

JOINT REGIONAL PLANNING PANEL REPORT

1 Anderson Street, CHATSWOOD NSW 2067. (Ward: West Ward)

JRPP NO: 2014SYE010
DA NO: DA-2013/557
COUNCIL: WILLOUGHBY CITY COUNCIL
ADDRESS: 1 ANDERSON STREET, CHATSWOOD
DATE: 23-JUN-2014

RECOMMENDATION:

LOCATION: 1 ANDERSON STREET, CHATSWOOD NSW 2067.
OWNER: P T LIMITED
APPLICANT: MR CHRIS BARNETT (WESTFIELD)
PROPOSAL: DEMOLITION OF THE TWO STOREY ARCADE LINK TO VICTORIA AVENUE AND CONSTRUCTION OF A NEW FIVE STOREY LINK TO VICTORIA AVENUE PLUS ALTERATIONS AND ADDITIONS TO THE NORTH-EAST PORTION OF THE WESTFIELD SHOPPING CENTRE.
DATE OF LODGEMENT: 23-DEC-2013
VALID APPLICATION DATE: AMENDED PLANS 23 JUNE 2014
REPORTING OFFICER: NONI DE CARVALHO

DESCRIPTION OF PROPOSAL

Development Application 2013/557 (JRPP 2014SYE010) proposes alterations and additions to the 1 Anderson Street part of Westfield Shopping Centre Chatswood. The alterations and additions propose:

1. Demolition of the two storey arcade link to Victoria Avenue from the main shopping centre and construction of a new five storey arcade link to Victoria Avenue. The five storey arcade is set back from the eastern side boundary to create a full height void with a skylight over the void.
2. Provision of a new pedestrian stair and lift access from Charlotte Lane.
3. Internal alterations to and reconfiguration of the existing main shopping centre.
4. Removal of 58 roof top car spaces to allow for additions to the main shopping centre building at Level 6 and addition of 4 car spaces on the roof of Myer by reconfiguration of the layout of car spaces.
5. Provision of the balance of the required car parking is proposed by way of alterations and additions to the public car park in Albert Avenue.

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6. Reconfiguration of the Spring Street loading dock to increase capacity for loading and waste handling generated by the additional floor space.
7. Renovation of Charlotte Lane providing widened pedestrian space for active use with food outlets and seating, improved lighting including installation of catenary lighting and façade activation. A lane-way width will be retained as a share-way to provide access to the rear of 368 and 374 Victoria Avenue (St George Bank and the building on the corner of Anderson Street). The 6 kerb-side metered car spaces in Charlotte Lane are proposed to be removed.
8. Lease of the air space above the new entrance from Charlotte Lane to allow for encroachment of the building over the boundary above the pedestrian area that will also provide weather protection above the new entry. The encroachment contains plant rooms.

The existing shopping centre provides retailing on six levels with Level 1 being a basement level wholly occupied by Target, Level 2 being the lower ground floor and Levels 3 to 6 being ground floor and above. The proposed alterations and additions affect Levels 2 to 6 with the new arcade building being connected on each of those levels to the existing centre.

In detail the following summarises the new arcade link from Victoria Avenue:

- The new arcade to Level 2 that is half a level below Victoria Avenue will provide an additional food court area that then connects through to the existing fresh food and food court in the existing main centre. Provided in Level 2 of the arcade is additional centre management store rooms and plant room. A forecourt at street level with escalators, stairs and a lift will provide access down to the new Level 2 arcade. As noted above it is also proposed that Level 2 is connected to the end of Charlotte Lane (off Anderson Street) by an alternate stair and lift access and that the public domain in Charlotte Lane undergo beautification work as a part pedestrian space. Westfield proposes to provide restaurant seating areas in the space, new paving, landscaping and catenary lighting. As Charlotte Lane provides access to the rear of 368 and 374 Victoria Avenue the space will operate as a share-way for part of its width and it will require removal of the 6 short term on-street car spaces that are located in the Lane.
- At the level of Victoria Avenue in the half level between Level 2 and 3 is proposed a mini major shop front that is connected by escalator to its main floor on Level 4 of the arcade.
- Level 3 in the arcade is a half level above Victoria Avenue that is connected to Victoria Avenue by escalator and lift. It provides a walkway that overlooks Level 2 below with specialty shops abutting and connecting to Level 3 of the existing main centre.
- The whole of Level 4 in the arcade is a continuation of the shopfront mini-major on Victoria Avenue noted above. The tenancy is also indicated to have an entry from Level 4 of the main centre.

The proposed replacement arcade development provides pedestrian connection to two levels from Victoria Avenue. The glass roof above the void area provides visual connection deep into the building. The street level of Victoria Avenue is set back 2 to 3.5 metres from the boundary with Victoria Avenue. Fronting the street is a mini-major shop front. Above ground level (excluding the void below the glass roof) the setback is 0.4 metres to 1.4 metres. Framed glazed windows on Levels 4 and Level 5 provide visual connection from Victoria Avenue to the mini-majors proposed on those levels in the new arcade building.

Within the existing main centre building it is proposed to increase the retail floor space and remove roof top car spaces to enable additions. Alterations to tenancies are required to provide the connections to the new arcade building on each level. On Levels 4 and 5 it is proposed to reconfigure and partially infill sections of void area to provide retail space.

Level 5 of the existing main centre is proposed to have substantial reconfiguration. A new mini-major tenancy with entry from the existing main centre and extending into the new arcade is proposed. Two other large mini-major tenancies are proposed that incorporate existing mall space and in-fill of void area. The partial infill of the void area provides additional kiosks and food kiosks with seating.

Level 6 is indicated to provide two mini-major tenancies extending to include Level 6 of the new arcade building, the roof level car parking spaces proposed to be removed and incorporating in-fill space of the void. As previously noted 58 car spaces are proposed to be removed. An additional 4 spaces are proposed by way of reconfiguration of layout on the roof of the 28 Victor Street part of Westfield.

The architectural style is highly urban and modern in form with use of contemporary graphics, murals and lighting. The external finishes and colours proposed to the arcade building include metal (Spectra Red Brass) panel cladding with an angled set out on the eastern side elevation of the new arcade that will be observed through the glazing above the void space. The angled metal panels are proposed to frame the digital mesh screen on the Victoria Avenue frontage. The western elevation of the arcade is proposed to be finished with patterned pre-cast concrete panels. The Victoria Avenue façade proposes shop front glazing to Levels 3 and 4 behind a framed steel portal structure to allow observation of the internal activity with a back drop of an active LED digital mesh and laser cut graphic metal screen. In Charlotte Lane the encroaching plant rooms are proposed to be covered with metal louvers painted with “street art” murals and laser cut metal screening to Levels 3 and 4 and curtain wall glazing to levels 5 and 6. Lantern lighting is proposed under the building encroachment in Charlotte Lane to highlight the new entry with catenary lighting proposed above the new active pedestrian space.

The application is accompanied by an undertaking to carry out alterations and additions to the Albert Avenue multi-deck public car park to address the need for additional car parking, that is, to address the additional car parking required by the development and to address the loss of 58 car spaces on the roof. The alterations and additions will seek to improve circulation and traffic movement in the car park with faster access to underutilised areas, management of congestion points, increased entry gates, relocation of the entry from Anderson Street to address safety issues as well as carrying out additions to the rear of the car park to add approximately 58 car spaces. The alterations will also involve some adjustment to the lanes in Albert Avenue. In addition it is proposed to convert the long stay car parking to casual car parking including removing the fencing and internal boom gates separating the long stay from the rest of the car parking.

Westfield is requesting that Council agree to commence the process of public road closure of 121m² at the eastern end of Charlotte Lane and eventually sell the land to Westfield to facilitate incorporation into its site. If closed the building encroachment above the new entry to the centre proposed in Charlotte Lane would be within the Westfield owned area. As road closure will take time, Westfield is requesting that Council enter into a lease pursuant to the *Roads Act 1993* in the interim to enable Westfield to proceed with the proposed construction work in the Lane during the time it will take for the requested road closure and sale to occur.

The request regarding Charlotte Lane is summarised as follows:

1. Council commence proceedings to close about 121m² of public road at the end of Charlotte Lane.
2. Westfield agree to buy the land from Council at a 10% premium to the agreed valuation.

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3. In the interim Council agree to lease airspace of 121m² at the end of Charlotte Lane to Westfield and to licence the widened footpath to allow use and to allow construction to commence.
4. Council agree to consider street vending or footway restaurant licences pursuant to the *Roads Act 1993* to enable Westfield to expand their kiosk space into the landscaped road space.

It is noted that Council considered a report that included the proposal to close 121m² at the end of Charlotte Lane as a public road at the Civic and Cultural Committee meeting on 16 June 2014. The Committee resolved not to support the requested road closure but did agree to negotiation of a lease pursuant to the *Roads Act 1993* with Westfield. The Committee also supported the proposed upgrade of the Lane.

Whilst the Committee supported the alterations and additions to the shopping centre in principle, it did not support the additional floor area without a significant increase in parking either on site or in the Albert Avenue car park. The Albert Avenue public car park is owned by Council but is under an agreement with Westfield for management of the car park operation. The Committee also did not support the removal of the long stay car parking.

Neighbour Notification

Surrounding landowners were notified of the application and no submissions were received.

Existing Building, Relevant History and Site Context

Westfield Shopping Centre in Chatswood is located and integrated across three locations and four properties:

1. The eastern portion of the centre has the address of 1 Anderson Street. It is an irregularly shaped allotment known as Lot 1 in DP 1001932 with an area of 1.080 hectares. It has frontages to Spring Street, Albert Avenue and Anderson Street with entrances from Spring Street to Level 2 and Anderson Street to Level 3. A narrower frontage via the existing arcade is provided to Victoria Avenue. Due to level changes the Victoria Avenue entrance connects to the rest of the centre via stairs or escalators.
2. Arcades over and under Anderson Street are located within leasehold land pursuant to the Roads Act 1993 above and below Anderson Street. The leasehold lot is known as Lot 1 in DP 1007507 and has an area of 955.1m². The arcade above Anderson Street is two storeys in height and connects to Levels 4 and 5 of the shopping centre. The arcade below Anderson Street connects to the lower ground Level 2.
3. The western portion of the shopping centre has the address of 28 Victor Street and is located over two allotments of land. The northern portion of the site is an irregularly shaped allotment known as Lot 2 in DP 879701 with an area of 6,839m². It has frontages to Anderson Street and Victor Street and a narrower frontage to Victoria Avenue. Entrances to the shopping centre are provided from all three streets including an express escalator to Level 5 that provides fast access to the ticket area and cinemas on Level 6 from Anderson Street. The southern part of this section of the centre is a separate regularly shaped

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allotment known as Lot 2 in DP 879701 with an area of 6,050m² upon which Myer Department Store is located. Although initially when this part of the shopping centre was developed the “Myer” lot was owned by Myer, the ownership of the lot is now consistent with the rest of the shopping centre (PT Limited). Entry to Myer is via the Westfield shopping centre or an entry on Albert Avenue. Notwithstanding the property boundary between the two lots passing through the building the shopping centre is an integrated and united building.

