

# MEMO

**To:** Chair, Sydney North Planning Panel  
**From:** Consultant Planner, Peter Wells  
**Date:** 2 February 2022  
**Address:** 452 - 460 Willoughby Road & 1A - 27 Walter Street WILLOUGHBY NSW 2068  
**Ref/File No.:** Sydney North Planning Panel - PPSSNH-264 - Willoughby - Public meeting DA-2021/300  
**Subject:** Change Recommendation from deferred commencement consent to operational consent, accompanying changes and others to draft conditions

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## Engineering

The outstanding engineering matters that formed the basis of the recommendation for deferred commencement consent have been satisfied, and accordingly the recommendation is for an operational consent.

The deferred commencement condition stated as follows:

### 1. Engineering

- (a) It must be demonstrated that the site can be adequately drained of stormwater and satisfies objectives and technical requirements with respect to flooding and stormwater management, in accordance with Willoughby Development Control Plan 2012 (Part C.5 – Water Management, Attachment 19: Technical Standard No. 1 – Stormwater Design Elements, and Attachment 22: Floodplain management technical standard). The stormwater management system needs to function for all storms up to and including the 1%AEP. Revised plans and supporting documents are to be submitted to Council for approval.

The applicant submitted fresh engineering drawings that satisfactorily address the above requirements. Some architectural plans have also been updated to reflect the changes to engineering drawings. **These plans were uploaded to the Portal yesterday at around 7pm under “Amended Plans”. In addition, a Draft Plan of Amalgamation was also uploaded to the Portal this morning, under “Amended Plans”.** The changes to the architectural plans are described below:

- Drawing A.101/ST1 Rev E, plot dated 19/01/2022 prepared by Architecture Urbaneia shows additional detail at the ramp, including radii, transition ratios and physical separation of ascending and descending lanes.



- Drawing A.103/ST1 Rev E, plot dated 19/01/2022 prepared by Architecture Urbaneia amends the OSD location to align with fresh Engineering Drawing C1-4-60 Rev C, plot dated 15.12.2021 prepared by Calibre Group. The OSD location is shown on the architectural drawing in faint pink.
- Drawing A.112/ST2 Rev E, plot dated 19/01/2022 prepared by Architecture Urbaneia shows additional detail at the ramp, including radii and physical separation of ascending and descending lanes.
- Drawing A.113/ST2 Rev E, plot dated 19/01/2022 prepared by Architecture Urbaneia shows additional detail at the ramp, including radii and physical separation of ascending and descending lanes and amended OSD location to align with fresh Engineering Drawing C2-2-00 Rev D, plot dated 21.01.2022 prepared by Calibre Group.
- Drawing A.114/ST2 Rev E, plot dated 19/01/2022 prepared by Architecture Urbaneia amends the OSD location to align with fresh Engineering Drawing C2-2-00 Rev D, plot dated 21.01.2022 prepared by Calibre Group. The OSD location is shown on the architectural drawing in faint pink.

These changes to the architectural plans are inconsequential and appropriately ensure congruency with the engineering details. The updated architectural and engineering drawings are reflected in an updated approved plans table (condition 1), and result in a change to conditions 36 and 42. These changes are shown below in the recommendation.

#### Right of Carriageway (condition 17)

Further consideration has been given to draft condition 17 in the report, which requires the applicant to establish and register a right of carriageway to benefit 462 Willoughby Road prior to the issue of a Construction Certificate. It is considered a superior approach to require the right-of-way to be registered, in stratum, prior to the issue of the Occupation Certificate (as a new condition 180A). It is considered appropriate to replace condition 17 with a condition requiring that the right-of-way in stratum be shown on the drawings prior to the issue of the Construction Certificate. The wording of the conditions is proposed as follows:

#### **17. Right of Carriageway**

A right-of-way over 1-13 Walter Street and 452-460 Willoughby Road Willoughby in stratum, to provide 462 Willoughby Road with vehicular access to and from Walter Street, must be notated on the drawings prior to issue of the Construction Certificate. The stratum is determined by a finished floor level of RL 47.90 and a ceiling level determined by slab above RL51.27 (minus services) as depicted on Drawing A.102/ST1 Rev D, plot dated 08.12.2021 prepared by Architecture Urbaneia.

