

Panel Reference	PPSSNH-396
DA Number	DA-2023/152
LGA	Willoughby
Proposed Development	Nominated Integrated Development (Water NSW s90 Water Management Act 2000) - SNPP - Consolidation of site, demolition of existing structures, construction of 26 storey shop top housing development comprising commercial/retail, 84 residential units, publicly accessible through-site link, 4 levels of basement carparking.
Street Address	54 56 Anderson Street, Chatswood
Applicant/Owner	Anderson Chatswood Development Pty Ltd
Date of DA lodgement	21/06/2023
Number of Submissions	51 submitters
Recommendation	Approval with conditions
Regional Development Criteria - Schedule 6 of the SEPP (Planning Systems) 2021	Development that has a capital investment value of more than \$30 million.
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • State Environmental Planning Policy (Biodiversity and Conservation) 2021 • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy (Transport and Infrastructure) 2021 • State Environmental Planning Policy (Planning Systems) 2021 • SEPP (Housing) 2021 - Design of Residential Apartment Development and NSW Apartment Design Guide (ADG) • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • Willoughby Local Environmental Plan 2012 • Willoughby Development Control Plan
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Assessment Report • Schedule of Conditions • Site Description and Aerial Photo • Notification, Controls, Developer Contributions and Referrals • Submissions Table • Section 4.15 (79c) Assessment • Notification Map
Report prepared by	Peter Wells – Consultant Planner
Report date	4 December 2024

Summary of s4.15 matters

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

Yes

Legislative clauses requiring consent authority satisfaction	Yes
Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?	
<ul style="list-style-type: none"> e.g. <i>Clause 4.6 of State Environmental Planning Policy (Resilience and Hazards) 2021, Clause 4.6(4) WLEP</i> 	
Clause 4.6 Exceptions to development standards	Yes
If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	
Special Infrastructure Contributions	Not Applicable
Does the DA require Special Infrastructure Contributions conditions (S7.24)?	
<i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	
Conditions	Yes
Have draft conditions been provided to the applicant for comment?	
<i>Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report</i>	

SNPP NO:	PPSSNH-396
COUNCIL	WILLOUGHBY CITY COUNCIL
ADDRESS:	54 AND 56 ANDERSON STREET, CHATSWOOD NSW 2067
DA NO:	DA-2023/152
PROPOSAL:	CONSOLIDATION OF SITE, DEMOLITION OF EXISTING STRUCTURES, CONSTRUCTION OF 26 STOREY SHOP TOP HOUSING DEVELOPMENT COMPRISING COMMERCIAL/RETAIL, 84 RESIDENTIAL UNITS, PUBLICLY ACCESSIBLE THROUGH-SITE LINK, 4 LEVELS OF BASEMENT CARPARKING.
RECOMMENDATION:	APPROVAL SUBJECT TO CONDITIONS
ATTACHMENTS:	<ol style="list-style-type: none"> 1. SITE DESCRIPTION AND AERIAL PHOTO 2. NOTIFICATION, DEVELOPMENT CONTROLS, DEVELOPER CONTRIBUTION & REFERRALS 3. ASSESSMENT OF SEPP (HOUSING) 2021 CHAPTER 4 DESIGN OF RESIDENTIAL APARTMENT DEVELOPMENT 4. ASSESSMENT UNDER OTHER SEPPs, WLEP, WDCP 5. OFFICER'S CLAUUE 4.6 ASSESSMENT – BUILDING HEIGHT 6. SUBMISSIONS TABLE 7. SECTION 4.15 (79C) ASSESSMENT 8. SCHEDULE OF CONDITIONS 9. NOTIFICATION MAP 10. ARCHITECTURAL PLANS
RESPONSIBLE OFFICER:	RITU SHANKAR - TEAM LEADER
AUTHOR:	PETER WELLS - CONSULTANT PLANNER
DATE:	4-DEC-2024

1. PURPOSE OF REPORT

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

2. OFFICER'S RECOMMENDATION

2.1 THAT the Sydney North Planning Panel (SNPP) issue consent to the development subject to the attached conditions for the application DA-2023/152 for:

Nominated Integrated Development Water Management Act 2000 s90 (WaterNSW);

- A) Consolidation of Site
- B) Demolition of existing structures
- C) Construction of 26 Storey shop top housing development comprising commercial/Retail, 84 residential units, 4 levels of basement carparking.
- D) Landscaping and associated works
- E) Publicly accessible pedestrian through-site link.

at 54 AND 56 Anderson Street, CHATSWOOD NSW 2067, for the following reasons:

- a) **The clause 4.6 request for departure to the building height standard is well founded.**
- b) **Subject to compliance with the conditions of consent the development satisfies all relevant SEPP, LEP and DCP objectives and contain sufficient elements to achieve design excellence.**
- c) **The impacts to surrounding residences, open space and the surrounding locality emanate primarily from compliance with the Chatswood CBD Planning and Urban Design Strategy 2036, WLEP and DCP;**
- d) **The proposal satisfies the Chatswood CBD Planning and Urban Design Strategy 2036.**

3.0 DESCRIPTION OF PROPOSAL

3.1 Proposed Development

The development application proposes the following (a detailed breakdown of the proposal is at Section 3.2 of this report):

- a) Nominated Integrated Development (Water NSW s90 Water Management Act 2000)
- b) Demolition of all existing buildings and structures

- c) Consolidation of site, construction of 26-storey shop top housing development comprising commercial/retail, 84 residential apartments, adopting the following mix:
 - i. 1 bedroom – 7 units
 - ii. 2 bedroom – 47 units
 - iii. 3+ bedroom – 30 units
- d) 4 levels of basement carparking comprising 59 spaces.
- e) Proposed right-of-way along Anderson Street frontage to facilitate public shared pedestrian and cycle path and general public access.
- f) Proposed 3m wide right-of-way to allow publicly accessible through-site link along the western boundary (adjoining the North Shore Rail Line, between Wilson Street and O'Brien Street).
- g) Ancillary works, including vehicle and pedestrian access, site services, and stormwater infrastructure.
- h) Public art.
- i) Landscaping and footpath works.



Image 1: A photomontage of the subject proposal on completion (source: DA Design Report [CGI 1 – View from Tulip Street], dated 8/11/2023 prepared by AJC).



Image 2: A photomontage of the subject proposal on completion (source: DA Design Report [CGI 2 – View from Violet Street], dated 8/11/2023 prepared by AJC).



Image 3: Streetview of the subject proposal on completion from southeast – Anderson Street (source: DA



Image 4: Streetview of the subject proposal on completion from northeast – Anderson Street



Image 5: Streetview of the subject proposal on completion from east – Tulip Street (source: DA Design Report [p63], dated 8/11/2023 prepared by AJC).



Image 6: Streetview of the subject proposal on completion from southwest – O'Brien Street (source: DA Design Report [p64], dated 8/11/2023 prepared by AJC).



Image 7: Streetview of the subject proposal on completion from southeast – Anderson Street (source: DA Design Report [p64], dated 8/11/2023 prepared by



Image 8: Streetview of the subject proposal on completion from northwest – Wilson Street (source: DA Design Report [p65], dated 8/11/2023 prepared by



Image 9: Streetview of the subject proposal on completion from north – Wilson Street (source: DA Design Report [p66], dated 8/11/2023 prepared by AJC).



Image 10: Proposed Digital Material Board (source: DA Design Report [p62], dated 8/11/2023 prepared by AJC).

3.2 Detailed breakdown of proposed Development

The below table provides summary of the proposed development:

Building	Details
Basement Level B4 (FFL RL 90.147) Drawing DA2005 Rev 2	<ul style="list-style-type: none"> • 16 car parking spaces (residential): - inclusive of 12 accessible spaces • Private individual residential storage spaces • Large storage room • Access to lifts and stairs • Vehicular ramp to upper basement levels • Plant
Basement Level B3 (FFL RL 93.210) Drawing DA2004 Rev 2	<ul style="list-style-type: none"> • 16 car parking spaces (residential): - inclusive of 12 accessible spaces • Private residential storage space • Access to lifts and stairs • Vehicular ramp to upper basement levels • Plant

Basement Level B2 (FFL RL 96.27) Drawing DA2003 Rev 2	<ul style="list-style-type: none"> • 17 car parking spaces (residential): <ul style="list-style-type: none"> - Inclusive of 9 accessible spaces - Including 6 visitor (res) spaces • Private residential storage cages • 4 x motorbike spaces • 90 x bicycle racks • Access to lifts and stairs • Vehicular ramp to upper basement levels • Plant
Basement Level B1 (FFL RL 99.717) Drawing DA2002 Rev 3	<ul style="list-style-type: none"> • 10 car parking spaces: <ul style="list-style-type: none"> - Inclusive of 5 commercial spaces (including 1 x accessible) - inclusive of 5 visitor spaces (including 1 x accessible) • 2 x loading bays • 1 x courier bay • 1 x motorbike space • Residential waste room, residential bulk waste room • Commercial waste room and commercial bulk waste room • 14 x bicycle double stack (commercial) • End-of-trip facilities • Access to lifts and stairs • Vehicular ramp to upper basement levels • Plant
Level 01 (Ground Level) (FFL RL 105.217) Drawing 2001 Rev 01	<ul style="list-style-type: none"> • Restaurant • Commercial space including outdoor terrace • Residential lobby • Sanitary facilities • Mail room • Plant including fire pump room, fire tank room • Substations adjoining O'Brien Street • Vehicular ramp to upper basement levels • Hydrant booster • Proposed right-of-way along Anderson Street frontage to facilitate public shared pedestrian and cycle path and general public access. • Proposed 3m wide right-of-way to allow publicly accessible through-site link along the western boundary (adjoining the North Shore Rail Line, between Wilson Street and O'Brien Street). • Ancillary works, including vehicle and pedestrian access, site services, and stormwater infrastructure. • Landscaping and footpath works.
Level 02 (FFL RL 110.817) Drawing 2006 Rev 01	<ul style="list-style-type: none"> • Commercial space • Sanitary facilities • Commercial storage • Access to lifts and stairs • Plant and exhaust

Level 03 (FFL RL 116.417) Drawing 2007 Rev 02	<ul style="list-style-type: none"> • 4 x residential units (4 x 2-bed units) • Residential outdoor communal open space including landscaping • A/C Plant • Access to lifts and stairs
Level L04-06 (FFL RL 119.817, RL 123.017, RL 126.217) Drawing 2008 Rev 02	<ul style="list-style-type: none"> • 5 x residential units (1 x 1-bed, 2 x 2-bed, 2 x 3-bed)
Level L07-10 (FFL RL 129.417, RL 132.617, RL 135.817) Drawing 2011 Rev 02	<ul style="list-style-type: none"> • 6 x residential units (1 x 1-bed, 5 x 2-bed)
Level L11-12 Drawing 2015 Rev 02	<ul style="list-style-type: none"> • 5 x residential units (4 x 2-bed, 1 x 3-bed)
Level L13-14 DA2017 Rev 02	<ul style="list-style-type: none"> • 4 x residential units (1 x 2-bed, 3 x 3-bed)
Level L15 DA2019 Rev 02	<ul style="list-style-type: none"> • 2 x residential units (1 x 2-bed, 1 x 3-bed) • Residential communal open space including covered area
Level L16-18 DA2020 Rev 01	<ul style="list-style-type: none"> • 3 x residential units (2 x 2-bed, 1 x 3-bed)
Level L19-23 DA2023 Rev 01	<ul style="list-style-type: none"> • 2 x residential units (2 x 4-bed)
Level L24 DA2028 Rev 01	<ul style="list-style-type: none"> • 2 x residential units (2 x 4-bed) (downstairs)
Level L25 DA2029 Rev 01	<ul style="list-style-type: none"> • Upstairs of units below, connected by spiral staircase
Level L26 DA2030 Rev 01	<ul style="list-style-type: none"> • Roof terraces to units below, connected by spiral staircase • Plant
Roof RL 193.417 DA2031 Rev 01	<ul style="list-style-type: none"> • Solar panels

3.3 Demolition

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

3.4 Excavation

The proposed basement carparking requires excavation to a depth in excess of 15m. Sydney Trains and Sydney Metro deal with excavation via conditions in its concurrence. WaterNSW has issued General Terms of Approval pursuant to the Water Management Act 2000 (Integrated Development).

4.0 BACKGROUND

The site has frontages to Anderson Street, Wilson Street, O'Brien Street in Chatswood. A description of the site and surrounding area, including an aerial photograph is contained in Attachment 1.

On 11 February 2019 Council considered a report regarding a Planning Proposal for the subject site. Council endorsed the Planning Proposal for progression to Gateway in response to changes to zoning and planning controls in the Chatswood CBD Planning and Urban Design Strategy 2036 (the CBD Strategy).

On 9 August 2019 DPIE wrote to Council withholding full endorsement of the CBD Strategy and requiring further work to be carried out to address a number of issues with particular reference to the B4 Mixed use zone within the CBD boundary.

There were 8 Planning Proposals in the B4 Mixed use zone at that time, already considered by Council and forwarded to the Gateway, that were returned to Council. Additional work was carried out in response to the DPIE issues raised and then forwarded back to DPIE for its consideration. This work included urban design, heritage and traffic and parking. On 9 July 2020 DPIE provided its full endorsement of the CBD Strategy, which was updated to reflect the changes required in the 9 July 2020 DPIE letter. In regards to the Planning Proposal for 54-56 Anderson Street, reductions in height and floor space ratio were required as a result of the additional works carried out. In particular:

- Height was reduced from 90m to 53m on 56 Anderson Street, then returning to 90m on 54 Anderson Street

On 24 June 2022 WLEP (Amendment 25) was made.

On 21 June 2023 the subject Development was lodged.

On 6 September 2023 a Kick-Off Briefing was held where issues discussed included:

- Building height

- Bulk and Scale
- Urban design
- Waste collection
- Consistency with DCP controls
- Public submissions

On 13 October 2023 Council issues an RFI, raising issues including:

- Groundwater and Dewatering – Integrated Development
- Design Excellence
- Building Height (cl 4.6)
- Solar access to units
- Natural cross-ventilation of units
- GFA
- Deep soil
- Public accessible space / Active Street frontages
- Stormwater
- Vehicle Access and Parking, traffic
- Heritage
- Landscape
- Waste
- Public submissions

On 8 November 2023 the applicant responded to the RFI, including information on groundwater, amended architectural and landscaping plans.

On 23 January 2024 General Terms of Approval (GTAs) were issued, relating to a tanked basement system. The applicant sought that the GTAs be reconsidered as a drained basement in lieu of a tanked basement system.

On 28 August 2024 fresh GTAs were issued, and are included in the draft conditions in **Attachment 8**, should the Panel be of a mind to approve the application.

5.0 DISCUSSION

The proposal satisfies the requirements of the LEP (as amended) and generally satisfies the requirements for the site specific DCP.

The proposal is considered satisfactory subject to conditions.

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

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

The assessment of the proposal under SEPP (Housing) 2021 Chapter 4 (ADG) is in **Attachment 3**.

The assessment of the proposal under other SEPPs, WLEP, is in **Attachment 4**.

Assessment of the clause 4.6 request is in **Attachment 5**.

A table of the issues raised in the submissions objecting to the proposal and the assessing officer's response is contained in **Attachment 6**.

The assessment of the proposal under Section 4.15 EPAA is in **Attachment 7**.

The Schedule of draft conditions is in **Attachment 8**.

A Notification Map is contained in **Attachment 9**.

6.0 CONCLUSION

The Development Application DA-2022/152 has been assessed in accordance with Section 4.15 (79C) of the Environmental Planning and Assessment Act 1979, WLEP 2012, WDCP, and other relevant codes and policies. It is considered that the proposal is acceptable in the particular location, subject to the consent conditions included in **Attachment 8**.

ATTACHMENT 1: SITE DESCRIPTION AND AERIAL PHOTO

Description of the Subject Site

The site comprises 54 and 56 Anderson Street, Chatswood, identified as follows:

- 54 Anderson Street, Chatswood – SP30740
- 56 Anderson Street, Chatswood – SP11846

The site area is 2,213.12m². It is roughly trapezoid in shape with frontages as follows:

- 56m to Anderson Street
- 24m to Wilson Street
- 46m to O'Brien Street
- 64.745m interface with railway.

The site is relatively level, with a slight fall (1.33m) to the south-west corner. The proposed vehicular access to the site is from this lower corner, which is appropriate to regulate the podium height. entry to the site There are two main buildings and outbuildings existing on the site to be demolished.

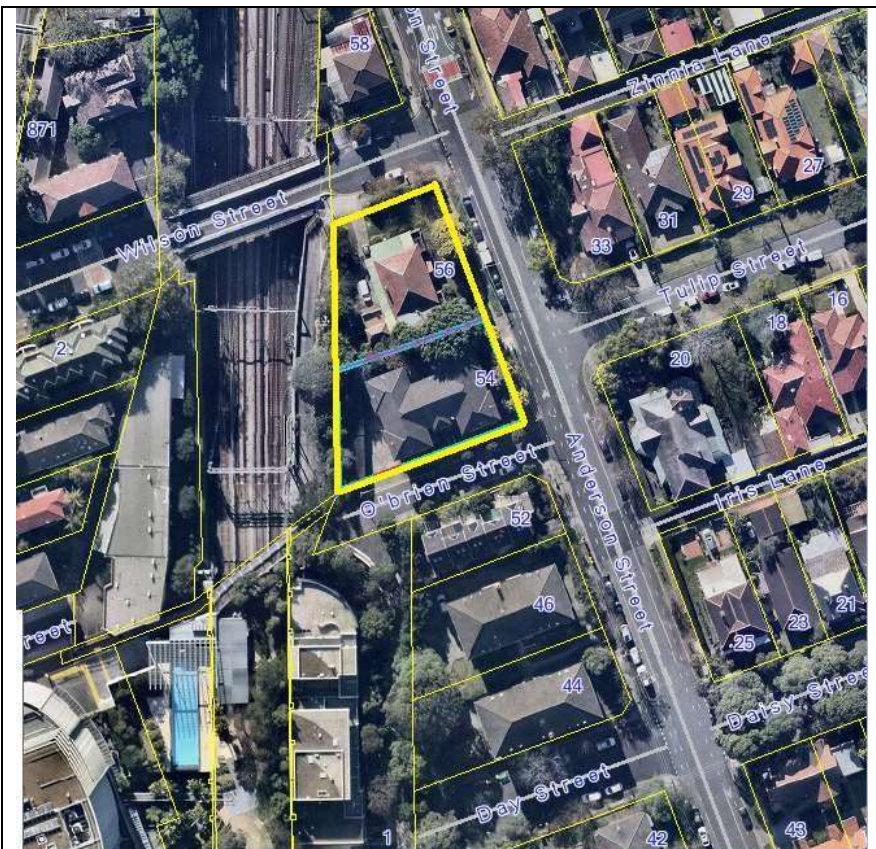


Image 11: The subject site at 54-56 Anderson Street, Chatswood outlined in yellow.

Locality

- North: Directly north of the site is Wilson Street, beyond which is a two storey residential building known as 58 Anderson Street, where a proposal (PPSSNH-398) for a 15 storey development is expected to be determined in November 2024.
- East: North Chatswood Conservation Area lies to the east of the site. It is characterised by single storey detached dwellings. 20 Tulip Street, which is directly opposite the site to the north-east is a Heritage Item (I129). Beauchamp Park is located approximately 370m further east of the subject site.
- South: O'Brien Street runs along the south of the site, the southern side of O'Brien Street is 44-52 Anderson Street, where a proposal (PPSSNH-404) for a 26 storey development is due for determination on 18 September 2024.
- Beyond that is other recently rezoned sites with maximum building heights of 90m and the Chatswood CBD; which is characterised by a number of commercial business towers at heights up to RL 246m, as well as shopping facilities and transport networks including train, metro and bus services, is situated approximately 400m to the south.
- West: A pedestrian walkway extends from the western end of O'Brien Street to Help Street alongside the Pacific Place apartments. The walkway provides a direct, pedestrian friendly connection to Chatswood CBD and transport interchange. On the west side of the laneway is a five storey RFB known as 1 Day Street, and the rail corridor.

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

Neighbour Notification

The development application was notified in accordance with the Willoughby Community Participation Plan for a period of twenty-one (21) days from 12 July to 2 August 2023.

The amended plans were notified in accordance with the Willoughby Community Participation Plan for a period of twenty-eight (28) days from 17 November to 15 December 2023. This letter identified that the proposal requiring approval from Water NSW pursuant to s90 Water Management Act.

Submissions were received from 51 submitters in total.

The issues detailed within the submissions are addressed in **Attachment 6** of this report.

Controls and Classification summary

Note: A full WLEP assessment is provided under Attachment 4

WLEP 2012 Zoning (Amendment 25):	MU1 Mixed use
FSR	5:1
Building height	54 Anderson Street: 90m 56 Anderson Street: 53m
Active Street frontage (cl 6.7)	Yes, affects Anderson Street, O'Brien Street and Wilson Street
Affordable housing (cl 6.8)	4%
Design excellence (cl 6.23)	Yes
Shop top housing at certain sites at Chatswood (cl 6.25)	cl 6.25 (1) (d) WLEP contingent on minimum 17% of GFA to be used for non-residential purposes.
Existing Use Rights	No
Heritage Conservation Area (HCA)	Not located within HCA, however Heritage Conservation Area C10 is opposite to the east
Aboriginal Heritage	No
Heritage Item	No
Vicinity of Heritage Item	Item I129 is opposite to the east
Natural Heritage Register	No
Bushfire Prone Area	No
Flood related planning control	No
Foreshore Building Line	No
Adjacent to classified road	No
Road/lane widening	No
BASIX SEPP	Yes
Infrastructure SEPP - Rail	Yes (Concurrence received from Metro and Sydney

	Trains)
Infrastructure SEPP - Road	Yes (Concurrence received from TfNSW)
Coastal Management SEPP	No
Acid Sulphate Soil Category	5
Development near Lane Cove Tunnel	No
Contaminated Land	Yes
Adjacent / above Metro	Yes – assessment undertaken
Other relevant SEPPS	<ul style="list-style-type: none"> • State Environmental Planning Policy (Biodiversity and Conservation) 2021 • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy (Transport and Infrastructure) 2021 • State Environmental Planning Policy (Planning Systems) 2021 • State Environmental Planning Policy (Housing) 2021 Chapter 4 Design of residential apartment development • Apartment Design Guide (ADG)
Relevant DCPs policies and resolutions	WDCP

Assessment Comments from Referral Bodies

Internal Council Referrals	
Urban Design Specialist	General
	Pre-DA presentation Subject site within the Chatswood CBD, where Clause 6.23 Design Excellence applies (via Planning Proposal)
	Area qualities and Character
	<p>Northern extension of the Chatswood CBD Emerging new character Zone</p> <p>Easy walking distance to CBD, Heavy Rail and Metro Station, Bus Interchange and passive/active recreation</p> <p>With Heritage Conservation Area Proposed dedicated separated cycle path in Anderson St Through Site Link western interface (Railway boundary) Dedicated on-road cycle path integration Review</p>
	Design Excellence Process
	Each architectural firm presented their scheme to the Competition Jury on 12 August 2022, and answered questions from the Jury. The Jury resolved to seek further information from PTW on

	<p>15 August 2022, who provided a supplementary submission on 19 August 2022.</p> <p>At the further Jury meeting on 6 September 2022, the PTW supplementary submissions was considered. At the meeting the Jury resolved to seek further information from AJ+C who provided a supplementary submission on 23 September 2022.</p> <p>The Jury held a meeting on 5 October 2022 where AJ+C presented their supplementary submission and were asked questions by the Jury. Following this the Jury was left to deliberate, and a preferred design was unanimously chosen. A list was prepared of matters the Jury considered required further design development during the Development Application stage.</p> <hr/> <p>Final Report advising AJC Architects as the selected Architects and Scheme</p> <p>The subsequent DA scheme included an area of minor non-conformance <i>with Height of Building controls</i></p> <hr/> <p>Consideration</p> <p>Overall design against the Jury's recommendation</p> <p>The Height of Building controls for the site identify two separate heights across the site.</p> <p>For the awarded/selected scheme the Design Excellence Competition Jury Report made recommendation for further treatment of the Southern Tower - Northern elevation to improve solar amenity and building expression. This recommendation, while not an instruction, also identified that modification to the northern upper level elevation had the capacity to deliver Design Excellence and comply with building controls (regulations).</p> <p>Extract from the final Design Excellence Jury Report 6.2 Recommendations – Items to be Further Resolved</p> <p>“The jury concluded that while an amended compliant scheme would still achieve design excellence, the design quality of the scheme would be improved by the above non-compliances, noting that it is preferred for the current eastern façade modelling to be maintained, whilst complying with the required eastern setback.”</p> <p>Council accept that the proposed treatment to the northern elevation of the southern tower includes the projection that is a breach of the Height of Building for a portion of the site.</p> <p>The current design as proposed in the DA generally conforms with the intent of the Design Excellence Review Panel final report and does not require further review by the Design Excellence Review Panel.</p> <p>The DA, while subject to modifications, still meets with and satisfies the objective of the WLEP Design Excellence Clause 6.23.</p> <p>This development, as presented in the DA will make a positive contribution to the design quality of its context within the Chatswood CBD.</p>
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	<p>Findings</p> <p>DeX Compliance</p> <p>The Pre-DA scheme is generally in accordance with the final awarded competition scheme reviewed and endorsed as the Competition winner with the following exception.</p>
Engineering	<p>We have reviewed the above application with regards elements relevant to development engineering.</p> <p>In reviewing the revised stormwater plans, while the requirement to provide 300mm freeboard between the tank overflow and the adjacent floor level has been achieved, it was found that the requirement that the OSD tank outlet is above the downstream 1%AEP water level was not achieved. The analysis undertaken for this adopted a downstream water level at the connection point to the Council system within the pit and not at the grate level as required by Council. We have conditioned that plans are to be submitted to Council prior to applying for a CC to demonstrate that this requirement is met.</p> <p>The revised swept path diagrams have demonstrated that Council's 10.5m waste vehicle is able to access the loading bay and that a MRV and passenger vehicle are able to pass at all locations between the frontage road and the loading bay. It has not been demonstrated that the waste vehicle is able to pass a passenger vehicle, and we have required a management system is required in locations where the 2 vehicles cannot pass.</p> <p>As the works will impact the footpath, we require that all footpaths fronting the site are replaced with new. We have also required replacement of the kerb and gutter and half road pavement in Wilson and O'Brien Streets and 3.5m wide pavement in Anderson Street and the proposed works will result in additional traffic that impacts these assets and construction vehicles will also result in damage and reduction in the life of the assets.</p> <p>The application is acceptable, subject to the conditions below.</p>
Traffic and Transport	<p>The latest design has complied with WDCP 2023 parking rate, no further comments on this. Following conditions similar to previous referral still applies.</p>
Waste Management	<p>The following comments (conditions) are made based on the amended plans provided in October 2024. It is noted that the Basement 01 amendments have changed the configuration and size of the residential waste storage areas at the proposed development.</p>
Landscaping	<p>The Arboricultural Impact Assessment Report dated 30/5/2023 prepared by Earthscape Horticultural Services was noted along with the amended landscape report and plans prepared by TCL.</p> <p>Tree removal: 24 trees are proposed to be removed in the Landscape Report.</p>

23 Trees noted for removal in the Arborist's report.

- 2 street trees
- 21 from within site
 - 2 trees are exempt (T19 & T24)
 - 8 Low or very low value
 - 12 Moderate value
 - 1 High value: T28 *Syncarpia glummulifera* (Turpentine)

Tree T8, *Banksia integrifolia* (Coastal Banksia) is located within the adjoining rail corridor is shown on plans for removal, but not in arborist's report. The tree is viable for retention and no consent from Sydney Trains was cited in the submission. The tree is not approved for removal and is to be retained.

