

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

JRPP No	2013SYE037
DA Number	DA-2013/147
Local Government Area	Willoughby
Proposed Development	Staged development application for the demolition of existing structures and construction of x1 four (4) storey building, x1 part eight (8) storey building/part nine (9) storey building, three (3) levels of basement carparking to accommodate residential, commercial and childcare centre and associated works.
Street Address	2-14 Northcote Street, Naremburn NSW 2065
Applicant/Owner	Property Development Corporation Pty Limited
Number of Submissions	16
Recommendation	Approval with Conditions
Report by	Kate Drinan - Development Planner

Assessment Report and Recommendation

2-14 NORTHCOTE STREET, NAREMBURN NSW 2065

JRPP REF: 2013SYE037

DA NO: DA-2013/147

ATTACHMENTS: 1. PLANS AND ELEVATIONS
2. NOTIFICATION MAP

MEETING DATE: 09-OCT-2013

LOCATION: 2-14 Northcote Street, Naremburn nsw 2065

APPLICANT: Property Development Corporation Pty Limited

PROPOSAL: Staged development application for the demolition of existing structures and construction of x1 four (4) storey building, x1 part eight (8) storey building/part nine (9) storey building, three (3) levels of basement carparking to accommodate residential, commercial and childcare centre and associated works.

DATE OF LODGEMENT: 23-APR-2013

REPORTING OFFICER: KATE DRINAN

RESPONSIBLE OFFICER: IAN ARNOTT

DESCRIPTION OF PROPOSAL

The proposal seeks staged development approval for a shoptop development over two stages. The proposal includes a concept masterplan for the entire site at 2-14 Northcote Street and the detailed design for part of the site, being 8-14 Northcote Street, known as 'Stage 1'.

The masterplan development includes:

- Construction of a single building with a four storey component along Northcote Street and an eight to nine storey component along the north-western boundary adjoining Talus Reserve. It includes:
 - Basement level parking for 187 cars.
 - Vehicular access from Northcote Street and Evans Lane.
 - 4 to 5 commercial premises located at street level (Northcote Street)
 - A childcare centre over 2 levels including an outdoor play area located at the rear of the site.
 - 120 x one and two bedroom apartments.

Stage 1 includes:

- Basement level parking for 88 cars.
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- Vehicular access from Northcote Street.
- 2 to 3 commercial premises.
- 64 x one and two bedroom apartments.

Neighbour Notification

The original application was notified for a period of 21 days in accordance with Part B.4 of the Willoughby Development Control Plan. 16 submissions were received objecting to the proposal, 1 letter of support was received. The key issues raised in the submissions are briefly summarised below and are addressed in appendix 1 of this report:

- Protection of pedestrian site permeability from Northcote Street to the Talus Street Reserve.
- Streetscape planting.
- Overshadowing impacts.
- Traffic concerns.
- Height and scale of the development not in keeping with the character of the area and is incompatible with the surrounding heritage conservation area.
- Construction impacts to neighbouring properties.
- Too much development occurring in St Leonards. Insufficient infrastructure to cope with the increased density.
- Insufficient parking provided.
- Acoustic privacy concerns.
- Visual privacy concerns.
- Negatively impacting property values.
- Garbage area and truck parking located too close to No. 18 Northcote Street resulting in excessive noise and smells.
- The materials are not in keeping with the “village” appearance of Naremburn. 18 Northcote is a more appropriate design for the area.
- Insufficient side setback with 18 Northcote Street.
- Requests landscaping along the north-eastern boundary shared with 18 Northcote.
- Concerned that the north-eastern driveway (from Northcote Street) will result in noise impacts to surrounding residents.
- Lack of information provided regarding the child care centre.

Subsequent to the above comments amended plans were received which, amongst other things relocated the driveway access away from the northern boundary adjoining 18 Northcote Street. The plans were renotified for a period of fourteen (14) days. During the re-notification period 1 additional submission was received which advised that the concerns of the original submission, primarily in relation to parking and traffic, have not been addressed by the amended proposal. This is discussed in appendix 1 of this report.

Existing Building, Relevant History and Site Context

The masterplan site is bounded by Northcote Street to the south-east, Evans Lane to the south-west, 2-10 Chandos Street (the ‘Alto site’) and the Talus Street Reserve (including a public pedestrian and cycleway access) to the north-west and residential apartments to the north-east.

The site is located on the edge of the St Leonards commercial centre and is within 250m of St Leonards Railway Station. The Naremburn heritage conservation area is located to the south-east of the site on the opposite side of Northcote Street.



Controls and Classification

- i) **Willoughby LEP 2012:** Applies
- ii) **Conservation Area:** No – adjacent to the Naremburn Conservation Area
- iii) **Zoning:** B3 – Commercial Core
- iv) **Applicable DCP (SEPPs, REPs):** WDCP, SEPP BASIX, SEPP 65, SEPP (State and Regional Development) 2011, SEPP 55, SEPP (Infrastructure 2007), SREP Sydney Harbour Catchment and Associated DCP.
- v) **Developer's Contribution Plans:**
 - a. **S94A/s94:** Yes
 - b. **Applicable rate (%):** 1%
 - c. **The cost of development:** \$17,937,870 (Stage 1 only)
 - d. **Date of accepted cost of development:** 23.04.2013
 - e. **The total contribution payable (subject to Building Price Indexing (Enterprise Bargaining Agreement)):** \$179,378.70

Development Statistics

Staged Development – Stage 1 & Stage 2

	Proposed	Standards	Complies
WLEP 2012			
Site Area	3959.9m ²		
GFA	Commercial: 1549m ² (inc. childcare 497m ²) Residential: 8346m ² Total: 9895m ²	9899.75m ²	Yes
FSR	2.5:1	2.5:1 (0.5 bonus FSR as site exceeds 3900m ²)	Yes
Height	RL 86.7 (to 23m from front boundary) RL 95.75 (from 23m from	RL 86 (to 23m from front boundary) RL 95 (from 23m from	No (1)

	front boundary)	front boundary)	
WDCP			
Setbacks (E1.4)			
Front (N St) G/1 st	Nil – first floor setback 3.1 metres/balconies within setback.	Nil	Yes
2 nd	3.1m to building line - 2m to balcony	2m	Yes
3 rd	3.1m to building line - 2m to balcony	5m	No (2)
Side (South) Front tower	3m – all levels	Ground – Nil/ 1 st & 2 nd 0m for 50% then 30° from halfway/ 3 rd - 3m	Yes
Rear tower	Nil – all levels	Ground – Nil/ 1 st & 2 nd 0m for 50% then 30° from halfway/ 3 rd - 3m/ all above - 6.6m	No (3)
Side (North) Ground 1 st & 2 nd	6.5m Minor encroachment at rear NW corner of the 2 bedroom unit on L05 and L06	Nil 0m for 50% then 30° from halfway.	Yes Acceptable on merit noting that the encroachment is minimal.
3 rd (front tower) 3 rd -7 th (rear tower)	3.3m 6.4m-8.6m – balconies within setback	3m 6.6m	Yes No (3)
Rear Stage 1	2.2m – all levels	Ground - Nil to 2 metres. First floor - 3 to 5 metres All levels above - 3 to 5metres +1.2 for each level.	No (4)
Stage 2	Ground (L02) First (L03) – 5m All levels above – 2m	Ground - Nil to 2 metres. First floor - 3 to 5 metres All levels above - 3 to 5metres +1.2 for each level.	No (4)
Soft Landscaped area (E.1.6)	N/A – site adjoins a rear lane and public reserve	3m landscape rear setback area adjoining residential zoned land.	N/A
	2m -12.8m (Stage 1) 2m – 9m (Stage 2)	2m landscape setback to rear lane.	Acceptable. Land adjoins a lane way and public open space. Reduced setback facilitates passive surveillance.

Compliance with Plans or Policies (Stage 1 and 2)

- (1) The proposal is non-compliant with the height controls of the WLEP 2012. An objection under the provisions of Clause 4.6 of WLEP 2012 accompanies the development application. The consideration of this Clause 4.6 variation is discussed in a later section of this report.
- (2) The proposal is non-compliant with the front setback controls of Part E1.4 of the WDCP at the 3rd level which requires a 5 metre setback. In this regard, the WDCP states that “in established areas, new developments should reinforce the streetscape character by ensuring the front setback is consistent with those of adjoining development, though not necessarily identical. Some variation to the front setback can be considered where such variations are used to create streetscape variety and interest”. It is considered that the building form along Northcote Street and the proposed setbacks are acceptable as it will act as a transitional building from the commercial area to the south (along Christie Street) to the residential development to the north.
- (3) The proposal is non-compliant with the side setback controls of Part E1.4 of the WDCP on the north and south sides.

The non-compliance to the north is limited to a very minimal non-compliance and is acceptable having regard to neighbour amenity and building separation.

The non-compliance to the south is considered acceptable noting it adjoins Evans Lane and commercial development, where residential development is not permitted, and as such is not likely to result in significant amenity concerns such as privacy.

- (4) The proposal is non-compliant with the rear setback controls of Part E1.4 of the WDCP. The non-compliance is partly the result of an irregular boundary line which results in a setback varying between 2, to 6, to 10, to 14 metres. Part of the rear boundary is shared with a Public Reserve and in this regard the reduced setback will not result in a detrimental amenity impact however will improve the passive surveillance to the area and is acceptable. The remainder of the rear boundary is shared with 2-10 Chandos Street which is currently a car repair premises. In accordance with the WLEP 2012, residential development is permitted on 2-10 Chandos Street subject to the provision of a public access through the land linking Chandos Street to the Talus Street Reserve. In this regard, any future development is likely to include public pedestrian access along the rear boundary shared with the Northcote Street development. Further, it is noted that a flood way encroaches on 2-14 Northcote Street and 2-10 Chandos Street which will limit the areas on which 2-10 Chandos Street can develop and as such it is likely to provide the necessary building separation for acceptable residential amenity between developments.

Stage 1 – Detailed proposal

WLEP 2012			
	Proposed	Standards	Complies
Site Area	1830.9m ²		
GFA	Level 02: 231m ² Level 03: 253m ² Level 04: 622m ² Level 05: 700m ² Level 06: 681m ² Level 07: 695m ² Level 08: 468m ² Level 09: 482m ²	4577m ²	No but as shown above staged development proposal complies with the FSR controls.

	Level 10: 468m ² Total: 4600m ²		
FSR	2.51:1	2.51:1 (0.5 bonus FSR as site exceeds 3900m ² (see above))	No but as shown above staged development proposal complies with the FSR controls.
Height	RL 86.7 (to 23m from front boundary) RL 95.75 (from 23m from front boundary)	RL 86 (to 23m from front boundary) RL 95 (from 23m from front boundary)	No(1)
WDCP			
Car Spaces (C.4 – Located on a Major Public Transport Corridor) <u>Shop-top housing</u> 50 x 1 bed, 14 x 2 bed <u>Commercial</u> 374m ² GFA	64 residential spaces 16 residential visitors 8 commercial spaces	0.5 spaces – studio 1 space per dwelling (not studio) = 64 residential spaces Visitor spaces - 1 per 4 dwellings = 16 residential visitors spaces 12 spaces (1 space per 25m ² NFA (85% of GFA))	Yes Yes No (2)
Motorcycle Spaces	3 space	1 per 25 car spaces = 3 spaces	Yes
Bike Parking	7 residential lockers	1 bike locker per 10 units = 6 lockers	Yes
	1 commercial locker	1 per 600m ² of office/business & 1 per 450m ² of retail/restaurant = On merit as no end use is known.	Acceptable on merit.
	4 residential bike rails	1 bike rail/rack per 12 units = 5 rails/racks	Acceptable on merit noting the additional bike locker provided.
	1 commercial bike rail	1 per 2500m ² of office/business & 1 per 150m ² of retail/restaurant = On merit as no end use is known.	Acceptable on merit.

