

## COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSNH-298
DA Number	DA-2019/247/A
LGA	Willoughby City Council
Proposed Development	Modification of consent for demolition of existing structures and construction of a new registered club, three seniors living apartment buildings containing self-contained dwellings, a residential aged care facility, shop top housing, basement carparking and ancillary uses including a new park
Street Address	26 Crabbes Avenue, Willoughby NSW 2068 and 243, 247 to 255 Penshurst Street, Willoughby NSW 2068
Applicant/Owner	Applicant: Hycorp Property Group Owners: Willoughby Legion Ex-Services Club Ltd (26 Crabbes Avenue) Dants Pty Ltd (247-255 Penshurst Street)
Date of DA lodgement	8 February 2022
Number of Submissions	Six (6) objections
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	S4.55(2) development standard exceeded by more than 10% (8m building height standard under Seniors SEPP)
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> <li>• <i>SEPP (Infrastructure) 2007 - Schedule 3 – Traffic Generating Development</i></li> <li>• <i>SEPP No 55 – Remediation of Land</i></li> <li>• <i>SEPP (Vegetation in Non-Rural Areas) 2017</i></li> <li>• <i>SEPP (Housing for Seniors or People with a Disability) 2004</i></li> <li>• <i>Sydney Regional Environmental Plan (Sydney Harbour Catchment) – Deemed SEPP</i></li> <li>• <i>Willoughby Local Environmental Plan 2012</i></li> <li>• <i>Willoughby Development Control Plan</i></li> </ul>
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> <li>• Assessment Report</li> <li>• Site Compatibility Certificate</li> <li>• Schedule of Conditions</li> <li>• Site Description and Aerial Photo</li> <li>• Controls, Referrals &amp; Development Statistics</li> <li>• Submissions Table</li> <li>• Section 4.15 (79c) Assessment</li> <li>• Notification Map</li> </ul>
Report prepared by	Peter Wells (Development Assessment Consultant)
Report date	5 July 2022

<b>Summary of s4.15 matters</b>	<b>Yes</b>
Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	
<b>Legislative clauses requiring consent authority satisfaction</b>	<b>Yes</b>
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? <i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i>	
<b>Clause 4.6 Exceptions to development standards</b>	<b>N/A</b>
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?	
<b>Special Infrastructure Contributions</b>	<b>No</b>
Does the DA require Special Infrastructure Contributions conditions (S7.24)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	
<b>Conditions</b>	<b>Yes</b>
Have draft conditions been provided to the applicant for comment? <i>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</i>	

**SNPP NO:** PPSSNH-298  
**COUNCIL:** WILLOUGHBY CITY COUNCIL  
**ADDRESS:** 26 Crabbes Avenue & 243, 247 - 255 Penshurst Street  
NORTH WILLOUGHBY NSW 2068.  
**DA NO:** DA-2019/247/A  
**PROPOSAL:** MODIFICATION OF CONSENT FOR DEMOLITION OF  
EXISTING STRUCTURES AND CONSTRUCTION OF A NEW  
REGISTERED CLUB, SENIORS LIVING CONTAINING SELF  
CONTAINED DWELLINGS, A RESIDENTIAL AGED CARE  
FACILITY, NEW SHOP TOP HOUSING, BASEMENT  
CARPARKING AND ANCILLARY USES INCLUDING A NEW  
PUBLICLY ACCESSIBLE PARK.  
**RECOMMENDATION:** APPROVAL  
**ATTACHMENTS:**  

1. SITE DESCRIPTION AND AERIAL PHOTO
2. NOTIFICATION, CONTROLS, DEVELOPER  
CONTRIBUTIONS AND REFERRAL ASSESSMENT  
COMMENTS
3. ASSESSMENT UNDER SITE COMPATIBILITY  
CERTIFICATE CONTROLS
4. ASSESSMENT OF SEPP (SENIORS HOUSING)
5. ASSESSMENT UNDER WLEP AND WDCP
6. SUBMISSIONS TABLE
7. SECTION 4.15 (79C) ASSESSMENT
8. NOTIFICATION MAP
9. SCHEDULE OF CONDITIONS

**RESPONSIBLE OFFICER:** RITU SHANKAR - DEVELOPMENT TEAM LEADER  
**AUTHOR:** PETER WELLS – DEVELOPMENT ASSESSMENT  
CONSULTANT  
**DATE:** 05-JUL-2022

## **1. PURPOSE OF REPORT**

The development application DA-2019/247/A is reported to the Sydney North Planning Panel (SNPP) for determination as it is a 4.55(2) application where a development standard (building height under the Seniors SEPP) is exceeded by more than 10%.

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

**THAT the Sydney North Planning Panel (SNPP):**

- 2.1** Supports the proposed departure (as no Clause 4.6 required) to the height development standard contained in Clause 40 of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* for Building B for the following reasons:

- a) The SCC provides a greater height allowance, indicating the site to be suitable for more intensive development;

- b) The proposed height of Building B does not create detrimental impacts on surrounding properties, including privacy, solar access, view sharing, and general amenity for the surrounding residences;
- c) The proposed height of Building B retains its congruence with the other buildings on the site.

**2.2 Approve the modification application for demolition of existing structures and construction of a new registered club, seniors living containing self contained dwellings, a residential aged care facility, new shop top housing, basement carparking and ancillary uses including new publicly accessible park at 26 Crabbes Avenue & 243, 247 - 255 Penshurst Street NORTH WILLOUGHBY NSW 2068 for the following reasons:**

- a) The Independent living units and the residential aged care facility satisfy all relevant controls and objectives;
- b) The proposal does not create any adverse or unreasonable impacts to surrounding residences and the surrounding locality;
- c) The proposal satisfies Cl 4.15 of the *Environmental Planning & Assessment Act 1979*.

### **3. DESCRIPTION OF PROPOSAL**

#### **3.1 Proposed Development**

The modification application proposes the following:

- a) Extend the lower basement level to accommodate 13 parking spaces (for staff of the Independent Living Units) – refer to Drawing DA 2.01 Rev F Plan 1 Basement (FFL RL 87.60);
- b) Parking layout amended including circulation ramps, truck bay and ambulance bay modified, lift cores and fire egress stairs, plenum added around perimeter walls;
- c) Breakthrough panel to 259 Penshurst Street added to lower ground floor basement – refer to Drawing DA 2.03 Rev F Plan 3 (FFL RL 90.70).
- d) New services and basement storage located under Building B and shop-top housing component;
- e) Internal layout of Residential Aged Care Facility modified;
- f) Building A Foyer has been modified for functionality;
- g) Motorbike parking relocated;
- h) 28 bicycle racks provided;
- i) Screening planters added to the north, south and west of Porte-Cochere;

#### Block A

- a) Unit mix and layout reduced from 102 to 95;
- b) Roof top terrace changes to landscaping, additional of plant and services, addition of unisex accessible bathroom.
- c) The eastern part of Block B is proposed to be raised 500mm;
- d) Lift cores, lobby and fire egresses modified.

#### Block C

- a) Unit layouts modified;
- b) Garbage chute added;
- c) Lift cores, lobby and fire egresses modified.

#### Changes to RACF

- a) Reduction in number of RACF units from 49 to 47;
- b) Internal layouts modified;
- c) Amendments to landscaping.

Changes to Memorial Park and Green Corridor

- a) New enclosed lift connects Memorial Park and Green Corridor, and provides access to the amenities area under Block A and the store areas under Block B;
- b) Redesign the Walkway connecting Civic Walk to Legion Way and associated landscaped areas;
- c) Right of way to allow vehicular access to neighbouring property;
- d) New stairs between Civic Walk and Legion Way;
- e) New pedestrian gate and fence included.

Changes to north façade of RACF

- a) Changes to building entry;
- b) Full height windows and vertical elements to façade
- c) Open brick pattern for enhanced façade expression.

Changes to south facade of RACF

- a) Full height windows to units for improved amenity to patients;
- b) Fixed screens for privacy;
- c) Vertical decorative brick pattern for façade expression;
- d) At roof level, introduction of non-trafficable landscaped areas for natural lighting and ventilation of the units.

Changes to east facade of RACF

- a) 1.8m high fixed glass balustrade at Levels 1 and 2 for safety;
- b) Relocation of stairways for improved functionality and safety.

Changes to west facade of RACF

- a) Full height windows and vertical elements for façade expression;
- b) Open brick pattern for facade expression;
- c) Reconfiguration of stairway for improved safety.

The modification seeks modification to:

- a) Condition 1 – Approved Plan/Details
- b) Condition 34 – External finishes
- c) Condition 75 – Amalgamation of sites and street numbering
- d) Condition 153 – On-site car parking

The modification seeks to include 15 Horsley Avenue in the site address description as it is burdened with a stormwater easement to drain the subject site of stormwater.



Figure 1: Description of buildings throughout the development (Source: Plan 4 by Amglen)

### 3.1.1 Demolition

The proposal does not change the approved demolition, wherea all existing buildings are to be demolished (including the bowling greens). The existing club is proposed to operate until the new club building is constructed and ready for occupation. Once the new club is fully constructed and occupied, demolition of the existing club building will follow.

### 3.1.2 Excavation and Basement Carpark

The extent of excavation is increased by this modification application at Level Plan 1 (lower basement level). The excavation at this level has been approved approximately 36.5m from the northern boundary, whereas it is now approximately 11m from the northern boundary. This updated basement level sits beneath an approved basement level that has a greater spread and is located closer to the northern boundary (6m with the exception of the OSD tank). In this regard, there is no loss of deep soil and landscaped area. The quantum of additional excavation is considered acceptable.

## **4. BACKGROUND OF ASSESSMENT**

### **4.1 Requirements for a Site Compatibility Certificate**

The allotments located within 26 Crabbes Avenue and 243 Penshurst Street are zoned RE2 (Private Recreation) with the exception of Lot 11 Section C DP 6291 which is zoned R2 Low Density Residential. This R2 zoned site is located in the far north-eastern corner of the site. The site (lots zoned RE2 and R2) are owned and operated by a Registered Club.

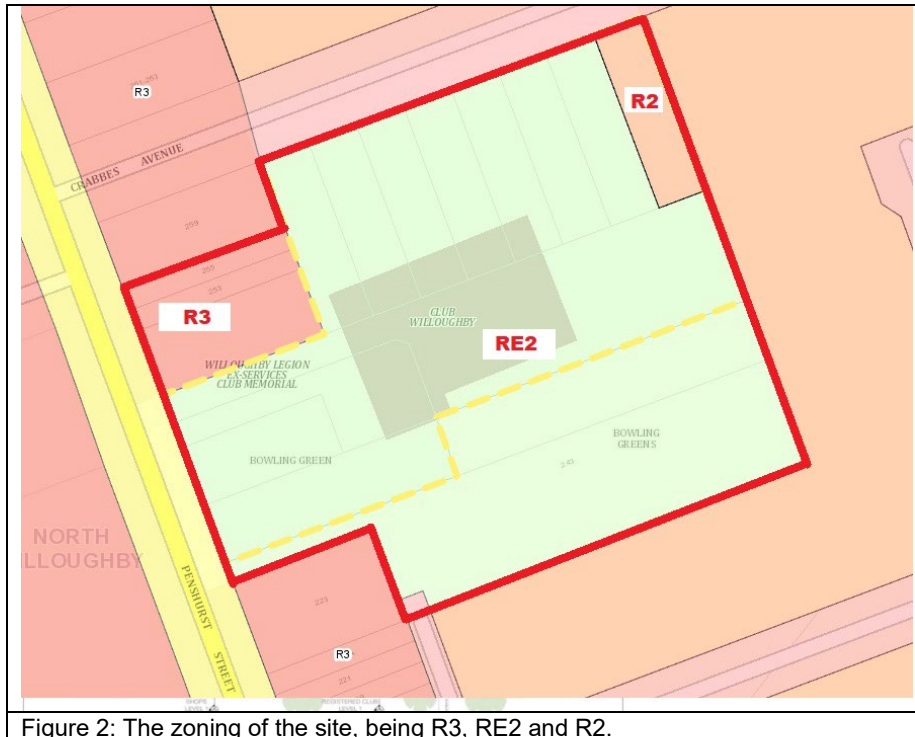


Figure 2: The zoning of the site, being R3, RE2 and R2.

In accordance with clause 24 of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, a Site Compatibility Certificate was obtained from the NSW Department of Planning (The Department) for the purpose of seniors housing development if the land is used for the purposes of an existing registered club.

Hyecorp Property Group lodged an application to the NSW Department of Planning to obtain a Site Compatibility Certificate on 24 January 2018 with the intention to develop seniors housing, a Residential Aged Care Facility and a new Registered Club at 26 Crabbes Avenue, North Willoughby.

#### **4.1.1 Notification of Site Compatibility Certificate to Council**

Willoughby Council was notified of the application for a Site Compatibility Certificate for the relevant sites on 07 February 2018. The Council provided a response to the Department on 20 March 2018 which addressed the loss of publicly accessible open space, a request for various development controls to be applied and concluded that Seniors Living development is compatible with the subject land.

#### **4.1.2 Issue of Site Compatibility Certificate**

The Department issued a Site Compatibility Certificate (SCC) to the applicant on 30 August 2018. The SCC was updated on 24 September 2020 and again on 27 October 2020, where

the latter Certificate confirmed that previous reference to cl 45 Seniors SEPP was made in error and that vertical villages does not apply.

The SCC concluded the subject site is suitable for more intensive development and development for the purpose of seniors living is compatible with the surrounding land uses. Schedule 2 of the SCC provides the particular requirements imposed on the proposed development.

