

Panel Reference	PPSSNH-307
DA Number	DA-2022/161
LGA	Willoughby
Proposed Development	Demolition of all site structures and construction of 27 storey mixed use residential building consisting of 5 levels of basement car parking, ground level to level 2 commercial and retail premises, level 3 communal open space and facilities, levels 2 to 26 providing 70 residential apartments and associated works.
Street Address	871-877 Pacific Highway, Chatswood
Applicant/Owner	Mike Armstrong / Megland Group Pty Ltd
Date of DA lodgement	11/05/2022
Number of Submissions	Eleven (11)
Recommendation	Deferred Commencement
Regional Development Criteria - Schedule 6 of the SEPP (Planning Systems) 2021	Development that has a capital investment value of more than \$30 million.
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • State Environmental Planning Policy (Biodiversity and Conservation) 2021 • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy (Transport and Infrastructure) 2021 • State Environmental Planning Policy (Planning Systems) 2021 • SEPP No 65 - Design Quality of Residential Apartment Development and NSW Apartment Design Guide (ADG) • Sydney Regional Environmental Plan (Sydney Harbour Catchment) – Deemed SEPP • Willoughby Local Environmental Plan 2012 • Willoughby Development Control Plan (including SS DCP)
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Assessment Report • Schedule of Conditions • Site Description and Aerial Photo • Notification, Controls, Developer Contributions and Referrals • Submissions Table • Section 4.15 (79c) Assessment • Notification Map
Report prepared by	Peter Wells – Consultant Planner
Report date	16 February 2023

Summary of s4.15 matters

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

Yes

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?

Yes

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

Not Applicable

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

Conditions	
Have draft conditions been provided to the applicant for comment?	Yes
<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-307
COUNCIL	WILLOUGHBY CITY COUNCIL
ADDRESS:	871 PACIFIC HIGHWAY, CHATSWOOD NSW 2067.
DA NO:	DA-2022/161
PROPOSAL:	DEMOLITION OF ALL SITE STRUCTURES AND CONSTRUCTION OF 27 STOREY MIXED USE RESIDENTIAL BUILDING CONSISTING OF 5 LEVELS OF BASEMENT CAR PARKING, GROUND LEVEL TO LEVEL 2 COMMERCIAL AND RETAIL PREMISES, LEVEL 3 COMMUNAL OPEN SPACE AND FACILITIES, LEVELS 2 TO 26 PROVIDING 70 RESIDENTIAL APARTMENTS AND ASSOCIATED WORKS.
RECOMMENDATION:	DEFERRED COMMENCEMENT APPROVAL
ATTACHMENTS:	<ol style="list-style-type: none"> 1. SITE DESCRIPTION AND AERIAL PHOTO 2. NOTIFICATION, DEVELOPMENT CONTROLS, DEVELOPER CONTRIBUTION & REFERRALS 3. ASSESSMENT OF SEPP 65 (DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT 4. ASSESSMENT UNDER OTHER SEPPs, WLEP, WDCP AND SHARED PATH POLICY 5. SUBMISSIONS TABLE 6. SECTION 4.15 (79C) ASSESSMENT 7. SCHEDULE OF CONDITIONS 8. NOTIFICATION MAP
RESPONSIBLE OFFICER:	RITU SHANKAR - TEAM LEADER
AUTHOR:	PETER WELLS - CONSULTANT PLANNER
DATE:	16-FEB-2023

1. PURPOSE OF REPORT

The proposal is regionally significant development as identified in Schedule 6 of the SEPP (Planning Systems) 2021. It has a capital investment value (CIV) of over \$30 million and therefore Sydney North Planning Panel is the determination authority.

2. OFFICER'S RECOMMENDATION

2.1 THAT the Sydney North Planning Panel (SNPP) issue deferred commencement consent to the development subject to the attached conditions for the application DA-2022/161 for DEMOLITION OF ALL SITE STRUCTURES AND CONSTRUCTION OF 27 STOREY MIXED USE RESIDENTIAL BUILDING CONSISTING OF 5 LEVELS OF BASEMENT CAR PARKING, GROUND LEVEL TO LEVEL 2 COMMERCIAL AND RETAIL PREMISES, LEVEL 3 COMMUNAL OPEN SPACE AND FACILITIES, LEVELS 2 TO 26 PROVIDING 70 RESIDENTIAL APARTMENTS AND ASSOCIATED WORKS. at 871 Pacific Highway, CHATSWOOD NSW 2067, for the following reasons:

- a) Subject to compliance with the deferred commencement condition the development satisfies all relevant SEPP, LEP and DCP objectives and contain sufficient elements to achieve design excellence.**
- b) The development does not create any adverse or unreasonable impacts to surrounding residences and the surrounding locality;**
- c) The proposal satisfies the Chatswood CBD Planning and Urban Design Strategy 2036.**

3.0 DESCRIPTION OF PROPOSAL

3.1 Proposed Development

The development application proposes the following:

- a) Demolition of all existing buildings and structures;**
- b) Construction of 27 storey shop top housing development comprising 3 storeys of commercial/retail use, and residential tower comprising 24 levels containing 70 residential apartments, adopting the following mix:**
 - i. 1 bedroom – 8 units**
 - ii. 2 bedroom – 39 units**
 - iii. 3 bedroom – 23 units**
- c) Basement parking (5 levels) comprising 76 car spaces.**
- d) Proposed right-of-way along Pacific Highway frontage to facilitate public shared pedestrian and cycle path and general public access.**
- e) Proposed right-of-way to allow publicly accessible through-site link along the eastern boundary.**
- f) Public domain improvements, including landscaping, public art, street trees, and paving; and**
- g) Ancillary works, including vehicle and pedestrian access, site services, and stormwater infrastructure.**
- h) Landscaping and footpath works.**



Image 1: The existing site, identified with a red arrow. A photomontage of the subject proposal on completion.



Image 2: A photomontage of the subject proposal on completion (source: Urban Design Report Ref: ASK220812_100, dated 12/08/2022 prepared by MAKE).

3.2 Detailed breakdown of proposed Development

The below table provides summary of the proposed development:

Building	Details
Basement Level B5 (FFL RL 91.25) Drawing DA2005 Rev 04	<ul style="list-style-type: none"> • 19 car parking spaces <ul style="list-style-type: none"> - inclusive of 3 accessible spaces - inclusive of 2 EV charging spaces • 1 x motorbike space • Private residential storage space • Access to lifts and stairs • Vehicular ramp to upper basement levels • Plant
Basement Level B4 (FFL RL 94.10) Drawing DA2006 Rev 04	<ul style="list-style-type: none"> • 14 car parking spaces: <ul style="list-style-type: none"> - Inclusive of 3 accessible spaces - inclusive of 2 EV charging spaces • 1 x motorbike space • Private residential storage space • Access to lifts and stairs • Vehicular ramp to upper basement levels • Plant

Basement Level B3 (FFL RL 97.10) Drawing 2007 Rev 04	<ul style="list-style-type: none"> • 17 car parking spaces: <ul style="list-style-type: none"> - Inclusive of 3 accessible spaces - Inclusive of 4 visitor spaces - inclusive of 2 EV charging spaces • 1 x motorbike space • Private residential storage space • Access to lifts and stairs • Vehicular ramp to upper basement levels • Plant
Basement Level B2 (FFL RL 99.95) Drawing 2008 Rev 04	<ul style="list-style-type: none"> • 16 car parking spaces: <ul style="list-style-type: none"> - Inclusive of 3 accessible spaces - inclusive of 2 EV charging spaces • 1 x motorbike space • Private residential storage space • Access to lifts and stairs • Vehicular ramp to upper basement levels • Plant
Basement Level B1 (FFL RL 102.80) Drawing 2009 Rev 04	<ul style="list-style-type: none"> • 10 car parking spaces: <ul style="list-style-type: none"> - Inclusive of 2 accessible spaces • 1 x motorbike space • 2 x vehicular loading docks • Residential bin room and bulky waste storage; • Non-residential bin room; • Residential and non-residential bicycle storage; • Access to lifts and stairs • Vehicular ramp to upper basement levels • Plant
Ground Level (FFL RL 107.91 and RL 108.30) Drawing 2010 Rev 04	<ul style="list-style-type: none"> • 2 x retail tenancies (117m2 and 106m2) • Commercial lobby (90m2) • Residential lobby; • Kiosk within deep soil zone; • Fire control room; • Fire brigade booster; • 3m wide shared pedestrian path along Pacific Highway frontage; • 4m wide right-of-way parallel with front boundary along Pacific Highway frontage; • Access to lifts and stairs • Vehicular ramp to basement levels • Plant and exhaust
Level L01 (FFL RL 112.46) Drawing 2011 Rev 04	<ul style="list-style-type: none"> • Office floor space 630m2 • Sanitary facilities • Access to lifts and stairs
Level L02 (FFL RL 116.96) Drawing 2012 Rev 05	<ul style="list-style-type: none"> • Office floor space 338m2 • 1 x residential unit (1-bed) • 1 x residential communal open space (100m2)
Level L03 (FFL RL 121.51) Drawing 2013 Rev 04	<ul style="list-style-type: none"> • 2 x residential units (1 x 1-bed, 1 x 2-bed) • Residential communal open space including

	lap pool.
Level L4 – 09 Drawing 2014 Rev 04	<ul style="list-style-type: none"> 4 x residential units (1 x 1-bed, 3 x 2-bed)
Level L10 – 19 DA2023 Rev 02	<ul style="list-style-type: none"> 3 x residential units (2 x 2-bed, 1 x 3-bed)
Level L20 – 25 DA2033 Rev 02	<ul style="list-style-type: none"> 2 x residential units (2 x 3-bed)
Level L26 (FFL RL 192.63) DA2036 Rev 04	<ul style="list-style-type: none"> 1 x residential units (1 x 3-bed)
Roof (Lift overrun RL 197.91, skylight RL 196.72, roof RL 195.80)	

3.3 Demolition

All existing buildings and outbuildings are to be demolished. Conditions of consent are recommended to minimise impacts associated with these demolition works.

3.4 Excavation and Basement Carpark

The proposed basement carparking requires excavation to a depth in excess of 17m. Sydney Trains and Sydney Metro deal with excavation via conditions in its concurrence. The groundwater table is determined to be "...likely to be below the lowest proposed basement level" by the applicant's Geotechnical Engineer Douglas Partners (Report Ref: 84722.04, dated Sep 2022).

4.0 BACKGROUND

The site is located on the corner of the Pacific Highway and Wilson Street in Chatswood. A description of the site and surrounding area, including an aerial photograph is contained in Attachment 1.

On 30 January 2019 the Willoughby Local Planning Panel decided the Planning Proposal PP-2018/4 (the subject planning proposal) had demonstrated strategic and site specific merit and was worthy of being forwarded to the DP&E for a Gateway consideration. The Planning Proposal sought rezoning (B5 Business Development to B4 Mixed Use), amendments to WLEP 2012 to include site specific provisions for 871 – 877 Pacific Highway including:

- Increase in height limit (21m to 90m)
- Increase in FSR (2.5:1 to 6:1)
- Minimum commercial floor space of 1:1 within the mixed use zone
- 4% affordable housing
- Design excellence.

On 3 November 2019 the Department of Planning, Industry & Environment (DPIE) confirmed the return of this planning proposal to Council to review and update in accordance with DPIE's partial endorsement conditions relating to the Chatswood CBD Planning and Urban Design Strategy.

On 2 December 2020 DPIE issued the Gateway Determination providing a 12-month timeframe for the gazettal of the amended LEP. The planning proposal and the site specific DCP was placed on exhibition from 24 March to 21 April 2021, where two petitions involving 49 signatures were received, as well as 26 submissions through Have Your Say, another 5 submissions to Council, one submission to (then) Hon G Berejiklian MP, and one submission through the NSW Planning Portal.

On 17 December 2021 a VPA was executed, where the developer agreed to provide \$2,738,700 monetary contribution in 3 instalments towards Council's Community Infrastructure Contributions (CIC) scheme. The Agreement sets out how and when the contribution is to be provided.

The proposal has undertaken and finalised an Architectural Design Competition as required by Clause 6.23 WLEP. The Architectural Design Competition Jury found MAKE Architects' scheme preferable and capable of achieving design excellence subject to further design development prior to lodgement of the DA. It is worthy to note that the proposal has been subjected to Willoughby Council's Design Excellence Integrity Process on the basis that it presents a two and three storey podium massing, contrary to the numerical requirements of the site specific DCP. On 20th September 2022 the Panel confirmed it supports the two and three storey podium massing in this location. This matter is further discussed in the body of this report.

On 18 November 2021 a pre-DA was held with the applicant, where the following issues were identified:

- Permissibility / Characterisation
- Podium design
- Development near rail corridors
- Stormwater Management
- Access and Parking
- Traffic
- On-site parking for commercial and retail uses
- Design and use of the internal loading bay/ service vehicle bay

On 6 May 2022 Willoughby LEP (Amendment 22) was made, which included:

- rezone the site from B5 Business Development to B4 Mixed Use
- increase the maximum floor space ratio control from 2.5:1 to 6:1
- increase the maximum height of building from 21 metres to 90 metres
- amend the special provisions area map to include the site in Area 9 (affordable housing) to provide 4% of the residential floor space as affordable housing units
- amend clause 6.8(2) to include Area 9 on the special provisions area map
- amend clause 6.8(7) 'affordable housing' to include reference to Area 3 and Area 9.

The site specific DCP includes the following podium requirements:

Pacific Highway frontage

- i. Minimum 4 metre setback at Ground level from front boundary
- ii. Maximum 7 metre street wall height
- iii. Minimum 6 metre setback above street wall

Mixed use frontage with commercial Ground Floor

- i. 6-14 metre street wall height at front boundary
- ii. Minimum 3 metre setback above street wall (which would apply to Wilson Street)

Council communicated to the applicant that the 7 metre street wall height envisions a two storey podium presentation to the Pacific Highway.

On 15 June 2022 a kick-off briefing was held with the applicant and DPIE.

Council identified issues including:

- Loading bay and sweep paths.
- Stormwater management.
- Podium height.
- Additional details on drawings (room, wardrobe dimensions etc)

The Panel identified the following issue:

- Council and applicant to resolve podium height prior to next briefing.
- Impact of railway on communal open space.

On 15 July 2022 Council issued a letter requiring further information where the following items were identified:

- Sydney Metro
- Podium
- Setbacks – Site Specific DCP
- Parking and access
- Stormwater Management
- Landscaping
- Architectural drawings
- Geotechnical Report
- Contamination
- Characterisation
- Building Code of Australia
- Access
- Gross Floor Area
- Traffic

During the DA assessment, the applicant elected to reduce the number of units 76 units to 70 units. The number of basement levels were reduced from 6 to 5. The Design Integrity process was triggered (as mentioned earlier), where the Design Excellence Panel confirmed it supports the two and three storey podium massing as presented and finds that “sufficient built form testing has been undertaken to demonstrate the proposal results in better architectural, urban and landscape outcomes for this site compared to the podium setback controls required by the DCP”.

On 25 November 2022 Sydney Metro issued its concurrence, subject to 45 conditions.

On 8 February 2023 Sydney Trains issued its concurrence, subject to 40 conditions.

5.0 DISCUSSION

The proposal satisfies the requirements of the LEP (as amended) and generally satisfies the requirements for the site specific DCP with the exception of the Pacific Highway podium height (which is part 2 / part 3 storeys where it is not supposed to exceed 2 storeys) and the location of the substation, which has been located in the landscaped space in lieu of inside the building as required.

The proposal is considered satisfactory subject to conditions.

The site description and aerial photo are in **Attachment 1**.

The assessment of controls, developer contribution and referrals are in **Attachment 2**.

The assessment of the proposal under SEPP 65 (ADG) is in **Attachment 3**.

The assessment of the proposal under other SEPPs, WLEP, Draft WLEP and Shared Path Policy is in **Attachment 4**.

A table of the issues raised in the submissions objecting to the proposal and the assessing officer's response is contained in **Attachment 5**.

The assessment of the proposal under Section 4.15 EPAA is in **Attachment 6**.

The Schedule of draft conditions is in **Attachment 7**.

A Notification Map is contained in **Attachment 8**.

6.0 CONCLUSION

The Development Application DA-2022/161 has been assessed in accordance with Section 4.15 (79C) of the Environmental Planning and Assessment Act 1979, WLEP 2012, Draft LEP, WDCP, and other relevant codes and policies. It is considered that the proposal is acceptable in the particular location, subject to the consent conditions included in **Attachment 5**.

ATTACHMENT 1: SITE DESCRIPTION AND AERIAL PHOTO

Description of the Subject Site

The site comprises Strata Plan 17870 (871-877 Pacific Highway), bounded by the Pacific Highway, Wilson Street, the railway and one site to the north (879 Pacific Highway) which comprises a service station.

The site is 1,430.9m² in area. It is roughly trapezoid in shape with frontages as follows:

North – 879 Pacific Highway (28.78m)

South – Wilson Street (38.435m)

East – North Shore Train Line (40.235m)

West – Pacific (47.395m)

The site is relatively level, with a slight fall to the south-west corner. There are three connected buildings existing on the site (to be demolished). The existing site vehicular access is from Wilson Street.



Image 3: The subject site at 871-877 Pacific Highway outlined in yellow.

To the north of the site is a Shell Service Station. To the south, opposite Wilson Street, is a 4-storey residential flat building. Further along the Pacific Highway is a range of commercial and residential uses typical of Chatswood CBD. To the east is the North Shore Train Line. Across the rail line are low density residential developments, the including 58 Anderson Street and 56 – 58 Anderson Street which, been through a Planning Proposal process, now have envelope controls which include:

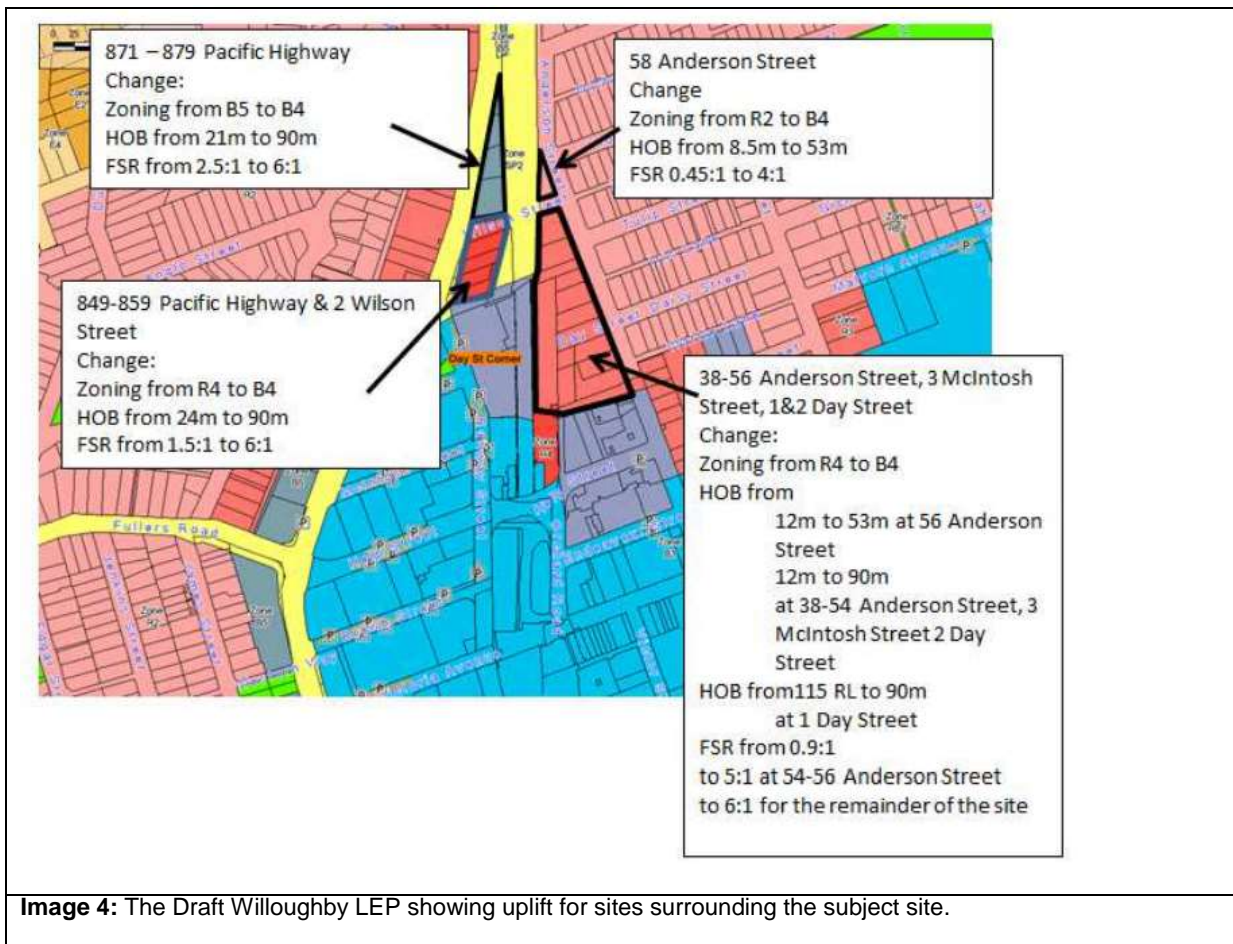
58 Anderson Street: Building height 53m, FSR 4:1.

56 – 58 Anderson Street: Building height 53m and 90m, FSR 5:1.

The site is located 530m from the Chatswood Railway Station and Transport Interchange and within the existing Chatswood CBD boundary identified in the CBD Strategy.

The CBD Strategy is intended to establish a strong framework to guide all future development in the Chatswood CBD over the next 20 years and to achieve exceptional design and a distinctive, resilient and vibrant centre.

For contextual comparison, the following extract from the exhibited Draft LEP shows the uplift contemplated by this draft instrument.



The following nearby sites have been come through the Planning Proposal process:

- 58 Anderson Street;
- 54–56 Anderson Street;
- 44, 46 and 52 Anderson Street;
- 753 Pacific Highway and 15 Ellis Street (DA approved by Sydney North Planning Panel on 18 November 2022).



Image 5: The subject viewed from the north.



Image 6: A photo montage of the completed podium and lower section of tower.



Image 7: A photo montage of the completed podium and lower section of tower.



Image 8: A freeze frame taken from the applicant's animation to show contextual fit when viewed from the north-west.



Image 9: A freeze frame taken from the applicant's animation to show contextual fit when viewed from the south-west.

ATTACHMENT 2: NOTIFICATION, DEVELOPMENT CONTROLS, DEVELOPER CONTRIBUTION & REFERRALS

Neighbour Notification

The development application was notified in accordance with the Willoughby Community Participation Plan for a period of twenty-one (21) days from 2 June to 23 June 2022.

During the notification period, 11 submissions were received by Council. The issues detailed within the submissions are addressed in **Attachment 5** of this report.

