

SYDNEY NORTH PLANNING PANEL

SNPP No	2017SNH052
DA Number	DA-2017/181
Local Government Area	Willoughby City Council
Proposed Development	ADAPTIVE REUSE OF HERITAGE BUILDING, CONSTRUCTION OF A MIXED USE BUILDING CONSISTING OF PART SIX (6) AND PART SEVEN (7) STOREYS, 117 RESIDENTIAL APARTMENTS, FOUR (4) NEW COMMERCIAL TENANCIES, CARPARKING AND ASSOCIATED WORKS
Street Address	989-1015 PACIFIC HIGHWAY, ROSEVILLE
Owner	ALPHA DISTRIBUTION MINISTERIAL HOLDING CORPORATION
Applicant	CITY PROJECTS & DEVELOPMENTS PTY LTD
Number of Submissions	FIVE (5)
Regional Development Criteria (Schedule 4A of the Act)	Capital Investment Value (CIV) of the proposal is \$37,635,000
List of All Relevant s79C(1)(a) Matters	WLEP 2012; Deemed SEPP Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005; SEPP 65 and ADG; SEPP (Infrastructure) 2007; WDCP; S94A Plan.
List all documents submitted with this report for the panel's consideration	Architectural Plans
Recommendation	Approval
Report by	Pooja Chugh - Development Assessment officer
Report date	Electronic

DA NO: DA-2017/181

PROPOSAL: SNPP - ADAPTIVE REUSE OF HERITAGE BUILDING, CONSTRUCTION OF A MIXED USE BUILDING CONSISTING OF PART SIX (6) AND PART SEVEN (7) STOREYS, 117 RESIDENTIAL APARTMENTS, FOUR (4) NEW COMMERCIAL TENANCIES, CARPARKING AND ASSOCIATED WORKS

RECOMMENDATION: APPROVAL

ATTACHMENTS:

1. SCHEDULE OF CONDITIONS
2. SITE DESCRIPTION AND AERIAL PHOTO
3. CONTROLS, REFERRALS & DEVELOPMENT STATISTICS
4. SEPP 65/ ADG ASSESSMENT SUMMARY
5. CLAUSE 4.6 ASSESSMENT
6. SUBMISSIONS TABLE
7. SECTION 79C ASSESSMENT
8. NOTIFICATION MAP
9. ARCHITECTURAL PLANS

RESPONSIBLE OFFICER: IAN ARNOTT (PLANNING MANAGER)

AUTHOR POOJA CHUGH (DEVELOPMENT ASSESSMENT OFFICER)

DATE 20-Nov-2017

1. PURPOSE OF REPORT

The proposal is regionally significant development as identified in Schedule 4A of the Environmental Planning and Assessment Act (EP&A Act). It has a capital investment value (CIV) over \$20 million and therefore Sydney (North) Planning Panel is the determination authority.

2. OFFICER'S RECOMMENDATION

THAT the Sydney North Planning Panel (SNPP):

2.1. Supports the submitted Clause 4.6 variation to the *height of buildings development* standard contained in Clause 4.3 of *Willoughby Local Environmental Plan (WLEP) 2012* for DA 2017/181 (989-1015 Pacific Highway, Roseville) for the following reasons:

- The development's non-compliance with the height of building standard will not materially change the bulk and scale of the development or its streetscape presentation;
- The proposed development is not considered to cause unreasonable external impacts on adjoining properties in terms of disruption of views, loss of privacy, overshadowing and visual intrusion;

- The location, density, and creation of new types of housing in the local area aligns with the Willoughby City Strategy 2013-2029 to provide a greater range of housing choices and to meet the demand for additional homes by 2031. Further to this, the proposal aligns with the Willoughby Housing Position Statement 2017, providing 'additional density near existing business centres to support local business';
- 2.2. Supports the submitted Clause 4.6 variation to the *floor space ratio development* standard contained in Clause 4.4 of *WLEP 2012* for DA 2017/181 (989-1015 Pacific Highway, Roseville) for the following reasons:
- The principal reason for the variation is a result of the site's location immediately adjacent to the T1 Northern Line railway corridor. Sydney Trains require that the buildings within 20m of their boundary are designed to maintain the safety of Sydney Trains' staff and assets. This includes preventing opportunities for objects to land or be thrown onto Sydney Trains land from adjoining properties;
 - The proposal is consistent with the relevant objectives of the B5 Business Development zone, in terms of:
 - The development will provide business uses and additional housing as anticipated by the zoning of the land;
 - The bulk and scale of the proposed development suits the land use purpose and objectives of the B5 Business Development zone;
- 2.3. Approves the development subject to the attached conditions and issue 'Deferred Commencement' consent for the application DA 2017/181 for the *"adaptive reuse of heritage building, construction of a mixed use building consisting of part six (6) and part seven (7) storeys, 117 residential apartments, four (4) new commercial tenancies, carparking and associated works"* at 989-1015 Pacific Highway, ROSEVILLE NSW 2016.

3. BACKGROUND

A brief was provided to the Sydney (North) Planning Panel regarding assessment of the subject Development Application on 11 October 2017. The main issues raised concerning the application included height exceedence adjacent to the local heritage item - Seymours Service Station; separation between the heritage item and the southern-most part of the development; increased deep soil planting along Pacific Highway; relocation of substation; defined and clear building entry for residential units and location of letter boxes. The applicant was advised of these concerns and has submitted amended plans.

The amended proposal lowers the height of the southern-most part of the building which is adjacent to the heritage item to six (6) storey from a seven (7) storey and provides differential façade treatment to make the sixth storey more recessive. Further, separation between the heritage building and the adjacent commercial tenancy is increased from 6.6m to 9.4m on the ground/podium level as viewed from Pacific Highway and suitable landscaping is proposed within this area. The substation is now incorporated within the north-west corner of the building. The amended proposal provides clear entry areas for the residential units from Pacific Highway and in front of the Seymours Service Station. The letter boxes are provided within the main residential entry area on ground/podium level. The amended proposal is considered to address the previous concerns satisfactorily. Further details are included within the assessment report.

The site is located at 989-1015 Pacific Highway with dual frontage to William Street. The site also includes Seymours Service Station', a locally listed heritage item identified in Schedule 5 - Environmental Heritage of the Willoughby Local Environmental Plan (WLEP) 2012 as item I109. The subject site also contains a small Energy Australia electricity substation which is proposed to be relocated to the north-western corner within the site to enable the proposed development. The North Shore railway line is located immediate west of the site.

Vehicle access is provided directly from the Pacific Highway, a right of carriageway exists along the eastern boundary, accessed from William Street. The site is burdened by Council's stormwater easement which runs east-west through the site. The site is impacted by flooding.

A detailed description of the site and surrounding area is contained in **Attachment 2**.

The proposed development seeks consent for the following:

- Relocation of the existing substation;
- Site preparation works including earthworks and tree removal;
- Demolition of a later addition to the Seymours Service Station, refurbishment and reuse of the original building;
- Construction of a part six and part seven storey building accommodating:
 - Two level of basement parking;
 - Four new commercial tenancies in addition to Seymours Service Station at ground level; and
 - 117 residential apartments above.
- At grade commercial car parking with entry and exit off Pacific Highway;
- Residential car parking in two basement levels with entry and exit via William Street.

4. DISCUSSION

The referrals, relevant controls and development statistics that apply to the subject land are provided in **Attachment 3**.

4.1 *SEPP 65 - Design Quality of Residential Flat Development and NSW Apartment Design Guide (NSW ADG)*

The proposed development is consistent with SEPP 65 - Design Quality of Residential Flat Development principles of context and neighbourhood character, built form and scale, density, sustainability, landscape, amenity, safety, housing diversity and social interaction as well as aesthetics. The proposal is assessed to be satisfactory with respect to the Design Criteria contained in the Apartment Design Guide. Detailed assessment is contained in **Attachment 4**.

4.2 *SEPP (Infrastructure)*

Clauses 85, 86, 101, 102 and 104 and Schedule 3 - Traffic Generating Development of the *SEPP (Infrastructure)* are applicable due to the site's immediate proximity to the T1 railway corridor, Epping to Chatswood rail tunnels and Pacific Highway. In this regard, the proposal has been referred to Roads and Maritime Services (RMS) and Sydney Trains for comments. No objections have been raised to the proposal subject to conditions.

4.3 *Willoughby Local Environmental Plan 2012 (WLEP 2012) - Heritage*

The subject site includes the former Seymours Service Station; an item (I109) of local heritage significance in Schedule 5 of WLEP 2012. The proposal includes adaptive reuse and restoration of the existing heritage building. Given the former Seymours Service Station has not been used for its original purpose since the early 1980s, and the building has undergone substantial alteration to accommodate new uses, a further change of use is acceptable in heritage terms. The proposal designates the Seymours building as a 'commercial tenancy', which is considered to be an appropriate use.

The subject site also contains a small Electricity Substation which appears on Ausgrid's Section 170 Heritage and Conservation Register (Item No. 312). It is not listed as a local heritage item in the WLEP 2012.

A Statement of Heritage Impact prepared by GML Heritage has been submitted by the applicant. Council's Heritage Architect reviewed the Statement of Heritage Impact together with the revised plans submitted and concluded that the proposed development will not diminish the heritage significance of the item.

4.4 *Willoughby Local Environmental Plan 2012 (WLEP 2012)*

Main Development Standards:

	Standard	Proposed	Complies	Extent of Variation %
Height of Building	20m	21.69m to 26.65m	No	8.4% - 33.2%
Floor Space Ratio	2.5:1	2.55:1*	No	2.1%

* Excluding gross floor area of Heritage Item in accordance with Cl. 4.4(2A)(b)(ii)

Detailed table is contained in **Attachment 3**.

4.4.1 Height of Building (HOB)

Further to concerns raised by Council, the amended proposal lowers the height of the southernmost building adjacent to the Heritage listed Seymours Service Station to six storeys. The proposed breach of the HOB standard is the function of a minimum free board requirement due to flood affectation as well as a 5m clearance requirement for maintenance of Council's easement on site. In this regard, the submitted Clause 4.6 request to vary the height of the building is considered acceptable and is contained in **Attachment 5**.

4.4.2 Floor Space Ratio (FSR)

The principal reason for the variation is a result of the site's location immediately adjacent to the T1 Northern Line railway corridor. Sydney Trains require that buildings within 20m of their boundary are designed to maintain the safety of Sydney Trains' staff and assets. This includes preventing opportunities for objects to land or be thrown onto Sydney Trains land from adjoining properties.

Noise from the rail corridor significantly reduces the amenity and usability of private balconies and therefore enclosed balconies (wintergardens) are proposed to the apartments on Level 2 - Level 5 on the eastern façade. Strict numerical compliance would result in a significantly reduced level of amenity to the eastern balconies which would be an undesirable planning outcome. In

this regard, the submitted Clause 4.6 request to vary the floor space ratio standard of the building is considered acceptable and is contained in **Attachment 5**.

4.5 Neighbour Notification

The original application was notified in accordance with Part B of the *Willoughby Development Control Plan* (WDCP) for a 21 day period from 6 June 2017 to 28 June 2017.

Council received five (5) submissions in response to the notification. The issues of concern raised in these submissions relate to:

- Height and size of the development;
- Increased traffic especially on William Street;
- Unsympathetic inclusion of heritage building and improper use of heritage site;
- Loss of solar access and overshadowing impact on existing dwellings on William Street;
- Impact on capacity of local schools; and
- Privacy and overlooking.

Further discussion of the issues raised in the submissions is provided in **Attachment 6**.

Amended Plans

Amended plans were received by Council on 13 November 2017 and 16 November 2017 to address concerns raised by Council Officers. The proposal, as amended reduces the height of the southern-most part of the building to six storeys, reduces the overall floor space of the development and the total number of units from 118 to 117. The amended plans also increase setback to the Seymours Service Station to address heritage issues raised during preliminary assessment of the application. The proposal, as amended is considered to have similar or lesser impact and therefore re-notification is not considered to be necessary.

A detailed assessment of the proposed development in accordance with 'The Matters for Consideration' under Section 79C of the *Environmental Planning & Assessment Act 1979*, is provided in **Attachment 7**.

5. CONCLUSION

The application has been assessed in accordance with Section 79C of the *Environmental Planning & Assessment Act 1979*. It is considered that the proposed development is in keeping with the future desired character envisaged for the subject site.

The proposal will result in acceptable impacts on the amenity and character of its surroundings. Moreover, the heritage item will continue to be retained and adaptively reused within an appropriate setting.

As such, the development will provide an acceptable planning outcome for the site. Approval is recommended subject to conditions.

Attachment 1: SCHEDULE OF CONDITIONS

SCHEDULE 1

CONDITIONS OF CONSENT

DEFERRED COMMENCEMENT

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

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

1. Detailed Plans and Documents Relating to Drainage Easement Within Site

- a. Submit to Willoughby City Council for approval detailed plans and documents prepared by a qualified and experienced civil engineer including a longitudinal section and cross sections detailing the stormwater drainage system within the drainage easement. The plans and documents shall also in particular include the following details:
 - Provide sufficient depth for bedding and excavation to the pipe system.
 - Provide sufficient clearance and allowance for waterproofing to structures adjacent and below the easement.
 - Show clearances to all adjacent structures including footings.
 - Show clearances to overhead structures including services.
 - Clearly show all adjacent, below and overhead structures.
 - Submit methodology for approval by Council, for access to the stormwater system including truck loading / unloading for maintenance and replacement, including construction and maintenance loading details. The methodology shall include all access locations required to undertake repairs and replacement, including any that may be required from outside the easement and provide appropriate legal instruments for this access e.g. rights of way, easements etc.
 - A methodology proposal for removal and reinstatement of the grated covers, concrete slab and other structures within the easement by the property owners in order to obtain access for excavation and maintenance of the stormwater system in the easement.
 - A proposal for indemnifying Council for any damage that may be occasioned whilst carrying out maintenance and repairs activities to the stormwater system.
 - A proposal for maintaining access and use of car parking on the site whilst carrying out maintenance and construction activities on the stormwater system in the easement. This shall also include a proposal for indemnifying Council for any potential obstruction to access of the car park, the loss of use of parking spaces, amenity or any financial

loss on the site as a result of Council requiring to undertake any future works relating to the easement.

- b. Submit architectural plans with reduced levels that are consistent with the engineering plans required above.
(Protection of Stormwater Infrastructure)

2. Revised Overland Flood Study Information

Submit to Willoughby City Council for assessment and approval a revised overland flood study specifically containing the following:

- Include runoff for all storm events from a sub-catchment north east of Boundary Street that contributes to the overland flooding affecting the site.
- Identify overland flow / ponding depths over all driveways and paths within the development.
- Demonstrate that overland flows at the downstream / eastern boundary of the site replicate the existing pre-developed conditions for all storm events.

(Reason: Flood Control)

3. Approval for Works Affecting the Stormwater Drainage System Draining Pacific Highway

Submit to Willoughby City Council for approval documentary evidence of approval from the Roads and Maritime Services (RMS) for the proposed works in the Pacific Highway associated with upgrade of the stormwater pits and works on the stormwater system draining the Pacific Highway. Documentary evidence of the RMS's concurrence is also required for works proposed to the drainage system within the site draining the Pacific Highway and the proposed building and structures over and below this stormwater system within the site.

(Reason: Approval for Infrastructure by Relevant Authority)

4. Vehicular Bridge Over Stormwater Easement

Submit detailed plans prepared by a qualified and experienced structural engineer of the proposed easily demountable vehicular access bridge proposed over the stormwater drainage easement within the car park at the rear of the commercial space. The submission shall also include a report by the structural engineer detailing the method and procedures for removal and reinstatement of the bridge (to be carried out by the property owners) for the purpose of excavation works within the easement and to carry out repair / replacement of the pipe system.

(Reason: Access to Easement)

5. Approval for Relocation of Utility Services

Submit documentary evidence of approval from the relevant utility authorities for relocation of the power pole and other utility services that conflict with the location of vehicular crossings in the Pacific Highway.

Submit documentary evidence of approval from the RMS for relocation of the road signage that conflict with the location of vehicular crossing in the Pacific Highway.

All conditions imposed by the utility authorities and RMS shall be complied with. All works shall be carried out at the developer's expense.

(Reason: Protection of Infrastructure)

6. Internal Manoeuvring

- a. Submit revised plans to demonstrate that an overhead clearance height (to the underside of structures/services) of 2.5m minimum is available over the access path from the public road to the disabled car spaces.
 - b. Submit revised plans to demonstrate that swept paths including clearances of the simultaneous movements of the B99 and B85 vehicles at ramps and ramp ends are available and clear of any adjacent obstructions/railings etc. The clearance lines required in AS 2890.1 shall also be observed.
 - c. Dimension ramp widths, radius and typical car space widths.
 - d. Show dimensions of bicycle and motorbike parking spaces and demonstrate that the adjacent ramp grades providing access to these spaces is suitable.
- (Reason: Ensure Compliance)

7. Revised Vehicular Access Design Levels – Overland Flows

Submit to Willoughby City Council for approval revised plans for the location and finish surface levels relating to the access driveway to the site from William Street. The revised plans shall demonstrate that the overland flow over the driveway path from William Street and through the site, in the 1% AEP storm events complies with the “Safety and Design Criteria” requirements in Australian Rainfall and Runoff 2016: A Guide to Flood Estimation.

