

**JRPP NO:** 2010SYE032  
**DA NO:** DA-2010/367  
**DATE:** 16-Sep-2010  
**LOCATION:** South western corner of the intersection of Albert Avenue and Archer Street, Chatswood  
**APPLICANT:** Mr Teng Hui Wu (Wu International)  
**OWNER:** Wu International and Willoughby City Council  
**PROPOSAL:** Construction of a proposed mixed use development comprising an Integrative Medical facility, retail, restaurant and residential over ancillary basement car parking  
**PROPERTY ADDRESS:** 38 Albert Avenue, CHATSWOOD NSW 2067.  
(RECOMMENDATION: APPROVAL)  
**DATE OF LODGEMENT:** 15 June 2010  
**VALID APPLICATION DATE:** 15 September 2010 (amended plans)  
**REPORTING OFFICER:** Noni De Carvalho, Willoughby Council

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## DESCRIPTION OF PROPOSAL

The application DA 2010/367 proposes construction of a mixed use development providing an Integrative Medical facility (inpatients and outpatients), retailing that includes a Coles First Choice liquor outlet, a restaurant and residential units over basement car parking. Included in the application is a proposal for a boundary adjustment between the site and the adjacent land owned by Council and occupied by the Albert Avenue car park.

The proposed development is designed with four basement levels providing a three storey podium and two towers sitting above the podium. The eastern tower of five storeys plus plant room is proposed to house the integrated medical facility. The western tower of six storeys plus plant room and roof top communal open space is proposed to be residential units. Each tower has the same overall height.

The gross floor area of the proposed building is 19,291m<sup>2</sup> of which 8,392m<sup>2</sup> is residential, 2,864m<sup>2</sup> is retail, 1,843m<sup>2</sup> is restaurant, 1,184m<sup>2</sup> is Coles First Choice Liquor and 5,008m<sup>2</sup> is the integrated medical facility and hospital. Access to the car parking is proposed from Albert Avenue with loading access proposed from Archer Street.

In detail the application involves construction of:

1. Four basement car parking levels providing residential storage and parking for 327 cars, 13 spaces for motorcycle parking and bicycle parking spaces in the form of bicycle racks. Eight spaces for people with disabilities are identified in the residential parking area and 7 spaces for people with disabilities in the non-residential parking area. In Basement 4 the fuel room for the roof located back-up diesel generator is proposed to be located. In the upper basement level (Basement 1) it is proposed to locate the substation, basement retail space, the stormwater retention tank, change rooms for bicycle riders, the medical waste room, an ambulance bay and a drive-

through drop-off and pick-up area.

2. At Ground level three retail tenancies are proposed with the major tenancy being a Coles First Choice Liquor outlet. Foyers to the residential levels, the medical facility and the restaurant face Archer Street and the proposed landscaped forecourt. At the rear of the ground floor are two loading docks designed to handle an 8.8m rigid truck. The loading docks are adjacent to the residential waste room and the commercial waste room. Bicycle racks are also provided at ground level. Setbacks to Archer Street and Albert Avenue and the landscaped plaza provide a total of 885m<sup>2</sup> of landscaped plaza. Seating is proposed in the landscaped plaza including seating associated with a café use of one of the retail tenancies which will assist in activating the north facing plaza space.
3. Retail floor space and the main restaurant space is proposed on Level 1.
4. On Level 2 it is proposed to provide the restaurant function room space, the medical facility pharmacy/laboratory/herbal medicine preparation, a lecture theatre and multi-function space that will be used for the teaching/training component of the integrated medical facility. University of Western Sydney is affiliated with the integrated medical facility.
5. From Level 3 and above on the western side is proposed the residential tower providing 69 residential units consisting of 17 one bed units, 36 two bed units and 16 three bed units.
6. From Level 3 and above on the eastern side is proposed the medical tower providing eastern/western medicine consulting rooms (Level 3); physio therapy, hydrotherapy, and acupuncture areas (Level 4); an operating theatre and ancillary areas (Level 5); inpatient accommodation providing 12 rooms (Level 6); and, administrative offices and Board Room on Level 7.

The proposed boundary adjustment will enable the basement car parking and access to extend under the driveway exit from Albert Avenue car park and the residential building to extend over the driveway. The proposed residential tower is designed in a west facing U-shape. The residential building component located above the car park driveway includes a resident's pool and gymnasium facility in the centre of the U-shape.

Residents are also proposed to have access to their landscaped roof level for recreation use. The podium space between the two towers is also proposed to be landscaped.

The architectural style of the development has been integrated and articulated so that there is consistency in external finish but each component of the development has its own entry and identity. The style of the tower containing the medical facility incorporates aluminium "blade" elements that carry through to the roof form with grey tinted and clear vision glass, composite aluminium façade elements and honed granite elements at ground level. Composite aluminium façade elements are also proposed in the residential tower with solid and clear glazed balustrades. Rendered and painted surfaces where occurring across the development are proposed to be consistent in the colour palette of off-white, medium grey and dark grey.

The purpose built Integrated Medical Centre (IMC) that includes an inpatient hospital component is the first of its kind in Australia and one of only a few in the world. It will provide Traditional Chinese Medicine (TCM) and Western General Practitioner medical services in the one facility with preventative and convalescent care, nutrition, occupational therapy as well as diagnostic services such as pathology, radiology, ECG, ultrasound and audiology. A

Memorandum of Understanding was signed in May 2010 between the State Administration of Traditional Chinese Medicine of the People's Republic of China and the New South Wales Government. The proposal is for the ICM to not only provide healthcare benefits to individual patients but also to carry out research and training and improve knowledge and practice standards in TCM through its affiliation with UWS.

It is noted that from lodgement of the original development application, design changes have occurred to address access, loading, waste handling, car parking and landscaping issues in the original design. This report assesses the amended design received on 15 September, 2010.

### **Neighbour Notification**

Surrounding property owners were advised of the proposal in accordance with the requirements of WDCP 2006. Three submissions were received of which one was co-signed by four neighbours and the author. The following summarises the submissions received:

#### 51 Archer Street (and 53A Archer Street, 55 Archer Street, 12/44-46 Archer Street, 21/44-46 Archer Street)

- a) The development will not meet the objectives of the 3(c3) zone as it does not:
  - propose secondary small scale offices and shopping with dwellings.
  - provide a scaling down of intensity of activity on the periphery of Chatswood minimising the visual and other adverse impacts of business development on adjacent residential.
  - maintain existing and encourage new leisure, civic and community facilities.
- b) Overshadowing of 44-46 Archer Street because of excessive height.
- c) The medical tower should be located alongside the car park and back of house servicing on the western side of the site.
- d) All truck and car movements should be from Albert Avenue.
- e) Specific design changes are requested:-
  - All trucks should exit Albert Avenue.
  - A 26m diameter turning circle for trucks should be provided.
  - The truck loading and waste handling should be completely enclosed and acoustically treated to eliminate noise.
  - Exhaust vents should be on western and northern sides away from residents.
  - Acoustic attenuation required to plant rooms
  - Design should be 5 Star Nabers rating
  - Building services should be on Albert Avenue
  - Noise impact treatments for function areas and outside spaces required.
- f) The proposal should comply with all LEP and DCP requirements – the SEPP1 is not well founded.

#### 15/44-46 Archer Street

- a) Loss of solar access as only 20m from 44-46 Archer Street especially units 3, 6, 9, 12, 15, 18, 21 and 24.
- b) Hygiene and contamination (virus) considerations from medical facility with operating theatre. Issue of disposal of medical rubbish.
- c) Loss of views and privacy, north facing view from main bedroom will be blocked.
- d) Noise impacts from shoppers at supermarket and food courts as well as cars in and out of building.
- e) Setback is insufficient because of the above impacts.

#### 12/44-46 Archer Street (SP4952)

- a) Proximity to 44-46 Archer Street – landscaped plaza too close, egress driveway for the whole complex too close, impacting ambience and well being.
- b) Noise impacts from trucks and cars in driveway and from loading area and garbage trucks crushing waste.
- c) Noise from use of residents pool at night and noise from plant rooms.
- d) Traffic congestion in Archer Street from exiting traffic.

#### **Existing Building, Relevant History and Site Context**

The site comprises Lot 11 in DP 1119753 owned by Wu International and part Lot 8 in DP 620843 owned by Willoughby Council.

Lot 11 in DP1119753 has an area of 4,086m<sup>2</sup>. It is proposed to carry out a boundary adjustment between Lot 11 and the adjacent car park site (Lot 8 in DP 620843) to allow for 841m<sup>2</sup> of the car park site to be included in the site area of the development. This will increase the site area to 4,927m<sup>2</sup>. The boundary adjustment will require the creation of easements in gross for public pedestrian and vehicular movements through the stratum where the exit driveway from the car park is located. It will also require easements for utility services that pass through the site.

The site was originally owned by Willoughby Council and was used for car parking in its entirety. The open air car park on Lot 11 in DP1119753 still operates with the agreement of the land owner. Lot 11 was sold by Council as the car spaces located on the site have been relocated onto the Civic Place site (The Concourse). Council had looked at various options to develop the site for more car parking but inefficiencies arising from its small size and constraints of utility services relocation made it uneconomic.

The site is bitumen paved with a gentle slope from the south-western corner to the north-eastern corner averaging approximately 3.5%. Its boundaries are partly irregular in shape as a consequence of road widening in Archer Street and Albert Avenue. The site area includes a closed portion of Claude Street. The driveway from the car park is not a public road.

The most significant tree in the vicinity is a street tree located in the Archer Street footpath which is a *Eucalyptus citriodora*. This tree is proposed to be retained by the development.

#### **Controls and Classification**

- i) Sydney Regional Environmental Plan No 5
- ii) Conservation Area: No
- iii) Zoning: Business General 3(c3)
- iv) Applicable DCP (SEPPs, REPs): SEPP 1, SEPP (Infrastructure) 2007, SEPP 55, SEPP 65, SEPP (BASIX) 2004, SREP (Sydney Harbour Catchment) 2005, WDCP 2006.
- v) Other Relevant Policies (Council Resolutions, Draft DCPs): Council resolution to sell Lot 11 with relocation of the public car parking to The Concourse development.
- vi) BCA Classification: 2, 5, 6, 7, 9b
- vii) S94 Contribution Plans: Open Space, Recreation and Community Facilities, Child Care, Traffic and Transport.
- viii) Draft LEP 2009 Zoning: B4 Mixed Use

## Development Statistics

	Proposed	Standard	Compliance
Site Area (m2)	4,927	NA	
Gross Floor Area (m2)	19,291		
Floor Space Ratio	3.92:1	4:1	Yes
GFA (Residential m <sup>2</sup> )	8,392		
FSR Residential	1.7:1	1.5:1	No*
Height - Commercial	RL120	RL120	Yes
Height - Residential	RL 124.5	RL120	No*
Residential Car Parking	73 spaces	73 spaces	Yes
Residential Visitors	17 spaces	17 spaces	Yes
Retail Car Parking	132	132	Yes
Restaurant Car Parking	21	25	Yes/No
Medical Car Parking	69	73	Yes/No
Total Car Parking	327	319	Yes/No
Landscaped Plaza (m <sup>2</sup> )	885	800	Yes

\* SEPP 1 Objections have been lodged seeking variation of the development standards. These are discussed in the assessment section of the report as well as other non-compliances with DCP provisions. The assessment clarifies the considerations on car parking provision.

