

SNPP REF:	PPSSNH-378
COUNCIL	WILLOUGHBY CITY COUNCIL
DA NO:	DA-2023/64
ADDRESS:	3 ABBOTT ROAD, ARTARMON NSW 2064
PROPOSAL:	DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF A 3-STOREY RESIDENTIAL FLAT BUILDING CONTAINING 12 AFFORDABLE UNITS (9 X 2 BED, 3 X 3 BED), BASEMENT CARPARKING
RECOMMENDATION:	DEFERRED COMMENCEMENT APPROVAL
ATTACHMENTS:	1. SITE DESCRIPTION AND AERIAL PHOTO 2. DEVELOPMENT CONTROLS, STATISTICS, DEVELOPER CONTRIBUTION & REFERRALS 3. SEPP HOUSING 2021 4. SEPP 65 ASSESSMENT AND APARTMENT DESIGN GUIDE 5. ASSESSMENT UNDER FURTHER SEPPS, WLEP 2012 & WDCP 6. SUBMISSIONS TABLE 7. SECTION 4.15 (79C) & 4.55 ASSESSMENT 8. SCHEDULE OF CONDITIONS 9. NOTIFICATION MAP
RESPONSIBLE OFFICER:	RITU SHANKAR - TEAM LEADER
AUTHOR:	PETER WELLS - CONSULTANT PLANNER
REPORT DATE:	13 SEPTEMBER 2023
MEETING DATE:	27 SEPTEMBER 2023

1. PURPOSE OF REPORT

The purpose of this report is to seek determination by Sydney North Planning Panel (SNPP) of Development Application DA-2023/64 for demolition of existing building and construction of a 3-storey residential flat building containing 12 affordable units (9 x 2 bed, 3 x 3 bed), basement carparking.

The application is required to be referred to the SNPP for determination because it is Council related development over \$5 million (Council is the owner of the subject land).

2. OFFICER'S RECOMMENDATION

THAT the Sydney North Planning Panel:

- 2.1 APPROVE DEVELOPMENT APPLICATION DA-2023/64 FOR DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF A 3-STOREY RESIDENTIAL FLAT BUILDING CONTAINING 12 AFFORDABLE UNITS (9 X 2 BED, 3 X 3 BED),**

BASEMENT CARPARKING at 3 ABBOTT ROAD, ARTARMON NSW 2064, subject to conditions contained in Attachment 8, for the following reasons:

- (a) The proposal is a social benefit to the community in that it increases affording housing stock in the Willoughby Local Government Area,
- (b) To proposal is acceptable with regards to height, bulk and scale,
- (c) The proposal is compatible with the surrounding natural and built environment,
- (d) The proposal is consistent with the objectives of the R3 Medium Density zone as it will provide for the housing needs of the community within a medium density residential environment, and provide development that is compatible with the scale and character of the surrounding residential development.
- (e) The proposed development is considered to satisfy the general aims and objectives of the Local Environmental Plan as well as the desired future character of the locality.
- (f) The proposal will not have unreasonable impacts on local traffic, streetscape or on the residential amenity of neighbouring properties.
- (g) The proposed development achieves the objectives of the development standards contained in the *Willoughby Local Environmental Plan 2012* (WLEP 2012), the (then) Draft WLEP 2012 and the objectives of the *Willoughby Development Control Plan 2012* (WDCP 2012) and *Willoughby Development Control Plan 2023* (WDCP 2023).

3. BACKGROUND

On 27 March 2023 the DA was lodged with Council.

On 5 May 2023 an RFI was sent to the applicant, raising certain matters in need of attention including building height, SEPP (Housing) 2021 , Deep soil zone , Solar access to proposed units, Communal open space, Visual Privacy, Storage, Site coverage, Overshadowing, Adaptable Housing, Engineering, Geotechnical Report, Waste Management.

On 29 May 2023 and 15 August 2023 amended plans were lodged. The amended plans were accompanied with planning information that supported the scheme in general.

A description of the site and surrounding area, including an aerial photograph is contained in **Attachment 1**.

4. DESCRIPTION OF PROPOSAL

The development applications seeks the following:

- Demolition of the existing building on the subject site.
- Construction of a three storey in-fill affordable residential flat building containing 12 units (9 x 2 bedroom units and 3 x 3 bedroom units) with basement car parking for 8 cars (3 accessible spaces).
- Landscaping and associated works.

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

A SEPP Housing 2021 assessment is provided in **Attachment 3**.

A SEPP 65 and ADG assessment is provided in **Attachment 4**.

An LEP/DCP assessment is provided in **Attachment 5**.

A public submissions table and the assessing officer's response is contained in **Attachment 6**.

A s4.15 assessment of the proposal is provided in **Attachment 7**.

A schedule of draft conditions are provided in **Attachment 8**.

A notification map is provided in **Attachment 9**.

5. CONCLUSION

The Development Application DA-2023/64 has been assessed in accordance with Section 4.15 (79C) of the *Environmental Planning and Assessment Act 1979*, SEPP Housing 2021, WLEP 2012, *(the then Draft) WLEP 2012*, WDCP 2012 and WDCP 2023, and other relevant codes and policies. It is considered that the proposal is acceptable in the particular location, subject to the modified consent conditions included in **Attachment 8**.

ATTACHMENT 1: SITE DESCRIPTION AND SURROUNDS

The subject site contains 2 parts:

- 3 Abbott Road, Artarmon (Lot 375 in DP 752067) [site area = 1458.2m²], and
- A 1.2m wide strip of land identified in DP976533 as “pathway”. [site area = 80.25m²]
This strip of land is not currently being (and understood never to have been) used as a pathway.

The site is located on the eastern side of Abbott Road, opposite Artarmon Public School, and opposite Mathews Lane. The eastern boundary of the site has frontage to Hampden Lane.

The site area and dimensions of the site containing both parts described above are:

Total site area 1538.9m².

Site dimensions 20.115m (Abbott Road) with a side length of 72.505m.

The site has a fall of approximately 5.3m with an average approximately gradient of 7.4%.

Surrounding development comprises 3-storey residential flat buildings.



Image 1: An aerial image of the site.

Adjoining strip of land

The subject strip of land is laid out in DP976533 as “pathway”. DP976533 was registered in on 9 October 1973.

At the time of registration, dedication of roads was governed by s.237 of the Local Government Act 1919 (the “Act”) which provided that a road could be opened by “any person” provided that the consent of the Council had been obtained.

The definition of ‘pathway’ in the Act is:

“Pathway means a public road provided for the use only of foot passengers and of such classes of vehicles as may be defined by ordinance”

The DP includes the following statement: *“It is intended to dedicate the pathway 1.12 wide to the public”*.

The Council has consented to the plan by way of affixing the Council’s clerk’s signature.

The subject strip of land is considered to be public road. A road closure is required in order for the land to be used for another purpose, if it is determined by Council that the land is no longer reasonably required for road.

It is Council’s advice that, in respect of Councils intention to proceed with a road closure process, s.38A of the Roads Act 1993 provides that Council may propose the closure of a council public road where;

- a. the road is not reasonably required as a road for public use (whether present of future needs) and
- b. the road is not required to provide continuity for an existing road network and
- c. if the road provides a means of vehicular access to a particular land, another public road provides lawful and reasonably practicable vehicular access to that land.

On 28 August 2023 Council at its general meeting considered a report which sought to obtain Council’s endorsement to close the subject “unconstructed and unused road identified as ‘pathway 1.12m wide’ located between 3 Abbott Road and 2-4 Jersey Road, Artarmon”.

At this meeting, it was resolved that Council:

1. Approve the road closure process for the unformed pathway 1.12m x 71.65m located between 3 Abbott Road and 2-4 Jersey Road, Artarmon.
2. Grant the Chief Executive Officer delegation to execute all necessary documents associated with the Road Acquisition and Road Closure Plans and any documentation in association with the matter to be executed under the Seal of Council.
3. Note the classification status of the remnant portion of land known as ‘unformed pathway 1.12m x 71.65m located between 3 Abbott Road and 2-4 Jersey Road, Artarmon’ as Operational Land vested in Council to be dedicated for the development of affordable housing.

In terms of navigating the approval pathway in light of the road closure, Council has received advice that the subject development application may be approved subject to a deferred commencement condition that the strip of land be closed of road, on the proviso that the deferred commencement condition is clear, unambiguous, and capable of achievement.

Abbott Road and 2-4 Jersey Road, and a fence running through it.



Image 5: The subject “pathway” where it joins Hampden Lane, looking from south to north. The fence prevents pedestrian access to Hampden Lane.



Image 6: The subject “pathway” where it joins Hampden Lane, looking from north to south. The fence prevents pedestrian access to Hampden Lane.

ATTACHMENT 2: DEVELOPMENT CONTROLS, STATISTICS, DEVELOPER CONTRIBUTION AND REFERRALS

WLEP 2012 Zoning:	R3 – Medium Density Residential
Site Area (including the adjoining parcel)	1538.9m ²
Permissibility	Residential flat buildings are permitted in the zone.
Additional Permitted Use	N/A
Conservation area	NO
Aboriginal Heritage	NO
Heritage Item	NO
Vicinity of Heritage Item	NO
Natural Heritage Register	NO
Bushfire Prone Area	YES
Flood related planning control	YES
Foreshore Building Line	NO
Adjacent to classified road	NO
Road/lane widening	NO
BASIX SEPP	YES
Infrastructure SEPP - Rail	NO
Infrastructure SEPP - Road	NO
Development near Lane Cove Tunnel	NO
Contaminated Land	NO
Adjacent / above Metro	NO
Land Issues - Exponare	NO
Other relevant SEPPS	State Environmental Planning Policy (Housing) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021
Relevant DCPs policies and resolutions	WDCP 2012 and WDCP 2023

Developer's Contribution Plans

Pursuant to section 2.6 of the Willoughby Local Infrastructure Contributions Plan, public infrastructure carried out by Council for affordable housing does not attract a contribution.

Referrals

Internal referrals

Engineering	<p>Council's engineers have reviewed the above application with regards elements relevant to development engineering.</p> <p>The site requires OSD and stormwater quality improvement measures, and these have been provided in accordance with the requirements of Part C.5 and Technical Standard 1. Stormwater from the site drains to the existing Council pipe in Hampden Lane. A new kerb inlet pit is required at the connection point.</p> <p>Parking and access on the site generally complies with the requirements of AS/NZS 2890.1 and AS2890.6. The exception is 2 parking spaces that are shown to comply with the adaptable housing standard and not AS 2890.6. Council requires that all parking spaces for adaptable units that are required under the DCP to meet adaptable parking standards need to meet the requirements of AS 2890.6 and not the adaptable housing standard. It is not clear if these 2 spaces are required to meet the requirements of the DCP. If they are, then they need to meet the requirements of AS 2890.6, and we have conditioned as such. We recommend that you confirm the number of parking spaces required to be adaptable, to confirm if changes are required to the 2 wider spaces currently shown.</p> <p>To ensure co-ordination with architectural plans, we have included a condition to ensure that the required splay is provided at the driveway / vehicle crossing.</p> <p>As the development will result in additional traffic movements in the laneway, including during construction, we have required that the laneway pavement be reconstructed. We have also required reconstruction of the kerb and gutter on both frontages and the footpath on Abbott Road, as these will be damaged during the works or include existing vehicle crossings that need to be removed and replaced with kerb and gutter.</p> <p>This application is acceptable, subject to conditions.</p>
Traffic	<p>Traffic team has reviewed the plans and Statement of Environmental Effects and report and raised no objections/concerns to the proposed DA, except one minor safety concern.</p>
Building Services	<p>The proposal is not within a bushfire prone area <No objections></p>
Landscaping	<p>The Arborist's Report dated 9 December 2022 and Landscape plans both prepared by Creative Planning Solutions are noted.</p> <p>The Arborist's Report indicates that 16 trees of Low-Moderate significance are to be removed to accommodate the proposed works. All other trees on and adjacent to the site are to be</p>

	<p>retained.</p> <p>The Landscape Plans indicate replating of 48 individual trees in addition to other small trees, shrubs and ground covers across the site. Canopy trees are indicated on the Abbott Road and Hampden Lane frontages, which is supported. The proposed replanting addresses the requirements of WDCP C.9 Vegetation Management regarding replacement tree planting.</p> <p>Works will need to be supervised by a Project Arborist to protect trees to be retained, which has been included in recommended conditions.</p> <p>No objections are raised with regard to landscape issues subject to conditions as recommended.</p> <p><u>Regarding submissions</u></p> <p>Two submissions are noted to have raised the issue of tree removal and replacement.</p> <p>No trees rated High retention value are proposed for removal. All proposed trees to be removed are Low-Medium Landscape significance and retention value.</p> <p>Three specific trees (Trees 23, 25 and 26) have been raised in submissions.</p> <p>Tree 23, <i>Brachychiton acerifolius</i> has been assessed as being of Fair health, Average structure/condition, Low landscape significance and Low retention value.</p> <p>Removal of the tree is proposed as excavation for the driveway and basement represents a Major incursion in to the Tree Protection Zone and Structural Root Zone resulting in the tree being unable to be retained.</p> <p>However, given the benefits of the tree described in the submission, it is considered that an advanced replacement <i>Brachychiton</i> could be conditioned to be planted in the same location to replace the <i>Brachychiton</i> to be removed. Recommended condition is as follows:</p> <p><i>Amended Landscape Plans</i></p> <ul style="list-style-type: none"> a) <i>Landscape Plans are to be amended to provide one additional tree, Brachychiton acerifolius of minimum pot size 100 litre in the location of Tree 23, Brachychiton acerifolius (to be removed), at the south eastern end of the site.</i> b) <i>Amended plans are to be provided to the Certifying Authority for approval prior to issue of a Construction Certificate.</i> <p><i>Reason: To maintain local environmental amenity</i></p>
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	<p>Trees 25 and 26 are both <i>Jacaranda mimosifolia</i>.</p> <p>Tree 25 is described as being of Average health, Fair structure/condition, Low landscape significance and Low retention value.</p> <p>Tree 26 is described as being of Average health, Average structure/condition, Medium landscape significance and Medium retention value.</p> <p>Both trees are immediately adjacent to the basement excavation, resulting in them being unable to be retained.</p> <p>The Landscape Plans indicate replanting of 48 individual trees to replace the 16 trees proposed for removal in addition to other small trees, shrubs and ground covers across the site. Screen planting is provided to the side boundaries to provide for softening of the interface between buildings and trees are also incorporated in these areas to assist upper floor separation.</p> <p>In consideration of the above, the proposed tree removal is not objected to and replacement planting is considered to address the requirements of the planning controls and canopy cover over time.</p>
Urban Design	<p>External urban design consultants Smith & Tzannes made suggestions regarding the roof design. These suggestions were undertaken by the applicant. The changes are evident on the northern elevation and are aimed at reducing visual bulk by creating a horizontal line in the façade, which also serves to add visual interest.</p>

External referrals

Ausgrid	<p>Ausgrid has no objection to this development application, however the design submission must comply with relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice for construction works near existing electrical assets.</p> <p>The “as constructed” minimum clearances to Ausgrid’s infrastructure must not be encroached by the building development. It also remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite.</p> <p>Ausgrid’s Network Standards can be sourced from Ausgrid’s website, www.ausgrid.com.au</p>
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ATTACHMENT 3: SEPP (HOUSING) 2021

The development application for in-fill affordable housing is pursuant to Chapter 2, Part 2 – Division 1, Clause 16 of the Housing SEPP. This Division applies to the proposal as *residential flat buildings* are permissible with development consent on the subject site under the Willoughby LEP 2012, and greater than 20% of the gross floor area of the development is to be used for the purposes of affordable housing. Finally, the subject site is within an accessible area being within 270m walking distance of Artarmon Railway Station.