There is only one high value tree proposed for removal. Tree 28 - *Syncarpia glomulifera* (Turpentine) is not viable for retention due to major encroachment from basement. Redesign to enable retention would require changes to the basement that would significantly alter the access ramps and building above. Removal and replacement is accepted with suitable native replacement planting provided.

Approve for removal: (23 trees: 21 non-exempt, 2 exempt)

9, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 33, 34 & 35.

Exempt trees: 19 & 24 (replacement not required for exempt trees)

Street trees located on Council land: 9, 14.

Replacement trees:

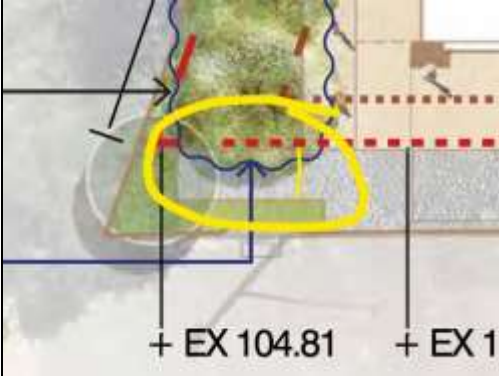
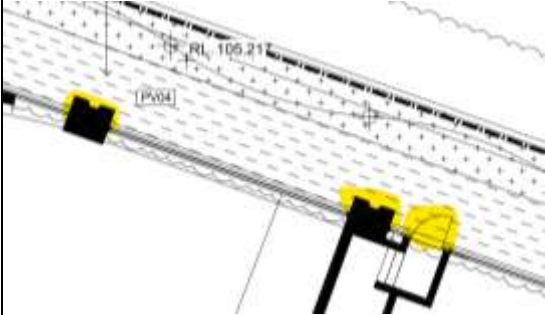
- Required: 21 x 3 = 63
- Proposed: 52 Total
 - 36 at Ground level
 - 8 street trees
 - 28 on site (includes the 5 trees in planters along Anderson St frontage not show on planting plan)
 - 12 at Level 03
 - 4 at Level 15

Tree Removal Offset Planting Scheme

As per Willoughby Development Control Plan Part G – Vegetation Management, if Willoughby City Council consents to the removal of an existing tree it will require the replanting of trees at a rate of 3:1.

The application proposes removal of 21 non-exempt trees, requiring a total of 63 replacement trees for replanting.

For each required replacement tree not being replanted on the site as part of this application the applicant will be required to enter into a deed of agreement with Willoughby City Council for offset planting of trees on public land. The offset planting will require payment of a fee for each tree not being replanted on the subject site. The fee payable is listed in the fees and charges section at willoughby.nsw.gov.au (currently \$2,315 per replacement tree).

	<p>The applicant will be required to enter a deed of agreement with Council and pay the offset fee for replacement planting prior to the removal of any trees and prior to the release of the Construction Certificate. A copy of the deed has been attached for reference.</p> <p><u>Footpath on O'Brien Street</u></p> <p>The public footpath on O'Brien Street is shown to continue past intersection with the through site link pathway with no path to connect to beyond. The pathway encroaches on the tree protection zone (TPZ) of the existing street tree to no benefit. The pathway should be reduced to finish in line with the edge of the through site link pathway and the street verge to be turf.</p>  <p><u>Through site link pillars</u></p> <p>There is concern with regard to the width of the through site link pathway which is narrowed by the pillars protruding into the pathway. There is also concern regarding the doors opening onto the pathway being a safety issue for people using the pathway. Consideration should be given to the use of the pathway and the functional width being suitable.</p> 
Heritage	<p>Heritage Context</p> <p>The subject sites are spread across two separate land parcels and currently contain two residential flat buildings each – No. 54 is a three storey complex, and No. 56 is two-storey blonde brick complex, with sandstone retaining wall defining the boundary. The sites are zoned MU1 under the</p>

newly amended LEP (*Willoughby LEP Amendment 34*).

The subject site (54 and 56 Anderson Street) is located opposite the North Chatswood Heritage Conservation Area (C10), and is in the near vicinity of two (2) heritage items: 20 Tulip Street (I129) House (including original interiors) - Wycliffe; and 21 Daisy Street (I72) House (including original interiors) - Glenrock. There are also other heritage items located in the wider area. See aerial maps below:

Image 1: Aerial map showing the Heritage Conservation Area and 2 heritage items in the near vicinity of the subject property.



Image 2: Aerial map below showing the wider context of the subject property. There are other heritage items located in the wider vicinity.

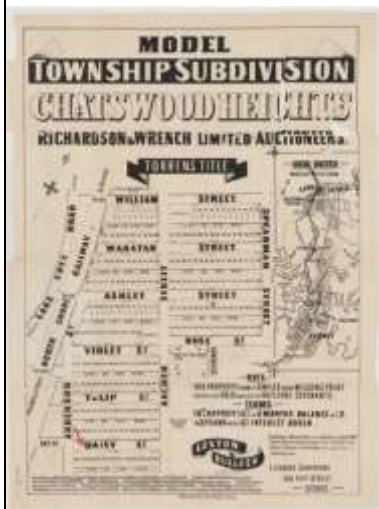


The Statement of Significance for the North Chatswood Heritage Conservation Area is: *North Chatswood Heritage Conservation Area is a good example of early North Shore residential development. The housing stock describes the progressive overlays of development taking place over half a century. The essential scale, form and spacing of the original dwellings is predominant, even where original architectural detailing has been lost, though much of this is still intact in fine residential buildings and as a general townscape impression.*

The North Chatswood Heritage Conservation Area to the east of the subject site has been assessed in the applicant's HIS and has demonstrated that this part of the HCA is one of the earlier Victorian subdivisions, called the "Model Township Subdivision Chatswood Heights, developed in response to the construction of the railway line in the 1890s. The HIS notes the built form in this part of the HCA comprises "a few two-storey Federation mansions, the The Statement of Significance for the North Chatswood Heritage Conservation Area is: *North Chatswood Heritage Conservation Area is a good example of early North Shore residential development. The housing stock describes the progressive overlays of development taking place over half a century. The essential scale, form and spacing of the original dwellings is predominant, even where original architectural detailing has been lost, though much of this is still*

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The key period of significance identified for the whole of the Conservation Area is 1880 to 1930 and the materials and finishes identified in the Willoughby DCP are terracotta Marseille tiles, slate, red/brown monotone smooth face brick and stucco/rendered external walls.

The Statement of Significance for 20 Tulip Street (I129) is as follows:

Built in 1904/5 for William Ford, who discovered the first gold in Coolgardie, WA, 'Wycliffe' is an impressive and finely detailed house of Edwardian/Federation design, featuring fine joinery, decorative plasterwork and cast iron trim. Its octagonal turret is a prominent feature that together with its large sweeping roof have created a landmark prominence for the property. An exceptional item of aesthetic and historic importance to the City.

The Statement of Significance for 21 Daisy Street (I72) is as follows:

¹ Willoughby DCP, Part H, North Chatswood Heritage Conservation Area, pg 67.

	<p><i>The house is outstanding in the street and contributes to the character of the street through its scale, form setback and detail. It is a fine intact example of the Federation style. The house describes the wave of high quality middle class residential development that occurred at the turn of the century in the vicinity of Chatswood Station, following the opening of the railway in the 1890's.</i></p> <p>There are also place based controls for the site, in 13.1.8 of Part L of the Willoughby DCP, of which none specifically refer to heritage. The objectives of this section of the DCP are:</p> <p>Objectives</p> <ol style="list-style-type: none"> <i>1. Provide guidelines for a mixed use development on the site.</i> <i>2. Provide a development that ensures the viability of adjoining and surrounding sites for future development.</i> <i>3. Minimise traffic impacts on the surrounding road network</i> <i>4. Ensure development on the site minimises impacts to the amenity of neighbouring residential properties.</i> <i>5. Provide landscaping in and surrounding the site that enhances the presentation of the site as well as the amenity of the development.</i> <i>6. Achieves architectural and urban design excellence.</i> <i>7. Maximise activation to Anderson Street, O'Brien Street and Wilson Street.</i> <p>An Architectural Design Competition (ADC) was undertaken for the site in 2022 in response to Clause 6.23 of WLEP 2012 which requires the site to undergo an ADC process as the proposed building exceeds 35m in height. The AJC (Allan Jack + Cottier architects) scheme was identified as the preferred option for this site and has now been amended to address a range of matters identified by the Jury and submitted as the current proposal. The development proposal envisages the set-back tower to be 15 levels above ground at the northern end and 26 levels above ground at the southern end.</p>
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	<p>with the FSR.</p> <ul style="list-style-type: none">• The proposal includes an exceedance to the height standard by making the taller building envelope project 1-1.6m into the 53m height limit, on the northern side.• Mitigation measures used to reduce the impact of the towers on the nearby HCA/heritage items include:<ul style="list-style-type: none">◦ the provision of setback of the residential tower to the west;◦ the design incorporating a 2-storey podium level facing Anderson Street, which has a reasonable scale in relation to the 1-2 storey scale of the heritage conservation area and heritage items;◦ the podium level is also setback behind a 4m wide landscaped setback along Anderson Street.• Shadow diagrams have been provided, however do not show the full extent of the heritage overlay or street names, making it difficult to properly assess the full impact of the proposal on the Heritage Conservation Area and all the heritage items in the wider vicinity of the place. The extension of the building envelope will unlikely further impact on shadows given the location on the northern side of the tower, however, this could be confirmed in amended shadow diagrams.• The colours and materials schedule indicates a blue tone brick to be used for the 2storey podium façade, which doesn't appear to complement the nearby heritage character of the area. <p>The proposed 90m tower will visually dominate the low-density context of the adjacent HCA, and will likely further impact views from the HCA and the abovementioned heritage items. However, in the context of the Chatswood CBD Strategy, this is deemed to be acceptable, with all new rezoning, heights and FSRs already approved under the LEP amendment and in line with providing housing for the LGA. Under revised controls, there is no height transition from Chatswood CBD towers to the low scale Heritage Conservation Area. A better outcome for the HCA and heritage items would be to reduce the proposed height of the development, so there is a buffer in the transition to the taller buildings for the surrounding HCA and low-density residential zones.</p> <p><i>Recommendations</i></p> <p>Given the above, there are no heritage objections to the proposal, however, there are some issues that need to be clarified in order to ensure the development respects the heritage context of the locality:</p> <ul style="list-style-type: none">• The shadow diagrams should be amended to clearly show the street names, heritage items and overlay of
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	<p>the HCA in the wider context, as identified in Image 2 above;</p> <ul style="list-style-type: none">• More information is required on how the colours and materials complement the nearby Heritage Conservation Area and heritage items. In particular, the proposed blue tone of the brick podium seems to be uncomplimentary to the terracotta and warm tones of the HCA and could be revised to be more sympathetic in tone.• Consideration be given to providing a Heritage Interpretation and Salvage Strategy which demonstrates that<ul style="list-style-type: none">○ the footpath signage will be protected/salvaged and reused○ the sandstone retaining wall around the perimeter of No. 56 is salvaged and possibly incorporated into the development○ any other significant elements from the flat building at No. 56 is salvaged and reused/recycled.																																	
Environmental Health	<table><tr><th>Issue</th><th>Considered</th><th>Conditions Applied (Y/N)</th></tr><tr><td>Contamination</td><td>√</td><td>Y</td></tr><tr><td>HAZMAT/Asbestos</td><td>√</td><td>Y</td></tr><tr><td>Air/Odour</td><td>√</td><td>N</td></tr><tr><td>Water</td><td>√</td><td>Y</td></tr><tr><td>Noise</td><td>√</td><td>Y</td></tr><tr><td>Electro/Radio Fields</td><td>√</td><td>N</td></tr><tr><td>Ventilation</td><td>√</td><td>Y</td></tr><tr><td>Demo/Excav/Construction</td><td>√</td><td>Y</td></tr><tr><td>Food/Beauty/Skin Pen</td><td>√</td><td>N</td></tr><tr><td>Cooling Tower</td><td>√</td><td>Y</td></tr></table>	Issue	Considered	Conditions Applied (Y/N)	Contamination	√	Y	HAZMAT/Asbestos	√	Y	Air/Odour	√	N	Water	√	Y	Noise	√	Y	Electro/Radio Fields	√	N	Ventilation	√	Y	Demo/Excav/Construction	√	Y	Food/Beauty/Skin Pen	√	N	Cooling Tower	√	Y
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Developer Contributions

Proposed Development involves:

1. Demolition of 15 existing 2-bedroom dwellings (averaged sized based on strata floor area)
2. construction of a **Mixed Use** development comprising 84 residential units containing:
 - 2-storey non-residential podium comprising:
 - L1: 581m² commercial tenancy
 - L2: 1,302.6m² commercial tenancy
 - 24-storey residential tower comprising:

# of bedroom units	Quantity	Notes
1-bedroom	7	
2-bedroom	47	
3-bedroom	18	3 units dedicated for affordable
4-bedroom	12	
Total	84	

The proposed development contains commercial, retail and residential uses and is therefore considered a **mixed use** development (i.e. a development comprising 2 or more different land uses).

In accordance with CI 2.5 and Table 1 of the *Willoughby Local Infrastructure Contribution Plan 2019*, “where a single development application **comprises a mix of type (a) Residential Accommodation that would result in a net increase in residents on the land** and (b) other development that has a proposed cost of works more than \$100,000, **either a s7.11 contribution or a s7.12 levy** will be imposed. The contribution method which produces the greater amount will be the method used for that application.” The subject development falls under this scenario, as such will be subject to either s7.11 or s7.12, whichever yields the greater amount.

This calculation is demonstrated below:

S7.11 Calculation	Qty	Proposal - Calculation	
Dwellings / Residents Proposed		dwelling rate	Contributions (\$)
1-bedroom dwelling	7	x \$11,045.36	\$77,317.52
2-bedroom dwelling	47	x \$15,544.09	\$730,572.23
3-or more bedroom dwelling	30	x \$20,000	\$600,000.00
Subtotal	84		\$1,407,889.75
AH dedication req'd under WLEP CI 6.8 - Area 1 CI 2.6 of WLIC Plan states that development contribution <u>does not</u> apply to Affordable Housing (AH). Hence exemption has been taken into account for the nominated 3 AH dwellings.			
Deduct 3 x 3-bedroom AH dwelling	3	x \$20,000	\$60,000
(i.e. \$1,407,889.75 minus \$60,000) Subtotal	81		\$1,347,889.75
In accordance with CI 2.9.1 of WLIC Plan, the following credits are given for this development:			
Credits for demolishing existing structures		Credits - Calculation	
		dwelling rate	Contributions (\$)
Existing dwellings in 2-bedroom dwellings	15	x \$15,544.09	
(assumption: based on dwelling sizes obtained Council's Pathway system strata floor area)		LESS	\$233,161.35
s7.11 yield amount (with credits given): (i.e. \$1,347,889.75 minus \$233,161.35)	66		\$1,114,728.40

Compared with...

If s7.12 Contribution Calculation

Construction Cost without accounting Affordable Housing related cost (incl GST):		
Assumptions:		
- Construction costs (excl GST): \$39,363,360 (excl professional costs sourced from QS report dated 10/05/2023)		\$42,435,937.50
- Less AH costs is ~\$785,235 (assumption based on QS breakdown rate cost and AH units floor area from floor plans)		
- Construction costs without AH costs (excl GST): \$38,578,125		
Location: (note: marginally outside WLIC Plan's CBD boundary)		Non-CBD
Applicable %		1%
S7.12 yielding amount based on costs of works (\$42,435,937.50 x 1%):		\$424,359.38

As demonstrated above, **\$1,114,728.40** of **s7.11** contribution **applies** to this development because it **yields greater amount than s7.12** contribution. Therefore, condition **D03.003A** should be inserted with the following breakdown \$ figures as per below:

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Active transport and public domain facilities	\$47,540.51
Open space and recreation facilities	\$873,743.66
Plan administration	\$16,473.72
Recoupment community facilities	\$168,036.48
Recoupment open space and recreation	\$8,934.03
TOTAL	\$1,114,728.40

If there are any **changes** to the development statistics **before finalising the consent**, please let me know.

Note: for the spreadsheet of s7.11 / s7.12 calculations, see ECM Doc Set #: **7016392**

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

External Referrals

WaterNSW	<p>I refer to your recent request regarding an integrated Development Application (DA) proposed for the above location. Please find attached the WaterNSW General Terms of Approval (GTA) for part of the proposed development requiring a Water Supply Work approval under the <i>Water Management Act 2000</i> (WM Act), as detailed in the subject DA.</p> <p>Please note Council's statutory obligations under section 4.47 (3) of the <i>Environmental Planning and Assessment Act 1979</i> (EP&A Act) which requires a consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.</p> <p>If the proposed development is approved by Council, WaterNSW requests these GTA be included (in their entirety) in Council's development consent. Please also note WaterNSW requests notification:</p> <ul style="list-style-type: none"> • if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works or activities that relate to any excavation which interferes with an aquifer. WaterNSW will ascertain from the notification if the amended plans require review of the GTA. This requirement applies even if the amendment is part of Council's proposed consent conditions and do not appear in the original documentation. • if Council receives an application under s4.55 of the EP&A Act to modify the development consent and the modifications change the proposed work or activities described in the original DA. • of any legal challenge to the consent. <p>As the proposed work or activity cannot commence before the applicant applies for and obtains an approval, WaterNSW recommends the following condition be included in the development consent:</p> <p><< conditions embodied in draft consent>></p>
Sydney Trains	<p>I refer to Council's referral requesting concurrence for the above Development Application in accordance with Section 2.99 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP).</p> <p>Council is advised that TfNSW (Sydney Trains), via Instruments of Delegation, has been delegated to act as the rail authority for the heavy rail corridor, including infrastructure, and to process the</p>

	<p>concurrence for this development application.</p> <p>As such, TfNSW (Sydney Trains) advises that the proposed development has been assessed in accordance with the requirements of Section 2.99(4) of the Transport and Infrastructure SEPP being:</p> <ul style="list-style-type: none"> <i>a) the potential effects of the development (whether alone or cumulatively with other development or proposed development) on:</i> <ul style="list-style-type: none"> <i>i) the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and</i> <i>ii) the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and</i> <i>b) what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.</i> <p>TfNSW (Sydney Trains) has taken the above requirements into consideration and has decided to grant its concurrence to the development proposed in development application DA 2023/152 subject to Council imposing the operational conditions as written in Attachment A that will need to be complied with.</p> <p>Should Council choose not to impose the operational conditions as written in Attachment A, then concurrence from TfNSW (Sydney Trains) has not been granted to the proposed development.</p> <p>In the event that this proposed development is the subject of a Land and Environment Court appeal, Council's attention is drawn to Section 8.12 of the Environmental Planning and Assessment Act 1979 which requires Council to give notice of that appeal to a concurrence authority. TfNSW (Sydney Trains) therefore requests that Council comply with this requirement should such an event occur.</p>
Sydney Metro	<p>Sydney Metro refers to Development Application DA 2023/152 (DA) submitted by Mecone (Applicant) that has been referred to Sydney Metro via the NSW Planning Portal on 27 July 2023, with section 2.99 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&ISEPP).</p> <p>Transport for NSW (TfNSW) has delegated its rail authority functions in relation to the Metro North West Line rail corridor to Sydney Metro. Therefore, Sydney Metro is the relevant rail authority for the Metro North West Line rail corridor for the purpose of the T&ISEPP.</p> <p>Assessment requirements under the T&ISEPP</p> <p>Sydney Metro has reviewed the DA documents that were uploaded onto the NSW Planning Portal on 04 July 2023 and received via email correspondence on 21 September 2023 and 10 October 2023.</p>

Sydney Metro has assessed the development proposed by the DA in accordance with the requirements of section 2.99(4) of the T&ISEPP.

In this regard, Sydney Metro has taken into account:

- (a) the potential effects of the development (whether alone or cumulatively with other development or proposed development) on:
 - (A) the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and
 - (B) the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and
- (b) what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.

Concurrence granted subject to conditions

Sydney Metro has taken the above matters into consideration and has decided to grant its concurrence to the development proposed in the DA, subject to the consent authority imposing the conditions at Attachment A.

Should the consent authority determine not to impose the conditions provided in Attachment A in the form provided, then concurrence from Sydney Metro has not been granted to the DA.

The consent authority is also advised that Sydney Metro's concurrence is not to be amended, replaced or superseded by any concurrence which may be issued by any other authority, without further agreement from Sydney Metro.

Next steps

If, at any point, the DA is amended prior to the consent authority's determination, please ensure that the amended DA and any new or amended supporting documents are provided to Sydney Metro for further assessment. Any amendments to the DA may alter the impacts of the proposed development on the Metro North West Line rail corridor assessed by Sydney Metro, so Sydney Metro may need to amend (or refuse) its concurrence.

Sydney Metro would be grateful if a copy of the Notice of Determination and any conditions of consent for the DA are forwarded to Sydney Metro should the consent authority determine to grant consent to the DA.

In the event that the proposed development is the subject of a Land and Environment Court appeal, the consent authority's attention is also drawn to section 8.12 of the Environmental Planning and Assessment Act 1979 which requires the consent authority to give notice of that appeal to a concurrence authority.

Finally, please note that the DA may also have impacts on rail

	<p>corridors which are not the responsibility of Sydney Metro. If these impacts trigger any concurrence or comments function of the relevant rail authority under the T&ISEPP, the DA will need to be referred to that other rail authority for a separate concurrence or comments response.</p> <p>Sydney Metro thanks Council for its assistance.</p> <p>[Conditions included in recommended conditions of consent]</p>
Ausgrid	<p><u>Part 1</u></p> <p>This letter is Ausgrid's response under clause45(2) of the State Environmental Planning Policy (Infrastructure) 2007.</p> <p><u>Ausgrid does not object to the proposed development.</u></p> <p>The applicant/developer should note the following comments below regarding any proposal within the proximity of existing electrical network assets.</p> <p>Ausgrid Overhead Powerlines are in the vicinity of the development</p> <p>The developer should refer to SafeWork NSW Document – Work Near Overhead Powerlines: Code of Practice. This document outlines the minimum separation requirements between electrical mains (overhead wires) and structures within the development site throughout the construction process. It is a statutory requirement that these distances be maintained throughout the construction phase.</p> <p>Consideration should be given to the positioning and operating of cranes, scaffolding, and sufficient clearances from all types of vehicles that are expected be entering and leaving the site.</p> <p>The “as constructed” minimum clearances to the mains must also be maintained.</p> <p>These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website at www.ausgrid.com.au.</p> <p>It is the responsibility of the developer to verify and maintain minimum clearances onsite. In the event where minimum safe clearances are not able to be met due to the design of the development, the Ausgrid mains may need to be relocated in this instance. Any Ausgrid asset relocation works will be at the developer's cost.</p> <p>Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances “Working Near Ausgrid Assets - Clearances”. This document can be found by visiting the following Ausgrid website: www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries</p> <p><u>Part 2</u></p> <p>This letter is Ausgrid's response under clause45(2) of the State Environmental Planning Policy (Infrastructure) 2007.</p>

	<p>Ausgrid does not object to the proposed development.</p> <p>The applicant/developer should note the following information regarding any development proposal near existing electrical network assets.</p> <p>Ausgrid Underground Cables are in the vicinity of the development. Care should be taken to ensure that construction activities do not interfere with existing underground cables located in the footpath or adjacent roadways.</p> <p>It is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Information regarding the position of cables along footpaths and roadways can be obtained by contacting Dial Before You Dig (DBYD).</p> <p>The following points should be taken into consideration. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Should ground anchors be required in the vicinity of Ausgrid underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.</p> <p>In addition to DBYD the proponent should refer to the following documents to support safety in design and construction:</p> <ul style="list-style-type: none"> - SafeWork Australia – Excavation Code of Practice. - Ausgrid’s Network Standard NS156 which outlines the minimum requirements for working around Ausgrid’s underground cables. This document can be found by visiting the Ausgrid website via www.ausgrid.com.au. - The Ausgrid Quick Reference Guide for Safety Clearances “Working Near Ausgrid Assets - Clearances”. This document can also be found by visiting the Ausgrid website : www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries
Sydney Airport	<p>The application sought approval for the PROPERTY DEVELOPMENT to a height of 195 metres Australian Height Datum (AHD). In my capacity as Manager, Airfield spatial & Technical Planning and an authorised person of the Civil Aviation Safety Authority (CASA) under Instrument Number: CASA 229/11, in this instance, I have no objection to the erection of this development to a maximum height of 195 metres AHD.</p> <p>The approved height is inclusive of all lift overruns, vents, chimneys, aerals, TV antennae, construction cranes etc. Should you wish to exceed this height a new application must be submitted.</p> <p>Construction cranes may be required to operate at a height significantly higher than that of the proposed development and consequently, may not be approved under the Airports</p>

	<p>(Protection of Airspace) Regulations.</p> <p>Sydney Airport advises that approval to operate construction equipment (ie cranes) should be obtained prior to any commitment to construct.</p> <p>Information required by Sydney Airport prior to any approval is set out in Attachment A.</p> <p>"Prescribed airspace" includes "the airspace above any part of either an Obstacle Limitation Surface (OLS) or Procedures for Air Navigation Services – Aircraft Operations (PANS-OPS) surface for the airport (Regulation 6(1)).</p> <p>Planning for Aircraft Noise and Public Safety Zones:</p> <p>Current planning provisions (s.117 Direction 3.5 NSW Environmental Planning and Assessment Act 1979) for the assessment of aircraft noise for certain land uses are based on the Australian Noise Exposure Forecast (ANEF). The current ANEF for which Council may use as the land use planning tool for Sydney Airport was endorsed by Airservices in December 2012 (Sydney Airport 2033 ANEF).</p> <p>Whilst there are currently no national aviation standards relating to defining public safety areas beyond the airport boundary, it is recommended that proposed land uses which have high population densities should be avoided.</p>
<p>NSW Police</p>	<p>1. Introduction</p> <p>In line with section 4.15 of the New South Wales Planning & Assessment Act 1979 and the New South Wales Planning Guidelines, the below report has been conducted on Willoughby City Council Development Application DA-2023/152.</p> <p>2.1 Current environment</p> <p>The subject site currently consists entirely of single or double story free standing dwellings. The surrounding area is currently undergoing considerable redevelopment with a number of multi-story residential buildings planned.</p> <p>2.2 Proposed development</p> <p>The proposal involves the demolition of existing site structures and the construction of a multi-level high density residential tower.</p> <p>3. Crime risks and identified issues</p> <p>3.1. Current/trending crimes that impact the local area that should be considered within the design and building process. Break Enter and Steal, Steal Motor Vehicle, Steal From</p>

	<p>Motor Vehicle.</p> <p>3.2. Crimes that the current proposed development application will introduce or facilitate within this space. The site will be a potential target for mail/parcel theft, steal from motor vehicle offences, break, enter and steal offences and bicycle theft.</p> <p>3.3. Developments can introduce or facilitate certain issues that are not necessarily a crime, but impact on the ability to police a space. This section allows you to detail what issues you have with the proposed development, for example homelessness, population density, other proposed developments in the surrounding space, traffic, traffic flow, parking, public transport, affordable housing, schools, religious building/groups, emergency management and anything else your command identifies. Traffic congestion</p> <p>[Conditions included in recommended conditions of consent]</p>
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ATTACHMENT 3: ASSESSMENT UNDER SEPP HOUSING 2021 CHAPTER 4 & APARTMENT DESIGN GUIDE

SEPP (Housing) 2021 as Chapter 4 ‘Design of residential apartment development’ of the Housing SEPP applies to all **pending** development applications, even those lodged before 14 December 2023, pursuant to section 8(2A) of Schedule 7A of the Housing SEPP.

