

**JOINT REGIONAL PLANNING PANEL  
(Sydney East Region)**

<b>JRPP No</b>	<b>2011SYE120</b>
<b>DA Number</b>	<b>2011/575</b>
<b>Local Government Area</b>	<b>Willoughby</b>
<b>Proposed Development</b>	<b>Demolition of existing buildings and construction of a 12 storey building for purposes of a Boarding House, business identification signs, and associated works.</b>
<b>Street Address</b>	<b>73 &amp; 77 Albert Ave Chatswood</b>
<b>Applicant</b>	<b>Iglu Pty Limited</b>
<b>Number of Submissions</b>	<b>6</b>
<b>Recommendation</b>	<b>Approval with Deferred commencement Conditions</b>
<b>Report by</b>	<b>Annie Leung - Development Planner</b>

## Assessment Report and Recommendation

### 73 & 77 ALBERT AVE CHATSWOOD

**JRPP Ref:** 2011SYE120

**DA NO:** DA-2011/575

**ATTACHMENTS:** Recommended Schedules of conditions

1. COMPLIANCE TABLE
2. SUBMISSIONS ISSUES & NOTIFICATION MAP
3. PLANS & ELEVATIONS
4. VPA REPORT & COUNCIL'S RESOLUTION

**MEETING DATE:** 6 JUNE 2012

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**LOCATION:** On the northern side of Albert Ave bounded by Thomas Lane & Fleet Lane

**APPLICANT:** IGLU PTY LIMITED

**PROPOSAL:** Demolition of existing buildings and construction of a 12 storey building for purposes of a Boarding House, business identification signs, and associated works.

**DATE OF LODGEMENT:** 25 NOV 2011

**REPORTING OFFICER:** ANNIE LEUNG

**RESPONSIBLE OFFICER:** IAN ARNOTT

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### **Description of development**

Development application 2011/575 seeks consent for demolition of existing buildings and construction of a 12 storey building for purposes of a Boarding House, business identification signs, and associated works.

### *Student Accommodation*

The proposed development will provide accommodation for 396 students. It comprises:

- 329 rooms (including 5 accessible bedrooms) in 63 cluster apartments, which have shared kitchen and lounge facilities in each apartment. Each apartment contains 4 – 6 bedrooms. 64 self –contained studio apartments with kitchenette.
- Ensuite is provided to each boarding room.
- 1 manager's residence (4 bedrooms, including 1 accessible bedroom)
- 2 car spaces for on-site manager/employees with access off Fleet Lane
- Storage for 80 bicycles

- Various communal areas, including outdoor courtyards, roof garden, library, games/media rooms, etc.

### *Operation*

The general office hours of the development are 8am – 6pm, Monday to Friday. Access to the building outside office hours is via secured access for resident students and staff only. Onsite resident assistants are proposed to be present on site 24 hours a day.

An Operations Plan has been prepared by the applicant and submitted with the application. Please refer to Appendix N of the submitted statement of Environmental Effects.

### *Thomas Lane Shared Pedestrian Zone*

The submitted Draft Voluntary Planning Agreement (VPA) accompanying the development application proposes land dedication along the Thomas Lane boundary of the site for purposes of Road Widening/Pedestrian Zone. The site is identified to be affected by road widening in Draft WLEP 2012 and WDCP 2005, but not identified in SREP 5. The content of the VPA also includes streetscape improvement works along Thomas Lane. The VPA was reported to Council's meeting on 14 May 2012. The Council has resolved to enter into the VPA with the developer. A copy of the Council's resolution is attached to this report. **(Attachment 4)**

### *Signage*

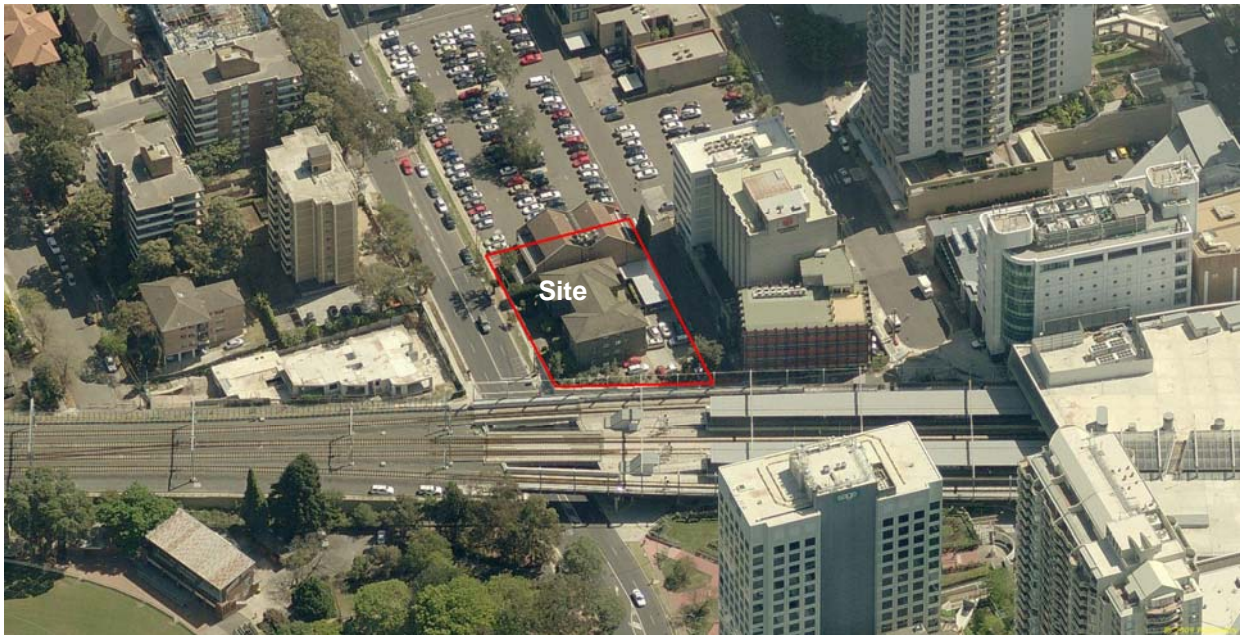
- 4 x business identification signs as follows:

Albert Ave (S elev)	5.92 x 6m (top level)
Thomas Ln (E elev)	5.565 x 6m (top level)
Thomas Ln (E elev)	3.4 x 2.56m (Ground Floor)
Fleet Ln (N Elev)	3.4 x 2.56m (Ground Floor)

### **Existing buildings and Site Context**

The site is located at the corner of Albert Ave, Thomas Lane and Fleet Lane in the Chatswood CBD. It comprises two existing allotments at No 73 and No 77 Albert Ave, identified as Lot 1 DP 618389 and Lot 1 DP 628598. The allotments together provide a site area of 1676.2m<sup>2</sup> (approximately 46.15/54.845 x 35.31/33.67m). The existing buildings at the site are strata offices with medical practices and professional suites.

The site is directly west of the Chatswood Railway Line (elevated bridge section) and is approximately 50m walk to the entrance of the Chatswood Bus and Rail Interchange. To the west of the site is Council's Thomas Street Car park, which has been approved for redevelopment for a 21 and 29 storey mixed use development through the former Part 3A major project process. This approved development has through site access from Albert Ave, Fleet Lane and Thomas Street. On the northern side of Fleet Lane, opposite the site are 4 to 7 storey office buildings. On the southern side of Albert Ave are recently developed medium rise residential flat developments.



**Figure 1 - Aerial View**

### **Neighbour Notification**

The application was notified from 8 Dec 2011 to 19 Jan 2012. The application attracted 6 submissions. The issues raised generally relate to increase of traffic, noise, and construction management issues. A summary of the submission issues are provided in **Attachment 3** of this report together with officer's comments on the relevant issues.

Notification of the amended plans and additional information received by Council on 28 Feb 2012 and 4 April 2012 are not considered necessary. The amended proposal primarily provides amendments and additional details to address issues raised during preliminary assessment of the application, and are not considered to result in additional impacts adjoining and surrounding properties.

### **CONTROL & CLASSIFICATIONS**

- i) Sydney Regional Environmental Plan No 5—(Chatswood Town Centre)
  - a. Zoning: 3(c2) Business Commercial Zone
  - b. FSR: 2.01:1
  - c. Height: 28m
- ii) State Environmental Planning Policy (Affordable Rental Housing)
- iii) State Environmental Planning Policy (Infrastructure)
- iv) State Environmental Planning Policy 1 – Development Standards
- v) State Environmental Planning Policy 55 – Remediation of Land
- vi) State Environmental Planning Policy 64 – Advertising and Signage
- vii) State Environmental Planning Policy 65 – Design Quality of Residential Flat Development
- viii) Draft Willoughby Local Environmental Plan 2012 (Currently on exhibition, previous exhibited as Draft WLEP 2009)
  - a. Zoning: B4 – Mixed Use
  - b. FSR: 5:1
  - c. Height: 34m
- ix) S94 Contributions: (subject of Draft VPA)

## Development Statistics

Detailed Assessment of the proposed development against the relevant numerical controls is provided in the compliance table attached to this report. (**Attachment 1**)

## Compliance with Plans and Policies

The proposal's main non-compliances with the relevant plans and policies are outlined below, and further discussed in the Assessment section of this report:

1. Floor Space Ratio (SREP 5) and Height (SREP 5) – The proposed development does not comply with the current development standards for height and FSR as contained in SREP 5. A SEPP 1 objection has been submitted against each of these standards. The primary reason in these objections in justifying departure from SREP 5 focus on the discrepancies between the density and building heights of existing and approved developments in the Chatswood CBD being well above the maximum prescribed in SREP 5, and the strict application of the current standards for height and FSR will be unreasonable in the circumstances.
2. Motorcycle Parking SEPP (ARH) – The provision of motorcycle parking is a development standard in SEPP (ARH).
3. Car Parking (WDCP) – The proposed boarding house development does not provide car spaces for lodgers.

## REFERRALS

Internal	
Building	Acceptable subject to standard conditions.
Development Engineering	Acceptable with respect to Part C.5 of WDCP and other Council policies, subject to Deferred Commencement Conditions B & C with respect to: <ul style="list-style-type: none"><li>• Stormwater Management plan</li><li>• Driveway long section</li></ul> And standard conditions of consent.
Traffic Engineering	The amended proposal and additional information (which includes the provision of loading facilities together with management plan, extension of shared zone along Fleet Lane frontage of the site and drop-off/pick up area) subject to conditions of consent with respect to: <ul style="list-style-type: none"><li>○ The creation of a Car Share Space</li><li>○ reconstruction of the footpath on the Albert Avenue frontage of the site</li><li>○ A 10km/h Shared Zone on Fleet lane in conjunction with existing shared zone on Thomas Lane</li><li>○ Construction of works on Thomas Lane subject to VPA</li><li>○ Service vehicle management for the proposed loading</li></ul>

		<p>facility</p> <ul style="list-style-type: none"> <li>○ A construction management plan, in particular how heavy vehicles will access the site,</li> <li>○ Green Travel Plan</li> </ul> <p>Please refer to discussions under Part C.4 of WDCP in this report. Noting conditions relating to the creation of a car share space is not supported by the assessing officer for reasons stated under the same section.</p>
Waste Coordinator		Acceptable subject to standard conditions
Landscape Officer		Acceptable subject to standard conditions of consent.
Environmental Health		Reviewed submitted application, including Preliminary Environmental Assessment Report, and Noise Assessment Report. The application is considered satisfactory subject to recommended conditions of consent.
Property (VPA)		Reviewed VPA and report to Council 14 May 2012. Please refer to Attachment 4 – VPA Report and Council's Resolution.
Access Committee (Council's Committee)	Steering Advisory	<p>Reviewed VPA and proposed works in Thomas Lane. No objection to the proposed works. General comments in relation to the disorderly use of paving/pavement materials can cause confusion for the visually impaired.</p> <p>Formal comments from the Committee will be considered in the development of the design and construction specification of the proposed Thomas Lane Embellishment works.</p>
External		
RailCorp (concurrence)		Concurrence issued with respect to SEPP(Infrastructure) <u>Deferred Commencement Conditions</u> , and conditions of consent with respect to impacts of rail noise to the proposed development.
Police (CPTED)		Amended proposal is considered to have addressed issues of concern initially raised against the proposal. Please refer to further discussion under Part C.11 – Safer by Design of WDCP of this report.
Urban Design Consultant		The proposed development is consistent with the good design principles of SEPP 65. Please refer to discussion under SEPP 65 section of this report.

Roads and Maritime Authority	VPA and associated works within the public road have been referred to RMS who advised Council to further pursue and resolve the transfer of road authority of various parts of the laneway to Council.
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## **ASSESSMENT**

### **SEPP (Affordable Rental Housing)**

The proposed development is consistent with the definition of a Boarding house as defined by the Standard Instrument (Principle LEP) as quoted below.

***boarding house means a building that:***

- (a) is wholly or partly let in lodgings, and*
- (b) provides lodgers with a principal place of residence for 3 months or more, and*
- (c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and*
- (d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers, but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.*

The proposed development is wholly for the purposes of lodging. 67 studio/self-contained dwellings will be provided with private amenities including bathroom and kitchenette. Ensuite is available to all rooms and dwellings. Shared facilities and communal amenities will be provided for all lodgers, including open space, recreation areas, laundry, bicycle parking, etc.

#### **26 Land to which Division applies**

Development for the purposes of a Boarding house is permissible in Zone B4- Mixed Use and equivalent zones pursuant to Clause 26 of SEPP (ARH). The current zoning of the site, C3 – Business General in SREP 5 is considered equivalent zone to Zone B4- Mixed Use in the Standard Instrument LEP.

#### **29 Standards that cannot be used to refuse consent**

Clause 29 prescribes the grounds for which a consent authority must not refuse consent to a development application made pursuant to this part of the SEPP for the carrying out of development for the purpose of a *boarding house* if the requirements contained in this clause are met. These requirements are not development standards, and non-compliances do not require objections in accordance with SEPP 1, unless prescribed by another planning instrument as development standards.

##### ***(1) Floor Space Ratio***

Clause 29 (1) of SEPP (ARH) provides a bonus FSR for Boarding House development above the maximum permissible FSR prescribed by another Environmental Instrument, including SREP 5(Chatswood) applicable to the subject development. The proposed FSR is in exceedance of the FSR Standard in SREP 5 (Chatswood), including the bonus FSR provided under this clause. The relationship of this clause to SREP 5 is discussed under the relevant heading SEPP 1 – Floor Space Ratio in this report.

(2) *Other requirements in Clause 29*

(a) *building height*

*if the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land,*

The proposed development exceeds the building height prescribed in SREP 5 (Chatswood). Please see further discussion under the relevant heading SEPP 1 – Height in this report.

(b) *landscaped area*

*if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located,*

Comments: The front setback of the proposed development along Albert Ave generally aligns with the adjacent approved major project development, and will be provided with landscaped treatment that is complementary to the streetscape.

(c) *solar access*

*where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,*

Comments: Communal living room means *a room within a boarding house or on site that is available to all lodgers for recreational purposes, such as a lounge room, dining room, recreation room or games room.*

The proposed development provides communal living rooms/areas as follows:

	Indoor/Outdoor	Area (m <sup>2</sup> )
Central courtyard ground floor (RL95)	Outdoor	337
Albert Ave courtyard and communal laundry with break out area Ground floor (RL98.5)	Indoor and Outdoor	65+54
Ground floor games and recreation area (RL95) with void above and media/TV room (RL95) with void above	Indoor	313
Common area/ roof terrace (Level 11 RL 127.50)	Outdoor	98



The proposed communal living rooms/areas are positioned to maximize solar access, particularly the massing of the proposed development with respect to the central courtyard area, and the location and positioning of the proposed roof terrace. However, the proposed development is significantly affected by contextual shadows from existing development on Thomas Street, which will reduce solar access available to the site. Nevertheless, the proposed development is considered to satisfy the intent of the requirements of this clause.

*(d) private open space*

*if at least the following private open space areas are provided (other than the front setback area):*

- (i) one area of at least 20 square metres with a minimum dimension of 3 metres is provided for the use of the lodgers,*
- (ii) if accommodation is provided on site for a boarding house manager—one area of at least 8 square metres with a minimum dimension of 2.5 metres is provided adjacent to that accommodation,*

Comments: As tabulated above, the proposed development will provide a number of open space areas that satisfy the requirements of this sub-clause. In addition to the above, the proposed clustered apartments also include a communal lounge rooms within each apartment. A separate private open space of 8m<sup>2</sup> is also provided for the onsite manager.

*(e) parking*

*if:*

- (i) in the case of development in an accessible area—at least 0.2 parking spaces are provided for each boarding room, and*
- (ii) in the case of development not in an accessible area—at least 0.4 parking spaces are provided for each boarding room, and*
- (iii) in the case of any development—not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site,*

Comments: No car parking space will be provided for the boarding rooms. Please see further discussion under the relevant heading – WDCP – C.4 – Transport Requirements. 3 car spaces will be provided on site, including two staff spaces and a disable/accessible car space.

*(f) accommodation size*

*if each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least:*

- (i) 12 square metres in the case of a boarding room intended to be used by a single lodger, or*
- (ii) 16 square metres in any other case.*
- (3) A boarding house may have private kitchen or bathroom facilities in each boarding room but is not required to have those facilities in any boarding room.*
- (4) A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (1) or (2).*

Comments: The proposed boarding rooms are greater than 12 and 16m<sup>2</sup> respectively.

### **30 Standards for boarding houses**

Clause 30 of the SEPP prescribes the following development standards. The proposed development complies with these standards as noted in the Development Statistics with the exception of the provision of motorcycle bays as further discussed below.

*(1) A consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following:*

*(a) if a boarding house has 5 or more boarding rooms, at least one communal living room will be provided,*

Comments: The proposed development satisfies the requirement of this sub-clause. As discussed previously under subheading Clause 29, the proposed development will provide several living areas and recreation areas on the ground floor for communal use, and a roof terrace area. All boarding rooms, other than the self contained studio units, are grouped to form clustered apartments with a maximum of 6 boarding rooms sharing one living room within each clustered apartment.

*(b) no boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25 square metres,*

Comments: The maximum gross floor area of the proposed boarding rooms is less than 25m<sup>2</sup>.

*(c) no boarding room will be occupied by more than 2 adult lodgers,*

Comments: The proposed boarding rooms are indicated for single lodgers on the submitted plans. Condition of consent is recommended to limit the lodgers to a maximum of one for each boarding room in the proposed cluster apartments and maximum of 2 lodgers in each of the proposed self contained studio apartment. **(Condition 98)**

*(d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger,*

Comments: The 64 self contained dwellings/studios within the proposed development will be provided with individual bathroom and kitchenette facilities. Each of the cluster apartments (with up to 6 boarding rooms) has shared kitchen facilities, and ensuites to each room.

*(e) if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager,*

Comments: Managers' residence is provided onsite on the ground floor of the proposed development. A management plan has also been submitted with the application with respect to the operation and management of the proposed development.

*(g) if the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for*

*residential purposes unless another environmental planning instrument permits such a use,*

Comments: The ground floor of the proposed boarding house is occupied by reception area, and other communal living area and recreation areas to provide a commercial-like building appearance and an active frontage to both Thomas Lane and Albert Ave frontage of the site.

*(h) at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms.*

Comments: The proposed development provides 80 parking spaces for bicycles according to the above standard, but does not provided any motorcycle bays. The departure from the standard is subject to the submitted SEPP 1 objection as assessed and considered below.

## **SEPP 1 OBJECTION**

### **Motorcycle parking [Clause 30(H) SEPP ARH]**

The application is accompanied by SEPP 1 Objections against the development standards contained in Clause 30(h) of Sydney Environmental Planning Policy (Affordable Rental Housing), which prescribes the minimum provision of motorcycle parking spaces for boarding houses.

#### Extent of variation

Clause 30(h) states:

*(h) at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms.*

For the proposed 395 boarding rooms, 79 bicycle spaces and 79 motorcycle bays are required. The proposed development provides 80 bicycle spaces but does not provide any motorcycle bays.

#### Objectives of the standard

There is no explicitly stated objective in the SEPP to the standard. The applicant's SEPP 1 submission assumes that the standard seeks to reduce car ownership and promote alternate forms of transport. The assumption is considered reasonable and consistent with the objectives of SREP No 5 and Part C.4 - Transport Requirements for Development of the Willoughby Development Control Plan.

#### Grounds for variations

The applicant submits that the proposed variations should be approved for the reasons (quoted in "*italics*") discussed below.

- *"very close proximity of the site to the Chatswood Bus Rail Interchange which provides direct public transport services to multiple tertiary institutions and other education facilities."*

Comments: The site is approximately 50m walk or less than 1 minutes walk from the Chatswood Bus Rail Interchange.

The Chatswood Railway Station provides access to both the North Shore Railway Line, which connects to the City, and the Chatswood –Epping Railway Line connecting to Macquarie University. Both lines have frequent train services.

The applicant indicates that students from Macquarie University will be their primary clientele. The travel time between Chatswood and Macquarie University is less than 15 minutes, and is likely to be a more attractive mode of transport than travel by private motor vehicles due to parking restrictions at Macquarie University, costs and potential traffic congestion around Chatswood and the Macquarie/North Ryde Area.

The application is also accompanied by a VPA that contains improvement works that will further improve pedestrian and cycle access between Chatswood Bus Rail Interchange, Thomas Lane, to the development site and Albert Ave.

- *The site is also located in very close proximity to an extensive range of shops, services and restaurants, all of which can be accessed by walking.*

Comments: Chatswood is a major retail centre that will meet the daily banking, groceries, medical and general retail needs of the future occupants of the proposed development. Westfield Shopping Centre and Mandarin Centre are both less than 100m walking distance from the site.

- *car ownership at student accommodation tends to be very low, with typically less than 2.5% of students owning a car where offstreet car parking is available.*

Comments: Council's officer has sought further information with respect to car ownership by occupants of similar developments. In response, the applicant has submitted a Green Travel Plan, which includes a table titled *Parking Demand – Purpose-built Student Accommodation located within 400m of Railway station*. The table indicates that the several similar developments that are in close proximity to railway station do not provide any car parking, including an approved development at Chippendale by the same developer as the current application.

- *The absence of any carparking for students will also help to minimise the amount of traffic generated by the site, thereby reducing (if not eliminating altogether) any adverse traffic impacts on the Chatswood CBD road network.*

Comments: The Green Travel Plan submitted for the application also includes the following key actions to further support and encourage the use of public transport by the future occupants of the proposed development:

- *Clear communication of public transport options available, cost advantages of public transport travel and incentives available*
- *Investigation and awareness building of incentives to encourage public transport travel*
- *Encouragement of pedestrian and cycle travel including provision of secure bicycle parking*

The applicant further argues that strict compliance with the development standard will hinder the development in achieving the objects of the EP&A Act for the reasons quoted below:

- *the provision of 79 motorcycle parking spaces, which would consume a considerable amount of floor space, when there is no demonstrated demand for such parking.*
- *Restrict development of the land in a manner that encourages the student boarders to walk, cycle or travel by public transport.*
- *Frustrate financial viable development of the site and therefore the orderly and economic use and development of the land.*
- *Constrain the proposed development which provides purpose built accommodation for students, which in turn frees up demand for more conventional housing stock in the Willoughby local government area, improving housing affordability.*

Comments: The construction of additional parking spaces, whether for motorcycles or cars are likely to involve substantial excavation for basement level(s) at the site. Whilst development cost is not a planning consideration, the construction of basement levels at this site is likely to increase construction risks and potential structural impacts to the railway infrastructure parallel to Thomas Lane directly opposite the site, and is not considered to be in the interests of the public.

Part of Thomas Lane is also an existing shared way for bicycles and pedestrian. The introduction of addition vehicles, whether it is motorcycles or cars are likely to adversely affect pedestrian/cycle safety due to the current configuration of Fleet Lane and Thomas Lane, which facilitate very limited traffic circulations. The applicant has also agreed to extend the current shared way on Thomas Lane to Fleet Lane along the frontage of the site. **(Condition 47)**

Surrounding streets to the site are all affected by parking restrictions and metered parking with no free or unrestricted car parking available within a 5 – 10minute (400-800m) walking distance from the site. The approved Thomas Street Car Park development adjoining the site will include a public car park, but the car park will also be metered/fee based. This is likely to discourage any student with car ownership to seek accommodation at the site. Indeed the primary attraction of the proposed development for any future occupants is its ease of access to public transport and the retail centre.

### **Recommendations with respect to SEPP 1 against Clause 30(h) SEPP (ARH)**

Based on the above assessment, it is recommended that the submitted SEPP 1 objection against Clause 30(h) Motorcycle Parking of SEPP (ARH) be supported, on the basis that the objective of the standard, to reduce car ownership and promote alternate forms of transport, will be achieved by the proposed development despite non-compliance with the numerical standard.

It is recommended that a condition of consent be imposed with respect to the submitted Green Travel Plan to provide on-going support and development of sustainable transport for the development. **(Condition 57)**. Further discussion on transport and parking

requirement is provided under the relevant heading WDCP – Part C.4 – Transport Requirements.

In addition, the construction of extensive facilities to accommodate motorcycles at the development site adjacent to the railway infrastructure, and vehicular access to the site by motorcycles via the existing shared way on Thomas Lane and the proposed shared way along the Fleet Lane frontage of the site is not considered to be in the interest of the public.

The proposed variation to Clause 30(h) Motorcycle Parking of SEPP (ARH) is not considered to affect any matter of significance for State and regional planning. It is based on the site and development specific circumstances, and minimise any impacts on the existing road network.

### 30A Character of local area

Clause 30A requires the consent authority to take into consideration whether the design of the development is compatible with the character of the local area.

The site is located in a commercial/mixed use precinct. It is essential for the ground floor component of the proposed development to provide suitable active frontage to its street boundaries. This includes integration with approved mixed use development at adjoining sites in terms of streetscape presentation on Albert Ave, and improved pedestrian access and visual connection along the Fleet Lane and Thomas Lane frontages of the site. The submitted plans indicate that the proposed building in its present form mainly addresses the Thomas Lane frontage of the site, but provides visual permeability through its central courtyard to both Fleet Lane and Albert Ave.

Along the Albert Ave frontage of the proposed development, communal areas including a communal laundry, and break-out areas are provided to address the street. The courtyard area is separated from the street with the change in levels/height together with suitable landscaping. A two storey foyer/atrium is provided at the corner of Albert Ave and Thomas and along the Thomas Lane frontage of the site. Visual connection is provided between the common areas proposed on the ground floor of the development to the street frontages of the site to maintain a sense of activity as viewed from the public domain.

The contemporary architectural design of the proposed development is considered suitable for its CBD location, and comparable to recent commercial developments at the locality. The scale and height of the proposed development is considered compatible with existing and approved development in the vicinity. The submitted SEPP 1 objections against the height and FSR standards in SREP 5 are further considered against the design merits of the proposed development as set out under the relevant headings in this report.

### State Regional Environmental Plan No 5 (Chatswood Town Centre)(SREP 5)

#### *Objectives of the plan*

The general aim and objective of SREP 5 is to facilitate development of land within the Chatswood Town Centre so as to improve employment opportunities and service the needs of the surrounding area. The proposed “boarding house” will provide suitable short to medium term off campus accommodation for university students at close proximity to

the Chatswood Bus and Rail interchange, and is consistent with the general objective of the plan.

The specific objectives of the Zone 3(C3) – Business General Zones are

- (i) *to encourage the development of a secondary small scale mixed commercial, residential and retail zone,*
- (ii) *to minimise the visual impact of business development on adjacent residential areas,*

The proposed development is considered a suitable usage to as a transition between the commercial core of Chatswood CBD and the residential developments on the southern side of Albert Ave. It is a form of residential accommodation, which is unlikely to generate significant amenity impacts in terms of traffic, and noise, but will maintain a building appearance and presence akin to commercial development, including the ground floor component with glazed frontages, and 24 hour reception/common areas to provide casual surveillance and activities to Albert Ave and Thomas Lane.

#### **7J Zone 3 (c3)—Business General Zone**

Hotel, motel, and residential flat building are permissible in the zone. However, boarding house is not a permissible use under Clause 7J of SREP 5, but is permissible pursuant to SEPP (ARH) as previously stated in this report.

#### **Clause 11 Floor Space Ratio**

The proposed development does not comply with the prescribed FSR standard of 2.01:1. The departure from the FSR standard is subject to the submitted SEPP 1 objection as assessed and considered below.

### **SEPP 1 OBJECTION**

#### **Floor Space Ratio [Clause 11 SREP 5 (Chatswood)]**

The application is accompanied by SEPP 1 Objection against the development standard contained in Clause 11 of Sydney Regional Environmental Planning Policy No 5 (Chatswood Town Centre), which prescribes the maximum FSR for the land.

Subclause (2)(d) of Clause 11 states that:

*in the case of a building on land within Zone No 3 (c2), not being land bounded by McIntosh Street, O'Brien Street, the Pacific Highway and Railway Street, having a site area of 1 500 square metres or more—4:1 or 2:1 plus 0.1:1 for each 100 square metres by which the site area exceeds 1 500 square metres, whichever is the lesser,*

#### **Extent of variation**

Based on a site area of 1676.2m<sup>2</sup>, the maximum permissible FSR is calculated as follows:

Maximum permissible = 3352.4 + 17.62 = 3370.02m<sup>2</sup> and FSR 2.01:1  
Proposed = FSR 6.19:1

### *FSR Bonus provisions*

Clause 11 incorporates provisions to vary or exceed FSR permissible in subclause 2(d) if prescribed requirements are met, including the dedication of land zoned within 9(a) for purposes of road widening. The proposed development's accompanying VPA dedicates 70.6m<sup>2</sup> for purposes of public road in lieu of the developer's contribution required under s94 of the Act. The site is not identified to be within Zone 9(a) (proposed road widening). In this regard, the bonus FSR described in subclause 4, 6 and 7 of Clause 11 of SREP 5 is not applicable to the development.

