

SNPP REPORT

753 Pacific Highway & 15 Ellis Street, CHATSWOOD NSW 2067

Panel Reference	PPSSNH-310
DA Number	DA-2022/166
LGA	Willoughby
Proposed Development	Demolition of existing structures and construction of 17 storey shop top housing development comprising 2 storeys of commercial/retail use, and residential tower comprising 15 levels containing 49 residential apartments, communal indoor and outdoor facilities, and 5 levels of basement car parking comprising 62 car spaces, landscaping and associated works.
Street Address	753 Pacific Highway + 15 Ellis Street, Chatswood
Applicant/Owner	Ellis St Developments Pty Ltd (applicant and owner)
Date of DA lodgement	19 May 2022
Number of Submissions	3
Recommendation	Approval subject to conditions
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">• <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>• <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>• <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>• <i>State Environmental Planning Policy (Planning Systems) 2021</i>• <i>SEPP No 65 - Design Quality of Residential Apartment Development and NSW Apartment Design Guide (ADG)</i>• <i>Sydney Regional Environmental Plan (Sydney Harbour Catchment) – Deemed SEPP</i>• <i>Willoughby Local Environmental Plan 2012</i>• <i>Willoughby Development Control Plan (including SS DCP)</i>
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• Plans• Notification Map
Report prepared by	Peter Wells, Consultant Planner
Report date	2 November 2022

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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
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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
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e.g. Clause 4.6 of State Environmental Planning Policy (Resilience and Hazards) 2021

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?	No
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Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?	No
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Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment?	Yes
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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

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SNPP NO:	PPSSNH-310
COUNCIL	WILLOUGHBY CITY COUNCIL
ADDRESS:	753 PACIFIC HIGHWAY & 15 ELLIS STREET, CHATSWOOD NSW 2067
DA NO:	DA-2022/166
PROPOSAL:	SNPP - DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF 17 STOREY SHOP TOP HOUSING DEVELOPMENT COMPRISING 2 STOREYS OF COMMERCIAL/RETAIL USE, AND RESIDENTIAL TOWER COMPRISING 15 LEVELS CONTAINING 49 RESIDENTIAL APARTMENTS, COMMUNAL INDOOR AND OUTDOOR FACILITIES, AND 5 LEVELS OF BASEMENT CAR PARKING COMPRISING 62 CAR SPACES, LANDSCAPING AND ASSOCIATED WORKS.
RECOMMENDATION:	APPROVAL
ATTACHMENTS:	<ol style="list-style-type: none">1. SITE DESCRIPTION AND AERIAL PHOTO2. NOTIFICATION, DEVELOPMENT CONTROLS, DEVELOPER CONTRIBUTION & REFERRALS3. ASSESSMENT OF SEPP 65 (DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT4. ASSESSMENT UNDER WLEP, WDCP AND SHARED PATH POLICY5. SUBMISSIONS TABLE6. SECTION 4.15 (79C) ASSESSMENT7. NOTIFICATION MAP8. SCHEDULE OF CONDITIONS
RESPONSIBLE OFFICER:	RITU SHANKAR - TEAM LEADER
AUTHOR:	PETER WELLS - CONSULTANT PLANNER
REPORT DATE:	2-NOV-2022
MEETING DATE:	16-NOV-2022

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) approve the proposed development subject to the attached conditions for the application DA-2022/166 for SNPP - DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF 17 STOREY SHOP TOP HOUSING DEVELOPMENT COMPRISING 2 STOREYS OF COMMERCIAL/RETAIL USE, AND RESIDENTIAL TOWER COMPRISING 15 LEVELS CONTAINING 49 RESIDENTIAL APARTMENTS, COMMUNAL INDOOR AND OUTDOOR FACILITIES, AND 5 LEVELS OF BASEMENT CAR PARKING COMPRISING 62 CAR SPACES, LANDSCAPING AND ASSOCIATED WORKS. at 753 Pacific Highway & 15 Ellis Street, CHATSWOOD NSW 2067, for the following reasons:

- a) 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. DESCRIPTION OF PROPOSAL

3.1 Proposed Development

The development application proposes the following:

- a) Demolition of all existing buildings and structures;
- b) Construction of 17 storey shop top housing development comprising 2 storeys of commercial/retail use, and residential tower comprising 15 levels containing 49 residential apartments, adopting the following mix:
 - i. 1 bedroom – 2 units
 - ii. 2 bedroom – 14 units
 - iii. bedroom – 33 units
- c) Basement parking (5 levels) comprising 62 car spaces.
- d) Landscaping and footpath works.



Image 1: (Left) The existing site at right of frame. (Right): A photomontage of the subject proposal on completion.

3.2 Demolition

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

3.3 Excavation and Basement Carpark

Excavation in excess of 16.5m is proposed for the proposed basement carparking for the development. The lower basement level (RL 83.35) where the existing ground levels on the site vary between RL 99.0 and RL 100.5.

3.4 Detailed breakdown of proposed Development

The below table provides summary of the proposed development:

Building	Details
Basement Level B5 (FFL RL 83.35) Drawing AR-DA-1001 Rev 7	<ul style="list-style-type: none"> 8 residential car parking spaces <ul style="list-style-type: none"> - inclusive of 7 accessible spaces 1 x motorbike space Access to lifts and stairs Services rooms Private residential storage space Vehicular ramp to upper basement levels
Basement Level B4 (FFL RL 86.35) Drawing AR-DA-1002 Rev 10	<ul style="list-style-type: none"> 16 residential car parking spaces: <ul style="list-style-type: none"> - Inclusive of 12 accessible spaces 1 x motorbike space Access to lifts and stairs Services rooms Private residential storage space Vehicular ramp to upper basement levels

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Building	Details
Basement Level B3 (FFL RL 89.35) Drawing AR-DA-1003 Rev 10	<ul style="list-style-type: none"> 16 residential car parking spaces: <ul style="list-style-type: none"> Inclusive of 12 accessible spaces 1 x motorbike space Access to lifts and stairs Services rooms Private residential storage space Vehicular ramp to upper basement levels
Basement Level B2 (FFL RL 92.35) Drawing AR-DA-1004 Rev 10	<ul style="list-style-type: none"> 9 residential car parking spaces; 5 visitor spaces (residential); <ul style="list-style-type: none"> Inclusive of 10 accessible spaces Access to lifts and stairs Services rooms Private residential storage space Vehicular ramp to upper basement levels Plant and exhaust
Basement Level B1 (FFL RL 95.35) Drawing AR-DA-1005 Rev 10	<ul style="list-style-type: none"> 8 commercial car parking spaces: <ul style="list-style-type: none"> Inclusive of 2 accessible spaces Access to lifts and stairs Services rooms Private residential storage space Commercial waste, bulky goods room Vehicular ramp to upper basement levels Plant and exhaust
Ground level (FFL RL 99.85)	<ul style="list-style-type: none"> 1 x commercial and 1 x retail tenancy 1 x Loading / delivery bay Access to lifts and stairs Substation within building footprint Services rooms Vehicular ramp to upper basement levels Plant and exhaust
Level L1 (FFL RL 103.60)	<ul style="list-style-type: none"> 1 x commercial tenancy Access to lifts and stairs
Level L2 (FFL RL 107.23)	<ul style="list-style-type: none"> 1 x residential communal open space (188m²) 4 x residential units (1 x 1-bed, 1 x 2-bed, 2 x 3-bed)
Level L3 (FFL RL 110.33)	<ul style="list-style-type: none"> 5 x residential units (1 x 1-bed, 2 x 2-bed, 2 x 3-bed)
Level L4 (FFL RL 113.53)	<ul style="list-style-type: none"> 4 x residential units (1 x 2-bed, 3 x 3-bed)
Level L5 (FFL RL 116.60)	<ul style="list-style-type: none"> 4 x residential units (2 x 2-bed, 2 x 3-bed)
Level L6 (FFL RL 119.70)	<ul style="list-style-type: none"> 4 x residential units (2 x 2-bed, 2 x 3-bed)
Level L7 (FFL RL 122.80)	<ul style="list-style-type: none"> 4 x residential units (2 x 2-bed, 2 x 3-bed)
Level L8 (FFL RL 125.90)	<ul style="list-style-type: none"> 4 x residential units (2 x 2-bed, 2 x 3-bed)
Level L9 (FFL RL 129.03)	<ul style="list-style-type: none"> 3 x residential units (2 x 2-bed, 1 x 3-bed)
Level L10 (FFL RL 132.10)	<ul style="list-style-type: none"> 3 x residential units (3 x 3-bed)

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Building	Details
Level L11 (FFL RL 135.20)	<ul style="list-style-type: none">3 x residential units (3 x 3-bed)
Level L12 (FFL RL 138.30)	<ul style="list-style-type: none">3 x residential units (3 x 3-bed)
Level L13 (FFL RL 141.40)	<ul style="list-style-type: none">3 x residential units (3 x 3-bed)
Level L14 (FFL RL 144.65)	<ul style="list-style-type: none">2 x residential units (2 x 3-bed)
Level L15 (FFL RL 147.87)	<ul style="list-style-type: none">2 x residential units (2 x 3-bed)
Level L16 (FFL RL 151.05)	<ul style="list-style-type: none">1 x residential unit (1 x 3-bed)
Roof (Lift overrun RL 155.85, parapet RL 154.95)	

4. BACKGROUND

At the meeting of 12 November 2018, Council resolved to support the Planning Proposal (PP-2017/007) and draft Development Control Plan (DCP) for exhibition regarding 753 Pacific Highway and 15 Ellis Street Chatswood. The proposal sought to amend the current R4 High Density Residential zoning under Willoughby Local Environmental Plan 2012 (WLEP) to B4 Mixed Use, and increase height to 60m (subject to the solar access plane) and the Floor Space Ratio to 6:1, in response to the Chatswood CBD Planning and Urban Design Strategy 2036 (the CBD Strategy). Part of the site on the Pacific Highway frontage was also zoned SP2 Infrastructure, however Transport for NSW have indicated that this land is no longer required and may be considered as B4 Mixed Use.

The CBD Strategy was endorsed by Council on 26 June 2017, and supported by the Greater Sydney Commission on 18 May 2018. At the request of the Department of Planning and Environment (DPE) the CBD Strategy was further reviewed, with height and floor space ratio being reduced on some interface sites on the edges of the Chatswood CBD. The subject site was unaffected by the review.

The CBD Strategy was endorsed by DPE on 9 July 2020, and further noted by Council at the Council Meeting of 14 September 2020. DPE issued a Gateway Determination on 15 February 2021, with conditions, on the basis of a height of 60m and floor space ratio of 6:1, and permitting the Planning Proposal to proceed to public exhibition.

The Planning Proposal was updated in accordance with the Gateway Determination, and together with the draft Development Control Plan provisions (DCP), exhibited from 21 May to 18 June 2021. A draft Voluntary Planning Agreement (VPA) was separately exhibited from 25 October until 22 November 2021.

The exhibited Planning Proposal included the following amendments to the Willoughby Local Environmental Plan 2012 (WLEP 2012):

- rezone the site from R4 High Density Residential to B4 Mixed Use
- increase the maximum floor space ratio control from 1.7:1 to 6:1
- increase the maximum height of building from 34 metres to 60 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.

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On 22 April 2022 the Plan was made (Amendment 21). On 20 January 2022 the VPA was executed, involving a \$2,639,479 monetary contribution towards Council's Community Infrastructure Contributions Scheme.

The Development Application (DA-2022/166) has been assessed by the various sections within Council, as well as TfNSW and Ausgrid. The proposal has satisfied cl 6.23 WLEP with respect to design excellence. The proposal was notified and 3 submissions were received. Other aspects of compliance are detailed throughout this report.

Kick-off Briefing and request for additional information

On 15 June 2022 a Kick-Off Briefing was held on 2 November 2021. On 15 July 2022 an RFI was issued raising issues for the applicant's attention including parking and access, waste management, shared path along Pacific Highway, building height, affordable housing, ADG, GFA overshadowing and stormwater.

On 12 August 2022 the applicant responded to the RFI. On 25 October 2022 the applicant made further changes were made by the applicant.

5. DISCUSSION

The proposal seeks the demolition of the all structures on the site and the construction of a 17 storey shop top housing development comprising 2 storeys of commercial/retail use, and residential tower comprising 15 levels containing 49 residential apartments, where the mix is:

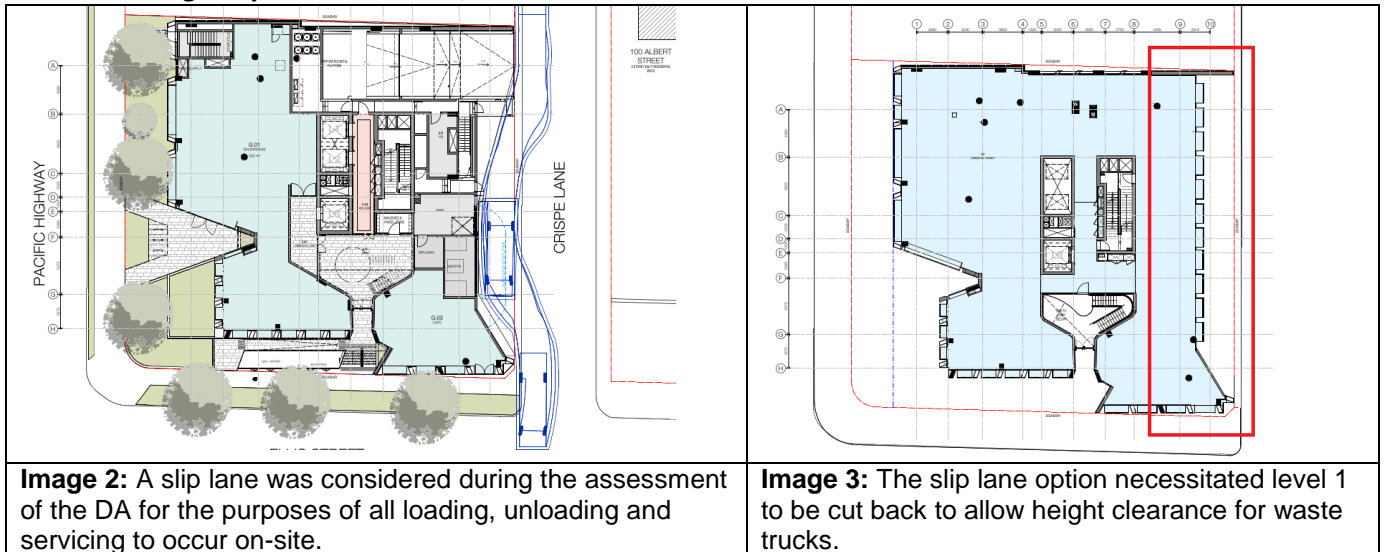
- i. 1 bedroom – 2 units
- ii. 2 bedroom – 14 units
- iii. 3 bedroom – 33 units

The proposal also includes Basement parking (5 levels) comprising 62 car spaces, and landscaping and footpath works.

During the course of the assessment, there was considerable conjecture about waste collection. Part E3.8 (11) of WDCP requires all loading, unloading and servicing to occur on-site.

The applicant advised that basement loading "... is not feasible due to ramp grades, site dimensions and the impact on the ground floor plane and deep soil". It advised that a loading dock perpendicular to Crispe Lane provides "... insufficient depth to accommodate a truck and loading zone without significantly disrupting the building core and residential lift access". A loading turntable to Crispe Lane "... is not feasible as it occupies a significant proportion of ground floor and Crispe Lane frontage at the expense of activating uses".

A slip lane to Crispe Lane gained more traction during the DA assessment,



The slip lane to Crispe Lane option required the ground floor plate and Level 1 to be 'cut out' of the building envelope to allow a waste vehicle to service the building. The lane would have also served as a space for removalist trucks and the like to use when required.

The applicant maintained a position throughout the DA process that the slip lane to Crispe Lane resulted in a poor planning and design outcome for the following reasons:

- (a) Significant loss of ground floor retail space to the Ellis Street / Crispe Lane corner, which would "significantly compromise the ability to provide active street frontage to Ellis Street and Crispe Lane".
- (b) The Crispe Lane frontage "... would become a back-of-house services corridor".
- (c) "The significant reduction in non-residential floor space would result in a significant non-compliance with the LEP development standard. Any potential allocation of non-residential floor space above the podium levels would significantly detriment the residential and communal open space outcomes that are planned".
- (d) There is adequate width for cars to pass a stationary garbage truck on Crispe Lane.
- (e) Garbage collection and loading are "relatively short and infrequent activities, capable of being managed so as not to occur at times of peak pedestrian or vehicle utilisation of Crispe Lane".
- (f) The proposed waste collection strategy "... remains consistent with the existing neighbouring arrangements on Crispe Lane and would not be inconsistent with the potential pedestrian priority treatments along Crispe Lane. Conversely, the onsite slip lane waste and loading arrangement would permanently compromise the amenity of Crispe Lane and overall development at all times".

On balance and having regard to the circumstances of the case, the scheme without the slip lane to Crispe Lane – that is, the glass line of the proposed café to Crispe Lane - is considered a superior outcome. This report is based on this scheme.

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

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

6. CONCLUSION

The Development Application DA-2022/166 has been assessed in accordance with Section 4.15 (79C) of the Environmental Planning and Assessment Act 1979, WLEP 2012, WDCP, and other relevant codes and policies. It is considered that the proposal is acceptable in the particular location, subject to the consent conditions included in **Attachment 8**.

ATTACHMENT 1: SITE DESCRIPTION AND AERIAL PHOTO

Description of the Subject Site

The site comprises Strata Plan 6576 (753 Pacific Highway) and Strata Plan 53910 (15 Ellis Street Chatswood), bounded by Pacific Highway to the west, Ellis Street to the south, Crispe Lane to the east and 755-759 Pacific Highway to the north. The site is 1,213m² in area, with a portion zoned SP2 Infrastructure fronting the Pacific Highway (98m²) and the remainder zoned R4 High Density Residential (1,115m²).



Image 4: The subject site is identified in yellow. North is to the top of page.

The site is located 250m from the Chatswood Railway Station and Transport Interchange and within the existing Chatswood CBD boundary identified in the CBD Strategy. Refer to **Image 5** below.

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. The subject site has been recommended as a Mixed Use Zone with a maximum height of 60 metres (subject to the solar access plane) and floor space ratio of 6:1.