Housing SEPP s149 ‘Apartment Design Guide prevails over development control plans’ takes the place of the previous section 6A.

Development consent must not be granted to residential apartment development, and a development consent for residential apartment development must not be modified, unless the consent authority has considered the following—

- (a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9
- (b) the Apartment Design Guide
- (c) any advice received from a design review panel within 14 days after the consent authority referred the development application or modification application to the panel.

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

ADG Objective	Proposal	Satisfied
Objective 3D-1 An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping.	The proposal provides communal open space on Levels 03 and 15, as follows: Level 03: 463m ² Level 15: 173m ²	Yes
Design criteria 1. Communal open space has a minimum area equal to 25% of the site. 2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter).	Total 636m ² (29%) communal open space at Levels 02 and 03, which satisfies the minimum 25% requirement. At least 50% of the useable part receives 50% direct sunlight for two or more hours on 21 June. Communal open areas provide residents with options for both communal engagement and private use.	
Objective 3E-1	245m ²	Yes

<p>Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.</p>		
<p>Design criteria</p> <p><i>Minimum 6m wide</i></p> <p><i>Deep soil zones minimum 7% or 10% if possible.</i></p> <p><i>7% x 2,216m² = 221.6m²</i></p>		
<p>Objective 3F-1</p> <p><i>Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.</i></p> <p>Objective 3F-2</p> <p><i>Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.</i></p>	<p>The site does not share a common boundary with any other developments. It is bounded by roads on 3 sides (north, south and east,) and the north shore railway line to the west.</p> <p><u>North, East & West</u></p> <p>The development achieves greater than the minimum ADG building separation and visual privacy distances being 12m for 9 storeys and above (25m+ height) to the road/railway centreline to the north, east and west.</p> <p><u>South</u></p> <p>The development adjoins an existing low-rise residential flat building development to the south at 44-52 Anderson St, Chatswood. This site is the subject of a DA for a 90m mixed-use building also.</p> <p>The ADG Objective 3F-1 states “Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy”</p> <p>Further, in accordance with the site-specific DCP, the subject proposal provides a 6m southern building setback to O'Brien Street.</p> <p>O'Brien St is 12m is total width or 6m from the boundary to the centreline of the road. Therefore, the development provides 12m separation from habitable rooms/balconies to the O'Brien St centreline in compliance with the ADG.</p>	Yes
<p>Objective 3J-1</p> <p><i>Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas.</i></p>	<p>On 29 October 2024 the parking provision was reduced to accord with WDCP 2023. In this regard it provides :</p> <p>Residential (84 units x 0.5 spaces) = 42 spaces Visitors 84 units / 7 spaces = 12 spaces</p>	Yes
<p>Objective 4A-1 Solar Access</p> <p><i>To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.</i></p>	70%	Yes
<p>Objective 4B-3 Natural Cross Ventilation</p> <p><i>The number of apartments with natural cross ventilation is maximised to create</i></p>	87% of apartments naturally cross-ventilated.	Yes

a comfortable indoor environment for residents.		
Objective 4C-1 Floor to Ceiling Heights Ceiling height achieves sufficient natural ventilation and daylight access. Design criteria The minimum ceiling heights proposed are: 2.7 m for habitable rooms; and 2.4 m for non-habitable rooms.	3.2m floor to floor height proposed for residential floors.	Yes
Objective 4D-1 Minimum Apartment Sizes The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity.	The proposal is consistent with ADG requirements for the minimum size of rooms.	Yes
4E Private open space and balconies Minimum area Minimum depth 1 bedroom apartments 8m ² (2m depth) 2 bedroom apartments 10m ² (2m depth) 3+ bedroom apartments 12m ² (2.4m depth)	The proposal is consistent with ADG requirements for the size and depth of balconies.	Yes
4F Common circulation and spaces 1. The maximum number of apartments off a circulation core on a single level is eight 2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40	Satisfied, maximum 6 units off circulation core. ,	Yes
Objective 4G-1 1 bedroom apartments 6m ³ 2 1 bedroom apartments 8m ³ 3+ 2 3 bedroom apartments 10m ³	Satisfied	Yes
4H Acoustic privacy Objective 4H-1 Noise transfer is minimised through the siting of buildings and building layout Objective 4H-2 Noise impacts are mitigated within apartments through layout and acoustic treatments	Satisfied	Yes
4J Noise and Pollution Objective 4J-1 In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings Objective 4J-2 Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission	Satisfied	Yes
4K Apartment mix Objective 4K-1 A range of apartment types and sizes is provided to cater for different household types now and into the future	Satisfied	Yes

Objective 4K-2 The apartment mix is distributed to suitable locations within the building		
4M Facades Objective 4M-1 Building facades provide visual interest along the street while respecting the character of the local area Objective 4M-2 Building functions are expressed by the facade	Satisfied	Yes

ATTACHMENT 4: ASSESSMENT UNDER OTHER SEPPs, WLEP, WDCP

4.1 State Environmental Planning Policy (Resilience and Hazards) 2021

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

A Detailed Site Investigation accompanies the application (Ref: E26256.E02_Rev0, dated 20 December 2023) by EI Australia. It concludes that the site can be made suitable for the proposed high density residential development subject to the recommendations it outlines. These recommendations include a Hazardous Materials Survey, Data Gap investigation (DGI) and depending on the DGI, a Remedial Action Plan.

Council’s Environment Team is satisfied and has provided conditions of consent.

4.2 State Environmental Planning Policy (Transport and Infrastructure) 2021

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

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

Provision	Assessment
Development adjacent to rail corridors (cl 2.98)	<p>The development site is adjacent to a railway line known as the ‘North Shore Train Line’ running along the eastern side of the site.</p> <p>Sydney Metro and Sydney Trains have undertaken referrals and extensive assessment.</p>
Excavation in, above, below or adjacent to rail corridors (cl 2.99)	<p>The proposal involves penetration within 25m (measured horizontally) of a rail corridor. Sydney Metro and Sydney Trains have undertaken referrals and extensive assessment.</p>

<p>Impact of rail noise or vibration on non-rail development (cl 2.100, cl 2.120)</p>	<p>The site is located adjacent to a railway line and will be affected by rail noise. Clause 2.100 is applicable to the proposal and provides that the residential component must not exceed the following LAeq levels:</p> <ul style="list-style-type: none"> ▪ in any bedroom in the residential accommodation – 35 dB(A) at any time between 10.00 pm and 7.00 am; ▪ anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway) – 40 dB(A) at any time. <p>The ‘DA Acoustic Assessment’ prepared by Acoustic Logic (Ref: 20221456.1/2401A/RO/PF, dated 24/1/2023) confirms that the internal noise levels for the development will comply with the acoustic requirements of State Environmental Planning Policy (Transport and Infrastructure) 2021, NSW Department of Planning Development near Rail Corridors and Busy Roads – Interim Guideline 2008 and Willoughby DCP. Section 5.2 of the report ‘Complying Constructions’ are provided “... for the purposes of demonstrating that compliance with the nominated internal noise goals are able to be achieved..”</p>
<p>Development with frontage to classified road (cl 2.119)</p>	<p>The site does not front a classified road.</p>

Provision	Assessment
Traffic generating development	The DA was referred to TfNSW for traffic generating development as 1,883.6m ² is proposed as non-residential. Most of this space is shown as commercial but commercial umbrellas retail by definition.

4.3 Assessment under Willoughby Local Environmental Plan 2012 (WLEP)

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

	Standard	Proposed	Complies
Land Use Table – MU1 Mixed Use zone	Shop top housing permissible pursuant to cl 6.25	Minimum 17% non-residential achieved as follows: Total GFA = 11,080m ² Non-residential = 1,883.6m ² Residential = 9,196.4m ² i.e. non-residential equates to 17% of the total GFA	Yes
cl 2.5	RFB permitted (Area 8) if ground floor used for non-residential and minimum 17% non-residential	RFB permissible (therefore the proposal is permissible as both mixed-use (cl 2.5) and shop-top housing (cl 6.25)	Yes
cl 4.3 Building Height	54 Anderson Street: 90m	90m	Yes
	56 Anderson Street: 53m	90m	No – clause 4.6
		51.3m	Yes
cl 4.4 FSR	5:1	5:1	Yes
cl 6.1 Acid Sulfate Soils	Class 5	Acceptable	Yes
cl 6.2 Earthworks	Geotechnical and contamination reports received	Geotechnical and contamination reports considered acceptable	Yes
cl 6.3 Urban heat		Satisfactory	Yes
cl 6.6 Airspace operations	Concurrence required by Sydney Airport	Concurrence received	Yes
cl 6.7 Active Street		All ground floor premises facing the street are used for non-residential purposes.	Yes on merit

Frontage		The exception is the substation facing O'Brien Street. Substations are not an exclusion under cl 6.7(4) WLEP. Notwithstanding, in the circumstances of this case (proportion of substation to length of boundary and overall provision of active street frontage), active street front is satisfied on merit.	
cl 6.8 Affordable Housing	4% of residential GFA (Area 1) to be dedicated as affordable housing. Res GFA = 9,196.4m ² 4% x 9,196.4m ² = 367.86m ²	Affordable housing units nominated on drawings are: Affordable housing Units 0405 (123.7m ²) 0505 (123.7m ²) 0605 (123.7m ²) Total = 371.1m ²	Yes – by condition
cl 6.15 Sun Access	Site not affected by Area 1	N/A	-
cl 6.16 Minimum lot sizes	Minimum 1,200m ² (Area 8)	2,216m ²	Yes
cl 6.23 Design excellence	Architectural design competition has been undertaken in accordance with cl 6.23 (6) (b).	Amended proposal assessed and found satisfactory by Council's Urban Design Specialist.	Yes
cl 6.25 Shop top housing at certain sites at Chatswood	As above, Development consent for the purposes of shop top housing must not be granted unless the consent authority is satisfied at least 17% of the building's gross floor area will be used for non-residential purposes.	Satisfied.	Yes

Affordable Housing

This section refers to clause 6.8 WLEP. The subject application was lodged prior to 30 June 2023, where WLEP had a comprehensive amendment (amendment 34). As this DA is saved from Amendment 34, references to clauses throughout this section may appear different to the current WLEP version. The site was captured as Area 9 (see WLEP cl 6.8 (7) (b)) via the Planning Proposal (it is now Area 1).

The applicant has offered dedication of 3 affordable units and Council wishes to condition for this affordable housing pursuant to subclause (3) which enables "... a condition requiring the dedication in favour of the consent authority, free of cost, of land comprised of one or more complete dwellings with a gross floor area of the amount equivalent to 4% of the accountable total floor space, with each dwelling having a gross floor area of at least 50 square metres".

Subclause (2) requires the consent authority to take into consideration:

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

Assessment Officer Response

- (a) The Willoughby Affordable Housing Principles are identified in subclause (1), which includes the requirement that (inter alia) affordable housing is managed in Willoughby so that accommodation for a diverse residential population representative of all income groups is available in Willoughby, rental requirements based on gross household incomes, and the standard of the affordable housing dwellings.

The provision of affordable housing will meet (by condition) the above requirements.

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

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

occurs as a result of uplift of allowable housing density) by 2036.

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

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

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

- (c) Following the assessment of the proposal through the lens of the Willoughby Affordable Housing Principles, a condition needs to be imposed on the consent. The requirement for 4% dedication to affordable housing, at any rate, is captured by cl 6.8 of the WLEP (Amendment 25).

CI 6.23 - Design excellence at certain sites at Willoughby

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

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

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

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

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

The proposal is developed from the winner of an architectural design competition, and Council's Urban Design Specialist has assessed the proposal and finds it acceptable.

4.2 Assessment under Willoughby Development Control Plan (WDCP)

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

Part 13.1.8 54-56 Anderson Street Chatswood

The aims and objectives of this Plan are to:

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

Controls	Proposed	Complies
Built Form		
1. The maximum tower floor plate that applies to this site for residential towers above a podium is 700m ² .	640m ²	Satisfactory
2. The width of each side of any tower should be minimised and design elements that contribute to building bulk should be minimised.	Modulated and articulated built form which has satisfied design excellence considerations.	Satisfactory

<p>3. The building layout is to be in accordance with Figure 31.</p>	<p>Complies, in places generously, with the exception of the eastern tower setback which encroaches into the 4m setback requirement.</p> <p>The drawings helpfully depict the DCP setback requirement with a red dashed line. The eastern tower setback is shown as 4.5m in lieu of 4m. The northern balcony is 3.5m and the southern balcony 3m from the eastern (Anderson Street) boundary.</p>	<p>Satisfactory on the basis of significant degree of compliance and where the balconies that do not comply do not contribute detrimentally to overshadowing or visual impacts to properties to the east. These elements enhance the modulation of the eastern façade.</p>
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Figure 31; Site Layout

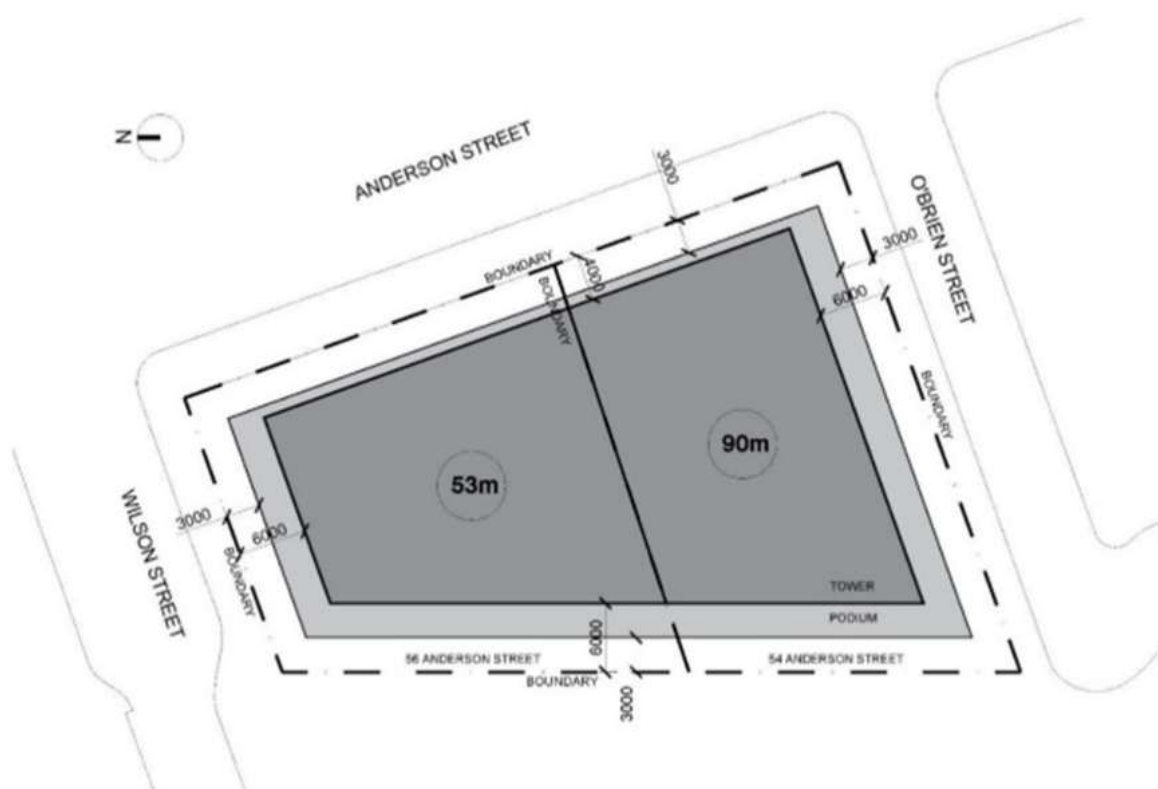



Image 12: The layout of the built form as it appears in WDCP Part L (page 100).

Controls	Proposed	Complies
Height of Building		
<p>1. The maximum building height is to include all structures located at roof</p>	<p>54 Anderson Street 90m 56 Anderson Street exceeds at projected</p>	<p>Satisfactory – see clause 4.6 variation.</p>

level, including lift over runs and any other architectural features.	balconies which contain perforated bronze metal screen (see Drawing 4201 Rev 2).	
2. All roof top lift over runs or exposed structures are to be integrated with the building.	Achieved	Satisfactory
3. Flat roof areas shall incorporate useable outdoor recreation space where suitable, within the maximum building height.	Level 15	Satisfactory

Controls	Proposed	Complies
Setbacks and Street Frontage Heights		
<p>The building setbacks are to be in accordance with Map 5 (Setbacks and street frontage heights). Setbacks are as follows:</p> <p>a) Anderson Street frontage</p> <p>i) Minimum 3m setback at Ground Level</p> <p>ii) Minimum 1m setback above street wall</p> <p>iii) 6-14 metre street wall height at front boundary (maximum two to four storeys).</p> <p>iv) In regards Point d) below, a minimum tower setback above street wall of 4.5m is required from the Anderson Street boundary where height is 90m.</p> <p>2. In addition to Control 1: a) Setbacks may be greater and street wall heights may be lower.</p> <p>b) Additional ground level setbacks are sought that contribute to public realm.</p>	<p>i) Anderson Street frontage achieved (4.175m)</p> <p>ii) Varying setbacks to glassline above street wall (from 1.475m)</p> <p>iii) 12.3m street wall</p> <p>iv) varying setbacks from (54) Anderson Street including 5.75m and 7.75m (glassline) and 5.54m and 3.0m for angled balconies.</p> <p>Additional setbacks are achieved to embellish the public realm.</p>	<p>Satisfactory.</p> <p>The angled balcony encroache within the 4.5m, however has been considered satisfactory by the design excellence process and does not add detrimentally to visual impacts or overshadowing - and serves to modulate and articulate the building.</p>

b) Wilson Street and O'Brien Street frontage: i) Minimum 3m setback at Ground Level ii) Minimum 3m setback above street wall iii) 6-14 metre street wall height at front boundary (maximum two to four storeys).	Achieved Wilson Street: i) 9.8m ii) 7.5 iii) 12.3m (2 storeys) O'Brien Street: i) 3m ii) 3m iii) 12.3m (2 storeys)	Satisfactory
c) North Shore Rail Line boundary i) Minimum 3m setback at Ground Level ii) Minimum 3m setback above street wall iii) 6-14 metre street wall height at front boundary (maximum two to four storeys).	North Shore Rail Line boundary: i) 3m (excepting columns) ii) 8m iii) 12.3m (2 storeys)	Satisfactory
d) In regards the tower, a minimum of 1:20 ratio of the setback to building height above the podium from all boundaries (eg. tower to be setback a minimum of 2.65 metres above podium for a 53 metre high building, 4.5m for a 90m high building).	Minimum 4.5m requires for 90m building. O'Brien Street is 5.86m Anderson Street: complies with 4.5 except for angled balconies Wilson Street: 18m Railway side: 9m	Satisfactory
Controls	Proposed	Complies
Building Exterior		
1. Facades are to be articulated and should incorporate recesses and projecting elements that do not encroach into required setbacks. 2. Extensive blank walls shall be avoided at street level.	Highly articulated facades. There is encroachment into the Anderson Street DCP setback control (4m and 4.5m in the controls) where balconies are 3.5m and 3m. Also an encroachment of balconies bronze façade into height control of 56 Anderson Street.	Satisfactory. The encroachment of the balconies into the Anderson Street DCP setback control is considered satisfactory in the circumstances of the case, as it contributes to the articulation and design aesthetic and architectural integrity of the overall built form without causing detrimental impacts on surrounding land. The encroachment into 56 Anderson Street is dealt with under the clause 4.6 variation.
Controls	Proposed	Complies
Amenity		

1. A Wind Assessment shall be submitted at Development Application Stage.	An updated wind assessment report (Ref: 30N-22-0316-GCO-69204-4, dated 9 November 2023) by VIPAC extends on the initial report for the project.	Satisfactory. The updated report addresses additional parameters including cumulative impacts on surrounding properties – where it refers to a distance of 44m states that “... we do not often observe a significant impact in excess of existing wind conditions of wind levels outside this prescribed extent”. <div></div> Image 13: VIPAC’s typical assessment extent (scope) in yellow. The report also provides additional commentary on Levels 3, 15 and 26.																																
2. A detailed Acoustic Assessment shall be submitted at Development Application Stage.	An DA Acoustic Assessment report for the development A Construction Noise and Vibration Management Plan also accompanies the application.	Satisfactory. These reports were used in the assessment and to inform relevant conditions.																																
3. Residential units shall be designed to maximize solar access, cross ventilation, visual and acoustic privacy.	Achieved. See ADG assessment.	Satisfactory.																																
Controls	Proposed	Complies																																
Open Space and Landscaping		Satisfactory																																
Links	ROWs required as conditions.	Satisfactory																																
Traffic and Transport	Parking complies	Satisfactory																																
	<table><tr><td colspan="4">Proposed</td></tr><tr><td></td><td>Res</td><td>Vis</td><td>comm</td></tr><tr><td>B1</td><td>-</td><td>5</td><td>5</td></tr><tr><td>B2</td><td>10</td><td>7</td><td>-</td></tr><tr><td>B3</td><td>16</td><td>-</td><td>-</td></tr><tr><td>B4</td><td>16</td><td>-</td><td>-</td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td>Total</td><td>42</td><td>12</td><td>5 +</td></tr></table>		Proposed					Res	Vis	comm	B1	-	5	5	B2	10	7	-	B3	16	-	-	B4	16	-	-					Total	42	12	5 +
Proposed																																		
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B1	-	5	5																															
B2	10	7	-																															
B3	16	-	-																															
B4	16	-	-																															
Total	42	12	5 +																															

				courier bay	
Waste					Complies, conditions incorporated
Design excellence					Complies
Public art					Complies, conditions incorporated
Building sustainability					Complies, conditions incorporated

ATTACHMENT 5: OFFICER'S CLAUSE 4.6 ASSESSMENT – BUILDING HEIGHT

The standard

Clause 4.3 WLEP Building Height Map prescribes two maximum building heights for the site:

- **53m** for 56 Anderson Street (northern lot)
- **90m** on 54 Anderson Street (southern lot)



Image 13: WLEP Building height Map (Source: NSW Planning Portal Digital EPI Viewer)

Extent of the variation sought

The development straddles the boundary of 56 Anderson Street (where the standard drops from 90m to 53m) with the provision of bronze, metal screen enclosed balconies to the upper northern façade of the southern tower element. From Level 16 up, this horizontal projection of the building and façade into the northern 53m height plane comprises an balcony and façade. This element protrudes into the 53m height plane at varying lengths due to the slight angular relationship of the site boundary to the built form – 1.066m, 1.515m and 1.611m (including external façade) .

The proposed height of the enclosed balconies is RL 191.817, which equates to a 33.15m or 62.5% exceedance to the 53m building height limit. The applicant provides the following image to depict the area of departure.



Image 14: The applicant's image depicting the area of departure (source: Clause 4.6 Variation Report, dated November 2023, page 5)

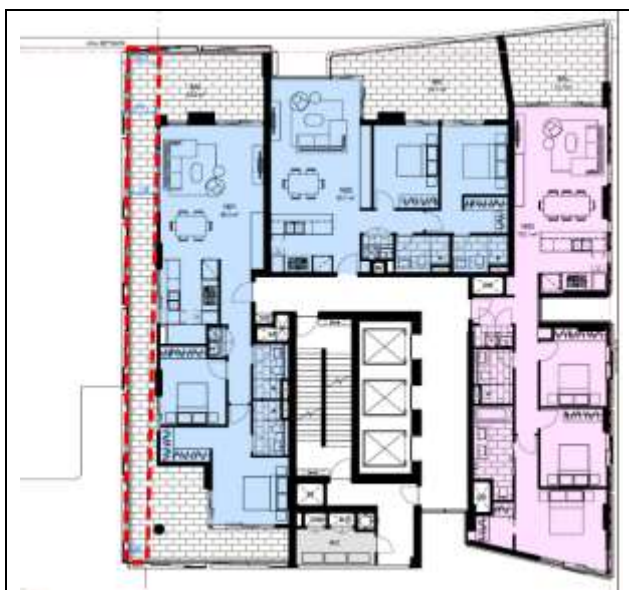


Image 15: The applicant's image depicting the

typical floor plan at Level 16 and above (source: Clause 4.6 Variation Report, dated November 2023, page 6)

Unreasonable and unnecessary

The applicant relies on the first method of Wehbe to make a case that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case. That is, that the objectives of the standard are achieved notwithstanding non-compliance with the standard”

Objective (a) to ensure that new development is in harmony with the bulk and scale of surrounding buildings and the streetscape

The applicant says “... scale is a term used as a comparative between different buildings. In this regard, the volume of the building is what could be reasonably expected by the planning controls and is largely consistent with the prevailing building forms. Therefore, while the proposal exceeds the height control, the scale of the building (as it will be relative to future development on surrounding sites) will be that which is envisaged by the controls”.

