

## COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSNH – 102
DA Number	DA-2019/79/A
LGA	Willoughby City Council
Proposed Development	Modification of the approved data centre building including changes to façade design, re-configuration of internal floor layout and uses, landscaping and conditions 29 and 51, and deletion of condition 82a.
Street Address	2 Broadcast Way, Artarmon
Applicant/Owner	NEXTDC Limited
Date of DA lodgement	12 June 2020
Number of Submissions	3
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Capital investment value (CIV) of over \$30 million
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> <li>• Willoughby Local Environmental Plan 2012</li> <li>• Willoughby Development Control Plan</li> <li>• State Environmental Planning Policy No.55-Remediation of Land</li> <li>• State Environmental Planning Policy (Infrastructure) 2007</li> <li>• State Environmental Planning Policy No.33 – Hazardous and Offensive Development</li> <li>• Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</li> </ul>
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> <li>• Architectural plans</li> <li>• Landscape plans</li> <li>• Stormwater plans</li> </ul>
Report prepared by	CHI WAI KONG
Report date	8 December 2020

### Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

### Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**  
*e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP*

### Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Not Applicable**

### Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **Not Applicable**  
*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

### Conditions

Have draft conditions been provided to the applicant for comment? **Yes**  
*Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report*

**SNPP NO:** PPSSNH – 102  
**COUNCIL** WILLOUGHBY CITY COUNCIL  
**ADDRESS:** 2 BROADCAST WAY, ARTARMON NSW 2064.  
**DA NO:** DA-2019/79/A  
**PROPOSAL:** MODIFICATION OF THE APPROVED DATA CENTRE BUILDING INCLUDING CHANGES TO FAÇADE DESIGN, RE-CONFIGURATION OF INTERNAL FLOOR LAYOUT AND USES, LANDSCAPING AND CONDITIONS 29 AND 51, AND DELETION OF CONDITION 82A.  
**RECOMMENDATION:** APPROVAL  
**ATTACHMENTS:**  

1. SITE DESCRIPTION, AERIAL PHOTO AND DESCRIPTION OF PROPOSAL
2. DEVELOPMENT CONTROLS, STATISTICS, DEVELOPER CONTRIBUTION & REFERRALS
3. SUBMISSIONS TABLE
4. SECTIONS 4.55(2) AND 4.15 ASSESSMENT
5. SCHEDULE OF CONDITIONS
6. NOTIFICATION MAP
7. ARCHITECTURAL PLANS

**RESPONSIBLE OFFICER:** RITU SHANKAR - TEAM LEADER  
**AUTHOR:** CHI WAI KONG - DEVELOPMENT ASSESSMENT OFFICER  
**DATE:** 16-DEC-2020

## **1. PURPOSE OF REPORT**

To provide a **brief to the Sydney North Planning Panel (SNPP)** regarding the assessment of Modification Application (DA 2019/79/A) which proposes to change the façade design, floor layout and uses of the approved building with basement car park purpose built data centre building and amend Conditions 29 and 51 and delete Condition 82A.

The approved development is regionally significant development as identified in [Schedule 7 of the State and Regionally Significant Development SEPP](#). The development has a capital investment value (CIV) over \$30 million (\$238,293,113) and was approved by SNPP on 17 December 2019.

The modification application proposes to delete the auditorium located on Level 1 and replace that with storage and plant room. During the determination of the original development application, SNPP added Condition 82A in regard to the use of the subject auditorium. Therefore, the current modification application is required to be referred to SNPP for determination.

## **2. OFFICER'S RECOMMENDATION**

**THAT the Sydney North Planning Panel (SNPP) approve the development subject to the attached conditions and issue consent for the application DA-2019/79/A for modification of the approved data centre building including changes to façade design, re-configuration of internal floor layout and uses,**

landscaping and conditions 29 and 51, and deletion of condition 82a at 2 Broadcast Way, ARTARMON.

### 3. BACKGROUND

The site is located in the Gore Hill Technology Park, formerly the ABC Gore Hill site. A description of the site, surrounding area, including an aerial photograph and description of proposal are contained in **Attachment 1**.

The proposed modification to the approved development includes the following:

- Change to the external façade design.
- Re-configuration of the basement car park layout with additional car parking spaces and widening the vehicular access.
- Re-configuration of the internal floor layout and change of use.
- Amendment to the approved stormwater management plan.
- Amendment to Condition 29 (Hours of Work) to extend the hours of work during the construction stage.
- Deletion of Condition 82A (Use of Auditorium and Training Room) to create additional floor area for storage and plant room.

The subject application was on notification under Category C of Part D and E of Willoughby Community Participation Plan for public comment for a period of 21 days and 7 submissions were received. Among the 7 submissions, the content and format of 4 submissions are the same and therefore not considered unique and as such the 4 submissions are considered as 1 submission.

One submission was received from Telstra. Nevertheless, the matters raised in the submission were resolved between the applicant and Telstra. Telstra informed Council of the withdrawal of the submission.

In view of the above, it is considered that the actual number of submissions is 3.

In response to Council's concerns of the impact of construction noise to be created during the extended hours of operation, the applicant submitted a Main Works Construction Noise and Vibration Impact Assessment and Management Plan to Council for consideration on 15 October 2020. Council noted that the applicant has assessed the noise impact based on the noise assessment report for the original development and a detailed noise assessment and management plan was submitted after the expiry of notification period of the modification application. Therefore, the submitted noise assessment and management plan is not required to be re-notified to the neighbouring properties.

### 4. DISCUSSION

The proposed amendments to the approved development are supported by Council subject to amendments to the relevant approved conditions.

The applicant submitted a Construction Noise and Vibration Impact Assessment and Management Plan to demonstrate the potential noise impact to be created during the extended hours of works on the neighbouring properties to Council for consideration. Council's Environmental Health Officer advised that the subject Plan is considered satisfactory and recommended that **Conditions 29 and 46** to be amended and additional **Conditions 47A and 47B** to be included (**Attachments 1 and 4**).

The controls and development statistics that apply to the subject land are provided in **Attachment 2**.