Access/Mobility (C.6)			
Adaptable housing	32 units	50% - 32 units	Yes
Adaptable car spaces	7 spaces	7 spaces	Yes
Width of allotment (E1.1)	36.6m	Where development is proposed to exceed 11m in height or where vehicular access is only obtainable from the primary street frontage a minimum width of the site at front alignment of 27m.	Yes
Commercial Character (E1.2)	60%	60% of GFA at street level is to be used for a retail or business premises	Yes
	29.8%	Less than 30% of street frontage to be used for vehicular and pedestrian access.	Yes
Building Depth (E1.5)	21m	20m	No (3)
Soft Landscaped area (E1.6)	N/A - Adjoins B3 and RE1 zone.	1m planter box along edge of balcony at first floor level and 400mm above that where facing R2 or R3 zoned land.	N/A
	Approx. 63% of Level 5 podium.	20% of podium to be vegetated area.	Yes
	N/A – No rooftop space.	20% of rooftop open space to be vegetated.	N/A
Recreational open space (%) (E1.7)	1358m ² (74.2%)	62% (for 8 storeys of residential development)	Yes
Private open space (E1.7)	All balconies greater than 2m wide. 1 bedroom lofts – 9.75m ² balconies all others comply.	10m ² & 2m wide	Acceptable on merit as non-compliance is minimal.
Communal open space (E1.7)	30m ² internal communal open space. Approx. 490m ² outdoor space	30m ² internal communal opens space for 15 dwelling plus 10m ² per dwelling in excess of 15 = 30m ² internal space and 490m ²	Yes
Storage Space	All apartments allocated storage in basement. Size of storage areas vary.	3m ² per unit.	No (4)
SEPP 65 (RFB Code)			
Part 1			
Building type	Shop Top Housing-Hybrid building	-	-

Primary Dev Control	Height	RL 86.7 (to 23m from front boundary) RL 95.75 (from 23m from front boundary)	RL 86 (to 23m from front boundary) RL 95 (from 23m from front boundary)	No See submitted Clause 4.6 variation.
	Depth	>18m	10 - 18m (daylight and natural ventilation are to be achieved)	No (3)
	Building Separation	Front tower – 3.3m to northern boundary – No openings facing boundary. Rear tower - 6.5 metres to northern boundary. Balcony encroachments within the 12 metre setback include privacy screening. Separation between front and rear towers – 7 to 9 metres.	up to four storeys/12 metres - 12 metres between habitable rooms/balconies - 9 metres between habitable/balconies and non-habitable rooms - 6 metres between non-habitable rooms.	No (5)
Part 2				
	Deep soil zone	Approx. 21.1%	Min. of 25% of the open space area of the site. Exception for urban areas, where sites are built out and there is no capacity for water infiltration	Acceptable on merit as the proposal adjoins a public reserve.
	Open space			
	Communal Open Space	Approx. 28%	25-30% of site area	Yes
	Private open Space	2 x L05 podium units with private open space of 20.33m ² and 31.09m ²	25m ² ; Min width 4m. (G/podium units)	Acceptable on merit as the non-compliant POS adjoins communal open space.
	Safety	Separate commercial and residential entrance.	Carry out a formal crime risk assessment for all residential developments of more than 20 new dwellings.	Refer to NSW Police. Standard safer by design conditions recommended (Condition 47)
Part 3				
	Apartment layout	There are 4 single aspect apartments proposed with depth of 10 metres. 90% of kitchens within 8m of window.	Single-aspect apartments depth max 8 metres from a window. The back of a kitchen max 8 metres from a window.	No (6) Acceptable on merit.

	All proposed units are greater than minimum sizes.	Apartment sizes: - 1 bedroom - 50m ² - 2 bedroom - 70m ² - 3 bedroom - 95m ²	Yes
Balconies	Min 2m	Provide primary balconies for all apartments with a minimum depth of 2 metres.	Yes
Ceiling heights	Min 2.7m for all rooms	2.7 metre minimum for all habitable rooms on all floors 2.4 metres for all non-habitable rooms	Yes
Internal circulation	Complies	Max 8 units accessible from a single core/corridor	Yes
Storage	All apartments allocated storage in basement. Size of storage areas vary.	- one-bedroom apartments 3m ³ - two-bedroom apartments 4m ³	Yes (4)
Day light access	39% >10%	70 % of Dwlg's Min 3 hours winter solar access Single-aspect SW-SE apartments to a max. 10 % of dwlg's	No (7) No (7)
Natural ventilation	>18m 60% >25%	10 to 18m (Bldg Depth) 60% of dwlg with natural cross ventilation (Units) 25% of kitchens with natural ventilation	No (3) Yes Yes

Compliance with Plans or Policies (Stage 1)

- (1) The proposal is non-compliant with the height controls of the WLEP 2012. An objection under the provisions of Clause 4.6 of WLEP 2012 accompanies the development application. The consideration of this Clause 4.6 variation is discussed in a later section of this report.
- (2) The proposal is non-compliant with the commercial car parking requirements of Part C.4 of the WDCP. The acceptability or otherwise of the non-compliance is discussed in the assessment section below.
- (3) The proposal is non-compliant with the building depth requirements of E1.5 of the WDCP and the RFDC. Notwithstanding, the non-compliance with the WDCP is minimal, being only 1 metre, and as discussed in the assessment section of the report the natural light and ventilation achieved by the proposal is acceptable noting the site constraints.

- (4) The proposal is non-compliant with the storage space requirement of the WDCP. The acceptability or otherwise of the non-compliance is discussed in the assessment section below.
- (5) The proposal does not meet the building separation 'rule of thumb' of the RFDC. The acceptability or otherwise of the non-compliance is discussed in the assessment section below.
- (6) The proposal is non-compliant with the RFDC which requires single-aspect apartments to have a maximum depth of 8 metres from a window. Notwithstanding, the non-compliance is minimal and as discussed in the assessment section of the report the natural light and ventilation achieved by the proposal is acceptable noting the site constraints.
- (7) The proposal is non-compliant with the daylight access requirements of the RFDC. The acceptability or otherwise of the non-compliance is discussed in the assessment section below.

Referrals

Building Surveyor

The application was referred to Council's Area Building Surveyor for comment who advised that the proposal is acceptable subject to conditions.

Development Engineer

The original application was referred to Council's Area Development Engineer for comment who requested additional information regarding stormwater, flooding and parking.

Subsequent to the above amended plans and additional information was provided to Council's Development Engineer for review who advised that there are no further objections to the application from a drainage perspective. With regard to vehicular access and parking arrangement, the submitted long sections are considered unsatisfactory. It is however considered that this matter can be addressed at the Construction Certificate stage by redesigning the long section.

Traffic Engineer

The original application was referred to Council's Traffic Engineer for comment who raised concern regarding an oversupply of parking resulting in traffic impacts, the allocation of car parking, and the design of the parking and loading and unloading areas.

Comment: As noted in the development statistics above and assessment section below the proposal generally complies with the car parking requirements of the WDCP. A minor shortfall of commercial car parking is provided which is discussed in the assessment section below.

Subsequent to the above, amended plans and additional information was provided to Council's Traffic Engineer for review who advised that the disabled car parking spaces are to meet the relevant Australian Standard (**Condition 9**). Further it was advised that it was unclear from the plans how removalists will access the residential premises or how delivery drivers will access the commercial premises from the loading dock.

Comment: Access from the loading bay to the residential/commercial lifts can be achieved via Level 03. The lifts provided, serving the front and rear tower, are stretcher sized lifts

which meets the BCA requirements. It is considered that there is adequate ability for the movement of large items from the loading zone to the lifts and into the commercial/residential units.

Landscape Officer

The original application was referred to Council's Landscape Officer for comment who raised concern regarding the treatment of the nature strip, the rear communal open space and the pathway to the public reserve.

Subsequent to the above, amended plans and additional information was provided to Council's Landscape Officer for review who advised that the amended application is now acceptable subject to conditions.

It was also advised that a 52 week maintenance period is to be provided for the planting in the road reserve to ensure their proper establishment (**Condition 107**).

Environmental Health Officer

The original application was referred to Council's Environmental Health Officer for comment who raised concern regarding the potential acoustic impact to the neighbouring property at No. 18 Northcote Street, predominately resulting from the driveway and truck zone located in close proximity to the shared boundary. Subsequently, an amended proposal was received which relocated the driveway and truck zone towards the centre of the site. The amended proposal was referred to Council's Environmental Health Officer who provided conditions to be imposed in the event of any consent issued. Further it was advised that as details for the operation of the childcare centre and for the commercial/retail tenancies have not been provided it is recommended that a separate development application be submitted for these uses.

Comment: No consent is to be given for the use of the commercial units. Separate development applications will be required for the use of these units (**Condition 109**).

Waste Officer

The application was referred to Council's Waste Officer for comment who advised that the proposal is acceptable subject to conditions.

Comment: A condition is recommended which restricts commercial garbage collection to 7am to 10pm – Monday to Friday and 8am to 10pm on weekends and public holidays (**Condition 104**) to limit noise impacts to residents.

Heritage Architect

The application was referred to Council's Heritage Architect for comment who advised that:

I concur with the Statement noted in the Heritage Impact Statement (H.I.S), that the width and function of Northcote Street provides a clear point of transition between the scale and form of buildings within the Naremburn Conservation Area and the higher density, mixed form of development on the opposite side of Northcote Street, whilst the presentation of the conservation area to Northcote Street opposite the site is partially of rear yards.

The proposal responds to the transitional bulk and scale of the surrounding area to the West, with a three-four storey bulk to Northcote Street stepping up to a higher scaled building to the rear. The materials and finishes, whilst contemporary are not

considered to adversely impact upon the Conservation Area, particularly as the buildings lower podium fronting Northcote Street are clad in a face brick reminiscent of the Conservation Area opposite. The proposal is, therefore, considered acceptable from a heritage viewpoint with conditions.

Community Services

The application was referred to Council's Community Services section for comment who advised that insufficient details have been provided to properly assess the child care centre use however, in principle, the use would be acceptable.

Comment: As noted in the assessment section below, no approval is recommended for the child care centre use as part of this development application. This will be considered as part of a detailed Stage 2 development application.

Urban Design Consultant

The application was externally referred to an independent Urban Design consultant for assessment in accordance with SEPP 65.

A number of recommendations from the Urban Design consultant have been discussed with the applicants and subsequently incorporated in an amended proposal or addressed through the provision of additional information.

The proposal's compliance with the numerical controls/rules of thumbs contained in the Residential Flat Design Code are provided in the Development Statistics section of this report

See assessment under SEPP 65 for further discussion.

Police

The original application was referred to the NSW Police for comment who raised the following concerns:

- Commercial uses in proximity of the childcare centre are to be sensitive to the childcare centre.

Comment: As the uses of the commercial units are not nominated, an assessment cannot be made as to the suitability or otherwise of the use. Separate development applications will be required for the use of these units (**Condition 104**). However it is noted that, subsequent to an initial approval for occupation, under the Exempt and Complying Code, changes of use can occur without consent. The detailed design of Stage 2 will be provided in a separate application

- A separate access is required for the childcare centre and the commercial uses.

Comment: The detailed design of Stage 2 will be provided in a separate application. A condition is recommended requiring separate residential and commercial (including child care, in the event of its approval) secure entrances (**Condition 4**).

- Concerned by potential overlooking into the outdoor play area of the childcare centre.

Comment: The detailed design of Stage 2 will be provided in a separate application. Overlooking concerns could be mitigated through the provision of shade sails or the like.

- There needs to be a clear delineation between the residential and commercial entrances. The residential component is to have a distinct entrance.

Comment: The Stage 1 development proposal has been modified to create a separate distinct residential access. A condition is recommended which requires the Stage 2 detailed design to include a distinct residential entrance (**Condition 4**).

- The rear communal open space adjoining the Talus Street Reserve and the rear entrance (possibly fire doors) raise potential security concerns.

Comment: Subsequent to the above comments, the rear communal space area has been modified to more clearly delineate the public and private realm. Further, residential accommodation has been provided at that level which will improve the passive surveillance of the area.