#### **4.1.3 Request for an Amended Proposed Development in Response to Issues**

In the original application, Council requested the following amendments be made:

1. The number of storeys in Building B to be reduced;
2. Building C to be further excavated for the ground level to be more in line with the existing ground level of the neighbouring properties within Summerville Crescent;
3. Various amendments to the basement to meet traffic and engineering requirements.

The applicant responded with the following:

1. The number of storeys in Building B reduced from five (5) to four (4);
2. Building C further lowered to RL 94.00 and RL 95.00;
3. Amendments made to comply with traffic and engineering requirements.

On 3 November 2020 the Sydney North Planning Panel deferred its determination because it was not satisfied the proposal was permissible in terms of the number of storeys stated within the Site Compatibility Statement. The Panel also raised concerns about stormwater disposal.

Amended plans and stormwater documentation were submitted and on 18 February 2021 the Sydney North Planning Panel approved the development as a deferred commencement consent. Amongst other considerations, including the proposal being within 400m of the North Willoughby commercial area pursuant to Clause 26 of the Seniors SEPP, the Panel noted that “personal and nursing care will be provided within the site for future residents of the development”. The Panel was also satisfied that the transition in building height from 5 storeys at the centre of the site, graduating down to 3 storeys at the northern boundary and 2 storeys at the eastern and southern boundaries satisfied the Site Compatibility Certificate dated 24 September 2020.

#### **4.1.4 Current application**

The subject development application was submitted on 8 February 2022 and notified between 28 February and 21 March 2022, where 6 submissions were received. A Kick-off Briefing was held on 27 April 2022, where the key issues raised were:

- a) Clarification on the proposed FSR and GFA and how the GFA has been calculated.
- b) Clarification on reduction of the basement level to 223 Penshurst Street.
- c) Approved and proposed building heights under applicable SEPPs.
- d) Screening in the form of 1:20 detail to ensure privacy to the east facing windows of the aged care facility.
- e) Engineering.
- f) Introduction of the external lift.
- g) Inclusion of 15 Horsley Avenue (burdened by proposal’s drainage easement) in the site description.

The deferred commencement conditions were satisfied and the consent made operative on 6 June 2022.



Another modification application (DA-2019/247/B) was received 27 May 2022 seeking to remove trees on the northern boundary. This application will be dealt with under delegated authority.

**ATTACHMENT 1: SITE DESCRIPTION AND AERIAL PHOTO**

**1.0 Description of the Subject Site**

The subject sites are known as 26 Crabbes Avenue, 243 Penshurst Street and 247-255 Penshurst Street, North Willoughby, NSW 2068. The proposed development is located within the allotments as shown in Table 1 and Figure 3 below:

	<b>Legal Description</b>	<b>Zoning</b>	<b>Total Lot Size</b>
<b>26 Crabbes Avenue</b>	Lots 4 to 10 Section C DP 6291 Lot 11 Section C DP 6291 Lots B DP 438684 Lot 1 DP 950651 Lots 1 and 2 DP 950652	RE1 R2 RE1 RE1 RE1	The total size of the lots combined which contain the Seniors Living and Club is 13788m <sup>2</sup> . This was initially assessed under the SCC and does not change as a result of this application.
<b>243 Penshurst Street</b>	Lot A DP 438684 Lot B DP 364487	RE1 RE1	
<b>247-255 Penshurst Street</b>	Lot 100 DP 858335 Lots A and B DP 23465	R3 R3	The total size of the lots combined is 1164m <sup>2</sup> . For clarity, these lots did not form part of the assessment of the SCC.
<b>Easement to drain stormwater</b>			
<b>15 Horsley Avenue</b>	Lot 12 DP 14241	R2	N/A

Table 1: The lots of the subject sites, their Lot and DP numbers and the respective zoning of each lot



Figure 3: Aerial view of all relevant lots (Council's mapping system)

The applicant, as part of this modification application, seeks to have included in the site description, 15 Horsley Avenue on the basis that the proposal will drain its stormwater through 15 Horsley via an established easement.

The site currently contains a Registered Club (Club Willoughby), car park, sporting greens, a War Memorial and other ancillary structures. The Registered Club is two (2) storeys in height and located centrally on the site. This modification proposes no changes to the Club. There is a secondary one (1) storey building located in the south-western corner of the site (within Lot B DP 364487) which is utilised by the Club.

Within 247-255 Penshurst Street, there is an existing two (2) storey commercial premises which a frontage to Penshurst Street. The ground floor contains shops facing Penshurst Street.

The site is located within an established urban residential area comprising of detached dwellings and higher density residential buildings and commercial premises fronting Penshurst Street. A summary of the surrounding context is outlined as follows:

- a) Adjoining the site to the north-west is a two (2) storey commercial premise currently occupied by the Armenian Cultural Centre.
- b) To the north of the site is Crabbes Avenue which contains a number of detached dwellings ranging from one (1) to two (2) storey.
- c) To the east of the site is a low density residential area consisting of one (1) to two (2) storey detached dwellings. The dwellings within Summerville Crescent are located within the Horsley Avenue Conservation Area.
- d) To the south of the site are low density residential dwellings within Horsley Avenue and Forsyth Street consisting of one (1) to two (2) storey detached dwellings. The dwellings within Horsley Avenue are located within the Horsley Avenue Conservation

Area. The dwellings within Forsyth Street are not located within a heritage conservation area.

- e) To the west, north-west and south-west of the site is Penshurst Street which contains a mixture of higher density residential buildings such as Residential Flat Buildings which range up to four (4) storeys in height. The zoning along Penshurst Street in close proximity to the site is R3 Medium Residential
- f) Further to the north-west of the site is an established local commercial centre in North Willoughby – zoned B2 Local Centre – which has a range of residential, commercial and community uses.
- g) Further to the south is an established local commercial centre (Penshurst Street centre) – zoned B2 Local Centre and B5 Business Development – which has a range of residential, commercial and community uses.
- h) Further to the east of the site is an established local commercial centre (High Street Centre) – zoned B1 Neighbourhood Centre – which has a range of residential, commercial and community uses.
- i) Bales Park is a publicly accessible park situated approximately 400m to the west of the site

## ATTACHMENT 2: NOTIFICATION, CONTROLS, DEVELOPER CONTRIBUTIONS AND REFERRAL ASSESSMENT COMMENTS

### 2.0 Neighbour Notification

The development application was notified in accordance with the Willoughby Community Participation Plan for a period of twenty-one (21) days from 28 February and 21 March 2022. During the notification period, six (6) submissions were received by Council. The issues detailed within the submissions are addressed in **Attachment 6** of this report.

### 2.1 Controls and Classification

WLEP 2012 Zoning:	See Attachment 1 for zoning of each allotment
Conservation Area	No – however the site adjoins the Horsley Avenue Conservation Area
Heritage Item	No
Vicinity of Heritage Items	No – there are Local Heritage Items located at 1, 3 and 5 Clanwilliam Street, 190, 206 and 208 High Street, and 238 Penshurst Street. These items are not impacted by the proposed development and are not considered within close proximity to the subject site.
Bushfire Prone Area	No
Flood Prone Lot	No

Table 2: Controls

### 2.2 Developer's Contribution Plans:

Prior to the issue of any Construction Certificate, a monetary contribution is to be paid to in accordance with section 7.11 and 7.12 of *Environmental Planning and Assessment Act, 1979* in the amount of **\$1,422,110.44** for the purposes of the Local Infrastructure identified in the *Willoughby Local Infrastructure Contributions Plan*.

In accordance with clause 2.8 and Table 1 of *Willoughby Local Infrastructure Contributions Plan 2019* ('WLIC Plan'), given the proposal is a mixed-use development, either the s7.11 or s7.12 contributions may apply depending on whichever yields more. As such, the following calculations are demonstrated to determine which type of contributions would apply:

Prior to the issue of the Construction Certificate, a monetary contribution is to be paid to in accordance with section 7.11 of *Environmental Planning and Assessment Act, 1979* in the amount of \$ 1,422,110.44 for the purposes of the Local Infrastructure identified in the *Willoughby Local Infrastructure Contributions Plan*.

Active transport and public domain facilities	\$60,649.80
Open space and recreation facilities	\$1,114,675.41
Plan administration	\$21,016.17
Recoupment community facilities	\$214,371.84
Recoupment open space and recreation	\$11,397.22
<b>TOTAL</b>	<b>\$1,422,110.44</b>

It should be noted that s7.11 contribution credits for demolishing existing structures are not given as the registered club is being replaced by the construction of a new club which is not to be inclusive for the purpose of calculating s7.11 contributions as demonstrated above.

## 2.3 Assessment Comments from Referral Bodies

Internal Council Referrals	
<b>Heritage</b>	<p><i>Council's Heritage Advisor has provided the following assessment comments:</i></p> <p>The subject site is adjacent to the Horsley Avenue HCA, with the eastern and southern sides directly next door to the <i>rear</i> of the houses along Horsley Avenue and Summerville Crescent. The buildings on the subject site with the closest proximity to the HCA are therefore <b>Block C and the Residential Aged Care Facility (RACF) Building</b>.</p> <p>Generally, the total number of storeys and setbacks of the built components on the site will remain the same as the approved DA consent design. The height of the buildings of the RACF, Block A and Block C are also remaining the same.</p> <p>Additionally, the internal changes and modifications to the basement level will not be visible from the exterior. A condition of consent already applies to the DA consent to conduct a dilapidation survey and report to the adjoining properties and is recommended.</p> <p><b>RACF Building</b> – the south elevation is facing towards the rear properties of Horsley Avenue. The details of the elevation are difficult to assess in the 1:20 scaled drawing, however, the windows are larger at second storey, and may have overlooking impacts in to the rear of the houses along Horsley Avenue. Fixed screens are included in the design but their location may need to be assessed to ensure they are positioned to maximise privacy and overlooking.</p> <p><b>Block B</b> – next door to Crabbes Avenue properties – not HCA. The eastern part of the building is proposed to be 500mm higher. Any such increase in height will not likely have an impact on the HCA.</p> <p><b>Block C</b> - has a north-south orientation adjacent to Summerville Crescent – no changes that will significantly impact the amenity of the HCA.</p> <p>The proposed modifications are relatively minor in terms of their potential to impact on the adjacent Horsley Heritage Conservation Area. The modifications will change the appearance of the subject buildings but are minor in terms of their massing, form and setbacks of the buildings and any potential amenity impacts this may have on the HCA are negligible. The proposal is therefore considered acceptable from a heritage perspective.</p> <p><u>Planning Assessment Officer Response:</u></p> <p>With regards to Council's Heritage Advisor's comments about potential overlooking impacts from upper storey south-facing RACF windows, the applicant submitted privacy screen details (see Attachment 6 of this report) and confirmed with Council's planning assessment officer on Friday 1 July 2022 that these screens extend not just for the eastern elevation but for the entire upper storey at the southern elevation. The privacy screens are horizontally arranged with different spacing between members to strike an acceptable balance between privacy for adjoining properties and internal</p>

	<p>residential amenity for the occupants of the RACF. It is warranted, to ensure the privacy screens are captured in the Construction Certificate drawings, to include a condition to require the privacy screen detail to be shown on the Construction Certificate drawings.</p> <p>The Assessment Officer has taken into consideration the above assessment and concludes the impact on the heritage value and character of the Horsley Avenue Conservation Area to be acceptable.</p>
<b>Engineering</b>	<p>Council's Development Engineer has provided the following assessment comments:</p> <p>Council's engineers have reviewed the above application with regards elements relevant to this section.</p> <p>The revised documents confirmed that the size of parking spaces comply with the relevant standards. Access to virtually all parking is behind boomgates. Information has been provided that details that number plate recognition will be used to allow access. Operation of this system needs to ensure that visitors to the club and to the aged care facility, so that they use the parking provided and don't park in the street.</p> <p>The revised stormwater plans have addressed the issues raised previously.</p> <p>Subject to the modifications detailed, we have no objection to the above modification.</p> <p><u>Planning Assessment Officer Response:</u></p> <p>Council's engineers accept the modified proposal and modify conditions 12 - Detailed Stormwater Management Plan (SWMP), condition 20 - Co-ordinated Plans, and condition 96 - On-site Water Management System.</p> <p>The Assessment Officer has taken into consideration the above assessment and concludes the proposal as modified is satisfactory with respect to stormwater management.</p>
<b>Traffic Management</b>	<p>I have no objections to the DA and have no conditions to provide. All conditions of consent from the original DA for this site apply to this DA. Please accept this communication as the Traffic and Transport report for this DA.</p> <p><u>Planning Assessment Officer Response:</u></p> <p>The Assessment Officer has taken into consideration the above assessment and concludes the proposal as modified is satisfactory with respect to traffic management.</p>
<b>Building Services</b>	<p>Council's Building Services Officer has provided the following assessment comments:</p> <p><i>No objections or Conditions.</i></p> <p>The Assessment Officer has taken into consideration the above assessment comments.</p>



**Contributions  
Officer**

Proposed Development involves:

1. Demolition of all existing structures including:
  - Registered 2-storey club building
  - 1-storey ancillary building containing additional rooms and storage spaces
  - War memorial and its associated structures
  - Open car park
  - Sporting greens

2. construction of a 3-storey registered club

3. seniors living development: residential aged care facility accommodating 47 beds

4. seniors living development: 95 self-contained dwellings in the following mix of dwellings:

1-bedroom dwellings	15
2-bedroom dwellings	16
3-bedroom dwellings	64
<b>Total</b>	<b>95</b>

5. Residential Flat Building containing 24 units in the following mix of dwellings:

Studio	2
1-bedroom dwellings	4
2-bedroom dwellings	12
3-bedroom dwellings	6
<b>Total</b>	<b>24</b>

6. 2 to 3 levels underground car parking

7. Ancillary site infrastructure and landscaping

In accordance with clause 2.8 and Table 1 of *Willoughby Local Infrastructure Contributions Plan 2019 ('WLIC Plan')*, given the proposal is a mixed-use development, the s7.11 contributions apply. As such, the following calculations are demonstrated to determine which type of contributions would apply:

Prior to the issue of the Construction Certificate, a monetary contribution is to be paid to in accordance with section 7.11 of *Environmental Planning and Assessment Act, 1979* in the amount of \$ 1,422,110.44 for the purposes of the Local Infrastructure identified in the *Willoughby Local Infrastructure Contributions Plan*.