## Compliance with Plans or Policies

The proposed development has two non-compliances with the statutory development standards that apply to the site. The amount of residential floor space exceeds the maximum of 1.5:1 FSR by 0.2:1 within the total permissible FSR for a hospital development of 4:1. There is also a height non-compliance for the residential tower that arises because the of the lift and foyer area that takes residents up to the roof level recreation space is not excluded from the height control measurement. There is no difference in the overall height of both towers as the plant room is excluded on the commercial tower is from the height control. The provision of usable space at roof level in addition to the plant room on the residential tower creates the non-compliance.

## Referrals

### Internal Council Referrals

Building Services had no objection to the proposed development subject to standard conditions being applied to a development consent. Building Services noted that there were a number disabled access issues and inconsistencies with the Access Report that required amendment. Some of those matters have been addressed in the amended plans. Building Services also noted that operating theatre requires a 3m ceiling height although an alternate solution may be considered by the PCA when assessing the Construction Certificate.

Landscape Section noted the amended Landscape Plan and Arborist Report in part addressed its concerns including proposed retention of significant street tree in Archer Street. Basement 1 has been set back from the boundary by 1.2m giving a total set back to the trunk of the *Euclyptus citriodora* of 4.2m. Conditions are required that address the need for root mapping of the tree before the basement level design is finalised to ensure the survival of the tree.

Environmental Health Section considered the acoustic report prepared by Acoustic Logic and is satisfied with its recommendations. Conditions are required for a consent that also considers the base building requirements for the restaurant proposed. Conditions are also required that consider the fuel storage issues for the diesel generator.

Engineering Services required further information on the stormwater management design including provision for retention and detention on the site, the road and access design, utilities relocation and construction management. The amended documentation has not fully addressed the requirements particularly in regard to the capacity of the stormwater retention system which is considered too low. In addition Engineering Services required that further design of the utilities relocations and trunk stormwater pipe occur before a final consent is issued to determine whether or not the set back of the basement car park is of adequate width to accommodate the relocated services. In the circumstances this will require a Deferred Commencement Consent be the basis of approval should approval be contemplated.

Waste Services concerns regarding waste handling and management have been addressed in the amended plans subject to conditions required in any consent.

The Traffic Section had concerns regarding the proposed access design, car parking provision and loading design. The concerns have generally been addressed in the amended plans subject to conditions. Further comment is provided in the Assessment section of this report.

#### External Referrals

Chatswood Police Crime Prevention Officer had concerns regarding the design of the access and loading area as well as back of house security. This has been addressed in the amended plans. Security between the multi-deck car park and the residential balconies is proposed to be addressed with privacy screens. Conditions on lighting, preventative measures for skateboarders in the plaza and security management around the site have been required for a consent.

Roads and Traffic Authority had concerns regarding the access design, manoeuvring, loading and car parking provision on the site. The amended plans generally address these concerns and the amended Traffic Report by Colston Budd Hunt & Kafes Pty Ltd advises that the SIDRA modelling from the amended design has been provided direct to the RTA as requested by the RTA. The RTA advised on 21 September that it has not received the modelling information as yet. In the circumstances the RTA has requested a condition that requires any works arising from the modelling of the intersections be met by the developer. As a deferred commencement consent is required as noted above, the matter can be resolved as part of the Schedule 1 conditions. Conditions for the design of the basement car park are also required in the consent.

Sydney Water has no objection to the proposal and advises that there is sufficient capacity in the network to supply water to the site and sewer connections. A trade waste outlet is required by the development.

Energy Australia has advised it has no objection to the proposal subject to the development meeting all the requirements for electricity supply to the development.

#### **Matters for Consideration under S.79C EP&A Act**

Satisfactory ✓ Unsatisfactory ✗ Not Relevant N/A

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

## Assessment



## Statutory Circumstances – SREP 5

The proposal is consistent with the key actions of the NSW State Plan and Chatswood's role as a major centre under the Metro Strategy and Inner North Subregional Strategy.

The site is zoned General Business 3(c3) under SREP5. It is proposed to be zoned Mixed Use B4 in Council's Draft Comprehensive LEP 2009 that was exhibited earlier this year. As a site on the periphery of Chatswood CBD, the proposed smaller scale mixed use development compared with elsewhere in Chatswood is consistent with the objectives of the existing zone in SREP5 and the proposed zone in DWLEP2009 and will provide a buffer to the residential area south of the site.

The proposed development provides for a hospital/medical centre that caters for both inpatients and outpatients. The definition of a hospital requires medical services to people admitted as inpatients whether or not outpatient medical services are also provided. The proposed development includes a small hospital that provides inpatient medical services and accommodation.

The planning consultant advice received by Council when rezoning the site after the decision to relocate the car parking to The Concourse identified the preference for a mixed residential/retail/office development. It also recognised the need for a comprehensive medical facility in Chatswood by allowing a higher FSR should a hospital be proposed. The subject application incorporating a hospital seeks to use the additional FSR potential. It is noted that a precautionary SEPP 1 submission has been made in the application in response to a possible interpretation of the development standard that all FSR exceeding the alternate maximum FSR of 2.7:1 should be in hospital use. As the definition of a hospital requires inpatient medical services but also includes the outpatient medical services, it is considered that the medical facility including the teaching/research space falls within the definition of a hospital. The total FSR in hospital use is 1.02:1. However, the definition of a hospital allows for a café and some retail use ancillary to the hospital. It is reasonable to accept that the ground floor café could fall within this consideration and the retail space on the ground floor (excluding Coles). This totals a further 462m<sup>2</sup> which increases the "hospital" FSR to 1.11:1.

The proposed development complies with the overall density control but has a non-compliance with the amount of residential floor space. This and the technical non-compliance with the height control are assessed in the context of SEPP1 later in this report. The assessment of the SEPP 1 objections concludes that it would be unreasonable to require strict compliance with the development standards in the circumstances of this development.

## SEPP 55 Considerations

SEPP 55 – Remediation of Land requires the consent authority to be satisfied that the land is suitable for the proposed development and whether it requires remediation before development occurs. The site has been used as an open air car park for many years and is bitumen paved. Prior to its use for car parking the site was in low density residential use. The houses on the land were demolished for car parking purposes to occur on the site. The possibility of contaminated land of a level that requires remediation of the site is remote given its past use. A soil analysis of the site was therefore not required for the purposes of the development application but a condition requires that an analysis be carried out prior to excavation works commencing as there may be traces of contaminants such as asbestos from demolition of the houses on the site. (Conditions 15, 39, 131)

## SEPP 65 Considerations

An independent assessment of the proposed residential development has been carried by consultant's Architectus Group Pty Ltd on behalf of Council. The assessment considers the design principles of SEPP 65. It also assesses the proposal against the primary development controls of the NSW Residential Flat Design Code.

In regard the SEPP 65 design principles, Architectus found the proposal to be generally consistent subject to some recommendations for the detailed design. Similarly Architectus found the proposal generally consistent with the Design Code subject to some recommendations for the detailed design. The assessment noted that 62% of units will have 2-3 hours of sun access in mid winter to open space or living areas of units. Although 21% are south facing units, the assessment concluded that having regard to the extensive views and generous set backs provided from surrounding development the proposal is acceptable.

The assessment noted that although there is less than the required number of apartments with dual access to natural ventilation, the proposal is acceptable as the single aspect units are shallow in depth and 2.7m ceiling heights are proposed.

Larger balconies are recommended in some units. There is an option to increase the balcony areas to the nominated units by extending the balcony past the main bedroom. Some minor internal layout adjustments to some units and provision of extra windows are also suggested that can be considered at Construction Certificate stage.

The assessment notes some inconsistency between plans that have been addressed in the amended plans. It also makes recommendations regarding variation of the colour palette for the external finishes to the residential to give it greater differentiation from the commercial tower. This approach would be inconsistent with the requirements of WDCP for integration of style and finish. It is considered that there is sufficient differentiation provided by the architectural requirements of a residential tower compared with the commercial tower in the form of balcony edges and balustrades, shadow lines provided by balconies, different form of the openings and irregular shape to the building foot print compared with the rectangular shape of the commercial tower without having to consider changes to the proposed external finishes.

The assessment recommends rationalisation of the entrances and greater prominence be provided to the residential entrance. This has in part been addressed in the amended scheme with changes to the entry doors. The residential entrance is recessed for letter boxes and is provided with its own awning above the entry giving it prominence in the façade for that part of the site. No signage is proposed in the application but when resolved in the detailed design will likely give further distinction between the different entrances that serve the different uses on the site.

The assessment notes that there is little detail on the intended fit out of the roof top recreation space for residential use. In addition to the drying area, options for a relaxed seating area and potential of a community garden could be allowed for in the design.

In general the assessment concludes that the proposed residential component satisfies the requirements of SEPP 65 subject to some minor changes. A condition is required for the detailed design to consider the SEPP 65 assessment recommendations. (Condition 4)

#### SEPP (Building Sustainability Index: Basix) 2004

The sustainability initiatives and Basix thermal comfort commitments for the proposed for the residential building have been assessed and Basix Certificate 313431M has been issued confirming that the residential development will satisfy the SEPP (Basix) requirements.

## SREP (Sydney Harbour Catchment) 2005

The site falls within the SREP Sydney Harbour Catchment area. The proposal is consistent with the aims of the SREP as it is considered it will contribute to an ecologically sustainable urban environment.

## Development Control Plan

Willoughby Development Control Plan provides site specific parameters for development of the site. A brief summary of the controls for development is provided below:

- Site to act as a defining edge to the CBD.
- Requires a mixed use development but major retail uses such as supermarkets are not appropriate.
- Integration of detailing and architectural style.
- Vertical and horizontal elements carried through to the roof form.
- Provide a 3 storey podium of commercial uses.
- Provide a minimum of 20m x 20m landscaped splay to the intersection to address the gateway location with a minimum of 800m<sup>2</sup> of landscaped setting at ground level.
- Development may extend over the car park link road with a minimum of 5m clearance.
- Tower buildings above the podium to be separated by a minimum of 20m.
- Minimum 3m set back to southern and northern (Albert Avenue) boundary.
- Minimum 3m set back to the link road.
- Minimum 3m up to 6m the near southern boundary set back to eastern boundary (Archer Street).
- Consider solar access/shadowing impacts in modulating built form and adjusting heights.
- Basement car park entry from Albert Avenue.
- Maintain through site bicycle and pedestrian links along link road.
- Loading is to occur within the below ground basement levels to minimise impacts.
- No larger than medium rigid vehicles shall service the site.

Generally the layout/design of the proposed development complies with the provisions of WDCP. The following discusses the design matters of non-compliance with WDCP and whether the non-compliance is reasonable in the circumstances of the site and the proposed development. Note that traffic and parking, sustainable development requirements, waste management and other matters are discussed separately later in this report.

- a) The 3m set back to the link road has not been provided as it is proposed to provide the entry ramp to the basement car parking in the location. A 2.5 m wide shared pedestrian/bicycle pathway is proposed along the western side of the link road. The width is acceptable for a moderately used share-way in accordance with *Ausroads – Part 14*.
- b) The minimum set back along the southern boundary to the residential development to the south is 3 m. The podium levels are set back a minimum of 4.95m from the southern boundary with residential development to the south of the site which increases to a minimum of 8.8m for the residential tower. The setback is the location of the access to the loading dock and the exit ramp from the car park. The driveway is proposed to be covered by a landscaped pergola with an acoustic wall set back 600mm from the boundary. The 600mm set back is sufficient to allow for the growth of screen plants (proposed to Lilly Pilly hedging) and climbers over the pergola.

Additional landscaping is proposed around the turning head of Claude Street. Although the set back is greater than the 3m required it is not a fully landscaped set back. Nevertheless it is considered that the intent to provide privacy and soften the built form is achieved by the proposal.