Section 1.4 of the Environmental Planning & Assessment Act 1979 defines *affordable housing* as:

affordable housing means housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.

Clause 13 of the Housing SEPP defines *very low income*, *low income*, and *moderate income households* as follows:

- (1) *In this Policy, a household is taken to be a very low income household, low income household or moderate income household if—*
- (a) *the household—*
 - (i) *has a gross income within the following ranges of percentages of the median household income for Greater Sydney or the Rest of NSW—*
 - (A) *very low income household—less than 50%,*
 - (B) *low income household—50–less than 80%,*
 - (C) *moderate income household—80–120%, and*
 - (ii) *pays no more than 30% of the gross income in rent, or*
 - (b) *the household—*
 - (i) *is eligible to occupy rental accommodation under the National Rental Affordability Scheme, and*
 - (ii) *pays no more rent than the rent that would be charged if the household were to occupy rental accommodation under the Scheme.*

The proposed development is being carried out by Willoughby City Council, which satisfies the definition of a *social housing provider* pursuant to the Housing SEPP.

The definition of a *social housing provider* includes ‘a local government authority that provides affordable housing’. As such the non-discretionary development standards of the SEPP which apply to social housing providers have been applied to the development.

The relevant matters contained within Part 2, Division 1 of the SEPP are addressed in the table below:

SEPP (Housing) 2021 – Chapter 2 Affordable Housing <i>Part 2, Chapter 2: Division 1 – In-fill affordable housing</i>	
Clause 16 Development to which division applies	Assessment/Comment
<p>(1) <i>This Division applies to residential development if—</i></p> <p>(a) <i>the development is permitted with consent under another environmental planning instrument, and</i></p> <p>(b) <i>at least 20% of the gross floor area of the building resulting from the development will be used for the purposes of affordable housing, and</i></p> <p>(c) <i>for development on land in the Greater Sydney region, Newcastle region or Wollongong region—all or part of the development is within an accessible area, and</i></p> <p>(d) <i>for development on other land—all or part of the development is within 400m walking distance of land within 1 or more of the following zones or an equivalent land use zone—</i></p> <p>(i) <i>Zone B1 Neighbourhood Centre,</i></p> <p>(ii) <i>Zone B2 Local Centre,</i></p> <p>(iii) <i>Zone B4 Mixed Use.</i></p> <p>(2) <i>In this Division, residential development carried out by, or on land owned by, a relevant authority is taken to be used for the purposes of affordable housing.</i></p>	<p><i>Residential flat building development is permissible in the R3 Medium Density Residential zone and as such this division applies to the development.</i></p> <p>The proposal is for 12 x affordable units and as such 100% of GFA will be for the purposes of affordable housing.</p> <p>The site is within an accessible area being within 270m walking distance of Artarmon Railway Station.</p> <p>N/A</p> <p>The development is to be carried out by Willoughby City Council but is not identified as a relevant authority pursuant to Clause 13A of the SEPP. Notwithstanding, the proposal is for affordable housing.</p>
Clause 17 Floor space ratio	
<p>(1) <i>The maximum floor space ratio for development to which this Division applies is the maximum permissible floor space ratio for residential accommodation on the land plus an additional floor space ratio of—</i></p> <p>(a) <i>if the maximum permissible floor space ratio is 2.5:1 or less—</i></p>	<p>Maximum FSR 1.4:1 Proposed 0.89:1</p> <p>The site is subject to a maximum FSR of 0.9:1 pursuant to Clause 4.4 of Willoughby LEP 2012.</p>

<p>(i) if at least 50% of the gross floor area of the building resulting from the development will be used for affordable housing—0.5:1, or</p> <p>(ii) if less than 50% of the gross floor area of the building will be used for affordable housing—Y:1, where—</p> <p>AH is the percentage of the gross floor area of the building that is used for affordable housing.</p> <p>$Y = AH \div 100$</p> <p>or</p> <p>(b) if the maximum permissible floor space ratio is more than 2.5:1—</p> <p>(i) if at least 50% of the gross floor area of the building will be used for affordable housing—20% of the maximum permissible floor space ratio, or</p> <p>(ii) if less than 50% of the gross floor area of the building will be used for affordable housing—Z% of the maximum permissible floor space ratio, where—</p> <p>AH is the percentage of the gross floor area of the building that is used for affordable housing.</p> <p>$Z = AH \div 2.5$</p> <p>(2) The additional floor space ratio must be used for the purposes of affordable housing.</p>	<p>An additional FSR bonus of 0.5:1 is provided on the basis that at least 50% of the gross floor area of the building resulting from the development will be used for affordable housing. The total permissible FSR for the development is therefore $0.9 + 0.5 = 1.4:1$. The proposed FSR is 0.89:1 and the proposal therefore complies.</p> <p>This FSR figure includes the adjoining strip of land that will be incorporated into the development site.</p> <p>N/A</p> <p>N/A – the proposal does not utilize the additional floor space provided by the SEPP.</p>
<p>Clause 18 Non-discretionary development standards-the Act s4.15</p>	
<p>(1) The object of this section is to identify development standards for particular matters relating to development for the purposes of in-fill affordable housing that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.</p> <p>(2) The following are non-discretionary development standards in relation to the carrying out of development to which this Division applies—</p>	
<p>(a) a minimum site area of 450m²,</p>	<p>The site has an area of 1,538.9m² and complies.</p>
<p>(b) for a development application made by a social housing provider—at least 35m² of landscaped area per dwelling,</p>	<p>The proposal delivers 35m² of landscaped area per dwelling – 12 x dwellings require 420m² of landscaped area to be provided.</p>

	<p>The proposal provides a landscaped area of 639.4m² and complies.</p> <p>Note: SEPP (Housing) 2021 defines landscaped area as below, noting that it does not stipulate a minimum landscaped width:</p> <p>landscaped area means the part of the site area not occupied by a building and includes a part used or intended to be used for a rainwater tank, swimming pool or open-air recreation facility, but does not include a part used or intended to be used for a driveway or parking area.</p>
<i>(c) if paragraph (b) does not apply—at least 30% of the site area is landscaped area,</i>	Not applicable.
<p><i>(d) a deep soil zone on at least 15% of the site area, where—</i></p> <p><i>(i) each deep soil zone has minimum dimensions of 3m, and</i></p> <p><i>(ii) if practicable, at least 65% of the deep soil zone is located at the rear of the site,</i></p>	<p>The proposal is required to provide 15% – 230.82m² of the site as deep soil zone with a minimum dimension of 3m, with at least 65% of the deep soil zone located at the rear of the site.</p> <p>The proposal delivers 400.8m² deep soil and complies, where a sufficient amount is provided at the rear of the site.</p>
<i>(e) living rooms and private open spaces in at least 70% of the dwellings receive at least 3 hours of direct solar access between 9am and 3pm at mid-winter,</i>	<p>The proposal is to achieve 3 hours of solar access to living rooms/private open space in at least 70% of the dwellings between 9am-3pm in midwinter.</p> <p>The proposal complies as 9/12 units – 75% of dwellings receive at least 3 hours of direct solar access between 9am-3pm in midwinter based on the following:</p> <ul style="list-style-type: none"> - Units 03, 04, 07, 08, 11, 12 receive 3 hours of solar access from 9am-12pm in midwinter to balconies and window to living room. - Units 06 and 10 receive 3 hours of solar access from 12pm-3pm in midwinter to balconies and window to living room. - Unit 02 will receive 2 hours from 10am-12pm to kitchen/living room, and 1 hours from 2pm-3pm to living room. The courtyard of this unit receives solar access from 12pm-3pm.

<p><i>(f) for a development application made by a social housing provider for development on land in an accessible area— (i) for each 1-bedroom dwelling—at least 0.4 parking space, or (ii) for each 2-bedroom dwelling—at least 0.5 parking space, or (iii) for each dwelling with at least 3 bedrooms— at least 1 parking space</i></p>	<p>Based on the proposed unit mix of 9 x 2 bedroom units and 3 x 3 bedroom units, parking is to be provided in accordance with Clause 18(f) of the SEPP as follows:</p> <ul style="list-style-type: none"> - 0.4 spaces per 1 bedroom unit - 0.5 spaces per 2-bedroom unit - 1 space per 3-bedroom unit <p>Total: 7.5 x spaces required</p> <p>The proposal provides 8 x spaces and complies.</p>
<p><i>(g) if paragraph (f) does not apply— (i) for each 1-bedroom dwelling—at least 0.5 parking space, or (ii) for each 2-bedroom</i></p>	<p>N/A</p>
<p><i>dwelling—at least 1 parking space, or (iii) for each dwelling with at least 3 bedrooms—at least 1.5 parking spaces,</i></p>	
<p><i>(h) for development for the purposes of a residential flat building—the minimum internal area specified in the Apartment Design Guide for each type of apartment,</i></p>	<p>Proposed units satisfy minimum ADG sizes.</p>
<p><i>(i) for development for the purposes of a dual occupancy, manor house or multi dwelling housing (terraces)—the minimum floor area specified in the Low Rise Housing Diversity Design Guide,</i></p>	<p>N/A</p>
<p><i>(j) if paragraphs (h) and (i) do not apply, the following minimum floor areas— (i) for each 1-bedroom dwelling—65m², or (ii) for each 2-bedroom dwelling—90m², or (iii) for each dwelling with at least 3 bedrooms—115m² plus 12m² for each bedroom in addition to 3 bedrooms</i></p>	<p>N/A</p>
<p>Clause 19 Design requirements</p>	
<p>(1) Development consent must not be granted to development to which this Division applies unless the consent authority has considered the following, to the extent to which they are not inconsistent with this Policy—</p> <p>(a) the Seniors Living Policy: Urban Design Guidelines for Infill Development published by the Department of Infrastructure, Planning and Natural Resources in March 2004,</p> <p>(b) for development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces)—the Low Rise Housing Diversity Design Guide.</p>	<p>The proposal being for 12 x units within a three-storey form is subject to SEPP 65.</p>
<p>(2) Subsection (1) does not apply to</p>	<p>The proposal is designed in accordance with</p>

<p>development to which State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development applies.</p> <p>(3) Development consent must not be granted to development to which this Division applies unless the consent authority has considered whether the design of the residential development is compatible with—</p> <p>(a) the desirable elements of the character of the local area, or</p> <p>(b) for precincts undergoing transition—the desired future character of the precinct.</p>	<p>the provisions of SEPP 65 & the Apartment Design Guide pursuant to Clause 19(2) of the SEPP.</p> <p>The proposal satisfies the desired future character of the locality, as envisioned by the provisions of the Willoughby LEP 2012 and draft Willoughby LEP 2022. It complies with the 12m height and 0.9:1 FSR development standards which apply to the site.</p> <p>The form and scale of the building is appropriate for the site, noting the proposed three storey form aligns with the height of the adjoining residential flat buildings that surround the site. The applicant argues that the upper level has been designed with dark cladding at the rear portion of the site, with a central break in the building form to ensure the development is consistent with the scale of adjoining development whilst conforming to the topography of the site.</p> <p>The front and rear laneway setbacks of the development respond to the setbacks of the adjoining residential flat building developments, allowing for a consistent landscaped setback that contributes to the residential character and setting of both Abbott Road and Hampden Lane. The proposal includes deep soil landscape areas aiding separation and privacy to the adjoining properties.</p> <p>The side setbacks satisfy the ADG and Willoughby DCP setback objectives for residential flat buildings, achieving landscape corridors on the side of the building and the rear boundary. The side setbacks are generally consistent with those of the adjoining buildings.</p> <p>External urban design consultants Smith & Tzannes made suggestions regarding the roof design. These suggestions were undertaken by the applicant. The changes are evident on the northern elevation and are aimed at reducing visual bulk by creating a horizontal line in the façade, which also serves to add visual interest.</p> <p>Pursuant to the above assessment, the design of the proposal is compatible with both the desirable elements of the character of the local area – low rise residential flat buildings with landscaped setbacks; as well as the desired</p>
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	future character of the precinct as established by the current and draft future LEP which apply to the site.
Clause 20 Continued application of SEPP 65	
<i>Nothing in this Policy affects the application of State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development to residential development to which this Division applies.</i>	The proposal is subject to SEPP 65 being for a residential flat building.
Clause 21 Must be used for affordable housing for at least 15 years	
<p><i>(1) Development consent must not be granted under this Division unless the consent authority is satisfied that for a period of at least 15 years commencing on the day an occupation certificate is issued—</i></p> <p><i>(a) the affordable housing component of the residential development will be used for affordable housing, and</i></p> <p><i>(b) the affordable housing component will be managed by a registered community housing provider.</i></p> <p><i>(2) Subsection (1) does not apply to development on land owned by the Land and Housing Corporation or to a development application made by, or on behalf of, a public authority.</i></p> <p><i>(3) In this section—</i> affordable housing component, in relation to development to which this Division applies, means the dwellings used for the purposes of affordable housing in accordance with section 16(1)(b).</p>	N/A - This clause does not apply to a development application made by a public authority -Willoughby City Council.

