

**28, 32, 36 Anderson Street, 1 Help Street & 2A McIntosh Street, CHATSWOOD NSW 2067**

**JRPP NO:** 2014SYE049  
**DA NO:** DA-2013/309/A  
**COUNCIL:** WILLOUGHBY CITY COUNCIL  
**DATE:** 02-JUL-2014

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**RECOMMENDATION:** APPROVAL

**LOCATION:** 28, 32, 36 ANDERSON STREET, 1 HELP STREET & 2A MCINTOSH STREET, CHATSWOOD NSW 2067

**OWNER:** LESTER WU HOLDINGS PTY LTD AND REYHODA PTY LIMITED AND OWNERS CORP STRATA PLAN 211 AND OWNERS CORP STRATA PLAN 57732 AND MR A YORTIS AND MRS A A YORTIS

**APPLICANT:** ASCOT PROJECT MANAGEMENT

**PROPOSAL:** S96 (2) - MODIFY ORIGINAL PROPOSAL TO INCLUDE INCREASE OF UNITS BY CHANGE IN UNIT MIX, ADAPTABLE UNITS, CARPARKING SPACES, CHANGES TO COMMERCIAL AND SHOP-TOP HOUSING FLOOR SPACE LAYOUT AND ASSOCIATED WORKS.

**DATE OF LODGEMENT:** 08-APR-2014

**VALID APPLICATION DATE:** 12-JUN-2014 (AMENDED PLANS TO ADDRESS MATTERS RAISED BY TRAFFIC GROUP)

**REPORTING OFFICER:** NONI DE CARVALHO

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**DESCRIPTION OF PROPOSAL**

The modification of Development Application 2013/309 proposes an overall review of the shop top housing proposal following marketing advice. As a result of the changes there is a small reduction in total gross floor space of 2m<sup>2</sup> from 13,441m<sup>2</sup> to 13,439m<sup>2</sup>. The overall permissible FSR of 4:1 is still complied with.

The variation to the development standard approved in the original consent relating to the height control of Clause 4.3 of WLEP 2012 is unchanged by the modification. The degree of non-compliance and variation to Clause 4.4A (19) being the increase in the proportion of floor space in shop top housing is slightly decreased by 31m<sup>2</sup> reducing the residential floor

## REPORT TO THE JOINT REGIONAL PLANNING PANEL

28, 32, 36 Anderson Street, 1 Help Street & 2A McIntosh Street, CHATSWOOD NSW 2067 (Cont.)

space from 3.61:1 to 3.6:1 within the total FSR of 4:1. The commercial floor space increases from 1,310m<sup>2</sup> to 1,339m<sup>2</sup>.

The changes to the approved development concern deleting splayed or angled walls in units to improve the efficiency of the internal spaces within the units, adjusting angled and splayed balconies to regularise the balcony shape and varying the unit mix to meet market demand. The original approval was for 136 units including 68 adaptable units for people with disabilities. The modified proposal is for a total of 145 units including 73 adaptable units for people with disabilities.

The following summarises the modified unit mix of the approved 136 units and the proposed 145 units:

<u>145 units Proposed</u>	<u>136 units Approved</u>
68 x 1 bed	62 x 1 bed
19 x 1 bed plus study	8 x 1 bed plus study
32 x 2 bed	24 x 2 bed
19 x 2 bed plus study	31 x 2 bed plus study
3 x 3 bed	3 x 3 bed
4 x 3 bed plus study	8 x 3 bed plus study

The main change is a reduction in the number of larger units (2 bed plus studies and 3 bed plus studies).

The changes to the unit mix impacts on the required car parking to meet the needs of the development increasing car parking provision from 193 spaces to 204 spaces.

Removal of splay walls and off-set balconies retains the general architectural form of the development. The *Angophora costata* tree at the corner of Help Street is still to be retained and a simplified curved back-drop to the tree canopy is still a feature of the architectural form. The south facing elevation retains the architectural mesh screen and the variations to modulation and finish between the lower levels and the upper levels in the façades facing Anderson Street and McIntosh Street are retained.