A table of the issues raised in the submissions objecting to the proposal and the assessing officer's response is contained in **Attachment 3**.

## **5. CONCLUSION**

The Development Application DA-2019/79/A has been assessed in accordance with Section 4.15 (79C) of the *Environmental Planning and Assessment Act 1979*, *WLEP 2012*, *WDCP*, and other relevant codes and policies. It is considered that the proposal is acceptable in the particular location, subject to the consent conditions included in Attachment 5.

**ATTACHMENT 1: SITE DESCRIPTION, AERIAL PHOTO AND DESCRIPTION OF PROPOSAL**

The site is located in the Gore Hill Technology Park, formerly the ABC Gore Hill site. The legal property description of the site is Lot 6 DP 270714.

The site is a vacant trapezium shaped lot and falls from south (Broadcast Australia) to Campbell Street (north). It is bound by Pacific Highway to the west, Campbell Street to the north, Broadcast Way which is a private community title road to the east and Broadcast Australia to the south. Ausgrid depot building (1 Broadcast Way) and an approved data centre building (3 Broadcast Way) are located on the other side of Broadcast Way.

The subject is currently under excavation for site formation work (Figure 2). An aerial view of the site is contained in Figure 1).



Figure 1 - Aerial photo of the subject site and its surrounds



Figure 2: Current view of the subject site



## DESCRIPTION OF PROPOSED AMENDMENTS

The amendments proposed to the approved purpose built data centre building are related to the façade design, re-configuration of the internal floor layout and uses, landscaping and Conditions 29 and 51, and deletion of Condition 82A.

### Façade design:

- Western elevation (Campbell Street): Blade fins added, stair cladding amended, void areas louvres amended and façade re-configured (Photomontage 1).



Photomontage 1: View from the intersection of Pacific Highway and Campbell Street

- South elevation (Pacific Highway): Paint finish of columns and pre-cast walls amended, new louvres added, service risers amended (Photomontage 2).



Photomontage 2: View from Pacific Highway

- East elevation (Through site link): Façade re-configured, louvered façade relocated, Office windows added on Level 4, blade fins added (Photomontage 3).



Photomontage 3: View from Broadcast Way

- North elevation (Broadcast Way): Louvres added, façade treatment added, flues clad with stainless steel added, curtain wall and feature awning added (Photomontage 4).



Photomontage 4: View from the intersection of Broadcast Way and Campbell Street

- Roof design: the roof fall direction changed from north-south to east-west.

#### **Basement level**

- Re-configure the car parking layout and add tandem parking spaces for 11 spaces.
- Relocate the water storage and diesel storage.
- Relocate the OSD tank and rainwater tanks.

#### **Re-configuration of internal floor layout and change of use**

- Level 1: Change the auditorium to storage and plant room.

- Level 2: Change the office area and storage to front of house and data hall.
- Level 3: Change the plant rooms to office and data hall.
- Level 4: Change small part of the office area to storage.
- Level 5: Change the office area to data hall.
- Level 6: Change the office area to data hall.
- Level 7: Change the office area to data hall.
- Level 8: Mainly floor layout re-configuration and no change of use.

The applicant has calculated that the modified development will result in an increase of 3,096m<sup>2</sup> and total gross floor area of the development will be 33,799m<sup>2</sup> excluding the floor area used for plant room and other associated mechanical services. The resultant FSR is 2.7:1. The increase in gross floor area is the result of changing part of the generator/switch rooms and office space to data hall and storage uses.

The proposed FSR of 2.7:1 complies with the mapped FSR for the site of 4.5:1 under Clause 4.4A (23) of *WLEP 2012* for site area which exceeds 12,000m<sup>2</sup> if all plant and mechanical services floor area is excluded.

The modified proposal will not involve in changing the building height and maintain the approved building height of part RL 121 and part RL 131 which are compliant with the building height map under Clause 4.3 of *WLEP 2012*.

The south-eastern corner of Level 2 of the proposed building is proposed to be extended adjacent to the setback area. This will result in an increase in site coverage from the approved 58% to 59% however it complies with the 60% development control under Clause 4.4A(23)(c) of *WLEP 2012*.

### **Amendment to consent conditions**

The applicant proposes to amend Condition 29 (Hours of Work) to extend the approved construction hours to facilitate the completion of the internal works. The approved Conditions 29 reads as follows:

#### **29. 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 4.55 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 Section 4.55 application may require re-notification in some circumstances.  
(Reason: Ensure compliance and amenity)

The applicant proposes to amend Condition 29 (Hours of Work) to read as follows:

**29. 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 7 pm Mondays to Fridays and 7 am to 7 pm on Saturdays. **Work is permitted on 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 4.55 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 Section 4.55 application may require re-notification in some circumstances.*

**Hours of Work – Extended**

***Internal works may be undertaken outside the approved house as outlined in this Condition only after the completion of the external shell and sealing of the entire floor (whether by permanent or appropriate temporary materials as defined by an acoustic engineer) during the following hours:***

- a) Between 5pm and 7am, Mondays to Fridays inclusive; and***
- b) Between 5pm Fridays and 7am Saturdays and Sundays; and***
- c) No works are to be undertaken externally without the prior consent of Council ; and***
- d) No material delivery or removal of waste must take place during the extended hours; and***
- e) Approval is not given for the use of any high noise intrusive plant and equipment other than hand operated power tools.***
- f) Construction noise must be inaudible inside the nearest residential receiver between midnight and 7am.***

(Reason: Ensure compliance and amenity)

The modified proposal will increase the car parking spaces from 89 spaces to 100 spaces. As such, Condition 51 is required to be amended accordingly.

The approved Condition 51 reads as follows:

**51. Identification of Car Parking Spaces**

Prior to the issue of the Occupation Certificate for the first phase, forty (40) car parking spaces shall be physically identified on site and maintained free of obstruction. Prior to the issue of Final Occupation Certificate, eighty-nine (89) car parking spaces shall be physically identified on site and maintained free of obstruction. Under no circumstances are these car parking spaces to be used for storage of goods or waste products.