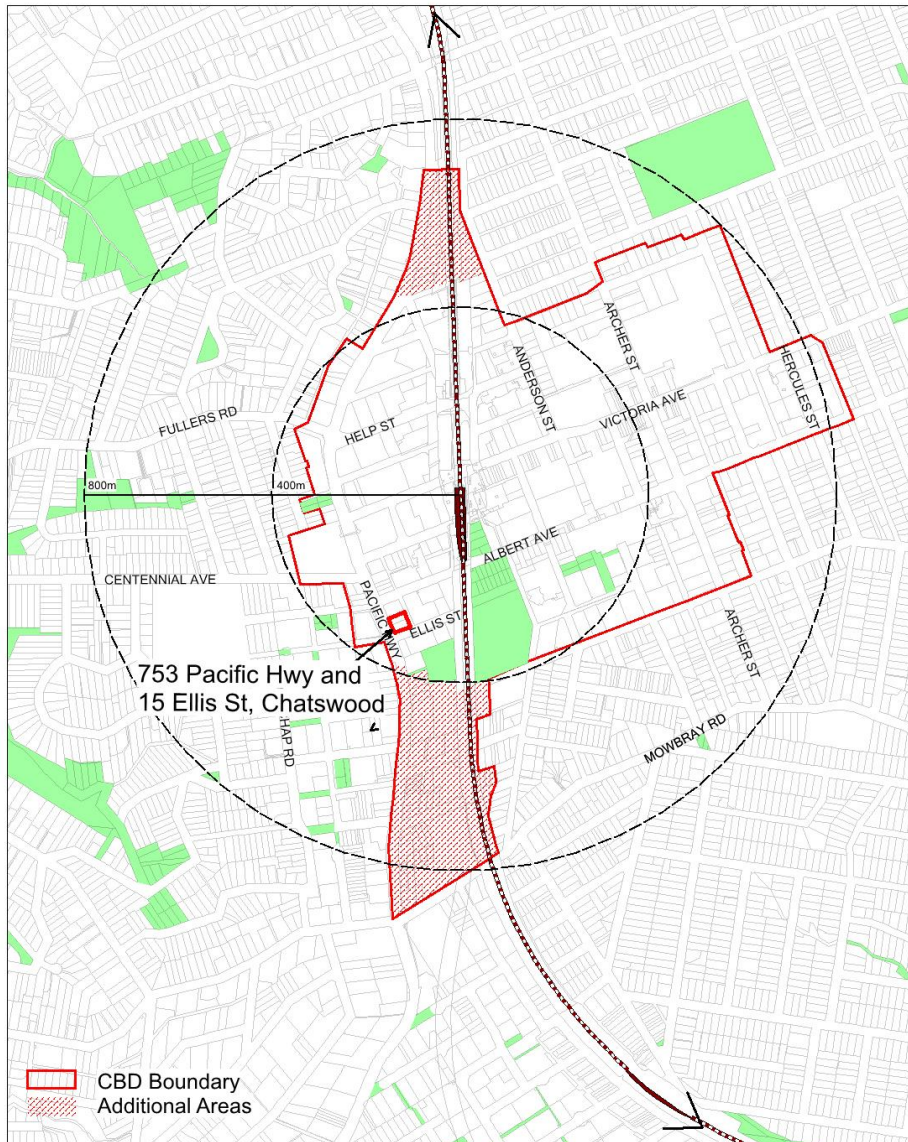


Image 5: The subject site circled in red, in relation to 400m and 800m radii from the Interchange.

Residential flat buildings currently occupy the site.

To the north of the site is a multi-storey residential flat building upon an R4 High Density Residential zone site.

To the east of the site are residential flat buildings of different heights upon R4 High Density Residential zoned land. At the eastern end of Ellis Street is the railway.

To the south of the site are residential flat buildings of different heights upon R4 High Density Residential zoned land, as well as Chatswood Croquet Greens.

To the west of the site are shop top housing developments and residential flat buildings on the Pacific Highway, on land zoned B5 Business Development and R4 High Density Residential.

Under the Chatswood CBD Planning and Urban Design Strategy 2036 (the CBD Strategy) the height on this site is affected by the solar access plane which seeks to protect sun access to key public spaces. Limiting maximum building height to an RL of 159.2 (maximum 59.62m) along the northern elevation in combination with stepping down the height of the tower from north to south ensures there are no additional shadows cast into the “protected” sun access area of the public open space to the southeast, currently used for croquet greens and tennis courts, during the nominated hours of 12 noon to 2pm. There is no impact on Chatswood Oval as a result of this proposal. In addition, overshadowing impacts on neighbouring properties from this proposal are reasonable for a site located within the Chatswood CBD under the CBD Strategy and consistent with Willoughby Development Control Plan requirements.



Image 6: The subject site is identified in yellow. The Chatswood Croquet and Bowling Greens (which are relevant to the assessment in terms of overshadowing) are circled in red.

In terms of consistency with the local area, properties to the south of the subject site, on the southern side of Ellis Street, have also been changed under the CBD Strategy to B4 Mixed Use, with increased height (subject to the solar access plane) and FSR (6:1). These amendments are captured in the Draft (exhibited) LEP amendments which are (in part) shown in the below figures. It is anticipated that future development will be in accordance with the CBD Strategy.

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Description and Location (Chatswood CBD)	Proposed Change
<p>A26</p> <p>The proposed controls are in accordance with the Chatswood CBD Strategy.</p> <p>Sun Access and Design Excellence Clauses will also apply to these sites.</p>	<p>Zoning, height and FSR controls for:</p> <p>Blocks bounded by Albert Avenue / Railway Line / Ellis Street / Pacific Highway (including 701-705 Pacific Highway)</p>

Description and Location (Chatswood CBD)	Proposed Change
<p>A27</p> <p>The proposed controls are in accordance with the Chatswood CBD Strategy.</p> <p>Sun Access and Design Excellence Clauses will also apply to these sites.</p>	<p>Zoning, height and FSR controls for:</p> <p>Land at 641-699 Pacific Highway and 1-9 Gordon Avenue</p>
<p>A28</p> <p>The proposed controls are in accordance with the Chatswood CBD Strategy.</p> <p>Sun Access and Design Excellence Clauses will also apply to these sites.</p>	<p>Zoning, height and FSR controls for:</p> <p>Blocks bounded by Gordon Avenue / Railway Line / Nelson Street / Pacific Highway</p>

Image 7: The above images indicates heights of 90m, taken from the Chatswood CBD Strategy. However, DPE in its Gateway Determination for the SSPP did not support a 90m height limit due to the inability to meet solar access provisions (Chatswood Croquet Club). The building height limit was reduced to 60m.

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, 3 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 LEP assessment is provided under Attachment 4

WLEP 2012 Zoning (amendment 21):	B4 Mixed use
FSR	6:1
Building height	60 metres
Active Street frontage (cl 6.7)	Yes, frontages Pacific Highway, Ellis Street and Crispe Lane
Affordable housing (cl 6.8)	4% (Area 9)
Design excellence (cl 6.23)	Yes (Area 12)
Permissibility	Shop top housing permissible via cl 6.25 (1) (c) WLEP.
Existing Use Rights	NO
Conservation area	NO
Aboriginal Heritage	NO
Heritage Item	NO
Vicinity of Heritage Item	NO
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	NO
Infrastructure SEPP - Road	YES
Coastal Management SEPP	NO
Acid Sulphate Soil Category	5
Development near Lane Cove Tunnel	NO
Contaminated Land	NO
Adjacent / above Metro	NO
Other relevant SEPPS	<ul style="list-style-type: none">State Environmental Planning Policy (Biodiversity and

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	<p>Conservation) 2021</p> <ul style="list-style-type: none"> • 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
Other relevant REPS	Sydney Regional Environmental Plan (Sydney Regional Harbour catchment)
Relevant DCPs policies and resolutions	WDCP

Assessment Comments from Referral Bodies

Internal Council Referrals	
Urban Design Specialist	<p>This Site Was The Subject Of A Rigorous Evaluation Process In Accordance With Willoughby Local Environmental Plan Design Excellence Clause.</p> <p>The Jury awarded an outcome based on a compliant scheme.</p> <p>The Scheme submitted in the DA is generally in accordance with the Design Excellence Competition report</p> <p>The scheme presented and reviewed by the Design Excellence Jury sought to include an area of external activation to Crispe Lane</p> <p>SJB document AR-DA-1006 rev 15 shows a tenancy with the glazed façade to the building adjacent to the boundary, with no undercroft (building overhang).</p> <p>This still generally aligns with the intent of the Design Excellence Jury Report that supports a level of activation to Crispe Lane.</p> <p>The proposed DA (noting 3.1.2 and 3.1.2.1) generally aligns with the Jurors findings.</p> <p>There is no requirement for further Design Integrity Review should this scheme proceed.</p>
Engineering	<p>Council's Engineers have reviewed the above application with regards elements relevant to development engineering.</p> <p>Stormwater from the site is to discharge to the kerb and gutter, with a maximum outflow of 20L/s. An OSD system is provided in accordance with the requirements of Technical Standard 1, with the outflow reduced to meet the 20L/s maximum. A water quality improvement system is provided as per the requirements of Technical Standard 1. We have conditioned that some minor amendments to the system are undertaken, to meet Council's requirements for maintenance and access of the</p>

	<p>system.</p> <p>The basement parking area has been reviewed for compliance with AS/NZS 2890.1, AS 2890.2 and AS 2890.6. Conditions have been imposed to ensure full compliance with the standards. While the single lane ramps between all levels of the basement comply with AS/NZS 2890.1 based on the applicant's analysis that the number of traffic movements is less than 30 vehicles per hour, we do not believe that this meets design excellence requirements. However, as it complies with the standard, we have not required that a two-way ramp be provided. However, we have conditioned that a management system, such as signals, is provided with priority given to incoming vehicles to minimise congestion in the loading bay area.</p> <p>The maximum vehicle size able to access the basement loading bay is a small rigid vehicle (SRV), with headroom of 3.5m. We have conditioned that vehicles servicing the site are restricted to this size vehicle and that all loading and unloading is to occur in the basement. The exception is waste collection, that is to occur on Crispe Lane. This situation was not supported, as it creates a situation where vehicles need to stop in the traffic lane, and will potentially impact traffic in the area. Following discussions with all team members, and the implications to the overall development, agreement was reached that waste pick-up is to occur from the laneway, and all other deliveries are to occur within the site. Conditions have been imposed in relation to deliveries, to require that a SRV or smaller is used to service the site.</p> <p>The works proposed for the site will impact the existing footpaths and will result in additional traffic movements on the adjacent road pavement, impacting the pavements. The works will also impact existing kerb and gutter. As such, we are requiring that the developer undertake the following works in the public domain:</p> <ul style="list-style-type: none"> - Reconstruction of a 1.5m wide footpath in Ellis Street - Construction of new kerb and gutter in Ellis Street and Crispe Lane - Mill and resheet of asphalt in Ellis St - Reconstruction of pavement in Crispe Lane - Construction of a 3m shared path in Pacific Highway. <p>The new paths will provide access to the development and will also replace pavement sections damaged by the works.</p> <p>The application is acceptable, subject to conditions.</p>
Traffic and Transport	<p><u>Shared path along Pacific Highway</u></p> <p>The provision of a shared path along Pacific Highway is considered a 'public domain work' (Statement of Environmental Effects Section 6.9). The information provided indicates that the 'applicant is coordinating with Council....rebuild the public domain to both the Pacific Highway....which will include a new shared cycling lane along the Pacific Highway frontage, pathway and landscaping'</p> <p>Whilst this is good news, it would be preferable that the shared path design is integrated into the DA design now as the interaction of the shared path and the pedestrian ingress / egress points of the DA needs detailed consideration and appropriate acceptable design to ensure effective sight distance and separation to maximise safety to DA users and shared path users. The shared path must be a 3.0m minimum width and be clear of any obstructions such as trees, street furniture, utilities, landscaping etc and be designed to be compliant with Australian Standards,</p>

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	<p>Austroads Guidelines, TfNSW policies and guidelines and Council's policies. The shared path design and construction must be to Council's satisfaction and approval following Traffic Committee consideration.</p> <p>Should the shared path be constructed prior to Council's shared path along the Pacific Highway to the north of the DA then the design and construction should integrate with the existing footpath.</p> <p><u>Footpath along Ellis Street</u></p> <p>A footpath of an acceptable design should be provided along the full property frontage of Ellis Street. The width of the footpath should be to Council's satisfaction.</p> <p><u>Pacific Highway and Ellis Street Intersection</u></p> <p>It is envisaged that there will be an increase in traffic, bicycle and pedestrian movements at this intersection as a result of the DA. To maximise safety of pedestrians and bicyclists using Pacific Highway it is considered that improvements at this intersection will be required. Measures to reduce the speed of motor vehicles entering Ellis Street and reducing the distance for pedestrians and bicyclists to cross Ellis Street will be required such as road widening or a pedestrian refuge in Ellis Street.</p> <p>The design and construction of the safety works must be to Council's satisfaction and approval following Traffic Committee consideration.</p> <p><u>Disabled Parking</u></p> <p>Disabled parking spaces compliant with Australian Standards should be provided within the car park. The number of disabled parking spaces should comply with Council's DCP.</p> <p><u>Electric Vehicle Charging Bays</u></p> <p>All parking bays for motor vehicles and bicycles should be able to have an electric vehicle charger provided as part of the bay. Consideration should be given to providing a charger with an appropriate number of motor vehicles and bicycles at the commissioning of the building.</p>
Waste Management	<p>Waste section has reviewed the DA and associated documents including the waste management plan and inserted these standard conditions.</p> <p>The issue of bulk waste removal from the bin room at ground level will need to be addressed by the building managers. The waste storage room adjacent to the collection point will need to be designed to allow bulky waste items to be stored alongside the waste bins.</p>
Landscaping	<p>Approval subject to conditions.</p>

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Environmental Health	<p>A Detailed Site Investigation (DSI) report prepared by EI Australia Pty Ltd, Ref. E25100.E02_Rev0, dated 16 June 2021, was submitted to support the application. The investigation included, amongst other things, an evaluation of historical landuse, a site walkover, intrusive sampling in 6 boreholes in accessible parts of the site, and analysis of potential contaminants.</p> <p>The report concluded:</p> <ul style="list-style-type: none">• Groundwater does not present an issue of environmental concern.• Analytical results for tested fill and natural soil samples were found to comply with adopted human health-based criteria.• Analytical results for tested fill and natural soil samples were found to comply with adopted ecological-based criteria except for zinc in shallow fill at location BH5. This exceedance is not considered to be an environmental risk.• No asbestos material was observed or detected in lab results.• A chloride odour was detected during drilling at BH5 and BH6 and a metallic odour during drilling at BH1. As all tested samples complied with criteria, these were not considered to present a significant concern.• The site is suitable in its current condition for the proposed development. <p>The potential for a contamination source for the odours detected during drilling should be covered by the standard condition of consent relating to unexpected finds.</p> <p>An acoustic report prepared by Pulse White Noise Acoustics Pty Ltd, Ref. 210333, dated 12 October 2021, was submitted to support the Development Application. It was evaluated and findings were incorporated in the suggested conditions if consent is granted. A separate acoustic report will be needed to assess predicted noise for mechanical plant equipment.</p>															
Developer Contributions	<p>Proposed Development involves:</p> <ol style="list-style-type: none">1. Consolidation of the site into one allotment2. Demolition of existing structures3. Construction of a 17-storey shop-top housing comprising 49 dwellings: <table><tr><th>AH</th><th>1-Bed</th><th>2-Bed</th><th>3-Bed</th><th>Notes</th></tr><tr><td>L2</td><td>L2 to L3</td><td>L2 to L9</td><td>L2 to L16</td><td><p>2-4 storey podium with ground floor commercial/retail uses and first floor commercial</p><p>13-storey residential tower above the podium including:</p><ul style="list-style-type: none">▪ 2 x Affordable Housing (AH) 3-bed units (req'd under CI 6.8-Area 9)▪ 25 adaptable▪ 10 'livable' certified apartments</td></tr><tr><td>2</td><td>2</td><td>14</td><td>31</td><td>Total: 49 units</td></tr></table>	AH	1-Bed	2-Bed	3-Bed	Notes	L2	L2 to L3	L2 to L9	L2 to L16	<p>2-4 storey podium with ground floor commercial/retail uses and first floor commercial</p> <p>13-storey residential tower above the podium including:</p> <ul style="list-style-type: none">▪ 2 x Affordable Housing (AH) 3-bed units (req'd under CI 6.8-Area 9)▪ 25 adaptable▪ 10 'livable' certified apartments	2	2	14	31	Total: 49 units
AH	1-Bed	2-Bed	3-Bed	Notes												
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2	2	14	31	Total: 49 units												

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4. Communal indoor and outdoor facilities
5. Basement with 62 car parking spaces incl 25 adaptable, 3 motorcycle & 6 bicycle spaces
6. 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	2	x \$11,045.36	\$0
2 bedroom dwelling	14	x \$15,544.09	\$0
3 or more bedroom dwelling	31	x \$20,000.00	\$60,000.00
Affordable Housing Unit under WLEP - CI 2.6 of WLIC Plan states development contribution does not apply to affordable housing	2	\$0	\$0
	49	Subtotal	\$859,707.98
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 (\$)
14 existing dwelling containing 2-bedrooms	14	x \$15,544.09	
		Less	\$217,617.26
s7.11 yield amount (with credits given): (i.e. \$859,707.98 minus \$217,617.26)			\$642,090.72

As demonstrated above and in accordance with CI 2.9.1 of WLIC Plan, **\$642,090.72** of **s7.11 contributions applies** to this development.

Please **impose & insert** the following figures to condition **D03.003A** as per Pathway Contributions Fee Types:

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Active transport and public domain facilities	\$27,383.57
Open space and recreation facilities	\$503,281.95
Plan administration	\$9,489.13
Recoupment community facilities	\$96,790.04
Recoupment open space and recreation	\$5,146.03
TOTAL	\$642,090.72

Any changes to the above development numerics before finalising the consent needs to be communicated to the Developer Contributions Officer.

In addition, there is an executed VPA associated with the subject development which specifies developer's obligations to pay VPA contributions at specific timing of the development. As such, please impose the following additional conditions:

Planning Agreement obligations to meet prior to issue of **CONSTRUCTION** CERTIFICATE

Planning Agreement

Prior to the issue of any Construction Certificate, the

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	<p>obligations under the Planning Agreement executed on 20 January 2022 relating to this development are to be satisfied at the timing required under Schedule 2 of the Planning Agreement.</p> <p>(Reason: Ensure compliance)</p> <p><u>Planning Agreement obligations to meet prior to issue of OCCUPATION CERTIFICATE</u></p> <p>Planning Agreement</p> <p>Prior to the issue of any Occupation Certificate or prior to the registration of any Strata plan for the Land (whichever is earlier), the obligations under the Planning Agreement executed on 20 January 2022 relating to this development are to be satisfied at the timing required under Schedule 2 of the Planning Agreement.</p> <p>(Reason: Ensure compliance)</p>
External Referrals	
Transport for NSW	<p>Reference is made to Council's referral dated 18 May 2022, regarding the abovementioned application which was referred to Transport for NSW (TfNSW) comment in accordance with clause 118 the State Environmental Planning Policy (Transport & Infrastructure) 2021. TfNSW has reviewed the submission and notes all access to the site remains via the local road network. As such TfNSW raises no objections to the proposal and subject to the following conditions being complied with:</p> <ol style="list-style-type: none"> 1. All buildings and structures other than pedestrian footpath awnings, 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. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Pacific Highway. 3. 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 <p>In addition to the above, TfNSW provides the following advisory comments for Council's consideration:</p> <ol style="list-style-type: none"> 1. 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 for heavy vehicle usage. Parking Restrictions may be required to maintain the required sight distances at the driveway. 2. The proposed development will generate additional pedestrian movements in the area. Pedestrian safety is to be considered in the vicinity.