A more noticeable change is the built form that addresses the intersection of McIntosh Street and Anderson Street on the north-eastern corner of the site with the changes to the previously splayed balconies and more regular lines to the external form of the building. The new architectural detail is provided in the banding (louvres) at the roof level that continues across and down the north elevation of the balconies facing Anderson Street providing a unifying and connecting feature to the built form. The modified form seeks to maintain a “gateway” address to the intersection and Chatswood CBD.

The setbacks to 5 Help Street are generally consistent with the approved development as are the setbacks to the surrounding streets. The detail of pedestrian access and movement around the site at ground level is consistent with the approved development.

### Neighbour Notification

Surrounding owners were advised of the modification and three submissions were received. The submissions were from a resident of 1 Cambridge Lane (Cambridge Apartments), 2A/2B Help Street (Regency Apartments) and the Strata Manager for Tower A in Regency Apartments on behalf of the Owners Corporation of Tower A.

The matters raised in the submissions were:

1. Concern regarding traffic along Cambridge Lane and McIntosh Street including traffic during construction. These streets must not be used at any time.

Comment:

*The option of use of McIntosh Street as a vehicular entry was considered in the original development assessment and rejected because of the constraints of the one-way narrow streets of Cambridge Lane and McIntosh Street, safety issues of operation of Cambridge Lane as a share-way and the problems of level changes between McIntosh Street, Anderson Street and Help Street. There is no change in that position with the modification. The logistics of traffic management and site access during construction are matters for detailed design prior to a Construction Certificate being issued. Conditions 14 and 15 in the consent address this matter. The wording of those conditions are:*

**14. Construction Management Plan (CMP)**

*Submit, for approval by the Willoughby City Council, a detailed Construction Management Plan (CMP). The CMP shall address:*

- (a) Construction vehicles access to and egress from the site including consideration of impact on the cycle-way, major traffic routes and bus stops*
- (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 noting that RMS will not allow use of Help Street*
- (f) Tree protection management measures for all protected and retained trees.*
- (g) Scheduling of construction on work and deliveries having regard to ensuring noise generating activity does not coincide with sensitive times for St Pius College activity, for example, examination times.*
- (h) Relocation temporarily of any school zone bus stops during construction work if impacted by the construction activity or if there is any issue of safety for students at the nearby schools.*
- (i) Methods for management of dust and noise generally on the site during construction.*

*Note that the CMP will be prepared after consultation with St Pius College to ensure that the concerns of the College for the safety of students and the amenity of the College are addressed during construction.*

*(Reason: Compliance)*

**15. Traffic Management Plan**

*A detailed Construction Traffic Management Plan shall be prepared for pedestrian, cycle, bus and traffic management and be submitted to Willoughby City Council for approval. The plan shall: -*

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

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

*(Reason: Public safety and amenity)*

2. Alternative access should be found for the site. The congestion in Help Street has not been adequately considered and assessed in the original application. A second access point should be provided from McIntosh Street. The previous Mayor did not support the proposal.

*Comment:*

*The submission conflicts with the views expressed in 1 above. The congestion in Help Street and the impact of the proposed development were assessed with the original application and the additional traffic generation was considered acceptable. The assessment was based on the latest traffic generation information from RMS that included surveys of shop top housing development that were carried out in Chatswood. The access point does not change under this modification.*

3. Safety of pedestrians and increase in pedestrians is an issue resulting from the new development and the additional traffic generated. Exacerbation of potential for accidents and/or congestion especially with RMS indicating it would not consider any change to the phasing of the traffic lights at Help/Anderson Street intersection. Safety of children and pedestrians especially at night. Council needs to care for and listen to its residents.

*Comment:*

*This matter was also considered in the original application assessment. Traffic light controls are provided at the Help Street/Anderson Street intersection and the Help Street/Cambridge Lane intersection that provide safe crossing for pedestrians. Adequate waiting space for pedestrians is available on the footpaths. Illegal driver behaviour in speeding or jumping of traffic lights is a matter for Police. If there is some queuing at intersections at peak traffic times noting that on average the Help/Anderson Street intersection operates at Level B for most of the time, there is a consequent impact on driver speed. The modification application does not change the arrangements for pedestrian movement or access.*

4. Support for matters raised in 2 and 3 above. Traffic at weekends is blocked in Help Street from 10.30 am. A new traffic impact study needs to be carried out of Chatswood CBD by the Traffic Committee as traffic is increasing with Thursday night and weekend shopping and new buildings at the Interchange, Railway Street, Thomas Street and Albert Avenue.

