

**JOINT REGIONAL PLANNING PANEL
(Region)**

JRPP No	2012SYE047
DA Number	2012/162
Local Government Area	Willoughby City Council
Proposed Development	Construction of a three storey mixed commercial building comprising office accommodation, workshop / laboratory space, ancillary staff cafeteria and basement car parking.
Street Address	591- 607 Pacific Highway, 5- 7 Bryson Street & part 339 Mowbray Road, CHATSWOOD NSW 2067
Applicant/Owner	AUSGRID
Number of Submissions	1 - Railcorp
Recommendation	Deferred Commencement Approval with Conditions
Report by	Noni De Carvalho, Development Planner

Assessment Report and Recommendation

DA REPORT TEMPLATE (JRPP)

ATTACHMENTS: 1. NOTIFICATION PLAN

JRPP MEETING DATE: 1 AUGUST 2012

RECOMMENDATION: APPROVAL

LOCATION: 591- 607 Pacific Highway, 5- 7 Bryson Street & part 339 Mowbray Road, CHATSWOOD NSW 2067

APPLICANT: AUSGRID

OWNER: AUSGRID

PROPOSAL: CONSTRUCTION OF A THREE-STOREY MIXED COMMERCIAL BUILDING COMPRISING OFFICE ACCOMMODATION, WORKSHOP/LABORATORY SPACE, ANCILLARY STAFF CAFETERIA AND BASEMENT CAR PARKING.

DATE OF LODGEMENT: 16-MAY-2012

VALID APPLICATION DATE: 16-MAY-2012

REPORTING OFFICER: NONI DE CARVALHO

REPORTING COUNCIL: Willoughby City council

JRPP REFERENCE: SYD12/00674

COUNCIL REFERENCE: DA 2012/162

Description of Proposal

The Development Application 2012/162 by Ausgrid (JRPP SYD12/00674) proposes a new multi-purpose three storey building for Ausgrid with basement car parking. The building is specifically designed for the needs of Ausgrid. The documentation with the application advises that the development is to accommodate the transfer of Ausgrid personnel from St Leonards and Pymble depots and consolidate Ausgrid activities in the area. The development is located on land fronting Pacific Highway between Nelson Street and Bryson Street, Chatswood and abuts the current Ausgrid depot facility in Chatswood. The development application has been lodged as development by the Crown. Ausgrid is a State Owned Corporation pursuant to the *State Owned Corporations Act 1989*.

The building is an approximate L-shape that addresses the Pacific Highway and Nelson Street frontages. It is designed with two wings connected by an entry lobby atrium that separates the two components of the building. On the first and second floor the connection between the two components is made by a bridge link above the void of the entry lobby on the ground floor. The Architectural Design Statement by Daryl Jackson Robin Dyke Architects advises that the building is designed to activate its main frontages while allowing maximum daylight penetration to reduce the need for artificial lighting. The Statement advises that the internal atria provided within each wing are designed to provide the light penetration along with the entry atrium while the sun shade systems on the east, north and west elevations will manage heat penetration. The cantilevered double glazed façade with internal blinds on the first and second levels provides noise reduction to the offices from heavy traffic on Pacific Highway. The ground level detail on Pacific Highway/Bryson Street proposes 9 display boxes with screens between that are advised in the Statement to provide information on Ausgrid heritage and the latest renewable technology innovations. Also as part of the activation at street level the cafeteria and meeting/seminar rooms overlook the entry forecourt and Pacific Highway. The cafeteria terrace overlooks Nelson Street.

The plan for the Basement car park provides 94 car spaces not 95 as indicated in the Statement of Environmental Effects. Included in the car spaces are 3 accessible spaces for people with disabilities. Also provided are 6 motorcycle spaces and a bicycle storage facility with change room. The basement car park has lift access to the entry lobby and the vehicular access is provided via an existing Ausgrid exit location to Nelson Street. The location is to be widened to a two-way driveway connected to the basement car park. The exit location for depot trucks is proposed to be moved 10 metres east of the existing location and separated by 9 metres from the two-way driveway serving the basement car parking in the proposed building.

External to the basement is existing at-grade Ausgrid fleet vehicle and depot truck parking on the Ausgrid depot site. As the proposed building impacts on the space the parking and manoeuvring is proposed to be rearranged and a new exit location provided. The plans indicate rearrangement and provision of 15 car spaces including one accessible space for people with disabilities and 10 truck spaces. A delivery loading dock and garbage storage facility is proposed as part of the southern wing of the building. Access to that part of the site is from existing depot gates further east in Nelson Street, from Mowbray Road and from Bryson Street.

At ground floor level the southern wing proposes laboratories and workshops with ancillary office and storage. The northern wing proposes open offices, meeting/seminar rooms and the staff cafeteria around a central courtyard. A delivery bay adjacent to the kitchen is noted on the plans but it is unclear how the delivery bay is accessed by delivery vehicles. Pedestrian access from Pacific Highway is by stairs and ramp to a small forecourt plaza area and thence into the lobby atrium. Levels 2 and 3 in both wings provide office space and meeting rooms with the bridge links over light-well voids. The roof plan indicates a metal deck roof of differing fall directions and incorporating the skylight structures above the voids. Roof mounted plant room is located on the north-eastern part of the building and in an unresolved form on the southern wing in the vicinity of the flues.

The external finishes when viewed from the public domain include ceramic tiles at ground level with timber panels between the display panels and glazing. The first and second floors will have a cantilevered printed glass screen behind which is colour back glass and timber panels.

The Landscape Plan confirms retention of the “Tuckeroo” street trees along the Pacific Highway with provision of two additional “Tuckeroo’s”. The Nelson Street frontage also retains the existing street tree. Two Jacarandas will require removal for the building but two Poplars currently located in the at-grade car park are proposed to be retained. The footpath along the Pacific Highway frontage is proposed to be paved in the style of contrast header courses with asphalt inserts. Currently the Pacific Highway frontage is a 1.5m wide concrete footpath and turf similar to the footpath north of the site.

Non-illuminated Ausgrid corporate signage is proposed on the Pacific Highway frontage and on the Nelson Street frontage mounted on the building façade and provided at ground level.

The hours of operation of the building are indicated to be 24/7. The main activity is advised to be field staff between 6am and 3.30pm and office staff between 7am and 4.30pm. Overnight on average 10 staff will be present except when emergencies occur in the network and urgent works are required.

Neighbour Notification

Surrounding owners were notified of the application and no submissions were received. One submission was received from NSW Rail Corporation as a neighbour to the east of the Ausgrid land holding but the North Shore Rail Line is approximately 93 to 95 metres from the part of the site affected by the subject proposal. The submission requires conditions on a consent relating to noise, vibration and drainage.

Existing Building, Relevant History and Site Context

The land affected by the proposed development is made up of 12 allotments of land that totals in area 6,317m². Note that this has been calculated from Deposited Plan information and Council’s GIS system as there was inconsistency in the Statement of Environmental Effect between the areas quoted in different sections of the Statement. The following table summarises the allotments that make up the site and their past and present use. This table is inserted to clarify the part of the subject site that is currently used by Ausgrid depot/laboratory activities and the part that is separate to the existing depot/laboratory site. The distinction is relevant to the zone boundary.

Land Title	Area (m²)	Past Use	Current Use
Lots 3 & 4, DP 455907	980.1	Caltex Service Station	Vacant - remediation
Lot 1, DP 537580	1,132	Caltex Service Station	Vacant – remediation
Lot 1, DP 503447	234	2 storey office building	Vacant office building
Lot 3, DP 961402	392	3 storey office building	Vacant office building
Lot 4, DP 65670	474.2	Ausgrid Depot parking	Ausgrid Depot parking

Lot 5, DP 65670	474.3	Ausgrid Depot parking	Ausgrid Depot parking
Lot 6, DP 65670	474.2	Ausgrid Depot parking	Ausgrid Depot parking
Lot 1, DP 243111	417.3	Closed road Ausgrid depot parking	Closed road Ausgrid depot parking
Lot 2, DP 537580	499.5	Ausgrid Depot parking	Ausgrid depot parking
Lot 5, DP 524631	619.7	Ausgrid Depot parking	Ausgrid depot parking
Lot 6, DP 66854	619.7	Ausgrid Depot parking	Ausgrid Depot parking
Total	6,317		

The part of the site that was previously used for the service station and the two office buildings (2,738m²) is zoned 3(b) Special Business in WLEP 1995. The part of the site that currently is used for depot and laboratory purposes by Ausgrid is zoned Special Uses 5(a) –Electricity Depot and Laboratory in WLEP 1995.

The proposed building is for the most part located on the part of the site zoned 3(b) but it encroaches into the part of the site that is zoned 5(a) along its eastern side. It has been calculated from the plans that 1,076m² of floor space in the building is on land zoned 5(a) where no development standards apply.

The Ausgrid activities (and its predecessors Energy Australia/Sydney County Council) of depot and laboratory have operated on the site since around 1957. One of the existing buildings on the site fronting Mowbray Road and known as Building 10 is “Mowbray House” and is currently used for offices. The “Mowbray House” building and 10 metres of its curtilage is a heritage item of local significance in WLEP 1995 and DWLEP 2012. “Mowbray House” is the remaining building from a school that operated on the Ausgrid site prior to the activities of Ausgrid and its predecessors. It is registered on the Ausgrid Heritage Register. Opposite the site in Mowbray Road is the Chatswood Zone Substation which is also on the Ausgrid Heritage Register. The Chatswood water reservoirs on the corner of Mowbray Road and Pacific Highway are on the State and Sydney Water Heritage Registers and the Great Northern Hotel located on the north-western corner of Pacific Highway and Mowbray Road is identified as a Local Heritage Item under WLEP 1995.

The area of the land holding owned by Ausgrid totals 18,723m² from Council records. The area is generally bounded by Pacific Highway, Bryson Street, Mowbray Road, North Shore Rail Line and Nelson Street. The existing Ausgrid site has access from two locations in Nelson Street and one location in Mowbray Road. There has been a long term plan to extend Frank Channon Walk which is a pedestrian/bicycle share-way along the rail line through the Ausgrid land connecting to Mowbray Road. Council owns a 1.86 metre wide strip of land between the Ausgrid land and the North Shore Rail Line between Nelson Street and Mowbray Road. The ultimate aim is to link along the rail line to Artarmon Station but the width of the Council strip will require widening to be sufficient in width for a bicycle/pedestrian share-way.

