

JRPP REPORT

38 Albert Avenue, CHATSWOOD NSW 2067.

JRPP No: 2012SYE109
DA NO: DA-2012/437
COUNCIL: WILLOUGHBY CITY COUNCIL
ADDRESS: 38 ALBERT AVENUE, CHATSWOOD NSW 2067.
ATTACHMENTS: 1. NOTIFICATION PLAN
DATE: 29-MAY-2013

RECOMMENDATION: APPROVAL
LOCATION: SOUTH-WESTERN CORNER ALBERT AVENUE AND ARCHER STREET
APPLICANT/OWNER: WU INTERNATIONAL INVESTMENTS PTY LTD
PROPOSAL: CONSTRUCTION OF A MIXED USE DEVELOPMENT COMPRISING HOTEL, INTEGRATIVE MEDICAL FACILITY, RETAIL AND RESIDENTIAL UNITS.
DATE OF LODGEMENT: 19-NOV-2012 (STOP THE CLOCK)
VALID APPLICATION DATE: 22-MAR-2013
REPORTING OFFICER: NONI DE CARVALHO

PRELIMINARY

This application follows a previously approved development application on the site in Development Consent 2010/367 (JRPP Ref: 2010SYE032). Construction work commenced on the approved development but ceased in mid-2012.

The subject application is for an alternative development that introduces a hotel to the site and reduces the scale of the medical/hospital use and the retail/café use while retaining a residential component. The alternative development was advised in the application documentation to be a response to changed market conditions.

The alternative application as lodged in November 2012 was incomplete. The Sydney East Joint Regional Planning Panel and Council agreed to a deferral of the application to allow time for the applicant to review and provide the necessary plans and documentation for assessment of the proposal to be possible. The basis of the agreement of the deferral by Sydney East JRPP and Council was the imminent gazettal at that time of Draft Willoughby Local Environmental Plan 2012. The Plan was gazetted in December 2012 and came into force on 31 January 2013. The significance of the new instrument was that it would remove

the bonus floor space provision that applied to the site for provision of a hospital on the site that had applied in the previous Sydney Regional Environmental Plan 5. The development application seeks to rely on the savings provisions of clause 1.8A of WLEP 2012 and have the application assessed pursuant to the provisions of Sydney Regional Environmental Plan No. 5.

DESCRIPTION OF PROPOSAL

Development Application 2012/437 seeks to amend the previously approved development in the allocation of retail and hospital floor space on the site, providing for a hotel on the site and increasing the number of residential units from 69 to 71 units. As a result of the changes to the uses on the site, less basement car parking is required reducing the number of basement levels from four to three. The building foyer arrangements for the hotel and medical uses vary the ground floor presentation to the plaza including removal of the curved glass medical entry/atrium. Changes are proposed to the external building facades to reflect the changed layout but the building envelope and architectural style is unchanged and no change is proposed to the access arrangements to the site.

The proposed development comprises two towers over a three storey podium with a total GFA of 19,015m². The following summarises the development proposed in Development Application 2012/437:

1. Provision of 278m² GFA of retail/café space located on the ground floor with a leasable floor area of 265m².
2. Within the podium of the development over three levels, provision of four hospital tenancies with a total GFA of 4,340m². On Level 1 are two one-bed units and a one two-bed unit that are advised to be for visiting doctors and are part of the hospital uses.
3. Provision of a 100 suite hotel in the eastern tower with ground floor reception, conference and bar facilities with a total GFA of 5,695m². The potential operator of the hotel is advised in the application to be Quest.
4. Provision of 71 residential units in the western tower comprising 18 x 1-bed, 37 x 2-bed and 16 x 3-bed units and a total GFA of 8,702m². Some minor design changes are proposed to some of the previously approved 69 units.
5. Provision of three basement levels for parking of 242 vehicles, bicycle and motorcycle parking, parking for 3 car share vehicles, an electric vehicle car space, a courier space, a taxi space and a drive through drop-off and pick-up arrangement. The basement car parking and drop-off is accessed from Albert Avenue via the link road from the back of the Albert Avenue multi-deck car park and opposite Spring Street
6. Provision of storage areas in the basement levels.
7. Provision of a landscaped plaza addressing the intersection of Albert Avenue and Archer Street.
8. Provision of a delivery area accessed from Archer Street that provides for an ambulance bay, two delivery areas and waste handling.
9. Illuminated signage positions 5.2 m wide by 1 metre high nominated for the hotel and located on the northern and southern elevations of the hotel tower.

The massing of the development provides a three storey podium above which the residential and hotel towers are located. The towers are separated by a 13 to 14 metre wide landscaped podium space. The residential tower has six storeys plus the recreational space for residents on the roof adjacent to the plant room. Some residential units are also located within the podium adjacent to the residential pool and gymnasium on Level 2. The hotel tower has 6.5 storeys with the top storey being half shared with the plant room. The finished height of each tower is the same at RL 124.1 AHD.

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The architectural massing is influenced, as in the previous approval, by the setbacks and landscaped plaza requirements of the site specific standards in Willoughby Development Control Plan.

The changes to the architectural form mainly affect the hotel tower as a result of the proposed new use on the site. The residential tower is largely unchanged from the approved scheme. The two additional residential units are located on Level 2 – one on the northern side and one on the southern side.

The views of the development from Spring Street including the exit portal from the rear of the Albert Avenue car park and the pedestrian/bicycle link are largely unchanged. The residential tower is still proposed to sit above the portal in a U-shape around a Level 2 pool. The architecture of the podium façade retains the strong horizontal detailing to each side. Removal of the curved element in the central portion of the podium actually improves the functionality of the medical entry and the usability of the plaza adjacent. It also introduces vertical blades that break up the length of the podium mass. Above the podium the hotel tower has been adjusted to accommodate the hotel room configuration. The vertical blades in the architecture and vertical glazed element behind which is the foyer/lift of the hotel maintain elements in architectural style viewed from Albert Avenue from the originally approved development.

There is consistency in the external finish with the originally approved development using composite aluminium façade elements, stone cladding on the lower levels, solid and clear glazed balustrades to balconies and rendered/painted surfaces in the colour palette of off-white, medium grey, dark grey and olive green highlights.

The proposed development exceeds the height control and the maximum floor space ratio for the residential component of the development. Two State Environmental Planning Policy No. 1 (SEPP 1) objections have been lodged with the application seeking variation of the respective development standards. A third SEPP 1 objection is provided in a precautionary context addressing the fact that the FSR of the hospital floor space is less than the bonus floor space provision.

Neighbour Notification

The development application was notified to surrounding land owners at the time of lodgement and again when the further plans and documentation were received in March. One submission was received to the November notification and no submissions were received following the April notification.

The submission received following the first notification was from a resident of Claude Street and concerned the length of time for the closure of the driveway to Albert Avenue from the multi-deck car park. At the time diversion of traffic from the car park along Claude Street to Johnson Street was in place following commencement of construction. It is noted that as the construction work has ceased on the site the driveway has been re-opened until such time as construction work requires the deviation again in the future.

Existing Building, Relevant History and Site Context

The site has an area of 4,926.4m² and was formerly used as a public car park until the car spaces were relocated to The Concourse site by Council. The site is located at the intersection of Archer Street with Albert Avenue and has a frontage to Archer Street of 55.34 metres and to Albert Avenue of 62.15 metres. The site area includes the driveway exit from the rear of the multi-deck car park and the pedestrian and bicycle path to Claude Street and Devonshire Street. The right of access for the public is addressed by way of an easement

over the driveway exit and the public pedestrian and bicycle connections to Claude Street and Devonshire Street.

Following the previously approved development the site was consolidated into one allotment being Lot 12 in DP 1171717. In addition to the rights of carriageway and footway the site is also impacted by easements for utility services required to cover the relocation of the utility services that crossed the site to a location adjacent to the western boundary of the site. The relocation facilitates the construction of the basement parking levels.

As noted earlier in this report the site has been subject to a previous development approval in 2010/367. Piling and the utility services relocation had commenced. Since cessation of the construction works on the site the site has been secured by hoarding. Site sheds remain on the site.

The site is on the southern fringe of Chatswood CBD. To the south of the site is high density residential development in Archer, Claude and Devonshire Streets with Council child care facilities also in Devonshire Street. To the east of the site is medium density development and the South Chatswood Conservation Area. To the west of the site is the Albert Avenue multi-deck public car park owned by Council and managed by Westfield on Council's behalf. The site is diagonally opposite Chatswood Police Station.

The floor space differences between this application and the previous approved development on the site are summarised in the following table:

GFA of Use	Consent 2010/367	Proposed DA 2012/437
Coles Liquor outlet	1,184m ²	N.A
Retail	2,864m ²	278m ²
Restaurant	1,834m ²	Included in retail above
Residential	8,392m ²	8,702m ²
Medical hospital	5,008m ²	4,340m ²
Hotel	N.A	5,695m ²
Total*	19,291m²	19,015m²

* Note the reduction in overall floor space in the current application is partially explained by the removal of a large retail tenancy located at the level of Basement One that had been provided in the approved development.

Controls and Classification

- i) **Sydney Regional Environmental Plan No 5**
- ii) **Conservation Area: No**
- iii) **Zoning: 3(c3) Business General**
- iv) **Applicable DCP (SEPPs, REPs): SEPP1, SEPP (Infrastructure) 2007, SEPP 55, SEPP 65, SEPP (BASIX) 2004, SREP (Sydney Harbour Catchment) 2005, WDCP 2006.**
- v) **BCA Classification: 2, 5, 6, 7**
- vi) **WLEP 2012 Zoning: B4 Mixed Use**
- vii) **Developer's Contribution Plans: Section 94 developer contributions were paid for the previous application and satisfy the requirements of this application.**

Development Statistics

	Previously Approved	Proposed	Standard	Compliance
a) Site Area (m ²)	4,926.4	4,926.4		N.A
b) Gross Floor Area (m ²)	19,291	19,015	19,705.6	Yes
c) Floor Space Ratio	3.92:1	3.86:1	4:1	Yes
d) GFA Residential (m ²)	8,392	8,702	7,394.1	No*
e) GFA Hospital (m ²)	5,008	4,340	6,404.32	No*
e) FSR Residential	1.7:1	1.77:1	1.5:1	No*
f) FSR Hospital	1.02:1	0.88:1	1.3:1	No*
g) Height Hotel	N.A	RL 124.1	RL 120	No*
h) Height Residential	RL 124.5	RL 124.1	RL 120	No*
i) Residential car spaces	73	79	75	No ¹
j) Residential visitors	17	17	17	Yes
k) Retail/cafe car spaces	153	6	8	No ¹
l) Medical car spaces	73	79	79 ¹	Yes ²
m) Hotel car spaces	N.A	55	55	Yes
n) E-car, car share space	0	1, 3	N.A	N.A
o) Courier/taxi space		2	N.A	N.A
p) Total car spaces	327	242	240	No
q) Landscaped Plaza (m ²)	885	885	800	Yes

*Note: Development standards non-compliances are subject to SEPP 1 objections

1. Car parking numbers and allocation are noted in the table in accordance with the plans dated 23 May 2013. The plans are inconsistent with the Traffic Report. Non-compliances are discussed later in this report.

2. There is insufficient information to determine the required car parking for the hospital facility – see the assessment for further discussion

Compliance with Plans or Policies

Compliance matters are discussed in the assessment section of this report.

Referrals

Internal Council Referrals

Building Services has no objection subject to conditions.

Health Services had considered the acoustic impacts in the area for the previous proposal. No further acoustic report was required as the key changes to the new development would be subject to further operational information that is not known at this stage. The removal of the large restaurant from the development reduces the potential noise sources within the development but the proposed bar in the hotel although small in scale and internal to the hotel facility may be a noise source. The recommendations of the previous acoustic report have been adopted for the subject application especially the conditions relating to the performance of mechanical plant and design of the residential component. A condition is

required to address further assessment when the operational details of the hotel/bar and medical uses are known.

Landscape Services had no additional conditions from those required in the previous proposal as there was minimal change to landscaping on the site. It is noted that the significant street tree was lopped without approval by the contractor and fines were issued.

Engineering Services had a number of issues with the hydraulic design and the invert levels at the location of connection to the trunk system. This necessitated amended plans that have adequately addressed the concern subject to conditions.