ATTACHMENT 4: SEPP 65 ASSESSMENT AND APARTMENT DESIGN GUIDE

Clause 6A SEPP 65 provides that the following aspects of an assessment shall be taken from the Apartment Design Guide in lieu of the DCP such that the provisions of the DCP have no effect.

- (a) visual privacy,
- (b) solar and daylight access,
- (c) common circulation and spaces,
- (d) apartment size and layout,
- (e) ceiling heights,
- (f) private open space and balconies,
- (g) natural ventilation,
- (h) storage.

This section of the report provides an assessment of the proposal in accordance with the requirements of SEPP 65.

State Environmental Planning Policy (SEPP) 65 – Design Quality of Residential Apartment Development applies to the development application being a new residential flat building with more than 3 storeys and more than 4 self-contained dwellings.

The design of a residential apartment building must be in accordance with Schedule 1 of SEPP 65 - Design Quality Principles. The following table assesses the development application in accordance with these principles. A Design Verification Statement prepared by Kennedy Associates Architects is submitted with the development application.

Principle	Comment
Context and Neighbourhood Character	<p>SEPP 65 acknowledges that good design responds and contributes to its context. 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.</p> <p>The immediate locality is defined by a range of building typologies, noting the subject site adjoins three storey residential flat buildings to the north-west and south-east, with the Artarmon Public School located opposite Abbott Road to the south-west of the site.</p> <p>The applicant advises that the building has been designed in accordance with the planning objectives and building envelope controls contained within the Willoughby LEP 2012 and Willoughby DCP ensuring the development is consistent with the desired future character of development planned for the locality.</p> <p>The proposal is reasonably absorbed into the existing built surrounds and is satisfactorily sympathetic to its natural surrounds.</p>

Principle	Comment
Context and Neighbourhood Character	The proposed street setbacks responds suitably to adjoining properties, whilst providing deep soil landscaped areas and retaining mature canopy trees to enhance its interface to the adjoining properties.
Built Form and Scale	<p>SEPP 65 acknowledges that good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>The development proposal accords with the controls that inform an acceptable built envelope.</p> <p>The proposed design incorporates a central open foyer element that serves as a visual break in the built form when viewed from the adjoining properties. The rear landscaped yard contains a communal open space which incorporates an interactive space. This area is located at existing ground level, but becomes higher than existing ground level (by up to around 1.8m) where the site falls away towards Hampden Lane. The location of this communal open space is appropriately sympathetic to the existing trees on the site, and its height and location does not create detrimental amenity impacts to adjoining land.</p>
Density	<p>SEPP 65 acknowledges 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.</p> <p>The scheme seeks the bonus floor space granted by SEPP (Housing) 2021, however this floor space is well contained within an acceptable envelope.</p> <p>The built form uses measures, such as modulation, to reduce the visual bulk.</p>
Sustainability	<p>The ADG says that good design combines positive environmental, social and economic outcomes.</p> <p>The residential units have been designed to maximise residential amenity for the subject site with 9 out of 12 units – 75% of the units to receive 3 hours of sunlight to living rooms in midwinter, with all units being cross-ventilated, thus reducing reliance on heating and cooling systems.</p> <p>A BASIX Certificate accompanies the application.</p>
Landscape	The ADG says that good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity.

Principle	Comment
Landscape	<p>The proposal satisfies the minimum requirements for landscaped area and deep soil.</p> <p>The proposal retains a number of trees on the site, as confirmed by the arborist report (Ref: E802, Rev A, dated 9.12.2022) prepared by CPS. Of 42 trees assessed in the report, 26 are to be retained and protected and 16 are to be removed. It is noted that no trees rated High retention value are proposed for removal.</p> <p>It is further noted that three specific trees (Trees 23, 25 and 26) have been raised in public submissions. These trees are Illawarra Flame Tree (<i>Brachychiton acerifolius</i>), and 2 x Jacarandas.</p> <p>Given the benefits of the tree described in the submission, an advanced replacement <i>Brachychiton</i> is required to be conditioned to be planted in the same location to replace the <i>Brachychiton</i> to be removed. This will enhance the landscape scheme.</p> <p>Council's Landscape Designer has reviewed the proposal and is satisfied the landscape scheme is acceptable.</p> <p>The landscape plan includes the planting of a range of mature trees, shrubs and groundcovers to offset the removal of existing vegetation.</p>
Amenity	<p>The ADG says that good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well-being.</p> <p>The proposed units have a satisfactory level of amenity and satisfy the ADG design criteria. Solar access, ventilation, internal circulation spaces and floor to ceiling heights satisfy the controls. Communal open space facilitates well-being in its function as a space used by individuals or in a communal capacity.</p>
Safety	<p>The ADG says that good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose.</p> <p>The proposed units include balconies and outdoor terrace areas, which promote casual surveillance of both the primary street frontage and the rear laneway frontage of the site. The communal open space area adjacent to Hampden Lane provides activation of the laneway and contributes to passive surveillance of this</p>

Principle	Comment
	<p>frontage.</p> <p>The upper level windows of the units at the upper levels also provide passive surveillance of the communal circulation areas of the site.</p> <p>All entries to the proposed development will be access controlled with clear sight lines. The applicant advises that the basement will be finished with appropriate lighting, minimising opportunities for concealment.</p>
Housing Diversity and Social Interaction	<p>The ADG says that good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>The development proposal provides affordable housing to meet the goal of Council's Draft Affordable Housing Strategy 2020 to 2026 for 75 x affordable rental dwellings within the LGA by 2026. The proposal addresses housing affordability with the provision of 2 and 3 bedroom units (including adaptable/liveable units) within close proximity to public transport and local services.</p>
Aesthetics	<p>The ADG says that good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure.</p> <p>The applicant adds that the proposed three storey form incorporates contemporary design elements including skillion roof form and a mixture of materials and finishes include dark and light face brick, dark metal cladding, metal balustrading and aluminium framed glazing.</p> <p>The proposal contributes satisfactorily to the desired future character of the locality envisaged by the planning controls within the Willoughby LEP and DCP.</p> <p>The proposed scheme is considered a suitable design response that site comfortably within its natural and built surrounds.</p>

The Apartment Design Guide applies to the development application and the following table assesses the residential component of the development in accordance with the relevant controls contained in the SEPP 65 – Apartment Design Guide (ADG).


Part 3 - Siting the Development				
3A Site Analysis	Objective 3A-1 Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and the relationship to the surrounding context		Complies	Satisfactory in that the proposal satisfactorily illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context.
3B Orientation	Objective 3B-1 Building types and layouts respond to the street and site while optimizing solar access within the development		Complies	The proposal satisfies this requirement.
	Objective 3B-2 Overshadowing of neighbouring properties is minimised during mid-winter		Complies	Acceptable. Adjoining properties receive an acceptable amount of solar access for the medium density residential environment.
3C Public Domain Interface	Objective 3C-1 Transition between private and public domain is achieved without compromising safety and security		Complies	The proposal satisfies CPTED considerations.
	Objective 3C-2 Amenity of the public domain is retained and enhanced		Complies	Assessed and found to be Acceptable.
3D Communal	Objective 3D-1 And adequate area of communal open space is	1.Communal open space has a minimum area equal to	Satisfactory	The communal open space

and Public Open Space	provided to enhance residential amenity and to provide opportunities for landscaping		25% of the site		requirements are achieved.
			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 9am and 3pm on 21st June (mid-winter)	Satisfactory	Acceptable
	Objective 3D-2 Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting			Satisfactory	Acceptable
	Objective 3D-3 Communal open space is designed to maximise safety			Satisfactory	Acceptable
	Objective 3D-4 Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood			Satisfactory	Acceptable
3E Deep Soil Zone	Objective 3E-1 Deep soil zone provides areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality	Deep soil zones are to meet the following minimum requirements:		Satisfactory	Acceptable
3F Visual Privacy	Objective 3F-1 Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.	Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:		Satisfactory	Acceptable

		Building Height	Habitable rooms and balconies (m)	Non-habitable rooms		
		Up to 12m (4 storeys)	6	3m		
		Up to 25m (5-8 storeys)	9	4.5		
		Over to 25m (9+ storeys)	12	6		
	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.				Complies	Satisfactory
3G Pedestrian Access and Entries	Objective 3G-1 Building entries and pedestrian access connects to and addresses the public domain				Complies	Satisfactory
	Objective 3G-2 Access, entries and pathways are accessible and easy to identify				Complies	Satisfactory
	Objective 3G-3 Large sites provide pedestrian links for access to streets and connection to destinations				Complies	Satisfactory
3H Vehicle Access	Objective 3H-1 Parking and access on the site generally complies with the requirements of AS/NZS 2890.1 and AS2890.6.				Complies	See commentary at left.
3J Bicycle and Car Parking	Objective 3J-1 Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas				For development in the following locations: <ul style="list-style-type: none"> On sites that are within 800m of a 	Complies SEPP (Housing) 2021 applies

		<p>railway station or light rail stop in the Sydney Metropolitan Area; or</p> <ul style="list-style-type: none"> • On land zoned, and sites within 400m of land zoned, B3 Commercial Core, B4 Mixed Use of 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</p>	
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			needs for a development must be provided off street.	
3J Bicycle and Car Parking	Comments: SEPP (Housing) 2021 applies . The proposal complies with the requirements of this SEPP.			
	Objective 3J-2 Parking and facilities are provided for other modes of transport		Complies	Satisfactory
	Objective 3J-3 Car park design and access is safe and secure		Complies	Secure basement car park with lift access to all residential levels
	Objective 3J-4 Visual and environmental impacts of underground car parking are minimised		Complies	Proposal is satisfactory.
	Objective 3J-5 Visual and environmental impacts of on-grade car parking are minimised		Complies	Proposal is satisfactory.
	Objective 3J-6 Visual and environmental impacts of above ground enclosed parking are minimised		N/A	Proposal is satisfactory.
Part 4 – Designing the Building				
4A Solar and Daylight Access	Objective 4A-1 To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.	1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours of direct sunlight between 9am and 3pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.	Complies	9 of the 12 units (75%) receive minimum 2hrs sunlight to the living areas.

		 <p>12pm</p> <p>Image 7: Council's assessment officer during the assessment requested confirmation that unit 02, 06 and 10 still received sunlight to the living room at 12pm, so as to confirm a full 3 hours (9am to 12pm) in mid-winter as required by cl 18(2)(e) SEPP (Housing) 2021. The above diagram was supplied which shows a section of the living room receiving sunlight at midday. The 3-hour requirement is confirmed to have been satisfied; therefore the 2-hour requirement of the ADG is satisfied.</p>		
		3. A maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm mid winter.	Does not comply	16.6% (2 of 12 units - units 01 and 05) receive no sun in mid-winter
	Objective 4A-2 Daylight access is maximised where sunlight is limited		Complies	Proposal is satisfactory.
	Objective 4A-3 Design incorporates shading and glare control, particularly for warmer months		Complies	Proposal is satisfactory.
4B Natural	Objective 4B-1 All habitable rooms are naturally ventilated		Complies	All habitable rooms.

Ventilation	Objective 4B-2 The layout and design of single aspect apartments maximizes natural ventilation		Complies	Proposal is satisfactory.							
	Objective 4B-3 The number of apartments with natural cross ventilation is maximized to create a comfortable indoor environment for residents	1. At least 60% of apartments are naturally cross ventilated.	Complies	All units are cross-ventilated by virtue of the dual aspect.							
4C Ceiling Heights	Objective 4C-1 Ceiling height achieves sufficient natural ventilation and daylight access	3.1m min floor to floor residential	Complies	3.1m floor to floor 2.7m floor to ceiling							
		2.4m for second floor, where its area does not exceed 50% of the apartment area	N/A								
	If located in mixed use areas	3.3m for ground and first floor to promote future flexibility	N/A								
	Objective 4C-2 Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms		Complies	Proposal is satisfactory.							
	Objective 4C-3 Ceiling heights contribute to the flexibility of building use over the life of the building		Complies	Proposal is satisfactory.							
4D Apartment Size and Layout	Objective 4D-1 The layout of rooms within an apartment is functional, well organised and provides a high standard of	1. Apartments are required to have the following minimum internal areas:		All units comply.							
		<table><tr><th>Apartment Type</th><th>Minimum Internal Area</th></tr><tr><td>Studio</td><td>35m²</td></tr><tr><td>1 bedroom</td><td>50m²</td></tr><tr><td>2 bedroom</td><td>70m²</td></tr><tr><td>3 bedroom</td><td>90m²</td></tr></table>			Apartment Type	Minimum Internal Area	Studio	35m ²	1 bedroom	50m ²	2 bedroom
Apartment Type	Minimum Internal Area										
Studio	35m ²										
1 bedroom	50m ²										
2 bedroom	70m ²										
3 bedroom	90m ²										
The minimum internal areas include only one bathroom. Additional bathrooms											

	amenity	increase the minimum internal area by 5m ² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m ² each						
		2. Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms						
	Objective 4D-2 Environmental performance of the apartment is maximised	1. Habitable room depths are limited to a maximum of 2.5 x the ceiling height 2. In the open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window		Complies	All habitable room depths are less than 2.5x the ceiling height Window to kitchen dimension complies.			
	Objective 4D-3 Apartment layouts are designed to accommodate a variety of household activities and needs	1. Master bedrooms have a minimum area of 10m2 and other bedrooms 9m2 (excluding wardrobe space)		Complies	Satisfactory			
		2. Bedrooms have a minimum dimension of 3m (excluding wardrobe space)		Complies	Satisfactory			
		3. Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none">3.6m for studio and 1 bedroom apartments4m for 2 & 3 bedroom apartments		Complies	Satisfactory			
		4. The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts		N/A				
4E Private Open Space and	Objective 4E-1 Apartments	1. All apartments are required to have primary balconies as follows: <table><tr><td>Dwelling</td><td>Minimum</td><td>Minimum</td></tr></table>		Dwelling	Minimum	Minimum	Complies	All units comply.
Dwelling	Minimum	Minimum						