(Reason: Amenity)

Condition 51 is amended to read as follows:

**51. Identification of Car Parking Spaces**

*Prior to the issue of the Occupation Certificate for the first phase, **fifty-six (56)** car parking spaces shall be physically identified on site and maintained free of obstruction. Prior to the issue of Final Occupation Certificate, **one hundred (100)** car parking spaces shall be physically identified on site and maintained free of obstruction. Under no circumstances are these car parking spaces to be used for storage of goods or waste products.*

*(Reason: Amenity)*

Deletion of the following condition:

The applicant proposes to change the auditorium and training rooms approved on Level 1 to storage and plant room and as such **Condition 82A (Use of Auditorium and Training Room)** is to be deleted.

The approved Condition 82A reads as follows:

**82A. Use of Auditorium and Training Room**

The use of Auditorium and Training Room within the premises is to be restricted to on-site users and encourages use of a Green Travel Plan.

(Reason: Ensure Compliance)

**Construction Noise and Vibration Impact Assessment & Management Plan**

To assess if any potential noise impact will be caused by the proposed extended hours of works on the residential development along Pacific Highway, the applicant submitted a Construction Noise and Vibration Impact Assessment & Management Plan to demonstrate the potential noise impact on the residential properties to Council for consideration. Further to the recommended amendment to **Condition 29**, Council's Environmental Health Officer advised that the subject Plan is considered satisfactory and recommended that **Condition 46** to be amended and additional **Conditions 47A and 47B** in relation to the monitoring of the implementation of the recommendation of the noise assessment and management plan are to be included (**Attachment 4**).

**Public Notification**

The subject application was on notification for public comment for a period of 21 days and 7 submissions were received. Among the 7 submissions, the content and format of 4 submissions are the same and not unique and the 4 submissions are considered as 1 submission.

One submission was received from Telstra. Nevertheless, the matters raised in the submission were resolved between the applicant and Telstra. Telstra informed Council of the withdrawal of the submission.

In view of the above, it is considered that the actual number of submissions is 3.

Council noted that the applicant has assessed the noise impact based on the noise assessment report for the original development and considered that the noise impact to be created during the extended hours of works has not been fully addressed.

In response to Council's concerns of the impact of construction noise to be created during the extended hours of works, the applicant submitted an amended Main Works Construction Noise and Vibration Impact Assessment and Management Plan to Council for consideration on 15 October 2020. Council considered that the subject Plan is not required to be re-notified to the neighbouring properties.

## ATTACHMENT 2: CONTROLS, REFERRALS &amp; DEVELOPMENT STATISTICS

## Controls and Classification

Willoughby Local Environmental Plan 2012 (WLEP 2012)	
Zoning	B7 – Business Park Proposal is defined as a ‘ <i>high technology industry</i> ’
Primary Development Standards	<b>Clause 4.4A-Floor Space Ratio (FSR) - 4.5:1</b> <i>(23) The maximum floor space ratio for a building on land identified as “Area 20” on the <a href="#">Floor Space Ratio Map</a> may exceed 1:1 if:</i> <i>(a) the site area exceeds 12,000 square metres, and</i> <i>(b) the floor space ratio will not exceed <b>4.5:1</b>, and</i> <i>(c) the site coverage will not exceed <b>60% of</b> the site area.</i>  The proposed development is compliant with has a FSR of 2.7:1, excluding plant and equipment and has a site coverage of 59%.
	<b>Clause 4.3-Height of Building - RL 122 and RL 131.</b>  The proposed development has a maximum height of part RL 122 and part RL 131 and complies with the development control.
Willoughby Development Control Plan (WDCP) and SEPPs	
WDCP	Part C.4 - Car Parking Part I.5 - Gore Hill Technology Park (Lots 1-6 DP 270714) 1-5 Broadcast Way (Formerly ABC Gore Hill Divestment Site - 219 Pacific Highway, Artarmon)  The WDCP requires 25% (3,128.25m <sup>2</sup> ) of the site to be landscaped. The proposed landscaped area is 25.2% (3,157m <sup>2</sup> ) and complies with the control.
Applicable SEPPs	<ul style="list-style-type: none"> <li>SEPP 55 – Remediation of Land</li> <li>SEPP 33 – Hazardous and Offensive Development</li> <li>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</li> <li>SEPP (Infrastructure) 2007</li> </ul>

## Developer’s Contribution Plans:

- a. S7.12: Yes, no change to the approved contribution.

## Development Statistics

	Approved	Proposed	Standard	Compliance
Site Area	12,513m <sup>2</sup>	No change	-	-
Gross Floor Area Excl plant room	30,703m <sup>2</sup>	33,799m <sup>2</sup> (+ 3096m <sup>2</sup> )	56,308.5m <sup>2</sup>	Yes
Floor Space Ratio	2.45:1	2.7:1 (+0.25:1)	4.5:1	Yes
Building Height	Part RL 122 & part RL 131	No change	Part RL 122 & part RL 131	Yes
Site Coverage	58%	59% (+1%)	60%	Yes



<b>Setbacks</b>				
Front (East) (Broadcast Way)	3m	3m (Levels 1-3) 1.08m (Levels 4 – 8 and roof)	3m	No <sup>(1)</sup>
Side (North) (Campbell Street)	7m	No change	7m	Yes
(South) (Broadcast Australia)	12m	No change	12m	Yes
Rear (West) (Pacific Highway)	10m	No change	10m	Yes
<b>Car Parking Spaces</b>	89 spaces (including 2 accessible spaces)	100 spaces (Including 2 accessible spaces) (+11 spaces)	337 spaces (1 space/100m <sup>2</sup> for high technology)	No <sup>(2)</sup>
<b>Soft Landscaping</b>	3,166m <sup>2</sup> (25.3%)	3,157m <sup>2</sup> (25.2%) (-9m <sup>2</sup> )	3128.25m <sup>2</sup> (25%)	Yes

### Compliance with Plans or Policies

The proposal does not comply numerically with the following requirements of **Willoughby Control Plan**

- (1) The non-compliance with the front setback (Broadcast Way) is due to the blade fins proposed from Level 4 to the roof level that encroach onto the setback area. However, the landscaped area on the street level remains unchanged. Therefore, the numerical non-compliance with the setback is considered acceptable in the particular circumstances.
- (2) In the original development application the applicant has submitted a Traffic and Parking Statement concluded that the provision of 89 car parking spaces is adequate for the proposed development. This view was supported by Council's Traffic Engineer from a traffic assessment point of view.