	3. Car parking provision should be provided to Council's satisfaction.
Ausgrid	<p>This letter is Ausgrid's response under clause 45(2) of the State Environmental Planning Policy (Infrastructure) 2007:</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>Underground Cables</p> <p>Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.</p> <p>Safework Australia – Excavation Code of Practice, and Ausgrid's Network Standard NS156 outline the minimum requirements for working around Ausgrid's underground cables.</p> <p>Should ground anchors be required in the vicinity of the underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.</p>

ATTACHMENT 3: ASSESSMENT UNDER SEPP 65

In accordance with clause 4 of SEPP 65, shop top housing which is at least three storeys and contain more than four dwellings are subject to an assessment of the design quality principles (Schedule 1) and the Apartment Design Guideline.

This section of the report provides an assessment of the proposed shop top housing development in accordance with the requirements of SEPP 65.

Design Quality Principles (Schedule 1 of SEPP 65)

There are 9 design quality principles in Schedule 1 of SEPP 65. The proposal is considered to satisfy each of the design quality principles. The applicant supplied a Design Verification Statement and commentary on the proposal's attainment of the design quality principles.

Principle 1: Context and Neighbourhood Character

This principle identifies that good design responds and contributes to its context where context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions. The principle says that responding to context involves identifying the desirable elements of an area's existing or future character and that well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Finally, it emphasises that consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.'

The applicant says that the building "plays a role in transitioning from the high density and scale of the central development core aggregated around the train station, down to the suburban periphery of low scale post-war apartments and single detached dwellings".

The context encapsulates the vision of the area, which seeks to (inter alia) promotes a diverse mix of uses, promote office growth in the core, and achieve a high quality of urban design. The proposal satisfies this criteria and also enhances the interface of the Pacific Highway frontage of the site with the public domain.

The proposal is an appropriate response for its location and satisfies the design requirements of the Chatswood CBD Strategy, and will enhance the quality and identity of the area, enhance pedestrian activity and vibrancy in this space and better connect with the Pacific Highway.

Principle 2: Built form and scale

SEPP 65 identifies that good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings, and achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

The applicant says that a 4m setback along the Pacific Highway "creates a generous landscaped zone that extends the public domain onto the site". This relates to the requirement for new development to make provision for a 3m wide public path – which involves utilisation of a part of the site's frontage since this 3m wide path commences at a point 1.5m from the street kerb.

With respect to built form the applicant says the building envelope "has been split into 3 forms in order to produce a series of vertically proportioned elements, articulating the larger mass... the tops of each tower gradually step from North to South to moderate their scale towards the croquet club and create a playful form at the skyline".

The applicant adds that the "expressed 2-4 storey podium is intended to be heavily textured and solid in appearance, with a stone base referencing the former rocky ridgelines that Sydney is famous for... The tower form takes advantage of the unique conditions each frontage offers, and is tailored to ensure access to sunlight, outlook, views and acoustic amenity has been carefully considered".

The proposal responds appropriately for the desired future character, is satisfactorily modulated in form, comprised of suitable materials, defines the public domain and provides good internal residential amenity.

Principle 3: Density

SEPP 65 says that good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context. It also says that appropriate densities are consistent with the area's existing or projected population, and can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.

The proposal has a floor space ratio of 6:1, which complies with the development standard. The quantum of the development is dissected into high amenity residential units that serve to meet the housing demand. The non-residential floor space suitably addresses Chatswood' identity as a Strategic Centre within the Sydney metropolitan area with an economic role and contributes to achieve the jobs target in the North District Plan.

The unit breakdown in the proposal is:

2 x 1 bed (4%)
14 x 2 bed (29%)
33 x 3 bed (67%) Total = 49 units

The portion of 3 beds is representative of an emerging market who seek to live in larger units to cater for changing lifestyle and needs, downsizers who wish to welcome visitors and family and entertain. It complies with the ADG requirements and its objectives. The density of the proposal is satisfactory.

Principle 4: Sustainability

SEPP 65 says that good design combines positive environmental, social and economic outcomes and includes use of natural cross ventilation and sunlight for the amenity and livability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.

The applicant advises that the proposal incorporates a number of principles of sustainability, including natural ventilation to the majority of apartments, maximizing direct sun to apartments whilst utilising shading devices where required and landscaping throughout the proposal.

Notwithstanding the SEPP takes a higher hierarchical power over Council's DCP, it is worthy to note that under Part C.3 of the DCP development of this scale requires a "minimum 4-star rating and aspire to achieve a 5-star rating using the most recent and relevant Green Star rating tool (or equivalent)". The DCP requires that "a compliance statement, prepared by a suitably qualified person, must be submitted to Council to verify the Green Star rating can be achieved, prior to the issue of a Construction Certificate". This has been included in the draft conditions of consent, as is a requirement for a [NABERS](#) Commitment Agreement.

Principle 5: Landscape

SEPP 65 says that good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood. It says that good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.

The applicant states that at ground level a landscape buffer is proposed between the highway and the "large picture window retail and commercial spaces". Landscaping within this setback is "low level Australian grasses and taller specimen species". This strategy is adopted to visually soften the proposal at this level and ensure "that the space at the bottom of the building is naturally cooler than the adjoining streets". The height of the planting achieves visual permeability from the highway to the ground level retail space.

A conditions of consent requires the landscape plan to accurately respond to the shared path requirement at the front of the site to enhance the interface between the development and the highway.

Principle 6: Amenity

SEPP 65 says that good design positively influences internal and external amenity for residents and neighbours and that achieving good amenity contributes to positive living environments and resident well being.

It acknowledges that good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.

The applicant advises that clear and effective design principles allow the proposal to perform efficiently and achieve a high level of amenity for future residents, principally through the following:

Access to daylight, including manipulation of the west side of floor plates to “capitalise frontages which are not overshadowed by adjoining developments”.

Generous sized apartments and balconies

Views from both private apartments and communal terraces

Communal spaces that are naturally ventilated, landscaped and encourage both informal and formal congregation to occur

Development contributes to the general public amenity at ground floor level through activation of all frontages with non-residential uses

Bicycle storage and parking provided on site

The proposal satisfies the requirements under the ADG that enhance amenity for residents.

Principle 7: Safety

SEPP 65 says that good design optimises safety and security within the development and the public domain and that a positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.

The applicant says a positive relationship between the public and private spaces is achieved through well-lit and visible areas that are easily maintained and “under an abundance of passive surveillance”.

A shared principle building entrance is clearly defined and confirmed by the applicant as able to be closed after hours. Separate residential and commercial lobbies are provided off the shared entry, providing “another secure access point with video intercom and swipe card entry”. Effort has been afforded to minimising alcoves within the basement car parks.

The overall design response is considered to satisfy the requirements for safety.

Principle 8: Housing diversity and social interaction

SEPP 65 says good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets. It states that well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix, and involve practical and flexible features including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.

The applicant confirms that of the 49 apartments, 50% are adaptable to cater for people with a disability and those generally those in need of more options around accessibility. Further, that the communal open spaces will promote social interaction contribute to a sense of shared ownership.

The size of apartments are well in excess of the minimum size requirements to enhance the enjoyment and practicality for occupants. The number of 3-bedrooms units caters for families or downsizers.

The proposal satisfies the requirements for housing diversity and social interaction.

Principle 9: Aesthetics

SEPP 65 says that good design achieves a built form that has good proportions and a balanced

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composition of elements and uses a variety of materials, colours and textures.

The visual appearance of a well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.

The applicant says that the overall material palette is “robust and timeless”. Further, that the podium is intended to be heavily textured and sculptural through the use of coloured stone, brass window popouts and ribbed concrete. In addition, the tactile finishes are proposed around the base of the building where there is a “direct interaction with the façade”.

The applicant describes the tower cladding as “smoother, honed concrete finish, as a contrast to the textured base”. Dark bronze metal cladding is proposed for window framing and façade accents which “recede against the lighter fin elements”. Glazed balustrades are selected to “provide uninterrupted views for residents, whilst assisting with acoustic and wind measures”.

The proposal is the product of a design excellence competition as required by cl 6.23 WLEP.

Assessment under the Apartment Design Guidelines (ADG)

The following is an assessment of the proposal pursuant to the Apartment Design Guide.

PART 3 – SITING THE DEVELOPMENT				
	OBJECTIVE AND DESIGN CRITERIA	ASSESSMENT	COMPLIANT	SUMMARY
Site Analysis	Objective 3A-1 Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context	The Statement of Environmental Effects documents how the proposal responds to the site's location and local context in relation to surrounding development, Chatswood CBD, Interchange and proximity to commercial centres. The proposal responds appropriately to the site and its surrounds.	✓	Satisfied.
	Objective 3B-1 Building types and layouts respond to the streetscape site while optimising solar access within the development	The orientation of the proposed buildings and internal spaces in relation to the site and street is satisfactory. The orientation of the residential floor plates seeks to distribute sun across more units on the northern side of the building. Drawing AR-DA-6021 Rev 6 indicates that 61% (as opposed to 70%) achieves minimum 2 hours to living rooms and private open spaces. Whilst a numerical non-compliance, overall the units enjoy remarkable in internal residential amenity and enjoys sufficient solar access. 4 units (8%) are described as receiving no solar access in the solstice.	✓	Satisfied.
Orientation	Objective 3B-2 Overshadowing of neighbouring properties is minimised during mid-winter	The proposal responds appropriately to the neighbouring buildings, and to Chatswood Croquet Club located south of the site.	✓	Satisfied

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	OBJECTIVE AND DESIGN CRITERIA	ASSESSMENT	COMPLIANT	SUMMARY
Public Domain Interface	Objective 3C-1 Transition between private and public domain is achieved without compromising safety and security	The interface of the development contributes to the quality and character of the street. The shared path requirement on the Pacific Highway frontage enhances the interface of the development, including a 3m wide path, which necessitates a small portion of the frontage of the property to be given over to this use via a right-of-way.	✓	Satisfied.
	Objective 3C-2 Amenity of the public domain is retained and enhanced	As mentioned above, the 3m wide shared path along Pacific Highway enhances the existing interface with the public domain and contributes significantly to the aesthetic quality and function of the frontage.		Satisfied.
	Objective 3D-1 An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping 1. Communal open space has a minimum area equal to 25% of the site (see figure 3D.3).	The ADG requires a minimum of 303.25m ² of communal open space, which is 25% of the site. The communal open space areas are arranged as follows: <u>Outdoor communal open space</u> Level 2 podium terrace: 188m ² Level 9 community room balcony: 54m ² Subtotal: 242m ² <u>Indoor communal open space</u> Level 2 communal room: 5m ² Level 9 community room: 48m ² Subtotal: 53m ² A total of 295m ² is provided, which equates to 24.3% of the site area and is sufficient of the purposes of communal open space.	✓	There is sufficient communal open provided within the development.

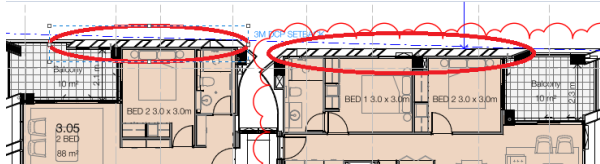
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	OBJECTIVE AND DESIGN CRITERIA	ASSESSMENT	COMPLIANT	SUMMARY
	2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid- winter)	The principal useable part of the communal open space is the provided at Level 2, where sufficient solar access is achieved.	✓	The principal usable part of the communal open space achieves the minimum sun required.
	Objective 3D-2 Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting	The communal garden occupies the north-west of floor plate at Level 2 and provides some landscaping within a setback of 1.2m to 3.2m from the edge of the building (fronting Pacific Highway). Its spaciousness (188m ²), solar access and ventilation provides good options for a range of activities. The communal open space at Level 9 provides alternative options as a space for such activities. This south-oriented space (102m ² total) will also be an inviting space, providing exceptional views to Sydney CBD and greater Sydney.	✓	Satisfied.
	Objective 3D-3 Communal open space is designed to maximise safety	Compliant balustrades will be required to contain these areas.	✓	Satisfied.

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	OBJECTIVE AND DESIGN CRITERIA	ASSESSMENT	COMPLIANT	SUMMARY
Deep Soil Zones	<p>Objective 3E-1 Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth.</p> <p>They improve residential amenity and promote management of water and air quality</p>	<p>The site has a total area of 1213m².</p> <p>The ADG seeks a minimum 7% of deep soil, which equates to 85m² for this site. This proposal achieves 85m² of deep soil provision at the frontage of the site, which factors in the loss of a 1m wide strip to a shared path which is required across the entire frontage of the site.</p>	✓	Satisfied.
Visual Privacy	<p>Objective 3F-1 Adequate building separation distances are shared equitably between neighboring sites, to achieve reasonable levels of external and internal visual privacy</p> <p>Note: Separation distances between buildings on the same site should combine require building separations depending on the type of room</p>	<p>12m separation between buildings is achieved however 6m is not provided equitably from each site. This site provides a 3m setback from the northern boundary, where the walls are composed of concrete finish blades and metal clad façade. A 1:20 scale of this detail is shown on Drawing AR-DA-6051 Rev 1, plot dated 29.7.2022 prepared by SJB Architects.</p>  <p>It is also worthy to note that the proposal satisfies the setback requirements contained within Part E3.8 (2) WDCP, which requires the tower to be set back 3m from the northern boundary.</p>	✓	Privacy objectives are satisfied.

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	OBJECTIVE AND DESIGN CRITERIA	ASSESSMENT	COMPLIANT	SUMMARY
Visual Privacy	Objective 3F-2 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	Façade articulation has enabled all units to have privacy from each other whilst still maintaining adequate solar access and cross ventilation. Less than 70% of the units achieve minimum 2 hours of sunlight in mid-winter (61% is achieved), however the cumulative internal residential amenity of the units is considered to be satisfactory on the basis of access to ventilation, views as well as solar access. The proposal is overshadowed by the existing built environment in its surrounds, which also affects the provision. On balance, the proposal solar access is satisfactory.	✓	Unit and balconies achieve adequate privacy, solar access and cross ventilation.
Pedestrian Access and Entries	Objective 3G-1 Building entries and pedestrian access connects to and addresses the public domain	The building addresses the public domain on Pacific Highway with an enhanced interface comprising 1.5m existing road kerb to path, then a 3m wide shared path that will encroach onto the front boundary by approximately 1m. The Landscape Plan by Oculus will need to be updated to reflect this requirement. A secondary frontage is clearly visible from Ellis Street.	✓	The proposal satisfies pedestrian access objectives.

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	OBJECTIVE AND DESIGN CRITERIA	ASSESSMENT	COMPLIANT	SUMMARY
	<p>Objective 3G-2 Access, entries and pathways are accessible and easy to identify</p> <p>Objective 3G-3 Large sites provide pedestrian links for access to streets and connection to destinations</p>	Achieved, the entry ways into the development are clearly visible from the public domain.	✓	Satisfied
Vehicle Access	<p>Objective 3H-1 Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes</p>	The vehicular access point is designed to minimise the potential for traffic and pedestrian conflict.	✓	Satisfied.
Bicycle and Car Parking	<p>Objective 3J-1 Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas</p>	Car parking considered acceptable.	✓	Satisfied.

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	OBJECTIVE AND DESIGN CRITERIA	ASSESSMENT	COMPLIANT	SUMMARY
	<p>For development in the following locations:</p> <ul style="list-style-type: none">• On sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or• On land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre <p>the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less</p> <p>The car parking needs for a development must be provided off street.</p>			

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	OBJECTIVE AND DESIGN CRITERIA	ASSESSMENT	COMPLIANT	SUMMARY
	Objective 3J-2 Parking and facilities are provided for other modes of transport	Motor cycle and bicycle parking has been provided within the development.	✓	The proposed development provides adequate bicycle and motorcycle parking.
	Objective 3J-3 Car park design and access is safe and secure	Achieved.	✓	Satisfied.
	Objective 3J-4 Visual and environmental impacts of underground car parking are minimised	Achieved.	✓	Satisfied.

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PART 4 – DESIGING THE BUILDING				
	OBJECTIVE AND DESIGN CRITERIA	PROPOSED	COMPLIANT	COUNCIL’S REVIEW
	Objective 4A-1 To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space			

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<p>Solar and Daylight Access</p>	<p>1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas</p> <p>2. In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid-winter</p> <p>3. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter</p>	<p>30 of 49 units achieves minimum 2 hours of sunlight between 9am – 3pm in mid-winter, which equates to 61%. 70% is the threshold. The proposal is overshadowed by the existing built environment in its surrounds, which also affects the provision. On balance, the proposal solar access is satisfactory.</p> <p>Living rooms and private open spaces have been designed and orientated to maximise solar access.</p> <p>4 of the 49 units receive no direct sunlight between 9 am and 3 pm at mid-winter, which equates to 8% and satisfies the maximum of 15%.</p>	<p>Numerical non-compliance.</p>	<p>Satisfied on the basis of overall objectives for residential amenity satisfied.</p>
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	OBJECTIVE AND DESIGN CRITERIA	PROPOSED	COMPLIANT	COUNCIL'S REVIEW
Solar and Daylight Access	Objective 4A-2 Daylight access is maximised where sunlight is limited	These objectives are satisfied. The orientation of living rooms and the height of the building provides optimum solar access to apartments.	✓	Satisfied.
	Objective 4A-3 Design incorporates shading and glare control, particularly for warmer months	A pergola provides shade at Level 2 communal open space.	✓	Satisfied.
Natural Ventilation	Objective 4B-1 All habitable rooms are naturally ventilated	Drawing AS-DA-6022 indicates 93% compliance where the ADG requires minimum 60% of units to achieve sufficient natural ventilation), however the Acoustic Report by PWNA (Ref: 210333-15) dated 12 October 2021 confirms "it is necessary for the windows and doors to remain closed to achieve compliance with specified internal noise levels..." The report requires an alternative method of outside air ventilation in accordance with the BCA and AS1668. This is not an uncommon design outcome for sites on main roads. It is also noted that this requirement for an alternative method of outside air ventilation serves to satisfy Section 2.119 (c) of SEPP (Transport and Infrastructure) 2021, which requires the consent authority to be satisfied that development with a frontage to a classified road is a type that is not sensitive to traffic noise or	✓	Satisfied.
	Objective 4B-2 The layout and design of single aspect apartments maximises natural ventilation Objective 4B-3 The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents		✓	Satisfied.

