

SYDNEY NORTH PLANNING PANEL

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| SNPP No | 2017SNH044 |
| DA Number | DA-2017/132 |
| Local Government Area | Willoughby City Council |
| Proposed Development | DEVELOPMENT OF PUBLIC UTILITY COMPRISING TEN (10) STOREY PREMISES CONSISTING OF SUB-STATION, DEPOT, OFFICES, WAREHOUSE, CAR PARKING, LANDSCAPING AND ANCILLARY AND ASSOCIATED WORKS |
| Street Address | 1 BROADCAST WAY, ARTARMON |
| Applicant/Owner | MICHAEL MCHUGH (EXECUTIVE MANAGER, PROPERTY & SECURITY) – AUSGRID/ ALPHA DISTRIBUTION MINISTERIAL HOLDING CORPORATION |
| Number of Submissions | 0 |
| Regional Development Criteria (Schedule 4A of the Act) | Capital Investment Value (CIV) of the proposal is \$88.9 million |
| List of All Relevant s79C(1)(a) Matters | WLEP 2012; Deemed SEPP Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005; State Environmental Planning Policy (Infrastructure) 2007; State Environmental Planning Policy- Remediation of Land, WDCP; S94A Plan. |
| List all documents submitted with this report for the panel's consideration | A3 Plans |
| Recommendation | Approval |
| Report by | John Mckee - Development Planner (Contract) |
| Report date | Electronic |

SYDNEY NORTH PLANNING PANEL NO: 2017SNH044
COUNCIL: WILLOUGHBY CITY COUNCIL
ADDRESS: 1 Broadcast Way, ARTARMON NSW
DA NO: DA-2017/132
ATTACHMENTS: 1. PLANS AND ELEVATIONS
DATE: ELECTRONIC

RECOMMENDATION: APPROVAL
LOCATION: 1 BROADCAST WAY, ARTARMON
OWNER: ALPHA DISTRIBUTION MINISTERIAL HOLDING CORPORATION
APPLICANT: MICHAEL MCHUGH (EXECUTIVE MANAGER, PROPERTY & SECURITY) - AUSGRID
PROPOSAL: DEVELOPMENT OF PUBLIC UTILITY COMPRISING TEN (10) STOREY PREMISES CONSISTING OF SUB-STATION, DEPOT, OFFICES, WAREHOUSE, CAR PARKING, LANDSCAPING AND ANCILLARY AND ASSOCIATED WORKS.
DATE OF LODGEMENT: 26 APRIL 2017
REPORTING OFFICER: JOHN MCKEE (CONTRACTOR)

DESCRIPTION OF PROPOSAL

The proposal seeks consent for a staged public utility undertaking comprising a ten (10) storey building on behalf of Ausgrid. The building comprises a depot for machinery and maintenance and storage of vehicles required for Ausgrid operations, an administrative premise to accommodate technical support staff and other employees associated with Ausgrid activities, ingress and egress driveways, site services, infrastructure connections, landscaping and drainage.

The development is proposed to be constructed in two (2) stages. Stage 1 is for the construction of the depot and associated works and Stage 2 is for the construction of the administration area. The staged construction will facilitate initial construction of the depot and associated works, and the construction of the administration area to follow whilst the depot is operating.

Accommodation in Stage 1 includes parking on basement level to level 1, depot operations building and warehouse, landscaping on vehicle crossovers onto Broadcast Way and Campbell Street. Stage 2 is for the utility administration building. The slab for level 2 is proposed to be constructed during stage 1 works as a roof for level 1 carpark and is designed to serve as the construction platform for the stage 2 works. Refer figure 7-9 for building elevations depicting staging.

The proposal has a total gross floor area (GFA) of 20,856m² of which 15,976m² comprises of useable gross floor area associated with depot and offices and 4880m² comprises car parking for EWP (Elevated Work Platforms) vehicles.

The building has a maximum height of RL 128.8 metres and complies with the required maximum height of RL131metres under Willoughby LEP 2012. The proposal has provision for 149 vehicle storage spaces for trucks and maintenance vehicles; 145 staff car parking spaces for depot and administration staff and 3 visitor car parking spaces.

The following is a description of what each level of the building comprises:

Basement Level-43 spaces for parking EWP (Elevated Work Platforms) trucks when not in use; electrical switch rooms, fan room; hydrant pump room, and electrical room; sub-station, switch room and other plant areas; security gates to basement parking area; storage area; garbage rooms; ancillary building manager office; communications room; stormwater tank; pump room and pumps; and lift cores and fire stairs. Vehicular access to this level is provided from Campbell Street via separate ingress and egress points with access controlled by security gates.

Ground Level-Depot related warehouse space (603 sqm), entry lobby and office; lobby area and lift access, vehicular and pedestrian access from Broadcast Way; 106 spaces for parking of service vans, utilities, trailers etc when not in use; 3 visitor/courier parking spaces including a disabled space, bicycle and motor cycle parking spaces, external depot yard area; and associated plant.

Level 1- Depot facilities including staff amenities, training areas meeting rooms and briefing areas, and outdoor break out space, staff parking comprising 67 parking spaces, 6 x motorbike spaces and bike store for staff associated with the depot operations; and lift lobby.

Level 2- Depot office space and management areas (including meeting rooms, utility area, office areas and filing areas), staff parking comprising 78 parking spaces for administration staff and bicycle storage area, and lift lobby.

Level 3- Administration area (open plan office), male and female bathroom facilities, utility and kitchen areas, and outdoor terrace.

Levels 4 – 9-Administration area (open plan office), male and female bathroom facilities; and utility and kitchen areas.

Vehicular Access

Vehicular access to the development is proposed from both Campbell Street and Broadcast Way.

Access from Campbell Street is via separate ingress and egress points and is intended for use by the elevated work platform vehicles stored in the basement level while not in use. The ingress point to the basement level parking area is positioned along the north-west elevation of the building. The egress point is positioned directly from the existing roundabout at the intersection of Campbell Street and Clarendon Street.

Access from Broadcast Avenue is provided via a single driveway access with two entry lanes and one exit lane providing access to parking and storage areas and external yard areas. A separate egress point is provided to Broadcast Way at the southern end of the site for use when yard operations dictate.

Pedestrian Access

Pedestrian access is obtained from Broadcast Way to the ground floor level lobby along the west elevation with separate access to the depot area adjacent to the main driveway access. This provides access throughout the building, including the depot, ancillary warehouse yard, and administration levels.

Landscaping

The proposal incorporates an extensive landscaping scheme that primarily relates to perimeter planting and vegetation along the Campbell Street and Broadcast Way frontages, peripheral landscaping to the rear and side boundaries, and an outdoor terrace at Level 3.

Materials and Finishes

The building is proposed to be constructed with a selection of materials including:-

- Powder coated metal blades;
- Copper coloured composite panels;
- Basalt stone cladding;
- Grey composite panel;
- Glazed facade system.
- Pre-cast concrete panels

Hours of Operation

The operating hours of the depot and administrative offices will be as follows:-

- Depot - 24 hours/ 7 days a week (main daytime shift between 6am to 3:30pm); and
- Administrative offices - Flexible band between 8am to 6pm.

Staffing

The levels of staff proposed to be employed in the depot and administrative offices is as follows:-

- Depot- 74 field staff and 97 office staff (approximately 10% staff after-hours); and
- Administrative offices - 900 staff.

Capital Investment Value (CIV)

The application is reported to Sydney North Planning Panel (SNPP) for determination as it meets the relevant criteria to be considered regional development under Schedule 4A of the EP&A Act 1979. More specifically, it is a '*General Development over \$20 million*' with an indicative CIV for the proposal of approximately \$88.9 million.

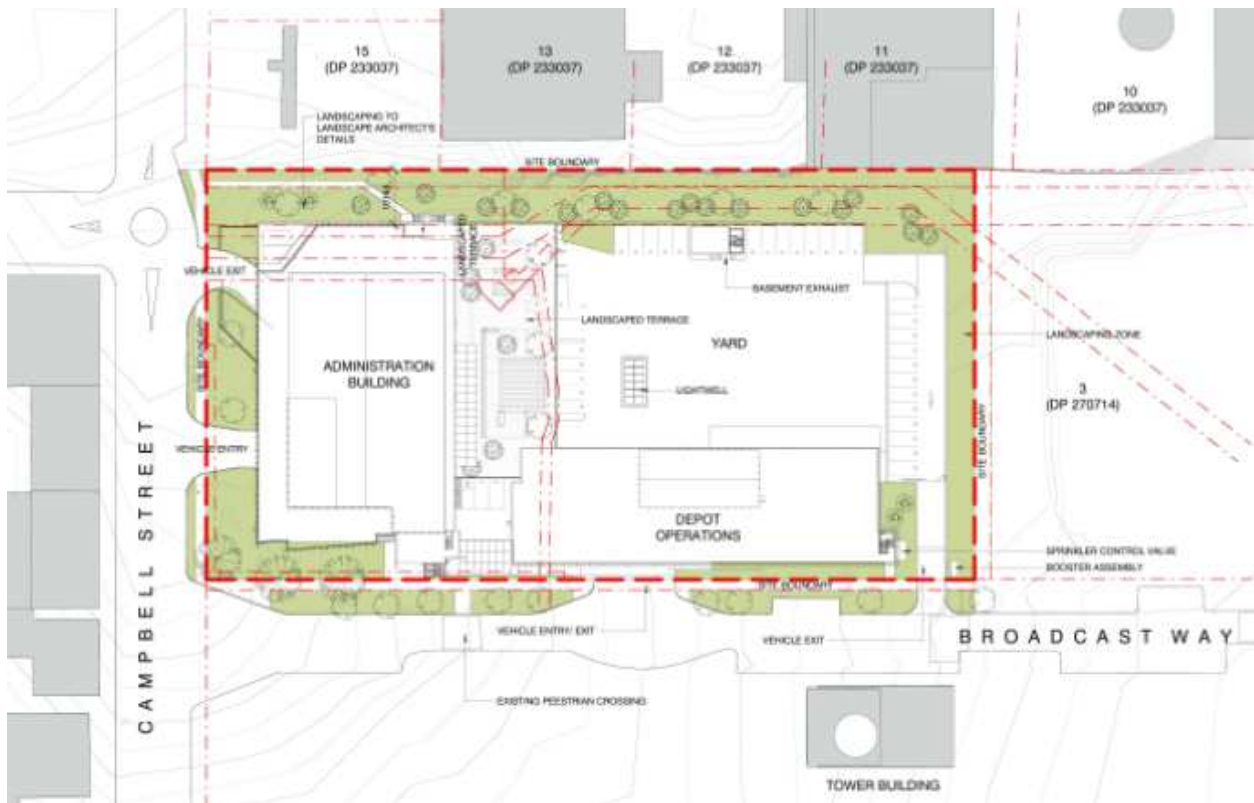


Figure 1-Site Plan



Figure 2-Photomontage view of development as viewed from Campbell Street

Stage 1 Perspectives



Figure 3-Stage 1 perspective view of development from corner of Campbell Street and Broadcast Way

