

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSNH-458
DA Number	DA-2024/13
LGA	Willoughby City Council
Proposed Development	Construction of a new mixed use building containing retail uses including a supermarket, residential units, basement car parking, with associated landscaping and Stratum subdivision. The application is identified as nominated integrated development requiring approval from Water NSW pursuant to s90 the Water Management Act 2000.
Street Address	100 Edinburgh Road CASTLECRAG
Applicant/Owner	Matthew Nesbitt – Project Edinburgh Pty Ltd/ Greycliff Castlecrag Pty Ltd
Date of DA lodgement	23 January 2024
Number of Submissions	549 (from 457 submitters)
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 (Transport and Infrastructure) 2021</i> • <i>State Environmental Planning Policy (Planning Systems) 2021</i> • <i>State Environmental Planning Policy (Industry and Employment) 2021</i> • <i>State Environmental Planning Policy (Housing) 2021, Chapter 4</i> • <i>Willoughby Local Environmental Plan 2012</i> • <i>Willoughby Development Control Plan 2023</i>
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Schedule of Conditions • Architectural and Landscape plans • Survey • Clause 4.6 to vary cl4.3/4.3A(6) - Height of Buildings • Statement of Environmental effects
Report prepared by	Akshay Bishnoi – Senior Development Assessment Officer
Report date	14-Nov-2024

Summary of s4.15 matters

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

Yes

Legislative clauses requiring consent authority satisfaction

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

Yes

e.g. Clause 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 <i>LEP</i>) has been received, has it been attached to the assessment report?	Yes
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Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?	Yes
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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
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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-458
COUNCIL: WILLOUGHBY CITY COUNCIL
ADDRESS: 100 EDINBURGH ROAD, CASTLECRAG NSW 2068.
DA NO: DA-2024/13
PROPOSAL: NOMINATED INTEGRATED DEVELOPMENT - CONSTRUCTION OF A NEW MIXED USE BUILDING CONTAINING RETAIL USES INCLUDING A SUPERMARKET, RESIDENTIAL UNITS, BASEMENT CAR PARKING , WITH ASSOCIATED LANDSCAPING AND STRATUM SUBDIVISION. THE APPLICATION IS IDENTIFIED AS NOMINATED INTEGRATED DEVELOPMENT REQUIRING APPROVAL FROM 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. SUBMISSIONS TABLE
5. SECTION 4.15 (79C) ASSESSMENT
6. SCHEDULE OF CONDITIONS
7. NOTIFICATION MAP
8. ARCHITECTURAL PLANS

RESPONSIBLE OFFICER: RITU SHANKAR- TEAM LEADER
AUTHOR: AKSHAY BISHNOI - SENIOR DEVELOPMENT ASSESSMENT OFFICER
DATE: 14-NOV-2024

1. PURPOSE OF REPORT

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

2. OFFICER'S RECOMMENDATION

THAT the Sydney North Planning Panel (SNPP):

2.1 Support the variation to the development standard in *Willoughby Local Environmental Plan 2012* Clause 4.3 Height of Buildings under clause 4.6 (as assessed in Attachment 2) for the following reasons:

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

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

2.2 Grant a Consent for Development Application DA-2024/13 for construction of a new mixed use building containing retail uses including a supermarket, residential units, basement car parking , with associated landscaping and stratum subdivision at 100 Edinburgh Road, Castlecrag, subject to conditions contained in Attachment 6, for the following reasons:

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

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

2.2.3 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 minor structures including substation and removal of trees;
- b) Construction of part three (3) and part four (5) storey mixed-use development comprising commercial/retail use, and 38 residential apartment, adopting the following mix:
 - Ground floor Commercial/retail:
 - Supermarket – 1687m²
 - Speciality retail – 686m²
 - The residential component is configured into two pods sitting above commercial/retail comprising 38 dwellings and communal facilities.
 - Unit mix:
 - 2 bedroom – 7 units
 - 3 bedroom – 29 units
 - 4 bedroom – 2 Units (including an affordable housing unit)
- c) Basement parking comprising 163 car spaces, inclusive of 8 additional public car parking spaces (required by VPA) including:
 - 55 residential (including 9 visitors)
 - 8 public spaces
 - 74 Supermarket
 - 26 Retail
- d) Landscaping and associated works, including removal of 16 trees, including 1 street tree.
- e) Building Identification signage, labelled as “Castlecrag” on the eastern elevation
- f) Operational hours for the commercial uses - 7am to 10pm all days.

Following the issuance of RFIs dated 17 June 2024 and 7 August 2024, the application was amended on 05/09/2024. The proposal, as amended, includes the following changes compared to the originally lodged proposal:

- Reconfiguration of the basement carpark by removing the mezzanine level and reducing the basement footprint on basement Level 3 along northern setback.
- Relocation of the committee room to Basement 1 adjacent to public toilets for accessibility.
- Committee room increased in size to 50m²
- Re-configuration of the driveway ramps
- Provision of 4.5m headroom for service delivery vehicle, including Council's waste vehicles.
- Raising the height of the two units in the north eastern corner of the building to accommodate the driveway height. This results in a minor variation to the *LEP* height control to the roof on this part of the site.
- Re-allocation of adaptable units due to stairs added to units 111 and 210
- Remove the private open space on the north eastern corner of the roof and provide as non-trafficable (to remove the need for a balustrade)
- An extra residential lift added to each building pod to improve the accessibility of the units and to allow for continued access in the event of a lift failure, maintenance or when persons are moving into/out of units.
- Increase the setback to part of the building from 6.8m to 7.2m along the eastern side of the southern boundary at levels Basement 1, Mezzanine and ground floor to enable the retention of an additional 8 trees.
- Re-design of the public domain area fronting the site
- Indication of outdoor dining areas
- Provision of kitchen exhaust to retail shops G1, G3, G4, G5 and Supermarket
- Grease arrestor added to basement level 3
- Removal of Building Identification Sign
- Removal of 8 Trees

The amended proposal was re-notified to adjoining properties in accordance with the Community Participation Plan for 14 days starting from 12-September-2024.

Note:

The difference between the re-notified architectural plans (12/09/2024) and the latest version submitted on 25/10/2024 are minor. The changes include additional details related to stormwater management and waste management aspects of the development. As a result, the impacts from the revised architectural plans are considered similar to the latest notified plans and do not give rise to any new issue that would necessitate re-notification.

4. BACKGROUND

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

A planning proposal to allow mixed use development including commercial and residential development was approved and gazetted on 9 June 2023. The planning proposal included the following key amendments to the *Willoughby Local Environmental Plan 2012 (WLEP 2012)*:

- Increase height to RL 97.49
- Increase FSR to 1.8:1 with 1.6:1 above ground level

- Insert clause into Schedule 1 Additional permitted uses to allow RFBs on the subject site, provided the ground level facing Edinburgh Road is used for non-residential purpose and a minimum of 75% of the total FSR is provided for non-residential purposes.
- Amend the Special Provisions Map to identify the site as 'Area 9' (Clause 6.8 Affordable Housing applies) and 'Area 12' (Clause 6.23 Design Excellence applies).

WDCP was updated to incorporate the site-specific planning controls.

On 8 June 2023, a Voluntary Planning Agreement (VPA) was executed requiring the provisions of:

- Monetary Contribution of \$100,000 towards the provision of public art in accordance with clause 9.6 and Council's Public Art Policy.
- Construction of public pathway - *Carry out and complete construction of works and upgrades to public pathway in the location shown as 'Item B.1' in Schedule 3 of the VPA to a design and with specifications, materials and finishes as determined and approved in accordance with clause 14A free of cost to the Council.*
- Construction of 8 Public Car Parking spaces.
- Construction of a meeting room

A pre-lodgement meeting was held on 14 August 2023.

The application was lodged on 23 January 2024.

The application was referred to Internal and external agencies on 29 January 2024

The application was notified from 02 February to 1 March 2024.

Water NSW issued General Terms of Approval (GTA) on 15 February 2024.

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

- Non-compliance with Floor Space Ratio (FSR) development standard. Approximately, 2.27 car parking spaces are in excess of Council's maximum car parking requirement, has not been included in the Gross Floor Area (GFA) calculation.
- Car parking calculation for the proposed supermarket is incorrect.
- At least 16 out of 38 units do not receive the minimum required solar access
- Additional overshadowing of the adjoining properties to the south
- Building separation to meet adequate privacy within the development.
- Impact on Trees within the site and public reserve.
- Inadequate acoustic assessment: Further testing and analysis is required to establish background noise levels in compliance with the Noise Policy.
- Waste Management and collection issues
- Vehicle access, parking and manoeuvring related issues
- Stormwater management related issues.
- Urban Design comments

On 21 May 2024, a request for additional information was sent to the applicant in respect to:

- Vehicle access and parking,
- Stormwater water management and flooding,
- Waste Management and collection,
- Vertical mechanical ventilation regarding the ground floor retail uses,
- Excess Car parking spaces,
- Traffic and parking

- Urban Design
- Landscaping
- Supermarket and its permissibility
- Substation requirement
- GFA calculation
- Apartment Design Guide (ADG) requirements

On 17 June 2024, the applicant responded to the RFI and provided revised architectural plans and other relevant documents.

On 24 July 2024, Sydney North Planning Panel held an assessment briefing. The following unresolved issues were discussed:

- Stormwater management
- Headroom clearance for service delivery vehicle including Council's waste vehicle.
- Tree Removal
- Supermarket permissibility

Following a comprehensive review of the revised architectural plans and other relevant documents, on 07 August 2024, Council issued another additional information request letter advising:

- Vehicle access and parking,
- Stormwater water management and flooding,
- Waste Management and collection,
- Landscaping
- Supermarket permissibility
- Acoustic and Privacy issues

On 05 September 2024, the applicant responded:

- Another set of revised architectural plans
- A clause 4.6 variation justifying the variation to the building height control
- Updated waste management plan
- Updated landscape plans and arborists report
- Updated stormwater management plans

On 06 September 2024, the amended application was referred Water NSW pursuant to s38 of the EP&A Regulation 2021.

The amended application was re-notified for 14 days starting from 12-September-2024.

On 17 September 2024, Water NSW issued a request for further information.

On 19 September 2024, the applicant responded to Water NSW RFI.

On 19 September 2024, Water NSW refused to issue amended GTAs and advised that the GTAs issued on 15 February 2024 for a tanked basement design remain current.

On 04 October 2024, Council issued another RFI in respect to stormwater and waste management.

On 25 October 2024, the applicant responded to Council's RFI and provided updated stormwater management plans and architectural plans.

5. DISCUSSION

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

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

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

Key Issues

- **Supermarket Permissibility:**

During the initial stages of the assessment process, concerns were raised regarding the proposed supermarket and whether it could be classified as a 'neighbourhood supermarket' which has a maximum GFA restriction of 1,000m².

The applicant sought legal advice on the characterisation of the proposed development, which was submitted to council for consideration. Following a review of the advice, Council determined that the proposed supermarket more appropriately falls under the definition of 'shop' to be used as a supermarket. As such, no floor space restrictions apply to the size of supermarket. Consequently, the proposed development, particularly for the purpose of supermarket, is characterised as a shop that function as supermarket is considered permissible.

Shop as defined in the *WLEP 2012*:

shop means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop and neighbourhood supermarket, but does not include food and drink premises or restricted premises.

Note—

Shops are a type of retail premises—see the definition of that term in this Dictionary.

- **Building Height:**

The site is subject to a maximum height of RL97.49 pursuant to Clause 4.3 of the *WLEP* and the proposal is seeking a variation to this standard. A detailed assessment is provided in Attachment 3 that concludes the variation is acceptable in the circumstances of the case.

- **Encroachment into RE1 zoned Land:**

The submitted architectural plans shows the proposed development, particularly the courtyard/ Private Open Space fence encroaching onto RE1 zoned land within the site (as shown in the extract below). Since these courtyards are ancillary to dominant residential use of the E1 zoned land, they are not permissible on RE1 zoned land. Consequently, a condition of consent has therefore been recommended to ensure that all the development works are contained wholly within the E1 Local centre zoned land.

Privacy Impacts:

The proposed building generally meets the ADG building separation requirement with the exception of the southern boundary (rear). Along this boundary, the building has a 5.3m setback for the first three storeys, reducing to 4m on the fourth and fifth storeys. This results in a shortfall against the ADG's minimum 6m setback for up to the fourth storey and 9m for the fifth.

Despite this non-compliance, the proposal is considered acceptable regarding privacy impacts for the reasons discussed below:

- The non-compliance with the southern boundary setback requirements is effectively mitigated by the presence of RE1-zoned land, which acts as a natural buffer between the subject site and adjacent properties to the south. Mature trees along this RE1-zoned land further strengthen privacy between the developments, functioning as natural screens and enhancing visual separation.
- The proposal aligns more closely with the site specific controls in the *WDCP*, which take into account unique site characteristics and context. The proposal's consistency with the *WDCP* controls suggests that proposal respects the intended planning outcome for the site without compromising the local character or adjoining residents privacy.

Regarding building separation to the east, the development complies with the *WDCP* setback requirements along the eastern side boundary. However, concerns have been raised about potential privacy impacts arising from habitable room windows of Units 112 and 211, which are located on the eastern elevation.

To address these concerns, conditions of consent has been recommended to require the implementation of appropriate design measures to mitigate potential privacy impacts.

• **Tree Removal:**

The proposal, as amended, includes the removal of 8 trees within the site, while retaining 32 trees, including the street trees along the Edinburgh Road and Eastern Valley Way frontages. 52 new trees are proposed to plant on the site. The trees proposed for removal do not align with the tree retention requirements outlined in the site specific *WDCP*.

Council's Landscaping section has reviewed the proposal and raised no issues with the development for the following reasons:

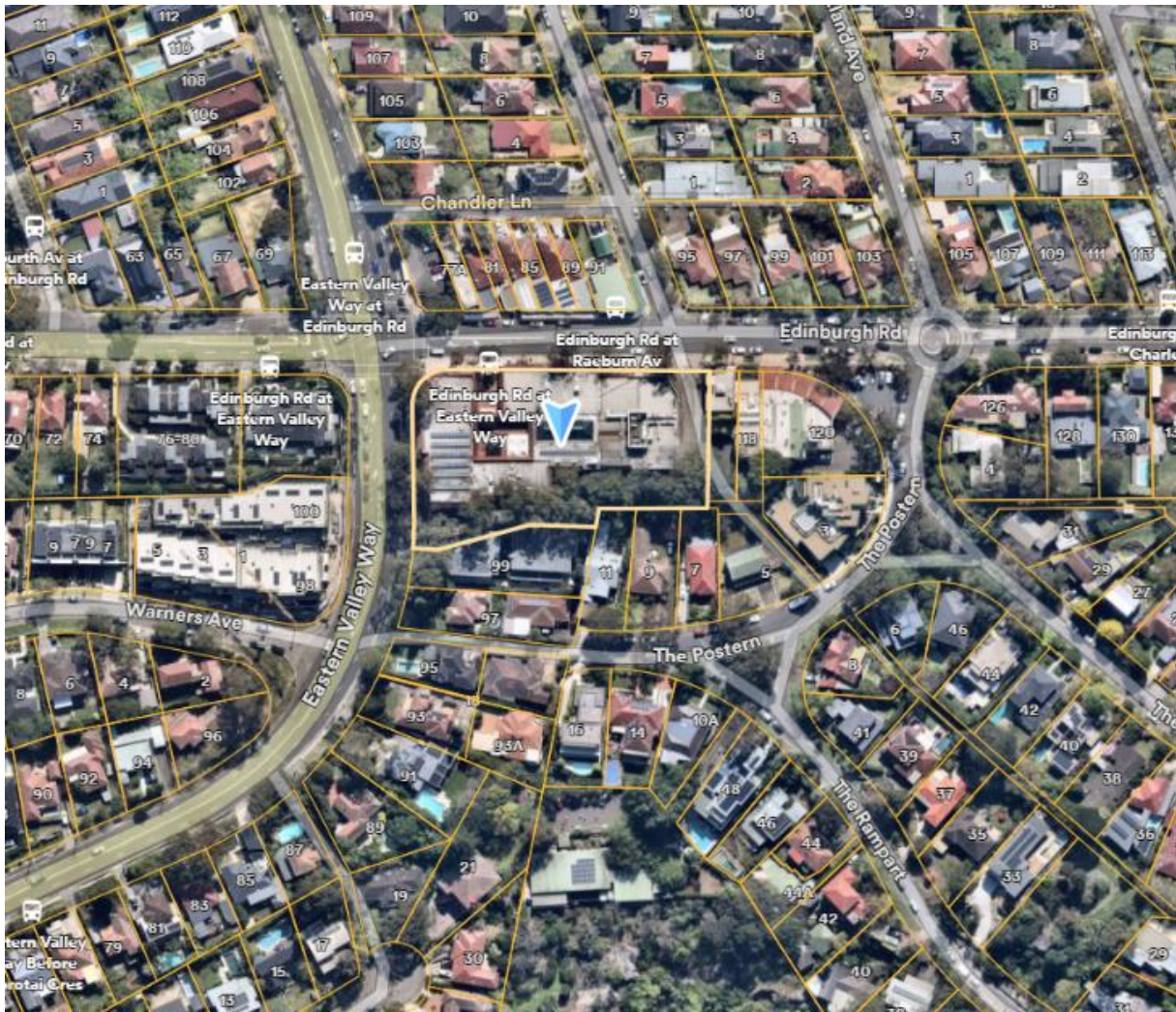
- The landscape outcome achieved by the latest set of plans has improved from the DA plans as originally submitted.
- Amendments to basement levels, building setbacks, access ways, stormwater and landscape design have resulted in the majority of existing trees being retained and generous areas of new landscape planting provided.

For more details, refer to the referral section of the report, which includes comprehensive comments from Council's Landscaping section.

6. CONCLUSION

The Development Application DA-2024/13 has been assessed in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979*, *WLEP 2012*, *WDCP*, and other relevant codes and policies. It is considered that the proposal is acceptable in the particular location, subject to the consent conditions included in Attachment 6.

ATTACHMENT 1: SITE DESCRIPTION AND AERIAL PHOTO



Aerial View of the Site

The Site

The subject land, known as 100 Edinburgh Castlecrag, is situated on the south-eastern corner of the intersection of Edinburgh Road and Eastern Valley Way, legally described as Lot 11 in DP611594 and Lot 1 in DP43691. This irregularly shaped allotment has a total area of approximately 5,166 m², including a narrow, RE1-zoned strip (69.8 m²) incorporated into the site area. The terrain slopes moderately, descending around 4 meters from the primary street frontage on Edinburgh Road toward the rear.

The site features a primary frontage of 95.3 meters to Edinburgh Road and a secondary frontage of 52.9 meters along Eastern Valley Way. The existing Quadrangle Shopping Village development includes a single-story building along Edinburgh Road, with an exposed basement carpark along Eastern Valley Way, resulting in a two-story visual form from that viewpoint. Vehicular access is provided by a steep driveway on the eastern end of the site, leading to the basement parking.

The village has served as a local commercial hub for Castlecrag, offering a range of retail and essential services, including cafes and boutique stores. Established vegetation and mature trees line the southern boundary, with additional greenery along the street frontages on Edinburgh Road and Eastern Valley Way. A pedestrian access to the Postern exists along the southern boundary of the site.

Surrounds

The surrounding area primarily consists of low-scale residential dwellings, enhancing the village-like character of Castlecrag. The site adjoins the Griffin Heritage Conservation Area to the west and south-west, which contributes to Castlecrag's unique architectural and historical significance. Additionally, a local heritage item is located nearby at 120 Edinburgh Road, just east of the subject site. The presence of these conservation areas and heritage items emphasizes the importance of integrating future developments sensitively within this historically rich context.

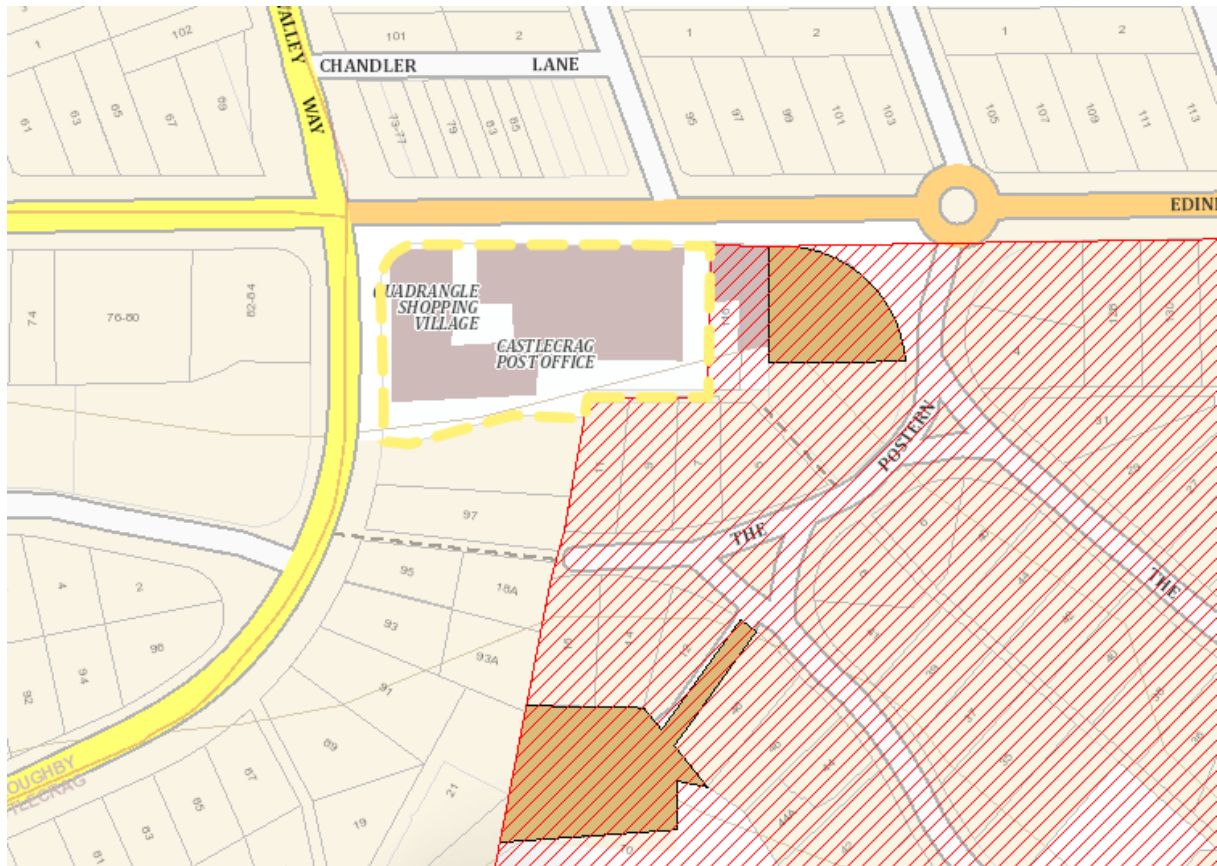


Figure: Subject site (yellow broken outline) with respect to the adjoining Heritage conservation area (red hatched) and Heritage items (solid brown).

ATTACHMENT 2: CONTROLS, REFERRALS & DEVELOPMENT STATISTICS

<i>Willoughby Local Environmental Plan 2012 (amendment 34)</i>	
Zoning:	E1- Local Centre and RE1- Local Centre
HOB:	97.49m(RL)
FSR:	1.6:1 plus 0.2:1 in bonus as per CI 4.4A (9)
Existing Use Rights	No
Additional Permitted Use	Yes, residential flat buildings pursuant to section 75, Schedule 1.
Conservation area	No
Aboriginal Heritage	No
Heritage Item	No
Vicinity of Heritage Item	Yes, Local Item - I253 located at 120 Edinburgh Road
Natural Heritage Register	No
Bushfire Prone Area	No
Flood related planning control	No
Foreshore Building Line	No
Adjacent to classified road	YES – Eastern Valley Way adjoins the site to the west
Road/lane widening	No
BASIX <i>SEPP</i>	YES
Infrastructure <i>SEPP</i> - Rail	No
Infrastructure <i>SEPP</i> - Road	YES – Development fronting classified road
Coastal Management <i>SEPP</i>	No
Acid Sulphate Soil Category	5
Development near Lane Cove Tunnel	No
Contaminated Land	No
Adjacent / above Metro	No
Other relevant <i>SEPPS</i>	<i>SEPP</i> (Resilience and Hazards) 2021 <i>SEPP</i> (Transport & Infrastructure) 2021 <i>SEPP</i> (Biodiversity and Conservation) 2021, <i>SEPP</i> (Housing) 2021 <i>SEPP</i> (Planning System) 2021
Relevant <i>DCPs</i> policies and resolutions	<i>WDCP</i> 2023

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

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

The application accompanies a Limited Detailed Site Investigation (Contamination) report prepared by EI Australia, Ref no. E26044.E02_Rev1, Dated 18 December 2023. The report concludes that the subject site is considered suitable for the proposed use, subject to Hazardous Materials Survey (HMS) and Construction Environmental Management Plan (CEMO). Council's Environmental Health section has reviewed the report and raised no issues with the proposed development subject to conditions of consent.

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

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

The subject site is adjacent to a classified road to the west. As per the criteria under Clause 2.120 – *Impact of road noise or vibration on non-road development*, the acoustic and vibration impacts from the classified road have been considered.

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

- (1) *This section applies to development for any of the following purposes that on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicles (based on the traffic volume data published on the website of TfNSW) and that the consent authority considers is likely to be adversely affected by rail noise or vibration—*
 - (a) *Residential accommodation,*
 - (b) *a place of public worship,*
 - (c) *a hospital,*
 - (d) *an educational establishment or child care centre.*
- (2) *Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Planning Secretary for the purposes of this clause and published in the Gazette.*
- (3) *If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:*
 - (a) *in any bedroom in the building—35 dB(A) at any time between 10 pm and 7 am,*
 - (b) *anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.*

Comment: In response to the above clause, the applicant submitted an Acoustic Report prepared by Acoustic Logic Pty Ltd, Ref. 20230424.1/0211A/R2/SJ, dated 2 November 2023. The report recommended a variety of acoustic treatments to comply with the *SEPP*. The acoustic assessment and recommendations were reviewed by Council's Environmental Health Department and found to be satisfactory. Conditions of consent have been included, that ensure the recommendations of the acoustic report will be implemented during the construction.

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

2.122 Traffic-generating development

The proposal is considered as a traffic generating development in accordance with Schedule 3 of the *SEPP (Transport and Infrastructure) 2021*. The development is identified as having access to Eastern Valley Way within 90m and will results in 50 or more vehicles per hour. Accordingly, the proposal was referred to TfNSW for comments. The agency did not raise any concerns with regards to the proposal, subject to conditions of consent.

State Environmental Planning Policy (Housing) 2021

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

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

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

State Environmental Planning Policy (Housing) 2021 – Chapter 4: Design Quality of Residential Apartment Development		
145	<p><i>Referral to design review panel for development applications:</i></p> <p><i>(1) This section applies to a development application for residential apartment development, other than State significant development.</i></p> <p><i>(2) Before determining the development application, the consent authority must refer the application to the design review panel for the local government area in which the development will be carried out for advice on the quality of the design of the development.</i></p> <p><i>(3) This section does not apply if—</i></p> <p><i>(a) a design review panel has not been constituted for the local government area in which the development will be carried out, or</i></p> <p><i>(b) a competitive design process has been held.</i></p> <p><i>(4) In this section—</i> <i>competitive design process means a design competition held in accordance with the Design</i></p>	<p>Pursuant to subclause (2), The application was presented to the Design Review Panel prior to the lodgement of the DA. Council's Urban designer has reviewed the design subject to this application against the Panel's recommendations and raised no issues.</p>

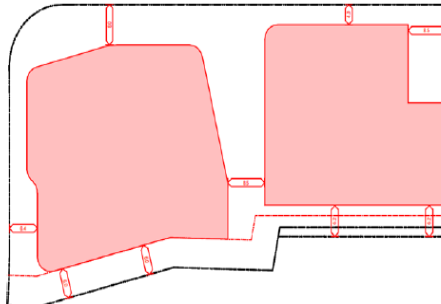
	<i>Competition Guidelines published by the Department in September 2023.</i>	
147	<p><i>Determination of development applications and modification applications for residential apartment development:</i></p> <p><i>(1) Development consent must not be granted to residential apartment development, and a development consent for residential apartment development must not be modified, unless the consent authority has considered the following—</i></p> <p><i>(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,</i></p> <p><i>(b) the Apartment Design Guide,</i></p> <p><i>(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.</i></p> <p><i>(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.</i></p> <p><i><u>(3) To avoid doubt, subsection (1)(b) does not require a consent authority to require compliance with design criteria specified in the Apartment Design Guide.</u></i></p> <p><i>(4) Subsection (1)(c) does not apply to State significant development.</i></p>	Noted.
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. Assessment under <i>the WDCP 2023</i> reflects this limitation.
149	<i>DCPs cannot be inconsistent with Apartment Design Guide</i>	Noted. Assessment under <i>WDCP 2023</i> reflects this limitation.

	(ADG) Provisions in <i>DCP</i> of no effect in respect to: <ul style="list-style-type: none"> • Visual privacy • Solar and daylight access • Common circulation and spaces • Apartment size and layout • Ceiling heights • Private open space and balconies • Natural ventilation • Storage 	
Schedule 9 – Design quality principles		
1	Context and neighbourhood character	The height and scale is consistent with desired future character of the Castlecrag local centre 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 1.8:1, which complies with the development standard. The quantum of the development is dissected into high amenity residential units that serve to meet the housing demand. The non-residential floor space suitably addresses Castlecrag's identity as a local Centre within the Sydney metropolitan area with an economic role and contributes to achieve the jobs target in the North District Plan.</p> <p>The unit breakdown in the proposal is:</p> <ul style="list-style-type: none"> o 2 bedroom – 7 units o 3 bedroom – 29 units o 4 bedroom – 2 Units (including an affordable housing unit) – Total= 38 Units <p>The portion of 3 plus bedroom units is representative of an emerging market who seek to live in larger units to cater for changing lifestyle and needs, downsizers who wish to welcome visitors and family and entertain. The proposal generally complies with the ADG requirements and its objectives. The density of the proposal is satisfactory.</p>
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 19.25% of the site, which complies with 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	Development offers a good mix of apartment types. The size of apartments are well in excess of the minimum size requirements to enhance the enjoyment and practicality for occupants. The number of 3-bedrooms units caters for families or downsizers.
9	Aesthetics	The proposal is considered to be satisfactory with regards to this principle as it achieves architectural excellence by the use of balanced proportions, setbacks, variety and quality of materials. The proposal is supported by Council's Urban Designer as noted in the referrals section of this report.