Controls and Classification summary

Note: A full WLEP assessment is provided under Attachment 4

WLEP 2012 Zoning (amendment 21):	B4 Mixed use
FSR	6:1
Building height	90 metres
Active Street frontage (cl 6.7)	Yes, 2 frontages Pacific Highway and Wilson Street
Affordable housing (cl 6.8)	4% (Area 9)
Design excellence (cl 6.23)	Yes (Area 12)
Shop top housing at certain sites at Chatswood (cl 6.25)	cl 6.25 (1) (d) WLEP contingent on minimum 17% of GFA to be used for non-residential purposes.
Existing Use Rights	No
Conservation area	No
Aboriginal Heritage	No
Heritage Item	No
Vicinity of Heritage Item	Item I108 (Local significance) located at 850 Pacific Highway, Boarding house (including original interiors)
Natural Heritage Register	No
Bushfire Prone Area	No
Flood related planning control	No
Foreshore Building Line	No
Adjacent to classified road	Yes
Road/lane widening	No
BASIX SEPP	Yes
Infrastructure SEPP - Rail	Yes (Concurrence received from Metro and Sydney Trains)
Infrastructure SEPP - Road	Yes (Concurrence received from TfNSW)
Coastal Management SEPP	No
Acid Sulphate Soil Category	5
Development near Lane Cove Tunnel	No
Contaminated Land	No – see report for further information.
Adjacent / above Metro	Yes
Other relevant SEPPs	<ul style="list-style-type: none"> State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Planning Systems) 2021

	<ul style="list-style-type: none"> SEPP No 65 - Design Quality of Residential Apartment Development and NSW Apartment Design Guide (ADG)
Other relevant REPS	Sydney Regional Environmental Plan (Sydney Regional Harbour catchment)
Relevant DCPs policies and resolutions	WDGP

Assessment Comments from Referral Bodies

Internal Council Referrals	
Urban Design Specialist	<p>1. General</p> <p>1.1 This site was the subject of a rigorous evaluation process in accordance with Willoughby Local Environmental Plan Design Excellence Clause.</p> <p>1.1.1 The Jury awarded an outcome based on a compliant scheme.</p> <p>1.1.2 The Jury also noted the following regarding the podium height:</p> <p>1.1.2.1 “the Jury considers that a consistent 3 storey massing without stepping would provide better urban and architectural outcomes with the potential to deliver a higher degree of design excellence. A massing diagram illustrating this 3 storey option was included in MAKE’s presentation (August 2021). While acknowledging the variation this would create from the existing DCP controls, the Jury notes the inherent differences associated with this gateway location at the northernmost extremity of the city centre and the appropriateness of a variation in the urban form of the podium at this location to achieve a range of better outcomes”</p> <p>2. Design Excellence Compliance</p> <p>2.1 The Scheme submitted in the DA is generally in accordance with the Design Excellence Competition report</p> <p>2.2 Responding to the Competition report the DA comprises a (non-compliant) 3 level podium.</p> <p>2.2.1.1 As the Non-compliant submission is generally in accordance with the Competition Report, there is no requirement to seek further input via the Willoughby Design Excellence Clause/Guideline through a review by a Design Integrity Panel.</p> <p>2.3 As no podium height compliant scheme is included in the DA it is not possible to comment on building form and expression on a compliant outcome, or possible for comparative evaluation’.</p> <p>3. Ground level public domain</p> <p>3.1 The DA includes an electrical substation within the ground level landscaped area.</p> <p>3.1.1 This outcome is not supported and not in accordance with the scheme evaluated during the Design Excellence or pre-DA process.</p> <p>3.1.1.1 The Electrical substation is to be relocated from the ground plan and incorporated within the current building form.</p>

Engineering	<p>Council's engineers have reviewed the above application with regards elements relevant to development engineering.</p> <p>The site is located on a ridge and there are no Council stormwater pits near the site. Given the size of the development, Council's drainage engineer has required that stormwater from the site be piped to the drainage system and not discharge to the kerb and gutter. The concept plans submitted propose connection to the TfNSW pit in the Pacific Highway, near View Street. This system drains across the Pacific Highway and discharges to the kerb and gutter in View Street. To connect to the main Council system, new pipes will be required along View Street, to join together sections of the pipe network.</p> <p>The concept stormwater plans include an OSD system and stormwater quality improvement system in accordance with the DCP. The OSD system requires a minimum volume of 50m³. Amended plans have detailed that the minimum orifice size complies with Council's requirements and a HGL analysis has been provided.</p> <p>Two way access is available for the site, including to all basement parking levels. The loading bay is located at the first basement level. Two way access to this is provided for a SRV and a B99 vehicle. Due to the curve on the entry ramp, while Council's waste vehicle and an MRV can enter the site, they require to the full width of the entry ramp. The developer is to provide a control system, to prevent conflict on the ramp. We have required that it is to be designed to allow waiting vehicles to be located within the site, to minimise the impact on the roadway.</p> <p>Parking layout is in accordance with the relevant standards. We require that visitor parking complies with the requirements for Class 2 Medium term parking and have conditioned that it complies. There are a number of parallel parking spaces. While the applicant has demonstrated that they comply with the requirements of the standard, they do require that a vehicle has to turn around in the aisle to enter or leave the space. While it is possible and complies with the standard, we believe it does not meet design excellence standards.</p> <p>The application is acceptable, subject to conditions.</p>
Traffic and Transport	<p>Parking:</p> <ul style="list-style-type: none"> • Parking spaces provided do not exceed the maximum number of spaces in WCC parking DCP • Shared Paths – consider a 3m wide shared path on the northern side of Wilson St between the Pacific Highway and the railway overpass because, WCC is proposing a shared path on the eastern side of the Pacific Highway from Herbert St, St-Leonards to Park Road Ku-ring-gai. WCC is investigating a shared path on Anderson St, Chatswood. • Ramp grades – need a long section on all ramp giving the elevation and distance between each tangent points on the tangent lines between grades. The long sections to start at the centre of Wilson St opposite the entrance to the underground car parking. • Confirmation the garbage truck will stand on a level area when emptying the garbage bins • Provide the vertical height clearances for the WCC garbage trucks when entering, leaving and standing in the waste collection area • How vehicle safety will be managed at the blind corners along the ramps – e.g. mirrors etc • Provide 2.0m x 2.5m pedestrian sight triangles at the entrance to the building – AS 2890.1:2004 Figure 3.3 – not clear from information provided • Confirm Service Bays/Loading Docks are in accordance with AS

	<p>2890.2:2002 Table 4.1 – not clear from information provided.</p> <p>Traffic:</p> <ul style="list-style-type: none"> • Signage to encourage all trucks to enter and leave the site via Pacific Highway because of the restricted sight distances to the east across the railway overpass towards Anderson St. • Traffic generation is very low – do not see any traffic issues.
Waste Management	No objection to proposal, conditions issued.
Landscaping	Conditions imposed.
Environmental Health	<p>Since my last memo dated 26 October 2022, Council received an email from the Applicant's environmental consultant, Douglas Partners Pty Ltd, of a proposed approach to resolving my concerns regarding contamination. On 2 December 2022 Council received a signed letter written by Douglas Partners that stated:</p> <ul style="list-style-type: none"> • The EPA Record of Notices now shows that the adjoining Shell service station is listed as not requiring regulation under the CLM Act; • The groundwater monitoring wells installed by JK Environments for the PSI were sampled and the results showed that no petroleum hydrocarbons were present and all analytes tested were below thresholds except for chromium, copper, lead, nickel and zinc. These elevated levels are likely due to regional groundwater typical of an urbanised area rather than localised contamination such as leaks and underground pipes carrying water. The metal concentrations will need to be considered if dewatering is required for the proposed basement excavation; and • The risk of significant contamination at the site is low and the implementation of the Remedial Action Plan (RAP), including post-demolition investigations, can form part of a conditional development consent. <p>In light of this information, it is considered that the deferred commencement condition from my memo dated 26 October 2022 is now unnecessary and the following recommended conditions can be applied < conditions attached in draft consent ></p>

Developer Contributions

Proposed Development involves:

1. Demolition of all site structures
2. Construction of a 27-storey shop-top housing comprising 70 dwellings:

AH	1-Bed	2-Bed	3-Bed	Notes
-				Affordable Housing (AH), req'd under CI 6.8 - Area 9, not dedicated in the form of "product" but converted monetary contribution
Not nominated	8	39	23	Total: 70 units

3. Part 2/part 3-storey podium comprising:

Ground Level:	Commercial / retail floor space, commercial and residential lobby entries, basement access, waste and storage collection from Level B1, and back-of-house services
L1:	Commercial / office floor space and associated amenities and service areas
L2:	Commercial / office floor space and associated amenities and service areas; resident communal amenity room, and communal outdoor terrace (including BBQ / dining areas, fire pit lounge, work-from-home study lounge, and walled gardens).
L3:	Communal open space, including a swimming pool, reading lounges, pool deck, floating sunbeds, screening plants, yoga terrace, and sunken lounges.

4. 6-levels basement car parking, ground level to level 2 commercial premises, level 3 communal open space and facilities, levels 2 - 26 providing 70 residential apartments and associated works.
5. Associated landscaping and public domain works

In accordance with cl 2.8 and Table 1 of *Willoughby Local Infrastructure Contributions Plan 2019*, given the proposal is a **shop-top housing development**, s7.11 contribution applies as demonstrated below:

S7.11 Calculation	Qty	Proposal - Calculation	
Dwellings / Residents Proposed		dwelling rate	Contributions (\$)
1 bedroom dwelling	8	x \$11,045.36	\$88,362.88
2 bedroom dwelling	39	x \$15,544.09	\$606,219.51
3 or more bedroom dwelling	23	x \$20,000.00	\$460,000.00
Affordable Housing req'd under WLEP not deducted from calculation as per CI 2.6 of WLIC Plan which states contribution does not apply to AH because no AH units have been nominated (see notes below)	0	\$0	\$0
	70	Subtotal	\$1,154,582.39

NOTE: On 2022-12-02, an email from Rob Battersby, URBIS acknowledges the acceptance of the full contribution amount applicable to proposed 70 dwellings by not nominating any AH dwelling mix for dedication at the time of this s7.11 calculation and at the time Council imposes the contribution related condition. For this reason, no quantum of contributions equating to AH dedicated floor area/dwelling mix had been deducted from the s7.11 contribution amount. See this email in ECM.

had been deducted from the s7.11 contribution amount. See this email in ECM.

In accordance with CI-2.9.1 of WLIC Plan, the following credits are given for this development:

Credits for demolishing existing structures		Credits -- Calculation	
		dwelling-rate	Contributions (\$)
10 existing dwelling containing 2 bedrooms	10	x \$15,544.09	
NOTE: 2-bed dwelling rate selected as existing dwelling mix is not provided by applicant. Average dwelling size of 10 existing SP lots (Pathway record) is ~113.1m ² and taken as assumption		Less	\$155,440.90
s7.11 yield amount (with credits given to existing residential only): (i.e. \$1,154,582.39 minus \$155,440.90)			\$999,141.49

As demonstrated above and in accordance with CI-2.9.1 of WLIC Plan, **\$999,141.49** of s7.11 contributions applies to this development.

External Referrals

TfNSW	<p>Reference is made to your correspondence dated 16 May 2022, regarding the abovementioned development, which was referred to Transport for NSW in accordance with Clause 2.98 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP). A separate submission will be provided by Sydney Trains.</p> <p>TfNSW has assessed the traffic impacts of the proposed development and provides the following comments:</p> <ol style="list-style-type: none">1. All buildings and structures, together with any improvements integral to the future use of the site are wholly within the freehold property (unlimited in height or depth), along the Pacific Highway boundary.2. The developer is to submit design drawings and documents relating to the excavation of the site and support structures along Pacific Highway, to TfNSW for assessment, in accordance with Technical Direction GTD2020/001. <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 TfNSW.</p> <p>Documents should be submitted to Development.Sydney@transport.nsw.gov.au.</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> <ol style="list-style-type: none">3. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system on Pacific Highway, the discharge into the existing pit and its connection to the existing pit are to be submitted to TfNSW for approval prior to the commencement of any works. <p>Please send all documentation to development.sydney@transport.nsw.gov.au</p> <p>A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.</p> <ol style="list-style-type: none">4. The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2018.5. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.6. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Pacific Highway during construction activities. A ROL can be obtained through https://myrta.com/oplinc2/pages/security/oplincLogin.jsf.
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<p>Ausgrid</p>	<p>Ausgrid does not have any objections for the proposed development. The applicant/developer should note the following comments below regarding any proposal within the proximity of existing electrical network assets.</p> <p>Overhead Powerlines</p> <p>Safe work 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.</p> <p>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</p> <p>It remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite.</p> <p>"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.</p> <p>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>Sydney Metro</p>	<p>Sydney Metro refers to Development Application DA-2022/161 (DA) submitted by Goldfields Chatswood No.2 Pty Ltd (Applicant) that has been referred to Sydney Metro via the NSW Planning Portal on 17 August 2022, in accordance with section 2.99 of the <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> (Transport and Infrastructure SEPP).</p> <p>Transport for NSW (TfNSW) has delegated its rail authority functions in relation to the Sydney Metro - City & Southwest and Metro North West Line rail corridors to Sydney Metro. Therefore, Sydney Metro is the relevant rail authority for the Sydney Metro - North West Line rail corridor for the purpose of the Transport and Infrastructure SEPP.</p> <p>Assessment requirements under the Transport and Infrastructure SEPP</p> <p>Sydney Metro has reviewed the DA documents that were reviewed the DA documents that were uploaded onto the NSW Planning Portal from 6 April 2022 to 21 November 2022.</p> <p>Sydney Metro has assessed the development proposed by the DA in accordance with the requirements of section 2.99(4) of the Transport and Infrastructure SEPP.</p> <p>In this regard, Sydney Metro has taken into account:</p> <ul style="list-style-type: none"> (a) the potential effects of the development (whether alone or cumulatively with other development or proposed development) on: <ul style="list-style-type: none"> (i) the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and (ii) the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and (b) what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.

	<p>Concurrence granted subject to conditions</p> <p>Sydney Metro has taken the above matters into consideration and has decided to grant its concurrence to the development proposed in the DA, subject to the consent authority imposing the conditions at Attachment A. Should the consent authority determine not to impose the conditions provided in Attachment A in the form provided, then concurrence from Sydney Metro has not been granted to the DA.</p> <p>The consent authority is also advised that Sydney Metro's concurrence is not to be amended, replaced or superseded by any concurrence which may be issued by any other authority, without further agreement from Sydney Metro.</p> <p>Next steps</p> <p>If, at any point, the DA is amended prior to the consent authority's determination, please ensure that the amended DA and any new or amended supporting documents are provided to Sydney Metro for further assessment. Any amendments to the DA may alter the impacts of the proposed development on the Sydney Metro - Metro North West Line rail corridor assessed by Sydney Metro, so Sydney Metro may need to amend (or refuse) its concurrence.</p> <p>Sydney Metro would be grateful if a copy of the Notice of Determination and any conditions of consent for the DA are forwarded to Sydney Metro should the consent authority determine to grant consent to the DA.</p> <p>In the event that the proposed development is the subject of a Land and Environment Court appeal, the consent authority's attention is also drawn to section 8.12 of the <i>Environmental Planning and Assessment Act 1979</i> which requires the consent authority to give notice of that appeal to a concurrence authority.</p> <p>Finally, it appears the DA may also have impacts on the T1 North Shore & Western Line rail corridor, which is not the responsibility of Sydney Metro. Sydney Trains is the relevant rail authority for the T1 North Shore & Western Line rail corridor. The DA should be referred to Sydney Trains for comments or concurrence, as applicable as soon as possible.</p> <p>Sydney Metro thanks Council for its assistance.</p> <p>[Conditions were attached to this correspondence and are included in the draft conditions at the end of this report]</p>
<p>TfNSW (Sydney Trains)</p>	<p>I refer to Council's referral requesting concurrence for the above development application in accordance with Section 2.99 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP).</p> <p>Council is advised that TfNSW (Sydney Trains), via Instruments of Delegation, has been delegated to act as the rail authority for the North Shore & Western Line heavy rail corridor, including infrastructure, and to process the concurrence for this development application.</p> <p>As such, TfNSW (Sydney Trains) advises that the proposed development has been assessed in accordance with the requirements of Section 2.99(4) of the Transport and Infrastructure SEPP being:</p> <p><i>a) the potential effects of the development (whether alone or cumulatively with other development or proposed development) on: i) the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and</i></p> <p><i>ii) the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and</i></p>

	<p><i>b) what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.</i></p> <p>TfNSW (Sydney Trains) has taken the above requirements into consideration and has decided to grant its concurrence to the development proposed in development application DA-2022/161 subject to Council imposing the operational conditions as written in Attachment A and B that will need to be complied with.</p> <p>Should Council choose not to impose the operational conditions as written in Attachments A and B, then concurrence from TfNSW (Sydney Trains) has not been granted to the proposed development.</p> <p>In the event that this proposed development is the subject of a Land and Environment Court appeal, Council's attention is drawn to Section 8.12 of the Environmental Planning and Assessment Act 1979 which requires Council to give notice of that appeal to a concurrence authority. TfNSW (Sydney Trains) therefore requests that Council comply with this requirement should such an event occur.</p> <p>Council is also advised that this concurrence is not to be amended, replaced, or superseded by any concurrence issued by any other rail authority, without further agreement from TfNSW (Sydney Trains).</p> <p>Please contact TfNSW (Sydney Trains) Town Planning Management via email to DA_sydneytrains@transport.nsw.gov.au should you wish to discuss this matter. Finally, it is requested that when the proposed development's Determination is issued by the Council, a copy of the Notice of Determination and conditions of consent are provided.</p> <p>[Conditions were attached to this correspondence and are included in the draft conditions at the end of this report]</p>
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ATTACHMENT 3: ASSESSMENT UNDER SEPP 65

State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65) aims to improve the design quality of residential flat buildings and residential components of mixed-use developments. It applies to any building that comprises 3 or more storeys and 4 or more dwellings.

In determining a development application for residential flat development, a consent authority is to consider:

- (a) the advice (if any) obtained from the design review panel, and
- (b) the design quality of the development when evaluated in accordance with the design quality principles, and
- (c) the Apartment Design Guide.

The following table outlines how the proposal satisfies the design quality principles of SEPP 65 and objectives of Parts 3 and 4 of the Apartment Design Guide (ADG). Overall, the proposal satisfies the provisions of the ADG.

ADG Objective	Proposal	Satisfied
Objective 3D-1 An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping.	The proposal provides 517m ² communal open space at Levels 02 and 03. This provision is equal to 36% of the total site area. At least 50% of the useable part receives 50% direct sunlight for two or more hours on 21 June.	Yes
Design criteria 1. Communal open space has a minimum area equal to 25% of the site. 2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter).	Communal open areas provide residents with options for both communal engagement and private use.	
Objective 3E-1 Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.	Deep soil provision is calculated as follows: Substation kiosk as proposed: 86m ² Substation kiosk removed: 100m ²	No, unless substation relocated so as not to interfere with deep soil.
Design criteria Deep soil zones minimum 7% or 10% if possible. 7% x 1430.9 = 100m ²		
Objective 3F-1 Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of	Satisfied	Yes

<p><i>external and internal visual privacy.</i></p> <p>Objective 3F-2</p> <p><i>Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.</i></p>		
<p>Objective 3J-1</p> <p><i>Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas.</i></p>	Satisfied	Yes
<p>Objective 4A-1 Solar Access</p> <p><i>To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.</i></p>	All residential apartments (100%) receive 2 hours direct sunlight in mid-winter. The proposal is designed to optimise the number of apartments receiving sunlight to habitable rooms, primary windows, and open spaces	Yes
<p>Objective 4B-3 Natural Cross Ventilation</p> <p><i>The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents.</i></p>	100% of apartments achieve natural cross ventilation.	Yes
<p>Objective 4C-1 Floor to Ceiling Heights</p> <p><i>Ceiling height achieves sufficient natural ventilation and daylight access.</i></p> <p>Design criteria The minimum ceiling heights proposed are:</p> <ul style="list-style-type: none"> ▪ 2.7 m for habitable rooms; and ▪ 2.4 m for non-habitable rooms. 	3.09m floor to floor height proposed for residential floors. Whilst a minimum 3.1m floor to floor is not achieved, it is considered that there is sufficient spatial separation between floors to achieve 2.7m minimum floor to ceiling.	Yes
<p>Objective 4D-1 Minimum Apartment Sizes</p> <p><i>The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity.</i></p>	The proposal is consistent with ADG requirements for the minimum size of rooms.	Yes
<p>4E Private open space and balconies</p> <p><i>Minimum area Minimum depth</i> 1 bedroom apartments 8m² (2m depth) 2 bedroom apartments 10m² (2m depth) 3+ bedroom apartments 12m² (2.4m depth)</p>	The proposal is consistent with ADG requirements for the size and depth of balconies.	Yes
<p>4F Common circulation and spaces</p> <p>1. The maximum number of apartments off a circulation core on a single level is eight 2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40</p>	Satisfied	Yes
Objective 4G-1	Satisfied	Yes

1 bedroom apartments 6m3 2 bedroom apartments 8m3 3 3 bedroom apartments 10m3		
4H Acoustic privacy Objective 4H-1 Noise transfer is minimised through the siting of buildings and building layout Objective 4H-2 Noise impacts are mitigated within apartments through layout and acoustic treatments	Satisfied	Yes
4J Noise and Pollution Objective 4J-1 In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings Objective 4J-2 Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission	Satisfied	Yes
4K Apartment mix Objective 4K-1 A range of apartment types and sizes is provided to cater for different household types now and into the future Objective 4K-2 The apartment mix is distributed to suitable locations within the building	Satisfied	Yes
4M Facades Objective 4M-1 Building facades provide visual interest along the street while respecting the character of the local area Objective 4M-2 Building functions are expressed by the facade	Satisfied	Yes

ATTACHMENT 4: ASSESSMENT UNDER OTHER SEPPs, WLEP, DRAFT LEP, WDCP AND SHARED PATH POLICY

4.1 State Environmental Planning Policy (Resilience and Hazards) 2021

State Environmental Planning Policy (Resilience and Hazards) 2021 provides that a consent authority must not consent to the carrying out of development on land unless it has considered whether the land is contaminated.

The Preliminary Site Investigation (PSI) prepared by JKEvironments (dated 23 December 2021) identified a data gap in information on the potential contamination sources in regards to additional groundwater screening being required along the northern boundary to assess the potential for seepage of hydrocarbons from the adjacent service station site.

The PSI also stated the additional groundwater investigation should include a groundwater contour plan to assess the groundwater flow directions at the site.

The PSI stated this data gap should be assessed prior to proceeding with site remediation. In Section 10 Conclusions and Recommendations, the report says that an update to the Douglas Partners DSI (dated 14 April 2015) should be carried out to include asbestos quantification and the additional groundwater testing, and that the Remedial Action Plan (RAP) prepared by Douglas Partners (dated 9 June 2017) should also be updated to address the outcome of this additional testing.

In contrast to this recommendation, the new DSI prepared by Douglas Partners (dated 1 September 2022) states that the additional investigation of seepage along the northern boundary should be undertaken post-DA.

“... seepage into the basement along the northern side of the site is of concern due to the presence of a service station immediately to the north. Leaking underground storage tanks (USTs) are commonly encountered on service station sites and any seepage of hydrocarbons from the adjacent site would need to be handled by intercepting the seepage on the adjacent site before it enters the basement.”

“Provided that seepage from the service station is controlled prior to entering the development site, the quality of the groundwater below the basement excavation should not hinder the development potential of the site. Additional assessment of seepage along the northern boundary should be undertaken post-DA approval to ensure appropriate provisions can be made in the design of the basement from a groundwater and vapour intrusion perspective.”