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		vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.		
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	OBJECTIVE AND DESIGN CRITERIA	PROPOSED	COMPLIANT	COUNCIL'S REVIEW
Ceiling Heights	Objective 4C-1 Ceiling height achieves sufficient natural ventilation and daylight access	A minimum floor to floor height of 3.1m has been adopted for the entire residential component of the development. The non-residential comprises a floor to floor height of 4m (ground floor) and 3.6m (Level 1) which ensures flexibility of use and good amenity.	✓	The ceiling heights provided for habitable rooms are adequate to provide a high quality of amenity.
	Objective 4C-2 Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms		✓	
	Objective 4C-3 Ceiling heights contribute to the flexibility of building use over the life of the building		✓	
	OBJECTIVE AND DESIGN CRITERIA	PROPOSED	COMPLIANT	COUNCIL'S REVIEW
Apartment Size and Layout	Objective 4D-1 The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity	Achieved. All units are larger than ADG requirements. Every habitable room contains a window in an external wall with a minimum glass area that is greater than 10%.	✓	Compliance contributes to the internal residential amenity of the units.

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	OBJECTIVE AND DESIGN CRITERIA	PROPOSED	COMPLIANT	COUNCIL'S REVIEW
Apartment Size and Layout	Objective 4D-2 Environmental performance of the apartment is maximised	Achieved. All habitable rooms are set to a height of 2.7m. All open plan layouts are designed to ensure that the maximum habitable room depth does not exceed 8m.	✓	Compliance contributes to the internal residential amenity of the units.
	Objective 4D-3 Apartment layouts are designed to accommodate a variety of household activities and needs	All master bedrooms are greater than 10m ² and have a minimum dimension of at least 3m. All bedrooms have a minimum dimension of 3m excluding wardrobes.	✓	All master bedrooms exceed the minimum requirement of 10m ² , other bedrooms 9 sqm, and minimum dimension of 3m.
	OBJECTIVE AND DESIGN CRITERIA	PROPOSED	COMPLIANT	COUNCIL'S REVIEW
Private Open Space and Balconies	Objective 4E-1 Apartments provide appropriately sized private open spaces and balconies to enhance residential amenity	Complies. Balconies comply with or exceed the minimum areas. Ground floor units achieve the objectives of the ADG. Level 4 generously satisfies the requirement for balconies.	✓	Satisfied.
	Objective 4E-2 Primary private open space and balconies are appropriately located to enhance liveability for residents	Satisfied.	✓	Satisfied.

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	<p>Objective 4E-3 Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building</p> <p>Objective 4E-4 Private open space and balcony design maximises safety</p>	<p>All balconies are incorporated successfully into the built form, contributing to horizontality that complements elements that vertically emphasise the building.</p> <p>Compliance with NCC required.</p>		<p>Proposed balconies respond appropriately to the surrounding development and for solar access.</p> <p>A condition of consent shall be imposed that the balconies and associated balustrades satisfy the NCC.</p>
	OBJECTIVE AND DESIGN CRITERIA	PROPOSED	COMPLIANT	COUNCIL'S REVIEW
Common Circulation and Spaces	<p>Objective 4F-1 Common circulation spaces achieve good amenity and properly service the number of apartments</p> <p>Objective 4F-2 Common circulation spaces promote safety and provide for social interaction between residents</p>	<p>No more than 8 units are served from each circulation core (4 max).</p> <p>The proposal's common circulation spaces adequately promote safety and interaction.</p>	✓	<p>Satisfied.</p> <p>Satisfied.</p>
Storage	<p>Objective 4G-1 Adequate, well designed storage is provided in each apartment</p> <p>Objective 4G-2 Additional storage is conveniently located, accessible and nominated for individual apartments</p>	<p>Achieved. All units have capability for adequate storage spaces located within the apartments.</p> <p>Additional storage has also been provided on basement levels. These spaces are secure and have convenient access.</p>	✓	<p>There is a basement storage area for residents which can also secure bikes.</p>

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Acoustic Privacy	<p>Objective 4H-1 Noise transfer is minimised through the siting of buildings and building layout</p> <p>Objective 4H-2 Noise impacts are mitigated within apartments through layout and acoustic treatments</p>	<p>The acoustic report by Pulse White Noise Acoustics Pty Ltd confirms that, subject to windows and doors remaining closed, the proposal satisfies standards for internal noise.</p> <p>Recommendations for construction are made in Pulse White Noise Acoustics Pty Ltd's Report.</p>	✓	Complies subject to compliance with the recommendations within the Acoustic Report by Pulse White Noise Acoustics Pty Ltd (PWNA). Draft conditions of consent require compliance with these glass construction and façade performance (masonry or concrete external walls are acoustically acceptable without additional acoustic treatment).
	OBJECTIVE AND DESIGN CRITERIA	PROPOSED	COMPLIANT	COUNCIL'S REVIEW
Noise and Pollution	<p>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</p> <p>Objective 4J-2 Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission</p>	<p>The proposed acoustic treatment rather than the configuration of units within each floor plate deals with attenuation.</p> <p>The Acoustic Report provides recommendations for mitigating and attenuating noise impacts.</p>	✓	<p>The acoustic treatment of windows and doors deals satisfactorily with noise intrusion from external factors.</p> <p>Compliance with the acoustic report required.</p>
Apartment Mix	<p>Objective 4K-1 A range of apartment types and sizes is provided to cater for different household types now and into the future</p> <p>Objective 4K-2 The apartment mix is distributed to suitable locations within the building</p>	<p>2 x 1 bedroom units 14 x 2 bedroom units 33 x 3 bedroom units</p> <p>Total = 49 units</p> <p>More than 50% of the development (25 units which equates to 51%) are adaptable.</p>	✓	<p>The proposal is appropriate given current market demands and projected future demographic trends.</p> <p>Flexible apartment configurations are provided to support diverse household types and stages of life.</p>

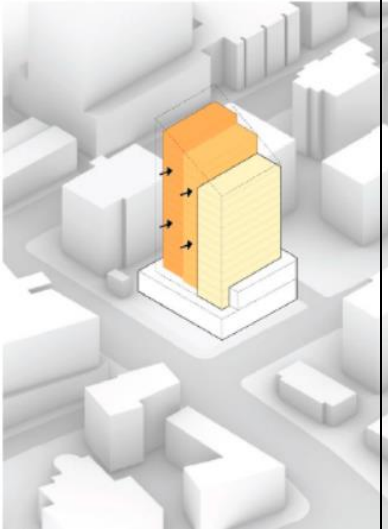
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	OBJECTIVE AND DESIGN CRITERIA	PROPOSED	COMPLIANT	COUNCIL'S REVIEW
Ground Floor Apartments	Objective 4L-1 Street frontage activity is maximised where ground floor apartments are located	N/A	-	N/A
	Objective 4L-2 Design of ground floor apartments delivers amenity and safety for residents	N/A		
Facades	Objective 4M-1 Building facades provide visual interest along the street while respecting the character of the local area	Facades are satisfactorily articulated to provide visual interest, using various means to visually modulate the building in both the vertical and horizontal planes.	✓	The objectives of Part 4M are satisfied.
	Objective 4M-2 Building functions are expressed by the façade	Building entries should be clearly defined.	✓	

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	OBJECTIVE AND DESIGN CRITERIA	PROPOSED	COMPLIANT	COUNCIL'S REVIEW
Roof Design	<p>Objective 4N-1 Roof treatments are integrated into the building design and positively respond to the street</p> <p>Objective 4N-2 Opportunities to use roof space for residential accommodation and open space are maximised</p> <p>Objective 4N-3 Roof design incorporates sustainability features</p>	<p>Key features of the SJB winning design observed by the Design Excellence Panel were that "The towers are stepping in plan, further articulating the form and amplifying the vertical forms". This demonstrates an integration of the roof and overall building design.</p> <p>Stepped plan</p> <p>The towers are stepping in plan, further articulating the form and amplifying the vertical forms.</p> 	✓	Satisfied.

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Landscape Design	Objective 40-1 Landscape design is viable and sustainable	The landscaping scheme enhances the current interface between the site and the Pacific Highway, and contributes to the visual quality and amenity of the public domain.	✓	Satisfied.


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	OBJECTIVE AND DESIGN CRITERIA	PROPOSED	COMPLIANT	COUNCIL'S REVIEW
Planting on Structures	<p>Objective 4P-1 Appropriate soil profiles are provided</p> <p>Objective 4P-2 Plant growth is optimised with appropriate selection and maintenance</p> <p>Objective 4P-3 Planting on structures contributes to the quality and amenity of communal and public open spaces</p>	A variety of planting is proposed above basement levels (including deep soil). The planting incorporates different species suitable for its location.	✓	Council's Landscape Officer accepts the proposed subject to conditions.
Universal Design	<p>Objective 4Q-1 Universal design features are included in apartment design to promote flexible housing for all community members</p> <p>Objective 4Q-2 A variety of apartments with adaptable designs are provided</p> <p>Objective 4Q-3 Apartment layouts are flexible and accommodate a range of lifestyle needs</p>	<p>An Access Report provided by Inclusive Places (Ref: P000628, dated April 2022) demonstrates options and flexibility of use in the development. The report confirms:</p> <ul style="list-style-type: none"> • 25 of 49 units (51%) are adaptable, which satisfies the minimum 50% WDCP requirement. • 10 of 49 units are livable (20.4%) which satisfies the minimum 20% ADG requirement. 	✓	Satisfactory subject to conditions.

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	OBJECTIVE AND DESIGN CRITERIA	PROPOSED	COMPLIANT	COUNCIL'S REVIEW
Adaptive Reuse	Objective 4R-1 and 4R-2	Not applicable	Not applicable	N/A
Mixed Use	<p>Objective 4S-1 Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement.</p> <p>Objective 4S- 2 Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents.</p>	<p>The proposal satisfies active street frontage (cl 6.7 WLEP) requirements. The active street frontage map is shown below, where the site is identified with a blue cross, and active street frontage with double red lines.</p> 	✓	Satisfied.

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Awnings and Signage	Objective 4T-1 Awnings are well located and complement and integrate with the building design	Not applicable	Not applicable	N/A
	Objective 4T-2 Signage responds to the context and desired streetscape character	No signage is proposed.	Not applicable	N/A

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	OBJECTIVE AND DESIGN CRITERIA	PROPOSED	COMPLIANT	COUNCIL'S REVIEW
Energy Efficiency	Objective 4U-1 Development incorporates passive environmental design	The BASIX assessment (Certificate No. 1227319M, dated 7 April 2022) demonstrates that the proposal has been designed for optimal energy efficiency.	✓	The applicant has provided a BASIX and NatHERs Assessment Report which demonstrates the proposed development satisfies the required energy ratings.
	Objective 4U-2 Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer	Further, landscaping provides effective and efficient natural solutions to reduce heat and provide relaxed amenities for all visitors and residents.	✓	
	Objective 4U-3 Adequate natural ventilation minimises the need for mechanical ventilation	Development is well naturally ventilated however, alternative means of ventilation (mechanical) is required for the purposes of achieving internal acoustic requirements as per report from Pulse White Noise Acoustics.	✓	
Water Management & Conservation	Objective 4V-1 Potable water use is minimised Objective 4V-2 Urban stormwater is treated on site before being discharged to receiving waters Objective 4V-3 Flood management systems are integrated into site design	This proposal is accompanied by a drainage design.	✓	Council's Engineering Department has reviewed the proposed stormwater system and finds the proposal satisfactory.


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	OBJECTIVE AND DESIGN CRITERIA	PROPOSED	COMPLIANT	COUNCIL'S REVIEW
Waste Management	Objective 4W-1 Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents Objective 4W-2 Domestic waste is minimised by providing safe and convenient source separation and recycling	Achieved.	✓	Council's Waste Management Officer has reviewed the proposal and applied conditions. .
Building Maintenance	Objective 4X-1 Building design detail provides protection from weathering Objective 4X-2 Systems and access enable ease of maintenance Objective 4X-3 Material selection reduces ongoing maintenance costs	Achieved.	✓	Complies.

ATTACHMENT 4: ASSESSMENT UNDER WLEP, DRAFT LEP, WDCP AND SHARED PATH POLICY
4.1 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. It is noted that the Draft WLEP makes a name change of B4 to MU1 Mixed Use.	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	60m	155.85 (lift overrun) - 99.67 (existing ground level) = 56.18m	Yes
cl 4.4 FSR	6:1	6:1	Yes
cl 6.7 Active Street Frontage	<p>The 3 x frontages of the site are affected by active street frontage as shown in the map.</p> 	All ground floor premises facing the street are used for non-residential purposes.	Yes
cl 6.8 Affordable Housing	4% of GFA (residential part) to be dedicated as affordable housing. Located within Area 9.	<p>4% of GFA (residential part) dedicated as affordable housing, which equates to 241m².</p> <p>2 units are to be dedicated (units 2.03 and</p>	Yes

		2.04 on Level 2), which equates to 238m ² , which satisfies the requirement.	
cl 6.23 Design excellence	Affected by design excellence (Area 12).	Proposal has been awarded Design Excellence.	Yes
cl 6.25 Shop top housing at certain sites at Chatswood	<p>This clause applies pursuant to cl 6.25 (1) (c) which identifies SP 6576, 753 Pacific Highway and SP 53910, 15 Ellis Street.</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>	Satisfied.	Yes

Cl 6.8 Affordable Housing

The site is located within Area 9 with regards to 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 is calculated as follows:
 - $4\% \times \text{residential GFA} = y$
 - So $y = 4/100 \times (6041) = 241\text{m}^2$

The applicant nominates on Drawing AR-DA-6101 Rev 12, plot dated 19.10.2022 by SJB, 2 x units 2.03 (138m²) and 2.04 (100m²) as affordable housing, which equates to 238m² of affordable housing – which is satisfactory and satisfies cl 6.8.

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.

SEPP 70 – Affordable Housing (Revised Schemes) 2002 contains affordable housing principles, and require that an affordable housing condition be imposed where the circumstances outlined in section 7.32 (1) (a) – (d) inclusive of the Environmental Planning & Assessment Act 1979 occur. It is noted that (at least) section 7.32 (1) (c) applies in that the proposed development is allowed only because of the initial zoning or a site, **or the rezoning of a site.** (emphasis added) The intention of Council, via the Planning Proposal, was to link the increase in allowable density to an affordable housing dedication. This development consent is the vehicle upon which the dedication is executed. The proposed dedication satisfies section 7.32 (1) (c) Environmental Planning & Assessment Act 1979.

Section 7.32(3) of the EP&A Act provides that a condition may be imposed under this section only if:

- (a) the condition complies with all relevant requirements made by a State environmental planning policy with respect to the imposition of conditions under this section, and
- (b) the condition is authorised to be imposed by a local environmental plan, and is in accordance with a scheme for dedications or contributions set out in or adopted by such a plan, and
- (c) the condition requires a reasonable dedication or contribution, having regard to the following—
 - (i) the extent of the need in the area for affordable housing,
 - (ii) the scale of the proposed development,
 - (iii) any other dedication or contribution required to be made by the applicant under this section or section 7.11.

SEPP 70 is the applicable policy referred to by 7.32 (3) (a) above, and continues to apply to the determination of the Applicant's development application even though it has now been repealed with effect from 26 November 2021 by State Environmental Planning Policy (Housing) 2021 (Housing SEPP).

Relevantly, SEPP 70 provides as follows:

- (a) Clause 9 provides that, for the purposes of s 7.32(1) of the EP&A Act, SEPP 70 identifies that there is a need for affordable housing within each area of the State (which includes the Willoughby LGA);
- (b) Clause 10 provides that, for the purposes of s 7.32(3)(a) of the EP&A Act, the following requirement is prescribed with respect to the imposition of conditions under s 7.32 of the EP&A Act on development consents: "A consent authority is to have regard to the affordable housing principles set out in Schedule 2 before imposing such a condition"
- (c) Schedule 2 to SEPP 70 sets out the Affordable Housing Principles, which include the following:

Principle 1: Where any of the circumstances described in s 7.32(1)(a), (b), (c) or (d) of the EP&A Act occur, and a SEPP or LEP authorises an affordable housing condition to be imposed, **such a condition should be imposed** so that mixed and balanced communities are created.

Principle 2: Affordable housing is to be created and managed so that a socially diverse residential population representative of all income

groups is developed and maintained in a locality.

It would be consistent with Principle 1 of SEPP 70 for an affordable housing dedication condition to be imposed in the consent. In relation to s 7.32(3)(b), the affordable housing dedication condition is authorised by Clause 6.8 of WLEP 2012 and is in accordance with Council's policies and strategic planning schemes for affordable housing contributions as detailed above.

In relation to s 7.32(3)(c)(i), the ongoing need for affordable housing in Willoughby Local Government Area is dealt with above.

In relation to s 7.32(3)(c)(ii), the reasonableness of requiring an affordable housing contribution on the proposed development on this site is dealt with above.

In relation to s 7.23(3)(c)(iii), the requirement for the affordable housing contribution is appropriate notwithstanding the proposed infrastructure contribution condition in the Draft Conditions which is proposed to be imposed pursuant to section 7.11 of the EP&A Act. That is because the two contributions are required for two quite different purposes, namely affordable housing and infrastructure required as a result of the creation of 49 new multi dwellings.

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,

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- (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.

An Architectural Design Competition was undertaken. The key features of the winning scheme by SJB were identified as:

- The tower form is split into three vertical elements which gradually step from north to south. The two northern elements are stepped to the east to open up sight lines for the northern neighbour and increase solar access to the units;
- To the corner of Pacific Highway and Ellis Street, the podium is removed and the tower is continued to the ground floor which increases the public domain area and creates a gateway building;
- A compliant and non-compliant option was presented which varied the setbacks. The non-compliant option would bring the podium along Pacific Highway forward to 4m (3m variation) and part of the tower along Pacific Highway forward to 7m (3m variation);
- The large window framed openings and displays along Pacific Highway create a sense of civic scale and atmosphere within the podium. The openings acknowledge the value of the high exposure generated from the Pacific Highway and open views onto the 'native meadow';
- The public domain upgrades to Crispe Lane allow it to transition into a shared zone which promotes pedestrian and cycle-friendly access. The ground floor retail to the corner of Crispe Lane and Ellis Street increases activation and pedestrian amenity along the shared zone;
- The proposal has a number of exposed landscaping terraces which add a series of planted plateaus on top of podium and at the roof tops;
- The proposal includes a landscaping buffer along Pacific Highway with low level Australian grasses and taller specimen trees which keeps the building;
- naturally cooler whilst allows for the ground floor showroom and Level 1 commercial space to be visible;
- To minimise acoustic impacts, plenums will be incorporated for air circulation, as well as low level openable windows with an opening limiter. Where there are high level operable windows a perforated soffit lining with absorptive acoustic lining will be provided internally;
- The proposal incorporates a solid building that has been carved away to reveal living environments and allows for a sculpted façade through deep folds and reveals that both frame the view. The solid material also provides a protective shell which minimise acoustic, privacy and solar penetration issues. The lower levels are more solid to deal with acoustic challenges whilst transparency of the building is increased at the top to make the building visually lighter and take advantage of views;
- The building is made up of stone at its base to reference the former rocky ridgelines of Sydney and to suggest a more civic, exclusive and permanent address. The materials transition from a polished finish to a rougher more hewn stone and then to a precast concrete (or GRC); and
- The proposal seeks to commission Mika Utzon Popov to provide a public art work near the residential entry which contribute to the street life and urban character.

