

Panel Reference	PPSSNH-401
DA Number	DA-2023/160
LGA	Willoughby
Proposed Development	<p>Nominated Integrated Development - Water Management Act 2000 s90 (WaterNSW).</p> <ul style="list-style-type: none"> a) Demolition of existing structures a) Construction of 27-storey mixed use development comprising 4 x commercial tenancies and residential flat building containing 127 residential units adopting the following mix, 3 basement levels comprising 75 residential spaces and 10 commercial spaces b) Landscaping and associated works c) Pedestrian through-site link (4.5m wide pedestrian path incorporating adjoining landscaping strip) with rights of way to allow public use.
Street Address	3 – 5 Help Street, Chatswood
Applicant/Owner	Loftex Chatswood Pty Ltd
Date of DA lodgement	26 June 2023
Number of Submissions	82 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 No 65 - Design Quality of Residential Apartment Development and NSW Apartment Design Guide (ADG) • 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	28 August 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

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

- *e.g. Clause 4.6 of State Environmental Planning Policy (Resilience and Hazards) 2021, Clause 4.6(4) WLEP*

Clause 4.6 Exceptions to development standards

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

Special Infrastructure Contributions

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

Conditions

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

SNPP NO: PPSSNH-401
COUNCIL: WILLOUGHBY CITY COUNCIL
ADDRESS: 3 – 5 HELP STREET, CHATSWOOD NSW 2067
DA NO: DA-2023/160
PROPOSAL: Nominated Integrated Development - Water Management Act 2000 s90 (WaterNSW).
a) Demolition of existing structures
b) Construction of 27-storey mixed use development comprising 4 x commercial tenancies and residential flat building containing 127 residential units adopting the following mix, 3 basement levels comprising 75 residential spaces and 10 commercial spaces
c) Landscaping and associated works
d) Pedestrian through-site link (4.5m wide pedestrian path incorporating adjoining landscaping strip) with rights of way to allow public use.

RECOMMENDATION: APPROVAL SUBJECT TO CONDITIONS
ATTACHMENTS:

1. SITE DESCRIPTION AND AERIAL PHOTO
2. NOTIFICATION, DEVELOPMENT CONTROLS, DEVELOPER CONTRIBUTION & REFERRALS
3. ASSESSMENT OF SEPP 65 (DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT)
4. ASSESSMENT UNDER OTHER SEPPs, WLEP, WDCP AND SHARED PATH POLICY
5. SUBMISSIONS TABLE
6. SECTION 4.15 (79C) ASSESSMENT
7. SCHEDULE OF CONDITIONS
8. NOTIFICATION MAP
9. ARCHITECTURAL PLANS
10. SUBMISSION BY APPLICANT (HEIGHT, OVERSHADOWING, PRIVACY, AFFORDABLE HOUSING, STORAGE)
11. SUBMISSION BY APPLICANT (SOLAR ANALYSIS)

RESPONSIBLE OFFICER: RITU SHANKAR - TEAM LEADER
AKSHAY BISHNOI - SENIOR DEVELOPMENT ASSESSMENT OFFICER
AUTHOR: PETER WELLS - CONSULTANT PLANNER
DATE: 28-AUG-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-2023/160 FOR:

Nominated Integrated Development - Water Management Act 2000 s90 (WaterNSW).

- a) Demolition of existing structures
- b) Construction of 27-storey mixed use development comprising 4 x commercial tenancies and residential flat building containing 127 residential units adopting the following mix, 3 basement levels comprising 75 residential spaces and 10 commercial spaces
- c) Landscaping and associated works
- d) Pedestrian through-site link (4.5m wide pedestrian path incorporating adjoining landscaping strip) with rights of way to allow public use.

at 3-5 Help Street, CHATSWOOD NSW 2067, for the following reasons:

- a) 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.
- b) The impacts to surrounding residences and the surrounding locality emanate from compliance with the Chatswood CBD Planning and Urban Design Strategy 2036, WLEP and WDCP;
- c) The proposal satisfies the Chatswood CBD Planning and Urban Design Strategy 2036.

3.0 DESCRIPTION OF PROPOSAL

3.1 Proposed Development

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

- e) Nominated Integrated Development - Water Management Act 2000 s90 (WaterNSW).
- f) Demolition of existing structures
- g) Construction of 27-storey mixed use development comprising 4 x commercial tenancies and residential flat building containing 127 residential units adopting the following mix:
 - i. Studios – 2 units
 - ii. 1 bedroom – 62 units
 - iii. 2 bedroom – 49 units
 - iv. 3+ bedroom – 14 units
- h) 3 basement levels comprising 75 residential spaces and 10 commercial spaces
- i) Landscaping and associated works
- j) Pedestrian through-site link (4.5m wide pedestrian path incorporating adjoining landscaping strip) with rights of way to allow public use.



Image 1: Proposed view from Cambridge Lane (source: Drawing 9900 Issue A, dated 12.6.2023, prepared by Em Be Ce Architecture).



Image 2: The existing view of the site, looking east.



Image 3: Montage of the completed scheme looking east (source: Updated DA Proposal – Design Statement, dated 22.2.2024 Em Be Ce).

3.2 Detailed breakdown of proposed Development

The below table provides summary of the proposed development:

Building	Details
B03 Plan (FFL RL 82.74) Drawing 1001 Rev B	<ul style="list-style-type: none"> • 28 car parking spaces, inclusive of - 7 accessible spaces • Storage spaces • Private storage areas • Lifts and stairs • Vehicular ramp to upper basement levels

B02 Plan (FFL RL 85.59) Drawing 1002 Rev B	<ul style="list-style-type: none"> • 32 car parking spaces, inclusive of <ul style="list-style-type: none"> - 9 accessible spaces • Private storage areas • Lifts and stairs • Vehicular ramp to upper and lower basement levels
B01 Plan (FFL RL 88.59) Drawing 1003 Rev B	<ul style="list-style-type: none"> • 22 car parking spaces, inclusive of <ul style="list-style-type: none"> - 3 x accessible spaces - 12 x visitor spaces (residential) - 10 x commercial spaces (9 visitor, 1 commercial) • Commercial storage • Plant • Lifts and stairs • Vehicular ramp to upper and lower basement levels
LG and UG Plan (FFL RL 93.93, RL 93.77, RL 93.57, RL 93.52) Drawing 1010 Rev B	<ul style="list-style-type: none"> • 3 x commercial tenancies fronting Help Street, Cambridge Lane and McIntosh Street. • Residential lift lobby • Vehicular loading dock adjacent to residential waste room and bulky waste room • Commercial waste storage room • Substation fronting Help Street • Plant rooms including fire pump room, fire control room and switch room; • Plant room and services • Lifts and stairs
Mezzanine Plan (FFL RL 91.150) Drawing 1100 Rev A	<ul style="list-style-type: none"> • Commercial mezzanine including sanitary facilities and roof garden; • Lifts and stairs.
Level 01 Plan (FFL RL 100.65) Drawing 1101 Rev A	<ul style="list-style-type: none"> • Commercial including sanitary facilities and roof garden fronting Cambridge Lane; • Lifts and stairs.
Level 02 Plan (FFL RL 104.85) Drawing 1102 Rev B	<ul style="list-style-type: none"> • Residential communal areas (indoor and outdoor) • 3 x residential units (1 x 1-bed, 2 x 2-bed) with balconies (unit 2.03 with enlarged private garden fronting Help Street) • Lifts and stairs
Level 03 Plan (FFL RL 108.00) Drawing 1103 Rev B	<ul style="list-style-type: none"> • 7 x residential units (2 x studios, 3 x 1-bed, 2 x 2-bed) with balconies • Waste cupboard;

	<ul style="list-style-type: none"> • A/C services room • Lifts and stairs
Level 04 – 05 (FFL RL 111.15, RL 114.30) Drawing 1104 Rev B	<ul style="list-style-type: none"> • 6 x residential units (3 x 1-bed, 3 x 2-bed) with balconies • Waste cupboard; • A/C services room • Lifts and stairs
Level 06 (FFL RL 117.85) Drawing 1106 Rev B	<ul style="list-style-type: none"> • 6 x residential units (4 x 1-bed, 2 x 2-bed) with balconies • Waste room • A/C services room • Lifts and stairs
Level 07 – 18 (FFL RL 121.00 to RL 155.65) Drawing 1107 Rev B	<ul style="list-style-type: none"> • 6 x residential units (4 x 1-bed, 2 x 2-bed) with balconies • Waste room • A/C services room • Lifts and stairs
Level 19 – 24 (FFL RL 158.80 to RL 174.55) Drawing 1122 Rev B	<ul style="list-style-type: none"> • 4 x residential units (2 x 2-bed, 2 x 3-bed) with balconies • Waste room • A/C services room • Lifts and stairs
Level 25 (FFL RL 177.70) Drawing 1125 Rev B	<ul style="list-style-type: none"> • 3 x residential units (1 x 2-bed, 2 x 3-bed) with balconies • Waste room • A/C services room • Lifts and stairs
Roof (Roof RL 181.25, Lift overrun RL 182.95, Plant 183.25)	

3.3 Demolition

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

3.4 Excavation and Basement Carpark

The proposed basement carparking requires excavation to a depth of more than 10m. WaterNSW I has undertaken its assessment and offered General Terms of Approval (GTAs).

4.0 BACKGROUND

A Planning Proposal (PP-2017/8) preceded the subject Development Application.

On 30 January 2019 WLPP advised it was satisfied that the planning proposal was worthy of being forwarded to the DP & E for a Gateway consideration, having demonstrated strategic and site-specific merit.

On 11 February 2019 Council resolved to support the Planning Proposal and draft DCP for exhibition. It is noted that a petition with 625 signatures objecting to the proposed change to planning controls at 3-5 Help Street, in particular the increase in height and FSR, was submitted to Council on 26 October 2021 and reported to the Council Meeting 3 November 2021, where it was resolved:

“That Council receive and note the petition on the proposed height and floor space increases over development at 3-5 Help Street, Chatswood, and refer the matter to the Planning and Infrastructure Director”.

The petition was included in the consideration of the Planning Proposal.

In September 2020, the "Chatswood CBD Planning and Urban Design Strategy 2036" (**Chatswood CBD Strategy**) was published. The Chatswood CBD Strategy identifies, consistent with the North District Plan, a desire to "reinvigorate" the commercial core of the Chatswood CBD "to provide for future employment".

On 24 November 2020, Gateway Determination for Planning Proposal (PP-2017/8) was issued.

The Planning Proposal and draft DCP was public exhibited from 24 March 2021 until 21 April 2021. Council required further information from the proponent – and when received – the Planning Proposal was further exhibited from 3 June to 21 June 2021.

On 28 March 2022 Council supported the amendments to WLEP 2012 and site specific draft DCP, and noted that a VPA had been executed (the requirements of Council's Community Infrastructure Contributions (CIC) Scheme was satisfied in October 2021).

On 13 May 2022 Amendment 23 to WLEP was made. It related to the following:

Willoughby City Council

- Rezoned from B4 Mixed use to B4 Mixed use (now MU1 Mixed Use zone under the Employment Zone Reform);
- Increase in FSR 2.7:1 to 6:1;
- Increase in height from 20m/25m to 90m;
- Stop top housing permissible with minimum 17% non-residential floor space.
- Residential flat buildings permissible with minimum 17% non-residential floor space and where the ground floor level is used for non-residential purposes. No dwellings are permitted on the ground floor.
- Active street frontage (Help Street, McIntosh Street and Cambridge Lane)
- Affordable housing (Area 3, 4%)
- Design excellence

On 14 November 2022 an architectural design competition was completed. EmBeCe's scheme was awarded the winner. Parade Consulting was the Competition Manager.

The Jury provided commentary on the merits of the proposal, and provided some suggestions around facades, materiality and structure; non-residential considerations; loading, basements and servicing; and ESD considerations. Design Excellence is discussed throughout this report.

On 26 June 2023, the subject Development Application was submitted on the NSW Planning Portal.

On 30 June 2023, the *Willoughby Local Environmental Plan 2012 (Amendment No 34) (Amended WLEP)* was made. A new development control plan was prepared in connection with the Amended WLEP (WDCP 2023). The site specific DCP requirements pertaining to 3-5 Help Street were incorporated into WDCP 2023 in Part L 13.1.7.

Between 17 November and 15 December 2023, the Development Application was notified in accordance with the Community Participation Plan. A total of 74 individual submissions were received. The issues raised in the submissions are summarised as follows:

- (a) Overshadowing and reductions in solar access;
- (b) Excessive height;

Willoughby City Council

- (c) Increased demand on local traffic networks; and
- (d) Impacts on the availability of nearby parking.

The Development Application was referred to the following external bodies:

- (a) Ausgrid;
- (b) Sydney Airport;
- (c) Transport for NSW;
- (d) NSW Police Force;
- (e) Water NSW; and
- (f) Sydney Trains
- (g) Sydney Metro

On 4 October 2023, the Sydney North Planning Panel conducted a "kick-off briefing", attended by representatives of the Applicant and Respondent. The principal issues discussed at this briefing were:

- (a) Affordable Housing
- (b) ADG Compliance
- (c) GFA clarification
- (d) Overshadowing
- (e) Consistency with DCP controls
- (f) Parking Provision
- (g) Public submissions

On 10 November 2023 Council issued an RFI to the applicant raising matters in need of attention, including groundwater and dewatering, contamination, parking, affordable housing, design excellence, stormwater, vehicle access, deep soil, substation, mechanical ventilation,

On 29 February 2024 the applicant lodged amended plans which sought to, inter alia, do the following:

- Increase the number of residential units from 94 units to 127 units, and associated change in unit layouts, location of windows, doors and balconies;
- Change the mix of residential units from (1-bed 4.3%, 2-bed 50%, 3-bed 45.7%) to (studio 1.6%, 1-bed 48.8%, 38.6% 2-bed, 3-bed 11%).
- Reduction in basement levels from 4.5 to 3.5 levels;
- Reduction in parking spaces from 120 spaces to 84 spaces.

For 28 days between 4 April and 3 May 2024 the amended plans were notified. 17 individual submissions were received. The issues raised in the submissions are summarised as follows:

- (a) Overshadowing and reductions in solar access;
- (b) Excessive height;
- (c) Increased demand on local traffic networks; and
- (d) Impacts on the availability of nearby parking.

5.0 DISCUSSION

The proposal generally satisfies the WLEP and WDCP requirements and constitutes reasonable development of the site.

The proposal is considered satisfactory subject to conditions.

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

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

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

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

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

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

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

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

6.0 CONCLUSION

The Development Application DA-2023/160 has been assessed in accordance with Section 4.15 (79C) of the Environmental Planning and Assessment Act 1979, WLEP 2012 (Amendment 34), WDCDP 2023, 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 7**.

ATTACHMENT 1: SITE DESCRIPTION AND AERIAL PHOTO

The site area is 2,290m².

The Site has three frontages: Help Street, Cambridge Lane and McIntosh Street.



Image 4: The site (Source: Council GIS System, Exponare)

The Site is a trapezoid in shape, with an area of 2,290 square metres. It is subject to a fall of approximately 3.8 metres towards the south-east, at an average gradient of 6%. The Site is located approximately 250m north of Chatswood Transport Interchange.

The site is comprised of:

- SP134 (3 Help St)

- SP52320 (5 Help St)

The immediate locality comprises the following:

- **North:** Development to the north comprises of medium to low density residential developments with maximum heights ranging from 8m to 12m. Larger development proposals such as 44-52 Anderson Street and 54-56 Anderson Street are proceeding to DA.
- **East:** Development to the east beyond Anderson Street includes medium density residential dwellings with heights ranging from 12m to 14m. Mixed-use developments are within the immediate vicinity with building heights of 172m (RL).
- **South:** Development to the south includes the commercial core and the Chatswood Transport interchange.
- **West:** Development to the west includes high density residential and commercial core towers with maximum heights ranging from 90m to 172m (RL). Further west the Pacific Highway separates the commercial core and low to medium density residential dwellings.

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

Neighbour Notification

Between 17 November and 4 August 2023, the Development Application was notified in accordance with the Respondent's Community Participation Plan.

Between 4 April and 3 May 2024, the amended Development Application was re-notified in accordance with Environmental Planning & Assessment Act 1979 – Schedule 1 (8A).

The issues detailed within the submissions are addressed in **Attachment 5** of this report.

Controls and Classification summary

Note: A full WLEP assessment is provided under Attachment 4

WLEP 2012 Zoning (amendment 23):	MU1 Mixed use
Site Area = 2,290m ²	
2.5 Sch 1 (27)	Development for the purposes of residential flat buildings is permitted with development consent if— - the ground floor is used for non-residential purposes only, and - at least 17% of the gross floor area of the building will be used for non-residential purposes.
4.3 Building height	90m
4.4 FSR 6:1 (13,740m ² GFA)	6:1 (13,740m ²)
6.2 Earthworks	Applies
6.3 Urban heat	Applies
6.6 Airspace operations	Applies, concurrence received
6.7 Active Street frontage	Yes, affects Anderson Street, O'Brien Street and Wilson Street
6.8 Affordable housing	4% of residential floor space
6.15 Sun Access	Applies
6.23 Design excellence	Applies
cl 6.25 Shop top housing at certain sites at Chatswood	cl 6.25 (1) (d) WLEP contingent on minimum 17% of GFA to be used for non-residential purposes.
Existing Use Rights	No
Conservation area	No but proximity to Heritage Conservation Area C10
Aboriginal Heritage	No
Heritage Item	No

Vicinity of Heritage Item	No
Natural Heritage Register	No
Bushfire Prone Area	No
Flood related planning control	No
Foreshore Building Line	No
Adjacent to classified road	No
Road/lane widening	No
BASIX SEPP	Yes
Infrastructure SEPP - Rail	Yes (Concurrence received from Metro and Sydney Trains)
Infrastructure SEPP - Road	No
Coastal Management SEPP	No
Acid Sulphate Soil Category	5
Development near Lane Cove Tunnel	No
Contaminated Land	No
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 SEPP No 65 - Design Quality of Residential Apartment Development and NSW Apartment Design Guide (ADG) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
Relevant DCPs policies and resolutions	WDCP

Assessment Comments from Referral Bodies

Internal Council Referrals	
Urban Design Specialist	<p>Overall design against the Jury's recommendation</p> <ul style="list-style-type: none"> Generally, aligns, with the Juries final review, this final outcome does not require any further Design Excellence Integrity Review. The development has satisfied the initial phase of satisfying the WLEP Design Excellence Clause 6.23 through the selection of an Architect and building design. <p>Design Excellence (DEX)</p>

