

Statement of Environmental Effects

57-69 Strathallen Avenue, Northbridge

Submitted to Willoughby City Council
on behalf of SJD NB Pty Ltd

5 July 2024

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Acknowledgment of Country

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Gyde is committed to learning from Aboriginal and Torres Strait Islander people in the work we do across the country.



Towards Harmony by Aboriginal Artist Adam Laws

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Project: 57-69 Strathallen Avenue, Northbridge
Report Version: **Final - Amended post lodgement**
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Disclaimer

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Contents

1.	Introduction.....	1
2.	Site Analysis	3
2.1	The Site	3
3.	Description of Development.....	9
3.1	The Proposal	9
3.2	Demolition	11
3.3	Excavation and filling	11
3.4	Scale and Built Form.....	12
3.5	Land uses.....	12
3.5.1	Retail.....	12
3.5.2	Residential	12
3.6	Façade, Materials and Finishes	13
3.7	Landscaping and Tree Removal	13
3.7.1	Landscaping	13
3.7.2	Tree Removal	14
3.8	Private and Communal Open Space	14
3.8.1	Private Open Space.....	14
3.8.2	Communal Open Space	14
3.8.3	Public Domain.....	14
3.9	Vehicle and Basement Access and Parking	15
3.9.1	Vehicle and Basement Access	15
3.9.2	Parking.....	15
3.9.3	Pedestrian Access and Future Through Site Link	16
3.10	Waste, Substation and Fire Boosters	16
3.10.1	Waste.....	16
3.10.2	Substation and Fire Boosters	17
3.10.3	Estimated Development Cost	17
4.	Pre-lodgement Consultation	18
4.1	Pre-lodgement meeting with Willoughby City Council	18
4.2	Design Excellence Review	24
5.	Statutory Planning Considerations	27
5.1	Overview	27
5.2	Environmental Planning and Assessment Act 1979	27
5.2.1	Section 4.15 of EP&A Act 1979.....	27
5.2.2	Section 4.46 – Integrated Development	27
5.3	Environmental Planning and Assessment Regulation 2021	28
5.3.1	Section 35BA – Embodied emissions for non-residential development under Sustainable Buildings SEPP	28
5.3.2	Clause 61 – Additional matters that consent authority must consider	28
5.3.3	Clause 69 – Compliance with Building Code of Australia	28
5.4	Biodiversity Conservation Act 2016	28
5.5	State Environmental Planning Policies	29
5.5.1	State Environmental Planning Policy (Biodiversity and Conservation) 2021	29
5.5.2	State Environmental Planning Policy (Housing) 2021	30
5.5.3	State Environmental Planning Policy (Resilience and Hazards) 2021	33
5.5.4	State Environmental Planning Policy (Sustainable Buildings) 2022	34

5.5.5	State Environmental Planning Policy (Planning Systems) 2021	35
5.5.6	State Environmental Planning Policy (Transport and Infrastructure) 2021	35
5.6	Willoughby Local Environmental Plan 2012.....	36
5.6.1	Zoning and Permissibility	36
5.6.2	Relevant Clauses.....	37
5.7	Willoughby Development Control Plan 2023	43
5.7.1	Northbridge Local Character Area	44
6.	Assessment of Likely Impacts	45
6.1	Built Environment	45
6.1.1	Demolition	45
6.1.2	Height, bulk, and scale	45
6.1.3	Overshadowing	46
6.1.4	Solar Access	47
6.1.5	Privacy	48
6.1.6	Visual impacts.....	49
6.1.7	Traffic	49
6.1.8	Parking and Access	49
6.1.9	Inability to develop neighbouring sites in accordance with zone	50
6.1.10	Internal amenity	50
6.1.11	Accessibility	50
6.1.12	Building Code of Australia (BCA)	51
6.1.13	Impacts on the public domain	51
6.1.14	Stormwater.....	51
6.1.15	Sustainability	51
6.1.16	Waste	52
6.1.17	Heritage impacts.....	52
6.1.18	Noise and vibration	52
6.2	Natural Environment	53
6.2.1	Flora and fauna.....	53
6.2.2	Tree removal.....	53
6.2.3	Contamination.....	53
6.2.4	Geotechnical	54
6.2.5	Soils	55
6.2.6	Air and microclimate	55
6.3	Social and Economic Impacts	55
6.3.1	Crime and Safety	55
6.3.2	Social and Economic	57
6.3.3	Cumulative Impacts	57
6.4	Suitability of the Site.....	57
6.5	Public interest.....	58
7.	Conclusion	60

Figures

Towards Harmony by Aboriginal Artist Adam Laws	i
Figure 1. Site context (location of site identified with red marker (<i>Source: Google Maps</i>)	4
Figure 2. Aerial view of site (site outlined in red) (<i>Source: Nearmaps, accessed April 2024</i>)	4
Figure 3. View of Northbridge Hotel – 57 Strathallen Avenue.....	7
Figure 4. View of car park and existing retail premises – 59-67 Strathallen Avenue.....	7
Figure 5. View of existing car park – 59-67 Strathallen Avenue	7
Figure 6. View of dry cleaners – 69 Strathallen Avenue	7
Figure 7. View of 128 Sailors Bay Road.....	7

Figure 8.	Sailors Bay Road	7
Figure 9.	Sailors Bay Road	8
Figure 10.	31 Baringa Road	8
Figure 11.	View of 51 and 53 Baringa Road	8
Figure 12.	Surrounding development on Strathallen Avenue	8
Figure 13.	Demolition Plan (<i>Source: Bates Smart, Sheet A01.002, Rev 2 (updated post lodgement dated 28 June 2024)</i>)	11
Figure 14.	Materials and finishes (<i>Source: Bates Smart Design Report, updated post lodgement dated 28 June 2024</i>)	13
Figure 15.	Zoning applicable to the site (outlined in red) (<i>Source: WLEP, Zoning map</i>)	37
Figure 16.	Shadow diagrams – Winter Solstice (21 June) – 09:00am (<i>Source: Bates Smart, (updated post lodgement dated 28 June 2024)</i>)	46
Figure 17.	Shadow diagrams – Winter Solstice (21 June) – 12:00pm noon (<i>Source: Bates Smart, (updated post lodgement dated 28 June 2024)</i>)	46
Figure 18.	Shadow diagrams – Winter Solstice (21 June) – 03:00pm (<i>Source: Bates Smart, (updated post lodgement dated 28 June 2024)</i>)	47
Figure 19.	Solar Access Analysis – Levels 1 to 4 (<i>Source: Bates Smart, Design Report, (updated post lodgement dated 28 June 2024)</i>)	48
Figure 20.	Solar Access Analysis – Views from Sun (<i>Source: Bates Smart, Design Report, (updated post lodgement dated 28 June 2024)</i>)	48
Figure 21.	Estimated development traffic from the proposed development (<i>Source: MLA Transport Planning Traffic Impact Assessment</i>)	49
Figure 22.	Proposed CGI of future through-site link (the area of the through site link within the proposed DA) and public domain area (<i>Source: Bates Smart Architects Design Report (updated post lodgement dated 28 June 2024). Edited by Gyde</i>)	56

Tables

Table 1.	Site Description	4
Table 2.	Development Statistics	9
Table 3.	Pre-Lodgement issues raised by Willoughby City Council	18
Table 4.	Willoughby Council Design Integrity Panel Comments and Applicant Response	24
Table 5.	Section 4.15 of EP&A Act 1979	27
Table 6.	Assessment against relevant provisions of WLEP	37

Appendices

The following documents and plans are appended to this SEE.

Appendix	Document
Appendix 1	Record of the Pre-Development Application Meeting – Prepared by Willoughby Council (dated 07 February 2024)
Appendix 2	Design Excellence Review Report – Prepared by Toby Wetherell (dated 14 February 2024)
Appendix 3	Section 10.7 Planning Certificate – Issued by Willoughby City Council (dated 22 May 2023)
Appendix 4	Willoughby Development Control Plan 2023 – Compliance Table

The following plans and technical reports accompany the development application (DA). Gyde has relied on the information in these reports, prepared by professionals in their field, for the preparation of this Statement of Environmental Effects (SEE).

Attachments	Document	Company
Attachment 1	Clause 4.6 Variation Request – Clause 4.3 Floor Space Ratio	Gyde Consulting Pty Ltd
Attachment 2	Clause 4.6 Variation Request – Clause 4.4 Height of Buildings	Gyde Consulting Pty Ltd
Attachment 3	Survey Plan	Norton Survey Partners
Attachment 4	Architectural Plans including: <ul style="list-style-type: none"> FSR calculation Streetscape elevations and sections Photomontage Demolition plans Shadow diagrams External finishes and materials Electronic model fly through Site Plan	Bates Smart Architects Pty Ltd
Attachment 5	Architectural Design Statement <i>Addressing Clause 6.23 of WLEP (Design Excellence) & Chapter 4 of SEPP (Housing) 2021 Apartment Design Guide (previously known as SEPP 65 Design Verification Statement)</i>	Bates Smart Architects Pty Ltd
Attachment 6	Architectural Design Report <i>(Assessing compliance with Chapter 4 of SEPP (Housing) 2021 and ADG)</i>	Bates Smart Architects Pty Ltd
Attachment 7	BASIX Assessment Report BASIX Certificate BASIX Stamped Plans NatHERS Certificates	ESD Synergy Pty Ltd / Bates Smart Architects Pty Ltd
Attachment 8	Ecologically Sustainability Development (ESD) – Green Star Rating Report	Thermal Environmental Engineering Pty Ltd

Attachments	Document	Company
Attachment 9	BCA 2022 Section J Assessment Report	Thermal Environmental Engineering Pty Ltd
Attachment 10	Embodied Carbon Assessment (Statement prepared per SEPP (Sustainable Buildings) 2021)	Thermal Environmental Engineering Pty Ltd
Attachment 11	BCA Assessment Report	Jensen Hughes Pty Ltd - trading as BCA Logic
Attachment 12	Landscape Plans	Sturt Noble Associates
Attachment 13	Arboricultural Impact Appraisal and Method Statement	Naturally Trees
Attachment 14	Cost Plan No.1 Willoughby Council Quantity Surveyors Detailed Cost Report	Altus Group
Attachment 15	Access Report	Accessibility Solutions Pty Ltd
Attachment 16	DA Noise Impact Assessment	Pulse White Noise Acoustics
Attachment 17	Stormwater Drawing Register Stormwater and Drainage Concept Plans including Erosion and Sediment Control Plan	Telford Civil
Attachment 18	Civil Driveway Design Statement	Telford Civil
Attachment 19	Council's Standard Design Checklist & Engineers Design Compliance Certificate	Telford Civil
Attachment 20	Traffic and Parking Assessment	MLA Transport Planning
Attachment 9	Construction Traffic and Pedestrian Management Plan	MLA Transport Planning
Attachment 22	Green Travel Plan	MLA Transport Planning
Attachment 23	Operational Waste Management Plan	Eccell Environmental Management Pty Ltd
Attachment 24	Demolition and Construction Waste Management Plan	Eccell Environmental Management Pty Ltd
Attachment 25	Geotechnical Investigation Report Contamination Investigation	Douglas Partners Pty Ltd
Attachment 26	Detailed Site Investigation (including Acid Sulfate Soil Assessment)	JBS&G Australia Pty Ltd
Attachment 10	Remedial Action Plan	JBS&G Australia Pty Ltd
Attachment 28	Demolition Report (including heritage assessment) Willoughby Council Demolition Checklist	Urbis Pty Ltd
Attachment 29	Dial before you dig	Various
Attachment 30	<u>Administrative Items</u> Owners Consent (Vendor Authority) Shop-top housing Development Checklist Development Application Form ASIC Search (dated 17 May 2024)	Various

1. Introduction

This updated Statement of Environmental Effects (SEE) has been prepared on behalf of *SJD NB Pty Ltd* (proponent) to accompany a development application (DA) to Willoughby City Council (Council). The DA seeks approval for demolition of existing structures on the site and construction of a shop-top housing development (the proposal) at 57-69 Strathallen Avenue, Northbridge (the site).

The proposed development is defined as 'shop-top housing' under the *Willoughby Local Environmental Plan 2012* (WLEP) and is permissible with consent within the E1 Local Centre zone. The provisions of the Apartment Design Guide and SEPP 65 also apply in this instance.

The proposal consists of the following key features:

- Demolition of the existing structures on site.
- Preparation of the site and excavation works for 2 levels of basement car parking.
- Construction of a five storey (ground plus four storey) 5,116m² GFA (FSR 2.11:1) shop top housing
 - Basement: 2 levels of basement, comprising 51 car spaces, 5 motorcycle spaces, and 5 bicycle spaces,
 - Ground: 6 retail units at ground level offering a total retail GFA of 972m²,
 - Level 1- 4: 1 x 2 bed, 15 x 3-bed and 8 x 4-bed apartments located from level 1 to level 4,
- Provisions have been made for a possible future public through site link connecting Strathallen Avenue and 134 Sailors Bay Road, should that eventuate in the future.

Note: Council acknowledged that this proposed development does not (and cannot as no owners' consent has been obtained) provide legal access through the northern portion (134 Sailors Bay Road, legally referred to as Lot A in DP404929). The development does not have owners' consent for 134 Sailors Bay Road and access over that site does not form part of this application. Any treatment of the future "through-site link" is proposed within the site boundary of 57-69 Strathallen Avenue only, and to clarify, this DA does not and cannot provide any physical link through to 134 Sailors Bay Road at present.

- Extension and augmentation of infrastructure and services as required.
- Communal open space (629m²) comprising associated landscaping and central landscaped courtyard. Public access from Strathallen Avenue to 709m² of public open space. Private open space provided to all apartments in the form of balconies.
- Public domain works along Strathallen Avenue including planting of street trees and awnings above the ground level retail units, consistent with the adjacent existing development.

Full details of the proposed works are provided in the Architectural Plans, prepared by Bates Smart Architects, in Attachment of the SEE.

The proposal is of an appropriate scale and form for the site. The proposal has considered the existing character of the area in addition to the desired future character of the area. The proposal is well designed and has no unreasonable amenity or environmental impacts. The proposal delivers a variety of housing tenure, with retail uses at ground level, will improve active street frontages and public domain, and can be considered a suitable and appropriate development for the site that is worthy of approval.

This SEE has been prepared pursuant to Section 4.12 of the *Environmental Planning and Assessment Act 1979* (the EP&A Act) and Clause 24 of the *Environmental Planning and Assessment Regulation 2021* (the EP&A Regulation). The purpose of this SEE is to:

- describe the proposed development and its context,
- assess the proposal against the applicable planning controls and guidelines, and

- assess the potential environmental impacts and mitigation measures.

In preparing the SEE, regard has been given to the plans and technical reports which accompany the DA as listed in the appendices. Gyde have relied on the information in these reports, prepared by professionals in their field, for the preparation of this SEE.

Altus Group have calculated the estimated development cost for the proposal to be \$39,447,493 (excl. contingencies, fees and GST). Refer to Attachment 14 for the DA Cost Plan and QS Detailed Cost Report Form prepared by Altus Group.

This SEE concludes that the development proposal is of an appropriate scale and mass for the site and is consistent with the desired future character for the area. It is well designed, has no adverse amenity impacts, will deliver a suitable and appropriate development for the site, and is therefore worthy of approval.

2. Site Analysis

2.1 The Site

The site is located at 57-69 Strathallen Avenue in the suburb of Northbridge, within the Willoughby City Council Local Government Area (LGA). The 2,428m² rectangular shaped corner lot benefits from 2 street frontages; Strathallen Avenue and Baringa Road.

The site is zoned as E1 Local Centre under the *Willoughby Local Environmental Plan 2012* (WLEP). The neighbouring areas to the east and south of the site are zoned as R2 Low Density Residential. The site has been identified as a 'prominent marker' site for vehicles entering the suburb of Northbridge from the south via Strathallen Avenue.

The site is in the suburb of Northbridge which is approximately 7km north of the Sydney CBD. Northbridge, covering an area of 2.8 km², is located within the Northbridge Local Centre which is characterised as an entry point to the Willoughby local government area (LGA) from the south. With a focus on business activities along major roads like Sailors Bay Road, Eastern Valley Way, and Strathallen Avenue, Northbridge Local Centre is a bustling area, with Eastern Valley Way serving as a freight corridor and accommodating regular bus routes to and from Sydney's CBD. The Northbridge local centre lacks any significant outdoor open space area for community recreation and gatherings.

At the heart of the centre sits Northbridge Plaza (located 140m east of the site), which houses a major supermarket and several specialty shops, complemented by a sizable council car park at its rear. The site is also located less than 700m to Shore Playing Fields.

The topography of the Northbridge Local Centre is generally flat, with Sailors Bay Road following a ridgeline. The built environment consists mainly of two to four-story structures, with the eastern side characterised by smaller lots and a more refined streetscape. In contrast, the western side features larger lots and bulkier buildings, including some examples of shop-top housing. The eastern side benefits from enhanced landscaping, street tree planting, pedestrian crossings, and a consistent zero building setback, contributing to a finer-grained street presentation.

The site is not a local listed heritage item or located within a heritage conservation area. The site is also not located in close proximity to any listed heritage items or heritage conservation areas. There are no biodiversity values mapped on the site.

The site is well serviced by public transport, retail shops, restaurants and other community facilities and services. There is an existing bus stop located on the western boundary of the site. The site is conveniently located to a number of bus services that run along Sailors Bay Road and Strathallen Avenue providing connections to the surrounding localities.

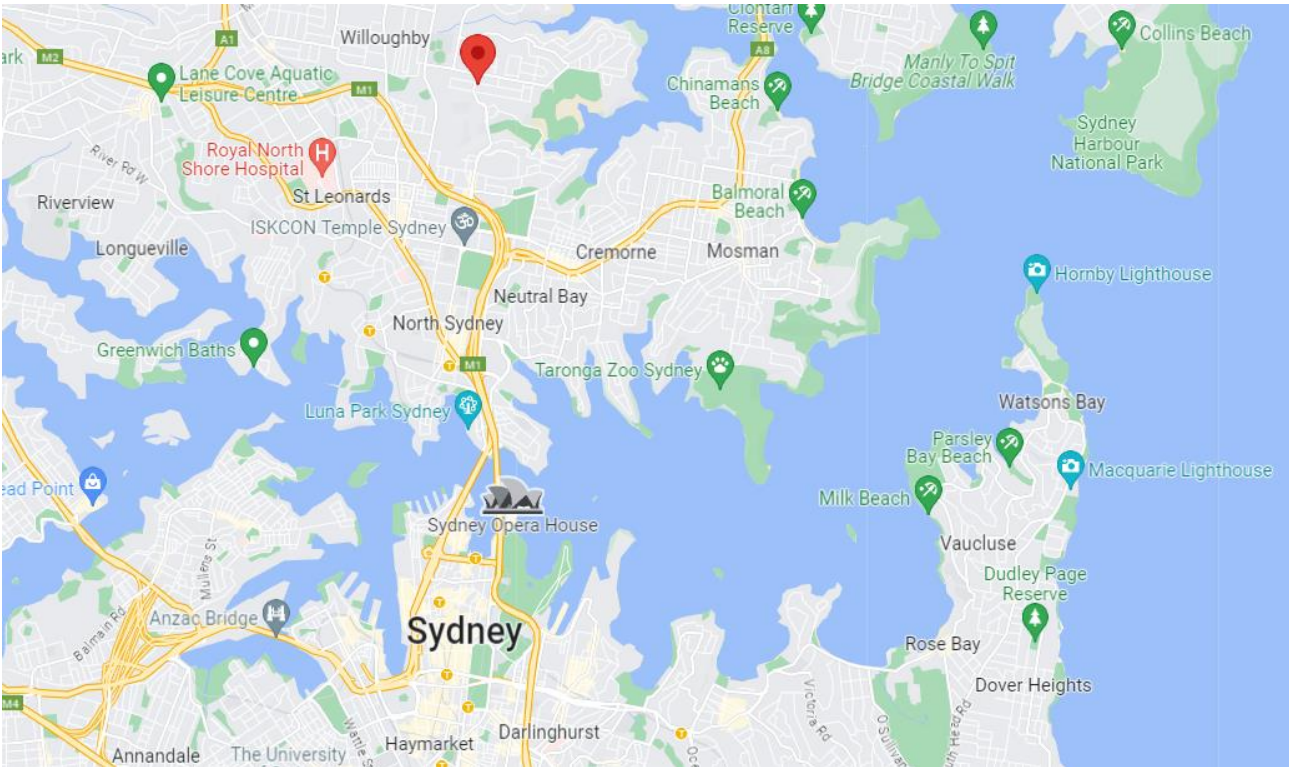


Figure 1. Site context (location of site identified with red marker (Source: Google Maps)



Figure 2. Aerial view of site (site outlined in red) (Source: Nearmaps, accessed April 2024)

Table 1 below provides the legal descriptions and a brief summary of the site and surrounding context.

Table 1. Site Description

Item	Description
Address and Legal Description	The total 2,428m ² site is comprised of six (6) allotments, being:

Item	Description		
	Site address	Legal description	Site Area
	59-69 Strathallen Avenue	Lot 1 in DP 305190 Lot 4B in DP 305190 Lot 4A in DP 305190 Lot 5, Section 3 in DP 1722 Lot 1 in DP 726736	1,821m ²
	57 Strathallen Avenue (Northbridge Hotel)	Lot 6, Section 3 in DP 7122	607m ²
Topography	Sloping topography from northeast to southwest.		
Site Frontages	<u>North</u> – 42m to 128 Sailors Road comprising mixed use retail and commercial units, <u>East</u> – 57m to 31 Baringa Road, <u>South</u> – 43m to Baringa Road, and <u>West</u> – 57m to Strathallen Avenue		
Existing use and buildings	<u>57 Strathallen Ave, Northbridge</u> - is occupied by the Northbridge Hotel which has a 2 storey built form and is built boundary to boundary. <u>59-67 Strathallen Ave, Northbridge</u> – is occupied by Northbridge Village which contains multiple retail premises which have a 1 to 2 storey-built form and associated at-grade car parking. The majority of the existing development is setback from Strathallen Avenue by approximately 27m but provides a zero-metre setback to residential development to the east (the rear) and Northbridge Hotel to the south. <u>69 Strathallen Ave, Northbridge</u> – is occupied by a dry cleaner on the ground floor. It has a two-storey built form and is built to the boundary of the shop top housing development at 126 Sailors Bay Road.		
Access	Pedestrian and vehicular access to the existing buildings on site is currently provided directly off Baringa Road and Strathallen Avenue. The site currently comprises an at grade car park.		
Immediate surrounding development	<u>To the north:</u> Immediately to the north of 57-69 Strathallen Ave, is a mixed-use development block as shown in Figure 7. Further to the north are lines of single storey shopfronts along Sailors Bay Road as shown in Figure 8 and Figure 9. The building form is predominately 1-2 storeys with the roof typology generally flat and pitched roofs. <u>To the east:</u> Towards the East of the subject side are predominately 1-2 storey residential houses that run along Baringa Road. The property at 31 Baringa Street is located immediately to the east of the site sharing a site boundary (refer to Figure 10). <u>To the south:</u> South of the development is Baringa Road with Strathallen Avenue running intersecting Baringa Road to the southwest corner of the site. The development south of 57-69 Strathallen Avenue comprises entirely of residential development ranging from 1-3 storeys. Directly South of the site is a dwelling at 53 Baringa Road (Figure). <u>To the west:</u> Directly west of the subject site runs Baringa and Sailors Bay Road with a 3-4 storey mixed use block on the opposite side (Figure and Figure 13). Further west of the subject site the majority of development comprises of 1-2 storey residential developments on large blocks of land.		
Utility Services	The full range of utility services are available at the site including electricity, gas, telecommunications, water, sewer, and stormwater drainage.		
Public transport	The site is located in close proximity to bus stops on both Sailors Bay Road and, Strathallen Avenue. There is a bus stop located on Strathallen Avenue along the site boundary, serving the following bus routes: 194, 202, 203, 204, 205, 206, 207, 208, 209, 260, and 267.		

In addition, a Survey Plan, prepared by Norton Survey Partners, is attached in Attachment 3 and a detailed site analysis plan is provided in Attachment within the Architectural Package.

The site's surrounding development context is presented in the following Figure 3 to Figure 12, taken by Gyde Consulting Pty Ltd (April 2023).



Figure 3. View of Northbridge Hotel – 57 Strathallen Avenue



Figure 4. View of car park and existing retail premises – 59-67 Strathallen Avenue



Figure 5. View of existing car park – 59-67 Strathallen Avenue



Figure 6. View of dry cleaners – 69 Strathallen Avenue



Figure 7. View of 128 Sailors Bay Road



Figure 8. Sailors Bay Road



Figure 9. Sailors Bay Road

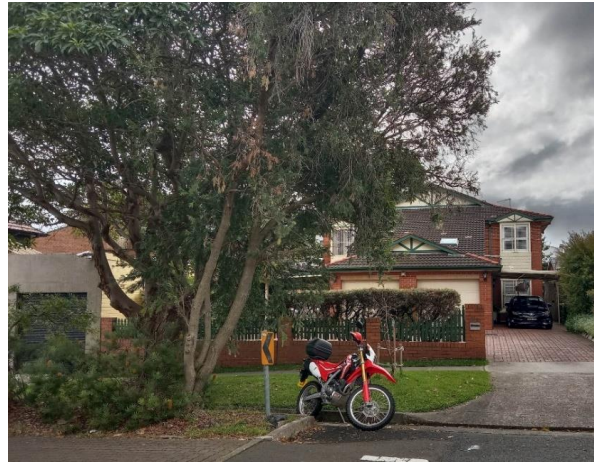


Figure 10. 31 Baringa Road



Figure 11. View of 51 and 53 Baringa Road



Figure 12. Surrounding development on Strathallen Avenue

3. Description of Development

3.1 The Proposal

The DA seeks development consent for the demolition of the existing building on site and the construction of a shop-top housing development comprising 6 retail tenancies and 24 apartments over 2 levels of basement.

