

JRPP NO: 2013SYE036
COUNCIL: WILLOUGHBY CITY COUNCIL
ADDRESS: 1 VICTOR STREET, CHATSWOOD NSW 2067.
DA NO: DA-2013/128
ATTACHMENTS: 1. NOTIFICATION PLAN
DATE: 17-JUN-2013

RECOMMENDATION: APPROVAL
LOCATION: 1 VICTOR STREET, CHATSWOOD NSW 2067.
APPLICANT: PTW ARCHITECTS
PROPOSAL: ALTERATIONS AND ADDITIONS TO EXISTING NINE (9) STOREY DOUGHERTY APARTMENTS RETIREMENT AND AGED CARE FACILITY AND ASSOCIATED WORKS.
DATE OF LODGEMENT: 09-APR-2013
VALID APPLICATION DATE: 09-APR-2013
REPORTING OFFICER: NONI DE CARVALHO

DESCRIPTION OF PROPOSAL

Development Application 2013/128 proposes alterations and additions to the Dougherty Apartments aged care facility in Victor Street Chatswood. The application covers Stages 2 to 4 of a four stage upgrade of the facility and includes the BCA upgrade to meet new legislative requirements for aged care facilities. Stage 1 has commenced and is of smaller scale than Stages 2 to 4. Stage 1 was approved in three Development Consents issued by the Council as follows:

1. Development Consent 2011/258 – alterations to the kitchen and plant room adjacent to the ground floor residents lounge to provide a tea and coffee making area.
2. Development Consent 2012/16 – alterations to the hostel manager's office on Level 1 to provide an accessible toilet, staff toilet and staff shower.
3. Development Consent 2012/140 – alterations to relocate the laundry from Level 2 to Level 3, relocation of a hostel room and upgrade of utility rooms to provide separate dirty and clean utility rooms.

Stages 2 to 4 of the upgrade of the premises comprise alterations and additions to the Dougherty Apartments and upgrade to address deficiencies in the fire safety, lift standards and access for people with disabilities under the Building Code of Australia following

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legislative changes to requirements. In summary the subject application covers the following construction works:

- a) Alterations in the basement car park for a new pump room, boiler room and upgraded fan room.
- b) Additions on the ground floor to increase the Victor Street reception, foyer and office space and the space in the exercise area room, the hairdresser/beauty room and the quiet room.
- c) Additions on Level 1 to increase the space in the dining room, provide a conservatory off the dining room, increase the space in the activity area, increase the space in the staff area and provide a new office for the dementia care Palmer Wing. Alterations on Level 1 to convert two hostel rooms with poor amenity to resource rooms.
- d) Alterations on Level 2 to reconfigure the lounge/gym area for the hostel residents to allow relocation of a hostel unit and provision of a new lounge area to enable increase in the size of the laundry and to provision of a clean linen store.
- e) Additions on the western side of the building near the Orchard Road frontage and above the resident's entry from Orchard Road on Levels 1 to 8. The additions will provide two new hostel rooms (replacing those removed on Level 1 and noted above), one on Level 1 and one on Level 2, and six two-bedroom self-care units on Levels 3 to 8. In conjunction with the additions alterations are proposed to provide the associated and complementary integration of the additions into the existing building. This includes altering and incorporating six one-bedroom self-care units on Level 3 to 8 into the two bedroom self-care units. As a result there will be no overall change to the total number of hostel and self-care units in the Dougherty Apartments but 6 one-bedroom units will be increased in size to two-bedroom units.
- f) New lifts to the building.
- g) New landscaping to the Level 1 recreation area (on roof area above the Dougherty Community Centre), the entry courtyard from Victor Street, the entry courtyard from Orchard Road, the Level 1 recreational space off the staff area and the roof space adjacent to the Level 2 units.
- h) Modification of the drop-off area at the entrance in Victor Street to provide at-grade access.
- i) Provision of air-conditioning to new areas.