Councils' Environment Team advised that possible hydrocarbon seepage should be investigated prior to the determination of the DA, and also flagged that seepage of hydrocarbons from the service station site underneath 871 Pacific Hwy may be serious enough to trigger notification to the EPA under s.60 of the Contaminated Land Management Act 1997. This further investigation was required to be done to minimise potential impact on soil and groundwater.

On 2 December 2022 Council received a signed letter written by Douglas Partners that stated:

- The EPA Record of Notices now shows that the adjoining Shell service station is listed as not requiring regulation under the CLM Act;
- The groundwater monitoring wells installed by JK Environments for the PSI were sampled and the results showed that no petroleum hydrocarbons were present and all analytes tested were below thresholds except for chromium, copper, lead, nickel and zinc. These elevated levels are likely due to regional groundwater typical of an urbanised area rather than localised contamination such as leaks and underground pipes carrying water. The metal concentrations will need to be considered if dewatering is required for the proposed basement excavation; and
- The risk of significant contamination at the site is low and the implementation of the Remedial Action Plan (RAP), including post-demolition investigations, can form part of a conditional development consent..

On the basis of this information, Council's Environment Team is now satisfied and has issued conditions of consent.

4.2 State Environmental Planning Policy (Transport and Infrastructure) 2021

State Environmental Planning Policy (Transport and Infrastructure) 2021 aims to facilitate effective delivery of infrastructure by identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure and prescribing consultation requirements for certain development.

The following assessment is undertaken under the relevant provisions of the SEPP:

Provision	Assessment
Development adjacent to rail corridors	<p>The development site is adjacent to a railway line known as the 'North Shore Train Line' running along the eastern side of the site.</p> <p>Referrals and extensive assessment has been undertaken by Sydney Metro and Sydney Trains.</p>
Excavation in, above, below or adjacent to rail corridors	<p>The proposal involves penetration within 25m (measured horizontally) of a rail corridor. As such, Clause 2.98 is applicable. Referrals and extensive assessment has been undertaken by Sydney Metro and Sydney Trains.</p>
Impact of rail noise or vibration on non-rail development	<p>The site is located adjacent to a railway line and will be affected by rail noise. Clause 2.99 is applicable to the proposal and provides that the residential component must not exceed the following LAeq levels:</p> <ul style="list-style-type: none"> ▪ in any bedroom in the residential accommodation – 35 dB(A) at any time between 10.00 pm and 7.00 am; ▪ anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway) – 40 dB(A) at any time. <p>The Noise Impact Assessment details required acoustic construction of the building's façade, including external windows, to ensure that future internal noise levels comply with relevant noise levels of Australian Standard AS2107:2016, the Transport and Infrastructure SEPP, and DPIE's <i>Development Near Rail Corridor and Busy Roads – Interim Guideline</i> for noise intrusion. The required internal noise levels will be achieved.</p>
Development with frontage to classified road	<p>The site fronts Pacific Highway, which is a classified road. A Traffic Impact Assessment concludes that the proposals has an acceptable impact on the effective and ongoing operation of the Pacific Highway.</p>


Provision	Assessment
Impact of road noise or vibration on non-road development	<p>Development located adjacent to a classified road corridor is required to be subject to a noise intrusion assessment under Clause 2.119.</p> <p>A Noise Impact Assessment provides detailed recommendations that are incorporated into the conditions of consent, and will be incorporated at the design development phase to ensure there are no adverse impacts to internal noise criteria.</p>
Traffic generating development	<p>The proposal constitutes traffic generating development pursuant to Schedule 3 of the SEPP in that it comprises more than 75 dwellings and fronts a classified road (the Pacific Highway).</p> <p>Transport for NSW (TfNSW) has undertaken its assessment of the proposal.</p>

4.3 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.

	Standard	Proposed	Complies
Land Use Table – B4 Mixed use	The proposed development satisfies the objectives of the B4 Mixed use zone.	The proposal successfully integrates suitable business, office, residential, retail in an accessible location so as to maximise public transport patronage and encourage walking and cycling.	Yes
cl 4.3 Building Height	90m	RL 198.01 – 108.01 (existing ground level) = 90m	Yes
cl 4.4 FSR	6:1	6:1	Yes
cl 6.7 Active Street Frontage	The 2 x frontages of the site (Pacific Highway and Wilson Street) are affected by active street frontage as shown in the map.	All ground floor premises facing the street are used for non-residential purposes.	Yes

Reference: DA-2022/161
 Enquiries: Peter Wells
 Phone: 02 9777 7678

			
cl 6.8 Affordable Housing	<p>4% of residential GFA to be dedicated as affordable housing. Located within Area 9.</p> <p>Total GFA = 8,592m² Non-residential = 1,473m² Residential = 7,119m²</p> <p>4% x 7,119m² = 284.76m²</p> <p>i.e. 284.76m² required to be dedicated as affordable housing.</p>	<p>On 2022-12-02, an email from Rob Battersby, URBIS acknowledges the acceptance of the full s7.11 contribution amount applicable to proposed 70 dwellings by not nominating any AH dwelling mix for dedication at the time the s7.11 calculation was undertaken. For this reason, no quantum of contributions equating to AH dedicated floor area/dwelling mix had been deducted from the s7.11 contribution amount.</p> <p>Notwithstanding, cl 6.8 WLEP requires the nomination of 4% of the accountable total floor space, where the accountable total floor space is the gross floor area of the part of the development used for residential accommodation.</p> <p>Note: The s7.11 calculation will need to be adjusted to account for the affordable housing dedication.</p>	Yes – by condition
cl 6.23 Design excellence	Affected by design excellence (Area 12).	<p>Architectural design competition has been undertaken in accordance with cl 6.23 (6) (b) (i). Design Excellence Integrity Process instigated for the 3-storey podium element, due to the site specific DCP requiring maximum 2 storey podium. On 20 September 2022 the Design Integrity Panel confirmed it "... supports the two and three storey podium massing as presented and notes that, in our opinion, sufficient built form testing has been undertaken to demonstrate the proposal results in better architectural, urban and landscape outcomes for this site compared to the podium setback controls required by the DCP".</p>	Yes

cl 6.25 Shop top housing at certain sites at Chatswood	<p>This clause applies pursuant to cl 6.25 (1) (d) which identifies SP 17870, 871–877 Pacific Highway.</p> <p>Development consent for the purposes of shop top housing must not be granted unless the consent authority is satisfied at least 17% of the building's gross floor area will be used for non-residential purposes.</p>	<p>Satisfied.</p> <p>1,473m² non-residential achieved, which equates to 17.1% of the building's gross floor area.</p>	<p>Yes</p>
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Affordable Housing

The site is located within Area 9 as regards affordable housing.

Cl 6.8 (2) requires the consent authority to take into consideration—

- (a) the Willoughby Affordable Housing Principles,
- (b) the impact the development would have on the existing mix and likely future mix of residential housing stock in Willoughby,
- (c) whether one of the affordable housing conditions should be imposed on the consent for the purpose of providing affordable housing in accordance with the Willoughby Affordable Housing Principles.

The Willoughby Affordable Housing Principles are identified in Clause 6.8 (1) of WLEP as follows:

- (a) affordable housing must be provided and managed in Willoughby so that accommodation for a diverse residential population representative of all income groups is available in Willoughby, and
- (b) affordable housing must be rented to tenants whose gross household incomes fall within the following ranges of percentages of the median household income for the time being for the Greater Sydney (Greater Capital City Statistical Area) according to the Australian Bureau of Statistics—

Very low income household	less than 50%
Low income household	50% or more, but less than 80%
Moderate income household	80–120%

and at rents that do not exceed a benchmark of 30% of their actual household income, and

- (c) dwellings provided for affordable housing must be managed so as to maintain their continued use for affordable housing, and
- (d) rental from affordable housing received by or on behalf of the Council, after deduction of normal landlord's expenses (including management and maintenance costs and all rates and taxes payable in connection with the dwellings), and money from the disposal of affordable housing received by or on behalf of the Council must be used for the purpose of improving or replacing affordable housing or for providing additional affordable housing in Willoughby, and
- (e) affordable housing must consist of dwellings constructed to a standard that, in the opinion of the consent authority, is consistent with the same type of dwellings within the development to which the development application relates, especially in terms of internal fittings and finishes, solar access and privacy.

Accordingly, the following assessment of the Willoughby Affordable Housing Principles is undertaken:

- (a) affordable housing is to be provided by the development at the rate of 4% so that accommodation for a diverse residential population representative of all income groups is available in Willoughby. The rate of 4% is applied to the accountable total floor space – which for Area 9 is – the gross floor area of the part of the development used for residential accommodation, in accordance with cl 6.8 (7) (b). The dedication amount, denoted by “y”, is calculated as follows:
- $4\% \times \text{residential GFA} = y$
 - So $y = 4/100 \times (7,119\text{m}^2) = 284.76\text{m}^2$

The applicant has not nominated any affordable housing for this development, notwithstanding ongoing communication about this issue. The s7.11 contribution has been calculated without affordable housing dedication and will need to be adjusted when the applicant confirms its position. Cl 6.8 requires the affordable housing. Without the provision of affordable housing the proposal is a breach of this clause and the application cannot be supported. The requirement for affordable housing is applied as a condition of consent.

Items like the target rental market and construction standard are captured in the conditions of consent.

- (b) The proposal will have a positive impact on the existing mix and likely future mix of residential housing stock in Willoughby.

The Willoughby Local Strategic Planning Statement 2020, which was endorsed by Council on 10 February 2020, sets out key priorities for future direction for the Willoughby LGA, a copy of which is at Annexure E to this report. Priority 2 is to increase the provision of affordable housing in the Willoughby LGA. The Policy sets a baseline standard of 4 per cent of gross floor area as affordable housing (when development occurs as a result of uplift of allowable housing density) and a target increase of 7-10 per cent of gross floor area as affordable housing (when development occurs as a result of uplift of allowable housing density) by 2036.

In about August 2021, SGS Economics and Planning provided to Council its Willoughby Affordable Housing Feasibility Report dated 30 August 2021 (the SGS Report), a copy of which is at Annexure F to this report. The SGS Report states the following:

- i. The Willoughby LGA as a whole is categorised as ‘unaffordable’ and Northbridge specifically as ‘severely unaffordable’.
- ii. The SGS Report calculates the total demand for social and affordable housing in the Willoughby LGA (as of 2016) as being 4,186 households (14.6 percent of the total households). This figure is expected to increase in the future.
- iii. The SGS Report considers the commercial feasibility of an affordable housing contribution in 16 locations in the Willoughby LGA. On the basis of this analysis, contributions of between 4 to 10 per cent are recommended. Relevantly, the proposed contribution payable for the area in which the subject site is located is recommended to remain at a 4 per cent.
- iv. Council’s Willoughby Housing Strategy 2036 (endorsed by Department of Planning, Industry and Environment on 10 May 2021) contains a target of 70 affordable housing properties by 2026. Currently, there are only 37 affordable housing properties in the Willoughby LGA.

Having considered the above, it is assessed that there is a need for affordable housing across the Willoughby LGA and that this need is satisfactorily addressed with the dedication of 4% of the development as affordable housing. In this regard the proposal will have a positive impact on the existing mix and likely future mix of residential housing stock in Willoughby.

- (c) Following the assessment of the proposal through the lens of the Willoughby Affordable Housing Principles, a condition needs to be imposed on the consent. The requirement for 4% dedication to affordable housing, at any rate, is captured by cl 6.8 of the WLEP (Amendment 21).

Section 7.32(1) of the EP&A Act provides that conditions requiring contributions for affordable housing can only be imposed where:

- i. the consent authority is satisfied that the proposed development will or is likely to reduce the availability of affordable housing within the area, or
- ii. the consent authority is satisfied that the proposed development will create a need for affordable housing within the area, or
- iii. the proposed development is allowed only because of the initial zoning of a site, or the rezoning of a site, or
- iv. the regulations provide for this section to apply to the application.

s15 of the State Environmental Planning Policy (Housing) 2021 is satisfied.

CI 6.23 - Design excellence at certain sites at Willoughby

The objective of the clause is to deliver the highest standard of architectural, urban and landscape design. CI 6.23 (4) WLEP says:

“(4) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters:

- (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved.
- (b) Whether the form, arrangement and external appearance of the development will improve the quality and amenity of the public domain,
- (c) Whether the development detrimentally impacts on view corridors.

Subclause (5) also requires the consent authority to have regard to how the development addresses:

- (5) The consent authority must also have regard to how the development addresses the following matters—
- (a) the suitability of the land for development,
 - (b) existing and proposed uses and use mix,
 - (c) heritage and streetscape constraints,
 - (d) the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,
 - (e) bulk, massing and modulation of buildings,
 - (f) street frontage heights,
 - (g) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,
 - (h) achieving the principles of ecologically sustainable development,
 - (i) pedestrian, cycle, vehicular and service access, circulation and requirements,
 - (j) the impact on, and proposed improvements to, the public domain,
 - (k) the impact on special character areas,

- (l) achieving appropriate interfaces at ground level between the building and the public domain,
- (m) excellence and integration of landscape design.

On 3 September 2021 the Jury awarded Make's scheme the preferred scheme and reported that the scheme is capable of achieving design excellence. The Jury advised:

"A massing diagram illustrating this 3 storey option was included in MAKE's presentation. While acknowledging the variation this would create from the existing DCP controls, the Jury notes the inherent differences associated with this gateway location at the northernmost extremity of the city centre and the appropriateness of a variation in the urban form of the podium at this location to achieve a range of better outcomes that can be summarised as follows:

- The redistribution of podium massing to create a series of 3 storey blocks would increase setbacks to the Pacific Highway and Wilson Street providing a clear public benefit by increasing the area available for landscaping, open space, and retail seating areas.
- The adoption of a consistent 3 storey massing would provide a stronger and more legible urban form at street level and improve view lines between Wilson Street and the Pacific Highway by pulling the buildings back from this corner while still providing a building form that defines and addresses this intersection.
- The creation of a simpler series of 3 storey podium blocks would create a more legible and clearer relationship with architectural form of the tower and its cruciform structural diagram.
- The reconfiguration of the podium blocks would provide a larger communal outdoor space and opportunities for landscaping on level 3 for the enjoyment and benefit of residents.
- The provision of consistently sized podium floor plates is likely to improve the efficiencies and layout flexibility of these commercial tenancies. This is an important consideration for the establishment of a viable mixed-use precinct on the Pacific Highway.
- The redistribution of the commercial outdoor space currently located on the Level 2 roof terrace into a series of balconies within each level would be beneficial for a number of reasons including the creation of better quality 'boutique' commercial spaces, an increase in the depth and variation of the podium facades, the provision of an acoustic and environmental buffer between the Pacific Highway and the tenancies, and more opportunities for passive solar control and ventilation.

Comments were also made about Colonnades and Entry Sequences, Ground Plane, Public Domain and Landscaping, Deep Soil Location, Blade Walls Expression and Materiality, Apartment Façades, Apartment Planning, Apartment Lobbies and Communal Open Space.

On 13 September 2022 the matter was subjected to a Design Excellence Integrity Process. This process was instigated due to the 3-storey podium design differing to the 2-storey podium sought in the site specific DCP.

The Panel acknowledged the following:

- the wide range of podium options investigated by the team in response to previous letters prepared by the Design Excellence Jury,
- the testing of these options in relation to the existing surrounding streetscape massing and alignments, and the site's prominent location as a northern 'gateway' for Chatswood,
- the clarity and strength of the podium form proposed for this visually prominent location compared to the fragmented form shaped by the DCP controls,
- the reasonableness of the proposed setbacks at the various podium levels in relation to each boundary condition,
- the consideration of the podium massing to support flexible and viable non-residential accommodation with floor plates that can adapt to different commercial office typologies,

- the consolidation of the landscaped terraces to provide generous and functional residential communal open spaces of high amenity that exceeds the requirements set out in the ADG,
- the rationalisation of building entry and colonnades for improved presentation to the ground level, and
- the development of a terracotta facade treatment for the podium that responds to the existing brick and masonry materiality of the area while establishing a contemporary and complimentary architectural language for the tower and podium.

As part of this Design Integrity Process, the Panel also identified a number of items for further investigation or refinement:

- the inclusion of the sliding residential balcony screens on the Development Application drawings as these were not shown on the plans presented to the Panel on the 13th of September,
- the further consideration of integration of the residential balcony columns into the design of the balconies and/or the adjacent facades,
- the potential for non-residential tenants to access the Level 2 communal and landscape area as a 'bookable' space to offset the loss of the previous non-residential landscaped terraces, and
- the development of a more detailed and considered landscape proposal for the site.

The Panel also noted the relocation of the substation from the basement to the ground-plane which is a departure from the Design Excellence Competition scheme. The Panel indicated it understood that discussions were underway between the proponent, Willoughby Council and the relevant stakeholders to assess the merits of this proposal. For clarity, these discussions did continue, however the applicant elected to retain the substation in the deep soil area at the south-western corner of the site. Draft conditions of consent sent to the applicant on 23 December 2022 required the substation to be relocated to the inside of the building, however the applicant seeks the deletion of this condition so as to retain the substation in the landscaped area.

4.2 Assessment under Willoughby Development Control Plan (WDCP)

The below table provides a list of the relevant controls within the WDCP applicable to the site and proposed development. The table contains the requirements of each relevant control and Council's assessment of the development for each control.

Part E.3.9 871 – 877 Pacific Highway Chatswood

The aims and objectives of this Plan are to:

1. Provide guidelines for a mixed use development on the site.
2. Provide a development that ensures the viability of adjoining and surrounding sites for future development.
3. Minimise traffic impacts on the surrounding road network
4. Ensure development on the site minimises impacts to the amenity of neighbouring residential properties.
5. Provide landscaping in and surrounding the site that enhances the presentation of the site as well as the amenity of the development.
6. Achieves architectural and urban design excellence.
7. Maximise activation to the Pacific Highway and Wilson Street.

Built Form

Willoughby City Council

The required Pacific Highway (western) Frontages are:

- i) Minimum 4 metre setback at ground level from front boundary.
- ii) Maximum 7 metre street wall height (maximum two storeys).
- iii) Minimum 6 metre setback above street wall.

The proposal observes a 4m setback from the Pacific Highway, where the angular frontage of the proposal to the site means there is greater spatial separation is up to 8m from the front boundary.

The street wall (top of parapet) to Pacific Highway is RL 117.81 at the southern side, which equates to 9.8m approximately and 2 storeys. The north side is RL 121.51 which equates to 13.51 approximately and 3 storeys. This departure from the DCP requirements was subjected to the review of a Design Integrity Panel, who supports the 3-storey podium design response. The Panel supports this response and acknowledges that:

- the wide range of podium options investigated by the team in response to previous letters prepared by the Design Excellence Jury,
- the testing of these options in relation to the existing surrounding streetscape massing and alignments, and the site's prominent location as a northern 'gateway' for Chatswood,
- the clarity and strength of the podium form proposed for this visually prominent location compared to the fragmented form shaped by the DCP controls,
- the reasonableness of the proposed setbacks at the various podium levels in relation to each boundary condition,
- the consideration of the podium massing to support flexible and viable non-residential accommodation with floor plates that can adapt to different commercial office typologies,
- the consolidation of the landscaped terraces to provide generous and functional residential communal open spaces of high amenity that exceeds the requirements set out in the ADG,
- the rationalisation of building entry and colonnades for improved presentation to the ground level, and
- the development of a terracotta facade treatment for the podium that responds to the existing brick and masonry materiality of the area while establishing a contemporary and complimentary architectural language for the tower and podium.

There is a minimum 6 metre setback above street wall as required, where greater separation is observed due to the angular relationship of the building with the site.

The 3-storey podium has been the subject of much discussion during the DA process. The site is at the northern tip of the CBD boundary as identified in the CBD Strategy. There is a site adjoining this development (the existing service station) that forms the furthest northern point of the boundary on Pacific Highway.

Exceeding the 7 metre street wall height is considered satisfactory on the basis that it allows a functional non-residential space, however the maximum two storeys control defines the podium and should not be varied. This has been communicated to the applicant on numerous occasions and the applicant has (as it has done for the substation) declined to amend the application. The objectives identified for Part E.3.9 WDCP [Part 4, Setbacks and Street Frontage Heights] include to: "Ensure the positioning of new buildings is consistent with the proposed streetscape envisioned for Chatswood CBD and contained in the Chatswood CBD Planning and Urban Design Strategy 2036".

The Chatswood CBD Planning and Urban Design Strategy 2036 [Part 3.1 Key Elements of Future LEP and DCP Controls, Key Element 27(e)] identifies the site's frontage to the Pacific Highway as:

Pacific Highway frontage

- i) Minimum 4 metre setback at Ground level from front boundary (with exception of heritage sites).
- ii) Maximum 7 metre street wall height.
- iii) Minimum 6 metre setback above street wall to tower.

Notwithstanding the applicant's firm position that the 3-storey element fronting Pacific Highway is satisfactory, and that the proposal has been found by the Design Integrity Review Panel to contain sufficient elements of design excellence, it is recommended the proposal adhere to the Chatswood CBD Planning and Urban Design Strategy 2036. The uplift in development potential of the site via the planning proposal process is contingent on satisfying the requirements of (inter alia) the site specific DCP. A deferred commencement consent is recommended, as adjustments can be made to the scheme that are not so significant as to warrant deferred commencement inappropriate. The office space encroaching on the 6 metre setback above street wall (ie 10m from the Pacific Highway) can be relocated to take the place of the 'orphan' 1-bedroom unit at Level 02, thereby retaining minimum 17% non-residential floor space and required by cl 6.25 WLEP and not causing any departures to the FSR standard (6:1).



Image 10: The proposed part 2, part 3-storey podium (source: Urban Design Report, Ref: ASK220812_100, by Make)



The required Wilson Street frontages are:

- i) 6-14 metre street wall height at front boundary (maximum two to four storeys).
- ii) Minimum 3 metre setback above street wall.

The podium height is RL 117.81 which equates to approximately 9.81m street wall height and is 2 storeys. Above the street wall the setback is shown as 4.5m.

The required Railway Line (eastern) frontage are:

- i) 6-14 metre street wall height at front boundary (maximum two to four storeys).
- ii) Minimum 3m setback at podium levels.

The parapet heights are RL 117.81 (southern element) and RL 121.51 (northern element) which equates to approximately 9.81m and 13.51m respectively. The higher element marries with the same 3-storey built form fronting Pacific Highway. There is a 3m setback to the podium proposed, to the railway line, as required. The site specific DCP requires 4.5m setback from Level 08 above. Proposed is a 3m setback at Level 02, and from Level 03 upwards is 4.5m, which is satisfactory.

In regards the tower, a minimum of 1:20 ratio of the setback to building height above the podium (ie 4.5 metre setback for a 90 metre building), is required.

Northern setback is shown as 3m from the boundary as required for ground and Level 01, however level 02 is 3m in lieu of 6m. Level 03 is set well back with recreational facilities including pool and terrace, and Levels 04-09 are 9m, above Level 09 in excess of 9m. The setbacks are considered to be satisfactory (with the exception of the Pacific Highway at Level 02), noting also that the built form has been exhaustively considered by the Design Excellence Panel.