- c) The proposed clearance over the link road is a minimum of 4.5m to the underside of the residential pool structure and structural beams of the residential tower which is 500mm less than required. The use of the link road is for cars and light vehicles exiting both car parks. The development does not propose use of the link road for truck access. Therefore the reduced clearance is acceptable.
- d) The location of the loading docks is 1m to 2m below ground level with entry and exit proposed from Archer Street. Although not located in the basement car parking levels, it is considered that the intent of the requirement to manage noise impacts on adjacent residential development is nevertheless addressed by the partial below ground level location and provision of the acoustic wall. The loading dock design restricts deliveries to the maximum size of medium rigid trucks as required by WDCP. Access will be left in and left out only in Archer Street.
- e) The separation between the two towers is less than the required 20m at 13.5m. As the two towers are not both residential, the concern regarding privacy impacts that was partly the reason for the requirement are nevertheless addressed notwithstanding the lesser set back. Also it is proposed to provide sliding privacy louvres to the units facing the commercial tower. The second reason for the separation is to allow sunlight penetration between the two tower elements to development to the south of the site. This is achieved notwithstanding the reduced separation.

The proposal is considered acceptable having regard to the design principles of WDCP.

#### Traffic and Parking

The application required referral to the RTA pursuant to SEPP (Infrastructure) 2007. The RTA had concerns that paralleled the concerns of Council's Traffic Group. These concerns have largely been addressed in the amended plans subject to a condition requested by the RTA for the developer to meet the costs of any works arising from the SIDRA analysis. The condition arises as the amended modelling information for traffic generation impacts on nearby intersections requires analysis by the RTA which was not complete at the time of writing this report.

The amended design provides for the access to the basement car parking to be via the link road and the traffic controlled intersection with Albert Avenue and Spring Street. The loading access for maximum medium rigid trucks as required by WDCP is proposed from Archer Street. This will require left in and left out by trucks servicing the site. Two unloading areas are provided with sufficient space for the trucks to manoeuvre to both docks and enter and leave the site in a forward direction. The loading area is proposed to be secured by gates out of hours.

The Transport Report by Colston Budd Hunt & Kafes Pty Ltd notes the benefits of the site's proximity to public transport at Chatswood Transport Interchange.

The increased traffic generation from the site from its current use as a 113 space public car park has been assessed in the report. It concludes that the increased traffic generation will be 260 to 270 vehicles per hour two-way during weekday afternoon and Saturday peak hours respectively. This additional traffic has been modelled for its impact on the nearby

intersections using SIDRA analysis and the report concludes that the existing level of service “C” (satisfactory) at Archer Street and Albert Avenue and “B” (good) at Spring Street/Link Road and Albert Avenue will be maintained notwithstanding the additional traffic generation from the development. This conclusion is subject to the review and confirmation by the RTA as noted previously.

The car parking requirements in the report have been adjusted for the changes to the floor areas with the amended plans. The documentation provides calculations for net floor area although the detailed design of the use areas has not occurred. Having regard to the requirements of WDCP and adjusting for the floor area changes the development will require 131.5 spaces for the retail component and 24.6 for the restaurant component. The medical facility is advised will have 23 medical practitioners and health care professionals on the site at any one time and 46 other employees and the medical facility has 12 rooms for inpatient accommodation (omitted from the car parking assessment in the report). The medical facility will therefore require the provision of 73 spaces. The residential units will require 73 residential spaces and 17.3 visitor spaces. This gives a total car parking requirement for the development of 319.4 spaces which rounded down in accordance with the requirements of WDCP means 319 spaces are required. The proposal provides 327 spaces. Although the requirement is a maximum car parking provision, the additional 8 spaces are considered acceptable in the circumstances of this development as some flexibility is requested in case the large restaurant is converted to retail space or medical centre use as the development is refined in the detailed design. It is noted that a condition is required that addresses the car parking allocation in the development.

Reference is made in the application documentation to a contract requirement by Coles for the provision of 40 spaces. This requirement is separate to the WDCP calculation of car parking which is based on 85% of the total net retail floor area including the First Choice Liquor outlet.

The development proposes 13 motor cycle spaces in accordance with WDCP.

For bicycle parking WDCP requires 18 bicycle lockers and 38 rails/racks with Council's Traffic Group requiring that some racks are provided in the plaza and some in the basement car parking. The Traffic Report states that the development provides bicycle parking in accordance with requirements but that is not reflected in the amended plans or the amended Statement of Environmental Effects (SEE). Bicycle racks are noted in the plaza and in the basement car park levels but no bicycle lockers are proposed. The SEE states that 28 bicycle racks are proposed providing parking for 56 bicycles although only 23 were noted on the drawings (19 in the basement parking levels and 4 in the plaza). There is sufficient space within the plaza to provide additional bike racks.

The development seeks a variation to the requirement for bicycle lockers. An alternative to bicycle lockers is to provide secure caged enclosures that are accessed by swipe card or other key system that can be obtained from the building/car parking manager. The proposed 19 racks in the basement car parking levels are grouped and indicated to be within two caged areas. This is considered an acceptable alternative. However, no bicycle parking is provided for the residential units within the residential secure parking area. This needs to be addressed and conditioned. The condition should require the provision of 7 bicycle lockers (or secure caged area) and bicycle racks for 6 bicycles for resident's use. (Conditions 4, 107, 109)

### Overshadowing Impacts

Overshadowing diagrams have been provided to indicate the extent of shadowing impact from the development. Immediate to the south of the site is a 9 storey residential flat

building at 44-46 Archer Street with its living areas and balconies facing east overlooking Archer Street. At 41-45 Claude Street is low density residential development. Council has approved a proposal to redevelop the land for a 9 storey residential flat building providing student accommodation. Opposite in Claude Street are cottages that are anticipated will be the subject of a development application to redevelop in the near future as the ownership is being possibly consolidated. Further along Archer Street and Claude Street is a 3 to 4 storey residential flat building with some units having living areas and balconies facing north in the centre of the building.

The overshadowing impacts have been mitigated in part by setbacks provided to the rear boundary. The additional floor space in the residential tower located over the car park access driveway is indicated to shadow primarily Claude Street, the turning handle at the end of Claude Street and the first house at 42 Claude Street in the middle of the day in mid winter. A redevelopment of 42 Claude Street in a consolidation with the adjacent sites where the development standards allow a nine-storey residential flat building will allow the possibility of set backs and adjustment to the building design to maximise sunlight access potential.

Noting the building separation and orientation of living areas/balconies in development to the south the most significant adverse impact from shadowing in mid-winter is on 41 to 45 Claude Street. The impact will mainly be felt on the lower levels of the future 9 storey building. In anticipation of the possible future development form on the subject site, the approved development on 41 – 45 Claude Street was angled such that there will be some sunlight penetration between the two towers in the middle of the day in mid winter reaching the balconies/living area of the units orientated due north.

The overshadowing impacts are acknowledged but on balance are considered acceptable in the context of the site and the orientation of living areas in existing development to the south as well as approved and possible future development to the south of the site.

### Privacy Impacts on Nearby Development

The residential development to the east is separated from the site by Archer Street such that privacy and overlooking from the medical tower are not considered to be of a scale to warrant design change.

The separation to the residential development to the south is at its minimum between the medical tower and 44-46 Archer Street but this still exceeds 12m. In addition the relationship is not to the primary living rooms of units in that development. As a medical facility the inpatient activities will likely occur all day and every day. The office administration on the top level of the building is expected to be primarily week day activity. The outpatient services will likely vary with some extended hours services being provided. The glazing proposed to the medical tower is grey tinted on the lower portion and clear glazing on the upper portion on each level which also controls view lines.

The separation between the residential tower and residential development to the south varies from about 12m for the existing development at 41-45 Claude Street which will be increased with the approved redevelopment of the site. In addition as previously stated the approved building on the site is angled from the alignment of the boundary giving increased but variable set backs to the approved future building. The separation to the existing house on 42 Claude Street is more than 25m. A redevelopment of a consolidated site that includes 42 Claude Street would see that separation increase based on WDCP set back requirements.

The use of the roof top for recreation by residents is restricted in area by privacy fencing and is set back from the line of the building façade. It is considered that the fencing, set backs and separation will manage privacy impacts.

It is concluded that the privacy impacts are not of a level of concern to require further design changes. A condition can ensure that the fencing to the roof top recreation area on the south side be of solid construction. This has the added benefit to the recreation area of providing a wind barrier to southerly winds. (Condition 4)

### Waste Management

The amended plans provide for separate waste storage areas for the residential waste and the commercial waste adjacent to the loading dock. Both waste holding areas have space for recyclable waste as well as general waste. The commercial waste room also allows for wet waste associated with a restaurant use. Both waste rooms can be accessed from the lift lobbies.

A garbage chute is proposed for the residential units and recyclable crates are proposed at each level. The volume calculations for residential waste generation are acceptable and the use of compaction to a 2:1 ratio is in accordance with Council requirements. The capacity of bins proposed to be provided for the residential waste is in accordance with Council requirements.

A separate medical waste room is proposed on Basement Level 1. As the medical waste collection point is in the basement, it will require a van collection vehicle that is able to negotiate the ramp access. It is noted that the non-residential waste collection on the site is by separate contract to residential waste collection which is carried out by Council.

### Sustainability

The ESD initiatives have been considered in the context of the Basix assessment for the residential units. This includes 150m<sup>2</sup> of solar collector panels into the central gas boosted hot water system and water retention and recycling for non-potable uses.

For the non-residential uses the Energy Report by Floth Sustainable Building Consultants indicates energy targets based on the Manly Council model. The calculated figures of 736MJ/m<sup>2</sup>/annum for the retail area, 6059MJ/bed/annum for the medical facility and 508MJ/m<sup>2</sup>/annum for the office area are within the set targets for the respective uses. Masonry external walls and insulation to roofing is proposed with high performance glazing with shading where necessary. Use of energy and water efficient fixtures and fittings is proposed. The undertakings of the Energy Report will be required to be met in the detailed design. (Condition 5)

#### Access for People with Disabilities

A detailed Access Report prepared by Morris-Goding Accessibility Consulting has been provided with the application. The bulk of its recommendations and requirements are matters for the detailed design stage for a Construction Certificate. A condition is recommended that requires the detailed design drawings be reviewed by the access consultant before release of a Construction Certificate. (Condition 5)

Fifty percent of the residential units (35) are adaptable for people with disabilities in accordance with the requirements of WDCP and 8 disabled car spaces are provided within the residential car parking area also in accordance with the requirements of WDCP. Alternative floor plans have been provided with the documentation to indicate the pre and post adapted layout of the nominated units.

The car parking for the non-residential uses on the site includes 9 disabled car spaces that is also in accordance with requirements. Also a drive-through drop off and pick up facility is proposed on Basement Level 1 whereby a vehicle can enter the basement car park and drop-off or collect a passenger and exit without entering the ticketed area of the car park.