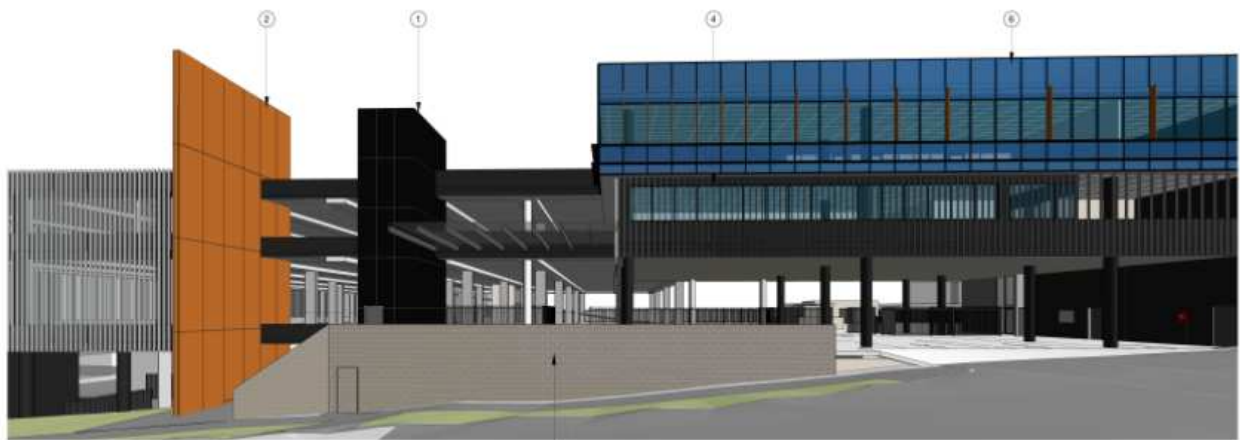


Figure 4-Stage 1 perspective view of development from Broadcast Way

Stage 2 Perspectives



Figure 5-Stage 2 perspective view from Campbell Street

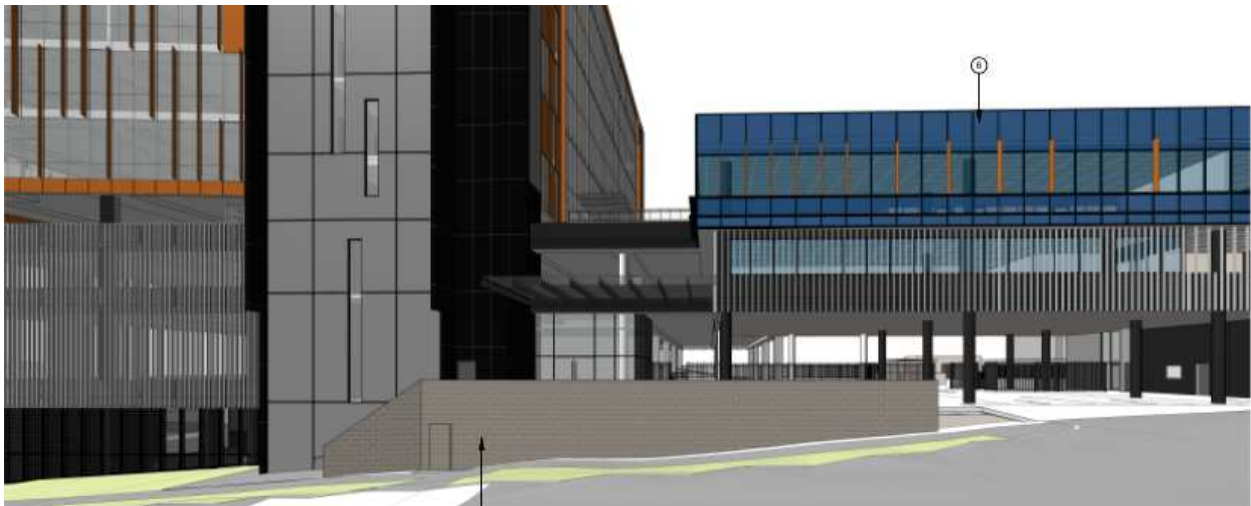


Figure 6-Stage 2 perspective view from Broadcast Way

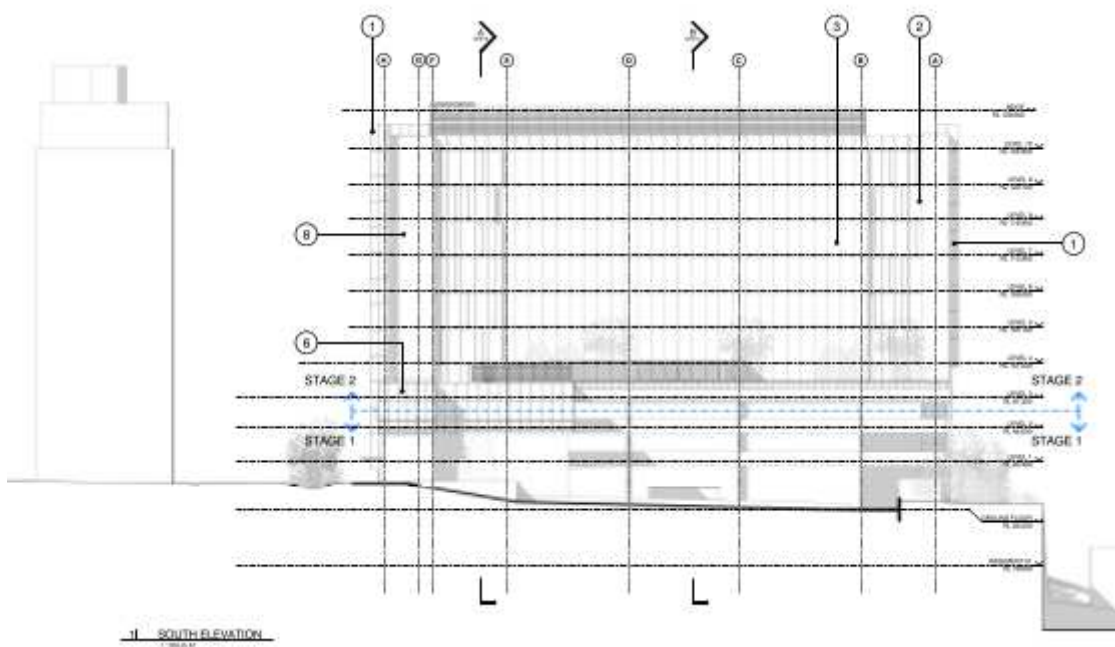


Figure 7-South Elevation

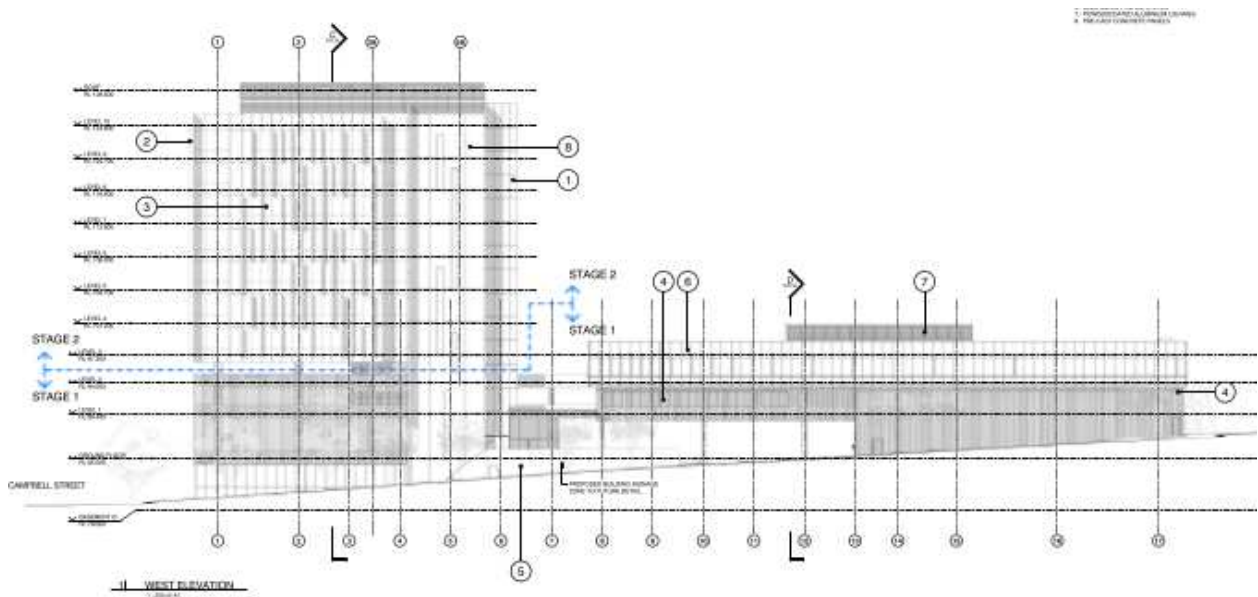


Figure 8-West Elevation

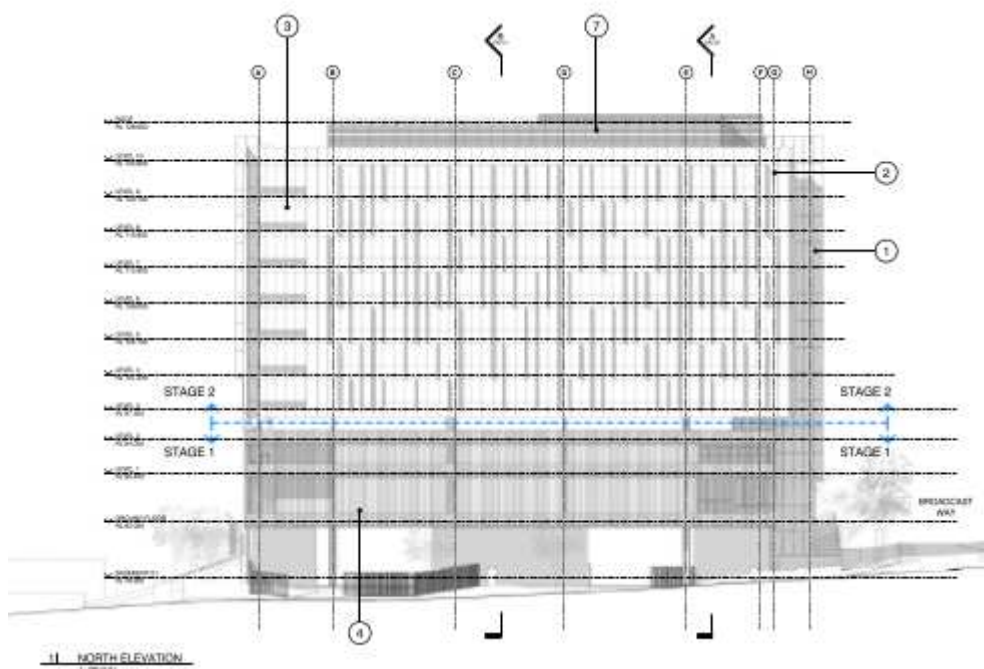


Figure 9-North Elevation

NEIGHBOUR NOTIFICATION

The application was on notification for public comment from 9 May to 30 May 2017. No submissions were received.

EXISTING BUILDING, SITE CONTEXT AND RELEVANT HISTORY

The site is known as No 1 Broadcast Way, Artarmon and forms part of the Gore Hill Business Park which is situated on the north-eastern side of the Pacific Highway with a secondary frontage to Campbell Street (see Figure 10 for site plan).

The site is rectangular with an area of 10,650m². It has a primary (north-facing) street frontage to Campbell Street of 75.05 metres, a side (east-facing) boundary of 141.5 metres, a rear (south-facing) boundary of 75.2 metres, and a side (west-facing) boundary to Broadcast Way of 141.5 metres.

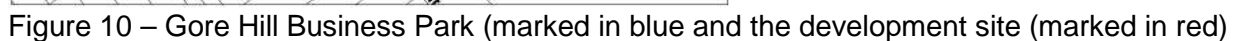




Figure 11-Aerial view of site



Photograph 1-View facing across site from Broadcast Way



Photograph 2-View facing east towards site from intersection of Campbell Street and Broadcast Way



Photograph 3-View facing along Broadcast Avenue from Campbell Street intersection

Background

- Transport for NSW approached Ausgrid to compulsory purchase its existing depot property at Mowbray Road Chatswood to facilitate tunnel boring machines associated with the proposed Sydney Metro City and Southwest rail project. To enable this to occur, Ausgrid has purchased the subject site with the intention of developing the land to provide

for a new Ausgrid works depot and administration space. Ausgrid is an 'Authorised Network Operator' and 'Public Utility Undertaking' pursuant to the Electricity Network Assets (Authorised Transactions) Act 2015 and Electricity Supply Act 1995.

