

JOINT REGIONAL PLANNING PANEL
Sydney East Region

JRPP No	2010SYE100
DA Number	DA 2010/757
Local Government Area	Willoughby City Council
Proposed Development	Demo of existing building & erection of building inc motor showrooms with service facilities, car rental, assoc. car parking, landscaping & signage.
Street Address	301 Pacific Highway, Artarmon
Applicant/Owner	FIGGIS & JEFFERSON PTY LTD
Recommendation	Approval
Report by	LELAND SANCHEZ

Assessment Report and Recommendation

DA-2010/757 301-327 PACIFIC HIGHWAY, ARTARMON NSW 2064

ATTACHMENTS: **1. NOTIFICATION MAP**
 2. PLANS & ELEVATIONS

MEETING DATE: **4TH MAY 2011**

RECOMMENDATION: **APPROVAL**

LOCATION: **301 – 327 PACIFIC HIGHWAY, 79 CARLOTTA STREET, 90 DICKSON AVE, ARTARMON NSW 2064.**

APPLICANT: **FIGGIS & JEFFERSON PTY LTD**

PROPOSAL: DEMOLITION OF EXISTING BUILDINGS & CONSTRUCTION OF A NEW MOTOR SHOWROOM BUILDING WITH VEHICLE SERVICING FACILITIES, A CAR RENTAL PREMISES, ASSOCIATED PARKING, LANDSCAPING & SIGNAGE.

DATE OF LODGEMENT: 22 NOV 2010

VALID APPLICATION DATE: 24 FEB 2011 – AMENDED PLANS (ARCHITECTURAL AND DRAINAGE) AND ADDITIONAL INFO SUBMITTED
22 MAR 2011 – FURTHER AMENDED PLANS (ARCHITECTURAL AND DRAINAGE) SUBMITTED

REPORTING OFFICER: LELAND SANCHEZ

RESPONSIBLE OFFICER: IAN ARNOTT - DEVELOPMENT PLANNING MANAGER

Description of Proposal

The development involves the demolition of the existing buildings and the construction of a five level motor showroom building, with all vehicle access from Carlotta Street and Dickson Avenue. The specific site works and levels of the building, including the amendments made on the amended plans, are as follows:

Level 1 – Excavation of the part of the site towards Dickson Avenue up to about 4.8 metres below roadway level to provide a basement parking area for 78 vehicles (6 of which are in stack parking arrangement), accessed from Carlotta Street and construction of a showroom for used vehicles in the area towards the south-western corner of the site. The showroom is setback from the Pacific Highway frontage by way of a forecourt area, allowing for outdoor vehicle display.

The Carlotta Street frontage has three access driveways, all allowing two way vehicle movement. The driveway closest to the Pacific Highway provides access to the used vehicle showroom. The loading bay (for vehicle delivery and waste collection) is located at the end of the driveway closest to the eastern boundary.

Level 2 – Two motor showrooms for new vehicles. Service/reception point, opposite customer parking spaces. A valet parking system will operate from this level to provide customer parking on level 5. Four bays for vehicle delivery (collection of purchased vehicles).

A separate premises, fronting Dickson Ave, and associated parking, is proposed, for the car rental business. This retains the current Avis Car Rental business on the site.

Two access driveways are proposed from Dickson Avenue, aligning with the two major access driveways from Carlotta Street via the internal system of ramps. A third

driveway, closer to the Pacific Highway, is proposed to provide improved vehicle access to the largest showroom.

Level 3 – A mezzanine office level for staff, with associated facilities. The Pacific Highway side overlooks the motor showrooms of level 1 and 2 below.

Level 4 – Workshop level with 36 work bays, parts storage area and loading bay. Staff amenities.

Level 5 – Workshop parking level with 101 spaces, 3 detail bays and 3 washbays. Bicycle parking facilities, as bike racks.

The proposed hours of operation are:

Motor showroom/sales	8am – 6pm Fri – Wed 8am – 9pm Thrs
Servicing/workshop	7am – 7pm Mon – Sat
Car rental premises	7:30am – 6pm Mon – Fri 8am – 12 noon, Sat & Sun

The proposed signage comprises 9 signs, of which six are wall (fascia) signs and 3 are pylon signs. The pylon signs include a 5 metre high sign in the Pacific Highway setback (reading on both sides and internally illuminated) and two directional signs, located in Dickson Avenue and Carlotta Street near the main vehicle entry points to the building. The directional signs stand about 2.4 metres high.

The proposed external finishes are glass (to the showrooms), with white or black Alucabond panelling above the glass, with the uppermost parts of the three street elevations comprising metal louvers and metal sheeting.

A scale model of the proposed development was submitted with the application. The roof shown on the model is not current, as the roof design was altered in the amended plans submitted on 22 March 2011.

Amended Plans submitted on 24 February 2011

The plans were submitted in response to Council's issues letter dated 2 February 2011. In addition, the applicant added an additional vehicle driveway into the site from Dickson Avenue. The driveway provides direct access into the level two showroom.

Amended Plans submitted on 22 March 2011

The plans were submitted to address survey errors, affecting the southern half of the site. The correct existing ground levels on the affected area are 1 metre higher than originally designed for and the originally proposed building would not have been able to be constructed.

The amended plans do not increase the height of the building compared with the height as originally submitted. The roof design and profile have been altered in the

amended plans, dividing the roof into three sections, for stormwater management purposes.

The adjustment of all the floor levels has necessitated changes to the proposed stormwater management system, with amended stormwater management plans also submitted on 22 March 2011.

Neighbour Notification

Notification of the proposal in accordance with the requirements of part B.9 of the WDCP between 3 – 24 December 2010 resulted in four submissions, all objecting to the proposed development on the following grounds:

4/282 Pacific Highway, Greenwich

Points raised:

- a) The car wash “on the top storey will produce unwanted noise”.
- b) The building height will reduce sunlight to the open space on the objector’s property and shade the clothes drying area(s).
- c) Traffic in the local area will be increased and available parking on the Pacific Highway will be reduced by persons visiting the premises.
- d) Flashing and bright neon lights will disturb the residents whose units are located at the front of the objector’s building.
- e) During the construction phase, residents will be disturbed by noise, vibration and construction traffic.

2/282 Pacific Highway, Greenwich

Points raised:

- a) Council should ensure that the proposed development’s parking provision satisfies the demand of the proposal and does not create further pressure on on-street parking, which is in high demand during the day.
- b) Council should ensure that the additional traffic generated will not have an adverse impact on Dickson Avenue and Carlotta Street. Carlotta Street is “relatively narrow, with parking on both sides”.
- c) The visual impact of the proposed building due to its height and scale on the residential buildings opposite the site.
- d) The impacts of the proposed building on the objector’s property from increased shade in the morning and reflected heat in the afternoon.

1/282 Pacific Highway, Greenwich

Points raised:

- a) Reflected heat and glare from the building’s large façade to the objector’s property in the afternoon. The materials and finishes used on the façade should minimise the potential glare nuisance.
- b) The Pacific Highway façade will focus traffic noise to the objector’s property.
- c) The noise from the use of the roof top level for parking, vehicle detailing and car-washing will likely disturb the residential area opposite the site.
- d) Loss of sunlight to the objector’s property

- e) Potential light spill from the advertising signs and associated lighting. The permitted timing of the lighting should be strictly controlled to avoid disturbance of the residents of the objector's property.
- f) Loss of visual privacy, due to persons on the varying levels in the proposed building being able to look directly into the bedrooms of the units on the front of the objector's building.
- g) The scale of the building to the Pacific Highway is excessive. A reduced scale would allow the proposed business activities to be carried out, but have less noise and privacy impact on the residents opposite the site.

11/282 Pacific Highway, Greenwich

Points raised:

- a) Reflected heat and glare from the building's large façade to the objector's property in the afternoon. The materials and finishes used on the façade should minimise the potential glare nuisance.
- b) The Pacific Highway façade, specifically its "concave façade, vertical face and over hanging awning" will focus traffic noise to the objector's property. Consideration should be given to use of materials which will absorb road traffic noise.
- c) The noise from the use of the roof top level for parking, vehicle detailing and car-washing will likely disturb the residential area opposite the site. Consideration should be given to installation of noise barriers around this level, instead of the proposed louvered mesh walls.
- d) Shadowing of front of building and front landscaped area in the morning.
- e) Loss of visual privacy, due to persons on the varying levels in the proposed building being able to look directly into the bedrooms of the units on the front of the objector's building. Screening measures and increasing the setback of the top level of the building from the Pacific Highway should be required.
- f) The Statement of Environmental Effects (SEE) is misleading in its claim that the height of the roof deck is consistent with the parapet height of the neighbouring Scotts Honda building. The underside of the proposed roof is 3.1 metres higher than the Scott Honda building.
- g) In relation to traffic issues, consideration should be given to:
 - i. Reducing the traffic volume on the Pacific Hwy by encouraging greater use of the roads in the industrial area;
 - ii. Not allowing left turns from Dickson Avenue into the Pacific Hwy (except for emergency vehicles)
 - iii. Changing the four way stop sign control in Dickson Avenue to a roundabout.
- h) The SEE and the traffic report are inconsistent regarding the stated number of staff – 94 as opposed to 30.
- i) The bicycle parking should be relocated to a more practical and accessible location.
- j) Consideration should be given to the introduction of resident parking permits.
- k) The backlighting of advertising signs will disturb the residents of the units at the front of the building. Furthermore, any approval issued should control the permitted hours of lighting during the night time.
- l) The proposed café and bicycle parking should be accessible to the public to provide "a positive contribution to the community".

- m) The proposed building should be as environmentally friendly as possible, with re-use of stormwater, use of solar panels and the like.

These matters are addressed in the Assessment section below. Notification of the amended plans was not required under the WDCP, as the changes have a lesser or same effect.

Existing Building, Relevant History and Site Context

The current uses of the site are the motor showroom (McCarroll's Hyundai) at the corner of the Pacific Highway with Carlotta Street and the Avis car rental premises, which fronts the Highway just south of the former Bridgestone Tyres building at the corner of the Pacific Highway with Dickson Avenue. The other buildings on the site are unoccupied.

The site contamination assessment report submitted with the application and prepared by the environmental consultants comments that the previous use of the site has included a BP service station and a Caltex service station.

The site falls about 5 metres from the north (Dickson Avenue) towards the south (Carlotta Street), when measured along the rear (eastern) boundary, while along the Pacific Highway frontage the fall between the two side streets is only about 3 metres. The Gore Hill Freeway Cycleway detour runs in a north-south direction along the Pacific Highway frontage of the site.

The site has an irregular shape, with a frontage to the Pacific Highway of about 99 metres. There are three existing driveways providing vehicle access directly to the Pacific Highway, one driveway in Carlotta Street, located close to the corner with the Highway and five to Dickson Avenue.