The proposed additions will add an additional 502m² of floor space to the premises and increase the floor space ratio of the Dougherty Apartments from 2.5:1 to 2.6:1. The architect PTW Architects advises the design philosophy is to generally follow the existing architectural language and external finish of the existing building. The landscape designer JMD Design advises the landscaping intention is to integrate the new works and to repair and improve the landscape quality and recreational opportunities.

The BCA upgrade works consider the latest requirements noting that the building is a Class 9c aged care facility on the Ground Level and Levels 1 and 2 with Levels 3 to 8 containing self-care units for the aged being classified as Class 3. The upgrade works include retrofitting sprinkler protection to the car park and the Class 9c portions of the existing building with a facility to extend the sprinkler system to the upper levels in the future. Also proposed is stair pressurisation to fire isolated exit stairs, relocation of the hydrant, Fire Indicator Panel and Occupant Warning System, upgrading of the electrical systems and enclosure of existing utility services into fire rated construction. Wall wetting sprinklers and fire rated glazing is proposed where the Dougherty Apartments abuts the Dougherty Community Centre to achieve a two-hour fire rating. Some alternate solutions are required to the Deemed-to-Satisfy provisions of the BCA as the building was designed under previous controls, for example, the hydrant pump room is located in the basement and is not directly accessible from the road, some smoke compartments are over-sized and the fire hose reels do not comply with the latest standards.

Accompanying the application are advisory reports including a BCA Report by BCA Logic, a preliminary fire engineering review by Defire, Building Services Overview by S4B Studio and disabled access review by Access Associates Sydney. The BCA report details the upgrades required to meet the deemed-to-satisfy provision of the BCA and identifies where alternative solutions will be required because of the existing physical constraints and limitations of the existing building.

Neighbour Notification

The application was notified to surrounding owners and no submissions were received.

Existing Building, Relevant History and Site Context

The Dougherty Apartments were constructed in the mid 1980's in conjunction with the Dougherty Community Centre on land owned by Willoughby City Council adjacent to Chatswood CBD. The community centre provides offices, meeting rooms and community services for the local Willoughby community and is owned and managed by Willoughby Council.

The Dougherty Apartments is a nine-storey building with basement delivery area and car parking providing car parking for 51 vehicles. Twenty-one of the car spaces were used by the Dougherty Community Centre for the various community services and buses provided through the DCC as well the Library. The recent relocation of the Library to its new premises at The Concourse has seen the library spaces relocated to The Concourse and the resident spaces increased by one space.

The construction of the Dougherty Apartments and aged care development was a joint venture between Willoughby Council, NSW Department Housing (previously NSW Housing Commission) and Uniting Church Aged Care. It provides a not-for-profit aged persons housing and care facility that is still managed under the Tripartite Agreement incorporated into the Dougherty Apartments Retirement Housing Project in September 1989. The development in addition to support services now provides 151 aged persons accommodation units made up of 42 resident funded 1, 2 and 3 bed self-care units, 42 public funded 1 bed self-care units and 67 hostel (assisted low care living) units.

A portion of the hostel units (13) on Level 1 make up the Palmer Wing that is a separately secured area for dementia care.

The Dougherty Apartments is located on a 3,620m² site being Lot 1 in DP 716510. It excludes an 848.6m² stratum within Lot 1 between RL 90.24 AHD and RL 95.09 AHD known as Lot 3 DP 716510 within which is located meeting and craft rooms attached to the community centre. The remainder of the Council land is Lot 2 and Lot 4 in DP 716510 (excluding the stratum Lot 3 in DP 716510) that has a total area of 4,709.7m². It is occupied by the Dougherty Community Centre, car parking, a kindergarten and an occasional child care centre. The portion known as Lot 4 is developed with offices for aged care services including meals-on-wheels, community monitoring switchboard and Home Care. A separate site owned by Council abutting the site to the north and fronting Albert Avenue is occupied by the Youth Centre and a basketball court above car parking.