- A pre-lodgement meeting took place on 25 January 2017 with Council Officers and the applicant's project team.
- The subject application was submitted to Council on 26 April 2017. The proposal is essentially the same as what was presented to the Pre-DA meeting on 25 January 2017.
- Sydney North Planning Panel Briefing session conducted on 26 July 2017.
- On 30 June 2017, the applicant was requested to provide an amended Clause 4.6 Variation that includes the floor area of the development that is used for the parking of operational/maintenance vehicles. The initial Clause 4.6 variation request that was submitted with the application did not include the parking area used for the parking of operational/maintenance vehicles.
- 24 July 2017, the applicant submitted amended Clause 4.6 Variation to Council.

CONTROLS AND CLASSIFICATION

- i) **Willoughby LEP 2012:** Yes
 - a. **Heritage Item and Heritage Conservation Area (HCA):** No
 - b. **Zoning:** IN2 Light Industrial
 - i. **Height:** RL 131 metres
 - ii. **FSR: 1:1 with 1.5:1 allowance and site coverage of 45% under Clause 4.4A (5)**
- ii) **Draft Willoughby LEP 2012 (Amendment 10, came into force on 20 October 2017 after lodgement of application to Council)**
 - i. **FSR: 1.5:1**
 - ii. **Site Coverage-60%**
- iii) **Applicable DCP (SEPPs, REPs):** *Deemed SEPP Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005; State Environmental Planning Policy (Infrastructure) 2007; State Environmental Planning Policy-Remediation of Land, WDCP; S94A Plan.*
- iv) **Developer's Contribution Plans:**
 - a. **S94A Developers Contributions:** 1% - \$931,212.96
 - b. **The cost of development:** \$93,121,296.00

Compliance with Local Plans or Policies and Development Statistics Table

The site is zoned IN2 Light Industrial and the proposed '*Public Utility Undertaking*' is permissible with consent. A **public utility undertaking** means any of the following undertakings carried on or permitted to be carried on or by an authority of any Public Service agency or under the authority of or in pursuance of any Commonwealth or State Act:

- (a) railway, road transport, water transport, air transport, wharf or river undertakings,
- (b) undertakings for the supply of water, hydraulic power, electricity or gas or the provision of sewerage or drainage services,

When assessed against the principal development standards, the proposal exceeds the maximum floor space ratio standard for the site of **1.5:1** and the site coverage standard of **45%**

specified in clause 4.4A (5) of WLEP 2012. The building complies with the maximum height requirement of **RL131m** specified under Clause 4.3 of WLEP 2012.

| | Standard | Proposed | Complies | Extent of Variation % |
|--------------------|----------------------|----------------------|-----------------|------------------------------|
| Site Area | | 10,650m ² | Yes | |
| Height of Building | RL 131m AHD | RL 128.8m AHD | Yes | N/A |
| Gross Floor Area | 15,978m ² | 20,856m ² | No | 31% |
| Floor Space Ratio | 1:5 | 1.96 | No | 31% |
| | | | | |

N.B.: (Clause 4.4A of WLEP – (5) The maximum floor space ratio may exceed 1:1 if:

- (a) the site area is greater than 1,000 square metres, and**
- (b) the floor space ratio will not exceed 1.5:1, and**
- (c) if the building is on land in Area 6—the site coverage will not exceed 45% of the site area.**

The proposed site coverage is 52% which exceeds 45% pursuant to Clause 4.4A (5) (c).

On 20 October 2017, Amendment 10 of LEP 2012 came into force which increased the allowable site coverage from 45% to 60% as stated below, however given the application was submitted prior to the making of LEP amendment No.10, Clause 4.4A (22) needs to be considered as a Draft LEP amendment.

(22) The maximum floor space ratio for a building on land identified as “Area 19” on the Floor Space Ratio Map may exceed 1:1 if:

- (a) the site area exceeds 1,000 square metres, and*
- (b) the floor space ratio will not exceed 1.5:1, and*
- (c) the site coverage will not exceed 60% of the site area.*

A written exception pursuant to Clause 4.6 variation to the floor space ratio control - Clause 4.4A (5) of the WLEP 2012 has been made by the applicant requesting variation to the development standards which is addressed in the Assessment Section of the report.

REFERRALS

Traffic Engineer

The application was referred to Council's Traffic Engineer who advised that the scale of the development meets the threshold for commercial premises and industry purposes under Schedule 3 of the *SEPP (Infrastructure) 2007*. Accordingly the proposal requires referral to the Roads and Maritime Services (RMS) for comment.

Council's Traffic Engineer advised that the traffic analysis submitted with the application indicates that the surrounding road network and key intersections will continue to operate with a satisfactory level of service with the development application in operation.

Due to the nature of the development, Council's Traffic Engineer advised the development will generate different peak traffic loads with the depot and administration uses generating peak hour/period ingress and egress demands at different times of the day. This will lead to a spreading and thereby lower level of peak demand on the surrounding road network. The traffic demand

must also be seen in consideration of the fact that the site is part of a business park (Gore Hill Business Park). The Gore Hill Business Park was previously investigated by Council as part of a planning proposal with a road network and traffic management arrangement agreed for the forecast traffic generation of the business park. The development application is anticipated to generate less peak period traffic than that forecast as part of the planning proposal.

The provision of the additional 40 metre capacity of the existing right turn bay in Pacific Highway at Campbell Street should be checked with RMS and if it is not provided as yet, RMS needs to determine whether increasing the existing right turn bay in Pacific Highway at Campbell Street by 40 metres with removal of on-street parking in Pacific Highway is needed with this development.

It is noted that the RMS has recommended imposition of a condition requiring upgrading of the signalised intersection at Pacific Highway/Campbell Street by lengthening the existing right turn bay from Pacific Highway into Campbell Street to provide a minimum of 50m of additional storage which is addressed under the Infrastructure SEPP 2007 section of this report.

Council's Traffic Engineer notes that the development provides on-site parking based on the requirement of Ausgrid's business needs and that a constrained on-site parking approach has been adopted for car parking provision for the administration use to encourage use of public and active transport modes by employees to access the site. The constrained approach is supported by Council's Traffic Engineer and represents an appropriate level of on-site parking for the administration use.

Development Engineer

The application was referred to Council's Infrastructure Services Division for comments. Council's Development Engineer who has no objection subject to conditions.

Waste Officer

The application was referred to Council's Waste Management Branch who advised of no objections subject to conditions

Council's Environmental Health Officer

The application was referred to Council's Environmental Health Branch who advised of no objections subject to conditions

Council's Area Building Surveyor advised that the proposal is acceptable subject to conditions.

Councils Landscape Officer had no objection to the proposal and has recommended a number of standard conditions.

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

Satisfactory ✓ Unsatisfactory ✗ Not Relevant N/A

| | | |
|---------|--|-----|
| (a)(i) | The provisions of any environmental planning instrument (EPI) | |
| | • State Environmental Planning Policies (SEPP) | ✓ |
| | • Regional Environmental Plans (REP) | ✓ |
| | • Local Environmental Plans (LEP) | ✓ |
| (a)(ii) | The provision of any draft environmental planning instrument (EPI) | |
| | • Draft State Environmental Planning Policies (SEPP) | N/A |
| | • Draft Regional Environmental Plans (REP) | N/A |
| | • Draft Local Environmental Plans (LEP) | ✓ |

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

Satisfactory ✓ Unsatisfactory ✗ Not Relevant N/A

| | | |
|----------|---|-----|
| (a)(iii) | Any development control plans | |
| | <ul style="list-style-type: none"> Development control plans (DCPs) | ✓ |
| (a)(iv) | Any matters prescribed by the regulations | |
| | <ul style="list-style-type: none"> Clause 92 EP&A Regulation- Demolition | N/A |
| | <ul style="list-style-type: none"> Clause 93 EP&A Regulation-Fire Safety Considerations | N/A |
| | <ul style="list-style-type: none"> Clause 94 EP&A Regulation-Fire Upgrade of Existing Buildings | N/A |
| | | |
| (b) | The likely impacts of the development | |
| | <ul style="list-style-type: none"> Context & setting | ✓ |
| | <ul style="list-style-type: none"> Access, transport & traffic, parking | ✓ |
| | <ul style="list-style-type: none"> Servicing, loading/unloading | ✓ |
| | <ul style="list-style-type: none"> Public domain | ✓ |
| | <ul style="list-style-type: none"> Utilities | ✓ |
| | <ul style="list-style-type: none"> Heritage | ✓ |
| | <ul style="list-style-type: none"> Privacy | ✓ |
| | <ul style="list-style-type: none"> Views | ✓ |
| | <ul style="list-style-type: none"> Solar Access | ✓ |
| | <ul style="list-style-type: none"> Water and draining | ✓ |
| | <ul style="list-style-type: none"> Soils | ✓ |
| | <ul style="list-style-type: none"> Air & microclimate | ✓ |
| | <ul style="list-style-type: none"> Flora & fauna | N/A |
| | <ul style="list-style-type: none"> Waste | ✓ |
| | <ul style="list-style-type: none"> Energy | ✓ |
| | <ul style="list-style-type: none"> Noise & vibration | ✓ |
| | <ul style="list-style-type: none"> Natural hazards | ✓ |
| | <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 | ✓ |
| | | |
| (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 | ✓ |
| | The RMS has provided recommended conditions of consent. | |
| (e) | The public interest | ✓ |
| | <ul style="list-style-type: none"> Federal, State and Local Government interests and Community interests | ✓ |

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

Satisfactory ✓ Unsatisfactory ✗ Not Relevant N/A

| | | |
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| | | |
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ASSESSMENT

Permissibility and the Willoughby Local Environmental Plan 2012 (WLEP 2012)

The subject site is zoned IN2 Light Industrial under the provisions of WLEP 2012. Development for the purpose of a 'Public Utility Undertaking' is permissible with consent. Ausgrid is an 'Authorised Network Operator' and 'Public Utility Undertaking' pursuant to the Electricity Network Assets (Authorised Transactions) Act 2015 and Electricity Supply Act 1995.

In addition Clause 5.12 of the WLEP 2012 also permits the proposal and states:

5.12 Infrastructure development and use of existing buildings of the Crown

- (1) *This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without development consent, or that is exempt development, under State Environmental Planning Policy (Infrastructure) 2007.*
- (2) *This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.*

Clause 4.6 Exception to Development Standard

Clause 4.6 of WLEP 2012 provides an appropriate degree of flexibility in applying development standards to particular proposals and enables Council to grant consent to a development that exceeds a development standard within the environmental plan.

A written exception pursuant to Clause 4.6 has been made requesting a variation to Clause 4.4A (5)-Exceptions to Floor Space Ratio development standard. It is noted that the variation request does account for the floor area that is used for the parking of operational/maintenance vehicles. The initial Clause 4.6 variation request that was submitted with the application did not include the parking area used for the parking of operational/maintenance vehicles.

Extent of Variations

Clause 4.4A (5) of the WLEP 2012 prescribes the maximum floor space ratio for the land as shown on the Floor Space Ratio Map. The proposed development exceeds the 1.5:1 FSR standard prescribed in Clause 4.4A (5). The development (1.96:1) exceeds the maximum FSR standard of 1.5:1 by 0.46:1. (31%)

Applicant's reasons in support of the variation

Clause 4.6 (3) Exceptions to development standards of WLEP 2012 reads:

- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
 - (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

The applicant addressed in writing that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there is sufficient environmental planning grounds to justify contravening the development standard, arguing that:

- The characteristics of the site (i.e. large size, surrounded by approved and constructed business park development) are such that it can readily accommodate the proposed development without unreasonable impacts on adjoining properties;
- The proposal meets the objectives of the floor space ratio development standard, as detailed below in Section 4.1;
- The proposal does not exceed the maximum building height control of RL 131 metres;
- The proposal is consistent with the overall planning intent for the site and the Gore Hill Business Park generally, as detailed within Part 1.5 ('ABC Gore Hill Divestment Site - 219 Pacific Highway, Artarmon') of Willoughby Development Control Plan;
- Whilst this DA relates to Lot 2 only, Lot 2 forms part of an approved business park within which the intent of the site coverage control has been satisfied;
- The proposed site coverage of 52% will have no unreasonable impact on the perceived bulk or scale of the development, particularly given its compliance with the maximum building height and maximum floor space ratio development standards; and
- There is an absence of environmental harm associated with the non-compliance.

