

SNPP REPORT - 5-9 GORDON AVENUE, CHATSWOOD NSW 2067.

Panel Reference	PPSSNH-403
DA Number	DA-2023/170
LGA	Willoughby City Council
Proposed Development	Demolition of existing structures and construction of shop top housing consisting of ground and first floor of 6 commercial premises, 25 storey residential tower comprising of 64 units, communal facilities, car parking and associated works. The application is identified as nominated integrated development requiring approval from Water NSW pursuant to s90 of the Water Management Act 2000.
Street Address	5-9 Gordon Avenue, Chatswood
Applicant/Owner	Steven Macdessi/LFD Chatswood Pty Ltd
Date of DA lodgement	6 July 2023
Number of Submissions	3 (Three)
Recommendation	Approval, Deferred Commencement
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Cost of works > \$30m
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • <i>Environmental Planning and Assessment Act 1979 (EP&A Act)</i> • <i>Environmental Planning and Assessment Regulation 2021 (EP&A Regulation)</i> • <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> • <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> • <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> • <i>State Environmental Planning Policy (Planning Systems) 2021</i> • <i>State Environmental Planning Policy (Industry and Employment) 2021</i> • <i>State Environmental Planning Policy (Housing) 2021, Chapter 4</i> • <i>Willoughby Local Environmental Plan 2012</i> • <i>Willoughby Development Control Plan 2023</i>
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Schedule of Conditions • Survey • Architectural plans • Clause 4.6 to vary cl6.25 Development Standard • Landscape Plans • Statement of Environmental effects
Report prepared by	Akshay Bishnoi – Senior Development Assessment Officer
Report date	21/08/2024

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? <i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i>	Yes
Clause 4.6 Exceptions to development standards	
If a written request for a contravention to a development standard (clause 4.6 of the <i>LEP</i>) has been received, has it been attached to the assessment report?	Yes
Special Infrastructure Contributions	
Does the DA require Special Infrastructure Contributions conditions (S7.24)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	No
Conditions	
Have draft conditions been provided to the applicant for comment? <i>Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report</i>	Yes

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COUNCIL WILLOUGHBY CITY COUNCIL

ADDRESS: 5-9 GORDON AVENUE, CHATSWOOD NSW 2067.

DA NO: DA-2023/170

PROPOSAL: INTEGRATED DEVELOPMENT - DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF SHOP TOP HOUSING CONSISTING OF GROUND AND FIRST FLOOR OF COMMERCIAL PREMISES, 25 STOREY RESIDENTIAL TOWER COMPRISING OF 64 UNITS, COMMUNAL FACILITIES, CAR PARKING AND ASSOCIATED WORKS. THE APPLICATION IS IDENTIFIED AS NOMINATED INTEGRATED DEVELOPMENT REQUIRING APPROVAL FROM WATER NSW PURSUANT TO S90 OF THE WATER MANAGEMENT ACT 2000.

RECOMMENDATION: DEFERRED COMMENCEMENT CONSENT

ATTACHMENTS:

1. SITE DESCRIPTION AND AERIAL PHOTO
2. DEVELOPMENT CONTROLS, STATISTICS, DEVELOPER CONTRIBUTION & REFERRALS
3. CLAUSE 4.6 ASSESSMENT – SHOP TOP HOUSING IN ZONE MU1
4. SUBMISSIONS TABLE
5. SECTION 4.15 (79C) ASSESSMENT
6. SCHEDULES OF CONDITIONS

RESPONSIBLE OFFICER: RITU SHANKAR - TEAM LEADER

AUTHOR: AKSHAY BISHNOI – SENIOR DEVELOPMENT ASSESSMENT OFFICER

DATE: 21/08/2024

1. PURPOSE OF REPORT

The proposal is regionally significant development as identified in Schedule 6 of the *State Environmental Planning Policy* (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

THAT the Sydney North Planning Panel (SNPP):

2.1 Support the variation to the development standard in *Willoughby Local Environmental Plan 2012* Clause 6.25 Shop Top Housing in Zone MU1 under clause 4.6 (as assessed in Attachment 2) for the following reasons:

2.1.1 The applicant's written request has demonstrated that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard, and

2.1.2 The proposal is consistent with the objectives of the zone, and therefore it is reasonable to conclude it is in the public interest to allow the development.

2.2 Grant a Deferred Commencement Consent for Development Application DA-2023/170 for demolition of existing structures and construction of shop top housing consisting of ground and first floor of commercial premises, 25 storey residential tower comprising of 64 units, communal facilities, car parking and associated works at 5-9 Gordon Avenue, Chatswood, subject to conditions contained in Attachment 6, for the following reasons:

2.2.1 The proposed development achieves the desired outcomes and objectives of Chapter 4 of *State Environmental Planning Policy – (Housing) 2021*.

2.2.2 The proposed development does not conflict with the desired outcomes and objectives of the development standards contained in the *Willoughby Local Environmental Plan 2012 (WLEP)*, to the extent that the provisions apply.

2.2.3 Subject to deferred commencement condition, the proposal is consistent with the objectives of the development controls contained in the *WDCP*.

2.2.4 The proposal satisfies the Chatswood CBD Planning and Urban Design Strategy 2036.

3. DESCRIPTION OF PROPOSAL

The development application proposes the following:

- a) Demolition of all existing buildings and structures;
- b) Construction of 27 storey shop top housing development comprising 2 storeys of commercial/retail use, and residential tower comprising 25 levels containing 64 residential apartments, adopting the following mix:
 - Two-storey non-residential podium:
 - Ground floor: Two retail tenancies
 - First Floor: Four Commercial tenancies
 - Business identification signs fronting Gordon Avenue
 - A 25 storey residential tower comprising 64 dwellings and

communal facilities including, swimming pool, outdoor gym, BBQ area and co-working space.

- Unit mix:

- 1 bedroom – 4 units
- 2 bedroom – 19 units
- 3 bedroom – 34 units
- 4 bedroom – 5 Units
- Penthouse – 2 Units

c) Basement parking (5 levels) comprising 106 car spaces (inclusive of 22 accessible spaces) including:

- 64 residential
- 16 visitor spaces
- 10 commercial
- 16 retail spaces

d) Landscaping and associated works, including removal of 14 trees.



Image 1: (Left) The existing site

(Right): A photomontage of the subject proposal

The proposal has undergone minor amendments since its lodgement. The amendment was primarily related to the internal minor design refinement, with no changes to the maximum building height and a minor variation in the GFA calculation. The proposal, as amended, includes the following numerical changes compared to the originally lodged proposal:

- Basement parking (5 Levels) comprising 99 car spaces:
 - 64 residential spaces;
 - 9 Visitor spaces;
 - 10 Commercial spaces; and
 - 16 Retail spaces

Note:

The difference between the originally notified plans and the latest version submitted on 23/05/2024 is minor. The changes primarily result from design refinements and development through the RFI (request for information) process. The increase in GFA, particularly for the residential component, is due to the reduction in façade wall thickness by 20-50mm, which leads to a minor increase in GFA while maintaining the building envelope. As a result, the

impacts from the revised architectural plans are considered similar to the originally notified plans and do not give rise to any new issue that would necessitate re-notification.

4. BACKGROUND

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

A planning proposal to rezone the site for uplift in accordance with the Chatswood CBD Strategy 2036 was approved and gazetted on 2 March 2022. The planning proposal included the following key amendments to the *Willoughby Local Environmental Plan 2012 (WLEP 2012)*:

- Rezone the site from R3 Medium Density Residential to B4 Mixed Use
- Maximum FSR of 6:1
- Height of Buildings 90m
- A minimum commercial FSR component of 1:1
- Active Street Frontage to include Gordon Avenue and Hammond Lane Frontages
- 4% of the residential floor space as affordable housing units

A pre-lodgement meeting was held on 24 November 2022.

The application was lodged on 06 July 2023.

On 25 July 2023, Water NSW requested further information.

The application was notified from 31 July to 28 August 2023.

On 4 October 2023, Sydney North Planning Panel held a kick-off briefing. The following issues were discussed:

- Ground water and dewatering details for Water NSW
- Potential basement redesign
- Potential ground floor refinement to meet waste requirements

On 10 October 2023, a request for additional information was sent to the applicant in respect to:

- Vehicle access and parking,
- Stormwater water management and flooding,
- Waste Management and collection,
- Vertical mechanical ventilation regarding the ground floor retail uses,
- Excess Car parking spaces,
- Dedication of affordable housing units
- Vehicle access and Parking,
- Signage information,
- ADG requirements
- Water NSW request for further information

On 11 October 2023, the applicant responded to the Water NSW RFI

On 2 November 2023, the applicant partly responded to the parking and waste issues and provided supporting documents.

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On 1 December 2023, the applicant responded to the RFI in full and provided revised architectural plans and other relevant documents.

On 05 December 2023, the Water NSW issued a General Terms of approval (GTA) for a tanked basement design.

On 11 March 2024, the applicant requested amendments to the Water NSW issued GTA. Accordingly, the application was re-referred to Water NSW on 13/03/2024 requesting a review of the GTA pursuant to s38 of the EP&A Regulation 2021.

Following a comprehensive review of the revised architectural plans and other relevant documents, Council issued another additional information request letter advising:

- The car parking spaces in excess of the *WDCP* requirement are not supported
- Substation needs to be located away from the street to minimise any visual impacts
- Inadequacy of the traffic report
- Stormwater and flooding
- Vehicular access and parking
- Waste management and collection
- Impacts on trees and inadequate deep soil zones

On 23 May 2024, the applicant responded:

- Another set of revised architectural plans
- A clause 4.6 variation justifying the excess car parking spaces
- Revised traffic report
- Updated flood impact study
- Updated waste management plan
- Updated landscape plans and arborists report

On 31 May 2024, Water NSW refused to issue amended GTAs and advised that the GTAs issued on 05 December 2023 for a tanked basement design remain current.

On 5 June 2024, the applicant was strongly advised that the excess car parking could not be supported, primarily due to the traffic generation impacts and the need to maximise public transport usage, as well as to encourage walking and cycling.

Consequently, a deferred commencement condition is recommended, requiring the redesign of the basement levels to comply with the maximum *WDCP* parking standard. The applicant has agreed to this approach and provided Council with draft wording for the deferred commencement conditions via an email dated 12/06/2024.

On 14 August 2024, the applicant provided an updated clause 4.6 request for shop top housing in zone MU1 and a consolidated set of the latest architectural plans.

5. DISCUSSION

The controls and development statistics that apply to the subject land are provided in **Attachment 2**, including an assessment under *State Environmental Planning Policy (Housing) 2021* – Chapter 4, the Apartment Design Guidelines, *Willoughby LEP 2012*, and *Willoughby Development Control Plan 2023*.

A detailed assessment of the Clause 4.6 is provided in **Attachment 3**.

A table of the issues raised in the submissions objecting to the proposal and the assessing officer's response is contained in **Attachment 4**.

Key Issues

Amendments to *WLEP* and new *WDCP 2023*

On 30 June 2023, *WLEP 2012* Amendment 34 came into effect. Notionally, *WDCP 2023* also commenced in July 2023, but subsequently endorsed correctly on 3 October 2023.

The application was lodged on 06 July 2023, after the *WLEP 2012* Amendment 34 came into effect. Therefore, it is subject to the provisions of Amendment 34.

17% Non-residential GFA

The site is subject to a 17% Non-residential gross floor area requirement pursuant to Clause 6.25 of the *WLEP* and the proposal is seeking a variation to this standard. A detailed assessment is provided in Attachment 3 which concludes the variation is acceptable in the circumstances of the case.

Car Parking Spaces

The proposal includes car parking in excess of the requirements specified under Part F of the *WDCP 2023*.

A total of 99 car parking spaces are proposed in the amended proposal:

- 64 residential spaces;
- 9 Visitor spaces;
- 10 Commercial spaces; and
- 16 Retail spaces

The *WDCP 2023* requires:

- 41 residential spaces (including 9 visitors);
- 2 Commercial spaces; and
- 5 Retail spaces

This results in a surplus of 51 car parking spaces, meaning the proposal provides twice the required number.

The proposed car parking rates for both residential and commercial components are not supported. Given the uplift indicated in Council's Chatswood CBD Planning and Urban Design Strategy 2036, Council has defined its intention to limit the growth of private vehicle ownership and travel in the CBD. Instead, it aims to promote a mode shift towards walking, cycling, and the use of public and shared transportation. This shift is endorsed by the new *WDCP 2023* in July 2023, which includes lower maximum car parking rates. Increasing the number of car parking spaces would only promote higher car ownership/use and thus congestion. The parking rates adopted in the *WDCP* is aligned with WCC Integrated Transport Strategy, which identifies travel demand management (TDM) as an effective and achievable approach to manage congestion.

The vicinity of the maximum parking rates are located within well connected shared path networks, where walking and cycling to Chatswood Interchange is feasible (Note: The interchange has buses, Heavy Rail and the new Metro). Bus networks along Pacific Highway further complements the transport mode choice. It is crucial that Council consistently adopts and defends the parking rates in Chatswood CBD to maintain sustainable traffic operations. The applicant's supplied justification to vary the parking rate does not achieve the Objectives of Part F of the *WDCP* and together with the supplied Traffic report, has not satisfied Council that the proposed parking rates wouldn't cause additional traffic impacts.

Council's Traffic and Transport section is also not supportive of the proposal and advised that the development must comply with the 2023 *WDCP* Chatswood CBD rate for all proposed unit sizes. This consideration is based on the development of multiple high rise residential buildings within the precinct, with a reduced parking rate to minimise cumulative traffic impacts.

As a result, the proposal is recommended for a deferred commencement, subject to a condition requiring compliant car parking.

Deep Soil Zones

The proposal does not provide adequate deep soil landscaping. The applicant provided misleading information indicating a provision of 101.39m² in deep soil zones, which is incorrect. A majority of the site is occupied by the basement footprint, leaving approximately 72m² of deep soil at the basement level, which is further impacted by an existing hardstand rights of way at ground floor level. Additionally, it appears that the applicant has included a portion of the adjoining site to the north in their calculation of deep soil, which does not form part of the subject site.

The proposal is therefore not supported in relation to the landscape design including deep soil provisions. The proposal fails to provide adequate landscape areas as per the controls specified in this part, where little to no meaningful landscaping has been provided along the street fronts.

Additionally, the proposal includes removal of 14 trees, however fails to provide compensatory tree planting. Council's Landscaping section has reviewed the proposal including relevant documentation and requested the following:

An amended landscape plan is to be submitted with the following:

- a. More substantial planting with deep soil planting within the setback to Hammond Lane that includes tree planting along the public/private interface via indents to awnings and planting holes provided. Narrow species such as *Livistona australis* palms may be suitable for this area.
- b. Deep soil planting within the Gordon Avenue setback.
- c. The boundary 'hedge' planting of shrub like trees along the rear northern boundary is not considered suitable. The landscaped area to the northern boundary area should be redesigned incorporating the existing public domain area as a single area with canopy trees and useable open space.
- d. The plans are to include at least 17 trees on site.
- e. 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. A

minimum soil depth of 600mm is required to be included in soft landscape area calculations.

The above requirements have been inserted in the deferred commencement condition.

6. CONCLUSION

The Development Application DA-2023/170 has been assessed in accordance with Section 4.15 (79C) of the *Environmental Planning and Assessment Act 1979*, *WLEP 2012*, *WDCP*, and other relevant codes and policies. It is considered that the proposal is acceptable in the particular location, subject to deferred commencement conditions and the consent conditions included in Attachment 6.

ATTACHMENT 1: SITE DESCRIPTION AND AERIAL PHOTO

Site & surrounds

The subject land is described as Strata Plan 57091, known as 5-9 Gordon Avenue, Chatswood. The site is a generally rhomboid shaped corner allotment, with a very gentle slope down to the north and contains a 3 storey 1980's brick and tile apartment building, comprising 12 apartments, with basement car parking.



Figure 1: Locality Photo of site

Bounded by Gordon Avenue to the south (42.9m), Hammond Lane to the west (48.7m), Chatswood Bowling Club to the north (35.8m) and 1-3 Gordon Avenue (39.7m) featuring a residential flat building owned by Sydney Metro to the east.

30m to the east is the Frank Channon Walk which is a pedestrian walkway and cycleway to Chatswood CBD and Railway/Metro Station. The site is located approximately 600m from the Chatswood Railway Station and Transport Interchange and within the Chatswood CBD boundary identified in the *Chatswood CBD Planning and Urban Design Strategy 2036* (the CBD Strategy). This area is part of the southern CBD extension.



Figure 2: Aerial Photo of site



Figure 3: Photo from Gordon Ave of site.

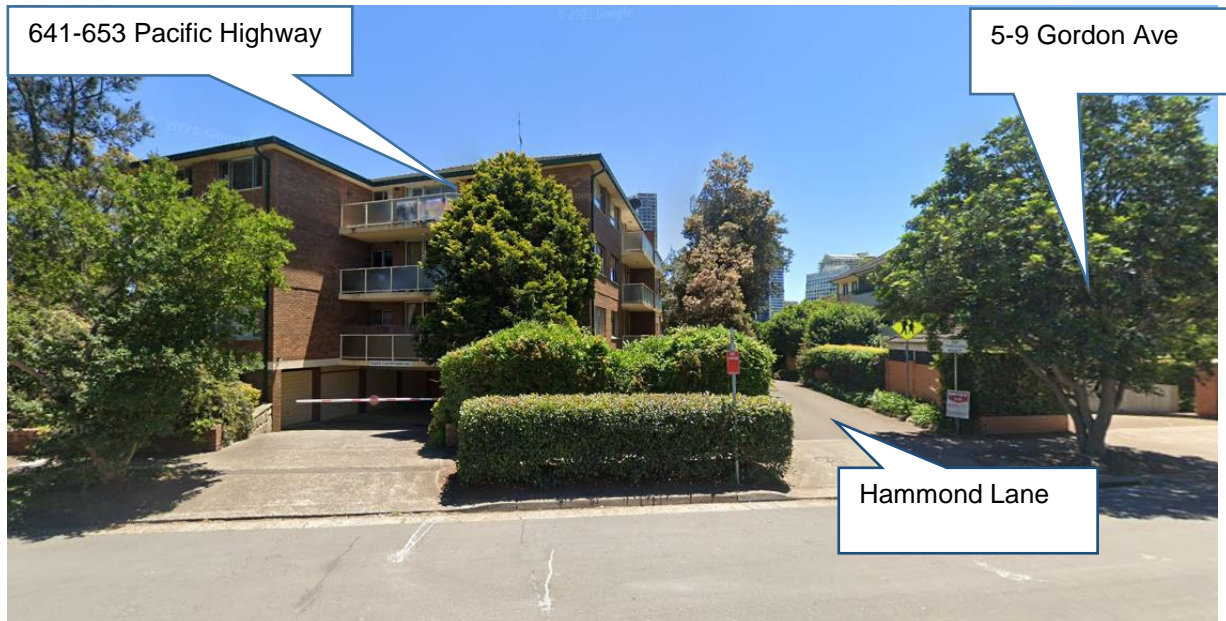


Figure 4: West of the site.



Figure 5: East of the site.

Relevant Site History

The site has been subject to a DA and planning proposal as follows;

- DA-1980's – Three storey residential flat building.
- PP-2018/3 – Amend Height map (to allow 90m), FSR map (to allow 6:1) and land use change from R3 to B4/ MU1

The southern CBD area of Chatswood is under a transition stage where developers are capitalising on the recent uplift that has been approved through planning proposals and *LEP* amendments. Below is a rough capture of the surrounding area. Red showing current sites

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under DA assessment for mixed use development and blue site which have had planning proposals and discussions with Council on future lodgements.

