.e. prior to pouring of concrete) showing the area of the land, building under construction and boundary setbacks;
- b) At each level indicating the level of that floor to Australian Height Datum;
- c) Upon completion of the roof framing, before the roofing is laid, indicating the ridge height to Australian Height Datum;
- d) At roof slab level indicating the level of that slab to Australian Height Datum;
- e) At completion indicating the relation of the building and any projections to the boundaries, and that the building has been erected to the levels approved in the Development Application.

(Reason: Ensure compliance)

52. Layout of the site and marked parking bays

All parking bays, truck standing location and the direction of traffic movement being permanently marked on the pavement surface complying with AS2890.1 – 2004 and AS2890.2-2002 and in accordance with the approved parking and driveway layout as amended by Condition 4 to the satisfaction of the Principal Certifying Authority. **Note signs shall make it clear that all vehicles must enter and leave the site in a forward direction and are restricted to left in and left out movements only.** All vehicles shall be wholly contained within the site before being required to stop.

(Reason: Ensure compliance)

53. Registration of Plan of Road Widening and Consolidation

All individual allotments involved in the development site being consolidated into a single allotment and evidence of the registration of the plan of road widening and consolidation to be submitted to Council. **Note: The plan shall**

make provision for use of the road widening land for vehicle display by Toyota at no cost to Toyota until such time as it is required by the RTA. All costs for the vehicle display use of the land by Toyota including cleaning/maintaining, electrical, lighting and so on shall be met by Toyota.

(Reason: Ensure compliance)

54. External Finishes – Minimal Reflectance

The external finishes of the proposed building as indicated in the application documentation are acceptable subject to there being minimal reflectance (maximum of 20%) so as to avoid nuisance in the form of glare or reflections to the occupants of nearby buildings, pedestrians and/or motorists.

(Reason: Visual amenity)

55. Street number display

The street number at least 100mm high shall be clearly displayed.

(Reason: Information)

56. Sound level output certification

The sound level output from the equipment installed for the operation of the building shall not exceed 5dBA above the ambient background noise level at any time measured at the boundaries of the property in accordance with the current Department of Environment, Climate Change and Water NSW guidelines for noise assessment. Certification of the level of sound output is to be provided by an appropriately qualified acoustical Consultant to the Principal Certifying Authority.

(Reason: Amenity)

57. Surface water runoff

Surface water runoff from paved areas shall be directed away from neighbouring properties and disposed of to the satisfaction of the Principal Certifying Authority.

(Reason: Health and amenity)

58. Access for the Disabled - Disability Discrimination Act

The building/development must comply with the requirements of the Disability Discrimination Act.

It should be noted that this approval does not guarantee compliance with this Act and the applicant/owner should investigate their liability under this Act.

(Reason: Access and egress)

59. Food Premises

Compliance of the kitchenette with the AS 4674 Design, Construction and Fit-out of Food Premises, The Food Act 2003, the Food Safety Standards. It is noted that only pre-packaged prepared off-site is to be provided in association with beverages in the kitchenette.

If a Private Certifier is to be used a final inspection may be conducted by Council's Food Surveillance Officer to ensure that food standards are met, at a fee of \$154 per inspection paid beforehand.
(Reason: Health & Compliance)

60. Waste & recycling room

The waste and recycling room shall be constructed to comply with all the relevant provisions of Willoughby Development Control Plan and in particular:

- a) The floor being graded and drained to an approved drainage outlet connected to the sewer and having a smooth, even surface, coved at all intersections with walls.
- b) The walls being cement rendered to a smooth, even surface and coved at all intersections.
- c) Cold water being provided in the room with the outlet located in a position so that it cannot be damaged and a hose fitted with a nozzle being connected to the outlet.
- d) An overhead type door being provided to the room having a clear opening of not less than 1.8m.
- e) A galvanised steel bump rail at least 50 mm clear of the wall being provided at the height of the most prominent part of the garbage containers.
- f) Mobile containers having a capacity to accommodate the estimated waste, frequency of collection and suitable for connection to the garbage collection vehicle being provided in the room. In addition suitable recycling containers must also be provided in the room.