The development site has a split zoning, with the part generally fronting the Pacific Highway being zoned 3(b) Special Business under WLEP 1995, while the parts fronting Dickson Avenue and Carlotta Street, some distance back from the Pacific Highway, are zoned for 4(a) General Industrial under WLEP 1995. The split zoning is proposed to continue under draft WLEP 2009, with the 3(b) Special Business zone to be replaced by B7 Business Park zone, and the 4(a) General Industrial zone to be replaced by the IN1 General Industrial zone.

Parking in Dickson Avenue is limited to four hours by way of ticket parking. The lane closest to the site along the Pacific Highway frontage is a T3 transit lane between 6 – 10am Monday to Friday. Half hour paid parking is permitted along part of the Pacific Highway frontage, while other sections are marked No Stopping.

There is no significant vegetation on the site. Low level palm trees in the outdoor display area of the McCarroll's motor showroom use are proposed to be removed. There is some recent street tree planting in the nature strip in Dickson Avenue, between 2 – 4 metres high.

Controls and Classification

- i) **Willoughby LEP 1995:** applies

- ii) **Conservation Area: No**
- iii) **Zoning:** part 3(b) Special Business and part 4(a) General Industrial.
- iv) **Applicable DCP (SEPPs, REPs):** WDCP; SEPP (Infrastructure) 2007; SEPP 64 Advertising and Signage; SEPP 55 Remediation of Land; Sydney REP (Sydney Harbour Catchment) 2005 and associated DCP.
- v) **Other Relevant Policies (Council Resolutions, Draft DCPs):** N/A
- vi) **BCA Classification:** class 5 (office), 6 (showroom), 7c (car parking) and 8 (workshops)
- vii) **S94 Contribution Plans:** apply
- viii) **Draft LEP 2009 Zoning and Other Controls:** 301 – 327 Pacific Highway: B7 Business Park; 79 Carlotta St and 90 Dickson Ave: IN1 General Industrial;

Height of Building: (in proposed B7 zone): 20 metres; (in proposed IN1 zone): N/A

FSR (in proposed B7 zone): 2.5:1 provided site area exceeds 1000 sq metres and no vehicular access from Pacific Hwy. (in proposed IN1 zone): 1.5:1 provided site area exceeds 1000 sq metres.

Development Statistics

	Existing	Proposed	Standard	Compliance
a) Site Area (m ²)	5264.81 (1)	no change	n/a	n/a
part of site zoned Special Business 3(b) (m ²)	2622.81			
part of site zoned General Industrial 4(a) (m ²)	2642.00			
<u>Industrially zoned part of site</u>				
<u>WLEP 1995</u>				
b) Gross Floor Area (m ²)	2078	2678.48 (excl car storage)	3945.69	yes
(vehicle storage m ²)		616.3		
Total GFA(m ²)		3294.78	3945.69	yes
c) Floor Space Ratio	0.78:1	1.01:1 (excl car storage)	1.5:1	yes
Including vehicle storage		1.2:1	1.5:1	yes
d) Office/showroom portion (cl 43B) (%)	n/a	49	max 50% of floor area of all buildings	yes
<u>Draft WLEP 2009</u>				
b) Gross Floor Area		2592.08	3945.69	yes
c) Floor Space Ratio		0.98:1	1.5:1	yes

	Existing	Proposed	Standard	Compliance
<u>WDCP</u>				
e) Setbacks (m)				
to Pacific Highway	6	3.7	4	no (3)
to Dickson Avenue	nil	2.7	3	no (3)
to Carlotta Street	17.6	3	3	yes
g) Provision of loading docks	n/a	at Carlotta St frontage and internally on level 4	suitably located within site	yes
<u>Commercially zoned part of site</u>				
<u>WLEP 1995</u>				
h) Gross Floor Area (m ²)	759.26	4566.98 (excl car storage)	2642	no (2)
(vehicle storage m ²)		873.1		
Total GFA (m ²)		5440.08	2642	no (2)
i) Floor Space Ratio	0.28:1	1.7:1	1:1	no (2)
Including vehicle storage		2.0:1	1:1	no (2)
<u>Draft WLEP 2009</u>				
h) Gross Floor Area		4520.98	6557.0	yes
i) Floor Space Ratio		1.7:1	2.5:1	yes
j) WLEP 1995 Maximum Height limit (m)	not advised	19.9	18	no (4)
j) Draft WLEP 2009 Maximum Height Limit (m)		20	20	yes
WDCP (for whole site i.e. combined zones)				
l) parking		202	210	no (5)
motor showroom (offices)	not advised	1193.44 sq m	1/110sq m requirement = 10 spaces	
car rental premises		21	on merit	
showroom (vehicle display areas)	n/a	2926.95 sq m (6)	1/200 sq m display area) requirement = 14 spaces	

	Existing	Proposed	Standard	Compliance
workbays and employees	n/a	36 workbays and 43 employees	4 spaces per bay & 1 per 2 employees requirement = 165 spaces	
o) disabled parking	not advised	5	5 spaces (3% of total number of required spaces)	yes
p) bicycle parking				
bicycle lockers	not advised	lockers provided in staff change rooms/bathrooms	1/600 sq m	satisfactory
bicycle rail/racks	not advised	10	1/2500 sq m	yes (7)

(1) The site area nominated by the applicant is 6.61 sq metres greater than the combined areas of the five lots making up the subject site from their DPs, which totals to 5258.2 sq metres. The applicant's computer generated figure from a recent survey is accepted and used in this report.

(2) SEPP 1 Objection for FSR standard submitted is discussed in Assessment section.

(3) Setback non-compliances are discussed in Assessment section.

(4) SEPP 1 Objection for height submitted is discussed in Assessment section.

(5) Discussed in Assessment section.

(6) Includes outside display area in front setback.

(7) Discussed in Assessment section.

Compliance with Plans or Policies

The proposed development does not comply with the current 18 metre height limit and the FSR controls which apply to the 3(b) Special Business and the 4(a) General Industrial zones. Both these matters are the subject of SEPP 1 Objections, seeking variation of the development standards.

The proposed development does not comply with the required number of parking spaces and there are also minor non-compliances with regard to the required setbacks to Dickson Avenue and the Pacific Highway.

All these matters are discussed in the Assessment section below.

Referrals

Internal

Building Services: No objections, subject to proposed conditions.

Transport and Traffic: The comments and recommended conditions of the RTA are noted. The impact on the road network from traffic generated by the development is assessed as minimal. Car dealerships are required to obtain Police approval through the RTA to use "certain roads at certain times" for the test driving of vehicles, including brake tests. The Traffic Supervisor of the North Shore LAC advises that the Pacific Highway would not be permitted as a suitable street to conduct brake tests.

The proposed bike path along the eastern side of the Pacific Highway should be accommodated by way of a consent condition requirement for the footpath to be upgraded to provide a bike path of at least 2.5 metre width. No objections, subject to proposed conditions.

Waste Strategy Co-ordinator: No objections, subject to proposed conditions.

Sustainable Development (Environmental Health): No objections, subject to proposed standard conditions. A condition should be included in any consent issued addressing the requirement for an Unexpected Finds Protocol, which should deal with the possibility of odours, contamination, underground storage tanks or asbestos being found during the excavation of the site. The protocol is to include directions depending on what has been found, the scenarios regarding when work is to cease, how long it is to be halted and the procedure for handling what has been found.

The branch also comments that harvested rainwater, surplus to that used for toilet flushing, landscaping watering and hard surface washdown, should be used for car washing. The applicant should investigate whether their concerns regarding use of harvested rainwater on vehicles can be addressed by mixing with potable water.

Development Engineering: No objections subject to proposed standard and special conditions. The capacity for increased rainwater capture and subsequent on-site usage should be increased to a minimum capacity of 200 cum. and has been conditioned. This is due to the fact that the total roof area of the development is in the order of 4,000 sq m. Additionally, the potential demand for water usage for such a facility, with more than 30 toilets and urinal facility, car washing requirements and associated workshop water usage, is commensurate with the storage capacity. For rainwater to be used as a substitute for potable water is also consistent with Council's sustainability objectives. The applicant's contention that treated rainwater cannot be used for vehicle washing because of effects on the painted finish of the new vehicles is not accepted on sustainability grounds relating to water conservation and the use of captured rainwater for vehicle washing is required under proposed conditions 14 and 71.

Open Space: Generally no objections to amended landscape plan, but the proposed ornamental prunus trees should be deleted and replaced with three straight trunked trees with larger and suitable height canopies, which commence generally above the glass of the showroom level. Standard conditions recommended.

External

SRDAC (RTA) – By letter dated 22 Dec 2010, the Committee advises no objections, subject to proposed conditions. The RTA's proposed conditions include preparation of a Demolition and Construction Management Plan, prior to issue of a Construction

Certificate. The RTA's proposed conditions are included in the recommended consent conditions.

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

Satisfactory ✓ Unsatisfactory ✗ Not Relevant N/A

(a)(i)	The provisions of any environmental planning instrument (EPI)	
	<ul style="list-style-type: none"> State Environmental Planning Policies (SEPP) 	✓
	<ul style="list-style-type: none"> Regional Environmental Plans (REP) 	✓
	<ul style="list-style-type: none"> Local Environmental Plans (LEP) 	✓
	Comment: discussed in report	
(a)(ii)	The provision of any draft environmental planning instrument (EPI)	
	<ul style="list-style-type: none"> Draft State Environmental Planning Policies (SEPP) 	N/A
	<ul style="list-style-type: none"> Draft Regional Environmental Plans (REP) 	N/A
	<ul style="list-style-type: none"> Draft Local Environmental Plans (LEP) 	✓
	Comment: discussed in report	
(a)(iii)	Any development control plans	
	<ul style="list-style-type: none"> Development control plans (DCPs) 	✓
	Comment: discussed in report	
(a)(iv)	Any matters prescribed by the regulations	
	<ul style="list-style-type: none"> Clause 92 EP&A Regulation-Government Coastal Policy 	N/A
	<ul style="list-style-type: none"> Clause 93 EP&A Regulation-Fire Safety Considerations 	N/A
	<ul style="list-style-type: none"> Clause 94 EP&A Regulation-Fire Upgrade of Existing Buildings 	N/A
(b)	The likely impacts of the development	
	<ul style="list-style-type: none"> Context & setting 	✓
	<ul style="list-style-type: none"> Access, transport & traffic, parking 	✓
	<ul style="list-style-type: none"> Servicing, loading/unloading 	✓
	<ul style="list-style-type: none"> Public domain 	✓
	<ul style="list-style-type: none"> Utilities 	✓
	<ul style="list-style-type: none"> Heritage 	N/A
	<ul style="list-style-type: none"> Privacy 	✓
	<ul style="list-style-type: none"> Views 	N/A
	<ul style="list-style-type: none"> Solar Access 	✓
	<ul style="list-style-type: none"> Water and drainage 	✓
	<ul style="list-style-type: none"> Soils 	✓
	<ul style="list-style-type: none"> Air & ventilation 	✓
	<ul style="list-style-type: none"> Flora & fauna 	✓
	<ul style="list-style-type: none"> Waste 	✓
	<ul style="list-style-type: none"> Energy 	✓
	<ul style="list-style-type: none"> Noise & vibration 	✓
	<ul style="list-style-type: none"> Natural hazards 	✓
	<ul style="list-style-type: none"> Safety, security crime prevention 	✓
	<ul style="list-style-type: none"> Social impact in the locality 	N/A
	<ul style="list-style-type: none"> Economic impact in the locality 	✓
	<ul style="list-style-type: none"> Site design and internal design 	✓
	<ul style="list-style-type: none"> Construction 	✓