The proposed development is for the purpose of a *public utility undertaking* which is consistent with the overall planning intent for the site and the Gore Hill Business Park. The development represents an orderly development of the land in the public interest. Relevant objectives for development within the IN2 Light Industrial zone and the relevant objectives of the Floor Space Ratio standards are addressed as follows:

Objectives of the Zoning

The relevant objectives for development within the IN2 Light Industrial zone are listed under the Land Use Table of WLEP 2012, and the reasonableness or necessity for compliance is assessed below:

- *'To provide a wide range of light industrial, warehouse and related land uses.*

Comment: The proposal contributes to the wide range of light industrial, warehouse and related land uses including public utility undertakings;

- *To encourage employment opportunities and to support the viability of centres.*

Comment: The proposal will generate employment opportunities without compromising the viability or vitality of the centres of St Leonards or Chatswood.

- *To minimise any adverse effect of industry on other land uses.*

Comment: The proposal will not have any adverse impacts on surrounding industrial land uses.

- *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*

Comment: The proposal will serve the needs of Willoughby and the North Shore.

- *To support and protect industrial land for industrial uses.*

Comment: The proposal will have minimal impacts on surrounding industrial land uses.

- *To identify and preserve industrial land to meet the current and future light industrial needs of Willoughby and the wider region.*

Comment: The proposal is consistent.

- *To accommodate industrial development that provides employment and a range of goods and services without adversely affecting the amenity, health or safety of residents in adjacent areas.*

Comment: The proposal facilitates employment and a public service delivery without adversely affecting the amenity, health or safety of resident in adjacent areas.

- *To protect the viability of business zones in Willoughby by enabling development for the purposes of offices if they are used in conjunction with industrial, manufacturing, warehousing or other permitted uses on the same land.*

Comment: Although the proposal does comprise a significant proportion of office space, it is for the purposes of a public utility undertaking and will not compromise the viability of business zones in Willoughby.

- *To improve the environmental quality of Willoughby by ensuring that land uses conform to land, air and water quality pollution standards and environmental and hazard reduction guidelines.*

Comment: The proposal conforms to land, air and water quality pollution standards and other environmental and hazard reduction guidelines.

- *To accommodate uses that, because of demonstrated special building or site requirements or operational characteristics, cannot be or are inappropriate to be located in other zones."*

Comment: The site is suited to accommodate the proposed public utility undertaking.

Objectives of Floor Space Ratio Standard 4.4

(a) *to limit the intensity of development to which the controls apply so that it will be carried out in accordance with the environmental capacity of the land and the zone objectives for the land,*

Comment: The proposal is appropriate to the environmental capacity of the site and is consistent with the zone objectives for the land.

(b) *to limit traffic generation as a result of that development,*

Comment: The traffic and parking impacts of the proposal, including servicing aspects, are considered appropriate and supported by Council's Traffic Engineer.

(c) to minimise the impacts of new development on adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or visual intrusion,

Comment: The proposal will not result in unreasonable impacts on adjoining or nearby uses in terms of view loss, loss of privacy, overshadowing, or visual intrusion.

(d) to manage the bulk and scale of that development to suit the land use purpose and objectives of the zone,

Comment: The site is within an IN2 Light Industrial zone and is within an approved and emerging mixed-use technology park. The bulk and scale of the proposal are suited to the land use purpose and objectives of the IN2 zone.

(e) to permit higher density development at transport nodal points,

Comment: The site is not located at a transport nodal point. However, the site is located approximately 800 metres (walking distance) north-west of St Leonards Railway Station. Bus stops are located adjacent to the site on both sides of the Pacific Highway which connect the site with St Leonards Railway Station. In addition to public bus services, the Gore Hill technology park is serviced by a free shuttle bus service that operates on business days between the hours of 7:00am and 7:00pm and provides a link from two stops on the site to St Leonards Railway Station. This free service provides access to the train network and encourages public transport use. Whilst the site is not located at a transport nodal point, the site is located in close proximity to a range of facilities, services and public transport options.

(f) to allow growth for a mix of retail, business and commercial purposes consistent with Chatswood's sub-regional retail and business service, employment, entertainment and cultural roles while conserving the compactness of the city centre of Chatswood,

Comment: The proposal will have no impact on Chatswood's sub-regional retail and business service, employment, entertainment or cultural roles.

(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,

Comment: This objective is not applicable to the subject development site.

(h) to provide functional and accessible open spaces with good sunlight access during key usage times and provide for passive and active enjoyment by workers, residents and visitors to the city centre of Chatswood,

Comment: The approval for the Gore Hill mixed-use technology park pursuant to DA 2008/42 includes provision for open space areas.

(i) to achieve transitions in building scale and density from the higher intensity business and retail centres to surrounding residential areas,

Comment: This objective is not applicable to the site which is located within an industrial zone (Zone IN2). The site forms part of an approved mixed-use technology park. The nearest residential uses to the site are in the Lane Cove Local Government Area (LGA), located on the western side of the Pacific Highway.

(j) to encourage the consolidation of certain land for redevelopment,

Comment: This objective is not applicable as the development site forms part of an approved mixed-use technology park which has been subdivided to allow for the economic and orderly use of the land.

(k) to encourage the provision of community facilities and affordable housing and the conservation of heritage items by permitting additional gross floor area for these land uses.”

Comment: This objective is not applicable to the proposal.

Grounds for Variation

The non-compliance with the FSR development standard in Clause 4.4A (5) under *Willoughby Local Environmental Plan 2012* is reasonable in the circumstances of the case, particularly given that amendment No.10 to WLEP has subsequently been gazetted and permits a site coverage of 60%. In addition the proposal complies with the maximum building height development standard and delivers a well-designed, high quality and high-technology development which is entirely in context with the Gore Hill Divestment site.

The proposed public utility undertaking building is well-modulated and articulated, with a building footprint which is compatible with surrounding development in the business park.

Recommendations for the Clause 4.6 Exception

Clause 4.6 Exceptions to development standards of WLEP 2012 has the following objectives:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Compliance with the floor space ratio development standard is unreasonable and unnecessary in the circumstances of the case and there are sufficient environmental planning grounds to justify contravening the development standard.

In this particular case, the variation to the development standard satisfies the relevant objectives of the height control and of the zone. Pursuant to Subclause (2) in Clause 4.6 of *WLEP 2012*, consent may be granted even though the development contravenes the development standards imposed by the environmental planning instrument.

State Environmental Planning Policy (Infrastructure) 2007

Clause 104-Traffic Generating Development-Schedule 3

The scale of this development means that it meets the threshold for commercial premises and industry purposes under the *Infrastructure SEPP 2007, Schedule 3*. Accordingly the proposal was referred to the Roads and Maritime Services (RMS) who provided the following comments and draft conditions:

“Roads and Maritime has reviewed the submitted application and notes that as part of the rezoning of the site, Roads and Maritime, in its letter dated 28 February 2017, requested infrastructure upgrade to be included in any Voluntary Planning Agreement for the following works:

- Upgrade of the signalised intersection at Pacific Highway/Campbell Street by lengthening the existing right turn bay from Pacific Highway into Campbell Street to provide a minimum of 50m of additional storage;
- Removal of the required number of on-street parking spaces on the southern side of the Pacific Highway to accommodate the minimum 50m extension of the right turn bay from Pacific Highway into Campbell Street;
- Utility / pavement / linemarking adjustments;
- Implementation of additional No Stopping restrictions along the northbound carriageway of the Pacific Highway

Roads and Maritime raises no objections to the proposed development subject to the abovementioned works are undertaken as part of the delivery of the development. Roads and Maritime provides the following conditions being included in any consent issued by Council:

1. The proposed works at traffic control light at the intersection of Pacific Highway/Campbell Street shall be designed to meet Roads and Maritime requirements. The Traffic Control Signal (TCS) plans shall be drawn by a suitably qualified person and endorsed by a suitably qualified practitioner. The submitted design shall be in accordance with Austroads Guide to Road Design in association with relevant Roads and Maritime supplements (available on www.rms.nsw.gov.au). The certified copies of the TCS plans and civil design plans shall be submitted to Roads and Maritime for consideration and approval prior to the release of any Construction Certificate and commencement of road works.

Roads and Maritime fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works. The developer will be required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. Please note that the WAD will need to be executed prior to Roads and Maritime assessment of the detailed civil design plans.

2. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Pacific Highway.

3. A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Pacific Highway during construction activities.

4. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Roads and Maritime for approval prior to the issue of a Construction Certificate.

In addition to the above, Roads and Maritime has reviewed the submitted Sidra modelling files and provides the following comments:

5. With respect to lane geometry, the model should be recalibrated with the following:

- a. South Approach (Pacific Highway): Lane 1 and 2 should be 480m long. Model has both lanes 500m long.
- b. East Approach (Campbell St): Lane 1 should be 40m long. Model has 54m long. Lane 2 and 3 should be 179m long. Model has these lanes 500m long.
- c. North Approach (Pacific Highway): Lane 1 2 and three should be 475m long. Model has all three lanes 500m long.

6. Pedestrian volumes are same as existing scenario in post development scenario. Therefore the proper pedestrian volumes are to be provided in post development scenario.

7. Pedestrian movements have not been shown as opposing movements against turning vehicle movements. It will need to be corrected to be in accordance with the phasing adopted in the model.

8. The approach and exit cruise speed on Campbell Street should be 50km/h. Model has 60 km/h.'

The conditions recommended by the Roads and Maritime Authority are recommended as draft conditions of consent.

State Environmental Planning Policy No. 55 - Remediation of Land

State Environmental Planning Policy No. 55 Remediation of Land (SEPP 55) provides controls and guidelines for the remediation of contaminated land. Clause 7 of the SEPP specifies that a consent authority must not consent to the carrying out of any development on land unless it has considered whether land is contaminated and if the land is contaminated, it is satisfied that the land is/ can be suitable for the proposed development.

Development of the Gore Hill Business Park has included removal of known contaminants, and progressive issue of Site Audit Statements. A Site Audit Report for the subject site was prepared by Environ Australia Pty Ltd. The Audit was initiated to comply with a condition of Development Consent 2008/42 (C) and is therefore a statutory audit. It confirms that the land has been fully remediated and made suitable for development. On this basis the proposal is consistent with the provisions of SEPP 55.