Active transport and public domain facilities	\$60,649.80
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<b>TOTAL</b>	<b>\$1,422,110.44</b>



External Council Referrals	
<b>Road and Maritime Services (RMS)</b>	<p>RMS provided a list of recommended conditions to be imposed on the consent, as follows:</p> <ul style="list-style-type: none"> <li>All buildings and structures (other than pedestrian footpath awnings), together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth), along the Penshurst Street boundary.</li> <li>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. Documents should be submitted to <a href="mailto:Development.Sydney@rms.nsw.gov.au">Development.Sydney@rms.nsw.gov.au</a>.</li> </ul> <p>A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued.</p> <ul style="list-style-type: none"> <li>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.</li> </ul> <p>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.</p> <p>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) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.</p> <p><u>Assessment officer Response:</u> The above conditions have been included in the recommendation for consent.</p>
<b>AUSGRID</b>	<p>This letter is Ausgrid's response under clause 45(2) of the State Environmental Planning Policy (Infrastructure) 2007. The assessment and evaluation of environmental impacts for a new development consent (or where a development consent is modified) is undertaken in accordance with requirements of Section 79C of the Environmental Planning and Assessment Act 1979. One of the obligations upon consent authorities, such as local councils, is to consider the suitability of the site for the development which can include a consideration of whether the proposal is compatible with the surrounding land uses and the existing environment. In this regard, Ausgrid requires that due consideration be given to the compatibility of proposed development with existing Ausgrid infrastructure, particularly in relation to risks of electrocution, fire risks, Electric &amp; Magnetic Fields (EMFs), noise, visual amenity and other matters that may impact on Ausgrid or the development.</p> <p>With Regard to: Seniors Mixed use Development at 26 CRABBES AVENUE</p>

	<p>NORTH WILLOUGHBY</p> <ul style="list-style-type: none"> <li>• ARCHITECTURAL BINDER - ALL PLANS</li> <li>• ARCHITECTURAL BINDER</li> <li>• GFA PLANS</li> <li>• Masterplan 100 G</li> </ul> <p>Ausgrid consents to the above mentioned development subject to the following conditions:-</p> <p><b>Street lighting</b> The developer is to consider the impact that existing street lighting and any future replacement street lighting and maintenance may have on the development. Should the developer determine that any existing street lighting may impact the development, the developer should either review the development design, particular the placement of windows, or discuss with Ausgrid the options for relocating the street lighting. The relocating of any street lighting will generally be at the developers cost. In many cases is not possible to relocate street lighting due to its strategic positioning.</p> <p><b>Service Mains</b> It appears the existing overhead electricity service mains, that supply the subject property, may not have sufficient clearance to the proposed construction as per the requirements of "The Installation and Service Rules of NSW". It is recommended that the developer engage a Level 2 Accredited Service Provider (ASP) Electrician to ensure that the installation will comply with the Service Rules.</p> <p>There are existing overhead electricity network assets in CRABBES AVENUE &amp; 243-253 PENSHURST STREET. Safework NSW Document – Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding. The “as constructed” minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid’s website, <a href="http://www.ausgrid.com.au">www.ausgrid.com.au</a> Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost. It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site.</p> <p><b>Underground Cables</b> There are existing underground electricity network assets in CRABBES AVENUE &amp; 243-253 PENSHURST STREET. Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Safework Australia – Excavation Code of Practice, and Ausgrid’s Network Standard NS156 outlines the minimum requirements for working around Ausgrid’s</p>
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	<p>underground cables.</p> <p><b>Substation</b>  There are (sic) existing electricity substation S4989 within and S2555 outside of 26 CRABBES AVENUE. The substation ventilation openings, including substation duct openings and louvered panels, must be separated from building air intake and exhaust openings, natural ventilation openings and boundaries of adjacent allotments, by separation distances which meet the requirements of all relevant authorities, building regulations, BCA and Australian Standards including AS 1668.2: The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings. In addition to above, Ausgrid requires the substation ventilation openings, including duct openings and louvered panels, to be separated from building ventilation system air intake and exhaust openings, including those on buildings on adjacent allotments, by not less than 6 metres. Any portion of a building other than a BCA class 10a structure constructed from non combustible materials, which is not sheltered by a non-ignitable blast-resisting barrier and is within 3 metres in any direction from the housing of a kiosk substation, is required to have a Fire Resistance Level (FRL) of not less than 120/120/120. Openable or fixed windows or glass blockwork or similar, irrespective of their fire rating, are not permitted within 3 metres in any direction from the housing of a kiosk substation, unless they are sheltered by a non-ignitable blast resisting barrier. The development must comply with both the Reference Levels and the precautionary requirements of the ICNIRP Guidelines for Limiting Exposure to Time-varying Electric and Magnetic Fields (1 HZ – 100 kHz) (ICNIRP 2010). For further details on fire segregation requirements refer to Ausgrid's Network Standard 141. Existing Ausgrid easements, leases and/or right of ways must be maintained at all times to ensure 24-hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid.</p> <p><u>Assessment officer Response:</u>  The above conditions have been included in the recommendation for consent, with the exception of the substation condition, which is already in the consent as condition 80.</p>
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Table 3: Referral comments from internal and external departments

## **ATTACHMENT 3: ASSESSMENT UNDER SITE COMPATIBILITY CERTIFICATE CONTROLS**

### **3.0 Requirements under the Site Compatibility Certificate**

The Site Compatibility Certificate (SCC) issued by the Department provides a list of requirements imposed on the proposal within Schedule 2. This section of the report addresses each of the requirements within Schedule 2.

Note: the SCC was issued for the allotments within 26 Crabbes Avenue and 243 Penshurst Street (Lots 4 to 11 Section C DP 6291; Lot B DP 364487; Lots A and B DP 438684; Lot 1 DP 950651; and Lots 1 and 2 DP 950652) in accordance with the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

**The requirements within Schedule 2 do not apply to the proposed development within the allotments of 243-255 Penshurst Street (zoned R3 Medium Density Residential).**

### **3.1 Site Compatibility Certificate Conditions**

#### **Condition 1**

This condition requires the seniors housing development to be limited to the land as indicated within the SCC application. Seniors Living development (as modified) is only proposed within the allotments zoned RE2 and R2 in accordance with the SCC and therefore complies with this condition.

#### **Condition 2(a) - Floor Space Ratio**

The maximum floor space ratio (FSR) of the modified proposal for the entire site (being the allotments within 26 Crabbes Avenue and 243 Penshurst Street) is 1.35:1. Below is a table which provides the proposed FSR and Gross Floor Area (GFA), noting that it necessarily **excludes the R3 zone**:

	<b>Lots zoned RE2</b>	<b>Lot zoned R2</b>	<b>Total (SCC land)</b>
<b>Total Land Size</b>	13,231m <sup>2</sup>	558m <sup>2</sup>	13,789m <sup>2</sup>
<b>Permissible Gross Floor Area (GFA)</b>	17,861.85m <sup>2</sup>	753.3m <sup>2</sup>	18,615.15m <sup>2</sup>
<b>Proposed Gross Floor Area (GFA)</b>	15,744.89m <sup>2</sup> (approved) 16,671m <sup>2</sup> (proposed)	413m <sup>2</sup> (unchanged)	17,084m <sup>2</sup>
<b>Permissible Floor Space Ratio (FSR)</b>	1.35:1	1.35:1	1.35:1
<b>Proposed Floor Space Ratio (FSR)</b>	1.19:1 (approved) 1.26 (proposed)	0.74:1 (unchanged)	1.24:1

Table 4: Proposed FSR for allotments within RE2 and R2 zones (Seniors Living, RACF, Club)

Table 1 indicates the proposed FSR and GFA comply with the maximum requirement of 1.35:1 for the entire site.

Gross Floor Area

The following calculations were undertaken:

Plan level per architectural drawing	Building A (m <sup>2</sup> )	Building B (m <sup>2</sup> )	Building C (m <sup>2</sup> )	RACF (m <sup>2</sup> )	Club (m <sup>2</sup> )
3	770	875	879	740	1301
4	1077	875	864	825	870
5	1290	761	641	639	942
6	1287	405			
7	1286				
8	757				
Sub total	6467	2916	2384	2204	3113
Total	17084m <sup>2</sup>				

Additional GFA is comprised of storage rooms located centrally in the site (Building A) which, by virtue of the floor above being more than 1 metre above the existing ground level, cannot receive a dispensation for calculable GFA. This area is shown on Drawing DA-FSR1 Rev E (Plan 3).

The additional GFA in the RE2 zone (also in Building A) arises from insertion of private amenities and associated corridor adjoining the recreation area. Drawing DA-FSR1 Rev E (Plan 4).

The additional GFA in the RE2 zone (in the RACF) arises from inclusion of a lobby adjoining the pool (FFL RL 95.20).

There is a discrepancy of 568.5m<sup>2</sup> between the applicant's total GFA (16,515.5m<sup>2</sup>) and Council's (17,084m<sup>2</sup>) for the combined RE2 and R2 parcels. This would appear to be (in part) attributed to Council's inclusion and the applicant exclusion of the reception area. The total floor space complies with the SCC's 1.35:1.

The applicant was put to task to clarify whether additional parking should contribute the overall GFA. The applicant sought and provided to Council, advice that confirms the car parking that meets or exceeds the numerical benchmarks established by the "must not refuse" standards in clauses 48 and 50 of the Seniors SEPP must be excluded from the calculation of gross floor area. This advice is accepted and the calculations have been undertaken accordingly.

The additional GFA does not result in impacts on adjoining properties and is acceptable, due to its distribution at lower levels within Building A and throughout the site such that the approved building envelopes are not expanded to impact on neighbours. In numerical terms the floor space complies.

**Condition 2(b) - Transition of building levels**

Condition 1(b) states the following requirement:

*A transition of building heights from five storeys at the centre of the site, graduating down to three storeys and two storeys at the north, east and south boundaries.*

The development application proposes the following building heights for each relevant building:

<b>Proposed Building</b>	<b>Location</b>	<b>Proposed Storeys</b>	<b>Maximum Storeys stated in Condition 1(b)</b>	<b>Compliance</b>
Building A	Centre of site	5 storeys with a part 6 storey element	5	Yes (no change)
Building B	Northern End	4 storeys	3	Yes (no change) – see commentary below
Building C	Eastern End	3 storeys	3	Yes (no change)
Residential Aged Care Facility	Southern End	3 storeys	3	Yes (no change)

Table 5: The proposed number of storeys for each building

The number of storeys was the subject of through consideration for the original application. There is no change to the number of storeys and the modified proposal is satisfactory with respect to this aspect of the Site Compatibility Certificate.

The applicant raises Building B by 500mm at its north section “to provide an appropriate interface with the footpath levels”. The applicant says that “this will improve accessibility in this location to meet the existing street levels and improve ground level stormwater management”. The levels at the footpath from ground level units B105 to B108 ranges from approximately RL 96.5 to RL 95.90. Essentially it means that the ground floor level of the northern portion of Building B is being increased to meet the footpath level where the footpath is highest across the width of this portion of the building. The proposal is not contrary to the intent of the SCC in limiting the storeys to reduce impacts on adjoining properties.