	<ul style="list-style-type: none"> • The development has satisfied the initial phase of satisfying the WLEP Design Excellence Clause 6.23 through the selection of an Architect and building design. • The DA, while subject to relatively minor modifications, still meets with and satisfies the objective of the WLEP Design Excellence Clause 6.23. • This development, as presented in the DA will make a positive contribution to the design quality of its context within the Chatswood CBD • The proposal faithfully reflects the design and intent of the Design Excellence Jury findings supporting Design Excellence <p>DeX compliance</p> <ul style="list-style-type: none"> • The Pre-DA scheme is generally in accordance with the final scheme reviewed and endorsed as the Competition winner with the following exception. • Changes to the proposed colour to the building elevations. <ul style="list-style-type: none"> ◦ Noting that the DA colour scheme has been substantially changed from the DEx scheme ◦ The Colour Report (Appendix C) is generally supported acknowledging the retention of integral colouring to the proposed finishes. <p>Provide a Public Art Strategy</p> <p>Clearly outlining the following Demonstration of Excellence Composition of the Public Art Panel comprising, noting that Appendix 22 Public Art Strategy does not currently include WCC representation:</p> <ul style="list-style-type: none"> • Developer representative (assuming EmBeCe and Common Ground) • Willoughby City Council representative (Urban Design Specialist and Arts and Culture Manager) • Independent Art Specialist (assuming Cultural Capital) <p>Project budget including breakdown:</p> <ul style="list-style-type: none"> • Project (building) CIV • Public Art budget <p>Public Art Ownership:</p> <ul style="list-style-type: none"> • Dedication of the Public Art to the people of Willoughby <ul style="list-style-type: none"> ◦ Agreement between Developer/Body Corporate and WCC regarding ownership ◦ Artist Rights ◦ Deaccession Plan/Agreement as noted in The Public Art Strategy Document • Maintenance regimen and responsibilities noted as Body Corporate in Appendix 22 Public Art Strategy • Expected annual maintenance budget • Insurances
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	<p>DeX compliance</p> <p>The DA scheme is generally in accordance with the final scheme reviewed and endorsed as the Competition winner with the following exception.</p>
Engineering	<p>The stormwater plans show the system draining to the Council pit in Help Street, which is Council's preferred connection point. This requires an extension of the Council pipe system, which is conditioned. However, the plans have not demonstrated that the OSD outlet complies with the requirements of Technical Standard 1. Particular items are:</p> <ul style="list-style-type: none"> - It is not confirmed that the outlet of the OSD system is above the downstream water level in the 1%AEP storm. - It is not clear that there is 300mm freeboard between the tank overflow level and the adjacent floor levels. - The design has not confirmed that bypass flows have been taken into consideration. - The stormwater report indicates that the OSD system is designed for a 5% storm and not the 1% storm required by Council. <p>We do believe that these items can be resolved, and we have conditioned that revised information is submitted to Council prior to applying for CC.</p> <p>A Flood report was provided with the initial application, and it has confirmed that the building floor levels comply with the requirements of Technical Standard 2 and provided appropriate freeboard to the overland flow in the frontage streets.</p> <p>Previous documents have confirmed that parking arrangements comply with the AS 2890 suite of standards. We have required that the applicant's engineer provide certification that particular items are complied with, including:</p> <ul style="list-style-type: none"> - Provision of sight triangles at the exit - That accessible parking spaces, including those associated with adaptable units, comply with AS 2890.6. - The loading bay is a suitable length for Council's waste vehicle, with 2m behind. <p>We have required a number of public domain works, as the development will impact these items or minor modifications will be required to co-ordinate with the development.</p>
Traffic and Transport	<p>No objection to proposal subject to conditions.</p>
Waste Management	<p>In the latest DCP (2023), Willoughby City Council has formally adopted the Waste Management Technical Guide and Development Controls by North Sydney Regional Organisation of Councils for multi-dwelling housing, residential flat buildings and mixed-use developments.</p>

	<ul style="list-style-type: none"> • The technical guide provides comprehensive information to achieve best practice design and construction of waste management and recycling systems. • The development controls provide specific requirements for internal waste storage facilities, individual bin storage areas, communal bin storage areas, bin carting routes, and access for collection vehicles. • All major residential developments must comply with the technical guide and the specific controls for multi dwelling housing, residential flat buildings, and mixed-use buildings. <p>Following assessment of the updated plans, there are still a number of items that require clarification, particularly:</p> <ul style="list-style-type: none"> • <u>Demolition and construction waste plan:</u> a demolition and construction waste plan should be provided. Please consider appropriate asbestos disposal during demolition because the Stantec Technical Memorandum identified that “the residential buildings onsite have been identified to potentially contain asbestos within the building materials” (p. 11). <u>SUPPLIED DATED 31 MAY 2024</u> • <u>HRV access:</u> the traffic assessment showing access for a 10.5m garbage truck is acknowledged. However, WDCP 2023 requires a 12.5m space, (parking for Council’s 10.5m truck and 2m clear at the rear of the truck for servicing bins safely) for which the parking / loading space is required to be a minimum of 12.5m. Please confirm there is sufficient clearance space for Council’s waste HRV to service the bins at the allocated collection point and that this does not impede pedestrian or other vehicle movements. • <u>Organics generation rates and bin numbers:</u> please use WDCP 2023 generation rates for the organics bins (120L/hh/wk) to calculate estimated generation and organics stream bin numbers. • <u>Waste storage areas:</u> the residential bin storage area provided in the WMP is not of sufficient size for the required number of bins. The WMP suggests that the residential bin room provides 52m² of storage for bins (118 – 66 = 52) (p. 19), however, Council requires 74m². • <u>Waste storage area amenities and sizes:</u> Please detail the area provided for bin storage on architectural drawings and provide details of bin room amenities, areas, door widths, aisle widths and any bin room equipment (such as a compactor) on the plans. • <u>Charity waste / other recycling:</u> please provide an area of 6m² for the storage of charity waste and other recycling. This should be close to the bulky waste storage area. • <u>Bin carting route for caretakers:</u> the WMP details that caretakers will be responsible for transporting all bins to the residential bin holding room. Please provide further detail on access, the proposed route and if any additional equipment is required. • <u>Waste and recycling cupboard on each residential level:</u> the waste chute hoppers should be located in a waste cupboard, which
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	<p>also has space for additional bin(s). This is required in the WDCP 2023 and serves to assist in the case of a bin for cardboard recycling that cannot be placed down the chute (which is a large portion of Council's recycling), backup for the recycling chute and to future proof the development in the case of food organics collection.</p> <ul style="list-style-type: none"> • Chute system: the equipment under the chute should have sufficient capacity for 3-days of waste generation. The WMP states a mix of one and two days. This should be clarified. Please also detail the number of units using each hopper and recycling bin collection to confirm sufficient capacity. • Commercial waste: please confirm the expected waste generation rate for commercial general waste as it is lower than Council's expected generation. Therefore, the number of bins proposed is not sufficient. It is acknowledged that the commercial bin room size is large enough for the number of bins required by Council.
Landscaping	<p>Number of trees to be impacted – 13</p> <p>Approximate area of canopy to be removed (square metres) – 100</p> <p>Number of replacement trees (if required) – 23</p> <p>The Landscape Plans prepared by Common Grounds are noted.</p> <p>The site is subject to a site specific Development Control Plan in Willoughby DCP.</p> <p>The DCP requires works within the public realm as well as publically available space within the site frontage. It is considered that the proposal addresses the requirements of the site specific DCP with regard to landscape issues.</p> <p>Tree removal within the site and road reserve is proposed, as envisaged by the planning controls, and the Landscape Plans indicate replanting within the public domain and required site setbacks. However, it is noted that no planting is proposed on the McIntosh St frontage.</p> <p>As paving is indicated to the edge of the road reserve, it would appear that an additional 2 or 3 trees could be located in the paving within the road reserve. As <i>Pyrus calleryana</i> 'Cleveland Select' is required as replacement tree planting in Help St, this species would also be suitable on McIntosh St. A condition could be included to include such planting.</p> <p>It is noted that the Landscape Plans do not include tree sizes for nominated species. In view of the importance of the public space presentation to and within the streetscape, advanced specimens be provided, as have been included in recommended conditions.</p>

	<p>Additionally, following discussion with Council's Public Trees section, proposed planting of <i>Tristaniopsis laurina</i> 'Luscious' along Anderson Street is to be substituted with <i>Pyrus calleryana</i> 'Cleveland Select' to complement trees already within Anderson Street.</p> <p>Recommended conditions provided.</p>
Environmental Health	[Satisfactory subject to conditions of consent]
Developer Contributions	This memo will be provided prior to the meeting.
External Referrals	
WaterNSW	General Terms of Approval issued 25 July 2024.
Sydney Trains	Concurrence pursuant to 2.98 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP) issued 27 July 2023.
Sydney Metro	No concurrence required as the site is outside 25m protection zone of the Sydney Metro – City and Southwest rail corridor.
TfNSW	Referral pursuant to Traffic Generating Development pursuant to clause 2.122 <i>State Environment Planning Policy (Transport and Infrastructure) 2021</i> "rejected", with no reason given. No conditions.

NSW Police	[No objection to proposal. Conditions provided].
Ausgrid	<p>This letter is Ausgrid's response under clause 45(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 Underground Cables are in the vicinity of the development</p> <p>Special care should be taken to ensure that driveways and any other 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>In addition to DBYD the proponent should refer to the following documents to support safety in design and construction:</p> <p>SafeWork Australia – Excavation Code of Practice.</p> <p>Ausgrid's Network Standard NS156 which outlines the minimum requirements for working around Ausgrid's underground cables.</p> <p>The following points should also be taken into consideration.</p> <p>Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.</p> <p>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>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>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.</p> <p>Visit the Ausgrid website for further details: https://www.ausgrid.com.au/Connections/Get-connecte</p>
<p>Sydney Airport</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 (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>
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ATTACHMENT 3: ASSESSMENT UNDER SEPP 65


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

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

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

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

ADG Objective	Proposal	Satisfied?
Objective 3D-1 An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping.	The Communal Open Space (COS) is comprised of outdoor and indoor components as follows: Outdoor COS: Level 2 podium 533m ² Indoor COS: Level 2 161m ² Total: 694m² (30.3%) In accordance with the ADG, at least 50% of the useable part receives 50% direct sunlight for two or more hours on 21 June.	Yes
Design criteria 1. Communal open space has a minimum area equal to 25% of the site. 2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter).	Communal open areas provide residents with options for both communal engagement and private use.	
Objective 3E-1 Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.	Deep soil provision is calculated as follows: Total deep soil (minimum 6m width): Nil Total deep soil (< 6m width): 143m ² (6.3%)	Yes on merit - Landscaping is provided where it is most needed – at its interface with Help Street and Cambridge Lane. The integration of the Cambridge Lane landscape

<p>Design criteria</p> <p>Deep soil zones minimum 7% or 15% if possible.</p> <p>7% x 2290 = 160.3m2</p>		<p>with the nature strip enhances width, growth medium and overall aesthetic quality of the landscape scheme.</p>																																												
	 <p>Image 5: Proposed Cambridge Lane (source: Landscape plan L-102 Section 1/102 by Common Grounds)</p>																																													
<p>Objective 3F-1</p> <p>Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.</p> <p>Objective 3F-2</p> <p>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.</p>	<p>The requirements of Part F are as follows:</p> <table><tr><th>Building height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr><tr><td>up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr><tr><td>up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr><tr><td>over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr></table> <p><u>Eastern setback</u></p> <p>The applicant has supplied Drawing 5203, which shows the setbacks of the proposal from the eastern boundary and the buildings to the east of the proposal. It adopts the floor plate consistent up to Level 6, above which there is a “cut-away” at the south-eastern corner of the floor plate.</p> <p>Drawing 5203 shows the following setbacks:</p> <table><tr><th>Room</th><th>To boundary</th><th>To building</th><th>Total</th></tr><tr><td colspan="4">Northern side</td></tr><tr><td>Living</td><td>9.621m</td><td>3.155m</td><td>12.776m</td></tr><tr><td>Balcony</td><td>11.342m</td><td>4.695m</td><td>16.037m</td></tr><tr><td>Bedroom</td><td>9.964m</td><td>5.099m</td><td>15.063m</td></tr><tr><td colspan="4">Southern end</td></tr><tr><td>Living</td><td>8.81m</td><td>4.405m</td><td>13.215m</td></tr><tr><td>Balcony</td><td>8.833m</td><td>3.017m</td><td>11.85m</td></tr></table> <p>The Statement of Environmental Effects addresses the numerical departure to the ADG Part 3F setback requirements, stating that a combination of devices used in the development, and the manner in which the adjoining development presents towards the site, achieves satisfactory privacy. More commentary is provided below this table under the sub-heading “Part 3F Privacy”.</p>	Building height	Habitable rooms and balconies	Non-habitable rooms	up to 12m (4 storeys)	6m	3m	up to 25m (5-8 storeys)	9m	4.5m	over 25m (9+ storeys)	12m	6m	Room	To boundary	To building	Total	Northern side				Living	9.621m	3.155m	12.776m	Balcony	11.342m	4.695m	16.037m	Bedroom	9.964m	5.099m	15.063m	Southern end				Living	8.81m	4.405m	13.215m	Balcony	8.833m	3.017m	11.85m	<p>Yes – see comments under Part 3F Privacy.</p>
Building height	Habitable rooms and balconies	Non-habitable rooms																																												
up to 12m (4 storeys)	6m	3m																																												
up to 25m (5-8 storeys)	9m	4.5m																																												
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<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>WDCP 2023</p> <p>Residential</p> <p><u>Maximum rates</u> 0.5 space per studio and 1, 2, 3 or more bedroom units; 1 visitor space per 7 dwellings $127 \times 0.5 = 64$ residential $127/7 = 18$ visitors Total = 82 spaces</p> <p><u>Minimum rates</u> • 0.1 spaces per studio/ 1- bedroom flat ($0.1 \times 64 = 6.4$ spaces) • 0.2 spaces per studio/ 2- bedroom flat ($0.2 \times 49 = 9.8$ spaces) • 0.25 spaces per studio/ 3+ bedroom flat ($0.25 \times 14 = 3.5$ spaces) Total (minimum) = 19.7 spaces</p> <p>Therefore Residential required <u>range</u> 19.7 – 82 spaces</p>	<p>Proposed 63 residential 12 visitor Total 75 spaces</p> <p>Yes, complies</p>
	<p>Commercial</p> <p><u>Maximum rates</u> 1 space/400m²</p> <p><u>Minimum rates</u> 1 space/670m²</p> <p>Commercial (1,960m²) required range 2.9 – 4.9 spaces</p>	<p>Proposed 4 spaces Yes complies</p>
	<p>Retail</p> <p><u>Maximum rates</u> 1 space/70m²</p> <p><u>Minimum rates</u> 1 space/200m²</p> <p>Retail (382m²) required range 1.91 – 5.46 spaces</p>	<p>Proposed 5 spaces + 1 visitor Yes complies</p>
<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>	<p>A total of 70% of the residential apartments receive 2 hours direct sunlight in mid-winter. The proposal is designed to optimise the number of apartments receiving sunlight to habitable rooms, primary windows, and open spaces.</p> <p>Less than 15% (4%) receive no sunlight.</p>	<p>Yes</p>
<p>Objective 4B-3 Natural Cross Ventilation</p> <p><i>The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents.</i></p>	<p>74% of apartments achieve natural cross ventilation.</p> <p>In accordance with the acoustic report, units along Help Street will require an alternative method of outside air ventilation to achieve internal noise levels.</p>	<p>Yes</p>
<p>Objective 4C-1 Floor to Ceiling Heights</p> <p><i>Ceiling height achieves sufficient natural ventilation and daylight access.</i></p>	<p>3.15m floor-to-floor height proposed for residential floors.</p>	<p>Yes</p>

Design criteria The minimum ceiling heights proposed are: <ul style="list-style-type: none"> 2.7 m for habitable rooms; and 2.4 m for non-habitable rooms. 		
Objective 4D-1 Minimum Apartment Sizes <i>The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity.</i>	The proposal is consistent with ADG requirements for the minimum size of rooms.	Yes
4E Private open space and balconies <i>Minimum area Minimum depth</i> 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	Yes
4G Storage 1 bedroom apartments 6m ³ 2 1 bedroom apartments 8m ³ 3+ 2 3 bedroom apartments 10m ³	Drawing 9200 Rev A demonstrates compliance.	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	Satisfied, compliance with acoustic report required.	Yes

<p><i>and pollution are minimised through the careful siting and layout of buildings</i></p> <p><i>Objective 4J-2 Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission</i></p>		
<p>4K Apartment mix</p> <p><i>Objective 4K-1 A range of apartment types and sizes is provided to cater for different household types now and into the future</i></p> <p><i>Objective 4K-2 The apartment mix is distributed to suitable locations within the building</i></p>	<p>Satisfied.</p> <p>Studio 1.6%, 1-bed 48.8%, 38.6% 2-bed, 3-bed 11%</p>	Yes
<p>4M Facades</p> <p><i>Objective 4M-1 Building facades provide visual interest along the street while respecting the character of the local area</i></p> <p><i>Objective 4M-2 Building functions are expressed by the facade</i></p>	<p>Satisfied.</p> <p>Has been subjected to Design Excellence scrutiny.</p>	Yes

Apartment Design Guide

Part 3F Privacy

Objective 3F-1 seeks that adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy. Part 3F deals with privacy. The massing of the built form, distribution of bulk and separation between the built form and the boundary is the work of WDCP 2023 Part L, specifically Part L 13.1.17 which deals with 3-5 Help Street. This Part requires that the setback from the eastern boundary be at least 4.5m – this is why a 4.5m line is represented on the architectural drawings. The proposal satisfies the 4.5m requirement comfortably Part L 13.1.17 requires a 7.5m setback from the western boundary and the proposal satisfies this.

The obliqueness of the glazing on the northern portion of the floor plate in combination with screening devices does assist in achieving a satisfactory level of privacy to the building on the eastern side. Above Level 07 the south-eastern corner increases its setback from the boundary such that it is 14m from the boundary, which complies with the ADG

Drawing 5201 Rev A shows the setback of the proposal from 1 Cambridge Lane, which is located across Cambridge Lane. The setback of the proposal from the boundary is 7.5m in accordance with WDCP Part L 13.1.17. The proposal is shown as being - from the building at 1 Cambridge Lane - 17.39m, 16.79m and 23.147m, which exceeds the separation distances of Part 3F. in addition, the Drawing 5202 Rev A shows where privacy screens and vertical fins are used to provide screening for privacy but still allow solar access for

residents. These screens are placed on windows that serve bedrooms. A condition is imposed to ensure that the privacy screens are incorporated into the development.

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

4.1 State Environmental Planning Policy (Resilience and Hazards) 2021

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

Stantec completed a targeted site investigation. This investigation assessed soil and groundwater and to identify potential exposure pathways present by contaminants of concern under the current and future land-use and future construction activities. The findings are provided in a Technical Memorandum (dated 6 June 2023).

Council's Environmental Health Officer finds it acceptable subject to conditions.