Willoughby Development Control Plan (WDCP)

Assessment of the proposal with WDCP is provided in the table below.

| Part C - General Development Guidelines | | |
|---|---|------------|
| Control | Comment | Compliance |
| C.3 Sustainable Development | <p>Sustainable development principles have been considered in the development design ensuring that the aims of the DCP are met which include good practice energy efficiency measures to achieve energy use targets in relation to building envelope, cooling, heating, lighting, hot water, management, and operations.</p> <p>The Energy Performance Statement identifies separate energy targets for the two uses of the building. The administrative office energy targets generally align with an equivalent NABERS 4 star rating.</p> | Yes |

| Part C - General Development Guidelines | | |
|--|--|--------------------|
| Control | Comment | Compliance |
| C.4 Transport Requirements for Development | <p>The proposal is supported by Traffic Assessment Report which Council's Traffic Engineer has reviewed and advised that the traffic analysis submitted with the application indicates that the surrounding road network and key intersections will continue to operate with a satisfactory level of service with the development application in operation.</p> <p>Council's Traffic Engineer has advised that the forecast traffic demand, less peak period traffic, is less than that forecast as part of the original planning proposal for the Gore Hill Business Park.</p> <p>In respect to car parking provision, Ausgrid proposes to adopt a contemporary "constrained" parking provision for staff which is consistent with the requirement of providing a maximum of 1 car space per 100m² of GFA under Part I 1.5 (ABC Gore Hill divestment site). This approach is supported by Council's Traffic Engineer. A more detailed analysis of parking provision on site is contained under the Part I 1.5 section of this table.</p> | Yes |
| C.5 Water Management | WSUD principles have been incorporated into the development as per the DCP requirements. No adverse impacts upon local waterways and ecosystems are foreseen. | Yes |
| C.6 Access, Mobility and Adaptability | The design allows ease of access for staff and employees by providing continuous paths of travel, circulation spaces, and appropriate gradients. Main paths of travel to and from the office, depot, and parking areas are accessible and continuous. Council's Certification Officer has no objection subject to conditions. | Yes |
| C.8 Waste Management | Draft conditions of consent imposed ensuring Waste Management is undertaken in accordance with Council requirements. | Yes with condition |
| C.9 Preservation of Trees or Vegetation | The proposal does not necessitate removal of any vegetation. | Yes |
| C.11 Safety by Design | <p>The principles of Safer by Design have been incorporated into the proposed development.</p> <p>The proposal includes Crime Prevention through Environmental Design principles relating to lighting, surveillance, access, landscaping, and territorial reinforcement.</p> | Yes |
| C.12 Fencing | No boundary fencing is proposed. | Yes |

| Part C - General Development Guidelines | | |
|--|--|-------------------|
| Control | Comment | Compliance |
| C.13 Contaminated Land | As discussed under SEPP 55 considerations, the proposal is supported by a Site Audit Report that confirms the site has been fully remediated and the site has been made suitable for future development as proposed. | Yes |
| C.14 Development near Railway Corridors or Busy Roads | The site will not have any adverse impact on main roads or other key transport infrastructure subject to conditions. | Yes |
| C.16 Development near Lane Cover Tunnel Ventilation Stacks | The site is located within 800 metres of the Marden Street stack. The proposed building has a maximum height of 128.8 metres (AHO). The site is located approximately 660 metres from the Marden Street stack. The proposal is consistent with relevant considerations. | Yes |
| Part F - Industrial Development | | |
| Part F - Control | Comment | Compliance |
| F.3 Development Controls | | |
| F.3.1 Site Requirements Activity Location and Service Areas | The size, configuration and internal layout of the building are suitable in that it complies with applicable statutory development standards and urban design controls. The proposal is compatible with the prevailing industrial context of the site. | Yes |
| F.3.2 Facade Design | The building incorporates high-quality architecture, urban design, and landscaping that responds to the configuration of the site. It has minimal impact on surrounding industrial precincts. | Yes |
| F.3.3 Roof Design and Building Height | The proposal integrates within the Gore Hill Business Park, which is a precinct envisaged for industrial development. The site is not within proximity to residential receivers and is not considered to adversely impact the amenity of residential areas on the western side of the Pacific Highway. | Yes |
| F.3.5 Setbacks | The proposal complies with the provisions of the BCA. Setbacks are provided that respond to the character of the area and provide adequate space for landscaping. | Yes |
| F.3.6 Landscaping | The proposal incorporates an extensive, attractive landscaping scheme that relates primarily to perimeter planting and landscaping along the Campbell Street and Broadcast Way frontages, peripheral landscaping to the rear and side boundaries, and an outdoor terrace at Level 3. | Yes |

| Part C - General Development Guidelines | | |
|---|---|-------------------|
| Control | Comment | Compliance |
| | The proposal incorporates landscaping that is appropriate to the context of the emerging industrial character of the Gore Hill Business Park. | |
| F.3.7 Car Parking and Vehicular Access | The proposal provides on-site parking for operation/maintenance vehicles, visitors, and employees. | Yes |
| F.3.8 Loading Loading and unloading areas must not impact on pedestrian or vehicular traffic. | The depot and warehouse yard will not impact local pedestrian or vehicle traffic. | Yes |
| F.3.9 Planning Principles for Certain IN2 Land in Artarmon and St Leonards Development in Artarmon and St Leonards within Zone IN2 must achieve: | <p>The building incorporates high-quality architecture, urban design, and landscaping that responds to the configuration and scale of the site. The proposal facilitates new public utility undertaking that is appropriate and envisaged within the IN2 Zone.</p> <p>The proposal is considered to satisfy general criteria and requirements applicable to development in employment zones. The proposal satisfies relevant design quality principles in that it facilitates industrial and business activity, improves existing urban form of the site, makes best use of currently under-utilised urban land, and does not compromise sustainable practices or environmental protection.</p> | Yes |
| F.4 Environmental Controls | | |
| F.4.1 Air Impurities/Odours and Waste | A Waste Management Plan was submitted with the application. | Yes |
| F.4.2 Acoustics and Hours of Operation | The proposal is supported by an acoustic report which assesses the potential noise impacts arising from the operation of the proposal against statutory guidelines, being the EPA <i>NSW Industrial Noise Policy</i> and Section F4.2. | Yes |
| F.5 Sustainable Development | | |
| | The proposal is supported by a Sustainability Scorecard and an Energy Performance Statement prepared by Beca Pty Ltd which demonstrates compliance with sustainability considerations. | Yes |

| Part C - General Development Guidelines | | |
|--|--|---|
| Control | Comment | Compliance |
| Willoughby DCP Part I ('Controls for Specific Areas Sites') | | |
| Part I - Controls | Proposed Development | Compliance |
| Part 1.5 - ABC Gore Hill Divestment Site - 219 Pacific Highway, Artarmon | | |
| 1.5.2 Development Control Plan Council may not consent to development at ABC Gore Hill Divestment Site until a development control plan is approved. | Development Consent 2008/42 provides development controls. | N/A |
| 1.5.3 Floor space, Height and Setbacks Development is to be designed and sited to create an attractive streetscape and to protect the amenity of public domain areas within the site and adjoining uses. Development should be an appropriate height to protect the transmission tower and communications facilities. Setbacks are to be a minimum of 10 metres from the Pacific Highway, 7 metres from the Campbell Street site boundary, and 3 metres from internal roads and pedestrian paths/ cycleways. | The proposal satisfies relevant design quality principles in that it facilitates development of an under utilised site for an appropriate use, improves the existing urban form of the site, improves the quality of the streetscape and does not compromise sustainable practices or environmental protection. The proposal does not compromise the safety or operation of the transmission tower and associated communication facilities. The proposed building setbacks comply with relevant minimum distances. | Yes Yes Yes |
| 1.5.4 Site Coverage Site coverage shall not exceed 45% of the site area. | The proposal provides 52% site coverage. The site coverage complies with amendment 10 of WLEP 2012 and amendments to Part I 1.5 of WDCP since the DA was submitted. | Variation, previously discussed under Clause 4.6 Exception to FSR Development standard. |

| Part C - General Development Guidelines | | |
|--|---|------------|
| Control | Comment | Compliance |
| 1.5.4 Building Design Guidelines Development is to provide a cohesive architectural expression based on a high quality building design. Buildings over 4 storeys are to incorporate highly modulated and articulated facades to create a visually interesting character. | The public utility undertaking development incorporates high-quality architecture, urban design, and associated landscaping that responds to the configuration and scale of the site and the surrounding industrial area. | Yes |
| 1.5.5 Landscaping/ Open Space Fencing is not to be included within any part of the site. Minimum 25% of the site area is to be designated for soft landscape area. At least 75% of the front landscape setback area between buildings and the street frontage is to consist of soft landscaping free of above or below ground structures. New trees within front setbacks are to have a similar height to new buildings. | The proposal does not incorporate any fencing to the boundaries. The proposal provides for approximately 28.4% of the area as soft landscaped area. The front landscape setback area between the building and Campbell Street comprises soft landscaping and satisfies the 75% control. | Yes Yes |
| Transport Applications must be accompanied by a traffic and transport report. Development is to provide a shuttle bus between to St Leonards Station. Design of Campbell Street access points must satisfy the RTA and Council and incorporate traffic management devices. | Council's Traffic Engineer has recommended approval with conditions. Council's Traffic Engineer advised that the traffic analysis submitted with the application indicates that the surrounding road network and key intersections will continue to operate with a satisfactory level of service with the development application in operation. | Yes |

| Part C - General Development Guidelines | | |
|---|---|-------------------|
| Control | Comment | Compliance |
| <p>Car Parking</p> <p>A maximum of 1 car parking space per 100 sqm gross floor area (GFA) may be provided on site.</p> <p>Underground parking is required with the exception of external visitor parking.</p> <p>A Green Travel Plan is to be submitted and considered by Council which includes a new bus service to be provided by the development from the site to St Leonards Station.</p> | <p>Based on a maximum rate of 1 car space per 100m² of GFA and a GFA of 15,976m², excluding parking area, a maximum of 160 car parking spaces are required. As 148 spaces are provided on site, the proposal complies with the site specific DCP control at a rate of 1 space per 92.6m².</p> <p>Council's Traffic Engineer is also supportive of the constrained parking approach to maximise the use of public transport options available to the site</p> | Yes |
| <p>Electromagnetic Emissions</p> <p>The effects of the electromagnetic emissions are to be assessed and catered for in any use or development of the site.</p> | <p>Matters relating to electromagnetic emissions have been previously considered by other development proposals on the Gore Hill Technology Park and are considered relevant and to apply to this development. Previous investigations concluded that there is no reason not to recommend any human habitation in the Gore Hill Technology Park. Some interference with electronic equipment is possible although this can be adequately attenuated through building construction and protection for sensitive equipment.</p> | Yes |
| Part H -Heritage Items and Conservation Areas | | |
| | <p>The site does not contain any heritage items and is not within a heritage conservation area. The proposal will have no effect on the heritage items located within the vicinity of the site.</p> | Yes |

Neighbour Notification Issues:

The application was notified in accordance with Part B.4 of the Willoughby Development Control Plan.

The application was on notification for public comment from 9 May to 30 May 2017. No public submissions were received.

CONCLUSION

The Development Application has been assessed in accordance with Section 79C of the *Environmental Planning and Assessment Act 1979*, *SEPP 55 and SEPP (Infrastructure) 2007*, *WLEP 2012*, *WDCP* and other relevant codes and policies.

Development for the purpose of a 'public utility undertaking' in the IN2 zone is permissible under Willoughby Local Environmental Plan 2012. The non-compliance with the FSR and site coverage component of the FSR development standard in Clause 4.4A (5) under Willoughby Local Environmental Plan 2012 is reasonable in the circumstances of the case, particularly given that the proposal complies with the maximum building height development standard and that it delivers a well-designed development which is entirely in context.

The proposed public utility undertaking building is well-modulated and articulated, with a building footprint which is compatible with surrounding development in the business park. Comprehensive landscaping is proposed creating an attractive streetscape setting which will complement the approved landscaping design for the remainder of the business park.

Having regard to the above, and in the light of the relevant heads of consideration listed under Section 79C(1) of the Environmental Planning and Assessment Act, 1979, the proposal is considered to be both reasonable and appropriate and worthy of support.