The Jury considered that the merits of the scheme were as follows:

- The proposal best addressed the Design, Planning and Commercial Objectives in the Design Competition Brief;
- The scheme was designed to carefully consider compliance with the planning controls, in particular with the Apartment Design Guide and Site Specific Development Control Plan;
- The breaking up of the tower form into three vertical forms was commended whilst the grounding of the south-western corner was supported as it opened up the public domain;

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- The shifting of the two northern vertical tower elements to the east will open up the southern vertical element to solar access from the north which will improve the amenity of the units;
- One of the key strengths of the scheme was the amenity of the various apartment types offered. The proposal includes shallow depth apartment plans with some incorporating externally ventilated bathrooms and operable windows for kitchens;
- The apartment layouts are simple and of a rectilinear geometry which allow for a range of unit types to be provided on each floorplate;
- The provision of large balconies which are integrated with 1m deep landscaping zones will provide enjoyable private open space areas for future residents; and
- The ground floor retail frontage will address Pacific Highway.

The Jury unanimously considered that the proposed scheme provides the best response to the Competitive Design Alternatives Brief and concluded it was capable of achieving design excellence. The SJB scheme is considered to best align with the objectives of the brief for the following reasons:

- The scheme has the greatest potential to achieve design excellence and the requirements of Clause 6.23 of the Willoughby Local Environmental Plan 2012;
- The scheme best addressed the Design Competition Brief out of all of the competitors;
- The proposal carefully considered planning compliance with the controls and will not result in additional overshadowing to the croquet club;
- The scheme provides visual interest with three articulated vertical forms for the tower element and the exposed south western corner;
- The scheme is sympathetic to the surrounding built form, including the development adjoining to the north and lower scale development to the south;
- The scheme provides a high degree of activation and will provide the pedestrian experience at the ground plane;
- The shifting of the two northern vertical tower elements to the east will open up the southern vertical element to solar access from the north which will improve the amenity of the units; and
- The proposed units have a high level of amenity with generous private open space areas and shallow floorplates.

The Jury held a unanimous view that the scheme was capable of achieving design excellence subject to further design development, including attention on the following design aspects:

- Massing to the south west corner
- Podium Massing
- Podium expression
- Ground floor layout
- Separate commercial entry
- Residential lobby
- Façade
- Northern facade/screen
- Facade materiality
- Balustrades
- Balconies
- Apartment design and amenity
- Upper level residential lift lobbies

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- Landscape
- Communal open space

These items were addressed to the satisfaction of Council's Urban Design Specialist and did not require re-assessment by the Design Excellence Jury. Clause 6.23 WLEP has been satisfied.

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.

Willoughby Development Control Plan			
	Proposal	Standard	Compliance
Part C – General Development Guidelines			
C.1 Demolition	Detailed measures to control impacts	Criteria established in Part C1.1	Complies – subject to conditions
C.3 Sustainable Development		Relevant Sustainability development criteria established in Part C.3.	Complies – subject to conditions

Proposed Use	Details of Proposal	Parking Rate Requirements	Proposed Spaces	Comment
Shop top housing	Residential (Part 3J-ADG) 49 residential apartments	<u>Residential</u> $2 \times 0.4 = 0.8$ $14 \times 0.7 = 9.8$ $33 \times 1.2 = 39.6$ subtotal = 50 spaces + visitor 7 spaces Total = 57 spaces	54 spaces (comprising 49 res spaces + 5 visitors)	Numerical shortfall 3 spaces
	1,107m ² commercial	<u>Commercial</u> $1 / 110\text{m}^2 = 10 \text{ spaces}$	8 spaces combined commercial / retail	Numerical shortfall of 7 spaces
	130m ² retail	<u>Retail</u> $1 / 25\text{m}^2 = 5 \text{ spaces}$		
		TOTAL = 72 spaces	TOTAL = 62 spaces	Shortfall of 10 spaces

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* See discussion under C.6 Access, Mobility and Adaptability, where redistribution of nominated adaptable spaces as standard residential spaces reduces this non-compliance from 10 spaces to 2 spaces.

Residential

Guide to Traffic Generating Developments

The site is located within 800m of a railway station, therefore Part 3J-1 Apartment Design Guide requires the parking demand to be calculated as follows:

0.4 spaces per 1 bedroom unit
0.7 spaces per 2 bedroom unit
1.2 spaces per 3 bedroom unit
+1 space per 7 units (visitor parking)

Which equates to:

$2 \times 0.4 = 0.8$
 $14 \times 0.7 = 9.8$
 $33 \times 1.2 = 39.6$
+ Visitor 7 spaces

Total residential = 57.2 spaces (rounded to 57)
Proposed = 54 spaces (49 residential + 5 visitors)

Summary: Using the RTA Guide to Traffic Generating Developments the proposed residential provision is a shortfall of 3 residential spaces.

Non-residential

The non-residential component of the proposal is separated into the commercial and retail components. The retail is that part described as “café” in the drawings (130m²). The commercial is the balance of the non-residential GFA.

The applicant uses the rate of 1 space / 110m² for commercial, which is acceptable. This delivers a demand for 10 spaces.

The applicant uses a rate of 1 space / 75m² for “café” (which results in demand of 1.7 spaces), which is actually the rate for restaurants. Cafes are not listed under WDCP. The café space should more accurately be described as “retail premises” (1 space / 25m²), which in its WLEP definition captures “food and drink premises” which in its WLEP definition captures “a restaurant or café”. Applying the retail rate also subjects the proposal to a greater (more rigorous) scope for use, where the fitout will be the subject of a future application in any case.

Using the WDCP rate for “retail” for the café part under C.4.2 Car Parking Requirements WDCP is 1 space / 25m² ie $130\text{m}^2 / 25\text{m}^2 = 5.2$ spaces

The applicant calculations (using WDCP and “Restaurant” for the café part) is 1 space / 75m² ie $130\text{m}^2 / 75\text{m}^2 = 1.7$ spaces.

Summary

The scheme provides 54 residential spaces where 57 are required.

Commercial space (1,107m²) generates a parking demand of 10 spaces

Retail space (130m²) generates a parking demand of 5 spaces. Therefore, total 15 non-residential spaces. The scheme provides 8 non-residential spaces where the requirement is 15 spaces.

It is noted that if restaurant is used for the café the requirement of 5 spaces is reduced to 1.7 rounded to 1 space. This would result in a total non-residential requirement of 11 spaces, so the provision of 8 spaces delivers a shortfall of 3 spaces.

C.6 Access, Mobility and Adaptability (and Parking continued)

50% of dwellings are to be adaptable, which means 25 units to be adaptable (which is proposed). However, Council's DCP requires only a fraction of these to be provided with an adaptable space. In this case, only **6 adaptable spaces** would typically be required. It is noted that this adaptable car space requirement is entirely achieved at Basement Level B2, where 7 adaptable spaces are provided. If the numerics of the WDCP were followed, the shared zones at all other levels could notionally be extinguished and replaced with parking spaces, freeing up some 18 spaces in total.

The number of adaptable spaces (that are actually accessible spaces functioning as an adaptable space) are as follows:

Level B2: 7 spaces

Level B3: 12 spaces

Level B4: 12 spaces

Level B5: 7 spaces

Total = 38 adaptable spaces

AS4299 requires that adaptable spaces be made appurtenant to adaptable dwellings. There are 25 adaptable dwellings, requiring 25 adaptable spaces. There are 13 adaptable spaces, therefore, that can forfeit its shared zone to provide a standard car space.

The 25 adaptable spaces are taken to be those at Levels B2, B3 and half of B4, equalling 25 spaces. The remaining adaptable spaces on the other half of Level B4, and those on Level B5, are not required. Their shared zones deliver 4 x standard spaces at Level B4 and 4 x standard spaces at Level B5. This additional 8 x spaces equates to a total parking provision of 70 spaces where 72 are required, resulting in a non-compliance of 2 spaces which is considered satisfactory in the circumstances of the case.

It is noted the Review of Parking Rates, dated 9 February 2021 prepared by Cardno, recommends a rate of 1 / 70m² for retail, which is similar to the rate the applicant has used for restaurants in the CBD centre. The below commentary on Access, Mobility and Adaptability is to be read in conjunction with this discussion on parking.

Given the uplift proposed under Council's Chatswood CBD Planning and Urban Design Strategy 2036, Council has defined its intention to use the concept of Travel Demand Management (TDM) to limit the growth of private vehicle ownership and travel in the CBD, and instead promote a mode shift to walking, cycling, public and shared transport.

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One of the key tools under a TDM approach is limiting the number of car parking spaces for new developments, given more car parking spaces only promotes higher car ownership/use and thus congestion. Accordingly, Council engaged consultants Cardno to complete the Review of Parking Rates report (Feb,2021). This report has recommended lower, maximum car parking rates for the Chatswood (and St Leonards) CBDs in line with the TDM approach. These car parking rates have been included in Part F (Transport and Parking Management) of draft Willoughby Development Control Plan (DCP) which was placed on public exhibition earlier in 2022.

By applying the principles of TDM – in particular limiting car parking in new developments – Council aims to ensure that the CBD transport network will be able to accommodate the uplift planned for the Chatswood CBD into the future. However, given these lower, maximum car parking rates have not yet been endorsed by Council, the existing car parking rates in the current Willoughby DCP have been used in assessment of this DA. It should be noted that the existing car parking rates are ‘targets’ (i.e. neither minimums nor maximums) and any variation (higher or lower) must be justified through a merit-based transport impact assessment.

The conditions of consent reflect this rearrangement of parking.

Willoughby Development Control Plan			
Part C – General Development Guidelines			
	Proposal	Standard	Compliance
C.5 Water Management	Stormwater system with OSD tank and stormwater treatments	Stormwater Management and disposal in accordance with the Technical Standards contained in the WDCP	Council's Engineering Department has reviewed the proposed and offered conditions of consent.
C.5 Access, Mobility and Adaptability	Design Review - Accessibility Report has been submitted	Relevant accessibility provisions in WDCP	Complies
C.8 Waste Management	Waste management Plan has been submitted.	Waste minimisation principles and management of the operational waste in accordance with the WDCP	Council's Waste Department has reviewed the proposed and offered conditions of consent.
C.9 Preservation of Trees or Vegetation	Sufficient information supplied	To promote sustainable vegetation management and conserve and <u>enhance</u> the <u>tree</u> resources, natural systems including <u>bushland</u> , and landscape quality.	Council's Landscape Department has reviewed the proposed and offered conditions of consent.
C.11 Safety by Design	Applicant has provided CEPTED	WDCP provides that	Complies

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	report	the following four crime principles will be considered in the assessment of DAs: <ul style="list-style-type: none"> - Surveillance; - Access control; - Territorial reinforcement; and - Space management 	
C.12 Fencing	Various	-	Scheme has been subject to design excellence
C.13 Contaminated Land	Report provided	-	Council's Environment Department has reviewed the proposed and offered conditions of consent.
C.14 Development near Railway Corridors or Busy Roads	Located on classified road	Proposal satisfies State Environmental Planning Policy (Transport and Infrastructure) 2021	Complies and conditions applied
C.15 Undergrounding of Services	All services are to be located undergrounded	-	Condition applied for undergrounding

4.3 PART E - Specific Controls for Commercial and Shop Top Housing Development

E.1.2 Density, Use and Height

This part requires that development incorporate retail, business or office uses on ground floor to provide a continuous commercial character of business zones and to maintain activity and passive surveillance at street level. This is captured with greater strength by CI 6.7 LEP active street frontages. The proposal satisfies this requirement.

The solar access to adjoining properties and key areas of the public domain is satisfactorily maintained, and is further discussed under E.3.8.

E.1.3 Design and Streetscape Design Qualities

The outcomes with respect to Façade treatment, Building form, Façade Modulation, Solid to Void Ratio, Colour Finishes and Materials have been scrutinised by the Design Excellence process. The requirements typically dealt with by E.1.4 Setbacks, E.1.5 Building Depth, E.1.6 Landscaping Requirements, E.1.7 Open Space Requirements for Shop Top Housing Developments, E.1.8 Privacy, E.1.9 Views and Vistas, E.1.10 Solar Access and Overshadowing, E.1.11 Service Facilities and Amenities and E.1.12 Reflectivity are captured in Part E.3.8 or through other aspects of the assessment. Privacy, for example, is dealt with by SEPP 65 ADG.

E.3.8 - 753 Pacific Highway and 15 Ellis Street Chatswood (Site Specific DCP)

Built Form, Height and Setbacks

Built form is informed by Figure 2 under this Part of the DCP, as follows:

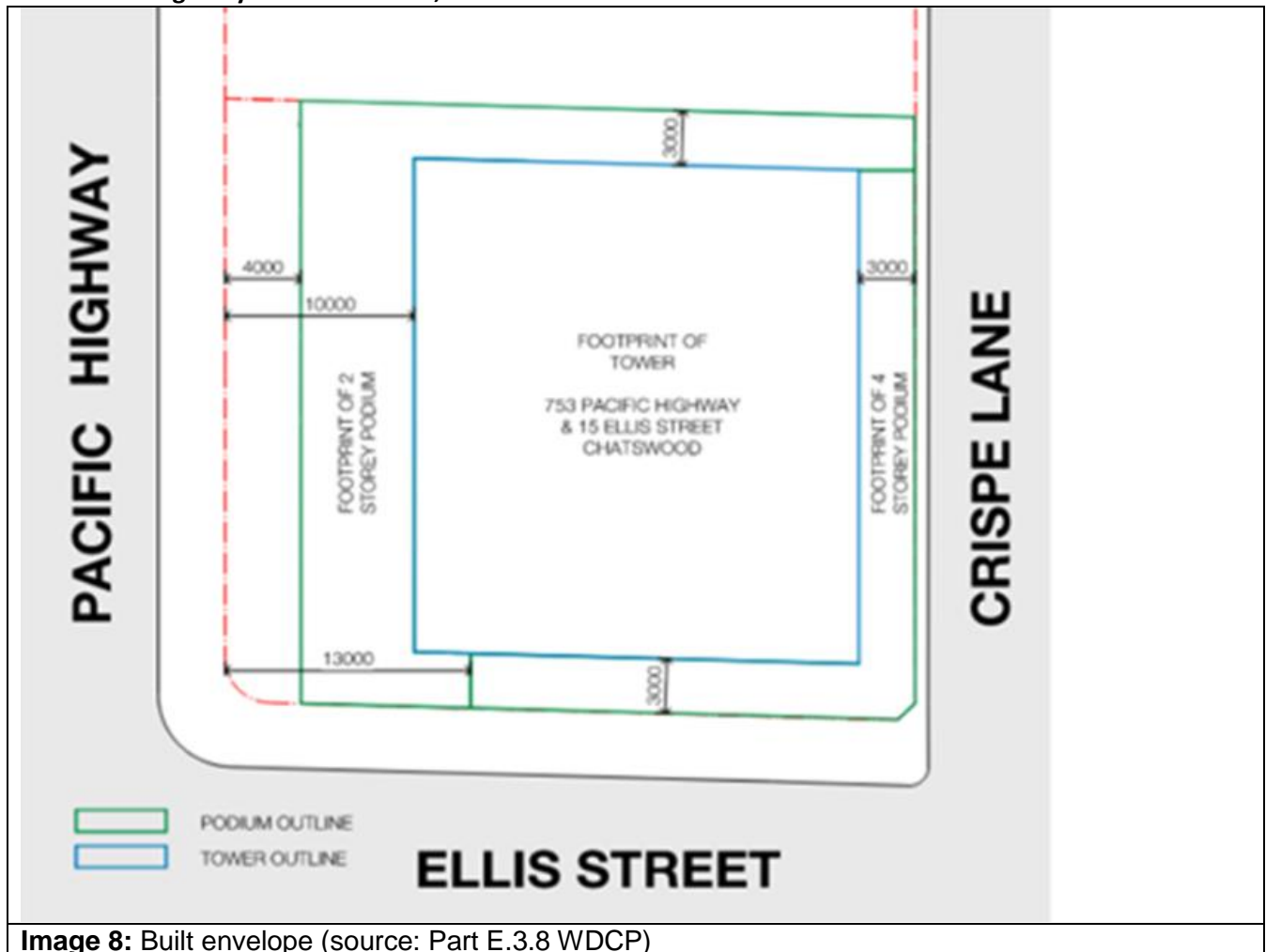


Image 8: Built envelope (source: Part E.3.8 WDCP)

In terms of controls for Setbacks and Street Frontage Heights the building setbacks are required to be as follows:

- Pacific Highway (western) Frontage:
 - Minimum 4 metre setback at ground level from front boundary.
 - Maximum 7 metre street wall height (maximum two storeys).
 - Minimum 6 metre setback above street wall.
- Ellis Street and Crispe Lane Frontage:
 - 6-14 metre street wall height at front boundary (maximum two to four storeys).
 - Minimum 3 metre setback above street wall.

The podium satisfies the required 4m setback from the front boundary. A part of this setback at ground level (approximately 1m) will be occupied by the required 3m wide shared path. This 4m setback fronting Pacific Highway is deep soil to ensure good soil growth medium for the ongoing health and longevity of substantial planting.

The proposal comfortably satisfies the maximum 700m² floor plate requirement.

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The scheme exhibits a 2-storey podium to Pacific Highway and 4-storey podium to Crispe Lane. Section detail AR-DA-1502 Rev 8 depicts the podium heights:

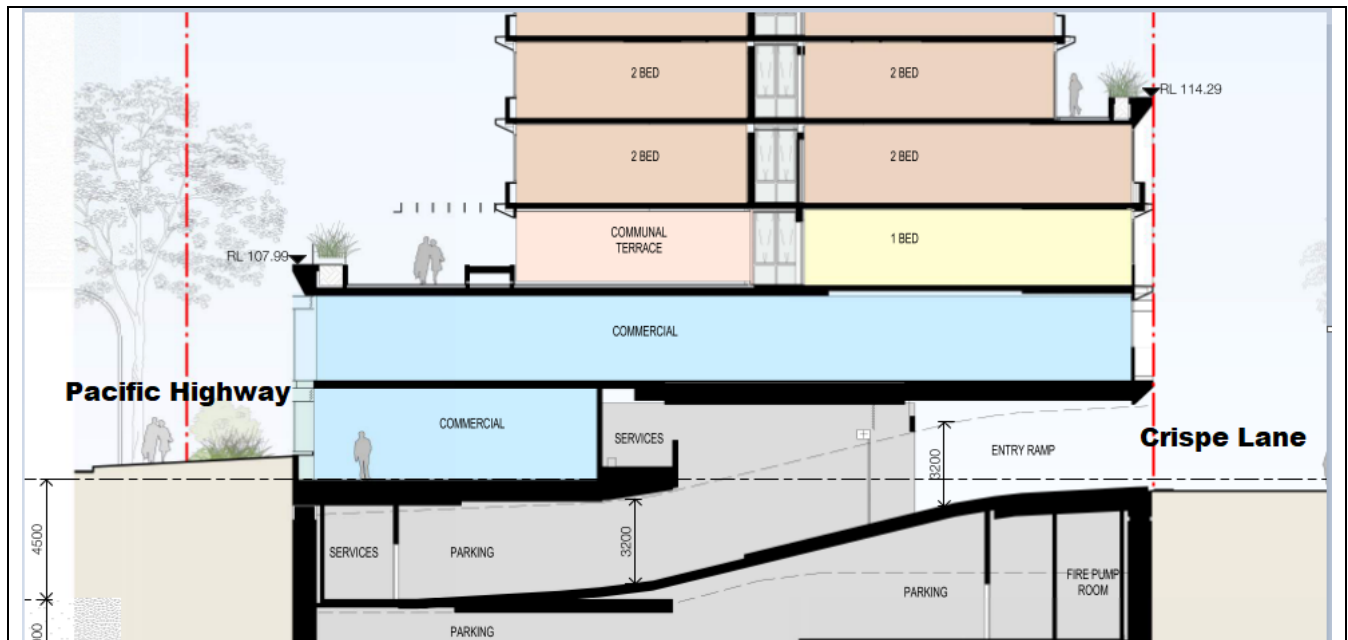


Image 9: Section through the building.