4.2 State Environmental Planning Policy (Transport and Infrastructure) 2021

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


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


Provision	Assessment
Development adjacent to rail corridors	<p>The development site is adjacent to a railway line known as the 'North Shore Train Line' running along the eastern side of the site.</p> <p>Sydney Metro and Sydney Trains have undertaken referrals and extensive assessment. Sydney Trains has imposed conditions pursuant to Section 2.98. Sydney Metro has no objection (no conditions) due to the site being outside 25m protection zone of the Sydney Metro – City and Southwest rail corridor.</p>
Excavation in, above, below or adjacent to rail corridors	<p>Sydney Trains has imposed conditions to the proposal/.</p>
Impact of rail noise or vibration on non-rail development	<p>The site is located adjacent to a railway line and will be affected by rail noise. Clause 2.100 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>An acoustic report has been prepared and deals with impacts of rail noise and vibration. Council's Environmental Health Officer accepts the proposal subject to conditions.</p>

Development with frontage to classified road	The site does not front a classified road.
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4.3 Assessment under Willoughby Local Environmental Plan 2012 (WLEP)

This table below address the relevant clauses of the (then Draft), now finalised Amended 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.	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	90m	Complies as confirmed by Drawing 5200 Rev A	Yes
cl 4.4 FSR	6:1	6:1	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		Acceptable	Yes
cl 6.6 Airspace operations	Concurrence required by Sydney Airport	Concurrence received	Yes
cl 6.7 Active Street Frontage	<p>The site is outlined in blue. Active street frontage is identified in red.</p> 	<p>All ground floor premises facing the street are used for non-residential purposes.</p> <p>The exception is the substation fronting Help 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.</p>	Yes on merit

cl 6.8 Affordable Housing	<p>4% of residential GFA (Area 1) to be dedicated as affordable housing.</p> <p>Total GFA = 13,740m² Non-residential = 2,342m² Residential = 11,398m²</p> <p>4% x 11,398m² = 455.92m²</p> <p>i.e. 455.92m² required to be dedicated as affordable housing.</p>	<p>Affordable housing units nominated on drawings are:</p> <p><u>Level 03</u> <u>Unit 3.04 (62.90m²)</u></p> <p><u>Level 06</u> Unit 6.01 (88m²) Unit 6.02 (56m²) Unit 6.03 (59m²) Unit 6.04 (50m²) Unit 6.05 (56m²) Unit 6.06 (83m²)</p> <p>Level 07</p> <p>Total = 454.9m²</p>	<p>Yes – by condition</p>
cl 6.15 Sun Access	<p>Site affected by Area 5 (Victoria Avenue and Concourse Open Space)</p>	 <p>The site affected by the height contours that relate to Area 5. The line that cuts the site is RL 160. Drawing 1126 Rev A shows the sun access line and a fraction of the building at RL 182.450 encroaching into the line.</p> <p>The applicant submits that there is no <i>additional</i> overshadowing as a result of the proposal. Drawing 5128 Rev A is submitted to show that existing buildings overshadow Victoria Ave and thus the proposal causes no additional overshadowing. On strict application of the wording it is agreed that the proposal satisfies this requirement. The 2pm view-from-the-sun also shows that, if the existing buildings were removed, the glassline of north-facing ground floor space on the opposite side of Victoria Avenue may enjoy winter sun.</p>	
cl 6.16 Minimum lot sizes	<p>Minimum 1,200m² (Area 8)</p>	<p>2,290m²</p>	<p>Yes</p>

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

Cl 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. Cl 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.

The final scheme stems from a winning architectural design competition scheme. Council's Urban Design Specialist has reviewed the submitted proposal retains its ability to exhibit design excellence.

4.4 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 L 13.1.7 3-5 Help Street Chatswood

The objectives of the plan are specified as follows:

The aims and objectives of this Plan are to:

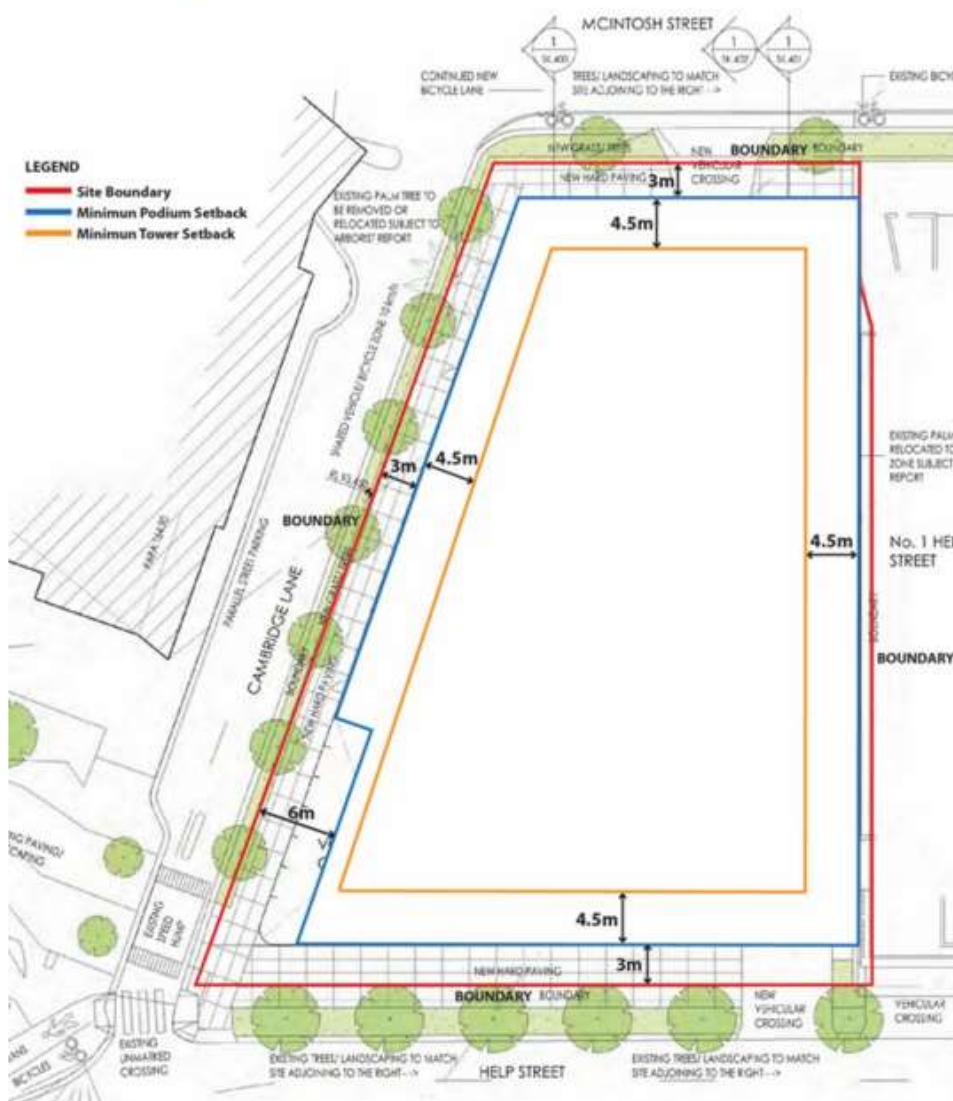
1. Provide guidelines for a mixed use development on the site.
2. Provide a development that ensures the viability of adjoining and surrounding sites for future development.
3. Minimise traffic impacts on the surrounding road network
4. Ensure development on the site minimises impacts to the amenity 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 Help Street, McIntosh Street and Cambridge Lane.

WDCP 2023 Part 13.1.10 controls

Built Form

Control	Assessment Planner response:
1. The maximum tower floor plate that applies to this site for residential towers above a podium is 700m ² .	The tower satisfies this control (644m ²).
1. The width of each side of any tower should be minimised and design elements that contribute to building bulk should be minimised.	The width of the tower and the design elements have been scrutinised by the design excellence process and found to be satisfactory.
2. The building layout is to be in accordance with Figure 29.	See figure 29 below. This figure should be read in conjunction with the “setbacks and Street Frontage Heights” controls discussed below.

Figure 29: Site Layout



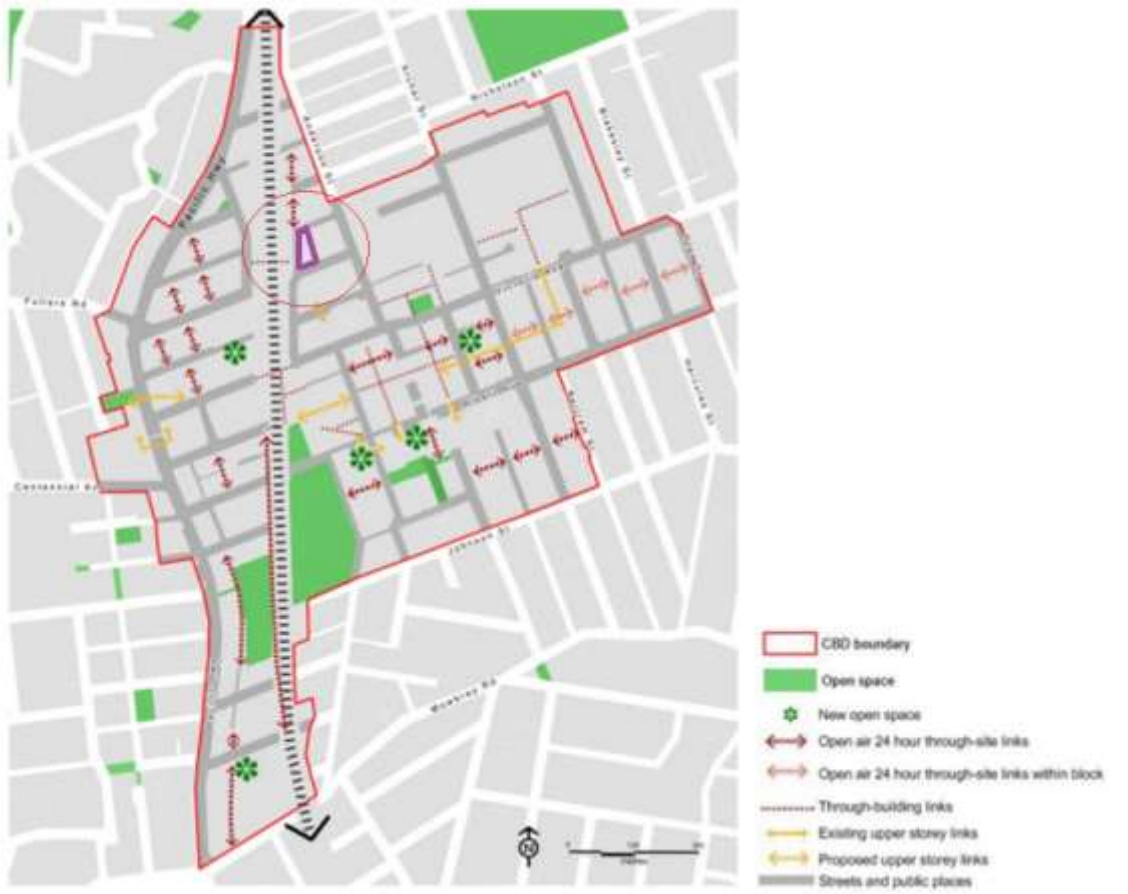
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Height of Building	
Control	Assessment Planner response:
1. The maximum building height is to include all structures located at roof level, including lift over runs and any other architectural features	Building height complies with cl 4.3 WLEP.
2. All roof top lift over runs or exposed structures are to be integrated with the building.	Achieved, noting the scheme has also been the subject of a Design Excellence Integrity Review process.
3. Flat roof areas shall incorporate useable outdoor recreation space where suitable, within the maximum building height.	Large private and communal open space on top of podium.

Setbacks and Street Frontage Heights	
Help Street, Macintosh Street, and Cambridge Lane frontages	
Control	Assessment Planner response:
1. Minimum 3m setback at ground level from the street boundary to the podium street wall.	Satisfactory. A minor variation at Help Street with a blade wall, however the public accessible right-of-way serves to enhance the overall width of the footpath.
2. 6-14m podium street wall height at the required setback.	Satisfactory. 11.61m Cambridge Lane 13.19m Help Street 9.5m McIntosh Street
3. Minimum 7.5m setback from the street boundary to the tower.	Satisfactory.
Cambridge Lane	
1. Minimum 6m setback at ground level along the Cambridge boundary of the site, opposite the publicly accessibly open space at 1 Cambridge Street for the purposes of publicly accessible open space. In this regard 3m is to comprise footpath and the remaining 3m is to comprise deep soil and landscaping planting.	Satisfactory. 7.5m achieved. Footpath 4.5m Deep soil 3m (excluding retaining wall thickness)
2. In regards the tower, i) Minimum 7.5m setback from the street boundary to the tower ii) Minimum 4.5m from any side (neighbouring) boundaries to the tower.	Satisfactory. 7.5m street to tower.

3. In addition to Control 1: a) Setbacks may be greater and street wall heights may be lower. b) Additional ground level setbacks are sought that contribute to public realm.	The Cambridge Lane side offers a generous publicly accessible space.	
Building Exterior:		
1. Facades are to be articulated and should incorporate recesses and projecting elements that do not encroach into required setbacks.	Satisfied.	
2. Extensive blank walls shall be avoided at street level.	Satisfied, scrutinised by Design excellence.	
Amenity		
A Wind Assessment shall be submitted at Development Application Stage.	Satisfactory.	
2. A detailed Acoustic Assessment shall be submitted at Development Application Stage.	Satisfactory.	
3. Residential units shall be designed to maximize solar access, cross ventilation, visual and acoustic privacy.	Satisfactory.	
Open Space and Landscaping		
1. Open space at ground level shall be available as publicly accessible open space.		
2. Tree planting must be provided along the Cambridge Lane frontage within the 6m setback area (3m being soft landscaping).	Satisfactory.	
3. All roofs up to 30 metres from ground are to be green roofs. These are to provide a balance of passive and active green spaces that maximize solar access.	Satisfactory.	
4. A minimum of 2 hours of sun access is to be provided to the public open space on the site.	Satisfactory.	
5. Public domain improvements shall be provided to all street frontages to Council requirements.	Satisfactory.	
6. A minimum of 20% of the site is to be provided as soft landscaping, which may be located on Ground, Podium and roof top levels or green walls of buildings.	Satisfied. 479m ² / 2290m ² = 21%	
7. Deep soil planting is to be provided within the setback to Cambridge Lane. Deep soil plantings include trees and shrubs, and are to be	Deep soil (129.8m ²) is provided within the setback to Cambridge Lane. A minimum 7% (ADG) is provided, notwithstanding less than 6m wide	

unimpeded by buildings or structures below ground.	(ADG) but assessed as sufficient but Council's Landscape Consultant in the circumstances of the case.	
8. A Landscape Plan is to be provided at Development Application stage detailing all public domain at ground level, street tree planting, planting and space allocation at podium and roof top levels. This is to include species, container size at planting, spacing and approximate size at maturity.	Satisfactory.	
9. Street tree planting is at the cost of the proponent, with location and species to be determined in consultation with Council at Development Application stage.	Draft conditions applied should the Panel be of a mind to approve the application.	
10. 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.	Draft conditions (undergrounding) applied should the Panel be of a mind to approve the application.	
Links		
1. The development is to incorporate publicly accessible through site links and open space in accordance with Map 4 below.	Not affected by Map 4, but access provided as described below.	
2. Through site links and open space in addition to Map 4 is required on a site by site basis.	Wide access path incorporated into the development parallel to Cambridge Lane. Draft conditions to require to be right-of-way for public use.	
3. The ground level setback on Help Street, McIntosh Street and Cambridge Lane is to be unobstructed, with the only exception being ground level landscaping.	Satisfactory access provided within landscaped setting.	
4. All publicly accessible open space and links are to be the responsibility of the relevant ownership entity, with an easement for public access to be created over these areas.	Draft conditions applied should the Panel be of a mind to approve the application.	

<p>Map 4; Through Site Links and Open Space</p>  <p>Image 6: The subjects site (within thin red circle and outlined in purple) is not affected by links, but a through site link is required by the DCP and provided.</p>		
<p>Active Street Frontages</p>		
<p>1. At ground level buildings are to maximise active frontages to Help Street, McIntosh Street and Cambridge Lane.</p>	<p>The street frontage is considered to satisfy the intent for activated street frontages. A substation – which is not given dispensation via cl 6.7 (4) fronts Help Street. In the unique circumstances of this case, Cambridge Lane offers additional active street frontage, such that the objectives of cl 6.7 are satisfied.</p>	
<p>2. A building has an active street frontage if all premises on the ground floor of the building facing the street(s) are used for the purpose of commercial premises or non-residential purposes and provide elements of visual interest when viewed from the street.</p>	<p>Satisfactory. All ground floor uses that front the street (except for services and access to residential parts) are commercial.</p>	
<p>Traffic and Transport</p>		
<p>1. Vehicle access to / egress from the development is to be minimised.</p>	<p>Satisfactory.</p>	

2. Vehicle access and egress is to be designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create a high quality streetscape.	Satisfactory.	
3. All car parking facilities are to be located below ground level. 4. Other strategies for car parking reduction, such as reciprocal arrangements for sharing parking and car share, are to be included in any future Development Application.	Satisfactory.	
Waste Management, Loading and Services		
1. All loading and unloading services are required to occur at basement level on-site.	Satisfactory. Condition regarding waste access.	
2. Other supporting functions such as garbage rooms, plant and other services are to be located in basement levels.	Satisfactory.	
3. A Waste Management Plan shall be submitted at the Development Application stage.	Satisfactory.	
4. Substations are to be provided within buildings, not within the streets, open spaces or setbacks and not facing key active street frontages. Substations are to be designed to ensure protection of residents from Electro Magnetic Radiation (EMR) emissions.	Variation in the circumstances of the case warrant support.	
Design Excellence		
All developments that have a height of 35m or more are subject to a competitive design process.	Satisfied.	
2. The competitive design process must be undertaken in accordance with the Willoughby Design Excellence Policy and Willoughby Design Excellence Guidelines.	Satisfied.	
Public Art		
Public Art is to be provided in accordance with Council's Public Art Policy.	Satisfied. Draft conditions applied should the Panel be of a mind to approve the application.	
Building Sustainability		
A minimum of 5 stars GBCA building rating is expected. A higher rating is encouraged. An assessment report is to be submitted at Development Application stage.		

Views

WDCP 2023 Part B provides for the residential components of shop top housing and mixed use developments in the business zones. At Part 2.1.12 View sharing it seeks, as far as possible that development maintain existing views from neighbouring properties, prioritising view loss from living areas.

No. 1 Cambridge Lane (Strata Plan No. 79233)

The submission from Milesotne states that the "... most affected apartment type at No. 1 Cambridge Lane is Apartment Type No. '03', which are east-facing, single aspect apartments". The submission says that there is a total of 44 east facing and south-east facing apartments at No. 1 Cambridge Lane impacted by the proposed development in this way.

The submission states that "... proposed tower component of the Development Application in its current form will result in a complete view loss, both district views from lower levels and iconic views from upper levels starting at Level 15".

The submission states that impacts on views are "... exacerbated by the proposed noncompliant building separation of 16.79m along Cambridge Lane, between the western elevation of the proposed development and the building at No. 1 Cambridge Lane". The submission refers to Part 2F ADG.

Part 2F deals with the application of building envelopes and primary controls including building height, floor space ratio, building depth, separation and setbacks. It provides tools to support the strategic planning process when preparing planning controls. In this case the site specific DCP (which has become Part 13.1.7) have already been created, so Part 2F has no work to do.

The WDCP 2023 objectives underpin the assessment of view loss. There is added texture in the case of *Tenacity Consulting v Warringah Council* [2004] NSWLEC 140 is the planning principle for views, and provides for a thorough assessment.

Step 1: The first step is the assessment of views to be affected.

The applicant states that:

".. the views from the east-facing and southeast facing residential units of No. 1 Cambridge Lane located above the landscaped roof terrace of "The Chatswood," access North Head, which is identified as an iconic view in addition to part of the Tasman Sea horizon to the east accessed via the view to North Head. Apartments on Levels 22 and 23 contain uninterrupted views of the horizon of the Tasman Sea as well as primary landmarks from Manly to Coogee along the metropolitan Sydney coastline without the partial obstruction of the Regency Towers". Photos are provided in the submission. Some are used here for ease of reference.