The part of the Ausgrid land for the proposed development is irregular in shape and relatively flat with only an approximate 1 to 1.5 metre rise from Nelson Street to Bryson Street across its 41 metre width. The site of the service station has been contaminated from past use and has been in the process of remediation since about 2007 under the direction of the Office of Environment and Heritage. Evidence of contamination has also been found on the office building sites. Demolition of the

office buildings has been approved and a Voluntary Remediation Management Plan approved by the Office of Environment and Heritage.

Opposite the site in Pacific Highway is mixed use commercial/residential development, showrooms and the Caltex service Station on the corner of Moriarty Street. The heritage item The Great Northern Hotel is south-west of the site on the corner of Mowbray Road. South on Pacific Highway is a furniture showroom and small shop fronts in various uses at the eastern intersection with Mowbray Road. North on Pacific Highway is the Dulux paint centre and mixed use commercial/residential development. Opposite in Nelson Street is medium density residential development. Nelson Street is used as a by-pass for traffic travelling south on the Highway needing to access Mowbray Road West.

Controls and Classification

- i) Willoughby LEP 1995: Yes
- ii) Conservation Area: No
- iii) Zoning: Part 3(b) Special Business and part 5(a) Special Uses – Electricity Depot and Laboratory.
- iv) Applicable DCP and SEPPs: SEPP 55 Remediation of Land, SEPP (Infrastructure) 2007, Willoughby Development Control Plan, Sydney Regional Environmental Plan (Sydney Harbour Catchment)
- v) Other Relevant Policies (Council Resolutions, Draft DCPs): Exhibited amendments to WDCP arising from DWLEP 2012.
- vi) BCA Classification: 5,7, 8
- vii) Draft LEP 2012 Zoning: Part B5 Business Development and part SP2 Infrastructure – Electricity.
- viii) Developer's Contribution Plans:
 - a. S94A: Yes
 - b. Applicable rate (%): 1%
 - c. The cost of development: \$34,961,770
 - d. Date of accepted cost of development: 17 May 2012
 - e. The total contribution payable (subject to Building Price Indexing (Enterprise Bargaining Agreement)): \$349,617.70

NOTE: As the application is made by a public authority (State Corporation) the conditions of consent may be reviewed before finalising. It is likely that Ausgrid will seek to have the condition for contributions deleted notwithstanding the local services and facilities provided by Council that its staff can utilise.

Development Statistics

WLEP 1995/WDCP	Existing	Proposed	Standard	Compliance
a) Total Site Area (m²)	6,317	6,317		
b) Site Area 3(b) Zone (m²)*¹	2,238	2,738		
c) Total Gross Floor Area (m²)	unknown	7,110		
d) GFA in 3(b) Zone (m²)*²	unknown	6,034		
e) Floor Space Ratio 3(b) zone		2.2:1	1:1	No*³

WLEP 1995/WDCP	Existing	Proposed	Standard	Compliance
f) GFA with excess car spaces		6,124.7		
g) FSR with excess car spaces – 3(b) zone		2.24:1	1:1	No^{*5}
h) Height	unknown	15	18	Yes^{*4}
i) Car Spaces	unknown	94	53	Exceeds^{*5}
DWLEP 2012				
j) Site Area B5 Zone (m²)		2,738		
k) GFA B5 zone (m²)		6,034	2.5:1	Yes
l) Height (m)		18.25	20	Yes

***NOTES:**

1. Development standards are applicable to the part of the site that is zoned 3(b) Special Business but not to the part of the site zoned 5(a) Special Uses.
2. To calculate the gross floor area relevant to the assessment of floor space ratio, the floor space of the building where the building encroaches onto the part of the site zoned 5(a) was scaled from the submitted plans and deducted from the total gross floor space.
3. A SEPP 1 objection has been provided with the application requesting variation of the development standard for floor space ratio applying in the 3(b) zone. The SEPP 1 objection is considered in the assessment section of this report.
4. A SEPP 1 objection has been provided with the application requesting variation of the development standard for height in the 3(b) zone. The measurement of height in WLEP 1995 by definition differs from the measurement of height in the Standard Template definition. The difference in the method of measurement means that the height complies with the current WLEP 1995.
5. The car parking provision proposed in the basement car park exceeds the requirements for the building by 41 spaces. Clause C.4.2A of WDCP consistent with the objectives for car parking provision to promote sustainable transport by the use of public transport for the journey to work requires that car spaces in addition to requirements must be counted as floor space. The application argues in the Traffic Report that as a result of the rearrangement of the car parking on the existing Ausgrid site with the proposed development, 35 car spaces will be lost from the existing at grade car park. A check of the site indicated 34 car spaces would be lost by the proposal. These are to be relocated into the basement car park giving a total of 87 spaces. Therefore, the net excess accepting that the 34 spaces are required by the existing Ausgrid activities is 7 spaces. Assuming the standard dimensions of a car space consistent with the application plans (2.4 x 5.4) the additional floor space is 90.7m² (total 6,099m²).

Referrals

External Referral

In accordance with the requirements of SEPP (Infrastructure) 2007 Roads and Maritime Services (RMS) was consulted regarding the application as the access to the development is less than 90 metres from Pacific Highway. RMS gave its concurrence to the proposal but provided conditions if approved. The conditions included but were not limited to requiring review by Council engineers of kerb alignments, design of the access locations and street signage. Conditions required on any consent included requirements for provision of rock anchors in Pacific Highway, road signage, separation of entering from exiting traffic, sight lines and the like (Conditions Schedule 1 – 3, 4, 5; Schedule 2 – 8, 9, 10, 11, 12, 46, 47, 48, 49, 108, 109, 110, 111).

In addition RMS made reference to a plan for road widening in Pacific Highway across the frontage of the site. Council has no record of a proposed widening and on checking its records of subdivision history is of the view that the road widening has already occurred. The applicant provided copies of emails between RMS and the traffic consultant for the application advising that the road widening and reconstruction in the area have been completed but the referral advice from RMS to Council post dates the correspondence. It is noted that Council has received what it believes to be the latest road widening plans for the area for purposes of its standard template LEP which has just completed its second exhibition. The only road widening in the vicinity is at the Mowbray Road intersection.

At the time of drafting this report the situation has not been fully clarified by RMS. It, therefore, must be a deferred commencement matter that requires resolution prior to final consent.

Internal Referrals

Council's Building Services has no objection subject to conditions.
Council's Environmental Health Unit has no objection subject to conditions including requiring a deferred commencement approval pending provision of a Site Validation Report and Audit Statement to Council for review and concurrence following remediation work.

Council's Engineering Services has no objection to the principles of the development but notes there are issues with the access design, kerb alignments and conflicts with trunk stormwater pits in Nelson Street. Engineering Services requires design review under a deferred commencement consent. This is discussed in more detail in the assessment section of this report.

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

Satisfactory ✓ Unsatisfactory ✗ Not Relevant N/A

(a)(i)	The provisions of any environmental planning instrument (EPI)	
	State Environmental Planning Policies (SEPP)	✓
	Regional Environmental Plans (REP)	✓
	Local Environmental Plans (LEP)	✓
(a)(ii)	The provision of any draft environmental planning instrument (EPI)	
	Draft State Environmental Planning Policies (SEPP)	N/A
	Draft Regional Environmental Plans (REP)	N/A
	Draft Local Environmental Plans (LEP)	✓
(a)(iii)	Any development control plans	
	Development control plans (DCPs)	✓
(a)(iv)	Any matters prescribed by the regulations	
	Clause 92 EP&A Regulation-Demolition	✓
	Clause 93 EP&A Regulation-Fire Safety Considerations	N/A
	Clause 94 EP&A Regulation-Fire Upgrade of Existing Buildings	N/A
	Comment: Demolition was approved in Development Consent 2012/86	
(b)	The likely impacts of the development	
	Context & setting	✓
	Access, transport & traffic, parking (see Assessment)	✓
	Servicing, loading/unloading (see Assessment)	✓
	Public domain (see Assessment)	✓
	Utilities	✓
	Heritage	✓
	Privacy	✓
	Views	N/A
	Solar Access	✓
	Water and draining (see Assessment)	✓
	Soils (see Assessment)	✓
	Air & microclimate	✓
	Flora & fauna	✓
	Waste	✓
	Energy	✓
	Noise & vibration	✓
	Natural hazards	N/A
	Safety, security, crime prevention	✓
	Social impact in the locality	✓
	Economic impact in the locality	✓
	Site design and internal design	✓
	Construction	✓
	Cumulative impacts	✓
	Comment: The summary table conclusion regarding the considerations in the assessment are subject to satisfactory resolution of detailed design aspects of the proposal as discussed in the Assessment section of this report.	

(c)	The suitability of the site for the development	
	Does the proposal fit in the locality?	✓
	Are the site attributes conducive to this development?	✓
(d)	Any submissions made in accordance with this Act or the regulations	
	Public submissions	N/A
	Submissions from public authorities	✓
(e)	The public interest	
	Federal, State and Local Government interests and Community interests	✓

Assessment

SEPP (Infrastructure) 2007

The documentation accompanying the application states that the application is for a “public administration building” which is defined as offices or for administration or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes including a courthouse or a police station. This assessment considers that a significant part of the proposed development as office premises for Ausgrid is a public administration building. The other activities of the development are also covered by the definition, that is, the laboratory and workshop areas as ancillary administration of the maintenance and repair roles of Ausgrid. This component of the development is assessed as administration ancillary to the management and maintenance of the electricity distribution network and emergency works for the purpose of restoring the electrical infrastructure to ensure public safety when damaged.

The office component of the building is partly located on land zoned 3(b) adjacent to the infrastructure facility site and partly located on the actual electricity depot site. The zone is equivalent to a prescribed zone and so a public administration building is permissible under SEPP (Infrastructure) 2007. The laboratory and workshop areas are also located across the two zones.

As the site is located on Pacific Highway with an access location less than 90 metres from the Highway, the application was referred to Roads and Maritime Services (RMS) for consideration (s104 SEPP (Infrastructure) 2007). RMS indicated it had no objection to the proposal subject to a number of conditions for any consent and some requirements for Council consideration. These are discussed later in this report in the assessment of the traffic management and car parking aspects of the proposal. Also discussed in the section of the report is the traffic generation of the proposed development located on a classified road in accordance with the s101 of SEPP (Infrastructure) 2007.