Balconies	provide appropriately sized private open space and balconies to enhance residential amenity		Type	Area	Depth		
			Studio Apartments	4m ²	-		
			1 Bedroom Apartments	8m ²	2m		
			2 Bedroom Apartments	10m ²	2m		
			3+ Bedroom Apartments	12m ²	2.4m		
			Dwelling Type	Minimum Area	Minimum Depth		
		The minimum balcony depth to be counted as contributing to the balcony area is 1m 2. For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m2 and a minimum depth of 3m					
4F Common Circulation and Spaces	Objective 4E-2 Primary private open space and balconies are appropriately located to enhance liveability for residents					Complies	Satisfactory
						Complies	Satisfactory
	Objective 4E-3 Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building					Complies	Satisfactory
4F Common Circulation and Spaces	Objective 4E-4 Private open space and balcony design maximises safety					Complies	Satisfactory
		Objective 4F-1 Common circulation spaces achieve good amenity and properly service the number of apartments	1. The maximum number of apartments off a circulation core on a single level is eight		Complies	Satisfactory	
	2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40		N/A				
	Objective 4F-2 Common circulation spaces promote safety and provide for social interaction between					Complies	Satisfactory

4G Storage	Objective 4G-1 Adequate, well designed storage is provided in each apartment	In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:	Complies	Unit 01 8.1m3 Unit 02: 8.93m3 Unit 03 (6.88m3 within unit, 3.6m3 basement) Unit 04 10.24m3 Unit 05 8.1m3 Unit 06 8.93m3 Unit 07 (6.88m3 within unit, 3.6m3 basement) Unit 08 10.24m3 Unit 09 8.1m3 Unit 10 8.93m3 Unit 11 (6.88m3 within unit, 3.6m3 basement)															
		<table><tr><th>Dwelling Type</th><th>Storage Size Volume</th><th>Provided</th></tr><tr><td>Studio apartments</td><td>4m²</td><td>-</td></tr><tr><td>1 bedroom apartments</td><td>6m²</td><td>-</td></tr><tr><td>2 bedroom apartments</td><td>8m²</td><td></td></tr><tr><td>3+ bedroom apartments</td><td>10m²</td><td></td></tr></table>			Dwelling Type	Storage Size Volume	Provided	Studio apartments	4m ²	-	1 bedroom apartments	6m ²	-	2 bedroom apartments	8m ²		3+ bedroom apartments	10m ²	
		Dwelling Type			Storage Size Volume	Provided													
		Studio apartments			4m ²	-													
1 bedroom apartments	6m ²	-																	
2 bedroom apartments	8m ²																		
3+ bedroom apartments	10m ²																		
At least 50% of the required storage is to be located within the apartment	Complies (where applicable)																		
Objective 4G-2 Additional storage is conveniently located, accessible and nominated for individual Apartments	Complies	Additional storage where provided is directly accessed on carpark level, is satisfactory.																	
4H Acoustic Privacy	Objective 4H-1 Noise transfer is minimised through the siting of buildings and building layout	Complies	Satisfactory																
	Objective 4H-2 Noise impacts are mitigated within apartments through layout and acoustic treatments	Complies	Satisfactory																
4J Noise and Pollution	Objective 4J-1 In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings	Complies	Satisfactory																
	Objective 4J-2 Appropriate noise shielding or attenuation techniques for the building design,	Complies	Satisfactory																

	construction and choice of materials are used to mitigate noise transmission		
4K Apartment Mix	Objective 4K-1 A range of apartment types and sizes is provided to cater for different household types now and into the future	Complies	9 x 2-bed and 3 x 3-bed is an acceptable mix.
	Objective 4K-2 The apartment mix is distributed to suitable locations within the building	Complies	Satisfied
4L Ground Floor Apartments	Objective 4L-1 Street frontage activity is maximised where ground floor apartments are located	Complies	There is activated frontage as much as is appropriate. Surveillance is available from the communal open space at Hampden Lane.
	Objective 4L-2 Design of ground floor apartments delivers amenity and safety for residents	Complies	Satisfied
4M Facades	Objective 4M-1 Building facades provide visual interest along the street while respecting the character of the local area	Complies	The proposal satisfied urban design considerations.
	Objective 4M-2 Building functions are expressed by the façade	Complies	Satisfactory.
4N Roof Design	Objective 4N-1 Roof treatments are integrated into the building design and positively respond to the street	Complies	The roof has been modified to add visual interest to the northern elevation.
	Objective 4N-2 Opportunities to use roof space for residential accommodation and open space are maximised	N/A No roof top terrace	-
	Objective 4N-3 Roof design incorporates sustainability features	Complies	Solar Panels added to the overall approved solar panel layout.
4O	Objective 4O-1	Complies	Satisfactory.

Landscape Design	Landscape design is viable and sustainable		
	Objective 4O-2 Landscape design contributes to the streetscape and amenity	Complies	Satisfactory.
4P Planting on Structures	Objective 4P-1 Appropriate soil profiles are provided	Complies	Satisfactory.
	Objective 4P-2 Plant growth is optimised with appropriate selection and maintenance	Complies	Satisfactory.
	Objective 4P-3 Planting on structures contributes to the quality and amenity of communal and public open spaces	Complies	Satisfactory.
4Q Universal Design	Objective 4Q-1 Universal design features are included in apartment design to promote flexible housing for all community members	Complies	All apartments must comply with the relevant SEPP Seniors and Australian Standards 1428 to facilitate occupation by seniors and/or disabled residents. Discussion is made in this report regarding the provision of an adaptable / accessible space in the basement.
	Objective 4Q-2 A variety of apartments with adaptable designs are provided	Complies	Satisfactory.
	Objective 4Q-3 Apartment layouts are flexible and accommodate a range of lifestyle needs	Complies	Satisfactory.

4R Adaptive Reuse	Objective 4R-1 New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place	Complies	Satisfactory.
	Objective 4R-2 Adapted buildings provide residential amenity while not precluding future adaptive reuse	Complies	Satisfactory.
4S Mixed Use	Objective 4S-1 Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement	N/A	N/A
	Objective 4S-2 Residential levels of the building are integrated within the development, and safety and amenity is maximized for residents.	N/A	N/A
4T Awnings and signage	Objective 4T-1 Awnings are well located and complement and integrate with the building design	N/A	N/A
	Objective 4T-2 Signage responds to the context and desired streetscape character	N/A	N/A
4U Energy Efficiency	Objective 4U-1 Development incorporates passive environmental design	Complies	Satisfactory.
	Objective 4U-2 Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer	Complies	BASIX Certificate provided
	Objective 4U-3 Adequate natural ventilation minimises the need for mechanical ventilation	Complies	Apartments designed with appropriate depths, ceiling heights and planning to promote airflow and natural ventilation.
4V Water Management and	Objective 4V-1 Potable water use is minimised	-	No change
	Objective 4V-2 Urban storm-water is treated on site before being discharged to receiving waters	Complies	Council's engineers have assessed the

Conservation			proposal as satisfactory.
	Objective 4V-3 Flood management systems are integrated into site design	N/A	N/A
4W Waste Management	Objective 4W-1 Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents	Complies	Fire water tank located to minimise impacts on the streetscape and surrounding land. The fire pump room is contained suitably under the communal open space.
	Objective 4W-2 Domestic waste is minimised by providing safe and convenient source separation and recycling	Complies	Satisfactory. 240L bins for presentation to Hampden Lane.
4X Building Maintenance	Objective 4X-1 Building design detail provides protection from weathering	Complies	Satisfactory.
	Objective 4X-2 Systems and access enable ease of maintenance	Complies	Satisfactory.
	Objective 4X-3 Material selection reduces on-going maintenance costs	Complies	Satisfactory.

ATTACHMENT 5: ASSESSMENT UNDER FURTHER SEPPS, WLEP AND WDCP**State Environmental Planning Policy (Resilience and Hazards) 2021**

A Preliminary Site Investigation (PSI) Report (Ref: JC22438A-r2, dated June 2022) has been carried out by GeoEnviro Consultancy Pty Ltd. It finds that "... the risk of gross chemical contamination within the site is generally considered low and the site is suitable for the proposed residential development".

The report requires, notwithstanding, "validation sampling and laboratory analysis" in the area of all existing dwellings and structures after demolition "to ensure these areas are not affected by contamination". The report requires that, "should contamination be present, remediation and validation will be required to ensure the site is made suitable of the proposed subdivision development". The report also requires an "Unexpected Finds Protocol" should bonded asbestos be encountered during construction works.

- (a) CI 4.6 of the SEPP requires that a consent authority not consent to the carrying out of any development on land unless: it has considered whether the land is contaminated, and
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

The PSI provides sufficient confirmation that the land is suitable for the purpose for which the development is proposed to be carried out. To ensure that the required validation sampling and laboratory analysis is carried out, a condition of consent is imposed to require this work upon demolition of the existing structures and prior to any further work on the site after this demolition. The confirmation given by GeoEnviro Consultancy Pty Ltd that the site is suitable, and with a condition of consent to ensure the requirements of this report are carried out, satisfies the considerations for contamination of the site.

Assessment of the proposal against relevant parts of the WLEP 2012 is provided below.

WLEP 2012 controls	Control	Proposal	Comments on compliance
WLEP 2012 zoning		R3 – Medium Density Residential	The proposal is permissible in the zone.
CI 4.3 Height of Buildings	12m	11.8m	Complies
CI 4.4 Floor Space Ratio * Note that SEPP (Housing) 2021 increases the FSR	0.9:1*	0.89:1	Complies

standard to 1.4:1 via bonus for affordable housing			
CI 6.1 Acid Sulfate Soils	-	Class 5	Yes, the subject site is affected by Class 5 acid sulfate soils. The proposal is satisfactory.
CI 6.2 Earthworks	-	Excavation for car parking level	Satisfied
Clause 6.10	Minimum 1,100m ² for residential flat buildings	1,538.9m ²	Complies

Draft Willoughby Local Environment Plan 2012 (WLEP 2012)- and WLEP Amendment 34

CI 1.8A WLEP saves the subject development application from WLEP 2012 – Amendment 34 as the subject development application was made (lodged) on 27 March 2023, prior to the commencement of WLEP 2012 – Amendment 34, on 30 June 2023, and not finally determined.

Nonetheless WLEP 2012 – Amendment 34 as in draft when the subject application was lodged. A draft EPI requires consideration under s4.15 Environmental Planning & Assessment Act 1979.

The following is an assessment of those provisions:

Draft WLEP 2012 controls	Control	Proposal	Comments on compliance
WLEP 2012 zoning		R3 – Medium Density Residential	The proposal is permissible in the zone.
CI 4.3 Height of Buildings	12m	11.8m	Complies
CI 4.4 Floor Space Ratio * Note that SEPP (Housing) 2021 increases the FSR standard to 1.4:1 via bonus for affordable housing	0.9:1*	0.89:1	Complies
CI 6.1 Acid	-	Class 5	Yes, the subject site is affected by

Sulfate Soils			Class 5 acid sulfate soils. The proposal is satisfactory.
CI 6.2 Earthworks	-	Excavation for car parking level	Satisfied
Clause 6.10	Minimum 1,100m ² for residential flat buildings	1,538.9m ²	Complies

Willoughby Development Control Plan (WDCP)

A new Development Control Plan came into effect on 31 July 2023 (Willoughby DCP 2023). Council's approach is that this DCP has effect notwithstanding its commencement after the lodgement of the subject application. For the purposes of thoroughness and clarity in comparison between the old and new Development Control Plans, commentary is provided on both the old and new DCP.

For clarity, the earlier version of the DCP is referred to as WDCP 2012, and the recently commenced Plan as WDCP 2023.

Willoughby Development Control Plan (WDCP 2012) - Part C

WDCP controls (2012)	Proposal	Comments
C.3 Building Sustainability	BASIX Certificate supplied	Complies
C.4 Transport requirement for development	SEPP (Housing) 2021 prevails over the DCP	-
C.5 Water Management	Stormwater Management and disposal in accordance with the Technical Standards contained in the WDCP	Yes Complies subject to conditions
C.6 Access, Mobility and Adaptability	Functionality remains consistent with original approval.	Acceptable on merit – see comments
C.8 Waste Management	Waste management has been properly considered and plan submitted	Satisfactory
C.9 Preservation of Trees or Vegetation	Arborist report provided	Satisfactory subject to conditions
C.11 Safety by Design	Methods are employed in order to increase surveillance, access and space management	Acceptable on merit – see comments
C.13 Contaminated Land	Contaminated land is remediated to be made suitable for the purpose of the development	Satisfactory subject to conditions

The following DCP parameters are tabled as follows:

	Proposed	Standard/ Control	Complies
Willoughby Development Control Plan 2012			
Part D2 – Attached dwellings, Multi dwelling housing and residential flat dwellings			
	Proposed	Control	Compliance
D.2.4 Allotment Size/Frontages	Proposal will not isolate any adjoining sites	<ul style="list-style-type: none"> Development to avoid isolation of adjoining sites Minimum allotment size as per cl 6.10 (1,100m²) 	Yes
D.2.5 Density & Height	11.8m	12m height limit	Yes
D.2.7 Site coverage	32.3% - 497.1m ²	3 storey development has a maximum site coverage of 30% of the site – 461.67m ²	On merit – satisfactory – see comments
D.2.8 Setbacks			
Front	Front setback consistent with adjoining properties	Consistent with adjoining properties or 7.5m	Yes
Side & Rear	3m-6m side setbacks	Side/Rear based on wall height: 3+ storeys: 3m at ground floor level + 1.2m per storey above ground floor = 5.4m	On merit – satisfactory – see comments
D.2.9 Open Space			
Recreational Area	891.3m ² – 57.9%	3 storeys – 52% of site area	Yes
		80% of open space to be outdoor	Yes
Communal Areas	390.8m ²	30m ² of COS to be provided per dwelling with only a balcony = 300m ²	Yes Note: Part 3D – Communal and public open spaces of the ADG prevails
		Min area of 50m ² with a min. dimension of 5m	
		Should receive 3 hours of sunlight in midwinter between 9am-3pm	
Children's Play Area	Play area provided at south-eastern corner of the site	For over 10 x dwellings, a children's play area of 30m ² with a min. dimension of 5m to be provided (not steeper than 1 in 20)	Yes
D.2.10	645m ² – 41.9% of the site	35% of site to be soft	Yes

Landscape Area	is landscaped	landscaped area	
	>50% of the recreational open space is landscaped	Recreational open space to be 50% of the soft landscape area	Yes
	Canopy trees within front setback	Canopy trees to be planted in the front setback	Yes
D.2.12 Views and Vistas	No detrimental impact on views	'View Sharing' is encouraged whilst not restricting the reasonable development potential of a site.	Yes
D.2.13 Solar Access and Overshadowing	2-3 hours solar access to adjoining property provided	The north facing windows of living areas and the principal portion of the recreational open space of adjoining residential buildings should have at least 3 hours of sunlight between 9am and 3pm on June 22.	On merit – satisfactory – see comments

Site coverage

The proposal has a site coverage of 497.1m² – 32.3% of the site, resulting in variation to the maximum 30% site coverage control under Part D.2.7 of the DCP for a three storey development.