### **Condition 2(c) – Metre notations for building height**

Based on the metre notations provided in the architectural drawings, the following height measurements are provided for each building in Table 6:

<b>Location</b>	<b>Height</b>
<b>Building A</b>	
Building A – Lift overrun	No change
Building A – Sixth storey element to the north	No change
<b>Building B</b>	
Building B – Lift overrun	Increased 500mm from 14.5m to 15m (northern lift overrun RL 109.1) SEPP Building Height RL 105.50 – RL 95.6 (existing ground) = 9.9m
<b>Building C</b>	
Building C – highest point on eastern side	No change
<b>Residential Aged Care Facility</b>	
Residential Aged Care Facility – Life overrun	No change
Residential Aged Care Facility – highest point on eastern side	Increased by 400mm from 10.0m 10.4m
<b>Residential Flat Building</b>	
Residential Flat Building – Lift overrun	No change
Residential Flat Building – fourth level to Penshurst Street	No change
Residential Flat Building – fourth level facing	No change

**SNPP REPORT - 26 CRABBES AVENUE & 247 - 255 PENSURST STREET  
NORTH WILLOUGHBY NSW 2068.**

the park	
<b>Club</b>	
Club – façade to Penshurst Street at highest point to the parapet design element	No change
Club – highest level to the rear at the highest point	No change

Table 6: Height measurements for each proposed building

### **Condition 2(d) – Setbacks**

The proposed development is required to comply with the setbacks as indicated in Figure 14 of the Site Compatibility Certificate (SCC) application. Figure 14 is provided below for reference:

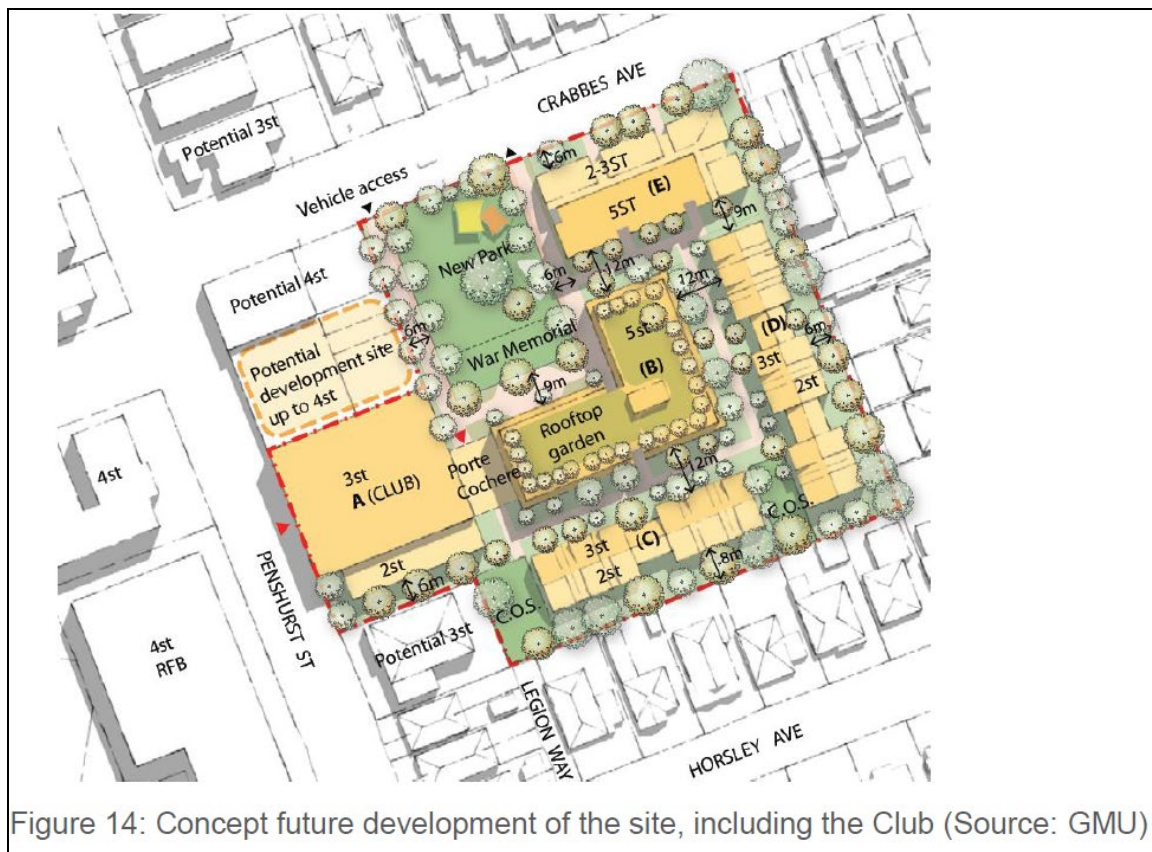


Figure 4: Figure 14 is displayed within the Site Compatibility Certificate Application Report, prepared by City Plan Services for the purposes of obtaining a SCC from the Department.

The proposed development meets all setback requirements from boundaries, and generally satisfies the setbacks between buildings, noting there is slight variation between buildings A and C from Building C (refer Figure 1 in this report).

### Condition 2(e) – Publicly accessible open space

The proposal as modified satisfies the general requirements for public open space.

### Condition 3 – Retention of canopy trees

No change is proposed to trees. There is a subsequent modification application that seeks to remove trees at the northern boundary, separate to this application.

**ATTACHMENT 4: ASSESSMENT OF SEPP (SENIORS HOUSING)**

**4.0 Assessment of Controls within the SEPP (Seniors Housing)**

Seniors SEPP requires a Site Compatibility Certificate (SCC) to be obtained for the purposes of Seniors Housing development. A SCC was issued by the Department on 24 January 2018.

Aside from the requirement for a Site Compatibility Certificate (SCC), which was issued on 24 September 2020, the *State Environmental Planning Policy* (Housing for Seniors or People with a Disability) 2004 (Seniors Housing SEPP) requires that all development standards and design principles within the Seniors Housing SEPP are fulfilled.

Below is a table which addresses the requirements of the clauses within the Seniors Housing SEPP:

<b>PART 2: SITE RELATED REQUIREMENTS</b>		
<b>Requirement</b>	<b>Proposed</b>	<b>Complies</b>
<b>Clause 26 Location and access to facilities</b>		
<p>Clause 26 requires residents of the proposed development will have access to the following within 400m accessible by means of a suitable access pathway:</p> <p>(a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and  (b) community services and recreation facilities, and  (c) the practice of a general medical practitioner.</p> <p>The access pathway must not have a gradient no more than 1:14.</p>	<p>Satisfied as identified in the original application. Within 400m of the proposal is the commercial centre of Willoughby North (intersection of Victoria Ave and Penshurst St).</p> <p>There is an access pathway along Penshurst Street which has a gradient below 1:14.</p>	Acceptable
<b>Clause 27 Bush fire prone land</b>		
The consent authority is to consult the NSW Rural Fire Services for development within bush fire prone areas.	None of the sites are located within a bush fire prone area.	Complies
<b>Clause 28 Water and sewer</b>		
A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that the housing will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage.	Council's Engineering Department finds the proposed development can adequately drain stormwater.	Complies
<b>Clause 29 Certain site compatibility criteria</b>		
Clause 29 does not apply as a Site Compatibility Certificate was issued in accordance with Clause 24 of the Seniors Housing SEPP	N/A	Complies



<b>PART 3: DESIGN REQUIREMENTS</b>		
<b>Requirement</b>	<b>Proposed</b>	<b>Complies</b>
<b>Clause 30 Site Analysis</b>		
The consent authority is satisfied that the applicant has taken into account a site analysis prepared by the applicant in accordance with this clause.	The applicant has provided the necessary information to conduct a n effective assessment of the proposed development	Complies
<b>Clause 31 Design of in-fill self-care housing</b>		
The consent authority must take into consideration the provisions of the <i>Seniors Living Policy: Urban Design Guideline for Infill Development</i> published by the Department of Infrastructure, Planning and Natural Resources in March 2004.	<p>This clause applies to the proposed Seniors Housing (ILU A, ILU B and ILU C) and the Residential Aged Care Facility (RACF).</p> <p>The provisions within the <i>Seniors Living Policy: Urban Design Guideline for Infill Development</i></p>	Acceptable
<b>Clause 33 to 38 – Design Principles</b>		
<p>The following clauses refer to design principles which the proposed development is required to meet. The following design principles are required to be achieved:</p> <p>CI 33 – neighbourhood amenity and streetscape  CI 34 – visual and acoustic privacy  CI 35 – solar access and design for climate  CI 36 – stormwater  CI 37 – crime prevention  CI 38 – accessibility</p>	The proposed development is considered to meet the requirements and objectives of these clauses.	Acceptable
<b>Clause 39 – Waste management</b>		
The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.	Council's Waste Management Officer has reviewed the original Waste Management Plan prepared by Elephants Foot and has found the Waste Management Plan to provide adequate waste and recycling facilities.	Acceptable
<b>PART 4: DEVELOPMENT STANDARDS TO BE COMPLIED WITH</b>		
<b>Requirement</b>	<b>Proposed</b>	<b>Complies</b>
<b>Clause 40 – Development standards – minimum sizes and building height</b>		
<p>The proposed development must comply with the following standards:</p> <p>1. The size of the site must be at least 1,000 square metres</p>	These matters were thoroughly considered at the original DA stage. Nonetheless, for completeness, the following is found. Particular attention is drawn to item 3 below:	Acceptable

<p>2. The site frontage must be at least 20 metres wide measured at the building line</p> <p>3. If the development is proposed in a residential zone where residential flat buildings are not permitted –</p> <ul style="list-style-type: none"> <li>a) the height of all buildings in the proposed development must be 8 metres or less, and</li> <li>b) a building that is adjacent to a boundary of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) must be not more than 2 storeys in height, and</li> <li>c) a building located in the rear 25% area of the site must not exceed 1 storey in height.</li> </ul>	<p>1. The size of the site is larger than 1000 square metres</p> <p>2. Both frontages to Crabbes Avenue and Penshurst Street are longer than 20 metres</p> <p>3. RFBs are not permitted in the R2 zone. The height of Building B has increased by 500mm. An assessment of the height of the building follows this table.</p> <p>The remaining majority of the proposed Seniors Housing (ILU A, ILU B and ILU C) and the Residential Aged Care Facility (RACF) are located within a RE2 zone and therefore this clause does not apply to those respective lots.</p>	
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**PART 5: DEVELOPMENT ON LAND ADJOINING LAND ZONED PRIMARILY FOR URBAN PURPOSES**

<b>Requirement</b>	<b>Proposed</b>	<b>Complies</b>
<b>Clause 42 – Development standards – minimum sizes and building height</b>		
<p>(1) A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purpose of serviced self-care housing on land that adjoins land zoned primarily for urban purposes unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have reasonable access to—</p> <ul style="list-style-type: none"> <li>(a) home delivered meals, and</li> <li>(b) personal care and home nursing, and</li> <li>(c) assistance with housework.</li> </ul>	<p>This clause does not apply to the Seniors Living Housing as it not serviced.</p> <p>This clause does apply to the RACF. The original application contained a Plan of Management for the RACF which adequately addressed the provisions for home delivered meals, personal care and assistance.</p>	Complies
<b>Clause 43 – Transport services to local centres</b>		
<p>(1) A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purpose of serviced self-care housing on land that adjoins land zoned primarily for urban purposes unless the consent authority is satisfied that a bus capable of carrying at least 10 passengers will be provided to the residents of the proposed development—</p> <ul style="list-style-type: none"> <li>(a) that will drop off and pick up passengers at a local centre that provides residents with access to the following— <ul style="list-style-type: none"> <li>(i) shops, bank service providers and other retail and commercial services that residents may reasonably require,</li> <li>(ii) community services and recreation facilities,</li> </ul> </li> </ul>	<p>The basement parking plans show the capability for a bus to carry at least 10 passengers and is accessible for the RACF. Council is satisfied the RACF provides the services outlined in Clause 43.</p>	Complies

(iii) the practice of a general medical practitioner, and (b) that is available both to and from the proposed development to any such local centre at least once between 8am and 12pm each day and at least once between 12pm and 6pm each day.		
<b>Clause 44 – Availability of facilities and services</b>		
A consent authority must be satisfied that any facility or service provided as a part of a proposed development to be carried out on land that adjoins land zoned primarily for urban purposes will be available to residents when the housing is ready for occupation.	Council is satisfied that the RACF can provide the necessary services to its residents	Complies
<b>Clause 48 – Standards that cannot be used to refuse development consent for residential care facilities</b>		
This clause contains a list of minimum requirements for which a consent authority cannot refuse if the RACF meets all the requirements	The RACF meets all the requirements stipulated in Clause 48	Complies
<b>Clause 50 – Standards that cannot be used to refuse development consent for self-contained dwellings</b>		
This clause contains a list of minimum requirements for which a consent authority cannot refuse if the self-contained dwellings meets all the requirements	The clause stipulates a consent authority cannot refuse a proposal that is less than 8.0m high and density of 0.5:1 or less. The proposal exceeds these standards, however is found to be acceptable.	Acceptable
<b>Schedule 3 of SEPP (Seniors Housing)</b>		
Various requirements for adequate living arrangements	Council is satisfied that the proposed apartments can provide the requirements listed within Schedule 3 of the SEPP	Complies

#### Height of Building - Seniors SEPP

The height of building under the Seniors SEPP is the distance measured vertically from any point on the ceiling of the topmost floor of the building to the ground level immediately below that point. The R2 portion is subject to an 8m height limit.

Building B was approved with an RL 105.00 at the ceiling. This increases to RL 105.50 in this application, which equates to a height of 9.9m using an existing ground level of RL 95.6. the ground level is interpolated using three levels (RL 95.72, RL 95.18 and RL 95.97). The building height exceeds the Seniors SEPP standard of 8m by 1.9m or 23.75%.

Whilst there is no specific height objective under the Seniors SEPP, case law provides that the underlying purpose of the standard is to provide a development that will be compatible with the adjoining residential area and not create adverse impacts having regard to the desirable elements of the location and character of the area. Further, that the Urban Design guidelines for infill development are relevant in determining the underlying objectives of the cl40(4) of the Seniors SEPP and that the relevant objectives are to minimise impacts to privacy and amenity of existing neighbouring dwellings, minimise overshadowing, retain views

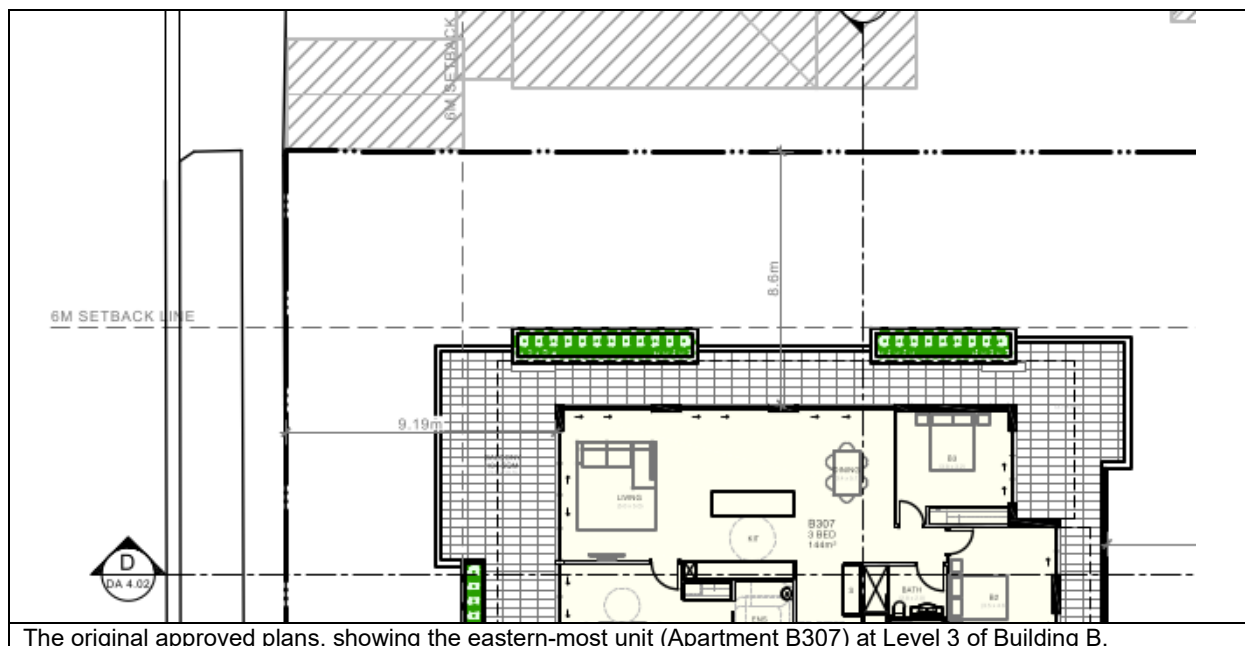
and outlook to existing mature planting, reduce the apparent bulk of development on neighbouring properties, and provide adequate building separation.