(Reason: Safe Access during Flood)

8. Stormwater Management Plans – On Site Detention

Submit to Willoughby City Council for approval engineering details prepared by a qualified and experienced civil engineer for the following:

- A stormwater drainage plan for the stormwater drainage system for the site prepared by a qualified and experienced civil engineer including roof drainage (scale 1:100) showing surface and invert levels. The plan shall include an on-site stormwater detention (OSD) system with supporting calculations. All roof and impervious areas shall be collected and conveyed to the proposed OSD system. Design details to be in accordance with Part C.5 of the Willoughby DCP and (Technical Standard No.1- On-Site Detention) and specifications.
- Storage volume and the Permissible Site Discharge rates (PSD) shall be calculated from Table 1 and Table 2 of Council’s Technical Standard No.1 – On-Site Detention.
- Demonstrate that the development drains through the detention tank(s) through pipe flows and surface flow path routes up to the 100 year ARI storm events in accordance with the minor/major design principles.
- The OSD facility(ies) shall be located in a common area. Freeboard to floor levels adjacent to the OSD storage and the spillway shall be observed.
- Minimum of two (2) sections / elevations showing the OSD structure including the trash rack, step irons if deeper than 1.2m and orifice plates. The sections shall include surface and design RLs for the tank orifice plate, and outlet pipe at the point of connection to Council’s system.

- Demonstrate that the detention storage and orifice outlet are above the 100 year ARI HGL level at the point of connection to the receiving stormwater drainage system.
- Details of an overflow spillway from the OSD storage with an overland flow path and calculations demonstrating that the overflow elements can cope with the 100 year ARI storm event in accordance with Council's policy.
- Council may consider offsetting up to 50% of the OSD storage capacity with rainwater retention re-use system. In this regard, a Total Water Management Plan including a detailed water balance analysis shall be submitted to Council for further assessment. The rainwater retention and reuse system shall be designed with a minimum of 90% reliability. To maximise reuse of rainwater, the retention re-use system must be treated and connected to non-potable use such as but not limited to toilet flushing, laundry, garden irrigation, etc.
- Submit Design Certificates and Council's QA checklists issued by a practising qualified Design Engineer certifying that all required design for the OSD and any rainwater retention systems have been carried out in accordance with Council policies and specifications.

Note: Any changes required to the approved Architectural Plans in order to satisfy engineering conditions in 'Schedule 1, may require lodgement of a modification application under Section 96 of the *Environmental Planning and Assessment Act, 1979*.

SCHEDULE 2

Conditions of Consent: (Including reasons for such conditions)

CONSENT IDENTIFICATION

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

1. Approved Plan/Details

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

Type	Plan No.	Revision/ Issue No	Plan Date (as Amended)	Prepared by
Architectural Plans	AR-B-01	D	10-Nov-2017	BVN
	AR-B-02			
	AR-B-03	E	10-Nov-2017	
	AR-B-04	D	10-Nov-2017	
	AR-B-05	E	10-Nov-2017	
	AR-B-06	D	20-Oct-2017	
	AR-B-07			
	AR-B-08			
	AR-B-09	C	6-Oct-2017	
	AR-B-10			
	AR-B-12	B	10-Nov-2017	
	AR-B-13	D	10-Nov-2017	
	AR-C-XO-01	D	10-Nov-2017	
	AR-C-XX-02	E	10-Nov-2017	
	AR-D-XX-01	D	10-Nov-2017	
Landscaped Plans (Project Ref: SS17-3476)	100 101 102 103 501 502	G	16-Nov-2017	Site Image Landscape Architects
Stormwater Plans	As submitted to satisfy Deferred Commencement Conditions in Schedule 1			

As amended by the **Deferred Commencement Conditions in Schedule 1**, 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. Amended Plans

Prior to the issue of the Construction Certificate, the proposal is to be amended in the following manner:

- (a) The balconies associated with Units 1.16 and 1.17 on the Podium/Level 01 shall be reduced in size to provide a minimum 3.5m setback from the podium edge for soft landscaping.

Plans detailing these amendments are required to be shown on all Construction Certificate plans.
(Reason: Landscape Amenity)

3. Section 94A Contributions

Prior to the issue of the Construction Certificate, a monetary contribution of **\$376,350** (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 \$37,635,000 at 26 May 2017 and the adopted Section 94A Contributions Plan.

To calculate the monetary contribution that is payable, the proposed cost of development is to be indexed to reflect quantity variations in the 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)

4. Damage Deposit

Prior to the issue of the Construction Certificate, the applicant shall lodge a Damage Deposit of **\$200,000** (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 **\$160** (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)

5. Services - Energy Australia

The applicant should consult with Energy Australia to determine the need and location of any electrical enclosure in addition to the existing substation, for the development. Should such an electrical enclosure be required, the location and dimensions of the structure are to be detailed on all the plans issued with the Construction Certificate. In the event of Energy Australia requiring such a structure e.g. a substation, the applicant is required to dedicate the land for the substation as public roadway. The Plan of Dedication shall be lodged to Council prior to issue of the Construction Certificate and registered at the Department of Lands prior to issue of the Occupation Certificate.
(Reason: Compliance)

6. Material – Reflectivity

The external colour and finishes of the development including external finish to the roof shall be painted or treated to minimise the effects of glare to neighbouring properties. Details demonstrating compliance with this condition must be submitted with the construction certificate application for approval by the certifying authority.
(Reason: Amenity)

7. Design and Construction of Kerb and Gutter - RMS

The design and construction of the kerb and gutter crossing on Pacific Highway shall be in accordance Roads and Maritime requirements. Details of these requirements should be obtained from Roads and Maritime Services, Manager Developer Works, Statewide Delivery, Parramatta (telephone 9598 7798).

Detailed design plans of the proposed kerb and gutter are to be submitted to Roads and Maritime for approval prior to the issue of a Construction Certificate and commencement of any road works.

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by Roads and Maritime.
(Reason: RMS Requirement)

8. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council and Roads and Maritime for approval prior to the issue of a Construction Certificate.
(Reason: RMS Requirement)

9. **Sydney Trains**

All excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings and recommendations detailed in the following documents:

- Geotechnical Investigation Report by Douglas Partners - Project No. 85102.00 dated November 2015.
- Numerical Analysis Report by Douglas Partners - Project No. 85102.01.R.001.RevO dated 5 May 2017
- Impact Assessment Report by Northrop - Job No. S151526 dated 2910512017
- Structural Drawings prepared by Northrop (all Revision 2 dated 02106/2017), as follows:
 - S010 - SHORING PLAN - SHEET 1
 - S011 - SHORING PLAN - SHEET 2
 - S012 - SHORING PLAN - SHEET 3
 - S013 - SHORING PLAN - SHEET 4
 - S014 - SHORING ELEVATIONS - SHEET 1
 - S015 - SHORING ELEVATIONS - SHEET 2
 - S016 - SHORING ELEVATIONS - SHEET 3
 - S017 - SHORING DETAILS - SHEET 1
 - S018 - SHORING DETAILS - SHEET 2
 - S019 - SHORING DETAILS - SHEET 312
 - S021 - SHORING CONSTRUCTION SEQUENCE - STAGE 1
 - S022 - SHORING CONSTRUCTION SEQUENCE - STAGE 2
 - S023 - SHORING CONSTRUCTION SEQUENCE - STAGE 3
 - S024 - SHORING CONSTRUCTION SEQUENCE - STAGE 4

Subject to the following:

- In the event of the design of the proposed development changes significantly from the numerical analysis, or if any information provided for the numerical analysis changes significantly study, the numerical analysis must be redone and submitted to Sydney Trains for endorsement.
- Drawing S014 to be amended to show 750mm diameter piles and to be submitted to Sydney Trains for endorsement. Any plant or equipment to that exceed the allowable 20 kPa (general traffic surcharge) within the zone of influence of the rail infrastructure should be individually assessed to ascertain impact on rail infrastructure and submitted to Sydney Trains for endorsement.
- Obtain confirmation/endorsement with ASA standards of an angular distortion of 0.5mm/m is acceptable or any variation is acceptable.

The Principal Certifying Authority is not to issue the Construction Certificate until the measures detailed in the documents approved/certified by Sydney Trains under this Condition are incorporated into the construction drawings and specifications prior to the issuing of the Construction Certificate (unless amended

and subsequently endorsed by Sydney Trains in order to comply with the requirements of Condition A2). Prior to the commencement of works the Principal Certifying Authority is to provide verification to Sydney Trains that this condition has been complied with.

(Reason: Sydney Trains Requirement **A1**)

10. Sydney Trains

The following items are to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate:

- Machinery to be used during excavation/construction.
- Construction and Demolition plan listing the vibration generating equipment, anticipated levels of vibration and proposed method of monitoring.
- A vibration and movement monitoring plan for the affected rail infrastructure.
- Where the supporting elements are located between 10-20 metres of the rail line, an assessment of the risk of a derailed train colliding with the supporting elements as required under AS5100 shall be undertaken and submitted to Sydney Trains for endorsement. This risk assessment shall be carried out in accordance with 30ST164/3.0 TfNSW Enterprise Risk Management Standard.

The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied. In the event that the above documentation requires the amended of the documentation provided in Condition A1 then the Construction Certificate shall be based on the amended documentation endorsed by Sydney Trains.

(Reason: Sydney Trains Requirement **A2**)

- 11.** Prior to the issuing of a Construction Certificate the Applicant is to obtain Sydney Trains endorsement of the Construction Methodology and Maintenance Methodology as shown on Drawing SK-8 - Issue A dated 09/11/2017. The Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
(Reason: Sydney Trains Requirement)
- 12.** An acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".
(Reason: Sydney Trains Requirement)
- 13.** Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
(Reason: Sydney Trains Requirement)
- 14.** Given the possible likelihood of objects being dropped or thrown onto the rail corridor from balconies, windows and other external features (e.g. roof terraces and external fire escapes) that are within 20m and face the rail corridor, the Applicant is required to install measures (e.g. awning windows, louvres, enclosed balconies, window restrictors etc.) which prevent the throwing of objects onto the rail corridor. These

measures are to comply with Sydney Trains requirements. The Principle Certifying Authority is not to issue the Construction Certificate until it has confirmed that these measures are to be installed and have been indicated on the Construction Drawings.
(Reason: Sydney Trains Requirement)

15. The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of Sydney Trains. The Principle Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
(Reason: Sydney Trains Requirement)
16. Prior to the issue of a Construction Certificate a final comprehensive Risk Assessment (to include construction related risks), Rail Safety Management Plan, and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail. The Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
(Reason: Sydney Trains Requirement)
17. Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. The Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied. The Applicant is advised that Sydney Trains prefers that all lifting operations exclude entry to Sydney Trains access road.
(Reason: Sydney Trains Requirement)
18. Prior to the issue of a Construction Certificate the Applicant is to submit to Sydney Trains the demolition, excavation and construction methodology and staging for review and endorsement. The Principle Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
(Reason: Sydney Trains Requirement)
19. No metal ladders, tapas and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and catenary, contact and pull-off wires of the adjacent tracks, and to any aerial power supplies within or adjacent to the rail corridor
(Reason: Sydney Trains Requirement)
20. Prior to the undertaking of works or the issuing of a Construction Certificate (whichever occurs first), the Applicant must hold current public liability insurance cover for a sum to be determined by Sydney Trains. This insurance shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The Applicant is to contact Sydney Trains Rail Corridor Management Group to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.
(Reason: Sydney Trains Requirement)

- 21.** Prior to the undertaking of works or the issuing of a Construction Certificate (whichever occurs first), the Applicant is to contact Sydney Trains Rail Corridor Management Group to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the entire works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to the issuing of the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.
(Reason: Sydney Trains Requirement)
- 22.** No work is permitted within the rail corridor, or its easements, at any time unless prior approval or an Agreement has been entered into with Sydney Trains. Where the Applicant proposes to enter the rail corridor, the Principal Certifying Authority shall not issue a Construction Certificate until written confirmation has been received from Sydney Trains confirming that its approval has been granted.
(Reason: Sydney Trains Requirement)
- 23.** Prior to the undertaking of works or the issuing of a Construction Certificate (whichever occurs first), the Applicant is to submit to Sydney Trains drawing clearly identifying the Sydney Trains underground cable and ducts located adjoining the development site.
(Reason: Sydney Trains Requirement)
- 24. Sydney Water 'Tap In'**

Prior to the issue of the Construction Certificate, the approved plans must be submitted online to "Sydney Water Tap In" to determine whether the development will affect Sydney Water's sewer and water mains and to see if further requirements need to be met.

An approval receipt will need to be obtained prior to release of the Construction Certificate.
(Reason: Ensure compliance)
- 25. Adaptable Units**

Fifty eight (58) adaptable residential units are to be provided at a rate of 50% of total units by the development in accordance with the requirements of Part C.6 of the Willoughby Development Control Plan and generally in accordance with the architectural plans *prepared by BVN, dated 10 November 2017 and supporting report prepared by Accessible Building Solutions, dated 13 November 2017*. Each adaptable unit is to be nominated on the Construction Certificate drawings and is to be provided with a car space or a disabled car spaces where required under the Willoughby Development Control Plan Part C.6 – Access, Mobility and Adaptability.
(Reason: Access, Mobility and Adaptability)
- 26. Structural Engineer's Report**

A detailed Structural Engineer's report shall be submitted to the accredited certifier prior to the issue of the Construction Certificate separately qualifying the structural stability of, and the means of supporting the structure during construction. This report shall reference all components to be retained and/or altered, having regard to the overall development proposed.
(Reason: Heritage conservation and ensure compliance)
- 27. External Finishes – Heritage Character**

All external building material shall be in colours and textures, which are compatible with the heritage character of the locality. In this regard the Schedule of Colours and Finishes submitted with the application satisfies this requirement, and is to be provided to the Accredited Certifier.

(Reason: Visual amenity)

28. Heritage character

The new development be further separated from the local heritage item. Amended plans to be submitted prior to release of DA, showing greater separation including landscaping.

(Reason: Heritage conservation)

29. Conservation works and heritage character

Conservation and repair works to the former Seymours Service Station including general repair works recommended in the structural elevation report prepared by Northrop (October 2016) to be undertaken in accordance with their report and supervised by a qualified heritage consultant/architect.

(Reason: Heritage conservation)

30. Dedication of Drainage Easement

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

(Reason: Drainage maintenance)

32. Temporary Ground Anchors

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

(Reason: Encroachment of works)

33. Detailed Stormwater Management Plan (SWMP)

Prior to the issue of the 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 construction drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer and in accordance with the approved stormwater management plans. 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)

34. Basement Pumpout Drainage System

Prior to the issue of the Construction Certificate, the applicant shall submit, for approval by the Certifying Authority, detailed stormwater management plans in relation to any pump-out drainage system, draining only a small driveway ramp area

within the site. The construction drawings and specifications, shall be generally in accordance with the approved stormwater management plans with the following requirements:

- The pumpout drainage system shall comprise with two (2) submersible type pumps. The two pumps shall be designed to work on an alternative basis to ensure both pumps receive equal use and neither remains continuously idle.
- Each pump shall have a minimum capacity of 10L/s or shall be based on the flow rate generated from the 1 in 100 year ARI 5-minutes duration storm event of the area draining into the system, whichever is greater.
- An alarm warning device (including signage and flashing strobe light) shall be provided for the pump-out system to advise the occupant of pump failure. The location of the signage and flashing strobe light shall be shown on the stormwater management plans.
- The volume of the pump-out tank shall be designed with a minimum storage capacity equivalent to the runoff volume generated from of the area draining into the tank for the 1 in 100 year ARI 2-hours duration storm event.

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

(Reason: Prevent nuisance flooding)

35. Construction Management Plan (CMP)

Prior to the issue of the 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)

36. Road Pavement – Engineering Details

The applicant shall submit, for approval by Council as the road authority, prior to issue of the Construction Certificate, 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.

