Panel Reference	PPSSNH-404		
DA Number	DA-2023/172		
LGA	Willoughby		
Proposed Development	Nominated Integrated Development (Water NSW s90 Water Management Act 2000) - SNPP - Consolidation of site, demolition of existing structures, construction of 26 storey mixed use development comprising commercial/retail, 95 residential units, publicly accessible through-site link, 4 levels of basement carparking, landscaping nad associated works.		
Street Address	44-52 Anderson Street, Chatswood		
Applicant/Owner	Grace Wu		
Date of DA lodgement	06/07/2023		
Number of Submitters	41		
Recommendation	Refusal		
Regional Development Criteria - Schedule 6 of the SEPP (Planning Systems) 2021	Development that has a capital investment value of more than \$30 million.		
List of all relevant s4.15(1)(a) matters	 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Planning Systems) 2021 SEPP No 65 - Design Quality of Residential Apartment Development and NSW Apartment Design Guide (ADG) Willoughby Local Environmental Plan 2012 Willoughby Development Control Plan (including SS DCP) 		
List all documents submitted with this report for the Panel's consideration	 Assessment Report Schedule of Conditions Site Description and Aerial Photo Notification, Controls, Developer Contributions and Referrals Submissions Table Section 4.15 (79c) Assessment Notification Map 		
Report prepared by	Peter Wells – Consultant Planner		
Report date	4 September 2024		

Summary of s4.15 matters

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

Yes

Legislative clauses requiring consent authority satisfaction

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

Yes

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

Clause 4.6 Exceptions to development standards	
If a written request for a contravention to a development standard (clause 4.6 of the	Yes
LEP) has been received, has it been attached to the assessment report?	
Special Infrastructure Contributions	
Does the DA require Special Infrastructure Contributions conditions (S7.24)?	Not
Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area	Applicable
may require specific Special Infrastructure Contributions (SIC) conditions	
Conditions	
Have draft conditions been provided to the applicant for comment?	Yes

Have draft conditions been provided to the applicant for comment?

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

Application Number: DA-2023/172 Page 2 of 125

SNPP NO: PPSSNH-404

COUNCIL WILLOUGHBY CITY COUNCIL

ADDRESS: 44 - 52 ANDERSON STREET, CHATSWOOD NSW 2067

DA NO: DA-2023/172

PROPOSAL: Nominated Integrated Development (Water NSW s90 Water

Management Act 2000) - SNPP - Consolidation of site,

demolition of existing structures, construction of 26 storey mixed use development comprising commercial/retail, 95 residential units, publicly accessible through-site link, 4 levels of basement

carparking, landscaping and associated works.

RECOMMENDATION: REFUSAL

ATTACHMENTS: 1. SITE DESCRIPTION AND AERIAL PHOTO

2. NOTIFICATION, DEVELOPMENT CONTROLS, DEVELOPER CONTRIBUTION & REFERRALS

3. ASSESSMENT OF SEPP 65 (DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT

4. ASSESSMENT UNDER OTHER SEPPS, WLEP, WDCP

5. SUBMISSIONS TABLE

6. SECTION 4.15 (79C) ASSESSMENT

7. REASONS FOR REFUSAL

8. DRAFT SCHEDULE OF CONDITIONS

9. NOTIFICATION MAP

10. ARCHITECTURAL DRAWINGS

11. CLAUSE 4.6 REQUEST – FSR

12. PUBLIC SUBMISSIONS

13. DESIGN EXCELLENCE DOCUMENTATION

14. FUTURE CONDITIONS REPORT – CHATSWOOD CBD STRATEGIC STUDY BY ARUP SEPTEMBER 2020

15. REVIEW OF PARKING RATES BY CARDNO 9

FEBRUARY 2021

RESPONSIBLE OFFICER: RITU SHANKAR – TEAM LEADER

AKSHAY BISHNOI – ACTING TEAM LEADER

AUTHOR: PETER WELLS - CONSULTANT PLANNER

DATE: 04-SEP-2024

1. PURPOSE OF REPORT

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

2. OFFICER'S RECOMMENDATION

- 2.1 THAT the Sydney North Planning Panel (SNPP) refuse consent to the development application DA-2023/172 for demolition of existing structures, construction of 26 storey mixed use development comprising commercial/retail, 95 residential units, publicly accessible through-site link, 4 levels of basement carparking, landscaping and associated works at 44-52 Anderson Street, Chatswood NSW 2067, for the reasons in Attachment 7. In summary:
 - a) The clause 4.6 request for departure to the floor space ratio standard is not well founded.
 - b) The proposal exceeds the reduced carparking rates that are tethered to the uplift in development potential in the Chatswood CBD.
 - c) The proposal does not satisfy the setback requirements of the site specific Development Control Plan.
 - d) The western through-site link does not embellish the adjoining existing public laneway located on 1 Day Street in accordance with the site specific Development Control Plan.
 - e) The deep soil provision does not satisfy the site specific Development Control Plan, where this provision is hindered by the oversupply of carparking.
 - f) The development causes impacts to surrounding properties where the impacts emanate from departures to the Willoughby Development Control Plan.
 - g) The proposal does not satisfy the Chatswood CBD Planning and Urban Design Strategy 2036.

3. DESCRIPTION OF PROPOSAL

3.1 Proposed Development

The development application proposes:

Nominated Integrated Development (Water NSW s90 Water Management Act 2000) - SNPP - Consolidation of site, demolition of existing structures, construction of 27 storey mixed use development comprising commercial/retail, 95 residential units (6 x 1-bed, 16 x 2-bed, 73 x 3-bed), publicly accessible through-site link, 4 levels of basement carparking, tree removal (16 trees), landscaping and associated works.

A detailed breakdown of the proposal is at Section 3.2 of this report.

Application Number: DA-2023/172 Page 4 of 125



Image 1: A photomontage of the view of the proposed southern side of the podium fronting Anderson Street (source: DEIRP response, dated Novmeber 2023 prepared by MAKE Architects).



Image 2: A photomontage of the view of the proposed podium fronting Anderson Street (source: Design Report, dated 31 May 2023 prepared by MAKE Architects).



Image 3: A photomontage of the proposal viewed from the south-east (looking north-west) (source: Submission on Soho Housing and Design Excellence, dated 2 August 2023 prepared by Mecone).

3.2 Detailed breakdown of proposed Development

The below table provides summary of the proposed development:

Building Details

Decement Level D4	10
Basement Level B4 (FFL RL 87.900) Drawing DA2006 Rev 03	 43 car parking spaces inclusive of 16 accessible spaces Access to lifts and stairs Vehicular ramp to upper basement levels
	Plant
Basement Level B3 (FFL RL 91.100) Drawing DA2007 Rev 02	 40 car parking spaces inclusive of 17 accessible spaces 1 x motorbike space 4 x bicycle spaces Access to lifts and stairs Vehicular ramp to upper basement levels Plant
Basement Level B2 (FFL RL 94.300) Drawing DA2006 Rev 03	 44 car parking spaces: Inclusive of 10 accessible spaces 8 bicycle spaces End-of-trip facility Private residential storage space FOGO bin storage Access to lifts and stairs Vehicular ramp to upper basement levels Plant
Basement Level B1 (FFL RL 97.500) Drawing DA2009 Rev 03	 31 car parking spaces, including: 2 service vehicles 4 commercial spaces (1 accessible) 15 retail spaces (1 retail visitor, 1 accessible) 2 x loading bays (1 x MRV, 1 x SRV) 2 x motorbike spaces Residential waste room (63m2), 2 x residential bulk waste room (14m2 and 15m2), and communal bin room Commercial waste room (19m2) Communal bin room; 2 x bicycle storage room Access to lifts and stairs Vehicular ramp to upper basement levels Plant
Ground Level (Retail/commercial laneway: FFL RL 101.40, 102.15, 102.74, 103.06, 103.06, 103.23 Anderson Street RL103.95, 103.72, 103.34, 103.00) Drawing 2010 Rev 03	 Retail / commercial (4 x retail tenancies, 8 x retail/commercial tenancies) 2 x residential lobbies 2 x commercial lobbies Mail room Plant including fire control room, service lobby Substation facing Day Street (southern elevation). Vehicular ramp to lower basement levels. Hydrant booster facing Day Street (southern elevation). Colonnade fronting Anderson Street (2.6m to 3.5 wide) Proposed right-of-way along Anderson Street frontage to facilitate public shared pedestrian and cycle path and general public access. Through-site link (5.7m to 7.5m wide) with right-of-way for public access connecting Anderson Street to laneway; Ancillary works, including vehicle and pedestrian access, site services, and stormwater infrastructure. Landscaping and footpath works.

Mozzonino Lovel	Our manifold floor at the floor of the floor
Mezzanine Level (residential: FFL RL 105.44, 105.44, RL 106.20, 107.40) Drawing 2010M Rev 03	8 x residential "soho-style" units (4 x 2 bed, 4 x 3-bed (Lower Floor), each with direct access to laneway.
Level 01 (residential" FFL RL 109.49, 109.95, 109.30, 110.50 Commercial: FFL RL 108.54, RL 109.04) Drawing 2011 Rev 02	 Upper Floor of 8 x residential "soho-style" including balconies with spiral staircase access to level above residential communal space. 2 x commercial tenancies (385m2 and 676m2) with east-facing terraces, each served with 1 x commercial lift and fire stair
Level 02 – Podium Amenity (FFL RL 113.90) Drawing 2012 Rev 03	 Commercial tenancy (544m2) with east-and west-facing terrace Residential lifts of north-tower exit into commercial space. Residential communal open space with pool (26m long) and hot spa, including dining pods, lawn pods and poolside pods informal play elements, BBQ Change rooms, sauna Plant
Level L03 (FFL RL 117.30) Drawing 2013 Rev 03	 North tower: 4 x residential units (lower storey) (4 x 3-bed) comprising living, dining rooms, kitchen, bedroom) Lift, stairs, a/c units South tower: Amenity terrace. Lifts stairs, plant.
Level L04 (FFL RL 120.40) Drawing 2014 Rev 03	 Upstairs of residential units below, comprising bedrooms. South tower: Amenity terrace. Lifts stairs, plant.
Level L05 – L07 Title: 'Typical Low" DA2015 Rev 03	Low Rise Units North Tower 4 x residential units (1 x 1-bed, 2 x 2-bed, 1 x 3-bed) South Tower 4 x residential units (1 x 1-bed, 2 x 2-bed, 1 x 3-bed)
Typical Duplexes Title: Lower Levels – 8, 10, 12, 14, 16, 18	North Tower comprising living, dining rooms, kitchen, bedroom South Tower
DA2016 Rev 03	 South Tower comprising living, dining rooms, kitchen, bedroom
Typical Duplexes Title: Upper Levels – 9, 11, 13, 15, 17, 19	North Tower comprising bedrooms, lougeroom (some)
DA2017 Rev 03	South Towercomprising bedrooms, lougeroom (some)
Level 20 (FFL RL 170.50)	North Tower 1 x residential unit (1 x 4-bed) with north, east, west balconies.
	Shared central amenity space between units
DA2030 Rev 03	South Tower Lower Floor: 4 x residential units (living rooms, kitchen, dining

	rooms, bathroom, bedroom).
Level 21	North Tower
(FFL RL 173.90)	 Lower floor: 3 x residential unit (3 x 4-bed) with east, west
	balconies.
D.4.0004 D. 00	
DA2031 Rev 03	South Tower
	Upper floor bedrooms to Level 20 below.
Level 22	North Tower
(FFL RL 177.30)	Upper floor bedrooms to Level 21 below.
DA2032 Rev 03	South Tower
D/12002 110V 00	Upper floor bedrooms to Level 21 below.
Level 23	North Tower
(FFL RL 180.70)	Roof top garden
(Plant
	- Han
DA2033 Rev 03	South Tower
	Lower floor: 3 x residential unit (3 x 4-bed) with east, west balconies.
Level 24	North Tower
(FFL RL 184.10)	• Roof RL 183.80
	South Tower
DA2034 Rev 03	Upper floor: bedrooms, loungerooms, east and west balconies, to
	Level 23 below.
Level 25	
(FFL RL 187.85)	
	South Tower
DA2035 Rev 03	Roof top garden
27.2000 1.01 00	Plant
Overall Roof Plan	• Hant
O vorali i tooi i iali	
	South Tower
	• Roof top RL 190.70
DA2036 Rev 03	·

3.3 Demolition

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

3.4 Excavation and Basement Carpark

The proposed basement carparking requires excavation to a depth in excess of 17m. Sydney Trains and Sydney Metro deal with excavation via conditions in its concurrence. Water NSW has issued General Terms of Approval.

4. BACKGROUND

The site is located on the western side of Anderson Street in Chatswood. A description of the site and surrounding area, including an aerial photograph is contained in Attachment 1.

Site Specific Planning Proposal (SSPP) PP-2021/3476 was proponent-led and was approved on 17 October 2021. The planning proposal was publicly exhibited in October/November 2021, and sought amendments to *WLEP 2012* and *WDCP 2006* primarily in response to the outcomes of the Chatswood CBD Planning and Urban Design Strategy.

On 29 July 2022 Willoughby LEP (Amendment 27) was made, which included:

- Rezoning the site from R3 Medium Density Residential to B4 Mixed Use.
- Increase of the maximum permitted building height from 12m to 90m.
- Increase of the maximum FSR from 0.9:1 to 6:1.
- Amend the special provisions area map to include the site in Area 9 (affordable housing) to provide 4% of the residential floor space as affordable housing units.
- Amend Clause 6.8(2) to include Area 9 on the special provisions area map.
- Amend Clause 6.8(7) 'affordable housing' to include reference to Area 3 and Area 9

On 6 July 2023 the applicant lodged the subject Development Application DA-2023/172.

On 4 October 2023 a kick-off briefing was held, where the following items were discussed:

- Affordable Housing
- *DCP* Non-compliance
- Design Excellence
- Overshadowing (view from sun required)
- Consistency with DCP controls
- Public submissions
- Drawing details (site address on drawings)

On 10 November 2023 Council issued a letter requiring further information where the following items were identified:

Application Number: DA-2023/172 Page 9 of 125

Groundwater and Dewatering – Integrated Development

Contaminated land

Design Excellence

Setbacks

Characterisation

Affordable Housing

Parking provision / GFA

Mechanical Ventilation

Noise – Construction Noise Management and Vibration Plan

Gross Floor Area

Stormwater management

Vehicle Access and Parking

Traffic

Waste

Heritage

On 4 April 2024 the applicant lodged amended plans. On 29 April 2024 Council sought clarification on the podium response, overshadowing, 17% non-residential and stormwater.

On 16 May 2024 WaterNSW GTAs were issued.

On 2 August 2024 the applicant responded to Council's letter of 4 April 2024, submitting amended architectural plans (Ground level Rev 03), stormwater plans, waste management plan and submission about the 3-storey podium and the soho response.

On 20 August 2024 the applicant submitted more stormwater details, but they do not satisfy Council's engineer's requirements.

On 26 August 2024 the applicant submitted a clause 4.6 request for the departure to FSR and a BCA response relating to the fire separation of commercial areas and residential areas within the soho units.

Application Number: DA-2023/172 Page 10 of 125

5. DISCUSSION

The proposal exceeds the maximum gross floor area by 1,007.64m2, which equates to a

departure of 6.25% to the standard. A clause 4.6 request is discussed in Attachment 4.

The clause 4.6 request is focussed on the carparking exceedance (noting that the exceeding floor space could notionally be placed anywhere), and puts an argument that traffic impacts are not

created by the floor space exceedance.

The proposal does not satisfy the setback and street wall requirements of the site specific

Development Control Plan, which creates impacts to surrounding properties.

The western through-site link does not embellish the adjoining existing public laneway located on

1 Day Street in accordance with the site specific Development Control Plan. The proposal does

not adequately satisfy the Chatswood CBD Planning and Urban Design Strategy 2036. Refusal is

recommended in the circumstances of this case.

The site description and aerial photo are in Attachment 1.

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

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

The assessment of the proposal under other SEPPs, WLEP, Draft WLEP and Shared Path

Policy is in Attachment 4.

A table of the issues raised in the submissions objecting to the proposal and the assessing

officer's response is contained in **Attachment 5**.

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

The reasons for refusal are contained in Attachment 7.

The Schedule of draft conditions, should the Panel be of a mind to approve the application, is in

Attachment 8.

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

The architectural drawings are contained in **Attachment 10**.

The clause 4.6 request – FSR is contained in **Attachment 11**.

The public submissions are contained in **Attachment 12**.

Design excellence documentation, including the drawings and architectural design competition report and correspondence from the Design Integrity Panel are contained in **Attachment 13**.

The Future Conditions Report – Chatswood CBD Strategic Study by Arup September 2020 is **Attachment 14**.

The Review of Parking Rates by Cardno 9 February 2021 is Attachment 15.

6. CONCLUSION

The Development Application DA-2022/161 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. The proposal in its current form is not supported for the reasons provided in **Attachment 7**. Should the Panel be of a mind to approve the application, draft conditions of consent are at **Attachment 8**.

Application Number: DA-2023/172 Page 12 of 125

ATTACHMENT 1: SITE DESCRIPTION AND AERIAL PHOTO

Description of the Subject Site

The site is comprised of the following parcels:

44 Anderson Street, Chatswood – SP80201;

46 Anderson Street, Chatswood – SP68797; and

• 52 Anderson Street, Chatswood – SP78790.

The site area is 2,687m².

The site has 3 frontages Anderson Street, Day Street and O'Brien Street. The western side

of the site is identified in WDCP 2023 for a "open air 24 hour through-site link".

Active Street frontage affects the site's entire frontage with Anderson Street, Day Street and

O'Brien Street.

It is wedge-shaped with frontages as follows:

Anderson Street – 55.985m

Day Street - 52.69m

O'Brien Street - 30.95m

The site has a slight fall to the south-west corner of around 4.13m. Three existing buildings

on the site and outbuildings (including a 3-car detached garage fronting Day Street) are to

be demolished. The existing site uses Anderson Street and Day Street for its vehicular

access.

Application Number: DA-2023/172 Page 13 of 125



Image 4: The subject site outlined in yellow at 44-52 Anderson Street, Chatswood.



Image 5: The subject site at 44-52 Anderson Street, Chatswood Pacific Highway, looking from the Anderson Street/O'Brien Street intersection.



Image 6: The subject site at 44-52 Anderson Street, Chatswood Pacific Highway, looking from the Anderson Street/Day Street intersection.

Some surrounding properties are identified in a letter from Milestone on behalf of:

B2E 1 Day Street, Chatswood (SP 72068)

Epica 9 Railway Street, Chatswood (SP 74513)

Pacific Place Community Association (SP270368)

which have relevance to the consideration of impacts to surrounding properties.



Image 7: Some surrounding properties identified in a letter from Milestone dated 29 August 2023.



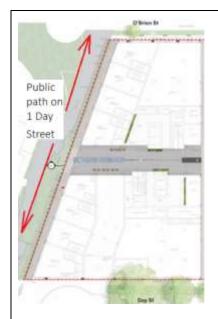




Image 12: Landsacpe plan showing adjoining pubicly acessible pathway on 1 Day Street.

Image 13: The pubicly acessible pathway on 1 Day Street.

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

Neighbour Notification

The development application was notified in accordance with the Willoughby Community Participation Plan. It was notified from 1 August to 29 August 2023. It was also notified for a period of twenty-eight (28) days from 17 November to 15 December 2023, consistent with the 28-day period required for nominated integrated development under the Environmental Planning & Assessment Act (Water NSW).

Council received submissions from 41 submitters. The issues detailed within the submissions are addressed in **Attachment 5** of this report.