SEPP 55 Remediation of Land

The Department of Environment and Conservation (DECC), now known as the Office of Environment and Heritage, declared the former service station site a contamination investigation area due to significant risk of harm to human health and the environment on 26 June 2006. At the time the site was part of a proposed mixed

use development site providing business premises and residential uses. Investigation indicated contamination impacts also on the two office building sites in Bryson Street. Ausgrid on becoming owner of the land has prepared a Voluntary Management Plan for management of the service station site and the soon to be demolished office building sites that was approved by DECC in 2010. A Remediation Action Plan has been prepared to render the site suitable for the proposed development by Ausgrid. Council has been provided with a copy of the Remediation Action Plan. Council's Environmental health Division requires the provision of a Site Validation report and Audit Statement to Council as a Deferred Commencement requirement before a final consent is issued.

Willoughby LEP 1995

The proposed development of a mixed use office and lab/workshop building with ancillary staff cafeteria and basement car parking for the purposes of Ausgrid is permissible with consent. WLEP 1995 permits office premises, business premises and public buildings within the 3(b) zone. The proposed land uses in the development are permissible in the 3(b) zone.

The development standards of height and floor space ratio of WLEP 1995 apply in the part of the site zoned Special Business 3(b). As noted in the summary Development Statistics table earlier in this report the proposal complies with the height control of 18 metres in WLEP 1995 being 15 metres. Height in WLEP 1995 is measured as the greatest vertical distance from natural ground level to the uppermost ceiling level or the eaves (whichever is lower) immediately above that point.

The proposed development located on the part of the site zoned 3(b) exceeds the maximum floor space ratio of 1:1. The floor space ratio proposed on the site is 2.24:1. A SEPP 1 has been submitted with respect to the non-compliance with the FSR control that is considered later in this report. The assessment of the SEPP 1 concludes that the gross floor area is acceptable notwithstanding the non-compliance given the location and site context.

The impact of the proposed development on the amenity of the neighbours, in particular residential neighbours, is acceptable. The nearest residential is opposite to the east of the site in Nelson Street which is north of the site. There are no impacts of shadowing and there are no views of significance from the residential units that are impacted or a loss of privacy that is of concern. Opposite the site in Pacific Highway is shop-top housing mixed use development. The residential units are separated from the site by the heavily trafficked Pacific Highway and a distance of more than 25 metres. The outlook from those premises over the subject site should be improved from the vacant overgrown state of the previous service station site and the two small office buildings. In addition the health of the environment in the vicinity will be improved by removal of the contamination on the site.

Several heritage items including the Great Northern Hotel, Mowbray House on the Mowbray Road frontage of the Ausgrid site, 8 -10 Moriarty Road (terrace house) the Sydney Water reservoirs and the Substation building in Mowbray Road are in the general area of the site. A Statement of Heritage Impact was submitted with the

application which concludes that there will be no heritage impacts given that each of the items is some distance from the actual development site and not directly visible to or from the site with the exception of the Great Northern Hotel and the rear of Mowbray House. Notwithstanding that the proposed building will be visible from the Great Northern Hotel and the rear of Mowbray House there is no built form perception of connection between the proposed development and the heritage items that will compromise the items and their settings. It is noted that the Heritage Impact Statement does not acknowledge 8 – 10 Moriarty Road which is a unique terrace house building. Moriarty Road is opposite Nelson Street off Pacific Highway to the west. The terrace house cannot be viewed from the site or from the Highway. No heritage impact is assessed.

Draft Willoughby LEP 2012

The second exhibition of Willoughby's new comprehensive Standard Template LEP was recently completed. The part of the site previously 3(b) is proposed to be zoned B5 Business Development. While the proposed uses of the building are not specifically listed as permissible uses with consent, they are also not prohibited uses and so will still be permissible uses on gazettal of the new LEP. The proposed development is consistent with the objectives of the B5 zone to provide for a mix of business and warehouse uses provided their access needs and traffic generation does not interfere with road safety. The traffic generation and access is discussed in more detail below and concludes that the proposed development should not interfere with the safety and efficiency of the road network.

The proposed gross floor space, floor space ratio and height of the development comply with DWLEP 2012 as acknowledged in the Development Statistics summary table earlier in this report.

Two Jacaranda trees are proposed to be removed from the site and no objection is made to this requirement of the development. This comment is contingent upon the proposed requirements for variation to the development proposal for public domain that is discussed later in this report.

There is no change proposed to the nominated heritage items in the vicinity of the site in DWLEP 2012. The comments noted above apply to heritage considerations in DWLEP 2012.

Willoughby Development Control Plan

Sustainable Design Initiatives (Part C3)

The report accompanying the application by Northrop dated 11 May 2012 indicates that the ESD target of 24 for a commercial building in WDCP will be achieved and that a score of 30 is the design target. The documentation advises that the design has set a minimum NABERS benchmark of 5 stars. This is reflected in elements of the design such as skylights and voids for natural light penetration, external design and finishes to manage sun heat and noise penetration. The design brief is to include use of solar boosted hot water, rainwater re-use for toilet flushing, drip feed irrigation, recycling of waste during construction and operation, use of low VOC

paints, T5 and LED lighting and so on. The ESD Brief is assisted by an operational acoustics report, water management plan and a BCA Report that considers Section J requirements on lighting efficiency.

Traffic Generation, Access and Car Parking (Part C4)

The proposed development will generate an additional 102 vehicles trips during the peak hour periods. When allocated between vehicles entering and leaving the site for the morning and evening peak hours, the additional traffic generation is not significant and is not at a level that requires an intersection operational analysis. This conclusion is supported by Council's Traffic Engineers.

The proposed two-way driveway access to the development site has design issues that are of concern and need to be addressed as follows:

1. The proposed driveway has a gradient of 1:14 for the first 3.6 metres from the property boundary which is not acceptable. Pursuant to s3.3 of AS 2890.1, the proposed driveway shall consist of a maximum gradient of 5% for the first 6 metres from the property boundary.
2. The ramp grade will be too steep for a car park that is likely to have visitors to the building who may not be familiar with the car park and its access. The ramp even without a design change to allow for Point 1 has a maximum grade of 1:4 on the inside of the curve. The safer grade in the circumstances of the site and likely usage is 1:5 that should be achieved.
3. RMS has required that the entry/ext movements be separated by a narrow concrete median island to ensure safe turning of vehicles.
4. The delivery and waste collection area adjacent to the kitchen is only addressed in the documentation in the operational acoustics report which states that it will occur off-site. However, a delivery bay has been provided and it appears that a vehicle/garbage vehicle carrying out deliveries/collections to/from the kitchen would be required to either reverse in via the exit lane or to enter contra-flow via the exit lane. If that is the case a delivery vehicle would have to reverse out of the site. The arrangement is unacceptable. It is also unacceptable to carry out the deliveries off-site which must infer a use of Nelson Street and then moving goods and waste to an on-street collection point.
5. The proposed kerb returns for both new crossings are not permitted. The driveway must be a standard layback and gutter to comply with Council's Crossing Specification.

Noting from Point 5 above the kerb returns are also unacceptable for the relocated depot vehicle exit and must be constructed as a standard driveway layback. In addition the exit location for the depot vehicles is at a point in Nelson Street where there are two Council stormwater kerb inlet pits connecting to the trunk system. Adjacent to the east of the driveway is a Council trunk stormwater line located in an easement that crosses the Ausgrid site. The location of the exit driveway will require relocation.

The Traffic Report accompanying the application requires that clear sight lines to be provided for vehicles exiting both driveways and pedestrians in Nelson Street. This

is agreed by Council's Traffic Engineers. It requires provision of sight triangles each side of the driveways by limiting fencing and vegetation. This is not reflected in the plans especially with the notations for an automatic gate to the depot exit.

There will be a loss of 6 to 7 car parking spaces in Nelson Street that is proposed to be compensated for by providing three indented parking bays in Nelson Street to the west of the new driveway. The design of the parking bays is not adequate in length for public bays on a public road. The end bays need to be 6.3 metres and the middle bay 6.5 metres. This gives a total of 19.1 metres which takes the indented bays too close to the intersection with Pacific Highway. In addition the Traffic Report advises that for the speed limit in Nelson Street the sight distance required for an exiting vehicle is 45 metres. The report also indicates a need for "No Stopping" signs for 9 metres to the west and 35 metres to the east of the new building's basement driveway. The last car spaces on the eastern side of the exits will conflict with this sight line. In short the design of Nelson Street needs reconsideration in consultation with Council. This includes the requirements for a number of "No Stopping" signs. The changes in the design once resolved in Nelson Street for signage and parking bays will require the approval of the Traffic Committee before implementation.

Car parking needs for the proposed building only totals 53 spaces and 94 spaces are proposed. The application justifies the excess on the basis that 34 spaces are being relocated from the at grade car parking affected by the development. While that still leaves an excess of 7 spaces it is also noted that a survey of usage of the existing onsite car parking with a total of 157 spaces on the Ausgrid site, indicated there is only a maximum 71% usage. In addition the application is accompanied by an undertaking to implement a Green Travel Plan in accordance with WDCP. As the report notes the site has the "key ingredients to introduce a Work Place Travel Management Plan as it is well serviced by public transport both rail and bus". Buses run along Pacific Highway and Chatswood and Artarmon Stations are within easy walking distance. Therefore, Council does not support the provision of excess car parking in the development and does not consider that the relocation of 34 car spaces into the basement car parking is justified when at its peak from on-site survey 111 out 157 spaces on the site were in use. The provision of excess car parking on site is counter intuitive to the commitment to a Green Travel Plan and use of more sustainable transport modes.

Notwithstanding the provision of 10 bike lockers in accordance with WDCP requirements and 10 bike racks (4 required) with change rooms is supported. Two motorbike spaces are required 6 are proposed which is also supported.

The layout of the car parking is generally acceptable in the basement. In the at-grade car parking spaces, C11 to C15 require "mirror reversing" of the angle or provision of a sign that requires parking to be "rear to kerb". Also a few car spaces located on the existing Ausgrid site against Building 1 may require adjustment to accommodate truck parking on the development site based on the truck manoeuvring plan in the traffic report to truck spaces 1 to 6. These spaces are outside the development site the subject of this application and will be a matter for Ausgrid to assess.

The larger loading dock located in the southern wing and accessed via the at-grade car park appears adequate based on its location and the manoeuvring plan provided in the traffic report.