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)

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

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

- a) Construction of full width concrete footpath (max. 2.5% crossfall) for the full frontage of the development site to Pacific Highway with provision for tree planting in accordance with approved plans, Council's specifications and Standard Drawings. All adjustments to public utility services and associated construction works in the nature strip are to be at the full cost to the applicant. Detailed long section and cross sections at 5 metre intervals shall be provided.
- b) Construction of full width concrete footpath (max. 2.5% crossfall) with provision for tree planting for the full frontage of the development site in William Street with perambulator ramps in accordance with approved plans, Council's specification and Standard Drawings SD105 and SD100. All adjustments to public utility services and associated construction works in the nature strip are to be at the full cost to the applicant. Detailed long section and cross sections at 5 metres interval shall be provided.
- c) Reconstruction of all damaged kerb and gutter for the full frontage of the development site in Pacific Highway in accordance with Roads and Maritime Services and Council's specifications. Detailed longitudinal and cross sections at 5 metre intervals shall be provided.
- d) Reconstruction of half width road pavement in William Street with adjustments to public utility services in accordance with Council's specifications (AUS-SPEC). The applicant shall contact Council for standard design traffic for this pavement. Detailed longitudinal and cross sections at 5 metre intervals shall be provided.
- e) Construction of vehicular crossings in the Pacific Highway and William Street in accordance with RMS requirements, Council's specification and Standard Drawings SD105. A separate entry and exit crossing with a minimum separation of 2 metres shall be provided in the Pacific Highway. The crossing widths shall comply with AS 2890.1 and 2890.2. Construction of the gutter laybacks in the Pacific Highway shall be in accordance with RMS specification and is subject to RMS approval.

Longitudinal sections along each side of the proposed vehicular access paths drawn at 1:20 Scale are required. The longitudinal sections shall be prepared by a suitably qualified civil engineer using the B99 Ground Clearance Template from AS2890.1. Compliance is also required for surface grades and maximum change of grades contained in AS 2890.2 for the vehicular crossing in William Street. The plans shall also include the following: -

- Horizontal distance from the centreline of the road to a minimum of 6 metres inside the property, including provision of gutter crossing. The gutter crossing in Pacific Highway to be in accordance with Roads and Maritime (RMS) requirements.
- Both existing and proposed levels (in AHD) and gradients represented in percentage of the vehicular crossing and driveway.
- Cross-fall on road pavements shall be shown on long sections.

The crossings shall be constructed with no splays and at right angles to street kerb. The footpath which forms part of the proposed crossings shall have a maximum crossfall of 2.5%.

Approval from the relevant utility authorities' for relocation of the power pole, any utility mains and pits and from the RMS for relocation of road signs shall be submitted with these plans for the vehicular crossings.

- f) Construction of perambulator ramps at all corners of the development site to Willoughby City Council's specification. Pram ramps shall be designed in accordance with Council's standard drawing SD100.
- g) Reconstruction of the storm water drainage system within the site draining the Pacific Highway and associated upgrades to the stormwater pits with longitudinal and cross sections at 5 metre intervals and with details suitable for construction to Willoughby City Council's specifications. The pipe shall be Reinforced Concrete Pipe with rubber ring joints. The design shall require the pipe system and joints to be pressure tested in accordance with AS/NZS 4058 for water tightness and certified documentation to this effect shall be submitted to Council at the completion of work.

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

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

38. Flood Affected Development

The development site subject of this consent is affected by overland flooding.

A Flood Risk Management Report prepared by a qualified civil engineer experienced in flood analysis and complying with the requirements in Part C.5 of the Willoughby DCP and Technical Standard No. 3, "Floodplain Management" and the NSW Government's Floodplain Development Manual, 2005 shall be submitted with the application for Construction Certificate. All measures contained in the report shall form part of any Construction Certificate issued.
(Reason: Managing Flood Risk)

39. Site Specific Flood Emergency Response Plan

A site specific Flood Emergency Response Plan and safety audit shall be developed for implementation and be certified by a suitably qualified emergency management specialist, experienced in emergency flooding response.

The Flood Emergency Response Plan should specifically focus on the proposed land use and the site conditions (including site access, egress, local evacuation routes and basement car parking) in conjunction with flood behaviour (depth, velocity, and incremental flood timing) up to the Probable Maximum Flood (PMF) event expected to be experienced at the site, addressing specific actions in regard to:

- Preparing for a flood;
- Responding when a flood is likely;
- Responding during a flood;
- Recovery after a flood.
- Required Safety Measures relating to the overland flow path.

It is recommended that the NSW Government's Floodplain Development Manual, 2005 along with the NSW State Emergency Service (SES) FloodSafe Guidelines and the relative FloodSafe Tool Kits be utilised in developing a site specific Flood Emergency Response Plan.

The plan shall be implemented by the future Body Corporates, and shall be reviewed and updated on a yearly basis or after a flood event. Each new owner or tenant of the development should be informed of the Flood Emergency Response Plan as well as it being made readily available.

The Flood Emergency Response Plan shall also be supported by appropriate flood warning and evacuation signage for the development.
(Reason: Flood Management)

40. 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 fully comply with AS 2890.1 and 2890.2 and will not result in the scraping of the underside of cars/vehicles.
- b) That the proposed vehicular path and parking arrangements comply in full with AS2890.1 – 2004 in terms of minimum dimensions provided,
- c) All parking spaces for people with disabilities shall comply with Section 2.4 of AS2890.6.

(Reason: Ensure Compliance)

41. Structural Design of Building Components in Vicinity of Drainage Easement

The building and all structural elements below shall be designed to cope with construction loading including vibration from compaction etc. associated with future maintenance and works on the stormwater drainage system within the site, draining the Pacific Highway. The building components surrounding this stormwater system and easement shall be adequately waterproofed and the waterproofing shall be maintained by the property owners.

Details suitable for construction prepared by a qualified structural engineer shall be submitted to the Certifying Authority with these details forming part of any construction certificate issued.

(Reason: Ensure compliance)

42. Internal Noise Levels Residential

To minimise the noise intrusion from any external noise source, the building shall be designed and constructed to comply with the following criteria with windows and doors closed:

Internal Space	Time Period	Criteria $L_{Aeq}(\text{period})$
Living Areas	Any time	40 dB(A)
Sleeping Areas	Day (7am – 10pm)	40 dB(A)
	Night (10pm – 7am)	35 dB(A)

Note:

1. The above criteria does not apply to kitchens, bathrooms, laundries, foyers, hallways, balconies or outdoor areas.
2. The above criteria define the minimum acceptable levels. Buildings may be built to a better than average standard by applying more stringent criteria.

Certification from an appropriately qualified acoustic consultant that the building has been designed to meet this criteria shall be submitted to the Certifying Authority prior to issue of the Construction Certificate.

(Reason: Amenity, environmental compliance and health)

43. Noise from Transport Corridor

To minimise the impact of noise from any external noise source on the amenity of the occupants, the building shall be constructed in accordance with the recommendations and specifications of the acoustic report by Acoustic Logic – Environmental Noise & Vibration Impact Assessment, report no. 20161789.1/0805A/R2/GC dated 8/5/2017.

Details of the proposed acoustic treatment shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

(Reason: Amenity, environmental compliance and health)

44. 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)

45. Contaminated Land – Remedial Action Plan

A Stage 3 – Remedial Action Plan (RAP) shall be prepared by a suitably qualified contaminated land consultant and shall be in accordance with:

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

The RAP shall incorporate any findings in any Preliminary or Detailed Site Investigations for the site, it shall clearly state proposed cleanup objectives, and demonstrate how the site can be made suitable for the proposed use.

The RAP shall be submitted to Certifying Authority prior to the issue of the Construction Certificate and a copy to Council for its records for review and concurrence prior to commencement of any remedial action works or any excavation,

demolition or other building works undertaken that are not associated with the preparation of the RAP.

(Reason: Environmental protection, public health and safety)

46. Internal Noise Levels Commercial

To minimise noise intrusion from any external noise source on the commercial component of the development, the building shall be designed and constructed to comply with the requirements of Australian Standard AS2107-2000 – Acoustics – Recommended design sound levels and reverberation times for building interiors.

Certification from an appropriately qualified acoustic consultant that the building has been designed to meet this criteria shall be submitted to the Certifying authority prior to issue of the Construction Certificate.

(Reason: Amenity, environmental compliance and health)

47. Noise Mechanical Services

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

(Reason: Amenity, environmental compliance and health)

48. Traffic Management Plan

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

- a) Be prepared by a RMS accredited consultant
- b) Be in accordance with the current version of AS1742.3 and its associated handbook, and the RMS's Traffic Control at Worksites Manual.
- c) 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.
- d) 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.
- e) 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)

49. Traffic Work

Prior to issue of the Construction Certificate, 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. All work shall be designed in accordance with RMS Technical Directives and Guidelines.

(Reason: Public safety and amenity)

50. Regulatory Traffic Signs

Prior to the issue of the Construction Certificate traffic regulatory signs, line marking and convex mirror will be implemented in, and at the intersection of, William Street and the unnamed right-of-way:

- 'NO RIGHT TURN (R2-6) AUTHORISED SYDNEY TRAINS TRUCKS AND COUNCIL GARBAGE TRUCKS OVER 6.4 METRES EXCEPTED' in William Street, north side of road, facing westbound vehicles in William Street.
- 'NO RIGHT TURN (R2-6) AUTHORISED SYDNEY TRAINS TRUCKS AND COUNCIL GARBAGE TRUCKS OVER 6.4 METRES EXCEPTED' in William Street, south side of road, facing southbound vehicles in the unnamed right-of-way.
- 'NO RIGHT TURN (R2-6) AUTHORISED SYDNEY TRAINS TRUCKS AND COUNCIL GARBAGE TRUCKS OVER 6.4 METRES EXCEPTED' in the unnamed right-of-way, east side of road, facing southbound vehicles in the unnamed right-of-way.
- 'NO LEFT TURN (R2-6) VEHICLES OVER 6.4 METRES AUTHORISED SYDNEY TRAINS TRUCKS AND COUNCIL GARBAGE TRUCKS EXCEPTED' in William Street, north side of road, facing eastbound vehicles in William Street.
- STOP SIGN (R1-1) in the unnamed right-of-way, east side of road, facing southbound vehicles in the unnamed right-of-way.
- STOP transverse line marking in the unnamed right-of-way facing southbound vehicles in the unnamed right-of-way.
- CENTRELINE longitudinal line marking in the unnamed right-of-way separating northbound and southbound vehicles in the unnamed right-of-way commencing at the STOP line marking in the unnamed right-of-way.
- CONVEX MIRROR in William Street, north side of road, facing southbound vehicles in the unnamed right-of-way.
- NO STOPPING signs in the unnamed right-of-way, both sides of road, for 30 metres from the northern kerb of William Street.

The regulatory signs and line marking are to meet the Australian Standard. The detailed design showing the regulatory signs and line marking in, and at the intersection of, William Street and the unnamed right-of-way must be in accordance with Austroads Guidelines and Roads and Maritime Technical Directions/ Guidelines. The implementation of the regulatory signs and line marking must be referred to the Council Local Traffic Committee and approved for implementation by Council.
(Reason: Public safety and amenity)

Traffic Warning Signs

- 51.** Prior to the issue of the Construction Certificate TRUCK CROSSING OR ENTERING WARNING sign (s) (W5-22) will be implemented in, and at the intersection of, William Street and the unnamed right-of-way:

- In the unnamed right-of-way, east side of road, facing southbound vehicles in the unnamed right-of-way on the approach to the intersection of William Street and unnamed right-of-way
- In William Street, north side of road, facing pedestrians using the William Street footpath at the intersection of William Street and the unnamed right-of-way

- In the unnamed right-of-way, east side of road, facing eastbound vehicles in the unnamed right-of-way opposite to the egress to the loading docks and car parks.

The regulatory signs are to meet the Australian Standard. The detailed design showing the regulatory signs in, and at the intersection of, William Street and the unnamed right-of-way must be in accordance with Austroads Guidelines and Roads and Maritime Technical Directions/ Guidelines. The implementation of the regulatory signs must be referred to the Council Local Traffic Committee and approved for implementation by Council.

(Reason: Public safety and amenity)

PRIOR TO COMMENCEMENT

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

52. Roads and Maritime Services

All buildings and structures, together with any improvements integral to the future use of the site are to be erected clear of the land required for road (unlimited in height or depth), along the Pacific Highway boundary.

(Reason: RMS Requirement)

- 53.** Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.

Details should be forwarded to: Suppiah.Thillai@rms.nsw.gov.au

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 88492114 or Fax: 88492788.

The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.

(Reason: RMS Requirement)

- 54.** The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime.

The report and any enquiries should be forwarded to:

Project Engineer, External Works
Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124.

Telephone 8849 2114

Fax 8849 2766

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.
(Reason: RMS Requirement)

- 55.** 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: RMS Requirement)

56. Sydney Trains

Prior to the commencement of works the Applicant shall peg-out the common property boundary with RailCorp's land. This work is to be undertaken by a registered surveyor
(Reason: Sydney Trains Requirement)

- 57.** The Applicant is to submit to Council, for its records, copies of any certificates, drawings or approvals given to or issued by Sydney Trains.
(Reason: Sydney Trains Requirement)

- 58.** Prior to the commencement of works, on the completion of works, or at any time during the works period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.
(Reason: Sydney Trains Requirement)

- 59.** Prior to the commencement of works appropriate fencing is to be in place along the rail corridor to prevent unauthorised access to the rail corridor during construction. Details of the type of fencing and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.
(Reason: Sydney Trains Requirement)

60. 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)

61. Licensee Details

The name, address and contractor licence number of the licensee who has contracted to carry out the work or the name and permit number of the owner-builder who intends to carry out the work shall be furnished in writing to the Certifying Authority prior to commencement of work. N.B. Should changes be made for the carrying out of the work the Certifying Authority must be immediately informed.
(Reason: Information)

62. Building Site Hoarding

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

(Reason: Safety)

63. Site Management

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

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

The site management measures shall be implemented prior to the commencement of any site works and maintained during the construction period. A copy of the approved Site Management Plan shall be conspicuously displayed, maintained on site and be made available to the Certifying Authority/Council officers upon request.

(Reason: Environment protection, public health and safety)

64. 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.

(Reason: Protection of Council's infrastructure)

65. 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 RMS. 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)

66. Application for Vehicle crossings

Submit an application with fees to Council for the construction of plain concrete vehicular crossings. Approval from the relevant utility authorities' for relocation of the power pole, any utility mains and pits and from the RMS for relocation of road signs shall be submitted with the application for vehicular crossings.
(Reason: Protection of public asset)

67. 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. Such street lighting shall also conform to Council's standard specifications.

(Reason: Public amenity)

68. Removal of Trees in Public Areas

- i) Removal of approved trees within the road reserve is to be undertaken by a qualified Arborist (Minimum qualification AQF Level 3) with suitable public liability insurance.

(Reason: Management of Public Land; Public liability)

69. 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)

70. Spoil Route Plan

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

(Reason: Public amenity)

DURING DEMOLITION, EXCAVATION AND CONSTRUCTION

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

71. Roads and Maritime Services

The proposed development should be designed such that road traffic noise from Pacific Highway is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102 (3) of State Environmental Planning Policy (Infrastructure) 2007.

(Reason: RMS Requirement)

- 72.** 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: RMS Requirement)

73. Sydney Trains

All piling and excavation works with 25m of the rail corridor are to be supervised by a geotechnical engineer experience with such excavation projects.

(Reason: Sydney Trains Requirement)

- 74.** No rock anchors/bolts are to be installed into Sydney Trains property or easements.
(Reason: Sydney Trains Requirement)
- 75.** During all stages of the development extreme care shall be taken to prevent any form of pollution entering the railway corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.
(Reason: Sydney Trains Requirement)
- 76.** Drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from Sydney Trains.
(Reason: Sydney Trains Requirement)

77. 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)

78. 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)

79. 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)

80. 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)

81. Suitable Screens

Suitable screens and/or barricades shall be erected during demolition and building work and where required by the Certifying Authority to reduce the emission of noise, dust, water effluent or other matter from the site.

(Reason: Maintain amenity to adjoining properties)

82. Suitable Barricades

Suitable barricades shall be erected during building works on Council's footpath and where directed by the Certifying Authority and/or Council to protect pedestrians using the footpath.

(Reason: Public safety)

83. Demolition Work AS 2601-2001

Any demolition must be carried out in accordance with AS 2601 – 2001, *The demolition of structures*.

(Reason: Safety)

84. Silencing Devices

Sound attenuating devices shall be provided and maintained in respect of all power-operated plant used during demolition, excavation, earth works and the erection of the structure.

(Reason: Maintain amenity to adjoining properties)

85. Suitable Footpath Crossing Provided

Adequate provision is to be made to ensure that a suitable footpath crossing is provided to the site so as to allow safe pedestrian access along the footpath area at all times.

(Reason: Protection of public safety)

86. Access to Site

During Demolition, Excavation and Construction, access to the site is to be available in all weather conditions, and stabilised to prevent vehicles tracking soil materials onto public roads.

(Reason: Environmental protection)

87. Wash Down and Shaker Areas

During Demolition, Excavation and Construction, wash down and shaker areas are to be provided with facilities for the collection and treatment of waste water.

(Reason: Environmental protection)

88. Rock Hammering/Sawing

Having regard to the residential nature of surrounding area rock sawing is to be used in preference to rock hammering during the excavation/construction phase of the development.