### *SEPP (ARH)*

State Environmental Planning Policy (Affordable Rental Housing) concurrently applies to the proposed development, being a Boarding House (Student Accommodation). Clause 29 of the SEPP prescribes the grounds for which a consent authority must not refuse consent to a development application made pursuant to the SEPP for the carrying out of development for the purpose of a boarding house if the requirements contained in the clause are met. In subclause c) of Clause 29, it is stated that:

- (c) if the development is on land within a zone in which residential flat buildings are permitted and the land does not contain a heritage item that is identified in an environmental planning instrument or an interim heritage order or on the State Heritage Register—the existing maximum floor space ratio for any form of residential accommodation permitted on the land, plus:*
  - (i) 0.5:1, if the existing maximum floor space ratio is 2.5:1 or less, or*
  - (ii) 20% of the existing maximum floor space ratio, if the existing maximum floor space ratio is greater than 2.5:1.*

The proposed development does not meet Subclause c) (quoted above), which permits a FSR up to 2.51 (2.01+0.5).

### Grounds for variations

The applicant submits that the proposed variations should be approved for the reasons (quoted in "*italics*") discussed below.

SREP 5 does not contain explicit objective for FSR standard contained in Clause 11. The applicant assumes the following objectives for the standard, and seeks to demonstrate that the proposed development meets these objectives despite numerical variations.

- “(a) To achieve an appropriate height, bulk and scale*
- (b) To provide compatibility with existing and future development in Chatswood centre*
- (c) To safeguard visual privacy of nearby dwellings*
- (d) To minimise overshadowing (particularly overshadowing of nearby open spaces including Chatswood Park and the Garden of Remembrance)*
- (e) To protect existing views*
- (f) To limit the density of development in the centre to minimise adverse traffic impacts”*

Comments: The applicant's assumed objectives are considered relevant to the consideration of the proposed variation to the FSR standard. In addition, it is considered that the density of a development (expressed as a FSR) may also affect the level of



internal amenity of the development. This issue of concern is more specifically discussed in the context of SEPP 65 – Design Quality of Residential Flat Buildings.

*“The proposal has an appropriate height, bulk and scale and is compatible with the existing and approved built form in Chatswood Centre (assumed objectives (a) and (b)) for the following reasons:*

- a) Draft Willoughby Local Environmental Plan 2009 (Draft WLEP 2009) prescribes a 5:1 FSR development standard for the site. ....*
- b) Draft WLEP 2009 should be given determinative weight.....*
- c) The FSR development standard in SREP 5 has been virtually abandoned or destroyed by the granting of consents (under the former Part 3A of the EP&A Act) that depart from the standard. ....*
- d) As noted in the previous points, there is considerable precedence for variation of the FSR development standard in SREP 5 and the variation sought by the proposal is considerably smaller than that approved on nearby sites.*
- e) Compliance with the standard is inappropriate given the current environmental character of the site. The very modest scale of the proposal is illustrated on the attached Chatswood Centre elevation prepared by Bates Smart.*
- f) The proposal is consistent with a long standing urban design principle where building height limits in Chatswood Centre are set such that an arc is formed across the Centre’s skyline (encouraging lower buildings on the circumference of Chatswood Centre with taller buildings near the origin of the circle) to clearly delineate where the ‘heart’ of the Centre is located.*

Comments: The primary rationale contained in the applicant’s submission against the FSR and Height standards contained in SREP 5 is based upon the standards being destroyed or abandoned by various recent approvals in the vicinity of the site being well above the current standards, including immediately adjoining development to the west of the site, known as the Thomas Street Car Park development (Part3A major projects). A FSR comparison has been included in the submitted SEPP 1 objection, which notes that FSR of the immediately adjoining Part 3A development at the Thomas Street Car Park is at 11:1.

SREP 5 was first gazetted in 1983, and is not considered to reflect the FSR, and height of recent developments in Chatswood CBD. The proposed development standards as contained in exhibited Draft WLEP 2012, which takes into account the recent developments of Chatswood CBD, particularly recent large scale developments in proximity to the new Chatswood Bus and Rail Interchange is considered to better reflect the current development context of the site and the desired future character of the precinct.

When measured against the proposed FSR in Draft WLEP 2012 together with the bonus applicable to boarding house development pursuant to SEPP (Affordable Rental Housing) above the standard, the proposed development will conform as outlined below:

Based on a site area of 1676.2m<sup>2</sup>, the maximum permissible FSR based on Draft WLEP 2012 is calculated as follows:

Maximum permissible Gross Floor Area = 8381 + 1676.2m<sup>2</sup> = 10057.2 m<sup>2</sup>  
Maximum FSR 5:1 + 1 (20% SEPP ARH bonus) = 6:1

Proposed Gross Floor Area = 9647m<sup>2</sup> (NB)  
Proposed FSR = 5.76:1

NB: The calculation of Gross Floor Area for FSR standard contained in the Draft WLEP 2012 is measured from the internal face of external walls. This results in a relaxation of the measure of Gross Floor Area when compared with the definition of Gross Floor Area contained in SREP 5, which measures from the external face of external walls.

“The proposal will have acceptable environmental impacts (assumed objectives (c), (d), (e) and (f)) as:

- a) *The additional FSR does not generate additional overshadowing on Chatswood Park and the Garden of Remembrance nor any material new shadows on existing or approved residential properties (refer Shadow Diagrams by Bates Smart and Section 5.2 in the SEE).”*
- b) *The proposal improves the environmental and aesthetic quality of the Chatswood Town Centre by improving an underdeveloped site.*
- c) *The proposal has a high standard of landscape and architectural design.*
- d) *The proposal achieves a reasonable level of view sharing for existing and approved residential development (refer Section 5.2 in the SEE).*
- e) *Compared with the existing office uses on the site, the proposal will reduce traffic generated by the site (refer Appendix B and Section 5.2 in the SEE).*

Comments: The extent of the overshadowing impact of the proposed development is not considered to be the result of the proposed FSR non-compliance. Detailed discussion on the overshadowing impacts of the proposed development are provided under the SEPP 1 – Height below, and the Neighbour Notification Issues section in **Attachment 3** with respect to specific issues raised in public submissions received.

The proposed 12 storey building is considered appropriate in bulk and scale, and in transitioning between existing and approved high rise commercial and mixed use buildings (10 – 30 storey) to the north west of the site, and the 8 -10 storey residential flat buildings on the southern side of Albert Ave. The road carriageway of Albert Ave is approximately 12m in width with additional footpath/road reserve, and building setbacks on either side of Albert Ave, providing substantial separation between the subject site and residential developments on the southern side. A landscaped setback up to 4.3m in width is also provided along the Albert Ave frontage of the site to suitably soften the building façade when viewed from residential developments on the opposite side of Albert Ave.

The primary building façade of the proposal facing Albert Ave is broken up into an eastern wing and a western wing, with the connecting section of the building setback at approximately 9m from the street boundary to provide visual relief to the building façade. The eastern wing of the proposed building also has an angled alignment with the street boundary of Albert Ave which creates a sense of movement to the proposed built forms at

the street corner of Albert Ave and Thomas Lane towards the Railway line. The visual bulk of the proposed building as viewed from Albert Ave is considered appropriate with respect to the development context of the site, the size and dimensions of the site, and the width of Albert Ave.

*“..... strict application of the FSR standard would hinder the attainment of these objects of the EP&A Act in the following manner:*

- *Restrict development of the site in a manner that is consistent with the draft planning regime which has been exhibited and endorsed by the Council; compromising the social and economic welfare of the community.*
- *Frustrate financially viable development of the land and therefore the orderly and economic use and development of the land.*
- *Constrain the proposed development which provides purpose built boarding house accommodation for students, which in turn frees up demand for more conventional housing stock in the Willoughby local government area, improving housing affordability.*
- *SREP 5 is an outdated planning instrument first gazetted on 26 August 1983 (that is 29 years ago). Chatswood has changed considerably over this period and a number of developments have been approved that largely disregard the provisions of SREP 5 (see point 3 above). In addition, SREP 5 has been amended on numerous occasions to the point where it is an almost unworkable planning tool. In comparison, Draft WLEP 2009 is a standard instrument LEP that reflects contemporary planning practice and Council’s desired future character for Chatswood Town Centre. Strict compliance with the FSR development standard in SREP 5 would hinder attainment of the objects of the EP&A Act as it would frustrate a development that has been designed generally in accordance with Draft WLEP 2009. “*

Comments: Strict application of the FSR standard contained in SREP 5 is considered unreasonable having regard to the established and on-going development context of the site which substantially departed from the current FSR standard.

### **Recommendation with respect to SEPP 1 against Clause 11 FSR - SREP 5**

Based on the above assessment, it is recommended that the submitted SEPP 1 objection against Clause 11 – FSR of SREP 5 be supported, having regard to the objectives of the standard, to ensure developments are of appropriate bulk and scale, of suitable density in proportion to the environmental capacity of the site, and compatible with its development context noting that these objectives will be achieved by the proposed development despite non-compliance with the numerical standard. The proposed development is unlikely to generate significant vehicular traffic due to the site’s ease of access to public transport, and the nature of the proposed use, being a form of residential accommodation specifically catering for tertiary students. Matters relating to internal amenity and design resulting from the proposed density of the development are further discussed under the relevant heading SEPP 65 – Design Quality of Residential Flat Building in this report.

The current FSR standard contained in SREP 5 has been severely weakened by consents being granted through the State Government’s former Part 3A process for developments adjoining and surrounding the site, which substantially departed from the FSR standard, and setting a much higher density development context than envisaged by SREP 5. In

addition, SREP 5 is a dated planning instrument that has not been reviewed in a timely manner to reflect the evolving development context of Chatswood CBD, particularly the precinct surrounding the new Chatswood Bus and Rail Interchange.

The proposed variation to Clause 11 of SREP 5 is not considered to affect any matter of significance for State and regional planning. The proposed FSR and departure from the standard is based on planning reasons as outlined above, and is generally consistent with the existing development context of the site, and the desired future character of the precinct as envisaged in Draft WLEP 2012, which is currently on public exhibition.

### Clause 15 – Height

The proposed development does not comply with the prescribed Height standard of maximum 28m. The departure from the Height standard is subject to the submitted SEPP 1 objection as assessed and considered below.

## **SEPP 1 OBJECTION**

### **Height [Clause 15 SREP 5 (Chatswood)]**

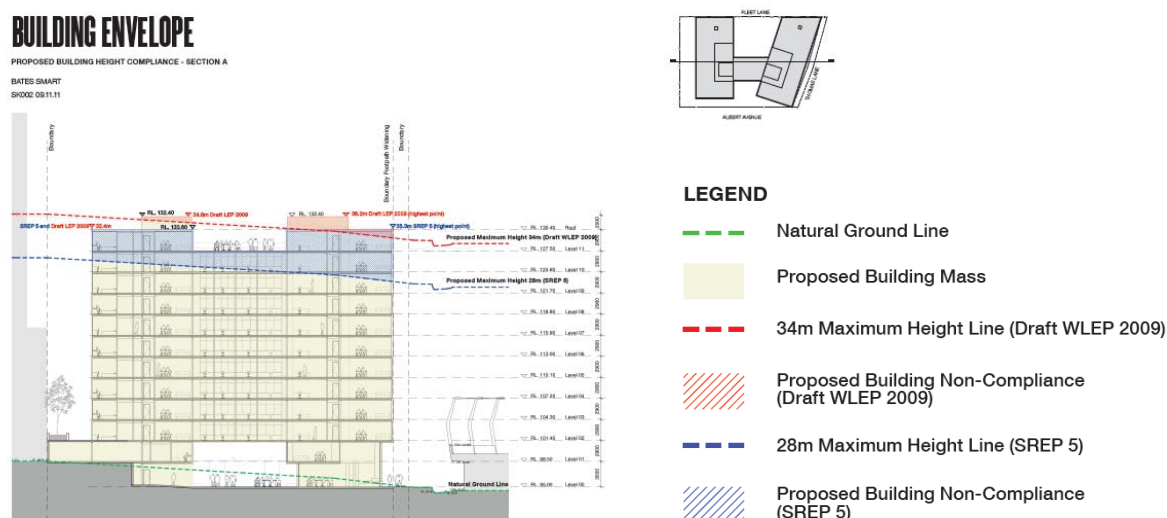
The application is accompanied by a SEPP 1 Objection against the development standard contained in Clause 15 of Sydney Regional Environmental Planning Policy No 5 (Chatswood Town Centre), which prescribes the maximum building height for the development.

### Extent of variation

Subclause 15(2) states that:

- (2) *The council shall not consent to the erection of a building on land bounded by Thomas Street, Albert Avenue, Thomas Lane and the Pacific Highway having a height of more than 28 metres.*

The proposed development has a building height of 32m to 36.3m pursuant to SREP 5 (the SREP 5 definition of height excludes lift towers or other service installations). The submitted SEPP 1 objection includes the diagram below to illustrate the extent of the proposed non-compliance.



**Figure 2 – Extract of SEPP 1 – Height Submission**

### Grounds for variations

The applicant submits that the proposed variations should be approved for the reasons (quoted in *“italics”*) discussed below.

SREP 5 does not contain an explicit objective for the Height standard contained in Clause 15. The applicant assumes the following objectives for the standard, and seeks to demonstrate that the proposed development meets these objectives despite numerical variations.

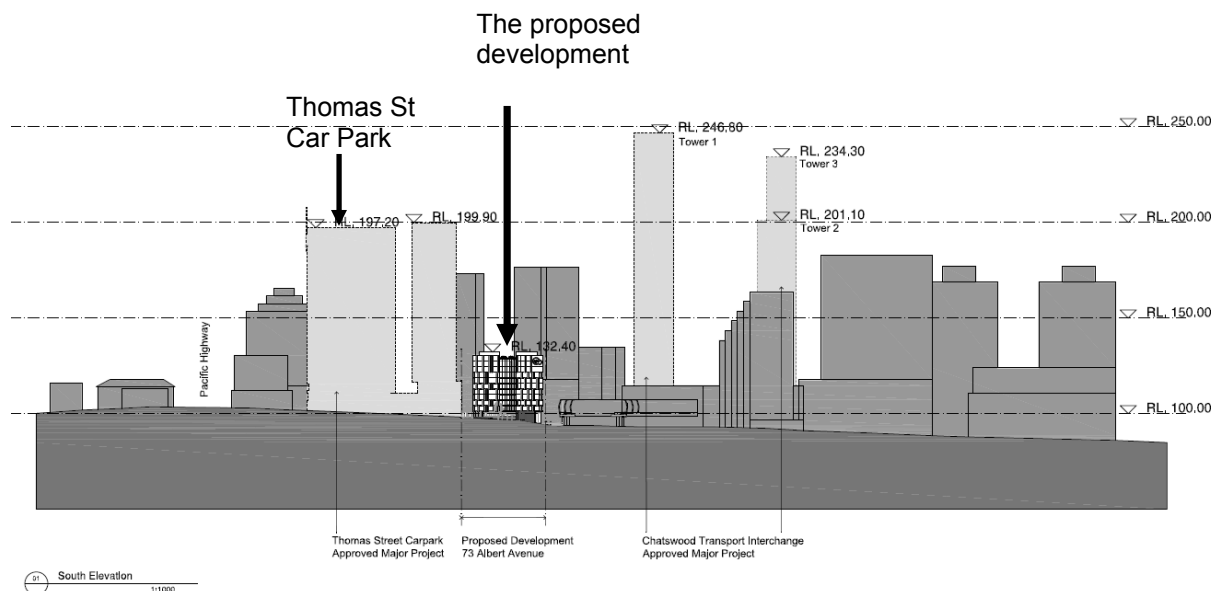
- (a) To achieve an appropriate height, bulk and scale*
- (b) To provide compatibility with the nearby development*
- (c) To safeguard visual privacy of nearby dwellings*
- (d) To minimise overshadowing (particularly overshadowing of nearby open spaces including Chatswood Park and the Garden of Remembrance)*
- (e) To protect existing views.*

Comments: The applicant assumed objectives for the height standard are considered reasonable with respect to the objectives of the Plan and its development context. In addition, the specific height standard for the precinct (bounded by Thomas Lane, Thomas Street, Albert Ave and Pacific Highway) also supports the gradual reduction in height from the centre of the Chatswood CBD to its peripherals and to the surrounding residential area.

*“The proposal has an appropriate height, bulk and scale and is compatible with the existing and approved built form in Chatswood Centre (assumed objectives (a) and (b)) for the following reasons:*

- a) Draft Willoughby Local Environmental Plan 2009 (Draft WLEP 2009) prescribes a 34m height development standard for the site. With a height of 32m to 38m (based upon the definition of height in Draft LEP 2009), the proposal has been designed to give due regard to the draft development standard.*
- b) As illustrated by the Building Envelope sections prepared by Bates Smart (attached to this SEPP 1 objection), the variation to the 34m height standard in Draft WLEP 2009 is minor.*
- c) Draft WLEP 2009 should be given determinative weight .....*
- d) The height development standard in SREP 5 has been virtually abandoned or destroyed by the granting of consents (under the former Part 3A of the EP&A Act) that depart from the height standards in SREP 5. ....*
- e) Compliance with the standard is inappropriate and the proposal has a very modest height when compared with existing and approved buildings in the vicinity (as illustrated by the Albert Avenue Streetscape Elevation prepared by Bates Smart and attached to this objection).*
- f) As noted in the previous points, there is considerable precedence for variation of the height development standard in SREP 5 and the variation sought by the proposal is considerably smaller than that approved on nearby site.*
- g) The proposal is consistent with a long standing urban design principle where building height limits in Chatswood Centre are set such that an arc is formed across the Centre’s skyline (encouraging lower buildings on the circumference of Chatswood Centre with taller buildings near the origin of the circle) to clearly delineate where the ‘heart’ of the Centre is located.*

Comments: Similar to the consideration of the application's SEPP 1 objection against the FSR standard in SREP 5 as previously discussed in this report, the current Height standard contained in SREP 5 presents significant discrepancies with the actual development context of the site due to approved building heights of recent development in the vicinity of the site being well above the current standard. The submitted SEPP 1 objection includes the following diagram which clearly illustrates a development context of much greater building heights than those permissible under SREP No 5.



**Figure 3 - Extract from submitted SEPP 1 objection against height standard illustrating skyline/building heights of Chatswood CBD in comparison to the proposed development.**

The proposed height standard contained in exhibited Draft WLEP 2012 (and previous Draft WLEP 2009) is considered to better reflect building heights of recent developments in Chatswood CBD and the desired future character of the precinct. The draft height standard in Draft WLEP 2012 is a maximum of 34m. The proposed development is largely consistent with the draft height control, with the exception of its eastern elevation facing the railway line, and parts of its lift overruns. The proposed building along its eastern elevation is up to 36m in height (2m above the draft standard). The lift overrun for the eastern wing of the proposed building is up to 37.5m in height. The lift overrun for the western wing is below 34m.

The minor non-compliance is attributed to a slight fall of the site from its western to its eastern boundary (towards the railway line) for approximately 3.5m. The building height along the western elevation of the proposed building is approximately 32m (2m below the draft height standard).

*“The proposal will have acceptable environmental impacts (assumed objectives (c), (d) and (e)) as:*

- a) The proposal improves the environmental and aesthetic quality of the Chatswood Town Centre by improving an underdeveloped site.*
- b) The proposal does not result in any loss of privacy (refer Section 5.2 in the SEE).*

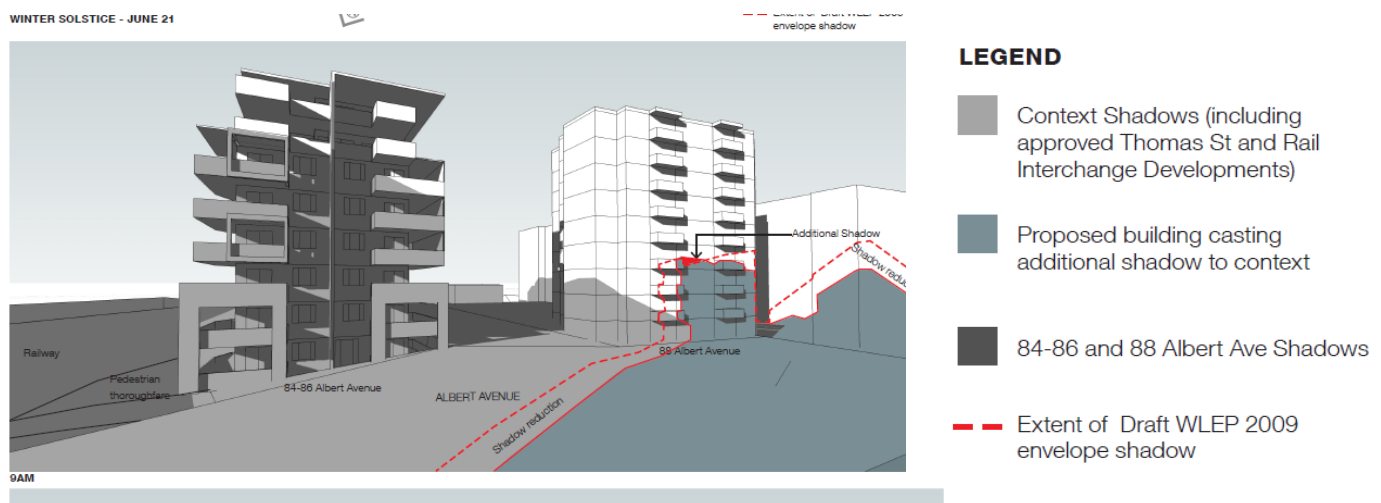
- c) *The proposal has a high standard of landscape and architectural design.*
- d) *The proposal achieves a reasonable level of view sharing for existing and approved residential development ((refer Section 5.2 in the SEE).*
- e) *The additional height reduces the site cover of the proposal and enables the provision of a generous communal courtyard that adds to the amenity of the site. The low site cover also maximises water infiltration and solar access and ventilation to the boarding rooms.”*

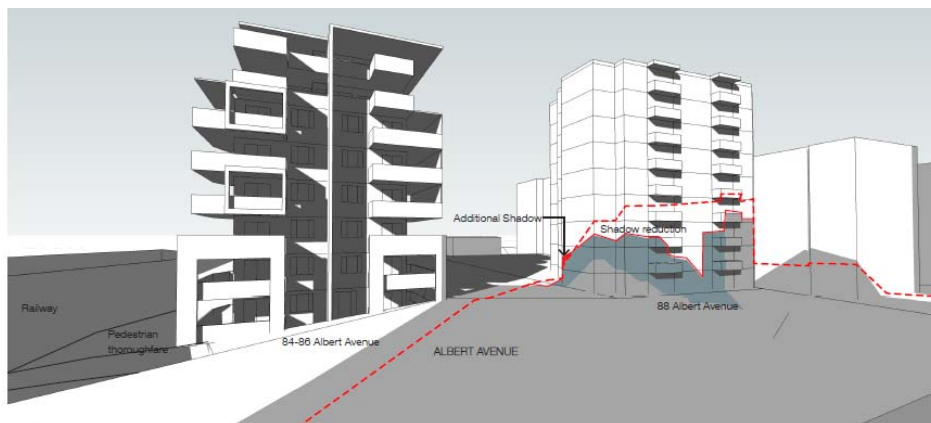
Comments: The urban form and scale of the proposed development is compatible with its existing development context within the Chatswood CBD and consistent with the desired future character of the precinct as captured by the proposed zoning and development standard for the site in Draft WLEP 2012. The proposed building height provides an effective building footprint that takes advantage of the absence of any basement structure to allow for deep soil landscaping along the Albert Ave frontage of the site and within the central courtyard area.

Strict compliance with the draft height standard by increasing the height of the western elevation and reducing the height of the eastern elevation of the proposed building is unlikely to achieve a better planning outcome, and may result in an imbalance in the distribution of building mass across the site.

Those parts of the proposed building encroaching on the draft height standard do not significantly contribute to the external impacts of the proposed development, including overshadowing. Additional shadow diagrams have been requested from the applicant in comparing the proposed development if fully in compliant with the draft height control of 34m is achieved against impacts of the proposed development as proposed. The additional shadow diagrams indicate that those parts of the proposed building encroaching above the draft height standard of 34m has no material effects to solar access to the residential units on the southern side of Albert Ave. (See diagrams below)

Overshadowing impacts of the proposed development to specific residential unit/ public submission are provided in **Attachment 3**.





**Figure 4 - Extract from submitted additional shadow diagrams received showing overshadow impacts of the proposed development, and overshadowing impacts of the proposed development should strict compliance to building height of 34m is achieved.**

### **Recommendation with respect to SEPP 1 objection against Clause 15 – SREP 5**

Based on the above assessment, it is recommended that the submitted SEPP 1 objection against Clause 15 – Height of SREP 5 be supported, having regard to the objectives of the standard, being to ensure developments are of appropriate bulk and scale, compatible with its development context, and controlling external impacts, noting these objectives will be achieved by the proposed development despite non-compliance with the numerical standard.

The current height standard of 28m contained in SREP 5 is lower than recent developments at the locality, and substantially lower than the approved development at the adjoining Thomas Street car park site, which includes a tower building of 29 storeys in height. Strict application of the current standard contained in SREP 5 will result in a development that is not compatible with its surrounding development context and contrary to the objective of the standard.

The proposed variation to Clause 15 of SREP 5 is not considered to affect any matter of significance for State and Regional planning. The proposed height is generally consistent with the existing development context of the site, and the desired future character of the precinct as envisaged in Draft WLEP 2012, which is currently on public exhibition.

The minor variation of building height across the site resulting in parts of the proposed building encroaching above and dropping below the draft height standard in Draft WLEP 2012 is a result of site circumstances and is not considered to affect the proposed development ability to achieve the objectives of the draft standard.

### **Draft WLEP 2012**

Draft planning instruments are generally not given determinative weight over existing planning instrument due to their lack of certainty. However, in the circumstances of SREP 5 and the subject application, Draft WLEP 2012 and its proposed development standards have been given elaborate considerations for the reasons below:

- Strict application of current development standards in SREP 5, including FSR and Height as previously discussed in this report would be unreasonable in the circumstances due to the current standards having been severely weakened by consents being granted through the State Government's former Part 3A process



for developments adjoining and surrounding to the site, which substantially departed from the FSR standard. This results in an established development context that is much higher in density and building height than envisaged by SREP 5.

- SREP 5 has not been reviewed and brought up to date with the evolving development context of Chatswood CBD. In this regard, Draft WLEP 2012 currently on exhibition (and previously exhibited as Draft WLEP 2009) better reflects the current development context and the desired future character of the precinct. It provides suitable guidance on the appropriate FSR and Height that will achieve the objectives of the relevant zones and compatible with the development context.
- The level of imminence and certainty of a Draft LEP is generally greater following Council's adoption of the draft LEP after public exhibition. Whilst Draft WLEP 2012 is currently on exhibition, the proposed FSR and Height development standards remain the same as those proposed in Draft WLEP 2009, which were adopted by Council in reviewing Draft WLEP 2009.

### **SEPP 65 – Design Quality of Residential Flat Buildings**

The application of SEPP 65 to the proposed “boarding house” development is not explicit in the relevant provisions of SEPP 65. Pursuant to Clause 3 of SEPP 65, SEPP 65 applies to residential flat buildings as defined below:

*residential flat building means a building that comprises or includes:*

- (a) 3 or more storeys (not including levels below ground level provided for car parking or storage, or both, that protrude less than 1.2 metres above ground level), and
- (b) 4 or more self-contained dwellings (whether or not the building includes uses for other purposes, such as shops),  
*but does not include a Class 1a building or a Class 1b building under the Building Code of Australia.*

*Note.*

*Class 1a and Class 1b buildings are commonly referred to as town houses or villas where the dwelling units are side by side, rather than on top of each other.*

The majority of the proposed boarding rooms are not self-contained dwellings. However, the proposed development includes 67 self contained studios, which is considered to be captured by the definition of “residential flat building” within the meaning of SEPP 65. A factsheet by Department of Planning and Infrastructure (DOPI) indicates that SEPP 65, in circumstances, may apply to Boarding houses where the boarding house includes “self contained dwellings”. In this regard, a SEPP 65 verification statement from the applicant, and the application, including amended plans has been reviewed by Council's Urban Design Consultant who generally supports the proposal, and considers that it meets the 10 good design principles of SEPP 65.

During preliminary assessment Council's Urban Design Consultant raised the following issues of concern, which has been addressed by subsequent amended plans and additional information received as outlined below:

Building Height and Overshadowing: *“The height controls in the LEP also indicate increase of height immediately to the north of the site which will also add to the overshadowing issue by the potential future developments. GMU understands that the site is on the edge of Chatswood Town Core. The proposed height is close to the LEP height and the area is constrained due to its location on the edge of town centre. Additionally the new approved developments already affect the residential areas, as shown on the shadow diagrams provided in the original DA set.*

*GMU suggestion is to test if lowering the height would allow more solar access to the site across the street. The minimum would be to lower the built form to at least meet the LEP height on the eastern corner. The change in height might not resolve the overshadowing issue completely, but might reduce the number of affected apartments.”*

Comments: As previously discussed under SEPP 1 – Height, additional sets of shadow diagrams which were requested from the applicant illustrate the following:

- Lowering the height of that part of the building above 34m in height (proposed standard in Draft WLEP 2012) does not reduce the number of units affected by overshadowing impacts of the proposed building. A development fully compliant with the 34m draft height standard will have similar impacts to the proposed development. As previously discussed in this report, under SEPP 1 – Height, the proposed development has a building height of 32 to 36.3m (37.5m at eastern lift overrun). Its maximum height is restricted to one of its lift overruns and does not extend over the footprint of the proposed development. The variation in building height is due to the slope of the site.
- The contextual shadows from existing buildings, approved buildings, and structures to the residential flat developments on the southern side of Albert Ave already significantly affect solar access to these units. Future developments on the northern side of Thomas Street and Albert Ave based on the height and density proposed in the Draft WLEP 2012 will further add to these overshadowing impacts.