The modified proposal retains the same number of storeys as required by the SCC. The proposal steps down in its massing at the neighbouring property boundary at the east in response to the adjoining lower density residential zone. Also, the building separation has been retained at 8.6m which offers sufficient building separation to minimise visual impacts. Also, window sizes have been reduced in the elevation facing the neighbouring properties to the east (units B107 and B207).

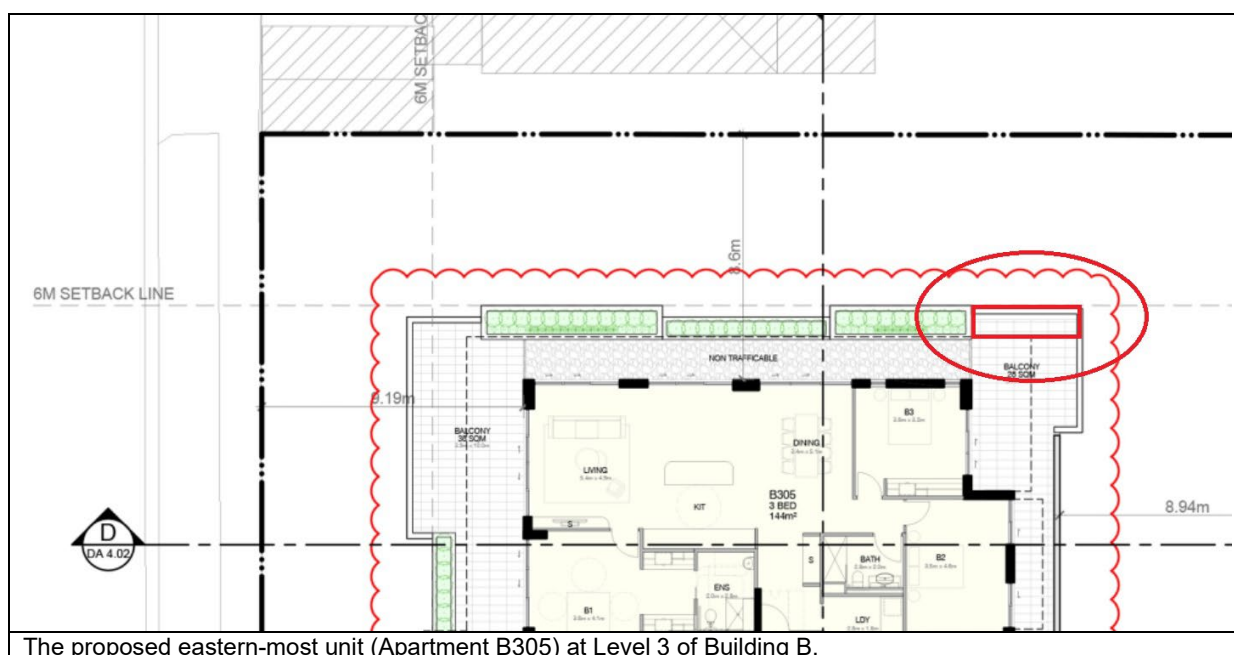
Condition 2(c) of the consent (which appeared in the Panel's Statement of Reasons) reads as follows:

2c. The balcony to Apartment B307 within Building B shall be modified by deleting the portion of the balcony eastwards of the eastern façade of the apartment i.e. the balcony should not extend beyond the eastern façade of the apartment;

Apartment B307 is deleted and replaced with B305 in the subject application, which occurs with the arrangement of this floor with the loss of 2 apartments from level 3 (Plan 5) of Building B. The approved drawing shows as follows:



The original approved plans, showing the eastern-most unit (Apartment B307) at Level 3 of Building B.



A non-trafficable roof is now proposed as shown, except that there are portions of the balcony that are located eastwards of the eastern façade of the apartment. To ensure that privacy is suitably protected to the adjoining properties a planter bed is required to be incorporated into the eastern edge of the balcony in the location outlined and circled in red.

Any overshadowing will fall onto the subject site due to the orientation of the property.

With respect to Clause 40(4)(b) the Court has accepted that the purpose of this clause is to ensure that the development provides an appropriate relationship in storeys/scale to adjoining side boundaries and to streetscape to avoid an abrupt change in scale

The proposal complies with the number of storeys prescribed by the SCC. The architectural devices employed in the design response (such as setbacks, articulation, massing, distribution of bulk, reducing window sizes) ensures the an appropriate relationship in storeys and sclae with adjoining properties. There is no GFA introduced to Building B in close proximity to the neighbouring properties (a marginal increase occurs at the top floor with the intrifuction of an accessible toilet, but this is located a significant distance (18m approx) from the boundary and not highly viisble to the neighbouring properties.

#### Landscaped Area

The Seniors SEPP requires that 15% (2068m<sup>2</sup>) of the site area be deep soil. The modification application confirms that this is achieved with 2563m<sup>2</sup>. A further 4276m<sup>2</sup> of slab planting adds considerably to the overall planting opportunities thoroughout the site.

#### **4.1 Assessment under *Seniors Living Policy: Urban Design Guideline for Infill Development***

Clause 31 of the Seniors Housing SEPP requires an assessment of the proposed development in accordance with the *Seniors Living Policy: Urban Design Guidelines for Infill Development*.

Below is a table which addresses the key guidelines within this document. The Assessment Officer has addressed each of the objectives for each of the five key guidelines:

## **Part 1 – Responding to Context**

### **Existing context:**

The character of the surrounding locality is characterised by low to medium density residential development.

Crabbes Avenue comprises lots with single detached dwellings that are one to two storey in height.

Summerville Crescent (to the east) and Horsley Avenue (to the south) are located within the Horsley Avenue Heritage Conservation Area and contain Interwar bungalows built of dark red/brown brick with roof forms predominantly hipped with vertically batted gables.

Penshurst Street (south/west of the site) contains a mixture of three to four storey residential flat buildings and single detached dwellings. Further to the north-west of the site is a commercial centre for North Willoughby.

### **Street layout and hierarchy:**

The location of Building B presents a natural transition from the one to two storey dwellings within Crabbes Avenue towards the three and four storey RFBs within Penshurst Street. The built form (including a 500mm increase in height of Building B) is not out of character or incongruous in the context of the existing and future built form of the surrounding locality.

### **Blocks and lots:**

The site contains 17 individual lots which are required to be amalgamated by condition 75 of the consent (excluding 15 Horsley Avenue).

### **Built environment:**

The proposed massing and distribution of bulk of the proposal is compatible with the surrounding locality, the arrangement of the development being informed by the SCC, height and FAR standards.

### **Trees:**

Satisfactory.

### **Policy environment:**

The SCC indicates that the site is suitable for more intensive development and that development for the purposes of Seniors Living is appropriate. The proposed development is considered acceptable considering the intended future character of the locality. The built form satisfies the controls set by the SCC and the Seniors SEPP.

## **Part 2 – Site Planning and Design**

### **To minimise the impact of new development on neighbourhood character:**

The built form is found to be compatible with the existing and desired future character of the surrounding locality.

### **To retain existing natural features of the site that contribute to neighbourhood character:**

The modification application does not impact on this objective.

### **To provide high levels of amenity for new dwellings:**

The dwellings achieve a satisfactorily high level of amenity.

### **To maximise deep soil and open space for mature tree planting, water percolation and residential amenity:**

This modification application does not alter the acceptability of the deep soil provision.

**To minimise the physical and visual dominance of car parking, garaging and vehicular circulation:**

The proposed car spaces the development is underground which provides a positive outcome to the amenity of the site and surrounding locality.

**To provide housing choice through a range of dwelling sizes:**

The development is considered to provide a diverse range of seniors living housing that will positively contribute to the housing supply of the Willoughby Local Government Area.

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**Part 3 – Impacts on Streetscape**

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**To minimise impacts on the existing streetscape and enhance its desirable characteristics:**

The site contains a street frontage to Crabbes Avenue and Penshurst Street.

The northern side of Building B has been increased in height by 500mm however this height change does not diminish the proposal's acceptability with respect to its compatibility with the other buildings on the site or the surrounding built form on adjoining sites. The 6m setback of the proposal from the side boundary (to 18 Crabbes Avenue) assists in managing impacts on these adjoining properties.

**To ensure new development, including the built form, front and side setbacks, trees, planting and front fences, is designed and scaled appropriately in relation to the existing streetscape:**

The modified proposal does not alter the setbacks from surrounding properties.

**To minimise dominance of driveways and carpark entries in the streetscape:**

The modified proposal does not alter the proposal's acceptability with respect to driveways.

**To provide a high level activation and passive surveillance to the street:**

No change, the proposal continues to offer a high level activation and passive surveillance to the street.

It could be suggested the increase in height of Building B marginally improves passive surveillance and activation of the site from this building.

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**Part 4 – Impacts on Neighbours**

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**To minimise impacts on the privacy and amenity of existing neighbouring dwellings:**

The residents closest to the RACF are located within Horsley Avenue. The RACF complies with the setback requirement to the southern boundary and does not contain any balconies facing the neighbours, which enhances privacy for residents within Horsley Avenue to an acceptable level.

**To minimise overshadowing of existing dwellings and private open spaces by new dwellings:**

The proposed development does not detrimentally impact solar access currently enjoyed by surrounding residents.

**To retain neighbours' views and outlook to existing mature planting and tree canopy:**

The proposed development does not detrimentally impact views currently enjoyed by surrounding residents.

**To reduce the apparent bulk of development and its impact on neighbouring properties:**

The bulk and scale of the proposal is modified is mostly the same as approved, with the exception of a



slight increase for part of Building B, and a roof element to the RACF. The proposal satisfies the desired future character and development provided by the SCC and the existing RFBs within Penshurst Street.

**To provide adequate building separation:**

The proposed complies with the setback distances to each relevant boundary as stipulated in the SCC. The proposed development also provides adequate building separation to maintain the amenity between the different uses.

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**Part 5 – Internal Site Amenity**

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**To provide quality useable private and communal open spaces for all residents:**

The proposed development provides rooftop gardens (which for Building B has been modified to introduce a unisex toilet), private communal gardens and a swimming pool area, which are sufficient in size for communal open spaces. Each apartment has adequate private open space.

**To provide dwellings that have distinct identity and safe entries:**

The residential component of the entire development has clear distinctive entry points and provide an adequate level of safety.

**To provide safe and distinct pedestrian routes to all dwellings and communal facilities:**

The proposal provides adequate pedestrian routes to the development and internally.

**To ensure adequate solar access to living areas and private open spaces:**

Adequate solar access is afforded to the living areas and private open spaces.

**To reduce the dominance of parking, garaging and vehicular circulation space on the internal character of new development:**

The development contains one single entry and exit driveway in Crabbes Avenue which is desirable. The carpark is wholly underground. The additional parking does not impact on the site with regards to visual dominance or deep soil.



## **ATTACHMENT 5: ASSESSMENT UNDER WLEP AND WDCP**

### **6.0 Assessment under Willoughby Local Environmental Plan 2012 (WLEP)**

This table below address the relevant clauses of the WLEP applicable to the assessment of the proposed development.

<b>Land Use Table - RE2 Private Recreation</b>	The modified proposal does not compete against the original approval's satisfaction of the zone objectives.
<b>CI 4.4 FSR</b>	R2 parcel 0.4:1 (proposed 0.74:1)
<b>CI 5.4 Controls relating to miscellaneous permissible uses</b>	<p>Clause 5.4 does not permit shops more than 80 square metres. The proposed development provides shops at 247-255 Penshurst Street (sites zoned R3). These shops were found to be 80 square metres or less and therefore the proposal complies with this control.</p> <p>This application does not propose any change to this component of the development.</p>
<b>CI 5.10 Heritage conservation</b>	The site adjoins the Horsley Avenue Heritage Conservation Areas which comprises of Horsley Avenue and Summerville Crescent. Council's Heritage Advisor has assessed the modified proposal as satisfactory.
<b>CI 6.8 Affordable housing</b>	The subject site is not located in "Area 3" of the Special Provisions Area Map
<b>CI 6.10 Minimum lot sizes for residential flat buildings</b>	This clause is not relevant to the subject modification application as there is no change to the retail and residential flat building development.