Within the shopping centre there are three basement levels of car parking in 28 Victor Street and roof level car parking on 1 Anderson Street and 28 Victor Street that provides a total of 902 onsite car spaces with 203 located on 1 Anderson Street. The shopping centre also relies on the 1903 car spaces provided in the multi-deck Albert Avenue public car park on the southern side of Albert Avenue owned by Council as the total gross leasable floor space (GLA) in the complex is 73,390m². The Albert Avenue public car park is connected to the onsite Westfield parking by a tunnel under Albert Avenue and bridges over Albert Avenue and Anderson Street. Two other bridges over Albert Avenue from the public car park provide pedestrian access to the shopping centre.

The purchase of the land and construction of the Albert Avenue public car park was achieved in stages over many years by Council. It was achieved through a combination of land purchase and construction works by Council as well as contributions of land, monetary contributions and construction works in kind by retail development in Chatswood including but not limited to Westfield, Grace Bros (Myer), Lemon Grove, Victoria Plaza, The Gallery and so on. The public car park is managed by Westfield on Council's behalf and the terms of the management agreement requires Westfield to operate the public car park as a fully integrated facility and on the same terms as the parking spaces provided on its site.

The total gross floor area (GFA) in the complex is currently 87,918m² of which 41,110m² are located on the 1 Anderson Street site.

Like all shopping centres the changes to tenancy mix and modification of the complex is on-going with about every 5 to 10 years major upgrade and alterations occurring. At the request of Westfield when the 28 Victor Street development occurred, the car parking requirements were based on the GLA formula provided by RMS in its Guidelines rather than Council's DCP. The consideration of car parking requirements for the cinemas is based on numbers of seats. The 28 Victor Street redevelopment in the mid 1990's involved redevelopment of what was the then Grace Bros Department Store site. As part of this agreement to rely on the RMS Guidelines for car parking requirements and noting the frequent changes of Gross Leasable Floor Area (GLA) with tenancy changes, a running total of GLA and hence any debit or credit in car parking provision was maintained by Council. When a major alteration was proposed the intervening balance was factored into the alteration/additions at the time.

The above summary is relevant to consideration of the on-site car parking short-fall solution that has been lodged with the application.

Controls and Classification

- i) Willoughby LEP 2012: Yes
- ii) Conservation Area: No
- iii) Zoning: B3 Commercial Core
- iv) Applicable DCP (SEPPs, REPs): Willoughby Development Control Plan, Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005, State Environmental Planning Policy 55, State Environmental Planning Policy 64 – Advertising and Signage.
- v) Other Relevant Policies (Council Resolutions, Draft DCPs): Management Agreement for the Albert Avenue Car Park.
- vi) BCA Classification: 6, 7, 9b,
- vii) Developer's Contribution Plans:
 - a. S94A: Yes
 - b. Applicable rate (%): 3%
 - c. The cost of development: \$32,297,402.00
 - d. Date of accepted cost of development: 9 January 2014
 - e. The total contribution payable (subject to Building Price Indexing (Enterprise Bargaining Agreement)): \$968,922.06

Development Statistics

1 Anderson Street	Existing	Proposed	Standard	Compliance
a) Site Area (m ²)	10,800	10,800	N/A	N/A
b) Gross Floor Area (m ²)	41,110	45,832	48,600	Yes
c) Floor Space Ratio	3.8:1	4.2437:1	4.5:1	Yes
d) Height Victoria Ave	16.4	26.6	14	No* ¹
e) Height Anderson St	20 - 22	26	34	Yes
f) Car Spaces on-site	203	145	419	No* ²

Compliance with Plans or Policies

- The non-compliance with the height control is along the frontage to Victoria Avenue and to a depth of approximately 36 metres.
- The car parking provision on site must be considered in a total context of past approvals whereby there are 902 spaces provided on the combined Westfield sites of which 203 were located on 1 Anderson Street. It is proposed to remove 58 car spaces. This results in a net on-site supply of 145 spaces. Four additional spaces are proposed on the 28 Victor Street site above Myer.

The on and off-site provision of car parking provision in conjunction with the redevelopment of the Grace Bros site and the Westfield development has previously been negotiated on the basis of the RMS Guidelines formula for large shopping centres which is:

2.4/100 x m² Slow Trade (bulky goods, department stores) + 4/100 x m² Faster Trade (discount stores) + 4.2/100 x m² Supermarket + 4.5/100 x m² Specialty Shops and take away + 0.9/100 x m² Offices and Medical.

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The RMS Guidelines would require for the additional 4,055m² GLA at the “specialty retail” car parking rate an additional 182.5 car spaces and at the “discount store” rate an additional 163 spaces. The additional floor space is assessed as specialty retail space. Adding the net 54 spaces to be removed this equates to an additional 237 spaces.

Council’s DCP requires the provision of 1/25m² of retail floor area (GLA). WDCP requires an additional 162 car spaces for the additional GLA proposed plus a net 54 (58 – 4) spaces lost on the total Westfield site. This gives a shortfall of 216 spaces.

Internal Referrals

Building Services advises that there are aspects of the proposed development that do not comply with the BCA that will have to be determined at Construction Certificate stage. On that basis it has no objection subject to conditions on any consent.

Environmental Health had concerns regarding a proposal to provide a delivery area in Charlotte Lane. This was subsequently deleted from the application with all deliveries and waste handling now being enabled in Spring Street by reconfiguration of the existing Spring Street loading dock. Environmental Health has provided conditions that can be addressed in an approval including consideration of the capacity of the grease traps to handle the additional food outlets, mechanical ventilation, acoustic performance and so on.

Engineering Services noted the issue of potential flooding from overland flow in a 1 in 100 year storm event. A flood study was carried out that has informed the levels and designs of the entries from Victoria Avenue and Charlotte Lane that are now indicated on the amended plans received on 23 June 2014. In addition stormwater management on the site and amplification of a truck line crossing the site is required. These matters have been resolved and conditions have been provided.

Traffic Group considered the Traffic Report as amended and the proposal to carry out alterations and additions to the public car park in conjunction with the development. The comments and considerations of the Traffic Group are discussed in more detail in the assessment section of the report. It is noted that the support of the development proposal is contingent upon the alterations and additions to the public car park and cessation of the use of some spaces as long stay spaces. As a result this application requires a deferred commencement approval to ensure that an associated development application for the public car park is lodged prior to final consent (Schedule 1 (2)). Other conditions address the requirement to complete the alterations and additions prior to the occupation of the development the subject of this application (Condition 57).

External Referral

The application was referred to Roads and Maritime Services pursuant to the provisions of SEPP (Infrastructure) 2007. RMS has required that a condition be included regarding alteration to the operation of the traffic lights in Anderson Street.

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No other conditions were required and no objection was made to the proposal. As the issue of the traffic lights arises with the alterations to the public car park, the requirement of RMS can be conditioned in conjunction with conditions relating to the alterations and additions to the public car park but notated on the subject application (Schedule 1 (2)).

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

Satisfactory ✓ Unsatisfactory ✗ Not Relevant N/A

(a)(i)	The provisions of any environmental planning instrument (EPI)	
	• State Environmental Planning Policies (SEPP)	✓
	• Regional Environmental Plans (REP)	✓
	• Local Environmental Plans (LEP)	✓
	• Comment: See assessment	
(a)(ii)	The provision of any draft environmental planning instrument (EPI)	
	• Draft State Environmental Planning Policies (SEPP)	N/A
	• Draft Regional Environmental Plans (REP)	N/A
	• Draft Local Environmental Plans (LEP)	N/A
(a)(iii)	Any development control plans	
	• Development control plans (DCPs)	✓
	Comment: See assessment	
(a)(iv)	Any matters prescribed by the regulations	
	• Clause 92 EP&A Regulation-Demolition	N/A
	• Clause 93 EP&A Regulation-Fire Safety Considerations	N/A
	• Clause 94 EP&A Regulation-Fire Upgrade of Existing Buildings	N/A
	Comment: Relevant to the application is demolition and fire safety considerations. These matters require resolution at the construction certificate stage noting that there are non-compliances with the DTS BCA.	
(b)	The likely impacts of the development	
	• Context & setting	✓
	• Access, transport & traffic, parking	✓
	• Servicing, loading/unloading	✓
	• Public domain	✓
	• Utilities	✓
	• Heritage	N/A
	• Privacy	N/A
	• Views	N/A
	• Solar Access	✓
	• Water and draining	✓
	• Soils	N/A
	• Air & microclimate	✓
	• Flora & fauna	✓
	• Waste	✓
	• Energy	✓
	• Noise & vibration	✓
	• Natural hazards	✓

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

	<ul style="list-style-type: none"> • Safety, security crime prevention 	✓
	<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 	✓
	Comment: See assessment	
(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 	N/A
	<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*Willoughby Local Environmental Plan 2012*

The alterations and additions to Westfield shopping centre are permissible in the B3 Business Core zone and are consistent with the land use objectives of the zone particularly on the eastern side of Chatswood. The eastern side of the North Shore Rail Line in Chatswood is recognised as the retail core of Chatswood.

The development complies with the maximum permissible floor space control of Clause 4.4. However, there is a non-compliance with the height controls of Clause 4.3 of WLEP 2012 for a depth of 36 metres from the Victoria Avenue frontage. A Clause 4.6 objection to the development standard has been lodged with the application requesting variation of the height control. This is assessed in detail later in this report. That assessment concludes that strict compliance with the height control is unreasonable and that the variation is acceptable in the circumstances of the subject development site and its context.

The proposed excavation to a depth of more than 3 metres and impacts arising on stormwater management in the location of the new arcade building are relevant to Clause 6.2 being the parameters for earthworks. The site of the earthworks has a long history of retail use. The management of the earthworks, stormwater and flood management have been the subject of detailed consideration and a number of conditions are provided in the draft conditions of consent that address the requirements including requirements for dilapidation reports and compliance with the approved stormwater design that considers the 1:100 year flood potential. The investigation has also established the entry design and levels from Victoria Avenue and Charlotte Lane that are reflected in the plans noted in Condition 1.