#### **180A. Right of Carriageway**

A formal right-of-carriageway in stratum must be created over 1-13 Walter Street and 452-460 Willoughby Road Willoughby to provide 462 Willoughby Road with vehicular access to and from Walter Street. The right-of-carriageway must be registered and evidence provided to Council of such, prior to the issue of the Occupation Certificate.



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### Affordable Housing (condition 137)

Condition 137 as it appears in the draft consent has been inadvertently incorporated and requires deletion. The proposed affordable housing dedication emanates from the LEP as opposed to the SEPP.

### Environmental Planning & Assessment Regulation 2000

Within the Section 4.15 Assessment (page 109) of the report a typographical error indicates any consideration of any matters prescribed by the Regulations as “N/A”, however an assessment was undertaken with respect to (inter alia) demolition that led to the imposition of draft condition 81 of the consent (Demolition Work AS 2601-2001).

### On-site Car Parking (condition 189)

Further consideration has been given allocation of car spaces and it is considered appropriate to add the highlighted sentences to condition 189, to ensure appropriate allocation of car spaces, as follows:

#### **189. On-site Car Parking**

The on-site car parking provision of 218 car parking spaces, 12 motorbike spaces and 32 bike spaces are to be permanently available for the life of the development in the locations shown on the approved plans.

The car parking spaces shall be distributed as follows:

177 residential car spaces (of which 55 are adaptable car spaces)  
41 residential visitor car spaces

A minimum of 17 adaptable units are to be provided with one adaptable car parking space.  
1 car space is to be allocated to every 1- and 2- bedroom unit.  
A maximum of 2 spaces are to be allocated to every 3-bedroom unit.

All spaces must be clearly and visibly marked on site for their intended use as parking for residents, visitors, disabled, office and retail or loading bay.

The basement level/level car parking comprising of residential car parking spaces must only be accessible to residents at all times.  
(Reason: Ensure Compliance)



## **UPDATED RECOMMENDATION:**

That DA-2021/300 (Sydney North Planning Panel - PPSSNH-264 – Willoughby) be approved subject to:

- i. Deletion of the deferred commencement condition.
- ii. Condition 1 be updated 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
Architectural Drawings	A.010	D	13/12/2021	Architecture Urbaneia
	A.011	E	13/12/2021	
	A.101/ST1	<del>D</del> E	<del>08/12/2021</del> 19/01/2022	
	A.102/ST1	D	08/12/2021	
	A.103/ST1	<del>D</del> E	<del>08/12/2021</del> 19/01/2022	
	A.104/ST1	D	08/12/2021	
	A.105/ST1	D	08/12/2021	
	A.106/ST1	D	08/12/2021	
	A.107/ST1	D	08/12/2021	
	A.108/ST1	D	08/12/2021	
	A.109/ST1	D	08/12/2021	
	A.110/ST1	D	08/12/2021	
	A.111/ST1	D	08/12/2021	
	A.112/ST2	<del>D</del> E	<del>08/12/2021</del> 19/01/2022	
	A.113/ST2	<del>D</del> E	<del>08/12/2021</del> 19/01/2022	
	A.114/ST2	<del>D</del> E	<del>08/12/2021</del> 19/01/2022	
	A.115/ST2	D	08/12/2021	
	A.116/ST2	D	08/12/2021	
	A.117/ST2	D	08/12/2021	
	A.118/ST2	D	08/12/2021	
	A.119/ST2	D	08/12/2021	
	A.120/ST2	D	08/12/2021	
	A.121/ST2	D	08/12/2021	
	A.122/ST2	D	08/12/2021	
	A.151/1	D	08/12/2021	