The applicant also says that the proposal responds appropriately to surrounding development and the prevailing and desired future character.

Assessment officer response:

The balconies and the façade expression adds texture and visual interest to the northern façade. The element does not cause the building to be disharmonious with the bulk and scale of surrounding future buildings. Of course the building as a whole is larger than the existing buildings in the street but the Chatswood CBD Strategy and the LEP Amendment 34 has cemented changes to heights of up to 90m and FSR to 6:1. Importantly, the departure does not contravene this objective.

Objective (b) to minimise the impacts of new development on adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or visual intrusion

The applicant says that “... the variation to building height will not be perceivable from the street by virtue of the split height planes over the site which seek to achieve a stepped down building form to the north”. The applicant also says that “.. as demonstrated in the shadow

diagrams provided in the amended Architectural Plans, additional overshadowing as a result of the variation is negligible, and the variation will not give rise to loss of privacy or visual intrude upon adjoining or nearby properties”.

Assessment officer response:

The balconies and the façade expression commence at Level 16 and do not result in visual intrusion, not at pedestrian level now at greater heights given spatial separation. The position and orientation of the balconies (to the north over its lower portion) assures the spatial separation of this element from surrounding properties and – with its screen system – achieves a satisfactory level of privacy. Shadowing caused by the protruding part is shown on Drawing DA6002 Rev 1, which shows a negligible “slither” of shadow to surrounding properties. This acceptable net increase in impact does not occur during the middle of the winter’s day where the development shadows itself.

Objective (c) to ensure a high visual quality of the development when viewed from adjoining properties, the street, waterways, public reserves or foreshores

The applicant says “... the split height limit over the site seeks to achieve a step down in building form and height to the north. The delineation of the two height limits over the site is consistent with the two existing lots which are being consolidated under this DA. Therefore, the line of delineation between the two building height limits is somewhat arbitrary when considering a combined mixed use development of the whole site”.

The applicant adds that “... the variation to building height will not minimise the quality of the building, rather will considerably add value to the visual design quality of the overall proposal on site. As noted in the Architectural Design Competition Report (SEE Appendix 28), the Jury considered this non-compliance to height of building development standard, whilst not essential to achieve design excellence, would provide for an improved design quality of the scheme.

Assessment officer response:

Being awarded design excellence is not contingent on the balconies and facades however the design response is enhanced by the element.

Objective (d) to minimise disruption to existing views or to achieve reasonable view sharing from adjacent developments or from public open spaces with the height and bulk of the development

The applicant says "... the proposed additional height will result in a built form outcome that maintains views sharing from adjacent developments as otherwise seen from a compliant building height development on site. As aforementioned, the height variation results from the 1-1.6m 'horizontal projection' of the building façade from the southern 90m height plane into the northern 53m height plane for the provision of sun shading design features. Therefore, this 1-1.6m horizontal projection to the north would produce negligible (if any) disruption of existing views. The objective is considered achieved notwithstanding the non-compliance.

Assessment officer response:

The balconies and associated facades do not impact views to the extent they are a refusable aspect of the development. More discussion about views is made under submissions.

Objective (e) to set upper limits for the height of buildings that are consistent with the redevelopment potential of the relevant land given other development restrictions, such as floor space and landscaping

The applicant says "... additional building height resulting from the provision of balconies and does not consist of habitable floor area. Further, the variation to the building height development standard will have no bearing on the site's restrictions such as the provision of gross floor area or landscaping for the site.

Assessment officer response:

The subject balcony area does not constitute gross floor area and it does not affect landscaping. The more relevant consideration is the appearance of bulk, which is not increased unreasonably by the balconies and associated facades.

Objective (f) to use maximum height limits to assist in responding to the current and desired future character of the locality

The applicant says "... the current character of the area can be described as a juxtaposition between high-density Chatswood CBD tower development and lower scale heritage conservation area to the east. The CBD Strategy' recommendations for the site informed the recent site-specific planning proposal that increased the site's building height and FSR for the site along with the implementation of a site-specific DCP consistent with the strategy's

recommendations. This included a stepped building height from 90m at 54 Anderson St (site's southern portion) down to 53m for 56 Anderson St (site's northern portion)". The applicant adds "... the proposed variation allows for a better design quality outcome on the site for a development which serves as a stepped built-form transition between the CBD and surrounding residential and heritage conservation areas. Requiring strict compliance with the height of building standard would result in a poorer design quality outcome onsite".

Assessment officer response:

Departing from the height standard on 56 Anderson Street by the extent proposed (both horizontally but also vertical) in the location and orientation proposed, does not compete detrimentally against this objective. It does not cause the proposal to respond contrary to or unfavourably to the current and desired future character of the locality

Objective (g) to reinforce the primary character and land use of the city centre of Chatswood with the area west of the North Shore Rail Line, being the commercial office core of Chatswood, and the area east of the North Shore Rail Line, being the retail shopping core of Chatswood

The applicant says "... whilst not directly relevant to the site being in the CBD's northern extent, the proposed development is not inconsistent with this objective". It is agreed the proposal does not compete against this objective.

Objective (h) to achieve transitions in building scale from higher intensity business and retail centres to surrounding residential areas

The applicant says "... notwithstanding the height variation through a minor imperceptible horizontal tower protrusion wholly contained within the site, the development still achieves the desired transition in building scale from the higher-density Chatswood CBD to surrounding low-rise residential development as envisaged by the height mapping (being a step in the building scale from 90m to 53m within the site). As discussed at Objectives (c) and (f) and achieved through the architectural design competition process, the proposed additional height of building will provide a development that achieves a better architectural design quality while allowing for the desired transition in building scale".

Assessment officer response:

The balcony and faced treatment from Level 16 upwards does not cause the proposal to fail to achieve an appropriate transition from the higher intensity business and retail centres to surrounding residential areas. The articulation of the building and its compliant DCP setbacks (with the exception of a portion of the angled balconies) and the increased setback

of the proposal (above the DCP requirement) from Wilson Street assists in the transition of the proposal from the HCA to the east.

Environmental planning grounds

The applicant provides the following commentary:

“During the design competition process jurors suggested consideration of external louvres to provide passive shading of the northern façade of the 90m building. This was strongly supported by the proponent but may lead to difficulties with the external operation of the louvres. To mitigate this concern, a 1m wide balcony is proposed between the louvres and the glass line to allow for manual operation of the screens. The 1m width is the minimum trafficable width allowable under the BCA.

The design response was the incorporation of balconies and external façade treatment. This element does not add to gross floor area. The applicant says the material will have a “... lightweight appearance and will significantly improve the thermal performance and amenity of the building”.

The applicant refers to ADG Objective 4A-3 which refers to Design incorporates shading and glare control, particularly for warmer months.

The applicant refers to energy efficiency and states that the provision of sunshades to the upper northern façade enables a more energy efficiency design, reducing reliance on mechanical heating and cooling, achieving a more ecologically sustainable design outcome for the development.

The applicant says “... the variation to building height results in a better architectural design quality outcome for the development compared to a strictly compliant form”. the applicant refers to consideration of the element by the design excellence jury, and quoted the jury (and AJ+C) as saying:

- ***“The bronze metal screen enclosed balconies to the upper northern façade project from the southern tower element (subject to a 90m height limit) over the northern tower element subject to a 53m height limit, resulting in an exceedance to LEP building height standard applicable to the northern portion of the site. Whilst it was noted that these external elements did not comprise habitable floor area, they would technically necessitate a Clause 4.6 variation to the height standard.*”**

- *A portion of balconies on the south-eastern corner of the building protruded into the 4.5m site specific DCP setback required to Anderson Street for the 90m southern tower portion of the building.*
- *It was unclear whether a portion of balconies on the north-eastern corner of the building protruded into the 4.0m setback required to Anderson Street for the 53m northern portion of the building.*

AJ+C clarified that:

- *The bronze screen enclosed balconies could be deleted and the screens fixed directly to the exterior of the façade in compliance with the height standard.*
- *Both encroachments into the eastern tower setback DCP control could be reduced or removed, by flattening the eastern façade (completely at the south, marginally at the north)".*

The applicant says that the jury concluded that

The jury concluded that while an amended compliant scheme would still achieve design excellence, the design quality of the scheme would be improved by the above noncompliances, noting that it is preferred for the current eastern façade modelling to be maintained, whilst complying with the required eastern setback."
(emphasis added)

In terms of overshadowing the applicant says "... the upper northern building facade which causes the building height contravention has been skilfully designed and will not give rise to any unacceptable overshadowing impacts to surrounding properties as demonstrated in the shadow diagrams provided in the Architectural Plans".

Assessment officer response

The proposal does not rely on the balconies and the façade treatment for its excellence pursuant to WLEP cl 6.23, however it has been acknowledged that the design quality improves with this element. Themes of favourable sustainability and comfortability are relevant for the occupants of the development, and acceptable overshadowing, privacy and visual impacts to surrounding properties. The appearance of the scheme is enhanced with the treatment as reflected in the montages earlier in this report.

The above themes resonate with s1.3 of the Act, namely (g) to promote good design and amenity of the built environment. The amenity of surrounding land is not considered to be

affected to an extent that warrants refusal of the subject departure. Rather, the departure creates a textured architectural feature at the upper northern elevation of 54 Anderson Street that offers a visually interesting façade that contributes to the architectural merit of the scheme. It also offers functionality for occupants to manage sun. The departure does not complete against objective (c) in this clause which seeks orderly development of the land.

On balance there are considered to be sufficient environmental planning grounds to warrant support of the clause 4.6 request.

The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone

The applicant says that the proposal is consistent with the objectives of the mixed used zone (then B4) in that:

To provide a mixture of compatible land uses.

The applicant says the proposed development provides for a mixed-used development along Anderson Street and will ensure new businesses along Anderson Street are provided for the needs of the existing and future locality.

Assessment officer response

The proposal offers a development that is consistent with the desired future character on site and will provide for the needs for additional residential and commercial land uses within the locality.

The subject variation does not restrict the development from satisfying this objective.

To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.

Assessment officer response

The proposed development is located in a highly accessible location, and promotes use of public transport as well as walking and cycling for their main transport mode.

To allow for city living on the edges of the city centre of Chatswood, which supports public transport use, shopping, business and recreational services that contribute to the vitality of the centre, without undermining its commercial role.

Assessment officer response

The departure to building height does not compete against this objective in any way. The clause 4.6 request must deal with the departure and not the development as a whole. Notwithstanding, the proposal will complement and promote the commercial role of Chatswood CBD by providing additional commercial land uses within the locality, as well as increasing the use of its commercial component.

Summary

The clause 4.6 request is well-founded and, in the circumstances of the case, warrant the departure of the building height standard to the extent and location shown on the drawings.

ATTACHMENT 6: SUBMISSIONS TABLE

The application was notified twice. It was notified in accordance with the Willoughby Community Participation Plan for a period of twenty-one (21) days from 12 July to 2 August 2023. The amended plans were notified for a period of twenty-eight (28) days from 17 November to 15 December 2023. This letter identified that the proposal requiring approval from Water NSW pursuant to s90 Water Management Act.

51 submitters in total are recorded for this application.

Notes:

- (1) There are references to street numbers (e.g. 9 and 11 Railway Street, 1 Day Street) that comprise a large number of dwellings. Specific addresses (eg 2302/11 Railway Street, Chatswood) are provided where this information was provided in the letter.
- (2) There is reference to the following address:

Pacific Place Community Association (DP 270368), which is represented by Milestone (AUST) Pty Ltd) Town Planners (Milestone Town Planners).

Milestone Town Planners advises in its correspondence dated 13 December 2023 that Pacific Place Community Association (DP 270368), “comprises communal open space in joint ownership of 9 Railway Street (SP74513), 11 Railway Street (SP 71281), 1 Day Street (SP72068) and 1 Cambridge Lane (SP 79233), Chatswood.

In its correspondence of 2 August 2023 Pacific Place Community Association (DP 270368), Milestone Town Planners advises that ‘Pacific Place accommodates 848 residential lots accommodating more than approximately 2,000 residents between the following Strata Plans”:

- SP 72068 – B2E – 64 lots
- SP 74513 – Epica – 221 lots
- Altura SP 71281 – 137 lots 24-storey 22 residential levels
- ERA SP 88191 – 294 lots 44 levels
- Cambridge SP 79233 – 132 lots – 23 levels

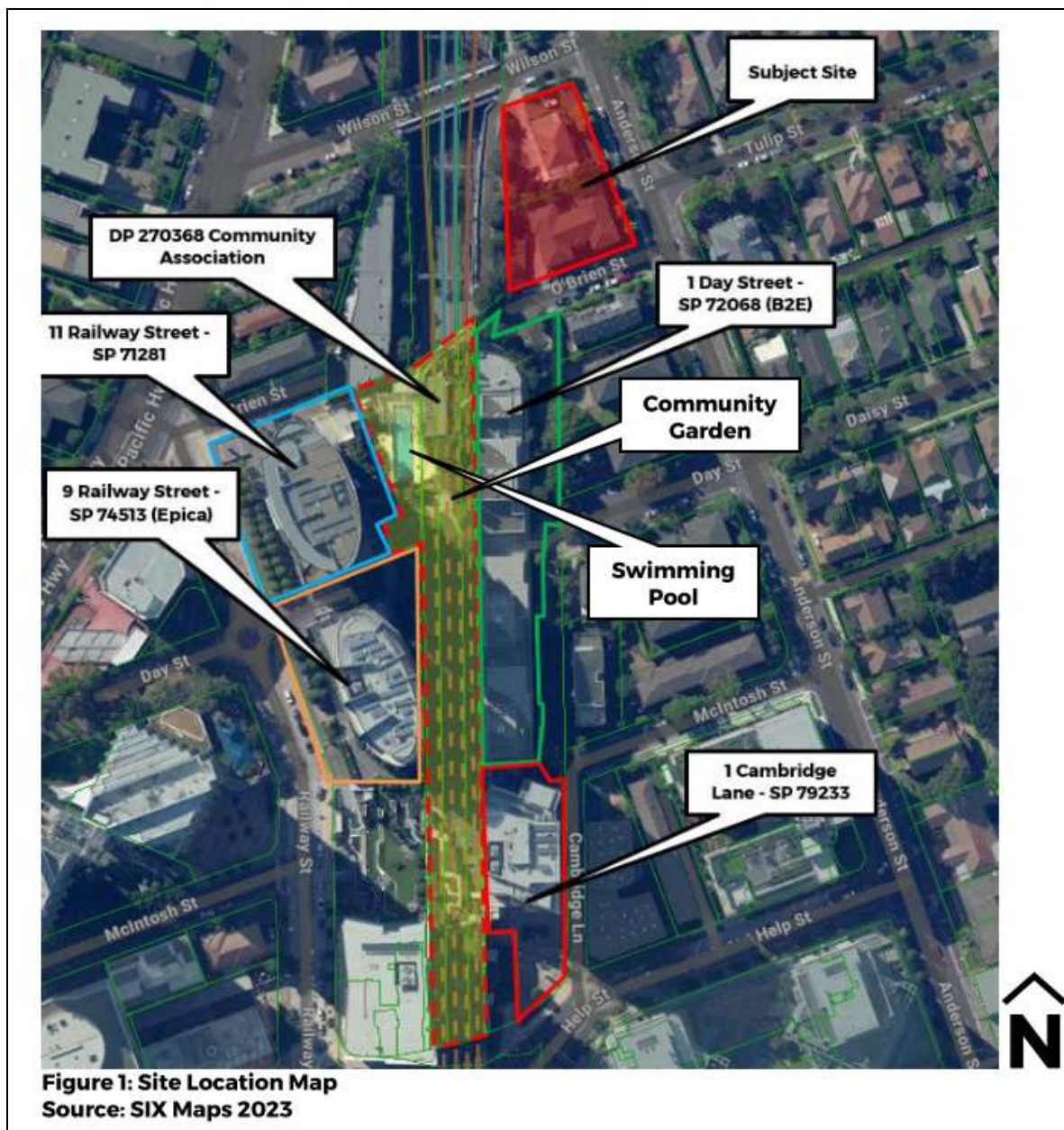
- (3) A site inspection of Pacific Place was undertaken on 7 November 2024 in the presence of the Altura Strata Secretary (and Resident), Epica Strata Secretary (and Resident), and the building manager.

In summary the following buildings relate to these addresses:

- B2E – 1 Day Street
- Epica – 9 Railway Street
- Altura – 11 Railway Street
- ERA– 7 Railway Street
- Cambridge – 1 Cambridge Lane

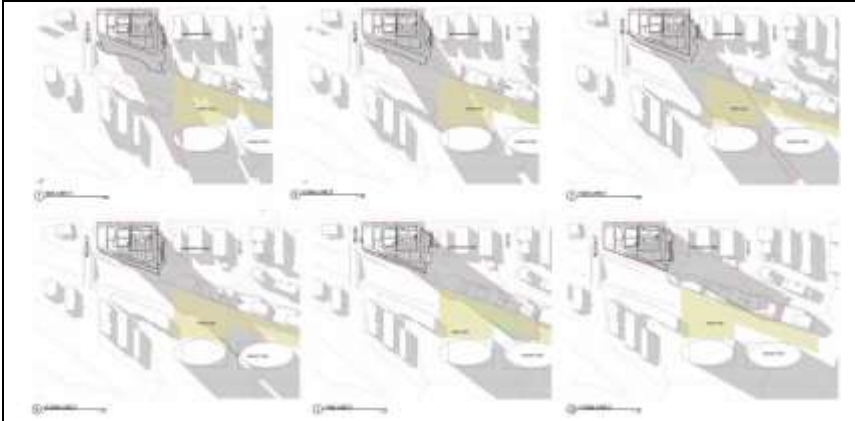
(4) Correspondence was received from the Strata Manager for SP 713281 (Jolly Duong), which enclosed a letter from Charles Gowing, Chair SP 71281 (11 Railway Street – Altura). This letter is said to represent 137 households. This correspondence is represented in the table as SP 71281 (11 Railway Street – Altura).

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(Source: Milestone (AUST) Pty Ltd, letter dated 2 August 2023)

Issue / Concern		
Overshadowing		
1009/9 Railway Street, Chatswood 2302/11 Railway Street, Chatswood 707/11 Railway Street 701/11 Railway Street,	A common theme running through most of the submissions is the overshadowing impact (including cumulative impact) on Pacific Place, the elevated communal open space. The applicant has provided diagrams indicating the impact of the proposal on Pacific Place and concludes "... the solar access at	

<p>Chatswood 1 Day Street, Chatswood 11 Railway Street, Chatswood 9 Railway Street, Chatswood 1002/11 Railway Street, Chatswood 2503/11 Railway Street, Chatswood 707/11 Railway Street U63/1 Day Street, Chatswood (B2E) U64/1 Day Street (B2E) 801/11 Railway Street, Chatswood SP 71281 11 Railway Street, Chatswood 30 Anderson Street 711/30 Anderson Street 2501/11 Railway Street, Chatswood (Altura) 2501/11 Railway Street, Chatswood (Altura) 7 Railway Street, Chatswood SP 71281 (11 Railway Street – Altura) 6/1 Day Street 1308/9 Railway Street Pacific Place Community Association (DP 270368) 608/11 Railway Street 1801/9 Railway Street</p>	<p>Pacific Place is unaffected by the proposed development between the hours of 11:30am and 3pm and therefore still allows unimpeded solar access for at least 3.5 hours in mid-winter. Furthermore, during the 9am – 11am period in which overshadowing does occur onto Pacific Place, this only results in partial overshadowing rather than total overshadowing of the communal open space and therefore still allows solar access at other parts of Pacific Place during these hours”.</p> <p>The following image was included:</p>  <p>Image 16: Shadow diagram indicating approximately in pale yellow Pacific Place (source: Letter by Mecone, dated 4 December 2024)</p> <p>The above diagrams confirms Mecone’s statement. Another nearby site (849-859 Pacific Highway and 2-8 Wilson Street) has Development Application DA-2024/47, which remains undetermined. It shows</p>
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2701/9 Railway Street



Image 17: Shadow diagrams pertaining to DA-2024/47, which indicates shadow impacts to Pacific Place from 1pm to 3pm in mid-winter. At 3pm the buildings Altura and Epica contribute to this overshadowing (source: PBD Architects, Drawing DA611 issue 2).


Assessment officers response

In isolation the proposal is satisfactory with regards to overshadowing. The cumulative overshadowing impacts arising from DA-2024/47 appear to diminish sunlight that the subject application relies on for favourable consideration. Whilst this is real issue for Pacific Place – and it is not discounted that there are impacts on Pacific Place by the subject proposal – on balance there is no statutory basis to refuse the subject application on grounds of overshadowing. Particularly so because the subject proposal satisfies the objectives (and almost entirely, a compliant building envelope) of all relevant controls.


The subject proposal throws shadow on 1 Day Street (B2E) at 10am (only for a small section at its northern end), then more substantially at 11am, but at 12pm the shadow has left the building at 1 Day Street (the laneway is still in shadow). It is noted that, again cumulatively, 44-52 Anderson Street (when an application is made) will worsen the shadow impact to 1 Day

	<p>Street. 1 Day Street is highly vulnerable to overshadowing due to its single northern aspect of units (confirmed by reference to the strata plan). Notwithstanding shadow impacts to this proposal, the proposal satisfies the development potential for the land with a mostly complaint building envelope, and where any departure does not contribute to detrimental overshadowing.</p> <p>The shadowing impact is not considered so detrimental to any sites that warrants refusal or amendment of the application.</p>
<p>Traffic congestion / parking</p>	
<p>Property (note: some address not provided by submitters) 1009/9 Railway Street, Chatswood 805/9 Railway Street, Chatswood SP 71281 11 Railway Street, Chatswood 2302/11 Railway Street, Chatswood 701/11 Railway Street, Chatswood 707/11 Railway Street 2302/11 Railway Street 801/11 Railway Street 1 Day Street, Chatswood 1703/9 Railway Street, Chatswood 711/30 Anderson Street 9 Railway Street, Chatswood</p>	<p>Various concerns raised including that the traffic report is based on “outdated estimates of traffic generation”. Also, inadequate parking and congerstion within the Chatswood CBD and the cumulative impacts of all similar sized developments in the area.</p> <p><u>Assessment Planner Response</u></p> <p>The applicant has prepared a traffic report and Council's Traffic Engineer has assessed this report as satisfactory.</p> <p>Parking provision has been reduced to comply with the maximum rates of Council's DCP - where this parking would have otherwise equates to gross floor area.</p> <p>On balance the proposed parking and the traffic impacts are considered to be satisfactory.</p>

<p>1002/11 Railway Street, Chatswood</p> <p>2503/11 Railway Street, Chatswood</p> <p>U63/1 Day Street, Chatswood</p> <p>(B2E)</p> <p>U64/1 Day Street, Chatswood (B2E)</p> <p>2501/11 Railway Street, Chatswood</p> <p>SP 71281 11 Railway Street, Chatswood</p> <p>30 Anderson Street, Chatswood</p> <p>1901/11 Railway Street (Altura)</p> <p>2501/11 Railway Street, Chatswood (Altura)</p> <p>11 Railway Street, Chatswood</p> <p>6/1 Day Street</p> <p>Pacific Place</p> <p>Community Association</p> <p>1308/9 Railway Street</p> <p>608/11 Railway Street</p> <p>U59/1 Day Street</p> <p>1801/9 Railway Street</p> <p>2701/9 Railway Street</p>	
<p>Overdevelopment / Height / Character / Density</p>	
<p>805/9 Railway Street, Chatswood</p> <p>701/11 Railway Street,</p>	<p>Concerns are raised that the proposal is an overdevelopment and is out of character and too dense.</p>

<p>Chatswood 1703/9 Railway Street, Chatswood 9 Railway Street, Chatswood 11 Railway Street, Chatswood U63/1 Day Street U64/1 Day Street 30 Anderson Street 1 Day Street Pacific Place Community Association 608/11 Railway Street</p>	<p><u>Assessment officer response</u></p> <p>The FSR, height and setbacks of the proposal, landscaping and parking provision, makes it an acceptable one.</p>
<p>Loss of Views</p> <p>Concerns about loss of views were raised from the following properties. Some residents provided photos. Council's officer received permission from 1009/9 Railway Street for the applicant to use the photos to configure a montage to indicate expected impacts.</p>	
<p>1009/9 Railway Street, Chatswood</p>	

	<div data-bbox="564 203 1267 779" data-label="Image"> </div> <div data-bbox="555 853 1366 1500" data-label="Image"> </div> <div data-bbox="549 1514 1378 1619" data-label="Caption"> <p>Image 18: View impact from 1009/9 Railway Street, Chatswood</p> </div>
<p>1 Day Street, Chatswood 9 Railway Street, Chatswood 801/11 Railway Street, Chatswood</p>	<p>Concerns relate to disruption of unbroken panoramic view “from the railway line to Sydney Harbour”.</p> <p>This is addressed in a Tenacity assessment below.</p>

<p>30 Anderson Street 711/30 Anderson Street Railway Street, Chatswood 6/1 Day Street 1901/11 Railway Street (Altura) U59/1 Day Street</p>		
<p>1002/11 Railway Street, Chatswood (view shown at right)</p>		<p>This is addressed in a Tenacity assessment below.</p>
<p>U63/1 Day Street, Chatswood (B2E) U64/1 Day Street</p>	<p>Concerns about loss of sky view.</p> <p><u>Assessment officer response</u></p> <p>The loss of sky view can result in a loss of sense of outlook and openness. The proposal satisfies the an acceptable footprint and envelope.</p>	
<p>SP 71281 (11 Railway Street – Altura).</p>		<p>The letter states that “the residents of SP 71281 strongly disagree that our view loss should be dismissed as simply the loss of sky views”.</p>



502 View from Balcony






Unit 607



Unit 608





	Unit 707	
		
	Unit 908	
		
	Unit 1101	



Unit 1702



	 <p>Unit 2501</p>
608/11 Railway Street	<p>Photographs from his balcony at unit 608/11 Railway Street Chatswood.</p>  <p>Balcony view from 608/11 Railway Street, looking east</p>






Balcony view from 608/11 Railway Street, looking north-east



The floor plan of unit 608/11 Railway Street. It is a single aspect unit with an eastern orientation.