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

Satisfactory ✓ Unsatisfactory ✗ Not Relevant N/A

(a)(i)	The provisions of any environmental planning instrument (EPI)	
	• State Environmental Planning Policies (SEPP)	✓
	• Regional Environmental Plans (REP)	✓
	• Local Environmental Plans (LEP)	✓
(a)(ii)	The provision of any draft environmental planning instrument (EPI)	
	• Draft State Environmental Planning Policies (SEPP)	N/A
	• Draft Regional Environmental Plans (REP)	N/A
	• Draft Local Environmental Plans (LEP)	N/A
(a)(iii)	Any development control plans	
	• Development control plans (DCPs)	✓
(a)(iv)	Any matters prescribed by the regulations	
	• Clause 92 EP&A Regulation-Demolition	✓
	• Clause 93 EP&A Regulation-Fire Safety Considerations	N/A
	• Clause 94 EP&A Regulation-Fire Upgrade of Existing Buildings	N/A
(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	✓
	• Air & microclimate	N/A
	• Flora & fauna	✓
	• Waste	✓
	• Energy	✓
	• Noise & vibration	✓
	• Natural hazards	N/A
	• Safety, security crime prevention	✓

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

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

Assessment**Environmental Planning and Assessment Act - Staged Development**

The proposed staged application comprises a shop top housing development pursuant to Sections 83B of the Environmental Planning and Assessment Act 1979. The development will be undertaken over two stages, as part of the Stage 2 (2-6 Northcote Street) land is currently being leased and as such cannot be re-developed at this stage.

Section 83B of the EP&A Act permits staged development application approval for concept proposals for the development of the site and for which detailed proposals for separate parts of the site are to be the subject of subsequent development applications. As per Section 83B, the application may set out a detailed proposal for the first stage of the development, as is the case with the subject development application.

The staging of the application, as proposed, allows for a bonus FSR to be utilised over the entire site noting Clause 4.4A (18) of WLEP 2012, which permits an additional 0.5:1 FSR where the site area is greater than 3,900m². Stage 1 occupies 1,830.9m², while stage 2 (which cannot be developed at this stage owing to existing leases held over the 2-6 Northcote St properties) occupies 2,129 m². Concern was raised on review of the original submission that Stage 1 may receive the benefit of a bonus FSR however Stage 1 and Stage 2 were effectively separate developments and insufficient information had been submitted to Council to provide a level of certainty that the entire masterplan site would be completed. In this regard, the applicant has responded to these concerns by integrating Stage 1 and 2 by the provision of a centralised loading and unloading facility. Further, the applicant noted that a staged development application, in accordance with Section 83B, provides a level of certainty that stage 2 will be completed in accordance with the proposal as the staged development consent can only be surrendered or modified with the consent of the owners of the whole of the land on the subject site. The effect of this is to "tie in" any development of the site to the concept proposal. Development for any part which is inconsistent with the staged development consent would be prohibited whilst ever the stage development consent remained in force. In this regard, in approving the stage 2 concept proposal, it is recommended that, in order to enable a degree of flexibility with the design of stage 2 without the need for variation to the staged development consent for minor modifications, the subject approval is to be limited to the building envelope and general arrangement of uses within the Stage 2 development, being basement level car parking, commercial uses on Level 03 and

Level 04 (but no approval is given for the specific commercial uses) and residential development (**Condition 2**).

Further, a condition is recommended which identifies those items within Stage 2 which are not approved:

- The layout and number of residential units, car parking spaces, the arrangement of the basement levels.
 - The commercial and child care uses.
 - The detailed design including the location of services.
- (**Condition 3**)

An additional condition is recommended which details the design requirements of the stage 2 development (**Condition 4**). The details of the design requirements are discussed in the SEPP 65 and urban design assessment section below.

EP&A Act – Integrated Development

Section 91 of the EP&A Act 1979 identifies certain types of development that require approvals under other legislation. The development proposal is not integrated development. The drainage channel which runs adjacent to the site at the rear is not an estuary or a river as classified under the Water Management Act 2000 (WM Act 2000) and as such the development does not require approval under the WM Act 2000.

SEPP (Infrastructure) 2007 (ISEPP)

The ISEPP requires consideration of the impacts of rail noise and vibration and road noise on development proposals located adjacent to railway corridors or specific roads. Specifically, the ISEPP requires consideration of the NSW Department of Planning Development near Rail Corridors and Busy Roads – Interim Guidelines. An acoustic report has been prepared and reviewed by Council's Environmental Health Officer who advised that the proposal is acceptable subject to a condition which requires the development to achieve acceptable internal noise levels for the residential dwellings (**Condition 25**).

SEPP 55 – Site Remediation

State Environmental Planning Policy No. 55 – Site Remediation (SEPP 55) prescribes a statutory process associated with the development of land that is contaminated and needs remediation. A Preliminary Environmental Site Assessment (PESA) prepared by Environmental Investigation Services has been undertaken for the site which has been reviewed by Council's Environmental Health Officer who has advised that the proposal is acceptable subject to a condition requiring a detailed contamination investigation (**Condition 27**).

WLEP 2012

The proposed development, being a shoptop development is permissible in accordance with Clause 37 of the WLEP 2012 which specifically permits shoptop housing on land at 2B, 2 -14 Northcote Street. Further, the proposal is considered acceptable having regard to the objectives of the B3 Commercial Core Zone. WLEP 2012 defines shoptop housing as "*one or more dwellings located above ground floor retail premises or business premises*". Despite the fact that the proposal includes residential dwellings below the ground floor retail/business level the development is considered to meet the definition of shoptop housing noting that it includes residential dwellings above the ground floor retail/business level.

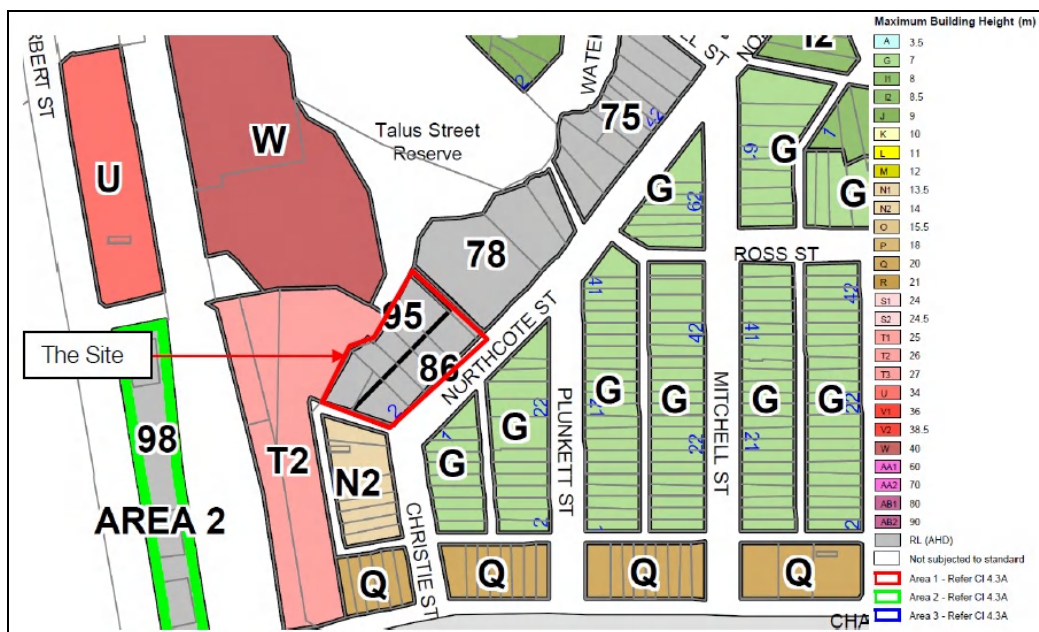
Floor Space Ratio

As shown in the development statistics above, the staged development proposal complies with the FSR standard contained in WLEP 2012. Stage 1 is non-compliant with the FSR controls by 21.75m² which is considered to be minimal. Conversely, Stage 2 is less than the allowable FSR. As noted above, an FSR bonus of 0.5:1 is permitted if the site area exceeds 3,900m². The combined site area of Stage 1 and Stage 2 exceeds this. It is considered that the additional bulk and scale of the staged development scheme resulting from the FSR bonus is considered acceptable in the context. Further, the bonus FSR will help ensure the provision of additional dwellings located in close proximity to public transport which is consistent with the NSW Government's draft Metropolitan Strategy for Sydney.

In accordance with Clause 4.4A (11), *the maximum floor space ratio for all shops known as 2–14 Northcote Street, Naremburn, must not exceed 0.2:1*. It is noted that the commercial uses, as proposed, will have an FSR of 0.204:1 for Stage 1 and 0.27:1 for the combined Stage 1 and Stage 2 development. As the end uses of the commercial premises for the staged development, including Stage 1, are not known a condition is recommended which limits any shop use to 0.2:1 (**Condition 108**).

Building Height

In accordance with WLEP 2012 "Height of Building Map", the height of development of 2-14 Northcote Street is not to exceed RL 86 (to 23m from front boundary) and RL 95 (from 23m from front boundary) as shown below.



As noted in the development statistics, the proposed does not comply with height standards contained in WLEP 2012. The non-compliance results from the lift overruns however the top of the roof slabs comply with the respective RL's. An objection under the provisions of Clause 4.6 of WLEP 2012 accompanies the development application. The consideration of this Clause 4.6 variation is discussed in a later section of this report.

Active Street Frontages

In accordance with Clause 6.7 of the WLEP, development consent must not be granted to the erection of a building, or a change of use of a building unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use. In accordance with subclause (5) a building has an active street frontage if all premises

on the ground floor of the building facing the street are used for the purposes of business premises or retail premises. The proposal includes commercial premises along the Northcote Street frontage. The end use of the commercial premises for the staged development, including Stage 1, is not known and in this regard a condition is recommended which only permits the commercial premises fronting Northcote Street to be business and retail premises (**Condition 110**). However it is noted that, subsequent to an initial approval for occupation, under the Exempt and Complying Code, a change of use can occur, such as a change from a business use to an office use, without consent.

SEPP 65 (Design Quality of RFB) and Urban Design

The proposed development is a 'residential flat building' as defined by Clause 3 of SEPP 65, and is required to meet the Design Quality Principles and the Residential Flat Design Code (RFDC) of the SEPP. The proposed development is designed by a qualified designer and a Design Verification Statement by a registered architect has been submitted as required by the SEPP.

Council engaged an external Urban Design consultant to carry out an independent assessment of the application in its original form against the requirements of SEPP 65. The issues raised with the original proposal included visual bulk concerns, amenity problems due to its relationship with 18 Northcote Street, the treatment of the corner of Northcote Street and Evans Lane, distinctions between the public and private realm, building circulation, and internal amenity issues. These issues have been discussed with the applicants and resolutions were subsequently incorporated in an amended proposal or addressed through the provision of additional information.

The amended proposal was reviewed by the external Urban Design consultant who advised that a number of the issues of concern raised against the original design have been addressed including, breaking up the bulk of the building form facing Northcote Street and the relocation of the vehicular entry to a more central location to improve the amenity outcomes for residents of No.18 Northcote Street. However the external Urban Design consultant advised on areas of ongoing concern with the amended proposal. These issues are discussed below:

Building Separation

Issue: Non-compliant RFDC building separation between the front tower (south-east) and the rear tower (north-west).

Comment: The front and rear towers are separated by 9 metres. The north-western elevation of the front tower which faces the rear tower includes small highlight windows and translucent glazing. The unenclosed lift lobbies of the front tower include louvered screens on part of these openings to limit overlooking into the balcony and living areas of the adjoining rear tower. The lift lobbies are not considered to be an area of congregation and as such, the privacy impacts to the rear tower are considered to be minimal. It is considered that there is sufficient building separation between the two towers noting the treatment of the north-western elevation of the front tower to provide a reasonable amenity outcome for the future occupants of the development.

Issue: Non-compliant RFDC building separation between the proposal and 18 Northcote Street.

Comment: The proposal provides more than half of the required separation distance within the site which in itself is reasonable. Further, where the proposed development is within 12 metres of No. 18 Northcote Street and directly faces the balconies of the adjacent property, louvered screens are proposed on the northern edge of the encroaching balconies. It is

considered that the proposal provides adequate separation and screening to ensure a reasonable privacy outcome for the future occupants of the development and No. 18 Northcote Street.

Issue: Privacy implications for the existing neighbours of 18 Northcote Street where their first floor balconies will directly face the residential entry and communal open space at approximately the same level.