Waste Services noted that an operational waste management plan was not provided with the application. A review of the waste and recycling holding areas indicates that the needs of the residential units and the hospital tenancies are adequately provided for in the design. No waste and recycling holding area has been provided for the hotel. Waste Services has reviewed the requirements for the hotel and determined that based on 100 rooms the weekly waste generation will be 5000 litres and the recycling waste 1000 litres. A bin storage room is required for the hotel of minimum dimensions 4 metres by 4 metres to store the amount of bins required for the amount of waste and recycling generated. A condition is required to address the issue as well as a requirement to collection is to occur between the hours of 6am and 10pm from the site given the site's context.

Traffic Group had a number of concerns with the proposal noting that the March documentation had inconsistencies between the Traffic Report, the Statement of Environmental Effects and the plans. Further information was requested of the applicant and design changes made to the basement car park to address non-complying ramp gradients, provide for short-term parking and drive through for drop-off and pick-up on the first basement level including lift foyers and connection to the resident, hospital and hotel uses and to demonstrate the manoeuvring of vehicles in the loading area. The impact of the additional traffic generation was noted and the RMS requirement (see below) accepted. Nevertheless the Traffic Group requires conditions for further design changes to address operational practicalities, access arrangements and compliance with car parking requirements including but not limited to short-term car spaces for hotel guests while they check-in before moving to the hotel parking area and provision of an additional residential adaptable car space for people with disabilities (the development is short one space). Traffic Group also requires conditions for adjustment of the car parking provision as the analysis of the requirements is inconsistent with standards.

External Referrals

Roads and Maritime Services considered the amended proposal. Following review of the traffic impacts of the development on the nearby intersections and pedestrian safety RMS has maintained its requirement from the previous approved development that a red hold arrow be installed at the intersection of Albert Avenue/Link Road/Spring Street. A condition of consent has been provided by RMS.

Chatswood Police Crime Prevention Officer reviewed the development at a meeting on 2 May 2013. Information was provided by the applicant on 22 May 2013 and 19 June 2013 on the type of liquor licence proposed for the hotel. The supply of liquor will be for room mini-bar service and in the bar/function space for patrons of the hotel and the public. The function space and break-out area is designed for flexibility as a small bar area and use by around 60 to 80 patrons approximately. Final numbers will be subject to the outcome of the future community impact process for the liquor licence. No gaming or take-away sale of liquor is proposed. The hours of operation are advised in the letter of 19 June 2013 to be 5pm to midnight Monday to Saturday and 5pm to 10pm on Sunday. The letter advises that no

additional staff will be required by Quest to run the area with staffing levels being about 100 in the hotel. Chatswood Police had no issue with the form of the liquor licence. Other comments were similar to the previous proposal and concerned ensuring that the loading dock area is secured and separated from the surrounding roads and that security is maintained to the residential units especially those adjacent to the multi-deck car park. Lighting of the driveway/walkway through the building is required.

Development of the site was considered in the context of the previous application by Sydney Water and Energy Australia. Energy Australia had no objection but noted that re-confirmation of supply requirements is required at construction certificate stage. Sydney Water considered its network has adequate capacity to accommodate the development. Further assessment would be made when the proponent applies for the s73 certificate.

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)	✓
	• Comment: See assessment	
(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)	N/A
(a)(iii)	Any development control plans	
	• Development control plans (DCPs)	✓
	• Comment: See assessment	
(a)(iv)	Any matters prescribed by the regulations	
	• Clause 92 EP&A Regulation-Demolition	N/A
	• Clause 93 EP&A Regulation-Fire Safety Considerations	N/A
	• Clause 94 EP&A Regulation-Fire Upgrade of Existing Buildings	N/A
	• Comment: Assessment required for Construction Certificate	
(b)	The likely impacts of the development	
	• Context & setting	✓
	• Access, transport & traffic, parking	✓
	• Servicing, loading/unloading	✓
	• Public domain	✓
	• Utilities	✓
	• Heritage	N/A
	• Privacy	✓
	• Views	✓
	• Solar Access	✓
	• Water and draining	✓
	• Soils	N/A
	• Air & microclimate	✓
	• Flora & fauna	✓
	• Waste	✓
	• Energy	✓

Matters for Consideration Under S.79C EP&A Act**Satisfactory ✓ Unsatisfactory ✗ Not Relevant N/A**

	• 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: See assessment. Satisfactory subject to conditions	
(c)	The suitability of the site for the development	
	• Does the proposal fit in the locality?	✓
	• Are the site attributes conducive to this development?	✓
	Comment: See assessment	
(d)	Any submissions made in accordance with this Act or the regulations	
	• Public submissions	✓
	• Submissions from public authorities	✓
(e)	The public interest	
	• Federal, State and Local Government interests and Community interests	✓

Assessment

It is disappointing to find that the previous eastern-western hospital and medical facility is no longer going ahead on the site as the concept was innovative and unique. The development application seeks to still make use of the bonus floor space provision for providing a smaller hospital facility in four tenancies.

The proposal for a hotel on the site is accompanied by a reference to the operator, Quest. The arrangement with an operator gives some certainty to the development achieving this use on the site. There has been a recent trend in the development industry in response to requirements for provision of commercial floor space and jobs generation in CBD locations to incorporate tourist accommodation in development that is then strata-subdivided. Several proposals are underway or planned for provision of tourist accommodation in the form of serviced apartments or hotels in Chatswood that will triple the existing level of tourist accommodation in Chatswood CBD.

SEPP 55 – Remediation of Land

A detailed site contamination assessment was carried out on the site by Douglas Partners following the previous approval. The report is dated 20 December 2010. Significant contamination was not expected given the site's history of use for residential prior to the houses being demolished and the site bitumen sealed for use as a public car park for many years. The report found that the site could be made suitable for mixed use development that included residential. Furthermore it was found that there was no need for a remediation action plan.

SEPP 65 – Design Quality for Residential Flat Development

The residential component of the development is little changed from the previously approved development that was subject to an independent SEPP 65 assessment carried out by Architectus Group Pty Ltd on behalf of Council. It assessed the residential component having regard to the SEPP 65 design principles and the primary development standards of the NSW Residential Flat Design Code. The assessment found that the proposal was generally consistent subject to some recommendations for some design refinement. These were conditioned as amendments in the previous approval and carried out.

While two additional units are now proposed in the development, the substantive form of the approved residential component is unchanged. The majority of apartments are arranged around recessed balconies enabling opening windows on two aspects assisting ventilation. Only 14% of units are solely south facing but these have an 11 metre set back to the boundary and have views along the Claude Street corridor. 65% of apartments are orientated to receive light to living rooms and private open space between 9am and 3pm in mid-winter.

Some minor design refinements and changes to unit numbers to remove the reference to “4” are proposed to some units arising from purchaser requests. These are of no consequence to the outcome of the SEPP 65 assessment.

It is noted that the three units attached to the medical facilities for visiting doctors have not been included in the SEPP 65 consideration as they are not permanent residential dwellings.

SEPP – BASIX 2004

The BASIX Certificate 313431M_05 is a revision of the previous BASIX certificate. It confirms that the development will achieve the BASIX targets for water, thermal comfort and energy efficiency.

SEPP – Infrastructure 2007

The proposed development is subject to the provisions of Clause 104 of the SEPP for traffic generating development that requires referral to RMS for comment. As noted earlier in this report RMS considered the application and has no objection subject to a conditions for installation of a right-turn arrow at the intersection of the exit with Albert Avenue opposite Spring Street (Condition 95)

SEPP 64 – Advertising and Signage

The application nominates two locations on the hotel tower for illuminated hotel signage measuring 5.2 metres by 1 metre. The application advises that the signage will be static and back-lit signage for the name of the hotel operator.

The proposed location of the signage is at about RL 122 on the eastern side of the northern elevation near to the blade defining the roof line and on the southern elevation similarly near the roof line and similarly on the eastern side of the façade. Location of the signage has regard to integration with the architecture of the façade presentation on the northern side. The southern side that is largely a blank wall facing the 9 storey residential building to the south has separate issues with the lack of architectural detail to the façade presentation (see later discussion).

The proposed signage will be viewable from Albert Avenue and Archer Street. Both roads where passing through Chatswood CBD are not classified roads so specific referral of the signage to RMS was not required. However, as the proposed signage is over 8 metres in height the assessment is subject to the heads of consideration in Schedule 1 as follows: -

1. Character of area – The site is on the fringe of Chatswood CBD. While the northern elevation for signage is within the CBD, the southern elevation faces and abuts the residential area.
2. Special Areas – The location is not a special area but it abuts a residential area.
3. Views and vistas – The proposed signage locations are façade mounted and will not impact on views or the skyline. Vistas may be impacted from the residential area to the south. Although the development application was notified there was little information to residents for a proper consideration of illuminated signage on the southern façade. Although the signage location is above the roof level of the adjacent residential building, there is insufficient information to properly consider the impact of future signage. It is not considered that the signage location for illuminated signage can be approved on the southern elevation. The northern elevation is acceptable.
4. Streetscape, setting and landscaping – The signage locations do not impact on landscaping. The northern signage location is acceptable from a streetscape and setting consideration but the southern signage facing the residential area requires further information before a determination can be made.
5. Site and building – The northern signage location has had regard to the architecture of the building. The southern sign is located on a blank façade that requires further articulation and detail.
6. Associated devices/logos – Not known.
7. Illumination – The illumination may have an unacceptable impact on residential development to the south including more distant sites in the area as well as sites in close proximity including but not limited to 38-40, 42 and 44-46 Archer Street.
8. Safety – There is insufficient information to determine the impact of the future signage on safety.

Therefore, it is considered that although there is limited information provided on the future illuminated signage, the signage locations indicate that the northern signage may be acceptable but that the southern signage should not be approved as part of this application (Conditions 1 and 108).

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP)

The site and its run-off fall within Sydney Harbour Catchment. The proposal is generally consistent with its aims and objectives of SREP (SHC) 2005. The proposed incorporation of rainwater retention/re-use and detention into the development is consistent with the SREP in managing on-site run-off.

Sydney Regional Environmental Plan No 5 (Deemed SEPP)

Under the provisions of SREP5 the site is zoned General Business 3(c3). The objectives of the zone are to encourage the development of secondary smaller scale mixed use development and to minimise the visual impact of business development on adjacent residential areas. The proposed is generally consistent with the objectives of the zone. The proposed uses in the development of a residential flat building, hospital suites and shops/refreshment rooms are permissible in the zone.

The definitions of the uses in SREP 5 adopt the *Model Provisions of the Environmental Planning and Assessment Regulations 2000* unless otherwise provided in the SREP. The hotel component of the development following further advice from the applicant satisfies the definition as a hotel as it will be licensed to sell liquor, will provide more than 20 rooms/self-contained suites for guests that are rented or hired on a short-term basis without a residential tenancy agreement within the meaning of the *Residential Tenancies Act 1987* and it includes

a function space. It is noted that should the patron numbers for the bar in the hotel number less than 60 the recent amendments to the *Liquor Act 2007* for small bars may apply to a future development application for use and fit-out of the bar/function space.

Notwithstanding the identification of Tenancies B, C and D as "Hospital", the only confirmation of the hospital use is the prospective occupier of 1745m² in Tenancy A. The proposed occupier, PresMed Australia, is an ophthalmic surgery facility that does cataract, laser eye surgery as well as plastic and cosmetic eye surgery. Currently the facility is operating in Malvern Avenue in Chatswood as a day surgery centre. The proposal of PresMed is to expand to include both inpatient and outpatient care as a specialist ophthalmic hospital on the site. The fit-out of the hospital as a specialist eye surgery hospital will be subject to a separate development application in the future but the Statement of Environmental Effects lodged with the subject application advises that it is proposed to have 4 operating theatres. The hospital occupiers of Tenancies B, C and D are not known as yet.

SREP5 provides a number of development standards that seek to ensure the development of the site is consistent with the objectives for the zone. The proposed development does not comply with all the applicable development standards.

The development standards for the site allow a bonus floor space for the provision of a hospital on the site increasing the permissible FSR from 2.7:1 to 4:1. The strategic intent of the development standard reflected the appropriateness of a hospital use in Chatswood CBD to complement the range of medical consulting businesses and professionals located in Chatswood. The gross floor space on the site generates an FSR of 3.86:1 and complies with the maximum FSR (Clause 11 (12) (b) (i)). However, although not specifically stated in SREP 5 the intention of a bonus floor space provision can be interpreted to assume that the additional floor space above the base floor space would be the additional needed for a hospital use and constitute the hospital use, that is, 1.3:1. The component of hospital floor space proposed is only 0.88:1. A SEPP 1 objection has been lodged seeking acceptance of the lower floor space proposed on the hospital use.