Clause 6.2 provides the guidelines for business identification signage. The final signage package is advised in the application will be the subject of a separate development application (Conditions 81, 82). It is noted the LED digital mesh screen is for façade graphics and will not be used for advertising.

Clause 6.7 considers the needs for active street frontages in the retail core of Chatswood. The proposed development maintains the active frontage to Victoria Avenue and significantly improves the activity providing a new active frontage to Charlotte Lane.

Willoughby Development Control Plan

The proposal is consistent with the relevant general objectives of WDCP including but not limited to providing a high level of accessibility for people with disabilities. The proposal will improve the accessibility in the 1 Anderson Street part of the shopping centre as currently full wheelchair access is not available to the shopping centre from the Victoria Avenue entrance. It is noted that the relevant objectives, controls and considerations of WDCP on urban design, use of public spaces, traffic and car parking are discussed separately below.

As noted previously in this report stormwater management on the site has been subject to site specific review. In regard to waste management the operation of the Spring Street loading dock is proposed to be amended to provide for the additional demand but its resolution is not fully resolved. A requirement in Condition 2 is included for further design development to allow for provision of the additional waste handling facility that may be required in the Spring Street loading dock.

The delivery capacity of the Spring Street loading dock is to increase by removal of the exclusive use arrangements that currently exist for some tenants for use of certain loading spaces. This will free up two under-utilised loading areas within the Spring Street dock for deliveries and waste handling in addition to the other docks within the Spring Street delivery facility. The docks are capable of handling a wide range of service vehicles up to large rigid trucks in size (12.5 metres in length).

The improved passive surveillance with the increase in active pedestrian connection possible in the proposal by the changes to the Victoria Avenue frontage and Charlotte Lane is consistent with the crime prevention principles of NSW Police “Safer by Design” and WDCP Section C11.

The 23.6 metre width of the frontage of the site to Victoria Avenue exceeds the minimum of 20 metres in Clause E1.1

Urban Design and Presentation

The height and massing of the proposed alterations and additions to the north-east portion of the existing shopping centre will blend in and integrate with the current form of the shopping centre. The new steel architectural roof form with glazing within part of the roof and glazing to the side elevation will provide significant increase in the natural light penetration into the existing building. Patterned pre-cast concrete

panels are the external finish proposed to the side wall elevations of the additions on Level 6. The addition is set back from the existing street facade of the building by 4.5 metres such that it will blend in with the existing building

A significant change to the presentation and massing of the Victoria Avenue frontage is proposed. Along the Victoria Avenue frontage the buildings each side of the site are two to three storeys in height. The existing Westfield entrance is two storeys with additional height arising from the glazed gable end to an elevated hipped roof. The end façade of the main shopping centre at the rear can be seen in the background when viewed from The Concourse site. The proposed massing and layers of architectural elements including the recessed ground floor and entry, the steel portal framed shop front windows with the backdrop of the glazed curtain wall and digital LED lighting display in the metal mesh façade that is then framed by the angled metal covered façade and angled roof line will make a distinctive statement in Victoria Avenue. Viewed from The Concourse the height and mass will have a closer relationship to the mass of the shopping centre at the rear than the current Westfield frontage in Victoria Avenue.

The new Victoria Avenue presentation will be distinctive and make a statement within the streetscape. In the dynamic of the streetscape in that part of Victoria Avenue this is acceptable. There is some softening of the relationship between the steel and glass sky light above the entry void as it is setback from the street front and transitions at the roof level of the adjacent building to the east (see later comments on weather protection). On the west side the massing and detail of the new façade has no relationship to the adjacent building. However, it is known that additions are being planned for the St George Bank building that will, if they proceed and are approved, add a level to that building and upgrade its dated façade. There is some concern, however, with the proposal to use Spectra Red Brass in the metal panels having regard to the colours that predominate in curtain walling and facades in surrounding buildings. There needs to be a respect shown to the context colours especially noting the vibrancy of what is likely with the LED digi-mesh screen. The choice of metal panels requires reconsideration (Condition 2).

In Charlotte Lane the concept façade detail, lighting and murals suggest what is described in a meeting by the applicant as “urban grunge” in public art. The additional lighting and landscaping with new kiosks and seating will make a positive contribution to the precinct and improve a space that is currently dominated by blank walls. The relative separation from predominant streetscapes in the vicinity allows scope for a creative statement. Conditions are required that deal with the requirements for a lease under the *Roads Act 1993* and the permits for use of the public road footway restaurants (Conditions 12, 59). The lease proposal also requires the concurrence of the Director General of the Department of Planning and Infrastructure before a consent relying on the lease is finalised. This is addressed as a deferred commencement matter (Schedule 1 (1)).

The plans for the façades to Victoria Avenue and Charlotte Lane are notated as concept design only. As a result it is considered that the detailed development of the facades and finishes should be finalised in consultation with Council’s Arts and Cultural Manager. This can be addressed in the conditions of consent (Condition 2).

Awnings and Street Trees

Council requires that all the main high pedestrian footpaths in Chatswood are provided with weather protection. It appears Westfield is proposing in this application to not provide an awning over the footpath and to rely on the ground floor recess to provide the weather protection. This is not supported as it is also noted that the skylight over the void is set back meaning there is a part of the frontage that has no weather protection. There is insufficient setback depth to the space to provide safe and comfortable movement of people past the site as well as three level entry and exit of people to the site. In addition there is a gap in the weather protection as pedestrians have to move from awning covered footpath to the recessed area. The requirement for provision of weather protection can be conditioned (Condition 2).

The provision of weather protection in Victoria Avenue will have to be designed to accommodate the retention of the existing street tree which should not be an issue given the width of the footpath. In addition a street tree had to be removed by Council in Charlotte Lane recently. This tree needs to be replaced in any landscaping work that is proposed in the Lane. Council requires that the replacement species is a 400 litre *Glochidion ferdinandi* (Cheese Tree). This can be conditioned (Condition 20).

Sustainability Measures

The application documentation advises that it is proposed to provide energy efficient lighting and plant and that it will accept a condition for sustainability targets to be met in the detailed design. Achieving the maximum energy targets for retail development is constrained by the development being alterations and additions of an older building. Notwithstanding a condition is proposed on the consent that requires the provision of a Sustainability Report that will inform the detailed design of the development to achieve a minimum 4.5 star NABERS rating for energy in the centre when completed (Condition 2). It is noted that new centres are achieving 6 star ratings. The rating could potentially be achieved by provision of a solar array above Westfield roof top and roof top car park to supplement power supply to part of the new complex.

Shadowing

The proposed development is located on the south side of Victoria Avenue such that the shadowing impacts of the additions are generally within the site itself. Minimal change will occur to shadowing impacts on the public domain from the existing and proposed development and having regard to the shadowing impacts of surrounding buildings. The morning shadows will continue to impact Anderson Street and the afternoon shadows will continue to impact Spring Street. During the middle part of the day the shadowing is over the roof top car park. Charlotte Lane experiences shadowing impact in the middle of the day primarily from buildings fronting Victoria Avenue.

Car Parking Impacts

The final traffic report for the application that is assessed in this report was received on 23 June 2014. The traffic report considers the demand for car parking as well as the proposed removal of car spaces on Level 6 of the existing centre.

As noted previously in this report it is proposed to remove 58 car spaces from the 1 Anderson Street part of Westfield and to reconfigure the car spaces on roof of the 28 Victor Street part of the centre to provide an additional 4 spaces. This leaves a net loss of 54 car spaces. In addition it is noted that there are 5 spaces within the remaining area on the roof that have been affected by sheds and fencing installed by Westfield but unknown to Council. The amended plan dated 23 June for Level 6 incorrectly identifies the number of car spaces remaining on the roof after the alterations and additions. Unless the obstructions to the use of the car spaces are removed there will be only 140 spaces remaining. It is conditioned that at least 145 spaces are provided and that the removal of spaces on the roof is no more than 58 spaces as indicated in the application (Condition 56).

The additional retail floor space of 4,055m² plus the car parking proposed to be removed (assuming 54 spaces) requires provision of 216 additional car spaces based on WDCP standards to meet the needs of the application. However, the traffic report on the basis of information collected by the "Park Assist" parking guidance system considers that the car parking rates of WDCP are excessive based on the actual usage data collected by "Park Assist". The actual usage data of the car parking spaces used by customers of Westfield and other retail shops in the vicinity of Westfield indicates a lesser rate. The parking guidance system has been installed as an integrated system that covers the car parking provided on the Westfield site and the multi-deck public car park owned by Council on the south side of Albert Avenue and managed by Westfield on Council's behalf under a Management Agreement dating from 1991.

The traffic report advises that the data from "Park Assist" confirms that the daily peak parking demand is between 10.00am and 4.00pm. Between the hours of 9am and 6pm the data indicates that there are 3,528 parking hours for each year of the two years of available data (2011/2012 and 2012/2013) from when "Park Assist" was installed.

The data from "Park Assist" also provides an approximate rate for the practical capacity of the car park. The practical capacity allows for turnover of vehicles in the car spaces as there is a separation between the vacating of a space by a vehicle and a new vehicle arriving at a parking space and parking in the space. This is accepted as 95% of the total parking provision.

The report considers the usage information and indicates that in 2011/2012 there were 190 hours when parking usage/demand exceeded 90% of car spaces. In 2012/2013 the report advises there were 62 hours when car parking usage/demand exceeded 90%. The difference between the two years reflected the period when Westfield reduced the free parking from 3 hours to 2 hours. The manner in which that operated was contrary to the terms of the Management Agreement with Council such that the three hours free has since been reinstated. It is noted that during that

1 Anderson Street, CHATSWOOD NSW 2067. (Cont.)

time other car parks in Chatswood reported a significant increase in demand for car parking spaces in their car parks that was not fully reflected in a parallel increase in turnover.