DEVELOPMENT PLANNER'S RECOMMENDATION

THAT the Sydney North Planning Panel:

- 1. Supports the submitted Clause 4.6 variation to the *Floor Space Ratio* development standard contained in Clause 4.4A of WLEP 2012 for DA2017/132 (1 Broadcast Way, Artarmon) for the following reasons:**
 - **The proposal is sited and designed in context with the Gore Hill Divestment site;**
 - **The site coverage of 52% is less than the current permitted 60% development standard under amendment No.10 to WLEP which has subsequently been gazetted;**
 - **The proposal complies with the maximum building height development standard and delivers a well-designed high technology development;**
 - **The proposed public utility undertaking building is well-modulated and articulated, with a building footprint which is compatible with surrounding development in the business park;**
 - **The proposal will not result in unacceptable detrimental amenity impacts to neighbouring properties;**

- 2. Approves the development and issues consent for DA-2017/132 for development of public utility comprising ten (10) storey premises consisting of sub-station, depot, offices, warehouse, car parking, landscaping and ancillary and associated works.**

SCHEDULE

Conditions of Consent: (Including reasons for such conditions)

CONSENT IDENTIFICATION

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

1. Approved Plan/Details

The development must be in accordance with the following consent plans electronically stamped by Council:

| Type | Plan No. | Revision/ Issue No | Plan Date (as Amended) | Prepared by |
|--|----------|-----------------------|---------------------------|-----------------|
| Existing Site Plan | DA0.05 | A | 30.03.17 | djrd architects |
| Site Analysis Plan | DA0.10 | A | 30.03.17 | |
| Basement General Arrangement Plan | DA1.00 | B | 16.11.17 | |
| Ground Level General Arrangement Plan | DA1.01 | B | 16.11.17 | |
| Level 1 General Arrangement Plan | DA1.02 | B | 16.11.17 | |
| Level 2 General Arrangement Plan | DA1.03 | B | 16.11.17 | |
| Level 3 General Arrangement Plan | DA1.04 | A | 30.03.17 | |
| Level 4-9 General Arrangement Plan | DA1.05 | A | 30.03.17 | |
| Level 10 General Arrangement Plan | DA1.06 | A | 30.03.17 | |
| Elevations – North | DA2.00 | A | 30.03.17 | |
| Elevations – West | DA2.01 | A | 30.03.17 | |
| Elevations – South | DA2.02 | A | 30.03.17 | |
| Elevations – East | DA2.03 | A | 30.03.17 | |
| Sections – A-A | DA2.50 | A | 30.03.17 | |
| Sections – B-B | DA2.51 | A | 30.03.17 | |
| Sections – C-C | DA2.52 | A | 30.03.17 | |
| Perspectives & Materials - Stage 1 | DA9.00 | A | 30.03.17 | |
| Perspectives & Materials – Stage 2 | DA9.01 | A | 30.03.17 | |

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 ISSUE OF CONSTRUCTION CERTIFICATE

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

2. Section 94A Contributions

Prior to the issue of Construction Certificates, a monetary contribution of \$931,212.96 (subject to indexing as outlined below) is to be paid in accordance with Section 94A of the Environmental Planning and Assessment Act, 1979.

This contribution is based on 1% of the estimated development cost of \$93,121,296.00 at 26/4/2017 and the adopted Section 94A Contributions Plan.

The payment of this contribution can be staged in the following manner:

- (a) Prior to the release of a construction certificate for any works associated with Stage 1 (as shown on drawings referred to in condition 1) - \$358,096.03 or 1% of \$35,809,603 being the cost of Stage 1 works;
- (b) Prior to the release of a construction certificate for any works associated with Stage 2 (as shown on drawings referred to in condition 1) - \$573,116.93 or 1% of \$57,311,693 being the cost of Stage 2 works;

To calculate the monetary contribution that is payable, the proposed cost of development is to be indexed to reflect quantity variations in the Consumer Price Index, All Groups, Sydney, as published by the Australian Bureau of Statistics (ABS) 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.

$$IDC = ODC \times CP2/CP1$$

Where:

IDC = the indexed development contribution payable

ODC = the original development contribution determined by the Council as a percentage of the cost as set down in this contributions plan

CP2 = the quarterly Consumer Price Index, All Groups, Sydney, as published by the Australian Bureau of Statistics (ABS) immediately prior to the date of payment

CP1 = the quarterly Consumer Price Index, All Groups, Sydney as published by the ABS immediately prior to the date of imposition of the condition requiring payment of the contribution.

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)

3. Height

No consent is granted to any development that will result in the erection of a building or other structures having a height greater than RL 128.8 AHD. This height limit applies to all structures including fencing, roof plants, antennas and other similar structures.

(Reasons: Maintenance of Transmission Tower)

4. Use of floor space being confined as approved

All uses being confined strictly to the areas so designated on the approved plans. All designated plants and building services areas must not be used for any habitable purposes.

(Reason: Control gross floor area, Ensure compliance)

5. Notification - Use of Construction Equipment Above

Prior to commencement of any works, a schedule of use of construction equipment above RL128.8 must be prepared and a copy be submitted to the PCA, the adjoining property owner(s)/ operators of the Communication Tower (Broadcast Australia P/L) at 217 Pacific Highway and Helipad (Australian Broadcasting Corporation) at Lot (4 – 10 Lanceley Place, Artarmon). The schedule should indicate the likely period of time of use, and must be accompanied by plans and diagrams illustrating the height and locations of the equipment.

No less than 48 hours prior to any construction equipment being erected above RL 128.8, the developer must notify the adjoining property owner(s)/ operators of the Communication Tower and adjoining helipad in writing, including the time period for which the equipment will occupy above RL 128.8.

The developer and their contractors must adhere to instructions given by the adjoining property owner(s)/ operators of the Communication Tower and adjoining helipad in response to any reasonable safety concerns, and directions to minimise disruption to their ordinary operations, and signal transmission.

Copies of notification letters required by this condition, and any written correspondences received from the subject adjoining owners/operators with respect to this condition must be retained at the site and be made available to the PCA and Council upon request.

(Reasons: Safety and Maintenance of operations of adjoining Communication Tower and helipad)

6. Damage Deposit

Prior to the issue of a Construction Certificate, the applicant shall lodge a Damage Deposit of **\$140,000** (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 **\$640**(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)

(Note: If Stage 2 works have not commenced prior to the completion of Stage 1 works, Ausgrid may request that the Damage Deposit be released following inspection by Council of the completed of Stage 1 Works, and rectification of any damage identified Council. Condition 12 would need to be complied with afresh prior to the issue of a Construction Certificate for Stage 2 works.)

7. Temporary Ground Anchors

Obtain written permission from all private property owners affected by any encroachment either below ground or the air space above as a result of the above works prior to issue of any relevant Construction Certificate. Copies of the permission shall be sent to Council. All works associated with the drilling and stressing of the ground anchors shall be installed in accordance with approved drawings.

(Reason: Encroachment of works)

8. CCTV Report of Existing Council Pipe System

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

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

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

(Reason: Protection of public asset)

9. Stormwater to Street Drainage via Reinforced Concrete Pipe (RCP)

Stormwater runoff from the site shall be collected and conveyed to the underground drainage system in Campbell Street via a 450 mm RCP in accordance with Council's specification. A grated drainage pit (min. 900mm x 900mm) shall be provided within the property and adjacent to the boundary prior to discharging to the Council's drainage system. In this regard, full design and construction details showing the method of disposal of surface and roof water from the site are to be submitted to Council for approval prior to the issue of a Construction Certificate.

(Reason: Prevent nuisance flooding)

10. Analysis of Outlet Condition

The capacity of the existing Council stormwater drainage system at the proposed connection of the outlet shall be hydraulically evaluated using the Hydraulic Grade

Line method to ensure that no stormwater will be able to surcharge from Council's system to the proposed drainage system. Full engineering details of the hydraulic evaluations prepared and signed by a practising Civil Engineer shall be submitted to Council for consideration prior to the issue of a Construction Certificate.

(Reason: Prevent property damage)

11. Detailed Stormwater Management Plan (SWMP)

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

(Reason: Ensure compliance)

12. Construction Management Plan (CMP)

Prior to the issue of a Construction Certificate, submit, for approval by the 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)

13. Road Pavement – Engineering Details

The applicant shall submit, for approval by Council as the road authority, prior to issue of a Construction Certificate for construction of any works beyond excavation and piling/shoring of the site, full engineering design plans and specifications prepared by a suitably qualified and experienced civil engineer for the reconstruction of half of the road pavement and any associated works fronting the subject site At Campbell Street.

The required plans must be designed in accordance with Council's Specifications (AUS-SPEC). 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.

(Reason: Protection of public asset)

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

Prior to issue of a Construction Certificate for construction of any works beyond excavation and piling/shoring of the site, the applicant must submit, for approval by Council as a road authority, full design engineering plans and specifications prepared by a suitably qualified and experienced civil engineer for the following infrastructure works:

- a) The construction of new footpath for the full frontage of the development site at Campbell Street and including connections to the existing footpaths on both ends in accordance with Council's specification and Standard Drawing SD105.
- b) For design finished levels, the new footpath shall have crossfall of 2.5% from the boundary alignment and fall towards the top of kerb. All adjustments to public utility services, power poles 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.
- c) The existing kerb and gutter associated with half Road pavement at Campbell Street shall be reconstructed. Council's standard design traffic for this pavement is 1×10^7 HVAG. Detailed long section and cross sections at 5 metres interval shall be provided.
- d) The construction of any new perm ramps in the intersection of Campbell Street and Clarendon Street and in accordance with Council's specification and standard SD100.
- e) The construction of a new Roundabout and any traffic devices/structures in the intersection of Campbell Street and Clarendon Street in accordance with Council's and RMS's specification and standards. Detailed civil plans are to be submitted to Council Design Unit Services for approval. A written approval from Council shall be submitted to the PCA prior issuing of the Construction Certificate.
- f) The construction of two new vehicular crossing at Campbell Street Council's standard layback and gutter shall be provided in accordance with Council's specification and standard drawing SD105.
- g) The existing kerb-inlet pit at where the stormwater connection is made for the proposed development shall be reconstructed in accordance with Council's specification and standards. The new kerb inlet pit shall be reconstructed with double grates (900mmx450mm) and a 2.4m lintel.
- h) All drainage pits greater than 1.2m in depth shall be designed and certified by a practising structural engineer to comply with Council's Specification. A design certificate shall make reference to the relevant Australian Standards and it shall be submitted together with the structural details in the amended drawings. Note that internal dimensions of all kerb inlet pits must comply with Section 8.6.2 of AS3500.3.

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 the proposed works in the public road prior to the issue of any Construction Certificate.

(Reason: Ensure compliance)

15. Sight Lines

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

(Reason: Pedestrian safety)

16. Driveway Longsection

Prior to issue of the Construction Certificate for building works that include access driveways and in order to assess the susceptibility of vehicles to scraping as they pass over the proposed access driveway the applicant shall submit longitudinal sections for approval by the Principal Certifying Authority along each side of the proposed vehicular access path drawn at 1:20 Scale. The longitudinal sections shall include the following: -

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

The design shall be prepared by a suitably qualified civil engineer using Council's standard vehicle profile (SD100) for the new access in Broadcast way and HRV vehicle profile in Campbell Street. All driveway grades and transitions shall comply with AS 2890.1 -2004 and Council's specifications.

The new crossings are to be constructed at right angle to street kerb. The footpath which forms part of the proposed crossing shall have a maximum crossfall of 2.5%. For the design levels of the vehicular crossing at the property boundary, the following shall be complied with:

- At back of layback – 100 mm above and parallel to the gutter invert
- At property the property boundary (Campbell Street) – 200mm above and parallel to the gutter invert.

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

(Reason: Safe vehicular access)

17. Vehicle Access – Engineer's Certification

The Applicant shall submit, for approval by the Principal Certifying Authority, certification from a suitably qualified and experienced traffic engineer. This certification must be based on the architectural drawings and the structural drawings, and must make specific reference to the following:

- a) That finished driveway gradients and transitions will not result in the scraping of the underside of cars.

- b) That a maximum gradient of 5% is provided for the first 6 metres from the property boundary to the basement.
 - c) That the proposed vehicular path and parking arrangements comply in full with AS2890.1 – 2004 in terms of minimum dimensions provided,
 - d) That the headroom clearance of minimum 2.2 metres between the basement floor and any overhead obstruction is provided which complies with Section 5.3.1 of AS 2890.1 and Section 2.4 of AS2890.6.
 - e) That the headroom clearance of minimum 2.5 metres is provided to all parking spaces for people with disabilities which complies with Section 2.4 of AS2890.6.
 - f) Minimum dimensions of 2.4m x 5.4m shared area shall be provided adjacent all disabled parking spaces to comply with AS2890.6. Bollards shall be provided at the location on each shared area specified in AS2890.6 which shall be clearly labelled and shown on plans.
 - g) That the headroom clearance of minimum 4.5 metres has been provided for the loading area for Heavy rigid vehicles which complies with AS2890.2.
- (Reason: Ensure Compliance)

18. Geotechnical Report

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

(Reason: Safety & Amenity)

19. 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 National Construction Code:
 - 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 Certifying Authority prior to the issue of the Construction Certificate.