In the subject modification application, the gross floor area of the data hall and storage will be increased and the office area will be reduced, and the number of car parking spaces will be increased from 89 spaces to 100 spaces. Council's Traffic Engineer has no objection to the proposed car parking provision from a traffic assessment point of view.

### Gross Floor Area/Floor Space Ratio (FSR) calculations

The proposed development complies with the FSR control.

### Statement of Environmental Planning Policy (Infrastructure) 2007

The application was referred to Roads and Maritime Services on 17 June 2020. Roads and Maritime Services raised no objection to the modification application subject to previous conditions.

### Willoughby Development Control Plan

#### Part C.4 – Car Parking

The control requires a rate of 1 space/100m<sup>2</sup> of GFA for high technology industrial uses which equates to approximately 338 car parking spaces. The proposal will increase the

approved number of car parking spaces from 89 spaces to 100 spaces and Council's Traffic Engineer has no objection to the proposed car parking provision from a traffic assessment point of view

Part I5 – Gore Hill Technology Park (Lots 1-6 DP 270714) 1-5 Broadcast Way (Formerly ABC Gore Hill Divestment Site – 219 Pacific Highway, Artarmon)

The site is located within the Gore Hill Technology Park as depicted below in Figure 3 and addresses the relevant controls.

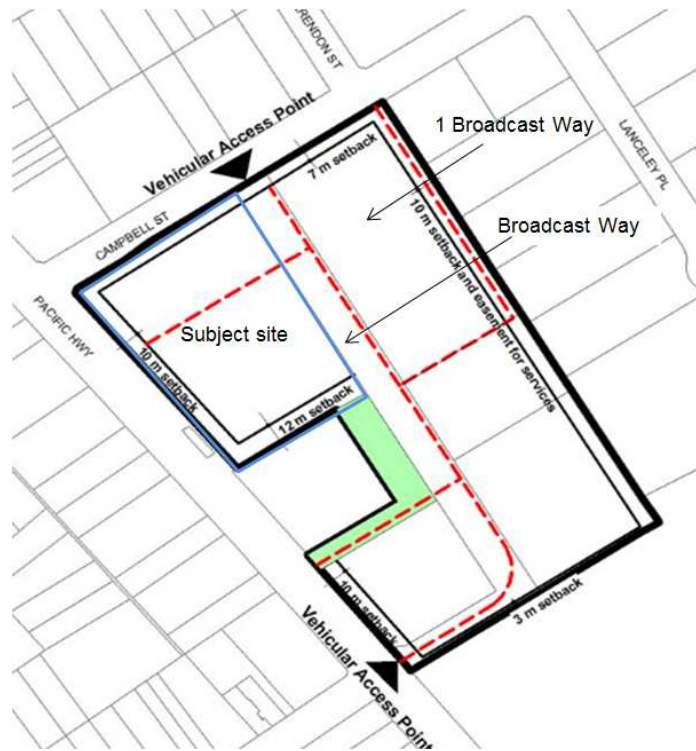


Figure 3 - Extract from Attachment 25 of WDCP - Gore Hill Technology Park - Access routes, open space areas and building setbacks

### **Height, setback and site coverage**

The proposed development complies with the building height controls of RL 122 and RL 131, relevant front and side setbacks (10m from Pacific Highway, 7m from Campbell Street and 12m from Broadcast Australia site) and site coverage of 60%.

### **Building Design Guidelines**

The proposed blade fins and flues articulate with the contemporary design of the proposed building and are considered compatible with other developments at Broadcast Way.

### **Landscaping**

The proposed landscaping complies with the *WDCP* requirement of 25% (3,128.25m<sup>2</sup>) and is similar to that of the originally approved, in particular the landscaping provision located along the Pacific Highway frontage that will enhance the visual impacts of the proposal. Council's Landscape Architect raised no objection to the modified application.

The applicant has taken into the consideration of Council's proposal to provide a shared path to accommodate a bicycle network on Pacific Highway and Campbell Street. Council's Traffic Engineer has requested the applicant to clarify the detailed design of the shared path including the cycle path along Campbell Street and Pacific Highway with Transport for NSW and STA Bus.

### **Heritage Interpretation**

The subject site is located to the north of the Broadcast Australia. The southern elevation of the modified development is generally similar to that of the original approved development. The through-site-link and public opens space in this area are to be retained to ensure views to the north-east side of the Broadcast Australia Tower and *"providing a visual setting and camouflage for the base of the Tower as well as a focal point of interpretation"*. Council's Heritage Advisor has no objection to the proposal.

### **Referrals**

#### **Environmental Health Officer**

No objection to the Main Works Construction Noise and Vibration Impact Assessment and Management Plan subject to amended and additional conditions.

#### **Landscape Officer**

Amended Landscape Design Report was submitted with the application. No objection and the updated Landscape Design Report was considered satisfactory and **Condition 70** amended.

#### **Building Surveyor**

No objection and no additional conditions required.

#### **Heritage Architect**

No objection and no additional conditions required.

#### **Development Control Engineer**

No objection to the amended basement car park, amended vehicular access width and stormwater management plans subject to amendments to the relevant approved conditions.

#### **Traffic Engineer**

Council's Traffic Engineer requested the applicant to clarify the detailed design of the shared path including the cycle path along Campbell Street and Pacific Highway.

#### **Roads and Maritime Services**

No objection to the proposed modification and no additional conditions required.

#### **Ausgrid**

No objection and no additional conditions required.