The traffic report then considers that it is reasonable to assess the parking demand based on the 85th percentile quantum of demand. The percentile is taken from the 2002 RMS Guidelines. Using the 85th percentile the report considers that the actual rate of demand for car parking is less than the rate of WDCP. This was calculated to be 1 space per 29m² of GLA based on the data when 3 hours of parking was free and 1 space per 32m² of GLA when 2 hours of parking was free. It translates into a requirement to provide 127 to 140 additional spaces for the additional GLA plus 54 replacement spaces for the car parking being removed. On the basis of the analysis of rates and capacity of the car parking from the "Park Assist" data the report initially considered that no additional car parking was required as the 85th percentile suggested a spare capacity in the car parking available. This conclusion has since been amended and additional car parking is now proposed. The additional car parking is proposed by way of reconfiguration of car spaces on 28 Victor Street Westfield site and an undertaking in a VPA to carry out alterations and additions to the multi-deck public car park on the south side of Albert Avenue.

The traffic report analysis on car parking and its conclusions on the demand and need for car parking have been assessed and are not supported but the overall outcome is supported. The following explanation is provided.

The RMS Guidelines reference to use of the 85th percentile is qualified. The RMS rates in its formula (noted earlier in this report) for car parking demand were calculated from averages found in its surveys. The overall average for centres over 30,000m² was found to be 4.1 spaces per 100m² GLA. For the additional GLA proposed in this application this equates to 166 spaces. The RMS Guidelines recommends for specialty retailing (the purpose of the additional floor space in this application) a rate of 4.5 spaces per 100m² GLA (183 spaces). The RMS Guidelines advise the averages were based on unrestrained demand in isolation of adjacent developments and that specific circumstances may result in higher or lower results. Lower results may apply where such things as shared usage or public transport reduces demand (as in Chatswood). Similarly the rates may be inadequate in some areas but that a provision based on the 85th percentile of the demand must be considered as a minimum. This discussion is in the context of the RMS studies and rates. The availability of public transport in Chatswood makes it acceptable to apply the 85th percentile to the RMS Guidelines rate of 4.5 spaces per 100m² giving a requirement for 155 spaces for the additional GLA. This is comparable to the requirements of WDCP (being 162 spaces).

In this case the traffic report is seeking to apply the discount to actual measured usage and demand data. In addition there is sufficient doubt regarding the accuracy of the data because:

- There is no individual monitoring of the car spaces on the roof of the public car park and the roofs of 1 Anderson Street and 28 Victor Street. The data relies only on counters above the access ramp from Level 5 to Level 6 in the public

car park. After passing along the ramp the movement of a vehicle is not known.

- On Level 5 there are about 50 car spaces fenced off for long-stay car parking that are monitored by “Park Assist”. Observation of the operation of the car park on a Saturday (a high demand time) indicated that more than half the spaces were empty but they could not be accessed by shoppers. All spaces surrounding the area were full.
- On Level 6 there are more than 100 car spaces are fenced off for use by retail staff. More than half of the spaces were observed to not be occupied on a Saturday but were fenced off and could not be accessed by shoppers.
- Six kerb side short stay spaces are to be removed in Charlotte Lane.

As a result there is sufficient doubt regarding the data and its interpretation such that to also discount the recorded data by taking the 85th percentile calculation for additional demand from proposed development is not acceptable or supported. This is especially as there are known weekly periods of high car parking demand such as at weekends. In addition there are the removed spaces to be made up.

It is also concluded from the above discussion and the “Park Assist” data that the WDCP rates are reasonable and are not inconsistent with the recorded “Park Assist” data. This means that the reasonable requirement for car parking provision generated by the additional retail floor space plus the relocation of spaces being removed from the site is 216 spaces.

The traffic report proposes that to address the shortfall Westfield will carry out alterations and additions to the Albert Avenue car park. In addition Westfield proposes to remove the fencing and convert the use of spaces for long stay worker parking on Level 5 to casual parking. This only removes 50 long stay spaces that are not sufficient in addressing the shortfall. The shortfall also requires the removal of fencing and long stay spaces on Level 6. This is appropriate as the objective of the Albert Avenue public car park and the Westfield car parking is to provide for the car parking demand of the customers of the shopping centre and the surrounding retail shops in the wider retail precinct that have contributed to the provision of the public car park. The public car park is an essential component of the car parking available for shoppers. Provision of long stay employee parking is contrary to the basic principle and policy of RMS of promoting the use of public transport for the journey to work in a CBD location.

The objective of the car park is demonstrated by the classification of the Albert Avenue public car park as a shopping centre car park for the purposes of the *Parking Space Levy Act 2009*. However, the current use of a portion of the spaces for long stay for purposes in the car park are not exempt under the Act and has resulted in the application of the parking levy to those spaces. It is concluded that all use of spaces for purposes not exempt under the Act should cease with all internal fencing and barriers removed and the capacity of the car park maximised for shopping purposes to address the short fall in car parking arising from this development noted above.

There are two other Council public car parks in Chatswood that are not classified as shopping centre car parks and are more appropriately located to provide for long stay

car parking to cater for employees where it is essential for the operation of the business or the employee to have access to car parking. The primary purpose of Albert Avenue public car park and the Westfield car spaces are to provide for the casual parking needs of customers to the retail businesses in the retail core of Chatswood.

The preliminary design for alterations and additions of the Albert Avenue public car park will:

- Provide a minimum of 58 additional car spaces through reconfiguration and additions to the public car park.
- Internal changes in circulation to improve the efficiency in circulation to the different parts of the car park.
- Remove all long stay car parking (at least 150 spaces) ensuring all car spaces are available for the retail core of Chatswood and the casual parking of shoppers or customers. There will also be additional spaces possible with the removal of fencing and boom gates.
- Address congestion points in access to the public car park that cause congestion at the entries to the car park and adversely impact the surrounding streets because of queuing. This is proposed by:-
 - Increasing the number of entry lanes and ticket machines at the Victor Street entry from 2 to 3;
 - Increasing the number of entry gates and ticket machines from 1 to 2 and the length of queuing space at the top of the speed ramp in Level 4 from Albert Avenue by removal of a non-essential ramp and infill of the void;
 - Increasing the number of entry gates and ticket machines from Devonshire Street from 1 to 2;
 - Maintaining all exit gates as currently configured; and,
 - Relocation of the entrance from Albert Avenue further west with reconfiguration of the traffic lanes in Albert Avenue to increase queuing space, remove the conflict with pedestrians at the current entrance and improve the movement of vehicles from Anderson Street.

The result will be the replacement of the lost spaces from the Westfield site and Charlotte Lane by relocation into the public car park, increase in the availability of shopper car parking spaces by removal of all long stay car parking on Levels 5 and 6 including fencing and boom gates that obstruct the use of some spaces, reduced congestion on the surrounding streets by improved access to the car parking and more efficient circulation of vehicles through the facility such that vacant spaces are more efficiently located by shoppers. The improvement and additional capacity of the Albert Avenue car park is considered will provide for the needs of the development and still maintain the obligations of Council for other retail sites in Chatswood that have contributed to the development of the public car park over the years.

In summary the development including the loss of spaces in Charlotte Lane is considered to generate a demand for 222 spaces. The outcome described above will potentially deliver the spaces and an improved public car parking facility.

As a result although the analysis and conclusions of the traffic report were not fully supported the general form of solutions offered to address the car parking requirements of the alterations and additions to Westfield proposed in this application are considered acceptable. Consequent upon this is that it is essential that the alterations and additions to the Albert Avenue multi-deck public car park occur. Conditions in the draft consent address this (Schedule 1 (2), Conditions 9, 57). The application is accompanied by advice from Westfield that it is fully committed to deliver the alterations and additions to the public car park.

Traffic Generation and Loading Access

The final traffic report for the application that is considered in this report is that received on 23 June 2014.

The traffic report considers the traffic and loading implications of an additional 4,055m² of retail floor space (GLA) proposed in the application. The consideration of the traffic generation has regard to the RMS Guidelines for the traffic generation rates being 3.1 trips per 100m² on Thursday afternoon and 3.6 trips per m² on Saturday midday. The traffic report made an assumption that the component of the additional floor space of 460m² in food/restaurant outlets would be ancillary serving people already in the shopping centre and thus would not generate additional traffic. Therefore the assessment of additional traffic generation was based on the balance of 3,595m². This assumption is no longer accepted as observations of traffic movements and patronage of Chatswood have indicated that there are many that now travel to Chatswood to have a meal at the many restaurants. This is reflected in a spike in traffic movements at relevant times especially late morning on Saturdays and Sundays. For these reasons this report applies the generation rates to the full quantum of additional retail floor space. This generates an additional 126 vehicles per hour (two-way) on Thursday and 146 vehicles per hour (two-way) on Saturday. These trips are proportioned to the access routes to the car park giving about 15 to 25 additional trips per hour at each access point to/from the car park.

These traffic generation calculations will add to queuing and congestion impacts. The issue is the impact noting the known congestion points for access to the car parking that impacts the surrounding road network. This includes Devonshire Street, Victor Street and the speed ramp from Albert Avenue. As the capacity of the access points to the retail car parking is proposed to be expanded by the installation of additional gates and improved circulation, it is considered that the impacts of the additional traffic generation will be addressed by the proposed alterations and additions to the public car park that are proposed in association with this application.

The road network serving the location includes Albert Avenue (two entrances), Anderson Street, Devonshire Street and Victor Street. The traffic report does not provide an analysis of the intersection operation in the vicinity presumably because it is of the view that the additional trips when allocated to the various access points to Westfield and car parking will have a minimal impact. From other traffic reports there are known issues regarding the operation of the intersections of Archer Street with Albert Avenue and Victor Street with Albert Avenue. Council has adopted a program of intersection and road improvements in an attempt to address these issues. The

improvements to the Albert Avenue Car Park are necessary to mitigate the impacts from the application and will support the other network improvements.

The loading servicing for the additional GLA as well as waste handling is proposed to be managed through the Spring Street loading dock. As a result of the proposed alterations and additions to the shopping centre the two loading docks for Toys R Us will no longer be needed for exclusive use. These two loading bays will be available for the new tenancies and both are capable of handling up to 12.5 metre or large rigid trucks. The rear of the docks has access to goods lifts and there is space for goods handling. The servicing arrangements are considered acceptable.

Neighbour Notification Issues:

There are no neighbour notification issues.