Building Separation and Street Setbacks:

Thomas Lane (Railway line): *“In GMU’s preliminary issues report, the separation to the railway was considered an issue, due to the proximity to the habitable units in the eastern wings. However, if the applicant meets the requirements highlighted in the Acoustic Assessment Report, which explains the measures needed to be taken to avoid the adverse impacts of the rail noise and vibration, there shouldn’t be any adverse impacts on those units.”*

Comments: The application together with acoustic report has also been reviewed by Council’s Environmental Health Section and Railcorp, who raised no objection to the proposed development.

Fleet Lane: *“There are some concerns of the separation distance of the proposed towers to the north across Fleet Lane. Although the existing buildings to the north of the proposal across Fleet Lane comprise of office buildings of 7 and 4 storeys, the Draft WLEP 2009 classifies the land under B4 mixed use zone. Therefore, its potential for redevelopment into a residential and retail/commercial building should be taken into account.”*

*“GMU understands, that the solar access will be provided for most part of the lane because of the proposal’s ‘H’ shape built form providing a gap on the northern boundary for the communal courtyard for more than 1/3 of the length of the northern boundary. Therefore the separation could be justified, but only on the presumption of non-habitable rooms on the southern facade of the potential residential development to the north.”*

Comments: Existing and future developments on Fleet Lane will their primary frontage and better outlook onto Thomas Street, and Thomas Lane. The approved development at the adjacent Thomas Street Car Park will not address Fleet Lane. The amenity and condition of Fleet Lane is likely to remain as a service lane. There are limited potential for habitable room to face Fleet Lane. It is also noted that existing commercial developments on Fleet Lane is at about 28-30m in height and have limited potential to redevelop under the Draft WLEP 2012, which only increase the height limit to 34m.

Thomas Street Car Park (western boundary): *“To the west, the proposal has a setback of approx. 6m to the boundary for all levels except level 1.” ..... “It is questionable if 6m setback will be enough to provide adequate amount of solar access to the rooms on levels 2-5. The outlook to the blank wall has been softened by landscape proposed on the roof of Level 1 between the buildings as detailed on revision drawings from 4th of April, number A03.002(C) received from Bates Smart and drawing DA-L-8 from Turf landscape design. The proposed landscaped planter along the western boundary of the site significantly improves the amenity and outlook for the rooms looking onto the eastern wall of the future development to the west.”*

Comments: Please refer to recommended **Condition 6** with respect to the proposed landscaping works above the podium area between the proposed development and the adjoining Thomas Lane Car Park.

Albert Ave: *“To the south the proposal fronts Albert Avenue and has a street setback of 4.3m to the boundary on ground and level 1 (podium) with the eastern part of the building built on an angle narrowing to 1.2m. The structure above the podium is separated from the street boundary by an average of 3.2m setback and the angled eastern tower setback varies from 4.36m down to 0m. The provided setback at ground and level 1 is meant to maintain consistency with the podium of the adjacent approved development. However, the proposal’s ‘podium’ height is only 1 storey next to a 3 storey podium for the approved DA next door and with 10 storeys cantilevered above. The proposed 1 storey podium with the extra volume overhanging above does not provide continuation to the setback along Albert Avenue. The applicant proposed to include a screen to the 1 storey area between the proposed adjacent 3 storey podium and the 10 storey tower of the proposal. However, it is GMU’s opinion that this is inadequate and unnecessary. The screen seems to be a temporary solution, not delivering the desired continuation of the setback and podium height in the streetscape. GMU strongly recommends that the idea of the suggested screen is abandoned. A better solution will be to attempt to achieve continuity with a change in colour or expression of materials up to the height of the podium next door.”*

Comments: Recommendations from Council’s Urban Design consultant with respect to *“delivering the desired continuation of the setback and podium height in the streetscape”* along Albert Ave has been examined throughout the assessment process with the applicant. Whilst such streetscape principle is generally considered desirable along

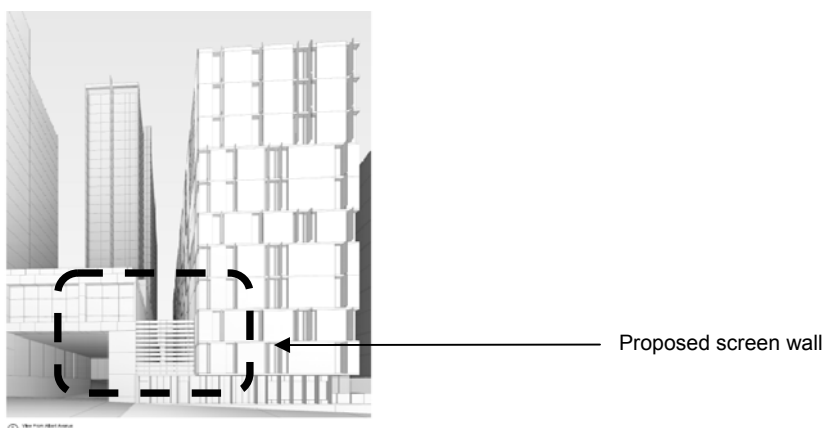
commercial strips, its application to Albert Ave, and the proposed development is not considered to be highly critical or practical due to the reasons as follows:

- Along the northern side of Albert Ave, between Pacific Highway and Thomas Lane, the existing streetscape does not present uniformity in street setback or building heights. All existing buildings along this section of Albert Ave do not have a podium. There is no strong justification arising from the existing streetscape of Albert Ave that would mandate a podium form for the proposed development at the recommended height.
- In reviewing the setback of the proposed development Council's Urban Design consultant also notes that:

*"The angled and cantilevered structure of the eastern wing is different to the existing streetscape and proposed setback in the recently approved DA on Albert Avenue. However, this variance of the built form may act as a marker at the end of street vista on Albert Avenue to the east before the railway bridge and is considered acceptable in this location."*

The irregular/angled setback from the Albert Ave frontage of the site is considered suitable at this location.

- The 6 storey podium height as recommended by Council's Urban Design consultant relied upon the adjoining approved development for the existing Thomas Street car park. However, further review of the plans of the approved Thomas Street car park development shows that varied front setbacks and different podium heights have been approved for the two main tower buildings facing Albert Ave. In this regard, any extension of a podium form to the proposed development will not result in continuation in setback or podium height along Albert Ave.
- The creation of a 6 storey podium to the proposed development will add to the depth of the proposed rooms and units on level 2 and level 3, and significantly limit access to light and ventilation for these rooms. Due to the usage of the proposed development being a form of residential accommodation, there are significant constraints/consequences in providing a substantial podium in a similar manner as the adjoining approved development, which will accommodate commercial floorspace and vehicular access in the podium form.



**Figure 5 - Extract from submitted drawing A11.001 [A]**

Based on the above, it is recommended that:

- The proposed screen on the Albert Ave frontage of the development, between the proposed development and adjoining Thomas Street Car Park development be deleted as it does not positively contribute to the streetscape or the appearance of the proposed building. (**Condition 7**)
- A detailed landscaped plan be developed for the setback area between the proposed development and its western boundary (adjoining Thomas Street car park). The landscape plans should include planting of suitable tree species above the proposed podium to soften the visual transition between the proposed development and adjoining development as viewed from Albert Ave and further improve amenity of west facing boarding rooms with outlook to this area. (**Condition 6**)

Parking and Vehicular Access: *“The scheme promotes a lesser reliance on vehicular use which is a good outcome in terms of increased patronage of public transport and lesser environmental impacts. However no parking provision will hamper the project’s ability to be modified over time. The entry point to the bicycle storage is located to the north-west corner of the site and is only accessible from Fleet Lane. This is a good outcome in terms of the activation and surveillance of Fleet Lane. It is GMU’s understanding, that the Applicant in conjunction with Council will provide improvements to the laneway. The improvements will include extending the bicycle lane from Thomas Lane to Fleet Lane, amendments to the paving and street lighting, which will improve outlook of the laneway and safety in accessing the bicycle storage.”*

Comments: **Condition 47** relates to proposed/required improvements to Fleet Lane.

Street address and access to the building: *“The proposal’s address is 73-77 Albert Avenue; however the proposal’s only entrance is from Thomas Lane. Although the attempt has been made to articulate the building in a way that it creates the impression of an entry point from Albert Avenue by the inset between the eastern and western wing, there is no entry point from that front elevation provided at all. This could lead to disorientation and poor way finding.”*

*“GMU believes that this is an issue and the Applicant should provide answers to this concern, whether in the form of an additional entry from Albert Avenue, a change of address or other solutions that could help in addressing this concern.”*

Comments: Multiple entries to the proposed development are not supported as this may result in difficulties in access control and security. The proposed development provides visual permeation between its central courtyard area and Albert Ave, and an outdoor breakout area overlooking the footpath to create a sense of activity along Albert Ave.

The VPA associated with the proposed development will widen the pedestrian area of Thomas Lane, and improvements to paving surface and landscaping in front of the development will create a sense of a public space, and sense of entrance to the development.

In addition, proposed/required extension of the existing shared zone from Chatswood Rail and Bus Interchange, along Thomas Lane to the Fleet Lane frontage of the site will further improve legibility and safety in accessing the proposed car parking, drop-off and cycling storage.

The application also seeks consent for building identification signs to all three street frontages of the site to clearly identify development. It is not considered necessary to mandate changes to street or property address as part of this development consent.

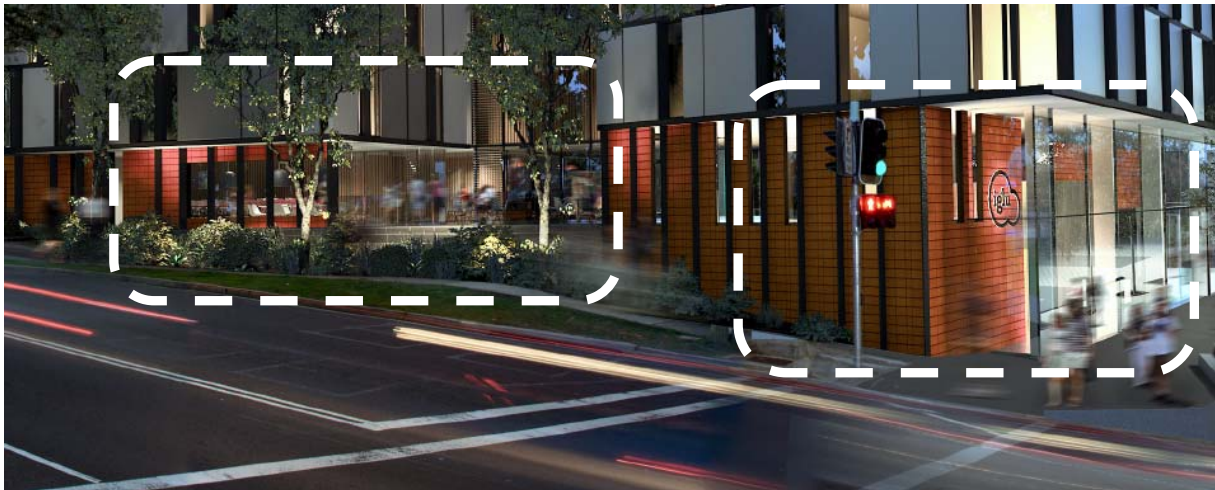


Figure 6 - Extract of submitted photomontage showing ground floor section of the proposed development as viewed from the corner of Albert Ave and Thomas Lane. Glazing to common areas/communal recreation areas addresses the street corner and Albert Ave.

*Safety: "The number of rooms per floor per core exceeds the maximum number of units recommended by the RFDC contributing to a diminished sense of recognition between residents and authorised visitors and unauthorised individuals due to the sheer amount of residents per floor. Measures to escort visitors in should be complemented with measures to escort visitors out of the building."*

*The entry to the bicycle storage from Fleet Lane is away from the main entry and not visible from the development. Also there is no indication of any street lighting or lights on the facade. It is recommended to provide CCTV cameras around to monitor that area and to provide lighting."*

Comments: A formal Safer by Design assessment of the application has been carried out by the Community Safety and Crime Prevention Officer at Chatswood Police Station. Recommendations from the Safer by Design assessment are incorporated as recommended conditions of consent. **(Condition 60)**

Open space and landscape design: *"There is no indication of weather protection provided for the rooftop common area. This kind of area should have the choice of shaded or sunny area for recreation. It is recommended to include shading devices for this area. The issue of overlooking from this area to the habitable units below to the north can be resolved by appropriate location of window vertical fixtures (fins), which if located on the southern side of the windows will prevent the overlooking from the roof terrace."*

*The proposal doesn't provide any private open space directly from units such as balconies. However, the proposal includes multiple outdoor recreation areas, such as communal courtyard to the north and south and a roof terrace as well as indoors recreation areas such as game and media room. Therefore lack of private balconies is considered acceptable for a student accommodation development."*

Comments: The proposed development provides a variety of open space and outdoor recreation areas for all lodgers. In this regard, the lack of weather protection of the roof top garden is not considered to be an issue of concern as users have choices of different recreation spaces and outdoor areas to suit different weather, seasons and activities.

Please refer to further comments below with respect to overlooking issues from common/communal areas to boarding rooms in the proposed development.

Visual privacy: *"The privacy issues within the development are potentially between the eastern and western wing and the connecting part containing studios. The angle between the studio windows and bedrooms in each of the wings could result in overlooking and visual privacy issues. This can be resolved with application of window screens that control direction of the view away from the private areas. Those screens (window fixtures) are already included in the design and should be mounted on the southern side of windows to block the view to the studios located to the south.*

*The same privacy issue occurs on the southern side of the development, where private rooms can be potentially overlooked from the common corridor on each level. This can be also resolved by appropriate application of the window screens in the northern side of windows, blocking views from the north."*

Comments: Additional sight line analysis requested from the applicant with respect to potential overlooking from various common/communal areas to boarding rooms in the proposed development. The submitted analysis shows that in addition to window fixtures, furniture arrangements in the boarding rooms, including a study desk will be fixed as part of the fitout works and services provided by the developer and operators. Based on the typical room layout and furniture arrangement, overlooking from common areas into boarding rooms are limited to the study desk proposed to be fixed directly behind the window of the boarding room. The potential overlooking into this part of the boarding room is unlikely to affect its reasonable usage, and privacy of the lodger. The provision of additional fixed external privacy screens may further mitigate potential overlooking into the boarding room, but is not considered necessary for the proposed purpose built student accommodation development.

Fences and Walls: *"The aluminium batten fence added to the boundary between the lane and the internal courtyard addresses the issue of the lack of adequate height to the northern boundary fence."*

Comments: See amended drawing numbered A08.005[B].

Waste Management: *"The SEE alludes to each person bringing individual rubbish from paper and bathroom baskets down to the garbage storage area. However, it is not clear how the rubbish from each of the communal kitchens will be brought down to the ground level, where the garbage room is located. Also no mention is made to the proposed strategy for recycling."*

Comments: Additional information on on-going waste management has been submitted for the application and revised by Council's Waste Coordinator. The additional information is considered satisfactory subject to recommended conditions.

Standard conditions requiring the preparation of a waste management plan with respect to demolition and construction waste is recommended.

The Urban Design assessment is to ensure the proposed development will achieve a good urban design outcome for the site and the locality in general, and will provide a reasonable level of residential amenity for its future occupants. A detailed assessment of the proposed development against other numerical controls contained in the Residential Flat Design Code (RFDC) is included in **Attachment 1** – Compliance table. In considering the proposal against the numerical requirements in RFDC, strict numerical compliance is considered unreasonable having regard to the form of residential accommodation proposed by the development being distinctively different to the types of residential flat buildings modelled in the RFDC. Based on assessment by Council's Urban Design consultant and Council's officer, the proposal is consistent with the good design principles contained in SEPP 65 as discussed above.

#### **SEPP 64 - Advertising and Signage**

The proposed signage includes 4 business identification signs (containing business name and logo only).

##### *Business Identification Signs*

In accordance with the requirement of the SEPP64, the proposed signage has been assessed against schedule 1 – of the SEPP64 which contains assessment criteria for signage, including the consideration of the character of the area, the existing streetscape, the compatibility of the signage with the building, and any safety and nuisance issues. The proposal is consistent with SEPP 64, given:

- (a) The proposed signage is similar in character to other business identification and building identification sign at the locality, including buildings that are visible from the railway line.
- (b) The size of the proposed signs is considered proportional to the respective building facades, and will not detract from the architectural features/character of the proposed building.
- (c) The proposed signage is simple in design. It is integrated with the architectural features and external finishes of the proposed building.
- (d) The proposed signs are allocated to address the street frontages of the site, and to identify the entrance of the building.
- (e) The proposed signs are not considered to create public nuisance or affect pedestrians and vehicular safety. They are internally illuminated.

Part G.5 of the Willoughby Development Control Plan also includes control for building identification. The proposed signage is consistent with the objectives of the requirements of this part of the plan.



## **SEPP (Infrastructure)**

Due to the site's proximity to the railway corridor on the eastern side of Thomas Lane, the following provisions of SEPP (I) apply to the proposed development, and have been considered in the assessment of the application as outlined below.

### **Clause 85 Development immediately adjacent to rail corridors**

The development site is directly opposite the railway line on the eastern side of Thomas Lane. The proposed demolition and construction is considered to potentially involve works that:

- (a) is likely to have an adverse effect on rail safety, or
- (b) involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or
- (c) involves the use of a crane in air space above any rail corridor.

Pursuant to the requirements of this clause, the consent authority must consider comments from the rail authority of the railway corridor. In this regard, the application has been referred to Railcorp for review together with concurrence matter required under Clause 86 as further discussed below.

### **Clause 86 Excavation in, above or adjacent to rail corridors**

Whilst there is no basement level to the proposed building, construction works for footings of the proposed building is likely to require excavation of 2m or more below existing ground level of the site. According to the requirements of this clause, concurrence is required from the rail authority. The concurrence requirement relates to the protection of rail infrastructure and safe operation of the rail corridor from any potential impacts of the proposed development.

Railcorp's letter dated 2 April 2012 notes its concurrence to the proposed development subject to deferred commencement conditions and conditions of consent. (**Schedule 1 – Condition A and Conditions in Schedule 2**)

### **Clause 87 Impact of rail noise or vibration on non-rail development**

This clause applies to development for any of the following purposes that is on land in or adjacent to a rail corridor and that the consent authority considers is likely to be adversely affected by rail noise or vibration, including a building for residential use.

The application is accompanied by a DA Noise Assessment report with project no 20111003.1 prepared by Acoustic Logic dated 9/11/2011. The report was considered by Council's Environmental Health officer, who recommends that conditions of consent be imposed to ensure the noise criteria required by SEPP (I) are met with respect to *AS2107:2000 – Acoustics – Recommended design sound levels and reverberation times for building interiors*; and the relevant guidelines issued by the DOPI.

A detailed assessment of the submitted Acoustic report was also undertaken by Railcorp. The conditions of concurrence issued by Railcorp also include a condition for further detailed noise assessment with additional calculated internal noise level of the proposed development. (**Condition 8**)

### **SEPP 55 (Remediation of Land)**

The existing developments at the site are strata offices. There is no known contamination or previous industrial activities previously carried out at the site.

A preliminary site assessment report has been submitted by the applicant, which recommends that due to the age of the existing developments at the site, a comprehensive Hazardous Materials Survey be undertaken before any future demolition or refurbishment works are carried out to determine the lead content of the paints and whether any asbestos contaminated materials are present on site, but concludes that there is no significant sources of land contamination identified with only minor filling of the site noted. Also refer to **Condition 31**.

### **Willoughby Development Control Plan (WDCP)**

#### **General Development Guidelines - Part C**

Part C of WDCP contains provisions relating to car parking, landscaping, site contamination, water management and other general requirements for all developments. These matters are considered to be adequately addressed by application, and discussed in various sections of this report as appropriate.

#### **C.3 Sustainable Development**

The application is accompanied by an ESD report prepared by Metland Metropolis dated 14 Nov 2012. The report sets out the general objectives and measurable objectives for the proposed development and options/measures to achieve these objectives. It covers matters with respect to water harvesting, energy use, thermal comfort, and sustainable design options including solar boosted gas water heating. The information provided addresses sustainability measures which are proposed to be undertaken. These measures such as the installation of solar boosted gas water heating on the roof-top will be required to be implemented as part of the development and the standard sustainable development condition is recommended to be imposed. (**Condition 53**)

#### **Part C.4 Transport Requirements**

##### ***Car parking***

SEPP (ARH) (Clause 29(e)) and WDCP require the provision of car spaces at 1/5 boarding rooms. The applicant submits that the provision of car parking is not required for the proposed development with the exception of two car spaces for employees. This is based on the expected low car ownership of its future student occupants noting that the site is at a very accessible location, being directly adjacent to the Chatswood Bus and Rail Interchange.

The car parking requirements contained in SEPP (ARH) and Part C.4 of the WDCP do not consider the specific car parking demand of purpose built student accommodation or access to public transport. To provide a more reasonable consideration of the car parking demand of the proposed development, additional information has been sought from the applicant with respect to car ownership by occupants of similar developments. As previously discussed under consideration of SEPP 1 objection against CI30 (h) – Motorcycle Parking of SEPP (ARH), the applicant has submitted a Green Travel Plan and additional traffic statement to demonstrate that several similar developments that are in

close proximity to railway stations do not provide any car parking, including an approved development at Chippendale by the same developer as the current application.

The submitted Green Travel Plan by the applicant also provides thorough consideration of the factors that will influence the mode of travel of the future occupants of the proposed development including, availability and price of parking; viability for commuting depending upon service frequency and connections to rail/bus interchanges; and where users are travelling to and from. The assessment of these factors concludes that the primary attraction of the proposed development for its future occupants is its ease of access to public transport with frequent services to desirable destinations, including tertiary universities, and the retail centre. On the contrary, the high costs, and unavailability of car parking space are likely to discourage any student with car ownership to select the proposed development as a choice of accommodation.

The proposed boarding house targets a specific user group, being tertiary students, who will be managed in the proposed form of shared accommodation. This makes the management of travel demand easier than other forms of development due to the ability to clearly identify the needs of the users, and provide suitable response to encourage the use of public transport, and alternative transport, including bicycles. The comparative cost difference between ownership and operation of a private vehicle, and the use of public transport when it is readily available is often higher for students than other user groups due to concession fares on public transport, but higher insurance and other costs for young drivers. The applicant is accepting of a condition of consent to restrict the occupants of the proposed development to tertiary students to ensure the travel demand management measures as proposed in the submitted Green Travel Plan can be practically met. **(Condition 57)**

In addition to the above, it is recommended the proposed non-provision of car spaces for lodgers of the proposed boarding house be supported having regard to the objectives of Part C.4 of the WDCP as outlined below:

- The unavailability/non-provision of car spaces for future occupants of the proposed development is a form of travel demand management to modify the travel decisions of the future occupants so that the adverse impacts of private car travel can be reduced. Increasing the supply of parking can induce a greater number of vehicular trips which increases congestion, impacting negatively the existing road network of Chatswood CBD.
- The construction of extensive facilities to accommodate additional car parking spaces at the development site adjacent to the adjacent railway infrastructure, and vehicular access to the site via the existing shared way on Thomas Lane and the proposed shared way along the Fleet Lane frontage of the site is not considered to be in the interest of the public.
- The proposed development will support the use of public transport and alternative modes of transport, with the provision of suitable bicycle facilities and Green Travel Plan.
- The site's proximity to Chatswood makes it conducive for the future occupants of the proposed development to use public transport. Additional works will be

undertaken as part of the proposed development to improve pedestrian access between the proposed development and the Chatswood Bus and Rail Interchange. Please further see discussion below.

- The proposed development contains 6 accessible rooms, including 5 boarding rooms and one room within the manager's residence. An accessible car space has been provided in the amended proposal as requested by Council's officer.

### Car Share Scheme

Council's Traffic Section considers that a car space for a shared car scheme should be accommodated by the proposed development. Council's Traffic Coordinator notes that: *"it is considered that it should be possible to create an indent on the northern side of Albert Avenue on the frontage of 73 Albert Avenue. The indent would be sited at the western end of the No Stopping zone on approach to the Traffic Signals at Thomas Lane. This indent could be sited between two pre-existing utility pits and by adjusting the boundary alignment to maintain a 3.6m nature strip the footpath should be able to be maintained behind the parking indent. There would be one small tree lost as a result of the above work however that tree should be able to be replaced with another of a type and at a location suitable to Council's Open space section."*

Options to provide the abovementioned car shared space have been discussed with the applicant. The review of a draft plan for the abovementioned indent car space concludes that such proposal will result in adverse impacts to the footpath, landscaping and streetscape of Albert Ave by reducing the width, and compromising the gradient of a section of the footpath and associated landscaping directly in front of the site. This is against the objective of Part C.4, which is to *"ensure that carparking facilities contribute positively to the public domain"*.

Whilst access to a car share scheme by the future occupants of the proposed student accommodation will add merit to the proposed development, there is no compelling need to provide the car share space on site or directly in front of the development on Albert Ave. In addition, there is no evidence to support that there will be a high demand for rental cars by the future occupants of the proposed development, which will be catering for tertiary students only for the reasons below:

- Access to car shared schemes is generally on a membership basis plus per use costs, which is at high and unattractive costs when compared to readily available public transport options with concession fares.
- There are limited car shared / rental car schemes that accept memberships/hire by persons under the age of 21 or those on provisional drivers' licenses. There is currently only one known car shared scheme that will accept drivers below 21 years of age, but will require members to have 12 months consecutive driving experience and are aged over 19, and higher insurance/excess for persons under the age of 25 also applies. This is unlikely to meet the needs and requirements of the future occupants of the proposed development.

Based on the above, the assessment officer does not recommend that an indented car share space be provided on Albert Ave by compromising pedestrian access, landscaping and streetscape. However, action to support and information relating to car share schemes

for the future occupants of the proposed development must be incorporated into the required Green Travel Plan, and reviewed, and updated as required. **(Condition 57)**. It is recommended matters relating to the operation of more car shared schemes in the City of Willoughby be further explored by the transport and traffic section of Council separate to this application.

### *Pedestrian and bicycles*

#### *Thomas Lane Embellishment Works*

The VPA associated with the proposed development will dedicate a strip of land along the Thomas Lane frontage of the site at approximately 2m wide (as measured from the property boundary on Thomas Lane), and also incorporates improvement works to the pedestrian area to the Thomas Lane frontage of the site. The Council has resolved to enter into the Agreement with the Developer at its formal meeting on 14 May 2012. The details and design of the proposed works are subject to negotiation between Council and the developer.

A concept design plan is attached to the VPA illustrating the proposed widening and improvement works to that part of Thomas Lane fronting the development site. The submitted drawings indicate that the proposed works extend over the existing Thomas Lane footpath area, the proposed Thomas Lane Road Reservation Area, and part of existing Thomas Lane road carriageway. The works generally comprise of:

- Demolition of existing retaining walls along the Thomas Lane frontage of the site
- Earth works to lower existing site levels to facilitate the proposed footpath.
- New pavement and footpath
- Suspended slab over existing telecommunication cables in Thomas Lane
- Kerb and gutter
- A planter edge between the proposed footpath and the road carriageway

The proposed 2m road dedication together with the proposed building setback from the revised boundary from Thomas Lane will provide a shared pedestrian/cycle way with a minimum width of 3m. An easement in gross is required to be provided over that part of the site fronting Thomas Lane (but not included in the road dedication) to ensure a clear width is provided for the shared way. **(Condition 61)**.

### *Fleet Lane shared zone*

Suitable pedestrian access is required to be provided along the Fleet Lane frontage of the site in order for the future occupants of the proposed development to access the bicycle storage area from Fleet Lane. Council's Officer originally recommended that a 1.2m setback be provided along the Fleet Lane frontage of the site to provide a footway, but also space for installation of services, stormwater, sight distance from driveway/entries, etc. However, further review of the previous traffic study undertaken for Fleet Lane and Thomas Lane, and the plans of the adjoining approved Thomas Street Car development notes that a 1.2m footpath along the Fleet Lane frontage of the site has limited benefits to pedestrians once the approved adjoining development is constructed which will block off existing access through the Thomas Street car park. To improve pedestrian traffic from the Chatswood Bus and Rail Interchange to the development site, the applicant has proposed to extend the existing 10/k/h shared pedestrian/cycle zone from Thomas Lane to Fleet Lane along the site's frontage. This will concurrently improve pedestrian and cycle access to the development site, and also compliment the proposed Thomas Lane Embellishment

work. Council's Traffic Section is supportive of the proposed extension of the shared zone to Fleet Lane subject to the recommended conditions of consent (**Condition 47**).

### *Services and Loading*

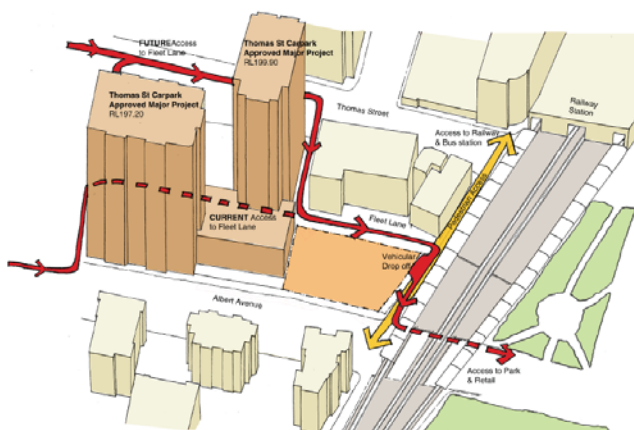
The submitted traffic report indicates that there will be deliveries/loading by small vans or similar vehicles only. Whilst this is generally adequate for the day to day operation of the proposed student accommodation, Council's officers have also requested that the applicant demonstrate sufficient loading/unloading area is provided for garbage removal and any occasional deliveries of bulky goods and for building maintenance vehicles.

Council's Traffic section previously requested that an 8.8m service vehicle (8.8m in length, 4.5m in height and 3.5m in width) is to be accommodated for the proposed development. However, further examination of the configuration of Thomas Lane noted that access to the site can only be gained by a small rigid vehicle, which can be accommodated by a loading bay of 6.4m in length, 3.5m in height and 3.5m in width.