Open Space and Landscaping

A high quality of building design achieved.

A minimum of 20% of the site is to be provided as soft landscaping, which may be located on Ground, Podium and roof top levels or green walls of buildings, which equates to 286.18m². The applicant

Willoughby City Council

shows this area on a drawing as 415m². This is different to deep soil provision, which will only comply if the substation is relocated off the landscaped area.

The site specific DCP (part 7, control 7) requires deep soil planting is to be provided within the setback to the Pacific Highway and setback to the eastern boundary (Railway Line frontage). Deep soil plantings include trees and shrubs, and are to be unimpeded by buildings or structures below ground.

The substation is located within the landscaped space and hinders the attainment of minimum deep soil provision. The Design Excellence Integrity Panel, in its correspondence of 20th September 2022, noted "... the relocation of the substation from the basement to the ground-plane which is a departure from the Design Excellence Competition scheme. The Panel understands that discussions are underway between the proponent, Willoughby Council and the relevant stakeholders to assess the merits of this proposal". These discussions did continue, where Council continued to require the substation to be relocated, and the applicant continued its resistance to this requirement.

Links

The site specific DCP requires that the rear landscape setback, along the railway (eastern) boundary of the site, should be unobstructed, along the entire length of the rear of the site and provide the opportunity for linking to a future public path to the north. The drawings indicate this is the case.

Active Street Frontages

Active Street Frontages are achieved.

Waste Management, Loading and Services

The site specific DCP requires "substations are to be provided within buildings, not within the streets, open spaces or setbacks and not facing key active street frontages. Substations are to be designed to ensure protection of residents from Electro Magnetic Radiation ([EMR](#)) emissions". The substation needs to be relocated to enable the deep soil to comply.

Design Excellence

Design Excellence competition requirements have been satisfied, Design integrity review also found the 3-storey podium satisfactory.

Public Art

A condition is imposed for public art.

Building Sustainability

AS report was submitted and conditions are imposed.

ATTACHMENT 5: SUBMISSIONS TABLE

Property	Issues raised	Response
Abingdon Rd, Roseville	Questions the appropriateness of the site for 27 storeys, and is concerned the proposal will become an eye sore.	The proposal satisfies the general footprint contemplated by the site specific DCP, and satisfies WLEP with regards to FSR and building height. The proposal is an outcome of a Design Excellence Competition and a Design Integrity Panel Review. The proposal is considered worthy of approval, subject to satisfying the deferred commencement condition of consent.
3/8 Karrabee Ave, Huntleys Cove	Objects on the basis that Council has continued to reject DA applications for serviced apartments to be changed to residential at 10 Brown Street.	<p>This is not related to the merit assessment of the subject development application in a direct sense; but rather is related to the removal of serviced apartments as a permissible use in the B3 zone (to be added to prohibited development within the Draft LEP) and Council's consistent response that it disallows serviced apartments (like 10 Brown Street) in this zone to become residential.</p> <p>On this basis this submission objects to the uplift in residential on this allotment; however, this allotment is zoned B4 Mixed Use development where shop top housing is permissible (via cl 6.25 WLEP).</p> <p>The Chatswood B3 Commercial Core has an existing strong retail presence. A key principle of the Chatswood CBD Strategy is to promote office growth. Concern (within Council) exists with the provision of serviced apartments at the expense of office land use. The removal of serviced apartments in the B3 zone was Key Element 4, under the land use section, of the Chatswood CBD Strategy. Serviced apartments continue to be provided for, being a permissible use in the B4 Mixed Use zone (such as the subject site), that surrounds the B3 zone, still within the Chatswood CBD boundary. The Planning Proposal for the comprehensive LEP amendment states: "Serviced apartments are consistently removed as a permissible use from a submitted Planning Proposals within the B3 core area". This matter has been extensively considered as part of the comprehensive LEP, and again following submissions regarding 10 Brown Street. It is noted that at least 15 submissions about 10 Brown Street were received at Council around the time the subject application was notified, and have not been brought into this assessment as these applications mentioned only 10 Brown Street and not the subject address or DA number.</p>
4 Howard Street, Carlingford	Objects on the basis that Council has continued to reject DA applications for serviced apartments to be changed to residential at 10 Brown Street.	The same concerns as above are raised, where 10 Brown Street is mentioned. The objector states that, should Council seek to approve this development, Council should first consider the request for Change of Use of 10 Brown Street,

Property	Issues raised	Response
		Chatswood, where it should "... have first priority in being accepted to be converted to residential to help alleviate the current housing affordability situation".
22 Paull St, Mount Druitt		<p>Another submission about 10 Brown Street, where the objector raises concerns that serviced apartments (which are no longer be permitted in the B3 zone under DWEP) are not permitted to be converted for residential use.</p> <p>Willoughby Council's refusal to allow the change the use of the bottom 9 floors of 10 Brown Street to residential (as opposed to services apartments) "... has left all owners in a dismal state, especially during this these difficult times" as it is "... financially crippling, especially in the state in which we have been left due to Covid and thoughtlessness of Willoughby Council".</p> <p>The objection to the proposal, then, is on the basis that 10 Brown Street is not able to be converted to residential, and a perceived contradiction that 871-877 Pacific Highway should also not have residential permitted. The Chatswood CBD Strategy is underpinned by studies that identify sites for uplift, including this site, which has been through the planning proposal process. The proposal is satisfactory with respect to its use, and the issue of 10 Brown Street is being dealt with separately.</p>
1 Cardigan Road, Roseville Chase		Another submission about 10 Brown Street, where the same issues as above are raised, and a concern that an uplift in residential is permitted on this site but not 10 Brown Street. The concerns raised above 10 Brown Street are being carefully considered as part of the Draft LEP.
1607/11 Railway St, Chatswood	Building height	The height of the building accords with the Planning Proposal and the Chatswood CBD Strategy.
	Traffic	Council's Traffic Engineer has assessed the proposal and found it to be satisfactory.
138 Ashley St, Chatswood	<p><u>Traffic impacts</u></p> <p>The objectors say that "... Anderson Street is busy enough now that traffic jammed from time to time. Ashley Street is very busy already that needs to wait for about 10 minutes sometimes to drive to turn into Pacific HWY. After this 27 storey building built up, it will be very difficult for us to drive out via Anderson St or Pacific HWY".</p> <p>The objector seeks that any approval of this application involve</p>	Council's Traffic Engineer has assessed the proposal and found it to be satisfactory.

Property	Issues raised	Response
	traffic improvements to Anderson Street, Ashley Street and Pacific Highway to make the area "liveable".	
	The objector raises concerns that 27 storeys in this location suggests that existing 3 to 4 storey buildings in Anderson Street may also be able to build to 27 storeys.	The CBD Strategy does extend to Anderson Street, where buildings are identified for buildings heights of 53m and 90m in accordance with the Chatswood CBD Strategy.
142 Ashley St, Chatswood	<p><u>Traffic impacts</u></p> <p>The objector raises concerns on the basis that "... Ashley St and Anderson St are already very busy for traffic", and that more residential development may exacerbate this issue and potential cause traffic jams.</p>	Council's Traffic Engineer has assessed the proposal and found it to be satisfactory.
2 Wilson St, Chatswood	Building height	The height of the building accords with the Planning Proposal and the Chatswood CBD Strategy.
	Views	The proposal conforms generally with the envelope adopted by the Planning Proposal and the Chatswood CBD Strategy, where views have also been assessed. The proposal is not considered to have impacts that are so detrimental to the objector's property that warrants refusal of the application.
	Overshadowing	The proposal conforms generally with the envelope adopted by the Planning Proposal and the Chatswood CBD Strategy, where overshadowing has also been assessed. The proposal is not considered to have impacts that are so detrimental to the objector's property that warrants refusal of the application.
	Privacy	The proposal conforms generally with the envelope adopted by the Planning Proposal and the Chatswood CBD Strategy. Privacy has been considered under the ADG and are considered to be satisfactory.
	Streetscape	The resultant streetscape impacts have been carefully considered, and are found to be satisfactory.
	Loss of landscaping	Subject to the location of the substation the landscaping outcome is considered to be satisfactory and to satisfy the objectives of the Chatswood CBD Strategy.
	Traffic issues (including bridge on Wilson Street)	Council's Traffic Engineer has assessed the proposal and found it to be satisfactory.
	Noise during construction	Condition 75 (Construction Noise) is imposed to deal with minimising impacts during construction .
	Light spill from development at night	The proposal occupies the building envelope contemplated by the Planning Proposal and the Chatswood CBD Strategy. The general relationship of the proposal with 2 Wilson Street, including spatial separation and height, assists

Property	Issues raised	Response
		to mitigate impacts to 2 Wilson Street. It is noted that 2 Wilson Street is also identified for 90m building height limit under the Strategy.
	Illegal dumping on Wilson Street	Illegal dumping is an issue investigated by the EPA Environment Line and in certain circumstances the police.
10/832 Pacific Highway, Chatswood	<u>Visual bulk and incongruity with surrounding structures</u> Concerns are raised that there is an “enormous height difference” between the proposal, described by the objector as a “90-metre colossus”, and the existing building at 832 Pacific Highway, described by the objector as a “... comparatively tiny 15-metre high building”.	The proposal occupies the building envelope contemplated by the Planning Proposal and the Chatswood CBD Strategy.
	<u>Effect on traffic</u> The objectors says that “... there is already traffic gridlock on weekdays at the intersection of Anderson and Ashley Streets, which is close to 871 Pacific Highway. There also appear to be no effective measures to mitigate this traffic problem or adequately address the impact on nearby traffic of all these additional vehicles from the occupants of 871 Pacific Highway entering and exiting the premises. Adequately accommodating vehicles of residents in the proposed new building addresses only one aspect of this problem. Dealing with them when they are driving in nearby streets is another issue altogether.” The objector also raises concerns about the impartiality of a report “... that has been paid for by a developer”.	Council's Traffic Engineer has assessed the proposal and found it to be satisfactory.

ATTACHMENT 6: SECTION 4.15 ASSESSMENT

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

Considered and Satisfactory ✓ Considered and Unsatisfactory ✗ Not Relevant N/A

(a)(i)	The provisions of any environmental planning instrument (EPI)	
	• State Environmental Planning Policies (SEPP)	✓
	• Regional Environmental Plans (REP)	✓
	• Local Environmental Plans (LEP)	✓
	• Comment: The proposal is satisfactory having regard to the SEPPs and LEP.	

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

(a)(ii)	The provision of any draft environmental planning instrument (EPI)	
	<ul style="list-style-type: none"> Draft State Environmental Planning Policies (SEPP) 	✓
	<ul style="list-style-type: none"> Draft Regional Environmental Plans (REP) 	✓
	<ul style="list-style-type: none"> Draft Local Environmental Plans (LEP) 	✓
	Comment: The proposal is satisfactory having regard to the Draft LEP.	
(a)(iii)	Any development control plans	
	<ul style="list-style-type: none"> Development control plans (DCPs) 	✓
	Comment: The proposal is satisfactory having regard to the DCP.	
(a)(iv)	Any matters prescribed by the regulations	
	<ul style="list-style-type: none"> Clause 92 EP&A Regulation-Demolition 	✓
	<ul style="list-style-type: none"> Clause 93 EP&A Regulation-Fire Safety Considerations 	✓
	<ul style="list-style-type: none"> Clause 94 EP&A Regulation-Fire Upgrade of Existing Buildings 	N/A
	Comment: The proposal is satisfactory having regard to the Regulations. Conditions of consent relating to fire equipment have been applied.	
(b)	The likely impacts of the development	
	<ul style="list-style-type: none"> Context & setting 	✓
	<ul style="list-style-type: none"> Access, transport & traffic, parking 	✓
	<ul style="list-style-type: none"> Servicing, loading/unloading 	✓
	<ul style="list-style-type: none"> Public domain 	✓
	<ul style="list-style-type: none"> Utilities 	✓
	<ul style="list-style-type: none"> Heritage 	✓
	<ul style="list-style-type: none"> Privacy 	✓
	<ul style="list-style-type: none"> Views 	✓
	<ul style="list-style-type: none"> Solar Access 	✓
	<ul style="list-style-type: none"> Water and draining 	✓
	<ul style="list-style-type: none"> Soils 	✓
	<ul style="list-style-type: none"> Air & microclimate 	✓
	<ul style="list-style-type: none"> Flora & fauna 	✓
	<ul style="list-style-type: none"> Waste 	✓
	<ul style="list-style-type: none"> Energy 	✓
	<ul style="list-style-type: none"> Noise & vibration 	✓
	<ul style="list-style-type: none"> Natural hazards 	✓
	<ul style="list-style-type: none"> Safety, security crime prevention 	✓
	<ul style="list-style-type: none"> Social impact in the locality 	✓
	<ul style="list-style-type: none"> Economic impact in the locality 	✓
	<ul style="list-style-type: none"> Site design and internal design 	✓
	<ul style="list-style-type: none"> Construction 	✓
	<ul style="list-style-type: none"> Cumulative impacts 	✓
	Comment: The proposal is satisfactory having regard to the likely impacts of the development.	
(c)	The suitability of the site for the development	
	<ul style="list-style-type: none"> Does the proposal fit in the locality? 	✓
	<ul style="list-style-type: none"> Are the site attributes conducive to this development? 	✓
	Comment: The proposal is satisfactory having regard to the suitability of the site for the development.	
(d)	Any submissions made in accordance with this Act or the regulations	
	<ul style="list-style-type: none"> Public submissions 	✓
	<ul style="list-style-type: none"> Submissions from public authorities 	✓
	Comment: The proposal is satisfactory having regard to the submissions made.	
(e)	The public interest	
	<ul style="list-style-type: none"> Federal, State and Local Government interests and Community interests 	✓

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

Considered and Satisfactory ✓ Considered and Unsatisfactory ✖ Not Relevant N/A

	Comment: The proposal is satisfactorily in the public interest, as it satisfies the objectives of the Chatswood CBD Strategy, WLEP, Draft LEP and WDCP.	
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ATTACHMENT 7: SCHEDULE OF CONDITIONS

DEFERRED COMMENCEMENT AND OTHER CONDITIONS – DA-2022/161 871-877 PACIFIC HIGHWAY, CHATSWOOD

SCHEDULE 1

In accordance with Section 4.16(3) of the Act this consent will not operate until the applicant has provided information to the satisfaction of the Council that the following conditions can be complied with. Upon receipt of written information from the applicant in relation to the conditions in this schedule the Council will advise in writing whether the information is satisfactory and, if so, will nominate the effective date for the commencement of this consent.

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

PART A

The 3-storey podium element facing the Pacific Highway must be reduced to a 2-storey podium in accordance with the Site Specific Willoughby Development Control Plan [Part E.3.9]. In accordance with Part 4 [Control 1 (a) (iii) Part E.3.9] the office floor area at Level 02 shall be set back a minimum 6 metres above the street wall from the Pacific Highway. In order that the development satisfies the requirements of cl 6.25 (2) Willoughby Local Environmental Plan, where at least 17% of the building's gross floor area must be used for non-residential purposes, the 1-bedroom unit on Level 02 must be deleted and replaced with non-residential floor space. This relocated non-residential floor space must comply with the Wilson Street setback requirements contained in the Site Specific Willoughby Development Control Part E.3.9, Part 4 [Control 1 (b) (ii)].

Subject to Council confirming in writing its satisfaction of the items required in Part A, the conditions in Part B will become effective as amended or added to by any conditions emanating from satisfaction of Part A.

PART B

Conditions of Consent: (Including reasons for such conditions)

CONSENT IDENTIFICATION

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

1. Approved Plan/Details

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

Type	Plan No.	Revision/ Issue No	Plan Date (as Amended)	Prepared by
Coversheet	DA0001	05	12.08.2022	Make

Site Plan	DA0100	03	12.08.2022	Make
Demolition Plan	DA1600	02	12.08.2022	Make
Level B5 GA	DA2005	04	09.08.2022	Make
Level B4 GA	DA2006	04	09.08.2022	Make
Level B3 GA	DA2007	04	09.08.2022	Make
Level B2 GA	DA2008	04	09.08.2022	Make
Level B1 GA	DA2009	04	09.08.2022	Make
Level 00 GA	DA2010	04	09.08.2022	Make
Level 01 GA	DA2011	04	09.08.2022	Make
Level 02 GA	DA2012	05	12.08.2022	Make
Level 03 GA	DA2013	04	09.08.2022	Make
Level 04-09 GA	DA2014	04	09.08.2022	Make
Level 10-19 GA	DA2023	02	09.08.2022	Make
Level 20-25 GA	DA2033	02	09.08.2022	Make
Level 26 GA	DA2036	04	09.08.2022	Make
Roof GA	DA2037	04	09.08.2022	Make
West Elevation	DA2200	04	12.08.2022	Make
North Elevation	DA2201	04	12.08.2022	Make
East Elevation	DA2202	04	12.08.2022	Make
South Elevation	DA2203	05	12.08.2022	Make
Section AA	DA2300	04	12.08.2022	Make
Section BB	DA2301	04	12.08.2022	Make
Adaptable unit – Type 04 & 05	DA7000	02	12.08.2022	Make
Adaptable unit – Type 07	DA7001	02	12.08.2022	Make
Adaptable unit – Type 08	DA7002	02	12.08.2022	Make
Adaptable unit – Type 09	DA7003	02	12.08.2022	Make
Landscape Plans		F	12.08.2022	Turf
Stormwater Drainage Plan Sheet 1	C-6000	P06	25/10/2022	CJ Arms
Stormwater Drainage Plan Sheet 2	C-6001	P01	25/10/2022	CJ Arms
Stormwater Drainage Plan Sheet 3	C-6002	P01	27/10/2022	CJ Arms
Stormwater Drainage Plan Sheet 4	C-6003	P01	27/10/2022	CJ Arms
Stormwater Drainage Plan Sheet 5	C-6004	P01	27/10/2022	CJ Arms
OSD Tank Stormwater Details	C-6010	P02	10/08/2022	CJ Arms
OSD Tank Stormwater Details	C-6011	P02	10/08/2022	CJ Arms

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. Transport for NSW

The following conditions from Transport for NSW must be complied with:

A.	1. All buildings and structures, together with any improvements integral to the future use of the site are wholly within the freehold property (unlimited in height or depth), along the Pacific Highway boundary.
B.	2. The developer is to submit design drawings and documents relating to the excavation of the site and support structures along Pacific Highway, to TfNSW for assessment, in accordance with Technical Direction GTD2020/001. 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 TfNSW. Documents should be submitted to Development.Sydney@transport.nsw.gov.au . 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.
C.	3. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system on Pacific Highway, the discharge into the existing pit and its connection to the existing pit are to be submitted to TfNSW for approval prior to the commencement of any works. Please send all documentation to development.sydney@transport.nsw.gov.au A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.
D.	4. The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2018.
E.	5. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.
F.	6. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Pacific Highway during construction activities. A ROL can be obtained through https://myrta.com/oplinc2/pages/security/oplincLogin.jsf .

(Reason: Ensure compliance)

2A. Transport for NSW (Sydney Trains)

The following conditions from Transport for NSW (Sydney Trains) must be complied with:

A.	<p>Unless amendments are required in order to obtain approval/certification/ compliance from Sydney Trains in relation to any of the Sydney Trains related conditions of consent, all excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings, and recommendations as detailed in the following documents:</p> <p>i. Structural Drawings reference 21097 Revision T3 prepared by Webber Design dated 2 September 2022: §Site Retention Notes Sheet 1 drawing S010; §Site Retention Sections Sheet 1 drawing S020; and §Retention Details Sheet 1 drawing S026.</p> <p>ii. Structural Drawings reference 21097 Revision T4 prepared by Webber Design dated 2 November 2022: §Retention and Buk Excavation Plan drawing S011; and §North Shore Rail Section drawing S013.</p> <p>iii. Temporary Internal Propping Plan drawing S012 reference 21097 Revision T5 prepared by Webber Design dated 29 November 2022.</p> <p>iv. Structural Engineering Design Brief reference 21097 Revision C prepared by Webber Design dated 28 October 2022.</p> <p>v. Sydney Trains Site Plan reference 1922 drawing ASK_220526_01 prepared by Make Architects stamp dated 6 September 2022.</p> <p>vi. Sydney Train Design Review - Structure Response RFI No. 6, 7 and 9, reference 20197 prepared by Webber Design dated 14 November 2022.</p> <p>vii. TAO Memorandum – Assessment if JK Geotechnical Numerical Assessment Report reference S22124 prepared by BG&E dated 11 October 2022.</p> <p>viii. Geotechnical Numerical Analysis Report reference 34341LQrptRev04 FEM Revision 3 prepared by JK Geotechnics dated 9 November 2022.</p> <p>ix. Structural Report for Retention to Railway Corridor Boundary reference 21097 prepared by Webber Design dated 8 September 2022.</p> <p>x. Geotechnical Memo No.1 – Insitu Stresses reference 34341L Memo 1 prepared by JK Geotechnics dated 12 January 2023.</p> <p>xi. Geotechnical Memo No.2 – Soil Nail Loads reference 34341L Memo 2 prepared by JK Geotechnics dated 12 January 2023.</p> <p>The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming which of the documentation listed in this condition are to now apply or are superseded as a result of the compliance with the Sydney Trains related conditions of consent. The measures detailed in the documents approved/ certified by Sydney Trains under this Condition are to be incorporated into the construction drawings and specifications prior to the issuing of the Construction Certificate. Prior to the commencement of works the Principal Certifying Authority is to provide verification to Sydney Trains that this condition has been complied with.</p>
B.	<p>Unless advised by Sydney Trains in writing, all excavation, shoring, and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects and who holds current professional indemnity insurance.</p>
C.	<p>Prior to the commencement of any works, a Registered Surveyor shall peg-out the</p>

	common property boundary between the development site and TAHE (Transport Asset Holding Entity) land and easements. A copy of the survey report indicating the location of pegs must be provided to Sydney Trains prior to the commencement of works.
D.	Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate. The Principal Certifying Authority must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.
E.	Prior to the issuing of a Construction Certificate, the Applicant must submit to Sydney Trains for review, comment and written endorsement, toe level and pile spacing details complying with all Sydney Trains' requirements. The Principal Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.
F.	Prior to the issue of a Construction Certificate, a monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be submitted to Sydney Trains for review, comment, and written endorsement. The Principal Certifying Authority is not to issue a Construction Certificate until written confirmation has been received from Sydney Trains advising of the need to undertake the track monitoring plan, and if required, that it has been endorsed.
G.	A risk analysis, which shall determine the required level of derailment protection (if any), shall be carried out in consultation with Sydney Trains. This risk analysis will determine the redundancy requirements or the minimum collision loads specified in Australian Standard AS5100 that needs to be complied with. The risk assessment is to be prepared in accordance with the Sydney Trains Safety Management System. The Principal Certifying Authority shall not issue the Construction Certificate until it has received written confirmation from Sydney Trains that the risk analysis has been prepared and the Principal Certifying Authority has also confirmed that the measures recommended in this risk analysis have been indicated on the Construction Drawings.
H.	No work is permitted within the rail corridor or any easements which benefit Sydney Trains/TAHE (Transport Asset Holding Entity), at any time, unless the prior approval of, or an Agreement with, Sydney Trains/TAHE (Transport Asset Holding Entity) has been obtained by the Applicant. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
I.	<p>Prior to the issuing of a Construction Certificate, the following final version rail specific items are to be submitted to Sydney Trains for review, comment, and written endorsement: <input type="checkbox"/> Machinery to be used during excavation/construction.</p> <ul style="list-style-type: none"> Demolition, excavation, and construction methodology and staging. <p>The Principal Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.</p>
J.	Prior to the issue of a Construction Certificate, the Applicant shall include in their Traffic Management Plan, consideration of the Wilson Street Overbridge and demonstrate that additional vehicular movements in and out of the site do not pose queuing issues along the bridge or obstruct rail corridor access. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
K.	Prior to the issue of a Construction Certificate, the Applicant shall include in their

	Construction Management Plan and Safe Working Method Statements (SWMS) adherence to the load restriction set in place for the Wilson Street Overbridge, or as per the structural requirements set out in the Interface Agreement between Sydney Trains and Council. The Principal Certifying Authority shall not issue a Construction Certificate until these requirements have been met.
L.	No scaffolding is to be used facing the rail corridor unless prior written approval has been obtained from Sydney Trains. To obtain approval the Applicant will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor. Unless agreed to by Sydney Trains in writing, scaffolding shall not be erected without isolation and protection panels.
M.	Prior to the issuing of a Construction Certificate, the Applicant must submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains' requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains' requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
N.	The design, installation and use of lights, signs, and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of the rail operator. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
O.	Given the possible likelihood of objects being dropped or thrown onto the rail corridor from balconies, windows, and other external features (e.g., roof terraces and external fire escapes) that are within 20 metres of, and face, the rail corridor, the development must have measures installed, to the satisfaction of Sydney Trains (e.g., awning windows, louvres, enclosed balconies, window restrictors etc.) which prevent the throwing of objects onto the rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
P.	There is a need to ensure that the roots and foliage of trees being planted beside the rail corridor do not have an impact on the rail corridor or rail operations. A final landscaping and planting plan demonstrating measures to ensure compliance with this condition must be prepared to the satisfaction of Sydney Trains. No construction certificate can be issued until written confirmation has been received from Sydney Trains confirming that this condition has been complied with.
Q.	During all stages of the development the Applicant must take extreme care to prevent any form of pollution entering the rail corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.
R.	Excess soil is not allowed to enter, be spread, or stockpiled within the rail corridor (and its easements) and must be adequately managed/disposed of.
S.	The Applicant must ensure that all drainage from the development is adequately disposed of and managed and not allowed to be discharged into the rail corridor unless prior written approval has been obtained from Sydney Trains.
T.	Rainwater from the roof must not be projected and/or falling into the rail corridor and must be piped down the face of the building which faces the rail corridor.