Comment: It is noted that the existing entry to No.14 Northcote Street is located at a similar level to the entry proposed for Stage 1 however the current entry has a nil setback with no ability for screening. In this regard, the proposal is considered to result in an improved outcome for No. 18 Northcote Street noting the proposed landscape setback. It is considered that the existing and proposed landscaping will help to screen No. 18 Northcote Street. The proposal includes dense landscaping along the northern boundary shared with 18 Northcote Street of 11 x Blueberry Ash with a mature height of 6 to 8 metres.

Security

Issue: The proposed pedestrian residential entry for Stage 1 raises potential entrapment concerns. In this regard it is suggested that the fire egress be re-orientated to allow the security gate to be moved closer to the street.

Comment: Subsequent to the above comment, the applicant has moved the security gate closer to the street so that it is less likely to be a place of potential entrapment. The fire stairs were not re-orientated as the applicants BCA consultant and Council's Area Building Surveyor both confirmed that the fire egresses can be located behind the security gate.

Visual Bulk

Issue: The rear tower remains of significant bulk due to its length across the entire master plan site.

Comment: The bulk of the rear tower has been mitigated to some extent by inseting the balconies on the rear elevation of Stage 2 directly adjacent to Stage 1. However it is considered that a greater inset is required to provide a more emphasised break in the building. It is considered that the perspectives (shown below) provided with the application show an adequate break in the reading of the building however the floor plans do not appear to be consistent with the perspectives. In this regard, a condition is recommended that the north-western edge of the balconies in Stage 2 which directly adjoin Stage 1 be setback an additional 2.5 metres (**Condition 4**).



Issue: Stage 1 will present a tall, blank end wall to 6 Northcote Street until Stage 2 is completed.

Comment: The front tower is considered to be appropriately treated so as to integrate with the existing development at No. 2-6 Northcote Street. The rear tower is limited in depth, being 20 metres, and will be read over the top of the existing buildings at 2-6 Northcote Street as shown below and is acceptable.



Council's Urban Design Consultant suggests providing glass block windows to the south-western façade of Stage 1 with a covenant requiring that these be removed when Stage 2 is developed to address the visual impact of this elevation. In this regard it is considered the benefits of such a scheme are not significant enough to warrant the amendment noting that the creation of a covenant will add a level of complexity and potential conflict when the windows are to be removed.

Separation of commercial and residential spaces

Issue: The proposal includes commercial uses which are accessed through the same secure entry as private residential uses.

Comment: In Stage 1 the lift access is shared with commercial and residential uses however the pedestrian residential entrance has been clearly separated from the commercial entrances. A condition is recommended requiring secure lift access to be provided to the residential levels for residents only (**Condition 4**). In Stage 2, the proposed child care use would share a secured access with the residential entrance. Further, the child care would share lift access with residential uses. This is not considered to be consistent with the safer by design principles noting the sensitive child care use. In this regard, a condition is recommended requiring separate residential and commercial (including child care, in the event of its approval) secure entrances (**Condition 4**). Further, in the event that a child care use is retained in the Stage 2 detailed design, a condition is recommended requiring separate and secure lift access be provided for the child care use (**Condition 4**).

Daylight Access

Issue: The proposal provides many more south-facing single aspect apartments than the RFDC 'Rules of Thumb'.

Comment: 20 to 25% of dwellings in Stage 1 have south-facing single aspect apartments, whereas the RFDC suggests this should be limited to 10%. Further, it is noted that only 44% of dwellings in Stage 1 will have access to greater than 2 hours of sun light during the winter solstice which is significantly below the 75% required by the RFDC. Council's Urban Design Consultant suggests converting the two 1x bedroom apartments adjacent to Stage 2 in the rear building to one larger cross through apartment to address the non-compliance. In this regard, the conversion would improve, in percentage terms, the non-compliance but would not facilitate greater solar access to the development. It is considered that there are specific site constraints which make it difficult to achieve compliance with the 'RFDC Rules of Thumb', in particular, No. 15 Herbert Street significantly overshadows the north-western elevation of the development and in the event that the shadows of 15 Herbert Street were not included, 75% of the dwellings would achieved greater than 2 hours of solar access during the winter solstice. Further, the north-west – south-east orientation of the site and its limited depth but expansive width reduces the design alternatives to achieve greater solar access. Finally, the height controls applying to the site were specifically prepared to limit overshadowing on the neighbouring conservation area. An increased height would provide greater solar access but have an impact on the solar access to the conservation area. Having regard to the above, it is considered that the orientation of the dwellings in the development and the solar access achieved is acceptable.

Communal Open Space

Issue: The communal open space provided on Level 5 is particularly small and is located close to dwellings which is likely to cause privacy problems for neighbours.

Comment: The communal open space on Level 5 is small and as such will not be used as an area of mass congregation but will offer an alternative to the communal open space provided on Level 2, in particular for the front tower who would have a reasonable distance to travel to the Level 2 communal open space area at the rear. A dense landscape buffer has been provided around the paved area on level 5 which includes Weeping Lilly Pilly's which have a dense foliage and a mature height of up to 7 to 10 metres. It is considered that the communal open space is acceptable having regard to the amenity impacts to the future occupants of the adjoining dwellings.

Parking

Issue: The parking areas could be more effectively segregated.

Comment: The proposal includes commercial car parking on the lowest basement level which would necessitate circulating through the upper level residential parking. This is considered a poor outcome as these spaces are to be made available to the public commercial visitors. In this regard a condition is recommended which relocates the commercial spaces to Level 03 (**Condition 5**). Further, that security access be provided to separate the commercial spaces from the residential spaces (**Condition 5**). An additional condition is recommended requiring the storage areas located in the area of Level 03, which will be publicly accessible, to be relocated to the lower basement level (**Condition 5**).

Treatment of corner location

Issue: Stage 2 creates a poor response to Christie Street and relationship to Evans Lane and a poor entry sequence.

Comment: As noted in the staged development application section above, no approval is recommended for the detailed design of Stage 2. In this respect the concerns raised above can be addressed in the submission of a detailed design for stage 2 (**Condition 4**).

WDCP (Stage 1)

Parking

In accordance with Part C.4 of the WDCP, provision should be made for potential future commercial changes of use to avoid the situation where the failure to provide the additional car parking spaces required for a new use would result in that use change being refused. In this regard, the commercial units may be used for retail purposes at some point into the future. In this respect, noting the 374 square metres of commercial GFA in Stage 1 and assuming 85% of that to be net lettable area (as per Part C.4 of the WDCP), 12 commercial car parking spaces are required to be provided. In this respect, the proposal includes 7 dedicated commercial spaces on the lower basement level (L00) and 1 disabled commercial space on L03. The location of the commercial spaces on the lower basement level would necessitate public commercial visitors circulating through the upper level residential parking which is considered to be a poor outcome and inconsistent with the Safer by Design Principles. In this regard a condition is recommended which relocates the commercial spaces to Level 03 (**Condition 5**). The non-compliance with the commercial car parking requirements of the WDCP can be addressed by making at least 12 car parking spaces on Level 03 publicly available for commercial visitors during the operation of the commercial premises and that 4 of these spaces be made available to both commercial and residential visitors (**Condition 5**).

Storage

Part E1.11 of WDCP requires 3m² of storage per unit which is greater than the RFDC 'rules of thumb'. The rules of thumb contained in the RFDC recommend that 1 bedroom units be provided with 6m³ storage and 2 bedroom units be provided with 8m³, half of which can be located in a basement area. Each unit has been allocated storage in the basement of in excess of 3m³ which is considered acceptable. It is noted that some of the storage areas are located on Level 03 which will be publicly accessible. As such a condition is recommended which requires the storage areas to be relocated to an area which is not publicly accessible (**Condition 5**).

Solar Access

Based on the south-east (front) – north-west (rear) orientation of the site, the shadows of the proposed development fall on the site itself, the neighbouring commercial property at 118-120 Christie Street and the residential dwellings located to the south of the subject site.

At the hours of 9am and 12pm additional overshadowing will occur to the northern elevation of the commercial development at 120 Christie Street. At 3pm limited additional overshadowing of the northern elevation of 120 Christie Street will occur.

A detailed analysis of the existing and proposed overshadowing to the rear yards of the properties located at 22-26 Plunkett Street was submitted with the application. The analysis indicated that the proposal causes some additional overshadowing to the rear yards from 2:45pm onwards. Up until 2:45pm, overshadowing will be from existing structures, namely the boundary fences of these properties. Based on the shadow analysis shown below, 3 hours of sunlight is maintained to the rear yards of these properties between 9am and 3pm in mid-winter and is consistent with the WDCP solar access controls.



Additional overshadowing will also occur at No. 1 and 3 Northcote Street and at 91 to 95 Christie Street at the hour of 3pm. The additional shadow cast at this hour will predominately fall onto the front setback areas and front elevations of these properties.

It is considered that the additional overshadowing caused by the proposal is acceptable. The proposal is consistent with the solar access controls, that being, maintaining approximately 3 hours of solar access between 9am and 3pm on 22 June to living areas and the principal open space recreational areas of adjoining properties on the winter solstice.

Undergrounding of services

In accordance Clause C.15 (Undergrounding of services) of WDCP, all services are required to be located underground for mixed use development and redevelopment of sites in commercial zones. Normally a standard condition of consent is imposed on new developments to relocate existing overhead cables to underground. Notwithstanding, the applicant argues that undergrounding the power lines is considered unreasonable in the circumstances on the following grounds:

- It will have a significant impact on the affordability of the dwellings. The cost of undergrounding power lines will be between \$750,000 and \$1,250,000, which equates to a cost of \$6,350 to \$10,400 per dwelling;

- The provision of overhead power lines is consistent with the existing power arrangement for the adjoining residential flat building development at No. 18 Northcote Street and the remainder of Northcote Street; and
- The works associated with the undergrounding of power lines creates significant and unnecessary high level greenhouse gas emissions, which is inconsistent with the sustainability and environmental objectives and principles outlined in the WDCP 2006.

Recently approved developments which have raised similar concerns have been provided with an alternative option, that being to bundle the existing overhead cables as it is considered to be the next best option to achieve the objective of reducing the visual clutter along the streetscape. As such a condition is recommended to require the applicant to bundle overhead cables and provide any new services underground (**Condition 67**).

Clause 4.6 Variation – Building Height

a) Objectives of Zoning

The objectives of the B3 Commercial Core zone are:

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To support the role of St Leonards as a specialised centre providing health, research and education facilities.
- To strengthen the role of Chatswood as a major centre for the inner north sub-region and to improve its public domain and pedestrian links.
- To protect and encourage safe and accessible city blocks by providing active land uses on street and pedestrian frontages.

b) Objectives of the Standard

The objectives of the building height development standard are stated in Clause 4.3(1) and are as follows:

- (a) to ensure that new development is in harmony with the bulk and scale of surrounding buildings and the streetscape,
- (b) to minimise the impacts of new development on adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or visual intrusion,
- (c) to ensure a high visual quality of the development when viewed from adjoining properties, the street, waterways, public reserves or foreshores,
- (d) to minimise disruption to existing views or to achieve reasonable view sharing from adjacent developments or from public open spaces with the height and bulk of the development,
- (e) to set upper limits for the height of buildings that are consistent with the redevelopment potential of the relevant land given other development restrictions, such as floor space and landscaping,
- (f) to use maximum height limits to assist in responding to the current and desired future character of the locality,
- (g) to reinforce the primary character and land use of the city centre of Chatswood with the area west of the North Shore Rail Line, being the commercial office core of Chatswood, and the area east of the North Shore Rail Line, being the retail shopping core of Chatswood,
- (h) to achieve transitions in building scale from higher intensity business and retail centres to surrounding residential areas.

c) Applicant's reasons in support of the variation

- The proposal satisfies the objectives of the B3 Commercial Core zone and the objectives of the building height standards.
- Non-compliance with the standard does not contribute to adverse environmental impacts in terms of overshadowing, visual impacts or view loss.
- The scale of the proposed development is consistent with the scale of the surrounding development and streetscape along Northcote Street and further south on Christie Street.
- The proposal has a maximum FSR of 2.5:1, which complies with the maximum FSR development standard of 2.5:1 applying under cl. 4.4A(18) of the WLEP 2012.
- The proposed development is generally compliant with the controls, or the intent of the controls, contained in the Willoughby Development Control Plan 2006 and SEPP 65.