In summary, the proposed development will comprise of the following;

- Demolition of all existing structures on site,
 - Preparation of the site and excavation works for 2 basement levels (including up to 7-8m below existing ground level),
 - Construction of a 5 storey shop top housing development configured as follows:
 - Basement levels: Basement: 2 levels of basement, comprising carparking (residential and retail) over two levels for 51 car spaces, 6 accessible spaces, 5 motorcycle spaces, and 3 bicycle spaces, 2 EV charging stations, plant rooms, residential waste rooms, pump rooms, fire storage tank, building managers office, switch room, comms room, OSD tank, grease arrestor room, WCs, and residential storage rooms.
 - Ground: 6 x retail tenancies (972m² retail GFA), 3 x retail visitor bicycle spaces, residential lobby with lifts, mail room, servicing cupboards, loading dock, retail waste room, basement entry, substation, driveway, and landscaped courtyard including provision for future through site link to Sailors Bay Road.
 - Levels 1 to 4: 24 apartments comprising 1 x 2-bed, 15 x 3-bed and 8 x 4-bed apartments located from level 1 to level 4, lifts, waste cupboard and servicing cupboards.
 - Provisions for communal open space which may in the future connect to a public through site link from Strathallen Avenue, should that ever eventuate. This DA does not include connection to 134 Sailors Bay Road, and only provides treatment of the future through site link within the site boundary.
- Note:** Council acknowledged that this proposed development does not (and cannot as no owners' consent has been obtained) provide legal access through the northern portion (134 Sailors Bay Road, legally referred to as Lot A in DP404929). The development does not have owners' consent for 134 Sailors Bay Road and access over that site does not form part of this application. Any treatment of the future "through-site link" is proposed within the site boundary of 57-69 Strathallen Avenue only, and to clarify, this DA does not and cannot provide any physical link through to 134 Sailors Bay Road at present.
- 629m² communal open space with associated landscaping and central public open space (709m²) in the form of a landscaped courtyard, and private open space in the form of balconies to each apartment,
 - Public domain works along Strathallen Avenue including planting of street trees and awnings above the ground level retail units, consistent with the adjacent existing development.

Full details of the proposed works are provided in the Architectural Plans, prepared by Bates Smart Architects (updated post lodgement dated 28 June 2024), in Attachment 4. Key development statistics of the proposed development are described in Table 2 and the following subsections.

Table 2. Development Statistics

Item	Proposal
Site Area	2,428m ² comprised of: <ul style="list-style-type: none"> • 57 Strathallen Avenue: 607m² • 59-69 Strathallen Avenue: 1,821m²

Item	Proposal												
Gross Floor Area (GFA) and Floor Space Ratio (FSR)	The proposed GFA on site, complies with the maximum permitted on the site as a whole, and is proposed as follows:												
	<table><tr><th>Address</th><th>Permissible</th><th>Proposed</th></tr><tr><td>57 Strathallen Avenue (607m² site area)</td><td>1,518 (2.5:1)</td><td>1,564m² (2.58:1)</td></tr><tr><td>59-69 Strathallen Avenue (1,821m² site area)</td><td>3,642m² (2:1)</td><td>3,552m² (1.95:1)</td></tr><tr><td>TOTAL</td><td>5,160m² (2.13:1) for whole site</td><td>5,116m² (2.11:1) for whole site</td></tr></table>	Address	Permissible	Proposed	57 Strathallen Avenue (607m ² site area)	1,518 (2.5:1)	1,564m ² (2.58:1)	59-69 Strathallen Avenue (1,821m ² site area)	3,642m ² (2:1)	3,552m ² (1.95:1)	TOTAL	5,160m ² (2.13:1) for whole site	5,116m ² (2.11:1) for whole site
	Address	Permissible	Proposed										
	57 Strathallen Avenue (607m ² site area)	1,518 (2.5:1)	1,564m ² (2.58:1)										
59-69 Strathallen Avenue (1,821m ² site area)	3,642m ² (2:1)	3,552m ² (1.95:1)											
TOTAL	5,160m ² (2.13:1) for whole site	5,116m ² (2.11:1) for whole site											
Height	<ul style="list-style-type: none">• <u>Permissible</u>: 17m• <u>Proposed</u>: Max. 17.91m (RL 105.550m)												
Residential Apartments	Total 24 residential apartments comprised of: <ul style="list-style-type: none">• 1 x 2-bed apartment (4%)• 15 x 3-bed apartments (63%)• 8 x 4-bed apartments (33%)												
Retail GFA	972m ²												
Adaptable Apartments	Total of 12 apartments (50%)												
Public Open Space for public access	Total 709m ² (29%) of site area												
Communal Open Space (COS) for residential component	Total 629m ² (25.9%) in the form of a public landscaped courtyard at ground level.												
Deep Soil Landscaping	357m ² (14.7%) of total site area												
Vehicular and Loading Access	Baringa Road - ingress and egress for retail and residential, servicing access and loading dock via a via 6.5m driveway on south-east corner of the site. Driveway is separated from the eastern boundary (low density residential dwelling) by a 3m landscape buffer zone to provide deep soil planting, and visual and acoustic separation.												
Vehicle Parking	Total 51 car parking spaces												
Motorcycle Parking	Total 5 motorcycle parking spaces comprised of: <ul style="list-style-type: none">• Basement 01: 2 x retail spaces, and• Basement 02: 2 x residential space and 1 x residential visitor space.												
Bicycle Parking	Total 6 bicycle parking spaces												
EV Charging Capacity	Total 2 EV charging spaces over both basement levels. All spaces are ducted for future provision of additional EV charging.												
Storage	Total 255m ² residential storage in Basement 02 comprising: <ul style="list-style-type: none">• 174m² (18 x 12m³ cages) within a residential storage room, and• Additional 3 x 15m³ and 3 x 12m³ cages outside of the storage room.												
Cross ventilation (60% required under ADG)	21 out of 24 apartments (88%)												
Solar access (70% required under ADG)	18 out of 24 apartments (75%)												

3.2 Demolition

The proposed shop-top housing development will involve demolition of all existing buildings and structures on site. The demolition extract (Figure 13) highlights the extent of the demolition required to be undertaken (red hatched areas). All existing trees on site are also to be removed, excluding the large tree on the eastern boundary which will be retained and protected. The DA is accompanied by a Demolition Report (Attachment) and an Arboricultural Impact Appraisal and Method Statement (Attachment 13).



Figure 13. Demolition Plan (Source: Bates Smart, Sheet A01.002, Rev 2 (updated post lodgement dated 28 June 2024))

3.3 Excavation and filling

In order to facilitate the development and the 2 basement levels required for car parking and servicing, excavation of the site is required. Excavation of approximately 7-8m is anticipated. Excavation will initially intersect fill, natural soil, and very low strength sandstone which can be readily removed using equipment such as excavators. Excavation of low strength and medium strength rock, and possibly high strength rock, would require hydraulic rock hammers to break up the rock before removal. Alternatively, excavation of medium and high strength rock may be possible with ripping by a heavy bulldozer.

It is expected that a bulk level excavation of 7-8m deep require will likely expose medium and/or high strength sandstone. Therefore, shallow pad footings below the basement level are expected to be suitable to support column loads typical for a development of this size and scale.

It is expected that following demolition of the existing structures, that further geotechnical investigation will take place to refined geotechnical design parameters.

3.4 Scale and Built Form

The building has been architecturally designed to ensure the development presents an appropriate scale and built form that can be well integrated into the street and surrounding character of Northbridge. The massing of the building has been broken down to address major and minor streets and has been stepped to address site conditions. The floorplate of the building is split into 'north' and 'south' wings, accessed by one core each, and centrally separated by the future through site link from Strathallen Avenue. The through site link as part of this DA is within the site boundary only, and only allows for the future provision of connection to Sailors Bay Road. No physical connection at this point can be provided and no works are proposed to the built form of adjacent lots (notably Lot A in DP404929 – 134 Sailors Bay Road). This is in accordance with Council's vision for the site and requirements to provide a through-site link.

Note: Council acknowledged that this proposed development does not (and cannot as no owners' consent has been obtained) provide legal access through the northern portion (134 Sailors Bay Road, legally referred to as Lot A in DP404929). The development does not have owners' consent for 134 Sailors Bay Road and access over that site does not form part of this application. Any treatment of the future "through-site link" is proposed within the site boundary of 57-69 Strathallen Avenue only, and to clarify, this DA does not and cannot provide any physical link through to 134 Sailors Bay Road at present.

The corners of the building are curved to address important areas; the building's main entry, the prominent street corner to Baringa Road and Strathallen Avenue, and the junctions with neighbours. The curved finishes help to soften and minimise the visual impact of the scale of the building to the street. The level 04 corners have been trimmed to minimise the encroachment on the height limit, and street frontages are setback to reduce visual bulk and scale.

All apartments have balconies along the street frontage to provide acoustic separation from the traffic below. Eastern facing balconies have planter boxes to address the low-density residential dwellings adjacent.

Whilst the neighbouring dual occupancy does not have any windows along its western facade, apartments on the southeast primarily face north or south and any windows on the eastern facade of the building will be screened to maintain the visual privacy of neighbouring buildings.

The development proposes a 5 storey plus 2 level basement shop-top housing development with business and retail tenancies at ground floor and 24 apartments over levels 1 to 4. A highly articulated façade with a series of windows and balconies has been incorporated to minimise the bulk and scale of the development.

The proposed development has been designed to respond appropriately to the surrounding area through the incorporation of appropriate materials, massing, setbacks, horizontal and vertical articulation, and façade treatments, which respond to the character of development in the surrounds.

Overall, the proposal demonstrates how the built form can be successfully integrated to provide positive built form outcomes which are sympathetic to the existing locality and built forms in the vicinity.

3.5 Land uses

3.5.1 Retail

The development provides for a shop-top housing development with 972m² GFA of retail space divided over 6 retail units. These retail spaces are accessible directly off Strathallen Avenue at ground level. A kitchen riser has been accommodated in tenancy G.01 to enable food and drink premises if such a tenant sought to seek future approval. Retail units are serviced by a ground level loading dock that is accessed via the main vehicular entry off Baringa Road. Retail uses have been designed to ensure active street frontages are provided to both Strathallen Avenue and Baringa Road as per Clause 6.7 of the WLEP.

3.5.2 Residential

The development proposes 24 x apartments across levels 1 to level 4 with the following breakdown per floor:

- Level 1: Total of 6 x apartments comprising 1 x 2-bed, 3 x 3 bed and 2 x 4-bed apartments.
- Level 2: Total of 7 x apartments comprising 5 x 3-bed and 2 x 4-bed apartments.
- Level 3: Total of 7 x apartments comprising 5 x 3-bed and 2 x 4-bed apartments.
- Level 4: Total of 4 x apartments comprising 2 x 3-bed and 2 x 4-bed apartments.

3.6 Façade, Materials and Finishes

The proposed development has incorporated materials and finishes into the design, which respond appropriately to the context of the area and surrounds. The façade design incorporates horizontal band expressions, creating solid balustrades to balconies to enhance privacy for the apartment dwellers. Vertical elements such as columns and louvres further contribute to the facade's depth and vertical articulation.

To mitigate the visual impact of the building's mass, Level 04 has been designed with a lighter façade expression, reducing its visual bulk, and scale of the overall building when perceived from the street. Strategic planting including a 3m landscaped zone along the eastern boundary and balcony planters on the eastern facade have also been integrated into the façade. This responds to the adjacent low density residential, highlights the main building entry and softens the top of the building.

Throughout the facade, the choice of materials and finishes is sympathetic to the surrounding residential architecture, using two distinct tones of brick. Lighter hues are proposed on the residential levels to complement the colour palette of neighbouring buildings to the north and south, while warmer, darker tones are proposed on the podium to not only ground the building but also pay homage to the traditional red brick and terracotta roofs of the nearby houses.

The upper levels of the development feature a lighter appearance with glazing and contrasting darker metal framing. Roof terraces with landscaping not only benefit residents but also visually soften the top level of the building. Finally, metal louvres are used on curves to provide visual privacy to balconies from adjacent apartments and neighbouring buildings.

Full details of materials and finishes proposed for the development are provided in the Architectural drawings provided Attachment 4 while an extract from the plans is provided in the Figure 14 below.

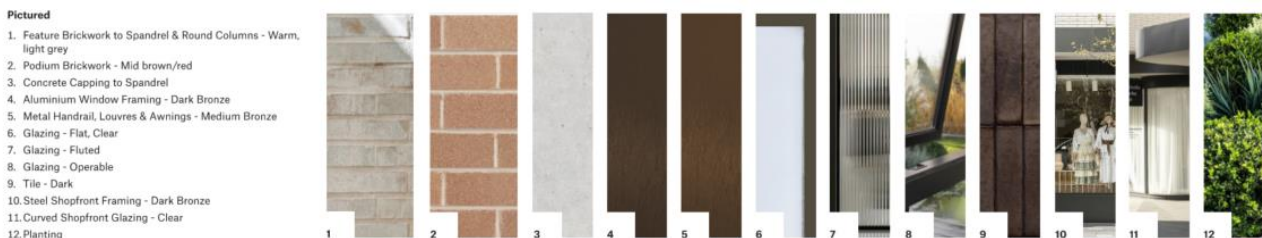


Figure 14. Materials and finishes (Source: Bates Smart Design Report, updated post lodgement dated 28 June 2024)

3.7 Landscaping and Tree Removal

3.7.1 Landscaping

The proposed development provides 357m² (14.7%) of deep soil zones and permeable landscaping which will become the focal points of the development. Additional landscaping including planters at all levels and landscaped setbacks on the eastern elevation provide softening of built form, highlighted main building entry, greening and privacy to neighbours. The proposed landscaping will include:

- Ground Level:
 - 160m² landscaped planter with screen planting along the eastern site boundary;
 - 292m² landscaped courtyard including open turf for seating and passive recreation, raised seating wall with mounted timber benches, paving, feature sandstone boulders for seating and amenity, feature trees, DDA accessible path, and feature planting in raised planters; and

- 41m² landscaped planter to assist in providing separation and screening between the driveway and landscaped courtyard.
- Levels 1 to 4:
 - Feature planting in raised perimeter planters providing amenity to terraces and privacy to neighbours.

Full details of the proposed landscape works are provided in the Landscape Plans, prepared by Sturt Noble (Attachment 12).

3.7.2 Tree Removal

The development requires the removal of 8 low retention value trees on site, 6 of which are exempt from Willoughby Council's *Tree and Vegetation Preservation Order 2012*. A number of other trees are also located in the vicinity of the site. Notably, 1 existing large bon the eastern boundary line as well 2 outside the site boundary off the south-eastern corner of the site. These trees located outside of the site boundary are proposed to be retained and protected.

Full details of the proposed works are provided in the Architectural Plans (Attachment), Landscape Plan (Attachment 12) and Arboricultural Impact Appraisal and Method Statement (Attachment 13).

3.8 Private and Communal Open Space

3.8.1 Private Open Space

As all residential apartments are proposed above ground level, private open space is provided in the form of balconies for each of the 24 apartments. The balconies provided meet the minimum requirements for private open space under the ADG, and for most of the apartments the private open spaces provided exceed the minimum requirements. To improve amenity for residents, private open space has been provided with planter boxes to address the low density residential adjacent to the east.

3.8.2 Communal Open Space

The proposal provides 629m² of communal open space which comprises a 292m² public landscape courtyard, future through site link and paved courtyard at ground level providing outdoor amenity for both the public and residents. The courtyard is a flexible open space, lined by a covered colonnade and surrounded by trees. It is accessed via the future through site link and is directly adjacent to the residential lobbies. The courtyard has level access from the street and has passive surveillance from the future through site link, residential lobbies, apartments as well as from retail tenancy G.01.

3.8.3 Public Domain

The development includes the provision of, and upgrades to the public domain. The development proposes the planting of 5 street trees along Strathallen Avenue and Baringa Road in accordance with Council's specifications. A public courtyard is located within the site, accessed from Strathallen Avenue, and allows potential future connection via the through site link to improve ground plane activation and pedestrian connectivity. Ground level retail tenancies are accessed directly from street, activating the building frontages, and addressing the public domain.

Awnings running above the retail tenancies at ground level allow weather protection and shade from the sun for users accessing the public domain. These awnings allow consistency of the development with those adjacent to the north, and along the west of Strathallen Avenue. Seamless integration is facilitated between the existing public domain and that of the proposed development with the inclusion of similar paving from the street into the future through site link and central courtyard.

Note: Council acknowledged that this proposed development does not (and cannot as no owners' consent has been obtained) provide legal access through the northern portion (134 Sailors Bay Road, legally referred to as Lot A in DP404929). The development does not have owners' consent for 134 Sailors Bay Road and access over that site does not form part of this application. Any treatment of the

future “through-site link” is proposed within the site boundary of 57-69 Strathallen Avenue only, and to clarify, this DA does not and cannot provide any physical link through to 134 Sailors Bay Road at present.

3.9 Vehicle and Basement Access and Parking

3.9.1 Vehicle and Basement Access

A two-level basement arrangement has been proposed for the site which accommodates car parking spaces, visitor car parking spaces, motorcycle and bicycle parking, EV charging and storage areas.

Vehicular access is provided via a 6.5m wide driveway off Baringa Road, a residential road, to the southeastern corner of the site. This provides a new driveway entrance to the existing site entrance that is located off Strathallen Avenue to the Northbridge Hotel. The driveway is separated from the future through site link via a secure gate to maintain pedestrian safety. This right of carriageway provides access to the Basement Levels as well as the Loading Dock and garbage holding rooms. The loading dock is separated from the access ramps to the Basement Levels to reduce any potential traffic congestion.

3.9.2 Parking

Vehicular Parking

A total of 51 car parking spaces will be provided, and the following breakdown is provided below:

- Basement Level 01:
 - 24 x retail parking spaces (including 2 accessible),
- Basement Level 02:
 - 24 x residential parking spaces (including 3 accessible), and
 - 3 x residential visitor parking spaces (including 1 accessible)

The development also integrates 2 EV charging spaces are provided (not included as part of parking spaces), one on each basement level. A carpark intercom is provided at the entrance off Baringa Road to allow for safe and secure access to the basement parking.

Motorcycle Parking

A total of 5 motorcycle parking spaces will be provided and the following breakdown is provided below:

- Basement 01: 2 (retail) motorcycle spaces, and
- Basement 02: 3 motorcycle spaces, comprising 2 residential and 1 residential visitor space.

Bicycle Parking

Total 6 spaces with the following breakdown:

- Ground Level: 3 x retail (visitor) bicycle parking spaces,
- Basement 02: 3 x residential bicycle parking spaces, and

It is noted that the storage cages provided at basement levels for residents range from 12m² to 15m² and can be utilised by residents for additional bicycle storage if required.

Loading Dock

A loading dock, with 2.75m and 4.5m clearance, has been provided on the ground level and is separate from the car parking. The loading area/turning area can accommodate an 8.8m MRV and 12.5m HRV accessing the onsite loading facility. The loading dock is separated from the access ramps to the Basement Levels to reduce any potential traffic congestion. The swept path diagrams provided in Appendix B of the Traffic and

Parking Assessment, prepared by MLA Transport Planning, (Attachment 20) demonstrate an 8.8m and a 10.5m long service vehicles could access the site satisfactorily but simultaneous movement by service vehicles and B99 vehicle cannot be achieved. It is proposed to provide traffic management measures to manage the swept path overlap between a service vehicle and a B99 vehicle as illustrated on the relevant swept path diagrams provided in Appendix B. This will involve warning signs with yellow flashing lights triggered by vehicle height sensors and line markings of Stop lines and waiting bays to manage the vehicle conflict.

3.9.3 Pedestrian Access and Future Through Site Link

Primary pedestrian access to the retail tenancies is provided directly off Strathallen Avenue. A 3.5m wide through site link provides primary pedestrian access to the residential lobbies and apartments above, emergency fire stairs, retail amenities and through to the 292m² publicly accessed landscaped courtyard. Though the site also provides access to the driveway, this is separated, and a secured gate is provided, to maintain pedestrian safety.

The proposal provides provision for the future pedestrian through-site link to connect to Sailors Bay Road. It's noted that the development does not provide legal access through the northern portion (134 Sailors Bay Road). The development does not have owners consent for 134 Sailors Bay Road and access over that site does not form part of this application. No works are proposed to 134 Sailors Bay Road (legally known as Lot A in DP404929). Council understand and note this comment in their Pre-DA comments in Chapter 4.1 of this SEE (Appendix 1).

The development includes 2 lifts, one located on the northern and southern wings, located either side of the central future through lite link pedestrian arcade. Pedestrian access via lifts to the basement levels containing car parking, accessible car parking, bicycle parking, waste, and storage by means of a lift. Secondary emergency access is provided via stairwells in each the northern and southern wings.

Note: Council acknowledged that this proposed development does not (and cannot as no owners' consent has been obtained) provide legal access through the northern portion (134 Sailors Bay Road , legally referred to as Lot A in DP404929). The development does not have owners' consent for 134 Sailors Bay Road and access over that site does not form part of this application. Any treatment of the future "through-site link" is proposed within the site boundary of 57-69 Strathallen Avenue only, and to clarify, this DA does not and cannot provide any physical link through to 134 Sailors Bay Road at present.

3.10 Waste, Substation and Fire Boosters

3.10.1 Waste

The proposed development provides residential waste provisions within Basement 01 and retail waste provisions at ground level. Private waste collection contractors will be responsible for providing waste removal services. The proposed development includes;

- **Residential Waste:** 2 x residential waste rooms (38m² and 21m² in size) have been provided in Basement 01 located in close proximity to lifts.
- **Bulky Waste:** An area has been provided for bulky waste storage (12m²) within Basement 01.
- **Retail Waste:** An area has been provided for retail waste (24m²) at ground level with direct access to driveway.
- **Waste Chutes:** Waste Chutes for general waste are provided on each residential floor of the building to Basement 01.
- **Residential Recycling Cupboards:** Two recycling cupboards are located on each floor in close proximity to each of the lifts.
- **Holding of Waste in Loading Dock:** An area of 20m² is accommodated in for holding waste in the loading dock.

In order to facilitate the waste servicing of a 10.5m waste truck, a private waste collection is proposed. Full details of the proposed waste provisions and paths of travel are provided in the Operational Waste Management Plan and Demolition and Construction Waste Management Plan, prepared by EcCell Environmental Management Pty Ltd, (Attachment and Attachment , respectively).

3.10.2 Substation and Fire Boosters

Services including a new substation 26m² (5.7m x 4.5m), located on the southern boundary off Baringa Road, and fire boosters. These are carefully integrated into the facade and located to meet regulatory requirements whilst maintaining active street frontages to the primary street and corner. Appropriate substation buffer zones have been accommodated within the ground floor of the development.

3.10.3 Estimated Development Cost

The estimated development cost (EDC) of the project is estimated at of \$39,447,493 (excl. contingencies, fees, and GST). Refer to the DA Cost Plan and QS Detailed Cost Report Form prepared by Altus Group (Attachment 14).

4. Pre-lodgement Consultation

4.1 Pre-lodgement meeting with Willoughby City Council

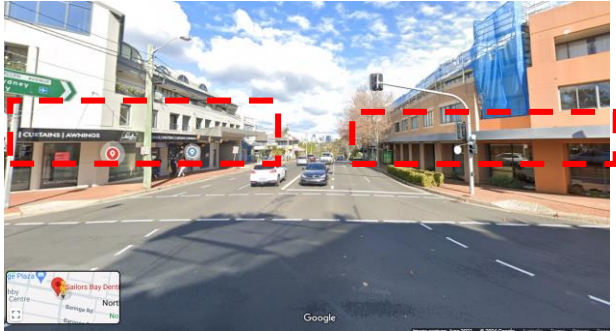
A pre-lodgement meeting was held with Willoughby City Council on 7 February 2024. The issues identified as a result of the pre-lodgement consultation, and how they have been addressed in this development application, are described in the following table.

Refer to Appendix 1 of this SEE for the Record of the Pre-Development Application Meeting (prepared by Willoughby Council, dated 07 February 2024), and for detail of the issues raised by Council.

Table 3. Pre-Lodgement issues raised by Willoughby City Council

Willoughby Council Comments	Response
Statutory and Local Controls	
Willoughby LEP	The WLEP has been fully assessed in Chapter 5.6 of this SEE.
Willoughby DCP Parts C and E of the WDCP contain provisions relevant to a new dwelling house and dual occupancies. The key matters to be considered in designing the proposal and preparing a development application include: <ul style="list-style-type: none"> • Part B – Residential Development (Section 2 and 4) • Part D – Commercial Development (Section 6) • Part F – Transport and Parking Management • Part G – Vegetation Management • Part I – Stormwater Management • Part L - Place Based Plans (Section 2, 3 and 10) 	The WDCP has been fully assessed in Chapter 5.7 of this SEE and in the attached DCP Compliance Table, Appendix D.
Planning	
Height There is opportunity to reduce variation by reorganising finished floor levels and. If the development proceeds with a height variation, please ensure a detailed and comprehensive Clause 4.6 variation request is completed. Willoughby Council strictly apply Clause 4.6 and will need to be satisfied in the first instance why a compliant design would be considered unreasonable and unnecessary.	The DA is accompanied by a Clause 4.6 Variation Request to Clause 4.3 Height of Buildings. Refer to Attachment .
FSR Willoughby Council strictly apply clause 4.6 and will need to be satisfied in the first instance why a compliant design would be considered unreasonable and unnecessary. The SEE & 4.6 variation is to clearly detail the proposed FSR breach and the process behind calculating the breach.	The DA is accompanied by a Clause 4.6 Variation Request to Clause 4.4 Floor Space Ratio. Refer to Attachment . The proposal as a whole complies with the allowable maximum Floor Space Ratio for the combined site.
Affordable housing 4% of residential component. To be dedicated in physical stock, with shortfall in m ² paid by cash. The applicant is to nominate the stock or Council will choose which Unit it takes.	The Applicant proposes to provide 4% affordable housing consistent with Council's requirement.
Setbacks SEE to clearly indicate the setback controls Part L vs Part D.	The setbacks proposed comply with the ADG, which overarches the provisions of setbacks required in the DCP. Refer to Section 5.5.2.2 of this SEE and the attached Architectural drawings, Design Report, and ADG Compliance prepared by Bates Smart, updated post lodgement dated 28 June 2024.