(Reason: Health and amenity)

61. Fire Safety Certificate forwarded to NSW Fire Brigades

Upon completion of the building work a Fire Safety Certificate shall be furnished by the owner to Council, and the owner must cause a copy of the certificate (together with a copy of the current fire safety schedule) to be forwarded to the Commissioner of New South Wales Fire Brigades, and must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building in accordance with Clause 172 of the Environmental Planning and Assessment Regulation 2000

in respect to each essential fire safety measure included in the Schedule attached to the Construction Certificate.
(Reason: Safety)

62. Allocated parking area

All vehicles associated with the premises must use the allocated parking area and must not encroach onto any public street. In this regard, a suitable sign is to be provided to the **SATISFACTION OF THE PRINCIPAL CERTIFYING AUTHORITY**.

(Reason: Amenity)

63. Identification of car parking spaces

The 21 car parking spaces are to be physically identified on site and maintained free of obstruction. Under no circumstances are these spaces to be used for the storage of vehicles, goods or waste products.

(Reason: Amenity)

64. Visitor parking spaces

The 14 visitor car parking spaces are to be physically identified on site, and maintained free of obstruction for the exclusive use of visitors to the premises at all times.

(Reason: Amenity)

65. Completion of landscape works

The approved landscape works are to be consistent with the approved design, completed to a professional standard, consistent with industry best practice and published standards. All planted trees cannot be pruned unless such pruning complies with Council's Tree Preservation order or removed without a permit issued under Council's Tree Preservation Order.

(Reason: Landscape amenity)

66. Inspection of civil works on road reserves

All required road pavement, footpath, kerb and gutter and/or drainage works on the road reserve must be completed in accordance with the Council approved drawings, conditions and specification (AUS-SPEC). Inspection of these civil engineering works shall be carried out by Councils engineer or if approved by Council, a competent professional engineer. The supervising consulting engineer is to provide certification to Council that the works were constructed in accordance with the Council drawings, conditions and specifications. A Work-as-Executed drawing prepared by a registered surveyor shall be submitted to Council. The works shall be completed to the Willoughby City Council specifications as the road authority under the *Roads Acts 1993*.

(Reason: Ensure compliance)

67. S88B/88E(iii) Instrument

Create a Positive Covenant and Restriction on Use of Land on the Title in favour of Council. The purpose of this is to ensure that the registered proprietor has, control and maintenance obligations of the stormwater management system, including roof guttering and downpipe systems. A copy of Council's draft terms for the instrument is available from Council on request. Documentary evidence of registration of these instruments with the NSW Department of Lands is to be submitted to Council.

The above instruments can be created under Section 88b of the Conveyancing Act 1919 for newly created lots. For an existing lot, a Positive Covenant and Restriction on the Use of Land can be created under Section 88E(3) of the Conveyancing Act 1919 using Form 13PC and 13RPA respectively. The relative location of the stormwater management system, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

(Reason: Maintenance requirement)

68. Certification of OSD

A suitably qualified and experienced consulting engineer (generally CP Eng. Qualification) must certify on Council's standard certification form that the as-constructed OSD system complies with Council's OSD policy, all relevant codes, standards and that it is in accordance with the approved plans. Council's standard certification form is contained in the appendix of the Willoughby Development Control Plan, which is available on Council's website.

(Reason: Legal requirement)

69. Works as executed plans - OSD

Upon completion of the OSD system, the following shall be submitted to the Principal Certifying Authority:

- "Work-as-Executed" plans based on approved Hydraulic Plans from a registered surveyor to verify that the volume of storage, PSD, water and floor levels are in accordance with design requirements. Any minor changes or variations to the approved plans should be highlighted in red on the approved Hydraulic Plan.
- Engineer's certification of the OSD system together with the completed Council's standard form for On-Site Detention Record of Installation.