The height of the 2-storey podium facing Pacific Highway is approximately 7.99m. The south-western corner of the development projects vertically slightly within the 10m setback from Pacific Highway. The applicant advises that this has been undertaken to:

- Maximise solar access to the north-western frontage where the envelope is not impacted by overshadowing from neighbouring developments;
- Further articulate the stepping tower forms to break down perceived bulk and scale, particularly as viewed from the Pacific Highway.
- Address jury feedback to clearly define the relationship between the tower forms and the podium;
- Reduce impact on the adjacent development to the north;
- Increase amount of public domain at the south-western corner of the site to establish a civic corner presence;
- No additional overshadowing impact to the Croquet Club between 12-2pm and midwinter.

The floor plate of the tower, for the most part, complies with the 10m setback requirement with approx. 0.8m to 1.6m to spare. The proposal is considered to have sufficient merit to be supported. The streetscape is preserved and the south-western element resolves the transition from 2-storey to 4-storey on the corner of Pacific Highway and Ellis Street. Solar access is maximised to the units in the south-western corner. Also, there are areas – like the Ellis Street frontage where a 4-storey built form is contemplated in the controls to a point 13m from Pacific Highway, but is 23m – which assists in providing visual relief and modulation of the building.

The proposal has also been scrutinised by the Design Excellence Jury and found to be excellent.

A 3m metre setback from the northern boundary is observed in accordance with the 1:20 ratio for a 60m building.

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Building Exterior

The facades of the proposal are sufficiently articulated and incorporate recesses and projecting elements. As discussed above, the south-western corner of the proposal encroaches into a required setbacks but with sufficient merit.

Amenity

The proposal sufficiently maximises solar access and ventilation to residential units, and adequately ensures visual and acoustic privacy of residential units in the development and adjoining properties.

The pedestrian amenity surrounding the site is to be significantly improved.

Open Space and Landscaping

A minimum of 2 hours of sun access is to be provided to the public open space at the Pacific highway frontage. This space (as well as the 3m wide shared path) is to be captured for public use with a right-of-way.

The 20% landscaping requirement is achieved by the ground level planting and Level 2 planting. Additional planting is also provided at Levels 14-16.

Links

The development adequately provides publicly accessible through site links and open space, which is located in the 4m front setback for the building from Pacific highway. A right-of-way is required to be established to capture this functionality. This space is suitably landscaped as required.

Active Street Frontages

The site satisfies the active street frontage requirements as required by cl 6.7 WLEP.

Traffic and Transport

The objectives seek to (inter alia) minimise car parking and encourage alternative transport options.

Waste Management, Loading and Services

The WDCP required that all loading and unloading services occur at basement level on-site. The applicant argued that a waste vehicle was not able to access the basement. Council maintained that waste management occur upon the site, via a slip lane at ground floor level accessed via Crispe Lane. The applicant argued that rearrangement of the floor plate at ground floor level and the relocation of a substation, meant blank walls were going to sterilise the active street frontage at Crispe Lane. Council considered carefully its position and, in the circumstances of this case – including 3 street frontages where Crispe Lane could be considered a service lane or sorts – and the impact on the active street frontage, on street pickup is accepted.

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Design Excellence

The proposal has been awarded design excellence.

Public Art

A Preliminary Public Art Strategy accompanies the proposal, which seeks to analyse and identify the best potential approaches for the inclusion of public art within the development.

The Strategy recommends:

“The landscaped garden area with frontages onto the Pacific Highway has been identified as a vital opportunity for the inclusion of public art. Artists may choose to create a singular free-standing, medium sized sculpture, or a collection of small sculptures (up to three)”.

The Preliminary Public Art Strategy suitably ensures public art will be provided in accordance with Council’s public Art Policy and satisfy the guiding principles of Expression, Engagement, Activation, Creativity and Integration.

Building Sustainability

Conditions are proposed to capture building sustainability requirements.

4.4 Shared Path

The Chatswood to St Leonards Shared Path was Stage 1 of the concept. Council’s vision is for the shared pathway to continue from Mowbray Rd north to the edge of the Chatswood CBD.

All Pacific Highway Development Applications - within the Chatswood CBD - must have regard to this vision. The shared path is 3 metres in width, commencing at a point 1.5 meters from the Pacific Highway kerb. Planting approximately 1 metre high is required between the Pacific Highway kerb and the shared path. Planting will also be required between the development and the shared path, which is located over deep soil. These requirements are reflected in the draft condition of consent.

The Landscape Plans were not updated during the DA assessment process to reflect the shared path however the conditions have been imposed to require this to be shown prior to issue of Construction Certificate.

ATTACHMENT 5: SUBMISSIONS TABLE

Property	Issues raised	Response
687 Pacific Highway	"Why does Council allow for all this development, it is excessive and all for money. They should be held accountable instead of being a law to themselves".	<p>The Chatswood CBD Planning and urban Design Strategy 2036 aims to establish a strong framework to guide future private and public development as the CBD grows over the next 20 years. It is the product of extensive community and stakeholder engagement and is now the backbone of the draft Willoughby Local Environmental Plan. The subject proposal at 753 Pacific Highway and 15 Ellis Street has endured the rigours of the Planning Proposal process – its success in this space is a testament to its merit under the Strategy. The DA has demonstrated its acceptability under numerous disciplines (engineering, urban design, landscaping, waste, environment) involved in the DA assessment process.</p> <p>The proposal is worthy of approval.</p>
Unit 2, 2-8 Gordon Avenue	This submission offers commentary as opposed to an objection per se. It concludes by stating "WCC wants to keep the central core of Chatswood CBD for offices and not residential".	The submission does not raise an objection is need of a response.
781 Pacific Highway	Wind tunnel effect – concerns are raised that "Such tall residential buildings on such a small footprint will contribute to worsening wind tunnels, and lack of sun".	A Pedestrian Wind Environment Statement (Ref: WD726-06F02 (Rev1) prepared by Windtech and is found to be satisfactory.

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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)	
	<ul style="list-style-type: none"> State Environmental Planning Policies (SEPP) 	✓
	<ul style="list-style-type: none"> Regional Environmental Plans (REP) 	✓
	<ul style="list-style-type: none"> Local Environmental Plans (LEP) 	✓
	Comment: The proposal satisfies the requirements of the relevant SEPPs.	
(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 satisfies the requirements of the Draft LEP.	
(a)(iii)	Any development control plans	
	<ul style="list-style-type: none"> Development control plans (DCPs) 	✓
	Comment: The proposal satisfies the requirements of 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: Conditions of consent will ensure the proposal satisfies the requirements of the regulations.	
(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 	✓

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

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

	Comment: The proposal does not cause detrimental impacts on surrounding properties and satisfies the objectives of the controls that inform the overall building envelope.	
(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 site is suitable for the development, the assessment of which has been subjected to the rigours of a Planning Proposal and the subject application.	
(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: Public submissions have been considered as part of the overall assessment of the application. Referral comments from Ausgrid and TfNSW have been incorporated into the consent.	
(e)	The public interest	
	<ul style="list-style-type: none"> Federal, State and Local Government interests and Community interests 	✓
	Comment: The proposal satisfies public interest objectives, noting that it consistent with the Chatswood CBD Planning and Urban Design Strategy 2036.	

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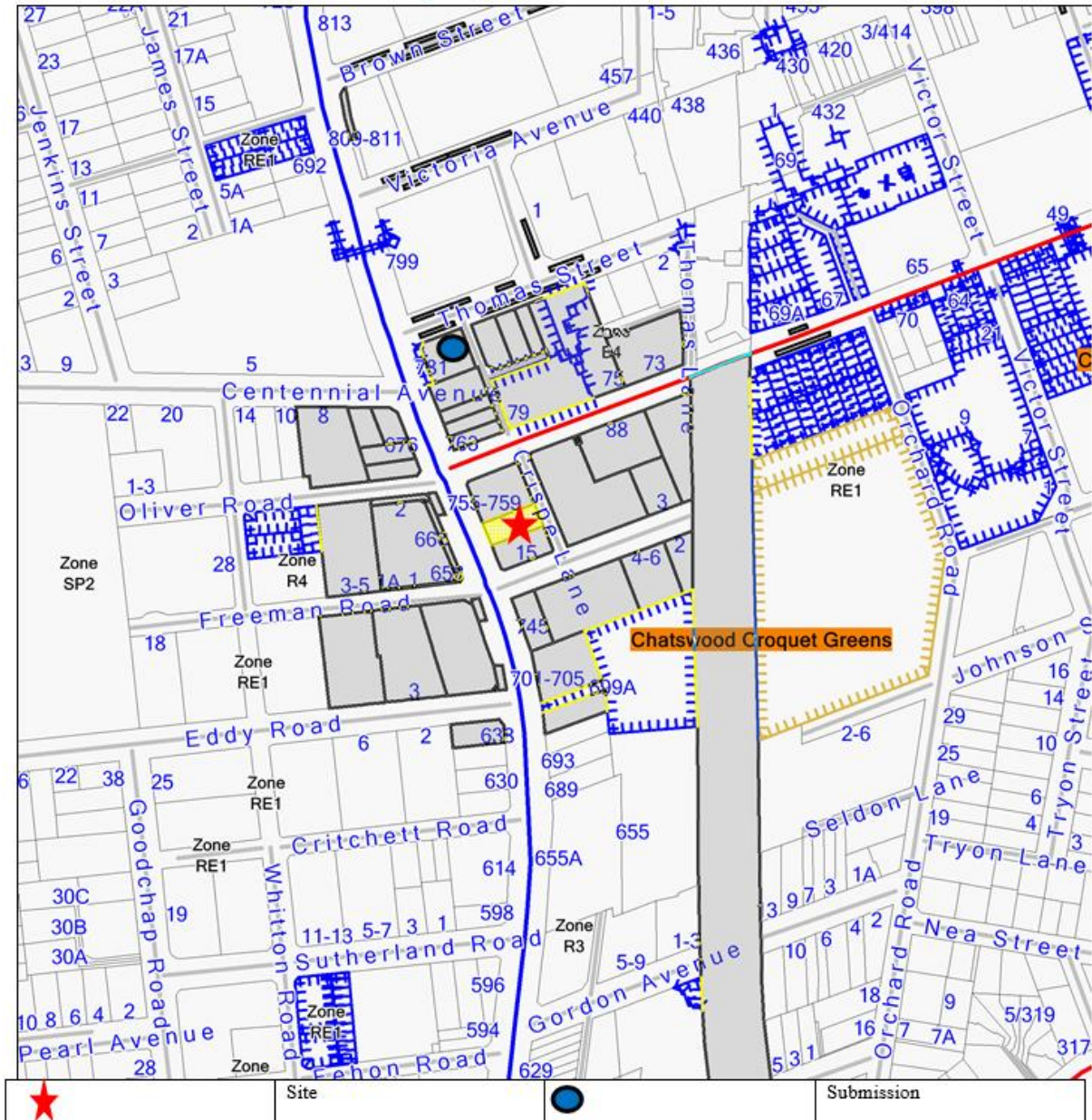
ATTACHMENT 7: NOTIFICATION MAP



Record of Neighbour Notifications sent relating to:

DA: 2022/166

At: 753 Pacific Highway & 15 Ellis Street, CHATSWOOD NSW 2067



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ATTACHMENT 8: SCHEDULE OF CONDITIONS

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
Demolition Plan	AR-DA-0103	1	05.04.2022	SJB Architects
Floor Plan B5	AR-DA-1001	7	05.04.2022	SJB Architects
Floor Plan B4	AR-DA-1002	10	05.04.2022	SJB Architects
Floor Plan B3	AR-DA-1003	10	05.04.2022	SJB Architects
Floor Plan B2	AR-DA-1004	10	05.04.2022	SJB Architects
Floor Plan B1	AR-DA-1005	10	05.04.2022	SJB Architects
Floor Plan Ground	AR-DA-1006	15	19.10.2022	SJB Architects
Floor Plan L1	AR-DA-1007	13	19.10.2022	SJB Architects
Floor Plan L2	AR-DA-1008	16	19.10.2022	SJB Architects
Floor Plan L3	AR-DA-1009	13	29.07.2022	SJB Architects
Floor Plan L4	AR-DA-1010	14	29.07.2022	SJB Architects
Floor Plan L5-8	AR-DA-1011	13	29.07.2022	SJB Architects
Floor Plan L9	AR-DA-1015	13	19.10.2022	SJB Architects
Floor Plan L10-13	AR-DA-1016	13	29.07.2022	SJB Architects
Floor Plan L14	AR-DA-1020	15	29.07.2022	SJB Architects
Floor Plan L15	AR-DA-1021	16	29.07.2022	SJB Architects
Floor Plan L16	AR-DA-1022	15	29.07.2022	SJB Architects
Floor Plan L1023	AR-DA-1023	10	29.07.2022	SJB Architects
North Elevation	AR-DA-1401	8	29.07.2022	SJB Architects
East Elevation	AR-DA-1402	8	29.07.2022	SJB Architects
South Elevation	AR-DA-1403	8	29.07.2022	SJB Architects
West Elevation	AR-DA-1404	8	29.07.2022	SJB Architects
Section Sheet 01	AR-DA-1501	8	29.07.2022	SJB Architects
Section Sheet 02	AR-DA-1502	8	29.07.2022	SJB Architects
Privacy screen details	AR-DA-6051	1	29.07.2022	SJB Architects
Podium Sections	AR-DA-6052	1	29.07.2022	SJB Architects
Adaptable Layouts	AR-DA-4401	6	05.04.2022	SJB Architects
Adaptable Layouts	AR-DA-4402	6	05.04.2022	SJB Architects
Adaptable Layouts	AR-DA-4403	6	05.04.2022	SJB Architects
Adaptable Layouts	AR-DA-4404	5	05.04.2022	SJB Architects
Adaptable Layouts	AR-DA-4405	5	05.04.2022	SJB Architects
Adaptable Layouts	AR-DA-4406	5	05.04.2022	SJB Architects
Adaptable Layouts	AR-DA-4407	4	05.04.2022	SJB Architects
Adaptable Layouts	AR-DA-4408	1	05.04.2022	SJB Architects
Adaptable Layouts	AR-DA-4409	1	05.04.2022	SJB Architects

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Adaptable Layouts	AR-DA-4410	1	05.04.2022	SJB Architects
Adaptable Layouts	AR-DA-4411	1	05.04.2022	SJB Architects
Cover Sheet and Drawing Index	C-00-0001	C	24.06.2022	SCP Engineers and development consultants
Specification Notes and Legend Sheet	C-00-0101	C	24.06.2022	SCP Engineers and development consultants
Siteworks Plan	C-02-1001	D	24.06.2022	SCP Engineers and development consultants
Siteworks Details	C-02-6001	C	24.06.2022	SCP Engineers and development consultants
Catchment Plan	C-03-2001	C	24.06.2022	SCP Engineers and development consultants
OSD Tank Plan and Sections	C-03-7001	D	24.06.2022	SCP Engineers and development consultants
OSD Tank Details	C-03-7051	C	24.06.2022	SCP Engineers and development consultants
Erosion and Sediment Control Plan and Details	C-06-0001	C	24.06.2022	SCP Engineers and development consultants
Landscape Plan Set	DA-L001	C	April 2022	Oculus

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 requirements

The following conditions from TfNSW requirements must be complied with:

A.	All buildings and structures other than pedestrian footpath awnings, 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.	All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Pacific Highway.
C.	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)

3. Ausgrid requirements

The following conditions from Ausgrid must be complied with:

A.	<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>
B.	<p>Underground Cables</p> <p>Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.</p> <p>Safework Australia – Excavation Code of Practice, and Ausgrid’s Network Standard NS156 outlines the minimum requirements for working around Ausgrid’s underground cables.</p> <p>Should ground anchors be required in the vicinity of the underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.</p>

(Reason: Ensure compliance)

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

4. 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 **\$642,090.72** for the purposes of the Local Infrastructure identified in the Willoughby Local Infrastructure Contributions Plan.

Active transport and public domain facilities	\$27,383.57
Open space and recreation facilities	\$503,281.95
Plan administration	\$9,489.13
Recoupment - community facilities	\$96,790.04
Recoupment - open space and recreation	\$5,146.03
Total	\$642,090.72

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:

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

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)

5. External Finishes – Solar Absorptance

The external roofing, glazing and walls of the proposed dwelling are to be of minimal reflectance so as to avoid nuisance in the form of glare or reflections to the occupants of nearby buildings, pedestrians and/or motorists. Details demonstrating compliance are to be submitted with the Construction Certificate application.

(Reason: Visual amenity)

6. Certification of Gross Floor Area

Prior to the issue of a Construction Certificate, a Registered Surveyor shall submit to the Certifier for approval, a floor space ratio (FSR) calculation plan demonstrating that the proposed gross floor area of all buildings on the site does not exceed 7,278m². The calculation must be undertaken in accordance with the definition for gross floor area under Willoughby Local Environmental Plan.

(Reason: Bulk and scale control/compliance)

7. BASIX

Where required, the BASIX certificate shall be updated to reflect any changes resulting from this consent. The updated BASIX certificate shall be submitted with the construction certificate application.

(Reason: Environmental Sustainability)

8. 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)

9. 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)

10. 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)

11. 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)

12. 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.

(Reason: Compliance and Public Amenity)

13. Planning Agreement

Prior to the issue of any Construction Certificate, the obligations under the Planning Agreement executed on 20 January 2022 relating to this development are to be satisfied at the timing required under Schedule 2 of the Planning Agreement.