Water Management Part C5

Council's engineers require reconsideration of the design of the stormwater management on the site as there is a large part of the at-grade parking where the run-off from the surface by-passes the on-site stormwater detention system. It is noted that with the other design review required by this assessment the stormwater design can be reviewed as part of that process.

Access and Mobility Part C6

The proposed development has been designed in consideration of the needs for people with disabilities. A disabled ramp is provided to the front entrance and 3 instead of the minimum two car spaces are provided in the basement car park for people with disabilities plus an at-grade disabled space. The basement disabled spaces are in close proximity to the internal lifts in the building. Detailed design for people with disabilities will require refinement at the CC stage following the Premises Standards being incorporated into the BCA.

Waste Management Part C8

The construction waste management report prepared by SLR Consulting appropriately obliges the building contractor to prepare a waste management plan that achieves the minimum of 85% recycling of construction waste in accordance with WDCP.

Construction management also includes the soil and water management plan by SLR Consulting given the history of contamination on the site and the need to manage sediment and run-off during construction.

The operational waste management plan also prepared by SLR Consulting will include non-putrescible from the offices and putrescible waste from the kitchen and cafeteria. The workshop and lab activities will also generate hazardous waste (batteries, dangerous goods containers and fluorescent tubing).

Two waste areas are proposed that separate the kitchen waste from other waste generated from the site that is collected at the loading area in the southern wing of the building. Recycling is proposed with waste minimisation principles incorporated including a proposed purchasing policy for waste minimisation and signage and education for employees. Handling and storage of dangerous goods and liquid waste will be in accordance with Australian Standards and Work Cover requirements.

Contaminated Land Part C13

The site is subject to a Remediation Action Plan that has been prepared in accordance with the EPA Guidelines. The Voluntary Management Plan has been approved by the Office of Environment and Heritage.

Development near Rail Corridors Part C14

The development site is more than 60 metres from the rail corridor but NSW Rail Corporation was advised of the application as a neighbour to the Ausgrid site. Its standard conditions regarding noise and vibration management and restriction of discharge of stormwater run-off into the rail corridor can be attached to any consent (Conditions 13, 14)

Under-grounding of Cables Part C15

Under-grounding of overhead cables has been a requirement of new development throughout Willoughby for a number of years and has resulted in most of Chatswood CBD and sections of Pacific Highway being free of overhead cables. The standard requirement is proposed for this development for the cables in Pacific Highway and Nelson Street.

Building Mass and Style

The architectural style and form as it presents to Pacific Highway and Nelson Street is sleek modern and stylish in its low rise office building mass. Its entry is apparent and unambiguous. The massing is complementary to the furniture showroom to the south and the three storey height, bulk and scale is not inconsistent with the existing office development that is to be demolished. The interesting roof form created by the skylights will assist in moderating the impact on the architectural form of the roof mounted plant and exhaust flues.

Active street frontage and passive surveillance is provided by the cafeteria and meeting rooms that overlook the entry forecourt and Nelson Street. The upper level glazed cantilevered façade is advised will comply with a maximum 20% reflectance to avoid adverse glare impacts to traffic and development opposite.

The street façade of what is internally the enclosed spaces of lab/workshop areas on the ground floor are disguised behind the display screens of heritage and innovation images of the electricity technology which will give a perception of activity and interest. There was some concern regarding the number of images initially but the separation with timber bands and double glazed windows to the laboratories is considered will balance the plethora of images.

The Ausgrid signage proposed that is non-illuminated is balanced and integrated with the façade form and the site presentation.

Generally the proposed mass, bulk, height and form of the development is considered appropriate in the context of the site.

Public Domain Design

Separate to the impacts of the proposal on Nelson Street that have been discussed earlier in this report, the application proposes repaving of Pacific Highway in asphalt inserts with contrast banding replacing the existing concrete footpath and grass

verge. This is not consistent with the footpath treatment on this side of Pacific Highway. There is a small area of similar paving outside the Great Northern Hotel but this site is some distance from the subject site and the heritage item context justified an alternative treatment in that case.

Council requires that the existing footpath and grass verge which is consistent along Pacific Highway to the north and Nelson Street is retained with the addition of two further “Tuckeroo” street trees in Pacific Highway. Should the footpath be damaged during construction it will require replacement. This can be addressed in the conditions of consent (Condition- Schedule 1 – 5; Schedule 2 - 22)

It is noted that there may be other public domain presentation considerations as the issues of driveway design, parking and sight lines in Nelson Street are resolved as discussed earlier in this report.

Landscaping

The landscaping proposed on the site is minimal being internal courtyard landscaping and retention of two existing Poplars within the at grade car park. It is considered that additional landscaping can be provided within the area marked concrete pavement between the two driveways and at the rear of the at-grade car spaces. Additional planting in this largely unused space can provide some break-out space for staff as well as trees to soften the expanse of paved area. This can be addressed in the conditions of consent (Condition Schedule 1 - 6)

Operational Acoustic Impacts

An operation acoustic report has been prepared by Marshall Day Acoustics. It considers the noise generated by car parking activities, building services plant including the fume exhaust fans to the lab/workshop areas, patron activity in the cafeteria and loading dock activity. The assessment focuses on normal office hours with a request switch for the 1800 to 2200 time period. It indicates that all mechanical services plant must not exceed 43dBA at the property boundary based on the background noise and that all noise sources on the site for the times assessed will not cause an adverse impact especially on residential receivers in the vicinity (sleep disturbance). Unfortunately the documentation did not deal with the 2200 to 0700 hours noting that should it be ascertained that mechanical services plant may need to run overnight, a review of the design limit of 43dBA for mechanical services may need to be undertaken. This will require a condition (Condition 80) as elsewhere in the documentation it advises that the site will run 24/7 with only up to 10 people present on the site except in an emergency when more will be present.

Visual Privacy and Overshadowing

The relationship of the building to its surrounds means that there are no visual or overlooking impacts of concern. The site is well separated from residential.

The shadowing impacts are over Pacific Highway in the morning, over the furniture showroom, gallery and its own site during the day and the Ausgrid at-grade car park and Building 1 in the afternoon. The overshadowing impacts are acceptable.

Neighbour Notification Issues:

There are no neighbour notification issues.

Other issues – SEPP 1 Objection to Clause 36 of WLEP 1995 Floor Space Ratio

a) Objectives of Zoning

The objectives of the 3(b) Special Business zone relevant to the proposed development in WLEP 1995 are:

General Objectives for the business zones:-

To enable a diverse range and suitable mix of varying scale and intensity of residential flat buildings, commercial offices, business services, retail shopping and personal services that are appropriate to individual locations;

To allow for a range of different types of commercial centres that also service the everyday needs of the local population.

Specific Objectives for the 3(b) zone:-

To allow development for the purposes of dwellings, offices and business activities (other than shops) including automotive services;

To accommodate showrooms, provided that the access needs of the showrooms and the traffic generated do not interfere with the safety and efficiency of the road network;

To maintain existing, and to encourage the establishment of new, recreational, leisure, civic and community facilities in appropriate locations.

The proposed development of offices and ancillary support facilities for Ausgrid's role in maintaining the electricity distribution network is consistent with the objective of the zone to provide for business activities with a diverse range and mix while considering the safety and efficiency of the road network in the location and support the activities of Ausgrid on the adjacent land.

b) Objectives of the Standard

Clause 13 E of WLEP 1995 provides the objectives of the floor space ratio controls as follows:

- a) To limit the intensity of development to which the controls apply so that it will be carried out in accordance with the environmental capacity of the land and the zone objectives of the land;
- b) To limit traffic generation as a result of that development;
- c) To limit the bulk and scale of that development.

The intensity of the development has previously been established in this report to be acceptable in terms of its height, bulk and scale and the development's setting in the streetscape and the backdrop of other Ausgrid buildings adjacent to the site of the development. The traffic generation impacts on the surrounding road network as a result of the development are also acceptable. The intensity of activity complements the existing activities of Ausgrid on its adjacent depot site zoned Special Uses 5(a) –

Electricity Depot and Laboratory. Therefore, it is concluded that the proposed development is consistent with the objective for the floor space ratio control. It is noted that the floor space proposed in the development will comply with the controls in the exhibited draft LEP 2012 that will replace WLEP 1995.

c) Applicant's reasons in support of the variation

The applicant in summary provides the following reasons in support of the objection to Clause 36:

- The size, scale and intensity of the development is appropriate for the site.
- The building design addresses and activates the Pacific Highway and Nelson Street frontages.
- The proposed FSR is within the standards of DWLEP 2012.
- The development will have no unacceptable traffic operational implications on the surrounding area.
- The 3 storey commercial building is consistent with the height, bulk and scale of existing development on the Ausgrid site and its surrounding area.
- The design of the building will have information boxes that encourage pedestrians to stop and engage with the new building.
- The public domain improvements will enhance the site and vicinity.
- The proposed development will have a high standard of design and quality of finish.

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

It is noted that the applicant assessed the FSR as 1.16:1 which is a ratio calculation based on the whole of the identified site and the total gross floor space proposed in the building that is the subject of the development application. This assessment report noting that the development standard applies to only the part of the site zoned 3(b) is considering the SEPP 1 objection on the basis of the floor space ratio applying to the gross floor area of the part of the building located in the 3(b) zone to the part of the site in the 3(b) zone which is 2.24:1.

Notwithstanding the difference in the FSR considered by the applicant in the SEPP 1 objection, the assessment in this report also concludes that the design, mass, bulk, scale and traffic generation impacts are acceptable having regard to the context of the site. The previous service station site has been vacant for a number of years and subject to contamination for a number of years. Previous proposals for the land involved mixed use residential and commercial development that remained unresolved due to the contamination issues. This development will see the resolution of the contamination and incorporation into the development the sites of two obsolete small office buildings. This is consistent with the objects of the *Environmental Planning and Assessment Act 1979* to provide for the orderly development of land. The proposed development will see a consolidation of Ausgrid

activities in the Chatswood area in quality office accommodation well located for public transport.

Therefore, notwithstanding the floor space ratio control of Clause 36 of WLEP 1995 being exceeded by 1.24:1, in the circumstances of the site and its relationship to the Ausgrid activities on adjacent land and the nature of the other surrounding development to the site the proposed non-compliance is acceptable. Furthermore the proposal will comply with draft WLEP 2012 when gazetted.