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

Despite the non-compliance with the building height controls, the proposed development is considered consistent with the objectives of the B3 Commercial Core and the objectives of the building height control.

The non-compliance results from the lift overruns and plant equipment however the top of the roof slabs comply with the respective maximum allowable RL's. The non-compliance is considered to be minimal. Further, the area of non-compliance resulting from the proposal is not considered to adversely impact on adjoining properties in terms of view loss, privacy, overshadowing or visual bulk.

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

The objectives of the standard are considered to be met by the proposed development despite its non-compliance with the standard, as discussed above. The strict application of the standard is considered to be unnecessary and unreasonable in the circumstances of this application.

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

The proposed non-compliance is not considered to raise any matter of significance for State and Regional planning. The proposal complies with the intent/objectives of the standard and the area of non-compliance will not result in any significant environmental affectation. The proposal will not have any significant affectation to the public interest.

CONCLUSION

The application has been assessed in accordance with Section 79C of the Environmental Planning and Assessment Act 1979. It is considered that the application is acceptable subject to the attached conditions noting the following circumstances for the variation to the control of the Willoughby Local Environmental Plan 2012.

The non-compliance with the building height control of Clause 4.3 of Willoughby Local Environmental Plan 2012 is acceptable for the following reasons:

- The breach is minor and is the result of lift overruns and plant equipment on the rooftop.
- The majority of the building meets the prescribed height limit.
- The height of the proposal is acceptable in the streetscape context.
- The area of non-compliance resulting from the proposal is not considered to adversely impact on adjoining properties in terms of privacy, overshadowing or visual bulk.
- The objectives of the controls are considered to have been met despite the numerical non-compliance.

OFFICER'S RECOMMENDATION

That the application be approved and delegated authority be granted to the General Manager to issue the consent notice subject to the conditions contained in the attached schedule and that the Clause 4.6 variation for the non-compliance with Clause 4.3 of the WLEP 2012 be accepted for the following reasons:

- **The breach is minor and is the result of lift overruns and plant equipment on the rooftop.**
- **The majority of the building meets the prescribed height limit.**
- **The height of the proposal is acceptable in the streetscape context.**
- **The area of non-compliance resulting from the proposal is not considered to adversely impact on adjoining properties in terms of privacy, overshadowing or visual bulk.**
- **The objectives of the controls are considered to have been met despite the numerical non-compliance.**

Appendix 1 – Neighbour Notification

Raised by:	Issue	Comment
56 Mitchell	Amended proposal has increased amount of car parking which will exacerbate the congestion concerns in peak times.	The proposal is generally compliant with the car parking requirements of the WDCP. An acceptable undersupply of commercial car parking has been provided.
56 Mitchell, 18/18 Northcote, 34/18 Northcote	Height is not in keeping with the area; Height of the building raises concern.	<p>The proposal is marginally non-compliant with the height controls of the WLEP 2012. The non-compliance results from the lift overruns and plant equipment however the top of the roof slabs comply with the respective maximum allowable RL's. The non-compliance is considered to be minimal. Further, the area of non-compliance resulting from the proposal is not considered to adversely impact on adjoining properties in terms of view loss, privacy, overshadowing or visual bulk.</p> <p>The height of the development is generally consistent with the development potential envisaged in the making of the WLEP 2012. Further, Council's Heritage Architect has advised that the proposal responds to the transitional bulk and scale of the surrounding area to the West, with a three-four storey bulk to Northcote Street stepping up to a higher scaled building to the rear.</p>
56 Mitchell, 24 Plunkett, 14 Dargan Street, 34/18 Northcote, 28/18 Northcote, 15/18 Northcote, 25 Plunkett, 33/18 Northcote, 37 Plunkett, 3 Northcote, 22 Plunkett, 13/18 Northcote, 413/3 Herbert St, 11/15A Herbert St, 14/18 Northcote	Traffic impacts	The recently gazetted WLEP 2012 permitted shoptop housing development on the subject site. The proposal is generally compliant with the FSR controls and the height controls and in this regard, is consistent with the development potential envisaged in the making of the WLEP 2012.
56 Mitchell, 14 Dargan Street, 37 Plunkett	Construction impacts	Conditions have been recommended requiring a Construction Management Plan (Condition 18) and a Traffic Management Plan (Condition 19) to mitigate potential construction impacts to surrounding neighbours.
22 Plunkett, 24 Plunkett, 15/18 Northcote, 33/18 Northcote,	Loss of solar access; Overshadowing concerns	No additional overshadowing impact will occur at 18 Northcote Street or 15 Herbert Street between the hours of 9am and 3pm

413/3 Herbert St, 14/18 Northcote		on the winter solstice. As discussed in the assessment section above, minimal overshadowing to the rear yards of 22 and 24 Plunkett Street will occur at 3pm however the proposal is consistent with the solar access controls of the WDCP.
24 Plunkett, 18/18 Northcote, 15/18 Northcote, 33/18 Northcote, 11/15A Herbert St	Loss of privacy	<p>The rear of No.24 Plunkett Street is located approximately 21 metres from the boundary of 2-14 Northcote Street and as such it is considered that there is acceptable visual separation to achieve privacy to this site.</p> <p>The proposal provided more than half of the required RFDC separation distance between the subject site and No. 18 Northcote Street which is reasonable. Further, where the proposed development is within 12 metres of No. 18 Northcote Street and directly faces the balconies of the adjacent property, louvered screens are proposed on the northern edge of the encroaching balconies. It is considered that the proposal provides adequate separation and screening to ensure a reasonable privacy outcome for the future occupants of the development and No. 18 Northcote Street.</p>
24 Plunkett, 15/18 Northcote, 37 Plunkett	Impacts on house value	This is not a matter for assessment in the subject development application.
24 Plunkett	Concerned how long the street trees will take to grow to maturity as they will contribute to screening the development.	The street trees proposed are of a 200 litre pot size which is large and will facilitate the trees reaching maturity at a quicker rate. Further, a condition has been recommended by Council's Landscape Officer which requires a 52 week maintenance period to help establish the trees (Condition 107).
24 Plunkett	Suggests making Schultz Lane a one way going down; make it difficult (by way of shoulder or road block) for motorists to turn from Henry Lane right into Schultz Lane. Speed humps could also be of help.	Speed humps are not used on laneways. The suggestion regarding Schultz Lane has been referred to Council's Traffic section for consideration at the Traffic Committee but should not for a basis for determination.
18/18 Northcote, 28/18 Northcote, 13/18 Northcote	Unclear as to the use of the commercial shops. Concerned they will impact on the amenity of the area if they had late trading hours.	No consent is to be given for the use of the commercial units. Separate development applications will be required for the use of these units.
18/18 Northcote, 28/18 Northcote, 15/18 Northcote	No screening between buildings is shown; Request landscape screening; Insufficient planting proposed along the boundary.	Subsequent to these comments, additional landscape screening has been provided along the boundary with No. 18 Northcote Street. The width of the landscape planting and the proposed species will provide, once matured, reasonable screening to No.18 Northcote Street.

18/18 Northcote, 13/18 Northcote, 28/18 Northcote	There should be a minimum distance from the boundary to ensure sky views and sunlight; Insufficient separation between developments	The proposal provided more than half of the required RFDC separation distance between the subject site and No. 18 Northcote Street which is reasonable. Further, where the proposed development is within 12 metres of No. 18 Northcote Street and directly faces the balconies of the adjacent property, louvered screens are proposed on the northern edge of the encroaching balconies. It is considered that the proposal provides adequate separation and screening to ensure a reasonable privacy outcome for the future occupants of the development and No. 18 Northcote Street.
14 Dargan Street	Area is becoming overdeveloped	The recently gazetted WLEP 2012 permits shoptop housing development on the subject site. The proposal is generally compliant with the FSR controls and the height controls and in this regard, is consistent with the development potential envisaged in the making of the WLEP 2012.
14 Dargan Street	Impact on air quality due to the closing in of the suburb.	The recently gazetted WLEP 2012 permits shoptop housing development on the subject site. The proposal is generally compliant with the FSR controls and the height controls and in this regard, is consistent with the development potential envisaged in the making of the WLEP 2012.
34/18 Northcote	Insufficient detail provided for the child care centre.	As noted in the assessment section above, no approval is given for the child care centre. This will be considered as part of a detailed Stage 2 development application.
28/18 Northcote, 14/18 Northcote, 33/18 Northcote, 15/18 Northcote	Driveway and car park will generate noise; Location of the driveway and truck zone will generate an unacceptable level of noise and garbage storage and collection concerns.	Subsequent to these comments, the driveway and loading bay originally proposed along the northern boundary has been relocated to a more central position. The relocation of the driveway and loading bay will mitigate the potential noise impacts to 18 Northcote Street.
15/18 Northcote, 25 Plunkett	Development is inappropriate for context; Design is not sympathetic to area.	The recently gazetted WLEP 2012 permits shoptop housing development on the subject site. The proposal is generally compliant with the FSR controls and the height controls and in this regard, is consistent with the development potential envisaged in the making of the WLEP 2012. Further, advice has been provided by Council's Heritage Architect on the proposal who has advised that the Northcote Street development provides a clear point of transition between the scale and form of buildings within the Naremburn Conservation Area and the higher density, mixed form of the

		development on the opposite side of Northcote Street.
15/18 Northcote, 33/18 Northcote, 37 Plunkett, 413/3 Herbert St, 11/15A Herbert St	Height, bulk and scale concerns; Height, bulk scale and design is out of character with the area	The recently gazetted WLEP 2012 permits shoptop housing development on the subject site. The proposal is generally compliant with the FSR controls and the height controls and in this regard, is consistent with the development potential envisaged in the making of the WLEP 2012.
37 Plunkett, 15/18 Northcote	Noise impacts	The recently gazetted WLEP 2012 permits shoptop housing development on the subject site. A condition is recommended requiring mechanical equipment to be sound attenuated. No consent is to be given for the use of the commercial units. Separate development applications will be required for the use of these units.
13/18 Northcote, 15/18 Northcote, 25 Plunkett, 37 Plunkett	Insufficient parking; Parking concerns	The proposal is generally compliant with the car parking requirement of the WDCP. An acceptable undersupply of commercial car parking has been provided as discussed in the assessment section above.
15/18 Northcote; 13/18 Northcote	Requests construction details; Construction impacts and timeframes	Details of the construction, including the timeframes, will need to be obtained from the developer. Any consent issued will provide conditions to be complied with during construction.
37 Plunkett, 3 Northcote	Area is becoming overdeveloped.	The recently gazetted WLEP 2012 permits shoptop housing development on the subject site. The proposal is generally compliant with the FSR controls and the height controls and in this regard, is consistent with the development potential envisaged in the making of the WLEP 2012.
22 Plunkett	Noise report has not mentioned the helipad close by.	A condition has been recommended by Council's Environment Health Officer which requires the development to achieve acceptable internal noise levels for the residential dwellings (Condition 25).
13/18 Northcote	Requests the protection of access to Talus Reserve walkway directly through driveways from Northcote St.	No public pedestrian right of way appears to be registered on title for 2-14 Northcote Street as such there is no requirement to provide a public accessway through the site.
13/18 Northcote	Requests the protection of the northwest pedestrian emergency exit at 18 Northcote St.	Emergency exits are not to rely on the private land of the adjoining neighbours and should exit onto public land. There are no pedestrian easements benefiting No.18 over the subject site. It is noted that the emergency exit, egresses to the rear of the site and in this regard there is a width of approximately 1.8 metres (at its narrowest point) of public land which will enable an exit onto a public place. The proposal includes landscaping of

		this public land with a combination of low native grasses and black she-oaks. It is considered that this landscape treatment will not prevent a path of travel for the residents of No.18 in the event of an emergency.
13/18 Northcote	Requests protection of vegetation at 18 Northcote St along the boundary with 14 Northcote	A condition is recommended stating no approval is given for the removal of trees or vegetation at No. 18 Northcote Street.
13/18 Northcote	Requests protection of reception of digital broadcast TV at 18 Northcote St.	No guarantee can be provided as to digital TV reception. It is noted that the proposal generally complies with the FSR and height controls applicable to the site.
13/18 Northcote	Requests appropriate vegetation to be replanted on roadside of 2-14 Northcote St.	The proposal includes the planting of watergums along the frontage of the site.
413/3 Herbert St	Needs more commercial development	The recently gazetted WLEP 2012 permits shoptop housing development on the subject site. The proposal provides the required commercial component in numerical terms in accordance with the WDCP.
13/28 Northcote	Supports proposal	Noted.

