



WILLOUGHBY  
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## MEMO

**To:** JRPP – East Sydney  
**From:** Annie Leung  
**Date:** 15 February 2011  
**Address:** 164, 166, 170, 172, 176 Sailors Bay Road and 47, 49, 51 Baringa Road, NORTHBRIDGE NSW 2063  
**Ref/File No.:** DA-2010/575 (2010 SYE 075)  
**Subject:** Recommended changes to conditions

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I refer to document titled "Sailors Bay Gardens Conditions of Consent" sent via email to Council and JRPP on 11 Feb 2011, prepared by City Plan Services requesting changes to the recommended conditions of consent for the review by the JRPP. Council's officers have reviewed these changes and made the following recommendations in response.

### **RECOMMENDED CHANGES AS REQUESTED BY THE APPLICANT**

#### **1) Deletion of Condition 11 is recommended.**

Comment: Condition 11 request for a construction management plan that is largely similar to Condition 28.

#### **2) Deletion of Condition 19 is recommended.**

Comment: Condition 52 repeats the requirements of Condition 19, which refers to the need of approvals under s138 of the Roads Act, and certification of civil works on Council's land prior to the issue of occupation certificate. Condition 12 already covers the submission of engineering plans for approval under s138 of the Roads Act.

#### **3) No objection to requested amendments to Condition 48 having regards to operational needs of the proposed facility.**

##### **Amended Condition 48 - Safer by Design**

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

- a) 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, including the waste storage areas.



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.

- b) The roof of the basement parking area shall be painted a light colour (or equivalent) in order to ensure good visibility, surveillance and less reliance on artificial lighting lux levels.
  - c) 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.
  - d) Appropriate level of lighting must be provided within the approved internal courtyard area suitable for residents to freely move between indoor and outdoor areas.
  - e) The means to isolate visitors and residents/staff components of the building shall be incorporated into the development, including the security keying of lifts and doors and other measures for access control.
  - f) Adequate signage within the development to identify facilities, entry/exit points and direct movement within the development.
  - g) All medical stores must be locked and alarmed.
  - h) All doors that give external access to the streets are to be locked.
  - i) CCTV is to be installed to monitor the approved courtyards, and car parking areas.
  - j) Access from Baringa Road frontage of the site is limited to emergency exits only. Appropriate signs must be permanently affixed to all pedestrian gates/entries on the Baringa Road frontage of the site, stating "Emergency exit only. Entrance on Sailors Bay Road".
- (Reason: Safety and surveillance, energy efficiency, amenity)

#### **CHANGES NOT SUPPORTED**

#### **4) Deletion of Condition 29 and Condition 30 is not supported.**

##### **Condition 29 - 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



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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)

#### Condition 30 - Dilapidation Report of Adjoining Properties

Submit a photographic survey and report of the adjoining properties at No 182 Sailors Bay Road (Lot 18 Section 3 DP7122/ SP 10737), No. 160 Sailors Bay Road (Lot 13 Section 3 DP7122 & Lot 2 SP321), No 45 Baringa Road (Lot 27 Section 3 DP7122), & No 53 Baringa Road (Lot 31 & 32 Section 3 DP 7122) to the PCA and all owners of these adjoining properties. Such photographic survey and report shall be prepared by a suitably qualified person, detailing the physical condition of these properties, both internal and external including items as walls, ceilings, roof, structural members and other items as necessary. Copies of all report must be submitted to Council if Council is not the PCA.

In the event of a property owner refusing to allow access to carry out the photographic survey, the proponent must demonstrate in writing to the PCA, and provide a copy to Council, that the purpose of the survey was made clear to the property owner and that reasonable attempts to obtain access were made.

(Reason: Protection of adjoining owners)

Comment: Condition 29 and 30 provide basic dilapidation reports for adjoining properties and Council to cover the developer from recent damages to properties and infrastructure that occurred/existed prior to commencement of any works at the site, including demolition. Condition 41 is not a duplication of Condition 29 or 30, but mandate geotechnical advices prior to any excavation works, which may stipulate additional requirements for additional dilapidation surveys due to the extent of the proposed excavation in potentially rock foundation.