(Reason: Amenity)

89. Asbestos Removal

Works involving the removal of asbestos must comply with Councils Policy on handling and disposal of asbestos, and must also comply with the Code of Practice for Safe Removal of Asbestos (National Occupational Health and Safety Commission 2012 (1994)).

Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS 2601 – The Demolition of Structures.

(Reason: Public health and safety/Ensure compliance)

90. Asbestos Disposal

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

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

(Reason: Environmental protection/Public health and safety)

91. 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) 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)

92. Road and Footpath

Council's footpath, nature strip or roadway shall not be damaged and shall be kept clear at all times. The public footway must not be obstructed at any time unless written approval has been granted by Council and the footway including any footpath shall be maintained in a safe condition for pedestrians and the general public at all times.

(Reason: Maintain public safety)

93. No Storage on Foot/Roadway

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

(Reason: Safety)

94. Skips and Bins

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

(Reason: Safety)

95. Excavations and Backfilling

All excavations and backfilling associated with the erection or demolition of a building must be executed safely, and must be properly guarded and protected to prevent them from being dangerous to life or property.

(Reason: Safety)

96. Excess or Waste Concrete

Excess or waste concrete from mobile concrete agitators or concrete pumping equipment shall not be washed down, spilled or disposed of onto the road reserve, Council's stormwater system, road, pavement, reserves or Council land.

(Reason: Environmental protection)

97. Temporary Toilet Facilities

Temporary toilet facilities shall be provided to the satisfaction of the Certifying Authority.

The provision of toilet facilities must be completed before any other work is commenced on site. NOTE: Portable toilet facilities are not permitted to be placed on public areas without prior approval having been obtained from Council.
(Reason: Health and amenity)

98. 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)

99. 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)

100. Footings Near Easement

All footings for buildings and/or other structures located adjacent to easements and/or Council/public drainage pipes shall be constructed outside of Council's easement. Footings must extend to at least 100mm below the invert of the Council's /public pipe system unless the footings are to be placed on competent bedrock. (Reason: Protection of public asset)

101. Structures to Clear of Council's Drainage Infrastructure

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

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

All proposed structures and construction activities shall be located clear of Council/public drainage pipes, drainage easements, watercourses and/or trunk overland flow paths on the site. Trunk or dedicated overland flow paths shall not be impeded or diverted by fill or structures unless otherwise approved by Council. In the event of a Council/public drainage pipeline being uncovered during construction, all work in the vicinity of this area shall cease and the Certifying Authority and Council shall be contacted immediately for advice. Any damage caused to a Council/public drainage system must be immediately repaired in full as directed, and at no cost to Council.

(Reason: Protection of public assets)

102. 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)

103. Relocation of Power Pole, Utility Services and Road Signs

Relocation of the power pole, any utility mains and pits and road signs in the vicinity of the vehicular access crossings shall be carried out in accordance with approvals from and to the requirements of the relevant utility authorities and the RMS. All work shall be carried out at the developer's expense.

(Reason: Ensure Compliance)

104. 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)

105. Storage of Materials on Council Land Prohibited

The dumping or storage of building materials, spoil, vegetation, green waste, or any other material in the Council reserve is prohibited.

(Reason: Safety, environmental protection)

106. Tree Trunk, Branch and Root Protection

- i) Retain and protect the following trees and vegetation throughout the demolition and construction period:
 - a) All trees not indicated for removal on the approved plans unless exempt under relevant planning instruments or legislation.
 - b) Street trees as indicated for retention on Landscape Plan Ground Floor Dwg. No. 101-G dated 16.11.17 prepared by Site Image Landscape Architects
- ii) The above trees must be clearly marked and protection devices in place to prevent soil compaction and machinery damage.
- iii) Tree protection measures must comply with AS 4970-2009 Protection of trees on development sites with particular reference to Section 4 Tree Protection Measures.
- iv) Tree protection measures in accordance with iii) above are to be certified by a qualified Arborist prior to commencement of works.
- v) Tree roots greater than 50mm diameter are not to be removed unless approved by a qualified Arborist on site.
- vi) All structures are to bridge roots unless directed by a qualified Arborist on site.

(Reason: Tree management)

107. 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)

108. 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)

109. 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)

110. 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)

111. 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)

112. Loading and Unloading during Demolition, Excavation and Construction

The following requirements apply:

- All loading and unloading associated with construction must be accommodated on site.
- If a Work Zone is required an application must be made to Council prior to commencement of work on-site. An approval for a Works Zone may be given for a specific period and certain hours of the day to meet the particular need of the site for such facility at various stages of demolition, excavation and construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the demolition, excavation and construction activities.
- Application for a Works Zone must be submitted to Council a minimum of 8 weeks prior to being required. Works Zone permit application form is available on the Willoughby City Council's Website.
- Relevant Council permits are to be obtained to support activities associated with the site works including demolition, excavation and construction as necessary.

(Reason: Public safety and amenity)

PRIOR TO OCCUPATION OF THE DEVELOPMENT

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

113. 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)

114. Street Number Display

The street number at least 100mm high shall be clearly displayed prior to the issue of any Occupation Certificate.

(Reason: Information)

115. Commercial – Shop Number Display

Prior to the issue of any Occupation Certificate, the shop number at least 50mm high being clearly displayed adjacent to the head of the entry door to the shop.

(Reason: Information)

116. Gates Adjoining Public Footways

Prior to the issue of any Occupation Certificate, any gate openings shall be constructed so that the gates, when hung will be fitted in such a manner that they will not open over the footway or public place.

(Reason: Ensure compliance)

117. Sydney Trains

The development shall have appropriate fencing fit for the future usage of the development site to prevent unauthorised access to the rail corridor by future occupants of the development. Prior to the issuing of an Occupation Certificate the Applicant shall liaise with Sydney Trains regarding the adequacy of any existing fencing along the rail corridor boundary. Details of the type of new fencing to be installed and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.

(Reason: Sydney Trains Requirement)

- 118.** Prior to the issuing of an Occupation Certificate the Applicant is to submit the as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into Sydney Trains property or easement. The Principal Certifying Authority is not to issue the Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

(Reason: Sydney Trains Requirement)

- 119.** The Applicant must provide a plan of how future maintenance of the development facing the rail corridor is to be undertaken. The maintenance plan is to be submitted to Sydney Trains prior to the issuing of the Occupancy Certificate. The Principle Certifying Authority is not to issue an Occupation Certificate until written confirmation has been received from Sydney Trains advising that the maintenance plan has been prepared to its satisfaction.

(Reason: Sydney Trains Requirement)

120. Surface Water Runoff

Surface water runoff from paved areas shall be directed away from neighbouring properties and disposed of to the satisfaction of the Certifying Authority.

(Reason: Health and amenity)

121. BASIX Certificate

Prior to the issue of the relevant Occupation Certificate, a completion certificate is to be submitted to the Certifying Authority demonstrating the manner in which the measures committed to in the latest BASIX Certificate have been satisfied.

(Reason: Environmental sustainability)

122. 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)

123. 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)

124. Marked Parking Bays

Prior to the issue of any Occupation Certificate, all parking bays and the direction of traffic movement shall be permanently marked on the pavement surface in accordance with the approved parking and driveway layout to the satisfaction of the Certifying Authority. Where it is proposed that a building or site be used for multiple occupation, all parking bays being identified by corresponding consecutive numbers.

(Reason: Ensure compliance)

125. Access/Parking - Multiple Occupation of a Building

Prior to the issue of any Occupation Certificate and where multiple occupation of a building or site is proposed, the appropriate number of parking spaces under Willoughby Development Control Plan Part C.4 shall be allocated in respect of each individual use and the spaces so allocated shall be identified numerically on a sketch plan of the parking area which is to be submitted with any future application for consent to use any particular portion of the building or site.

N.B. - the issue of an interim occupation / final occupation certificate to use particular portion of a building or site will be contingent, in part, upon the availability of car parking in accordance with DCP requirements.

(Reason: Ensure compliance)

126. Car spaces allocation

The approved car spaces must be allocated as follows:

- a) A total of 126 car spaces to be allocated to the residential component of the approved development. One car space is to be allocated for each residential unit/shop top housing unit.
- b) A total of 22 car spaces to be allocated to the commercial tenancies at a minimum one commercial car space per 110m² of commercial floor space (part thereof rounded down).
- c) A total of 24 car spaces must be allocated as residential visitor car spaces.

The allocation of car spaces in accordance with this development consent must be reflected in any subsequent subdivision of the approved development and associated building management plan or strata management plan. The car parking spaces must not be separate allotments, but part allotments in any strata subdivision of the approved development. All residential visitor car spaces must be held in common properties under any strata subdivision of the approved development.

(Reason: Car parking management)

127. Safer by Design

Prior to the issue of any Occupation Certificate and to minimise the opportunity for crime and in accordance with CPTED principles, the development shall incorporate the following:

- i. In order to maintain a safe level of visibility for pedestrians within the development, adequate lighting to AS1158 is to be provided to all common areas including the basement car park, common open space and any common stair access to these areas and pedestrian routes, particularly including the waste storage areas.

This lighting shall ensure consistency to avoid contrasts between areas of shadow/illumination and preferably be solar powered and with an automatic/timed switching mechanism, motion sensor or equivalent for energy efficiency. Such lighting shall be installed and directed in such a manner so as to ensure that no nuisance is created for surrounding properties or to drivers on surrounding streets. Car parking lighting system is to be controlled by sensors to save energy during periods of no occupant usage.

- ii. The ceiling and vertical structures of the basement parking area shall be painted white (or equivalent) in order to ensure good visibility, surveillance and less reliance on artificial lighting lux levels.
- iii. The design, installation and maintenance of landscaping (and associated works) within pedestrian routes around the site (and adjacent to mailboxes) shall not impede visibility and clear sight lines along the pedestrian footway from one end to the other.
- iv. The means to isolate the residential and commercial components of the building shall be incorporated into the development, including the security keying of lifts and doors and other measures for access control.
- v. Walls/screens between balconies shall be designed to avoid foot holes or natural ladders so as to prevent access between balconies/terraces within the development.
- vi. Adequate signage within the development to identify facilities, entry/exit points and direct movement within the development.
- vii. A small portion of each storage area shall be of solid construction (i.e. Cupboard).

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

128. Services - Electricity Supply and Telecommunication Mains

Prior to the issue of any Occupation Certificate, all existing and proposed electricity supplies and telecommunication mains and services around the perimeter of the site shall be relocated underground to the satisfaction of the relevant utility provider and Willoughby City Council at the full cost of the applicant.

(Reason: Compliance)

129. Services - Mailboxes

Prior to the issue of any Occupation Certificate, all mail boxes provided on site shall comply with the requirements of 'Australia Post' in terms of size, location, numbering

and clearing. Details of the requirements can be obtained from Australia Post or from their web site. Letter boxes for adaptable dwellings shall comply with AS 4299 CI 3.8.
(Reason: Legal)

130. Residential Flat Building - Clothes to be Dried in the Open Air

Prior to the issue of any Occupation Certificate, where provision is made to enable clothes to be dried in the open air, this clothes drying area shall be screened by a fence or landscaping on the sides visible from public areas.
(Reason: Amenity)

131. Residential Flat Building - Service Facilities

Prior to the issue of any Occupation Certificate, the following shall apply to the development:

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

(Reason: Ensure compliance, streetscape and amenity)

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

Prior to the issue of any Occupation Certificate, any rooftop or exposed structures including lift motor rooms, plant rooms etc., together with air conditioning, ventilation and exhaust systems, shall be suitably screened and integrated with the building in order to ensure a properly integrated overall appearance.
(Reason: Visual amenity)

133. Registration of Plan of Consolidation

Prior to the issue of any Occupation Certificate, all individual allotments involved in the development site shall be consolidated into a single allotment and evidence of the registration of the plan of consolidation to be submitted to Council.
(Reason: Ensure compliance)

134. State Survey Marks

Prior to the issue of a Final Occupation Certificate, the Applicant shall reinstate any State/Permanent Survey Mark to the specification of the Land and Property Management Authority. A copy of the Location Sketch Plan of PM/SSM including reduced level (AHD) shall be submitted by a registered Surveyor. The degree of horizontal and vertical accuracy shall be acceptable to the Land and Property Management Authority.
(Reason: Public amenity)

135. Temporary Ground Anchors – Destressing

Prior to the issue of any Occupation Certificate, all damages to Council's/public 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)

136. CCTV Report of Pipe System Draining Pacific Highway - 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 / public drainage pipeline after the completion of all works. No person is to enter any Council / public 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)

137. Inspection of Drainage Connection to Council's/Public Drainage Line

Prior to the issue of any Occupation Certificate, inspection of drainage connection works to the existing Council's/public 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)

138. Sign for OSD System

Prior to the issue of any Occupation Certificate, 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)

139. Confined Space Sign

Prior to the issue of any Occupation Certificate, 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)

140. 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)

141. Certification of the Basement Pumpout Drainage System

Prior to the issue of any Occupation Certificate and upon completion of any pump-out system draining any small driveway ramp area within the site, the following shall be submitted to the Certifying Authority.

- A suitably qualified and experienced civil engineer (generally CP Eng. Qualification) shall certify that the as-built pumpout system complies with Part C5 of Council's DCP, all relevant codes and standards and the approved stormwater management plans.
- Work-as-executed plans based on the approved pump-out system plans from a registered surveyor to verify that the volume of storage and pump capacity are in accordance with design requirements. Any minor changes or variations to the approved plans should be highlighted in red on the approved pump-out system plans.
- Certification from a licensed plumber to ensure that the constructed pump-out system complies with the current plumbing requirements of Sydney Water and Committee on Uniformity of Plumbing and Drainage Regulations of NSW.

(Reason: Ensure compliance)

142. 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)

143. 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 Certifying Authority and Council prior to issue of any Occupation Certificate.

(Reason: Maintenance requirement)

144. Creation of a Floodway Restriction

Prior to the issue of any Occupation Certificate, create a Restriction on the Use of the Land on the title of the subject property under Section 88E(3) of the Conveyance Act 1919 by using Form 13RPA obtainable from the NSW Department of Lands. The restriction is to be placed over the 100 year ARI flood extent identified in the Flood Study Report prepared by Northrop Consulting Engineers, Reference No.xxxx. The extent of the overland floodpath within the subject site, shall be shown on a scale sketch, attached as an annexure to the request forms.

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

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

(Reason: Ensure unimpeded floodwater conveyance)

145. Splay Corner for Fence

Prior to the issue of any Occupation Certificate and 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 2mx 2.5m splay on both sides of the driveway exit.

(Reason: Pedestrian safety)

146. Construction of Kerb & Gutter

Prior to the issue of any Occupation Certificate, construct a 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 Pacific Highway and William Street.

(Reason: Public amenity)

147. 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)

148. Concrete Footpath

Prior to the issue of any Occupation Certificate, construct a:

- a) Full width concrete footpath for the full frontage of the development site in Pacific Highway with provision for tree planting in accordance with approved plans.
- b) Full width concrete footpath for the full frontage of the development to William Street with provision for tree planting in accordance with approved plans.

All works shall be carried out in accordance with Council's standard specifications and drawings.

(Reason: Public amenity)

149. 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)

150. Vehicular Crossings

Construct new vehicular crossings 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 the RMS gutter crossing specifications and any approved longitudinal sections. A separate application for the crossings including current fees and charges is to be submitted for approval by Council.

The crossings shall be of widths as required in AS 2890.1 and 2890.2 and shall be constructed at right angles to the street kerb in plain concrete. The new crossings shall be located no closer than 1 metre from any power pole and 2 metres from the existing street tree unless otherwise approved by Council. The centreline of the new crossing shall be "in-line" with the centreline of the internal driveways.

Relocation of power poles, any utility mains and pits and road signs etc. shall be relocated to the utility authorities' requirements and at the developer's expense prior to commencement of construction of the vehicular crossings.

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 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)

151. 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 and RMS specifications.

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)

152. 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)

153. Performance Bond

Prior to the issue of any Occupation Certificate, the Applicant shall lodge with the Council a performance bond of **\$120,000** 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)

154. Works-As-Executed Plans and Engineer's Cert

Works as executed plans by a registered surveyor shall be submitted showing the levels extent and location of the constructed overland flow path within the site. Certification from a Civil Engineer shall be provided to certify that the overland flow path is constructed in accordance with the approved plans.
(Reason: Overland flooding)

155. Creation of Positive Covenant - Maintenance of Overland Flowpath

The applicant shall create to Willoughby City Council's satisfaction, a Positive Covenant under Section 88E of the Conveyancing Act 1919, burdening the owners, Registered Proprietors with the requirement to maintain the overland flowpath constructed on the site. The Positive Covenant is to be created through an application to the Land and property Information (LPI) NSW in the form of a request using form 13PC.

Documents suitable for registration shall be submitted for approval with Willoughby City Council prior to lodgement with the (LPI). Title documents showing the registered covenant shall be submitted to the Principal Certifying Authority prior to issue of any Occupation Certificate.