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

Strict compliance is concluded would be unreasonable and unnecessary in the unique circumstances of this development as discussed and assessed in the report.

f) Whether non-compliance with the development standard raises any matter of significance for State and regional planning and the public benefit of maintaining the planning controls.

The proposed variation to the floor space ratio control does not result in non-compliance with the proposed floor space ratio controls in the exhibited draft WLEP 2012. It is consistent with the intended future development intent for the site. The development provides for a public administration building for Ausgrid. Therefore, there are no State or regional planning issues or public benefit in maintaining the planning controls in this instance.

Conclusion

The development Application 2012/162 proposes new office premises, ancillary laboratory and workshops and staff cafeteria to consolidate the activities of Ausgrid to the Chatswood area. There are a number of matters with the development that require further resolution but none are fatal to the proposed development. As a result this report recommends approval by way of deferred commencement consent. The Schedule 1 matters including resolving the inconsistency in the RMS advice, redesign of the access and driveways, review of public domain works landscaping and stormwater management are capable of resolution and can be resolved before a final consent is issued.

It is noted that the required timing of preparation of this report, its recommendations and conditions have not received concurrence as a Crown development application due to the tight time frame of the JRPP Meeting. The applicant is aware of the situation and advised that the report was to proceed rather than defer its consideration by the JRPP on 1 August. It is anticipated that circulation of the report and the proposed conditions of consent prior to the JRPP meeting will provide sufficient time for the concurrence to be resolved.

OFFICER'S RECOMMENDATION

- 1. That the Sydney East Region JRPP support the SEPP 1 objection as it is considered unreasonable and unnecessary to comply with the development standard of Clause 36 (Floor Space Ratio) of WLEP 1995.**
- 2. That the application be approved and delegated authority be granted to the General Manager of Willoughby City Council to issue the "Deferred Commencement" consent notice subject to the attached conditions, Schedule 1 and Schedule 2.**
- 3. That delegated authority be granted to Willoughby City Council to resolve the matters in Schedule 1 and when resolved to issue the Development Consent with the conditions generally in accordance with Schedule 2 but amended where required by resolution of the matters in Schedule 1.**

Schedule of Conditions

SCHEDULE 1

CONDITIONS OF CONSENT DEFERRED COMMENCEMENT

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

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

(Reason: Ensure compliance)

1. Contamination/Remediation – Site Validation Report

A site validation report (SVR) shall be prepared by a suitably qualified contaminated land consultant and shall be in accordance with the:

- a) Office of Environment & Heritage (OEH) 'Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites'; and
- b) State Environmental Planning Policy 55 (SEPP55) – Remediation of Land.

The site validation report shall provide a notice of completion of remediation works, whether there are any ongoing site management requirements and a clear statement that the site is suitable for the proposed use. The report shall be submitted to Council for review and concurrence after the completion of all remediation works.

(Reason: Environment and Health Protection)

2. Contamination - Site Audit Statement

A site audit summary report and a site audit statement shall be prepared by a site auditor accredited by the EPA under the Contaminated Land Management Act 1997. The site audit statement shall be completed on the approved EPA 'NSW Site Auditor Scheme – Site Audit Statement' form and certify that the site is suitable for the proposed use. The site audit summary and site audit report shall be submitted to Council for review and concurrence.

(Reason: Environment and Health Protection)

3. RMS Confirmation of Road Widening

Confirmation from RMS that the road widening in Pacific Highway affecting the site has been carried out and the site is no longer impacted by proposed road widening.

(Reason: Compliance)

4. Redesign of Access

Redesign of the driveways and access locations to the site to:

- a) Not conflict with stormwater in-let pits in Nelson Street.
- b) Comply with Council's standard layback and gutter Crossing Specification.
- c) Redesign of the delivery and waste collection location for the kitchen to ensure that delivery and waste collection vehicles can enter and leave the delivery area and the site in a forward direction without conflict with other vehicles accessing the basement car park or requiring unloading in the street.
- d) Comply with the gradient of 5% for the first 6 metres from the property boundary in accordance with AS2890.1 and the gradient of the ramp being a maximum of 1:5 noting that visitors will attend the site as well as employees and will not be familiar with the basement car park.
- e) The proposed driveway has a gradient of 1:14 for the first 3.6m from the property boundary which is not acceptable. Pursuant to Section 3.3 of AS2890.1, the proposed driveway shall consist of a maximum gradient of 5% for the first 6 metres from the property boundary. In this regard, the applicant shall submit longitudinal sections along each side/edge of the proposed vehicular access path drawn at 1:20 Scale. The longitudinal sections shall be prepared by a suitably qualified civil engineer using Council's standard vehicle profile (SD100) and shall include the following: -
 - Horizontal distance from the centreline of the road to the proposed basement slab, including provision of Council's standard layback as per Council's standard drawing SD105 which is available from Council's website. 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.
 - Cross-fall on road pavement shall be shown on long sections.

The crossing is to be a minimum of 6 metres wide with no splays and be constructed at right angle to street kerb. The centreline of the new crossing shall be in-line with the centreline of the driveway. For the design levels of the vehicular crossing at the property boundary, the following shall be complied with:

- The cross-fall on road pavement – 3% toward the gutter lip.
- At back of layback – 100 mm above and parallel to the gutter invert.
- At property boundary – 300 mm above and parallel to the gutter invert.

All driveway grades and transitions shall comply with AS 2890.1 -2004 and Council's specifications. 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.

Note: A condition of RMS is that the driveway is provided with a narrow concrete median island between entry and exit to ensure safe turning of vehicles.

(Reason: Safety, stormwater management and compliance)

5. Redesign of the Public Domain Proposals

Redesign of the proposed layout and finishes in the public domain to:

- a) Retain the concrete kerb and grass verge in Pacific Highway consistent with sites to the north and in Nelson Street.
- b) Provide for under-grounding of overhead cabling along the street frontages.
- c) Removal of indented parking bays or reduction to two spaces noting that the parking bays for general public use will require a minimum length of 19.1 metres for 3 spaces that will then end too close to the intersection with Pacific Highway. The design is to be checked as per RMS technical directions for compliance with No Stopping restrictions for approach to intersections.
- d) The opportunity for an additional street tree in Nelson Street is to be investigated noting the opportunity with redesign/removal of the proposed indented parking bays.
- e) Design of fencing and any proposed gates to the site that demonstrate adequate splays and sight lines will be provided to traffic and pedestrians in Nelson Street.
- f) Indicative street signage proposed including "No Stopping" signs.
- g) Note that the design of the parking and signage in Nelson Street will require referral to Council's Traffic Committee.

(Reason: Consistent streetscape and safety)

6. Reconsideration of Landscaping Design

The unused area denoted "concrete pavement" between at-grade car spaces, the truck exit and the basement ramp shall be redesigned to provide for additional landscaping to increase the soft landscaping on the site and balance the built form on its eastern side. The space can also be used as a staff break-out area.

(Reason: Visual balance and amenity)

7. Redesign of the Stormwater Management

The stormwater management plan is to be redesigned having regard to the impact of the above requirements and providing for ALL impervious areas to be collected and conveyed to the proposed OSD system prior to discharging to the street drainage system. In this regard the following is provided:

- 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 roof-water, 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 from the development site (including roof areas, paving and driveways) must be drained to the OSD system by gravity. Stormwater connection from the OSD system to Council's underground drainage system shall also be drained 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 600mm x 600mm 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 capacity of the existing Council's underground drainage system at the proposed connection of the outlet shall be hydraulically evaluated using the Hydraulic Grade Line method to ensure that no stormwater will be able to surcharge from Council's system to the proposed drainage system. Alternatively, the invert level of the orifice of the OSD system shall be set at least 100mm from the top of kerb at the kerb inlet pit.
- g. 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 ϕ , 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.

(Reason: Efficient stormwater management and prevention of local flooding)

8. Reconsideration and Design of Car Parking Provision

The quantum of car spaces proposed on the site exceeds Council requirements. Noting the pattern of excess supply of car spaces already existing on the site, the proximity of public transport and the intention for promotion of sustainable transport modes by introduction of a Green Travel Plan for staff, the basement car parking facility shall be redesigned to provide 53 spaces in accordance with the requirements of Willoughby Development Control Plan.

(Reason: Compliance)

SCHEDULE 2

Conditions of Consent: (Including reasons for such conditions)

NOTE: These conditions may require amendment with resolution of the matters in Schedule 1 including but not limited to the approved plans and details (Condition 2)

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 Plans/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	11 436	DA0001/A	9. 5.2012	18.5. 2012	Jackson Architecture
Architectural	11 436	DA0002/A	9. 5.2012	18.5. 2012	Jackson Architecture
Architectural	11 436	DA0003/A	9. 5.2012	18.5. 2012	Jackson Architecture
Architectural	11 436	DA0100/A	9. 5.2012	18.5. 2012	Jackson Architecture
Architectural	11 436	DA0101/A	9. 5.2012	18.5. 2012	Jackson Architecture
Architectural	11 436	DA0102/A	9. 5.2012	18.5. 2012	Jackson Architecture
Architectural	11 436	DA0103/A	9. 5.2012	18.5. 2012	Jackson Architecture
Architectural	11 436	DA0104/A	9. 5.2012	18.5. 2012	Jackson Architecture
Architectural	11 436	DA0201/A	9. 5.2012	18.5. 2012	Jackson Architecture
Architectural	11 436	DA0251/A	9. 5.2012	18.5. 2012	Jackson Architecture
Architectural	11 436	DA0301/A	9.5.2012	18.5.2012	Jackson Architecture
Stormwater	11505	?*	7.5.2012	18.5.2012	Northrop

Stormwater	11505	C3.01/1	7.5.2012	18.5.2012	Northrop
Stormwater	11505	?*	7.5.2012	18.5.2012	Northrop
Stormwater	11505	?*	7.5.2012	18.5.2012	Northrop

*NOTE: The plan detail information was cut-off in the copies submitted to Council in the Statement of Environmental Effects Appendix P.

the application form and all other supporting documentation submitted as part of the application, except for:

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

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

3. 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. Section 94A Contribution

A cash contribution of \$349,617.70 (subject to indexing as outlined below) is to be paid in accordance with Section 94A of the Environmental Planning and Assessment Act, 1979.

This contribution is based on
1% of the estimated development cost of \$ 34,961,770 at 17 May 2102 and the adopted Section 94A Contributions Plan.