Controls and Classification summary Note: A full WLEP assessment is provided under Attachment 4

WLEP 2012 Zoning (Amendment 27):	MU1 Mixed use
FSR	6:1
Building height	90 metres
Active Street frontage (cl 6.7)	Yes, 3 full frontages Anderson Street, Day Street and O'Brien Street
Affordable housing (cl 6.8)	4% (Area 9)
Design excellence (cl 6.23)	Yes (Area 5)
Shop top housing at certain sites at Chatswood (cl 6.25)	cl 6.25 (1) (d) <i>WLEP</i> contingent on minimum 17% of GFA to be used for non-residential purposes.
Existing Use Rights	No
Conservation area	Across the road
Aboriginal Heritage	No
Heritage Item	Across the road
Vicinity of Heritage Item	Item I129 (Local significance) located at 20 Tulip Street House (including original interiors)
Natural Heritage Register	No
Bushfire Prone Area	No
Flood related planning control	No
Foreshore Building Line	No
Adjacent to classified road	No
Road/lane widening	No
BASIX SEPP	Yes
Infrastructure SEPP - Rail	Yes (Concurrence received from Metro and Sydney Trains)
Infrastructure SEPP - Road	Yes (Concurrence received from TfNSW)
Coastal Management SEPP	No
Acid Sulphate Soil Category	5
Development near Lane Cove Tunnel	No

Application Number: DA-2023/172 Page 18 of 125

Contaminated Land	See report for further information.
Adjacent / above Metro	Yes
Other relevant SEPPS	 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Planning Systems) 2021 SEPP No 65 - Design Quality of Residential Apartment Development and NSW Apartment Design Guide (ADG) SEPP BASIX 2004
Other relevant REPS	Sydney Regional Environmental Plan (Sydney Regional Harbour catchment)
Relevant DCPs policies and resolutions	WDCP

Assessment Comments from Referral Bodies

Internal Council	Referrals
Urban Design	1. General
Specialist	Pre-DA presentation Subject site within the Chatswood CBD, where Clause 6.23 Design Excellence applies (via Planning Proposal)
	2. Design Excellence Process
	Initial Presentation 11 April 2022
	Final Report 9 May 2022 advising MAKE Architects as the selected Architects and Scheme
	Design Integrity Review Report 27 November 2023, requesting additional amendments to the revised scheme MAKE Architects provided response in revised DA Package with separate Response report (44-52 Anderson Street DEIRP response November Various Appendix numbers in DA submissions/re-submissions)
	3. Overall Design Against The Jury's Recommendation
	Generally, aligns, with the Juries final review, this final outcome does not require any further Design Excellence Integrity Review
	The development has satisfied the initial phase of satisfying the <i>WLEP</i> Design Excellence Clause 6.23 through the selection of an Architect and building design. The DA, while subject to modifications, still meets with and satisfies the objective of the <i>WLEP</i> Design Excellence Clause 6.23.
	These being supported by the Design Integrity Review: The Design Integrity Panel broadly supports the revised proposal as the design more closely aligns with the original competition scheme. The design team has successfully balanced the original architectural and facade strategy with the change of mix with a focus on larger apartments in the tower. In particular, the Panel

supports:

The reconfiguration of the communal garden terraces within the central spine of the building to align with this revised apartment mix.

- The revised configuration of uses within the podium and the introduction of fine grain tenancies addressing the western laneway.
- The revised podium massing with 2 and 3 storey blocks providing greater definition to the central through-site link, reinforcing the split tower forms, following the fall in topography across the site, and providing greater built form variation and visual interest from the public domain.

This development, as presented in the DA will make a positive contribution to the design quality of its context within the Chatswood CBD.

4. Public Art Plan

Public Art Brief

Including location and rationale supporting the contextual suitability.

- Public Art Strategy Clearly outlining the following Demonstration of Excellence
 - Composition of the Public Art Panel comprising:
 - Developer representative
 - Willoughby City Council representative
 - Independent Art Specialist
 - Project budget including breakdown:
 - Project (building) CIV
 - Public Art budget
 - Public Art Ownership
- 6. Dedication of the Public Art to the people of Willoughby
 - Agreement between Developer/Body Corporate and WCC regarding ownership
 - Artist Rights
 - Deaccession Plan/Agreement
 - Maintenance regimen and responsibilities Expected annual maintenance budget
 - Insurances
- 7. Public Art Prior to OC

Agreement between the Body Corporate of the subject property and WCC clearly identifying the following:

- Dedication of the Public Art to the people of Willoughby
- Agreement between Developer/Body Corporate and WCC regarding ownership
- Artist Rights
- Deaccession Plan/Agreement
- Maintenance regimen and responsibilities
- Expected annual maintenance budget
- Insurances

8. Findings

Dex Compliance

The Pre-DA scheme is generally in accordance with the final scheme reviewed and endorsed as the Competition winner with the following exception

Architectural Strategy

The formal proposition is a sophisticated and agile response to a tightly constrained planning envelope and is commended.

The clarity of the formal strategy of articulated interlocking blocks with contrasting textures, colours and materials is essential to the concept and should be retained and refined during the design development process.

The articulation of the non-residential volume as a two storey block supports the overall massing proposal.

Connecting with Country

A strategy for Connecting with Country should be developed to inform and enrich the architectural and landscape design strategies and qualities. The scheme should remain within the *LEP* height limit while maintaining a typical residential floor to floor height of 3.1m minimum for conformance with the Design and Building Practitioner's Act.

Facades, Materiality and Structure

The adoption of a masonry language responds to the social history and character of Chatswood. The submitted scheme retains a high quality masonry facade material with an integral finish using bricks noting that these do not use the glazed ceramic finish, with materials and finishes with more muted colour tones and matte finishes.

The configuration of the brick now more simplified in expression represents a greater volumetric expression to the façade and articulates the building mass at corners and window reveals.

The integration of vertical screening with the metallic cladding applied in specific locations to addresses privacy concerns and potential anti-throw requirements, however specific detail on anti-through could not be readily located in the DA-Documentation package (it is assumed that this is an acceptable outcome).

The number, proportion and location of window openings requires further consideration to maximise winter sun, minimise summer sun, and to provide all living rooms with suitable windows to benefit from the northern aspect.

Landscape and Public Domain Considerations

The landscape design and species selection is partially informed an understanding of Country.

Residential Communal Open Spaces

Communal open space adequate solar access requires some further clarification.

Common 'Amenity Space' on Level 1 and work to ameliorate conflicts with its position on a floor otherwise devoted to non-residential uses.

Privacy and use conflicts between the residential communal open space and the adjacent non-residential uses.

Non-Residential Accommodation and Circulation

Consider the quality and amenity of the proposed ground floor and upper level non-residential spaces in terms of access, spatial simplicity, flexibility, and outlook. The Jury encourages the proponent and the design team to identify a range of potential uses for these spaces to inform the design and layout of the tenancies and circulation requirements.

Develop the ground floor retail facilities to be an attractive destination with high levels of amenity and good visibility from the active transport corridor to the east of the site.

Shared lifts and lobbies for residential and non-residential uses review separate circulation.

Basement Considerations

The Jury supports the design team's proposal to minimise the number of carparks to be provided, particularly given the site's proximity to the Chatswood town centre and the Rail/Metro station.

Continue to refine the driveway grades, vehicle turning circles and basement levels to achieve compliance and minimise basement excavation.

Given the increase in non-residential accommodation, the provision of EOT facilities and bicycle parking should be considered.

Sustainability

Consider ways in which the development's community might achieve a 'zero waste' (circular) outcome by the provision of supporting infrastructure such as waste recycling facilities and storage, and organic waste separation and/or composting.

Consider comprehensive water-harvesting and re-use systems on site to support landscape irrigation.

Review the proposal against climate change projections for the location, particularly considering how the building might function and how residents can remain safe and thermally comfortable during events such as power failures and water restrictions.

Other Considerations

Ensure impacts arising from inherent cross-viewing and building separation are resolved during design development.

Public Art

Opportunities for the integration of public art have been considered and explored, in concert with strategies for Connecting with Country.

The current Public Art Plan needs to be aligned with the WCC Public Art Policy and Guidelines/Procedures. UAP (the proponents Public Art consultant has been issued with a copy and a brief meeting held on 19 April 2023.

Engineering

Conditions proposed, dependent on receipt of stormwater plans that address the items raised in point 1 below. If needs to go to panel before plans received, then do need item 1. If plans received, item 1 may be able to be removed and condition 6 altered to refer to the new plans.

Traffic and Transport

Council's Traffic and Transport section is concerned about the proposed parking provisions exceeding the *Development Control Plan (DCP)* rate. Our counter-arguments to Clause 4.6 Variation Request are as follows:

Cumulative Traffic Impact:

While the applicant argues that their specific development may not significantly increase traffic, this view fails to consider the cumulative impact of multiple developments in the Chatswood CBD area.

If all new developments were to propose parking provisions over the *DCP* rate, the collective increase in traffic would be substantial and potentially overwhelming for the local road network.

The *DCP* rates were established with consideration of the area's capacity to handle traffic. Exceeding these rates across multiple developments could lead to significant congestion, increased emissions, and a degradation of the local environment and liveability.

Limitations of the Arup Future Conditions Report:

The applicant cites the Arup Future Conditions Report as evidence that the future transport network can accommodate uplift scenarios. However, this interpretation has its limitation and potentially misleading.

It is crucial to point out that the Arup report itself acknowledges the limitations of the Strategic Transport Forecasting Model (STFM) used in the study operates at a macro level and cannot capture impacts at individual street levels. This limitation means the model may not accurately reflect outcomes for specific streets or localized areas within the CBD.

The report's assessment of the transport network's capacity to handle future growth is predicated on a shift towards more sustainable transport modes and reduced car dependency, which is facilitated by adhering to the *DCP* parking rates.

Given these limitations and the potential cumulative impact of multiple developments in the area, further micro-level traffic modelling is necessary:

a) Detailed traffic modelling using software such as VISSIM or AIMSUN should be conducted.

- b) This modelling must incorporate the cumulative traffic from all new developments within the Anderson Street precinct.
- c) The purpose of this micro-simulation is to demonstrate that there will be no adverse impacts on the road network within the precinct.

Without this detailed, localised traffic analysis, Council cannot confidently assert that exceeding the *DCP* parking rates will not lead to significant traffic issues in the immediate vicinity of the development and surrounding streets.

Undermining Strategic Planning Objectives:

The Chatswood CBD Strategy and associated planning instruments, including parking rates, are designed to promote a shift towards more sustainable transport options and reduce car dependency.

Allowing developments to exceed parking rates could undermine these strategic objectives, potentially leading to:

- a) Increased car usage and traffic congestion
- b) Reduced uptake of public transport, walking, and cycling
- c) Decreased incentive for improvements to public transport and active transport infrastructure

While the applicant argues for meeting current market demands, Council is responsible to plan for the long-term sustainability and adaptability of the Chatswood CBD.

Excessive parking provision now may result in underutilized space in the future, as transport patterns and preferences continue to evolve.

Adhering to the *DCP* rates encourages developers and residents to adapt to and support more sustainable transport options. The parking rates in the *DCP* are a crucial tool in managing traffic, promoting sustainable transport, and ensuring the area's future viability. Exceeding these rates, particularly across multiple developments, would pose significant challenges to our strategic planning objectives and the area's transport infrastructure.

Waste Management

Items resolved following the meeting on 20 May 2024:

- HRV access: access for a 10.5m garbage truck is required. WDCP 2023 requires access for a 12.5m space, for which the parking / loading space (2m clearance at the rear for operation of truck and servicing of the bins). Please confirm there is sufficient space for Council's waste HRV to service the bins at the allocated collection point and that this does not impede pedestrian or other vehicle movements. The architectural drawings clearly show space for an MRV, and dimensions for a 10.5m long truck, but there is no reference to access for an HRV in the WMP. Please confirm there is sufficient access for Council's waste truck.
- Organics generation rates and bin numbers: please use WDCP 2023 generation rates for the organics bins (120L/hh/wk) to calculated estimated

generation and organics stream bin numbers. The development is unlikely to need the full number of garden waste (or organics) bins (48 x 240L); however, the space should be supplied to meet the *DCP* (2023) requirements, as outline above. In addition, Council may transition to a food organics collection service in the future.

Items agreed to be resolved following the meeting on 20 May 2024:

- Charity waste / other recycling: please provide an area of 6m² for the storage of charity waste and other recycling. This should be close to the bulky waste storage area
- Residential bin storage areas: Please provide details of bin room amenities, door widths, aisle widths and any bin room equipment (such as a compactor) on the architectural drawings.
- Garbage chute: please confirm there is sufficient volume for 3-days of waste generation under the waste and recycling chutes.
- <u>Bin carting routes:</u> please detail the equipment (e.g., bin tugs) required for caretakers or building managers to transport bins between the chute room and bin storage area.
- <u>Commercial waste:</u> the expected generation rate for commercial general
 waste is different to Council's expected generation and therefore, the number
 of bins required varies slightly, but it does not seem to present a bin storage
 area space issue. Commercial waste can be collected more frequently to
 enable fewer bins to be required.

Items that that require additional clarification following the meeting on 20 May 2024:

Waste and recycling cupboard: the waste chute hopper should be located
in a waste cupboard, which also has space for any bulky cardboard waste and
additional bins (e.g. a food organics bin if a food organics service is
implemented). This is required in the case of a broken chute and to future
proof the development in the case of food organics collection.

Landscaping

Concern is raised regarding the provision of deep soil landscape area to the Anderson Street frontage.

The provision of basement parking within the 6m setback to Anderson Street restricts the available area of deep soil planting, particularly in relation to the provision of large canopy trees. The Site Specific *DCP* clearly identifies that the setback area is to be unimpeded by buildings or underground structures.

The Landscape Plans viewed with the application indicate small trees within the 6m landscape setback.

No soft landscape is provided at ground level to the O'Brien St frontage.

The above landscape issues are specifically addressed in the planning controls.

The proposal is therefore not able to be supported with regard to landscape issues.

4. Setbacks and Street Frontage Heights

Controls

- The building setbacks are to be in accordance with Map 5 (Setbacks an heights) and the concept plans. Setbacks are as follows:
 - 1. Anderson Street frontage:
 - 1. Minimum 6m setback at Ground Level
 - 2. Minimum 6.4m setback above street wall
 - 3. Maximum street wall height of 7m or two storeys.
 - 2. O'Brien Street frontage:

119

Willoughby Development Control Plan Part L: Place Based Plans 2023

- Minimum 1.15m setback at Ground Level
- 2. Minimum 4.35m setback above street wall
- 3. Maximum street wall height of 7m or two storeys.

Willoughby Development Control Plan Part L: Place Based Plans 2023

Controls

- Open space at ground level shall be utilised as publicly accessible open space.
- All roofs up to 30 metres from ground are to be green roofs. These are to provide a balance of passive and active green spaces that maximize solar access.
- A minimum of 2 hours of sun access is to be provided to the public open space on the site.
- Public domain improvements shall be provided to all street frontages to Council requirements.
- 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.
- Deep soil planting is to be provided within the 6m setback to Anderson Street. Deep soil plantings include trees and shrubs, and are to be unimpeded by buildings or structures below ground.
- 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.
- Large canopy tree planting must be provided along the Anderson Street frontage within the 3m setback.
- 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.
- 10. All existing aerial cables which may include for electricity, communications and other cables connecting to street poles and buildings around the site shall be removed and installed underground in accordance with the requirements of the relevant service authorities. Ausgrid lighting poles are to be provided to the requirements of Ausgrid for street lighting and shall be positioned compatible to the landscaping design around the site.

Contributions

- 1. Demolition of 14 existing 2-bedroom units
- 2. construction of a **Mixed Use** development comprising 95 units containing:
 - → Part 2 and 3-storey non-residential podium comprising:
 - G: 12 retail/commercial tenancies
 - L1 level: 2 commercial tenancies
 - L2: 1 commercial tenancy
 - → 25-storey residential tower comprising:
 - 7 x 4-bedroom units
 - 66 x 3-bedroom units
 - 16 x 2-bedroom units (2 of these units is dedicated for affordable housing)
 - 6 x 1-bedroom units (all of these units is dedicated for affordable housing)

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

In accordance with Cl 2.5 and Table 1 of the Willoughby Local Infrastructure Contribution Plan 2019, "where a single development application comprises a mix of type (a) Residential Accommodation that would result in a net increase in residents on the land and (b) other development that has a proposed cost of works more than \$100,000, either a \$7.11 contribution or a \$7.12 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 \$7.11 or \$7.12, whichever yields the greater amount.

Heritage

The proposal is consistent with the objectives in the Chatswood CBD Strategy and new zoning and height controls as stipulated in Amendment 34 of Willoughby Council's LEP. The land has been rezoned from R3 (medium density residential) to MU1 (mixed use). There are site-specific controls in Part L of Councils DCP which apply to the site, however considerations pertaining to the adjacent HCA and heritage items are not included.

A Heritage Impact Statement has been provided by City Plan on behalf of Bridgestone Projects. The subject site interfaces with the North Chatswood HCA on the opposite side of Anderson Street (western side); the HCA is situated on the eastern side of Anderson Street.

Shadow diagrams have been provided, however these do not indicate the month or day to which the shadows apply. There will be overshadowing on the North Chatswood HCA at 3pm (on June 31?). Shadowing at other times of the day (on June 31?) will not impact the HCA. The proposed 90m tower will visually dominate the low-density context of the adjacent HCA, and will likely further impact views from the HCA and the abovementioned heritage items. However, in the context of the Chatswood CBD Strategy, this is deemed to be acceptable, with all new rezoning, heights and FSRs already approved under the LEP amendment. Under revised controls, there is currently no height transition from Chatswood CBD towers to the low scale Heritage Conservation

Area. A better outcome for the HCA and heritage items would be to reduce the proposed height of the development, so there is a height transition to the HCA and lo-density residential zone.

In the context of housing diversity in Willoughby, the existing sites contain housing which contribute to the diversity of housing in Willoughby, being townhouses and low-rise units. In the interest of housing diversity, it would be preferable to consider retaining the current residential structures on the sites as these housing types are in short supply in Willoughby.

A proposed schedule of materials, colours and finishes has not been provided with the application. This is therefore a request for further information for a full schedule of colours and finishes to be provided.

Environmental Health

Issue¤	Considered	Conditions-Applied-(Y/N)¤
Contamination¤	√¤	Υ¤
HAZMAT/Asbestos¤	√¤	Υ¤
Air/Odour¤	√¤	N¤
Water¤	√¤	Y¤
Noise¤	√¤	Υ¤
Electro/Radio⋅Fields⋅¤	√¤	N¤
Ventilation¤	√¤	Υ¤
Demo/Excav/Construction¤	√¤	Y¤
Food/Beauty/Skin·Pen¤	√¤	N¤
Cooling·Tower¤	√¤	Υ¤

External Referrals

WaterNSW	Concurrence and GTAs issued.
Sydney Trains	Concurrence and conditions issued.
Sydney Metro	Concurrence and conditions issued.
Sydney Airport	Concurrence and conditions issued.

Ausgrid	Concurrence and conditions issued.
NSW Police	Concurrence and conditions issued.