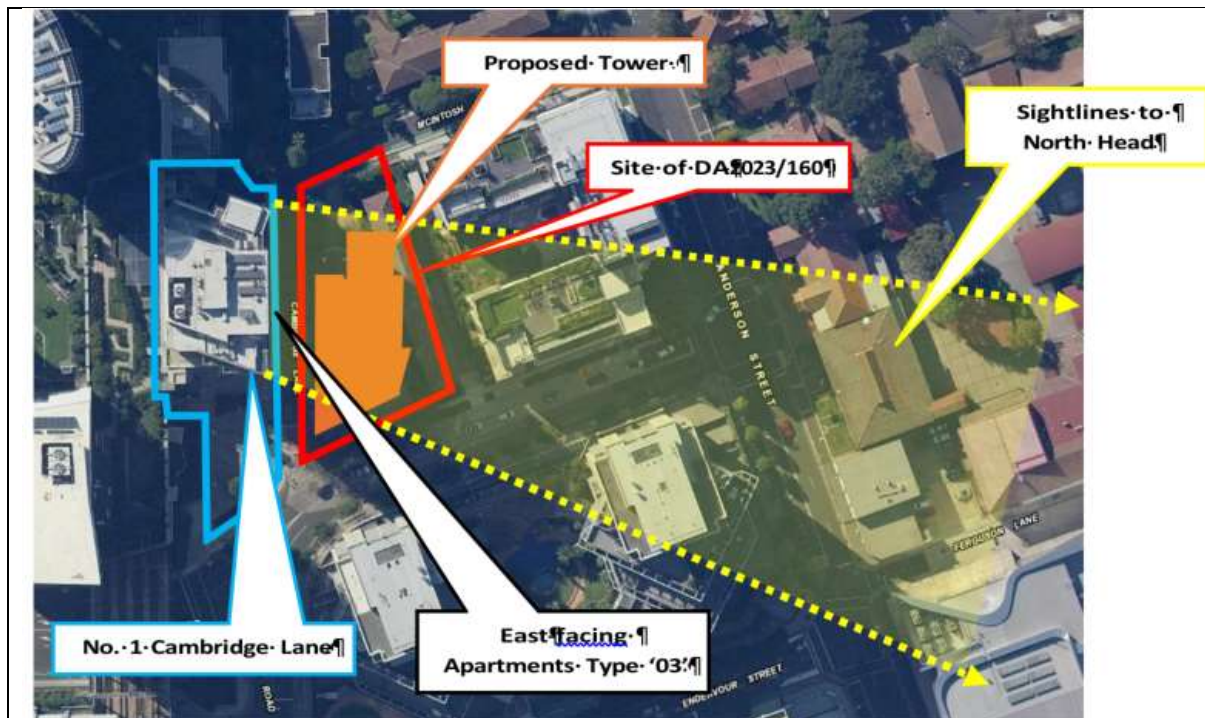


Image 7: The corridor of views from 1 Cambridge Lane (source: Milestone submission dated August 2024)

Image 8: The views from 1 Cambridge Lane apartment 1503 (Level 15) as shown in Milestone submission dated August 2024).





Image 9: The views from 1 Cambridge Lane apartment 803 (Level 8) as shown in Milestone submission dated august 2024), existing (left) and interpolated proposed (right).

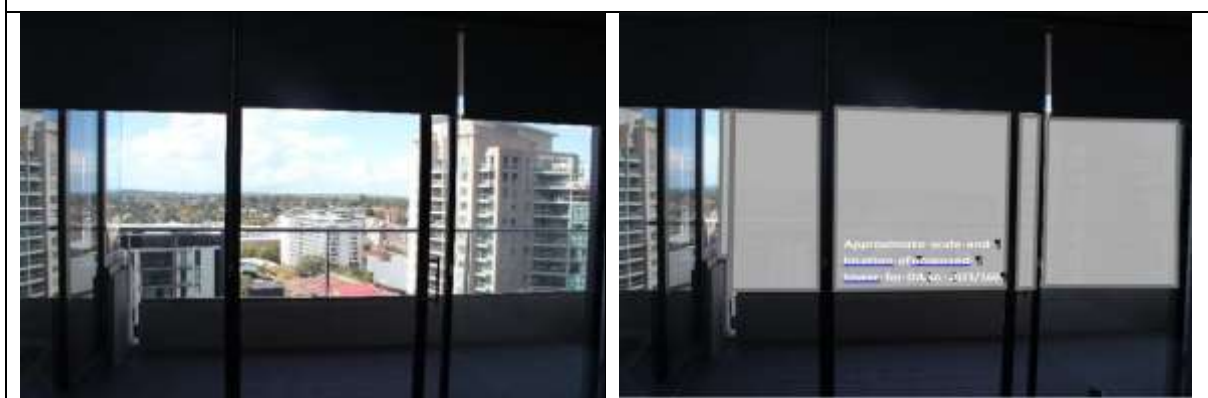


Image 10: The views from 1 Cambridge Lane apartment 1503 (Level 15) as shown in Milestone submission dated august 2024), existing (left) and interpolated proposed (right), from primary living area.

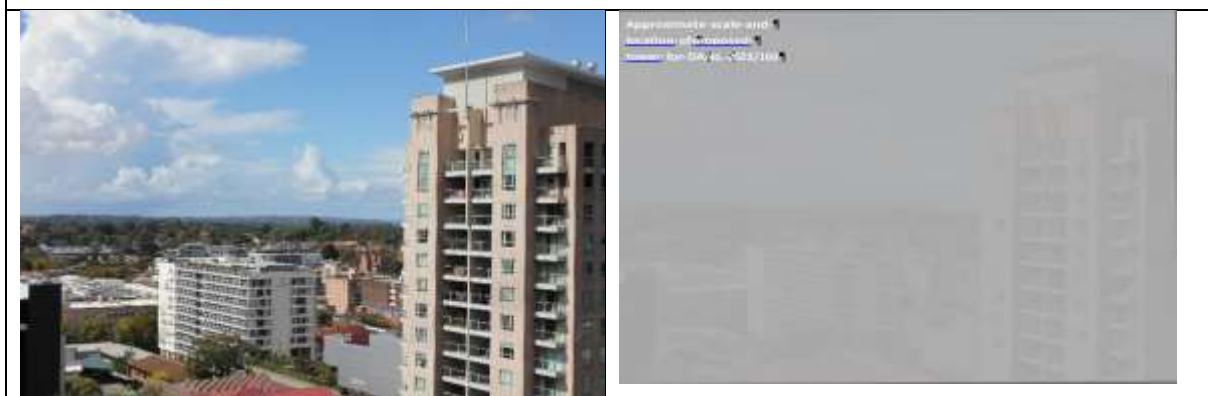



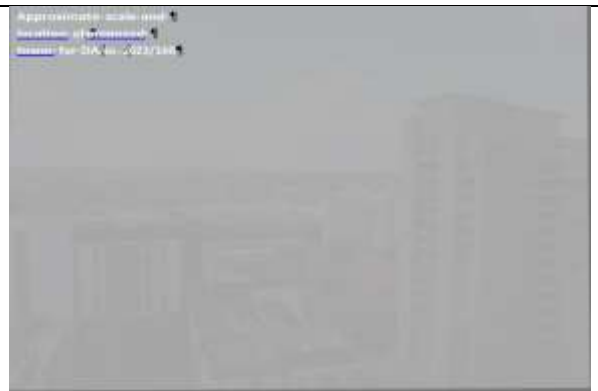
Image 11: The views from 1 Cambridge Lane apartment 1503 (Level 15) as shown in Milestone submission dated august 2024), existing (left) and interpolated proposed (right), from balcony.	
	
Image 12: The views from 1 Cambridge Lane apartment 1605 (Level 16) as shown in Milestone submission dated august 2024), existing (left) and interpolated proposed (right), from balcony.	



Image 13: The views from 1 Cambridge Lane apartment 2303 (Level 23) as shown in Milestone submission dated august 2024), existing (left) and interpolated proposed (below right), from balcony. North Head is send 3 quarters along horizon.



Step 2: The second step is to consider from what part of the property the views are obtained

Milestone's submission confirms that: "The iconic views are obtained from residents from Level 15 upwards of the building at No. 1 Cambridge Lane. The views are obtained from the eastern or primary façade of the building facing Cambridge Lane" and that "... the iconic views are obtained from primary living areas (e.g. living rooms) and balconies (private open space) from a standing position".

Step 3: The third step is to assess the extent of the impact.

The applicant says that:

“East-facing and south-east facing apartments on Levels 15 to 23 are considered the worst impacted apartments. The view of the land and water interface between North Head and the Tasman Sea will be completely lost, which is a significant view loss impact.

Apartments facing to the north and west as well as east-facing and south-east facing apartments below Level 9 are the least impacted apartments that would experience moderate or severe view loss, qualitatively speaking.

The fourth step is to assess the reasonableness of the proposal that is causing the impact. The Land and Environment Court principles states “a development that complies with all planning controls would be considered more reasonable than one that breaches them.

The Milestone submission states that: “The proposal is considered unreasonable in this regard. The severe and devastating loss of uninterrupted eastern and southeastern views for the benefit of residents of the proposed redevelopment is totally unreasonable and unnecessary.

I respectfully submit that the proposal does meet the development controls, including the quantum of development (FSR), building height and the manner in which it is distributed (DCP setbacks). ADG privacy objectives (Part 3F) are satisfied at its setbacks and with devices. Part 2F is not the working part for setbacks. Now, could a more skilful design provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. The Milestone submission says that an alternative design could:

- improve view sharing to retain sightline access from No. 1 Cambridge Lane to significant iconic views to the North Head
- increase building separation between No. 1 Cambridge Lane and the proposal
- establish a defined podium level with increased separation setback on the western elevation of the proposed development, “... in compliance with Part E.1.3 of the WDCP 2006 and the Apartment Design Guide”
- reduce visual bulk impacts and a ‘canyon effect’; “specifically for pedestrians using Cambridge Lane, as well as for the occupants of No. 1 Cambridge Lane”.

The applicant has had regard to issues about views and states as follows:

“The site is within a dense urban environment and went through a site-specific planning proposal with site-specific DCP. The tower is set well within the LEP/DCP envelope, and as demonstrated in the Urban Design Report, went through a rigorous assessment of the surrounding context which has shaped the design of the building to retain reasonable solar access to not only to 1 Cambridge Lane, but the apartment development at 2A Help Street to the south.

The suggestion in a submission for complete reorientation and shifting of the tower to the northeast fails to appreciate the inadvertent adverse impacts (e.g. overshadowing) this would generate to other surrounding developments such as 2A Help Street. The design of the development achieves a suitable balance of solar access and view-sharing. It cannot be reasonably expected that every surrounding apartment would be unaffected by upzoning and high-rise redevelopment in the dense, urban Chatswood CBD built environment.

Furthermore, Chatswood CBD has been the subject of several years of strategic planning and subsequent rezoning to facilitate high-density mixed-use development

within the centre. Through the strategic planning process, Council would have considered the potential impacts of additional density on adjoining constrained sites, including the site-specific planning proposal for the subject site”.

The planning proposal that informed the uplift to the subject site, now followed across the CBD with LEP amendment 34, is the culmination of a long-term, locality-wide strategy to:

- Ensure the growth of the Chatswood CBD area is organised and targeted
- Encourage the creation of new jobs within the locality
- Increase density with public benefits including a design review process, increased affordable housing and public through-site links.

There are impacts on the views currently enjoyed by 1 Cambridge, as well as other sites, however the proposal is reasonable in the circumstances that it satisfies the controls that apply to the site, which itself is a sign that the proposal meets with the intent and public expectation of the controls.

Overshadowing

WDCP 2023 Part B 2.1.9 requires that development maintain and provide a reasonable level of solar access to both residents of development and adjoining properties.

The applicant prepared a submission to deal with the overshadowing impact on surrounding properties, including 1 Cambridge Lane and 2A Help Street.

The applicant says:

“The design competition winning proposal has been designed with due consideration of neighbouring developments and the need to retain reasonable levels of solar access. The Urban Design Report provided as part of the DA lodgement package discusses how the building envelope has been carved to protect solar access to the apartments of 1 Cambridge Lane and 2A Help St”.

A submission by Orbit Planning was made for 2A & 2B Help Street, raised concern about overshadowing to units and communal open space,. The applicant provided the following to indicate sufficient solar access to communal open space and units at this property.

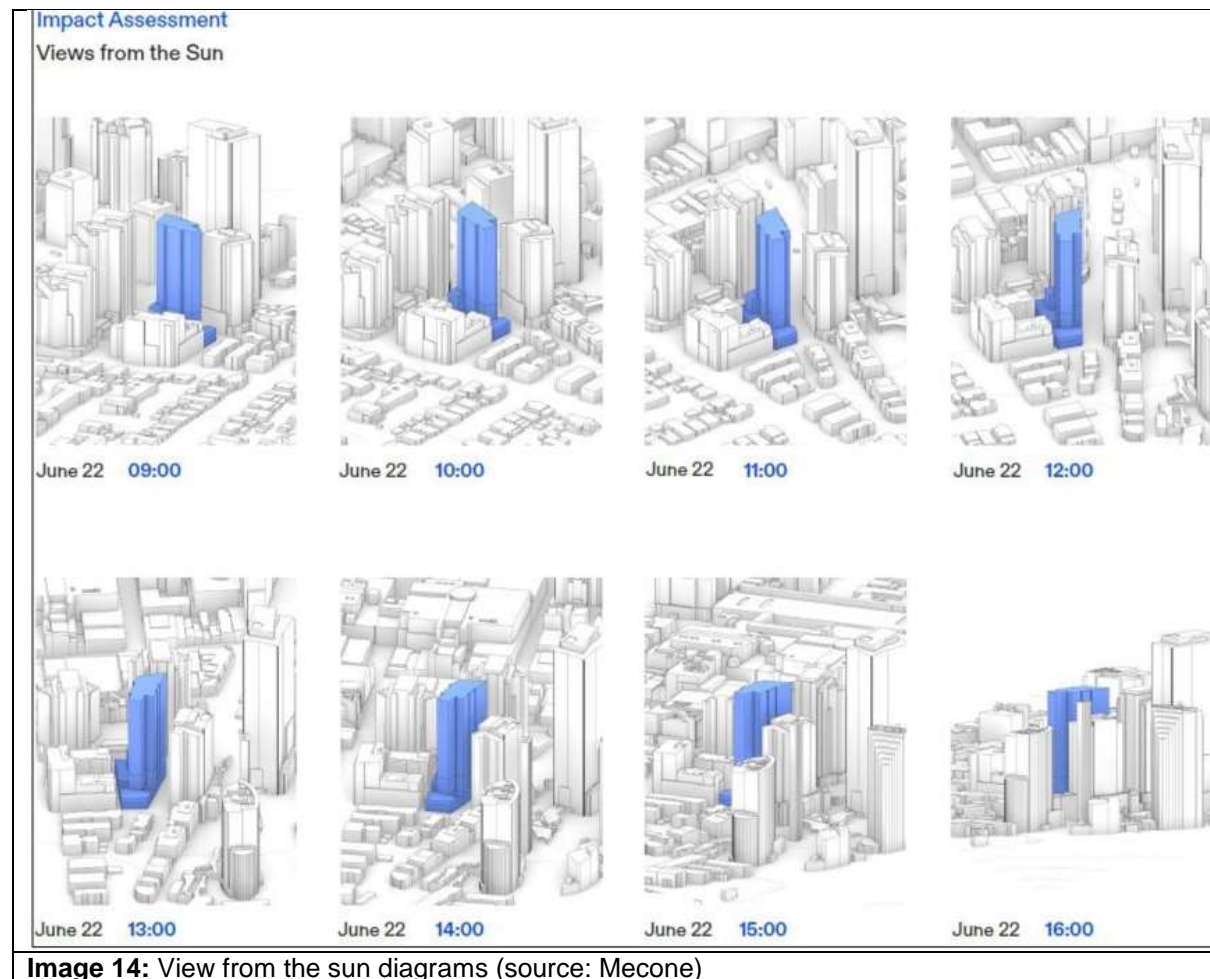
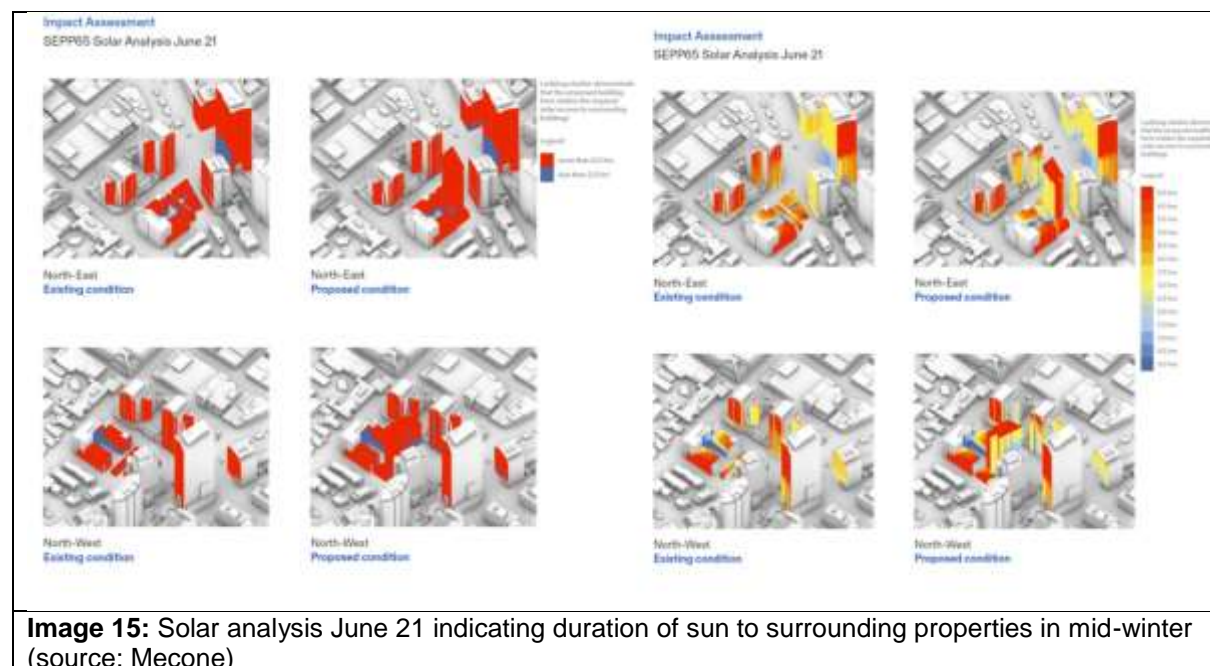


Image 14: View from the sun diagrams (source: Mecone)

Additional solar access studies were undertaken to indicate the levels of solar access to surrounding properties:



The above information shows that there is sufficient solar access to surrounding properties.

ATTACHMENT 5: SUBMISSIONS TABLE

The application was notified three times, where 82 submissions in total were received. It was notified from 14 July to 4 August 2023, 17 November to 15 December 2023 and from 3 May 2024 (the last period where 17 submissions were received).