(Reason: Health and compliance)

20. Traffic Management Plan

Prior to issue of a Construction Certificate, a detailed Traffic Management Plan shall be prepared for pedestrian and traffic management and be submitted to the relevant road authority for approval. The plan shall: -

- a) Be prepared by a RMS accredited consultant
- a) Be in accordance with the current version of AS1742.3 and its associated handbook, and the RMS's Traffic Control at Worksites Manual.
- b) Implement a public information campaign to inform any road changes well in advance of each change. The campaign shall be approved by the Local 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 NSW Police.
 - d) Ensure temporary road closures are approved by Council via the application, approval and payment of a relevant permit. Prior to implementation of any temporary road or lane closure during demolition and construction, Council shall be advised of these changes and a Traffic Control Plan shall be submitted to Council with a permit application for approval. This permit application and traffic control plan shall include times and dates of changes, measures, signage, road markings and any temporary traffic control measures.
- (Reason: Public safety and amenity)

21. Traffic Work

Prior to issue of a Construction Certificate for driveways or works to a public road, any proposals for changes to the carriageway of a public road including shared paths, involving traffic arrangements shall be referred to the Local Traffic Committee for approval. 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 works:

- a) The Campbell Street and Clarendon Street roundabout be designed in accordance with Australian Standards, Austroads Guidelines and RMS Technical Directives and Guidelines.
- a) Campbell Street (ingress only driveway), Broadcast Way (northern ingress and egress driveway) and Broadcast Way (southern egress only driveway) are designed in accordance with Australian Standards, Austroads Guidelines and RMS Technical Directives and Guidelines to meet the turning paths of all vehicles expected to use these driveways and to Council's satisfaction .
- b) Campbell Street (ingress only driveway), Broadcast way (Northern ingress driveway) are to be designed to provide on-site vehicle storage capacity prior to the security gate so that no vehicles are queued in Campbell Street and Broadcast Way at any time. The security gates shall operate to enable vehicles to enter without causing any queuing.
- c) The driveway and footpath design on Broadcast Way be designed to minimise the vehicle speeds using the driveway and the length of driveway pedestrians need to cross so that pedestrian safety is maximised.
- d) Signposting shall be provided at the Campbell Street egress only driveway to ensure that semi-trailers (HRV) are not permitted to turn left from the development's exit driveway.
- e) Signposting, line marking and pavement marking is provided at the Broadcast Way (northern ingress and dual egress driveway) to ensure priority is provided to ingress movement at the intersection of the ingress driveway and the visitor car park.
- f) Signposting and pavement marking is provided at the Broadcast Way (southern driveway) to ensure it is used as egress only.

Road safety audits are undertaken for all stages in accordance with Australian Standards, Austroads Guidelines and RMS Technical Directives and Guidelines for all works.

(Reason: Public safety and amenity)

22. Proposed Works at Traffic Control

- a) The proposed works at traffic control light at the intersection of Pacific Highway/Campbell Street shall be designed to meet Roads and Maritime requirements. The Traffic Control Signal (TCS) plans shall be drawn by a suitably qualified person and endorsed by a suitably qualified practitioner.
- b) The submitted design shall be in accordance with Austroads Guide to Road Design in association with relevant Roads and Maritime supplements (available on www.rms.nsw.gov.au). The certified copies of the TCS plans and civil design plans shall be submitted to the Roads and Maritime for consideration and approval prior to the release of any Construction Certificate for road works on the Princes Highway and commencement of road works.
- c) Roads and Maritime fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.
- d) The developer will be required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. Please note that the WAD will need to be executed prior to Roads and Maritime assessment of the detailed civil design plans.
(Reason: Compliance with RMS Requirements)

23. Construction Traffic Management Plan

A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Roads and Maritime Services for approval prior to the issue of a Construction Certificate for the Pacific Highway related road works.
(Reason: Compliance with RMS Requirements)

PRIOR TO COMMENCEMENT

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

24. Electromagnetic Emissions

Upon completion of construction works, and fit-out and prior to the issue of any occupation certificate, real world readings within the approved tenancy to be occupied must be conducted to confirm that there is no deviation from preliminary findings of the EME Analysis Report prepared by Kordia, dated 27 October 2008 and the EMI Analysis Report prepared by Kordia, dated 12 August 2009, Version 2 for the Gore Hill Technology Park, in respect to the relevant Australian Standards. Based upon the result of real word readings, mitigation strategies be developed for screening sensitive equipment if required. The real world readings and associated mitigation strategies must be documented and copies of the documents be provided to the principal certifying authority and Council.
(Reason: Health & Safety)

25. Waste Management Plan

A Construction and Demolition Waste Management Plan which provides details of specific strategies to salvage and recycle a minimum of 85% of used and unused

demolition and construction materials shall be submitted to the Certifying Authority prior to commencement of work.

(Reason: Environment protection/waste reduction)

26. Locate and Expose Existing Pipeline

Prior to commencement of any drainage connection works, the applicant shall locate and expose the existing Council's drainage line for assessment of the condition of such pipeline by the design engineer and Council. Inspection by Council's Engineers is required prior to any backfilling. 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.

(Reason: Protection of public asset)

27. Dilapidation Report of Council's Property

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

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

This dilapidation report shall be submitted to Council and the Certifying Authority prior to commencement of work. An updated dilapidation report may be submitted and relied upon by the proponent prior to commencement of any Stage 2 works,

(Reason: Protection of Council's infrastructure)

28. 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.

The public footway must not be obstructed at any time unless written approval has been granted by Council. Council's footpath and footway shall be maintained in a safe condition for pedestrians and the general public at all times.

(Reason: Legal requirements)

29. Application for Vehicle crossing

Submit an application with fees to Council for the construction of a plain concrete vehicular crossing.

(Reason: Protection of public asset)

30. Adjustment to Street Lighting

Prior to commencement of work, consult with utility authorities to determine the requirements of relocation/adjustment of electricity supply and street lighting services fronting the property at Campbell Street. Such street lighting shall also conform to Council's standard specifications.

(Reason: Public amenity)

31. Garbage Rooms

Garbage rooms must be large enough to store the generated waste from the proposed uses and allowance should be made for separation of putrescible waste from waste suitable for recycling. The garbage room is not to be smaller than 5000mm x 4000mm, have a 2400mm ceiling height, with a door entry width not less than 2200mm.

(Reason: Ensure compliance)

32. Road Occupancy Licence

A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Pacific Highway during construction activities.

(Reason: Compliance with RMS Requirements)

DURING DEMOLITION, EXCAVATION AND CONSTRUCTION

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

33. Hours of Work

All construction/demolition work relating to this Development Consent within the City, unless varied by an Out of Hours Work Permit, 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 for an Out of Hours Work Permit to allow variation to these approved hours must be lodged with Council at least 48 hours prior to the proposed commencement of the work. The application must include a statement regarding the reasons for the variation sought, the type of work/s to be carried out, the additional time required, the anticipated impact upon the local amenity and how this will be minimized, and must be accompanied by the required fee. One (1) permit is required for each variation to the approved working hours within any 24 hour period.

If a variation to these approved hours for multiple or extended periods is sought, an application under Section 96 of the Environmental Planning and Assessment Act 1979 must be lodged with Council at least twenty-one (21) days in advance of the proposed changes to the hours of work. The application must include a statement regarding the reasons for the variation sought, the type of work/s to be carried out, the additional time required, the anticipated impact upon the local amenity and how this will be minimized, and be accompanied by the required fee. Note: This S96 application may require re-notification in some circumstances.

(Reason: Ensure compliance and amenity)

34 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 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)

35. 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. All parts of the fence, including the fencing blocks shall be located wholly within the property boundaries.

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

(Reason: Safety)

36. Provide Erosion and Sediment Control

Erosion and sediment control devices shall be provided wholly within the site whilst work is being carried out in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into Council's stormwater system natural watercourses, bushland and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the requirements of the Protection of Environment Operations Act 1997 and the Department of Environment, Climate Change and Water guidelines. The control devices are to be maintained in a serviceable condition AT ALL TIMES.

(Reason: Environmental protection)

37. Survey Certificate

Certification of the following shall be submitted to the Certifying Authority by a registered surveyor:

- a) Prior to the construction of footings or first completed floor slab (i.e. prior to pouring of concrete) showing the area of the land, building under construction and boundary setbacks;
- b) At each level indicating the level of that floor to Australian Height Datum;
- c) Upon completion of the roof framing, before the roofing is laid, indicating the ridge height to Australian Height Datum;
- d) At roof slab level indicating the level of that slab to Australian Height Datum;
- e) At completion indicating the relation of the building and any projections to the boundaries, and that the building has been erected to the levels approved in the Development Application.

(Reason: Ensure compliance)

38. 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)

39. 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)

40. 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)

41. Tree Protection

- i) Retain and protect the following trees and vegetation throughout the demolition and construction period: All trees not indicated for removal on the approved plans unless exempt under relevant planning instruments or legislation.
- ii) The above trees must be clearly marked and protection devices in place to prevent soil compaction and machinery damage.
- iii) Tree roots greater than 50mm diameter are not to be removed unless approved by the Project Arborist on site.
- iv) All structures are to bridge roots unless directed by the Project Arborist on site.
- v) Tree protection measures must comply with the AS 4970-2009 Protection of trees on development sites with particular reference to Section 4 Tree Protection Measures

(Reason: Tree management)

42. Public Tree Protection

Unless identified by the development consent, no tree roots over 50mm diameter are to be damaged or cut and all structures are to be bridged over such roots.

Should any problems arise with regard to the existing or proposed trees on public land during the construction or bond period, the applicant is to immediately Contact Council's Open Space section and resolve the matter to Council's satisfaction.

(Reason: Tree management)

43. 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)

44. 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 Certifying Authority. The clearance certificate shall verify that the site is free from any hazardous materials from the demolished buildings.

(Reason: Health and safety)

45. Unexpected Finds Protocol

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

(Reason: Environment & Health Protection)

46. Importation of Fill

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

(Reason: Environment & Health Protection)

47. 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)

48. 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)

49. Loading and Unloading During Construction

The following requirements apply:

- All loading and unloading associated with construction must be accommodated on site.
- The structural design of the building must permit the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.
- If, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- In addition to any approved Works Zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
- If a Works Zone is warranted an application must be made to Council prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need of the site for such facility at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- Application for a Works Zone must be submitted to Council a minimum 8 weeks prior to being required. Works application form is available on the City's Website.

(Reason: Public safety and amenity)

50. Construction Vehicles

All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Pacific Highway.

(Reason: Compliance with RMS Requirements)

PRIOR TO OCCUPATION OF THE DEVELOPMENT

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

51. Pacific Highway/Campbell Street Intersection

The proponent shall upgrade the signalised intersection at Pacific Highway/Campbell Street prior to release of an Occupation Certificate for Stage 1 of the development by lengthening the existing right turn bay from Pacific Highway into Campbell Street to provide a minimum of 50m of additional storage. The works will involve:

- a) Removal of on-street parking spaces on the southern side of the Pacific Highway to accommodate the minimum 50m extension of the right turn bay from Pacific Highway into Campbell Street;
- a) Utility / pavement / line-marking adjustments;

- b) Implementation of additional No Stopping restrictions along the northbound carriageway of the Pacific Highway.
(Reason: Compliance with RMS Requirements)

53. Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to the issue of a Final Occupation Certificate. An application must be made either directly to Sydney Water or through a Sydney Water accredited Water Service Coordinator. For details go to www.sydneywater.com.au/section73 or call 1300 082 746.