Opposite in Victor Street and abutting the site to the south is high rise residential development (9 storeys).

Controls and Classification

- i) Willoughby LEP 2012: Yes
- ii) Conservation Area: No
- iii) Zoning: B4 Mixed Use
- iv) Applicable DCP (SEPPs, REPs): SEPP (Housing for Seniors or People with a Disability) 2004, Willoughby Development Control Plan
- v) Other Relevant Policies (Council Resolutions, Draft DCPs):
- vi) BCA Classification: 3, 7, 9c
- vii) Developer's Contribution Plans:
 - a. S94A Yes
 - b. Applicable rate: 3%
 - c. The cost of development: \$10,335,380
 - d. Date of accepted cost of development: 17/4/2013
 - e. The total contribution payable (subject to Building Price Indexing (Enterprise Bargaining Agreement)): See later discussion in this Report.

Development Statistics

	Existing	Proposed	Standard	Compliance
a) Site Area (m ²)	3,620	3,620	N.A	N.A
b) Gross Floor Area (m ²)	9,054*	9,556		
c) Floor Space Ratio	2.5:1	2.6:1	N.A	N.A
d) Height (m)	31	31	34	Yes

* Note: The existing gross floor area figures have been estimated by scaling from available plans and are approximate.

Compliance with Plans or Policies

The Dougherty Apartments provides a residential care facility and seniors housing pursuant to the definitions in the Seniors Housing SEPP and WLEP 2012. The development is permissible in the B4 Mixed Use zone and is well located for access to the facilities of Chatswood CBD including public transport, shops and business services. The facility also satisfies the location and access principles of the SEPP (Housing for Seniors or People with a Disability) 2004.

Referrals

Building Services advises it has no objection to the application subject to conditions.

Landscape group has no objection subject to conditions.

Engineering Services objected to the modifications in the set down area to provide a raised threshold. The effect of the structure will interfere with drainage and run-off acting like a "dam" within the road. Engineering Services prefers the retention of the existing ramp access (Condition 2). There are no other issues with the application subject to conditions.

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

Satisfactory ✓ Unsatisfactory ✗ Not Relevant N/A

(a)(i)	The provisions of any environmental planning instrument (EPI)	
	• State Environmental Planning Policies (SEPP)	✓
	• Regional Environmental Plans (REP)	N/A
	• Local Environmental Plans (LEP)	✓
(a)(ii)	The provision of any draft environmental planning instrument (EPI)	
	• Draft State Environmental Planning Policies (SEPP)	N/A
	• Draft Regional Environmental Plans (REP)	N/A
	• Draft Local Environmental Plans (LEP)	N/A
(a)(iii)	Any development control plans	
	• Development control plans (DCPs)	✓
	Comment:	
(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: These are matters assessed for a Construction Certificate	
(b)	The likely impacts of the development	
	• Context & setting	✓
	• Access, transport & traffic, parking	✓
	• Servicing, loading/unloading	✓
	• Public domain	✓
	• Utilities	✓
	• Heritage	✓
	• Privacy	✓
	• Views	✓
	• Solar Access	✓
	• Water and draining	✓
	• Soils	N/A
	• Air & microclimate	✓
	• Flora & fauna	✓
	• Waste	✓
	• Energy	✓
	• Noise & vibration	✓
	• Natural hazards	N/A
	• Safety, security crime prevention	✓
	• Social impact in the locality	✓
	• Economic impact in the locality	✓
	• Site design and internal design	✓
	• Construction	✓
	• Cumulative impacts	✓
	Comment: See assessment	
(c)	The suitability of the site for the development	
	• Does the proposal fit in the locality?	✓
	• Are the site attributes conducive to this development?	✓

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

Satisfactory ✓ Unsatisfactory ✗ Not Relevant N/A

	Comment: See assessment	
(d)	Any submissions made in accordance with this Act or the regulations	
	<ul style="list-style-type: none"> Public submissions 	N/A
	<ul style="list-style-type: none"> Submissions from public authorities 	N/A
(e)	The public interest	
	<ul style="list-style-type: none"> Federal, State and Local Government interests and Community interests 	✓

Assessment

The proposed alterations and additions and upgrade works reflects strategic planning work done following the introduction of the *Access to Premises* standards into the BCA in 2011 and the *Living Better Living Longer* aged care reform package introduced by the Commonwealth Government in April 2012. The upgrade works and spatial rationalisation of the Dougherty Apartments will enable the facility to cater for a higher level of aged care as well as retaining the self-care accommodation.