(Reason: Ensure compliance)

14. 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)

15. Adaptable Units

Adaptable residential units for disabled persons are to be provided at a rate of 51% of units (total 25 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)

16. 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 identified as units 2.03 and 2.04 at Level 2 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.

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

(Reason: Ensure compliance)

17. 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)

18. 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)

19. Damage Deposit

Prior to the issue of the Construction Certificate, the applicant shall lodge a Damage Deposit of **\$75,000** (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 = \$75,000 + \$182 = \$75,182

(Reason: Protection of public asset)

20. 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)

21. Stormwater Conveyed to Street Drainage

Stormwater runoff from the site shall be collected and conveyed to the street drainage system in accordance with Council's specifications. Any new drainage pipe connections to street kerb shall be made using a 125mm wide x 75mm high x 4mm thick hot dip galvanised Rectangular Hollow Section (RHS) with a grated drainage pit of minimum 600mm x 600mm provided within the property and adjacent to the boundary prior to discharging to the Council's drainage system. All drainage works shall comply with the requirements described in Part C.5 of Council's DCP, Technical Standards and AS 3500.3. In this regard, full design and construction details showing the method of disposal of surface and roof water from the site shall be shown on the Construction Certificate plans.

(Reason: Stormwater control)

22. 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 system shall include an OSD tank to limit peak flow from the site to 20L/s in the 1%AEP storm event and water quality improvement measures in accordance with Technical Standard 1. Modelling shall be undertaken with Drains or equivalent model to confirm the OSD volume provided. The construction drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer and generally by in accordance with SCP drawings C-02-1001/D, C-02-6001/C, C-03-2001/C, C-03-7001/D and C-03-7051/C. The plans shall include the following:

- An access grate shall be provided directly over the outlet.
- An access grate shall be provided at the diagonally opposite corner of the tank.
- Access is to be provided over the filter devices.
- A 600 x 600 pit is to be provided adjacent to the boundary, prior to discharge to the kerb and gutter.
- As per the requirements of Technical Standard 1, a device targeting hydrocarbons shall be provided to treat any runoff from access ramps and parking areas.

All drawings shall comply with Part C.5 of Council's Development Control Plan and Technical Standards, AS/NSZ3500.3 – Plumbing and Drainage Code and National Construction Code.

(Reason: Ensure compliance)

23. Basement Pump out 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 pump out 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.

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- (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)

24. 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)

25. 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 Ellis 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 Ellis Street in accordance with Council's specifications and Standard Drawing SD105. Any existing pram ramps are to be reconstructed, in positions and width compliant with current standards.

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- (d) Reconstruction of existing kerb and gutter for the full frontage of the development site in Crispe Lane in accordance with Council's specifications and Standard Drawing SD105. A new pram ramp is to be provided at the intersection of Crispe Lane and Ellis Street, in line with the ramp on the opposite (east) side of Crispe Lane.
- (e) Reconstruction of the existing road pavement 3.5m wide for the full frontage of the development site in Crispe Lane in accordance with Council's specifications
- (f) Mill and resheet the existing road pavement with 50mm asphalt 3.5m wide for the full frontage of the development site in Ellis Street in accordance with Council's specifications
- (g) Construction of a 6.0 metres wide vehicular crossing in Crispe Lane in accordance with Council's specification and Standard Drawings SD105

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

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

(Reason: Ensure compliance)

26. 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 6.0 metres 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 – 100 mm above and parallel to the gutter invert.
- (b) At property boundary – 110mm above and parallel to the gutter invert.

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- (c) At 6m inside the property boundary – 1:20 maximum grade from the level at the property boundary.

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)

27. 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 2890.2 and AS/NZS 2890.6 in terms of minimum dimensions provided and grades on parking spaces, with visitor parking spaces complying 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. The headroom is to be measured between the floor and any overhead obstruction, including services.
- (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 3.5m required in AS 2890.2 for an SRV is provided for the loading area and the path to and from the loading area, including any manoeuvring areas. The headroom is to be measured between the floor and any overhead obstruction, including services.
- (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.
- (i) Simultaneous manoeuvrability of an SRV and a passenger vehicle including clearance in accordance with AS2890.1 and AS2890.2, is provided for all areas between the entry and the loading dock in the basement.
- (j) Sight distance triangles are provided at the access driveway as per Clause 3.2.4 of AS/NZS 2890.1
- (k) For single lane ramps a traffic control system is documented, with priority given to incoming vehicles.

(Reason: Ensure compliance)

28. 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)

29. Detailed Landscape Design

Prior to the issue of the Construction Certificate, submit to the accredited certifier detailed landscape design prepared by a qualified landscape design professional. This information is to include the following information:

- (a) A minimum of 4 x local native canopy trees capable of attaining a minimum height of 20m in the front landscape setback to Pacific Highway, minimum pot size 200 litre;
- (b) Not include environmental weed species and trees listed as undesirable in the Willoughby Development Control Plan;
- (c) Use locally occurring native shrub and groundcover species in the front setback to Pacific Highway;
- (d) Provide 3 new street trees in Ellis Street in accordance with Council's Street Tree Masterplan; Minimum pot size 200 litre
- (e) Comply with ecologically sustainable development landscape principles;

(Reason: Landscape amenity)

30. 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 do not apply to garages, kitchens, bathrooms or hallways.
- 2. The above criteria define the minimum acceptable levels. Buildings may be built to a better than average standard by applying more stringent criteria.

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3. 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)

31. Building Ventilation

To ensure that adequate provision is made for ventilation of the building, mechanical and/or natural ventilation shall be provided. These shall be designed in accordance with the provisions of:

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

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

(Reason: Health and compliance)

32. Hazardous Building Material Assessment

A hazardous building material assessment shall be undertaken by an appropriate qualified person and is to be submitted to the Certifier for approval prior to the issue of the Construction Certificate. 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)

33. Noise From Mechanical Plant Equipment

To minimise the impact of noise onto receivers on surrounding land, all mechanical plant equipment shall be designed to comply with the noise emission criteria contained in the EPA's Noise Policy for Industry (2017). 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)

34. Acoustic Treatment

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 5 of the acoustic report prepared by Pulse White Noise Acoustics Pty Ltd, Ref. 210333, dated 12 October 2021 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).

In addition, any recommendations from the required acoustic assessment report considering noise from proposed mechanical plant equipment shall also be incorporated into the development. These 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)

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

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

Details of these mechanical ventilation provisions shall be included in the construction plans and be provided to the Principal Certifying Authority prior to the issue of any Construction Certificate.

(Reason: Amenity/Ensure compliance)

36. **Walls – Solid Construction – Food Premises**

All tenancy perimeter walls and internal walls including partition walls shall be solid construction. The walls are to be constructed in masonry, brickwork or other approved method with all voids filled with a suitable material. Details of the construction of any food premises tenancy shall be included in the construction plans and specifications provided to the Principal Certifying Authority prior to the issue of any Construction Certificate.

(Reason: Health & Compliance)

37. **Construction Safety and Transport Management Plan**

Prior to issue of the Construction Certificate, a detailed **Construction Safety and Transport Management Plan** (CSTMP) shall be prepared to ensure safe and efficient movement of construction related workers, goods and vehicles; and all other transport users including pedestrians, bicyclists and motor vehicles (emergency vehicles, buses, heavy vehicles, cars, motor bikes), at the construction site (site) and on the public road and pathway networks to/ from the site.

A primary aim of a CSTMP is to maximise safety, amenity and mobility to site users; those moving past the site as well as those interacting with vehicles travelling to/ from the site on the adjacent public road and pathways.

The road and pathway network should include all public roads, bicycle paths/ lanes, shared paths and pedestrian facilities. The area of consideration of CSTMP extends from the site to the State Road network and public transport interchanges.

The CSTMP will address the whole construction process including, but not limited to, demolition, construction and commissioning.

The CSTMP shall:

- (a) Be prepared by a suitably qualified and experienced road safety and traffic engineering consultancy or traffic control company. The traffic consultancy and traffic control company must hold a valid Prepare Work Zone Traffic Management Plans (PWZTMP) traffic control qualification in TfNSW's Traffic

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Control at Work Site Technical Manual. The personnel used must have undertaken refresher training in PWZTMP competency in the two years from the date of qualification.

- (b) Be prepared in accordance with the current version of Austroads Guide to Temporary Traffic Management, Austroads Guide to Traffic Management, Austroads Guide to Road Safety, Australian Standard AS1742 Manual of Uniform Traffic Control Devices, Transport for NSW (TfNSW) Supplement to Australian Standard, TfNSW's Traffic Control at Work Site Technical Manual and relevant Council policies and guidelines.
- (c) Detail and explain the site including motor vehicle, pedestrian and bicycle access points and directions of movement.
- (d) Detail, explain and include all permanent safety and transport management works including road widening, traffic management, public transport, pedestrian and bicycle works on the public road and pathway networks required as conditions of consent.
- (e) Demonstrate that the pedestrian, bicycle and motor vehicle ingress and egress points at the site are designed, managed and operated in accordance with relevant standards, policies and guidelines. Demonstrate that all risks and hazards to safety, amenity and mobility to site users and those moving past the site on the adjacent road and pathways are identified and eliminated or, if not eliminated, minimised to an acceptable level.
- (f) Detail and explain infrastructure provided at the site, across, above and along all public roads and pathways adjacent to the site. Demonstrate that the infrastructure is designed, managed and operated in accordance with relevant standards, policies and guidelines to maximise safety, amenity and mobility to site users and those moving past the site on the adjacent public road and pathways. Demonstrate that all risks and hazards are identified and eliminated or, if not eliminated, minimised to an acceptable level.
- (e) Identify and describe the Council and TfNSW managed road and pathway networks to be used by motor vehicles, pedestrians and bicycles generated by the site. Document and explain the administrative and functional classifications, transport system devices and their operation, public transport interchanges (i.e. bus stops, rail stations etc), existing and site generated users, and any other relevant safety and transport management and operation features on the existing road and pathway networks.
- (h) Identify and explain all construction related motor vehicle generation, type, number and times of movement to/ from the site. Motor vehicle generation information must be provided for all anticipated vehicle types in each construction phase including, but not limited to, spoil removal, construction materials delivery and suppliers/ workers visiting and working on the site.
- (i) Identify and explain all construction related motor vehicle routes to/ from the site. Advise forecast construction site demands on each route. Demonstrate that the route chosen for heavy vehicle movement between the site and the State Road network is the safest, least impact on the amenity of residents and most direct to the nearest intersection with a State Road. Demonstrate that all heavy vehicles generated by the site will travel on the road network safely and in compliance with the NSW road rules.
- (j) Identify and explain management arrangements for construction related motor vehicles parked on the site throughout the construction period and process.
- (k) Identify and explain operational and mitigation measures to be implemented so that no or minimal construction related vehicles such as worker motor

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cars, park or queue on the public road network.

- (l) Detail and explain all proposed safety and transport management measures including infrastructure and operations to the public road and footpath network planned to be in place for the full, or for a significant period of, the construction period to support the construction process. The changes may include Work Zone parking restrictions, regulatory parking restrictions, traffic control, safety and transport management changes to the public road and pathways. Demonstrate why the changes are necessary and support the construction methodology. Demonstrate that the works will maintain a safe road and pathway network with an acceptable operational performance. Identify and explain mitigation measures to maintain a safe and continuous access for pedestrians, bicyclists and public transport.
- (m) Detail and explain all changes on the public road and footpath networks that are a condition of consent including utilities, landscaping and safety and transport management works. Identify and explain the construction safety and transport management methodology to complete these works.
- (n) Detail and explain short term temporary safety and transport management changes (changes typically implemented and removed between one and five days in duration only) to be implemented. Outline a schedule of relevant Council permit (s), times and dates of changes and accompanying Work Zone Traffic Management Plan. Road closures shall be the subject of approval from Council. Confine temporary road closures to low traffic periods.
- (o) Detail and explain public information to be released and campaigns to be used to inform Council, road users, residents, businesses, emergency services, public transport operators of any long term changes or temporary full road closures on the local road network well in advance of each change. The temporary road closure plan shall include times and dates of changes, measures, signage, road markings and any temporary traffic control measures.
- (p) Nominate a contact person who is the owner of the CSTMP and has authority without reference to other persons to change the CSTMP to comply with instructions issued by Council's Safe City Unit or the NSW Police.
- (q) The CSTMP must be submitted to, and approved by, the relevant road authority.

Notes

The CSTMP may be referred to the Traffic Committee for consideration and Council for approval. Temporary changes to the road and pathway network may require consideration by the Traffic Committee and Council approval.
(Reason: Ensure Safety)

38. Approval of design plans, road safety audits and environmental assessment of Safety and Transport Works

Prior to issue of the Construction Certificate, the design, road safety assessment and environmental assessment for all road safety, traffic management, intelligent transport system and road infrastructure changes to the carriageway and footways on a public road and footway such as a roundabout, pedestrian refuge, shared paths shall be referred to the Traffic Committee for consideration and Council for approval.

Traffic control signal design and construction is a responsibility of Transport for New South Wales (TfNSW). A copy of the TfNSW approved detailed design plan for new

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and modified traffic control signals will be forwarded to the Traffic Committee and Council for information.

(Reason: Public safety and amenity)

39. Design Standards for Safety and Transport Management Works

The following design, road safety assessment and environmental assessment standards will be applied to safety and transport management works:

- (a) All works shall be designed to the satisfaction of Willoughby City Council and in accordance with and meet the appropriate Australian Standards, Austroads guidelines, Transport for NSW (TfNSW) Technical Directions and Council policies and practices.
- (b) All road safety audits shall be undertaken to the satisfaction of Willoughby City Council and in accordance with and meet the appropriate Australian Standards, Austroads guidelines, TfNSW Technical Directions and Council policies and practices.
- (c) All environmental investigations, assessments and audits for works shall be undertaken to the satisfaction of Willoughby City Council and in accordance with and meet the appropriate Australian Standards, Austroads guidelines, TfNSW Technical Directions and Council policies

All design, road safety assessment and environmental assessment will be provided at no cost to Willoughby City Council.

(Reason: Public safety and amenity)

40. Safety and Transport Management Works

Prior to an application for a Construction Certificate, detailed design plans, road safety audits and environmental factors (REF) must be submitted to Council to carry out the following works:

Two way Shared Path – Pacific Highway between Ellis Street and the northern property boundary of 753 Pacific Highway.

- Provision of a 3.0 metre minimum shared path in Pacific Highway Street on the eastern side of the highway.
- Line marking, pavement marking and signposting to support the new arrangements.
- Provision of separate pedestrian and bicycle kerb ramps in Ellis Street, north side of road, at its intersection with Pacific Highway.
- The design satisfactorily addresses the interaction of the shared path and the pedestrian ingress / egress points of the DA and ensures effective sight distance and separation to maximise safety to DA users and shared path users.
- The shared path must be clear of any obstructions such as trees, street furniture, utilities, landscaping etc
- Should the shared path be constructed prior to Council's shared path along the Pacific Highway to the north of the DA then the design and construction should integrate with the existing footpath along the frontage of 757 – 759 Pacific Highway.

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Pedestrian and Bicycle Refuge (New) OR KERB Extensions – Ellis Street at its intersection with Pacific Highway

Either of the following measures to be implemented to maximise safety of pedestrians and bicyclists using Pacific Highway, to reduce the speed of motor vehicles entering Ellis Street and reducing the distance for pedestrians and bicyclists to cross Ellis Street:

- One 2.0 metre-wide minimum bicycle/ pedestrian refuge in Ellis Street at the intersection with Pacific Highway.
- All necessary line marking, pavement marking and signposting to support the new traffic and parking arrangements

OR

- KERB Extensions in Ellis Street, both sides of road (north and south side) at the intersection with Pacific Highway
- Provision of separate pedestrian and bicycle kerb ramps in Pacific Highway, east side of road, on the north side of Ellis Street.

Albert Avenue and Crispe Lane Intersection - Traffic Management

- Implement No Right Turn 7 am – 7 pm Monday to Sunday in Albert Avenue, eastbound, into Crispe Lane

(Reason: Public safety and amenity)

41. Management plan for delivery and service vehicles entering and exiting the Development

The maximum length of all delivery and service vehicles is 12.5m.

Prior to issue of the Construction Certificate, the applicant must submit a management plan to ensure all delivery and service vehicles use Albert Avenue and Crisp Lane to approach the subject site. The plan shall include details of the following traffic movement for all delivery and service vehicles:

- (a) Entry into the loading dock area shall be from Albert Avenue, left turn into Crispe Lane and right into the driveway to the loading dock.
- (b) Exit from the loading dock area shall be right into Crisp Lane, right into Ellis Street and left into Pacific Highway
- (c) All vehicle movements generated by the DA are parked and operated within the DA at the B1 basement level
- (d) No delivery or service vehicles are permitted to enter or exit the car parking areas.
- (e) Use of Crispe Lane for parking of MRT and LRT is not permitted.

(Reason: Public safety and amenity)

42. Disabled parking spaces

Prior to the issue of the Construction Certificate, Disabled parking spaces compliant with Australian Standards should be provided within the car park.

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

(Reason: Access for mobility impaired users)

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43. 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)

44. Bicycle and Scooter Storage and End-of-Trip facilities

Electric Bicycle, bicycle and electric scooter storage and end-of-trip facilities are to be provided on the first level of car parking for residents, workers and visitors. The type, design and number of storage facilities for bicycles and scooters is to comply with Council's DCP, or if not provided in the DCP, to be consistent with contemporary best practice provision for mixed use developments similar to this development.

(Reason: Compliance, amenity, sustainability)

PRIOR TO COMMENCEMENT

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

45. Dilapidation Report of Adjoining Properties

Prior to commencement of work, submit a photographic survey and report of the adjoining property at 755-759 Pacific Highway Chatswood to the Certifier and all owners of these adjoining properties. Such photographic survey and report shall be prepared by a suitably qualified person, detailing the physical condition of these properties, both internal and external including items as walls, ceilings, roof, structural members and other items as necessary.

In the event of a property owner refusing to allow access to carry out the photographic survey, the proponent must demonstrate in writing to the Certifier, and provide a copy to Council, that the purpose of the survey was made clear to the property owner and that reasonable attempts to obtain access were made.

(Reason: Protection of adjoining owners)

46. Public Risk Insurance Policy

The Public Risk Insurance Policy held by excavator contractor must not be less than \$10 million and must contain a clause indemnifying Council against any claims in respect of the excavation works. A copy of this policy is to be submitted to Council.

(Reason: Limit liability)

47. 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

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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)

48. 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)

49. 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)

50. 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

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- 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)

51. Permits and Approvals Required

Application is to be made to Council via its website for the following approvals and permits as appropriate: -

- (a) CRANE, HEAVY PLANT AND ROAD OCCUPANCY PERMITS to stand mobile cranes and/or other major plant on public roads.

A permit to stand mobile cranes and/or other major plant on public roads. Applications are to include current fees and security deposits and are to be received at least seven days before the proposed use. It should be noted that the issue of such permits may also involve approval from the NSW Police Force and the Transport NSW (Transport Management Centre).

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.

