



WILLOUGHBY
CITY COUNCIL

MEMO

To: JRPP – East Sydney
CC: Applicant – Property Development Corp (Mr Rod Hill)
From: Annie Leung – Development Planner
Date: 25 November 2010
Address: 260 Penshurst Street, NORTH WILLOUGHBY NSW 2068.
Ref/File No.: **DA-2010/467 & 2010SYE051**
Subject: Recommended changes to Attachment 1- Schedule 2 of the Assessment Report

Council received additional information, including a town planning statement prepared by SJB Planning dated 24 Nov 2010 and amended plans (drawings numbered DA0201& DA0202, Issued E, DA0204, DA0205, DA0206 Issue F) prepared by Collins Taylor Architecture. The applicant requests that Condition 2, 4(e), 5(i), 5(k), 5(m), 5(n) 6, 68, 94 and 95 be amended and/or deleted.

Supported changes

Based on assessment of the amended plans and additional information, the assessment officer recommends the following changes to the recommended conditions of consent contained in Attachment 1- Schedule 2 of the Assessment Report.

- A Condition 2 be amended to reflect amended drawings received. These drawings seek to address Condition 5 & 6 relating changes to car parking layout and the provision of additional adaptable unit and associated adaptable car spaces.

Condition 2 Approved Plan/Details

The development must be in accordance with Architectural plans numbered , **DA0201, DA0202 Issue E, dated 22.11.2010**, DA 0102, DA 0203, DA 0207, DA 0501, DA 0502, DA 0503, DA 0601, and DA 0602, Issue E, dated 21.10.2010, **DA 0204, DA 0205, DA 0206, Issue F, dated 22.11.2010**, prepared by Collins Taylor Architecture, Landscape plan numbered LPDA10-405 revision C, dated Oct 2010, prepared by Conzept Landscape Architects, Stormwater plans numbered sw-000, sw-100, sw-101, sw-102, sw-103, sw-104, sw-105, sw-106, sw-107, sw-300, sw-301, sw-302, Issue B, dated 15.07.10, prepared by SPP Partners Hydraulic Fire Environmental Consultants, as amended by Deferred Commencement Conditions in Schedule 1, the application form and any other supporting documentation submitted as part of the application, except for:

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



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- c) otherwise provided by the conditions of this consent.
(Reason: Information and ensure compliance)

- B Condition 4(e) requests that all glass balustrades to be provided with obscured glass. The intention is to address neighbour's concern, but also to provide a higher degree of privacy between the development, and adjoining buildings, as well as from the street looking into the living spaces of the proposed dwellings. However, the assessment officer does not consider the requested changes to the condition will create detrimental privacy impacts to the proposed dwellings, or adjoining properties. As such, the assessment officer does not object to the Condition 4(e) to be amended as follows:

Condition 4 Subclause e)

- e) **The glass balustrade of Unit 2.01 is to be provided with obscured glazing.**

- C Condition 5(i)(k)(l)(m)(n) relates to changes to car parking layout and adaptable car spaces. These recommended changes have been satisfied by the amended plans received 24 Nov 2010, and are no longer required.

It is noted that the revised layout will retain all 56 car spaces as originally proposed, and results in 2 excess car spaces above the requirement of Part C.4 of the WDCP. However, this is considered acceptable having regards to car parking restriction along the frontage of the site. The two excess car spaces will be in the form of 1 additional private car space, and 1 visitor car space. It is recommended that Condition 5 be amended to read as follows:

Condition 5 - Car spaces allocation

The allocation of car parking spaces for the development must incorporate the following:

- a. The development must provide **a minimum of 56 car spaces**, including 11 visitor car spaces, and **45 residential car spaces** in accordance with the approved plans.
- b. At least one car space must be allocated to each unit, and two car spaces being provided to Unit 2.13, being a 3 bedroom unit.
- c. Car spaces, disabled car spaces and adaptable car spaces must comply with AS2890.1, and AS1428/4299.

Plans and details complying with this condition must be shown on Construction certificate plans and approved by the accredited certifier.