The component of the gross floor space proposed in the residential flat building is 1.77:1. Clause 13 (4) prescribes that the maximum residential gross floor space is 1.5:1. The proposed development exceeds the standard and a SEPP 1 objection seeking to vary the floor space allocation in residential use has been lodged with the application.

The height control of Clause 15C (3) is a maximum of RL 120 AHD to the roof excluding the plant room and lift overrun. The height of both towers exceeds the height control. The height proposed is RL 124.1m AHD. The residential tower encroaches because of a residential foyer and access to recreational space located at roof level. The hotel tower includes suites/rooms as well as plant room in its top level. A SEPP1 objection has been lodged seeking variation of the height control.

The SEPP 1 objections are analysed in more detail later in this report. The conclusion of that analysis is that notwithstanding the non-compliances the proposed development is considered acceptable even though there are several non-compliances.

Willoughby Local Environmental Plan 2012

Willoughby Local Environmental Plan 2012 was gazetted in December 2012 and came into force on 31 January 2013. At the time of lodgement of the subject application the LEP was an exhibited draft. The application relies on the savings provisions of Clause 1.8A of WLEP 2012 and must be determined as if WLEP 2012 had not commenced.

Notwithstanding as an exhibited draft WLEP 2012 requires consideration in accordance with s79C (a) (ii). The site is zoned B4 Mixed Use in WLEP 2012. The proposed development is consistent with the objectives for the B4 zone to integrate commercial with residential uses in accessible locations on the edges of the city to contribute to the vitality of the centre without undermining its commercial role.

The proposed uses in the development would be defined as shop and/or food and drink premises, shop top housing and hotel or serviced apartments under WLEP 2102. The uses would not be fully compliant with the permissible uses in the zone. The definition of shop-top housing requires that the dwellings be located above ground floor retail or business premises. The proposed dwellings are located in part above retail premises and in part above hospital uses on the ground floor. Therefore, the proposed development would not be permissible under WLEP 2012.

The height control for the site is 34 metres and the proposed development ranges from 34 to 35.5 metres approximately in height measured against existing ground level. A non-compliance with the draft plan height control would apply.

The floor space ratio in WLEP 2012 is a maximum of 2.7:1. The proposed development would exceed the maximum floor space ratio of WLEP 2012. While it was Council's intention to retain the bonus floor space provision that applied to the site if a development incorporated a hospital, the Standard Template format WLEP2012 as advised by the Department of Planning and Infrastructure precluded Council's use of bonus floor space provisions. This was notwithstanding Council's more than 30 year history of use of bonus floor space provisions to encourage strategic development outcomes in Chatswood CBD under SREP5 and its predecessor IDO17. The FSR exceeds the permitted FSR in WLEP2012.

Willoughby Development Control Plan

The site is subject to site specific development requirements in WDCP Part I.11 including but not limited to Part I.11.8. Setting aside the land uses proposed in the new application, the development massing, envelope and access is largely unchanged from the previous approval. As a result much of the assessment of the previous proposal applies to the subject application.

A brief summary of the site specific controls for development is provided below:

- Site to act as a defining edge to the CBD.
- Requires a mixed use development but major retail uses such as supermarkets are not appropriate.
- Integration of detailing and architectural style.
- Vertical and horizontal elements carried through to the roof form.
- Provide a 3 storey podium of commercial uses.
- Provide a minimum of 20m x 20m landscaped splay to the intersection to address the gateway location with a minimum of 800m² of landscaped setting at ground level.
- Development may extend over the car park link road with a minimum of 5m clearance.
- Tower buildings above the podium to be separated by a minimum of 20m.
- Minimum 3m set back to southern and northern (Albert Avenue) boundary.
- Minimum 3m set back to the link road.
- Minimum 3m up to 6m the near southern boundary set back to eastern boundary (Archer Street).

- Consider solar access/shadowing impacts in modulating built form and adjusting heights.
- Basement car park entry from Albert Avenue.
- Maintain through site bicycle and pedestrian links along link road.
- Loading is to occur within the below ground basement levels to minimise impacts.
- No larger than medium rigid vehicles shall service the site.

Generally the layout/design of the proposed development complies with the provisions of WDCP. The following discusses the design matters of non-compliance with WDCP and whether the non-compliance is reasonable in the circumstances of the site and the proposed development. Note that traffic and parking, sustainable development requirements, waste management and other matters are discussed separately later in this report.

- a) The 3m set back to the link road has not been provided as it is proposed to provide the entry ramp to the basement car parking in the location. A 2.5 m wide shared pedestrian/bicycle pathway is proposed along the western side of the link road. The width is acceptable for a moderately used share-way in accordance with *Austroads – Part 14*.
- b) The minimum set back along the southern boundary to the residential development to the south is 3 m. The podium levels are set back a minimum of 5 metres from the southern boundary at ground level. Within the set back at ground level is the access to the loading area and the exit from the basement car park. The driveways are proposed to be covered by a landscaped pergola with an acoustic wall set back 600mm from the boundary. The 600mm set back is sufficient to allow for the growth of screen plants (proposed to be Lilly Pilly hedging) and climbers over the pergola. Additional landscaping is proposed around the turning head of Claude Street. Above ground level the 5 metre set back of the podium is maintained but at Level 2 on the western side residential units commence in line with Claude Street. These are set back a minimum of 10 metres and 5 metres to the face of the balcony for the Level 2 units. Although the podium set back is greater than the 3m required it is not a fully landscaped set back. Nevertheless it is considered that the intent to provide privacy separation and soften the built form is achieved by the proposal.
- c) The setbacks to Archer Street and Albert Avenue generally comply with the exception of the hotel above the podium and the hotel entry awning. The setback to Archer Street is approximately 1.5 metres instead of the required 2 metres and the encroachment other than the awning is small balconies off the rooms. The addition of small balconies along the eastern façade of the hotel continues the non-compliance along the hotel eastern elevation. The encroachment is accepted as the small balconies will provide amenity to the hotel rooms and architecturally will add shadow lines and articulation to the eastern elevation that otherwise could be bland given the consistency of the window lines. Also no set back is provided to the tower at the top of the podium along the rear (southern) elevation. This is considered acceptable as the overall set back of the podium levels are greater than the minimum as noted above.
- d) The requirement for avoidance of blank walls has not been adequately dealt with in the application. Further design development is required to introduce detailing and articulation to the southern façade of the hotel. The presentation of the site approaching from the south will see the bland wall of the hotel extending beyond the building line of the residential flat building adjacent at 44-46 Archer Street. The bland façade is unacceptable and requires a condition for further design development (Condition 2(6)).

- e) The proposed clearance over the link road is a minimum of 4.5 metres from the surface of the road to the underside of the residential pool structure and structural beams of the residential tower. This is 500mm less than the required 5 metres. The use of the link road is for cars and light vehicles exiting both car parks. The development does not propose use of the link road for truck access. Therefore, the reduced clearance is acceptable.
- f) The location of the loading docks is 1m to 2m below ground level with entry and exit proposed from Archer Street. Although not located in the basement car parking levels as required by WDCP, it is considered that the intent of the requirement to manage noise impacts on adjacent residential development is nevertheless addressed by the partial below ground level location and provision of the acoustic wall adjacent to the access driveway. The loading dock design restricts deliveries to the maximum size of medium rigid trucks (8.8 metres) as required by WDCP. Access will be left in and left out only in Archer Street.
- g) The separation between the two towers is less than the required 20m at 13.5m. The concern reflected in the development standard was in part privacy impacts between the two towers. As it is proposed to provide sliding privacy louvers to recessed balconies of the units facing the hotel tower it is considered that the privacy impacts are reasonably addressed. The second reason for the separation is to manage building mass and to allow sunlight penetration between the two tower elements to development to the south of the site. This is discussed further later in this report.

The proposal is considered acceptable having regard to the design principles of WDCP discussed above.

Car Parking Provision

The car parking provided in the basement levels is required to not exceed the standards of WDCP. Site specific requirements apply to the residential car parking provision and other uses are prescribed by the general car parking requirements of WDCP. WDCP also confirms that car parking in excess of requirements will be counted as gross floor space.

It is noted that there is some inconsistency between the traffic report, the SEE and the plans in the provision and allocation of car parking on the site. The total car parking on the site was counted from the plans and found to be 242 spaces. The following discussion is based on the car parking provision indicated on the plans.

The residential car parking requirement based on WDCP is 75 residential spaces and 17 visitor spaces. The plans indicate 79 residential spaces including 8 spaces for people with disabilities to be linked to some of the adaptable units but 9 are required. The car parking provision and requirement for adaptable spaces can be adjusted by condition (Condition 2(3)).

The retail car parking provided is 6 spaces including 2 spaces for people with disabilities. The plans indicate the internal retail floor space is 265m². Retail car parking required (based on 85% of floor space) that may or may not be occupied as food and drink premises is 8 spaces. This can be adjusted by condition (Condition 2(3)).

The hospital car parking is proposed to be 79 spaces of which 32 are outside the secure parking area and are located on the first basement level and the balance are located after the boom gate and on Basement Two. The Traffic Report advises that the estimated number of medical practitioners/health care professionals attending the site will be 28. It is unknown how this is indicated when only one of the hospital tenancies has a known occupier. The

Traffic Report also advises that there will be 50 other employees. No advice is provided on the number of hospital beds making it impossible to accurately determine the required number of spaces for visitors to inpatients (1 space per 3 beds). However, the SEE notes that the PresMed eye hospital in Tenancy A with 4 operating theatres intends to have 4 inpatient beds, 8 recovery trolleys and 16 day beds. As eye surgery patients would be unable to drive the car parking required would be for collection, drop-off and visitors to patients plus medical and other staff.

In considering the car parking requirements for the hospital component of the development the number of registered medical practitioners attending the site should be considered on the basis of the number present and operating at any one time on site as medical professionals can operate and consult to more than one hospital when they are small private facilities such as in the current proposal unlike a large general hospital. The nursing and administrative staff are more likely to be consistent at the facility. The final confusing element of the discussion is that while overall the floor space in the hospital facility has reduced by 668m² the car parking provision for the use is proposed to increase from 73 to 79 spaces. The previous facility was required to provide 73 spaces based on the advised 23 medical practitioners/healthcare professionals, 46 other employees and 12 rooms for inpatient beds in the approved development.

There is, therefore, no clear conclusion to whether or not the provision of 79 car spaces for the hospital facilities in the development is acceptable. In the absence of known hospital tenants in the 2,595m² out of the total of 4,340m² hospital floor space it has to be assumed that the total provision of 79 spaces is acceptable and an assumption made that when all tenants are known it will not exceed the requirements of WDCP.

The proposed 55 hotel car parking spaces are located in Basement Three and are all within the secure parking area. A taxi bay is provided on Basement One. The traffic report notes that the requirement for hotel parking is 1 space per room and 1 space per 2 employees. WDCP also requires 1 space per 20m² of bar or function space. The traffic report did not include the bar/function area but still considered that the requirements of WDCP were excessive and instead quoted a requirement for 0.55 spaces per room including staff requirements. The traffic report does not advise where this standard has been derived from or provided any justification for it.

It is accepted that 1 car space per room is excessive for a hotel in Chatswood CBD. If proposed as a serviced apartment tourist facility WDCP would require 1 space per 4 rooms plus one space per 2 employees. The rate of 1 space for 4 rooms is consistent with the requirements of a number of Council's including Sydney City Council for hotels and service apartments and includes staff. It is considered that 1 space per 4 rooms should be applied to the current development if any variation of WDCP is considered. This would require the provision of 25 spaces for hotel guests. The staffing level is not known but a later submission from the applicant in response to a request for further information on the associated liquor licence for the site indicated that 100 staff is required to operate the hotel. It is unknown how many would be on site at any one time noting that the facility must be supported 24 hours a day seven days a week. Also consideration of staff requirements requires discounting having regard to the location at a transport nodal point consistent with the reduced parking rates for commercial development elsewhere in Chatswood to promote use of public transport. This consideration has to also acknowledge that some overnight staff may not travel at appropriate times for public transport use. The conclusion of this discussion is that a car parking allowance of about 1 space per 4 staff is reasonable. This rate is slightly more than office requirements. The operation of the bar/conference/function area at 80m² would require the provision of 4 spaces.