Willoughby Council Comments	Response
<p>ADG unit mix</p> <p>ADG requires development to provide a unit mix. The development is to be amended to introduce other stock from 3 & 4 bed to include smaller unit types. The development can still be predominately large units but a further mix is required.</p>	<p>The proposed development provides a mix of 2, 3 and 4-bedroom apartments. Refer to the Design Report, prepared by Bates Smart, in Attachment 6, updated post lodgement dated 28 June 2024.</p>
<p>Waste servicing</p> <p>Council require provision for a 12.5m long waste vehicle to service the site. Understanding you will be providing information to vary this standard you will need supply:</p> <p>Swept paths of the 12.5m and the impacts of this on the development. A draft plan set showing the extent of changes would aid in your argument.</p> <p>Evidence of further research into other solutions is required. This includes the provision of a turntable for the waste vehicle or relocation of waste loading area.</p> <p>Show impacts of 11 m & 11.5m vehicle length.</p>	<p>The development can accommodate a 10.5m waste service vehicle, further justification is outlined in the Access section below in this table, and the Traffic and Parking Assessment, prepared by MLA Transport Planning, (Attachment 20).</p>
<p>Heritage</p> <p>Heritage has raised some potential significance related to the Northbridge Pub/Hotel. Whilst there is no heritage listing on the site, Willoughby has been involved in DA's recently where community concerns relating to heritage status on a non-listed site resulted in political interest and ultimately an IHO. Please review heritage comments later in these notes.</p>	<p>A Demolition Report, prepared by Urbis, provides a historical review of the site and its heritage significance, in Attachment . The Demolition Report addresses the requirement of potentially retaining the buildings on site and concludes that the demolition of the buildings to accommodate the proposed development is supported.</p>
<p>Through-site link</p> <p>The development provides provision for the through-site link up to Sailors Bay Road. It's noted that the development does not (and cannot given no consent) provide legal access through the northern portion (134 Sailors Bay Road). Council understand and note this comment.</p>	<p>No changes are proposed, and the development maintains the provision of a future through site link as presented to Council from Strathallen Avenue through to the north easter corner of the site, providing provisions to allow a future connection (subject to Council resolution of access) to 134 Sailors Bay Road. As part of this DA, provision of the through site link is proposed only within the boundary of 57-69 Strathallen Avenue, and no works are proposed to 134 Sailors Bay Road.</p> <p>Note: Council acknowledged that this proposed development does not (and cannot as no owners' consent has been obtained) provide legal access through the northern portion (134 Sailors Bay Road, legally referred to as Lot A in DP404929). The development does not have owners' consent for 134 Sailors Bay Road and access over that site does not form part of this application. Any treatment of the future "through-site link" is proposed within the site boundary of 57-69 Strathallen Avenue only, and to clarify, this DA does not and cannot provide any physical link through to 134 Sailors Bay Road at present.</p>
Landscape	
<p>Tree Protection of neighbouring tree looks satisfactory, however will require an arborist report at DA stage to confirm.</p>	<p>The DA is accompanied by an Arboricultural Impact Appraisal and Method Statement in Attachment 13. Refer to Chapters 5.5.1 and 6.2 of this SEE for detailed discussion.</p>
<p>Amendments to the landscape plan to open up the blind/sharp corner of the through site link to the north to better align with CPTED principles.</p>	<p>The ground floor and future through site link has been amended in accordance with Council's comments. Refer to the Architectural Plans in Attachment and CPTED assessment in Chapter 6.3.1 of this SEE.</p>

Willoughby Council Comments	Response
<p>Provision for street trees required. Awning amended as required and plans to show planting locations and species.</p>	<p>The planting of 5 street trees is proposed along Strathallen Avenue and Baringa Road. The awning proposed extends over Strathallen Avenue and maintains consistency with the awnings to adjacent developments (note below extract with red hatched lines of existing awning treatment to surrounding developments). Treatment of the public domain will ensure consistency and flow between the existing developments and the proposed development.</p>  <p>A Landscape Plan, prepared by Sturt Noble (Attachment 12), details the planting and species proposed.</p>
<p>PGH Pavers in the public domain to match existing.</p>	<p>Refer to the materials and finishes detailed in the Design Report, prepared by Bates Smart, which provides details on public domain paving (Attachment 6).</p> <p>The materials and finishes of the public domain throughout the development will ensure consistency with the existing streetscape of Northbridge to allow for a flow from Strathallen Avenue to the future through site link and the public domain area provided central to the development.</p>
<p>The draft landscape plan reference loose gravel/pebble. Given the area is to be a public space with a certain level of traffic this should be rethought.</p>	<p>This comment was acknowledged and updated accordingly. The proposed DA is accompanied by a Landscape Plan, prepared by Sturt Noble, in Attachment 12 which notes that the pebbles have been changed to fixed permeable paving.</p>
Urban Design	
<p>Ensure public domain works consistent with Northbridge Local Centre public domain plan endorsed by Council.</p>	<p>The proposed development supports the public domain opportunities identified for the Northbridge Local Centre:</p> <ul style="list-style-type: none"> • Increase shop-top housing within the centre, • Encourage high quality architectural 'marker buildings' at key locations to provide gateways to the town centre, • Improve public open space provision by undergrounding Council car park and providing a plaza, create pocket parks and streetscape improvements, • Improve pedestrian connections, and • Development potential for new medium density residential, new retail and community uses and additional mixed-use development.
<p>Undertake a Design Excellence Panel (details sent) early to assist with compliance with Cl6.23 of the WLEP.</p>	<p>A Design Excellence Review Panel took place on 14 February 2024 by Toby Wetherill on behalf of Willoughby Council. Refer to Appendix 2 and Chapter 4.2 of this SEE for detailed discussion.</p>
Traffic	

Willoughby Council Comments	Response
<p>To undertake traffic modelling to show traffic impacts at the following intersections during AM/PM peaks:</p> <p>Strathallen Ave/ Baringa Rd</p> <p>Sailors Bay Rd/ Strathallen Ave</p>	<p>Traffic assessments of morning peak periods and evening peak periods are outlined in Section 5 of the Traffic and Parking Assessment, prepared by MLA Transport Planning, (Attachment 20).</p>
<p>Consult/ inform TfNSW potential impact to Bus Stop 206352 during construction period. Does the bus stop proposed to retain at its current location?</p>	<p>Consultation with TfNSW can be undertaken prior to the construction period commencing to discuss necessary arrangements for access to the Bus Stop 206352.</p>
<p>Plan for integration of cycle path facility along Baringa Rd with the development. Propose design at driveway access that minimise conflicts with cyclists. Provide bike parking at surface level for retails.</p>	<p>Retail bicycle parking is accessed via the future through site link, therefore not at conflict with the driveway. Bicycle parking is provided at ground level for retail users. Refer to the Architectural Plans, prepared by Bates Smart, (Attachment 9).</p>
<p>Provision of EV charging space to comply with WDCP Part F, Section 4.5 and 5.6</p>	<p>The development incorporates 2 EV charging spaces, 1 provided on each basement level. All car spaces are ducted for future EV charging.</p>
<p>Consider providing car share spaces</p>	<p>A car sharing space is not provided as part of this development application. Full justification is outlined in the DCP Compliance Table attached to this SEE (Appendix D).</p>
<p>Construction Traffic & Pedestrian Management Plan (CTPMP) would be required for demolition, excavation and construction phases.</p>	<p>A Construction Traffic and Pedestrian Management Plan has been prepared by MLA Transport Planning (Attachment 9).</p>
Flooding / Stormwater	
<p>The site is not flood affected. However, there is potential overland flow in the road at the intersection of Baringa Road and Strathallen Avenue. This needs to be taken into consideration when designing the OSD system for the site.</p>	<p>Design of the OSD system has considered potential overflow in the road at this intersection. Refer to the Stormwater and Drainage Concept Plans and Erosion and Sediment Control Plan, prepared by Telford Civil (Attachment 17).</p>
<p>On-site stormwater detention (OSD) is to be provided in accordance with the requirements of Part C.5 of the WDCP and Technical Standard 1. An overland flow path must be provided for the overflow from the tank / basin to the road.</p> <p>Overflow into an internal chamber with an outlet pipe is not acceptable, as it is not visible and is also subject to blockage. The OSD tank / basin and outlet must be above the 1%AEP flood level. Calculations are to be provided to confirm that the outlet / orifice for the OSD system is draining freely and is not affected by the downstream water level. For direct connections to the Council in-ground drainage system, a hydraulic grade line analysis is to be provided, with the downstream water level to be the top of kerb level of the pit at which the site drainage system connects to the Council drainage system.</p>	<p>On site stormwater detention has been provided to the proposed development. Refer to the Stormwater and Drainage Concept Plans and Erosion and Sediment Control Plan, prepared by Telford Civil (Attachment 17).</p>
<p>Water quality improvement measures are to be provided as part of the stormwater management system. They are to meet the target requirements detailed in Technical Standard 1. A MUSIC analysis is to be undertaken to confirm targets are reached and a summary of the analysis provided, including parameters used in the model and the catchment plan.</p>	<p>Refer to the Stormwater and Drainage Concept Plans and Erosion and Sediment Control Plan, prepared by Telford Civil (Attachment 17). MUSIC analysis was undertaken and is outlined in detail on drawing no. 106 'Catchment plan and MUSIC results' prepared by Telford Civil.</p>
Access / Parking	
<p>Access and parking are to be in accordance with AS/NZS 2890.1, AS28909.2 and AS/NZS2890.6.</p>	<p>MLA Transport Planning confirm in their Traffic and Parking Assessment that access and parking complies with the relevant standards as required (Attachment 20).</p>

Willoughby Council Comments	Response
<p>The vehicle access to the site must be a minimum of 1.2m of the side boundary, or further if required to provide the sight distance triangles required by AS/NZS2890.1.</p> <p>The driveway within the site shall have a maximum grade of 1:20 for the first 6m within the site. This may be increased to 1:8 for downgrades leaving the property. Further details relating to Council's requirements for vehicle crossings are detailed in "Vehicular Crossing Guidelines", which is available on Council's website at: https://www.willoughby.nsw.gov.au/Council/Forms/Vehicular-Driveway-Crossing-Pre-Approval-and-Permit-Applications</p>	<p>Vehicle access is 3m from the sites' boundary to Baringa Road to ensures sightlines in accordance with Australian Standards is achieved.</p> <p>MLA Transport Planning confirm in the Traffic and Parking Assessment (Attachment 20) that: <i>"the first 6m of all access ramps/driveways has a maximum vertical grade of 1:20 in accordance with AS2890.1"</i></p>
<p>Visitor parking associated with the development needs to comply with the requirements of Class 2 parking (medium term) as per AS/NZS 2890.1. Visitor parking is to be readily accessible, and not located behind doors, gates etc.</p>	<p>The Traffic and Parking Assessment, prepared by MLA Transport Planning (Attachment 20), confirms that visitor parking is designed in accordance with AS/NSZ2890.1.</p>
<p>Parking spaces for adaptable units need to comply with the requirements of AS/NZS2890.6.</p>	<p>Outlined in the Traffic Impact Assessment, prepared by MLA Transport Planning (Attachment 20), and confirmed by Accessibility Solutions in the Access Report prepared for the development (Attachment 15).</p>
<p>Bicycle storage lockers and rails are to be provided in accordance with the requirements of Part C.4 of the WDCP. Rails are to be located in a visible location, where they are available for visitors.</p>	<p>Bicycle parking complies with the WDCP requirements. Retail parking is provided in a visible location to the future through site link which is available to visitors. Residential bicycle parking is provided at basement level for additional security for long stay bicycle storage. Storage lockers for residents at bicycle level are also capable in size of storing additional bicycles for residents.</p>
<p>In accordance with Part C.4 of the WDCP, provision must be made for removalist trucks (MRV) to park, load and unload on-site for all residential developments in excess of 12 units. Access is to be provided for appropriate service / maintenance vehicles, including grocery delivery vehicles. A minimum headroom of 4.5m is required for delivery and removalist vehicles.</p>	<p>The loading facility has been designed to accommodate service vehicles up to 10.5m long rigid vehicle (or one MRV or two SRV) with a headroom of 4.5m above the loading bay and any required truck manoeuvring area. Refer to Traffic and Parking Assessment, prepared by MLA Transport Planning (Attachment 20).</p>
<p>Provision is to be made for waste collection vehicles to collect waste on site. Council's waste vehicle is 10.5m long and 4.5m headroom is required. Swept path diagrams are required to show that the vehicle is able to enter and leave the site in a forward direction. Turntables cannot be used as the sole means to meet this requirement.</p>	<p>Swept path diagrams are included in Appendix B of the Traffic Impact Assessment prepared by MLA Transport Planning. Waste collection vehicles of 10.5m long and 4.5m headroom can be accommodated in the development. The development can satisfactorily accommodate access of a 10.5m long service vehicle, however simultaneous movement of a service vehicle and a B99 cannot be achieved.</p> <p>Traffic management measures will be put in place including the provision of waiting bays, warning signs, red/green signals, and sensors and line markings to ensure safe access is achieved. Refer to Traffic and Parking Assessment, prepared by MLA Transport Planning (Attachment 20).</p>
<p>Swept path diagrams are required for the entry to the site, all access aisles and the loading dock. For the main entry and the route to the loading dock, the diagrams must show simultaneous movement by the service vehicle (MRV minimum and Council waste vehicle preferred) and the B99 vehicle. For all other areas, they must show the simultaneous movement by a B99 and B85 vehicle. If simultaneous movement of Council's waste vehicle and a B99 is not possible, then details are</p>	<p>Refer to Appendix B of the Traffic and Parking Assessment prepared by MLA Transport Planning for swept path diagrams (Attachment 20).</p>

Willoughby Council Comments	Response
to be provided to demonstrate how potential conflicts will be managed.	
A Traffic Report will be required for the development. It is to detail the impact of the development on surrounding roads and address the items raised above.	A Traffic and Parking Assessment has been prepared by MLA Transport Planning (Attachment 20).
Plans for the parking areas must include sufficient dimensions to confirm compliance with the Australian Standards, including aisle widths, typical space lengths and widths, ramp grades and sight distance triangles at the exit.	<p>Section 4.8 of the Traffic and Parking Assessment, prepared by MLA Transport Planning (Attachment 20), outlines the details of the car parking layout, spaces, ramps, and sight distances.</p> <p>MLA Transport Planning concludes that:</p> <p><i>“The design of the car park and the loading area complies with and/or meets the design intents stipulated in the relevant Australian Standard for car parking facilities, namely AS2890.1:2004, AS2890.2:2018, AS2890.3:2015 and AS2890.6:2022”.</i></p>
Environmental Health	
The SEE needs to address potential contamination and SEPP (Resilience and Hazards) 2021.	Refer to Chapters 5.5.3 and 6.2.3 of this SEE for discussion.
Acoustic report by a member of the AAAC to assess road noise intrusion, commercial tenancies, mechanical plant equipment and construction noise, & provide mitigation measures and recommendations.	A Noise Impact Assessment has been prepared by Pulse White Noise Acoustics (Attachment 16).
Base building to include provision of means to discharge exhaust ventilation for food premises vertically through the building to atmosphere.	Drawing A03.100 (Rev2) Ground Level of the Architectural Plans (Attachment) illustrates the provision of a kitchen riser in Retail Tenancy space G.01 which enables the discharge of exhaust ventilation for food premise vertically through the building.
Heritage	
<p>Council noted the existing building, being a public hotel building dates back to 1931 and has the potential to be of high historical and social significance to the community.</p> <p>Council recommended that further documentary and physical analysis be conducted on the property to assist with a thorough understanding of how the place is perceived in the context of the NSW heritage Guidelines, as well as the local Northbridge and the wider community within the Willoughby LGA.</p> <p>Council further recommend:</p> <ul style="list-style-type: none"> • An experienced heritage practitioner conduct an assessment in accordance with the NSW heritage guidelines for assessing significance to determine whether the building retains any significant attributes which may deem it worthy of being retained. • The report includes a comparative analysis to compare and contrast the subject place against other similar buildings in the surrounding districts and against the NSW Heritage themes. • That consideration be given to interpretation or incorporating any existing hotel building elements into the design to assist with retaining any significance relating to the place. 	<p>A Demolition Report has been prepared by Urbis (Attachment). This report carries out a comprehensive assessment of the significance of the heritage value of the site and the buildings on the site. The buildings on the site are not listed heritage items.</p> <p>The Demolition Report addresses the requirement of potentially retaining the buildings on site, and it is the conclusion of Urbis' assessment that the retention of the building is not required, and that demolition of the buildings to accommodate the proposed development is supported.</p>
Delegations	
The documents required by Council to assess the development have been provided, a detailed list of	All documents listed accompany this DA,

Willoughby Council Comments	Response
documents that accompany this SEE is outlined on page v of this report.	

4.2 Design Excellence Review

Under Clause 6.23 of the WLEP, as the site is identified in Area 5 on the Special Provisions Area Map, development consent must not be granted to development to which this clause applies unless the consent authority considers that the development exhibits design excellence.

In this regard, a Design Excellence Review Panel took place on 14 February 2024 by Toby Wetherill on behalf of Willoughby City Council.



The Panel determined that design excellence can be achieved within the proposal, however, stated that the key driver on determining the application is whether the 10.5m waste truck that the design is based on will be accepted. A larger 12.5m waste truck, if required, would result in a significant change to the building envelope to accommodate servicing, and a change to the landscaped courtyard. This would result in a significant planning loss for the site, and result in a change to the apartment types.

It is also noted that the proposal has some minor departure from the prescribed height control of 17m.

The following items (Table 4), raised by the Panel, are items to be amended or fine-tuned in order to achieve design excellence. It was determined that overall, the Panel are supportive of the design in principle, however, further resolution is required to satisfy that the proposal may achieve design excellence with a conforming design. The Panel remains supportive of the general architectural approach presented.

Table 4. Willoughby Council Design Integrity Panel Comments and Applicant Response

Issue	Design Integrity Panel recommendations	Response
Context and neighbourhood character	<i>The key driver in determining this application, is whether the smaller 10.5 metre garbage truck, that the design is based on, will be accepted by Council. This is fundamental to the presented proposal being viable or not. The Applicant demonstrated that a conforming development proposal (that requires a larger 12.5 metre truck) requires significant changes and resolution to the architecture (to accommodate the servicing).</i>	The proposed development has proceeded with the design of accommodating a 10.5m waste truck as agreed. Further details relating to the detail of the operation of waste servicing is detailed in the Traffic and Parking Assessment, prepared by MLA Transport Planning (Attachment 20). It is proposed that with traffic management measures in place for access of waste servicing that this is acceptable, and therefore the design of the development around accommodating a 10.5m waste service vehicle is justified.
	<i>Additionally, the associated landscaped courtyard will need to be redesigned to provide an acceptable design outcome</i>	Refer to the Landscape Plans, prepared by Sturt Noble, for design details of the landscaped courtyard (Attachment 12).
Built form and scale	<i>Review the detail and balcony relationship in the south-west corner</i>	Refer to the architectural plans prepared by Bates Smart for details on balcony layouts and sizes. Refer to the Design Report for details on the treatment and finish of balconies (Attachment 6).
	<i>Review PV cells to 31 and 31A Baringa Road and if affected consider sustainability measures that could benefit the neighbour.</i>	The shadow diagrams prepared by Bates Smart (in Attachment and Attachment 6) confirm that the PV cells to 31 and 31A Baringa Road received full solar access between the hours of 9am to 3pm, which is consistent with existing conditions. At 3pm, minor overshadowing to the far eastern edge of 31 Baringa Road is caused (extracted below), however, this is

Issue	Design Integrity Panel recommendations	Response
		<p>considered to cause minimal impact to their sustainability measures and operation of the PV panels.</p>  
	<p><i>We believe the proposal does meet standards measured against "Built Form & Scale". However; the key driver on determining this application is whether the smaller 10.5 metre garbage truck that the design is based on will be accepted is fundamental to the proposal. The applicant demonstrated that should the larger 12.5 metre truck be required some significant changes to the building envelope (to accommodate the servicing) and associated landscaped courtyard will be required.*</i></p>	<p>As above.</p>
Density	*Same as above	No further comment.
Sustainability	<p><i>As a matter of course, The Panel suggest exploration of as many opportunities for sustainability be explored such as:</i></p> <p><i>Electrification: Heat pump hot water or electric instantaneous supported by a commitment to PV cells to power and light all common spaces, lifts and car park areas</i></p> <p><i>EV Car Charging</i></p> <p><i>Rainwater harvesting</i></p> <p><i>Additional deep soil planting (noting the landscape</i></p>	<p>The development provides 2 EV charging spaces, 1 at each basement level. All car parking spaces are ducted for future EV charging use.</p> <p>Additional deep soil has been included as outlined below.</p> <p>A Green Star Rating Report prepared by Thermal Environmental confirm that the development can achieve a 4-star rating (Attachment).</p>

Issue	Design Integrity Panel recommendations	Response
	<i>proposals incorporate deep soil planting already)</i> <i>On-going strata commitment</i>	
Landscaping	<i>Additional deep soil planting (if achievable)</i>	257m ² of deep soil is provided (14.7%). This exceeds the minimum requirement of 7% as outlined in the WDCP which is considered a positive outcome for the proposed development.
	<i>*Same as above</i>	
Amenity	<i>No further comments</i>	No further comment.
Safety	<i>Inclusion of traffic safety measures or setback to ensure safe access & egress on to Baringa Road</i>	A setback of 3m from the access to the site to Baringa Road has been provided to ensure safe sightline distances. Traffic management measures will be in place at the access to ensure safe access and egress. Further detail is outlined in the Traffic and Parking Assessment, prepared by MLA Transport Planning, (Attachment 20).
	<i>Clarity on safety strategy generally.</i>	
Housing Diversity and Social Interaction	<i>No further comments</i>	No further comment.
Aesthetics	<i>No further comments</i>	No further comment.

5. Statutory Planning Considerations

5.1 Overview

The relevant statutory framework considered in the preparation of this SEE constitutes the following:

- *Environmental Planning and Assessment Act 1979*;
- *Environmental Planning and Assessment Regulation 2021*;
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*;
- *State Environmental Planning Policy (Housing) 2021*;
- *State Environmental Planning Policy (Resilience and Hazards) 2021*;
- *State Environmental Planning Policy (Resources and Energy) 2021*;
- *State Environmental Planning Policy (Sustainable Buildings) 2022*;
- *State Environmental Planning Policy (Planning Systems) 2021*;
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*;
- *Sydney Regional Environmental Planning Policy (Sydney Harbour Catchment) 2005*; and
- *Willoughby City Council Willoughby Local Environmental Plan 2012*.

Where relevant, these are addressed below.

5.2 Environmental Planning and Assessment Act 1979

5.2.1 Section 4.15 of EP&A Act 1979

Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) specifies the matters which a consent authority must consider when determining a development application. The relevant matters for consideration under Section 4.15 of the EP&A Act are addressed in Table 5 below.

Table 5. Section 4.15 of EP&A Act 1979

Section of EP&A Act	Comment
Section 4.15(1)(a)(i) Any environmental planning instrument	Consideration of relevant EPIs are discussed in Chapter 5 of this SEE.
Section 4.15(1)(a)(ii) Any draft environmental planning instrument	The WLEP and WDCP have both been recently amended and not intended for amendment in the near future or during the assessment of this proposed development.
Section 4.15(1)(a)(iii) Any development control plan	Consideration of relevant the WDCP is discussed in Chapter 5.7 and Appendix D.
Section 4.15(1)(a)(iiia) Any planning agreement	Not applicable.
Section 4.15(1)(a)(iv) Matters prescribed by the regulations	Refer to Chapter 5.3. of this SEE.
Section 4.15(1)(b) - (e)	Refer to Chapter 5 of this SEE for consideration of (b), (c) and (e). Matter (d) relates to submissions and is a matter for the consent authority following public exhibition of the DA.

5.2.2 Section 4.46 – Integrated Development

This section of the EP&A Act defines integrated development as matters which require consent from Council and one or more approvals under related legislation. In these circumstances, prior to granting consent Council

must obtain from each relevant approval body their General Terms of Approval (GTA) in relation to the development.

Bates Smart confirm that no works are proposed to the public road. Therefore, the proposal is not integrated development and approval under Section 138 of the Roads Act is not required. The proposal does not trigger the requirements for integrated development under any other realm of Section 4.46 of the EP&A Act.

5.3 Environmental Planning and Assessment Regulation 2021

5.3.1 Section 35BA – Embodied emissions for non-residential development under Sustainable Buildings SEPP

A development for non-residential development under Sustainable Buildings SEPP must

- (a) disclose the amount of embodied emissions attributable to the development, and
- (b) describe the use of low emissions construction technologies in the development.

This has been outlined in the Embodied Carbon Assessment, prepared by Thermal Environmental, (Attachment) which details the embodied carbon intensity of the proposed development, which is in the order of 2,655,969kg, equating to a total carbon intensity of 952 kg CO₂e/m². This reflects typical practice and performance for a development of this size and type, and no significant environmental impacts are anticipated.

5.3.2 Clause 61 – Additional matters that consent authority must consider

Clause 61(1) prescribes that the consent authority in determining a DA must consider Australian Standard AS 2601 – 2001. Any demolition works will be undertaken in accordance with AS 2601-1991. *The Demolition of Structures published by Standards Australia.*

5.3.3 Clause 69 – Compliance with Building Code of Australia

Any building work must be carried out in accordance with the requirements of the Building Code of Australia (BCA) pursuant to Clause 69 of the EP&A Reg and will be conditioned as part any development consent.

A BCA Compliance Assessment Report, prepared by Jensen Hughes accompanies the development application (Attachment 1). This BCA Report carries out an assessment against the Deemed-to-satisfy provisions of the BCA and identifies areas where compliance with the BCA requires further consideration and offers potential Performance Solutions that can be adopted to ensure BCA compliance.