SEPP (Housing for Seniors or People with a Disability) 2004

The Dougherty Apartments Retirement Housing Project provides a residential care facility in conjunction self-care housing with the option of serviced self-care housing as defined under the SEPP. The facility is also a social housing provider noting the joint venture between Council, NSW Department of Housing and the Uniting Church as a not-for-profit, community based charitable organisation serving the local community. Clause 40 (5) of the SEPP provides that the development standards of the SEPP do not apply to a social housing provider. The involvement of the NSW Department of Housing in the development and ongoing management of the facility means that the development standards do not need to be taken into account. Nevertheless consideration of the development standards indicates the facility generally complies with the relevant development standards for a residential care facility and self-care housing.

The site is well located to access the shopping, business, entertainment and public transport services of Chatswood CBD. Victoria Avenue is an easy level walk from the entry to the Dougherty Apartments and Chatswood Transport Interchange is approximately 200m from the site.

The design principles maintain the existing character and style of the facility and will have minimal impact on the surrounding neighbourhood. The location of the addition of new units and the extension to the staff area is on the Chatswood Park and Oval side of the site (west side) and the balance of the additions are internal to the site and the adjacent community centre. The change to shadowing impacts is minimal from the additions and located over Orchard Road. Utility services and waste handling are available to the site.

Willoughby Local Environmental Plan 2012

Seniors Housing which includes a residential care facility is permissible in the B4 Mixed Use Zone. The proposed works to the facility will not change the overall maximum height of the building. The addition of stair pressurisation fan units to the roof level is within the overall height of the building architecture including plant rooms, lift motor room and roof feature.

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No floor space ratio applies to the site but it is noted the addition of 502m² to the gross floor area will increase the FSR from 2.5:1 to 2.6:1. There is no change proposed to the overall height of the premises so compliance with the height control of 34 metres will continue.

With respect to heritage impacts the site is separated from the Remembrance Gardens in Albert Avenue which is a local heritage item and from most of the South Chatswood Conservation Area south of Johnson Street by other development. The exception is the area of the proposed addition on the western side of the facility fronting Orchard Road that is located opposite Chatswood Park and Oval. Chatswood Park and Oval are part of the South Chatswood Conservation Area. It is not considered that the additions in the location will have an impact on the heritage values of the park and oval as the proposed additions are designed to be architecturally integrated into the existing building and will have minimal impact on the existing external presentation when completed. The landscaping is also proposed to be enhanced in the location.

Willoughby Development Control Plan

Sustainability initiatives indicated in the application include use of new water efficient fittings and fixtures and well as use of plant species in the landscaping that are drought tolerant hardy species that require minimal maintenance. Waste minimisation and recycling practices are already in place in the facility.

As there is no increase in the total number of seniors housing units so no additional car parking is being provided. Currently 31 spaces of the 51 in the basement are available for the Dougherty Apartments. Thirty (30) spaces are required for the number of self-care and hostel units noting the requirements for a facility provided by a social housing provider. One (1) car space will be lost with the provision of the pump room and additional boiler room in the basement. The quantum of car parking for the facility, therefore, will still comply. The resident spaces are separated by a security gate from the DCC spaces.

Access for people with disabilities is being upgraded as part of the proposed works including replacement of the lifts and improving the access from the Victor Street drop-off area.