	A.151/2	D	08/12/2021	
	A.153/1	D	08/12/2021	
	A.154/1	D	08/12/2021	
	A.155/1	D	08/12/2021	
	A.156/1	D	08/12/2021	
	A.160	D	08/12/2021	
	A.160A	C	27/09/2021	
	A.161	D	08/12/2021	
	A.162	D	08/12/2021	
	A.163	D	08/12/2021	
	A.164	D	08/12/2021	
	A.166	D	08/12/2021	
	A.167	C	27/09/2021	
	A.168	C	27/09/2021	
	A.169	D	08/12/2021	
	A.170	D	08/12/2021	
	A.171	D	08/12/2021	
	A.172	D	08/12/2021	
	A.173	D	08/12/2021	
	A.174	D	08/12/2021	
	A.175	D	08/12/2021	
	A.176	D	08/12/2021	
	A.177	D	08/12/2021	
	A.178	C	27/09/2021	
	A.179	D	08/12/2021	
	A.179A	D	08/12/2021	
	A.179B	D	08/12/2021	
Draft Plan of Amalgamation	-	-	02/12/2021	Joseph Manardo Surveyor
Adaptable and Liveable Drawing Set	A.401	A	03/12/2021	Architecture Urbaneia
	A.402 to A.411 A413, A414	D	07/12/2021	
	A.414A	A	07/12/2021	
	A.414B	A	07/12/2021	
	A.414D	A	07/12/2021	
	A.415 to A.420 inclusive	D	07/12/2021	
Master Landscape Plan	2334 LP – 00	02	20/09/2021	John Lock & Associates
Landscape Plans	2334 LP – 00.1	02	20/09/2021	John Lock & Associates
	2334 LP – 00.2	02	20/09/2021	
	2334 LP – 00.3	02	20/09/2021	
	2334 LP – 00.4	02	20/09/2021	
	2334 LP – 00.4	02	20/09/2021	



	2334 LP – 01.1	02	20/09/2021	
	2334 LP – 01	02	20/09/2021	
	2334 LP – 02.1	02	20/09/2021	
	2334 LP – 02	02	20/09/2021	
	2334 LP – 03	02	20/09/2021	
	2334 LP – 04	02	20/09/2021	
Civil Plans	R-0-00	Rev B	26/09/2021	Calibre Group
	R-0-01	Rev A	26/09/2021	
	R-0-02	Rev B	26/09/2021	
	R-1-10	Rev A	26/09/2021	
	R-1-15	Rev A	26/09/2021	
	R-2-00	Rev D	14/12/2021	
	R-3-10	Rev C	01/12/2021	
	R-3-20	Rev B	26/09/2021	
	R-3-80	Rev B	26/09/2021	
	R-3-81	Rev B	26/09/2021	
	R-4-20	Rev A	26/09/2021	
Driveway Longitudinal Section	C1-2-10	B	07/12/2021	Calibre Group
	C2-2-10			
Stormwater Plans	C1-2-00	<del>D</del> E	<del>14/12/2021</del> 20/1/2022	Calibre Group
	C1-4-20	<del>C</del> D	<del>15/12/2021</del> 20/1/2022	
	C1-4-30	<del>E</del> F	<del>15/12/2021</del> 20/1/2022	
	C1-4-60	<del>C</del> D	<del>15/12/2021</del> 20/1/2022	
	C2-2-00	<del>C</del> D	<del>13/12/2021</del> 21/1/2022	
	C2-4-20	<del>B</del> C	<del>13/12/2021</del> 21/1/2022	
	C2-4-30	<del>D</del> E	<del>15/12/2021</del> 21/1/2022	
	C2-4-60	<del>B</del> C	<del>13/12/2021</del> 21/1/2022	
	R-3-10	C	1/12/2021	

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)

iii. Condition 36 to be updated as follows:

### 36. Detailed Stormwater Management Plan (SWMP)

Prior to the issue of the Construction Certificate for each Stage, submit to the Certifier 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 generally be in accordance with the concept stormwater management plans, prepared by Calibre – C1-2-00/E, C1-4-20/D, C1-4-30/F, C1-4-60/~~F~~ **D all dated 20/1/2022**, C2-2-00/D, C2-4-20/C, C2-4-30/E, C2-4-60/C all dated 21/1/2022. All drawings shall comply with Part C.5 of Council's Development Control Plan, Technical Standard 1, AS/NSZ3500.3 – *Plumbing and Drainage Code and National Construction Code*. The pipe network draining to the OSD tank/s shall be designed for the 1%AEP storm event, unless the overland flow path for the system drains to the tank/s. The overflow from the tanks is to be in a visible location and be either through the access grate in the top of the tank or an overflow weir through the site of the tank. The plans shall incorporate the following:

- For the Stage 1 tank, in addition to the access covers provided on the north side of the tank, an access grate shall be provided in a common area as close to the north side of the tank as possible.
- The outlet from the Stage 2 western OSD tank is to connect to the stormwater pit in Walter Street (R2/E5) and not to the pit in the private stormwater easement.
- For the eastern Stage 2 OSD tank (Site 2 Tank 2), access points are to be provided in all four corners of the tank.
- Treatment system is to be incorporated in the eastern Stage 2 OSD tank (Site 2 Tank 2), similar to other tanks.
- Runoff draining to rainwater tanks is to be from roof areas only, to minimise contamination of stored water.
- The invert level of the orifice is to be flush with the base of the outlet sump / tank floor.
- Minimum of 300mm freeboard between the overflow water level from the OSD tanks and the adjacent floor level.

(Reason: Ensure compliance)

iv. Condition 42 be updated to read as follows:

### 42. Driveway Longsection

Prior to issue of the Construction Certificate for each Stage and in order to assess the susceptibility of vehicles to scraping as they pass over the proposed access driveway the applicant shall submit longitudinal sections for approval by the certifying authority along each side of the proposed vehicular access path 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



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- 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 Council's standard vehicle profile (SD100). All driveway grades and transitions shall comply with AS/NZS 2890.1 -2004 and Council's specifications.

The new crossing for Stage 1 is to be 6.6 metres wide with no splays and be constructed at right angle to street kerb and the new crossing for Stage 2 is to be 7.0m wide and be constructed at right angle to street kerb. The footpath which forms part of the proposed crossing shall have a maximum crossfall of 2.5% towards the kerb. For the design levels of the vehicular crossing at the property boundary, the following shall be complied with, unless written approval is gained from Council for alternate levels:

- (a) At back of layback – 100 mm above and parallel to the gutter invert.
- (b) At property boundary – 150mm minimum above and parallel to the gutter invert ~~and above adjacent PMF level, whichever is higher~~
- (c) **Crest pf driveway – At or above the PMF level.**

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)

v. Condition 17 be replaced to read as follows:

#### **17. Right of carriageway**

A right-of-way over 1-13 Walter Street and 452-460 Willoughby Road Willoughby in stratum, to provide 462 Willoughby Road with vehicular access to and from Walter Street, must be notated on the drawings prior to issue of the Construction Certificate. The stratum is determined by a finished floor level of RL 47.90 and a ceiling level determined by slab above RL51.27 (minus services) as depicted on Drawing A.102/ST1 Rev D, plot dated 08.12.2021 prepared by Architecture Urbaneia.

vi. Condition 180A be added to read as follows:

#### **108A. Right of carriageway**

A formal right-of-carriageway in stratum must be created over 1-13 Walter Street and 452-460 Willoughby Road Willoughby to provide 462 Willoughby Road with vehicular access to and from Walter Street. The right-of-carriageway must be registered and evidence provided to Council of such, prior to the issue of the Occupation Certificate.

vii. That Condition 137 be deleted.

viii. That Condition 189 be updated to include the wording shown highlighted, to read as follows:



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## **189. On-site Car Parking**

The on-site car parking provision of 218 car parking spaces, 12 motorbike spaces and 32 bike spaces are to be permanently available for the life of the development in the locations shown on the approved plans.

The car parking spaces shall be distributed as follows:

177 residential car spaces (of which 55 are adaptable car spaces)

41 residential visitor car spaces

A minimum of 17 adaptable units are to be provided with one adaptable car parking space.

1 car space is to be allocated to every 1- and 2- bedroom unit.

A maximum of 2 spaces are to be allocated to every 3-bedroom unit.

All spaces must be clearly and visibly marked on site for their intended use as parking for residents, visitors, disabled, office and retail or loading bay.

The basement level/level car parking comprising of residential car parking spaces must only be accessible to residents at all times.

(Reason: Ensure Compliance)

Peter Wells  
Consultant Planner