#### Other Matters

The boundary adjustment between Council's land and the site will require the preparation of a plan suitable for registration to the satisfaction of Council. Indicative easements including the easements in gross for public access that are required have been indicated on the architectural plans. Finalisation of the easements will also be to the satisfaction of Council and the draft requirements resolved prior to the release of the Construction Certificate. This requirement is necessary as there may be BCA matters arising from the set backs to the boundary between the subject development and the Council car park that require design considerations for a Construction Certificate. (Conditions 21, 49)

Another matter is the ventilation shafts for the basement car park levels and for food preparation in kitchens is not clear in the plans. These shafts will have to pass through the building and extend to above the highest habitable level. It will not be acceptable to compromise the landscaped plaza areas by encroachment of ventilation shafts such that an appropriate condition is required to address this matter. (Condition 4)

Conditions are also required to address the proposed fuel storage on site in Basement Level 4 for the roof mounted diesel generator proposed in case of power failure. It is not known whether the diesel fuel is proposed to be delivered to the fuel storage tank located on Basement Level 4 or whether a fuel delivery point is proposed in the plaza at ground level. Delivery to the basement will be restricted to a vehicle size that can negotiate the car park



ramps and clearances. Conditions are necessary to address the unknown circumstances. (Conditions 4, 97)

### **Neighbour Notification Issues:**

The joint submission inadvertently identified WLEP 1995 as the relevant planning instrument where the relevant planning instrument is SREP 5. Nevertheless the sentiment of the submission and the objectives of the 3(c3) General Business zone under SREP5 have been considered in this report. The assessment concluded that the proposed development is consistent with the objectives for the zone and development of the site.

Concerns regarding overshadowing have also been considered and on balance found to be acceptable given the site context and site specific development requirements. It is noted that in accordance with planning practice the overshadowing assessment gives greater priority to impacts on primary living areas rather than bedrooms. Similarly views from bedrooms are given less priority than from living areas.

The concerns expressed regarding vehicular access to the site have been addressed in the amended plans with car parking access being from Albert Avenue. The loading facility noise issues have also been addressed as it is partly below ground level and partly enclosed as well as an acoustic wall is proposed adjacent to the loading driveway and dock area.

The suggestion that the two towers should be reversed such that the residential tower is closest to Archer Street is not acceptable. The medical facility tower has an architectural form which addresses the intersection. The residential tower although close to the Albert Avenue public car park is elevated above the driveway and is designed in a U-shape such that the number of units adjacent to the car park is kept to a minimum. Louvred privacy screens are proposed to the two lower levels that are in proximity to the car park.

Concerns regarding hygiene and contaminated waste from the medical facility are considered in the design with provision of a separate waste room for medical waste in the basement.

Noise impacts from activities on the site are considered manageable as the entrances and activity on the site is orientated to the north or is within the building structure or basement levels. Standards for noise generation by plant and equipment are established by Australian Standards. In addition the Acoustic Report has requirements for the development that are conditioned to be complied with.

In conclusion the concerns expressed by the neighbours have been considered. The matters raised have been addressed or assessed to not be of a level to cause the application to fail.

### **Other issues – SEPP 1 Objection to Clause 15C (Height Control)**

#### **a) Objectives of Zoning**

The specific objectives of the 3(c3) zone under SREP 5 are:

- *To encourage the development of a secondary small scale mixed commercial, residential and retail zone; and*
- *To minimise the visual impact of business development on adjacent residential areas.*

The proposed development provides a mixed use development in accordance with the objectives for the zone. It also provides a buffer to the more intense retail and commercial uses of Chatswood CBD centred along Victoria Avenue.

**b) Objectives of the Standard**

The objectives of the height controls in Clause 15 of SREP5 are not specifically stated in the Plan. Nevertheless height controls are generally used for managing mass and bulk impacts and shadowing impacts. The site specific controls in WDCP also provide set back requirements that combined with the height controls confirm the objective of managing mass and bulk and addressing the gateway role of the site. The height and set back requirements also consider privacy and shadowing impacts on adjacent residential development.

**c) Applicant's reasons in support of the variation**

The applicant has provided the following reasons in support of the SEPP 1 objection:

- The development addresses the gateway location and provides appropriate set backs to adjacent residential development.
- The small component of floor area that constitutes the technical non-compliance is contained within the plant room enclosure.
- The proposed height provides an appropriate transition from the office sore to residential to the south.
- The overall height would not change if the small foyer and access was removed.

**d) Whether the objective of the Control is satisfied notwithstanding the non-compliance**

The proposed development generally complies with or exceeds the set back requirements. The set back of 3m to the residential development to the south is exceeded being nearly 5m for the podium and medical tower and 8.8m – 10.4m for the residential development. The height impact is adjusted above the podium providing two separate towers with a 13.5m separation. The plant room is excluded from the measurement of the height control.

The non-compliance with the height control arises because of the use of the roof level for recreation use by residents in the residential tower requires connection of the lift and provision of a foyer area to the roof level. The additional height arising from provision of access to the roof level does not exceed the height of the plant room roof of RL124.5 AHD. In addition the floor space provided at that level is set back 27.5m from the southern boundary such that it does not add to the shadowing impact.

Therefore, it is concluded that the objectives of the height control are met notwithstanding the non-compliance.

**e) Whether or not compliance is unnecessary or unreasonable in the circumstances**

It is considered that the SEPP 1 objection to the height control is well founded in the circumstances. The development satisfies the objective for development in the zone and is considered to satisfy the intent of the height standard. The small area of

non-compliance is well within the site and integrated into the surrounding plant room structure. Therefore strict compliance with the height control is considered would be unreasonable and unnecessary in this case.

**Other issues – SEPP 1 Objection to the Maximum FSR (Clause 11(b)) and FSR for the Residential development (Clause 13 (4))**

**a) Objectives of Zoning**

As noted above the objectives of the 3(c3) General Business zone in SREP5 are:

- *To encourage the development of a secondary small scale mixed commercial, residential and retail zone; and*
- *To minimise the visual impact of business development on adjacent residential areas.*

Again as previously noted the proposed development satisfies the objectives for development in the zone.

**b) Objectives of the Standard for Maximum FSR**

The objectives of the floor space controls of Clause 11 of SREP5 are not specifically stated in the Plan. Based on the objectives of the Plan it is reasonable to consider that the objectives of the FSR controls are to manage mass and bulk, balance the environmental impacts including traffic generation and provision of services in an area and maintain the amenity of the neighbourhood.

**c) Objectives of the Standards for the Component of Residential Development**

Again the objectives of the FSR control of 1.5:1 for the residential component in a mixed use development are not stated in the plan. Nevertheless they can be deduced from the overall objectives of the Plan and the zone. It is considered that the FSR control to manage the component of residential development is to ensure that general business purposes of the zone are still achieved and are not subsumed by residential use. This includes provision of business and retail services and employment potential.

**d) Applicant's reasons in support of the FSR variation**

The applicant's reasons in support of the precautionary interpretation of compliance with the maximum FSR control are as follows:

- The traffic modelling has indicated that the capacity of the surrounding road network can accommodate the proposed development.
- The proposed development is consistent with the scale of development containing a hospital anticipated for the site.
- The proposed development provides an appropriate transition between the commercial core of Chatswood CBD and nearby medium and high rise residential development.
- The proposed development includes a landscaped north facing forecourt that will benefit future occupants and the public.
- The proposed development has high architectural quality.
- The proposed development will revitalise this underutilised site.

**e) Applicant's reasons in support of FSR for the residential component**

The applicant provided the following reasons in support of the 1.7:1 FSR for the residential component rather than the permitted 1.5:1 FSR:

- The additional residential floor space is contained within the overall FSR maximum of 4:1 and does not add to the bulk.
- The additional residential development is consistent with State Government policy to provide residential development close to transport nodes.
- The additional residential development does not hinder the provision of retail, restaurant and commercial floor space on the site.
- The additional residential on the site will support the IMC use.
- The residential development will achieve the objective in the WDCP to terminate the vista of Spring Street and screen the eastern elevation of the car park.
- The additional traffic generation will not have an impact on the efficiency of the road network and traffic flows in the area.
- The mixed use development provides an appropriate transition in scale and land use and is a built form anticipated by the site specific controls.

**f) Whether the objectives of the Controls are satisfied notwithstanding the non-compliance**

The hospital component of the development is considered to have an FSR of 1.11:1 (see Assessment section of this report). The remaining retail and restaurant uses have an FSR of 1.19:1 which gives a total of 2.3:1 in commercial uses. This exceeds the potential floor space in commercial uses that would have applied if a hospital development was not included in the proposal of 1.2:1. The development will therefore contribute jobs potential and business services to Chatswood. It will provide for an integrative eastern/western medical facility that is expected will become a business focus in Chatswood as well as being a significant benefit to the community. The additional residential component of 0.2:1 over the permitted level of 1.5:1 is not considered to be proposed at the expense of the jobs and the business potential of the site.

Therefore, it is considered that the objectives of the FSR controls of Clause 11 and the residential component of Clause 13 are met notwithstanding the non-compliance.

**g) Whether or not compliance is unnecessary or unreasonable in the circumstances**

Having regard to the objectives of the zone and the assessed objectives of the development standards in Clause 11 and 13 of SREP5, it is concluded that in the circumstances of the proposed mixed use retail, residential, restaurant and eastern/western integrated medical facility strict compliance with the development standards would be unreasonable in the unique circumstances of this development.

**Conclusion**

The proposed development at 38 Albert Avenue, Chatswood is a mixed use development containing an integrated eastern and western medical facility and hospital, retail, restaurant and a Coles First Choice Liquor outlet with 69 residential units. The development proposes two 6 – 7 storey towers above a 3 storey podium. The form of the development is as envisaged by the development standards and site specific objectives and development

controls. Some non-compliance has been noted but they are considered reasonable in the circumstances of the case. The proposed development is considered worthy of approval subject to DEFERRED COMMENCEMENT conditions.

### **OFFICER'S RECOMMENDATION**

**THAT the variations to the development standards in Clauses 11, 13 and 15 pursuant to SEPP 1 be supported for the reasons given in the report.**

**THAT the application be approved by the Sydney East Regional Planning Panel and delegated authority be granted to the General Manager of Willoughby Council to issue the deferred commencement consent notice subject to the attached conditions.**

## **SCHEDULE 1**

### **CONDITIONS OF CONSENT DEFERRED COMMENCEMENT**

In accordance with Section 80(3) of the Act this consent will not operate until the applicant has provided information to the satisfaction of the Council that the following conditions can be complied with. Upon receipt of written information from the applicant in relation to the conditions in this schedule the Council will advise in writing whether the information is satisfactory and, if so, will nominate the effective date for the commencement of this consent.

In accordance with Clause 95(3) of the Regulation, a twelve (12) month period is given from the date of the 'deferred commencement' notice to lodge plans and evidence that satisfactorily address the required amendments/detail. If not, then the 'deferred commencement' will lapse and a new development application will be required.

(Reason: Ensure compliance)

1. Preparation of detailed design drawings for the relocation of utility services crossing the site in accordance with the requirements of the utility provider.
2. Preparation of the detailed design for the relocation of the trunk stormwater pipe to the satisfaction of Willoughby Council's Manager Engineering Services.
3. Submission of the SIDRA modelling of the road network to the RTA for assessment by the RTA. Any works arising from that assessment shall be met by the developer.
4. It is noted that amendments are required to the development arising from the conditions in Schedule 2. The developer is to demonstrate progress in the resolution of those conditions.

## SCHEDULE 2 OF CONDITIONS

**Conditions of Consent: (NOTE THESE CONDITIONS MAY REQUIRE AMENDMENT WHEN THE MATTERS IN SCHEDULE 1 ARE ADDRESSED INCLUDING BUT NOT LIMITED TO CONDITION 2 IDENTIFYING THE APPROVED PLANS AND DOCUMENTATION)**

### 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 architectural plans numbered 209064 – A0003/G, A0004/E, A0005/E, A0006/E, A0007/E, A0008/E, A0009/E, A0010/E, A0011/E, A0012/E, A0015/E, A0019/G, A0017/G, A0018/G, A0020/E, A0025/B, A0030/E, A0031/E, A0032/E, A0033/E, A0040/E, A0041/D, A0042/D, A0043/C, A0044/C, A0050/C, A0051/C, A0052/C, A0053/C, A0051/C, A0070/C, A0071/B, prepared by PTW Architects, date stamped by Council 17 September, 2010; Landscape Plans SS102120 – 101G, 501, 2/C, 4/C, 5/C by Site Image, date stamped by Council 15 June 2010 and 17 September, 2010; Hydraulic Plans S10042 – HDA02/P3, HDA03/P3, HDA04/P3, HDA05/P4, HDA06/P4, HDA07/P3, HDA17/P4, ADP01/P1 by Floth Sustainable Building Consultants date stamped by Council 17 September, 2010 the application form and all other supporting documentation and reports 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) Provide for ventilation shafts from the basement car park, waste rooms and from cooking facilities in food premises integrated into the building structure.