*Comment:*

*See comments above. Chatswood CBD has been the subject of extensive study in recent years that included consideration of the cumulative impact of known new development in Chatswood. A micro-simulation model of traffic and pedestrian movements by consultants GHD looked at the network from Boundary Street to Mowbray Road and made recommendations including provision of a northern by-pass to Chatswood. This study also then informed the detailed study of Chatswood CBD by Lambert and Rehbein that has a number of recommendations for short, medium and long term action to improve traffic and pedestrian movement in the CBD. It will take time for all the initiatives to be achieved but short term work has already commenced with approval for closure of Spring Street at Victoria Avenue, upgrade of the intersection of Archer Street and Albert Avenue, support by the Minister for Transport for changes to the bus interchange to improve safety and efficiency and road widening in Albert Avenue.*

## Existing Building, Relevant History and Site Context

The site characteristics and area of 3,356m<sup>2</sup> is unchanged by the modification. The Sydney East Joint Regional Planning Panel approved the original development at its meeting on 12 December 2013. The approval was by way of a “Deferred Commencement” consent as there were matters relating to stormwater management and flooding required around the site that required further investigation. These matters have since been resolved and a final consent has been issued.

## Controls and Classification

- i) Willoughby LEP 2012: Yes
- ii) Conservation Area: No
- iii) Zoning: B4 Mixed Use
- iv) Applicable DCP (SEPPs, REPs): SEPP 55 Remediation of Land, SEPP 65 Design Quality of Residential Flat development, SEPP (Building Sustainability Index 2004, SREP/SEPP (Sydney Harbour Catchment) 2005, Willoughby Development Control Plan
- v) Other Relevant Policies (Council Resolutions, Draft DCPs): N/A
- vi) BCA Classification: 2, 5, 6, 7.
- vii) Developer's Contribution Plans:
  - a. S94A: Yes
  - b. Applicable rate (%): 3%
  - c. The cost of development: \$36,682,228 (amended)
  - d. Date of accepted cost of development: 10.4.2014
  - e. The total contribution payable (subject to Building Price Indexing (Enterprise Bargaining Agreement)): \$1,100,466.84

## Development Statistics

	Approved	Proposed	Standard	Variation
a) Site Area (m <sup>2</sup> )	3,356	3,356		No change
b) Gross Floor Area (m2)	13,441	13,439	13,424	Minor change
c) Floor Space Ratio	0.4:1	0.4:1	0.4:1	No change
d) FSR Commercial	0.39:1	0.4:1	2:1	Minor change
e) FSR Shop top housing	3.61:1	3.60:1	2:1	Minor change
f) Max. Height Help Street side	30	30	20	No change
g) Max. Height McIntosh Street side	40	40	25	No change
h) Car Spaces	193	204	204	Increased to comply
i) Adaptable Housing	50% (68)	50% (73)	50%	Increased to comply
j) Communal open space (m <sup>2</sup> )	2,460	2,460	1,240	No change

## Compliance with Plans or Policies

The minor changes to the development statistics between the FSR in commercial uses and the FSR in shop top housing has a consequent minor reduced impact on the degree of non-compliance with the standard.

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In general the non-compliances approved in the original approval remain in the modified proposal. The adjustments to car parking provision and the number of adaptable units retain compliance with requirements for the increase in unit numbers and mix.

### Referrals

Building Services has no additional conditions.

Engineering Services note that the amended plans have provided for the access design and levels reflecting the outcomes of the Flood Study to address potential stormwater penetration into the site in a major storm event.

The Traffic Group noted a few issues with the modification that resulted in amended plans for the basement and lower ground floor levels. The Traffic Group has no objection to the modification following amended the plans.