In this regard, the applicant has amended the proposed car parking arrangement together with an operation/management plan to cater for a disabled car space, two employee car spaces which can be temporarily converted to accommodate occasional visit by a small rigid vehicle. The proposal is considered to be acceptable having regard to the nature of the proposed use being unlikely to be serviced by a large vehicle on a frequent basis, or such vehicle visiting the site unplanned. Scenarios that may require large service vehicle to visit the site may include the replacement of furniture, which will be less than on an annual basis, and also necessary waste vehicles in non-peak hours. Council's Traffic section has reviewed the amended car parking arrangement and the submitted management plan and raised no objection subject to recommended conditions (**Condition 59**).

### *Drop off zone*

In addition to servicing/delivery vehicles, Council's officer has also requested that sufficient area must be provided by the proposed development for the pickup / drop off of students moving to/from the proposed development, and visitors to the site. In the revised concept plan for the Thomas Lane embellishment works a drop off bay has been incorporated. The proposed area is considered suitable having regard to its active location where casual surveillance opportunities are provided from the reception and entrance to the proposed development.



**Figure 7 - Extract from submitted site analysis which identifies pedestrian and vehicular access to /from the site, and to/from Chatswood Bus and Rail Interchange, Park, and retail centre.**

### C.11 – Safer by Design

In accordance with Council's adopted Crime Prevention Protocol with Chatswood Police, the development application, and amended proposal have been referred to the Crime Prevention Officer for assessment. Based on assessment of the proposal as originally submitted, the CPO provided the following comments together with recommended conditions of consent:

*"The applicant has provided a reasonably thorough discussion of CPTED related issues in the provided documentation. (Section 5.2.7, pages 54 – 56) Whilst somewhat lacking in specifics, the document supplied seems to address any concerns that I initially had in assessing this DA. Based on the contents of this submission, I find no major issues identified in the design and operation of the building. This finding is contingent on all measures indicated in table 11 of the supplied document being fully implemented in the final design, construction and operation of the building. I recommend that measures such as CCTV of all access points, (kept for a minimum of 14 days) Adequate lighting (to the relevant Aust. Standards) for all entry points and communal space, especially the courtyard area, electronic access control, (again crucial for the courtyard area), 24 hour staff presence, and the prevention of all public access to and from the courtyard to Fleet Lane (except for emergency access) be considered as crucial components, and if possible be conditioned in the approval process."*

Subsequent to preliminary assessment and discussion with the CPO, the applicant has been requested to give further considerations under CPTED with respect to:

- i. Passive surveillance of Fleet Lane from Manager's residence, and/or central courtyard area.
- ii. Secured access to service area, central courtyard, and bike storage from Fleet Lane
- iii. Avoiding opportunities for concealments associated with substations and other laneway access/fire doors.
- iv. Details on fencing and security to the central courtyard area from Fleet Lane. It is requested top of wall levels of all retaining walls be shown on the plans.

The amended proposal received by Council generally addressed the abovementioned issues of concern, in particular, fencing and landscaping details that illustrate access control and security between the proposed development and Fleet Lane. The proposed development, together with proposed works to Fleet Lane and Thomas Lane is considered to improve general safety and security for pedestrians accessing the Chatswood Bus and Rail Interchange along Thomas Lane and Albert Ave by improving the general amenity of the laneway as well as providing casual surveillance of the laneway from its 24 hours reception/ communal living areas fronting Thomas Lane. Please also refer to recommended **Conditions 60**.

### **Conclusion**

The proposed development is considered a designed response that exploits the site opportunities and constraints to maximise the development potential of the site without unreasonable external impacts to the existing streetscape or adjoining properties, and is compatible with its unique development context. It takes advantage of a highly accessible location in meeting the needs of the future occupants of the proposed student

accommodation with respect to transport, and lifestyle. It is considered an appropriate form of development to provide transition between the commercial core of Chatswood CBD and the residential developments on the southern side of Albert Ave. The proposed development is unlikely to generate significant amenity impacts in terms of traffic, and noise, but will maintain a building appearance and active frontages that are compatible in character to other commercial developments at the locality.

The proposed development and its associated VPA, involves substantial works to improve the amenity and pedestrian/cycle access between Albert Ave, along Thomas Lane and Fleet Lane to the Chatswood Bus and Rail Interchange, which will improve the general amenity and safety for all workers and residents at the locality, particularly residents on the southern side of Albert Ave. The proposal is considered to successfully address the site's constraints, including the railway structure on the eastern side of Thomas Lane which place significantly constraints on construction works, particularly the extent of excavation that may be carried out at the site and the existing configuration of Thomas Lane and Fleet Lane, which have limited capacity to accommodate large and additional vehicles. In this regard, the proposed student accommodation, which has the ability to implement practical measures to manage the travel demand of its future occupants to maximise the use of public transport and alternative transport will reduce any unnecessary site excavation and private car use to mitigate potential impacts on the railway infrastructure and the existing road network of Chatswood CBD.

The proposal's objections to the height and FSR standards contained in SREP 5 are considered reasonable in the circumstances that the proposed development is compatible with existing and surrounding developments at the locality and its desired future character. The current FSR and Height standard contained in SREP 5 have been severely weakened by consents being granted through the State Government's former Part 3A process for developments adjoining and surrounding the site, which substantially departed from the FSR and Height standard, and setting a much higher density and development scale than envisaged by SREP 5. The proposed development has been designed with due regard to the proposed FSR and Height standard in the Draft WLEP 2012, which has previously been adopted by Council as Draft WLEP 2009. The proposed departure from the subject development standards are consistent with the aims of SEPP 1 in providing flexibility in the application of planning controls where special circumstances arise.

The approval of the proposed development is consistent with the objectives of SEPP (Affordable Rental Housing) in increasing the availability of off-campus student accommodation at an accessible location with excellent transport connection to tertiary institutions, and the general objectives of SREP 5 in contributing to the improvement of employment opportunities and servicing the needs of the surrounding area by providing suitable short to medium term off campus accommodation for university students at close proximity to the Chatswood Bus and Rail interchange since the development of the Chatswood – Epping Railway Line.

## **OFFICER'S RECOMMENDATION**

- 1) That the submitted SEPP 1 objection against Clause 30(h) – Motorcycle Parking of State Environmental Planning Policy (Affordable Rental Housing) is considered to be well founded and be approved. It is considered unreasonable and unnecessary to strictly apply the development standard**



contained in Clause 30(h) given that the objectives of the standards, to reduce car ownership and promote alternate forms of transport, will be achieved by the proposed development despite non-compliance with the numerical standard.

- 2) That the submitted SEPP 1 objections against Clause 11 - FSR and Clause 15 – Height of State Regional Environmental Plan No 5 (Chatwood Town Centre) are considered to be well founded and be approved. Noting that the objectives of the standard (to ensure developments are of appropriate bulk and scale, of suitable density in proportion to the environmental capacity of the site, and compatible with its development context) will be achieved by the proposed development despite non-compliance with the numerical standards.
- 3) That the application be approved and delegated authority be granted to the General Manager to issue the consent notice subject to the attached Deferred Commencement Conditions and Conditions of Consent in Schedule 1 and Schedule 2.

## **RECOMMENDED SCHEDULES OF CONSENT**

### **Schedule 1 – Deferred Commencement Conditions**

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

In accordance with Clause 67(3) of the Regulation, a twelve (12) month period is given from the date of the 'deferred commencement' notice to lodge plans and evidence that satisfactorily address the required amendments/detail. If not, then the 'deferred commencement' will lapse and a new development application will be required.  
(Reason: Ensure compliance)

#### **A. Deferred Commencement Condition (NSW Transport – RailCorp)**

This consent is not to operate until the applicant satisfies the Council, with 12 months of the date of this consent, that it has obtained approval/certification from Railcorp as to the following matters and the approval/certification has been forwarded to the Council.

The Applicant shall prepare and provide to RailCorp for approval/certification the following items:

1. Final Geotechnical and Structural report/drawings that meet RailCorp's requirements. The Geotechnical Report must be based on actual borehole testing conducting on the site closest to the rail corridor.
2. Final Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that RailCorp will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.
3. Final cross sectional drawings showing ground surface, rail tracks, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the Rail Corridor.
4. If required by RailCorp, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.

Any conditions issued as part of RailCorp's approval/certification of the above documents will also form part of the consent conditions that the Applicant is required to comply with.

(Reason: Condition of Concurrence – RailCorp & SEPP (Infrastructure))

#### **B. Revised Stormwater Management Plans**

- a. Submit full design details and associated calculations prepared by a suitably qualified and experienced civil engineer showing the method of disposal of all sub-surface, surface and roofwater, including on-site detention (OSD) system

from the site in accordance with Council's On-Site Detention Policy (On Site Detention Technical Standard No.1) and specification.

- b. Submit Council's Standard Design Certificates and OSD checklists issued by a suitably qualified and experienced civil engineer certifying that the design of the OSD system is in accordance with Council policies and specifications.
- c. Stormwater runoff from all impervious areas (including roof areas, paving and driveways) must be drained to the OSD system by gravity.
- d. Invert levels of the overflow from the rainwater tank must be at least 300mm above the invert level of the overflow of the OSD system.
- e. A minimum 900mm x 900mm drainage pit shall be provided within the property and adjacent to the boundary prior to discharging to the underground Council's street drainage system.
- f. The stormwater plans shall include, but not limited, to the following details:
  - (i) Full size site plan (1:100 scale) showing that stormwater from all hard surface areas is collected and directed to the proposed OSD system by gravity.
  - (ii) For any proposed detention tank, details shall include:
    - The location and internal dimensions including invert, finished surface levels and top water level of the structure.
    - The access grates, the invert level and size of all inlet and outlet pipes.
    - Minimum of two (2) elevations showing the structure including the trash rack, step irons and orifice plates.
  - (iii) Details of an overflow weir/spillway with overland flow path or overflow pipe shall be provided. Calculations are to be provided on the stormwater plans showing that the overflow elements can cope with any 1 in 100 year ARI storm event.
  - (iv) All below ground OSD tanks must have minimum two (2) inspection/access grate of 900mm x 600mm diagonally.
  - (v) Internal supporting walls must be minimised for ease of maintenance. Typically internal walls shall only be considered for spans greater than three (3) metres.
  - (vi) Orifices plates are to be made from stainless steel/galvanised iron of minimum dimensions of 200mm x 200mm x 3mm thick and be machined to the exact diameter as calculated. They must be bolted to the pit walls or permanently fixed in the pit so that they cannot be easily removed. Silicon must be used to seal around the edges to ensure no leakage of water.

The minimum diameter of any orifice shall be 55mm. Where the calculated orifice is less than 55mm, the OSD system shall be redesigned by reducing the water depths in the storage facility.

A sump below the invert of the orifice outlet shall be filled with a mortar mix to the invert of the orifice after the installation of the orifice plate.

- (vii) A hot dipped galvanised debris mesh screen made of Lysaght's Maximesh RH3030 or similarly approved product shall be provided at the outlet discharge control to protect against blockage. The screen shall be a minimum of 100mm from the face of the orifice. The minimum surface area of the screen shall be 75 times the orifice area and be latched to the wall over the orifice plate. A handle shall be attached to the screen for ease of hand removal without the use of tools.

### **C. Vehicular Access – Provide Longitudinal Sections**

In order to assess the susceptibility of vehicles to scraping as they pass over the proposed driveway, the applicant shall submit longitudinal sections along the edge of each parking space drawn at 1:20 Scale. The longitudinal sections shall include the following: -

- Horizontal distance from the centreline of the road to the proposed parking slab, including provision of Council's standard layback. Council's standard layback is 500mm deep and the back of layback is 100mm above the gutter invert.
- Both existing and proposed levels (in AHD) and gradients represented in percentage of the vehicular crossing and driveway.

The design shall be prepared by a qualified and experienced civil engineer using B85 ground clearance template. All driveway grades and transitions shall comply with AS 2890.1 -2004 and Council's specifications.

\* \* \*

## Schedule 2 – Conditions of Consent

### SCHEDULE

**Conditions of Consent:** (Including reasons for such conditions)

#### GENERAL CONDITIONS

##### 1. Hours of Work

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

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

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

##### 2. Approved Plan/Details

The development must be in accordance with the following plans:

Type	Plan No.	Revision/ Issue No	Plan Date (as Amended)	Date Stamped by Council	Prepared by
Architectural plans (project no S11322)	ARDA01.001 (A) Site Plan ARDA01.002 (A) Context Plan ARDA03.000 (B) Ground Level Plan ARDA03.001(C) Level 01 Floor Plan ARDA03.002(C) Level 02 Floor Plan ARDA03.003.1(B) Level 03 Floor Plan ARDA03.003.2(B) Level 04-06 Floor Plan ARDA03.004 (A) Level 07 -10 Floor Plan ARDA03.005 (A) Level 11 Floor Plan ARDA03.006 (A) Level 12 Floor Plan ARDA03.007 (A) Roof Plan ARDA07.001(B) South Elevation ARDA07.002(C) West Elevation ARDA07.003(B) North Elevation ARDA03.004(A) East Elevation ARDA08.001(B) Section 01 ARDA08.002(B) Section AA ARDA08.003(B) Section 02 ARDA08.004(B) Sections – Level 00 ARDA08.005(B) Sections – Level 00 ARDA10.001(A) Façade detail – Logo ARDA10.002(A) Façade detail – Logo		Revision A dated 11.11.11, Revision B dated 24.02.12, Revision C dated, 02.04.12.	Revision A date stamped on 25 Nov 2011, Revision B date stamped on 28 Feb 2012, Revision C date stamped on 5 April 2012.	Bates Smart Architects
Landscape plans (project no 1115)	DA-L1 to DA-L8 (inclusive)	Revision D	04.04.12	5 April 2012	Turf

the application form and any other supporting documentation submitted as part of the application as modified by the **Deferred Commencement Conditions in Schedule 1**, 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. Compliance with Building Code of Australia**

All building works must be carried out in accordance with the performance requirements of the Building Code of Australia.  
(Reason: Compliance)

### **4. Voluntary Planning Agreement**

This development consent is related to the Voluntary Planning Agreement accompanying the development application offered to Willoughby City Council by the Developer. The planning agreement is an agreement within the meaning of s93F of the Environmental Planning and Assessment Act, and the parties to the agreement shall enter into the agreement in conjunction with the development consent.  
(Reasons: Information and Ensure Compliance)

## **PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

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

### **5. 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)

### **6. Landscape details – Podium Level (RL 101.40)**

The approved landscaped plans are to be amended to incorporate suitable landscaping, and tree planting on the Podium Area between the approved development and the site's western boundary to achieve the following:

- A planter or a low green wall of maximum 1m above the parapet wall of the podium level to be installed along the Albert Ave frontage of the site to provide softening to the transition of built forms between the approved development and any future development at the adjoining site.
- Trees of suitable height and species must be planted behind the parapet wall of the podium level to improve the amenity and outlook of boarding rooms facing the podium, but also to provide a green backdrop/softening to podium space and any boundary wall of future development at the adjoining site when viewed from Albert Ave.

The amended landscape plans, and supporting details must be approved by the certifying authority and endorsed with the Construction Certificate.  
(Reasons: Transition of built forms/ Landscape Amenity)

## **7. Deletion of screen wall above podium**

The proposed screen wall above the podium level at RL 101.40 facing Albert Ave as shown on submitted Drawing numbered A11.001 [A] prepared by Bates Smart Architects and date stamped by Council on 5 April 2012 is to be deleted.  
Construction certificate plans must comply with this condition of consent.  
(Reasons: Streetscape)

## **8. Revised Acoustic Report (Railcorp)**

Prior to the issue of a Construction Certificate the Applicant must submit to Council and RailCorp a revised Acoustic Assessment Report prepared by Acoustic Logic incorporating the following items:

- Table 5 in the Report to include both the predicted external noise levels at the façade, the calculated internal noise levels in the new building, the project internal noise goals and a statement of compliance.
- A reference to the data sources used in the calculation, e.g. Bies and Hansen, independent testing, etc.
- A table showing the predicted internal noise level in each room of the facade facing the rail line should be included in an Appendix, along with a statement of compliance.
- The updated comments contained in the correspondence from Acoustic Logic dated 16/02/2012 to be included in the report (including the measured vibration spectra).
- It would be prudent to include more train pass-bys in future measurement campaigns (at least twenty), and to make note of additional information such as set type, speed, any obvious wheel defects, track/direction and to include an ambient measurement for comparison.
- The inclusion of the results of the ground-borne noise predictions referenced in the correspondence from Acoustic Logic dated 16/02/2012.
- The inclusion of the calculation methodology, as has been provided for airborne noise, in an Appendix including references to data sources and assumptions.

The Principal Certifying Authority shall not issue a Construction Certificate until it has verified that the recommendations contained in the revised acoustic report have been incorporated in the construction specifications and drawings.

(Reasons: Conditions of Concurrence – Railcorp & SEPP (Infrastructure))

## **9. Electrolysis testing (Railcorp)**

Prior to the issue of a Construction Certificate the Applicant must incorporate in the development all the measures recommended in the Electrolysis Testing Report prepared by Corrosion Control Engineers (Ref No. 8326/740 dated 15/11/2011, including the following specific items:

- The Corrosion Control Engineering's recommendations are incorporated in the drawings.
- As is recommended 32MPa grade concrete and greater than 50mm of concrete cover to the reinforcement for the piles.
- Piles caps and slab on ground should be provided by a heavy plastic membrane beneath the slab on ground.

The Principal Certifying Authority shall not issue a Construction Certificate until it has verified that the recommendations contained in the electrolysis report have been incorporated in the construction specifications and drawings.

(Reasons: Condition of concurrence – Railcorp & SEPP (Infrastructure))

## **10. Prevent objects being thrown into Rail Corridor**

Given the possible likelihood of objects being dropped or thrown onto the rail corridor from balconies, windows and other external features (eg roof terraces and external fire escapes) that are within 20m and face the rail corridor, the Applicant is required to install measures (eg. awning windows, louvres, enclosed balconies, window restrictors etc) which prevent the throwing of objects onto the rail corridor. These measures are to comply with RailCorp requirements. The Principle Certifying Authority is not to issue the Construction Certificate until it has confirmed that these measures are to be installed and have been indicated on the Construction Drawings.

(Reasons: Condition of concurrent – Railcorp & SEPP (Infrastructure))

## **11. Structural Report - Rail Safety (Railcorp)**

Prior to the issue of a Construction Certificate the Applicant is to provide RailCorp with a report from a qualified structural engineer demonstrating that the structural design of the development satisfies the requirements of Australian Standard AS5100. The undertaking of any risk assessment in accordance with this Australian Standard must be undertaken in accordance with RailCorp's Safety Management System (SMS). The collision load to be determined from Table 1 of RailCorp's standard ESC380.

The Principle Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from RailCorp that it has received and accepted



this report and the Principle Certifying Authority has also confirmed that the measures recommended in engineers report have been indicated on the Construction Drawings.

(Reasons: Condition of concurrence – Railcorp & SEPP (Infrastructure))

**12. Limit glare and reflectivity (Railcorp)**

The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of RailCorp.

The Principle Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.

(Reasons: Condition of concurrence – Railcorp & SEPP (Infrastructure))

**13. Risk assessment/ Management Plan (RailCorp)**

Prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to RailCorp for review and comment on the impacts on rail corridor. The Principle Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.

(Reasons: Condition of concurrence – Railcorp & SEPP (Infrastructure))

**14. Demolition Safety/vibration/movement control plan - Railcorp**

Prior to the issue of a Construction Certificate a demolition safety/vibration/movement control plan is to be submitted to RailCorp for review and endorsement. The Principle Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.

(Reasons: Condition of concurrence – Railcorp & SEPP (infrastructure))

**15. Cranes & other Aerial Operations (Railcorp)**

Prior to the issuing of a Construction Certificate the Applicant is to submit to RailCorp a plan showing all craneage and other aerial operations for the development and must comply with all RailCorp requirements. The Principle Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the RailCorp confirming that this condition has been satisfied.

(Reasons: Condition of Concurrence – Railcorp & SEPP (infrastructure))

**16. Track Monitoring Plan (Railcorp)**

If required by RailCorp, a track monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be submitted to

RailCorp for review and endorsement prior to the issuing of a Construction Certificate. The Principle Certifying Authority is not to issue a Construction Certificate until written confirmation has been received from RailCorp advising of the need to undertake the track monitoring plan, and if required, that it has been endorsed.

(Reasons: Condition of concurrence – Railcorp & SEPP (Infrastructure))

## **17. Substation**

The applicant should consult with Energy Australia to determine the need and location of any electrical enclosure for the development. Should such an electrical enclosure be required, the location and dimensions of the structure are to be detailed on all the plans issued with the Construction Certificate.

The required substation is to be located at the indicative location shown on the approved plans of the development.

(Reason: Street amenity, & compliance)

## **18. Accessible rooms**

The approved boarding rooms identified to be accessible on the approved plans of the development must comply with the relevant Australian Standards and the Premises Code.

Plans and details demonstrating compliance with this condition of consent must be submitted to the certifying authority for approval and endorsement with the construction certificate.

(Reason: Accessibility)

## **19. External materials and finishes & minimal reflectivity**

The external building materials and finishes shall be consistent with the submitted schedule of colour and finishes received by Council on 25 Nov 2011. The roofing and cladding of the proposed building are to be of minimal reflectance (roofing and cladding materials are to have solar absorptance index of at least 0.475 (Classification - Medium) to meet this requirement) so as to avoid nuisance in the form of glare or reflections to the occupants of nearby buildings, rail corridor, pedestrians and/or motorists. Detailed specifications complying with conditions of this development consent, including any concurrence requirements of NSW Transport - Railcorp must be submitted to the certifying authority and endorsed with the Construction Certificate.

(Reason: Visual amenity, Avoid nuisance and ensure compliance)

## **20. Garbage Room**

The garbage bin storage rooms shall be constructed in accordance with the requirements of the WDCP and the following must be provided:

a) Adequate ventilation being provided by their own exhaust ventilation system exhausting at a rate of 5l/s.m 2 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.

b) 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.

c) Floors of the bin storage room must be graded to an approved Sydney Water basket trap drainage fitting connected to the sewer. Storm water must not be permitted to enter this floor waste trap. Floors must have smooth, even surface, coved at all intersections with walls.

d) Artificial lighting must be provided controlled by a motion sensor located both outside and inside the room.

e) The bin storage area must be enclosed and fitted with a self closing door.

f) A galvanised steel bump rail at least 50mm clear of the wall being provided at the height of the most prominent part of the garbage containers.

g) Metal bollards must be installed to protect the entry door frames from impacts but must not obstruct access to the bin storage room.

Plans and details complying with this condition must be submitted for approval by certifying authority and endorsed with Construction certificate plan.

(Reason: Waste Management & Ensure compliance)

## **21. Resource Recovery Management Plan**

The applicant is requested to submit a completed Resource Recovery Management Plan (RRMP) (Attachment 15 of the WDCP) for approval by the certifying authority prior to the issue of any construction certificate.

(Reason: Health and Amenity/Waste Reduction)

## **22. Damage Deposit**

The applicant shall lodge a Damage Deposit of \$120,000 (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 be refundable subject to inspection by Council after the completion of all works relating to the proposed development. For the purpose of inspections carried out by Council Engineers, an inspection fee of \$62.00 (GST inclusive) is payable to Council. Any damages identified by Council shall be restored by the applicant prior to release of the Damage Deposit.

(Reason: Protection of public asset)

## **23. Stormwater Management / Tree Protection**

Amend the Stormwater Management Plan by showing all pipes, tanks, trenches and pits, outside the drip line of all existing protected trees, both within the site, on adjoining sites and the nature strip.

(Reason: Environmental Protection)

## **24. Stormwater to Street Drainage via New Reinforced Concrete Pipe Across Thomas Lane (RCP)**

Stormwater runoff from the site shall be collected and conveyed to the underground drainage system in Thomas Lane via a new 375mm reinforced concrete pipe (RCP) and kerb-inlet pit to be constructed within the frontage of the development site. All works shall be designed in accordance with Council's specification. A grated drainage pit (min. 600mm x 600mm) shall be provided within the property and adjacent to the boundary prior to discharging to the new underground 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)

## **25. Detailed Stormwater Management Plan (SWMP)**

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

(Reason: Ensure Compliance)

## **26. Construction Management Plan (CMP)**

Submit, for approval by Council, 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.

This plan to include details of how heavy construction vehicles will access the site, including access routes to and from the State Road network and noting that access to the site via Fleet Lane is likely to be restricted due to the impending development at 14-18 Thomas Street and also noting that vehicles longer than 6 metres will be unable to exit Thomas Lane to Albert Avenue given its narrow width.

(Reason: Compliance)

## **27. Traffic Management Plan**

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

- a) Be prepared by a RTA accredited consultant.
- b) 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.
- (Reason: Public safety and amenity)

## **28. Design of Works in Public Road (Roads Act Approval)**

Prior to issue of any Construction Certificate, the Applicant must submit, for approval by Council and the relevant the road authority, if not Council, full design engineering plans and specifications prepared by a suitably qualified and experienced civil engineer for the following infrastructure works:

- a. Construction of 1.5 metres footpath (max. 2.5% crossfall) for the full frontage of the site in Albert Avenue. 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.
- b. Construction of new kerb and gutter for the full frontage of the development site in Albert Avenue with half road restoration. Detailed long sections and cross-section at 5m interval shall be provided.
- c. The reconstruction of the existing kerb inlet pit with a 2.4m lintel within the frontage of the site in Albert Avenue to suit the new designed alignment of the kerb and gutter. All details shall comply with Council's AUS-SPEC.
- d. Construction of new kerb and gutter for the full frontage of the development site in Fleet Lane. Detailed long sections and cross-section at 5m interval shall be provided.
- e. Construction of a new kerb inlet pit with a 2.4m lintel within the frontage of the site in Fleet Lane and the extension of 375mm reinforced concrete pipe (RCP) from the existing kerb-inlet pit in Thomas Street. All details shall comply with Council's AUS-SPEC and AS3725.
- f. Construction of a new kerb inlet pit with a 2.4m lintel within the frontage of the site in Thomas Lane and the extension of 375mm reinforced concrete pipe (RCP) from the existing kerb-inlet pit in Thomas Lane. All details shall comply with Council's AUS-SPEC and AS3725.

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)

## 29. Internal Noise Levels Residential

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

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

Note:

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

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

## 30. Noise from Transport Corridor

To minimise the impact of noise from any external noise source on the amenity of the occupants, the building shall be constructed in accordance with the recommendations and specifications of the acoustic report by Acoustic Logic, project number 20111003.1, document reference 20111003.1/0911A/RO/JZ as amended by deferred commencement condition and conditions of this development consent.

Details of the proposed acoustic treatment shall be submitted to the Principal Certifying Authority.  
(Reason: Amenity)

## 31. 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)

## 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.**

**32. 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)

**33. 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)

**34. 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)

**35. 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)

**36. 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)

**37. Demolition Work AS 2601**

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

(Reason: Safety)

**38. 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)

**39. 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)

**40. Inspection of rail infrastructure (RailCorp)**

Prior to the commencement of works and prior to the issue of the Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the project (especially the retaining wall and rail track formation) is to be carried out by representatives from RailCorp and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by RailCorp.

(Reasons: Conditions of concurrence – Railcorp & SEPP (Infrastructure))



**41. Demolition Safety/vibration/movement control plan**

Should demolition occur prior to the issue of any construction certificate, the Demolition Safety/vibration/movement control plan required by the conditions of this development consent must be prepared and approved by Railcorp. Demolition works must not commence until written confirmation has been received from RailCorp confirming that the Demolition Safety/vibration/movement control plan is satisfactory.

(Reason: Rail Safety & Ensure Compliance)

**42. Installation of hoarding or scaffolding (Railcorp)**

The Applicant is to obtain RailCorp's endorsement prior to the installation of any hoarding or scaffolding facing the common boundary with the rail corridor.

(Reasons: Condition of concurrence – Railcorp & SEPP (Infrastructure))

**43. Dilapidation Report of Council's Property**

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

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

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

(Reason: Protection of Council's infrastructure)

**44. 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)

#### **45. Application for Vehicle crossing**

Submit an application with fees to Council for the construction of a plain concrete vehicular crossing.

(Reason: Protection of public asset)

#### **46. Spoil Route Plan**

Submit a "to and from" spoil removal route plan to Council prior to the commencement of excavation on the site. This plan to include details of how heavy construction vehicles will access the site, including access routes to and from the State Road network and noting that access to the site via Fleet Lane is likely to be restricted due to the impending development at 14-18 Thomas Street and also noting that vehicles longer than 6 metres will be unable to exit Thomas Lane to Albert Avenue given its narrow width.

(Reason: Public amenity)

#### **47. Design Works in Thomas Lane and Fleet Lane**

Submit, for approval by Council and/or the relevant Road Authority through the Willoughby Local Traffic Committee prior to commencement of any of the following works. Detailed plans prepared by a qualified and experienced civil engineer for the following infrastructure works as required by this development consent and the Voluntary Planning Agreement related to this development consent:

1. The reconstruction of Thomas Lane (in accordance with requirements of the Voluntary Planning Agreement) and the reconstruction of Fleet Lane as a 10km/h Shared Zone, noting that final approval of the Shared Zone and the introduction of a 10km/h speed limit will be by the RMS. The plans to include details of all signage and line-marking adjustments.
2. The provision of a drop off/pick-up area and associated signage in associated with the Thomas Lane Embellishment works contained in the Voluntary Planning Agreement associated with this development consent.
3. Details of all signage changes for the reconstruction of the path on the west side of Thomas Lane as a Shared Bicycle and Pedestrian Path.
4. Any other regulatory signs along the street frontages of the site.

The abovementioned civil works must be completed to the satisfaction of the relevant road authority and Willoughby City Council prior to occupation of the development.