(Reason: Record of works)

70. Works as executed plans – Rainwater Reuse

Upon completion of the Rainwater Re-use system, the following shall be submitted to the Principal Certifying Authority:

- Work-as-executed plans based on the approved Rainwater Re-use Plans from a registered surveyor to verify that the volume of storage, water and floor levels are in accordance with design requirements. Any minor changes or variations to the approved plans should be highlighted in red on the approved Rainwater Re-use Plan.
 - Plumber's certification that the Rainwater Re-use system complies with the current plumbing requirements of Sydney Water and Committee on Uniformity of Plumbing and Drainage Regulations of NSW.
 - The Rainwater tanks shall not be closer to the boundary than 450mm if constructed in combustible material.
- (Reason: Record of works)

71. Grated Box drain

For stormwater control a 225mm wide grated channel/trench drain with a heavy duty removable galvanised grate is to be provided in front of the garage door/basement parking slab to collect driveway runoff. The channel drain shall be connected to the main drainage system and must have an outlet of minimum diameter 150mm to prevent blockage by silt and debris.

(Reason: Proper disposal of stormwater)

72. Performance Bond

The Applicant shall lodge with the Council a performance bond of \$60,000 against defective public civil works undertaken by the main Contractor for a period of twelve (12) months from the date of the completion certificate issued by Council as the road authority under the Roads Act 1993. The bond shall be lodged in the form of a cash deposit, cheque or unconditional bank guarantee which will be refundable subject to the approval of Council's Engineers at the end of the maintenance period. In this period, the Applicant is liable for any part of the work which fails to achieve the design specifications. Council shall be given full authority to make use of the bond for such restoration works within the maintenance period as deemed necessary.

(Reason: Ensure compliance and specification)

73. Removal of redundant crossings

Remove all redundant crossings together with any necessary reinstatement of the footpath, nature strip, kerb and gutter. Such work shall be carried out in accordance with Council's specification.

(Reason: Public amenity)

74. Sweep & Clean Pavement

Sweep and clean pavement surface adjacent to the ingress and egress points of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council's Engineer.
(Reason: Legal requirement)

75. Certification of the Basement Pumpout Drainage System

A suitably qualified and experienced consulting engineer (generally CP Eng. Qualification) shall certify that the as-constructed basement pumpout system complies with Council's OSD policy, all relevant codes and standards and the approved plans.
(Reason: Ensure Compliance)

76. Certification – Ventilation

Submit a Certificate from a suitably qualified mechanical engineer certifying that all work associated with the installation of the mechanical and/or natural ventilation systems has been carried out in accordance with the conditions of the development consent.
(Reason: Compliance)

77. Contamination/Remediation - Completion of site remediation

Upon completion of site remediation works and prior to commencing any building works, a certificate from a suitably qualified environmental consultant, certifying that the remediation works have been carried out in accordance with the relevant requirements of the Department of Environment, Climate Change and Water NSW and Council, must be submitted to Council.
(Reason: Environmental protection)

78. On-site Stormwater Drainage System

The stormwater runoff from the site shall be collected and disposed of via an approved on-site detention system in accordance with Sydney Water's requirements, the *NSW Code of Practice - Plumbing and Drainage*, Council's DCP and Technical Standards. The on-site detention system shall be constructed generally in accordance with the approved design drainage plan.
(Reason: Prevent nuisance flooding)

79. Documentary Evidence of Positive Covenant, Engineer's Certificate

Documentary evidence of the registered Positive Covenant, the Restriction on the Use of Land, the engineer's certification, Works-as-executed drawings and Record of Installation of the On-site Detention System and Rainwater Reuse System shall be submitted to the Principal Certifying Authority.
(Reason: Public record)

80. Rainwater Re-use System – Major

The applicant shall supply and install rainwater re-use tanks with a minimum storage volume of 54m³ in accordance with the approved stormwater plans prepared by HughesTrueman, drawing no. DA-H03-B and DA-H10-B, dated 9/3/10, Sydney Water's requirements and Council's DCP and Technical Standards. The rainwater reuse system shall be connected to supply non-potable use including, but not limited to, toilet flushing, car washing and landscape irrigation.

(Reason: Ensure compliance and conserve natural resources)

81. Sign for On-site Detention System and Rainwater Reuse System

Aluminium plaques measuring no less than 400mm x 200mm are to be permanently attached and displayed within the immediate vicinity of the On-site Detention System and the Rainwater Reuse System.