#### Condition 41 Excavation – Geotechnical Assessment

Prior to any excavation commencing a report is to be obtained from a Geotechnical Engineer outlining how the excavation is to be undertaken with



safety. The report is to address excavation methods, support for adjoining properties, vibration control and monitoring, **the need for dilapidation surveys of adjoining premises in addition to any requirements specified by conditions of this development consent**, site stability and the level of geotechnical supervision required during site works. All recommendations of the engineer are to be complied with. The report together with copies of any dilapidation surveys are to be submitted to the PCA, Council if Council is not the PCA, and relevant adjoining property owners prior to works commencing.  
(Reason: Protection of property)

NB: emphasis added in Bold for clarity.

#### **5) Requested changes to Condition 28 are not supported.**

##### Condition 28 - Site & Construction Management

A Site and Construction Management Plan shall be submitted to and approved by the Principal Certifying Authority prior to the commencement of any work, including demolition. The site and construction 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.
- Construction vehicles access to and egress from the site. No construction vehicle is to access the site from Baringa Road.
- Parking for construction vehicles. **No construction vehicle is to park on Baringa Road.**
- Locations of site office, accommodation and the storage of major materials related to the project

- Protection of adjoining properties, pedestrians, vehicles and public assets
- Location and extent of proposed builder's hoarding and Work Zones
- Tree protection management measures for all protected and retained trees.

The site and construction 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 and Construction 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)

NB: emphasis added in Bold.

Comment: Banning of any vehicles to legally park on a public road has no planning purpose. However, the above condition specifically refers to the provision/arrangement for parking of "construction vehicles" as part of the required site and construction management. It has the same planning purpose as all other site and management measures contained in this condition. The intention to restrict parking of construction vehicles on Baringa Road is based on the assessment of the physical constraints of Baringa Road. These include:

- only approximately 7m in width; and
- with very limited on-street parking due to commuter parking; and
- has an one-lane threshold between the subject site and Strathallen Ave restricting access.

## 6) Changes to Engineering conditions not supported

### Condition 12 - 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 pavement reconstruction of half of **Sailors Bay Road** including kerb, gutter, footpath all 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)

### Condition 62 - Construction of Kerb & Gutter



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Construct new kerb and gutter for the full frontage to **Sailors Bay Road** together with any necessary associated pavement restoration in accordance with Council's specification for the full frontage of the development site with associated half road pavement restoration.

(Reason: Public amenity)

#### Condition 63 - Concrete Footpath

Construct a 1.2m wide concrete footpath 600mm off the alignment of the property boundary for the full frontage of the development site in **Sailors Bay Road**. All works shall be carried out in accordance with Council's standard specifications and drawings.

(Reason: Public amenity)

Comment: The applicant requests to amend the abovementioned engineering conditions to limit the works to "rectification of damages" or "in the event of damage" only. This is considered unacceptable in the circumstances of the proposed development.

The planning purposes of the recommended conditions relate to the accommodation for the proposed construction works, increased traffic generation by the development and the needs of the development's future occupants.

The applicant's request also ignores the practicalities of the construction needs of the proposed development. The proposed development requires extensive excavation. The removal of the excavated materials from the site will require a large amount of heavy vehicles accessing the site, and will inevitably damage the road surface of Sailors Bay Road, which is a collector road servicing mainly a residential area.

It is also noted that the development site has five existing vehicular crossings that are required to be removed as part of the proposed development, and construction of one new vehicular access. This will directly damage at least one third of the kerb/gutter and associated road along Sailors Bay Road. Should only the damaged/removed parts of the kerb/gutter or the road be replaced, there will be multiple joins between concrete and bitumen creating uneven surfaces that is unsafe for both vehicular and pedestrian access to the site.

The existing footpath along the Sailors Bay Road frontage of the site is a bitumen footpath in poor condition. For the future occupants of the proposed residential care facility, it is necessary for the development to replace the existing bitumen footpath with a concrete footpath for safe access as per recommended conditions.

#### **Recommendations:**

- 1) Deletion of Condition 11 is recommended.**
- 2) Deletion of Condition 19 is recommended.**
- 3) No objection to requested amendments to Condition 48 having regards to operational needs of the proposed facility.**



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- 4) Deletion of Condition 29 and Condition 30 is not supported.**
- 5) Requested changes to Condition 28 are not supported.**
- 6) Changes to Engineering conditions (12, 62, & 63) are not supported**