Bedroom 1 view

	 <p>Bedroom 2 view</p>  <p>Kitchen view</p>  <p>Lougeroom view</p>
<p>Tenacity Assessment (Altura and Epica and high rises)</p>	<p>Step One – Assessment of the views to be affected.</p> <p>The views to be affected are distant views (not iconic) to the east, north east and south east comprising housing interspersed with vegetation.</p> <p>Step Two – Consideration from what part of the property the views are obtained.</p> <p>The views are captured from a sitting and standing position, from living rooms, bedrooms and balconies.</p> <p>Step Three – Assessment of the extent of the impact.</p> <p>The proposal occupies an acceptable part of the expanse of the</p>

	<p>view, where the impact does not include iconic views.</p> <p>Step Four – Assessment of the reasonableness of the proposal that is causing the impact.</p> <p>The proposal is considered reasonable on the basis of numerical compliance. Any aspect of the proposal that does not satisfy the controls do not compete against the objectives for view sharing.</p>
<p>Privacy</p>	
<p>1009/9 Railway Street, SP 71281 (11 Railway Street – Altura) 9 Railway Street, U63/1 Day Street, (B2E) U64/1 Day Street (B2E) 801/11 Railway Street, 2501/11 Railway Street, (Altura) SP 71281 11 Railway Street 30 Anderson Street 711/30 Anderson Street 1901/11 Railway Street (Altura) 2501/11 Railway Street 7 Railway Street 11 Railway Street 6/1 Day Street 1308/9 Railway Street Pacific Place Community Association (DP 270368)</p>	<p>Concerns relate to the privacy impacts of the development to surrounding properties. The proposal satisfies Part 3F ADG as discussed earlier in this report. The spatial separation of the proposal from 1 Day Street and Pacific Place contributes to the acceptability of the proposal in this regard.</p>

608/11 Railway Street U59/1 Day Street (B2E) 1801/9 Railway Street 2701/9 Railway Street	
Construction impacts (noise and vibration)	
805/9 Railway Street, Chatswood 2302/11 Railway Street, Chatswood 30 Anderson Street, Chatswood 711/30 Anderson Street 7 Railway Street, Chatswood Community Association (DP 270368) Pacific Place	A Construction Noise and Vibration Management Plan (Ref:L has been prepared (Ref: 20221456.2, dated 15.12.2023) by Acoustic Logic. It contains recommendations to minimise the impact of demolition, excavation and construction. A condition of consent is proposed to ensure the Construction Noise and Vibration Management Plan is complied with to reduce these impacts to an acceptable level.
Noise levels	
608/11 Railway Street	<p>Concerns are raised that the “development will increase noise levels to residents as the sound from the train noise could be substantially reduced or eliminated by covering over the open section of railway track between O’Brien and Wilson Streets to create a green space with trees, grass and gardens”.</p> <p><u>Assessment officer response</u></p> <p>An acoustic report has been prepared to ensure that the internal noise levels comply. The construction can also reduce noise levels from inside the proposed dwellings – noise from other areas are more difficult to attenuate but nonetheless are a [product of high density living. There is no proposal known to cover the railway track between O’Brien and Wilson Streets. This is a matter for TfNSW.</p>
Pressure on infrastructure	

<p>SP 71281 11 Railway Street, Chatswood 2302/11 Railway Street, Chatswood 707/11 Railway Street 701/11 Railway Street, Chatswood 1002/11 Railway Street, Chatswood 2503/11 Railway Street, Chatswood SP 71281 11 Railway Street, Chatswood 11 Railway Street, Chatswood 1 Day Street</p>	<p>Concerns are raised about pressure on schools, transport, parks and other government amenities due to increasing population. Concerns include a perceived lack of community facilities and leisure centres.</p> <p><u>Assessment officer response</u></p> <p>The developer is required to pay \$5,228,120 monetary contribution towards Council's Community Infrastructure Contributions (CIC) scheme. S7.11 contributions are also payable. Contributions assist in the delivery and upgrade of local infrastructure to offset the increase in demands placed on them by increased population.</p>
<p>Limit air flow</p>	
<p>1009/9 Railway Street, Chatswood U63/1 Day Street U64/1 Day Street 30 Anderson Street 711/30 Anderson Street</p>	<p>Concerns are raised that the development will result in Limit air flow to surrounding buildings. Inversely, other concerns relate to the proposal increasing air speed in the vicinity of the proposal.</p> <p><u>Assessment officer response</u></p> <p>A supplementary wind impact study (by Vipac, dated 9.11.2023) confirms that "... in our over 50 years of experience as wind engineers.. we do not often observe a significant impact in excess of existing wind conditions of wind levels outside of this prescribed context" where the context is 44m. The spatial separation of the buildings from its surrounds reduces the potential for both wind and ventilation (air flow) impacts.</p>
<p>Impact on general well being</p>	
<p>1009/9 Railway Street,</p>	<p><u>Assessment officer response</u></p>

<p>Chatswood 9 Railway Street, Chatswood 2503/11 Railway Street, Chatswood U63/1 Day Street U64/1 Day Street 30 Anderson Street 707/11 Railway Street 2302/11 Railway Street U59/1 Day Street SP 71281 (11 Railway Street – Altura)</p>	<p>The impact of change and of development on the well-being of residents in the surrounds is considered with a great level of respect. A significant increase in scale and density where low rise, medium density is sensitive. However, this proposal and others in Chatswood CBD are the product of the changes brought by the Chatswood CBD Strategy and the amended WLEP. The impacts have been carefully assessed and are found to be satisfactory in the circumstances of this case.</p>
<p>Safety of residents using Zinnia Lane to access their garages</p>	
<p>1703/9 Railway Street, Chatswood</p>	<p><u>Assessment officer response</u></p> <p>Blockage of access to properties is not permitted.</p>
<p>Air Quality and Pollution</p>	
<p>U64/1 Day Street (B2E) U63/1 Day Street (B2E) 7 Railway Street 9 Railway Street</p>	<p><u>Assessment officer response</u></p> <p>Concerns are raised about air quality and pollution. Conditions are imposed to ensure construction activities do not cause dust nuisance.</p>
<p>Creation of wind tunnels</p>	
<p>2302/11 Railway Street, Chatswood SP 71281 11 Railway Street, Chatswood 9 Railway Street,</p>	<p>Concerned that furniture on balconies can become a hazard, and also that there is no assessment of the wind impacts on adjoining properties.</p> <p><u>Assessment officer response</u></p>

<p>Chatswood 1002/11 Railway Street, Chatswood 2503/11 Railway Street, Chatswood 801/11 Railway Street, Chatswood 2501/11 Railway Street, Chatswood (Altura) 2302/11 Railway Street 707/11 Railway Street SP 71281 11 Railway Street, Chatswood U63/1 Day Street, Chatswood (B2E) U64/1 Day Street (B2E) 2501/11 Railway Street 7 Railway Street, Chatswood 1 Day Street, Chatswood 6/1 Day Street Pacific Place Community Association 608/11 Railway Street</p>	<p>As discussed earlier, an updated wind assessment report covers wind impact to surrounding land. The wind report does make recommendations for wind barriers to reduce the wind hazard. Caution needs to be exercised by future occupants in terms of furniture on balconies.</p>
<p>Visual impact</p>	
<p>9 Railway Street, Chatswood 30 Anderson Street 711/30 Anderson Street</p>	<p><u>Assessment officer response</u> The proposal is the winner of an architectural design competition. Whilst taste for architecture is subjective, the architectural merit of this proposal is worthy of approval.</p>
<p>Clause 4.6 Building height</p>	

Pacific Place Community Association (DP 270368)	<u>Assessment officer response</u> The cl 4.6 variation request is satisfactory, as discussed earlier in his report.
Bad precedent for future overdevelopment	
No address given	<u>Assessment officer response</u> The proposal satisfies the controls that govern the quantum of development (FSR) and mostly the envelope defined by setback controls. Each DA is considered on its merits.
Devaluation of surrounding property	
2501/11 Railway Street, Chatswood (Altura) 1901/11 Railway Street (Altura) 1 Day Street	<u>Assessment officer response</u> Property values do not form part of the assessment, however impacts arising from development so and in this case are considered satisfactory.
Potential for damage to existing structures and foundations within SP 71281 11 Railway Street, Chatswood and DP 270368	
SP 71281 11 Railway Street, Chatswood	The submission seeks assurances that any future development on the site does not cause damage to SP 71281 and to DP270368 and the railway complex. <u>Assessment officer response</u> The proposal has been the subject of consideration by Metro and Sydney Trains. In addition a condition of consent is imposed regarding private dilapidation reports.
Impact of Heritage Conservation Area	
30 Anderson Street 711/30 Anderson Street	Concerns are raised that the proposal will be “incompatible with the neighbourhood environment of low rises and houses” and that

608/11 Railway Street	<p>it “block the views and diminish the external lighting and ventilation of 30 Anderson Street”.</p> <p><u>Assessment officer response</u></p> <p>The proposal is located 3 blocks away from 30 Anderson Street. Shadow impacts are not detrimental. ;likewise, view impacts are considered reasonable, also due to the large degree of compliance with controls. The congruence of the proposal with the desired future character has been discussed throughout this report.</p>
Impact of Heritage item at 20 Tulip street	
No address given	<p><u>Assessment officer response</u></p> <p>Council’s Heritage adviser imposed conditions which feature in the draft consent should the Panel be minded to approve the application.</p>
Loss of existing trees	
No address given	<p><u>Assessment officer response</u></p> <p>Council’s Landscape Architect has assessed the proposal as satisfactory subject to conditions.</p>
Commercial / Retail inappropriate	
9 Railway Street	<p>An opinion was expressed that street level retail in fringe CBD locations are in poor demand.</p> <p><u>Assessment officer response</u></p> <p>The CBD Strategy and the WLEP include minimum non-residential floor space to strengthen the viability and role of Chatswood CBD as a place for commercial and vibrant uses.</p>

ATTACHMENT 7: SECTION 4.15 ASSESSMENT**Matters for Consideration Under S.79C EP&A Act****Considered and Satisfactory ✓ Considered and Unsatisfactory ✗ Not Relevant****N/A**

(a)(i)	The provisions of any environmental planning instrument (EPI)	
	<ul style="list-style-type: none"> State Environmental Planning Policies (SEPP) 	✓
	<ul style="list-style-type: none"> Regional Environmental Plans (REP) 	✓
	<ul style="list-style-type: none"> Local Environmental Plans (LEP) 	✓
	Comment: The proposal is satisfactory having regard to the SEPPs and LEP.	
(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 Local Environmental Plans (LEP) 	N/A
	Comment: There are no draft EPIs.	
(a)(iii)	Any development control plans	
	<ul style="list-style-type: none"> Development control plans (DCPs) 	✓
	Comment: The proposal is satisfactory having regard to the DCP.	
(a)(iv)	Any matters prescribed by the regulations	
	<ul style="list-style-type: none"> Section 61 EP&A Regulation-Demolition 	✓
	<ul style="list-style-type: none"> Section 62 EP&A Regulation-Fire Safety Considerations 	✓
	<ul style="list-style-type: none"> Section 64 EP&A Regulation-Fire Upgrade of Existing Buildings 	N/A
	Comment: The proposal is satisfactory having regard to the Regulations. Conditions of consent relating to fire equipment have been applied.	
(b)	The likely impacts of the development	
	<ul style="list-style-type: none"> Context & setting 	✓
	<ul style="list-style-type: none"> Access, transport & traffic, parking 	✓
	<ul style="list-style-type: none"> Servicing, loading/unloading 	✓
	<ul style="list-style-type: none"> Public domain 	✓
	<ul style="list-style-type: none"> Utilities 	✓
	<ul style="list-style-type: none"> Heritage 	✓
	<ul style="list-style-type: none"> Privacy 	✓
	<ul style="list-style-type: none"> Views 	✓
	<ul style="list-style-type: none"> Solar Access 	✓
	<ul style="list-style-type: none"> Water and draining 	✓
	<ul style="list-style-type: none"> Soils 	✓
	<ul style="list-style-type: none"> Air & microclimate 	✓
	<ul style="list-style-type: none"> Flora & fauna 	✓
	<ul style="list-style-type: none"> Waste 	✓
	<ul style="list-style-type: none"> Energy 	✓
	<ul style="list-style-type: none"> Noise & vibration 	✓
	<ul style="list-style-type: none"> Natural hazards 	✓
	<ul style="list-style-type: none"> Safety, security crime prevention 	✓
	<ul style="list-style-type: none"> Social impact in the locality 	✓
	<ul style="list-style-type: none"> Economic impact in the locality 	✓
	<ul style="list-style-type: none"> Site design and internal design 	✓
	<ul style="list-style-type: none"> Construction 	✓
	<ul style="list-style-type: none"> Cumulative impacts 	✓

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

	Comment: The proposal is satisfactory having regard to the likely impacts of the development.	
(c)	The suitability of the site for the development	
	<ul style="list-style-type: none"> Does the proposal fit in the locality? 	✓
	<ul style="list-style-type: none"> Are the site attributes conducive to this development? 	✓
	Comment: The proposal is satisfactory having regard to the suitability of the site for the development.	
(d)	Any submissions made in accordance with this Act or the regulations	
	<ul style="list-style-type: none"> Public submissions 	✓
	<ul style="list-style-type: none"> Submissions from public authorities 	✓
	Comment: The proposal is satisfactory having regard to the submissions made.	
(e)	The public interest	
	<ul style="list-style-type: none"> Federal, State and Local Government interests and Community interests 	✓
	Comment: The proposal is satisfactorily in the public interest, as it satisfies the objectives of the Chatswood CBD Strategy, SEPPs, WLEP and WDCP.	

ATTACHMENT 8: SCHEDULE OF CONDITIONS**PART A**

Conditions of Consent: (Including reasons for such conditions)

CONSENT IDENTIFICATION

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

1. Approved Plan/Details

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

Type	Plan No.	Revision/ Issue No	Plan Date (as Amended)	Prepared by
Coversheet	DA0001	2	3.11.2023	AJC
Development Summary	DA0011	2	23.05.2023	AJC
Demolition Plan	DA1003	1	23.05.2023	AJC
Proposed Site Plan	DA1004	2	3.11.2023	AJC
Deep Soil Plans	DA1005	2	3.11.2023	AJC
Soft Landscaped Area	DA1006	1	23.05.2023	AJC
General Arrangement Plan Level 01	DA2001	1	23.05.2023	AJC
General Arrangement Plan Level B1	DA2002	3	23.10..2023	AJC
General Arrangement Plan Level B2	DA2003	2	23.10.2023	AJC
General Arrangement Plan Level B3	DA2004	2	23.10.2023	AJC
General Arrangement Plan Level B4	DA2005	2	23.10.2023	AJC
General Arrangement Plan Level 02	DA2006	1	23.05.2023	AJC
General Arrangement Plan Level 03	DA2007	2	3.11.2023	AJC
General Arrangement Plan Level 04-06	DA2008	2	3.11.2023	AJC
General Arrangement Plan Level 07-10	DA2011	2	3.11.2023	AJC
General Arrangement Plan Level 11-12	DA2015	2	3.11.2023	AJC
General Arrangement Plan Level 13-14	DA2017	2	3.11.2023	AJC
General Arrangement Plan Level 15	DA2019	2	3.11.2023	AJC
General Arrangement Plan Level 16-18	DA2020	1	23.05.2023	AJC
General Arrangement Plan Level 19-23	DA2023	1	23.05.2023	AJC
General Arrangement Plan	DA2028	1	23.05.2023	AJC

Level 24				
General Arrangement Plan Level 25	DA2029	1	23.05.2023	AJC
General Arrangement Plan Level 26	DA2030	1	23.05.2023	AJC
General Arrangement Plan Roof Level	DA2031	1	23.05.2023	AJC
Floor Plans GFA Area	DA2800	2	3.11.2023	AJC
ADG communal Open Space	DA2903	1	23.05.2023	AJC
Elevation 1 & 2	DA3101	2	3.11.2023	AJC
Elevation 3 & 4	DA3102	1	23.05.2023	AJC
Sections 01 & 02	DA3201	1	23.05.2023	AJC
Sections 03 & 04	DA3202	2	3.11.2023	AJC
Ramp Section Detail	DA3209	1	23.05.2023	AJC
Façade Types / Materials Type 1	DA4201	2	3.11.2023	AJC
Façade Types / Materials Type 2/3	DA4202	1	23.05.2023	AJC
Façade Types / Materials Type 4	DA4203	1	23.05.2023	AJC
Tower Façade – Perforated Solar Screen Detail	DA4204	1	3.11.2023	AJC
Floor Plan – Apartment Typologies	DA5101	2	3.11.2023	AJC
Floor Plan – Apartment Typologies	DA5102	1	23.05.2023	AJC
Floor Plan – Apartment Typologies	DA5103	1	23.05.2023	AJC
Floor Plan – Apartment Typologies	DA5104	1	23.05.2023	AJC
Floor Plan – Apartment Typologies	DA5105	1	23.05.2023	AJC
Floor Plan – Apartment Typologies	DA5106	1	23.05.2023	AJC
Floor Plan – Apartment Typologies	DA5107	1	23.05.2023	AJC
Floor Plan – Adaptable Plans	DA5108	1	23.05.2023	AJC
Floor Plan – Adaptable Plans	DA5109	1	23.05.2023	AJC
Floor Plan – Adaptable Plans	DA5110	1	23.05.2023	AJC
Floor Plan – Adaptable Plans	DA5111	1	23.05.2023	AJC
Floor Plan – Adaptable Plans	DA5112	2	3.11.2023	AJC
Floor Plan – Adaptable Plans	DA5113	1	23.05.2023	AJC
Floor Plan – Adaptable Plans	DA5115	1	23.05.2023	AJC
Floor Plan – Adaptable Plans	DA5116	1	23.05.2023	AJC

Landscape Plans – Ground Floor & Public Domain	L301	-	7.11.2023	TCL
Landscape Plans – Level 03	L303	-	7.11.2023	TCL
Landscape Plans – Level 15	L315	-	7.11.2023	TCL
Landscape Plans – Level 26	L326	-	7.11.2023	TCL
Stormwater – Coversheet & Notes	C1	E	24.4.2024	ACOR Consultants
Stormwater Management Plan Level 1	C2	E	24.4.2024	ACOR Consultants
Stormwater Management Basement B1 Plan	C3	E	24.4.2024	ACOR Consultants
Stormwater Management Basement B2 Plan	C4	E	24.4.2024	ACOR Consultants
Stormwater Management Basement B3 Plan	C5	E	24.4.2024	ACOR Consultants
Stormwater Management Basement B4 Plan	C6	E	24.4.2024	ACOR Consultants
Stormwater Management Details Sheet No. 1	C7	E	24.4.2024	ACOR Consultants
Stormwater Management Details Sheet No. 2	C8	E	24.4.2024	ACOR Consultants
Stormwater Management Details Sheet No. 3	C9	E	24.4.2024	ACOR Consultants
Erosion & Sediment Control Notes	C10	E	24.4.2024	ACOR Consultants
Erosion & Sediment Control Notes	C11	E	24.4.2024	ACOR Consultants
Erosion & Sediment Control Notes	C12	E	24.4.2024	ACOR Consultants
Stormwater Quality Report Sheet 1	C13	E	24.4.2024	ACOR Consultants
Stormwater Quality Report Sheet 2	C14	E	24.4.2024	ACOR Consultants
Stormwater Catchment Plan and OSD Design Checklist	C15	E	24.4.2024	ACOR Consultants

the application form and any other supporting documentation submitted as part of the application, except for:

- (a) any modifications which are “Exempt Development” as defined under S.4.1(1) of the *Environmental Planning and Assessment Act 1979*;
- (b) otherwise provided by the conditions of this consent.
(Reason: Information and ensure compliance)

2. Transport for NSW (Sydney Trains)

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

A1.	<p>Unless amendments are required in order to obtain approval/certification/compliance from Sydney Trains in relation to any of the Sydney Trains related conditions of consent, all excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings, and recommendations as detailed in the following documents:</p> <p>(a) Shoring Drawings reference SH22246, prepared by Stronghold Engineers:</p> <ul style="list-style-type: none"> i. Bulk Excavation Plan drawing no. S1.01, revision 7, dated 13 September 2023; ii. Shoring Brace Plans drawing no. S1.02, revision 6, dated 13 September 2023; iii. Shoring Elevations sheet 1, drawing no. S1.10, revision 5, dated 13 September 2023; iv. Shoring Elevations sheet 2, drawing no. S1.11, revision 5, dated 13 September 2023; v. Shoring Elevations sheet 3, drawing no. S1.12, revision 5, dated 13 September 2023; vi. Shoring Sections sheet 1, drawing no. S1.20, revision 5, dated 13 September 2023; vii. Shoring Sections sheet 2, drawing no. S1.21, revision 5, dated 13 September 2023; viii. Shoring Sections sheet 3, drawing no. S1.22, revision 7, dated 13 September 2023; ix. Shoring Sections sheet 4, drawing no. S1.23, revision 3, dated 13 September 2023; x. Shoring Sections sheet 5, drawing no. S1.24, revision 2, dated 13 September 2023; xi. Shoring Construction Sequence, drawing no. S1.30, revision 4, dated 13 September 2023; xii. Shoring Details sheet 1, drawing no. S1.40, revision 4, dated 13 September 2023; and xiii. Shoring Details sheet 2, drawing no. S1.41, revision 4, dated 13 September 2023. <p>(b) Proposed Residential Development Geotechnical Investigation Report reference 304100860, revision 1, prepared by Cardno, dated 25 May 2023.</p>
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	<p>(c) Fire Engineering DA Supporting Letter reference 23-28CS67, prepared by i-Fire Engineers, dated 22 May 2023.</p> <p>(d) Shoring Structural Design Statement revision C, prepared by Stronghold Engineers, dated 20 February 2024.</p> <p>(e) Structural Design revision B, prepared by Stronghold Engineers, dated 27 September 2023.</p> <p>(f) Rail Asset Assessment Report reference 304100860, revision 5, prepared by Cardno, dated 2 April 2024.</p> <p>(g) Proposed Residential Redevelopment Rail Risk Management Plan (RRMP) reference 304100860, revision 1, prepared by Stantec, dated 20 February 2024.</p> <p>(h) Railway Section 1 reference 22023, sheet no. DA1007, revision 3, prepared by ACJ Architects, stamped by surveyor on 16 May 2024.</p> <p>(i) Railway Section 2 reference 22023, sheet no. DA1008, revision 3, prepared by ACJ Architects, stamped by surveyor on 16 May 2024.</p> <p>(j) Railway Section 3 reference 22023, sheet no. DA1009, revision 3, prepared by ACJ Architects, stamped by surveyor 16 May 2024.</p> <p>(k) Craneage Plans revision 7, prepared by Titan Group of Companies, dated 15 March 2024 and stamped by surveyor 25 March 2024.</p> <p>i. Drawing names: Site Plan, Sydney Trains Overlay, Basement 4, Level 1, Level 2, Levels 13-14, Level 26, Elevation, Section – Sydney Trains, and Elevation – Sydney Trains.</p> <p>The Certifier is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming which of the documentation listed in this condition are to now apply or are superseded as a result of the compliance with the Sydney Trains related conditions of consent. The measures detailed in the documents approved/certified by Sydney Trains under this Condition are to be incorporated into the construction drawings and specifications prior to the issuing of the Construction Certificate. Prior to the commencement of works the Certifier is to provide verification to Sydney Trains that this condition has been complied with.</p>
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A2.	Prior to the issue of a Construction Certificate, the Applicant is to engage with a suitably qualified consultant to prepare a numeric modelling analysis which assesses the different stages of loading and unloading of the site and its effect on the rock mass surrounding the rail corridor. This report is to be submitted to Sydney Trains for review and endorsement demonstrating that the proposed works will not have any adverse impacts on the rail corridor. The Certifier is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
A3.	Prior to the issuing of a Construction Certificate, a track monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be submitted to Sydney Trains for review and written endorsement. The Certifier is not to issue a Construction Certificate until written confirmation has been received from Sydney Trains advising of the need to undertake the track monitoring plan, and if required, that it has been endorsed.
A4.	Prior to the commencement of works, the applicant is to prepare and provide to Sydney Trains for review and endorsement a Hydrologic Assessment report demonstrating that the dewatering during construction will not have any adverse settlement impacts on the rail corridor. No works are to commence until this report has been endorsed in writing by Sydney Trains.
A5.	<p>Prior to the issue of a Construction Certificate, the Applicant must provide a final rail specific Geotechnical Engineering Report to Sydney Trains for review, comment and written endorsement. The report must demonstrate that the development has no negative impact on the rail corridor, easement or the integrity of any rail infrastructure and include an analysis of:</p> <ul style="list-style-type: none"> (a) the structural design of the development and any loading and/or ground deformation impacts on the rail corridor and rail infrastructure; and (b) the potential impacts of demolition and excavation, and demolition and excavation induced vibration on the rail corridor and rail infrastructure. <p>The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Trains confirming compliance with this condition.</p>
A6.	<p>Prior to the issuing of a Construction Certificate, the following final version rail specific items are to be submitted to Sydney Trains for review, comment, and written endorsement: (a) Machinery to be used during demolition, excavation and construction; and (b) Demolition, excavation, and construction methodology and staging.</p> <p>The Certifier is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.</p>

A7.	Prior to the issue of a Construction Certificate, the Applicant shall provide an accurate survey locating the development with respect to the rail boundary and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of Sydney Trains' representative.
A8.	No work is permitted within the rail corridor or any easements which benefit Sydney Trains/TAHE (Transport Asset Holding Entity), at any time, unless the prior approval of, or an Agreement with, Sydney Trains/TAHE (Transport Asset Holding Entity) has been obtained by the Applicant. The Certifier is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
A9.	Prior to the issuing of a Construction Certificate, the Applicant must submit to Sydney Trains final plans showing all craneage and other aerial operations for the development and must comply with all Sydney Trains' requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains' requirements. The Certifier is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
A10.	Prior to the issue of a Construction Certificate, the Applicant shall undertake a services search to establish the existence and location of any rail services. Persons performing the service search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the subject development site, the Applicant must discuss with Sydney Trains as to whether these services are to be relocated or incorporated within the development site.
A11.	Prior to the issue of a Construction Certificate, the Applicant shall include in their Construction Management Plan and Safe Working Method Statements (SWMS) adherence to the load restriction set in place for the Wilson Street Overbridge or as per the structural requirements set out in the Interface Agreement between Sydney Trains and Council. The Certifier shall not issue a Construction Certificate until these requirements have been met.
A12.	There is a need to ensure that the roots and foliage of trees being planted beside the rail corridor do not have an impact on the rail corridor or rail operations. A final landscaping and planting plan demonstrating measures to ensure compliance with this condition must be prepared to the satisfaction of Sydney Trains. No construction certificate can be issued until written confirmation has been received from Sydney Trains confirming that this condition has been complied with.
A13.	Given the possible likelihood of objects being dropped or thrown onto the rail corridor from balconies, windows, and other external features (e.g., roof terraces and external fire escapes) that are within 20 metres of, and face, the rail corridor, the development must have measures installed, to the satisfaction of Sydney Trains (e.g., awning windows, louvres, enclosed balconies, window restrictors etc.) which prevent the throwing of objects onto the rail corridor. The Certifier is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

A14.	The design, installation and use of lights, signs, and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of the rail operator. The Certifier is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
A15.	No scaffolding is to be used facing the rail corridor unless prior written approval has been obtained from Sydney Trains. To obtain approval the Applicant will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor. Unless agreed to by Sydney Trains in writing, scaffolding shall not be erected without isolation and protection panels.
A16.	Prior to the commencement of any works appropriate fencing must be in place along the rail corridor to prevent unauthorised access to the rail corridor during construction works. Details of the type of fencing and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.
A17.	The development shall have appropriate fencing fit for the future usage of the development site to prevent unauthorised access to the rail corridor by future occupants of the development. Prior to the issuing of an Occupation Certificate the Applicant shall liaise with Sydney Trains regarding the adequacy of any existing fencing along the rail corridor boundary or design and construction of new fencing. Details of the type of new fencing to be installed and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.
A18.	The Applicant is to ensure that the development incorporates appropriate anti-graffiti measures, to the satisfaction of Sydney Trains.
A19.	The Applicant must ensure that all drainage from the development is adequately disposed of and managed and not allowed to be discharged into the rail corridor unless prior written approval has been obtained from Sydney Trains.
A20.	Rainwater from the roof must not be projected and/or falling into the rail corridor and must be piped down the face of the building which faces the rail corridor.