Other issues – Clause 4.6 Objection to the Height Control of 14 metres along Victoria Avenue frontage

a) Objectives of Zoning

There are a number of objectives for the B3 Commercial Core of which the most relevant to the proposed development include:

- *To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the need of the local and wider community.*
- *To strengthen the role of Chatswood as a major centre for the north sub-regions 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 control in Clause 4.3 of WLEP 2012 are:

- 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 applicant provided the following reasons in support of the proposed variation in the height control from 14 metres up to 27 metres along the Victoria Avenue frontage and for a depth of about 36 metres:

1. The proposal is consistent with the relevant objectives of the B3 zone.
2. The proposal is in harmony with the bulk, height and scale of the existing main Westfield retail shopping mall, the theatre complex and Chatswood Chase.
3. The total FSR is less than permitted for the site.
4. The increased building height does not impact on adjoining or nearby properties in terms of disruption of views, loss of privacy, overshadowing or visual intrusion.
5. Additional shadowing is either contained within the Westfield site or extends only over the roofs of adjoining properties to the west or east.
6. The proposal maintains a high quality presentation to Victoria Avenue.
7. Much of the new building is screened from view by existing buildings on either side of the site.
8. The proposed height and form will serve as a termination to the southerly vista from The Concourse plaza and provide a sense of enclosure.
9. The 14 metre height limit applies to the lots east and west fronting Victoria Avenue where the FSR maximum is 2.5:1. The proposed height is more consistent with the permitted FSR of 4.5:1.
10. Most existing buildings on the southern side of Victoria Avenue are low rise of modest architectural value. The FSR and height controls of these sites do not encourage redevelopment.
11. The southern side of Victoria Avenue frontage can accommodate taller buildings up to 34 metres without adversely affecting the amenity and character of the locality.
12. The increased building height of 12 to 13 metres applying to 70% of the depth of the new arcade building is off-set to some extent by the rear 30% being 7 to 8 metres less than the maximum at that location of 34 metres.
13. High quality architecture and finishes to the Victoria Avenue façade enable additional building height to be accommodated in combination with the additional design features – the green wall and the north-south glass roof and access to Charlotte Lane.
14. Strict compliance would result in a building of lesser design quality that would compromise the quality of the interface and pedestrian space to Victoria Avenue.

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

The architectural presentation of the building, height and modulation as discussed earlier in this report makes a different statement to the street than that which was envisaged by WLEP 2012 in Clause 4.3 and Clause 4.3A (3). Clause 4.3A requires a maximum height of 7 metres within 1 metre of the street boundary. The proposed building is setback more than 1 metre on the ground floor that then reduces to 0.4 to 1.4 metres above 5 metres.

The background to the standards reflected the known small lot size, pattern of existing development and fragmentation of ownership of the properties fronting Victoria Avenue with the exception of a few large consolidated sites. The Westfield sites are two of the four large consolidated sites along the retail high street of Victoria Avenue. The height control and FSR control considered the constraints of the majority small lots along Victoria Avenue in the context of the retail land use objectives of the eastern side of Chatswood CBD.

Although the Westfield frontages in Victoria Avenue are for larger lots that extend through to Albert Avenue, for the sake of consistency of the street wall, the same height control was applied notwithstanding that the larger consolidated lots of Westfield (and Chatswood Chase) benefit from a higher FSR control. Also the height control was established even though the rear of the Westfield sites benefitted from a higher height control of 34 metres.

The approach was consistent with the objective of ensuring retail development east of the North Shore Rail Line. The larger lots facilitate and enable the voids and internal mall pedestrian circulation spaces for successful retail frontages internally as well as the external frontages. It was considered that the lower height control would maintain the consistency of the street wall of Westfield with its neighbours even though the 28 Victor Street component of the shopping centre fronting Victoria Mall already did not comply. The 28 Victor Street frontage to the Mall has a height of 26 metres and only a partial setback above a height of 14 metres.

The existing arcade development at 1 Anderson Street that is to be demolished aligns with the street boundary at footpath level except for a recess at the entry. It also does not comply with the height control along Victoria Avenue as it is 16 metres in the centre along the ridge line of the hipped roof with 7.5 metres on the western end and 8.8 metres on the eastern end. No setback transition is currently provided above 7 metres in the façade. Nevertheless there is contribution to consistency in the street massing by the current building albeit with a highlighting feature of the hipped glazed roof compared with the adjacent flat roofs and parapets along the street wall.

The proposed presentation to Victoria Avenue of the new development provides set back at ground level with a framed steel portal to a height of 17 to 18 metres and with setback to the balance of the upper facade. Thus the issue is whether the proposed massing and height will contribute to the objective of consolidating the retail high street at the location.

In this regard it is assessed that consideration also must be given to the site's location opposite The Concourse community and entertainment centre. The Concourse is a focal point of Chatswood and its distinctive architecture reflects its focal role and function. As a result the northern side of Victoria Avenue opposite the site is not "framed" and defined in the manner of the other parts of Victoria Avenue within the retail precinct of Chatswood. It is, therefore, appropriate that a large retail complex opposite The Concourse that has the flexibility of large lot ownership be given the opportunity to make a dynamic contribution to the streetscape that may not be strictly complying but nevertheless reinforces the primary retail land use objectives for the location.

Furthermore strict compliance would not enable the provision of the two level interface and connection to Victoria Avenue as well as the provision of a high degree of visual penetration into the building by way of the glass roofed void and large windows enabling active viewing of shopping activity. These features are consistent with the objective for active street frontages.

The end elevations have been considered to ensure they also contribute to a dynamic streetscape noting that the side elevations will be seen above adjacent roof lines from positions in Victoria Avenue beyond the immediate vicinity of the site. The eastern façade with its void below the glass roof will allow views into the building and observation of the façade finish of angled metal panels. The western façade is proposed to be patterned pre-cast concrete panels that should provide articulation to the façade.

In the circumstances it is considered that the proposed development will contribute to a dynamic retail high street regardless of the non-compliance with the height control of 14 metres and increase to a maximum measured height from the plans of 26.6 metres on Victoria Avenue.

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

In the circumstances it is concluded that strict compliance with the height control applying along the Victoria Avenue frontage would be unreasonable.

f) Whether there are sufficient environmental planning grounds to justify contravening the development standard

As noted above there are sufficient environmental planning grounds to justify contravening the height control because of:

- a. The site's location opposite The Concourse where the dynamic of that part of Victoria Avenue changes; and,
- b. The location is part of a larger lot owned by Westfield whereby the building is integrated into the larger retail complex that can facilitate the design needs for successful retail activity that cannot be achieved on small lots in fragmented ownership that is the pattern either side of the non-complying location; and

- c. The architectural form will provide a dynamic addition to Victoria Avenue East that is the retail high street of Chatswood.

g) Whether the development will be in the public interest because it is consistent with the objectives for development within the zone in which the development is to be carried out.

The proposal notwithstanding the non-compliance with the height control along the Victoria Avenue frontage is considered will be in the public interest. It will enable expansion and renewal of the retail complex consistent with the objectives for the zone and the location within Chatswood. It will also enable the provision of full access for people with disabilities into Westfield from Victoria Avenue that is currently constrained by internal level changes in the existing connecting arcade building.

CONCLUSION

The proposed alterations and additions to the Westfield Shopping Centre at 1 Anderson Street Chatswood have been assessed and considered satisfactory subject to the conditions attached to this report including the essential requirement to undertake alterations and additions to the Albert Avenue multi-deck car park in conjunction with the development.

OFFICER'S RECOMMENDATION

THAT the Sydney East JRPP approve the Clause 4.6 Objection as it is considered unreasonable and unnecessary to comply with the development standard for height in Clause 4.3 of WLEP 2012

THAT the application be approved and delegated authority be granted to the General Manager to issue the "Deferred Commencement" consent notice subject to the attached conditions, Schedule 1 and Schedule 2.

SCHEDULE 1

CONDITIONS OF CONSENT DEFERRED COMMENCEMENT

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

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

1. Approval of the Director General of the Department of Planning and Infrastructure for Council to enter into a lease of the air space above Charlotte Lane pursuant to s149 of the Roads Act 1993.
2. Lodgement with Council of the Development Application for alterations and additions to the Albert Avenue multi-deck public car park generally in accordance with the undertakings of Traffic Report date stamped 23 June 2014 lodged with this application and having regard to the relevant conditions in Schedule 2. The alterations and additions to be carried out by Westfield at no cost to Council, are required to address the shortfall in car parking arising from this development.

The advice of RMS is noted that the applicant shall amend the Traffic Signal Plan for the intersection of Anderson Street and Albert Avenue to include the proposed left turn entry west of the intersection. The Traffic Signal Plan shall be drawn by a suitably qualified person and submitted to Roads and Maritime Services for approval prior to the issue of a Construction Certificate for the proposed new entry from Albert Avenue.

SCHEDULE 2

Conditions of Consent: (Including reasons for such conditions)

CONSENT IDENTIFICATION

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

1. Approved Plan/Details

The development must be in accordance with the following plans:

Type	Plan No.	Revision / Issue No	Plan Date (as Amended)	Date Stamped by Council	Prepared by
Architectural	DA-01	C	June 2014	23.6.2014	Westfield Design & Construction Pty Ltd
Architectural	DA-02	C	June 2014	23.6.2014	Westfield Design & Construction Pty Ltd
Architectural	DA-03	C	June 2014	23.6.2014	Westfield Design & Construction Pty Ltd
Architectural	DA-04	C	June 2014	23.6.2014	Westfield Design & Construction Pty Ltd
Architectural	DA-05	C	June 2014	23.6.2014	Westfield Design & Construction Pty Ltd
Architectural	DA-06	C	June 2014	27.6.2014	Westfield Design & Construction Pty Ltd
Architectural	DA-07	B	December 2013	17.1.2014	Westfield Design & Construction Pty Ltd
Architectural	DA-08	I	June 2014	23.6.2014	Westfield Design & Construction Pty Ltd
Architectural	DA-09	B	November 2013	17.6.2014	Westfield Design & Construction Pty Ltd
Architectural	DA-10	A	December 2013	17.1.2014	Westfield Design & Construction Pty Ltd
Architectural	DA-11	A	December 2013	17.1.2014	Westfield Design & Construction Pty Ltd
Architectural	DA-12	A	December 2013	17.1.2014	Westfield Design & Construction Pty Ltd
Architectural	DA-13	A	December 2013	17.1.2014	Westfield Design & Construction Pty Ltd

Architectural	DA-14	A	December 2013	17.1.2014	Westfield Design & Construction Pty Ltd
Architectural	DA-15	C	December 2013	27.6.2014	Westfield Design & Construction Pty Ltd
Architectural	02.2000	C	December 2013	11.6.2014	Westfield Design & Construction Pty Ltd
Architectural	02.2001	C	January 2014	11.6.2014	Westfield Design & Construction Pty Ltd
Architectural	02.2100	A	May 2014	11.6.2014	Westfield Design & Construction Pty Ltd
Architectural	02.2101	A	May 2014	11.6.2014	Westfield Design & Construction Pty Ltd
Architectural	02.2102	A	May 2014	11.6.2014	Westfield Design & Construction Pty Ltd
Architectural	02.2104	A	May 2014	11.6.2014	Westfield Design & Construction Pty Ltd
Architectural	02.2106	A	May 2014	11.6.2014	Westfield Design & Construction Pty Ltd
Architectural	02.1100	C	May 2014	11.6.2014	Westfield Design & Construction Pty Ltd
Architectural	02.2002	c	May 2014	11.6.2014	Westfield Design & Construction Pty Ltd
Hydraulic	334676	SK001	20.6.2014	23.6.2014	Mott MacDonald

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

- a) any modifications which are “Exempt Development” as defined under S76(2) of the Environmental Planning and Assessment Act 1979;
- b) otherwise provided by the conditions of this consent.
(Reason: Information and ensure compliance)

PRIOR TO MAKING AN APPLICATION FOR A CONSTRUCTION CERTIFICATE

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

2. Submit the Following Information to Willoughby City Council

Prior to the lodgement of an application for a construction certificate, the applicant shall submit plans and specifications satisfying the following requirements to Willoughby City

Council for approval. A letter confirming the documentation is approved by Willoughby City Council, shall then be submitted to the certifying authority for the application of a construction certificate.