ATTACHMENT 3: ASSESSMENT UNDER SEPP 65

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

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

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

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

An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping. Design criteria 1. Communal open space has a minimum area equal to 25% of the site. 2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter). Objective 3E-1 Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality. Design criteria Deep soil zones minimum 7% or 10% if possible. Partial compliance No – parts of the tower do not comply. The soho units do not comply. The soho units do not comply.	ADG Objective	Proposal	Satisfied
open space is provided to enhance residential amenity and to provide opportunities for landscaping. Design criteria 1. Communal open space has a minimum area equal to 25% of the site. 2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter). Objective 3E-1 Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality. Design criteria Deep soil zones minimum 7% or 10% if possible. Partial compliance No – parts of the tower do not comply. The soho units do not	Objective 3D-1	Minimum provision of 25% satisfied.	Yes
open space is provided to enhance residential amenity and to provide opportunities for landscaping. Design criteria 1. Communal open space has a minimum area equal to 25% of the site. 2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter). Objective 3E-1 Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality. Design criteria Deep soil zones minimum 7% or 10% if possible. Partial compliance No – parts of the tower do not comply. The soho units do not	An adequate area of communal		
residential amenity and to provide opportunities for landscaping. Design criteria 1. Communal open space has a minimum area equal to 25% of the site. 2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter). Objective 3E-1 Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality. Design criteria Deep soil zones minimum 7% or 10% if possible. Partial compliance No – parts of the tower do not comply. The soho units do not	•		
Design criteria 1. Communal open space has a minimum area equal to 25% of the site. 2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter). Objective 3E-1 Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality. Design criteria Deep soil zones minimum 7% or 10% if possible. Partial compliance No – parts of the tower do not comply. The soho units do not			
1. Communal open space has a minimum area equal to 25% of the site. 2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter). Objective 3E-1 Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality. Design criteria Deep soil zones minimum 7% or 10% if possible. Partial compliance No – parts of the tower do not comply. The soho units do not	· · ·		
minimum area equal to 25% of the site. 2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter). Objective 3E-1 Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality. Design criteria Deep soil zones minimum 7% or 10% if possible. Partial compliance No – parts of the tower do not comply. The soho units do not	Design criteria		
minimum area equal to 25% of the site. 2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter). Objective 3E-1 Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality. Design criteria Deep soil zones minimum 7% or 10% if possible. Partial compliance No – parts of the tower do not comply. The soho units do not	Communal open space has a		
2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter). 7% satisfied Yes Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality. Design criteria Deep soil zones minimum 7% or 10% if possible. Partial compliance No – parts of the tower do not comply. The soho units do not	minimum area equal to 25% of		
minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter). Objective 3E-1 Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality. Design criteria Deep soil zones minimum 7% or 10% if possible. Partial compliance No – parts of the tower do not comply. The soho units do not	the site.		
the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter). Objective 3E-1 Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality. Design criteria Deep soil zones minimum 7% or 10% if possible. Partial compliance No – parts of the tower do not comply. The soho units do not	2. Developments achieve a		
communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter). Objective 3E-1 Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality. Design criteria Deep soil zones minimum 7% or 10% if possible. Partial compliance No – parts of the tower do not comply. The soho units do not	minimum of 50% direct sunlight to		
minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter). Objective 3E-1 Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality. Design criteria Deep soil zones minimum 7% or 10% if possible. Partial compliance No – parts of the tower do not comply. The soho units do not	the principal usable part of the		
am and 3 pm on 21 June (mid winter). Objective 3E-1 Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality. Design criteria Deep soil zones minimum 7% or 10% if possible. Partial compliance No – parts of the tower do not comply. The soho units do not	communal open space for a		
winter). Objective 3E-1 7% satisfied Yes Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality. Design criteria Deep soil zones minimum 7% or 10% if possible. Partial compliance No – parts of the tower do not comply. The soho units do not	minimum of 2 hours between 9		
Objective 3E-1 Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality. Design criteria Deep soil zones minimum 7% or 10% if possible. Partial compliance No – parts of the tower do not comply. The soho units do not	am and 3 pm on 21 June (mid		
Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality. Design criteria Deep soil zones minimum 7% or 10% if possible. Partial compliance No – parts of the tower do not comply. The soho units do not	winter).		
the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality. Design criteria Deep soil zones minimum 7% or 10% if possible. Partial compliance No – parts of the tower do not comply. The soho units do not	Objective 3E-1	7% satisfied	Yes
Deep soil zones minimum 7% or 10% if possible. Description	the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and		
Objective 3F-1 Adequate building separation Partial compliance No – parts of the tower do not comply. The soho units do not	Design criteria		
Adequate building separation do not comply. The soho units do not			
Adequate building separation soho units do not	Objective 3F-1	Partial compliance	
	Adequate building separation		
	_		

Page 30 of 125

Application Number: DA-2023/172

г		
between neighbouring sites, to		
achieve reasonable levels of		
external and internal visual		
privacy.		
Objective 3F-2		
Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.		
Objective 3J-1	WDCP 2023 is the lesser requirement but is	No
Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas.	not satisfied.	
Objective 4A-1 Solar Access	Satisfied.	Yes
To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.		
Objective 4B-3 Natural Cross Ventilation	Satisfied.	Yes
The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents.		
Objective 4C-1 Floor to Ceiling Heights	3.10m floor to floor height, 2.7m floor to ceiling for tower.	Yes
Ceiling height achieves sufficient natural ventilation and daylight access.		
Design criteria The minimum ceiling heights proposed are:		
2.7 m for habitable rooms; and2.4 m for non-habitable rooms.		
Objective 4D-1 Minimum Apartment Sizes	Satisfied.	Yes
The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity.		
4E Private open space and balconies	Satisfied.	Yes
Minimum area Minimum depth 1 bedroom apartments 8m2 (2m depth) 2 bedroom apartments 10m2 (2m depth) 3+ bedroom apartments 12m2 (2.4m		

depth)		
4F Common circulation and	Satisfied	Yes
spaces	Galistica	163
spaces		
4 The manifestory of		
1. The maximum number of		
apartments off a circulation core on		
a single level is eight		
2. For buildings of 10 storeys and		
over, the maximum number of		
apartments sharing a single lift is 40		
Objective 4G-1	Not indicated	No
1 bedroom apartments 6m3 2		
1 bedroom apartments 8m3 3+		
2 3 bedroom apartments 10m3		
4H Acoustic privacy	Acoustic report provided	Yes
	The second separation and second seco	
Objective 4H-1 Noise transfer is		
minimised through the siting of		
buildings and building layout		
Objective 4H 2 Noise impacts are		
Objective 4H-2 Noise impacts are		
mitigated within apartments through		
layout and acoustic treatments		
4J Noise and Pollution	Acoustic report provided	Yes
Objective 4J-1 In noisy or hostile		
environments the impacts of external		
noise and pollution are minimised		
through the careful siting and layout		
of buildings		
Objective 4J-2 Appropriate noise		
shielding or attenuation techniques		
for the building design, construction		
and choice of materials are used to		
mitigate noise transmission		
4K Apartment mix	Satisfied	Yes
_		
Objective 4K-1 A range of apartment		
types and sizes is provided to cater		
for different household types now		
and into the future		
and into the latting		
Objective 4K-2 The apartment mix is		
distributed to suitable locations		
within the building		
4M Facades	Satisfied	Yes
4W Pacaues	Sausiieu	162
Objective 4M 1 Puilding fooder		
Objective 4M-1 Building facades		
provide visual interest along the		
street while respecting the character		
of the local area		
Objective AMO D. "I"		
Objective 4M-2 Building functions		
are expressed by the facade		

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

4.1 State Environmental Planning Policy (Resilience and Hazards) 2021

State Environmental Planning Policy (Resilience and Hazards) 2021 provides that a consent authority must not consent to the carrying out of development on land unless it has considered whether the land is contaminated. Council's Environmental Health Officer has assessed the proposal as satisfactory.

4.2 State Environmental Planning Policy (Transport and Infrastructure) 2021

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

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

	aken under the relevant provisions of the SEPP:			
Provision	Assessment			
Division 15 - Development in or adjacent to rail corridors and interim rail corridors				
2.98 Development adjacent to rail corridors	The development site is adjacent to a railway line known as the 'North Shore Train Line' running along the western side of the site. Sydney Metro and Sydney Trains have undertaken referrals and extensive assessment. Sydney Trains has imposed conditions pursuant to Section 2.98. Sydney Metro has no objection subject to conditions.			
2.99 Excavation in, above, below or adjacent to rail corridors	Sydney Metro and Sydney Trains have undertaken its assessment and offered its concurrence and conditions.			
2.100 Impact of rail noise or vibration on non-rail development	The site is located adjacent to a railway line and will be affected by rail noise. Clause 2.100 is applicable to the proposal and provides that the residential component must not exceed the following LAeq levels: in any bedroom in the residential accommodation – 35 dB(A) at any time between 10.00 pm and 7.00 am; anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway) – 40 dB(A) at any time. The Noise Impact Assessment report prepared by Northrop (Ref: SY223151-00-AU-RP01 Rev 4, dated 1 June 2023) provided recommendations for acoustic construction. The assessment uses Australian Standard AS2107:2016 and the Transport and Infrastructure SEPP, and DPIE's Development Near Rail Corridor and Busy Roads – Interim Guideline for noise intrusion.			

Application Number: DA-2023/172 Page 33 of 125

4.3 Assessment under Willoughby Local Environmental Plan 2012 (WLEP)

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

	Standard	Proposed	Complies
CI 2.3 Land Use Table – MU1 Mixed Use (Permissibility)	The proposed development does not satisfy the objective of the zone that seeks to encourage public transport use. Otherwise, the proposal satisfies a mixed of use sought in the zone (notwithstanding a question about characterisation arising from the soho typology, which is discussed in this section). Side note: In tandem with the exhibition of the Amendment No 34, the Department of Planning and Environment exhibited a state wide reform of employment zones. The Employment Zone Reform changed the zone names of previous business and industrial zones to employment zones. As part of that reform, the zone previously known as B4 Mixed Use became MU1 Mixed Use.	Encourage public transport use The zone objectives are also	No – additional comments below
CI 2.5 Additional permitted uses for particular land	Schedule 1 (27). In MU1 Mixed use zone development for the purposes of residential flat buildings is permitted with development consent if— (a) the ground floor is used for non-residential purposes only, and (b) at least 17% of the gross floor area of the building will be used for non-residential purposes.	2,741.32m² non-residential floor space provided (Drawing DA9000 Rev 03) Gross floor area (not including excess parking) The total GFA is 16,122.35m², 17% x 16,122.35m² = 2,740.8m². The provision would comply. Gross floor area (including excess parking) 17% x gross floor area (GFA)	See comment [left]

		I	
		17% x 17,129.99m ²	
		= 2,912.1m ²	
		The provision would not comply.	
cl 4.3 Building Height	90m	90m	Yes
cl 4.4 FSR	6:1	6:375:1	No – see cl
	(16,122.35m ²)	16,122.35m ² + 1,007.64m ² (excess car parking)	4.6 request assessment below
		Total = 17,129.99m ²	
		Exceedance is 1,007.64m ² (6.25%)	
CI 6.2 Earthworks	Consideration of various matters	Geotechnical Report supplied	Yes – subject to conditions
CI 6.3 Urban heat	Consideration of various matters	Green roofs adopted	Yes – subject to conditions
		T	· - '
cl 6.7 Active Street Frontage	3 x frontages of the site affected by active street frontage as shown in the map (site identified by black star. Image 14: The site (identified by black star) is affected by active street frontage on 3 sides as identified by red lines.	Three frontages achieve active street frontage. The characterisation of the proposal (whether shop top or mixed use) requires non-residential use at the ground floor level. The planning proposal scheme appears not to have sought to activate the laneway on the western side of the development as much as the current scheme does. Nonetheless, the characterisation test (non-residential at ground floor level) which makes the proposal permissible, is satisfied. The site specific DCP requires embellishment of the existing laneway, which is not achieved in landscaping terms – but the proposal increases the level of activation at the western side such that it would become an active street front where not	See comment [left]
cl 6.8 Affordable Housing	4% x 13,381.03 (residential component of the development) = 535.24m ²	identified for one by cl 6.7). The following affordable housing units are identified on the drawing DA2015 Rev 03: 2 x 2-bed @ Levels 5 and 6 equates to (2 x 85 = 170m2) 6 x 1 bed @ Levels 5, 6, 7 equates to (6 x 54 = 324m2) 324m2 + 170m2 = 494m2	Yes – by condition
		0271112 T 1701112 = 4341112	

		There is a 41.24m2 shortfall, which will translate to a monetary contribution.	
IVIII III III IUL SIZES IUI	Minimum allotment size 1,200m2 in MU1 Mixed Use Zone	Site area 2,687m2	Yes
wesion excellence	(Area 12).	Architectural design competition undertaken in accordance with cl 6.23 (6) (b) (i). Council's urban designer satisfied with current scheme and cl 6.23.	Yes

Cl 2.3 (Permissibility)

Soho typology

The term "SOHO" stands for "Small Office/Home Office". The proposal seeks SOHO typology, a hybrid live work arrangement for the west-facing retail/commercial and residential units above (Drawing DA2010 Rev 03).

Live work units as a hybrid are not identified as a land use in specific terms in the Land Use Table, but the uses that make up the hybrid are permissible. The applicant was requested to provide additional information to support the permissibility of the live work arrangement.

On 2 August 2024 the applicant said of the SOHO typology:

"The SOHO units provide a unique and marketable housing typology for the site and the wider Chatswood CBD. There is currently no other example of this housing typology in the CBD, noting the applicant has chosen to supply this housing typology at their own risk, following a noted lack of SOHO housing in the market.

The SOHO housing presents a distinctive housing typology which aims to provide an integrated work-life living arrangement. This arrangement would be desirable for the growing Chatswood CBD, providing both commercial and residential uses. The SOHO housing would be suitable to a range of users, as a resident may choose to run an office or retail premises (for example, nail salon, lawyer's office, bookstore or dentist) on the ground floor and be able to live in the residential levels directly above the ground floor space.

The SOHO typology not only provides a unique, high-quality live-work arrangement, but will also provide a number of street activation benefits for the laneway and overall presentation to the street frontage. As discussed previously, if the podium height is restricted to 2 storeys, then the SOHO housing typology will not be viable and the valuable activation to the laneway will be lost.

The applicant recognises the uniqueness of the SOHO housing and its importance in providing street activation to the laneway and is therefore accepting of conditions that Council impose with regard to ensuring the ground floor of the SOHO housing is retained at commercial space".

Some explanations of SOHOs are provided as follows:

<u>Investopedia</u>

"The term small office/home office (SOHO) refers to a small business that is often run out of small office spaces, homes, or even virtually. These businesses are commonly considered microenterprises. Their owners are commonly self-employed who don't need large office spaces to conduct their day-to-day operations. Most use small office spaces or run their businesses from home. As such, SOHOs generally employ fewer than 10 people.

As noted above, small offices/home offices (SOHOs) are a form of microenterprise. This type of business is typically run by self-employed individuals who use a small amount of capital to start and run their day-to-day operations. This can be their own money or funds advanced from banks or other lenders.

Most of these enterprises provide specialty goods or services to individuals in their own local area. As such, SOHOs are usually run by white-collar professionals, such as entrepreneurs, lawyers, consultants, accountants, bookkeepers, and financial advisors, who may not need a formal office to meet clients or who have a dedicated formal office within their home, hence the reason for home office in the term.

These businesses commonly employ a small number of people. Many have 10 employees or less, although the majority tend to have between one and four. In the knowledge economy, an increasing number of these businesses now operate out of virtual offices. They may have no physical premises at all or employ coworking arrangements, where self-employed people share office space and services like

phone answering, meeting rooms, and video conferencing". (Investopedia. Will Kenton, 31 August 2021).

Webopedia

"As a general guideline, a small office is considered to be any firm with fewer than 10 employees, although in more recent years, some research and marketing firms have taken to categorizing SOHO as a firm with 1-4 employees. Firms with 5 or more employees are considered different categories within the <u>small business</u> sector (e.g. 5-9, 10-19, and so on, up to 100 employees).

In some cases the workplace is designated space established within the business owner's residence ("home office") where they conduct their business tasks on a regular basis.

Today, the home office has become a popular choice for a work environment because Internet-based technologies allow individuals to work from home using email, Web, VoIP, and remote access software to communicate with global employers. A home office is a good choice for professionals who operate their own service-based small business (i.e., real estate, pet care, legal services) and for some Internet-based business including email marketing services, SEO consulting or ecommerce".

(Webopedia, Vangie Beal 24 May 2021)

Commentary

There is no specific information in the DA documentation on the operation of the soho unit. The applicant has advised verbally that the hybrid would allow an owner of the residential unit to operate business at the ground floor level and then return to the residential home above at the end of the working day. Additional employees would leave the ground floor tenancy to go to their respective homes. It is not clear what the arrangement is for the use of sanitary facilities during the working day for those additional employees. A BCA report (Ref: 220507, dated 23/05/2023) by BMG says that "the west facing retail/commercial units are associated with a 2 storey residential apartment use included above. Such an occupancy is required to be a single sole occupancy units to ensure access to, and egress from all parts is

available without travelling via a separate sole occupancy unit". With regards to sanitary facilities this BCA report says (page 13): "In this instance it is noted that a single unisex facility is shown in the ground floor, however this is insufficient to cater for expected occupancy numbers". A fire engineering performance solution is proposed for the lack of fire dividing wall between the retail/commercial ground floor and the residential living space of the soho units.

Whilst there is some uncertainty around its fit in the land use table, the uses that make up the soho unit are consistent with the mixed use zone. The specifics of the operation of the soho unit is not clear. A condition of consent should the Panel be of a mind to support the application requires that the residential and retail/commercial spaces that make up the soho unit be retained in the same ownership and that the retail/commercial space be used by the same tenant of the residential space above.

CI 4.4 Floor space ratio

On 26 August 2024 the applicant lodged a cl 4.6 request – FSR on the planning portal.

The clause 4.6 request acknowledges the objectives of Clause 4.6:

- (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.

The applicant's clause 4.6 request says that:

- Strict application of the FSR development standard is unreasonable and unnecessary as the underlying object or purpose of Objectives (b) and (e) of Clause 4.4 would be defeated or thwarted if compliance was required (*Wehbe* test 3) and the remaining objectives of the standard are achieved notwithstanding noncompliance with the standard (*Wehbe* test 1).
- As it relates purely to car-parking spaces in excess of the requirements of Council, the variation to FSR bears no impact on the ability to meet objectives (c), (d), (g), (h), (i), (j), (k) of Clause 4.4 of the LEP.
- The following are **sufficient environmental planning grounds** to justify the contravention of the development standard:
 - Adequate residential carparking provision is required to cater to the travel needs
 of downsizers, aging owner-occupiers, young families and the luxury
 market as public transport does not meet all the travel needs of these residents,
 especially for destinations not well-served by public transport.

- The Cardno Report on Review of Parking Rates¹ indicates there is an increasing trend in car ownership in Chatswood while train continues to have the highest mode share in journey to work for residents in the Chatswood CBD. This suggests that car ownership does not necessarily contribute to traffic generation as the use of private vehicles generally occur in non-peak hours for personal/recreational trips.
- Limiting the provision of residential carparking would undermine the competitiveness of the Chatswood CBD and make it less desirable compared to neighbouring localities with a higher parking rate. Transit-oriented development with insufficient carparking is likely to compromise the market acceptability and hence delivery of housing within such development within Chatswood.
- The Willoughby *DCP* maximum carparking rate is a **significantly more restrictive** than the most restrictive carparking rates in other areas of Sydney.
- While there is an established market for studio and 1-beds with no parking, there is very limited demand for larger apartments without parking. The flat rate irrespective of apartment size provides disincentivises the provision of larger apartment types, which has negative implications on housing choice.
- The proposed additional FSR responds directly to the desire to allow growth for a mix of retail, business and commercial purposes, by providing sufficient parking for both residents, tenants and customers utilising the services on the site. This will in turn minimise additional pressure on the existing on-street parking.
- As confirmed in the Traffic and Parking Assessment Report submitted with the DA, the proposed additional carparking will have a **lower traffic generating potential** than the approved Planning Proposal for the site given the reduction in number of apartments and carparking spaces from the Planning Proposal scheme.
- The *Future Conditions Report* prepared by Arup² confirmed that the future transport network would be able to accommodate the uplift scenarios in 2026 and 2036 based on the Chatswood CBD Strategy. Despite the excess carparking proposed, the additional carparking spaces do not directly contribute to traffic generation potential, and hence the proposed carparking variation does not impact on the estimated private vehicle trips in the Chatswood CBD.
- The proposed FSR variation does not result in any adverse impact with respect to the built form, bulk, scale, view loss, privacy, visual intrusion or overshadowing as it is contained entirely within basement levels and will not be visible from the public domain. The FSR variation arises only in response to the provision of sufficient parking for the residential component of the development which seeks to cater for families and downsizers.

Application Number: DA-2023/172 Page **40** of **125**

- The proposed FSR resulting from the proposed parking provision represents the outcome of a 5 year design process, involving a site-specific Planning Proposal and subsequently an Architectural Design Competitions, which have informed the basement, building core and structural design of the building, all of which is integral to the overall development. Notably, the winning design endorsed by the Jury comprised a scheme that complied with the parking rates of the former *DCP* 2006.
- o The *DCP* came into effect with new parking controls, and **no savings provisions** on 4th October 2023 some **4 months after this DA was lodged** on 6 June 2023.

The clause 4.6 request says that: "strict compliance with the FSR control – and by extension, the *DCP 2023* parking rates - would dis-incentivise the provision of 3 and 4-bedroom apartments. It would be inconsistent with the key direction of the *Willoughby City Local Strategic Planning Statement* (LSPS) seeking to increasing housing diversity to cater for various population groups and households. It also prevents the proposal from achieving the Object of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to promote the orderly and economic use and development of the land".

The applicant makes the following points:

- Additional car parking spaces ensure that "...sufficient car parking is vital to marketability, and feasibility of the development and to ensure the future residents, tenants and visitors are appropriately catered for".
- Willoughby is the only LGA amongst similar centres in Greater Sydney and the RMS Guide that applies a flat parking rate irrespective of apartment sizes - it is the most restrictive carparking rate among similar centres.

Assessment Planner Commentary

The clause 4.6 request seeks a variation of 1,007.64m² (6.25%) to the standard, which it says arises from an excess of 76 car spaces.

Floor area under the *Willoughby LEP* Dictionary, relevantly excludes:

(g) car parking to meet any requirements of the consent authority (including access to that car parking).

The excess in parking is that part that exceeds the requirements of Council, which in this case is *WDCP 2023* Part L 13.1.10 (10).

WDCP 2023 Part L 13.1.10 (10) Traffic and Transport says [at control 5(1)]:

"Car parking provision based on a reduced car parking rate, consistent with the requirements of SEPP65 / constrained parking rates for new developments in the Chatswood CBD as supported by Transport for NSW (TfNSW) (emphasis added)

The reduced parking rates are an imperative aspect of the uplift envisaged by the Chatswood CBD Strategy. During the evolution of the Chatswood CBD Planning and Urban Design Strategy, the Department of Planning Industry & Environment (on 9 August 2019) required further work to be undertaken with respect to traffic. On 9 July 2020 Department of Planning Industry & Environment advised in a letter to Council that "Previous concerns regarding the strategy in relation to traff are capable of being addressed as part of a revised strategy to be prepared and adopted by Council".