Table 7: Applicable clauses within WLEP

## 6.1 Assessment under Willoughby Development Control Plan (WDCP)

The relevant controls within the WDCP applicable to the site and proposed development are below, and includes Council's assessment of each.

### ***Willoughby Development Control Plan***

<b>Proposal</b>	<b>Standard</b>	<b>Compliance</b>
<b>Part C – General Development Guidelines</b>		
<b>C.3 Sustainable Development</b>	The application provides a NatHERs and BASIX Report showing compliance with the requirements	Relevant Sustainability development criteria established in Part C.3. <b>Complies – BASIX Certificate provided</b>
<b>Part C.4 Transport Requirements</b>		
<b>Car parking</b>	Refer to the table below for detailed parking requirements.	Refer to the table below for detailed parking requirements. <b>Complies</b>
<b>Bicycle parking</b>	Refer to the table below for detailed parking requirements.	Residential premises: <b>1 locker per 10 units</b> <b>1 rail/rack per 12 units</b>  Retail <b>1 locker per 450m<sup>2</sup></b> <b>1 rail/rack per 150m<sup>2</sup></b> No specific bicycle requirements for a Registered Club <b>Complies</b> 28 bicycle racks  4 bicycle racks
<b>Motorcycle</b>	Refer to the table below for detailed parking requirements.	<b>1 space per 25 car spaces</b> <b>Complies – 19 spaces</b>

### **Car Parking Calculations**

<b>Proposed Use</b>	<b>Details of Proposal</b>	<b>Parking Rate Requirements</b>	<b>Required Spaces</b>	<b>Proposed Spaces</b>	<b>Comment</b>
<b>Seniors Housing - parking requirements are under clause 50 of the SEPP (Seniors Living) 2004</b>	<b>95 Seniors Housing apartments (reduced from 103)</b>  <b>Total of 95 Seniors Living units with 239 bedrooms in total.</b>	(i) 0.5 car spaces for each bedroom where the development application is made by a person other than a social housing provider	<b>120 spaces required</b>	<b>120 spaces provided</b>	<b>Complies</b>
		(ii) visitor 1 per 4 units = 23.8		<b>37</b>	<b>Complies</b>
<b>Proposed Use</b>	<b>Details of Proposal</b>	<b>Parking Rate Requirements</b>	<b>Required Spaces</b>	<b>Proposed Spaces</b>	<b>Comment</b>

**SNPP REPORT - 26 CRABBES AVENUE & 247 - 255 PENSHURST STREET  
NORTH WILLOUGHBY NSW 2068.**

Residential Aged Care Facility - parking requirements are under clause 48 of the SEPP (Seniors Living) 2004	Residential Aged Care Facility Building comprising of forty-nine (47) beds (reduced from 49). Dementia care is provided.  Number of staff = 24  Dedicated ambulance bay is located on Basement Level 2 (FFL RL 90.80)	(i) 1 parking space for each 10 beds in the residential care facility (or 1 parking space for each 15 beds if the facility provides care only for persons with dementia), and  (ii) 1 parking space for each 2 persons to be employed in connection with the development and on duty at any one time, and  (iii) 1 parking space suitable for an ambulance.	(i) 4.7 spaces required (rounded to 5)  (ii) 12 spaces  (ii) 1 ambulance bay	(i) 5  (ii) 12  (ii) 1 ambulance bay	The proposal complies.
Registered Clubs  Parking requirements under Control C.4 of the WDCP	Club	No change	No change  Visitors 180 spaces  Staff 35 spaces	No change  Visitors 180 spaces  Staff 35 spaces	Complies
Residential car spaces for RFB in R3 Zone	Proposed RFB contains:  Studio – 2 units  1 Bedroom – 4 units  2 Bedroom – 12 units  3 Bedroom – 6 units  Total units – 24 units	For development on Penshurst St (South of Victoria Ave)  Studio/1 bedroom – 0.5 space  2 bedrooms – 1 space  3+ bedrooms – 1.25 spaces  Visitor spaces 1 per 4 dwellings	24 spaces	24 spaces (No change)	Complies
Car spaces for Shops in R3 Zone	8 shops	1 per 25 sqm	22.48	23 (No change)	Complies
Accessible Spaces	No specific stated requirements in the DCP or Seniors SEPP	N/A	N/A	95 accessible spaces for residents  9 accessible visitor spaces	Complies

**Willoughby Development Control Plan**

**Part C – General Development Guidelines**

	<b>Proposal</b>	<b>Standard</b>	<b>Compliance</b>
<b>C.5 Water Management</b>	Stormwater system with OSD tank and stormwater treatments	Stormwater Management and disposal in accordance with the Technical Standards contained in the WDCP	Council's Engineering Department finds the proposed development can adequately drain stormwater adequately
<b>C.6 Access, Mobility and Adaptability</b>	Design Review - Accessibility Report has been submitted	Relevant accessibility provisions in WDCP	<b>Complies</b> – the Accessibility Report and floor plans shows that the development is appropriately accessible for seniors and the persons with a disability
<b>C.8 Waste Management</b>	Waste management Plan has been submitted.	Waste minimisation principles and management of the operational waste in accordance with the WDCP	<b>Complies</b> – Satisfactory
<b>C.9 Preservation of Trees or Vegetation</b>	The development provides a public park and considerable landscaping	To promote sustainable vegetation management and conserve and <u>enhance</u> the <u>tree</u> resources, natural systems including <u>bushland</u> , and landscape quality.	<b>Complies</b> – the public park, deep soil planting around the site, and the large amount of trees and plants substantially increases the amenity of the site
<b>C.11 Safety by Design</b>	Applicant has provided CEPTED report	WDCP provides that the following four crime principles will be considered in the assessment of DAs: <ul style="list-style-type: none"> <li>- Surveillance;</li> <li>- Access control;</li> <li>- Territorial reinforcement; and</li> <li>- Space management</li> </ul>	The proposal as modified does not compromise the attainment of safety by design
<b>C.12 Fencing</b>	No fencing proposed	Maximum height of 1.8m if boundary fence proposed	<b>Complies</b> – no fencing proposed.
<b>C.13 Contaminated Land</b>	The applicant provided a Stage 1 and Stage 2 Contamination Report and a Remedial Action Plan with the original application.	Contaminated land must be remediated to be made suitable for the purpose of the development	<b>Complies</b> – condition 32 requires remediation.

**6.2 Site Isolation (WLEP Consideration under CI 6.10)**

The original assessment found site isolation to be satisfactory. Condition 6 of the consent required a break through panel, which is shown on Drawing DA2.03, plot dated 17.12.2021 prepared by Amglen.

**ATTACHMENT 6: SUBMISSIONS TABLE**

Council was in receipt of six (6) unique submissions from the following objectors:

1	4 Summerville Crescent	Willoughby	NSW	2068
2	13 Horsley Ave	Willoughby	NSW	2068
3	23 Horsley Ave	Willoughby	NSW	2068
4	6/223 Penshurst St	Willoughby	NSW	2068
5	223 Penshurst St	Willoughby	NSW	2068
6	Protecting Your Suburban Environment Inc.			

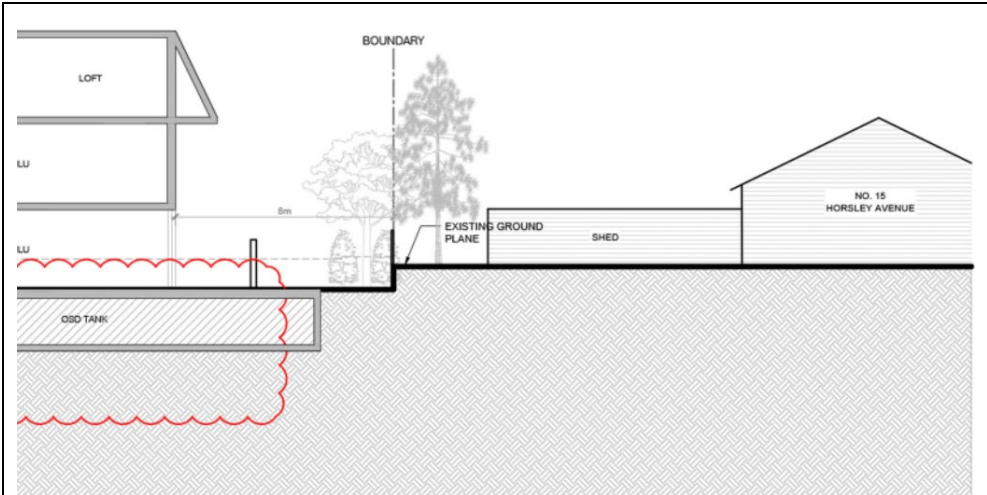
Table 8: List of residences which lodged a submission

<b>Issues Raised</b>	<b>Officer's Comments</b>
<b>Privacy</b>	
To enhance privacy to 4 Summerville Crescent the owner suggests be planted at the rear of Block C all along the eastern boundary of the development:  Native Frangipani Blueberry Ash Silky Oak Magenta Lilly Pilly Lemon Myrtle Red Flowering Yellow Gum Lomandra longifolia	The applicant responded to this concern by advising that "tree locations are clearly shown on the submitted Planting Plans 401 – 405 Rev F and Planting Schedule 503 Rev F. Privacy will not be compromised along the boundaries of the site where evergreen trees such as blueberry ash, weeping willow and magnolia are specified. The applicant's response is accepted and it is considered that the approved landscaping suffices with respect to privacy and general landscaping response.  Landscape Drawing 401 Issue F (Level 1 – East) provides the detail of the planting at the eastern boundary, which is to be read in conjunction with the Indicative Tree Plant Schedule Drawing 503 Issue F. It is noted that Bull Bay Magnolia, Weeping Lilly Pilly, Blueberry Ash and Dwarf Lilly Pilly are proposed to be planted along this boundary, which is considered appropriate.
Loss of privacy to 23 Horsley Avenue	The east elevation of the RACF faces the rear yards of properties on Horsley Avenue. The drawings show screens on the upper east-facing windows. Further details have been provided by the applicant which shows an aluminium privacy screen with "medium" spacing of horizontal members at its lower portion, "narrow" spacing at the mid-section and "medium" spacing at the upper portion. The privacy screen, in conjunction with the separation of the building, is considered to satisfactorily reduce privacy to properties on Horsley Avenue.



**Figure 5: Screen detail on the eastern elevation of the RACF**

<b>Visual impacts</b>	
Concerns that the toilet will cause visual impacts to surrounding properties	<p>Concerns are raised that the newly proposed accessible toilet at the rooftop terrace of Building B will become an “unhygienic, smelly eyesore”. The applicant says: “There are no visual impacts of the “toilet block” on the roof of Block B. it is set back 15.5m from the eastern boundary and 21m from then (sic) northern boundary. The toilet block has been positioned 11m away from the northern and eastern boundary of the rooftop garden façade. The rooftop garden has been designed to be encompassed by a green edge which is achieved by incorporating raised planter boxes”.</p> <p>It is considered that the location of the accessible toilet, setbacks from boundaries and planting edge is sufficient to reduce visual (or any other) impacts. Landscape Drawing 108 Issue F (Level 4) provides the detail of the planting at the roof top terrace, which is to be read in conjunction with the Indicative Tree Plant Schedule Drawing 503 Issue F. It is noted that Magnolia Little Gems and Japanese Maples are proposed to be planted on the roof top, which offer greenery.</p>
<b>Overshadowing</b>	
Confirmation sought from 223 Penshurst Street that the proposal will not cause additional overshadowing to this property	<p>The applicant responded to this concern as follows:</p> <p>“There will be no increase in shadow impacts to 223 Penshurst Street as there is no change to the DA plans in relation to height in that location”. The RACF has not changed in its height and setbacks, and there are no changes to the club proposed in this application. The overshadowing impacts are considered to remain as approved.</p>
<b>Drainage</b>	
Has a formal drainage easement been created	Yes, a formal drainage easement been created over 15 Horsley Avenue.

over 15 Horsley Avenue?	
Impact of works on the drainage line on traffic in Horsley Avenue	<p>Condition 14 of the consent requires the submission of a Construction Management Plan (CMP) prior to the issue of a Construction Certificate, which will address:</p> <ul style="list-style-type: none"> <li>(a) Construction vehicles access to and egress from the site</li> <li>(b) Parking for construction vehicles</li> <li>(c) Locations of site office, accommodation and the storage of major materials related to the project</li> <li>(d) Protection of adjoining properties, pedestrians, vehicles and public assets</li> <li>(e) Location and extent of proposed builder's hoarding and Work Zones</li> <li>(f) Tree protection management measures for all protected and retained trees.</li> </ul> <p>The assessment of this CMP will ensure impacts of construction works are suitably minimised.</p>
Proposed OSD tank	<p>The concerns relate to the proximity of the tank to the boundary with respect to stability, existing vegetation and deep soil.</p> <p>The OSD tank (invert RL 92.00) proximity to boundaries has not changed when scaling the drawing. The applicant says the depth of the tank (approximately 2m, see Section D drawing) is to reduce its footprint. The location and depth of the tank appears satisfactory with respect to zone of influence to the adjoining property and landscaping, and noting also that condition 40 of consent requires the site and adjoining sites (including the road reserve or other public space) are to be inspected by an independent Geotechnical Engineer. The deep soil across the site complies with the Seniors SEPP.</p>  <p>Figure 6: A section of the proposed OSD</p>
<b>Anchoring the basement</b>	
Concerns are raised that no information has been provided on	<p>Conditions 9, 62 and 94 refers to the Temporary Ground Anchors. Condition 90 states:</p> <p><b>"9. Temporary Ground Anchors</b></p>

methodology for anchoring the basement	<p>Obtain written permission from all private property owners affected by any encroachment either below ground or the air space above as a result of the above works prior to issue of any 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)”</p> <p>Written permission is required from affected property owners prior to the issue of a Construction Certificate. In the absence of such permission the condition is not satisfied.</p>
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ATTACHMENT 7: SECTION 4.15 ASSESSMENT