**ATTACHMENT 3: SUBMISSIONS TABLE**

The application was on notification under Category C of Part D and E of Willoughby Community Participation Plan for public comment for a period of 21 days from 22 June 2020 to 13 July 2020 and 7 submissions were received. Among the 7 submissions, the content and format of 4 submissions are the same and as such the 4 submissions are considered as 1 submission.

The subject site is adjacent to the west of Pacific Highway and the application was refer to Road and Maritime Services for consideration.

One submission was received from Telstra. Nevertheless, the matters raised in the submission were resolved between the applicant and Telstra. Telstra informed Council of the withdrawal of the submission.

In view of the above, it is considered that the actual number of submissions is 3.

The concerns raised in the submissions are discussed ad follows:

<b>Property</b>	<b>Issues raised</b>	<b>Response</b>
37 Ronald Avenue, Greenwich	<i>The modified proposal seems like a whole new application rather than a modification application.</i>	The subject application seeks consent to modify the approved development in regard to the re-configuration of floor layout, increase in floor area, changes to the external façade and extend the hours of works. The proposed modified development is substantially the same development that was originally granted. Therefore, the subject application is not required to be submitted as a new application
1/14 Cleland Road, Artarmon	<i>Whether the landscape plan fits in with the cycle path.</i>	The applicant has incorporated the cycle path in the landscape plans. Council's Traffic Engineer is satisfied with the shared path which is incorporated in the landscape plans.
242 Pacific Highway, Greenwich	<i>Impacts of the extended hours of works on the nearby residents in respect to late night construction and deliveries noise, and on-street parking. The reference to the approval of DA 2019/200 is not appropriate to be applied to the subject application.</i>	Council has requested the applicant to provide a Construction Noise and Vibration Impact Assessment & Management Plan to demonstrate that the proposed extended hour of works, including the recommended noise mitigation measures, would not adversely impact on the residents including the residents live on the Lane Cove side of Pacific Highway



## ATTACHMENT 4: SECTIONS 4.55(2) AND 4.15 ASSESSMENT

**Considerations Under S4.55(2) EP&A Act - Other modifications**

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

**Satisfactory ✓ Unsatisfactory ✗ Not Relevant N/A**

(a)	it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and	✓
	Comments: The application relates to the change to the condition in regard to extending the hours of works during the construction stage of the approved development and modification to the floor layout and external facade. The modified development is substantially the same development for which the original consent was granted.	
(b)	it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and	N/A
	Comments: Nil	
(c)	it has notified the application in accordance with: the regulations, if the regulations so require, or a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and	✓
	Comments: The modified application was notified in accordance with Part D and E of <i>Willoughby Community Participation Plan (WCPP)</i> .	
(d)	it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.	✓
	Comments: 3 submissions were received and discussed in the Neighbour Notification Section of the report.	

**Matters for Consideration Under S.4.15 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"> <li>State Environmental Planning Policies (SEPP)</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Regional Environmental Plans (REP)</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Local Environmental Plans (LEP)</li> </ul>	✓
	<b>Comment:</b> The proposed modification complies with the development controls and is consistent with the objectives of B7 – Business Park zone under <i>WLEP 2012</i> .	
(a)(ii)	The provision of any draft environmental planning instrument (EPI)	
	<ul style="list-style-type: none"> <li>Draft State Environmental Planning Policies (SEPP)</li> </ul>	N/A
	<ul style="list-style-type: none"> <li>Draft Regional Environmental Plans (REP)</li> </ul>	N/A
	<ul style="list-style-type: none"> <li>Draft Local Environmental Plans (LEP)</li> </ul>	N/A
	<b>Comment:</b> There are no draft EPIs that apply to the subject land.	
(a)(iii)	Any development control plans	
	<ul style="list-style-type: none"> <li>Development control plans (DCPs)</li> </ul>	✓

**Matters for Consideration Under S.4.15 EP&A Act****Satisfactory ✓ Unsatisfactory ✗ Not Relevant N/A**

	<b>Comment:</b> The proposed modification complies with the requirements under <i>WDCP</i> and the numerical non-compliance with car parking spaces was considered acceptable from a traffic point of view during the assessment of the original application.	
(a)(iv)	Any matters prescribed by the regulations	
	<ul style="list-style-type: none"> <li>Clause 92 EP&amp;A Regulation-Demolition</li> </ul>	<b>N/A</b>
	<ul style="list-style-type: none"> <li>Clause 93 EP&amp;A Regulation-Fire Safety Considerations</li> </ul>	<b>N/A</b>
	<ul style="list-style-type: none"> <li>Clause 94 EP&amp;A Regulation-Fire Upgrade of Existing Buildings</li> </ul>	<b>N/A</b>
	<b>Comment:</b> N/A	
(b)	The likely impacts of the development	
	<ul style="list-style-type: none"> <li>Context &amp; setting</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Access, transport &amp; traffic, parking</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Servicing, loading/unloading</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Public domain</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Utilities</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Heritage</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Privacy</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Views</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Solar Access</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Water and draining</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Soils</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Air &amp; microclimate</li> </ul>	<b>N/A</b>
	<ul style="list-style-type: none"> <li>Flora &amp; fauna</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Waste</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Energy</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Noise &amp; vibration</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Natural hazards</li> </ul>	<b>N/A</b>
	<ul style="list-style-type: none"> <li>Safety, security crime prevention</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Social impact in the locality</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Economic impact in the locality</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Site design and internal design</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Construction</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Cumulative impacts</li> </ul>	✓
	<b>Comment:</b> The modified development is compatible with the existing development in the Gore Hill Technology Park. The likely environmental or traffic impacts on adjoining development or vicinity are insignificant.	
(c)	The suitability of the site for the development	
	<ul style="list-style-type: none"> <li>Does the proposal fit in the locality?</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Are the site attributes conducive to this development?</li> </ul>	✓
	<b>Comment:</b> The form, and bulk and scale of the modified proposal are considered acceptable for the subject site and compatible with development in the streetscape and character of the locality.	
(d)	Any submissions made in accordance with this Act or the regulations	
	<ul style="list-style-type: none"> <li>Public submissions</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Submissions from public authorities</li> </ul>	<b>N/A</b>
	<b>Comment:</b> 3 submissions were received and discussed in <b>Attachment 3</b> .	
(e)	The public interest	

**Matters for Consideration Under S.4.15 EP&A Act****Satisfactory ✓ Unsatisfactory ✗ Not Relevant N/A**

	<ul style="list-style-type: none"><li>Federal, State and Local Government interests and Community interests</li></ul>	✓
	<b>Comment:</b> The modified proposal does not compromise the amenity or technology park characteristic of the locality. Therefore, the proposal is in the public interest.	