U.	Prior to the commencement of any works appropriate fencing must be in place along the rail corridor to prevent unauthorised access to the rail corridor during construction works. Details of the type of fencing and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.
V.	The development shall have appropriate fencing fit for the future usage of the development site to prevent unauthorised access to the rail corridor by future occupants of the development. Prior to the issuing of an Occupation Certificate the Applicant shall liaise with Sydney Trains regarding the adequacy of any existing fencing along the rail corridor boundary or design and construction of new fencing. Details of the type of new fencing to be installed and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.
W.	The Applicant is to ensure that the development incorporates appropriate anti-graffiti measures, to the satisfaction of Sydney Trains.
X.	The Applicant/Developer shall not at any stage block the corridor access gates on Wilson Street and should make provision for easy and ongoing 24/7 access by rail vehicles, plant, and equipment to support maintenance and emergency activities.
Y.	No metal ladders, tapes, and plant, machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and catenary, contact and pull-off wires of the adjacent tracks, and to any aerial power supplies within or adjacent to the rail corridor.
Z.	If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
AA.	If required by Sydney Trains, prior to the commencement of works or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required within 10 days following the undertaking of the inspection, unless otherwise notified by Sydney Trains.
BB.	If required by Sydney Trains, prior to the issue of the Occupation Certificate, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
CC.	If required by Sydney Trains, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains External Interface Management team to determine the need for public liability insurance cover. If insurance cover is deemed necessary, this insurance must be for a sum as determined by Sydney Trains and shall not contain any exclusion in relation to works on or near the rail corridor and rail infrastructure and must be maintained for the duration specified by Sydney Trains. The Applicant is to contact Sydney Trains External Interface Management team to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains' written advice to the Applicant on the level of

	insurance required.
DD.	If required by Sydney Trains, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains External Interface Management team to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.
EE.	The Applicant shall prepare an acoustic assessment demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". The Applicant must incorporate in the development all the measures recommended in the report. A copy of the report is to be provided to the Principal Certifying Authority and Council prior to the issuing of a Construction Certificate. The Principal Certifying Authority must ensure that the recommendations of the acoustic assessment are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.
FF.	Prior to the issue of an Occupation Certificate (whether an interim or final Occupation Certificate), a report must be prepared and submitted to the Certifying Authority, Council and Sydney Trains certifying that the completed development meets the requirements of State Environmental Planning Policy (Transport and Infrastructure) 2021 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines" as set down in the subject condition of this consent. Such a report must include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development, and that internal noise levels meet the required dB(A) levels. Where it is found that internal noise levels are greater than the required dB(A) level, necessary corrective measures must be carried out to ensure that internal noise levels are compliant with the requirements of this consent.
GG.	Prior to the issuing of any Occupation Certificate the Applicant must provide to Sydney Trains for review and endorsement a plan of how future maintenance of the development facing the rail corridor is to be undertaken. The Principal Certifying Authority is not to issue any Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied. The maintenance plan must be implemented for the life of the approved development.
HH.	Prior to the issuing of an Occupation Certificate the Applicant is to submit as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into TAHE (Transport Asset Holding Entity) property or easements, unless agreed to by TAHE (Transport Asset Holding Entity). The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
II.	Sydney Trains or Transport for NSW, and persons authorised by those entities for the purpose of this condition, must be permitted to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and the requirements of this consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.
JJ.	Copies of any certificates, drawings, approvals/certification, or documents endorsed by, given to, or issued by Sydney Trains or TAHE (Transport Asset Holding Entity) must be submitted to Council for its records prior to the issuing of the applicable Construction

	Certificate or Occupation Certificate.
KK.	<p>The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who: <input type="checkbox"/> oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;</p> <p><input type="checkbox"/> acts as the authorised representative of the Applicant; and</p> <p><input type="checkbox"/> is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.</p>
LL.	Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.
MM.	Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains External Interface Management team. In this instance the relevant interface team is North Interface, and they can be contacted via email on North_Interface@transport.nsw.gov.au.
NN.	Where a condition of consent requires Sydney Trains or Transport for NSW endorsement the Principal Certifying Authority is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates dealing with specific works and compliance conditions can be issued subject to written agreement from those entities to which the relevant conditions applies.

(Reason: Ensure compliance)

3. Ausgrid

The following conditions from Ausgrid must be complied with:

OO.	<p>Overhead Powerlines</p> <p>Safe work 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.</p> <p>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</p> <p>It remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite.</p> <p>"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.</p> <p>It is also the responsibility of the developer to ensure that the existing overhead mains</p>
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	have sufficient clearance from all types of vehicles that are expected be entering and leaving the site."
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(Reason: Ensure compliance)

PRIOR TO MAKING AN APPLICATION FOR A CONSTRUCTION CERTIFICATE

The following conditions are to be complied with before any Construction Certificate Application is made to the Certifying Authority.

4. Contamination – Investigation, Remediation and Validation

After demolition of the structures on the site but prior to the lodgement of an application for a Construction Certificate:

- (a) A systematic and targeted program of supplementary investigations shall be carried out to address data gaps identified in the Detailed Site Investigation (DSI) and the Remediation Action Plan (RAP) by Douglas Partners Pty Ltd, Ref. 84722.04.R.002.Rev0, dated 1 September 2022. The results from the additional sampling and laboratory analysis shall be presented in an Additional Environmental Site Investigation (AESI) report to Council for approval in writing. The AESI shall include, but not be limited to, the following:
- Sampling, testing and validation of soil contaminants within the small areas outside the basement footprint;
 - Sampling, testing and validation of soil/groundwater contaminants along the northern site boundary to investigate the possible hydrocarbon ingress from the Shell service station to the North of the site;
 - Revision of the Conceptual Site Model (CSM) if necessary; and
 - Revision of the RAP if the above sampling and testing reveals that remediation in these areas is required. An assessment shall also be made to determine whether the NSW EPA needs to be notified under Section 60 of the *Contaminated Land Management Act 1997*.
- (b) Notification of the migration of contaminants from the Shell service station shall be given to the NSW EPA if necessary;
- (c) Any variations to the RAP must be approved in writing by Council prior to the commencement of any further work.
- (d) The site must be remediated in accordance with the Council-approved RAP;
- (e) Prior notice of remediation work must be given to Council at least 30 days before the commencement of the work in accordance with Clause 16 of State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55);
- (f) A Stage 4 Validation Report and a clearance certificate issued by an appropriately qualified occupational hygienist must be submitted to Council for approval in writing. The Validation Report must clearly state that the objectives stated in the approved RAP have been achieved and the land is suitable for the proposed use. In addition, notice of completion of remediation pursuant to clause 18 of SEPP 55 shall be provided.

Notes: (i) Contaminated land reports submitted to Council must be prepared, or reviewed and approved by, a certified contaminated land consultant certified under the Environment Institute of Australia and New Zealand – Certified Environmental Practitioner (Site Contamination) (CEnvP (SC)) or the Soil Science Australia – Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) schemes.

(ii) Contaminated land reports shall be prepared in accordance with:

- State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55)
- *Managing Land Contamination Planning Guidelines SEPP 55 - Remediation of Land* (Department of Urban Affairs and Planning and EPA 1998) (Planning Guidelines) (or updates)
- *Consultants reporting on contaminated land – Contaminated Land Guidelines* (NSW EPA 2020)

(Reason: Protection of environment and public health)

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

5. 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 **\$999,141.49** for the purposes of the Local Infrastructure identified in the *Willoughby Local Infrastructure Contributions Plan*.

Active transport and public domain facilities	\$42,611.01
Open space and recreation facilities	\$783,144.62
Plan administration	\$14,765.54
Recoupment - community facilities	\$150,612.67
Recoupment - open space and recreation	\$8,007.65
Total	\$999,141.49

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:

$$\frac{\$C_o X CPI_p}{CPI_c}$$

Where:

$\$C_O$ = 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

(Reason: Statutory requirement)

5A. Agreement to Transfer Affordable Housing Dwellings

The applicant must enter into a Deed with the Council providing for the transfer of title of the affordable housing dwellings to the Council, free of charge. The Deed is to be generally in accordance with the Housing Transfer Deed template available at Council and is to be submitted to the Council and executed prior to the issue of the Construction Certificate.

The terms of this agreement must be to the satisfaction of the Council and must include a provision to the effect that the transfer of the dwellings is to be completed within two months of the registration of any subdivision of the development creating the areas to be dedicated and within 6 months of the issue of an Occupation Certificate. The applicant must agree to pay the Council's reasonable legal costs in satisfying itself that the agreement is appropriate, and a provision to this effect is to be included in the agreement.

The construction certificate plans should demonstrate that the physical requirements specified in the Housing Transfer Deed are satisfied.

(Reason: Ensure compliance)

5B. Affordable Housing Fittings and Finishes

Prior to the issue of the Construction Certificate, the applicant is to submit to the Council details of all internal fittings and finishes of the affordable housing dwellings. The applicant is responsible for obtaining written confirmation from Council that it is satisfied that the internal fittings and finishes are at the same standard as other dwellings within the development.

(Reason: Amenity)

5C. Ramp grades

Prior to the issue of the **Construction Certificate** the drawings and statement prepared by a suitably qualified person must confirm that ramp grades comply. The details must include a long section on all ramps giving the elevation and distance between each tangent points on the tangent lines between grades. The long sections must start at the centre of Wilson St opposite the entrance to the underground car parking.
(Reason: Compliance)

5D. Garbage trucks

Prior to the issue of the **Construction Certificate** the drawings must clearly indicate the vertical height clearances for the Willoughby City Council garbage trucks when entering, leaving and standing in the waste collection area. The details must confirm that the garbage truck will stand on a level area when emptying garbage bins.
(Reason: Compliance)

5E. Vehicle safety

Prior to the issue of the **Construction Certificate** the drawings must clearly indicate how vehicle safety will be managed at the blind corners along the ramps, for example with the use of mirrors and the like.
(Reason: Compliance)

5F. Pedestrian sight triangles

Prior to the issue of the **Construction Certificate** the drawings must clearly show 2.0m x 2.5m pedestrian sight triangles at the entrance to the building in accordance with AS 2890.1:2004 Figure 3.3.
(Reason: Compliance)

5G. Service Bays/Loading Docks

Prior to the issue of the **Construction Certificate** a suitably qualified traffic engineer must confirm that Service Bays/Loading Docks are designed in accordance with AS 2890.2:2002 Table 4.1.
(Reason: Compliance)

5H. Canopy tree planting

A Large canopy tree planting must be provided along the Pacific Highway frontage within the 4m setback area. Details to be shown on drawings prior to issue of Construction Certificate.
(Reason: Compliance)

5I. Undergrounding

All existing aerial cables which may include for electricity, communications and other cables connecting to street poles and buildings around the site shall be removed and installed underground in accordance with the requirements of the relevant service authorities. Ausgrid lighting poles are to be provided to the requirements of Ausgrid for street lighting and shall be positioned compatible to the landscaping design around the site.
(Reason: Compliance)

5J. Shared Path and Right-of-Way

Prior to the issue of the Construction Certificate the Architectural and Landscape Plans are to be amended to show a 3m wide shared path along the Pacific Highway frontage, commencing at a point 1.5m from the kerb, in accordance with Council's Shared Path Policy. Planting within the verge setback (from the kerb to a point 1.5m from the kerb) must be planting that achieves approximately 1m in height at maturity, so as to preserve sightlines for vehicles. The plans shall also notate that a right-of-way is to be registered over all that part of the site within 4m of the front boundary (fronting Pacific Highway) including the shared path, and that this right-of-way will be

registered prior to the issue of the Occupation Certificate. The wording of the right-of-way must be provided to Council and written approval obtained from Council prior to the issue of the Construction Certificate.
(Reason: Compliance and Public Amenity)

5K. Building Sustainability – Green star

Prior to the issue of a Construction Certificate, a compliance statement, prepared by a suitably qualified person, must be submitted to Council to verify a Green Star rating of minimum 4 stars but preferably 5 (to achieve 'Australian Excellence') can be achieved.
(Reason: Sustainability)

5L. Building Sustainability – NABERS

Prior to the issue of a Construction Certificate, a NABERS Energy Commitment Agreement to achieve a minimum five-star rating must be submitted to the Department of Planning Industry and Environment (DPI&E), and a copy provided to Council.
(Reason: Sustainability)

5M. Access, Mobility and Adaptable Housing

Prior to the issue of a Construction Certificate, to provide suitable access for people with disabilities, the development shall comply with Disability (Access to Premises – Buildings) Standards 2010. Details demonstrating compliance must be submitted with the Construction Certificate application.
(Reason: Access and Compliance)

5N. Adaptable Units

Adaptable residential units for disabled persons are to be provided at a rate of 50% of units (total 35 units). Each adaptable unit is to be nominated on the Construction Certificate drawings and each adaptable unit is to be provided with a disabled car space.
(Reason: Compliance, universal design)

5N. Fibre-Ready Facilities and Telecoms Infrastructure

Prior to the issue of a Construction Certificate, the developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Certifier that arrangements have been made for:

(a) The installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose.
and

(b) The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots/or premises in a real estate development project demonstrated through an agreement with a carrier.

(Note: Real estate development project has the meanings given in section 372Q of the Telecommunications Act).

(Reason: Compliance)

5O Electric Vehicle Charging Bays

Prior to the issue of the Construction Certificate, all parking bays for motor vehicles and bicycles should be able to have an electric vehicle charger provided as part of the bay. A charger shall be provided for at least 50% motor vehicles and bicycles parking bays at the commissioning of the building.

The design of the electric vehicle charger spaces must be to the satisfaction of Council and meet Australian Standards, Austroads guidelines and TfNSW technical directions and guidelines.

(Reason: Support sustainable transport)

6. Local Infrastructure Contributions

For development that involves subdivision and/or building work, any contribution required under Council's Local Infrastructure Plan must be paid to Council prior to the issue of the subdivision certificate or first construction certificate, whichever occurs first.

(Reason: Statutory requirement)

7. Sydney Metro - Engineering

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

- (a) Geotechnical Investigation Report (Ref. 34341LQrptRev03 FEM) Revision 3 prepared by JKGeotechnics dated 1 October 2022.
- (b) Geotechnical Numerical Analysis Report (Ref. 34341Lrpt-rev4) Revision 4 prepared by JKGeotechnics dated 10 August 2022.
- (c) Structural Report (Ref. WD21097) Revision 3 prepared by Webber Design dated 8 September 2022.
- (d) Structural Engineering Design Brief (Ref. 21097) Revision C prepared by Webber Design dated 28 October 2022.
- (e) Sydney Trains Site Plan (Ref. ASK_220526_01) prepared by Make Architects, certified by SurveyPlus (Ref. 20669_CERT_2B) on 6 September 2022.
- (f) Ground Floor General Arrangement Plan (Ref. S100) Revision P2 prepared by Webber Design dated 3 June 2022, certified by SurveyPlus (Ref. 20669_CERT_2B) on 6 September 2022.
- (g) North Shore Rail Section (Ref. S013) Revision T3 prepared by Webber Design dated 2 September 2022, certified by SurveyPlus (Ref. 20669_CERT_2B) on 6 September 2022.

subject to any amendments to those documents required by Sydney Metro in accordance with this consent.

The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro confirming which documents (including the versions of those documents) apply to the development and the Certifier has confirmed in writing to Sydney Metro that the construction drawings and specifications comply with those documents. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.

Prior to the commencement of works, the Certifier must provide written verification to Sydney Metro that this condition has been complied with.
(Reason: Compliance)

8. Sydney Metro – Rail Corridor

All structures must be designed, constructed and maintained so as to allow for the future operation and demolition of any part of the development without damaging or otherwise interfering with the Metro North West Line rail corridor or rail operations. Where any part of the development is to be retained because its demolition would damage or otherwise interfere with the Metro North West Line rail corridor or rail operations, that part of the development must have a minimum design life of 100 years.

(Reason: Compliance)

9. Sydney Metro - Survey and services

Prior to the issue of a Construction Certificate:

- (a) the Applicant must provide Sydney Metro with an accurate survey of the development and its location relative to the rail corridor boundary and any rail infrastructure. The survey is to be undertaken by a registered surveyor, to the satisfaction of Sydney Metro; and
- (b) a registered surveyor shall peg-out the common property boundary between the development site and the rail corridor and any Sydney Metro easements to ensure that there is no encroachment by the development. A copy of the survey report indicating the location of pegs must be provided to Sydney Metro prior to the commencement of works.

(Reason: Compliance)

10. Sydney Metro - Survey and services

Prior to the issue of a Construction Certificate, the Applicant must undertake a services search to establish the existence and location of any rail services and provide the results of the search to Sydney Metro. A services search must be based on current and not expired information and include information obtained through the Dial Before You Dig service. Persons performing the service search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the development site, the Applicant must discuss with Sydney Metro whether the services are to be relocated or incorporated within the development site.

(Reason: Compliance)

11. Noise & Vibration

The development must:

- (a) comply with State Environmental Planning Policy (Transport and Infrastructure) 2021 and the NSW Department of Planning & Environment's document titled "Development Near Rail Corridors and Busy Roads - Interim Guideline" (2008) and the Sydney Metro Underground Corridor Protection Guidelines (available from www.sydneymetro.info);*
- (b) be designed, constructed and maintained so as to avoid damage or other interference which may occur as a result of air-borne noise, ground-borne noise and*

vibration effects that may emanate from the rail corridor during rail construction and operations; and

(c) not have any noise or vibration impacts on the rail corridor or rail infrastructure.

(Reason: Compliance)

12. Noise & Vibration

The Applicant must:

(a) prepare an acoustic assessment report which confirms compliance with each of the matters outlined in condition 1.5; and

(b) incorporate as part of the development all the measures recommended in the acoustic assessment report; and

(c) not have any noise or vibration impacts on the rail corridor or rail infrastructure.

A copy of the acoustic assessment report is to be provided to Sydney Metro for review and endorsement and Council prior to a Construction Certificate being issued by the Certifier. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied. The Certifier must ensure that the recommendations of the acoustic assessment report are incorporated in the construction drawings and documentation prior to issuing a Construction Certificate for the development.

(Reason: Compliance)

13. Electrolysis

Prior to the issue of a Construction Certificate, the Applicant is to engage an electrolysis expert to prepare a report on the electrolysis risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the electrolysis report to control that risk. A copy of the electrolysis report is to be provided to Sydney Metro for review and endorsement. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.

Prior to issuing a Construction Certificate for the development, the Certifier must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation.

(Reason: Compliance)

14. Design

Given the possibility of objects falling, being dropped or thrown onto the rail corridor from balconies, windows and other external features (eg roof terraces and external fire escapes) of the development that are within 20 metres of and face the rail corridor, the development must have measures installed, to the satisfaction of Sydney Metro (eg awning windows, louvres, enclosed balconies, window restrictors, rainwater piped down the face of the building etc) which prevent objects falling into the rail corridor. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.

(Reason: Compliance)

15. Design

The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of the light rail operator. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.

(Reason: Compliance)

16. Construction

No work is permitted within the rail corridor, or any easements which benefit Sydney Metro, at any time, unless the prior approval of, or an Agreement with, Sydney Metro has been obtained by the Applicant. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.

(Reason: Compliance)

17. Construction

No rock anchors, rock bolts, ground anchors or rock ties, piles, foundations, rock pillars, transfer structures, basement walls, slabs, columns, beams, cut rock faces, are to be installed in the rail corridor, Sydney Metro property or easements. The Certifier must not issue a Construction Certificate for the development until it has received written confirmation from Sydney Metro that this condition has been satisfied.

(Reason: Compliance)

18. Construction

Prior to the issuing of a Construction Certificate, the following information must be submitted to Sydney Metro for review and endorsement:

(a) Machinery to be used during excavation/construction;

(b) Demolition, excavation and construction methodology and staging;

The Certifier must not issue a Construction Certificate for the development until it has received written confirmation from Sydney Metro that this condition has been satisfied.

(Reason: Compliance)

19. Construction

If required by Sydney Metro, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements for the proposed works are to be submitted to Sydney Metro for review and endorsement regarding impacts on the rail corridor. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.