Issue / Concern		
Privacy		
Property (note: some address not provided by submitters)	Assessment Planner Response	
2108/7 Railway St, Chatswood 803/1 Cambridge Ln, Chatswood 522/28 Anderson St, Chatswood 32B Derby Rd, Hornsby 2108/7 Railway St, Chatswood 9 Railway St, Chatswood (no unit number given) 2003/1 Cambridge Ln, Chatswood 1009/9 Railway St, Chatswood 2603/9 Railway St, Chatswood Railway St, Chatswood (no unit given) 1109/9 Railway St, Chatswood 6/1 Day St, Chatswood 2103/1 Cambridge Ln, Chatswood 1703/9 Railway St, Chatswood 2002/9 Railway St, Chatswood SP 94816 & DP 1222888 from 28-30 Anderson St Chatswood 203/1 Cambridge Ln, Chatswood 703/1 Cambridge Ln, Chatswood 1508/9 Railway St, Chatswood 1801/9 Railway St, Chatswood 2701/9 Railway St, Chatswood 2A Help St, Chatswood	<p>Refer to the commentary under the subheading Part 3F Privacy in this report. The proposal satisfies the ADG requirements for privacy.</p> <p>SP 94816 & DP 1222888 from 28-30 Anderson St Chatswood (letter from Paul Simpson) requests that the windows that are facing 28-30 Anderson Street) be half height windows to “reduce the ability of overlooking”. A condition requires some translucency (frothing) to glazing on Levels 3 to 5 to the east-facing living room window (units 3.03, 4.03, 5.03) to aid privacy mitigation to the east.</p> <p>A condition also requires the privacy screens shown on Drawing 5201 and 5202 both Rev A to be detailed on the Construction Certificate plans prior to the issue of the Construction Certificate.</p>	
Visual impact / Building Height <ul style="list-style-type: none">Scale and character does not correspond to streets and the local areaOverdevelopment		
Property	Assessment Planner Response	
2108/7 Railway St, Chatswood 2808/7 Railway St, Chatswood 803/1 Cambridge Ln, Chatswood Railway St (no address provided) 701/11 Railway St, Chatswood 32B Derby Rd, Hornsby 6/1 Day St, Chatswood	<p>The proposal satisfies the suite of controls that determine a compliant building envelope.</p> <p>Strata committee SP 74513 (Epica 9 Railway Street, Chatswood) & SP 72068 (1 Day Street, Chatswood)</p>	

9 Railway St, Chatswood (no unit number given)
2A Help St, Chatswood
2103/2A Help St, Chatswood
3103/9 Railway St, Chatswood
2 Kimberley St, East Killara
1109/9 Railway St,
Chatswood
6/1 Day St, Chatswood
2103/1 Cambridge Ln,
Chatswood
2207/9 Railway St,
Chatswood
Strata committee SP 74513
(Epica 9 Railway Street,
Chatswood) & SP 72068 (1
Day Street, Chatswood)
1601/9 Railway St, Chatswood
1703/9 Railway St, Chatswood
703/1 Cambridge Ln,
Chatswood
1808/7 Railway St, Chatswood
1801/9 Railway St, Chatswood
2701/9 Railway St, Chatswood
2A Help St, Chatswood
2213/2A Help St, Chatswood

raises concerns that the proposed podium does not comply with the setback controls outlined in Part E.3.10 WDCP, and that the proposal does not satisfy the ADG (namely setbacks and communal open space).

2203/1 Cambridge Lane, Chatswood states that “the CBD strategy of 90m height does not mean that a 90m building is appropriate in a specific site”. Further, that “the height of DA-2023/160 should be decreased to demonstrate orderly, controlled and decent execution of the CBD Strategy”.

WDCP 2023 Part L 13.1.7 Figure 29 shows 3m from Cambridge Lane for podium and 4.5m above-podium setback to tower. The proposal has a greater setback at the podium (7.5m) to allow for the public access way. This is satisfactory.

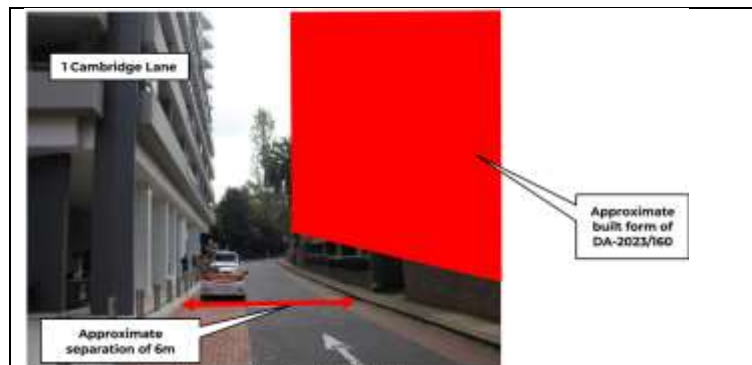


Image 16: interpolation of built form on Cambridge Lane
(source: Milestone 9 August 2023)

Table 3 - Part 26 Building Separation - Apartment Design Guide	
Criteria	Compliance
<p>Minimum separation distances for buildings and lot-to-lot street/sewerage/pavement (LSP)</p> <ul style="list-style-type: none"> • 2m between habitable room/balconies • 3m between habitable and non-habitable rooms • 3m between non-habitable rooms <p>Fire ratings (sewerage/lot-to-lot)</p> <ul style="list-style-type: none"> • 30m (apartment/habitable room/balconies) • 2m between habitable and non-habitable rooms • 3m between non-habitable rooms <p>Roofing and above (roof level)</p> <ul style="list-style-type: none"> • 2m between habitable room/balconies • 3m between habitable and non-habitable rooms • 2m between non-habitable rooms 	<p>Does not comply.</p> <p>The proposed development complies a part lot-to-lot street/sewerage/pavement with a 24-hourly residential lower. The lower provides a setback of 2m to the street boundary for Levels 2-25.</p> <p>The proposed building maintains from the western elevation of the proposed lower development to the eastern elevation of Nuff Centre Lane is 8.00m, which is not compliant with the minimum setback of 3m between habitable room/balconies outlined in that part of the ADG.</p> <p>Essentially, the separation setback provided between buildings 5 m above and below is non-compliant and there is no adequate justification to support the non-</p>

Image 17: ADG Building separation (source: Milestone 9 August 2023)

The submission from Milestone on behalf of Strata committee SP 79233 of 1 Cambridge Ln Chatswood suggests a “mirror-flip of the tower component, reduction in the building footprint of the tower, and rotation of the tower anti-clockwise to align the eastern and northern boundaries of the subject site”.

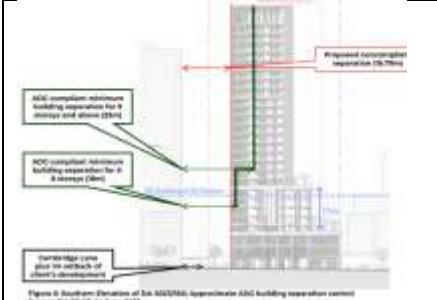
Milestone states that this would provide improved view sharing, improved building separation, defined podium, improved solar access and alleviate visual bulk and a “canyon effect” particularly for pedestrians using Cambridge Lane.

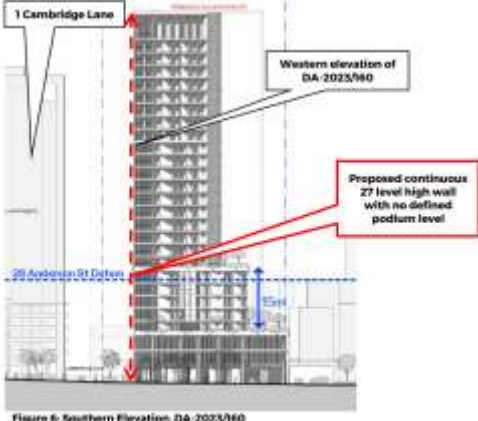
	<p>Further, a concern is raised that feng shui calls for reconsideration of the orientation of the pointed tower away from 1 Cambridge Lane. The submission says that the south-west pointed corner of the proposed tower is currently directed to the 1 Cambridge Lane, which is considered bad feng shui.</p> <p>The proposal is a reasonable response to the site.</p>
Overshadowing	
Property	Assessment Planner Response
2108/7 Railway St, Chatswood 7 Railway St, Chatswood (no unit number provided) 1409/7 Railway St, Chatswood 7 Amarna Pde, Roseville 2808/7 Railway St, Chatswood 522/28 Anderson St, Chatswood 2803/9 Railway St, Chatswood 6/1 Day St, Chatswood 2108/7 Railway St, Chatswood 1 Day St, Chatswood (no unit number provided) 903/1 Cambridge Ln, Chatswood 2302/1 Cambridge Ln, Chatswood 9 Railway St, Chatswood (no unit number given) 2A Help St, Chatswood 1009/9 Railway St, Chatswood 3505/7 Railway St, Chatswood 3103/9 Railway St, Chatswood Railway St, Chatswood (no unit provided) 31 Fairholm St, Strathfield 601/2A Help St, Chatswood 711/30 Anderson St & 38/1 Day Street, Chatswood 310/9 Railway St, Chatswood 1302/9 Railway St, Chatswood 9 Railway St, Chatswood (no unit given) 1209/7 Railway St, Chatswood 6/1 Day St, Chatswood 2103/1 Cambridge Ln, Chatswood 2508/9 Railway St, Chatswood 1601/9 Railway St, Chatswood 1703/9 Railway St, Chatswood 2002/9 Railway St, Chatswood 2002/9 Railway St, Chatswood 1401/7 Railway St, Chatswood 2203/1 Cambridge Lane, Chatswood 203/1 Cambridge Ln, Chatswood 1808/7 Railway St, Chatswood	<p>Concerns are raised that the proposal will impact 2A Help Street, 1 Cambridge Lane and the Era building, particularly the “street level public green space and elevated private open space & gardens at 7 Railway Street”.</p>  <p>Image 17: Aerial photo of street level green open space and elevated private open space and gardens (source: Objection letter by William Ly dated 03/08/2023).</p>  <p>image 18: Relationship of proposal with 1 Cambridge Lane</p>

<p>Strata committee SP 79233 of 1 Cambridge Ln Chatswood 2A Help St Chatswood Shop 2, 3 & 4 on 1 Help St Chatswood 2305/7 Railway St, Chatswood 2A Help St, Chatswood 10 Sturdee Pde, Dee Why 1503/1 Cambridge Ln, Chatswood</p>	<div data-bbox="630 192 1305 566"> </div> <p>Image 17: relationship of 2A Help St Chatswood with the site.</p> <p>Overshadowing is discussed under WDCP and the sub-heading overshadowing earlier in this report. The proposal is satisfactory in its current form.</p>
<p>Loss of views</p>	
<p>Property</p>	<p>Assessment Planner Response</p>
<p>2108/7 Railway St, Chatswood 7 Railway St, Chatswood (no unit number provided) 1409/7 Railway St, Chatswood 803/1 Cambridge Ln, Chatswood 2803/9 Railway St, Chatswood 2108/7 Railway St, Chatswood 1 Day St, Chatswood (no unit number provided) 2A Help St, Chatswood 711/30 Anderson St & 38/1 Day Street, Chatswood 310/9 Railway St, Chatswood 1302/9 Railway St, Chatswood 9 Railway St, Chatswood (no unit given) 1209/7 Railway St, Chatswood 6/1 Day St, Chatswood 1703/9 Railway St, Chatswood 2002/9 Railway St, Chatswood 2203/1 Cambridge Lane, Chatswood 703/1 Cambridge Ln, Chatswood 1508/9 Railway St, Chatswood 1808/7 Railway St, Chatswood Strata committee SP 79233 of 1 Cambridge Ln Chatswood 2305/7 Railway St, Chatswood 10 Sturdee Pde, Dee Why 1503/1 Cambridge Ln, Chatswood</p>	<p>Views is discussed earlier in this report under WDCP and the subheading “Views”.</p> <p>The proposal is satisfactory in its current form.</p>

Ventilation	
1503/1 Cambridge Ln, Chatswood	One submitter says that they currently enjoy “easterly breeze in summer and this will be blocked under the proposal”. The proposal is satisfactory in its current form.
Floor Space Ratio excessive	
803/1 Cambridge Ln, Chatswood	The floor space ratio complies.

Traffic Congestion and Parking	
Property	Assessment Planner Response
2108/7 Railway St, Chatswood 2808/7 Railway St, Chatswood 803/1 Cambridge Ln, Chatswood 701/11 Railway St, Chatswood Chatswood West Ward Progress Association (CWWPA) 2803/9 Railway St, Chatswood 32B Derby Rd, Hornsby 6/1 Day St, Chatswood 2108/7 Railway St, Chatswood 903/1 Cambridge Ln, Chatswood 2302/1 Cambridge Ln, Chatswood 9 Railway St, Chatswood (no unit number given) 701/1 Cambridge Ln, Chatswood 2003/1 Cambridge Ln, Chatswood 3505/7 Railway St, Chatswood 2603/9 Railway St, Chatswood 3103/9 Railway St, Chatswood 31 Fairholm St, Strathfield 2207/9 Railway St, Chatswood 601/2A Help St, Chatswood 711/30 Anderson St & 38/1 Day Street, Chatswood 2 Kimberley St, East Killara 310/9 Railway St, Chatswood 7 Railway St, Chatswood (no unit given) 1109/9 Railway St, Chatswood 1 Cambridge Ln, Chatswood 1302/9 Railway St, Chatswood 9 Railway St, Chatswood (no unit given) 6/1 Day St, Chatswood 2508/9 Railway St, Chatswood 2207/9 Railway St, Chatswood	Chatswood West Ward Progress Association (CWWPA) raises concerns about parking. 2A Help St Chatswood raises concern about parking non-compliance. The parking provision complies. Council’s traffic engineer has assessed the proposal as satisfactory.

<p>Strata committee SP 74513 (Epica 9 Railway Street, Chatswood) & SP 72068 (1 Day Street, Chatswood) 1703/9 Railway St, Chatswood 2002/9 Railway St, Chatswood 1501/9 Railway St, Chatswood 2203/1 Cambridge Lane, Chatswood 203/1 Cambridge Ln, Chatswood 15 Tessa St, Chatswood 1808/7 Railway St, Chatswood 2A Help St Chatswood 1801/9 Railway St, Chatswood 2701/9 Railway St, Chatswood Shop 2, 3 & 4 on 1 Help St Chatswood Railway St (no unit provided) 1607/11 Railway St, Chatswood 2213/2A Help St, Chatswood 38/1 Day St, Chatswood</p>	
<p>Setbacks</p>	
<p>803/1 Cambridge Ln, Chatswood Strata committee SP 79233 of 1 Cambridge Ln Chatswood (by Milestone)</p>	<p>Concerns relate to non-compliance with setbacks, with suggestions for increasing the setback. A more detailed discussion about ADG setbacks is provided under ADG setbacks earlier in the report. The proposal is satisfactory in its current form.</p> <div data-bbox="608 1234 1046 1532">  </div> <p>Image 17: Southern elevation and approximate ADG separation line suggestion by objector (source: Milestone, 9 August 2023)</p>
<p>No defined podium level</p>	
<p>Strata committee SP 79233 of 1 Cambridge Ln Chatswood (by Milestone)</p>	<p>Concerns are raised that the proposal has no defined podium level, so presents as a continuous high wall “with no defined levels to break up the building mass”. The objector (Milestone) states that the proposal “is not compliant with Part E.1.3 ‘Design and Streetscape Design Quality’ of WDCP 2006, which seeks to reduce building bulk and scale impacts on the surrounding environment”.</p>

	 <p>Image 18: southern elevation, no podium (source: Milestone, 9 August 2023)</p> <p>The proposal is satisfactory in its current form.</p>
Excessive wind / wind tunnelling	
Property 2108/7 Railway St, Chatswood 2808/7 Railway St, Chatswood 2803/9 Railway St, Chatswood 6/1 Day St, Chatswood 2302/1 Cambridge Ln, Chatswood 9 Railway St, Chatswood (no unit number given) 506/1 Cambridge Ln, Chatswood 3505/7 Railway St, Chatswood 3103/9 Railway St, Chatswood 1109/9 Railway St, Chatswood 1302/9 Railway St, Chatswood 9 Railway St, Chatswood (no unit given) 6/1 Day St, Chatswood 2508/9 Railway St, Chatswood 1703/9 Railway St, Chatswood 2002/9 Railway St, Chatswood 1401/7 Railway St, Chatswood 1808/7 Railway St, Chatswood	Assessment Planner Response A wind assessment accompanies the application and is found to be satisfactory.
Commercial use unwanted	
Property 2508/9 Railway St, Chatswood	Assessment Planner Response Concerns are raised that the commercial use associated with the development is “unwanted” and brings “unnecessary commercialisation to the area”. Chatswood

	CBD Strategy seeks to revitalise and activate the city with non-residential uses.
Pressure on infrastructure	
Property	Assessment Planner Response
2108/7 Railway St, Chatswood 2808/7 Railway St, Chatswood 6/1 Day St, Chatswood 2108/7 Railway St, Chatswood 1 Day St, Chatswood (no unit number provided) 2302/1 Cambridge Ln, Chatswood 506/1 Cambridge Ln, Chatswood 1302/9 Railway St, Chatswood 9 Railway St, Chatswood (no unit given) 6/1 Day St, Chatswood 2103/1 Cambridge Ln, Chatswood 2203/1 Cambridge Lane, Chatswood 703/1 Cambridge Ln, Chatswood 1808/7 Railway St, Chatswood 1607/11 Railway St, Chatswood 2213/2A Help St, Chatswood 38/1 Day St, Chatswood	Concerns are raised that the proposal will add pressure on schools. The proposal aligns with the Chatswood CBD Strategy and is considered a satisfactory response for the site and its surrounds.
Impact on Levies related to two parks between Epica and ERA	
7 Railway Street, Chatswood	Concerns relate to an increase in usage of the parks between Epica and ERA, ERA and Cambridge, and potential increase in levies for maintenance as a result. The proposal will deliver a public good in its through site link, contributing its own value to the area.
Noise pollution	
Property	Assessment Planner Response
7 Railway Street, Chatswood 7 Railway St, Chatswood (no unit number provided) 2808/7 Railway St, Chatswood 1105/1 Cambridge Ln, Chatswood 3505/7 Railway St, Chatswood 601/2A Help St, Chatswood 711/30 Anderson St & 38/1 Day Street, Chatswood	Council's Environmental Health Officer finds the Acoustic Report satisfactory.

7 Railway St, Chatswood (no unit given) 1109/9 Railway St, Chatswood 703/1 Cambridge Ln, Chatswood 2A Help St, Chatswood 10 Sturdee Pde, Dee Why	
Impact on residential amenity, general well-being and mental health, loss of sense of security	
1105/1 Cambridge Ln, Chatswood 1009/9 Railway St. Chatswood 31 Fairholm St, Strathfield 2207/9 Railway St, Chatswood 1601/9 Railway St, Chatswood Shop 2, 3 & 4 on 1 Help St Chatswood 2305/7 Railway St, Chatswood 2213/2A Help St, Chatswood	The proposal is considered to be a positive contribution to the area.
Glare nuisance from plant room and solar panels	
7 Railway St, Chatswood (no unit number provided) 1409/7 Railway St, Chatswood	A condition is imposed to ensure no glare nuisance from the solar panels.
Reducing air flow	
1009/9 Railway St. Chatswood	The proposal is considered to be a positive contribution to the area.
Inconsistency with DCP	
Strata committee SP 79233 of 1 Cambridge Ln Chatswood	Concerns relate primary to setbacks contained within the Site Specific DCP. The proposal satisfies the DCP.
Loss of value of property	Assessment Planner Response
2108/7 Railway St, Chatswood 803/1 Cambridge Ln, Chatswood 2108/7 Railway St, Chatswood 601/2A Help St, Chatswood 203/1 Cambridge Ln, Chatswood 703/1 Cambridge Ln, Chatswood 10 Sturdee Pde, Dee Why 1503/1 Cambridge Ln, Chatswood	The proposal is considered to be a positive contribution to the area in general terms, providing a design capable of design excellence.