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

Satisfactory ✓ Unsatisfactory ✗ Not Relevant N/A

(a)(i)	<b>The provisions of any environmental planning instrument (EPI)</b>	
	• State Environmental Planning Policies (SEPP)	✓
	• Regional Environmental Plans (REP)	✓
	• Local Environmental Plans (LEP)	✓
(a)(ii)	<b>The provision of any draft environmental planning instrument (EPI)</b>	
	• Draft State Environmental Planning Policies (SEPP)	N/A
	• Draft Regional Environmental Plans (REP)	N/A
	• Draft Local Environmental Plans (LEP)	N/A
(a)(iii)	<b>Any development control plans</b>	
	• Development control plans (DCPs)	✓
(a)(iv)	<b>Any matters prescribed by the regulations</b>	
	• 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
(b)	<b>The likely impacts of the modified development</b>	
	• Context & setting	✓
	• Access, transport & traffic, parking	✓
	• Servicing, loading/unloading	✓
	• Public domain	✓
	• Utilities	✓
	• Heritage	N/A
	• Privacy	✓
	• Views	N/A
	• Solar Access	✓
	• Water and draining	✓
	• Soils	N/A
	• Air & microclimate	N/A

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

	• Flora & fauna	N/A
	• Waste	✓
	• Energy	N/A
	• Noise & vibration	N/A
	• Natural hazards	N/A
	• Safety, security crime prevention	✓
	• Social impact in the locality	✓
	• Economic impact in the locality	✓
	• Site design and internal design	✓
	• Construction	✓
	• Cumulative impacts	✓
	Comment: See assessment	
(c)	<b>The suitability of the site for the modified development</b>	
	• Does the modified proposal fit in the locality?	✓
	• Are the site attributes conducive to this modified development?	✓
(d)	<b>Any submissions made in accordance with this Act or the regulations</b>	
	• Public submissions	✓
	• Submissions from public authorities	N/A
(e)	<b>The public interest</b>	
	• Federal, State and Local Government interests and Community interests	✓

**Assessment**SEPP 55

No change is proposed to the general form of the site layout or extent of basement excavation. The modified proposal remains consistent with the requirements of SEPP 55.

SEPP (Basix)

An amended Basix report has been provided by Windtech (dated 3 April 2014) and the new Basix Certificate 492897M\_03 has been provided with the modification. This indicates retention of the sustainability undertakings in the original approved development and that the project will achieve the Basix targets for water usage, thermal comfort and energy efficiency. There is a slight reduction in the assessed average NatHERS star rating for the units from 5.3 to 5.1 stars.

The modified proposal retains the provision for rainwater re-use (2,000L tank) on site and use of water efficient fittings in the development.

The analysis of sunlight access to the units indicates that 73.8% (107 units out of the total of 145) will have at least 2 hours of direct sunlight access to the glass line of living areas between 9am and 3pm. This represents a slight reduction from the original development

where 75.7% achieved 2 hours sunlight access. It still exceeds the acceptable level 70%. The reduction is a consequence of the increase from 4 to 12 units being single aspect south facing units.

#### Architectural Form and SEPP 65

The changes arising from the removal of splay walls internally and splayed lines to balconies have not diminished the interest and individual style of the architectural form of the development. The external finishes and façade features of architectural mesh to the south elevation and modulation between the lower elements and the upper elements of the development on the eastern and northern elevations are retained. The development still addresses the intersection of Anderson Street and McIntosh Street providing a contribution to one of the northern gateways into Chatswood CBD.

The changes to the development proposal results in an increase in the number of single aspect south facing units as noted previously but the increase is still within maximum recommended levels of 10% at 8.3% of units. The more regular alignment of internal walls enables greater efficiency in the internal spaces of the units.

The relationship between units in the U-shaped configuration of the development layout still requires the provision of some angled privacy louvres as was the case in the original proposal. 64% of units will have natural cross ventilation and 25% of kitchens will have natural ventilation. These rates are consistent with the recommendations of the Residential Flat Building Pattern Book. No change is proposed to floor to ceiling heights.

The layout of the complex retains the approved form with four residential lift lobbies and access locations to the units. This retains the approved layout of no more 5 to 7 units sharing use of a lift lobby on each floor. A separate lift and lobby is provided for the upper level commercial space.