DPIE recommended:

"Council in collaboration with Arup and Transport for NSW is to continue to progress its traffic and transport study. Any recommendations of this study are to be finalised prior to and incorporated within any amended or final Chatswood CBD Strategy".

The Future Conditions Report, September 2020 by Arup, responds to the 9 July 2020 requirement, providing recommendations including Recommendation 13 as follows:

"Undertake a review of parking rates that apply to developments within the precinct to support the Travel Demand Management approach and encourage shift to sustainable modes (ITS Strategic Direction 5)".

Accordingly, a "Review of Parking Rates" was undertaken by Cardno (Ref: 80021024, dated 9 February 2021) which culminated in the "Recommended parking rates" (section 10.4, page 63) which recommends the maximum residential parking rate as:

- 0.5 space per studio and 1, 2, 3 or more bedroom units; 1 visitor space per 7 dwellings
- 1 visitor space per 7 dwellings

These rates were adopted to form the requirements of WDCP 2023, with the addition of "Minimum rates" of

- spaces per studio/ 1- bedroom flat
- 0.2 spaces per studio/ 2- bedroom flat
- 0.25 spaces per studio/ 3+ bedroom flat
- No visitors

These reduced parking rates (ie less than WDCP 2012) are required to accompany the uplift in the CBD to ensure the functionality of the road system. These reduced rates apply to this proposal, as flagged in the WDCP 2023 Part L 13.1.10.

Regarding the orderly and economic argument, the assessment of the transport network's capacity to handle future growth (Arup Future Conditions Report) is predicated on a shift towards more sustainable transport modes and reduced car dependency, which is facilitated by adhering to the *DCP* parking rates. Council's Traffic Engineer says that there is no certainty that not lead to significant traffic issues in the immediate vicinity of the development and surrounding streets.

Willoughby LEP 4.4 objectives includes:

(b) to limit traffic generation as a result of that development,

The applicant says that car ownership does not mean that car will be the dominant travel mode for residents in the CBD and contribute to traffic generation in the Chatswood CBD. It says that car ownership does not discourage the use of public transport to commute to work, particularly if the work destinations are in areas like the Sydney CBD, North Sydney CBD, St Leonards or Parramatta where destination parking is limited and expensive, with a high peak hour traffic.

The applicant says that the Future Conditions Report (prepared by Arup dated September 2020) identifies that given the population increase in the Chatswood CBD, private vehicle trips will increase despite the mode shift towards public transport. As discussed below, it is Council's opinion that the uplift in development potential is

predicated on a shift towards more sustainable transport modes and reduced car dependency, which is facilitated by adhering to the *DCP* parking rates.

The applicant says a lack of carparking would mean that "... residents may choose to live where residential car parking is provided which would be located further from public transport meaning that residents would need to rely on and use their vehicles to a greater extent". There is no substantive evidence to suggest this outcome.

The applicant says that requiring compliance with the *DCP* maximum parking requirement as a means to achieve FSR compliance would result in the underlying object or purpose of Objective (b) being defeated and thwarted.

Regarding clause 4.4 (e) to permit higher density development at transport nodal points, the applicant says strict application of the *DCP* parking rate would have the effect of reducing the supply of transit-oriented development in Chatswood, as either:

- the proposed number of apartments would need to be reduced to achieve strict compliance with the FSR control with sufficient car parking.
- Proposed apartments would not be commercially marketable and therefore the site would not be developed.

The marketability is a running theme however did not feature as a concern following the exhibition of the comprehensive planning process associated with *WLEP* amendment 34.

Whilst the applicant says that the additional GFA arising from car parking would support higher density development at the site, being in proximity to the Chatswood Transport Interchange, a counter-argument is that this proximity reduces the need for parking and also promotes public transport usage.

To the objective:

(a) to limit the intensity of development to which the controls apply so that it will be carried out in accordance with the environmental capacity of the land and the zone objectives for the land.

The applicant says the FSR would be no different to a building with a compliant 6:1 FSR and compliant parking provision when viewed from the public domain. In theoretical terms, GFA cannot be placed anywhere. The exceeding GFA may relate to, for example, the third storey component of the podium. In this regard it may be said that the clause 4.6 is dismissive of other objectives under clause 4.4, including (c), (d), and (i) (see Table 4 clause 4.6 Mecone dated August 2024). This point is also relevant for the discussion of the environmental planning grounds, where the applicant says "... the aspect of the development is the parking rate and the environmental planning grounds for contravening the standard are..." and confines the planning grounds to the topic of parking.

To the MU1 zone objective:

(f) to allow growth for a mix of retail, business and commercial purposes consistent with Chatswood's subregional retail and business service, employment, entertainment and cultural roles while conserving the compactness of the city centre of Chatswood,

The applicant says that to support the proposed retail, business and commercial uses within the development, additional carparking spaces are proposed for the commercial tenancies to enable flexibility in the parking need of the future commercial tenants. The non-residential spaces at 20 satisfies the numerical requirement (Table 2 clause 4.6 Mecone dated August 2024). The applicant uses *WDCP* 2023 for the non-residential provision of car spaces.

Regarding sufficient environmental planning grounds the applicant says

- Carparking required to cater for the envisaged downsizers, aging owner occupiers, young families and the luxury market.
- Car ownership does not necessarily result in increased traffic generation.
- Inadequate carparking would reduce the delivery of transit-oriented developments.
- Reduction in traffic generation potential compared to the approved Planning Proposal
- A future transport network capable of accommodating the uplifts from the Chatswood CBD Strategy
- No unacceptable environmental, visual or amenity impacts
- No difference in bulk and scale compared to a compliant development.
- Long-term planning for the site
- Implications of strict compliance with the FSR development standard

Some finer points the applicant makes under headings are:

Carparking required to cater for the envisaged downsizers, aging owner occupiers, young families and luxury market.

- it is not practicable for older or less able-bodied future residents to walk to public transport as their primary mode of travel.
- less than one parking space per apartment would unduly exclude these groups of future residents (older or less able-bodied residents) in this location, which is inconsistent with objective (a) in Part F Section 1.2 of the *DCP*:
 - a. ensure developments make adequate provision for a reasonable number of offstreet car parking spaces, including accessible (disabled) parking spaces

Car ownership does not necessarily mean increase in traffic generation

- in many cases non-work destinations are not well serviced by public transport
- Car ownership does not necessarily mean increase in traffic generation. The demand for car usage is predominantly associated with workers in the CBD, rather than residents.
- The demand for car usage is predominantly associated with workers in the CBD, rather than residents.
- While the *DCP* maximum parking rate can be used to control the number of on-site parking within the development, it cannot control the number of cars on the street.

Inadequate carparking would reduce the delivery of transit-oriented developments

 Limiting car parking would make Chatswood CBD less competitive and less desirable compared to neighbouring centres with a higher carparking rate - as it would not satisfy the parking needs of the residents.

Application Number: DA-2023/172 Page 44 of 125

 There has been a fundamental shift in the market which has increased demand for larger apartments in high density housing - which are attractive to a growing number of owner-occupiers and families who typically come from housing that had access to multiple parking spaces. For the development to be commercially viable, it is important that the product responds to the emerging market demand.

Reduction in traffic generation potential compared to approved Planning Proposal

- The Transport Impact Assessment dated 1 June 2023 identifies that the proposal will generate a level of traffic that is less than the approved site-specific Planning Proposal of the site and is therefore not expected to result in any appreciable increase in vehicle delays, as there is an overall net reduction in the traffic generation potential of the site of during the commuter peak periods, when compared to the approved Planning Proposal.
- Importantly, apartment numbers are the primary factor determining traffic generation.
- The projected level of traffic activity is consistent with the FSR and height limitations on the site which had already been considered by Council as part of the Planning Proposal and is consistent with the Chatswood CBD Strategy.

A future transport network capable of accommodating uplift from the Chatswood CBD Strategy

- The Report concludes that the impacts on the transport network associated with the Chatswood CBD Strategy will have an impact in the same order of magnitude as the TfNSW forecasts and that the future transport network will be able to accommodate this demand.
- The cumulative traffic impacts associated with the uplift under the Chatswood CBD Strategy has been considered in the Future Conditions Report. As concluded in the Report, there will be minor changes to the impacts on the transport network in both the base and uplift scenarios. Therefore, the extent of the proposed additional carparking will not result in any material additional impact on the transport network of the Chatswood CBD and the surrounding arterial roads.

Long-term planning for the site

- A design competition was undertaken based on the parking rates agreed by Council
 and TfNSW as part of the ARUP benchmarking analysis as part of the Draft
 Chatswood CBD Strategic Transport Study at the time being:
 - o 0.5 spaces per studio and 1-bed apartment o 1 space per 2-bed+ apartment
- The winning scheme endorsed by the Jury in the design competition proposed 117 units and a four level basement comprising 147 parking spaces (139 for residents).
 Throughout design development, the number of apartments has been reduced from 147 to 95, with carparking increasing from 147 to 156 spaces.

Environmental impacts

 The proposed variation to the maximum FSR does not result in any unacceptable environmental, visual or amenity impacts. In terms of excavation, the GFA arising

Application Number: DA-2023/172 Page 45 of 125

from parking is accommodated within a four-level basement, which is consistent with the approved Planning Proposal and winning competition scheme endorsed by the Jury. No additional excavation or earthworks are required beyond those already contemplated in the Planning Proposal and winning competition scheme. The proposed additional FSR therefore does not result in any additional environmental impacts.

Visual impacts

 The proposed variation to the maximum FSR arises solely from excess car-parking which is entirely located in the basement and does not alter the external appearance of the proposed built form. There are no visual impacts arising from the proposed additional basement parking.

Amenity impacts

• The proposed variation to the maximum FSR does not result in any amenity impacts as the additional basement levels are not non-habitable and are of a specialised nature and are not occupied by people for extended periods.

Bulk and scale

 The proposed variation to the maximum FSR standard does not affect the proposal's ability to provide a shop-top housing development that is of appropriate bulk and scale. Notably, the proposal is compliant with the 90m building height limit and the setback controls under the *DCP*, which will deliver a high-density shop-top housing development that is reflective of desired future character of the Chatswood CBD.

WDCP 2023 Part F Table 5 requires 1 space/4 accessible or adaptable units, so satisfying this requirement caters to the adaptable housing requirement where the DCP provides not further requirements for less able-bodied residents.

Arguments such as the ineffectiveness of public transport in serving non-work destinations is one that should be made on a larger platform, particularly where the new *LEP* is freshly made and where sites should not be assessed individually for traffic impacts. Cumulative impact is more relevant.

Implications of strict compliance with the FSR development standard

- Strict compliance with the maximum FSR would require either:
 - o significant reduction of the carparking provision; or
 - removal of residential apartments

equivalent to the additional GFA.

Both of these options would result in a poorer development outcome as they would either result in insufficient parking for the development or under-provision of residential apartments,

The proposed excess GFA translates to impacts on the traffic system where an objective for FSR (clause 4.4 (1) (b) seeks specifically to limit traffic generation as a result of that development. Council's traffic section remains dissatisfied that the proposal satisfies this requirement. Council's Traffic Engineer says that whilst the applicant argues that their

Application Number: DA-2023/172 Page 46 of 125

specific development may not significantly increase traffic, this view fails to consider the cumulative impact of multiple developments in the Chatswood CBD area. Council's Traffic Engineer says that if all new developments were to propose parking provisions over the DCP rate, the collective increase in traffic would be substantial and potentially overwhelming for the local road network.

As Council's Traffic Engineer confirms, the DCP rates were established with consideration of the area's capacity to handle traffic, and exceeding these rates across multiple developments could lead to significant congestion, increased emissions, and a degradation of the local environment and liveability. This does not accord with WLEP cl 4.4 (1) (b) which seeks to limit traffic generation as a result of that development, or the zone objective to encourage public transport use.

The Chatswood CBD Strategy and associated planning instruments, including parking rates, are designed to promote a shift towards more sustainable transport options and reduce car dependency.

Allowing developments to exceed parking rates could undermine these strategic objectives, potentially leading to:

- a) Increased car usage and traffic congestion
- b) Reduced uptake of public transport, walking, and cycling
- c) Decreased incentive for improvements to public transport and active transport infrastructure

While the applicant argues for meeting current market demands, Council is responsible to plan for the long-term sustainability and adaptability of the Chatswood CBD.

As the objectives of the standard and zone are not satisfied, and as sufficient environmental planning grounds are not established, the clause 4.6 request for FSR is not supported.

Cl 6.6 Airspace operations

Sydney Airport finds the proposal acceptable.

CI 6.7 Active street frontages

All ground floor premises facing the street are to be used for commercial premises, with the exception of the vehicular access, fire booster, entrances and lobbies, substation. All of these are dispensations under cl 6.7 (4) except the substation. In the circumstances of the case, where almost all of the four frontages are

Cl 6.23 - Design excellence at certain sites at Willoughby

Council's urban designer has assessed the proposal and found it to be satisfactory. It should be noted that the Design Excellence process acknowledges development capable of achieving excellence (excellence is awarded by the consent authority) but is not a resignation to the controls that apply to the development. The design excellence findings for a scheme that departs from the WLEP and WDCP controls may be less relevant. In this case there are a suite of departures from the DCP controls.

4.4 Assessment under Willoughby Development Control Plan (WDCP)

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

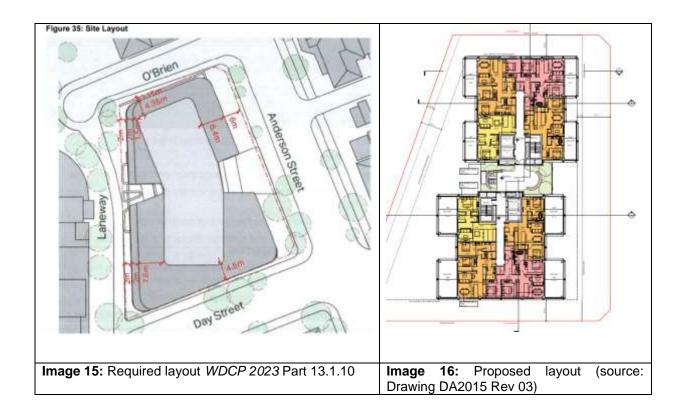
Part L 13.1.10 44-52 Anderson Street Chatswood

The objectives of the plan are specified as follows:

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

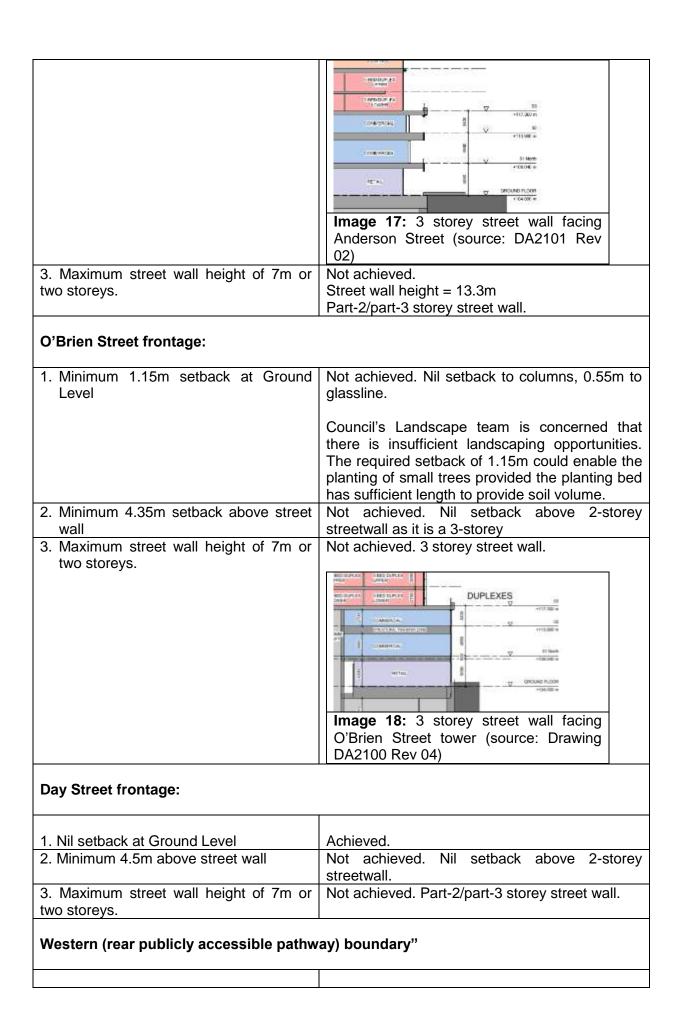
WDCP 2023 Part 13.1.10 controls	
Built Form	
Control	Assessment Planner response:
1. The maximum tower floor plate that applies to this site for residential towers above a podium is 700m2.	Each tower separately satisfies this control.
1. The width of each side of any tower should be minimised and design elements that contribute to building bulk should be minimised.	The design excellence integrity review process has scrutinised the width of the tower and the design elements have been found to be satisfactory.
The building layout is to be in accordance with Figure 35.	See figure 35 below. This figure should be read in conjunction with the "setbacks and Street Frontage Heights" controls discussed below.

Application Number: DA-2023/172 Page 48 of 125



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

Setbacks and Street Frontage Heights	
Anderson Street frontage:	
Control	Assessment Planner response:
1. Minimum 6m setback at Ground Level	Achieved.
2. Minimum 6.4m setback above street wall	Not achieved. Nil setback above two-storey street wall. See drawing DA 2100 Rev 04 "Building Section East/West (North)".



1. Minimum 2m setback at Ground Level, with additional stepped 2m setback at Podium Level	Not achieved. 1.5m setback.
2. Minimum 7.6m setback above street wall	Not achieved. Nil setback above 2-storey streetwall.
Maximum wall height to rear pathway of 7m or two storeys.	Not achieved. Part-3/part-4 storey street wall. Image 19: Section detail east/west of the north tower (source: Drawing DA2101 Rev 02)
4. The building setbacks are to be in accordance with Map 5 below, the Setbacks and street frontage heights controls (as above) and the concept plans.	These are discussed separately below.

5. In addition to Control 1: a) Setbacks may be greater and street wall heights may be lower.

b) Additional ground level setbacks are sought that contribute to public realm.

For comparison, there are setback and street frontage controls referenced across the CBD in *WDCP 2023* Part 4.3.4, as below:

Chatswood CBD Strategy - Generally

The CBD Strategy identifies the following for each:

Anderson Street Interface

- i. Minimum 3m setback at Ground Level from front boundary.
- ii. 6-14m street wall height.
- iii. Minimum 1m setback above street wall to tower.

Mixed use frontage with commerical ground floor

- i. 6-14 metre street wall height at front boundary.
- ii. Minimum 3 metre setback above street wall to tower.

Assessment

The 3-storey podium on the site's northern side causes height and setback non-compliances. The applicant says:

"The street wall height imposed under Part L [13.1.10] of the DCP would require a flat building form across the entire site. This control does not take into consideration the fall of -2.22m across the site from north to south, and -1.61m from east to west. The proposed stepped podium height is more responsive to the topography and

sympathetic to the natural fall from north-south along Anderson Street. It provides a cohesive response between future developments to the north and south of the site which are currently being assessed by Council.

This provision of a cohesive streetscape is consistent with the future desired streetscape as anticipated in the Chatswood CBD Planning and Urban Design Strategy 2036 (Chatswood CBD Strategy). The three-storey podium to the north portion of the site will be equivalent in height (at RL117.8) to the proposed podium at 54 Anderson Street currently being assessed as part of DA 2023/152 (see **Figure 7** below).

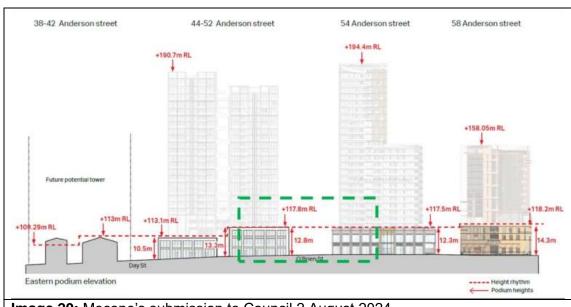


Image 20: Mecone's submission to Council 2 August 2024

"If strict compliance with Part L [13.1.10] of the DCP was required (ie. a 2-storey podium to the north part of the site), it would result in a sub-optimal design outcome, as the ground level commercial floor would be required to be partially subterranean. This is not a desirable outcome particularly to a north façade which presents the best opportunity for activation and outdoor dining.

"It would also require more significant revisions to the scheme such as the removal of SOHO units and reconfiguration of the ground floor tenancies and access to reflect the required change in floor levels and to achieve 17% non-residential floorspace across 2 floors. It may also be necessary to omit the proposed throughsite link which would result in a development that would not align with the design competition winning scheme. This would undermine the design excellence process undertaken to-date.