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

Satisfactory ✓ Unsatisfactory ✗ Not Relevant N/A

	<ul style="list-style-type: none"> Cumulative impacts 	
	Comment: discussed in report	
(c)	The suitability of the site for the development	
	<ul style="list-style-type: none"> Does the proposal fit in the locality? 	✓
	<ul style="list-style-type: none"> Are the site attributes conducive to this development? 	✓
	Comment: discussed in report	
(d)	Any submissions made in accordance with this Act or the regulations	
	<ul style="list-style-type: none"> Public submissions 	✓
	<ul style="list-style-type: none"> Submissions from public authorities 	✓
	Comment: discussed in report	
(e)	The public interest	
	<ul style="list-style-type: none"> Federal, State and Local Government interests and Community interests 	✓

Relevant SEPPs

SEPP Infrastructure

Referral of the application to the RTA, as required under clause 104 and Schedule 3 of SEPP (Infrastructure) 2007, resulted in comments and recommended conditions by SRDAC (Sydney Regional Development Advisory Committee), following its meeting on 16 December 2010. SRDAC's recommended conditions are included in the consent conditions listed at the end of this report.

SEPP 55 Remediation of Land

Satisfactorily addressed in application's specialist consultant's reports and consent conditions are included in the approval recommendation of this report. This includes condition 40 requiring preparation of an Unexpected Finds Protocol during the site excavation stage.

SEPP 64 Advertising and Signage

The signage associated with the proposed development has been assessed against the assessment criteria of Schedule 1 of the SEPP. The proposed signage is found to be satisfactory against all the nominated criteria.

WLEP 1995

Permissibility

All aspects of the proposed development are permissible with consent. Motor showrooms, as defined in WLEP 1995, are permissible with consent in both zones. The 3(b) Special Business zone permits, with consent, the "sale, repair and servicing of motor vehicles and/or watercraft and their fittings, parts and accessories, except for panel beating and spray painting". Car repair stations, as defined in WLEP 1995, are permissible with consent in the 4(a) General Industrial zone.

Non-compliance with FSR and Height Controls and submitted SEPP 1 Objections

The proposed development involves variation of two development standards in WLEP 1995, being the 1:1 FSR limit of clause 36(1)(e) of WLEP 1995 and the 18

metre building height limit of clause 37(1) of WLEP 1995. The SEPP 1 Objections submitted for variation of these development standards are detailed below:

It should be noted that the level 5 car storage area is not considered to constitute gross floor area as the level is not enclosed with walls. Furthermore, the level 1 car storage area associated with the 'workbays' for BMW Artarmon and car storage for Avis car hire has been included within GFA/FSR calculations for the WLEP1995 however is not included within GFA/FSR calculations for Draft WLEP 2009.

Notwithstanding, the bulk and scale contributed by level 5 and its roof top structures are considered acceptable noting the context of the site including neighbouring development, that the proposal is consistent with the future character of the commercial zoned land, given the breach the height standard occurs due to the fall of the land towards Carlotta Street and the development is able to accommodate required parking and vehicular circulation.

SEPP 1 Objection – FSR

The proposed 1.7:1 FSR in the commercially zoned part of the site represents a 74% exceedence of the 1:1 development standard. Including the vehicle storage space, the variation of the standard represents a 106% exceedence of the 1:1 development standard.

a) Objectives of Zoning

Clause 35B of WLEP 1995 states the specific objectives of the 3(b) Special Business zone are:

- a) *To allow development for the purposes of dwellings, office and business activities (other than shops) including automotive services; and*
- b) *To accommodate showrooms, provided that the access needs of the showrooms and the traffic generated do not interfere with the safety and efficiency of the road network; and*
- c) *To maintain existing, and to encourage the establishment of new, recreational, leisure, civic and community facilities in appropriate locations.*

b) Objectives of the Standard

Clause 13E of WLEP 1995 states that the objectives of the FSR controls in WLEP 1995 are:

- (a) *to limit the intensity of development to which the controls apply so that it will be carried out in accordance with the environmental capacity of the land and the zone objectives for the land,*
- (b) *to limit traffic generation as a result of that development,*

(c) *to limit the bulk and scale of that development.*

Part E1.2 of the WDCP expands on these objectives, by nominating the following density and height “intents” i.e. objectives, for commercial development:

- 1) *The maintenance and improvement of the existing scale and character of the street;*
- 2) *Maintenance of solar access to public places and footpaths;*
- 3) *Buildings which are appropriate to their setting and will provide a well integrated backdrop to the streetscape; and*
- 4) *Maintenance of the amenity of any adjoining residential land in terms of building bulk and solar access.*

c) Applicant’s reasons in support of the variation

- 1) The proposed height and scale of the development is anticipated to be consistent with the character of newer and anticipated future development along the Pacific Highway. It is noted that some development along the Highway, particularly to the west of the site, is of a height well below that permitted under the WLEP.
- 2) The north-eastern part of the building, facing Dickson Ave and along part of the Pacific Highway, complies with the height limit. The exceedance of the development standard occurs because of the fall on the site towards Carlotta Street.
- 3) The proposed height and scale are consistent with the development to the south-east (the Scotts Honda building). The floor of level 5 “virtually matches” the parapet height of the Scotts Honda building, therefore providing streetscape continuity. The height of the roof above level 5 at its awning edge is consistent with the maximum height of the roof top structures on the Scotts Honda building.
- 4) The traffic generation is claimed to be similar to that generated “by the existing developments” on the site and accordingly, there will be no additional impacts arising from the proposed development.
- 5) The proposed development will result in improved traffic conditions through the removal of existing accesses directly from the Pacific Highway.
- 6) The proposed development meets the relevant objectives of the 3(b) Special Business and 4(a) General Industrial zones.
- 7) The vehicle access needs of the proposed development will not interfere with the safety or efficiency of the road network.
- 8) The proposal is not for an offensive or hazardous industry.

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

Relating the proposed variation of the FSR development standard back to the FSR objectives of clause 13E of WLEP 1995 and the intents of the WDCP, the variation is supported for the following reasons:

The proposed development is not assessed as being beyond the environmental capacity of the site. This is the case when the proposed development is assessed against traffic generation, parking requirements, drainage control and building scale, with near compliance with regard to building setbacks.

In relation to the relevant zone objectives “for the land” i.e. the subject site, the vehicle access requirements for the motor showroom development are satisfactory. Furthermore, they represent a substantial improvement over the existing situation and the anticipated traffic generation is assessed by both Council’s Transport and Traffic section and the RTA as being within the capacity of the local road system, including the Pacific Highway.

Regarding the bulk and scale of the proposed development, draft WLEP 2009 proposes to increase the permitted maximum FSR in the proposed B7 Business park zone to 2.5:1. This represents a substantial increase in the permitted maximum FSR and the proposed development will be compliant in regard to this proposed development standard. Furthermore, the proposed increase in the FSR development standard for the site under the draft WLEP 2009 reflects the conclusion that on development potential grounds, the area has the capacity to accommodate substantially more floorspace than is currently permitted.

The WDCP’s four density intents are assessed as being satisfied. In summary, the site has the capacity to accommodate the proposed building in terms of streetscape and character; solar access to public places and the footpaths adjoining the site will be satisfactory and the amenity of the residential development on the opposite side of the Pacific Highway, in terms of building bulk and solar access, is assessed as being satisfactory.

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

Compliance with the current 1:1 FSR limit of clause 36(1)(e) of the WLEP 1995 is not considered necessary or reasonable in the current circumstances. This is evident by the proposal meeting the WDCP’s intents for development scale. The scale of the site’s existing developments represents an underdevelopment of the site and it is considered that the site can accommodate the substantially larger development scale proposed, beyond the 1:1 control.

SEPP 1 Objection – Height

The proposed building height of 19.9 metres exceeds the current 18 metre height limit of clause 37(1) of WLEP 1995 by 10.5%.

a) Objectives of Zoning

The zone objectives of the 3(b) Special Business zone are as outlined above in relation to the SEPP 1 Objection regarding FSR.

b) Objectives of the Standard

WLEP 1995 does not nominate an objective for the 18 metre height limit of clause 37 for the 3(b) Special Business zone. Part E1.2 of the WDCP, however, nominates the following density and height “intents” i.e. objectives, for commercial development:

1. *The maintenance and improvement of the existing scale and character of the street;*
2. *Maintenance of solar access to public places and footpaths;*
3. *Buildings which are appropriate to their setting and will provide a well integrated backdrop to the streetscape; and*
4. *Maintenance of the amenity of any adjoining residential land in terms of building bulk and solar access.*

c) Applicant’s reasons in support of the variation

- 1) The proposed height and scale of the development is anticipated to be consistent with the character of newer and anticipated future development along the Pacific Highway. It is noted that some development along the Highway, particularly to the west of the site, is of a height well below that permitted under the WLEP.
- 2) The north-eastern part of the building, facing Dickson Ave and along part of the Pacific Highway, complies with the height limit. The breach of the development standard occurs because of the fall on the site towards Carlotta Street.
- 3) The proposed height and scale are consistent with the development to the south-east (the Scotts Honda building). The floor of level 5 “virtually matches” the parapet height of the Scotts Honda building, therefore providing streetscape continuity. The height of the roof above level 5 at its awning edge is consistent with the maximum height of the roof top structures on the Scotts Honda building.
- 4) The Pacific Highway elevation with its awning above level 4 “effectively terminates” the building façade at awning level and the lightweight metal cladding of level 5, will be less prominent to the streetscape.
- 5) To the south of the site, the height controls applying to the former ABC site at Gore Hill allow development up to RL 122. The proposed building height on the subject site is considered satisfactory in this broader context.
- 6) The proposed height of the building will not have an adverse visual impact on nearby residential development, located on the opposite side of the Pacific Highway.
- 7) The shadowing cast by the proposed building on the flat buildings on the opposite side of the Pacific Highway occurs at 9am but by 12 noon, the properties will no longer be affected. Their remaining solar access is

satisfactory and furthermore, the shadowing during the early morning period is largely taken up by driveways and paved forecourts. The shadowing of the footpaths in the Pacific Highway and on both sides of Carlotta Street would, “for the most part”, be the same as for a building which complied with the height standard.