The wording for the plaque shall state *"This is an On-site Detention System required by Willoughby City Council. It is an offence to alter any part of the system. The registered proprietor shall keep the system in good working order by regular maintenance including removal of debris"*.

(Reason: Prevent unlawful alteration)

The wording for the plaque shall state *"This is a Rainwater Reuse System required by Willoughby City Council. It is an offence to alter any part of the system. The registered proprietor shall keep the system in good working order by regular maintenance including removal of debris"*.

(Reason: Prevent unlawful alteration)

82. Full Width Footpath

Construct a 1.5 metre width concrete footpath adjacent to the boundary for the full frontage of the site in Pacific Hwy and Fullers Road in accordance with Council's standard specification and drawing SD105 and turf to the kerb.

(Reason: Public amenity)

83. Vehicular Crossing

Separate application for each vehicular crossing including current fees and charges is to be submitted for approval by Council.

New vehicular crossings including replacement of existing gutter are to be constructed in accordance with Council's specification AUS-SPEC C271, Council Vehicular Footpath Crossing and Kerb and Gutter details, Drawing No. SD105 subject to the concurrence of the RTA. The vehicular crossing shall be constructed at right angle to the street kerb in plain concrete. All adjustments to the nature strip, footpath and/or public utilities' mains and services as a consequence of the development and any associated construction works shall be carried out at the full cost to the Applicant.

Vehicular Crossing Formwork Inspection Sheet shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority.
(Reason: Public amenity)

84. Property alignment levels

The design level across the vehicle crossing at the property boundary line is to be **250mm** above and parallel to the gutter invert. The suitability of the grade of driveway *inside* the property is the sole responsibility of the Applicant and the required alignment levels fixed by Council may impact upon these levels.

The width of the crossings at the property boundary line shall be **confirmed with Council and the RTA**. The crossings are to be constructed at right angle to the street kerb in plain concrete.

All adjustments to the nature strip, footpath and/or public utilities' mains and services as a consequence of the development and associated construction works are to be carried out at the full cost to the Applicant.
(Reason: Public amenity)

85. Vehicle Access - Construction & Certification

The Applicant must submit certification from a suitably qualified and experienced traffic/civil engineer for approval by the Principal Certifying Authority. This certification must be based on a site inspection of the constructed vehicle access and accommodation areas, with dimensions measurements as necessary, and must make specific reference to the following:

- a) That the as-constructed car park complies with the approved Construction Certificate plans,
- b) That finished driveway gradients and transitions will not result in the scraping of the underside of cars.
- c) That the completed vehicle access and accommodation arrangements comply in full with AS2890.1 – 2004 in terms of minimum parking space dimensions provided,
- d) That the vehicular headroom requirements of:
 - Australian Standard 2890.1 - "Off-street car parking",
 - Australian Standard 2890.2 – "Off-street commercial vehicle facilities"

(Reason: Ensure Compliance)

ADDITIONAL CONDITIONS

The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land, and relevant legislation.

86. Road and Footpath

Council's footpath, nature strip or roadway not being damaged and shall be kept clear at all times.

(Reason: Maintain public safety)

87. No storage on foot/roadway

Building materials, plant and equipment and builder's waste, are not to be placed or stored at any time on Council's footpath, nature strip or roadway adjacent to building sites unless prior written approval has been granted by Council.

(Reason: Safety)

88. Skips and Bins

Rubbish skips or bins are not to be placed on Council's footpath, nature strip or roadway unless prior written approval has been granted by Council.

(Reason: Safety)

89. Ground Levels

The finished ground levels external to the building are to be consistent with the development consent and are not to be raised.

(Reason: Ensure compliance)

90. Excavations and Backfilling

All excavations and backfilling associated with the erection or demolition of a building must be executed safely, and must be properly guarded and protected to prevent them from being dangerous to life or property.

(Reason: Safety)

91. Retaining walls and drainage

If the soil conditions require it:

a) 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

b) adequate provision must be made for drainage.