"Given the circumstances of the site which falls in 2 directions, and the high quality design proposed, we respectfully request that Council excersise discretion in the application of Part L [13.1.10] of the DCP controls."

The section taken through the site (north-south) on Drawing DA2100 Rev 04 (Section 1) depicts the level change between O'Brien Street and Day Street. Drawing DA2101 Rev 02 (Section 1) depicts the level change between Anderson Street and the laneway at the rear.

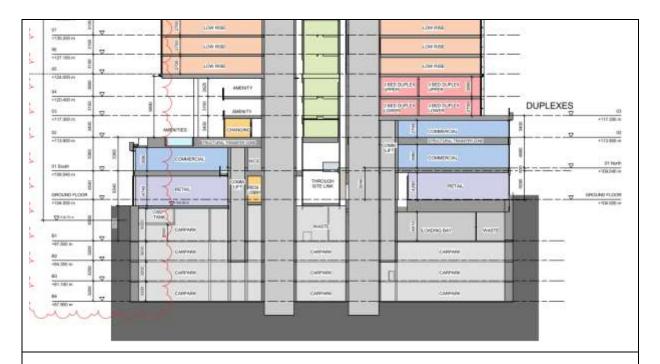


Image 21: Building Section North / South Drawing DA2100 Rev 04 (Section 1) depicts the level change between O'Brien Street and Day Street.

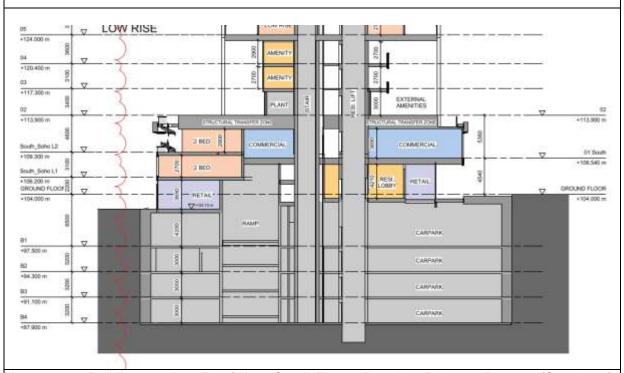


Image 22: Building section East/West South-Tower Drawing DA2101 Rev 02 (Section 1) depicts the level change between Anderson Street and the laneway at the rear.

The change in topography is not so compelling a reason for the stacking of commercial space in a three-storey podium. Two commercial levels could form a neat podium, the ground floor with increased ceiling heights to absorb any fall across the site to provide a satisfactory two-storey street wall height. A minimum 17% commercial floor space could still be achieved with this 2-storey commercial and through-site access.

The applicant also refers to design approach to attain surveillance to the laneway at the west side of the site.

WDCP 2023 Part L 13.1.10 (8) Control 1 requires:

"The development is to incorporate publicly accessible through site links and open space in accordance with Map 4 below. In this regard a 2m wide publicly accessible through site link is required along the western boundary, adjacent the existing publicly accessible pathway. This space is to function as a landscape embellishment to the existing publicly accessible pathway.

(4) 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".

The applicant says attempts to liaise with No. 1 Day Street to combine or blend in with the existing laneway have not been successful. The drawings show a through-site link on the subject site that is isolated from No. 1 Day Street (ie no connection between them), and serves to provide access to the western retail/commercial tenancies. Compliance with the *DCP* (2m setback) would greatly assist with achieving the required embellishment of the existing laneway as well as providing access to the west-facing retail/commercial tenancies.

Building Exterior	
 (1) Facades are to be articulated and should incorporate recesses and projecting elements that do not encroach into required setbacks. (2) Extensive blank walls shall be avoided at street level. 	Design excellence has considered.
Amenity	
1. A Wind Assessment shall be submitted at Development Application Stage.	Submitted
2. A detailed Acoustic Assessment shall be submitted at Development Application Stage.	Submitted
3. Residential units shall be designed to maximize solar access, cross ventilation, visual and acoustic privacy.	Satisfactory.
Open Space and Landscaping	
1. Open space at ground level shall be utilised as publicly accessible open space.	If the Panel is minded to approve the application, conditions of consent.
2. All roofs up to 30 metres from ground are to be green roofs. These are to provide a balance of passive and active green spaces that maximize solar access.	Design competition approved
3. A minimum of 2 hours of sun access is to be provided to the public open space on the site.	Satisfactory.
4. Public domain improvements shall be provided to all street frontages to Council requirements.	If the Panel is minded to approve the application, conditions of consent.
5. 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	188.5m2 deep soil achieved. No info on landscape provision.

buildings.	
6. Deep soil planting is to be provided within the 6m setback to Anderson Street. Deep soil plantings include trees and shrubs, and are to be unimpeded by buildings or structures below ground.	Not achieved.
7. 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.	Not achieved, See landscaping comments.
8. Large canopy tree planting must be provided along the Anderson Street frontage within the 3m setback.	If the Panel is minded to approve the application, conditions of consent.
9. Street tree planting is at the cost of the proponent, with location and species to be determined in consultation with Council at Development Application stage.	If the Panel is minded to approve the application, conditions of consent.
10. All existing aerial cables which may include for electricity, communications and other cables connecting to street poles and buildings around the site shall be removed and installed underground in accordance with the requirements of the relevant service authorities. Ausgrid lighting poles are to be provided to the requirements of Ausgrid for street lighting and shall be positioned compatible to the landscaping design around the site	If the Panel is minded to approve the application, conditions of consent.
Links	
The development is to incorporate publicly accessible through site links and open space in	2m width not achieved. A compliant width would assist the pathway in serving its

The development is to incorporate publicly accessible through site links and open space in accordance with Map 4 below. In this regard a 2m wide publicly accessible through site link is required along the western boundary, adjacent the existing publicly accessible pathway. This space is to function as a landscape embellishment to the existing publicly accessible pathway.

CIEC haunting

Ciec haunting

Copen agree

(In the copen agree

(In the

2m width not achieved. A compliant width would assist the pathway in serving its dual function of providing access to the ground level non-residential component of the soho units whilst embellishing the existing laneway as required by the DCP. Landscaping along the interface would complement the existing landscaping to mitigate impacts between the retail/commercial use at 44-52 Anderson Street and the existing residential units at 1 Day Street.



Image 23: Looking north from the western end of Day Street, showing the existing public access way located on 1 Day Street (left) and the subject site (right).

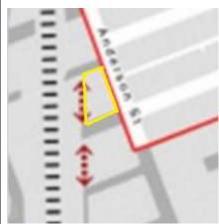


Image 24: WDCP 2023 Part L 3.3 Map 4. The site is outlined in yellow. The red dashed lined indicate "open air 24 hour through-site links"



Image 25: The existing public access located on 1 Day Street adjoining the subject site.



Image 26: The exit point of the existing public access located on 1 Day Street onto O'Brien Street.



Image 27: The interface of the units at 1 Day Street (left) and the rear of 44-52 Anderson Street (right).

2. Through site links and open space in addition to Map 4 is required on a site by site basis.

Public rights of way are to be provided on:

- ♣ The 6m setback to Anderson Street
- ♣ The 1.15m setback to O'Brien Street
- ♣ The 2m setback to the western boundary with the adjacent existing publicly accessible pathway.
- 4. All publicly accessible open space and links are to

The required setbacks are not achieved on the western boundary.

be the responsibility of the relevant ownership entity,	
with formal public access to be created over these	
areas.	
A // 0/ / 5	
Active Street Frontages	
1. At ground level buildings are to maximise active	Satisfied.
frontages to Anderson Street, O'Brien Street and	
Day Street.	
2. A building has an active street frontage if all	Satisfied.
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.	
Traffic and Transport	
1. Vehicle access to / egress from the development	Satisfied.
is to be from one access point in Day Street.	
2. Vehicle access and egress is to be designed and	See conditions including waste
located to achieve safety, minimise conflicts	conditions.
between pedestrians and vehicles and create a high	
quality streetscape.	
3. All car parking and loading facilities are to be	Satisfied.
located below ground level.	
4. Other strategies for car parking reduction, such as	Carp parking provision exceeds Council's
reciprocal arrangements for sharing parking and car	requirement.
share, is to be included in any future Development	
Application.	
5. The following is to be provided in any future	
development application:	Not satisfied. The parking rate is
1). Car parking provision based on a reduced car	greater as discussed under the clause 4.6 variation – FSR.
parking rate, consistent with the requirements of	2) Condition
SEPP65 / constrained parking rates for new	3) Condition
developments in the Chatswood CBD as supported	4) Provided Level B2
by Transport for NSW (TfNSW).	5) Condition
2). A minimum of 1 secure bicycle parking space per	2 x service vehicles provided
apartment.	7) Sydney Trains referrals complete
3). A minimum of 1 secure bicycle space per 100m ²	8) Preliminary Travel Plan
of commercial/retail floor space.	accompanied the original
4). Adequate end of trip facilities including lockers,	Development Application (appendix 9).
showers, etc. for use by commercial and retail	9) Updated including traffic
tenants.	response (dated 20 February
5). A bicycle rack within the site boundary for use by	2024) to Council's RFI
retail customers.	considered.
6). A minimum of three (3) freight and service	
vehicle spaces within the basement, in addition to	
the one (1) Medium Rigid Vehicle (MRV) space	
proposed within basement level 1 loading dock.	
7). Evidence of consultation between the proponent	
and Sydney Trains, and any conclusions, to ensure	
that all relevant Sydney Trains matters of	
consideration are taken into account and are	
incorporated in the future design of the	
development.	
8). A Green Travel Plan.	

9). Updated traffic analysis and modelling.	
Waste Management, Loading and Services	
1. All loading and unloading services are required to	Subject to compliance with waste
occur at basement level on-site.	conditions.
2. Other supporting functions such as garbage	Subject to compliance with waste
rooms, plant and other services are to be located in	conditions.
Basement levels.	
3. A Waste Management Plan shall be submitted at	Subject to compliance with waste
the Development Application stage.	conditions.
4. Substations are to be provided within buildings,	Located on Day Street, strictly not
not within the streets, open spaces or setbacks and	compliant.
not facing key active street frontages. Substations	
are to be designed to ensure protection of residents	
from Electro Magnetic Radiation (EMR) emissions.	
Design Excellence	
1. All developments that have a height of 35m or	Design Excellence undertaken
more are subject to a competitive design process.	
2. The competitive design process must be	Design Excellence undertaken
undertaken in accordance with the Willoughby	
Design Excellence Policy and Willoughby Design	
Excellence Guidelines.	
Public Art	
Public Art is to be provided in accordance with	Conditions applied.
Council's Public Art Policy.	
Building Sustainability	
A minimum of 5 stars GBCA building rating is	Report provided, conditions applied.
expected. A higher rating is encouraged. An	
assessment report is to be submitted at	
Development Application stage.	

ATTACHMENT 5: SUBMISSIONS TABLE

The application was notified from 1 August 2023 to 29 August 2023 and from 17 November 2023 to 15 December 2023. 41 submitters are recorded.

Issue / Concern	
Privacy	
Property	Assessment Planner Response
(note: some address not provided	·
by submitters)	
9 Railway Street, Chatswood	Concerns are raised that the proposal causes a privacy impact
1009/9 Railway Street,	on 9 Railway Street, including a communal open space
Chatswood	comprising a BBQ area and outdoor swimming pool on the site.
2207/9 Railway Street,	
Chatswood	The applicant states that the proposal is 50m from the boundary
801/11 Railway Street,	of 9 Railway Street, and therefore "will not give rise to any
Chatswood	unacceptable loss of privacy".
27/1 Day Street, Chatswood	
6/1 Day Street, Chatswood	The submission does not delve further, but what is relevant is the
54/1 Day Street, Chatswood	Apartment Design Guide, which generally requires (at Part 3F) a
63/1 Day Street, Chatswood	greater setback with increasing height of development to achieve
1901/11 Railway Street	privacy between the proposed development and the boundary:
Chatswood	un to 40m (4 otorous). Cm
1801/11 Railway Street Chatswood	up to 12m (4 storeys): 6m
2701/9 Railway Street,	up to 25m (5-8 storeys): 9m over 25m (9+ storeys): 12m
Chatswood	Over 25111 (9+ Storeys). 12111
38/1 Day Street, Chatswood	Where the distance is approximately 50m privacy is satisfactorily
711/30 Anderson Street,	achieved pursuant to Part 3F. The soho units are within the
Chatswood	required setback, and this may cause privacy impacts to 1 Day
2601/9 Railway Street,	Street.
Chatswood	0.1001.
16/1 Day Street, Chatswood	
502/11 Railway Street,	
Chatswood	
64/1 Day Street, Chatswood	
608/11 Railway Street	
18/1 Day Street, Chatswood	
43/1 Day Street, Chatswood	
24/1 Day Street, Chatswood	
40/1 Day Street, Chatswood	
7/1 Day Street, Chatswood	
8/1 Day Street, Chatswood	
1/1 Day Street, Chatswood	
12/1 Day Street, Chatswood	
13/1 Day Street, Chatswood	
33/1 Day Street, Chatswood	
15/1 Day Street, Chatswood	
54/1 Day Street, Chatswood	
63/1 Day Street, Chatswood	
62/1 Day Street, Chatswood 61/1 Day Street, Chatswood	
52/1 Day Street, Chatswood 52/1 Day Street, Chatswood	
20/1 Day Street, Chatswood	
44/1 Day Street, Chatswood	
45/1 Day Street, Chatswood	
46/1 Day Street, Chatswood	
TO, I Day Olicel, Oliaiswood	<u> </u>

56/1 Day Street, Chatswood	
58/1 Day Street, Chatswood	
591 Day Street, Chatswood	
401/9 Railway St	
3103/9 Railway St	
409/9 Railway St	
801/11 Railway St	
1109/9 Railway St	
6/1 Day Street	
1303/9 Railway St	
1009/9 Railway St	
2207/9 Railway St	
1801/9 Railway St	
2701/9 Railway St	
2002/9 Railway St	
608/11 Railway St	

Visual impact / Building Height

Property	Assessment Planner Response
9 Railway Street, Chatswood (SP 74513) 2207/9 Railway Street, Chatswood 6/1 Day Street, Chatswood 54/1 Day Street, Chatswood 63/1 Day Street, Chatswood 701/11 Railway Street Chatswood 16/1 Day Street, Chatswood 502/11 Railway Street, Chatswood 64/1 Day Street, Chatswood 64/1 Day Street, Chatswood 608/11 Railway Street 2508/9 Railway Street, Chatswood 401/9 Railway St 3103/9 Railway St 409/9 Railway St 54/1 Day St 6/1 Day Street 1303/9 Railway St 608/11 Railway St	Concerns relate to the loss of "sky views". Requests are made for the proposed development to be reduced to 15 storeys. There are concerns that the proposal does not satisfy the height objectives. The proposal satisfies the building height requirements. Whilst the building height is compliant, it is the distribution of bulk (proximity to boundaries) that can impact on surrounding properties.

Overshadowing

Property	Assessment Planner Response
3409/7 Railway street,	Concerns are raised that the proposal will impact the "recreation
Chatswood	area" located at 9 Railway Street which includes a BBQ area.
9 Railway Street, Chatswood (SP	
74513)	The submission from Milestone (on behalf of 9 Railway Street,
1009/9 Railway Street,	Chatswood (SP 74513)) raises concerns that Pacific Place
Chatswood	communal open space will be "completely overshadowed
801/11 Railway Street,	between 9.00am and 11.00am, given the subject site's location to
Chatswood	the north and east of Pacific Place" and raises concerns that the
6/1 Day Street, Chatswood	proposal impacts on (the) " opportunity for residential land

11/1 Day Street, Chatswood 27/1 Day Street, Chatswood 54/1 Day Street, Chatswood 63/1 Day Street, Chatswood 2207/9 Railway Street, Chatswood 2305/7 Railway Street, Chatswood 805/9 Railway Street, Chatswood 28-30 Anderson Street. Chatswood 1801/11 Railway Street Chatswood 2701/9 Railway Street, Chatswood 2601/9 Railway Street, Chatswood 16/1 Day Street, Chatswood 502/11 Railway Street, Chatswood 64/1 Day Street, CHATSWOOD 608/11 Railway Street 2508/9 Railway Street, **CHATSWOOD** 1002/11 Railway Street, Chatswood 56/1 Day Street, Chatswood 18/1 Day Street, Chatswood 401/9 Railway St 3103/9 Railway St 409/9 Railway St 801/11 Railway St 54/1 Day St 310/9 Railway St

11/1 Day St 1801/9 Railway St 2701/9 Railway St

2207/9 Railway St

2409/7 Railway St 2305/7 Railway St

6/1 Day Street 1303/9 Railway St 1009/9 Railway St

1608/9 Railway St

38/1 Day Street, Chatswood 711/30 Anderson Street,

Chatswood

2002/9 Railway St

608/11 Railway St

2508/9 Railway St

B2E 1 Day Street, Chatswood (SP 72068) Epica 9 Railway Street. Chatswood (SP 74513) Pacific Place Community Association (SP270368) 1002/11 Railway St

owners and their families to utilise the morning sun and communal areas, including the swimming pool that is able to be used from 7:00am and the community garden located on the northern extent of the site adjacent to B2E that is used by residents to grow and harvest their own produce, flowers and herbs". The refusal of the application does not hinge on shadow impacts to 9 Railway Street.

Concerns are also that there is shadow impacts to 1 Day Street from 9.00am to 11.00am which, being single-aspect apartments, impacts solar access unsatisfactorily. 1 Day Street is guite vulnerable by virtue of its north-south orientation and single aspect units. These circumstances exacerbate the loss of sun, noting that the tower element (that causes this overshadowing) generally satisfies the DCP envelope. The applicant has not undertaken the exercise of depicting the net increase in shadowing caused by the non-compliant podium and other DCP departures.

Concerns are also that there is shadow impacts to Epica (9 Railway Street) will be impacted by shadows at 9am. This suneye shows that the impact to this building is reasonable.



Image 28: Relationship of proposal with 9 and 11 Railway Street.

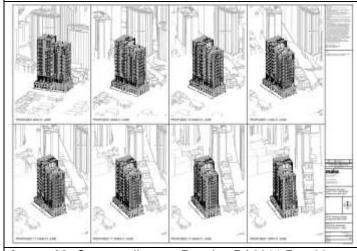


Image 29: Sun eye diagram Drawing DA8011 Rev 00

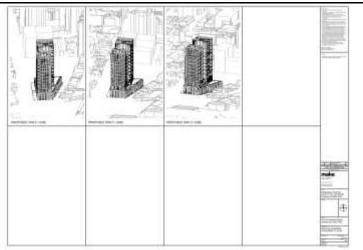


Image 30: Sun eye diagram Drawing DA8012 Rev 00

Loss of views

Property

9 Railway Street, Chatswood 801/11 Railway Street, Chatswood 1901/11 Railway Street Chatswood 63/1 Day Street, Chatswood 1009/9 Railway Street, Chatswood 2305/7 Railway Street, Chatswood 805/9 Railway Street, Chatswood 38/1 Day Street, Chatswood 711/30 Anderson Street. Chatswood 2601/9 Railway Street, **CHATSWOOD** 608/11 Railway Street 2508/9 Railway Street, **CHATSWOOD**

801/11 Railway St 1109/9 Railway St 1009/9 Railway St 2207/9 Railway St 38/1 Day Street, Chatswood 711/30 Anderson Street, Chatswood 2002/9 Railway St 608/11 Railway St

1002/11 Railway Street,

Chatswood

Ventilation

2508/9 Railway St 1002/11 Railway St

Property

Assessment Planner Response

One submitter advised that the proposal will affect "... views to the north east of our communal area as well as taking away the beautiful views for the units high up in our apartment block".

The general compatibility of the proposal with the DCP setbacks at the upper (tower) levels where the view impacts arise, makes a case for the reasonableness of the proposal with regards to the Tenacity Principle. Further, this principle takes stock of alternate views available to the affected party. Consideration has been given to the impact of the proposal on views including a reference to views of north head from an owner.



View from my balcony. The two squares show approximate building envelope for

54-56 Anderson Street DA-2023/152 (yellow) 44-52 Anderson Street DA-2023/172 (red)

Note: The buildings will not fill the entire square. There should be a few small gaps.

Image 31: the submission from 608/11 Railway St.

Assessment Planner Response

1009/9 Railway Street, Chatswood 805/9 Railway Street, Chatswood 38/1 Day Street, Chatswood 1009/9 Railway St One submitter advised that the proposal will mean "the natural airflow will be significantly restricted, learning to stagnant air and potential health issues for the residents in the vicinity". The extent of separation between buildings does not so detrimentally restrict airflow such that it is a health issue. See also concerns in relation to excessive wind / wind tunnelling.