The performance criteria at Part D.2.7.2 DCP notwithstanding the departure, noting the proposal provides adequate landscaped and deep soil areas, communal open space and recreational space. In addition, the proposal provides adequate solar access to the proposed units and adjoining properties. It is also noted that the proposal comfortably satisfies the FSR standard, almost entirely satisfies ADG setback requirements, and satisfies DCP setback controls.

Adaptable Housing

The Willoughby DCP requires 33% of all dwellings to be adaptable for 3-storey residential flat buildings, which equates to 4 dwellings.

The apartment mix includes 3 x adaptable units. In lieu of the fourth adaptable unit, the applicant proposes 3 x liveable 'gold level' units, 2 of which also have 3.2m wide car parking spaces.

Liveable housing design is captured in NCC Volume One, Part G7. NCC 2022 is about changing the way we design homes to make them easier to use and more adaptable to the changing needs of occupants. The deemed-to-satisfy requirements for liveable housing within the NCC (Part G7D2) requires that each sole-occupancy unit in a Class 2 building complies with the ABCB Standard for Liveable Housing Design (except for Part 1), which is the Liveable Housing Design Standard 2022.

The Liveable Housing Design Standard 2022 by the Australian Building Codes Board (ABCB) applies to units (as well as dwelling houses) requires certain criteria to be met including dwelling access, entrances, internal doors and corridors, sanitary compartments, showers and reinforcement pf bathroom and sanitary compartment

walls.

The ABCB also published a “non-mandatory version” of the Livable Housing Design Standard 2022, based on the LHDG ‘Gold’ level requirements, which can be applied “on a voluntary basis” to achieve a higher level of livability. The ABCB says on its website that this ‘Voluntary Standard’ is a set of non-mandatory technical provisions that if complied with will enable dwellings to better meet the needs of the community, including older people and people with mobility limitations. This Voluntary Standard has been adapted from the ‘Gold’ level provisions of the Livable Housing Design Guidelines (LHDG), fourth edition, 2017, which were first published by Livable Housing Australia.

It is noted that Part 1.2 of this Standard deals with parking spaces, which requires a minimum unobstructed car parking space of 3200 mm wide x 5400 mm long – however this does not apply to Class 2 buildings (which is this class of building). Notwithstanding, the proposal has provided 2 x 3200 mm wide x 5400 mm long car spaces.

The applicant was called upon to explain the reasons why the proposal does not deliver 4 adaptable dwellings. A letter was supplied by ACAA and LHA Accredited Access Consultant Vista Access Architects Pty Ltd. The access consultant provided a comparison between the adaptable standards and the LHA Gold requirements, and finds that the proposal is acceptable for, inter alia, the following reasons:

“While there are certainly gaps in LHA Gold levels in terms of allowances for door circulations, in this particular case the Architect has not designed to the bare basic requirements of LHA Gold. In fact the spatial are generous that allow for circulation with minor modifications at post adaptation when required by the resident.

While I would not support non-provision of all adaptable units in favour of LHA Gold units, the provision of additional 3 LHA Gold level units in lieu of 1 Adaptable unit is supportable as it is more generous in terms of accessibility than the minimum requirements of the DCP.

It is also to be noted that most states and territories have opted for LHA Gold level (renamed by NCC as Beyond Minimum Standard) in lieu of Adaptable housing standards which have not been updated since 1995.

We find that provision of a combination of adaptable housing and LHA Gold will give more flexibility to the residents in terms of choice so that they can choose the design that suits their particular requirements.

In the circumstances of the case, particularly given the verification of suitability from a suitably qualified access consultant and LHA Assessor, that the replacement of 1 x adaptable unit with 3 x LA Gold units is considered to be acceptable. Supporting the case is that Willoughby DCP 2012 requires only 1 adaptable car space for every 4 adaptable units, whereas the proposal provides an accessible space for each of the 3 x adaptable units.

C.11 Safety by Design

The proposal has been designed in accordance with Crime Prevention Through Environmental Design (CPTED) principles, and incorporates the following design elements to meet the requirements of Part C.11 of the DCP:

- The residential units have been designed to address both the Abbott Road frontage of the site, and Hampden Lane rear laneway frontage of the site, with direct pedestrian entrances provided from each frontage, and living rooms/private open spaces of dwellings provided with direct outlook onto the street, providing passive surveillance of the public domain.
- The proposed communal open space area orientated towards Hampden Lane provides passive surveillance and activation of the laneway.
- The upper level balconies and windows of units provide further opportunities for passive surveillance of the communal circulation areas of the site.
- The pedestrian and vehicular entries to the site will be access controlled to ensure the safety of all residents.
- The basement carpark and other circulation spaces surrounding the building will be well-maintained by building management and provided with lighting.

The applicant acknowledges that the proposal has a site coverage of 497.1m² which equates to 32.3% of the site, resulting in variation to the site coverage control under Part D.2.7 of the DCP (30% for three storey development). Importantly, the proposal satisfies landscaped, deep soil areas and communal open space and recreational space, thereby satisfying the objectives of the site coverage control. The proposal also provides adequate solar access to the proposed units and adjoining properties. Hence, notwithstanding the numerical non-compliance with site coverage control, the proposal is satisfactory.

D.2.2 Design Verification Statement

A design verification statement prepared by Kennedy Associates Architects is submitted with the application as required by the DCP.

D.2.5 Density and Height

The proposed development satisfies the objectives for density and height, including objectives around solar access, streetscape, dwelling mix, and visual bulk.

The applicant advises, and it is agreed, that the front and rear laneway setbacks of the development respond to the setbacks of the adjoining residential flat building developments, allowing for a consistent landscaped setback that contributes to the residential character and landscaped setting of both Abbott Road and Hampden Lane.

The proposal includes deep soil landscape areas which assist in achieving meaningful separation and privacy to the adjoining properties.

D.2.8 Setbacks

The applicant acknowledges that the proposal presents a variation to the required setback of 5.4m contained within Part D.2.8 of the DCP, with setbacks of 3m-6m to the south-eastern side boundary and 3m-5.7m to the north-western side boundary.

The ADG is used for setback controls to achieve visual privacy, which does allow for 3m setbacks to non-habitable rooms. The encroachments of habitable rooms into the 6m setback is provided with privacy mitigation measures (heightened sills) and is acceptable. The majority of the walls facing the adjoining residential properties satisfy the 5.4m requirement. Solar access is satisfactory, and visual bulk does not overwhelm the adjoining properties. The objectives for setbacks are achieved.

D.2.14 Service Facilities and Amenities

The applicant advises that the scheme is provided with the required services and facilities as follows:

- A letter box structure is proposed within the pedestrian entry canopy structure at the south-western portion of the site.
- Each dwelling is provided with laundry facilities, with clothes drying areas provided within the private open space of each dwelling.
- Each unit is provided with storage internal to the unit, and within the basement carpark.

WDCP 2023

The following DCP parameters are tabled as follows:

	Proposed	Standard/ Control	Complies
Willoughby Development Control Plan			
Part B – Residential Development			
	Proposed	Control	Compliance
4.3 Specific Controls for Residential Flat Buildings			
4.3.1 Site area and lot dimensions	1,538m ²	CI 6.10 WLEP 1,100m ²	Yes
4.3.2 Street frontage	21.315m	27m	No – see Note
4.3.3 Adaptable housing, access, and mobility	3 adaptable dwellings	33% of dwellings to be adaptable 33% x 12 = 3.96 (rounded up to 4 dwellings)	No – see Note
4.3.4 Energy Efficiency		Comply with Part J DCP 2023	
4.3.5 Bicycle and car parking		Comply with Part F DCP 2023	

4.3.6 Water Management		Comply with Part I DCP 2023	
4.3.7 Urban heat	> 15° roof pitch	For roof pitch >15°, 3-year SRI minimum of 34	Yes - condition of consent
4.3.8 Waste Management	Waste management plan supplied	Must comply with the technical guide	Yes - condition of consent
4.3.9 Safety by design	Proposal to include safety and security measures to prevent criminal activity	Complies	Yes
4.3.10 Utility structures	To ensure adequate provision for utility structures	Complies – letter from Ausgrid received, and condition applied requiring s73 Certificate	Yes
4.3.11 Undergrounding of services	All services, including overhead electricity wires, are to be located underground for major development.	Complies	Yes - condition of consent
4.4.1 Site coverage	497.1m ² – 32.3%	Maximum 30% of the site area for 3-storey building	On merit – satisfactory – see comments
4.4.2 Building height	12m	12m height limit	Yes
4.4.3 Floor space ratio	0.9:1 (1.4:1 SEPP Housing)	0.89:1	Complies
4.4.4 Setbacks	Front setback consistent with adjoining properties	Consistent with adjoining properties or 7.5m	Yes
	5.4m side setbacks		Yes
4.4.5 Open space	400.8m ² deep soil	Minimum 35% soft landscaped area and deep soil zones	Yes

Part F – Transport and Parking Management Proposal constitutes “major development pursuant to Part F (5). Located in the Artarmon Railway Precinct.			
Parking (Affordable housing) 2021	Car parking: Satisfies Housing SEPP 2021	The minimum number of car parking spaces must comply with Housing SEPP 2021	Housing SEPP 2021
	1 x motorcycle space provided	<u>Motorcycle spaces:</u> 1 space per 20 car parking spaces; 1 visitor space per 10 motorcycle spaces	No - 1 x additional motorcycle space required
	4 bicycle racks provided	Bicycle parking 1 Class A or B parking spaces per 10 units 1 Class C (rails/racks) per 10 apartments for visitors	Complies on merit
Electric vehicle charging	Not indicated on plans	Electric vehicle charging All car spaces allocated to an individual residential apartment must make provision for Level 2: single or 3-phase electric vehicle supply equipment with a power range of 7kW-22kW	Yes - condition of consent
Accessible parking	3 x accessible spaces PLUS 2 x LHA Gold spaces	Whichever is the greater: a. Minimum 1 resident and 1 visitor space for developments comprising 10 or more units b. 1 space/4 accessible or adaptable units + 1 visitor space for developments comprising 50 or more car parking spaces Therefore 1 x resident and 1 x visitor space required	Yes
Part G – Vegetation Management			
	Arborist report supplied, some tree removal and retention, new [planting proposed	Objectives include. maintain and enhance the urban landscape	Yes

Part I – Stormwater Management			
	Stormwater scheme assessed as satisfactory subject to conditions	Objectives include provide a safe and effective framework for the control, reuse and disposal of stormwater	Yes
Part J – Building Sustainability			
	BASIX Certificate provided	BASIX Certificate required	Yes

4.3.2 Street frontage

The DCP seeks a minimum 27m frontage to “... ensure vehicles can enter and leave a site in a forward direction, and adequate landscaped areas are provided along the streetscape”.

The proposal has been organised on the site in a manner that enables entry and exit from the development in a forward direction.

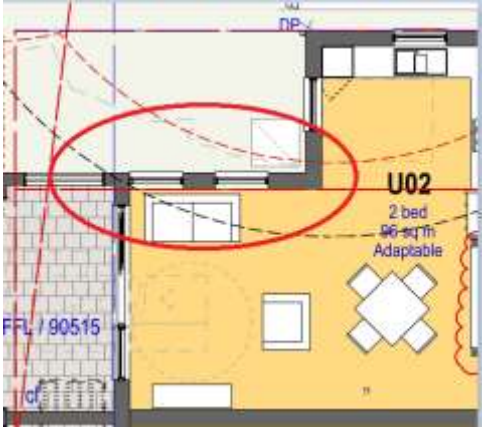
4.3.3 Adaptable housing

The requirement of the new DCP is the same as the old DCP. This matter has been discussed under the previous DCP section.

ATTACHMENT 6 - SUBMISSIONS TABLE

On the basis of this definition Council has received **12 unique submissions**. The submissions are dealt with as follows:

Property	Issues raised	Response
Unit 24, 2-4 Jersey Road	Visual privacy	Concerns are raised that the proposal will result in privacy impacts to this property located to the north. The objector requests that amendments be made to increase setbacks, revised window locations, revised unit layout, amended building articulation and solid balcony railings.
		The proposal observes the required 6m setback required by part 3F of the Apartment Design Guide. The drawings need to be observed carefully – whilst the hatched dimension shows 5.7m, the drawings clearly notate in bold red writing “ADG side setback L00-03 habitable 6m, so that the distance is 6m to the inside of the wall.
		The ADG stipulates a 6m setback requirement as “Minimum required separation distances from <u>buildings</u> to the side and rear boundaries..” (emphasis added)
		The building is taken as the external wall. The departure equates to 0.3m or 5%.
Unit 24, 2-4 Jersey Road	Visual privacy	The closer wall to the northern boundary, comprises windows that serve a bedroom and kitchen at Unit 02, 06 and 10. The kitchen window sets a person back 0.6m from the window.
		The Landscape plans shows a row of 31 <i>Murraya paniculata</i> (Orange Jessamine) which can attain a height of 5m, along the northern boundary, which then merges with foliage offered by Trees 11, 12, 13, 14, 15 9 which are 5 to 6m in height), and 18 (Blue Gum, 17m in height) which are to be retained. For certainty, and given the minor departure to the setback requirements, the <i>Murraya</i> is required to be extended to the rear boundary.
		The spatial separation of the units from the northern boundary, in conjunction with planting, is considered to achieve the privacy objectives of the ADG.
Unit 24, 2-4 Jersey Road	The site area and setbacks should be taken from the actual site boundary	For the purposes of this application the application seeks to incorporate the parcel. The issue of the adjoining unused laneway and the need for a road closure is detailed in this report. A deferred commencement conditions requires the closure of the road.
	Building height and form of the roof	A request for the height of the roof to be reduced. The building height complies with the standard, Notwithstanding, urban design advice has been adhered to introduce a small roof element in the northern elevation to break the visual massing of the proposal.
	Apartment mix does not reflect	The mix of units has been considered and is found to be acceptable.