The ground floor layout retains the internal public open space around which the commercial spaces over-look and/or are connected to. The private residential communal spaces are still provided on the roof levels incorporating communal rooms and outdoor space for residents.

#### Willoughby Local Environmental Plan 2012 and Willoughby Development Control Plan

The modifications proposed to the approved development in DA 2013/309/A increase the number of units with a slight decrease in overall floor space that has little impact and maintains compliance with the permissible FSR.

The original development approval considered variations pursuant to Clause 4.6 of WLEP 2012 to the height control and the proportion of floor space in commercial compared with shop top housing. The variations were accepted having regard to the location, site context, constraints of the site and the design solution. No change is proposed to the approved non-compliance with the height control. The minimal change to the proportion of floor space in commercial versus shop top housing slightly reduces the accepted non-compliance in the original approval.

The consequent changes to car parking requirements, bicycle provision, visitor parking, provision of residential storage spaces and number of adaptable units maintain compliance having regard to the increase in number of units and change to the unit mix. The number of adaptable units requires provision of 15 car spaces for people with disabilities and 17 are proposed to be allocated to the adaptable units. Each unit is provided with a car space and 36 visitor spaces are provided including 1 accessible space for visitor with disabilities. The visitor spaces and non-residential spaces are outside the secure residential parking area.



The 13 non-residential car spaces are fully complying with requirements including the provision of 1 accessible space for people with disabilities for the commercial/retail/restaurant uses on the site. The provision of bicycle lockers and racks exceeds requirements.

The additional 11 car spaces are for the 9 additional residential units plus 2 additional visitor spaces required as a consequence of the increase in unit numbers. The additional car spaces will generate an additional 2 trips in the morning peak hour and 2 trips in the afternoon peak hour from the development. This change is negligible and as previously assessed by Council's Traffic Group the Help Street intersection with Anderson Street will continue to have an average operation of Level B which is a good level of service using intersection rating tools where Level A is very good and Level F is an intersection that fails in level of service and operation. Until the northern by-pass of Chatswood CBD is achieved and other changes to the network recommended for Chatswood CBD in recent traffic studies, there will continue to be occasional times of congestion but an average of Level B operation overall is acceptable.

#### Impacts on Shadowing

There is a very small increased impact from shadowing on the Regency as a result of vertical ventilation shafts from the basement through the building that appear at roof level on the southern façade (Help Street) as well as a slight adjustment in the location of the lift to the residential lobby from Help Street to accommodate the changed access requirements to ensure water in a storm event does not penetrate the building. In mid-winter the change in impact from noon has a small impact on the community recreational podium space of the Regency and from 2 pm it affects a lower level unit in the Regency. By 3.00 pm two other units are affected but the increased impact is minimal. There is no change up to noon. The change to the shadowing conditions is considered to be acceptable.

#### Other Impacts

There is minimal change to the height, massing and bulk of the development or the U-shaped layout of the built form with commercial at the lower levels and internal public open space connecting to the public domain and shop top housing above. As a result there is minimal change to the impacts of visual bulk and scale, view lines and view sharing principles that were considered in the assessment leading to the original approval.

There will be minimal change to the visual and aural privacy impacts compared with the approved development.

Principles of active street frontages and passive surveillance are retained in the proposed modified development.

The modified proposal retains the undertaking to provide the value of 4% of residential gross floor space as an affordable housing contribution that was agreed to in the original approval.

#### Amended s94A Levy

The value of the development quoted in the original application was based on the originally lodged plans. The original plans proposed excessive floor space and were subsequently modified before approval of the final development but the reduced value of the development was not provided. The s.96(2) application provides the cost of works having regard to the reduced development scale from that which was originally lodged as well as the variations requested in this application. The adjustment is appropriate and the contribution amounts to \$1.1 million.

*Whether the Proposal is substantially the Same Development?*

The proposed modification is considered to be substantially the same development as that which was originally approved. The changes although affecting the whole development are considered to have minimal change in the impacts of the development and the development still provides an acceptable architectural solution for the site. The extent of change has minimal impact on the approved development statistics and does not result in any increase in non-compliance from that which was accepted in the original approval. The modified proposal is not considered to vary the intent of the development approved by Sydney East Joint Regional Planning Panel.

