

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSNH-455
DA Number	DA-2023/334
LGA	Willoughby City Council
Proposed Development	<p>Subdivision of the site to create two lots, demolition of existing golf clubhouse and car park, construction of a new golf clubhouse and associated car parking, construction of part two and three storey building comprising independent living units with basement car parking, bus zone, loading zone, landscaping and associated works.</p> <p>The application is identified as Integrated development requiring approval from the NSW Rural Fire Service pursuant to s100B of the Rural Fires Act 1997 and the application is also identified as Nominated Integrated development requiring approval from the Water NSW pursuant to s90 the Water Management Act 2000</p>
Street Address	74 Deepwater Road, Castle Cove
Applicant/Owner	TAYLOR DEVELOPMENTS GROUP PTY LTD/ CASTLECOVE COUNTRY CLUB LIMITED
Date of DA lodgement	22/12/2023
Number of Submissions	30 by way of objection
Recommendation	Approval
Regional Development Criteria - Schedule 6 of the State Environmental Planning Policy (Planning systems) 2021	Cost of works > \$30m
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • <i>Environmental Planning and Assessment Act 1979 (EP&A Act)</i> • <i>Environmental Planning and Assessment Regulation 2021 (EP&A Regulation)</i> • <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> • <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> • <i>State Environmental Planning Policy (Planning Systems) 2021</i> • <i>State Environmental Planning Policy (Sustainable Buildings) 2022</i> • <i>State Environmental Planning Policy (Housing) 2021, Chapters 3 and 4</i> • <i>Willoughby Local Environmental Plan 2012</i> • <i>Willoughby Development Control Plan 2023</i>
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Schedule of Conditions • Survey • Architectural plans • Clause 4.6 - Height of Buildings (SEEP Housing) • Clause 4.6 – Floor Space Ratio (WLEP 2012 and SEPP Housing) • Landscape Plans • Statement of Environmental effects
Report prepared by	Akshay Bishnoi – Senior Development Assessment Officer
Report date	15/05/2025

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 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

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

Yes

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

Yes

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment?

Yes

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

SNPP NO: PPSSNH-455
COUNCIL WILLOUGHBY CITY COUNCIL
ADDRESS: 74 DEEPWATER ROAD, CASTLE COVE NSW 2069.
DA NO: DA-2023/334
PROPOSAL: SNPP - SUBDIVISION OF THE SITE TO CREATE TWO LOTS, DEMOLITION OF EXISTING GOLF CLUBHOUSE AND CAR PARK, CONSTRUCTION OF A NEW GOLF CLUBHOUSE AND ASSOCIATED CAR PARKING, CONSTRUCTION OF PART TWO AND THREE STOREY BUILDING COMPRISING INDEPENDENT LIVING UNITS WITH BASEMENT CAR PARKING, BUS ZONE, LOADING ZONE, LANDSCAPING AND ASSOCIATED WORKS. THE APPLICATION IS IDENTIFIED AS INTEGRATED DEVELOPMENT REQUIRING APPROVAL FROM THE NSW RURAL FIRE SERVICE PURSUANT TO S100B OF THE RURAL FIRES ACT 1997 AND THE APPLICATION IS ALSO IDENTIFIED AS NOMINATED INTEGRATED DEVELOPMENT REQUIRING APPROVAL FROM THE WATER NSW PURSUANT TO S90 THE WATER MANAGEMENT ACT 2000

RECOMMENDATION: APPROVAL

ATTACHMENTS:

1. SITE DESCRIPTION AND AERIAL PHOTO
2. DEVELOPMENT CONTROLS, STATISTICS, DEVELOPER CONTRIBUTION & REFERRALS
3. CLAUSE 4.6 ASSESSMENT – HEIGHT OF BUILDINGS
4. CLASUE 4.6 ASSESSMENT – FLOOR SPACE RATIO
5. SUBMISSIONS TABLE
6. SECTION 4.15 (79C) ASSESSMENT
7. SCHEDULE OF CONDITIONS
8. NOTIFICATION MAP
9. ARCHITECTURAL PLANS

RESPONSIBLE OFFICER: RITU SHANKAR - TEAM LEADER
AUTHOR: AKSHAY BISHNOI - SENIOR DEVELOPMENT ASSESSMENT OFFICER
DATE: 14- MAY-2025

1. PURPOSE OF REPORT

The proposal is regionally significant development as identified in Schedule 7 of the *State Environmental Planning Policy* (State and Regional Development) 2011. It has a capital investment value (CIV) of over \$30 million and therefore Sydney North Planning Panel is the determination authority.

2. OFFICER'S RECOMMENDATION

THAT the Sydney North Planning Panel (SNPP):

2.1 Support the variation to the development standards in *Willoughby Local Environmental Plan 2012* and State Environmental Planning Policy (Housing) 2021 (as assessed in Attachments 3 and 4) for the following reasons:

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

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

2.2 Grant a Consent for Development Application DA-2023/334 for subdivision of the site to create two lots, demolition of existing golf clubhouse and car park, construction of a new golf clubhouse and associated car parking, construction of part two and three storey building comprising independent living units with basement car parking, bus zone, loading zone, landscaping and associated work, subject to conditions contained in Attachment 7, for the following reasons:

2.2.1 The proposed development achieves the desired outcomes and objectives of Chapters 3 and 4 of *State Environmental Planning Policy – (Housing) 2021*.

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

2.2.3 The proposal is consistent with the objectives of the development controls contained in the *WDCP*.

3. DESCRIPTION OF PROPOSAL

The development application proposes the following:

- a) Demolition of the existing golf clubhouse and car park;
- b) Subdivision of current Lot 1 in DP 610360 and Lot 510 in DP200636 into proposed lots 1 and 2 (inclusive of easements);
- c) Construction of a two (2) storey new golf clubhouse, comprising:
 - Ground floor carpark comprising 76 spaces (4 Accessible) and one (1) loading zone; and
 - floor comprising a foyer; dining lounge; kitchen and service area; pro-golf shop; club administration area and meeting room; male/female changing rooms and toilet facilities; terrace dining and golf buggy and cart storage cages.
- d) Construction of a part two (2) and three (3) storey building for Independent Living Units (ILUs) comprising:
 - Three (3) Two (2) bedroom and 14 three bedroom units; and

- Two (2) level basement car parking containing 26 spaces, one (1) bus zone and one (1) loading zone.
- e) Landscaping and associated works, including removal of 21 trees, including 1 street tree.
- f) Clubhouse to operate between 6:00am to 12:00am all days.
- g) Public domain works



Figure -1: Proposed site plan of the Clubhouse and Independent Living Units (ILUs)



Figure -2: Proposed street view of the Clubhouse



Figure3: Proposed View of the development from the golf course

Following the issuance of RFIs dated 17 May 2024 and 17 October 2024, the application was amended on 26 November 2024. The proposal, as amended, includes the following changes compared to the originally lodged proposal:

- To address the permissibility issue, the proposal has been amended to exclude Lot 510 DP 200636 from the development site.
- One clubhouse car parking space has been removed to accommodate a bin holding room for the ILUs.
- Provision of ILUs identification signage.
- Reconfiguration of the lift lobby for the ILUs.
- Provision of 4 bicycle parking spaces have been provided for the clubhouse on level 1.
- Provision of a bulky waste room and a charity bin room for the ILUs on the Lower Ground Level.
- The private open space for Units G06, G07 and 106 has been increased.
- Provision of a 188sqm roof top communal open space for the ILUs, along with associated lifts and stairs.
- Open louvers have been added to the ILUs access lobbies.

The amended proposal was re-notified to adjoining properties in accordance with the Community Participation Plan for 14 days starting from 28 January 2025.

4. BACKGROUND

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

A pre-lodgement meeting was held on 23 August 2023.

The application was lodged on 22 December 2023.

The application was referred to Internal and external agencies on 10 January 2024.

The application was notified from 25 January to 23 February 2024.

Water NSW requested further information on 15 February 2024.

NSW Rural Fire Services (RFS) issued General Terms of Approval on 23 April 2024

On 24 April 2024, Sydney North Planning Panel held a kick-off briefing. The following issues were discussed:

- *Non-compliance with Height of Building Development Standard: The proposed ILU building does not comply with the WLEP and SEPP (Housing) 2021 development standards.*
- *Non-compliance with FSR development standard: The applicant's calculation of the FSR development standard is incorrect. The proposed FSR, as per the subdivision plan, of the ILUs building does not comply with the FSR standard (04:1) of WLEP and non-discretionary standard (0.5:1) of SEPP (Housing) 2021. The proposed ILUs building has an FSR of 0.96:1.*
- *Ground water and dewatering details for Water NSW to satisfy requirements for GTA's. Water NSW has requested additional information, which is outstanding to date.*
- *Waste Management and collection issues: These include unclear residential waste collection and management procedures, wrong bin size for the proposed ILU, and no provision has been made for Council's waste collection vehicles to collect waste on site.*
- *SEPP Accessibility requirement: Safety concerns with the accessible path requiring crossing the Deepwater Road twice and again at Allambie Road, requiring pedestrians to cross the road three times.*
- *Vehicle access and manoeuvring issues*
- *Stormwater management, Water Quality treatment and flooding related issues.*
- *The application does not accompany a preliminary and detailed site investigation (contamination) report, which does not enable a proper assessment pursuant to cl 4.6 of this SEPP (Resilience and Hazards) 2021.*
- *Hours of operation – 6am to 12am*
- *Aboriginal Heritage: While no sites are recorded in the current development area, the area of the proposed development is identified as having high potential for unrecorded Aboriginal sites.*
- *Pedestrian access to ILUs is unclear.*
- *Design Review Panel.*
- *No indication of the transition between the development and the Council land. It is evident that with the relocation of the Pro Shop and cart storage to the new Club House, additional works will be required on the Golf Course to accommodate the change.*
- *Removal of rock escarpment and vegetation along the eastern boundary.*
- *Tree 26 Eucalyptus scoparia located on the adjoining property unlikely to be retained (the Arborist identified several structural/health issues). No owner's consent from the adjoining owner to the east has been providing. Alternatively, additional investigation such as root mapping and detailed design is required to confirm that the tree can actually be retained.*
- *Willoughby DCP requires trees approved for removal to be replaced at a rate of 3:1 Confirmation is required that the Landscape Plans can accommodate the required replacement planting. This does not appear to have been achieved.*

On 17 May 2024, a request for additional information was sent to the applicant in respect to:

- Vehicle access and parking,
- Stormwater water management and flooding,
- Water quality
- SEPP (Housing) 2021 Access requirements
- Environmental Health
- Traffic and parking
- Landscaping
- Waste Management and collection,
- NSW Rural Fire Services recommendations
- Outstanding Water NSW RFI
- Substation requirement
- Permissibility of the proposed clubhouse on Lot 510 in DP200636
- FSR and GFA calculation
- SEPP (Housing) 2021 requirements
- Design Review Panel recommendations
- Hours of operation for the clubhouse

On 23 July 2024, the applicant responded to the RFI and provided revised architectural plans and other relevant documents.

The revised plans were re-referred NSW RFS pursuant to s38 of the EP&A Regulation 2021.

On 03 September 2024, the applicant responded to Water NSW RFI.

On 06 September 2024, NSW RFS issued an amended GTA.

On 08 October 2024, Sydney North Planning Panel held an assessment briefing. The following unresolved issues were discussed:

- Stormwater management
- Vehicular access and parking
- Waste Management and Collection
- Landscaping
- Substation Requirement
- Permissibility
- FSR and GFA calculation
- SEPP (Housing) 2021 requirements
- Hours of operation for the clubhouse

Water NSW issued General Terms of Approval (GTA) on 11 October 2024

Following a comprehensive review of the revised architectural plans and other relevant documents a meeting was held with the applicant on 16 October 2024 to discuss and provide feedback on their response to the initial RFI.

Subsequently on 17 October 2024, Council issued another additional information request letter advising:

- Stormwater water management and flooding,
- Water quality
- Parking and Access
- Waste Management and collection,

- Landscaping
- Traffic and Parking
- Permissibility
- Floor Space Ratio and GFA calculations
- Land use conflict
- SEPP (Housing) 2021 requirements
- Hours of operation for the clubhouse
- Response to Design Review Panel recommendations

On 26 November 2024, the applicant amended the application and responded with:

- Another set of revised architectural plans
- Revised 4.6 statements for Height of Building and FSR development standards
- Exclusion of Lot 510 from the development site
- Updated waste management plan
- Updated landscape plans and arborists report
- Updated stormwater management plans

On 19 December 2024, the amended application was re-referred Water NSW and NSW RFS pursuant to s38 of the EP&A Regulation 2021.

The amended application was re-notified for 14 days starting from 28 January 2025.

On 11 January 2025, Water NSW raised no issues with the amended application and advised that the GTAs issued on 11 October 2024 remain current.

On 29 January 2025, NSW RFS raised no issues with the amended application and advised that the GTA issued on 6 September 2024 remain current.

5. DISCUSSION

The controls and development statistics that apply to the subject land are provided in Attachment 2, including an assessment under State Environmental Planning Policy (Housing) 2021 – Chapters 3 and 4, Willoughby LEP 2012, and Willoughby Development Control Plan 2023.

A detailed assessment of the Clause 4.6 variations are provided in Attachments 3 and 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.

Key Issues

- **Building Height:**

The proposal is seeking a variation to the development standard set out in Clause 84 and non-discretionary development standard in cl108 of the Housing SEPP 2021. A detailed assessment of the variation is provided in Attachment 3 which concludes the variation is acceptable in the circumstances of the case.

- **Floor Space Ratio (FSR):**

The proposal, as originally lodged, contained errors in the calculation of Floor Space Ratio (FSR), particularly in applying the FSR provisions under the Willoughby Local Environmental Plan (WLEP) 2012 for the clubhouse and under the SEPP (Housing) 2021 for the Seniors Living development. The applicant initially identified an FSR of 0.16:1 for the clubhouse and

0.46:1 for the Seniors Living component. These figures were calculated by applying the entire site area to each use in isolation.

Upon raising concerns with the applicant, legal advice from Mills Oakley was submitted regarding the interpretation of the FSR provisions under both planning instruments. Council reviewed the advice and informed the applicant that the approach endorsed by Mills Oakley was incorrect, for the following reasons:

FSR Provisions under the WLEP 2012:

- The FSR applicable to the site under Clause 4.4A(1) of the WLEP is 0.4:1 (Area 1, $\geq 800\text{m}^2$).
- In accordance with Clauses 4.5(2) and 4.5(8) of the WLEP, and the definition of "site area" under Clause 4.5(3), the FSR must be calculated for the development as a whole — incorporating both the clubhouse and the Seniors Living building.

FSR Provisions under the SEPP (Housing) 2021:

- The FSR provisions of the Housing SEPP operate independently of the WLEP and apply only to development for Independent Living Units (ILUs), as outlined in Clause 108(2)(c).
- The non-discretionary development standard in Clause 108(2) applies solely to ILUs and not to the overall development.
- Clause 4 of the Housing SEPP establishes that terms defined within the SEPP apply in place of the Standard Instrument definitions.
- Gross Floor Area (GFA) is defined in Clause 82(1) of the Housing SEPP and differs from the definition under the WLEP.
- Site area is defined in Schedule 10 of the Housing SEPP, and also differs from the WLEP or Standard Instrument definition.
- The applicant's legal advice incorrectly relied on the WLEP definition of site area, which is inconsistent with Clause 4(1) and 4(2) of the Housing SEPP.
- Clause 108(2) of the Housing SEPP applies only "in relation to development for the purposes of independent living units." In this context, the "site" means the area of land on which development for ILUs will be carried out. Notably, the Housing SEPP defines site area as potentially comprising the whole or part of one lot, in contrast to the WLEP definition which includes the whole of any lot included in the development.
- Based on a correct interpretation of the relevant provisions, the FSR for the ILU portion exceeds 0.5:1, which means Clause 108(2)(c) is not met, and the consent authority may apply a more stringent FSR control.

Therefore, in accordance with Clauses 4.5(2) and 4.5(8) of the Willoughby LEP 2012 and the definition of "site area" under Clause 4.5(3), the applicant is required to calculate the floor space ratio (FSR) based on the entire development site, including both the clubhouse and the Seniors Living building. In contrast, under the SEPP (Housing) 2021, the site area for the purpose of calculating FSR for seniors housing refers only to the portion of land on which the independent living units (ILUs) are proposed, not the entire site.

In response, the applicant submitted an amended application on 26 November 2024 with corrected FSR calculations. This assessment report is based on the amended application.

A detailed assessment of the variations is provided in Attachment 4 which concludes the variations are acceptable in the circumstances of the case.

- **Waste Management and Collection:**

The proposed development, as lodged - particularly the Independent Living Units (Senior's living) failed to demonstrate compliance with Council's waste management and collection requirements. The applicant applied an incorrect waste generation rate to calculate the volume of waste and proposed private waste collection using a Medium Rigid Vehicle (MRV).

Council raised these concerns in the RFI and advised that private waste collection for the residential component could not be supported. Additionally, due to the scale of the development, onsite access for Council's waste vehicle is required which is equivalent to a Heavy Rigid Vehicle (HRV).

Following multiple discussions and meetings, the proposal was amended to include a holding room within the 10m from the kerbside, to facilitate kerbside collection by Council's waste vehicle. Council's Waste consultant reviewed the amended arrangement and, although it does not fully comply with the requirements of the WDCP 2023, considered it to be an acceptable outcome for the site and supported the development subject to conditions of consent.

- **Tree Removal:**

The amended proposal involves the removal of 24 trees (including three exempt trees) located both within the site and on public land, while retaining 21 trees, including all street trees along the Deepwater Road frontage. In addition, 86 new trees are proposed to be planted across the site.

Council's Landscaping section has reviewed the proposal and raised no objection to the development, subject to the retention of Tree 26, as identified in the Arborist Report and landscape plans. During the community consultation period, concerns were raised regarding the potential impact on Tree 26, which is not wholly located within the subject site.

According to the submitted Arboriculture Impact Assessment Report prepared by Rennie Bros (Version 3.0, dated 29 November 2023), the proposed works would result in a 27.4% encroachment into the Tree Protection Zone (TPZ) of Tree 26. Council's landscaping section considers that, given the extent of this encroachment, it is likely that the tree would be adversely affected if the proposal proceeds in its current form. This assessment is consistent with the findings in the applicant's Arboriculture Impact Assessment Report.

To facilitate the retention of Tree 26, the report recommends specific design amendments and construction methodologies to minimise impact. The report provides the following recommendations for retaining Tree 26:

- Reduce the excavated encroachment within the TPZ to less than 10%. This is defined as a minor and allowable TPZ encroachment by AS 4970-2009 Protection of trees on development sites (Standards Australia, 2009).*
- Maintain as much of the existing levels within the TPZ as possible to prevent root severance and compaction.*
- Remove the existing carpark bitumen carefully within the TPZ to prevent damage within the zone where the majority of roots occur. Deviations were observed in the surface of the bitumen indicating the presence of tree roots close to the surface. A large fraction of the root systems of trees are concentrated in the surface soil layers (within 1 metre of the ground surface) and substantial amounts of the root system can occur well beyond the*

perimeter of the leaf canopy. These features of the root system mean that the root systems of trees are vulnerable to any form of excavation within the zone where the majority of roots occur. Because of the concentration of tree roots in surface soils, even minor digging without due care can cause significant damage to the root system of a tree.

- iv. Design the driveway, crossover and entrance pathway on the existing grade or supported on piers to provide a minimum clearance of 100mm above the roots, ideally creating a void between the ground and roots. This design will allow for the essential exchange of gases between the soil air and the atmosphere (aeration) and the removal of excess water from the soil (drainage). The roots must be protected to prevent damage by blue metal and the alkaline impact of wet cement. A suitable material to cover the roots is polyethylene expandable joint and space filler (for example AbelFlex). Roots should be protected prior to the construction of the driveway and crossover.

In order to preserve the affected tree (T26), Council's Landscaping team has recommended a condition of consent in line with the above recommendations of the Arborists report.



FIGURE-4: Extract of the TPZ Encroachment Plan showing the extent of encroachment for T26 (Source: Arborists Report)

- **Public domain infrastructure improvements (traffic):**

The proposal, as originally lodged, included pedestrian crossings on Deepwater Road to ensure compliance with Clause 93 of the SEPP (Housing) 2021. In reviewing the proposal and the associated pedestrian safety measures, Council requested that refuge islands be incorporated at the proposed crossing points to enhance pedestrian safety. In response, the applicant submitted amended public domain plans in November 2024, which included refuge islands at the relevant locations.

However, during the re-notification of the amended proposal, a number of concerns were raised by the community. These included the loss of on-street car parking, restricted access to private driveways, and potential impacts on emergency vehicle access.

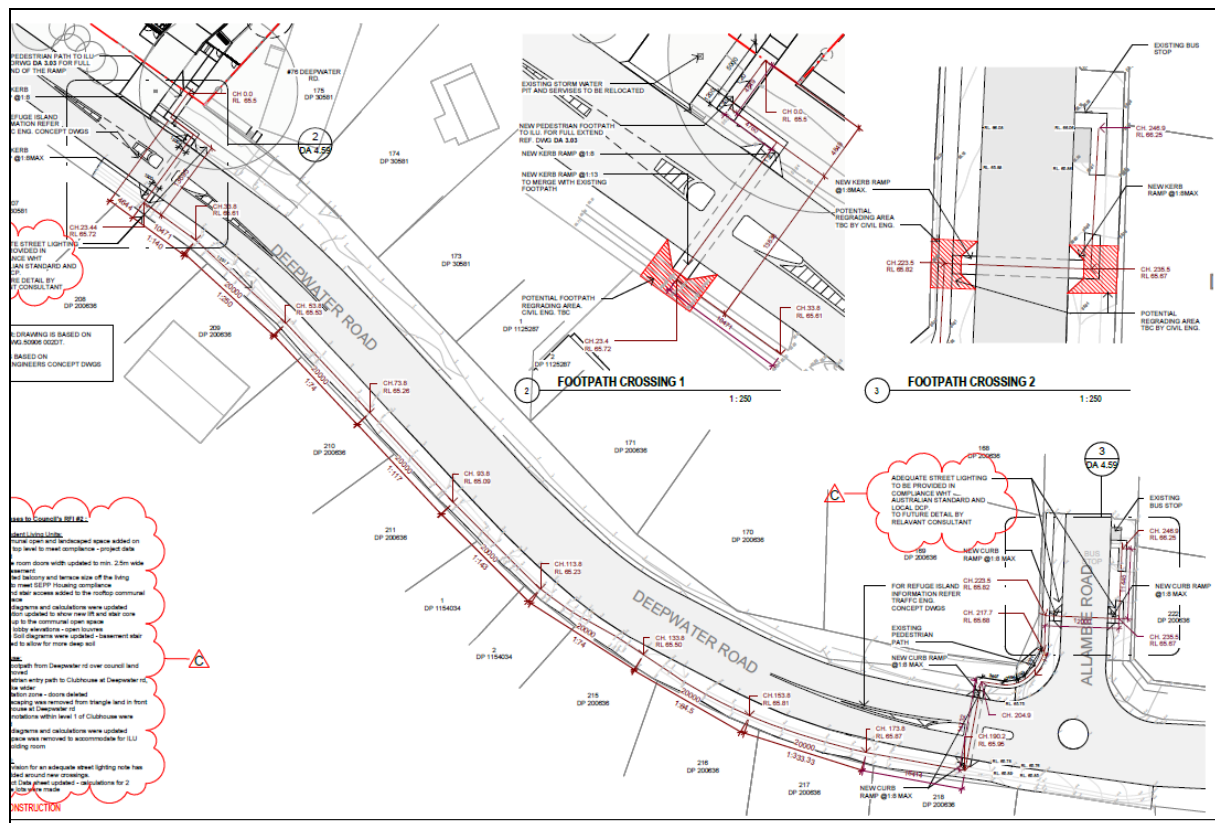


FIGURE-5: An extract of the public domain works plan identifies the proposed footpath crossings and associated refuge island locations.

While the refuge islands were proposed in response to Council's initial Request for Information (RFI) to address pedestrian safety and accessibility, community feedback indicates that the current design has generated considerable opposition.

This issue was referred to Council's Traffic and Transport team, who advised that given the community concerns and in the interest of balancing pedestrian safety with local traffic and access needs the applicant should investigate the use of kerb blisters (kerb buildouts) as an alternative to the refuge islands. Kerb blisters are considered a more appropriate solution in this context, as they can:

- Narrow the road to reduce vehicle speeds;
- Shorten pedestrian crossing distances;
- Improve pedestrian visibility at crossing points; and
- Potentially retain more on-street parking, depending on the design.

Accordingly, a condition of consent has been recommended requiring the implementation of kerb blisters in lieu of the previously proposed refuge islands.

● **Subdivision:**

The proposal seeks approval for a Torrens title subdivision of the existing lot 1 in DP 610360 which is permitted in this zone under Willoughby LEP 2012 and would provide for the separation of titles for the total site area into two allotments:

- Lot 1 (Clubhouse): 2,538m²
- Lot 2 (Independent Living Unit (ILU) site): 3,173m²

The proposed subdivision complies with the minimum lot size requirements of the Willoughby LEP 2012. However, concerns are raised regarding the functional layout and interaction between the proposed lots as shown on the submitted subdivision plan.

It is noted that while Lot 1 is intended to accommodate the clubhouse and Lot 2 the ILU development, certain elements of each development are located within the other lot. For example:

- A temporary bin holding bay serving the ILU development is located within Lot 1 (Clubhouse site).
- Four car parking spaces and a waste storage room associated with the clubhouse are located beneath the elevated ramp to the ILU and fall within Lot 2.

The subdivision plan does not identify any easements to formalise these cross-lot arrangements. In the absence of such easements, future conflicts may arise in relation to access, use, and maintenance responsibilities for shared facilities.

To address this, a condition is recommended requiring the submission of an amended subdivision plan that accurately reflects any required easements or rights of access, to ensure the ongoing functionality of both developments and avoid potential disputes.

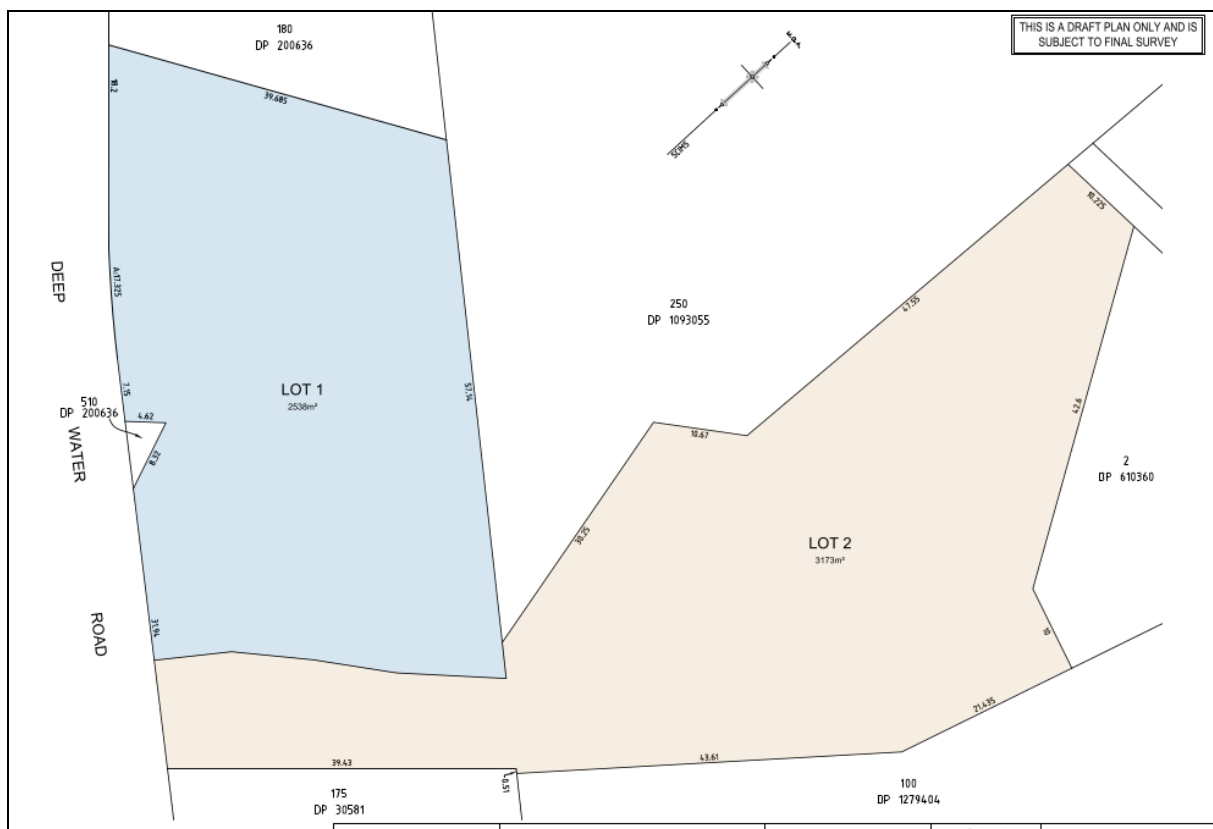


FIGURE-6: an extract of the proposed subdivision plan

6. CONCLUSION

The Development Application DA-2023/334 has been assessed in accordance with Section 4.15 (79C) of the *Environmental Planning and Assessment Act 1979*, SEPP (Housing) 2021, *WLEP 2012*, *WDCP*, and other relevant codes and policies. It is considered that the proposal is acceptable in the particular location, subject to the consent conditions included in Attachment 7.

ATTACHMENT 1: SITE DESCRIPTION AND AERIAL PHOTO



Figure-7: Aerial view of the subject site and surrounds

The subject land, known as 74 Deepwater Road Castle Cove, is situated on the northern side of Deepwater Road, directly south-east to the Castle Cove Country Golf Course legally described as Lot 1 in DP610360. This irregularly shaped allotment has a total area of approximately 5,711 m² and is zoned R2 Low Density Residential. The terrain slopes moderately, descending around 16 meters from the rear (northern boundary) towards the Deepwater Road Frontage.

The site features a primary frontage of 83m to Deepwater Road. Existing development on the site comprises a clubhouse building which operates ancillary to the Castle Cove Country Golf Course. The clubhouse is 2 to 3 storey structure buildings located in the north-eastern part of the site. It is supported by two hardstand car parking areas: one located directly east of the clubhouse building, and another positioned at the southern end of the site adjacent to Deepwater Road.

The site is not affected by flood or heritage overlays. However, it is identified as bushfire prone land. The site's topography and existing vegetation contribute to its aesthetic appeal and integration with the surrounding landscape.

Surrounds

The surrounding area is predominantly residential in character, with the exception of the adjoining golf course located immediately to the west. To the north and south across

Deepwater Road, the site adjoins land zoned C4 – Environmental Living, characterised by detached dwellings on generously sized lots. To east lies R2 – Low Density Residential zoned land, comprising single dwelling houses.