1. Provision of a glazed awning over the public footpath to provide weather protection for pedestrians in Victoria Avenue. Weather protection is also to be provided over the entry into the building below the glazed skylight from Victoria Avenue.
2. The concept external finishes in Victoria Avenue are not approved, in particular the Spectra Red Brass panels. The external finishes are to have regard to and harmonise with the external finishes of the surrounding buildings. Further design development is to occur in consultation with the Environmental Services Director.
3. The concept design of the façade in Charlotte Lane is not approved. Further design development is to occur in consultation with the Environmental Services Director who will also consult with the Arts and Cultural Manager at Willoughby Council noting the contribution that the façade treatment will make to public art in the precinct.
4. A Waste Management Plan shall be provided that demonstrates how the additional waste generated by the development including recyclables will be stored and removed via the Spring Street loading dock. Any plans for construction works arising from waste management shall be provided.
5. Provision of a Sustainability Report that demonstrates that following the development the shopping centre will achieve a 4.5 star NABERS rating. Any construction requirements arising from that report shall be incorporated into the Construction Certificate.

(Reason: Ensure compliance)

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

3. Amendments

The proposal is to be amended to address the matters in Condition 2 and any amendments arising from the conditions of this consent.

Plans detailing these amendments are required to be shown on the Construction Certificate plans

(Reason: Ensure compliance)

4. Section 94A Contributions

A monetary contribution of \$968,922.06 (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 3% of the estimated development cost of \$32,297,402.00 at 9 January 2014 and the adopted Section 94A Contributions Plan.

To calculate the monetary 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.

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

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 Public Works 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 Public Works 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).

Prior to payment Council can provide the value of the indexed levy.

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

5. External Finishes – Solar Absorptance

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

6. 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)

7. Sydney Water 'Quick Check' Certificate

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

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

(Reason: Ensure compliance)

8. Fire Safety Schedule

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

(Reason: Compliance)

9. Parking Provision

Alterations and additions to the Albert Avenue public car park development application shall be approved.

(Reason: Compliance provision of car parking)

10. Damage Deposit

The applicant shall lodge a Damage Deposit of \$40,000 (GST Exempt) as cash, cheque or an unconditional bank guarantee, to Council against possible damage to Council's asset during the course of the building works. The deposit will be refundable subject to inspection by Council after the completion of all works relating to the proposed development. For the purpose of inspections carried out by Council Engineers, an inspection fee of \$132 (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)

11. Dedication of Drainage Easement

The Applicant shall dedicate, at no cost to Council, a drainage easement of 3.5 metre(s) wide over the allotment in favour of Council. The Plan of Dedication shall be lodged to Council prior to issue of the Construction Certificate and registered with the Land and Property Information prior to issue of any Occupation Certificate.

(Reason: Drainage maintenance)

12. Deed of Agreement

A Deed of Agreement for lease of the air space over the public road for the encroachment of the building into Charlotte Lane is to be finalised prior to issue of the Construction Certificate. (Reason: Ensure compliance)

13. Temporary Ground Anchors

Obtain written permission from all adjoining property owners affected by any encroachment either below ground or the air space above as a result of the above works. Written permission and design drawings for the ground anchors shall be submitted to the Accredited Certifier for approval prior to issue of the Construction Certificate. Copies of the permission and approved design drawings shall be sent to Council for record purposes. All works associated with the drilling and stressing of the ground anchors shall be installed in accordance with approved drawings. (Reason: Encroachment of works)

14. Council's Stormwater Drainage System

Prior to issue of any Construction Certificate, the applicant shall submit, for approval by Council as the owner of the asset, detailed design drawings for the new Council's Interallotment Drainage Pipeline. Such pipeline between Charlotte Lane and Spring Street shall be a 900mm steel reinforced concrete pipe with minimum capacity of 1.86m³/s at a minimum gradient of 1%. MGA zone 56 coordinates shall be provided for any proposed drainage pit within private properties.

The existing stormwater drainage pits and pipes in Spring Street/Spring Place shall be investigated and/or redesigned to accommodate for this new interallotment drainage pipeline. Detailed survey for the stormwater drainage network in Charlotte Lane, Spring Street and Spring Place shall be included in the design drawings. Stormwater connection to the existing kerb inlet pit in Spring Street is not supported. The applicant shall construct a new kerb inlet pit in Spring Place which then connected to the Sydney Water Stormwater pipeline. All stormwater connection shall be discharged at an angle not less than 60 degrees.

Written permission from Sydney water shall be obtained and submitted to Council for any proposed connection to be made to the Sydney Water's underground drainage pipeline in Spring Street/Spring Place.

Written permission from all private property owners affected by the installation of the new Council's drainage pipeline(s) as a result of the development shall be submitted to Council prior to any approval is given.

Full detailed drawings shall be prepared by a suitably qualified and experienced civil engineer and be designed in accordance with Council's DCP, specification (AUS-SPEC) and AS3500.3. 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 owner of the asset and the road authority under the Roads Act 1993 for any proposed works in the public road prior to the issue of any Construction Certificate.

(Reason: Ensure compliance and maintain existing amenity)

15. Overland Flow/Flood Level

Prior to issue of any Construction Certificate, a suitably qualified and experienced civil engineer must submit, for approval by the Accredited Certifier, a detailed flood study, site plans and certification for the following:

- The entry floor level to the building in Charlotte Lane has a minimum freeboard of 500mm above the overland flood level of RL87.80. i.e. The minimum entry level to the building in Charlotte Lane shall be set at RL88.30.
- The entry floor level to the building in Victoria Avenue shall have a minimum freeboard of 100mm above the 1 in 100 year ARI flood level of RL88.10 and RL87.10 at the western boundary and eastern boundary respectively. Minimum floor levels shall be derived by interpolating the flood level at the entry location(s) along this boundary and adding the 100mm freeboard.
- All proposed electrical and mechanical equipment including power points associated with the development in Victoria Avenue and Charlotte Lane have been designed so that they are located at a minimum of 500 mm above the overland flood level of RL87.80.

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 Accredited Certifier.

(Reason: Prevent property damage)

16. 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)

17. Traffic Management Plan

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

- a) Be prepared by a RTA accredited consultant.
- b) Implement a public information campaign to inform any road changes well in advance of each change. The campaign shall be approved by the Traffic Committee.
- c) Nominate a contact person who is to have authority without reference to other persons to comply with instructions issued by Council's Traffic Engineer or the Police.
- d) Temporary road closures shall be confined to weekends and off-peak hour times and are subject to the approval of Council. Prior to implementation of any road closure during construction, Council shall be advised of these changes and a Traffic Control Plan shall be submitted to Council for approval. This Plan shall include times and dates of changes, measures, signage, road markings and any temporary traffic control measures.

(Reason: Public safety and amenity)

18. Number of Car Parking Spaces

A minimum of 222 car parking spaces (in addition to replaced spaces) are required as a result of/in conjunction with this development and are to be provided generally in accordance with the undertakings of the Traffic Report by Colston Budd Hunt and Kafes date stamped by Council 23 June 2014. This requires alterations and additions to the Albert Avenue multi-deck public car park and reconfiguration of car spaces on the roof of 28 Victor Street. In addition it requires the removal of all fencing and internal boom gates to remove all long stay car spaces located on Level 5.

To provide for the required car parking this consent also requires the removal of all fencing and boom gates and long stay car parking on Level 6 to make all car spaces available for retail car parking that is exempt for the purposes of the *Parking Space Levy Act 2009*.

Note that the provision of a minimum of 145 spaces on the roof of 1 Anderson Street shall be provided by removal of unauthorised structures obstructing car spaces. Should that not be achieved additional spaces must be provided in the Albert Avenue public car park.

(Reason: Ensure compliance)

19. Approval from Adjoining Property Owner(s)

Prior to issue of any Construction Certificate, the applicant shall submit, for approval by the Accredited Certifier, written approval from all private property owners affected by the installation of the new Council's drainage pipeline(s) as a result of the development. Copies of the approval shall be submitted to Council.

(Reason: Ensure compliance)

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

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

- a. The reconstruction of the existing footpath in approved pebblecrete tiling for the full frontage of the development site in Victoria Avenue in accordance with Willoughby City Council's CBD paving policy. The new footpath shall have maximum crossfall of 3% in accordance with Council's specification. All adjustments to public utility services and associated construction works in the nature strip are to be at the full cost to the applicant. Detailed long section and cross sections at 5 metres interval shall be provided.
- b. The full streetscape design in Charlotte Lane. This is to include but not limited to the following works:
 - i. The construction of new kerb and gutter with associated full road reconstruction in Charlotte Lane in accordance with Council's specifications and Standard Drawing SD105.
 - ii. The construction of the new footpath in black granite pavers in Charlotte Lane to match Anderson Street paving modification carried out by Westfield.
 - iii. The reconstruction of the planter box with a tree replacement of a 400 litre *Glochidon ferdinandi* (Cheese Tree).
 - iv. The reconstruction of the two existing kerb-inlet pits in Charlotte Lane with the installation of two 675mm diameter steel reinforced concrete pipes (RCP) and the construction of a new junction pit connecting the 900mm diameter steel reinforced concrete pipe. Each kerb inlet pit shall have double grates (900mmx450mm) and a 2.4 metres lintel in accordance with Council's specification and standard drawing SD515. Structural drawings and certificate shall be submitted for the design of any drainage pit deeper than 1.2 metres.
 - v. Details of landscaping design in Charlotte Lane.
 - vi. Construction details of proposed kiosks and utility services in Charlotte Lane.
- c. The construction of a new kerb inlet pit with 2.4m lintel in Spring Place and the reconstruction of the existing junction pits in Spring Street due to the installation of the new Interallotment Drainage Pipeline in accordance with Council's specification and standard drawing SD515.