Therefore, although not justified by the traffic report accompanying this application, this report by use of alternative analysis concludes that the proposed provision of 55 car parking spaces for the hotel can be accepted for car parking provision for the hotel.

Also provided in the basement car parking is an E-car space for an electric vehicle. Three car-share spaces are proposed in Basement Three but these are located within the secure parking area so unless the car share scheme is to be operated/managed by the hotel the spaces would not be workable for general public use. This requires conditioning to ensure that the spaces are managed by the hotel that could make them available to hotel guests or residents (Condition 122).

A taxi space and a courier space are provided on Basement One in the unsecured area on Basement One.

Access to the Site and Parking Location

All car parking and drop-off and pick-up are proposed in the basement car parking levels as required by WDCP. WDCP was silent on the point of provision of a lay-by at street level as the development of a hotel on the site was not contemplated in the site specific controls. A lay-by or street level porte-cochere was required for the anticipated hotel site adjacent to The Concourse. Although a lay-by for hotel drop-off would be appropriate there is no suitable location for a lay-by in Archer Street or Albert Avenue given the proximity to the intersection and the impact that a road widening to provide a lay-by would have on the site.

The access to the car park via the intersection of the link road with Albert Avenue is acceptable. Directional signage will be required for hotel guests, taxis and patients being dropped off or collected to use the basement drive through for drop-off and pick-up. This requires a condition (Condition 2(4)).

The lay-out of the car parking on Basement One is not considered workable for drop-off and pick-up for the hospital facilities and for new hotel guests to check-in before being provided with a security pass to access the hotel parking area proposed on Basement Three. At least three (3) short-term hotel parking spaces for guests checking-in are required to be provided on Basement One outside the secure area and clearly signposted. Also the taxi space is not conveniently located such that it would be unlikely to be used by taxis. It requires relocation to a more prominent and central position. This can also be conditioned. (Condition 2(3)).

Residential car parking is located in Basement Two and Basement Three. The location is acceptable and the area is separately secured from the rest of the car parking. The adjustment required to the residential car parking provision noted in earlier discussion (reduction to 75 spaces and inclusion of an additional accessible space) can be achieved within the identified residential parking areas. However, the residential visitor parking is also proposed on Basement Two and located within a secure section of the car park. It is unknown how residential visitors will access the visitor spaces. Further design information is required (Condition 2(3)).

The end result of the above discussion is that the layout of the car park requires adjustment to adequately operate a drive-through and short term parking facility. A condition is proposed that amends the layout (Condition 2(3)).

The access and circulating ramps have been amended in the design to provide complying radii and gradients to the circulation ramps. Council's Traffic Group identifies a further compliance amendment with AS 2890.1:2004 required to the circulating ramps to provide a short transition for the change in grade to 1:6 on ramps to prevent scraping. This can be conditioned (Condition 2(2)).

The design of the loading and delivery facility for 8.8m trucks is acceptable to Council's Traffic Group. The entrance to the delivery area from Archer Street requires widening to comply with AS 2890.2 for medium rigid vehicles to enter the site from the kerb lane in Archer Street. This can be conditioned (Condition 2(5)).

The number of loading bays in the delivery facility is also acceptable. Notwithstanding the multiple manoeuvres for a delivery vehicle to turn to leave the site from the hotel loading area, it is accepted as the plot of the manoeuvring assumes an ambulance is at the same time parked in the ambulance bay to the hospital which is unlikely to be the situation all the time such that the full depth of the ambulance bay could be used to manoeuvre on many occasions.

The encroachment into the hospital, residential and waste handling dock area of columns and fire stairs has been accepted following the demonstration by the traffic consultant that two trucks can manoeuvre and park in the dock to load/unload at the same time. The space adjacent to the truck parking area in the dock will provide additional space for goods handling.

Motorcycle and Bicycle Parking

The proposed development requires under WDCP to provide 9 bicycle lockers (8 for the residential and 1 for the retail) plus 8 bicycle racks/rails (6 for the residential and 2 for the retail). The development proposes 10 bicycle lockers on Basement One and 7 two-sided racks for 14 bicycles externally on the eastern side at ground level. Ten (10) motorcycle spaces are required and 11 are provided of which 3 are in the unsecured area of Basement One. The provision of motorcycle and bicycle parking is acceptable.

Acoustic Impacts

A new and separate acoustic report was not required for this application. The report prepared by Acoustic Logic dated 7 September 2010 provided with the previous application considered the noise sources and impacts on the residential units. The amelioration measures required are still relevant to this application. Separate assessment is still required for mechanical systems as they are not known at this stage.

The noise generation from the loading dock was also assessed for the previous application leading to the provision of the acoustic wall along the driveway and manoeuvring area of the dock. The acoustic wall requirement has been retained in the current application.

The noise generation as a result of the development from traffic generation is anticipated will be comparable as traffic generation is comparable as noted by RMS. Although less car parking is proposed on the site the uses proposed in the development will generate increased drop-off and pick-up movements by taxis and other vehicles for the hotel in addition to the hospital facilities.

The deletion of the amount of retail and the large restaurant/function space from the previous application has reduced the extent of the potential noise sources. The new noise source in the subject application is the proposed bar/function area in the hotel. A consideration of noise management will be required as part of the community impact consideration for a future use application including the liquor licence. Conditions are required to address the acoustic impacts and the need for a further report (Condition 2(1)).

Overshadowing and Solar Access

The overall building envelope has not substantially altered from the previously approved application. There has been a small reduction in overall height from RL 124.5 to RL 124.1. As a result the shadowing impacts are virtually the same. The assessment carried out for the previous application applies to the subject application as follows:

Overshadowing diagrams have been provided to indicate the extent of shadowing impact from the development. Immediate to the south of the site is a 9 storey residential flat building at 44-46 Archer Street with its living areas and balconies facing east overlooking Archer Street. At 41-45 Claude Street is low density residential development. Council has approved a proposal to redevelop the land for a 9 storey residential flat building. Opposite in Claude Street are cottages that are anticipated will be the subject of a development application to redevelop in the future as the ownership is being possibly consolidated. Further along Archer Street and Claude Street is a 3 to 4 storey residential flat building with some units having living areas and balconies facing north in the centre of the building.

The overshadowing impacts have been mitigated in part by setbacks provided to the rear boundary. The additional floor space in the residential tower located over the car park access driveway is indicated to shadow primarily Claude Street, the turning handle at the end of Claude Street and the first house at 42 Claude Street (west side) in the middle of the day in mid-winter. A redevelopment of 42 Claude Street in a consolidation with the adjacent sites where the development standards allow a nine-storey residential flat building will allow the possibility of setbacks and adjustment to the building design to maximise sunlight access potential.

Noting the building separation and orientation of living areas/balconies in existing development to the south the most significant adverse impact from shadowing in mid-winter is on 41-45 Claude Street (east side of Claude Street). The impact will mainly be felt on the lower levels of the future 9 storey building. In anticipation of the development form on the subject site, the building in the approved development on 41 – 45 Claude Street was angled such that there will be some sunlight penetration between the two proposed towers in the middle of the day in mid-winter reaching the balconies/living area of the units orientated due north on 41-45 Claude Street.

The overshadowing impacts are acknowledged but on balance are considered acceptable in the context of the site and the orientation of living areas in existing development to the south as well as approved and possible future development to the south of the site.

The access to sunlight in the proposed residential units in the subject development were considered and found acceptable in the SEPP 65 review as discussed previously in this report.

Privacy Impacts on Nearby Development

The privacy impacts from overlooking from the residential proposed on the site to nearby development is unchanged except for the addition of a unit on the south-eastern side. The separation to the residential development to the south is at its minimum between the hotel tower and 44-46 Archer Street but this still exceeds 12m. In addition no windows are proposed in the southern façade and the relationship is not to the primary living rooms of units in that development.

The removal of the restaurant and the proposal to have no hotel windows overlooking the abutting residential area to the south means the privacy impacts are likely reduced. Overlooking from the hotel suites to the residential area to the east is separated by Archer

Street and are thus considered acceptable. The following detailed analysis is noted from the previous application is relevant to the subject application:

The separation between the residential tower and residential development to the south varies from about 12m for the existing development at 41-45 Claude Street which will be increased with the approved redevelopment of the 41-45 Claude Street site. The approved building on the 41-45 Claude Street site is angled from the alignment of the boundary giving increased but variable setbacks to the future building on the subject site. The separation to the existing house on 42 Claude Street on the western side of Claude Street is more than 25m. A redevelopment of a consolidated site that includes 42 Claude Street could see that separation increase based on WDCP setback requirements for multi-dwelling housing.

The use of the roof top for recreation by residents is restricted in area by privacy fencing and is set back from the line of the building façade. It is considered that the fencing, setbacks and separation will manage privacy impacts.

It is concluded that the privacy impacts are not of a level of concern to require further design changes. A condition can ensure that the fencing to the roof top recreation area on the south side be of solid construction. This has the added benefit to the recreation area of providing a wind barrier to southerly winds. (Condition 2(8))

Sustainability Initiatives

The ESD initiatives have been considered as part of the BASIX assessment for the residential. The proposed development retains the 150m² of solar collector panels for hot water that will be boosted by gas to reduce energy consumption.

Accompanying the application is a sustainability report prepared by Floth Sustainable Building Consultants. Similar to the previous application the non-residential uses in the report indicate energy targets based on the Manly Council model. The calculated figures of 736MJ/m²/annum for the retail area, 6059MJ/bed/annum for the medical facility and 508MJ/m²/annum for the office/hotel area are within the set targets for the respective uses in the model. Masonry external walls and insulation to roofing is proposed with high performance glazing with shading where necessary. Use of energy and water efficient fixtures and fittings is proposed. Rainwater re-use is also proposed. The undertakings of the sustainability report will be required to be met in the detailed design. (Condition 55)

Waste Management

Although indicated in the Statement of Environmental Effects that an operational waste management accompanies the application, one was not provided. Notwithstanding Council's Waste Strategy Co-ordinator reviewed the development proposal and advised an additional waste room is required for the hotel measuring a minimum of 4m x 4 m. Conditions address this requirement as well as establishing the hours within which waste collection can occur to minimise noise and traffic impacts from the number of waste collection vehicles that will need to attend the site (Condition 2(1) and 121).

Neighbour Notification Issues:

There are no neighbour notification issues.

Other issues – SEPP 1 Objection to Clause 15C(3) of SREP 5 (Height Control)

a) Objectives of Zoning

The specific objectives of the 3(c3) General Business zone under SREP 5 are:

- *To encourage the development of a secondary small scale mixed commercial, residential and retail zone; and*
- *To minimise the visual impact of business development on adjacent residential areas.*

The proposed development provides a mixed use development in accordance with the objectives for the zone. It also provides a buffer to the more intense retail and commercial uses of Chatswood CBD centred along Victoria Avenue.

b) Objectives of the Standard

The objectives of the height controls in Clause 15 of SREP5 are not specifically stated in the Plan. Nevertheless height controls are generally used for managing mass and bulk impacts and shadowing impacts. The site specific controls in WDCP also provide set back requirements that combined with the height controls confirm the objective of managing mass and bulk and addressing the gateway role of the site. The height and set back requirements also consider privacy and shadowing impacts on adjacent residential development.

c) Applicant's reasons in support of the variation

The applicant has provided the following reasons in support of the SEPP 1 objection:

- The development addresses the gateway location and provides appropriate setbacks to adjacent residential development.
- The small component of floor area that constitutes the non-compliance in the residential tower is adjacent to and integrated with the plant room enclosure.
- The component of floor space in the hotel tower containing 8 hotel rooms is within what was previously approved plant room space. The non-complying space does not solely contribute to shadowing impacts.
- The proposed height provides an appropriate transition from the office core to residential to the south.
- The overall height would not change if the small foyer at roof level for the residential and access was removed.
- The development will not exceed the site's environmental capacity and will be consistent with the zone objectives.

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

The proposed development generally complies with or exceeds the setback requirements especially where the building will interface with development to the south. The required set back of 3m to the residential development to the south is exceeded. For the podium and medical tower 5 m is provided and 8.8m to 10.4m for the residential development. The height impact is adjusted above the podium providing two separate towers with a 13.5m separation.

The non-compliance with the height control arises because of the use of the roof level for recreation use by residents in the residential tower that requires connection of the lift and provision of a foyer area to the roof level. In the case of the hotel tower 8

rooms have been inserted into what was the plant room and the area of plant room has been reduced. The additional height arising from provision of access to the roof level for the residential tower does not exceed the height of the plant room roof as does the use of part of the plant room level in the hotel. The overall height of the two towers of RL 124.1 AHD is 400mm less than the previously approved development.