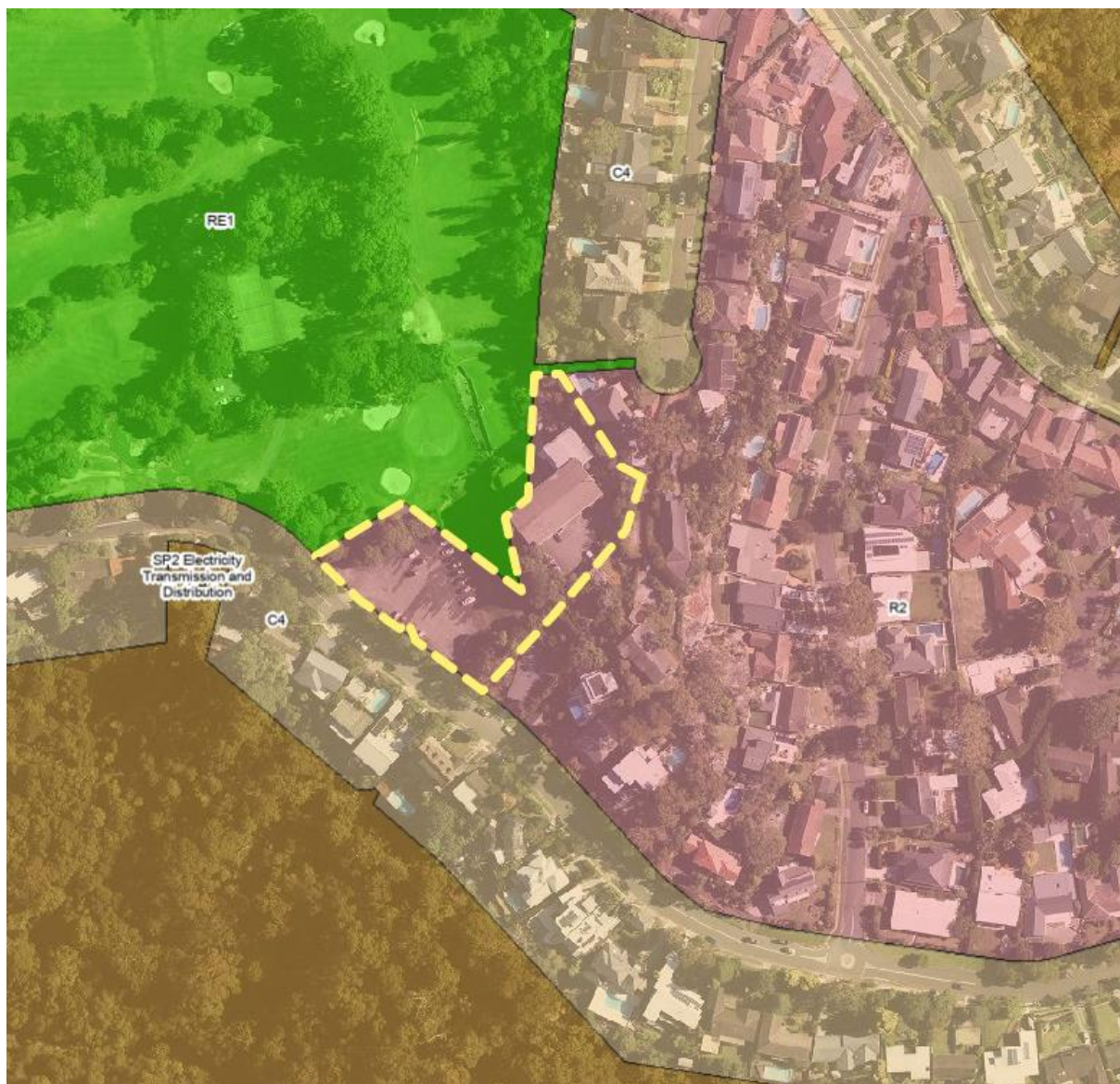


Figure-8: subject site (yellow broken outline) and surroundings land zoning map.

ATTACHMENT 2: CONTROLS, REFERRALS & DEVELOPMENT STATISTICS

<i>Willoughby Local Environmental Plan 2012 (amendment 34)</i>	
Zoning: HOB: FSR:	R2 – Low Density Residential 8.5m 0.4:1
Existing Use Rights	No
Additional Permitted Use	Yes, a registered club is permitted on Lot 1 DP 610360 pursuant to section 6, Schedule 1.
Conservation area	No
Aboriginal Heritage	No
Heritage Item	No
Vicinity of Heritage Item	No
Natural Heritage Register	No
Bushfire Prone Area	Yes – RFS NSW has issued general terms of approval
Flood related planning control	No
Foreshore Building Line	No
Adjacent to classified road	No
Road/lane widening	No
BASIX <i>SEPP</i>	YES
Infrastructure <i>SEPP</i> - Rail	No
Infrastructure <i>SEPP</i> - Road	No
Coastal Management <i>SEPP</i>	No
Acid Sulphate Soil Category	5
Development near Lane Cove Tunnel	No
Contaminated Land	No
Adjacent / above Metro	No
Other relevant <i>SEPPS</i>	<i>SEPP</i> (Resilience and Hazards) 2021 <i>SEPP</i> (Sustainable Buildings) 2022 <i>SEPP</i> (Biodiversity and Conservation) 2021, <i>SEPP</i> (Housing) 2021 <i>SEPP</i> (Planning System) 2021
Relevant <i>DCPs</i> policies and resolutions	<i>WDCP</i> 2023

Permissibility:

The proposal includes the construction of a new registered club and independent living units (Seniors Housing). As indicated in the table above, a registered club is permitted on Lot 1 DP 610360 pursuant to Section 6 of Schedule 1. However, Seniors Housing is not listed as a permitted use in the land use table under the WLEP. Notwithstanding this, Seniors Housing is permitted in the R2 Low Density Residential zone under Section 81, Chapter 3 of the Housing SEPP 2021.

State Environment Planning Policy (Resilience and Hazards) 2021

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

The application accompanies a Preliminary Site Investigation prepared by EI Australia, Report No E25678.E01_Rev3, dated 22 July 2024. The report concludes that the subject site is considered suitable for the proposed use, subject to Hazardous Materials Survey (HMS) and further testing of soil following demolition works. Council's Environmental Health section has reviewed the report and raised no issues with the proposed development subject to conditions of consent.

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

State Environmental Planning Policy (Housing) 2021

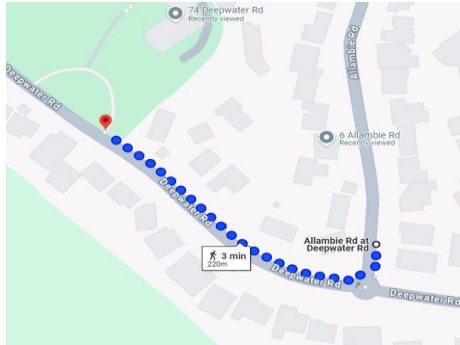
The SEPP (Housing) 2021, particularly, Chapter 3, Part 5, outlines the standards for the development of seniors housing. The provisions of the Housing SEPP are addressed in the table below:

Requirements	Proposed	Complies
Part 5 – Housing for seniors and people with a disability		
Division 1 – Land to which Part applies		
S79 – Land to which part applies	The portion of the site subject to seniors housing development (ILUs) is zoned R2 Low Density Residential and therefore the use is permissible under the Housing SEPP.	Yes
Division 3		
S84– Development Standards - general		
1) This section applies to development for the purposes of seniors housing involving the erection of a building.	The proposal is for in-fill self-care housing consisting of 17 Independent living units and a clubhouse building.	Yes
2) Development consent must not be granted for development to which this section applies unless – a) The site area of the development is at least 1,000m ² , and b) The frontage of the site area is at least 20m measured at the building line, and	The site has an area of 5,711m ² and a frontage of approximately 82m.	Yes

<p>c) For development on land in a residential zone where residential flat buildings are not permitted –</p> <p>i. The development will not result in a building with a height of more than 9.5m, excluding servicing equipment on the roof of the building, and</p> <p>ii. If the roof of the building contains servicing equipment resulting in the building having a height of more than 9.5m – the servicing equipment complies with subsection (3), and</p> <p>iii. If the development results in a building with more than 2 storeys – the additional storeys are set back within planes that project at an angle of 45 degrees inwards from all side and rear boundaries of the site.</p>	<p>The development site is located in R2 Low Density Residential Zone, where residential flat buildings are not permitted.</p> <p>The proposal seeks a maximum building height of 14.26m, which exceeds the height limit under the SEPP by 4.76m. The application includes a request to vary this requirement and is supported by a Clause 4.6 variation statement. Refer to the Clause 4.6 assessment in Attachment 3.</p>	<p>No</p>
<p>3) The servicing equipment must –</p> <p>a) Be fully integrated into the design of the roof or contained and suitably screened from view from public places, and</p> <p>b) be limited to an area of no more than 20% of the surface area of the roof, and</p> <p>c) not result in the building having a height of more than 11.5m.</p>	<p>Notwithstanding the variation to the 9.5m building height development standard under Clause 84(2)(c)(i) above, all servicing equipment located above the roof complies with the 11.5m height requirement. This is because the exceedance of the 9.5-metre height limit is limited to a total area of approximately 73.97m², which represents only 5.28% of the total roof area, and is a result of the building design responding to the existing rock platform beneath the proposed building.</p>	<p>Yes</p>
<p>S85 – Development Standards for hostels and independent living units.</p> <p>Development to comply with the requirements in Schedule 4</p>	<p>Schedule 4 outlines standards relating to accessibility and usability for hostels and independent living units. An access report prepared by Jensen Hughes, reference no. 117017-Access-r1.2, dated 07 December 2023 was submitted with the application. The report indicates the proposal is capable of achieving compliance with the relevant standards of the schedule 4, however, it notes that further information to be provided during post-da coordination.</p> <p>Therefore, to ensure compliance with this part of the SEPP, a condition of consent requiring</p>	<p>Yes, complies with condition.</p>

	compliance has been recommended.	
S88 - Restrictions on occupation of seniors housing: (1) Development permitted under this Part may be carried out for the accommodation of only the following— (a) seniors or people who have a disability, (b) people who live in the same household with seniors or people who have a disability, (c) staff employed to assist in the administration and provision of services to housing provided under this Part. (2) Development consent must not be granted under this Part unless the consent authority is satisfied that only the kinds of people referred to in subsection (1) will occupy accommodation to which the development relates.	A condition of consent has been recommended limiting the use of the Independent Living Units to Seniors only. Seniors as defined in the SEPP (housing) 2021 means the following people— <i>(a) people who are at least 60 years of age,</i> <i>(b) people who are resident at a facility at which residential care, within the meaning of the Aged Care Act 1997 of the Commonwealth, is provided,</i> <i>(c) people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.</i>	Yes, complies with condition.
S90 – Subdivision 1) Development consent may be granted for the subdivision of land on which development has been carried out under this Part. 2) Development consent must not be granted for the subdivision of a building resulting from development carried out under this Part on land in Zone E2 Commercial Centre or Zone B3 Commercial Core.	The subject site is zoned R2 Low Density residential. The proposal seeks to subdivide the land via a Torrens title subdivision to create two new lots, separating the proposed clubhouse from the seniors living development.	Yes
S92 – Development on land used for the purposes of an existing registered club		
1) Development consent must not be granted for development under this Part on land used for the purposes of an existing registered club unless the consent authority is satisfied that— a) the development includes appropriate measures to separate the club from residential areas to avoid land use conflicts, and b) an appropriate protocol will manage the relationship between the seniors housing and the gambling facilities on the site of the club to minimise harm associated with the misuse and abuse of gambling activities by residents of the seniors housing.	The development includes construction of a new clubhouse and a seniors living development. However, it has been designed to provide adequate separation between the uses to minimise the potential land use conflict with a proposed separation of 15.28m. The proposal also includes an accessible path of travel to allow residents of the independent living units to access the clubhouse facilities, should they wish to do so.	Yes
2) For the purposes of subsection (1)(a), appropriate measures include the following— a) separate pedestrian access points	The proposal includes separate pedestrian access points for the clubhouse and the independent living unit (ILU) building.	Yes

<p>for the club and the residential areas of the seniors housing,</p> <p>b) design principles underlying the building aimed at ensuring acceptable noise levels in bedrooms and living areas in the residential areas of the seniors housing.</p>	<p>To ensure acceptable noise levels within the bedrooms and living areas of the ILUs, an Environmental Noise Assessment prepared by Day Design Pty Ltd (Reference No. 7817-1.1R, dated 17 November 2023) accompanies the application. The report includes noise control recommendations and design measures to minimise potential noise impacts on ILU residents from the use of the clubhouse, which is proposed to operate until midnight.</p> <p>The recommendations of the report have been included as condition/s of consent.</p>	
Division 4 – Site related requirements S93 - Location and access to facilities and services – independent living units		
<p>1) Development consent must not be granted for development for the purposes of an independent living unit unless the consent authority has considered whether residents will have adequate access to facilities and services –</p> <p>a) By a transport service that complies with subsection (2), or</p> <p>b) On-site.</p>	<p>Residents will have access to public transport via bus services operating from a nearby bus stop located at the corner of Allambie Road and Deepwater Road (Stop ID: 206942). This stop is serviced by bus route 277, which operates a loop service between Chatswood and Castle Cove. The bus stop is located approximately 270 metres from the site.</p>	<p>Yes</p>
<p>2) The transport service must -</p> <p>a) take the residents to a place that has adequate access to facilities and services, and</p> <p>b) for development on land within the Greater Sydney region –</p> <p>i. not be an on-demand booking service for the transport of passengers for a fare, and</p> <p>ii. be available both to and from the site at least once between 8am and 12pm each day and at least once between 12pm and 6pm each day.</p>	<p>The bus service available at the stop located on the corner of Allambie Road and Deepwater Road provides residents with access to Chatswood Interchange, where they can benefit from a wide range of facilities and services.</p> <p>The services from the bus stop at Allambie Road and Deepwater Road to Chatswood Interchange are available at the following time intervals:</p> <p>Monday to Friday:</p> <ul style="list-style-type: none"> • Services every 30 minutes from 6:50 am to 9:15 am • Services every 60 minutes from 9:19 am to 3:33 pm • Services every 30 minutes from 3:33 pm to 6:40 pm 	<p>Yes</p>

	<p>Given that bus route 277 operates as a loop service between Chatswood and Castle Cove, the frequency of buses is the same for trips from Chatswood Interchange to the bus stop at Allambie Road and Deepwater Road.</p> <p>The first and last services from Chatswood Interchange to the stop at Allambie Road and Deepwater Road are at 6:00 am and 6:27 pm, respectively.</p> <p>Saturday, Sunday, and Public Holidays:</p> <ul style="list-style-type: none"> Services run every 2 hours from 8:28 am to 6:28 pm from the stop at Allambie Road and Deepwater Road. <p>While the weekend services are less frequent than on weekdays, there will be two services between 8:00 am and 12:00 pm, and three services between 12:00 pm and 6:00 pm, which comply with the requirements of this section.</p>	
<p>3) For the purposes of subsections (1) and (2), access is adequate if –</p> <p>a) The facilities and services are, or the transport service is, located at a distance of not more than 400m from the site, and</p> <p>b) The distance is accessible by means of a suitable access pathway, and</p> <p>Note: A suitable access pathway is a path of travel by means of a sealed footpath or other similar and safe means that is suitable for access by means of an electric wheelchair, motorised cart or the like.</p> <p>c) The gradient along the pathway complies with subsection (4)(c).</p>	<p>The transport service mentioned above is located not more than 400m from the site.</p>  <p>The proposal will require infrastructure improvements to ensure a suitable access pathway from the site to the bus stop at Allambie Rd and Deepwater Rd.</p> <p>Conditions of consent have been recommended to ensure these improvements are completed.</p>	Yes
S95 – Water and Sewer	<p>The Site has access reticulated water and Sewerage infrastructure. Condition of consent has been recommended to ensure an application is lodged with the</p>	Yes, Complies with condition

	responsible authority (Sydney Water) for connection.	
S96 – Bush fire prone land In determining a development application for development under this Part on land near relevant bush fire prone land, the consent authority must— (a) consult with the NSW Rural Fire Service and consider its comments, and (b) consider the following including—	<p>The site is partially located within a vegetation buffer and is therefore classified as Bush Fire Prone Land. A Bush Fire Assessment has been prepared and is included with the application.</p> <p>Due to the nature of the development, the application is identified as Integrated Development, requiring approval from the NSW Rural Fire Service (RFS) under Section 100B of the Rural Fires Act 1997. As a result, a referral was sent to the NSW RFS, which has issued General Terms of Approval (GTA).</p>	Yes, subject to GTA issued by NSW RFS.
Division 5 – Design requirements S97 – Design of seniors housing (1) In determining a development application for development for the purposes of seniors housing, a consent authority must consider the Seniors Housing Design Guide, published by the Department in December 2023. (2) Development consent must not be granted to development for the purposes of seniors housing unless the consent authority is satisfied the design of the seniors housing demonstrates that adequate consideration has been given to the design principles for seniors housing set out in Schedule 8.		
Schedule 8 1. Neighbourhood amenity and streetscape. Seniors Housing should be designed to –		
a. to recognise the operational, functional and economic requirements of residential care facilities, which typically require a different building shape from other residential accommodation,	Not applicable	
b. to recognise the desirable elements of – i. the location's current character, or ii. for precincts undergoing a transition—the future character of the location so new buildings contribute to the quality and identity of the area,	<p>Proposal is considered to be sympathetic to the streetscape character and surrounding greenery. The independent living unit (ILU) building will not be prominently visible from the street, and the view from the golf course will feature a 2-3 storey building designed to respond to the topography of the site.</p> <p>Castle Cove is characterised by a mix of architectural styles, including modern and mid-century homes. The design incorporates materials such as sandstone, brick, and</p>	Yes

	glass, which are commonly found both in the natural environment and in nearby buildings.	
c. to complement heritage conservation areas and heritage items in the area,	The site is not identified as being located within proximity of any heritage conservation areas or heritage items.	Yes
d. to maintain reasonable neighbourhood amenity and appropriate residential character by - i. providing building setbacks to reduce bulk and overshadowing, and ii. using building form and siting that relates to the site's land form, and iii. adopting building heights at the street frontage that are compatible in scale with adjacent buildings, and iv. considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours,	The proposal promotes excellent design that is appropriate in terms of form, massing, and articulation, while preserving the existing residential amenity. It seamlessly integrates with the site's varied topography and the broader built form of Castle Cove.	Yes
e. to set back the front building on the site generally in line with the existing building line,	The building located in the front is the clubhouse building and the ILU building is located at the rear of the site therefore the front setback provision is not applicable.	NA
f. to include plants reasonably similar to other plants in the street, and	The proposed planting schedule has been reviewed by the Council's landscape officer, and no issues were raised regarding the proposed plant species.	Yes
g. to retain, wherever reasonable, significant trees,	All trees of significant value are recommended to be retained through conditions of consent.	Yes
h. to prevent the construction of a building in a riparian zone.	Not applicable. The site is not located in a riparian zone.	NA
2. Visual and acoustic privacy	<p>The proposed design will ensure adequate levels of visual and acoustic amenity for future occupants, with good orientation and cross-flow ventilation to the units, while also preserving the amenity of adjoining properties.</p> <p>The development will include setbacks from adjoining properties, ensuring suitable separation between the proposed independent living units (ILUs) and neighbouring properties, thus addressing their sunlight and privacy needs. An accessible path of travel is provided to all residential floors.</p>	Yes
3. Solar access and design for climate	The proposed development has been designed with optimal orientation and cross-flow ventilation to ensure solar access and natural ventilation to all units,	Yes

	while also preserving solar access to adjoining properties.	
4. Stormwater	The proposed stormwater management design has been reviewed by Council's engineering section, and no issues were raised, subject to conditions of consent.	Yes
5. Crime Prevention	<p>The proposed development is considered to have been designed to incorporate the principles of Crime Prevention Through Environmental Design.</p> <p>Suitable street and ground level lighting will be provided within the development to maximise surveillance opportunities at night. The car park and pedestrian access will have intercom system and security doors restricting access to resident and visitor only and suitable lighting will be provided within the development.</p> <p>Additionally, the proposal was referred to NSW Police for comments, who raised no issues subject to recommending design treatment options required in line with Crime Prevention Through Environmental Design (CPTED) principles.</p>	Yes
6. Accessibility	The proposed development will include accessible pedestrian paths to the independent living units (ILUs) to ensure residents have an unobstructed path of travel. Additionally, the vehicular access point will be clearly marked with signage on Deepwater Road. The entry lobbies to the ILUs will be distinctly defined through an entry foyer, landscaping, and footpaths.	Yes
7. Waste management	Waste storage facilities will be provided within the ILU building, with a bin holding bay proposed in the clubhouse building to facilitate collection by the Council's waste vehicle. Council's waste section has reviewed the proposal and recommended conditions in accordance with the Council's waste management and collection procedures.	Yes

Division 7 – Non-discretionary development standards

Section 108 – Non-discretionary development standards for independent living units – the Act, s 4.15. The following are non-discretionary development standards in relation to development for the purposes of independent living units—

a. no building has a height of more than 9.5m, excluding servicing equipment on the roof of a building,	The proposal seeks a maximum building height of 14.26m, exceeding the SEPP requirement by 4.76m. The application requests a variation to this requirement and has submitted a Clause 4.6 variation statement. Please refer to the Clause 4.6 assessment in Attachment 3.	No
b. servicing equipment on the roof of a building, which results in the building having a height of more than 9.5m— i. is fully integrated into the design of the roof or contained and suitably screened from view from public places, and ii. is limited to an area of no more than 20% of the surface area of the roof, and iii. does not result in the building having a height of more than 11.5m.	Notwithstanding the variation to the 9.5m building height development standard under Clause 84(2)(c)(i) and Clause 108(a) above, all servicing equipment located above the roof complies with the maximum height requirement of 11.5m. This is because the 9.5m height variation applies to only a total area of approximately 73.97m ² , which represents 5.28% of the total roof area, with the building design responding to the existing rock platform beneath the structure.	Yes
c. the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less,	The portion of the site designated for Seniors Living development covers an area of 3,173m ² . The independent living unit (ILU) building has a gross floor area (GFA) of 2,622.13m ² , which results in a floor space ratio (FSR) of 0.82:1. When compared to the 0.5:1 non-discretionary FSR development standard set by the Housing SEPP, this represents an exceedance of 0.33:1, or 66%, above the standard. The applicant has submitted a separate Clause 4.6 request seeking a variation to this standard. Please refer to the Clause 4.6 assessment in Attachment 4 for further details.	No
d. for a development application made by a social housing provider—at least 35m ² of landscaped area per dwelling,	Not applicable.	NA
e. if paragraph (d) does not apply—at least 30% of the site area is landscaped,	The proposal, as amended, includes landscaping areas of 999m ² . Given the site area of 3,173m ² for the purpose of Seniors Living, this results in a proposed landscaping coverage of 31.48%.	Yes
f. a deep soil zone on at least 15% of the site area, where each deep soil	The proposal, as amended, includes deep soil zone areas of	Yes

zone has minimum dimensions of 3m and, if practicable, at least 65% of the deep soil zone is located at the rear of the site,	477.8m ² . Given the site area of 3,173m ² for the purpose of Seniors Living, this results in a proposed deep soil coverage of 15.05%.	
g. at least 70% of the dwellings receive at least 2 hours of direct solar access between 9am and 3pm at mid-winter in living rooms and private open spaces.	According to the submitted architectural drawings, including sun-eye diagrams, 13 out of 17 units (76.5%) will receive a minimum of 2 hours of direct sunlight between 9 am and 3 pm at mid-winter.	Yes
h. for a dwelling in a single storey building or a dwelling located, wholly or in part, on the ground floor of a multi-storey building— i. at least 15m ² of private open space per dwelling, and ii. at least 1 private open space with minimum dimensions of 3m accessible from a living area located on the ground floor.	The proposal, as amended, provides at least 15m ² of private open space for each ground-floor unit.	Yes
i. for a dwelling in a multi-storey building not located on the ground floor—a balcony accessible from a living area with minimum dimensions of 2m and— i. an area of at least 10m ² , or ii. for each dwelling containing 1 bedroom—an area of at least 6m ² ,	Each upper-level units have at least one balcony with a minimum area of 10m ² and a minimum dimension of 2m.	Yes
j. for a development application made by, or made by a person jointly with, a social housing provider—at least 1 parking space for every 5 dwellings,	Not applicable.	NA
k. if paragraph (j) does not apply—at least 0.5 parking spaces for each bedroom.	<p>The proposal comprises 17 Independent Living units:</p> <ul style="list-style-type: none"> • 14x 3 Bedroom units • 3x 2 Bedroom units <p>This totals 48 bedrooms. Based on the requirement of this section, 24 car parking spaces are required.</p> <p>The proposal includes 26 car parking spaces, including 2 visitor spaces.</p>	Yes

Seniors Housing Design Guide

The Seniors Housing Design Guide, December 2023 has been considered under this application. An assessment of key principles provided under Part 2 and 3 of the design guide is provided below:

Design Principle	Comments
Part 2 – Guidance Chapters	
1. Designing for Country	The application is accompanied by an architectural design statement, which indicates that the building's design has taken into account the findings of the Aboriginal Cultural Heritage Assessment Report. The proposal was also referred to the Aboriginal Heritage Council for comment. The Council raised no issues with the development but requested that an unexpected finds protocol condition be included should approval be granted
2. Care for the planet	The applicant advises that the proposal incorporates several sustainability principles, including natural ventilation for the majority of apartments, maximizing direct sunlight to apartments while utilizing shading devices where necessary, and incorporating landscaping throughout the development. A BASIX certificate accompanies the application, demonstrating compliance with the relevant sustainability controls.
3.Site analysis-environmental response	The applicant advises that the proposal has been designed to respond to the undulating nature of the property, integrating seamlessly with the existing rock formations on the site. Efforts have been made to retain as much vegetation as possible. Additionally, a comprehensive landscaping strategy has been developed to blend the site into its green surroundings.
4. Site analysis – urban response	The applicant advises that the portion of the site designated for the ILUs is positioned at the rear of the property, 3m below the adjoining residential development, thereby minimizing the bulk and scale of the building. It is acknowledged that the adjoining allotment along most of the site's eastern boundary consists of a denser, low-rise apartment typology, which differs from the typical detached residential dwellings and aligns more closely with the design of the ILU building.
5. Heritage	The site is not located within proximity of any heritage conservation areas or heritage items.
6. Care, wellbeing and community	<p>The applicant advises that the proposal includes generous communal open spaces, including both ground-floor and rooftop areas. These communal spaces feature facilities such as a BBQ area, bocce field, and vegetable garden, encouraging social interaction among residents and visitors, thereby promoting community building.</p> <p>Additionally, the proposal incorporates universal design principles in the design of the ILU building, with 100% of the units being designed as adaptable</p>

	units.
7. Design for physical ageing and dementia	The applicant advises that the proposal introduces a typology of seniors housing that moves away from the large institutional designs typically seen in seniors housing developments, creating a more intimate setting for future aging residents.
Part 3 – Density and Related Design Principles	
9. Determining Density	Given that the proposed FSR for the ILU development is 0.82:1 and in accordance with the Seniors Housing Guide, the development is classified as medium-density seniors housing based on the type of housing proposed.
10. Designing for different densities <i>10.5 Medium density independent living development is often two or three storey on sites where residential flat buildings are not permitted and has multiple dwellings, usually accessed from a single driveway to carparking</i>	The proposed development is generally a 2- and 3-storey building comprising 17 independent living units, accessed via a driveway and pedestrian pathway from the street. The proposal is considered to be consistent with Clause 10.5 and the objectives outlined in Section 10 of the guide.
15. Independent Living for Medium Density – Design Principles	
15.1 Neighbourhood amenity and streetscape	The applicant advises that the ILUs are located at the rear portion of the site and, as such, do not have a clear street address. The proposed bulk and scale of the ILU building have been designed to respond to the site's undulating topography while remaining sympathetic to the low-rise scale of the surrounding development. The change in level between the site and the neighbouring residential development, along with the landscaped buffer along the site's eastern boundary, will maximize visual privacy.
15.2 Solar access and design principles	The majority of the units will receive adequate natural sunlight during mid-winter, between 9:00 am and 3:00 pm. Appropriate shading devices will be installed to minimize solar heat gain during the summer. All residences are single-level and will benefit from natural ventilation throughout the internal spaces, reducing the need for air-conditioning for temperature control. Additionally, all ILUs will be equipped with generous private balconies and terraces, promoting cross breezes and maximizing natural light.
15.3 Stormwater	The proposed stormwater management design has been reviewed by Council's engineering section and no issues were raised, subject to conditions of consent
15.4 Crime prevention	<p>The proposed development is considered to have been designed to incorporate the principles of Crime Prevention Through Environmental Design.</p> <p>The proposal was referred to NSW Police for comments, who raised no issues subject to recommending design treatment options required in line with Crime Prevention Through Environmental Design (CPTED) principles.</p>

15.5 Accessibility	<p>The proposed development will include accessible pedestrian paths to the ILUs, ensuring residents have an accessible path of travel. Additionally, the vehicular access point will be clearly identifiable through signage on Deepwater Road. The entry lobbies to the ILUs will be clearly defined through an entry foyer, landscaping, and footpaths.</p> <p>Furthermore, the application is accompanied by an access report addressing the accessibility requirements for seniors housing as set out in Schedule 4 of the SEPP (Housing) 2021.</p>
15.6 Waste management	<p>Waste storage facilities are provided within the ILU building, with a bin holding bay proposed in the clubhouse building to facilitate collection by the Council's waste vehicle. Council's waste section has reviewed the proposal and recommended conditions in accordance with the Council's waste management and collection procedures.</p>

State Environmental Planning Policy (Housing) 2021 – Chapter 4:
Design Quality of Residential Apartment Development

The development for seniors housing is partly 3 storey and 4 or more dwellings therefore in accordance with s144(3), Chapter 4 of the SEPP (Housing) 2021 applies to this development.