Apartment Design Guidelines

Required	Proposed	Complies
PART 02 DEVELOPING THE CONTROLS		
2A Primary Controls		
Primary development controls are the key planning tool used to manage the scale of development so that it relates to the context and desired future character of than area and manages impacts on surrounding development	<p>The primary development controls of the development are discussed in detail below.</p> <p>Generally, the proposed development is well suited to the location and provides a good design outcome.</p>	Yes
2B Building Envelope		
Establishes the appropriate scale of the development including the allowable bulk, height and location of a development on a site.	<p>The <i>Willoughby LEP 2012</i> and <i>Willoughby DCP 2023</i> outline the height and density controls for the site, as well building envelope controls specifically outlined for the subject site.</p> <p>The proposal exceeds the height limit contained in <i>Willoughby LEP 2012</i>, however, this non-compliance is assessed in this report, in conjunction with the applicant's written request to vary the height limit, and concludes that the proposal achieves compliance with the objectives of the height and floor space ration standards to ensure appropriate bulk, scale and building envelope.</p>	Yes
2C Building Height		
Where a floor space ratio (FSR) is defined, test height controls against it to ensure a good fit	<i>Willoughby LEP 2012 sets height controls consistent with the FSR controls in the LEP. The proposed minor variation to the height control is assessed later in this report but is considered to be able to be supported.</i>	Yes
2D Floor space ratio		
The GFA should fit comfortably within the building envelope that also needs to account for building elements and service areas that are not included in the GFA definition and to allow for building articulation.	The FSR of 1.8:1 complies with the maximum permissible under <i>Willoughby LEP 2012</i> .	Yes
2E Building Depth		
Use a range of appropriate maximum apartment depths of 12-18 metres.	The apartment depths do not exceed the 18m requirement. The apartments are cross-ventilated and receive adequate amount of solar access. The proposed development is designed to provide high level of	Yes

	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>The proposed building generally meets the ADG building separation requirement with the exception of the southern boundary setback. Along this boundary, the building has a 5.3m setback for the first three storeys, reducing to 4m on the fourth and fifth storeys. However, the proposal is considered to be aligning with the site-specific setback requirements in the <i>WDCP</i>, as shown in the relevant extract below.</p> <p>Fig 53a: Setback plan at ground level</p>  <p>For a detailed discussion on the setback requirements, please refer to the section under <i>WDCP</i>.</p> <p>Any potential privacy impacts are discussed further in this report under Part 3F-1 of the ADG.</p> <p>Regarding overshadowing, particularly to the developments immediately south, it is essential to consider the natural elevation changes. The subject site has a 4m slope from Edinburgh Road toward the southern boundary, with an additional 2m slope into the adjoining properties further south.</p> <p>The applicant provided shadow diagrams at one-hour intervals to enable a thorough assessment of potential overshadowing impacts. The applicant also submitted comparative shadow diagrams illustrating the shadows cast by the current proposal versus a scenario with a 9m ADG-compliant setback. The analysis indicates that the additional shadow falls primarily on the roof of the neighbouring dwelling, with no improvement to the living</p>	<p>Considered satisfactory</p>

	<p>areas or primary open spaces of the adjacent properties. Notably, even a fully compliant development would result in significant shadowing of the properties to the south.</p> <p>It is worth noting that the proposal complies with FSR and maximum building height development standards (with only minor variation in height) and is not considered to be an over development under the <i>WLEP</i>.</p> <p>Given the site's constraints and the proposal's compliance with key development standards, the proposed overshadowing impacts are deemed acceptable in this instance.</p>	
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2G Street Setbacks

<p>Street setbacks should be consistent with existing setback patterns in the street or setbacks that achieve the desired future character of the area. In conjunction with height controls, consider secondary upper level setbacks to:</p> <ul style="list-style-type: none"> - Reinforce the desired scale of buildings at the street frontage; - Minimise overshadowing of the street and other buildings. 	<p>The setbacks to the streets are generally in accordance with the streetscape and the <i>WDCP</i>.</p>	Yes
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2H Side and Rear Setbacks

<p>Setbacks vary according to the building's context and type.</p> <p>Consider zero side setbacks where the desired character is for a continuous street wall, such as in dense urban areas or main streets.</p>	<p>As discussed above, the proposal has been designed to comply with the site specific setback requirements contained in the <i>WDCP</i>.</p>	Yes
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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</p>	<p>The orientation of the proposed buildings and internal spaces in</p>	Yes

Requirement	Proposed	Complies												
solar access within the development. Overshadowing of neighbouring properties is minimised during winter.	relation to the site and street is satisfactory. The orientation of the residential floor plates allows for majority of units receiving adequate solar access between 9am to 3pm.													
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 of 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 1,274m ² of communal open space, equating to 25% of the site. A total of 1,274m ² is provided, which is adequate for communal open space purposes. All communal open space areas are proposed at the roof level with the majority receiving sufficient 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 site has a total area of 5096m ² . The ADG seeks a minimum 7% of deep soil, which equates to 356.72m ² for this site. The proposal provide 995m ² in deep soil, equating to 19.25% of the site area	Yes												
3F Visual Privacy														
<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: <table border="1" data-bbox="183 1653 715 1868"> <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> Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties.	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	The proposed building generally meets the ADG building separation requirement with the exception of the southern boundary setback. Along this boundary, the building has a 5.3m setback for the first three storeys, reducing to 4m on the fourth and fifth storeys. This results in a shortfall against the ADG's minimum 6m setback for up to the fourth storey and 9m for the fifth. Despite this non-compliance, the proposal is considered acceptable regarding privacy impacts, as the RE1-zoned land and mature trees act as effective buffers, providing natural privacy screening between the developments.	No, 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												

Requirement	Proposed	Complies
	<p>Important to note that the proposal aligns more closely with the site specific controls in the <i>WDCP 2023</i>.</p> <p>Regarding building separation to the east, the development complies with the <i>WDCP</i> setback requirements along the eastern side boundary. However, concerns have been raised about potential privacy impacts arising from habitable room windows of Units 112 and 211, which are located on the eastern elevation.</p> <p>To address these concerns, conditions of consent has been recommended to require the implementation of appropriate design measures to mitigate potential privacy impacts.</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 commercial lobbies accessed from Edinburgh Road. The proposal also provide a through site link to The Postern.</p> <p>The entry ways into the development are clearly visible from the public domain.</p>	Yes
3H Vehicle Access		
<p>Vehicle access points to achieve safety, minimise conflicts between pedestrians and vehicles create high quality streetscape.</p>	<p>Vehicular access to site is proposed from the north-east corner of the site from Edinburgh 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 council, whichever is less.</p> <p>The car parking needs for a development must be provided off street. Parking and access safe and secure. Visual and environmental impacts of ground level and basement car parks minimised.</p>	<p>A total of 163 car parking spaces are proposed:</p> <ul style="list-style-type: none"> - 55 residential (including 9 visitors) - 8 public spaces - 74 Supermarket - 26 Retail <p>Car parking complies with the <i>WDCP</i> car parking requirement.</p>	Yes

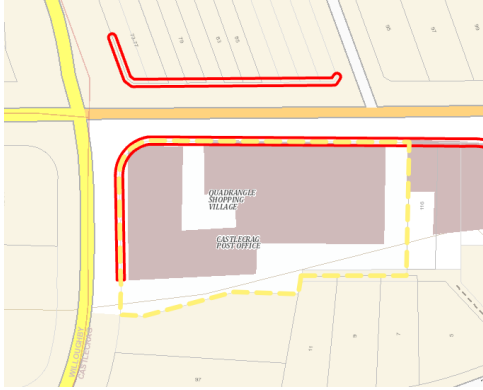
Requirement	Proposed	Complies
PART 04: DESIGNING THE BUILDING		
4A Solar and Daylight Access*		
<p>To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.</p> <p>Living rooms and private open spaces of at least 70% of apartments in a building 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>The Architectural Design Statement prepared by fjc studio, indicates that 29 out of 38 units will receive a minimum of 2 hours of direct sunlight between 9am to 3pm at mid-winter. This equates to 76% of the units.</p> <p>However, Units LG02 to LG08, along with Units 106 and 114 will not receive no direct sun between 9am and 3pm in mid-winter, equating to 24% (9 out of 38) of apartments with no direct sunlight.</p> <p>The proposal meets the requirements of 70% of apartments receiving a minimum 2 hours of direct sunlight, though it exceeds the 15% limit for apartments without direct solar access in mid-winter.</p> <p>Notwithstanding, the proposal is deemed acceptable for the following reasons:</p> <ul style="list-style-type: none"> • The building's orientation and layout restrict the ability to achieve full compliance with the solar access requirements. Units primarily affected are below street level and face south, therefore are unable to receive any solar access. It is essential to note that achieving a fully compliant design would be challenging without compromising the site's redevelopment potential. • To compensate for the reduced sunlight access, the proposal incorporate enhanced internal amenities by providing higher ceilings, larger windows and improved cross-ventilation. Additionally, the roof top communal open space offers a high-quality well-lit outdoor area for residents' recreational use and relaxation. • Although the proposal does not meet the solar access criteria, it aligns with underline objectives of the ADG by ensuring high standard if living and prioritising 	<p>No, considered acceptable on merit.</p>

Requirement	Proposed	Complies												
	sustainable development practices.													
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>24 out of 38 units are naturally cross ventilated, equating to 63% of units</p> <p>Overall depth of cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</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> <table><tr><th colspan="2">Minimum ceiling height for apartment and mixed use buildings</th></tr><tr><td>Habitable rooms</td><td>2.7m</td></tr><tr><td>Non-habitable</td><td>2.4m</td></tr><tr><td>For 2 storey apartments</td><td>2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area</td></tr><tr><td>Attic spaces</td><td>1.8m at edge of room with a 30 degree minimum ceiling slope</td></tr><tr><td>If located in mixed used areas</td><td>3.3m for ground and first floor to promote future flexibility of use</td></tr></table> <p>Ceiling height increases the sense of space in apartments and provides well-proportioned rooms.</p>	Minimum ceiling height for apartment and mixed use buildings		Habitable rooms	2.7m	Non-habitable	2.4m	For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area	Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope	If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use	<p>A minimum floor to floor height of 2.7m has been adopted for the entire residential component of the development.</p> <p>The non-residential comprises a floor to floor height of a minimum 4m (ground floor) which comply with the minimum 3.3m required for ground and first floor in mixed use development.</p>	Yes
Minimum ceiling height for apartment and mixed use buildings														
Habitable rooms	2.7m													
Non-habitable	2.4m													
For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area													
Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope													
If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use													
4D Apartment Size and Layout														
<p>Objective 4D-1: Design Criteria 1.</p> <p>Apartments are required to have the following minimum internal areas:</p>	<p>Achieved. All units are larger than ADG requirements.</p>	Yes												

Requirement		Proposed	Complies													
<table><tr><th>Apartment type</th><th>Minimum internal area</th></tr><tr><td>Studio</td><td>35m²</td></tr><tr><td>1 bedroom</td><td>50m²</td></tr><tr><td>2 bedroom</td><td>70m²</td></tr><tr><td>3 bedroom</td><td>90m²</td></tr></table> <p>The minimum internal areas include only one bathroom. Additional bedrooms increase the minimum internal area by 5m² each.</p>	Apartment type	Minimum internal area	Studio	35m ²	1 bedroom	50m ²	2 bedroom	70m ²	3 bedroom	90m ²						
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. Bedrooms are of sufficient size.	Yes Yes														
Bedrooms have a minimum dimension of 3m (excluding wardrobe space)																
Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none">3.6m for studio and 1 bedroom apartments4m for 2 and 3 bedroom apartments	Sufficient widths are provided to living rooms/dining rooms.	Yes														
4E Private Open Space and Balconies*																
All apartments are required to have primary balconies as follows: <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	All apartments provide the minimum required balcony areas and depths. In some cases it also exceeds the minimum areas. <
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														

Requirement	Proposed	Complies										
<p>Objective 4F-1: Design Criteria 1 The maximum number of apartments off a circulation core on a single level is eight.</p> <p>Objective 4F-2: 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	4m³	1 bedroom apartments	6m³	2 bedroom apartments	8m³	3+ bedroom apartments	10m³	<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	4m³											
1 bedroom apartments	6m³											
2 bedroom apartments	8m³											
3+ bedroom apartments	10m³											
4H Acoustic Privacy												
<p>Noise transfer is minimised through the siting of buildings and building layout.</p> <p>Noise impacts are mitigated within apartments through layout and acoustic treatments.</p>	<p>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. The apartment mix is distributed to suitable locations within buildings.</p>	<ul style="list-style-type: none">• 2 bedroom – 7 units• 3 bedroom – 29 units• 4 bedroom – 2 Units (including an affordable housing unit) <p>Total 38 Units</p> <p>19 units are adaptable and 1x 4 bed is nominated for affordable housing</p>	Yes										
4L Ground Floor Apartments												
<p>Street frontage activity is maximised where ground floor apartments are located. Design of ground floor apartments delivers amenity and safety for residents.</p>	NA											
4M Facades												
<p>Building facades provide visual interest along the street while respecting the character of the local area.</p>	<p>Facades are satisfactorily articulated to provide visual interest, using various means to visually modulate the building in both the vertical and horizontal planes.</p>	Yes										
4N Roof Design												

Requirement	Proposed	Complies
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.	An Access Report provided by Jensen Hughes Pty Ltd (Ref: 17328-Access-r2.0, dated 12/12/2023) demonstrates options and flexibility of use in the development. The report confirms: - 19 of 38 units (50%) are adaptable, which satisfies the <i>WDCP</i> requirement. - 19 adaptable units also meets the spatial requirements for silver liveable apartments (>20%) which satisfies the ADG requirement.	Yes
4R Adaptive Reuse		
Additions that complement the existing character, siting, scale, proportion, pattern, form and detailing Use of contemporary and complementary materials, finishes, textures and colours Design features should be incorporated sensitively into adapted buildings to make up for any physical limitations, to ensure residential amenity is achieved. 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.	An Access Report provided by Jensen Hughes Pty Ltd (Ref: 17328-Access-r2.0, dated 12/12/2023) demonstrates options and flexibility of use in the development. The report confirms: 19 of 38 units (50%) are adaptable, which satisfies the <i>WDCP</i> requirement. - 19 adaptable units also meets the spatial requirements for silver liveable apartments (>20%) which satisfies the ADG requirement.	Yes
4S Mixed Use		

Requirement	Proposed	Complies
<p>Mixed use developments positively contribute to the public domain:</p> <ul style="list-style-type: none"> - development addresses the street - active frontages are provided - diverse activities and uses - avoiding blank walls at the ground level <p>residential entries are separated from commercial entries and directly accessible from the street</p> <p>commercial service areas are separated from residential components</p> <p>residential car parking and communal facilities are separated or secured</p>	<p>The proposal satisfies active street frontage (cl 6.7 WLEP) requirements. The active street frontage map is shown below, where the site is identified in yellow rectangle, and active street frontage with double red lines.</p> 	Yes
4T Awnings and Signage		
<p>Awnings are well located and complement and integrate with the building design.</p> <p>Signage responds to context and desired streetscape character.</p>	NA	
4U Energy Efficiency		
<p>Adequate natural light is provided to habitable rooms</p> <p>Well located, screened outdoor areas should be provided for clothes drying</p> <p>Passive solar design aspects used</p> <p>Adequate natural ventilation minimises the need for mechanical ventilation</p>	<p>The BASIX assessment accompanying the application demonstrates that the proposal has been designed for optimal energy efficiency.</p> <p>Further, improved landscaping requested under the deferred commencement condition will provide effective and efficient natural solutions to reduce heat and provide relaxed amenities for all visitors and residents.</p> <p>Development is well naturally ventilated except for the basement and non-residential use, which may require alternative means of ventilation.</p>	Yes
4V Water Management		
<p>Water sensitive urban design systems proposed</p> <p>Detention tanks should be located under paved areas, driveways or in basement</p>	<p>This proposal is accompanied by a drainage design.</p>	Yes

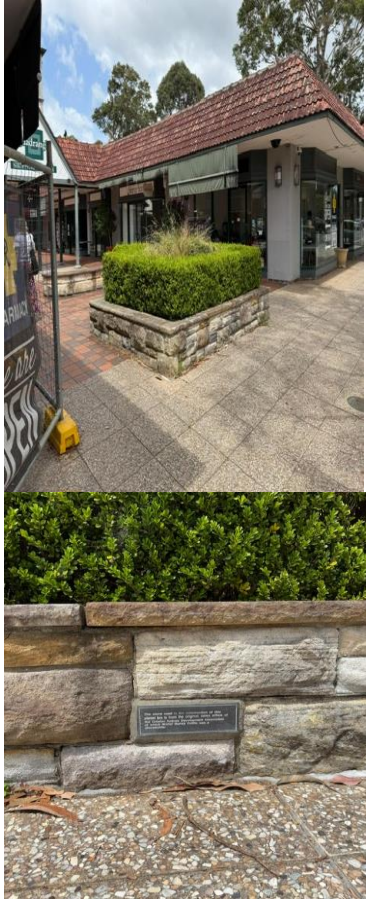
Requirement	Proposed	Complies
car parks		
4W Waste Management		
<p>Adequately sized storage areas for rubbish bins should be located discreetly away from the front of the development or in the basement car park</p> <p>All dwellings should have a waste and recycling cupboard</p> <p>Communal waste and recycling rooms are in convenient and accessible locations</p> <p>residential waste and recycling storage areas and access should be separate and secure from other uses</p>	<p>Waste storage facilities are provided within the development. Council's waste section has reviewed the proposal and recommended conditions in accordance with Council's waste management and collection procedures.</p>	<p>Yes, subject to conditions</p>

Willoughby Local Environmental Plan 2012 (amendment 34)


Site Area – 5096.2m² (As per CI 4.5 of the WLEP, total site area for the purpose of applying a floor space ratio is 5096.2m² excluding the land zoned RE1)

WLEP Control		Proposed	Standard	Compliance
Land Use Tables - E1 Local Centre and RE1 Public Recreation		The proposal successfully integrates suitable retail and residential uses that complement the character of the local center. Additionally, the provision of a through site link connecting to The Postern will improve accessibility for surrounding residents to the local center.	The proposed development satisfies the objectives of Both E1 and RE1	Yes
CI 4.3 and CI4.3A(6)	Height	The proposed development seeks to vary the height of main roof in the north-east corner of the building beyond RL97.49, which sits directly above the driveway. The height of the roof in this location seeks to be raised to the balustrade height permitted under CI4.3A(6)A of RL98.69. The remainder of the roof and elements on the roof are fully compliant with Clause 4.3 and 4.3A(6)	<p>CI 4.3 - RL 97.49 maximum height of the roof with the following exceptions</p> <p>CI 4.3A(6) :</p> <p>(a) Balustrades – RL98.69</p> <p>(b) Lift overrun – RL101.24</p> <p>(c) Stairs and amenities – RL100.04</p> <p>(d) Services – RL99.49</p>	No – see clause 4.6 assessment


CI 4.4/ 4.4A(9)	FSR	<p>Proposed FSR = 1.1.79:1</p> <p>GFA of 9,161m²</p> <p>Residential – 6,711m² Commercial – 2,450m² Total – 9,161m²</p> <p>The above ground or above street level FSR = 1.47:1</p>	<p>The maximum permissible FSR for the site 1.6:1.</p> <p>CI 4.4A (9) provides a bonus FSR of 0.2:1 if the floor space ratio of the part of the building located at or above the street level of Edinburgh Road does not exceed 1.6:1.</p> <p>Total allowable FSR 1.8:1 (GFA - 9173m²)</p>	Yes
		<p>In addressing the permissibility of the multi-storey units being a residential flat building, in accordance with S75, Schedule 1 of the <i>WLEP</i>:</p> <ul style="list-style-type: none"> The proposal make provision of 26% of the building area to be used for non-residential development; and 75% of the gross floor area of the ground floor will be used for retail purposes. 	<p>Additionally, in accordance with S75, schedule 1 of the <i>WLEP</i> to enable a development for residential flat building requires:</p> <p>(a) at least 20% of the gross floor area of the building will not be used for the purposes of residential accommodation or serviced apartments, and</p> <p>(b) at least 75% of the gross floor area of the ground floor of the building will not be used for the purposes of residential accommodation or serviced apartments.</p>	
CI 4.6	Exceptions to development standards	The proposal is seeking variation to the building height development standard CI4.3	N/A	Refer to the cl 4.6 assessment
CI 5.10	Heritage Conservation	<p>The subject site is neither a heritage item nor located in a conservation area. However, it is in proximity to the Griffin Heritage Conservation Area and the heritage item known as “Griffin Centre” at 120 Edinburgh Road (Heritage Item – 253). The application accompanied a Heritage Impact Statement, which has been reviewed by Council’s Heritage Officer. No concerns have been raised, subject to conditions of consent.</p> <p>During the community consultation and discussions with the applicant, it’s discovered that sandstone from the original Burley griffin Office was placed/reused on</p>	<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, subject to condition


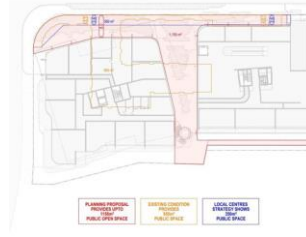
		<p>the development site. Upon further investigation, it was revealed that the sandstone form part of an existing planter bed with a plaque that details its historic significance. The applicant has confirmed that the sandstone will be reused on the site, and the plaque will be reinstated. Condition of consent will be imposed to ensure this occurs.</p> 		
CI 6.2	Earthworks	<p>The proposal involves excavation to accommodate the construction of proposed basement levels.</p> <p>The proposal is supported by a Geotechnical Investigation Report (Ref: E26044.G03), prepared by EI AUSTRALIA and dated May 2023.</p> <p>The Report recommends undertaking dilapidation surveys of the neighbouring properties prior to the commencement of any excavation works.</p>	<p>(1) <i>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>(3) <i>Before granting development consent for earthworks, the consent authority must consider the following matters—</i></p> <p>(a) <i>the likely disruption of, or</i></p>	Yes, subject to conditions requiring dilapidation survey requirements

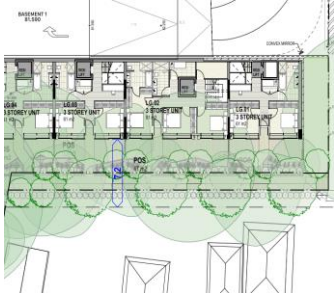
			<p><i>any detrimental effect on, drainage patterns and soil stability in the locality,</i></p> <p><i>(b) the effect of the proposed development on the likely future use or redevelopment of the land,</i></p> <p><i>(c) the quality of the fill or the soil to be excavated, or both,</i></p> <p><i>(d) the 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>	
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><i>(a) the facade and roof of the proposed building and paved surfaces are designed to reduce adverse effects of solar heat on the surrounding land, including private open space and the public domain, and</i></p> <p><i>(b) the awnings and eaves of the building are designed to provide shelter from the sun and improve public comfort at street level, and</i></p> <p><i>(c) the heating, ventilation and air conditioning systems of the building are designed to minimise the release of heat in the direction of private open space and the public domain, and</i></p> <p><i>(d) the development maximises the use of green infrastructure that is strategically designed and managed to support a good quality of life in an urban environment, and</i></p> <p><i>(e) the development accommodates sufficient tree canopy, open space and deep soil zones to achieve urban cooling benefits, and</i></p> <p><i>(f) the building is designed to achieve high passive thermal performance.</i></p>	Yes

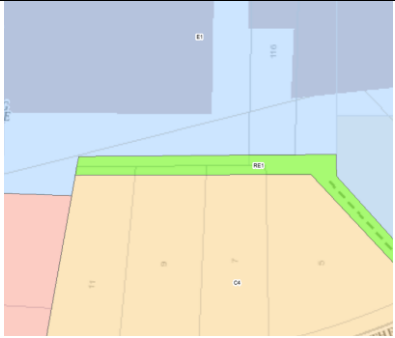

CI 6.7	Active Street Frontage	Ground floor premises facing the street are used for non-residential purposes	<p>The northern and western boundaries, fronting Edinburgh Road and Eastern Valley Way respectively, are affected by active street frontage control as shown in the map:</p> 	Yes
CI 6.8	Affordable Housing	<p>4% of GFA (residential part) is required to be dedicated as affordable housing, which equates to 268.44m².</p> <p>The only residential unit LG 08 is to be dedicated, which equates to 238m². The shortfall of 30.44m² will be addressed through a condition requiring a monetary contribution paid to Council, satisfying cl 6.8 of the <i>WLEP</i>.</p>	<p>The site is mapped as Area 9. A 4% of the residential GFA to be dedicated as affordable housing.</p>	Yes, subject to the condition requiring monetary contribution to be paid to the Council for left over floor area 30.44m ²
CI 6.23 (6) (a)	Design Excellence	<p>The proposal has been awarded Design Excellence. Although a formal Architectural Design Competition was not required given the scale of the development, the applicant undertook the design competition to inform the planning proposal.</p> <p>Additionally, to satisfy the requirements of CI 6.23(6)(a)(i), a design review panel was undertaken prior to the application lodgement on 23 June 2023. The submitted design, included amendments made 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> <ul style="list-style-type: none"> (i) a design review panel has reviewed the development, and (ii) the consent authority has taken into account the design review panel's review, or 	Yes


Willoughby Development Control Plan 2023(WDCP)			
Part L: Place Based Plans			
Description	Proposed	Controls	Compliance
2.2 Willoughby Local Centres Strategy 2036	The proposed redevelopment of the site aligns well with the future planning controls of the centre. The proposed mixed-use development enhances local amenities and offers services to the local community and contributes positively to the local economy.	<ul style="list-style-type: none"> The strategy aims to revitalise the local economy and provides the framework for future planning controls in the centres, including: <ul style="list-style-type: none"> o Castlecrag: on Edinburgh Road between Eastern Valley Way and Rutland Ave/ The Postern 	Yes
Section 6 – Castlecrag Local Centre			
6.2 - Performance Criteria	The building design is reflective of the Burley Griffin subdivision pattern, maintaining a sense of continuity and architectural heritage within the area.	a. reinforce the Griffin philosophy that the built form is subordinate to the surrounding natural environment.	Yes
	The building features a high level of articulation. The building design and articulation is designed to adapt to the site's topography reducing the visual bulk and enhancing the aesthetic appeal.	b. design buildings which are highly articulated with strong horizontal elements.	
	The communal open spaces on the roof top incorporates significant vegetation, contributing to a green roof that not only offers residents an inviting recreational area but also supports the environmental benefits like urban heat solution.	c. encourage green roofs, and roof top gardens in appropriate locations.	
	Both the supermarket and retail premises are positioned along Edinburgh Road, ensuring active street frontage that engages pedestrian and enhances the vibrancy of the area.	d. retain the fine grain built form of existing shopfronts on Edinburgh Road.	
	More than 50% of the proposed publicly open space will receive ample solar access throughout the day, particularly in the areas fronting Edinburgh Road, providing an inviting and functional open space that can be enjoyed year around.	e. ensure any redevelopment of the Quadrangle site provides new publicly accessible open space with good solar access.	


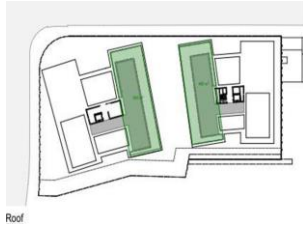
	<p>26% of the total GFA is allocated for non-residential use, supporting a mixed use development in a local centre that enhances local amenities and provides services to the local community.</p>	<p>f. ensure any redevelopment of the Quadrangle provides a significant proportion of non-residential floor space as shown on Figure 11, with a pattern of fine grain shops along the Edinburgh Road frontage.</p>		
	<p>The development achieve Active street frontage in compliance with the cl 6.7 of WLEP.</p>	<p>g. maintain active street frontages.</p>		
	<p>The development includes a single vehicular entry located at the far eastern end of the site along Edinburgh Road.</p>	<p>h. minimise vehicular access from Edinburgh Road.</p>		
	<p>Approximately 19.25% of the site area is dedicated to deep soil zones, primarily along the western and southern boundaries. The proposed planting schedule has been reviewed by Council's landscaping section with no issues raised.</p>	<p>i. provide deep soil zones in appropriate locations to support existing and additional mature trees with wide tree canopies to improve the streetscape and reduce urban heat impacts.</p>		
<p>6.3 - Master Plan for Castlecrag local centre and 6.4 – Controls for Castlecrag Local Centre</p>	<p>The specific masterplan and the controls in Section 13.2.1 take precedence over Clauses 6.3 and 6.4 requirements. Notwithstanding, the following key aspect of the broader masterplan are achieved:</p> <ul style="list-style-type: none">• Feasible retention of majority of the trees• Roof top communal open spaces and green roofs• Publicly accessible open space and through site link.	<p>Figure2: Master Plan for Castlecrag from <i>Willoughby Local Centres Strategy 2036</i>.</p> 	<p>Considered acceptable</p>	
<p>Part L: Section13 - Site Specific Controls – 13.2.1 – 100 Edinburgh Road, Castlecrag</p>				
<p>Description</p>	<p>Clause</p>	<p>Proposed</p>	<p>Controls</p>	<p>Compliance</p>
<p>Site Planning</p>	<p>13.2.1.2</p>	<p>The proposed development is generally consistent with the site master plan, as shown in figure 51, particularly regarding the building footprint and both vehicular and pedestrian access.</p> <p>The proposed design has also been scrutinised by the Design Review Panel and Council's Urban Designer, who found that it achieves a positive urban</p>	<p>Development of the site is to be carried out in accordance with the master plan scheme shown in Figure 51 and including the following siting and orientation of the buildings</p> <ul style="list-style-type: none">• provision of site facilities• vehicular and pedestrian access	<p>Yes</p>

		design outcome.	Figure 51: 	
Building Height		<p>The proposal does not comply with the maximum building height control under the <i>WLEP</i>. A variation of 1.2m is proposed to the maximum building height limit of RL97.49.</p> <p>The variation relates to the height of main roof in the north-east corner of the building beyond RL97.49, which sits directly above the driveway. The height of the roof in this location seeks to be raised to the balustrade height permitted under CI4.3A(6)A of RL98.69.</p>	<p>Development of the site is to be carried out in accordance with clause 4.3A of the <i>Willoughby LEP</i>.</p> <p>Ensure a maximum of four storeys above the ground level at the Eastern Valley Way frontage and up to three storeys along Edinburgh Road.</p>	No, see assessment of clause 4.6 written request, further in this report.
Publicly accessible open space		<p>A Publicly accessible open space, equating to 1150m² has been provided, which is consistent with figure 52.</p>	<p>Publicly accessible open space on site is to be provided as shown below in Figure 52.</p> 	Yes
Setbacks		<p>Edinburgh Road – Ground Level</p> <p>Western Building – 9.5m Eastern Building – 4m</p> <p>The proposal is consistent with Figure 53a.</p> <p>Eastern Valley Way – Ground Level</p> <p>Western Building – 2m to 5.14m</p> <p>The proposal results in a minor variation to the Ground level setback along Eastern Valley Way. Notwithstanding, the variation, the proposal generally aligns with Figure 53b. The variation stems from design refinements and reconfiguration of residential and non-residential</p>	<p>Setbacks are to comply with Figures 53a and 53b:</p> <p>Figure 53a shows Ground Floor setbacks</p> <p>Edinburgh Road:</p> <p>Western Building – 8m Eastern Building – 4m</p> <p>Eastern Valley Way:</p> <p>Western Building – 2m to 6.4m</p> <p>Eastern Boundary at driveway – ground level – 8.5m</p>	No, considered acceptable on merit.