Traffic Congestion and Parking	
Property	Assessment Planner Response
3409/7 Railway street, Chatswood 9 Railway Street, Chatswood (SP 74513) 2207/9 Railway Street, Chatswood 6/1 Day Street, Chatswood 27/1 Day Street, Chatswood 54/1 Day Street, Chatswood 701/11 Railway Street Chatswood 801/11 Railway Street Chatswood 1801/11 Railway Street Chatswood 1901/11 Railway Street Chatswood 1901/11 Railway Street Chatswood 1607/11 Railway Street, Chatswood 11/1 Day Street, Chatswood 28-30 Anderson Street, Chatswood 28-30 Anderson Street, Chatswood 38/1 Day Street, Chatswood 38/1 Day Street, Chatswood 701/9 Railway Street, Chatswood 701/9 Railway Street, Chatswood 608/11 Railway Street, Chatswood 707/11 Railway Street, Chatswood 803/1 Cambridge Lane, Chatswood 707/11 Railway Street, CHATSWOOD 401/9 Railway St	Council's traffic engineer agrees that there is a potential issue with regards to potential for traffic congestion. Council's traffic engineer says that the DCP rates were established with consideration of the area's capacity to handle traffic, and that exceeding these rates across multiple developments could lead to significant congestion, increased emissions, and a degradation of the local environment and liveability.

3103/9 Railway St 409/9 Railway St 54/1 Day St 1109/9 Railway St 6/1 Day Street 1303/9 Railway St 2207/9 Railway St 2305/7 Railway St 1607/11 Railway St 11/1 Day St 716/28-30 Anderson St 1801/9 Railway St 2701/9 Railway St 1608/9 Railway St 38/1 Day Street, Chatswood 711/30 Anderson Street, Chatswood 2002/9 Railway St 608/11 Railway St 2508/9 Railway St B2E 1 Day Street, Chatswood (SP 72068) Epica 9 Railway Street, Chatswood (SP 74513) Pacific Place Community Association (SP270368) 1002/11 Railway St

Excessive wind / wind tunnelling

Property	Assessment Planner Response
9 Railway Street,	A wind assessment accompanies the application (Ref: WF787-
Chatswood (SP 74513)	05F02(Rev 1), dated 6 June 2023 by Windtech, which undertook an
27/1 Day Street,	analysi8s of the wind effects relating to the proposed development in
Chatswood	the context of the local wind climate, building morphology and the land
2207/9 Railway Street,	topography.
Chatswood	
11/1 Day Street,	Mitigation measures include porous screens, planting, which serve to
Chatswood	reduce impacts.
2601/9 Railway Street,	The report identifies proposed screens as follows:
Chatswood	Levels 02 Podium Amenity Area: Dense vegetation, screening 2-3m
502/11 Railway Street,	high with up to 30% porosity along north-western edge of community
Chatswood	area.
608/11 Railway Street	Communal terrace Levels 03 and 04: Screens that are 2-3m high with
2508/9 Railway Street,	up to 30% porosity is proposed along the western and northern edges of
CHATSWOOD	these terraces.
1002/11 Railway Street,	
Chatswood	Screens are also provided throughout the development for private
56/1 Day Street,	balconies and courtyards, in accordance with diagrams in the Windtech
Chatswood	report.
401/9 Railway St	
3103/9 Railway St	
409/9 Railway St	
310/9 Railway St	
1109/9 Railway St	

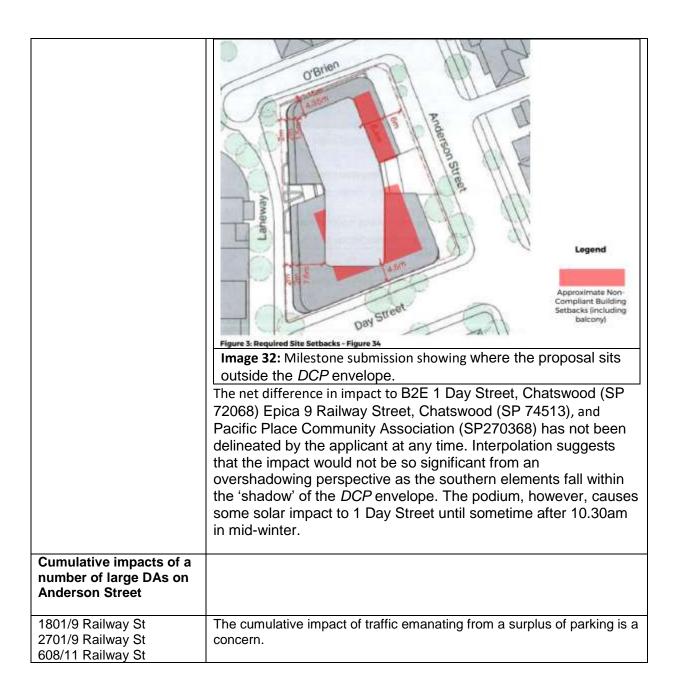
1303/9 Railway St
2207/9 Railway St
11/1 Day St
2002/9 Railway St
608/11 Railway St
2508/9 Railway St
B2E 1 Day Street,
Chatswood (SP 72068)
Epica 9 Railway Street,
Chatswood (SP 74513)
Pacific Place Community
Association (SP270368)
1002/11 Railway St
<u> </u>

Commercial use unwanted

Property	Assessment Planner Response
54/1 Day Street, Chatswood 2508/9 Railway Street, Chatswood 2508/9 Railway St	Concerns are raised that the commercial use associated with the development is "unwanted" and brings "unnecessary commercialisation to the area". The submitter states that the "Chatswood CBD has more than adequate commercial facilities to service the needs of the community".
	The comprehensive Planning Proposal has been finalised and <i>WLEP</i> (Amendment 34) is in place. Prior to the finalisation of this Plan, the subject site was rezoned for uplift via the Planning Proposal PP/2021/1 and PP-2021/3476. The amended <i>WLEP</i> seeks commercial use (minimum 17% of the gross floor area) on the site as part of the overall revitalisation strategy for the CBD.
Pressure on infrastructure	
Property	Assessment Planner Response
54/1 Day Street, Chatswood 3409/7 Railway street, Chatswood 2305/7 Railway Street, Chatswood 1607/11 Railway Street, Chatswood 502/11 Railway Street, Chatswood 1002/11 Railway Street, Chatswood 56/1 Day Street, Chatswood 2409/7 Railway St	Concerns are raised that the proposal will add pressure to parks and recreational facilities. Concerns are raised that residents "already experience the dumping of rubbish on their nature strips, shopping trolleys being abandoned and the illegal parking of cars on local streets and in back lanes". The Planning proposal was accompanied by a contribution pursuant to Council's Community Infrastructure Contributions Scheme (CIC). This contribution assists in the provision of infrastructure to support the uplift in development. The dumping of rubbish and trolleys, and illegal parking, are compliance matters that can addressed separately on a needs basis. Concerns are also raised that schools are already at maximum and cannot accept more students. The uplift of Chatswood is reflected in WLEP (Amendment 34). This site was zoned for uplift prior to the comprehensive LEP Review. Pursuant to the Voluntary Planning Agreement Register the developer is required to provide \$8,016,665 monetary contribution in 3 instalments towards Council's Community Infrastructure Contributions (CIC) scheme. This contribution can assist in enhancing infrastructure.

Noise pollution	
-	
Property	Assessment Planner Response
9 Railway Street, Chatswood 63/1 Day Street, Chatswood 1607/11 Railway Street, Chatswood 38/1 Day Street 711/30 Anderson Street, Chatswood 608/11 Railway Street 1109/9 Railway St	The submitter states that "high rise buildings with more residents will create more noise". The submission talks to both construction noise and noise associated with the use (and increased density) of developments. An acoustic report accompanies the application (Ref: SY223151-00-AU-RP01 Rev 4, dated 1 June 2023) by Northrop, which finds the proposal satisfies relevant criteria subject to the recommendations in the report. Council's Environment Health Officer has assessed the proposal as satisfactory subject to conditions of consent.
Impact on residential amenity, general well- being and mental health	
Property	Assessment Planner Response
1009/9 Railway Street, Chatswood 1801/11 Railway Street Chatswood 1009/9 Railway St 2409/7 Railway St	These concerns also relate to the cumulative impacts of the DAs currently under assessment along Anderson Street. The refusal of the application does not hinge on this item.
Nuisance during construction (Noise, traffic, dust)	
Property	Assessment Planner Response
9 Railway Street, Chatswood (SP 74513) 2305/7 Railway Street, Chatswood 608/11 Railway Street 2305/7 Railway St 38/1 Day Street, Chatswood 711/30 Anderson Street, Chatswood 608/11 Railway St	These concerns can be addressed with conditions of consent, should the Panel be of a mind to approve the application.
Loss of value of property	
Property	Assessment Planner Response
805/9 Railway Street, Chatswood 2305/7 Railway St	The refusal of the application does not hinge on this item. Whilst not as consideration under the Act, in general terms the compliance of a proposal with the controls indicates its acceptability in its location. Some departures in this proposal are discussed throughout the report.
Instability to adjoining	

properties from deep excavation	
9 Railway Street, Chatswood (SP 74513) 28-30 Anderson Street, Chatswood 716/28-30 Anderson St B2E 1 Day Street, Chatswood (SP 72068) Epica 9 Railway Street, Chatswood (SP 74513) Pacific Place Community Association (SP270368)	A geotechnical report (Ref: 304100862, dated 30 May 2023) prepared by Stantec which makes recommendations for periodic review by the geotechnical engineers, as well as dilapidations reports on surrounding properties, to ensure the stability of adjoining lands.
Proximity to Heritage Conservation Area	
Property	Assessment Planner Response
38/1 Day Street, Chatswood 711/30 Anderson Street, Chatswood 2002/9 Railway St 2508/9 Railway St	Concerns are raised that the proposal is incompatible with the "neighbourhood environment of low rises and houses".
Character	
Property	Assessment Planner Response
2601/9 Railway Street, Chatswood 16/1 Day Street, Chatswood 2002/9 Railway St	Concerns are raised that the proposal creates a loss of character in the area. The proposal at a high level aligns with the Chatswood CBD Strategy, notwithstanding some non-compliances discussed throughout the report.
Setbacks	
Property	Assessment Planner Response
1 Day Street 9 Railway Street 716/28-30 Anderson St B2E 1 Day Street, Chatswood (SP 72068) Epica 9 Railway Street, Chatswood (SP 74513) Pacific Place Community Association (SP270368)	Requires minimum 6m setback at ground Level and minimum 6.4m setback above street wall to Anderson Street. The proposal a compliant 6m at ground level with zero setback above the street wall at some levels, 1m in others. To the rear the setback is satisfactory. The submission from Milestone (for B2E 1 Day Street, Chatswood (SP 72068), Epica 9 Railway Street, Chatswood (SP 74513) Pacific Place Community Association (SP270368) indicates where the proposal sits outside the DCP envelope.



ATTACHMENT 6: SECTION 4.15 ASSESSMENT

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

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

(a)(i)	The provisions of any environmental planning instrument (EPI)	
(α)(ι)	State Environmental Planning Policies (SEPP)	✓
	Regional Environmental Plans (REP)	· /
	Local Environmental Plans (LEP)	*
	Comment: The FSR cl 4.6 request is not satisfactory.	+
(a)(ii)		
(a)(ii)	The provision of any draft environmental planning instrument (EPI)	N1/A
	Draft State Environmental Planning Policies (SEPP) Profit State Environmental Planning Policies (SEPP)	N/A
	Draft Regional Environmental Plans (REP) The state of the st	N/A
	Draft Local Environmental Plans (LEP)	N/A
(a)(iii)	Any development control plans	
	Development control plans (DCPs)	×
	Comment: The proposal is unsatisfactory having regard to the <i>DCP</i> due to a number of departures.	
(a)(iv)	Any matters prescribed by the regulations	
	Clause 92 EP&A Regulation-Demolition	√
	Clause 93 EP&A Regulation-Fire Safety Considerations	✓
	Clause 94 EP&A Regulation-Fire Upgrade of Existing Buildings	N/A
	Comment: The proposal is satisfactory having regard to the Regulations. Conditions	14/74
	of consent relating to fire equipment have been applied.	
(b)	The likely impacts of the development	
(-)	Context & setting	✓
	Access, transport & traffic, parking	✓
	Servicing, loading/unloading	✓
	Public domain	√
	Utilities	√
	Heritage	√
	Privacy	×
	Views	×
	Solar Access	×
	Water and draining	√
	Soils	✓ ✓ ✓
	Air & microclimate	
	Flora & fauna	
	Waste	✓
	Energy	✓
	Noise & vibration	✓
	Natural hazards	✓
	Safety, security crime prevention	✓
	Social impact in the locality	✓
	Economic impact in the locality	✓
	Site design and internal design	✓
	Construction	✓
	Cumulative impacts	✓
	Comment: Impacts arise from the DCP departures.	
(c)	The suitability of the site for the development	
	Does the proposal fit in the locality?	×
	Are the site attributes conducive to this development?	×

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

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

	Comment: The proposal is unsatisfactory having regard to the suitability of the site for	
	the development.	
(d)	Any submissions made in accordance with this Act or the regulations	
	Public submissions	×
	Submissions from public authorities	√
	Comment: The submissions confirm the concern regarding the proposal's impact on	
	surrounding properties.	
(e)	e) The public interest	
	Federal, State and Local Government interests and Community interests	×
	Comment: The proposal is unsatisfactorily in the public interest, as it satisfies the objectives of the Chatswood CBD Strategy, WLEP, Draft LEP and WDCP.	

Application Number: DA-2023/172 Page **70** of **125**

ATTACHMENT 7: REASONS FOR REFUSAL

- The DA breaches the FSR development standard in clause 4.4 of the WLEP and this
 contravention is not justified in accordance with the requirements of clause 4.6 of the
 WLEP. In particular:
 - (a) The Clause 4.4 of the WLEP imposes a maximum FSR of 6:1. The DA seeks consent for the construction of a mixed use building with a proposed FSR of 6.375:1 (gross floor area of 17,129.99m²), which is a breach of clause 4.4 of 1,007.64m² or 6.25%.
 - (b) The Applicant has submitted a written request for variation of the FSR development standard under clause 4.6 of the WLEP (4.6 Request FSR). Development consent cannot be granted for the Proposed Development pursuant to clause 4.6(2) of the WLEP because:
 - i. the 4.6 Request FSR does not adequately address the matters required to be demonstrated by clause 4.6(3) – that is, it does not demonstrate:
 - that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
 - that there are sufficient environmental planning grounds to justify contravening the development standard,

as required by clause 4.6(4)(a)(i); and

- ii. it has not been demonstrated that the Proposed Development will be in the public interest because it is consistent with the objectives for the standard and the objectives for development within the zone in which the development is proposed to be carried out, as per clause 4.6(4)(a)(ii). This is including because:
 - the Proposed Development is not consistent with the objectives for the standard in clause 4.4(1) of the WLEP, including objectives (b), (d).
 - the Proposed Development is not consistent with the objectives for the MU1 Mixed Use Zone, including specifically

Application Number: DA-2023/172 Page **71** of **125**

the fifth dot point: "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".

- 2. The proposal does not satisfy the minimum setback requirements of Willoughby Development Control Plan 2023 Part L 13.1.10 Built Form. The projection of the built form closer to Anderson Street than the DCP contemplates increases visual impacts to properties located within the adjoining Heritage Conservation Area.
- 3. The proposal does not satisfy the maximum street frontage heights requirements of Willoughby Development Control Plan 2023 Part L 13.1.10 Setbacks and Street Frontage Heights. The exceedance of the DCP exacerbates visual impacts to properties located within the adjoining Heritage Conservation Area, and visual, privacy, and overshadowing impacts to 1 Day Street.
- 4. The non-compliance with minimum DCP setbacks at the western side of the site reduces the ability to offer an adequate landscape embellishment to the existing publicly accessible pathway as required by Willoughby Development Control Plan 2023 Part L 13.1.10 Links.
- 5. The non-compliance with minimum DCP setbacks at O'Brien Street reduces the ability for the development to provide planting on that frontage, which would otherwise serve to visually soften the built form. The three-storey built form on O'Brien Street (which is also non-compliant) enhances this need for this planting.
- 6. The site is not suitable for the proposed development, evidenced by the proposed departure to the FSR standard where that departure is not supported by a satisfactory clause 4.6 request, and where departures to the Development Control Plan creates impacts to surrounding properties.
- 7. The Development Application is not in the public interest.

Application Number: DA-2023/172 Page **72** of **125**

ATTACHMENT 8: DRAFT SCHEDULE OF CONDITIONS

DA-2023/172 - 44-52 Anderson Street, CHATSWOOD NSW 2067 SCHEDULE

Conditions of Consent: (Including reasons for such conditions)

GENERAL CONDITIONS

Condition

1. Approved Plan/Details

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

Туре	Plan No.	Revision/ Issue No	Plan Date (as Amended)	Prepared by
Cover Sheet	DA0001	04 26.07	04	
Site Plan	DA0100		26.07.24	
Ground Floor	DA2010	03		Make
Level B4	DA2006	04	16.08.24	
Level B3	DA2007			
Level B2	DA2008	04		
Level B1	DA2009			
Ground Floor Mezzanine Soho	DA2010M	03		
Level 01	DA2011		26.07.24	
Level 02 – Podium Amenity	DA2012			
Level 03	DA2013			
Level 04	DA2014			
Level 5 to 7 – Typical Low	DA2015			
Typical Duplexes – Lower Levels – 8 10 12 14 16 18	DA2016			
Typical Duplexes – Upper Levels 9 11 13 15 17 19	DA2017			
Level 20	DA2030			
Level 21	DA2031			
Level 22	DA2023			
Level 23	DA2033			
Level 24	DA2034			
Level 25	DA2035			
Overall Roof Plan	DA2036			
Building Section – North South	DA2100	04		
Building Section – East / West	DA2101	02]	
North Elevation	DA2200	04		

Application Number: DA-2023/172 Page **73** of **125**

Туре	Plan No.	Revision/ Issue No	Plan Date (as Amended)	Prepared by
South Elevation	DA2201		26.07.24	
East Elevation	DA2202	04		
West Elevation	DA2203	1		
Deep Soil Diagram	DA2600	02		
FSR Plans - GFA	DA9000	03		
Cover Sheet	C0000		31.05.24	Northrop
Specification Notes – Sheet 01	C0101			
Specification Notes – Sheet 02	C0102			
Sediment and Soil Erosion Control Plan	C1001	02		
Sediment and Soil Erosion Control Details	C1101	02		
Siteworks and Stormwater Management Plan	C3001			
Stormwater Details	C4101			
Stormwater Longitudinal Section	C4105	01		
Catchment Plan	C4115	- 01		
Details – Sheet 01	C6101	02		
Landscape Development Application Report	-	-	-	
Acknowledgement	LA2			Turf Design Studio
Contents	LA3			
Bigger Picture	LA4			
Local Culture	LA5			
Urban Context	LA6		02.06.2023	
Environmental conditions	LA7			
Landscape Vision	LA8			
Key Places	LA9			
Landscape Design Statement	LA10			
Landscape Design Statement	LA11			
Open Space and Landscaping Controls - Response Table	LA12			
Tree Management Plan	LA13			
Ground Floor Landscape Plan	LA14	c		
Ground Floor Planting Plan	LA15			
Ground Floor Planting Palette	LA16			
Ground Floor Soil Depth Plan	LA17			
Ground Floor Sections	LA18			
Podium L2 Landscape Plan	LA19			
Podium L2 Planting Plan	LA20			
Podium L2 Planting Palette	LA21			
Podium L2 Soil Depth Plan	LA22			
Podium L2 Sections	LA23			
Green Spine Overall Elevations	LA24			
Green Spine - L3 Landscape & Planting Plan	LA25			
Green Spine - L4 Landscape & Planting Plan	LA26			

Туре	Plan No.	Revision/ Issue No	Plan Date (as Amended)	Prepared by
Green Spine - Typical L5-20 Landscape & Planting Plan	LA27	С	02.06.2023	Turf Design Studio
Green Spine Planting Palette	LA28			
Overall Planting Schedule	LA29			
Overall Planting Schedule	LA30			
Tree Canopy Coverage	LA31			
Materials & Feature Elements Palette	LA32			
Typical Details	LA33			

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. 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)

3. WaterNSW

The following conditions from WaterNSW must be complied with:

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 thewater was taken, or (ii) if WaterNSW directs the person in writing to give the record to WaterNSW on an earlier date, by that date.

GT0119-00001

All extracted groundwater must be discharged from the site in accordance with Council requirements for stormwater drainage or in accordance with any applicable trade waste agreement.

GT0121-00001

Construction phase monitoring bore requirements GTA: a) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW. b) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW with the water supply work application. c) The monitoring bores must be installed and maintained as required by the water supply work approval. d) The monitoring bores must be protected from construction damage.