Note:

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

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

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

State Environmental Planning Policy (Housing) 2021 – Chapter 4: Design Quality of Residential Apartment Development		
145	<p><i>Referral to design review panel for development applications:</i></p> <p><i>(1) This section applies to a development application for residential apartment development, other than State significant development.</i></p> <p><i>(2) Before determining the development application, the consent authority must refer the application to the design review</i></p>	<p>Pursuant to subclause (2), The application was presented to the Design Review Panel. Council's Urban designer has reviewed the design subject to this application against the Panel's recommendations and raised no issues.</p>

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

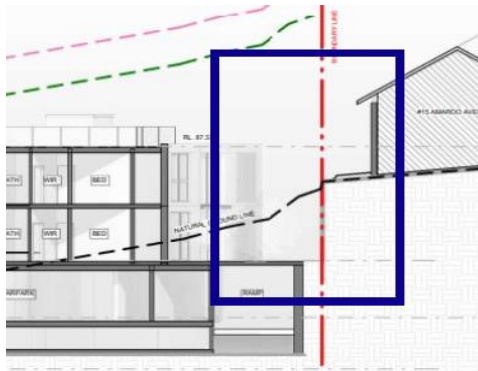
	<p><u>(1)(b) does not require a consent authority to require compliance with design criteria specified in the Apartment Design Guide.</u></p> <p>(4) Subsection (1)(c) does not apply to State significant development.</p>	
148	<p>Standards that cannot be used to refuse consent:</p> <ul style="list-style-type: none"> • Parking provision that complies with ADG, • Internal area of apartments that comply with ADG, • Ceiling heights that comply with ADG. 	Noted.
149	<p>DCPs cannot be inconsistent with Apartment Design Guide (ADG)</p> <p>Provisions in DCP of no effect in respect to:</p> <ul style="list-style-type: none"> • Visual privacy • Solar and daylight access • Common circulation and spaces • Apartment size and layout • Ceiling heights • Private open space and balconies • Natural ventilation • Storage 	Noted.
Schedule 9 – Design quality principles		
1	Context and neighbourhood character	The height and scale is consistent with desired future character of the Castle Cove and aligns with the future growth plans for the area.
2	Built Form and Scale	The proposal responds appropriately to the desired future character, and is satisfactorily modulated in form, comprised of suitable materials, defines the public domain and provides good internal residential amenity.
3	Density	<p>The proposal has a floor space ratio of 0.82:1, which does not comply with the development standard. The quantum of the development is dissected into high amenity independent living units that serve to meet the seniors housing demand.</p> <p>The unit breakdown in the proposal is:</p> <ul style="list-style-type: none"> o 2 bedroom – 3 units o 3 bedroom – 14 units <p>The proposed unit matrix cater to deliver medium seniors housing development of a scale and size that is becoming more common and sought after in urban areas. The proposal generally complies with the ADG requirements</p>

		and its objectives. Therefore, The density of the proposal is satisfactory.
4	Sustainability	The applicant advises that the proposal incorporates a number of principles of sustainability, including natural ventilation to the majority of apartments, maximizing direct sun to apartments whilst utilising shading devices where required and landscaping throughout the proposal. BASIX targets are achieved.
5	Landscape	Deep soil area achieves approximately 15.05% of the site, which exceeds the ADG requirement, and the landscaped area exceeds 30% of the site area. This will allow for an acceptable vegetation and landscape outcome.
6	Amenity	<p>The proposed design will provide adequate levels of internal amenity for future occupants with good orientation and cross flow to units. Room sizes are in accordance, and sometimes greater, than ADG recommended room sizes and compliant amounts of storage has been provided, split between car park and apartment area.</p> <p>The proposed development will provide setbacks within development that provide suitable separation between the proposed units catering for their sunlight and privacy needs. Accessible path of travel is provided for all floors of residential areas.</p>
7	Safety	<p>The design of the development provides casual surveillance to the street frontage. Suitable street and ground level lighting will be provided within the development to maximise surveillance opportunities at night.</p> <p>The basement car park will have intercom system and security doors restricting access to resident and visitor parking spaces and suitable lighting will be provided within the basement.</p> <p>Additionally, the proposal was referred to NSW Police for comments, who raised no issues subject to recommending design treatment options required in line with Crime Prevention Through Environmental Design (CPTED) principles.</p>
8	Housing Diversity and Social Interaction	<p>The applicant advises that the proposal includes generous communal open spaces, including both ground-floor and rooftop areas. These communal spaces feature facilities such as a BBQ area, bocce field, and vegetable garden, encouraging social interaction among residents and visitors, thereby promoting community building.</p> <p>Additionally, the proposal incorporates universal design principles in the design of the</p>

		ILU building, with 100% of the units being designed as adaptable units.
9	Aesthetics	The proposal is considered to be satisfactory with regards to this principle as it achieves architectural excellence by the use of balanced proportions, setbacks, variety and quality of materials. The proposal is supported by Council's Urban Designer as noted in the referrals section of this report.

Apartment Design Guidelines

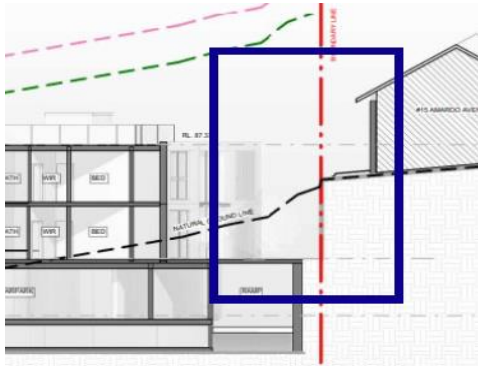
Required	Proposed	Complies
PART 02 DEVELOPING THE CONTROLS		
2A Primary Controls		
Primary development controls are the key planning tool used to manage the scale of development so that it relates to the context and desired future character of than area and manages impacts on surrounding development	<p>The primary development controls of the development are discussed in detail below.</p> <p>Generally, the proposed development is well suited to the location and provides a good design outcome.</p>	Yes
2B Building Envelope		
Establishes the appropriate scale of the development including the allowable bulk, height and location of a development on a site.	<p>The development is for seniors living and has been designed in accordance with Chapter 3 of the SEPP (Housing) 2021 and the Seniors Housing Design Guide, which outline the relevant height and density controls for the site.</p> <p>While the proposal exceeds the floor space ratio (FSR) and height limits set out in both the SEPP and the Willoughby LEP 2012, these non-compliances have been assessed in this report alongside the applicant's written requests to vary the standards. The assessment concludes that the proposal meets the objectives of the height and FSR provisions, ensuring appropriate bulk, scale, and building envelope for the site.</p>	Considered acceptable
2E Building Depth		
Use a range of appropriate maximum apartment depths of 12-18 metres.	Independent living units LG01, G03, G04, G06, 103, 104 and 106 have cross-over width exceeding the 18m requirement by up to 2m. While the applicant's submission does not acknowledge this, the proposal is acceptable as a majority of the apartments are cross-ventilated and receive adequate amount of solar access. The proposed development	Yes, considered acceptable

	is designed to provide high level of amenity for the future occupants.	
2F Building Separation		
<p>Design and test building separation controls in plan and section. Minimum separation distances for buildings are:</p> <ul style="list-style-type: none"> - Up to 4 storeys approximately 6-12m - Up to 8 storeys approximately 9-18m - 9 storeys and above approximately 12-24m <p>Demonstrate that daylight access, urban form and visual and acoustic privacy are satisfactorily achieved.</p> <p>Aims</p> <ul style="list-style-type: none"> • ensure that new development is scaled to support the desired future character with appropriate massing and spaces between buildings • assist in providing residential amenity including visual and acoustic privacy, natural ventilation, sunlight and daylight access and outlook • provide suitable areas for communal open spaces, deep soil zones and landscaping. 	<p>Building separations in accordance with the Apartment Design Guide (ADG) are generally achieved, except for portions along the north-eastern and south-eastern boundaries. In these areas, balconies and habitable room windows are located approximately 3–5 metres from the respective property boundaries, whereas the ADG recommends a minimum setback of 6 metres.</p> <p>The affected units are G01, G07, 101, and 107.</p> <p>In assessing this non-compliance—particularly for Units G07 and 107—it is noted that the adjoining property at 15 Amaroo Avenue sits significantly higher than the subject site, making it unlikely that any privacy impacts would occur (refer to the extract below showing the level difference). To address potential privacy concerns for the occupants of Units G07 and 107, privacy screens have been installed on the windows and balconies to minimise overlooking.</p>  <p>For Units G01 and 101, while the bedroom windows are less than 6 metres from the adjoining boundary, privacy screens have also been incorporated. As such, the design is unlikely to cause adverse privacy impacts to or from the neighbouring properties.</p> <p>In light of the above, the proposed minor non-compliance with the ADG building separation criteria is</p>	<p>Considered satisfactory</p>

	considered acceptable.	
2G Street Setbacks		
<p>Street setbacks should be consistent with existing setback patterns in the street or setbacks that achieve the desired future character of the area. In conjunction with height controls, consider secondary upper level setbacks to:</p> <ul style="list-style-type: none"> - Reinforce the desired scale of buildings at the street frontage; - Minimise overshadowing of the street and other buildings. 	<p>The building located in the front is the clubhouse building and the ILU building is located at the rear of the site therefore the front setback provision is not applicable.</p>	NA
2H Side and Rear Setbacks		
<p>Setbacks vary according to the building's context and type.</p> <p>Consider zero side setbacks where the desired character is for a continuous street wall, such as in dense urban areas or main streets.</p>	<p>In addition to the discussion above regarding building separation, it is also noted that the proposed ILU building has side setbacks ranging from 0 metres to 8.3 metres. Notwithstanding the nil setback along a portion of the boundary, this is considered acceptable given the site's interface with the adjoining golf course. The adjoining land is zoned RE1 Public Recreation and is unlikely to be developed for residential purposes. In this context, the proposed setback is considered appropriate as it facilitates the redevelopment potential of the subject site and supports a design response that integrates with the existing sandstone outcrops and natural landform on the site.</p>	Yes, considered acceptable

Requirement	Proposed	Complies
PART 03: SITING THE DEVELOPMENT		
3A Site Analysis		
<p>Site analysis illustrates that design decisions have been based on opportunities and constraints of the site and their relationship to the surrounding context.</p>	<p>The <i>Statement of Environmental Effects</i> documents how the proposal responds to the site's location and local context in relation to surrounding development. The proposal responds appropriately to the site and its surrounds.</p>	Yes
3B Orientation		
<p>Building types and layouts respond to the streetscape and site while optimising solar access within the development.</p> <p>Overshadowing of neighbouring properties is minimised during winter.</p>	<p>The orientation of the proposed buildings and internal spaces in relation to the site and adjoining properties is satisfactory. The orientation of the residential floor plates allows for majority of units receiving adequate solar access between 9am to 3pm.</p>	Yes

3C Public Domain Interface														
Transition between private and public domain is achieved without compromising safety and security. Amenity of the public domain is retained and enhanced.	The interface of the development contributes to the quality and character when viewed from the adjoining golf course. The proposed ILU buildings will not readily visible from the street.	Yes												
3D Communal and Public Open Space														
An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping. <ul style="list-style-type: none"> Communal open space has a minimum area equal to 25% of the site Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June 	The ADG requires a minimum of 793.25m ² of communal open space, equating to 25% of the site area. The proposal provides a total of 812.03m ² of communal open space, which satisfies this requirement. Communal open space is provided at both the ground level and the rooftop, with the majority of these areas receiving adequate solar access.	Yes, the principal usable part of the communal open space achieves the minimum sun required.												
3E Deep Soil Zone														
Deep soil zones provide for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality Minimum 7% of the site area to be deep soil; 15% desirable for sites above 1500m ² .	The proposal, as amended, includes deep soil zone areas of 477.8m ² . Given the site area of 3,173m ² for the purpose of Seniors Living, this results in a proposed deep soil coverage of 15.05%.	Yes												
3F Visual Privacy														
<p><u>Objective 3F-1: Design Criteria 1.</u> Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <table border="1"> <thead> <tr> <th>Building height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr> </thead> <tbody> <tr> <td>up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr> <tr> <td>up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr> <tr> <td>over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr> </tbody> </table> <p>Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties.</p>	Building height	Habitable rooms and balconies	Non-habitable rooms	up to 12m (4 storeys)	6m	3m	up to 25m (5-8 storeys)	9m	4.5m	over 25m (9+ storeys)	12m	6m	<p>The proposal complies with the building separation requirements to for the majority of the building. However, the minimum 6m is not provided equitably from the north-eastern and south-eastern boundaries.</p> <p>In these areas, balconies and habitable room windows are located approximately 3–5 metres from the respective property boundaries, whereas the ADG recommends a minimum setback of 6 metres.</p> <p>The affected units are G01, G07, 101, and 107.</p> <p>In assessing this non-compliance—particularly for Units G07 and 107—it is noted that the adjoining property at 15 Amaroo Avenue sits significantly higher than the subject site, making it unlikely that any privacy impacts would occur (refer to</p>	Considered acceptable
Building height	Habitable rooms and balconies	Non-habitable rooms												
up to 12m (4 storeys)	6m	3m												
up to 25m (5-8 storeys)	9m	4.5m												
over 25m (9+ storeys)	12m	6m												

	<p>the extract below showing the level difference). To address potential privacy concerns for the occupants of Units G07 and 107, privacy screens have been installed on the windows and balconies to minimise overlooking.</p>  <p>For Units G01 and 101, while the bedroom windows are less than 6 metres from the adjoining boundary, privacy screens have also been incorporated. As such, the design is unlikely to cause adverse privacy impacts to or from the neighbouring properties.</p> <p>In light of the above, the proposed minor non-compliance with the ADG building separation criteria is considered acceptable.</p>	
3G Pedestrian access and entries		
<p>Building entries and pedestrian access connects to and addresses public domain.</p> <p>Access, entries and pathways are accessible and easy to identify.</p>	<p>The building addresses the public domain with both residential and clubhouse lobbies accessed from Deepwater Road.</p> <p>The entry ways into the development are clearly visible from the public domain.</p>	Yes
3H Vehicle Access		
<p>Vehicle access points to achieve safety, minimise conflicts between pedestrians and vehicles create high quality streetscape.</p>	<p>Vehicular access to ILU building is proposed from the south-east corner of the site from Deepwater Road. Subject to relevant conditions, the vehicular access point is designed to minimise the potential for traffic and pedestrian conflict.</p>	Yes
3J Bicycle and Car Parking		
<p><u>Objective 3J-1: Design Criteria 1.</u> The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant</p>	<p>Car parking has been provided in accordance with Chapter 3 of the SEPP (Housing) 2021.</p>	Yes

council, whichever is less.		
The car parking needs for a development must be provided off street. Parking and access safe and secure. Visual and environmental impacts of ground level and basement car parks minimised.		
PART 04: DESIGNING THE BUILDING		
4A Solar and Daylight Access*		
<p>To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.</p> <p>Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter.</p> <p>A maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm mid-winter.</p> <p>Daylight is maximised where sunlight is limited. Design incorporates shading and glare control, particularly for warmer months.</p>	<p>According to the submitted architectural drawings, including sun-eye diagrams, 13 out of 17 units (76.5%) will receive a minimum of 2 hours of direct sunlight between 9 am and 3 pm at mid-winter.</p> <p>The living space of Units G01, G02, G05 and 101 will not receive the minimum required solar access.</p> <p>Notwithstanding, none of the proposed units within the building will receive no direct sun between 9am and 3pm in mid-winter.</p>	No
4B Natural Ventilation*		
<p>All habitable rooms are naturally ventilated.</p> <p>The layout and design of single aspect</p> <p>At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only in any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.</p> <p>Overall depth of cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</p>	<p>100% of apartments are naturally cross ventilated.</p> <p>Independent living units LG01, G03, G04, G06, 103, 104 and 106 have cross-over width exceeding the 18m requirement by up to 2m. While the applicant's submission does not acknowledge this, the proposal is acceptable as a majority of the apartments are cross-ventilated and receive adequate amount of solar access. Overall, the proposed development is designed to provide high level of amenity for the future occupants.</p>	Yes
4C Ceiling Heights*		
<p>Ceiling height achieves sufficient natural ventilation and daylight access.</p> <p>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p>	<p>A minimum floor to floor height of 2.7m has been adopted for the entire residential component of the development.</p>	Yes

<div>Minimum ceiling height for apartment and mixed use buildings</div> <table><tr><td>Habitable rooms</td><td>2.7m</td></tr><tr><td>Non-habitable</td><td>2.4m</td></tr><tr><td>For 2 storey apartments</td><td>2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area</td></tr><tr><td>Attic spaces</td><td>1.8m at edge of room with a 30 degree minimum ceiling slope</td></tr><tr><td>If located in mixed used areas</td><td>3.3m for ground and first floor to promote future flexibility of use</td></tr></table>		Habitable rooms	2.7m	Non-habitable	2.4m	For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area	Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope	If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use		
Habitable rooms	2.7m												
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Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope												
If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use												
Ceiling height increases the sense of space in apartments and provides well-proportioned rooms.													
4D Apartment Size and Layout													
<div>Objective 4D-1: Design Criteria 1.</div> <p>Apartments are required to have the following minimum internal areas:</p> <table><tr><td>Apartment type</td><td>Minimum internal area</td></tr><tr><td>Studio</td><td>35m²</td></tr><tr><td>1 bedroom</td><td>50m²</td></tr><tr><td>2 bedroom</td><td>70m²</td></tr><tr><td>3 bedroom</td><td>90m²</td></tr></table> <p>The minimum internal areas include only one bathroom. Additional bedrooms increase the minimum internal area by 5m² each.</p>		Apartment type	Minimum internal area	Studio	35m ²	1 bedroom	50m ²	2 bedroom	70m ²	3 bedroom	90m ²	Achieved. All units are larger than ADG requirements.	Yes
Apartment type	Minimum internal area												
Studio	35m ²												
1 bedroom	50m ²												
2 bedroom	70m ²												
3 bedroom	90m ²												
Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms		Every habitable room contains a window in an external wall with a minimum glass area that is greater than 10%.	Yes										
Habitable room depths are limited to a maximum of 2.5 x the ceiling height		Habitable rooms are generally limited to 2.5 x the ceiling height.	Yes										
In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window. Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobe space)		Kitchens of all units are less than 8m from a window.	Yes										
Bedrooms have a minimum dimension of 3m (excluding wardrobe space)		Bedrooms are of sufficient size.	Yes										
Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none">3.6m for studio and 1 bedroom apartments4m for 2 and 3 bedroom apartments		Sufficient widths are provided to living rooms/dining rooms.	Yes										

4E Private Open Space and Balconies*																	
<p>All apartments are required to have primary balconies as follows:</p> <table><tr><th>Dwelling type</th><th>Minimum area</th><th>Minimum depth</th></tr><tr><td>Studio apartments</td><td>4m²</td><td>-</td></tr><tr><td>1 bedroom apartments</td><td>8m²</td><td>2m</td></tr><tr><td>2 bedroom apartments</td><td>10m²</td><td>2m</td></tr><tr><td>3+ bedroom apartments</td><td>12m²</td><td>2.4m</td></tr></table> <p>The minimum balcony depth to be counted as contributing to the balcony area is 1m.</p> <p>Private open space and balcony design maximises safety</p>	Dwelling type	Minimum area	Minimum depth	Studio apartments	4m ²	-	1 bedroom apartments	8m ²	2m	2 bedroom apartments	10m ²	2m	3+ bedroom apartments	12m ²	2.4m	<p>All apartments provide at least one private open space with the minimum required areas and depths. In some cases it also exceeds the minimum areas.</p> <p>Compliance with NCC required.</p>	Yes
Dwelling type	Minimum area	Minimum depth															
Studio apartments	4m ²	-															
1 bedroom apartments	8m ²	2m															
2 bedroom apartments	10m ²	2m															
3+ bedroom apartments	12m ²	2.4m															
4F Common Circulation and Spaces*																	
<p><u>Objective 4F-1: Design Criteria 1</u> The maximum number of apartments off a circulation core on a single level is eight.</p> <p><u>Objective 4F-2:</u> Common circulation spaces promote safety and provide for social interaction between residents</p>	<p>No more than 8 units are served from each circulation core.</p> <p>The proposal's common circulation spaces adequately promote safety and interaction.</p>	Yes															
4G Storage*																	
<p>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</p> <table><tr><th>Dwelling type</th><th>Storage size volume</th></tr><tr><td>Studio apartments</td><td>4m³</td></tr><tr><td>1 bedroom apartments</td><td>6m³</td></tr><tr><td>2 bedroom apartments</td><td>8m³</td></tr><tr><td>3+ bedroom apartments</td><td>10m³</td></tr></table> <p>At least 50% of the required storage is to be located within the apartment</p> <p>Additional storage is conveniently located, accessible and nominated for individual apartments</p>	Dwelling type	Storage size volume	Studio apartments	4m ³	1 bedroom apartments	6m ³	2 bedroom apartments	8m ³	3+ bedroom apartments	10m ³	<p>Achieved. All units have capability for adequate storage spaces located within the apartments.</p> <p>Additional storage has also been provided on basement levels. These spaces are secure and have convenient access.</p>	Yes					
Dwelling type	Storage size volume																
Studio apartments	4m ³																
1 bedroom apartments	6m ³																
2 bedroom apartments	8m ³																
3+ bedroom apartments	10m ³																
4H Acoustic Privacy																	
<p>Noise transfer is minimised through the siting of buildings and building layout.</p> <p>Noise impacts are mitigated within apartments through layout and acoustic treatments.</p>	<p>Internal layouts generally place less noise sensitive areas adjacent the lift and common central corridor, and quieter areas next to and above each other. Noise impacts are mitigated either through the layout configuration or acoustic treatments.</p>	Yes, subject to condition.															
4K Apartment Mix																	
<p>A range of apartment types and sizes are provided to cater for different household types now and in the future.</p> <p>The apartment mix is distributed to</p>	<ul style="list-style-type: none">2 bedroom – 3 units3 bedroom – 14 units	Yes															

suitable locations within buildings.		
4L Ground Floor Apartments		
Street frontage activity is maximised where ground floor apartments are located. Design of ground floor apartments delivers amenity and safety for residents.	No ground floor unit fronts the street.	NA
4M Facades		
Building facades provide visual interest along the street while respecting the character of the local area.	Facades are satisfactorily articulated to provide visual interest, using various means to visually modulate the building in both the vertical and horizontal planes.	Yes
4N Roof Design		
Roof treatments are integrated into the building design and positively respond to the street.	The top floor of the building is stepped in centrally providing private roof terraces for the penthouse located below and integrated well into the building design.	Yes
4O Landscape Design		
Landscape Design is viable and sustainable. Landscape design contributes to the streetscape and amenity.	The landscaping scheme enhances the current interface between the site and the street front, and contributes to the visual quality and amenity of the public domain.	Yes
4P Planting on Structures		
Appropriate soil profiles are provided. Plant growth is optimised with appropriate selection and maintenance. Planting on structures contributes to the quality and amenity of communal and public open space.	A variety of on structure planting has been proposed, which is considered acceptable.	Yes
4Q Universal Design		
Universal design features are included in apartment design to promote flexible housing for all community members. A variety of apartments with adaptable designs are provided. Apartment layouts are flexible and accommodate a range of lifestyle needs.	The proposal is for Seniors Housing and the accessibility requirements has been assessed in accordance with Chapter 3 of the SEPP (Housing) 2021. The application is accompanied by an access report addressing the accessibility requirements for seniors housing as set out in Schedule 4 of the SEPP (Housing) 2021. The proposal incorporates universal design principles in the design of the ILU building, with 100% of the units being designed as adaptable units.	Yes
4R Adaptive Reuse		
Additions that complement the existing character, siting, scale, proportion, pattern, form and detailing Use of contemporary and complementary	The proposal is for Seniors Housing and has been assessed against the accessibility requirements outlined in Chapter 3 of the SEPP (Housing) 2021. The application is	Yes

<p>materials, finishes, textures and colours</p> <p>Design features should be incorporated sensitively into adapted buildings to make up for any physical limitations, to ensure residential amenity is achieved.</p> <p>Some proposals that adapt existing buildings may not be able to achieve all of the design criteria in this Apartment Design Guide. Where developments are unable to achieve the design criteria, alternatives could be considered.</p>	<p>accompanied by an Access Report that addresses the relevant provisions under Schedule 4 of the SEPP (Housing) 2021. The design incorporates universal design principles, with 100% of the Independent Living Units (ILUs) designed as adaptable units, ensuring accessibility and supporting aging in place.</p>	
4S Mixed Use		
<p>Mixed use developments positively contribute to the public domain:</p> <ul style="list-style-type: none"> - development addresses the street - active frontages are provided - diverse activities and uses - avoiding blank walls at the ground level <p>residential entries are separated from commercial entries and directly accessible from the street</p> <p>commercial service areas are separated from residential components</p> <p>residential car parking and communal facilities are separated or secured</p>	<p>NA</p>	<p>NA</p>
4T Awnings and Signage		
<p>Awnings are well located and complement and integrate with the building design.</p> <p>Signage responds to context and desired streetscape character.</p>	<p>NA</p>	
4U Energy Efficiency		
<p>Adequate natural light is provided to habitable rooms</p> <p>Well located, screened outdoor areas should be provided for clothes drying</p> <p>Passive solar design aspects used</p> <p>Adequate natural ventilation minimises the need for mechanical ventilation</p>	<p>The BASIX assessment accompanying the application demonstrates that the proposal has been designed for optimal energy efficiency.</p> <p>Further, improved landscaping requested under the deferred commencement condition will provide effective and efficient natural solutions to reduce heat and provide relaxed amenities for all visitors and residents.</p> <p>Development is well naturally ventilated except for the basement</p>	<p>Yes</p>

	and non-residential use, which may require alternative means of ventilation.	
4V Water Management		
Water sensitive urban design systems proposed Detention tanks should be located under paved areas, driveways or in basement car parks	This proposal is accompanied by a drainage design.	Yes
4W Waste Management		
Adequately sized storage areas for rubbish bins should be located discreetly away from the front of the development or in the basement car park All dwellings should have a waste and recycling cupboard Communal waste and recycling rooms are in convenient and accessible locations residential waste and recycling storage areas and access should be separate and secure from other uses	Waste storage facilities are provided within the development. Council's waste section has reviewed the proposal and recommended conditions in accordance with Council's waste management and collection procedures.	Yes, subject to conditions

Willoughby Local Environmental Plan 2012 (amendment 34)
Site Area – 5,711m² (including 3,173m² area designated for Independent Living Units development)

WLEP Control		Proposed	Standard	Compliance
Land Use Tables - R2 – Low Density Residential		The proposal successfully integrates the development for the Seniors Housing and clubhouse to complement the character of the local center.	The proposed development satisfies the objectives of R2	Yes
CI 4.1	Minimum Subdivision Lot Size	<p>The proposal seeks approval for a Torrens Title subdivision of the existing Lot 1 in DP 610360 which is permitted in this zone under Willoughby LEP 2012 and would provide for the separation of titles for the total site area into two allotments.</p> <p>The proposed allotments include:</p> <ul style="list-style-type: none"> • Lot 1 (clubhouse): 2,538m² • Lot 2 (ILU site): 3,173m² 	835m ²	Yes
CI 4.3 and CI4.3A(6)	Height	The height control under the WLEP 2012 applies only to the clubhouse building, which has a proposed maximum height of 8.5 metres. The Seniors Housing building, however, is subject to a different height development	8.5m	Yes

		standard under the SEPP (Housing) 2021, as discussed earlier in this report.		
CI 4.4/ 4.4A(9)	FSR	<p>As discussed earlier in this report, in accordance with Clauses 4.5(2) and 4.5(8) of the WLEP 2012 and the definition of "site area" under Clause 4.5(3), the applicant is required to calculate the floor space ratio (FSR) based on the entire development site, incorporating both the clubhouse and the Seniors Living building.</p> <p>Site area = 5,711m²</p> <p>Clubhouse GFA =1,009.8m²</p> <p>ILUs GFA = 2,622.13m²</p> <p>Total GFA = 3,631.93 m²</p> <p>Total proposed FSR=0.63:1</p> <p>The proposal seek a variation of 58.9%</p>	<p>The maximum permissible FSR for the site 0.4:1.</p> <p>Total allowable FSR for the entire site 0.4:1 (GFA – 2,284.4m²)</p>	No
CI 4.6	Exceptions to development standards	The proposal is seeking variation to the FSR development standard CI4.4	N/A	Refer to the cl 4.6 assessment
CI 5.10	Heritage Conservation	The subject site is neither a heritage item nor located in a conservation area.	<p>(5) Heritage assessment The consent authority may, before granting consent to any development—</p> <p>(a) on land on which a heritage item is located, or</p> <p>(b) on land that is within a heritage conservation area, or</p> <p>(c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</p>	Yes
CI 5.11	Bush Fire Hazard Reduction	The site is partially located within a vegetation buffer and is therefore classified as Bush Fire Prone Land. A Bush Fire Assessment has been prepared and is included with the application.	<p>Bush fire hazard reduction work authorised by the <i>Rural Fires Act 1997</i> may be carried out on any land without development consent.</p> <p>Note: The Rural Fires Act 1997 also</p>	Yes, subject to the GTA issued by NSW RFS

		Due to the nature of the development, the application is identified as Integrated Development, requiring approval from the NSW Rural Fire Service (RFS) under Section 100B of the Rural Fires Act 1997. As a result, a referral was sent to the NSW RFS, which has issued General Terms of Approval (GTA).	makes provision relating to the carrying out of development on bush fire prone land.	
CI 6.2	Earthworks	<p>The proposal involves excavation to accommodate the construction of proposed basement levels of the ILU and Clubhouse buildings.</p> <p>The proposal is supported by a Geotechnical Investigation Report (Ref: 218311.00), prepared by Douglas Partners and dated February 2023.</p> <p>The Report recommends undertaking dilapidation surveys of the neighbouring properties prior to the commencement of any excavation works.</p>	<p><i>(1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.</i></p> <p><i>(3) Before granting development consent for earthworks, the consent authority must consider the following matters—</i></p> <p><i>(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality,</i></p> <p><i>(b) the effect of the proposed development on the likely future use or redevelopment of the land,</i></p> <p><i>(c) the quality of the fill or the soil to be excavated, or both,</i></p> <p><i>(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,</i></p> <p><i>(e) the source of any fill material and the destination of any excavated material,</i></p> <p><i>(f) the likelihood of disturbing relics,</i></p> <p><i>(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area,</i></p> <p><i>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</i></p>	Yes, subject to conditions requiring dilapidation survey requirements

CI 6.3	Urban Heat	<p>The development, as amended, retain majority of the trees on the site and propose adequate replacement trees and deep soil zones to achieve urban cooling benefits.</p>	<p>(a) the facade and roof of the proposed building and paved surfaces are designed to reduce adverse effects of solar heat on the surrounding land, including private open space and the public domain, and</p> <p>(b) the awnings and eaves of the building are designed to provide shelter from the sun and improve public comfort at street level, and</p> <p>(c) the heating, ventilation and air conditioning systems of the building are designed to minimise the release of heat in the direction of private open space and the public domain, and</p> <p>(d) the development maximises the use of green infrastructure that is strategically designed and managed to support a good quality of life in an urban environment, and</p> <p>(e) the development accommodates sufficient tree canopy, open space and deep soil zones to achieve urban cooling benefits, and</p> <p>(f) the building is designed to achieve high passive thermal performance.</p>	Yes
CI 6.23 (6) (a)	Design Excellence	<p>To satisfy the requirements of CI 6.23(6)(a)(i), a design review panel was undertaken to the application lodgement on 19 June 2024. The amendments made to the design during the assessment process, aligns with the recommendations of the design review panel.</p> <p>Council's urban designer has also reviewed the proposal and raised no issues with the building's design.</p>	<p>Affected by design excellence (Area 5).</p> <p>Clause 6.23(6)(a) requires for a building with a height of more than 12m and less than 35m above ground level (existing)—</p> <p>(i) a design review panel has reviewed the development, and</p> <p>(ii) the consent authority has taken into account the design review panel's review, or</p>	Yes