	<p>areas to better integrate the affordable housing unit, which was previously isolated in the pre-da layout.</p> <p>Eastern Boundary at Driveway – Ground Level 8.3m. Minor non-compliance of 0.2m is acceptable.</p> <p>Southern boundary – Ground level</p> <p>Western Building – 6m</p> <p>Eastern building – 5.35m</p> <p>The eastern building does not meet the southern boundary setback as shown in the figure 53a. The applicant indicates this setback to be 7.2m (shown in the figure below) at ground level, which is incorrect. The setback shown on the architectural plans has been incorrectly measured, due to the inclusion of the land zoned RE1 that is not part of the development site.</p>  <p>The correct southern boundary setback for the eastern building is 5.35m.</p> <p>It is important to note that, the subject site and adjacent properties at 7, 9 & 11 The Postern are separated by Lot 1 DP 43688 and Lot 1 DP43691(part of the site), zoned RE1 (shown below), which serves as a buffer between the C4 environmental living and E1 Local Centre zones.</p>	<p>Southern boundary – Ground level</p> <p>Western Building – 6m Eastern Building – 6.2m</p> <p>Mid-block connection – Ground Level</p> <p>8.5m</p>	
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		 <p>This strip of RE1 land, which will be developed under the VPA for pedestrian access, provides an additional buffer between the proposed development and the neighboring residential properties to the south. Furthermore, the retention of existing mature trees will contribute to screening for adjacent developments.</p> <p>In view of the above; the buffer provided by the RE1 zoned land and existing vegetation, the proposed variation to the southern boundary is considered acceptable as it achieves adequate building separation and avoids unacceptable amenity impacts.</p> <p>The upper level setbacks to the street fronts generally aligns with Figure 53b.</p> <p>The western building also achieve a minimum of 6m setback to the southern boundary. However, the eastern building proposes a southern boundary setback ranging from 4m to 6.7m and does not comply with minimum 6m requirement.</p> <p>The applicant indicated this setback as 6m to 9.2m, which is incorrect due to the inclusion of the land zoned RE1 that is not part of the development site.</p> <p>As discussed in the context of the ground floor southern setback, the proposed upper level setbacks are considered acceptable.</p> <p>Any potential privacy and overshadowing impacts resulting from the development have</p>	<p>Figure 53b shows above street level setbacks:</p> <p><small>Fig 53b: Setback plan at Level 1 and 2. Note setbacks are to include balconies.</small></p>  <p><small>Landscaping and tree preservation</small></p> <p>Edinburgh Road</p> <p>Western Building – Levels 1 & 2 – 5.2m to 12.9m</p> <p>Eastern building – 1m to 10m</p>	
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		been addressed separately in the report above.		
Landscaping and tree preservation		<p>The proposal, as amended, includes the removal of 8 trees within the site, while retaining 32 trees, including the street trees along the Edinburgh Road and Eastern Valley Way frontages. 52 new trees are proposed to plant on the site. The trees proposed for removal do not align with the tree retention requirements outlined in the site specific <i>WDCP</i>.</p> <p>Council's Landscaping section has reviewed the proposal and raised no issues with the development for the following reasons:</p> <ul style="list-style-type: none"> The landscape outcome achieved by the latest set of plans has improved from the DA plans as originally submitted. Amendments to basement levels, building setbacks, access ways, stormwater and landscape design have resulted in the majority of existing trees being retained and generous areas of new landscape planting provided. <p>For more details, refer to the referral section of the report, which includes comprehensive comments from Council's Landscaping section.</p>	<p>Landscaping is to be provided as per the "Landscaping Concept" specified in "Planning Proposal Architecture and Landscape Report" by FJMT Studios (Aug. 2021).</p> <p>Street trees adjoining the site on Eastern Valley Way and Edinburgh Road are to be retained as shown in Tree Preservation Plan (Figure 54).</p> <p>Figure 54: Tree preservation plan</p>  <p>Trees on the southern boundary, other than trees specified in the report of the arborist for removal, are to be retained as shown in Tree Preservation Plan (Figure 54). Trees subject to pruning are to be re-assessed at DA stage.</p> <p>Additional trees are to be planted where shown on the landscape plan lodged with the Planning Proposal.</p>	Considered acceptable
Development controls Public open space		<p>A Publicly accessible open space, equating to 1150m² has been provided, which is consistent with figure 52.</p> <p>A condition of consent has been recommended, which requires creation of an easement as per the <i>WDCP</i> requirement.</p>	<p>Provide public access to the approximately 1,150 sqm of designated area defined in Figure 52.</p> <p>Any public right of way over private land should be for the public to use but is to be maintained by the private land holder. This public right of way should be compliant for disabled</p>	Yes

		<p>A condition requiring a management plan for public open space is to be provided to Council for its review and approval prior to commencement of any works.</p> <p>The proposal does not propose an outdoor dining area as part of this application. However, the applicant has amended the plans to illustrate a potential outdoor dining area for assessment purposes only, demonstrating that adequate space exists within the site to accommodate outdoor dining if required.</p>	<p>access and give consideration to Safer By Design principles and guidelines.</p> <p>A management plan for public open space areas is to be prepared by the applicant and approved by Council prior to approval of a development application on the site. The Management plan is to address future management arrangements of areas in private ownership to be accessed by the public, including outdoor dining, landscaping, public access and ongoing maintenance responsibilities.</p> <p>A footpath width on Edinburgh Road and Eastern Valley Way adjacent to the development that is 2.4m or wider as determined by the pedestrian load of the area and that generated by the development will be required. Any potential outdoor eating areas should be clear of this footway area.</p>	
Communal Open Space		<p>While the proposal does not strictly adhere to the communal open space (COS) requirements in the <i>WDCP</i>, it includes a COS that successfully achieves the objectives outlined in this part of the <i>WDCP</i>.</p> <p>The proposed COS, as proposed:</p>  <p>The proposed rooftop COS</p>	<p>The area, extent and location of communal open space is generally as per Figure 55:</p>  <p>Application detailing how adverse wind impacts through and around the building are to be mitigated.</p>	Yes

		provide for adequate outdoor space, offering residents recreational and relaxation opportunities. Additionally, the rooftop COS includes sufficient landscaping and receives solar access year-round, ensuring a high level of amenity for residents.		
Colours and materials		<p>The building incorporate a range of material and finishes, including sandstone and concrete facades, terracotta cladding, metal louvers and glazing.</p> <p>These material and finishes are align well with the objectives of the control and are considered to be sympathetic to the significance of the adjoining Griffin Heritage Conservation area.</p> <p>Additionally, the building's design, material, and external finishes have been reviewed by the design review panel and Council's urban designer, who found no issues with colours and materials.</p>	<p>The use of the materials and colours as identified in Indicative Material Palette is required to meet the stated objectives.</p> <p>The use of coloured panels or cladding to achieve visual interest is not permitted.</p>	Yes
Access, Parking, and Transport		<p>One vehicular access is proposed to the site, which provided from Edinburgh Road at the far eastern end of the site.</p> <p>Council's Traffic and Transport Team has reviewed the proposal and its potential impacts on the surrounding network and raised no concerns, subject to requiring a wombat crossing to Edinburgh Road for safe pedestrian movements to and from the site, along with a new traffic control system at the intersection of Edinburgh Road, Raeburn Avenue, and the development access to manage traffic movements effectively.</p> <p>The <i>DCP</i> requires a total of 10 bicycle spaces for the development:</p>	<p>Proposed vehicular access points are to be limited to no more than one ingress/egress from Edinburgh Road. Vehicular access is not permitted from Eastern Valley Way.</p> <p>Future development of the site must ensure that measures are put in place so that development will have no significant impact on the efficiency and operation of the existing surrounding road network.</p>	Yes

		<ul style="list-style-type: none">• 5 x Retail• 1 x retail visitor• 2 x resi• 2 x resi visitor <p>The proposal, as shown on the architectural plans, provide only 7 bicycle spaces, 3 being at grade and 4 located at basement level 2, without clarification as to whether these are designated for residential or retail users. A Condition of consent is recommended, requiring a minimum of 10 bicycle spaces to meet the WDCP requirement.</p> <p>The submitted architectural plans do not indicate the provision of any electrical vehicle charging infrastructure in the basement.</p> <p>A condition has been recommended to require charging stations to be provided in accordance with the NCC.</p> <p>The proposed Car Parking complies with the parking rate specified in Figure 57 of this part.</p> <p>The breakdown of the proposed parking is as follows:</p> <ul style="list-style-type: none">• 8 x Public spaces• 46 Residential spaces (including 19 accessible)• 100 x Retail/ supermarket (including 4 accessible)• 9 x Visitor (including 2 accessible)	<p>Active transport facilities including resident and visitor bicycle parking are to be provided.</p> <p>Electric car charge points are to be provided within any basement car park.</p> <p>The parking rates as specified in Figure 57 – Applicable Parking Rates are to be applied and any variation to these rates are to be agreed with Council.</p> <p>Required Parking:</p> <table><caption>Figure 57: Applicable Parking Rates – 100 Edinburgh Road Castlecrag</caption><tr><th>Component</th><th>Parking rate (targets)</th></tr><tr><td>Residential</td><td></td></tr><tr><td>1-bedroom unit</td><td>1 space per unit</td></tr><tr><td>2-bedroom unit</td><td>1 space per unit</td></tr><tr><td>3-bedroom unit</td><td>1.25 space per unit</td></tr><tr><td>Visitor spaces</td><td>1 space per 4 units</td></tr><tr><td>Supermarket</td><td>6 spaces per 100sqm</td></tr><tr><td>Retail</td><td>1 space per 25sqm</td></tr><tr><td>Restaurant</td><td>1 space per 75sqm</td></tr></table>	Component	Parking rate (targets)	Residential		1-bedroom unit	1 space per unit	2-bedroom unit	1 space per unit	3-bedroom unit	1.25 space per unit	Visitor spaces	1 space per 4 units	Supermarket	6 spaces per 100sqm	Retail	1 space per 25sqm	Restaurant	1 space per 75sqm	<ul style="list-style-type: none">• 8 x Public• 2B – 1 space/
Component	Parking rate (targets)																					
Residential																						
1-bedroom unit	1 space per unit																					
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3-bedroom unit	1.25 space per unit																					
Visitor spaces	1 space per 4 units																					
Supermarket	6 spaces per 100sqm																					
Retail	1 space per 25sqm																					
Restaurant	1 space per 75sqm																					

		<p>The proposal includes provide 8 public car parking spaces located on basement level 1.</p> <p>A minimum of 4 accessible spaces are provided for use by the public as retail accessible spaces.</p>	<p>dwelling = 7 spaces</p> <ul style="list-style-type: none"> • 3B & 4B – 1.25 spaces per dwelling = 38.75 spaces • Supermarket – 6 spaces/ 100m² = 1,227/16.66 = 73.6 spaces • Retail – 1 space/ 25m² = 649/25 • 1 space/ 4 units = 9.5 spaces <p>An additional 8 public car spaces are to be provided in addition to applicable <i>DCP</i> parking requirements.</p> <p>A minimum of 4 accessible parking spaces are to be provided for use by the public on site.</p>	
Electric Vehicle Charging	Part F	<p>The submitted architectural plans do not indicate the provision of any electrical vehicle charging infrastructure in the basement.</p> <p>A condition has been recommended to require charging stations to be provided in accordance with the NCC.</p>	<p>All garages and car spaces allocated to an individual residential apartment must make provision for:</p> <ul style="list-style-type: none"> • Level 2: single or 3-phase electric vehicle supply equipment with a power range of 7kW-22kW, as defined by NSW Electric and Hybrid Vehicle Plan (Future Transport 2056) from Transport for NSW, which provides faster, more secure charging. 	Yes, complies with condition
Accessible Car Parking	Part F	<p>Required – 6 accessible spaces</p> <p>Proposed:</p> <ul style="list-style-type: none"> • 19 residential accessible spaces (including 2 accessible visitor 	<p>1 space/4 accessible or adaptable units + 1 visitor space for developments comprising 50 or more car parking spaces</p>	Yes

		spaces) • 4 accessible parking spaces for retail use		
Waste and Recycling	Part D	Waste management Plan has been submitted. Council's Waste department has reviewed the development and offered conditions of consent.	Provision for On-site waste management and collection. Waste minimisation principles and management of the operational waste in accordance with the <i>WDCP 2023</i> .	Yes
Safer by Design	Part D	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. Additionally, the proposal was referred to NSW Police for comments, who raised not issues subject to recommending design treatment options required in line with Crime Prevention Through Environmental Design (CPTED) principles.	Requires design that allows people To see what others are doing in public and common spaces Access control – physical and symbolic barriers that can be used to attract, channel or restrict the movement of people; Territorial reinforcement clear design cues on who is to use space and what it is used for; and Space management ensuring that space is appropriately utilised and well cared for.	Generally considered satisfactory. Requirements from NSW Police are inserted in the consent.
Undergrounding of services	Part D	Condition applied for undergrounding	All services are to be located underground	Yes
Access and Mobility	Part D	An Access Report provided by Jensen Hughes Pty Ltd (Ref: 17328-Access-r2.0, dated 12/12/2023) demonstrates options and flexibility of use in the development.	Details are to be submitted with the development application to demonstrate the development will comply with the Disability (Access to Premises – Building) Standards 2010 under <i>Disability Discrimination Act 1992</i>	Yes
Adaptable Housing	Part B	19 adaptable units	50% of units must be provided as adaptable dwellings for mixed use and shop top housing development	Yes, Consent condition recommended.

Stormwater management	Part I	OSD and stormwater treatments, gravity disposal	OSD to ensure pre-development flows, gravity discharge of stormwater	Satisfactory, subject to conditions.
Vegetation Management	Part G	<p>The proposal involves removal of 8 trees and retention of 32 trees. Council's Landscaping section has reviewed the proposal including relevant documentation and advised:</p> <p><i>The proposal has undergone a number of iterations following assessment and discussions about various integrated issues on and adjoining the site.</i></p> <p><i>The landscape outcome achieved by the latest set of plans has improved from the DA plans as originally submitted.</i></p> <p><i>Amendments to basement levels, building setbacks, access ways, stormwater and landscape design have resulted in the majority of existing trees being retained and generous areas of new landscape planting provided.</i></p> <p><i>A peer review of the Arborist's Report prepared by Treeism Arboricultural Services addressing the amended plans and additional subsurface testing of critical areas around trees has been undertaken by Tree Wise Men Australia Pty Ltd under instruction from the applicant, confirming tree retention can be achieved as proposed.</i></p> <p><i>The amended plans indicate that all existing street trees along the Edinburgh Road and Eastern Valley Way frontages, ten trees in total, are to be retained.</i></p> <p><i>Within the site, eight trees are to be removed. Of these trees, the Arborist's Report identified:</i></p> <p><i>3 x High retention value</i></p> <p><i>4 x Medium retention value and</i></p> <p><i>1 x Low retention value.</i></p>	<p>To promote sustainable vegetation management and conserve and enhance the tree resources, natural systems including bushland, and landscape quality.</p> <p>Replacement trees at a rate of 3:1</p>	Yes

		<p><i>Twenty-three existing trees on the site are to be retained. Of these, the Arborist's Report identified:</i></p> <p><i>12 x High retention value and 11 x Medium retention value.</i></p> <p><i>The Landscape Plans indicate replanting of twenty-three new trees at ground level, eleven trees to Level 1 and twenty-six trees to Level 3, in addition to other shrubs and groundcovers.</i></p> <p><i>The proposal therefore now results in:</i></p> <p><i>Removal of 8 trees, Retention of 32 trees and Replanting of 57 trees.</i></p> <p><i>In view of the above, no objections are now raised regarding landscape issues subject to conditions as recommended. It is recommended that all Landscape Plans provided in the final drawing package be included in the stamped plans if Consent is to be granted.</i></p>		
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Referrals

Internal Referrals

Building services	No objection subject to conditions of consent
Engineering	<p>We have reviewed the revised stormwater plans, and the system has been amended to include a dual tank system. Calculations have not been provided to confirm that the system complies and there are still items that need to be addressed, including the connection point to the Council system for the south-east part of the site, which is not able to drain to the OSD system and Eastern Valley Way. While the plans have not satisfied all our concerns, we are satisfied that prior to CC the design can be amended to satisfy our requirements. As such, we have provided conditions relating to stormwater.</p> <p>Drainage from the south-east corner of the site is shown as connecting to a pit in the road reserve to the east of the site. Council's asset system has not record of a pit in this location. Drainage for this area may need to extend to the kerb and gutter, or if flows are over 20L/s, to the street system in The Rampart or The Postern. Conditions have provided that allow this to be determined prior to applying for a CC.</p> <p>The plans detail that the invert level of the pit at the connection point in Eastern Valley Way is 2.0m deep. We do not have confirmation that the pit is this deep and have required that plans be submitted prior to CC to confirm the actual depth.</p>

	<p>Vehicle access requirements have been addressed previously. Conditions have been imposed to require compliance.</p> <p>The works will impact the public domain. We have required that all footpaths be upgraded. As construction works will impact Edinburgh Road, we have required that the kerb and gutter and part pavement in Edinburgh Road are replaced.</p> <p>The development is acceptable, subject to conditions.</p>
Environmental Health	<p>A detailed site investigation (DSI) report has been submitted to support the DA. The report concluded that the site was suitable for the proposed development. An acoustic report and a Construction Noise and Vibration Management Plan were also submitted. The loading dock and waste collection activities will be carried out within the basement of the development so noise should not affect the residential units.</p> <p>Appropriate conditions have been recommended to deal with unexpected finds during excavation and noise mitigation construction measures are included in the acoustic report to deal with traffic noise intrusion.</p>
Waste	<p>The current proposal (October 2024) appears to be compliant with <i>WDCP 2023</i> and Council's preferences. The OWMP and architectural plans appear to sufficiently address waste management practices for the proposed development.</p>
Landscape	<p>The proposal has undergone a number of iterations following assessment and discussions about various integrated issues on and adjoining the site.</p> <p>It is noted that amended Stormwater, Architectural and Landscape Plans have been provided in response to the discussions.</p> <p>The landscape outcome achieved by the latest set of plans has improved from the DA plans as originally submitted.</p> <p>Amendments to basement levels, building setbacks, access ways, stormwater and landscape design have resulted in the majority of existing trees being retained and generous areas of new landscape planting provided.</p> <p>A peer review of the Arborist's Report prepared by Treeism Arboricultural Services addressing the amended plans and additional subsurface testing of critical areas around trees has been undertaken by Tree Wise Men Australia Pty Ltd under instruction from the applicant, confirming tree retention can be achieved as proposed.</p> <p>The amended plans indicate that all existing street trees along the Edinburgh Road and Eastern Valley Way frontages, ten trees in total, are to be retained.</p> <p>Within the site, eight trees are to be removed. Of these trees, the Arborist's Report identified: 3 x High retention value 4 x Medium retention value and 1 x Low retention value.</p> <p>Twenty-three existing trees on the site are to be retained. Of these, the Arborist's Report identified: 12 x High retention value and 11 x Medium retention value.</p> <p>The Landscape Plans indicate replanting of twenty-three new trees at ground level, eleven trees to Level 1 and twenty-six trees to Level 3, in addition to other shrubs and groundcovers.</p>

	<p>The proposal therefore now results in:</p> <p>Removal of 8 trees, Retention of 32 trees and Replanting of 57 trees.</p> <p>In view of the above, no objections are now raised regarding landscape issues subject to conditions as recommended. It is recommended that all Landscape Plans provided in the final drawing package be included in the stamped plans if Consent is to be granted.</p>									
Traffic and Transport	<p>1. <u>Traffic Impacts</u></p> <p>According to the traffic report, the proposed development will generate a significant number of trips during morning and evening peak hours, with the majority generated by the retail component. The intersection of Eastern Valley Way and Edinburgh Road is already operating over capacity under existing conditions. Despite this, no mitigation measures have been proposed to manage the additional traffic load on the local road network.</p> <p>2. <u>Impacts to pedestrian movements</u></p> <p>The retail shops, bus stops, and residential properties on the northern side of Edinburgh Road create natural desire lines for pedestrians to cross at these locations. The new development will increase pedestrian flows, which will further encourage pedestrians to cross Edinburgh Road directly in front of retail shops, rather than using the designated pedestrian crossing at the Eastern Valley Way/Edinburgh Road intersection. Given the anticipated increase in pedestrian activity, suitable traffic calming measures are required to reduce vehicle speeds within the Castlecrag local centre precinct. However, no such measures have been proposed to address the additional pedestrian movements that will be generated by the proposed development.</p> <p>3. <u>Intersection control at Edinburgh Rd/ Raeburn Ave/ Development access</u></p> <p>Council's previous comments raised two concerns: traffic performance and safety. The response provided by PTC dated 18 August 2024 aimed to justify why traffic control was not proposed at the intersection of Edinburgh Road, Raeburn Avenue, and the access driveway. While their response addressed traffic performance, it failed to address safety concerns arising from the intersection's uncontrolled operation. The consultant needs to explain how they will ensure safe operation of uncontrolled movements given the significant increase in trips to and from the proposed development, particularly regarding potential conflicts between turning movements from the western and northern approaches.</p>									
Contributions Officer	<p>Proposed Development involves:</p> <ol style="list-style-type: none">Demolition of existing structures including substation and removal of treesConstruction of a part 3, part 4-storey mixed-use development comprising:<ul style="list-style-type: none">Retail premises of 2,450m² (including supermarket, specialty retail and back of house areas)Residential units of 38 dwellings: <table><tr><th># of bedroom units</th><th>Quantity</th><th>Notes</th></tr><tr><td>2-bedroom</td><td>7</td><td></td></tr><tr><td>3-bedroom</td><td>29</td><td></td></tr></table>	# of bedroom units	Quantity	Notes	2-bedroom	7		3-bedroom	29	
# of bedroom units	Quantity	Notes								
2-bedroom	7									
3-bedroom	29									

	4-bedroom	1	
	Affordable Housing	1	Identified in Area 1 of Affordable Housing (AH) Map – 4% residential floor area dedication req'd
	Total	38	
3. Community open space at roof level			
4. Basement car parking			
The proposed development contains retail and residential uses and is therefore considered a mixed-use development (i.e. a development comprising 2 or more different land uses).			
In accordance with CI 2.5 and Table 1 of the <i>Willoughby Local Infrastructure Contribution Plan 2019</i> , “where a single development application comprises a mix of type (a) Residential Accommodation that would result in a net increase in residents on the land and (b) other development that has a proposed cost of works more than \$100,000, either a s7.11 contribution or a s7.12 levy will be imposed. The contribution method which produces the greater amount will be the method used for that application.” The subject development falls under this scenario, as such will be subject to either s7.11 or s7.12, whichever yields the greater amount.			
This calculation is demonstrated below:			
If s7.11 Contribution Calculation		Qty	Proposal - Calculation
Dwellings / Residents Proposed			dwelling rate Contributions (\$)
Studio or 1-bedroom dwelling		0	x \$11,045.36 0
2-bedroom dwelling		7	x \$15,544.09 \$108,808.63
3-or more bedroom dwelling		31	x \$20,000 \$620,000.00
Subtotal		38	\$728,808.63
AH dedication req'd under <i>WLEP</i> CI 6.8 - Area 1 CI 2.6 of WLIC Plan states that development contribution <u>does not</u> apply to Affordable Housing (AH). Hence exemption has been taken into account for the nominated 1 AH dwelling with 4-bedrooms			Exempt from contribution
Deduct 1 x 4-bedroom AH dwellings (i.e. \$728,808.63 minus \$20,000)		1	x \$20,000 \$20,000
Subtotal		37	\$708,808.63
In accordance with CI 2.9.1 of WLIC Plan, the following credits are given for this development:			
Credits for demolishing existing structures		Credits - Calculation	
Existing commercial area provided by drawings	2,591m ²	Total credits of area is 2,591 – 2,450 = 141m²	Per person rate
Proposed commercial floor area provided by drawings	2,450m ²		
# of workers based on assumed occupancy rate: 1 worker per 50m ² (note: “retail premise”)	(ie. 141m ² / 50m ²)	2.82 workers	
5 workers generate demand as 1 resident (i.e. 5 workers = 1 resident)	(ie 2.82 / 5 workers)	0.564 residents	x \$7333.75
		Less	\$4,136.24
s7.11 yield amount (with credits given): (i.e. \$708,808.63 minus \$4,136.24)	TOTAL	\$704,672.40	

Compared with...**If s7.12 Contribution Calculation**

Construction Cost without accounting Professional fees and Affordable Housing (AH) related cost with assumptions as follow:

- Construction costs (excl GST): \$57,856,707
- Construction costs without Prof cost, AH costs (excl GST): \$57,364,523

Unless the Developer provides evidence on the actual costing to the AH, the following assumptions have been made in the calculation. Deducted AH costs of \$492,184 (assumption based on \$2,068/m² (ref: Council's Cost Summary Rpt, 2024-02-01) for AH units total floor area: 238m² obtained from Plan 2002 - GA Plan - Basement 1, Plan 2003 - GA Plans - Mezzanine & Plan 2004 - GA Plans – Ground, all dated 2023-12-11)

Construction Cost
(incl GST)

\$63,100,975

Location & Applicable %

Non-CBD → 1%

S7.12 yielding amount based on costs of works (\$63,100,975 x 1%):

\$631,009.75

As demonstrated above, **\$704,672.40** of **s7.11** contribution **applies** to this development as **it yields greater amount than s7.12** contribution. If there are **changes** to the development statistics **before finalising the consent**, please let me know.

Note: for the spreadsheet of s7.11 / s7.12 calculations,

Condition **D03.003A** should be inserted as per below:

Insert prior to issue of Construction Certificate**S7.11 Contribution**

Prior to the issue of the Construction Certificate, a monetary contribution is to be paid to in accordance with section 7.11 of *Environmental Planning and Assessment Act, 1979* in the amount of **\$704,672.40** for the purposes of the Local Infrastructure identified in the *Willoughby Local Infrastructure Contributions Plan*.

Active transport and public domain facilities	\$30,052.54
Open space and recreation facilities	\$552,334.55
Plan administration	\$10,413.95
Recoupment - community facilities	\$106,223.74
Recoupment - open space and recreation	\$5,647.61
Total	\$704,672.40

Indexation

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

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

CPI_C

Where:

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

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

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

Deferred payments of contributions will not be accepted.

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

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

(Reason: Statutory requirement)

Housing Productivity Contribution (HPC)

Based on existing and proposed commercial / retail gross floor areas (GFA), there is no increase in proposed GFA (ie. 141m² reduction of GFA).

As such, the HPC will only account for the additional number of new dwellings at this mixed-use development and it is calculated based on the single rate of \$10,000 x 37 dwellings (Affordable dwelling exempted) = \$370,000. Therefore, condition **D01.004** should be inserted as per below:

Insert prior to issue of first Subdivision Certificate for the residential subdivision or first Construction Certificate for mixed-use development, whichever is earlier.

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
HPC (base component of 37 dwellings x \$10,000)	\$370,000
Total HPC	\$370,000

The HPC must be paid using the NSW planning portal:

<https://pp.planningportal.nsw.gov.au/>

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)

Voluntary Planning Agreement (VPA)

An executed VPA, dated 8 June 2023, and associated with the subject development specifies developer's obligations to perform the following. The obligations should be conditioned accordingly **prior to BOTH issues of Construction Certificate (D03.999) and Occupation Certificate (D07.999)**:

Insert prior to BOTH issues of Construction Certificate and Occupation Certificate

Planning Agreement

Prior to the issue of first Construction / Occupation Certificate, the obligations under the Planning Agreement relating to this development executed on 8 June 2023 are to be satisfied at the timing specified under Schedule 2 of the Planning Agreement.

Contact Council for a CPI indexation adjustment prior to paying the contribution of item A1 below.

Prior to carrying out the items B1, B2, B3 and D below at their respective timing, contact Council for requirements (e.g. approvals & specifications) relating to these items. See reference clauses for details.

Voluntary Planning Agreement (VPA) Contribution Item	Timing	Reference in VPA
A1. Pay \$100,000 monetary contribution	7 days prior to issue of Construction Certificate	Schedule 2, item A1
B1. Carrying out the works for the Pathway	Completion of works prior to issuing of the first	Schedule 2, item B1; Schedule 3 Map;

	shown as 'Item B.1' in Schedule 3, extending from the eastern boundary of land in Lot 1, DP 43691 to The Postern.	Occupation Certificate for the Development	clauses 14 & 14A
	B2. Construction of Public Car Spaces	Completion of works prior to issuing of first Occupation Certificate for the Development	Schedule 2, item B2; Schedule 3 Map; clauses 11 to 13C
	B3. Construction and provision of the Public Meeting Area	Completion of works prior to issuing of first Occupation Certificate for the Development	Schedule 2, item B3; Schedule 3 Map; clauses 11 to 13C;
	D. Registration of the following on land title: <ul style="list-style-type: none"> Public Car Spaces Encumbrance (Sch 4); Public Meeting Area Encumbrance (Sch 6); Public Access Easement (Sch 5) 	All three (3) matters to be registered on title prior to issuing of first Occupation Certificate for the Development	Schedule 2, item D; Schedule 3 Map; clauses 11 to 13C; Schedules 4, 5 & 6
	For details, refer to actual executed VPA by download the agreement from Council's website . (Reason: Ensure compliance)		
Urban Design	<p>Public Domain</p> <p>The existing proposal for the area of Public Realm Public Open space fronting Edinburg Rd.</p> <p>This area is heavily programmed with areas of planting and 'seating'. There is an opportunity for this area to provide significant informal and programmed events and activation. The amendments to the documentation has amended the configuration of the planting/seating areas and it is now more suited to its use as an occasional event/activity space such as weekend markets, events, outdoor passive recreation etc.</p> <p>The retention of tree canopy is supported. Noting that much of the area is located over the basement carparking there will be a requirement for planting to be contained in raised (irrigated and drained) garden beds.</p> <p>Council is supportive of working with the developer and their consultant team to develop a scheme that may allow for an appropriate level of amenity while also permitting the space to be activated for events and activities such as the Castlecrag Fair etc.</p> <p>The provision of conveniently located secured external power and lighting to this space will also support events and nighttime economy.</p> <p>Proposed traffic calming works.</p> <p>Council has recently undertaken community consultation to select a proposal to reduce traffic impact and speed (calming) to the subject property Edinburg Rd frontage.</p> <p>Councils Urban Design Specialist and the Traffic and Transport Team re supportive of working collaboratively with the Developer and their Consultant</p>		

	<p>team to ensure that any proposed works may be cohesively integrated with the proposed Public Realm works and these work being implemented in a coordinated manner to minimise community impact.</p> <p>Design Excellence Review Panel Generally, aligns, with the Juries final review, this final outcome does not require any further Design Excellence Integrity Review. The development has satisfied the initial phase of satisfying the <i>WLEP</i> Design Excellence Clause 6.23 through the selection of an Architect and building design. The DA, while subject to relatively minor modifications, still meets with and satisfies the objective of the <i>WLEP</i> Design Excellence Clause 6.23. Noting that any subsequent changes or Development Applications may require Design Excellence Integrity Review in accordance with the Design Excellence Guidelines. This development, as presented in the DA will make a positive contribution to the design quality of its context within the Chatswood CBD.</p> <p>For Council Action - Public Art Public Art Strategy Public Art Plan</p> <ul style="list-style-type: none"> • Artist selection process • Public Art Brief <ul style="list-style-type: none"> ○ Including location <p>Public Art Strategy Clearly outlining the following Demonstration of Excellence Composition of the Public Art Panel comprising, noting that Appendix 22 Public Art Strategy does not currently include WCC representation:</p> <ul style="list-style-type: none"> • Developer representative (assuming FJC) • Willoughby City Council representative (Urban Design Specialist and Arts and Culture Manager) • Independent Art Specialist (assuming Cultural Capital) <p>Project budget including breakdown:</p> <ul style="list-style-type: none"> • Project (building) CIV • Public Art budget <p>Public Art Ownership:</p> <ul style="list-style-type: none"> • Dedication of the Public Art to the people of Willoughby <ul style="list-style-type: none"> ○ Agreement between Developer/Body Corporate and WCC regarding ownership ○ Artist Rights ○ Deaccession Plan/Agreement as noted in The Public Art Strategy Document • Maintenance regimen and responsibilities noted as Body Corporate in Appendix 22 Public Art Strategy • Expected annual maintenance budget • Insurances <p>Prior to OC</p> <ul style="list-style-type: none"> • Agreement between the Developer WCC clearly identifying the following: • Dedication of the Public Art or Public Art contribution funds to the people of Willoughby <ul style="list-style-type: none"> ○ Agreement between Developer and WCC regarding ownership ○ Artist Rights
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	<ul style="list-style-type: none"> ○ Deaccession Plan/Agreement • Maintenance regimen and responsibilities • Expected annual maintenance budget • Insurances
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External Referrals