The required plans must be designed in accordance with Council's specifications (AUS-SPEC). A minimum of three (3) weeks will be required for Council to assess the *Roads Act* submissions. Early submission is recommended to avoid delays in obtaining a Construction Certificate. For the purpose of inspections carried out by Council Engineers, the corresponding fees set out in Council's current *Fees and Charges Schedule* are payable to Council prior to issue of the approved plans.

Approval must be obtained from Willoughby City Council as the road authority under the Roads Act 1993 for any proposed works in the public road prior to the issue of any Construction Certificate.
(Reason: Ensure compliance)

21. 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:
 - i) AS1668.1, AS1668.2 and AS3666.1 as applicable; and/or
 - ii) Alternative solution using an appropriate assessment method

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: Ensure compliance)

22. 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)

23. Kitchen Fitout Details

The fitout of the food preparation kitchen areas must comply with Australian Standard *AS4674-2004 Design, Construction and Fitout of Food Premises* and with the requirements of the Food Safety Standards. Detailed plans shall be submitted to the Principal Certifying Authority together with certification from a suitably qualified person that the fitout complies with the standards prior to a Construction Certificate being issued.

The plans are specifically required to show compliance with the following:

- a) The kitchen design and layout must ensure effective operation with a safe flow from raw and cooked food, suitably located hand washing facilities, separate wash areas for food preparation & cleaning of utensils/equipment and suitable storage facilities for dry goods and hot & cold food storage. All storage areas are to be suitably pest proofed.
- b) The premises shall have separate facilities for the storage of staff clothing/personal belongings, office materials and for storing cleaning chemicals.
- c) A dedicated hand wash basin/s shall be located in each area where contamination of the hands is likely to occur and must be within 5m from any place where food handlers are handling food. The hand wash basin/s shall be of a suitable size (500mm x 400mm), fixed to the wall at bench height and accessible at all times.
- d) All floor and wall finishes to the food preparation/storage areas must be of an approved material that is impervious to moisture.
- e) Floors in the food preparation/storage areas shall drain to a floor waste and be coved at the intersection of the walls.
- f) All walls must be solid construction with no voids or gaps.
- g) All ceilings above the food preparation/storage areas must be of an impervious material such as plasterboard that is free of open joints.

- h) A double bowl washup sink with a minimum bowl size of 450mm x 300mm x 300mm and a separate designated food preparation sink shall be provided in the food preparation kitchen area.
- i) The cooking equipment and dishwasher shall be provided with mechanical ventilation.
- j) The openings to the restaurant in particular to the areas consisting of bi-fold doors shall be pest-proofed against flying insects by a mechanically ventilated air curtain that prevents insects entering.

(Reason: Health and compliance)

24. Acoustic Assessment

Prior to the issue of a Construction Certificate an acoustic assessment shall be undertaken by an appropriately qualified and practicing acoustical consultant. The assessment shall include but should not be limited to:

- Project description;
- Relevant guidelines or policy that have been applied;
- Background noise measurements;
- Details of instruments and methodology used for noise measurements (including reasons for setting descriptors used, calibration details);
- A site map showing noise sources, measurement locations and noise receivers;
- Noise criteria applied to the project (must be in accordance with the *NSW Industrial Noise Policy*);
- Noise predictions for the proposed development (must identify all operations conducted on site that may cause a noise impact);
- A comparison of noise predictions against noise criteria;
- A discussion of proposed noise mitigation measures, the noise reduction likely and the feasibility and reasonableness of these measures; and
- How compliance can be practically achieved together with a statement confirming compliance.

The Principal Certifying Authority (PCA) must ensure that the acoustic mitigation measures identified in the acoustic assessment are suitably incorporated into the development prior to the issue of the Construction Certificate.

(Reason: Amenity)

PRIOR TO COMMENCEMENT

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

25. 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 external finishes shall be in accordance with those approved under Condition 2 matters. The proposed patterned pre-cast concrete panels proposed on the Level 6 additions are approved.

(Reason: Visual amenity)

26. Licensee Details

The name, address and contractor licence number of the licensee who has contracted to carry out the work or the name and permit number of the owner-builder who intends to carry out the work shall be furnished in writing to the Principal Certifying Authority.

NB: Should changes be made for the carrying out of the work the Principal Certifying Authority must be immediately informed.

(Reason: Information)

27. Building Site Hoarding

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

(Reason: Safety)

28. Dilapidation Report of Adjoining Properties

Submit a photographic survey and report of the adjoining properties XXX, XXX 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)

29. Structural Adequacy of Awning over Council's Property

A certification of the awning required by Condition 2 from a practising Structural engineer is to be submitted to the Principal Certifying Authority regarding the structural adequacy of the awning located over Council's property, including anchorage points to the wall.

(Reason: Ensure public safety)

30. 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)

31. 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)

32. Encroaching Building Structure over Charlotte Lane and Kiosks in Lane

The construction of the encroaching part of the building, kiosks and all improvements in Charlotte Lane shall proceed at no cost to Council.

Regard should be given to the major surface or subsurface utility lines including Sydney Water, Telstra and Energy Australia which are located in the vicinity.

(Reason: Amenity)

33. Deed of Indemnity – Construction Work in Charlotte Lane

A Deed of Indemnity is to be entered into for the construction work in Charlotte Lane whereby the developer will fully indemnify Council and their representatives from all claims, demands and liability which may arise in respect of any accident or damage to property or death or injury to any person of whatsoever nature. In this regard the developer will from the date that work commences on the bridges and/or associated structures until the expiration of the lease agreement, effect appropriate insurance policies including a Contract Works Policy, Public Risk Insurance, Worker's Compensation Insurance and will keep insured each part of the works as they are completed against damage or destruction. A copy of the executed Deed is to be submitted to Council.

(Reason: Ensure compliance)

DURING DEMOLITION, EXCAVATION AND CONSTRUCTION

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

34. Hours of Work

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

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

Note: This S96 application may require re-notification in some circumstances.

(Reason: Ensure compliance and amenity)

35. Construction Information Sign

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

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

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

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

(Reason: Ensure compliance)

36. Building Site Fencing

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

A temporary safety fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5m). Temporary fences are to have a minimum height of 1.8m and be constructed of cyclone wire or similar with fabric attached to the inside of the fence to provide dust control.

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

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

(Reason: Safety)

37. Demolition Work AS 2601

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

(Reason: Safety)

38. Asbestos 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)

39. Road and Footpath

Council's footpath, nature strip or roadway not being damaged and shall be kept clear at all times.

(Reason: Maintain public safety)

40. No Storage on Foot/Roadway

Building materials, plant and equipment and builder's waste, are not to be placed or stored at any time on Council's footpath, nature strip or roadway adjacent to building sites unless prior written approval has been granted by Council.

(Reason: Safety)

41. Skips and Bins

Rubbish skips or bins are not to be placed on Council's footpath, nature strip or roadway unless prior written approval has been granted by Council.

(Reason: Safety)

42. 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)

43. Temporary Ground Anchors – Supervision

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

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

44. 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)

45. 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)

46. 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)

47. 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)

48. Hazardous Materials – Clearance Certificate

Following completion of the removal of any identified hazardous material associated with demolition works, a clearance certificate shall be issued by an appropriately qualified occupational hygienist and submitted to the Principal Certifying Authority. The clearance certificate shall verify that the site is free from any hazardous materials from the demolished buildings.

(Reason: Health and safety)

PRIOR TO OCCUPATION OF THE DEVELOPMENT

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

49. External Finishes

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

(Reason: Visual amenity)

50. Commercial – Shop Number Display

The shop number at least 50mm high being clearly displayed adjacent to the head of the entry door to the shop.

(Reason: Information)

51. Commercial - Gap Between Adjoining Awnings

The gap between each end of the awning and the adjoining awnings shall be appropriately sealed to protect pedestrians during wet weather.

(Reason: Safety)

52. Sustainable Development - Final Occupation

The measures proposed to be undertaken in the Sustainable Development Report required by Condition 2 are to be implemented as part of the development.

(Reason: Environmental Sustainability)

53. 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)

54. Fire Safety Certificate Forwarded to NSW Fire and Rescue

Upon completion of the building work a Fire Safety Certificate shall be furnished by the owner to Council, and the owner must cause a copy of the certificate (together with a copy of the current fire safety schedule) to be forwarded to the Commissioner of New South Wales Fire and Rescue, and must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building in accordance with Clause 172 of the Environmental Planning and Assessment Regulation 2000 in respect to each essential fire safety measure included in the Schedule attached to the Construction Certificate.

(Reason: Safety)

55. Identification of Car Parking Spaces

The additional car parking spaces on 28 Victor Street are to be physically identified on site and maintained free of obstruction. Under no circumstances are these spaces to be used for the storage of goods or waste products.

(Reason: Amenity)

56. Charlotte Lane

Completion of all landscaping and construction works in Charlotte Lane in accordance with the relevant plans noted in Condition 1 and the approval pursuant to the *Roads Act 1993* in Condition 20.

(Reason: Compliance)

57. Albert Avenue Car Park

Completion of the required alterations and additions proposed to the Albert Avenue multi-deck public car park.

In addition the Car Park Management Agreement with Willoughby Council is to be amended to provide for and address the matters arising from the additional car spaces (including but not limited to fees and charges) and removal of all long stay car parking that is subject to the *Parking Space Levy Act 2009* ensuring maximum availability of casual car parking spaces for customers of the retail businesses of Chatswood.

(Reason: Compliance in providing for car parking demand)

58. Permits for use of Charlotte Lane

Application to Willoughby Council, agreement with Willoughby Council on the terms of the permits and the issue of the permits for use of Charlotte Lane (street vending and/or footway restaurants as the case may be) in accordance with s.125 and/or s.139A of the *Roads Act 1993*.