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 – Stage 1

The development of Stage 1 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	DA115	B	31.07.2013	05.08.2013	PopovBass Achitects
Architectural	DA116	C	06.09.2013	09.09.2013	PopovBass Achitects
Architectural	DA116A	B	06.09.2013	09.09.2013	PopovBass Achitects
Architectural	DA117	C	06.09.2013	09.09.2013	PopovBass Achitects
Architectural	DA118	C	06.09.2013	09.09.2013	PopovBass Achitects
Architectural	DA119	C	05.09.2013	09.09.2013	PopovBass Achitects
Architectural	DA120	B	31.07.2013	05.08.2013	PopovBass Achitects
Architectural	DA121	B	31.07.2013	05.08.2013	PopovBass Achitects
Architectural	DA122	B	31.07.2013	05.08.2013	PopovBass Achitects
Architectural	DA123	B	31.07.2013	05.08.2013	PopovBass Achitects
Architectural	DA124	B	31.07.2013	05.08.2013	PopovBass Achitects
Architectural	DA125	B	31.07.2013	05.08.2013	PopovBass Achitects
Architectural	DA126	B	31.07.2013	05.08.2013	PopovBass Achitects
Architectural	DA127	B	31.07.2013	05.08.2013	PopovBass Achitects
Architectural	DA128	B	31.07.2013	05.08.2013	PopovBass Achitects
Architectural	DA129	B	31.07.2013	05.08.2013	PopovBass Achitects
Architectural	DA130	B	31.07.2013	05.08.2013	PopovBass Achitects
Architectural	DA131	B	31.07.2013	05.08.2013	PopovBass Achitects
Architectural	DA132	B	31.07.2013	05.08.2013	PopovBass Achitects
Architectural	DA133	B	31.07.2013	05.08.2013	PopovBass Achitects
Architectural	DA134	B	31.07.2013	05.08.2013	PopovBass Achitects

Architectural	DA135	B	31.07.2013	05.08.2013	PopovBass Achitects
Architectural	DA136	B	31.07.2013	05.08.2013	PopovBass Achitects
Architectural	DA137	B	31.07.2013	05.08.2013	PopovBass Achitects
Architectural	DA141	B	31.07.2013	05.08.2013	PopovBass Achitects
Landscape	LPDA13-286/1	E	29.07.2013	05.08.2013	Conzept
Landscape	LPDA13-286/2	E	29.07.2013	05.08.2013	Conzept
Landscape	LPDA13-286/3	D	29.07.2013	05.08.2013	Conzept
Drainage	SW-000	D	01.08.2013	05.08.2013	Insync Services
Drainage	SW-001	D	01.08.2013	05.08.2013	Insync Services
Drainage	SW-100	B	01.08.2013	05.08.2013	Insync Services
Drainage	SW-101	B	01.08.2013	05.08.2013	Insync Services
Drainage	SW-102	E	01.08.2013	05.08.2013	Insync Services
Drainage	SW-103	E	01.08.2013	05.08.2013	Insync Services
Drainage	SW-104	E	01.08.2013	05.08.2013	Insync Services
Drainage	SW-105	E	01.08.2013	05.08.2013	Insync Services
Drainage	SW-106	D	01.08.2013	05.08.2013	Insync Services
Drainage	SW-107	D	01.08.2013	05.08.2013	Insync Services
Drainage	SW-108	D	01.08.2013	05.08.2013	Insync Services
Drainage	SW-109	D	01.08.2013	05.08.2013	Insync Services
Drainage	SW-110	D	01.08.2013	05.08.2013	Insync Services
Drainage	SW-111	D	01.08.2013	05.08.2013	Insync Services
Drainage	SW-112	D	01.08.2013	05.08.2013	Insync Services
Drainage	SW-113	D	01.08.2013	05.08.2013	Insync Services
Drainage	SW-114	B	01.08.2013	05.08.2013	Insync Services

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)

2. Approved Plan/Details – Stage 2

The Stage 2 development approval is limited to the building envelope and general arrangement of uses within the Stage 2 development, being basement level carparking, commercial uses on Level 03 and Level 04 (but no approval is given for the specific commercial uses including the child care centre) and residential development, in accordance with the following plans:

Type	Plan No.	Revision / Issue No	Plan Date (as Amended)	Date Stamped by Council	Prepared by
Architectural	DA100	B	31.07.2013	05.08.2013	PopovBass Architects
Architectural	DA102	B	31.07.2013	05.08.2013	PopovBass Architects
Architectural	DA102A	B	31.07.2013	05.08.2013	PopovBass Architects
Architectural	DA103	B	31.07.2013	05.08.2013	PopovBass Architects
Architectural	DA104	B	31.07.2013	05.08.2013	PopovBass Architects
Architectural	DA105	B	31.07.2013	05.08.2013	PopovBass Architects
Architectural	DA106	B	31.07.2013	05.08.2013	PopovBass Architects
Architectural	DA107	B	31.07.2013	05.08.2013	PopovBass Architects
Architectural	DA108	B	31.07.2013	05.08.2013	PopovBass Architects
Architectural	DA109	B	31.07.2013	05.08.2013	PopovBass Architects
Architectural	DA110	B	31.07.2013	05.08.2013	PopovBass Architects
Architectural	DA111	B	31.07.2013	05.08.2013	PopovBass Architects
Architectural	DA112	B	31.07.2013	05.08.2013	PopovBass Architects
Landscape	LPDA13-286/4	A	29.07.2013	05.08.2013	Conzept

and as amended by the conditions of this consent.

In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.
(Reason: Information and ensure compliance)

3. Matters not approved within the Stage 2 Development

The following items within Stage 2 are not approved and do not form part of this consent:

- (a) The layout and number of residential units, car parking spaces, the arrangement of the basement levels.
 - (b) The commercial and child care uses.
 - (c) The detailed design including services.
- (Reason: Ensure compliance)

4. Stage 2 to be contained within approved envelope

The detailed design including the location of services developed under any future Stage 2 development application shall be contained within the building footprint and envelope approved as part of this consent. The stage 2 design must meet the following requirements in any development application lodged:

- (a) The GFA of Stage 2 is not to exceed 5296m².
- (b) The design of Stage 2 must be integrated and harmonious with the Stage 1 design.
- (c) The building footprint is to be modified so that the north-western edge of the balconies which directly adjoin Stage 1 as shown in the masterplan design of Stage 2 are to be setback an additional 2.5 metres to provide a more emphasised break in the built form.
- (d) The corner of Northcote Street and Evans Lane is to act as a gateway identifier.
- (e) The treatment of the Evans Lane frontage is to promote passive surveillance.
- (f) Separate lift access is to be provided for any child care use which may be approved within Stage 2.
- (g) Separate residential and commercial (including child care, in the event of its approval) secure entrances are to be provided and clearly identified.
- (h) Vehicular ingress/egress shall be provided from Evans Lane.
- (i) A shared Stage 1 and Stage 2 loading bay is to be provided in the location shown on Plan DA103 dated 31.07.2013, date stamped by Council 05.08.2013, prepared by PopovBass Architects.
- (j) Provision is to be made to rationalise garbage and loading/unloading areas with Stage 1 to minimise potential pedestrian and vehicle conflict.
- (k) The landscaping of Level 02 shall be in accordance with Plan LPDA13-286/4 dated 29.07.2013, date stamped by Council 05.08.2013, prepared by Conzept as amended by conditions above.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of a construction certificate for Stage 1.

5. Amendments

The proposal is to be amended in the following manner:

- (a) The 7 commercial car parking spaces located on Level 00 are to be relocated to Level 03.
- (b) 12 car parking spaces located on Level 03 are to be publicly accessible during the operating hours of the commercial units. In this respect 4 of these spaces are to be made available to commercial and residential visitors to the site. The remaining 8 spaces are to be made available for the use of both the commercial visitors and staff to the premises. Plans are to be amended to reflect this.
- (c) Plans are to be amended to show secure access being provided to the residential car parking area.
- (d) Those storage areas shown on Level 03 which are publicly accessible are to be relocated to a secured area which is not publicly accessible.

Plans detailing these amendments are required to be shown on the Construction Certificate plans.
(Reason: Ensure compliance)

6. Section 94A Contributions

A cash contribution of \$179,378.70 (subject to indexing as outlined below) is to be paid in accordance with Section 94A of the Environmental Planning and Assessment Act, 1979.

This contribution is based on 1% of the estimated development cost of Stage 1 works being \$17,937,870 at 23.04.2013 and the adopted Section 94A Contributions Plan.

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

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

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

Where:

NL is the new section 94A levy

Lo is the original levy

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

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

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

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

7. Services - Notification to Sydney Water

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

8. External Materials and Cladding – Reflectivity

The roofing and cladding of the proposed building are to be of minimal reflectance so as to avoid nuisance in the form of glare or reflections to the occupants of nearby buildings, pedestrians and/or motorists. Detailed specifications complying with this condition of consent must be submitted to the certifying authority and endorsed with the Construction Certificate.
(Reason: Avoid nuisance and ensure compliance)

9. Disabled car parking spaces

Prior to the issue of the Construction Certificate, plans are to be amended to show all disabled parking spaces with a width of 2.4m and a 2.4m wide unloading area adjacent. Further, the plans are to show the disabled parking unloading areas fitted with a bollard sited 800m from the aisle end of the shared unloading bay as indicated on fig 2.2 of AS 2890.6:2009.
(Ensure Compliance)

10. Additional Details and/or Information for Construction Certificate

Any requirements outlined by conditions of this consent requiring changes to be noted on plans and/or information to be submitted including compliance with the Building Code of Australia are to be incorporated within the Construction Certificate plans and/or documentation.
(Reason: Ensure Compliance)

11. Damage Deposit (Stage 1)

The applicant shall lodge a Damage Deposit for Stage 1 of \$60000 (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 for Stage 1. The deposit will be refundable subject to inspection by Council after the completion of all works relating to the proposed development for Stage 1. For the purpose of inspections carried out by Council Engineers, an inspection fee of \$660 (GST Exempt) 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)

12. 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)

13. CCTV Report of Existing Council Pipe System

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

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

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

(Reason: Protection of public asset)

14. Stormwater to Council's Drainage System

Stormwater runoff from the site shall be collected and conveyed to the underground drainage system in accordance with Council's specification. A grated drainage pit (min. 600mm x 600mm) shall be provided within the property and adjacent to the boundary prior to discharging to the Council's drainage system. In this regard, full design and construction details showing the method of disposal of surface and roof water from the site are to be submitted to Council for approval.

(Reason: Prevent nuisance flooding)

15. Detailed Stormwater Management Plan (SWMP)

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

(Reason: Ensure Compliance)

16. Basement Pumpout Drainage System

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

- The pumpout drainage system shall comprise with two (2) submersible type pumps. The two pumps shall be designed to work on an alternative basis to ensure both pumps receive equal use and neither remains continuously idle.
- Each pump shall have a minimum capacity of 10L/s or shall be based on the

flow rate generated from the 1 in 100 year ARI 5-minutes duration storm event of the area draining into the system, whichever is greater.

- An alarm warning device (including signage and flashing strobe light) shall be provided for the pump-out system to advise the occupant of pump failure. The location of the signage and flashing strobe light shall be shown on the stormwater management plans.
- The volume of the pump-out tank shall be designed with a minimum storage capacity equivalent to the runoff volume generated from of the area draining into the tank for the 1 in 100 year ARI 2-hours duration storm event.

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

(Reason: Prevent nuisance flooding)

17. Overland Flow/Flood Level

A suitably qualified and experienced civil engineer must certify that the finished floor levels of the proposed building and carparking area have a minimum freeboard of 500mm and 300mm respectively above the 1:100 year ARI flood event, which is conveyed through the site.

The engineer must undertake an assessment of the critical flows as determined necessary to satisfy this condition. Where floor levels need to be raised or other flood protection measures are deemed necessary, details must be submitted and approved by the Principal Certifying Authority.