Annexure D of the BCA Report prepared by Jensen Hughes outlines a detailed assessment under the Deemed-to-satisfy provisions. The proposed development can comply with the Deemed-to-satisfy provisions, some instances may require further considerations or performance solutions to ensure compliance.

In many instances, compliance with the BCA will be demonstrated with the Construction Certificate documentation. A final Construction Management Plan (CMP) will be prepared by the appointed contractor, once the terms of any approval granted by Council are known. Accordingly, it is anticipated that Council will include appropriate conditions within any consent notice requiring the preparation and approval of a CMP prior to works commencing.

5.4 Biodiversity Conservation Act 2016

The *Biodiversity Conservation Act 2016* (BC Act) lists and protects threatened species, populations and ecological communities that are under threat of extinction in NSW. Impacts to threatened species and endangered ecological communities listed under the BC Act are required to be assessed in accordance with Section 7.3 of the BC Act and Applicants must also consider whether their proposal will exceed the following Biodiversity Offset Scheme Development Thresholds:

1. Exceeding the clearing threshold on an area of native vegetation
2. Carrying out development on land included in the Biodiversity Values Land Map

3. Having a 'significant effect' on threatened species or ecological communities

The proposed development seeks to remove a total of 8 low value trees on site. The proposal has been designed to limit impacts to adjacent trees, notably Tree 7 which is located near the eastern boundary of the site and classified as a Category A tree.

The area clearing threshold that applies to the site is 2,500m². The proposal does not exceed the area clearing threshold. Further, the site is not mapped as having Biodiversity Values on the Biodiversity Values Map and Threshold Tool. The proposal is not expected to have a significant effect on any threatened species or ecological communities. Therefore, the proposal will not exceed the Biodiversity Offset Scheme Development Thresholds.

5.5 State Environmental Planning Policies

Gyde have undertaken an assessment of the proposal against the relevant planning and environmental legislation and guidelines to identify potential environmental impacts and mitigation measures. The SEE includes an assessment of the proposed works in terms of the matters for consideration as listed under Section 4.15 of the EP&A Act and should be read in conjunction with information annexed to this SEE as outlined in the Table of Contents.

5.5.1 State Environmental Planning Policy (Biodiversity and Conservation) 2021

5.5.1.1 Chapter 2 – Vegetation in non-rural areas

The aims of Chapter 2 of the SEPP (Biodiversity and Conservation) are:

- “(a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and*
- (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.”*

Pursuant to Section 2.6 of the Biodiversity and Conservation SEPP, a person must not clear vegetation in a non-rural area of the State to which Part 3 of the SEPP applies without the authority conferred by a permit granted by Council under that part.

The DA is accompanied by an Arboricultural Impact Appraisal and Method Statement, prepared by Naturally Trees (Attachment 13). The Appraisal assesses a total of 9 trees, 8 located on the subject site and one adjacent.

The proposed development will require the removal of the 8 low retention value trees on site, 6 of which are exempt from Willoughby Council's *Tree and Vegetation Preservation Order 2012*. None of these 8 trees are considered significant or worthy of special measures to ensure their preservation.

The proposal has been designed to limit impacts to adjacent trees. Tree 7, located near the eastern boundary of the site, is classified as a Category A tree. The Appraisal identified that the proposed works remain largely outside of the TPZ of this tree and direct impacts are not expected. It is noted that the extent of the TPZ is restricted by the existing building foundations. The proposed DA is also accompanied by a Arboricultural Method Statement in Section 4 of the Appraisal. Naturally Trees concludes that the implementation of the measures detailed in the Statement, would result in the successful retention of Tree 7 without any adverse effects and that the proposal overall is expected to have a low impact on the contribution of trees to local amenity or character.

Additionally, a person must not clear native vegetation in a non-rural area that exceeds the biodiversity offsets scheme threshold without the authority conferred by an approval granted by the Native Vegetation Panel under Part 2.4. The biodiversity offset scheme thresholds are not triggered.

5.5.1.2 Chapter 10 - Sydney Harbour Catchment

Clause 10.1 - Aims of plan

Chapter 10 aims to improve the health of the harbour, its foreshore, and its tributaries. A key objective is to maximise accessibility to the harbour and its foreshore for the general public. For the purposes of Chapter 10, access is generally considered in terms of physical as well as visual access.

Clause 10.2 - Land to which plan applies

The site is mapped within the Sydney Harbour Catchment and as such the Sydney Harbour Catchment SREP applies. The site is not within the 'Critical Habitat Map', 'Foreshores and Waterways Map', 'Heritage Map', 'Sydney Opera House Buffer Zone Map', 'Strategic Foreshore Sites', 'Wetlands Protection Area Map', nor the 'Zoning Map'. The extent of controls in the Sydney Harbour Catchment SREP of relevance to this application is therefore limited.

Clause 10.18- 10.24 - Environmental Considerations

Clauses 10.18- 10.24 of Chapter 10 prescribe matters which must be considered by a consent authority prior to determining a DA. The matters generally relate to preserving and improving the health of and access to the catchment's natural environmental features.

The proposal is a substantial distance (1.2km) from the nearest water body and its foreshore. It has been designed in accordance with typical stormwater capture, filtration, and release measures to ensure its stormwater generation does not unreasonably affect the health of the harbour or its foreshores. The site's separation from the Harbour and its placement within the urban form of Neutral Bay, means it will not be visually prominent from any waterway.

The proposal is consistent with the Sydney Harbour Catchment SREP's environmental matters, as prescribed by Clause 10.18 – 10.24. Overall, this SEE provides that the proposal is generally consistent with the intent of the Sydney Harbour Catchment SREP.

5.5.2 State Environmental Planning Policy (Housing) 2021

5.5.2.1 Chapter 2 – Affordable Housing

Chapter 2 outlines the Affordable Housing provisions. Clause 1.9 of the WLEP states that the SEPP (Housing) (Chapter 2, Part 2, Division 1 'Infill Affordable Housing') does not apply to land to which Clause 6.8 'Affordable Housing' of the WLEP applies. Therefore, Chapter 2 does not apply to any proposed infill affordable housing required under Clause 6.8 of the WLEP.

5.5.2.2 Chapter 4 – Design of residential apartment development

The proposed five storey shop-top housing development is subject to the provisions under Chapter 4 aims to improve design quality of residential flat buildings in NSW. It recognises that the design quality of residential flat development is of significance for environmental planning for the State due to the economic, cultural, and social benefits of high-quality design.

Pursuant to Clause 145, the proposed development does not involve State Significant development. Further, the proposed building has been amended to take into consideration the feedback of the Design Excellence Review Panel (see Chapter 4.2 of this SEE for discussion).

Chapter 4 requires a consent authority is to give consideration to the following matters in determining a DA for shop-top housing are detailed in the subsections below.

Schedule 9 - Design principles for residential apartment development

The DA is accompanied by a detailed Design Verification Statement (Attachment) which addresses each of the 9 design quality principles in detail and explains how these have been considered in the preparation of the design.

The Apartment Design Guide (ADG)

The ADG provides consistent planning and design standards for apartments across New South Wales. The ADG is to be used in combination with Chapter 4 of SEPP (Housing) which establishes the NSW Government's policy direction for residential apartment development in NSW. The Apartment Design Guide provides design criteria and general guidance about how development proposals can achieve the nine design quality principles identified in Schedule 9 of SEPP (Housing).

A Compliance Assessment against Schedule 9 and the ADG is provided in within the Architectural Report prepared by Bates Smart Architects in Attachment 6. The key items have been discussed and justified below:

- Separation distances

Section 3F Building Separation and Section 3F Visual Privacy of the ADG establish minimum building separation requirements between proposed developments and neighbouring properties and for buildings located on the same site. The building separation requirements are detailed below:

The site is 5 storeys (17.91m to top of lift overrun at its highest point). Accordingly, the minimum required separation distances from buildings to the side and rear boundaries are as follows:

- For buildings up to 12m (4 storeys):
 - Habitable rooms and balconies - 6m
 - Non-habitable rooms – 3m
- For buildings up to 25m (5-8 storeys) (*applies to the fifth storey, being Level 04 of the proposed development*):
 - Habitable rooms and balconies – 9m
 - Non-habitable rooms – 4.5m

It is noted that the site under Part L, Clause 10.4 of the WDCP has site specific setback controls to appropriately respond to the adjoining existing and intended future development in the Northbridge Local Centre. The development comprises a 0m setback on the Strathallen Frontage at ground to level 3 and consistent with the site-specific controls under Part L, Clause 10.4 of the WDCP which requires that buildings of 5 storeys for amalgamated lots in the E1 zone comprise a 1m setback on east and western side of Strathallen Avenue above level 3.

It is also noted that the WDCP requires planter boxes of sufficient dimensions, of which the development complies with. Where the development adjoins the dual occupancy development to the east, planter boxes are provided along levels 02-04. Refer to Section 6.2 of the WDCP Compliance Table (Appendix 4) for further details.

Ground Level

- The northern (side) boundary with 130 Sailors Bay Road provides a nil setback which is permissible under the ADG which allows no separation between blank walls.
- The eastern (rear) of the site, the development provides an approx. 9.5m setback from the southeastern boundary line (adjoining 31 Baringa Road) to the retail waste room and a approx. 19.5m setback from the north easter boundary line to the rear of the retail tenancies. A 3m side landscaped deep soil buffer is located along the eastern boundary line of the site. This complies with the ADG requirements. A 1.7m boundary fence and 3m planter setback along the eastern boundary ensure privacy and amenity is maintained for adjacent residents to the east.

- The southern (side) boundary is located on Baringa Road. The development provides a 0m setback at ground level to level 3 which is consistent compliant with Section 6.1.2 of the WDCP which allows ground floors to have a 0m setback. These setbacks respond to the neighbouring building setbacks and ensure new buildings on such a corner lot provides an appropriate transition along the secondary street frontage between the proposed development and existing adjoining development. This complies with the intent and controls under the WDCP.

Level 01

- The northern (side) boundary with 130 Sailors Bay Road provides a nil setback which is permissible under the ADG which allows no separation between blank walls.
- The development provides an approx. 11m setback to apartment blank walls and an approx. 9.5m setback to the landscaped planter from the southeastern (rear) boundary line. This increases to an approx. 23m to glazing and approx. 20.43m to landscaped planter edge from the northeastern boundary line, compliant with the ADG, and is consistent with the Ground Level below.

The southern block of Level 01 provides the ADG building separation requirement of 6m for habitable-to-habitable rooms, plus an additional 3m due to the lower density residential adjacent.

- The development provides a 0m setback to the balcony edge and a minimum approx. 1m to 2.7m setback to glazing from the southern (side) boundary line. This is consistent with the WDCP.

Level 02 and 03

- The northern (side) boundary with 130 Sailors Bay Road provides a nil setback which is permissible under the ADG which allows no separation between blank walls.
- The development provides an approx. 7.5m setback to the glazing and 6.7m to planter edge from the southeastern (rear) boundary. This setback increases in the north to approx. 20.3m to planter edge and approx. 23m to glazing from the northeastern (rear) boundary.

The eastern setback provides the ADG building separation requirement of 4.5m for habitable to non-habitable rooms, plus an additional 3m due to the lower density residential adjacent. These apartments (southeast) primarily face north or south and any windows on the eastern façade will be screened to maintain visual privacy.

- The provides a 0m setback to the balcony edge, however a consistent approx. 2.7m setback to the glazing from the southern (side) boundary line to Baringa Road, consistent with the WDCP.

Level 04

- The northern (side) boundary with 130 Sailors Bay Road provides a nil setback to the planter edge and a 2m setback to the boundary which is permissible under the WDCP. This apartment proposes a continuous landscaped edge which provides visual screening.
- The proposed development provides a 9.2m setback to the eastern (rear) boundary line to the glazing line of the development. It is noted that the western face of 31 Baringa Road comprises no windows. In general, the corners of Level 04 have been trimmed to minimise encroachment on height limit and street frontages setback to reduce visual bulk and scale.
- The southern (side) to Baringa Road, the proposed development provides a 3m setback consistent with the site specific controls under Part L, Clause 10.4 of the WDCP.

• Communal and Public Open Space

Objective 3D-1 requires that 25% of the site area be devoted to communal open space. The proposed development incorporates a total of 629m² (25.9%) of communal open space in the form of a landscaped courtyard, paved areas and provisions for a future through site link at ground level. Though no public open space control is listed in the ADG, the proposal also includes 709m² (29.2%) of public open space.

Note: Council acknowledged that this proposed development does not (and cannot as no owners' consent has been obtained) provide legal access through the northern portion (134 Sailors Bay Road, legally referred to as Lot A in DP404929). The development does not have owners' consent for 134 Sailors Bay Road and access over that site does not form part of this application. Any treatment of the future "through-site link" is proposed within the site boundary of 57-69 Strathallen Avenue only, and to clarify, this DA does not and cannot provide any physical link through to 134 Sailors Bay Road at present.

- Deep Soil Zones

Objective 3E-1 of the ADG requires 7% of the site to be provided for deep soil zones with a dimension of 3m. The proposal includes 357m² (or 14.7%) deep soil which is consistent with the minimum requirement. These deep soil zones are primarily comprised of a 3m wide deep soil zone along the eastern boundary of the site as well as a public courtyard.

- Apartment Size and Layout

Objective 4D stipulates the layout of rooms and the associated design criteria. All apartments exceed the minimum size requirement. A range of apartment typologies are provided adding to the flexibility and affordability of the development. Minimum areas and widths of habitable areas are provided or exceeded where possible. Access to bedrooms and bathrooms and laundries is generally separated from living areas minimising direct openings between living and service areas. All living rooms or combined living/dining rooms meet the minimum width requirement.

- Apartments of Circulation Core

Objective 4F-1 of the ADG requires that the maximum number of apartments off a circulation core on a single level is 8. The maximum number of apartments off any one circulation core on a single level is 4, therefore is compliant.

- Solar and Cross Ventilation

Objective 4A-1 requires that at least 70% of the total number of apartments receive a minimum of 2 hours direct sunlight at Winter Solstice (21 June). The proposal achieves 75% (18 of 24) of the apartments receiving a minimum of 2 hours direct sunlight. Further, ADG limits a maximum of 15% of the total number of apartments that receive no solar access. Consistent with the control, only 2 of the 24 (8%) receive no solar access to living rooms and balconies at Winter Solstice.

Finally, compliant with Objective 4B-3, 21 of the total 24 apartments are naturally ventilated (88%). With a maximum depth of a proposed through apartment at 17m, it does not exceed 18m glass line to glass line and therefore is compliant.

5.5.3 State Environmental Planning Policy (Resilience and Hazards) 2021

5.5.3.1 Chapter 4 - Remediation of Land

The provisions of this chapter establish a State-wide planning approach for the remediation of contaminated land. Pursuant to Section 4.6, the consent authority must not consent to the carrying out of any development on land unless:

- (a) *"it has considered whether the land is contaminated, and*
- (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose."*

Due to the site's potential contamination given the history of the site, a Detailed Site Investigation and Remedial Action Plan were prepared by JBS&G Australia Pty Ltd to assess and confirm the site suitability for the proposed development regarding contamination. Refer to Chapter 6.2.3 for further discussion.

JBS&G Australia Pty Ltd conclude that:

“As such, having regard to Clause 4.6(1)(b) of SEPP (Resilience and Hazards) 2021, the land will be/can be made suitable after remediation for the purpose for which the development is proposed to be carried out subject to the actions recommended in this RAP”.

5.5.4 State Environmental Planning Policy (Sustainable Buildings) 2022

The SEPP (Sustainable Buildings) sets standards for both residential and non-residential development and the process of measuring and reporting on the embodied emissions of construction materials. The previous requirements of the SEPP (Building Sustainability Index: BASIX) – 2004 have been incorporated in the SEPP (Sustainable Buildings) and still requires the submission of a BASIX certificate to accompany an application for development consent for any “BASIX affected building”, which includes residential developments.

5.5.4.1 Chapter 2 – Standards for residential development - BASIX

Clause 2.1 outlines the standards for BASIX development. The Building Sustainability Index (BASIX) was introduced by the NSW Government to deliver equitable water and greenhouse gas reductions across the state. The aim of this Policy is to establish a scheme to encourage sustainable residential development (the BASIX scheme). This on-line assessment tool calculates the dwelling’s energy and water scores based on a range of design data.

SEPP (BASIX) requires the submission of a BASIX certificate to accompany an application for development consent for any “BASIX affected building”.

The DA is accompanied by a BASIX Report and certificate, prepared by ESD Synergy, for the residential component is provided in Attachment , which demonstrates the proposal satisfies the relevant BASIX requirements. ESD Synergy concludes that:

“With the commitment recommendations contained within this report the proposed development is able to meet BASIX requirements and is BASIX compliant”.

Refer to Chapter 6.1.15 for further discussion.

5.5.4.2 Chapter 3 – Standard for non-residential development

The provisions of this chapter establish a State-wide planning approach to ensure sustainable performance in design and operation of buildings. Pursuant to section 3.2(1) the consent authority must not consent to the carrying out of any development on land unless the development is designed to enable the following:

- (a) *“ the minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials,*
- (b) *a reduction in peak demand for electricity, including through the use of energy efficient technology,*
- (c) *a reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design,*
- (d) *the generation and storage of renewable energy,*
- (e) *the metering and monitoring of energy consumption,*
- (f) *the minimisation of the consumption of potable water.*
- (2) *Development consent must not be granted to non-residential development unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified.”*

Sustainability for the non-residential development has been assessed in as part of the Embodied Carbon Assessment (Attachment) and the Green Star Rating Report (Attachment), prepared by Thermal Environmental.

Refer to Chapter 6.1.15 for further discussion.

5.5.5 State Environmental Planning Policy (Planning Systems) 2021

The proposed development has an EDC of \$39,447,493 (excl. contingencies, fees, and GST). Pursuant to Schedule 6, general development over \$30 million is considered regionally significant development. Accordingly, the DA will be determined by the North Sydney Planning Panel.

5.5.6 State Environmental Planning Policy (Transport and Infrastructure) 2021

5.5.6.1 Chapter 2 – Infrastructure

The provision of this chapter facilitates the effective delivery of infrastructure across the State.

Section 2.48 – Determination of development applications – other development

Development that has the potential to impact or be impacted by electrical infrastructure must be referred by Council to the electricity supply authority. The proposed development proposes works within the vicinity of electricity infrastructure and therefore in accordance with this section the Consent authority must give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and take into consideration any response to the notice that is received within 21 days after the notice is given.

2.119 Development with a frontage to classified road

Development that has the potential to impact on the operation or safety of classified roads may only be approved subject to the concurrence of Transport for NSW. The proposed development is located on land with a frontage to a classified road (i.e. Strathallen Avenue). In this regard, Section 2.118 (Development with frontage to a classified road), of SEPP (Transport and Infrastructure) must be considered before consent can be granted.

Although the proposed development involves access to and from the site via driveways from Baringa Road, the proposed development does require TfNSW concurrence as the development will front Strathallen Avenue which is a 'SP2 Infrastructure Classified Road'. Notwithstanding, it is considered that the proposed access arrangement will not adversely impact the safety, efficiency and/or ongoing operation of Strathallen Avenue and therefore meets the objectives of this clause.

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

Section 2.120 of SEPP (Transport and Infrastructure) applies to development for the purpose of residential accommodation on land in or adjacent to the road corridor for a freeway, tollway or a transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicles and that the consent authority considers is likely to be adversely affected by road noise or vibration. Accordingly, Section 2.120 is required to be considered as part of this assessment. For residential use the consent authority must not grant consent 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."*

A Noise Impact Assessment, prepared by *Pulse White Noise Acoustics Pty Ltd* (Attachment 16) and considers the potential impact of noise of the proposed development. The Noise Impact Assessment has made recommendations for acoustic treatment of the building that will meet the required noise reduction levels. The proposal is considered to satisfy Section 2.120 of SEPP (Transport and Infrastructure).

2.122 Traffic generating development

The proposal does not meet the thresholds and therefore is not traffic generating development pursuant to Schedule 3 of SEPP (Transport and Infrastructure).

5.6 Willoughby Local Environmental Plan 2012

The *Willoughby Local Environmental Plan 2012* (WLEP) is the primary local planning instrument applying to the site. The following sections and Table 6 (overleaf) provide a summary of the key development standards that apply to the site under the WLEP.

5.6.1 Zoning and Permissibility

The site is zoned E1 Local Centre (refer to Figure 15) under the WLEP. The proposal is characterised as a 'shop-top housing' according to the dictionary to the WLEP. Shop-top housing is permissible with development consent in the E1 Zone.

Relevant to the proposal, the E1 Local Centre zone sets out the following objectives:

- *"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.*
- *To encourage investment in local commercial development that generates employment opportunities and economic growth.*
- *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.*
- *To encourage business, retail, community, and other non-residential land uses on the ground floor of buildings.*
- *To provide for services and employment within walking distance of residences.*
- *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 proposal is consistent with the objects of the zone as it offers a shop-top housing development in a prominent location, offering retail and residential uses which complement the range of existing uses within the locality. The development encourages employment opportunities at both construction and operational phases, and this location is extremely accessible with a bus stop serving several routes located directly adjacent to the site on Strathallen Avenue.

The site maximises the use of public transport and encourages pedestrian activity with 6 retail units located at ground level. The ground level of the development offers active street frontages and will enhance and significantly improve the viability and vitality of both Strathallen Avenue, Baringa Road, and the local area.

The proposal will not undermine the viability of the business area as it proposes a residential use suitably located for residents to use active transport methods or walking to access non-residential surrounding uses. It also provides adequate off-street parking to provide for both the retail and residential uses proposed.

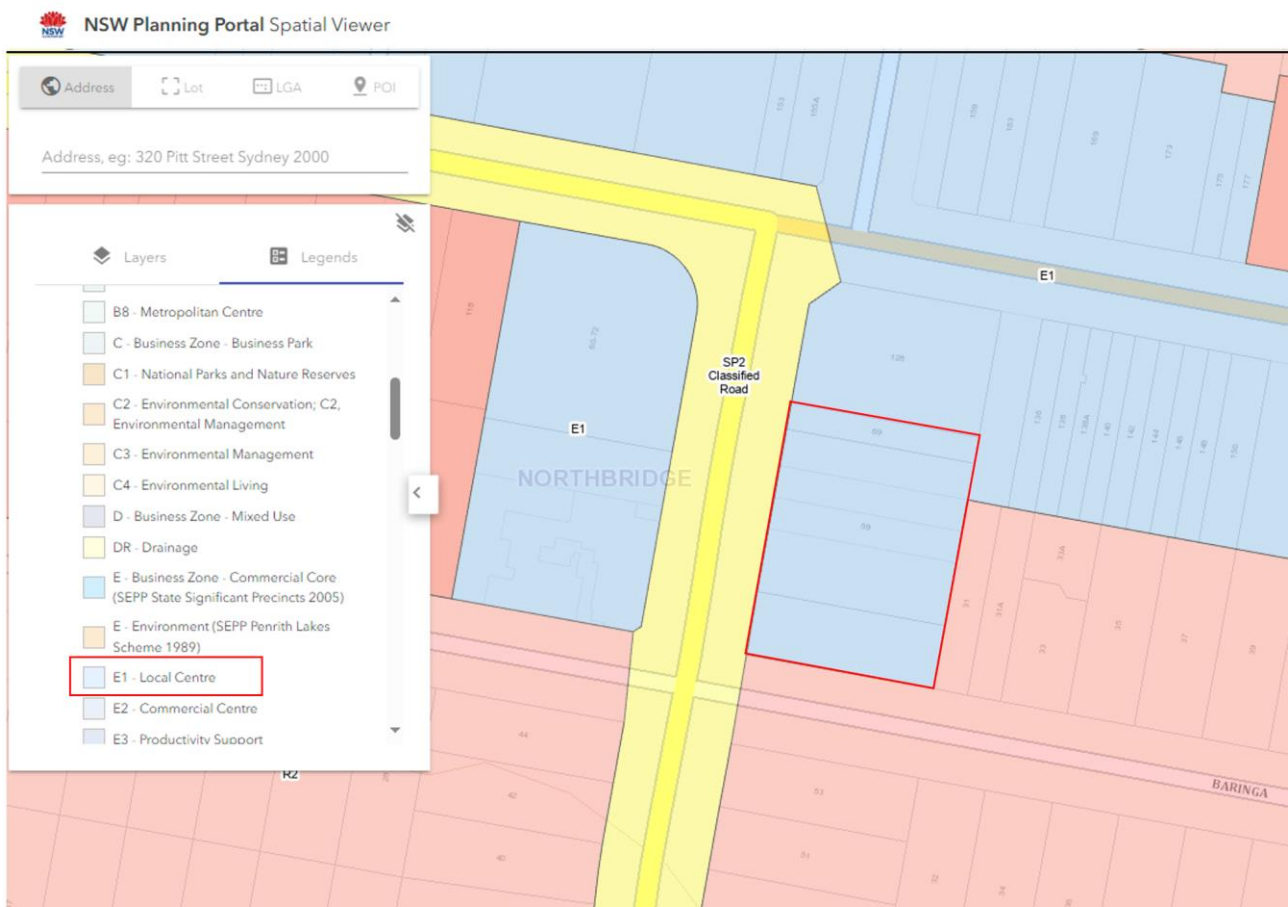
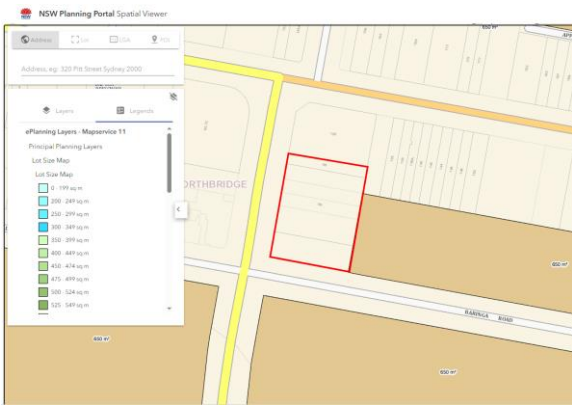




Figure 15. Zoning applicable to the site (outlined in red) (Source: WLEP, Zoning map)

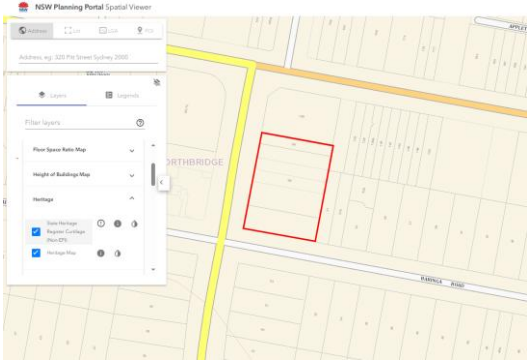
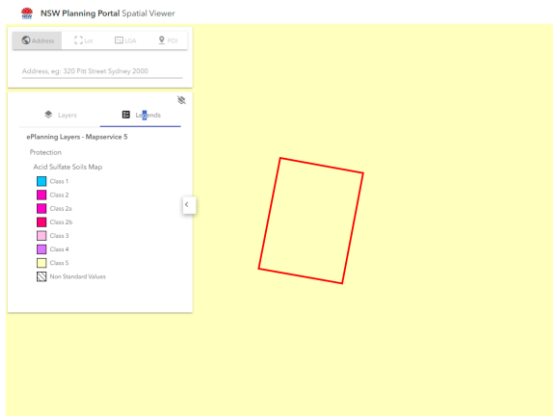
5.6.2 Relevant Clauses

An assessment of the proposal against the relevant provisions of the WLEP is set out below in Table 6.