<i>Willoughby Development Control Plan 2023(WDCP)</i>			
Part B: Residential Development Note: Part B only applies to the residential development and therefore only the Development for ILUs will be addressed under this part.			
Description	Proposed	Controls	Compliance
2.1 General Performance Criteria			
2.1.1 Subdivision	<p>The proposal seeks approval for a Torrens Title subdivision of the existing Lot 1 in DP 610360 which is permitted in this zone under Willoughby LEP 2012 and would provide for the separation of titles for the total site area into two allotments.</p> <p>The proposed allotments include:</p> <ul style="list-style-type: none"> • Lot 1 (clubhouse): 2,538m² • Lot 2 (ILU site): 3,173m² <p>A condition of consent will be imposed to ensure that essential services—including water supply, sewerage, electricity, gas, and telecommunications—are available to the newly created lots.</p>	<p>The objective is to ensure new allotments have access to services and facilities and that subdivided land has the capacity for the proposed development on the individual lots.</p> <p>The subdivision of land should:</p> <ul style="list-style-type: none"> a. Provide adequate services including water supply, sewerage, electricity, gas, and telecommunication facilities. b. Demonstrate stormwater disposal by gravity to Willoughby Council's street drainage system or, if this is not possible, that an inter allotment drainage easement can be established over downstream property or properties. c. Ensure each new dwelling within a multi dwelling or attached dwelling development has a frontage to a public road or a properly constructed internal private road. d. Ensure all allotments are provided with a constructed driveway, including access along the entire access handle of battle-axe allotments e. Demonstrate that each allotment has the capacity to be developed for the purposes of a dwelling house, dual occupancy, multi dwelling housing or attached dwelling (this may require a concept plan showing building envelopes 	Yes
2.1.2 Site Area	The proposal has been designed	The objective is to ensure allotments have sufficient	Yes

and lot dimensions	<p>to provide landscaping and deep soil zones compliant with the requirements of the SEPP (Housing) 2021.</p> <p>In response to the relevant controls:</p> <ul style="list-style-type: none"> The proposal includes separate vehicular access points for the ILU building and the clubhouse. The subject site sits lower than all adjoining properties. Given the site's topography and the siting of surrounding buildings, overshadowing impacts from the ILU building are considered minimal and are not expected to result in any unreasonable impact on neighbouring properties. The proposal has been designed to respond sensitively to the varied topography of the site. The proposal satisfies Council's stormwater management requirements. 	<p>area to allow the effective siting of developments with a good relationship to adjoining development. The site area and lot dimensions should:</p> <ul style="list-style-type: none"> a. ensure adequate provision is made for usable open space and sufficient area for landscaping, including deep soil zones that can support tree planting b. allow convenient vehicle access and parking c. enable erection of buildings that do not unduly overshadow adjoining properties d. have regard to topographical constraints and retention of trees e. enable effective onsite control of stormwater f. reduce the instances of isolated properties being left with reduced development potential on land that permits medium and high-density residential development 	
Setbacks	<p>The seniors housing component of the development is located at the rear of the site; therefore, front setback controls are not applicable to this part of the proposal.</p> <p>The rear and side setbacks have been addressed and assessed in accordance with the provisions of the SEPP (Housing) 2021, as discussed earlier in this report.</p>	<p>The objective is to ensure the siting of buildings provide adequate separation for the amenity of residents, provide adequate space for landscaping (including deep soil zones) and solar access, and minimise overshadowing. Setbacks should:</p> <ul style="list-style-type: none"> a. progressively increase as the height of the external wall increases to reduce bulk and overshadowing b. reinforce the streetscape character of the locality d. ensure that garages and carports, or access to underground parking, do not dominate the streetscape 	Yes
2.1.4 Design	The bulk and scale of the ILU	The objective is to	Yes

	<p>building have been carefully designed to minimise amenity impacts on adjoining properties and to respond appropriately to the site's topography.</p> <p>The proposed design has been reviewed by both the Design Review Panel and Council's Urban Designer, who concluded that it achieves a positive urban design outcome.</p>	<p>encourage good environmental outcomes and a high standard of architectural design. The design of buildings should:</p> <ul style="list-style-type: none"> a. provide durability, resilience and environmental sustainability over the long term b. minimise overshadowing, overlooking and visual impacts on the streetscape and adjoining and adjacent properties c. minimise carbon emissions with the sustainable choice of materials d. use materials with a low Solar Reflectance Index (SRI) and incorporate shade structures to reduce urban heat island effects e. ensure that residential buildings address the street and incorporate a visible and readily identifiable entry point g. avoid open under-croft spaces, particularly when viewed from the street and other public places h. ensure the orientation promotes, as far as possible, passive heating and cooling for thermal comfort and reduced carbon emissions due to mechanical heating and cooling i. ensure the orientation, siting and height provides for reasonable sharing of views from surrounding properties and the public domain j. provide articulation to break up the length of walls to reduce the bulk and visual impacts k. respect the visual and aural privacy of adjoining properties by effective siting, layout and location of windows and balconies to avoid direct overlooking l. maintain a reasonable level of solar access to adjoining properties by careful siting, height, and orientation of buildings m. locate noise sensitive 	
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		rooms and private open spaces away from noise sources such as busy roads and railway lines	
2.1.5 Landscaping	The proposal retains the majority of existing trees and includes significant additional planting to integrate the built form into the surrounding locality. Deep soil and landscaping areas have been provided in accordance with the SEPP (Housing) 2021 requirements. Council's Landscape Officer has reviewed the proposal and raised no concerns, subject to conditions of consent.	<p>The objective is to achieve good environmental outcomes and enhance the visual quality of the locality. Landscaped areas should:</p> <ul style="list-style-type: none"> a. retain significant trees and be sensitive to site attributes such as land capability (soil type and slope), microclimate (especially access to sunlight), views and natural features b. include deep soil zones located primarily along the street frontage, and side and rear boundaries of individual lots – these are areas of soil unimpeded by buildings or structures above or below ground c. retain and plant trees with wide canopies within the deep soil zones to reduce the impacts of urban heat island effects and support local ecology d. provide greening and enhancement to the street frontage to encourage the benefits of local walkability e. consider the location and scale of buildings in the selection of species f. be designed to minimise the impact of overlooking, maintain privacy between dwellings and minimise the dominance of buildings from adjoining properties g. predominantly use species which are native/endemic to the locality, and ensure the vegetation types decrease surface runoff, reduce maintenance, and minimise water use h. provide irrigation using a non-potable water supply and maximise absorption for onsite infiltration of stormwater i. relate well to the indoor living areas and contribute to useable outdoor recreation space j. contribute to the solar efficiency of buildings by 	

		<p>selecting and positioning trees for shade in summer and solar access in winter</p> <p>k. consider maintaining significant views from adjoining properties and the public domain</p> <p>l. consider potential bushfire hazard in the selection of species and reduce any potential for soil erosion or weed establishment</p> <p>m. be located to protect solar access to roof mounted solar energy systems on adjoining buildings</p> <p>n. be provided on walls and roofs of larger developments at various levels of the building</p>	
2.1.6 Private Open Space	Private Open spaces for the residential units are provided in accordance with the SEPP (Housing) 2021.	<p>Private open space for dwellings, including secondary dwellings, should:</p> <p>a. be relatively flat and have sufficient area to provide for the reasonable recreational needs of residents</p> <p>b. be located to integrate with living areas, achieve privacy from the public domain and receive adequate sunlight</p> <p>c. be located or screened to ensure visual and aural privacy</p>	Yes
2.1.8 Privacy	<p>The proposal has been designed to maximise visual privacy both to and from the site. Appropriate privacy screening has been incorporated into specific units where visual privacy may otherwise be compromised due to the site's unique configuration. These measures will effectively mitigate potential overlooking impacts. In addition, landscaping along the site's boundaries will further reduce views into the site. For further detail, refer to the privacy assessment provided under the ADG.</p>	<p>The objective is to protect the visual and acoustic privacy of residents. Developments should maintain a reasonable level of aural and visual privacy for both residents of the development and neighbours by:</p> <p>a. providing effective siting, layout and location of windows, balconies, and private open space</p> <p>b. avoiding elevated terraces or decks that result in direct overlooking</p> <p>c. constructing privacy screens, high windowsills or translucent glazing</p> <p>d. increasing building setbacks</p>	Yes
Solar Access	According to the submitted architectural drawings, including	The objective is to protect residential amenity and maximise energy efficiency	Yes

	<p>sun-eye diagrams, 13 out of 17 units (76.5%) will receive a minimum of 2 hours of direct sunlight between 9 am and 3 pm at mid-winter, achieving compliance with the SEPP (Housing) 2021 requirement.</p> <p>In relation to the overshadowing of adjoining properties, given the topography of the site and the siting of the surrounding buildings, the overshadowing impacts from the ILU building and the development as a whole are considered to be minimal. The proposal is not expected to result in any unreasonable overshadowing impacts on adjoining properties.</p>	<p>of buildings.</p> <p>Developments should maintain and provide a reasonable level of solar access to both residents of the development and adjoining properties by:</p> <ul style="list-style-type: none"> a. avoiding overshadowing to living areas and private open spaces b. planting deciduous trees in appropriate locations to maximise winter sun c. exploring alternative design options <p>Note: Shadow diagrams may need to be submitted to show that an acceptable level of solar access can be achieved for both residents of the development and adjoining properties.</p>	
2.1.10 Service Facilities and structure	<p>All services have been either integrated within the building design or appropriately concealed to minimise visual impacts on adjoining properties.</p>	<p>The objective is to protect the residential amenity and integrate the provision of services and facilities with the design of the development.</p>	Yes
2.1.12 View Sharing	<p>There are no significant or established views currently obtained across the site that will be impacted as a result of the development. Additionally, the subject site and proposed buildings are situated below the ridgeline of the adjoining developments, further minimising any potential view impacts.</p>	<p>The objective is to limit the extent and impact on existing views.</p> <p>Developments should, as far as reasonably possible:</p> <ul style="list-style-type: none"> a. maintain existing views from adjoining and neighbouring properties b. have particular regard to water views which are more highly regarded than land views c. prioritise consideration of potential view loss from living areas d. consider alternative design options to maintain significant and iconic views 	Yes
2.1.13 Natural Heritage	<p>The proposal seeks to retain the majority of the existing rock outcrop on the site. Council also referred the application to the Aboriginal Heritage Council, which raised no concerns, subject to the inclusion of a condition requiring an Unexpected Finds Protocol.</p>	<p>The objective is to preserve and protect significant trees/vegetation and other natural features such as rock outcrops.</p> <p>Willoughby City Council has a natural heritage register which identifies items of natural heritage, including items on private properties. A proponent should access the register to determine if the subject property has significant trees or other natural features that should be</p>	Yes

		preserved and protected from any proposed development.	
Section 4 Major Developments	The proposal is for seniors housing, with a Gross Floor Area (GFA) exceeding 300m ² . Therefore, it is classified as a major development.	This includes for boarding houses that exceed 300m ² or 12 persons, manor houses, multi dwelling housing, attached dwellings, residential flat buildings, seniors housing , 'build-to-rent' housing, and the residential component of shop top housing and mixed use developments.	Yes
4.2.2 SEPP (Housing)	Noted. The proposal has been assessed under the SEPP (Housing) 2021 for provisions and controls relating to Seniors Housing.	The Housing SEPP provides design principles and planning controls that set aside any local planning controls that would prevent the development of housing for seniors or people with a disability that meets the development criteria and standards of this policy. Note: • The provisions and controls of the Housing	Yes
4.3 Specific controls for manor houses, attached dwellings, multi dwelling housing and residential flat buildings. Note: Where relevant, the controls below apply to other major residential developments such as boarding houses that exceed 300m ² or 12 persons, seniors housing , the residential component of shop top housing and mixed use developments, and build-to-rent housing.			
4.3.1 Site Area and Lot dimensions	Consistent as the total site area is 5723m ² . The subdivision proposed will also propose lots that are consistent with the minimum lot size.	Minimum lot size (Willoughby LEP 2012): 835m ²	Yes
4.3.2 Street frontage	The subject site has a frontage of approximately 83m to Deepwater Road.	The minimum street frontage is 27m. This is to ensure vehicles can enter and leave a site in a forward direction, and adequate landscaped areas are provided along the streetscape.	Yes
4.3.3 Adaptable housing, access and mobility	The seniors housing development has been designed in accordance with the provisions of the SEPP (Housing) 2021, which includes specific accessibility design requirements. As such, further assessment under this section is not applicable.	Minimum number of adaptable dwellings is 50% of residential flat buildings greater than 3 storeys.	NA
4.3.4 Energy Efficiency	The proposal incorporates a number of principles of sustainability, including natural ventilation to the majority of apartments, maximising direct sun to apartments whilst utilising	Willoughby City Council encourages applying best practice principles in the design and construction of buildings to create energy efficient and	Yes

	shading devices where required and landscaping throughout the proposal. BASIX targets are achieved. The proposal is consistent with Part J of the WDCP.	environmentally sustainable buildings. All major developments are required to comply with the relevant provisions of Part J (Building Sustainability) of the DCP plan.	
4.3.5 Bicycle and Car Parking	Car parking has been provided as per the SEPP (Housing) 2021.	Must satisfy Part F <i>WDCP 2023</i> .	Yes
4.3.6 Water management and conservation	Council's Development engineering section is satisfied with the water management and conservation solutions	Must satisfy Part I WDCP 2023.	Yes - subject to conditions of consent
4.3.7 Urban Heat	The development, as amended, retain majority of the trees on the site and propose adequate replacement trees and deep soil zones to achieve urban cooling benefits.	Roofs should achieve these Solar Reflectance Index (SRI) values a. for roof pitch <150, 3-year SRI minimum of 64 b. for roof pitch >150, 3-year SRI minimum of 34 c. for terrace areas, 3-year SRI minimum of 38	Yes
4.3.8 Waste Management	Waste storage facilities are provided within the development. Waste management Plan has been submitted. Council's Waste department has reviewed the development and offered conditions of consent.	<i>WDCP 2023</i> adopts North Sydney Regional Organisation of Councils	Yes
4.3.9 Safer by Design	The proposal was referred to NSW Police for comments, who raised not issues subject to recommending design treatment options required in line with Crime Prevention Through Environmental Design (CPTED) principles.	All major developments are required to include safety and security measures to prevent criminal activity	Yes
4.3.11 Undergrounding of Services		All services, including overhead electricity wires, are to be located underground for major development.	Yes – conditional
Part D Commercial Development			
Note: The development for the proposed clubhouse is assessed under this part of the WDCP.			
4.1 – Building Design (controls)	The proposed clubhouse building has been designed to respect the streetscape and the surrounding residential area. The roller shutter is limited to the vehicular access to the clubhouse parking and is not flush with the façade; it is also transparent. Any plant equipment located on the roof has been adequately screened to minimise visual impact.	a. use of roller shutters in lieu of glazed facades is not permissible unless a minimum 70% of the roller shutter is transparent b. any kind of internal security shutter, mesh gate or similar must be located a minimum of 1m behind the facade of the premises facing a public space or at	Yes

		<p>the rear of any display window</p> <p>c. any plant, equipment or machinery should be suitably screened from the general public</p> <p>d. the above awning facades of 2-storey shop frontages should have a solid to void ratio of around 60:40</p> <p>e. developments should use materials with a low solar reflectance index (SRI) and incorporate shade structures to reduce urban heat island effects</p> <p>f. the entire ground floor level of a shop top housing development must be used for retail/commercial purposes; this may include loading/unloading facilities but does not include car parking</p>	
4.4 Frontages	<p>The clubhouse development has a frontage of 65m to Deepwater Road. No more than 30% of the clubhouse's frontage is used for vehicle and pedestrian access. The façade has been appropriately articulated to ensure a design that is sympathetic to the surrounding residential built forms.</p>	<p>a. a minimum width of 27m is required for developments that exceed 11m in height or where vehicular access is only available from the primary street frontage</p> <p>b. no more than 30% of the street frontage is to be used for vehicle and pedestrian access to lower and upper levels</p> <p>c. the bulk of new facades should be divided into equal units of around 6m each to reflect traditional small retail shopping frontages</p>	Yes
4.5 Streetscape	<p>Given the type of development and the zoning of the site, no specific setback requirements apply to the clubhouse building. Therefore, the setbacks are assessed on merit. The north-eastern and north-western sides adjoin the golf course, which the clubhouse will be ancillary to, and no issues are raised with these boundary setbacks.</p> <p>Regarding the front setback, it is considered consistent with the</p>	<p>a. new developments or significant alterations and additions may be required to provide improvements to the quality of the public pedestrian domain, such as adding suitable paving, street trees and landscaping</p> <p>b. if shop frontages are predominantly built along the street alignment, new developments or significant alterations and additions</p>	Yes

	dwelling house immediately adjoining to the south-east. The front setback varies between 4m and 5.6m. Additionally, the façade has been appropriately articulated to minimize bulk at the street front and is screened using dense landscaping within the front setback.	may be required to improve the pedestrian amenity at street level with transparent interactive frontages, including outdoor seating and/or dining areas	
4.6 car Parking and vehicular access	Car parking and access arrangement has been designed in accordance with Part F of the WDCP. For details refer to the assessment under Part F.	Must satisfy Part F <i>WDCP 2023</i> .	Yes
4.7 Loading/unloading facilities	All loading and unloading activities are proposed to occur within the buildings, except for waste collection for the seniors housing, which is proposed to be kerbside collection. A bin holding room is proposed in the clubhouse building for this purpose. Notwithstanding the non-compliance, this arrangement has been supported by Council's waste section, as discussed earlier in the report.	<p>a. each commercial premises must have a separate loading facility provided off a secondary road or laneway</p> <p>b. if onsite loading facilities are not available, details are to be provided of the nearest on street loading areas and the method of conveying goods in a safe and efficient manner to and from the premises</p> <p>c. all new commercial developments, and developments that involve significant demolition, alterations or additions with a floor area in excess of 1,000m² must make adequate provision for off-street loading and unloading facilities in line with Part F of this plan</p>	Yes
4.8 Waste and recycling controls	Waste management and collection from the clubhouse is proposed within the car parking area and will be serviced by a private contractor. Council's Waste department has reviewed the development and offered conditions of consent.	Waste management and collection procedures as per the WDCP 2023, which adopts North Sydney Regional Organisation of Councils	Yes
4.9 Pollution Control	<p>Any potential pollution-related issues associated with the clubhouse development have been adequately addressed through appropriate conditions of consent, including acoustic considerations for the clubhouse's operation until midnight.</p> <p>Initially, concerns were raised by the assessing officer regarding the proposed hours of operation, specifically from 6 am to midnight.</p>	<p>a. depending on the type, scale, and location of development, the development application may need to include an acoustic report and/or other reports to address pollution control measures</p> <p>b. depending on the type, scale, and location of construction works, the application may need to include a site management plan to address sediment</p>	Yes

	<p>However, the development includes sufficient design measures and operational solutions to mitigate these concerns. Notably, patrons will be prohibited from using the terrace area after 10 pm. This restriction effectively minimizes the potential for acoustic issues, particularly for the seniors living development on the site and neighbouring residential properties.</p> <p>The accompanying acoustic report further supports the proposed hours, providing recommendations for operational and design solutions that have been incorporated as conditions of consent.</p> <p>As a result, the proposed hours of operation are now considered acceptable and are no longer opposed.</p>	<p>and erosion control measures</p> <p>c. the discharge of any solid, liquid, or gaseous materials must comply with the Protection of the Environment Operations Act 1997</p> <p>d. if there is likely to be a need for the disposal of liquid waste to the sewer, Sydney Water should be contacted for its requirements on installing grease arrestors</p> <p>e. new commercial buildings which include retail premises that allow cafés, restaurants or similar, must make adequate provision for the vertical discharge of exhaust from the lower floor levels</p> <p>f. the hours of operation may be restricted if a particular use is likely to interfere with the residential amenity of adjoining and nearby dwellings</p>	
4.10 Stormwater disposal and flooding	Council's Development engineering section is satisfied with the water management and conservation solutions	Must satisfy Part I WDCP 2023.	Yes - subject to conditions of consent
4.13 Safety by Design	The proposal was referred to NSW Police for comments, who raised not issues subject to recommending design treatment options required in line with Crime Prevention Through Environmental Design (CPTED) principles.	All major developments are required to include safety and security measures to prevent criminal activity	Yes
4.15 Undergrounding of Services		All services, including overhead electricity wires, are to be located underground for major development.	Yes – conditional
Part F: Transport and Parking Management			
Table 1 Car parking	<p>The proposal includes one loading bay for each of the proposed uses.</p> <p>Car parking for the Independent Living Units (ILUs) has been provided in accordance with the SEPP (Housing) 2021 requirements.</p> <p>For the clubhouse, being a</p>	<ul style="list-style-type: none"> one loading per use Clubhouse parking to be assessed on merit ILUs parking is provided under the SEPP (Housing) 2021 	Yes

	<p>registered club, it is not a defined land use in Table 1 for car parking provisions. The application proposes a bespoke car parking rate based on the current operational needs of the existing club, which has been supported by a traffic and parking assessment report. Council's Traffic and Transport section has reviewed the report and raised no concerns regarding the proposed parking spaces for both the seniors housing and the clubhouse.</p> <p>As a result, the proposed car parking arrangements for the entire development are considered acceptable.</p>		
3.2 Motorcycle Parking	<p>For the seniors housing component, motorcycle parking is not required under the SEPP (Housing) 2021.</p> <p>Regarding the clubhouse, no specific parking is proposed for motorcycles as Table 2 of the SEPP outlines parking rates only for business and industrial zones, as well as for the residential components of shop-top and mixed-use developments.</p>	Motorcycle parking is to be provided in accordance with Table 2.	Considered acceptable
3.3 Bicycle	<p>No bicycle parking is proposed for the clubhouse.</p> <p>For the seniors housing component, one bicycle parking space is proposed. Additionally, the proposed storage space in the basement has the capacity to store more bicycles if needed.</p>	Given the zoning, type of development and location of the site away from railway precincts and transport routes there is no specific requirements for bicycle parking for the development	Considered acceptable
Electric Vehicle Charging	<p>The submitted architectural plans do not indicate the provision of any electrical vehicle charging infrastructure for both the ILU and clubhouse developments.</p> <p>A condition has been recommended to require charging stations to be provided in accordance with the NCC.</p>	<p>All garages and car spaces allocated to an individual residential apartment must make provision for:</p> <ul style="list-style-type: none"> • Level 2: single or 3-phase electric vehicle supply equipment with a power range of 7kW-22kW, as defined by NSW Electric and Hybrid Vehicle Plan (Future Transport 2056) from Transport for NSW, which provides faster, more secure charging. 	Yes, complies with condition

		<p>Additionally, All communal car parking areas for new commercial, industrial and all other major developments must make provision for:</p> <ul style="list-style-type: none"> • A minimum 5A per phase electrical capacity must be provided per space e.g.: <p>If there are 40-80 spaces per level, provide one dedicated 400A threephase EV charging switchboard per level</p>	
Accessible Car Parking	<p><u>ILU:</u></p> <p>50% of the proposed car parking spaces are accessible and therefore complies with the DCP requirements.</p> <p><u>Clubhouse:</u></p> <p>The clubhouse parking has 4 accessible spaces which is consistent with the WDCP requirement.</p>	<p><u>ILU</u></p> <p>The ILU use is classified as Class 2 in accordance with the BCA. The DCP requires Class 2 development to provide the following accessible parking (whichever is greater):</p> <ol style="list-style-type: none"> Minimum 1 resident and 1 visitor space for developments comprising 10 or more units 1 space/4 accessible or adaptable units + 1 visitor space for developments comprising 50 or more car parking spaces <p><u>Clubhouse</u></p> <p>The clubhouse use is classified as Class 6 in accordance with the BCA. The DCP requires Class 6 development to provide the following accessible parking (whichever is greater):</p> <ol style="list-style-type: none"> 1 employee and 1 visitor space 3% of the total car parking spaces (10% of spaces must be provided as a visitor space) 	Yes
Part G: vegetation Management			
Vegetation Management	<p>The amended proposal involves the removal of 24 trees (including three exempt trees) located both within the site and on public land,</p>	<p>To promote sustainable vegetation management and conserve and enhance the tree resources, natural systems including</p>	Yes

	while retaining 21 trees, including all street trees along the Deepwater Road frontage. In addition, 86 new trees are proposed to be planted across the site.	bushland, and landscape quality. Replacement trees at a rate of 3:1	
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Operational Details

Operational Details	Comment
Description of proposed use	Registered Club
Hours of Operation	The proposal includes 6am to mid-night 7 days a week operation.
Loading/Unloading	On-site loading is proposed.
Delivery details	Deliveries to also occur within the site.
Staff/Patron numbers	Not specified.
Air/odour	The proposed development does not appears to be of a kind which would result in significant Air/ odour issues. Notwithstanding, conditions have been recommended.
Noise	The application accompany an acoustic report.

Referrals

Internal Referrals

Building services	No objection subject to conditions of consent
Engineering	<p><i>The proposed works at 74 Deepwater Road Castle Cove include subdivision of the site to create two lots, demolition of existing golf clubhouse and car park, construction of a new golf clubhouse and associated car parking, construction of part two and three storey building comprising Independent Living Units (ILU) with basement car parking, bus zone, loading zone, landscaping and associated works.</i></p> <p><i>The property is not flood affected but is potentially impacted by Probably Maximum Flood (PMF) as the proposed works is adjacent to the mainstream flow path. The site survey confirms the fall is to the street.</i></p> <p><i>Stormwater system</i> <i>An OSD system has been proposed and complies with Technical Standard 1. Overland flow path has been provided for the overflow from the tank to the roadway. OSD tank outlet is above 1% AEP flood level and not located under units and is in a common area for ease of access.</i></p> <p><i>MUSIC model confirms reduction targets have been reached for TN, TP and TSS in accordance with Technical Standard 1.</i></p> <p><i>Flooding</i> <i>TUFLOW modelling was undertaken confirming the site not being affected by overland stormwater runoff. The controls for the site fall under Section 5.1.2 New development in areas subject to local drainage or overland flow. The controls comply with the minimum floor levels + freeboard requirement stated in DCP Part I Attachment 2, Technical Standard 2 – Floodplain Management.</i></p> <p><i>The closest area of overland flow to the site is on Deepwater Road with a flood level</i></p>

	<p>of 66.18m AHD in the vicinity of the site. The Club proposed development has been designed to have a finished floor level of 67m AHD and ground floor of ILU has been designed to have a finished floor level of 81m AHD. All floor levels comply with above 1% AEP + 500mm.</p> <p>The entrance of the club carpark has a finished floor level of 67m AHD which complies with minimum garage floor level of 1% AEP + 300mm. GRC report states that the car park would drain freely to Deepwater Road so is not considered basement car park.</p> <p><i>Vehicle access and parking</i> Parking spaces provided for adaptable units comply with the requirements of AS/NZS 2890.6:2009. Bollards are provided at the shared spaced in line with AS/NZS 2890.1:2004 Clause 2.4.5.3b.</p> <p>The Traffic report and drawings comply with AS/NZS 2890.1:2004 one side of the vehicle crossings at the exit side with 2m x 2.5m pedestrian sight distance triangles requirement. The distance triangles are shown on plans to be kept clear to provide the clear area in accordance with the requirements of Part F of the WDCP.</p> <p>Provision has been made for private waste collection vehicles to collect waste on site at the ILU for a SRV vehicle 8.8m long x 3.5m wide with 4.5m overhead clearance and similarly with the club loading bay to accommodate a vehicle 6.4m long with 3.5m overhead clearance. Provision has also been provided for Council's waste collection for temporary bin holding area on ground floor level at street level adjacent to ILU ram for wheel out/wheel in kerbside service to be provided. Council's waste section to provide agreement for preference for waste collection.</p> <p>Plans provided demonstrate that a bus stop is within walking distance of approximately 240m and that the accessible path is provided in accordance with the requirements of the SEPP.</p> <p>Maximum grade for the first 6m is 1:20 for grades down from the property boundary and 1:8 for upgrades and it is not clear if the grades complies with full 6m. The maximum gradient of 1:20 (5%) at the associated access driveway across a property line complies with Council's DCP Part F.</p> <p>The dimensions of the proposed enclosed basement garage with regards to height and parking spaces comply with AS.NZS 2890.2:2018.</p> <p>The proposed vehicular crossing to the club car park shall have a maximum width of 6.5m with no splays between the layback and property boundary. The proposed vehicular access to ILU shall have a maximum width of 6.1m.</p> <p><i>Public domain works</i> Public domain works are required due to increased traffic loads that will impact the pavement. Due to development damaging kerb and gutter, this is to be replaced along with redundant crossings removed and kerb and gutter reinstated. Final location and confirmation of pedestrian traffic measures such as pedestrian refuge shall be required to be agreed with Council's Traffic engineer.</p>
Environmental Health	No objection subject to conditions of consent
Waste	<p>In the latest DCP (2023), Willoughby City Council has formally adopted the Waste Management Technical Guide and Development Controls by North Sydney Regional Organisation of Councils for multi-dwelling housing, residential flat buildings and mixed-use developments.</p> <ul style="list-style-type: none"> The technical guide provides comprehensive information to achieve best practice design and construction of waste management and recycling systems. The development controls provide specific requirements for internal waste storage facilities, individual bin storage areas, communal bin storage areas, bin carting routes, and access for collection vehicles.