**POTENTIAL KEY CONSIDERATIONS/ISSUES****Acoustic Assessment Report for the proposed extended hours of works**

Council's Environmental Health Officer has advised that the amended Construction Noise and Vibration Impact Assessment & Management Plan is considered satisfactory and recommended Conditions 29 and 46 to be amended and additional Conditions 47A and 47B to be included. The amended and additional conditions read as follows:

**Amended conditions:****29. Hours of Work**

All demolition/excavation/construction work relating to this Development Consent within the City, unless varied by an Out of Hours Work Permit, or otherwise permitted by this Condition, must be carried out only between the hours of 7.00am to 7.00pm Mondays to Sundays, including Public Holidays. These hours are subject to the exceptions set out below under the headings 'Noisy Activities' and 'Hours of Work – Extended'.

Works may be undertaken outside the above hours where:

- The delivery of materials is required by the Police or a public authority for the delivery of vehicles, plant or materials; or
- It is required in an emergency to avoid the loss of life, damage to property to prevent environmental harm; or
- A variation is approved in advance in writing by the Council.

Noise generating activities

Excavators, jackhammers, pneumatic hammers, and similar noisy or intrusive equipment may only be used between the following hours:

- 7:00 am to 12:00 midday, Monday to Sunday; and
- 2:00 pm to 5:00 pm Monday to Sunday.

Hours of work – Extended

Internal works may be undertaken outside of the approved hours as outlined in this Condition only after the completion of the external shell and sealing of the entire floor (whether by permanent or appropriate temporary materials as defined by an acoustic engineer) between 7.00pm and 7.00am, Mondays to Sundays inclusive.

No works are to be undertaken external to the building during the above extended hours without the prior consent of Council. The following conditions also apply:

- a) No material delivery or removal of waste must take place during the extended hours; and
- b) Only hand operated electric power concrete saws, grinders, breakers and other tools are to be used. No approval is given for the use of any high noise intrusive plant and equipment.
- c) Construction noise must be inaudible inside sleeping areas (e.g. bedrooms) of any residential receiver, with windows closed, between midnight and 7.00am.

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 4.55 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 Section 4.55 application may require re-notification in some circumstances.  
(Reason: Ensure compliance and amenity)

#### **46. Noise from Demolition, Excavation and Construction**

- a) Noise mitigation measures shall be carried out in accordance with the recommendations contained within Section 8 Noise Management of the document titled Main Works - Construction Noise & Vibration Impact Assessment and Management Plan prepared by aurecon, Ref. No. S3-FAC-AC-REP-01-[1]-INF, dated 15/10/20, except where this document contradicts the condition above titled "Hours of Work".
- b) 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.
- c) Noise measurements shall be carried out by a suitably qualified acoustic consultant at the start of each Phase of the works or on receipt of a legitimate complaint lodged by a member of the public to the nominated Community Liaison Officer or Council. A report of the findings and action taken to mitigate any exceedances submitted to Council **within 7 days** of its completion. Where Project Noise Levels are exceeded, appropriate measures to control excessive noise shall be implemented immediately.
- d) Attended reference measurements shall be carried out at the boundary of the commercial properties at 1 Broadcast Way and 217 Pacific Hwy, Artarmon, of the operation of the following equipment:
  - Excavators
  - Jackhammers or pneumatic hammers
  - Concrete pumps



- Concrete saws
- Grinders

These measurements are intended to identify the extent of construction noise impacts on these receivers from other development sites around the site (3 & 4 Broadcast Way), and determine the potential for additional impacts associated with construction works on the Project site.

(Reason: Amenity)

### **Additional conditions**

#### **47A. Community Liaison Officer**

The Applicant shall appoint a Community Liaison Officer for the duration of the project works in accordance with Section 10 of the document titled Main Works - Construction Noise & Vibration Impact Assessment and Management Plan prepared by aurecon, Ref. No. S3-FAC-AC-REP-01-[1]-INF, dated 15/10/20. The name and contact details of the Community Liaison Officer shall be included on signage around the project site and any notification letter or written information material distributed to the local community.

(Reason: Amenity)

#### **47B. Vibration from Works**

Vibration levels from the approved works shall comply with the criteria provided by the NSW EPA's *Assessing Vibration: a technical guideline* and contained in the acoustic report prepared by aurecon, Ref. No. S3-FAC-AC-REP-01-[1]-INF, dated 15/10/20. Benchmark vibration testing shall be carried out by a suitably qualified person to determine if there is potential for human comfort impacts if excavation works are proposed to be carried out within 15 metres of the project eastern boundary.

(Reason: Amenity)

## ATTACHMENT 5: SCHEDULE OF CONDITIONS

## SCHEDULE

Development Consent DA-2019/79 is modified as follows:

**A. Condition No. 1 is amended to read as follows:**

**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
Site analysis plan	S3-FAC-Ar- DRG-DA003	C	07.12.2018	Greenbox Architect Pty Ltd
Site plan	S3-FAC-Ar- DRG-DA005			
Staging plan	S3-FAC-Ar- DRG-DA098			
Basement floor	S3-FAC-Ar- DRG-DA099	N	18.07.2019	
Ground floor	S3-FAC-Ar- DRG-DA100	L		
Level 1 plan	S3-FAC-Ar- DRG-DA101	K		
Level 2 plan	S3-FAC-Ar- DRG-DA102	L		
Level 3 plan	S3-FAC-Ar- DRG-DA103	K		
Level 4 plan	S3-FAC-Ar- DRG-DA104	I		
Level 5 plan	S3-FAC-Ar- DRG-DA105			
Level 6 plan	S3-FAC-Ar- DRG-DA106			
Level 7 plan	S3-FAC-Ar- DRG-DA107	J		
Plant level	S3-FAC-Ar- DRG-DA109	G		
North elevation (Broadcast Way)	S3-FAC-Ar- DRG-DA200	E		
East elevation	S3-FAC-Ar- DRG-DA201			
Southern elevation (Pacific Highway)	S3-FAC-Ar- DRG-DA202	D	12.12.2018	
West elevation (Campbell Street)	S3-FAC-Ar- DRG-DA203			
Section 1	S3-FAC-Ar- DRG-DA250	E	07.12.2018	
Section 2	S3-FAC-Ar- DRG-DA251			
Section 3	S3-FAC-Ar- DRG-DA252			
Section 4	S3-FAC-Ar- DRG-DA254	C	12.12.2018	
Public domain/landscape master plan	-	-	Received by Council on 2 April 2019	Urbis
Public domain/landscape detail plan 1	-	-		
Public domain/landscape detail plan 2	-	-		

Type	Plan No.	Revision/ Issue No	Plan Date (as Amended)	Prepared by
Public domain/landscape detail plan 3	-	-	Received by Council on 2 April 2019	Urbis
Public domain/landscape detail plan 4	-	-		
Street tree and planting strategy	-	-		
Indicative planting strategy	-	-		
Landscape detail sections	-	-		
Landscape detail sections	-	-		

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

*As modified by (DA-2019/79/A)*

Type	Plan No.	Revision/ Issue No	Plan Date (as Amended)	Prepared by
Site analysis plan	S3-FAC-AR- DRG-DA003	D	28.02.2020	Greenbox Architect Pty Ltd
Site plan	S3-FAC-AR- DRG-DA005	E	20.03.2020	
Basement floor	S3-FAC-AR- DRG-DA099	Q	14.10.2020	
Level 1 plan	S3-FAC-AR- DRG-DA100	P	15.10.2020	
Level 2 plan	S3-FAC-AR- DRG-DA101	O	15.10.2020	
Level 3 plan	S3-FAC-AR- DRG-DA102	O	14.10.2020	
Level 4 plan	S3-FAC-AR- DRG-DA103	N	14.10.2020	
Level 5 plan	S3-FAC-AR- DRG-DA104	L	14.10.2020	
Level 6 plan	S3-FAC-AR- DRG-DA105	L	14.10.2020	
Level 7 plan	S3-FAC-AR- DRG-DA106	L	14.10.2020	
Level 8 plan	S3-FAC-AR- DRG-DA107	L	14.10.2020	
Roof plan	S3-FAC-AR- DRG-DA109	I	20.03.2020	
North elevation (Broadcast Way)	S3-FAC-AR- DRG-DA200	E	20.03.2020	
East elevation	S3-FAC-AR- DRG-DA201	E	20.03.2020	
Southern elevation (Pacific Highway)	S3-FAC-AR- DRG-DA202	E	20.03.2020	
West elevation (Campbell Street)	S3-FAC-AR- DRG-DA203	E	20.03.2020	
Section 1	S3-FAC-AR- DRG-DA250	H	20.03.2020	
Section 2	S3-FAC-AR- DRG-DA251	H	20.03.2020	
Section 3	S3-FAC-AR- DRG-DA252	H	20.03.2020	

Type	Plan No.	Revision/ Issue No	Plan Date (as Amended)	Prepared by
Section 4	S3-FAC-AR- DRG-DA254	F	20.03.2020	Greenbox Architect Pty Ltd
Public domain/landscape master plan	-	-	Landscape Design Report 28.10.2020 prepared by Urbis and received by Council on 28 October 2020.	Urbis
Public domain/landscape detail plan 1	-	-		
Public domain/landscape detail plan 2	-	-		
Public domain/landscape detail plan 3	-	-		
Public domain/landscape detail plan 4	-	-		
Street tree and planting strategy	-	-		
Indicative planting palette	-	-		
Heritage Interpretation Strategy				
Materials strategy				
Landscape detail sections	-	-		
Landscape detail sections	-	-		

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 S.4.1(1) of the *Environmental Planning and Assessment Act 1979*;
  - (b) otherwise provided by the conditions of this consent.
- (Reason: Information and ensure compliance)

**B. Condition 13 is amended to read as follows:**

**13. Detailed Stormwater Management Plan (SWMP)**

Prior to the issue of any Construction Certificate for building works including basements, 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 Aurecon’s Stormwater Management Report 503243 Revision 4 dated 2020-04-14, Technical Advice Note dated 2020-08-20, and drawings S3-FAC-CI-DRG-00-330/2, S3-FAC-CI-DRG-00-335/2, S3-FAC-CI-DRG-00-331/2, S3-FAC-CI-DRG-00-336/2, S3-FAC-CI-DRG-00-400/2, S3-FAC-CI-DRG-00-401/2, S3-FAC-CI-DRG-DA110/B, S3-FAC-CI-DRG-DA115/B and S3-FAC-CI-DRG-DA120/B. The plans are to include an OSD system, with volume provided for the upstream catchment, as per the requirements of the Gore Hill Business Park stormwater concept plan (minimum 950m<sup>3</sup>) and

rainwater tanks with a minimum volume of 50m<sup>3</sup>. Overflow from the tanks shall be via a weir / grate to an overland flow path. Pipes shall not form part of the overflow system. A minimum freeboard of 300mm shall be provided between the overflow water level and the adjacent floor level. 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)

**C. Condition 17 is amended to read as follows:**

**17. Driveway Longsection**

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

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

The design shall be prepared by a suitably qualified civil engineer using the AS/NZS2890 standard vehicle profiles for a B99 vehicle. All driveway grades and transitions shall comply with AS 2890.1 -2004 and Council's specifications.