(Reason: Compliance)

59. Air Space Lease Agreement

The completion to the satisfaction of Council of a suitable air space lease agreement for the air space within which the encroachment of the building is proposed. The documentation in respect of this agreement is to be completed and plans of subdivision registered for any portion of the development and the term of lease and lease fees shall be as negotiated between Council and the developer up to a maximum of 99 years. The terms are to be agreed with Council and the Lease signed and registered.

(Reason: Ensure compliance)

60. Registration of Dedication of Drainage Easement

Prior to issue of any Occupation Certificate, the applicant shall submit, for approval by the Principal Certifying Authority, documentary evidence by way of Title Documents that the Plan of Dedication of a 3.5m wide Drainage Easement has been registered with the Land and Property Information.

(Reason: Ensure Compliance)

61. 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)

62. CCTV Report of the As-Built 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 condition of the entire as-built Council drainage pipelines 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 pipelines shall be submitted to Council. Any defects identified from the CCTV and report shall be rectified by the applicant or the applicant's contractors to the satisfaction of Council's Engineers.

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

(Reason: Ensure compliance and protection of public asset)

63. 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)

64. Pebblecrete/Approved Tiling

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

(Reason: Public amenity)

65. 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)

66. Performance Bond

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

(Reason: Ensure compliance and specification)

67. Certification of Council's Interallotment Drainage Pipeline(s)

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

(Reason: Ensure compliance)

68. Works-As-Executed Plans – Council's Interallotment Drainage Pipeline(s)

Upon completion of the new Council's Interallotment Drainage Pipeline(s), the following shall be submitted to the Principal Certifying Authority with a copy to Council's Engineers:

- Work-as-Executed plans based on the approved stormwater plans from a registered surveyor to verify that all as-built alignments and levels which are constructed in accordance with design requirements. Any minor changes or variations to the approved plans should be highlighted in red on the approved stormwater plans. MGA Zone 56 coordinates for all drainage pits within private properties shall be verified.
- Registered Surveyor's certificate that the as-built Council's Interallotment Drainage Pipeline(s) have been constructed wholly within the proposed 3.5 metres wide Drainage Easement.
- Engineer's certification of the as-built Council's Interallotment Drainage Pipeline(s).

(Reason: Record of works)

69. Sound Level Output Certification

The sound level output from the equipment installed for the operation of the building shall not exceed 5dBA above the ambient background noise level measured at the boundaries of the property in accordance with the current Environment Protection Authority (EPA) guidelines for noise assessment. Certification of the level of sound output is to be provided by an appropriately qualified acoustical Consultant to the Principal Certifying Authority.

(Reason: Amenity)

70. Noise Emission – Equipment

Certification shall be provided from a suitably qualified acoustic engineer certifying that the noise from all sound producing plant, equipment, machinery and/or mechanical ventilation system complies with the relevant noise criteria.

(Reason: Amenity)

71. 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)

72. Trade Waste Permit / Consent

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

(Reason: Ensure compliance)

73. Food Premises

The fitout of the food premises shall comply with:

- a) Australian Standard AS4674-2004 – Design, Construction and Fitout of Food Premises.
- b) Food Safety Standards
Standard 3.2.2 Food Safety Practices and General Requirements
Standard 3.2.3 Food Premises and Equipment.
- c) The cool rooms shall be provided with safety devices to comply with G1.2 of the BCA.
- d) No approval is granted for any remote storage area.
- e) The business being registered with NSW Food Authority.
- f) Comply with the requirements of Sydney Water – Trade Waste Section (grease trap).
- If a Private Certifier is to be used, the final inspection shall be carried out by a suitably qualified person to ensure that food standards are met. A fee shall be charged in accordance with Council's current "Food Premises Fitout Inspection Fee" as per Willoughby Council Management Plan – Fees and Charges Schedule. The fee shall be paid prior to inspection.

Note: Copies of AS 4674 may be obtained from Standards Australia
Copies of the Food Standards Code may be obtained from Australia and New Zealand Food Authority.

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

(Reason: Health and compliance)

74. Food Premises Database

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

(Reasons: Health and compliance)

75. Waste & Recycling Room

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

- a) The floor being graded and drained to an approved drainage outlet connected to the sewer and having a smooth, even surface, coved at all intersections with walls.
- b) The walls being cement rendered to a smooth, even surface and coved at all intersections.
- c) Cold water being provided in the room with the outlet located in a position so that it cannot be damaged and a hose fitted with a nozzle being connected to the outlet.

- d) An overhead type door being provided to the room having a clear opening of not less than 1.8m.
- e) A galvanised steel bump rail at least 50 mm clear of the wall being provided at the height of the most prominent part of the garbage containers.

(Reason: Health and amenity)

ADDITIONAL CONDITIONS

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

76. Compliance with Original DA

Compliance with relevant terms and conditions of past Development Consents for 1 Anderson Street Chatswood and in particular:

- All deliveries must be received via the loading dock of the complex. No deliveries can be made from vehicles standing kerbside in the adjacent streets. The loading dock area and adjacent goods handling area must be kept clear at all times.
- Garbage is to be removed and/or recycled through the waste management system of the complex.
- Compliance with the hours of operation approved for the complex.
- Spruiking and amplified music for the purposes of attracting customers from outside the building is prohibited.
- Extension of the Shopping Trolley Management system to ensure that shopping trolleys are unable to be taken outside the site.

(Reason: Ensure Compliance)

77. Annual Fire Safety Statement

Attention is directed to Clause 177 of the Environmental Planning and Assessment Regulation 2000 regarding the submission of an Annual Fire Safety Statement in relation to each essential fire safety measure implemented in the building or on the land on which the building is situated.

(Reason: Safety)

78. Accessibility to Car Parking Spaces

The car parking spaces are to be accessible during all hours of operation of the business.

(Reason: Ensure compliance)

79. 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 Spring Street or from any appurtenant right of way.

(Reason: Access and amenity)

80. Site Lighting

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

(Reason: Amenity)

81. Proposed Identification Signs

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

(Reason: Visual amenity)

82. Signs

A separate Development Application in accordance with the undertakings of the documentation lodged with this application shall be submitted to Council for approval in respect of any proposed advertising sign which will be visible from a public place to be designed to comply with Willoughby Development Control Plan. Please note that a separate DA is not required for signs which are "Exempt Development" as defined under S76(2) of the Environmental Planning and Assessment Act 1979.

(Reason: Ensure compliance)

83. Maintenance of Encroaching Building and Structures in Charlotte Lane

The developer is to take responsibility for the maintenance of the encroaching building, kiosks and all fixtures, fittings and finishes in the area of Charlotte Lane occupied by Westfield. That is, it will meet the costs of structural repairs, the regular repainting, cleaning or repairs of all surfaces of the structures and also the costs of cleaning, electricity consumption, replacement of or repair to fixtures or fittings arising from the day to day use.

(Reason: Ensure compliance)

84. Encroaching Building - Costs for Ongoing Maintenance

All costs relating to the provision and ongoing maintenance of the encroaching building and associated structures including all of Council's legal costs, valuation costs, stamp duties, land title fees and professional fees of any consultant as required from time to time are to be met by the developer or owner at the time.

NB: The concurrence of the Director General of the NSW Department of Planning is required pursuant to Section 149 of the Roads Act 1993 for air space leases over/under public roads.

(Reason: Ensure compliance)

85. Analysis of Outlet Condition

All storage outlet pipes from the OSD tank shall be above the 1 in 100 year ARI level.
(Reason: Maintain designed discharge)

86. 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)

87. 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)

88. Road Reserve Planting

Replacement planting proposed within the road reserve may 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) Ongoing maintenance and replacement planting will not be provided by 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)

89. 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)

90. Pollution Prevention – Water

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

91. Health – Storage and Disposal of Special Waste

Contaminated, clinical or pathological waste shall be stored within the premises, handled, transported, stored and disposed of in accordance with the NSW Department of Health requirements, Waste Management Guidelines for Health Care Facilities.

(Reason: Compliance)

92. Health – Storage of All Waste

All waste including medical waste and sharps containers shall be stored in a secure area which is not accessible to the general public.

(Reason: Compliance and Safety)

93. Health – Skin Penetration – Construction

The construction and fitout of the skin penetration premises shall comply with the requirements of the Public Health Regulation 2012.

(Reason: Public Health)

94. Health – Skin Penetration – Use

The use and operation of the premises shall comply with the requirements of the Public Health Act 2010, and Public Health Regulation 2012. Direction may also be sought from NSW Health guidelines and publications.

(Reason: Public Health)

95. Health – Hairdressing and Beauty Salons – Construction

The construction and fitout of the hair and/or beauty salon shall comply with the requirements of the Local Government (General) Regulation 2005.

(Reason: Compliance)

96. Ventilation – Operation

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

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

(Reason: Health Protection)

97. Mechanical Ventilation Systems Comprising Water Cooling

Mechanical ventilation systems comprising water cooling, and/or evaporative cooling systems shall be registered with Council on completion of the installation in accordance with the requirements of the Public Health Act 2010 and Public Health Regulation 2012.

(Reason: Health Protection)

98. Stormwater Drainage Management

Ensure that stormwater drains in or near the property carry clean rainwater only. Any other liquids or solids are considered a pollutant. Do not allow any wash water, food stuffs, grease, litter or other pollutants from business operations to get into the stormwater drains. Drains must be free of litter, leaves or any other foreign matter at all times.

(Reason: Environmental Protection)

99. 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)

100. 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)

101. Mechanical Ventilation – Provisions for Future Use of Commercial/Retail Tenancy

The base building design shall include provisions for the installation of mechanical ventilation to any commercial/retail tenancy where it may be approved to be used as a food premises or any other use which requires mechanical ventilation. The provisions shall allow any mechanical ventilation system installed to discharge vertically and comply with the requirements of the Building Code of Australia and any relevant Australian Standard.

(Reason: Amenity/Ensure compliance)

102. Waste Materials

No waste materials are to be stored outside the approved waste storage area at any time. The garbage receptacles are not to be used for the disposal of any type of liquid waste.

(Reason: Health and amenity)

103. Removal of Trade Waste

The building/business owner must ensure that there is a contract either with Council or a licensed contractor for the removal of trade waste. No garbage shall be placed on the public footpaths, roadways, plazas, reserves at any time.

(Reason: Health and amenity)

PRESCRIBED CONDITIONS

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

104. Compliance with Building Code of Australia

All building works must be carried out in accordance with the performance requirements of the Building Code of Australia.

(Reason: Compliance)

STATUTORY REQUIREMENTS

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

105. 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)

106. 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)

107. 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)