Therefore, it is concluded that the objectives of the height control are met notwithstanding the non-compliance.

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

It is considered that the SEPP 1 objection to the height control to allow an increase in height from RL 120 to RL 124.1 is well founded in the circumstances. The development satisfies the objective for development in the zone and is considered to satisfy the intent of the height standard. The area of non-compliance is integrated into the surrounding plant room structure in each tower and has minimal impact on the previously assessed and approved building envelope. Therefore strict compliance with the height control is considered would be unreasonable and unnecessary in this case.

f) Whether the non-compliance with the development standards raises any matter of state or regional planning and the public benefit of maintaining the planning controls.

The non-compliance with the site specific height control in SREP5 would not vary the overall height of the proposed buildings. The definition of height pursuant to the provisions of SREP5 excludes plant rooms. The additional height is by floor areas adjacent to and integrated with plant rooms. Therefore, the non-compliance with the development standard is not considered will raise any matter of state or regional planning. There is minimal public benefit in maintaining the planning controls for the residential tower. The public benefit of maintaining the height control for the hotel tower is removal of the 8 rooms on the top level which could reduce the mass of the top level of the building on the eastern side. The additional shadowing impact from that element is marginal.

Other issues – SEPP 1 Objections to the Maximum FSR (Clause 11 (12)(b)) and FSR for the Residential development (Clause 13 (4))

a) Objectives of Zoning

As noted above the objectives of the 3(c3) General Business zone in SREP5 are:

- *To encourage the development of a secondary small scale mixed commercial, residential and retail zone; and*
- *To minimise the visual impact of business development on adjacent residential areas.*

Again as previously noted the proposed development satisfies the objectives for development in the zone.

b) Objectives of the Standard for Maximum FSR

The objectives of the floor space controls of Clause 11(12) of SREP5 are not specifically stated in the Plan. Based on the objectives of the Plan it is reasonable to

consider that the objectives of the FSR controls are to manage mass and bulk, balance the environmental impacts including traffic generation and provision of services in an area and maintain the amenity of the neighbourhood. The allowance of a bonus floor space on the site (FSR 4:1 instead of 2.7:1) for development of a hospital recognises the strategic planning benefits of having hospital facilities in Chatswood to complement the number of medical professionals in the CBD and to increase the services for the local community. The bonus floor space for provision of hospital facilities is an FSR of 1.3:1.

c) Objectives of the Standards for the Component of Residential Development

The objectives of the FSR control of 1.5:1 for the residential component in a mixed use development are not stated in the plan. Nevertheless they can be deduced from the overall objectives of the Plan and the zone. It is considered that the FSR control to manage the component of residential development is to ensure that general business purposes of the zone are still achieved and are not subsumed by residential use. This includes provision of business and retail services and the employment potential of those services.

d) Applicant's reasons in support of the FSR variation

The applicant's reasons in support of the precautionary interpretation of compliance with the maximum FSR control where 0.88:1 floor space in hospital use is less than the bonus floor space allowance of 1.3:1 are as follows:

- The traffic modelling has indicated that the capacity of the surrounding road network can accommodate the proposed development.
- The proposed development is consistent with the scale of development containing hospital facilities anticipated for the site.
- The proposed development provides an appropriate transition between the commercial core of Chatswood CBD and nearby medium and high rise residential development.
- The proposed development includes a landscaped north facing forecourt that will benefit future occupants and the public.
- The proposed development has high architectural quality.
- The proposed development will revitalise this underutilised site.

e) Applicant's reasons in support of FSR for the residential component

The applicant provided the following reasons in support of the 1.77:1 FSR for the residential component rather than the permitted 1.5:1 FSR:

- The additional residential floor space is contained within the overall FSR maximum of 4:1 and does not add to the bulk.
- The additional residential development is consistent with State Government policy to provide residential development close to transport nodes.
- The additional residential development does not hinder the provision of medical and commercial floor space on the site.
- The additional residential on the site will support the medical and hospital uses and provide housing for staff.
- The residential development will achieve the objective in the WDCP to terminate the vista of Spring Street and screen the eastern elevation of the car park.

- The additional traffic generation will not have an impact on the efficiency of the road network and traffic flows in the area.
- The mixed use development provides an appropriate transition in scale and land use and is a built form anticipated by the site specific controls.

f) Whether the objectives of the Controls are satisfied notwithstanding the non-compliance

The hospital component of the development has an FSR of 0.88:1. The remaining retail and hotel uses have an FSR of 1.22:1 which gives a total of 2.1:1 in commercial jobs generating uses. This exceeds the potential floor space in commercial uses that would have applied if a hospital development was not included in the proposal by 1.3:1. The development will therefore contribute jobs potential and business services to Chatswood. It will provide for a hospital facility consisting of 4 different hospital tenancies that is expected will become a medical focus in Chatswood complementing other medical services in Chatswood. The additional residential component of 0.27:1 over the permitted level of 1.5:1 is accepted to not be at the expense of the jobs and the business potential of the site.

Therefore, it is considered that the objectives of the FSR controls of Clause 11 and the residential component of Clause 13 are met notwithstanding the non-compliance.

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

Having regard to the objectives of the zone and the assessed objectives of the development standards in Clauses 11 and 13 of SREP5, it is concluded that in the circumstances of the proposed mixed use retail, residential, hotel and hospital development strict compliance with the development standards would be unreasonable in the unique circumstances of this development.

h) Whether the non-compliance with the development standards raises any matter of state or regional planning and the public benefit of maintaining the planning controls.

SREP5 is silent as to whether the bonus floor space for a hospital must be used for a hospital. The purpose of the bonus floor space is to achieve the strategic planning development outcome and the presumption is that the additional floor space is required to achieve that outcome. However, the presumption is unclear such that the SEPP 1 for the floor space in the hospital use was a precautionary SEPP 1. It is not considered that there is any matter of state or regional significance in the apparent non-compliance. There is minimal public benefit of maintaining the control when the purpose is being achieved by the development.

The additional floor space in residential use as noted above still allows the achievement of 2.1:1 FSR in commercial uses on the site and jobs generating floor space. If the hospital use was not provided with the development the floor space ratio would be a maximum of 2.7:1. A complying proportion of residential would leave only 1.2:1 such that although the proportion of residential is exceeded the commercial floor space is also exceeded allowing greater commercial achievement of jobs on the site consistent with the zone and contributing to the commercial life and business services of Chatswood CBD. Therefore, there is no issue of state or regional significance with the non-compliance and the public benefit of the proposed commercial/hospital uses on the site is maintained.

Future Applications including Stratum and Strata Subdivision

Although not part of the subject application the site will likely be subject to future applications for subdivision. It will also likely involve both stratum and strata subdivision and the provision of a Building Management Statement. Although these applications will be dealt with in the future there are relevant matters relating to that future subdivision that can be noted in the current application. These include covenants that ensure that the hotel rooms and the three units provided for visiting doctors or health professionals are used for short-term, temporary and tourist accommodation. The car spaces of the hotel and the hospital tenancies are provided as a group and must be managed as a group by the hotel operator in the case of the hotel spaces and jointly by the four hospital suites in the case of the hospital spaces.

In addition there is insufficient information in the application to adequately deal with and assess all the proposed uses in the development including but not limited to the hospital tenancies and the hotel especially the bar and function spaces. The documentation undertakes to lodge separate applications in the future for the use and fit-out of the non-residential uses and as a result this report does not deal with the public health, medical and sale of liquor in the hotel requirements and conditions.

CONCLUSION

The Development Application 2012/437 for a mixed use development including a hotel, residential dwellings, retail and hospital uses has been assessed. Subject to a number of conditions the proposed development is considered acceptable for approval.

OFFICER'S RECOMMENDATION

1. **THAT SEJRPP support the SEPP 1 objection as it is considered unreasonable and unnecessary to comply with the development standard of Clause 15C (Height) of SREP5.**
2. **THAT SEJRPP support the SEPP 1 objection as it is considered unreasonable and unnecessary to comply with the development standard of Clause 11 (12) (bonus floor space) of SREP5.**
3. **THAT SEJRPP support the SEPP 1 objection as it is considered unreasonable and unnecessary to comply with the development standard of Clause 13 (proportion of residential floor space) of SREP5.**
4. **THAT development consent be granted with the attached conditions.**

SCHEDULE

Conditions of Consent: (Including reasons for such conditions)

CONSENT IDENTIFICATION

The following condition provides information on what forms part of the Consent.

1. Approved Plan/Details

The development must be in accordance with the following plans:

Type	Plan No.	Revision / Issue No	Plan Date (as Amended)	Date Stamped by Council	Prepared by
Architectural	209064/A0000	1	18.03.2013	22.03.2013	PTW Architects
	209064/A0001	D	18.03.2013	22.03.2013	
	209064/A0002	D	18.03.2013	22.03.2013	
	209064/A0003	K	23.05.2013	31.05.2013	
	209064/A0004	H	18.03.2013	22.03.2013	
	209064/A0005	J	14.05.2013	15.05.2013	
	209064/A0006	J	14.05.2013	15.05.2013	
	209064/A0007	J	14.05.2013	15.05.2013	
	209064/A0008	J	14.05.2013	15.05.2013	
	209064/A0009	J	14.05.2013	15.05.2013	
	209064/A0010	J	14.05.2013	15.05.2013	
	209064/A0011	H	18.03.2013	22.03.2013	
	209064/A0012	H	18.03.2013	22.03.2013	
	209064/A0015	K	23.05.2013	31.05.2013	
	209064/A0016	K	23.05.2013	31.05.2013	
	209064/A0017	K	23.05.2013	31.05.2013	
	209064/A0018	A	18.03.2013	22.03.2013	
	209064/A0025	D	18.03.2013	22.03.2013	
	209064/A0030	H	18.03.2013	22.03.2013	
	209064/A0031	H	18.03.2013	22.03.2013	
	209064/A0032	I	14.05.2013	15.05.2013	
	209064/A0033	H	18.03.2013	22.03.2013	
	209064/A0040	I	18.03.2013	22.03.2013	
	209064/A0041	H	18.03.2013	22.03.2013	
	209064/A0042	G	18.03.2013	22.03.2013	
	209064/A0043	F	18.03.2013	22.03.2013	
	209064/A0044	F	18.03.2013	22.03.2013	
	209064/A0050	D	18.03.2013	22.03.2013	

JRPP REPORT**38 Albert Avenue, CHATSWOOD NSW 2067. (Cont.)**

Type	Plan No.	Revision / Issue No	Plan Date (as Amended)	Date Stamped by Council	Prepared by
	209064/A0051	D	18.03.2013	22.03.2013	
	209064/A0052	D	18.03.2013	22.03.2013	
	209064/A0053	D	18.03.2013	22.03.2013	
	209064/A0060	I	18.03.2013	22.03.2013	
	209064/A0061	F	18.03.2013	22.03.2013	
	209064/A0062 (as amended by new basement plans)	I	18.03.2013	22.03.2013	
	209064/A0080	D	18.03.2013	22.03.2013	
Hydraulic	813076/H01	P2			
	813076/H02	P2			
	813076/H03	P3			
	813076/H04	P3			
	813076/H05	P3			
	813076/H06	P4			
	813076/H07	P3			
	813076/H08	P3			
	813076/H09	P2			
	813076/H10	P2			
	813076/H11	P2			
	813076/H12	P2			
	813076/H13	P2			
	813076/H14	P2			
	813076/H15	P2			
	813076/H16	P1			
	813076/H17	P3			
	813076/H18	P2			
	813076/H19	P2			

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

- any modifications which are "Exempt Development" as defined under S76(2) of the Environmental Planning and Assessment Act 1979;
- the signage location indicated on the northern elevation only is approved (see also Condition 108)
- otherwise provided by the conditions of this consent.
(Reason: Information and ensure compliance)

PRIOR TO MAKING AN APPLICATION FOR A CONSTRUCTION CERTIFICATE

The following conditions are to be complied with before any Construction Certificate Application is made to the Certifying Authority.

2. Submit the Following Information to Willoughby City Council

Prior to the lodgement of an application for a construction certificate, the applicant shall submit plans and specifications satisfying the following requirements to Willoughby City Council for approval. A letter confirming the documentation is approved by Willoughby City Council, shall then be submitted to the certifying authority for the application of a construction certificate.