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

The proposed variation of the 18 metre height limit currently applying under clause 37 of WLEP 1995 is supported in this instance. In this respect, the applicant’s reasons 1 – 4 and 6 and 7 are supported. They satisfactorily address the WDCP’s four nominated intents. Reason 5 should not be relied on as is only peripherally relevant to the WDCP’s intents 1 and 3. Furthermore, draft Willoughby LEP 2009, exhibited by Council from 25 March 2010 to 20 May 2010, proposes to increase the permitted maximum building height in the B7 Business park zone to 20 metres, measured to the top of the uppermost structure. The proposed building complies with this new height limit.

The stated shadowing effects on the residentially developed properties on the opposite side of the Pacific Highway is accurately described in the Objection’s reason 7 and is discussed further in the Neighbour Notification section of this report.

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

Compliance with the current 18 metre height limit is neither necessary nor reasonable in the current circumstances. This is evident by the proposal to increase the permitted building height in the draft WLEP 2009 to 20 metres. Furthermore, the environmental effects of the proposed height on the streetscape, public domain and surrounding properties including the nearby residential properties, are acceptable.

Draft WLEP 2009

The proposed building height complies with the increased 20 metre building height limit applying to the proposed B7 Business Park zone and the floor space ratio for both the B7 Business Park zone (2.5:1) and IN1 General Industrial zone (1.5:1) under draft WLEP 2009.

The proposed development complies with the provisions of clause 6.17 of the draft WLEP, which requires that the access requirements for showrooms in the B5 and B7 zones and the associated traffic generation do not interfere with the safety and efficiency of the road network.

The proposed development complies with the provisions of clause 6.19 of the draft WLEP, which requires that at street level and main pedestrian frontages, passive surveillance is facilitated and at ground floor level, the building design allows for an active interface with the movement of people.

WDCP

Disabled access – Satisfactory with regard to access within the building and provision of disabled parking spaces.

Setbacks

Setback to Pacific Hwy – Part of the front façade of the building intrudes into the 4 metre setback required to the Pacific Highway. The intrusion is small, comprising 300mm for a length of just over 10 metres. The intrusion comprises the Alucabond panelling above level 2, being the finish on the front elevation above the glass of the showrooms. The reason for the intrusion is the curve in the sites front boundary. No objection is raised to this departure from the WDCP's setback control.

Setbacks to Dickson Avenue – The building does not comply with the required 3 metre setback to Dickson Ave for a length of 33.6 metres, located generally in the middle of this elevation at levels 3 and 4. The extent of the setback breach is small, being 300mm. The architect explains the non-compliance as arising from the space requirements on level 4 for the workshop bays and the required vehicle aisles between the workbays.

The setback breach is small and does not pose any streetscape concerns. Other parts of the building along this elevation are setback more than the required 3 metres. As the setback breach is elevated above street level and small, there is a reasonable case to allow it. For these reasons, it is considered that the setback breach should be allowed.

Signage – The proposal is identified as Business Identification Signage under the provisions of SEPP 64. It is considered that the proposal is consistent with the objectives, guidelines and controls for signage including the matters for consideration in Schedule 1 contained in SEPP 64.

The proposed fascia signage, wall signage and directional signage complies with the Clause 9 of the WLEP1995. The signage is not considered to degrade the amenity of the area with the potential glare from the illumination of signage. The signage is to be illuminated and in this regard a condition is recommended that it be time clocked to switch off at 10pm in accordance with the WDCP noting the close proximity to zoned residential and the potential for light spill.

The proposal is considered consistent with Clause 13D of the WLEP 1995 in relation to amenity as there are no likely adverse impacts upon the amenity of adjoining properties.

It is considered that the proposed signage is consistent with the WDCP design guidelines for signage as the size of the signage complements the scale of the building. The number and size of the proposed signs are satisfactory. The proposed signage scheme is not of a size which will dominate the streetscapes or detract from the building. The provision of directional signs along both the Dickson Avenue and Carlotta Street frontages, located close to the vehicle entrances, is supported and considered appropriate in assisting vehicles approaching the site.

Building Design and Presentation, Including External Finishes and Site Landscaping

The use of three main materials in the elevations to the three streets (glass, white and black Alucabond and aluminium louvers and metal screening towards the uppermost levels) will satisfactorily break up the large elevations.

The front visible part of the rear elevation, which faces Carlotta Street, contains four similarly sized rectangular openings or signs, in a vertical row, two of which are signage panels and a third is an opening for an internal balcony. The lowest (fourth of these openings/signs is designated "Signage to Separate application". The treatment of the end part of this wall would be improved with either signage or some other relief such as glass blocks or some other material to relieve the wall and finish this vertical element. Such treatment is therefore recommended as included under condition 5 (e).

The proposed landscaping of the site, as amended in response to Council's request for planting more commensurate with the scale and height of the proposed building, remains unsatisfactory in regard to the proposed tree planting. The latter is five deciduous trees (ornamental prunus) proposed along the southern end of the Pacific Highway elevation and in Carlotta Street. Discussion with Council's landscape section regarding alternate tree planting has recommended three trees be planted in the setback along the Pacific Highway frontage, with careful species selection to allow reasonably canopy size and branch spread occurring generally above the important sight lines into the showroom from the footpath and roadway. The requirement for different tree selection is recommended in condition 5(c).

Traffic and Parking Issues

Car Parking for Car Rental Premises - The nominated 21 spaces for the car rental premises comprise 6 customer spaces located close to the premises located in the part of the building facing Dickson Avenue and 15 spaces in the level 1 basement area, of which 6 are stack parking spaces. The application nomination of the 21 spaces for this use is accepted.

Total Car parking Provided - The total number of parking spaces proposed is 8 spaces short of that required under the WDCP, (including the 21 spaces for the car rental facility). The shortfall occurs in regard to the spaces required for the 36 work bays for vehicle servicing. As the parking on level 1 has areas not available to the public and similarly all the parking on level 5 is not available to the public, the increase in stack parking proposed by the applicant to address the 8 space parking shortfall is considered feasible and has been addressed in condition 5(a).

Driveway Access From Carlotta Street – The proposed retention of the driveway near the corner of the Pacific Highway with Carlotta Street, for additional access to the level 1 used car showroom, fails inadequate separation distance from the corner. Concern is raised over the possibility of conflict between vehicles turning left from the Pacific Highway into Carlotta Street and a showroom vehicle being taken for a test drive and attempting to turn right out of the showroom into Carlotta Street, to then turn left into the Pacific Highway. To avoid the right turn manoeuvre for vehicles exiting the showroom, Council's development engineer has recommended construction of a median strip in Carlotta Street. This is imposed as condition 62.

Bicycle Parking - The provision of all the bicycle parking on level 5 fails to provide this type of facility for visitors to the site. Condition 5(b) requires provision of a bike rack on each showroom level.

Vehicle Delivery – The facility allows for the delivery of cars by articulated vehicles entirely within the building in this respect car carriers would access the building from Dickson Avenue, off-load vehicles within the level 1 loading bay at the base of the ramp and exit the site via Carlotta Street.

Environmental Sustainability Measures – The amended drainage plans increased the capacity to re-use captured rainwater for activities such as site cleaning, watering of landscaped areas and toilet flushing. In relation to use of captured and treated rainwater for vehicle washing, however, the applicant advised by letter dated 21 February 2011 that:

“Careful consideration was given to using reclaimed water in the car wash facility. However, considering the nature of the facility, the vulnerability of the paint on the vehicles to damage from any residual impurities in the water, the cost of the consequent repairs, our client’s previous experience and all third party advice, it was decided not to use reclaimed water in the car wash facility.

Additionally it is noted that the overall rainwater capture via 100% of the roof area will approximate 1,776,000 litres per annum, with expected usage through water closet flushing, landscape watering and surface washdown of approximately 1,651,100 litres per annum.

The balance of usage to collection is well balanced, without the need to use the reclaimed water for car washing.”

In response to further discussions with Council officers on this aspect, the applicant’s updated position on this matter is as advised in their letter of 21 March 2011, :

“Our client recognizes the sustainability goals in respect to the use of rainwater for car washing purposes and will undertake to do so. The amended hydraulic engineering plans by Floth have included provision of a system which employs the use of stored rainwater for car washing purposes.”

The applicant’s amended position is understood to still not actually commit to the use of captured rainwater for car washing purposes, but merely to have the storage capacity to use such captured rainwater. Furthermore, the applicant did not submit any information in support of the “client’s previous experience and all third party advice” regarding the difficulty of using captured and treated rainwater for vehicle washing.

It is considered unreasonable to not promote environmental sustainability by the use of captured and if necessary, treated rainwater for vehicle washing purposes, given that nowadays carwash facilities use such water and purchased vehicles are likely at some time to be subject to exposure to rain. Conditions 14 and 71 require the use of the captured rainwater to include car washing.

The amended roof design, submitted for improved drainage management, includes increased north facing areas, allowing improved solar access if solar collectors are installed at a later stage.

Passive Surveillance and Safer By Design Principles

The proposed development is assessed as being satisfactory in this regard.

Neighbour Notification Issues:

Objection point: *Noise from rooftop car wash, vehicle parking and detailing will disturb residents.*

Comment: Consent condition 94 requires that the use of the premises, including its equipment, machinery and ancillary fittings not constitute “offensive noise” as defined under the Protection of the Environment Operations Act, 1997. Furthermore, the enclosed nature of the rooftop area and the distance to the residential properties on the opposite side of the Pacific Highway are unlikely to result in any significant increase in noise impacts to these properties.

Objection point: *Sunlight loss to open area in front setback and to clothes drying area along side setback.*

Comment: The front setback of the property (282 Pacific Highway) mostly comprises a concreted area for parking and vehicle manoeuvring, although the objector advises that she does enjoy the sun shining on this part of her property. The submitted shadow diagrams show that the front setback of the objector’s property will be shadowed at 9am but sometime before noon the shadowing no longer extends to the property. The trees within the front setback would also shade part of the property. The extent of shadowing of the objector’s property on 22 June is not unreasonable or in contravention of the solar access requirements of part D.2.9 of the WDCP.