Table 6. Assessment against relevant provisions of WLEP

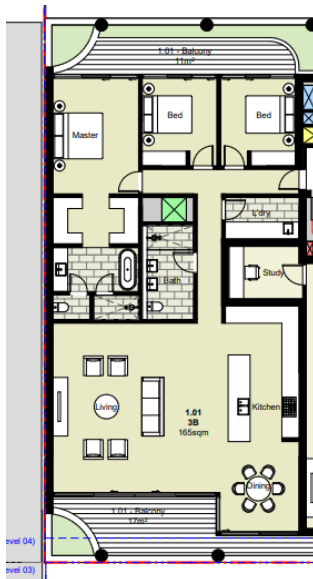
Clause	Provision	Assessment
4.1 Minimum subdivision lot size	<p>The site is not subject to a minimum lot size control.</p> 	Not applicable
4.3 Height of buildings	<p>Maximum building height control of 17m</p>	<p>The site is subject to a maximum building height control of 17m.</p>

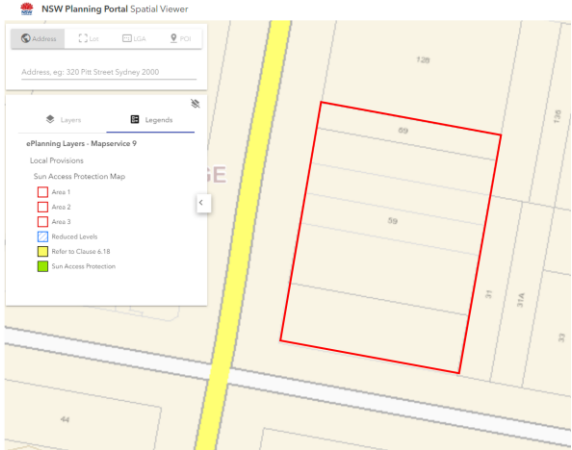
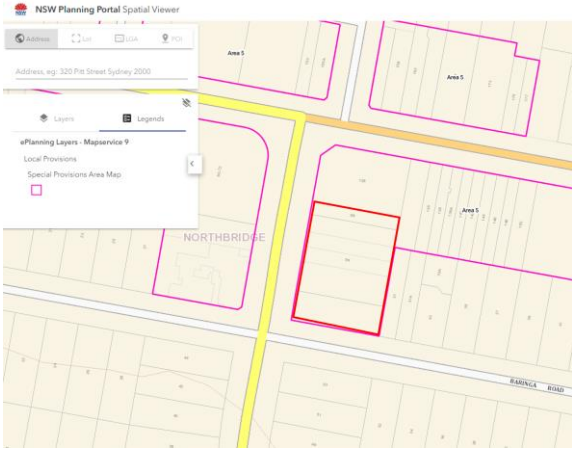
Clause	Provision	Assessment
		<p>The development proposes a maximum height of 17.91m (RL105.550m). The proposed minor exceedance is limited to lift overruns and minor sections of the Level 04 roofline, which are setback from the street frontages to minimise the visual bulk and scale of Level 04.</p> <p>Refer to the Clause 4.6 Variation Request prepared by Gyde Consulting Pty Ltd (Attachment) that outlines the justification for the height exceedance.</p>
4.4 Floor space ratio	<p>Maximum floor space ratio (FSR) control of:</p> <ul style="list-style-type: none"> <u>57 Strathallen Avenue (corner site):</u> $607\text{m}^2 - 2.5:1 = 1,518\text{m}^2$ <u>59-69 Strathallen Avenue:</u> $1,821\text{m}^2 - 2:1 = 3,642\text{m}^2$ <p><u>Total GFA permissible:</u> $5,160\text{m}^2$</p> 	<ul style="list-style-type: none"> 57 Strathallen Avenue (corner site): $607\text{m}^2 - 2.58:1 = 1,564\text{m}^2$ 59-69 Strathallen Avenue: $1,821\text{m}^2 - 1.95:1 = 3,552\text{m}^2$ <p>Total GFA proposed: $5,116\text{m}^2$ (2.11:1 FSR) and less than that permitted on the site as a whole.</p> <p>Refer to the Clause 4.6 Variation Request prepared by Gyde Consulting Pty Ltd (Attachment) that outlines the justification for the FSR exceedance over 57 Strathallen Avenue and balancing the FSR over the entire site.</p>
4.6 Exceptions to development standards	<p>(1) The objectives of this clause are as follows—</p> <ol style="list-style-type: none"> to provide an appropriate degree of flexibility in applying certain development standards to particular development, to achieve better outcomes for and from development by allowing flexibility in particular circumstances. 	<p>This DA is accompanied by 2 x Clause 4.6 Variation Requests to justify the breach of Clause 4.3 Height of Buildings and Clause 4.4 FSR (Attachment and Attachment , respectively).</p>
5.10 Heritage conservation	<p>The site is not a local listed heritage item or located within a heritage conservation area. The site is also not located in close proximity to any listed heritage items or heritage conservation areas.</p>	<p>Not applicable</p> <p>Notwithstanding this, a historical review of the site and the heritage significance has been carried out in the Demolition Report prepared by Urbis (Attachment).</p>

Clause	Provision	Assessment
		
5.21 Flood planning		<p>Not applicable.</p> <p>A Section 10.7 (2&5) Planning Certificate confirms that:</p> <ol style="list-style-type: none"> 1) The land or part of the land is not within the flood planning area and is not subject to flood related development controls. 2) The land or part of the land is not between the flood planning area and the probable maximum flood and is not subject to flood related development controls. <p>Refer to Appendix 3.</p>
6.1 Acid sulfate soils	<p>Class 5 Acid Sulfate Soils</p> 	<p>The DA is accompanied by a Detailed Site Investigation (DSI) (Attachment). Chapter 2.7 of this DSI discusses Acid Sulfate Soils (ASS) and comments that the site is mapped as being of extremely low (1-5 %) probability for the occurrence of ASS. The WLEP notes the site is located within Class 5 land, which is defined as an area that is within 500 m of adjacent Class 1-4 land or presents an environmental risk in instances where works extend below 5 m AHD and where the water-table is likely to be lowered below 1 m AHD. Noting that the site has an elevation of > 80 m AHD, ASS is unlikely to be encountered as part of site redevelopment works and as such, further assessment and/or management of ASS is not considered warranted.</p>
6.2 Earthworks	<ol style="list-style-type: none"> (1) The objective of this clause is to ensure 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. (2) Development consent is required for earthworks unless— <ol style="list-style-type: none"> a) the earthworks are exempt development under this plan or another applicable environmental planning instrument, or 	<p>The DA is accompanied by a Geotechnical Investigation Report, prepared by Douglas Partners Pty Ltd (Attachment) addressing any excavation / cut / fill works in compliance with Clause 6.2.</p>

Clause	Provision	Assessment
	<p>b) the earthworks are ancillary to other development for which development consent has been granted.</p> <p>(3) In deciding whether to grant development consent for earthworks, the consent authority must consider the following matters—</p> <p>a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality,</p> <p>b) the effect of the proposed development on the likely future use or redevelopment of the land,</p> <p>c) the quality of the fill or the soil to be excavated, or both,</p> <p>d) the effect of the development on the existing and likely amenity of adjoining properties,</p> <p>e) the source of fill material and the destination of excavated material,</p> <p>f) the likelihood of disturbing relics,</p> <p>g) the proximity to and potential for adverse impacts on a watercourse, drinking water catchment or environmentally sensitive area,</p> <p>h) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p>	
6.3 Urban heat	<p>(1) The objective of this clause is to ensure new development incorporates effective design and ongoing operation to—</p> <p>a) reduce and remove urban heating from the environment, and</p> <p>b) protect community health and wellbeing.</p> <p>(2) In deciding whether to grant development consent to development for the purposes of commercial premises, industries or residential accommodation, the consent authority must consider whether—</p> <p>a) the facade and roof of the proposed building and paved surfaces are designed to reduce adverse effects of solar heat on the surrounding land, including private open space and the public domain, and</p> <p>b) the awnings and eaves of the building are designed to provide shelter from the sun and improve public comfort at street level, and</p> <p>c) the heating, ventilation and air conditioning systems of the building are designed to minimise the release of heat in the direction of private open space and the public domain, and</p> <p>d) the development maximises the use of green infrastructure that is strategically designed and managed to support a good quality of life in an urban environment, and</p> <p>e) the development accommodates sufficient tree canopy, open space and deep soil</p>	<p>A number of inputs and documents have been prepared that address the subject of urban heat, and energy efficiency, such as to ensure protection of the health and wellbeing of the community, and the future residents. To summarise in high level:</p> <ul style="list-style-type: none"> • Material finishes are outlined by Bates Smart in the Architectural Design Report (Attachment 6). • The future provision of solar PV panels has been included for, and the inclusion will be subject to a future application. The development does not hinder on adjacent development's access to solar and solar power. • Awnings for weather protection are proposed along the street frontage of the development (to Baringa Road and Strathallen Avenue). • Deep soil and landscaping are compliant or exceed the relevant criteria, as outlined in the plans prepared by Sturt Noble (Attachment 12).

Clause	Provision	Assessment
	<p>zones to achieve urban cooling benefits, and</p> <p>f) the building is designed to achieve high passive thermal performance.</p> <p>(3) In this clause— deep soil zone—</p> <p>a) means the soft landscaped part of a site area used for growing trees, plants and grasses that—</p> <p>i. is unimpeded by buildings or structures above and below ground, and</p> <p>ii. provides opportunities for groundwater infiltration and canopy trees, and</p> <p>b) does not include basement car parks, services, swimming pools, tennis courts and impervious surfaces including car parks, driveways and roof areas.</p>	<ul style="list-style-type: none"> The development can achieve a 4-star rating as outlined in the Green Star Rating Report (Attachment 8). The DA is accompanied by a BASIX Report and certificate, prepared by ESD Synergy, for the residential component is provided in Attachment 8, which demonstrates the proposal satisfies the relevant BASIX requirements. ESD Synergy concludes that: <i>"With the commitment recommendations contained within this report the proposed development is able to meet BASIX requirements and is BASIX compliant".</i> The development meets the ADG requirements for solar access (75%, 18 of 24) and cross ventilation (88%, 21 of 24), to assist in achieving high passive thermal performance. <p>It is considered acceptable that the development complies with Clause 6.3.</p>
6.7 Active street frontages	<p>The site is required to have an active street frontage for the majority of its frontage other than a small portion on Baringa Road.</p> 	<p>The proposal complies with Clause 6.7 as the areas identified are used for non-residential purposes. The small portion of Baringa Road where active street frontages is not required has appropriately been designed as the development's vehicular access point.</p> <p>Refer to the Architectural Plans and Design Report, prepared by Bates Smart (Attachment and Attachment 6, respectively).</p>
6.8 Affordable housing	<p>The site is identified in 'Area 1 (4%)' on the Affordable Housing Map.</p> 	<p>The proposal provides 4% of dwellings (total residential GFA) as affordable housing or equivalent in contributions. The offer includes the provision of apartment 1.01, a 3-bedroom apartment on level 01 as an affordable housing unit. See extract below, refer to drawing no. A03.101 prepared by Bates Smart.</p>

Clause	Provision	Assessment
	<p>(1) In this clause, the Willoughby Affordable Housing Principles are as follows—</p> <ol style="list-style-type: none"> affordable housing must be provided and managed to make accommodation for a diverse residential population representative of all income groups available in Willoughby, affordable housing must be rented to tenants at rents that do not exceed a benchmark of 30% of actual household income, dwellings provided for affordable housing must be managed to maintain their continued use for affordable housing, the Council must use the following received by or on behalf of the Council to improve or replace, or provide additional, affordable housing in Willoughby— <ol style="list-style-type: none"> rent from affordable housing, excluding landlord's expenses, such as management and maintenance costs and rates and taxes payable in connection with the dwellings, money from the disposal of affordable housing, affordable housing must consist of dwellings constructed to a standard that, in the opinion of the consent authority, is consistent with the same type of dwellings forming part of the proposed development, particularly in relation to internal fittings and finishes, solar access and privacy. <p>(2) This clause applies to the erection of residential accommodation on land identified as <u>“Area 1”, “Area 2” or “Area 3” on the Affordable Housing Map</u>, other than development for the purposes of boarding houses, community housing, group homes, hostels and public housing.</p> <p>(3) Development consent must not be granted to development to which this clause applies unless the consent authority has considered the following—</p> <ol style="list-style-type: none"> the Willoughby Affordable Housing Principles, the impact of the development on the existing mix and likely future mix of residential accommodation in Willoughby. <p>(4) The consent authority may, when granting development consent to development to which this clause applies, impose a condition requiring an affordable housing contribution equivalent to the contribution specified in subclause (5).</p> <p>(5) The contribution for development on land is the amount of gross floor area equivalent to the mapped percentage of the gross floor area of the residential component of the development.</p> <p>(6) A condition imposed under this clause must permit a person to satisfy the contribution by one or both of the following—</p>	 <p><i>It is noted that Clause 1.9 states that the Housing SEPP (Chapter 2, Part 2, Division 1 'Infill Affordable Housing') does not apply to land to which Cl 6.8 'Affordable Housing' of the WLEP applies.</i></p>

Clause	Provision	Assessment
	<p>a) a dedication, in favour of the Council, of land comprising 1 or more dwellings, each having a gross floor area of at least 50m²,</p> <p>b) a monetary contribution paid to the Council.</p> <p>(7) A monetary contribution must be calculated by reference to the market value of dwellings of a similar size to the dwellings in the proposed development.</p>	
6.15 Sun access	<p>The site is not within an area identified on the Sun Access Protection Map.</p> 	Not applicable
6.23 Design excellence	<p>Special Provisions Area 5.</p> <p>Any DA must display compliance with design excellence and the specific items listed in 6.23(5).</p> 	<p>The DA is accompanied by a Design Report (Attachment 6) which demonstrates the proposals' ability to comply with the provisions under Clause 6.23. Refer to 4.2 of this SEE for further details, and the Architectural Design Report, prepared by Bates Smart, (Attachment).</p> <p>Bates Smart have also prepared a Design Verification Statement (updated post lodgement dated 28 June 2024) to outline compliance with the SEPP (Housing) (previously SEPP65) ADG and Clause 6.23 of the WLEP (Attachment).</p>

5.7 Willoughby Development Control Plan 2023

The *Willoughby Development Control Plan 2023* (WDCP) is the primary development control plan that applies to the site and sets out the core controls for the site.

It is specified in Section 3.42 of the EP&A Act, that the purpose of a DCP is to provide guidance on:

- giving effect to the aims of the WLEP,
- facilitating development that is permissible under the WLEP, and

- achieving the objectives of the E1 Zone applying to the site.

The provisions of a development control plan made for that purpose are not statutory requirements. Within this context it is useful to consider the relevant provisions of the WDCP.

An assessment against the relevant controls that apply to the site have been addressed in the separate DCP compliance table prepared by Gyde and attached in Appendix D.

In instances where the proposal departs from a numerical requirement this is assessed in the context of the objectives or aims of the numerical requirement (where available) and the principal purpose of the WDCP as noted above. Justification for any noncompliance of the WDCP is outlined in Appendix D. The proposed development generally complies with the WDCP and where noncompliance is proposed, is minor in nature and is deemed to comply on merit.

5.7.1 Northbridge Local Character Area

Under Part L of the WDCP, the site is identified as being located within the Northbridge Local Centre. The WDCP outlines a master plan for the Northbridge Local Centre, and several key features that must be taken into account by future developments. Design of the proposed development has been developed considerably to ensure that the proposal does achieve the outcomes of the master plan and does align with the future vision for Northbridge.

The following outcomes have been incorporated into the development:

- The provision of a new public open space above basement public car parking.
- The creation of a pedestrian laneway link (provisions have been made for a future possible through site link should that ever eventuate).
- The provision of a range and mix of dwelling typologies, including opportunities for affordable housing and build-to-rent housing.
- The proposed new shop top housing development (including residential development) provides basement car parking areas with vehicular access from Baringa Road only.
- The provision of streetscape improvements to Sailors Bay Road and Strathallen Avenue.
- The provision of landscaping and roof top gardens and communal open space to be provided for shop top housing.

The development has been designed in accordance with the Northbridge Local Centre masterplan, and the development is well aligned with the future vision for Northbridge.

6. Assessment of Likely Impacts

Gyde have undertaken an assessment of the proposal against the relevant planning and environmental legislation and guidelines to identify potential environmental impacts and mitigation measures. This section identifies and assesses the impacts of the development with specific reference to the heads of consideration under Section 4.15 of the EP&A Act and their mitigation measures.

6.1 Built Environment

6.1.1 Demolition

In order to facilitate the proposed development, demolition of existing structures on site is required. The areas to be demolished are highlighted in the Architectural Plans, prepared by Bates Smart (Attachment 4). The impact of the proposed demolition on the structures on site and surrounding development has been assessed by Urbis within the Demolition Report (Attachment).

Urbis conclude that their assessment “*found that none of the three properties located at 57-69 Strathallen Avenue meet the requisite threshold for heritage listing and do not warrant retention on heritage grounds. Demolition of the subject buildings is supported*”.

If the development is approved by Council, the management and mitigation measures of impacts of the demolition of buildings will be outlined in a Construction Management Plan at the Condition Consent stage of development.

6.1.2 Height, bulk, and scale

The proposal provides a building height, bulk, and scale which is compatible with the desired future character of the Northbridge locality, and consistent with the master plan for the area as outlined in the WDCP. The building on the site proposes 5 storeys, and as discussed prior in this Report, and accompanying documents, the proposal results in a minor variation to the WLEP maximum height and floor space ratio provisions. Despite this, the development is consistent with the height objectives control as follows:

- The proposal is in harmony with the bulk and scale of surrounding buildings and the streetscape.
- The proposal will minimise the impacts of new development on adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or visual intrusion.
- The proposal ensures a high visual quality of the development when viewed from adjoining properties and the street.
- The proposal will not disrupt existing views or view sharing from adjacent developments and public open spaces due to the height and bulk of the development.

The proposed height and floor space ratio variation does not cause any unreasonable impacts on surrounding sites or the public domain.

The proposed height, bulk, and scale allows the development to meet the full potential of the site's capabilities. This allows the development to provide 24 x residential apartments, 972m² of retail floor space with active street frontages, setbacks, site landscaping and provisions for a future through site link, as per WLEP and WDCP requirements.

Note: Council acknowledged that this proposed development does not (and cannot as no owners' consent has been obtained) provide legal access through the northern portion (134 Sailors Bay Road , legally referred to as Lot A in DP404929). The development does not have owners' consent for 134 Sailors Bay Road and access over that site does not form part of this application. Any treatment of the future “through-site link” is proposed within the site boundary of 57-69 Strathallen Avenue only, and to clarify, this DA does not and cannot provide any physical link through to 134 Sailors Bay Road at present.

6.1.3 Overshadowing

Shadow diagrams have been prepared by Bates Smart and extracts of the 9am, midday, and 3pm mid-winter solstice (21 June) are provided below in Figure 16 to Figure 18.



Figure 16. Shadow diagrams – Winter Solstice (21 June) – 09:00am (Source: Bates Smart, (updated post lodgement dated 28 June 2024)



Figure 17. Shadow diagrams – Winter Solstice (21 June) – 12:00pm noon (Source: Bates Smart, (updated post lodgement dated 28 June 2024)



Figure 18. Shadow diagrams – Winter Solstice (21 June) – 03:00pm (Source: Bates Smart, (updated post lodgement dated 28 June 2024))

The shadows during mid-winter are largely cast onto Baringa Road and Strathallen Avenue, moving from the west onto Strathallen Avenue in the morning to the west onto Baringa Road during the afternoon. The proposed development will not restrict future surrounding dwellings from achieving solar access, as the proposed development primarily casts shadows onto existing roads. Minor overshadowing falls to adjacent dual occupancy to the west from 3pm, however, an acceptable level of solar access is achieved from 9am to 2pm and any overshadowing is minor. It is also noted that this adjacent property does not have windows along its western facade, therefore no impact to the living amenity of these properties due to this minor overshadowing is proposed.

As shown in the Shadow Diagrams, the extent of the variation caused by the portion of the development above the height building control causes negligible additional overshadowing. Refer to the Shadow Diagrams in the Architectural Plans and Design Report (Attachment and Attachment 6, respectively).

6.1.4 Solar Access

The apartments have been designed with layouts that seek to optimise solar access and are generally located to the west to maximise solar access. The ADG requires that 70% of apartments achieve a minimum of 2 hours solar access at mid-winter solstice. Bates Smart have prepared solar access drawings that outline that this is achieved (refer to Figure 19 and Figure 20 overleaf). As illustrated in these figures, 18 out of 24 apartments achieve 2 hours of solar access, which equates to 75%, thus surpassing the ADG minimum requirement.

The north facing apartments receive 2 hours solar access between 9am and 11am, and the west facing apartments receive 2 hours solar access between 1pm and 3pm.



Figure 19. Solar Access Analysis – Levels 1 to 4 (Source: Bates Smart, Design Report, (updated post lodgement dated 28 June 2024)

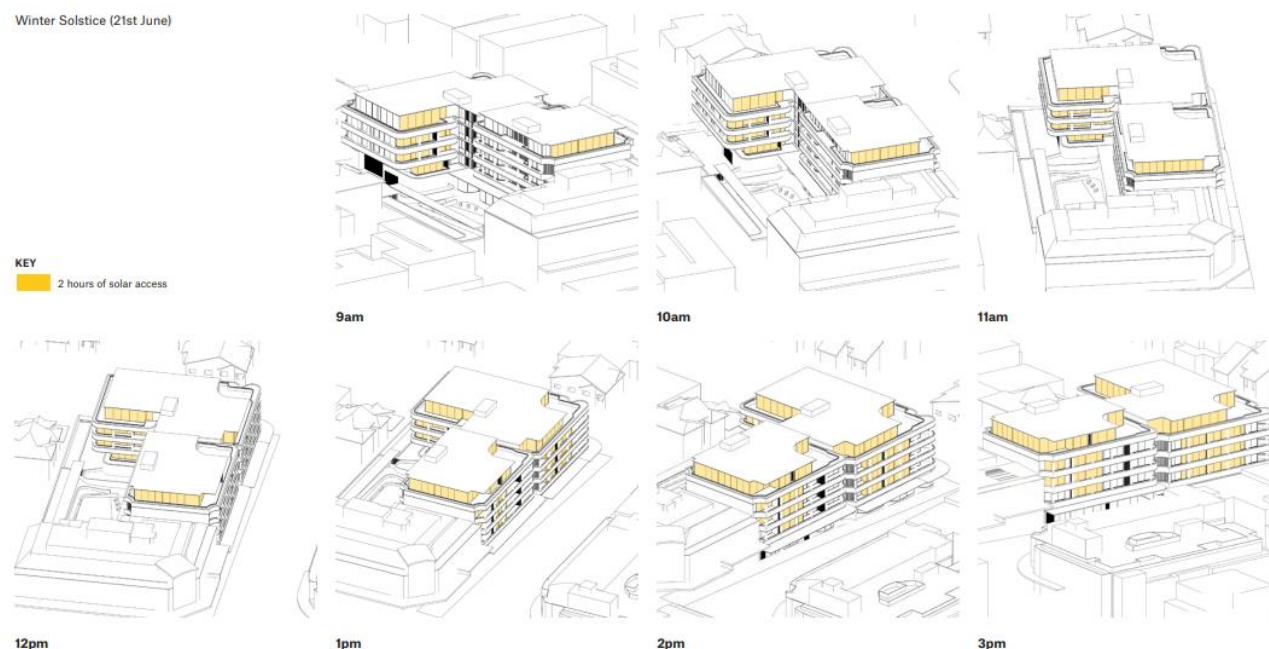


Figure 20. Solar Access Analysis – Views from Sun (Source: Bates Smart, Design Report, (updated post lodgement dated 28 June 2024)

6.1.5 Privacy

The development meets all requirements for separation distances within the site ensuring privacy for residents. Bates Smart have prepared an ADG compliance table within the Design Report (Attachment 6) which outlines further details. The development has been carefully designed by Bates Smart to achieve privacy, this has been

achieved through the floorplate design, louvered screens, windows, and facade articulation. Metal louvres are used on the building's curves to provide visual privacy to balconies from adjacent apartments and neighbouring buildings. The horizontal band expression and creation of solid balustrades to balconies also improves privacy for both the development's residents, and surrounding residents.

6.1.6 Visual impacts

There are not considered to be any significant views in the locality from the public and private domain. Nonetheless, the proposal is not visually dominant from surrounding properties as it responds to topography, has well-articulated facades and presents to the street an appropriate scale. Setbacks to the upper level reduce the bulk and scale of the building as viewed from the street, whilst setbacks, landscaped balconies and planting zones address the visual impact to the lower density dwellings to the east.