A21.	During all stages of the development, the Applicant must take extreme care to prevent any form of pollution entering the rail corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.
A22.	Excess soil is not allowed to enter, be spread, or stockpiled within the rail corridor (and its easements) and must be adequately managed/disposed of.
A23.	The Applicant/Developer shall not at any stage block the corridor access gate on Wilson Street and should make provision for easy and ongoing 24/7 access by rail vehicles, plant, and equipment to support maintenance and emergency activities.
A24.	<p>Sydney Trains advises there are electrical assets in close proximity to the proposed works. All works within 6 metres of the nearest transmission line conductor must comply with:</p> <ul style="list-style-type: none"> i. ISSC 20 – Guideline for the Management of Activities within Electricity Easements and Close to Electricity Infrastructure. ii. The Safe Approach Distances (SADs) in the Sydney Trains Document titled “SMS06-GD-0268 – Working Around Electrical Equipment”. iii. “WorkCover Code of Practice – Work near Overhead Power Lines (The Code)”
A25.	No metal ladders, tapes, and plant, machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and catenary, contact and pull-off wires of the adjacent tracks, and to any aerial power supplies within or adjacent to the rail corridor.
A26.	A risk analysis, which shall determine the required level of derailment protection (if any), shall be carried out in consultation with Sydney Trains. This risk analysis will determine the redundancy requirements or the minimum collision loads specified in Australian Standard AS5100 that needs to be complied with. The risk assessment is to be prepared in accordance with the Sydney Trains Safety Management System. The Certifier shall not issue the Construction Certificate until it has received written confirmation from Sydney Trains that the risk analysis has been prepared and the Certifier has also confirmed that the measures

	recommended in this risk analysis have been indicated on the Construction Drawings.
A27.	Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Certifier with the application for a Construction Certificate. The Certifier must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.
A28.	The Applicant shall prepare an acoustic assessment demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines". The Applicant must incorporate in the development all the measures recommended in the report. A copy of the report is to be provided to the Certifier and Council prior to the issuing of a Construction Certificate. The Certifier must ensure that the recommendations of the acoustic assessment are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.
A29.	Prior to the issue of an Occupation Certificate (whether an interim or final Occupation Certificate), a report must be prepared and submitted to the Certifying Authority and Council certifying that the completed development meets the requirements of State Environmental Planning Policy (Transport and Infrastructure) 2021 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines" as set down in the subject condition of this consent. Such a report must include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development, and that internal noise levels meet the required dB(A) levels. Where it is found that internal noise levels are greater than the required dB(A) level, necessary corrective measures must be carried out to ensure that internal noise levels are compliant with the requirements of this consent.
A30.	Prior to the issuing of an Occupation Certificate the Applicant is to submit as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that

	there has been no encroachment into TAHE (Transport Asset Holding Entity) property or easements, unless agreed to by TAHE (Transport Asset Holding Entity). The Certifier is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
A31.	Prior to the issuing of any Occupation Certificate the Applicant must provide to Sydney Trains for review and endorsement a plan of how future maintenance of the development facing the rail corridor is to be undertaken. The Certifier is not to issue any Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied. The maintenance plan must be implemented for the life of the approved development.
A32.	If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Certifier is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
A33.	If required by Sydney Trains, prior to the commencement of works or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required within 10 days following the undertaking of the inspection, unless otherwise notified by Sydney Trains.
A34.	If required by Sydney Trains, prior to the issue of the Occupation Certificate, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The Certifier is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
A35.	If required by Sydney Trains, prior to the issue of a

	<p>Construction Certificate the Applicant is to contact Sydney Trains External Interface Management team to determine the need for public liability insurance cover. If insurance cover is deemed necessary, this insurance must be for a sum as determined by Sydney Trains and shall not contain any exclusion in relation to works on or near the rail corridor and rail infrastructure and must be maintained for the duration specified by Sydney Trains. The Applicant is to contact Sydney Trains External Interface Management team to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Certifier must witness written proof of this insurance in conjunction with Sydney Trains' written advice to the Applicant on the level of insurance required.</p>
A36.	<p>If required by Sydney Trains, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains External Interface Management team to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Certifier must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.</p>
A37.	<p>Copies of any certificates, drawings, approvals/certification, or documents endorsed by, given to, or issued by Sydney Trains or TAHE (Transport Asset Holding Entity) must be submitted to Council for its records prior to the issuing of the applicable Construction Certificate or Occupation Certificate.</p>
A38.	<p>Sydney Trains or Transport for NSW, and persons authorised by those entities for the purpose of this condition, must be permitted to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and the requirements of this consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.</p>
A39.	<p>The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:</p> <ul style="list-style-type: none"> ▪ oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains; ▪ acts as the authorised representative of

	<p>the Applicant; and</p> <ul style="list-style-type: none"> ▪ is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.
A40.	Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.
A41.	Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains External Interface Management team. In this instance the relevant interface team is North Interface , and they can be contacted via email on North_Interface@transport.nsw.gov.au .
A42.	Where a condition of consent requires Sydney Trains or Transport for NSW endorsement the Certifier is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates by the Certifier dealing with specific works and compliance conditions can only occur subject to written confirmation from Sydney Trains.
A43.	<p>If required by Sydney Trains, the Applicant must give Sydney Trains' written notice at least 5 business days before any of the following events occur within 25 metres of rail corridor land:</p> <ul style="list-style-type: none"> ▪ site investigations; ▪ foundation, pile and anchor set out; ▪ set out of any other structures below ground surface level or structures which will transfer any load or bearing; ▪ foundation, pile and anchor excavation; ▪ other excavation; ▪ surveying of foundation, pile and anchor excavation and surveying of as-built excavations; ▪ other concreting; or ▪ any other event that Sydney Trains has notified

	to the Applicant.
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(Reason: Ensure compliance)

3. Sydney Metro

The following conditions from Sydney Metro must be complied with prior to issue of a Construction Certificate:

	Engineering
1.1	<p>All excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings, measures and recommendations detailed in the following documents:</p> <ul style="list-style-type: none"> (a) Plan showing railway detail and levels over lot 500 and 501 DP 1189545 (Ref. 311688_C) prepared by Innovative Surveying Associates dated 19 September 2023. (b) Rail Asset Assessment Report 54-56 Anderson Street, Chatswood (Ref. 304100860) Revision 01 prepared by Stantec dated 31 May 2023. (c) Proposed Residential Development Geotechnical Investigation Report 54-56 Anderson Street, Chatswood (Ref. 304100860) Revision 01 prepared by Stantec dated 25 May 2023. (d) Drawing ref. S1.01 Revision 05 prepared by AJC Architects dated 17 May 2023. (e) Drawing ref. S1.02 Revision 04 prepared by AJC Architects dated 17 May 2023. (f) Drawing ref. S1.10 Revision 04 prepared by AJC Architects dated 17 May 2023. (g) Drawing ref. S1.11 Revision 04 prepared by AJC Architects dated 17 May 2023. (h) Drawing ref. S1.12 Revision 04 prepared by AJC Architects dated 17 May 2023. (i) Drawing ref. S1.20 Revision 04 prepared by AJC Architects dated 17 May 2023. (j) Drawing ref. S1.21 Revision 04 prepared by AJC Architects dated 17 May 2023. (k) Drawing ref. S1.22 Revision 05 prepared by AJC Architects dated 17 May 2023. (l) Drawing ref. S1.23 Revision 01 prepared by AJC Architects dated 17 May 2023. (m) Drawing ref. S1.30 Revision 03 prepared by AJC Architects dated 17 May 2023. (n) Drawing ref. S1.40 Revision 03 prepared by AJC Architects dated 17 May 2023.

	<p>(o) Drawing ref. S1.41 Revision 03 prepared by AJC Architects dated 17 May 2023.</p> <p>subject to any amendments to those documents required by Sydney Metro in accordance with this consent.</p> <p>The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro confirming which documents (including the versions of those documents) apply to the development and the Certifier has confirmed that the construction drawings and specifications comply with those documents.</p> <p>Prior to the commencement of works the Certifier must provide written verification to Sydney Metro that this condition has been complied with.</p>
	Rail Corridor
1.1	All structures must be designed, constructed and maintained so as to allow for the future operation and demolition of any part of the development without damaging or otherwise interfering with the Metro North West Line rail corridor or rail operations. Where any part of the development is to be retained because its demolition would damage or otherwise interfere with the Metro North West Line rail corridor or rail operations, that part of the development must have a minimum design life of 100 years.
	Survey and Services
1.2	<p>Prior to the issue of a Construction Certificate:</p> <p>(a) the Applicant must provide Sydney Metro with an accurate survey of the development and its location relative to the rail corridor boundary and any rail infrastructure. The survey is to be undertaken by a registered surveyor, to the satisfaction of Sydney Metro; and</p> <p>(b) a registered surveyor shall peg-out the common property boundary between the development site and the rail corridor and any Sydney Metro easements to ensure that there is no encroachment by the development. A copy of the survey report indicating the location of pegs must be provided to Sydney Metro prior to the commencement of works.</p>
1.3	<p>Prior to the issue of a Construction Certificate, the Applicant must undertake a services search to establish the existence and location of any rail services and provide the results of the search to Sydney Metro. A services search must be based on current and not expired information and include information obtained through the Dial Before You Dig service. Persons performing the service search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the development site, the Applicant must discuss with Sydney Metro whether the services are to be relocated or incorporated within the development site.</p>
	Noise & Vibration
1.4	The development must:

	<p>(a) comply with State Environmental Planning Policy (Transport and Infrastructure) 2021 and the NSW Department of Planning & Environment's document titled "Development Near Rail Corridors and Busy Roads - Interim Guideline" (2008) and the Sydney Metro At Grade and Elevated Sections Corridor Protection Guidelines (available from www.sydneymetro.info);</p> <p>(b) be designed, constructed and maintained so as to avoid damage or other interference which may occur as a result of air-borne noise, ground-borne noise and vibration effects that may emanate from the rail corridor during rail construction and operations; and</p> <p>(c) not have any noise or vibration impacts on the rail corridor or rail infrastructure.</p>
1.5	<p>The Applicant must incorporate as part of the development all the measures recommended in the acoustic assessment report <i>54-56 Anderson Street, Chatswood – Response to Metro RFI (Ref. 20221456.1/1608A/R0/PF) prepared by Acoustic Logic dated 16 August 2023</i>. A copy of the acoustic assessment report is to be provided to the Certifier and Council prior to a Construction Certificate being issued by the Certifier. The Certifier must ensure that the recommendations of the acoustic assessment report are incorporated in the construction drawings and documentation prior to issuing a Construction Certificate for the development.</p>
	<p>Electrolysis</p>
1.6	<p>The Applicant must incorporate as part of the development all the measures recommended in the <i>Electrolysis Risk Report 54-56 Anderson Street, Chatswood NSW 2067 (Ref. W23822/NSW-P100196) Revision 0 prepared by Corrosion Control Engineering (CCE) dated 30 August 2023</i>. A copy of the electrolysis assessment report is to be provided to the Certifier and Council prior to a Construction Certificate being issued by the Certifier. The Certifier must ensure that the recommendations of the electrolysis assessment report are incorporated in the construction drawings and documentation prior to issuing a Construction Certificate for the development.</p>
	<p>Design</p>
1.7	<p>Prior to the issue of a Construction Certificate, the Applicant must ensure that the development incorporates appropriate anti-graffiti measures, and obtain written confirmation from Sydney Metro that such measures have been incorporated.</p>
1.8	<p>Given the possibility of objects falling, being dropped or thrown onto the rail corridor from balconies, windows and other external features (e.g. roof terraces and external fire escapes) of the development that are within 20 metres of and face the rail corridor, the development must have measures installed, to the satisfaction of Sydney Metro (e.g. awning windows, louvres, enclosed balconies, window restrictors, rainwater piped down the face of the building etc) which prevent objects falling into the rail corridor. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.</p>

1.9	The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of the light rail operator. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.
1.10	The roots and foliage of trees planted beside the rail corridor as part of the development must not impact on the rail corridor or rail operations. A final landscaping and planting plan demonstrating measures to ensure compliance with this condition must be prepared to the satisfaction of Sydney Metro. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.
	Construction
1.11	No work is permitted within the rail corridor, or any easements which benefit Sydney Metro, at any time, unless the prior approval of, or an Agreement with, Sydney Metro has been obtained by the Applicant. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.
1.12	No rock anchors, rock bolts, ground anchors or rock ties, piles, foundations, rock pillars, transfer structures, basement walls, slabs, columns, beams, cut rock faces, are to be installed in the rail corridor, Sydney Metro property or easements. The Certifier must not issue a Construction Certificate for the development until it has received written confirmation from Sydney Metro that this condition has been satisfied.
1.13	<p>Prior to the issuing of a Construction Certificate, the following information must be submitted to Sydney Metro for review and endorsement:</p> <ul style="list-style-type: none"> (a) machinery to be used during excavation/construction; and (b) demolition, excavation and construction methodology and staging. <p>The Certifier must not issue a Construction Certificate for the development until it has received written confirmation from Sydney Metro that this condition has been satisfied.</p>
1.14	If required by Sydney Metro, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements for the proposed works are to be submitted to Sydney Metro for review and endorsement regarding impacts on the rail corridor. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.
1.15	If required by Sydney Metro, a track monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be submitted to Sydney Metro for review and endorsement prior to the issuing of a Construction Certificate. The Certifier must not issue a Construction

	Certificate until written confirmation has been received from Sydney Metro that this condition has been satisfied.
1.16	Prior to the issuing of a Construction Certificate, the Applicant must submit to Sydney Metro a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Metro requirements. If required by Sydney Metro, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Metro requirements. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from the Sydney Metro that this condition has been satisfied.
1.17	If required by Sydney Metro, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Metro's Corridor Protection Team to determine the need for public liability insurance cover and the level of insurance required. If insurance cover is deemed necessary, the Applicant must obtain insurance for the sum determined by Sydney Metro and such insurance shall not contain any exclusion in relation to works on or near the rail corridor or rail infrastructure and must be maintained for the period specified by Sydney Metro. Prior to issuing a Construction Certificate for the development, the Certifier must witness written proof of any insurance required by Sydney Metro in accordance with this condition, including the written advice of Sydney Metro to the Applicant regarding the level of insurance required.
	<u><i>Reason: construction of the proposed development presents a risk of potential damage to the Metro North West Line rail corridor which is not in the public interest. This risk of damage to public infrastructure must be appropriately managed and mitigated.</i></u>
1.18	If required by Sydney Metro, prior to the issue of a Construction Certificate the Applicant must contact the Sydney Metro Corridor Protection Team to determine the need for the lodgement of a bond or bank guarantee for the duration of the works and the sum of any required bond or bank guarantee. Prior to issuing a Construction Certificate for the development, the Certifier must witness written confirmation from Sydney Metro that the Applicant has lodged any bond or bank guarantee required by this condition.
	<u><i>Reason: construction of the proposed development presents a risk of potential damage to the Metro North West Line rail corridor which is not in the public interest. This risk of damage to public infrastructure must be appropriately managed and mitigated.</i></u>
1.19	Prior to the issue of a Construction Certificate, the Applicant must prepare and provide to Sydney Metro for review and endorsement a hydrologic assessment report demonstrating that any dewatering during construction will not have any adverse settlement impacts on the rail corridor. The Certifier must not issue a Construction Certificate until this report has been endorsed by Sydney Metro in writing.

	Drainage
1.20	The Applicant must ensure that all drainage from the development is adequately disposed of and managed and must ensure that no drainage is discharged into the railway corridor unless prior written approval has been obtained from Sydney Metro. The Certifier must not to issue a Construction Certificate or Occupation Certificate for the development unless this condition has been satisfied.
	Documentation
1.21	Copies of any certificates, drawings, approvals or documents endorsed by, given to or issued by Sydney Metro must be submitted to Council for its records prior to the issue of any Construction Certificate.

The following conditions from Sydney Metro must be complied with prior to commencement of works.

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

The following conditions from Sydney Metro must be complied with during construction.

	Supervision
1.23	Unless advised by Sydney Metro in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects and who holds current professional indemnity insurance.
	Construction
1.24	No metal ladders, tapes, plant, machinery, or conductive material is to be used within 6 horizontal metres of any live electrical equipment associated with the rail corridor and rail infrastructure. This applies to the train pantographs and catenary, contact and pull-off wires of the adjacent tracks, and to any aerial power supplies within or adjacent to the rail corridor.
1.25	No scaffolding or hoarding is to be used facing the rail corridor unless prior written approval has been obtained from Sydney Metro. To obtain approval, the Applicant must submit details of the scaffolding and/or hoarding, the means of erecting and securing the scaffolding and/or hoarding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor. Scaffolding and/or hoarding shall also not be erected without isolation and protection panels unless agreed to by Sydney Metro in

	writing.
1.26	Excess soil from the construction works is not allowed to enter, be spread or stockpiled within the rail corridor (and its easements) and must be adequately managed/disposed of by the Applicant.
	Consultation
1.27	<p>The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Metro in writing), who:</p> <ul style="list-style-type: none"> (a) oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Metro; (b) acts as the authorised representative of the Applicant; and (c) is available (or has a delegate notified in writing to Sydney Metro that is available) on a 7 day a week basis to liaise with the representative of Sydney Metro, as notified to the Applicant.
1.28	Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Metro in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Metro in relation to the works.
1.29	Where a condition of consent requires consultation with Sydney Metro, the Applicant shall forward all requests and/or documentation to the Sydney Metro Corridor Protection team.
	Drainage
1.30	The Applicant must not allow any person to do any act or thing which allows stormwater, surface run off or drainage to pass over, through or under the development site onto the railway corridor.
1.31	The Applicant must ensure that all existing and future drainage works on the development site will be directed into the appropriate local council or approved drainage system.
1.32	The Applicant must ensure that during works no water collects on or near the railway corridor. Should water be allowed to pond adjacent to rail infrastructure facilities and service is interrupted, the Applicant shall be liable for any Sydney Metro expenditure involved with restoring or maintaining alternative services.
1.33	Rainwater from the roof of the development must not be projected and/or fall

	into the rail corridor and must be piped down the face of the building which faces the rail corridor.
	Inspections
1.34	<p>If required by Sydney Metro, the Applicant must give Sydney Metro written notice at least 5 business days before any of the following events occur within 25 metres of the rail corridor:</p> <ul style="list-style-type: none"> (a) <i>site investigations;</i> (b) <i>foundation, pile and anchor set out;</i> (c) <i>set out of any other structures below ground surface level or structures which will transfer any load or bearing;</i> (d) <i>foundation, pile and anchor excavation;</i> (e) <i>other excavation;</i> (f) <i>surveying of foundation, pile and anchor excavation and surveying of as-built excavations;</i> (g) <i>other concreting; or</i> (h) <i>any other event that Sydney Metro has notified to the Applicant in writing</i> <p><i>so that Sydney Metro may inspect the carrying out or completion of those works on the development site.</i></p>
1.35	<p>If required by Sydney Metro, prior to the commencement of works or at any time during the excavation and construction period deemed necessary by Sydney Metro, a joint inspection of the rail infrastructure and property in the vicinity of the development is to be carried out by representatives from Sydney Metro and the Applicant and a dilapidation survey prepared. The dilapidation survey(s) will establish the extent of any existing damage and enable any deterioration during construction to be observed and rectified at the Applicant's cost. The submission of a detailed dilapidation report by the Applicant for review and approval by Sydney Metro will be required within 10 days following the undertaking of any joint inspection, unless otherwise notified by Sydney Metro in writing.</p>

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

	Noise and Vibration
1.36	<p>Prior to the issue of an Occupation Certificate, an acoustic assessment report must be prepared and submitted to the Certifying Authority, Council and Sydney Metro certifying that the completed development meets the requirements of:</p> <ul style="list-style-type: none"> (a) <i>State Environmental Planning Policy (Transport and Infrastructure) 2021;</i> (b) <i>the Department of Planning, Infrastructure and Environment's Development Assessment Guideline titled "Development Near Rail</i>

	<i>Corridors and Busy Roads - Interim Guidelines"; and (c) any other noise and vibration requirements imposed by this consent.</i>
1.37	The acoustic report must demonstrate testing of external and internal noise levels for the completed development and ensure that external noise levels are representative of the typical maximum levels that may occur at the development and internal noise levels meet the required dB(A) levels. Where it is found that internal noise levels are greater than the required dB(A) level, necessary corrective measures must be carried out to ensure that internal noise levels are compliant with the requirements of this consent
	Fencing
1.38	The development shall have appropriate fencing fit for the future usage of the development site to prevent unauthorised access to the rail corridor by future occupants of the development. Prior to the issue of an Occupation Certificate, the Applicant shall liaise with Sydney Metro regarding the adequacy of any existing fencing along the rail corridor boundary or the need for the design and erection of new fencing. Details of the type of new fencing to be installed and the method of erection are to be to the satisfaction of Sydney Metro prior to the fencing work being undertaken.
	Documentation
1.39	Prior to the issue of an Occupation Certificate, the Applicant is to submit as-built drawings to Sydney Metro and Council. The as-built drawings are to be endorsed by a registered surveyor confirming that there has been no encroachment into the rail corridor or Sydney Metro easements, unless agreed to by Sydney Metro in writing. The Certifier must not issue an Occupation Certificate until written confirmation has been received from Sydney Metro that this condition has been satisfied.
1.40	Copies of any certificates, drawings, approvals or documents endorsed by, given to or issued by Sydney Metro must be submitted to Council for its records prior to the issue of any Occupation Certificate.
	Inspections
1.41	If required by Sydney Metro, prior to the issue of an Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the development is to be carried out by representatives from Sydney Metro and the Applicant and a dilapidation survey prepared. The dilapidation survey will establish the extent of any existing damage and enable any deterioration during operation of the development to be observed. The Certifier is not to issue an Occupation Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.
1.42	At any time during the use and occupation of the development, Sydney Metro may also require a joint inspection of the rail infrastructure and property in the vicinity of the development by representatives from Sydney Metro and the Applicant and a dilapidation survey prepared. Any such dilapidation survey will establish the extent of any damage or deterioration during operation of the

	development to be observed and rectified at the Applicant's cost.
	Maintenance
1.43	Prior to the issue of an Occupation Certificate, the Applicant must provide to Sydney Metro for review and endorsement a plan of how future maintenance of the development facing the rail corridor is to be undertaken. The Certifier must not to issue an Occupation Certificate until written confirmation has been received from Sydney Metro that this condition has been satisfied. The maintenance plan must be implemented for the life of the approved development.
	General conditions
	Inspections
1.44	At any time during the construction of the development, Sydney Metro and persons authorised by those entities may give reasonable notice to the Applicant or the Applicant's principal contractor that Sydney Metro or persons authorised by that entity seek to: <ul style="list-style-type: none"> (a) inspect the development site and all works and structures that may impact on the rail corridor, including at specified "hold points" in the construction of the development; and (b) attend on-site meetings with the Applicant and its contractors, to enable Sydney Metro to determine whether the development has been or is being constructed and maintained in accordance with all approved plans and this development consent.
	Environmental Protection and Contamination
1.45	During all stages of the development, including construction and operation of the development, no form of pollution or contamination should enter the railway corridor as a result of development's activities. Any form of pollution or contamination that occur in the rail corridor as a consequence of the development activities shall remain the full responsibility of the owner of the development.
1.46	Sydney Metro may direct the owner of the development to remove or remediate any physical pollution or contamination caused by the development's activities from the rail corridor at the owner's cost, and within any timeframe required by Sydney Metro, acting reasonably. The owner of the development must obtain written approval from Sydney Metro (which may be subject to conditions) before entering the rail corridor to remove or remediate any form of pollution or contamination.
	Other
1.47	Any conditions or other requirements imposed by Sydney Metro as part of its approval/endorsement of any documents provided by the Applicant to Sydney Metro in accordance with these conditions of consent must also be complied with by the Applicant when implementing any approved/endorsed documents, plans, reports during the construction and operation of the development (as

	applicable).
1.48	Where a condition of consent requires Sydney Metro endorsement or approval, the Certifier must not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates by the Certifier dealing with specific works and compliance conditions can only occur subject to written confirmation from Sydney Metro.
1.49	All reasonable Sydney Metro costs associated with review of plans, designs and legal must be borne by the applicant.