(Reason: Prevent property damage)

18. Construction Management Plan (CMP)

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

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

(Reason: Compliance)

19. Traffic Management Plan

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

- a) Be prepared by a RMS accredited consultant.
- b) Implement a public information campaign to inform any road changes well in advance of each change. The campaign shall be approved by the Traffic Committee.
- c) Nominate a contact person who is to have authority without reference to other persons to comply with instructions issued by Council's Traffic Engineer or the Police.
- d) Temporary road closures shall be confined to weekends and off-peak hour

times and are subject to the approval of Council. Prior to implementation of any road closure during construction, Council shall be advised of these changes and a Traffic Control Plan shall be submitted to Council for approval. This Plan shall include times and dates of changes, measures, signage, road markings and any temporary traffic control measures.

- e) Detail the location, sizes and duration of any Work Zones, truck access routes, parking arrangements for site workers and arrangements for scheduling of deliveries particularly during excavation and concrete pour stages.

(Reason: Public safety and amenity)

20. Vehicle Access – Engineer’s Certification

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 the architectural drawings and the structural drawings, and must make specific reference to the following:

- a) That finished 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 metres from the property boundary to the basement.
- c) That the proposed vehicular path and parking arrangements comply in full with AS2890.1 – 2004 in terms of minimum dimensions provided,
- d) That the headroom clearance of minimum 2.2 metres between the basement floor and any overhead obstruction is provided which complies with Section 5.3.1 of AS 2890.1 and Section 2.4 of AS2890.6.
- e) That the headroom clearance of minimum 2.5 metres is provided to all parking spaces for people with disabilities which complies with Section 2.4 of AS2890.6.
- f) Minimum dimensions of 2.4m x 5.4m shared area shall be provided adjacent all disabled parking spaces to comply with AS2890.6. Bollards shall be provided at the location on each shared area specified in AS2890.6 which shall be clearly labelled and shown on plans.
- g) That the headroom clearance of minimum 4.5 metres has been provided for the loading area for medium rigid vehicles which complies with AS2890.2.

(Reason: Ensure Compliance)

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

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

- Construction of 1.2 metres footpath (max. 2.5% crossfall) for the full frontage of the site in Northcote Street (Stage 1 and Stage 2). All Adjustments to public utility services and associated construction works in the nature strip are to be at the full cost to the applicant. Detailed long section and cross sections at 5 metres interval shall be provided.
- Construction of new kerb and gutter for the full frontage of the development site (Stage 1 and Stage 2) in Northcote Street and Evans Lane with 5 metres wide road restoration. Detailed long sections and cross-section at 5m interval shall be provided.

- Construction of a 2 x new vehicular crossings in Northcote Street and Evans Lane entries (Stage 1 and Stage 2). The design levels at the property boundary shall be in accordance with the revised long sections.
- The existing pedestrian bridge over Council's stormwater channel shall be removed.

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)

22. Steep Vehicular Access – Provide Longitudinal Sections

Prior to issue of any Construction Certificate, The applicant shall submit longitudinal sections along each side/edge of each proposed vehicular accesses path drawn at 1:20 Scale. The driveway is to be designed using Council's standard vehicle profile attached (SD100) and for MR vehicles. The longitudinal sections shall be prepared by a suitably qualified person and shall include the following: -

- Horizontal distance from the centreline of the road to the proposed parking slab, including provision of Council's standard layback as per Council's standard drawing SD105 which is available from Council's website. Council's standard layback is 500mm deep and the back of layback is 100mm above the gutter invert.
- Both existing and proposed levels (in AHD) and gradients represented in percentage of the vehicular crossing and driveway.

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

- The crossfall on road pavement – 4.5% over 2.5m wide from the back of the gutter lip
- The gutter invert level – remain as the existing gutter invert level
- At back of layback – 100 mm above and parallel to the gutter invert
- At property boundary (Northcote Street) – 150 mm above and parallel to the gutter invert
- At property boundary (Evans Lane) – 100 mm above and parallel to the gutter invert

Any footpath which forms part of the proposed crossing shall have a maximum crossfall of 2.5%. All driveway grades and transitions shall comply with AS 2890.1 - 2004 and Council's specifications. The suitability of the grade of driveway inside the property is the sole responsibility of the applicant and the required alignment levels fixed by Council may impact upon these levels.

The longitudinal section must demonstrate that a maximum gradient of 5% has been provided for the first 6 metres from the property boundary into the basement and a minimum clearance of 2.5 metres (clear from any proposed roller shutter or building above) at the basement entrance can be achieved to comply with AS2890.1.
(Reason: Ensure compliance)

23. Geotechnical Report

Submit to the accredited certifier a geotechnical engineer's report of the proposed geotechnical works including excavation, piling, and shoring. The report shall specifically address safety issues. A report from the Geotechnical Engineer shall be submitted to Council for record purposes.
(Reason: Safety & Amenity)

24. Design of Retaining walls

All proposed retaining wall with an overall height of 600 mm or over within the private properties shall be designed by a competent Structural Engineer. Design drawings prepared by a suitably qualified and experienced Structural Engineer shall be submitted to the Accredited Certifier for approval prior to issue of any Construction Certificate.
(Reason: Ensure compliance)

25. 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	Criteria $L_{Aeq(period)}$
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.
3. Noise that is required to be considered in applying the above criteria shall include noise from road, rail, local air traffic, retail/commercial uses operating within the building and nearby noise sources from existing plant and equipment.

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)

26. 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) AS1668.2-2012 – The use of ventilation and air conditioning in Buildings

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

27. Contamination Detailed investigation

A Detailed Site Investigation shall be prepared by a suitably qualified contaminated land consultant and shall be in accordance with:

- a) Environment Protection Authority (EPA) 'Contaminated Sites - 'Guidelines for Consultants Reporting on Contaminated Sites'; and
- b) Managing Land Contamination Planning Guidelines SEPP55 - Remediation of Land

The detailed site investigation shall provide information about the extent of contamination if any and the risks of the contaminants to health and the environment. The investigations shall also address all recommendations in the Preliminary Site Assessment prepared by **Environmental Investigation Services (EIS) Ref. No: E26251Krpt dated February 2013**. The report shall be submitted to Principal Certifying Authority and a copy to Council for review and concurrence.
(Reason: Environment and Health Protection)

28. Hazardous Building Material Assessment

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

(Reason: Environmental protection/public health and safety)

29. Noise Mechanical Services

To minimise the impact of noise onto residential receivers, all mechanical services shall be designed and installed to ensure ambient noise levels are maintained. Details of the proposed equipment, siting and any attenuation required shall accompany the application for Construction Certificate.

(Reason: Amenity)

30. Garbage Bin Storage Room

The garbage bin storage room shall be constructed in accordance with the requirements of Council's DCP 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 room must be fitted with an electronic overhead roller door.
 - h) Metal bollards must be installed to protect the entry door frames from impacts but must not obstruct access to the bin storage room.
- (Reasons: Waste Storage, Amenity)

PRIOR TO COMMENCEMENT

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development (Stage 1) comply with all relevant requirements. All of these conditions are to be complied with prior to the commencement of any works on the site.

31. 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 with the application satisfy this requirement.
(Reason: Visual amenity)

32. Waste Management Plan

A Construction and Demolition Waste Management Plan which provides details of specific strategies to salvage and recycle a minimum of 85% of used and unused demolition and construction materials shall be submitted to the Principal Certifying Authority.
(Reason: Environment Protection/Waste Reduction)

33. 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)

34. Site Management

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

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

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

35. Dilapidation Report of Adjoining Properties

Submit a photographic survey and report of the adjoining properties to the PCA and all owners of these adjoining properties. Such photographic survey and report shall be prepared by a suitably qualified person, detailing the physical condition of these properties, both internal and external including items as walls, ceilings, roof, structural members and other items as necessary.

In the event of a property owner refusing to allow access to carry out the photographic survey, the proponent must demonstrate in writing to the PCA, and provide a copy to Council, that the purpose of the survey was made clear to the property owner and that reasonable attempts to obtain access were made.
(Reason: Protection of adjoining owners)

36. Geotechnical Report

The site and adjoining sites (including the road reserve or other public space) are to be inspected by an independent Geotechnical Engineer and a comprehensive report shall be submitted to the accredited certifier indicating how the work is to be undertaken with safety, and identifying the stages at which the engineers' personal supervision is to occur during the works.
(Reason: Protection of adjoining properties)

37. Dilapidation Report of Council's Property

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

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

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

(Reason: Protection of Council's infrastructure)

38. 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)

39. 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)

40. 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)

41. Spoil Route Plan

Submit a "to and from" spoil removal route plan to Council prior to the commencement of excavation on the site. Such a route plan should show entry and exit locations of all truck movements.
(Reason: Public amenity)

DURING DEMOLITION, EXCAVATION AND CONSTRUCTION

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

42. 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)

43. 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)

44. 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)

45. 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)

46. Demolition Work AS 2601

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

(Reason: Safety)

47. Asbestos Removal

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

Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS 2601 – The Demolition of Structures.
(Reason: Public Health & Safety/Ensure Compliance)

48. 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)

49. 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)

50. 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)

51. Footings Near Easement

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

(Reason: Protection of public asset)

52. Structures to Clear of Council's Drainage Infrastructure

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

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

All proposed structures and construction activities shall be located clear of Council drainage pipes, drainage easements, watercourses and/or trunk overland flow paths on the site. Trunk or dedicated overland flow paths shall not be impeded or diverted

by fill or structures unless otherwise approved by Council. In the event of a Council drainage pipeline being uncovered during construction, all work in the vicinity of the this area shall cease and the Principal Certifying Authority and Council shall be contacted immediately for advice. Any damage caused to a Council drainage system must be immediately repaired in full as directed, and at no cost to Council.
(Reason: Protection of public assets)

53. 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)

54. Tree Protection

- i) Retain and protect the following trees and vegetation throughout the demolition and construction period:
All trees not indicated for removal on Landscape Plan Drawing Number 1 E dated 29/07/13 by Concept.
 - 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)

55. No Access through Public Open Space

Site access is not approved for construction of the development, through adjacent public land other than for approved landscape works.
(Reason: Safety, landscape amenity, tree protection)

56. Storage of Materials on Council Land Prohibited

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

57. Waste Classification – Excavation Materials

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

58. Importation of Fill

Any material to be imported onto the site for levelling, construction or engineering purposes must satisfy the Office of Environment & Heritage (OEH) requirements for *virgin excavated natural material* (VENM), or *excavated natural material* (ENM). The determination of VENM or ENM must be made by suitable qualified consultant. Pre-certification of the imported material shall be made and details made available to Council upon request.

(Reason: Environment & Health Protection)

59. Unexpected Finds Protocol

An unexpected finds contingency plan should be incorporated into site redevelopment works. In the event that previously unidentified contaminated soils or materials are identified during site redevelopment, works should cease in the immediate vicinity and the affected area isolated to minimise disturbance. A suitably qualified contaminated site consultant should be engaged to assess the degree, type and extent of contamination and establish a suitable remediation plan. The Site Manager/landowner shall notify Council in writing when they become aware of any contamination.

(Reason: Environment & Health Protection)

PRIOR TO OCCUPATION OF THE DEVELOPMENT

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

60. Section 73 Compliance Certificate

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

The Section 73 Certificate must be submitted to the Principal Certifying Authority.

(Reason: Ensure Statutory Compliance)

61. Disabled car parking spaces

Prior to the issues of the Occupation Certificate, all disabled parking spaces shall be 2.4m in width with a 2.4m wide unloading area adjacent. The unloading areas shall be hatched, marked with a painted disabled parking logo and fitted with a bollard sited 800m from the aisle end of the shared unloading bay as indicated on Fig 2.2 of AS 2890.6:2009.

(Reason: Ensure Compliance)

62. 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)

63. 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)

64. 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. All parking spaces shall be denoted on site with their specified use eg "Resident", "Commercial", "Visitor" etc.

(Reason: Ensure compliance)

65. Registration of Plan of Consolidation

All individual allotments involved in the Stage 1 development site being consolidated into a single allotment and evidence of the registration of the plan of consolidation to be submitted to Council.

(Reason: Ensure compliance)

66. Visitor Parking Spaces

The residential visitor car parking spaces are to be physically identified on site, and maintained free of obstruction for the exclusive use of visitors to the premises at all times.