The terms of the instruments are to be in accordance with the following:

- 1.1 The Registered Proprietor covenants as follows with the Prescribed Authority in respect of the overland flow path constructed on site and approved under DA2017/181 on the Burdened Lot.
 - 1.1.1 The proprietor(s) of the burdened lot shall maintain all elements of the overland flow path as shown on the attached plan including perimeter walls and floor, and shall keep open for flood flow and do all things necessary to maintain the flood flow through the site as described in the flood study prepared to satisfy Schedule A conditions.
 - 1.1.2 Where the proprietor of the burdened lot fails to comply with any written request of Willoughby City Council referred to in (1) above, the proprietor shall meet any reasonable cost incurred by the Council in completing the work requested.
 - 1.1.3 Full and free right for Willoughby City Council and every person authorised by it to enter upon the burdened lot in order to inspect or alter the surface levels to ensure the maintenance of the overland flow within the land so burdened.
 - 1.1.4 Indemnify and keep indemnified, Council, against all claims, demands, actions, suits, causes of action, for damages, costs and expenses which the Registered Proprietor or any other person may suffer as a result of damage or loss that may result from the constructed overland flowpath through the site.
- 1.2 This Covenant shall bind all persons who are, or claim under, the Registered Proprietor(s) as stipulated in Section 88E (5) of the Act.
- 1.3 Name of Authority having the power to release, vary or modify the Positive Covenant referred to is Willoughby City Council.

In this Positive Covenant unless inconsistent with the context:

Act means the *Conveyancing Act 1919 (NSW)* as amended or replaced.

Burdened Lot means the whole of the land subject to this development consent.

Plan(s) means the scale drawings being:

- a. Survey drawing showing the constructed levels across the property.
- b. Engineering drawings showing the location and sections of the overland flowpath.

These drawings are to be annexed to this Positive Covenant as the Annexure marked "B".

Prescribed Authority means the Willoughby City Council and its assigns and successors.

Registered Proprietor means the registered proprietor of the Burdened Lot from time to time and all of his/her heirs, assigns and successors in title of the Burdened Lot and where there are two or more Registered Proprietors of the Burdened Lot the terms of this Positive Covenant shall bind all those registered proprietors jointly and severally.

(Reason: Ensure unimpeded floodwater conveyance)

156. Inspection of Relocated Stormwater Drainage system draining Pacific Highway

Prior to the issue of any Occupation Certificate, inspection of drainage works relating to the reconstruction of the stormwater drainage system draining the Pacific Highway and connection to the existing/new 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)

157. Certification of Relocated Stormwater Drainage System draining Pacific Highway

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 stormwater drainage system draining the Pacific Highway is in accordance with the approved plans and complies with relevant Australian Standards, Council's DCP and Technical Standards. This includes bedding, backfill and compaction requirements and waterproofing to adjacent structures.

(Reason: Protection of Council Asset)

158. Works-As-Executed Plans – Stormwater System Draining Pacific Highway

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

- Work-as-Executed plans based on the approved stormwater design plans from a registered surveyor to verify that the design levels, pipe sizes, bedding material and pits 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 stormwater system.

(Reason: Record of works)

159. Create Positive Covenant – Removal by Owners of Structures for Access to Public Stormwater System within the Site and Indemnity Against Failure of the Stormwater System

The applicant shall create a Positive Covenant under Section 88E of the Conveyancing Act 1919, burdening the owner(s), Registered Proprietors with the requirement to remove and reinstate any improvements over and within the stormwater easement to allow for works to be carried out on the stormwater pipe system within the easement. The Positive Covenant is to be created through an application to the Land and property Information (LPI) NSW in the form of a request using form 13PC.

Documents suitable for registration shall be submitted for approval with Willoughby City Council prior to lodgement with the (LPI). Title documents showing the registered covenant shall be submitted to the Principal Certifying Authority prior to issue of any Occupation Certificate.

The terms of the instruments are to be in accordance with the following:

- 1.1. The Registered Proprietor covenants as follows with the Prescribed Authority in respect of improvements constructed with the easement approved under DA2017/181 on the Burdened Lot.
- 1.2. At any time, at the request of Council or the Road Authority, the Registered Proprietor agrees to:
 - 1.2.1. Remove within (7) days from the date of request by Council, the Road Authority or their authorised agents and reinstate any improvements over and within the stormwater easement including concrete panels, grates, vehicular bridge etc .(as shown on the Plans) to allow for works to be carried out on the stormwater pipe system within the easement. All costs associated with removal and reinstatement of these improvements shall be borne by the Registered Proprietor.
 - 1.2.2. Accept full responsibility for the maintenance and upkeep of waterproofing to the building in the vicinity of and adjacent to the easement.
 - 1.2.3. Indemnify and keep indemnified, Council, the Road Authority and their contractors against all claims, demands, actions, suits, causes of action, for damages, costs and expenses which the Registered Proprietor or any other person may suffer as a result of damage that may be occasioned whilst carrying out maintenance and repairs activities to the stormwater system.
 - 1.2.4 Indemnify and keep indemnified, Council, the Road Authority and their contractors against all claims, demands, actions, suits, causes of action, for damages, costs and expenses which the Registered Proprietor or any other person may suffer as a result of obstruction to access to the car park, the loss of use of parking spaces, amenity or any financial loss on the site as a result of undertaking future works to the stormwater system in the easement.
- 1.3. The Registered Proprietor will:

- 1.3.1. Carry out the matters referred to the above at the Registered Proprietor's expense;
- 1.3.2. Permit the Council / Road Authority or their authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of an emergency) to enter and inspect the Burdened Lot for compliance with the requirements of this clause;
- 1.3.3. Comply with the terms of any written reasonable notice issued by the Prescribed Authority in respect to the requirements of this clause within the time stated in the notice.
- 1.4. In the event that Registered Proprietor fails to comply with the terms of any written notice served in respect of the matters referred above, the Council, Road Authority or their authorised agents may, on having given reasonable notice to the Registered Proprietor, enter the Burdened Lot with all necessary equipment and carry out the work required pursuant to the above clauses. The Council, Road Authority may recover from the Registered Proprietor the cost of carrying out such work and recover the amount due by legal proceedings (including legal costs and fees) and entry of a covenant charge on the land under Section 88F of the Act. In carrying out any work under this clause, the Prescribed Authority shall take reasonable precautions to ensure that the Burdened Lot is disturbed as little as possible.
- 1.5. This Covenant shall bind all persons who are, or claim under, the Registered Proprietor(s) as stipulated in Section 88E (5) of the Act.
- 1.6. Name of Authority having the power to release, vary or modify the Positive Covenant referred to is Willoughby City Council.

In this Positive Covenant unless inconsistent with the context:

Act means the *Conveyancing Act 1919 (NSW)* as amended or replaced.

Burdened Lot means the whole of the land subject to this development consent.

Plan(s) means the scale drawings being:

- a. Survey drawing showing the constructed levels across the property.
- b. Engineering drawings showing the location and sections of the easement and improvements approved under DA 2017/181 over the public stormwater system.

These drawings are to be annexed to this Positive Covenant as the Annexure marked "B".

Prescribed Authority means the Willoughby City Council and its assigns and successors.

Registered Proprietor means the registered proprietor of the Burdened Lot from time to time and all of his/her heirs, assigns and successors in title of the Burdened Lot and where there are two or more Registered Proprietors of the Burdened Lot the terms of this Positive Covenant shall bind all those registered proprietors jointly and severally.

(Reason: Ensure unimpeded floodwater conveyance)

160. Vehicle Access - Construction & Certification

Prior to issue of any Occupation Certificate, 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. Driveways and vehicular access ramps shall be designed to provide adequate ground clearance to the underside of B99 vehicles.
 - d) All driveways and ramps are constructed to allow for the simultaneous movements of the B99 and B85 vehicles including the clearance lines in AS 2890.
 - 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 has been provided which comply with AS 2890.1 and Section 2.4 of AS2890.6.
 - g) 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.
 - h) The ramp providing access to the basement carpark is constructed with a crest point with reduced level minimum 0.5m above the 1:100 year ARI flood level, and including measures to prevent any flood water from entering the basement.
- (Reason: Ensure Compliance)

161. Public Tree Maintenance

Prior to the issue of any Occupation Certificate, the applicants arborist or landscape designer is to certify that:

- i All trees on public land have been adequately maintained, that there has been no net deterioration in health and condition, and that any remedial work complies with AS 4970-2009 "Protection of trees on development sites" and AS 4373 - 2007 "Pruning of Amenity Trees".
- ii All new and replacement public trees are of the required species, container size, planting locations, planting standards, and have been grown and supplied from a recognised nursery complying to NATSPEC 2 Guide, "Specifying Trees", 2003.

(Reason: Tree management, public asset management)

162. Completion of Landscape Works

Prior to the issue of any Occupation Certificate, the approved landscape works shall be consistent with the approved design, completed to a professional standard, consistent with industry best practice and published standards.

(Reason: Landscape amenity)

163. Public Tree Planting

Prior to the issue of any Occupation Certificate, plant the following trees on Council land forward of the property generally as indicated on Landscape Plan Ground Floor Dwg. No. 101-G dated 16.11.17 prepared by Site Image Landscape Architects:

2 x *Eucalyptus microcorys* along the Pacific Highway frontage
1 x *Lophostemon conferta* along the William Street frontage

The trees shall:

- i. Have a minimum container size of 100 litres and grown to NATSPEC 2 "Guide Specifying Trees", (2003).
- ii. Be planted in accordance with WCC Landscape Specification 08/2007 "Street Tree Planting".
- iii. Be planted clear of driveway sightlines and generally in alignment with other street trees.
- iv. Be planted, mulched, watered and maintained according to industry best practice.

(Reason: Landscape amenity, tree canopy recruitment)

164. Tree Planting

Prior to the issue of any Occupation Certificate, trees are to be planted in accordance with the following table:

No. Required	Species	Location	Min Size	Pot
All trees	As indicated on Landscape Plan Ground Floor and Landscape Plan Podium Dwg. Nos. 101-G and 102-G dated 16.11.17 prepared by Site Image Landscape Architects	As indicated on the Landscape Plan	As indicated on the Landscape Plan	

(Reason: Landscape amenity)

165. Contamination/Remediation – Site Validation Report

Prior to the issue of any Occupation Certificate, a Stage 4 – Site Validation Report (SVR) shall be prepared by a suitably qualified contaminated land consultant and shall be in accordance with:

- a) Environment Protection Authority (EPA) 'Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites'; and
- b) State Environmental Planning Policy 55 (SEPP55) – Remediation of Land.

The site validation report shall provide a notice of completion of remediation works, whether there are any ongoing site management requirements and a clear statement on the suitability of the likely proposed site use. The report shall be submitted to the Certifying Authority and a copy to Council for its records for review and concurrence after the completion of all remediation works.

(Reason: Environmental protection, public health and safety)

166. Sound Level Output Certification

The sound level output from the equipment installed for the operation of the building shall not exceed 5dBA above the ambient background noise level measured at the boundaries of the property in accordance with the current Environment Protection

Authority (EPA) guidelines for noise assessment. Certification of the level of sound output is to be provided by an appropriately qualified acoustical Consultant to the Certifying Authority prior to issue of the Final Occupation Certificate.
(Reason: Amenity)

167. Acoustic Works – Report

Prior to the issue of any Occupation Certificate, certification shall be provided upon completion of the works, accompanied with evidence from suitably qualified and practising acoustic engineer, to the effect that the acoustic attenuation has been carried out in accordance with the acoustic report 20161789.1/0805A/R2/GC by Acoustic Logic dated 8/5/2017.

This shall include, but not be limited to recommendations for construction contained in Table 2, 5, and 6 for residential and commercial glazing. As well as including 40mm solid core timber external doors to residences with Raven RP10 seals on the tops and the sides.

(Reason: Amenity, environmental compliance and health)

168. Noise Emission – Equipment

Prior to the issue of any Occupation Certificate, certification shall be provided from a suitably qualified acoustic engineer certifying that the noise from all sound producing plant, equipment, machinery and/or mechanical ventilation system complies with the relevant noise criteria.

(Reason: Amenity, environmental compliance and health)

169. 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)

170. 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 :-

- a) The floor being graded and drained to an approved drainage outlet connected to the sewer and having a smooth, even surface, coved at all intersections with walls.
- b) The walls being cement rendered to a smooth, even surface and coved at all intersections.
- c) Cold water being provided in the room with the outlet located in a position so that it cannot be damaged and a hose fitted with a nozzle being connected to the outlet.
- d) An overhead type door being provided to the room having a clear opening of not less than 1.8m.
- e) A galvanised steel bump rail at least 50 mm clear of the wall being provided at the height of the most prominent part of the garbage containers.

- f) Mobile Waste Containers or Bulk Bins must have the 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.

171. Separate Development Consent

The use of commercial tenancies shall be the subject of a separate application.

(Reason: Ensure compliance)

172. Ongoing Loading, Unloading and Deliveries

The vehicles accessing the subject development for the purpose of ongoing loading, unloading and deliveries shall be restricted to vehicles with a maximum length of i.e. 6.4m as per Australian Standard 2890.2.

(Reason: Public safety)

173. Loading and Unloading

All loading and unloading of goods is to be conducted wholly within the site within the loading facility. This area is to be maintained free of obstruction for the sole use of delivery vehicles. Under no circumstances are loading/unloading activities to be conducted from vehicles standing kerbside in Pacific Highway or William Street or from any appurtenant right of way.

(Reason: Access and amenity)

174. Roads and Maritime Services

All vehicles are to enter and leave the site in a forward direction.

(Reason: RMS Requirement)

175. All vehicles are to be wholly contained on site before being required to stop.

(Reason: RMS Requirement)

176. Sydney Trains

Sydney Trains and Transport for NSW, or any persons authorised by them for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought.

(Reason: Sydney Trains Requirement)

177. The Applicant is to ensure that the development incorporates appropriate anti-graffiti measures acceptable to Sydney Trains.
(Reason: Sydney Trains Requirement)

178. No scaffolding is to be used facing the rail corridor unless prior written approval has been obtained from Sydney Trains. To obtain approval the proponent will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor. Unless agreed to by Sydney Trains in writing, scaffolding shall not be erected without isolation and protection panels.
(Reason: Sydney Trains Requirement)

179. There is a need to ensure that the roots and foliage of trees being planted beside the rail corridor do not have an impact on the rail corridor. The development landscaping and planting plan should be submitted to Sydney Trains for review.
(Reason: Sydney Trains Requirement)

180. The Applicant, future residents and construction workers shall comply with the requirements set out in the Section 88b instrument in relation the right-of-carriageway/easement affecting the rear of the site.
(Reason: Sydney Trains Requirement)

181. Retaining Walls and Drainage

If the soil conditions require it:

- a) Retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and
- b) Adequate provision must be made for drainage.

(Reason: Safety)

182. Erection Wholly within the Boundaries

All works (with the exception of any works approved under S138 of the Roads Act 1993) including footings, shall be erected wholly within the boundaries of the property.

(Reason: Ensure compliance)

183. 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)

184. Fire Safety Measures

The existing fire safety measures are to be retained and maintained within the tenancies/tenancy during and after demolition.

(Reason: Fire safety)

185. Exposed Timbers

All exposed timbers shall be painted or treated to the satisfaction of the Certifying Authority.

(Reason: Visual amenity/structural integrity)

186. Motor Cycle Parking

One motorcycle parking space per 25 car parking spaces or part thereof must be provided for motor cycle parking. These spaces are to have an area of 1.2 metres x 3 metres.

(Reason: Amenity)

187. Bicycle Lockers and Racks

The provision of eleven (11) bicycle lockers and nine (9) bicycle racks for the use of residents/visitors to the premises.

(Reason: Amenity)

188. Visitor Car Parking Bays

Any visitor parking bays required in accordance with Willoughby Development Control Plan Part C.4, are to be grouped together and physically identified by suitable signs and/or pavement and being permanently accessible and reserved for the exclusive use of visitors to the premises.

(Reason: Ensure compliance)

189. Visitor and Commercial Car Parking Spaces

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

To maximise the efficiency of commercial car parking spaces outside normal business hours, meaning 9am-5pm weekdays, and 9am – 4pm weekends are to be made available for use by all visitors to the building.

The approved commercial car spaces must be made freely available to all visitors to the commercial premises during trading hours of the commercial tenancies unless otherwise in use by a staff member of the commercial tenancies.

The use of visitors and commercial car spaces must be reflected in by-law of the strata management plan or building management plan for the approved development.

(Reason: Parking Management)

190. Illumination of Building or Car Park

Illumination of any part of the building or car parking areas is to be designed so as to avoid glare adversely affecting nearby residents.

(Reason: Amenity)

191. Site Lighting

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

(Reason: Amenity)

192. Heritage – Maintain Portion of Existing Building

Should any portion of the existing building which is indicated on the approved plans to be retained be damaged, all the works on-site are to cease and written notification given to Council. No work is to resume until the written approval of Council is obtained.