To calculate the cash contribution that is payable, the proposed cost of development is to be indexed to reflect quantity variations in the Building Price Index (Enterprise Bargaining Agreement) [BPI(EBA)] between the date the proposed cost of development was agreed by the Council and the date the levy is to be paid as required by this Plan.

To calculate the indexed levy, the formula used to determine the cash contribution is set out below.

$$NL = \$Lo + \$Lo \times \underline{[current\ index - base\ index]}$$

base index

Where:

NL is the new section 94A levy

Lo is the original levy

Current index
[BPI(EBA)] is the Building Price Index (Enterprise Bargaining Agreement) as published by the NSW Department of Commerce available at the time of review of the contribution rate

Base index
[BPI(EBA)] is the Building Price Index (Enterprise Bargaining Agreement) as published by the NSW Department of Commerce at the date of the proposed cost of development as above

In the event that the current BPI(EBA) is less than the previous BPI(EBA), the current BPI(EBA) shall be taken as not less than the previous BPI(EBA).

Copies of the S94A Contributions Plan and applicable BPI(EBA) are available for inspection online at www.willoughby.nsw.gov.au
Reason: (Statutory requirement)

5. Services - Notification to Sydney Water

Suitable documentation is to be submitted to Council which indicates that Sydney Water has been informed of this development and that satisfactory arrangements have been made to adequately service the proposal.
(Reason: Ensure compliance)

6. Damage Deposit

The applicant shall lodge a Damage Deposit of \$200,000 (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 \$65 (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)

7. Temporary Ground Anchors

Obtain written permission from all private property owners affected by any encroachment either below ground or the air space above as a result of the

above works. Copies of the permission shall be sent to Council. All works associated with the drilling and stressing of the ground anchors shall be installed in accordance with approved drawings.

(Reason: Encroachment of works)

8. Driveway Design – RMS Condition

The two driveways proposed in Nelson Street should be physically separated by a short distance with adequate “No Stopping” restrictions to improve driver sight lines and provide segregation between truck traffic exiting from the depot and development traffic. These parking restrictions should be approved by the Local Traffic Committee.

9. Car Park Design – RMS Condition

The layout of the car parking associated with the subject development (Including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, parking bay dimensions, loading dock etc) should be in accordance with AS 2890.1 – 2004 and AS 2890.2 – 2002.

10. Swept Paths – RMS Condition

The swept path of the longest vehicle entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTRROADS. In this regard, a plan showing the swept path of service vehicles entering and exiting the site shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.

11. Loading and Unloading – RMS Condition

All activities including loading and unloading associated with this development shall take place on/adjacent the subject site.

12. Traffic Noise – RMS Condition

The proposed development should be designed such that road traffic noise is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102 Subdivision 3 of the State Environmental Planning Policy (Infrastructure) 2007.

13. Rail Noise and Vibration – RailCorp Condition

An acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the department of Planning’s document titled “Development Near Rail Corridors and Busy Roads – Interim Guidelines”.

14. Drainage – RailCorp Condition

Given the site's location next to the rail corridor, drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from RailCorp.

15. CCTV Report of Existing Council Pipe System

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

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

The written report, together with a copy of the digital video footage of the pipeline shall be submitted to Council. A written acknowledgment shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority.
(Reason: Protection of public asset)

16. Stormwater to Underground Street Drainage (2.39)

Stormwater runoff from the site shall be collected and conveyed to the underground drainage system in Nelson Street 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 Council's drainage system. In this regard, full design and construction details showing the method of disposal of surface and roof water from the site are to be submitted to Council for approval.
(Reason: Prevent nuisance flooding)

17. Analysis of Outlet Condition

The capacity of the existing Council stormwater drainage system at the proposed connection of the outlet shall be hydraulically evaluated using the Hydraulic Grade Line method to ensure that no stormwater will be able to surcharge from Council's system to the proposed drainage system. Full engineering details of the hydraulic evaluations prepared and signed by a practising Civil Engineer shall be submitted to Council for consideration.

(Reason: Prevent property damage)

18. Detailed Stormwater Management Plan (SWMP)

Submit for approval by an Accredited Certifier, 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 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)

19. Basement Pumpout Drainage System

The applicant shall submit, for approval by the Principal Certifying Authority, detailed stormwater management plans in relation to the pump-out drainage system. The construction drawings and specifications, shall be generally in accordance with the approved stormwater management plans with the following requirements:

- The pumpout drainage system shall comprise with two (2) submersible type pumps. The two pumps shall be designed to work on an alternative basis to ensure both pumps receive equal use and neither remains continuously idle.
- Each pump shall have a minimum capacity of 10L/s or shall be based on the flow rate generated from the 1 in 100 year ARI 5-minutes duration storm event of the area draining into the system, whichever is greater.
- An alarm warning device (including signage and flashing strobe light) shall be provided for the pump-out system to advise the occupant of pump failure. The location of the signage and flashing strobe light shall be shown on the stormwater management plans.
- The volume of the pump-out tank shall be designed with a minimum storage capacity equivalent to the runoff volume generated from of the area draining into the tank for the 1 in 100 year ARI 2-hours duration storm event.

All drawings shall be prepared by a suitably qualified and experienced civil engineer and shall comply with Part C.5 of Council's Development Control Plan, AS3500.3 – *Plumbing and Drainage Code* and the BCA.

(Reason: Prevent nuisance flooding)

20. Construction Management Plan (CMP)

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

- (a) Construction vehicles access to and egress from the site
- (b) Parking for construction vehicles

- (c) Locations of site office, accommodation and the storage of major materials related to the project
- (d) Protection of adjoining properties, pedestrians, vehicles and public assets
- (e) Location and extent of proposed builder's hoarding and Work Zones
- (f) Tree protection management measures for all protected and retained trees.

(Reason: Compliance)

21. 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)

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

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

- a. Construction of 1.5 metres footpath (max. 2.5% crossfall) and perambulator ramps for the full frontage of the site in Pacific Highway and Nelson Street in accordance with Council's specification and Standard Drawing SD100. All adjustments to public utility services and associated construction works in the nature strip are to be at the full cost to the applicant. Detailed long section and cross sections at 5 metres interval shall be provided.
- b. Construction of new kerb and gutter for the full frontage of the development site in Nelson Street. 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 for the stormwater connection within the frontage of the site in Nelson Street. All details shall comply with Council's AUS-SPEC.

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)

23. Vehicle Access – Engineer's Certification

Prior to issue of any Construction Certificate, the Applicant shall submit, for approval by an Accredited Certifier, certification from a suitably qualified and experienced traffic engineer. This certification must be based on the architectural drawings and the structural drawings, and must make specific reference to the following:

- a) That the gradient for the first 6 metres from the property boundary complies with Section 3.3 of AS2890.1.
- b) That finished driveway gradients and transitions will not result in the scraping of the underside of cars.
- c) That the proposed vehicular path and parking arrangements comply in full with AS2890.1 – 2004 in terms of minimum dimensions provided,
- d) That the headroom clearance of minimum 2.2 metres between the basement floor and any overhead obstruction is provided which complies with Section 5.3.1 of AS 2890.1 and Section 2.4 of AS2890.6.
- e) That the headroom clearance of minimum 2.5 metres is provided to all parking spaces for people with disabilities which complies with Section 2.4 of AS2890.6.

(Reason: Ensure Compliance)

24. Revised Architectural Plans

Prior to issue of any Construction Certificate, the applicant shall submit, for approval by the Accredited Certifier, revised architectural plans addressing the following:

1. The proposed asphalt side walk across the full frontage of the site in Pacific Highway is not supported. In this regard, the applicant is to delete this proposal and construct a 1.5m wide concrete footpath with grass verge.
2. The layout of the proposed angled parking within the site is not supported. The applicant shall either “mirror reverse” the direction of the angled parking or suitable signpost for “rear to kerb” shall be provided.
(Reason: Ensure compliance)

25. Building Ventilation

To ensure that adequate provision is made for ventilation of the building, mechanical and/or natural ventilation shall be provided. These shall be designed in accordance with the provisions of:

- a) The Building Code of Australia
- b) AS1668.1-1998 – The use of ventilation and air conditioning in Buildings
- c) AS1668.2-1991 – The use of ventilation and air conditioning in Buildings
- d) The Public Health Act-1991
- e) The Public Health (Microbial Control) Regulation 2000
- f) AS3666.1 – 2002 – Air Handling and Water Systems in Buildings
- g) AS3666.2 – 2002 – Air Handling and Water Systems in Buildings
- h) AS3666.3 – 2000 – Air Handling and Water Systems in Buildings

Details of all mechanical ventilation and exhaust systems, and certification provided by an appropriately qualified person verifying compliance with these requirements, shall be submitted to the Principal Certifying Authority.
(Reason: Health protection)

26. Kitchen Fitout Details

The fitout of the cafeteria food preparation areas including the kitchen, cool room and storage areas must comply with Australian Standard AS4674-2004 Design, Construction and Fitout of Food Premises and with the requirements of the Food Safety Standards.

Detailed plans shall be submitted to the Principal Certifying Authority together with certification from a suitably qualified person that the fitout complies with the standards prior to a Construction Certificate being issued.
(Reason: Ensure Compliance)

PRIOR TO THE COMMENCEMENT OF ANY WORKS

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. All of these conditions are to be complied with prior to the commencement of any works on site, including demolition.

27. 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)

28. 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)

29. 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)

30. 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)

31. Building Site Hoarding

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

(Reason: Safety)

32. Building Site Fencing

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

A temporary safety fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5m).

Temporary fences are to have a minimum height of 1.8m and be constructed of cyclone wire or similar with fabric attached to the inside of the fence to provide dust control.

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

The public safety provisions and temporary fences must be in place and be maintained throughout construction.

(Reason: Safety)

33. Provide Erosion and Sediment Control

Erosion and sediment control devices shall be provided whilst work is being carried out in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into Council's stormwater system natural watercourses, bushland, trees and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the requirements of the Protection of Environment Operations Act 1997 and the Department of Environment, Climate Change and Water guidelines. The control devices are to be maintained in a serviceable condition AT ALL TIMES.