- (b) Provide details and design resolution for the delivery of fuel to the diesel storage facility.

- (c) Provide a detailed landscape plan for the ground floor plaza and roof top recreation area. The plan shall ensure that the soil depths are adequate for the proposed planting, that the structural design of the building is certified indicating that it has allowed for the weight of the landscaping and planter structures and irrigation and drainage for the planting is integrated into the building design. The ground floor plaza design shall provide for 2 additional bike racks. Root mapping of the significant street tree in Archer Street, *E. citriodora*, shall be carried out to determine whether additional set back is required for the basement car park. The landscape designer shall consult with Willoughby Council's Manager of Open Space on the additional street trees to be provided. The choice of species in the landscaping shall give preference to drought tolerant planting. The design of the public art element shall occur in consultation with Willoughby Council's Arts and Cultural Manager. The roof top recreation area shall provide a solid fence to the south side, seating for flexible use by residents and facilities for residents to establish a communal garden.

- (d) The detailed design shall have regard to the recommendations of the SEPP 65 assessment by Architectus Pty Ltd with respect to internal layouts, additional windows and some increased balcony sizes.



(e) The detailed design shall provide for illumination of the vehicular and pedestrian/bicycle access through the site. Treatment of walls shall consider the potential of graffiti damage.

Plans detailing these amendments are required to be submitted to and approved by Willoughby City Council and shown on the Construction Certificate plans.

(Reason: Ensure compliance)

## 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.

In particular the detailed design shall address the recommendations and undertakings of the Access Report, Acoustic Report, Sustainability Report and the Basix undertakings. The respective consultants shall certify that the detailed design has addressed the undertakings and recommendations of their reports.

(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:

<b>A</b>	<b>Childcare</b>	<b>\$346,939.77</b>
	<u>Calculation</u>	
	\$29.78 per m <sup>2</sup> of additional GFA (9831m <sup>2</sup> )	
	\$785.11 per dwelling (69)	
<b>B</b>	<b>Open Space and Recreational Facilities</b>	<b>\$1,724,488.06</b>
	<u>Calculation</u>	
	\$6,475.48 per 1 bedroom dwelling (17)	
	\$9,827.86 per 2 bedroom dwelling (36)	
	\$12,538.24 per 3 bedroom dwelling (16)	
	\$171.68 per m <sup>2</sup> of Retail/Restaurant GFA (4790m <sup>2</sup> )	
	\$3,444.10 per hospital worker (69) – as detailed in the applications supporting documentation	
<b>C</b>	<b>Roads and Traffic Transport/Management</b>	<b>\$1,462,184.96</b>
	<u>Calculation</u>	
	\$2,102.76 per dwelling (69)	
	\$208.54 per m <sup>2</sup> of Retail/Restaurant area (4790m <sup>2</sup> )	
	\$63.12 per m <sup>2</sup> of Office/Hospital area (5041m <sup>2</sup> )	
<b>Total</b>		<b>\$3,533,612.79</b>

<i>Office Use – Calculation Checked</i>
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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 2011, 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](http://www.willoughby.nsw.gov.au)

**NOTE: the above calculation restricts the maximum number of employees at any one time associated with the hospital use to 69 persons. Any increase on that number will require the prior approval of Council. The employment figure is as per the applicant's submission for the Development Application and has been relied upon in the condition/calculation relating to Section 94 Contributions, accordingly any increase may result in an increase in the S94 calculation for Open Space and Recreation Facilities.**

(Reason: Statutory requirement)

## **7. Services - Section 73 Compliance Certificate**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to occupation. Application must be made through an authorised Water Servicing Coordinator, for details see Customer Service, Urban Development at [www.sydneywater.com.au](http://www.sydneywater.com.au) or telephone 13 20 92.

Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Water Servicing Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and the building, driveway or landscape design and therefore require further approvals of Council.

The "Notice of Requirements" relating to the approved development in accordance with this consent is to be submitted to Council.

(Reason: Ensure Statutory Compliance)

## **8. Services - Energy Australia**

The applicant should consult with Energy Australia to determine the needs of the electrical enclosure for the development that is to be located in the basement. The dimensions of the structure is to be detailed on all the plans issued with the Construction Certificate. In the event that Energy Australia requires dedication of the site for the substation or easements, the Plan of Dedication/Easements 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 \$ (*to be advised on completion of Schedule 1 matters*) (GST Exempt) by way of cash deposit or unconditional bank guarantee to Council against possible damage to Council's asset during the course of the building works. The deposit will be refundable subject to inspection by Council after the completion of all works relating to the proposed development. Any damages identified by Council shall be restored by the applicant prior to release of the Damage Deposit.  
(Reason: Protection of public asset)

## **10. Traffic Management Plan**

A detailed Traffic Management Plan shall be prepared for pedestrian and traffic management and be submitted to the relevant road authority for approval. The plan shall: -

- a) Be prepared by a RTA accredited consultant.
- b) Arrangements for temporary relocation and/or closure of the driveway from the Albert Avenue car park shall be negotiated and resolved with Willoughby Council. It may require approval of the Traffic Committee.
- c) Implement a public information campaign to inform any road changes well in advance of each change. The campaign shall be approved by the Traffic Committee.
- d) 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.
- e) Other temporary road closures shall be confined to weekends and off-peak hour times and are subject to the approval of Council. Prior to implementation of any road closure during construction, Council shall be advised of these changes and a Traffic Control Plan shall be submitted to Council for approval. This Plan shall include times and dates of changes, measures, signage, road markings and any temporary traffic control measures.

(Reason: Public safety and amenity)

## **11. Noise from External Sources**

To minimise the impact of noise from external sources on the amenity of the occupants, the building shall be constructed in accordance with the recommendations and specifications of the acoustic report prepared by Acoustic Logic, Reference: 2010804/0709A/RO/GW dated 7/9/2010.

Details of the proposed acoustic treatment shall accompany the application for the construction certificate.

(Reason: Amenity)

## **12. Noise Mechanical Services**

To minimise the impact of noise onto residential receivers, all mechanical services shall be designed and installed to ensure ambient noise levels are maintained. Details of the proposed equipment, siting and any attenuation required shall accompany the application for construction certificate.

(Reason: Amenity)

## **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 – The use of ventilation and air conditioning in Buildings
- c) AS1668.2-1991 – The use of ventilation and air conditioning in Buildings
- d) The Public Health Act-1991
- e) The Public Health (Microbial Control) Regulation 2000
- f) AS3666.1 – 2002 – Air Handling and Water Systems in Buildings
- g) AS3666.2 – 2002 – Air Handling and Water Systems in Buildings
- h) AS3666.3 – 2000 – Air Handling and Water Systems 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. Adaptable units**

Adaptable residential units for disabled persons are to be provided at a rate of 50% of units (Total 35). Each adaptable unit is to be nominated on the Construction Certificate drawings and of the 35, 8 are to be provided with a disabled car space as required under the Willoughby Development Control Plan Part C.6 – Access, Mobility and Adaptability.

(Reason: Amenity)

## **15. Contamination/Remediation - Detailed investigation of land contamination**

A detailed site investigation of land contamination shall be undertaken and following completion of the investigation, a Remedial Action Plan shall be prepared and remediation of the site shall be carried out if required.

Approvals from appropriate Government Departments where required shall be obtained and full details of the investigation and site remediation are to be submitted to and approved by the Council, in accordance with section 80A (2)

of the Environmental Planning and Assessment Act 1979 prior to the commencement of excavation works.  
(Reason: Environmental protection)

**16. Arboricultural Method Statement**

Submit to the accredited certifier an Arboricultural Method Statement. The Statement shall address tree protection and management on the significant street tree in Archer Street, and must comply with the requirements detailed in WCC Landscape Specification 04/2007, Development Site Tree management – Arboricultural Method Statement..  
(Reason: Tree protection)

**17. Detailed landscape design**

Submit to the accredited certifier detailed landscape design prepared by a qualified landscape design professional. This information is to include the following information:

- I. The design and undertakings of resolution of Condition 4(c).
  - II. Provide screen planting along the southern boundary.
  - III. Not include environmental weed species and trees listed as undesirable in the Tree & Bushland Preservation Order;
  - IV. Use locally occurring native plant species in Willoughby
  - V. Comply with ecologically sustainable development landscape principles;
  - VI. Comply with WCC Landscape Specification 05/2007 Development Site Bushland Management: Plan and Specification.
- (Reason: Landscape amenity)

**18. Road pavement – engineering details**

The applicant shall submit, for approval by Council as the road authority, full engineering design plans and specifications prepared by a suitably qualified and experienced civil engineer for the reconstruction of the link road from the car park and half of the road pavement and any associated works fronting the subject site.

The required plans must be designed in accordance with Council's Specifications (AUS-SPEC). 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.  
(Reason: Protection of public asset)

**19. Stormwater conveyed to street drainage**

Stormwater runoff from the site shall be collected and conveyed to the street drainage system in accordance with Council's specifications. In this regard, full design of the OSD and stormwater retention system and construction

details showing the method of management of surface and roof water from the site shall be submitted to Willoughby Council for approval.  
(Reason: Stormwater control)

**20. 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)

**21. Boundary Adjustment, Easements in Gross for Pedestrian and Vehicular Access and Drainage and Utilities Easements**

The Applicant shall, at no cost to Council, prepare a plan for the boundary adjustment between Lot 11 in DP 1119753 and Lot 8 in DP 620843. The plan shall identify the easements in gross for the vehicular, bicycle and pedestrian access, relocated utilities and stormwater drainage easements over the allotment in favour of Council. The Plan and draft 88b Instrument shall be lodged for the consideration of Willoughby Council prior to issue of the Construction Certificate and shall be approved by Willoughby Council and registered with the Land and Property Management Authority prior to the release of the Occupation Certificate.  
(Reason: Drainage maintenance)

**22. Construction Management Plan (CMP)**

Submit, for approval by the Principal Certifying Authority, detailed Construction Management Plan (CMP). The CMP shall address:

- (a) Construction vehicles access to and egress from the site
  - (b) Parking for construction vehicles
  - (c) Locations of site office, accommodation and the storage of major materials related to the project
  - (d) Protection of adjoining properties, pedestrians, vehicles and public assets
  - (e) Location and extent of proposed builder's hoarding and Work Zones
  - (f) Tree protection management measures for all protected and retained trees.
  - (g) Requirements of the Traffic Management Plan.
- (Reason: Compliance)

**23. Emitted Noise - Air Conditioning**

To minimise the impact of noise from the air conditioning unit on the occupants of adjoining residential buildings the air conditioning system shall be designed and constructed so that the noise emitted from the air conditioning system shall be not more than 5dBA above the ambient background noise level 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)

#### **24. Trade Waste**

Submit evidence of Sydney Water approval of the Trade Waste Water disposal system.  
(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.**

#### **25. 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)

#### **26. 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)

#### **27. 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)

## **28. Building Site Fencing**

Public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.