Objection point: *Traffic in the local area will be increased and available parking on the Pacific Highway will be reduced by persons visiting the premises. Ensure the development complies with parking controls.*

Comment: The proposed development complies with the number of required parking spaces under the WDCP for the showroom, office component, vehicle servicing spaces for staff and the car rental premises. (The shortfall in parking [as vehicle storage] for the vehicle servicing is addressed elsewhere in this report and is required under condition 5(a) to be satisfied.)

While visitors to the site may choose to use available on-street parking, the development nonetheless complies with the WDCP in this regard. Only limited parking is available currently in the Pacific Highway in the front of the site, as the current restrictions are a mixture of both No Stopping and half hour ticket parking between 10am and 6pm Monday to Friday and 8:30am to 12:30pm on Saturdays. With the removal of three access driveways to the Pacific Highway, the availability of kerbside parking in the Pacific Highway in front of the site is actually likely to increase. The objection point is not supported.

Objection point: *Flashing and bright neon lights will disturb the residents whose units are located at the front of the objector’s building.*

Comment: Proposed condition 116 controls the permitted hours of lighting of both the signage and the building generally, so as to not detract from the amenity of the residential properties opposite the site.

Objection point: *During the construction phase, residents will be disturbed by noise, vibration and construction traffic.*

Comment: Permitted construction hours are imposed under standard condition 1 in the Consent.

Objection point: *Council should ensure that the additional traffic generated will not have an adverse impact on Dickson Avenue and Carlotta Street. Carlotta Street is "relatively narrow, with parking on both sides".*

Comment: Council's traffic engineer is satisfied in this regard.

Objection point: *Building height and scale too large for residential development opposite the site.*

Comment: The objection point is not supported. The large building is a product of the consolidated site and the space requirements of the component uses. The current development controls allow a large scale building, to a height of 18 metres, acknowledging that the proposed development exceeds the current height and FSR controls (both of which are the subject of SEPP 1 Objections for variation of these controls). Draft WLEP 2009, publically exhibited in the first half of 2010, and proposes to increase both the permitted building height to 20 metres and the maximum FSR, to 2:5:1 (for B7 zone) and 1.5:1 (for IN1 zone). The development complies with the draft WLEP 2009 height and FSR provisions.

Objection point: *The loss of residential amenity from reflected heat and glare in the afternoon from the Pacific Highway elevation.*

Comment: The front wall of the objector's flat building is about 43 metres from the Pacific Highway façade of the proposed showroom building, which will contain considerable glass areas. Given the location of these properties along the ridge of the Pacific Highway, the distance between the two buildings, that orientation of the objector's property being south rather than west of the subject site and, lastly, the nature of development along the two sides of the Highway, with substantial spaces between buildings and the development along the Pacific Highway broken up by side streets, the claim of reflected heat is not supported.

The project architects have commented in relation to glare that the white Alucabond finish on the Pacific Highway façade is considered the element most likely to have the greatest glare potential. For this reason, it has been positioned higher on the façade, with its lowest point being 8.6 metres above street level.

Consent condition 50 limits the reflectivity of the building's external materials to 20%, to avoid a glare problem. Furthermore, the required tree planting in the Pacific Highway setback should assist to some extent in reducing potential glare.

Objection point: *The Pacific Highway façade will focus traffic noise to the objector's property. Consideration should be given to use of materials which will absorb road traffic noise.*

Comment: This point is not supported by any technical acoustic information supporting the claim, addressing current ambient noise levels from the Highway location and whether building façade shape and orientation could in fact direct noise towards other properties. The proposal is unlikely to exacerbate noise impacts on neighbouring residential properties. The objection point is not supported.

Objection point: *Loss of visual privacy, due to persons on the varying levels in the proposed building being able to look directly into the bedrooms of the units on the front of the objector's building*

Comment: The 43 metre distance between the proposed building and the objector's building is expected to satisfactorily attenuate any potential loss of visual privacy. Furthermore, the presence of landscaping in both the front setback of the objector's property and some limited required landscape planting in the front setback of the subject building will also obscure direct sight lines between the two properties. Finally, the location of the site at the interface between a commercial zoning and a residential zoning would reasonably involve some loss of privacy noting the proposed hours of operation limit use times to day time hours with privacy already impacted by Highway use at these times. The objection point is not supported.

Objection point: *The Statement of Environmental Effects (SEE) is misleading in its claim that the height of the roof deck is consistent with the parapet height of the neighbouring Scotts Honda building. The underside of the proposed roof is 3.1 metres higher than the "existing building".*

Comment: The southern end of the proposed building has a greater height than the Scotts Honda building on the opposite side of Carlotta Street and the objector's claimed difference of 3.1 metres is considered generally accurate. However, the height and scale of the proposed building is considered reasonable in relation to the Scotts Honda building, noting the topographical fall along the Pacific Highway between the two sites. Nonetheless, no objection is raised on streetscape grounds to the height of the proposed building, noting that the proposed height does exceed the current 18 metre height control of the WLEP 1995 and that draft WLEP 2009 proposes to increase the permitted maximum height to 20 metres, with which the proposed building will be compliant. The objection point is not supported.

Objection point: *Traffic control suggestion, including the introduction of parking permits, regarding the Pacific Highway and the adjoining industrial streets.*

Comment: These matters do not directly relate to the merits or otherwise of the proposed development and are therefore not relevant. Council's traffic engineer and the RTA both advise that the proposed development is satisfactory on traffic grounds, subject to proposed conditions.

Objection point: *Bicycle parking should be relocated to a more practical and accessible location.*

Comment: The objection point is supported in part. The location of all ten bicycle parking racks on level 5 (the roof parking level) means that bicycle parking is not provided for customers who may cycle to the premises. Consent condition 5(b) requires the provision of bike parking to each showroom level.

Objection point: *The SEE and the traffic report are inconsistent regarding the stated number of staff – 94 as opposed to 30.*

Comment: The objector is partially correct in this regard. The SEE's nominates 43 as the workshop staff, while the traffic report nominates 30. The project architect, in response to a request by Council to clarify the matter, has confirmed that the staff numbers as advised (43 workshop staff) are correct. They have accordingly been used as part of the parking assessment. This has confirmed the shortfall of eight parking spaces, discussed elsewhere in this report and dealt with by way of condition 5(a). In relation to the broader issue of traffic generation, the traffic report addresses this issue, as do the comments and proposed conditions of the RTA and Council's Traffic Engineering section, noting that surrounding streets are capable of accommodating the proposed traffic movements associated with the development.

Objection point: *The proposed café and bicycle parking should be accessible to the public to provide "a positive contribution to the community".*

Comment: The 3(b) Special Business zone does not permit shop development. There is no requirement for the developer to provide bicycle parking facilities for use by the public within his development on any public benefit grounds. The permissibility of such under the current zoning is also doubted.

Conclusion

The existing partially unoccupied site presents poorly to the Pacific Highway. The development of the site, as proposed on the amended plans, will improve the presentation to all three streets.

The proposed amended development is generally satisfactory and is recommended for approval, subject to the proposed conditions. The necessity for the proposed development to be supported by two SEPP 1 Objections does not represent an overdevelopment of the site, as the building height only marginally exceeds the current 18 metre height limit, due to the fall on the site and secondly, will comply with the proposed increased 20 metre height limit under draft WLEP 2009. The proposed FSR, in excess of the current 1:1 standard which applies to the Special Business part of the site, is also not considered an overdevelopment of the site, as addressed in the SEPP1 Assessment section of this report and noting compliance with the proposed FSR controls under draft WLEP 2009..

The building is considered to be adequately accommodated by the large site. Furthermore, the building is not assessed as posing any significant environmental impacts on the residential apartments opposite the site. The anticipated environmental impacts are assessed as being no greater than would ordinarily be expected by the development of a commercially and industrially zoned site fronting residential development and separated from those properties by a major arterial road.

The proposed development is recommended for approval, subject application of the recommended proposed conditions of approval.

OFFICER'S RECOMMENDATION

- 1) THAT the JRPP support the SEPP 1 objection to the FSR limit as it is considered to be well founded. It is considered unreasonable and unnecessary to strictly apply the FSR development standard contained in Clause 36(1)(e) of WLEP 1995 given the objectives of the standards have been met by the proposed development despite the non-compliance.**
- 2) That the JRPP support the SEPP 1 objection to the height limit as it is considered to be well founded. It is considered unreasonable and unnecessary to strictly apply the height development standard contained in Clause 37(1) of WLEP 1995 given the objectives of the standards have been met by the proposed development despite the non-compliance.**
- 3) That the application be approved and delegated authority be granted to the General Manager to issue the consent notice subject to the attached conditions.**

Schedule of Conditions

Conditions of Consent:

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 3148 DA 100, 3148 DA 064, 3148 DA 065, 3148 DA 066, 3148 DA 067, 3148 DA 068, 3148 DA 126, 3148 DA 200, 3148 DA 201, 3148 DA 250, 3148 DA 300, 3148 DA 440, all issue H, all dated 21/3/2011 except 3148 DA 300 dated 22/3/2011; prepared by Figgis + Jefferson; stormwater concept plans numbered HDA01 revision P4 – HDA12 revision P4, all dated 22.3.2011 except dwg HDA05 revision P4 dated 22.4.2011, prepared by Floth; landscape plan numbered LA01 issue D, dated 23.02.2011, prepared by Taylor Brammer, the application form and any other supporting documentation submitted as part of the application, except for:

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

3. Review of Environmental Factors (REF)

The Applicant shall undertake and submit for approval by Council as the Consent Authority, a REF for the proposed stormwater pipeline from the

development site to join Council's underground stormwater system along Carlotta Street under Part 5 of the EP&A Act (1979).
(Reason: 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.

4. 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)

5. Amendments

The proposal is to be amended in the following manner:

- (a) Eight (8) additional parking spaces are to be provided within the building. These spaces may be in a stack parking arrangement, provided they are in parking areas not accessible by the public. They are not to be provided in any showroom areas. The total number of parking spaces to be provided is 210.
- (b) A bike rack facility accommodating at least two bicycles is to be provided for customer use on each showroom level.
- (c) The proposed five (5) Ornamental Prunus trees on the landscape plan are to be deleted and replaced with at least three (3) advanced Australian native species with straight trunks and branch levels commencing above the tops of vehicles on display in the showrooms, to not obstruct the views from the streets into the showrooms. The three trees are generally to be located in the landscaped areas in the setback to the Pacific Highway, with one tree located towards the Dickson Avenue end, one towards the middle and one towards the Carlotta Street end. The latter tree can be located in the setback area to Carlotta Street, if preferred.
- (d) The following changes are to be made to the landscaping beds within the site near the Pacific Highway and Carlotta Street splay corner and along the Carlotta Street frontage:

The beds on each side of the splay corner are to be increased in length along the splay, to narrow the pedestrian gap between the footpath and the paved area adjacent to the building corner to 1.5 metres. The edges of both the beds adjacent to the paved areas within the site are to incorporate a raised edge at least 100mm high, to prevent vehicle intrusion.