(Reason: Heritage conservation and Ensure compliance)

193. 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)

194. Public Infrastructure Restoration

Prior to the release of the Damage Deposit, any damaged public infrastructure caused as a result of the construction works on the subject site (including damage caused by, but not limited to , delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) must be fully repaired in accordance with Council’s specification and AUS-SPEC at no cost to Council.

(Reason: Protection of public assets)

195. Road Reserve Planting

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

- i) The cost of all works being borne by the applicant.
- ii) All service location checks and liability being the responsibility of the applicant.
- iii) Ongoing maintenance and replacement planting will not be provided by Council.
- iv) Council retains the right to prune or remove the planting as may be required for road or service maintenance and safety.

(Reason: Management of public assets)

196. Trees on Adjoining Properties

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

(Reason: Environmental protection)

197. 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)

198. 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)

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

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

(Reason: Amenity/Ensure compliance)

200. 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)

201. 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)

202. 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)

203. Temporary Storage of Discarded Residential Bulky Items

As noted in the Waste Management Plan, Council expects there shall be a room or caged area for the storage of discarded residential bulky items.

204. Commercial Waste Area

The Commercial Waste Area must be separate to the residential waste rooms.

205. Residential Garbage Allowance

Residential waste rates entitle the property to have 14,040L of garbage collected per week. The Waste Management Plan specifies a total of 15,840L per week. Any additional garbage collection over the allowable limit will need to be paid for separately.

206. Bulk Garbage Bin Configuration

Council recommends that the property utilise 1100L bulk bins rather than the 660L bulk bins specified in the Waste Management Plan.

207. Commercial Bins

As noted in the Waste Management Plan, Council does not provide commercial bins and a private waste contractor will need to be engaged to provide and service all retail areas.

PRESCRIBED CONDITIONS

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

208. 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)

209. Support for Neighbouring Buildings

- (1) If development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on an adjoining property, the person having the benefit of the development consent must, at the person's own expense:
 - a) Protect and support the building, structure or work from possible damage from the excavation, and
 - b) If necessary, underpin and support the building, structure or work to prevent any such damage, and
 - c) Must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (2) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
- (3) In this clause, "allotment of land" includes a public road and any other public place.

(Reason: Safety)

STATUTORY REQUIREMENTS

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

210. Construction Certificate Required

This consent IS NOT an approval to carry out any building works (with the exception of demolition work). A Construction Certificate is required PRIOR TO ANY BUILDING WORKS BEING COMMENCED.

Enquiries regarding the issue of a construction certificate can be made to Council's Customer Service Centre on 9777 1000.

(Reason: Ensure compliance and statutory requirement)

211. 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)

212. 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)

Attachment 2: SITE DESCRIPTION AND AERIAL PHOTO

The site is located at 989-1015 Pacific Highway, Roseville in close proximity to the Willoughby LGA's northern boundary with the Ku-Ring-Gai LGA.



Figure 1: The site and surrounds

The site comprises a number of parcels of land and is legally described as:

Lot 3 DP128375
Lot 1 DP531547
Lot 19 DP135079
Lot 10 DP8089
Lot 11 DP1107397; and
Lot 1 DP34636

The site has area of 4,477,6m². It is irregular in shape and is relatively flat overall, dipping slightly towards the centre of the site. It has a dual street frontage to the Pacific Highway and William Street.



Figure 2: Zoning of the site and surrounds

Currently, the site is primarily vacant; with the exception of the previous Seymours Service Station, a heritage listed building on the corner of William Street. The site is burdened by

Council's stormwater easement which runs east-west through the site. The site is impacted by flooding. The site has a direct access from the Pacific Highway as well as through a right of carriageway over State Rail land accessed off William Street.



Figure 3: Seymours Service Station Heritage Building



Figure 4: View of the subject site from Pacific Highway



Figure 5: View of Right of Way from William Street



Figure 6: Bridge abutment to the east of Right of Way

A service station and a Railcorp maintenance office are located immediately north of the site with frontage to Boundary Street. Medium and high density residential flat buildings are located further north and north east of the site beyond Boundary Street. The Roseville town centre and railway station is approximately 450m north of the site.



Figure 7: Residential flat buildings on Boundary Street

A car sales yard is located immediately opposite the site on William Street adjacent to the Pacific Highway and the T1 North Shore railway line. Residential flat buildings are located along the Pacific Highway towards Chatswood CBD.

The T1 North Shore railway line is immediately east of the site with low density dwellings located beyond. The Lexus car dealership, residential flat buildings and detached dwellings are located immediately west of the site fronting the Pacific Highway.

Attachment 3: CONTROLS, REFERRALS & DEVELOPMENT STATISTICS

Controls and Classification	
<i>Willoughby Local Environmental Plan 2012 ("WLEP 2012")</i>	
Zoning	B5 – Business Development
Primary Development Standards	<ul style="list-style-type: none"> Floor Space Ratio – 2.5:1 Height of Building – maximum 20m
Other specific WLEP 2012 requirements	<ul style="list-style-type: none"> Clause 5.9 – Preservation of trees or vegetation Clause 5.10 – Local Heritage Item (Seymour Station) and Heritage Conservation – Site is in vicinity of two heritage conservation areas to the east (the North Chatswood) and west (the Wyvern/ Findlay) Conservation Areas Clause 6.3 – Flood Planning
Applicable DCP	Willoughby Development Control Plan (WDGP)
Applicable SEPPs	<ul style="list-style-type: none"> <i>SEPP (infrastructure)</i> <ul style="list-style-type: none"> Clause 85 - Development adjacent to rail corridors Clause 86 - Excavation in or adjacent to rail corridors Clause 101 - Development with frontage to a classified road Clause 102 - Impact of road noise on non-road development Clause 104 & Schedule 3 - Traffic Generating Development SEPP 55 – Remediation of Land SEPP(BASIX) SEPP 65 – Design qualities of residential apartment developments & Apartment Design Guide SREP (Sydney Harbour Catchment) 2005
Other approvals	<ul style="list-style-type: none"> S138(2) Roads Act 1993 – Classified Road
Developer's Contributions	<ul style="list-style-type: none"> a. S94A/s94: Yes. S94A applies. b. Applicable rate (%): 1% c. The cost of development: \$37,635,000 d. Date of accepted cost of development: 26 May 2017 e. The total contribution payable (subject to Building Price Indexing (Enterprise Bargaining Agreement)): \$376,350

Referrals	
<u>Internal</u>	
Building Services	No objection subject to Standard Conditions
Development Engineers	Satisfactory subject to Schedule "A" conditions
Traffic Engineers	No objection subject to conditions of consent.
Environmental Health	Standard conditions with respect to noise attenuation & unexpected finds during construction.

Landscape Officer	No objections subject to conditions of consent.
Waste Coordinator	No objection subject to conditions of consent.
<u>External</u>	
Roads and Maritime Services	No objection subject to conditions of consent.
Sydney Trains	No objection subject to conditions of consent.
Urban Design Consultant	Generally supported

Development statistics				
		Proposed	Standards	Complies
Site Area (m ²)		4,477.6m ²	N/A	N/A
<i>Willoughby Local Environmental Plan 2012</i>				
Cl. 4.3	Height of Buildings	21.69m to 26.65m	20m	No – Clause 4.6 submitted, refer to Attachment 5
Cl. 4.4	Floor Space Ratio	*2.55:1	2.5:1	No – Clause 4.6 submitted, refer to Attachment 5
Cl. 5.10	Heritage Conservation	Retention of existing heritage building - Seymours Service Station	Conserve the heritage significance of heritage items	Yes
Cl. 6.2	Earthworks	Stage 1 and Stage 2 Site Investigation and Geotechnical Analysis provided.	No detrimental impact on heritage item and future use of the land	Yes
Cl. 6.3	Flood Planning	Finished floor levels at 97.2 which is 1m above 1% AEP flood level of 96.2	Flood Planning level applicable	Subject to Schedule "A" conditions
<i>Willoughby Development Control Plan 2006</i>				
Part E – Commercial / Shop top Housing				
E.1.1	Frontage	>27m	27m for building >11m	Yes

		Deliveries, waste management and residential car parking from William Street Commercial car parking via Pacific Hwy	Deliveries, waste management and car parking from a secondary street	
E1.2	Density use and height	<30% (residential vehicular access via William Street only) One level of commercial floor space	No more than 30% of the street frontage is to be used for vehicular and pedestrian access to lower and upper levels. A minimum of 60% gross floor space at street level is to be used for retail or business premises.	Yes Yes
E1.3	Design and Streetscape	No consistent streetscape character. Podium level height consistent with wall height of Seymours Service Station Southern section of the new building now scaled down to level 6 with dark colours used for the upper level. Glazed building façade for podium/commercial level. Modulated façade with pockets of communal open space on podium level with residential towers above break the mass. Street facing balconies on Pacific Highway.	Reinforce parapet height & street alignment Façade solid: void (60:40)	Acceptable Yes
E.1.4	Setbacks	Nil setbacks to	Front setbacks to	Acceptable given

		<p>Pacific Highway on podium level and staggered setbacks (1.3m – 21.6m) on upper levels.</p> <p>Min. 9m side setback to the northern side boundary</p> <p>No change to the existing setbacks provided by Seymours Service Station to the southern side boundary</p> <p>0.5m to 4.4m to the rear boundary adjacent to T1 railway corridor</p>	<p>reinforce streetscape character</p> <p>Staggered side and rear setbacks</p>	<p>podium level commercial tenancies activate Pacific Highway street frontage. Staggered setbacks on upper levels provide visual interest and variety. Seymours Service station and its complementary heritage item on the southern side of William Street are built to the boundary on Pacific Highway.</p> <p>Non-compliance with rear setbacks acceptable given its adjacent to T1 railway corridor</p>
E1.5	Building depth	20-26m except along the northern side for level 2 and above	20m max.	Acceptable given good level of solar access and ventilation has been achieved for 71% of residential units.
E1.6	Landscaping	<p>Min. 0.4m along part of rear boundary</p> <p>>20% of podium and roof top open space provided as vegetated area</p>	<p>3m along rear boundary</p> <p>20% of podium and 20% of roof top open space as vegetated area</p>	Acceptable given adjacent to railway corridor
E.1.7	Private Open Space	All comply with the exception of 1 bedroom apartments which have balconies with minimum area of 8m ² .	<p>1 bedroom & 2 bedroom: 10m² 3 bedroom: 15 m²</p> <p>2m width (min)</p>	Complies with ADG requirements.

	Communal Open Space	1470m ² in podium and 396m ² in roof top areas	1470m ² min 5m wide 3 hours solar access	Yes
E1.12	Reflectivity	Details not provided	To avoid glare to adj buildings, passing motorist & pedestrians.	Subject to condition of consent
E.9	Site Specific Lot Consolidation Plan	**Not consolidated as Railcorp wishes to retain the site	Consolidated with No. 2 Boundary Street	Acceptable
Part C – General Requirements				
C.4	Car parking rate (rounded down)	22 at grade commercial car spaces	Business premise 1/110m ² (within a railway precinct) (1745/110) = 15	Yes
		Visitors = 24 Dwelling/unit = 126 Total = 172 car spaces including commercial	Visitor spaces for residential units - 1/4 117/4 = 29 1 per unit/dwelling Req = 117 spaces Total: 161 car spaces including commercial	Allocation of parking to be addressed by way of a condition
		Loading Bay	Loading bay for Medium Rigid Vehicles except for Council's garbage truck	1 x Loading Bay Addressed by way of a condition
	Motorcycles/ bicycles	9 motorcycle bays 10 bike rack and lockers	1 motorcycle bay/25 car spaces = 6 spaces 1 bike locker per 10 units = 11 1 bike rack per 12 units = 9	Acceptable subject to a condition
C.8	Waste Management	Waste and recycling collection via William Street right of way Separate	Suitable access for waste and recycling collection vehicles to enter and exit in a forward direction Waste and recycling	Acceptable subject to a condition

		residential and commercial bin rooms provided within basement level Waste and recycling bins located adjacent to each of the three service cores on all levels.	rooms to be conveniently located for collection and users	
C.6	Adaptable Housing	Adaptable = 46 Capable of being adaptable = 13 Total = 59 units	50% of 117 Units = 58 units	Yes
	Adaptable Car spaces	16 accessible car spaces including 1 visitor	1 adaptable car space/4 adaptable units 14 spaces	Yes

* Excluding gross floor area 222.5m² of Heritage Item in accordance with Cl. 4.4(2A)(b)(ii)

**Written correspondence received from Railcorp/Sydney Trains

Attachment 4: SEPP 65/ APARTMENT DESIGN GUIDE (ADG) ASSESSMENT SUMMARY

Requirement	Proposed	Complies												
PART 03: SITING THE DEVELOPMENT														
3F Visual Privacy*														
<p><u>Objective 3F-1: Design Criteria 1.</u> Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <table border="1"> <thead> <tr> <th>Building height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr> </thead> <tbody> <tr> <td>up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr> <tr> <td>up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr> <tr> <td>over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr> </tbody> </table> <p>Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room (see figure 3F.2).</p> <p>Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties.</p>	Building height	Habitable rooms and balconies	Non-habitable rooms	up to 12m (4 storeys)	6m	3m	up to 25m (5-8 storeys)	9m	4.5m	over 25m (9+ storeys)	12m	6m	<p>Northern: Min. 6m separation distance on podium/level 1. 9m setback on upper levels, not including articulation elements</p> <p>Eastern: Min. 0.48m to 4.42m separation distance on podium/level 1 to level 6</p> <p>Southern: Min. separation distance 17m</p> <p>Western: Nil to >21m</p> <p>The internal separation distance 7.5m between habitable rooms and non-habitable rooms on all levels. 11m between habitable rooms and balconies on all levels</p>	<p>Acceptable as the nearest dwellings on the eastern side are approximately 40m away due to railway corridor.</p> <p>The minor non-compliance with internal separation distance is acceptable on merit.</p>
Building height	Habitable rooms and balconies	Non-habitable rooms												
up to 12m (4 storeys)	6m	3m												
up to 25m (5-8 storeys)	9m	4.5m												
over 25m (9+ storeys)	12m	6m												
3J Bicycle and Car Parking														
<p><u>Objective 3J-1: Design Criteria 1.</u> For development in the following locations:</p> <ul style="list-style-type: none"> On sites that are within 800m of a railway station or light rail stop in the Sydney Metropolitan Area (including Willoughby LGA); or On land zoned, and sites within 400m of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre <p>The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.</p> <p>The car parking needs for a development must be provided off street.</p>	<p>The site is located within 450m from Roseville Railway Station. The proposal provides 146 car spaces which include 117 residential car spaces and 29 visitor car spaces.</p>	<p>Yes</p>												
PART 04: DESIGNING THE BUILDING														
4A Solar and Daylight Access*														
<p><u>Objective 4A-1: Design Criteria 1.</u> Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas (includes</p>	<p>> 70%</p>	<p>Yes</p>												

Requirement	Proposed	Complies												
Willoughby LGA)														
<u>Objective 4A-1: Design Criteria 3.</u> A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter	<15%	Yes												
4B Natural Ventilation*														
<u>Objective 4B-3: Design Criteria 1</u> At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only in any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.	> 61%	Yes												
<u>Objective 4B-3: Design Criteria 2</u> Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line	<18m	Yes												
4C Ceiling Heights*														
<u>Objective 4C-1: Design Criteria 1.</u> Measured from finished floor level to finished ceiling level, minimum ceiling heights are: <table><tr><th colspan="2">Minimum ceiling height for apartment and mixed use buildings</th></tr><tr><td>Habitable rooms</td><td>2.7m</td></tr><tr><td>Non-habitable</td><td>2.4m</td></tr><tr><td>For 2 storey apartments</td><td>2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area</td></tr><tr><td>Attic spaces</td><td>1.8m at edge of room with a 30 degree minimum ceiling slope</td></tr><tr><td>If located in mixed used areas</td><td>3.3m for ground and first floor to promote future flexibility of use</td></tr></table> These minimums do not preclude higher ceilings if desired	Minimum ceiling height for apartment and mixed use buildings		Habitable rooms	2.7m	Non-habitable	2.4m	For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area	Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope	If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use	All floor to ceiling heights meet the minimum requirements.	Yes
Minimum ceiling height for apartment and mixed use buildings														
Habitable rooms	2.7m													
Non-habitable	2.4m													
For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area													
Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope													
If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use													
4D Apartment Size and Layout*														
<u>Objective 4D-1: Design Criteria 1.</u> Apartments are required to have the following minimum internal areas: <table><tr><th>Apartment type</th><th>Minimum internal area</th></tr><tr><td>Studio</td><td>35m²</td></tr><tr><td>1 bedroom</td><td>50m²</td></tr><tr><td>2 bedroom</td><td>70m²</td></tr><tr><td>3 bedroom</td><td>90m²</td></tr></table> The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.	Apartment type	Minimum internal area	Studio	35m²	1 bedroom	50m²	2 bedroom	70m²	3 bedroom	90m²	No studio apartment proposed. All apartments meet the minimum size.	Yes		
Apartment type	Minimum internal area													
Studio	35m²													
1 bedroom	50m²													
2 bedroom	70m²													
3 bedroom	90m²													
<u>Objective 4D-1: Design Criteria 2.</u> Every habitable room must have a window in	The proposed towers provide good daylight access to all proposed	Yes												