The alterations and additions have had regard to the principles of Crime Prevention through Environmental Design. Passive surveillance will be maintained at the entries to the facility. Existing security and access control systems will be maintained and the separation of the public activity areas of the Dougherty Community Centre from the Dougherty Apartments will be retained and clear.

Impacts of the Development

There are considered to be no impacts of concern with the proposed development. The small increase in morning shadows will be negligible and mainly affect Orchard Road also having regard to the extent of tree canopy in the location. The overlooking from the new balconies attached to the reconfigured and extended units is towards Chatswood Oval and Park. The community recreational open spaces are existing areas and are well contained within the overall site. The recreational space off the Level 1 communal dining area faces north towards Chatswood CBD. The staff terrace faces Chatswood Oval.

Context and Setting

The Dougherty Apartments has been a successful high quality development for aged person's accommodation. It has a waiting list for both self-care and hostel units. It is well regarded in the community. The upgrading of the twenty year old facility is appropriate and

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timely to ensure it can continue to provide the same high standard of accommodation and increasingly provide for aging in place in line with the aged care reform package.

The site is well located adjacent to and south of Chatswood CBD and near Chatswood Park and Oval. It is adjacent to an area of high rise residential development. Its mass and bulk is moderated by a varying roof form and ridge heights with lower heights around the edges and a central tower of 9 storeys. The overall height is consistent in with development in the R4 zone to the south and east of the site. The mass and bulk will be little changed by the proposal.

Suitability of the Site

The alterations and additions proposed to the existing Dougherty Apartments will ensure the continued operation of the facility in the location. The site and the development has been purpose built and designed to meet community needs and has fulfilled that role successfully. It is appropriate that upgrading occur to ensure the continuation of the facility at the well located adjacent to the south of Chatswood CBD.

Section 94A Contributions

The site is subject to a contribution to local infrastructure pursuant to Section 94A of the *Environmental Planning and Assessment Act 1979*. The site is within the area where a 3% levy applies calculated based on the development cost. This represents a levy of \$310,061.40.

It accordance with Council's Section 94A Plan 2011 for Chatswood Central Business District Council may, at its discretion, waive the requirement for payment of a s94A levy where the application is submitted by or on behalf of Council or a community not-for-profit organisations for the provision of facilities. In this case the application concerns alterations and additions to a seniors housing facility that is a not-for-profit facility and in which Council has a significant interest. The bulk of the construction work arises from the requirements for upgrading. There is no increase proposed in the number of self-care units or hostel units on the site with the development. As a result the requirement for payment of the s94A levy is waived in this instance.

Neighbour Notification Issues:

There were no neighbour notification issues.

CONCLUSION

The application DA 2013/128 proposes alterations, additions and upgrade of the Dougherty Apartments Retirement Housing Project at 1 Victor Street Chatswood to respond to changes in building, fire safety and access for people with disabilities standards. The proposed development is satisfactory subject to conditions.