Matters for Consideration under S.4.15 (79C) EP&A Act

Considered and Satisfactory ✓ Considered and Unsatisfactory ✗ and 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>	✓
	<p><b>State Environmental Planning Policy – Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</b></p> <p>The SREP applies to the entire Willoughby Local Government Area identified on the Sydney Harbour Catchment Map. There are no specific provisions in the SREP, which is a deemed SEPP that are considered to be determinative to the subject development.</p> <p><b>State Environmental Planning Policy – (Building Sustainability Index: BASIX) 2004</b></p> <p>A BASIX Certificate pursuant to the provisions of the <i>State Environmental Planning Policy – (Building Sustainability Index: BASIX) 2004</i> has been submitted in accordance with the SEPP and considered satisfactory.</p> <p><b>State Environmental Planning Policy No 55 – Remediation of Land</b></p> <p>In accordance with Clause 7 of SEPP 55, the Council has determined that the land is required to be remediated in accordance with the Stage 1 and 2 Contamination Reports provided by the applicant.</p> <p>Condition 32 requires a Remediation Action Plan (RAP) to be carried out in accordance with the guidelines of the Environment Protection Authority (EPA) and the Stage 1 and 2 Reports.</p>	
(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>	✓
	<b>Comment:</b> The Draft WLEP 2012 has been considered in this modification application.	
(a)(iii)	Any development control plans	
	<ul style="list-style-type: none"> <li>Development control plans (DCPs)</li> </ul>	✓
	<p><b>Willoughby Development Control Plan (WDCP)</b></p> <p>The proposed development has been assessed against the relevant requirements of the <i>WDCP</i> and is considered satisfactory.</p>	
(a)(iv)	Any matters prescribed by the regulations	
	<ul style="list-style-type: none"> <li>Clause 92 EP&amp;A Regulation-Demolition</li> </ul>	N/A
	<ul style="list-style-type: none"> <li>Clause 93 EP&amp;A Regulation-Fire Safety Considerations</li> </ul>	N/A
	<ul style="list-style-type: none"> <li>Clause 94 EP&amp;A Regulation-Fire Upgrade of Existing Buildings</li> </ul>	N/A
	<b>Comment:</b> There are no prescribed matters that affect the application.	
(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>	✓
	<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>	N/A
	<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 proposed development as modified is not considered to have any unreasonable impacts on the residential amenity of surrounding residents.	
(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 proposal is in keeping with the surrounding locality of the area	
(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>Comment:</b>  Six (6) submissions were received and the issues raised are addressed in <b>Attachment 6</b> of this report.	
(e)	The public interest	
	<ul style="list-style-type: none"> <li>• Federal, State and Local Government interests and Community interests</li> </ul>	✓
	<b>Comment:</b> The proposed development is considered to have acceptable impacts and therefore it is in the public interest.	

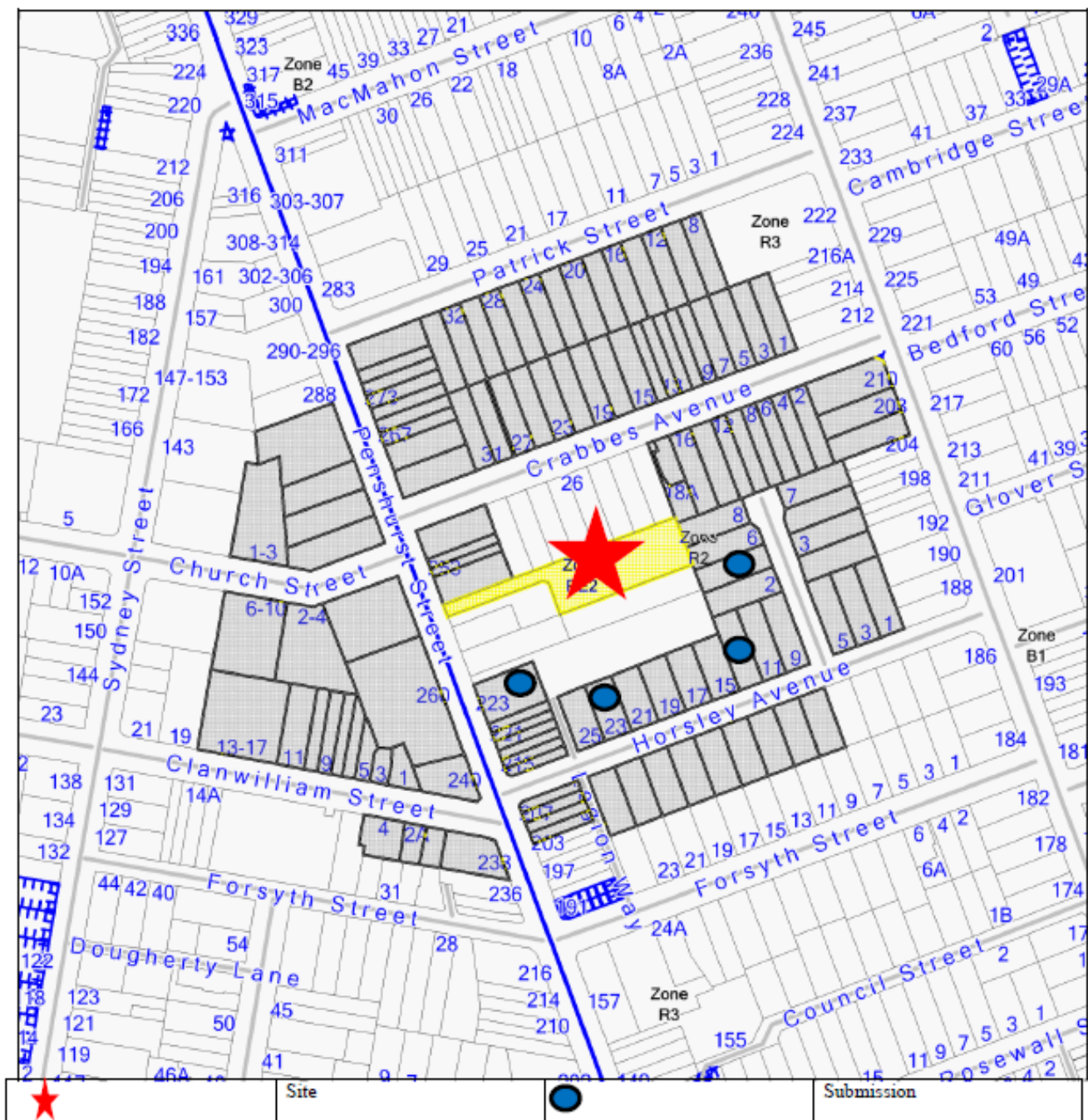
ATTACHMENT 8: NOTIFICATION MAP



Record of Neighbour Notifications sent relating to:

DA: 2019/247/A

At: 26 Crabbes Avenue & 247-255 Penshurst Street NORTH WILLOUGHBY NSW 2068



**ATTACHMENT 9: SCHEDULE OF CONDITIONS**

**Conditions of Consent:** (Including reasons for such conditions)

**CONSENT IDENTIFICATION**

**A. Adding to the Description of Land:**

**15 HORSLEY AVENUE**  
**LOT 12 DP 14241**

**B. The following conditions are modified 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	DA 2.01	C	06/08/2020	Hyecorp Property Group
	DA 2.02	C	06/08/2020	
	DA 2.03	C	06/08/2020	
	DA 2.04	C	06/08/2020	
	DA 2.05	D	08/12/2020	
	DA 2.06	C	08/12/2020	
	DA 2.07	C	08/12/2020	
	DA 2.08	C	08/12/2020	
	DA 2.09	C	08/12/2020	
	DA 3.01	A	14/06/2019	
	DA 3.02	B	06/08/2020	
	DA 3.03	B	08/12/2020	
	DA 3.04	C	08/12/2020	
	DA 3.05	D	08/12/2020	
	DA 3.06	B	08/12/2020	
	DA 4.01	C	08/12/2020	
	DA 4.02	D	08/12/2020	
	DA 4.03	C	08/12/2020	
	DA 4.04	C	08/12/2020	
Landscape Master Plan	C100	D	07/10/2020	Site Image (NSW) Pty Ltd
Landscape Plans	-	All plans are Issue D	All plans are dated 07/10/2020	Site Image (NSW) Pty Ltd
	101			
	102			
	103			
	104			
	105			
	106			
	107			
	108			

**SNPP REPORT - 26 CRABBES AVENUE & 247 - 255 PENSHURST STREET  
NORTH WILLOUGHBY NSW 2068.**

	109			
	110			
	301			
	302			
	303			
	304			
	305			
	306			
	401			
	-			
	403			
	-			
	405			
	406			
	-			
	502			
	503			
	402	D	21/06/2019	Site Image (NSW) Pty Ltd
	404	C	21/06/2019	Site Image (NSW) Pty Ltd
	501	C	07/10/2020	Site Image (NSW) Pty Ltd
Stormwater Plans	19013-DA-C01	G	06/10/2020	IDC
	19013-DA-C02	H	06/10/2020	IDC
	19013-DA-C04	I	06/10/2020	IDC
	19013-DA-C05	E	06/10/2020	IDC
Drainage Plans (Discharge via easement through 15 Horsley Avenue & Upgrade Drainage in Horsley Avenue)	D1	D	04/03/2022	Acor Consultants
	D2	D	04/03/2022	Acor Consultants
	D3	D	04/03/2022	Acor Consultants
	D4	D	04/03/2022	Acor Consultants
	D5	D	04/03/2022	Acor Consultants

*As modified by DA 2019/247/A*

Type	Plan No.	Revision/ Issue No	Plan Date (as Amended)	Prepared by
Architectural Drawings	DA106A to DA106D inclusive	1	23/05/2022	Hyecorp Design
	DA 2.01	F	22/04/2022	Hyecorp Design
	DA 2.02	F	22/04/2022	
	DA 2.03	F	22/04/2022	
	DA 2.04	E	22/04/2022	
	DA 2.05	F	17/12/2021	
	DA 2.06	E	17/12/2021	
	DA 2.07	E	17/12/2021	
	DA 2.08	E	17/12/2021	

	DA 2.09	E	17/12/2021	
	DA 3.01	A	14/06/2019	
	DA 3.02	B	06/08/2020	
	DA 3.03	D	17/12/2021	
	DA 3.04	E	17/12/2021	
	DA 3.05	F	17/12/2021	
	DA 3.06	D	17/12/2021	
	DA 4.01	E	17/12/2021	
	DA 4.02	F	17/12/2021	
	DA 4.03	E	17/12/2021	
	DA 4.04	E	17/12/2021	
	DA 4.05	D	17/12/2021	
Landscape Master Plan	C100	G	17/01/2022	Site Image (NSW) Pty Ltd
Landscape Plans	101	F	24/11/2021	Site Image (NSW) Pty Ltd
	102	F	24/11/2021	
	104	F	24/11/2021	
	105	F	24/11/2021	
	107	F	24/11/2020	
	108	F	24/11/2020	
	109	F	24/11/2021	
	110	G	17/01/2022	
	301	F	24/11/2021	
	302	F	24/11/2021	
	304	F	24/11/2021	
	305	F	24/11/2021	
	401	F	24/11/2021	
	402	F	24/11/2021	
	404	F	24/11/2021	
	405	F	24/11/2021	
	501	F	24/11/2021	
	502	F	24/11/2021	
	503	F	24/11/2021	
Stormwater Management Plan Level 1	C3	E	13.05.2022	Acor
Stormwater Management Details	C11	E	13.05.2022	Acor
Driveway & Internal Ramp Section	DA 4.05	D	17/12/2021	Hyecorp
Stormwater Quality Report Sheet 1 of 2	C12	D	24/1/2022	Acor
Stormwater Quality Report Sheet 2 of 2	C13	D	24/1/2022	Acor
Site Catchment Plan	C2	D	24/1/2022	Acor
Stormwater Management	C8	D	24/1/2022	Acor

Plan- Basement 2 (Part 1)				
Stormwater Management Plan- Basement 2 (Part 2)	C9	D	24/1/2022	Acor
Stormwater Management Plan- Basement 1 (Part 2)	C7	D	24/1/2022	Acor
Stormwater Management Plan- Basement 1 (Part 1)	C6	D	24/1/2022	Acor
Stormwater Management Plan- Level 2	C5	D	24/1/2022	Acor
Stormwater Management Plan- Level 1 (Part 2)	C4	D	24/1/2022	Acor
Stormwater Management Detail Sheet (No 1)	C10	D	24/1/2022	Acor

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)

## **2. Amendments to Development**

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

- (a) The glazing to the western side of the Gaming Room and Multi-Purpose/Commercial Room shall be treated either with tinting or frosted glass so that one cannot view inside the Club from outside and also so that one who is inside the Club cannot view outside towards the neighbouring properties. A Schedule of Finishes is to be provided to the Principal Certifying Authority indicating these changes;
- (b) The glazing to the eastern side of the Multi-Purpose/Commercial Room shall be treated either with tinting or frosted glass so that one cannot view inside the Club from outside and also so that one who is inside the Club cannot view outside towards the neighbouring properties. A Schedule of Finishes is to be provided to the Principal Certifying Authority indicating these changes;
- (c) The balcony to Apartment B307 B305 within Building B shall be modified by ~~deleting the portion of the balcony eastwards of the eastern façade of the apartment i.e. the balcony should not extend beyond the eastern façade of the apartment;~~ incorporating a minimum 1m wide and 1m deep landscape bed into

the eastern edge of the balcony of unit B305 that serves Bedroom 3, incorporating planting that grows to a height of at least 0.5m;

- (d) A suitable gate is to be provided at the entrance from Legions Way to obstruct pedestrian access yet allow the entrance for emergency vehicles. The gate is to be capable of being operated electronically and physically. The fence shall be operably by the Registered Club and the operators of the Seniors Living and Residential Aged Care Facility in the event of an emergency;
- (e) A suitable gate is to be provided at RL 99.0 (southern side of the site) along the pathway. The area between this gate and Legions Way is to be a restricted space where pedestrian access is not permitted. The gate is to be capable of being operated electronically and physically. The fence shall be operably by the Registered Club and the operators of the Seniors Living and Residential Aged Care Facility in the event of an emergency;
- (f) Solar tube skylights are to be provided to the roof on the eastern elevation over Level 3 of Building C, above the length of the corridor to provide natural light.
- (g) The privacy screen detail shown on Drawing DA402 Rev 1, plot dated 20/05/2022 prepared by Hyecorp must be used for all windows at the upper southern elevation of the Residential Aged Care Facility (RACF) to ensure adequate privacy protection for residents along Horsley Avenue, and to east-facing windows of the RACF at Levels 2 and 3 to ensure privacy protection between the RACF and Building C.