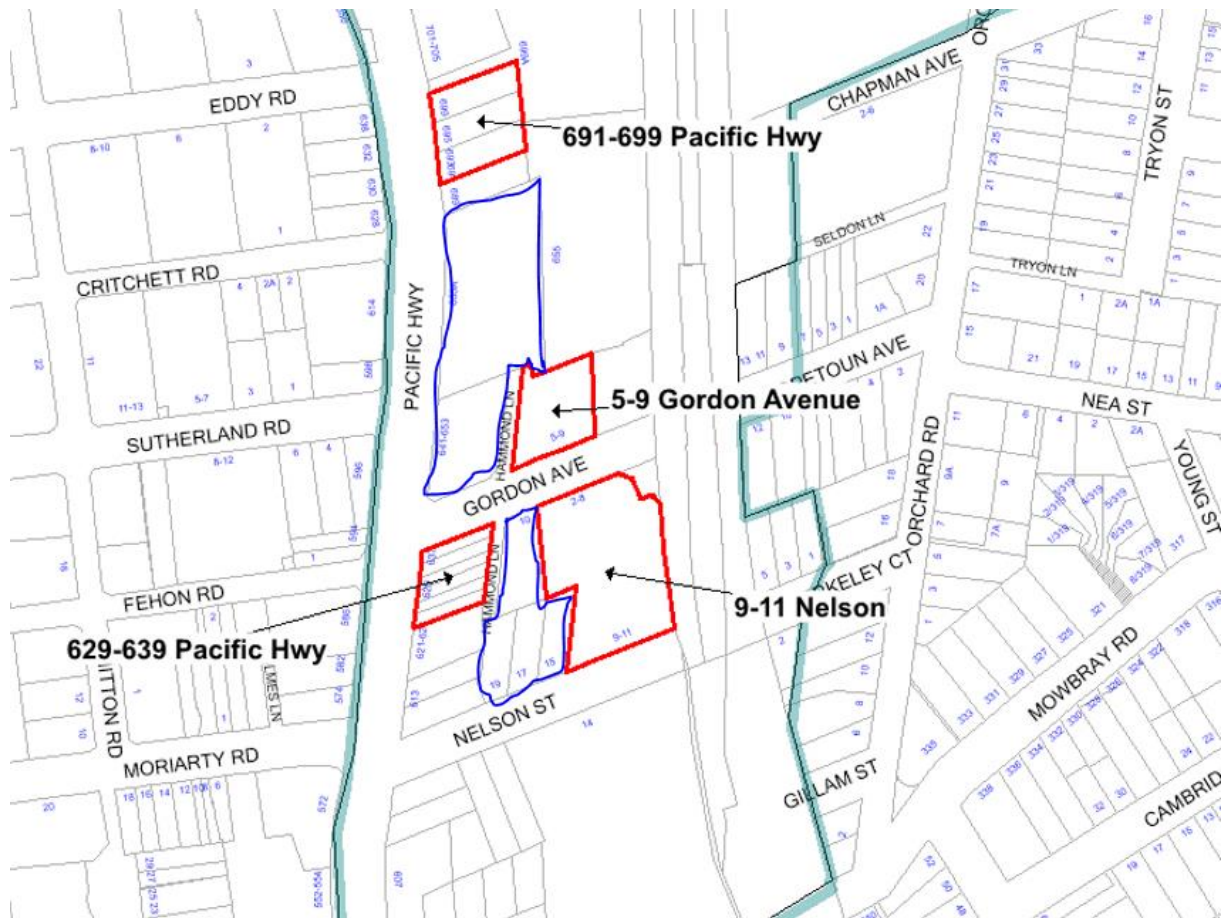


Figure 6: Areas of development activity in the site context. Red current DA's under assessment. Blue recent PP's approved and with development discussions happening with Council.

ATTACHMENT 2: CONTROLS, REFERRALS & DEVELOPMENT STATISTICS

<i>Willoughby Local Environmental Plan 2012 (amendment 34) applicable on 06/07/2023</i>	
Zoning: HOB: FSR:	MU1 Mixed Use 90M 6:1
Existing Use Rights	No
Additional Permitted Use	Yes, Shop-top housing with at least 17% of the building's GFA used for non-residential purposes.
Conservation area	No
Aboriginal Heritage	No
Heritage Item	No
Vicinity of Heritage Item	No
Natural Heritage Register	No
Bushfire Prone Area	No
Flood related planning control	YES
Foreshore Building Line	No
Adjacent to classified road	YES – within 47m of Pacific Highway
Road/lane widening	No
BASIX <i>SEPP</i>	YES
Infrastructure <i>SEPP</i> - Rail	No
Infrastructure <i>SEPP</i> - Road	YES – Traffic generating (50+ carparks)
Coastal Management <i>SEPP</i>	No
Acid Sulphate Soil Category	5
Development near Lane Cove Tunnel	No
Contaminated Land	No
Adjacent / above Metro	No
Other relevant <i>SEPPS</i>	<i>SEPP</i> (Resilience and Hazards) 2021 <i>SEPP</i> (Transport & Infrastructure) 2021 <i>SEPP</i> (Biodiversity and Conservation) 2021, <i>SEPP</i> (Housing) 2021 <i>SEPP</i> (Industry & Employment) 2021
Relevant <i>DCPs</i> policies and resolutions	<i>WDCP</i>

State Environment Planning Policy ([Resilience and Hazards](#)) 2021

Chapter 5 of *Resilience and Hazards SEPP* aims to 'provide a State-wide planning approach to the remediation of contaminated land'. Clause 4.6 requires a consent authority to consider whether the land is contaminated and if it is suitable or can be remediated to be made suitable for the proposed development, prior to the granting of development consent.

The application accompanies a Limited Detailed Site Investigation (Contamination) report prepared by Douglas Partners, Ref no. 86178.02.R.001, Dated 5 May 2023. The report concludes that the subject site is considered suitable for the proposed use, subject to unexpected finds protocol and further testing of soil following demolition works. Council's Environmental Health section has reviewed the report and raised no issues with the proposed development subject to conditions of consent.

The application is therefore acceptable with regard to the relevant consideration of *SEPP* (Resilience and Hazards) 2021.

State Environmental Planning Policy (Transport and Infrastructure) 2021 – Chapter 2 (Infrastructure)

The subject site is adjacent to a rail corridor to the east (30m) and a classified road to the west (47m). While the site does not meet the specific criteria under Clauses 2.98 – *Development adjacent to rail corridors*, 2.99 – *Excavation in, above, below or adjacent to rail corridors* and 2.119 – *Development with frontage to classified road*, the acoustic and vibration impacts from both the rail corridor and classified road have been considered. Specifically, the following clauses have been considered during the assessment of this proposal.

2.100 Impact of rail noise or vibration on non-rail development

- (1) *This section applies to development for any of the following purposes that is on land in or adjacent to a rail corridor and that the consent authority considers is likely to be adversely affected by rail noise or vibration—*
 - (a) *Residential accommodation,*
 - (b) *a place of public worship,*
 - (c) *a hospital,*
 - (d) *an educational establishment or child care centre.*
- (2) *Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Planning Secretary for the purposes of this clause and published in the Gazette.*
- (3) *If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:*
 - (a) *in any bedroom in the building—35 dB(A) at any time between 10 pm and 7 am,*
 - (b) *anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.*

2.120 Impact of road noise or vibration on non-road development

- (4) *This section applies to development for any of the following purposes that on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicles (based on the traffic volume data published on the website of TfNSW) and that the consent authority considers is likely to be adversely affected by rail noise or vibration—*

- (a) *Residential accommodation,*
 - (b) *a place of public worship,*
 - (c) *a hospital,*
 - (d) *an educational establishment or child care centre.*
- (5) *Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Planning Secretary for the purposes of this clause and published in the Gazette.*
- (6) *If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:*
 - (a) *in any bedroom in the building—35 dB(A) at any time between 10 pm and 7 am,*
 - (b) *anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.*

Comment: In response to the above clause, the applicant submitted an Acoustic Report prepared by Resonate Consultants, Ref. S220427RP1 Rev0, dated 15 May 2023 and a supplementary letter dated 10 November 2023. The report recommended a variety of acoustic treatments to comply with the *SEPP*. The acoustic assessment and recommendations were reviewed by Council's Environmental Health Department and found to be satisfactory. Conditions of consent have been included, that ensure the recommendations of the acoustic report will be implemented during the construction.

Given the above it is considered that the subject proposal meets the relevant objectives and regulations of Clause 2.100 and 2.120, subject to conditions of consent.

2.122 Traffic-generating development

The proposal is considered as a traffic generating development in accordance with Schedule 3 of the *SEPP* (Transport and Infrastructure) 2021. The development is identified as having access to Pacific Highway within 90m and will result in 50 or more vehicles per hour. Accordingly, the proposal was referred to TfNSW for comments. While the state agency did not raise any concerns with the development, it appears that the agency considered only the impacts of the development in isolation, rather than the cumulative traffic impact of the subject and other developments under assessment in the vicinity and associated traffic generation.

The referral response from TfNSW relates to the original information lodged with the application, being the proposal for a surplus of car parking. The substandard traffic report which does not assess actual traffic impacts to the surrounding context or performance of Pacific Highway, was assessed and is likely the reason for such a response.

Council's traffic and transport section has assessed the development and its associated impacts and has advised that the proposal will result in traffic congestion on the localised road network, including the Pacific Highway. Additionally, the car parking spaces proposed in excess of the *WDCP* requirement would negatively contribute to traffic generation. Therefore, the proposal is recommended for a deferred commencement, subject to a condition requiring compliance with car parking standard.

State Environment Planning Policy (Industry and Employment) 2021

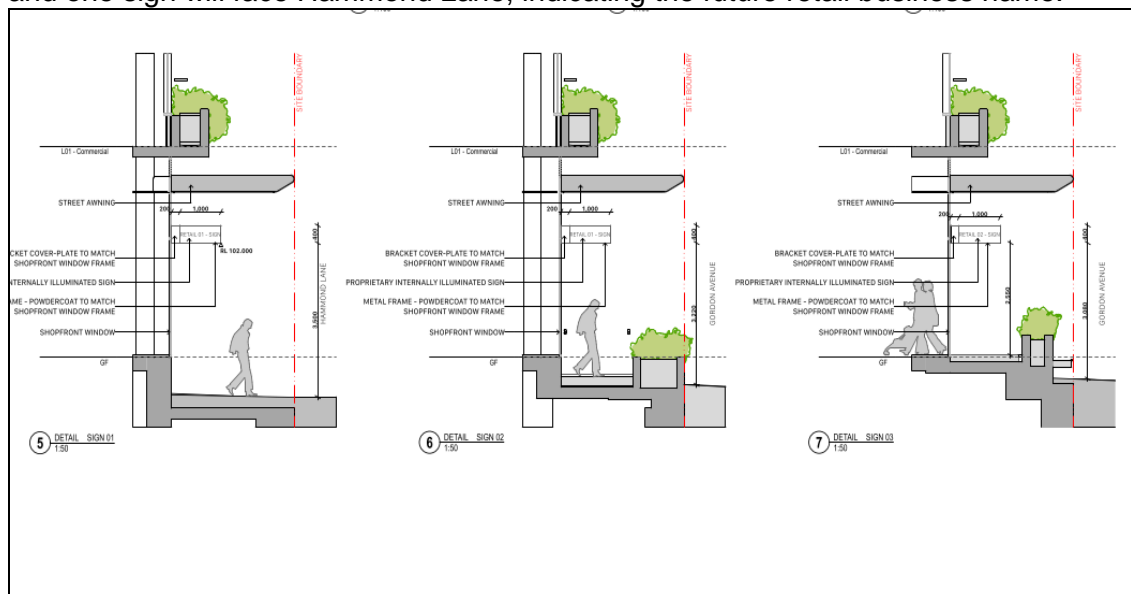
Chapter 3 – Advertising and signage

Clause 3.1 identifies the aims and objectives of Chapter 3 – Advertising and signage, which are:

- (a) to ensure that signage (including advertising)—
 - (i) is compatible with the desired amenity and visual character of an area, and
 - (ii) provides effective communication in suitable locations, and
 - (iii) is of high quality design and finish, and
- (b) to regulate signage (but not content) under Part 4 of the Act, and
- (c) to provide time-limited consents for the display of certain advertisements, and
- (d) to regulate the display of advertisements in transport corridors, and
- (e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.

Clause 3.6 requires signage to satisfy the assessment criteria in Schedule 5 (See table below). The following signage has been assessed against Chapter 3 of the *SEPP (industry and Employment) 2021*.

- Three (3) internally illuminated, under awning Business Identification signs, each measuring 1000mm x 400mm. Two signs will be positioned facing Gordon Avenue, and one sign will face Hammond Lane, indicating the future retail business name.



Criterion	Comment
1 Character of the area	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signs are viewed to be compatible with the streetscape. The proposed signs do not dominate the visual characters of the locality.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	N/A

Criterion	Comment
2 Special areas	
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	<p>The proposed signs do not detract from the amenity or visual quality of the Chatswood CBD area.</p> <p>The site is not identified as being located in proximity to any environmentally sensitive areas, heritage areas, natural or other conservation areas.</p>
3 Views and vistas	
Does the proposal obscure or compromise important views?	No, the proposed signs will be located at street level and will not obscure or compromise any significant views.
Does the proposal dominate the skyline and reduce the quality of vistas?	No
4 Streetscape, setting or landscape	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale, proportion and form of the proposed signs are considered to be appropriate to the streetscape.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signs are considered to be of an appropriate scale and form and unlikely to dominate the existing streetscape character.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposed building identification signs are considered to be appropriate for the locality in terms of its scale, location and material.
Does the proposal screen unsightliness?	The proposed signs are identified as business identification signs and are not proposed to screen unsightliness.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No - all signs are under awning signs and will not protrude above or outside the awning.
5 Site and building	
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	Yes – the proposed signs are considered to be appropriately located and do not dominate the streetscape.
Does the proposal respect important features of the site or building, or both?	Yes – the proposed signs are compatible with the commercial character of the streetscape.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	Yes – the proposed signs are considered to be appropriate for the proposed future retail use that they identify.
6 Associated devices and logos with advertisements and advertising structures	
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	N/A
7 Illumination	
Illumination?	Yes – the signs the proposed to be only internally illuminated.
Would illumination result in unacceptable glare?	No
Would illumination affect safety for pedestrians, vehicles or aircraft?	No
Would illumination detract from the amenity of any residence or other form of accommodation?	No
Can the intensity of the illumination be adjusted, if necessary?	N/A

Criterion	Comment
Is the illumination subject to a curfew?	Internal illumination of the signs are to occur only during operational hours. Conditions of consent are recommended to ensure this.
8 Safety	
Would the proposal reduce the safety for any public road?	No, road safety issues are not foreseen as a result of the proposed signs.
Would the proposal reduce the safety for pedestrians or bicyclists?	No
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No

The proposed **signs** are considered to be acceptable with regard to *SEPP (Industry and Employment) 2021*.

State Environmental Planning Policy (Housing) 2021

The *SEPP 65 (Design Quality of Residential apartment Development) 2002* was repealed by sec 3 of the *State Environmental Planning Policy amendment (Housing) 2023* with effect from 14/12/2023. However, this did not specify the application of the Apartment Design Guide and there was no savings or transitional provisions preserving the operation of *SEPP 65*, for pending applications, beyond its repeal on 14/12/2023.

On 15 March 2024, the NSW Government published the *State Environmental Planning Policy Amendment (Housing) 2024*. This document revised the transitional provision set out in section 8(1) of Schedule 7A of the Housing *SEPP*. Which clarified that the new Chapter 4 *State Environmental Planning Policy (Housing) 2021*, would apply to any application or modification application, including those lodged before 14/12/2023. This provision is specified in Subclause (2A), Clause 8 of Schedule 7A of the Housing *SEPP*.

The proposal therefore, has been assessed under Chapter 4 of the *SEPP (Housing) 2021*.

State Environmental Planning Policy (Housing) 2021 – Chapter 4: Design Quality of Residential Apartment Development		
145	<p><i>Referral to design review panel for development applications:</i></p> <p><i>(1) This section applies to a development application for residential apartment development, other than State significant development.</i></p> <p><i>(2) Before determining the development application, the consent authority must refer the application to the design review panel for the local government area in which the development will be carried out for advice on the quality of the design of the development.</i></p> <p><i>(3) This section does not apply if—</i></p>	<p>Pursuant to subclause (3), this clause does not apply to the development. The submitted design is the result of a design competition held from September to December 2022. Council's Urban designer has reviewed the design subject to this application against the jury's recommendations and raised no issues.</p>

	<p>(a) a design review panel has not been constituted for the local government area in which the development will be carried out, or</p> <p>(b) a competitive design process has been held.</p> <p>(4) In this section— competitive design process means a design competition held in accordance with the Design Competition Guidelines published by the Department in September 2023.</p>	
147	<p>Determination of development applications and modification applications for residential apartment development:</p> <p>(1) Development consent must not be granted to residential apartment development, and a development consent for residential apartment development must not be modified, unless the consent authority has considered the following—</p> <p>(a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9,</p> <p>(b) the Apartment Design Guide,</p> <p>(c) any advice received from a design review panel within 14 days after the consent authority referred the development application or modification application to the panel.</p> <p>(2) The 14-day period referred to in subsection (1)(c) does not increase or otherwise affect the period in which a development application or modification application must be determined by the consent authority.</p> <p><u>(3) To avoid doubt, subsection (1)(b) does not require a consent authority to require compliance with design criteria specified in the Apartment Design Guide.</u></p> <p>(4) Subsection (1)(c) does not</p>	Noted.

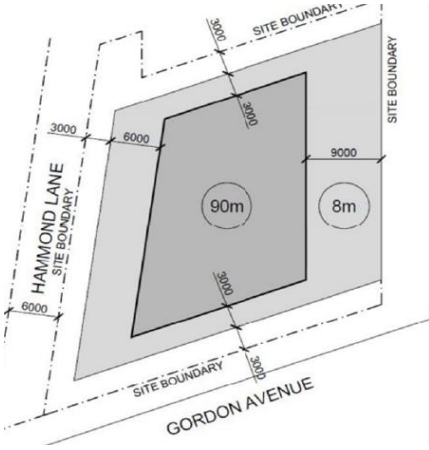
	<i>apply to State significant development.</i>	
148	Standards that cannot be used to refuse consent: <ul style="list-style-type: none"> • Parking provision that complies with ADG, • Internal area of apartments that comply with ADG, • Ceiling heights that comply with ADG. 	Noted. Assessment under <i>the WDCP 2023</i> reflects this limitation.
149	DCPs cannot be inconsistent with Apartment Design Guide (ADG) Provisions in <i>DCP</i> of no effect in respect to: <ul style="list-style-type: none"> • Visual privacy • Solar and daylight access • Common circulation and spaces • Apartment size and layout • Ceiling heights • Private open space and balconies • Natural ventilation • Storage 	Noted. Assessment under <i>WDCP 2023</i> reflects this limitation.
Schedule 9 – Design quality principles		
1	Context and neighbourhood character	The height and scale is reasonably consistent with adjoining development and aligns with the future growth plans for the area.
2	Built Form and Scale	The proposal responds appropriately to the desired future character, and is satisfactorily modulated in form, comprised of suitable materials, defines the public domain and provides good internal residential amenity.
3	Density	<p>The proposal has a floor space ratio of 5.99:1, which complies with the development standard. The quantum of the development is dissected into high amenity residential units that serve to meet the housing demand. The non-residential floor space suitably addresses Chatswood's identity as a Strategic Centre within the Sydney metropolitan area with an economic role and contributes to achieve the jobs target in the North District Plan.</p> <p>The unit breakdown in the proposal is:</p> <p>4 x 1 bed (6%) 19 x 2 bed (30%) 34 x 3 bed (53%) 5 x 4 bed (8%) 2 x Penthouse (3%) Total = 64 units</p>

		The portion of 3 plus bedroom units is representative of an emerging market who seek to live in larger units to cater for changing lifestyle and needs, downsizers who wish to welcome visitors and family and entertain. It complies with the ADG requirements and its objectives. The density of the proposal is satisfactory.
4	Sustainability	The applicant advises that the proposal incorporates a number of principles of sustainability, including natural ventilation to the majority of apartments, maximizing direct sun to apartments whilst utilising shading devices where required and landscaping throughout the proposal. BASIX targets are achieved.
5	Landscape	The proposal fails to provide for meaningful deep soil zones. The deferred commencement condition, which requires a redesign of the basement to comply with the <i>WDCP 2023</i> parking requirements and improvements to the deep soil zones to the street front, will ensure an acceptable vegetation and landscape outcome. Therefore this objective is considered satisfied, subject to the deferred commencement condition.
6	Amenity	<p>The proposed design will provide adequate levels of internal amenity for future occupants with good orientation and cross flow to units. Room sizes are in accordance, and sometimes greater, than ADG recommended room sizes and compliant amounts of storage has been provided, split between car park and apartment area.</p> <p>The proposed development will provide setbacks within development that provide suitable separation between the proposed units catering for their sunlight and privacy needs. Accessible path of travel is provided for all floors of residential areas.</p>
7	Safety	<p>The design of the development provides casual surveillance to the street frontage. Suitable street and ground level lighting will be provided within the development to maximise surveillance opportunities at night.</p> <p>The basement car park will have intercom system and security doors restricting access to resident and visitor parking spaces and suitable lighting will be provided within the basement.</p> <p>Additionally, the proposal was referred to NSW Police for comments, who raised no issues subject to recommending design treatment</p>

		options required in line with Crime Prevention Through Environmental Design (CPTED) principles.
8	Housing Diversity and Social Interaction	Development offers a good mix of apartment types. The size of apartments are well in excess of the minimum size requirements to enhance the enjoyment and practicality for occupants. The number of 3-bedrooms units caters for families or downsizers.
9	Aesthetics	The proposal is considered to be satisfactory with regards to this principle as it achieves architectural excellence by the use of balanced proportions, setbacks, variety and quality of materials. The proposal is supported by Council's Urban Designer as noted in the referrals section of this report.