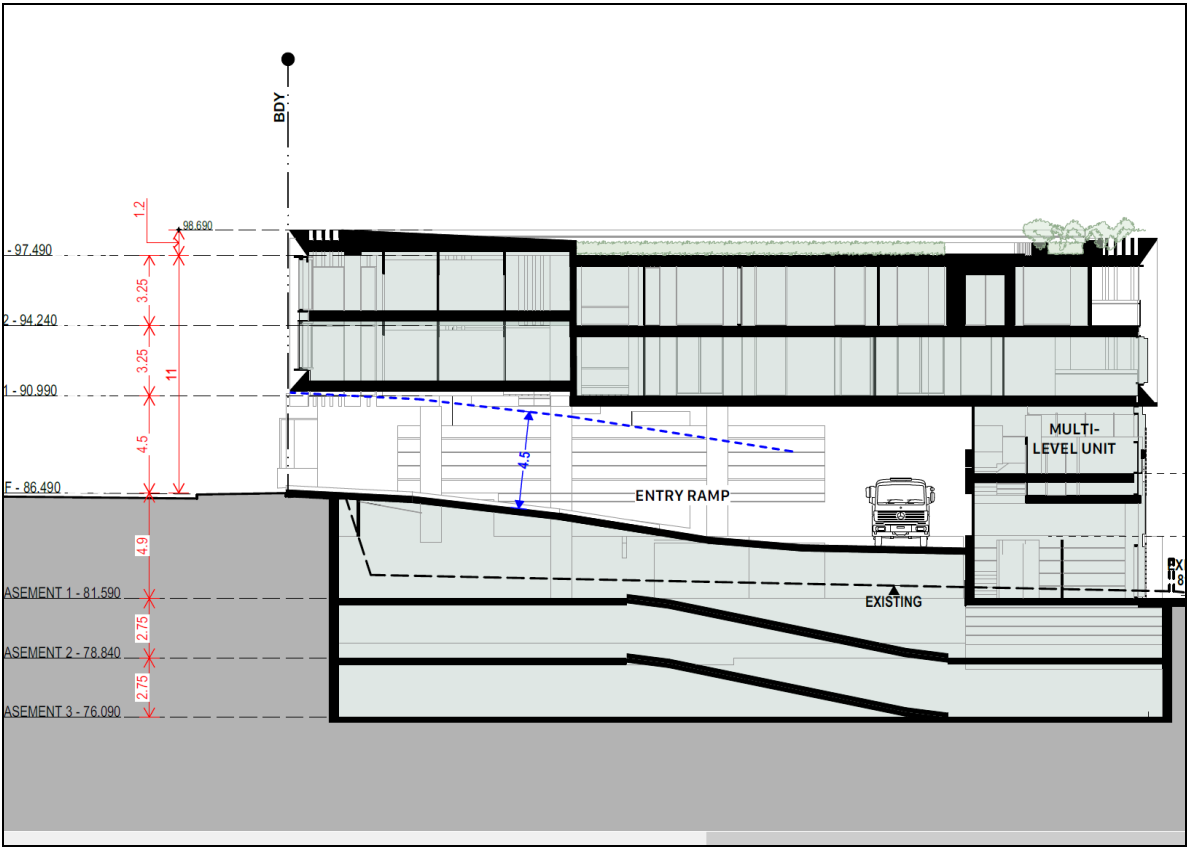
NSW Police	<p>Due to the nature of the development, identified crime risks and issues, we recommend the following:</p> <ol style="list-style-type: none"> 1. The site will need to be clearly identified through a building name or street number and be visible from the street. This will enable all emergency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

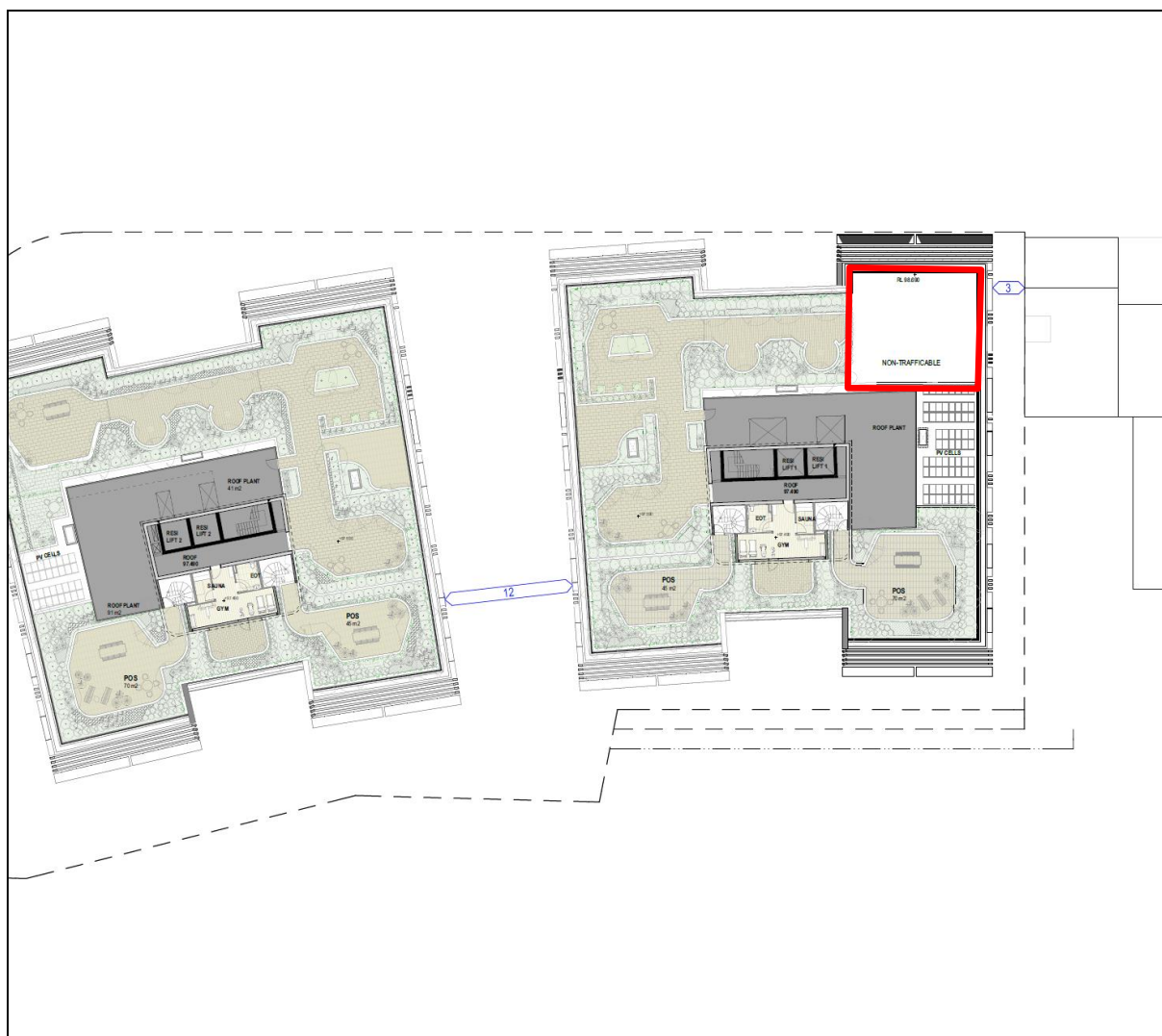
ATTACHMENT 3: OFFICER’S CLAUSE 4.6 ASSESSMENT – HEIGHT

Description of non compliance

Development Standard	Height Standard	Proposed Height	Variation (m)
CI 4.3 Height of buildings	RL 97.49	The proposed development seeks to vary the height of main roof in the north-east corner of the building with a maximum RL 98.69	1.2m



Proposed Section Plan showing the portion of the roof protruding above RL97.49



Proposed Roof Plan showing the non-compliant section of the roof, as shown in red outline.

Key points of the applicant's submission:

- The site was subject to a site specific planning control that established specific heights in relation to the roof, lifts, stair access, shared facilities and service installations. The detailed heights were determined on the basis of the provision of a 3.8m high clearance for garbage trucks entering and exiting the basement. This established the height across the entire site. This stage resulted in a design that was extensively detailed in the Planning Proposal submission. At no stage during the planning proposal or developer led design competition was the requirement for a 4.5m high clearance raised or considered. The amendments to the driveway requirements came into effect after the Planning Proposal was approved. Council now requires a 4.5m clearance for garbage truck to service the development, as part of Council's "future proofing". To comply with this requirement, which was not considered when the heights were established, the north eastern corner of the building has been raised. The increase in height is limited to the area above the driveway entry.
- The variation to the roof in the north eastern corner extends to the permitted height of 1.2 metres above finished floor that is permitted by the Clause to a balustrade. This section of the roof is no longer trafficable, and therefore does not require an additional balustrade beyond the roof.

- The section of roof that is non-compliant does not result in any additional adverse shadow to adjoining properties or the public domain beyond what would be expected by a compliant scheme. Any additional shadow is absorbed on the roof of the building.

Objectives of Clause 4.6

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

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

Cl 4.6 Criteria	Response
4.6(2) 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.	The development standard is not expressly excluded from the operation of this clause.
4.6 (3) 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—	
a) Has the applicant's submission demonstrated that compliance with the standard is unreasonable or unnecessary in the circumstances of the case, and	The applicant has provided a written request that seeks to justify the contravention of the development standard on the basis that compliance is unreasonable and unnecessary in the circumstances of this case.
b) Has the applicant's submission demonstrated that there are sufficient environmental planning grounds to justify the non-compliance?	The applicant's written request has sought to demonstrate sufficient environmental planning grounds.
4.6(4) Development consent must not be granted for development that contravenes a development standard unless:	
a) i) Has the applicant's written request adequately addressed the matters required to be demonstrated in subclause 3	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) Is the proposed development in the public interest because it is consistent with:	
• objectives of the particular development standard	Yes, see assessment below

<ul style="list-style-type: none"> objectives for the development within the zone in which the development is proposed to be carried 	Yes, see assessment below
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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>	The proposed height variation maintains the building's bulk and scale in harmony with the streetscape. Through an effective design solution, the height difference will not be noticeable from public domain, compared to the compliant design. This design ensures the preservation of the development's key architectural features, particularly consistent framing along Edinburgh Road.
b) <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>	The proposed development does affect any significant or iconic views currently obtained through the site. The impacts on privacy or visual intrusion are considered to be consistent with a compliant height proposal. There are no additional overshadowing impacts from the additional height.
c) <i>to ensure a high visual quality of the development when viewed from adjoining properties, the street, waterways, public reserves or foreshores,</i>	It is considered that the architectural design will provide a positive impact on the visual amenity of the local centre.
d) <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>	There are no significant views from adjacent development or public open spaces near or around the site.
e) <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>	The development is compliant with the allowable FSR under the <i>WLEP</i> and the required landscaping area under the <i>ADG (SEPP Housing 2021)</i> . Consequently, the height, while exceeding the maximum permissible height over part of the building footprint, is considered to be reasonably consistent with the redevelopment potential of the land.
f) <i>to use maximum height limits to assist in responding to the current and desired future character of the locality,</i>	The proposed height variation is contained within the maximum permitted balustrade height, while responding positively to the existing and desired future character of the locality.
g) <i>to reinforce the primary character and land use of the city centre of Chatswood with the area west of the</i>	Not relevant.

<i>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>	
<i>h) 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 E1 Local Centre Zone:

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

Zone Objective	Response
To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.	The proposal includes a supermarket and five additional retail premises, which can accommodate a variety of retail uses to meet the needs of residents, workers, and visitors in the area.
To encourage investment in local commercial development that generates employment opportunities and economic growth.	The proposed mixed-use development includes residential and is capable of accommodating a variety of commercial uses. The proposal is expected to enhance local amenities, provide valuable services to the community and contribute positively to the local economy.
To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.	The proposed development offers a range of apartment types that cater to market demand, including options suitable for downsizers. The proposal complies with the site specific residential and non-residential requirements under the <i>WLEP</i> , aligning with Council's Strategic Planning objectives for residential development in the area.
To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.	At least 75% of the Ground floor GFA will be allocated to a range of non-residential uses that will cater for the daily needs and services for the surrounding and wider community.
To provide for services and employment within walking distance of residences.	The proposed mixed-use development will contribute positively by providing essential services and employment opportunities within walking distance of residences, enhancing convince and supporting a vibrant local community
To generally conserve and enhance the unique sense of place of local centres by ensuring new development— (a) displays architectural and urban design quality, and (b) integrates with the desired character and cultural heritage of local centres.	The Design Review Panel and Council's Urban Designer have reviewed the proposal and found it to be achieving urban design excellence. The architectural detailing and landscaping contribute to a high quality built form that enhances the Castlecrag locality. The design also appears to be sympathetic to the Walter Burley Griffin subdivision pattern, enhancing the cultural heritage of the Castlecrag centre.

ATTACHMENT 4: 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 22 days from 2 February 2024 to 1 March 2024. The submissions received are listed and main concerns addressed in the following tables:

No.	Submission(s) Date	Address	Suburb
1	25-Jan-24	6 Bellambi Street	Northbridge
2	3/02/2024 & 1/3/24	19 The Parapet	Castlecrag
3	04-Feb-24	19 The Parapet	Castlecrag
4	05-Feb-24	42 The Bulwark	Castlecrag
5	6/02/2024 & 13/2/24	70 Edinburgh Road	Castlecrag
6	08-Feb-24	76-80 Edinburgh Road	Castlecrag
7	7/02/2024 & 26/2/24	16 Jacques Street	Chatswood
8	09-Feb-24	16 Warners Avenue	Willoughby
9	10-Feb-24	11 Raeburn Avenue	Castlecrag
10	14-Feb-24	16 Warners Avenue	Willoughby
11	18/02/2024 & 25/2/24	226 Edinburgh Road	Castlecrag
12	19-Feb-24	299 Edinburgh Road	Castlecrag
13	19/02/2024 & 01.03.24	27B The Scarp	Castlecrag
14	26/2/24, 12/3/24 & 21/3/24	2 The Barbette	Castlecrag
15	20/02/2024 & 3/3/24	83A Sugarloaf Crescent	Castlecrag
16	20-Feb-24	59 Sugarloaf Crescent	Castlecrag
17	21-Feb-24	62 The Bulwark	Castlecrag
18	21-Feb-24	5 Knight Place	Castlecrag
19	21-Feb-24	2 The Barbette	Castlecrag
20	22-Feb-24	11 The Bastion	Castlecrag
21	22-Feb-24	9 The Scarp	Castlecrag
22	22-Feb-24	369 Edinburgh Road	Castlecrag
23	22-Apr-24	204 Edinburgh Road	Castlecrag
24	22-Feb-24	258 Edinburgh Road	Castlecrag
25	23-Feb-24	191 Edinburgh Road	Castlecrag
26	23/02/2024 & 27/02/2024	10 The Battlement	Castlecrag
27	23-Feb-24	21 The Rampart	Castlecrag
28	23-Feb-24	18 The Postern	Castlecrag
29	27/02/2024 & 28/2/24	68 The Bulwark	Castlecrag

30	27-Feb-24	19 The Scarp	Castlecrag
31	27-Feb-24	79 Sugarloaf Crescent	Castlecrag
32	27-Feb-24	99 Edinburgh Road	Castlecrag
33	27-Feb-24	68 The Bulwark	Castlecrag
34	27-Feb-24	361 Edinburgh Road	Castlecrag
35	27-Feb-24	27 Sunnyside Crescent	Castlecrag
36	27-Feb-24	9 Morotai Crescent	Castlecrag
37	27-Feb-24	21 Highland Range	Middle Cove
38	27-Feb-24	232 Edinburgh Road	Castlecrag
39	27-Feb-24	93 The Bulwark	Castlecrag
40	27-Feb-24	2 The Scarp	Castlecrag
41	24-Feb-24	19 Citadel	Castlecrag
42	24/02/2024 & 27/2/24	119 Eastern Valley Way	Castlecrag
43	28-Feb-24	111 Eastern Valley Way	Castlecrag
44	25-Feb-24	8 The Parapet	Castlecrag
45	25-Feb-24	7 The Postern	Castlecrag
46	25/02/2024 & 27/02/2024	64 Linden Way	Castlecrag
47	24/02/2024 & 27/2/24 & 29/2/24	66 The Bulwark	Castlecrag
48	25-Feb-24	80 The Bulwark	Castlecrag
49	25-Feb-24	16 The Postern	Castlecrag
50	25-Feb-24	5 The Citadel	Castlecrag
51	24-Feb-24	7 The Barbican	Castlecrag
52	25-Feb-24	5 The Barbican	Castlecrag
53	27-Feb-24	3 Fourth Avenue	Willoughby East
54	26-Feb-24	224 Edinburgh Road	Castlecrag
55	26-Feb-24	13 The Bastion	Castlecrag
56	26-Feb-24	54 Linden Way	Castlecrag
57	27-Feb-24	7 The Tor Walk	Castlecrag
58	26-Feb-24	29 Sunnyside Crescent	Castlecrag
59	26-Feb-24	3 Sugarloaf Crescent	Castlecrag
60	26-Feb-24	97 The Bulwark	Castlecrag
61	26-Feb-24	3 The Postern	Castlecrag
62	26-Feb-24	18 The Battlement	Castlecrag
63	26-Feb-24	23A Linden Way	Castlecrag
64	26-Feb-24	13 Rutland Avenue	Castlecrag
65	26-Feb-24	189 Edinburgh Road	Castlecrag
66	26-Feb-24	11 Linden Way	Castlecrag
67	26-Feb-24	3 The Rampart	Castlecrag
68	27-Feb-24	31 Sunnyside Crescent	Castlecrag
69	26-Feb-24	42 Raeburn	Castlecrag
70	27-Feb-24	215 Sailors Bay Road	Northbridge

71	27/02/2024 & 29/2/24	12 The Barbette	Castlecrag
72	27-Feb-24	48A Sunnyside Crescent	Castlecrag
73	27-Feb-24	254 Edinburgh Road	Castlecrag
74	27-Feb-24	8 Edinburgh Road	Willoughby
75	27-Feb-24	No Address Details	
76	27-Feb-24	162 Edinburgh Road	Castlecrag
77	27/02/2024 & 1/3/24	10a The Scarp	Castlecrag
78	28/02/2024 x 2	333 Edinburgh Road	Castlecrag
79	28-Feb-24	100 The Bulwark	Castlecrag
80	26-Feb-24	11 The Tor Walk	Castlecrag
81	27-Feb-24	10a The Scarp	Castlecrag
82	27-Feb-24	217 Edinburgh Road	Castlecrag
83	27-Feb-24	1/77A Edinburgh	Castlecrag
84	28-Feb-24	8 The Barbette	Castlecrag
85	27-Feb-24	38 Johnson	Chatswood
86	28-Feb-24	6 The Rampart	Castlecrag
87	28-Feb-24	4 The High Tor	Castlecrag
88	28-Feb-24	203 Edinburgh Road	Castlecrag
89	28-Feb-24	75 Sunnyside Crescent	Castlecrag
90	28-Feb-24	4/76-80 Edinburgh Road	Castlecrag
91	28-Feb-24	10 Raeburn Ave	Castlecrag
92	28-Feb-24	16 The Rampart	Castlecrag
93	28-Feb-24	38 Sunnyside CRES	Castlecrag
94	28-Feb-24	192 Edinburgh Road	Castlecrag
95	28-Feb-24	51 Fourth Avenue	WILLOUGHBY
96	28-Feb-24	11 Charles	Castlecrag
97	28-Feb-24	119 Eastern Valley Way	Castlecrag
98	28-Feb-24	8 The Bastion	Castlecrag
99	28-Feb-24	5 Charles	Castlecrag
100	27-Feb-24	375 Edinburgh Road	Castlecrag
101	26-Feb-24	34 The Parapet	Castlecrag
102	29-Feb-24	116 Edinburgh Road	Castlecrag
103	29-Feb-24	1A Penkivil	Willoughby
104	29-Feb-24	57 Third Avenue	Willoughby East
105	29-Feb-24	10 The Bastion	Castlecrag
106	29-Feb-24	11A The Bulwark	Castlecrag
107	29-Feb-24	8 Charles	Castlecrag
108	28-Feb-24	211 Edinburgh Road	Castlecrag
109	27-Feb-24	6 Rockley Street	Castlecrag
110	26-Feb-24	2A The High Tor	Castlecrag
111	28-Feb-24	2 Fourth Avenue	Willoughby East
112	27-Feb-24	63 The Bulwark	Castlecrag
113	26-Feb-24	1 Third Avenue	Willoughby East
114	26-Feb-24		
115	28-Feb-24	329 Eastern Valley Way	Castlecrag

116	26-Feb-24	7 The Battlement	Castlecrag
117	26-Feb-24	166 Edinburgh Road	Castlecrag
118	27-Feb-24	68 Edinburgh Road	Willoughby
119	27-Feb-24	13 Raeburn Avenue	Castlecrag
120	27-Feb-24	16 The Barbette	Castlecrag
121	01-Mar-24	162 Eastern Valley Way	WILLOUGHBY
122	01-Mar-24	32 The Parapet	Castlecrag
123	01-Mar-24	3 Raeburn Venue	Castlecrag
124	1/03/2024 & 1/3/24	16 The Bastion	Castlecrag
125	01-Mar-24	31 Second Avenue	WILLOUGHBY EAST
126	01-Mar-24	No address given	
127	01-Mar-24	14 Second Avenue	WILLOUGHBY EAST
128	01-Mar-24	23 Rembrandt Drive	MIDDLE COVE
129	28-Feb-24	37 Duntroon Street	Hurlstone Park
130	3/03/2024 & 4/3/24	339 Eastern Valley Way	CASTLE COVE
131	26-Feb-24	56 Sunnyside Crescent	Castlecrag
132	27-Feb-24	29 The Battlement	Castlecrag
133	27-Feb-24	27 The Scarp	Castlecrag
134	27-Feb-24	46 Raeburn Avenue	Castlecrag
135	26-Feb-24	204 Edinburgh Road	Castlecrag
136	28-Feb-24	7 Charles Street	Castlecrag
137	29-Feb-24	43 The Tor	Castlecrag
138	29/02/2024 & 1/3/24	41 The Tor	Castlecrag
139	29-Feb-24	15A Second Avenue	Willoughby East
140	28-Feb-24	8 The Bastion	Castlecrag
141	29-Feb-24	188 Edinburgh Road	Castlecrag
142	28-Feb-24	260 Edinburgh Road	Castlecrag
143	29-Feb-24	12 The Barbette	Castlecrag
144	28-Feb-24	17 Mabel Street	Willoughby
145	29-Feb-24	2 Sortie Port	Castlecrag
146	28-Feb-24	19 The Scarp	Castlecrag
147	29-Feb-24	11A The Bulwark	Castlecrag
148	28-Feb-24	337 Edinburgh Road	Castlecrag
149	28-Feb-24	16 The Rampart	Castlecrag
150	28-Feb-24	8 Charles Street	Castlecrag
151	28-Feb-24	26 Charles Street	Castlecrag
152	28-Feb-24	303 Edinburgh Road	Castlecrag
153	29-Feb-24	10 The Bastion	Castlecrag
154	29-Feb-24	27 Second Avenue	Willoughby East
155	29-Feb-24	38 Linden Way	Castlecrag
156	29-Feb-24	34 The Bulwark	Castlecrag
157	29-Feb-24	361 Edinburgh Road	Castlecrag
158			
159	29-Feb-24	Level 10, 2 Elizabeth Plaza	NORTH SYDNEY

160	04-Mar-24	13 Dalkeith Street	NORTHBRIDGE
161	29-Feb-24	36 The Parapet	Castlecrag
162	29-Feb-24	81 Eastern Valley Way	Castlecrag
163	21-Feb-23	23 Linden Way	Castlecrag
164	29-Feb-24	104 The Bulwalk	Castlecrag
165	29-Feb-24	35A Linden Way	Castlecrag
166	01-Mar-24	168 Edinburgh Road	Castlecrag
167	29-Feb-24	17 Sunnyside Crescent	Castlecrag
168	28-Feb-24	61 Sunnyside Crescent	Castlecrag
169	29-Feb-24	26 Raeburn Avenue	Castlecrag
170	28-Feb-24	20 The Rampart	Castlecrag
171	28-Feb-24	260 Edinburgh Road	Castlecrag
172	28-Feb-24	20 The Rampart	Castlecrag
173	28-Feb-24	92 The Bulwark	Castlecrag
174	28-Feb-24	17 The Bulwark	Castlecrag
175	28-Feb-24	24 The Rampart	Castlecrag
176	28-Feb-24	34 Fourth Avenue	Willoughby East
177	26-Feb-24	7 The Citadel	Castlecrag
178	28-Feb-24	166 Edinburgh Road	Castlecrag
179	28-Feb-24	241 Edinburgh Road	Castlecrag
180	28-Feb-24	23 The Rampart	Castlecrag
181	28-Feb-24	3/21 Eastern Valley Way	Northbridge
182	28-Feb-24	15 The Citadel	Castlecrag
183	28-Feb-24	11 The Tor Walk	Castlecrag
184	28-Feb-24	36 The Scarp	Castlecrag
185	29-Feb-24	35 Raeburn Avenue	Castlecrag
186	28-Feb-24	22 The Rampart	Castlecrag
187	29-Feb-24	41 Second Avenue	Willoughby East
188	28-Feb-24	36 The Scarp	Castlecrag
189	29-Feb-24	41 Second Avenue	Willoughby East
190	28-Feb-24	30 Linden Way	Castlecrag
191	28-Feb-24	18 The Parapet	Castlecrag
192	28-Feb-24	11 Sugaloaf Crescent	Castlecrag
193	29-Feb-24	42 Linden Way	Castlecrag
194	29-Feb-24	177 Edinburgh Road	Castlecrag
195	29-Feb-24	4A The Tor	Castlecrag
196	29-Feb-24	5/3 The Postern	Castlecrag
197	29-Feb-24	1 The Parapet	Castlecrag
198	29-Feb-24	27 Cheyne Walk	Castlecrag
199	29-Feb-24	PO Box 4255	Castlecrag
200	29-Feb-24	103 The Bulwark	Castlecrag
201	29-Feb-24	6 Cheyne Walk	Castlecrag
202	29-Feb-24	8 Sortie Port	Castlecrag
203	29-Feb-24	67 The Bulwark	Castlecrag
204	29/02/2024 & 1/3/24	9 The Postern	Castlecrag
205	28/02/2024 & 29/2/24		
206	29-Feb-24	163 Edinburgh Road	Castlecrag

207	29-Feb-24	49 The Bulwark	Castlecrag
208	29-Feb-24	27 The Rampart	Castlecrag
209	29-Feb-24	4 Kennedy Place	St Ives
210	29-Feb-24	30 Robert Street	Willoughby East
211	01-Mar-24	41 Third Avenue	Willoughby East
212	01-Mar-24	2 The High Tor	Castlecrag
213	01-Mar-24	PO Box 4259	Castlecrag
214	01-Mar-24	130 Eastern Valley Way	Willoughby East
215	01-Mar-24	14 Sortie Port	Castlecrag
216	01-Mar-24	6 The Scarp	Castlecrag
217	01-Mar-24	36 Linden Way	Castlecrag
218	01-Mar-24	28 The Bulwark	Castlecrag
219	01-Mar-24	2 The Barbican	Castlecrag
220	01-Mar-24	62 The Bulwark	Castlecrag
221	01-Mar-24	68 Linden Way	Castlecrag
222	01-Mar-24	8 The Barbette	Castlecrag
223	01-Mar-24	15 The Bastion	Castlecrag
224	01-Mar-24	37 The Battlement	Castlecrag
225	01-Mar-24	2/3 The Postern	Castlecrag
226	01-Mar-24	39 Rembrandt Drive	Middle Cove
227	01-Mar-24	8A Sunnyside Crescent	Castlecrag
228	01-Mar-24	15 The High Tor	Castlecrag
229	01-Mar-24	100A Sydney Street	North Willoughby
230	01-Mar-24	14 Heights Crescent	Middle Cove
231	01-Mar-24		
232	01-Mar-24	48 Linden Way	Castlecrag
233	01-Mar-24	226 Edinburgh Road	Castlecrag
234			
235	01-Mar-24	40 Linden Way	Castlecrag
236	01-Mar-24	77 Castlereagh Street	Sydney
237	01-Mar-24	PO Box 4263	Castlecrag
238	01-Mar-24	33 Strathallen Avenue	Northbridge
239	01-Mar-24	33 Fourth Avenue	Willoughby East
240	01-Mar-24	3 The Barbette	Castlecrag
241	01-Mar-24	84 The Bulwark	Castlecrag
242	01-Mar-24	335 Edinburgh Road	Castlecrag
243	01-Mar-24	5 The Scarp	Castlecrag
244	01-Mar-24	35 Edinburgh Road	Castlecrag
245	01-Mar-24	49 Third Avenue	Willoughby East
246	01-Mar-24	8/100 Edinburgh Road	Castlecrag
247	01-Mar-24	5 Fourth Avenue	Willoughby East
248	01-Mar-24	8A Sunnyside Crescent	Castlecrag
249	01-Mar-24	23 The Citadel	Castlecrag
250	01-Mar-24	19 Morotai Crescent	Castlecrag
251	01-Mar-24	22 Sunnyside Crescent	Castlecrag
252	01-Mar-24	1 The Barricade	Castlecrag

253	01-Mar-24	8 Sunnyside Crescent	Castlecrag
254	01-Mar-24	72 Linden Way	Castlecrag
255	01-Mar-24	70 The Bulwark	Castlecrag
256	01-Mar-24	Di Jones - Suite 5/15 Grosvenor Street	Neutral Bay
257	01-Mar-24	47 Second Avenue	Willoughby East
258	01-Mar-24	1 The Barricade	Castlecrag
259	01-Mar-24	12 Second Avenue	Willoughby East
260	01-Mar-24	32 Remuera Street	Willoughby
261	01-Mar-24		Castlecrag
262	01-Mar-24	17 The Bastion	Castlecrag
263	01-Mar-24	31 Fourth Avenue	Willoughby East
264	01-Mar-24	4 Lincoln Avenue	Castlecrag
265	29-Feb-24	345 Edinburgh Road	Castlecrag
266	01-Mar-24	133 Edinburgh Road	Castlecrag
267	01-Mar-24	4 Laurel Street	Willoughby East
268	01-Mar-24	70 The Bulwark	Castlecrag
269	01-Mar-24	35 Raeburn Avenue	Castlecrag
270	01-Mar-24	46 Third Avenue	Willoughby East
271	03-Mar-24	9 Third Avenue	Willoughby East
272	01-Mar-24	69 The Bulwark	Castlecrag
273	01-Mar-24	16 Alpha Road	Willoughby
274	03-Mar-24	13 Charles Street	Castlecrag
275	01-Mar-24	96 Sugarloaf Crescent	Castlecrag
276	01-Mar-24	287 Edinburgh Road	Castlecrag
277	01-Mar-24		Putney
278	01-Mar-24	9 The Bulwark	Castlecrag
279	01-Mar-24	367 Edinburgh Road	Castlecrag
280	03-Mar-24	13 Dalkeith Street	Northbridge
281	01-Mar-24	29 Weemala Road	Northbridge
282	01-Mar-24	10 Kareema Street	Balgowlah
283	02-Mar-24	17 The Tor Walk	Castlecrag
284	01-Mar-24	13 Heights Crescent	Middle Cove
285	01-Mar-24	6 The Barrette	Castlecrag
286	01-Mar-24	101 The Bulwark	Castlecrag
287	01-Mar-24	171 Edinburgh Road	Castlecrag
288	01-Mar-24	38 Rutland Avenue	Castlecrag
289	01-Mar-24	26 The Parapet	Castlecrag
290	01-Mar-24	1 Parker Street	Northbridge
291	01-Mar-24	69 The Bulwark	Castlecrag
292	01-Mar-24	9 The Barricade	Castlecrag
293	27-Feb-24	108 The Bulwark	Castlecrag
294	06-Mar-24	315 Edinburgh Road	Castlecrag
295	05-Mar-24	83 The Bulwark	Castlecrag
296	07-Mar-24	315 Edinburgh Road	Castlecrag
297	01-Mar-24	48 Fourth Avenue	Willoughby East
298	01-Mar-24	69 Sugarloaf Crescent	Castlecrag
299	29-Feb-24	4 Kiola Road	Northbridge