(Reason: Environmental protection)

34. Suitable Screens

Suitable screens and/or barricades shall be erected during demolition and building work and where required by the principal certifying authority to reduce the emission of noise, dust, water effluent or other matter from the site.
(Reason: Maintain amenity to adjoining properties)

35. Suitable Barricades

Suitable barricades shall be erected during building works on Councils footpath and where directed by the Principal Certifying Authority and/or Council to protect pedestrians using the footpath.
(Reason: Public safety)

36. Demolition Work AS 2601

Demolition works being carried out in accordance with the requirements of AS 2601 "The demolition of structures".
(Reason: Safety)

37. Suitable Footpath Crossing Provided

Adequate provision is to be made to ensure that a suitable footpath crossing is provided to the site so as to allow safe pedestrian access along the footpath area at all times.
(Reason: Protection of public safety)

38. Access to Site

During Demolition, Excavation and Construction, access to the site is to be available in all weather conditions, and stabilised to prevent vehicles tracking soil materials onto public roads.
(Reason: Environmental protection)

39. Wash Down and Shaker Areas

During Demolition, Excavation and Construction, wash down and shaker areas are to be provided with facilities for the collection and treatment of waste water.
(Reason: Environmental protection)

40. Site Management

A Site Management Plan shall be submitted to and approved by the Principal Certifying Authority. The site management plan shall include the following measures as applicable.

- Details and contact telephone numbers of the owner, builder and developer;
- Location and construction details of protective fencing to the perimeter of the site;
- Location of site storage areas, sheds and equipment;
- Location of stored building materials for construction;
- Provisions for public safety;
- Dust control measures;
- Site access location and construction;
- Details of methods of disposal of demolition materials;
- Protective measures for tree preservation;
- Provisions for temporary sanitary facilities;
- Location and size of waste containers and bulk bins;
- Soil and Water Management Plans (SWMP); comprising a site plan indicating the slope of land, access controls, location and type of sediment controls and storage/control methods for material stockpiles;
- Construction noise and vibration management.

The site management measures shall be implemented prior to the commencement of any site works and maintained during the construction period. A copy of the approved Site Management Plan shall be conspicuously displayed, maintained on site and be made available to the PCA/Council officers upon request.

(Reason: Environment protection, public health and safety)

41. 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)

42. Permits and Approvals Required

Application is to be made to Council's Infrastructure Services Division for the following approvals and permits as appropriate:-

- a) Permit to erect Builder's hoarding where buildings are to be erected or demolished within 3.50m of the street alignment. Applications are to include current fees and are to be received at least 21 days before commencement of the construction.
- b) Permit to stand mobile cranes and/or other major plant on public roads. Applications are to include current fees and security deposits and are to be received at least seven days before the proposed use. It should be noted that the issue of such permits may also involve approval from the NSW Police Force and the RTA. A separate written application to work outside normal hours must be submitted for approval.

It should also be noted that, in some cases, the above Permits may be refused and temporary road closures required instead which may lead to longer delays due to statutory advertisement requirements.

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

(Reason: Legal requirements)

43. 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)

44. Tree Protection

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

All trees not indicated for removal on Landscape & Public Domain Plan Dwg No. DA 0100 A dated 09/05/12 prepared by Jackson Architecture

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

45. 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)

46. Protection of Utilities – RMS Condition

The developer shall be responsible for all public utility adjustment works, necessitated by the above work and as required by the various public utility authorities and/or their agents.

47. Site Excavation – RMS Condition

The developer is to submit detailed design drawings and geotechnical reports relating to the excavation of the site and support structures to RMS for assessment. The developer is to meet the full cost of the assessment by RMS.

The report would need to address:

- The impact of excavation/rock anchors on the stability of Pacific Highway and detailing how the carriageway would be monitored for settlement.
- The impact of excavation on the structural stability of the Pacific Highway.

The geotechnical report and any enquiries should be forwarded to:

Project Engineer, External Works
Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124

Telephone: 8848 2114
Fax: 8849 2766

48. Construction vehicles – RMS Condition

All demolition and construction vehicles and activities will need to be contained wholly within the site as a work zone permit will not be approved on Pacific Highway.

49. Road Occupancy License – RMS Condition

A Road occupancy License shall be obtained from Transport Management centre for any works that may impact on traffic flows along Pacific Highway during construction activities.

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 or telephone 13 20 92.

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

52. Sustainable Development - Final Occupation

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

53. Food Premises

Compliance with the AS 4674 Design, Construction and Fitout of Food Premises, The Food Act 2003, the Food Safety Standards (3.2.3) and in particular to:

- a) All floors shall be of an impervious, smooth finish coved at the intersections of all walls to a minimum radius of 25 mm and the floor finish extending at least 100 mm up the wall surface. All ceramic type floor and coving tiles are to be close fitted at the joints with a maximum grout width of 3 mm. Epoxy type grouting material should be used.
- b) All floors to food preparation and storage areas shall be graded so as to drain liquids to trapped floor wastes (basket trap type) provided for this purpose.
- c) All equipment, fittings and fixtures shall be supported clear above the floor on legs at least 150 mm high. As an alternative, solid concrete plinths (minimum 75mm high) coved to the floor shall be provided. Where equipment is not fixed, consideration is to be given to the fitting of wheels with safety locks and flexible hosing to enable movement for cleansing and sanitising.
- d) Sinks and hand wash basins shall be attached to the wall or equipment without any enclosure below so as to facilitate cleansing and being supplied with hot and cold water from a common outlet together with liquid hand soap and disposable single use towels. Dedicated hand wash basin/s shall be located in each area where contamination of the hands is likely to occur and within 5m from any place where food handlers are handling food. The hand wash basin being a minimum of 300 mm x 300 mm with room to immerse hands and arms to facilitate proper staff hygiene splash guards may be required where hand wash basin adjoins or is in close proximity to food preparation areas.
- e) Insect exclusion devices shall be provided.
- f) Staff shall be provided with separate personal effects storage compartment and labelled accordingly.
- g) All perishable or potentially hazardous foodstuffs shall be kept either below 5°C or above 60°C as the case may be and suitable stainless steel probe thermometers accurate to +/-1°C must be provided and maintained in a satisfactory condition in the food storage or display areas to ensure these temperature levels are maintained.
- h) All tenancy perimeter walls and internal walls including partition walls shall be constructed in masonry, brickwork or other approved solid construction Table 3.2 of AS 4674.
- j) The ceiling shall be constructed of a rigid smooth faced, non absorbent material. 'Drop in' panel ceilings are not permitted over food preparation, display and server areas. The ceiling shall cover the entire food preparation, server and storage areas.
- l) The cool rooms shall be provided with safety devices to comply with G1.2 of the BCA.
- o) No approval is granted for any remote storage area.
- p) The business being registered with NSW Food Authority.

- q) Comply with the requirements of Sydney Water – Trade Waste Section (grease trap).
- If a Private Certifier is to be used, the final inspection shall be carried out by a suitably qualified person to ensure that food standards are met. Council's Food Surveillance Officer may be engaged to carry out the required inspection to ensure that food standards are met, at a fee of \$154 per inspection paid beforehand.

Note: Copies of AS 4764 may be obtained from Standards Australia
Copies of the Food Standards Code may be obtained from
Australia and New Zealand Food Authority.

(Reason: Health & Compliance)

54. Food Premises Database

Prior to an Occupation Certificate being issued, Council's Environmental Health Unit must be notified that the premises is being used for the preparation or manufacture of food for sale so that the premises can be registered on Council's food premises database.

(Reasons: Health and Compliance)

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. Temporary Ground Anchors – Supervision

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

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

(Reason: Protection of public assets)

57. Temporary Ground Anchors – Destressing

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

(Reason: Destressing of ground anchors)

58. CCTV Report of Council Pipe System After Work

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

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

The written report, together with a copy of the digital video footage of the pipeline shall be submitted to Council. Any damage that has occurred to the section of the pipeline since the commencement of any works on the site shall be repaired in full to the satisfaction of Council at no cost to Council, which

may include full reconstruction. A written acknowledgment shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority.

(Reason: Ensure compliance and protection of public asset)

59. On-site Water Management System

The stormwater runoff from the site shall be collected and disposed of via an approved on-site detention 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)

60. Sign for On-Site Detention System

An aluminium plaque measuring no less than 400mm x 200mm is to be permanently attached and displayed within the immediate vicinity of the on-site detention system.

The wording for the plaque shall state *"This is the On-Site Detention 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)

61. 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)

62. Certification of the Basement Pumpout Drainage System

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

- A suitably qualified and experienced civil engineer (generally CP Eng. Qualification) shall certify that the as-built pumpout system complies with Part C5 of Council's DCP, all relevant codes and standards and the approved stormwater management plans.
- Work-as-executed plans based on the approved pump-out system plans from a registered surveyor to verify that the volume of storage and pump capacity are in accordance with design requirements. Any minor changes or variations to the approved plans should be highlighted in red on the

- approved pump-out system plans.
- Certification from a licensed plumber to ensure that the constructed pump-out system complies with the current plumbing requirements of Sydney Water and Committee on Uniformity of Plumbing and Drainage Regulations of NSW.

(Reason: Ensure Compliance)

63. 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)

64. 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. 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 system, in relation to the building footprint, must be shown on the scale sketch, attached as an annexure to the request 13PC and 13RPA forms. 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)

65. 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)

66. Certification – Structures / Excavations near Council's Easements

A Structural Engineer with Chartered status shall certify that all footings and structures adjacent to Council's pipeline and/or easement have been constructed at least 100mm below the invert of the Council's pipe unless the footings are placed on competent bedrock. All footings for buildings and/or other structures located adjacent to easements and/or Council drainage pipes shall be constructed outside of Council's easement.

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

(Reason: Protection of public asset)

67. Construction of Kerb & Gutter

Construct new kerb and gutter together with associated pavement restoration as directed by Council's Engineer for the full frontage of the site in Nelson Street. All works shall be carried out in accordance with Council's specification.

(Reason: Public amenity)

68. Road Restoration

The applicant is to arrange a joint site inspection with the relevant road authority (Roads & Maritime Services and/or Willoughby City Council) with regard to restore/repair any damages to road pavement and kerb and gutter caused during the construction period for the full frontage of the site along the Pacific Highway, Bryon Street and Nelson Street.

Detailed drawings prepared by a qualified and experienced civil engineer for any required restoration/repair works must be submitted to the relevant road authority (Roads & Maritime Services and/or Willoughby City Council) for approval prior to commencement of any restoration/repair works to be carried out in the public road. This must include but not limited to detailed long sections and cross-section at 5m intervals. All details shall comply with Council's AUS-SPEC. For the purpose of inspections carried out by Council's 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.