**Neighbour Notification Issues:**

The neighbour notification matters raised relate mainly to traffic impacts of the development. The submissions have been considered and commented on earlier in the report and the additional traffic impacts of increased car parking spaces have been addressed in the assessment section of the report. The neighbour submissions made in response to the notification do not warrant refusal or alteration of the modification application.

**CONCLUSION**

The modifications proposed in s.96(2) application 2013/309/A to the approved development at 28 -36 Anderson Street, 1 Help Street and 2A McIntosh Street Chatswood increasing the number of units and changing the unit mix with a 2m<sup>2</sup> decrease in the overall approved FSR and change to the built form to remove angled and splayed internal walls and balconies is assessed as acceptable. It is also assessed that the modifications result in a development that is substantially the same as that which was originally approved.

**OFFICER'S RECOMMENDATION**

**That the modification application 2013/309/A for 28 – 36 Anderson Street, 1 Help Street and 2A McIntosh Street Chatswood be approved and delegated authority be granted to the General Manager of Willoughby Council to issue the s96 consent notice subject to the attached modified conditions.**

## SCHEDULE

**Modified Conditions of Consent:** (including reasons for such conditions)

**Condition 1 is amended as follows:**

**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	13015	DA00/D	26.05.2014	12.06.2014	KannFinch/Drew Dickson
Architectural	13015	DA01/C	19.03.2014	08.04.2014	KannFinch/Drew Dickson
Architectural	13015	DA02/B	18.11.2013	19.11.2013	KannFinch/Drew Dickson
Architectural	13015	DA10/D	26.05.2014	12.06.2014	KannFinch/Drew Dickson
Architectural	13015	DA11/D	26.05.2014	12.06.2014	KannFinch/Drew Dickson
Architectural	13015	DA12/C	19.03.2014	08.04.2014	KannFinch/Drew Dickson
Architectural	13015	DA13/E	26.05.2014	12.06.2014	KannFinch/Drew Dickson
Architectural	13015	DA14/C	19.03.2014	08.04.2014	KannFinch/Drew Dickson
Architectural	13015	DA15/C	19.03.2014	08.04.2014	KannFinch/Drew Dickson
Architectural	13015	DA16/C	19.03.2014	08.04.2014	KannFinch/Drew Dickson
Architectural	13015	DA17/C	19.03.2014	08.04.2014	KannFinch/Drew Dickson
Architectural	13015	DA18/C	19.03.2014	08.04.2014	KannFinch/Drew Dickson
Architectural	13015	DA19/C	19.03.2014	08.04.2014	KannFinch/Drew Dickson
Architectural	13015	DA20/C	19.03.2014	08.04.2014	KannFinch/Drew Dickson
Architectural	13015	DA21/C	19.03.2014	08.04.2014	KannFinch/Drew Dickson
Architectural	13015	DA22/C	19.03.2014	08.04.2014	KannFinch/Drew Dickson
Architectural	13015	DA23/C	19.03.2014	08.04.2014	KannFinch/Drew Dickson
Architectural	13015	DA27/C	19.03.2014	08.04.2014	KannFinch/Drew Dickson
Architectural	13015	DA30/C	19.03.2014	08.04.2014	KannFinch/Drew Dickson
Architectural	13015	DA31/C	19.03.2014	08.04.2014	KannFinch/Drew Dickson
Architectural	13015	DA32/C	19.03.2014	08.04.2014	KannFinch/Drew Dickson
Architectural	13015	DA34/C	19.03.2014	08.04.2014	KannFinch/Drew Dickson