(Reason: Compliance)

20. Construction

If required by Sydney Metro, a track monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be

submitted to Sydney Metro for review and endorsement prior to the issuing of a Construction Certificate. Throughout construction the Applicant must monitor Sydney Metro track deformation. Monitoring must be undertaken in accordance with SPC 207 *Track monitoring requirements for undertrack excavation*. The Certifier must not issue a Construction Certificate until written confirmation has been received from Sydney Metro that this condition has been satisfied.
(Reason: Compliance)

21. Construction

Prior to the issuing of a Construction Certificate, the Applicant must submit to Sydney Metro a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Metro requirements. If required by Sydney Metro, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Metro requirements. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from the Sydney Metro that this condition has been satisfied.
(Reason: Compliance)

22. Construction

If required by Sydney Metro, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Metro's Corridor Protection Team to determine the need for public liability insurance cover and the level of insurance required. If insurance cover is deemed necessary, the Applicant must obtain insurance for the sum determined by Sydney Metro and such insurance shall not contain any exclusion in relation to works on or near the rail corridor or rail infrastructure and must be maintained for the period specified by Sydney Metro. Prior to issuing a Construction Certificate for the development, the Certifier must witness written proof of any insurance required by Sydney Metro in accordance with this condition, including the written advice of Sydney Metro to the Applicant regarding the level of insurance required.
(Reason: construction of the proposed development presents a risk of potential damage to the Sydney Metro - Metro North West Line rail corridor which is not in the public interest. This risk of damage to public infrastructure must be appropriately managed and mitigated).

23. Construction

If required by Sydney Metro, prior to the issue of a Construction Certificate the Applicant must contact the Sydney Metro Corridor Protection Team to determine the need for the lodgement of a bond or bank guarantee for the duration of the works and the sum of any required bond or bank guarantee. Prior to issuing a Construction Certificate for the development, the Certifier must witness written confirmation from Sydney Metro that the Applicant has lodged any bond or bank guarantee required by this condition.
(Reason: construction of the proposed development presents a risk of potential damage to the Sydney Metro - Metro North West Line rail corridor which is not in the public interest. This risk of damage to public infrastructure must be appropriately managed and mitigated).

24. Drainage

The Applicant must ensure that all drainage from the development is adequately disposed of and managed and must ensure that no drainage is discharged into the railway corridor unless prior written approval has been obtained from Sydney Metro. The Certifier must not to issue a Construction Certificate or Occupation Certificate for the development unless this condition has been satisfied.
(Reason: Compliance)

25. Documentation

Copies of any certificates, drawings, approvals or documents endorsed by, given to or issued by Sydney Metro must be submitted to Council for its records prior to the issue of any Construction Certificate.
(Reason: Compliance)

26. Planning Agreement

Prior to the issue of any Construction Certificate, the obligations under the Planning Agreement executed on 17 December 2021 relating to this development are to be satisfied at the timing and contribution amount required under Schedule 2 of the Planning Agreement. Contact Council for an indexation (CPI) adjustment at the time of payment.

(Reason: Ensure compliance)

27. Substation - Urban Design

The Electrical substation is to be relocated to the inside of the building. The Construction Certificate plans must clearly show the substation incorporated within the building (and not within landscaped area), prior to the issue of the Construction Certificate.
(Reason: Urban Design)

28. Sydney Water 'Tap In'

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

An approval receipt will need to be obtained prior to release of the Construction Certificate.

(Reason: Ensure compliance)

29. Damage Deposit

Prior to the issue of the Construction Certificate, the applicant shall lodge a Damage Deposit of **\$130,000** (GST Exempt) to Council against possible damage to Council's assets and any infrastructure within the road reserve/footway during the course of the building works. The deposit will be refundable subject to inspection by Council after the completion of all works relating to the proposed development. For the purpose of inspections carried out by Council Engineers, an inspection fee of **\$182** (GST Exempt) is payable to Council. Any damages identified by Council shall be restored by the applicant prior to release of the Damage Deposit.

Total Payable = \$130,000 + \$182 = \$130,182

(Reason: Protection of public asset)

30. Temporary Ground Anchors

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

(Reason: Encroachment of works)

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

Stormwater runoff from the site shall be collected and conveyed to the underground drainage system at the corner of View Street and Anglo Street via a 375 mm RCP in accordance with Council's specification and generally in accordance with CJ Arms drawings C-6000/P06, C-6003/P01 and C-6004/P01. The replacement of existing Council pipes and pits along the route may be required if existing levels are not suitable. The final route in View Street and the extent of pipes and pits requiring replacement are to be agreed with Council's Engineer. Details of the existing system, as recorded by Council, may be obtained from Council's Asset Engineers. A grated drainage pit (min. 600mm x 600mm) shall be provided within the property and adjacent to the boundary prior to discharging to the Council's drainage system. In this regard, full design and construction details showing the method of disposal of surface and roof water from the site are to be submitted to Council for approval prior to the issue of the Construction Certificate. Pipes located along the Pacific Highway require approval from TfNSW and are to comply with TfNSW requirements.

(Reason: Prevent nuisance flooding)

32. Analysis of Outlet Condition

The capacity of the outlet pipe to the Council system shall be hydraulically evaluated using the Hydraulic Grade Line method to ensure that the outlet from the OSD system is above the downstream water level for the 1%AEP storm event. Full engineering details of the hydraulic evaluations prepared and signed by a practising Civil Engineer shall be submitted to Council for consideration prior to the issue of the Construction Certificate.

(Reason: Prevent property damage)

33. Detailed Stormwater Management Plan (SWMP)

Prior to the issue of the Construction Certificate, submit to the Certifier for approval, detailed stormwater management plans in relation to the on-site stormwater management and disposal system for the development. The construction drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer and in accordance with CJ Arms drawings C-6000/P06, C-6001/P01, C-6003/P01 and C-6004/P01. The system shall include an on-site stormwater detention system (OSD) for all impervious areas on the site, including all areas located over the basement, and water quality improvement measures for the site. All drawings shall comply with Part C.5 of Council's Development Control Plan, Council's Technical Standards, AS/NSZ3500.3 – *Plumbing and Drainage Code* and National Construction Code.

(Reason: Ensure compliance)

34. Basement Pumpout Drainage System

Prior to the issue of the Construction Certificate, the applicant shall submit, for approval by the Certifier, detailed stormwater management plans in relation to the pump-out drainage system. The construction drawings and specifications shall be generally in accordance with the approved stormwater management plans with the following requirements:

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

All drawings shall be prepared by a suitably qualified and experienced civil engineer and shall comply with Part C.5 of Council's Development Control Plan, AS/NZS 3500.3 – *Plumbing and Drainage Code* and the National Construction Code.
(Reason: Prevent nuisance flooding)

35. Construction Management Plan (CMP)

Prior to the issue of the Construction Certificate, submit, for approval by the Certifier, detailed Construction Management Plan (CMP). The CMP shall address:

- (a) Construction vehicles access to and egress from the site
- (b) Parking for construction vehicles
- (c) Locations of site office, accommodation and the storage of major materials related to the project
- (d) Protection of adjoining properties, pedestrians, vehicles and public assets
- (e) Location and extent of proposed builder's hoarding and Work Zones
- (f) Tree protection management measures for all protected and retained trees.

(Reason: Compliance)

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

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

- (a) Construction of 1.5 metres wide footpath (max. 2.5% crossfall) towards the kerb for the full frontage of the development site in Wilson Street in accordance with Council's specification and Standard Drawings SD105 and SD100. All adjustments to public utility services and associated construction works in the nature strip are to be at the full cost to the applicant. Detailed long section and cross sections at 5 metres interval shall be provided.
- (b) Construction of 3.0 metres wide shared path (max. 2.5% crossfall) towards the kerb for the full frontage of the development site in Pacific Highway in accordance with Council's specification and Standard Drawings SD105 and SD100. All adjustments to public utility services and associated construction works in the nature strip are to be at the full cost to the applicant. Detailed long section and cross sections at 5 metres interval shall be provided.
- (c) Reconstruction of existing kerb and gutter for the full frontage of the development site in Wilson Street in accordance with Council's specifications and Standard Drawing SD105. Pram ramps are to be provided as per Council and TfNSW standards.
- (d) Reconstruction of the existing road pavement 3.5m wide for the full frontage of the development site in Wilson Street in accordance with Council's specifications
- (e) Construction of a 6.5metres wide vehicular crossing in Wilson Street in accordance with Council's specification and Standard Drawings SD105
- (f) Construction of stormwater pipes and associated pits from the site to the existing Council system at the corner of View Street and Anglo Street, including any associated rectification works to kerb and gutter and pavements.

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

Approval must be obtained from Willoughby City Council as the road authority under the *Roads Act 1993* for any proposed works in the public road prior to the issue of any Construction Certificate. Any works located in Pacific Highway, including construction of stormwater, require concurrence from TfNSW. Such approval will be required prior to final approval from Council.

(Reason: Ensure compliance)

37. Driveway Longsection

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

- (a) Horizontal distance from the centreline of the road to the proposed parking slab, including provision of Council's standard layback as per Council's standard drawing SD105 which is available from Council's website. Council's standard layback is 500mm wide and back of layback is 100mm above the gutter invert.

- (b) Both existing and proposed levels (in AHD) and gradients represented in percentage (%) of the vehicular crossing and driveway.
- (c) Crossfall on road pavement shall be shown on long sections.

The design shall be prepared by a suitably qualified civil engineer using Council's standard vehicle profile (SD100). All driveway grades and transitions shall comply with AS/NZS 2890.1 -2004 and Council's specifications.

The new crossing is to be 6.5metres wide with no splays and be constructed at right angle to street kerb. The footpath which forms part of the proposed crossing shall have a maximum crossfall of 2.5% towards the kerb. For the design levels of the vehicular crossing at the property boundary, the following shall be complied with, unless written approval is gained from Council for alternate levels:

- (a) At back of layback – 90 mm above and parallel to the gutter invert.
- (b) At 2.6m from the face of kerb – 310mm above and parallel to the gutter invert.
- (c) At property boundary – 340mm above and parallel to the gutter invert.

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

(Reason: Safe vehicular access)

38. OSD/Rainwater Tank Design

The design of all rainwater/OSD tanks shall comply with the requirements of the NSW Work Health and Safety Regulation 2017, to minimise risks associated with confined spaces. The design shall also consider "Safety in Design" requirements. Prior to issue of a Construction Certificate, a suitably qualified person shall certify that the design meets these requirements.

(Reason: Safe access to tanks)

39. Vehicle Access and Manoeuvring – Engineer's Certification

Prior to the issue of the Construction Certificate, the Applicant shall submit, for approval by the Principal Certifier, certification from a suitably qualified and experienced Traffic Engineer relating to the design of vehicular access and manoeuvring for the development. This certification must be based on the architectural drawings and the structural drawings, and must make specific reference to the following:

- (a) That finished driveway gradients and transitions comply with AS/NZS 2890.1 and AS 2890.2 and will not result in scraping to the underside of cars.
- (b) That a maximum gradient of 5% is provided for the first 6 metres from the property's front boundary to the basement. All driveway grades shall comply AS/NZS 2890.1 and AS 2890.2.
- (c) That the proposed vehicular path and parking arrangements comply in full with AS/NZS 2890.1, AS 890.2 and AS/NZS 2890.6 in terms of minimum dimensions provided and grades on parking spaces and that visitor parking spaces comply with the requirements for Class 2 medium term parking
- (d) That the headroom clearance of minimum 2.2 metres between the basement floor and any overhead obstruction (including overhead services) is provided for compliance with Section 5.3.1 of AS/NZS 2890.1 and Section 2.4 of AS/NZS 2890.6.

- (e) That the headroom clearance of minimum 2.5 metres is provided to all parking spaces for people with disabilities for compliance with Section 2.4 of AS/NZS 2890.6.
- (f) That a shared area with minimum dimensions of 2.4 x 5.4m is provided adjacent to all disabled parking spaces and a shared area with minimum dimensions of 2.4m x 2.4m is provided at the end of all disabled parking spaces to comply with AS/NZS 2890.6. A bollard shall be located in the shared zone in accordance with Figures 2.2 and 2.3 AS/NZS 2890.6.
- (g) That the headroom clearance of 4.5m as required in AS 2890.2 for the largest vehicle using the site has been provided for the loading area and the path to and from the loading area.
- (h) Simultaneous manoeuvring of B99 and B85 vehicles at all ramps and ramp ends including the clearance lines for each vehicle, in accordance with AS2890.1, is complied with, including no overlapping of manoeuvring zones.
- (i) Simultaneous manoeuvrability of the largest vehicle using the site and a passenger vehicle including clearance in accordance with AS2890.1 and AS2890.2, is provided or methods provided (such as signalisation) to manage service vehicle movements to allow one way access for the service vehicle between the entry and the loading bay. Any system must ensure incoming vehicles do not queue on the roadway.
- (j) That sight distance triangles have been provided in accordance with AS/NZS 2890.1

(Reason: Ensure compliance)

40. Finish Surface Levels Along the Street Boundary

Prior to the issue of a Construction Certificate, finished surface levels for all internal works along the street boundary, including finish floor levels, driveways, car spaces, landscaping, drainage structures etc., must be shown on the plans issued for construction. The development's internal surface levels along the street boundary must be consistent with the public domain civil works plans approved by Council under the *Roads Act (1993)*. Any changes required to the finish floor levels approved under this development consent may require an application under S4.55 of the EP&A Act.

(Reason: Ensure compliance)

41. Internal Noise Levels

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

Internal Space	Criteria L_{Aeq} (period)
Common areas (e.g. foyer, lift lobby)	55 dB(A) L_{Aeq} 24 hour
Residential Living Areas	40 dB(A) L_{Aeq} 24 hour
Residential Sleeping Areas (night time)	35 dB(A) L_{Aeq} 9 hour
Retail/Commercial Areas	45 dB(A) L_{Aeq} 24 hour

Note:

1. The above criteria does not apply to garages, kitchens, bathrooms or hallways.
1. The above criteria define the minimum acceptable levels. Buildings may be built to a better than average standard by applying more stringent criteria.
2. Fresh air ventilation that meets the requirements of the *National Code of Construction (NCC)* shall be provided to those occupancies that can only achieve the above criteria with windows and doors closed.

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

(Reason: Amenity, environmental compliance and health)

42. Acoustic Treatment for the Development

In order to achieve the internal noise levels specified above, the proposed development shall be designed and constructed to incorporate the recommended acoustic treatments for glazing and other building elements from Section 7 of the acoustic report prepared by Pulse White Noise Acoustics Pty Ltd, Ref. 210504-211019-871-877 Pacific Highway, Chatswood-Noise Impact Assessment-R3, dated 3 March 2022, as a minimum.

The required acoustic rating of the glazing assembly refers to the acoustic performance of the glazing once installed on site (including the frame).

Plans and specifications showing the details of the proposed acoustic treatment shall be submitted to the Certifier prior to the issue of the Construction Certificate.

(Reason: Amenity, environmental compliance and health)

43. Building Ventilation

To ensure that adequate provision is made for ventilation of the building, mechanical and/or natural ventilation shall be provided. Fresh air ventilation shall be provided to those occupancies that can only achieve the internal noise criteria with windows and doors closed. Ventilation shall be designed in accordance with the provisions of:

- (a) The National Construction Code:
 - (i) AS1668.1, AS1668.2 and AS3666.1 as applicable; and/or
 - (ii) Alternative solution using an appropriate assessment method

The base building design shall include provisions for the installation of mechanical ventilation to any commercial/retail tenancy where it is intended to have the potential to be used as a food premises or any other use which requires mechanical exhaust ventilation. The provisions shall allow any mechanical exhaust system installed to discharge vertically above the building in such a way as to not cause a nuisance or loss of amenity to the occupiers of the development or other properties.

Details of all mechanical ventilation and exhaust systems, and certification provided by an appropriately qualified person verifying compliance with these requirements, shall be submitted to the Certifier prior to the issue of the Construction Certificate.

(Reason: Amenity, public health and compliance)

44. Noise Emission from the Development

To minimise the impact of noise onto receivers on surrounding land, all mechanical services and other sources of noise shall be designed to comply with the noise emission criteria contained in the EPA's *Noise Policy for Industry* (2017) and the criteria contained in Section 7 of the acoustic report prepared by Pulse White Noise Acoustics Pty Ltd, Ref. 210504-211019-871-877 Pacific Highway, Chatswood-Noise Impact Assessment-R3, dated 3 March 2022.

Details of the proposed equipment, siting, appropriate noise criteria, any attenuation required and recommendations shall be prepared by an appropriately qualified acoustic consultant and presented in an acoustic report. This report shall be provided to the Certifying Authority prior to the issue of a Construction Certificate.

(Reason: Amenity, environmental compliance and health)

45. Dewatering of Construction Site

Appropriate pollution control methods shall be adopted to ensure any water discharged into Council's stormwater system from dewatering activity (either the pumping of accumulated rainwater or excavation intercepting groundwater) on the development site complies with relevant environmental criteria.

A Construction Site Dewatering Plan (CSDP) shall be prepared by a suitably qualified environmental consultant and submitted to Council for approval prior to the commencement of any work. The CSDP can be incorporated into any Construction Management Plan covering the entirety of siteworks to be carried out on the site, or can be a stand-alone document. It shall contain details on the water treatment method, equipment to be used, water testing regime and a written statement that the water to be discharged will meet the Council-approved design water quality criteria as follows:

Analyte	Unit	Measurement	Criteria
Total nitrogen	µg/L	< than	900
Total phosphorous	µg/L	< than	63.5
Dissolved oxygen	%sat	Btn 80 - 120%	
pH	pH units	Btn 6.5 - 8.5	
Conductivity	µS/cm	< than	778
Suspended solids	mg/L	< than	50
Turbidity	NTU	< than	50
Zinc	µg/L	< than	43
Lead	µg/L	< than	0.6
Copper (& any other heavy metals)	µg/L	< than	6.5

(Reason: Environmental protection, compliance)

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.

46. Dilapidation Report of Council's Property

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

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

This dilapidation report shall be submitted to Council and the Certifier advised of the submission prior to commencement of work.

(Reason: Protection of Council's infrastructure)

47. Permits and Approvals Required

Application is to be made to Council's Infrastructure Services Division for the following approvals and permits as appropriate:-

- (a) Permit to erect Builder's hoarding where buildings are to be erected or demolished within 3.50m of the street alignment. Applications are to include current fees and are to be received at least 21 days before commencement of the construction.
- (b) Permit to stand mobile cranes and/or other major plant on public roads. Applications are to include current fees and security deposits and are to be received at least seven days before the proposed use. It should be noted that the issue of such permits may also involve approval from the NSW Police Force and TfNSW (RMS). A separate written application to work outside normal hours must be submitted for approval.
It should also be noted that, in some cases, the above Permits may be refused and temporary road closures required instead which may lead to longer delays due to statutory advertisement requirements.
- (c) Permit to open public roads, including footpaths, nature strip, vehicular crossing or for any purpose whatsoever. All applications are to include current fees. (Minimum one (1) weeks' notice required.)
- (d) Permit to place skip/waste bin on footpath and/or nature strip. (Maximum three (3) days).
- (e) Permit to work and/or place building materials on footpath and/or nature strip. (Maximum two (2) weeks).

- (f) Permit to establish Works Zone on Public Roads adjacent to the Development including use of footpath area. Applications must be received by Council at least twenty-one days prior to the zone being required. The application will then be referred to the Council's Local Traffic Committee for approval, which may include special conditions.
- (g) Permit to construct vehicular crossings over Council's footpath, road or nature strip.

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

(Reason: Legal requirements)

48. Application for Vehicle Crossing

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

(Reason: Protection of public asset)

49. Adjustment to Street Lighting

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

(Reason: Public amenity)

50. Construction – Sydney Metro

Prior to the commencement of any works, appropriate fencing must be in place along the rail corridor to prevent unauthorised access to the rail corridor during construction works. Details of the type of fencing and the method of erection are to be to the satisfaction of Sydney Metro prior to the fencing work being undertaken.

(Reason: Compliance)

51. Underground Utility Services

Where excavation is proposed, locate and establish the size and levels of all utility services in the footpath and road reserve. Contact "Dial Before You Dig" Service" prior to commencement of any works.

All adjustments to public utilities' mains and services as a consequence of the development and associated construction works shall be at the full cost to the applicant.

(Reason: Protection of utilities)

52. Hazardous Building Material Assessment

A hazardous building material assessment shall be undertaken by an appropriate qualified person prior to any works commencing (including demolition) on the site. The assessment shall identify any likely hazardous materials within any structure to be demolished and provide procedures on how to handle and dispose of such materials.

(Reason: Environmental protection/public health and safety)

53. Waste Storage Room Construction

A design certificate and detailed plans are to accompany any Construction Certificate application which demonstrates that the waste storage has been designed to be constructed in accordance with the Waste Management Guide and including the following requirements:

- (a) The floor is to be constructed of concrete at least 75mm thick and adequately graded to drain to a Sydney Water approved drainage fitting;
 - (b) The floor must be finished so that it is non-slip and has a smooth and even surface covered at all intersections;
 - (c) The ceilings and walls must be finished with smooth faced non-absorbent material capable of being cleaned;
 - (d) The room is to be provided with artificial light controllable within the room and adequate ventilation;
- The room is to be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock.

(Reason: Environmental protection/waste reduction/public health and safety)

54. Access for Waste Collection Vehicles

A design certificate and detailed plans are to accompany the Construction Certificate application that confirms that the development can be accessed and serviced by the nominated waste collection vehicle in accordance with the Waste Management Guide. The plans are to specifically demonstrate that the path of travel for the waste collection vehicle to the nominated collection area (which includes all entrance/exit, internal driveways, vehicle ramps, loading docks and basement) has been designed in accordance with AS2890.2- 2004.

The design certificate is also to confirm that the internal driveway, cross over, entry/egress points have been designed to meet the following loading requirements:

- (a) 25 tonne waste collection vehicles
- (b) Turning circle of 23 metres
- (c) Length of 12 metres

Clearance height of 4.5 metres (6m if using hook lift bins).

(Reason: Environmental protection/waste reduction/public health and safety)

55. Direct waste collection from basement

A design certificate and detailed plans are to accompany the Construction Certificate application that confirms that the waste can be directly collected from the basement as detailed in the Waste Management Plan. The design certificate is to be in accordance with the Waste Management Guide and specifically confirm that the:

- (a) Waste collection vehicle is able to access the basement, adequately manoeuvre into position, load bins and exit the basement
- (b) Adequate vertical clearance is provided along the route of travel to/from external entry/exit points to collection area
- (c) The collection vehicle must be able to manoeuvre in the basement with

- limited need for reversing
- (d) The grades of entry/exit must not exceed the capabilities waste collection vehicle
 - (e) The floor of the basement has been designed to carry the load of the vehicle.
- (Reason: Environmental protection/waste reduction/public health and safety)

56. Waste Chute Design

Where the development incorporates a Waste Chute as part of the waste management system, a design certificate and detailed plans are to accompany any Construction Certificate application which confirms that the waste chute can be constructed to satisfy the Waste Management Guide and specifically the following requirements:

- (a) Chutes, service openings and charging devices are constructed of metal or a smooth faced surface which is fire resistant and of impervious material
 - (b) Chute is cylindrical in section, vertical and without bends as it passes through the floors
 - (c) Chutes must terminate in the waste storage room and discharge into a waste bin
 - (d) manufactures technical specifications and operational limitations.
- (Reason: Environmental protection/waste reduction/public health and safety)

56A. Asbestos Sign to be Erected

On sites involving demolition or alterations and additions to building where asbestos cement is being repaired, removed or disposed of a standard commercially manufactured sign not less than 400mm x 300mm containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" is to be erected in a prominent visible position on the site. The sign is to be erected prior to the commencement of works and is to remain in place until such time as all asbestos cement has been removed from the site to an approved waste facility.