(Reason: Ensure compliance)

#### **48. Adjustment to Street Lighting**

Consult with utility authorities to determine any requirements of relocation/adjustment of electricity supply and street lighting services fronting the development. Such street lighting shall also conform to Council's standard specifications.

(Reason: Public amenity)

#### **49. 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)

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

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

#### **50. Occupation Certificate**

The building/structure or part thereof shall not be occupied or used until an interim occupation / final occupation certificate has been issued in respect of the building or part.

(Reason: Safety)

#### **51. Section 73 Compliance Certificate**

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

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

**52. Street Number Display**

The street number at least 100mm high shall be clearly displayed on the Albert Ave frontage of the site at ground level.  
(Reason: Information)

**53. Sustainable Development - Final Occupation**

The measures proposed in the ESD report prepared by Metland Metropolis dated 14 Nov 2012 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)

**54. 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)

**55. Fire Safety Certificate Forwarded to NSW Fire and Rescue**

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 and Rescue, 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. Restriction to Users**

The following restriction applies to the building hereby approved for student accommodation:

- (i) The accommodation portion of the building may only be used for residential accommodation for students as hereinafter defined and not otherwise as residential accommodation, or as serviced apartments, private hotel, boarding house, tourist or backpackers' accommodation or the like.
- (ii) For the purpose of this condition, "student" means a person over 16 years of age enrolled with a tertiary institution in Australia and enrolled in an accredited course of tertiary education in Australia whether part time or full time, but excludes any non-award programs.
- (iii) Upon ceasing to be enrolled to attend a tertiary educational course with a tertiary institution in Australia, the now former student shall vacate the residential accommodation within 6 months of the expiration of their tertiary course.

Prior to the issue of an occupation certificate, a restrictive covenant is to be registered on the title of the premises in the above terms in favour of Council to the satisfaction of Council at the full expense of the developer.

It is the responsibility of the operator of the premise to verify any occupants of the approved development with respect to the restriction to users required by this condition of consent. This must include verifying confirmation of enrolment prior to occupation by any persons into the development and an updated register of such information at all times. The register must be available for inspection by Council upon request.

(Reasons: Ensure compliance, and management of use)

## **57. Green Travel Plan**

A detailed Green Travel Plan incorporating the following (but not limited to) be prepared and submitted to the PCA for approval, and freely distributed to any employees and occupants of the approved development, and available in communal living areas throughout the approved development.

- a) Transport access guide (TAG) in accordance with Roads and Traffic Authority's current practice and guidelines.
- b) Actions to promote the use of public transport
- c) Bicycle route plans with the Willoughby Local Government Area and between the development and any major destination, including Macquarie University, St Leonards, North Sydney and the City of Sydney.
- d) Availability and requirements of current Car Share Scheme in the City of Willoughby
- e) Details on any discount offer to employee and occupants for public transport costs.
- f) Details on any allowances, loans and insurance for bicycles together with bicycle storage and showering and changing facilities.
- g) Adopt a car pool scheme for work related journeys.
- h) Use taxis and public transport for work related journeys.
- i) Provide priority parking for staff who car pool with more than 2 passengers.

The Green Travel Plan must be reviewed and updated no less frequently than on an annual basis. A copy of the approved Green Travel Plan, and any subsequent

updated green travel plan must be submitted to Council's Sustainable Environment Branch.  
(Reason: Sustainable Transport)

## **58. Development statistics**

The details of the approved development are as follows:

- a) Maximum Height for the Roof Parapet at RL130.6 and the maximum Building Height (as defined by Standard Instrument (Local Environmental Plans) Order 2006), including lift overrun at RL 132.4.
- b) Gross Floor Area 9647m<sup>2</sup> (as defined by Standard Instrument (Local Environmental Plans) Order 2006)
- c) A total of 396 Beds/ Boarding rooms, including 12 x 4 bedroom clusters, 25 x 5 bedroom clusters, 26 x 6 bedroom clusters and 67 self contained Studios
- d) 2 car spaces for employees and 1 accessible car space
- e) 80 Bike Storage spaces

Prior to the issues of the interim/final occupation certification for the development, the certifying authority must be satisfied that the development as constructed is consistent with the above development characteristics and a registered surveyor has provided a certification of compliance with point a) and point b) above.  
(Reason: Information and Ensure compliance)

## **59. Service Vehicle Management Plan**

A service vehicle management plan complying with the requirements of (but not limited to) this condition must be prepared and approved by the certifying authority prior to occupation of the development. The approved service vehicle management plan must be adhered to at all times.

- o All loading and unloading, and deliveries to the site, other than by car, are to be carried by vehicle no larger than a small rigid vehicle.
- o The following procedures will take place in the event that the disabled car space is to be used as a loading bay:
  - o A minimum of 48 hours notice is required from any driver needing to utilise the disabled car space as a loading bay.
  - o The operator of the premise is to provide a minimum of 24 hours notice to any student utilising the disabled car space (and with an NSW Mobility Parking Scheme (MPS) permit or equivalent) and will arrange and pay for alternate convenient parking for the displaced vehicle.
  - o Appropriate signage is to be provided in a visually prominent location explaining that the bay is a disabled car parking space, with service vehicle access by prior arrangement only and displaying the reception desk phone number.

- Line marking is to be provided to direct drivers (disabled drivers and service vehicle drivers) away from the substation/kiosk access corridor.
- CCTV cameras (monitored by the 24/7 on-site management) are to be directed towards the disabled car parking space.
- In the event of any conflict between the needs of a service vehicle and a disabled car space user, the needs of the disabled car space user are to take precedence.

(Reasons: Management of service vehicles, and car parking arrangement)

#### **60. Safer by Design**

To minimise the opportunity for crime and in accordance with CPTED principles, the development shall incorporate the crime prevention measures identified in Section 5.2.7 – CPTED and Table 11 of the Statement of Environment Effects accompanying this development application.

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

#### **61. Easement in gross**

An Easement in Gross in favour of Council must be created, offset at 500mm measured perpendicularly along the full length of the front building alignment of the approved development facing Thomas Lane to the property boundary (revised boundary after land dedication boundary as required in the Voluntary Planning Agreement related to this development consent) variable width, and limited in height to 3.6m above the finished surface level, at no cost to Council.

Prior to the issue of the final occupation certificate, submit documentary evidence to the certifying authority and Willoughby City Council by way of title documents and associated instruments demonstrating that the creation of the easement in gross has been registered with the Land and Property Management Authority.

(Reason: Shared Pedestrian and Cycleway Access)

#### **62. Plan of Consolidation**

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

(Reason: Ensure compliance)

#### **63. Overhead services**

All existing and proposed overhead electricity supply mains and other overhead services around the street frontages of the site, including laneways shall be relocated underground to the specification of the relevant utility provider and Willoughby City Council at full cost to the applicant.

(Reason: Public amenity)

#### **64. Services - Mailboxes**

All mail boxes provided on site are to comply with the requirements of 'Australia Post' in terms of size, location, numbering and clearing. Details of the requirements can be obtained from Australia Post or from their web site.

(Reason: Legal)

## **65. Service Facilities**

The following shall apply to the development:

- Electricity and telephone lines must be placed underground from the street to the buildings.
- A master TV antenna or satellite dish is to be provided for the approved building. This shall suitably screened from view from the street.
- All plumbing pipes and installations must be concealed in ducts and not exposed on the external walls of the building and must be adequately soundproofed.

(Reason: Ensure compliance, streetscape and amenity)

## **66. Screening of Rooftop Plant/Structures**

Any rooftop or exposed structures including lift motor rooms, plant rooms etc., together with air conditioning, ventilation and exhaust systems, are to be suitably screened and integrated with the building in order to ensure a properly integrated overall appearance.

(Reason: Visual amenity)

## **67. Operation Plan**

The submitted Operation Plan must be updated, maintained and adhered to for the operation and management of the development, and is to provide for 'management actions' that achieve but are not limited to the following objectives:

### Public Space

- A waiting area must be provided at the reception area for all drop off/pick-up, and should be arranged by appointment where possible to ensure any drop-off/pick-up can be carried out in an orderly manner.
- No obstruction of any public space.
- No anti-social behaviours around the site.
- No congregation along the street frontage of the site.
- No littering of any public space.
- Any external walls must be free from posters and graffiti.

### Visitor/Security

- Any visitor to the premise must be registered and recorded.
- Visitors to the premises must not reside at the premise contrary to the requirements of this consent.

### Outdoor space

- The use of any communal rooms and outdoor spaces must not result in offensive noise to any adjoining properties.



- The use of ground floor open space with frontage to Albert Ave should be suitably managed to minimise any unreasonable noise impacts to any adjoining and surrounding residential development. This may include suitable curfew of the use of the area.
- Noise policy on the use of live music or entertainment, and all outdoor area to minimise any adverse impacts to any adjoining and surrounding residential development.

#### Waste

- All garbage generated by the development is to be stored within designated garbage bays.
- Noise from collection of waste complies with all relevant standards and does not unreasonably interfere with adjoining premises.
- All waste collection must be carried out promptly and must not obstruct any public road.

#### Suggestion/Compliant Handling procedures

- A register must be kept of any complaints or submission to the operator of the development together with record of actions in response to any complaints.
- A contact number must be clearly display near the front entry of the site for public comments and submissions.

#### Administration/Monitoring/Review

- The objectives and management actions of the operation plan are consistently achieved.
- Response to any reasonable directions from the NSW Police and Willoughby City Council to achieve the requirements of this condition.
- The register of all complaints/actions is to be kept on site and made available to Council if required.
- The Operation Plan must be reviewed at no less frequently than annually.

A copy of the Operation Plan must be kept at the premise and made available to Council upon request.

(Reasons: Operation management)

### **68. 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 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)

### **69. Sign for OSD system and Rainwater Retention and Reuse System**

Aluminium plaques measuring no less than 400mm x 200mm are to be permanently attached and displayed within the immediate vicinity of the OSD system and the rainwater tank(s).

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)

## **70. Confined Space Sign**

Securely install a standard confined space danger sign in a prominent location within the immediate vicinity of access grate of the On-Site Detention (OSD) System.

(Reason: Safe access to tank)

## **71. Certification of OSD**

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

(Reason: Legal requirement)

## **72. Certification of Rainwater Reuse System**

Upon completion of the Rainwater Retention and Reuse System, a licensed plumber shall certify on Council's standard certification form that the rainwater retention and reuse system has been constructed in accordance with the approved stormwater management plans and that the as-built system has been fitted with proprietary first flush device and connected to non-potable use including toilet flushings, laundry and landscape irrigations. All plumbing/drainage works shall be carried out which comply with the current plumbing requirements of Sydney Water and Committee on Uniformity of Plumbing and Drainage Regulations of NSW". Council's Standard Certification form is available in the appendix of Council's Technical Standard No. 2.

(Reason: Record or works)

## **73. 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)

#### **74. Works-As-Executed Plans – Rainwater Reuse**

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

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

(Reason: Record of works)

#### **75. 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 88E(3) of the Conveyancing Act 1919 using Form 13PC and 13RPA respectively. The relative location of the on-site detention tank and the rainwater tanks, in relation to the building footprint, must be shown on the final plan of subdivision/strata plan or must be shown on the scale sketch, attached as an annexure to the request 13PC and 13RPA forms. The system must be fully completed and the 13PC/13RPA forms shall be lodged with Council's Standard S88B/S88E Lodgement Form with all supporting documentations listed in the Form. Council's Standard Form is available from Council upon requested.

Documentary evidence of registration of these instruments with the Land and Property Information shall be submitted to the Principal Certifying Authority and Council prior to issue of any Occupation Certificate.

(Reason: Maintenance requirement)

#### **76. Documentary Evidence of Positive Covenant, Engineers Certificate**

The following documentary evidence of the completed 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 in red based on the approved stormwater management plans from a registered surveyor for the as-built OSD system and/or rainwater reuse system.

(Reason: Public record)

#### **77. Construction of Kerb & Gutter**

Construct new kerb and gutter together with any necessary associated pavement restoration in accordance with Council's specification for the full frontage of the development site in Fleet Lane and Albert Avenue with associated half road pavement reconstruction.

(Reason: Public amenity)

#### **78. Reconstruct Pavement**

Half the road pavement including any necessary associated works adjoining to the full frontage of the development site in Albert Avenue shall be reconstructed in accordance with Council's approved drawings, conditions and specification (AUS-SPEC). Council's standard design traffic for this pavement is  $2 \times 10^6$  ESA.

(Reason: Ensure compliance)

#### **79. Concrete Footpath**

Construct a 1.5m wide concrete footpath for the full frontage of the development site in Albert Avenue. All works shall be carried out in accordance with Council's standard specifications and drawings.

(Reason: Public amenity)

#### **80. Vehicular Crossings**

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

New vehicular crossings including construction of layback and 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 crossings are to be constructed at right angles to the street kerb in plain concrete. The new crossings shall be located no closer than 1 metre from any power pole and 2 metres from any street tree unless otherwise approved by Council. The centreline of the new crossing shall be "in-line" with the centreline of the parking space(s).

The design levels of the vehicular crossings at the property boundary shall be in accordance with the approved long sections. 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 prior to issue of any Occupation Certificate.  
(Reason: Public amenity)

### **81. Removal of Redundant Crossings**

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

### **82. Inspection of Civil Works on Road Reserves**

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

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, and/or the relevant road authority. 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)

### **83. Performance Bond**

The Applicant shall lodge with the Council a performance bond of \$60,000 against defective public civil works undertaken by the main Contractor for a period of twenty-four (24) months from the date of the completion certificate issued by Council as the road authority under the Roads Act 1993. The bond shall be lodged in the form of a cash deposit, cheque or unconditional bank guarantee which will be refundable subject to the approval of Council's Engineers at the end of the maintenance period. In this period, the Applicant is liable for any part of the work which fails to achieve the design specifications. Council shall be given full authority to make use of the bond for such restoration works within the maintenance period as deemed necessary.

(Reason: Ensure compliance and specification)

**84. 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)

**85. 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)

**86. 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".
- i. All new and replacement public trees are of the required species, container size, planting locations, planting standards, and have been grown and supplied from a recognised nursery complying to NATSPEC 2 Guide, "Specifying Trees", 2003.

(Reason: Tree management, Public Asset Management)

**87. Completion of Landscape Works**

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

(Reason: Landscape amenity)

**88. Public Tree Planting**

Plant the following trees on Council land forward of the property:

All trees as indicated on the approved Landscape Plan

The trees shall:

- i. Have a minimum container size of 100 litres and grown to NATSPEC 2 "Guide Specifying Trees", (2003).

- ii. Be planted in accordance with WCC Landscape Specification 08/2007 "Street Tree Planting"
- iii. Be planted generally in alignment with other street trees.  
(Reason: Landscape amenity, tree canopy recruitment)

**89. Acoustic Treatment – Certification**

Certification shall be provided from a suitably qualified acoustic engineer certifying that the acoustic treatment of the building complies with the requirements of the development consent.  
(Reason: Amenity)

**90. Acoustic Works – Report**

To ensure all acoustic work has been completed, certification shall be provided upon completion of the works, accompanied with evidence from suitably qualified and practising acoustic engineer, to the effect that the acoustic attenuation has been carried out in accordance with the acoustic report document number 20111003.1/0911A/RO/JZ by Acoustic Logic dated 9 November 2011 as amended by deferred commencement condition and conditions of this development consent.. The report shall include all post construction validation test results.  
(Reason: Amenity)

**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.**

**91. Garbage bin cleaning**

Bins must be regularly cleaned (every 3-6 months) and maintained in working order.  
(Reason – health and amenity)

**92. 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)

**93. 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)

**94. 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)

**95. Temporary Toilet Facilities**

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

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

**96. Site Lighting**

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

**97. 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)

**98. Number of lodger(s) per boarding room**

No more than one person shall ordinarily live in each of the boarding room in the approved cluster apartments and no more than two persons shall ordinarily live in each of the approved self-contained studio apartments.  
(Reasons: Limit intensity of use)

**99. Use of conductive materials and equipments (Railcorp)**

No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and 1500V catenary, contact and pull-off wires of the adjacent tracks, and to any high voltage aerial supplies within or adjacent to the rail corridor.  
(Reasons: Condition of concurrence & SEPP (Infrastructure))

**100. Vehicular Access and Garaging**

Driveways and vehicular access ramps shall be designed to provide adequate ground clearance to the underside of B85 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)

#### **101. 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)

#### **102. Road Closure**

Any closure (full or partial) of a public road is strictly prohibited without the approval of Council.

(Reason: Public protection)

#### **103. 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)

#### **104. 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)

#### **105. Storage of Materials on Council Land Prohibited**

The dumping or storage of building materials, spoil, vegetation, green waste, or any other material on Council’s land with prior approval is prohibited.

(Reason: Safety, environmental protection)

#### **106. 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)

#### **107. 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)

#### **108. Waste Classification – Excavation Materials**

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

#### **109. Construction Noise**

Construction noise shall be controlled to comply with the requirements as set in the OEH 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)

#### **110. 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
- a) 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.
- b) all stockpiles of materials that are likely to generate dust must be kept damp or covered.
- c) demolition work must not be carried out during high winds, which may cause dust to spread beyond the boundaries of the site.

(Reason: Amenity)

## Attachment 1 – Compliance Table

### DEVELOPMENT STATISTICS

	Proposed	Standard	Compliance
<b>SREP 5 (Chatswood)</b>			
Site Area (m <sup>2</sup> )	1676.2m <sup>2</sup>	-	-
Gross Floor Area (m <sup>2</sup> )	10379 m <sup>2</sup>	3352.4+ 17.62= 3370.02m <sup>2</sup>	No
Floor Space Ratio (Clause 11)	6.19:1	2.01:1  (2:1 plus 0.1:1 per 100m <sup>2</sup> above 1500m <sup>2</sup> )	No. See SEPP1 (additional 0.5 bonus under SEPP ARH)
Height (Clause 15)	32-36.3m	28m	No. See SEPP1
<b>SEPP (Affordable Rental Housing)</b>			
<b>Development Standards (Clause 30)</b>			
Facilities	At least one Communal Kitchen provided per 6 boarding rooms  Studios have private facilities	At least 1 communal area  Adequate kitchen facilities	Yes
Size of boarding room	<25 m <sup>2</sup>	Max. 25m <sup>2</sup>	Yes
No of occupants	max. 2 per room	Max 2 per room	Yes
Onsite manager	Provided with manager residence	Onsite manager	Yes
Ground floor commercial zone	With the exception of manager's residence, no boarding room is provided on ground floor.	No street frontage of ground floor for residential purpose	
Bicycle Spaces	80 spaces	1 per 5 boarding room (req: 79.2)	Yes
Motorcycle Bays	Not provided	1 per 5 boarding room (req: 79.2)	No. See SEPP 1
<b>Standards that cannot be used to refuse consent (Clause 29)</b>			
FSR	6.19:1	2.01:1 + 0.5 = 2.51:1  Plus 0.5 (for maximum permissible FSR <2.5:1 under LEP)	No. See SEPP 1
Building Height	32-36.3m	As per LEP (28m)	No. See SEPP 1
Landscaped Area	Proposed landscaped areas along Albert Ave and Thomas Lane frontages of the site	Compatible with streetscape	Yes.
Solar Access	Max 1-2hours for communal spaces	One Communal area at least 3 hours solar access (9am-3pm winter solstice)	Considered satisfactory. Design maximise solar access but the site is affected by contextual shadows
Private Open Space	>300m (including ground indoor and outdoor recreational areas, first floor balcony area, and roof garden)  8m <sup>2</sup> for manager	Principal POS min 20m <sup>2</sup> min 3m (width)  Onsite manager POS	Yes   Yes

	Proposed	Standard	Compliance
Parking	No parking provided  2 car spaces	Min 0.2 space / room (accessible area) (req: 79.2 spaces)  Max 1 space/employee	No. See discussion in report.  Yes
Accommodation Size	Clusters: 13.5 -15 m <sup>2</sup> Studios: 19.3 - 21m <sup>2</sup>	Min 12 m <sup>2</sup> (single room) Min 16 m <sup>2</sup>	Yes
Boarding Room Facility	Adequate kitchen and communal facilities	As required under Clause 30	Yes
Bicycle & Motorcycle	Bicycle Spaces only		No See SEPP 1
Draft WLEP 2012	(Exhibited 25 March – 20 May2010)		
Floor Space Ratio (Area Z1 )	5.76:1	5:1	No (see additional bonus under SEPP ARH)
Plus SEPP (ARH) FSR bonus	5.76:1	5:1 + 1:1 = 6:1  Plus 20% (for maximum permissible FSR >2.5 under LEP)	Yes
Height (Area U)	32-38m	34m	No. See discussion in report
WDCP			
Car Spaces (C.4) Car spaces(Railway precinct)  Road widening	2 car spaces for employee only  Proposed 2m in VPA	Studio- 0.5 space 1 space/ 5 beds 1/ manager  3m widening on western side (Thomas Lane)	Override by SEPP (ARH)  See VPA report. Attachment 4
Motorbikes	Not provided	1 motorcycle space per 25 car spaces	Override by SEPP (ARH)
Bicycle lockers Bicycle Racks (Additional Req C4.4)	80 bicycle spaces	1 per 10 units 1 per 12 units	
Water Management (C.5)	Stormwater proposal submitted	OSD requirements and technical standards	Subject to def comm. Condition B
Access/Mobility (C.6) Accessibility	6 accessible rooms	To and within every floor containing a dwelling required to be adaptable.	Yes
Visitor Disabled car space	1 accessible car space	1 accessible visitor's space in parking area with more than 50 spaces.	Yes

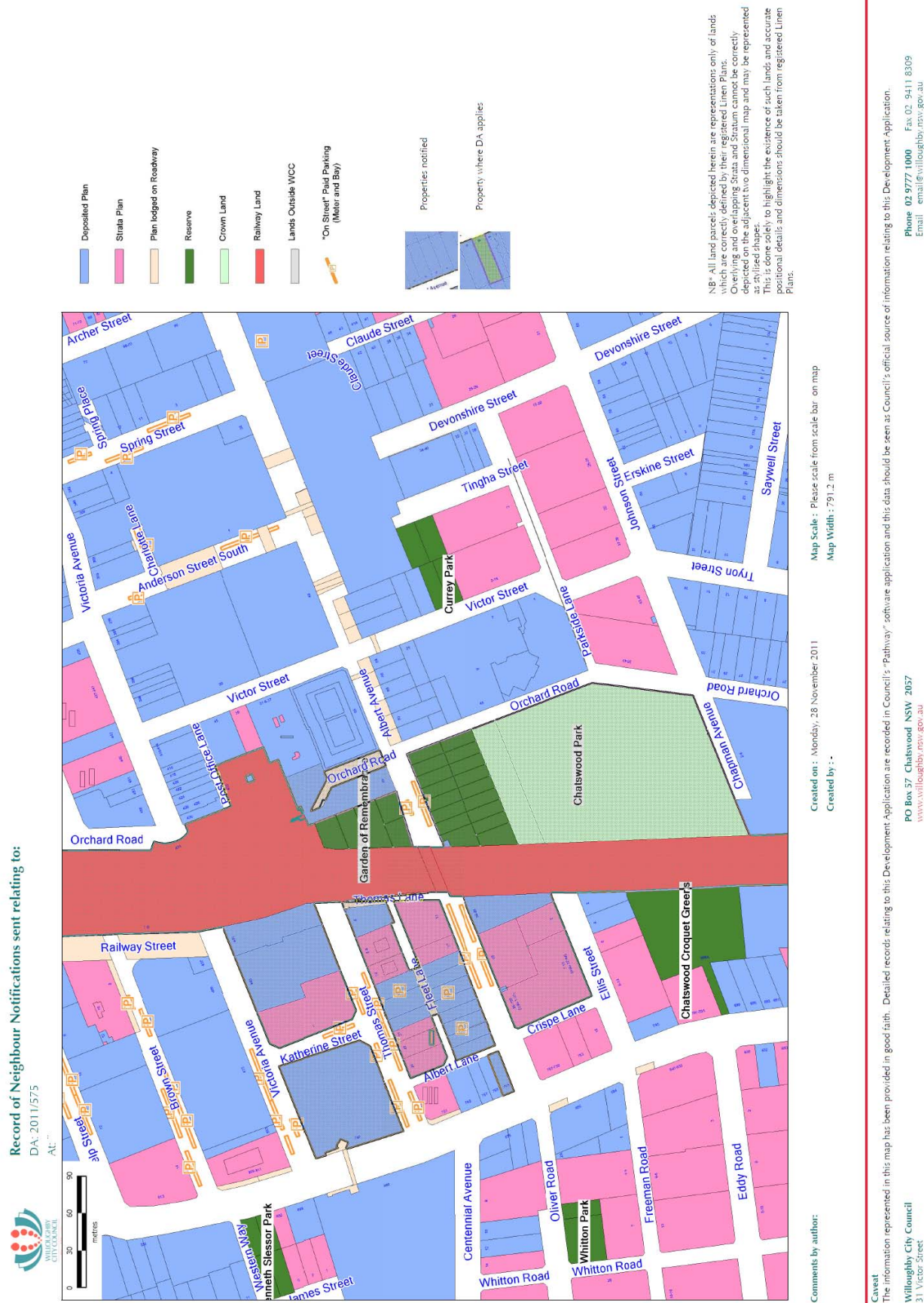
	<b>Proposed</b>	<b>Standard</b>	<b>Compliance</b>
Waste Mgt (C.8)	Proposed ground floor garbage room with access from Fleet Lane	Various	Yes
Soft Landscaped area (C.9)	Central at grade courtyard and Roof garden	1 m strip to rear Street  1 m planter (1 <sup>st</sup> fl) along balconies  20% of roof top& podium vegetated	Satisfactory
Safer by Design (C.11)	Submitted CPTED assessment	Assessment by NSW Police.	Yes see discussion in report.
Fencing (C.13)	High fence open fencing along Albert Ave and Fleet Lane	1.1-1.6m at b'dy 1.6 – 1.8m (setback 1m from b'dy)	Yes
Contaminated land (C.13)	Preliminary Environmental Assessment submitted	SEPP 55	Site Assessment identified no significant sources of land contamination

<b>SEPP 65 (RFB Code)</b>			
<b>Part 1</b>			
<b>Primary Dev Control</b>			
Height	32-36m 32-38m	28m (Srep 5) 34m (Draft WLEP)	Proposal compatible with dev. Context
Depth	9-14m	10 - 18m (daylighting and natural ventilation are to be achieved)	Yes
Building Separation	East/ West wing 13m - 18m Western neighbour 11.8m	<i>Up to 4 storeys/up to 12m</i> 12m between habitable rooms/balconies 9m between habitable rooms/balconies and non-habitable rooms 6m between non-habitable rooms  <i>five to eight storeys/up to 25 metres</i> 18m between habitable rooms/balconies 13m between habitable rooms/balconies and non-habitable rooms 9m between non-habitable rooms  <i>nine storeys and above/ over 25 metres</i> 24m between habitable rooms/balconies 18m between habitable	No. But privacy and amenity matters have been satisfactorily addressed.

		rooms/balconies and non-habitable rooms 12m between non-habitable rooms	
<b>Part 2</b>			
<b>Deep soil zone</b>	22.5%	Min. of 25% of the open space area of the site	Acceptable considering the CBD location.
<b>Fences &amp; walls</b>	Open form fencing along Fleet Lane	Various (pp 45 of RFDC)	Amended fencing design considered acceptable
<b>Landscape design</b>	Deep soil planting and variety of suitable planting to complement recreation spaces, and streetscape	Various (pp46-47 of RFDC)	Yes.
<b>Open space</b> Communal Open Space	30%	25-30% of site area	Yes
Private open Space (Balconies)	No private open space	10m <sup>2</sup> ; Min width 2m.	Conflict with requirements in SEPP (ARH)
<b>Planting on structure</b>	Roof garden proposed.	Various (pp53 of RFDC)	Additional details required.
<b>Stormwater management</b>	See WDCP Part C.5	Various (pp 54-55 of RFDC)	Under assessment
<b>Safety</b>	Addressed in submitted SEE	Carry out a formal crime risk assessment for all residential developments of more than 20 new dwellings.	Satisfactory subject to recommended condition of consent
<b>Visual Privacy</b>	External Privacy screens provided where appropriate	(See Building separation)	Yes
<b>Building entry</b>	Entrances from Thomas Street	Identify the access requirements from the street or car parking area to the apartment entrance.	Yes
	6 accessible room	Australian Standard AS 1428	Yes
	All boarding rooms are visitable.	barrier free access to at least 20% of dwlg	Yes
	Separate parking and loading area with access from Fleet Lane	Driveway width max 6m & away from main pedestrian	Yes
<b>Part 3</b>			
<b>Apartment layout</b>	All cluster apartments are less than 8m from a window (max 7m)	Single-aspect apartments depth max 8 metres from a window.	Yes
	<8m	The back of a kitchen max 8 metres from a window.	Yes

	No cross over apartments	The width of cross-over or cross-through apartments over 15 metres deep should be min. 4 metres	N/A
<b>Balconies</b>	Not provided	Provide primary balconies for all apartments with a minimum depth of 2 metres.	N/A
<b>Ceiling heights</b>	Min 2.7m	2.7 metre minimum for all habitable rooms on all floors	Yes
	>2.4m	2.4 metres for all non-habitable rooms	Yes
<b>Internal circulation</b>	No more than 8 clusters/studios accessed from east or west wing.	Max 8 units accessible from a single core/corridor	Yes
	Natural lighting provided to common corridors	Amenity for common lobbies, corridors and units	Yes
<b>Acoustic Privacy</b>	Addressed in submitted Acoustic report	BCA and rail noise	Yes subject to amendments as required by conditions of consent
<b>Day light access</b>	- 4 out of 6 clusters (66%) receive 2 hours sunlight - 4 out of 7 studios (57%) receive 2 hours sunlight All rooms have access to communal courtyard and roof terrace which enjoy very good solar access.	70 % of Dwlg's Min 3 hours winter solar access  Single-aspect SW-SE apartments to a max. 10 % of dwlgs	Acceptable having regards to CBD location and the availability of variety of communal open space
<b>Natural ventilation</b>	9-14m	10 to 18m (Bldg Depth)	Yes
	More cluster apartments have cross ventilation	60% of dwlg with natural cross ventilation	Yes
	All kitchen have windows	25% of kitchens with natural ventilation	Yes
<b>Façade</b>	Contemporary architectural design with offset grid windows and vertical fins	Various (pp 89-92 of RFDC)	Yes. See discussion in report under SEPP 65
<b>Roof design</b>	Addressed in submitted ESD report	Various (pp 93 -97 of RFDC)	Yes
<b>Energy efficiency</b>			
<b>Maintenance</b>			
<b>Water management &amp; Water Conservation</b>			

Attachment 2 – Notification Map & Submission Issues





## Neighbour Notification Issues

The issues raised in the submissions have been considered in the assessment of the application, and addressed by the amended plans/additional information and/or conditions of consent as appropriate as outlined below:

*Overshadowing: submissions from residential units at No 88 Albert Ave are concerned that the proposed development overshadows their property, particularly during mid-winter.*

Comments: Additional shadow diagrams have been requested from the applicant during assessment. Assessment of the additional shadow diagrams illustrate that there are no significant overshadowing impacts from the proposed development to the property at No 88 Albert Ave, which is located diagonally across from the site.