Apartment Design Guidelines

Required	Proposed	Complies
PART 02 DEVELOPING THE CONTROLS		
2A Primary Controls		
Primary development controls are the key planning tool used to manage the scale of development so that it relates to the context and desired future character of than area and manages impacts on surrounding development	<p>The primary development controls of the development are discussed in detail below.</p> <p>Generally, the proposed development is well suited to the location and provides a good design outcome.</p>	Yes
2B Building Envelope		
Establishes the appropriate scale of the development including the allowable bulk, height and location of a development on a site.	<p>The <i>Willoughby LEP 2012</i> and <i>Willoughby DCP 2023</i> outline the height and density controls for the site, as well building envelope controls specifically outlined for the subject site.</p> <p>The proposal complies with the key <i>WLEP</i> controls of Height of buildings and FSR.</p>	Yes
2C Building Height		
Where a floor space ratio (FSR) is defined, test height controls against it to ensure a good fit	<i>Willoughby LEP 2012</i> sets height controls consistent with the FSR controls in the <i>LEP</i> . The proposal complies with the maximum height control of 90m.	Yes
2D Floor space ratio		
The GFA should fit comfortably within the building envelope that also needs to account for building elements and service	The FSR of 5.99:1 complies with the maximum permissible under <i>Willoughby LEP 2012</i> .	Yes

<p>areas that are not included in the GFA definition and to allow for building articulation.</p>		
2E Building Depth		
<p>Use a range of appropriate maximum apartment depths of 12-18 metres.</p>	<p>The western apartment on levels 3, 4, 5 and 6, and the south-western apartment on from Level 7 to 21 and the Penthouses have cross-over width exceeding the 18m requirement. While the applicant's submission does not acknowledge this, the proposal is acceptable as a majority of the apartments are cross-ventilated and receive adequate amount of solar access. The proposed development is designed to provide high level of amenity for the future occupants.</p>	<p>Considered satisfactory</p>
2F Building Separation		
<p>Design and test building separation controls in plan and section. Minimum separation distances for buildings are:</p> <ul style="list-style-type: none"> - Up to 4 storeys approximately 6-12m - Up to 8 storeys approximately 9-18m - 9 storeys and above approximately 12-24m <p>Demonstrate that daylight access, urban form and visual and acoustic privacy are satisfactorily achieved.</p> <p>Aims</p> <ul style="list-style-type: none"> • ensure that new development is scaled to support the desired future character with appropriate massing and spaces between buildings • assist in providing residential amenity including visual and acoustic privacy, natural ventilation, sunlight and daylight access and outlook • provide suitable areas for communal open spaces, deep soil zones and landscaping. 	<p>Building separations in accordance with ADG are generally achieved. Notwithstanding, the proposal generally complies with the site specific setback requirements contained in the <i>WDCP</i>, which requires the setbacks as per the extract below.</p>  <p>Any potential privacy impacts are discussed further in this report under Part 3F-1 of the ADG</p>	<p>Considered satisfactory</p>
2G Street Setbacks		

<p>Street setbacks should be consistent with existing setback patterns in the street or setbacks that achieve the desired future character of the area. In conjunction with height controls, consider secondary upper level setbacks to:</p> <ul style="list-style-type: none"> - Reinforce the desired scale of buildings at the street frontage; - Minimise overshadowing of the street and other buildings. 	<p>The setbacks to the streets are generally in accordance with the streetscape and the <i>WDCP</i>, except at the basement level.</p>	<p>Yes</p>
2H Side and Rear Setbacks		
<p>Setbacks vary according to the building's context and type.</p> <p>Consider zero side setbacks where the desired character is for a continuous street wall, such as in dense urban areas or main streets.</p>	<p>As discussed above, the proposal has been designed to comply with the site specific setback requirements contained in the <i>WDCP</i>.</p>	<p>Yes</p>

Requirement	Proposed	Complies
PART 03: SITING THE DEVELOPMENT		
3A Site Analysis		
<p>Site analysis illustrates that design decisions have been based on opportunities and constraints of the site and their relationship to the surrounding context.</p>	<p>The <i>Statement of Environmental Effects</i> documents how the proposal responds to the site's location and local context in relation to surrounding development, Chatswood CBD, Interchange and proximity to commercial centres. The proposal responds appropriately to the site and its surrounds, except for the proposed excessive car parking spaces.</p>	<p>Yes</p>
3B Orientation		
<p>Building types and layouts respond to the streetscape and site while optimising solar access within the development.</p> <p>Overshadowing of neighbouring properties is minimised during winter.</p>	<p>The orientation of the proposed buildings and internal spaces in relation to the site and street is satisfactory. The orientation of the residential floor plates allows for majority of units receiving adequate solar access between 9am to 3pm.</p>	<p>Yes</p>
3C Public Domain Interface		
<p>Transition between private and public domain is achieved without compromising safety and security.</p> <p>Amenity of the public domain is retained and enhanced.</p>	<p>The interface of the development contributes to the quality and character of the street.</p>	<p>Yes</p>

Requirement	Proposed	Complies
3D Communal and Public Open Space		
<p>An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping.</p> <ul style="list-style-type: none"> Communal open space has a minimum area equal to 25% of the site 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 	<p>The ADG requires a minimum of 379.50m² of communal open space, which is 25% of the site. The communal open space areas are arranged as follows: <u>communal open space</u> on Level 2 as: Communal outdoor area: 33.74m² Communal outdoor gym: 92.09m² Communal Pool area: 253.67m²</p> <p>A total of 379.50m² is provided, which equates to 25.9% of the site area and is adequate for the purposes of communal open space.</p> <p>The principal useable part of the communal open space is the provided at Level 2, where sufficient solar access is achieved.</p>	<p>Yes, the principal usable part of the communal open space achieves the minimum sun required.</p>
3E Deep Soil Zone		
<p>Deep soil zones provide for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality</p> <p>Minimum 7% of the site area to be deep soil; 15% desirable for sites above 1500m².</p>	<p>The site has a total area of 1522m². The ADG seeks a minimum 7% of deep soil, which equates to 106.54m² for this site. The proposal does not provide adequate deep soil landscaping. The applicant provided misleading information indicating a provision of 101.39m² in deep soil zones, which is incorrect. Majority of the site is occupied by the basement footprint, leaving approximately 72m² of deep soil at the basement level, which is further impacted by an existing hardstand rights of way at ground floor level. Additionally, it appears that the applicant has included a portion of the adjoining site to the north in their calculation of deep soil, which does not form part of the subject site. Therefore, a deferred commencement condition should include requirements for improvements to the deep soil zones across the site.</p>	<p>No</p>
3F Visual Privacy		
<p>Objective 3F-1: Design Criteria 1. Separation between windows and balconies is provided to ensure visual</p>	<p>The proposal complies with the building separation requirements to the east, achieving a minimum 13m</p>	<p>Yes</p>

Requirement	Proposed	Complies												
<p>privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <table border="1"> <thead> <tr> <th>Building height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr> </thead> <tbody> <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> </tbody> </table> <p>Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties.</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	<p>at Level 3 extending to 14m above level 6. However, the minimum 6m is not provided equitably from the northern boundary. Despite this non-compliance the proposal is considered acceptable, given that it adjoins RE2 zoned land to the north which is unlikely to be developed for residential purposes in the near future.</p> <p>Important to note that the proposal aligns more closely with the site specific controls in the <i>WDCP 2023</i>.</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												
3G Pedestrian access and entries														
<p>Building entries and pedestrian access connects to and addresses public domain.</p> <p>Access, entries and pathways are accessible and easy to identify.</p>	<p>The building addresses the public domain on Hammond Lane and Gordon Ave with both residential and commercial lobbies accessed via Gordon Avenue.</p> <p>The entry ways into the development are clearly visible from the public domain.</p>	Yes												
3H Vehicle Access														
<p>Vehicle access points to achieve safety, minimise conflicts between pedestrians and vehicles create high quality streetscape.</p>	<p>Vehicular access to site is proposed from the north-west corner of the site from Hammond lane. The vehicular access point is designed to minimise the potential for traffic and pedestrian conflict.</p>	Yes												
3J Bicycle and Car Parking														

Requirement	Proposed	Complies
<p><u>Objective 3J-1: Design Criteria 1.</u></p> <p>The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.</p> <p>The car parking needs for a development must be provided off street. Parking and access safe and secure. Visual and environmental impacts of ground level and basement car parks minimised.</p>	<p>A total of 99 car parking spaces are proposed:</p> <ul style="list-style-type: none"> - 64 residential spaces; - 9 Visitor spaces; - 10 Commercial spaces; and - 16 Retail spaces <p>The <i>WDCP 2023</i> requires:</p> <ul style="list-style-type: none"> - 41 residential spaces (including 9 visitors); - 2 Commercial spaces; and - 5 Retail spaces <p>This results in a total of 51 excess car parking spaces.</p> <p>Additionally, 9 bicycle spaces are proposed on Basement Level 1. However, it is not specified whether these are intended for commercial or residential use. Given their location on Basement Level 01, adjacent to the End of Trip facilities, it is anticipated that they would be used for the non-residential component.</p> <p>The Traffic report also mentions a substantial amount of private residential storage cages in the basement, which are capable of storing bicycles.</p> <p>While the provision of bicycle parking is supported, the excess car parking spaces beyond the <i>WDCP</i> requirements are not supported.</p>	<p>No, refer to the discussion under <i>WDCP</i>.</p>
<p>PART 04: DESIGNING THE BUILDING</p>		
<p>4A Solar and Daylight Access*</p>		
<p>To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.</p>	<p>The Architectural Design Statement prepared by fjc studio, indicates that 61 out of 64 units will receive a minimum of 2 hours of direct sunlight between 9am to 3pm at mid-winter.</p>	<p>Yes</p>


Requirement	Proposed	Complies
<p>Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter.</p> <p>A maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm mid-winter.</p> <p>Daylight is maximised where sunlight is limited. Design incorporates shading and glare control, particularly for warmer months.</p>	<p>This equates to 9% of the units.</p> <p>The 4 x bedroom western unit located on Levels 2, 3 and 4 will not receive the minimum required 2 hours of solar access.</p> <p>Notwithstanding, none of the proposed units within the building will receive no direct sun between 9am and 3pm in mid-winter.</p>	
4B Natural Ventilation*		
<p>All habitable rooms are naturally ventilated.</p> <p>The layout and design of single aspect</p> <p>At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only in any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.</p> <p>Overall depth of cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</p>	<p>Each residential unit in the building has a corner aspect, providing natural cross ventilation.</p> <p>100% of apartments are naturally cross ventilated.</p> <p>As discussed earlier the report, the western apartment on levels 2, 3, 4, 5 and 6, and the south-western apartment on from Level 7 to 21 and the Penthouses have cross-over width exceeding the 18m requirement. While the applicant's submission does not acknowledge this, the proposal is acceptable as majority of the apartments are cross-ventilated and receive adequate amount of solar access. The proposed development is designed to provide a high level of amenity for the future occupants.</p>	Yes
4C Ceiling Heights*		

Requirement	Proposed	Complies												
<p>Ceiling height achieves sufficient natural ventilation and daylight access.</p> <p>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <table><tr><th colspan="2">Minimum ceiling height for apartment and mixed use buildings</th></tr><tr><td>Habitable rooms</td><td>2.7m</td></tr><tr><td>Non-habitable</td><td>2.4m</td></tr><tr><td>For 2 storey apartments</td><td>2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area</td></tr><tr><td>Attic spaces</td><td>1.8m at edge of room with a 30 degree minimum ceiling slope</td></tr><tr><td>If located in mixed used areas</td><td>3.3m for ground and first floor to promote future flexibility of use</td></tr></table> <p>Ceiling height increases the sense of space in apartments and provides well-proportioned rooms.</p>	Minimum ceiling height for apartment and mixed use buildings		Habitable rooms	2.7m	Non-habitable	2.4m	For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area	Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope	If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use	<p>A minimum floor to floor height of 2.7m has been adopted for the entire residential component of the development.</p> <p>The non-residential comprises a floor to floor height of a minimum 4.2m (ground floor) and 3.4m (Level 1), which comply with the minimum 3.3m required for ground and first floor in mixed use development.</p>	Yes
Minimum ceiling height for apartment and mixed use buildings														
Habitable rooms	2.7m													
Non-habitable	2.4m													
For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area													
Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope													
If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use													
4D Apartment Size and Layout														
<p><u>Objective 4D-1: Design Criteria 1.</u></p> <p>Apartments are required to have the following minimum internal areas:</p> <table><tr><th>Apartment type</th><th>Minimum internal area</th></tr><tr><td>Studio</td><td>35m²</td></tr><tr><td>1 bedroom</td><td>50m²</td></tr><tr><td>2 bedroom</td><td>70m²</td></tr><tr><td>3 bedroom</td><td>90m²</td></tr></table> <p>The minimum internal areas include only one bathroom. Additional bedrooms increase the minimum internal area by 5m² each.</p>	Apartment type	Minimum internal area	Studio	35m ²	1 bedroom	50m ²	2 bedroom	70m ²	3 bedroom	90m ²	<p>Achieved. All units are larger than ADG requirements.</p>	Yes		
Apartment type	Minimum internal area													
Studio	35m ²													
1 bedroom	50m ²													
2 bedroom	70m ²													
3 bedroom	90m ²													
<p>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms</p>	<p>Every habitable room contains a window in an external wall with a minimum glass area that is greater than 10%.</p>	Yes												
<p>Habitable room depths are limited to a maximum of 2.5 x the ceiling height</p>	<p>Habitable rooms are generally limited to 2.5 x the ceiling height.</p>	Yes												

Requirement	Proposed	Complies															
In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.	Kitchens of all units are less than 8m from a window.	Yes															
Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobe space)	Bedrooms are of sufficient size.	Yes															
Bedrooms have a minimum dimension of 3m (excluding wardrobe space)																	
Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none"> 3.6m for studio and 1 bedroom apartments 4m for 2 and 3 bedroom apartments 	Sufficient widths are provided to living rooms/dining rooms.	Yes															
4E Private Open Space and Balconies*																	
<p>All apartments are required to have primary balconies as follows:</p> <table border="1"> <thead> <tr> <th>Dwelling type</th><th>Minimum area</th><th>Minimum depth</th></tr> </thead> <tbody> <tr> <td>Studio apartments</td><td>4m²</td><td>-</td></tr> <tr> <td>1 bedroom apartments</td><td>8m²</td><td>2m</td></tr> <tr> <td>2 bedroom apartments</td><td>10m²</td><td>2m</td></tr> <tr> <td>3+ bedroom apartments</td><td>12m²</td><td>2.4m</td></tr> </tbody> </table> <p>The minimum balcony depth to be counted as contributing to the balcony area is 1m.</p> <p>Private open space and balcony design maximises safety</p>	Dwelling type	Minimum area	Minimum depth	Studio apartments	4m ²	-	1 bedroom apartments	8m ²	2m	2 bedroom apartments	10m ²	2m	3+ bedroom apartments	12m ²	2.4m	<p>All apartments provide the minimum required balcony areas and depths. In some cases it also exceeds the minimum areas.</p> <p>Compliance with NCC required.</p>	Yes, subject to condition
Dwelling type	Minimum area	Minimum depth															
Studio apartments	4m ²	-															
1 bedroom apartments	8m ²	2m															
2 bedroom apartments	10m ²	2m															
3+ bedroom apartments	12m ²	2.4m															
4F Common Circulation and Spaces*																	
<p><u>Objective 4F-1: Design Criteria 1</u> The maximum number of apartments off a circulation core on a single level is eight.</p> <p><u>Objective 4F-2:</u> Common circulation spaces promote safety and provide for social interaction between residents</p>	<p>No more than 8 units are served from each circulation core (3 max).</p> <p>The proposal's common circulation spaces adequately promote safety and interaction.</p>	Yes															
4G Storage*																	
In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:	Achieved. All units have capability for adequate storage spaces located within the apartments.	Yes															

Requirement		Proposed	Complies									
<table><tr><th>Dwelling type</th><th>Storage size volume</th></tr><tr><td>Studio apartments</td><td>4m³</td></tr><tr><td>1 bedroom apartments</td><td>6m³</td></tr><tr><td>2 bedroom apartments</td><td>8m³</td></tr><tr><td>3+ bedroom apartments</td><td>10m³</td></tr></table> <p>At least 50% of the required storage is to be located within the apartment</p> <p>Additional storage is conveniently located, accessible and nominated for individual apartments</p>	Dwelling type	Storage size volume	Studio apartments	4m³	1 bedroom apartments	6m³	2 bedroom apartments	8m³	3+ bedroom apartments	10m³	<p>Additional storage has also been provided on basement levels. These spaces are secure and have convenient access.</p>	
Dwelling type	Storage size volume											
Studio apartments	4m³											
1 bedroom apartments	6m³											
2 bedroom apartments	8m³											
3+ bedroom apartments	10m³											
4H Acoustic Privacy												
<p>Noise transfer is minimised through the siting of buildings and building layout.</p> <p>Noise impacts are mitigated within apartments through layout and acoustic treatments.</p>	<p>The Internal layouts generally place less noise sensitive areas adjacent the lift and common central corridor, and quieter areas next to and above each other. During the initial review, concerns were raised about potential acoustic issues related to the floor layout, particularly in the scenario where bedrooms adjoin the principle living areas of neighbouring units. This issue was subsequently addressed through a supplementary acoustic statement that recommended additional treatments to the affected units.</p> <p>As a result, any noise impacts are mitigated either through the layout configuration or the recommended acoustic treatments.</p>	<p>Yes, subject to condition.</p>										
4K Apartment Mix												
<p>A range of apartment types and sizes are provided to cater for different household types now and in the future. The apartment mix is distributed to suitable locations within buildings.</p>	<p>4 x 1 bed (6%) 19 x 2 bed (30%) 34 x 3 bed (53%) 5 x 4 bed (8%) 2 x Penthouse (3%) Total = 64 units</p> <p>32 units are adaptable units and 4 x 1 bed and 1 x 2 bed (total 5 units) are nominated for affordable housing</p>	<p>Yes</p>										
4L Ground Floor Apartments												
<p>Street frontage activity is maximised where ground floor apartments are located. Design of ground floor apartments delivers amenity and safety for residents.</p>	<p>NA</p>											

Requirement	Proposed	Complies
4M Facades		
Building facades provide visual interest along the street while respecting the character of the local area.	Facades are satisfactorily articulated to provide visual interest, using various means to visually modulate the building in both the vertical and horizontal planes.	Yes
4N Roof Design		
Roof treatments are integrated into the building design and positively respond to the street.	The top floor of the building is stepped in centrally providing private roof terraces for the penthouse located below and integrated well into the building design.	Yes
4O Landscape Design		
Landscape Design is viable and sustainable. Landscape design contributes to the streetscape and amenity.	The proposed landscaping scheme is not supported as it fails to provide deep soil areas in accordance with the ADG and WDCP. Deep soil zones are essential for supporting mature tree growth and ensuring long-term sustainability of the landscaping. To achieve a viable and sustainable landscape design that enhances the site's interface and contributes to the visual quality and amenity of the public domain, deferred commencement condition has been recommended, requiring improvements to the deep soil areas.	Yes
4P Planting on Structures		
Appropriate soil profiles are provided. Plant growth is optimised with appropriate selection and maintenance. Planting on structures contributes to the quality and amenity of communal and public open space.	A variety of on structure planting has been proposed, which is considered acceptable.	Yes
4Q Universal Design		
Universal design features are included in apartment design to promote flexible housing for all community members. A variety of apartments with adaptable designs are provided. Apartment layouts are flexible and accommodate a range of lifestyle needs.	An Access Report provided by Projected Design Management Pty Ltd (Ref: PDMA-015, dated 23/05/2023) demonstrates options and flexibility of use in the development. The report confirms: - 32 of 64 units (50%) are adaptable, which satisfies the WDCP requirement. - 32 adaptable units also meets the spatial requirements for silver	Yes


Requirement	Proposed	Complies
	liveable apartments (>20%) which satisfies the ADG requirement.	
4R Adaptive Reuse		
<p>Additions that complement the existing character, siting, scale, proportion, pattern, form and detailing</p> <p>Use of contemporary and complementary materials, finishes, textures and colours</p> <p>Design features should be incorporated sensitively into adapted buildings to make up for any physical limitations, to ensure residential amenity is achieved.</p> <p>Some proposals that adapt existing buildings may not be able to achieve all of the design criteria in this Apartment Design Guide. Where developments are unable to achieve the design criteria, alternatives could be considered.</p>	<p>An Access Report provided by Projected Design Management Pty Ltd (Ref: PDMA-015, dated 23/05/2023) demonstrates options and flexibility of use in the development. The report confirms:</p> <p>32 of 64 units (50%) are adaptable, which satisfies the <i>WDCP</i> requirement.</p> <ul style="list-style-type: none"> - 32 adaptable units also meets the spatial requirements for silver liveable apartments (>20%) which satisfies the ADG requirement. 	Yes
4S Mixed Use		
<p>Mixed use developments positively contribute to the public domain:</p> <ul style="list-style-type: none"> - development addresses the street - active frontages are provided - diverse activities and uses - avoiding blank walls at the ground level <p>residential entries are separated from commercial entries and directly accessible from the street</p> <p>commercial service areas are separated from residential components</p> <p>residential car parking and communal facilities are separated or secured</p>	<p>The proposal satisfies active street frontage (cl 6.7 <i>WLEP</i>) requirements. The active street frontage map is shown below, where the site is identified in yellow rectangle, and active street frontage with double red lines.</p> 	Yes
4T Awnings and Signage		
<p>Awnings are well located and complement and integrate with the building design.</p> <p>Signage responds to context and desired streetscape character.</p>	<p>Awnings are appropriately located on both street frontages and are well-integrated with the overall building design.</p> <p>The proposed business identification signs respond to commercial</p>	Yes