Permit applications are to be aligned with the approved Construction Safety and Transport Management Plan, where applicable.

A separate written application to work outside normal hours must be submitted for approval.

- (b) ROAD OPENING PERMIT to open public roads, including footpaths, nature strip, vehicular crossing or for any purpose whatsoever.

Permit to open public roads, including footpaths, nature strip, vehicular crossing or for any purpose whatsoever. All applications are to include current fees. It should be noted that the issue of such permits may also involve approval from the NSW Police Force and the Transport NSW (Transport Management Centre).

Permit applications are to be aligned with the approved Construction Safety and Transport Management Plan, where applicable.

A separate written application to work outside normal hours must be submitted for approval.

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- (c) SKIP BIN PERMIT to place skip/waste bin on footpath and/or nature strip. (Maximum three (3) days).
Permit applications are to be aligned with the approved Construction Safety and Transport Management Plan, where applicable.
- (d) FOOTPATH LEASE PERMIT to work and/or place building materials on footpath and/or nature strip. (Maximum two (2) weeks).
Permit applications are to be aligned with the approved Construction Safety and Transport Management Plan, where applicable.

The permit application forms and application criteria and requirements can be found on Council's website.

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)

52. 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)

53. 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, Ellis Street and Crispe Lane. Such street lighting shall also conform to Council's standard specifications.

(Reason: Public amenity)

54. 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)

55. Removal of Trees in Public Areas

Prior to the commencement of work,

- (a) Written notification is to be provided to Council giving a minimum of 7 days warning prior to undertaking the removal of any trees approved for removal in public areas
- (b) Removal of approved trees is to be undertaken by a qualified Arborist (Minimum qualification AQF Level 3) with suitable public liability insurance.

(Reason: Management of Public Land)

56. Dewatering of Development 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)

57. 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:

- The floor is to be constructed of concrete at least 75mm thick and adequately graded to drain to a Sydney Water approved drainage fitting;
- The floor must be finished so that it is non-slip and has a smooth and even surface covered at all intersections;

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- (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)

58. 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)

59. 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)

DURING DEMOLITION, EXCAVATION AND CONSTRUCTION

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

60. 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)

61. 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)

62. 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)

63. Suitable Barricades

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

(Reason: Public safety)

64. Demolition Work AS 2601-2001

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

(Reason: Safety)

65. Silencing Devices

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

(Reason: Maintain amenity to adjoining properties)

66. Asbestos Removal and Disposal

Works involving the removal of asbestos must comply with Council's 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)

67. 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.

(Reason: Ensure compliance)

68. 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)

69. 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)

70. 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)

71. 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)

72. 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)

73. Tree Protection

- (a) Retain and protect the following trees and vegetation throughout the demolition and construction period: All trees not indicated for removal on the approved plans unless exempt under relevant planning instruments or legislation.
- (b) The above trees must be clearly marked and protection devices in place to prevent soil compaction and machinery damage.
- (c) Tree roots greater than 25mm diameter are not to be removed unless approved by a qualified Arborist on site.
- (d) All structures are to bridge roots unless directed by a qualified Arborist on site.
- (e) Tree protection measures must comply with the AS 4970-2009 Protection of trees on development sites with particular reference to Section 4 Tree Protection Measures

(Reason: Tree management)

74. Tree Removal

Approval is given for the removal of the following trees:

Tree Species	Location
(a) 2 x Taxodium distichum	Located in the Ellis St road reserve as identified in the Arborist's Report

(Reason: Site development)

75. Storage of Materials on Council Land Prohibited

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

(Reason: Safety, environmental protection)

76. 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)

77. 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)

78. 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)

79. 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)

80. 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)

81. Minimising 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)

82. Testing to Verify Water Quality Prior to Pump-out

(a) On the occasion that any rainfall or other situation necessitates dewatering or pumping-out of accumulated water on the site, ongoing water quality sampling, analysis and collation of results shall be conducted prior to each discharge to Council's stormwater system (or other receiving watercourse). Should test results exceed the water quality criteria, dewatering is not permitted and adjustments to the pollution control methodology will need to be made by the suitably qualified environmental consultant. Any changes to the methodology require the written notification of Council.

(b) A copy of the up-to-date Council-approved Construction Site Dewatering Plan (or other document detailing the water pollution control method), the written approval from Council for the method, and the ongoing water quality test results shall be kept on the site at all times, for the duration of the site works that will require dewatering activity, and produced to an authorised officer of the Council when requested.

(Reason: Environmental protection, compliance)

83. Loading and Unloading During Construction

The following requirements apply:

- (a) All loading and unloading associated with construction must be accommodated on site.
- (b) The structural design of the building must permit the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.
- (c) If, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- (d) In addition to any approved Works Zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
- (e) If a Works Zone is warranted an application must be made to Council prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need of the site for such facility at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (f) Application for a Works Zone must be submitted to Council a minimum 8

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weeks prior to being required. Works application form is available on the City's Website.

(Reason: Public safety and amenity)

84. Permits and Approvals Required

Application is to be made to Council via its website for the following approvals and permits as appropriate: -

- (a) CRANE, HEAVY PLANT AND ROAD OCCUPANCY PERMITS to stand mobile cranes and/or other major plant on public roads.

A permit to stand mobile cranes and/or other major plant on public roads. Applications are to include current fees and security deposits and are to be received at least seven days before the proposed use. It should be noted that the issue of such permits may also involve approval from the NSW Police Force and the Transport NSW (Transport Management Centre).

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.

Permit applications are to be aligned with the approved Construction Safety and Transport Management Plan, where applicable.

A separate written application to work outside normal hours must be submitted for approval.

- (b) ROAD OPENING PERMIT to open public roads, including footpaths, nature strip, vehicular crossing or for any purpose whatsoever.

Permit to open public roads, including footpaths, nature strip, vehicular crossing or for any purpose whatsoever. All applications are to include current fees. It should be noted that the issue of such permits may also involve approval from the NSW Police Force and the Transport NSW (Transport Management Centre).

Permit applications are to be aligned with the approved Construction Safety and Transport Management Plan, where applicable.

A separate written application to work outside normal hours must be submitted for approval.

- (c) SKIP BIN PERMIT to place skip/waste bin on footpath and/or nature strip. (Maximum three (3) days).

Permit applications are to be aligned with the approved Construction Safety and Transport Management Plan, where applicable.

- (d) FOOTPATH LEASE PERMIT to work and/or place building materials on footpath and/or nature strip. (Maximum two (2) weeks).

Permit applications are to be aligned with the approved Construction Safety and Transport Management Plan, where applicable.

The permit application forms and application criteria and requirements can be found on Council's website.

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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)

85. Design Standards for Safety and Transport Management Works

The following design, road safety assessment and environmental assessment standards will be applied to safety and transport management works:

- a) All works shall be designed to the satisfaction of Willoughby City Council and in accordance with and meet the appropriate Australian Standards, Austroads guidelines, Transport for NSW (TfNSW) Technical Directions and Council policies and practices.
- b) All road safety audits shall be undertaken to the satisfaction of Willoughby City Council and in accordance with and meet the appropriate Australian Standards, Austroads guidelines, TfNSW Technical Directions and Council policies and practices.
- c) All environmental investigations, assessments and audits for works shall be undertaken to the satisfaction of Willoughby City Council and in accordance with and meet the appropriate Australian Standards, Austroads guidelines, TfNSW Technical Directions and Council policies

All design, road safety assessment and environmental assessment will be provided at no cost to Willoughby City Council.

(Reason: Public safety and amenity)

PRIOR TO OCCUPATION OF THE DEVELOPMENT

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

86. 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)

87. 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)

88. State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development

Prior to the issue of any Occupation Certificate, a certifying authority must not issue an Occupation Certificate to authorise a person to commence occupation or use of residential apartment development unless the certifying authority has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the residential apartment development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles set out in Schedule 1 of State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development.

(Reason: Compliance)

89. Planning Agreement

Prior to the issue of any Occupation Certificate or prior to the registration of any Strata plan for the Land (whichever is earlier), the obligations under the Planning Agreement executed on 20 January 2022 relating to this development are to be satisfied at the timing required under Schedule 2 of the Planning Agreement.

(Reason: Ensure compliance)

90. 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)

91. BASIX Certificate

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

(Reason: Environmental sustainability)

92. 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)

93. 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

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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)

94. Marked Parking Bays

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

(Reason: Ensure compliance)

95. Registration of Plan of Consolidation

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

(Reason: Ensure compliance)

96. Safer by Design

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

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

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

- (b) The ceiling and vertical structures of the basement parking area shall be painted white (or equivalent) in order to ensure good visibility, surveillance and less reliance on artificial lighting lux levels.
- (c) The design, installation and maintenance of landscaping (and associated works) within pedestrian routes around the site (and adjacent to mailboxes) shall not impede visibility and clear sight lines along the pedestrian footway from one end to the other.
- (d) The means to isolate the residential and commercial components of the building shall be incorporated into the development, including the security keying of lifts and doors and other measures for access control.
- (e) Walls/screens between balconies shall be designed to avoid foot holes or natural ladders so as to prevent access between balconies/terraces within the

development.

- (f) Adequate signage within the development to identify facilities, entry/exit points and direct movement within the development.
- (g) A small portion of each storage area shall be of solid construction (i.e. Cupboard.

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

97. Visitor Parking Spaces

Prior to the issue of a Whole Occupation Certificate, the 7 visitor car parking spaces shall be physically identified on site, and maintained free of obstruction for the exclusive use of visitors to the premises at all times.

(Reason: Amenity)

98. Services - Mailboxes

Prior to the issue of any Occupation Certificate, all mail boxes provided on site shall comply with the requirements of 'Australia Post' in terms of size, location, numbering and clearing. Details of the requirements can be obtained from Australia Post or from their web site. Letter boxes for adaptable dwellings shall comply with AS 4299 Cl 3.8.

(Reason: Legal)

99. 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)

100. Affordable Housing Dwellings

The affordable housing units 2.03 and 2.04 shown on Level Drawing AR-DA-1008 Rev 16, plot dated 19.10.2022 prepared by SJB Architects, and providing a total gross floor area of a minimum of 238m², are to be dedicated to Willoughby City Council 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 for the purpose of affordable housing in accordance with Clause 6.8 of Willoughby Local Environmental Plan 2012. Each affordable dwelling must have an appurtenant car space.

(Reason: Ensure compliance)

101. 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)

102. 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)

103. 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 kerb and gutter via an approved OSD system with a minimum volume of 51m³ (or as required to limit peak flow from the site to 20L/s in the 1%AEP storm event) and a water quality improvement system in accordance with Sydney Water's requirements AS/NZS3500.3, Council's DCP and Technical Standards. The construction of the stormwater drainage system of the proposed development shall be in accordance with the approved detailed stormwater drawings required under this development consent and Council's specification (AUS-SPEC) and shall include the required stormwater quality improvement devices.

(Reason: Prevent nuisance flooding)

104. 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)

105. 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)

106. 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)

107. Certification of the Basement Pump out 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 pump out 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)

108. 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)

109. 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

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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. 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)

110. 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.

The Certification and Work-as-Executed plans are to be submitted to Council prior to execution by Council of the Positive Covenant and Restriction on the Use of the Land.

(Reason: Public record)

111. 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 Ellis Street and Cripse Lane. Pram ramps shall be provided at:

- The western end of Ellis St, adjacent to the Pacific Highway.
- The southern end of Crispe Lane, adjacent to Ellis Street, generally in line with the existing pram ramp on the opposite (east) side of Crispe Lane.

The final location and width of the pram ramps are to comply with Council's current requirements and the width of the adjacent path.

(Reason: Public amenity)

112. Reconstruct Pavement

Prior to the issue of any Occupation Certificate, reconstruct 3.5m wide road pavement for the full frontage of the development site in Crispe Lane. The works shall be in accordance with Council's approved drawings, conditions and

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specification (AUS-SPEC). Council's standard design traffic for this pavement is 3x10⁵ ESA.

(Reason: Ensure compliance)

113. Mill and Re-sheet Pavement

Prior to the issue of any Occupation Certificate, mill and resheet 3.5m width of pavement for the full frontage of the development site in Ellis Street. Asphalt shall be a minimum of 50mm thick. The works shall be in accordance with Council's approved drawings, conditions and specification (AUS-SPEC).

(Reason: Ensure compliance)

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

(Reason: Public amenity)

115. 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)

116. Street Lighting

Prior to the issue of any Occupation Certificate, provide approved amendments / upgrades to street lighting as required for the development in accordance with Australian Standard AS/NZ 1158.

Reason: Public amenity)

117. 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 6.0 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:

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- (a) At back of layback – 100 mm above and parallel to the gutter invert.
- (b) At property boundary – 110 mm above and parallel to the gutter invert.
- (c) At 6m inside the property boundary – Max 1:20 grade from level at property boundary.

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)

118. 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)

119. Inspection of Civil Works on Road Reserves

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

Pursuant to Section 138 of the Roads Act 1993, all works carried out on the road reserve shall be inspected and approved by Council's Engineer. Upon completion, Work-as-Executed drawings prepared by a registered surveyor shall be submitted to Council for record purposes. A completion certificate shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Certifier prior to the issue of any Occupation Certificate. Concurrence form TfNSW is required for any works on the kerb and gutter or pavement on the Pacific Highway.
(Reason: Ensure compliance)

120. Performance Bond

Prior to the issue of any Occupation Certificate, the Applicant shall lodge with the Council a performance bond of \$40,000 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

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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)

121. 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)

122. 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)

123. 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) Aisle widths throughout basements comply with AS/NZS 2890.1, including an additional 300mm width in aisles adjacent to walls or other structures.
- (e) That the constructed 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.
- (f) 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.
- (g) 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, with the headroom measured between the floor and any overhead obstruction, including services.

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- (h) That the headroom clearance of 3.5m required in AS 2890.2 for an SRV is provided for the loading area and the path to and from the loading area, including any manoeuvring area, with the headroom measured between the floor and any overhead obstruction, including services.
- (i) 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.
- (j) 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.
- (k) Simultaneous manoeuvrability of an SRV and a passenger vehicle, including clearances in accordance with AS/NZS 2890.1 and AS 2890.2, between the site entry and the loading bay is achieved.
- (l) Site distance triangles are provided in accordance with the requirements of Clause 3.2.4 of AS/NZS 2890.1.
- (m) For single lane ramps, a traffic control system is provided, with priority given to incoming vehicles.

(Reason: Ensure compliance)

124. 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)

125. 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)

126. Vehicle Management Plan

Prior to the issue of an Occupation Certificate for the basement parking area, submit a Vehicle Management Plan for the site to the Certifying Authority. The plan is to detail the maximum size vehicle that can be accommodated on the site (which must be a minimum of a SRV as per AS 2890.2), provide examples of vehicle types that comply with this size vehicle and detail where loading and unloading is to occur. The plan is also to detail management of single lane ramps, ensuring that incoming vehicles have priority, to prevent congestion in the loading area. Manufacturers details and maintenance requirements are to be provided for any proprietary system, such as signals.

(Reason: Vehicle management)

127. Public Tree Maintenance

Prior to the issue of any relevant Occupation Certificate, the Project Arborist is to certify in writing that:

All new and replacement public trees are of the required species, container size, planting locations, planting standards, and have been grown and supplied from a recognised nursery complying to NATSPEC 2 Guide, "Specifying Trees", 2003.

(Reason: Tree management, public asset management)

128. Completion of Landscape Works

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

b) All trees indicated on the approved landscape plans (as amended by Conditions of Consent) are to be of the required species, container size, planting locations, planting standards, and have been grown and supplied from a recognised nursery complying to NATSPEC 2 Guide, "Specifying Trees", 2003. This is to be certified in writing by the Project Arborist.

(Reason: Landscape amenity)

129. Acoustic Works – Report

Prior to the issue of any relevant Occupation Certificate, certification shall be provided upon completion of the works, accompanied with written evidence from a suitably qualified and practising acoustic engineer, to the effect that the construction of the development and any acoustic treatment has been carried out in accordance with the acoustic report written by Pulse White Noise Acoustics Pty Ltd, Ref. 210333, dated 12 October 2021, and the mechanical plant equipment acoustic report referred to earlier in this consent.

(Reason: Amenity, environmental compliance and health)

130. 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)

131. Domestic 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 Domestic 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 servants/contractors against claims for loss or damage or wear and tear of access roads or to 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)

132. Private Waste Collection Service

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)

133. 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)

134. 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 to all access points to any underground tank, shall be located in common areas.

(Reason: Ensure compliance)

135. 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. The instrument shall include the Positive Covenant and Restriction of Use of Land required for the OSD system.

(Reason: Ensure compliance)

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.

136. Public Art

For the purposes of contributing to the social, cultural and economic vitality of the Willoughby LGA, the site shall contribute to public art in accordance with Council's Public Art Policy.

(Reason: Urban design, place making)

137. 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)

138. On-site Car Parking

The on-site car parking provision of 70 car parking spaces and 3 motorbike spaces are to be permanently available for the life of the development.

The car parking spaces shall be distributed as follows:

50 residential car spaces (of which 25 are adaptable car spaces)

7 residential visitor car spaces

10 commercial car spaces

3 retail car spaces

Plus 1 loading / delivery bay accessible from Crispe Lane as shown on the approved drawings

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

The basement levels comprising of retail, loading bay, visitors and residential car spaces must be accessible to residents, visitors and retail/business staff and clients at all times.

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

(Reason: Ensure Compliance)

139. Stormwater Kerb Outlet

New stormwater connection outlets at the street kerb shall be made using 125mm wide x 75mm high x 4mm thick hot dip galvanised Rectangular Hollow Section (RHS). Where there are multiple outlets required, a minimum distance of 100mm shall separate these outlets. A grated drainage pit (min. 600mm x 600mm) shall be provided within and adjacent to the property boundary prior to discharging to the Council's drainage system.

(Reason: Protection of public asset)

140. 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)

141. Vehicle Access

Servicing of the site by vehicles is to occur in the basement parking area, with the maximum size vehicle to service the site is to be as per the Vehicle Management Plan prepared for the site, with the vehicle to be at least an SRV as per AS 2890.2. Waste collected by Council vehicles may be collected from ground level in Crispe Lane.

(Reason: Management of vehicles)

142. Trees on Adjoining Properties

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

(Reason: Environmental protection)

143. Noise Control – Offensive Noise and Vibration

To minimise the noise and vibration impact on the surrounding environment, the use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to an “offensive noise” as defined under the provisions of the Protection of the Environment Operations Act 1997.

(Reason: Amenity)

144. 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)

145. 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)

146. 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)

147. 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)

148. Licensed Waste Collection

All businesses must have written evidence on site of a valid and current contract with a licenced waste collector for waste and recycling collection disposal.

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

149. 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)

150. 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)

151. 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)

152. 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

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disposal and collection of waste if the chute cannot be operated.

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

PRESCRIBED CONDITIONS

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

153. 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)

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

154. 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)

155. 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)

156. Occupation Certificate

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)

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