At winter solstice, when the altitude of the sun is low and shadows are at their longest, the extent of additional overshadowing impacts from the proposed development to the property at No 88 is limited to between 9am and 10:30am and is limited to the 2 -3 apartments on the ground and first floor. After this time, solar access to No 88 Albert Ave is mostly affected by overshadowing impacts of other developments, including the approved Thomas Street Car Park development directly across from No 88. The proposed development is not considered to have any unreasonable impacts to the solar access of the correspondents' property at No 88 Albert Ave.

*Traffic and Parking: Correspondents are concerned that the proposed development does not provide sufficient car parking spaces, and will add to existing traffic congestion in the Chatswood CBD.*

Comments: As discussed in the details under the relevant heading of the assessment report, Part C.4 – Transport requirement of WDCP, the provision of no car parking spaces for the proposed boarding rooms at the site is considered acceptable having regards to:

- The capacity of existing road network at the locality, in particularly Thomas Lane and Fleet Lane are limited. The provision of additional car space would result in substantial increase in car movements in these laneways, and adversely affect the safety of the existing shared pedestrian and cycle zone on Thomas Lane.
- The proposed travel demand management of the future occupants of the proposed development is considered practical. This is due to the highly accessible location of the site and the high competitiveness of public transport costs for students compared to other user groups. The primary attractiveness of the proposed development to its potential clientele is its accessibility to public transport.
- The proposed development is off-campus student accommodation that provides accommodation for tertiary students, but is not directly run by a particular university. Students can have car ownership. However, students with car ownership will be discouraged from selecting the proposed development where no car space is provided and there is no unrestricted parking in the proximity to the site.
- Examples of similar forms of development at accessible locations have been successfully managed without car parking spaces. Such proposals would limit car

movement/traffic generations to residential employees, and drop-off or pick-up when students move in/out of the boarding house at commencement/completion of their course. This is lower than other forms of residential developments and substantially lower than commercial developments of a similar scale and density.

*Noise and other impacts associated with proposed use/future occupants: The correspondents are concerned with the impacts of the proposed student accommodation in terms of noise and potential anti-social behaviours. The correspondents also suggest that the proposed use is unsuitable due to proximity to residential area.*

Comments: The site is located at the periphery of the Chatswood CBD together with a range of commercial and residential development. It is considered a suitable location for the proposed student accommodation, having regards to its access to public transport, retail, and services.

A draft operation plan has been submitted by the applicant/developer together with the application to illustrate the proposed management and operation of the property. In summary the operation plan clearly outlines 24/7 onsite staff to manage the development, and also a range of programs and services, including Residents Assistants to support student residents to adapt to university as well as their rights and responsibilities. It is not considered appropriate to assume anti-social behaviour and offensive noise will be generated due to the likely age of the future occupants of the proposed development, but rather suitable management measures must be in place and enforced to ensure the future occupant will suitably integrate with the existing communities at the locality. In addition to the submitted Operation Plan, Council's officer recommends that a revised Operation Plan be prepared and maintained for the development with respect to **(Condition 67)**:

#### Public Space

- A waiting area must be provided at the reception area for all drop off/pick-up, and should be arranged by appointment where possible to ensure any drop-off/pick-up can be carried out in an orderly manner.
- No obstruction of any public space.
- No anti-social behaviours around the site.
- No congregation along the street frontage of the site.
- No littering of any public space.
- Any external walls must be free from posters and graffiti.

#### Visitor/Security

- Any visitor to the premise must be registered and recorded.
- Visitors to the premises must not reside at the premise contrary to the requirements of this consent.

#### Outdoor space

- The use of any communal rooms and outdoor spaces must not result in offensive noise to any adjoining properties.
- The use of ground floor open space with frontage to Albert Ave should be suitably managed to minimise any unreasonable noise impacts to any adjoining and surrounding residential development. This may include suitable curfew of the use of the area.

- Noise policy on the use of live music or entertainment, and all outdoor area to minimise any adverse impacts to any adjoining and surrounding residential development.

#### Waste

- All garbage generated by the development is to be stored within designated garbage bays.
- Noise from collection of waste complies with all relevant standards and does not unreasonably interfere with adjoining premises.
- All waste collection must be carried out promptly and must not obstruct any public road.

#### Suggestion/Compliant Handling procedures

- A register must be kept of any complaints or submission to the operator of the development together with record of actions in response to any complaints.
- A contact number must be clearly display near the front entry of the site for public comments and submissions.

#### Administration/Monitoring/Review

- The objectives and management actions of the operation plan are consistently achieved.
- Response to any reasonable directions from the NSW Police and Willoughby City Council to achieve the requirements of this condition.
- The register of all complaints/actions is to be kept on site and made available to Council if required.
- The Operation Plan must be reviewed at no less frequently than annually.

*Pedestrian access and safety: The correspondent is concerned with general safety issues of pedestrian access along Thomas Lane and Fleet Lane, particularly for the visually impaired.*

Comments: The proposed development and its related voluntary planning agreement involves substantial works to upgrade existing pedestrian and cycle access to and from Chatswood Bus and Rail Interchange, along Thomas Lane, Fleet Lane and Albert Ave. These proposed works will significantly improve current pedestrian and cycle access to and from Chatswood Bus and Rail Interchange, by extending the existing Shared 10k/h zone and a separate shared pedestrian/cycle path along the Thomas Lane frontage of the site between Albert Ave and Fleet Lane.

The VPA and associated works were reviewed by Council's Access Steering Committee. Their formal comments will be considered in the development of the technical and construction details of the proposed works.

*Construction Management: The correspondents are concerned with respect to construction of the development and impacts to the local road network, particularly in the case if construction of the proposed development coincides with construction of the approved Thomas Street Car Park development.*

Comments: During assessment, Council's officer has requested that the applicant reviews any available information that relates to the potential road and traffic changes as a result of construction of the approved Thomas Street Car Park development, and considers any coordination of construction with the adjoining site to minimise disruption to the local road network. In addition, Council's Traffic section has recommended that the submitted Construction Management Plan be updated as per recommended **Condition 26**, which includes the following requirement:

*This plan to include details of how heavy construction vehicles will access the site, including access routes to and from the State Road network and noting that access to the site via Fleet Lane is likely to be restricted due to the impending development at 14-18 Thomas Street and also noting that vehicles longer than 6 metres will be unable to exit Thomas Lane to Albert Avenue given its narrow width.*

*View obstruction, building bulk & density: The correspondents are concerned with view loss, building bulk, and density of the proposed development.*

Comments: There is no identifiable significant view across the subject development site. The scale, height, and density of the proposed development are compatible with its CBD location, and the development context of the site. The proposed development is substantially smaller in scale and lower in density than the adjoining approved Thomas Street Car Park development. Detailed discussions on the proposed FSR and Building Height have been included in the assessment report under the relevant headings.

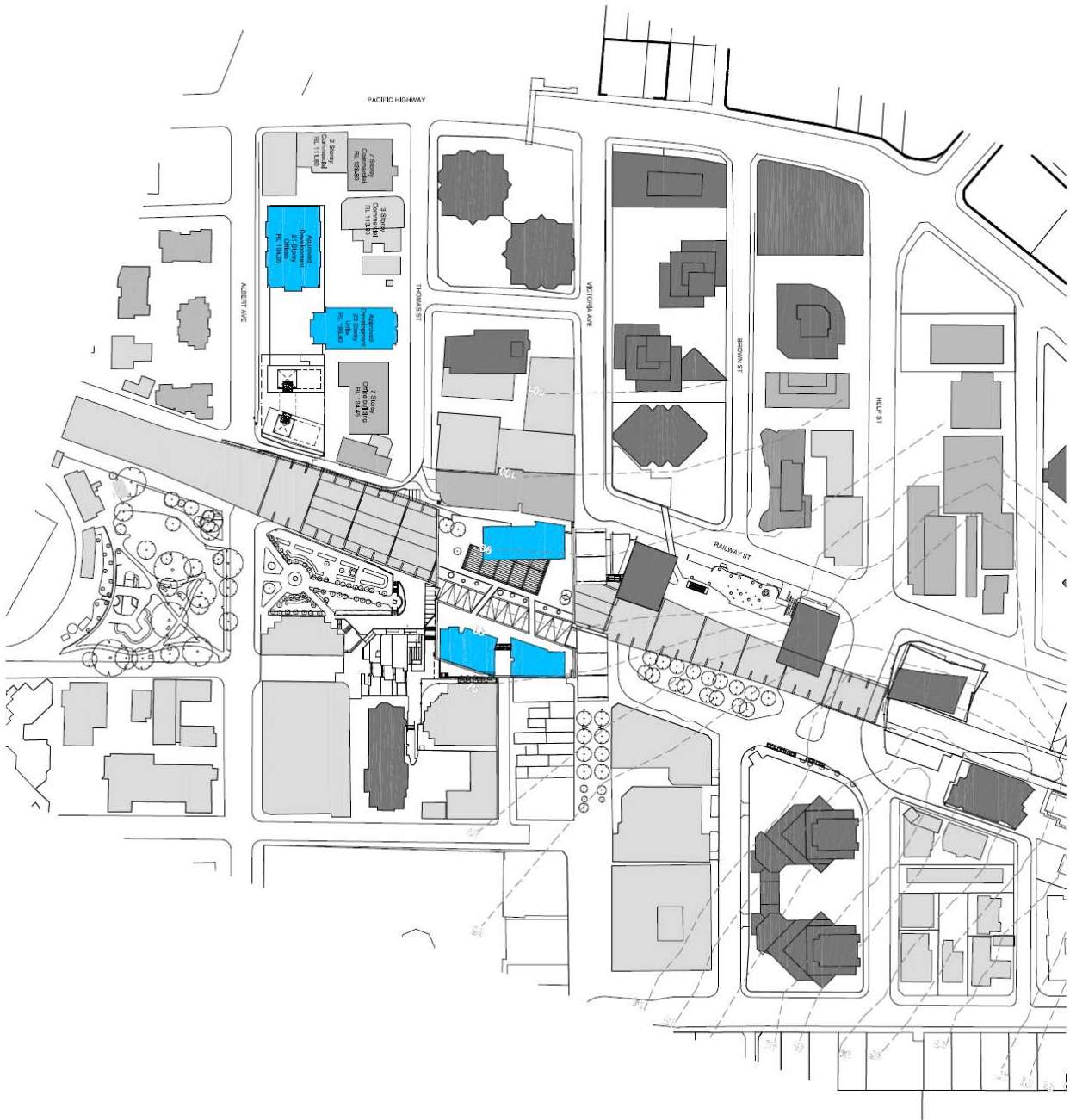
*Devaluation of properties: The correspondents are concerned that the proposed development will have an adverse impact on the value of their property.*

Comments: There is no evidence to substantiate the likely devaluation of the correspondents' property as a result of the proposed development.

<b>Summary of Submission Issues</b>	
Suite 5, 6/F, 12 Thomas St	<ul style="list-style-type: none"> <li>- Bulk of building (prefers medium than high density)</li> <li>- Road closure / traffic congestion / parking required for the construction of the proposal</li> <li>- The provision of car parking is inadequate, given the size of development. Students can still own vehicles.</li> <li>- Access issues at railway side, especially alongside with approved 30-storey Thomas St carpark development</li> </ul>
20 / 88 Albert Ave	<ul style="list-style-type: none"> <li>- Overshadowing (light &amp; warmth) especially in winter (9am-12noon)</li> <li>- No shadow diagrams for summer</li> <li>- Mar &amp; Oct – overshadowing occurs at lunch &amp; afternoon</li> <li>- Noise &amp; vandalism (students gathering and anti-social behaviours)</li> <li>- Inadequate car parking – 2 only car spaces and 80 bike racks.</li> <li>- The applicant's assumption on public transport usage is unrealistic</li> </ul>
29 / 88 Albert Ave	<ul style="list-style-type: none"> <li>- Overshadowing especially in winter</li> <li>- Noise generated by future occupants of the proposal, especially at night caused by students</li> <li>- Student accommodation in close proximity to residential area is unsuitable</li> <li>- Devaluation of owner's property</li> </ul>
2-4 Thomas St (GuideDogs)	<ul style="list-style-type: none"> <li>- Request for plans for access and likely interruption to surrounding premises' parking (Fleet Lane), particularly during construction</li> <li>- Concerns that there may be three future developments under construction happening simultaneously at the location.</li> <li>- Safe shared pedestrian / heavy vehicles management must be provided at Thomas Lane.</li> <li>- Pedestrian access along the eastern side of Thomas lane is poorly defined due to Interchange &amp; motorcycle car parking access.</li> <li>- Road widening on the western side of Thomas Lane may diminish existing satisfactory way-finding indications for the visually impaired.</li> <li>- In general, way-finding coming from all directions for vision impaired clients is the major issue. (i.e. from Thomas St/Fleet Lane/Council Car park/ Station) Consider clever use of visually &amp; tactually contrasting materials, clearly defined walkways &amp; stable underfoot surfaces to aid way-finding indicators</li> <li>- Security &amp; existing vandalism issues (graffiti, abandoned rubbish &amp; police reported) at the location.</li> <li>- Overshadowing (light &amp; warmth) on southern face of the</li> </ul>

	<p>correspondent's property.</p> <ul style="list-style-type: none"> <li>- Privacy &amp; quality of tenure issues</li> <li>- Existing stormwater on Fleet Lane</li> <li>- Inadequate social &amp; community services to accommodate future users for this proposal</li> </ul>
No address provided	<ul style="list-style-type: none"> <li>- Reviewed proposal's "Traffic &amp; Parking Assessment Report" and disagrees its conclusion regarding existing 37 vehicles / hr in traffic generation rate would be reduced by the proposal. Not sensible to consider that no car-parking requirement for the proposed use.</li> <li>- Existing weekend "bottleneck" traffic effect is already a concern</li> <li>- Noise, disruption, parties, drunkenness &amp; congregation concerns in the public domain (e.g. park across, adjacent car park)</li> <li>- Concern on noise, traffic &amp; destabilising sewer &amp; water infrastructure during construction</li> <li>- Undesirable endurance of construction of another development when 84 Albert Ave has just completed</li> </ul>
88 Albert Ave (E. Zhu)	<ul style="list-style-type: none"> <li>- Noise impact</li> <li>- Crowded environment for owner's family</li> </ul>

## Attachment 3 – Plans and Elevation



One of the purposes of the **working paper** is to demonstrate why, even the question of creating a **100% cap** may, in fact, be a **disadvantage** and the **proponent** of this **proposal** needs to be **informed** of any **consequences**.

Do not be **overly** - sure to **verify** everything you **say**. **Remember** the **purpose** of the **proposal** is to **benefit** the **public**.

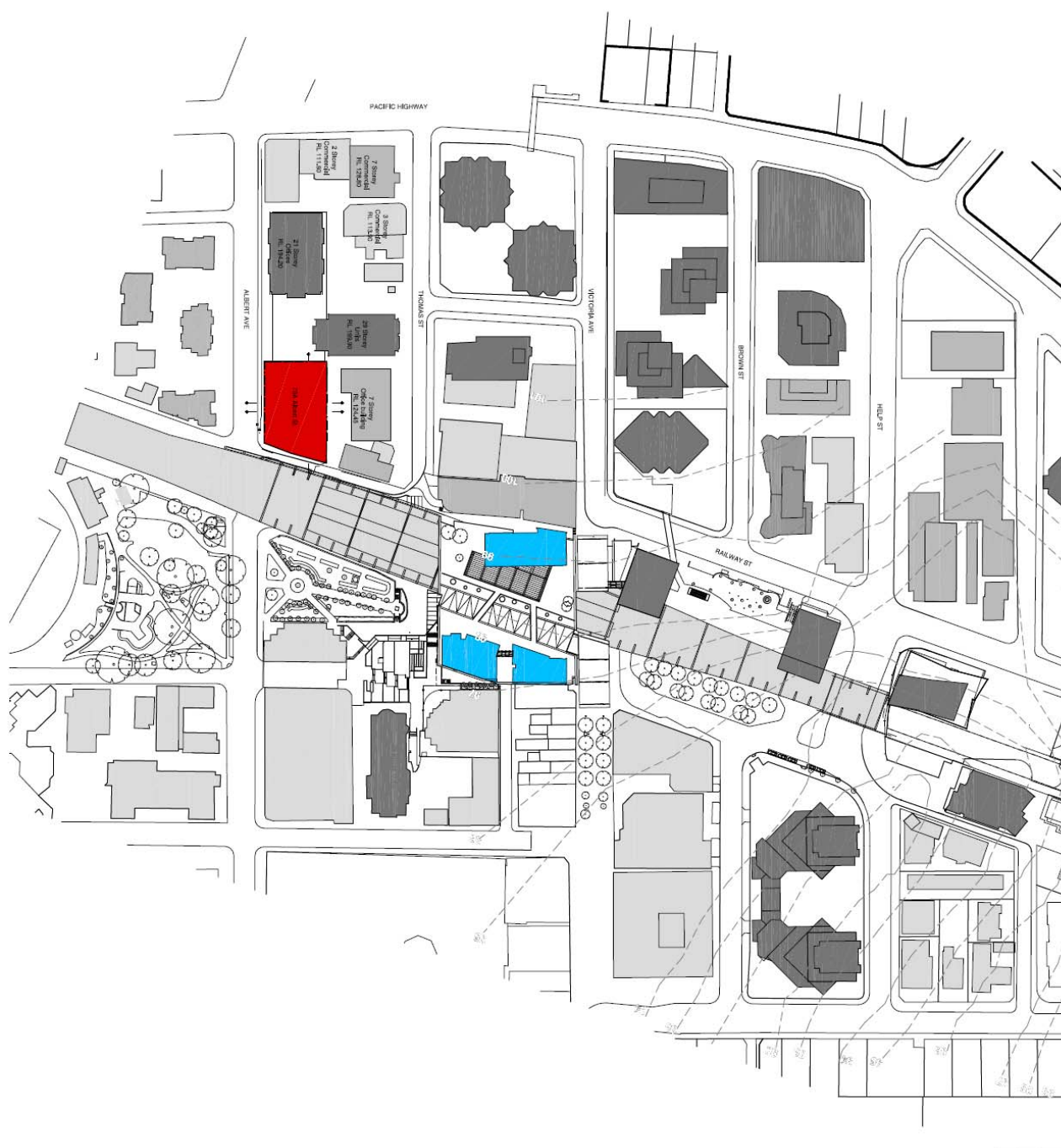
It may not be **reproduced** or **distributed** without the **owner's** **written** **consent**.

## Site Plan

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BATES SMART.

## Attachment 4 – VPA report and Council's Resolution



Change the **frequency** and the **direction** after the measurement of any state, **but** not the **direction** of any motion. **It** is **not** possible to **change** the **direction** of the **flowing** motion by the **action** of any component.

On the each **iteration**, **state** is **stored** in the **array**, **any** **direction** **will** **be** **preserved** as **refered** in the **array** of **the** **state**.

All **iteration** may **not** be **measured** as **the** **state** of **the** **array** **is** **not** **the** **same**.

## Site Plan

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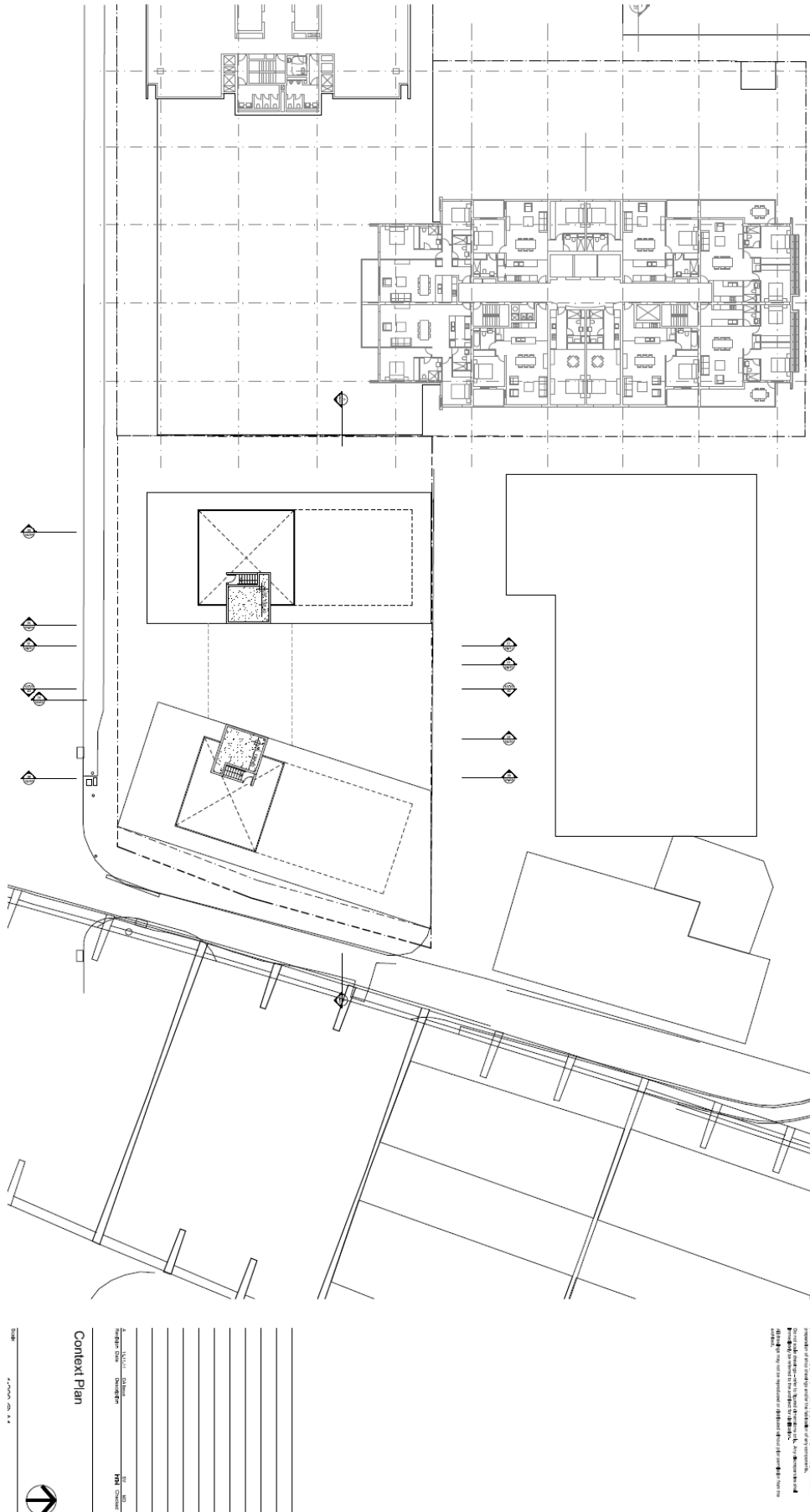
**Medbourne 1** 3000 Street  
Melbourne VIC 3000 Australia  
T 03 8564 0700 F 03 8564 0300  
email [info@medbourne.com.au](mailto:info@medbourne.com.au)  
<http://www.medbourne.com.au>

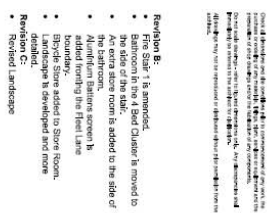
**Medbourne 2** 1200 Street  
Bendigo VIC 3080 Australia  
T 03 8394 5100 F 03 8394 5199  
email [info@medbourne.com.au](mailto:info@medbourne.com.au)  
<http://www.medbourne.com.au>

**Diodes Smart Pty Ltd** ABN 70 004 999 400

BATES SMART







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- Location of SRV loading bay shown.
- Carpark levels revised and pedestrian ramp added.



A03.001[C]

BATES SMART.







- Drawing numbering and title revision



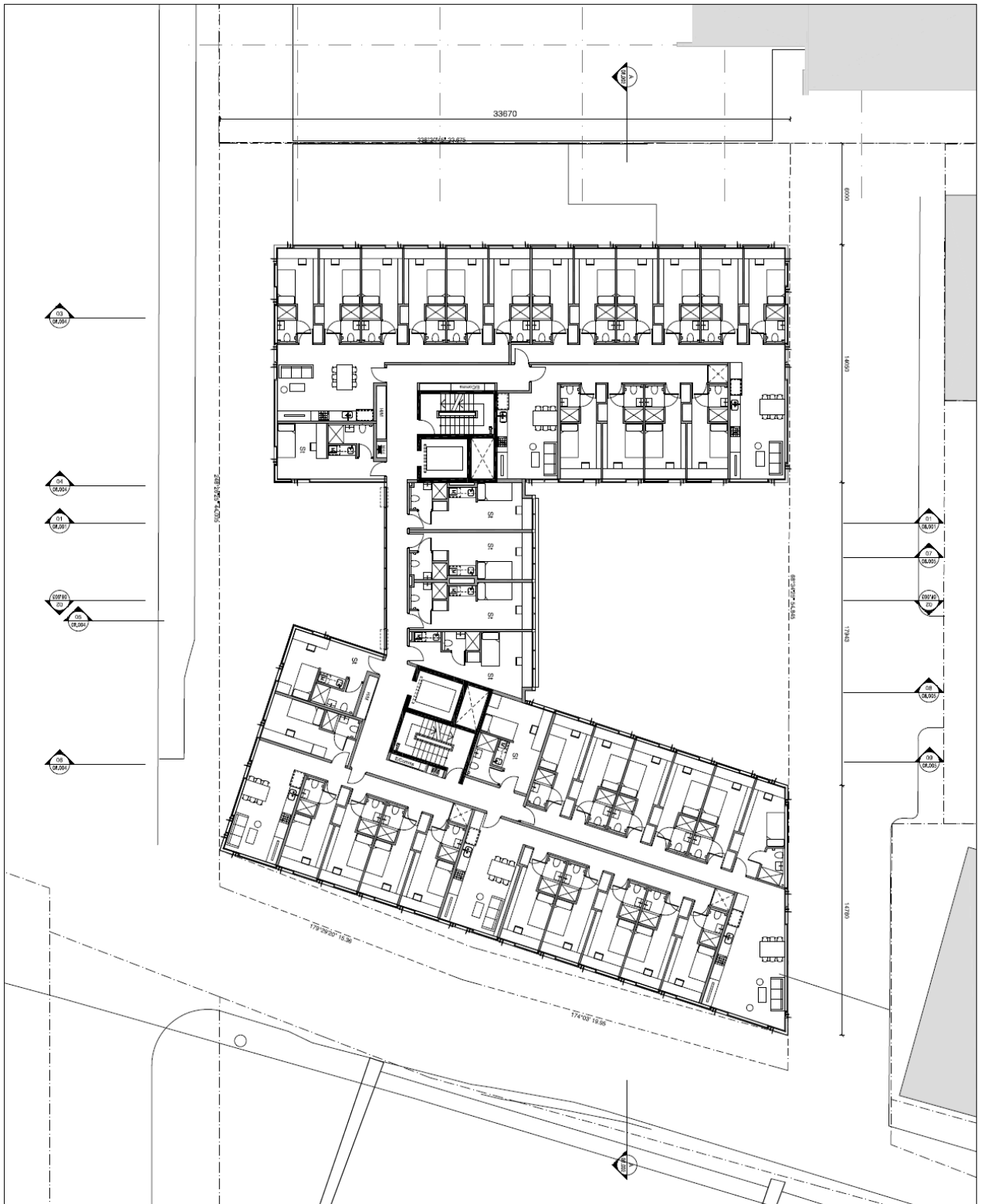
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11

BATES SMART.