Increase in air pollution	
2603/9 Railway St, Chatswood	Council's Environmental Health Officer has assessed the proposal as satisfactory.
Loading dock delivery / service vehicles	
2A Help St Chatswood	Concerns raised that "all trucks using the SRV loading bay and MRV loading bay will need to undertake 3 point turns across the full width of the internal driveway in order to exit the site in a forward direction" and the impact on the road system. Council's development and traffic engineers have assessed the proposal as satisfactory.
Safety concerns for childcare centre at 1 Cambridge	
1801/9 Railway St, Chatswood 2701/9 Railway St, Chatswood	A Construction Traffic Management Plan is required by condition.
Failure to satisfy Design Excellence Requirements	
Strata committee SP 74513 (Epica 9 Railway Street, Chatswood) & SP 72068 (1 Day Street, Chatswood)	Design Excellence requirements have been served to the satisfaction of Council's Urban Design Specialist.
Emergency services (access)	
2808/7 Railway St, Chatswood	Concerns are raised that the width of roads is insufficient for emergency services to access the building in the event of an emergency.
Proposal promotes a "concrete jungle"	
2808/7 Railway St, Chatswood 803/1 Cambridge Ln, Chatswood	Satisfies WLEP and WDCP and ADG.
Apartment design guide compliance	
522/28 Anderson St, Chatswood	ADG satisfied.
Capability of Stormwater system to accommodate development	
522/28 Anderson St, Chatswood 2A Help St Chatswood	Council's development engineers have assessed the proposal as satisfactory.
Overcrowding, crime, social conflict	

No adders provided 2108/7 Railway St, Chatswood	NSW Police have issued a referral with conditions.
Demolition nuisance / risk of damage to surrounding properties during construction	
506/1 Cambridge Ln, Chatswood SP 94816 & DP 1222888 from 28-30 Anderson St Chatswood 203/1 Cambridge Ln, Chatswood Strata committee SP 79233 of 1 Cambridge Ln Chatswood (by Milestone) 2A Help St Chatswood	<p>SP 94816 & DP 1222888 from 28-30 Anderson St Chatswood requests private dilapidation reports funded by the developer.</p> <p>2A Help St Chatswood is concerned about vibration and noise impacts during construction. Requests a Construction Noise and Vibration Management Plan and a Air Quality Assessment to “address potential dust impacts associated with the excavation of the 4 level basement” , dilapidation report</p> <p>The draft conditions of consent, should be Panel be of a mind to support the application, a Demolition, Excavation and Construction Noise and Vibration Management Plan (CNVMP). In addition, a Construction Noise and Vibration Plan was submitted to accompany the development application (Ref: 2200555-1, dated 28 Nov 2023_) by Pulse Noise. This report does acknowledge that works may have the potential to exceed the noise management level “when working within proximity of the residential receiver” but concludes that there are “suitable treatments, management controls, perioding measurements and community engagement” can be achieved. The condition to require an additional report, in addition to these findings, is considered to satisfactory address potential for construction noise impacts.</p>
Urban Heat	
1501/9 Railway St, Chatswood	Satisfied.
Affordable Housing	
15 Tessa St, Chatswood	Concerns are raised that the affordable housing provision is insufficient. It satisfies the WLEP.
Lack of duty of care to residents	
608/11 Railway St	<p>Concerns that there is a lack of duty of care to residents with regards to the height of this and other buildings under the new controls. Suggested remedy is “.. plenty of other opportunities within the Willoughby Council area for medium density housing”.</p> <p>The question put by Mr Jones is” Is it reasonable to severely damage the lives of so many local residents in order to create more housing when there are other options available?”</p>

	The proposal is a reasonable design response for the site, with public benefit and demonstrated capability for design excellence.
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ATTACHMENT 6: SECTION 4.15 ASSESSMENT

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

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

(a)(i)	The provisions of any environmental planning instrument (EPI)	
	<ul style="list-style-type: none"> State Environmental Planning Policies (SEPP) 	✓
	<ul style="list-style-type: none"> Regional Environmental Plans (REP) 	✓
	<ul style="list-style-type: none"> Local Environmental Plans (LEP) 	✓
	Comment: The proposal 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) 	✓
	<ul style="list-style-type: none"> Draft Regional Environmental Plans (REP) 	✓
	<ul style="list-style-type: none"> Draft Local Environmental Plans (LEP) 	✓
	Comment: The proposal is satisfactory having regard to the LEP and draft (now made) LEP.	
(a)(iii)	Any development control plans	
	<ul style="list-style-type: none"> Development control plans (DCPs) 	✓
	Comment: The proposal is satisfactory having regard to the DCP.	
(a)(iv)	Any matters prescribed by the regulations	
	<ul style="list-style-type: none"> Clause 92 EP&A Regulation-Demolition 	✓
	<ul style="list-style-type: none"> Clause 93 EP&A Regulation-Fire Safety Considerations 	✓
	<ul style="list-style-type: none"> Clause 94 EP&A Regulation-Fire Upgrade of Existing Buildings 	N/A
	Comment: The proposal is satisfactory having regard to the Regulations. Conditions of consent relating to fire equipment have been applied.	
(b)	The likely impacts of the development	
	<ul style="list-style-type: none"> Context & setting 	✓
	<ul style="list-style-type: none"> Access, transport & traffic, parking 	✓
	<ul style="list-style-type: none"> Servicing, loading/unloading 	✓
	<ul style="list-style-type: none"> Public domain 	✓
	<ul style="list-style-type: none"> Utilities 	✓
	<ul style="list-style-type: none"> Heritage 	✓
	<ul style="list-style-type: none"> Privacy 	✓
	<ul style="list-style-type: none"> Views 	✓
	<ul style="list-style-type: none"> Solar Access 	✓
	<ul style="list-style-type: none"> Water and draining 	✓
	<ul style="list-style-type: none"> Soils 	✓
	<ul style="list-style-type: none"> Air & microclimate 	✓
	<ul style="list-style-type: none"> Flora & fauna 	✓
	<ul style="list-style-type: none"> Waste 	✓
	<ul style="list-style-type: none"> Energy 	✓
	<ul style="list-style-type: none"> Noise & vibration 	✓
	<ul style="list-style-type: none"> Natural hazards 	✓
	<ul style="list-style-type: none"> Safety, security crime prevention 	✓
	<ul style="list-style-type: none"> Social impact in the locality 	✓
	<ul style="list-style-type: none"> Economic impact in the locality 	✓
	<ul style="list-style-type: none"> Site design and internal design 	✓

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

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

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

ATTACHMENT 7: SCHEDULE OF CONDITIONS

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
Site demolition plan	0102	A	12.06.2023	Em Be Ce
Proposed site plan	0110	A	12.06.2023	Em Be Ce
Public Domain Plan	0111	B	22.02.2024	Em Be Ce
B03 Plan	1001	B	22.02.2024	Em Be Ce
B04 Plan	1002	B	22.02.2024	Em Be Ce
B01 Plan	1003	B	22.02.2024	Em Be Ce
LG Plan	1010	B	22.02.2024	Em Be Ce
UG Plan	1011	B	22.02.2024	Em Be Ce
LG Plan	1010	B	22.02.2024	Em Be Ce
L01 Plan	1101	A	12.06.2023	Em Be Ce
L02 Plan	1102	B	22.02.2024	Em Be Ce
L03 Plan	1103	B	22.02.2024	Em Be Ce
L04 -05 Plan	1104	B	22.02.2024	Em Be Ce
L06 Plan	1106	B	22.02.2024	Em Be Ce
L07-18 Plan	1107	B	22.02.2024	Em Be Ce
L19-24 Plan	1122	B	22.02.2024	Em Be Ce
L25 Plan	1125	B	22.02.2024	Em Be Ce
Roof Plan	1126	A	12.06.2023	Em Be Ce
West Elevation Cambridge Lane	2000	B	22.02.2024	Em Be Ce
North Elevation McIntosh Street	2001	B	12.06.2023	Em Be Ce
East Elevation	2002	B	22.02.2024	Em Be Ce
South Elevation Help Street	2003	B	22.02.2024	Em Be Ce
Section North-South	3000	B	22.02.2024	Em Be Ce
Section East-West	3001	B	22.02.2024	Em Be Ce
Driveway Ramp Plan	4500	B	22.02.2024	Em Be Ce
Driveway Ramp Sections	4501	B	22.02.2024	Em Be Ce
Material Palette	9900	A	12.06.2023	Em Be Ce
Stormwater Coversheet	301351072	04	12/06/2024	Stantec
General Notes	CI-007-001	C	15/6/2023	Stantec
Demolition Plan	CI-030-001	D	22/5/24	Stantec

Willoughby City Council

Existing Conditions Plan	CI-050-001	C	22/5/24	Stantec
General Arrangement Plan - Basement	CI-060-101	D	22/4/24	Stantec
General Arrangement Plan – Lower Ground Floor	CI-060-201	G	22/4/24	Stantec
General Arrangement Plan – Upper Ground Floor	CI-070-001	E	22/4/24	Stantec
Erosion and Sediment Control Plan	CI-030-001	C	22/5/24	Stantec
Erosion and Sediment Control Details	CI-076-001	C	15/6/2023	Stantec
Bulk Earthworks Plan	CI-100-001	C	15/6/2023	Stantec
Public domain and Pavement Plan Sheet 1	CI-400-001	C	15/6/2023	Stantec
Public domain and Pavement Plan Sheet 2	CI-400-002	C	15/6/2023	Stantec
Civil Details	CI-406-001	C	15/6/2023	Stantec
Stormwater Drainage Catchment Plan	CI-500-001	C	22/4/24	Stantec
Stormwater Drainage Longitudinal Sections	CI-522-001	E	24/5/24	Stantec
Stormwater Drainage Details Sheet 1	CI-526-001	D	22/5/24	Stantec
Stormwater Drainage Details Sheet 2	CI-526-002	F	22/5/24	Stantec
Landscape Drawings	L-001	D	-	Common Grounds Landscape Architecture
Existing Tree Plan	L-01	C	11/05.2023	Common Grounds Landscape Architecture
Compliance	L-002	A	27.04.2023	Common Grounds Landscape Architecture
Deep Soil zone	L-02	C	11.05.2023	Common Grounds Landscape Architecture
Landscape Site Plan	L-03	C	11.05.2023	Common Grounds Landscape Architecture
Landscape Site Plan – Ground	L-04	C	11.05.2023	Common Grounds Landscape Architecture
Landscape Site Plan – Ground	L-05	C	11.05.2023	Common Grounds Landscape Architecture
Landscape Site Plan – Mezzanine	L-06	C	11.05.2023	Common Grounds

Planting Plan – Mezzanine	L-07	C	11.05.2023	Landscape Architecture Common Grounds Landscape Architecture
Landscape Plan – Level 1	L-08	C	11.05.2023	Common Grounds Landscape Architecture
Planting Plan – Level 1	L-09	C	11.05.2023	Common Grounds Landscape Architecture
Landscape Plan – Level 2	L-10	C	11.05.2023	Common Grounds Landscape Architecture
Planting Plan – Level 2	L-11	C	11.05.2023	Common Grounds Landscape Architecture
Landscape Plan – Level 6	L-12	C	11.05.2023	Common Grounds Landscape Architecture
Planting Plan – Level 6	L-13	C	11.05.2023	Common Grounds Landscape Architecture
Section 1/101	L-101	C	11.05.2023	Common Grounds Landscape Architecture
Section 1/102	L-102	C	11.05.2023	Common Grounds Landscape Architecture
Public Domain Perspective 1	L-103	C	11.05.2023	Common Grounds Landscape Architecture
Public Domain Perspective 2	L-104	C	11.05.2023	Common Grounds Landscape Architecture
Public Domain Precedent 1	L-105	C	11.05.2023	Common Grounds Landscape Architecture
Public Domain Precedent 2	L-106	C	11.05.2023	Common Grounds Landscape Architecture
Level 2 – Perspective 2	L-107	C	11.05.2023	Common Grounds Landscape Architecture
Level 2 – Perspective 1	L-108	C	11.05.2023	Common Grounds

Typical Details	L-201	C	11.05.2023	Landscape Architecture Common Grounds Landscape Architecture
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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. 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

- | | |
|--------------|---|
| GT0115-00001 | Groundwater must only be pumped or extracted for the purpose of temporary construction dewatering at the site identified in the development application. For clarity, the purpose for which this approval is granted is only for dewatering that is required for the construction phase of the development and not for any dewatering that is required once construction is completed. |
| 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.
- GT0120-00001 The design and construction of the building must prevent: (a) any take of groundwater, following the grant of an occupation certificate (and completion of construction of development), by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation; (b) obstruction to groundwater flow, by using sufficient permanent drainage beneath and around the outside of the watertight structure to ensure that any groundwater mounding shall not be greater than 10 % above the pre-development level; and (c) any elevated water table from rising to within 1.0 m below the natural ground surface.
- 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.watarnsw.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

3. Transport for NSW (Sydney Trains)

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

A.	The Applicant shall prepare an acoustic assessment demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". The Applicant must incorporate in the development all the measures recommended in the report. A copy of the report is to be provided to the Principal Certifying Authority and Council prior to the issuing of a Construction Certificate. The Principal Certifying Authority must ensure that the recommendations of the acoustic assessment are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.
B.	The proposed development is to comply with the deemed-to-satisfy provisions in the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".
C.	Prior to the issue of an Occupation Certificate (whether an interim or final Occupation Certificate), a report must be prepared and submitted to the Certifying Authority, Council and Sydney Trains certifying that the completed development meets

	<p>the requirements of State Environmental Planning Policy (Infrastructure) 2007 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.</p>
D.	<p>Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate. The Principal Certifying Authority must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.</p>
E.	<p>Given the possible likelihood of objects being dropped or thrown onto the rail corridor from balconies, windows, and other external features (e.g., roof terraces and external fire escapes) that are within 20 metres of, and face, the rail corridor, the development must have measures installed, to the satisfaction of Sydney Trains (e.g., awning windows, louvres, enclosed balconies, window restrictors etc.) which prevent the throwing of objects onto the rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.</p>
F.	<p>The design, installation and use of lights, signs, and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of the rail operator. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.</p>
G.	<p>If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written</p>

	confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
H.	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.
I.	Prior to the issuing of a Construction Certificate the Applicant must submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains' requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains' requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
J.	The Applicant/Developer shall not at any stage block any corridor access gate and must make provision for easy and ongoing 24/7 access by rail vehicles, plant, and equipment to support maintenance and emergency activities.
K.	If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains External Interface Management team to determine the need for public liability insurance cover. If insurance cover is deemed necessary, this insurance must be for a sum as determined by Sydney Trains and shall not contain any exclusion in relation to works on or near the rail corridor and rail infrastructure, and must be maintained for the duration specified by Sydney Trains. The Applicant is to contact Sydney Trains External Interface Management team to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains' written advice to the Applicant on the level of insurance required.
L.	If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains External Interface Management team to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.

M.	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.
N.	Any conditions issued as part of Sydney Trains' approval/certification of any documentation for compliance with the Sydney Trains conditions of consent, those approval/certification conditions will also form part of the consent conditions that the Applicant is required to comply with.
O.	Where a condition of consent requires Sydney Trains or Transport for NSW endorsement the Principal Certifying Authority is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates dealing with specific works and compliance conditions can be issued subject to written agreement from those entities to which the relevant conditions applies.
P.	<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 the Applicant; and • 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.
Q.	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.
R.	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.

(Reason: Ensure compliance)

4. Ausgrid

The following conditions from Ausgrid must be complied with:

S	<p>Overhead Powerlines</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. 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>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</p> <p>Ausgrid Underground Cables are in the vicinity of the development</p> <p>Special care should be taken to ensure that driveways and any other 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>
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	<p>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.</p> <p>Ausgrid's Network Standard NS156 which outlines the minimum requirements for working around Ausgrid's underground cables.</p> <p>The following points should also be taken into consideration.</p> <p>Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.</p> <p>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>
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(Reason: Ensure compliance)

4. NSW Police

The following conditions from the NSW Police must be complied with:

A	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.
B	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".
C	Appropriated modifications should be made where necessary to accommodate the increase in traffic congestion on surrounding streets and intersections.
D	Any bicycle parking should be in a secure area and covered with CCTV cameras.
E	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.
F	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.
G	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.
H	<p>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.</p> <p>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.</p> <p>clearly identified to deter unauthorised persons from entering the site.</p>
I	<p>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.</p> <p>An emergency control and evacuation plan should be implemented within the site and displayed for the information of residents.</p> <p>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.</p> <p>“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.</p> <p>Wheelchair access should at no time be blocked nor impede access to anyone with a disability.</p> <p>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.</p> <p>The boundaries of the site should be</p>

(Reason: Ensure compliance)

5. Sydney Airport

The following conditions from the Sydney Airport must be complied with:

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.

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.

6. 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, which include a OSD system and water quality management system for the site. The plans are to be generally in accordance with Stantec drawings CI-060-101/D, CI-060-201/G, CI-060-301/E, CI-500001/C, CI-522-001/E and CI-526-002/F, amended to include the following items:
 - A hydraulic grade line analysis for the 1%AEP storm event, extending from the OSD tank to the connection point to the Council drainage system in Help Street, with the adopted downstream water level to be the top of kerb level at the Council pit. The analysis is to confirm that

the OSD outlet is above the downstream water level during the 1%AEP storm.

- Details to confirm that the permitted site discharge (PSD) required by Technical Standard 1 is achieved from the site, which includes allowance for flows that bypass the OSD system. The PSD is to be achieved for the 1%AEP storm event. If the bypass area exceeds 5% of the total site area, then a Drains analysis is to be undertaken and a summary provided on the plans to confirm the OSD volume required and the PSD achieved.
- Details to confirm that 300mm freeboard is achieved between the overflow from the OSD system and the adjacent floor level. The overflow from the OSD tank, and the level used to determine the freeboard, must be to ground via the access grate in the roof of the tank or through the side wall, discharging to ground and not to a pipe or internal weir / overflow chamber.
- Details to confirm that the pipe system draining to the OSD tank is able to convey the flow from the 1%AEP storm event or that an overland flows in excess of the pipe's capacity drain to the OSD tank in all storms up to and including the 1%AEP storm.

Calculations are to be submitted as required to demonstrate that the OSD system complies with the requirements of Technical Standard 1, including that the system has been designed for the 1%AEP storm event. The system shall be designed for the entire site area, with a minimum OSD volume of 82m³ and a PSD for the 1%AEP of 39L/s (based on a site area of 2,290m²).

- (b) Detailed swept path diagrams that demonstrate that Council's waste vehicle (10.5m long) is able to service the site using the loading bay, with 2.0m clearance behind the vehicle when in the loading bay. The diagrams are to be prepared using the construction certificate architectural drawings and are to clearly show all structures, kerbs, extent of the roadway and any other items that impact the swept paths.

(Reason: Ensure compliance)

7. 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 Preliminary Site Investigation (PSI) by Stantec Pty Ltd, Ref. 301351072.Rev1, dated 24 May 2023. The results from the additional sampling and laboratory analysis shall be presented in a Targeted Site Investigation (TSI) or Detailed Site Investigation (DSI) report to Council for approval in writing. The TSI/DSI 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/DSI identifies the presence of soil contaminants, 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 clause 18 of SEPP 55 shall be provided.

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

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

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

(Reason: Protection of environment and public health)

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

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

(Reason: Amenity/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.

12. S7.12 Contribution

Prior to the issue of the Construction Certificate, a monetary contribution is to be paid in accordance with section 7.12 of *Environmental Planning and Assessment Act, 1979* in the amount of **\$1,874,030.90** for the purposes of the Local Infrastructure identified in the *Willoughby Local Infrastructure Contributions Plan*.

This contribution is based on 3% of the estimated cost of development, being \$62,467,697 at 30/05/2023 and the adopted *Willoughby Local Infrastructure Contributions Plan*.

Indexation

To calculate the monetary contribution that is payable, the proposed cost of development is to be indexed to reflect quantity variations in the Consumer Price Index, All Groups, Sydney, as published by the Australian Bureau of Statistics (ABS) between the date the proposed cost of development was agreed by the Council and the date the levy is to be paid as required by this Plan.