A temporary safety fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5m). Temporary fences are to have a minimum height of 1.8m and be constructed of cyclone wire or similar with fabric attached to the inside of the fence to provide dust control.

Fences are to be structurally adequate and be constructed in a good and workmanlike manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.

The public safety provisions and temporary fences must be in place **PRIOR TO THE COMMENCEMENT OF ANY DEMOLITION, EXCAVATION OR BUILDING WORKS** and be maintained throughout construction.

(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 requirements of the Protection of Environment Operations Act 1997 and the Department of Environment, Climate Change and Water 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. Silencing Devices**

Sound attenuating devices shall be provided and maintained in respect of all power-operated plant used during demolition, excavation, earth works and the erection of the structure.

(Reason: Maintain amenity to adjoining properties)

### **32. Access to site**

During Excavation 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)

### **33. Wash down and shaker areas**

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

(Reason: Environmental protection)

### **34. 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.

- Details and contact telephone numbers of the owner, builder and developer;
- Location and construction details of protective fencing to the perimeter of the site;
- Location of site storage areas, sheds and equipment;
- Location of stored building materials for construction;
- Provisions for public safety;
- Dust control measures;
- Site access location and construction;
- Details of methods of disposal of demolition materials;
- Protective measures for tree preservation;
- Provisions for temporary sanitary facilities;
- Location and size of waste containers and bulk bins;
- 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;
- 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)

**35. Dilapidation Report of Council's property**

Submit a dilapidation report including photographic record of 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 regard, 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)

**36. 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)

**37. 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)

**38. Deed of Indemnity – Construction Work on Council Land**

A Deed of Indemnity is to be entered into PRIOR TO COMMENCEMENT OF BUILDING OR PREPARATORY WORKS for construction works on Council land whereby the developer will fully indemnify Council and their representatives from all claims, demands and liability which may arise in respect of any accident or damage to property or death or injury to any person of whatsoever nature. In this regard the developer will from the date that work commences until the boundary adjustment is registered and the sale of the land is completed, effect appropriate insurance policies including a Contract Works Policy, Public Risk Insurance, Worker's Compensation Insurance and will keep insured each part of the works as they are completed against

damage or destruction. A copy of the executed Deed is to be submitted to Willoughby Council.  
(Reason: Ensure compliance)

**39. Contamination/Remediation - Documentary evidence**

Documentary evidence must be submitted to the Principal Certifying Authority (*and Willoughby Council if the Council is not the certifying authority*) prior to commencement of any excavation or building works prepared by a suitably qualified environmental consultant certifying that the land is suitable for the proposed development.  
(Reason: Environmental protection)

**40. Tree Protection**

Retain and protect the following trees and vegetation throughout the demolition and construction period:

Tree Species	Location
Eucalyptus citriodora	Archer Street

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)

**41. Public Tree Protection**

Unless identified by the development consent, no tree roots over 25mm diameter are to be damaged or cut and all structures are to be bridged over such roots.

Should any problems arise with regard to the existing or proposed trees on public land during the construction or bond period, the applicant is to immediately contact Willoughby Council's Open Space section and resolve the matter to Council's satisfaction.  
(Reason: Tree management)

**42. 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 use. It should be noted that the issue of such permits may also involve approval from the NSW Police Force and the RTA. 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 public roads, including footpaths, nature strip, vehicular crossing or for any purpose whatsoever. All applications are to include current fees.
  - d) Permit to place skip/waste bin on footpath and/or nature strip. (Maximum three (3) days)
  - e) Permit to work and/or place building materials on footpath and/or nature strip. (Maximum two (2) weeks)
  - f) Permit to establish Works Zone on Public Roads adjacent to the Development including use of footpath area. Applications must be received by Council at least twenty-one days prior to the zone being required. The application will then be referred to the Council's Local Traffic Committee for approval, which may include special conditions.
  - g) Permit to construct vehicular crossings over Council's footpath, road or nature strip.
- (Reason: Legal requirements)

#### **43. Spoil Route Plan**

Submit a "to and from" spoil removal route plan to Council prior to the commencement of excavation on the site. Such a route plan should show entry and exit locations of all truck movements.

(Reason: Public amenity)

#### **44. Adjustment to Street Lighting**

Consult with utility authorities to determine the requirements of relocation/adjustment of electricity supply and street lighting services fronting the property in Archer Street and Albert Avenue. Such street lighting shall also conform to Council's standard specifications.

(Reason: Public amenity)

#### **45. Noise – Construction in accordance with acoustic report**

To minimise the impact of noise from the development on the amenity of the adjoining properties, the development shall be constructed and operated in

accordance with all recommendations contained within the acoustic report by Acoustic Logic - 2010804.  
(Reason: Amenity)

## **PRIOR TO OCCUPATION OF THE DEVELOPMENT**

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

### **46. 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)

### **47. Section 73 Compliance Certificate**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to occupation. Application must be made through an authorised Water Servicing Coordinator, for details see Customer Service, Urban Development at [www.sydneywater.com.au](http://www.sydneywater.com.au) or telephone 13 20 92.

The Section 73 Certificate must be submitted to the Principal Certifying Authority.  
(Reason: Ensure Statutory Compliance)

### **48. Marked parking bays**

All parking bays and/or truck docks and the direction of traffic movement being permanently marked on the pavement surface in accordance with the approved parking and driveway layout to the satisfaction of the Principal Certifying Authority. All parking bays being identified by corresponding consecutive numbers.  
(Reason: Ensure compliance)

### **49. Registration of Plan for the Boundary Adjustment**

The boundary adjustment involved in the development of the site shall be consolidated into a single allotment and evidence of the registration of the plan of the boundary adjustment and easements is to be submitted to Willoughby Council.  
(Reason: Ensure compliance)

### **50. Safer by Design**

To minimise the opportunity for crime and in accordance with CPTED principles, the development shall incorporate the following:

- i. In order to maintain a safe level of visibility for pedestrians within the development, adequate lighting to AS1158 is to be provided to all

common areas including the basement car park, common open space and any common stair access to these areas and pedestrian routes, particularly including the waste storage areas.

Particular attention shall be given to the lighting of the public Link Road and pedestrian and bicycle share-way through the site.

This lighting shall ensure consistency to avoid contrasts between areas of shadow/illumination and preferably be solar powered and with an automatic/timed switching mechanism, motion sensor or equivalent for energy efficiency. Such lighting shall be installed and directed in such a manner so as to ensure that no nuisance is created for surrounding properties or to drivers on surrounding streets. Car parking lighting system is to be controlled by sensors to save energy during periods of no occupant usage.

- ii. The roof of the basement parking area shall be painted a gloss white (or equivalent) in order to ensure good visibility, surveillance and less reliance on artificial lighting lux levels.
- iii. The design, installation and maintenance of landscaping (and associated works) within pedestrian routes around the site (and adjacent to mailboxes) shall not impede visibility and clear sight lines along the pedestrian footway from one end to the other.
- iv. The means to isolate the residential and commercial components of the building shall be incorporated into the development, including the security keying of lifts and doors and other measures for access control. Surveillance of the internal and external common/public areas shall be provided.
- v. Walls/screens between balconies shall be designed to avoid foot holes or natural ladders so as to prevent access between balconies/terraces within the development and from the Albert Avenue car park.
- vi. Adequate signage within the development to identify facilities, entry/exit points and direct movement within the development.
- vii. A small portion of each storage area shall be of solid construction (i.e. Cupboard.
- Viii The plaza design shall incorporate measures to stop use by skateboard riders.

(Reason: Safety and surveillance, energy efficiency, amenity)

## **51. Certification of slip resistant surfaces**

Upon completion, certification being submitted to the PCA that all floor finishes and floor surfaces (excluding carpet) have been tested on site to achieve a slip resistant classification under wet and dry conditions to comply with the current version of AS/NZS 4586, Table 3 of CSIRO/SA publication HB 197 (An Introductory Guide to the Slip Resistance of Pedestrian Surface Materials) and Willoughby Development Control Plan Part C.6 Access, Mobility and Adaptability.

(Reason: Public safety)

**52. External Finishes – Minimal Reflectance**

The external roofing, cladding and glazing of the proposed building are to be of 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)

**53. Swimming Pool - Access**

Access to the swimming pool shall be restricted by a child resistant barrier in accordance with the regulations prescribed in the Swimming Pools Act 1992.

- a) The pool shall not be filled with water, or be allowed to collect stormwater, until the **INSTALLATION OF THE CHILD RESISTANT BARRIER IS COMPLETED TO THE PCA'S SATISFACTION.**
- b) The barrier is to conform to the requirements of AS 1926 – “Fences and Gates for Private Swimming Pools”.

(Reason: Safety)

**54. Swimming Pool Certification**

A certificate is to be submitted by the Principal Certifying Authority stating the swimming pool fencing complies with AS 1926 “Fences and Gates for Private Swimming Pools” and the “The Swimming Pools Act 1992”. The certificate is to be submitted to Willoughby City Council prior to filling the swimming pool with water. If Council is the PCA, then inspection of the fencing is required prior to filling with water.

(Reason: Ensure Compliance)

**55. BASIX Certificate**

A completion certificate is to be submitted to the Principal Certifying Authority demonstrating the manner in which the measures committed to in the latest BASIX Certificate have been satisfied.

(Reason: Environmental Sustainability)

**56. Sustainable Development - Final Occupation**

The measures proposed to be undertaken in the Ecological Sustainable Development Report submitted as part of the Development Application are to be implemented as part of the development. Should any variation to these measures be proposed, a new report with the amendments highlighted is to be submitted for the Principal Certifiers approval and is required to continue to achieve the relevant mandatory measures and other sustainability measures.

(Reason: Environmental Sustainability)

**57. Sustainable Development - Multi-unit Dwellings**

Prior to occupation of the multi occupancy, a Sustainability manual is to be prepared which details all the environmental incentives outlined in the scorecard and ongoing provision and maintenance of these measures. The manual shall be provided to each unit in the development.

(Reason: Environmental Sustainability)

**58. Medical/Health – Hand Wash Basins**

Hand wash basins shall be provided to all consulting, treatment, sterilisation and surgery rooms. The hand wash basins shall be provided with hot and cold water under pressure through an approved mixing device (single spout), together with a sufficient supply of liquid soap and single use disposable hand towel.

(Reason: Health and Amenity)

**59. Medical/Health – Walls and Ceilings**

All walls and ceilings are to be surfaced with a smooth impervious material capable of being easily cleaned.

(Reason: Health and Amenity)

**60. Medical/Health – Washing Facilities**

Separate washing facilities shall be provided for:

- (a) Cleaning of equipment;
- (b) Cleaning of mops and the like

(Reason: Health)

**61. Medical/Health – lighting and mechanical ventilation**

All rooms to be provided with adequate lighting and mechanical ventilation in accordance with the building Code of Australia and Australian Standard 1668, as determined by the specific use of each room. In particular, separate non-circulating mechanical exhaust ventilation is to be provided to each of the consulting, treatment, surgery, toilet and waste disposal rooms.

(Reason: Compliance)

**62. 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)



### **63. Access for the Disabled**

The building shall be provided with access for people with disabilities as well as toilets and other facilities for people with disabilities and comply with Willoughby Development Control Plan Part C.6 and all the requirements of Part D3 and Part F2 of the BCA and the relevant provisions of AS 1428 and including but not limited to:-

- a) The required car parking space/s shall be identified on the floor and behind the space for use for people with disabilities and a series of signs are to be provided from the driveway entrance to indicate the location of the said space.
- b) At least one required stairway or ramp must have handrails on each side complying with Clause 9.2 of AS 1428.1.
- c) The passenger lift shall be installed to comply with the requirements of AS 1735.12.
- d) The unisex toilet for people with disabilities shall comply with the requirements of Clause 10 of AS 1428.1.
- e) Suitable identification signs and/or symbols, as well as necessary directional signs, incorporating the symbol for access for people with disabilities shall be provided to comply with Clause 14 of AS 1428.1.
- f) Attention is directed to Clause 7 of AS 1428.1 in respect of the clear circulation space required at doorways.