**Jigu Chatswood**  
73 Albert Ave  
Level 0+10 Floor Plan

**Scale:** 1:100

**Sheet:** S11022

**Drawn by:** DA

**Checked by:** 26566617-25201

**Project:** A03.0041A

**Client:** BATESSMART

**Project Manager:** [Name]

**Architect:** [Name]

**Engineer:** [Name]

**Structural Engineer:** [Name]

**Electrical Engineer:** [Name]

**Mechanical Engineer:** [Name]

**Plumbing Engineer:** [Name]

**Fire Engineer:** [Name]

**Transport Engineer:** [Name]

**Other:** [Name]

**Notes:**

1. All dimensions are in millimeters unless otherwise stated.

2. All dimensions are to the centerline of the wall unless otherwise stated.

3. All dimensions are to the finished floor level unless otherwise stated.

4. All dimensions are to the centerline of the door unless otherwise stated.

5. All dimensions are to the centerline of the window unless otherwise stated.

6. All dimensions are to the centerline of the staircase unless otherwise stated.

7. All dimensions are to the centerline of the elevator unless otherwise stated.

8. All dimensions are to the centerline of the lift unless otherwise stated.

9. All dimensions are to the centerline of the ramp unless otherwise stated.

10. All dimensions are to the centerline of the bridge unless otherwise stated.

11. All dimensions are to the centerline of the tunnel unless otherwise stated.

12. All dimensions are to the centerline of the road unless otherwise stated.

13. All dimensions are to the centerline of the railway unless otherwise stated.

14. All dimensions are to the centerline of the canal unless otherwise stated.

15. All dimensions are to the centerline of the river unless otherwise stated.

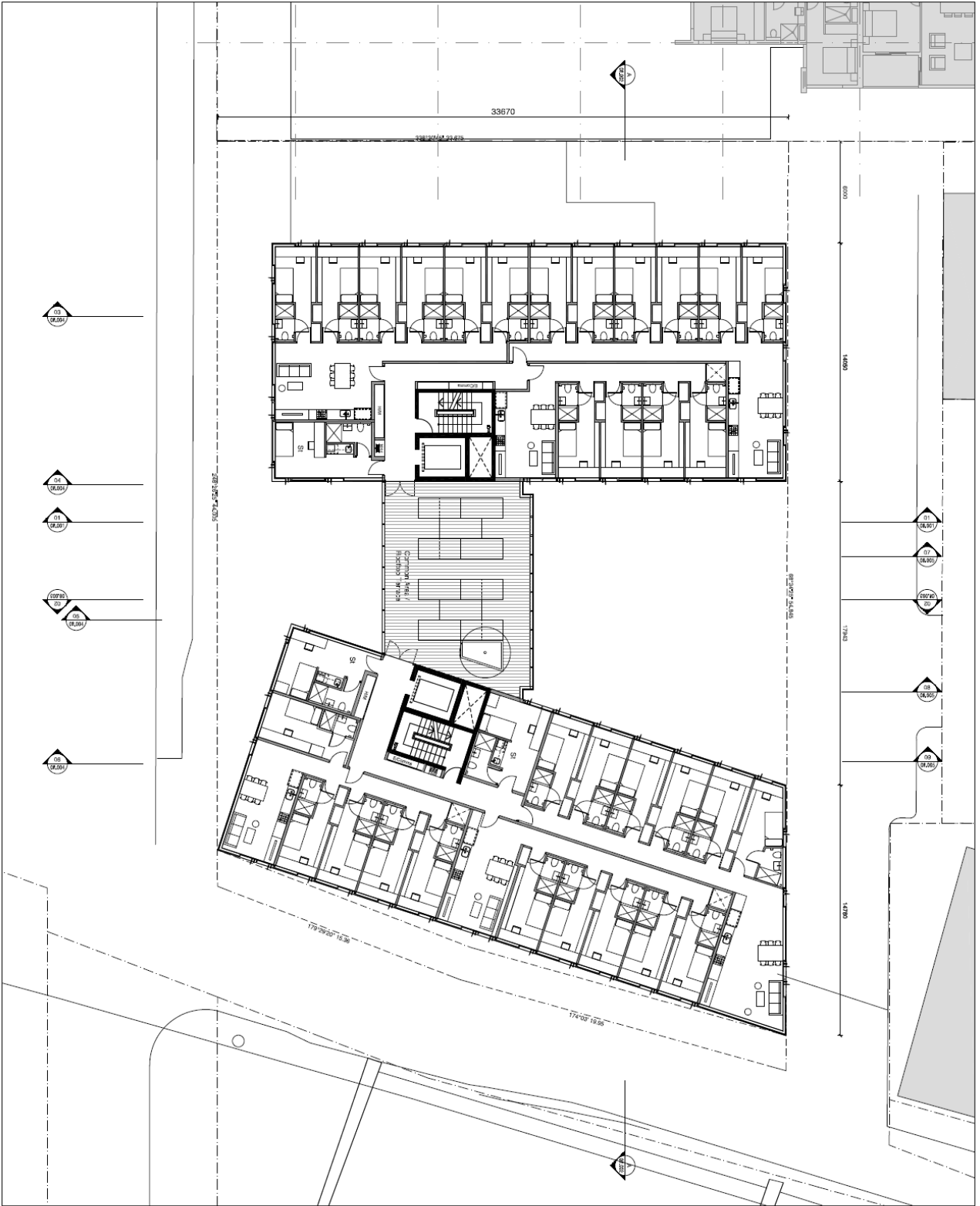
16. All dimensions are to the centerline of the lake unless otherwise stated.

17. All dimensions are to the centerline of the sea unless otherwise stated.

18. All dimensions are to the centerline of the sky unless otherwise stated.

19. All dimensions are to the centerline of the earth unless otherwise stated.

20. All dimensions are to the centerline of the universe unless otherwise stated.

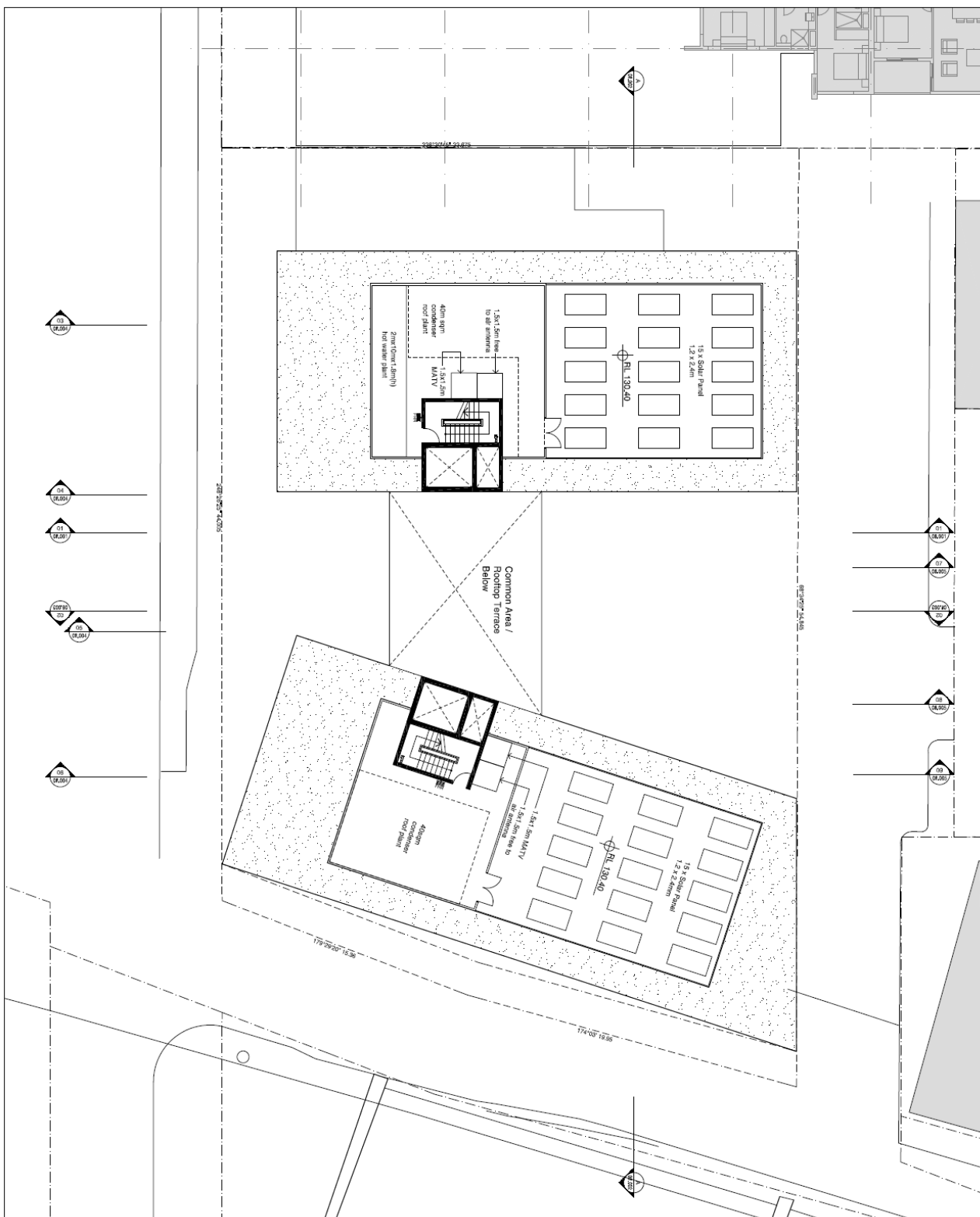


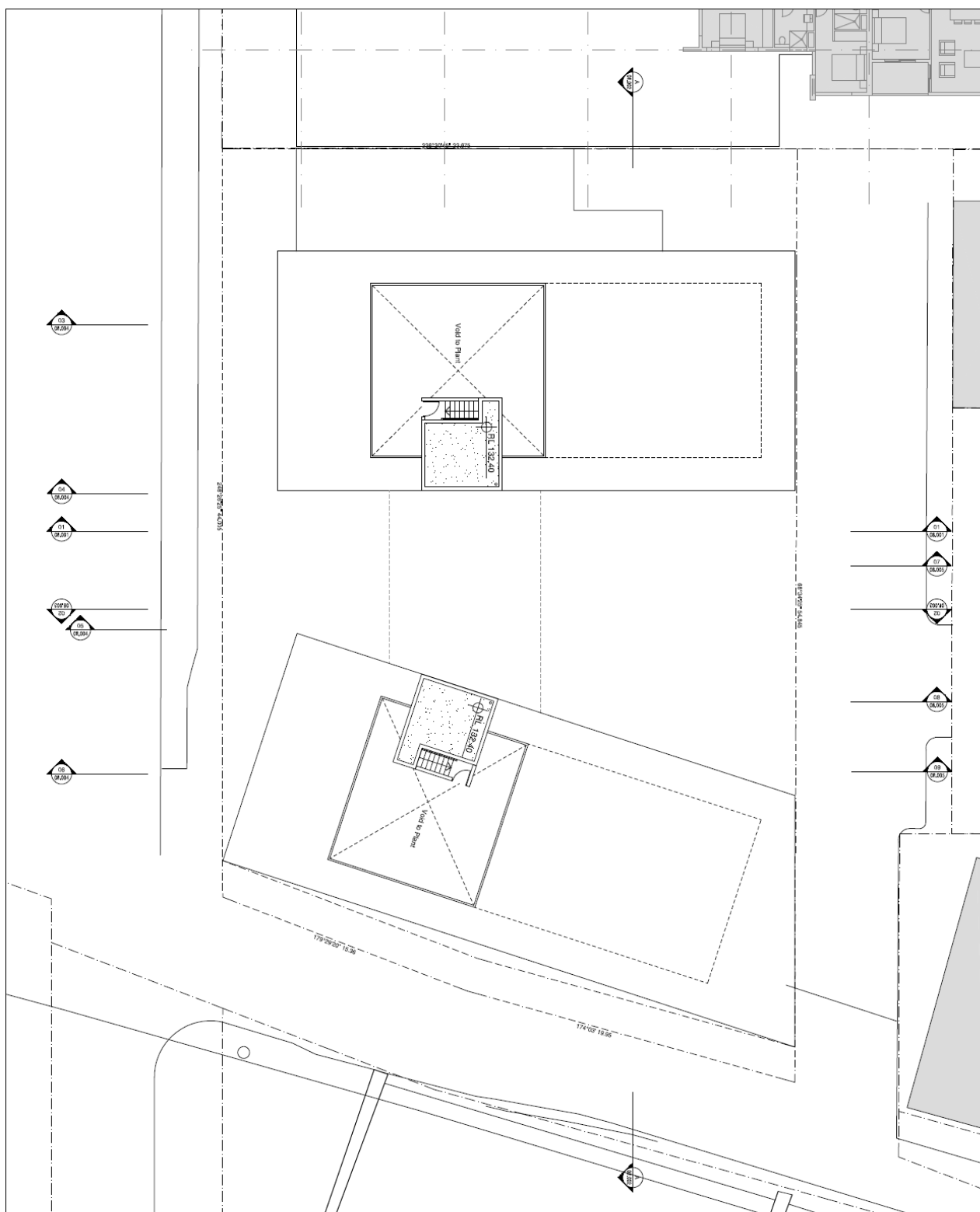
(Scale: 1/8" = 1'-0")  
 This drawing is a preliminary drawing and is not to be used for construction purposes. It is for informational purposes only. The final drawing will be provided upon completion of the project.

Iglu Chatswood  
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 Level 11 Floor Plan  
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 DA  
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 2011/01/12  
 11-100  
 S11322  
 DA  
 2011/01/12

**BATESSMART**  
 A03.0051A1  
 Bates Smart Pty Ltd ABN 75 004 889 400







**Sydney** 1253, Dorcas Street  
East Sydney NSW 2010 Australia  
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Melbourne VIC 3000 Australia  
T 03 8664 6200 F 03 8664 6300  
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<http://www.ballissem.com.au>

**Brass Smart Pty Ltd** ABN 70 004 999 400

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Veeva Systems73 Albert Ave  
Roof Plan

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Iglu Chatswood

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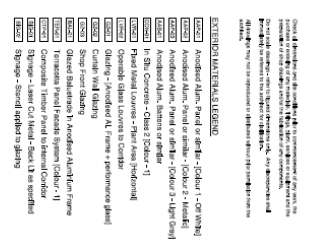
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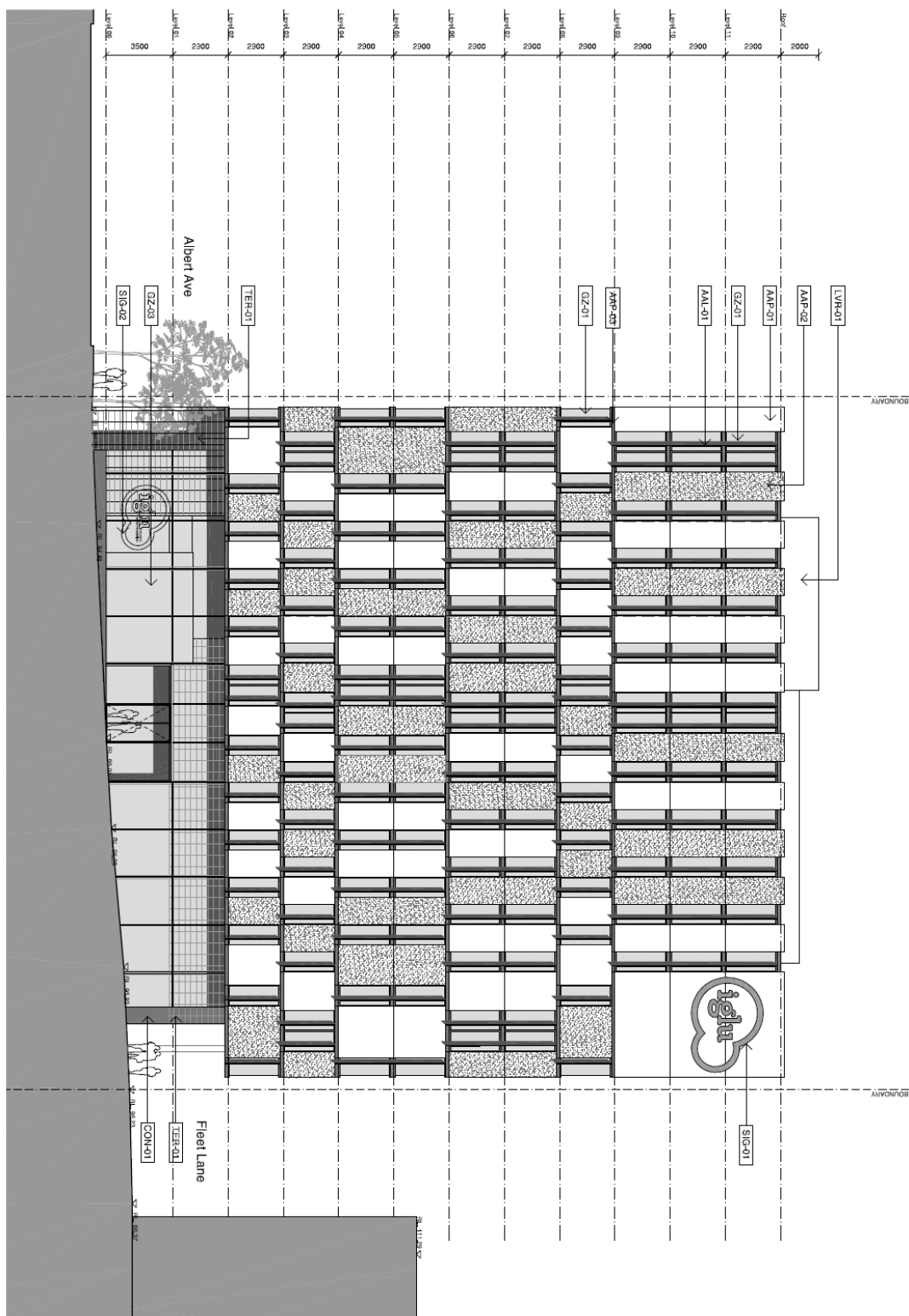
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### EXTERIOR MATERIALS LEGEND

- |       |  |
|-------|--|
| 02003 | Andreas Jurn, Pearl or spherul - (Colour 1 - CR White)   |
| 02004 | Andreas Jurn, Pearl or spherul - (Colour 2 - Metallic)   |
| 02005 | Andreas Jurn, Pearl or spherul - (Colour 3 - Light Grey) |
| 02006 | Andreas Jurn, Pearls or spherul                          |
| 02007 | In the Concrete - Chisel & Hammer                        |
| 02008 | Paved Visual Louvers - Chisel & Hammer                   |
| 02009 | Openable Glass Louvers to Concrete                       |
| 02010 | Glazing - (Andreas Jurn - performance glass)             |
| 02011 | Curtain Wall Glazing                                     |
| 02012 | Step Front Glazing                                       |
| 02013 | Glazed Balustrade by Andreas Jurnham                     |
| 02014 | Tempered Panel Slabs System (Colour 1)                   |
| 02015 | Composite - Tempered Panel to Thermal Concrete           |
| 02016 | Slipgrage - (uses Col Metal - Chisel & Hammer)           |
| 02017 | Slipgrage - (used spherul in glazing)                    |

[illegible]

Iglu Chatswood  
73 Albert Ave  
East Elevation



State	1:00 @ A1
Chem	Chem
Project No.	S11922
Status	DA
PI/ CoPI	26606512 - 229pm
PI/ CoPI	601000118001182JAL:zhiliao@uconnvm.edu
Project No.	A07.0004[A]
Project No.	

**East Sydney NSW 2010 Australia**  
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email [info@balticsemin.com.au](mailto:info@balticsemin.com.au)  
<http://www.balticsemin.com.au>

**Melbourne 1 Melbourne Street**  
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email [info@balticsemin.com.au](mailto:info@balticsemin.com.au)  
<http://www.balticsemin.com.au>

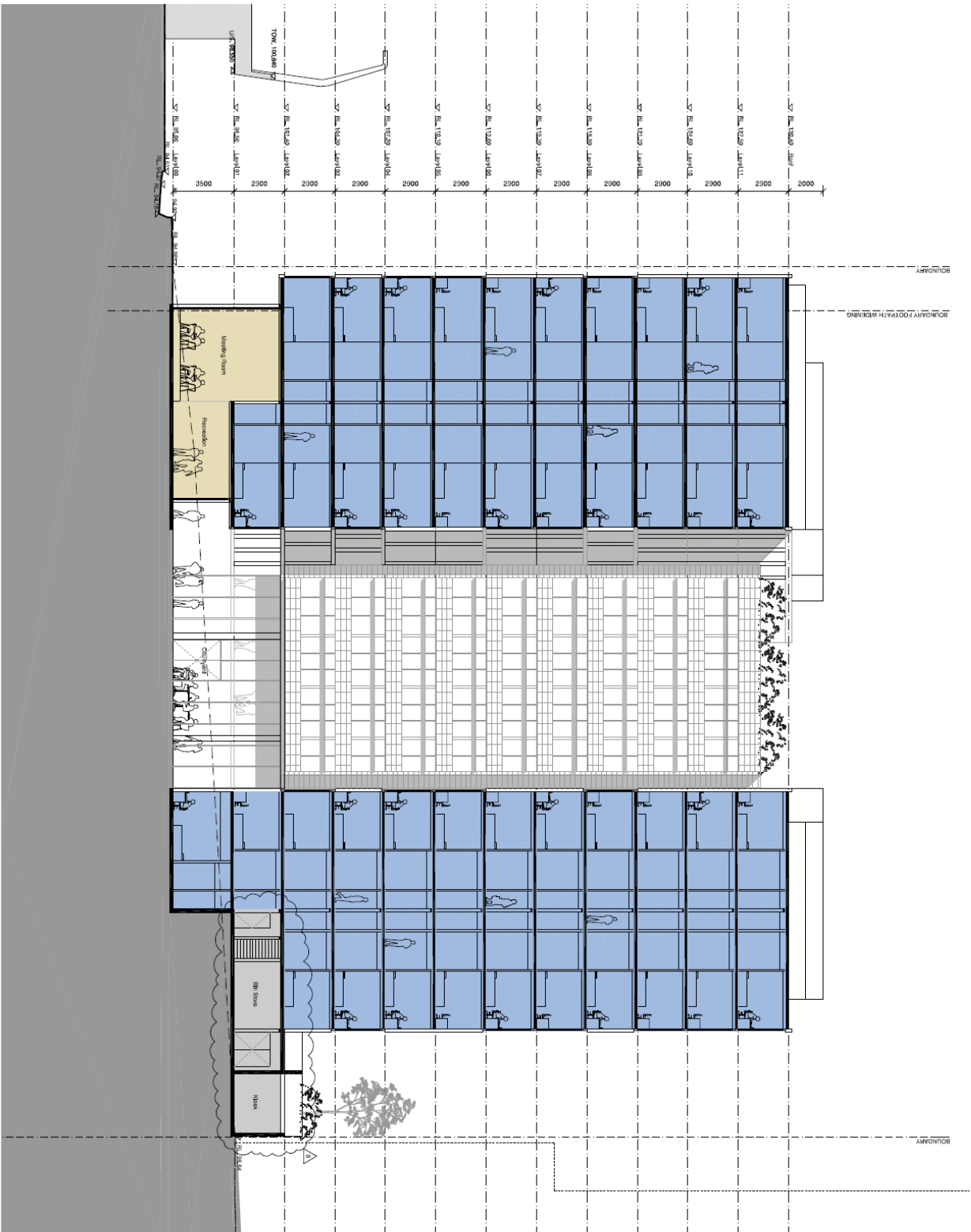
**Dates Smart Pty Ltd ABN 70 004 999 400**

BATES  
SMART.



Page 103

- **Revision B:**
  - Aluminum Batten screen is added from the Fleet Lane boundary.
  - Disabled Car space is added from the Fleet lane.
  - Kick is moved at the back of the Disabled Car space and the rest of the BOH area is configured accordingly.
  - Extra Accessible exit route is added from the lobby towards the Fleet Lane.



Iglu Chatswood  
73 Albert Ave  
Section AA



Title	1:100 @ A1
Client	CINQUE
Project No.	S13922
Date	DA
Per Date	26-08-2017 - 2:25pm
Rev #	B:\1000\13922\A1.dwg; AutoCAD 2017
Drawn By:	Pinkney

A08.002[B]

**Straker** 1/243 Liverpool Street  
East Sydney NSW 2010 Australia  
T 03 8564 5100 F 03 8564 5199  
email [info@collesseman.com.au](mailto:info@collesseman.com.au)  
<http://www.collesseman.com.au>

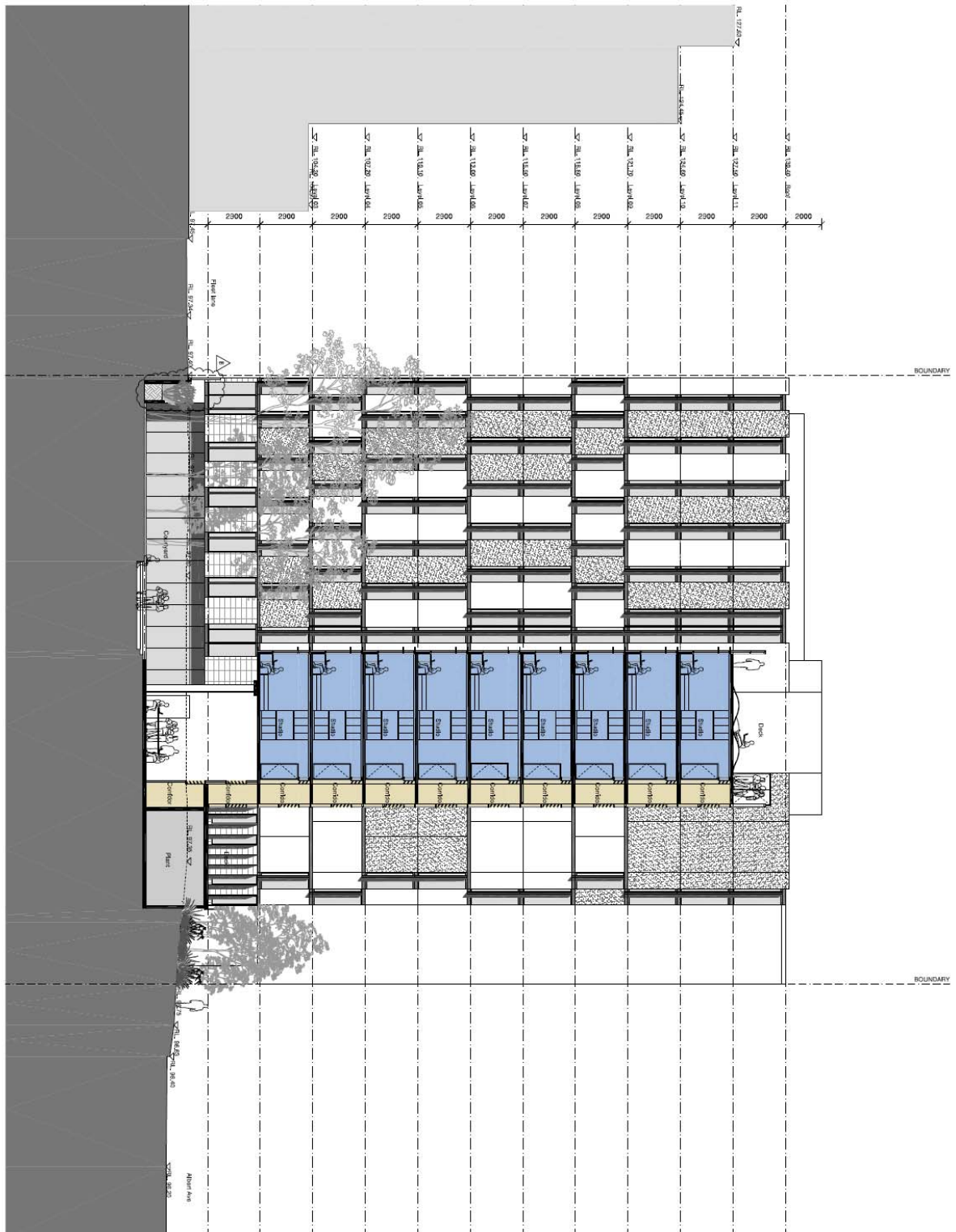
**Belbourne** 1 Nicholson Street  
Melbourne VIC 3000 Australia  
T 03 8664 6200 F 03 8664 6300  
email [mike@belbourne.com.au](mailto:mike@belbourne.com.au)  
<http://www.belbourne.com.au>

**Bates Smart Pty Ltd** ABN 70 004 999 400

**BATES**  
SMART.



- **Revision B:**  
Aluminum Battens screen is added fronting the Fleet Lane boundary.