Property	Issues raised	Response
	the need of the community	
4/3-11 McMillan Road	Visual privacy	<p>Specific concerns are raised about windows facing south in the living room of Units 01, 05 and 09. This submitters' property is located to the south of the proposal.</p> <p>There is a projection of the built form that is 3m from the southern boundary. Only a bedroom window is located in this wall, where the sill height is 1.58m above the floor. This adequacy preserves privacy. The ADG allows walls closer than 6m where there are measures to preserve privacy (for example, no separation is required between blank walls).</p> <p>The proposal satisfies Part 3F in numerical terms in that a 6m setback is achieved to the external wall. In conjunction with landscaping, the privacy is considered to be satisfactory to this southern property.</p> <p>A request is made to delete the south-facing living room window to Units 01, 05 and 09. This window is west-facing, may have an oblique angle of view to the southern neighbour but not detrimentally so, given this angle, setback from the boundary and landscaping.</p> <p>The submitter seeks a privacy screen to the south side of the west-facing balconies serving Units 01, 05 and 09. It is considered acceptable to require a privacy screen to the 3 levels.</p>
No address given	In support of the proposal.	Offers "full support" on the basis that there "is a clear need for high density affordable housing".
Unit 21, 2-4 Jersey Road	Visual privacy	<p>Lounge room windows – please consider having one window instead of two on the north/west lounge room, similar to the south/west lounge room. It is understood the submitter is referring the windows shown in the image. This wall is located 5.7m from the northern boundary. The proposed planting of Murraya serves to serve the privacy objectives of the ADG.</p>  <p>Concerns are raised that the north/west Kitchen and main bedroom are closer than the current building, and requests it be considered</p>

Property	Issues raised	Response
		<p>setting the rooms further back or a similar layout to north/east units.</p> <p>The projection of the rooms satisfies privacy criteria and also serves to modulate the building satisfactorily.</p> <p>A request is made to remove the north facing kitchen window overlooking our bathroom & bedroom, accompanied by a request to consider a similar layout to the south facing kitchen window. For the reasons provided earlier, the layout is considered satisfactory in the circumstances of the case.</p>
	Increase set back from Abbott street for better alignment	The alignment is considered satisfactory the basis that it is an average of the front setback of adjoining buildings and the quantum of development is numerically compliant and the bulk is satisfactorily distributed over the site.
	Are there plans for vegetation/garden to help with privacy & to keep any existing trees on 3 Abbott Rd?	A detailed landscape plan accompanied the proposal and confirms that privacy works in tandem with setbacks to achieve privacy objectives.
	Reduce roof height to allow more light for 2-4 Jersey Road. The roof seems to extend beyond the living spaces quite dramatically	The height of the proposal numerically complies and satisfies the objectives of the controls.
	The floor to ceiling heights of the apartments in 3 Abbott Rd seem much higher than ours in 2-4 Jersey Rd, which are quite generous.	The floor to ceiling heights are 2.7m which satisfies the ADG and BCA.
	Balcony fences should be solid rather than see through, for improved privacy.	A condition is imposed to require the balcony sides to have a privacy screen 1.8m in height to assist with mitigating privacy.
7 Jersey Road	Insufficient parking spaces at 8 parking spots for 12 units.	<p>The submission raises concerns that visitors parking at -the unit are constantly used inappropriately for permanent parking by locals that either have no parking or have 1 spot and are a 2 or 3 car residence.</p> <p>Further, that “.. Hampden road parking is being reduce with the street upgrade so the problem id (sic, is) likely to get worse as the insufficient parking in units leads to street spots or visitors areas being semi permanently blocked - thus also reducing the parking</p>

Property	Issues raised	Response
		<p>available for visitors to local shops”.</p> <p>It is noted that the proposal satisfies the parking requirements of SEPP (Housing) 2021.</p>
3 McMillan Road	Insufficient parking	As above, the parking satisfies the parking requirements of SEPP (Housing) 2021.
	Removal of trees	This matter has been considered in detail by Council's Landscape Designer and found to be acceptable subject to conditions.
3 McMillan Road	Removal of trees including impacts on brush turkeys, lorikeets, magpies and possums, amongst others.	This matter has been considered in detail by Council's Landscape Designer and found to be acceptable subject to conditions.
3 McMillan Road	Insufficient onsite parking	As above, the parking satisfies the parking requirements of SEPP (Housing) 2021.
	Removal of trees	This matter has been considered in detail by Council's Landscape Designer and found to be acceptable subject to conditions.
	Social housing	The submitter seeks to understand how can it be guaranteed that these apartments will be assigned to essential workers and not more of the type of residents who occupy other social housing in the area. The proposed affordable housing will be managed in accordance with Council's policy by its provider.
	Alternative site use	<p>The submitter says the development of the site as affordable housing for essential housing is an admirable aim, however raises concern that, given the demographics of Artarmon (with many families with young children) and given the stated aim of state government to increase childcare provision, the local community would be far better served with restoration of the development site to its previous use as a childcare centre.</p> <p>The proposal aligns with Council's affordable housing strategic aims and policy.</p>
School Infrastructure NSW	No objection	<p>Suggested conditions to ensure pedestrian safety, a CMP, noise and vibration and air quality.</p> <p>–Relevant conditions are incorporated into the draft consent.</p>
21/3 McMillan Road	Insufficient parking	As above, the parking satisfies the parking requirements of SEPP (Housing) 2021.
	Removal of trees	This matter has been considered in detail by Council's Landscape Designer and found to be acceptable subject to conditions.
70 Artarmon Road	In support of the proposal.	The submitter says it is great to see progress on Council's plans to build these affordable apartments in a convenient location.

Property	Issues raised	Response
Unit 17, 2-4 Jersey Road	States no objections except seeks some changes	<p>The submitter seeks the following changes to the proposal:</p> <p>“- Foyer entrances positioned at Abbott Road end and Hampden Lane end (so as to avoid noise, privacy infringements from people entering and exiting the building)</p> <p>- The south side of our building will lose considerable daylight.</p> <p>- The building height overshadows our building and therefore exposes our privacy.</p> <p>- The building is too close to the fenceline separating the 2 buildings”.</p> <p><u>Assessment planner comments</u></p> <p>The above matters have been considered in the assessment of the application. The design of the proposal is considered to constitute a reasonable development of the site, and to distribute an acceptable quantum of development over the site.</p> <p>With respect to overshadowing, the applicant was put to task to demonstrate compliance with the objectives of the controls. Unit 2/3-11 McMillan Street was given focus, given it is affected by the proposal in mid-winter. The applicant depicts solar access to this unit at 9am in mid-winter, then 11am, and loses this sunlight somewhere between 11.30am and 12pm.</p> <p>The applicant says 2 hours is sufficient solar access as stated by the ADG, notwithstanding the ADG relates to solar access to the subject development. In the circumstances of the case, the solar access to the adjoining property is considered satisfactory and to satisfy objectives of the medium density residential environment.</p>

ATTACHMENT 7 - SECTION 4.15 (79C) ASSESSMENT

The application has been assessed under the provisions of S.4.15 (79C) of the *Environmental Planning and Assessment Act*.

The most relevant matters for consideration are assessed under the following headings:

Matters for Consideration Under S.4.15 (79C) EP&A Act
Considered and Satisfactory ✓ and 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 aims and objectives of these EPIs.	
(a)(ii)	The provision of any draft environmental planning instrument (EPI)	
	<ul style="list-style-type: none"> Draft State Environmental Planning Policies (SEPP) 	N/A
	<ul style="list-style-type: none"> Draft Regional Environmental Plans (REP) 	N/A
	<ul style="list-style-type: none"> Draft Local Environmental Plans (LEP) 	✓
	Comment: There are no draft SEPPs that apply to the subject land.	
(a)(iii)	Any development control plans	
	<ul style="list-style-type: none"> Development control plans (DCPs) 	✓
	Comment: The proposal satisfies the aims and objectives 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: The proposal satisfies the aims and objectives 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: Overland flowpath 	✓
	<ul style="list-style-type: none"> Safety, security crime prevention 	✓

Matters for Consideration Under S.4.15 (79C) EP&A Act
Considered and Satisfactory ✓ and Not Relevant N/A

	• Social impact in the locality	✓
	• Economic impact in the locality	✓
	• Site design and internal design	✓
	• Construction	✓
	• Cumulative impacts	✓
	Comment: The proposal is considered to have acceptable impacts on the surrounding built environment.	
(c)	The suitability of the site for the development	
	• Does the proposal fit in the locality?	✓
	• Are the site attributes conducive to this development?	✓
	Comment: The proposal is considered to be sufficiently suitable for the site.	
(d)	Any submissions made in accordance with this Act or the regulations	
	• Public submissions	✓
	• Submissions from public authorities	✓
	Comment: Submissions have been considered in the assessment of the proposal.	
(e)	The public interest	
	• Federal, State and Local Government interests and Community interests	✓
	Comment: The proposal is considered to be sufficiently in the public interest.	

ATTACHMENT 8: SCHEDULE OF CONDITIONS

DEFERRED COMMENCEMENT AND OTHER CONDITIONS – DA-2023/64 3 ABBOTT ROAD, ARTARMON

SCHEDULE 1

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

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

PART A

The parcel of land adjoining the site to the north is deemed a public road. This consent is granted subject to Council resolving to close the parcel of land adjoining the site to the north as a public road and, if so resolved, the separate process being undertaken pursuant to the Roads Act 1993.

The road closure process must be finalised and a fresh deposited plan registered that demonstrates that 3 Abbott Road and the subject parcel to the north having been consolidated.
(Reason-Orderly development of land)

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

PART B

CONSENT IDENTIFICATION

Conditions of Consent: (Including reasons for such 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
Introduction and Project Summary	DA-02	B	22.05.2023	Kennedy Associates Architects
Site Plan	DA-05	C	04.08.2023	
Level 01 Basement	DA-06	C	22.05.2023	
Level 00 External Works	DA-07	C	22.05.2023	
Level 00 Ground Floor	DA-08	C	22.05.2023	
Level 01 Floor	DA-09	C	22.05.2023	
Level 02 Floor	DA-10	D	04.08.2023	
Roof Plan	DA-11	D	04.08.2023	
Elevation Sheet 01	DA-12	D	04.08.2023	
Elevation Sheet 02	DA-13	C	22.05.2023	
Section Sheet 01	DA-14	C	22.05.2023	
Section Sheet 02	DA-15	A	14.12.2022	
Section Sheet 03	DA-16	A	14.12.2022	
Adaptable / Livable Housing	DA-31	A	14.12.2022	
Stormwater Plans	C000, C100, C101, C115, C200, C300, C310	A	29.11.2022	Xavier Knight
Landscape Plans	LP_01 to LP_03 inclusive	B	07.12.2022	

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. Ausgrid

The following conditions from Ausgrid must be complied with:

A.	<p>The design submission must comply with relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice for construction works near existing electrical assets.</p> <p>The “as constructed” minimum clearances to Ausgrid’s infrastructure must not be encroached by the building development. It also remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite.</p> <p>Ausgrid’s Network Standards can be sourced from Ausgrid’s website, www.ausgrid.com.au</p>
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(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.

3. Urban heat

In order to comply with Part 4.3.7 Willoughby DCP, the roof plan drawing must clearly identify an SRI value of minimum 34 where the roof pitch is greater than 150, and 64 where the roof pitch is less than 150. This must be clearly notated in the Construction Certificate drawings prior to issue of the Construction Certificate.
(Reason: Compliance)

4. Undergrounding of Services

In accordance with Part 4.3.11 Willoughby Development Control Plan, all services, including overhead electricity wires, are to be located underground. This must be clearly notated in the Construction Certificate drawings prior to issue of the Construction Certificate.
(Reason: Compliance)

5. Motorcycle parking

For the purposes of satisfying Willoughby Development Control Plan, 2 x motorcycle spaces are to be provided in the basement, 1 x space for residents and 1 x visitor space. This must be clearly notated in the Construction Certificate drawings prior to issue of the Construction Certificate.
(Reason: Compliance)

6. Electric vehicle charging

For the purposes of satisfying Willoughby Development Control Plan (Part F, 5.6), all car spaces allocated to an individual residential apartment must make provision for Level 2: single or 3-phase electric vehicle supply equipment with a power range of

7kW-22kW, as defined by NSW Electric and Hybrid Vehicle Plan (Future Transport 2056) from Transport for NSW, which provides faster, more secure charging. This must be clearly notated in the Construction Certificate drawings prior to issue of the Construction Certificate.

(Reason: Compliance)

7. 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)

8. Work zones

Work zones are not to be proposed in locations that will compromise pedestrian, cyclist and vehicular access to the school and associated drop-off and pick-up spaces. This includes the pedestrian path located along the site's frontage to Abbott Road.

(Reason: Safety)

9. Additional Planting

Prior to the issue of a Construction Certificate, the Landscape Plans must be amended to clearly show the Murraya hedge, denoted as "Mp" on Landscape Plan E759_LP_03 Rev B, plot dated 7.12.2022 prepared by CPS, extended to the rear boundary.

(Reason: Residential amenity, privacy)

10. Privacy screens

For the purposes of ensuring privacy is enhanced to neighbouring properties; privacy screens 1.8m high must be incorporated to the northern and southern ends of the east and west-facing private balconies. The materials adopted for the screens must be sympathetic to the overall design aesthetic. Details to be provided for approval with the Construction Certificate.

(Reason: Residential amenity)

11. Adaptable Units and Livable housing

Adaptable residential units for disabled persons are to be provided for units U02, U06 and U10. Livable Housing Australia (Gold Level) units are to be provided for units A01, U05 and U09. Each adaptable and LHA Gold Level unit is to be clearly identified as such on the Construction Certificate drawings. The Construction Certificate drawings must identify that the 3 x accessible spaces are appurtenant to the adaptable units, and the 2 x 3.2m wide spaces are appurtenant to the LHA Gold Level units.

(Reason: Compliance)

12. Damage Deposit

Prior to the issue of the Construction Certificate, the applicant shall lodge a Damage Deposit of **\$80,000** (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 = \$80,000 + \$182 = \$80,182

(Reason: Protection of public asset)

13. 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. Permits are to be obtained from Council for any temporary ground anchors to be installed within the road reserve. Copies of the permission shall be sent to Council. A Temporary Ground Anchor Permit is to be obtained from Council for any ground anchors proposed to be installed in Council's Road Reserve. All works associated with the drilling and stressing of the ground anchors shall be installed in accordance with approved drawings.