GT0122-00001

Construction Phase Monitoring programme and content: Α monitoring programme must be submitted, for approval, to WaterNSW with the water supply work application. The monitoring programme must, unless agreed otherwise in writing by WaterNSW, include matters set out in any Guide published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no Guide is current or published, the monitoring programme must include the following (unless otherwise agreed in writing by WaterNSW): i. Pre-application measurement requirements: The results of groundwater measurements on or around the site, with a minimum of 3 bore locations, over a minimum period of 3 months in the six months prior to the submission of the approval to WaterNSW. ii. Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater; iii. Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW; iv. QA: Include details of quality assurance and control, v. Lab assurance: Include a requirement for the testing by National Association of Testing Authorities b) The applicant must comply with accredited laboratories. the monitoring programme as approved by WaterNSW for the duration of the water supply work approval (Approved Monitoring Programme)

GT0123-00001

(a) Prior to the issuing of the occupation certificate, and following the completion of the dewatering activity, and any monitoring required under the Approved Monitoring Programme, the applicant must submit a completion report to WaterNSW. (b) The completion report must, unless agreed otherwise in writing by WaterNSW, include matters set out in any guideline published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no guideline is current or published, the completion report must include the following (unless otherwise agreed in writing by WaterNSW): 1) All results from the Approved Monitoring Programme; and 2) Any other information required on the WaterNSW completion report form as updated from time to time on the WaterNSW website. c) The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website www.waternsw.com.au/customer-service/waterlicensing/dewatering

GT0150-00001

The extraction limit shall be set at a total of 3ML per water year (being from 1 July to 30 June). The applicant may apply to WaterNSW to increase the extraction limit under this condition. Any application to increase the extraction limit must be in writing and provide all information required for a hydrogeological assessment. Advisory note: Any application to increase the extraction limit should include the following: - Groundwater investigation report describing the groundwater conditions beneath and around the site and subsurface conceptualisation Survey plan showing ground surface elevation across the site -Architectural drawings showing basement dimensions Environmental site assessment report for any sites containing contaminated soil or groundwater (apart from acid sulphate soils (ASS)) - Laboratory test results for soil sampling testing for ASS -If ASS, details of proposed management and treatment of soil and groundwater. Testing and management should align with the NSW Acid Sulphate Soil Manual

GT0151-00001

Any dewatering activity approved under this approval shall cease after a period of two (2) years from the date of this approval, unless otherwise agreed in writing by WaterNSW (Term of the dewatering approval). Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.

GT0152-00001

This approval must be surrendered after compliance with all conditions of this approval, and prior to the expiry of the Term of the dewatering approval, in condition GT0151-00001. Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.

GT0155-00001

The following construction phase monitoring requirements apply (Works Approval): a. The monitoring bores must be installed in accordance with the number and location shown, as modified by this approval, unless otherwise agreed in writing with WaterNSW. b. The applicant must comply with the monitoring programme as amended by this approval (Approved Monitoring Programme). c. The applicant must submit all results from the Approved Monitoring Programme, to WaterNSW, as part of the Completion Report

(Reason: Ensure compliance)

4. 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 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. 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".

- D. 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".
- 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. 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.
- 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. 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.
- K. An emergency control and evacuation plan should be implemented within the site and displayed for the information of residents.
- L. An emergency control and evacuation plan should be implemented within the site and displayed for the information of residents.
- M. An emergency control and evacuation plan should be implemented within the site and displayed for the information of residents.
- 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)

5. Transport for NSW (Sydney Trains)

The following conditions from Transport for NSW must be complied with:

Application Number: DA-2023/172

- Q. Prior to the issue of a Construction Certificate, the Applicant shall provide an accurate survey locating the development with respect to the rail boundary and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of Sydney Trains' representative.
- R. Prior to the issue of a Construction Certificate, the Applicant shall undertake a Dial Before You Dig search to establish the existence and location of any rail services. Persons performing the Dial Before You Dig search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the subject development site, the Applicant must discuss with Sydney Trains as to whether these services are to be relocated or incorporated within the development site.
- S. The Applicant shall prepare an acoustic assessment demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". The Applicant must incorporate in the development all the measures recommended in the report. A copy of the report is to be provided to the Certifier and Council prior to the issuing of a Construction Certificate. The Certifier must ensure that the recommendations of the acoustic assessment are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.
- T. Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Certifier with the application for a Construction Certificate. The Certifier must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.
- U. The Applicant shall provide a Geotechnical Engineering report to Sydney Trains for review by Sydney Trains' Geotechnical section prior to the commencement of works. The report shall demonstrate that the development has no negative impact on the rail corridor or the integrity of the infrastructure through its loading and ground deformation and shall contain structural design details/analysis for review by Sydney Trains. The report shall include the potential impact of demolition and excavation, and demolition- and excavation-induced vibration in rail facilities, and loadings imposed on Sydney Trains Facilities by the development.
- V. Given the possible likelihood of objects being dropped or thrown onto the rail corridor from balconies, windows, and other external features (e.g., roof terraces and external fire escapes) that are within 20 metres of, and face, the rail corridor, the development must have measures installed, to the satisfaction of Sydney Trains (e.g., awning windows, louvres, enclosed balconies, window restrictors etc.) which prevent the throwing of objects onto the rail corridor. The Certifier is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- W. The design, installation and use of lights, signs, and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of the rail operator. The Certifier is not to issue the Construction

Application Number: DA-2023/172 Page 80 of 125

- Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- X. The development must be designed and constructed so that supporting elements comply with the redundancy requirements or the minimum collision loads specified in Australian Standard AS5100. Prior to the issue of a Construction Certificate, the Applicant is to provide Sydney Trains with a report from a qualified structural engineer demonstrating that the structural design of the development satisfies the requirements of AS5100. The Certifier shall not issue the Construction Certificate until it has received written confirmation from Sydney Trains that it has received this report and the Certifier has also confirmed that the measures recommended in engineers report have been indicated on the Construction Drawings.
- Y. No metal ladders, tapes, and plant, machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and catenary, contact and pull-off wires of the adjacent tracks, and to any aerial power supplies within or adjacent to the rail corridor.
- Z. If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Certifier is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- AA. Prior to the issuing of a Construction Certificate the Applicant must submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains' requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains' requirements. The Certifier is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
- BB. Prior to the issue of a Construction Certificate, the Applicant shall include in their Construction Management Plan and Safe Working Method Statements (SWMS) adherence to the load restriction set in place for the Wilson Street Bridge, or as per the structural requirements set out in the Interface Agreement, (once finalised) between Sydney Trains and Council. The Certifier shall not issue a Construction Certificate until these requirements have been met.
- CC. During all stages of the development the Applicant must take extreme care to prevent any form of pollution entering the rail corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.
- DD. Excess soil is not allowed to enter, be spread, or stockpiled within the rail corridor (and its easements) and must be adequately managed/disposed of.
- EE. The Applicant must ensure that all drainage from the development is adequately disposed of and managed and not allowed to be discharged into the rail corridor unless prior written approval has been obtained from Sydney Trains.
- FF. Prior to the issuing of any Occupation Certificate the Applicant must provide to Sydney Trains for review and endorsement a plan of how future maintenance of

Application Number: DA-2023/172 Page 81 of 125

the development facing the rail corridor is to be undertaken. The Certifier is not to issue any Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied. The maintenance plan must be implemented for the life of the approved development.

- GG. The Applicant/Developer shall not at any stage block the corridor access gate on Wilson Street and should make provision for easy and ongoing 24/7 access by rail vehicles, plant, and equipment to support maintenance and emergency activities.
- HH. No scaffolding is to be used facing the rail corridor unless prior written approval has been obtained from Sydney Trains. To obtain approval the Applicant will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor. Unless agreed to by Sydney Trains in writing, scaffolding shall not be erected without isolation and protection panels.
- II. Prior to the issuing of a Construction Certificate, the following final version rail specific items are to be submitted to Sydney Trains for review, comment, and written endorsement:
 - Machinery to be used during excavation/construction.
 - Demolition, excavation, and construction methodology and staging.

The Certifier is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.

- JJ. Sydney Trains or Transport for NSW, and persons authorised by those entities for the purpose of this condition, must be permitted to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and the requirements of this consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.
- KK. If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains External Interface Management team to determine the need for public liability insurance cover. If insurance cover is deemed necessary, this insurance must be for a sum as determined by Sydney Trains and shall not contain any exclusion in relation to works on or near the rail corridor and rail infrastructure, and must be maintained for the duration specified by Sydney Trains. The Applicant is to contact Sydney Trains External Interface Management team to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Certifier must witness written proof of this insurance in conjunction with Sydney Trains' written advice to the Applicant on the level of insurance required.
- LL. If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains External Interface Management team to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Certifier must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.

Application Number: DA-2023/172

- MM. Copies of any certificates, drawings, approvals/certification, or documents endorsed by, given to, or issued by Sydney Trains or TAHE (Transport Asset Holding Entity) must be submitted to Council for its records prior to the issuing of the applicable Construction Certificate or Occupation Certificate.
- NN. The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:
 - oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
 - · acts as the authorised representative of the Applicant; and
 - is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.
- OO. Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.
- PP. Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains External Interface Management team. In this instance the relevant interface team is **North Interface**, and they can be contacted via email on **North_Interface@transport.nsw.gov.au**.

(Reason: Ensure compliance)

6. Sydney Airport

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

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

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

Application Number: DA-2023/172 Page 83 of 125

The Proponent must provide a copy of the application referred to above at (b) to Council.

(Reason: Compliance)

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)

Application Number: DA-2023/172 Page 84 of 125

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. 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)

13. 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)

14. 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)

DEMOLITION AND BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

Condition

15. Submit the Following Information to Willoughby City Council

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

- (a) Detailed stormwater management plans prepared by a suitably qualified and experienced civil engineer showing an on-site stormwater detention system that complies with the requirements of Part I of Council's DCP and Technical Standard No. 1. The plans and details shall include the following:
 - A hydraulic grade line analysis from the connection point to the Council system to the outlet from the OSD tank. The analysis is to demonstrate that OSD tank outlet is above the downstream water level in the 1%AEP storm event. The adopted downstream water level at the connection point to the Council system shall be the top of kerb level at the Council pit in Day

Application Number: DA-2023/172 Page 85 of 125

Street.

- Location of access points to the OSD tank and water quality treatment system. Access points are to be located over the tank outlet, in the diagonally opposite corner, over the treatment system and as required to provide safe access to a confined space. Access points shall be located in common areas, to allow for maintenance access. The location of all access points shall be shown on stormwater / civil plans and architectural plans.
- The location of the overflow from the OSD tank. This is to be ground, through either the top or side of the tank, and not to an internal pit or pipe.
- Section through the OSD tank, which includes top water level, overflow level, adjacent floor level.
- Confirmation of the freeboard provided between the OSD overflow and the adjacent floor level. A minimum of 300mm is to be provided.
- A catchment plan that shows areas draining to the OSD tank and areas bypassing the OSD tank. Sufficient levels are to be provided on plans to confirm areas draining to the tank and demonstrate which areas on site are below the top water level in the OSD tank.
- Details to demonstrate that the flows bypassing the OSD tank have been taken into consideration and that the PSD for the site required by Technical Standard 1 is achieved in the 1%AEP storm event. Where the area bypassing the OSD tank exceeds 5% of the site area, Drains modelling is to be provided to demonstrate that the PSD is achieved with the OSD volume proposed.

Calculations are to be provided as required to demonstrate that peak discharge from the site is restricted to 46L/s in the 1%AEP storm event.

(Reason: Ensure compliance)

16. Planning Agreement

Prior to the issue of <u>first</u> Construction Certificate, the obligations under the Planning Agreement executed on 23 June 2022 relating to this development 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)

17. S7.11 Contribution

Prior to the issue of the Construction Certificate, a monetary contribution is to be paid to in accordance with section 7.11 of *Environmental Planning and Assessment Act*, 1979 in the amount of \$1,460,000 for the purposes of the Local Infrastructure identified in the *Willoughby Local Infrastructure Contributions Plan*.

Active transport and public domain facilities \$62,265.35

Open space and recreation facilities \$1,144,373.55

Plan administration \$21,576.61

Recoupment - community facilities \$220,083.32

Application Number: DA-2023/172

Total

\$1,460,000.00

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:

\$C_OX CPI_P

CPI_C

Where:

- C_0 = 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)

18. Waste Truck (HRV) Parking

The development is required to submit drawings which demonstrate access for Council's HRV collection truck (10.5m long) including compliance with vertical height clearances, gradient, manoeuvrability including the parking facility size and distance from the waste storage rooms for the waste trucks when entering, leaving and standing in the waste collection area for:

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

The details must confirm that the garbage truck has a loading space of 12.5m, will stand on a level area when emptying bins and loading bulky waste, and there is sufficient clearance of 2m at the rear of the vehicle for operation. The waste related

facilities must comply with Australian Standards (AS2890.2-2002 parking facilities part 2 which provides for off-street commercial vehicle facilities for HRVs).

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

19. Organic Waste Bins

Prior to the issue of a Construction Certificate, the plans must clearly demonstrate the provision of 20 x 240L garden organics bins, at a minimum of 50L/unit/week. This also future proofs the development for the implementation of a food organics collection service.

(Reason: Compliance/waste reduction)

20. Waste and Recycling Cupboard on Every Residential Level

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

(Reason: Compliance/waste reduction)

21. Waste Chute Design

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

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

22. Waste storage areas

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

• All residential bins: >= 48.7m²

Residential bulky waste: >= 22m²

• Charity waste space: >= 6m²

• Commercial waste space: >= 18.4m²

Application Number: DA-2023/172 Page 88 of 125

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

(Reason: Compliance)

23. Caretaker waste and bin carting routes

Prior to the issue of the Construction Certificate, the Operational Waste Management Plan with supporting drawings must clearly indicate the carting routes, distance and equipment for caretakers to present waste for collection for all waste types, including garbage, recycling, organic waste and bulky waste to ensure that it is safe and efficient and compliant with WDCP 2023 (Section 3.16).

(Reason: Compliance/public health and safety)

24. 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)

25. Agreement to Transfer Affordable Housing Dwellings

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

The Affordable housing units to be nominated are:

Units 502, 504, 508, 602, 604, 608, 704 and 708 as identified on Drawing A2015, undated, prepared by MAKE Architects.

The affordable housing units identified for dedication on Drawing DA2015 are:

2 x 2-bed @ Levels 5 and 6 equates to (2 x 84 = 168m2) 6 x 1 bed @ Levels 5, 6, 7 equates to (6 x 54 = 324m2)

168m2 + 324m2 = 492m2

The 43.24m2 shortfall shall be offered as a monetary contribution, where the amount is calculated by reference to the market value of dwellings of a similar size to the dwellings in the proposed development..

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

Application Number: DA-2023/172 Page 89 of 125

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)

26. 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)

27. Building Sustainability – Green star

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

(Reason: Sustainability)

28. Building Sustainability – NABERS

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

(Reason: Sustainability)

28A. Electric Vehicle Charging Bays

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

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

(Reason: Compliance)

28B. Development Control Plan

In accordance with the Development Control Plan, the following must be shown on the Construction Certificate plans prior to issue of the Construction Certificate:

- (a) A minimum of 1 secure bicycle parking space per apartment.
- (b) A minimum of 1 secure bicycle space per 100m² of commercial/retail floor space.
- (c) Adequate end of trip facilities including lockers, showers, etc. for use by commercial and retail tenants.
- (d) A bicycle rack within the site boundary for use by retail customers.

(Reason: Compliance)

29. Adaptable Units

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

(Reason: Compliance, universal design)

30. Access, Mobility and Adaptable Housing

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

(Reason: Access and Compliance)

Application Number: DA-2023/172 Page 91 of 125

31. Fibre-Ready Facilities and Telecoms Infrastructure

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

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

and

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

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

(Reason: Compliance)

32. Damage Deposit

Prior to the issue of the Construction Certificate, the applicant shall lodge a Damage Deposit of \$255,000 (GST Exempt) to Council against possible damage to Council's assets and any infrastructure within the road reserve/footway during the course of the building works. The deposit will be refundable subject to inspection by Council after the completion of all works relating to the proposed development. For the purpose of inspections carried out by Council Engineers, an inspection fee of \$260 (GST Exempt) is payable to Council. Any damages identified by Council shall be restored by the applicant prior to release of the Damage Deposit.

Total Payable = \$255,000 + \$260 = \$255,260

(Reason: Protection of public asset)

33. 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)

34. 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

Application Number: DA-2023/172 Page 92 of 125

showing the method of disposal of surface and roof water from the site shall be shown on the Construction Certificate plans.

(Reason: Stormwater control)

35. Analysis of Outlet Condition

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

(Reason: Prevent property damage)

36. Detailed Stormwater Management Plan (SWMP)

Prior to the issue of the Construction Certificate, submit to the Certifier for approval, detailed stormwater management plans in relation to the on-site stormwater management and disposal system for the development. The construction drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer and shall include a water quality improvement system and an OSD system with a minimum volume of $97m^3$, which limits the peak flow from the site to 47L/s in the 1%AEP storm event. 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)

37. 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

Application Number: DA-2023/172 Page 93 of 125

Standard 1, AS/NZS 3500.3 – *Plumbing and Drainage Code* and the National Construction Code.

(Reason: Prevent nuisance flooding)

38. 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)

39. 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 Day Street, Anderson Street and O'Brien Street in accordance with Council's specification and Standard Drawings SD105 and SD100. All adjustments to public utility services and associated construction works in the nature strip are to be at the full cost to the applicant. Detailed long section and cross sections at 5 metres interval shall be provided.
- (b) Reconstruction of existing kerb and gutter for the full frontage of the development site in Day Street, Anderson Street and O'Brien Street and for half the cul-de-sac head in Day Street in accordance with Council's specifications and Standard Drawing SD105.
- (c) Reconstruction of the existing road pavement 4.0m wide for the full frontage of the development site in Day Street, Anderson Street and O'Brien Street and for half width of the cul-de-sac in Day Street in accordance with Council's specifications.
- (d) Construction of a 7.0 metres wide vehicular crossing in Day Street in accordance with Council's specification and Standard Drawings SD105.
- (e) Any other works in the public domain required to facilitate the development.

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

Application Number: DA-2023/172 Page 94 of 125

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)

40. Driveway Longsection

Prior to issue of the Construction Certificate and in order to assess the susceptibility of vehicles to scraping as they pass over the proposed access driveway the applicant shall submit longitudinal sections for approval by the Certifying Authority along <u>each side</u> 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 10m within the site, including provision of Council's standard layback as per Council's standard drawing SD105 which is available from Council's website. Council's standard layback is 500mm wide and back of layback is 100mm above the gutter invert.
- (b) Both existing and proposed levels (in AHD) and gradients represented in percentage (%) of the vehicular crossing and driveway.
- (c) Crossfall on road pavement shall be shown on long sections.

The design shall be prepared by a suitably qualified civil engineer using 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 7.0 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.
- (b) At property boundary 170mm 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)

41. 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. For the OSD tank, access points shall be located at the outlet and at the diagonally opposite corner and be located in common areas. Prior to issue of a Construction Certificate, a suitably qualified person shall certify that the design meets these requirements.

(Reason: Safe access to tanks)

42. 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

Application Number: DA-2023/172 Page 95 of 125

architectural drawings and the structural drawings, and must make specific reference to the following:

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

(Reason: Ensure compliance)

43. Finish Surface Levels Along the Street Boundary

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

(Reason: Ensure compliance)

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

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

(Reason: Amenity/Ensure compliance)

45. 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)

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

Note:

- 1. The above criteria does not apply to garages, kitchens, bathrooms or hallways.
- 1. The above criteria define the minimum acceptable levels. Buildings may be built to a better than average standard by applying more stringent criteria.
- 1. 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.

Application Number: DA-2023/172 Page 97 of 125

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. HRV Access

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

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

48. Contamination – Investigation, Remediation and Validation

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

- (a) A systematic and targeted program of supplementary investigations shall be carried out to address data gaps identified in the Preliminary Site Investigation (PSI) by Stantec Pty Ltd, Ref. 301351072.Rev1, dated 24 May 2023. The results from the additional sampling and laboratory analysis shall be presented in a Targeted Site Investigation (TSI) or Detailed Site Investigation (DSI) report to Council for approval in writing. The TSI/DSI shall include, but not be limited to, the following:
- ☐ Sampling, testing and validation of soil contaminants within the demolished building footprint areas.
- (a) If the TSI/DSI identifies the presence of soil contaminants, a Remediation Action Plan (RAP) shall be prepared and submitted to Council for approval in writing.
- (a) 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.
- (b) The site must be remediated in accordance with any Council-approved RAP;
- (c) 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);
- (d) 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

Application Number: DA-2023/172 Page 98 of 125

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)

49. Noise Mechanical Plant

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

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

(Reason: Amenity, environmental compliance and health)

49A. Deep soil

The car spaces located within the front setback from Anderson Street must be deleted on the Construction Certificate plans prior to the issue of the Construction Certificate.