Type	Plan No.	Revision / Issue No	Plan Date (as Amended)	Date Stamped by Council	Prepared by
Architectural	13015	DA35/C	19.03.2014	08.04.2014	KannFinch/Drew Dickson
Architectural	13015	DA36/C	19.03.2014	08.04.2014	KannFinch/Drew Dickson
Architectural	13015	DA37/C	19.03.2014	08.04.2014	KannFinch/Drew Dickson
Architectural	13015	DA38/C	19.03.2014	08.04.2014	KannFinch/Drew Dickson
Architectural	13015	DA39/C	19.03.2014	08.04.2014	KannFinch/Drew Dickson
Architectural	13015	DA40/C	19.03.2014	08.04.2014	KannFinch/Drew Dickson
Architectural	13015	DA41/C	19.03.2014	08.04.2014	KannFinch/Drew Dickson
Architectural	13015	DA42/C	19.03.2014	08.04.2014	KannFinch/Drew Dickson
Architectural	13015	DA43/C	19.03.2014	08.04.2014	KannFinch/Drew Dickson
Architectural	13015	DA44/C	19.03.2014	08.04.2014	KannFinch/Drew Dickson
Architectural	13015	DA45/C	19.03.2014	08.04.2014	KannFinch/Drew Dickson
Architectural	13015	DA50/C	08.04.2014	08.04.2014	KannFinch/Drew Dickson
Architectural	13015	DA52/C	08.04.2014	08.04.2014	KannFinch/Drew Dickson
Floor Space	13015	GFA01/C	19.03.2014	08.04.2014	KannFinch/Drew Dickson
Floor Space	13015	GFA02/C	19.03.2014	08.04.2014	KannFinch/Drew Dickson
Floor Space	13015	GFA03/C	19.03.2014	08.04.2014	KannFinch/Drew Dickson
Floor Space	13015	GFA04/C	19.03.2014	08.04.2014	KannFinch/Drew Dickson
Floor Space	13015	GFA05/C	19.03.2014	08.04.2014	KannFinch/Drew Dickson
Floor Space	13015	GFA06/C	19.03.2014	08.04.2014	KannFinch/Drew Dickson
Floor Space	13015	GFA07/C	19.03.2014	08.04.2014	KannFinch/Drew Dickson
Floor Space	13015	GFA08/C	19.03.2014	08.04.2014	KannFinch/Drew Dickson
Floor Space	13015	GFA09/C	19.03.2014	08.04.2014	KannFinch/Drew Dickson
Floor Space	13015	GFA10/C	19.03.2014	08.04.2014	KannFinch/Drew Dickson
Floor Space	13015	GFA11/C	19.03.2014	08.04.2014	KannFinch/Drew Dickson
Landscape	S13-0045	SK02/E	26.11.2013	27.11.2013	Cloustons
Landscape	S13-0045	SK03/E	26.11.2013	27.11.2013	Cloustons
Landscape	S13-0045	SK04/E	26.11.2013	27.11.2013	Cloustons
Landscape	S13-0045	SK05/E	26.11.2013	27.11.2013	Cloustons
Landscape	S13-0045	SK06/E	26.11.2013	27.11.2013	Cloustons

Type	Plan No.	Revision / Issue No	Plan Date (as Amended)	Date Stamped by Council	Prepared by
Landscape	S13-0045	SK07/E	26.11.2013	27.11.2013	Cloustons
Landscape	S13-0045	SK08/E	26.11.2013	27.11.2013	Cloustons
Landscape	S13-0045	SK09/E	26.11.2013	27.11.2013	Cloustons
Landscape	S13-0045	SK010/E	26.11.2013	27.11.2013	Cloustons
Landscape	S13-0045	SK011/E	26.11.2013	27.11.2013	Cloustons
Landscape	S13-0045	SK012/E	26.11.2013	27.11.2013	Cloustons
Landscape	S13-0045	SK013/E	26.11.2013	27.11.2013	Cloustons
Landscape	S13-0045	SK014/E	26.11.2013	27.11.2013	Cloustons
Landscape	S13-0045	SK015/E	26.11.2013	27.11.2013	Cloustons
Landscape	S13-0045	SK016/E	26.11.2013	27.11.2013	Cloustons
Landscape	S13-0045	SK017/E	26.11.2013	27.11.2013	Cloustons
Landscape	S13-0045	SK018/E	26.11.2013	27.11.2013	Cloustons
Landscape	S13-0045	SK019/E	26.11.2013	27.11.2013	Cloustons
Stormwater	25402-SY	C01-00/C	30.7/2013	31.7.2013	Wood&Grieve
Stormwater	25402-SY	C02-00/C	30.7/2013	31.7.2013	Wood&Grieve
Stormwater	25402-SY	C03-00/C	30.7/2013	31.7.2013	Wood&Grieve
Stormwater	25402-SY	C04-00/C	30.7/2013	31.7.2013	Wood&Grieve
Stormwater	25402-SY	C05-10/B	30.7/2013	31.7.2013	Wood&Grieve
Driveways	25402-SY	R00/2	13.05.2014	12.06.2014	Wood&Grieve
Driveways	25402-SY	R01/2	13.05.2014	12.06.2014	Wood&Grieve
Driveways	25402-SY	R02/1	09.05.2014	12.06.2014	Wood&Grieve
Driveways	25402-SY	R03/1	09.05.2014	12.06.2014	Wood&Grieve
Driveways	25402-SY	R04/1	09.05.2014	12.06.2014	Wood&Grieve
Driveways	25402-SY	R05/1	09.05.2014	12.06.2014	Wood&Grieve
Driveways	25402-SY	R06/3	29.05.2014	12.06.2014	Wood&Grieve
Driveways	25402-SY	R07/4	29.05.2014	12.06.2014	Wood&Grieve
Driveways	25402-SY	R08/4	29.05.2014	12.06.2014	Wood&Grieve
Driveways	25402-SY	R09/1	09.05.2014	12.06.2014	Wood&Grieve
Driveways	25402-SY	R10/1	09.05.2014	12.06.2014	Wood&Grieve