(Reason: Encroachment of works)

14. CCTV Report of Existing Council Pipe System

A qualified practitioner, with qualifications/training in accordance with Water Services Association of Australia WSA05-2013 Conduit Inspection Reporting Code of Australia Version 3.1, shall undertake a closed circuit television (CCTV) inspection and then report on the existing condition of the Council drainage pipeline located in Hampden Lane adjacent to the site. No person is to enter any Council stormwater conduit without written approval from Council. The camera and its operation shall comply with the following: -

- (a) The internal surface of the drainage pipe shall be viewed and recorded in a clear and concise manner.
- (b) The CCTV camera used shall be capable to pan, tilt and turning at right angles to the pipe axis over an entire vertical circle to view the conduit joints.
- (c) Distance from the manholes shall be accurately measured and displayed on the video.
- (d) All pipe joints and defects are to be inspected by stopping movement and panning the camera to fully inspect the joint and/or defect.
- (e) The inspection survey shall be conducted from manhole to manhole.
- (f) Recorded CCTV footage & reports are to use Council asset pit numbers to identify the start and finish location of the CCTV. A plan can be obtained from Council with these asset numbers at request.

The written report, together with a copy of the digital video footage of the pipeline shall be submitted to Council. A written acknowledgment shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Certifier prior to the issue of the Construction Certificate.

(Reason: Protection of public asset)

15. Stormwater to Council's Underground Drainage System

Stormwater runoff from the site shall be collected and conveyed to the Council's underground drainage system in Hampden Lane via the construction of a new kerb inlet pit over the existing drainage pipe in accordance with Council's specification. A grated drainage pit (min. 900mm x 900mm) shall be provided within the property and adjacent to the boundary prior to discharging to the Council's drainage system. In this regard, full design and construction details showing the method of disposal of surface and roof water from the site are to be submitted to Council for approval prior to the issue of the Construction Certificate.

(Reason: Prevent nuisance flooding)

16. Analysis of Outlet Condition

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

(Reason: Prevent property damage)

17. Detailed Stormwater Management Plan (SWMP)

Prior to the issue of the Construction Certificate, submit to the Certifier for approval, detailed stormwater management plans in relation to the on-site stormwater management and disposal system for the development. The construction drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer and in accordance with the concept stormwater management plans, prepared by Xavier Knight, referenced 211101-Rev A, dated 29/11/2022 Drawings C100, C101 and C115. 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)

18. Basement Pumpout Drainage System

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

- (a) The pumpout drainage system shall comprise with two (2) submersible type pumps. The two pumps shall be designed to work on an alternative basis to ensure both pumps receive equal use and neither remains continuously idle.
- (b) Each pump shall have a minimum capacity of 10L/s or shall be based on the flow rate generated from the 1% Annual Exceedance Probability storm event 5-

minutes duration of the area draining into the system, whichever is greater.

- (c) An alarm warning device (including signage and flashing strobe light) shall be provided for the pump-out system to advise the occupant of pump failure. The location of the signage and flashing strobe light shall be shown on the stormwater management plans.
- (d) The volume of the pump-out tank shall be designed with a minimum storage capacity equivalent to the runoff volume generated from of the area draining into the tank for the 1% Annual Exceedance Probability storm event for 2-hours duration.

All drawings shall be prepared by a suitably qualified and experienced civil engineer and shall comply with Part I of Council's Development Control Plan, Technical Standard 1, AS/NZS 3500.3 – *Plumbing and Drainage Code* and the National Construction Code.

(Reason: Prevent nuisance flooding)

19. 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)

20. Road Pavement – Engineering Details

The applicant shall submit, for approval by Council as the road authority, prior to issue of the Construction Certificate, full engineering design plans and specifications prepared by a suitably qualified and experienced civil engineer for the reconstruction of half of the road pavement and any associated works fronting the subject site in Hampden Lane.

The required plans must be designed in accordance with Council's Specifications (AUS-SPEC). 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.

(Reason: Protection of public asset)

21. 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) The reconstruction of 1.5 metres wide footpath (max. 2.5% crossfall) towards the kerb for the full frontage of the development site in Abbott Road 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) The reconstruction of existing kerb and gutter for the full frontage of the development site in Abbott Road and Hampden Lane in accordance with Council's specifications and Standard Drawing SD105.
- (c) The reconstruction of the existing full width road pavement for the full frontage of the development site in Hampden Lane in accordance with Council's specifications.
- (d) The construction of a 5.5 metres wide vehicular crossing in Hampden Lane in accordance with Council's specification and Standard Drawings SD105.
- (e) The removal of all redundant vehicular crossings including layback and gutter and reinstate into Council's standard kerb and gutter and nature strip in Abbott Road and Hampden Lane in accordance with Council's specification and Standard Drawings SD105.
- (e) The construction of a new kerb inlet pit with 1.8m precast lintel over the existing underground drainage pipe in Hampden Lane in accordance with Council's specification and Standard Drawings SD515. The new kerb inlet pit must be located at a minimum distance of 0.5m from any vehicular crossing.

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)

22. Sight Lines

Pursuant to Clause 3.2.4 of AS2890.1, a 2m x 2.5m pedestrian sight splay, clear of any obstructions to visibility, must be provided on both sides of the driveway exit. In this regard, any proposed structures (such as landscaping, retaining wall, front fence and driveway gate etc) located within these splay areas shall be relocated/redesigned to prevent obstructions to visibility. Details demonstrating compliance are to be submitted with the construction certificate application.

(Reason: Pedestrian safety)

23. Driveway Longitudinal Section

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 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 5.5 metres wide with no splays and be constructed at right angle to street 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 – 120mm above and parallel to the gutter invert.
- (c) At 6m inside the property boundary – the grade of the driveway for the first 6 metres from the boundary must not exceed 5%.

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)

24. OSD/Rainwater Tank Design

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

(Reason: Safe access to tanks)

25. 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 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.

- (c) That the proposed vehicular path and parking arrangements comply in full with AS/NZS 2890.1, AS 2890.2 and AS 2890.6 in terms of minimum dimensions provided and grades on parking spaces.
- (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 2.7 of AS 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 2.7 of AS 2890.6.
- (f) That a shared area with minimum dimensions of 2.4 x 5.4m is provided adjacent to all disabled parking spaces and a shared area with minimum dimensions of 2.4m x 2.4m is provided at the end of all disabled parking spaces to comply with AS 2890.6. A bollard shall be located in the shared zone in accordance with Section 2.4 of AS 2890.6.
- (g) That parking spaces required to be adaptable for adaptable units comply with the requirements of AS 2890.6.
- (h) That a 2m x 2.5m pedestrian sight splay, clear of any obstructions to visibility, must be provided on both sides of the driveway exit in accordance with Section 3.2.4 of AS/NZS2890.1. In this regard, any proposed structures (such as landscaping, retaining wall, front fence and driveway gate etc) located within these splay areas must be relocated/redesigned to prevent obstructions to visibility.

(Reason: Ensure compliance)

26. 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)

27. Tree Protection Plan

- (a) Submit to the registered certifier a Tree Protection Plan for approval prior to issue of a construction certificate.
- (b) The Tree Protection Plan is to be prepared by a qualified Arborist with minimum qualification AQF Level 5.
- (c) Tree Protection Plan shall address tree protection and management of all trees (including those on adjoining properties) in accordance with AS 4970-2009 'Protection of trees on development sites' and clearly mark tree protection zones as well as tree protection measures and fencing.

(Reason: Tree protection)

28. Internal Noise Levels Residential

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

Internal Space	Time Period	Criteria L_{Aeq} (period)
Living Areas	Any time	40 dB(A)
Sleeping Areas	Day (7am – 10pm)	40 dB(A)
	Night (10pm – 7am)	35 dB(A)

Note:

1. The above criteria do not apply to kitchens, bathrooms, laundries, foyers, hallways, balconies or outdoor areas.
2. The above criteria define the minimum acceptable levels. Buildings may be built to a better than average standard by applying more stringent criteria.

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)

29. Noise from Transport Corridor

To minimise the impact of noise from any external noise source on the amenity of the occupants, the building shall be constructed in accordance with the recommendations and specifications of the acoustic report (XXXX).

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)

30. 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)

31. Noise Mechanical Services

To minimise the impact of noise onto receivers on surrounding land, all mechanical services shall be designed to ensure “offensive noise”, as defined under the provisions of the *Protection of the Environment Operations Act 1997*, is not emitted from the development. Details of the proposed equipment, siting, appropriate noise criteria and any attenuation required shall be prepared by an appropriately qualified acoustic consultant and accompany the application for a Construction Certificate.
(Reason: Amenity, environmental compliance and health)

32. Dewatering of Construction Site

To ensure any water discharged into Councils stormwater system from the excavated portions of the site complies with relevant environmental criteria, appropriate pollution control methods shall be adopted. The following details shall be submitted to the Certifier prior to the issue of a Construction Certificate:

- (a) Details of proposed pollution control methods
- (b) Certification from an appropriately qualified person verifying the adequacy of the proposed pollution control methods to ensure discharged water complies with the ANZECC 2000 Guidelines

(Reason: Pollution control and Environmental Health)

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.

33. Site Investigation

For the purposes of ensuring that the requirements of the Preliminary Site Investigation (PSI) Report (Ref: JC22438A-r2, dated June 2022) by GeoEnviro Consultancy Pty Ltd is satisfied, validation sampling and laboratory analysis in the area of all existing dwellings and structures after demolition is required to be undertaken after demolition of the existing buildings and prior to any further work occurring on the site. **No further work is to be undertaken on the site after demolition of the existing buildings until remediation and validation (if required) is undertaken and the site verified as clear of any contamination.**
(Reason: Compliance)

34. Site Management

A site Management Plan shall be submitted to and approved by the Certifier prior to commencement of work. The site management plan shall include the following measures as applicable.

- (a) Details and contact telephone numbers of the owner, builder and developer;
- (b) Location and construction details of protective fencing to the perimeter of the site;

- (c) Location of site storage areas, sheds and equipment;
- (d) Location of stored building materials for construction;
- (e) Provisions for public safety;
- (f) Dust control measures;
- (g) Site access location and construction;
- (h) Details of methods of disposal of demolition materials;
- (i) Protective measures for tree preservation;
- (j) Provisions for temporary sanitary facilities;
- (k) Location and size of waste containers and bulk bins;
- (l) Soil and Water Management Plans (SWMP); comprising a site plan indicating the slope of land, access controls, location and type of sediment controls and storage/control methods for material stockpiles;
- (m) Construction noise and vibration management.

The site management measures shall be implemented prior to the commencement of any site works and maintained during the construction period. A copy of the approved Site Management Plan shall be conspicuously displayed, maintained on site and be made available to the Certifier/Council officers upon request.
(Reason: Environment protection, public health and safety)

35. Dilapidation Report of Adjoining Properties

Prior to commencement of work, submit a photographic survey and report of the adjoining properties 2-4 Jersey Road, and 11 McMillan Road, Artarmon, 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)

36. Asbestos Sign to be Erected

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

37. 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)

38. 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)

39. 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. A separate written application to work outside normal hours must be submitted for approval.
It should also be noted that, in some cases, the above Permits may be refused and temporary road closures required instead which may lead to longer delays due to statutory advertisement requirements.
- (c) Permit to open public roads, including footpaths, nature strip, vehicular crossing or for any purpose whatsoever. All applications are to include current fees. (Minimum one (1) weeks' notice required.)
- (d) Permit to place skip/waste bin on footpath and/or nature strip. (Maximum three (3) days).
- (e) Permit to work and/or place building materials on footpath and/or nature strip. (Maximum two (2) weeks).

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

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)

40. 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)

41. 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)

42. Project Arborist

- (a) A Project Arborist is to be appointed prior to commencement of works on site;
- (b) The Project Arborist is to have a minimum qualification AQF Level 5;
- (c) The Project Arborist is to oversee and authorise all tree protection works detailed in the approved Tree Protection Plan, AS4970-2009 *Protection of trees on development sites* and relevant conditions of consent;
- (d) The Project Arborist is to certify that all tree protection measures have been installed prior to commencement of works.

(Reason: Safety, environmental protection, landscape amenity)

43. Dewatering of Development Site

Appropriate pollution control methods shall be adopted to ensure any water discharged into Council's stormwater system from dewatering activity 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	2650
Total phosphorous	µg/L	< than	39.5
Dissolved oxygen	%sat	Btn 80 - 120%	
pH	pH units	Btn 6.5 - 8.5	
Conductivity	µS/cm	< than	437
Suspended solids	Mg/L	< than	50
Turbidity	NTU	< than	50
Zinc	µg/L	< than	19.3
Lead	µg/L	< than	0.5
Copper (& other heavy metals)	µg/L	< than	4.9

(Reason: Environmental protection, compliance)

44. Hazardous Building Material Assessment

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

(Reason: Environmental protection/public health and safety)

45. Spoil Route Plan

Submit a “to and from” spoil removal route plan to Council prior to the commencement of excavation on the site. Such a route plan should show entry and exit locations of all truck movements.

(Reason: Public amenity)

46. Construction Safety and Transport Management Plan

Prior to commencement of Construction, 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 construction safety and transport management objectives to be adopted are:

- Maximise construction site worker, road user and public safety at all times.
- Minimise disruption to access and movement to pedestrians, cyclists and motor vehicles.
- Maintain existing travel times for pedestrians, cyclists and motor vehicles.
- Ensure construction motor vehicles access the State Road network as soon as practicable on route to, and immediately after leaving, the construction site.
- Ensure scheduled buses run on time with no disruption to routes and stops, where possible
- Minimise changes to transport operation and kerbside parking access.
- Minimise construction transport generation during network peak periods.
- Maintain access to properties and businesses.
- Minimise street parking impacts on surrounding local communities.
- Work collaboratively with other stakeholders and other major projects to mitigate safety and transport impacts.
- 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 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 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 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.

The following additional CSTMP requirements will apply for developments that are assessed as high risk and with significant impact on the road and pathway networks.