	<ul style="list-style-type: none"> All major residential developments must comply with the technical guide and the specific controls for multi dwelling housing, residential flat buildings, and mixed-use buildings. <p>Independent living units (ILUs) are deemed by Council to be residential services; they each pay for a residential service. Council requires residential waste services (bins and bulky waste) to be collected by Council. In the latest DCP, this would require onsite collection. However, given that this is a development of only 17 units, it is accepted that it is not desirable to design for HRV access, such as clearances and swept paths. There are other examples of residential buildings in Willoughby at this size that have temporary holding rooms to store bulk bins from residential waste and recycling.</p> <p>It is proposed to issue an approval with conditions with a concession for kerbside collection of residential waste (bins and bulky) waste from the proposed temporary kerbside holding room that is approximately 10m from the kerbside. The Applicant needs to provide more clarity on how bulky waste will be stored separately to be for collection and how material will be transferred within the building by the building manager or caretaker. An updated waste management plan needs to be supplied that aligns with the latest architectural drawings and traffic letters and a collect and return service by Council.</p>
Landscape	Supported, subject to retention of T26.
Traffic and Transport	<p>Supported, subject to the following specific <u>condition</u> as well as other standard conditions included in the referral:</p> <p>Submit the Following Information to Willoughby City Council</p> <p>Prior to the issue of any construction certificate, the applicant shall submit the following information to Council's Traffic Section for its review, comment, and written approval, including approval from Traffic Committee. Documentation confirming approval by Willoughby City Council shall then be submitted to the Certifier for the application of a construction certificate.</p> <p>Due to the increased pedestrian demand associated with the development, the following infrastructure improvements are required within the adjoining streets:</p> <ol style="list-style-type: none"> Kerb Extensions: Construct kerb extensions on both sides of Deepwater Road, with a minimum width of 2.5 metres, at a location that aligns with pedestrian desire lines and provides safe crossing opportunities. The kerb extensions are to: <ul style="list-style-type: none"> Narrow the carriageway to calm traffic. Improve pedestrian safety by shortening crossing distances. Be designed and constructed in accordance with relevant Austroads, Australian Standards, and Transport for NSW guidelines. Include tactile ground surface indicators and be compliant with DDA accessibility requirements. The associated 'No Stopping' zone for the proposed kerb extension shall be limited to the minimum length required to comply with relevant Australian Standards, Transport for NSW guidelines, and ensure safe sight distances. Speed Cushions: Install speed cushions on both approaches to the kerb extensions, designed to reduce vehicle approach speeds. Devices are to be:

	<ul style="list-style-type: none"> Designed in accordance with relevant Australian Standards, and Transport for NSW traffic calming guidelines. Spaced and dimensioned to ensure safe deceleration and minimal disruption to emergency and public transport vehicles. <p>3. Kerb Ramps: Construct compliant kerb ramps on both sides of Deepwater Road in conjunction with the kerb extensions. Ramps are to:</p> <ul style="list-style-type: none"> Be aligned with the crossing point. Be fully DDA-compliant, including gradients, landings, and tactile indicators. Conform to AS 1428.1 and Council's standard detail drawings. <p>4. Associated Line Marking and Signage: Install all required line marking, regulatory signage, and advance warning signs to support the kerb extensions and traffic calming measures. All signage and markings must:</p> <ul style="list-style-type: none"> Comply with relevant standards and guidelines. Be reflective and clearly visible in day and night conditions. Be coordinated with any existing traffic control devices in the vicinity. <p>Note :</p> <p>Design Submission and Approval Process:</p> <ul style="list-style-type: none"> Submit detailed designs of all proposed infrastructure improvements to Council's Traffic Section for initial review. During the review, stormwater feasibility comments will be obtained. Undertake community consultation on the proposed infrastructure improvements. Following Council's review and community consultation, submit the designs to the Local Traffic Committee for final approval. Obtain written approval from both Council and the Local Traffic Committee before commencing any construction work. <p>(Reason: Public Safety and amenity)</p>
Contributions Officer	Supported subject to conditions requiring 7.12 and Housing Productivity Contributions
Urban Design	<p>The following comments have been structured to align with the NSW SEPP (Housing) Schedule 9 Design Principles.</p> <p>1. Context and Neighbourhood Character</p> <p>WHR-Response supported and acceptable</p> <ol style="list-style-type: none"> The Panel does not support the proposed relationship between the ILU Lot and Deepwater Road. The ILUs have little relationship with the existing streetscape and lacks an appropriate or legible sense of address. The proposed address and entry sequence appear inadequate for pedestrians, active transport, visitors and emergency vehicles and raises significant safety issues (See further commentary in 7. Safety). The need to pass beneath the driveway with blind corners, and the cross section depicting tall walls to each side of the path in the Clubhouse Long Section, are not providing an optimum solution. The reliance on signage for wayfinding is not a preferred outcome. <ol style="list-style-type: none"> The Panel strongly encourages the development of a clear and intuitive solution with greater legibility, safety, accessibility, and landscape amenity where possible to better integrate the Seniors Housing as a connected, accessible and visible development within the local community and context.

	<p>ii. Consider whether efficiencies can be found in the Clubhouse basement carpark (including a reduction in parking spaces and the relocation of the waste room) that would enable reconfiguration of the subdivision to allow the future ILU Lot to reach Deepwater Road, and allow for an adequate separation and sense of generosity of the pedestrian/vehicular entries to the ILUs.</p> <p>2. Built Form and Scale</p> <p>WHR-Response supported and acceptable</p> <p>a. The Panel generally supports the articulated form of the proposal that breaks down the mass of the ILU building into a series of terrace-like volumes.</p> <p>b. Exceedance in height along the western golf course boundary may be acceptable, given the complex nature of the terrain, the lack of impact to the western side and the desire to minimise impacts on surrounding residents to the east – but subject to satisfaction of commentary below relating to the calculation of communal open space, deep soil areas and the resultant building footprint.</p> <p>i. The articulation of the northwest corner off the massing is not as successful as the stepped southwest portion fronting the Gold Course. Explore opportunities to improve the articulation of this facade including the proportions and alignments of windows, the introduction of external shading, and greater articulation in plan. For instance, could a recessed slot be introduced between the Kitchen and Bed 3 of the corner apartment to provide daylight and ventilation opportunities and to further articulate the massing? (See further comments in 9. Aesthetics)</p> <p>ii. Review the proposed floor to floor heights (3.1m is provided) to be sure that sufficient zones have been allowed for to accommodate the requirements of the DBPA in detailed design resolution. Typical floor to floors allowances of 3.2m - 3.25m are now common in development proposals. Where setbacks occur (Level 1 to 2) additional zone allowances are typically required to accommodate falls, waterproofing terminations and insulation. Confirm that these challenges can be met within the building heights currently declared.</p> <p>3. Density</p> <p>a. Nil comments at this time.</p> <p>4. Sustainability</p> <p>WHR-Response supported and acceptable</p> <p>a. The Panel supports:</p> <ul style="list-style-type: none"> o The inclusion of EV charging capability to the car space for each unit o The proposal for a 100% electric building inclusive of cooking, heating and water, and the inclusion of PV cells to the rooftop o Initiatives for stormwater retention and re-use on site. <p>i. Confirm the capacity of the proposed substation to Deepwater Road to support these initiatives.</p> <p>ii. Demonstrate sufficient space is provided for a/c condensers and illustrate how this is integrated with the overall facade/massing strategy</p> <p>b. Consider opportunities to introduce or strengthen:</p> <p>WHR-Response supported and acceptable</p> <p>i. External shading to eastern and western apartment windows and lobby glazing to mitigate solar heat gain</p> <p>ii. Natural ventilation to common lobby areas, the residential carpark and associated storage areas.</p> <p>5. Landscape</p> <p>WHR-Response supported and acceptable</p> <p>a. The panel supports the broad strategy and character of the landscape proposal.</p> <p>i. Confirm the calculations for % of Communal Open Space and Deep Soil landscape to the ILU Lot post subdivision.</p> <p>ii. The dimensions of the proposed network of pathways and terraces is generous and an increase in planted areas could be desirable. Reconsider the balance of hardscape and softscape podium planting in the common areas.</p>
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	<p>iii. In addition to comments in 1. Context and Neighbourhood Character, explore the reconfiguration of the ILU gateway and entry path to allow the retention of the existing trees to the eastern boundary.</p> <p>iv. Confirm building services have no impact on the large existing tree on the SE corner of the site - particularly if service lines/drainage/other building services will be trenched to the street boundary.</p> <p>v. Confirm the proposed location of any pump rooms/booster assemblies and the like that may impact proposed landscape areas visible from the public street.</p> <p>b. The rock outcrops are a significant existing element that contributes to the character of the site.</p> <p>WHR-Response supported and acceptable</p> <p>i. Consider whether some of the quality of the naturalistic form and expression of the outcrop could be retained and contribute to the character/setting of the communal open space and basement.</p> <p>ii. Could a void extend along the eastern edge to allow the rock face to be visible from within the ILU basement carpark including the provision of natural light and ventilation? Could the proposed stair linking the communal open space and basement sit within this void? Confirm Fire Separation compliance as part of this investigation.</p> <p>c. Provide further information to explain the proposed excavation of the rock outcrops on the northern and eastern site boundaries to the ILU's including:</p> <p>i. A drawing showing boundary levels on each side of the eastern and northern boundaries for the full site extent (existing and proposed)</p> <p>ii. Confirmation of the depth of cutting through cross sections that illustrate the face of the proposed ILU's, the common area, the extent of cutting and the adjacent Seniors Living development to the east</p> <p>6. Amenity</p> <p>WHR-Response supported and acceptable</p> <p>d. The provision of three cores servicing 2 to 3 apartments per core and 100% dual orientation units is strongly supported.</p> <p>i. Seek assurances and specific confirmation from an NCC/BCA Consultant that there are no issues with the western golf course boundary in terms of fire protection to the openings that are providing cross ventilation to the units within 3m of that boundary – in both existing and subdivided scenarios.</p> <p>ii. Provide further detailed views and analysis of the solar access to living rooms facing the golf course to demonstrate that they are achieving a full 2 hours sun in mid-winter into the apartment (not only the façade) as per ADG Guidance. If not – quantify the hours/mins received for each apartment to accurately declare the shortfall for review.</p> <p>iii. Further refine the proposed massing (if required) to improve solar access provision.</p> <p>iv. Ensure that all apartment balconies meet the minimum dimensions for private open space.</p> <p>7. Safety</p> <p>WHR-Response supported and acceptable</p> <p>i. Seek technical assurances (high level - not detailed design) that the necessary spatial access requirements and equipment for fire-fighting (including lines to that equipment) can be accommodated to the ILUs given the constrained access arrangements and limited street frontage.</p> <p>ii. Confirm ambulance access provisions to ILUs including access to multiple cores.</p> <p>a. See further comments regarding address and access in 1. Context and Neighbourhood Character.</p> <p>8. Housing Diversity and Social Interaction</p> <p>i. Consider bench seats or similar gathering spaces within the proposed lobbies to foster informal interaction between neighbours.</p> <p>9. Aesthetics</p> <p>WHR-Response supported and acceptable</p>
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	<p>a. <i>The proposed material palette of the building is generally supported, with the exception of:</i></p> <p>i. <i>the paint finish where additional detail is required. It should be more definitively specified to nominate the substrate. The substrate should be sufficiently robust to sit confidently adjacent the brickwork palette.</i></p> <p>b. <i>Brickwork</i></p> <p>i. <i>Confirm brickwork is to be solid brickwork rather than GRC, brick slips or brick tile.</i></p> <p>c. <i>Glazing</i></p> <p>i. <i>Consider the practicality and extent of glazing around the building. Particularly consider the extensive use of floor to ceiling glazing to bedroom areas and the impacts on privacy from the communal areas, Golf Course and Clubhouse terrace.</i></p> <p>d. <i>Solar Protection</i></p> <p>i. <i>Consider the solar protection of west/southwest facing facades that will be exposed to late summer sun (see comments in 4. Sustainability).</i></p> <p>e. <i>Balustrades/Barriers</i></p> <p>i. <i>Ensure that elevations show all balustrades/ barriers required for sliding openings to function safely for the achievement of cross ventilation declared.</i></p> <p>f. <i>Articulation</i></p> <p>i. <i>The architectural articulation of the Penthouses could be strengthened. Consider introducing a horizontal roof plane element to consolidate the penthouse massing and facade articulation, provide external shading opportunities, and to compliment the architectural language of the Clubhouse.</i></p> <p>ii. <i>Coordinate the landing of the stairs from the Level 2 Penthouse units so that the area of void currently indicated on Level 1 is not infilled, but is able to retain the intent of a vertical expression to the eastern elevation. (The verticality of the lobbies in signalling the presence of the foyers on the eastern side is important in terms of legibility and wayfinding.)</i></p> <p><u>Castle Cove Country Club (Clubhouse)</u></p> <p>10. <i>Massing and Materiality</i></p> <p>a. <i>The Panel supports:</i></p> <p>i. <i>The articulated form of the Clubhouse including the modulation of the facade and the inclusion of planting to Deepwater Road, the horizontal plane of the cantilevered roof, and the extent of outdoor terraces addressing the Golf Course.</i></p> <p>ii. <i>The proposed high quality material palette including vertical timber screening, brick screen walls, and dry stone elements that make textual and material references to the local natural and heritage context.</i></p> <p>11. <i>Relationship to Context</i></p> <p>WHR-Response supported and acceptable</p> <p>a. <i>The Panel does not support the impacts of the proposed Clubhouse and basement parking on the entry to the ILUs from Deepwater Road. Refer to 1. Context and Neighbourhood Character.</i></p> <p>b. <i>The Panel is concerned by the location of all back of house, ancillary areas to the street and the resulting blankness of the streetscape façade to Deepwater Road. These concerns are compounded by the extent of car parking to be located within the ground floor of the building.</i></p> <p>c. <i>Explore opportunities to provide a greater sense of life and activity between the clubhouse and the street without increasing acoustic impacts by:</i></p> <p>i. <i>Introducing windows to the kitchen areas to improve amenity for kitchen staff and overlooking of the street to improve CPTED outcomes</i></p> <p>ii. <i>Expansion of the lobby at ground floor and upper level and the co-location of office spaces and meeting spaces along the Deepwater Road facade</i></p> <p>iii. <i>Potential relocation of the golf shop to a more prominent and accessible location.</i></p> <p>12. <i>Sustainability and Servicing</i></p>
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	<p><i>WHR-Response supported and acceptable</i></p> <ul style="list-style-type: none"> a. <i>The Panel supports:</i> <ul style="list-style-type: none"> i. <i>The proposal for a 100% electric building inclusive of cooking, heating and water, and the inclusion of PV cells to the rooftop</i> ii. <i>Initiatives for stormwater retention and re-use on site.</i> b. <i>EV Charging</i> <ul style="list-style-type: none"> i. <i>Confirm EV charging provision to the Clubhouse carpark and the capacity of the proposed substation to Deepwater Road to support this.</i> c. <i>Waste loading</i> <ul style="list-style-type: none"> i. <i>Review waste/loading requirements with Council prior to DA lodgement.</i> d. <i>Kitchen Exhaust</i> <ul style="list-style-type: none"> • i. <i>Confirm sufficient ducting and plant room capacity can be accommodated within the proposed Clubhouse envelope to support kitchen exhaust requirements.</i> e. <i>Acoustic</i> <ul style="list-style-type: none"> i. <i>Confirm acoustic measures to mechanical equipment.</i> f. <i>End of Trip/Bicycle</i> <ul style="list-style-type: none"> i. <i>The Panel strongly encourages the inclusion of bicycle parking and end-of-trip facilities to support active transport options for the local and wider community.</i> <p>13. Landscape</p> <ul style="list-style-type: none"> a. <i>The extent and contribution of landscape is important to the building's appearance and character.</i> <ul style="list-style-type: none"> i. <i>Ensure that edge planter boxes are well provisioned with soil and adequate irrigation/drainage to allow planting to thrive. Confirm service access to planter boxes.</i> <p>14. Signage</p> <p><i>WHR-Response supported and acceptable</i></p> <ul style="list-style-type: none"> i. <i>Confirm the proposed extent of signage across the development including placement, character and lighting provision for review and assessment.</i>
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External Referrals

NSW Police	Supported, subject to conditions
Ausgrid	Ausgrid has no objection to this development application, however the design submission must comply with relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice for construction works near existing electrical assets.
Water NSW (Integrated Referral)	GTA's have been provided subject to a number of conditions which are located in the Consent attached to this document.
NSW Rural Fire Services	GTA's have been provided subject to a number of conditions which are located in the Consent attached to this document.
Aboriginal Heritage	<i>There are known Aboriginal sites in the area. No sites are recorded in the current development area, however, the area of the proposed development is identified as having high potential for unrecorded Aboriginal sites. Under the National Parks and Wildlife Act 1974 (NPW Act) all Aboriginal objects are protected. Should any Aboriginal Cultural Heritage items be uncovered during earthworks, works should cease in the area and the Aboriginal Heritage Office assess the finds. Under Section 89a of the NPW Act should the objects be found to be Aboriginal, Heritage NSW and the Metropolitan Local Aboriginal Land Council (MLALC) should be contacted.</i>

ATTACHMENT 3: OFFICER'S CLAUSE 4.6 ASSESSMENT – HEIGHT**Description of non compliance**

Development Standard	Height Standard	Proposed Height	%Variation
Clause 84 and 108 development standards of the SEPP (Housing) 2021	9.5m	The proposal seeks a maximum building height of 14.26m, which exceeds the height limit under the SEPP by 4.76m.	50.1% 4.76m over the standard

The applicant submitted a Clause 4.6 Variation Request seeking to justify contravention of the development standard set out in Clause 84 and non-discretionary development standard in 108 of the Housing SEPP 2021, in accordance with Clause 4.6 of the Willoughby LEP 2012 (LEP) which applies to contravention of development standards prescribed under the LEP or other applicable Environmental Planning Instruments.

It is important to note that Clause 84 of the Housing SEPP 2021 does not contain any specific objectives for the building height development standard. Therefore, the objectives for the building height standard under cl4.3 WLEP 2012 are used to assess and determine the appropriateness of the proposed variation.

84 Development standards—general

(2) Development consent must not be granted for development to which this section applies unless—

- (a) the site area of the development is at least 1,000m², and
- (b) the frontage of the site area of the development is at least 20m measured at the building line, and
- (c) for development on land in a residential zone where residential flat buildings are not permitted—

(i) the development will not result in a building with a height of more than 9.5m, excluding servicing equipment on the roof of the building, and

(ii) if the roof of the building contains servicing equipment resulting in the building having a height of more than 9.5m—the servicing equipment complies with subsection (3), and

(iii) if the development results in a building with more than 2 storeys—the additional storeys are set back within planes that project at an angle of 45 degrees inwards from all side and rear boundaries of the site.

(3) The servicing equipment must—

- (a) be fully integrated into the design of the roof or contained and suitably screened from view from public places, and
- (b) be limited to an area of no more than 20% of the surface area of the roof, and
- (c) not result in the building having a height of more than 11.5m.

The specific development standard to be varied is that of Section 84(2)(c)(i) in relation to the building having a height of more than 9.5m (while noting that the servicing equipment complies with the Section 84(3) criteria including the maximum height development standard of 11.5m).

Further, under Clause 108(2) and (3) of the Housing SEPP 2021, the development is subject to the following non-discretionary development standards.

108 Non-discretionary development standards for independent living units – the Act, s4.15

(2) The following are non-discretionary development standards in relation to development for the purposes of independent living units—

- (a) no building has a height of more than 9.5m, excluding servicing equipment on the roof of a building,
- (b) servicing equipment on the roof of a building, which results in the building having a height of more than 9.5m—
 - (i) is fully integrated into the design of the roof or contained and suitably screened from view from public places, and
 - (ii) is limited to an area of no more than 20% of the surface area of the roof, and
 - (iii) does not result in the building having a height of more than 11.5m,

It is noted that the following SEPP definition is relevant: **servicing equipment** includes plant, lift motor rooms and fire stairs.



Figure-9: showing the extent of roof exceeding the 9.5m requirement

As depicted in the extract above, the majority of the building complies with the height requirement except the portion of the roof shown in white. The applicant's statement indicates that all height variation combined, comprise of an approximate area of 73.97m² when viewed from the roof area, which equates to 5.28% of the total roof print. This means the area of non-compliance is limited to small portion of the development which is direct result of the varying topography. Additionally, it is important to note that the proposed ILU building is fully compliant with the 11.5m development for the servicing equipment.

Key points of the applicant's submission:

- The design responds to the undulating topography and accommodates the existing rock formations on the site, resulting in four (4) minimal height variations related to

corners of roofs and an awning in order to maintain levels and accessibility within the design.

- The proposal has been sited in a way to maximise separation distances from the adjoining properties. Any relocation of the form closer to the adjoining properties may result in a greater level of compliance related to height but will impact visual privacy and require the removal of floor space.
- The proposed building height will not change the existing character nor hinder the future character of the area. The ILUs will replace the existing clubhouse form, which is currently in poor condition, with a quality design located at the rear of the site and setback from street view.

Objectives of Clause 4.6

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

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

CI 4.6 Criteria	Response
4.6(2) <i>Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.</i>	The development standard is not expressly excluded from the operation of this clause.
4.6 (3) <i>Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—</i>	
a) <i>Has the applicant's submission demonstrated that compliance with the standard is unreasonable or unnecessary in the circumstances of the case, and</i>	<p>The applicant's written request has demonstrated that the objectives of the development standard are achieved, notwithstanding the non-compliance with the development standard</p> <p>In doing so, the applicant's written request has adequately demonstrated that the compliance with the development standard is unreasonable and unnecessary in the circumstances of this case.</p>
a) <i>Has the applicant's submission demonstrated that there are sufficient environmental planning grounds to justify the non-compliance?</i>	<p>The applicant's written request has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard.</p> <p>Therefore council is satisfied that the</p>

	applicant's written request has adequately addressed the matters required to be demonstrated by Clause 4.6 (3)
4.6(4) <i>Development consent must not be granted for development that contravenes a development standard unless:</i>	
a) i) <i>Has the applicant's written request adequately addressed the matters required to be demonstrated in subclause 3</i>	The applicant's written request has adequately demonstrated that compliance with the standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify the non-compliance
ii) <i>Is the proposed development in the public interest because it is consistent with:</i>	
• <i>objectives of the particular development standard</i>	Yes, see assessment below
• <i>objectives for the development within the zone in which the development is proposed to be carried</i>	Yes, see assessment below

Consistency with the objectives of the Height of Buildings development standard:

Consistency of the proposed development with the height of building standard's objectives is discussed below:

Height of Building Development Standard Objectives	Response
a) <i>to ensure that new development is in harmony with the bulk and scale of surrounding buildings and the streetscape,</i>	<p>The ILU building is located at the rear portion of the site and, as such, is not readily visible from the street. The proposed bulk and scale of the ILU building have been designed to respond to the site's varying topography while remaining sympathetic to the low-rise scale of the surrounding development. The change in level between the site and the neighbouring residential developments provides for buffer in minimising privacy and overshadowing issues.</p> <p>This non-compliance arises primarily due to the building design responding to the topography of the site and is primarily limited to the golf course front of the development. Hence the non-compliance is not resulting in significant amenity impacts to the neighbouring properties.</p> <p>The proposed height variation maintains the building's bulk and scale in harmony with the streetscape and surrounding properties.</p>
a) <i>to minimise the impacts of new development on adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or</i>	The proposed development does not impact any significant or iconic views currently obtained through the site. The only views obtained currently are to the golf course

<p><i>visual intrusion,</i></p>	<p>across the site from east to west. Privacy and visual intrusion impacts are considered consistent with a compliant height proposal, as the primary areas of non-compliance are appropriately separated from the adjoining properties and are limited to less than 6% of the total roof footprint.</p> <p>The proposed non-compliances will not result in excessive overshadowing impacts to the adjoining properties. Any overshadowing impacts are limited to the golf course and on the site itself.</p> <p>Additionally, the maximum proposed height is lower than the existing ridge line of the clubhouse building.</p>
<p>b) <i>to ensure a high visual quality of the development when viewed from adjoining properties, the street, waterways, public reserves or foreshores,</i></p>	<p>It is considered that the architectural design will provide a positive impact on the visual amenity of the locality.</p>
<p>c) <i>to minimise disruption to existing views or to achieve reasonable view sharing from adjacent developments or from public open spaces with the height and bulk of the development,</i></p>	<p>There are no significant views from adjacent development or public open spaces near or around the site except for the view to the golf course across the site from east to west, which is not considered to be a significant view.</p>
<p>d) <i>to set upper limits for the height of buildings that are consistent with the redevelopment potential of the relevant land given other development restrictions, such as floor space and landscaping,</i></p>	<p>The proposal is predominantly consistent with the building height control under the SEPP and largely complies with the 9.5m development standard except for the 6% of the footprint. The primary cause of the non-compliance is the site's topography, which features a 14m fall across the site's depth.</p> <p>While the FSR standard is also being varied, given the shape of the site and topography, the proposal provides 15% deep soil area and 30% landscaped area across the portion of the designated for ILU.</p> <p>As a result, while the height exceeds the maximum permissible limit over a portion of the building footprint, it is considered reasonably consistent with the redevelopment potential of the land in this instant.</p>
<p>e) <i>to use maximum height limits to assist in responding to the current and desired future character of the locality,</i></p>	<p>The proposal showcase a skilfully designed building with bulk and scale appropriately distributed to respect the site topography and adjoining sites.</p> <p>The proposed development sits below the surrounding the built form complementing the</p>

	<p>existing and desired future character of the locality.</p> <p>Additionally, the proposal will facilitate a development that is well suited for the zone and the area. The ILU development will provide for seniors accommodation in an where they can enjoy social and recreation facilities available at the proposed golf clubhouse and golf course and tennis courts.</p>
f) <i>to reinforce the primary character and land use of the city centre of Chatswood with the area west of the North Shore Rail Line, being the commercial office core of Chatswood, and the area east of the North Shore Rail Line, being the retail shopping core of Chatswood,</i>	Not relevant.
g) <i>to achieve transitions in building scale from higher intensity business and retail centres to surrounding residential areas.</i>	Not relevant.

Consistency with the objectives of the R2 Low Density Residential Zone:

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

Zone Objective	Response
To provide for the housing needs of the community within a low density residential environment.	The proposal will provide for the much needed seniors housing in the R2 Low Density Residential which is permissible under the SEPP (Housing) 2021. The proposed 2-3 storey independent Living Units are also considered to be appropriate development for the R2 zone under the Seniors Housing Design Guide.
To enable other land uses that provide facilities or services to meet the day to day needs of residents.	The proposal enable the redevelopment of the existing clubhouse building which operates ancillary to the golf course, provides social and recreational facilities to nearby residents. The development is anticipated to enhance local amenities, provide a valuable recreational facility, and contribute positively to the local economy.
To accommodate development that is compatible with the scale and character of the surrounding residential development.	<p>The ILU building is located at the rear portion of the site and, as such, is not readily visible form the street. The proposed bulk and scale of the ILU building have been designed to respond to the site's varying topography while remaining sympathetic to the low-rise scale of the surrounding development. The change in level between the site and the neighbouring residential developments provides for buffer in minimising privacy and overshadowing issues.</p> <p>The proposed building comprising of 14 x 3 bedroom and 3 x 2 bedroom independent</p>

	living units in considered consistent with the SEPP Housing in delivering seniors housing for the aging population.
To retain and enhance residential amenity, including views, solar access, aural and visual privacy, and landscape quality.	<p>The proposed bulk and scale of the ILU building have been designed to respond to the site's varying topography while remaining sympathetic to the low-rise scale of the surrounding development. The change in level between the site and the neighbouring residential developments results in minimising privacy and overshadowing issues.</p> <p>Additionally, the proposed design supports natural ventilation to the majority of apartments, maximise direct sun to apartments, whilst minimising any potential amenity impacts to the adjoining properties.</p>
To retain the heritage values of particular localities and places and to ensure heritage items and conservation areas are not damaged, demolished or otherwise adversely impacted by new development.	The proposal incorporates a number of principles of sustainability, including natural ventilation to the majority of apartments, maximizing direct sun to apartments whilst utilising shading devices where required and landscaping throughout the proposal.
To encourage self sufficiency with respect to energy and food supply.	The proposal incorporates a number of principles of sustainability, including natural ventilation to the majority of apartments, maximizing direct sun to apartments whilst utilising shading devices where required and landscaping throughout the proposal.

Conclusion:

The proposed variation to the building height development standard is considered acceptable, as the underlying objectives of the standard and the zone are achieved despite the numerical non-compliance with the Housing SEPP 2021. The proposed height is considered appropriate in the context of the site, with the design providing a built form that responds sensitively to the site's topography and surrounding development. The resulting bulk and scale are considered to be well-resolved, with minimal visual and privacy impacts and no unreasonable overshadowing to adjoining residential properties.

Additionally, the Design Review Panel and Council Urban Designer raised no concerns with the proposed bulk and scale, further supporting the suitability of the design.

ATTACHMENT 4: OFFICER'S CLAUSE 4.6 ASSESSMENT – FSR**Description of non-compliance**

Development Standard	FSR Standard	Proposed FSR	%Variation
CI 4.4 Floor space ratio WLEP 2012	0.4:1	0.63:1 Total GFA (2,622.13m ² + 1,009.8m ²) = 3,631.93 m ²	58.9%
CI 108 of the SEPP (Housing) 2021	0.5:1	0.82:1 (The portion of the site designated for Seniors Living development covers an area of 3,173m ² . The independent living unit (ILU) building has a gross floor area (GFA) of 2,622.13m ² , which results in a floor space ratio (FSR) of 0.82:1)	66%

As previously indicated under the discussions section of the report, In accordance with Clauses 4.5(2) and 4.5(8) of the Willoughby LEP 2012 and the definition of "site area" under Clause 4.5(3), the applicant is required to calculate the floor space ratio (FSR) based on the entire development site, including both the clubhouse and the Seniors Living building. In contrast, under the SEPP (Housing) 2021, the site area for the purpose of calculating FSR for seniors housing refers only to the portion of land on which the independent living units (ILUs) are proposed, not the entire site.

In response to the above the applicant submitted two cl 4.6 variation requests, one for the FSR standard under the WLEP 2012 and another one under the SEPP (Housing) 2021 to vary the non-discretionary development standard.

Additionally, it is important to note that Clause 108 of the Housing SEPP 2021 does not contain any specific objectives for the FSR development standard. Therefore, the objectives for the FSR standard under cl4.4 WLEP 2012 are used to assess and determine the appropriateness of the proposed variation.