To calculate the indexed levy, the formula used to determine the monetary contribution is set out below:

$$\frac{\$C_o \times \text{Current CPI}}{\text{Base CPI}}$$

Where:

$\$C_o$ = the original development contribution determined by the Council based on a percentage of the cost of development as set out in the Contributions Plan the Consumer Price Index (All Groups Index), Sydney, as published by the

Current CPI = ABS at the quarter immediately prior to the date of payment the Consumer Price Index (All Groups Index), Sydney, as published by the

Base CPI = 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)

13. Damage Deposit

Prior to the issue of the Construction Certificate, the applicant shall lodge a Damage Deposit of **\$222,000** (GST Exempt) to Council against possible damage to Council's assets and any infrastructure within the road reserve/footway during the course of the building works. The deposit will be refundable subject to inspection by Council after the completion of all works relating to the proposed development. For the purpose of inspections carried out by Council Engineers, an inspection fee of **\$260**

(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 = \$222,000 + \$260 = \$22,260

(Reason: Protection of public asset)

14. Temporary Ground Anchors

Obtain written permission from all private property owners affected by any encroachment either below ground or the air space above as a result of any proposed temporary ground anchors prior to issue of the Construction Certificate. Permits are to be obtained from Council for any temporary ground anchors to be installed within the road reserve. Copies of the permission shall be sent to Council. A Temporary Ground Anchor Permit is to be obtained from Council for any ground anchors proposed to be installed in Council's Road Reserve. All works associated with the drilling and stressing of the ground anchors shall be installed in accordance with approved drawings. (Reason: Encroachment of works)

15. Stormwater To Street Drainage Via Reinforced Concrete Pipe (Rcp)

Stormwater runoff from the site shall be collected and conveyed to the underground drainage system in Help Street via a 375 mm Class 4 RCP in accordance with Council's specification. A grated drainage pit (min. 600mm x 600mm) shall be provided within the property and adjacent to the boundary prior to discharging to the Council's drainage system and a kerb inlet pit at the kerb line in front of the property. In this regard, full design and construction details showing the method of disposal of surface and roof water from the site are to be submitted to Council for approval prior to the issue of the Construction Certificate. (Reason: Prevent nuisance flooding)

16. Analysis of Outlet Condition

The capacity of the outlet pipe to the Council system shall be hydraulically evaluated using the Hydraulic Grade Line method to ensure that the outlet from the OSD system is above the downstream water level for the 1%AEP storm event. The adopted downstream water level used in the analysis shall be the top of kerb level at the connection point to the existing Council pit. Full engineering details of the hydraulic evaluations prepared and signed by a practising Civil Engineer shall be submitted to the certifying authority for approval prior to the issue of the Construction Certificate. (Reason: Prevent property damage)

17. Detailed Stormwater Management Plan (SWMP)

Prior to the issue of the Construction Certificate, submit to the Certifier for approval, detailed stormwater management plans in relation to the on-site stormwater management and disposal system for the development. The construction drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer and in accordance with the concept stormwater management plans, prepared by Stantec, amended as required by the conditions of this consent. All drawings shall comply with Part I of Council's Development Control Plan and Technical Standard 1, AS/NSZ3500.3 – *Plumbing and Drainage Code* and National Construction Code.

(Reason: Ensure compliance)

18. Basement Pumpout Drainage System

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

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

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

(Reason: Prevent nuisance flooding)

19. Overland Flow/Flood Level Certification

A suitably qualified and experienced civil engineer must certify that:

- (a) The finished floor levels of the development comply with the requirements of Technical Standard 2.
- (b) All access points to the basement are at or above the 1%AEP water level + 500mm of the PMF, whichever is higher.
- (c) The proposed works comply with the requirements of Technical Standard 2 Floodplain Management.
- (d) That the proposed works comply with the Stantec's report "Detailed Catchment Analysis – Review of Pre-Development & Post-Development Flood Levels" dated 9 June 2023.

The engineer must undertake an assessment of the critical flows as determined necessary to satisfy this condition. Where floor levels need to be raised or other flood protection measures are deemed necessary, details must be submitted and approved by the Certifying Authority prior to the issue of the Construction Certificate.

(Reason: Prevent property damage)

20. Construction Management Plan (CMP)

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

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

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

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

- (a) Construction of 1.8 metres wide footpath (max. 2.5% crossfall) towards the kerb for the full frontage of the development site in Help Street in accordance with Council's specification and Standard Drawings SD105 and SD100. All adjustments to public utility services and associated construction works in the nature strip are to be at the full cost to the applicant. Detailed long section and cross sections at 5 metres interval shall be provided.
- (b) Construction of 1.2 metres wide footpath (max. 2.5% crossfall) towards the kerb for the full frontage of the development site in McIntosh Street in accordance with Council's specification and Standard Drawings SD105 and SD100. All adjustments to public utility services and associated construction works in the nature strip are to be at the full cost to the applicant. Detailed long section and cross sections at 5 metres interval shall be provided.
- (c) Reconstruction of existing kerb and gutter, including any kerb ramps, for the full frontage of the development site in Help Street, Cambridge Lane and McIntosh Street in accordance with Council's specifications and Standard Drawing SD105.
- (d) Reconstruction of the existing road pavement 3.0m wide for the full frontage of the development site in McIntosh Street in accordance with Council's specifications.
- (e) Construction of a 10 metres wide vehicular crossing in Help Street in accordance with Council's specification and Standard Drawings SD105.
- (f) Construction of a new kerb inlet pit in Help Street and extension of a new 375mm dia Class 4 stormwater pipe to the existing Council pit generally as detailed on Stantec drawing CI-060-201/G
- (g) Reinstatement of any Council infrastructure impacted by the construction of the stormwater drainage works and any other works required for the development.

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

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

22. Driveway Longsection

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

- (a) Horizontal distance from the centreline of the road to a minimum of 10m within the site, including provision of Council's standard layback as per Council's standard drawing SD105 which is available from Council's website. Council's standard layback is 500mm wide and back of layback is 100mm above the gutter invert.
- (b) Both existing and proposed levels (in AHD) and gradients represented in percentage (%) of the vehicular crossing and driveway.
- (c) Crossfall on road pavement shall be shown on long sections.

The design shall be prepared by a suitably qualified civil engineer using the B99 vehicle template from AS/NZS 2890.1. All driveway grades and transitions shall comply with AS/NZS 2890.1 -2004 and Council's specifications.

The new crossing is to be 10 metres wide with no splays and be constructed at right angle to street kerb. The footpath/footpath zone which forms part of the proposed crossing shall have a maximum crossfall of 2.5% towards the kerb. For the design levels of the vehicular crossing at the property boundary, the following shall be complied with, unless written approval is gained from Council for alternate levels:

- (a) At back of layback – 100 mm above and parallel to the gutter invert.
- (b) At property boundary – 200mm above and parallel to the gutter invert.

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

(Reason: Safe vehicular access)

23. OSD/Rainwater Tank Design

The design of all rainwater/OSD tanks shall comply with the requirements of the NSW Work Health and Safety Regulation 2017, to minimise risks associated with confined spaces. The design shall also consider "Safety in Design" requirements.

Prior to issue of a Construction Certificate, a suitably qualified person shall certify that the design meets these requirements.

(Reason: Safe access to tanks)

24. Vehicle Access And Manoeuvring – Engineer's Certification

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

- (a) That finished driveway gradients and transitions comply with AS/NZS 2890.1 and AS 2890.2 and will not result in scraping to the underside of cars.
- (b) That the maximum gradient for the first 6 metres from the property's front boundary to the basement complies with Clause 3.3.a of AS/NZS 2890.1 and that all driveway grades comply AS/NZS 2890.1 and AS 2890.2.
- (c) That the proposed vehicular path and parking arrangements comply in full with AS/NZS 2890.1, AS 2890.2 and AS 2890.6 in terms of minimum dimensions provided and grades on parking spaces.
- (d) That visitor parking spaces comply with the requirements for Class 2 Medium term parking in AS/NZS 2890.1.
- (e) That accessible parking spaces, including those required for adaptable units, comply with the requirements of AS 2890.6, including provision of the required shared areas and bollard.
- (f) That the headroom clearance of minimum 2.2 metres between the basement floor and any overhead obstruction (including overhead services) is provided for compliance with Section 5.3.1 of AS/NZS 2890.1 and Section 2.7 of AS 2890.6.
- (g) That the headroom clearance of minimum 2.5 metres is provided to all parking spaces for people with disabilities for compliance with Section 2.7 of AS 2890.6.
- (h) That the headroom clearance required in AS 2890.2 for the largest vehicle using the site (minimum 4.5m headroom) has been provided for the loading area and the path to and from the loading area.
- (i) Simultaneous manoeuvring of B99 and B85 vehicles at all ramps and ramp ends including the clearance lines for each vehicle, in accordance with AS2890.1, is complied with.
- (j) 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 provided between the frontage road and the loading bay.
- (k) That the loading bay size is sufficient for Council's 10.5m long waste vehicle with 2m loading area behind the vehicle and the vehicle and loading area clear of the main vehicle access aisle to the basement.
- (l) That sight triangles required by Figure 3.3 of AS/NZS 2890.1 have been provided at the vehicle exit, including provision of kerbs to direct vehicles to compliant locations.

(Reason: Ensure compliance)

25. Finish Surface Levels Along The Street Boundary

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

(Reason: Ensure compliance)

26. HRV access

Full details including swept paths are required to clearly demonstrate the development safely enables the entry/exit of Council's 10.5m long truck. Further, that there is 2m clear at the rear of the truck (i.e. total 12.5m length) in its service position so that bins can be emptied. The parking / loading space is required to be a minimum of 12.5m in accordance with 12.5m

(Reason: To confirm there is sufficient space for entry/exit and clearance space for Council's waste HRV to service the bins at the allocated collection point and that this does not impede pedestrian or other vehicle movements).

27. Waste Truck (HRV) Parking

The development is required to submit drawings which demonstrate compliance with AS2890.2 including compliance with vertical height clearances, gradient, manoeuvrability including the parking facility size and distance from the waste storage rooms for the waste trucks when entering, leaving and standing in the waste collection area for:

- Willoughby City Council Heavy Rigid Vehicle (HRV) trucks for residential bins (garbage, recycling and garden organics) and bulky waste collection.
- Willoughby City Council or private contractor trucks for commercial bins (garbage, recycling and other proposed materials).

The details must confirm that the garbage trucks will stand on a level area when emptying bins and loading bulky waste and there is sufficient clearance of 2m at the rear of the vehicle for operation. The waste related facilities must comply with Australian Standards (AS2890.2-2002 parking facilities part 2 which provides for off-street commercial vehicle facilities for HRVs).

(Reason: Compliance/waste reduction/public health and safety)

28. Organic waste bins

Prior to the issue of a Construction Certificate, the plans must clearly demonstrate the provision of 64 x 240L garden organics bins, in accordance with Willoughby Development Control Plan 2023 – NSROC 2018 Section 3.6 Waste Generation Rates – at a minimum of 120L/unit/week. This also future proofs the development for the implementation of a food organics collection service.

(Reason: Compliance/waste reduction)

29. 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) Manufacturer's technical specifications and operational limitations.

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

30. Waste storage areas

The development must provide architectural drawings that clearly indicate there is sufficient waste storage space in accordance with the WDCP 2023. A minimum area for each type of waste stream is required:

- All residential bins: $\geq 73.5\text{m}^2$
- Residential bulky waste: $\geq 28\text{m}^2$
- Charity waste space: $\geq 6\text{m}^2$
- Commercial waste space: $\geq 16.4\text{m}^2$

The waste storage areas should also indicate amenities (including drainage and taps) and door widths in compliance with WDCP 2023 (NSROC 2018 Section 2.1 and 3.10.3).

(Reason: Compliance)

31. Waste storage areas

The development must provide architectural drawings that clearly indicate there is sufficient waste storage space in accordance with the WDCP 2023. A minimum area for each type of waste stream is required:

- All residential bins: $\geq 73.5\text{m}^2$
- Residential bulky waste: $\geq 28\text{m}^2$
- Charity waste space: $\geq 6\text{m}^2$
- Commercial waste space: $\geq 16.4\text{m}^2$

The waste storage areas should also indicate amenities (including drainage and taps) and door widths in compliance with WDCP 2023 (NSROC 2018 Section 2.1 and 3.10.3).

(Reason: Compliance)

32. Waste and recycling cupboard on every residential level

Prior to the issue of a Construction Certificate, the chute accesses for general waste and recycling at every residential level must be incorporated into a waste service compartment room. The waste service compartment room must be designed with sufficient space for the chute as well as the storage of one day's recycling in a Mobile Garage bin or other container (noting that recyclable containers can be placed down the chute but recyclable bulky cardboard cannot be placed down the chute) for all residents on that level, in accordance with Willoughby Development Control Plan 2023 Section 5.5 Recycling Cupboard On Each Floor.

(Reason: Compliance/waste reduction)

33. Caretaker waste and bin carting routes

Prior to the issue of the Construction Certificate, the Operational Waste Management Plan with supporting drawings must clearly indicate the carting routes, distance and equipment for caretakers to present waste for collection 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 (Section 3.16).

(Reason: Compliance/public health and safety)

34. Internal Noise Levels

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

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

Note:

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

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

(Reason: Amenity, environmental compliance and health)

35. Noise from Transport Corridor

To minimise the impact of noise from any external noise source on the amenity of the occupants, the building shall be constructed in accordance with the recommendations and specifications of the acoustic report by Pulse White Noise Acoustics Pty Ltd, Ref. No. 220555.Rev.3, dated 8 June 2023.

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

36. 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 5.1 of the acoustic report prepared by Pulse White Noise Acoustics, Ref. No. 220555.Rev.3, dated 8 June 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)

37. 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)

38. 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)

39. 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)

40. Mechanical Ventilation – Food Premises

Emission control equipment shall be provided in the mechanical exhaust system serving cooking appliances at the food premises to effectively minimise the emission of odours, vapours and oils. Solid fuel cooking equipment must have a separate exhaust ventilation system/s. Exhaust hoods must be of stainless steel construction with an internal 50mm x 50mm gutter, an unscrewable drainage plug at one corner and have removable grease filters for effective cleaning.

Prior to the issue of a Construction Certificate, detailed design plans, to scale, and specifications and operational information of the proposed emission control equipment shall be submitted to the Certifier demonstrating that the ventilation system has been designed in accordance with the following Australian Standard/New Zealand Standards:

- (a) *AS/NZS 1668.1:1998 – The use of ventilation and air conditioning in buildings – Fire and smoke control in multi-compartment buildings;*
- (b) *AS/NZS 1668.2:2002 – The use of ventilation and air conditioning in buildings – ventilation design for indoor air contaminant control; and*
- (c) *AS/NZS 2918:2001 – Domestic solid fuel burning appliances – Installation.*

(Reason: Amenity, environmental compliance and health)

41. 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)

42. Cambridge Lane - Shared Zone

The Cambridge Lane frontage of the development is to be transformed into a comprehensive 10km/h shared zone, incorporating a dedicated shared pedestrian and bicycle path. The design can be integrated with urban design elements to:

- Extend from the building setback line to connect with the existing cycle path along McIntosh St
- Enhance the 10km/h zone with road markings indicating the shared nature of the space
- Include a dedicated shared path within the zone, designed to appropriate width and safety standards for mixed pedestrian and bicycle use
- Ensure clear delineation between the shared path and the vehicular area while maintaining a cohesive shared zone feel
- Prioritize pedestrian and cyclist safety while allowing limited vehicular access
- Feature adequate lighting, signage, and surface treatments to enhance safety and usability for all users

- Create smooth transitions at connection points with existing infrastructure and at entry/exit points of the shared zone.
- Utilise distinct pavement materials for the road surface to enhance the unique character of the shared zone and serve as an additional traffic calming measure.

43. Amended Landscape Plans

Prior to the issue of a Construction Certificate, Landscape Plans are to be amended to indicate that the proposed *Livistona australis* palms located along Cambridge Lane are to be of minimum height 4m trunk height at time of planting.

Amended Plans are to be submitted to the nominated Certifying Authority for approval prior to issue of a Construction Certificate.
(Reason: Environmental amenity/Sightlines.)

44. 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:

Level 03

Unit 3.04 (62.90m²)

Level 06

Unit 6.01 (88m²)

Unit 6.02 (56m²)

Unit 6.03 (59m²)

Unit 6.04 (50m²)

Unit 6.05 (56m²)

Unit 6.06 (83m²)

Level 07

Total = 454.9m²

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)

45. 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)

46. 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)

47. 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)

48. 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)

49. Adaptable Units

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

(Reason: Compliance, universal design)

50. Fibre-Ready Facilities and Telecoms Infrastructure

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

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

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

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

(Reason: Compliance)

51. Electric Vehicle Charging Bays

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

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

(Reason: Support sustainable transport)

52. 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)

53. Building Ventilation

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

(a) The National Construction Code:

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

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

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

(Reason: Amenity, public health and compliance)

54. Noise Emission from the Development

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

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

(Reason: Amenity, environmental compliance and health)

55. Waste Management

The Operational Waste Management Plan must be updated (and amendments to architectural drawings where required) to ensure compliance with the following:

- **Organics generation rates and bin numbers:** please use WDCP 2023 generation rates for the organics bins (120L/hh/wk) to calculate estimated generation and organics stream bin numbers.
- **Waste storage areas:** the residential bin storage area provided in the WMP is not of sufficient size for the required number of bins. The WMP suggests that the residential bin room provides 52m² of storage for bins (118 – 66 = 52) (p. 19), however, Council requires 74m².
- **Waste storage area amenities and sizes:** Please detail the area provided for bin storage on architectural drawings and provide details of bin room amenities, areas, door widths, aisle widths and any bin room equipment (such as a compactor) on the plans.
- **Charity waste / other recycling:** please provide an area of 6m² for the storage of charity waste and other recycling. This should be close to the bulky waste storage area.
- **Bin carting route for caretakers:** the WMP details that caretakers will be responsible for transporting all bins to the residential bin holding room. Please provide further detail on access, the proposed route and if any additional equipment is required.
- **Waste and recycling cupboard on each residential level:** the waste chute hoppers should be located in a waste cupboard, which also has space for additional bin(s). This is required in the WDCP 2023 and serves to assist in the case of a bin for cardboard recycling that cannot be placed down the chute (which is a large portion of Council's recycling), backup for the recycling chute and to future proof the development in the case of food organics collection.
- **Chute system:** the equipment under the chute should have sufficient capacity for 3-days of waste generation. The WMP states a mix of one and two days. This should be clarified. Please also detail the number of units using each hopper and recycling bin collection to confirm sufficient capacity.
- **Commercial waste:** please confirm the expected waste generation rate for commercial general waste as it is lower than Council's expected generation. Therefore, the number of bins proposed is not sufficient. It is acknowledged that the commercial bin room size is large enough for the number of bins required by Council.

(Reason: Ensure the development functions properly and to promote a healthy environment for residents, visitors and the public)

56. Privacy

Prior to the issue of a Construction Certificate translucent glazing (frosting) shall be used on Levels 3 to 5 to the east-facing living room window (units 3.03, 4.03, 5.03) up to height of 1.7m from the floor to aid privacy mitigation to the east.

54. Privacy

The privacy screens shown on Drawing 5201 and 5202 both Rev A to be detailed on the Construction Certificate plans prior to the issue of the Construction Certificate.

55. Glare nuisance

The Construction Certificate drawings must confirm measures to be used to mitigate glare nuisance from the solar panels.

PRIOR TO COMMENCEMENT OF ANY WORKS

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.

56. 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)

57. Dilapidation Report of Adjoining Properties

Prior to commencement of work, submit a photographic survey and report of the adjoining properties 1 Cambridge Lane, 2A and 2B Help Street, 26-28 Anderson Street and any property within 50 metres of the development 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)

58. 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.