The two landscaping beds adjacent to the Carlotta Street boundary are to be increased in width by 0.5 metres.

(e) Glass blocks or a similar finish are to be used between gridlines 9 and 10 on level 2 to create a consistent treatment of the Carlotta Street end of the rear boundary elevation, visible from Carlotta Street, if signage usage of this space cannot be finalised prior at Issue of a Construction Certificate stage.

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

(Reason: Ensure compliance)

6. Section 94 Contributions

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

A	Childcare	\$175,630.53
	<u>Calculation</u>	
	\$29.78 per m ² of additional GFA (873.86 – 2837.26m ²)	
B	Open Space and Recreational Facilities	\$410,903.95
	<u>Calculation</u>	
	\$171.68 per m ² of additional commercial office GFA (1184.24 - 47m ²)	
	\$39.98 per m ² of additional showroom GFA (2248.95 – 441.84m ²)	
	\$45.86 per m ² of additional industrial office GFA (-174m ²)	
	\$45.86 per m ² of additional general industrial GFA (2678.48 - 543m ²)	
	\$39.98 per m ² of additional warehouse GFA (2623.19 -1286m ²)	
C	Roads and Traffic Transport/Management	\$53,089.05
	<u>Calculation</u>	
	\$30.72 per m ² of additional office area (1104.44 - 662.84m ²)	
	\$15.36 per m ² of additional industrial area (2712.72 – 813.42m ²)	
	\$7.74 per m ² of additional warehouse area (2623.19 - 1286m ²)	
Total		\$639,623.53
<i>Office Use – Calculation Checked</i>		

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
(Reason: Statutory requirement)

7. 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 be submitted to the Principal Certifying Authority.

(Reason: Health protection)

8. Hazardous Building Material Assessment

A hazardous building material assessment shall be undertaken by an appropriate qualified person and is to be submitted to the Principal Certifying Authority for approval. The assessment shall identify any likely hazardous materials within any structure to be demolished and provide procedures on how to handle and dispose of such materials.

(Reason: Environmental Protection/Public Health and Safety)

9. Capacity for Future Installation of Solar Collectors on Roof

The Construction Certificate plans shall allow for space in the roof and wall cavities for ducting and related electrical conduits and cabling in the event of solar collection panels being installed in future on the roof.

(Reason: Environmental Sustainability)

10. Construction Management Plan (CMP)

Submit, for approval by the Principal Certifying Authority, a 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.

(Reason: Compliance)

11. Damage Deposit

The applicant shall lodge a Damage Deposit of \$155,000.00 (GST Exempt) as cash, cheque or an unconditional bank guarantee, to Council against possible damage to Council's asset during the course of the building works. The deposit will only be refunded subject to final inspection by Council and after the completion of all works relating to the proposed development. Any damages identified by Council shall be satisfactory restored by the applicant prior to release of the Damage Deposit. Council reserves the right to expend the Deposit to restore damages caused by the all activities related to the development.

(Reason: Protection of public asset)

12. Traffic Management Plan

For any traffic diversion or lane closure, 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) 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.
- c) Nominate a contact person who is to have authority without reference to other persons to comply with instructions issued by Council's Traffic Engineer or the Police.
- d) 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.
- f) Detail demolition and construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control measures.

Suitable provision must be made on site for all construction and demolition vehicles as a construction zone will not be permitted on the Pacific Highway.

(Reason: RTA requirements, public safety and amenity)

13. Stormwater to Street Drainage via Reinforced Concrete Pipe (RCP)

Stormwater runoff from the site shall be collected and conveyed to Council's underground drainage system in Carlotta Street via a minimum 450 mm RCP in accordance with Council's specification (AUS-SPEC). A grated drainage pit (min. 900mm x 900mm) shall be provided within the property and adjacent to the boundary prior to discharging to the Council's drainage system. In this regard, full design and construction details showing the method of disposal of surface and roof water from the site are to be submitted to Council for approval.

(Reason: Prevent nuisance flooding)

14. Detailed Stormwater Management Plans (SWMP)

The submitted stormwater management plans numbered HDA01 revision P4 – HDA12 revision P4, all dated 22.3.2011 except dwg HDA05 revision P4 dated 22.4.2011, prepared by Floth; shall be amended to address the following issues:

- i. Design and construct an on-site rainwater retention and reuse system with a minimum capacity of 200m³ in accordance with Council's WDCP including first flush and where required an additional treatment process for the hosing/washing of cars. The system shall be capable of receiving rainwater from all roof areas. Overflow from the rainwater retention and reuse system shall be directed to the on-site detention system.
- ii. Design and construct an on-site detention system in accordance with Council's WDCP. The stormwater runoff from the forecourt area and other impervious areas except the roof area shall be collected and conveyed directly to the OSD system.
- iii. Design and install a suitable on-site rainwater treatment system for the washing down and cleaning of all vehicles.

Revised drawings prepared by a suitably qualified and experienced civil engineer shall be submitted, for approval by Council, prior to issue of any Construction Certificate. The construction drawings and specifications shall be prepared in accordance with Council's Development Control Plan and Technical Standards and AS3500.3 – *Plumbing and Drainage Code* and the BCA.

(Reason: Ensure Compliance)

15. Adjustment to Overhead Electricity, Street Lighting and Utility Services

All existing overhead electricity and other utility services along the street frontages of the site shall be relocated underground with the removal of one (1) power pole on Carlotta Street and four (4) power poles on Pacific Highway. New street lighting lanterns and poles shall be installed in accordance with the RTA and Council. Consult with Energy Australia and other utility authorities to determine the requirements and specifications of the works. All works shall be approved by the utility authorities, Energy Australia

and Willoughby Council and such works completed prior to issue of the Occupation Certificate.
(Reason: Public amenity)

16. Dedication of Splay Corner

The applicant is required to dedicate, at no cost to Council, a splay corner of 6 metres by 6 metres at the intersection of Dickson Avenue and Pacific Highway.

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

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

Prior to issue of any Construction Certificate, the Applicant must submit, for approval by Council as a road authority, full design engineering plans and specifications prepared by a suitably qualified and experienced civil engineer for the following infrastructure works:

- Construction of 2.5 metres wide shared cycle/pedestrian concrete footpath (max. 2.5% crossfall) and perambulator ramp for the full frontage of the development site in Pacific Highway in accordance with Council's specification and Standard Drawings SD105 and SD100. All adjustments to public utility services and associated construction works in the nature strip are to be at the full cost to the applicant. Detailed long section and cross sections at 5 metres interval shall be provided.
- Construction of 1.5 metres wide footpath (max. 2.5% crossfall) and perambulator ramp for the full frontage of the development site in Carlotta Street and Dickson Avenue in accordance with Council's specification and Standard Drawings SD105 and SD100. All adjustments to public utility services and associated construction works in the nature strip are to be at the full cost to the applicant. Detailed long section and cross sections at 5 metres interval shall be provided.
- Reconstruction of existing kerb and gutter with any associated road restoration for the full frontage of the development site in Pacific Highway in accordance with RTA's specifications. In this regard, written approval including approved plans from the RTA's Project Services Manager, Traffic Projects Section, Parramatta, 8849-2496 shall be submitted to Council.
- Reconstruction of existing kerb and gutter with associated 3 metres wide road restoration for the full frontage of the development site in Carlotta Street and Dickson Avenue in accordance with Council's specifications and Standard Drawing SD105.

- Design and construct an approved median strip including all associated line markings and signages adjacent to the used car showroom entry door on Carlotta Street to Council's specification.
- Construction of vehicular crossings in accordance with Council's specification and Standard Drawings SD105. The design levels at the property boundary shall be 250mm above and parallel to the gutter invert.

The required plans must be designed in accordance with Council's specifications (AUS-SPEC). A minimum of three (3) weeks will be required for Council to assess the *Roads Act* submissions. Early submission is recommended to avoid delays in obtaining a Construction Certificate. For the purpose of inspections carried out by Council Engineers, the corresponding fees set out in Council's current *Fees and Charges Schedule* are payable to Council prior to issue of the approved plans. Approval must be obtained from Willoughby City Council as the road authority under the Roads Act 1993 for any proposed works in the public road prior to the issue of any Construction Certificate.

(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.

18. 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)

19. 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)

20. Waste Management Plan

A Construction and Demolition Waste Management Plan which provides details of specific strategies to salvage and recycle a minimum of 85% of used

and unused demolition and construction materials shall be submitted to Council.

(Reason: Environment Protection/Waste Reduction)

21. 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)

22. Licensee Details

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

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

(Reason: Information)

23. Building Site Hoarding

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

(Reason: Safety)

24. 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)

25. 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)

26. Demolition Work AS 2601

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

(Reason: Safety)

27. 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)

28. Suitable Footpath Crossing Provided

Adequate provision is to be made to ensure that a suitable footpath crossing is provided to the site so as to allow safe pedestrian access along the footpath area at all times.

(Reason: Protection of public safety)

29. Access to Site

During Demolition, 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)

30. Wash Down and Shaker Areas

During Demolition, 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)

31. Site Management

A site Management Plan shall be submitted to and approved by the Principal Certifying Authority. 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)

32. Dilapidation Report on Adjoining Properties

Submit a photographic survey and report of the adjoining properties 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.

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)

33. Asbestos Sign to be Erected

On sites involving demolition or alterations and additions to building where asbestos cement is being repaired, removed or disposed of a standard

commercially manufactured sign not less than 400mm x 300mm containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" is to be erected in a prominent visible position on the site. The sign is to be erected prior to the commencement of works and is to remain in place until such time as all asbestos cement has been removed from the site to an approved waste facility.

(Reason: Public Health & Safety/Ensure Compliance)

34. Neighbour Notification of Asbestos Removal

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

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

(Reason: Public Health)

35. Asbestos Removal

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

Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS 2601 – The Demolition of Structures.

(Reason: Public Health & Safety/Ensure Compliance)

36. Asbestos Disposal

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

Upon completion of the asbestos removal and disposal the applicant must furnish the Principal Certifying Authority with a copy of all receipts issued by the waste disposal site as evidence of proper disposal.

(Reason: Environmental Protection/Public Health and Safety)

37. Tree Protection

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

All trees not indicated for removal on Landscape Plan Dwg No. LA01 D dated 23.02.2011 prepared by Taylor Brammer

The protective measures must comply with the AS 4970-2009 Protection of trees on development sites.
(Reason: Tree Management)

38. 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 Council's Open Space section and resolve the matter to Council's satisfaction.

(Reason: Tree management)

39. Removal of Underground Petroleum Storage System

In the event that the removal of an Underground Storage Tank is necessary, compliance is required with the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008 and the Department of Environment, Climate Change and Water (DECCW) Technical Note for the decommissioning, abandonment and removal of UPSS.