OFFICER'S RECOMMENDATION

That the application be approved and delegated authority be granted to the General Manager of Willoughby Council to issue the consent notice subject to 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	211056.00				
Architectural	DA000	A	20.3.2013	1.5.2013	PTW Architect
Architectural	DA080	A	20.3.2013	1.5.2013	PTW Architect
Architectural	DA091	A	20.3.2013	1.5.2013	PTW Architect
Architectural	DA100	A	20.3.2013	1.5.2013	PTW Architect
Architectural	DA101	A	20.3.2013	1.5.2013	PTW Architect
Architectural	DA110	A	20.3.2013	1.5.2013	PTW Architect
Architectural	DA111	A	20.3.2013	1.5.2013	PTW Architect
Architectural	DA120	A	20.3.2013	1.5.2013	PTW Architect
Architectural	DA121	A	20.3.2013	1.5.2013	PTW Architect
Architectural	DA130	A	20.3.2013	1.5.2013	PTW Architect
Architectural	DA131	A	20.3.2013	1.5.2013	PTW Architect
Architectural	DA140	A	20.3.2013	1.5.2013	PTW Architect
Architectural	DA141	A	20.3.2013	1.5.2013	PTW Architect
Architectural	DA150	A	20.3.2013	1.5.2013	PTW Architect
Architectural	DA151	A	20.3.2013	1.5.2013	PTW Architect
Architectural	DA160	A	20.3.2013	1.5.2013	PTW Architect
Architectural	DA161	A	20.3.2013	1.5.2013	PTW Architect
Architectural	DA170	A	20.3.2013	1.5.2013	PTW Architect
Architectural	DA171	A	20.3.2013	1.5.2013	PTW Architect
Architectural	DA180	A	20.3.2013	1.5.2013	PTW Architect
Architectural	DA181	A	20.3.2013	1.5.2013	PTW Architect
Architectural	DA191	A	20.3.2013	1.5.2013	PTW Architect
Architectural	DA201	A	20.3.2013	1.5.2013	PTW Architect
Architectural	DA202	A	20.3.2013	1.5.2013	PTW Architect
Architectural	DA203	A	20.3.2013	1.5.2013	PTW Architect
Architectural	DA301	A	20.3.2013	1.5.2013	PTW Architect
Architectural	DA302	A	20.3.2013	1.5.2013	PTW Architect
Architectural	DA303	A	20.3.2013	1.5.2013	PTW Architect
Architectural	DA304	A	20.3.2013	1.5.2013	PTW Architect
Architectural	DA305	A	20.3.2013	1.5.2013	PTW Architect
Architectural	DA401	A	20.3.2013	1.5.2013	PTW Architect
Architectural	DA402	A	20.3.2013	1.5.2013	PTW Architect
Architectural	DA403	A	20.3.2013	1.5.2013	PTW Architect
Architectural	DA404	A	20.3.2013	1.5.2013	PTW Architect
Architectural	DA405	A	20.3.2013	1.5.2013	PTW Architect
Landscape	DA-L01	A	25.3.2013	1.5.2013	JMD Design
Landscape	DA-L02	A	25.3.2013	1.5.2013	JMD Design
Landscape	DA-L03	A	25.3.2013	1.5.2013	JMD Design
Landscape	DA-L04	A	25.3.2013	1.5.2013	JMD Design

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

- a) any modifications which are “Exempt Development” as defined under S76(2) of the Environmental Planning and Assessment Act 1979;
- b) 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.

The proposed threshold area is NOT approved in Victor Street due to interference and complications with drainage in the street. Should an alternative design be considered an amended plan including a hydraulic design shall be provided for approval. Alternatively the existing levels and kerb ramp shall be retained in which case no further approval is required.
(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. Amendments

The proposal is to be amended in accordance with Condition 2.

Plans detailing these amendments are required to be submitted to and approved by Council.
(Reason: Ensure compliance)

4. 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)

5. 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)

6. Damage Deposit

The applicant shall lodge a Damage Deposit of \$8,000 (GST Exempt) as cash, cheque or an unconditional bank guarantee, to Council against possible damage to Council's asset during the course of the building works. The deposit will be refundable subject to inspection by Council after the completion of all works relating to the proposed development. For the purpose of inspections carried out by Council Engineers, an inspection fee of \$65 (GST inclusive) is payable to Council. Any damages identified by Council shall be restored by the applicant prior to release of the Damage Deposit.

(Reason: Protection of public asset)

7. 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. Any new drainage pipe connections to street kerb shall be made using a 125mm x 75mm x 4mm thick galvanised Rectangular Hollow Section (RHS) with a grated drainage pit (min. 600mm x 600mm) provided within the property and adjacent to the boundary prior to discharging to the Council's drainage system. 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)

8. 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:

- The modification works on the existing footpath and road pavement for the pick up/drop off area in Victor Street. Detailed cross sections at 5 metres interval and long section along the footpath and road pavement with both existing and design levels shall be provided. The applicant shall aware that longitudinal fall to the existing kerb and gutter shall be maintained to allow for the continuous gutter flow in the pick up/drop off area. All adjustments to public utility services and associated construction works in the nature strip are to be at the full cost to the applicant.