Requirement	Proposed	Complies															
an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms	habitable rooms.																
<u>Objective 4D-2: Design Criteria 1.</u> Habitable room depths are limited to a maximum of 2.5 x the ceiling height	Habitable rooms have minimum ceiling heights of 2.7 – 3m and maximum room depth of no greater than 7.5m (with the exception of open plan combined living / kitchen space) for most units. Some of the units U1.04; U1.05; U1.07; U1.10 and U1.18 and equivalent above provide L shape 'snorkel' bedrooms	Acceptable															
<u>Objective 4D-2: Design Criteria 2.</u> In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window	Maximum 8m.	Yes															
<u>Objective 4D-3: Design Criteria 1.</u> Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobe space)	The proposed bedrooms comply or exceed requirements.	Yes															
<u>Objective 4D-3: Design Criteria 2.</u> Bedrooms have a minimum dimension of 3m (excluding wardrobe space)	Minimum 3m provided.	Yes															
<u>Objective 4D-3: Design Criteria 3.</u> Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none"> 3.6m for studio and 1 bedroom apartments 4m for 2 and 3 bedroom apartments 	> 4m proposed.	Yes															
<u>Objective 4D-3: Design Criteria 4.</u> The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts	Proposed Apartments are single aspect or corner apartments.	N/A															
4E Private Open Space and Balconies*																	
<u>Objective 4E-1: Design Criteria 1</u> All apartments are required to have primary balconies as follows: <table border="1" data-bbox="180 1601 715 1861"> <thead> <tr> <th>Dwelling type</th><th>Minimum area</th><th>Minimum depth</th></tr> </thead> <tbody> <tr> <td>Studio apartments</td><td>4m²</td><td>-</td></tr> <tr> <td>1 bedroom apartments</td><td>8m²</td><td>2m</td></tr> <tr> <td>2 bedroom apartments</td><td>10m²</td><td>2m</td></tr> <tr> <td>3+ bedroom apartments</td><td>12m²</td><td>2.4m</td></tr> </tbody> </table> The minimum balcony depth to be counted as contributing to the balcony area is 1m.	Dwelling type	Minimum area	Minimum depth	Studio apartments	4m ²	-	1 bedroom apartments	8m ²	2m	2 bedroom apartments	10m ²	2m	3+ bedroom apartments	12m ²	2.4m	All balconies comply.	Yes.
Dwelling type	Minimum area	Minimum depth															
Studio apartments	4m ²	-															
1 bedroom apartments	8m ²	2m															
2 bedroom apartments	10m ²	2m															
3+ bedroom apartments	12m ²	2.4m															

Requirement	Proposed	Complies										
<u>Objective 4E-1: Design Criteria 2</u> For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m ² and a minimum depth of 3m.	There are podium level apartments. No ground floor apartments	N/A										
4F Common Circulation and Spaces*												
<u>Objective 4F-1: Design Criteria 1</u> The maximum number of apartments off a circulation core on a single level is eight. However, if this is not achieved, no more than 12 apartments should be provided off a circulation core on a single level.	3 separate circulation cores provided. Max 9 apartments for the northernmost circulation core, remaining 2 circulation cores provide <8.	Acceptable										
<u>Objective 4F-1: Design Criteria 2</u> For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40	N/A	N/A										
4G Storage*												
<u>Objective 4G-1: Design Criteria 1</u> In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: <table border="1"><thead><tr><th>Dwelling type</th><th>Storage size volume</th></tr></thead><tbody><tr><td>Studio apartments</td><td>4m³</td></tr><tr><td>1 bedroom apartments</td><td>6m³</td></tr><tr><td>2 bedroom apartments</td><td>8m³</td></tr><tr><td>3+ bedroom apartments</td><td>10m³</td></tr></tbody></table> At least 50% of the required storage is to be located within the apartment	Dwelling type	Storage size volume	Studio apartments	4m ³	1 bedroom apartments	6m ³	2 bedroom apartments	8m ³	3+ bedroom apartments	10m ³	Designated storage areas in addition to any internal storage spaces are provided within the basement car park area.	Yes
Dwelling type	Storage size volume											
Studio apartments	4m ³											
1 bedroom apartments	6m ³											
2 bedroom apartments	8m ³											
3+ bedroom apartments	10m ³											

Attachment 5: CLAUSE 4.6 ASSESSMENT

Clause 4.6 Request to Vary a Development Standard- Clause 4.3 – Height of Buildings

Extent of variation

The development proposes a building with a building height of 21.69m to 26.65m which varies from the permissible height of 20m by 1.69m to 6.65m or 8.4% to 33.2%. The non-compliance is identified in Figure 8, as provided by the applicant below:

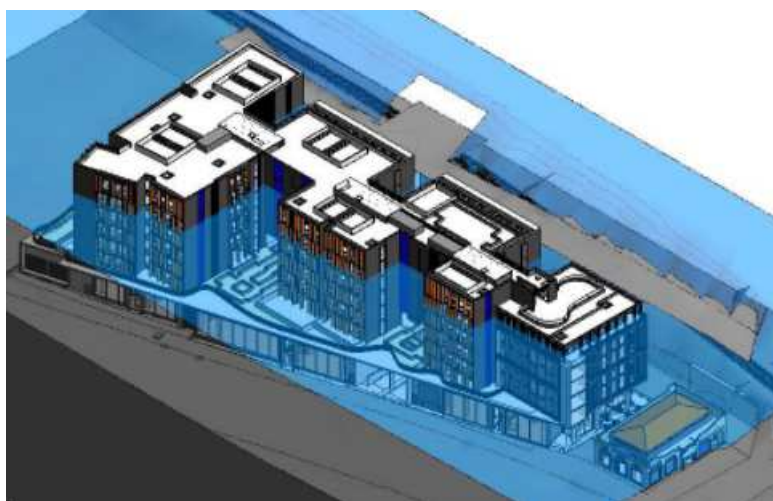


Figure 8: Excerpt of the proposal overlaid with 20m height limit

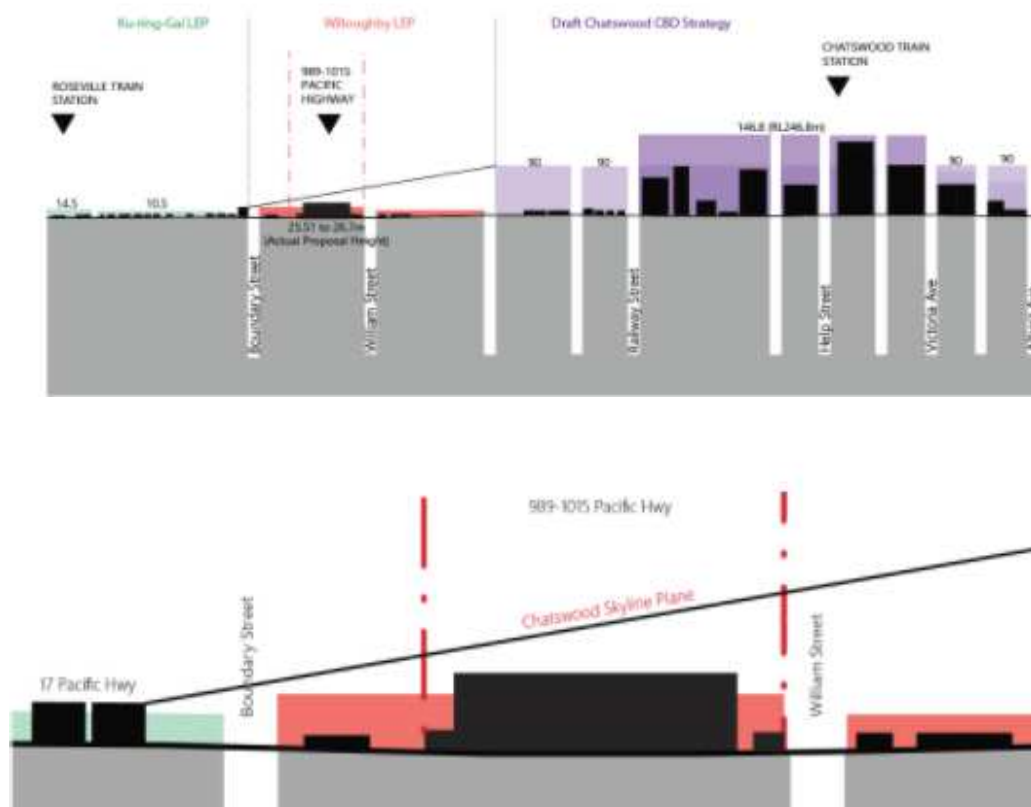
Applicant's reasons in support of the variation

Clause 4.6 Exceptions to development standards of WLEP 2012 Subclause (3) 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 points (a) & (b) above and argued that (quoted *in italics*):

- *Chatswood CBD Planning and Urban Design Strategy 2016 propose a 90m height limit within 250m of the site. To mediate between this significant level transition the 'Stepping Down' principle is applied, refer to Figures below.*
- *The subject site is on the corridor of the Pacific Highway and is in close proximity to the dominant tower skyline of Chatswood. The skyline plane is generated from 17 Pacific Highway on the corner of Boundary Street and the Pacific Highway. This marks the transition from the low 2 storey scale buildings around Roseville train station to the 3-4 storey apartment buildings closer to Boundary Street.*
- *The proposed building height sits well within the skyline plane and consistent with the future character of the area, refer to Figures below:*



Pacific Highway Elevation – Skyline Analysis

- *In summary, the site's relative isolation from surrounding development and its location on the Pacific Highway at the edge of the Chatswood CBD enable the proposed height exceedance to be accommodated without any significant impacts on the streetscape, transition of the built form, or the perceived scale of the building when viewed from the public domain. The proposal will sit comfortably as part of the existing and future urban environment in the immediate and wider locality.*
- *The proposal satisfies the building objectives despite the proposed variation. The proposed development, including the proposed elements that exceed the building height limits, will continue to achieve the objectives of the standard.*
- *Having regard to the above, in our view it would be unreasonable and unnecessary to enforce strict compliance with the maximum height development standard contained within Clause 4.3 of the LEP.*
- *There are sufficient environmental planning grounds to justify contravention of the height development standard in this specific instance. In this regard, the proposed variation is particular to the circumstances of the proposed development on the site for three reasons:*
 - *The site accommodates the Seymours Garage (a local heritage item). The proposal maintains Seymours Garage and sets back from the heritage item by 8m at the ground plan and by 5m for the floors above. This response provides a greater curtilage than has ever been provided historically. Therefore, in response to the site-specific heritage constraint, it is proposed to relocate approximately 1,366.8m² GFA as a seventh storey above the flood adjusted height limit.*

- *The site is impacted by flooding. As such, the finished floor level at ground is required to be raised by a maximum 1.3m above the existing ground level to avoid inundation during a flooding event.*
- *The site is burdened by a Council stormwater easement which runs east-west through the site. The easement is required to be maintained in its current location. Council require a 5m clearance from natural ground to allow their equipment space to maintain the easement. This has resulted in a requirement to raise the underside of the podium slab by 400mm.*
- *If the site was not impacted by heritage, flooding or the stormwater easement, the proposed development would generally sit at the 20m height limit.*

Considerations of the variation to the standard

The relevant objectives of the standard are considered to be met by the proposed development as outlined below:

- The development's non-compliance with the height of building standard will not materially change the bulk and scale of the development or its streetscape presentation.
- The proposed development is not considered to cause unreasonable external impacts on adjoining properties in terms of disruption of views, loss of privacy, overshadowing and visual intrusion.
- The proposal is consistent with the relevant objectives of the B5 Business Development zone, in terms of providing business uses and additional housing as anticipated by the zoning of the land.
- The location, density, and creation of new types of housing in the local area aligns with the Willoughby City Strategy 2013-2029 to provide a greater range of housing choices and to meet the demand for additional homes by 2031. Further to this, the proposal aligns with the Willoughby Housing Position Statement 2017, providing 'additional density near existing business centres to support local business'.
- The submitted Clause 4.6 Variation request to vary Clause 4.3 – Height of Buildings development standard is supported by the assessing officer particularly after the amendments to the proposal and, there are sufficient environmental planning grounds to vary the standard.

Based on the above considerations, the proposed variation to the development standard is acceptable based on the particular circumstances of the proposed development. Variation of the standard is considered to be in the interests of the public given that the relevant objectives of the zone and standard are met by the proposal despite its numerical non-compliance with the development standard. The variation is not considered to raise any matter of regional and state significance, and concurrence of the Minister in approving this variation can be assumed by Council.

Clause 4.6 Request to Vary a Development Standard- Clause 4.4 – Floor Space Ratio

Extent of variation

The development proposes a building with a maximum floor space ratio of 2.55:1 (excluding floor space of Heritage Item) which varies from the permissible FSR of 2.5:1 by 241m² or 2.1%.

Applicant's reasons in support of the variation

Clause 4.6 Exceptions to development standards of WLEP 2012 Subclause (3) 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 point (a) & (b) above and submits that (quoted *in italics*):

- *The principal reason for the variation is a result of the site's location immediately adjacent to the T1 Northern railway corridor. This has two site specific consequences:*
 1. *Sydney Trains requires that buildings within 20m of their boundary are designed to maintain the safety of Sydney Trains' staff and assets. This includes preventing opportunities for objects to land or be thrown onto Sydney Trains land from adjoining properties.*
 2. *Noise from the rail corridor significantly reduces the amenity and usability of private balconies.*
- *In response to the specific consequences of the site's location, enclosed balconies (wintergardens) are proposed to the apartments on level 2 - level 5 on the eastern façade, whose private open space has a single orientation to the railway corridor. The provision of wintergardens will significantly improve the acoustic amenity of the private open space and make them truly useable spaces at the same time meeting Sydney Trains safety requirements.*
- *To limit the extent of the FSR variation, wintergardens are not proposed on the eastern façade to level 1 and level 6. The private open space on podium Level 1 will be protected from the railway corridor by climbers on vertical screens as part of the podium landscape strategy. As the highest floor, level 6 will not be exposed to the same noise impact as the floors below and security mesh is proposed to address Sydney Trains requirements. The wintergardens have been designed as enclosed balconies and will be constructed of typical weatherproof materials. They will not be treated or perform as additional rooms.*
- *Strict numerical compliance would result in a significantly reduced level of amenity to the eastern balconies and is an undesirable planning outcome.*
- *The additional GFA will not result in any additional undue traffic impacts.*

- *The proposal will not have any adverse impacts on views from neighbouring properties beyond those reasonably expected under the height and setback controls applicable to the site. Surrounding development is generally of a lower scale in areas unlikely to undergo significant uplift, which limits opportunities for substantial views from surrounding properties. Therefore, the proposal to provide wintergardens to a limited number of apartments on the eastern façade will not have any impact on significant existing or future view lines.*
- *The proposal is setback the requisite 9m from the northern boundary in accordance with the ADG: 55m from the nearest dwellings to the east: and 33m to the nearest dwellings to the west. Given its significant separation from the surrounding properties, the proposal will not increase overlooking or visual intrusion to neighbouring properties beyond that reasonably expected under the height and setback controls applicable to the site.*
- *The proposal will maintain solar access to the neighbouring properties in accordance with the requirements of the WDCP.*

Considerations of the variation to the standard

The relevant objectives of the standard are considered to be met by the proposed development as outlined below:

- The non-compliance is numerically minor and is well accommodated by the environmental capacity of the site.
- The proposed development is considered satisfactory with respect to the provision of parking, landscaping and other matters relative to the proposed density.
- The non-compliance is not considered to cause unreasonable impacts on adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or visual intrusion.
- The proposal is consistent with the relevant objectives of the B5 Business Development zone, in terms of:
 - The development will provide business uses and additional housing as anticipated by the zoning of the land.
 - The bulk and scale of the proposed development suits the land use purpose and objectives of the B5 Business Development zone.

The submitted Clause 4.6 Variation request to vary Clause 4.4 – Floor Space Ratio development standard is supported by the assessing officer particularly after the amendments to the proposal and, there are sufficient environmental planning grounds to vary the standard. The development's breach of the Floor Space Ratio standard is a function of the requirement of Sydney Trains to enclose the balconies adjacent to railway corridor for safety reasons and to achieve acceptable acoustic amenity for the apartments.

Based on the above considerations, the proposed variation to the development standard is acceptable based on the particular circumstances. Variation of the floor space control is considered to be in the interests of the public given that the relevant objectives of the zone and standard are met by the proposal despite its numerical non-compliance with the development standard. The variation is not considered to raise any matter of regional and

state significance, and concurrence of the Minister in approving this variation can be assumed by Council.