(Reason: Environmental Protection)

40. Preparation of Unexpected Finds Protocol

An Unexpected Finds Protocol is to be prepared by a suitably qualified person, relating to the excavation of the site and the possibility of odours, contamination, underground storage tanks and/or asbestos being found during the excavation phase. The Protocol is to include directions depending on what has been found, the scenarios regarding when site work is to cease, how long it is to be halted for and the procedure for handling what has been found.

(Reason: Environmental Protection)

41. Application for Vehicle crossing

Submit an application with fees to Council for the construction of each vehicular crossing on Carlotta Street and Dickson Avenue all in accordance with Council's standard profile and specifications.

(Reason: Protection of public asset)

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 to Pacific Highway.
(Reason: Public amenity)

44. Report Existing Damages on Council's Property

Prior to commencement of any works on site, the applicant shall notify Council in writing with digital photographs of any existing damages to Council's assets fronting the property at Carlotta Street and Dickson Avenue and the immediate adjoining properties. Failure to do so will result in the applicant being liable for any construction related damages to these assets. In this respect, the damage deposit lodged by the applicant may be used by Council to repair

such damages.

(Reasons: Protection of Council's Infrastructure)

45. Property Boundary Levels

The applicant must obtain the levels for each of the vehicle crossings at the property boundary from Council under a separate application. These levels shall be incorporated into the design of the internal driveway. The suitability of the grade of driveway *inside* the property is the sole responsibility of the Applicant and the required levels fixed by Council may impact upon these levels.

The width of each of the crossings at the property boundary is to be supported by turning circle of vehicles using the crossing and is to be constructed at right angle to the street kerb.

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

(Reason: Public amenity)

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. Survey Certificate

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

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

(Reason: Ensure compliance)

48. Registration of Plan of Consolidation

All individual lots involved in the development site being consolidated into a single lot and evidence of the registration of the plan of consolidation is to be submitted to Council.

(Reason: Ensure compliance)

49. 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)

50. External Finishes – Minimal Reflectivity

The external roofing, cladding and glazing of the proposed building are to be of minimal reflectivity (maximum of 20%) so as to avoid nuisance in the form of glare or reflection to the occupants of nearby buildings, pedestrians and/or motorists.

(Reason: Visual amenity)

51. Street Number Display

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

(Reason: Information)

52. 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)

53. 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)

54. 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 in particular :-

- 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) The passenger lift shall be installed to comply with the requirements of AS 1735.12.
- c) The unisex toilet for people with disabilities shall comply with the requirements of Clause 10 of AS 1428.1.
- d) 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.
- e) 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)

55. 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)

56. Public Tree Maintenance

The applicant's arborist or landscape designer is to certify that:

- i. All trees on public land have been adequately maintained, that there has been no net deterioration in health and condition, and that any remedial work complies with AS 4970-2009 "Protection of trees on development sites" and AS 4373 - 2007 "Pruning of Amenity Trees".

(Reason: Tree management, Public Asset Management)

57. 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 trees indicated on the approved landscape plan are to be planted in container sizes as indicated on the plan.

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)

58. 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)

59. Trade Waste Permit / Consent

Evidence of a Sydney Water permit or consent for the discharge of wastewater to the sewer shall be submitted to the Principal Certifying Authority. Where a permit or consent may not be required from Sydney Water certification shall be provided verifying that any discharges to the sewer will meet specific standards imposed by Sydney Water.
(Reason: Ensure compliance)

60. Waste & Recycling Room

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

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

- f) Adequate ventilation being provided by their own exhaust ventilation system exhausting at a rate of 5l/s.m² 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 (1/20th) of the floor area. Mechanical exhaust systems shall comply with AS1668 and not cause inconvenience, noise or odour problem.
- g) Floors of the bin storage room must be graded to an approved Sydney Waster Corporation basket trap drainage fitting connected to the sewer. Storm water must not be permitted to enter this floor waste trap.

(Reason: Health and amenity)

61. Public Works Along Pacific Highway Frontage

Reconstruct new kerb and gutter and associated roadwork in accordance with the specifications of the Road and Traffic Authority (RTA) for the full frontage of the development to **Pacific Highway**. In this regard the civil construction plan of the works shall be approved by the RTA prior to the issue of the Construction Certificate and the works completed **prior to the release of the Occupation Certificate**.

(Reason: Public Amenity)

62. Median Strip in Carlotta Street

Design and construct an approved median strip adjacent to the used car showroom entry door on **Carlotta Street** to the specification of Willoughby Council. In this regard, the construction plan shall be approved prior to the release of the Construction Certificate and the median strip including all associated line markings must be completed **prior to the release of the Occupation Certificate**.

(Reason: Public Safety)

63. On-site Water Management System

The stormwater runoff from the site shall be collected and disposed of via an approved on-site detention system and the rainwater retention and reuse system in accordance with Sydney Water's requirements, 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)

64. Rainwater Re-use – Major

The applicant shall supply and install rainwater re-use tanks with a minimum storage volume of 200 m³ in accordance with the approved stormwater management plans, Sydney Water's requirements and Council's DCP and Technical Standards. The rainwater reuse system shall be connected to supply all non-potable use including, but not limited to toilet flushing, car washing 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)

65. Sign for OSD & OSR Systems

An aluminium plaque measuring no less than 400mm x 200mm is to be permanently attached and displayed within the immediate vicinity of the OSD System and the Rainwater Retention and Reuse System.

The wording for the plaque shall state *"This is the On-Site Detention System and the Rainwater Retention and Reuse System required by Willoughby City Council. It is an offence to alter any part of the system without written consent from Council. The registered proprietor shall keep the system in good working order by regular maintenance including removal of debris"*.

(Reason: Prevent unlawful alteration)

66. Confined Space Sign

Securely install a standard confined space danger sign in a prominent location within the immediate vicinity of access grate of the OSD & OSR tanks.

(Reason: Safe access to tank)

67. Certification of OSD system

A suitably qualified and experienced civil engineer (generally CP Eng. Qualification) shall certify on Council's standard certification form that the OSD system are constructed in accordance with the approved plans and complies with Council's WDCP and Technical Standards. Council's standard certification form is available in the appendix of Council's Technical Standard No.1.

(Reason: Legal requirement)

68. Certification of Rainwater Reuse System

Upon completion of the Rainwater Reuse System, a certificate from a licensed plumber shall be submitted to the Principal Certifying Authority stating that "The as-built Rainwater Re-use system has been fitted with proprietary first flush device and connected to non-potable use including toilet flushing, car washing and landscape irrigations. All plumbing/drainage works have been carried out which comply with the current plumbing requirements of Sydney Water and Committee on Uniformity of Plumbing and Drainage Regulations of NSW".

(Reason: Record or works)

69. Certification of Rainwater Reuse System for Car Washing

Upon completion of the on-site rainwater treatment system for the washing down and cleaning of all vehicles, a certificate from a suitably qualified and experienced civil engineer (generally CP Eng. Qualification) shall be submitted to the Principal Certifying Authority stating that the as-constructed rainwater

reuse system has been constructed in accordance with the approved plans and the system has been tested and is suitable for its intended use.
(Reason: Conservation of natural resources)

70. 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)

71. 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 has been connected to all non-potable use including toilet flushing, car washing 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)

72. S88B/S88E(3) 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 detention system and the rainwater retention and reuse system. 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 S88B instrument or forms shall be lodged together with Council's Standard Lodgement Form

which is available from Council upon request. The relative location of the on-site detention system and the rainwater retention and reuse system, in relation to the building footprint, must be shown on the final plan of subdivision or a scale A4 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)

73. Documentary Evidence of Positive Covenant, Engineers Certificate

The following documentary evidence of the completed stormwater drainage works shall be submitted to Principal Certifying Authority and Council: -

- Registered Positive Covenant and Restriction on the Use of Land by way of the Title Deed.
- Certification from a suitably qualified and experienced civil engineer (generally CP Eng. Qualification) for the as-built OSD system and/or plumber's certification of the as-built rainwater reuse system.
- Work-as-Executed plans highlighting changes in red from the approved design parameters of the stormwater management plans from a registered surveyor.

(Reason: Public record)

74. Construction of Kerb & Gutter

Construct new kerb and gutter together with associated pavement restoration in accordance with Council's specification for the full frontage of the development site in Carlotta Street, Pacific Highway and Dickson Avenue with associated pavement restoration minimum 3.0 metre wide.

(Reason: Public amenity)

75. Concrete Footpath/Shared Cycleway

The applicant is to construct:-

- a) A 2.5 metres width concrete footpath for the full frontage of the development site in Pacific Highway as a shared footpath/cycleway.
- b) A 1.5 metres wide concrete footpath for the full frontage of the development site in Dickson Avenue.
- c) A 1.5 metres wide concrete footpath for the full frontage of the development site in Carlotta Street.

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

(Reason: Public amenity)

76. Traffic Island on Carlotta Street

In order to ensure adequate sight distances for traffic from Pacific Highway entering into the Carlotta Street frontage, the applicant is to construct a traffic median strip including all line markings in front of the proposed driveway exit in accordance with the approved plans and Council's specifications.
(Reason: Public safety)

77. Vehicular Crossing

A separate application for each of the proposed vehicular crossings including current fees and charges is to be submitted for approval by Council.

New vehicular crossings 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 footpath which forms part of the proposed crossings shall have a maximum crossfall of 2.5%. The nature strip and footpath is to be adjusted for a minimum distance of 6 metres on both sides of the each vehicular crossing to suit the new levels.

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)

78. Removal of all Redundant Crossings

Remove all redundant vehicular crossings at the street frontages of the site together with any necessary works to reinstate the footpath, nature strip and kerb and gutter in accordance with approved civil works. Such work shall be carried out in accordance with Council's specification.
(Reason: Public amenity)

79. Inspection of Civil Works on Public Road Reserves

All required civil works on public road pavement, footpath, kerb and gutter, drainage works and/or any necessary associated works on the road reserves 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)

80. Performance Bond

The Applicant shall lodge with the Council a performance bond of \$50,000.00 against defective public civil works undertaken by the main Contractor for a period of twelve (12) months from the date of the final Occupation Certificate issued by the Principal Certifying Authority. The bond shall be lodged in the form of a cash deposit, cheque or unconditional bank guarantee which will be refunded subject to the approval of Council's Engineers at the end of the twelve month period. During this period, the Applicant is liable for maintenance of 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 this maintenance period as deemed necessary.
(Reason: Ensure compliance and specification)

81. 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.
(Reason: Legal requirement)

82. Turfing of Nature Strip

In the event of damages to the grass verge during works, trim the strip of land between the property boundary and the road, spread topsoil on top of the trimmed surface and lay approved turfing on the prepared surfaces. The turf shall be protected from vehicular traffic and kept watered until established.
(Reason: Public amenity)

83. CCTV Report on proposed underground drainage Pipe

A qualified practitioner, with a certificate of attainment in *NWP331A Perform Conduit Evaluation*, shall undertake a closed circuit television (CCTV) inspection and then report on the condition of the proposed drainage pipeline after the completion of all works. No person is to enter the stormwater pipe without written approval from Council. The camera and its operation shall comply with the following: -

- The internal surface of the drainage pipe shall be viewed and recorded in a clear and concise manner.