(Reason: Public Health and safety/Ensure compliance)

56B. Neighbour Notification of Asbestos Removal

The applicant/builder is to notify anyone occupying premises in the immediate vicinity of the site, five working days prior to demolition works involving removal of asbestos. Such notification is to be clearly written, giving the date work will commence. As a minimum, this notification is to be placed in the letterbox of every property (including every residential flat or unit) either side and immediately at the rear of the site.

(Reason: Public health)

DURING DEMOLITION, EXCAVATION AND CONSTRUCTION

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

57. Hours of Work

All construction/demolition work relating to this Development Consent within the City, unless varied by an Out of Hours Work Permit, must be carried out only between the hours of 7 am to 5 pm Mondays to Fridays and 7 am to 12 noon on Saturdays. No work is permitted on Sundays or Public Holidays.

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

If a variation to these approved hours for multiple or extended periods is sought, an application under Section 4.55 of the *Environmental Planning and Assessment Act 1979* must be lodged with Council at least twenty-one (21) days in advance of the proposed changes to the hours of work. The application must include a statement regarding the reasons for the variation sought, the type of work/s to be carried out, the additional time required, the anticipated impact upon the local amenity and how this will be minimized, and be accompanied by the required fee. Note: This Section 4.55 application may require re-notification in some circumstances.

(Reason: Ensure compliance and amenity)

58. Building Site Fencing

Public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.

A temporary safety fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5m). Temporary fences are to have a minimum height of 1.8m and be constructed of cyclone wire or similar with fabric attached to the inside of the fence to provide dust control.

Fences are to be structurally adequate and be constructed in a good and workmanlike manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible. All parts of the fence, including the fencing blocks shall be located wholly within the property boundaries.

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

(Reason: Safety)

59. Provide Erosion and Sediment Control

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

(Reason: Environmental protection)

60. Suitable Barricades

Suitable barricades shall be erected during building works on Councils footpath and where directed by the Certifier and/or Council to protect pedestrians using the footpath.

(Reason: Public safety)

61. Demolition Work AS 2601-2001

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

(Reason: Safety)

62. Survey Certificate

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

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

(Reason: Ensure compliance)

63. Excavations and Backfilling

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

(Reason: Safety)

64. Temporary Toilet Facilities

Temporary toilet facilities shall be provided to the satisfaction of the Certifier.

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

(Reason: Health and amenity)

65. Temporary Ground Anchors – Supervision

A professional Geotechnical Engineer shall be on site to supervise the piling, excavation and finally the installation and stressing of any ground anchors. On

completion of these works, a report from the Geotechnical Engineer shall be submitted to Council for record purposes.

A Chartered Professional Engineer shall monitor adjoining public infrastructures to detect any ground heaving or settlement during and after the installation of the piling and ground anchors. A rectification report shall be submitted to Council should unacceptable displacements occur within the zone of influence.

(Reason: Protection of public assets)

66. Sweep & Clean Pavement

Sweep and clean pavement surface adjacent to the ingress and egress points of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council.

(Reason: Legal requirement)

67. Street Signs

The applicant is responsible for the protection of all regulatory / parking / street signs fronting the property. Any damaged or missing street signs as a consequence of the development and associated construction works are to be replaced at full cost to the applicant.

(Reason: Protection of public assets)

68. Maintenance of Nature Strip

Where a nature strip and/or footpath is located directly adjacent to the property, the nature strip must be maintained during the construction period to ensure the turf/vegetation is no higher than 75mm in height and the public footpath is kept free of all rubbish, weeds and debris to ensure safe public access.

(Reason: Public amenity and safety)

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

The connection of the site stormwater drainage system to the existing Council pipeline shall be inspected by Council's Engineer when the pipes are exposed, prior to backfill, and it is possible to confirm that the connection complies with Council's requirements and the new connection pipe does not protrude into the Council pipe system. The inspection must be booked via telephone with Council's Engineer and a minimum of 48hours notice provided. For the purpose of inspections carried out by Council Engineer, the corresponding fees set out in Council's current Fees and Charges Schedule are payable to Council.

(Reason: Ensure compliance)

70. Waste Classification – Excavation Materials

All materials excavated and removed from the site (fill or natural) shall be classified in accordance with the *Environment Protection Authority* (EPA) Waste Classification Guidelines prior to being disposed of to a NSW approved landfill or to a recipient site.

(Reason: Environment and health protection)

71. Hazardous Materials – Clearance Certificate

Following completion of the removal of any identified hazardous material associated with demolition works, a clearance certificate shall be issued by an appropriately

qualified occupational hygienist and submitted to the Certifier. The clearance certificate shall verify that the site is free from any hazardous materials from the demolished buildings.

(Reason: Health and safety)

72. Unexpected Finds Protocol

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

(Reason: Environment & Health Protection)

73. Importation of Fill

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

(Reason: Environment & Health Protection)

74. Dust Control

The following measures must be taken to control the emission of dust:

- (a) Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work.
- (b) Any existing accumulation of dust (e.g. in ceiling voids and wall cavities) must be removed using an industrial vacuum cleaner fitted with a high efficiency particulate air (HEPA) filter.
- (c) All dusty surfaces and activities must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be allowed to enter the street or stormwater system. Activities could include, but are not limited to, rock-breaking, excavation, earth moving, drilling, and angle grinding, cutting, jack hammering and chiselling of concrete or masonry.
- (d) All stockpiles of materials that are likely to generate dust must be kept damp or covered.
- (e) Demolition work must not be carried out during high winds, which may cause dust to spread beyond the boundaries of the site.

(Reason: Amenity and environmental protection)

75. Construction Noise

Construction noise shall be controlled to comply with the requirements as set out in the EPA Draft Construction Noise Guideline 2020 (CNG).

A noise and/or vibration monitoring plan shall be implemented during construction in the event of a complaint being received by Council or the construction contractor. A report of the findings and action taken to mitigate any exceedances shall be submitted to Council within seven (7) days of its completion. Where noise criteria are exceeded, appropriate measures to control excessive noise shall be implemented immediately.

(Reason: Amenity and environmental compliance)

76. Demolition Report

Implement the recommendations of the Demolition Report prepared by Goldfields, dated 29th March 2022

(Reason: Environment & Health Protection)

77. Supervision

No metal ladders, tapes, plant, machinery, or conductive material is to be used within 6 horizontal metres of any live electrical equipment associated with the rail corridor and rail infrastructure. This applies to the train pantographs and catenary, contact and pull-off wires of the adjacent tracks, and to any aerial power supplies within or adjacent to the rail corridor.

(Reason: Compliance)

78. Supervision

No scaffolding or hoarding is to be used facing the rail corridor unless prior written approval has been obtained from Sydney Metro. To obtain approval, the Applicant must submit details of the scaffolding and/or hoarding, the means of erecting and securing the scaffolding and/or hoarding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor. Scaffolding and/or hoarding shall also not be erected without isolation and protection panels unless agreed to by Sydney Metro in writing.

(Reason: Compliance)

79. Supervision

Excess soil from the construction works is not allowed to enter, be spread or stockpiled within the rail corridor (and its easements) and must be adequately managed/disposed of by the Applicant.

(Reason: Compliance)

80. Consultation

The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Metro in writing), who:

(a) oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Metro;

(b) acts as the authorised representative of the Applicant; and

(c) is available (or has a delegate notified in writing to Sydney Metro that is available) on a 7 day a week basis to liaise with the representative of Sydney Metro as notified to the Applicant.

(Reason: Compliance)

81. Consultation

Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Metro in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Metro in relation to the works.

(Reason: Compliance)

82. Consultation

Where a condition of consent requires consultation with Sydney Metro, the Applicant shall forward all requests and/or documentation to the relevant Sydney Metro interface team.

(Reason: Compliance)

83. Contamination

Prior to the issue of a Construction Certificate, the Applicant shall provide a Contamination Assessment Report to Sydney Metro for review. Any contamination identified which is migrating (or at risk of migration) from the development site into the rail corridor shall be remediated by the Applicant to the satisfaction of Sydney Metro during the construction of the project and a Validation Report provided to Sydney Metro for endorsement following any remediation works. The Certifier must not issue an Occupation Certificate for the development until written confirmation has been received from the Sydney Metro that this condition has been satisfied.

(Reason: Compliance)

84. Drainage

The Applicant must ensure that all existing and future drainage works on the development site will be directed into the appropriate local council or approved drainage system.

(Reason: Compliance)

85. Drainage

The Applicant must ensure that during works no water collects on or near the railway corridor. Should water be allowed to pond adjacent to rail infrastructure facilities and service is interrupted, the Applicant shall be liable for any Sydney Metro expenditure involved with restoring or maintaining alternative services.

(Reason: Compliance)

86. Drainage

Rainwater from the roof of the development must not be projected and/or fall into the rail corridor and must be piped down the face of the building which faces the rail corridor.

(Reason: Compliance)

87. Inspections

If required by Sydney Metro, the Applicant must give Sydney Metro written notice at least 5 business days before any of the following events occur within 25 metres of the rail corridor:

- (a) site investigations;*
- (b) foundation, pile and anchor set out;*

- (c) set out of any other structures below ground surface level or structures which will transfer any load or bearing;*
 - (d) foundation, pile and anchor excavation;*
 - (e) other excavation;*
 - (f) surveying of foundation, pile and anchor excavation and surveying of as-built excavations;*
 - (g) other concreting; or*
 - (h) any other event that Sydney Metro has notified to the Applicant in writing so that Sydney Metro may inspect the carrying out or completion of those works on the development site.*
- (Reason: Compliance)

88. Inspections

If required by Sydney Metro, prior to the commencement of works or at any time during the excavation and construction period deemed necessary by Sydney Metro, a joint inspection of the rail infrastructure and property in the vicinity of the development is to be carried out by representatives from Sydney Metro and the Applicant and a dilapidation survey prepared. The dilapidation survey(s) will establish the extent of any existing damage and enable any deterioration during construction to be observed and rectified at the Applicant's cost. The submission of a detailed dilapidation report by the Applicant for review and approval by Sydney Metro will be required within 10 days following the undertaking of any joint inspection, unless otherwise notified by Sydney Metro in writing.

(Reason: Compliance)

88A. Asbestos Removal and Disposal

Works involving the removal of asbestos must comply with Councils Policy on handling and disposal of asbestos, and must also comply with the Code of Practice for "How to Safely Remove Asbestos" approved under section 274 of the NSW Work Health and Safety Act 2011.

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

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

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

(Reason: Environmental protection/Public health and safety)

PRIOR TO OCCUPATION OF THE DEVELOPMENT

The following conditions of consent must be complied with prior to the issue of an Occupation Certificate.

89. Section 73 Compliance Certificate

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

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

89A. Affordable Housing – Fittings and Finishes

Prior to the issue of any Occupation Certificate, the Certifier must be satisfied that the affordable housing dwellings have the internal fittings and finishes at the same standard as the other dwellings within the development and in accordance with the schedule endorsed by Council.

Any costs associated with bringing the affordable housing dwellings to the standards required are to be borne by the applicant.
(Reason: Amenity)

90. Planning Agreement

Prior to the issue of any Occupation Certificate, the obligations under the Planning Agreement executed on 17 December 2021 relating to this development are to be satisfied at the timing and contribution amount required under Schedule 2 of the Planning Agreement. Contact Council for an indexation (CPI) adjustment at the time of payment.

(Reason: Ensure compliance)

91. Access for the Disabled - Disability Discrimination Act

The building/development must comply with the requirements of the Disability Discrimination Act.

It should be noted that this approval does not guarantee compliance with this Act and the applicant/owner should investigate their liability under this Act.
(Reason: Access and egress)

92. Fire Safety Certificate Forwarded to NSW Fire and Rescue

Prior to the issue of any Occupation Certificate and upon completion of the building work, a Fire Safety Certificate shall be furnished by the owner to Council, and the

owner must cause a copy of the certificate (together with a copy of the current fire safety schedule) to be forwarded to the Commissioner of New South Wales Fire and Rescue, and must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building in accordance with Clause 172 of the *Environmental Planning and Assessment Regulation 2000* in respect to each essential fire safety measure included in the Schedule attached to the Construction Certificate.

(Reason: Safety)

93. State Survey Marks

Prior to the issue of a Whole Occupation Certificate, the Applicant shall reinstate any existing State/Permanent Survey Marks damaged by the works to the specification of the Land and Property Management Authority. A copy of the Location Sketch Plan of PM/SSM including reduced level (AHD) shall be submitted by a registered Surveyor. The degree of horizontal and vertical accuracy shall be acceptable to the NSW Land Registry Services.

(Reason: Public amenity)

94. Temporary Ground Anchors – Destressing

Prior to the issue of any Occupation Certificate, all damages to Council's infrastructures due to the works associated with the piling and installation of any ground anchors shall be restored to the requirements of Willoughby City Council at no cost to Council. All ground anchors shall be de-stressed by the removal of the anchor heads and protruding tendons on completion of the works. A certificate issued by a professional Geotechnical Engineer verifying that all ground anchors have been decommissioned shall be submitted to Council.

(Reason: Destressing of ground anchors)

95. CCTV Report of Council Pipe System After Work

Prior to the issue of any Occupation Certificate, a qualified practitioner, with qualifications/training in accordance with Water Services Association of Australia WSA05-2013 Conduit Inspection Reporting Code of Australia Version 3.1, shall undertake a closed circuit television (CCTV) inspection and then report on the condition of new drainage pipeline constructed in the road reserve for the development after the completion of all works. No person is to enter any Council stormwater conduit without written approval from Council. The camera and its operation shall comply with the following: -

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

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

(Reason: Ensure compliance and protection of public asset)

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

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

(Reason: Ensure compliance)

97. 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 to the Council system at the corner of View Street and Anglo Street via an approved OSD system with a minimum volume of 50m³ and a water quality improvement system. The stormwater system shall be 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 in accordance with the approved detailed stormwater drawings required under this development consent and Council's specification (AUS-SPEC).

(Reason: Prevent nuisance flooding)

98. Sign for On-site Stormwater Detention System

Prior to the issue of any Occupation Certificate pertaining to any works requiring an On-Site Detention System (OSD), an aluminium plaque measuring no less than 400mm x 200mm is to be permanently attached and displayed within the immediate vicinity of the OSD tank or basin.

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

(Reason: Prevent unlawful alteration)

99. Confined Space Sign

Prior to the issue of any Occupation Certificate, securely install standard confined space danger signs in a prominent location within the immediate vicinity of access points to on site stormwater detention systems, rainwater tanks and confined spaces in accordance with the requirements of NSW Work Health and Safety Regulation 2017.

(Reason: Safe access to tank)

100. Certification of OSD

Prior to the issue of any Occupation Certificate, a suitably qualified and experienced civil engineer (generally CP Eng. Qualification) shall certify on Council's standard certification form that the as-built OSD system is in accordance with the approved plans and complies with Council's DCP and Technical Standards. Council's standard certification form is available in the appendix of Council's Technical Standard No. 1.
(Reason: Legal requirement)

101. Certification of the Basement Pumpout Drainage System

Prior to the issue of any Occupation Certificate and upon completion of the pump-out system, the following shall be submitted to the Certifier.

- (a) A suitably qualified and experienced civil engineer (generally CP Eng. Qualification) shall certify that the as-built pumpout system complies with Part C5 of Council's DCP, all relevant codes and standards and the approved stormwater management plans.
- (b) Work-as-executed plans based on the approved pump-out system plans from a registered surveyor to verify that the volume of storage and pump capacity are in accordance with design requirements. Any minor changes or variations to the approved plans should be highlighted in red on the approved pump-out system plans.
- (c) Certification from a licensed plumber to ensure that the constructed pump-out system complies with the current plumbing requirements of Sydney Water and AS/NZS3500.3.

(Reason: Ensure compliance)

102. Works-As-Executed Plans - OSD

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

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

(Reason: Record of works)

103. S88B/S88E(3) Instrument

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

The above instruments shall be created under Section 88B of the *Conveyancing Act 1919* for newly created lots. For an existing lot, the instruments can be created under Section 88E(3) of the *Conveyancing Act 1919* using Form 13PC and 13RPA respectively. The size and relative location of the OSD system and stormwater treatment system, in relation to the building footprint and property boundary, must be shown on the final plan of subdivision/strata plan or must be shown on the scale sketch, attached as an annexure to the request 13PC and 13RPA forms. The S88B instrument or 13PC/13RPA forms shall be lodged with Council's Standard S88B/S88E Lodgement Form with all supporting documentations listed in the Form. Council's Standard Form is available from Council upon requested. Supporting documentation, including the work-as-executed plans, must be submitted and approved by Council prior to Council executing the instruments. Council's costs, including legal fees associated with reviewing, approving and executing the Positive Covenant and Restriction of Use together with associated PEXA fees must be paid by the Applicant. The Applicant is responsible for any stamp duty payable in respect of the dealing.

Documentary evidence of registration of these instruments with the NSW Land Registry Services shall be submitted to the Certifier and Council prior to issue of any Occupation Certificate.

(Reason: Maintenance requirement)

104. Documentary Evidence of Positive Covenant, Engineers Certificate

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

- (a) Registered Positive Covenant and Restriction on the Use of Land by way of the Title Deed.
- (b) Certification from a suitably qualified and experienced civil engineer (generally CP Eng. Qualification) for the as-built OSD system.
- (c) Work-as-Executed plans highlighting in red any variations based on the approved stormwater management plans from a registered surveyor for the as-built OSD system.

(Reason: Public record)

105. Construction of Kerb & Gutter

Prior to the issue of any Occupation Certificate, construct a new kerb and gutter together with any necessary associated pavement restoration in accordance with Council's specification for the full frontage of the development site in Wilson Street. New kerb ramps are to be provided to replace existing. The size and location of the ramps are to be in accordance with Council's current standards.

(Reason: Public amenity)

106. Construction of Stormwater Drainage Pipe

Prior to the issue of any Occupation Certificate, construct a new stormwater drainage system from the site to the Council system at the corner of View Street and Anglo Street. Existing pipes may be utilised, subject to existing invert levels being suitable.

Kerb inlet pits are to be provided at bends and at maximum 30m intervals. The works shall be in accordance with Council's specification. Any works located along the Pacific Highway shall be in accordance with TfNSW requirements. Any existing infrastructure impacted by the construction of the stormwater infrastructure, including but not limited to kerb and gutter, paths and road pavement, shall be replaced or restored to Council's requirements.

(Reason: Stormwater management)

107. Reconstruct Pavement

Prior to the issue of any Occupation Certificate, 3.5m width of road pavement including any necessary associated works adjoining to the full frontage of the development site in Wilson Street shall be reconstructed in accordance with Council's approved drawings, conditions and specification (AUS-SPEC). Council's standard design traffic for this pavement is 3x10⁵ ESA.

(Reason: Ensure compliance)

108. Concrete Footpath

Prior to the issue of any Occupation Certificate, construct a 1.5m wide concrete footpath for the full frontage of the development site in Wilson Street.

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

(Reason: Public amenity)

109. Shared Path

Prior to the issue of any Occupation Certificate, construct a 3.0m wide concrete shared path for the full frontage of the development site in Pacific Highway.

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

(Reason: Public amenity)

110. Vehicular Crossing

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

The crossing is to be 6.5 metres wide with no splays and is to be constructed at right angles to the street kerb in plain concrete. The new crossing shall be located no closer than 1 metre from any power pole and 2 metres from any street tree unless otherwise approved by Council.

For the design levels of the vehicular crossing at the property boundary, the following shall be complied with unless written approval is gained from Council for alternate levels:

- (a) At back of layback – 90 mm above and parallel to the gutter invert.
- (b) At 2.6m from face of kerb – 310 mm above and parallel to the gutter invert.
- (c) At property boundary – 340 mm above and parallel to the gutter invert.

The footpath which forms part of the proposed crossing shall have a maximum crossfall of 2.5% towards the kerb. The nature strip and footpath is to be adjusted for a minimum distance of 2.0 metres on both sides of the crossing to suit the new levels.

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

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

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

(Reason: Public amenity)

111. Removal of Redundant Crossings

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

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

(Reason: Public amenity)

112. Inspection of Civil Works on Road Reserves

All required road pavement, footpath, kerb and gutter, drainage works and/or any necessary associated works on the road reserve shall be completed in accordance with the Council approved drawings, conditions and specification (AUS-SPEC).

Pursuant to Section 138 of the *Roads Act 1993*, all works carried out on the road reserve shall be inspected and approved by Council's Engineer. Upon completion, Work-as-Executed drawings prepared by a registered surveyor shall be submitted to Council for record purposes. Written approval from TfNSW for any works located in front of the kerb and gutter on the Pacific Highway will be required prior to final approval from Council for the works. A completion certificate shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Certifier prior to the issue of any Occupation Certificate.

(Reason: Ensure compliance)

113. Performance Bond

Prior to the issue of any Occupation Certificate, the Applicant shall lodge with the Council a performance bond of \$70,000 against defective public civil works undertaken by the main Contractor for a period of twelve (12) months from the date of the completion certificate issued by Council as the road authority under the *Roads Act 1993*. The bond shall be lodged in the form of a cash deposit, cheque or unconditional bank guarantee which will be refundable subject to the approval of Council's Engineers at the end of the maintenance period. In this period, the Applicant is liable for any part of the work which fails to achieve the design specifications. Council shall be given full authority to make use of the bond for such restoration works within the maintenance period as deemed necessary.

(Reason: Ensure compliance and specification)

114. Turfing of Nature Strip

Prior to the issue of a Whole Occupation Certificate and in the event of damages to the grass verge during works, trim the strip of land between the property boundary and the road, spread topsoil on top of the trimmed surface and lay approved turfing on the prepared surfaces. The turf shall be protected from vehicular traffic and kept watered until established.

(Reason: Public amenity)

115. Public Infrastructure Restoration

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

(Reason: Protection of public assets)

116. Vehicle Access and Manoeuvring – Construction & Certification

Prior to the issue of any Occupation Certificate, the Applicant shall submit, for approval by the Principal Certifier, certification from a suitably qualified and experienced Traffic Engineer relating to the construction of vehicular access and manoeuvring for the development. This certification must be based on a site inspection of the constructed vehicle access, manoeuvring and vehicle accommodation areas, with dimensions and measurements as necessary, and must make specific reference to the following:

- (a) That the as-constructed carpark complies with the approved Construction Certificate plans.
- (b) That finished driveway gradients and transitions comply with AS/NZS 2890.1 and AS 2890.2 and will not result in scraping to the underside of cars.
- (c) That a maximum gradient of 5% is provided for the first 6 metres from the property's front boundary to the basement. All driveway grades shall comply AS/NZS 2890.1 and AS 2890.2.