1. Amendment of the Ground Floor to provide a garage holding room of minimum dimensions 4 metres by 4 metres for the hotel. The room shall provide for 5000L of general waste and 1000L of recyclable waste. It shall be adjacent to the truck access from Archer Street.
2. The basement car parking circulation ramps shall be amended to provide a short transition section to allow for the change in grade to 1:6 on the ramps to prevent scraping (see AS2890.1:2004 Section 2.5.3).
3. The car parking layout in the basement levels shall be amended as follows:-
 - (a) Residential car parking shall be reduced to 75 spaces including 9 spaces (not 8 as shown) for people with disabilities attached to 9 of the adaptable units.
 - (b) The retail car spaces shall be increased to 8 spaces including 2 spaces for people with disabilities. The location of the spaces if in the secure area shall demonstrate how customers of the retail shall access the spaces.
 - (c) To provide for drive through and/or short term parking Basement One shall be amended to provide for the first 4 spaces after entry (right hand side) to be used for one taxi space, one courier space and two hotel spaces for temporary parking for hotel guests while booking in. In addition the spaces marked "taxi" and "courier" shall be reallocated for additional short-term hotel parking (total 4 short term (10 minute) hotel spaces). Each short term parking space shall be signposted. First three spaces on the left hand side nominated for hospital use shall be signposted to be for short-term (10 minute) hospital drop-off spaces.
 - (d) Additional documentation shall be provided that demonstrates how residential visitors are able to access the residential visitor spaces within the secure car park area.
 - (e) Adjustment in the car parking layout shall be made arising from the above and providing the following car parking allocation:-

Retail space	8
Residential spaces	75 (including 9 spaces for people with disabilities)
Residential visitors	17
Hotel	55
Hospital	79
Car share	3 (within hotel area)
Ecar	1
Taxi	1
Courier	1
TOTAL	240

4. Further information on how directional signage will be managed on site including but not limited to the location of drop-off and pick-up.
5. The driveway entry from the kerb to the loading dock shall be reviewed to ensure that medium rigid trucks can access the site from the kerbside lane in Archer

- Street without any encroachment into other lanes. The design of the ground floor shall be amended if required to ensure that it satisfies this requirement.
6. Further architectural design development of the southern façade of the hotel is required to provide articulation and to break down the mass of the blank façade.
 7. Demonstration that all ventilation shafts from the basement car park, waste rooms, cooking facilities and so on are integrated into the building structure.
 8. Provide a detailed landscape plan for the ground floor plaza and roof-top recreation area. The plan shall ensure that the soil depths are adequate for the proposed planting, that the structural design of the building is certified to allow for the weight of the landscaping planter structures with the irrigation and drainage for the planting being integrated into the building design. The setback of the basement car park shall ensure retention of the significant street tree in Archer Street *E. citriodora*. The Landscape Designer shall consult with Council's Manager Open Space on the additional street trees to be provided. The choice of species in all the landscaping shall be hardy and give preference to drought tolerant species. The design of public art elements in the plaza and pedestrian/cycle link shall occur in consultation with Willoughby Council's Arts and Cultural Manager. The roof-top recreation area shall provide a solid fence to the south side seating for flexible use by residents and facilities for residents to establish a community garden.
 9. Detailed design of the vehicular and pedestrian access through the site that provides for illumination. Treatment of walls shall consider the potential of graffiti damage.
 10. The Acoustic Report 2010804/0709A is acceptable for the retail, residential and hospital uses. An additional report is to be prepared to Council's satisfaction that addresses the acoustic design needs and impacts of the hotel use. The Acoustic Report shall also address the impact of any mechanical ventilation systems on the sites indicated in the above Acoustic Report.
- (Reason: Ensure compliance)

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

3. External Finishes – Solar Absorptance

The external roofing, glazing and walls of the proposed dwelling are to be of minimal reflectance (solar absorptance of at least 0.70) so as to avoid nuisance in the form of glare or reflections to the occupants of nearby buildings, pedestrians and/or motorists. Details demonstrating compliance are to be submitted with the Construction Certificate.

(Reason: Visual amenity)

4. Services – Jemena Gas Networks NSW and Other Utilities

The applicant shall consult with Jemena Asset Management and other utility providers for its requirements for relocation of the gas mains and utility traversing the site. The relocation of the gas mains and other utility lines shall be designed and carried out to the satisfaction of Jemena Asset Management and other utility providers. The applicant shall prepare and have approved by Jemena Asset Management a Safety Management Plan for the primary gas main adjacent to the

site in Albert Avenue for risk management during all construction works on the site.
(Reason: Compliance)

5. Waste Holding Areas

The garbage bin storage rooms shall be constructed in accordance with the requirements of Council's Waste Minimisation and Management Policy and therefore as a condition of consent the following must be provided:

- a) Adequate ventilation being provided by an exhaust ventilation system or by unobstructed natural ventilation openings direct to external air. Mechanical exhaust systems shall comply with AS1668 and not cause inconvenience, noise or odour problems.
 - b) A cold water supply being provided.
 - c) Floors of the bin storage room must be graded to an approved Sydney Water basket trap drainage fitting connected to the sewer. Storm water must not be permitted to enter this floor waste trap.
 - d) Cement floors must have smooth, even surface, coved at all intersections with walls.
 - e) Artificial lighting must be provided controlled by a motion sensor located both outside and inside the room.
 - f) A galvanized bump rail shall be installed at least 50mm clear of the walls at the height of the most prominent part of the garbage bins to protect the walls from damage.
 - g) The rooms must be fitted with an electronic overhead roller door.
- (Reason: Compliance)

6. Sydney Water 'Quick Check' Certificate

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains and to see if further requirements need to be met.

Plans will be appropriately stamped and the Principal certifying authority must ensure the plans are stamped by Sydney Water prior to release of the Construction Certificate.

(Reason: Ensure compliance)

7. Fire Safety Schedule

Submission at the Construction Certificate stage of the anticipated schedule of current and proposed fire safety measures to be implemented in the building, and such fire safety schedule shall specify the minimum standard of performance for each fire safety measure.

(Reason: Compliance)

8. Adaptable Units

Adaptable residential units for disabled persons are to be provided at a rate of 50% units (Total 36). Each adaptable unit is to be nominated on the Construction Certificate drawings and of the 36, 9 are to be provided with disabled car spaces where required under the Willoughby Development Control Plan Part C.6 – Access, Mobility and Adaptability.

(Reason: Amenity)

9. Services - Installation of Kiosk Type Electricity Substation

Provision being made on the site for the installation of a “kiosk” - type electricity substation, in the event that Energy Australia are desirous of installing same, and any such “kiosk” is to be positioned in accordance with Energy Australia’s requirements and to the satisfaction of Willoughby City Council. Should the installation of a “kiosk” be required, such is to be allowed for on the required landscape plan and is to be set back from the street frontage and screened by the provision of appropriate planting. (Reason: Visual amenity)

10. Damage Deposit

The applicant shall lodge a Damage Deposit of \$180,000 (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 \$130 (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)

11. 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 prior to issue of the Construction Certificate. 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)

12. CCTV Report of Existing Council Pipe System

A qualified practitioner shall undertake a closed circuit television (CCTV) inspection and then report on the condition of the completed section of the new stormwater diversion pipeline. No person is to enter any Council stormwater conduit. 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/or 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’s Engineers. A written acknowledgment shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Accredited Certifier prior to issue of any Construction Certificate.

(Reason: Protection of public asset)

13. Stormwater Conveyed to Street Drainage

Stormwater runoff from the site shall be collected and conveyed to the street drainage system in accordance with Council's specifications. A grated drainage pit (min. 900mm x 900mm) shall be provided within the property and adjacent to the boundary prior to discharging to the Council's drainage system. The two (2) existing kerb-inlet pits in Albert Avenue shall be reconstructed with the installation of a new 375mm diameter reinforced concrete pipe (RCP). All drainage works shall comply with the requirements described in Part C.5 of Council's DCP and Technical Standards. In this regard, full design and construction details showing the method of disposal of surface and roof water from the site shall be shown on the Construction Certificate plans.

(Reason: Stormwater control)

14. 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 the Accredited Certifier for approval prior to issue of any Construction Certificate.

(Reason: Prevent property damage)

15. Detailed Stormwater Management Plan (SWMP)

Prior to issue of any Construction Certificate, the applicant shall submit, for approval by the 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 civil engineer with the following amendments:

- The storage capacity of the pumpout well shall be increase to include seepage rate which is to be determined by a Geotechnical Engineer.
- The minimum capacity of the pump for the basement pumpout pit shall be 10L/s or based on the flow rate generated for 1 in 100yr ARI 5 minutes storm event, whichever is greater.
- The layout of the on-site detention (OSD) tank shall be modified so that no part of the tank will encroach over the driveway ramp.
- Heavy duty access frames and grates shall be provided for areas subject to vehicle movements.
- For the on-site detention (OSD) tank with a depth of less than 1.5 metres, access grates shall be provided at intervals of approximately 10 metres to allow the system to be flushed to the storage outlet. All inlet pipes shall be connected directly under the grated access of the outlet control of the OSD tank.
- The calculated orifice diameter as shown in the table is different to the cross – section on drawing H17-Rev P3.

The construction drawings shall be designed in accordance with Part C.5 of Council's Development Control Plan and Technical Standards, AS3500.3 – *Plumbing and Drainage Code* and BCA.

(Reason: Ensure Compliance)

16. Basement Pumpout Drainage System

The applicant shall submit, for approval by the Accredited Certifier, 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 and the seepage rate determined by a Geotechnical Engineer.

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)

17. Construction Management Plan (CMP)

Submit, for approval by the Accredited Certifier, 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
- (g) Compliance with the Traffic Management Plan.

(Reason: Ensure compliance)

18. Traffic Management Plan

A detailed Traffic Management Plan during construction shall be prepared for pedestrian and traffic management and be submitted to Council for approval. The plan shall: -

- a) Nominate the route plan to and from the site including for spoil removal during excavation.
- b) Be prepared by a Road and Maritime Services (RMS) accredited consultant.
- c) 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.

- d) 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.
- e) 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)

19. 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. The construction of new footpath in approved pebblecrete tiling for the full frontage of the development site in Albert Avenue and Archer Street in accordance with Willoughby City Council's CBD paving policy. The new footpath shall have maximum crossfall of 2.5% in accordance with Council's specification. 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. The construction of new kerb and gutter with associated half road reconstruction for the full frontage of the development site in Albert Avenue and Albert Street in accordance with Council's specifications and Standard Drawing SD105.
- c. The construction of new pram ramp in the intersection of Albert Avenue and Archer Street in accordance with Council's specification and standard SD100.
- d. The construction of new perm ramp in the intersection of Albert Avenue and Claude Street in in accordance with Council's specification and standard SD100.
- e. The reconstruction of half road pavement for the full frontage of the site in accordance with Council's specification. Council's standard design traffic for this pavement is 2×10^6 ESA. A geotechnical report shall also be submitted. Detailed long section and cross sections at 5 metres interval shall be provided.
- f. The reconstruction of the standard threshold for carriageway in Albert Avenue in accordance with Council's specification and standard drawing SD305.
- g. The construction of a new vehicular crossing in Albert Avenue. Council's standard layback and gutter shall be provided in accordance with Council's specification and standard drawing SD105.
- h. The reconstruction of two existing kerb-inlet pits in Albert Avenue with 2.4 metres lintels and the installation of a 375mm diameter reinforced concrete pipe (RCP) in accordance with Council's specification and standard drawing SD515.

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)

20. Stormwater Diversion System

Prior to issue of any Construction Certificate, the applicant shall submit, for approval by Council's Engineers, detailed design drawings for the proposed stormwater diversion system. A closed circuit television (CCTV) and report prepared by a qualified practitioner on the condition of the completed section of the new stormwater diversion pipeline shall also be submitted to Council for review. Upon review of the submitted CCTV and report, should Council determine that the completed section of the pipelines have not been constructed to Council's specification and requirement, the applicant is required to reconstruct the entire stormwater diversion system to the satisfaction of Council's Engineers.

Full detailed drawings shall be prepared by a suitably qualified and experienced civil engineer and be designed in accordance with Council's DCP, specification (AUS-SPEC) and AS3500.3. An approved overland flowpath shall be maintained on street level for flows larger than the design flow.