(Reason: Amenity)

67. Adjustment to overhead services

Prior to issue of an occupation certificate, all existing electricity supply mains and other overhead services along the full frontages of Northcote Street must be bundled to reduce the visual clutter and improve the visual amenity of the streetscape. The bundling is to be carried out in accordance with the requirements and specifications of the relevant utility service provider at the full cost to the developer. All new services and electricity connections to the new development shall be underground.

(Reason: Streetscape amenity)

68. 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)

69. Residential Flat Building - Service Facilities

The following shall apply to the development:

- i. Electricity and telephone lines must be placed underground from the street to

the building.

- ii. One storage area shall be allocated to each unit.
- iii. A master TV antenna or satellite dish is to be provided for the building. This shall suitably screened from view from the street.
- iv. All plumbing pipes and installations must be concealed in ducts and not exposed on the external walls of the building and must be adequately soundproofed.
- v. Secure bicycle parking facilities shall be provided in accordance with Willoughby Development Control Plan Part C.4 and designed in accordance with AS2890.3.

(Reason: Ensure compliance, streetscape and amenity)

70. 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 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.
- iii. Security keying of lifts and doors and other measures must be implemented for access control to the building entries, and car parking areas.
- iv. 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.
- v. Adequate signage within the development to identify facilities, entry/exit points and direct movement within the development.
- vi. A small portion of each storage area shall be of solid construction (i.e. cupboard.)
- vii. Access to fire egress stairs must be armed with alarm system with suitable warning signs, and shall only be used during an emergency.

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

71. Commercial Parking Spaces

All commercial car spaces must be physically identified on site, and maintained free of obstruction for the use of both visitors and staff to the premises at all times.

(Reason: Amenity)

72. Residential Flat Building - Screening of Rooftop Plant/Structures

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

(Reason: Visual amenity)

73. 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)

74. CCTV Report of Council Pipe System After Work

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

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

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

(Reason: Ensure compliance and protection of public asset)

75. Inspection of Drainage Connection to Council's Drainage Line

Inspection of drainage connection works to the existing Council's pipeline/pit shall be carried out by Council's Engineer. A completion certificate shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority. For the purpose of inspections carried out by Council Engineer, the corresponding fees set out in Council's current Fees and Charges Schedule are payable to Council.

(Reason: Ensure compliance)

76. On-site Water Management System

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

77. OSD System

The applicant shall supply and install OSD tank with a minimum storage volume of 87 m³ in accordance with the approved stormwater plans, 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 laundry, toilet flushing and landscape irrigation. The rainwater tank shall be located behind the front alignment of the building to which the tank is connected.

(Reason: Ensure compliance and conserve natural resources)

78. Sign for On Site Detention System

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

The wording for the plaque shall state *"This is the OSD 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)

79. Confined Space Sign

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

(Reason: Safe access to tank)

80. 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)

81. 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)

82. 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)

83. S88B/S88E(3) Instrument

Create Positive Covenant and Restriction on the Use of Land on the Title in favour of Council as the benefiting authority for the as-built OSD system. The standard wording of the terms of the Positive Covenant and Restriction on the Use of Land are available in Council's Technical Standards.

The above instruments shall be created under Section 88B of the Conveyancing Act 1919 for newly created lots. For an existing lot, the instruments can be created under Section 88E(3) of the Conveyancing Act 1919 using Form 13PC and 13RPA respectively. The relative location of the OSD system, in relation to the building footprint, must be shown on the final plan of subdivision/strata plan or must be shown on the scale sketch, attached as an annexure to the request 13PC and 13RPA forms. The S88B instrument or 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)

84. 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)

85. Creation of a Floodway Restriction

Create a Restriction on the Use of the Land on the title of the subject property under Section 88E(3) of the Conveyance Act 1919 by using Form 13RPA obtainable from the NSW Department of Lands. The restriction is to be placed over the 100 year ARI flood path identified in the flood report by CPM Engineering, dated July 2013 for stage 1 and 2. The extent of the identified overland floodpath within the subject site, shall be shown on a scale sketch, attached as an annexure to the request forms.

The wording for the restriction shall state *"No placement of any structures, walls, fences, fill or other items which may impede the 100 year ARI flood path within the identified flood zone shall be permitted"*.

Willoughby City Council shall be the authority empowered to release, carry or modify the restriction. Documentary evidence of registration of the instrument with the Land and Property Information shall be submitted to Council and the Principal Certifying Authority.

(Reason: Ensure unimpeded floodwater conveyance)

86. 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)

87. Splay Corner for Fence

In order to ensure adequate sight distances for pedestrians and traffic in the frontage road, the boundary fence shall be designed and constructed by a 2m x 2.5m splay on both sides of the driveway exit.

(Reason: Pedestrian safety)

88. Construction of Kerb & Gutter

Construct new kerb and gutter together with any necessary associated pavement restoration in accordance with Council's specification for the full frontage of the development site for stage 1 with associated pavement restoration 5 metre wide in Northcote Street.

(Reason: Public amenity)

89. Reconstruct Pavement

Half the road pavement including any necessary associated works adjoining to the full frontage of the development site for stage 1 shall be reconstructed in accordance with Council's approved drawings, conditions and specification (AUS-SPEC).

Council's standard design traffic for this pavement is ESA (5x10⁶).

(Reason: Ensure compliance)

90. Concrete Footpath

Construct a 1.2 m wide concrete footpath for the full frontage/stage 1 of the development site in Northcote Street. All works shall be carried out in accordance with Council's standard specification and drawings.

(Reason: Public amenity)

91. Vehicular Crossing

Construct a new vehicular crossing including the replacement of the existing layback and/or gutter and any associated road restoration as directed by Council's Engineers. All works shall be carried out 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 crossing is to be 6 metres wide with no splays and is to be constructed at right angles to the street kerb in plain concrete. The new crossing shall be located no closer than 1 metre from any power pole and 2 metres from any street tree unless otherwise approved by Council. The centreline of the new crossing shall be "in-line" with the centreline of the parking space(s).

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 – 150mm 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 10 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) and submitted to the Principal Certifying Authority prior to issue of any Occupation Certificate.
(Reason: Public amenity)

92. 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.

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

93. 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)

94. Performance Bond (Stage 1)

The Applicant shall lodge with the Council a performance bond for Stage 1 of \$30000 against defective public civil works undertaken by the main Contractor for a period of twelve (24) months from the date of the completion certificate for Stage 1 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)

95. 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)

96. Vehicle Access - Construction & Certification

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,
- b) That a maximum gradient of 5% has been provided for the first 6 metres from the property boundary to the basement.
- c) That finished driveway gradients and transitions will not result in the scraping of the underside of cars.
- d) All parking spaces are open type with no partitions.
- e) That the as-constructed vehicular path and parking arrangements comply in full with AS2890.1 – 2004 in terms of minimum dimensions provided,
- f) 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.
- h) 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.
- i) That the headroom clearance of minimum 4.5 metres has been provided for the loading area for medium rigid vehicles which complies with AS2890.2.
- j) Minimum dimensions of 2.4m x 5.4m shared area shall be provided adjacent all disabled parking spaces to comply with AS2890.6. Bollards shall be provided at the location on each shared area specified in AS2890.6 which shall be clearly labelled and shown on plans.

(Reason: Ensure Compliance)

97. Public Works for Stage 1

Prior to the issue of any Occupation Certificate, the Applicant shall complete the construction of the kerb and gutter, footpath, road pavement and all associated civil works for stage 1.

(Reason: Public amenity)

98. Tree Planting

- i) Trees shall be planted in accordance with Landscape Plans Drawing Numbers LPDA13/268/1 Rev E, LPDA13/268/2 Rev E, LPDA13/268/3 Rev D and LPDA13/268/4 Rev A prepared by Conzept.
- ii) Pot sizes and locations are to be in accordance with the above plans.

(Reason: Landscape Amenity)

99. 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)

100. Public Tree Planting

- i) Public trees shall be planted in accordance with Landscape Masterplan Drawing No. 1 Issue E prepared by Conzept
 - ii) The trees shall:
 - i. Have a minimum container size as shown on the Landscape Masterplan and grown to NATSPEC 2 "Guide Specifying Trees", (2003).
 - ii. Be planted in accordance with WCC Landscape Specification 08/2007 "Street Tree Planting".
 - iii. Be planted generally in alignment with other street trees.
- (Reason: Landscape amenity, tree canopy recruitment)

101. Sound Level Output Certification

The sound level output from the use of the premises and from 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)

102. Acoustic Treatment – Certification

Certification shall be provided from a suitably qualified acoustic engineer certifying that the acoustic treatment of the building complies with the construction details approved and the relevant design noise criteria.

(Reason: Amenity)

103. Certification – Ventilation

Certification shall be provided 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 relevant Australian Standards and or alternative solution.

(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.

104. Commercial Waste Collection Times

Commercial waste collection is to take place between the following hours:

Mon – Friday: 7am – 10pm
Weekends and public holidays 8am – 10pm
(Reason: Protect neighbourhood amenity)

105. On-site Car Parking

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

- 64 residential spaces, including 7 disabled spaces (allocated to adaptable units).
- 8 commercial spaces located on Level 03; only one space shall be dedicated to each commercial tenancy and any additional commercial car spaces shall be made available for customer car parking.
- 4 shared residential and commercial visitor/customer car spaces, including 2 disabled car spaces located on Level 03.
- 12 dedicated residential visitor car spaces.

(Reason: Ensure compliance)

106. 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 Northcote Street or from any appurtenant right of way.

(Reason: Access and amenity)

107. Road Reserve Planting

Planting proposed within the road reserve is to be undertaken subject to the following conditions:

- i) The cost of all works being borne by the applicant.
- ii) All service location checks and liability being the responsibility of the applicant.
- iii) The applicant is to maintain the planting in the road reserve for a period of 52 weeks following planting. The Plants are to be maintained in a healthy condition, weeds suppressed and any dead plant material replaced. Following the 52 week maintenance period, the applicant is to contact Council's Open Space Section to arrange a site inspection prior to handover to Council.
- iv) Council retains the right to prune or remove the planting as may be required for road or service maintenance and safety.

(Reason: Management of public assets)

108. Maximum Shop FSR

The maximum floor space ratio for all shops at 2–14 Northcote Street, Naremburn, must not exceed 0.2:1.

(Reason: Ensure compliance)

109. Separate Development Consent – Various

No consent is granted or implied for the use of the commercial premises of the approved building or installation of signage as part of this development consent. The use/occupation of any of the approved commercial units/premises, and any signage shall be the subject of a separate development application.

(Reason: Ensure compliance)

110. Active Street Frontage

The commercial uses fronting Northcote Street are only to comprise business or retail premises to maintain an active street frontage.
(Reason: Ensure compliance)

111. 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)

112. 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)

113. 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 except for those trees identified for removal in the nature strip as shown in landscape plan LPDA13-286/1 rev E prepared by Conzept.
(Reason: Environmental protection)

114. 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)

115. Dust Control

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

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

- system.
- d) All stockpiles of materials that are likely to generate dust must be kept damp or covered.
 - e) Demolition work must not be carried out during high winds, which may cause dust to spread beyond the boundaries of the site.
- (Reason: Amenity)

116. Construction Noise

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

(Reason: Amenity)

117. Bin Maintenance

The garbage and recycling bins shall be cleaned periodically at 3 – 6 month intervals and maintained in working order.

(Reason: Health and Amenity)

118. Temporary bin location

All bins must be moved to a temporary bin location adjacent to the waste vehicle loading area, and bins must be returned to the bin rooms as soon as is practical following serving of the bins.

(Reason: Ensure compliance)

PRESCRIBED CONDITIONS

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

119. 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)

120. Support for Neighbouring Buildings

- (1) If development involves an excavation that extends below the level of the base of the footings of a building on an adjoining property, the person having the benefit of the development consent must, at the person's own expense:
 - a) protect and support the adjoining premises from possible damage from the excavation, and
 - b) if necessary, underpin and support the adjoining premises to prevent any such damage, and
 - c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being

erected or demolished.

- (2) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
- (3) In this clause, "allotment of land" includes a public road and any other public place.

(Reason: Safety)

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

121. 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)

122. 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)

123. 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)