(Reason: Access and facilities for disabled)

### **64. Food Premises**

Compliance with the AS 4674 Design, Construction and Fit-out of Food Premises, The Food Act 2003, the Food Safety Standards in design and construction of the base building and in particular to:

- a) The floors shall be of an impervious, smooth finish coved at the intersections of all walls to a minimum radius of 25 mm and the floor finish extending at least 100 mm up the wall surface. All ceramic type floor and coving tiles are to be close fitted at the joints with a maximum grout width of 3 mm. Epoxy type grouting material should be used.
- b) All floors to food preparation and storage areas shall be graded so as to drain liquids to trapped floor wastes provided for this purpose.
- c) All equipment, fittings and fixtures shall be supported clear above the floor on legs at least 150 mm high. As an alternative, solid concrete plinths (minimum 75mm high) coved to the floor shall be provided. Where equipment is not fixed or too heavy, consideration is to be given to the fitting of wheels with safety locks to enable movement for cleansing and sanitising.
- d) Sinks and wash hand basins shall be attached to the wall or equipment without any enclosure below so as to facilitate

cleansing and being supplied with hot and cold water from a common outlet together with liquid hand soap and disposable single use towels. Wash hand basin shall be located in each area where contamination of the hands is likely to occur. The hand wash basin shall be at least 11 litres in capacity with room to immerse hands and arms to facilitate proper staff hygiene.

- e) All tenancy perimeter walls and internal walls shall be constructed in masonry, brickwork or other approved solid construction.
- f) The ceiling shall be constructed of a rigid smooth faced, non absorbent material such as fibrous plaster, plasterboard, fibrous cement, cement render, or other approved material painted with a washable gloss paint of a light colour. 'Drop in' panel ceilings are not permitted over food preparation, display and servery areas. The ceiling shall cover the entire tenancy.
- g) Any cool-room shall be provided with safety devices to comply with G1.2 of the BCA.
- h) The concrete floor of any cool-room shall be sealed immediately upon curing with at least two coats of an approved sealant and a floor waste immediately outside the cool room door with the floor being grated to the door to facilitate cleaning.
- i) Any cool-room and freezer room floors shall be sealed with at least two coats of an approved epoxy resin sealant PRIOR to any storage of goods or equipment therein. In addition a trapped floor waste is to be placed immediately outside the cool-room/freezer room door with the floor being graded to the door to facilitate cleaning.
- j) Any food business will require registration with NSW Food Authority and Willoughby Council.
- k) Comply with the requirements of Sydney Water – Trade Waste Section (grease trap).

(Reason: Health & Compliance)

## **65. Waste & recycling room**

The waste and recycling container rooms 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 a Sydney Water basket trap 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 in accordance with the Waste Management Report by JD MacDonald dated September 2010 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.
  - g) Adequate ventilation being provided by their own ventilation exhaust system exhausting at a rate of 5L/s/m<sup>2</sup> of floor area, with a rate of 100L/s minimum or permanent; or by unobstructed natural ventilation openings direct to external air, not less than one-twentieth (1/20) of the floor area. Mechanical exhaust systems shall comply with AS 1668 and not cause inconvenience, noise or odour problems.
  - h) Motion sensor lights located both inside and outside shall be provided and the access door to the bin rooms shall be self-closing.
- (Reason: Health and amenity)

#### **66. 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)

#### **67. Identification of car parking spaces**

The 327 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 goods or waste products.

(Reason: Amenity)

#### **68. 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)

## **69. Public Tree planting**

Planting of the street trees on Council land forward of the property in accordance with the approved plan required by Condition 4(c).

The trees shall:

- i. Be grown to NATSPEC 2 "Guide Specifying Trees", (2003).
- ii. Be planted in accordance with WCC Landscape Specification 08/2007 "Street Tree Planting"
- iii. Be planted generally in alignment with other street trees.  
(Reason: Landscape amenity, tree canopy recruitment)

## **70. Reconstruct Pavement**

The Link Road, pedestrian/bicycle share-way and the half the road pavement including any necessary associated works adjoining to the full frontage of the development site shall be reconstructed in accordance with Willoughby Council's approved drawings, conditions and specification (AUS-SPEC).  
(Reason: Ensure compliance)

## **71. Temporary ground anchors – supervision**

A professional Geotechnical Engineer shall be on site to supervise the piling, excavation and finally the installation and stressing of the ground anchors. On completion of these works, a report from the Geotechnical Engineer shall be submitted to Council for record purposes.

A Chartered Professional Engineer shall monitor adjoining public infrastructures to detect any ground heaving or settlement during and after the installation of the piling and ground anchors. A rectification report shall be submitted to Council should unacceptable displacements occur within the zone of influence.  
(Reason: Protection of public assets)

## **72. Temporary ground anchors – de-stressing**

All damages to Council's infrastructures due to the works associated with the piling and installation of the ground anchors shall be restored to the requirements of Willoughby City Council at no cost to Council. All ground anchors shall be de-stressed by the removal of the anchor heads and protruding tendons on completion of the works. A certificate issued by a professional Geotechnical Engineer verifying that all ground anchors have been decommissioned shall be submitted to Council.  
(Reason: De-stressing of ground anchors)

**73. Inspection of civil works on road reserves**

All required road pavement, footpath, kerb and gutter, drainage works and/or any necessary associated works on the road reserve shall be completed in accordance with the Council approved drawings, conditions and specification (AUS-SPEC).

Pursuant to Section 138 of the Roads Act 1993, all works carried out on the road reserve shall be inspected and approved by Council's Engineer. Upon completion, Work-as-Executed drawings prepared by a registered surveyor shall be submitted to Council for record purposes. A completion certificate shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority.  
(Reason: Ensure compliance)

**74. S88B/88E(iii) Instrument**

Create Positive Covenant and Restriction on the Use of Land on the Title in favour of Council as the benefiting authority for the as-built on-site stormwater detention and retention systems. The standard wording of the terms of the Positive Covenant and Restriction on the Use of Land are available in Council's Technical Standards.

The above instruments shall be created under Section 88B of the Conveyancing Act 1919 for newly created lots. For an existing lot, the instruments can be created under Section 88E (3) of the Conveyancing Act 1919 using Form 13PC and 13RPA respectively. The relative location of the OSD/retention tank, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

Documentary evidence of registration of these instruments with the Land and Property Management Authority shall be submitted to Council.  
(Reason: Maintenance requirement)

**75. Confined Space Sign**

Securely install a standard confined space danger sign in a prominent location within the immediate vicinity of access grate of the detention/retention system.  
(Reason: Safe access to tank)

**76. Certification of OSD**

A suitably qualified and experienced civil engineer (generally CP Eng. Qualification) shall certify on Council's standard certification form that the as-built OSD system is in accordance with the approved plans and complies with Council's DCP and Technical Standards. Council's standard certification form is available in the appendix of Council's Technical Standard No.1.  
(Reason: Legal requirement)

**77. 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 the approved stormwater management plans from a registered surveyor to verify that the volume of storage, PSD, water and floor levels are constructed in accordance with design requirements. Any minor changes or variations to the approved plans should be highlighted in red on the approved stormwater plans.
- 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)

#### **78. 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 stormwater plans from a registered surveyor to verify that the volume of storage, invert levels of inlet, overflow pipes and discharge outlet are constructed in accordance with design requirements. Any minor changes or variations to the approved plans should be highlighted in red on the approved stormwater plans.
- Plumber's certification that the Rainwater Re-use system has been fitted with proprietary first flush device and connected to non-potable use including toilet flushing, laundry and landscape irrigations. All works completed shall comply with the current plumbing requirements of Sydney Water and Committee on Uniformity of Plumbing and Drainage Regulations of NSW.

(Reason: Record of works)

#### **79. Rainwater re-use – major**

The applicant shall supply and install rainwater re-use tanks with a minimum storage volume of *(to be inserted on resolution of Schedule 1 matters)* m<sup>3</sup> in accordance with the approved stormwater management plans *(to be inserted)*, 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 laundry, toilet flushing and landscape irrigation. The rainwater tank shall be located behind the front alignment of the building to which the tank is connected.

(Reason: Ensure compliance and conserve natural resources)

#### **80. On-site Stormwater Management System**

The stormwater runoff from the site shall be collected and disposed of via an approved *(to be inserted)*, the NSW Code of Practice – Plumbing and Drainage, Council's DCP and Technical Standards. The construction of the

stormwater drainage system of the proposed development shall be generally in accordance with the approved design stormwater management plans and Council's specification (AUS-SPEC).

(Reason: Prevent nuisance flooding)

**81. Pebblecrete/Approved Tiling**

Construct a full width footpath in approved pebblecrete/approved tiling for the full frontage of the streets adjoining to the site all in accordance with Willoughby City Council's CBD Pavement Policy. Permission must be obtained from Council's Infrastructure Services Division and the Police Department prior to the opening and closure of the footpath and road pavement for construction works.

(Reason: Public amenity)

**82. Street Lighting and Furniture**

Provide approved street lighting and furniture in accordance with Willoughby City Council's street furniture manual and Australian Standard AS/NZ 1158 (2005).

Reason: Public amenity)

**83. Footpath/Share-way**

Construct the footpath/share-way in accordance with the approved plan (*to be inserted on resolution of Schedule 1 matters*)

All works shall be carried out in accordance with Council's standard specifications and drawings.

(Reason: Public amenity)

**84. Performance Bond**

The Applicant shall lodge with the Council a performance bond of \$(*to be inserted*) 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)

**85. Vehicular Crossing**

A separate application for the crossing including current fees and charges is to be submitted for approval by Council.

New vehicular crossing including reconstruction of the existing layback and/or

gutter and any associated road restoration is to be constructed in accordance with Council's specification AUS-SPEC C271 and Council's Standard Drawing SD105 - Council Vehicular Footpath Crossing and Kerb and Gutter details and any approved longitudinal sections.

The crossing is to be constructed at right angles to the street kerb in plain concrete. The new crossing shall be located no closer than 1 metre from any power pole.

For the design levels of the vehicular crossing at the property boundary, the applicant is to consult with Willoughby Council's Engineering Services

The footpath which forms part of the proposed crossing shall have a maximum cross-fall of 2.5%.

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.

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. All driveway grades and transitions must comply with AS/NZS 2890.1.

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)

#### **86. Removal of redundant crossings**

Remove all redundant crossings together with any necessary works and reinstate the footpath, nature strip and kerb and gutter accordingly. Such work shall be carried out in accordance with Council's specification.  
(Reason: Public amenity)

#### **87. 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)

#### **88. Certification of the Basement Pumpout Drainage System**

Upon completion of the pump-out system, the following shall be submitted to the Principal Certifying Authority.

- A suitably qualified and experienced civil engineer (generally CP Eng. Qualification) shall certify that the as-built pumpout system complies with



Part C5 of Council's DCP, all relevant codes and standards and the approved stormwater management plans.

- Work-as-executed plans based on the approved pump-out system plans from a registered surveyor to verify that the volume of storage and pump capacity are in accordance with design requirements. Any minor changes or variations to the approved plans should be highlighted in red on the approved pump-out system plans.
- Certification from a licensed plumber to ensure that the constructed pump-out system complies with the current plumbing requirements of Sydney Water and Committee on Uniformity of Plumbing and Drainage Regulations of NSW.