(Reason: DCP Compliance)

BEFORE WORKS COMMENCE

Condition

50. Dilapidation Report of Adjoining Properties

Prior to commencement of work, submit a photographic survey and report of the adjoining properties 1 Day Street, 20 Tulip Street, 25 Daisy Street and any other property deemed necessary for this survey by a suitably qualified geotechnical engineer, 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

Application Number: DA-2023/172 Page 99 of 125

including items as walls, ceilings, roof, structural members and other items as necessary.

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

(Reason: Protection of adjoining owners)

51. 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)

52. 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)

53. Dilapidation Report of Council's Property

Submit a dilapidation report including photographic record of Council's property extending to a distance of 50m from the development, detailing the physical condition of items such as, but not exclusively to, the footpath, roadway, nature strip, and any retaining walls.

The developer may be held liable to any recent damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded under the requirements of this condition prior to the commencement of works. In this regard, the damage deposit lodged by the applicant may be used by Council to repair such damage on Council's property.

This dilapidation report shall be submitted to Council and the Certifier advised of the submission prior to commencement of work.

(Reason: Protection of Council's infrastructure)

54. Permits and Approvals Required

Application is to be made to Council's Infrastructure Services Division for the following approvals and permits as appropriate:

(a) Permit to erect Builder's hoarding where buildings are to be erected or demolished within 3.50m of the street alignment. Applications are to include

Application Number: DA-2023/172 Page 100 of 125

- current fees and are to be received at least 21 days before commencement of the construction.
- (b) Permit to stand mobile cranes and/or other major plant on public roads. Applications are to include current fees and security deposits and are to be received at least seven days before the proposed use. It should be noted that the issue of such permits may also involve approval from the NSW Police Force and TfNSW. A separate written application to work outside normal hours must be submitted for approval.
 - It should also be noted that, in some cases, the above Permits may be refused and temporary road closures required instead which may lead to longer delays due to statutory advertisement requirements.
- (c) Permit to open public roads, including footpaths, nature strip, vehicular crossing or for any purpose whatsoever. All applications are to include current fees. (Minimum one (1) weeks' notice required.)
- (d) Permit to place skip/waste bin on footpath and/or nature strip. (Maximum three (3) days).
- (e) Permit to work and/or place building materials on footpath and/or nature strip. (Maximum two (2) weeks).
- (f) Permit to establish Works Zone on Public Roads adjacent to the Development including use of footpath area. Applications must be received by Council at least twenty-one days prior to the zone being required. The application will then be referred to the Council's Local Traffic Committee for approval, which may include special conditions.
- (g) Permit to construct vehicular crossings over Council's footpath, road or nature strip.
- (h) Permit to install ground anchors beneath the road reserve.

The public footway must not be obstructed at any time unless written approval has been granted by Council. Council's footpath and footway shall be maintained in a safe condition for pedestrians and the general public at all times.

(Reason: Legal requirements)

55. Application for Vehicle Crossing

Submit an application with fees to Council for the construction of a plain concrete vehicular crossing.

(Reason: Protection of public asset)

56. Adjustment to Street Lighting

Prior to commencement of work, consult with utility authorities to determine the requirements of relocation/adjustment of electricity supply and street lighting services to suit the development for all streets fronting the propert. Such street lighting shall also conform to Council's standard specifications.

(Reason: Public amenity)

57. 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.

Application Number: DA-2023/172 Page 101 of 125

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)

Application Number: DA-2023/172 Page 102 of 125

58. 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 in the road reserve is to be undertaken by a qualified Arborist (Minimum qualification AQF Level 3) with suitable public liability insurance.

(Reason: Management of Public Land)

59. 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 in accordance with 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)

60. 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)

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

A Demolition, Excavation and Construction Noise and Vibration Management Plan (CNVMP) is required to be prepared and approved by the Certifier. (Reason: Minimise impacts of development)

62. Noise and Vibration Management

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

- a) be prepared by a suitable qualified expert and submitted to the satisfaction of the Principal Certifying Authority;
- b) be prepared in consultation with all noise sensitive receivers where noise levels exceed the construction noise management level, in accordance with EPA guidelines;

Application Number: DA-2023/172 Page 103 of 125

- 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;

63. 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

64. Hours of Work

All construction/demolition work relating to this Development Consent within the City, unless varied by an Out of Hours Work Permit, must be carried out only between the hours of 7 am to 5 pm Mondays to Fridays and 7 am to 12 noon on Saturdays. No work is permitted on Sundays or Public Holidays.

An application for an Out of Hours Work Permit to allow variation to these approved hours must be lodged with Council at least 48 hours prior to the proposed commencement of the work. The application must include a statement regarding the reasons for the variation sought, the type of work/s to be carried out, the additional time required, the anticipated impact upon the local amenity and how this will be minimized, and must be accompanied by the required fee. One (1) permit is required for each variation to the approved working hours within any 24 hour period.

If a variation to these approved hours for multiple or extended periods is sought, an application under Section 4.55 of the *Environmental Planning and Assessment Act* 1979 must be lodged with Council at least twenty-one (21) days in advance of the proposed changes to the hours of work. The application must include a statement regarding the reasons for the variation sought, the type of work/s to be carried out, the additional time required, the anticipated impact upon the local amenity and how this will be minimized, and be accompanied by the required fee. Note: This Section 4.55 application may require re-notification in some circumstances.

65. Provide Erosion and Sediment Control

(Reason: Ensure compliance and amenity)

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.

Application Number: DA-2023/172 Page 104 of 125

(Reason: Environmental protection)

66. Demolition Work AS 2601-2001

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

(Reason: Safety)

67. 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)

68. Suitable Barricades

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

(Reason: Public safety)

69. Survey Certificate

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

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

(Reason: Ensure compliance)

70. 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.

Application Number: DA-2023/172 Page 105 of 125

(Reason: Protection of public assets)

70A. Geotechnical

Full compliance with the geotechnical report (Ref: 304100862, dated 30 May 2023) prepared by Stantec including all recommendations regarding excavation. (Reason: Compliance)

71. 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)

72. 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)

73. 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)

74. 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)

75. Tree Removal

Approval is given for the removal of trees within the site and road reserve as identified on Tree Management Plan Dwg. No. LA13 dated 02/06/2023 prepared by Turf Design Studio.

(Reason: Site development)

76. 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.

Application Number: DA-2023/172 Page 106 of 125

- (b) The above protected trees must be clearly marked and protection devices in place to prevent soil compaction and machinery damage.
- (c) Tree protection measures must comply with AS 4970-2009 Protection of trees on development sites with particular reference to Section 4 Tree Protection Measures.
- (d) Tree protection measures in accordance with (c) above are to be certified by the Project Arborist prior to commencement of works.
- (e) Tree roots greater than 25mm diameter are not to be removed unless approved by The Project Arborist on site.
- (f) All structures are to bridge roots unless directed by The Project Arborist on site.

(Reason: Tree management)

77. 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 Project Arborist is to immediately Contact Council's Public Trees section and resolve the matter to Council's satisfaction.

(Reason: Tree management)

78. 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)

79. Waste Classification – Excavation Materials

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

(Reason: Environment & Health Protection)

80. 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)

81. Unexpected Finds Protocol

Application Number: DA-2023/172 Page 107 of 125

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

Application Number: DA-2023/172 Page 108 of 125

Manager/landowner shall notify Council in writing when they become aware of any contamination.

(Reason: Environment & Health Protection)

82. 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)

83. 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)

84. Construction Noise

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

- (a) Affected residential properties (during ICNG recommended standard hours)

 Noise affected level of RBL + 10dB and Highly noise affected level (i.e. noise level above which there may be strong community reaction) ≤
 75dB(A)_{Leq(15mins)}.
- (b) Affected commercial premises (i.e. office, retail outlets etc.) 70dB(A)_{Leq(15mins)}.

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

Application Number: DA-2023/172 Page 109 of 125

85. 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)

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

Condition

86. Planning Agreement

Prior to the issue of <u>first</u> Occupation Certificate, the obligations under the Planning Agreement executed on 23 June 2022 relating to this development 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)

87. 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)

88. Street Numbering

Application Number: DA-2023/172 Page 110 of 125

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)

89. Right of Way Registration

Prior to the issue of any Occupation Certificate, a right-of-way must be registered with Land Registry Services over all that part of the land that is located between the glassline of the building at ground floor level and the boundary, along Cambridge Lane, Help Street and McIntosh Street. The right-of-way is to allow public use of this portion of the land.

(Reason: Compliance, urban design)

90. 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)

91. 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)

92. Access for the Disabled - Disability Discrimination Act

The building/development must comply with the requirements of the Disability Discrimination Act.

It should be noted that this approval does not guarantee compliance with this Act and the applicant/owner should investigate their liability under this Act.

(Reason: Access and egress)

93. Fire Safety Certificate Forwarded to NSW Fire and Rescue

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

(Reason: Safety)

94. Affordable Housing – Fittings and Finishes

Application Number: DA-2023/172 Page 111 of 125

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)

95. Public Art

(a) Detailed Public Art Plan

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

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

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

The Public Art Plan will be reviewed by the Public Art Advisory Panel for comment and any recommendations will be recorded and passed on to the developer. (b) Final Public Art Report to be submitted at Occupation Certificate Stage Prior to the release of the Occupation Certificate, the written consent of Council's Planning and Infrastructure Director must be obtained that confirms the public art has been delivered in accordance with the Public Art Plan.

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

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

96. 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)

97. 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

Application Number: DA-2023/172 Page 112 of 125

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)

98. 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's pipeline/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)

99. On-site Water Management System

Prior to the issue of any Occupation Certificate, the stormwater runoff from the site shall be collected and disposed of to the Council drainage system in Day Street via a water quality improvement system and an approved OSD system with a minimum volume of 97m³ in accordance with AS/NZS3500.3, Part I of Council's DCP and Technical Standards 1 and 2. The construction of the stormwater drainage system of the proposed development shall be in accordance with the approved detailed stormwater drawings required under this development consent and Council's specification (AUS-SPEC).

(Reason: Prevent nuisance flooding)

100. 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)

101. 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)

102. 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

Application Number: DA-2023/172 Page 113 of 125

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)

103. 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)

104. 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)

105. 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

Application Number: DA-2023/172 Page 114 of 125

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)

106. Documentary Evidence of Positive Covenant, Engineers Certificate

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

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

(Reason: Public record)

107. 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 Day Street, Help Street and O'Brien Street and for half the cul-de-sac head in Day Street. Kerb ramps complying with current standards shall be provided as required at existing crossing points at roads.

(Reason: Public amenity)

108. Reconstruct Pavement

Prior to the issue of any Occupation Certificate, reconstruct the following pavement areas:

- 4.0m wide for the site frontage in Anderson Street
- 4.0m wide for the site frontage in O'Brien Street
- 4.0m wide the site frontage in Day Street
- Half the cul-de-sac in Day Street

The pavement shall be reconstructed in accordance with Council's approved drawings, conditions and specification (AUS-SPEC). Council's standard design traffic for this pavement is 3×10^5 ESA.

Mill and resheet with 50mm AC10 of the pavement may be permitted by Council subject to agreement by Council Engineers following proof rolling and provision of a geotechnical report that confirms that the pavement meets the required design life. (Reason: Ensure compliance)

Application Number: DA-2023/172

109. Concrete Footpath

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

All works shall be carried out in accordance with Council's standard specifications and drawings. Pavement materials shall be as per Council's requirements for the CBD.

(Reason: Public amenity)

110. Street Lighting

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

Reason: Public amenity)

111. Vehicular Crossing

Construct a new vehicular crossing including the replacement of the existing layback and/or gutter and any associated road restoration as directed by Council's Engineers. All works shall be carried out in accordance with Council's specification AUS-SPEC C271 and Council's Standard Drawing SD105 - Council Vehicular Footpath Crossing and Kerb and Gutter details and any approved longitudinal sections. A separate application for the crossing including current fees and charges is to be submitted for approval by Council.

The crossing is to be 7.0 metres wide with no splays and is to be constructed at right angles to the street kerb in plain concrete. The new crossing shall be located no closer than 1 metre from any power pole and 2 metres from any street tree unless otherwise approved by Council.

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

- (a) At back of layback 100 mm above and parallel to the gutter invert.
- (b) At property boundary 170 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.

Application Number: DA-2023/172 Page 116 of 125

<u>Vehicular Crossing Formwork Inspection Sheet</u> 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)

112. 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)

113. 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)

114. Performance Bond

Prior to the issue of any Occupation Certificate, the Applicant shall lodge with the Council a performance bond of \$130,000 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)

115. 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)

Application Number: DA-2023/172 Page 117 of 125

116. 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)

117. Vehicle Access and Manoeuvring – Construction & Certification

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

- (a) That the as-constructed carpark complies with the approved Construction Certificate plans.
- (b) That finished driveway gradients and transitions comply with AS/NZS 2890.1 and AS 2890.2 and will not result in scraping to the underside of cars.
- (c) That the maximum gradient for the first 6 metres from the property's front boundary to the basement complies with Clause 3.3.a of AS/NZS 2890.1 and that all driveway grades comply AS/NZS 2890.1 and AS 2890.2.
- (d) Aisle widths throughout basements comply with AS/NZS 2890.1.
- (e) That the constructed vehicular path and parking arrangements comply in full with AS/NZS 2890.1, AS 2890.2 and AS 2890.6 in terms of minimum dimensions provided and grades on parking spaces.
- (f) That visitor parking spaces comply with the requirements for Class 2 Medium term parking in AS/NZS 2890.1.
- (g) That accessible parking spaces, including those required for adaptable units, comply with the requirements of AS 2890.6, including provision of the required shared areas and bollard.
- (h) That headroom clearance of minimum 2.2 metres between the basement floor and any overhead obstruction (including overhead services) is provided for compliance with Section 5.3.1 of AS/NZS 2890.1 and Section 2.7 of AS 2890.6.
- (i) That headroom clearance of minimum 2.5 metres is provided to all parking spaces for people with disabilities for compliance with Section 2.7 of AS 2890.6.
- (j) That the headroom clearance required in AS 2890.2 for the largest vehicle using the site (minimum 4.5m high) has been provided for the loading area and the path to and from the loading area
- (k) Simultaneous manoeuvring of B99 and B85 at all ramps and ramp ends including clearances for each vehicle as per AS/NZS 2890.1 is achieved.
- (I) Access and manoeuvrability of the largest vehicle accessing the site (minimum Council's 10.5m waste vehicle) and simultaneous manoeuvrability of the largest vehicle using the site and a passenger vehicle including clearances in accordance with AS/NZS 2890.1 and AS 2890.2 is achieved

Application Number: DA-2023/172 Page 118 of 125

- between the site entry and the loading bay.
- (m) That the loading bay size is sufficient for Council's 10.5m long waste vehicle with 2m loading area behind the vehicle and the vehicle and loading area clear of the main vehicle access aisle to the basement.
- (n) That sight triangles required by Figure 3.3 of AS/NZS 2890.1 have been provided at the vehicle exit, including provision of kerbs to direct vehicles to compliant locations.

(Reason: Ensure compliance)

118. 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 quidelines or publications.

(Reason: Ensure operation of system complies)

119. 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)

120. Public Tree Maintenance

Prior to the issue of any relevant Occupation Certificate, the applicant's arborist or landscape designer is to certify that:

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

(Reason: Tree management, public asset management)

121. Tree Planting Within The Site Per Landscape Plan

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

No. Required	Species	Location	Min Pot Size
	As indicated on Landscape Issue C dated 02/06/2023	As indicated on the Landscape	As indicated on the Landscape

Application Number: DA-2023/172 Page 119 of 125

site	prepared by Turf design Studio	Plans	Plan

(Reason: Landscape amenity)

122. Public Tree Planting

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

Anderson Street frontage: 5 x *Fraxinus* 'Raywoodi' O'Brien Street frontage: 3 x *Pyrus calleriana*

The trees shall:

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

(Reason: Landscape amenity, tree canopy recruitment)

123. 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 and all trees required to be retained have been retained.

(Reason: Protection of trees required to be retained)

124. Completion of Landscape Works

Prior to the issue of a Whole Occupation Certificate, any approved landscape works and tree, shrub and ground-cover plants shall be consistent with the approved Plans Issue C dated 02/06/2023 prepared by Turf Design Studio, 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)

125. Acoustic Treatment – Certification

Prior to the issue of any relevant Occupation Certificate, certification shall be provided from a suitably qualified acoustic engineer certifying that the acoustic treatment of the building complies with the approved construction details and the relevant design noise criteria contained in Section 3 of the acoustic report prepared by Pulse White Noise Acoustics Pty Ltd, Ref. No. 220555.Rev.3, dated 8 June 2023. (Reason: Amenity, environmental compliance and health)

126. 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

Application Number: DA-2023/172 Page 120 of 125

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)

127. 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)

OCCUPATION AND ONGOING USE

Condition

128. 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)

129. Public Art

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

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

130. Analysis of Outlet Condition

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

(Reason: Maintain designed discharge)

131. 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)

132. Vehicle Access

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

(Reason: Pedestrian and vehicle safety)

Application Number: DA-2023/172 Page 121 of 125

133. Deliveries and Service Vehicles

All service and delivery vehicles, including removalist vehicles, couriers and food delivery vehicles, shall load and unload on site using the designated bays. No loading or unloading shall occur on Council streets.

(Reason: Safety and amenity)

134. Road Closure

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

(Reason: Public protection)

135. 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)

136. 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)

137. 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)

138. 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)

139. 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.

Application Number: DA-2023/172 Page 122 of 125

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

139A. Soho unit

The retail/commercial space be used by the same tenant of the residential space above within the west-facing soho units.

(Reason: Compliance)

SUBDIVISION WORK

BEFORE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

Condition

140. Location of On-Site Detention System

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

(Reason: Ensure compliance)

141. The residential and retail/commercial spaces that make up the soho unit must be retained in the same ownership.

(Reason: Ensure compliance)

Application Number: DA-2023/172 Page 123 of 125

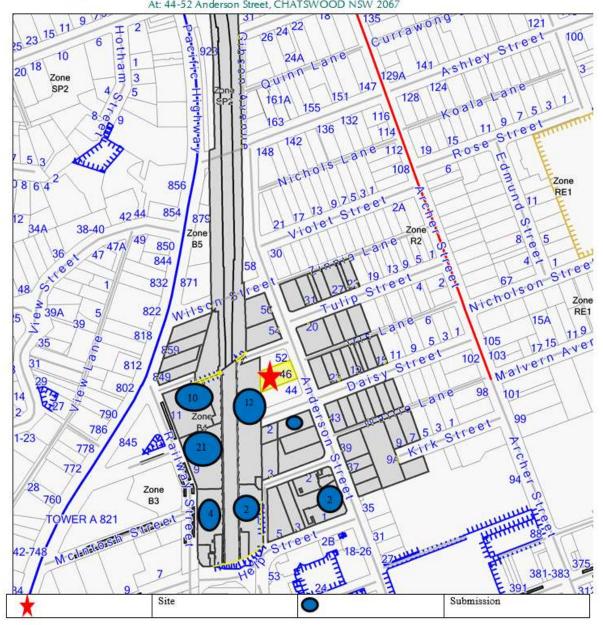
ATTACHMENT 9: NOTIFICATION MAP



Record of Neighbour Notifications sent relating to:

DA: 2023/172

At: 44-52 Anderson Street, CHATSWOOD NSW 2067



Willoughby City Council

ATTACHMENT 10: ARCHITECTURAL DRAWINGS (UPLOADED SEPARATELY ON 4 SEPTEMBER 2024)

ATTACHMENT 11: CLAUSE 4.6 REQUEST – FSR (UPLOADED SEPARATELY ON 4 SEPTEMBER 2024)

ATTACHMENT 12: PUBLIC SUBMISSIONS (UPLOADED SEPARATELY ON 4 SEPTEMBER 2024)

ATTACHMENT 13: DESIGN EXCELLENCE DOCUMENTATION (UPLOADED SEPARATELY ON 4 SEPTEMBER 2024)

ATTACHMENT 14: FUTURE CONDITIONS REPORT – CHATSWOOD CBD STRATEGIC STUDY BY ARUP SEPTEMBER 2020 (UPLOADED SEPARATELY ON 4 SEPTEMBER 2024)

ATTACHMENT 15: REVIEW OF PARKING RATES BY CARDNO 9 FEBRUARY 2021 (UPLOADED SEPARATELY ON 4 SEPTEMBER 2024)