4. WaterNSW

The following General Terms of Approval (GTAs) from WaterNSW must be complied with. The GTA issued by WaterNSW do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to WaterNSW for the relevant approval **after development consent** has been issued by Council **and before** the commencement of any work or activity.

Dewatering

GT0116-
00001

Before any construction certificate is issued for any excavation under the development consent, the applicant must:

1. apply to WaterNSW for, and obtain, an approval under the Water Management Act 2000 or Water Act 1912, for any water supply works required by the development; and
2. notify WaterNSW of the programme for the dewatering activity to include the commencement and proposed completion date of the dewatering activity

Advisory Note:

3. An approval under the Water Management Act 2000 is required to construct and/or install the water supply works. For the avoidance of doubt, these General Terms of Approval do not represent any authorisation for the take of groundwater, nor do they constitute the grant or the indication of an intention to grant, any required Water Access Licence (WAL). A WAL is required to lawfully take more than 3ML of water per water year as part of the dewatering activity.

4. A water use approval may also be required, unless the use of the water is for a purpose for which a development consent is in force.

GT0117-
00001

A water access licence, for the relevant water source, must be obtained prior to extracting more than 3ML per water year of water as part of the construction dewatering activity. Advisory Notes:

1. This approval is not a water access licence.
2. A water year commences on 1 July each year.
3. This approval may contain an extraction limit which may also restrict the ability to take more than 3ML per water year without further information being provided to WaterNSW.
4. Note that certain water sources may be exempted

from this requirement - see paragraph 17A, Schedule 4 of the Water Management (General) Regulation 2018.

- GT0118-00001 If no water access licence is obtained for the first 3ML / year (or less) of water extracted, then, in accordance with clause 21(6), Water Management (General) Regulation 2018, the applicant must: (a) record water taken for which the exemption is claimed, and (b) record the take of water not later than 24 hours after water is taken, and (c) make the record on WAL exemption form located on WaterNSW website "Record of groundwater take under exemption", and (d) keep the record for a period of 5 years, and (e) give the record to WaterNSW either via email to Customer.Helpdesk@waterNSW.com.au or post completed forms to - PO Box 398 Parramatta NSW 2124 (i) not later than 28 days after the end of the water year (being 30 June) in which the water was taken, or (ii) if WaterNSW directs the person in writing to give the record to WaterNSW on an earlier date, by that date.
- GT0119-00001 All extracted groundwater must be discharged from the site in accordance with Council requirements for stormwater drainage or in accordance with any applicable trade waste agreement.
- GT0121-00001 Construction phase monitoring bore requirements GTA: a) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW. b) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW with the water supply work application. c) The monitoring bores must be installed and maintained as required by the water supply work approval. d) The monitoring bores must be protected from construction damage.
- GT0122-00001 Construction Phase Monitoring programme and content: a) A monitoring programme must be submitted, for approval, to WaterNSW with the water supply work application. The monitoring programme must, unless agreed otherwise in writing by WaterNSW, include matters set out in any Guide published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no Guide is current or published, the monitoring programme must include the following (unless otherwise agreed in writing by WaterNSW): i. Pre-application measurement requirements: The results of groundwater measurements on or around the site, with a minimum of 3 bore locations, over a minimum period of 3 months in the six months prior to the submission of the approval to WaterNSW. ii. Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater; iii. Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW; iv. QA: Include details of quality assurance and control v. Lab assurance: Include a requirement

for the testing by National Association of Testing Authorities accredited laboratories. b) The applicant must comply with the monitoring programme as approved by WaterNSW for the duration of the water supply work approval (Approved Monitoring Programme)

- GT0123-00001 (a) Prior to the issuing of the occupation certificate, and following the completion of the dewatering activity, and any monitoring required under the Approved Monitoring Programme, the applicant must submit a completion report to WaterNSW. (b) The completion report must, unless agreed otherwise in writing by WaterNSW, include matters set out in any guideline published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no guideline is current or published, the completion report must include the following (unless otherwise agreed in writing by WaterNSW): 1) All results from the Approved Monitoring Programme; and 2) Any other information required on the WaterNSW completion report form as updated from time to time on the WaterNSW website. c) The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website www.waternsw.com.au/customer-service/waterlicensing/dewatering
- GT0150-00001 The extraction limit shall be set at a total of 3ML per water year (being from 1 July to 30 June). The applicant may apply to WaterNSW to increase the extraction limit under this condition. Any application to increase the extraction limit must be in writing and provide all information required for a hydrogeological assessment. Advisory note: Any application to increase the extraction limit should include the following: - Groundwater investigation report describing the groundwater conditions beneath and around the site and subsurface conceptualisation - Survey plan showing ground surface elevation across the site - Architectural drawings showing basement dimensions - Environmental site assessment report for any sites containing contaminated soil or groundwater (apart from acid sulphate soils (ASS)) - Laboratory test results for soil sampling testing for ASS - If ASS, details of proposed management and treatment of soil and groundwater. Testing and management should align with the NSW Acid Sulphate Soil Manual

- GT0151-00001 Any dewatering activity approved under this approval shall cease after a period of two (2) years from the date of this approval, unless otherwise agreed in writing by WaterNSW (Term of the dewatering approval). Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
- GT0152-00001 This approval must be surrendered after compliance with all conditions of this approval, and prior to the expiry of the Term of the dewatering approval, in condition GT0151-00001. Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
- GT0155-00001 The following construction phase monitoring requirements apply (Works Approval): a. The monitoring bores must be installed in accordance with the number and location shown, as modified by this approval, unless otherwise agreed in writing with WaterNSW. b. The applicant must comply with the monitoring programme as amended by this approval (Approved Monitoring Programme). c. The applicant must submit all results from the Approved Monitoring Programme, to WaterNSW, as part of the Completion Report.

5. Sydney Airport

Construction cranes may be required to operate at a height significantly higher than that of the proposed development and consequently, may not be approved under the Airports (Protection of Airspace) Regulations.

- a) Pursuant to s. 183 of the Airports Act 1996 and Reg 7 of the Airports (Protection of Airspace) Regulations 1996, the Proponent must apply through the Airport to the Secretary of the Department of Infrastructure and Regional Development for approval of the operation ("controlled activity") set out in the Schedule.
- b) An Application for approval must be given to the Airport at least 28 days before commencement of the operation.
- c) The operation must not commence without approval and must only proceed in compliance with any conditions imposed on such approval.
- d) Sydney Airport has delegated authority from the Secretary to determine "short term" operations (less than 3 months).
- e) The Airport is required to invite submissions from CASA and Airservices regarding the proposed operation.
- f) The Secretary and the Airport, as applicable, may request further information before determining an application.
- g) The Important Notes to Application for Approval of a Crane Operation which is a Controlled Activity as issued by Sydney Airport must be read and accepted.
- h) The Proponent must provide a copy of the application referred to above at (b) to Council.

6. Ausgrid

The following conditions from Ausgrid must be complied with:

The applicant/developer should note the following comments below regarding any

proposal within the proximity of existing electrical network assets.

Ausgrid Overhead Powerlines are in the vicinity of the development

The developer should refer to SafeWork NSW Document – Work Near Overhead Powerlines: Code of Practice. This document outlines the minimum separation requirements between electrical mains (overhead wires) and structures within the development site throughout the construction process. It is a statutory requirement that these distances be maintained throughout the construction phase.

Consideration should be given to the positioning and operating of cranes, scaffolding, and sufficient clearances from all types of vehicles that are expected be entering and leaving the site.

The “as constructed” minimum clearances to the mains must also be maintained. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid’s website at www.ausgrid.com.au.

It is the responsibility of the developer to verify and maintain minimum clearances onsite. In the event where minimum safe clearances are not able to be met due to the design of the development, the Ausgrid mains may need to be relocated in this instance. Any Ausgrid asset relocation works will be at the developer’s cost.

Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances “Working Near Ausgrid Assets - Clearances”. This document can be found by visiting the following Ausgrid website:
www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries

For new connections or to alter the existing electrical connection to the property from the Ausgrid network, the proponent should engage an Accredited Service Provider and submit a connection application to Ausgrid as soon as practicable. Visit the Ausgrid website for further details:
<https://www.ausgrid.com.au/Connections/Get-connected>

Ausgrid Underground Cables are in the vicinity of the development

Care should be taken to ensure that construction activities do not interfere with existing underground cables located in the footpath or adjacent roadways.

It is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Information regarding the position of cables along footpaths and roadways can be obtained by contacting Dial Before You Dig (DBYD).

The following points should be taken into consideration.

Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.

Should ground anchors be required in the vicinity of Ausgrid underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

In addition to DBYD the proponent should refer to the following documents to support safety in design and construction:

- SafeWork Australia – Excavation Code of Practice.
- Ausgrid’s Network Standard NS156 which outlines the minimum requirements for

<p>working around Ausgrid's underground cables. This document can be found by visiting the Ausgrid website via www.ausgrid.com.au.</p> <p>- The Ausgrid Quick Reference Guide for Safety Clearances "Working Near Ausgrid Assets - Clearances". This document can also be found by visiting the Ausgrid website : www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries</p>
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(Reason: Ensure compliance)

7. NSW Police

The following Crime Prevention Through Environmental Design (CPTED) treatment options need to be considered for the proposed development in order to reduce opportunities of crime:

1.	The site will need to be clearly identified through a building name or street number and be visible from the street. This will enable all emergency services to locate the premises.
2.	Appropriate signage should be erected inside and around the perimeter of the entire property to warn of security treatments in place e.g. "This site is under 24 hour video surveillance".
3.	Appropriated modifications should be made where necessary to accommodate the increase in traffic congestion on surrounding streets and intersections.
4.	Any bicycle parking should be in a secure area and covered with CCTV cameras.
5.	Mail boxes and parcel delivery areas should be secure and covered with CCTV cameras. If possible, a secure method for parcel delivery should be set up in the building.
6.	If the site has storage cages they should be made of solid materials that can't be cut open and should be covered by CCTV cameras. Signs should be placed in the area warning residents not to leave valuable items in storage cages.
7.	Lighting within the site will need to be positioned in a way to reduce opportunities for offenders to commit crime i.e vandalism and graffiti. The lighting will need to be sufficient to enable people to identify signs of intoxication and anti social behaviour. The lighting will also need to be sufficient to support images obtained from any CCTV footage. Please note that some low or high pressure lighting is not compatible with surveillance systems.
8.	Doors should be of solid construction and should be fitted with quality deadlock sets that comply with the Building Code of Australia and Australian Standards – Lock Sets AS:4145.
9.	Windows within the site should also be of solid construction. These windows should be fitted with quality window lock sets that comply with the Australian Standards – Lock Sets AS:4145. Glass within doors and windows should be reinforced to restrict unauthorised access. The glass can be either fitted with a shatter-resistant film or laminated to withstand physical attacks.
10.	An electronic surveillance system should be included to provide maximum surveillance of all areas of the site including entry/exits, car parks, bicycle parking, mail areas and common areas. Cameras should also cover public footpath areas

	around the premises. The system should be capable of recording high-quality images of events. The recording equipment should be locked away to reduce the likelihood of tampering.
11.	An emergency control and evacuation plan should be implemented within the site and displayed for the information of residents.
12.	All recording made by the CCTV system must be stored for at least 30 days. Ensure that the system is accessible by at least one member of staff at all times it is in operation, and provide any recordings made by the system to a police officer or inspector within 24 hours of any request by a police officer or inspector. The CCTV cameras will need to be placed in suitable locations to enhance the physical security and assist in positively identifying an individual, who may be involved in criminal behaviour.
13.	“Park Smarter” signage should be displayed in the car park to warn/educate motorists to secure their vehicles and not leave valuable items in their cars. The car park will also need to have adequate lighting.
14.	Wheelchair access should at no time be blocked nor impede access to anyone with a disability.
15.	The landscaping design around the site needs to be free from potential hiding places and provide sightlines throughout the site and into any surrounding areas such as car parks, playgrounds and recreational amenities. Trees and shrubs should be maintained regularly to reduce concealment opportunities and increase visibility. Avoid the use of landscaping materials which could, when mature, serve as screens or barriers to impede views.
16.	The boundaries of the site should be clearly identified to deter unauthorised persons from entering the site.

PRIOR TO MAKING AN APPLICATION FOR A CONSTRUCTION CERTIFICATE

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

8. Contamination – Investigation, Remediation and Validation

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

(a) A systematic and targeted program of supplementary investigations shall be carried out to address data gaps identified in the Detailed Site Investigation (DSI) by EI Australia Pty Ltd, Ref. E26256.E02_Rev0, dated 20 December 2023. The results from the additional sampling and laboratory analysis shall be presented in a Targeted Site Investigation (TSI) report to Council for approval in writing. The TSI shall include, but not be limited to, the following:

- Sampling, testing and validation of soil contaminants within the demolished building footprint areas.

- (a) If the TSI identifies the presence of soil contaminants that exceed the appropriate adopted criteria, a Remediation Action Plan (RAP) shall be prepared and submitted to Council for approval in writing.
- (b) Any variations to a required RAP (if one is required) must be approved in writing by Council prior to the commencement of any further work.
- (c) The site must be remediated in accordance with any Council-approved RAP;
- (d) Prior notice of any remediation work must be given to Council at least 30 days before the commencement of the work in accordance with Clause 16 of State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55);
- (e) A Stage 4 Validation Report and a clearance certificate issued by an appropriately qualified occupational hygienist must be submitted to Council for approval in writing (if remediation is necessary). The Validation Report must clearly state that the objectives stated in the approved RAP have been achieved and the land is suitable for the proposed use. In addition, notice of completion of remediation pursuant to Clauses 4.14 and 4.15 of State Environmental Planning Policy - (Resilience and Hazards) 2021 shall be provided.

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

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

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

- State Environmental Planning Policy - (Resilience and Hazards) 2021
- Contaminated Land Planning Guidelines (Department of Urban Affairs and Planning and EPA 1998) or updates
- Consultants reporting on contaminated land – Contaminated Land Guidelines (NSW EPA 2020)

(Reason: Protection of environment and public health)

9. Planning Agreement

Prior to the issue of first Construction Certificate, the obligations under the Planning Agreement executed on 5 April 2022 relating to this development, that is, the 2nd and 3rd instalments are to be satisfied at the timing and contribution amount required under Schedule 2 of the Planning Agreement. Contact Council for an indexation (CPI) adjustment at the time of payment.

(Reason: Ensure compliance)

10. Submit the Following Information to Willoughby City Council

Prior to the lodgement of an application for a construction certificate, the applicant shall submit plans and specifications satisfying the following requirements to Willoughby City Council for approval. Documentation confirming approval by Willoughby City Council shall then be submitted to the Certifier for the application of a construction certificate.

(a) Detailed stormwater management plans prepared by a suitably qualified and experienced civil engineer showing an OSD system that complies with the requirements of Part I of Council's DCP and Technical Standard 1. The plans shall include a longitudinal section extending from the outlet of the OSD tank to the connection point to the Council stormwater system. The section is to include a hydraulic grade line analysis for the 1%AEP storm event that confirms that the outlet from the OSD system is above the downstream water level. The adopted downstream water level used in the analysis shall be the grate level at the Council pit, the connection point to the Council system. (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.

11. S7.11 Contribution

Prior to the issue of the Construction Certificate, a monetary contribution is to be paid to in accordance with section 7.11 of *Environmental Planning and Assessment Act, 1979* in the amount of \$1,114,728.40 for the purposes of the Local Infrastructure identified in the *Willoughby Local Infrastructure Contributions Plan*.

Active transport and public domain facilities	\$47,540.51
Open space and recreation facilities	\$873,743.66
Plan administration	\$16,473.72
Recoupment - community facilities	\$168,036.48
Recoupment - open space and recreation	\$8,934.03
Total	\$1,114,728.40

Indexation

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

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

Where:

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

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

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

Deferred payments of contributions will not be accepted.

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

Copies of the *Willoughby Local Infrastructure Contributions Plan* are available for inspection online at www.willoughby.nsw.gov.au

(Reason: Statutory requirement)

12. Agreement to Transfer Affordable Housing Dwellings

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

The Affordable housing units to be nominated are:

Affordable housing Units

0405 (123.7m²)

0505 (123.7m²)

0605 (123.7m²)

Total = 371.1m²

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

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

(Reason: Ensure compliance)

13. Public domain works

The public domain works must be designed and constructed in accordance with the concept design provided by Council's appointed landscape architect. Specific attention must be given to:

- a) Integration with Council's footpath and cycle path works outside the property boundary, ensuring a seamless transition and consistent typology.
- b) The cross-sectional design of the public domain works, which shall strictly adhere to the dimensions and layout specified in Council's concept design. This includes, but is not limited to:

- Property setback and boundary
- Footpath dimensions
- Cycleway dimensions and positioning
- Kerb and gutter profiles
- Road carriageway width
- Bus stop position
- Any designated planting or landscaping areas

The applicant must submit detailed plans and specifications to Council for approval prior to the commencement of any public domain works, demonstrating compliance with the above requirements and the overall concept design provided by Council's appointed landscape architect.

14. Affordable Housing Fittings and Finishes

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

(Reason: Amenity)

15. Ongoing Compliance with the Operational Waste Management Plan and Architectural Drawings

The Applicant is required to provide an updated Waste Management Plan and Architectural Drawings that addresses the Conditions and otherwise maintains compliance with the submitted Waste Management Plan (MRA Consulting, Rev 1.1, 07/11/2023) and associated Amendments (MRA Consulting, Waste Management Addendum, 25 October 2024). The approved Waste Management Plan is to be implemented throughout the operational stage of the development.

(Reason: compliance/environmental protection/public health and safety)

16. Organic waste bins

The development must clearly provide for 12 x 240L organics bins in accordance with the WDCP 2006 Attachment 13 garden organics waste stream allowance at a minimum of 30L/unit/week. This also future proofs the development for the implementation of a food organics collection service. Residents will be required to take organic waste to the basement.

(Reason: Compliance/waste reduction)

17. Bulky cardboard recycling

The development must provide residents with access to a suitable cardboard recycling solution for cardboard which cannot be disposed of into the recycling chute for safety and efficiency reasons. The development must provide a system in the basement outlined below to comply with WDCP 2023 (Part L Place Based Plans 2023 relevant to this site). Details demonstrating compliance to be submitted for approval with the Construction Certificate.

Council paid service 1,100L bins yellow-lid recycling bins (within the development's allocated recycling bin allowance) must be:

- Stored in the bulky waste room for resident access in a dedicated signed area;
- Applied with additional cardboard stickers to avoid the need to decant contents; and
- Moved to and from the bin collection area by building management or cleaners for servicing as part of Council's residential bin collection service.

(Reason: Waste reduction/public health and safety)

18. Resident disposal of all waste types

Prior to the issue of the Construction Certificate, the Operational Waste Management Plan with supporting drawings must clearly indicate the carting routes for residents to their internal storage areas for all waste types, including garbage, recycling, organic waste and bulky waste to ensure that it is safe and efficient and compliant with WDCP 2023 (NSROC 2018, Section 2.1 and Section 3.1).

(Reason: Waste reduction/public health and safety)

19. Construction and Demolition WMP

The Applicant is required to submit an updated C&D WMP that provides the following details:

- Evidence of the waste volume calculation (for example, an excavation plan);
- A clearance certificate to demonstrate zero volume of asbestos; and
- The nominated landfill locations for recycling and/or waste disposal.

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

20. Charity waste

The Applicant is required to provide updated Architectural Drawings and an updated Waste Management Plan to show the provision of 6m² of space for charity waste bins, as required by WDCP 2023 (NSROC 2018, Section 3.12). Details demonstrating compliance to be submitted for approval with the Construction Certificate.

(Reason: Compliance/waste reduction)

21. Waste Chute Design

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

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

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

22. Reuse and recycling of significant elements

The reuse and recycling of significant elements, such as timber windows and doors, decorative features, timber joinery, the embossed footpaths and sandstone blocks from the retaining walls etc. of the elements approved for demolition is required. The recycling is to occur, preferably on site and/or to suitable professional recycling yards specialising in the recycling of historic building materials. Demolition and storage of these materials is to be carefully carried out by workers and specific stockpile area is to be designated and protected. An experienced heritage practitioner is to submit details of the above requirements to the satisfaction of Council's Heritage Officer prior to the issue of Construction Certificate.

(Reason: Preservation of heritage & cultural resources)

23. Electric Vehicle Charging Bays

The basement carpark must be provided with electrical distribution boards dedicated to electric vehicle charging with the following minimum capacity:

- For the non-residential car parking component of the development the minimum requirements under the National Construction Code.
- For residential car parking component of the development, 100% of the car parking must satisfy the requirements under the National Construction Code (Part J9D4)

(Reason: Compliance)

24. 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)

25. Building Sustainability – Green star

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

(Reason: Sustainability)

26. Access, Mobility and Adaptable Housing

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

(Reason: Access and Compliance)

27. Undergrounding

All existing aerial cables which may include for electricity, communications and other cables connecting to street poles and buildings around the site shall be removed and installed underground in accordance with the requirements of the relevant service authorities.

Ausgrid lighting poles are to be provided to the requirements of Ausgrid for street lighting and shall be positioned compatible to the landscaping design around the site.

(Reason: Compliance)

28. Services and Fire Hydrant Enclosure

Prior to the issue of a Construction Certificate for works above Ground/Podium slab level, the Certifying Authority is to be provided with plans indicating that all Services (Gas meter, water meter & fire hydrant and sprinkler booster valves and the like) are enclosed in a manner that compliments the building and in accordance with the requirements of EP1.3 & EP1.4 of the BCA.

(Reason: To ensure essential services are appropriately screened)

29. Sydney Water ‘Tap In’

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

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

(Reason: Ensure compliance)

30. Adaptable Units

Adaptable residential units for disabled persons are to be provided at a rate of 50% of the units (Total 21 units to be adaptable) consistent with the plans approved under this consent.

(Reason: Amenity)

31. Fibre-Ready Facilities and Telecoms Infrastructure

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

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

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

32. Internal Noise Levels

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

Internal Space	Criteria LAeq (period)
Common areas (e.g. foyer, lift lobby)	55 dB(A) LAeq 24 hour
Residential Living Areas	40 dB(A) LAeq 24 hour
Residential Sleeping Areas (night time)	35 dB(A) LAeq 9 hour
Retail/Commercial Areas	50 dB(A) LAeq when in use

Note:

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

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

(Reason: Amenity, environmental compliance and health)

33. 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)

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

The base building design shall include provisions for the installation of mechanical exhaust ventilation for the proposed food restaurant tenancy that incorporates an electrostatic air cleaning system with UV Ozone to eliminate smoke, grease, oil and odour emissions from the kitchen exhaust air. This mechanical exhaust ventilation system for the restaurant kitchen exhaust air shall be tested and maintained on a regular basis (dependent on level of usage) by competent contractors to ensure ongoing satisfactory contaminant removal in accordance with the manufacturer's specifications and guidelines. The mechanical exhaust system shall comply with the concessions detailed in AS 1668.2 C3.10.3. and otherwise comply with the requirements of the National Construction Code and any relevant Australian Standard. Details demonstrating compliance shall be submitted to the Certifier prior to the issue of the Construction Certificate.
(Reason: Amenity/Ensure compliance)

35. Walls – Solid Construction – Food Premises

All tenancy perimeter walls and internal walls (including partition walls) for any part of the restaurant tenancy, where food is either stored or processed, shall be solid construction. The walls are to be constructed in masonry, brickwork or other approved method with all voids filled with a suitable material. Details demonstrating compliance shall be submitted to the Certifier prior to the issue of the Construction Certificate.
(Reason: Health & Compliance)

36. 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 in the acoustic report by Acoustic Logic Pty Ltd, Ref. 20221456.1/2401A/R0/PF, dated 24 January 2023.

Details of the proposed acoustic treatment, specification and plans shall be submitted to the Certifier prior to the issue of the Construction Certificate.
(Reason: Amenity, environmental compliance and health)

37. Noise Mechanical Services

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

38. Acoustic Treatment for the Development

In order to achieve the internal noise levels specified above, the proposed development shall be designed and constructed to incorporate the recommended acoustic treatments for glazing and other building elements from Section 5.2 of the acoustic report prepared by Acoustic Logic Pty Ltd, Ref. 20221456.1/2401A/R0/PF, dated 24 January 2023, as a minimum.

The required acoustic rating of the glazing assembly refers to the acoustic performance of the glazing once installed on site (including the frame). Plans and specifications showing the details of the proposed acoustic treatment shall be submitted to the Certifier prior to the issue of the Construction Certificate.

(Reason: Amenity, environmental compliance and health)

39. Noise Mechanical Plant

To minimise the impact of noise onto receivers on surrounding land, all mechanical services and other sources of noise shall be designed to comply with the noise emission criteria contained in the EPA's *Noise Policy for Industry* (2017) and the criteria contained in Section 3 of the acoustic report prepared by Pulse White Noise Acoustics Pty Ltd, Ref. No. 220555.Rev.3, dated 8 June 2023.

Once mechanical plant has been selected and the building design is finalised, a final noise assessment shall be carried out by an appropriately qualified acoustic consultant (who is a member of either the Australian Acoustical Society or the Association of Australia Acoustical Consultants) and detailed in a Final Mechanical Plant Noise Assessment Report. Details of the proposed equipment, siting, and any attenuation required shall be included in plans and specifications and provided to the Principal Certifying Authority, along with the Final Mechanical Plant Noise Assessment Report, prior to the issue of the relevant Construction Certificate.

(Reason: Amenity, environmental compliance and health)

40. Dewatering of Development Site

Appropriate pollution control methods shall be adopted to ensure any water discharged into Council's stormwater system from dewatering or pumping 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 below.

Where a discrepancy exists between Council's criteria and that from the Australian and New Zealand Environment and Conservation Council: 2000: *Guidelines for Fresh and Marine Water Quality, National Water Quality Management Strategy*, the lower value shall prevail.