- The CCTV camera used shall be capable to pan, tilt and turning at right angles to the pipe axis over an entire vertical circle to view the conduit joints.
- Distance from the manholes shall be accurately measured and displayed on the video.
- All pipe joints and defects are to be inspected by stopping movement and panning the camera to fully inspect the joint and/or defect.
- The inspection survey shall be conducted from manhole to manhole.

The written report, together with a copy of the digital video footage of the pipeline shall be submitted to Council. Any damage that has occurred to the section of the pipeline shall be repaired in full to the satisfaction of Council at no cost to Council, which may include full reconstruction. A written acknowledgment shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority.

(Reason: Ensure compliance and protection of public asset)

84. Registration of Dedication of Road Widening

Submission of documentary evidence that the Plan of Dedication has been registered with the Land and Property Management Authority.

(Reason: Ensure Compliance)

ADDITIONAL CONDITIONS

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

85. 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)

86. 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)

87. 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)

88. 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)

89. Support for Neighbouring Buildings

(1) If development involves an excavation that extends below the level of the base of the footings of a building on an adjoining property, the person having the benefit of the development consent must, at the person's own expense:

- a) protect and support the adjoining premises from possible damage from the excavation, and
- b) if necessary, underpin and support the adjoining premises to prevent any such damage, 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)

90. Erection Wholly within the Boundaries

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

(Reason: Ensure compliance)

91. 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)

92. Storage of Materials on Council Land Prohibited

The dumping or storage of building materials, spoil, vegetation, green waste, or any other material in the Council reserve is prohibited.
(Reason: Safety, environmental protection)

93. Trees on Adjoining Properties

No approval is given for the removal or pruning of trees on the nature strip, adjoining reserves, or neighbouring private land.
(Reason: Environmental protection)

94. 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)

95. Waste Classification – Excavation Materials

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

96. Pollution Prevention – Water

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

97. 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 (Microbial Control) Regulation 2000.
(Reason: Health Protection)

98. Storage of Liquids

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

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

- b) Australian Standard AS 4452 1997: The storage and Handling of Toxic Substances; &
- c) Storage and handling of Dangerous Goods Code of Practice 2005
Workcover NSW

(Reason: Environmental Protection)

99. Spill Prevention and Control

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

(Reason: Environmental Protection)

100. Motor Vehicle Servicing, Maintenance and Repair

The repair, servicing and maintenance of all vehicles must take place in an impervious bunded work bay drained to a holding tank or like device so that any liquid wastes produced from such repair, servicing or maintenance will be either:

- (a) retained for recycling or;
- (b) disposed of in accordance with the requirements of Sydney Water.

(Reason: Environmental protection)

101. Stormwater Drainage Management

Ensure that stormwater drains in or near the property carry clean rainwater only. Any other liquids or solids are considered a pollutant. Do not allow any wash water, food stuffs, grease, litter or other pollutants from business operations to get into the stormwater drains. Drains must be free of litter, leaves or any other foreign matter at all times.

(Reason: Environmental Protection)

102. Dust Control

The following measures must be taken to control the emission of dust:

- a) dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work
- b) any existing accumulation of dust (e.g. in ceiling voids and wall cavities) must be removed using an industrial vacuum cleaner fitted with a high efficiency particulate air (HEPA) filter.
- c) all dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be allowed to enter the street or stormwater system.
- d) all stockpiles of materials that are likely to generate dust must be kept damp or covered.

e) demolition work must not be carried out during high winds, which may cause dust to spread beyond the boundaries of the site.
(Reason: Amenity)

103. Construction Noise

Construction noise shall be controlled to comply with the requirements as set in the DECCW Interim Construction Noise Guideline. Noise levels shall not exceed the rated background level by more than 10dB(A) at the most sensitive receiver during the standard construction hours. A noise monitoring plan shall be implemented during construction. Where noise levels may be exceeded appropriate measures to control excessive noise shall be implemented immediately.
(Reason: Amenity)

104. Air Emissions

All activity is to be conducted in a way that it does not cause interference to the existing and future amenity of the adjoining neighbourhood in general by the emission of smoke, dust, fume and odours or otherwise.
(Reason: Health and amenity)

105. Material Safety Data Sheets

To ensure correct handling of hazardous materials Material Safety Data Sheets (MSDS) must be held at the premises for all stored hazardous materials.
(Reason: Occupational Health & Safety)

106. Imported Fill

All imported fill shall be Virgin Excavated Natural Material (VENM) and have the necessary validation for its intended use.
(Reason: Environment and Health Protection)

107. Vehicle Wash Bay

The vehicle wash and detailing bays must be constructed so as to prevent the entry of rainwater. The area must be suitably treated to prevent the escape of wastewater or other products and shall be suitably drained to sewer. Vehicles shall only be washed within the approved wash bay.

(Reason: Environmental Protection)

108. Provision of Mixed Recycling Bin

To encourage recycling of packaging materials (such as plastic/glass bottles and drink cans etc) a mixed recycling bin is to be provided. Recycling bins should be provided in the kitchen areas and offices.
(Reason: Environmental compliance)

109. Vehicle Movement within the Building

The internal car parking areas are to be appropriately sign posted and line marked to direct vehicles around and through the building. The turning areas for large rigid trucks are to be kept clear of any obstacles, including parked cars, at all times.

(Reason: Convenience and Efficiency)

110. Vehicle Access

All vehicles are to enter and leave the subject site in a forward direction.

(Reason: Safety)

111. Driveways

All 'entry' and 'exit' driveways shall be clearly signposted and line marked as 'Entry' and 'Exit'.

(Reason: Safety)

112. 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 any roads to which the site has frontage.

(Reason: Access and amenity)

113. Vehicle Movement into the Site

All vehicles must be wholly contained on site before being required to stop.

(Reason: Safety)

114. Allocated Parking Spaces for Customers and Other Visitors to the Site

All parking spaces to which customers and other site visitors have access are to be clearly signposted and are to comply with the dimension requirements and aisle widths under AS2890.1 Parking Facilities – Off-Street Car Parking. Access to these spaces is not to be obstructed by any stack parking spaces. Stack parking areas are only to be located in areas of the building to which customers and other visitors do not have vehicular access.

(Reason: Safety and Convenience)

115. Regulatory Signposting

All costs associated with regulatory signposting associated with the proposed development are to be borne by the developer, with no costs to the RTA.

(Reason: Ensure Compliance)

116. Illuminated advertising signs

Illumination of the advertising signs and external illumination of the building are to be controlled by a time clock to switch off no later than 10.00 pm each night. In this regard, the time clock is required to be reset to address changes due to daylight saving. Illumination of the building and the open areas of the site is to be controlled so that glare nuisance is not caused to the residential properties opposite the site.

(Reason: Amenity)

117. Bunting/Flags

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

(Reason: Visual amenity)

118. Use of Dickson Avenue and Carlotta Street for Vehicle Testing

Dickson Avenue and Carlotta Street are not to be used for test driving of vehicles, including brake tests, unless prior approval for such has been obtained from the NSW Police by way of application to the RTA. The Traffic Supervisor of the North Shore LAC advises that the Pacific Highway will not be permitted to be used to conduct brake tests.

(Reason: Safety and Protection of public assets)

119. Hours of Operation

The hours of operation of the use are to be restricted to those times listed below, i.e.:

Motor showroom/sales

Friday - Wednesday 8am – 6pm

Thursday 8am – 9pm

Servicing/workshop

Monday – Saturday 7am – 7pm

Sunday closed

Car rental premises

Monday – Friday 7:30am – 6pm

Saturday & Sunday 8am – 12 noon

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

(Reason: Amenity)

120. Vehicle Display Areas

Vehicles for purchase are only to be displayed in the designated showrooms or the open display area on level 1. No vehicles are to be displayed for sale on the streets adjoining the site, in the landscaped areas or in allocated parking and vehicle storage areas within the site.

(Reason: Ensure compliance and Amenity)_

121. Allocation of Parking and Vehicle Storage Spaces

The 12 parking spaces on level 1 on the eastern side of the entry driveway in Carlotta Street, including the 2 spaces for the disabled, are to be designated as “customer parking”. The 9 parking spaces immediately west of the roller shutter door between gridlines G and H are to be designated as staff parking spaces, (not vehicle storage spaces).

The 24 parking spaces on level 2 accessed from the Dickson Avenue driveway, including the spaces shown on drawing 3148 DA 065 for the car rental facility, and the 3 spaces for the disabled, are to be designated as “customer parking”. The public is not to proceed to any parking or vehicle storage spaces beyond this point.

167 parking spaces are to be designated as vehicle storage, comprising:

- 102 spaces on level 5
- 8 additional spaces on level 5, to ensure compliance with the WDCP’s required number of vehicle storage spaces for 36 workbays. These spaces may be provided in a stack parking arrangement
- 42 spaces on level 1 (not being any of the publicly accessible spaces required as customer and staff parking)
- 15 spaces shown on drawing 3148 DA 064 issue H allocated for the car rental premises.

(Reason: Ensure compliance)

122. 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)

123. Vehicular Access and Garaging

Driveways and vehicular access ramps shall be designed to provide adequate ground clearance to the underside of B99 vehicles. In all respects, the proposed vehicle access and/or parking spaces shall be designed and constructed to comply with the minimum requirements of AS/NZS 2890.1 and

Council's standard specification.
(Reason: Vehicular access)

124. Analysis of Outlet Condition

All storage outlet pipes from the OSD tank shall be above the 1 in 100 year ARI level.
(Reason: Maintain designed discharge)

125. 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)

126. Street Signs

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

127. Public Infrastructure Restoration

Prior to the release of the Damage Deposit, any damaged public infrastructure caused as a result of the construction works on the subject site (including damage caused by, but not limited to , delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) must be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.
(Reason: Protection of Public Assets)

128. RTA Signage Requirements

The proposed signage must not have/use:

- Flashing lights;
- Electronically changeable messages;
- Animated display, moving parts or simulated movement;
- Complex displays that hold a drivers attention beyond 'glance appreciation';
- Displays resembling traffic signs; and
- A method and level of illumination that distracts or dazzles.

(Reason: RTA Requirements and Safety)