(Reason: Ensure Compliance)

## 89. Certification – Structures / Excavations near Utility/Council's Easements

A Structural Engineer with Chartered status shall certify that all footings and structures adjacent to Council's pipeline and/or utility easements have been constructed in accordance with approved plans (*to be inserted when Schedule 1 matters resolved*). All footings for buildings and/or other structures located adjacent to easements and/or Council drainage pipes shall be constructed outside of the easement site.

Certification is to be provided to the Principal Certifying Authority, and a copy provided to Council, prior to issue of the an Occupation Certificate.

(Reason: Protection of public asset)

## 90. Sound Level Output Certification

The sound level output from the development shall comply with the noise objectives as detailed in the acoustic report prepared by Acoustic Logic Reference: 2010804/0709A/RO/GW dated 7/9/2010. The noise objectives are:

Time of Day	Noise Objective $L_{eq}$ dB(A)	Sleep Disturbance Objective $L_1$ dB(A)
Day 7am – 6pm Mon – Sat 8am – 6pm Sundays & public holidays	59	N/A
Evening 6pm – 10pm	55	N/A
Night Remaining period	45	58

Certification of the level of sound output is to be provided by an appropriately qualified acoustical Consultant to the Principal Certifying Authority prior to issue of the Occupation Certificate.

(Reason: Amenity)

**91. Acoustic Works – Report**

To ensure all acoustic work has been completed, certification shall be provided upon completion of the works, accompanied with evidence from suitably qualified and practising acoustic engineer, to the effect that the acoustic attenuation has been carried out in accordance with the acoustic report by Acoustic Logic Reference: 2010804/0709A/RO/GW dated 7/9/2010. The report shall include all post construction validation test results.  
(Reason: Amenity)

**92. Noise Emission – Equipment**

Certification from a suitably qualified Acoustic Engineer certifying that the noise from all sound producing plant, equipment, machinery, mechanical ventilation and/or the refrigeration system complies with the terms of the development consent.  
(Reason: Amenity)

**93. 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)

**94. X-Ray Equipment – Assessment, Certification and Licensing**

A Department of Environment, Climate Change and Water NSW (DECCW) accredited Consulting Radiation Expert shall assess appropriate radiation shielding provided for the doors, walls, floor and ceiling of the rooms in which the apparatus is installed and for any protective barrier intended for use as a shield by the apparatus operators, to ensure that the health and safety of persons within the premises and in any adjoining premises is protected from harmful radiation. Any diagnostic imaging radiation apparatus shall be licensed with DECCW

A DECCW accredited Consulting Radiation Expert shall provide a Certificate of Compliance to certify that the installation complies with the regulatory requirements of the Radiation Control Act 1990 and the Radiation Control Regulation 2003.

NOTE: A Consulting Radiation Expert is defined in the Radiation Control Act 1990.  
(Reason: Health Protection)

## 95. Internal Residential Noise Levels

To minimise noise intrusion from any external noise source the building shall be designed and constructed to comply with the following criteria with windows and doors closed:

Internal Space	Time Period	Maximum Repeatable $L_{Aeq}(1 \text{ hour})$
Living Areas	Any time	40 dB(A)
Sleeping Areas	Day (7am – 10pm)	40 dB(A)
	Night (10pm – 7am)	35 dB(A)

Note:

1. The above criteria does not apply to kitchens, bathrooms, laundries, foyers, hallways, balconies or outdoor areas.
1. The above criteria define the minimum acceptable levels. Buildings may be built to a better than average standard by applying more stringent criteria.

Certification from an appropriately qualified acoustic consultant that the building has been designed to meet this criteria shall be submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.  
(Reason: Amenity)

## 96. Internal Noise Criteria

To minimise noise intrusion from any external noise source on the commercial component of the development, the building shall be designed and constructed to comply with the requirements of Australian Standard AS2107-2000 – Acoustics – Recommended design sound levels and reverberation times for building interiors.

Certification from an appropriately qualified acoustic consultant that the building has been designed to meet this criteria shall be submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.  
(Reason: Amenity)

## 97. Underground Petroleum Storage System – Mandatory Pollution Protection Equipment

All minimum requirements of the Protection of the Environment (Underground Petroleum Storage Systems) Regulation 2008 shall be met. The underground petroleum storage system:

- a) Must be appropriately designed, installed and commissioned by duly qualified persons in accordance with the UPSS Regulation;
- a) Shall have minimum mandatory pollution protection equipment installed, consistent with the Regulation, comprising non-corrodible secondary containment tanks and associated pipe work and overfill protection devices;

- b) Shall have groundwater monitoring wells installed and tested in accordance with the Regulation; and
- c) Shall have a certificate showing that an equipment integrity test (EIT) has been carried out in line with the written directions of duly qualified persons.

A Certificate from a duly qualified person that all requirements have been met shall be submitted to the Principal Certifying Authority prior to use and/or occupation.

(Reason: Environmental Protection)

#### **98. Medical Imaging – Premises design & construction**

All rooms proposed to be used for use of x-rays or mammograms shall be constructed and equipment used shall be installed and maintained in accordance with the Radiation Control Act 1990 and the Radiation Control Regulation 2003 and the Department of Environment, Climate Change and Water NSW “Radiation Guideline”.

(Reason: Health Protection)

### **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.**

#### **99. 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)

#### **100. 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)

#### **101. 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)

**102. 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)

**103. 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)

**104. 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)

**105. Noise Control – Operation**

To minimise the impact of noise of the development on the amenity of the adjoining properties, the facilities shall be operated in accordance with the recommendations of the acoustic report prepared by Acoustic Logic, Reference: 2010804/0709A/RO/GW dated 7/9/2010.

In particular the operation of the loading dock shall be in accordance with the operating hours of 7am -10pm Monday to Saturday and 8am -10pm Sunday. All access to the loading dock area shall be restricted outside these times by a gate with a locking mechanism and with visible signage clearly stating the approved hours of operation.

(Reason: Amenity)

**106. Subdivision**

Any proposed subdivision of the site shall be the subject of a separate development application to Willoughby City Council.

**107. On-site parking**

The on-site car parking provision shall be arranged as follows:

- 73 residential spaces
- 17 residential visitor spaces

73 medical spaces:  
132 retail spaces:  
25 restaurant spaces  
8 unallocated spaces to be held within the patient/visitor/customer car parking

The residential visitor spaces, medical spaces and retail/restaurant spaces are to be outside the residential secure parking area and be accessible to tenants/visitors at all times. The bicycle parking and motorcycle parking shall be provided in accordance with the approved plans but as amended by Conditions 4 and 109 of this consent.  
(Reason: Ensure compliance)

**108. Security controlled car parking**

Should any security controlled car parking arrangement be introduced for the residential visitor, medical, retail and restaurant spaces, a visitor voucher or similar system is to be used to enable free access and parking for the tenants/visitors for at least three hours.  
(Reason: Amenity)

**109. Cycle Racks**

The provision of 7 bicycle lockers and racks for 6 bicycles for the use of residents is to be provided and additional racks as required by Condition 4.  
(Reason: Amenity)

**110. 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 Albert Avenue and Archer Street or from the car park Link Road.  
(Reason: Access and amenity)

**111. Separate Development Consent - Various**

The detailed design and fit-out for the initial use of the medical facility, retail and restaurant spaces shall be the subject of a separate development applications to Willoughby Council. It is noted that Chatswood Police Crime Prevention Officer has asked to review the application for the fit-out of the Coles First Choice Liquor Store.  
(Reason: Ensure compliance)

**112. Services - Electricity supply and telecommunication mains**

All existing and proposed electricity supply and telecommunication mains and services around the perimeter of the site are to be underground to the

satisfaction of Energy Australia and Telstra at the full cost of the applicant.  
(Reason: Compliance)

**113. Services - Mailboxes**

All mail boxes provided on site are to comply with the requirements of 'Australia Post' in terms of size, location, numbering and clearing. 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)

**114. 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)

**115. 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)

**116. 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, at any time.  
(Reason: Health and amenity)

**117. Daily garbage disposal**

Garbage including putrescibles shall be disposed of daily in accordance with Willoughby Development Control Plan.  
(Reason: Health and amenity)

**118. Medical/Health X-ray Equipment**

There shall be no radiation x-ray equipment installed within the premises without prior Development Consent from Willoughby City Council.  
(Reason: Health and Safety)

**119. Medical/Health – Storage and disposal of special waste**

Contaminated, clinical or pathological waste shall be stored within the premises, handled, transported, stored and disposed of in accordance with the NSW Department of Health requirements, Waste Management Guidelines for Health Care Facilities.  
(Reason: Compliance)

## **120. Medical/Health – Storage of All Waste**

All waste including medical waste and sharps containers shall be stored in a secure area which is not accessible to the general public.

(Reason: Compliance and Safety)

## **121. Mechanical Ventilation Systems Comprising Water Cooling**

Mechanical ventilation systems comprising water cooling, and/or evaporative cooling systems shall be registered with Council on completion of the installation in accordance with the requirements of the Public Health Act.

(Reason: Health Protection)

## **122. Ventilation – Operation**

To ensure adequate ventilation within the building all mechanical and/or natural ventilation systems shall be operated and maintained in accordance with the provisions of:

- a) the Building Code of Australia
- b) AS1668.1 – 1998 – Use of Ventilation and Air Conditioning in Buildings
- c) AS1668.2 – 1991 – Use of Ventilation and Air Conditioning in Buildings
- d) The Public Health Act 1991
- e) The Public Health Act (Microbial Control) Regulation 2000
- f) AS3666.1 – 2002 – Air Handling and Water Systems in Buildings
- g) AS3666.2 – 2002 – Air Handling and Water Systems in Buildings

(Reason: Health Protection)

## **123. Odour, vapour and Oil control**

Emission control equipment shall be provided in the mechanical exhaust system serving the cooking appliances to effectively minimise the emission of odours, vapours and oils. Details of the proposed emission control equipment must be provided in the relevant plans and specifications for the construction certificate for the development.

(Reason: Amenity/Ensure compliance)

## **124. Storage of Fuel**

All fuel storage for the proposed diesel generator must comply with the requirements of:

- 1. Australian Standard AS 1940 2004: The storage and Handling of Flammable and Combustible Liquids; and
- 2. Australian Standard AS 4452 1997: The storage and Handling of Toxic Substances;

(Reason: Environmental Protection)



## **125. Underground Petroleum Storage System – Operation and Maintenance**

All operational and maintenance requirements as required under the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008 shall be implemented at the premise. This includes provision and maintenance of an Environment Protection Plan (EPP) for the UPSS's.

(Reason: Environmental Protection)

## **126. Proposed advertising & identification Signs**

Any proposed advertising and identification 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. A separate development application is to be lodged for the signage on the site.

(Reason: Visual amenity)

## **127. Underground utility services**

Locate and establish the size and levels of all utility services in the footpath and road reserve. Contact "Dial Before You Dig" Service" prior to commencement of any works.

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

(Reason: Protection of utilities)

## **128. 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)

**129. 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)

**130. Waste Classification**

All materials excavated from the site (fill or natural) shall be classified in accordance with the NSW Department of Environment, Climate Change & Water, Waste Classification Guidelines (2008) prior to the material being disposed to an approved landfill or to a recipient site.  
(Reason: Environmental Protection)

**131. Likely Land Contamination**

Notification of any likely contamination shall be immediately made to Council, in the circumstance that any person becomes aware during the construction stage that the subject land is likely to be contaminated.  
(Reason: Environmental Protection)