300	29-Feb-24	39 The Rampart	Castlecrag
301	29-Feb-24	56 Mowbray Place	Willoughby
302	01-Mar-24	6 The Bulwark	Castlecrag
303	29-Feb-24		
304	01-Mar-24		
305	01-Mar-24	1 Rockley Street	Castlecrag
306	29-Feb-24	214 Edinburgh Road	Castlecrag
307	29-Feb-24	16 Charles Street	Castlecrag
308	29-Feb-24	5 Linden Way	Castlecrag
309	29-Feb-24	39 Edinburgh Road	Willoughby East
310	29-Feb-24	1 Rockley Street	Castlecrag
311	29-Feb-24	13 Second Avenue	Willoughby East
312	29-Feb-24	24 The Rampart	Castlecrag
313	29-Feb-24	198 Edinburgh Road	Castlecrag
314	01-Mar-24	44 The Rampart	Castlecrag
315	29-Feb-24	305 Edinburgh Road	Castlecrag
316	29-Feb-24	29 Raeburn Avenue	Castlecrag
317	29/02/2024 x 2	57 Sunnyside Crescent	Castlecrag
318	29-Feb-24	327 Edinburgh Road	Castlecrag
319	29-Feb-24	21 Third Avenue	Willoughby East
320	29-Feb-24	25 Kameruka Road	Northbridge
321	29-Feb-24	3 The Battlement	Castlecrag
322	29-Feb-24	16 Charles Street	Castlecrag
323	29-Feb-24	34 Sunnyside Crescent	Castlecrag
324	29-Feb-24	30 Raeburn Avenue	Castlecrag
325	29-Feb-24	2 The Parapet	Castlecrag
326	29-Feb-24	15 Linden Way	Castlecrag
327	01-Mar-24	69 Sugarloaf Crescent	Castlecrag
328	29-Feb-24	3 The Palisade	Northbridge
329	01-Mar-24	57 Third Avenue	Willoughby East
330	01-Mar-24		
331	29-Feb-24	23 The Battlement	Castlecrag
332	29-Feb-24	41 Sunnyside Crescent	Castlecrag
333	29-Feb-24	29 The Parapet	Castlecrag
334	29-Feb-24	26 The Scarp	Castlecrag
335	29-Feb-24	27 The Rampart	Castlecrag
336	29-Feb-24	311 Edinburgh Road	Castlecrag
337	29/02/2024 & 15/3/24	6 The Bulwark	Castlecrag
338	29-Feb-24	47 Second Avenue	Willoughby East
339	01-Mar-24	36 Robert Street	Willoughby
340	01-Mar-24	34 Rutland Avenue	Castlecrag
341	01-Mar-24	63 The Bulwark	Castlecrag
342	01-Mar-24	145 Sailors Bay Road	Northbridge
343	01-Mar-24	36A The Bulwark	Castlecrag
344	01-Mar-24	44 The Rampart	Castlecrag
345	01-Mar-24	46 The Rampart	Castlecrag
346	01-Mar-24	96 The Bulwark	Castlecrag

347	01-Mar-24	219 Edinburgh Road	Castlecrag
348	01-Mar-24	Australian Defence Force	
349	01-Mar-24	13 Fourth Avenue	Willoughby East
350	29-Feb-24	2 Tower Reserve	Castlecrag
351	01-Mar-24	4 Tower Reserve	Castlecrag
352	01-Mar-24	329 Edinburgh Road	Castlecrag
353	01-Mar-24	108 The Bulwark	Castlecrag
354	01-Mar-24	371 Edinburgh Road	Castlecrag
355	01-Mar-24	158 Edinburgh Road	Castlecrag
356	01-Mar-24	319 Edinburgh Road	Castlecrag
357	01-Mar-24	137 Eastern Valley Way	Castlecrag
358	01-Mar-24	27 The Battlement	Castlecrag
359	01-Mar-24	4 The Barbette	Castlecrag
360	01-Mar-24	2 The Rampart	Castlecrag
361	01-Mar-24	20 Rutland Avenue	Castlecrag
362	01-Mar-24	96 The Bulwark	Castlecrag
363	01-Mar-24	15 Charles Street	Castlecrag
364	01-Mar-24	7 The Postern	Castlecrag
365	01-Mar-24	23 The Rampart	Castlecrag
366	01-Mar-24	17 First Avenue	Willoughby East
367	01-Mar-24	43 Second Avenue	Willoughby East
368	01-Mar-24	22 Sunnyside Crescent	Castlecrag
369	01-Mar-24	13 The Citadel	Castlecrag
370	01-Mar-24	269-271 Edinburgh Road	Castlecrag
371	01-Mar-24	45 The Bulwark	Castlecrag
372	01-Mar-24	158 Ben Boyd Road	Neutral Bay
373	01-Mar-24	27 The Parapet	Castlecrag
374	1/03/2024 x 2	373 Edinburgh Road	Castlecrag
375	01-Mar-24	99 The Bulwark	Castlecrag
376	01-Mar-24	15 The Rampart	Castlecrag
377	01-Mar-24	43 Raeburn Avenue	Castlecrag
378	01-Mar-24	187 Edinburgh Road	Castlecrag
379	01-Mar-24	45 The Bulwark	Castlecrag
380	01-Mar-24	58 Third Avenue	Willoughby East
381	01-Mar-24	6 Raeburn Avenue	Castlecrag
382	01-Mar-24	25 Cheyne Walk	Castlecrag
383	01-Mar-24	46 The Rampart	Castlecrag
384	01-Mar-24	14 Second Avenue	Willoughby East
385	01-Mar-24	16 The Parapet	Castlecrag
386	18-Mar-24	24 Charles Street	Castlecrag

Issues raised from initial notification period	Response
Lack of affordable housing – only 1 unit allocated as affordable housing.	Affordable housing unit has been allocated as discussed earlier in the report .and meets Council's requirements subject to conditions.
No of public toilet facilities on the ground	Adequate provision has been undertaken and

Issues raised from initial notification period	Response
level.	provide these within the Basement Level-1 within the development
<p>Lack of alfresco dining space (~10m²) in front of proposed Food and Beverage Premises on the north-facing side of Edinburgh Road.</p> <p>No designated seating areas for cafes and restaurants in the Statement of Environmental Effects (page 76).</p>	<p>Provision for outdoor dining can be achieved as demonstrated by applicant as shown on the latest ground floor architectural plans.</p> <p>Adequate shading will be provided through cantilevered form and colonnades within the outdoor seating area</p>
Lack of bike racks on ground floor for public use.	The provision for 7 bike racks has been provided however suitable condition of consent has been included in the recommendation to ensure compliance with <i>DCP</i> provision,
Such prominent and significant development should include community-oriented public art in the form of a mural or sculpture in a highly visible location.	Public Art- provision is adequately covered within the execute VPA
<p>Overshadowing and privacy impacts on the following properties near the southern boundary of the site as a result of the bulk of the development (building height & narrow setback) and removal of trees:</p> <ul style="list-style-type: none"> - 97 & 99 Eastern Valley Way; - 7,9 & 11 The Postern; and - Adversely affecting amenity for 16 & 18 The Postern. 	Overshadowing and privacy matters have been discussed with the report. It is noted on merit that the amenity impacts are considered acceptable
<p>Potential non-compliance with ADG 4A-1 requiring:</p> <p><i>'Living rooms and private open spaces of at least 70% of apartment receiving a minimum of 2 hours direct sunlight between 9am and 3pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.</i></p> <p><i>A maximum of 15% of apartments in a building receives no direct sunlight between 9am and 3pm at mid-winter.'</i></p> <ul style="list-style-type: none"> - 20 or 52.6% of the 38 units would meet solar access compliance in mid-winter. - 9 or 23.7% of the units would receive less than 2 hours of sunlight in mid-winter. - 9 or 23.7% of the units would receive no sunlight in mid-winter, leading to the following: <ul style="list-style-type: none"> o Low living standards; o Toxic mould; and 	Solar and Daylight access matters have been discussed with the report. It is noted on merit that the amenity impacts are considered acceptable.

Issues raised from initial notification period	Response
<ul style="list-style-type: none"> ○ Energy inefficiency. 	
<p>Traffic issues at Eastern Valley Way and Edinburgh Road intersection, which is an entry and egress for the residents of Castlecrag.</p> <p>The proposed supermarket potentially attracts heavy traffic to the development.</p>	<p>The proposed development provides compliant levels of parking. The application has been assessed by TfNSW and Council's Traffic team who support the development subject to addition of suitable condition of consent.</p>
<p>Strain on public transport nodes near development such as existing bus lines which run through Edinburgh Road and Eastern Valley Road.</p>	<p>TfNSW has supported the development and any impacts from the redevelopment of this site are not likely to result in adverse impact on the existing availability of public transport in the area.</p>
<p>No plans for cafes, restaurants and bars in the retail area.</p>	<p>Any proposed retail services are likely to be considered under separate development applications.</p>
<p>Public car parking spaces potentially fall short of WCC requirements based on ratios for supermarkets and specialty retail premises, only 159 out of 191 required spaces are provided.</p>	<p>An assessment of the Parking provision under the <i>WDCP</i> and <i>LEP</i> have been undertaken earlier in the report and considered satisfactory</p>
<p>Impact on environment from significant removal of 17 existing trees in this proposal.</p> <p>Retention of 10 trees at risk due to works around root systems and canopies, including the tree on corner of Eastern Valley Way and Edinburgh Road.</p>	<p>Proposed removal of only 8 Trees and retention of 32 trees and 57 new trees are being planted which is considered acceptable</p>
<p>No comprehensive public open space management plan.</p>	<p>The provision of public open space management plan has been included as a part of recommended conditions of consent.</p>
<p>No designated area for outdoor meetings. Lack of public amenities and community public space.</p>	<p>The applicant has provided a plan for Outdoor seating area which demonstrate that the space can be adequately used for meetings along with the proposed the Public domain works. There is also a Community meeting room provided at Basement Level -1 as per the executed VPA></p>
<p>Potential breaches to height controls from rooftop elements layered in the design.</p>	<p>This has been discussed earlier in the report and is supported on merit.</p>
<p>Street front activation stripped from plans as entire front of the western pod will be the wall of the proposed supermarket, providing less space for outdoor dining / public amenities. It instead provides an unappealing building façade on street level as proposed supermarket contains a glazed shopfront without doors. These large expanses of fixed glass for advertising, or otherwise completely blocked for shelf space.</p>	<p>The proposed development is capable of providing adequate outdoor dining and seating areas as demonstrated in the latest architectural plans.</p> <p>It is noted that Design Review Panel and Council's Urban Designer has supported the development.</p>
<p>Insufficiency of 5 retail spaces for a significant development.</p>	<p>The retail spaces meet the site specific <i>LEP</i> and <i>DCP</i> requirements as discussed earlier in</p>

Issues raised from initial notification period	Response
	the report. (Attachment 2)
Proposed supermarket takes up an excessive amount of commercial space than needed for the community. The proposed supermarket occupies 1,687m ² , making up almost 75% of all retail space.	The retail spaces meet the requirements of site specific <i>LEP</i> and <i>DCP</i> requirements and as envisaged with the Local Centre Strategy and will contribute positively to the local economy.
Lack of vertical shafts provided to ensure sufficient services infrastructure (especially exhaust systems) for hospitality should any retail premises become a café/bar/restaurant.	Amended plans provide adequate provision for incorporating any future inclusion of hospitality spaces by provision of mechanical exhaust and an additional lift.
Planter boxes and fixed seats on north edge of Centre limit outdoor seating options for potential cafes, bars and restaurants.	Landscape Plan includes provision for both active and passive uses of open space, Suitable conditions have been included in the recommendation.
Development should include a small public library.	The execute VPA covers provision of Community meeting room which may be able to accommodate a small library – if required
Design of development is potentially inconsistent with the architectural heritage of the locality.	The proposal has been assessed by Council's internal Urban Design specialist which has proved support for the development as amended. This has also been discussed earlier in the report.
Potential non-compliance to ADG in not reaching 3 metre floor to floor height requirement in 3-storey lots near proposed supermarket (2.9 metres).	The amended proposal is compliant with this requirement and provides 4m floor to ceilings heights for the non-residential component of the development.
Demolition and construction of development will potentially block access to the inclined driveway on Edinburgh Road the site shares with properties 116 & 118 Edinburgh Road (Lots 3 & 4 in DP 715154), which have a legal right of carriageway for the driveway. In the Demolition Traffic Management Plan in Item 3.12, pages 18 and 19, indicates, in the plan, that the site is intended to be secured for construction vehicle site access, provided through a gate at the entrance to the driveway on Edinburgh Road which is potentially in breach of the right of carriageway.	Existing right of way carriageway and access is being discussed between the affected parties and developer outside of the DA process
Safety concerns during demolition and construction for neighbouring property 116 Edinburgh Road, which share the aforementioned inclined driveway.	A Dilapidation Report is being requested for 116 Edinburg Rd. which has been included as a part of recommended conditions of consent
Privacy impacts on property 116 Edinburgh Road as windows on the eastern elevation of the proposed development could potentially overlook the property's west facing windows, indoor family living and bedroom areas, and rear courtyards.	Suitable condition of consent has been included in recommendations regarding screening to windows and balconies to mitigate direct overlooking of 116 Edinburg Rd
Outdoor seating areas for cafes, bars &	The amended architectural plans provide

Issues raised from initial notification period	Response
restaurants partially blocked due to narrow building setback to the kerb.	compliant ground floor street setback and capable of accommodating outdoor dining area is therefore considered satisfactory
<p>Development needs to consider climate change and sustainable design, more specifically:</p> <ol style="list-style-type: none"> 1. Is the roofing material of the Quadrangle Development reflective rather than sunlight absorbent? 2. Does the Quadrangle Development proposal contain solar panels of sufficient quality and quantity to power the residential and commercial areas of the site into the future? 3. Has gas been excluded from all residential and commercial areas of the Quadrangle Development? 4. Are electrical charging units planned to be installed throughout the carparking facility for the recharging of Electric Vehicle batteries? 5. Are there Home EV Charging installations provided in the carpark, or elsewhere, for EV car batteries to be used to power the residential apartment of the car owner? 6. Will the rainwater runoff from roofs and pavement be collected in tanks for further use in nurturing the landscape plants and potential community gardens on the site? 7. Will there be grey-water installations for collecting such water from the residential apartments and the commercial premises for use in the irrigation of the local environment? 8. Has the developer provided a documented statement quantifying the volume of greenhouse gases that will be produced throughout the construction of the Castlecrag Quadrangle Development? 9. Has the developer provided information about proposed offsets designed to ameliorate the volume of greenhouse gas emissions during the construction process? 	<p>The proposed development includes adequate sustainability measures required under BASIX and other provision (included in conditions) to provide sustainability options for development.</p>

Following an amendment to the proposal, the application was renotified to adjoining and nearby property owners in accordance with the *Willoughby Community Participation Plan* and Schedule 1 of the EPA Act 1979 for a period of 28 days from 12 September 2024 to 26 September 2024.

The submissions received during the re-notification period for this application are listed and main issues addressed in the following tables:

Submission number	Submission Date	Address
1	1/03/2024	1 Parker St, NORTHBRIDGE NSW 2063
2	1/03/2024	1 Rockley St, CASTLECRAG NSW 2068
3	29/02/2024	1 Rockley St, CASTLECRAG NSW 2068
4	1/03/2024	1 The Barricade, CASTLECRAG NSW 2068
5	1/03/2024	1 The Barricade, CASTLECRAG NSW 2068
6		1 The Parapet, CASTLECRAG NSW 2068
7	26/2/24, 20/09/2024	1 Third Ave, WILLOUGHBY EAST NSW 2068
8	27/02/2024	1 Tower Resv, CASTLECRAG NSW 2068
9	27/02/2024	1/77A Edinburgh Rd, CASTLECRAG NSW 2068
10	1/03/2024 x 2, 26/9/24	10 Kareema St, BALGOWLAH NSW 2093
11	28/2/24, 24/09/2024	10 Raeburn Ave, CASTLECRAG NSW 2068
12	28/2/24, 24/09/2024	10 The Bastion, CASTLECRAG NSW 2068
13	29/2/24, 24/9/24	10 The Bastion, CASTLECRAG NSW 2068
14	23/2/24, 27/02/2024	10 The Battlement, CASTLECRAG NSW 2068
15	20/09/2024	10 The Bulwark, CASTLECRAG NSW 2068
16	28/2/24,	100 The Bulwark, CASTLECRAG NSW 2068
17	1/03/2024	100A Sydney St, NORTH WILLOUGHBY NSW 2068
18	1/03/2024	101 The Bulwark, CASTLECRAG NSW 2068
19	29/02/2024	103 The Bulwark, CASTLECRAG NSW 2068
20	29/02/2024	103/3 The Postern, CASTLECRAG NSW 2068
21	29/02/2024	104 The Bulwark, CASTLECRAG NSW 2068
22	1/03/2024	108 The Bulwark, CASTLECRAG NSW 2068
23	27/02/2024	108 The Bulwark, CASTLECRAG NSW 2068
24	27/02/2024	10A The Scarp, CASTLECRAG NSW 2068
25	27/2/24, 1/03/2024	10A The Scarp, CASTLECRAG NSW 2068
26	28/02/2024	11 Charles St, CASTLECRAG NSW 2068
27	10/02/2024, 22/9/24	11 Raeburn Ave, CASTLECRAG NSW 2068
28	28/02/2024	11 Sugarloaf Cres, CASTLECRAG NSW 2068
29	22/02/2024	11 The Bastion, CASTLECRAG NSW 2068
30	25/09/2024	11 The Bulwark, CASTLECRAG NSW 2068
31	24/09/2024	11 The Citadel, CASTLECRAG NSW 2068
32	28/02/2024	11 The Tor Walk, CASTLECRAG NSW 2068
33	26/02/2024	11 The Tor Walk, CASTLECRAG NSW 2068
34	24/2/24, 27/2/24	119 Eastern Valley Way, CASTLECRAG NSW 2068
35	29/02/2024, 23/9/24	11A The Bulwark, CASTLECRAG NSW 2068
36	29/02/2024	11A The Bulwark, CASTLECRAG NSW 2068
37	3/9/24, 22/9/24	12 Fourth Ave, WILLOUGHBY EAST NSW 2068

38	29/02/2024	12 The Barbette, CASTLECRAG NSW 2068
39	27/02/2024	12 The Barbette, CASTLECRAG NSW 2068
40	25/09/2024	12 The Battlement, CASTLECRAG NSW 2068
41	3/03/2024	13 Charles St, CASTLECRAG NSW 2068
42	3/03/2024	13 Dalkeith St, NORTHBRIDGE NSW 2063
43	4/03/2024	13 Dalkeith St, NORTHBRIDGE NSW 2063
44	1/03/2024	13 Heights Cres, MIDDLE COVE NSW 2068
45	27/02/2024	13 Raeburn Ave, CASTLECRAG NSW 2068
46	29/02/2024	13 Second Ave, WILLOUGHBY EAST NSW 2068
47	26/2/24, 24/09/2024	13 The Bastion, CASTLECRAG NSW 2068
48	29/02/2024	13 The Citadel, CASTLECRAG NSW 2068
49	1/03/2024	130 Eastern Valley Way, WILLOUGHBY EAST NSW 2068
50	1/03/2024	133 Edinburgh Rd, CASTLECRAG NSW 2068
51	17/09/2024	134 Edinburgh Rd, CASTLECRAG NSW 2068
52	1/03/2024	137 Eastern Valley Way, CASTLECRAG NSW 2068
53	1/03/2024	14 Heights Cres, MIDDLE COVE NSW 2068
54	1/03/2024	14 Second Ave, WILLOUGHBY EAST NSW 2068
55	1/03/2024	14 Second Ave, WILLOUGHBY EAST NSW 2068
56	1/03/2024, 26/09/2024	14 Sortie Port, CASTLECRAG NSW 2068
57	25/09/2024	14 The Barbette, CASTLECRAG NSW 2068
58	26/08/2024	14 The Bulwark, CASTLECRAG NSW 2068
59	1/03/2024	15 Charles St, CASTLECRAG NSW 2068
		15 Edith St, CASTLECRAG NSW 2068
60	25/09/2024	15 Rutland Ave, CASTLECRAG NSW 2068
61	1/03/2024	15 The Bastion, CASTLECRAG NSW 2068
62	28/02/24, 25/09/2024	15 The Citadel, CASTLECRAG NSW 2068
63	1/03/2024	15 The High Tor, CASTLECRAG NSW 2068
64	1/03/24, 25/09/2024	15 The Rampart, CASTLECRAG NSW 2068
65	27/09/2024	158 Ben Boyd Rd, NEUTRAL BAY NSW 2089
66	1/03/2024	158 Edinburgh Rd, CASTLECRAG NSW 2068
67	29/02/24, 31/8/24, 23/09/2024	15A Second Ave, WILLOUGHBY EAST NSW 2068
68	1/03/2024	16 Alpha Rd, WILLOUGHBY NSW 2068
69	29/02/2024	16 Charles St, CASTLECRAG NSW 2068
70	29/02/2024	16 Charles St, CASTLECRAG NSW 2068
71	7/02/2024	16 Jacques St, CHATSWOOD NSW 2067
72	27/02/2024 x 2	16 The Barbette, CASTLECRAG NSW 2068
73	1/03/2024	16 The Bastion, CASTLECRAG NSW 2068
74	26/09/2024	16 The Bulwark, CASTLECRAG NSW 2068
75	20/09/24, 24/09/2024	16 The Parapet, CASTLECRAG NSW 2068
76	25/2/24, 24/08/2024	16 The Postern, CASTLECRAG NSW 2068
77	28/02/2024	16 The Rampart, CASTLECRAG NSW 2068
78	28/02/2024	16 The Rampart, CASTLECRAG NSW 2068
79	1/03/2024	162 Eastern Valley Way, WILLOUGHBY EAST NSW 2068
80	23/09/2024	162 Edinburgh Rd, CASTLECRAG NSW 2068

81	29/02/2024	163 Edinburgh Rd, CASTLECRAG NSW 2068
82	28/02/2024	166 Edinburgh Rd, CASTLECRAG NSW 2068
83	26/02/2024	166 Edinburgh Rd, CASTLECRAG NSW 2068
84		168 Edinburgh Rd, CASTLECRAG NSW 2068
85	23/09/2024	17 Bedford St, NORTH WILLOUGHBY NSW 2068
86	1/03/2024	17 First Ave, WILLOUGHBY EAST NSW 2068
87	20/09/2024	17 Fourth Ave, WILLOUGHBY EAST NSW 2068
88	28/02/2024	17 Mabel St, WILLOUGHBY NSW 2068
89	29/02/2024	17 Sunnyside Cres, CASTLECRAG NSW 2068
90	1/03/2024	17 The Bastion, CASTLECRAG NSW 2068
91	28/02/2024	17 The Bulwark, CASTLECRAG NSW 2068
92	24/08/2024	17 The Tor Walk, CASTLECRAG NSW 2068
93	2/03/2024, 23/09/2024	17 The Tor Walk, CASTLECRAG NSW 2068
94	1/03/2024	171 Edinburgh Rd, CASTLECRAG NSW 2068
95	29/02/2024	177 Edinburgh Rd, CASTLECRAG NSW 2068
96	26/02/2024	18 The Battlement, CASTLECRAG NSW 2068
97	28/2/24, 22/09/2024	18 The Parapet, CASTLECRAG NSW 2068
98	23/09/2024	18 The Postern, CASTLECRAG NSW 2068
99	23/02/2024	18 The Postern, CASTLECRAG NSW 2068
100	1/03/2024	187 Edinburgh Rd, CASTLECRAG NSW 2068
101	29/02/2024	188 Edinburgh Rd, CASTLECRAG NSW 2068
102	26/02/24, 20/9/24	189 Edinburgh Rd, CASTLECRAG NSW 2068
103	1/03/2024	19 Morotai Cres, CASTLECRAG NSW 2068
104	22/9/24 & 26/09/2024	19 The Citadel, CASTLECRAG NSW 2068
105	4/02/2024	19 The Parapet, CASTLECRAG NSW 2068
106	3/2/24, 1/03/2024	19 The Parapet, CASTLECRAG NSW 2068
107	28/02/2024	19 The Scarp, CASTLECRAG NSW 2068
108	27/02/2024	19 The Scarp, CASTLECRAG NSW 2068
109	23/02/2024	191 Edinburgh Rd, CASTLECRAG NSW 2068
110	28/2/24, 22/09/2024	192 Edinburgh Rd, CASTLECRAG NSW 2068
111	29/02/2024	198 Edinburgh Rd, CASTLECRAG NSW 2068
112	29/02/2024	2 Sortie Port, CASTLECRAG NSW 2068
113	26/2/24, 12/3/24	2 The Barbette, CASTLECRAG NSW 2068
114	4/9/24 x 2	2 The Barbette, CASTLECRAG NSW 2068
115	1/03/2024	2 The Barbican, CASTLECRAG NSW 2068
116	22/09/2024 x 2	2 The High Tor, CASTLECRAG NSW 2068
117	1/03/2024	2 The High Tor, CASTLECRAG NSW 2068
118	29/02/2024	2 The Parapet, CASTLECRAG NSW 2068
119	1/03/2024	2 The Rampart, CASTLECRAG NSW 2068
120	2/09/2024	2 The Scarp, CASTLECRAG NSW 2068
121	27/02/2024	2 The Scarp, CASTLECRAG NSW 2068
122	29/02/2024	2 Tower Resv, CASTLECRAG NSW 2068
123	1/03/2024	20 Rutland Ave, CASTLECRAG NSW 2068
124	28/02/2024	20 The Rampart, CASTLECRAG NSW 2068
125	28/02/2024	20 The Rampart, CASTLECRAG NSW 2068
126	26/02/2024	201/3 The Postern, CASTLECRAG NSW 2068
127	28/02/2024	203 Edinburgh Rd, CASTLECRAG NSW 2068

128	26/02/2024	204 Edinburgh Rd, CASTLECRAG NSW 2068
129	22/02/2024	204 Edinburgh Rd, CASTLECRAG NSW 2068
130	27/02/2024	21 Highland Ridge, MIDDLE COVE NSW 2068
131	22/09/2024	21 The Citadel, CASTLECRAG NSW 2068
132	29/02/2024	21 Third Ave, WILLOUGHBY EAST NSW 2068
133	28/02/2024, 18/09/24	211 Edinburgh Rd, CASTLECRAG NSW 2068
134	29/02/2024	214 Edinburgh Rd, CASTLECRAG NSW 2068
135	27/02/2024	215 Sailors Bay Rd, NORTHBRIDGE NSW 2063
136	27/2/24, 4/3/24, 25/09/2024	217 Edinburgh Rd, CASTLECRAG NSW 2068
137	23/09/2024	22 Raeburn Ave, CASTLECRAG NSW 2068
138	1/03/2024	22 Sunnyside Cres, CASTLECRAG NSW 2068
139	19/09/2024	22 Sunnyside Cres, CASTLECRAG NSW 2068
140	23/09/2024	224 Edinburgh Rd, CASTLECRAG NSW 2068
141	1/03/2024	226 Edinburgh Rd, CASTLECRAG NSW 2068
142	25/02/2024	226 Edinburgh Rd, CASTLECRAG NSW 2068
143	26/09/2024	23 Linden Way, CASTLECRAG NSW 2068
144	1/03/2024	23 Rembrandt Dr, MIDDLE COVE NSW 2068
145	1/03/2024	23 The Citadel, CASTLECRAG NSW 2068
146	26/02/2024	23A Linden Way, CASTLECRAG NSW 2068
147	1/03/2024	24 The Battlement, CASTLECRAG NSW 2068
148	29/02/2024	24 The Rampart, CASTLECRAG NSW 2068
149	28/2/24, 14/09/2024	24 The Rampart, CASTLECRAG NSW 2068
150	28/02/2024	241 Edinburgh Rd, CASTLECRAG NSW 2068
151	1/03/2024	25 Cheyne Walk, CASTLECRAG NSW 2068
152	29/02/2024	25 Kameruka Rd, NORTHBRIDGE NSW 2063
153	26/2/24, 22/09/2024	25 Mabel St, WILLOUGHBY NSW 2068
154	27/02/2024	254 Edinburgh Rd, CASTLECRAG NSW 2068
155	22/02/2024	258 Edinburgh Rd, CASTLECRAG NSW 2068
156	28/2/24, 23/09/2024	26 Charles St, CASTLECRAG NSW 2068
157	29/02/2024	26 Raeburn Ave, CASTLECRAG NSW 2068
158	26/09/2024	26 The Parapet, CASTLECRAG NSW 2068
159	26/09/2024	26 The Scarp, CASTLECRAG NSW 2068
160	28/2/24, 25/09/2024	260 Edinburgh Rd, CASTLECRAG NSW 2068
161	28/2/24, 21/09/2024	260 Edinburgh Rd, CASTLECRAG NSW 2068
162	26/09/2024	269 Edinburgh Rd, CASTLECRAG NSW 2068
163	29/02/2024	27 Cheyne Walk, CASTLECRAG NSW 2068
164	29/02/2024	27 Second Ave, WILLOUGHBY EAST NSW 2068
165	25/09/2024	27 Sunnyside Cres, CASTLECRAG NSW 2068
166	1/03/2024	27 The Parapet, CASTLECRAG NSW 2068
167	26/02/2024	27 The Rampart, CASTLECRAG NSW 2068
168	29/2/24, 22/09/2024	27 The Rampart, CASTLECRAG NSW 2068
169	27/02/2024	27 The Scarp, CASTLECRAG NSW 2068
170	26/09/2024	27B The Scarp, CASTLECRAG NSW 2068
171	1/03/2024	28 Ward St, WILLOUGHBY NSW 2068
172	25/09/2024	280 Edinburgh Rd, CASTLECRAG NSW 2068