The new driveways are to be 6.7 metres wide and 8.20m wide generally, increasing to 11.6m wide at the kerb line and be constructed at right angle to the Broadcast Way kerb. The footpath which forms part of the proposed crossing shall have a maximum crossfall of 2.5%. For the design levels of the vehicular crossing at the property boundary, the following shall be complied with:

- (a) At back of layback – 100 mm above and parallel to the gutter invert.
- (b) At property boundary – Max 2.5% fall to layback.

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

(Reason: Safe vehicular access)

**D. Condition 29 is amended to read as follows:**

**29. Hours of Work**

All demolition/excavation/construction work relating to this Development Consent within the City, unless varied by an Out of Hours Work Permit, or

otherwise permitted by this Condition, must be carried out only between the hours of 7.00am to 7.00pm Mondays to Sundays, including Public Holidays. These hours are subject to the exceptions set out below under the headings 'Noisy Activities' and 'Hours of Work – Extended'.

Works may be undertaken outside the above hours where:

- a) The delivery of materials is required by the Police or a public authority for the delivery of vehicles, plant or materials; or
- b) It is required in an emergency to avoid the loss of life, damage to property to prevent environmental harm; or
- c) A variation is approved in advance in writing by the Council.

Noise generating activities

Excavators, jackhammers, pneumatic hammers, and similar pneumatic or impact equipment may only be used between the following hours:

- a) 7:00 am to 12:00 midday, Monday to Sunday; and
- b) 2:00 pm to 5:00 pm Monday to Sunday.

Hours of work – Extended

Internal works may be undertaken outside of the approved hours as outlined in this Condition only after the completion of the external shell and sealing of the entire floor (whether by permanent or appropriate temporary materials as defined by an acoustic engineer) between 7.00pm and 7.00am, Mondays to Sundays inclusive.

No works are to be undertaken external to the building during the above extended hours without the prior consent of Council. The following conditions also apply:

- a) No material delivery or removal of waste must take place during the extended hours; and
- b) Only hand operated electric power concrete saws, grinders, breakers and other tools are to be used. No approval is given for the use of any high noise intrusive plant and equipment.
- c) Construction noise must be inaudible inside sleeping areas (e.g. bedrooms) of any residential receiver, with windows closed, between midnight and 7.00am.

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 4.55 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 Section 4.55 application may require re-notification in some circumstances.

(Reason: Ensure compliance and amenity)

**E. Condition 46 is amended to read as follows:**

**46. Noise from Demolition, Excavation and Construction**

- a) Noise mitigation measures shall be carried out in accordance with the recommendations contained within Section 8 Noise Management of the document titled Main Works - Construction Noise & Vibration Impact Assessment and Management Plan prepared by aurecon, Ref. No. S3-FAC-AC-REP-01-[1]-INF, dated 15/10/20, except where this document contradicts the condition above titled "Hours of Work".
- b) 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.
- c) Noise measurements shall be carried out by a suitably qualified acoustic consultant at the start of each Phase of the works or on receipt of a legitimate complaint lodged by a member of the public to the nominated Community Liaison Officer or Council. A report of the findings and action taken to mitigate any exceedances submitted to Council **within 7 days** of its completion. Where Project Noise Levels are exceeded, appropriate measures to control excessive noise shall be implemented immediately.
- d) Attended reference measurements shall be carried out at the boundary of the commercial properties at 1 Broadcast Way and 217 Pacific Hwy, Artarmon, of the operation of the following equipment:
  - Excavators
  - Jackhammers or pneumatic hammers
  - Concrete pumps
  - Concrete saws
  - Grinders

These measurements are intended to identify the extent of construction noise impacts on these receivers from other development sites around the site (3 & 4 Broadcast Way), and determine the potential for additional impacts associated with construction works on the Project site.

(Reason: Amenity)

**F. Condition 51 is amended to read as follows:**

**51. Identification of Car Parking Spaces**

Prior to the issue of the Occupation Certificate for the first phase, **fifty-six (56)** car parking spaces shall be physically identified on site and maintained free of

obstruction. Prior to the issue of Final Occupation Certificate, one hundred (100) car parking spaces shall be physically identified on site and maintained free of obstruction. Under no circumstances are these car parking spaces to be used for storage of goods or waste products.  
(Reason: Amenity)

**G. Condition 70 is amended to read as follows:**

**70. Tree Planting**

Prior to the issue of relevant Occupation Certificate in accordance with the approved phasing plan, trees are to be planted in accordance with the following table:

No. Required	Species	Location	Min Pot Size
All trees	As indicated on the Public Domain/Landscape Detail Plans1 – 4 and Street Tree and planting Strategy (as amended by Conditions of consent) in the Landscape Design Report dated 28.10.2020 prepared by Urbis.	As indicated on the Landscape Plans	As indicated on the Landscape Plans

(Reason: Landscape amenity, tree canopy recruitment)

**H. Condition 82A is deleted.**

**I. The following conditions are added:**

**DURING DEMOLITION, EXCAVATION AND CONSTRUCTION**

**47A. Community Liaison Officer**

The Applicant shall appoint a Community Liaison Officer for the duration of the project works in accordance with Section 10 of the document titled Main Works - Construction Noise & Vibration Impact Assessment and Management Plan prepared by aurecon, Ref. No. S3-FAC-AC-REP-01-[1]-INF, dated 15/10/20. The name and contact details of the Community Liaison Officer shall be included on signage around the project site and any notification letter or written information material distributed to the local community.  
(Reason: Amenity)

**47B. Vibration from Works**

Vibration levels from the approved works shall comply with the criteria provided by the NSW EPA's *Assessing Vibration: a technical guideline* and contained in the acoustic report prepared by aurecon, Ref. No. S3-FAC-AC-REP-01-[1]-INF, dated 15/10/20. Benchmark vibration testing shall be carried out by a suitably qualified person to determine if there is potential for human comfort impacts if excavation works are proposed to be carried out within 15 metres of the project eastern boundary.  
(Reason: Amenity)

**J. Comply with all other conditions of the original development consent.**

**ATTACHMENT 6: NOTIFICATION MAP**

**ATTACHMENT 7: ARCHITECTURAL PLANS**