- (d) All parking spaces are open type with no partitions.
- (e) Aisle widths throughout basements comply with AS/NZS 2890.1.
- (g) That the constructed vehicular path and parking arrangements comply in full with AS/NZS 2890.1, AS 2890.2 and AS/NZS 2890.6 in terms of minimum dimensions provided and grades on parking spaces.
- (h) That headroom clearance of minimum 2.2 metres between the basement floor and any overhead obstruction (including overhead services) is provided for compliance with Section 5.3.1 of AS/NZS 2890.1 and Section 2.4 of AS/NZS 2890.6.
- (i) That headroom clearance of minimum 2.5 metres is provided to all parking spaces for people with disabilities for compliance with Section 2.4 of AS/NZS 2890.6.
- (j) That the headroom clearance of 4.5m required in AS 2890.2 for the largest vehicle using the site has been provided for the loading area and the path to and from the loading area.
- (k) That a shared area with minimum dimensions of 2.4 x 5.4m is provided adjacent to all disabled parking spaces and a shared area with minimum dimensions of 2.4m x 2.4m is provided at the end of all disabled parking spaces to comply with AS/NZS 2890.6, and that a bollard is located in the shared zone in accordance with the requirements of Figures 2.2 and 2.3 of AS/NZS 2890.6.
- (l) Simultaneous manoeuvring of B99 and B85 at all ramps and ramp ends including clearances for each vehicle as per AS/NZS 2890.1 is achieved.
- (m) Access and manoeuvrability of the largest vehicle accessing the site and simultaneous manoeuvrability of the largest vehicle using the site and a passenger vehicle including clearances in accordance with AS/NZS 2890.1 and AS 2890.2 is achieved. Alternatively, a traffic management system has been provided that allows for one way access for service vehicles entering and leaving the loading dock. Any such traffic management system shall ensure priority is given to incoming traffic and that waiting vehicles are located within the site and do not impact traffic on the street.
- (o) Sight distance triangles at the exit comply with AS/NZS2890.1

(Reason: Ensure compliance)

117. Stormwater Maintenance Plan

Prior to the issue of an Occupation Certificate, submit to the certifying authority approval a Maintenance Plan for the stormwater management system. The plan is to be in accordance with recommendations of "Guidelines for the Maintenance of Stormwater Treatment Measures" published by Stormwater NSW or other relevant guidelines or publications.

(Reason: Ensure operation of system complies)

118. Certification of Water Quality Improvement System

Prior to the issue of an Occupation Certificate, a suitably qualified and experienced civil engineer (generally CP Eng. Qualification) shall certify that the as built water quality improvement system is in accordance with the approved plans and complies with the requirements of Technical Standard 1.

(Reason: Legal requirement)

119. Service Vehicle Traffic Management

Prior to the issue of any Occupation Certificate for the basement parking area, a traffic management system shall be provided to manage service vehicle access to the loading dock. The system is to allow one-way access for service vehicles, to prevent conflict on the ramp. The system is to provide waiting areas within the site, to prevent vehicles queuing in the street. A management plan is to be provided for the system, which is to include maintenance requirements.

(Reason: Management of service vehicle access)

120. Acoustic Treatment – Certification

Prior to the issue of any relevant Occupation Certificate, certification shall be provided from a suitably qualified acoustic engineer certifying that the acoustic treatment of the building complies with the approved construction details and the acoustic report prepared by Pulse White Noise Acoustics Pty Ltd, Ref. 210504-211019-871-877 Pacific Highway, Chatswood-Noise Impact Assessment-R3, dated 3 March 2022.

(Reason: Amenity, environmental compliance and health)

121. Noise Emission – Equipment

Prior to the issue of any relevant Occupation Certificate, certification shall be provided from a suitably qualified acoustic engineer certifying that the noise from all sound producing plant, equipment, machinery and/or mechanical ventilation system complies with the relevant noise criteria from the acoustic report prepared by Pulse White Noise Acoustics Pty Ltd, Ref. 210504-211019-871-877 Pacific Highway, Chatswood-Noise Impact Assessment-R3, dated 3 March 2022, and the mechanical services acoustic report referred to earlier in this consent.

(Reason: Amenity, environmental compliance and health)

122. Certification – Ventilation

Prior to the issue of any relevant Occupation Certificate, certification shall be provided from a suitably qualified mechanical engineer certifying that all work associated with the installation of the mechanical and/or natural ventilation systems has been carried out in accordance with the relevant Australian Standards and or alternative solution.

(Reason: Amenity, environmental compliance and health)

123. Environmental Management Plan – Positive Covenant

If an Environmental Management Plan (EMP) is required to document any future long-term (ongoing) maintenance and/or rehabilitation works required in terms of managing any encapsulated/remaining contaminated materials, a positive covenant (88E instrument) shall be registered on the title of each portion/lot of the land binding the owners and future owners to be responsible for this maintenance and/or works.

The required documentation and associated legal paperwork (which notes Council's interest in the positive covenant) shall be forwarded to Council for consideration and endorsement before the positive covenant is registered with NSW Land Registry Services. Evidence that the positive covenant has been placed on the certificate of

land shall be submitted to Council and the Principal Certifying Authority prior to the issue of an Occupation Certificate.

(Reason: Environmental protection, public health and safety, compliance)

124. Waste Collection Agreement with Council

Prior to the issue of any Occupation Certificate, the developer is to enter into a formal agreement with Council for the utilisation of Council's Waste Collection Service. This is to include Council being provided an easement for unimpeded access to and from the waste collection locations for Council and its servants/contractors to enter and exit for the purpose of waste/recycling collection. The development is also required to indemnify Council and its servant/contractors against claims for loss or damage or wear and tear of access roads or other parts of the building.

Note: By entering into an agreement with Council for waste collection, the development will be required to operate in full compliance with Council's Waste Management collection requirements.

The provision of Council's waste collection service will not commence until formalisation of the agreement.

(Reason: Legal Requirement)

125. Annual Fire Safety Statement

Prior to the issue of any Occupation Certificate, the developer is to enter into a formal agreement with a licenced private waste contractor to service the development. The contract is to ensure the removal of all waste from the development site.

Prior to entering into an agreement for a private waste collection service, the developer is to ensure that:

- (a) The service is functional and meets the operational needs of the development
- (b) The service minimises environmental nuisances including noise and other adverse impacts on the safety and amenity of residents and the public.
- (c) Council has been provided with indemnity against claims for loss or damage, should they take over the service at some point in the future.

A copy of the contract is to be forwarded to Council prior to the issue of any Occupation Certificate.

(Reason: Ensure compliance)

126. Noise and Vibration

Prior to the issue of an Occupation Certificate, an acoustic assessment report must be prepared and submitted to the Certifying Authority, Council and Sydney Metro certifying that the completed development meets the requirements of:

- (a) State Environmental Planning Policy (Transport and Infrastructure) 2021;
- (b) the Department of Planning, Infrastructure and Environment's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines"; and
- (c) any other noise and vibration requirements imposed by this consent.

The acoustic report must demonstrate testing of external and internal noise levels for the completed development and ensure that external noise levels are representative of the typical maximum levels that may occur at the development and internal noise levels meet the required dB(A) levels. Where it is found that internal noise levels are greater than the required dB(A) level, necessary corrective measures must be carried out to ensure that internal noise levels are compliant with the requirements of this consent.

(Reason: Ensure compliance)

127. Lights and reflective materials

If required by Sydney Metro, prior to the issue of an Occupation Certificate, the Applicant must demonstrate to Sydney Metro's satisfaction that lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor have been installed to limit glare and reflectivity.

(Reason: Ensure compliance)

128. Fencing

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

(Reason: Ensure compliance)

129. Documentation

Prior to the issue of an Occupation Certificate, the Applicant is to submit as-built drawings to Sydney Metro and Council. The as-built drawings are to be endorsed by a registered surveyor confirming that there has been no encroachment into the rail corridor or Sydney Metro easements, unless agreed to by Sydney Metro in writing. The Certifier must not issue an Occupation Certificate until written confirmation has been received from Sydney Metro that this condition has been satisfied.

(Reason: Ensure compliance)

130. Documentation

Copies of any certificates, drawings, approvals or documents endorsed by, given to or issued by Sydney Metro must be submitted to Council for its records prior to the issue of any Occupation Certificate.

(Reason: Ensure compliance)

131. Inspections

If required by Sydney Metro, prior to the issue of an Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the development is to be carried out by representatives from Sydney Metro and the Applicant and a dilapidation survey prepared. The dilapidation survey will establish the extent of

any existing damage and enable any deterioration during operation of the development to be observed. The Certifier is not to issue an Occupation Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.

(Reason: Ensure compliance)

132. Maintenance

Prior to the issue of an Occupation Certificate, the Applicant must provide to Sydney Metro for review and endorsement a plan of how future maintenance of the development facing the rail corridor is to be undertaken. The Certifier must not to issue an Occupation Certificate until written confirmation has been received from Sydney Metro that this condition has been satisfied. The maintenance plan must be implemented for the life of the approved development.

(Reason: Ensure compliance)

133. Inspections

At any time during the construction of the development, Sydney Metro and persons authorised by those entities may give reasonable notice to the Applicant or the Applicant's principal contractor that Sydney Metro or persons authorised by that entity seek to:

(a) inspect the development site and all works and structures that may impact on the rail corridor, including at specified "hold points" in the construction of the development; and

(b) attend on-site meetings with the Applicant and its contractors, to enable Sydney Metro to determine whether the development has been or is being constructed and maintained in accordance with all approved plans and this development consent.

(Reason: Ensure compliance)

134. Environmental Protection and Contamination

During all stages of the development, including construction and operation of the development, no form of pollution or contamination should enter the railway corridor as a result of development's activities. Any form of pollution or contamination that occur in the rail corridor as a consequence of the development activities shall remain the full responsibility of the owner of the development.

(Reason: Ensure compliance)

135. Environmental Protection and Contamination

Sydney Metro may direct the owner of the development to remove or remediate any physical pollution or contamination caused by the development's activities from the rail corridor at the owner's cost, and within any timeframe required by Sydney Metro, acting reasonably. The owner of the development must obtain written approval from Sydney Metro (which may be subject to conditions) before entering the rail corridor to remove or remediate any form of pollution or contamination.

(Reason: Ensure compliance)

136. Other – Sydney Metro

Any conditions or other requirements imposed by Sydney Metro part of its approval/endorsement of any documents provided by the Applicant to Sydney

Metro in accordance with these conditions of consent must also be complied with by the Applicant when implementing any approved/endorsed documents, plans, reports during the construction and operation of the development (as applicable).
(Reason: Ensure compliance)

137. Other – Sydney Metro

Where a condition of consent requires Sydney Metro endorsement or approval, the Certifier must not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates by the Certifier dealing with specific works and compliance conditions can only occur subject to written confirmation from Sydney Metro.

(Reason: Ensure compliance)

138. Other – Sydney Metro

All reasonable Sydney Metro costs associated with review of plans, designs and legal must be borne by the applicant.

(Reason: Ensure compliance)

139. General Easement/ROW Provision and Certification

The creation of drainage easements, service easements and/or rights-of carriageway shall be carried out as required. A registered surveyor is to certify prior to the release of the subdivision certificate that all interallotment drainage lines, services or driveways are fully contained within the proposed allotment and/or that future provisions of such are fully covered by the proposed burdens. Alternatively if the surveyor is of the opinion that no easements and/or rights-of-carriageway are required then certification to this effect from the surveyor is to be submitted.

(Reason: Ensure compliance)

140. Location of On-Site Detention System

The locations of the as-built on-site stormwater detention system(s) shall be shown on the final plan of subdivision/strata plan. Access to the system, including access points to any underground tank, shall be located in common areas.

(Reason: Ensure compliance)

141. Section 88B Instrument

A Section 88B Instrument is to be submitted with the Linen Plan for subdivision in respect to any proposed easements, rights-of-way and positive covenants.

(Reason: Ensure compliance)

141A. Shared Path

Prior to the issue of any Occupation Certificate, construct a 3m wide concrete shared path for the full frontage of the development site in Pacific Highway. The shared path shall commence at a point 1.5 metres from the Pacific Highway kerb.

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

(Reason: Public amenity)

141B. Public Art

(a) Detailed Public Art Plan

The detailed public art plan must be developed and implemented in accordance with Council's Public Art Policy and Procedures and Guidelines.

The Detailed Public Art Plan should include the public art concept/s illustrated in such a way that the form, dimensions, materials and location of the proposed artwork are clearly communicated. It should include a brief statement explaining the rationale behind the artwork and should demonstrate how the proposed work will relate to the proposed development and site.

It should provide a program for documentation, fabrication and installation and integration with the construction program for the development. It should also provide engineer's drawings, expected maintenance requirements and deaccessioning agreements.

The Public Art Plan will be reviewed by the Public Art Advisory Panel for comment and any recommendations will be recorded and passed on to the developer.

(b) Final Public Art Report to be submitted at Occupation Certificate Stage

Prior to the release of the Occupation Certificate, the written consent of Council's Planning and Infrastructure Director must be obtained that confirms the public art has been delivered in accordance with the Public Art Plan.

The Final Public Art Report should provide information about the artworks and artist, the fabrication and installation of the work, the documentation and engineers' drawings, the maintenance requirements, any additional relevant information regarding ownership, and copyright of the work.

(Reason: Ensure compliance with Council's Public Art Policy)

141C. Street Numbering

Prior to the issue of any Occupation Certificate, 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: Ensure compliance with Council's House-Property Numbering Policy)

141D. Right of Way Registration

Prior to the issue of any Occupation Certificate, a right-of-way must be registered with Land Registry Services over all that part of the land located within 4 metres of the boundary fronting the Pacific Highway. This space also incorporates a 3 metre wide public path. The right-of-way is to allow public use of this portion of the land.

(Reason: Compliance, urban design)

ONGOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land, and relevant legislation.

142. Annual Fire Safety Statement

Attention is directed to Clause 177 of the *Environmental Planning and Assessment Regulation 2000* regarding the submission of an Annual Fire Safety Statement in relation to each essential fire safety measure implemented in the building or on the land on which the building is situated.

(Reason: Safety)

143. Analysis of Outlet Condition

All storage outlet pipes from the OSD tank shall be above the 1% Annual Exceedance Probability (AEP) event water level.

(Reason: Maintain designed discharge)

144. Stormwater Treatment System – Ongoing Maintenance

The registered proprietor of the land shall take full responsibility for the ongoing maintenance of the Stormwater Treatment System constructed on the land. The maintenance of the system is to be undertaken in accordance with the recommendations of “Guidelines for the Maintenance of Stormwater Treatment Measures” published by Stormwater NSW or other relevant guidelines or publications.

(Reason: Ensure compliance)

145. Service Vehicle Management

The management plan for service vehicle access is to be reviewed on a regular basis to ensure it prevents conflicts between vehicles. Should conflicts occur, the plan is to be amended as required to prevent conflict. Any mechanical or electrical elements of the system are to be maintained in accordance with the manufacturer’s recommendations.

(Reason: Prevent vehicle conflicts)

146. Noise Control – Offensive Noise and Vibration

To minimise the noise and vibration impact on the surrounding environment, the use of the base building’s services, equipment, machinery and ancillary fittings shall not give rise to an “offensive noise” as defined under the provisions of the *Protection of the Environment Operations Act 1997* and cause no interference to adjoining or nearby occupants.

In the event of a noise or vibration problem arising, the person in charge of the premises shall when instructed by Council, cause to be carried out, a review of the acoustic report by an appropriately qualified acoustical consultant and submit the results in a report to Council.

If required by Council, any or all of the recommendations of the consultant, and any additional requirements of Council, shall be implemented to Council’s satisfaction.

(Reason: Amenity)

147. Mechanical Ventilation Systems with Regulated Air Handling and Water Systems

Mechanical ventilation systems comprising regulated air handling and water systems (cooling towers, warm-water systems and the like) shall be registered with Council on completion of the installation in accordance with the requirements of the *Public Health Act 2010* and *Public Health Regulation 2012*.

(Reason: Health protection)

148. Regulated air handling and water systems

Any regulated air handling and water systems shall be maintained and operated in accordance with:

- (a) Australian/New Zealand Standard AS/NZS 3666.2:2011 – Air handling and water systems of buildings - Microbial Control - Operation and maintenance;
- (b) Australian/New Zealand Standard AS/NZS 3666.3:2011 – Air handling and water systems of buildings - Microbial Control – Performance based maintenance of cooling water systems;
- (c) Australian/New Zealand Standard AS/NZS 3666.4:2011 – Air handling and water systems of buildings - Microbial Control – Performance based maintenance of air-handling systems (ducts and components);
- (d) the *Public Health Act 2010*; and
- (e) the *Public Health Regulation 2022*.

(Reason: Compliance and health)

149. Waste Management Plan (WMP) Implementation

The approved WMP is to be implemented throughout the ongoing use of the development.

(Reason: Environmental protection/waste reduction/public health and safety)

150. Waste Management Collection Policy

The development must operate in full compliance with Council's Waste Management collection requirements

(Reason: Environmental protection/waste reduction/public health and safety)

151. On-Site Collection Point

The nominated on-site collection point is to be utilised to facilitate the collection of waste and recycling bins for the development. The on-site collection point is to be kept clear of obstructions at all times so not to restrict the collection of waste and recycling bins.

(Reason: Environmental protection/waste reduction/public health and safety)

152. Management

Contracts (or agreements) with cleaners, building managers and tenants must clearly outline the waste management and collection system and must clearly identify everyone's role and responsibility. This is to include:

- (a) Responsibility for cleaning and maintaining waste storage bins and containers.
- (b) Responsibility for cleaning and maintaining waste storage room.
- (c) Responsibility for the transfer of bins to the nominated collection point.
- (d) Method of communication to new tenants and residents concerning the developments waste management system.
- (e) Cleaning up and management of bulky waste.
- (f) Responsibility for maintaining the compost bin or worm farm.

Where the development incorporates strata title subdivision, the by-laws are to clearly set out the management responsibilities for the developments waste and recycling system.

(Reason: Environmental protection/waste reduction/public health and safety)

153. Waste Storage Containers

No waste storage containers are to be located or placed outside the approved waste storage area at any time except for collection purposes.

(Reason: Environmental protection/waste reduction/public health and safety)

154. Signage

Adequate signage is to be provided and maintained on how to use the waste management system and what materials are acceptable for recycling within all waste storage areas of the development. Signage is also to be provided and maintained which clearly identifies which bins (and containers) are to be used for general waste and recycling and what materials can be placed in each bin.

(Reason: Environmental protection/waste reduction/public health and safety)

155. Waste Chute Contingency

Where the waste management system incorporates the use of a waste chute system, a contingency plan should be in place for the development to allow for the continual disposal and collection of waste if the chute cannot be operated.

(Reason: Environmental protection/waste reduction/public health and safety)

155A. Public Art

For the purposes of contributing to the social, cultural and economic vitality of the Willoughby LGA, the public art will be maintained and managed in accordance with Council's Public Art Policy.

(Reason: Ensure compliance with Council's Public Art Policy)

PRESCRIBED CONDITIONS

The following conditions are prescribed by Section 4.17 of the Environmental Planning & Assessment Act for developments involving building work.

156. Compliance with National Construction Code

All building works must be carried out in accordance with the performance requirements of the National Construction Code.
(Reason: Compliance)

157. Support for Neighbouring Buildings

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

(Reason: Safety)

STATUTORY REQUIREMENTS

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

158. Construction Certificate

This consent IS NOT an approval to carry out any building works. A Construction Certificate may be required PRIOR TO ANY WORKS BEING COMMENCED.

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

(Reason: Ensure compliance and statutory requirement)

159. Notify Council of Intention to Commence Works

In accordance with the provisions of Section 6.6 of the *Environmental Planning and Assessment Act 1979* the person having the benefit of the development consent shall appoint a Certifier and give at least 2 days' notice to Council, in writing, of the person's intention to commence the erection of the building.

(Reason: Information and ensure compliance)

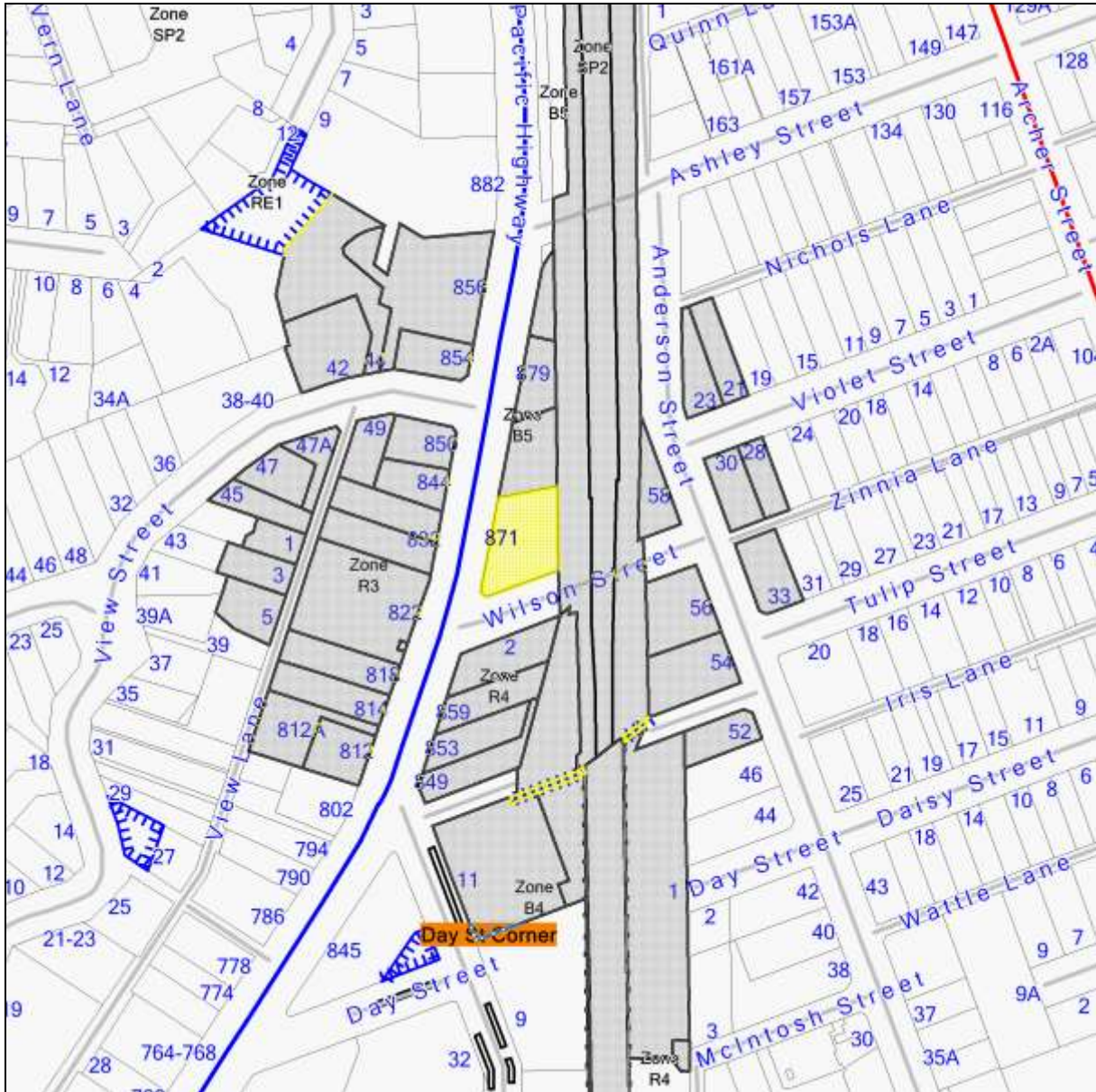
160. Occupation Certificate

Willoughby City Council

The building/structure or part thereof shall not be occupied or used until an occupation certificate has been issued in respect of the building or part.
(Reason: Safety)

COUNCIL ASSESSMENT REPORT

ATTACHMENT 8: NOTIFICATION MAP



Reference: DA-2022/161
Enquiries: Peter Wells
Phone: 02 9777 7678