Upper levels of the proposed development will have views of St. Leonards to the southwest and views to North Sydney and the Sydney CBD to the south.

The proposed development will result in a considerable improvement to the visual impact of the overall site, and the streetscape character which is in line with WDCP requirements under the Northbridge local area masterplan.

6.1.7 Traffic

Traffic and movement for the proposal was assessed by MLA Transport Planning (Attachment 20). Based on the proposal's typical uses, MLA have determined the following overall estimated development traffic from the proposed development (Figure 21).

Proposed Land Use	Development Yield	Morning Peak Period	Evening Peak Period
Residential	24 Apartments	5 vph	4 vph
Retail	796m ²	13 vph	10 vph
Total	-	18 vph	14 vph

Figure 21. Estimated development traffic from the proposed development (Source: MLA Transport Planning Traffic Impact Assessment)

The assessment indicates that the proposed development will generate approximately 18 and 14 trips (vehicles per hour) in the AM and PM peak periods.

MLA confirm that:

"This level of development traffic is considered to be low and is unlikely to create any noticeable traffic impacts especially considering that the development traffic would be diluted across the road network".

In this regard they conclude that:

"The proposed development is not expected to create any noticeable changes to the local intersections. The local road network will continue to operate satisfactorily following the completion of the proposed development".

6.1.8 Parking and Access

The proposed development provides vehicular access into the 2 basement levels and car parking onto Baringa Road, located to the southeastern corner of the site. Pedestrian access to the residential units is provided from Strathallen Avenue, which directly accesses the future through site link and the residential lobbies. Direct pedestrian access to the retail tenancies is provided from street level onto Strathallen Avenue.

Swept path diagrams prepared by MLA are provided within the Traffic and Parking Assessment (Attachment 20). The swept path analysis of the driveway and ramp access confirms that a B99 vehicle can access and circulate within the car park satisfactorily, whilst maintaining sufficient clearance to pass another vehicle where required.

Where simultaneous movement by service vehicles and a B99 vehicle cannot be achieved, traffic management measures are proposed in the form of warning signs, flashing lights triggered by height sensors, and line markings to manage vehicle conflict and ensure no significant impact is caused by access to parking.

The car park and loading areas have been designed to comply with all relevant Australian Standards, including AS2890.1:2004, AS2890.2:2018, AS2890.3:2015 and AS2890.6:2022.

MLA conclude that:

“From a traffic and parking perspective the proposed development is considered to be satisfactory”.

6.1.9 Inability to develop neighbouring sites in accordance with zone

The proposed development does not hinder or negatively impact the neighbouring sites in accordance with zone and zone objectives. The site to the north and northwest is zoned E1 Local Centre. The sites to the west and south are zoned R2 Low Density Residential. The development mostly complies with relevant controls, and any noncompliance is minor and will cause no negative impact. Site boundaries, and setbacks have been complied with, and shadow diagrams show that no unacceptable overshadowing is caused to the adjacent sites that would impact their ability of development.

6.1.10 Internal amenity

Bates Smart have designed the residential apartments to ensure maximum residential amenity is achieved, with the layouts seeking to optimise solar access, cross ventilation, and privacy. Typically, apartments are through or corner apartments, allowing cross ventilation and a dual aspect. Living rooms are generally located to the west to maximise solar access and are setback from the facade by a balcony to improve acoustic separation from the main road. Apartments meet minimum internal areas, private open space requirements, and common circulation areas that assist in ensuring internal amenity for residents is provided.

Accessibility has been thoroughly considered both across the site, and with the provision of adaptable housing. All lobbies and retail tenancies on ground level have a level threshold to their entries. Accessible, threshold free access is also provided to all apartments, and retail tenancies. The scheme proposes 12 x adaptable units (50%) which allows the growth of apartments as the residential tenancies and typographies of families changes over time. An adaptability assessment has been undertaken in the Access Report prepared by Accessibility Solutions, the development is/ or can be made compliant in accordance with Category C of the Adaptable Housing Standard–AS4299 to satisfy the WDCP.

Accessibility Solutions confirm that:

“These units and associated common domain facilities will comply with fundamental spatial design criteria of AS4299 and consequently the SEPP 65 Apartment Design Guide and Willoughby DCP 2023–Adaptable Housing AS4299”.

The proposal complies with the ‘Amenity’ design principles for residential apartment developments as outlined in the SEPP (Housing) and the ADG requirements.

6.1.11 Accessibility

The development has been designed in accordance with Objective 4Q of the ADG that refers to universal design. All units provide an accessible entrance and access to living spaces. Accessible, threshold free access is provided to all apartments and all retail units at ground level.

An Access Report has been prepared by Accessibility Solutions (Attachment 15), which considers whether the proposed development is consistent with the relevant legislation and standards. Part C of the Access Report

outlines assessment findings that demonstrate compliance with the Silver Level requirements of the Liveable Housing Guidelines, and the requirements under the ADG.

6.1.12 Building Code of Australia (BCA)

A BCA Assessment Report has been prepared by Jensen Hughes (Attachment 1). This BCA Report carries out an assessment against the Deemed-to-satisfy provisions of the BCA and identifies areas where compliance with the BCA requires further consideration and offers potential Performance Solutions that can be adopted to ensure BCA compliance.

Compliance with the BCA will be demonstrated with the Construction Certificate documentation. A final Construction Management Plan (CMP) will be prepared by the appointed contractor, once the terms of any approval granted by Council are known. Accordingly, it is anticipated that Council will include appropriate conditions within any consent notice requiring the preparation and approval of a CMP prior to works commencing.

6.1.13 Impacts on the public domain

The proposed development will result in significant improvements to the public domain, improving the streetscape along Strathallen Avenue and Baringa Road, and creating active street frontages. Provisions have been made for a future through site link to Sailors Bay Road which has the potential to improve the public domain in accordance with the objectives and opportunities identified in the Northbridge Local Area Public Domain Plan.

Note: Council acknowledged that this proposed development does not (and cannot as no owners' consent has been obtained) provide legal access through the northern portion (134 Sailors Bay Road, legally referred to as Lot A in DP404929). The development does not have owners' consent for 134 Sailors Bay Road and access over that site does not form part of this application. Any treatment of the future "through-site link" is proposed within the site boundary of 57-69 Strathallen Avenue only, and to clarify, this DA does not and cannot provide any physical link through to 134 Sailors Bay Road at present.

No environmental impacts are proposed, and it is anticipated that the development will result in improvements to the environment by improving the amenity of the area for the residents and visitors to Northbridge.

The planting of 5 street trees are proposed along Strathallen Avenue and Baringa Road. The awning proposed extends over Strathallen Avenue and Baringa Road and maintains consistency with the awnings to adjacent developments. Similar paving type and colour will be used for the public domain of the proposed development. This treatment of the public domain will ensure consistency and flow between the existing developments and the proposed development.

6.1.14 Stormwater

On-site detention (OSD), rainwater harvesting, mechanical pump out and a water sensitive urban design (WSUD) stormwater treatment approach serve the development. Refer to the Stormwater Concept Plans prepared by Telford Civil (Attachment 17) for further details. An Erosion and Sediment Control Plan has also been included within the Stormwater Concept Plans to address and mitigate the risk of increased pollution to the stormwater system and environment.

6.1.15 Sustainability

Sustainability of the proposed development has been assessed within the Embodied Carbon Assessment and the Green Star Rating Report, prepared by Thermal Environmental (Attachment and Attachment , respectively). The Embodied Carbon Assessment details the embodied carbon intensity of the proposed development, which is in the order of 2,655,969kg, equating to a total carbon intensity of 952 kg CO₂e/m². This reflects typical practice and performance for a development of this size and type, and no significant environmental impacts are anticipated.

The Green Star Rating Report has been prepared to assess the development against the mandatory minimum energy performance requirements for buildings in Section J of the National Construction Code (NCC 2022)

Building Code of Australia (BCA). The Green Star Rating Report confirms that the development can achieve a four star rating, of which formal certification will be required prior to construction. Refer to the Section J Report in Attachment .

The green star rating can be achieved with the implementation of a series of initiatives that can assist in achieving regulatory compliance, aspirational sustainability targets and to ensure the design responds to design excellence strategy ESD targets.

These strategies aim to minimise any potential environmental impacts, but reducing energy use, maximising energy efficiency, minimising the carbon footprint of the development, and reducing potable water, whilst maintaining high levels of occupant comfort.

The BASIX Certificates that accompany the development application confirm that the project meets the required scores for water, thermal performance, and energy, and that full compliance with the BASIX commitments can be achieved. A BASIX report prepared by ESD Synergy concludes that:

“With the commitment recommendations contained within this report the proposed development is able to meet BASIX requirements and is BASIX compliant”.

On the basis of the above information, the development has been designed to be sustainable, energy efficient, and it is not proposed that any impact is proposed.

6.1.16 Waste

Operational waste management is assessed in the Operational Waste Management Plan prepared by EcCell Environmental Management (Attachment). In summary, waste disposal for the proposal is provided in the form of a waste chute system located on each residential floor. Waste chutes will discharge to waste disposal rooms located at basement 01 level. Retail waste will be stored in the waste storage room at ground level. Organisation and responsibility of transport of waste for collection will be carried out by a nominated caretaker, to be internally managed by building management.

In order to ensure that operational waste is well managed and causes no negative impacts arise to residents, or surrounding developments, such as in the form of odours or visual disarray of waste, implementation of ongoing management, and user education will be imperative.

Details of construction and demolition waste management are provided in the Construction and Demolition Waste Management Plan prepared by EcCell Environmental Management (Attachment 9).

6.1.17 Heritage impacts

None of the properties that are within the boundaries of the subject site are individually listed as heritage items, nor are they located within a Heritage Conservation Area under WLEP.

The properties located at 59-67 Strathallen Avenue and 69 Strathallen Avenue are late 20th century developments and therefore are considered to have no significant heritage contribution. This is identified in the Demolition Report, prepared by Urbis (Attachment).

Urbis' assessment found that none of the properties on site meet the requisite threshold for heritage listing and do not warrant retention on heritage ground. Demolition of the buildings on site is supported and will not cause any adverse heritage impacts.

6.1.18 Noise and vibration

A Noise Impact Assessment was prepared by Pulse White Noise Acoustics, refer to Attachment 16. Noise and vibration have been assessed in accordance with the relevant noise levels within standard AS/NZ2107:2016, and the SEPP (Transport and Infrastructure) infrastructure requirements.

An assessment of construction noise and vibration, and operational noise generated from the proposed development was carried out by Pulse White Noise Acoustics. Pulse White Noise Acoustics recommend

acoustic constructions of the building envelope, including external windows, to ensure that future internal noise levels comply with all relevant standards for environmental noise.

Provided that the recommendations are incorporated at construction stage, internal noise levels will be achieved. In order to ensure no impact of noise is caused from the operational development, a number of treatment options are required to mechanical plants and equipment selection. The proposed development can comply with operational acoustic criteria required.

No environmental impacts are proposed.

6.2 Natural Environment

6.2.1 Flora and fauna

The subject site has already been developed, inclusive of land clearing and construction of existing development. In this case, the site does not include any sensitive flora or fauna.

Conversely, the proposal includes the provisions of at ground and above ground planting and landscaping. Whilst such provisions are within an urban environment, it represents an improvement of current conditions.

6.2.2 Tree removal

The DA is accompanied by an Arboricultural Impact Appraisal and Method Statement, prepared by Naturally Trees Arboricultural Consulting (Attachment 13). The Appraisal assesses a total of 9 trees, 8 located on the subject site and one adjacent.

To facilitate the development, alongside the demolition works outlined in Chapter 3.2, the removal of 8 low retention value trees on site is required. It is noted that 6 of these 8 trees are exempt from Willoughby Council's *Tree and Vegetation Preservation Order 2012*. None of these 8 trees are considered significant or worthy of special measures to ensure their preservation. The trees to be removed are photographed within Appendix 9 of the Arboricultural Impact Appraisal and Method Statement.

The proposal has also been designed to limit impacts to adjacent trees. Tree 7, located near the eastern boundary of the site, is classified as a Category A tree. The Appraisal identified that the proposed works remain largely outside of the TPZ of this tree and direct impacts are not expected. It is noted that the extent of the TPZ is restricted by the existing building foundations.

The proposed DA is also accompanied by a Arboricultural Method Statement in Section 4 of the Appraisal which has been developed based on AS4970-2009 *Protection of trees on development sites*. Naturally Trees concludes that the implementation of the tree protection measures detailed in the Statement, would result in the successful retention of Tree 7 without any adverse effects and that the proposal overall is expected to have a low impact on the contribution of trees to local amenity or character.

6.2.3 Contamination

As part of the due diligence stage of the proposed development, prior to design development, Douglas Partners were engaged to prepare a Contamination Investigation (Attachment 25). The potential for a number of contaminants on the site based on the historical and past uses of the site including the demolition of former buildings on the site, the dry cleaners, and historical garage and service station was identified. Contamination of leaks, spills, incorrect disposal of solvents, associated leaks from service station bowsters impacting soils and groundwater were all identified as potentially hazardous and warranted further analysis.

A Detailed Site Investigation (DSI) was carried out by JBS&G in order to investigate and characterise the potential contamination on the site, and to assess the suitability of the site for the proposed development. The DSI included sampling on a number of areas that were identified as areas of environmental concern that require assessment.

The overall conclusions of the DSI found that:

- *“The potential sources of contamination identified at the site included; anthropogenic fill materials of unknown origin used to create existing/current site levels, former structures potentially containing hazardous materials and historical industrial activities (including dry-cleaning, service station and motor garage). As part of former site operations, liquid chemicals (dry-cleaning fluids) were likely disposed in a sewer pit within the northern portion which has resulted in impacts to site media. In addition, there is potential disused underground storage tanks (USTs) as associated with the former station still present within the central portion of the site.*
- *Given the existing pavement and operational nature of the site, pavement removal and subsequent test pitting was not feasible. As such, considering the observation of varying levels of building and demolition wastes in site fill, there is the potential for additional fill materials at the site to contain asbestos.*
- *Elevated levels of heavy metals and PFOS were reported in site groundwater but not considered to be sourced from historical activities at the site and are indicative of background conditions within the surrounding environment. As such, these impacts do not require further assessment or remediation.*
- *Consistent with previous investigations, chlorinated hydrocarbon impacts were reported in shallow groundwater at the site. The areas of greatest groundwater impact were downgradient of the former dry-cleaner and require further assessment / remediation to address potential vapour intrusion risks to future occupants of the proposed building.*
- *It appears the former operator disposed of dry-cleaning fluids down the sewer pit at the rear of the building which has caused impact to soils and groundwater. The elevated pose a potential unacceptable health risk to occupants of the future building and will require further assessment and potential remediation to address health risks (via vapour intrusion) to occupants of the building.*
- *It is considered that further assessment in the form of human health risk assessment (HHRA) will be required to determine if chlorinated hydrocarbon impacts in site soils, groundwater and soil vapour will pose a risk to future site users under the proposed development and downgradient receptors. The HHRA will develop site-specific risk-based criteria that will inform the extent of required remediation at the site to be documented in a Remedial Action Plan (RAP)”.*

As per the JBS&G recommendations, a comprehensive Remedial Action Plan (RAP) was prepared and is provided as Attachment 10. The RAP identifies site management and mitigation measures that are to be implemented as a minimum requirement during remedial works of the site. The action plan for remediation is detailed in Section 6 of the RAP.

JBS&G conclude that:

“Subject to the successful implementation of the measures detailed in this RAP and subject to the limitations in Section 13, it is considered that the risks posed by the identified impacts at the site can be appropriately addressed and that the site can be made suitable for the proposed land-use associated with the proposed development”.

“As such, having regard to Clause 4.6(1)(b) of SEPP (Resilience and Hazards) 2021, the land will be/can be made suitable after remediation for the purpose for which the development is proposed to be carried out subject to the actions recommended in this RAP”.

It is concluded that any potential contamination and impact of contaminants that may be present on the site, can be suitably mitigated and remediated. Given the inclusions of the above recommendations, the site is considered suitable for the proposed development.

6.2.4 Geotechnical

As part of the due diligence stage of the proposed development prior to design development, Douglas Partners were engaged to prepare a Geotechnical Investigation (Attachment). This investigation was carried out prior to design development, and it was overall concluded that further investigation took place *“including rock-cored boreholes, groundwater monitoring wells and laboratory testing for pavements be carried out to confirm the*

subsurface conditions and to refine geotechnical design parameters and comments for the proposed development once the existing buildings are demolished”.

Further geotechnical assessments will be required, and it is expected that if development approval is granted, additional testing will be required prior to demolition of the existing buildings on site.

6.2.5 Soils

The site is underlain by Triassic aged Hawkesbury Sandstone, generally comprising medium to coarse grained quartz sandstone with minor shale and laminate lenses. As the site is predominantly covered by building or hardstand, the majority of rainwater is expected to be captured within the drainage infrastructure on site and discharge through local stormwater infrastructure. Minimal infiltration and impact to site soils is expected to occur at the site given the minimal exposed soils.

The site is mapped as having Class 5 Acid Sulfate Soils; however, JBS&G identify in the DSI that the probability for their occurrence is very low. As the site has a topography of > 80 m AHD, it is unlikely that acid sulfate soils are to be encountered as part of the redevelopment of the site. No impacts are proposed, and further assessment and management of acid sulfate soils is not warranted.

6.2.6 Air and microclimate

Some dust is anticipated during the construction period, as demolition and excavation is involved, which will be minor in impact. Any impact can be managed through measures such as wetting down work areas/stockpiles, stabilising exposed areas, preventing material tracking out onto public roadways, covering loads on all departing trucks, and working to weather conditions. The proposal is otherwise not expected to give rise to any long term or adverse impacts on local or regional air quality. A final Construction Management Plan will be provided by the builder, once appointed, prior to the issue of the Construction Certificate. The proposal is otherwise not expected to give rise to any long term or adverse impacts on local or regional air quality.

6.3 Social and Economic Impacts

6.3.1 Crime and Safety

The four principles of Crime Prevention Through Environmental Design (CPTED) have been incorporated into the design. Overall, the proposal will significantly improve compliance with the principles and will enhance the general safety of the area by delivering a vibrant high-quality shop-top housing development that is activated at all times of the day. Future use of retail unit G.01 as a potential bar or restaurant (subject to a future DA), will also aid in activating the ground floor. The proposed development is designed to allow for clear sight lines through to the public domain areas, and passive surveillance to ensure that the principles of the CPTED are incorporated into the everyday use of the site.

The through site link will be a right of way (in gross) and will be accessible to the public 24/7 (this refers to the area of the through site link that is within the site boundary only. This does not refer to any future connection to 134 Sailors Bay Road, which will be subject to future agreements if ever materialised). This meets the intent for the site and the supports the provision of a future through site link that may be delivered in its entirety in the future (subject to future access to Sailors Bay Road). The treatment of the public domain areas and the future through-site link have been designed so as to ensure safety for the user of the space. This is provided in the form of:

- the 3.5m wide pathway that is open, with low walls aligning the pathway (1 on Figure 22),
- low-scale landscaping or trees so as not to create dark and shadowed areas (2 on Figure 22), refer to the landscape plans prepared by Sturt Noble Landscape Architects for details of tree and planting types,
- curved building edges to allow for clear sight lines (3 on Figure 22),
- glazing to the retail units and lobbies that allows the user to see through to the public domain area (4 on Figure 22),

- lighting to activate the ground floor retail units and lobbies (not depicted in Figure 22. Lighting details will be provided during design development. Sensor lighting and motion activated lighting may be considered as a means of ensuring safety of movement through the space).

The CGI depicted in Figure 22 of the proposed future through site link (the part of which is within the site boundary) leading to the public domain area, shows the above safety measures that have been incorporated into the design of the development.



Figure 22. Proposed CGI of future through-site link (the area of the through site link within the proposed DA) and public domain area (Source: Bates Smart Architects Design Report (updated post lodgement dated 28 June 2024). Edited by Gyde)

The key CPTED principles have been assessed as follows;

- Surveillance:** The proposed residential apartments will overlook Strathallen Avenue and Baringa Road. This will increase opportunities for casual surveillance of the public domain and private access areas. Surveillance has been maximised by orientating apartments toward the street frontages as well as internally to maximise sight lines to and from the development as well as in the development. 16 of the 24 apartments have proposed balconies/windows overlooking the public domain area which also provides casual surveillance of the area.

The internal pedestrian future through site link is generous in size and linear in configuration to also allow for a clear sightline through the development. The basement design provides clear lines of sight as well as defined lift cores which facilitate east access to the levels above. Corners and dead areas that are hidden are avoided, and surveillance cameras and securities will be provided in site management to provide passive surveillance and ensure security for residents.

- Access/Egress Control:** This principle provides that barriers to attract/restrict the movement of people minimises opportunities for crime and increases the effort required to commit crime. Access to the

apartments will be via the main building entry from Strathallen Avenue or from the underground parking area if entering via car. Access to the lobbies and to the carpark is restricted by a key/fob access and is not publicly accessible.

- **Territorial Reinforcement:** This principle provides that well-used places reduce opportunities for crime and increase risk to criminals. Public, semi public and private areas are clearly demarcated by means of different materials and finishes both on the ground and on building facades. The proposal being for 24 apartments with general access for pedestrian along Strathallen Avenue and Baringa Road associated with residents will promote activity in and around the site.
- **Space Management:** This principle provides that space which is appropriately utilised and well cared for reduces the risk of crime and antisocial behaviour. Strata management will ensure that communal areas are properly maintained to ensure the upkeep of the building and central walkway and thus reduce the risk of crime. Strata management will be responsible for ensuring lighting and surveillance cameras are fully functioning and monitored appropriately.

6.3.2 Social and Economic

The proposed development will result in additional housing stock being provided to the Northbridge area in the form of medium density residential apartments. This will assist in achieving Council's housing needs and targets and will improve the housing choice for residents wishing to reside in the local area.

The proposal will provide employment opportunities at both construction and operational phases. With the proposal of 6 retail units at ground level this will provide a number of local job opportunities.

The provision of the retail units at ground level will ensure revitalisation of the streetscape and active street frontages, it will reinvoke pedestrians to Strathallen Avenue and Baringa Road and will create social benefits for local residents providing local services and goods.

The parking proposed at ground level will improve car parking for the development site and will reduce the need to on street parking in this location.

The proposal offers a higher standard of built form for the site than that existing, and with public domain improvements, it is considered that there are no negative social or economic impacts as a result of the proposed development.

6.3.3 Cumulative Impacts

The proposal is consistent with the planning regime applying to the sites, surrounding land uses, and built forms. In this regard, it is considered that there are no significant elements of the proposal which would set an undesirable precedent or contribute to an existing undesirable precedent in the locality. Overall and on balance, the environmental impacts of the proposed development on the natural and built environment are acceptable. No adjoining site will be isolated or constrained by the proposed development.

6.4 Suitability of the Site

The site is suitable for the proposed development in the following respects:

- The proposal is permissible in the E1 Local Centre zone and consistent with the zone objectives;
- 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.
 - To encourage investment in local commercial development that generates employment opportunities and economic growth.
 - 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.
 - To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.

- To provide for services and employment within walking distance of residences.
- 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 proposal responds appropriately to any environmental constraints, there are no environmental constraints that preclude the proposed development.
- The proposal will not result in any adverse impacts on the environment.
- Is consistent with the 9 Design Principles outlined within SEPP (Housing) and the relevant provisions contained within the Apartment Design Guide.
- Is generally consistent with the WDCP controls. Where variations are proposed to the numerical controls, appropriate justification against the WDCP Objectives has been provided.
- Will provide dwellings achieving high amenity outcomes with respect to unit size, outlooks, solar access and natural ventilation.
- The subject site is located in close proximity to a number of public transport and commercial services.
- The proposal is compatible with surrounding land uses and the surrounding development.
- Public transport infrastructure and road access are available at or near the site.
- The full range of utility services infrastructure – electricity, gas telecommunications, water, sewer and stormwater drainage – are available at or near the site.
- It has been designed in a manner that minimises impacts on surrounding developments.
- The proposal is accompanied by a Clause 4.6 variation to the building height that will deliver an improved built form development for the site that is still consistent with the height objectives in the WLEP.
- The proposal will provide provisions for future through site links and provide further activation and passive surveillance.
- The subject site is suitable for the proposed development following remediation of the land as identified in the RAP.
- The site is suitable in that it contains no additional constraints such as bushfire, flooding, or heritage, no further hazards are proposed.

6.5 Public interest

According to Brown C in *Ex Gratia Pty Limited v Dungog Shire Council [2005] NSWLEC 148*, a development proposal is in the public interest when the public advantages of the proposal outweigh the public disadvantages.

The proposed development is within the public interest for the following reasons:

- It is consistent with the objectives of the E1 Local Centre under the provisions of the WLEP, and appropriate within its context of the site and surrounding area.
- It provides a high quality, architecturally designed development which is respectful of the character of the area.
- Despite the minor non-compliance, it will be of an appropriate height, bulk and scale which is consistent with its surrounds.
- It comprises a development which demonstrates a high level of environmentally sustainable initiatives which should be encouraged.
- It will generate additional direct and indirect employment as a result of providing employment opportunities during construction, as well as stimulating economic activity within the local economy once operational.
- It provides an appropriate mix of dwellings including 2, 3, and 4 bed apartments that will contribute to the type and mix of residential dwellings in Northbridge, while protecting residential amenity.

- The built form outcome activates the site by providing ground floor retail opportunities, provisions for future through site link with potential future connection to Sailors Bay Road (subject to Council resolution of the site to the north at 134 Sailors Bay Road), landscaped courtyard, and walkable streets.
- It supports and promotes sustainable modes of transport by providing bicycle facilities and a range of new pedestrian connections which will improve connectivity to the surrounds.
- It will not unreasonably impact the amenity of surrounding properties. Technical reports, including those addressing traffic, acoustic and geotechnical considerations have been provided and demonstrate the site is capable of being developed in the manner proposed without adverse impacts.