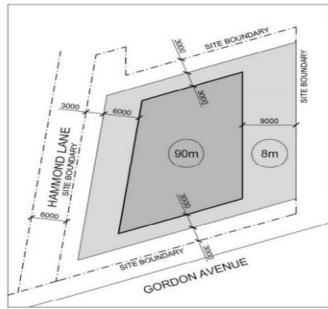
Requirement	Proposed	Complies
	streetscape character.	
4U Energy Efficiency		
<p>Adequate natural light is provided to habitable rooms</p> <p>Well located, screened outdoor areas should be provided for clothes drying</p> <p>Passive solar design aspects used</p> <p>Adequate natural ventilation minimises the need for mechanical ventilation</p>	<p>The BASIX assessment accompanying the application demonstrates that the proposal has been designed for optimal energy efficiency.</p> <p>Further, improved landscaping requested under the deferred commencement condition will provide effective and efficient natural solutions to reduce heat and provide relaxed amenities for all visitors and residents.</p> <p>Development is well naturally ventilated except for the basement and non-residential use, which may require alternative means of ventilation.</p>	Yes
4V Water Management		
<p>Water sensitive urban design systems proposed</p> <p>Detention tanks should be located under paved areas, driveways or in basement car parks</p>	<p>This proposal is accompanied by a drainage design.</p>	Yes
4W Waste Management		
<p>Adequately sized storage areas for rubbish bins should be located discreetly away from the front of the development or in the basement car park</p> <p>All dwellings should have a waste and recycling cupboard</p> <p>Communal waste and recycling rooms are in convenient and accessible locations</p> <p>residential waste and recycling storage areas and access should be separate and secure from other uses</p>	<p>Waste storage facilities are provided within the development. Council's waste section has reviewed the proposal and recommended conditions in accordance with Council's waste management and collection procedures.</p>	Yes, subject to conditions


Willoughby Local Environmental Plan 2012 (amendment 34)				
Site Area - 1522m²				
WLEP Control		Proposed	Standard	Compliance
Land Use Table - MU1 Mixed use		The proposal successfully integrates suitable business, office, residential, retail in an accessible location so as to maximise public transport patronage and encourage walking and cycling.	The proposed development satisfies the objectives of the MU1- Mixed Use zone.	Yes
CI 4.3	Height	89.9m (Maximum RL- 188.300)	90m	Yes
CI 4.4	FSR	<p>5.98:1</p> <p>GFA of 9,109.84m²</p> <p>Residential - 7,654.1m² Commercial – 1,455.74m² Total – 9109.84m²</p> <p>This does not include the additional carparks (668.86m²) which is proposed to be deleted via deferred commencement</p> <p>Note: The proposal includes car parking in excess of the <i>WDCP</i> requirements. When this excess parking is included in the GFA calculation, as per GFA definition, it results in non-compliance with the FSR standard (6.43:1). The applicant has provided a cl4.6 statement to justify the breach, attributing it to the excess car parking spaces. However, the applicant was strongly advised that the excess car parking could not supported, primarily due to the traffic generation impacts and the need to maximise public transport usage, as well as to encourage walking and cycling. Consequently, a deferred commencement condition is recommended, requiring the redesign of the basement levels to comply with the maximum <i>WDCP</i> parking standard. The applicant has agreed to this approach and provided Council with draft wording for the deferred commencement conditions via an email dated 12/06/2024.</p>	6:1	Yes, subject to deferred commencement condition.
CI 4.6	Exceptions to development	The proposal is seeking variation to the 17% non-residential GFA requirement	N/A	Refer to the cl 4.6 assessment at the end of the table.

	standards	under CI 6.25.		
CI 6.2	Earthworks	<p>The proposal involves excavation to accommodate the construction of proposed basement levels.</p> <p>The proposal is supported by a Geotechnical Investigation Report (Ref: 86178.01.R.001.Rev1), prepared by Douglas Partners and dated May 2023.</p> <p>The Report recommends undertaking dilapidation surveys of the neighbouring properties prior to the commencement of any excavation works.</p>	<p><i>(1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.</i></p> <p><i>(3) Before granting development consent for earthworks, the consent authority must consider the following matters—</i></p> <p><i>(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality,</i></p> <p><i>(b) the effect of the proposed development on the likely future use or redevelopment of the land,</i></p> <p><i>(c) the quality of the fill or the soil to be excavated, or both,</i></p> <p><i>(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,</i></p> <p><i>(e) the source of any fill material and the destination of any excavated material,</i></p> <p><i>(f) the likelihood of disturbing relics,</i></p> <p><i>(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally</i></p>	Yes, subject to condition requiring dilapidation survey requirements

			<i>sensitive area, (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</i>	
CI 6.3	Urban Heat	<p>The development fails to accommodate adequate tree canopy and deep soil zones to achieve urban cooling benefits.</p> <p>Additionally, it proposes removal of several trees and fails to provide for compensatory planting.</p> <p>For more details please refer to the discussion under <i>DCP</i>.</p>	<p><i>(a) the facade and roof of the proposed building and paved surfaces are designed to reduce adverse effects of solar heat on the surrounding land, including private open space and the public domain, and</i> <i>(b) the awnings and eaves of the building are designed to provide shelter from the sun and improve public comfort at street level, and</i> <i>(c) the heating, ventilation and air conditioning systems of the building are designed to minimise the release of heat in the direction of private open space and the public domain, and</i> <i>(d) the development maximises the use of green infrastructure that is strategically designed and managed to support a good quality of life in an urban environment, and</i> <i>(e) the development accommodates sufficient tree canopy, open space and deep soil zones to achieve urban cooling benefits, and</i> <i>(f) the building is designed to achieve high passive thermal performance.</i></p>	Yes, subject to deferred commencement condition.
CI 6.7	Active Street Frontage	Ground floor premises facing the street are used for non-residential purposes	The southern and western boundaries, fronting Gordon Avenue and	Yes

			<p>Hammond Lane respectively, are affected by active street frontage control as shown in the map:</p> 	
CI 6.8	Affordable Housing	<p>4% of GFA (residential part) dedicated as affordable housing, which equates to 306.1m².</p> <p>The residential units 0303, 0402, 0403, 0503 and 0603 located on Levels 3, 4, 5 and respectively, are to be dedicated, which equate to 342.6m², which satisfies the requirement.</p> <p>The applicant nominates on, drawing 9103, Revision 04, dated 28/11/2023, a total of 5 units dedicated as affordable housing, which equates to 342.6m² satisfying cl 6.8 of the <i>WLEP</i>.</p>	<p>The site is mapped as Area 9. A 4% of the residential GFA to be dedicated as affordable housing.</p>	Yes
CI 6.16	Minimum lot sizes for commercial and mixed use development in Chatswood CBD	<p>The site has an area of 1522m², which complies with this clause.</p>	<p>Minimum 1200m² in Zone MU1</p>	Yes
CI 6.23	Design Excellence	<p>Proposal has been awarded Design Excellence.</p>	<p>Affected by design excellence (Area 12).</p>	Yes
CI 6.25	Shop top housing in Zone MU1	<p>Approximately 1455.74m² (15.98%) of the GFA is to be allocated for non-residential purposes. The proposal seeks a variation of just 1.02% or 92.93m².</p>	<p>Development consent for the purposes of shop top housing on land in Zone MU1 Mixed Use must not be granted unless the consent authority is satisfied at least 17% of the gross floor area of the building will be used for non-residential purposes.</p>	No, refer to attachment 3

Willoughby Development Control Plan 2023(WDCP)				
Part L Site Specific Controls – 13.1.4 – 5-9 Gordon Ave, Chatswood				
Objectives				
<ol style="list-style-type: none"> 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 Gordon Avenue and Hammond Lane 				
Description	Clause	Proposed	Controls	Compliance
Built form	13.1.4.2	<p>The proposal comfortably satisfies the maximum 700m² floor plate requirement.</p> <p>The proposed design has been scrutinised by the Design Excellence Jury and found to be achieving urban design excellence.</p> <p>The building layout is generally in accordance with the figure 23.</p>	<p>The maximum tower floor plate that applies to this site for residential towers above a podium is 700m²</p> <p>The width of each side of any tower should be minimised and design elements that contribute to building bulk should be minimised</p> <p>The building layout is to be in accordance with Figure 23</p> <p>Figure 23: Site Layout</p> 	Yes
Height	13.1.4.3	<p>The proposal complies with the maximum building height control. No part of the roof including lift over runs and any other architectural features, protrude above the maximum building height.</p>	<p>The maximum building height is to include all structures located at roof level, including lift over runs and any other architectural features.</p> <p>All roof top lift over runs or exposed structures are to be integrated with the</p>	Yes

			<p>building.</p> <p>Flat roof areas shall incorporate useable outdoor recreation space where suitable, within the maximum building height.</p>	
Setbacks and Street Frontage Heights	13.1.4.4	<p>The proposal generally complies with the building setback and wall height requirements, except for the residential tower above podium level. The tower appears to encroach upon both the front and rear setbacks. A typical tower floor plan below, showing minor encroachments in to the required setbacks (marked in blue):</p>  <p>Notwithstanding the non-compliance, the proposal is acceptable, as the encroachments appear to result from the building's orientation. Given that the proposed design has been scrutinised by the Design Excellence Jury and found to be achieving urban design excellence, and considering the extent of non-compliance, strict compliance to the tower setback is not reasonable in this instance. Additionally, the non-compliance does not result in any adverse amenity or visual impacts. The proposal includes a well articulated façade, incorporating recesses that</p>	<p>The building setbacks are to be in accordance with Map 5 (Setbacks and street frontage heights). Setbacks are as follows:</p> <p>Gordon Avenue and Hammond Lane Frontage:</p> <ul style="list-style-type: none"> i) 6-14 metre street wall height at front boundary (maximum two to four storeys). ii) Minimum 3 metre setback above street wall. <p>In regards the tower, a minimum of 1:20 ratio of the setback to building height above the podium (eg. tower to be setback 3 metre above podium for a 60 metre building, 4.5 metre setback for a 90 metre building).</p>	Considered acceptable.

		effectively minimise the visual impact of the tower.		
Building Exterior	13.1.4.5	The facades of the proposal are sufficiently articulated and incorporate recesses and projecting elements.	<p>Facades are to be articulated and should incorporate recesses and projecting elements that do not encroach into required setbacks.</p> <p>Extensive blank walls shall be avoided at street level</p>	Yes
Amenity	13.1.4.6	<p>A wind assessment, prepared by CPP Wind Engineering Consultants, dated 19 May 2023, was submitted with the application. The report indicates that the proposal has generally been designed to mitigate wind affect, however, there are areas that are likely to be exposed to stronger winds. The report recommends treatment strategies to minimise any potential wind affect. A condition requiring treatment strategies to be implemented into the design has been recommended.</p> <p>The proposal sufficiently maximises solar access and ventilation to residential units, and adequately ensures visual and acoustic privacy of residential units in the development.</p>	<p>A Wind Assessment shall be submitted at Development Application Stage.</p> <p>A detailed Acoustic Assessment shall be submitted at Development Application Stage.</p> <p>Residential units shall be designed to maximise solar access, cross ventilation, visual and acoustic privacy.</p>	Yes
Open Space and Landscaping	13.1.4.7	<p>Open spaces at the ground level are proposed to be utilised as publicly accessible open space. A condition of consent is imposed, requiring formalisation of the public access areas to be reflected on the property title.</p> <p>However, the proposal is not supported in relation to the landscape design including deep soil provisions. The proposal fails to provide adequate</p>	<p>Open space at ground level shall be utilised as publicly accessible open space.</p> <p>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 maximise solar access.</p> <p>A minimum of 2 hours of sun access is to be provided to the public open space on the</p>	Considered satisfactory subject to deferred commencement

		<p>landscape areas as per the controls specified in this part, where little to no meaningful landscaping has been provided along the street fronts. Additionally, the proposal includes removal of 14 trees, however fails to provide compensatory tree planting.</p> <p>In addition to the discussion under Part 3E of the ADG, further requirements are added to the deferred commencement condition. These include the provision of deep soil planting along Gordon Avenue, the planting of 17 new trees on site, and the requirement that 20% of the site to be provided with soft landscaping with a minimum soil depth of 600mm.</p>	<p>site.</p> <p>Public domain improvements shall be provided to all street frontages to Council requirements.</p> <p>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.</p> <p>Deep soil planting is to be provided within the setback to Gordon Avenue, Hammond Lane and setback to the northern (rear) boundary. Deep soil plantings include trees and shrubs, and are to be unimpeded by buildings or structures below ground.</p> <p>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.</p> <p>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.</p> <p>All existing aerial cables which may include for electricity, communications and other cables</p>	
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			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.	
Links	13.1.4.8	The proposed development includes the identified through-site links along the 3m setback to Hammond Lane which will be subject to provision of public rights of way.	<p>The development is to incorporate publicly accessible through site links and open space in accordance with Map 4 below.</p> <p>Through site links and open space in addition to Map 4 is required on a site by site basis.</p> <p>All publicly accessible open space and links are to be the responsibility of the relevant ownership entity, with formal public access to be created over these areas.</p>	Yes
Active Street Frontage	13.1.4.9	The site satisfies the active street frontage requirements as required by cl 6.7 <i>WLEP</i>	<p>At ground level buildings are to maximise active frontages to Gordon Avenue and Hammond Lane.</p> <p>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>	
Traffic and transport	13.1.4.10	The vehicle access to and from the site is from Hammond Lane and has	Vehicle access to / egress from the development is to be from one access point in	No, deferred commencement condition

		<p>been designed carefully to minimise conflicts between pedestrians and vehicles.</p> <p>Although the loading facilities are not located below ground, they are positioned deep into the site, ensuring that loading and servicing areas are not readily visible from public domain. The loading facilities located on ground floor are therefore considered acceptable in this instance.</p> <p>The proposal includes car parking in excess of the requirements specified under Part F of the <i>WDCP 2023</i>.</p> <p>A total of 99 car parking spaces are proposed:</p> <ul style="list-style-type: none"> - 64 residential spaces; - 9 Visitor spaces; - 10 Commercial spaces; and - 16 Retail spaces <p>The <i>WDCP 2023</i> requires:</p> <ul style="list-style-type: none"> - 41 residential spaces (including 9 visitors); - 2 Commercial spaces; and - 5 Retail spaces <p>This results in a surplus of 51 car parking spaces, meaning the proposal provides twice the required number. However, the supplied justification does not adequately address the Objectives of this section as well as those in Part F of the <i>WDCP</i>. Additionally, the submitted Traffic report has not satisfactorily demonstrated to Council that the proposed parking</p>	<p>Hammond Lane.</p> <p>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.</p> <p>All car parking and loading facilities are to be located below ground level.</p> <p>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.</p>	recommended
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		<p>rates wouldn't cause additional traffic impacts.</p> <p>As a result, the proposal is recommended for a deferred commencement, subject to a condition requiring compliant car parking.</p>		
Waste Management, Loading and Services	13.1.4.1 1	<p>Waste management Plan has been submitted. Council's Waste department has reviewed the development and offered conditions of consent.</p>	<p>All loading and unloading services are required to occur at basement level on-site.</p> <p>Other supporting functions such as garbage rooms, plant and other services are to be located in Basement levels.</p> <p>A Waste Management Plan shall be submitted at the Development Application stage.</p> <p>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.</p>	Yes
Design Excellence	13.1.4.1 2	<p>The proposal has been awarded design excellence.</p>	<p>All developments that have a height of 35m or more are subject to a competitive design process.</p> <p>The competitive design process must be undertaken in accordance with the Willoughby Design Excellence Policy and Willoughby Design Excellence Guidelines.</p>	Yes
Public Art	13.1.4.1 3	<p>The applicant's submission indicates the art being incorporated into building</p>	<p>Public Art is to be provided in accordance with Council's Public Art Policy.</p>	Yes, subject to condition of consent.

		<p>façade. However, no separate public art plan, in accordance with the Council's Public Art Policy.</p> <p>A condition requiring, a Public Art Strategy/plan to be prepared and submitted to Council's Urban Designer for approval, has been recommended.</p>		
Building Sustainability	13.1.4.1 4	Conditions are proposed to capture building sustainability requirements.	<p>A minimum of 5 stars GBCA building rating is expected. A higher rating is encouraged.</p> <p>An assessment report is to be submitted at Development Application stage.</p>	Yes
Parking – Commercial	Part F	<p>Retail GFA 371.74m² Office GFA 1,033.01m²</p> <p>Car Parking Spaces–</p> <p>Retail = 16 spaces Office = 10 spaces</p> <p>Motorbike – 6 spaces (for both resi and commercial)</p> <p>Bicycle – 9 spaces</p> <p>Separate End of trip facilities for male and female including a minimum of one accessible toilets and two showers, and common accessible shower and toilet facilities.</p>	<p>Car (maximum):</p> <p>1 Space per 70m² Retail = 5.3 1 Space per 400m² Office = 2.6</p> <p>Total: 7.9 = 8 (rounded up)</p> <p>Motorbike:</p> <p>1 space per 20 car parks = 1 Visitor per 10 spaces=</p> <p>Bicycle lockers –</p> <p>1 space per 10 car parking spaces or minimum of 2 Total = 2</p> <p>End-of-trip facilities:</p> <p>One shower/ 5 bicycle parking. One change room per shower and two personal lockers per bicycle space</p>	No, the proposal fails to comply with the maximum car parking rates for the commercial use.
Parking Res	Part F	<p>Car Parking Spaces- 73 including 9 visitors.</p> <p>Motorbike - 6 spaces (for both resi and commercial)</p>	<p>Max –</p> <p>0.5 Space per dwelling – MAX - 32</p> <p>1 Visitor per 7 units - 9 Total = 41</p> <p>Motorbike –</p> <p>1 space per 20 car parks</p>	No, the proposal fails to comply with the maximum car parking rates for the residential use.

			1 Visitor per 10 spaces	
Electric Vehicle Charging	Part F	<p>The submitted architectural plans do not indicate the provision of any electrical vehicle charging infrastructure in the basement.</p> <p>A condition has been recommended to require charging stations to be provided in accordance with the NCC.</p>	<p>All garages and car spaces allocated to an individual residential apartment must make provision for:</p> <ul style="list-style-type: none"> • Level 2: single or 3-phase electric vehicle supply equipment with a power range of 7kW-22kW, as defined by NSW Electric and Hybrid Vehicle Plan (Future Transport 2056) from Transport for NSW, which provides faster, more secure charging. 	Yes, complies with condition
Accessible Car Parking	Part F	<p>Required – 8 accessible spaces and 1 visitor Total = 9</p> <p>Proposed – 20 plus spaces (exact numbers are unknown as the plans are not clear)</p>	1 space/4 accessible or adaptable units + 1 visitor space for developments comprising 50 or more car parking spaces	No, refer to discussion at the end of the table.
Waste and Recycling	Part D	<p>Waste management Plan has been submitted. Council's Waste department has reviewed the development and offered conditions of consent.</p>	<p>Provision for On-site waste management and collection.</p> <p>Waste minimisation principles and management of the operational waste in accordance with the <i>WDCP 2023</i>.</p>	Yes
Safer by Design	Part D	<p>The design of the development provides casual surveillance to the street frontage.</p> <p>Suitable street and ground level lighting will be provided within the development to maximise surveillance opportunities at night.</p> <p>Additionally, the proposal was referred to NSW Police for comments, who raised not issues subject to recommending design treatment options required in line with Crime Prevention Through Environmental Design</p>	<p>Requires design that allows people</p> <p>To see what others are doing in public and common spaces</p> <p>Access control – physical and symbolic barriers that can be used to attract, channel or restrict the movement of people;</p> <p>Territorial reinforcement clear design cues on who is to use space and what it is used for; and</p> <p>Space management ensuring that space is</p>	Generally considered satisfactory. Requirements from NSW Police are inserted in the consent.