The required plans must be designed in accordance with Council's specifications (AUS-SPEC). Written approval from Sydney water shall be obtained and submitted to Council for any proposed direct connection to be made to the underground drainage pipeline in Albert Avenue. 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 and maintain existing amenity)

21. Vehicle Access – Engineer's Certification

Prior to issue of any Construction Certificate, the Applicant shall submit, for approval by the 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 all driveway gradients and transitions will not result in the scraping of the underside of cars.
- b) That a maximum gradient of 5% is provided for the first 6.5 metres for the driveway from the property boundary to the loading dock in Archer Street.
- c) That the proposed vehicular path and parking arrangements comply in full with AS2890 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)

22. Internal Noise Levels Residential

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

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

Note:

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

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

23. 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) AS1668.2-2002 – The use of ventilation and air conditioning in Buildings
- d) The Public Health Act-2010
- e) The Public Health (Microbial Control) Regulation 2012
- f) AS3666.1 – 2011 – Air Handling and Water Systems of Buildings
- g) AS3666.2 – 2011 – Air Handling and Water Systems of Buildings
- h) AS3666.3 – 2011 – Air Handling and Water Systems of 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)

PRIOR TO COMMENCEMENT

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.

24. External Finishes - Compatibility

All external building material shall be in colours and textures, which are compatible with the character of the locality. In this regard the Schedule of Colours and Finishes submitted and approved for DA 2010/367 shall satisfy this requirement.
(Reason: Visual amenity)

25. Noise – Construction In Accordance With Acoustic Report

To minimise the impact of noise from the development on the amenity of the adjoining properties, the development shall be constructed and operated in accordance with all recommendations contained within the acoustic report in respect to the hospital, retail and residential uses. Acoustic Report 2010804/0709A by Acoustic Logic dated 7 September 2010. The additional acoustic report required by Condition 2(7) shall instruct and be complied with for the design and operation of the hotel and all the mechanical ventilation systems to be used.
(Reason: Amenity)

26. 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 the Principal Certifying Authority.
NB: Should changes be made for the carrying out of the work the Principal Certifying Authority must be immediately informed.
(Reason: Information)

27. 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)

28. Dilapidation Report of Council's Property

Submit a dilapidation report including photographic record of Council's property for 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 adjacent to 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)

29. 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)

30. 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)

31. Spoil Route Plan

Submit a “to and from” spoil removal route plan to Council’s Traffic Engineers for approval prior to the commencement of excavation on the site. Such a route plan should show entry and exit locations of all truck movements.
(Reason: Public amenity)

32. Stormwater Diversion System

Prior to the commencement of any excavation works on site, the applicant shall construct the stormwater diversion pipeline in accordance with the approved plans, Council’s Specification (AUS-SPEC) and to the satisfaction of Council’s Engineers.

All stormwater diversion works shall be carried out and completed to the satisfaction of Council’s Engineers. A written acknowledge shall be obtained from Council (attesting to this condition being appropriately satisfied) prior to any basement excavation works and/or relocation or decommissioning of the existing stormwater drainage system through the site.
(Reason: Ensure compliance and maintain public amenity)

33. CCTV Report of Council Pipe System After Work

Prior to the commencement of any basement excavation on site, a qualified practitioner shall undertake a closed circuit television (CCTV) inspection and then report on the condition of the as-built stormwater diversion pipeline after the completion of all works. No person is to enter any Council stormwater conduit. 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’s Engineers. Any defects identified from the CCTV and report shall be rectified to the satisfaction of Council’s Engineers.

A written acknowledge shall be obtained from Council (attesting to this condition being appropriately satisfied) prior to any basement excavation works and/or relocation or decommissioning of the existing stormwater drainage system through the site.
(Reason: Ensure compliance and protection of public asset)

DURING DEMOLITION, EXCAVATION AND CONSTRUCTION

The following conditions are to be complied with throughout the course of site works including demolition, excavation and construction.

34. 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)

35. Construction Information Sign

A clearly visible all weather sign is required to be erected in a prominent position on the site detailing:

- (a) that unauthorised entry to the work site is prohibited;
- (b) the excavator's and / or the demolisher's and / or the builder's name;
- (c) contact phone number/after hours emergency number;
- (d) licence number;
- (e) approved hours of site work; and
- (f) name, address and contact phone number of the Principal Certifying Authority (if other than Council)

ANY SUCH SIGN IS TO BE REMOVED WHEN THE WORK HAS BEEN COMPLETED.

Council may allow exceptions where normal use of the building/s concerned will continue with ongoing occupation, or the works approved are contained wholly within the building.

(Reason: Ensure compliance)

36. 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)

37. 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)

38. Demolition Work AS 2601

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

(Reason: Safety)

39. 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)

40. 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)

41. 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)

42. 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)

43. Temporary Toilet Facilities

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

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

(Reason: Health and amenity)

44. 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)

45. 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)

46. 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.
(Reason: Protection of public asset)

47. 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 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 assets)

48. 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)

49. Tree Protection

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

Tree Species	Location
Eucalyptus citriodora	Archer Street

The protective measures must comply with the following specifications:

- i. WCC Landscape Specification 01/2007: Tree Protection Area;
 - i. WCC Landscape Specification 02/2007: Tree Protective Fencing.
- (Reason: Tree Management)

50. 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 Willoughby Council's Open Space section and resolve the matter to Council's satisfaction.
(Reason: Tree management)

51. Adjustment to Street Lighting

Consult with utility authorities to determine the requirements of relocation/adjustment of electricity supply and street lighting services fronting the property in Archer Street and Albert Avenue. Such street lighting shall also conform to Council's standard specifications.
(Reason: Public amenity)

52. Noise – Construction in accordance with acoustic report

To minimise the impact of noise from the development on the amenity of the adjoining properties, the development shall be constructed and operated in accordance with all recommendations contained within the acoustic report by Acoustic Logic - 2010804.
(Reason: Amenity)

PRIOR TO OCCUPATION OF THE DEVELOPMENT

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

53. Swimming Pool - Access

Access to the swimming pool shall be restricted by a child resistant barrier in accordance with the regulations prescribed in the Swimming Pools Act 1992.

- a) The pool shall not be filled with water, or be allowed to collect stormwater, until the installation of the child resistant barrier is completed to the Principal

Certifying Authority's satisfaction.

- b) The barrier is to conform to the requirements of AS 1926 –
Part 1 – “Safety Barriers for Swimming Pools”
Part 2 – “Location of Safety Barriers for Swimming Pools”

(Reason: Safety)

54. Swimming Pool Notice

The owner of the pool shall display a notice showing:

- (a) Appropriate instructions of artificial resuscitation methods.
- (b) A warning stating "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS POOL"

NB: This notice shall be kept in a legible condition and at the pool side.

(Reason: Safety)

55. BASIX Certificate and Sustainable Development

A completion certificate is to be submitted to the Principal Certifying Authority demonstrating the manner in which the measures committed to in the latest BASIX Certificate have been satisfied.

The measures proposed to be undertaken in the Sustainability Report lodged with the Development Application are to be implemented as part of the development and appropriate certification provided to the Principal Certifying Authority.

(Reason: Environmental Sustainability)

56. Access for the Disabled - Disability Discrimination Act

The building/development must comply with the requirements of the Disability Discrimination Act.

It should be noted that this approval does not guarantee compliance with this Act and the applicant/owner should investigate their liability under this Act.

(Reason: Access and egress)

57. Food Premises

The fitout of the food premises shall comply with:

- a) Australian Standard AS4674-2004 – Design, Construction and Fitout of Food Premises.
- b) Food Safety Standards
Standard 3.2.2 Food Safety Practices and General Requirements
Standard 3.2.3 Food Premises and Equipment.
- c) The cool rooms shall be provided with safety devices to comply with G1.2 of the BCA.
- d) No approval is granted for any remote storage area.
- e) The business being registered with NSW Food Authority.
- f) 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 \$160

per hour or part thereof 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.

Alternatively, you may obtain a copy of the **'Food premises design, construction and fit-out guide'** from Council's Customer Service.
This guide is based on the above standards and sets out minimum requirements to achieve compliance

(Reason: Health & Compliance)

58. 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)

59. 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)

60. Marked Parking Bays

All parking bays and/or truck docks and the direction of traffic movement being permanently marked on the pavement surface in accordance with the approved parking and driveway layout to the satisfaction of the Principal Certifying Authority. Where it is proposed that a building or site be used for multiple occupation, all parking bays being identified by corresponding consecutive numbers.

(Reason: Ensure compliance)

61. Access/Parking - Multiple Occupation of a Building

Where multiple occupation of a building or site is proposed, the allocated number of parking spaces under Willoughby Development Control Plan Part C.4 being provided in respect of each individual use in accordance with Condition 2(e) and the spaces so allocated being identified numerically on a sketch plan of the parking area which is to be submitted with any future application for consent to use any particular portion of the building or site.

N.B. - the issue of an interim occupation / final occupation certificate to use particular portion of a building or site will be contingent, in part, upon the availability of car parking in accordance with DCP requirements.

(Reason: Ensure compliance)

62. Safer by Design

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

- i. In order to maintain a safe level of visibility for pedestrians within the development, adequate lighting to AS1158 is to be provided to all common areas including the basement car park, common open space and any common stair access to these areas and pedestrian routes, particularly including the waste storage areas.

This lighting shall ensure consistency to avoid contrasts between areas of shadow/illumination and preferably be solar powered and with an automatic/timed switching mechanism, motion sensor or equivalent for energy efficiency. Such lighting shall be installed and directed in such a manner so as to ensure that no nuisance is created for surrounding properties or to drivers on surrounding streets. Car parking lighting system is to be controlled by sensors to save energy during periods of no occupant usage.
- ii. The roof and vertical structures of the basement parking area shall be painted white (or equivalent) in order to ensure good visibility, surveillance and less reliance on artificial lighting lux levels.
- iii. The design, installation and maintenance of landscaping (and associated works) within pedestrian routes around the site (and adjacent to mailboxes) shall not impede visibility and clear sight lines along the pedestrian footway from one end to the other.
- iv. The means to isolate the residential and commercial components of the building shall be incorporated into the development, including the security keying of lifts and doors and other measures for access control.
- v. Walls/screens between balconies shall be designed to avoid foot holes or natural ladders so as to prevent access between balconies/terraces within the development.
- vi. Adequate signage within the development to identify facilities, entry/exit points and direct movement within the development.
- vii. A small portion of each storage area shall be of solid construction (i.e. Cupboard).
- viii. Walls/screens shall separate the loading dock from the public link road to Albert Avenue.
- ix. The plaza design shall incorporate measures to stop use by skateboard riders.

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

63. Allocated parking area

All vehicles associated with the premises must use the allocated parking area and must not encroach onto any public street. In this regard, a suitable sign is to be provided.

(Reason: Amenity)

64. 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)

65. CCTV Report of Council Pipe System After Work

Prior to the commencement of any basement excavation on site, a qualified practitioner shall undertake a closed circuit television (CCTV) inspection and then report on the condition of the as-built stormwater diversion pipeline after the completion of all works. No person is to enter any Council stormwater conduit. 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's Engineers. Any defects identified from the CCTV and report shall be rectified to the satisfaction of Council's Engineers.

A written acknowledgment shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to issue of any Occupation Certificate.

(Reason: Ensure compliance and protection of public asset)

66. On-site Water Management System

The stormwater runoff from the site shall be collected and disposed of via an approved 155m³ on-site detention (OSD) system and 93m³ rainwater retention and reuse system in accordance with Sydney Water's requirements, the NSW Code of Practice – Plumbing and Drainage, Council's DCP and Technical Standards. The construction of the stormwater drainage system of the proposed development shall be generally in accordance with the approved design stormwater management plans and Council's specification (AUS-SPEC).

(Reason: Prevent nuisance flooding)

67. Rainwater Re-use – Major

The applicant shall supply and install rainwater re-use tanks with a minimum storage volume of 93 m³ in accordance with the approved stormwater management plan, Sydney Water's requirements and Council's DCP and Technical Standards. The rainwater reuse system shall be connected to supply non-potable use including, but not limited to all toilet flushings for this development and landscape irrigation.

(Reason: Ensure compliance and conserve natural resources)

68. Sign for OSD System and Rainwater Retention and Reuse 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 (OSD) tank and the rainwater retention and reuse tank.

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

(Reason: Prevent unlawful alteration)

69. Confined Space Sign

Securely install a standard confined space danger sign in a prominent location within the immediate vicinity of access grate of the On-Site Detention tank, the Rainwater Retention and Reuse tank and the basement pumpout well.