In summary, there are no unreasonable impacts that will result from the proposal, and therefore, the benefits outweigh any disadvantage, and as such, the development will have an overall public benefit. The proposal will deliver a suitable development outcome for the site and is worthy of Council's support.

7. Conclusion

This SEE supports a DA for a shop-top housing development at 57-69 Strathallen Avenue, Northbridge. The proposal seeks consent for the demolition of the existing building on site and the construction of a 5 storey shop top housing development comprising ground floor retail tenancies, 24 apartments, 2 basement levels, and associated landscaping and site servicing.

The proposal is considered a development that will sympathetically integrate into the form of the precinct as a whole and become a dynamic part of the urban environment of the Northbridge Local Character Area.

This SEE describes the proposed development of the site and surrounding area in the context of relevant planning controls and policies applicable to the development. In addition, this SEE provides an assessment of the relevant heads of consideration pursuant to Section 4.15 of the EP&A Act.

An environmental impact assessment has been undertaken in Chapter 6 of this SEE, supported by additional consultant studies as per the requirements of Council. The environmental assessment found the associated impacts of the proposal are considered to be minimal and manageable. Hence, the outcomes of the proposal:

- Is an appropriate response to the context, setting, planning instruments and development guidelines and other considerations outlined in Section 4.15(1) of the EP&A Act.
- Permissible with development consent in the E1 Local Centre Zone under the provisions of the WLEP, consistent with the zone objectives and appropriate within its context of the site and surrounding area.
- Will deliver a development that is appropriate for its context despite the minor breach to WLEP development standards and therefore has sufficient environmental planning grounds to permit the variation.
- Considered to enhance the site in providing a high-quality built form outcome and complementary landscape scheme, responds to the site constraints and is compatible with the desired future character and amenity envisaged for the site and the locality.
- Responds to the street alignment and the desired built form and improves the interface between public and semi-public spaces along the site frontages for improved aesthetic character.
- Considered to not result in adverse environmental impacts by way of contamination, acoustic, geotechnical, reflectivity, wind, crime and safety, tree removal, traffic, and parking.
- Will generate additional direct and indirect employment on site as a result of the construction and ongoing operation of the site.
- Includes ESD measures to reduce water and energy consumption.
- The benefits provided by the proposed development outweigh any potential impacts and is it is therefore considered to be suitable for the site.
- Is generally compliant with the WLEP and WDCP planning controls and is compatible with the existing and future character of the Northbridge Local Character Area.

Given the findings of this assessment, we consider that the proposal is in the public interest and merits approval and accordingly, we request that Council recommend that the proposed development be granted development approval.

Appendix A

Record of the pre-development application meeting (dated 07 February 2024)

Prepared by Willoughby City Council

GYDE

RECORD OF THE PRE-DEVELOPMENT APPLICATION MEETING

Date/Time of meeting: 7 Feb 2024, 2:00pm
Willoughby Council Offices
No. 110965870

Applicant/Proponent details: Camilla Firman (Gyde Consulting)

Property: 57-69 Strathallen Avenue, Northbridge

Lot 6 Section 3 DP 7122, Lot 4b DP 305190, Lot 4a DP 305190, Lot 1 DP 172561 & Lot: 1 DP: 726736.

Description of Proposal: Demolition of the existing structures and construction of a shop-top/mixed use building.

Council officers: Ritu Shankar, Alice Stapleton, Clare Woods, Nick Kennedy and Patrick Williams.

Attendees: Sue Francis (Gyde Consulting), Camilla Firman (Gyde Consulting), Liam Nobel (Sturt Nobel Landscape Architects), Guy Lake & Team (BatesSmart) & Alex Zhao & Team (SJD Property Group).

These are the steps that you should follow when preparing a DA:

- Find out what Local, State and Regional instruments, development control plans, policies, codes or guidelines that apply to your development and its site.
- Consider design issues, taking into account what surrounds the site. Review the objectives of controls and legislation and prepare a concept proposal.
- If applicable, contact the Help & Service Centre to organise a pre-DA meeting with a Development Assessment Officer to discuss your proposal and identify issues or areas of non-compliance.
- **Talk with your neighbors** to see if they have any issues with your proposal. If possible, amend your proposal to address their concerns.
- Prepare your DA plans, technical reports and Statement of Environmental Effects.
- Complete the appropriate DA application form and relevant Checklist, providing all required information. Lodge the application at the Help & Service Centre.

Please note: If you make an application and have made a reportable political donation or gift to a Councillor or Council Officer within 2 years before making the submission, you must attach a completed disclosure statement. Read more about political donations [here](#)

Site Conditions and Zoning

Zoning: E1 – Local Centre
Max. Height of Building (LEP): 17m
Max. FSR 2:1 & 2.5:1
Conservation Area: No
Heritage Item: No
Foreshore Building Line: N/A
Bushfire Prone Area: No
Flood Related Planning Control: No
Classified Road: No

Within 25m from a railway line: No
 Road/Lane Widening: No
 Coastal Management SEPP: N/A
 Site Area: 2,426.95m² (Total)

Description of Proposal

Demolition of the existing structures and construction of a shop-top/mixed use building containing 31 Units and 4 commercial tenancies.

Site & surrounds

The site has a total area of 2,426.95m² and is located on the corner of Strathallen Ave and Baringa Road, the southern entrance to the Northbridge local centre. Boarded by R2 low density to the east and south the subject land has existing development consisting of:

- Northbridge Hotel, two storey building.
- Small commercial development consisting of roughly 5 tenancies and a carpark fronting Strathallen. One to two storeys.
- A two storey building containing a dry cleaning business.



Figure 1: Aerial Photo of site

Easements

No readily available records of any easement burdening the Lots.

Discussions and Concerns:

Willoughby Local Environmental Plan (WLEP)

Willoughby Local Environmental Plan can be found [here](#)
The land is in the E1 – Local Centre Zone.

Zone E1 Local Centre

Objectives of zone

- 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.
- To encourage investment in local commercial development that generates employment opportunities and economic growth.
- 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.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- To provide for services and employment within walking distance of residences.
- 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.

Willoughby Development Control Plan 2023 (WDCP)

Parts C and E of the DCP contain provisions relevant to a new dwelling house and dual occupancies. The key matters to be considered in designing the proposal and preparing a development application include:

- Part B – Residential Development
 - 2 - Performance criteria
 - 4 – Major Developments
 - 4.1 – Strategies and Plans
 - 4.4 - Further controls for residential flat buildings, and the residential components of shop top housing and mixed use developments
- Part D – Commercial Development
 - 6 - Shop top housing and mixed use developments
- Part F – Transport and Parking Management
- Part G – Vegetation Management
- Part I – Stormwater Management
- Part L - Place Based Plans
 - 2 - Strategies and plans
 - 3 - Public art and prominent corner sites
 - 10 - Northbridge local centre

Planning Comments

Issues discussed as follows:

- Height – There is opportunity to reduce variation by reorganising finished floor levels and. If the development proceeds with a height variation, please ensure a detailed and comprehensive clause 4.6 variation request is completed. Willoughby Council strictly apply clause 4.6 and will need to be satisfied in the first instance why a compliant design would be considered unreasonable and unnecessary.
- FSR – Willoughby Council strictly apply clause 4.6 and will need to be satisfied in the first instance why a compliant design would be considered unreasonable and unnecessary. The SEE & 4.6 variation is to clearly detail the proposed FSR breach and the process behind calculating the breach.
- Affordable housing = 4% of residential component. To be dedicated in physical stock, with shortfall in m² paid by cash. The applicant is to nominate the stock or Council will choose which Unit it takes,
- SEE to clearly indicate the setback controls Part L vs Part D.
- ADG requires development to provide a unit mix. The development is to be amended to introduce other stock from 3 & 4 bed to include smaller unit types. The development can still be predominately large units but a further mix is required.
- Council require provision for a 12.5m long waste vehicle to service the site. Understanding you will be providing information to vary this standard you will need supply:
 - Swept paths of the 12.5m and the impacts of this on the development. A draft plan set showing the extent of changes would aid in your argument.
 - Evidence of further research into other solutions is required. This includes the provision of a turntable for the waste vehicle or relocation of waste loading area.
 - Show impacts of 11 m & 11.5m vehicle length.
- Heritage has raised some potential significance related to the Northbridge Pub/Hotel. Whilst there is no heritage listing on the site, Willoughby has been involved in DA's recently where community concerns relating to heritage status on a non-listed site resulted in political interest and ultimately an IHO. Please review heritage comments later in these notes.
- The development provides provision for the through-site link up to Sailors Bay Road. It's noted that the development does not (and cannot given no consent) provide legal access through the northern portion (134 Sailors Bay Road). Council understand and note this comment.

Landscape Comments

Issues discussed as follows:

- Tree Protection of neighbouring tree looks satisfactory, however will require an arborist report at DA stage to confirm.
- Amendments to the landscape plan to open up the blind/sharp corner of the through site link to the north to better align with CEPTED principles.

- Provision for street trees required. Awning amended as required and plans to show planting locations and species.
- PGH Pavers in the public domain to match existing.
- The draft landscape plan reference loose gravel/pebble. Given the area is to be a public space with a certain level of traffic this should be rethought.

Urban Design Comments

Issues discussed as follows:

- Ensure public domain works consistent with Northbridge Local Centre public domain plan endorsed by Council.
- Undertake a Design Excellence Panel (details sent) early to assist with compliance with Cl6.23 of the WLEP.

Traffic Comments

Issues discussed as follows:

- To undertake traffic modelling to show traffic impacts at the following intersections during AM/PM peaks:
 - Strathallen Ave/ Baringa Rd
 - Sailors Bay Rd/ Strathallen Ave
- Consult/ inform TfNSW potential impact to Bus Stop 206352 during construction period. Does the bus stop proposed to retain at its current location?
- Plan for integration of cycle path facility along Baringa Rd with the development. Propose design at driveway access that minimise conflicts with cyclists. Provide bike parking at surface level for retails.
- Provision of EV charging space to comply with WDCP Part F, Section 4.5 and 5.6
- Consider providing car share spaces
- Construction Traffic & Pedestrian Management Plan (CTPMP) would be required for demolition, excavation and construction phases.

Development Engineering Comments

Issues discussed as follows:

Flooding and Stormwater Drainage

- The site is not flood affected. However, there is potential overland flow in the road at the intersection of Baringa Road and Strathallen Avenue. This needs to be taken into consideration when designing the OSD system for the site.
- On-site stormwater detention (OSD) is to be provided in accordance with the requirements of Part C.5 of the Willoughby DCP and Technical Standard 1. An

overland flow path must be provided for the overflow from the tank / basin to the road. Overflow into an internal chamber with an outlet pipe is not acceptable, as it is not visible and is also subject to blockage. The OSD tank / basin and outlet must be above the 1%AEP flood level. Calculations are to be provided to confirm that the outlet / orifice for the OSD system is draining freely and is not affected by the downstream water level. For direct connections to the Council in-ground drainage system, a hydraulic grade line analysis is to be provided, with the downstream water level to be the top of kerb level of the pit at which the site drainage system connects to the Council drainage system.

- Water quality improvement measures are to be provided as part of the stormwater management system. They are to meet the target requirements detailed in Technical Standard 1. A MUSIC analysis is to be undertaken to confirm targets are reached and a summary of the analysis provided, including parameters used in the model and the catchment plan.

Access and Parking

- Access and parking is to be in accordance with AS/NZS 2890.1, AS28909.2 and AS/NZS2890.6.
- The vehicle access to the site must be a minimum of 1.2m of the side boundary, or further if required to provide the sight distance triangles required by AS/NZS2890.1. The driveway within the site shall have a maximum grade of 1:20 for the first 6m within the site. This may be increased to 1:8 for downgrades leaving the property. Further details relating to Council's requirements for vehicle crossings are detailed in "Vehicular Crossing Guidelines", which is available on Council's website at: <https://www.willoughby.nsw.gov.au/Council/Forms/Vehicular-Driveway-Crossing-Pre-Approval-and-Permit-Applications>
- Visitor parking associated with the development needs to comply with the requirements of Class 2 parking (medium term) as per AS/NZS 2890.1. Visitor parking is to be readily accessible, and not located behind doors, gates etc.
- Parking spaces for adaptable units need to comply with the requirements of AS/NZS2890.6.
- Bicycle storage lockers and rails are to be provided in accordance with the requirements of Part C.4 of the Willoughby DCP. Rails are to be located in a visible location, where they are available for visitors.
- In accordance with Part C.4 of the Willoughby DCP, provision must be made for removalist trucks (MRV) to park, load and unload on-site for all residential developments in excess of 12 units. Access is to be provided for appropriate service /maintenance vehicles, including grocery delivery vehicles. A minimum headroom of 4.5m is required for delivery and removalist vehicles.
- Provision is to be made for waste collection vehicles to collect waste on site. Council's waste vehicle is 10.5m long and 4.5m headroom is required. Swept path diagrams are required to show that the vehicle is able to enter and leave the site in a forward direction. Turntables cannot be used as the sole means to meet this requirement.

- Swept path diagrams are required for the entry to the site, all access aisles and the loading dock. For the main entry and the route to the loading dock, the diagrams must show simultaneous movement by the service vehicle (MRV minimum and Council waste vehicle preferred) and the B99 vehicle. For all other areas, they must show the simultaneous movement by a B99 and B85 vehicle. If simultaneous movement of Council's waste vehicle and a B99 is not possible, then details are to be provided to demonstrate how potential conflicts will be managed.
- A Traffic Report will be required for the development. It is to detail the impact of the development on surrounding roads and address the items raised above.
- Plans for the parking areas must include sufficient dimensions to confirm compliance with the Australian Standards, including aisle widths, typical space lengths and widths, ramp grades and sight distance triangles at the exit.

Environmental Health Comments

Issues discussed as follows:

- The SEE needs to address potential contamination and SEPP (Resilience & Hazards) 2021.
- Acoustic report by a member of the AAAC to assess road noise intrusion, commercial tenancies, mechanical plant equipment and construction noise, & provide mitigation measures and recommendations
- Base building to include provision of means to discharge exhaust ventilation for food premises vertically through the building to atmosphere.

Should any aspects of the DCP require discussion with our development engineering team they may be called during business hours on (02) 9777 1000.

Heritage Comments

Issues discussed as follows:

The existing building, being a public hotel building dating back to 1931, has the potential to be of high historical and social significance to the community. Further documentary and physical analysis is recommended to be conducted on the property to assist with a thorough understanding of how the place is perceived in the context of the NSW heritage Guidelines, as well as the local Northbridge and the wider community within the Willoughby LGA.

It is recommended that an experienced heritage practitioner conduct an assessment in accordance with the NSW heritage guidelines for assessing significance which includes analysis of the existing building to determine whether the place itself retains any significant attributes which may deem it worthy of being retained.

It is recommended that the report includes a comparative analysis to compare and contrast the subject place against other similar buildings in the surrounding districts and against the

NSW Heritage themes. Any artifacts/building elements, such as plaques, foundation stones on the building should also be documented. Images are encouraged.

Further, due to the perceived social significance of the place, it is recommended that consideration be given to interpretation or incorporating any existing hotel building elements into the design to assist with retaining any significance relating to the place.

Delegations

This type of application will likely be a Regionally Significant Development application and will need to be determined by the North Sydney Planning Panel.

Documents to be supplied (at a minimum):

- A Detailed Cost Summary Report noting the CIV by a member (not affiliate) of the AIQS.
- Access Report
- Acoustic Report
- Arborist Report
- Architectural Plans (site plan, floor plans, elevations, sections, solar access plans, natural cross ventilation plans, GFA plans, shadow diagrams, schedule of colours materials and finishes, signage details, notification plan)
- BASIX Certificate
- BCA Statement
- Construction Management Plan
- DA Form
- Detailed Site Investigation and Remediation Action Plan (if necessary)
- Design Verification Statement
- Erosion and Sediment Control Plan
- Geotechnical Report
- Heritage assessment report
- Heritage interpretation plan and design (if required)
- Landscape Plan
- Photomontage
- Owner's consent and political donations declaration
- Statement of Environmental Effects
- Clause 4.6 variation
- Stormwater Drainage Plan
- Survey Plan
- Traffic and Transport Impact Report
- Waste Management Plan

Conclusion

A development application must include sufficiently detailed plans and a succinct Statement of Environmental Effects which includes the information required by the Environmental Planning & Assessment Regulation 2021.

General Notes:

- **Complying Development:** Please note that Council has not undertaken a detailed assessment in respect of any proposed Complying Development Certificates. You will need to discuss these matters with your certifier. State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 can be found [here](#)
- **Checklists:** Council will not accept at lodgement any development application that does not have the required documentation. Refer to the checklists and supplementary information for all required documentation. For links to checklists see below and for definitions please refer to Councils document entitled *Development Application – Supplementary Information* which can be found [here](#)
- **Variations:** Any variations to the WDCP will need to be argued in the Statement of Environmental Effects and shall address all relevant objectives and performance criteria. Variations to a WLEP development standard(s) will require a written submission(s) per clause 4.6 of the LEP.
- **Cost of Works** – Cost Summary Report to be signed off by a suitably qualified person. The cost summary report can be found [here](#) If the cost of works exceed \$750,000 then a Registered Quantity Surveyors Detailed Cost Report will be required.
- **Heritage Impact Statement:** - Will be required if the site is within a heritage conservation area and/or adjoins a heritage item. For further information please refer to Councils document entitled *Development Application – Supplementary Information* which can be found [here](#)
- **BASIX:** A BASIX certificate will be required for residential works over \$50,000 in value.

Development Contributions apply to Developments with Cost of works > \$100,000
<https://www.willoughby.nsw.gov.au/Development/Plan/Development-Contributions>

Forms, Fees & Checklists including Electronic Application requirements
<https://www.willoughby.nsw.gov.au/Council/Forms/Development-Application>

Planning Legislation & Guidelines
<http://www.willoughby.nsw.gov.au/Development/planrules/>

e-Planning Portal (Application Tracking)
<https://eplanning.willoughby.nsw.gov.au/Pages/XC.Track/SearchApplication.aspx>

Heritage & Conservation
<https://www.willoughby.nsw.gov.au/Development/Plan/Heritage-and-Conservation>

Pre-lodgement Meetings
<http://www.willoughby.nsw.gov.au/Development/do-i-need-approval/pre-lodgement-meetings/>

Council thanks you for coming in and trusts that the meeting was of assistance. You are reminded to continue referring to and checking the relevant planning documents (LEP, DCP etc.) as you develop your proposal further to ensure compliance with those documents as these will be the basis for assessment of your application when it is lodged.

Council Officers have not inspected your site for this meeting. They have drawn on their general experience and knowledge of the area in providing you this with advice.

COUNCIL OFFICERS HAVE USED THEIR BEST ENDEAVOURS TO ASSIST YOU AND CANNOT BE HELD RESPONSIBLE SHOULD ANY OTHER MATTERS ARISE DURING

THE PROCESSING OF THE APPLICATION. NO UNDERTAKING OR GUARANTEE CAN BE GIVEN THAT YOUR APPLICATION WILL BE APPROVED WHEN IT IS LODGED NOR CAN ANY UNDERTAKING BE GIVEN THAT THE DEVELOPMENT CONTROLS WILL NOT CHANGE BEFORE YOU LODGE YOUR APPLICATION.

Appendix B

Design Excellence Review Report (dated 14 February 2024)

Prepared by Toby Wetherell

GYDE



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Design Excellence Review

57-69 Strathallen Ave, Northbridge

Author: Toby Wetherill on behalf of Willoughby City Council

Assessment Date: 14/02/2024

Attendees: Wil Robertson – Willoughby Council
Jane Liang – Willoughby Council
Toby Wetherill – GW. (WDEP)
Guy Lake – Bates Smart Architects
Alex Zhao – SJD Group (Applicant)
Gary Zu – SJD Group (Applicant)
Camilla Firman – Gyde Consulting (Town Planner)

Documents Received:

- Willoughby City Council Guidelines for DER & Comps
- Architectural documents

1. Background and Site

This application has been referred to the Willoughby Design Excellence Review Panel primarily in the context of Willoughby Local Environmental Plan Clause 6.23, as well as the State Environmental Planning Policy **(Housing)- Chapter 4 - 'Design of residential apartment development'** within the context of the Willoughby Local Environmental Plan 2012 and Willoughby DCP.

For this Design Excellence Panel Review, Willoughby Council appointed Toby Wetherill of Gardner Wetherill & Associates (GW.) [AIA NSW Reg 8466] as the Willoughby Design Excellence Panel Representative. All references to "The Panel" relate to Toby Wetherill in his independent appointment to provide assessment and feedback for the application received for 57-69 Strathallen Avenue, Northbridge.

The Panel visited the site (external only) and reviewed the documentation provided by Willoughby Council prior to the meeting representatives of the applicant.

Planning Instruments Noted

- State Environmental Planning Policy **(Housing)- Chapter 4 - 'Design of residential apartment development'**;
- Willoughby Local Environmental Plan 2012.

The development proposes:

- 5,160m² GFA (FSR 2.13:1) comprising;
- 3,841m² Residential NSA and 803m² Non-Residential NLA
- 24 Residential apartments
- Ground level retail tenancies
- A site link for public access
- Landscaped courtyard
- A basement carpark over two levels

The documents submitted include a SEPP65 Verification Statement confirming the proposal conforms with the SEPP 65 and designed with regard to the Apartment Design Guide (ADG).

The proposals have been presented with clarity which is appreciated by The Panel. Generally, the proposals do meet the parameters of Design Excellence with two particular items of note:

1. The first item, in some respects falls outside of the Design Excellence Review. The DCP Part L – Clause 10.3 Master Plan for Northbridge Local Centre requires the applicant to ‘maintain and improve the laneway network for servicing and deliveries’. The design has been configured and is based on servicing by a 10.5m garage truck as opposed to the proscribed 12m vehicle
2. The proposal has some minor departure above the prescribed height controls of 17 metres

2. Context and Neighbourhood Character

Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.

Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.

Comments by Panel

The proposals have been presented with clarity which is appreciated by The Panel. Generally, the proposals do meet the parameters of Design Excellence with two particular items of note (see previous section) that are key determinants in the overall assessment of the proposal.

Review Guidelines	Review
<p>Contribution to amenity & placemaking through the development of:</p> <ul style="list-style-type: none"> • A proposal that is presented as a cohesive place • Contributing to civic quality • Attention to the public realm, and • Systems and paths of movement and activity 	<ul style="list-style-type: none"> • Conforms with E1 Local Centre zoning • The street front is activated via proposed ground level retail and brick panel 'scallop' leading the eye into the landscaped courtyard. These 'scallop' visually manage the transition in levels • The design is consistent with Council's vision for the site comprising shop top development comprising boutique residential dwellings above ground level retail tenancies, a public landscaped courtyard and a through site link for improved connectivity • The proposal has the potential to establish a strong presence on the corner – Refer to "Built Form & Scale"
<p>Better fit contextual, local and of its place</p>	<ul style="list-style-type: none"> • Setbacks and generous balconies provide for a depth of modelling to the building presentation • The retail component and the Sailors Bay Road Link with the community space to the east of the built form activate the streetscapes and the courtyard.

Panel Recommendations

- We believe the proposal does meet standards measured against "Context and Neighbourhood Character". However;

- The key driver in determining this application, is whether the smaller 10.5 metre garbage truck, that the design is based on, will be accepted by Council. This is fundamental to the presented proposal being viable or not.

The Applicant demonstrated that a conforming development proposal (that requires a larger 12.5 metre truck) requires significant changes and resolution to the architecture (to accommodate the servicing).

Additionally, the associated landscaped courtyard will need to be redesigned to provide an acceptable design outcome.

3. Built Form & Scale

Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.

Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.

Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

Comments by Panel

The Panel support the development of a shop top residential development above the ground floor retail.

The overall scale of the building envelope, when held up against the DCP and surrounding development is appropriate to the Strathallen Avenue frontage although there are some minor incursions above the prescribed height plane. The exceedances are setback from the frontage and include the lift shaft.

Review Guidelines	Review
Communication of lateral responses to current planning controls & guidelines	<ul style="list-style-type: none"> Breaking height plain was the only option presented to the Panel. As noted above these are considered minor and the overall form of the design works well in achieving a reduced mass/bulk at the upper level and maximise amenity through open space. No additional shadows are cast onto adjoining properties as a result of the height incursions. The Panel did check that the Applicant is confident that no further height requirements will become necessary, and the Applicant noted that with 3.350m for the top level they are confident that the heights as presented can be achieved.
Scale, character, form and siting complement surrounding urban qualities and likely future development	<ul style="list-style-type: none"> The elegant use of linear bricks will benefit the presentation of the elevations to the streetscape. The asymmetric shape of the balcony transition on the corner of Strathallen Avenue (south-west corner) offers a strong and elegant corner presentation. However, The Panel suggest further exploration of the relationship to the Barina Road balcony immediately adjoining. In our opinion, the curve

Review Guidelines

Review

meeting curve marginally diminishes the prominence of the corner as a 'marker'.

- Whilst it was noted that there are no windows on the western façade of the property, The Panel raised a question over the potential shadowing of the roof/PV Cells at the dual occupancy residence 31 and 31A Baringa Road
- The Panel raised a question about the servicing of the six retail spaces which was described. Clearly the three southern retail spaces will be more easily serviced but there are pathways for servicing the northern retail spaces.

Panel Recommendations

- Review the detail and balcony relationship in the south-west corner
- Review PV cells to 31 and 31A Baringa Road and if affected consider sustainability measures that could benefit the neighbour.
- We believe the proposal does meet standards measured against "Built Form & Scale". However;
- The key driver on determining this application is whether the smaller 10.5 metre garbage truck that the design is based on will be accepted is fundamental to the proposal. The applicant demonstrated that should the larger 12.5 metre truck be required some significant changes to the building envelope (to accommodate the servicing) and associated landscaped courtyard will be required.

4. Density

Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.

Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.