		(CPTED) principles.	appropriately utilised and well cared for.	
Undergrounding of services	Part D	Condition applied for undergrounding	All services are to be located undergrounded	Yes
Access and Mobility	Part D	An Access Report provided by Projected Design Management Pty Ltd (Ref: PDMA-015, dated 23/05/2023) demonstrates options and flexibility of use in the development.	Details are to be submitted with the development application to demonstrate the development will comply with the Disability (Access to Premises – Building) Standards 2010 under <i>Disability Discrimination Act 1992</i>	Yes
Adaptable Housing	Part B	32 adaptable units	50% of units must be provided as adaptable dwellings for mixed use and shop top housing development	Yes, Consent condition recommended.
Stormwater management	Part I	OSD and stormwater treatments, gravity disposal	OSD to ensure pre-development flows, gravity discharge of stormwater	Satisfactory, subject to conditions.
Vegetation Management	Part G	<p>The proposal involves removal of 14 trees. Council's Landscaping section has reviewed the proposal including relevant documentation and advised:</p> <p><i>The tree removal is considered acceptable subject to replacement at 3:1 as per WDCP Part G. A total of 42 replacement trees will be required. 17 trees have been conditioned for planting on site as considered achievable. The remaining 25 trees have been conditioned as requiring payment under the offset tree planting scheme.</i></p>	<p>To promote sustainable vegetation management and conserve and enhance the tree resources, natural systems including bushland, and landscape quality.</p> <p>Replacement trees at a rate of 3:1</p>	No, condition imposed requiring payment under the offset tree planting scheme.

Variation to Car parking maximum rate in Chatswood CBD:

It should be noted that the car parking rates specified above are maximum rates. The proposal includes car parking spaces in excess of the requirements specified under Part F of the *WDCP 2023*, resulting in a surplus of 51 car parking spaces, effectively providing twice the required number.

The proposed car parking rates for both residential and commercial components are not supported. Given the uplift indicated in Council's Chatswood CBD Planning and Urban Design Strategy 2036, Council has defined its intention to limit the growth of private vehicle ownership and travel in the CBD. Instead, it aims to promote a mode shift towards walking, cycling, and the use of public and shared transportation. This shift is endorsed by the new *WDCP 2023* in July 2023, which includes lower maximum car parking rates. Increasing the number of car parking spaces would only promote higher car ownership/use and thus congestion. The parking rates adopted in the *WDCP* is aligned with WCC Integrated Transport Strategy,

which identifies travel demand management (TDM) as an effective and achievable approach to manage congestion.

The vicinity of the maximum parking rates are located within well connected shared path network, where walking and cycling to Chatswood Interchange is feasible (Note: The interchange has buses, Heavy Rail and the new Metro). Bus networks along Pacific Highway further complements the transport mode choice. It is crucial that Council consistently adopts and defends the parking rates in Chatswood CBD to maintain sustainable traffic operations.

The applicant's supplied justification to vary the parking rate does not achieve the Objectives of Part F of the *WDCP* and together with the supplied Traffic report, has not satisfied Council that the proposed parking rates wouldn't cause additional traffic impacts.

Council's Traffic and Transport section are also not supportive of the proposal and advised that the development must comply with the 2023 *WDCP* Chatswood CBD rate for all proposed unit sizes. This consideration is based on the development of multiple high rise residential buildings within the precinct, with a reduced parking rate to minimise cumulative traffic impacts.

In view of the above, the proposal is recommended for deferred commencement, requiring that car parking spaces do not exceed the maximum parking rate for both residential and commercial uses.

Referrals

Internal Referrals

Building services	No objection subject to conditions of consent
Engineering	<i>The revised stormwater drawings and information on the flood report has satisfied Council's concerns with regards these elements. The previously proposed deferred commencement condition is no longer required, and we have edited stormwater and flood related conditions to include the revised drawings.</i>
Environmental Health	No objection subject to conditions of consent
Waste	<p>In the latest <i>WDCP 2023</i>, 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> <p>This requires medium and high-rise RFBs to have an onsite, bulk bin collection service (e.g., 660L or 1,100L bins for general waste and recycling), usually from the basement. The benchmarks allow for greater expected waste generation and the bulky waste storage space requirement is larger.</p> <p><u>However, the development was initially proposed prior to the adoption of <i>WDCP 2023</i>. Council may consider it reasonable to apply the generation rates and specified in <i>WDCP 2006</i>, provided it complies with all other requirements.</u></p> <p>After assessment of the updated plans, the following items require consideration:</p> <ul style="list-style-type: none">• <u>Organics residential generation rates and bin numbers:</u> please use <i>WDCP 2006</i> organics benchmark waste generation rate (30L/unit/week). The number of organics bins required is 8 x 240L bins.

	<ul style="list-style-type: none"> • Waste storage amenities: the width of waste storage area doors should be 2.5m. This is to assist contractors servicing bins and bulky waste (such as large furniture) in a safe and efficient manner. The bin storage area should also have a minimum aisle space of 1.5m. • Bins during servicing: residents should have access to recycling bins at all times, including during servicing. Council's preference is for the development to transfer the recycling contents of the 240L bins into 1,100L bins kept on the ground floor. This would meet Council's desire to match the size of waste and recycling bins (1,100L) and allow residents to have access to recycling bins during servicing. • Bulky waste: It is acknowledged that the development has provided more than the required bulky waste storage space of >2m² in <i>WDCP 2006</i>. However, under the <i>WDCP 2023</i>, a minimum of 16m² would be required. The proposed area will not work well practically and this is why the bulky waste generation has been made clearer by size of blocks in the new <i>DCP</i>. Please consider how a larger bulky waste area can be accommodated. <p><u>The above requirements have been included as conditions of consent.</u></p>
Landscape	<p>Number of trees to be impacted – 14</p> <p>Approximate area of canopy to be removed (square metres) – 350</p> <p>Number of replacement trees (if required) – 42 (17 to be planted on site, 25 for offset planting payment)</p> <p>A total of 14 trees are to be removed from the site. The tree removal is considered acceptable subject to replacement at 3:1 as per <i>WDCP</i> Part G. A total of 42 replacement trees will be required. 17 trees have been conditioned for planting on site as considered achievable. The remaining 25 trees have been conditioned as requiring payment under the offset tree planting scheme.</p> <p>The amended landscape plans do not provide adequate landscape areas as per the controls in <i>WDCP</i> Part L.</p> <p>An amended landscape plan is to be submitted with the following:</p> <ol style="list-style-type: none"> More substantial planting with deep soil planting within the setback to Hammond Lane that includes tree planting along the public/private interface via indents to awnings and planting holes provided. Narrow species such as <i>Livistona australis</i> palms may be suitable for this area. Deep soil planting within the Gordon Avenue setback. The boundary 'hedge' planting of shrub like trees along the rear northern boundary is not considered suitable. The landscaped area to the northern boundary area should be redesigned incorporating the existing public domain area as a single area with canopy trees and useable open space. The plans are to include at least 17 trees on site. 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. A minimum soil depth of 600mm is required to be included in soft landscape area calculations. <p>Subject to amended plans being submitted and approved by Council, relevant conditions of consent can be provided.</p>

Traffic and Transport	<p>1. Parking rate and provision</p> <p>The updated design does not appear to comply with the <i>WDCP 2023</i> parking rate of 0.5 space/ dwelling by amending the parking spaces within the basement levels. Based on the section on drawing that tabulates total number of parking provision, it indicates two parts for residential parking, i.e. “required” and “proposed”:</p> <p>Residential component of shop top housing</p> <table><tr><td>Parking Rate (Maximum)</td><td>0,5 space / dwelling + 1 Visitor / 7 dwellings</td></tr><tr><td>Required spaces</td><td>41 : 32 Resident spaces + 9 Visitor spaces</td></tr><tr><td>Proposed spaces</td><td>73 : 64 residents spaces + 9 Visitor spaces</td></tr><tr><td>Excess Spaces</td><td>32</td></tr></table> <p>It is for clarification whether the applicant is proposing 73 spaces, and Traffic and Tranport would like to reiterate that the applicant is to adopt the parking rate that comply with <i>WDCP 2023</i> to minimise traffic impacts within the precinct.</p> <p>2. Provision of EV and Car Share space</p> <p>The updated design has yet to provide EV charging and Car Share space. The development is to provide EV charging points that comply with the requirements of Part F, Section 4.5 and 5.6 of the <i>WDCP</i>. The provision of Car Share space under Section 5.7 could be optional.</p> <p>3. Establish connection of shared/ cycle path</p> <p>The development is to indicate connectivity of the development to shared / cycle path to within the vicinity.</p> <p>CONDITIONS</p> <p>Connection is to be established along the periphery of Hammond Lane and Gordon Avenue to provide connectivity of shared/ cycle path to existing shared path along Frank Channon Walk, and planned route along Pacific Highway.</p>	Parking Rate (Maximum)	0,5 space / dwelling + 1 Visitor / 7 dwellings	Required spaces	41 : 32 Resident spaces + 9 Visitor spaces	Proposed spaces	73 : 64 residents spaces + 9 Visitor spaces	Excess Spaces	32										
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Excess Spaces	32																		
Contributions Officer	<div><div><div>1. Demolition of 15 existing 2 to 3-bedroom dwellings (based on domain.com.au record)</div><div>2. construction of a Mixed Use development comprising 64 residential units containing:<div><div>2-storey non-residential podium comprising:<div><div>Ground Floor: 371.744m² commercial tenancy</div><div>L1: 1,033.01m² commercial tenancy</div></div><div>24-storey residential tower comprising:</div></div></div></div><table><thead><tr><th># of bedroom units</th><th>Quantity</th><th>Notes</th></tr></thead><tbody><tr><td>1-bedroom</td><td>4</td><td>4 units dedicated for affordable housing</td></tr><tr><td>2-bedroom</td><td>19</td><td>1 unit dedicated for affordable housing</td></tr><tr><td>3-bedroom</td><td>34</td><td></td></tr><tr><td>4-bedroom</td><td>5</td><td></td></tr><tr><td>4-bedroom penthouse</td><td>2</td><td></td></tr></tbody></table></div></div>	# of bedroom units	Quantity	Notes	1-bedroom	4	4 units dedicated for affordable housing	2-bedroom	19	1 unit dedicated for affordable housing	3-bedroom	34		4-bedroom	5		4-bedroom penthouse	2	
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4-bedroom penthouse	2																		

		Total	64	
<p>The proposed development contains commercial, retail and residential uses and is therefore considered a mixed use development (i.e. a development comprising 2 or more different land uses).</p> <p>In accordance with CI 2.5 and Table 1 of the <i>Willoughby Local Infrastructure Contribution Plan 2019</i>, “where a single development application comprises a mix of type (a) Residential Accommodation that would result in a net increase in residents on the land and (b) other development that has a proposed cost of works more than \$100,000, either a s7.11 contribution or a s7.12 levy will be imposed. The contribution method which produces the greater amount will be the method used for that application.” The subject development falls under this scenario, as such will be subject to either s7.11 or s7.12, whichever yields the greater amount.</p> <p>This calculation is demonstrated below:</p>				
		S7.11 Calculation		
		Qty	Proposal - Calculation	
Dwellings / Residents Proposed			dwelling rate	Contributions (\$)
1-bedroom dwelling		4	x \$11,045.36	\$44,181.44
2-bedroom dwelling		19	x \$15,544.09	\$295,337.71
3-or more bedroom dwelling		41	x \$20,000	\$820,000.00
Subtotal		64		\$1,159,519.15
<p>AH dedication req'd under <i>WLEP</i> CI 6.8 - Area 1</p> <p>CI 2.6 of WLIC Plan states that development contribution <u>does not</u> apply to Affordable Housing (AH).</p> <p>Hence exemption has been taken into account for the nominated 5 AH dwellings vary in sizes.</p>				Exempt from contribution
Deduct 4 x 1-bedroom AH dwellings		4	x \$11,045.36	\$44,181.44
Deduct 1 x 2-bedroom AH dwellings		1	x \$15,544.09	\$15,544.09
Subtotal		5		\$59,725.53
(i.e. \$1,159,519.15 minus \$59,725.53) Subtotal		59		\$1,099,793.62
<p>In accordance with CI 2.9.1 of WLIC Plan, the following credits are given for this development:</p>				
Credits for demolishing existing structures		Credits - Calculation		
			dwelling rate	Contributions (\$)
Existing dwellings in 2-bedroom dwellings		10	x \$15,544.09	\$155,440.90
Existing dwellings in 3-bedroom dwellings		5	x \$20,000	\$100,000.00

	<p>(assumption: based on dwelling sizes obtained Domain.com.au)</p> <p>s7.11 yield amount (with credits given): (i.e. \$1,099,793.62 minus \$255,440.90)</p>		LESS	\$255,440.90
		44		\$844,352.72
Urban Design	<p><i>Response, also acknowledging Anthony's comments regarding site specific DCP and deep soil to Hammond.</i></p> <p><i>Design Excellence (DEX)</i></p> <ul style="list-style-type: none"> <i>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.</i> <i>The DA, while subject to relatively minor modifications, still meets with and satisfies the objective of the WLEP Design Excellence Clause 6.23.</i> <i>This development, as presented in the DA will make a positive contribution to the design quality of its context within the Chatswood CBD</i> <i>The proposal faithfully reflects the design and intent of the Design Excellence Jury findings supporting Design Excellence</i> <p><i>DeX compliance</i></p> <ul style="list-style-type: none"> <i>The scheme is generally in accordance with the final scheme reviewed and endorsed as the Competition winner with the following exception.</i> <p><i>Public Realm - Hammond Lane</i> <i>The DA Architecture/Landscape Plan does not show any proposed treatment to Hammond Lane</i> <i>Provide an integration Plan showing the proposed/preferred treatment to the public/service lane Hammond Lane.</i></p> <ul style="list-style-type: none"> <i>Proposed materials</i> <ul style="list-style-type: none"> <i>Noting only an image provided not materials specification</i> <i>Trafficable, robust fit for purpose</i> <i>Planting generally acceptable.</i> <ul style="list-style-type: none"> <i>Cordyline not supported, prefer alternative small fastigate plant.</i> <i>Reference Scotts Creek/Local Endemic species.</i> <i>Subject to further review.</i> <ul style="list-style-type: none"> <i>Deep soil</i> <i>Canopy trees</i> <p><i>Public Art</i> <i>Public Art Strategy</i> <i>Public Art Plan</i></p> <ul style="list-style-type: none"> <i>Artist selection process</i> 			

	<ul style="list-style-type: none"> • <i>Public Art Brief</i> <ul style="list-style-type: none"> ○ <i>Including location</i> <p><i>Provide a Public Art Strategy Clearly outlining the following Demonstration of Excellence Composition of the Public Art Panel comprising, noting WCC representation:</i></p> <ul style="list-style-type: none"> • <i>Developer representative (FJC?)</i> • <i>Willoughby City Council representative (Urban Design Specialist and Arts and Culture Manager)</i> • <i>Independent Art Specialist (TBA)</i> <p><i>Project budget including breakdown:</i></p> <ul style="list-style-type: none"> • <i>Project (building) CIV</i> • <i>Public Art budget</i> <p><i>Public Art Ownership:</i></p> <ul style="list-style-type: none"> • <i>Dedication of the Public Art to the people of Willoughby</i> <ul style="list-style-type: none"> ○ <i>Agreement between Developer/Body Corporate and WCC regarding ownership</i> ○ <i>Artist Rights</i> ○ <i>Deaccession Plan/Agreement as noted in The Public Art Strategy Document</i> • <i>Maintenance regimen and responsibilities Expected annual maintenance budget</i> • <i>Insurances</i> <p><i>Prior to OC</i></p> <ul style="list-style-type: none"> • <i>Agreement between the Developer/Body Corporate and WCC clearly identifying the following:</i> • <i>Dedication of the Public Art to the people of Willoughby</i> <ul style="list-style-type: none"> ○ <i>Agreement between Developer/Body Corporate and WCC regarding ownership</i> ○ <i>Artist Rights</i> ○ <i>Deaccession Plan/Agreement</i> • <i>Maintenance regimen and responsibilities</i> • <i>Expected annual maintenance budget</i> • <i>Insurances</i>
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External Referrals

NSW Police	<p>The following Crime Prevention Through Environmental Design (CPTED) treatment options need to be considered for the proposed development in order to reduce opportunities of crime:</p> <ol style="list-style-type: none"> 1. The site will need to be clearly identified through a building name or street number and be visible from the street. This will enable all emergency services to locate the premises. 2. Appropriate signage should be erected inside and around the perimeter of the entire property to warn of security treatments in place e.g. "This site is under 24 hour video surveillance". 3. Appropriated modifications should be made where necessary to accommodate the increase in traffic congestion on surrounding streets and intersections. 4. Any bicycle parking should be in a secure area and covered with CCTV cameras. 5. Mail boxes and parcel delivery areas should be secure and covered with CCTV cameras. If possible, a secure method for parcel delivery should be set up in the building. 6. If the site has storage cages they should be made of solid materials that can't be cut open and should be covered by CCTV cameras. Signs should be placed in the area warning residents not to leave valuable items in storage cages. 7. Lighting within the site will need to be positioned in a way to reduce opportunities for offenders to commit crime i.e vandalism and graffiti. The lighting will need to be sufficient to enable people to identify signs of intoxication and anti-social behaviour. The lighting will also need to be sufficient to support images obtained from any CCTV footage. Please note that some low or high pressure lighting is not compatible with surveillance systems. 8. Doors should be of solid construction and should be fitted with quality deadlock sets that comply with the Building Code of Australia and Australian Standards – Lock Sets AS:4145. 9. Windows within the site should also be of solid construction. These windows should be fitted with quality window lock sets that comply with the Australian Standards – Lock Sets AS:4145. Glass within doors and windows should be reinforced to restrict unauthorised access. The glass can be either fitted with a shatter-resistant film or laminated to withstand physical attacks. 10. An electronic surveillance system should be included to provide maximum surveillance of all areas of the site including entry/exits, car parks, bicycle parking, mail areas and common areas. Cameras should also cover public footpath areas around the premises. The system should be capable of recording high-quality images of events. The recording equipment should be locked away to reduce the likelihood of tampering. 11. An emergency control and evacuation plan should be implemented within the site and displayed for the information of residents. 12. All recording made by the CCTV system must be stored for at least
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	<p>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>13. "Park Smarter" signage should be displayed in the car park to warn/educate motorists to secure their vehicles and not leave valuable items in their cars. The car park will also need to have adequate lighting.</p> <p>14. Wheelchair access should at no time be blocked nor impede access to anyone with a disability.</p> <p>15. The landscaping design around the site needs to be free from potential hiding places and provide sightlines throughout the site and into any surrounding areas such as car parks, playgrounds and recreational amenities. Trees and shrubs should be maintained regularly to reduce concealment opportunities and increase visibility. Avoid the use of landscaping materials which could, when mature, serve as screens or barriers to impede views.</p> <p>16. The boundaries of the site should be clearly identified to deter unauthorised persons from entering the site.</p>
Ausgrid	Ausgrid has no objection to this development application, however the design submission must comply with relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice for construction works near existing electrical assets.
Water NSW (Integrated Referral)	GTA's have been provided subject to a number of conditions which are located in the Consent attached to this document.
TfNSW	TfNSW has reviewed the material and advises that the proposed development will have a negligible impact on the surrounding classified road network. As such, TfNSW has no further comment.

ATTACHMENT 3: CLAUSE 4.6 ASSESSMENT – SHOP TOP HOUSING IN ZONE MU1

Description of non-compliance

Development Standard	Standard	Proposed	%Variation
CI 6.25 Shop top housing in Zone MU1	17% of the gross floor area (1,548m ²) of the building to be used for non-residential purposes	Approximately 1,455.74m ² (15.98%) of the GFA is to be allocated for non-residential purposes.	The proposal seek a variation of 1.02% or 92.93m ² .

CI6.25 reads as:

Development consent for the purposes of shop top housing on land in Zone MU1 Mixed Use must not be granted unless the consent authority is satisfied at least 17% of the gross floor area of the building will be used for non-residential purposes.

Firstly, for the Panel's information, concerns were raised with the applicant regarding whether CI 6.25 can be varied under CI4.6, given the prohibitive wording of clause 6.25.

In response, the applicant clarified the issue by referencing and summarising relevant case law that explore whether a particular control constitute a development standard.

The applicant summarised their response as follows:

Elimatta Pty Ltd v Read and Anor [2021] NSWLEC 75

The Court looked to the definition of 'development standard' as it appears in section 1.4 of the *Environmental Planning and Assessment Act 1979* (NSW).

The definition refers to provisions of an environmental planning instrument on the carrying out of development: 'being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development...' Based on this definition, the Court found that a development standard must be a provision which specifies a requirement or fixes a standard.

Importantly, the Court found that it **was not useful** to consider whether a clause has 'prohibitive' wording or 'permissive' and 'facilitative' wording to determine if a provision is a development standard.

*[56] For completeness, **I do not consider Elimatta's distinction between the "prohibitive" wording of cl 4.1(3) of the YLEP and the "permissive" and "facilitative" wording of cl 4.1B(3) to be determinative of whether cl 4.1B(3) is a development standard.** In this respect, I note the comments on Preston CJ of LEC in R.I.G. Consulting in relation to a provision of the Palerang Local Environmental Plan 2014, which is drafted in similar terms to cl 4.1B(3) of the YLEP, where his Honour stated at [58]: "Although cl 4.1B(4) [of the Palerang Local Environmental Plan] is phrased in permissive terms, "development consent may be granted", rather than prohibitory terms, "development consent must not be granted unless...", the operation of the subclause is to the same effect."*

Canterbury Bankstown Council v Dib [2022] NSWLEC 70

The Court considered Clause 30AA which provided that "[a] consent authority must not grant development consent to a boarding house on land within Zone R2 Low Density Residential or within a land use zone that is equivalent to that zone unless it is satisfied that the boarding house has no more than 12 boarding rooms."