173	3/01/1900	287 Edinburgh Rd, CASTLECRAG NSW 2068
174	29/02/2024	29 Raeburn Ave, CASTLECRAG NSW 2068
175	24/09/2024	29 Rosalind St, CAMMERAY NSW 2062
176	26/02/2024	29 Sunnyside Cres, CASTLECRAG NSW 2068
177	21/09/2024	29 Sunnyside Cres, CASTLECRAG NSW 2068
178	27/02/2024	29 The Battlement, CASTLECRAG NSW 2068
179	29/2/24, 23/09/2024	29 The Parapet, CASTLECRAG NSW 2068
180	26/2/24, 19/09/2024	29 The Parapet, CASTLECRAG NSW 2068
181	1/03/2024	29 Weemala Rd, NORTHBRIDGE NSW 2063
182	3/01/1900	299 Edinburgh Rd, CASTLECRAG NSW 2068
183	25/09/2024	2A First Ave, WILLOUGHBY EAST NSW 2068
184	26/02/2024	2A The High Tor, CASTLECRAG NSW 2068
185	27/2/24	3 Fourth Ave, WILLOUGHBY EAST NSW 2068
186	5/02/2024	3 Nardoo Rd, WILLOUGHBY NSW 2068
187	1/03/2024	3 Raeburn Ave, CASTLECRAG NSW 2068
188	1/03/2024	3 Rockley St, CASTLECRAG NSW 2068
189	1/03/2024	3 The Barbette, CASTLECRAG NSW 2068
190	29/02/2024	3 The Battlement, CASTLECRAG NSW 2068
191	29/02/2024	3 The Palisade, NORTHBRIDGE NSW 2063
192	26/02/2024	3 The Rampart, CASTLECRAG NSW 2068
193	20/09/2024	3 The Rampart, CASTLECRAG NSW 2068
194	9/02/2024	3/16 Warners Ave, WILLOUGHBY NSW 2068
195	28/09/2024	3/21 Eastern Valley Way, NORTHBRIDGE NSW 2063
196	23/09/2024	30 Deepwater Rd, CASTLE COVE NSW 2069
197	28/02/2024	30 Linden Way, CASTLECRAG NSW 2068
198	29/02/2024	30 Raeburn Ave, CASTLECRAG NSW 2068
199	29/02/2024	30 Robert St, WILLOUGHBY EAST NSW 2068
200	28/02/2024	303 Edinburgh Rd, CASTLECRAG NSW 2068
201	29/02/2024	305 Edinburgh Rd, CASTLECRAG NSW 2068
202	1/03/2024	31 Fourth Ave, WILLOUGHBY EAST NSW 2068
203	1/03/2024	31 Second Ave, WILLOUGHBY EAST NSW 2068
204	27/02/2024	31 Sunnyside Cres, CASTLECRAG NSW 2068
205	22/09/2024	31 The Scarp, CASTLECRAG NSW 2068
206	29/02/2024	311 Edinburgh Rd, CASTLECRAG NSW 2068
207	7/03/2024	315 Edinburgh Rd, CASTLECRAG NSW 2068
208	1/03/2024	319 Edinburgh Rd, CASTLECRAG NSW 2068
209	26/02/2024	32 Sugarloaf Cres, CASTLECRAG NSW 2068
210	1/03/2024	32 The Parapet, CASTLECRAG NSW 2068
211	1/03/2024	32 The Parapet, CASTLECRAG NSW 2068
212	29/02/2024	327 Edinburgh Rd, CASTLECRAG NSW 2068
213	28/02/2024	327 Edinburgh Rd, CASTLECRAG NSW 2068
214	1/3/24, 25/09/2024	329 Edinburgh Rd, CASTLECRAG NSW 2068
215	28/2/24, 25/09/2024	329 Edinburgh Rd, CASTLECRAG NSW 2068
216	1/03/2024	33 Fourth Ave, WILLOUGHBY EAST NSW 2068
217	1/03/2024	33 Strathallen Ave, NORTHBRIDGE NSW 2063
218	28/02/2024 x 2	333 Edinburgh Rd, CASTLECRAG NSW 2068
219	1/03/2024	335 Edinburgh Rd, CASTLECRAG NSW 2068
220	28/02/2024	337 Edinburgh Rd, CASTLECRAG NSW 2068

221	3/3/24, 4/3/24 x 2, 25/09/2024	339 Eastern Valley Way, CASTLE COVE NSW 2069
222	1/3/24, 20/09/2024	34 Bradleys Head Rd, MOSMAN NSW 2088
223	28/02/2024	34 Fourth Ave, WILLOUGHBY EAST NSW 2068
224	1/03/2024	34 Rutland Ave, CASTLECRAG NSW 2068
225	29/02/2024	34 Sunnyside Cres, CASTLECRAG NSW 2068
226	29/02/2024	34 The Bulwark, CASTLECRAG NSW 2068
227	26/02/2024	34 The Parapet, CASTLECRAG NSW 2068
228	26/09/2024	345 Edinburgh Rd, CASTLECRAG NSW 2068
229	1/03/2024	35 Edinburgh Rd, WILLOUGHBY EAST NSW 2068
230	1/03/2024	35 Raeburn Ave, CASTLECRAG NSW 2068
231	29/02/2024	35 Raeburn Ave, CASTLECRAG NSW 2068
232	24/02/2024	35 Small St, WILLOUGHBY NSW 2068
233	24/09/2024	35 The Battlement, CASTLECRAG NSW 2068
234	29/02/2024	35A Linden Way, CASTLECRAG NSW 2068
235	28/2/24, 23/09/2024	36 Iluka Ave, ELANORA HEIGHTS NSW 2101
236	1/03/2024	36 Linden Way, CASTLECRAG NSW 2068
237	1/3/24, 23/09/2024	36 Robert St, WILLOUGHBY EAST NSW 2068
238	26/02/2024	36 Sugarloaf Cres, CASTLECRAG NSW 2068
239	29/02/2024	36 The Parapet, CASTLECRAG NSW 2068
240	28/02/2024	36 The Scarp, CASTLECRAG NSW 2068
241	25/02/2024	36 The Scarp, CASTLECRAG NSW 2068
242	29/02/2024	361 Edinburgh Rd, CASTLECRAG NSW 2068
243	27/2/24, 26/09/2024	361 Edinburgh Rd, CASTLECRAG NSW 2068
244	1/03/2024	367 Edinburgh Rd, CASTLECRAG NSW 2068
245	22/2/24, 26/09/2024	369 Edinburgh Rd, CASTLECRAG NSW 2068
246	25/09/2024	37 Linden Way, CASTLECRAG NSW 2068
247	1/03/2024	37 The Battlement, CASTLECRAG NSW 2068
248	5/9/24, 26/9/24, 27/09/2024	373 Edinburgh Rd, CASTLECRAG NSW 2068
249	24/9/24, 25/09/24, 27/2/24	375 Edinburgh Rd, CASTLECRAG NSW 2068
		38 Johnson St, CHATSWOOD NSW 2067
250	29/02/2024	38 Linden Way, CASTLECRAG NSW 2068
251	1/03/2024	38 Rutland Ave, CASTLECRAG NSW 2068
252	28/02/2024	38 Sunnyside Cres, CASTLECRAG NSW 2068
253	29/2/24, 5/09/2024	39 Edinburgh Rd, WILLOUGHBY EAST NSW 2068
254	1/03/2024	39 Rembrandt Dr, MIDDLE COVE NSW 2068
255	29/02/2024	39 The Rampart, CASTLECRAG NSW 2068
256	29/02/2024	4 Kennedy Pl, ST IVES NSW 2075
257	29/02/2024	4 Kiola Rd, NORTHBRIDGE NSW 2063
258	1/03/2024	4 Laurel St, WILLOUGHBY EAST NSW 2068
259	1/03/2024	4 Lincoln Ave, CASTLECRAG NSW 2068
260	1/03/2024	4 Mitchell Rd, PALM BEACH NSW 2108
261	1/3/24, 28/08/2024	4 The Barbette, CASTLECRAG NSW 2068
262	26/08/2024	4 The Bulwark, CASTLECRAG NSW 2068
263	28/02/2024	4 The High Tor, CASTLECRAG NSW 2068
264	22/09/2024	4 The Scarp, CASTLECRAG NSW 2068
265	1/03/2024	4 Tower Resv, CASTLECRAG NSW 2068

266	29/02/2024	41 Second Ave, WILLOUGHBY EAST NSW 2068
267	29/02/2024	41 Second Ave, WILLOUGHBY EAST NSW 2068
268	29/02/2024	41 Sunnyside Cres, CASTLECRAG NSW 2068
269	29/2/24, 1/03/2024	41 The Tor Walk, CASTLECRAG NSW 2068
270	1/03/2024	41 Third Ave, WILLOUGHBY EAST NSW 2068
271	29/2/24, 17/09/2024	42 Linden Way, CASTLECRAG NSW 2068
272	26/2/24, 2/9/24, 24/09/2024	42 Raeburn Ave, CASTLECRAG NSW 2068
273	1/03/2024	43 Raeburn Ave, CASTLECRAG NSW 2068
274	1/03/2024	43 Second Ave, WILLOUGHBY EAST NSW 2068
275	29/02/2024	43 The Tor Walk, CASTLECRAG NSW 2068
276	27/02/2024	44 Raeburn Ave, CASTLECRAG NSW 2068
277	26/09/2024	44 The Rampart, CASTLECRAG NSW 2068
278	1/03/2024	44A The Rampart, CASTLECRAG NSW 2068
279	1/03/2024	45 The Bulwark, CASTLECRAG NSW 2068
280	1/03/2024	45 The Bulwark, CASTLECRAG NSW 2068
281	27/02/2024	46 Raeburn Ave, CASTLECRAG NSW 2068
282	27/02/2024	46 Raeburn Ave, CASTLECRAG NSW 2068
283	1/03/2024	46 The Rampart, CASTLECRAG NSW 2068
284	1/03/2024	46 The Rampart, CASTLECRAG NSW 2068
285	1/03/2024	46 Third Ave, WILLOUGHBY EAST NSW 2068
286	26/09/2024	47 Second Ave, WILLOUGHBY EAST NSW 2068
287	26/09/2024	47 Second Ave, WILLOUGHBY EAST NSW 2068
288	1/03/2024	48 Fourth Ave, WILLOUGHBY EAST NSW 2068
289	1/3/24, 26/09/2024	48 Neerim Rd, CASTLE COVE NSW 2069
290	27/02/2024	48A Sunnyside Cres, CASTLECRAG NSW 2068
291	29/02/2024	49 The Bulwark, CASTLECRAG NSW 2068
292	1/03/2024	49 Third Ave, WILLOUGHBY EAST NSW 2068
293	29/02/2024	4A The Tor Walk, CASTLECRAG NSW 2068
294	28/02/2024	5 Charles St, CASTLECRAG NSW 2068
295	1/3/24, 20/09/2024 x 3	5 Fourth Ave, WILLOUGHBY EAST NSW 2068
296	21/02/2024	5 Knight Pl, CASTLECRAG NSW 2068
297	29/02/2024	5 Linden Way, CASTLECRAG NSW 2068
298	25/02/2024	5 The Barbican, CASTLECRAG NSW 2068
299	25/02/2024	5 The Citadel, CASTLECRAG NSW 2068
300	28/02/2024	5 The Parapet, CASTLECRAG NSW 2068
301	15/02/2024	5/16 Warners Ave, WILLOUGHBY NSW 2068
302	28/02/2024	51 Fourth Ave, WILLOUGHBY EAST NSW 2068
303	25/09/2024	53 Sunnyside Cres, CASTLECRAG NSW 2068
304	26/2/24, 24/09/2024	54 Linden Way, CASTLECRAG NSW 2068
305	29/2/24, 25/09/2024	56 Mowbray Pl, WILLOUGHBY NSW 2068
306	26/09/2024	56 Sunnyside Cres, CASTLECRAG NSW 2068
307	30/08/2024	57 Sunnyside Cres, CASTLECRAG NSW 2068
308	29/02/2024 x 2	57 Sunnyside Cres, CASTLECRAG NSW 2068
309	24/09/2024	57 The Bulwark, CASTLECRAG NSW 2068
310	1/03/2024	57 Third Ave, WILLOUGHBY EAST NSW 2068
311	29/02/2024	57 Third Ave, WILLOUGHBY EAST NSW 2068

312	1/03/2024	58 Third Ave, WILLOUGHBY EAST NSW 2068
313	23/09/2024	58 Warrane Rd, NORTH WILLOUGHBY NSW 2068
314	20/02/2024	59 Sugarloaf Cres, CASTLECRAG NSW 2068
315	23/09/2024	59 Third Ave, WILLOUGHBY EAST NSW 2068
316	25/01/2024	6 Bellambi St, NORTHBRIDGE NSW 2063
317	29/02/2024	6 Cheyne Walk, CASTLECRAG NSW 2068
318	25/09/2024	6 Raeburn Ave, CASTLECRAG NSW 2068
319	27/02/2024	6 Rockley St, CASTLECRAG NSW 2068
320	1/3/24, 13/09/2024	6 The Barbette, CASTLECRAG NSW 2068
321	1/3/24, 18/09/2024	6 The Bulwark, CASTLECRAG NSW 2068
322	29/2/24, 1/3/24, 15/3/24, 25/8/24, 17/9/24	6 The Bulwark, CASTLECRAG NSW 2068
323	25/09/2024	6 The Parapet, CASTLECRAG NSW 2068
324	1/03/2024	6 The Scarp, CASTLECRAG NSW 2068
325	28/02/2024	61 Sunnyside Cres, CASTLECRAG NSW 2068
326	1/03/2024	62 The Bulwark, CASTLECRAG NSW 2068
327	21/02/2024	62 The Bulwark, CASTLECRAG NSW 2068
328	1/3/24, 6/09/2024	63 The Bulwark, CASTLECRAG NSW 2068
329	20/09/2024	63 The Bulwark, CASTLECRAG NSW 2068
330	25/2/24, 27/02/2024	64 Linden Way, CASTLECRAG NSW 2068
331	24/2/24, 27/2/24, 29/02/2024	66 The Bulwark, CASTLECRAG NSW 2068
332	29/02/2024	67 The Bulwark, CASTLECRAG NSW 2068
333	27/02/2024	68 Edinburgh Rd, WILLOUGHBY NSW 2068
334	1/03/2024	68 Linden Way, CASTLECRAG NSW 2068
335	27/2/24, 28/02/2024	68 The Bulwark, CASTLECRAG NSW 2068
336	27/02/2024	68 The Bulwark, CASTLECRAG NSW 2068
337	1/03/2024	69 Sugarloaf Cres, CASTLECRAG NSW 2068
338	1/03/2024	69 Sugarloaf Cres, CASTLECRAG NSW 2068
339	1/03/2024	69 The Bulwark, CASTLECRAG NSW 2068
		69 The Bulwark, CASTLECRAG NSW 2068
340	1/03/2024	7 Heights Cres, MIDDLE COVE NSW 2068
341	25/09/2024	7 The Barbette, CASTLECRAG NSW 2068
342	24/02/2024	7 The Barbican, CASTLECRAG NSW 2068
343	23/09/2024	7 The Battlement, CASTLECRAG NSW 2068
344	26/2/24, 22/09/2024	7 The Battlement, CASTLECRAG NSW 2068
345	26/02/2024	7 The Citadel, CASTLECRAG NSW 2068
346	26/2/24, 22/09/2024	7 The Citadel, CASTLECRAG NSW 2068
347	25/2/24 x 2, 23/09/2024	7 The Postern, CASTLECRAG NSW 2068
348	1/3/24, 23/09/2024	7 The Postern, CASTLECRAG NSW 2068
349	27/02/2024	7 The Tor Walk, CASTLECRAG NSW 2068
350	13/2/24, 5/9/24, 19/09/2024	70 Edinburgh Rd, WILLOUGHBY NSW 2068
351	1/03/2024	72 Linden Way, CASTLECRAG NSW 2068
352	28/02/2024	75 Sunnyside Cres, CASTLECRAG NSW 2068
353	1/03/2024	77 Castlereagh St, SYDNEY NSW 2000
354	27/02/2024	79 Sugarloaf Cres, CASTLECRAG NSW 2068

355	28/02/2024	8 Charles St, CASTLECRAIG NSW 2068
356	27/02/2024	8 Edinburgh Rd, WILLOUGHBY NSW 2068
357	29/02/2024	8 Sortie Port, CASTLECRAIG NSW 2068
358	1/03/2024	8 Sunnyside Cres, CASTLECRAIG NSW 2068
359	1/3/24, 15/09/2024	8 The Barbette, CASTLECRAIG NSW 2068
360	28/2/24, 26/08/2024	8 The Barbette, CASTLECRAIG NSW 2068
361	28/02/2024	8 The Bastion, CASTLECRAIG NSW 2068
362	28/02/2024	8 The Bastion, CASTLECRAIG NSW 2068
363	27/02/2024	8 The Battlement, CASTLECRAIG NSW 2068
364	25/2/24, 21/09/2024	8 The Parapet, CASTLECRAIG NSW 2068
365	25/02/2024	80 The Bulwark, CASTLECRAIG NSW 2068
366	23/09/2024	83 Edinburgh Rd, CASTLECRAIG NSW 2068
367	5/03/2024	83 The Bulwark, CASTLECRAIG NSW 2068
368	20/2/24, 3/03/2024	83A Sugarloaf Cres, CASTLECRAIG NSW 2068
369	1/03/2024	84 The Bulwark, CASTLECRAIG NSW 2068
370	1/03/2024	8A Sunnyside Cres, CASTLECRAIG NSW 2068
371	1/03/2024	8A Sunnyside Cres, CASTLECRAIG NSW 2068
372	23/09/2024	9 Laurel St, WILLOUGHBY EAST NSW 2068
373	27/02/2024	9 Morotai Cres, CASTLECRAIG NSW 2068
374	25/09/2024	9 Rutland Ave, CASTLECRAIG NSW 2068
375	24/09/2024	9 Sunnyside Cres, CASTLECRAIG NSW 2068
376	1/03/2024	9 The Barricade, CASTLECRAIG NSW 2068
377	1/03/2024	9 The Bulwark, CASTLECRAIG NSW 2068
378	29/02/2024	9 The Citadel, CASTLECRAIG NSW 2068
379	26/09/2024	9 The Postern, CASTLECRAIG NSW 2068
380	22/02/2024	9 The Scarp, CASTLECRAIG NSW 2068
381	28/02/2024	92 The Bulwark, CASTLECRAIG NSW 2068
382	27/02/2024	93 The Bulwark, CASTLECRAIG NSW 2068
383	26/09/2024	96 The Bulwark, CASTLECRAIG NSW 2068
384	1/3/24, 25/09/2024	96 The Bulwark, CASTLECRAIG NSW 2068
385	26/09/2024	97 The Bulwark, CASTLECRAIG NSW 2068
386	27/2/24, 24/09/2024	99 Edinburgh Rd, CASTLECRAIG NSW 2068
387	1/03/2024	99 The Bulwark, CASTLECRAIG NSW 2068
388	28/02/24, 26/09/2024	C/- Lifestyle Property Agency, Suites 3, Ground Floor, 68 Sir John Young Cres, WOOLLOOMOOLOO NSW 2011
389	26/02/2024	C/- Little Real Estate, GPO Box 4753, MELBOURNE VIC 3001
390	16/09/2024	C/- Roger Page First National, Shop 14/100 Edinburgh Rd, CASTLECRAIG NSW 2068
391	1/03/2024	C/- The Treasurer, 140 Edinburgh Rd, CASTLECRAIG NSW 2068
392	20/09/2024	NO ADDRESS GIVEN
393	17/09/2024	NO ADDRESS GIVEN
394	1/03/2024	No Address Given
395	1/3/24, 26/9/24	No Address Given
396	1/03/2024	No Address Given
397	1/03/2024	No Address Given
398	29/02/2024	No Address Given
399	28/2/24, 22/09/2024	No Address Given

400	29/02/2024	PO Box 107, NORTHBRIDGE NSW 1560
401	4/03/2024	PO Box 1107, NORTH SYDNEY NSW 2059
402	20/09/2024	PO Box 245, WILLOUGHBY NSW 2068
403	21/09/2024	PO Box 245, WILLOUGHBY NSW 2068
404	25/09/2024	PO Box 4088, CASTLECRAG NSW 2068
405	1/3/24, 26/09/2024	PO Box 4088, CASTLECRAG NSW 2068
406	8/2/24, 20/09/2024	PO Box 4120, CASTLECRAG NSW 2068
407	26/02/2024	PO Box 4185, CASTLECRAG NSW 2068
408	22/09/2024	PO Box 4191, CASTLECRAG NSW 2068
409	20/09/2024	PO Box 4200, CASTLECRAG NSW 2068
410	29/02/2024	PO Box 4255, CASTLECRAG NSW 2068
411	1/03/2024	PO Box 4259, CASTLECRAG NSW 2068
412	1/03/2024	PO Box 4264, CASTLECRAG NSW 2068
413	26/09/2024 x 2	PO Box 428, NORTHBRIDGE NSW 1560
414	28/02/2024	PO Box 4322, CASTLECRAG NSW 2068
415	29/02/2024	PO Box 4337, CASTLECRAG NSW 2068
416	29/2/24, 24/09/2024	PO Box 4360, CASTLECRAG NSW 2068
417	28/2/24, 23/09/2024	PO Box 4421, CASTLECRAG NSW 2068
418	28/2/24, 25/09/2024	PO Box 4421, CASTLECRAG NSW 2068
420	23/09/2024	PO Box 511, NORTHBRIDGE NSW 1560
421	3/03/2024	PO Box 610, WILLOUGHBY NSW 2068
422	1/03/2024	PO Box 6261, NORTH SYDNEY NSW 2059
423	28/02/2024	PO Box 6261, NORTH SYDNEY NSW 2059
424	1/03/2024	PO Box 8217, BAULKHAM HILLS NSW 2153
425	1/03/2024	Shop 8/100 Edinburgh Rd, CASTLECRAG NSW 2068
426	1/03/2024, 25/9/24	NO ADDRESS GIVEN
427	1/03/2024	The Secretary, PO Box 4263, CASTLECRAG NSW 2068
428	27/09/2024	NO ADDRESS GIVEN
429	27/09/2024	2 The Bulwark, Castlecrag
430	1/03/2024	5 The Scarp, CASTLECRAG NSW 2068
431	1/03/2024	3/82 Myrtle Street, Chippendale NSW 2008
432	26/09/2024	NO ADDRESS GIVEN
433	26/09/2024	28 The Bulwark, CASTLECRAG NSW 2068
434	28/02/2024	30 Third Avenue, WILLOUGHBY EAST NSW 2068
435	1/09/2024	100 The Bulwark, CASTLECRAG NSW 2068
436	26/09/2024	205 Edinburgh Road, Castlecrag
437	1/3/24, 26/9/24	28 The Bulwark, CASTLECRAG NSW 2068
438	26/09/2024	c/- Hld International - Shop 11/100 Edinburgh Road Castlecrag
439	26/09/2024	130 Edinburgh Road, Castlecrag
440	26/09/2024	12 Sortie Port, Castlecrag
441	26/09/2024	48 The Rampart, Castlecrag
442	26/09/2024	12 The Bastion, Castlecrag
443	26/09/2024	94 The Bulwark, Castlecrag
444	26/09/2024	105 The Bulwar, Castlecrag
445	26/09/2024	11 Rutland Avenue, Castlecrag
446	26/09/2024	14 Lamette Street, Chatswood

447	30/09/2024	NO ADDRESS GIVEN
448	26/09/2024	88 The Bulwark, Castlecrag
449	26/09/2024	NO ADDRESS GIVEN
450	26/09/2024	90 The Bulwark, Castlecrag
451	26/09/2024	NO ADDRESS GIVEN
452	25/09/2024	8 The Lee, Middle Cove
453	26/09/2024	6 Oakville Road, Willoughby
454	25/09/2024	304B/34 Penshurst Street, Willoughby
455	26/09/2024	89 Penshurst Street, Willoughby North
456	26/09/2024	116 Edinburgh Road, Castlecrag
457	1/3/24, 26/09/2024	Suite 17.04 Level 17, 500 Oxford Street, Bondi Junction

Issues raised from initial notification period	Response
Lack of waste facilities and grease traps / grease arrestors for proposed Food and Beverage Premises, possibly leading to difficulty gaining approval to operate kitchens. Space made available for cafes and restaurants with the appropriate venting, waste facilities and air-conditioning ducts need to be included in the proposed plans.	The amended proposal has been reviewed by Council's waste officer and considered to be compliant with Council's <i>DCP</i> and relevant controls.
Public space designed as 'sterile' and 'uninviting' – amount of proposed seating less than half of previous and faces outwards, inhibiting interaction between users and affecting amenity.	The proposal has been reviewed by Council's Urban Design expert and the provision of proposed Public domain works, public art landscaping are considered acceptable subject to conditions
Height of driveway entrance into basement car parking level being 3.8m instead of the standard 4.5m, meaning trucks will not be able to enter the basement. The proposed turntable for heavy vehicles in the basement is 10.5m wide with a safety zone of 12.5m around it. Rigid trucks have a length of 12.5m, potentially posing a risk to safety.	The amended plans provide compliance with the requirements for Waste vehicles and removalist and service delivery trucks. These have been reviewed and supported by Council's Engineers and the Waste team.
Driveway entry/exit on Edinburgh Road potentially not meeting Australian Standards and should contain a pedestrian safety island separating the entry and exit.	The proposal has been reviewed and supported by Council's Traffic Team Engineers and the Waste team and suitable conditions imposed.
Proposed south facing building is 5 storeys with a setback that impacts the privacy of neighbouring properties.	Privacy issues have been discussed earlier in the report. And suitable condition included in the recommendations.
Potential inaccurate developer survey / plans. The applicant has included private property along the southern boundary DP 43688/89/90 (belonging to houses 7/9/11 The Postern	The issue has been addressed in the report and suitable conditions included in the recommendations.

Issues raised from initial notification period	Response
<p>respectively) as part of their drawings and indication of rear setbacks.</p> <p>This potentially gives an over-exaggeration and false impression of the rear setback and property boundaries and raises concerns about the proposed design taking the amenity of adjoining residents into consideration.</p>	
<p>The design, bulk and scale of proposed development potentially dominates the character of the area.</p> <p>The proposed building line on the southern boundary may cause overshadowing and privacy impacts to adjoining properties.</p>	<p>The issues relating to overshadowing and privacy are discussed earlier in the report and are considered to be acceptable on merit.</p>
<p>Demolition of existing southern brick wall will cause water run-off and drainage to fall to adjoining property 'The Postern' due to slope of the site.</p>	<p>Council's Engineering Team have reviewed the proposed plans and supported the development subject to inclusion of conditions</p>
<p>The functionality of the proposed al fresco dining area is limited by the pillars/column blades to support the awning, reducing the amount of dining space and hindering pedestrian access and flow.</p>	<p>The submitted architectural plans meets compliant requirement of the site specific <i>LEP</i> and <i>DCP</i> and has been reviewed by Council's Urban Designer and considered satisfactory</p>
<p>The proposed area in front of the supermarket being too large and not aligned to the active street frontage of existing retail outlets on Eastern Valley Way.</p>	<p>The submitted amended architectural plans has been reviewed by Council's Landscape and Urban Designer and considered satisfactory</p>
<p>In order to serve the community, the proposal may need to dedicate specialty retail uses e.g. pharmacy, hairdresser's, etc.</p>	<p>The proposed retails spaces will be subject to separate approvals</p>
<p>The proposed landscaping works needs to offset the environmental impacts of the development and reduce likelihood of the common open space becoming a 'wind tunnel'.</p>	<p>The proposed development has been reviewed by Design Review Panel and Council's Urban Design Team and consider it acceptable. The Landscape Plan submitted considered planting to provide adequate amenity to the proposed open spaces.</p>
<p>The proposed floor to floor height of 3m on the levels above the supermarket are potentially non compliant with the ADG standards.</p>	<p>The amended proposal is compliant with this requirement and provides 4m floor to ceilings heights for the non-residential component of the development</p>
<p>Common area not accessible for older population due to uneven landscape mounds / grassy knolls.</p>	<p>The proposed Landscape plan provides a mix of landscaping option to provide adequate landscaping for different ability levels and age ranges.</p>
<p>Vehicles exiting the development:</p>	<p>The proposed development has been reviewed</p>

Issues raised from initial notification period	Response
<p>When turning right on to Edinburgh Road, vehicle egress can be blocked by westbound traffic (stationary or moving) on Edinburgh Road. Additionally, westbound traffic can obscure sightlines and prevent drivers identifying a suitable break in the eastbound traffic from Eastern Valley Way / Edinburgh Rd West.</p> <p>Vehicles entering the development: For eastbound traffic turning right from Edinburgh Road, stationary or moving westbound traffic can block access. This can quickly lead to congestion in the eastbound lane and create traffic queues extending back towards the main intersection with Eastern Valley Way.</p> <p>Conflicting flow from Raeburn Ave. For Raeburn Ave, the entrance is narrow due to the important loading zone and disabled parking spaces on either side.</p> <p>Vehicles waiting to exit Raeburn – especially if several are queued waiting to turn right - can prevent or significantly impede the flow of vehicles turning from Edinburgh in to Raeburn – thereby creating further congestion for Eastbound traffic on Edinburgh during busy periods.</p> <p>Rat runs down Raeburn, Rutland Avenues and Charles Street. Raeburn, Rutland and Charles only have 1 shared traffic lane for north and southbound vehicles, and also have moderately steep gradients. Inadequate traffic management for the development could materially increase traffic volumes in these streets as motorists seek an alternative route using Sunnyside Avenue – especially during peak traffic times.</p>	<p>by Council's Traffic Team and suitable conditions have been imposed to ensure adequate level of pedestrian and vehicular safety is provided.</p>
<p>No activated street frontage on north and western facades of proposed development due to blank façade.</p>	<p>The proposal was reviewed by Design Review Panel and Council's Urban designer and is supported.</p>
<p>Larger trucks needed to be used for the proposed supermarket potentially causing disruption in car parking levels.</p>	<p>Council's Engineering Team has reviewed and supported the development and suitable conditions included where required.</p>
<p>The level of amenity of the public open space and amount of retail services in the proposal provides is lesser than the plaza area in the</p>	<p>The amended architectural plans demonstrating adequate outdoor seating areas by the applicant has been reviewed and considered satisfactory.</p>

Issues raised from initial notification period	Response
previously existing development, inadequately serving the community.	
<p>Alfresco Dining Configuration – concerns regarding its cohesiveness</p> <p>In the plans the tables and chairs are shown outside the retail shops, but the layout consists of isolated tables placed between doorways and the large column supports of the awning. This configuration potentially disrupts the flow and fails to create the vibrant dining environment that was initially pledged by the owner and developer.</p> <p>Furthermore, the tables positioned in the corridor facing west, directly opposite the supermarket, are not only limited to one retail outlet but also sit in the path of foot traffic leading to both the supermarket and nearby residences. This area is likely to become uncomfortable due to wind patterns, which could affect amenity.</p>	<p>The amended architectural plans submitted by the applicant has been reviewed and provides adequate circulation areas to ensure uninterrupted movement of public and has been supported by Council's Building team</p>
5 retail car spaces provided on the mezzanine level in an area with potential for more retail premises or public amenities.	Provision and mix of retail use provides compliance with Council's <i>DCP</i> provision and are supported
The proposed large billboard to be positioned on the entrance to Castlecrag is out of keeping with the area.	The amended proposal does not include approval for any signage.
Due to the influx of traffic it may be necessary to consider a bridge over the road to provide safety for pedestrians.	Works relating Public domain works are being considered by Council's Urban Design specialist and Traffic team.
Provision for functional use of the outdoor spaces by the community and the flowpaths of users needs to be defined in an Open Space Management Plan.	The submitted Landscape and architectural plans have been reviewed and considered satisfactory. Also suitable condition of consent has been included in the recommendations
Due to traffic concerns, speed controls may be required on Sunnyside Crescent at the intersection with Raeburn Avenue.	Council's Traffic Team have considered the impact of the development in the local area as a part of assessment of this application.
The locality is serviced by supermarkets within 500 metres of the development; Northbridge Plaza and Woolworths Smith Street. The proposed supermarket at its current size may not be necessary for nearby residents.	Commercial viability of proposed supermarket is not considered under Planning considerations for this application
The amended proposed development will significantly diminish solar access to the north-facing windows and private areas of 99 Eastern Valley	The issues relating to overshadowing are discussed earlier in the report and are considered to be acceptable on merit

Issues raised from initial notification period	Response
<p>Way between the hours of 9am to 3pm in mid-winter that were given a significant amount of weight and emphasis by Council requiring protection during the assessment of Development Application (DA) 2011/143.</p> <p>It should be noted that this was achieved whilst also ensuring protection of solar access of the property to the south (97 Eastern Valley Way).</p>	
<p>Proposal potentially does not satisfy Apartment Design Guidelines in terms of:</p> <ul style="list-style-type: none"> • Total loss solar access to windows of living rooms, bedrooms and areas of private open space of the multiple dwellings at No 99 Eastern Valley Way at mid-winter which currently achieve a reasonable level of solar access. • Building separation does not comply with the minimum ADG building separation requirements of Part 3F, noting a minimum 9m (first 4-storeys) is required to habitable rooms given the transition from higher to lower density residential development and minimum 12m (to uppermost 5-storey). • Overshadowing has not been minimised to No 99 Eastern Valley Way which is located on the downward slope from the development site. 	<p>Compliance with Apartment Design Guidelines have been discussed earlier in the report.</p>
<p>The design includes multiple balconies and expansive south-facing glass openings, leading to direct overlooking of living areas and private outdoor spaces at 99 Eastern Valley Way. This configuration fails to comply with established planning principles aimed at preserving residential privacy, especially in high-density developments.</p>	<p>Adequate planning with the site along with building separation will enable adequate visual privacy is available. As noted earlier in the report mature tree planting and landscaping in the RE-1 zone will assist in provision of visual and aural privacy.</p>

Issues raised from initial notification period	Response
<p>The proposed building's height, ranging from 4 to 5 storeys, will create a substantial sense of visual bulk and senses of enclosure for nearby residents. Given the topography of the area, the building's proximity to the boundary with 99 Edinburgh Road will further heighten the visual impact.</p>	<p>This is discussed in detail in earlier part of the report. and considered acceptable.</p>
<p>The surrounding properties to the south is situated within a R2 Low Density Residential Zone, which primarily accommodates single and low-rise residential buildings. The scale and density of the proposed development is inconsistent with the character of the surrounding area, threatening to disrupt the existing residential amenity and potentially setting a precedent for future developments that may further encroach on the low-density character of the neighbourhood</p> <p>Amenity compromised by proposed development which is of a greater height, bulk, scale and density than development envisaged in the R2 Low Density Residential zone</p>	<p>The proposed development as detailed in earlier parts of the report meets the objectives of controls and provision of the Local Centre Strategy.</p>
<p>Privacy Enhancement Measures</p> <p>The design should include features such as high sills, privacy screens, and obscure glazing to prevent direct visual intrusion into the private living areas and outdoor spaces of 99 Eastern Valley Way, ensuring a reasonable level of privacy for nearby residents.</p>	<p>Privacy provision have been included in the amended plans and also considered acceptable by including suitable recommended conditions of consent</p>
<p>No information is provided in the new Revised Plans and DA Documents to demonstrate how vehicular access to 116 Edinburgh Road, in accordance with the terms of the Right of Carriageway, will be maintained.</p> <p>It has been noted that, based on a comparison between the original plans and the amended architectural plans, there appear to be changes to what is proposed within the Right of Carriageway, particularly the relocation of the B1 to B2 ramp.</p> <p>It is not clear how vehicular access to 116 Edinburgh Road and the Right of Carriageway is intended to be maintained, including whether access will be available from the B1 level or the Ground level (or neither).</p>	<p>Existing right of way carriageway and access is being discussed between the affected parties and developer outside of the DA process Suitable condition of consent has been included in the recommendation</p>

Issues raised from initial notification period	Response
It is also unclear from the amended plans how the entrance ramp from Edinburgh Road is intended to operate given that the ramp from B1 to B2 is now proposed to be directly underneath the entrance. It is not clear to me from the amended plans how vehicles will enter the B1 level from the entrance ramp on the ground floor.	
As the site at 116 Edinburgh Road is zoned MU1 Mixed Use, the eastern extent of the new development should maintain separation of at least 3 metres the western boundary wall of the existing building on 116 Edinburgh Road. The new documentation apparently indicates that this is not the case.	Amended plans demonstrate compliance at Level 1 and 2 however condition of consent is being recommended to provide screening to balconies which are encroaching into that setbacks.
Public toilet facilities and a parent's room have been added to the basement level 1 but it is unclear whether these toilets are for the use of the general public, as was the case, or locked for use only by patrons of the centre. All these toilets must be provided in a manner that is safe public use: suitable for the elderly, young families, and visitors. Accessibility to public toilet facilities needs to be assured.	Provision of public amenities are available on site and maintenance of these facilities will be subject to the Strata Managements Plans for the development
Impacts to the character of the neighbouring Griffin Heritage Conservation Area (C4) and Griffin Centre Heritage Item I253 on 120 Edinburgh Road.	The report addressed compliance with cl 5.10 of the <i>LEP</i> as discussed in the report.
Increased traffic congestion at the intersection of Edinburgh Road and Eastern Valley way potentially causing traffic safety issues in regards to the pick up and drop off periods at the nearby Glenaeon School, and emergency vehicles arriving to/from Castlecrag.	Council's Traffic Team has considered the development proposal and consider the proposal acceptable with regards to vehicular and pedestrian safety,

ATTACHMENT 5: 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) 	✓
	<ul style="list-style-type: none"> Draft Regional Environmental Plans (REP) 	✓
	<ul style="list-style-type: none"> Draft Local Environmental Plans (LEP) 	✓
	Comment: There are no draft EPIs that applies to the development	
(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 satisfies the objectives of the controls that inform the overall building envelope.	
(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, NSW Police, TfNSW and Water NSW have been incorporated into the consent.	
(e)	The public interest	
	<ul style="list-style-type: none"> Federal, State and Local Government interests and Community interests 	✓
	Comment: The proposal satisfies public interest objectives, noting that it consistent with the <i>Willoughby Local Centre Strategy 2036</i> .	