- D Condition 6 relates to the provision of 6 additional adaptable units. 6 additional units have been nominated on the amended plans, but no supporting accessibility assessment has been submitted with these plans. As such, it is recommended that Condition 6 be amended to read as follows:

Condition 6 –Adaptability assessment

Design of the layout of Unit 2.10, 2.11, 2.03, 2.04, **3.12, & 3.16** must comply with adaptable housing (minimum Class C of AS4299). Post adaptation plans and adaptability assessment carried by suitably qualified persons demonstrating the design of these units comply with AS4299 must be submitted to and approved by the certifying authority prior to the issue of the construction certificate.
(Reasons: Provision of adaptable housing)



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- E Condition 68 relates to the provision of a new footpath along the frontage of the development. It is recommended that the condition be amended to reflect request from Council (the Councillors) with respect to the provision of a grass verge adjacent to the footpath.

Condition 68 – Concrete footpath

Construct a 2m wide concrete footpath for the full frontage of the development site in Penshurst Street. A grass verge is to be planted between the footpath and the kerb/gutter. The turf shall be maintained and kept watered until established and thereafter maintained by the owner's corporation of the development. All works shall be carried out in accordance with Council's standard specifications and drawings.

(Reason: Public amenity)

Request not supported

Council's officer objects to the applicant's request to delete Condition 94 and 95, which states:

94 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)

95 Adjustment to Electricity

All existing and proposed overhead electricity supply mains and other overhead services around the street frontage of the site are to be relocated underground to the specification of Energy Australia and Willoughby City Council at full cost to the applicant.

(Reason: Public amenity)

Condition 94 and Condition 95 are required to ensure compliance with Part C.15 of WDCP, which states "All services are to be located underground for residential flat building and mixed use development and redevelopment of sites in commercial and industrial zones". The applicant submits that adjacent developments at No 266 and No 240 have not been required to comply with the WDCP. However, it is noted that the development No 266 was approved in 1994 (Public Housing - 18 units), and the development at No 240 was lodged in 2001 and was approved in 2003 (6 units). Both developments were approved prior to the adoption of WDCP 2005, which was adopted in 2006.

Notwithstanding the above, the development is over 10M in estimated cost of works. The applicant has not submitted sufficient information to demonstrate that the cost of complying with condition 94 and 95 is disproportional to the scope of the proposal.

The objective of this clause is not explicitly stated in the WDCP, but it clearly allows for continuous improvement to streetscapes, and the built environment through relocation of services to underground as redevelopment happens. The development's non-compliance with Part C.15 will set undesirable precedent for future developments in the locality and in the City of Willoughby as there are no apparent exceptional circumstances specific to the proposed development that would support this non-compliance. As such, it is recommended that the deletion of Condition 94 and 95 not to be supported.



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Other changes

The assessment officer also recommends the following changes to the recommended conditions:

F It is recommended that original Condition 5(o) which requires the conversation of car space to adaptable be deleted. This condition has already been addressed by the amended plans received.

G Condition 14 be amended as follows to reflect requirements of Energy Australia.

Condition 14 - Services - Energy Australia

The applicant should consult with Energy Australia to determine the need and location of any electrical enclosure for the development. Should such an electrical enclosure be required, the location and dimensions of the structure are to be detailed on all the plans issued with the Construction Certificate. In the event of Energy Australia requiring such a structure eg. a substation, the applicant is required to dedicate the land for the substation as public roadway **or provide any easements as required by Energy Australia**. The Plan of Dedication **or the Plan of Easement and supporting 88B instrument** 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)

H Additional subclause j) to Condition 4) to reflect negotiation between the applicant and adjoining neighbour regarding planting along the common boundary with the heritage cottages on Clanwilliam Street as confirmed by the applicant's email correspondences.

Condition 4j)

All *Dodonaea viscosa* "Purpuea" (Purple Sticky Hop Bush) (Native) proposed along the southern boundary of the site adjoining the properties at No 1 & 3 Clanwillaim Street be replaced by *Callistemon* "Captain Cook" (Captain Cook Bottle Bush) (Native), Pot Size 300mm.

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