The Court found that clause 30AA was a development standard and identified two tests being:

1. Whether the provision is in relation to the carrying out of development, and
2. Whether the provision by or under which requirements are specified or standards are fixed in respect of any aspect of that development.

The court found that the first element was satisfied.

The second element was also satisfied as clause 30AA sought to specify a requirement or fix a standard in respect of boarding houses. (Clause 30AA indirectly specified a requirement or fixed a standard in respect of the size or density of a boarding house (within paragraph (c) of the definition of development standards)).

The court found that it did not matter that the heading to clause 30AA and the clause itself does not use the words 'development standards'. What is relevant, is whether a provision meets the definition of 'development standards'.

As clause 30AA was a development standard, it could be varied under clause 4.6 of the BLEP. The Court has made it clear that whether a heading to a clause or the clause itself include the word 'standards' is not determinative of whether a provision is a development standard. Additionally, this determination does not require any consideration of whether the language of the provision is prohibitive of facilitative.

Relevantly...

[62] I return to the provision in the present case, cl 30AA. The structure of cl 30AA is first to set a prohibition on the grant of development consent to specified development, "a boarding house", on land within the R2 Zone or an equivalent zone, and second to relax that prohibition if the consent authority forms the specified state of satisfaction, "that the boarding house has no more than 12 boarding rooms". This structure reveals that the development in respect of which it is asserted cl 30AA is a development standard, is "a boarding house" as first referred to in the clause.

...

[63] Clause 30AA, therefore, is not a provision prohibiting the carrying out on land in the R2 Zone or an equivalent zone of the only development to which Division 3 applies, being development for the purposes of boarding houses, but instead a provision in relation to the carrying out on that land of that development for the purposes of boarding houses by regulating the circumstance in which development consent can be granted to that development.

The applicant's approach appears to accurately capture the essence of the legal principles from the cited case laws regarding the interpretation of "development standard" within the EP&A Act 1979.

The response emphasises the court's reasoning that the substance of a provision whether it specifies requirements or sets measurable standards, is the key factor in determining if it is a development standard.

The applicant's approach also appears to align with the findings in *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009*, which focused on the permissibility of varying development standards through clause 4.6. The court held a view that if a provision imposes a measurable and quantifiable control over the development (such as height or floor space ratio), it constitutes a development standard. This interpretation supports the above argument that clause 6.25 imposes a quantifiable control, making it a development standard.

Key points of the applicant's submission:

- i) *The proposal has optimised the provision of non-residential floor space within the constraints of the required setbacks in the site-specific DCP and the ADG, as well as the vehicular access requirements, specifically relating to the accommodation of Council's 10.5m MRV truck for onsite waste collection.*

- ii) *The proposed variation to the non-residential floor space standard, does not affect the proposal's ability to provide a mixed use development that is of appropriate bulk and scale. Notably, the proposal is compliant with the 90m building height and maximum overall FSR of 6:1 development standards, which will deliver a high density mixed use development that is reflective of the desired future character of the Chatswood CBD*

Objectives of Clause 4.6

4.6 (1) The objectives of this clause are as follows:

- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
 (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

CI 4.6 Criteria	Response
4.6(2) <i>Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.</i>	The development standard is not expressly excluded from the operation of this clause.
4.6 (3) <i>Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—</i>	
a) <i>Has the applicant's submission demonstrated that compliance with the standard is unreasonable or unnecessary in the circumstances of the case, and</i>	The applicant has provided a written request that seeks to justify the contravention of the development standard on the basis that compliance is unreasonable and unnecessary in the circumstances of this case.
b) <i>Has the applicant's submission demonstrated that there are sufficient environmental planning grounds to justify the non-compliance?</i>	The applicant's written request has sought to demonstrate sufficient environmental planning grounds.
4.6(4) <i>Development consent must not be granted for development that contravenes a development standard unless:</i>	
a) i) <i>Has the applicant's written request adequately addressed the matters required to be demonstrated in subclause 3</i>	The applicant's written request has adequately demonstrated that compliance with the standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify the non-compliance
ii) <i>Is the proposed development in the public interest because it is consistent with:</i>	
• <i>objectives of the particular development standard</i>	Yes, see assessment below
• <i>objectives for the development within the zone in which the development is proposed to be carried</i>	Yes, see assessment below

Consistency with the objectives of the standard:

SNPP REPORT - 5-9 GORDON AVENUE, CHATSWOOD NSW 2067.

Clause 6.25 does not include any objectives for the minimum non-residential floor space requirement. In absence of the objectives, the intent of clause 6.25 which is set out in the Chatswood CBD Strategy has been considered. Which aims to promote office growth and a diverse mix of uses in the B4 Mixed Use zone (now MU1).

The strategy states:

Where the maximum floor space ratio of 6:1 is achieved, the minimum commercial floor space ratio sought in development in a Mixed Use zone is 1:1 (which has been changed to 17% non-residential requirements at the time of WLEP 2012 (Amendment 34)

The objective of this Key Element is to achieve a satisfactory level of commercial in the B4 Mixed Use zone to deliver a reasonable amount of employment floor space, typically to be within the podium levels of a development. This will be moderated depending on the overall FSR.

The applicant's written request adequately addresses the above objective. The proposal will provide 1455.74m² of non-residential floor space within the two-storey podium of the development, resulting in a minor non-compliance of 1.02% only. Strict compliance to the standard could lead to undesirable outcomes, such as the podium level encroaching into the setbacks or forcing the non-residential gross floor area (GFA) in to the tower area, which contradict the intent of the standard.

Additionally, site constraints, including at grade loading and servicing vehicle parking resulting in smaller floor space at the ground level. Furthermore, the proposal includes a hybrid co-working space of 55m² on level 3, adjacent to the communal open space proving a usable communal office space for the residents.

In view of the above, notwithstanding the minor non-compliance to the development standard, the proposal is considered to consistent with the objectives of the Chatswood CBD Strategy 2036, particularly in maintaining a balance between built form and functional requirements.

Consistency with the objectives of the MU1 Mixed-Use Zone:

Consistency of the proposed development with the Zone's objectives is discussed below:

Zone Objective	Response
To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.	The proposal is for a mixed use development with two levels of retail/commercial use with residential apartments above. The proposal aligns with the mixed use nature of the land and supports the generation of employment opportunity through its non-residential uses.
To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.	The proposal adequately addresses both street frontages and provide activation through the retail floor space at the ground floor. Additionally, the site is highly accessible, as it is in close proximity to Chatswood train and metro stations, as well as major arterial road such as the Pacific Highway. The development includes bicycle parking and end-of-trip facilities which will encourage a shift towards walking, cycling, and the use of public and shared transportation, subject to deferred commencement condition.
To minimise conflict between land uses within this zone and land uses within adjoining zones.	The proposed uses within the development are adequately separated, with non-residential components limited to the podium and residential use situated in the tower above, including the associated communal spaces. The proposal therefore is considered of a type that minimise conflict between the land uses.
To encourage business, retail, community and other non-residential land uses on the	The proposed ground floor will be used for retail with the first floor being utilised as office space,

ground floor of buildings.	aligning with this objective.
To allow for city living on the edges of the city centre of Chatswood, which encourages public transport use, shopping and the use of businesses and recreational services that contribute to the vitality of the city, without undermining its commercial role.	The subject site is located within the central periphery of the Chatswood CBD, and is proposed for a mixed use development. The development includes 2 levels of retail/ commercial space and 64 residential apartments, all contributing positively to the city centre of Chatswood.

Clause 4.6 4) b) The Concurrence of the Secretary has been obtained

Based on the above considerations, the proposed variation to the development standard is acceptable. Variation of the standard is considered to be in public interest given that the relevant objectives of the zone and standard are met by the proposal despite its numerical non-compliance with the development standard.

The variation is not considered to raise any matter of regional and state significance, and concurrence of the Secretary in approving this variation can be assumed.

ATTACHMENT: 4 - SUBMISSIONS TABLE

Neighbour Notification

Owners of adjoining properties were notified of the proposal and three (3) submissions were received as follows,

Property	Issues raised	Response
9 Nelson Street	<ul style="list-style-type: none"> inability to access Frank Cannon Walkway from Nelson St parking on Nelson St 	No closure to Frank Cannon Walkway is proposed.
Chatswood Bowling Club	<ul style="list-style-type: none"> The Club seeks assurance that any work relating to this development in Hammond Lane allows continued unrestricted access to the Club property through the Lane. Glare causing flaring from reflective materials, which may be part of the facade of the above development, and which could cause visual discomfort to players playing bowls adjacent, is minimized. The Club seeks assurance that any work relating to this development is required to provide dust suppression and anti-vibration measures to protect the adjoining Club property and members and staff. The Club also seeks assurance that, as a result of this development an increase in winds generally and particularly channelling through Hammond Lane, is minimized. 	<ul style="list-style-type: none"> Access for the club both during construction and completion of the build is the responsibility of the developer to manage. It is a matter for both the developer and the bowling club to discuss outside the DA. A condition of consent is included to ensure materials chosen do not cause unreasonable glare. Noise and dust will be appropriately managed through the construction phase through the use of the construction management plan. A wind assessment has been provided and the recommendations of this report are included in the plans. This report concludes reasonable impact to both those who reside in the development and the surrounding area. A condition will be included to ensure the recommendations of the Wind Assessment are carried into the CC design.
1-3 Gordon	<ul style="list-style-type: none"> The removal of trees 	<ul style="list-style-type: none"> No removal of neighbouring trees is

Property	Issues raised	Response
Ave (Owned by Sydney Metro)	<p>proposed on the 1-3 Gordon Avenue property boundary</p> <ul style="list-style-type: none">• The operability and future interface between the 0m podium setback• Assumptions made on the future development and envelope of 1-3 Gordon Avenue	<p>proposed on the plans. A condition has been recommended to ensure this</p> <ul style="list-style-type: none">• The design and its setback are consistent with the <i>DCP</i> controls and are consistent with the design excellence completion recommendations.

ATTACHMENT 5: SECTION 4.15 ASSESSMENT

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

(a)(i)	The provisions of any <i>environmental planning instrument (EPI)</i>	
	<ul style="list-style-type: none"> • <i>State Environmental Planning Policies (SEPP)</i> 	✓
	<ul style="list-style-type: none"> • <i>Regional Environmental Plans (REP)</i> 	✓
	<ul style="list-style-type: none"> • <i>Local Environmental Plans (LEP)</i> 	✓
	Comment: The proposal satisfies the requirements of the relevant <i>SEPPs</i> .	
(a)(ii)	The provision of any draft <i>environmental planning instrument (EPI)</i>	
	<ul style="list-style-type: none"> • <i>Draft State Environmental Planning Policies (SEPP)</i> 	✓
	<ul style="list-style-type: none"> • <i>Draft Regional Environmental Plans (REP)</i> 	✓
	<ul style="list-style-type: none"> • <i>Draft Local Environmental Plans (LEP)</i> 	✓
	Comment: There are no draft <i>EPs</i> that applies to the development	
(a)(iii)	Any development control plans	
	<ul style="list-style-type: none"> • <i>Development control plans (DCPs)</i> 	✓
	Comment: The proposal satisfies the requirements of the <i>DCP</i> .	
(a)(iv)	Any matters prescribed by the regulations	
	<ul style="list-style-type: none"> • Clause 92 <i>EP&A Regulation-Demolition</i> 	✓
	<ul style="list-style-type: none"> • Clause 93 <i>EP&A Regulation-Fire Safety Considerations</i> 	✓
	<ul style="list-style-type: none"> • Clause 94 <i>EP&A Regulation-Fire Upgrade of Existing Buildings</i> 	N/A
	Comment: Conditions of consent will ensure the proposal satisfies the requirements of the regulations.	
(b)	The likely impacts of the development	
	<ul style="list-style-type: none"> • Context & setting 	✓
	<ul style="list-style-type: none"> • Access, transport & traffic, parking 	✓
	<ul style="list-style-type: none"> • Servicing, loading/unloading 	✓
	<ul style="list-style-type: none"> • Public domain 	✓
	<ul style="list-style-type: none"> • Utilities 	✓
	<ul style="list-style-type: none"> • Heritage 	✓
	<ul style="list-style-type: none"> • Privacy 	✓
	<ul style="list-style-type: none"> • Views 	✓
	<ul style="list-style-type: none"> • Solar Access 	✓
	<ul style="list-style-type: none"> • Water and draining 	✓
	<ul style="list-style-type: none"> • Soils 	✓
	<ul style="list-style-type: none"> • Air & microclimate 	✓
	<ul style="list-style-type: none"> • Flora & fauna 	✓
	<ul style="list-style-type: none"> • Waste 	✓
	<ul style="list-style-type: none"> • Energy 	✓
	<ul style="list-style-type: none"> • Noise & vibration 	✓
	<ul style="list-style-type: none"> • Natural hazards: Overland flowpath 	✓
	<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.4.15 (79C) EP&A Act
Considered and Satisfactory ✓ and Not Relevant N/A

	<ul style="list-style-type: none"> Construction 	✓
	<ul style="list-style-type: none"> Cumulative impacts 	✓
	Comment: The proposal does not cause detrimental impacts on surrounding properties and satisfies the objectives of the controls that inform the overall building envelope.	
(c)	The suitability of the site for the development	
	<ul style="list-style-type: none"> Does the proposal fit in the locality? 	✓
	<ul style="list-style-type: none"> Are the site attributes conducive to this development? 	✓
	Comment:	
(d)	Any submissions made in accordance with this Act or the regulations	
	<ul style="list-style-type: none"> Public submissions 	✓
	<ul style="list-style-type: none"> Submissions from public authorities 	✓
	Comment: Public submissions have been considered as part of the overall assessment of the application. Referral comments from Ausgrid, NSW Police and Water NSW have been incorporated into the consent.	
(e)	The public interest	
	<ul style="list-style-type: none"> Federal, State and Local Government interests and Community interests 	✓
	Comment: The proposal satisfies public interest objectives, noting that it consistent with the Chatswood CBD Planning and Urban Design Strategy 2036.	

CONCLUSION

Assessment has shown that likely adverse effects to the present and likely future amenity of the locality are not of such an extent as to warrant refusal.

ATTACHMENT 6: SCHEDULES OF CONDITIONS

SCHEDULE 1

DEFERRED COMMENCEMENT

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

In accordance with Clause 76(3) of the Environmental Planning and Assessment Regulation 2021, a twelve (12) month period is given from the date of the 'deferred commencement' notice to lodge plans and evidence that satisfactorily address the required amendments/details. If not, then the 'deferred commencement' will lapse and a new development application will be required.

1. Basement Redesign

In order to comply with Willoughby's maximum parking rates, to reduce traffic impacts, to increase deep soil landscaping and to be consistent with the zone objectives, the basement is to be fully redesigned as follows:

- a. The parking in the basement is to be compliant with Willoughby's maximum parking rate as indicated in Part F of the *Willoughby Development Control Plan 2023*. Accordingly, the total car parking spaces must not exceed the following:
 - Residential = 32 spaces (including accessible parking spaces for adaptable units)
 - Visitors = 9 spaces
 - Retail = 5 spaces
 - Office = 2 spaces

Note: Applicant/ developer to also consider matters raised under **Condition 13(b)** of the Schedule 2

2. Landscape Plan

In order comply with *Willoughby's Local Environmental Plan 2012* and *Development Control Plan 2023* and to be consistent with Willoughby's tree canopy targets the architectural/ landscape plans are to be amended as follows:

- a. More substantial planting with deep soil planting within the setback to Hammond Lane that includes tree planting along the public/private interface via indents to awnings and planting holes provided. Narrow species such as *Livistona australis* palms may be suitable for this area.
- b. Deep soil planting within the Gordon Avenue setback.
- c. The boundary 'hedge' planting of shrub like trees along the rear northern boundary is not considered suitable. The landscaped area to the northern boundary area

should be redesigned incorporating the existing public domain area as a single area with canopy trees and useable open space.

- d. The plans are to include at least 17 trees on site.
- e. 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. A minimum soil depth of 600mm is required to be included in soft landscape area calculations.

Note: Nothing in the Act prevents a person from doing such things as may be necessary to comply with this condition. (See section 4.16(3) of the Act)

(Reason: Ensure compliance).

SCHEDULE 2

GENERAL CONDITIONS

Condition

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 Plan	1001	D	24/05/2023	fjcstudio
Demolition Plan	1004	06	07/05/2024	
B05-Carpark	Add Info - 1095	07	18/04/2024	
B04-Carpark	Add Info - 1096	07	18/04/2024	
B03-Carpark	Add Info - 1097	06	18/04/2024	
B02-Carpark	Add Info - 1098	07	18/04/2024	
B01-Carpark	Add Info - 1099	07	18/04/2024	
Ground Floor	Add Info - 2000	09	7/05/2024	
L01 - Commercial	Add Info - 2001	06	16/04/2024	
L02 - Communal	Add Info - 2002	05	24/11/2023	
L03 – Low Rise	Add Info - 2003	05	24/11/2023	
L04 – Low Rise	Add Info - 2004	05	24/11/2023	
L05 – Low Rise	Add Info - 2005	05	24/11/2023	
L06 – Low Rise	Add Info - 2006	05	24/11/2023	
L07 – High Rise Typical A	Add Info - 2007	05	24/11/2023	
L08 – High Rise B	Add Info - 2008	05	24/11/2023	
L21 – High Rise Setback	Add Info - 2021	05	24/11/2023	
L22 – Sub Penthouse Typical	Add Info - 2022	05	24/11/2023	
L24-Penthouse Lower	Add Info - 2024	05	24/11/2023	
L25-Penthouse Upper	Add Info - 2025	05	24/11/2023	
L26 – Roof Terrace	Add Info - 2026	05	24/11/2023	
Roof	Add Info - 2027	05	24/11/2023	
North elevation	Add Info - 3000	05	24/11/2023	
East Elevation	Add Info - 3001	05	24/11/2023	
South Elevation	Add Info - 3002	05	24/11/2023	
West Elevation	Add Info – 3003	05	24/11/2023	
Material Board	3004	D	24/05/2023	
Section AA & BB	Add Info - 4000	04	24/11/2023	
Section CC DD	Add Info - 4001	03	24/11/2023	
Façade Types	6000	D	24/05/2023	
RFI – Additional Details	6001	05	24/11/2023	
Low Rise Adaptable Apartments	7001	D	24/05/2023	

SNPP REPORT - 5-9 GORDON AVENUE, CHATSWOOD NSW 2067.

Low Rise Adaptable Apartments	7002	D	24/05/2023	Prepared by Stuart Noble Associates
Section J, List of inclusions	9000	D	24/05/2023	
Affordable Housing	9103	04	28/11/2023	
Planting Shcedule	DA-2301-01	A	15/05/2023	
Ground Floor Landscape Plan	DA-2301-02	B	17/04/2024	
Level 01 Landscpae Plan	DA-2301-03	A	15/05/2023	
Level 02 Landscpae Plan	DA-2301-04	A	15/05/2023	
Level 03 Landscpae Plan	DA-2301-05	A	15/05/2023	
Level 04 Landscpae Plan	DA-2301-06	A	15/05/2023	
Level 05 Landscpae Plan	DA-2301-07	A	15/05/2023	
Level 06 Landscpae Plan	DA-2301-08	A	15/05/2023	
Level 07 Landscpae Plan	DA-2301-09	A	15/05/2023	
Typical Landscape Plan 01	DA-2301-10	A	15/05/2023	
Typical Landscape Plan 02	DA-2301-11	A	15/05/2023	
Level 21 Landscpae Plan	DA-2301-12	A	15/05/2023	
Level 22 Landscpae Plan	DA-2301-13	A	15/05/2023	
Level 24 Landscpae Plan	DA-2301-14	A	15/05/2023	
Level 25 Landscpae Plan	DA-2301-15	A	15/05/2023	
Level 26 Landscpae Plan	DA-2301-16	A	15/05/2023	

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 conditions from WaterNSW must be complied with:

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 paragraph17A, 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	<p>Construction Phase Monitoring programme and content:</p> <p>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):</p> <ul style="list-style-type: none"> 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. <p>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)</p>
GT0123-00001	<p>(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.</p> <p>(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):</p> <ul style="list-style-type: none"> 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

	<p>website.</p> <p>c) The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website www.waternsw.com.au/customer-service/water-licensing/dewatering</p>
GT0150-00001	<p>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:</p> <ul style="list-style-type: none"> - 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. <p>Testing and management should align with the NSW Acid Sulphate Soil Manual</p>
GT0151-00001	<p>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.</p>
GT0152-00001	<p>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.</p>
GT0155-00001	<p>The following construction phase monitoring requirements apply (Works Approval):</p> <ul style="list-style-type: none"> 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

(Reason: Ensure compliance)

3. NSW POLICE

The following conditions from 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
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	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.	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.
I.	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.
J.	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.
K.	An emergency control and evacuation plan should be implemented within the site and displayed for the information of residents.
L.	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.
M.	"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.
N.	Wheelchair access should at no time be blocked nor impede access to anyone with a disability.
O.	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.	The boundaries of the site should be clearly identified to deter unauthorised persons from entering the site.