CONCLUSION

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

ATTACHMENT 6: SCHEDULE OF CONDITIONS

SCHEDULE 1

CONDITIONS OF CONSENT

GENERAL CONDITIONS

Conditions 1 to 12

1. Approved Plan/Details

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

Type	Plan No.	Revision/ Issue No	Plan Date (as Amended)	Prepared by
Site Plan	Add info - 1103	2	24/10/2024	fjcstudio
Site demolition plan (DA2)	Add info - 1302	1	29/08/2024	
Basement 3	Add info – 2000 – GA plans	2	28/08/2024	
Basement 2	Add info – 2001 – GA plans	2	28/08/2024	
Basement 1	Add info – 2002 – GA plans	3	24/10/2024	
Mezzanine	Add info – 2003 – GA plans	3	24/10/2024	
Ground	Add info – 2004 – GA plans	3	24/10/2024	
Level 1	Add info – 2005 – GA plans	2	29/08/2024	
Level 2	Add info – 2006 – GA plans	2	28/08/2024	
Level 3 roof	Add info – 2007 – GA plans	2	29/08/2024	
Level 4 Upper roof	Add info – 2008 – GA plans	2	29/08/2024	
Elevations – North/South	Add info – 3000	2	24/10/2024	
Elevations – East/West	Add info – 3001	2	24/10/2024	
Elevations – East/ West Inner	Add info – 3002	1	29/08/2024	
Section A, C, D	Add info - 4000	3	24/10/2024	
Section 2 & 3	Add info - 4001	3	24/10/2024	
Adaptable Apartments	Add info - 9101	1	27/08/2024	
Adaptable Apartments	Add info - 9102	1	27/08/2024	
Adaptable Apartments	Add info - 9103	1	27/08/2024	
Adaptable Apartments	Add info - 9104	1	27/08/2024	
Communal Open Space	Add info- 9606	2	24/10/2024	
Elevations – Materials Board	3003	0	13/12/2023	
Existing Tree Management Plan	L-001	G	03/09/2024	Site Image Landscape architect
Landscape plan - Overall Ground floor	L-100	J	24/10/2024	
Landscape render - Masterplan composite	L-C100	F	24/10/2023	
Landscape render - Ground Floor	L-C101	B	24/10/2024	
General arrangement 1 - Ground floor	L-101	E	24/10/2024	
General arrangement 2 - Ground floor	L-102	E	24/10/2024	
General arrangement 3 - Ground	L-103	G	24/10/2024	

floor				
General arrangement 4 - Ground floor	L-104	F	24/10/2024	
General arrangement 5 – Level 1	L-105	D	30/08/2024	
General arrangement 6 – Level 3	L-106	D	29/08/2024	
Planting plan - Overall Ground floor	L-200	H	24/10/2024	
Planting plan 2 - Level 1	L-201	C	30/08/2024	
Planting plan 3 - Level 3	L-202	C	30/08/2024	
Landscape specifications notes & Indicative plant schedule	L-500	B	30/08/2024	
Landscape details 1	L-501	B	30/08/2024	
Landscape details 2	L-502	C	30/10/2024	
Landscape details 3	L-503	C	30/08/2024	
Plan of Subdivision	Sheets 1 to 8	-	27/06/2023	LTS

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:

A.	Method of Electricity Connection The method of connection will be in line with Ausgrid’s Electrical Standard (ES)1 – ‘Premise Connection Requirements’.
B.	Service Mains It appears the existing overhead electricity service mains, that supply the subject property, may not have sufficient clearance to the proposed construction as per the requirements of "The Installation and Service Rules of NSW". It is recommended that the developer engage a Level 2 Accredited Service Provider (ASP) Electrician to ensure that the installation will comply with the Service Rules.

C.	<p><u>Proximity to Existing Network Assets</u></p> <p>Underground Cables</p> <p>There are existing underground electricity network assets in EDINBURGH ROAD CASTLECRAG.</p> <p>Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.</p> <p>Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.</p> <p>Safework Australia – Excavation Code of Practice, and Ausgrid’s Network Standard NS156 outlines the minimum requirements for working around Ausgrid’s underground cables.</p>
D.	<p><u>Substation</u></p> <p>There are existing electricity substation S5062 within 100 EDINBURGH ROAD CASTLECRAG.</p> <p>The substation ventilation openings, including substation duct openings and louvered panels, must be separated from building air intake and exhaust openings, natural ventilation openings and boundaries of adjacent allotments, by separation distances which meet the requirements of all relevant authorities, building regulations, BCA and Australian Standards including AS 1668.2: The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings.</p> <p>In addition to above, Ausgrid requires the substation ventilation openings, including duct openings and louvered panels, to be separated from building ventilation system air intake and exhaust openings, including those on buildings on adjacent allotments, by not less than 6 metres.</p> <p>Any portion of a building other than a BCA class 10a structure constructed from non combustible materials, which is not sheltered by a non-ignitable blast-resisting barrier and is within 3 metres in any direction from the housing of a kiosk substation, is required to have a Fire Resistance Level (FRL) of not less than 120/120/120.</p> <p>Openable or fixed windows or glass blockwork or similar, irrespective of their fire rating, are not permitted within 3 metres in any direction from the housing of a kiosk substation, unless they are sheltered by a nonignitable blast resisting barrier.</p> <p>The development must comply with both the Reference Levels and the precautionary requirements of the ICNIRP Guidelines for Limiting Exposure to Time-varying Electric and Magnetic Fields (1 HZ – 100 kHz) (ICNIRP 2010).</p> <p>For further details on fire segregation requirements refer to Ausgrid's Network Standard 141.</p> <p>Existing Ausgrid easements, leases and/or right of ways must be maintained at all times to ensure 24 hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid.</p> <p>For further details refer to Ausgrid’s Network Standard 143.</p>
E.	<p><u>For Activities Within or Near to the Electricity Easement:</u></p>

Purpose Of Easement

This easement was acquired for the 11,000 volt distribution assets currently owned and operated by Ausgrid.

The purpose of the easement is to protect the distribution assets and to provide adequate working space along the route of the cables for construction and maintenance work. The easement also assists Ausgrid in controlling works or other activities under or near the distribution cables which could either by accident or otherwise create an unsafe situation for workers or the public, or reduce the security and reliability of Ausgrid's network.

The Following Conditions Apply for any Activities Within the Electricity Easement:

1. Safework Australia – Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.
2. Ausgrid is not responsible for the reinstatement of any finished surface within the easement site.
3. Ausgrid requires 24 hour access along the easement for plant and personnel. For the purpose of exercising its rights under the easement, Ausgrid may cut fences and/or walls and install gates in them. Where the easements on a site do not provide practical access to all of Ausgrid's infrastructure, a suitable right of access at least 5m wide must be provided to each asset.
4. Access driveways shall withstand the weight of a heavy rigid truck when fully laden weighing 30 tonne.
5. Access gates, minimum 4.5 metres wide, may be required in all fences crossing the transmission line easement.
6. Driveways and other vehicle access must be capable of supporting the heaviest vehicle likely to traverse the driveway without damaging Ausgrid's assets.
7. All metal work within the easement site including metallic fencing, are to be locally earthed by a qualified electrician via a 50 sq. mm stranded copper, insulated earthwire bonded to a copper-clad earthstake driven at least 1.6 metres into the ground.
8. Metallic fencing is generally not permitted to extend away from the easement site unless an insulating section is installed, at least 3 metres wide. This requirement maybe relaxed upon assessment of a supplied fencing design.
9. No buildings/structures or parts thereof constructed may encroach the easement.
10. No machine excavation is permitted within the easement without Ausgrid's express permission.
11. During building construction, adequate controls must be put in place to prevent vehicles and machinery from damaging the Ausgrid assets.
12. Bulk solids (e.g sand and gravels) are not to be stored within the easement area.
13. Any change to ground levels must be submitted to Ausgrid for approval.
14. The proposed finished ground levels within the easement must provide a minimum of 600mm cover to the 11kV Distribution Cables.
15. The proposed finished ground levels within the easement must provide a minimum of 500mm cover to the Low Voltage Cables.
16. No fill material or retaining walls are to be placed within the easement without Ausgrid's written approval.
17. Any excavation adjacent to the easement must utilise adequate shoring to prevent destabilisation or subsidence of the ground around the LV cable.
18. Trees, shrubs, or plants which have root systems likely to grow greater than

	<p>250mm below ground level are not permitted within the easement or close to the cable infrastructure. The planting of other vegetation is to ensure Ausgrid's access and maintenance requirements are maintained.</p> <p>19. Electric power should not be connected to the easement site without permission from Ausgrid.</p> <p>20. Electric power should not be connected to the easement site without permission from Ausgrid, however electric power may be run through the easement under the conditions in the following point.</p> <p>21. Any electrical services and metallic telecoms and metallic piping, whilst installed within easement are not to be run parallel with the overhead electricity mains for a combined total distance greater than 50m per service. Any parallel length greater than this will require additional Ausgrid consent when the services design is determined. Fibre communications cable does and plastic or concrete piping does not need to meet this requirement.</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 enable people to identify signs of intoxication and anti-social behaviour. The lighting will also need to be sufficient to support images obtained from any CCTV footage. Please note that some low- or high-pressure lighting is not compatible with surveillance systems.
C.	An electronic surveillance system should be included to provide maximum surveillance of all areas of the site including entry/exits, car parks, bicycle parking, mail areas and common areas. Cameras should also cover public footpath areas around the premises. The system should be capable of recording high-quality images of events. The recording equipment should be locked away to reduce the likelihood of tampering.
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. The CCTV cameras will need to be placed in suitable locations to enhance the physical security and assist in positively identifying an individual, who may be involved in criminal behaviour.
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.	Appropriated modifications should be made where necessary to accommodate the increase in traffic congestion on surrounding streets and intersections.
M.	An emergency control and evacuation plan should be implemented within the site and displayed for the information of residents.
N.	Wheelchair access should at no time be blocked nor impede access to anyone with a disability.
O.	The landscaping design around the site needs to be free from potential hiding places and provide sightlines throughout the site and into any surrounding areas such as car parks, playgrounds and recreational amenities. Trees and shrubs should be maintained regularly to reduce concealment opportunities and increase visibility. Avoid the use of landscaping materials which could, when mature, serve as screens or barriers to impede views.
P.	The boundaries of the site should be clearly identified to deter unauthorised persons from entering the site.

(Reason: Ensure compliance)

5. Transport for NSW

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

A.	All buildings and structures (other than pedestrian footpath awnings), together with any improvements integral to the future use of the site are to be wholly within the freehold property unlimited in height or depth along the Eastern Valley Way boundary.
B.	<p>Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system that impact upon Eastern Valley Way are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to development.sydney@transport.nsw.gov.au.</p> <p>A plan checking fee will be payable, and a performance bond may be required before TfNSW approval is issued.</p>
C.	<p>The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2012/001.</p> <p>The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Please send all documentation to development.sydney@transport.nsw.gov.au.</p> <p>If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below</p>

	the base of the footings. The notice is to include complete details of the work.
D.	A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Eastern Valley Way during construction activities. A ROL can be obtained through https://myrta.com/oplinc2/pages/security/oplincLogin.jsf .
E.	The Applicant shall be responsible for all public utility adjustment/relocation works, necessitated by the above work, and as required by the various public utility authorities and/or their agents.

(Reason: Ensure compliance)

6. WaterNSW

The following dewatering conditions from WaterNSW must be complied with:

GT0115-00001	Groundwater must only be pumped or extracted for the purpose of temporary construction dewatering at the site identified in the development application. For clarity, the purpose for which this approval is granted is only for dewatering that is required for the construction phase of the development and not for any dewatering that is required once construction is completed.
GT0116-00001	<p>Before any construction certificate is issued for any excavation under the development consent, the applicant must:</p> <ol style="list-style-type: none"> 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 3. Advisory Note: An approval under the Water Management Act 2000 is required to construct and/or install the water supply works. For the avoidance of doubt, these General Terms of Approval do not represent any authorisation for the take of groundwater, nor do they constitute the grant or the indication of an intention to grant, any required Water Access Licence (WAL). A WAL is required to lawfully take more than 3ML of water per water year as part of the dewatering activity. 4. A water use approval may also be required, unless the use of the water is for a purpose for which a development consent is in force.
GT0117-00001	<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.</p> <p>Advisory Notes:</p> <ol style="list-style-type: none"> 1. This approval is not a water access licence. 2. A water year commences on 1 July each year. 3. This approval may contain an extraction limit which may also restrict the ability to take more than 3ML per water year without further information being provided to WaterNSW. 4. Note that certain water sources may be exempted from this requirement – see paragraph 17A, Schedule 4 of the Water Management (General) Regulation 2018.
GT0118-00001	If no water access licence is obtained for the first 3ML / year (or less) of water extracted, then, in accordance with clause 21(6), Water

	<p>Management (General) Regulation 2018, the applicant must:</p> <ul style="list-style-type: none"> (a) record water taken for which the exemption is claimed, and (b) record the take of water not later than 24 hours after water is taken, and (c) make the record on WAL exemption form located on WaterNSW website "Record of groundwater take under exemption", and (d) keep the record for a period of 5 years, and (e) give the record to WaterNSW either via email to Customer.Helpdesk@waterNSW.com.au or post completed forms to – PO Box 398 Parramatta NSW 2124 <ul style="list-style-type: none"> i. not later than 28 days after the end of the water year (being 30 June) in which the water was taken, or ii. if WaterNSW directs the person in writing to give the record to WaterNSW on an earlier date, by that date.
GT0119-00001	All extracted groundwater must be discharged from the site in accordance with Council requirements for stormwater drainage or in accordance with any applicable trade waste agreement.
GT0120-00001	<p>The design and construction of the building must prevent:</p> <ul style="list-style-type: none"> (a) any take of groundwater, following the grant of an occupation certificate (and completion of construction of development), by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation; (b) obstruction to groundwater flow, by using sufficient permanent drainage beneath and around the outside of the watertight structure to ensure that any groundwater mounding shall not be greater than 10 % above the pre-development level; and (c) any elevated water table from rising to within 1.0m below the natural ground surface.
GT0121-00001	<p>Construction phase monitoring bore requirements GTA:</p> <ul style="list-style-type: none"> (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> <ul style="list-style-type: none"> (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): <ul style="list-style-type: none"> i. Pre-application measurement requirements: The results of groundwater measurements on or around the

	<p>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.</p> <p>ii. Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater;</p> <p>iii. Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW;</p> <p>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> <p>(b) The applicant must comply with the monitoring programme as approved by WaterNSW for the duration of the water supply work approval (Approved Monitoring Programme).</p>
GT0123-00001	<p>(a) Prior to the issuing of the occupation certificate, and following the completion of the dewatering activity, and any monitoring required under the Approved Monitoring Programme, the applicant must submit a completion report to WaterNSW.</p> <p>(b) The completion report must, unless agreed otherwise in writing by WaterNSW, include matters set out in any guideline published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no guideline is current or published, the completion report must include the following (unless otherwise agreed in writing by WaterNSW):</p> <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.watarnsw.com.au/customer-service/waterlicensing/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.</p> <p>Advisory note: Any application to increase the extraction limit should include the following:</p> <ul style="list-style-type: none"> - Groundwater investigation report describing the groundwater conditions beneath and around the site and subsurface conceptualisation - Survey plan showing ground surface elevation across the site - Architectural drawings showing basement dimensions - Environmental site assessment report for any sites containing contaminated soil or groundwater (apart from acid sulphate soils (ASS)) - Laboratory test results for soil sampling testing for ASS - If ASS, details of proposed management and treatment of soil and groundwater. Testing and management should align with the

	NSW Acid Sulphate Soil Manual
GT0151-00001	Any dewatering activity approved under this approval shall cease after a period of two (2) years from the date of this approval, unless otherwise agreed in writing by WaterNSW (Term of the dewatering approval). Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
GT0152-00001	This approval must be surrendered after compliance with all conditions of this approval, and prior to the expiry of the Term of the dewatering approval, in condition GT0151-00001. Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
GT0155-00001	The following construction phase monitoring requirements apply (Works Approval): <ul style="list-style-type: none"> (a) The monitoring bores must be installed in accordance with the number and location shown, as modified by this approval, unless otherwise agreed in writing with WaterNSW. (b) The applicant must comply with the monitoring programme as amended by this approval (Approved Monitoring Programme). (c) The applicant must submit all results from the Approved Monitoring Programme, to WaterNSW, as part of the Completion Report.

(Reason: Ensure compliance)

7. Compliance with National Construction Code

All building works must be carried out in accordance with the performance requirements of the National Construction Code.

(Reason: Compliance)

8. Support for Neighbouring Buildings

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

(Reason: Safety)

9. Construction Certificate

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

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

(Reason: Ensure compliance and statutory requirement)

10. Notify Council of Intention to Commence Works

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

(Reason: Information and ensure compliance)

11. Occupation Certificate

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

(Reason: Safety)

12. 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)

PRIOR TO MAKING AN APPLICATION FOR A CONSTRUCTION CERTIFICATE

Condition 13

13. Submit the Following Information to Willoughby City Council

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

(a) Detailed stormwater plans for the site that include the following information:

- Detailed design for OSD tank, including overflow levels. The overflow levels are to be through the top or side of the tank and are to be to ground and not to a pipe or internal chamber with a piped outlet. The levels are to confirm that the required 300mm freeboard from the overflow water level to adjacent floor levels is provided.
- Details to confirm that the system draining to the OSD tanks are able to carry flow from all storms up to and including the 1%AEP event. Should overflow paths not drain to the tank, then the pipe system shall be designed for the 1%AEP event.
- Longitudinal section from the connection point to the street drainage system to the OSD tank. The section is to include a hydraulic grade line analysis for the 1%AEP event, that confirms that the water level immediately

- downstream of the OSD tank does not impact the tank outlet nor result in a drowned outlet. Unless a detailed analysis is undertaken, and provided to Council, to confirm the 1%AEP water level at the connection to the street drainage system, the adopted 1%AEP water level at the pit shall be the grate level.
- At the connection points to the street drainage system, details of the existing grate and invert levels of the pit.
 - Detailed design of the system draining the south-eastern part of the site that drains to the east towards The Postern. A maximum flow of 20L/s may discharge to the kerb and gutter in The Postern. For flows in excess of this, the piped network shall extend to the Council drainage system in The Postern or The Rampart. We note that Council has no records of Council owned stormwater infrastructure in the position indicated on EIAustralia drawing C201/02 and the design is to include details of a new drainage system.
 - Catchment plan detailing where all areas drain for both the Drains and MUSIC models. Nodes names used in each analysis are to be clearly detailed on the catchment plans.
- (b) Calculations for the stormwater management system that confirm compliance of the system with the requirements of Part I of the *DCP* and Technical Standard 1. The calculations shall include the following:
- Catchment plan that details all areas draining to various systems
 - Details of the Drains analysis, including model layout and details of parameters used in each node, including the OSD tanks.
 - Summary of results to confirm that the peak flow from the entire site in the 1%AEP storm event does not exceed the permitted site discharge of 116L/s.
 - Details of peak stormwater flows from the southern part of the site that drain to the east, towards The Postern
 - Hydraulic Grade Line analysis to confirm that the outlet of the OSD tank is above the downstream water level in the 1%AEP event.
 - Summary of MUSIC analysis, including catchment details for all nodes, parameters adopted in the model and analysis results.
- (c) Public Domain Plan to show treatments along the periphery of Edinburgh Road frontage, including but not limited to a trafficable and robust area, along with planted areas and seating arrangements that encourage outdoor passive recreation activities.
(Reason: Ensure compliance)

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

Conditions 14 to 55

14. S7.11 Contribution

Prior to the issue of the Construction Certificate, a monetary contribution is to be paid to in accordance with section 7.11 of *Environmental Planning and Assessment Act, 1979* in the amount of **\$704,672.40** for the purposes of the Local Infrastructure identified in the *Willoughby Local Infrastructure Contributions Plan*.

Active transport and public domain facilities	\$30,052.54
Open space and recreation facilities	\$552,334.55
Plan administration	\$10,413.95
Recoupment - community facilities	\$106,223.74
Recoupment - open space and recreation	\$5,647.61
Total	\$704,672.40

Indexation

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

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

Where:

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

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

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

Deferred payments of contributions will not be accepted.

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

Copies of the *Willoughby Local Infrastructure Contributions Plan* are available for inspection online at www.willoughby.nsw.gov.au
(Reason: Statutory requirement)

15. 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
HPC (base component of 37 dwellings x \$10,000)	\$370,000
Total HPC	\$370,000

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

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)

16. Planning Agreement

Prior to the issue of first Construction Certificate, the obligations under the Planning Agreement relating to this development executed on 8 June 2023 are to be satisfied at the timing specified under Schedule 2 of the Planning Agreement.

Contact Council for a CPI indexation adjustment prior to paying the contribution of item A1 below.

Prior to carrying out the items B1, B2, B3 and D below at their respective timing, contact Council for requirements (e.g. approvals & specifications) relating to these items. See reference clauses for details.

Voluntary Planning Agreement (VPA) Contribution Item	Timing	Reference in VPA
A1. Pay \$100,000 monetary contribution	7 days prior to issue of Construction Certificate	Schedule 2, item A1
B1. Carrying out the works for the Pathway shown as 'Item B.1' in Schedule 3, extending from the eastern boundary of land in Lot 1, DP 43691 to The Postern.	Completion of works prior to issuing of the first Occupation Certificate for the Development	Schedule 2, item B1; Schedule 3 Map; clauses 14 & 14A
B2. Construction of Public Car Spaces	Completion of works prior to issuing of first Occupation Certificate for the Development	Schedule 2, item B2; Schedule 3 Map; clauses 11 to 13C
B3. Construction and provision of the Public Meeting Area	Completion of works prior to issuing of first Occupation Certificate for the Development	Schedule 2, item B3; Schedule 3 Map; clauses 11 to 13C;
D. Registration of the following on land title: <ul style="list-style-type: none"> Public Car Spaces Encumbrance (Sch 4); Public Meeting Area Encumbrance (Sch 6); Public Access Easement (Sch 5) 	All three (3) matters to be registered on title prior to issuing of first Occupation Certificate for the Development	Schedule 2, item D; Schedule 3 Map; clauses 11 to 13C; Schedules 4, 5 & 6

For details, refer to actual executed VPA by download the agreement from Council's [website](#).

(Reason: Ensure compliance)

17. Amendments

Prior to the issue of the Construction Certificate, the proposal is to be amended in the following manner:

- (a) Architectural plans are amended to ensure no structural works, including fencing encroach the land zoned RE1 – Public Recreation, legally described as Lot 1 DP 43691.
- (b) Provision of at least 10 bicycle spaces, including 5 x retail, 1 x retail visitor, 2 x residential and 2 x residential visitors
- (c) The subdivision (stratum) plans, prepared by LTS, dated 27/06/2023 are updated to be consistent with the approved architectural plans, as listed in Condition 1 of this consent.
- (d) To mitigate potential privacy impacts on 116 Edinburgh Road and to ensure compliance with *WDCP*, no private open space or trafficable areas are to be located within 3m of the eastern boundary on Levels 1 and 2.
- (e) To mitigate visual privacy impacts on 116 Edinburgh Road, habitable room windows of Units 112 and 211 on the eastern elevation shall consist of obscure glazing to a minimum height of 1.6m, measured from the finished floor level of their respective floor.
- (f) To incorporate and reuse sandstone from the original Burley griffin Office on the development site, along with reinstating the associated plaque that details its historic significance.

Plans detailing the above amendment are required to be shown on the Construction Certificate plans.

(Reason: ensure compliance)

18. 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)

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

The base building design shall include provisions for the installation of mechanical exhaust ventilation for any proposed food business tenancy. Such an exhaust system shall be designed to effectively minimise the emission of odours, vapours and oils and comply with the requirements of the National Construction Code and any relevant Australian Standard.

(Reason: Amenity/Ensure compliance)

20. Internal Noise Levels

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

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

Note:

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

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

(Reason: Amenity, environmental compliance and health)

21. Noise from Transport Corridor

To minimise the impact of noise from any external noise source on the amenity of the occupants, the building shall be constructed in accordance with the recommendations and specifications in the acoustic report by Acoustic Logic Pty Ltd, Ref. 20230424.1/0211A/R2/SJ, dated 2 November 2023.

Details of the proposed acoustic treatment, specification and plans shall be submitted to the Certifier prior to the issue of the Construction Certificate.

(Reason: Amenity, environmental compliance and health)

22. Acoustic Treatment for the Development

In order to achieve the internal noise levels specified above, the proposed development shall be designed and constructed to incorporate the recommended acoustic treatments for glazing and other building elements from Section 5.2 of the acoustic report prepared by Acoustic Logic Pty Ltd, Ref. 20230424.1/0211A/R2/SJ, dated 2 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)

23. Noise Mechanical Plant

To minimise the impact of noise onto receivers on surrounding land, all mechanical services and other sources of noise shall be designed to comply with the noise emission criteria contained in the EPA’s *Noise Policy for Industry* (2017) and the criteria contained in Section 6.1 of the acoustic report prepared by Acoustic Logic Pty Ltd, Ref. 20230424.1/0211A/R2/SJ, dated 2 November 2023.

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

24. 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	600
Total phosphorous	µg/L	< than	26.5
Dissolved oxygen	%sat	Btn 80 - 120%	
pH	pH units	Btn 6.5 - 8.5	
Conductivity	µS/cm	< than	536
Suspended solids	Mg/L	< than	50
Turbidity	NTU	< than	50
Zinc	µg/L	< than	22.5

Lead	µg/L	< than	1.2
Copper (& other heavy metals)	µg/L	< than	4.2

(Reason: Environmental protection, compliance)

25. Damage Deposit

Prior to the issue of the Construction Certificate, the applicant shall lodge a Damage Deposit of **\$212,000** (GST Exempt) to Council against possible damage to Council's assets and any infrastructure within the road reserve/footway during the course of the building works. The deposit will be refundable subject to inspection by Council after the completion of all works relating to the proposed development. For the purpose of inspections carried out by Council Engineers, an inspection fee of **\$260** (GST Exempt) is payable to Council. Any damages identified by Council shall be restored by the applicant prior to release of the Damage Deposit.

Total Payable = \$212,000 + \$260 = \$212,260

(Reason: Protection of public asset)

26. Temporary Ground Anchors

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

(Reason: Encroachment of works)

27. Stormwater Conveyed to Street Drainage

Stormwater runoff from the site shall be collected and conveyed to the street drainage system in accordance with Council's and TfNSW's specifications. A grated drainage pit of minimum 600mm x 600mm shall be provided within the property and adjacent to the boundary prior to discharging to the street 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)

28. 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 Council for consideration prior to the issue of the Construction Certificate.

(Reason: Prevent property damage)

29. Detailed Stormwater Management Plan (SWMP)

Prior to the issue of the Construction Certificate, submit to the Certifier for approval, detailed stormwater management plans in relation to the on-site stormwater management and disposal system for the development. The construction drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer and in accordance with the concept stormwater management plans, prepared by EI Australia. All drawings shall comply with Part I of Council's Development Control Plan and Technical Standard 1, AS/NZS3500.3 – *Plumbing and Drainage Code* and National Construction Code. If the catchment area of the OSD tank is not able to drain by overland flow to the tank in the 1%AEP event, the pipe system draining to the tank shall be designed for the 1%AEP event.