Key points from applicant's submissions:

- Typically clubhouses, which are considered to be an ancillary use to a golf course, have been located on the same site as the golf course and which are not subject to a floor space ratio control (due to the recreation zoning). Therefore, the proposal should be afforded the flexibility apparent and appropriate to other metropolitan clubhouse developments.
- The proposal will enable the orderly and economic use and development of the land, resulting in the redevelopment of the clubhouse which exhibits clear signs of aging

and portions unusable due to its poor condition. The orderly redevelopment of the site therefore offers a clear public benefit in terms of much needed housing, a more sustainable and design responsive club form, and a new facility for club members and the wider community;

Objectives of Clause 4.6

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

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

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

<i>standard</i>	
<ul style="list-style-type: none"> <i>objectives for the development within the zone in which the development is proposed to be carried</i> 	Yes, see assessment below

Consistency with the objectives of the Floor Space Ratio development standard:

Consistency of the proposed development with the floor space ratio standard's objectives is discussed below:

Floor Space Ratio Development Standard Objectives	Response
a) <i>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,</i>	The development is consistent with the objectives of the zone and is within the environmental capacity of the land.
b) <i>to limit traffic generation as a result of that development,</i>	The proposal involves the demolition of the existing clubhouse and the construction of a new clubhouse building closer to the street frontage, along with the provision of 75 car parking spaces. It also includes the construction of 17 Independent Living Units (ILUs) at the rear of the site, with an additional 26 car parking spaces. A Traffic and Parking Assessment Report has been submitted with the application and reviewed by Council's Traffic and Transport Section, which advised that the traffic generated by the redevelopment is not expected to have a detrimental impact on the surrounding road network.
c) <i>to minimise the impacts of new development on adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or visual intrusion,</i>	<p>The proposed development is considered to be compatible in bulk and scale with the existing developments on the adjoining properties. It would not result in unacceptable amenity impacts including view loss, overshadowing and visual intrusion to the surrounding development as a result of the numerical non-compliance. The proposed development does not impact any significant or iconic views currently obtained through the site. The only views obtained currently are to the golf course across the site from east to west. Privacy and visual intrusion impacts are considered consistent with a compliant height proposal, as the primary areas of non-compliance are appropriately separated from the adjoining properties and are limited to less than 6% of the total roof footprint.</p> <p>The proposed non-compliances will not result in excessive overshadowing impacts to the adjoining properties. Any overshadowing impacts are limited to the golf course and on the site itself.</p>
d) <i>to manage the bulk and scale of that development to suit the land use purpose and objectives of the zone,</i>	The proposed FSR of the development is consistent with the zone objectives and is consistent with the land use purpose. The proposed FSR is considered appropriate in the context of the site, with the design providing a built form that responds sensitively to the site's topography and surrounding development. The resulting bulk and scale are considered to be well-resolved, with minimal visual and privacy impacts

	and no unreasonable overshadowing to adjoining residential properties.
e) <i>to permit higher density development at transport nodal points,</i>	N/A
f) <i>to allow growth for a mix of retail, business and commercial purposes consistent with Chatswood's sub-regional retail and business service, employment, entertainment and cultural roles while conserving the compactness of the city centre of Chatswood,</i>	N/A
g) <i>to reinforce the primary character and land use of the city centre of Chatswood with the area west of the North Shore Rail Line, being the commercial office core of Chatswood, and the area east of the North Shore Rail Line, being the retail shopping core of Chatswood,</i>	N/A
h) <i>to provide functional and accessible open spaces with good sunlight access during key usage times and provide for passive and active enjoyment by workers, residents and visitors to the city centre of Chatswood,</i>	N/A
i) <i>to achieve transitions in building scale and density from the higher intensity business and retail centres to surrounding residential areas,</i>	N/A
j) <i>to encourage the consolidation of certain land for redevelopment,</i>	N/A
k) <i>to encourage the provision of community facilities and affordable housing and the conservation of heritage items by permitting additional gross floor area for these land uses.</i>	<p>While the development does not include affordable housing, the proposed FSR variation facilitates the delivery of a high-quality built form that enhances amenity for future residents and the broader community. The increased GFA supports the integration of a new clubhouse facility, which, while ancillary to the existing golf course, offers social and recreational benefits to nearby residents, including ILU occupants. This contributes positively to the local economy and provides a community benefit that justifies the minor exceedance in FSR.</p> <p>The proposal remains consistent with the objectives of the FSR development standard, particularly in achieving a scale and form appropriate to the site's context. The built form has been carefully designed to avoid adverse visual or amenity impacts and maintains compatibility with the surrounding area.</p> <p>Furthermore, the site is not identified as a heritage item, nor is it located within or adjacent to a heritage conservation area. As such, there are no heritage impacts arising from the proposal.</p>

Consistency with the objectives of the R2 Low Density Residential Zone:

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

Zone Objective	Response
To provide for the housing needs of the community within a low density residential environment.	The proposal will provide for the much needed seniors housing in the R2 Low Density Residential which is permissible under the SEPP (Housing) 2021. The proposed 2-3 storey independent Living Units are also considered to be an appropriate development for the R2 zone under the Seniors Housing Design Guide.
To enable other land uses that provide facilities or services to meet the day to day needs of residents.	The proposal enable the redevelopment of the existing clubhouse building which operates ancillary to the golf course, provides social and recreational facilities to nearby residents. The development is anticipated to enhance local amenities, provide a valuable recreational facility, and contribute positively to the local economy.
To accommodate development that is compatible with the scale and character of the surrounding residential development.	<p>The ILU building is located at the rear portion of the site and, as such, is not readily visible form the street. The proposed bulk and scale of the ILU building have been designed to respond to the site's varying topography while remaining sympathetic to the low-rise scale of the surrounding development. The change in level between the site and the neighbouring residential developments provides for buffer in minimising privacy and overshadowing issues.</p> <p>The proposed building comprising of 14 x 3 bedroom and 3 x 2 bedroom independent living units in considered consistent with the SEPP Housing in delivering seniors housing for the aging population.</p>
To retain and enhance residential amenity, including views, solar access, aural and visual privacy, and landscape quality.	<p>The proposed bulk and scale of the ILU building have been designed to respond to the site's varying topography while remaining sympathetic to the low-rise scale of the surrounding development. The change in level between the site and the neighbouring residential developments results in minimising privacy and overshadowing issues.</p> <p>Additionally, the proposed design supports natural ventilation to the majority of apartments, maximise direct sun to apartments, whilst minimising any potential amenity impacts to the adjoining properties.</p>
To retain the heritage values of particular localities and places and to ensure heritage items and conservation areas are not damaged, demolished or otherwise adversely impacted by new development.	The subject site is not identified as being located in a heritage conservation area nor in proximity of any heritage items. With regards to the aboriginal heritage the proposal is acceptable subject to unexpected finds protocol condition.
To encourage self sufficiency with	The proposal incorporates a number of

respect to energy and food supply.	principles of sustainability, including natural ventilation to the majority of apartments, maximizing direct sun to apartments whilst utilising shading devices where required and landscaping throughout the proposal.
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Overall, there are sufficient environmental planning grounds to justify the variation, and strict compliance with the FSR control would hinder the delivery of a development that achieves better planning outcomes.

ATTACHMENT 5: SUBMISSIONS TABLE

The Development Application was notified to adjoining and nearby property owners in accordance with the *Willoughby Community Participation Plan* for a period of 28 days from 25 January 2024 to 23 February 2024 and a period of 14 days from 28 January 2025 to 11 February 2025.

During the notification periods, a total of 30 submissions objecting to the proposal were received on behalf of 10 nearby properties and two additional properties. While the overall number of submissions received was higher, it is noted that during the re-notification period, some individuals made multiple submissions, one submitter, for instance, lodged 37 separate submissions. The number of submissions being 30, reflects the number of submissions that were considered by the assessing officer as unique individual submissions and does not include the unnecessarily repeated submissions made by one individual. Irrespective of the repeated nature of some submissions, all issues raised have been considered and addressed in the table below.

The below table provides the issues raised by the objectors and Council's response:

No.	Submission(s) Date	Respondent Address	Suburb
1	31-Jan-2024	128 Deepwater Road	Castle Cove
2	21-Feb-2024	113 Deepwater Road	
	11-Feb-2025		
	11-Feb-2025		
3	22-Feb-2024	115 Deepwater Road	
	11-Feb-2025		
4	23-Feb-2024	117 Deepwater Road	
	11-Feb-2025		
	11-Feb-2025		
5	23-Feb-2024	119 Deepwater Road	
	11-Feb-2025		
	11-Feb-2025		
6	23-Feb-2024	76 Deepwater Road	
	11-Feb-2025		
	11-Feb-2025		
	11-Feb-2025		
	11-Feb-2025		
7	23-Feb-2024	121 Deepwater Road	
	11-Feb-2025		
8	23-Feb-2024	111 Deepwater Road	
	23-Feb-2024		
	10-Feb-2025		
	11-Feb-2025		
9	03-Jan-2025	78 Deepwater Road	
	11-Feb-2025		
10	07-Feb-2025	9/12 Amaroo Avenue	
	07-Feb-2025		

11	11-Feb-2025	2 Willowie Road	
12	12-Feb-2025	No address given	-

Issues raised from notification period	Response
Excessive bulk and scale as a result of the development's non-compliances with floor space ratio (FSR), maximum building height, building separation and building height plane development controls.	<p>The proposed development is considered compatible with the bulk and scale of adjoining developments and is consistent with the existing streetscape. All relevant non-compliances have been addressed and discussed throughout the report.</p> <p>It is important to note that the proposal has been scrutinised by the Design Review Panel, which found that the bulk and scale of the development are not excessive for the area.</p>
Increased traffic congestion in Deepwater Road as a result of the development.	The application is accompanied by a Traffic and Transport Assessment Report prepared by CJP Consulting Engineers. Council's Transport and Traffic section has reviewed the report and advised that the traffic generated by the proposed development is not significant and would not result in excessive traffic congestion.
Loss of on-street parking for local residents.	As discussed earlier in the report under Discussions section, the refuge islands are no longer required by Council.
Unsafe pedestrian access between the Individual Living Units (ILUs) and the nearby bus stop on Allambie Road, as the proposed pedestrian access contains three (3) pedestrian crossings on Deepwater Road.	The proposed access, particularly the footpath crossings between ILU and the bus stop on Allambie Road have been reviewed by Council's Traffic and Transport Team, which recommends specific conditions requiring traffic calming works to ensure safe pedestrian movements at the proposed footpath crossings.
<p>Excessive tree canopy loss from proposed removal of trees labelled T27-T32 and lopping of one tree labelled T26 along the shared eastern boundary of the site for the elevated access ramp and pedestrian entrance to the ILUs.</p> <p>The schedule of replacement trees also favours species that comprise small to medium canopy trees and exotic species over native vegetation, resulting in a net loss of tree canopy and limited support for local wildlife and integration with surrounding bushland. The limited inclusion of large trees may also result in an urban heat island effect.</p> <p>This loss of tree canopy may impact the privacy and amenity of neighbouring property 76 Deepwater Road, exacerbating resident concerns</p>	<p>The proposed removal of trees has been reviewed by Council's Trees and Landscaping Team, which supports the development subject to conditions of consent, including a specific condition requiring the retention of Tree T26.</p>

Issues raised from notification period	Response
of excessive bulk of the development.	
The proposed elevated access ramp on the eastern side of the subject site severely encroaches the TPZ of tree labelled T26 on the shared boundary of the subject site and 76 Deepwater Road.	A specific condition has been recommended to ensure the retention of Tree T26. Refer to the commentary in the Discussion section for further details.
Further privacy and amenity issues for 76 Deepwater Road as terrace containing pedestrian entrance to the ILUs overlooks the property.	Given the location and level difference between the subject site and the property at 76 Deepwater Road, the proposed pedestrian access to the ILU building is not considered to pose any potential overlooking issues, particularly in relation to overlooking of habitable rooms or the principal private open space of the adjoining dwelling.
Artificial turfing proposed in some landscaped areas may contribute to an urban heat island effect.	The urban heat island effect resulting from the development has been considered and is deemed acceptable, subject to conditions of consent.
Potentially increased debris and waste, leading to polluted wastewater running through reserve to Scotts Creek.	Wastewater is conditioned to be connected to Sydney Water's sewerage system. Stormwater runoff from the property has also been considered, and appropriate conditions of consent have been recommended to address stormwater management.
Carpark entry/exit points pose risks to safety.	Vehicular access to both the Clubhouse and ILU buildings has been reviewed by Council's Engineering, Traffic, and Transport teams. No issues were raised in relation to vehicle manoeuvring into and out of the site.
Privacy and amenity issues for properties on the southern side of Deepwater Road as a result of the new driveway and entry/exits to the carpark.	No unreasonable amenity impacts are anticipated for the properties located on the southern side of Deepwater Road, opposite the site, as a result of the development.
Concerns for lighting over-illumination as a result of the club signage and the carpark, impacting amenity for nearby properties.	The proposal does not include any details of building signage. It is expected that any signage will be subject to a separate approval process. A condition of consent has been recommended to reflect this.
The proposed golf cart area appears to be an open cage without a roof, resulting in further noise impacts to adjoining residence.	The submitted acoustic report has assessed any potential acoustic issues arising from the operations or plant associated with the clubhouse. The recommendations from the report have been incorporated into the conditions of consent.
<p>Concerns related to the construction phase of the development:</p> <ul style="list-style-type: none"> • Construction vehicles parked on Deepwater Road posing risks to safety. • Inadequate provisions have been made to ensure adequate, intelligent 	<p>Traffic and parking during the construction phase will be managed through a Construction Traffic Management Plan, which must be prepared and submitted to Council for approval prior to the issuance of the Construction Certificate. The plan must be prepared in accordance with the TfNSW guidelines.</p> <p>Noise during the demolition and construction</p>

Issues raised from notification period	Response
<p>lighting and pedestrian safety during construction.</p> <ul style="list-style-type: none"> • Rock excavation resulting in noise and air impacts to adjoining residents. • Provisions need to be made for stormwater management during the construction phase. 	<p>phases will be managed accordingly. Hours of work will be limited to minimize any potential impacts on neighbouring properties. Additionally, standard conditions of consent have been recommended, requiring dust and noise control measures during the development works</p>
<p>The taxi/rideshare zone in the carpark needs to be identified and highly visible to drivers on Deepwater Road as to prevent pick up/drop offs on the road.</p>	<p>The proposed car parking arrangements are considered acceptable. Council's Traffic and Transport team has raised no issues with the proposed arrangements.</p>
<p>Plan of Operation/Management lacks adequate protocols or strategies to limit gathering of patrons on Deepwater Road and address potential noise issues and anti-social behaviour from departing patrons, especially after 10PM.</p> <p>The carpark gates also close at 10PM, restricting the access of patrons to the taxi/rideshare zone.</p>	<p>The proposed operation and management procedures for the clubhouse are detailed in the submitted Operational Management Plan, which is considered acceptable. Additionally, the NSW Police have reviewed the proposal and recommended conditions of consent.</p>
<p>Inadequate provisions have been made to ensure adequate, intelligent lighting and pedestrian safety once the proposed club is operational and the proposed ILUs are habited.</p>	<p>Lighting and safety have been addressed in accordance with the CPTED principles. Additionally, condition of consent has been recommended to minimise any light pollution issues.</p>
<p>Design of ILUs not in line with the character of the neighbourhood.</p> <p>Integration: The development's excessive height disrupts the intended harmony between new buildings and existing low-density residential areas.</p> <p>Amenity: Proposal potentially fails to safeguarding neighbouring properties from overshadowing, privacy and visual bulk impacts.</p>	<p>The proposed bulk and scale of the ILU building is considered to have been designed to respond to the site's varying topography while remaining sympathetic to the low-rise scale of the surrounding development. The change in level between the site and the neighbouring residential developments provides a buffer, minimizing privacy and overshadowing issues. The proposal does not result in amenity impacts to an extent that would warrant refusal of the development.</p>
<p>Lack of effective screening measures and minimal building articulation further exacerbate perceived bulk and scale from neighbouring perspectives.</p>	<p>The proposed development is considered to be adequately articulated. It is important to note that the proposal has also been scrutinised by the Design Review Panel, which found that the bulk and scale of the development are not excessive for the area.</p>
<p>2.4m high acoustic wall on top of a steep ramp will provide unacceptable and unsightly bulk.</p>	<p>The acoustic wall to the ILU vehicular ramp is set back more than 4m from the adjoining property boundary. Additionally, the proposed new planting will provide screening to minimize any potential bulk that the acoustic wall may introduce.</p>

Issues raised from notification period	Response
<p>Overshadowing – amended proposal has increased overshadowing impacts from original.</p> <ul style="list-style-type: none"> • Impact on neighbours: Increased shadowing affects solar access to adjacent properties, particularly during winter. • Encroachment on public spaces: The golf course experiences heightened overshadowing, reducing its usability by an estimated 15% during morning hours in winter months, as illustrated in shadow diagrams 	<p>The subject site sits lower than all adjoining properties. Given the site's topography and the siting of the surrounding buildings, overshadowing impacts from the ILU building are considered minimal and are not expected to result in any unreasonable impact on neighbouring properties.</p> <p>Regarding overshadowing of the golf course, the existing clubhouse already casts a shadow on the golf course between the hours of 9am and 11am. As a result of the proposed development, while the shadow area will increase, it will still be limited to the 9am to 11am timeframe. The golf course will continue to receive solar access from 11am to 3pm.</p>
<p>Sydney Water's critical access points to the area's stormwater and sewerage systems are potentially at risk due to proposed concrete pedestrian islands.</p>	<p>The applicant is required to obtain approval from Sydney Water under the S73 certificate approval process. This requirement has been included as a condition of consent.</p>
<p>Dilapidation survey on neighbouring properties needed concerning the deep soil excavation works proposed.</p>	<p>Conditions of consent require a dilapidation report of the adjoining properties to be undertaken prior to the commencement of any excavation works.</p>

ATTACHMENT 6: SECTION 4.15 ASSESSMENT

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

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

(a)(i)	The provisions of any environmental planning instrument (EPI)	
	<ul style="list-style-type: none"> State Environmental Planning Policies (SEPP) 	✓
	<ul style="list-style-type: none"> Regional Environmental Plans (REP) 	✓
	<ul style="list-style-type: none"> Local Environmental Plans (LEP) 	✓
	Comment: The proposal satisfies the requirements of the relevant SEPPs	
(a)(ii)	The provision of any draft environmental planning instrument (EPI)	
	<ul style="list-style-type: none"> Draft State Environmental Planning Policies (SEPP) 	N/A
	<ul style="list-style-type: none"> Draft Regional Environmental Plans (REP) 	N/A
	<ul style="list-style-type: none"> Draft Local Environmental Plans (LEP) 	N/A
	Comment: There are no draft SEPPs that apply to the subject land.	
(a)(iii)	Any development control plans	
	<ul style="list-style-type: none"> Development control plans (DCPs) 	✓
	Comment: The proposal satisfies the requirements of the DCP.	
(a)(iv)	Any matters prescribed by the regulations	
	<ul style="list-style-type: none"> Clause 92 EP&A Regulation-Demolition 	✓
	<ul style="list-style-type: none"> Clause 93 EP&A Regulation-Fire Safety Considerations 	✓
	<ul style="list-style-type: none"> Clause 94 EP&A Regulation-Fire Upgrade of Existing Buildings 	N/A
	Comment: Conditions of consent will ensure the proposal satisfies the requirements of the regulations.	
(b)	The likely impacts of the development	
	<ul style="list-style-type: none"> Context & setting 	✓
	<ul style="list-style-type: none"> Access, transport & traffic, parking 	✓
	<ul style="list-style-type: none"> Servicing, loading/unloading 	✓
	<ul style="list-style-type: none"> Public domain 	✓
	<ul style="list-style-type: none"> Utilities 	✓
	<ul style="list-style-type: none"> Heritage 	✓
	<ul style="list-style-type: none"> Privacy 	✓
	<ul style="list-style-type: none"> Views 	✓
	<ul style="list-style-type: none"> Solar Access 	✓
	<ul style="list-style-type: none"> Water and draining 	✓
	<ul style="list-style-type: none"> Soils 	✓
	<ul style="list-style-type: none"> Air & microclimate 	✓
	<ul style="list-style-type: none"> Flora & fauna 	✓
	<ul style="list-style-type: none"> Waste 	✓
	<ul style="list-style-type: none"> Energy 	✓
	<ul style="list-style-type: none"> Noise & vibration 	✓
	<ul style="list-style-type: none"> Natural hazards 	✓
	<ul style="list-style-type: none"> Safety, security crime prevention 	✓
	<ul style="list-style-type: none"> Social impact in the locality 	✓
	<ul style="list-style-type: none"> Economic impact in the locality 	✓
	<ul style="list-style-type: none"> Site design and internal design 	✓
	<ul style="list-style-type: none"> Construction 	✓
	<ul style="list-style-type: none"> Cumulative impacts 	✓
	Comment: The proposal does not cause detrimental impacts on surrounding properties and generally satisfies the performance criteria outlined in the WDCP.	
(c)	The suitability of the site for the development	

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

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

	<ul style="list-style-type: none"> Does the proposal fit in the locality? 	✓
	<ul style="list-style-type: none"> Are the site attributes conducive to this development? 	✓
	Comment: The site is considered suitable for the development for the reasons outlined throughout the report.	
(d)	Any submissions made in accordance with this Act or the regulations	
	<ul style="list-style-type: none"> Public submissions 	✓
	<ul style="list-style-type: none"> Submissions from public authorities 	✓
	Comment: Public submissions have been considered as part of the overall assessment of the application. Referral comments from Ausgrid, Water NSW, NSW Police, and NSW RFS have been incorporated into the consent.	
(e)	The public interest	
	<ul style="list-style-type: none"> Federal, State and Local Government interests and Community interests 	✓
	Comment: The proposal satisfies public interest objectives, noting that it is generally consistent with applicable environmental planning instruments.	

CONCLUSION

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

ATTACHMENT 7: SCHEDULE OF CONDITIONS

GENERAL CONDITIONS

Conditions from 1 to 13

1. Approved Plan/Details

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

Type	Plan No.	Revision/ Issue No	Plan Date (as Amended)	Prepared by
Cover Sheet	DA 1.00	C	05/11/2024	Antoniades Architects
Existing/Demolition Plan	DA 2.01	A	14/12/2023	
Site Plan	DA 3.01	B	05/11/2024	
Club- Ground Level	DA 3.02	C		
Club- Top of Ground Level	DA 3.03	B		
Club- Level 1	DA 3.04	C		
Club- Rood Level	DA 3.05	B		
Club- Sections	DA 3.20		19/07/2024	
Club- South & East Elevations	DA 4.01	C	05/11/2024	
Club- North & West Elevations	DA 4.02	A	14/12/2023	
ILU- Basement Level	DA 4.51	B	19/07/2024	
ILU- Lower Ground Level	DA 4.52	C	05/11/2024	
ILU- Ground Level	DA 4.53			
ILU- Level 01	DA 4.54			
ILU- Level 02	DA 4.55			
ILU- Roof Level	DA 4.56			
ILU- Bus Stop Footpath	DA 4.59			
ILU- Sections	DA 5.01			
Overall Sections	DA 5.03			
ILU- South & East Elevations	DA 5.20			
ILU- North & South Elevations	DA 5.21			
PLAN OF SUBDIVISION OF LOT 1 IN DP610360	-	C	30/10/2024	LTS
Landscape Plans	L-00 to L-19	M	12/11/2024	SiteDesign + Studio

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. Ausgrid

The following conditions from Ausgrid must be complied with:

	<p>Ausgrid has no objection to this development application, however the design submission must comply with relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice for construction works near existing electrical assets.</p> <p>The "as constructed" minimum clearances to Ausgrid's infrastructure must not be encroached by the building development. It also remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite. Ausgrid's Network Standards can be sourced from Ausgrid's website, www.ausgrid.com.au Should you have any enquiries, please contact Ausgrid at Development@ausgrid.com.au</p>
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(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.	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 support images obtained from any CCTV footage. Please note that some low- or high-pressure lighting is not compatible with surveillance systems.
C.	An electronic surveillance system should be included to provide maximum surveillance of all areas of the site including entry/exits, car parks, mail areas and common areas. Cameras should also cover public footpath areas around the premises. The system should be capable of recording high- quality images of events. The recording equipment should be locked away to reduce the likelihood of tampering.
D.	All recording made by the CCTV system must be stored for at least a minimum of 30 days. Ensure that the system is accessible by at least one member of staff at all times it is in operation, and provide any recordings made by the system to a police officer or inspector within 24 hours of any request by a police officer or inspector.
E.	Mailboxes and parcel delivery areas should be secure and covered with CCTV cameras. If possible, a secure method for parcel delivery should be set up inside the building i.e., a mail room.
F.	If the site has storage cages, they should be made of solid materials that can't be cut open and should be covered by CCTV cameras. They should have a material encasing them that prevents individuals being able to see into the storage cage from the outside of the cage. Signs should be placed in the area warning residents not to leave valuable items in storage cages.
G.	Any bicycle parking should be in a secure area and covered with CCTV cameras.
H.	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".
I.	"Park Smarter" signage should be displayed in the car park to warn/educate motorists to secure their vehicles and not leave valuable items in their cars. The car park will also need to have adequate lighting.
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.	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.
L.	An emergency control and evacuation plan should be implemented within the site and displayed for the information of residents.
M.	Wheelchair access should at no time be blocked nor impede access to anyone with a disability.
N.	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, and common areas. 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.
O.	The boundaries of the site should be clearly identified to deter unauthorised persons from entering the site.

(Reason: Ensure compliance)

5. NSW Rural Fire Services

The following conditions from NSW Rural Fire Services must be complied with:

Asset Protection Zones <i>The intent of measure is to provide sufficient space and maintain reduced fuel loads to ensure radiant heat levels at the buildings are below critical limits and prevent direct flame contact.</i>	
A.	<p>At the commencement of building works or the issue of a subdivision certificate, whichever comes first, the entire site of the proposed lot 1 must be maintained as an inner protection area in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019.</p> <p>When establishing and maintaining an inner protection area, the following requirements apply:</p> <ul style="list-style-type: none"> • tree canopy cover should be less than 15% at maturity; • trees at maturity should not touch or overhang the building; • lower limbs should be removed up to a height of 2 m above the ground; • tree canopies should be separated by 2 to 5 m; • preference should be given to smooth-barked and evergreen trees; • large discontinuities or gaps in the shrubs layer should be provided to slow down or break the progress of fire towards buildings; • shrubs should not be located under trees; • shrubs should not form more than 10% ground cover;

	<ul style="list-style-type: none"> clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation; grass should be kept mown (as a guide, grass should be kept to no more than 100mm in height); and leaves and vegetation debris should be removed regularly.
B.	Landscaping within the required asset protection zone must comply with Appendix 4 and Section 3.7 of Planning for Bush Fire Protection 2019.
Construction Standards <i>The intent of measure is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.</i>	
C.	<p>The proposed clubhouse must be constructed to comply with the National Construction Code (2019), Australian Standard AS 3959:2018 - Construction of buildings in bush fire-prone areas and/or NASH Standard (1.7.14 updated), National Standard Steel Framed Construction in Bushfire Areas – 2014, and Section 7.5 of Planning for Bush Fire Protection 2019 on a prescriptive (deemed to satisfy and/or acceptable solution) basis and/or performance basis to the extent identified in Figure 9 of the Bushfire Assessment Report prepared by Blackash Bushfire Consulting – dated 29 January 2024.</p> <p>NOTE 1: The entire sub-floor and roof of the proposed clubhouse, must comply with the highest bush fire attack level (BAL) rating that impacts any part of that element shown in Figure 9 of the Bushfire Assessment Report prepared by Blackash Bushfire Consulting – dated 29 January 2024. For clarity, if a small section of the proposed roof corner of the proposed clubhouse is shown to be impacted by BAL 29 then the entire sub-floor and entire roof of that element must be constructed to BAL 29.</p> <p>NOTE 2: Where an element (eg window, door or alike) of the proposed clubhouse is shown to have split BAL(s), it must be constructed to the highest BAL assessed for that specific element.</p> <p>NOTE 3: The principle certifying authority shall be provided with a plan clearly identifying the BAL levels for each element of the proposed alterations and additions prior to the release of the construction certificate.</p>
Water and Utility Services <i>The intent of measure is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.</i>	
D.	The provision of water, electricity and gas must comply with Table 6.8c of Planning for Bush Fire Protection 2019.
Emergency and Evacuation Planning Assessment <i>The intent of measure is to provide suitable emergency and evacuation arrangements for occupants of SFPP developments.</i>	
E.	<p>Bush Fire Emergency Management and Evacuation Plan is to be in accordance with Table 6.8d of Planning for Bush Fire Protection 2019 and be consistent with the following:</p> <ul style="list-style-type: none"> The NSW RFS document: A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan; include planning for the early relocation of occupants. an Emergency Planning Committee is established to consult with residents in developing and implementing an Emergency Procedures Manual; and

	<ul style="list-style-type: none"> detailed plans of all emergency assembly areas, including on-site and off-site arrangements as stated in AS 3745 'Planning for emergencies in facilities', are clearly displayed, and an annually emergency evacuation is conducted. <p>A copy of the Bush Fire Emergency Management and Evacuation Plan should be provided to the Local Emergency Management Committee for its information prior to the occupation of the development.</p>
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(Reason: Ensure compliance)

6. WaterNSW

The following conditions from WaterNSW must be complied with:

Dewatering	
GT0116-00001	<p>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.</p>
GT0117-00001	<p>A water access licence, for the relevant water source, must be obtained prior to extracting more than 3ML per water year of water as part of the construction dewatering activity. Advisory Notes: 1. This approval is not a water access licence. 2. A water year commences on 1 July each year. 3. This approval may contain an extraction limit which may also restrict the ability to take more than 3ML per water year without further information being provided to WaterNSW. 4. Note that certain water sources may be exempted from this requirement - see paragraph 17A, Schedule 4 of the Water Management (General) Regulation 2018.</p>
GT0118-00001	<p>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:</p> <p>(a) record water taken for which the exemption is claimed, and</p> <p>(b) record the take of water not later than 24 hours after water is taken, and (c) make the record on WAL exemption form located on WaterNSW website "Record of groundwater take under exemption", and (d) keep the record for a period of 5 years, and (e) give the record to WaterNSW either via email to Customer.Helpdesk@waternsw.com.au or post completed forms to - PO Box 398 Parramatta NSW 2124 (i) not later than 28 days after the end of the water year (being 30 June) in which the water was taken, or (ii) if WaterNSW directs the person in writing to give the</p>

	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	<p>Construction Phase Monitoring programme and content:</p> <p>a) A monitoring programme must be submitted, for approval, to WaterNSW with the water supply work application. The monitoring programme must, unless agreed otherwise in writing by WaterNSW, include matters set out in any Guide published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no Guide is current or published, the monitoring programme must include the following (unless otherwise agreed in writing by WaterNSW):</p> <ul style="list-style-type: none"> i. Pre-application measurement requirements: The results of groundwater measurements on or around the site, with a minimum of 3 bore locations, over a minimum period of 3 months in the six months prior to the submission of the approval to WaterNSW. ii. Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater; iii. Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW; iv. QA: Include details of quality assurance and control v. Lab assurance: Include a requirement for the testing by National Association of Testing Authorities accredited laboratories. <p>b) The applicant must comply with the monitoring programme as approved by WaterNSW for the duration of the water supply work approval (Approved Monitoring Programme)</p>
GT0123-00001	<p>(a) Prior to the issuing of the occupation certificate, and following the completion of the dewatering activity, and any monitoring required under the Approved Monitoring Programme, the applicant must submit a completion report to WaterNSW.</p> <p>(b) The completion report must, unless agreed otherwise in writing by WaterNSW, include matters set out in any guideline published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no guideline is current or published, the completion report must include the following</p>

	<p>(unless otherwise agreed in writing by WaterNSW):</p> <ol style="list-style-type: none"> 1) All results from the Approved Monitoring Programme; and 2) Any other information required on the WaterNSW completion report form as updated from time to time on the WaterNSW website. <p>c) The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website www.waternsw.com.au/customer-service/water-licensing/dewatering</p>
GT0150-00001	<p>The extraction limit shall be set at a total of 3ML per water year (being from 1 July to 30 June). The applicant may apply to WaterNSW to increase the extraction limit under this condition. Any application to increase the extraction limit must be in writing and provide all information required for a hydrogeological assessment. Advisory note: Any application to increase the extraction limit should include the following: - 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</p>
GT0151-00001	<p>Any dewatering activity approved under this approval shall cease after a period of two (2) years from the date of this approval, unless otherwise agreed in writing by WaterNSW (Term of the dewatering approval). Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.</p>
GT0152-00001	<p>This approval must be surrendered after compliance with all conditions of this approval, and prior to the expiry of the Term of the dewatering approval, in condition GT0151-00001. Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.</p>
GT0155-00001	<p>The following construction phase monitoring requirements apply (Works Approval):</p> <ol style="list-style-type: none"> a. The monitoring bores must be installed in accordance with the number and location shown, as modified by this approval, unless otherwise agreed in writing with WaterNSW. b. The applicant must comply with the monitoring programme as amended by this approval (Approved Monitoring Programme). c. The applicant must submit all results from the Approved Monitoring Programme, to WaterNSW, as part of the Completion Report

(Reason: Ensure compliance)

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. 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)

9. 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)

10. 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)

11. 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)

12. Erection Wholly within the Boundaries

All works (with the exception of any works approved under S138 of the *Roads Act 1993*) including footings, shall be erected wholly within the boundaries of the property.
(Reason: Ensure compliance)

13. Advertising and Signage

This approval does not grant consent for the installation or erection of any signage or advertising on the site, except where it is carried out in accordance with the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
(Reason: ensure compliance)

PRIOR TO MAKING AN APPLICATION FOR A CONSTRUCTION CERTIFICATE

Condition 14

14. 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) Design details for clubhouse entry 6.5 metre wide and Independent Living Unit (ILU) entry 6.1 metre wide vehicular crossing in Deepwater Road in accordance with Council's specification and Standard Drawings SD105.