The amendments are to be provided to Willoughby Council. Written confirmation is to be obtained from Willoughby Council to ensure the amendments fulfil the required amendments and its intention.

Plans detailing these amendments are required to be shown on the relevant Construction Certificate plans.  
(Reason: To maintain amenity)

### **3. S7.11 Contribution**

Prior to the issue of the Construction Certificate, a monetary contribution is to be paid to in accordance with section 7.11 of *Environmental Planning and Assessment Act, 1979* in the amount of \$ 1,422,110.44 for the purposes of the Local Infrastructure identified in the *Willoughby Local Infrastructure Contributions Plan*.

Active transport and public domain facilities	\$60,649.80
Open space and recreation facilities	\$1,114,675.41
Plan administration	\$21,016.17
Recoupment community facilities	\$214,371.84
Recoupment open space and recreation	\$11,397.22
<b>TOTAL</b>	<b>\$1,422,110.44</b>

#### Indexation

The monetary contribution must be indexed between the date of this Development Consent and the date of payment in accordance with the following formula:



$\$C_0 \times \frac{CPI_P}{CPI_C}$

$CPI_C$

Where:

$\$C_0$  = the contribution amount shown in this Development Consent expressed in dollars

$CPI_P$  = the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Bureau of Statistics (ABS) at the quarter immediately prior to the date of payment

$CPI_C$  = the Consumer Price Index (All Groups Index) for Sydney as published by the ABS at the quarter ending immediately prior to the date of imposition of the condition requiring payment of a contribution

Deferred payments of contributions will not be accepted.

Prior to payment Council can provide the value of the indexed levy.

Copies of the *Willoughby Local Infrastructure Contributions Plan* are available for inspection online at [www.willoughby.nsw.gov.au](http://www.willoughby.nsw.gov.au)  
(Reason: Statutory requirement)

## **12. Detailed Stormwater Management Plan (SWMP)**

Prior to the issue any 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 plans shall include an OSD system, with a minimum storage volume of 500m<sup>3</sup>, and a water quality improvement system that meets the parameters detailed in Part C.5 of the Willoughby DCP and Technical Standard 1. The water quality improvement measures shall include but not be limited to:

- ~~— A bio-retention basin with an area of 225m<sup>2</sup> and a water ponding depth of 300mm. Should trees be planted in the basin, the area of the basin is to be increased by 10%.~~
- ~~— Enviro-pod pit inserts, or similar, in all grated inlet pits~~
- ~~— A 10kL rainwater tank, plumbed to non-potable uses including flushing of toilets to a minimum of 25 apartments and landscape irrigation. A minimum roof area of 1,000m<sup>2</sup> shall drain to the tank.~~
- A 30kL rainwater tank, plumbed to non-potable uses as per the MUSIC modelling.
- 16 Spel Filters or equivalent
- A device that targets removal of oils for runoff from internal roadways and parking areas.

The construction drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer and be in accordance with the Acor stormwater management plans CC 210257 C2/D, C3/E, C4/D, C5/D, C6/D, C7/D, C8/D, C9/D, C10/D, C11/E, C12/D AND C13/D. 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.

~~The construction drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer and be in accordance with the IDC stormwater management plans 19013-DA-C01/G, C02/H, C04/I, C05/E. 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.~~

A suitably qualified civil engineer, typically CPEng, shall certify that:

- The stormwater plans have been co-ordinated with the architectural, landscape and structural plans
  - The OSD system complies with the requirements of Part C.5 of the Willoughby DCP and Technical Standard 1.
  - The water quality improvement system complies with the requirements of Part C.5 of the Willoughby DCP and Technical Standard 1 and the required treatment rates are achieved.
  - The overall stormwater system complies with AS/NZS 3500.3
- (Reason: Ensure compliance)

## **20. Co-ordinated Plans**

Prior to the issue of any Construction Certificate, a set of co-ordinated architectural, landscape and civil drawings shall be submitted to the certifying authority for approval. The architectural plans shall show the following items:

- The outline of the OSD tank and all access grates into the tank
- The location of the bio-retention basin and all grates and pits associated with the basin
- The location of the rainwater tank

The bio-retention basin, access grates to the OSD tank and rainwater tank are to be located in common areas.

- ~~— The outline of the OSD tank and all access grates into the tank~~
- ~~— The location of any required stormwater quality improvement measures~~
- ~~— The location of the rainwater tank~~

~~The stormwater treatment system, access grates to the OSD tank and rainwater tank are to be located in common areas.~~

(Reason: Ensure stormwater management measures comply)

## **32. Contaminated Land – Remediation and Validation**

Prior to the lodgement of any application for a Construction Certificate:

- (a) The site must be remediated in accordance with the approved Remedial Action Plan (RAP) prepared by Construction Sciences Pty Ltd, Ref. No. 5046190085, dated 29/11/2019, as modified by Remedial Action Plan Ref. No. 5046190085 dated 20/12/2021 by Construction Sciences Pty Ltd, and the following:

- i. Environment Protection Authority (EPA) – ‘Consultants reporting on contaminated land – Contaminated land guidelines’ (2020), and
- ii. State Environmental Planning Policy No 55 – Remediation of Land
- iii. Managing Land Contamination Planning Guidelines SEPP55 – Remediation of Land (1998)

Any necessary variations to the RAP must obtain the concurrence of Council prior to the commencement of any further work.

- (b) Council shall be notified 30 days before any category 2 remediation work under SEPP 55 commences. This notification shall provide Council with the information needed to verify that the work is not category 1 by reference to the criteria in clause 14 and 15 of SEPP 55, and contain the minimum detail in accordance with clause 16 of SEPP 55.

- (c) A Stage 4 Validation Report, clearly stating that the objectives stated in the approved RAP have been achieved and the land is suitable for the continued use,

must be submitted to, and approved by Council in writing, together with notice of completion of remediation pursuant to clause 18 of SEPP 55.

- (d) The Validation Report and notice of completion of remediation must be submitted to Council prior to any excavation, demolition, or other building works, undertaken that are not associated with the remediation.

(Reason: Environmental compliance, public health)

#### **34. External Finishes - Compatibility**

All external building material shall be in colours and textures, which are compatible with the character of the locality. In this regard:

- (a) The Schedule of Colours and Finishes submitted with the application (DA 1.06A, **1.06B, 1.06C, 1.06D** ~~sheets 1 through to 6, Issue A, dated 23/05/2022~~, prepared by Hyecorp Property Group) satisfies this requirement;
- (b) The Schedule of Colours and Finishes shall be amended to comply with all requirements stipulated within Condition 2;
- (c) The Schedule of Colours and Finishes shall be submitted to the Certifying Authority prior to commencement of work.

(Reason: Visual amenity)

#### **75. Amalgamation of Sites and Street Numbering**

Prior to the issue of the Whole Occupation Certificate, the allotments of the development are to be amalgamated into one lot:

~~All~~ **The following** lots are to be amalgamated into one lot:

	<b>Legal Description</b>
26 Crabbes Avenue	Lots 4 to 10 Section C DP 6291 Lot 11 Section C DP 6291 Lots B DP 438684 Lot 1 DP 950651 Lots 1 and 2 DP 950652
243 Penshurst Street	Lot A DP 438684 Lot B DP 364487
247-255 Penshurst Street	Lot 100 DP 858335 Lots A and B DP 23465

Written application shall be made to the Geospatial Services Section of Council for the allocation of street numbering for each of the newly created strata lots and/or allotments. Documentary evidence of the allocated numbering issued by Council is to be lodged with the Subdivision Certificate Application and Linen Plans.

(Reason: To allow comprehensive redevelopment in accordance with the amended plans and conditions and to create an orderly subdivision pattern and ensure compliance with Council's House-Property Numbering Policy)

#### **96. On-site Water Management System**

Prior to the issue of any Occupation Certificate, the stormwater runoff from the site shall be collected and disposed of via a 500m<sup>3</sup> OSD system and the approved water

quality improvement system in accordance with Sydney Water's requirements AS/NZS3500.3, Council's DCP and Technical Standards. The construction of the stormwater drainage system of the proposed development shall be generally in accordance with the approved design stormwater management plans (Acor stormwater management plans CC 210257 C2/D, C3/E, C4/D, C5/D, C6/D, C7/D, C8/D, C9/D, C10/D, C11/E, C12/D AND C13/D) and Council's specification (AUS-SPEC) (~~IDC plans 19013 DA C01/G, C02/H, C04/I, C05/E~~) and Council's specification (AUS-SPEC).

(Reason: Prevent nuisance flooding)

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

The following on-site car parking provision wholly within the basement levels shall permanently be made available for the life of the development:

#### Seniors Living Development

- a) 1 Bedroom Seniors Living units – ~~24~~ **8** parking spaces;
- b) 2 Bedroom Seniors Living units – ~~36~~ **16** parking spaces;
- c) 3 Bedroom Seniors Living units – ~~63~~ **96** parking spaces;

#### Residential Aged Care Facility (RACF)

- a) RACF – 5 parking spaces;
- b) RACF Staff spaces – 12 parking spaces;

#### Registered Club

- a) Visitor parking – 180 parking spaces;
- b) Staff parking – 35 parking spaces;

#### Residential Flat Building (RFB) and Shops

- a) RFB resident parking – 24 parking spaces;
- b) RFB visitor parking – 6 parking spaces;
- c) RFB Shops parking spaces for tenants – 23 parking spaces;

#### Other Required Parking Spaces

- a) 106 parking spaces out of the 120 parking spaces for the Seniors Living residents is to be accessible parking spaces;
- b) 18 Accessible visitor parking spaces;
- c) ~~4~~ **2** carwash bays;
- d) 1 ambulance bay;
- e) 19 motorcycle spaces;
- f) ~~45~~ **28** bicycle racks;
- g) 37 visitor spaces for the Independent Living Units;
- h) 13 spaces for Independent Living Units Staff.**

All spaces must be clearly and visibly marked on site for their intended use as parking for residents, visitors, staff, disabled persons, office and retail or loading bay. The basement levels of the development must be accessible to residents, visitors and retail/business staff and clients, and emergency vehicles at all times. The basement level/level car parking comprising of residential car parking spaces must only be accessible to residents at all times.

(Reason: Ensure Compliance)

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

**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.

**43A. Transport for NSW – conditions**

All buildings and structures (other than pedestrian footpath awnings), together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth), along the Penshurst Street boundary.

(Reason: compliance)

**43B. Transport for NSW – conditions**

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. Documents should be submitted to [Development.Sydney@rms.nsw.gov.au](mailto:Development.Sydney@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.

(Reason: compliance)

**43C. Transport for NSW – conditions**

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.

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.

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) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

(Reason: compliance)

**45A. Ausgrid - Service Mains**

It appears the existing overhead electricity service mains, that supply the subject property, may not have sufficient clearance to the proposed construction as per the requirements of "The Installation and Service Rules of NSW". It is recommended that the developer engage a Level 2 Accredited Service Provider (ASP) Electrician to ensure that the installation will comply with the Service Rules.

There are existing overhead electricity network assets in CRABBES AVENUE & 243-253 PENSHURST STREET. Safework NSW Document – Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding. The “as constructed” minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid’s website, [www.ausgrid.com.au](http://www.ausgrid.com.au) Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost. It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site.

(Reason: Compliance)

**DURING DEMOLITION, EXCAVATION AND CONSTRUCTION**

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

**72A. Ausgrid - Street lighting**

The developer is to consider the impact that existing street lighting and any future replacement street lighting and maintenance may have on the development. Should the developer determine that any existing street lighting may impact the development, the developer should either review the development design, particular the placement of windows, or discuss with Ausgrid the options for relocating the street lighting. The relocating of any street lighting will generally be at the developers cost. In many cases is not possible to relocate street lighting due to its strategic positioning.

(Reason: Compliance)

**72B. Ausgrid - Underground Cables**

There are existing underground electricity network assets in CRABBES AVENUE & 243-253 PENSHURST STREET. Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Safework Australia – Excavation Code of Practice, and Ausgrid’s Network Standard NS156 outlines the minimum requirements for working around Ausgrid’s underground cables.

(Reason: Compliance)