(Reason: Ensure compliance)

30. Basement Pumpout Drainage System

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

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

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

(Reason: Prevent nuisance flooding)

31. 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)

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

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

- (a) Construction of a full width footpath (max. 2.5% crossfall) towards the kerb for the full frontage of the development site in Eastern Valley Way in accordance with Council's specification and Standard Drawings SD105 and SD100. All adjustments to public utility services and associated construction works in the nature strip are to be at the full cost to the applicant. Detailed long section and cross sections at 5 metres interval shall be provided.
- (b) Construction of a full width footpath (max. 2.5% crossfall) towards the kerb for the full frontage of the development site in Edinburgh Road in accordance with Council's specification and Standard Drawings SD105 and SD100. Cut outs are to be provided as required for street trees. All adjustments to public utility services and associated construction works in the nature strip are to be at the full cost to the applicant. Detailed long section and cross sections at 5 metres interval shall be provided.
- (c) Reconstruction of existing kerb and gutter for the full frontage of the development site in Edinburgh Road in accordance with Council's specifications and Standard Drawing SD105.
- (d) Reconstruction of the existing road pavement 4.0m wide for the full frontage of the development site in Edinburgh Road in accordance with Council's specifications.
- (e) Construction of a new vehicular crossing in Edinburgh Road in accordance with Council's specification and Standard Drawings SD105.
- (f) Construction of any other works in the road reserve as required for this development or required by other 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. A longer time frame may apply if works need to be referred to Traffic Committee. 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. Concurrence will be required from TfNSW for works impacting Eastern Valley Way and will be required prior to approval from Council.

(Reason: Ensure compliance)

33. Driveway Longsection

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

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

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

The new crossing is to be 7.5 metres wide at the boundary and 11.0 meters wide at the kerb line and be constructed at right angle to street kerb. The footpath/footpath zone which forms part of the proposed crossing shall have a maximum crossfall of 2.5% towards the kerb. For the design levels of the vehicular crossing at the property boundary, the following shall be complied with, unless written approval is gained from Council for alternate levels:

- (a) At back of layback – 100 mm above and parallel to the gutter invert.
- (b) At property boundary – 170mm above and parallel to the gutter invert.
- (c) At 6m inside the property boundary – Maximum 1:20 grade below level at boundary.

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)

34. 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)

35. Vehicle Access and Manoeuvring – Engineer's Certification

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

- (a) That finished driveway gradients and transitions comply with AS/NZS 2890.1 and AS 2890.2 and will not result in scraping to the underside of cars.
- (b) That a maximum gradient of 5% is provided for the first 6 metres from the property's front boundary to the basement. All driveway grades shall comply AS/NZS 2890.1 and AS 2890.2.
- (c) That the proposed vehicular path and parking arrangements comply in full with AS/NZS 2890.1, AS 2890.2 and AS 2890.6 in terms of minimum dimensions provided and grades on parking spaces.
- (d) That the adaptable and disabled parking spaces comply with AS 2890.6, including provision of shared zones and bollard.
- (e) 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.

- (f) 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 the headroom clearance of minimum 4.5m required in AS 2890.2 for the largest vehicle using the site (minimum MRV and Council's waste vehicle) has been provided for the loading area and the path to and from the loading area.
- (g) 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.
- (h) Simultaneous manoeuvrability of the largest vehicle using the site (Council's 10.5m waste vehicle) and a passenger vehicle including clearance in accordance with AS2890.1 and AS2890.2, is provided between the frontage road and the loading dock.
- (i) That in the event of the turntable not working, service vehicles are able to turn around and enter and leave the site in a forward direction.

(Reason: Ensure compliance)

36. Finish Surface Levels Along the Street Boundary

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

(Reason: Ensure compliance)

37. Tree Protection Plan

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

(Reason: Tree protection)

38. 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)

39. 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)

40. 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)

41. Bicycle facilities

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

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

(Reason: Support active transport use)

42. Wombat Crossing

A wombat crossing is to be designed and installed to facilitate pedestrian movements between the northern and southern sides of Edinburgh Road at the frontage of the proposed development.

The applicant must obtain all required approvals and the Construction Certificate before commencing any related construction work. All modifications required by Council or the

Local Traffic Committee must be incorporated into the final design prior to approval being granted.

(Reason: Public safety and amenity)

43. Traffic Control System

A new traffic control system is to be designed and installed at the intersection of Edinburgh Road, Raeburn Avenue, and the development access to manage traffic movements. The proposed design must be submitted to both the Traffic Committee and Council for approval prior to implementation.

(Reason: Public safety and amenity)

44. Waste Chute Design

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

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

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

45. Waste Storage Room Construction

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

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

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

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

46. 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)

47. 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)

48. 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)

49. Adaptable Units

Adaptable residential units for disabled persons are to be provided at a rate of 50% of units (Total 19 units). Each adaptable unit is to be nominated on the Construction Certificate drawings. Each unit is to be provided with a disabled car space.

(Reason: Amenity)

50. Agreement to Transfer Affordable Housing Dwellings

The applicant must enter into a Deed with the Council providing for the transfer of title of the affordable housing dwelling identified as three storey Unit LG.08 shown on the architectural plans prepared by fjcstudio, sheet no. 2002 to 2004, dated 24/10/2024, to the Council, free of charge. The Deed is to be drafted in accordance with the Housing Transfer Deed template available on Council's website and is to be submitted to the Council's Property Team and be executed prior to the issue of the Construction Certificate.

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

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

(Reason: Ensure compliance)

51. Affordable Housing Fittings and Finishes

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

(Reason: Amenity)

52. 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)

53. Shopping Trolley Management

A Shopping Trolley Management Plan (plan) should be prepared and submitted to Council for approval. The Plan shall detail the nature of operations, storage, use and collection of shopping trolleys within the site. The Plan should include details of the measures and management strategies to ensure that shopping trolleys do not leave the site, incorporating physical constraints, signage and enforcement methods by the owner/operator of the supermarket, liquor outlet and individual shop owners.

(Reason: Public safety, amenity and customer service)

54. 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)

55. Management Plan for Public Open Space

Prior to the issue of a construction certificate, the applicant shall prepare and submit a management plan for public open space areas for Council's review and approval. The management plan is to address future management arrangements of areas in private ownership to be accessed by the public, including any outdoor dining, landscaping, public access and ongoing maintenance responsibilities. Documentation confirming approval by Willoughby City Council shall then be submitted to the Certifier for the application of a construction certificate. The approved Management Plan must then be implemented and maintained in perpetuity.

(Reason: Ensure compliance, public safety and amenity)

PRIOR TO COMMENCEMENT

Conditions 56 to 68

56. Hazardous Building Material Assessment

Prior to commencement of work, a hazardous building material assessment shall be undertaken by an appropriate qualified person and is to be submitted to the Certifier for approval. The assessment shall identify any likely hazardous materials within any structure to be demolished and provide procedures on how to handle and dispose of such materials.
(Reason: Environmental protection/public health and safety)

57. 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)

58. Dilapidation Report of Adjoining Properties

Prior to commencement of work, submit a photographic survey and report of the adjoining property at 116 Edinburgh Road 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 this, 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)

59. Dilapidation Report of Council's Property

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

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

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

(Reason: Protection of Council's infrastructure)

60. 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)

61. Application for Vehicle Crossing

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

(Reason: Protection of public asset)

62. Adjustment to Street Lighting

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

(Reason: Public amenity)

63. Underground Utility Services

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

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

(Reason: Protection of utilities)

64. Bushfire Protection

All required Asset Protection Zone (APZ) requirements are to be located within the subject property. All tree removals for fuel reduction purposes are subject to an application made under the provisions of the *Willoughby Development Control Plan* (development application).

(Reason: Landscape amenity)

65. 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 approved tree removals, all tree protection works detailed in the approved Tree Protection Plan, AS4970-2009 *Protection of trees on development sites* and relevant conditions of consent;
- (d) The Project Arborist is to certify that all tree protection measures have been installed prior to commencement of works.

(Reason: Safety, environmental protection, landscape amenity)

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. 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)

68. Noise and Vibration Management

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

- a) be prepared by a suitable qualified expert and submitted to the satisfaction of the Principal Certifying Authority;
- b) be prepared in consultation with all noise sensitive receivers where noise levels exceed the construction noise management level, in accordance with EPA guidelines;
- c) describe the measures that would be implemented to ensure:
 - i) best management practice is being employed; and
 - ii) compliance with the relevant conditions of this consent;
- d) describe the proposed noise and vibration management measures in detail;
- e) identify the selection of alternative construction plant and machinery to avoid the generation of excessive noise levels;
- f) include strategies that have been developed to address impacts to noise sensitive receivers, where noise levels exceed the construction noise management level, for managing high noise generating works;
- g) implement intra-day respite periods for construction activities identified as annoying;

- h) implement noise reducing site/work practices and require regular noise checks of equipment;
 - i) describe the consultation undertaken to develop the strategies in b) above;
 - j) evaluate and report on the effectiveness of the noise and vibration management measures. Monitoring reports shall be submitted to Council on a monthly basis and demonstrate compliance with the criteria contained in the EPA Interim Construction Noise Guideline (ICNG);
 - k) include a complaints management system that would be implemented for the duration of the project; and
 - l) A copy of the CNVMP is to be submitted to Council prior to the commencement of any work. The CNVMP (as revised from time to time) must be implemented by the Applicant for the duration of the construction works.
- (Reason: Amenity and environmental compliance)

DURING DEMOLITION, EXCAVATION AND CONSTRUCTION

Conditions 69 to 90

69. 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)

70. 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)

71. Hours of Work

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

An application for an Out of Hours Work Permit to allow variation to these approved hours must be lodged with Council at least 48 hours prior to the proposed commencement of the work. The application must include a statement regarding the reasons for the variation sought, the type of work/s to be carried out, the additional time required, the anticipated

impact upon the local amenity and how this will be minimized, and must be accompanied by the required fee. One (1) permit is required for each variation to the approved working hours within any 24 hour period.

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

(Reason: Ensure compliance and amenity)

72. Demolition Work AS 2601-2001

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

(Reason: Safety)

73. Temporary Toilet Facilities

Temporary toilet facilities shall be provided to the satisfaction of the Certifier.

The provision of toilet facilities must be completed before any other work is commenced on site. NOTE: Portable toilet facilities are not permitted to be placed on public areas without prior approval having been obtained from Council.

(Reason: Health and amenity)

74. 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)

75. 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)

76. 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)

77. Importation of Fill

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

(Reason: Environment & Health Protection)

78. 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)

79. Construction Noise

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

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

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

(Reason: Amenity)

80. Noise and Vibration Management

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

(Reason: Amenity and environmental compliance)

81. Testing to Verify Water Quality Prior to Dewatering Activity

(a) On the occasion that any rainfall or other event necessitates dewatering of the site, ongoing water quality sampling, analysis and collation of results shall be conducted prior to each discharge to Council's stormwater system (or other receiving watercourse). Should test results exceed the water quality criteria, dewatering is not permitted and adjustments to the pollution control methodology will need to be made by the suitably qualified environmental consultant. Any changes to the methodology require the written notification of Council.

(b) A copy of the up-to-date Council-approved Construction Site Dewatering Plan (or other document detailing the water pollution control method), the written approval from Council for the method, and the ongoing water quality test results shall be kept on the site at all times, for the duration of the site works that will require dewatering activity, and produced to an authorised officer of the Council when requested.

(Reason: Environmental protection, compliance)

82. Temporary Ground Anchors – Supervision

A professional Geotechnical Engineer shall be on site to supervise the piling, excavation and finally the installation and stressing of any ground anchors. On completion of these works, a report from the Geotechnical Engineer shall be submitted to Council for record purposes.

A Chartered Professional Engineer shall monitor adjoining public infrastructures to detect any ground heaving or settlement during and after the installation of the piling and ground anchors. A rectification report shall be submitted to Council should unacceptable displacements occur within the zone of influence.

(Reason: Protection of public assets)

83. 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)

84. 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)

85. 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)

86. Tree Removal

Approval is given for the removal of the following trees as identified on Demolition Plan Dwg. No. 1 dated 28/8/2024 prepared by FJCStudio:

Trees T8, T9, T16, T29A, T30, T35, T36, T37.

All other trees are to be retained.

(Reason: Site development)

87. Tree Trunk, Branch and Root Protection

- (a) Retain and protect the following trees and vegetation throughout the demolition and construction period: All trees not indicated for removal on Demolition Plan Dwg. No. 1 dated 28/8/2024 prepared by FJCStudio.
- (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 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)

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

(Reason: Tree management)

89. Storage of Materials on Council Land Prohibited

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

(Reason: Safety, environmental protection)

90. Loading and Unloading During Construction

The following requirements apply:

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

(Reason: Public safety and amenity)

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

Conditions 91 to 142

91. Planning Agreement

Prior to the issue of first Occupation Certificate, the obligations under the Planning Agreement relating to this development executed on 8 June 2023 are to be satisfied at the timing specified under Schedule 2 of the Planning Agreement.

Contact Council for a CPI indexation adjustment prior to paying the contribution of item A1 below.

Prior to carrying out the items B1, B2, B3 and D below at their respective timing, contact Council for requirements (e.g. approvals & specifications) relating to these items. See reference clauses for details.

Voluntary Planning Agreement (VPA) Contribution Item	Timing	Reference in VPA
A1. Pay \$100,000 monetary contribution	7 days prior to issue of Construction Certificate	Schedule 2, item A1
B1. Carrying out the works for the Pathway shown as 'Item B.1' in Schedule 3, extending from the eastern boundary of land in Lot 1, DP 43691 to The Postern.	Completion of works prior to issuing of the first Occupation Certificate for the Development	Schedule 2, item B1; Schedule 3 Map; clauses 14 & 14A

B2. Construction of Public Car Spaces	Completion of works prior to issuing of first Occupation Certificate for the Development	Schedule 2, item B2; Schedule 3 Map; clauses 11 to 13C
B3. Construction and provision of the Public Meeting Area	Completion of works prior to issuing of first Occupation Certificate for the Development	Schedule 2, item B3; Schedule 3 Map; clauses 11 to 13C;
D. Registration of the following on land title: <ul style="list-style-type: none"> Public Car Spaces Encumbrance (Sch 4); Public Meeting Area Encumbrance (Sch 6); Public Access Easement (Sch 5) 	All three (3) matters to be registered on title prior to issuing of first Occupation Certificate for the Development	Schedule 2, item D; Schedule 3 Map; clauses 11 to 13C; Schedules 4, 5 & 6
For details, refer to actual executed VPA by download the agreement from Council's website .		

(Reason: Ensure compliance)

92. Public Right of Way

The applicant is to provide a Public Right of Way on the Title in favour of Council. The purpose is to allow Public Communal Open Space (1150m²) as shown on architectural plan prepared by fjstudio, sheet no. *Add info-9606 – Communal Open Space, dated 24/10/2024* to be accessible to the public and available for public use at all times. Draft terms for the instrument are to be discussed with Council. Documentary evidence of registration of these instruments with the NSW Department of Lands is to be submitted to Council prior to the issue of the any Occupation Certificate (Reason: Compliance and Public Amenity)

93. Affordable Housing Dwellings

The affordable housing unit, LG.08 as shown on the architectural plans prepared by fjstudio, sheet nos. 2002 to 2004, dated 24/10/2024, and providing a total gross floor area of at least 238m², are to be dedicated to Willoughby City Council within two months of the registration of any subdivision of the development creating the areas to be dedicated and within 6 months of the issue of an Occupation Certificate for the purpose of affordable housing in accordance with Clause 6.8 of *Willoughby Local Environmental Plan 2012*. At least one (1) designated car parking space must be allocated to the affordable dwelling/unit.

(Reason: Ensure compliance)

94. Affordable Housing Monetary Contribution

In accordance with clause 6.8 *Willoughby Local Environmental Plan*, the applicant shall make a monetary contribution to Council for the purpose of providing Affordable Housing. This contribution will be calculated based on a per square metre rate, applied to the residual affordable housing gross floor area that is in excess the gross floor area of the affordable housing Unit LG.08, amounting to 30.44m².

Reference is to be made to the value of most recent sales price of such new dwellings of similar size at the subject development (in the absence of current sales price at the subject site, the recent sales price of similar sized dwelling(s) at other surrounding comparable development(s) within the Willoughby local government area is acceptable). In establishing an acceptable value of most recent sales price, Council will be benchmarking the value with

the most recent median sales price for the Willoughby local government area reflected in the Rent and sales report - interactive dashboard published by NSW Communities and Justice.

Evidence such as a valuation report or document(s) of recent sales of such dwelling(s) are to be provided to Council for approval before Council accepts the monetary contribution.

In the event of a dispute between applicant / developer and Council in the valuation / validation of the evidence provided, Council will appoint an independent registered valuer to undertake a re-valuation. The applicant / developer is to pay Council all reasonable costs associated with the service provided by Council's appointed valuer for this revaluation.

Prior to payment of the contribution evidence shall be submitted to Council's Director of Planning & Infrastructure demonstrating how the contribution has been calculated in accordance with the above requirement. The contribution is to be paid prior to release of the Occupation Certificate.

(Reason: Ensure compliance)

95. BASIX Certificate

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

(Reason: Environmental sustainability)

96. Sustainable Development - Multi-unit Dwellings

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

(Reason: Environmental sustainability)

97. Access for the Disabled - Disability Discrimination Act

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

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

(Reason: Access and egress)

98. 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)

99. Acoustic Treatment – Certification

Prior to the issue of any relevant Occupation Certificate, certification shall be provided from a suitably qualified acoustic engineer certifying that the acoustic treatment of the building

complies with the approved construction details and the relevant design noise criteria contained in Section 6.1 of the acoustic report prepared by Acoustic Logic Pty Ltd, Ref. 20230424.1/0211A/R2/SJ, dated 2 November 2023.

(Reason: Amenity, environmental compliance and health)

100. 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)

101. 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)

102. 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)

103. Temporary Ground Anchors – Destressing

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

(Reason: Destressing of ground anchors)

104. On-site Water Management System

Prior to the issue of any Occupation Certificate, the stormwater runoff from the site shall be collected and disposed of to the street drainage system in Eastern Valley Way via a water quality improvement system and an approved OSD system with a minimum volume of 167m³ in accordance with AS/NZS3500.3, Part I of Council's DCP and Technical Standard 1. The OSD system shall limit the peak stormwater flow from the site in the 1%AEP event to 115L/s. The construction of the stormwater drainage system of the proposed development shall be in accordance with the approved detailed stormwater drawings required under this development consent and Council's specification (AUS-SPEC).

(Reason: Prevent nuisance flooding)

105. Sign for On-site Stormwater Detention System

Prior to the issue of any Occupation Certificate pertaining to any works requiring an On-Site Detention System (OSD), an aluminium plaque measuring no less than 400mm x 200mm is to be permanently attached and displayed within the immediate vicinity of the OSD tank or basin.

The wording for the plaque shall state *“This is the on-site stormwater detention system required by Willoughby City Council. It is an offence to alter any part of the system without written consent from Council. The registered proprietor shall keep the system in good working order by regular maintenance including removal of debris”*.

(Reason: Prevent unlawful alteration)

106. Confined Space Sign

Prior to the issue of any Occupation Certificate, securely install standard confined space danger signs in a prominent location within the immediate vicinity of access points to on site stormwater detention systems, rainwater tanks and confined spaces in accordance with the requirements of NSW Work Health and Safety Regulation 2017.

(Reason: Safe access to tank)

107. Certification of OSD

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

(Reason: Legal requirement)

108. Certification of the Basement Pumpout Drainage System

Prior to the issue of any Occupation Certificate and upon completion of the pump-out system, the following shall be submitted to the Certifier.

- (a) A suitably qualified and experienced civil engineer (generally CP Eng. Qualification) shall certify that the as-built pumpout system complies with Part I of Council’s DCP Technical Standard 1, all relevant codes and standards and the approved stormwater management plans.
- (b) Work-as-executed plans based on the approved pump-out system plans from a registered surveyor to verify that the volume of storage and pump capacity are in accordance with design requirements. Any minor changes or variations to the approved plans should be highlighted in red on the approved pump-out system plans.
- (c) Certification from a licensed plumber to ensure that the constructed pump-out system complies with the current plumbing requirements of Sydney Water and AS/NZS3500.3.

(Reason: Ensure compliance)

109. Works-As-Executed Plans - OSD

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

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

(Reason: Record of works)

110. S88B/S88E(3) Instrument

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

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

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

(Reason: Maintenance requirement)

111. Documentary Evidence of Positive Covenant, Engineers Certificate

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

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

(Reason: Public record)

112. Construction of Kerb & Gutter

Prior to the issue of any Occupation Certificate, construct a new kerb and gutter together with any necessary associated pavement restoration in accordance with Council's

specification for the full frontage of the development site in Edinburgh Road. Any existing kerb ramps are to be replaced in the same location in compliance with current Council and TfNSW standards.

(Reason: Public amenity)

113. Reconstruct Pavement

Prior to the issue of any Occupation Certificate, 4.0m width of road pavement adjoining to the frontage of the development site in Edinburgh Road shall be reconstructed in accordance with Council's approved drawings, conditions and specification (AUS-SPEC). Council's standard design traffic for this pavement is 1x10⁶ ESA.

In lieu of reconstruction, Council may approve mill and resheet (minimum 50mm thick AC10) subject to:

- provision of a geotechnical report detailing that the existing pavement is able to meet the design traffic loading
- proof rolling demonstrating there are no soft spots or spots requiring further works.
- there is no evidence that construction works have resulted in damage to the pavement

(Reason: Ensure compliance)

114. Footpath

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

- (a) full width footpath for the full frontage of the development site in Edinburgh Road, with cut-outs for street trees.
- (b) full width concrete footpath for the full frontage of the development site in Eastern Valley Way, with cut outs for trees .

The pavement material for the footpath in Edinburgh Road shall be in accordance with Council's requirements for the local centre.

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

(Reason: Public amenity)

115. Street Lighting and Furniture

Prior to the issue of any Occupation Certificate, provide approved street lighting and furniture in accordance with Willoughby City Council's street furniture manual and Australian Standard AS/NZ 1158.(2005).

Reason: Public amenity)

116. Vehicular Crossing

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

The crossing is to be 7.5 metres wide at the boundary and 11.0 meters wide at the kerb line is to be constructed at right angles to the street kerb in plain concrete. The new crossing shall be located no closer than 1 metre from any power pole and 2 metres from any street tree unless otherwise approved by Council.

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

- (a) At back of layback – 100 mm above and parallel to the gutter invert.
- (b) At property boundary – 170 mm above and parallel to the gutter invert.
- (c) At 6m inside the property boundary – Maximum grade of 1:20 below level at boundary.

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 as required 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)

117. 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)

118. 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)

119. Performance Bond

Prior to the issue of any Occupation Certificate, the Applicant shall lodge with the Council a performance bond of \$100,000 against defective public civil works undertaken by the main Contractor for a period of twelve (12) months from the date of the completion certificate issued by Council as the road authority under the *Roads Act 1993*. The bond shall be lodged in the form of a cash deposit, cheque or unconditional bank guarantee which will be refundable subject to the approval of Council's Engineers at the end of the maintenance period. In this period, the Applicant is liable for any part of the work which fails to achieve the design specifications. Council shall be given full authority to make use of the bond for such restoration works within the maintenance period as deemed necessary.

(Reason: Ensure compliance and specification)

120. 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)

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. 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)

123. 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 and circulation roadway 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 the as constructed adaptable and disabled parking spaces comply with AS 2890.6, including provision of shared zones and bollard.
- (g) 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.
- (h) 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.
- (i) That the headroom clearance of minimum 4.5m required in AS 2890.2 for the largest vehicle using the site (MRV and Council's waste vehicle) has been provided for the loading area and the path to and from the loading area.
- (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) Simultaneous manoeuvrability of the largest vehicle using the site (Council's 10.5m waste vehicle) and a passenger vehicle including clearance in accordance with AS2890.1 and AS2890.2, is provided between the frontage road and the loading dock.
- (l) That in the event of the turntable not working, service vehicles are able to turn around and enter and leave the site in a forward direction.

(Reason: Ensure compliance)

124. 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)

125. 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)

126. Vehicle Management Plan

Prior to the issue of any Occupation Certificate, submit to the certifying authority for approval a vehicle management plan for the site. The plan shall include, but not be limited to:

- Management measures required for the loading dock, including any booking requirements
- Operation of the loading dock, including the turntable

- Procedures for removalists using the loading dock, including safe access routes.
 - Maintenance requirements for the turntable.
 - Contact details for company maintaining the turntable.
 - Any management measures required for passenger vehicle access and parking.
- (Reason: Traffic management)

127. Public Tree Maintenance

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

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

128. Tree Planting Per Landscape Plan

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

No. Required	Species	Location	Min Pot Size
All trees	As indicated on the approved Landscape Plans prepared by Site Image	As indicated on the Landscape Plan	As indicated on the Landscape Plan

(Reason: Landscape amenity)

129. Tree Planting

Prior to the issue of a Whole Occupation Certificate, plant at least 57 trees on the property.

The trees shall:

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

130. 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)

131. Completion of Landscape Works

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

(Reason: Landscape amenity)

132. Non-residential Waste Collection Service

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

(Reason: legal requirement/compliance)

133. Residential Waste Collection Agreement with Council

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

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

(Reason: legal requirement/compliance)

134. Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained prior to the issue of a Final Occupation Certificate. An application must be made either directly to Sydney Water or through a Sydney Water accredited Water Service Coordinator. For details go to www.sydneywater.com.au/section73 or call 1300 082 746.

The Section 73 Certificate must be submitted to the Certifier.

(Reason: Ensure statutory compliance)

135. Marked Parking Bays

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

(Reason: Ensure compliance)

136. Safer by Design

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

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

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

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

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

137. Visitor Parking Spaces

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

(Reason: Amenity)

138. 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)

139. Services - Mailboxes

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

(Reason: Legal)

140. Affordable Housing – Fittings and Finishes

Prior to the issue of any Occupation Certificate, the Certifier must be satisfied that the affordable housing dwellings have the internal fittings and finishes at the same standard as the other dwellings within the development and in accordance with the schedule endorsed by Council.

Any costs associated with bringing the affordable housing dwellings to the standards required are to be borne by the applicant.

(Reason: Amenity)

141. Street Lighting

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

Reason: Public amenity)

142. Public Domain Works

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

(Reason: Ensure compliance)

ONGOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

Conditions 143 to 165

143. 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)

144. Kitchen Exhaust Odour Emissions

- a) The use of the restaurant tenancy must not give rise to the emission of gases, vapours, dusts, odours or other impurities which may be a nuisance or injurious or prejudicial to health.

- b) The mechanical exhaust system for the restaurant kitchen shall be properly inspected, tested and maintained by an appropriately qualified and competent person on a regular basis. Records of such shall be kept at the premises and be produced on demand by an authorised officer of Council.
- c) If complaints are received and found to be substantiated by Council, the occupier of the base building, or other appropriate person or body, may be required to submit to Council an odour impact assessment and odour management plan prepared by an appropriately qualified person demonstrating compliance with this condition and any appropriate legislation, standards or EPA guidelines. Council may then require works to be carried out so that the use of the premises complies.
(Reason: Environmental compliance and amenity)

145. 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)

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

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

147. Stormwater Drainage Management

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

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

148. Analysis of Outlet Condition

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

149. 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)

150. Vehicle Access

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

(Reason: Pedestrian and vehicle safety)

151. Road Reserve Planting

Replacement planting proposed within the road reserve may be undertaken subject to the following conditions:

- (a) The cost of all works being borne by the applicant.
- (b) All service location checks and liability being the responsibility of the applicant.
- (c) Ongoing maintenance and replacement planting will not be provided by Council.
- (d) Council retains the right to prune or remove the planting as may be required for road or service maintenance and safety.

(Reason: Management of public assets)

152. Trees on Adjoining Properties

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

(Reason: Environmental protection)

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

The development is required to maintain compliance with the submitted Operational Waste Management Plan (OWMP) (Elephants Foot Consulting, Rev F, 02/09/2024). The approved OWMP is to be implemented throughout the operational stage of the development. The Applicant is also required to maintain compliance with the Architectural drawings (FJC Studio, Add Info-2002 – GA Plans – Basement 1, Rev 3, 24/10/2024) showing a bulky waste and charity waste storage area of 16m².

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

154. Waste Management Collection Policy

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

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

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

155. Trolley Locks

All shopping trolleys shall be contained within the site and managed in accordance with the Shopping Trolley Management Plan approved by council.
(Reason: Public safety, amenity and customer service)

156. 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)

157. On-site Car Parking

The on-site car parking provision of 163 car parking spaces (excluding the loading bays), 18 motorbike spaces and 10 bicycle spaces are to be permanently available for the life of the development.

The car parking spaces shall be distributed as follows:

46 - residential car spaces (of which 19 are adaptable car spaces)
9 - residential visitor car spaces (of which 2 are accessible car spaces)
100 - retail car spaces (of which 4 are accessible car spaces)
8 - public car spaces
2 - loading bays

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

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

The basement level/level car parking comprising of residential car parking spaces must only be accessible to residents at all times.
(Reason: Ensure Compliance)

158. On-Site Collection Point

The nominated on-site collection point is to be utilised to facilitate the collection of waste and recycling bins for the development. The on-site collection point is to be kept clear of obstructions at all times so not to restrict the collection of waste and recycling bins.
(Reason: Environmental protection/waste reduction/public health and safety)

159. Licenced Waste Collection

All businesses must have written evidence on site of a valid and current contract with a licenced waste collector for waste and recycling collection disposal.
(Reason: Environmental protection/waste reduction/public health and safety)

160. Management

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

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

Where the development incorporates strata title subdivision, the by-laws are to clearly set out the management responsibilities for the developments waste and recycling system.
(Reason: Environmental protection/waste reduction/public health and safety)

161. Waste Storage Containers

No waste storage containers are to be located or placed outside the approved waste storage area at any time except for collection purposes.
(Reason: Environmental protection/waste reduction/public health and safety)

162. Signage

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

163. Waste Chute Contingency

Where the waste management system incorporates the use of a waste chute system, a contingency plan should be in place for the development to allow for the continual disposal and collection of waste if the chute cannot be operated.
(Reason: Environmental protection/waste reduction/public health and safety)

164. Regulated air handling and water systems

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

- (a) Australian/New Zealand Standard AS/NZS 3666.2:2011 – Air handling and water systems of buildings - Microbial Control - Operation and maintenance;
- (b) Australian/New Zealand Standard AS/NZS 3666.3:2011 – Air handling and water systems of buildings - Microbial Control – Performance based maintenance of cooling water systems;
- (c) Australian/New Zealand Standard AS/NZS 3666.4:2011 – Air handling and water systems of buildings - Microbial Control – Performance based maintenance of air-handling systems (ducts and components);

- (d) the *Public Health Act 2010*; and
 - (e) the *Public Health Regulation 2012*.
- (Reason: Compliance and health)

165. Hours of Operation

The hours of operation of the approved commercial uses are to be restricted to those times listed below, i.e.:

- 7:00am to 10:00pm, all days

Any extension to these hours is to be subject to the prior consent of Council.
(Reason: Amenity)

SUBDIVISION

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

Conditions 166 to 170

166. 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)

167. 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)

168. 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)

169. 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)

170. Occupation Certificate Prior to Subdivision Certificate and Release of Linen Plan

All conditions of this consent required to be completed prior to the release of the Occupation Certificate are to be completed and complied with, to the satisfaction of Council.

An Occupation Certificate for the completed development shall be obtained PRIOR to the release of the Subdivision Certificate and Linen Plans.

(Reason: Ensure Compliance)

ATTACHMENT 7: NOTIFICATION MAP



Record of Neighbour Notifications sent relating to:

DA: 2024/13

At: 100 Edinburgh Road, CASTLECRAG



Comments:

Created on : Monday, 29 January 2024

Created by : DR

ATTACHMENT 8: ARCHITECTURAL PLANS