- i) 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.
- j) An Application for approval must be given to the Airport at least 28 days before commencement of the operation.
- k) The operation must not commence without approval and must only proceed in compliance with any conditions imposed on such approval.
- l) Sydney Airport has delegated authority from the Secretary to determine "short term" operations (less than 3 months).
- m) The Airport is required to invite submissions from CASA and Airservices regarding the proposed operation.
- n) The Secretary and the Airport, as applicable, may request further information before determining an application.
- o) 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.
- p) The Proponent must provide a copy of the application referred to above at (b) to Council.

59. 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)

60. Demolition, Excavation and Construction Noise and Vibration Management Plan

A Demolition, Excavation and Construction Noise and Vibration Management Plan (CNVMP) is required to be prepared and approved by the Certifier.

61. 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)

62. 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 to suit the development on all streets fronting the property. Such street lighting shall also conform to Council's standard specifications.
(Reason: Public amenity)

63. 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)

64. Removal of Trees in Public Areas

Approval is granted for removal of trees numbered 17, 18, 19 and 20 (*Flindersia australis*) located in the Help Street road reserve as identified in the Arboricultural Impact Assessment Report dated June 2023 prepared by Earthscape Horticultural Services.

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)

65. 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)

66. 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)

67. Noise and Vibration Management

The Applicant must prepare a Demolition, Excavation and Construction Noise and Vibration Management Plan (CNVMP) and the Plan must:

- a) be prepared by a suitable qualified expert and submitted to the satisfaction of the Principal Certifying Authority;
- a) be prepared in consultation with all noise sensitive receivers where noise levels exceed the construction noise management level, in accordance with EPA guidelines;
- c) describe the measures that would be implemented to ensure:
 - i) best management practice is being employed; and
 - ii) compliance with the relevant conditions of this consent;

- d) describe the proposed noise and vibration management measures in detail;
- e) identify the selection of alternative construction plant and machinery to avoid the generation of excessive noise levels;
- f) include strategies that have been developed to address impacts to noise sensitive receivers, where noise levels exceed the construction noise management level, for managing high noise generating works;
- g) implement intra-day respite periods for construction activities identified as annoying;
- h) implement noise reducing site/work practices and require regular noise checks of equipment;
- i) describe the consultation undertaken to develop the strategies in b) above;
- j) evaluate and report on the effectiveness of the noise and vibration management measures. Monitoring reports shall be submitted to Council on a monthly basis and demonstrate compliance with the criteria contained in the EPA Interim Construction Noise Guideline (ICNG) and appropriate criteria for vibration;
- j) include a complaints management system that would be implemented for the duration of the project; and
- k) A copy of the CNVMP is to be submitted to Council prior to the commencement of any work. The CNVMP (as revised from time to time) must be implemented by the Applicant for the duration of the construction works.

(Reason: Amenity and environmental compliance)

68. 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)

69. 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)

70. 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.

- q) 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.
- r) An Application for approval must be given to the Airport at least 28 days before commencement of the operation.
- s) The operation must not commence without approval and must only proceed in compliance with any conditions imposed on such approval.
- t) Sydney Airport has delegated authority from the Secretary to determine "short term" operations (less than 3 months).
- u) The Airport is required to invite submissions from CASA and Airservices regarding the proposed operation.
- v) The Secretary and the Airport, as applicable, may request further information before determining an application.
- w) 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.
- x) The Proponent must provide a copy of the application referred to above at (b) to Council.

DURING DEMOLITION, EXCAVATION AND CONSTRUCTION

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

71. 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)

72. 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)

73. 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)

74. 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)

75. Demolition Work AS 2601-2001

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

(Reason: Safety)

76. Survey Certificate

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

- (a) Prior to the construction of footings or first completed floor slab (i.e. prior to pouring of concrete) showing the area of the land, building under construction and boundary setbacks;

- (b) At each level indicating the level of that floor to Australian Height Datum;
 - (c) Upon completion of the roof framing, before the roofing is laid, indicating the ridge height to Australian Height Datum;
 - (d) At roof slab level indicating the level of that slab to Australian Height Datum;
 - (e) At completion indicating the relation of the building and any projections to the boundaries, and that the building has been erected to the levels approved in the Development Application.
 - (f)(Officer to complete as necessary)
- (Reason: Ensure compliance)

77. 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)

78. 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)

79. 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)

80. 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)

81. 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)

82. 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)

83. 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)

84. 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)

85. 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)

86. 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)

87. Construction Noise & Vibration

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) $\leq 75dB(A)_{Leq(15mins)}$.
- (b) 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.

(Reason: Amenity)

88. 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)

89. Noise Management Plan

The Applicant shall develop a Noise Management Plan to ensure the use of the common areas does not emit excessive noise and/or adversely impact upon the acoustic amenity of the neighbourhood.

The Plan should include, but not be limited to, the following:

- a) Address any recommendations in the acoustic report that relate to the ongoing use;
- a) Appropriate signage to remind residents and their visitors to keep noise levels at reasonable levels;
- b) The use of any amplified music being kept at low levels;
- c) The management of resident and visitor behaviour and how complaints will be investigated and actioned.
- d) The persons responsible for the implementation of the Noise Management Plan.

The Noise Management Plan shall be submitted to Council's Environmental Health Officer for approval. A copy of Council's written approval shall be provided to the Certifying Authority prior to the issue of any relevant Occupation Certificate.
(Reason: Amenity)

90. 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)

91. 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.

Measures to improve line of sight for motorists exiting parking access are to be provided in drawings.

(Reason: Public safety and amenity)

92. 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)

93. 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)

94. Tree Protection

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

(Reason: Tree management)

95. Tree Removal

Approval is given for the removal of trees as identified in the Arboricultural Impact Assessment Report dated June 2023 prepared by Earthscape Horticultural Services.

(Reason: Site development)

PRIOR TO OCCUPATION OF THE DEVELOPMENT

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

96. 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)

97. 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)

98. Sustainable Development - Multi-unit Dwellings

Prior to the issue of the Whole Occupation Certificate for the multi occupancy, a Sustainability manual is to be prepared which details all the environmental incentives outlined in the scorecard and ongoing provision and maintenance of these measures. The manual shall be provided to each unit in the development.
(Reason: Environmental sustainability)

99. 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)

100. 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)

101. State Survey Marks

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

(Reason: Public amenity)

102. Temporary Ground Anchors – Destressing

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

(Reason: Destressing of ground anchors)

103. CCTV Report of Council Pipe System After Work

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

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

- (f) Recorded CCTV footage & reports are to use Council asset pit numbers to identify the start and finish location of the CCTV. A plan can be obtained from Council with these asset numbers at request.

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

104. 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 in Help Street via a water quality improvement system and an approved OSD system with a minimum volume of 82m³ in accordance with Sydney Water's requirements AS/NZS3500.3, Part I 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 (AUS-SPEC).
(Reason: Prevent nuisance flooding)

105. 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)

106. 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)

107. 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)

108. 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)

109. 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)

110. 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)

111. 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)

112. 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 Help Street, Cambridge Lane and McIntosh Street and as required for the stormwater drainage works.

(Reason: Public amenity)

113. Completion of Landscape Works

Prior to the issue of a Whole Occupation Certificate, any approved landscape works shall be consistent with the Landscape Plans Rev D prepared by Common Grounds Landscape Architecture, as amended by conditions of consent, completed to a professional standard, consistent with industry best practice and published standards, and certified in writing by a qualified horticulturalist, landscape architect or landscape designer.

(Reason: Landscape amenity)

114. Public Tree Planting

Prior to the issue of a Whole Occupation Certificate, plant the following trees on Council land forward of the property within the Help St road reserve, generally as indicated on the approved Landscape Plans:

4 x *Pyrus calleryana* 'Cleveland Select'

The trees shall:

- (a) Have a minimum container size of 200 litres and grown to NATSPEC 2 "Guide Specifying Trees", (2003).
 - (b) Be planted in accordance with WCC Landscape Specification 08/2007 "Street Tree Planting".
 - (c) Be planted generally in alignment with other street trees.
- (Reason: Landscape amenity, tree canopy recruitment)

115. Tree Planting

Prior to the issue of a Whole Occupation Certificate, trees are to be planted in accordance with the following table:

No. Required	Species	Location	Min Pot Size
All trees	As indicated on Landscape Plans Rev D prepared by Common Grounds (as amended by conditions of consent.	As indicated on the Landscape Plans	75 litre, unless specified or conditioned as larger.

(Reason: Landscape amenity)

116. Reconstruct Pavement

Prior to the issue of any Occupation Certificate, reconstruct the pavement 3.0m wide for the full frontage of the development site in McIntosh Street in accordance with Council's approved drawings, conditions and specification (AUS-SPEC). Council's standard design traffic for this pavement is 6x10⁴ ESA. Subject to provision of a geotechnical report detailing that the existing pavement base meets the required design life following proof rolling and agreement with Council, mill and resheet of the pavement with 50mm AC10 may be permitted in lieu of reconstruction. (Reason: Ensure compliance)

117. Footpath

Prior to the issue of any Occupation Certificate, construct a:

- (a) 1.8m wide footpath for the full frontage of the development site in Help Street .
- (b) 1.2m wide concrete footpath for the full frontage of the development site in McIntosh Street .

All works shall be carried out in accordance with Council's standard specifications and drawings. The pavement material shall be in accordance with Council's requirements for the CBD.
(Reason: Public amenity)

118. Stormwater Drainage Pipe

Prior to the issue of any Occupation Certificate, extend the Council drainage system from the existing pit in Help Street to the site. The works shall include a kerb inlet pit with a 1.8m lintel in front of the site.

All works shall be carried out in accordance with Council's standard specifications and drawings. The pipe shall be a 375mm dia Class 4 RCP. (Reason: Public amenity)

119. Street Lighting

Prior to the issue of any Occupation Certificate, provide approved street lighting required to suit the new development in accordance with Australian Standard AS/NZ 1158.(2005).

Reason: Public amenity)

120. 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 10.0 metres wide with no splays and is to be constructed at right angles to the street kerb in plain concrete. The new crossing shall be located no closer than 1 metre from any power pole and 2 metres from any street tree unless otherwise approved by Council.

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

- (a) At back of layback – 100 mm above and parallel to the gutter invert.
- (b) At property boundary – 200 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)

121. 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)

122.. 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)

123. Performance Bond

Prior to the issue of any Occupation Certificate, the Applicant shall lodge with the Council a performance bond of \$120,000 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)

124. 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)

125. 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)

126. 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 the maximum gradient for the first 6 metres from the property's front boundary to the basement complies with Clause 3.3.a of AS/NZS 2890.1 and that all driveway grades 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 visitor parking spaces comply with the requirements for Class 2 Medium term parking in AS/NZS 2890.1.
- (g) That accessible parking spaces, including those required for adaptable units, comply with the requirements of AS 2890.6, including provision of the required shared areas and bollard.
- (h) That headroom clearance of minimum 2.2 metres between the basement floor and any overhead obstruction (including overhead services) is provided for compliance with Section 5.3.1 of AS/NZS 2890.1 and Section 2.7 of AS 2890.6.
- (i) That headroom clearance of minimum 2.5 metres is provided to all parking spaces for people with disabilities for compliance with Section 2.7 of AS 2890.6.

- (j) That the headroom clearance required in AS 2890.2 for the largest vehicle using the site (minimum 4.5m high) has been provided for the loading area and the path to and from the loading area
- (k) Simultaneous manoeuvring of B99 and B85 at all ramps and ramp ends including clearances for each vehicle as per AS/NZS 2890.1 is achieved.
- (l) Access and manoeuvrability of the largest vehicle accessing the site (minimum Council's 10.5m waste vehicle) and simultaneous manoeuvrability of the largest vehicle using the site and a passenger vehicle including clearances in accordance with AS/NZS 2890.1 and AS 2890.2 is achieved between the site entry and the loading bay.
- (m) That the loading bay size is sufficient for Council's 10.5m long waste vehicle with 2m loading area behind the vehicle and the vehicle and loading area clear of the main vehicle access aisle to the basement.
- (n) That sight triangles required by Figure 3.3 of AS/NZS 2890.1 have been provided at the vehicle exit, including provision of kerbs to direct vehicles to compliant locations.

(Reason: Ensure compliance)

127. 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)

128. 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)

129. Overland Flow Path – Engineers Certification

Prior to the issue of any Occupation Certificate, submit to Council written certification, prepared by a suitably qualified and experienced civil engineer (generally CPEng), that:

- (a) The finished floor levels of the development comply with the requirements of Technical Standard 2.
- (b) All access points to the basement are constructed at or above the 1%AEP water level + 500mm of the PMF, whichever is higher.
- (c) The as constructed works comply with the requirements of Technical Standard 2 Floodplain Management.
- (d) That the as constructed works comply with the Stantec's report "Detailed Catchment Analysis – Review of Pre-Development & Post-Development Flood Levels" dated 9 June 2023. (Reason: Ensure compliance)

130. 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 3 of the acoustic report prepared by Pulse White Noise Acoustics Pty Ltd, Ref. No. 220555.Rev.3, dated 8 June 2023.

(Reason: Amenity, environmental compliance and health)

131. 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)

132. Certification – Ventilation

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

(Reason: Amenity, environmental compliance and health)

133. 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)

134. Waste Management Collection Policy

The development must operate in full compliance with Council's Waste Management collection requirements. This includes collection by Council HRV on the following frequencies:

- Garbage: twice per week.
- Recycling once per week.
- Garden organics once per week.

- Bulky waste booked service.

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

135. Waste Management Collection Policy

The development must operate in full compliance with Council's Waste Management collection requirements. This includes collection by Council HRV on the following frequencies:

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

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

136. 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)

137. 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)

138. 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 that is located between the glassline of the building at ground floor level and the boundary, along Cambridge Lane, Help Street and McIntosh Street. The right-of-way is to allow public use of this portion of the land.

(Reason: Compliance, urban design)

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 strata plan. Access to the system, including access points to any underground tank associated with the OSD and water quality improvement system, 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. Annual Fire Safety Statement

Attention is directed to the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* regarding the submission of an Annual Fire Safety Statement in relation to each essential fire safety measure implemented in the building or on the land on which the building is situated.

(Reason: Safety)

143. 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)

144. Vehicle Access

All vehicle movements into and out of the site shall be in a forward direction. No vehicle is to reverse over the boundary. (Reason: Pedestrian and vehicle safety)

145. 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)

146. 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)

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

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

(Reason: Health protection)

148. 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)

149. Regulated air handling and water systems

All 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 2012*.

(Reason: Compliance and health)

150. Trees on Adjoining Properties

No approval is given for the removal or pruning of trees on neighbouring private land.
(Reason: Environmental protection)

151. Public Art

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

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

PRESCRIBED CONDITIONS

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

152. 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)

153. 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.

154. Construction Certificate

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

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

(Reason: Ensure compliance and statutory requirement)

155. Notify Council of Intention to Commence Works

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

(Reason: Information and ensure compliance)

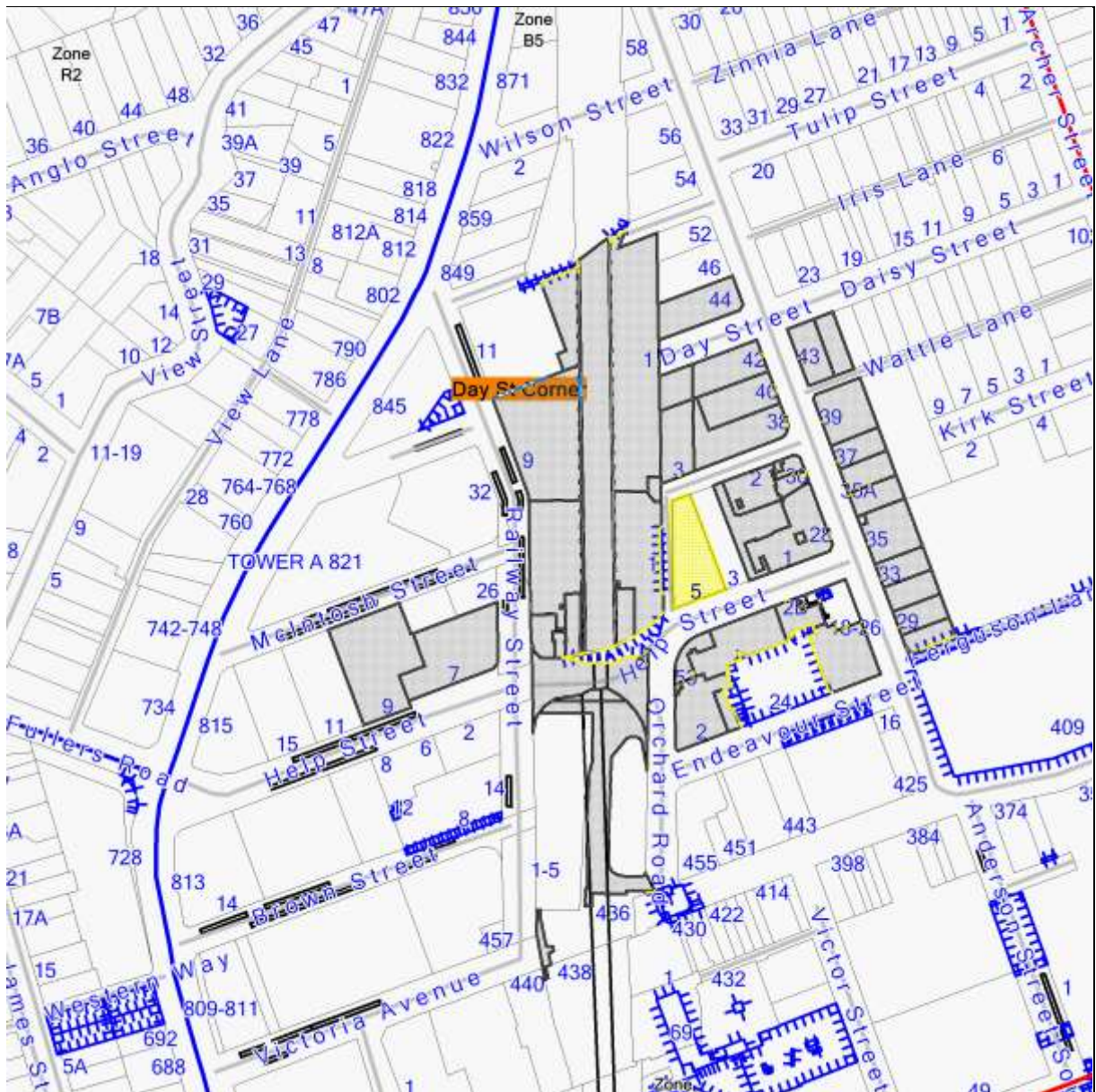
156. Occupation Certificate

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

Willoughby City Council

(Reason: Safety)

ATTACHMENT 8: NOTIFICATION MAP



NB*-All land parcels depicted over leaf are representations only of lands which are correctly defined by their registered Linen Plans.¶
Overlying and overlapping Strata and Stratum cannot be correctly depicted on the adjacent two dimensional map and may be represented as stylised shapes.¶
This is done solely to highlight the existence of such lands and accurate positional details and dimensions should be taken from registered Linen Plans.¶



**ATTACHMENT 9: ARCHITECTURAL PLANS
(UPLOADED SEPARATELY TO PORTAL 28 AUGUST 2024)**

**ATTACHMENT 10: SUBMISSION BY APPLICANT (HEIGHT, OVERSHADOWING,
PRIVACY, AFFORDABLE HOUSING, STORAGE)
(UPLOADED SEPARATELY TO PORTAL 28 AUGUST 2024)**

**ATTACHMENT 11: SUBMISSION BY APPLICANT (SOLAR ANALYSIS)
(UPLOADED SEPARATELY TO PORTAL 28 AUGUST 2024)**