(Reason: Safety)

92. Support for neighbouring buildings

- (1) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
 - a) must preserve and protect the building from damage, and
 - b) if necessary, must underpin and support the building in an approved manner, and
 - c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (2) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
- (3) In this clause, "allotment of land" includes a public road and any other public place.
(Reason: Safety)

93. Excess or waste concrete

Excess or waste concrete from mobile concrete agitators or concrete pumping equipment shall not be washed down, spilled or disposed of onto the road reserve, Council's stormwater system, road, pavement, reserves or Council land.

(Reason: Environmental protection)

94. Exposed Timbers

All exposed timbers shall be painted or treated to the satisfaction of the Principal Certifying Authority.

(Reason: Visual amenity/structural integrity)

95. Temporary toilet facilities

Temporary toilet facilities shall be provided to the satisfaction of the Principal Certifying Authority.

The provision of toilet facilities must be completed before any other work is commenced on site. NOTE: Portable toilet facilities are not permitted to be placed on public areas without prior approval having been obtained from

Council.
(Reason: Health and amenity)

96. Noise Control – Offensive Noise

To minimise the noise impact on the surrounding environment, the use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to an “offensive noise” as defined under the provisions of the Protection of the Environment Operations Act 1997.
(Reason: Amenity)

97. Noise Control – Operation

To minimise the impact of noise of the development on the amenity of the adjoining properties, the business shall be operated in accordance with the recommendations of the acoustic report “Chatswood Toyota – DA Acoustic Assessment (Report 09339 version B dated December 2009) by Wilkinson Murray Pty Ltd.
(Reason: Amenity)

98. Collection/Delivery Services

Vehicle collection and delivery shall be by a **maximum 4 vehicle carrier truck** as indicated by letter from Chatswood Toyota dated 15 March 2010.

To minimise the noise impact of the development on the surrounding environment, the collection and delivery of goods and materials (including garbage and recycling waste) from and to the premises shall not take place outside of the operating hours (Condition 101) on any day.
(Reason: Amenity)

99. Provision of bicycle racks

Bike racks for 4 bicycles are to be provided for the use of cyclists.
(Reason: Amenity)

100. Loading and Unloading

All loading and unloading of goods is to be conducted wholly within the site and especially in any loading facility, internal dock or goods handling area. These areas are to be maintained free of obstruction for the sole use of delivery vehicles. Under no circumstances are loading/unloading activities to be conducted from vehicles standing kerbside in Pacific Highway and Fullers Road or other nearby streets.
(Reason: Access and amenity)

101. Hours of Operation

The hours of operation of all activities on the site including refuse collection are to be restricted to those times listed below:

Weekdays and Saturdays	7.00am to 6.00pm
Sundays & Public Holidays	9.30pm to 5.30pm

Any variation to these hours is to be subject to the **PRIOR CONSENT OF COUNCIL.**

(Reason: Amenity)

102. Erection wholly within the boundaries

All works including footings shall be erected wholly within the boundaries of the property.

(Reason: Ensure compliance)

103. Services - Mailboxes

All mail boxes provided on site are to comply with the requirements of 'Australia Post' in terms of size and location. Details of the requirements can be obtained from Australia Post or from their web site. Letter boxes for adaptable dwellings shall comply with AS 4299 Cl 3.8.

(Reason: Legal)

104. Illumination of building or car park

Illumination of any part of the building or car parking areas is to be designed so as to avoid glare adversely affecting nearby residents.

(Reason: Amenity)

105. Site lighting

Any lighting on the site is to be directed in such a manner so that no nuisance is caused to adjoining properties or to drivers on surrounding streets.

(Reason: Amenity)

106. Waste Materials

No waste materials are to be stored outside the approved waste storage area at any time. The garbage receptacles are not to be used for the disposal of any type of liquid waste.

(Reason: Health and amenity)

107. Removal of trade waste

The building/business owner must ensure that there is a contract either with Council or a licensed contractor for the removal of trade waste. No garbage shall be placed on the public footpaths, roadways, plazas, reserves at any time.