Attachment 6: SUBMISSIONS TABLE

A total of five (5) submissions were received from the following properties:

- 63 William Street, Roseville;
- 65 and 67 William Street, Roseville;
- 96 William Street, Roseville;
- 5 Findlay Avenue, Roseville; and
- 1 Dulwich Road, Chatswood.

The submissions raised the following concerns which are summarised under respective headings in the table below:

<p><u>Height:</u></p> <p><i>The height of new building at 7 storeys is too high and too large and is unsympathetic to the neighbouring buildings and area generally.</i></p>
<p><u>Comment:</u></p> <p>The height of building development standard applicable allows 20m building height. The proposal is seeking height variation of 1.69m to 6.65m. The applicant is seeking to vary the development standard via Clause 4.6 of the WLEP. The main reasons for the non-compliance are:</p> <ul style="list-style-type: none"> • The site accommodates heritage listed Seymours Service Station which will be retained. • The revised proposal is setback from Seymours Service Station by 9m at ground level on Pacific Highway frontage, providing adequate separation. • The revised proposal lowers the height of southernmost building, adjacent to Seymours Service Station to 6 storeys. • The site is flood affected requiring the ground floor of the development to be raised by 1.3m above the existing ground level. • The site is burdened by Council's stormwater drainage easement which is required to be maintained and provided with 5m clearance for maintenance. • The location and creation of new housing in the local area aligns with Willoughby City Strategy 2013-2019. <p>Assessment of the Clause 4.6 variation, provided in Attachment 4, finds that there are sufficient environmental planning grounds to justify contravening the development standard.</p>
<p><u>Traffic Congestion</u></p> <p><i>The new development will cause a huge spike in motor vehicles on William Street. All the people living in our properties have a high level of disability and use bus stop/service which require crossing the intersection of Archer and William Streets. We recommend that a traffic light and level crossing should be installed at the William Street intersection.</i></p>
<p><u>Comment:</u></p> <p>Based on Roads and Maritime Services' publication <i>Guide to Traffic Generating Developments, Section 3 - Landuse Traffic Generation (October 2002)</i>, the proposed development will generate 33 additional vehicle trips during peak hours. However,</p>

the traffic impacts of the proposed development are consistent with the zoning and density under the WLEP 2012. The development's traffic impacts on the existing road network are also considered acceptable based on the capacity of the road network by both Council's traffic section and the RMS. Accordingly, a signalised intersection is warranted.

Limited Parking:

There is already limited parking on William Street as Subaru Dealership uses this street for parking their vehicles that cannot be accommodated in their car yard. There is rarely any parking on the unmetered side of our street. We struggle with parking for visitors

Comment:

In accordance with SEPP 65 – *Design Quality of Residential Apartment Development* and Part C.4 of the WDCP, the proposal generates the following parking demand:

	Required	Provided
Commercial	15	22
Residential including visitors	146	150

The proposal is fully compliant and therefore considered satisfactory in this regard.

Heritage Site:

Seymours Service Station is a nice old building, plonking a 7 storey block of flats on the roof of this building is incongruous with heritage controls. It is my opinion that this is an improper use of this heritage site.

Comment:

The amended proposal and the Heritage Impact Statement submitted were assessed by Council's Heritage Architect who provided the following comments:

"In principle the retention of the former Seymours Service Station on the subject site, its proposed upgrade, and rectification of damaged fabric, and adaptive reuse and removal of later non-contributory modifications is considered a positive outcome. The proposed use as "commercial" and new mezzanine level is considered appropriate in the circumstance of the new development.

The disparity in scale with the heritage item and new development requires further investigation. In this respect it is recommended that the setback between the new development and the local heritage item be increased. Presently it is proposed to be approximately 5 metres and it is considered that a greater separation would allow more screening landscape and provision of canopy trees to further mitigate the apparent bulk and adverse scale disparity".

In consideration of the above comments, the proposal has been revised to increase the separation between the proposed building and Seymours Service Station to 9m at ground level, along Pacific Highway frontage. This increased setback is complimented by additional landscaping. Furthermore, height of the southernmost tower has been lowered from 7 storeys to 6 storeys. Refer to the photomontage below with revised height and façade treatment:



Figure 8: Proposed Pacific Highway Façade looking north

The revised proposal has been assessed to be satisfactory from Council's Heritage perspective.

Privacy and Light:

The proposed buildings are 7 storeys high and will tower above our property – thus looking directly into our front and backyard. The loss of sunlight (west) is a very major concern for us.

Comment:

The issue of concern is raised by owners/residents of No. 63 William Street which is located to the east of the subject site beyond the railway line. Refer to Figure 9 below:

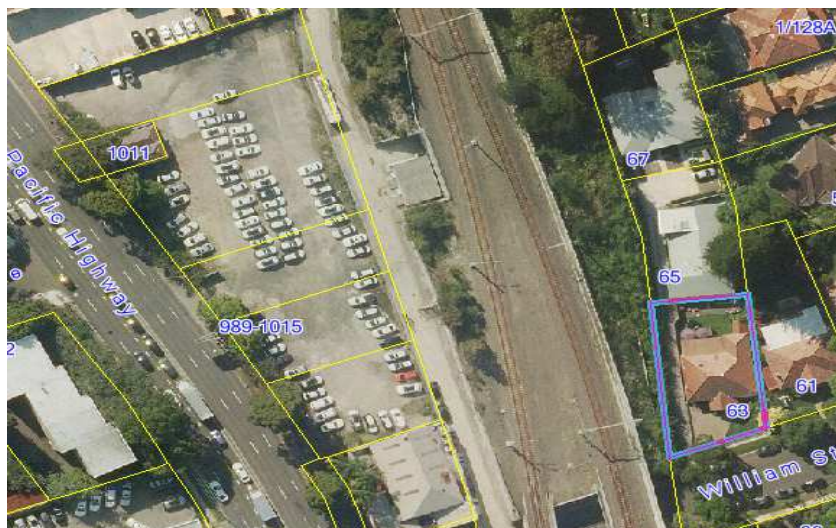


Figure 9: Location of No 63 William Street in relation to the subject site

As the subject site located to the east in relation to the proposed development, there will be no overshadowing impact between 9am and 12noon. At 3pm the shadows from the proposed development do not extend beyond the railway line. Refer to the shadow diagram below:



Figure 10: Shadow diagram June 21, at 3pm

The proposal includes balconies along the eastern elevation and roof top communal open space. The minimum distance between the balconies/roof top communal space and the subject site is 45m and considered sufficient in maintaining privacy.

Impact of Apartment developments:

The character of our immediate location is being dramatically impacted by multi-storey developments. The local schools are already at capacity.

Comment:

The current proposal is for shop top housing which is permissible in B5 Business Development zone under the provisions of WLEP 2012. Furthermore, the proposal is consistent with the built form envisaged for the area as set out in the assessment report.

The site is located approximately 480m from Roseville College and 750m from Mercy Catholic College and St Pius X College. Department of Education has been working with local Councils and the community to make improvements and to increase the capacity of local schools. There have already been some announcements by the State Government for school upgrades and new schools proposed on the lower north shore in response to this issue.

Attachment 7: SECTION 79C ASSESSMENT

The application has been assessed under the provisions of Clause 79C of the Environmental Planning and Assessment Act.

The most relevant matters for consideration are assessed under the following headings:

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)	
	<ul style="list-style-type: none"> State Environmental Planning Policies (SEPP) 	✓
	<ul style="list-style-type: none"> Regional Environmental Plans (REP) 	✓
	<ul style="list-style-type: none"> Local Environmental Plans (LEP) 	✓
	<p>WLEP 2012:</p> <p><i>Zoning:</i> The subject land is zoned B5 – Business Development. Commercial premises and shop-top housing are permissible in the B5 Business Development zone. The proposed mixed-use development will assist in revitalising the existing commercial area and will provide additional residential accommodation at an accessible location consistent with the objectives of the B5 zone.</p>	
	<p><i>Development Standards:</i> The development exceeds the Height of Building and Floor Space Ratio development standards as provided in the Development Statistic Table in Attachment 3 of this report. The applicant has submitted Clause 4.6 variation which is provided in Attachment 5.</p>	
	<p>SEPP 65: The application was reviewed by Council's External Urban Design Consultant and the following aspects of the development were considered supportable:</p> <ul style="list-style-type: none"> <i>Given the sites context, immediate surroundings, and ability to not compromise adjoining sites, the departure from the maximum building height (20m) and floor space ratio (2.5:1), is generally supported based on the high level of amenity the proposal will provide for surrounding and future residents and the acceptable degree of impact.</i> <i>The built form, scale and massing is supported. Solar access and cross ventilation requirements are satisfied where a total of 71.2% of apartments receive a minimum of 2-hours direct solar access between 9am and 3pm at mid-winter and a total of 61.1% of apartments will receive natural cross ventilation.</i> <p>Minor issues were raised during preliminary assessment of the application including building separation between the towers, building entry and acoustic privacy. The amended proposal is generally considered to be satisfactory in this regard.</p>	
	<p>SEPP (BASIX): The proposed development has submitted a valid BASIX certificate to satisfy SEPP (BASIX).</p>	

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

	<p>SEPP (Infrastructure): Clauses 85, 86, 101, 102 and 104 and Schedule 3 - Traffic Generating Development of the SEPP (<i>Infrastructure</i>) are applicable due to excavation proposed and site's immediate proximity to the T1 railway corridor, Epping to Chatswood rail tunnels and site's frontage to an arterial road, Pacific Highway. In this regard, the proposal has been referred to Roads and Maritime Services (RMS) and Sydney Trains for comments. No objections have been raised to the proposal subject to conditions. The proposal can meet acoustic criteria as per Clause 102 of the SEPP (<i>Infrastructure</i>).</p>	
	<p>SEPP 55: A preliminary site assessment report has also been submitted in respect to SEPP 55, and is considered satisfactory by Council's Environmental Health Officer subject to recommended conditions of consent.</p>	
	<p>SREP (Sydney Harbour Catchment): There is no specific matter contained in SREP (Sydney Harbour Catchment) that applies to the proposed development.</p>	
(a)(ii)	The provision of any draft environmental planning instrument (EPI)	
	<ul style="list-style-type: none"> Draft State Environmental Planning Policies (SEPP) 	N/A
	<ul style="list-style-type: none"> Draft Regional Environmental Plans (REP) 	N/A
	<ul style="list-style-type: none"> Draft Local Environmental Plans (LEP) 	N/A
	Comment: There are no draft SEPPs that apply to the subject land.	
(a)(iii)	Any development control plans	
	<ul style="list-style-type: none"> Development control plans (DCPs) 	
	Comment: The proposed development has been assessed against the relevant requirements of the WDCP, and is considered satisfactory. Specific non-compliances are identified and addressed in Attachment 3 - Development Statistics and by the recommended conditions of consent as relevant.	
(a)(iv)	Any matters prescribed by the regulations	
	<ul style="list-style-type: none"> Clause 92 EP&A Regulation-Demolition 	✓
	<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
	Comment: The proposal involves demolition of later non-contributory modifications to Seymours Service Station. A standard condition which requires the demolition to be carried out in accordance with the requirements of AS 2601 is included in the attached 'Schedule of Conditions'.	
(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 	✓

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

	<ul style="list-style-type: none"> • Air & microclimate 	✓
	<ul style="list-style-type: none"> • Flora & fauna 	✓
	<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: Overland flowpath 	✓
	<ul style="list-style-type: none"> • Safety, security crime prevention 	✓
	<ul style="list-style-type: none"> • Social impact in the locality 	✓
	<ul style="list-style-type: none"> • Economic impact in the locality 	✓
	<ul style="list-style-type: none"> • Site design and internal design 	✓
	<ul style="list-style-type: none"> • Construction 	✓
	<ul style="list-style-type: none"> • Cumulative impacts 	✓
	Comment: It is considered that the proposed development will not have any significant or unreasonable impacts on the adjoining or nearby residents	
(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? 	✓
	Comment: The proposal is retaining the existing heritage building and in keeping with future desired character of the locality.	
(d)	Any submissions made in accordance with this Act or the regulations	
	<ul style="list-style-type: none"> • Public submissions 	✓
	<ul style="list-style-type: none"> • Submissions from public authorities 	✓
	Comment: Five (5) submissions were received. Specific issues of concern raised in public submissions regarding the proposal are addressed in Attachment 6 .	
(e)	The public interest	
	<ul style="list-style-type: none"> • Federal, State and Local Government interests and Community interests 	✓
	Comment: The proposed development will not compromise future desired character of the locality and provide additional housing and therefore the proposed development is in the public interest.	

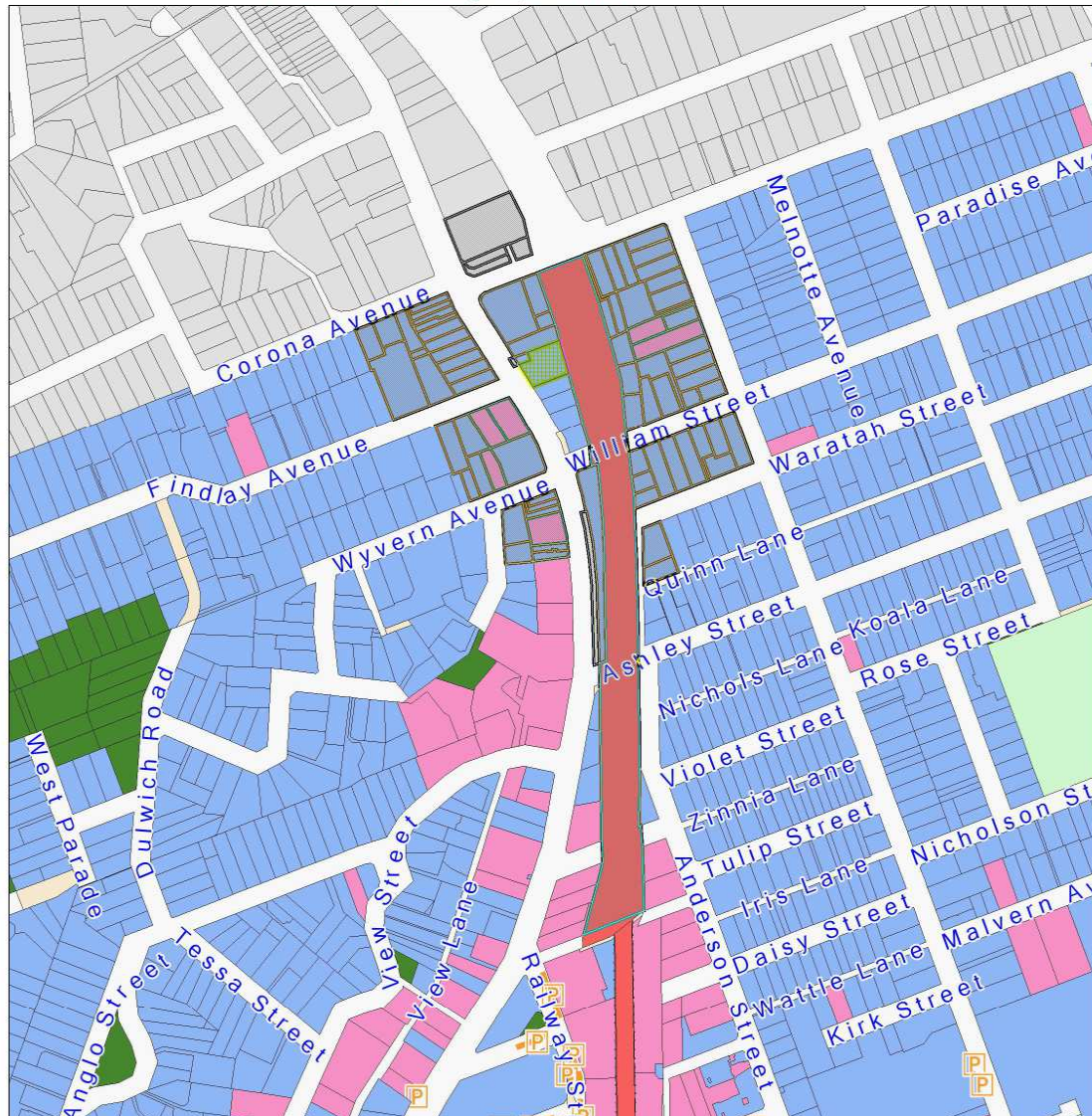
Attachment 8: NOTIFICATION MAP



Record of Neighbour Notifications sent relating to:

DA: 2017/181

At: 989-1015 Pacific Highway, ROSEVILLE



Comments:

-

Created on : Monday, 29 May 2017

Created by : DR

Caveat

The information represented in this map has been provided in good faith. Detailed records relating to this Development Application are recorded in Council's "Pathway" software application and this data should be seen as Council's official source of information relating to this Development Application.

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Attachment 9: ARCHITECTURAL PLANS