Type	Plan No.	Revision / Issue No	Plan Date (as Amended)	Date Stamped by Council	Prepared by
Driveways	25402-SY	R11/1	09.05.2014	12.06.2014	Wood&Grieve
Driveways	25402-SY	R12/4	29.05.2014	12.06.2014	Wood&Grieve
Driveways	25402-SY	R13/1	09.05.2014	12.06.2014	Wood&Grieve
Driveways	25402-SY	R14/1	09.05.2014	12.06.2014	Wood&Grieve

the application form and any other supporting documentation including but not limited to the Statement of Environmental Effects (as amended), traffic report (as amended), Basix and sustainability reports (as amended) including Section J, Shadow Analysis Design Statement, Arboricultural Impact and Specification, Stormwater 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) The Anderson Street Elevation (Architectural Plans) shall be amended to provide clear glazed balcony balustrade and not be capable of enclosure on Levels 1 to 4.
- c) See Condition 20. The waste handling design is to be approved by Council's Waste Co-ordinator
- d) otherwise provided by the conditions of this consent.  
(Reason: Information and ensure compliance)

**Condition 2 is deleted:**

**2. Submit the Following Information to Willoughby City Council for Approval**

**DELETED. The condition has been addressed in the plans listed in amended Condition 1 and the conditions of original consent.**

**Condition 3 is amended to read:**

**3. Section 94A Contributions**

A monetary contribution of \$1,100,466.84 (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 \$36,682,228.00 at (10 April 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](http://www.willoughby.nsw.gov.au)  
(Reason: Statutory requirement)

**Condition 58 is amended as follows:**

**58. Visitor Parking Spaces**

The 36 residential visitor and 23 commercial car parking spaces are to be physically identified on site, and maintained free of obstruction for the exclusive use of visitors to the premises at all times.  
(Reason: Amenity)

**Condition 59 is amended as follows:**

**59. Identification of Car Parking Spaces**

The 204 car parking spaces 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)

**Condition 99 is amended as follows:**

**99. On-site Car Parking**

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

145 residential spaces

36 residential visitor spaces

23 commercial spaces:

Motor cycle and bicycle as identified on the approved plans.

The residential visitor spaces, commercial spaces are to be outside the residential secure parking area and be accessible to tenants/visitors at all times. Shared use of the residential visitor and commercial spaces during operating hours of the commercial uses is appropriate and required by this consent.

(Reason: Ensure compliance)

**Condition 102 is amended as follows:**

**102. Cycle Racks**

The provision of 25 bicycle lockers and 21 rails for the use of residents/visitors to the premises. Where more than three bicycle lockers are provided for commercial/ retail/ restaurant uses, showers and change facilities must be provided.

(Reason: Amenity)