The Section 73 Certificate must be submitted to the Certifying Authority.
(Reason: Ensure statutory compliance)

54. 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)

55. Fire Safety Certificate Forwarded to NSW Fire and Rescue

Prior to the issue of the Final Occupation Certificate and 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)

56. Temporary Ground Anchors – Destressing

Prior to the issue of any Occupation Certificate, 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)

57. CCTV Report of Council Pipe System After Work

Prior to the issue of any Occupation Certificate, a qualified practitioner, with a certificate of attainment in NWP331A Perform Conduit Evaluation, shall undertake a closed circuit television (CCTV) inspection and then report on the condition of the Council drainage pipeline after the completion of all works. No person is to enter any

Council stormwater conduit without written approval from Council. The camera and its operation shall comply with the following: -

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

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

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

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

59. Grated Box Drain

Prior to the issue of any Occupation Certificate and for stormwater control, a 350 mm wide grated trench drain with a heavy duty removable galvanised grate is to be provided in front of the garage door/basement parking slabs to collect driveway runoff. The trench drain shall be connected to the main drainage system and must have an outlet of minimum diameter 150mm to prevent blockage by silt and debris. (Reason: Proper disposal of stormwater)

60. On-site Water Management System

Prior to the issue of any Occupation Certificate, the stormwater runoff from the site shall be collected and disposed of via an approved stormwater system in accordance with Sydney Water's requirements, the NSW Code of Practice – Plumbing and Drainage, Council's DCP and Technical Standards. The construction of the stormwater drainage system of the proposed development shall be generally in accordance with the approved design stormwater management plans and Council's specification (AUS-SPEC). (Reason: Prevent nuisance flooding)

61. Sign for On Site Detention System

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

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

(Reason: Prevent unlawful alteration)

62. Confined Space Sign

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

(Reason: Safe access to tank)

63. Certification of OSD

Prior to the issue of any Occupation Certificate, a suitably qualified and experienced civil engineer (generally CP Eng. Qualification) shall certify on Council's standard certification form that the as-built OSD system is in accordance with the approved plans and complies with Council's DCP and Technical Standards. Council's standard certification form is available in the appendix of Council's Technical Standard No.2.

(Reason: Legal requirement)

64. Works-As-Executed Plans - OSD

Prior to the issue of any Occupation Certificate and upon completion of the OSD System, the following shall be submitted to the Certifying Authority:

- Work-as-Executed plans based on the approved stormwater management plans from a registered surveyor to verify that the volume of storage, PSD, water and floor levels are constructed in accordance with design requirements. Any minor changes or variations to the approved plans should be highlighted in red on the approved stormwater plans.
- Engineer's certification of the OSD system together with the completed Council's standard form for On-Site Detention Record of Installation.

(Reason: Record of works)

65. S88B/S88E(3) Instrument

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

The above instruments shall be created under Section 88B of the Conveyancing Act 1919 for newly created lots. For an existing lot, the instruments can be created under Section 88E(3) of the Conveyancing Act 1919 using Form 13PC and 13RPA respectively. The relative location of the OSD system, in relation to the building footprint, must be shown on the final plan of subdivision/strata plan or must be shown on the scale sketch, attached as an annexure to the request 13PC and 13RPA forms. The S88B instrument or 13PC/13RPA forms shall be lodged with Council's Standard S88B/S88E Lodgement Form with all supporting documentations listed in the Form. Council's Standard Form is available from Council upon requested.

Documentary evidence of registration of these instruments with the Land and Property Information shall be submitted to the Principal Certifying Authority and Council prior to issue of any Occupation Certificate.

(Reason: Maintenance requirement)

66. Documentary Evidence of Positive Covenant, Engineers Certificate

Prior to the issue of any Occupation Certificate, the following documentary evidence of the completed drainage works shall be submitted to Certifying Authority and Council: -

- Registered Positive Covenant and Restriction on the Use of Land by way of the Title Deed.
- Certification from a suitably qualified and experienced civil engineer (generally CP Eng. Qualification) for the as-built OSD system and/or plumber's certification of the as-built rainwater reuse system.
- Work-as-Executed plans highlighting in red based on the approved stormwater management plans from a registered surveyor for the as-built OSD system and/or rainwater reuse system.

(Reason: Public record)

67. Sight Lines

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

(Reason: Pedestrian safety)

68. Construction of Kerb & Gutter

Construct new kerb and gutter together with any necessary associated pavement restoration in accordance with Council's specification for the full frontage of the development site with associated pavement restoration for half road pavement at Campbell Street.

(Reason: Public amenity)

69. Reconstruct Pavement

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

(Reason: Ensure compliance)

70. Concrete Footpath

Construct a 1.5 m wide concrete footpath for the full frontage of the development site at Campbell Street and any missing footpath links. All works shall be carried out in accordance with Council's standard specification and drawings.

(Reason: Public amenity)

71. Street Lighting and Furniture

Prior to the issue of any Occupation Certificate, provide approved street lighting and furniture in accordance with Willoughby City Council's street furniture manual and Australian Standard AS/NZ 1158.(2005).

Reason: Public amenity)

72. Vehicular Crossing

Construct four (4) new vehicular crossing including the replacement of the existing layback and/or gutter and any associated road restoration as directed by Council's Engineers. All works shall be carried out in accordance with Council's specification AUS-SPEC C271 and Council's Standard Drawing SD105 - Council Vehicular Footpath Crossing and Kerb and Gutter details and any approved longitudinal sections. A separate application for the crossing including current fees and charges is to be submitted for approval by Council.

The four (4) crossing are to be constructed at right angles to the street kerb in plain concrete. The new crossing shall be located no closer than 1 metre from any power pole and 2 metres from any street tree unless otherwise approved by Council. The centreline of the new crossing shall be "in-line" with the centreline of the parking space(s).

For the design levels of the vehicular crossing at the property boundary, the following shall be complied with:

- *At back of layback – 100 mm above and parallel to the gutter invert.*
- *At property boundary (Campbell Street) – 200mm above and parallel to the gutter invert.*

The footpath which forms part of the proposed crossing shall have a maximum crossfall of 2.5%. The nature strip and footpath is to be adjusted for a minimum distance of 8 metres on both sides of the crossing to suit the new levels.

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

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

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

73. Removal of Redundant Crossings

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

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

74. 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 Certifying Authority prior to the issue of any Occupation Certificate.
(Reason: Ensure compliance)

75. Performance Bond

Prior to the issue of any Occupation Certificate, the Applicant shall lodge with the Council a performance bond of \$70,000 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)

76. Vehicle Access - Construction & Certification

The Applicant shall submit, for approval by the Principal Certifying Authority, certification from a suitably qualified and experienced traffic engineer. This certification must be based on a site inspection of the constructed vehicle access and accommodation areas, with dimensions measurements as necessary, and must make specific reference to the following:

- a) That the as-constructed carpark complies with the approved Construction Certificate plans,
- b) That a maximum gradient of 5% has been provided for the first 6 metres from the property boundary to the basement.
- c) That finished driveway gradients and transitions will not result in the scraping of the underside of cars.
- d) All parking spaces are open type with no partitions.
- e) That the as-constructed vehicular path and parking arrangements comply in full with AS2890.1 – 2004 in terms of minimum dimensions provided,
- f) That the headroom clearance of minimum 2.2 metres has been provided between the basement floor and any overhead obstruction to comply with Section 5.3.1 of AS 2890.1 and Section 2.4 of AS2890.6.
- h) That the headroom clearance of minimum 2.5 metres has been provided to all parking spaces for people with disabilities to comply with Section 2.4 of AS2890.6.
- i) That the headroom clearance of minimum 4.5 metres has been provided for the loading area for Heavy rigid vehicles which complies with AS2890.2.
- j) Minimum dimensions of 2.4m x 5.4m shared area shall be provided adjacent all disabled parking spaces to comply with AS2890.6. Bollards shall be provided at

the location on each shared area specified in AS2890.6 which shall be clearly labelled and shown on plans.
(Reason: Ensure Compliance)

77. OSD System

The applicant shall supply and install OSD tank with a minimum storage volume of 365 m³ in accordance with the approved stormwater plans, Sydney Water's requirements and Council's DCP and Technical Standards.
(Reason: Ensure compliance and conserve natural resources)

78. Completion of Landscape Works

Prior to the issue of an Occupation Certificate, for any stage of the development, the approved landscape works relevant to that stage shall be consistent with the approved design, completed to a professional standard, consistent with industry best practice and published standards.
(Reason: Landscape amenity)

79. Tree Planting

Prior to the issue of an Occupation Certificate, for any stage of the development, trees relevant to that stage are to be planted in accordance with the following table:

| No. Required | Species | Location | Min Pot Size |
|--------------|--|-------------------------------------|-------------------------------------|
| All trees | As indicated on the approved Landscape Plans | As indicated on the Landscape Plans | As indicated on the Landscape Plans |

(Reason: Landscape amenity)

80. Certification – Ventilation

Prior to the issue of any Occupation Certificate, 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: Amenity, environmental compliance and health)

81. Waste & Recycling Room

Prior to the issue of any Occupation Certificate, the waste and recycling container room shall be constructed to comply with all the relevant provisions of Willoughby Development Control Plan and in particular :-

- 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.
- The walls being cement rendered to a smooth, even surface and coved at all intersections.
- 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.
- An overhead type door being provided to the room having a clear opening of not less than 1.8m.

- e) A galvanised steel bump rail at least 50 mm clear of the wall being provided at the height of the most prominent part of the garbage containers.
- f) Mobile Waste Containers or Bulk Bins must have capacity to store waste volume for the development as calculated in accordance with Part C.8 of the Willoughby Development Control Plan and suitable for connection to the garbage collection vehicle being provided in the room. In addition suitable recycling containers must also be provided in the room.

(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.

82. Public Utility Usage

The approved use of the development is a '*Public Utility Undertaking*'. Under no circumstances shall the offices be separately leased or sold to another entity for the purposes of a '*commercial premises*'.

83. Hazardous and Offensive Development

A preliminary hazard analysis report shall be prepared to confirm that the proposed development does not constitute a potentially hazardous industry or potentially offensive industry.

If storage of underground petroleum is undertaken it shall be fully compliant with the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014. In addition a Certificate from a duly qualified person confirming that all requirements have been met shall be submitted to the Principal Certifying Authority.

(Reason: Environmental Protection)

84. Separate Development Consent – Signage – Standard condition

A separate Development Application shall be submitted to Council for approval in respect of any proposed advertising sign which will be visible from a public place to be designed to comply with Willoughby Development Control Plan Part G.5 Advertisements & Advertising Structures.

(Reason: Ensure compliance)

85. 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)

86. Hours of Operation

The hours of operation of the depot and administrative offices are restricted to the times listed below:-

- Depot - 24 hours/ 7 days a week (main daytime shift between 6am to 3:30pm); and
- Administrative offices - 8am to 6pm.

Any variation to these hours is to be subject to the prior consent of Council.
(Reason: Amenity)

87. 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)

88. Vehicular Access and Garaging

Driveways and vehicular access ramps shall be designed to provide adequate ground clearance to the underside of B99 vehicles. In all respects, the proposed vehicle access and/or parking spaces shall be designed and constructed to comply with the minimum requirements of AS/NZS 2890.1 and Council's standard specification.
(Reason: Vehicular access)

89. 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)

90. Public Infrastructure Restoration

Prior to the release of the Damage Deposit for a relevant stage of works, 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)

91. Trees on Adjoining Properties

No approval is given for the removal or pruning of trees on neighbouring private land.
(Reason: Environmental protection)

92. 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)

93. 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)

94. 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)

95. Refuse Collection Point

A suitable refuse collection point, adjacent to the garbage room(s), must be provided within the building envelope. The loading operation, including the movement of garbage receptacle must take place on a level surface away from gradients and vehicle ramps. No waste/recycling is to be placed on the public footpaths, roadways, plazas, reserves or building colonnade areas, at any time. All garbage receptacles must be returned to the garbage storage area within the property after the bins are serviced.

(Reason: Health and amenity)

96. 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.

97. Compliance with National Construction Code

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

(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

98. 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. For the avoidance of doubt, Construction Certificates may be sought and obtained on a staged basis.

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)

99. 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 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)

100. 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)