**Iglu Chatswood**  
73 Albert Ave  
Section 02

State	1:00 @ A1	Circle(s)
Drawn		
Project No.	S11322	
State	DA	
Job Name	24606007-2 - 2500m	
File No.	601200011000110024606007-2	
Drawn by	10/16/05	

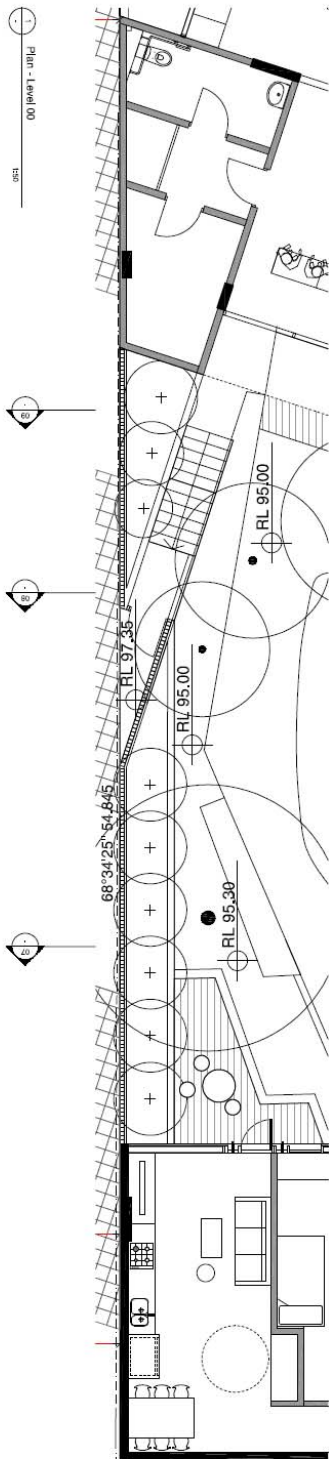
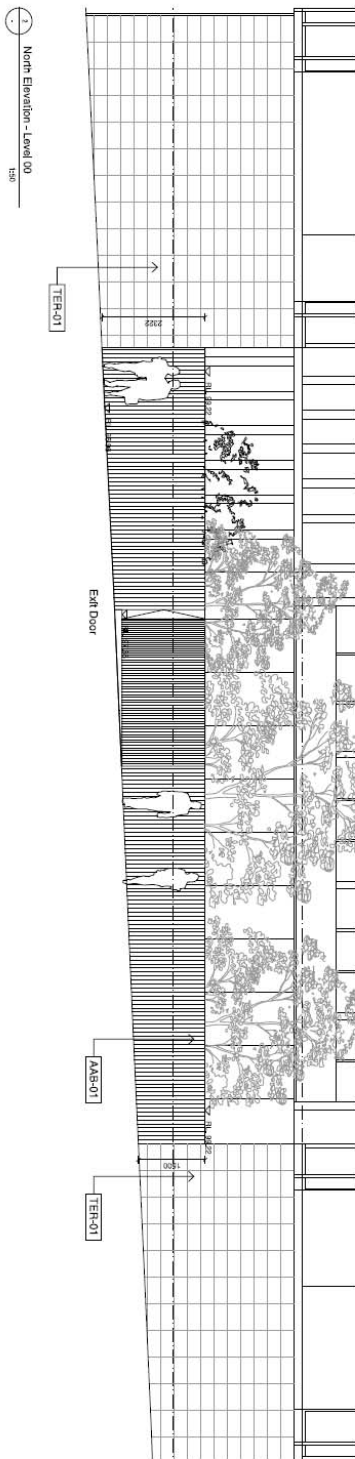
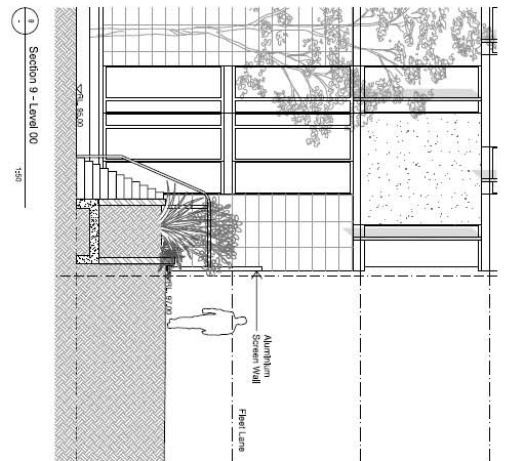
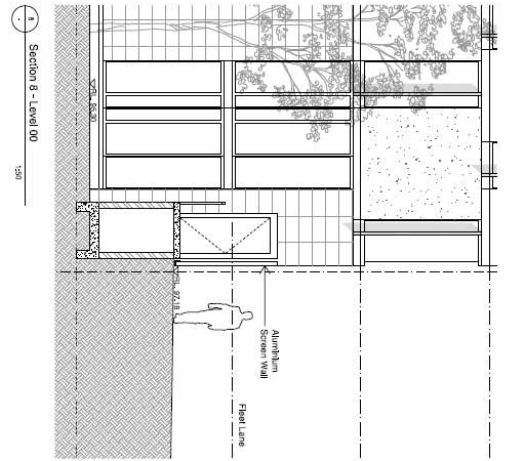
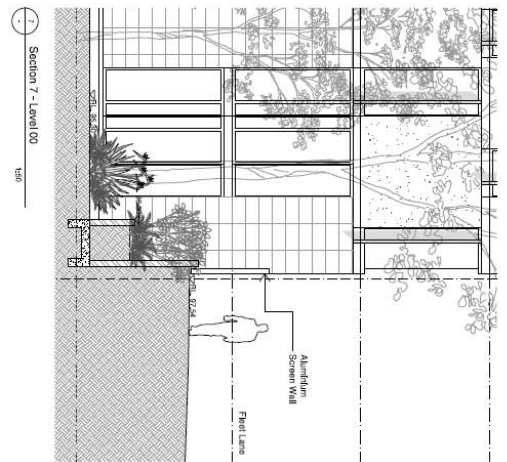
**Sydney** 1/231 Liverpool Street  
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<http://www.chelseascrims.com.au>

**Dates Smart Pty Ltd** ABN 78 004 989 400

BATES SMART.



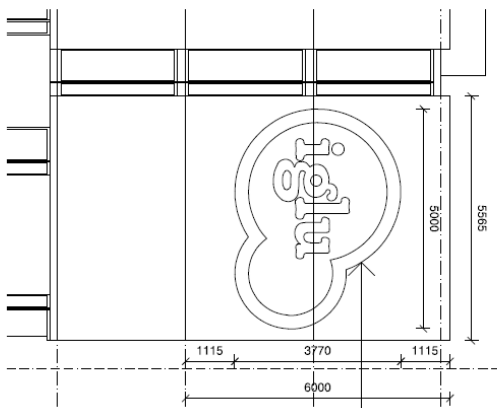
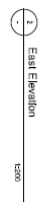
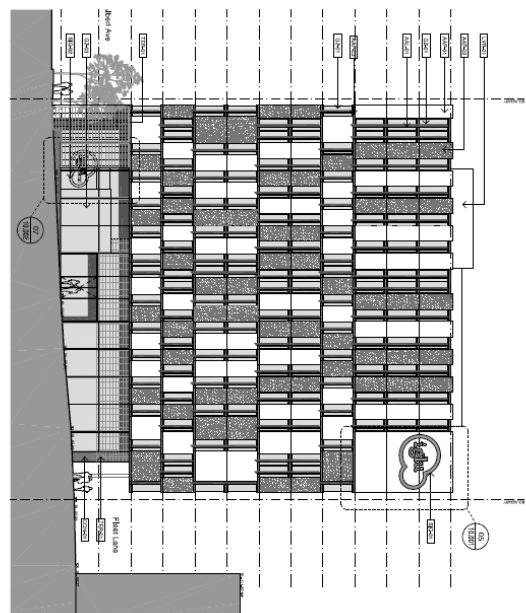
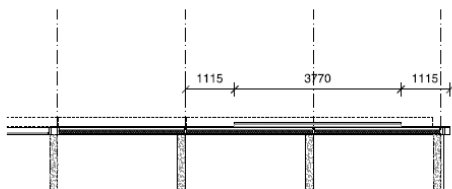
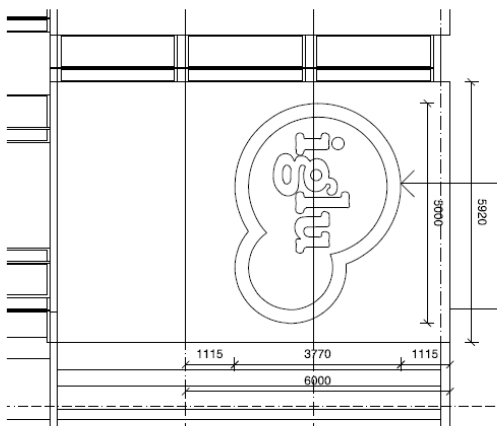
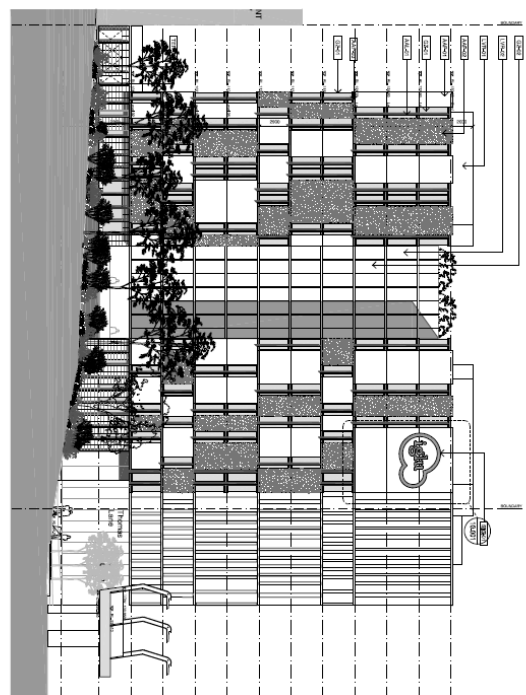


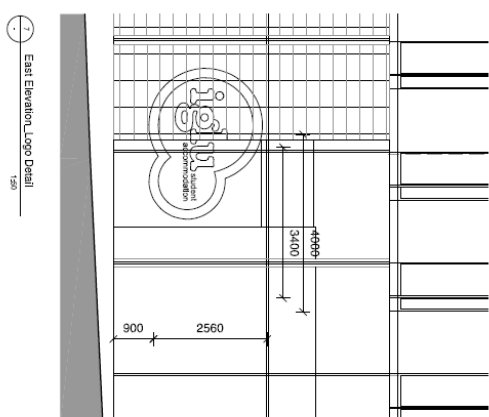
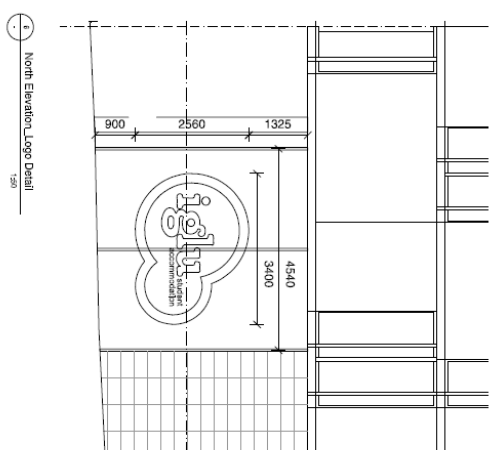
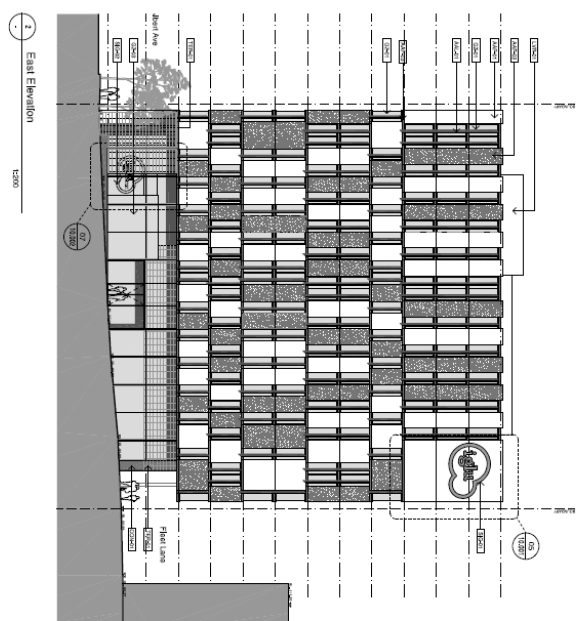
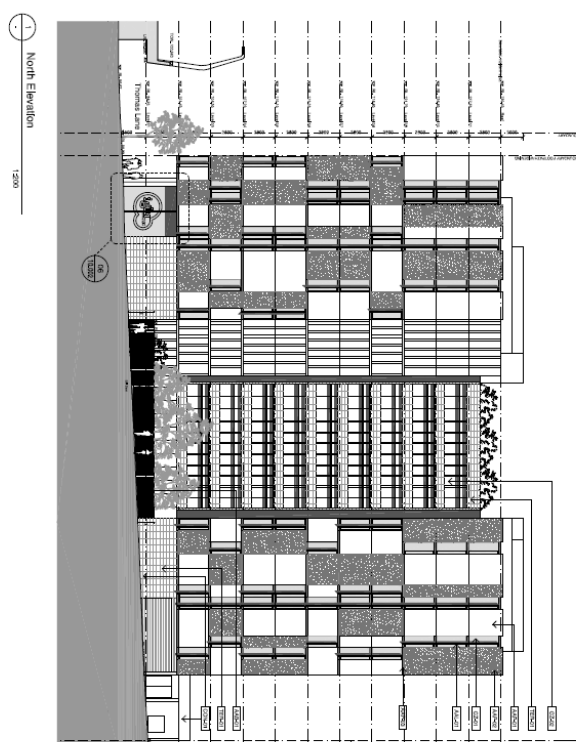
Section 10 - Level 00 architectural drawing showing a cross-section of the building. It includes labels for 'Aluminum Screen Wall', 'First Line', and 'Finish'. The drawing shows a multi-story building with a sloped roof and a large window area.

**Igu Chatswood**  
73 Albert Ave  
Sections - Level 00

**A08.005(B)**  
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Sydney NSW 1580  
Tel: 02 9550 1111  
Fax: 02 9550 1112  
Email: info@batesmart.com.au  
Website: www.batesmart.com.au

**BATESSMART**

[illegible]



Do not include diagrams - refer to Diagrams in text only. Any diagrams and drawings must be included in the text of the answer.

[illegible]

BATES SMART.



## Attachment 4 – VPA Report & Council's resolution

ORDINARY COUNCIL MEETING

14 MAY 2012

### 18.3 VOLUNTARY PLANNING AGREEMENT - THOMAS LANE LAND DEDICATION AND EMBELLISHMENT WORKS (DA2011/575)

ATTACHMENTS:	1. DRAFT VOLUNTARY PLANNING AGREEMENT & CONCEPT PLANS 2. VPA WORKS ESTIMATES 3. DRAFT WLEP 2009 – LAND ACQUISITION MAP
RESPONSIBLE OFFICER:	JEFF ELLIS - ECONOMIC & PROPERTY DEVELOPMENT DIRECTOR
AUTHOR:	ANNIE LEUNG – DEVELOPMENT PLANNER & JEFF ELLIS - ECONOMIC & PROPERTY DEVELOPMENT DIRECTOR
DELIVERY PROGRAM ITEM:	5.2.4. OUR CBDS ARE SUPPORTED BY PROVISION OF UTILITIES, PUBLIC TRANSPORT, ROAD UPGRADES, OPEN SPACE INFRASTRUCTURE AND PEDESTRIAN LINKAGES
MEETING DATE:	14 MAY 2012

#### Purpose of Report

To report on the Draft Voluntary Planning Agreement ("the Agreement") submitted with Development Application 2011/575 as proposed by Iglu No. 202 Pty Limited ("the Developer"). (**Attachment 1**).

The Agreement is deemed an agreement for the purposes of S93F of the Environmental Planning and Assessment Act.

Councillor Stevens assumed the Chair.

#### RESOLUTION

- A. That a submission be made to the Joint Regional Planning Panel advising of Council's intention to enter into the Agreement with the Developer of DA2011/575, and request that a condition be imposed on any development consent for DA2011/575, requiring the subject planning agreement to be entered into as per s93 I (3) of the Act.
- B. That Explanatory Notes of the Agreement be prepared jointly with the Developer to the requirements of s25E of the Regulation be prepared and be placed on public exhibition.
- C. That delegated authority be granted to the General Manager and the Mayor to finalise the Agreement in respect to any specific terms and details on the delivery, and the securities of the public benefits proposed in the Agreement on the behalf of Council.
- D. That delegated authority be granted to the General Manager and the Mayor to affix the Council's seal in respect to any road widening, rights of ways, easements, road dedication to finalise this Agreement.

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- E. That the planning agreement to be included in Council's Annual Report as per S93G(5) of the Environmental Planning and Assessment Act upon execution.
- F. That the Agreement be registered with the Department of Planning and Infrastructure upon execution.
- G. Council officers attend both the Bike and Access Committees to explain what has been recommended and resolved and future considerations for the site.

MOVED COUNCILLOR THOMPSON

SECONDED COUNCILLOR COX

CARRIED

**Voting**

**For the Resolution:** Councillors Coppock, Cox, Fogarty, Giles-Gidney, Lamb, Rutherford, Saville, Stevens, Thompson and Wilson.

**Against the Resolution:** Nil.

Councillor Norton declared a non-significant non-pecuniary interest in this matter and took no part in the determination of the matter.

His Worship the Mayor, Councillor Reilly declared a non-significant non-pecuniary interest in this matter and took no part in the determination of the matter.

Mr Steven Head declared a non-significant non-pecuniary interest in this matter and took no part in the determination of the matter.

**18.3 VOLUNTARY PLANNING AGREEMENT – THOMAS LANE LAND DEDICATION AND EMBELLISHMENT WORKS (DA2011/575)**

<b>ATTACHMENTS:</b>	<b>1. DRAFT VOLUNTARY PLANNING AGREEMENT &amp; CONCEPT PLANS 2. VPA WORKS ESTIMATES 3. DRAFT WLEP 2009 – LAND ACQUISITION MAP</b>
<b>RESPONSIBLE OFFICER:</b>	<b>JEFF ELLIS - ECONOMIC &amp; PROPERTY DEVELOPMENT DIRECTOR</b>
<b>AUTHOR:</b>	<b>ANNIE LEUNG – DEVELOPMENT PLANNER &amp; JEFF ELLIS - ECONOMIC &amp; PROPERTY DEVELOPMENT DIRECTOR</b>
<b>DELIVERY PROGRAM ITEM:</b>	<b>5.2.4. OUR CBDS ARE SUPPORTED BY PROVISION OF UTILITIES, PUBLIC TRANSPORT, ROAD UPGRADES, OPEN SPACE INFRASTRUCTURE AND PEDESTRIAN LINKAGES</b>
<b>MEETING DATE:</b>	<b>14 MAY 2012</b>

**Purpose of Report**

To report on the Draft Voluntary Planning Agreement ("the Agreement") submitted with Development Application 2011/575 as proposed by Iglu No. 202 Pty Limited ("the Developer"). (**Attachment 1**)

The Agreement is deemed an agreement for the purposes of S93F of the Environmental Planning and Assessment Act.

**Description**

The Developer of DA2011/575 offers to enter into a voluntary planning agreement attached to this report.

The Agreement proposes:

- Dedication of Thomas Lane Road Reservation Land
- Thomas Lane Embellishment Works

Subject to the terms of the Agreement, the development is excluded from the application of s94 (Developer's Contributions), and s94A (Fixed development consent levies) of the Act.

**Background****Proposed Development**

DA2011/575 is currently seeking development consent for Demolition of existing buildings and construction of a 12 storey building for purposes of a Boarding House, business identification signs, and associated works. The development site is bounded by Thomas Lane, Albert Ave and Fleet Lane. The proposed road dedication and embellishment works relate to the Thomas Lane frontage of the site. The consent authority for DA2011/575 is the Joint Regional Planning Panel.



The JRPP is scheduled to consider the application at its meeting on 6 June 2012. A separate assessment report will be submitted to the JRPP, and a copy of the report will be provided to Council to consider making a submission to the JRPP regarding any other aspects of the development.

#### Thomas Lane

The current form of Thomas Lane is an outcome of the Chatswood Transport Interchange development. The resultant lane provides for vehicle, cyclist and pedestrian movements albeit in a confused fashion.

Currently, restricted vehicle access is provided from Thomas Street to Albert Avenue/Fleet Lane and from Fleet Lane to Albert Avenue. The imminent closure of part of Fleet Lane ultimately alters vehicle access on Thomas Lane whereby vehicles will only enter it from Fleet Lane exiting left to Thomas Street or right to Albert Avenue. This configuration was approved as part the Fleet Lane road closure and is considered a safer configuration than that existing. It is also noted that the car park of the CTI also exits into Thomas Lane adjacent to Albert Avenue.

Cyclists in Thomas Lane are catered for 'on-road' south from Thomas Street to Albert Avenue. Cyclists travelling north on Thomas Lane do so on a raised path adjacent to the western boundary for the section between Albert Avenue and Fleet Lane and then 'on-road' up to Thomas Street. This arrangement is confusing and it is noted that the majority of cyclists currently traverse Thomas Lane 'on-road' regardless of the direction they are travelling. This situation is compounded by pedestrian conflict.

Pedestrians using Thomas Lane utilise the roadway for the top half between Thomas Street and Fleet Lane and then are expected to stay on the pedestrian path under the rail line overhang down to Albert Avenue. The identified route is not the desired route and as such pedestrians tend to stay on the roadway or use the raised cycleway along the western boundary.

Overall the amenity of Thomas Lane is poor, there is no landscape integrity to the space, no sense of arrival or address and it does not provide a structured link between Chatswood CBD, the Interchange, Albert Avenue and Frank Channon Walk beyond.

#### **Public Benefits in the Agreement**

Planning agreements provide flexibility for Council to expedite the delivery of infrastructure upgrades in line with redevelopments, when compared to compulsory Developer's Contributions imposed under s94 of the Act or Fixed Development consent Levies under s94A of the Act. The material public benefits contained in the Agreement aim to address some of the design issues currently experienced with Thomas Lane and are in two main parts as further discussed below:

##### **A. Dedication of Thomas Land Road Reservation Land**

In the Agreement, the proposal will dedicate a strip of land along the Thomas Lane frontage of the site at approximately 2m wide (as measured from the property boundary on Thomas Lane). (See plans attached to the Agreement in **Attachment 1**). This is less than the identified road widening in Draft WLEP 2009, which identifies a 4m wide road widening on Thomas Lane affecting the development site. The original intention of the proposed widening in Draft WLEP 2009 was to widen the actual road carriageway of Thomas Lane. However, it has been identified that due to existing telecommunication cables running along the Thomas Lane, the footpath area cannot be relocated or lowered/buried deeper into the ground. Due



to the surface level difference between the road surface, the cables and the footpath, the widening of road carriage of Thomas Lane is not feasible. However the widening of the footpath area is possible.

Council's Transport & Traffic Group Leader in reviewing DA2011/575 and the Agreement notes that: *"Given the presence of Telecommunications cabling under the existing footpath on the west side of Thomas lane it is considered unlikely that the road will realistically ever be widened to a width of 3m. The 2m road widening to allow for a widerpaved area is considered appropriate."*

The proposed land dedication will provide opportunities to improve the public footpath area of Thomas Lane as outlined in the proposed Thomas Lane Embellishment Works.

#### B. Thomas Lane Embellishment works

A concept design plan is attached to the Agreement illustrating the proposed widening and improvements works to the Thomas Lane fronting the development site. The works generally comprise of:

- Demolition of existing retaining walls along the Thomas Lane frontage of the site
- Earth works to lower existing site levels to facilitate access to the proposed footpath.
- New pavement and footpath and associated works
- Suspended slab over existing telecommunication cables in Thomas Lane
- A planter edge between the proposed footpath and the road carriageway
- Landscaping

The proposed works will widen the footpath area to approximately 3m wide at its minimum point. Detailed construction design and specifications of the proposed works is subject to further negotiation between Council and the Developer.

As a result of the above works and in conjunction with the local road network changes approved via the part closure of Fleet Lane a number of issues associated with the design of Thomas Lane will be addressed.

Cyclists and pedestrians will share a well constructed, landscaped path separated from the carriage way for the section of Thomas Lane between Fleet Lane and Albert Avenue. The lane will have an improved amenity creating a public space with landscaping and a sense of address, the fronting of the proposed development on to the lane will create a safer environment through passive surveillance, lighting and greater use of the lane.

#### Assessment - s79C (a)(iii)(a)

In considering the subject draft planning agreement, Council must ensure public benefits contained in the draft agreement are appropriate, and it is in the public's interests for Council to enter into the agreement.

Discussion below relates to whether the draft planning agreement is acceptable in planning terms as required under s79C (a)(iii)(a) of the Act.

##### a) *Appropriate Public Purpose (s93F(2))*

All material benefits in the Agreement are considered to be directed towards appropriate public purposes in accordance with s93F(2) of the Act. The term "public purpose" is not defined in the Act, but Section 93F(2) states that public purposes includes the provision of (or the recoupment of the cost of providing) public amenities or public services, and transport or other infrastructure relating to land. The public benefits in the Agreement are for the

purposes of improvements to a public road, Thomas Lane as previously discussed in this report.

*b) Relate to the development (s93F(4))*

The public benefits in the Agreement directly relates to pedestrian circulation to and from and past the proposed development. The proposed Thomas Lane Embellishment works will improve pedestrian access between Chatswood Railway Station and Albert Ave via Thomas Lane, as well as the proposed development, which has its front entrance addressing Thomas Lane. The concept design of the proposed Thomas Lane Embellishment works complements the main entry to the proposed development fronting Thomas Lane, and improves the amenity of the lane.

*c) Public exhibition (s93G(1))*

The Agreement was notified in accordance with the requirements of the Act together with DA2011/575. No submissions received with respect to the draft VPA.

Note: Should Council propose to enter into the Agreement, Explanatory Notes are required to be prepared jointly with the Developer for the Agreement and be placed on public exhibition according to the requirements of the s25E of the Regulation.

*d) Contain reasonable means to secure the public benefits (93F(3)(c))*

The Agreement details the nature and extent of the provisions to be made by the developer under the Agreement, the time or times by which the provision is to be made and the manner by which the provision is to be made. The Agreement includes terms of securities, which are currently being reviewed by Council's lawyers.

In accordance with s93 I (3) of the Act, a condition can be imposed on development consent requiring a planning agreement to be entered into, but only in the terms of the developer's offer made in connection with the application.

*e) Protect community from planning harm (93F(10))*

A planning agreement is void to the extent, if any, to which it requires or allows anything to be done that, when done, would breach this section or any other provision of this Act, or would breach the provisions of an environmental planning instrument or a development consent applying to the relevant land. The subject Agreement is not considered to contain such terms.

**Notes:**

- i. In accordance with s93 I (3) of the Act, a condition can be imposed on a development consent requiring a planning agreement to be entered into, but only in the terms of the developer's offer made in connection with the application.
- ii. Amendments to the Draft Planning Agreement may require re-exhibition under the s93G(1) of the Act.
- iii. The benefits provided in the agreement cannot be used to justify any objections made under SEPP 1.



**Other matters****State Regional Planning Policy No 5 (Chatswood Town Centre)**

Under Part 2 of the Agreement, Clause 6.1 states that "the Thomas Lane Road Reservation Land is dedicated to Council under this Deed for the purposes of Clause 11(4) of State Regional Planning Policy No 5 (Chatswood Town Centre)" ("SREP 5"). This is not considered to be correct noting that Clause 11 of SREP 5 deals with Floor Space Ratio calculation, and statement of intent to dedicate land that are identified within Zone No 9(a) - Reservation: Proposed Local Roads and Widening. However, the subject development site is not identified to be within zone 9(a) under SREP No 5.

It is recommended that references to Clause 11(4) of SREP No 5 be removed from the Agreement. The proposed dedication of land should be identified for the purposes of a public road under the Roads Act 1993.

**Thomas Lane**

An allotment at the corner of Fleet Lane and Thomas Lane adjoining the development site identified as Lot 1 DP 184307 is currently held under the ownership of Rail Corporation New South Wales. The proposed Thomas Land Embellishment works will extend over this allotment, which is approximately 19m<sup>2</sup> in size. Based on previous undertakings by former Transport and Infrastructure Development Corporation, this allotment is to be transferred to Council or alternatively if this has not occurred prior to the works being undertaken, owner's consent will be obtained from Rail Corp. The Agreement and concept plans have already been referred to Railcorp, who advised that Council/the Developer may enter a licence agreement to undertake the proposed works.

Currently RMS are the Roads Authority controlling Thomas Lane, however it is noted that discussions with RMS indicate that Council will resume control over Thomas Lane and that the current situation is an interim position as a result of the works undertaken with the Chatswood Transport Interchange redevelopment. It is noted that this was a specific outcome addressed in the Deed of Settlement in the TIDC vs WCC case. On this basis the Agreement and concept plans have been referred to RMS for review and comment.

**Financial Implications**

The contributions and obligations imposed on the developer in the draft planning agreement seek to discharge the application from Developer's Contributions under Sections 94 and Fixed Development Consent Levies under Section 94A of the Environmental Planning and Assessment Act.

Under the existing S94 Contribution Plans a contribution of approximately \$1,174,232 has been calculated as being applicable for the additional development proposed.

At the Council Meeting of 28 November 2011, Council resolved to replace the existing Section 94 Plans with *The Chatswood Business District Section 94A Development Contributions Plan 2011*, this is currently waiting for amendments to Section 25K of the Environmental Planning and Assessment Regulation 2000 prior to the plan coming into force. Under the proposed S94A Plan, the 3% levy, based on a development cost of \$31,790,000, would equate to \$953,700.

The proposed Thomas Land Road Reservation dedication has an area of approximately 70.6m<sup>2</sup>. Based on recent land sales this has a nominal value of in excess of \$500,000.



A preliminary cost estimate report prepared by WT Partners Quantity Surveyors has been submitted by the Developer at the request of Council's officers for the proposed Thomas Lane Embellishment Works. (Attachment 3) The submitted report estimate the proposed works at \$660,000 plus GST.

Based on the above, the estimated total value of the public benefits in the Agreement is approximately \$1,160,000.

The actual arrangements detailed in the Agreement will be referred to Council's solicitor for review.

### Policy Implications

The site is identified for local road widening by Draft WLEP 2009 which was exhibited in 2010. When Council enters into the Agreement with the Developer for the Dedication of Land as specified in this Agreement the proposed Road Widening identified by Draft WLEP 2009 affecting the development site will be redundant.

### Conclusion

The objective of the draft Voluntary Planning Agreement is to secure public benefits in connection with the proposed development (DA2011/575). The proposed road dedication together with embellishment will significantly improve pedestrian access as well as the overall streetscape of Thomas Lane. The improvements to the public domain will deliver mutual benefits to Council and the Developer by upgrading the existing footpath that provides pedestrian/cyclist access between the Chatswood Railway Station to the development and Albert Ave.

### OFFICER'S RECOMMENDATION

- A. That a submission be made to the Joint Regional Planning Panel advising of Council's intention to enter into the Agreement with the Developer of DA2011/575, and request that a condition be imposed on any development consent for DA2011/575, requiring the subject planning agreement to be entered into as per s93 I (3) of the Act.
- B. That Explanatory Notes of the Agreement be prepared jointly with the Developer to the requirements of s25E of the Regulation be prepared and be placed on public exhibition.
- C. That delegated authority be granted to the General Manager and the Mayor to finalise the Agreement in respect to any specific terms and details on the delivery, and the securities of the public benefits proposed in the Agreement on the behalf of Council.
- D. That delegated authority be granted to the General Manager and the Mayor to affix the Council's seal in respect to any road widening, rights of ways, easements, road dedication to finalise this Agreement.
- E. That the planning agreement to be included in Council's Annual Report as per S93G(5) of the Environmental Planning and Assessment Act upon execution.
- F. That the Agreement be registered with the Department of Planning and Infrastructure upon execution.