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

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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.

This condition does not apply should the applicant wishes to delete the abovementioned modification works in the construction certificate drawings and submitted to the Accredited Certifier for approval.

(Reason: Protection of Council's asset and prevent nuisance flooding)

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.

9. 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)

10. Report Existing Damages on Council's Property

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

(Reasons: Protection of Council's Infrastructure)

11. 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

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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)

DURING DEMOLITION, EXCAVATION AND CONSTRUCTION

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

12. 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)

13. 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)

14. Demolition Work AS 2601

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

(Reason: Safety)

15. Asbestos Sign to be Erected

On sites involving demolition or alterations and additions to building where asbestos cement is being repaired, removed or disposed of a standard commercially manufactured sign not less than 400mm x 300mm containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" is to be erected in a prominent visible position on the site. The sign is to be erected prior to the commencement of works and is to remain in place until such time as all asbestos cement has been removed from the site to an approved waste facility.

(Reason: Public Health & Safety/Ensure Compliance)

16. Asbestos Disposal

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

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

(Reason: Environmental Protection/Public Health and Safety)

17. 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)

18. 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)

19. 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)

20. 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)

21. 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)

22. 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)

23. Tree Protection

- (i) Retain and protect the following trees and vegetation throughout the demolition and construction period:
All trees not indicated for removal on the approved plans.
- (ii) The above trees must be clearly marked and protection devices in place to prevent soil compaction and machinery damage.
- (iii) Tree roots greater than 50mm diameter are not to be removed unless approved by a qualified Arborist on site. All structures are to bridge roots unless directed by a qualified Arborist on site.
- (iv) Tree protection measures must comply with the AS 4970-2009 Protection of trees on development sites.

(Reason: Tree Management)

PRIOR TO OCCUPATION OF THE DEVELOPMENT

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

24. External Finishes

Exterior finishes of the proposed additions shall be of colour, texture and materials compatible with the existing building, in order to ensure a properly integrated overall appearance.

(Reason: Visual amenity)

25. BASIX Certificate

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.

(Reason: Environmental Sustainability)

26. 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)

27. 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)

28. 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)

29. Fire Safety Upgrade of Premises

Occupation Certificate not being issued until the existing building has been upgraded to meet the Performance Requirements of Section C, D and E of the Building code of Australia relating to fire safety.

(Reason: Occupant Safety)

30. Rainwater Re-use – Minor

The applicant shall supply and install rainwater re-use tanks with a minimum storage volume of 5m³ in accordance with Sydney Water's requirements and Council's DCP and Technical Standards. The rainwater reuse tank system shall be connected to supply non-potable use including landscape irrigation and car washing. The rainwater tank shall be located behind the front alignment of the building to which the tank is connected.

(Reason: Ensure compliance and conserve natural resources)

31. 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)

32. Completion of Landscape Works

The approved landscape works are to be consistent with the approved design, completed to a professional standard, consistent with industry best practice and published standards.

(Reason: Landscape amenity)

ADDITIONAL CONDITIONS

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

33. 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)

34. Stormwater Kerb Outlet

New stormwater connection outlets at street kerb shall be made using 125x75x4 galvanised Rectangular Hollow Section (RHS). Where there are multiple outlets required, a minimum distance of 100mm shall separate these outlets. A grated drainage pit (min. 600mm x 600mm) shall be provided within and adjacent to the property boundary prior to discharging to the Council's drainage system.

(Reason: Protection of Public Asset)

35. 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)

36. 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)

37. Trees on Adjoining Properties

No approval is given for the removal or pruning of trees on the nature strip, adjoining reserves, or neighbouring private land.

(Reason: Environmental protection)

PRESCRIBED CONDITIONS

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

38. 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

39. 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)

40. 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)

41. 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)