(Reason: Health and amenity)

108. Signs – Nuisance to traffic

Should the Council, the NSW Police Service or the Roads and Traffic Authority find any signage on the site causes a nuisance or danger to traffic or persons in the vicinity, the offending signage will be required to be removed at full cost to the owner of the site.

(Reason: Safety and amenity)

109. Illuminated advertising signs

Illumination of the advertising structure is to be time clocked to switch off no later than 11.00 pm each night. In this regard, the time clock is required to be reset to address changes due to daylight saving.

(Reason: Amenity)

110. Proposed advertising & identification Signs

Any additional proposed identification or directional signs are to be the subject of a fully co-ordinated scheme for the whole site. Such signs should relate to the scale, design and architectural treatment of the proposed building and have regard to the likely impact on the surrounding area. Note in this regard **illuminated signs are prohibited on the western façade facing the residential.**

(Reason: Visual amenity)

111. Bunting/Flags

No bunting, flags (other than National) or other moving or wind disturbed displays being erected or maintained on the site, except as may be approved by Council for an opening celebration and one or two of the immediately following weeks.

(Reason: Visual amenity)

112. Annual Fire Safety Statement

Attention is directed to Clause 177 of the Environmental Planning and Assessment Regulation 2000 regarding the submission of an Annual Fire Safety Statement in relation to each essential fire safety measure implemented in the building or on the land on which the building is situated.

(Reason: Safety)

113. No access through public open space

Site access is not approved for construction of the development, through adjacent public land.

(Reason: Safety, landscape amenity, tree protection)

114. Trees on adjoining properties

No approval is given for the removal or pruning of trees on the nature strip, adjoining reserves, or neighbouring private land.

(Reason: Environmental protection)

115. Underground utility services

Establish the size and levels of all utility services in the footpath and road reserve prior to construction of any vehicular crossing and/or drainage lines. Contact "Dial 1100 Before You Dig Service" prior to any road opening for service location.

All adjustments to public utilities' mains and services as a consequence of the development and associated construction works are to be at the full cost to the applicant.

(Reason: Protection of utilities)

116. Vehicular Access and Garaging

Driveways and vehicular access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access must be designed and constructed to comply with the minimum requirements of AS2890.1 "Off-Street car parking".

(Reason: Vehicular access)

117. Street Signs

The applicant is responsible for the protection of all regulatory / parking / street signs fronting the property. Any damaged or missing street signs as a consequence of the development and associated construction works are to be replaced at full cost to the applicant.

(Reason: Protection of Public Assets)

118. Public Infrastructure Restoration

Prior to the release of the damage deposit, any damage to the footpath, nature strip, kerb and gutter or public infrastructure caused as a result of construction works on the subject site must be fully repaired to improve or match the existing in accordance with Council's Specification and AUS-SPEC at no cost

to Council or the RTA.
(Reason: Protection of Public Assets)

119. Storage of liquids

All liquids, including oils and chemicals must be stored in a covered and bunded area. The bund is to be made of any impervious material and be large enough to hold the contents of the largest container plus 10% i.e. 110% the total stored volume. Where applicable the construction of bunds must comply with the requirements of:

Australian Standard AS 1940 2004:
The storage and Handling of Flammable and Combustible Liquids;

Australian Standard AS 4452 1997:
The storage and Handling of Toxic Substances; &

The Dangerous Goods Act 1975.
(Reason: Environmental Protection)

120. Spill prevention and control

In order to ensure spill prevention and control, a ready supply of spill control and clean-up materials must be maintained and easily accessible at all times at the premise.

(Reason: Environmental Protection)

121. Pollution Prevention – Operation

The site shall be operated and maintained to ensure all environmental risks are minimised and managed to prevent pollution of the stormwater system in accordance with the Protection of the Environment Operations Act 1997, and any Department of Environment, Climate Change and Water requirements and guidelines.

(Reason: Environmental protection)

122 Green Travel Plan/ Travel Access Guide

A Green Travel Plan for staff and a Travel Access Guide are to be prepared to the satisfaction of the Traffic Group of Council. The contents of the plans are to be available and promoted with staff and customers at all times.

(Reason: Promoting public transport use and reducing traffic generation)