A completion certificate must be obtained from Council as the road authority under the Roads Act 1993 confirming compliance with this condition and submitted to the Principal Certifying Authority prior to issue of any Occupation Certificate.

(Reason: Ensure compliance)

69. Concrete Footpath

Construct a 1.5m wide concrete footpath and a perambulator ramp for the full frontage of the development site in Pacific Highway and Nelson Street. All works shall be carried out in accordance with Council's standard specifications and drawings.

(Reason: Public amenity)

70. Vehicular Crossing

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

New vehicular crossings including reconstruction of the existing layback and/or gutter and any associated road restoration are 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 and to the satisfaction of Council's Engineers.

The crossings are to be constructed in plain concrete and at right angles to the street kerb unless otherwise approved by Council's Engineers. The new crossings shall be located no closer than 1 metre from any power pole and 2 metres from any street tree.

For the design levels of the vehicular crossings at the property boundary, the following shall be complied with:

- At back of layback – 100 mm above and parallel to the gutter invert.
- At property boundary – 300 mm above and parallel to the gutter invert.

The footpath which forms part of the proposed crossing shall have a maximum crossfall of 2.5%. The nature strip and footpath is to be adjusted for the full frontage of the site to suit the new levels.

The suitability of the grade of driveway inside the property is the sole responsibility of the applicant and the required alignment levels fixed by Council may impact upon these levels.

All adjustments to the nature strip, footpath and/or public utilities' mains and services as a consequence of the development and any associated construction works shall be carried out at the full cost to the Applicant. All driveway grades and transitions must comply with AS/NZS 2890.1.

Vehicular Crossing Formwork Inspection Sheet shall be obtained from Council as the road authority under the Roads Act 1993 (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to issue of any Occupation Certificate.

(Reason: Public amenity)

71. Removal of Redundant Crossings

Remove all redundant crossings together with any necessary works and reinstate the footpath, nature strip and kerb and gutter accordingly in Pacific Highway, Nelson Street and Bryon Street. Such work shall be carried out in accordance with the Roads & Maritime Services' specification and/or Council's specification.

(Reason: Public amenity)

72. Inspection of Civil Works on Road Reserves

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

Pursuant to Section 138 of the Roads Act 1993, all works carried out on the road reserve shall be inspected and approved by Council's Engineer. Upon completion, Work-as-Executed drawings prepared by a registered surveyor shall be submitted to Council for record purposes.

Prior to issue of any Occupation Certificate, a completion certificate shall be obtained from Council as the road authority under the Roads Act 1993 confirming compliance with this condition and submitted to the Principal Certifying Authority.

(Reason: Ensure compliance)

73. Performance Bond

The Applicant shall lodge with the Council a performance bond of \$20,000 against defective public civil works undertaken by the main Contractor for a period of twelve (12) months from the date of the completion certificate issued by Council as the road authority under the Roads Act 1993. The bond shall be lodged in the form of a cash deposit, cheque or unconditional bank guarantee which will be refundable subject to the approval of Council's Engineers at the end of the maintenance period. In this period, the Applicant is liable for any part of the work which fails to achieve the design specifications. Council shall be given full authority to make use of the bond for such restoration works within the maintenance period as deemed necessary.

(Reason: Ensure compliance and specification)

74. 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)

75. 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)

76. Vehicle Access – Engineer’s Certification

Prior to issue of any occupation Certificate, the Applicant shall submit certification from a qualified and experienced traffic engineer. This certification must be based on a site inspection of the constructed vehicle access and accommodation areas, with dimensions measurements as necessary, and must make specific reference to the following:

- a) That the as-constructed carpark complies with the approved Construction Certificate plans,
- b) That the gradient for the first 6 metres from the property boundary complies with Section 3.3 of AS2890.1.
- c) That finished driveway gradients and transitions will not result in the scraping of the underside of cars.
- d) That the as-constructed vehicular path and parking arrangements comply in full with AS2890.1 – 2004 in terms of minimum dimensions provided,
- e) That the headroom clearance of minimum 2.2 metres has been provided between the basement floor and any overhead obstruction to comply with Section 5.3.1 of AS 2890.1 and Section 2.4 of AS2890.6.
- f) That the headroom clearance of minimum 2.5 metres has been provided to all parking spaces for people with disabilities to comply with Section 2.4 of AS2890.6.

(Reason: Ensure Compliance)

77. 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”.
- ii. 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)

78. Public Tree Planting

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

Trees as indicated on Landscape & Public Domain Plan Dwg No DA 0100 A dated 09/05/12 prepared by Jackson Architecture

- i. Have a minimum container size of 200 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)

79. Sound Level Output Certification

The sound level output from the equipment installed for the operation of the building shall not exceed 5dBA above the ambient background noise level or shall not exceed 43dB(A) (whichever is the lesser) as measured at the nearest residential boundary in accordance with the current Office of Environment & Heritage (OEH) guidelines for noise assessment. Certification of the level of sound output is to be provided by an appropriately qualified acoustical Consultant to the Principal Certifying Authority.
(Reason: Amenity)

80. 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 no: Rp002 r01 2011408SY, prepared by Marshall Day Acoustics dated 10 May 2012 Final Version **as amended to address the proposed operation of the premises 24 hours a day and 7 days a week**. The report shall include all post construction validation test results.
(Reason: Amenity)

81. Certification – Ventilation

Submit a Certificate from a suitably qualified mechanical engineer certifying that all work associated with the installation of the mechanical and/or natural ventilation systems has been carried out in accordance with the conditions of the development consent.
(Reason: Compliance)

82. Trade Waste Permit / Consent

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

83. Completion of Landscaping

The approved landscaping plan work shall be completed.
(Reason: Compliance)

ADDITIONAL CONDITIONS

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

84. 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)

85. 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)

86. 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)

87. Excavations and Backfilling

All excavations and backfilling associated with the erection or demolition of a building must be executed safely, and must be properly guarded and protected to prevent them from being dangerous to life or property.
(Reason: Safety)

88. Support for Neighbouring Buildings

- (1) If development involves an excavation that extends below the level of the base of the footings of a building on an adjoining property, the

person having the benefit of the development consent must, at the person's own expense:

- a) protect and support the adjoining premises from possible damage from the excavation, and
 - b) if necessary, underpin and support the adjoining premises to prevent any such damage, and
 - c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (2) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
- (3) In this clause, "allotment of land" includes a public road and any other public place.

(Reason: Safety)

89. Land Holders Rights

This Consent does not override the rights of property owners in respect of Covenants, Restrictions and Easements.

(Reason: Legal)

90. Alteration/Demolition of Existing Building

Alterations to and demolition of the existing building shall be limited to that documented on the approved plans. No approval is given or implied for removal and/or rebuilding of another portion of the existing building.

(Reason: Ensure compliance)

91. Erection Wholly within the Boundaries

All works (with the exception of any works approved under S138 of the Roads Act 1993) including footings, shall be erected wholly within the boundaries of the property.

(Reason: Ensure compliance)

92. 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)

93. Analysis of Outlet Condition

All storage outlet pipes from the OSD tank shall be above the 1 in 100 year ARI level.

(Reason: Maintain designed discharge)

94. 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)

95. Footings near Easement

All footings for buildings and/or other structures located adjacent to easements and/or Council drainage pipes shall be constructed outside of Council's easement. Footings must extend to at least 100mm below the invert of the Council's pipe unless the footings are to be placed on competent bedrock. If there is no pipe within the easement, a 1.8 metres depth is to be assumed for the future pipe.

(Reason: Protection of public asset)

96. Structures to Clear of Council's Drainage Infrastructure

It is the full responsibility of the Applicant and their contractors to:

- Ascertain the exact location of the Council drainage infrastructure traversing the site in the vicinity of the works; and
- Take full measures to protect the in-ground Council drainage system, and
- Ensure dedicated overland flow paths are satisfactorily maintained through the site.

All proposed structures and construction activities shall be located clear of Council drainage pipes, drainage easements, watercourses and/or trunk overland flow paths on the site. Trunk or dedicated overland flow paths shall not be impeded or diverted by fill or structures unless otherwise approved by Council. In the event of a Council drainage pipeline being uncovered during construction, all work in the vicinity of the this area shall cease and the Principal Certifying Authority and Council shall be contacted immediately for advice. Any damage caused to a Council drainage system must be immediately repaired in full as directed, and at no cost to Council.

(Reason: Protection of public asses)

97. 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)

98. 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)

99. 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)

100. Storage of Materials on Council Land Prohibited

The dumping or storage of building materials, spoil, vegetation, green waste, or any other material in the Council reserve is prohibited.

(Reason: Safety, environmental protection)

101. 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)

102. 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)

103. Noise Control – Operation

To minimise the impact of noise of the development on the amenity of the adjoining properties, the business shall be operated in accordance with the recommendations of the acoustic report no: Rp002 r01 2011408SY, prepared by Marshall Day Acoustics dated 10 May 2012 Final Version.

(Reason: Amenity)

104. 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)

105. Pollution Prevention – Water

The site shall be operated and maintained to ensure all environmental risks are minimised and managed to prevent pollution of the stormwater system in accordance with the Protection of the Environment Operations Act 1997 and any current Office of Environment & Heritage (OEH) requirements or guidelines.

(Reason: Environment Protection)

106. Mechanical Ventilation Systems Comprising Water Cooling

Mechanical ventilation systems comprising water cooling, and/or evaporative cooling systems shall be registered with Council on completion of the installation in accordance with the requirements of the Public Health Act (Microbial Control) Regulation 2000.

(Reason: Health Protection)

107. Construction Noise

Construction noise shall be controlled to comply with the requirements as set in the Environmental Protection Authority - 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. The noise monitoring plan report no: Rp001 R02 2011408SY prepared by Marshall Day Acoustics and dated 24 April 2012 shall be implemented during construction. Where noise levels may be exceeded appropriate measures to control excessive noise shall be implemented immediately.

(Reason: Amenity)

108. Stopping Vehicles – RMS Condition

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

109. Car Park Signage – RMS Condition

Employee and visitor parking should be clearly signposted at entry to car parking areas.

110. Street Signage – RMS Condition

Full time “No Stopping” restrictions shall be installed along the entire Pacific Highway property frontage.

111. Costs – RMS Condition

All works/regulatory signposting associated with the proposed development are to be borne by the developer with no cost to RMS.