(Reason: Safe access to tank)

70. 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)

71. Certification of Stormwater Diversion System

Prior to issue of any occupation Certificate, a suitably qualified and experienced civil engineer (generally CP Eng. Qualification) shall certify that the as-built stormwater diversion system has been constructed in accordance with the approved plans and complies with Council's DCP and Technical Standards.

(Reason: Ensure compliance)

72. Certification of Rainwater Reuse System

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

(Reason: Record or works)

73. 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)

74. 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)

75. Works-As-Executed Plans – Stormwater diversion System

Upon completion of the Stormwater Diversion System, the following shall be submitted to the Principal Certifying Authority with a copy to Council's Engineers:

- Work-as-Executed plans based on the approved stormwater plans from a registered surveyor to verify that all as-built alignments and levels which 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 Stormwater Diversion System.

(Reason: Record of works)

76. Works-As-Executed Plans – Rainwater Reuse

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

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

(Reason: Record of works)

77. 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 stormwater management system. The standard wording of the terms of the Positive Covenant and Restriction on the Use of Land are available in Council's Technical Standards.

The above instruments shall be created under Section 88E(3) of the Conveyancing Act 1919 using Form 13PC and 13RPA respectively. The relative location of the on-site detention tank and rainwater retention and reuse tank, 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)

78. 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)

79. 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)

80. Construction of Kerb & Gutter

Construct new kerb and gutter together with associated half road pavement reconstruction in accordance with Council's specification for the full frontage of the development site in Albert Avenue and Archer Street.
(Reason: Public amenity)

81. Reconstruct Pavement to Specific Loading

Reconstruct rigid/flexible half road pavement for the full frontage of the development site in Albert Avenue and Archer Street in accordance with Council's standard and specification (AUS-SPEC). Council's standard design traffic for this pavement is 2×10^6 ESA.

(Reason: Public amenity)

82. Pebblecrete/Approved Tiling

Construct a footpath in approved pebblecrete/approved tiling for the full frontage of the development site in Albert Avenue and Archer Street in accordance with Willoughby City Council's CBD Pavement Policy. Permission must be obtained from Council's Infrastructure Services Division and the Police Department prior to the opening and closure of the footpath and road pavement for construction works.

(Reason: Public amenity)

83. Street Lighting and Furniture

Provide approved street lighting and furniture in accordance with Willoughby City Council's street furniture manual and Australian Standard AS/NZ 1158.(2005).

Reason: Public amenity)

84. Vehicular Crossing

Construct a new vehicular crossing including the existing layback and/or gutter and any associated road restoration 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. A separate application for the crossing including current fees and charges is to be submitted for approval by Council.

The new crossing is to be constructed in plain concrete and shall be located no closer than 1 metre from any power pole and 2 metres from any street tree unless otherwise approved by Council.

For the design levels of the vehicular crossing 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 – 230 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 a minimum distance of 3 metres on both sides of the crossing to suit the new levels.

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

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

Vehicular Crossing Formwork Inspection Sheet shall be obtained from Council (attesting to this condition being appropriately satisfied) prior to issue of any Occupation Certificate.
(Reason: Public amenity)

85. Removal of Redundant Crossings

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

86. 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. A completion certificate shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority.
(Reason: Ensure compliance)

87. Performance Bond

The Applicant shall lodge with the Council a performance bond of \$90,000 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)

88. 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)

89. Vehicle Access - Construction & Certification

Prior to issue of any Occupation Certificate, the Applicant shall submit, for approval by the Principal Certifying Authority, certification from a suitably 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,
- a) That a maximum gradient of 5% has been provided for the first 6.5 metres from the property boundary to the loading dock in Archer Street.
- b) That finished driveway gradients and transitions will not result in the scraping of the underside of cars.
- c) That the as-constructed 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 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.
- e) 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)

90. Completion of Landscape and Public Art Works

The approved landscape works are to be consistent with the approved design, completed to a professional standard, consistent with industry best practice and published standards. This includes the design and installation of the public art elements required by Condition 2.

(Reason: Landscape amenity)

91. Public Tree planting

Planting of the street trees on Council land forward of the property in accordance with the approved plan required by Condition 4(c).

The trees shall:

- i. Be 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)

92. Emitted Noise - Air Conditioning

To minimise the impact of noise from the air conditioning unit on the occupants of adjoining residential buildings, the air conditioning system shall be installed so that the noise emitted from the air conditioning system shall be not more than 5dBA above the ambient background noise level measured at the boundaries of the property.

Certification from an appropriately qualified acoustic consultant that these design requirements have been met shall be submitted to the Principal Certifying Authority.

(Reason: Amenity)

93. 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 measured at the boundaries of the property in accordance with the current Environment Protection Authority (EPA) 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)

94. Waste & Recycling Rooms

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

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

(Reason: Health and amenity)

95. RMS Requirement

RMS requires the installation of a red hold arrow at the intersection of Albert Avenue/Link road/Spring Street intersection. A Traffic Control Signal (TCS) design plan showing the installation of a red hold arrow shall be drawn by a suitably qualified practitioner certified copies of the traffic control signal design plans shall be submitted to RMS for consideration and approval prior to the release of the Construction Certificate by the Principle Certifying Authority and commencement of road works. RMS fees for administration, plan checking, signal works inspections and project management shall be paid by the developer prior to the commencement of works.

96. Sound Level Output Certification

The sound level output from the development shall comply with the noise objectives as detailed in the acoustic report prepared by Acoustic Logic Reference: 2010804/0709A/RO/GW dated 7/9/2010. The noise objectives are:

Time of Day	Noise Objective L_{eq} dB(A)	Sleep Disturbance Objective L_1 dB(A)
Day	59	N/A

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7am – 6pm Mon – Sat 8am – 6pm Sundays & public holidays		
Evening 6pm – 10pm	55	N/A
Night Remaining period	45	58

Certification of the level of sound output is to be provided by an appropriately qualified acoustical Consultant to the Principal Certifying Authority prior to issue of the Occupation Certificate.

(Reason: Amenity)

97. 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 by Acoustic Logic Reference: 2010804/0709A/RO/GW dated 7/9/2010 and the additional report required by Condition 2. The report shall include all post construction validation test results.

(Reason: Amenity)

98. Noise Emission – Equipment

Certification from a suitably qualified Acoustic Engineer certifying that the noise from all sound producing plant, equipment, machinery, mechanical ventilation and/or the refrigeration system complies with the terms of the development consent.

(Reason: Amenity)

99. 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)

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.

100. 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)

101. On-site Car Parking

The on-site car parking provision of 240 spaces shall be arranged as follows:

8 retail spaces
75 residential spaces (including 9 spaces for people with disabilities)
17 residential visitor spaces
55 hotel spaces:
79 hospital spaces:
3 car share within the hotel area
1 E-car
1 taxi
1 courier

The residential visitor spaces, hospital visitor/drop-off spaces, retail spaces and hotel check-in/drop-off spaces are to be outside the residential secure parking area and be accessible to tenants/visitors at all times.

(Reason: Ensure compliance)

102. Security Controlled Car Parking

Should any security controlled car parking arrangement be introduced for the residential visitor, hotel, retail and hospital facility spaces, a visitor voucher or similar system is to be used to enable free access and parking for the tenants/visitors.

(Reason: Amenity)

103. Visitor Car Parking Bays

Any visitor parking bays required in accordance with Willoughby Development Control Plan Part C.4, are to be grouped together and physically identified by suitable signs and/or pavement and being permanently accessible and reserved for the exclusive use of visitors to the premises.

(Reason: Ensure compliance)

104. Loading and Unloading

All loading and unloading of goods is to be conducted wholly within the site and especially in any loading facility, internal dock or goods handling area. These areas are to be maintained free of obstruction for the sole use of delivery vehicles. Under no circumstances are loading/unloading activities to be conducted from vehicles standing kerbside in Archer Street or Albert Avenue.

(Reason: Access and amenity)

105. Signs – Nuisance to Traffic

Should the Council, the NSW Police Service or the Roads and Traffic Authority find any signage on the site causes a nuisance or danger to traffic or persons in the vicinity, the offending signage will be required to be removed at full cost to the owner.

(Reason: Safety and amenity)

106. Illuminated Advertising Signs

Illumination of the advertising structure is to be time clocked to switch off no later than 10.00 pm each night. In this regard, the time clock is required to be reset to address changes due to daylight saving.
(Reason: Amenity)

107. Proposed Advertising & Identification Signs

Any proposed advertising and identification signs are to be the subject of a fully co-ordinated scheme for the whole site. Such signs should relate to the scale, design and architectural treatment of the proposed building and have regard to the likely impact on the surrounding area.
(Reason: Visual amenity)

108. Signs

A separate Development Application shall be submitted to Council for approval in respect of any proposed advertising sign which will be visible from a public place to be designed to comply with Willoughby Development Control Plan. Please note that a separate DA is not required for signs which are "Exempt Development" as defined under S76(2) of the Environmental Planning and Assessment Act 1979. Note that only the signage location for the hotel has been accepted in this approval (see Condition 1)
(Reason: Ensure compliance)

109. Separate Development Consent - Various

The detailed design and fit-out for the initial use of the medical facility, retail and hotel shall be the subject of a separate development applications to Willoughby Council. It is noted that there is insufficient information in this application to adequately assess the future uses in the building and provide for the conditions arising from those uses including but not limited to medical uses and the liquor outlet in the hotel.
(Reason: Ensure compliance)

110. Services - Electricity supply and telecommunication mains

All existing and proposed electricity supply and telecommunication mains and services around the perimeter of the site are to be underground to the satisfaction of Energy Australia and Telstra at the full cost of the applicant.
(Reason: Compliance)

111. Services - Mailboxes

All mail boxes provided on site are to comply with the requirements of 'Australia Post' in terms of size, location, numbering and clearing. Details of the requirements can be obtained from Australia Post or from their web site. Letter boxes for adaptable dwellings shall comply with AS 4299 Cl 3.8.
(Reason: Legal)

112. Site lighting

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

113. 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)

114. Noise Control – Operation

To minimise the impact of noise of the development on the amenity of the adjoining properties, the facilities shall be operated in accordance with the recommendations of the acoustic report prepared by Acoustic Logic, Reference: 2010804/0709A/RO/GW dated 7/9/2010.

All access to the loading dock area shall be restricted outside these times by a gate with a locking mechanism and with visible signage clearly stating the approved hours of operation.

(Reason: Amenity)

115. Subdivision

Any proposed subdivision of the site shall be the subject of a separate development application to Willoughby City Council. In this regard it is noted that the subdivision will be accompanied by plans and appropriate covenants that ensure the three units associated with the hospital facilities are maintained for short term use by medical and health profession and the hotel rooms are to be managed for tourist accommodation.

(Reason: Compliance)

116. Analysis of Outlet Condition

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

(Reason: Maintain designed discharge)

117. 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)

118. 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)

119. 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)

120. Ventilation – Operation

To ensure adequate ventilation within the building all mechanical and/or natural ventilation systems shall be operated and maintained in accordance with the provisions of:

- a) The Building Code of Australia
- b) AS1668 – Use of Ventilation and Air Conditioning in Buildings
- c) The Public Health Act 2010
- d) The Public Health Act (Microbial Control) Regulation 2012
- e) AS3666.1:2011 – Air Handling and Water Systems of Buildings – Microbial Control

(Reason: Health Protection)

121. Collection of Waste and Deliveries to the Site

All non residential waste collection and deliveries to and from the uses on the site shall occur between the hours of 7am and 10pm. All deliveries to the site and operation of the loading dock shall be restricted to 6am to 10pm Monday to Saturday and 8am to 10pm on Sunday.
(Reason: Compliance)

122. Car Share Spaces

The three (3) car share spaces shall be managed by the hotel operator and made available for use by hotel guests, residents and the hospital occupants of the building.
(Reason: Sustainable transport)

PRESCRIBED CONDITIONS

The following conditions are prescribed by S80A of the Environmental Planning & Assessment Act for developments involving building work.

123. 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)

STATUTORY REQUIREMENTS

The following advisory notes are statutory requirements of the Environmental Planning & Assessment Act and the Environmental Planning & Assessment Regulations and are provided to assist applicants

124. 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)

125. 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)

126. 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)

[Renotification Map - DA-2012 437 - 38 Albert Avenue, CHATSWOOD.pdf](#)