(Reason: Ensure compliance)

4. Ausgrid

The following conditions Ausgrid must be complied with:

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

(Reason: Ensure compliance)

5. Sydney Airport

The following conditions from Sydney Airport must be complied with:

A.	<p>The application sought approval for the PROPERTY DEVELOPMENT to a height of 188.3 metres Australian Height Datum (AHD).</p> <p>In my capacity as Manager, Airfield Spatial & Technical Planning and an authorised person of the Civil Aviation Safety Authority (CASA) under Instrument Number: CASA 229/11, in this instance, I have no objection to the erection of this development to a maximum height of 188.3 metres AHD.</p> <p>The approved height is inclusive of all lift over-runs, vents, chimneys, aerials, TV antennae, construction cranes etc.</p> <p>Should you wish to exceed this height a new application must be submitted.</p> <p>Construction cranes may be required to operate at a height significantly higher than that of the proposed development and consequently, may not be approved under the Airports (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</p>
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	<p>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>B.</p>	<p>Planning for Aircraft Noise and Public Safety Zones:</p> <p>Current planning provisions (s.117 Direction 3.5 NSW Environmental Planning and Assessment Act 1979) for the assessment of aircraft noise for certain land uses are based on the Australian Noise Exposure Forecast (ANEF). The current ANEF for which Council may use as the land use planning tool for Sydney Airport was endorsed by Airservices in December 2012 (Sydney Airport 2033 ANEF).</p> <p>Whilst there are currently no national aviation standards relating to defining public safety areas beyond the airport boundary, it is recommended that proposed land uses which have high population densities should be avoided.</p> <p>Note:</p> <ol style="list-style-type: none"> 1. a person who conducts a controlled activity otherwise than with an approval commits an offence against the Act. <ul style="list-style-type: none"> - s. 183 and s. 185 Airports Act 1996. - Penalty: 250 penalty units. 2. if a structure is not authorised, the Federal Court may order a person to carry out remedial works, mark or light, or reduce the height of or demolish, dismantle or remove a structure.

Attachment A

Application for Approval of Crane Operation

[Sections s.182, 183, Airports Act 1996]

[Airports (Protection of Airspace) Regulations 1996 – Reg 7]

TO: Sydney Airport Corporation Ltd

c/- Airport Design Services Locked Bag 5000
Sydney International Airport NSW 2020
Email: airspaceprotection@syd.com.au

Application pursuant to airport (protection of airspace) regulations reg 7:

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" must be read and accepted.
- h) The Proponent must complete this Application and provide it to Sydney Airport, with a copy to the Council as part of the relevant Development Application.

CERTIFICATE BY PROPONENT:

I certify that the Application for approval is complete to the best of my knowledge.

Dated:

Signature of Proponent:

Title of signatory:

(Reason: Ensure compliance)

6. Local Infrastructure Contributions

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

(Reason: Statutory requirement)

7. 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)

8. 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)

9. 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)

10. 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)

11. Occupation Certificate

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

(Reason: Safety)

12. Use of Non-residential Floor Space

This approval only pertains to generic use of the ground floor and first floor non-residential floor spaces/ tenancies. Any specific use of these spaces will require further approval prior to their occupation.

(Reason: Ensure compliance)

BEFORE MAKING AN APPLICATION FOR A CONSTRUCTION CERTIFICATE

Condition

13. 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 the Director of Planning & Infrastructure at Council for its review, comment and written approval. Documentation confirming approval by Willoughby City Council shall then be submitted to the Certifier for the application of a construction certificate.

- (a) Amended architectural plans that demonstrate that the loading bay is able to accommodate Council's 10.5m waste vehicle plus 2m loading area clear of the access driveway / circulation aisle. The minimum width of the access driveway / circulation aisle at the loading bay is to be 6.5m, with the northern edge in line with the northern kerb line for access driveway.
- (b) Amended architectural plans that detail:
 - Deletion of spaces B05-20, B04-21, B03-21 and B02-18, or dimensioned plans with the spaces at 6.5m long (6.2m + 0.3m additional for space obstructed at both ends) and 3.9m minimum aisle width provided for the full length of the parking space.
 - Deletion of spaces B05-08, B05-09, B04-09, B04-10, B03-10, B03-11, B02-08 and B02-09 or conversion of the spaces to shared zones for accessible parking spaces.
- (c) Public Domain Plan establishing a connection along the periphery of Hammond Lane and Gordon Avenue to provide seamless connectivity for a shared/ cycle path linking the existing shared path along Frank Channon Walk with the planned route along Pacific Highway.
- (d) Detailed architectural/ Landscapae Plans to show tratements to Hammond lane, including but not limited to a tarrficable and robust area featuring deep spoil and canopy trees.
- (e) 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.

(Reason: Ensure compliance)

- (f) An updated Operational Waste Management Plan that demonstrates:
 - there is sufficient consideration of how the recycling cupboard will be serviced on each residential floor, including details around who will be responsible for servicing and carting the bins and if additional equipment is required
 - the use of *WDCP 2006* waste generation benchmarks to estimate waste generation. The benchmarks are the following:
 - General waste: 100L/unit/week

- Recycling: 60L/unit/week
- Organics: 30L/unit/week

- (g) Revised architectural plans that clearly indicate there is sufficient waste storage space. A minimum area for each type of waste stream is required:
- All residential bins: $\geq 19.6\text{m}^2$
 - Residential bulky waste: $\geq 16\text{m}^2$
 - Commercial waste space: $\geq 10.3\text{m}^2$

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: Ensure compliance)

14. Contamination – Investigation, Remediation and Validation

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

- (a) A systematic and targeted program of supplementary investigations shall be carried out to address data gaps identified in the Detailed Site Investigation (DSI) by Douglas Partners Pty Ltd, Ref. 86178.02.R.001.Rev1, dated 5 May 2023. The results from the additional sampling and laboratory analysis shall be presented in a Targeted Site Investigation (TSI) report to Council for approval in writing. The TSI shall include, but not be limited to, the following:
- Sampling, testing and validation of soil contaminants within the demolished building footprint areas.
- (b) If the TSI identifies the presence of soil contaminants, a Remediation Action Plan (RAP) shall be prepared and submitted to Council for approval in writing.
- (c) 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.
- (d) The site must be remediated in accordance with any Council-approved RAP;
- (e) 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*);
- (f) A Stage 4 Validation Report and a clearance certificate issued by an appropriately qualified occupational hygienist must be submitted to Council for approval in writing (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)

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Conditions

15. External Finishes – Solar Absorptance

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

(Reason: Visual amenity)

16. S7.11 Contribution

Prior to the issue of the Construction Certificate, a monetary contribution is to be paid to in accordance with section 7.11 of *Environmental Planning and Assessment Act, 1979* in the amount of **\$844,352.72** for the purposes of the Local Infrastructure identified in the *Willoughby Local Infrastructure Contributions Plan*.

Active transport and public domain facilities	\$36,009.56
Open space and recreation facilities	\$661,818.44
Plan administration	\$12,478.20
Recoupment - community facilities	\$127,279.44
Recoupment - open space and recreation	\$6,767.08
Total	\$844,352.72

Indexation

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

$$\frac{\$C_0 \times CPI_P}{CPI_C}$$

Where:

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

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

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

Please note that the dollar value stated applies to a payment made within the current calendar month. Any payment made in following months would have the relevant indexation (CPI Index) applied in the first instance to determine the actual amount due in the current month.

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

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

(Reason: Statutory requirement)

17. Planning Agreement

Prior to the issue of first Construction Certificate, the obligations under the Planning Agreement executed on 17 February 2022 relating to this development, that is, the 2nd and 3rd instalments are to be satisfied at the timing and contribution amount required under Schedule 2 of the Planning Agreement. Contact Council for an indexation (CPI) adjustment at the time of payment.

(Reason: Ensure compliance)

18. 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)

19. BASIX

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

(Reason: Environmental Sustainability)

20. Wind Treatment

In order to minimise the effects of wind on the proposed building, the development shall be designed and constructed to incorporate the recommended wind mitigation measures into the design from Section 3 of the Qualitative Wind Assessment prepared by CPP Wind Engineering Consultants, dated 19 May 2023, *CPP16736_5Gordon Avenue_REP_DS_PW_R01*, dated 15 November 2022 as a minimum.

(Reason: Amenity)

21. Public Right of Way

Prior to the issue of the Construction Certificate the Architectural and Landscape Plans shall notate that a 3m wide public right-of-way along the western boundary (fronting Hammond lane), for the entire length and a 3m wide public right-of-way along the front boundary (fronting Gordon Ave), for the entire frontage, are to be registered over the site, and that these right-of-way/s will be registered prior to the issue of the Occupation Certificate. The wording of the right-of way must be provided to Council and written approval obtained from Council prior to the issue of the Construction Certificate.

(Reason: Compliance and Public Amenity)

22. Adaptable Units

Adaptable residential units for disabled persons are to be provided at a rate of 50% of units (Total 32 units). Each adaptable unit is to be nominated on the Construction Certificate drawings. At least 8 disabled car spaces are to be provided for the adaptable units.

(Reason: Amenity)

23. Agreement to Transfer Affordable Housing Dwellings

The applicant must enter into a Deed with the Council providing for the transfer of title of the affordable housing dwellings identified as units 0303, 0402, 0403, 0503 and 0603 as shown on the Affordable Housing Plan prepared by fjstudio, sheet no. 9103, Revision 04, dated 28 November 2023, to the Council, free of charge. The Deed is to be drafted in accordance with the Housing Transfer Deed template available on Council's website and is to be submitted to the Council's Property Team and be executed prior to the issue of the Construction Certificate.

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

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

(Reason: Ensure compliance)

24. 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)

25. 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)

26. Damage Deposit

Prior to the issue of the Construction Certificate, the applicant shall lodge a Damage Deposit of **\$220,500** (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 = \$220,500 + \$260 = \$220,760

(Reason: Protection of public asset)

27. 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)

28. CCTV Report of Existing Council Pipe System

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

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

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

(Reason: Protection of public asset)

29. Stormwater Conveyed to Street Drainage

Stormwater runoff from the site shall be collected and conveyed to the street drainage system in accordance with Council's specifications. A grated drainage pit of minimum 600mm x 600mm shall be provided within the property and adjacent to the boundary prior to discharging to the Council's drainage system. All drainage works shall comply with the requirements described in Part I of Council's *DCP*, Technical Standards and AS 3500.3. In this regard, full design and construction details showing the method of disposal of surface and roof water from the site shall be shown on the Construction Certificate plans.

(Reason: Stormwater control)

30. Analysis of Outlet Condition

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

(Reason: Prevent property damage)

31. Detailed Stormwater Management Plan

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 shall include a water quality improvement system and an OSD system with a minimum volume of 55m³, which restricts the peak discharge from the site to 26L/s in the 1%AEP storm event. The drawings shall be in accordance with SGC drawings SW200/C, SW201/C, SW202/C, SW203/C, SW300/C, SW301/C, and SW500/C. 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)

32. Basement Pumpout Drainage System

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

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

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

(Reason: Prevent nuisance flooding)

33. Overland Flow/Flood Level

A suitably qualified and experienced civil engineer must certify that:

- (a) The finished floor levels of the proposed building area have a minimum freeboard of 500mm above the 1% AEP flood event, which is conveyed through and past the site.
- (b) The basement entry ramp and any access points to the basement have a crest at a level of 500mm above the 1%AEP flood level or the PMF level, whichever is higher.

- (c) The existing boundary fences within the extent of the overland flow path will be replaced with open type fencing to allow unimpeded passage of overland flow
- (d) No structures, walls, fill or other items will be constructed to impede the 1% AEP overland flow path within the identified flood zone, other than works detailed in the approved flood report.
- (e) Mitigation works detailed in the approved Flood Report are documented in Construction Certificate drawings.
- (f) The proposed works comply with the requirements of Technical Standard 2 Floodplain Management.
- (g) That the proposed works result in changes of flood level on adjacent properties and the road reserve in the 1%AEP event of less than 10mm.

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)

34. 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)

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

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

- (a) Construction of 1.5 metres wide footpath (max. 2.5% crossfall) towards the kerb for the full frontage of the development site in Gordon Avenue 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) Reconstruction of existing kerb and gutter for the full frontage of the development site in Gordon Avenue, including replace of redundant vehicle crossings, in

accordance with Council's specifications and Standard Drawing SD105.

- (c) Construction of kerb and gutter for the full frontage of the development site in Hammond Lane in accordance with Council's specifications and Standard Drawing SD105.
- (d) Reconstruction of the existing road pavement 4.0m wide for the full frontage of the development site in Gordon Avenue in accordance with Council's specifications.
- (e) Reconstruction of the existing road pavement for the full width of the road and the full frontage of the development site in Hammond Lane in accordance with Council's specifications.
- (f) Construction of a 9.0 metres wide vehicular crossing in Hammond Lane in accordance with Council's specification and Standard Drawings SD105.
- (g) Construction of a new vehicle crossing in Gordon Avenue at the entrance to Hammond Lane in accordance with Council's specification and Standard Drawings SD105.
- (h) Any modification works required to the Council stormwater pit in Gordon Avenue at the intersection with Hammond Lane to suit the new works.

The required plans must be designed in accordance with Council's specifications (AUS-SPEC). The plans are to include sections at 5m intervals for path and pavement works and a longitudinal section for Hammond Lane, extending from the centreline of Gordon Avenue through the new layback to the northern boundary of the site. Sections are to include existing and proposed levels. 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)

36. 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 Council along each side of the proposed vehicular access path drawn at 1:20 Scale. The longitudinal sections shall include the following: -

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

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

The new crossing is to be 9.0 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.

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)

37. 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)

38. Vehicle Access and Manoeuvring – Engineer's Certification

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

- (a) That finished driveway gradients and transitions comply with AS/NZS 2890.1 and AS 2890.2 and will not result in scraping to the underside of cars.
- (b) That a maximum gradient of 5% is provided for the first 6 metres from the property's front boundary to the basement. All driveway grades shall comply AS/NZS 2890.1 and AS 2890.2.
- (c) That the proposed vehicular path and parking arrangements comply in full with AS/NZS 2890.1, AS 2890.2 and AS 2890.6 in terms of minimum dimensions provided and grades on parking spaces.
- (d) That the headroom clearance of minimum 2.2 metres between the basement floor and any overhead obstruction (including overhead services) is provided for compliance with Section 5.3.1 of AS/NZS 2890.1 and Section 2.7 of AS 2890.6.
- (e) That the headroom clearance of minimum 2.5 metres is provided to all parking spaces for people with disabilities for compliance with Section 2.7 of AS 2890.6.
- (f) That a shared area with minimum dimensions of 2.4 x 5.4m is provided adjacent to all disabled parking spaces and a shared area with minimum dimensions of 2.4m x 2.4m is provided at the end of all disabled parking spaces to comply with AS 2890.6. A bollard shall be located in the shared zone in accordance with Section 2.4 of AS 2890.6.
- (g) That the headroom clearance required in AS 2890.2 for the largest vehicle using the site has been provided for the loading area and the path from the frontage road to

and from the loading area.

- (h) Simultaneous manoeuvring of B99 and B85 vehicles at all ramps and ramp ends including the clearance lines for each vehicle, in accordance with AS2890.1, is complied with.
- (i) Simultaneous manoeuvrability of the largest vehicle using the site (minimum MRV) and a passenger vehicle including clearance in accordance with AS2890.1 and AS2890.2, is provided between the frontage road and the loading bay.
- (j) That the loading bay dimensions allow Council's waste vehicle to be fully parked within the bay, with 2m area behind, and no part of the vehicle protrudes into the main access driveway / circulation roadway, which has a minimum width of 6.5m from the northern kerb.
- (k) That sufficient width is provided for Council's 10.5m waste vehicle, including clearance in accordance with AS 2890.2, to traverse from Gordon Avenue to the loading bay, with a single reverse movement into the loading bay
- (l) That traffic management measures have been provided to manage conflict at locations where a passenger vehicle is not able to pass vehicles larger than an MRV, including Council's waste vehicle.
- (m) That suitable sight lines are provided at the vehicle exit from the site to pedestrians on the path within the site.

(Reason: Ensure compliance)

39. Construction Traffic Management Plan

Prior to issue of the Construction Certificate, a detailed Construction 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 TfNSW accredited consultant.
- (b) Be in accordance with the current version of AS1742.3 and its associated handbook; and the TfNSW'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 Guidance Scheme 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)

40. Traffic Work

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

(Reason: Public safety and amenity)

41. 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 and provision of electric vehicle charging infrastructure must satisfy the relevant NCC requirements.

(Reason: Support sustainable transport)

42. Bicycle facilities

Bicycle wayfinding, storage and end of trip facilities must be provided on-site to the satisfaction of Council's *DCP*. The storage and end of trip facilities must be located in a convenient and secure location in as close proximity to the retail areas as possible. Separate facilities must be provided for use by employees and visitors to the development. All spaces must be clearly and visibly marked on site for their intended use.

The design of the bicycle wayfinding (such as signposting), storage (including bicycle racks, bicycle rails and lockers) and end of trip facilities must be to the satisfaction of Council and meet Australian Standards, Austroads guidelines and TfNSW technical directions and guidelines.

(Reason: Support active transport use)

43. Disabled parking spaces

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

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

(Reason: Access for mobility impaired users)

44. Tree Protection Plan

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

(Reason: Tree protection)

45. Tree Offset Planting Scheme

Prior to the issue of a Construction Certificate and **before** any trees are removed, the Applicant is required to enter a Deed of Agreement with Council and pay a fee for the off-site planting of 25 trees in accordance with *Willoughby Development Control Plan Part G* Vegetation Management clause 6 Replacement Trees and Part 7.3 Tree Offset Scheme of the Vegetation Management Guidelines.

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

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

Receipt of payment should be provided to the Certifying Authority prior to the removal of any trees and prior to the release of the Construction Certificate.

(Reason: Canopy Cover and landscaping)

46. 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.
- 2. The above criteria define the minimum acceptable levels. Buildings may be built to a better than average standard by applying more stringent criteria.

3. Fresh air ventilation that meets the requirements of the *National Code of Construction (NCC)* shall be provided to those occupancies that can only achieve the above criteria with windows and doors closed.

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

(Reason: Amenity, environmental compliance and health)

47. 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 outlined in Section 5 of the acoustic report prepared by Resonate Consultants, Ref. S220427RP1 Rev0, dated 15 May 2023 and the supplementary letter dated 10 November 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)

48. 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 4.4 of the acoustic report prepared by Resonate Consultancy, Ref. S2204277RP1 Rev0, dated 15 May 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)

49. 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)

50. 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	468
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)

BEFORE WORKS COMMENCE

Condition

51. Site Management

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

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

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

(Reason: Environment protection, public health and safety)

52. Dilapidation Report of Adjoining Properties

Prior to commencement of work, submit a photographic survey and report of the adjoining properties 1-3 Gordon Avenue and 655 Pacific Highway 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)

53. Geotechnical Report

The site and adjoining sites (including the road reserve or other public space) are to be inspected by an independent Geotechnical Engineer and a comprehensive report shall be submitted to the registered certifier prior to commencement of work. The report should indicate how the work is to be undertaken safely and with maximum protection for neighbouring amenity, with particular regard paid to acoustic and vibration impacts. The report should identify the stages at which the engineers' personal supervision is to occur during the works. The report should recommend when and where further study and investigation are to take place during construction.

All construction plans and excavation works are to be based on the conclusions of the geotechnical report and all recommendations of the report, including for further investigation, are to be followed during the works. The report shall be submitted to Council for record purposes.

In the event of the geotechnical conditions of the site resulting in instability during the excavation phase and more area than approved being excavated, all excavation work is to cease and Council to be contacted to allow the matter to be reviewed. (Reason: Protection of adjoining properties and ensure compliance)

54. 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)

55. 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)

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. 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)

58. 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)

59. Adjustment to Street Lighting

Prior to commencement of work, consult with utility authorities to determine the requirements of relocation/adjustment of electricity supply and street lighting services fronting the property at Gordon Avenue and Hammond Lane required to cater for the proposed development. Such street lighting shall also conform to Council's standard specifications.

(Reason: Public amenity)

60. 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)

61. Removal of Trees in Public Areas

Prior to the commencement of work,

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

(Reason: Management of Public Land)

62. Project Arborist

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

(Reason: Safety, environmental protection, landscape amenity)

63. 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)

64. Noise and Vibration Management

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

- a) be prepared by a suitable qualified expert and submitted to the satisfaction of the Principal Certifying Authority;
- b) 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);
- k) include a complaints management system that would be implemented for the duration of the project; and

- l) 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)

65. Waste Storage Room Construction

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

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

The room is to be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock.