Detailed longitudinal sections of the driveway along each side/edge of the driveway to the proposed carpark drawn at 1:20 Scale. The longitudinal sections shall be prepared by a suitably qualified person using B85 Ground Clearance Template from AS2890.1 and shall include the following: -

(i)	Horizontal distance from the centreline of the road and 6m within the property, including provision of a Council's standard layback as per Council's standard drawing SD105 which is available from Council's website.
(ii)	Both existing and proposed levels (in AHD) and gradients represented in percentage of the vehicular crossing and driveway.
(iii)	Crossfall on road pavement represented in percentage (%) shall be shown on long sections.
(iv)	The first 6m of the clubhouse internal driveway shall have a maximum grade of 5%
(v)	The first 6m of the driveway ramp to the ILU from the property boundary is to have maximum grade of 1:8
(vi)	The new crossings to have no splays and designed at right angle to the street kerb in accordance with Council's SD105.

All driveway grades and transitions shall comply with AS 2890.1-2004 and Council's

specifications. The finish car-space floor level may require amendment to satisfy the required driveway grades.
(Reason: Ensure compliance)

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

Conditions from 15 to 54

15. S7.12 Contribution

Prior to the issue of the Construction Certificate, a monetary contribution is to be paid in accordance with section 7.12 of *Environmental Planning and Assessment Act, 1979* in the amount of **\$321,471.41** for the purposes of the Local Infrastructure identified in the *Willoughby Local Infrastructure Contributions Plan*.
This contribution is based on 1% of the estimated cost of development, being \$32,147,141 provided on 27/11/2023.

Indexation

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

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

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

Where:

- \$Co = the original development contribution determined by the Council based on a percentage of the cost of development as set out in the Contributions Plan
- Current CPI = the Consumer Price Index (All Groups Index), Sydney, as published by the ABS at the quarter immediately prior to the date of payment
- Base CPI = the Consumer Price Index (All Groups Index), Sydney, as published by the ABS at the quarter ending immediately prior to the date of imposition of the condition requiring payment of a contribution

Deferred payments of contributions will not be accepted.
Prior to payment, Council can provide the value of the indexed levy.
Copies of the *Willoughby Local Infrastructure Contributions Plan* are available for inspection online at www.willoughby.nsw.gov.au
(Reason: Statutory requirement)

16. Housing and Productivity Contribution (HPC)

Before the Issue of first Subdivision Certificate for the residential subdivision or first Construction Certificate for the mixed-use development, whichever is earlier, the Housing and Productivity Contribution (HPC) set out in the table below is required to be made.

Housing and Productivity Contribution (HPC)	Amount
Residential - 17 dwellings x \$10,000)	\$170,000
Commercial – rate of \$30/m2 x commercial GFA: 35m2	\$1,044
Total HPC	\$171,044.00

The HPC must be paid using the NSW planning portal: <https://pp.planningportal.nsw.gov.au/>

Note: The Planning Portal will be charging based on an indexed rate upon payment.

At the time of payment, the amount of the HPC is to be adjusted by indexation in accordance with the *Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024 (HPC Order)*.

The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the *Environmental Planning and Assessment Act 1979* agrees.

The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the *Environmental Planning and Assessment Act 1979* to the development, or the HPC Order exempts the development from the contribution.

The amount of the contribution may be reduced under the HPC Order, including if payment is made before 1 July 2025.

(Reason: Statutory requirement for contributions towards the provision of regional infrastructure)

17. Amended Plans

Prior to the issue of a Construction Certificate, all relevant plans are to be amended as required in co-ordination with an Arborist with AQF minimum Level 5 qualifications in arboriculture, to facilitate retention of Tree 26 *Eucalyptus scoparia* as identified in the Arboricultural Impact Assessment Report V 3.0 prepared by Rennie Brothers Tree Surgeons.

Plans are to specifically address the following amendments:

- i) Any excavated encroachment within the Tree Protection Zone of Tree 26 is to be reduced to less than 10%. No excavation is to be undertaken in the Structural Root Zone of Tree 26.
- ii) Design the driveway, crossover and entrance pathway on the existing grade or supported on piers to provide a minimum clearance of 100mm above the roots, creating a void between the ground and roots. Excavation levels for the basement carpark falling within the TPZ of T26 may also need to be amended to reduce impacts on the tree roots.
- iii) A suitable material is to cover the roots is polyethylene expandable joint and space filler (for example AbelFlex). Roots shall be protected prior to the construction of the driveway and crossover.
- iv) Pruning will be required to remove two (2) lower secondary branches extending to the north-west to provide clearance for vehicles using the driveway. Pruning shall provide minimal clearances only, be completed by an AQF Level 3 qualified Arborist (minimum requirement) and be in accordance with AS 4373-2007 Pruning of amenity trees (Standards Australia, 2007).

The amended plans are to be reviewed and authorised by a qualified Arborist with minimum qualifications AQF Level 5 prior to submission to the Certifying Authority for approval

(Reason: Protection of existing trees)

18. Submit the Following Information to Willoughby City Council

Prior to the issue of any construction certificate, the applicant shall submit the following information to Council's Traffic Section for its review, comment, and written approval, including approval from Traffic Committee. Documentation confirming approval by Willoughby City Council shall then be submitted to the Certifier for the application of a construction certificate.

Due to the increased pedestrian demand associated with the development, the following infrastructure improvements are required within the adjoining streets:

a) Kerb Extensions:

Construct kerb extensions on both sides of Deepwater Road, with a minimum width of **2.5 metres**, at a location that aligns with pedestrian desire lines and provides safe crossing opportunities. The kerb extensions are to:

- Narrow the carriageway to calm traffic.
- Improve pedestrian safety by shortening crossing distances.
- Be designed and constructed in accordance with relevant Austroads, Australian Standards, and Transport for NSW guidelines.
- Include tactile ground surface indicators and be compliant with DDA accessibility requirements.
- The associated 'No Stopping' zone for the proposed kerb extension shall be limited to the minimum length required to comply with relevant Australian Standards, Transport for NSW guidelines, and ensure safe sight distances.

b) Speed Cushions:

Install speed cushions on both approaches to the kerb extensions, designed to reduce vehicle approach speeds. Devices are to be:

- Designed in accordance with relevant Australian Standards, and Transport for NSW traffic calming guidelines.
- Spaced and dimensioned to ensure safe deceleration and minimal disruption to emergency and public transport vehicles.

c) Kerb Ramps:

Construct compliant kerb ramps on both sides of Deepwater Road in conjunction with the kerb extensions. Ramps are to:

- Be aligned with the crossing point.
- Be fully DDA-compliant, including gradients, landings, and tactile indicators.
- Conform to AS 1428.1 and Council's standard detail drawings.

d) Associated Line Marking and Signage:

Install all required line marking, regulatory signage, and advance warning signs to support the kerb extensions and traffic calming measures. All signage and markings must:

- Comply with relevant standards and guidelines.
- Be reflective and clearly visible in day and night conditions.
- Be coordinated with any existing traffic control devices in the vicinity.

Note:

Design Submission and Approval Process:

- Submit detailed designs of all proposed infrastructure improvements to Council's Traffic Section for initial review. During the review, stormwater feasibility comments will be obtained.
- Undertake community consultation on the proposed infrastructure improvements.
- Following Council's review and community consultation, submit the designs to the Local Traffic Committee for final approval.
- Obtain written approval from both Council and the Local Traffic Committee before commencing any construction work.

(Reason: Public Safety and amenity)

19. Schedule 4 – SEPP (Housing) 2021 Requirements

Prior to the issue of a Construction Certificate, amended plans / accessibility report detailing that the development for Independent Living Units complies with relevant Standards (including Part 1 and Part 2) concerning accessibility and usability for hostels and independent living units in Schedule 4 of the SEPP (Housing) 2021 must be submitted to PCA for approval.

(Reason: Ensure compliance)

20. Amended Subdivision Plan

Prior to the issue of any Construction Certificate, an amended subdivision plan shall be submitted to and approved by the Certifying Authority. The amended plan must clearly identify any required easements or reciprocal rights of access, waste collection, or servicing arrangements to ensure the ongoing functionality and legal access to all shared facilities between proposed Lot 1 (Clubhouse) and Lot 2 (ILU site).

The amended plan must address, but not be limited to, the following:

- The location and use of the temporary bin holding bay within Lot 1 for the benefit of Lot 2;
- The location of car parking spaces and waste storage room within Lot 2 for the benefit of Lot 1; and
- Any other shared infrastructure or areas of interdependency between the proposed lots.

The amended subdivision plan is to be prepared by a registered surveyor and must be consistent with the approved development layout.

(Reason: to avoid future conflict)

21. Tree Protection Plan

- a) Submit to the registered certifier a Tree Protection Plan for approval prior to issue of a construction certificate.
- b) The Tree Protection Plan is to be prepared by a qualified Arborist with minimum qualification AQF Level 5.
- c) Tree Protection Plan shall address tree protection, pruning and management of all trees to be retained and shall specifically address Tree 26 *Eucalyptus scoparia* as identified in the Arboricultural Impact Assessment Report V 3.0 prepared by Rennie Brothers Tree

- d) Surgeons in accordance with AS 4970-2009 'Protection of trees on development sites' and clearly mark tree protection zones as well as tree protection measures and fencing.

(Reason: Tree protection)

22. Test Excavations

- a) Archaeological test excavations, in accordance with the Code of Practice for the Investigation of Aboriginal Objects in NSW and the Research Design and in accordance with the methodology as outlined at Appendix E – Design Research of the Aboriginal Cultural Heritage Assessment Report dated December 2023 prepared by Unearthed Archaeology and Heritage, are to be undertaken prior to the issue of a Construction Certificate;
- b) The results of the test excavations shall be used to inform the layout and design of the Construction Certificate Plans including the retention, conservation and/or interpretation of any areas of high archaeological significance where suitable;
- c) Discussion shall be held with the Registered Aboriginal Parties during and at the completion of the archaeological test excavations to determine appropriate long-term artefact management based on the results of the excavations.

Reason: Protection of potential sites of Aboriginal significance

(Reason: Protection of potential sites of Aboriginal significance)

23. Hazardous Building Material Assessment

A hazardous building material assessment shall be undertaken by an appropriate qualified person and is to be submitted to the Certifier for approval prior to the issue of the Construction Certificate. 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)

24. 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 Stage 2 Detailed Site Investigation (DSI) shall be conducted by a suitably qualified and experienced environmental consultant report and a report provided to Council for approval in writing. The DSI shall include, but not be limited to, the following:
 - Sampling, testing and validation of fill material;
 - Sampling, testing and validation of soil contaminants within the small areas outside the basement footprint;
 - Consideration of whether remediation and the preparation of a Stage 3 Remedial Action Plan (RAP) is required; and
 - Variation of the Conceptual Site Model (CSM) if necessary; and
 - A statement on the suitability of the site for the proposed use and any necessary recommendations for further action.

- (a) Any required RAP must be approved in writing by Council prior to the commencement of any remediation work.
- (b) The site must be remediated in accordance with the Council-approved RAP;
- (c) Prior notice of 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) If a Stage 4 Validation Report and a clearance certificate issued by an appropriately qualified occupational hygienist is required, these must be submitted to Council for approval in writing. The Validation Report must clearly state that the objectives stated in the approved RAP (if one is required) 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.
- (e) Recommendations made in Section 6 of the Preliminary Site Investigation prepared by El Australia, Report No E25678.E01_Rev3, dated 22 July 2024, are to be fully implemented.

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

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

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

(Reason: Protection of environment and public health)

25. 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)

26. Bushfire Protection

The design and construction of the proposal shall comply with the requirements of the *Planning for Bushfire Protection* and Australian Standards 3959-2009. Details of compliance are to be included in plans/specifications prior to the release of the Construction Certificate.

(Reason: Safety and protection of property)

27. Damage Deposit

Prior to the issue of the Construction Certificate, the applicant shall lodge a Damage Deposit of **\$125,000** (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 as per Council's current fees and charges is payable to Council. Any damages identified by Council shall be restored by the applicant prior to release of the Damage Deposit.

Total Payable = \$125,000 + inspection fee

(Reason: Protection of public asset)

28. Stormwater Conveyed to Street Drainage via Reinforced Concrete Pipe (RCP)

Stormwater runoff from the site shall be collected and conveyed to the underground drainage system in Deepwater Road via Class 4 minimum 375mm steel reinforced concrete pipes (RCP) in accordance with Council's specifications. A grated drainage pit of minimum 900mm x 900mm shall be provided within the property and adjacent to the boundary prior to discharging to the Council's drainage system. All drainage works shall comply with the requirements described in Part I of Council's DCP, Technical Standards and AS 3500.3. In this regard, full design and construction details showing the method of disposal of surface and roof water from the site shall be shown on the Construction Certificate plans.

(Reason: Stormwater control)

29. Analysis of Outlet Condition

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

(Reason: Prevent property damage)

30. 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 onsite stormwater management and disposal system for the development. The construction drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer and in accordance with Intrax Drawings C4401/04, C4301/05, C4302/05, C4303/01, C4101/05, C4001/05. OSD system with a minimum volume of 156m³ that limits the peak discharge from the site to 152L/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/NZS 3500.3 – *Plumbing and Drainage Code* and National Construction Code.

(Reason: Ensure compliance)

31. Overland Flow/Flood Level

A suitably qualified and experienced civil engineer must certify that:

- (a) The finished floor levels of the proposed building and Deepwater Road carpark entrance area have a minimum freeboard of 500mm and 300mm respectively above the 1% AEP flood event, which is conveyed through the site.
- (b) The proposed works comply with the requirements of Technical Standard 2 Floodplain Management.

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

(Reason: Prevent property damage)

32. 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)

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

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

(a)	The construction of new 1.5m wide footpath (max 2.5% crossfall towards the kerb), pedestrian traffic measures and footpath ramps to link the site to the existing bus stop in Allambie Road, near intersection with Deepwater Road. The path and all associated works shall be in accordance with the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, Council's specification and Council's Standard Drawings. Detailed long sections and cross sections at 5 metres intervals shall be provided.
(b)	Construction of new 1.5m wide footpath (max 2.5% crossfall towards the kerb), pedestrian traffic measures and kerb ramps to link the site to the existing bus stop in Allambie Road, near the intersection with Deepwater Road. The path and all associated works shall be in accordance with the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, Council's specification and Council's standard drawings. Detailed long section and cross sections at 5 metres interval shall be provided.
(c)	Reconstruction of existing kerb and gutter for the full frontage of the development site in Deepwater Road in accordance with Council's specifications and Standard Drawing SD105.
(d)	Reconstruction of half width of the existing road pavement for the full frontage of the development site in Deepwater Road in accordance with Council's specifications
(e)	Construction of a 6.5 metres wide vehicular crossing in Deepwater Road for the

	clubhouse in accordance with Council's specification and Standard Drawings SD105.
(f)	Construction of a 6.1 metres wide vehicular crossing in Deepwater Road for the Independent Living Units in accordance with Council's specification and Standard Drawings SD105. The construction of new Class 4, 375mm diameter steel reinforced concrete pipes from KIP 01 to existing Council kerb inlet pit on southern side of Deepwater Road.
(g)	Construction of a new 375mm Class 4 RCP stormwater pipe from the site to the connection point in Deepwater Road, including a new kerb inlet pit with 1.8m lintel immediately in front of the site.
(h)	Any other works in the road reserve required for the development or as required to satisfy the conditions of consent.

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

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

(Reason: Ensure compliance)

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

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

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

The new crossings is to be 6.5 metres wide for clubhouse entry and 6.1 metre wide for ILU entry 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 – 100mm 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)

35. Flood Affected Development

Based on the flood information obtained from Council, a Flood Risk Management Report prepared by a qualified civil engineer experienced in flood analysis and management and complying with the requirements in Part I of the Willoughby DCP and Technical Standard No. 2, "Floodplain Management" and the NSW Government's Floodplain Development Manual 2005, shall be submitted with the application for Construction Certificate. All measures contained in the report shall form part of any Construction Certificate issued.
(Reason: Managing Flood Risk)

36. OSD/Rainwater Tank Design

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

37. Vehicle Access and Manoeuvring – Engineer's Certification

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

- (a) That finished driveway gradients and transitions comply with AS/NZS 2890.1 and AS 2890.2 and will not result in scraping to the underside of cars.
- (b) That a maximum gradient of 5% is provided for the first 6 metres from the property's front boundary into the site. All driveway grades shall comply AS/NZS 2890.1 and AS 2890.2.
- (c) That the proposed vehicular path and parking arrangements comply in full with AS/NZS 2890.1, AS 2890.2 and AS 2890.6 in terms of minimum dimensions provided and grades on parking spaces.
- (d) That the headroom clearance of minimum 2.2 metres between the basement floor and any overhead obstruction (including overhead services) is provided for compliance with Section 5.3.1 of AS/NZS 2890.1 and Section 2.7 of AS 2890.6.
- (e) That the headroom clearance of minimum 2.5 metres is provided to all parking spaces for people with disabilities for compliance with Section 2.7 of AS 2890.6.
- (f) That a shared area with minimum dimensions of 2.4 x 5.4m is provided adjacent to all disabled parking spaces and a shared area with minimum dimensions of 2.4m x 2.4m is provided at the end of all disabled parking spaces to comply with AS 2890.6. A bollard shall be located in the shared zone in accordance with Section 2.4 of AS 2890.6.
- (g) That the headroom clearance required in AS 2890.2 for the largest vehicle using the site (minimum 3.5m) has been provided for the loading area and the path to and from the loading area.
- (h) Simultaneous manoeuvring of B99 and B85 vehicles at all ramps and ramp ends including the clearance lines for each vehicle, in accordance with AS2890.1, is

complied with.

- (i) Simultaneous manoeuvrability of the largest vehicle using the site (minimum B99) and a passenger vehicle including clearance in accordance with AS2890.1 and AS2890.2, is provided.

(Reason: Ensure compliance)

38. Internal Noise Levels Residential

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

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

Note:

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

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

(Reason: Amenity, environmental compliance and health)

39. 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)

40. Construction and Fitout of Food Premises

All works associated with the food premises construction and fit out shall comply with the:

- (a) Australian Standard *AS 4674:2004 – Design, Construction and Fitout of Food*

Premises;

- (b) *Food Standards Code (Australia) and Food Safety Standard 3.2.3 – Food Premises and Equipment;*
- (c) *Food Act 2003 and Food Regulation 2015;*
- (d) *National Construction Code – Building Code of Australia and any relevant Australian Standards;*
- (e) *Plumbing Code of Australia and Australian Standard/New Zealand Standard AS/NZS 3500 series on Plumbing and Drainage; and*
- (f) Sydney Water commercial trade wastewater requirements for food premises and the most recent editions of any relevant *Water Services Association of Australia* codes of practice, guidelines, policies and requirements.

Detailed design plans of all areas relating to the food premises operations, including sectional elevations, to scale, and specifications of the equipment, finishes and operations, shall be submitted to the Certifier for approval, prior to a Construction Certificate being issued.

Note:

- (i) A “Food Premises Design, Construction and Fit-out Guide” (based on compliance with the above standards) is available on Council website;
- (ii) Copies of AS 4674-2004 may be obtained from SAI Global by visiting www.saiglobal.com; and
- (iii) Copies of the Food Standards Code (Australia) may be obtained from Food Standards Australia New Zealand by visiting www.foodstandards.gov.au.

(Reason: Public health, safety and compliance)

41. Noise Mechanical Services

To minimise the impact of noise onto receivers on surrounding land, all mechanical services shall be designed to comply with the noise emission criteria contained in the EPA’s Noise Policy for Industry 2017. Details of the proposed equipment, siting, appropriate noise criteria and any attenuation required shall be prepared by an appropriately qualified acoustic consultant and accompany the application for a Construction Certificate.

(Reason: Amenity, environmental compliance and health)

42. Dewatering of Development Site

Appropriate pollution control methods shall be adopted to ensure any water discharged into Council’s stormwater system from dewatering or pumping activity on the development site complies with relevant environmental criteria.

A Construction Site Dewatering Plan (CSDP) shall be prepared by a suitably qualified environmental consultant and submitted to Council for approval prior to the commencement of any work. The CSDP can be incorporated into any Construction Management Plan covering the entirety of siteworks to be carried out on the site, or can be a stand-alone document. It shall contain details on the water treatment method, equipment to be used, water testing regime and a written statement that the water to be discharged will meet the Council-approved design water quality criteria below.

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

Analyte	Unit	Measurement	Criteria
Total nitrogen	µg/L	< than	900
Total phosphorous	µg/L	< than	63.5
Dissolved oxygen	%sat	Btn 80 - 120%	
pH	pH units	Btn 6.5 - 8.5	
Conductivity	µS/cm	< than	778
Suspended solids	Mg/L	< than	2
Turbidity	NTU	< than	2
Zinc	µg/L	< than	43
Lead	µg/L	< than	0.6
Copper (& other heavy metals)	µg/L	< than	6.5

(Reason: Environmental protection, compliance)

43. Acoustic Treatment for the Development

In order to achieve the internal noise levels specified above, the proposed development shall be designed and constructed to incorporate the recommended acoustic treatments for glazing and other building elements from Section 6 of the Environmental Noise Assessment prepared by Day Design Pty Ltd, Report No 7817-1.1R , dated 17 November 2023, as a minimum.

The required acoustic rating of the glazing assembly refers to the acoustic performance of the glazing once installed on site (including the frame).

Plans and specifications showing the details of the proposed acoustic treatment shall be submitted to the Certifier prior to the issue of the Construction Certificate.

(Reason: Amenity, environmental compliance and health)

44. Construction Staff and Contractors Parking Plan

To ensure that construction activities, including demolition and modification works, are carried out with minimal disruption to local traffic, parking, and pedestrian safety, the applicant must submit a Construction Staff and Contractors Parking Plan to Council for review and approval. The Parking Plan can form part of the Construction Traffic Management Plan, or can be submitted as a standalone document. It must address the following key aspects:

- **Parking Arrangements:**

- A staff and contractors parking plan that minimises impact on the surrounding area.
- Number of parking spaces to be provided on-site for staff and contractors.
- If on-site parking is insufficient, provide a detailed plan for off-site parking arrangements.
- Estimated number of on-street parking spaces required for construction activities, if any.
- Strategies to manage and monitor adherence to the parking plan throughout all construction stages.
- Contact details for the site manager or liaison officer responsible for addressing community concerns.

- **Monitoring and Compliance:**

- Proposed methods for monitoring compliance with the Parking Plan.
- Procedure for addressing non-compliance and complaints.

The applicant must demonstrate that all reasonable efforts have been made to contain staff and contractor parking within the site boundaries. Where this is not feasible, the Parking Plan must provide a clear justification and detail measures to minimize the impact on local parking availability.

Council reserves the right to request amendments to the CTMP based on local traffic conditions and community feedback. The approved CTMP must be strictly adhered to throughout all stages of construction, including modification and demolition activities. Any proposed changes to the approved CTMP must be submitted to Council for review and approval prior to implementation.

(Reason: Public safety and amenity)

45. Construction Traffic Management Plan

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

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

(Reason: Public safety and amenity)

46. Traffic Work

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

(Reason: Public safety and amenity)

47. Electric Vehicle Charging Bays

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

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

(Reason: Support sustainable transport)

48. Construction and Demolition Waste Management Plan

Before the issue of a construction certificate, an updated Construction & Demolition Waste Management Plan (C&D WMP) should be submitted to Council. The plan must be prepared in accordance with Willoughby Development Control Plan 2023, that provides for waste management that applies to the land on which the work is carried out.

The plan must include the following details:

- (a) An estimate of the types, volumes and weights of waste and recyclables generated during demolition and construction, with evidence of the method of calculation such as an excavation plan;
- (b) The percentage (by weight) of demolition and construction waste that will be reused or recycled;
- (c) Proposed facilities for the lawful disposal and recycling of demolition and construction waste.
- (d) A site plan showing sorting and storage areas for demolition and construction waste and vehicle access to those areas; and
- (e) Hazardous materials (including but not limited to asbestos) disposal quantities, management and disposal details (including an asbestos clearance certificate if asbestos is present).

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

49. Updated Operational Waste Management Plan

Before the issue of a construction certificate, an updated Operational Waste Management Plan (WMP) should be submitted to Council. The plan must be prepared in accordance with Willoughby Development Control Plan 2023, specifically the Northern Sydney Regional Organisation of Councils (NSROC) Waste Management Technical Guide (2018) Section 3 and particularly Section 3.13.3 Collect and Return service.

50. Waste Storage Room Construction

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

- (a) The floor is to be constructed of concrete at least 75mm thick and adequately graded to drain to a Sydney Water approved drainage fitting;
- (b) The floor must be finished so that it is non-slip and has a smooth and even surface covered at all intersections;
- (c) The ceilings and walls must be finished with smooth faced non-absorbent material capable of being cleaned;
- (d) The room is to be provided with artificial light controllable within the room and adequate ventilation;
- (e) The room is to be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock; and
- (f) Doorways must be at least 2.5m wide there must be an aisle space of at least 1.5m between rows of bins.

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

51. 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)

52. External Finishes – Solar Absorptance

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

(Reason: Visual amenity)

53. Services and Fire Hydrant Enclosure

Prior to the issue of the relevant Construction Certificate for works above ground slab level, the Certifying Authority is to be provided with plans demonstrating that all Services (Gas meter, water meter & fire hydrant and sprinkler booster valves and the like) are enclosed in a manner that complements the building and in accordance with the requirements of the BCA. (Reason: To ensure essential services are appropriately screened)

54. BASIX

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

(Reason: Environmental Sustainability)

BEFORE WORKS COMMENCE

Conditions from 55 to 68

55. Property/Reserve Boundary

Prior to commencement of work, the property/reserve boundary is to be surveyed by a registered surveyor and such boundary is to be clearly marked on site.

(Reason: Property/reserve management)

56. Removal of Trees in Public Areas

Prior to the commencement of work,

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

(Reason: Management of Public Land)

57. Project Arborist

- (a) A Project Arborist is to be appointed prior to commencement of works on site;
- (b) The Project Arborist is to have a minimum qualification AQF Level 5;
- (c) The Project Arborist is to oversee and authorise all tree protection works detailed in the approved Tree Protection Plan, the Arboricultural Impact Assessment Report V 3.0 prepared by Rennie Brothers Tree Surgeons and 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)

58. 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 and 20m beyond the new footpath linking the site to the existing bus stop, 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)

59. Dilapidation Report of Adjoining Properties

Prior to commencement of work, submit a photographic survey and report of the adjoining properties 76 Deepwater Road, 12 Amaroo Avenue and 15 Amaroo Avenue to the Certifier and all owners of these adjoining properties. Such photographic survey and report shall be prepared by a suitably qualified person, detailing the physical condition of these properties, both internal and external including items as walls, ceilings, roof, structural members and other items as necessary.

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

(Reason: Protection of adjoining owners)

60. Site Management

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

- (a) Details and contact telephone numbers of the owner, builder and developer;
- (b) Location and construction details of protective fencing to the perimeter of the site;
- (c) Location of site storage areas, sheds and equipment;
- (d) Location of stored building materials for construction;
- (e) Provisions for public safety;
- (f) Dust control measures;
- (g) Site access location and construction;
- (h) Details of methods of disposal of demolition materials;

- (i) Protective measures for tree preservation;
- (j) Provisions for temporary sanitary facilities;
- (k) Location and size of waste containers and bulk bins;
- (l) Soil and Water Management Plans (SWMP); comprising a site plan indicating the slope of land, access controls, location and type of sediment controls and storage/control methods for material stockpiles;
- (m) Construction noise and vibration management.

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

(Reason: Environment protection, public health and safety)

61. Geotechnical Report

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

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

In the event of the geotechnical conditions of the site resulting in instability during the excavation phase and more area than approved being excavated, all excavation work is to cease and Council to be contacted to allow the matter to be reviewed.

(Reason: Protection of adjoining properties and ensure compliance)

62. Permits and Approvals Required

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

- (a) Permit to erect Builder's hoarding where buildings are to be erected or demolished within 3.50m of the street alignment. Applications are to include current fees and are to be received at least 21 days before commencement of the construction.
- (b) Permit to stand mobile cranes and/or other major plant on public roads. Applications are to include current fees and security deposits and are to be received at least seven days before the proposed use. It should be noted that the issue of such permits may also involve approval from the NSW Police Force and TfNSW. A separate written application to work outside normal hours must be submitted for approval.

It should also be noted that, in some cases, the above Permits may be refused and

temporary road closures required instead which may lead to longer delays due to statutory advertisement requirements.

- (c) Permit to open public roads, including footpaths, nature strip, vehicular crossing or for any purpose whatsoever. All applications are to include current fees. (Minimum one (1) weeks' notice required.)
- (d) Permit to place skip/waste bin on footpath and/or nature strip. (Maximum three (3) days).
- (e) Permit to work and/or place building materials on footpath and/or nature strip. (Maximum two (2) weeks).
- (f) Permit to establish Works Zone on Public Roads adjacent to the Development including use of footpath area. Applications must be received by Council at least twenty-one days prior to the zone being required. The application will then be referred to the Council's Local Traffic Committee for approval, which may include special conditions.
- (g) Permit to construct vehicular crossings over Council's footpath, road or nature strip.
- (h) Permit to install ground anchors beneath the road reserve.