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

(Reason: Environmental protection, compliance)

41. Building Sustainability – NABERS

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

(Reason: Sustainability)

42. Construction Management Plan (CMP)

Prior to the issue of the first Construction Certificate, the Applicant shall 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 in

accordance with the Tree Protection Plan.
(Reason: Compliance)

43. Damage Deposit

Prior to the issue of the Construction Certificate, the applicant shall lodge a Damage Deposit of **\$190,800** (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 **\$250** (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 = \$190,800 + \$250 = \$191,050

(Reason: Protection of public asset)

44. Traffic Management Plan

Prior to issue of the Construction Certificate, a detailed Traffic Management Plan shall be prepared for pedestrian and traffic management and be submitted to the relevant road authority for approval. The plan shall: -

- (a) Be prepared by a RMS accredited consultant.
- (b) Be in accordance with the current version of AS1742.3 and its associated handbook; and the RMS's Traffic Control at work site manual.
- (c) Implement a public information campaign to inform any road changes well in advance of each change. The campaign shall be approved by the Traffic Committee.
- (d) Nominate a contact person who is to have authority without reference to other persons to comply with instructions issued by Council's Traffic Engineer or the Police.
- (e) Confine temporary road closures to weekends and off-peak hour times and shall be the subject of approval from Council. Prior to implementation of any road closure during construction, Council shall be advised of these changes and a Traffic Control Plan shall be submitted to Council for approval. This Plan shall include times and dates of changes, measures, signage, road markings and any temporary traffic control measures.

(Reason: Public safety and amenity)

45. Traffic Work

Prior to issue of the Construction Certificate, any proposals for changes to the carriageway of a public road including shared paths, involving traffic arrangements shall be referred to the Local Traffic Committee for approval. All work shall be designed in accordance with RMS Technical Directives and Guidelines.

(Reason: Public safety and amenity)

46. Disabled Parking Provision

Disabled parking wayfinding and parking spaces must be provided on-site to the satisfaction of Council's DCP 2012. The parking spaces must be located in a convenient and secure location in as close proximity to the retail areas and internal

pedestrian facilities such as lifts, escalators and ramps as possible. All spaces must be clearly and visibly marked on site for their intended use.

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

(Reason: Support mobility impaired users access)

47. Amended Landscape Plan

Amended Landscape Plans shall be submitted to Council for approval. Written approval from council is to be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

The following details must be shown on an amended Landscape Plans:

- (a) The five (5) trees within the raised planter beds along the Anderson Street frontage are to be shown on the planting plan; the trees shall be capable of a minimum mature height of 8m and shall have minimum pot size of 100L.
- (b) Street trees to be planted on Council land forward of the property:
 - i. The six (6) *Jacaranda mimosifolia* (Jacaranda) street trees along the Anderson Street frontage shall be changed to be 200L *Fraxinus angustifolia* subsp. *oxycarpa* 'Raywood' (Claret ash);
 - ii. The *Jacaranda mimosifolia* (Jacaranda) street tree on the O'Brien Street frontage shall be changed to be 200L *Pyrus calleryana* 'Capital' (Capital ornamental pear);
- (c) The public footpath on O'Brien Street at the western end is to be reduced to finish in line with the western edge of the through site link pathway and the remaining street verge be turf;
- (d) The through site link pathway along the western boundary shall have a minimum width of 2m and must not be encroached upon by building elements such as pillars.

(Reason: Landscape amenity)

48. 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 Council land and 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)

49. Tree Offset Planting Scheme

Prior to the issue of a Construction Certificate and before any trees are removed, the Applicant is required to enter a Deed of Agreement with Council and pay a fee for the

off-site planting of 11 trees in accordance with Willoughby Development Control Plan Part G Vegetation Management clause 6 Replacement Trees and Part 7.3 Tree Offset Scheme of the Vegetation Management Guidelines.

The applicable fee shall be based on the 'Offset fee for replacement planting' schedule as published in the Willoughby Council Fees and Charges at the time of execution of the deed of agreement.

When you are ready to pay, please contact Council's Customer Service Centre on 9777 1000 to organise your payment.

Receipt of payment should be provided to the Certifying Authority prior to the removal of any trees and prior to the release of the Construction Certificate.
(Reason: Canopy Cover and landscaping)

50. Dilapidation Report of Adjoining Properties

Prior to commencement of work, submit a photographic survey and report of the adjoining properties 20 Tulip Street, Chatswood, XXX 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)

51. Colours in heritage context

Full details on colours and an explanation from a suitably qualified person is required to be provided to Council that clearly articulates how the colours and materials complement the nearby Heritage Conservation Area and heritage items. Approval is required in writing from Council's Director Environment & Planning that the colours are satisfactory, prior to issue of the Construction Certificate.

52. Salvage Strategy

A Heritage Interpretation and Salvage Strategy is required to be provided to Council for approval prior to issue of the Construction Certificate. This Interpretation and Heritage Strategy must demonstrate (at a minimum) that:

- the footpath signage will be protected/salvaged and reused
- the sandstone retaining wall around the perimeter of No. 56 is salvaged and possibly incorporated into the development
- any other significant elements from the flat building at No. 56 is salvaged and reused/recycled.

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.

53. 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)

54. 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)

55. 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)

56. 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)

57. Adjustment to Street Lighting

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

(Reason: Public amenity)

58. 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)

59. Hazardous Building Material Assessment

Prior to commencement of work, a hazardous building material assessment shall be undertaken by an appropriate qualified person and is to be submitted to the Certifier for approval. 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)

60. 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)

61. 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)

62. Removal of Trees in Public Areas

Prior to the commencement of work,

(a) Written notification is to be provided to Council giving a minimum of 7 days warning prior to undertaking the removal of any trees approved for removal in public areas

(b) Removal of approved trees is to be undertaken by a qualified Arborist (Minimum qualification AQF Level 3) with suitable public liability insurance.

(Reason: Management of Public Land)

63. 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)

DURING DEMOLITION, EXCAVATION AND CONSTRUCTION

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

64. 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)

65. 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)

66. 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)

67. Suitable Barricades

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

68. Demolition Work AS 2601-2001

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

(Reason: Safety)

69. Survey Certificate

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

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

(Reason: Ensure compliance)

70. Excavations and Backfilling

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

(Reason: Safety)

71. 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)

72. 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)

73. 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)

74. 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)

75. 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)

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

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

(Reason: Ensure compliance)

77. Waste Classification – Excavation Materials

All materials excavated and removed from the site (fill or natural) shall be classified as complying with a Resource Recovery Order and associated exemptions made under the Protection of the Environment Waste Regulation 2014, or as waste classified in accordance with the Environment Protection Authority (EPA) Waste Classification Guidelines prior to being removed to a recipient site or to a suitable EPA approved waste disposal facility.

(Reason: Environment & Health Protection)

78. 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)

79. 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)

80. Importation of Fill

Any fill material to be imported onto the site for levelling, construction or engineering purposes must be certified by a suitably qualified consultant as virgin excavated natural material (VENM) or excavated natural material (ENM), or compliant with a Resource Recovery Order and associated exemptions made under the Protection of the Environment Waste Regulation 2014.

(Reason: Environment & Health Protection)

81. 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)

82. Construction Noise

Construction noise and vibration shall be controlled to comply with the requirements as set out in the EPA Interim Construction Noise Guideline (ICNG), appropriate vibration criteria and the Construction Noise and Vibration Management Plan (CNVMP). Noise levels shall be managed so as to not exceed the following noise criteria wherever possible:

- (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) $\leq 75dB(A)_{Leq(15mins)}$.
- (a) Affected commercial premises (i.e. office, retail outlets etc.) –

70dB(A)_{Leq(15mins)}.

Where noise or vibration criteria are exceeded, appropriate measures to control excessive noise and/or vibration shall be implemented immediately and the CNVMP shall be reviewed. Any variations to the CNVMP must be approved by Council.
(Reason: Amenity)

83. Noise and Vibration Management

The Construction Noise and Vibration Management Plan (CNVMP) shall be complied with for the duration of all development site works. Noise monitoring shall be carried out on a monthly basis and vibration monitoring in the case of a complaint being received. This monitoring shall be documented in reports and submitted to the Principal Certifying Authority and demonstrate compliance with the criteria contained in the EPA Interim Construction Noise Guideline (ICNG). Copies of these monitoring reports and the CNVMP (as revised) shall be kept at the development site and produced to Council authorised officers on request.
(Reason: Amenity and environmental compliance)

84. 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.
- (a) 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)

85. Tree Removal

Approval is given for the removal of the following trees as identified in the Arboricultural Impact Assessment Report dated 30/5/2023 prepared by Earthscape Horticultural Services:

Trees T9, T12, T13, T14, T15, T16, T17, T18, T19, T20, T21, T22, T23, T24, T25, T26, T27, T28, T29, T30, T33, T34 and T35.

(Reason: Site development)

86. Tree Trunk, Branch and Root Protection

- (a) Retain and protect the following trees and vegetation throughout the demolition and construction period: All trees not approved for removal 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 the Tree Protection Plan, and 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)

87. Public Tree Protection

- (a) Unless identified by the development consent, no tree roots over 25mm diameter are to be damaged or cut and all structures are to be bridged over such roots.
- (b) Should any problems arise with regard to the existing or proposed trees on public land during the construction or bond period, the applicant is to immediately Contact Council's Public Trees section and resolve the matter to Council's satisfaction.

(Reason: Tree management)

88. Street Tree Trunk and Branch Protection

Street tree trunk and branch protection must be installed for all Council Street trees adjoining the site.

- (a) Timber Planks (50mmx100mm) shall be placed at 100mm intervals and must be fixed by wire ties or strapping to a height of 2m.
- (b) Hessian cloth is to be placed between the trunk and the planks to minimise damage. The timber planks are not to be fixed directly to the tree in any way.

Note: An example of suitable trunk protection can be found in figure 4 of the Australian Standard 4970-2009 The Protection of Trees on Development Sites.

(Reason: Tree protection)

89. Street Tree Protection Fencing

Street Tree Protection Fencing must be installed for all Council Street trees adjoining the site.

- (a) The fencing must consist of a 1.8 m high chain mesh fence held in place with concrete block footings and fastened together in accordance with *Australian Standard 4970-2009 The Protection of Trees on Development Sites*

- (b) The fenced area shall not be used for any activities outlined in section 4.2 of the of Australian Standard 4970-2009 The Protection of Trees on Development Sites.
- (c) A waterproof sign must be placed on every second panel stating, 'NO ENTRY TREE PROTECTION AREA – this fence and sign are not to be removed or relocated for the work duration.' Minimum size of the sign is to be A3 portrait with NO ENTRY TREE PROTECTION ZONE in capital Arial Font size 100, and the rest of the text in Arial font size 65.
- (d) Such fencing and signage must be erected **Prior to Demolition** including site preparation and remain in place for the duration of the construction work
- (e) Tree Protection Fencing may only be moved under the direct supervision of the Project Arborist and must be reinstated immediately after the approved works have been conducted.

Note: An example of suitable tree protection fencing can be found in figure 3 of the Australian Standard 4970-2009 The Protection of Trees on Development Sites
(Reason: Tree protection)

90. Loading and Unloading During Construction

The following requirements apply:

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

(Reason: Public safety and amenity)

PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE

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

91. 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)

92. 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)

93. 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)

94. Fire Safety Certificate Forwarded to NSW Fire and Rescue

Prior to the issue of any Occupation Certificate and upon completion of the building work, a Fire Safety Certificate shall be furnished by the owner to Council, and the owner must cause a copy of the certificate (together with a copy of the current fire safety schedule) to be forwarded to the Commissioner of New South Wales Fire and Rescue, and must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building in accordance with Clause 172 of the *Environmental Planning and Assessment Regulation 2000* in respect to each essential fire safety measure included in the Schedule attached to the Construction Certificate.
(Reason: Safety)

95. Planning Agreement

Prior to the issue of first Occupation Certificate, the obligations under the Planning Agreement executed on 5 April 2022 relating to this development, that is, the 2nd and 3rd instalments are to be satisfied at the timing and contribution amount required under Schedule 2 of the Planning Agreement. Contact Council for an indexation (CPI) adjustment at the time of payment.

(Reason: Ensure compliance)

96. Public Tree Maintenance

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

- (a) All trees on public land have been adequately maintained, that there has been no net deterioration in health and condition, and that any remedial work complies with AS 4970-2009 "Protection of trees on development sites" and AS 4373 - 2007 "Pruning of Amenity Trees".
- (b) All new and replacement public trees are of the required species, container size, planting locations, planting standards, and have been grown and supplied from a recognised nursery complying to AS 2303:2018 Tree stock for landscape use.

(Reason: Tree management, public asset management)

97. Tree Planting

Prior to the issue of a Whole Occupation Certificate, the Project Arborist or Landscape Architect shall certify in writing that trees have been planted in accordance with the following:

<i>No. Required</i>	<i>Species & Location</i>	<i>Min Pot Size</i>
At least twenty-eight (28) trees on ground level within the site	As indicated on Ground Level Planting Plan in Appendix 9 - Landscape Design Report dated 6/11/2023	100L
least twelve (12) trees on level 03	As indicated on Level 03 Planting Plan in Appendix 9 - Landscape Design Report dated 6/11/2023	100L
least four (4) trees on level 15	As indicated on Level 15 Planting Plan in Appendix 9 - Landscape Design Report dated 6/11/2023	100L
Eight (8) street trees	As per Public Tree Planting condition.	200L

The trees shall:

- (a) Have a minimum container size of 100 litres and grown to AS 2303:2018 Tree stock for landscape use;
- (b) Be planted, mulched, watered and maintained according to industry best practice.

(Reason: Landscape amenity)

98. Public Tree Planting

Prior to the issue of a Whole Occupation Certificate, plant the following trees on Council land forward of the property:

<i>No. Required</i>	<i>Species</i>	<i>Location</i>	<i>Min Pot Size</i>
Six (6) trees	<i>Fraxinus angustifolia</i> subsp. <i>oxycarpa</i> 'Raywood' (Claret ash)	Anderson Street; as indicated on the Landscape Plan	200L

One (1) tree	<i>Pyrus calleryana</i> 'Capital' (Capital ornamental pear)	O'Brien Street; as indicated on the Landscape Plan	200L
One (1) tree	<i>Backhousia mytifolia</i> (Grey myrtle)	Wilson Street; as indicated on the Landscape Plan	200L

The trees shall:

- (a) Have a minimum container size of 200 litres and grown to AS 2303:2018 Tree stock for landscape use.
- (b) Be planted in accordance with WCC Vegetation Management Guidelines.
- (c) Be planted at least 2m from driveways, and generally in alignment with other street trees.

(Reason: Landscape amenity, tree canopy recruitment)

99. 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)

100. 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 landscape architect or landscape designer.

(Reason: Landscape amenity)

101. Non-residential Waste Collection Service

Prior to the issue of any Occupation Certificate, the developer is to enter into a formal agreement with a licenced private waste contractor to service the non-residential component of the development. A copy of the contract is to be forwarded to Council prior to the issue of any Occupation Certificate.

(Reason: legal requirement/compliance)

102. Residential Waste Collection Agreement with Council

Prior to the issue of any Occupation Certificate, the developer is to enter into a formal agreement with Council for the utilisation of Council's Residential Waste Collection Service. The development is required to indemnify Council and its servant/contractors against claims for loss or damage or wear and tear of access roads or other parts of the building.

Note: By entering into an agreement with Council for waste collection, the development will be required to operate in full compliance with Council's Waste Management collection requirements. The provision of Council's waste collection service will not commence until formalisation of the agreement.

(Reason: legal requirement/compliance)

103. Reuse and recycling of significant elements

The embossed footpaths are to be retained/reused as part of the historic interpretation of the site. The concrete footpath sections containing the footpath signage outside the development site are to be carefully removed, stored off site during the construction phase and reinstated in the footpath at the conclusion of the construction phase of the development. An experienced heritage practitioner is to submit details of the above requirements to the satisfaction of Council's Heritage Officer prior to the issue of any occupation certificate.

104. 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)

105. 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)

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

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

(Reason: Ensure compliance)

107. On-Site Water Management System

Prior to the issue of any Occupation Certificate, the stormwater runoff from the site shall be collected and disposed of to the Council drainage system via an approved OSD system with a minimum volume of 80m³ and a water quality improvement system in accordance AS/NZS3500.3, Part 1 of Council's DCP and Technical Standards 1 and 2. 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 (AUSSPEC).

(Reason: Prevent nuisance flooding)

108. 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)

109. 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)

110. 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)

111. 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)

112. Works-As-Executed Plans - OSD

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

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

113. 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)

114. 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 asbuilt OSD system.

(Reason: Public record)

115. 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 Anderson Street, Wilson Street and O'Brien Street. (Reason: Public amenity)

116. Reconstruct Pavement

Prior to the issue of any Occupation Certificate, reconstruct the following pavements in accordance with Council's approved drawings, conditions and specification (AUSSPEC).

- 3.5m width of pavement for the full frontage of the development site in Anderson Street
- Half road width of pavement for the full frontage of the development site in Wilson Street
- Half road width of pavement for the full frontage of the development site in O'Brien Street.

Council's standard design traffic for this pavement is 3×10^5 ESA. Council may permit mill and resheet of the pavement, provided geotechnical reports are provided to confirm that the existing basecourse meets the required design life, proof rolling does not reveal soft spots or areas that need to be repalced and that works have not caused damage to the pavement. (Reason: Ensure compliance)

117. Concrete Footpath

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

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

(Reason: Public amenity)

118. Street Lighting

Prior to the issue of any Occupation Certificate, provide approved adjustments to street lighting required for the development. The lighting shall be in accordance with Australian Standard AS/NZ 1158.(2005) and Ausgrid requirements. Reason: Public amenity)

119. 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 7.5 metres wide, unless a greater width is agreed with Council to suit the service vehicle 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.

(b) At property boundary – 120 mm above and parallel to the gutter invert.

The footpath which forms part of the proposed crossing shall have a maximum crossfall of 2.5% towards the kerb.

The 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)

120. Removal Of Redundant Crossings

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

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

(Reason: Public amenity)

121. 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)

122. Performance Bond

Prior to the issue of any Occupation Certificate, the Applicant shall lodge with the Council a performance bond of \$110,000 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)

123. 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)

124. 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)

125. 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, AS 2890.2 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 the headroom clearance required in AS 2890.2 for the largest vehicle using the site (minimum of Council's waste vehicle) has been provided for the loading area and the path to and from the loading area. Minimum headroom to be 4.5m as required for Council's waste vehicle.
- (i) That a shared area with minimum dimensions of 2.4 x 5.4m is provided adjacent to all disabled parking spaces and a shared area with minimum dimensions of 2.4m x 2.4m is provided at the end of all disable 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.
- (j) Simultaneous manoeuvring of B99 and B85 at all circulation aisles, ramps and ramp ends including clearances for each vehicle as per AS/NZS 2890.1 is achieved.
- (k) Simultaneous manoeuvrability of a MRV and a passenger vehicle including clearance in accordance with AS2890.1 and AS2890.2, is achieved between the frontage road and the loading bay.
- (l) Simultaneous manoeuvrability of the largest vehicle using the site (minimum Council's 10.5m waste vehicle) and a passenger vehicle including clearance in accordance with AS2890.1 and AS2890.2, is achieved between the frontage road and the loading bay. Alternatively, a traffic management system such as signals is provided to manage vehicles in locations where the two vehicles cannot pass.

(Reason: Ensure compliance)

126. 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)

127. 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)

128. Vehicle Management System

Prior to the issue of any Occupation Certificate, if the largest vehicle using the site (including Council's waste vehicle) and a B99 vehicle are not able to pass in any location between the entry road and the loading bay, a vehicle management system shall be provided and be operational to manage potential conflict between vehicles.

The system is to include:

- a signal system either side of conflict locations, set to green as the default
- a sensor to detect incoming vehicles larger than a MRV, which turns the opposite direction to red.
- A button system at the loading dock and a sensor system prior to any conflict point to stop vehicles in the opposite directions.
- A system to detect when the vehicle has traversed the conflict point / ramp and turn the signals back to green.
- Signage at the loading dock to detail system operation and contact details for maintenance / repair of the system.

A manual is to be provided for the system, which is to include standard operating procedures and maintenance requirements for the system.

(Reason: Manage potential vehicle conflicts)

129. Acoustic Treatment – Certification

Prior to the issue of any relevant Occupation Certificate, certification shall be provided from a suitably qualified acoustic engineer certifying that the acoustic treatment of the building complies with the approved construction details and the relevant design noise criteria contained in Section 4 of the acoustic report prepared by Acoustic Logic Pty Ltd, Ref. 20221456.1/2401A/R0/PF, dated 24 January 2023.

(Reason: Amenity, environmental compliance and health)

130. 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 contained in the Final Mechanical Plant Noise Assessment Report required elsewhere in this consent.
(Reason: Amenity, environmental compliance and health)

131. 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 or concessions.
(Reason: Amenity, environmental compliance and health)

132. Waste Collection Agreement with Council

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

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

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

(Reason: Legal Requirement)

133. Waste Agreement

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

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

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

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

(Reason: Ensure compliance)

134. Public Art

a) Detailed Public Art Plan

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

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

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

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

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

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

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

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

135. 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)

136. Right of Way Registration

Prior to the issue of any Occupation Certificate, a right-of-way must be registered with Land Registry Services over:

- all that part of the land located between the Anderson Street boundary and the east-facing glassline of the building at ground level, and
- all that part of the land located between the Wilson Street boundary and the north-facing glassline of the building at ground level,
- all that part of the land located between the North Shore Rail Line boundary and the west-facing wall of the building at ground level (excluding columns), and

- all that part of the land located between the O'Brien Street boundary and the south-facing wall of the building at ground level (excluding columns).

The right-of-way is to allow ongoing public use of this portion of the land.

(Reason: Compliance, urban design)

137. 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)

138. 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)

PRIOR TO THE RELEASE OF LINEN PLANS/SUBDIVISION CERTIFICATE/STRATA APPROVAL

The following are to be complied with prior to the issue of the Subdivision Certificate / Strata Approval and the release of the Linen Plans for registration at the Land and Property Information Office.

139. General Easement/ROW Provision and Certification

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

(Reason: Ensure compliance)

140. Location of On-Site Detention System

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

(Reason: Ensure compliance)

141. Section 88B Instrument

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

(Reason: Ensure compliance)

ONGOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

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

142. Remedial Action Plan

For the purposes of public health, any Remedial Action Plan, where on going requirements or maintenance or up keep is required, is to be undertaken for the life of the development.

(Reason: Public Health)

143. Maintenance of Landscaping

All trees and plants forming part of the landscaping must be maintained in accordance with the Landscape Maintenance Strategy as approved by the Accredited Certifier.

144. Public Art

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

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

145. 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)

146. Noise Control – Offensive Noise and Vibration

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

(Reason: Amenity)

147. Kitchen Exhaust Odour Emissions

- a) The use of the restaurant tenancy must not give rise to the emission of gases, vapours, dusts, odours or other impurities which may be a nuisance or injurious or prejudicial to health.
- b) The mechanical exhaust system for the restaurant kitchen shall be properly inspected, tested and maintained by an appropriately qualified and competent person on a regular basis. Records of such shall be kept at the premises and be produced on demand by an authorised officer of Council.
- c) If complaints are received and found to be substantiated by Council, the occupier of the base building, or other appropriate person or body, may be required to submit to Council an odour impact assessment and odour

management plan prepared by an appropriately qualified person demonstrating compliance with this condition and any appropriate legislation, standards or EPA guidelines. Council may then require works to be carried out so that the use of the premises complies.

(Reason: Environmental compliance and amenity)

148. 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 10:00pm and 7:00am on any day.

(Reason: Amenity)

149. Stormwater Drainage Management

Upon commencement of the use and in perpetuity, the site shall be operated and maintained to ensure all environmental risks are minimised and managed to prevent pollution of the stormwater system in accordance with the Protection of the Environment Operations Act 1997 and any current Environment Protection Authority (EPA) requirements or guidelines.

Ensure that stormwater drains in or near the property carry clean rainwater only. Any other liquids or solids are considered a pollutant. Do not allow any wash water, food stuffs, grease, litter or other pollutants from business operations to get into the stormwater drains. Drains must be free of litter, leaves or any other foreign matter at all times.

(Reason: Environmental protection)

150. Noise Levels from Common Open Spaces

To minimise the noise intrusion from Common Open Spaces on the amenity of the residential occupants, a Common Open Spaces Management Plan is to be drawn up, establishing controls along the lines of those recommended in the Noise Impact Assessment (PWNA, Report No. 220120-42 Archer St, Chatswood-Noise Impact Assessment-R1, 17 June 2022) and Memorandum (PWNA, 220120_42 Archer St, Chatswood_Acoustic Addendum_BW_R0, 4 May 2022). These include: Limiting times of use to 7am to 10pm; No high noise generating activities large gatherings, playing of loud music, parties; No amplified music or use of electrically amplified electronic sound equipment allowed; prominent notices on display to remind residents of these requirements and minimise noise.

(Reason: Amenity, environmental compliance and health)

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

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

(Reason: Health protection)

152. Regulated air handling and water systems

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

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

(Reason: Compliance and health)

153. Waste Management Collection Policy

The development must operate in full compliance with Council's Waste Management collection requirements for residential waste at the kerbside. This includes onsite collection by Council HRV, currently on the following frequencies:

- Garbage: twice per week
- Recycling: once per week
- Garden organics: once per week
- Bulky waste: booked or scheduled service

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

154. Waste Management Collection Policy

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

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

155. Trees on Adjoining Properties

No approval is given for the removal or pruning of trees on neighbouring private land.

(Reason: Environmental protection)

156. Management

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

- (a) Responsibility for cleaning and maintaining waste storage bins and containers.
- (b) Responsibility for cleaning and maintaining waste storage room.
- (c) Responsibility for the transfer of bins to the nominated collection point.
- (d) Method of communication to new tenants and residents

- concerning the developments waste management system.
- (e) Cleaning up and management of bulky waste.
- (f) Responsibility for maintaining the compost bin or worm farm.

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

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

157. Waste Storage Containers

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

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

158. Signage

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

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

159. Public Art

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

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

160 On-site Disabled Car Parking, Motorbike Spaces, Bicycle Racks/Rails and Bicycle Lockers - Operation

The disabled car spaces, motorbike spaces and the bicycle racks/rails and bicycle lockers must be accessible to the public at all times during the hours of operation.

(Reason: Ensure Compliance)

161. 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)

162. 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)

163. Traffic Management System

Any traffic management system required to manage potential vehicle conflict within the site shall be operational at all times with required maintenance to be undertaken in accordance with manufacturer's recommendations and requirements.

(Reason: Prevent potential vehicle conflicts on access ramps / aisles)

164. Enter And Leave In Forward Direction

All vehicles are to enter and exit the site in a forward direction. No vehicle is to reverse over the boundary.

(Reason: Pedestrian and Vehicle Safety)

PRESCRIBED CONDITIONS

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

165. 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)

166. Support for Neighbouring Buildings

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

(Reason: Safety)

STATUTORY REQUIREMENTS

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

167. 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)

168. 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)

169. 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