- (a) Provide information on the existing operational performance of the road network including level of service, delays, queues for weekday morning and afternoon peak periods and, when requested by Council, other times of high traffic demand. The performance information should be sourced using industry standard and accepted data collection techniques and systems and traffic modelling tools such as SIDRA.
- (b) Identify and explain all construction methodology with a focus on site operation, generation and distribution of traffic on the road and pathway network. In situations where the construction methodology involves a subdivision of the site, this arrangement should be explained. The start/end dates for each stage should be provided. Staging of each location and overlap of works across locations including duration and traffic demands should be explained. In circumstances where additional operational arrangements are also occurring on the site, this situation should also be explained and the pedestrian, bicycle and motor vehicle generation and movement determined and outlined.
- (c) Provide information on the forecast operational performance of the road network including level of service, delays, queues for weekday morning and afternoon peak periods and, when requested by Council, other times of high traffic demand during the construction period based on the construction methodology. The performance information should be sourced using industry standard and accepted data collection techniques and traffic modelling tools such as SIDRA.
- (d) Analyse, compare and assess the existing and forecast operational performance during the construction period. Identify and explain the change in operational performance including those intersections that have a worsening in operational performance during the construction period and stages therein.

- (e) Receive the concurrence to the SCTMP from the Willoughby Council Traffic Committee and the CSTMP adopted by Willoughby Council.

(Reason: Public safety and amenity)

DURING DEMOLITION, EXCAVATION AND CONSTRUCTION

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

47. Construction Traffic

Construction vehicles are prohibited accessing and egressing the site during school drop-off and pick up times (30 minutes before and after school start and finish times).

(Reason: Public safety)

48. 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)

49. 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)

50. Demolition Work AS 2601-2001

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

(Reason: Safety)

51. 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)

52. 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)

53. 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)

54. 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)

55. 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)

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

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

57. 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)

58. Tree Trunk, Branch and Root 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 protection measures must comply with AS 4970-2009 Protection of trees on development sites with particular reference to Section 4 Tree Protection Measures.
- (d) Tree protection measures in accordance with (c) above are to be certified by the Project Arborist prior to commencement of works.
- (e) Tree roots greater than 25mm diameter are not to be removed unless approved by The Project Arborist on site.
- (f) All structures are to bridge roots unless directed by The Project Arborist on site.

(Reason: Tree management)

59. 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)

60. 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)

61. 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)

62. 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)

63. 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)

64. 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)

65. 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)

66. Noise Monitoring Plan

Construction noise shall be controlled to comply with the requirements as set out in the EPA Interim Construction Noise Guideline. Noise levels shall not exceed the rated background level by more than 10dB(A) at the most sensitive receiver during the standard construction hours. A noise monitoring plan shall be implemented during construction. Where noise levels may be exceeded appropriate measures to control excessive noise shall be implemented immediately.

(Reason: Amenity)

67. Construction Noise

Construction noise shall be controlled to comply with the requirements as set out in the EPA Interim Construction Noise Guideline (ICNG). Noise levels shall not exceed the following noise criteria:

- (a) Affected residential properties (during ICNG recommended standard hours) – Noise affected level of RBL + 10dB and Highly noise affected level (i.e. noise level above which there may be strong community reaction) $\leq 75\text{dB(A)}_{\text{Leq(15mins)}}$.
- (b) Affected commercial premises (i.e. office, retail outlets etc.) – $70\text{dB(A)}_{\text{Leq(15mins)}}$.

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. Where noise criteria are exceeded, appropriate measures to control excessive noise shall be implemented immediately.

(Reason: Amenity)

68. Testing to Verify Water Quality Prior to Dewatering Activity

- (a) On the occasion that any rainfall or other event necessitates dewatering of 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)

PRIOR TO OCCUPATION OF THE DEVELOPMENT

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

69. 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)

70. Gates Adjoining Public Footways

Prior to the issue of any Occupation Certificate, any gate openings shall be constructed so that the gates, when hung will be fitted in such a manner that they will not open over the footway or public place.

(Reason: Ensure compliance)

71. 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)

72. 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)

73. 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)

74. Fire Safety Certificate Forwarded to NSW Fire and Rescue

Prior to the issue of any Occupation Certificate and upon completion of the building work, a Fire Safety Certificate shall be furnished by the owner to Council, and the owner must cause a copy of the certificate (together with a copy of the current fire safety schedule) to be forwarded to the Commissioner of New South Wales Fire and Rescue, and must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building in accordance with Part 11 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* in respect to each essential fire safety measure included in the Schedule attached to the Construction Certificate.

(Reason: Safety)

75. 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)

76. Identification of Car Parking Spaces

Prior to the issue of any Occupation Certificate, the accessible and LHA Gold car parking spaces shall be physically identified on site and maintained free of obstruction. Under no circumstances are these spaces to be used for the storage of goods or waste products.

(Reason: Amenity)

77. 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)

78. 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)

79. 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)

80. 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)

81. CCTV Report of Council Pipe System After Work

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

- (a) The internal surface of the drainage pipe shall be viewed and recorded in a clear and concise manner.
- (b) The CCTV camera used shall be capable to pan, tilt and turning at right angles to the pipe axis over an entire vertical circle to view the conduit joints.
- (c) Distance from the manholes shall be accurately measured and displayed on the video.
- (d) All pipe joints and defects are to be inspected by stopping movement and panning the camera to fully inspect the joint and/or defect.
- (e) The inspection survey shall be conducted from manhole to manhole.
- (f) Recorded CCTV footage & reports are to use Council asset pit numbers to identify the start and finish location of the CCTV. A plan can be obtained from Council with these asset numbers at request.

The written report, together with a copy of the digital video footage of the pipeline shall be submitted to Council. Any damage that has occurred to the section of the pipeline since the commencement of any works on the site shall be repaired in full to the satisfaction of Council at no cost to Council, which may include full

reconstruction. A written acknowledgment shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Certifier.
(Reason: Ensure compliance and protection of public asset)

82. Grated Box Drain

Prior to the issue of any Occupation Certificate and for stormwater control, a minimum 200mm wide grated trench drain with a heavy duty removable galvanised grate is to be provided along the full width of the driveway at the front boundary to collect driveway runoff. The trench drain shall be connected to the main drainage system and must have an outlet of minimum diameter 150mm to prevent blockage by silt and debris.

(Reason: Proper disposal of stormwater)

83. 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 new kerb inlet pit in Hampden Lane via an approved OSD system with a minimum volume of 38m³ in accordance with Sydney Water's requirements AS/NZS3500.3, Council's DCP and Technical Standards. The construction of the stormwater drainage system of the proposed development shall be in accordance with the approved detailed stormwater drawings required under this development consent and Council's specification (AUS-SPEC).

(Reason: Prevent nuisance flooding)

84. 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)

85. 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)

86. 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 Appendix 2 of Council's Technical Standard No. 1.

(Reason: Legal requirement)

87. Certification of the Basement Pumpout Drainage System

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

- (a) A suitably qualified and experienced civil engineer (generally CP Eng. Qualification) shall certify that the as-built pumpout system complies with Part I of Council's DCP Technical Standard 1, 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)

88. 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 and the required stormwater treatment measures and devices 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)

89. S88B/S88E(3) Instrument

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

The above instruments shall be created under Section 88B of the *Conveyancing Act 1919* for newly created lots. For an existing lot, the instruments can be created under Section 88E(3) of the *Conveyancing Act 1919* using Form 13PC and 13RPA respectively. The size and relative location of the OSD system and stormwater treatment system, in relation to the building footprint and property boundary, must be shown on the final plan of subdivision/strata plan or must be shown on the scale sketch, attached as an annexure to the request 13PC and 13RPA forms. The S88B instrument or 13PC/13RPA forms shall be lodged with Council's Standard S88B/S88E Lodgement Form with all supporting documentations listed in the Form. Council's Standard Form is available from Council upon requested. 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)

90. Documentary Evidence of Positive Covenant, Engineers Certificate

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

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

(Reason: Public record)

91. Sight Lines

Prior to the issue of any Occupation Certificate, a 2m x 2.5m sight splay, clear of any obstructions to visibility must be provided on both sides of the driveway exit to ensure adequate sight distances for pedestrians and traffic in the frontage road in Hampden Lane.

(Reason: Pedestrian and traffic safety)

92. 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 Abbott Road and Hampden Lane.

(Reason: Public amenity)

93. Reconstruct Pavement

Prior to the issue of any Occupation Certificate, full width road pavement including any necessary associated works adjoining to the full frontage of the development site in Hampden Lane shall be reconstructed in accordance with Council's approved drawings, conditions and specification (AUS-SPEC).

(Reason: Ensure compliance)

94. Concrete Footpath

Prior to the issue of any Occupation Certificate, construct a new 1.5 metres wide concrete footpath for the full frontage of the development site in Abbott Road. All

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

(Reason: Public amenity)

95. 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 5.5 metres wide with no splays and is to be constructed at right angles to the street kerb in plain concrete. The new crossing shall be located no closer than 1 metre from any power pole and 2 metres from any street tree unless otherwise approved by Council. The centreline of the new crossing shall be "in-line" with the centreline of the parking space(s).

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.
- (c) At property boundary – 120 mm above and parallel to the gutter invert.
- (d) At 6m inside the property boundary – the grade of the driveway for the first 6m from the property boundary must not exceed 5%.

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)

96. Removal of Redundant Crossings

Remove all redundant crossings together with any necessary works and reinstate the footpath, nature strip and kerb and gutter accordingly in Abbott Road and Hampden Lane. 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)

97. 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. The Work-as-Executed drawings shall be based on the Council approved drawings with all changes marked in red. A completion certificate shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Certifier prior to the issue of any Occupation Certificate.

(Reason: Ensure compliance)

98. 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 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)

99. 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)

100. Vehicular Access and Garaging

Driveways and vehicular access ramps shall be designed to provide adequate ground clearance to the underside of B85 vehicles. In all respects, prior to the issue of any Occupation Certificate, the proposed vehicle access, including any parking spaces, shall be designed and constructed to comply with the minimum requirements of AS/NZS 2890.1 and Council's standard specification. Any columns, walls or fences shall be located in positions that comply with Figure 5.2 AS/NZS 2890.1.

(Reason: Vehicular access)

101. Public Infrastructure Restoration

Prior to the release of the Damage Deposit, any damaged public infrastructure caused as a result of the construction and development 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)

102. 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.
- (e) That the constructed vehicular path and parking arrangements comply in full with AS/NZS 2890.1 and AS 2890.6 in terms of minimum dimensions provided and grades on parking spaces.
- (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 2.7 of AS 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 2.7 of AS 2890.6.
- (h) 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 2890.6, and that a bollard is located in the shared zone in accordance with the requirements of Section 2.4 of AS 2890.6.
- (i) That parking spaces required to be adaptable for adaptable units comply with the requirements of AS 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) That a 2m x 2.5m pedestrian sight splay, clear of any obstructions to visibility, has been provided on both sides of the driveway exit in accordance with Section 3.2.4 of AS/NZS2890.1.

(Reason: Ensure compliance)

103. 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)

104. 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)

105. Completion of Landscape Works

Prior to the issue of a Whole Occupation Certificate, any approved landscape works shall be consistent with the approved design, completed to a professional standard, consistent with industry best practice and published standards, and certified in writing by a qualified horticulturalist, landscape architect or landscape designer.

(Reason: Landscape amenity)

106. Project Arborist Certification

Prior to the issue of any Occupation Certificate, the Project Arborist is to certify in writing that all tree protection measures and remediation works have been complied with as per conditions of consent.

(Reason: Protection of trees required to be retained)

107. Emitted Noise - Air Conditioning

To minimise the impact of noise from the air conditioning unit on the occupants of adjoining residential buildings, the air conditioning system shall be installed so that the noise emitted from the air conditioning system shall be not more than 5dBA above the background noise level measured at the boundaries of the property within the permitted times of use stipulated in the *Protection of the Environment Operations (Noise Control) Regulation 2008*.

Certification from an appropriately qualified acoustic consultant that these design requirements have been met shall be submitted to the Certifier prior to issue of the Occupation Certificate for the air conditioning unit.

(Reason: Amenity, environmental compliance and health)

108. Acoustic Works – Report

Prior to the issue of any relevant Occupation Certificate, certification shall be provided upon completion of the works, accompanied with evidence from suitably qualified and practising acoustic engineer, to the effect that the acoustic attenuation has been carried out in accordance with the acoustic report (Ref: SYD2028 by ADP Consulting dated 20 December 2022).

(Reason: Amenity, environmental compliance and health)

109. Noise Emission – Equipment

Prior to the issue of any relevant Occupation Certificate, certification shall be provided from a suitably qualified acoustic engineer certifying that the noise from all sound producing plant, equipment, machinery and/or mechanical ventilation system complies with the relevant noise criteria.

(Reason: Amenity, environmental compliance and health)

110. 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)

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.

111. 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)

112. Analysis of Outlet Condition

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

(Reason: Maintain designed discharge)

113. Road Closure

Any closure (full or partial) of a public road is strictly prohibited without the approval of Council.

(Reason: Public protection)

114. Overland Flow

The applicant's attention is drawn to potential overland flow from the upstream catchment. Appropriate measures where required shall be implemented to ensure overland flow does not enter the building and no additional flow is directed onto adjoining property. Information regarding overland flows from upstream catchments may be obtained by contacting Councils Design/Flood Engineer.

(Reason: Protection of building)

115. Rainwater Retention and Re-Use Tank(s) System – Ongoing Maintenance

The registered proprietor of the land shall take full responsibility for the ongoing maintenance of the Rainwater Retention and Re-Use Tank(s) system constructed on the land, in accordance with the conditions of this consent, the certified constructed system and the Registered Surveyor's Work As Executed plans. The registered proprietor shall not carry out any alterations to this system and shall carry out regular maintenance to tanks, pipelines, walls and other structures, plumbing fixtures, first flush apparatus, gutters, leaf gutter guards, downpipes, pumps, pipe connections and any associated devices relevant to the system, to keep the system clean, in good working order and to ensure efficient and on-going operation of the system
(Reason: Ensure compliance)

116. 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)

117. 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)

118. Collection/Delivery Services

To minimise the noise impact of the development on the surrounding environment, the collection and delivery of goods and materials (including garbage and recycling waste) from and to the premises shall not take place between the hours of xxxxxxxx.
(Reason: Amenity)

PRESCRIBED CONDITIONS

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

119. 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.

120. 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)

121. 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)

122. 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)

ATTACHMENT 9: NOTIFICATION MAP