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

66. Waste Chute Design

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

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

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

67. 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)

DURING DEMOLITION AND BUILDING WORK

Condition

68. 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)

69. 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)

70. Demolition Work AS 2601-2001

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

(Reason: Safety)

71. Silencing Devices

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

(Reason: Maintain amenity to adjoining properties)

72. Asbestos Removal and Disposal

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

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

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

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

(Reason: Environmental protection/Public health and safety)

73. 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)

74. 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)

75. 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)

76. 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)

77. Maintenance of Nature Strip

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

(Reason: Public amenity and safety)

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

The connection of the site stormwater drainage system to the existing Council pit shall be inspected by Council's Engineer when the pipes are exposed, prior to backfill, and it is possible to confirm that the connection complies with Council's requirements. The inspection must be booked via Council's website with Council's Engineer and a minimum of 2 working days' notice provided. For the purpose of inspections carried out by Council Engineer, the corresponding fees set out in Council's current Fees and Charges Schedule are payable to Council.

(Reason: Ensure compliance)

79. Storage of Materials on Council Land Prohibited

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

(Reason: Safety, environmental protection)

80. Tree Removal

Approval is given for the removal of the following trees as identified on Ground Floor Landscape Plan Dwg. No. DA-2301-02 dated 17/4/2024 prepared by Sturt Noble Associates:

Trees 7, 8, 9, 10, 11, 12, 13, 14, 22, 23, 24, 25, 27 & 28.

(Reason: Site development)

81. Tree Trunk, Branch and Root Protection

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

82. Public Tree Protection

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

83. 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)

84. 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)

85. 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)

86. 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)

87. 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)

88. Construction Noise & Vibration

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

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

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

(Reason: Amenity)

89. Testing to Verify Water Quality Prior to Dewatering Activity

- (a) On the occasion that any rainfall or other event necessitates dewatering of the site, ongoing water quality sampling, analysis and collation of results shall be conducted prior to each discharge to Council's stormwater system (or other receiving watercourse). Should test results exceed the water quality criteria, dewatering is not permitted and adjustments to the pollution control methodology will need to be made by the suitably qualified environmental consultant. Any changes to the methodology require the written notification of Council.
- (b) A copy of the up-to-date Council-approved Construction Site Dewatering Plan (or other document detailing the water pollution control method), the written approval from Council for the method, and the ongoing water quality test results shall be kept on the site at all times, for the duration of the site works that will require dewatering activity, and produced to an authorised officer of the Council when requested.

(Reason: Environmental protection, compliance)

90. Loading and Unloading During Construction

The following requirements apply:

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

(Reason: Public safety and amenity)

91. Swimming Pool Notice

During construction and in perpetuity following completion, a notice shall be displayed showing:

- (a) Appropriate instructions of artificial resuscitation methods.
- (b) A warning stating
 - (i) "YOUNG CHILDREN SHOULD BE ACTIVELY SUPERVISED WHEN USING THIS SWIMMING POOL",
 - (ii) "POOL GATES MUST BE KEPT CLOSED AT ALL TIMES", and
 - (iii) "KEEP ARTICLES, OBJECTS AND STRUCTURES CLEAR OF THE POOL FENCE AT ALL TIMES"

NB: This notice shall be kept in a legible condition and at the pool side.

(Reason: Safety)

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

Condition

92. 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)

93. 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)

94. Planning Agreement

Prior to the issue of first Occupation Certificate, ensure the obligations under the Planning Agreement executed on 17 February 2022 relating to this development, that is, the 2nd and 3rd instalments have been satisfied at the timing and contribution amount required under Schedule 2 of the Planning Agreement. Contact Council for an indexation (CPI) adjustment at the time of payment.

(Reason: Ensure compliance)

95. BASIX Certificate

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

(Reason: Environmental sustainability)

96. 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)

97. 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)

98. 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)

99. Swimming Pool – Heating and Cover

Prior to the issue of the Occupation Certificate and in perpetuity, the swimming pool is to be fitted with a cover to maintain temperatures and minimise evaporation of water. Any heating shall be of energy efficient means.

(Reason: Ensure compliance/ sustainable development)

100. Swimming Pool - Access

Prior to the issue of the Occupation Certificate for the swimming pool, access to the swimming pool shall be restricted by a child resistant barrier in accordance with the regulations prescribed in the *Swimming Pools Act 1992*.

- (a) The pool shall not be filled with water, or be allowed to collect stormwater, until the installation of the child resistant barrier is completed to the Certifier's satisfaction.
- (b) The barrier is to conform to the requirements of AS 1926 –
Part 1 – "Safety Barriers for Swimming Pools"
Part 2 – "Location of Safety Barriers for Swimming Pools"

(Reason: Safety)

101. Emitted Noise

Prior to the issue of any Occupation Certificate, the noise emitted by the

- (a) Swimming pool pump and filter
- (b) Spa pool pump and filter
- (c) Water feature pump

equipment shall be not more than 5dBA above the background noise level measured at the boundaries in accordance with the current Environment Protection Authority (EPA) guidelines for noise assessment. Further, in accordance with the *Protection of the Environment Operations (Noise Control) Regulation 2017*, the equipment is not to operate between 8pm to 7am weekdays and 8pm to 8am on weekends and public holidays if noise can be heard within any room in any other residential premises (that is not a garage, storage area, bathroom, laundry, toilet or pantry) whether or not any door or window to that room is open. A time switch is to be installed on the power source for the above equipment to ensure that the non-permitted hours are observed.

(Reason: Amenity)

102. Spa/Swimming Pool Backwash and/or Overflow

Prior to the issue of an Occupation Certificate for the spa and/or swimming pool, water from the spa/swimming pool, including any backwash, overflow and runoff shall be effectively contained and discharged to the sewer by appropriate, permanent piping, drainage and design so this water does not:

- (a) enter any land, waters or the stormwater disposal system, including during wet weather events;
- (b) cause, or be likely to cause, damage to other land, or a building on the land or other land; and
- (c) cause discharge of sewer from the residential premises at a flow rate exceeding 2 Litres per second per Sydney Water's requirements.

Upon completion, certification from an independent, licenced and practising plumber and any engaged suitable pool specialists must be submitted to the Principal Certifier certifying that the spa/swimming pool, any associated components and all drainage at the premises complies with the most recent, relevant editions of:

- (d) the *Plumbing Code of Australia*;
- (e) Australian Standard/New Zealand Standard *AS/NZS 3500* series on *Plumbing and Drainage*;
- (f) the *Building Code of Australia* and relevant Australian Standards and Australian Standard/New Zealand Standards for spas, swimming pools and any associated components featured or installed at the premises;
- (g) Part I – *Water Management* of the *Willoughby Development Control Plan (WDCP)*; and
- (h) Sydney Water editions of the relevant *Water Services Association of Australia* codes of practice and any Sydney Water guidelines, policies and relevant requirements.
- (i) Australian Standard 1926.3 – *Swimming Pool Safety – Water Recirculation Systems*

(Reason: Environmental compliance, health and safety)

103. Swimming Pool Registration

The Swimming Pool must be registered on the NSW Swimming Pool Register when it is capable of holding water and before the issue of an Occupation Certificate. The swimming pool is to be registered at www.swimmingpoolregister.nsw.gov.au or in person at Willoughby City Council (Fee applies when registering at Council)

(Reason: Statutory Compliance)

104. Right of Way Registration

Prior to the issue of any Occupation Certificate, right-of-way(s) must be registered with Land Registry Services over all that part of the land located within 3 metres of the western boundary of the site (fronting Hammond Lane), for the entire length of this western boundary, and 3 metres of the boundary fronting the Gordon Avenue, for the entire frontage. These rights-of-way are to allow public use of this portion of the land.

(Reason: Compliance, urban design)

105. Marked Parking Bays

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

(Reason: Ensure compliance)

106. Safer by Design

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

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

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

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

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

107. Visitor Parking Spaces

Prior to the issue of a Whole Occupation Certificate, the 9 visitor car parking spaces shall be physically identified on site, and maintained free of obstruction for the exclusive use of visitors to the premises at all times.

(Reason: Amenity)

108. Services - Electricity Supply and Telecommunication Mains

Prior to the issue of a Whole Occupation Certificate, all existing and proposed electricity supplies and telecommunication mains and services around the perimeter of the site shall be relocated underground to the satisfaction of the relevant utility provider and Willoughby City Council at the full cost of the applicant.

(Reason: Compliance)

109. Services - Mailboxes

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

(Reason: Legal)

110. 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)

111. Affordable Housing Dwellings

The affordable housing units, as units 0303, 0402, 0403, 0503 and 0603 as shown on the Affordable Housing Plan prepared by fjstudio, sheet no. 9103, Revision 04, dated 28 November 2023, and providing a total gross floor area of at least 342.6m², are to be dedicated to Willoughby City Council within two months of the registration of any subdivision of the development creating the areas to be dedicated and within 6 months of the issue of an Occupation Certificate for the purpose of affordable housing in accordance with Clause 6.8 of *Willoughby Local Environmental Plan 2012*. The affordable dwellings/units must have at least two (2) appurtenant car spaces.

(Reason: Ensure compliance)

112. 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)

113. 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)

114. CCTV Report of Council Pipe System After Work

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

- (a) The internal surface of the drainage pipe shall be viewed and recorded in a clear

and concise manner.

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

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

(Reason: Ensure compliance and protection of public asset)

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

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

(Reason: Ensure compliance)

116. 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 Council's pit in Hammond Lane via an approved OSD system with a minimum volume of 55m³ and a water quality improvement system in accordance with AS/NZS3500.3, Part 1 of Council's *DCP* and Technical Standards 1 and 2. The construction of the stormwater drainage system of the proposed development shall be in accordance with the approved detailed stormwater drawings required under this development consent and Council's specification (AUS-SPEC).

(Reason: Prevent nuisance flooding)

117. 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)

118. 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)

119. 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)

120. 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)

121. 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)

122. 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)

123. Documentary Evidence of Positive Covenant, Engineers Certificate

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

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

system.

(Reason: Public record)

124. Creation of a Floodway Restriction

Prior to the issue of any Occupation Certificate, create a Restriction on the Use of the Land on the title of the subject property under Section 88E(3) of the *Conveyancing Act 1919* by using Form 13RPA obtainable from the NSW Department of Lands. The restriction is to be placed over the 1%AEP flood path identified in the flood report by SGC approved under this consent. The extent of the identified overland floodpath within the subject site, shall be shown on a scale sketch, attached as an annexure to the request forms.

The wording for the restriction shall state *"No placement of any structures, walls, fences, fill or other items which may impede the 1% Annual Exceedance Probability flood path within the identified flood zone shall be permitted"*.

Willoughby City Council shall be the authority empowered to release, carry or modify the restriction. Documentary evidence of registration of the instrument with the NSW Land Registry Services shall be submitted to Council and the Certifier. Council's costs, including legal fees associated with reviewing, approving and executing the 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.

(Reason: Ensure unimpeded floodwater conveyance)

125. 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 Gordon Avenue and Hammond Lane.

(Reason: Public amenity)

126. Reconstruct Pavement

Prior to the issue of any Occupation Certificate, the following road pavements shall be reconstructed in accordance with Council's approved drawings, conditions and specification (AUS-SPEC):

- Full roadway width in Hammond Lane for the full frontage of the development site
- 4.0m pavement width in Gordon Avenue for the full frontage of the development site.

Council's standard design traffic for this pavement is 6x10⁴ ESA.

Subject to no construction damage occurring to the pavement in Gordon Avenue and provision of a geotechnical report that details that pavement is suitable for the design life, Council may not require the full reconstruction of the 4.0m wide pavement width in Gordon Avenue and may permit a mill and resheet with 50mm minimum of asphalt.

(Reason: Ensure compliance)

127. Concrete Footpath

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

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

(Reason: Public amenity)

128. Street Lighting

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

Reason: Public amenity)

129. 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 9.0 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.

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)

130. 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)

131. Hammond Lane Layback

Prior to the issue of any construction certificate, replace the existing layback at the intersection of Hammond Lane and Gordon Avenue with a new layback. 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.

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.

(Reason: Public amenity)

132. 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)

133. Performance Bond

Prior to the issue of any Occupation Certificate, the Applicant shall lodge with the Council a performance bond of \$121,000 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)

134. 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)

135. 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)

136. Vehicle Access and Manoeuvring – Construction & Certification

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

- (a) That the as-constructed carpark complies with the approved Construction Certificate plans.
- (b) That finished driveway gradients and transitions comply with AS/NZS 2890.1 and AS 2890.2 and will not result in scraping to the underside of cars.
- (c) That a maximum gradient of 5% is provided for the first 6 metres from the property's front boundary to the basement. All driveway grades shall comply AS/NZS 2890.1 and AS 2890.2.
- (d) Aisle widths throughout basements comply with AS/NZS 2890.1.
- (e) That the constructed vehicular path and parking arrangements comply in full with AS/NZS 2890.1, AS 2890.2 and AS 2890.6 in terms of minimum dimensions provided

and grades on parking spaces.

- (f) That headroom clearance of minimum 2.2 metres between the basement floor and any overhead obstruction (including overhead services) is provided for compliance with Section 5.3.1 of AS/NZS 2890.1 and Section 2.7 of AS 2890.6.
- (g) That headroom clearance of minimum 2.5 metres is provided to all parking spaces for people with disabilities for compliance with Section 2.7 of AS 2890.6.
- (h) That the headroom clearance required in AS 2890.2 for the largest vehicle using the site (minimum 4.5m headroom for Council's waste vehicle) has been provided for the loading area and the path to and from the loading area.
- (i) That a shared area with minimum dimensions of 2.4 x 5.4m is provided adjacent to all disabled parking spaces and a shared area with minimum dimensions of 2.4m x 2.4m is provided at the end of all disabled parking spaces to comply with AS 2890.6, and that a bollard is located in the shared zone in accordance with the requirements of Section 2.4 of AS 2890.6.
- (j) Simultaneous manoeuvring of B99 and B85 at all circulation aisles, ramps and ramp ends including clearances for each vehicle as per AS/NZS 2890.1 is achieved.
- (k) Simultaneous manoeuvrability of the largest vehicle using the site (minimum MRV) and a passenger vehicle including clearance in accordance with AS2890.1 and AS2890.2, is achieved between the frontage road and the loading bay.
- (l) That the loading bay dimensions allow Council's waste vehicle to be fully parked within the bay, with 2m area behind, and no part of the vehicle protrudes into the main access driveway / circulation roadway, which has a minimum width of 6.5m from the northern kerb line.
- (m) That sufficient width is provided for Council's 10.5m waste vehicle, including clearance in accordance with AS 2890.2, to traverse from Gordon Avenue to the loading bay, with a single reverse movement into the loading bay.
- (n) That traffic management measures have been provided to manage conflict at locations where a passenger vehicle is not able to pass vehicles larger than an MRV, including Council's waste vehicle.
- (o) That suitable sight lines have been provided at the vehicle exit from the site to pedestrians on the path within the site.

(Reason: Ensure compliance)

137. 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)

138. 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)

139. 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 proposed building area have a minimum freeboard of 500mm above the 1% AEP flood event, which is conveyed through the site.
- (b) The basement entry ramp has been constructed with a crest at a level of 500mm above the 1%AEP flood level or the PMF, whichever is higher.
- (c) The existing boundary fences within the extent of the overland flow path have been replaced with open type fencing to allow unimpeded passage of overland flow
- (d) No structures, walls, fill or other items have been constructed to impede the 1% AEP overland flow path within the identified flood zone, other than works detailed in the approved flood report.
- (e) Mitigation works detailed in the approved Flood Report have been constructed.
- (f) The as contracted works comply with the requirements of Technical Standard 2 Floodplain Management.

(Reason: Ensure compliance)

140. Overland Flow Path – Work As Executed Plans

Upon completion of the development, work-as-executed (WAE) plans, based on the approved plans, shall be prepared by a registered surveyor and submitted to Council. The plans shall show the extent of works and finished ground levels within the overland flow path. Any minor changes or variations to the approved plans shall be highlighted in red.

(Reason: Record of works)

141. Overland Flow Path – Boundary Fencing

Open type fencing shall be provided within the extent of the 1%AEP flood zone to allow for passage of floodwaters. The open style fencing shall extend from ground level to a minimum of the 1%AEP flood level, and shall consist of fencing such as palisade or mesh.

(Reason: Passage of overland flow)

142. Vehicle Management System

Prior to the issue of any Occupation Certificate, a vehicle management system shall be operational to manage conflict between cars and trucks at all locations between the entry and the loading bay where a passenger vehicle is not able to pass a service vehicle, including Council's waste vehicle. The system shall include:

- A signal system for the conflict point, with the default set to green.
- A sensor system to detect an entering vehicle larger than a MRV larger, which will turn the opposite signal to red.
- A button at the loading dock, to turn the entry signal to red and allow the service vehicle to leave with no conflicts.
- A system to detect when the vehicle has passed the conflict location and turn the signals back to green.
- Signage at the loading dock to detail system operation and contact details for maintenance / repair of the system

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

(Reason: Manage potential vehicle conflicts)

143. Public Tree Maintenance

Prior to the issue of any relevant Occupation Certificate, the Project is to certify that all trees on public land have been adequately maintained, that there has been no net deterioration in health and condition, and that any remedial work complies with AS 4970-2009 "Protection of trees on development sites" and AS 4373 - 2007 "Pruning of Amenity Trees".

(Reason: Tree management, public asset management)

144. Tree Planting

Prior to the issue of a Whole Occupation Certificate, any tree that has been approved for removal shall be replaced at a rate of 3 to 1 in accordance with Part G of the *Willoughby Development Control Plan – Vegetation Management*.

Plant at least 17 trees. The replacement trees are to be shown on the amended landscape plans.

The trees shall:

- (a) Have a minimum container size of 100L litres and grown to AS 2303:2018 Tree stock for landscape use;
- (b) Be flowering species, preferably locally occurring native species;
- (c) Conifers, fastigiated and columnar trees are not acceptable for the purposes of complying with this condition;
- (d) Have the potential to attain a minimum height of 8 metres;
- (e) Be planted in an appropriate location to allow root growth;
- (f) Be planted, mulched, watered and maintained according to industry best practice.

(Reason: Landscape amenity)

145. Project Arborist Certification

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

(Reason: Protection of trees required to be retained)

146. Completion of Landscape Works

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

(Reason: Landscape amenity)

147. 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 5 of the acoustic report prepared by Resonate Consultants, Ref.

S220427RP1 Rev0, dated 15 May 2023 and the supplementary letter dated 10 November 2023.

(Reason: Amenity, environmental compliance and health)

148. 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)

149. 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)

150. Domestic Waste Collection Agreement with Council

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

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

(Reason: Legal Requirement)

151. Private Waste Collection Service

Prior to the issue of any Occupation Certificate, the developer is to enter into a formal agreement with a licenced private waste contractor to service the non-residential component.

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

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

they take over the service at some point in the future.

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

(Reason: Ensure compliance)

152. Final Public Art Report

Prior to the issue of a Whole 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)

153. Public Domain Works

Prior to the issue of a Whole Occupation Certificate, the written consent of Council's planning and Infrastructure Director must be obtained that confirms the public domain works as required and/or approved under this consent have been completed to the satisfaction of Council.

(Reason: Ensure compliance)

OCCUPATION AND ONGOING USE

Condition

154. Annual Fire Safety Statement

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

(Reason: Safety)

155. On-site Car Parking

The on-site car parking provision of 48 car parking spaces (excluding the loading bay), 6 motorbike spaces and 9 bike spaces are to be permanently available for the life of the development.

The car parking spaces shall be distributed as follows:

32 residential car spaces (of which 8 are adaptable car spaces)

9 residential visitor car spaces

5 retail car spaces

2 Office car spaces

1 loading bay

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

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

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

(Reason: Ensure Compliance)

156. 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)

157. Enter and Exit in Forward Direction

All vehicles shall enter and exit the site in a forward direction.

(Reason: Pedestrian and vehicle safety)

158. Vehicle Management System

The system required to manage vehicle conflicts between the site entry and the loading dock shall be operational at all times, with required maintenance undertaken in accordance with manufacturer’s recommendations and requirements.

(Reason: prevent vehicle conflicts)

159. Trees on Adjoining Properties

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

(Reason: Environmental protection)

160. 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)

161. 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)

162. 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)

163. 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)

164. 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)

165. 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)

166. On-Site Collection Point

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

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

167. Licenced Waste Collection

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

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

168. Management

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

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

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

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

169. Waste Storage Containers

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

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

170. Signage

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

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

171. Waste Chute Contingency

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

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

172. Public Art

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

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

173. Use of swimming pool

The swimming pool/spa shall not be used for hire or for the purpose of any trade, industry, business or commercial gain.

(Reason: Preserve amenity)

174. 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)

175. Location of On-Site Detention System

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

(Reason: Ensure compliance)

176. 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)

177. Licensed Waste Collection

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

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