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

(Reason: Legal requirements)

63. 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)

64. Adjustment to Street Lighting

Prior to commencement of work, consult with utility authorities to determine the requirements of relocation/adjustment of electricity supply and street lighting services fronting the property at Deepwater Road Castle Cove. Such street lighting shall also conform to Council's standard specifications.

(Reason: Public amenity)

65. Underground Utility Services

Where excavation is proposed, locate and establish the size and levels of all utility services in the footpath and road reserve. Contact "Dial Before You Dig" Service" prior to commencement of any works.

All adjustments to public utilities' mains and services as a consequence of the development and associated construction works shall be at the full cost to the applicant.

(Reason: Protection of utilities)

66. 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)

67. 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)

68. 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)

DURING DEMOLITION AND BUILDING WORK

Conditions from 69 to 93

69. Aboriginal Cultural Heritage Items

Under the National Parks and Wildlife Act 1974 (NPW Act) all Aboriginal objects are protected. Should any Aboriginal Cultural Heritage items be uncovered during earthworks, works should cease in the area and the Aboriginal Heritage Office assess the finds. Under Section 89a of the NPW Act should the objects be found to be Aboriginal, Heritage NSW and the Metropolitan Local Aboriginal Land Council (MLALC) should be contacted.

(Reason: Protection of Aboriginal Heritage)

70. Hours of Work

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

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

If a variation to these approved hours for multiple or extended periods is sought, an application under Section 4.55 of the *Environmental Planning and Assessment Act 1979* must be lodged with Council at least twenty-one (21) days in advance of the proposed changes to the hours of work. The application must include a statement regarding the reasons for the

variation sought, the type of work/s to be carried out, the additional time required, the anticipated impact upon the local amenity and how this will be minimized, and be accompanied by the required fee. Note: This Section 4.55 application may require re-notification in some circumstances.

(Reason: Ensure compliance and amenity)

71. Provide Erosion and Sediment Control

Where work involves excavation or stockpiling of raw or loose materials, erosion and sediment control devices shall be provided wholly within the site whilst work is being carried out in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into Council's stormwater system natural watercourses, bushland and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the requirements of the *Protection of Environment Operations Act 1997* and the Department of Environment, Climate Change and Water guidelines. The control devices are to be maintained in a serviceable condition AT ALL TIMES.

(Reason: Environmental protection)

72. Silencing Devices

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

(Reason: Maintain amenity to adjoining properties)

73. Demolition Work AS 2601-2001

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

(Reason: Safety)

74. Asbestos Removal and Disposal

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

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

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

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

(Reason: Environmental protection/Public health and safety)

75. 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)

76. 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)

77. 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)

78. 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)

79. 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)

80. 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)

81. 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)

82. Unexpected Finds Protocol

An unexpected finds contingency plan should be incorporated into site redevelopment works. In the event that previously unidentified contaminated soils or materials are identified during site redevelopment, works should cease in the immediate vicinity and the affected area isolated to minimise disturbance. A suitably qualified contaminated site consultant should be engaged to assess the degree, type and extent of contamination and establish a suitable remediation plan. The Site Manager/landowner shall notify Council in writing when they become aware of any contamination.
(Reason: Environment & Health Protection)

83. Importation of Fill

Any material to be imported onto the site for levelling, construction or engineering purposes must satisfy the Office of Environment & Heritage (OEH) requirements for *virgin excavated natural material* (VENM), or *excavated natural material* (ENM). The determination of VENM or ENM must be made by suitable qualified consultant. Pre-certification of the imported material shall be made and details made available to Council upon request.
(Reason: Environment & Health Protection)

84. Construction Noise

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

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

A noise and/or vibration monitoring plan shall be implemented during construction in the event of a complaint being received by Council or the construction contractor. Where noise criteria are exceeded, appropriate measures to control excessive noise shall be implemented immediately.
(Reason: Amenity)

85. 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)

86. Excavation Noise

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

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

If noise complaint investigation or monthly monitoring reveal that the highly affected criteria is exceeded, appropriate measures to control excessive noise shall be implemented immediately. Advice should be sought from the suitably qualified acoustic expert to provide recommended noise amelioration measures and the Principal Certifying Authority advised in writing.

(Reason: Amenity)

87. Tree Removal

Approval is given for the removal of the following trees:

25 Trees as indicated on the Tree Retention and Removal Plan located in Appendix G of the Arboricultural Impact Assessment Report V 3.0 prepared by Rennie Brothers Tree Surgeons.

(Reason: Tree Protection)

88. Public Tree Protection

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

(Reason: Tree management)

89. Protection of Rock and Sites of Significance

- (a) All existing rock outcrops outside and below the approved construction footprint are to be maintained and preserved during the works. Removal of rock outside of the approved construction footprint shall require the submission of a modification;
- (b) Should any Aboriginal sites be uncovered during works, works are to cease and the

Council, the NSW Office of Environment and Heritage and the Metropolitan Local Aboriginal Land Council are to be contacted.

(Reason: Protection of significant environmental features)

90. Tree Trunk, Branch and Root Protection

- (a) Retain and protect the following trees and vegetation throughout the demolition and construction period: All trees indicated for retention on the Tree Retention and Removal Plan located in Appendix G of the Arboricultural Impact Assessment Report V 3.0 prepared by Rennie Brothers Tree Surgeons, unless exempt under relevant planning instruments or legislation.
- (b) The above retained trees must be clearly marked and protection devices in place to prevent soil compaction and machinery damage.
- (c) Tree protection measures must comply with the approved Tree Protection Plan, the Arboricultural Impact Assessment Report V 3.0 prepared by Rennie Brothers Tree Surgeons and AS 4970-2009 Protection of trees on development sites with particular reference to Section 4 Tree Protection Measures.
- (d) Tree protection measures in accordance with (c) above are to be certified by the Project Arborist prior to commencement of works.
- (e) Tree roots greater than 25mm diameter are not to be removed unless approved by The Project Arborist on site.
- (f) All structures are to bridge roots unless directed by The Project Arborist on site.

(Reason: Tree management)

91. Loading and Unloading During Construction

The following requirements apply:

All loading and unloading associated with construction must be accommodated on site.

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.

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.

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.

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.

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)

92. Waste Management Plan during Construction and Demolition

Requirements of the approved Construction & Demolition Waste Management Plan (C&D WMP) shall be complied with during all site preparation works, demolition (if proposed) and throughout all construction works.

When implementing the WMP the developer is to ensure:

- (a) The disposal of any demolition and construction waste must be undertaken in accordance with the requirements of the *Protection of Environment Operations Act (NSW) 1997*.
- (b) All waste on site is to be stored, handled and disposed of in such a manner as to not create air pollution, offensive noise or pollution of land and water as defined by the Protection of Environment Operations Act 1997.
- (c) Generation, storage, treatment and disposal of hazardous waste is conducted in accordance with the relevant waste legislation administered by the EPA and relevant Occupational Health and Safety legislation administered by WorkCover NSW.
- (d) All waste generated (including excavated materials) which cannot be reused or recycled must be transported to a facility which can lawfully accept it.
- (e) Records are retained regarding the details and location of the disposal of all demolition and construction waste (including excavated material) and are to be kept on site as evidences of lawful disposal. Records are to include receipts and weighbridge dockets which verify material types and volumes, time and date of disposal and confirmation of the waste disposal facility.
- (f) All materials and resources that are to be stored on site during construction works are contained on the site, The provisions of the Protection of Environment Operations Act (NSW) 1997 must be complied with when placing/stock piling loose material, disposal of concrete waste or activities which have potential to pollute drains and water courses.
- (g) All materials excavated and removed from the site (fill or natural) shall be classified in accordance with the Environment Protection Authority (EPA) Waste Classification Guidelines prior to being disposed of to a NSW approved landfill or to a recipient site.

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

93. Skips and Bins

Rubbish skips or bins are not to be placed on Council's footpath, nature strip or roadway unless prior written approval has been granted by Council.

(Reason: Safety)

SUBDIVISION WORK

BEFORE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

Conditions from 94 to 98

94. General Easement/ROW Provision and Certification

The creation of drainage easements, service easements and/or rights-of carriageway shall be carried out as required. A registered surveyor is to certify prior to the release of the subdivision certificate that all interallotment drainage lines, services or driveways are fully

contained within the proposed allotment and/or that future provisions of such are fully covered by the proposed burdens. Alternatively if the surveyor is of the opinion that no easements and/or rights-of-carriageway are required then certification to this effect from the surveyor is to be submitted.

(Reason: Ensure compliance)

95. 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)

96. Section 88B Instrument

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

(Reason: Ensure compliance)

97. Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained prior to the issue of the subdivision certification. 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 in conjunction with the application for Subdivision Certificate/Strata Approval.

(Reason: Statutory requirement)

98. Land Subdivision

Land subdivision requires Linen Plan plus eight copies to be prepared by a Registered Surveyor. In this regard the applicant's attention is drawn to the requirement for a Subdivision Certificate, which is to be obtained from Council by separate application, to allow registration of the land subdivision with the NSW Land Registry Services.

(Reason: Information)

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

Conditions from 99 to 149

99. Seniors Living – Restriction

Prior to the issue of a Whole Occupation Certificate, a restriction as to user shall be registered against the title of the property on which the approved development for Independent Living Units is carried out, in accordance with Section 88E of the [Conveyancing Act 1919](#), limiting the use of any accommodation to which the development consent relates to the kinds of people referred to in Clause 88(1) of *State Environmental Planning Policy (Housing) 2021*.

The terms of the restriction-as-to-user are to specify that it shall not be modified or extinguished without the written consent of Council.

(Reason: Ensure compliance)

100. Public Tree Maintenance

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

- (a) All trees on public land have been adequately maintained, that there has been no net deterioration in health and condition, and that any remedial work complies with AS 4970-2009 "Protection of trees on development sites" and AS 4373 - 2007 "Pruning of Amenity Trees".
- (b) All new and replacement public trees are of the required species, container size, planting locations, planting standards, and have been grown and supplied from a recognised nursery complying to NATSPEC 2 Guide, "Specifying Trees", 2003.

(Reason: Tree management, public asset management)

101. Tree Planting

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

No. Required	Species	Location	Min Pot Size
All trees	As indicated on Landscape Plans Rev M dated 12/11/2024 prepared by Site Design + Studios	As indicated on the Landscape Plans	As indicated on the Landscape Plans

(Reason: Landscape amenity)

102. Project Arborist Certification

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

(Reason: Protection of trees required to be retained)

103. 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)

104. Bushfire Construction

No Occupation Certificate is to be issued until the building works have been constructed in accordance with the appropriate Bushfire Attack level (BAL) determined by the Bushfire Assessment Report and/or Consent Conditions.

(Reason: Bushfire safety)

105. 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 via an approved OSD system with a minimum volume of 156m³ that limits the peak outflow from the site to 152L/s in the 1%AEP event and water quality improvement system. The system will be in accordance with Sydney Water's requirements AS/NZS3500.3, Part I of Council's DCP and Technical Standards 1 and 2. The construction of the stormwater drainage system of the proposed development shall be in accordance with the approved detailed stormwater drawings required under this development consent and Council's specification (AUS-SPEC).

(Reason: Prevent nuisance flooding)

106. 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)

107. 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)

108. Certification of OSD

Prior to the issue of any Occupation Certificate, a suitably qualified and experienced civil engineer (generally CP Eng. Qualification) shall certify on Council's standard certification form that the as-built OSD system is in accordance with the approved plans and complies with Council's DCP and Technical Standards. Council's standard certification form is available in Appendix 2 of Council's Technical Standard No. 1.

(Reason: Legal requirement)

109. Works-As-Executed Plans - OSD

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

- (a) Work-as-Executed plans based on the approved stormwater management plans from a registered surveyor to verify that the volume of storage, PSD, water and floor levels are constructed in accordance with design requirements. Any minor changes or variations to the approved plans should be highlighted in red on the approved stormwater plans.

- (b) Engineer's certification of the OSD system together with the completed Council's standard form for On-Site Detention Record of Installation.

(Reason: Record of works)

110. 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)

111. S88B/S88E(3) Instrument

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

The above instruments shall be created under Section 88B of the *Conveyancing Act 1919* for newly created lots. For an existing lot, the instruments can be created under Section 88E(3) of the *Conveyancing Act 1919* using Form 13PC and 13RPA respectively. The size and relative location of the OSD system and stormwater treatment system, in relation to the building footprint and property boundary, must be shown on the final plan of subdivision/strata plan or must be shown on the scale sketch, attached as an annexure to the request 13PC and 13RPA forms. The S88B instrument or 13PC/13RPA forms shall be lodged with Council's Standard S88B/S88E Lodgement Form with all supporting documentations listed in the Form. Council's Standard Form is available from Council upon requested. Council's costs, including legal fees associated with reviewing, approving and executing the Positive Covenant and Restriction of Use together with associated PEXA fees must be paid by the Applicant. The Applicant is responsible for any stamp duty payable in respect of the dealing.

Documentary evidence of registration of these instruments with the NSW Land Registry Services shall be submitted to the Certifier and Council prior to issue of any Occupation Certificate.

(Reason: Maintenance requirement)

112. Documentary Evidence of Positive Covenant, Engineers Certificate

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

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

(Reason: Public record)

113. 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 with associated pavement restoration.

(Reason: Public amenity)

114. Concrete Footpath

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

- a) 1.5m wide concrete footpath with 2.5% maximum crossfall towards the kerb, pedestrian traffic measures, new kerb ramps to link site to existing bus stop in Allambie Road, near intersection with Deepwater Road. kerb and gutter together with any necessary associated pavement restoration.

All works shall be carried out in accordance with Council's specification for the full frontage of the development site with associated pavement restoration 1.5 metre wide in Deepwater Road to Allambie Road bus stop.

(Reason: Public amenity)

115. Reconstruct Pavement

Prior to the issue of any Occupation Certificate, half the road pavement including any necessary associated works adjoining to the full frontage of the development site shall be reconstructed in accordance with Council's approved drawings, conditions and specification (AUS-SPEC). Council's standard design traffic for this pavement is 3x10⁵ ESA.

(Reason: Ensure compliance)

116. Street Lighting

Prior to the issue of any Occupation Certificate, provide approved street in accordance with Australian Standard AS/NZ 1158.(2005). The street lighting shall be as required for the development, including any increased lighting requirements for pedestrian refuges.

Reason: Public amenity)

117. 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 at club car park is to be 6.5 metres wide and crossing at ILU is to be 6.1 metres with no splays and is to be constructed at right angles to the street kerb in plain concrete. The new crossings shall be located no closer than 1 metre from any power pole and 2 metres from any street tree unless otherwise approved by Council. The centreline of the new crossing shall be "in-line" with the centreline of the parking space(s).

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

- (a) At back of layback – 100mm 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 nature strip and footpath is to be adjusted for a minimum distance of 2 metres on both sides of the crossing to suit the new levels.

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

All adjustments to the nature strip, footpath and/or public utilities' mains and services as a consequence of the development and any associated construction works shall be carried out at the full cost to the Applicant. All driveway grades and transitions must comply with AS/NZS 2890.1.

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

(Reason: Public amenity)

118. 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)

119. 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)

120. Performance Bond

Prior to the issue of any Occupation Certificate, the Applicant shall lodge with the Council a performance bond of \$31,250 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)

121. 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)

122. Vehicular Access and Garaging

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

(Reason: Vehicular access)

123. 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)

124. Vehicle Access and Manoeuvring – Construction & Certification

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

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

- (f) That headroom clearance of minimum 2.2 metres between the basement floor and any overhead obstruction (including overhead services) is provided for compliance with Section 5.3.1 of AS/NZS 2890.1 and Section 2.7 of AS 2890.6.
- (g) That headroom clearance of minimum 2.5 metres is provided to all parking spaces for people with disabilities for compliance with Section 2.7 of AS 2890.6.
- (h) That the headroom clearance required in AS 2890.2 for the largest vehicle using the site (minimum 3.5m) has been provided for the loading area and the path to and from the loading area.
- (i) That a shared area with minimum dimensions of 2.4 x 5.4m is provided adjacent to all disabled parking spaces and a shared area with minimum dimensions of 2.4m x 2.4m is provided at the end of all disabled parking spaces to comply with AS 2890.6, and that a bollard is located in the shared zone in accordance with the requirements of Section 2.4 of AS 2890.6.
- (j) Simultaneous manoeuvring of B99 and B85 at all ramps and ramp ends including clearances for each vehicle as per AS/NZS 2890.1 is achieved.
- (k) Access and manoeuvrability of the largest vehicle accessing the site and simultaneous manoeuvrability of the largest vehicle using the site (minimum B99) and a passenger vehicle including clearances in accordance with AS/NZS 2890.1 and AS 2890.2 is achieved.

(Reason: Ensure compliance)

125. Stormwater Maintenance Plan

Prior to the issue of an Occupation Certificate, submit to the certifying authority approval a Maintenance Plan for the stormwater management system. The plan is to be in accordance with recommendations of "Guidelines for the Maintenance of Stormwater Treatment Measures" published by Stormwater NSW or other relevant guidelines or publications.

(Reason: Ensure operation of system complies)

126. 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)

127. Overland Flow Path – Engineers Certification

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

- (a) The finished floor levels of the proposed dwelling and garage have a minimum freeboard of 500mm and 300mm respectively above the 1% AEP flood event, which is conveyed through the site.
- (a) The as-constructed works comply with the requirements of Technical Standard 2.

(Reason: Ensure compliance)

128. Overland Flow Path – Work As Executed Plans

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

(Reason: Record of works)

129. CCTV Report of Council Pipe System After Work

Prior to the issue of any Occupation Certificate, a qualified practitioner, with qualifications/training in accordance with Water Services Association of Australia WSA05-2013 Conduit Inspection Reporting Code of Australia Version 3.1, shall undertake a closed circuit television (CCTV) inspection and then report on the condition of the Council drainage system located Deepwater Road after the completion of all works.

No person is to enter any Council stormwater conduit without written approval from Council. The camera and its operation shall comply with the following: -

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

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

(Reason: Ensure compliance and protection of public asset)

130. 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)

131. Food Premises

Prior to the issue of any Occupation Certificate the fitout of the food premises shall comply with Australian Standard AS 4674:2004 – *Design, Construction and Fitout of Food Premises*, the provisions of the Food Standards Code (Australia) and the *Food Act 2003*. No approval is granted for any remote storage area.

If a Private Certifier is to be used, the final inspection of the food premises fit out shall be carried out by a suitably qualified person. Documentation is to be submitted to the Certifier certifying compliance with all relevant requirements.

Council's Environmental Health Officer may be engaged to carry out this required inspection of the food premises. An inspection fee shall be charged in accordance with Council's current *Food Premises Fitout Inspection Fee*, as per the *Willoughby Council Management Plan – Fees and Charges Schedule*. This fee must be paid prior to the inspection.

(Reason: Public health, safety and compliance)

132. Residential Waste Collection Agreement with Council

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

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

(Reason: legal requirement/compliance)

133. Non-residential Waste Collection Service

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

(Reason: legal requirement/compliance)

134. Waste Bin Storage

The development must provide for waste bin storage capacity of at least:

- Residential 13.3m², replicated in both in the Ground Floor kerbside collection holding room and on the Lower Ground Floor residential waste rooms:
 - General waste: 2 x 660L bins collected twice per week.
 - Recycling: 4 x 660L bins collected once per week.
 - Organics: 9 x 240L bins collected once per week.
- Non-residential 18.4m², bins equivalent to a minimum of:
 - General waste: 7x1,100L bins collected three times per week; and
 - Recycling: 2x1,100L bins collected twice per week; or

- A higher ratio of recycling compared to general waste and/or consideration of organics recycling.

(Reason: Compliance, environmental protection/ waste reduction)

135. Bulky Waste and Charity Waste Storage

The residential development must provide:

- A minimum 10m² bulky waste storage room within the basement for residents in accordance with Willoughby Development Control Plan 2023 (NSROC Waste Management Technical Guide 2018, Table 2) and a minimum of 10m² for collection in the Ground Floor kerbside collection holding room.
- A minimum 2m² charity waste / other recycling storage room must be provided within the basement for residents in accordance with Willoughby Development Control Plan 2023 (NSROC Waste Management Technical Guide 2018, Section 3.12.1).

(Reason: Compliance, environmental protection/ waste reduction)

136. Internal Waste Storage Areas within Independent Living Units (ILUs)

The developer is required to provide an internal waste storage area, a space internally within the kitchens for residents to store a minimum of 2-days of internal waste volume with source separation capacity. This is in accordance with Willoughby Development Control Plan 2023 (NSROC 2018 Section 3.8).

The internal waste storage area should include a minimum capacity of:

- General waste: 40L within a cupboard.
- Recycling: 35L within a cupboard.
- Kitchen organics (estimate 15L, which may be storage space on the benchtop or within a cupboard). This is to future proof the development for a future Food Organics (FO) or Food and Garden Organics (FOGO) collection service.

(Reason: compliance/ environmental health/ waste reduction)

137. Council Inspection – Waste Management Facilities

At completion of basement level, an authorised Council waste officer is to inspect and approve all waste management facilities to ensure they comply with the development approval, Waste Management Plan. Specifically, the path of travel for all waste, from unit to point of waste collection, waste storage room sizing, access to water and sewer connections, finished materials, access and door way dimensions, and that all waste facilities are fit for purpose.

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

138. 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.sydneypwater.com.au/section73 or call 1300 082 746.

The Section 73 Certificate must be submitted to the Certifier.

(Reason: Ensure statutory compliance)

139. Registration of Subdivision

Prior to the issue of a Whole Occupation Certificate, submit documentary evidence to Council that the subdivision of the site, as approved under this consent, has been registered with the NSW Land Registry Services.
(Reason: Ensure Compliance)

140. Seniors Living - Strata Subdivision

In the event that strata subdivision of the site is undertaken, a restriction as to user is to be registered which shall note on title to each strata lot to the terms of the agreements referred to in **Condition 99** hereof and which shall provide that the terms of the restriction as to user shall not be modified or extinguished unless the Council's written consent is first obtained.
(Reason: Ensure compliance)

141. Street Numbering

Prior to the issue of any Occupation Certificate, written application shall be made to the Geospatial Services Section of Council for the allocation of street numbering for each of the newly created strata lots and/or allotments. Documentary evidence of the allocated numbering issued by Council is to be lodged with the Subdivision Certificate Application and Linen Plans.
(Reason: Ensure compliance with Council's House-Property Numbering Policy)

142. 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)

143. Services - Electricity Supply and Telecommunication Mains

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

144. 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)

145. Disabled parking spaces

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

The design of the disabled parking spaces must be to the satisfaction of Council and meet Australian Standards, Austroads guidelines and TfNSW technical directions and guidelines.
(Reason: Access for mobility impaired users)

146. 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 buildings complies with the approved construction details and the relevant design noise criteria contained in Section 6 of the Environmental Noise Assessment prepared by Day Design Pty Ltd, Report No 7817-1.1R, dated 17 November 2023.
(Reason: Amenity, environmental compliance and health)

147. Noise Emission – Equipment

Prior to the issue of any relevant Occupation Certificate, certification shall be provided from a suitably qualified acoustic engineer certifying that the noise from all sound producing plant, equipment, machinery and/or mechanical ventilation system complies with the relevant noise criteria contained in the Mechanical Plant Noise Assessment Report required elsewhere in this consent.
(Reason: Amenity, environmental compliance and health)

148. Certification – Ventilation

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

149. Kerb Extension and Relevant Works

Prior to the issue of any Occupation Certificate, the construction of kerb extension and relevant works, as required under **Condition 18** of this consent must be completed.
(Reason: ensure compliance)

ONGOING USE

Conditions from 150 to 165

150. 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)

151. Bushfire Control

The Asset Protection zones (APZ) being maintained in accordance with the principles contained in the NSW Rural Fire Service's '*Planning for Bushfire Protection*'.
(Reason: Bushfire safety)

152. 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)

153. 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)

154. Stormwater Kerb Outlet

New stormwater connection outlets at the street kerb shall be made using 125mm wide x 75mm high x 4mm thick hot dip galvanised Rectangular Hollow Section (RHS). Where there are multiple outlets required, a minimum distance of 100mm shall separate these outlets. A grated drainage pit (min. 450mm x 450mm) shall be provided within and adjacent to the property boundary prior to discharging to the Council’s drainage system.

(Reason: Protection of public asset)

155. 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)

156. Trees on Adjoining Properties

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

(Reason: Protection of Trees)

157. 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)

158. Public Infrastructure Restoration

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

159. Waste Management Collection Policy

The development must operate in full compliance with Council's Waste Management collection requirements. This is to include:

- (a) Council's Collect and Return collection service for residential waste (bins and bulky waste) collected from kerbside collection holding rooms located no more than 10m from the truck stopping location at the kerbside on the road; and
- (b) Private waste contractor collection of non-residential waste collected onsite from a loading bay adjacent to non-residential bin room with a suitable SRV (or larger) truck parking space compliant with AS2890.2 and with 2m rear clearance for rear loading of the bins.

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

160. Waste Storage Containers

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

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

161. Bin Tug

The development must provide and utilise a bin tug to transfer residential bins and bulky waste to and from the kerbside collection holding room that can accommodate the required bin sizes and with a manufacturer's specification, that meets the designed gradient.

(Reason: Work Health and Safety (WHS)/ compliance)

162. Hours of Operation

The hours of operation of the approved non-residential use is to be restricted to those times listed below, i.e.:

- 6:00am to 12:00am, all days

Any extension to these hours is to be subject to the prior consent of Council.

(Reason: Amenity)

163. Plan of Management

The Plan of Management prepared for Castlecove Golf Club and submitted with the application must be implemented throughout the ongoing use of the development. If this Plan of Management conflicts with any conditions of this consent, the requirement of the condition/s will prevail..

(Reason: Public safety and amenity)

164. Lighting

In order to maintain the amenity of adjoining residential properties the followings shall be complied with:

- Any lighting on the site is to be directed in such a manner so that no nuisance is caused to adjoining residential properties or to drivers on Beaconsfield Road.
- Headlights from cars turning on and off the ramps shall not cast direct light into the living spaces of adjoining residential dwellings.

(Reason: Amenity)

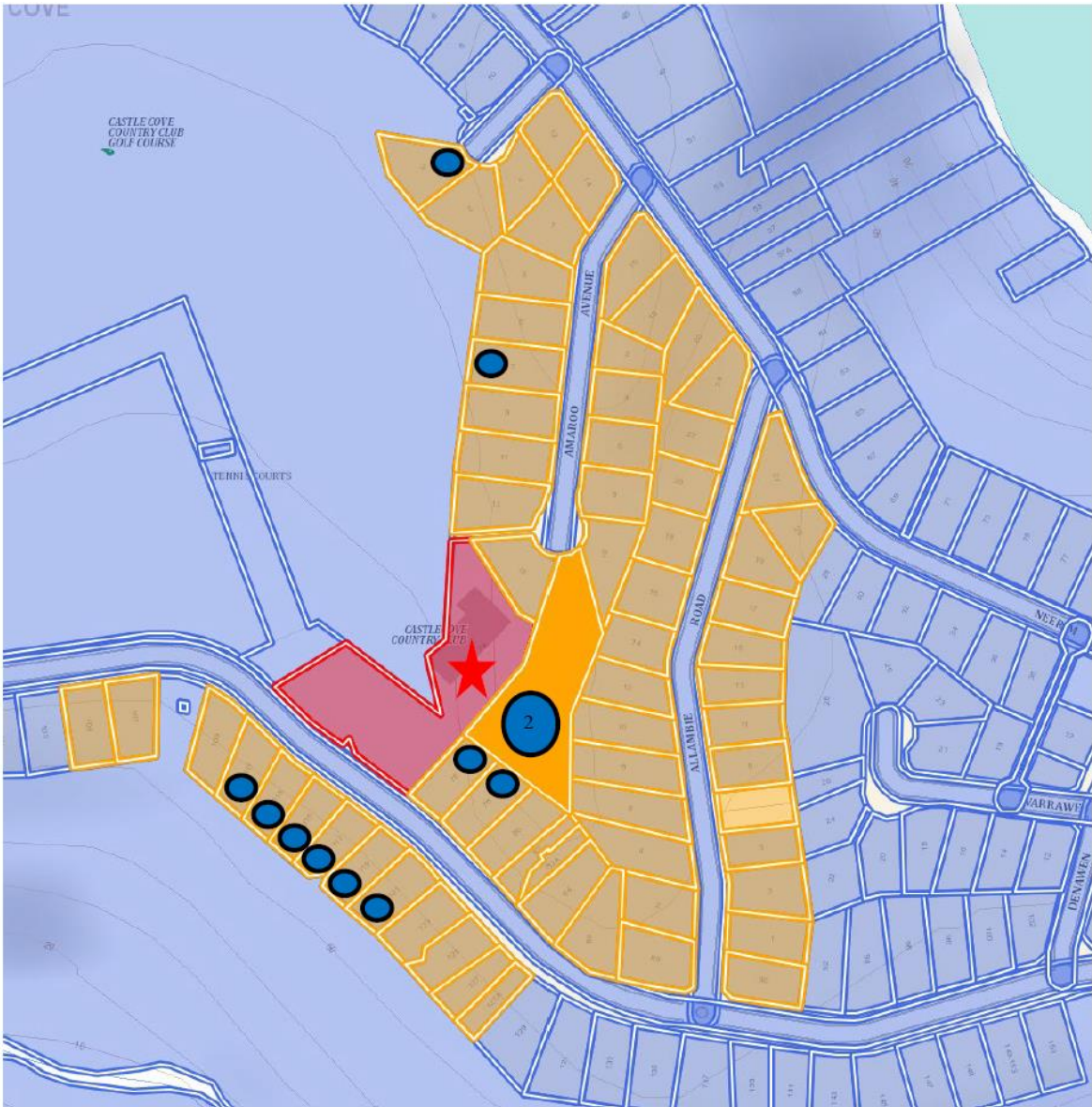
165. Operation of Golf Club – Noise Control


To mitigate noise emissions and their impact on surrounding buildings, the use of the club shall comply with the following at all times:

- The playing of live music is not permitted;
- Signs placed in the outdoor areas advising patrons to minimise noise shall be maintained;
- The outdoor terrace must not be used after 10pm. Before 10pm, staff/security are to direct patrons inside and the access door to outdoor terrace closed and locked.
- The playing of background music in outdoor areas is not permitted; and
- Recommendation of Section 6 of the Environmental Noise Assessment prepared by Day Design Pty Ltd, Report No 7817-1.1R , dated 17 November 2023

(Reason: Amenity and environmental compliance)

ATTACHMENT 8: NOTIFICATION MAP



	Site		Submission
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ATTACHMENT 9: ARCHITECTURAL PLANS