Review Guidelines	Review
Scale, character, form and siting complement surrounding urban qualities and likely future development	<ul style="list-style-type: none"> The plans are generally well planned and generous in nature with oversized balconies We note that there is the inclusion of 12 x adaptable units
Land uses, activity, building configuration and occupancies that may be adapted in future	

Panel Recommendations

- We believe the proposal does meet standards measured against "Density" Guidelines. However;
- The key driver on determining this application is whether the smaller 10.5 metre garbage truck that the design is based on will be accepted is fundamental to the proposal. The applicant demonstrated that should the larger 12.5 metre truck be required some significant changes to the building envelope (to accommodate the servicing) and associated landscaped courtyard will be required – This in turn will result in changes to the apartment types and planning.

5. Sustainability

Good design combines positive environmental, social and economic outcomes.

Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.

Comments by Panel

Sustainability measures were not discussed at length at the meeting although it was noted that the light colour palette will minimise solar gain.

We believe there are a number of measures that could be considered such as PV panels, water collection and re-use etc.

Review Guidelines	Review
Appropriate balance between resilient materials, embodied energy and resource consumption and dependence	<ul style="list-style-type: none"> Sustainability measures not discussed in detail, however, the proposed material palette was presented.
Better performance sustainable, adaptable and durable	

Panel Recommendations

- As a matter of course, The Panel suggest exploration of as many opportunities for sustainability be explored such as
 - Electrification: Heat pump hot water or electric instantaneous supported by a commitment to PV cells to power and light all common spaces, lifts and car park areas
 - EV Car Charging
 - Rainwater harvesting
 - Additional deep soil planting (noting the landscape proposals incorporate deep soil planting already)
 - On-going strata commitment
 - Etc.

6. Landscape

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.

Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, coordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.

Good landscape design optimises usability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long-term management.

Comments by Panel

Generally, the concepts prepared by Sturt Noble Associates provide for an engaging courtyard space connecting Strathallen Avenue to Sailors Bay Road with laying both in the vertical and the horizontal planes.

Changes in level have been used to create green buffers to define space.

Deep soil planting is proposed to the benefit of sustainability.

Overall, the space has the potential to be a charming 'oasis'

Review Guidelines	Review
Comprehensive appreciation of environmental features, such as natural systems, trees and vegetation and topography	<ul style="list-style-type: none"> Whilst there was limited documentation, we believe the courtyard space and proposed planting will positively impact the development and both residents and public During the meeting, The Panel raised the thought of a 'fulcrum' (landscape feature) to help turn pedestrian through 90 degrees. It was discussed that the curve through the corner and trees will naturally draw the eye and turn the movement.

Panel Recommendations

- As a matter of course, The Panel suggest exploration of as many opportunities for landscape enhancement be explored such as:
 - Additional deep soil planting (if achievable)

- We believe the proposal has the potential to meet standards measured against “Landscape” Guidelines. However;
- The key driver on determining this application is whether the smaller 10.5 metre garbage truck that the design is based on will be accepted is fundamental to the proposal. The applicant demonstrated that should the larger 12.5 metre truck be required some significant changes to the building envelope (to accommodate the servicing) and associated landscaped courtyard would need to be reduced in size – This in turn will result in changes to the path of travel.

7. Amenity

Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well-being.

Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.

Comments by Panel

The issue of demonstrating that neighbours to the east will not be negatively impacted by overshadowing raised separately.

Review Guidelines	Review
Apartment amenity	<ul style="list-style-type: none"> • It is our understanding the applicant has proposed compliant solar and cross ventilation. • The apartments look to be efficiently planned with minimal inefficiency – this is supported. • The Applicant has proposed an alternative through site link and courtyard to respond the topography and transition between the two Strathallen Avenue frontage elements. We believe this improves the amenity and likely usage by public.

Panel Recommendations

- No further comments

8. Safety

Good design optimises safety and security within the development and the public domain.

It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.

A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.

Comments by Panel

Safety was not discussed in detail. With public access through the courtyard, safety and security will be considerations

Review Guidelines	Review
Better for people safe, comfortable and liveable	<ul style="list-style-type: none"> Demonstration of safe traffic management will be essential Safety and security for residents and public through the courtyard (particularly after dark) will need due consideration

Panel Recommendations

- Inclusion of traffic safety measures or setback to ensure safe access & egress on to Baringa Road
- Clarity on safety strategy generally.

9. Housing Diversity and Social Interaction

Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.

Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.

Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.

Comments by Panel

Due to the site's proximity to public transport, the Panel believes that the proposed apartment types and mix are acceptable.

Review Guidelines	Review
Better for community inclusive, connected and diverse	<ul style="list-style-type: none"> We note that there is the inclusion of 12 x adaptable units
Development and provision of new public spaces and frontages to public and communal areas that generate high levels of activation and encourage social interaction	<ul style="list-style-type: none"> The communal courtyard space (and link) have the opportunity to create diverse spaces for residents and public

Panel Recommendations

- No further comments

10. Aesthetics

Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.

The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.

Comments by Panel

This development has the ability to transform and set a high standard in apartment development for Northbridge.

As proposed the built form and presentation demonstrates that the height non compliances do not have a detrimental impact on the public/neighbours.

We have raised the corner 'marker' exploration elsewhere.

Review Guidelines	Review
Better look and feel engaging, inviting and attractive	<ul style="list-style-type: none"> The panel are generally supportive of the materials proposed. The use of linear bricks to emphasise the horizontality and the use of brick 'scallop' for level transition and separation will produce a high quality presentation to the streetscape. The scoops at the upper level and associated planting will create not just strong amenity, but also soften the built forms presentation.

Panel Recommendations

- No further comment

11. Recommendations Summary / Conclusion

Key Amendments Proposed to Achieve Design Excellence

- Overall, the Panel are supportive of the design in principle.

However further resolution is required to satisfy that the Development proposal may achieve Design Excellence with a conforming design.

- As noted several times, the key driver on determining this application is whether the smaller 10.5 metre garbage truck that the design is based on will be accepted by Willoughby Council? This is a fundamental question on whether this proposal can progress in its current form.
- Noting that the use of a 10.5m waste vehicle does not conform to WCC requirements and will require further clarification with WCC. If an acceptable design resolution is agreed with WCC the Panel are supportive of this proposal subject to a few minor matters such as:
 - The relationship of the balconies in the south-west corner as the 'marker'
 - Inclusion of safety measures

If Willoughby Council do require a 12.5 metre garbage truck to be accommodated, it will impact the design and require significant changes. Whilst demonstrating the potential impacts, The Applicant did not present a detailed design to accommodate the larger 12.5 metre truck.

Should the design need to be changed, we remain supportive of the general architectural approach presented. Any future design submission with require review by the Panel to consider and determine its capacity to exhibit Design Excellence.

Appendix C

Section 10.7 Planning Certificate (dated 22 May 2023)

Issued by Willoughby City Council

GYDE



LAND
REGISTRY
SERVICES

Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 6/3/7122

SEARCH DATE	TIME	EDITION NO	DATE
-----	----	-----	----
4/4/2023	2:32 PM	8	2/9/2018

LAND

LOT 6 OF SECTION 3 IN DEPOSITED PLAN 7122
AT NORTHBRIDGE
LOCAL GOVERNMENT AREA WILLOUGHBY
PARISH OF WILLOUGHBY COUNTY OF CUMBERLAND
TITLE DIAGRAM DP7122

FIRST SCHEDULE

STUART-OLDBURY PTY LTD

(T AF843921)

SECOND SCHEDULE (2 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 AF843922 MORTGAGE TO COMMONWEALTH BANK OF AUSTRALIA

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

PM:FV14036-StuartOldbury

PRINTED ON 4/4/2023

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LAND
REGISTRY
SERVICES

Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 1/172561

SEARCH DATE	TIME	EDITION NO	DATE
4/4/2023	2:32 PM	34	21/1/2023

LAND

LOT 1 IN DEPOSITED PLAN 172561
AT NORTHBRIDGE
LOCAL GOVERNMENT AREA WILLOUGHBY
PARISH OF WILLOUGHBY COUNTY OF CUMBERLAND
TITLE DIAGRAM DP172561

FIRST SCHEDULE

STUART-OLDBURY PTY LTD

(T AS705996)

SECOND SCHEDULE (3 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 AM167116 LEASE TO SAMUEL KIN KEE SHEK & XINRU CHEN OF SHOP 5,
59-67 STRATHALLEN AVENUE, NORTHBRIDGE. EXPIRES:
9/2/2022.
- 3 AS803516 MORTGAGE TO COMMONWEALTH BANK OF AUSTRALIA

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

PM:PV14036-StuartOldbury

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LAND
REGISTRY
SERVICES

Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 4A/305190

SEARCH DATE	TIME	EDITION NO	DATE
4/4/2023	2:32 PM	32	21/1/2023

LAND

LOT 4A IN DEPOSITED PLAN 305190
AT NORTHBRIDGE
LOCAL GOVERNMENT AREA WILLOUGHBY
PARISH OF WILLOUGHBY COUNTY OF CUMBERLAND
TITLE DIAGRAM DP305190

FIRST SCHEDULE

STUART-OLDBURY PTY LTD

(T AS705996)

SECOND SCHEDULE (4 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 A920177 COVENANT
- 3 AM167116 LEASE TO SAMUEL KIN KEE SHEK & XINRU CHEN OF SHOP 5,
59-67 STRATHALLEN AVENUE, NORTHBRIDGE. EXPIRES:
9/2/2022.
- 4 AS803516 MORTGAGE TO COMMONWEALTH BANK OF AUSTRALIA

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

PM:PV14036-StuartOldbury

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LAND
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SERVICES

Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 4B/305190

SEARCH DATE	TIME	EDITION NO	DATE
4/4/2023	2:32 PM	32	21/1/2023

LAND

LOT 4B IN DEPOSITED PLAN 305190
AT NORTHBRIDGE
LOCAL GOVERNMENT AREA WILLOUGHBY
PARISH OF WILLOUGHBY COUNTY OF CUMBERLAND
TITLE DIAGRAM DP305190

FIRST SCHEDULE

STUART-OLDBURY PTY LTD

(T AS705996)

SECOND SCHEDULE (3 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 AM167116 LEASE TO SAMUEL KIN KEE SHEK & XINRU CHEN OF SHOP 5,
59-67 STRATHALLEN AVENUE, NORTHBRIDGE. EXPIRES:
9/2/2022.
- 3 AS803516 MORTGAGE TO COMMONWEALTH BANK OF AUSTRALIA

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

PM:PV14036-StuartOldbury

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LAND
REGISTRY
SERVICES

Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 5/3/7122

SEARCH DATE	TIME	EDITION NO	DATE
4/4/2023	2:32 PM	33	21/1/2023

LAND

LOT 5 OF SECTION 3 IN DEPOSITED PLAN 7122
AT NORTHBRIDGE
LOCAL GOVERNMENT AREA WILLOUGHBY
PARISH OF WILLOUGHBY COUNTY OF CUMBERLAND
TITLE DIAGRAM DP7122

FIRST SCHEDULE

STUART-OLDBURY PTY LTD

(T AS705996)

SECOND SCHEDULE (3 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 AM167116 LEASE TO SAMUEL KIN KEE SHEK & XINRU CHEN OF SHOP 5,
59-67 STRATHALLEN AVENUE, NORTHBRIDGE. EXPIRES:
9/2/2022.
- 3 AS803516 MORTGAGE TO COMMONWEALTH BANK OF AUSTRALIA

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

PM:PV14036-StuartOldbury

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LAND
REGISTRY
SERVICES

Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 1/726736

SEARCH DATE	TIME	EDITION NO	DATE
4/4/2023	2:32 PM	15	16/1/2023

LAND

LOT 1 IN DEPOSITED PLAN 726736
AT NORTHBRIDGE
LOCAL GOVERNMENT AREA WILLOUGHBY
PARISH OF WILLOUGHBY COUNTY OF CUMBERLAND
TITLE DIAGRAM DP726736

FIRST SCHEDULE

STUART-OLDBURY PTY LTD

(T AS705997)

SECOND SCHEDULE (3 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND
CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)
- 2 A752953 COVENANT
- 3 AS784889 MORTGAGE TO COMMONWEALTH BANK OF AUSTRALIA

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

PM:PV14036-StuartOldbury

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PLAN

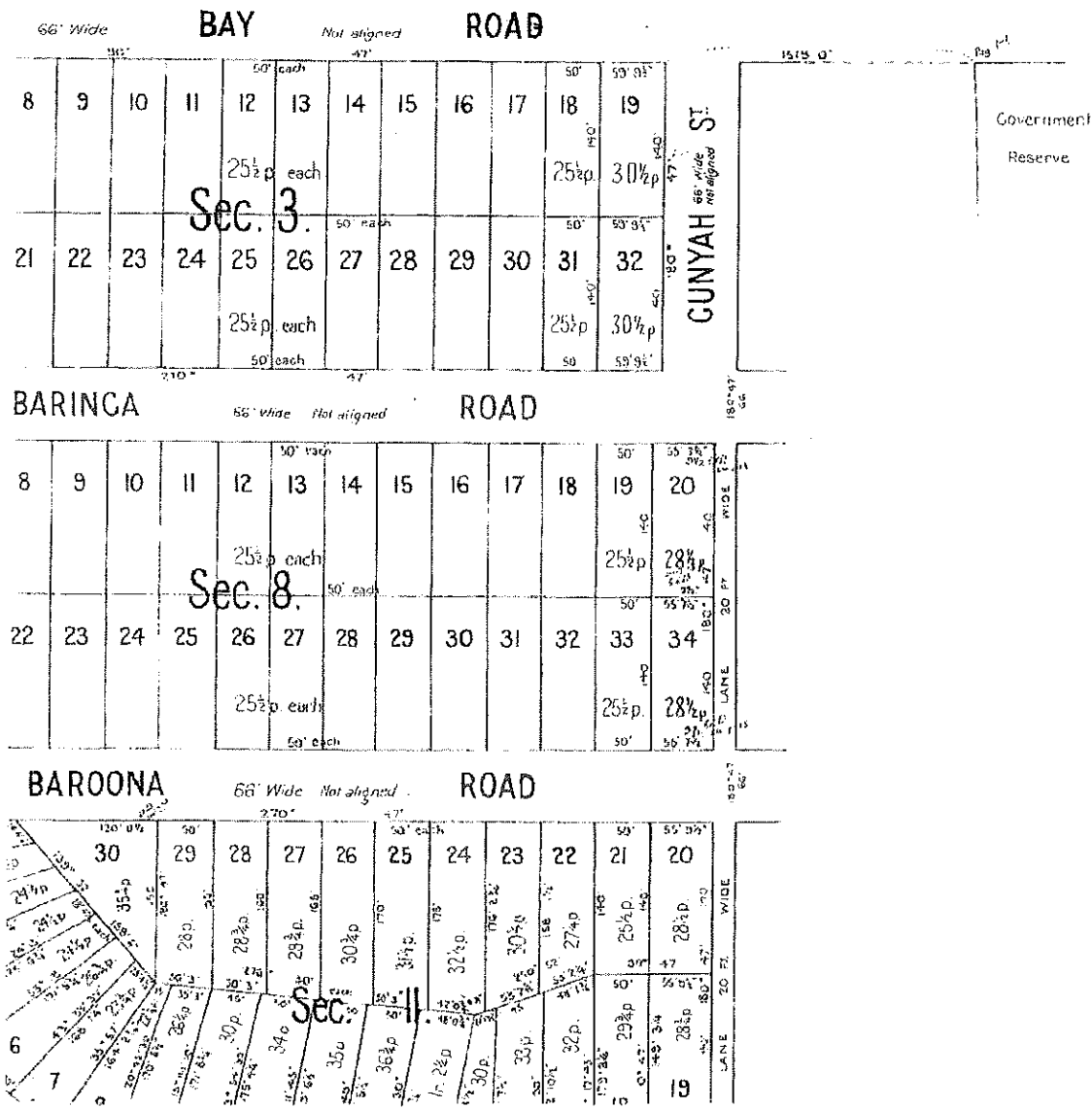
DP 7122[©]

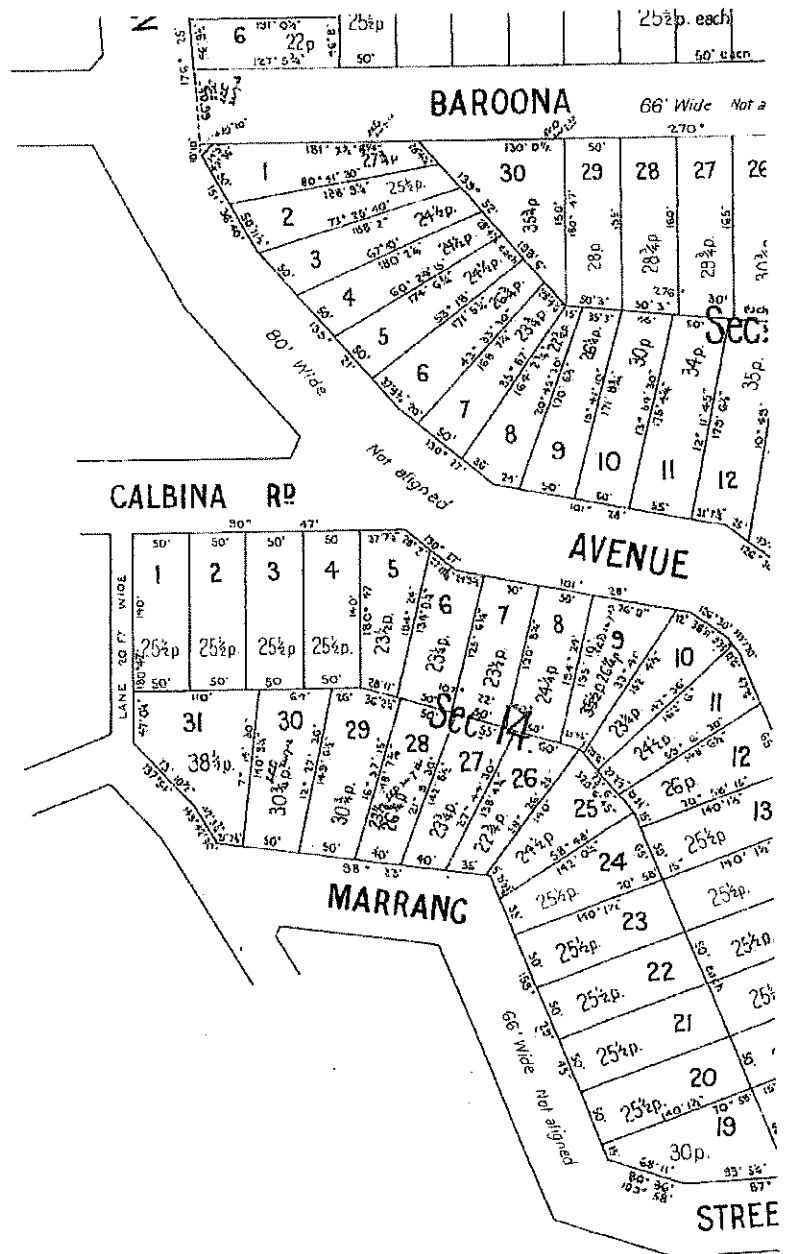
Comprised in Certificate of Title Vol. 2378 Folio 249

berland-Parish of Willoughby—

mpality of Willoughby —

Scale. 100 feet to an Inch





DP 7122 (E)

Assumed Magnetic Variation 9° 30' E
Azimuth taken from Sailors Bay Road 30° 47' from Appⁿ Plan

I, Stuart Kane
Atty, do hereby solemnly
for the purposes of the
made by me or under
to be true and by me

Katherine
M. Kane

Subscribed and declared before
this 28th day of March A.D.

Stuart Kane

25. 7. 13

A.31874 12.6.13

DP 7122 (E)

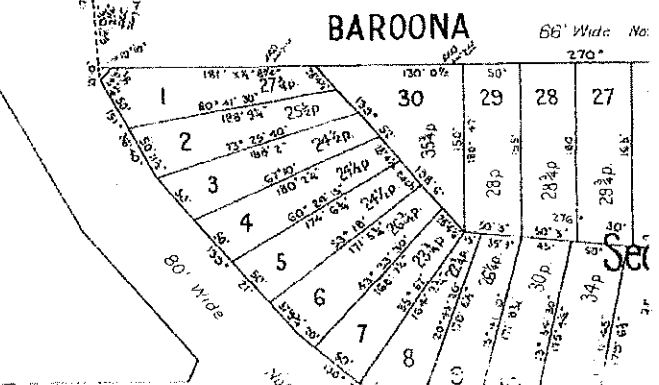
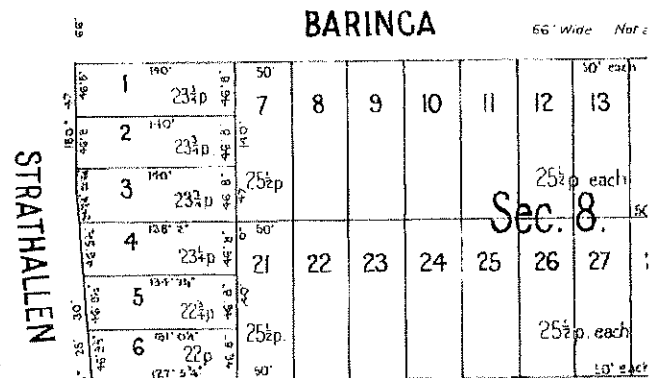
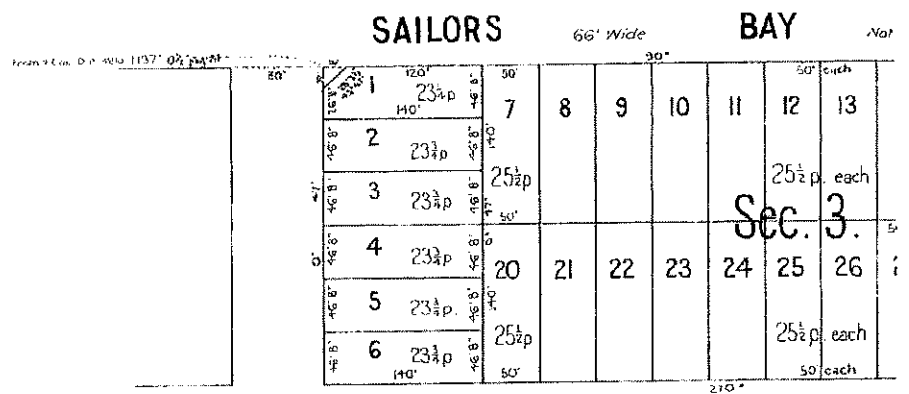
PLAN

of subdivision of part of land comprised in Certificate

— County of Cumberland-Paris

— Municipality of Willoughby

— Scale. 100 feet to an Inch —



CONVERSION TABLE ADDED IN
REGISTRAR GENERAL'S DEPARTMENT

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16	8 1/2	4.965
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17	5	5.31
17	7 1/2	5.37
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37	7 1/4	11.46
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38	11	11.86
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42	3 3/4	12.895
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CONVERSION TABLE ADDED IN
REGISTRAR GENERAL'S DEPARTMENT

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195	-	47.295	
198	1 1/2	48.195	
199	2 3/4	50.06	
205	-	50.29	
208	7 1/4	51.59	
210	-	51.82	
210	5 1/2	51.76	
211	5 3/4	52.27	
214	6 3/4	53.21	
215	-	53.39	
215	4 1/4	53.45	
219	3 1/4	54.45	
219	4 1/2	54.72	
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CONVERSION TABLE ADDED IN
REGISTRAR GENERAL'S DEPARTMENT

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-	38 1/4	967.5	
-	1 2 1/4	1069	

Form —

Transfer
Endorsement
Certification

MEMORANDUM OF TRANSFER
(REAL PROPERTY ACT, 1908)



We Walter William Charles
of North Sydney Real Estate Agent

Alice Beatrice Middleton his wife
being registered as the proprietors of an estate in fee simple in the land hereinafter described,
subject, however, to such encumbrances, liens and interests as are notified hereunder in
consideration of the sum of Two hundred and seventy pounds
(£270) (the receipt whereof is hereby acknowledged) paid to us by
Gordon Victor Cormack of Mosman Gentleman

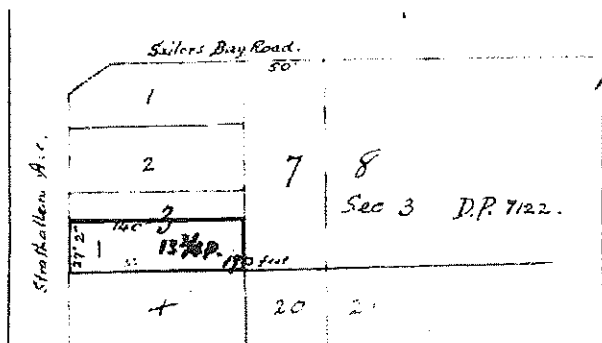
A820162 **A820162** **F.P. 172561**
(herein called transferee)

b If to two or more, state whether as joint tenants or tenants in common.

do hereby transfer to the transferee as joint tenants
ALL such my Estate and Interest in ALL THE land mentioned in the schedule following:—

(a)	County.	Township.	State if Whole or Part.	Vol.	Vol.
	Cumberland	Willoughby	Part, and being part of Lot 3 section 3 on deposited plan 7122 as shown on plan endorsed hereon and therein edged red.	3256	126

And the transferee covenants with the transferor



ENCUMBRANCES, &c., REFERRED TO:

Subject to the Covenants and Conditions—
Contained in Instrument of Transfer N.E. 447502

Signed at Sydney the fourth day of May 1922
Signed in my presence by the transferor
WHO ARE PERSONALLY KNOWN TO ME
W. W. C. Middleton
Transferor.*

Signed Gordon Victor Cormack
WHO IS PERSONALLY KNOWN TO ME
W. W. C. Middleton

Signed in my presence by the transferee
WHO IS PERSONALLY KNOWN TO ME
Gordon Victor Cormack
Transferee.

If executed within the State this instrument should be signed or acknowledged by the Registrar-General, Deputy Registrar-General, a Notary Public, J.P., or Commissioner for Affidavits, to whom the Transferor is known, otherwise the attesting witness must appear before one of the above functionaries to make a declaration in the annexed form. As to instruments executed elsewhere, see p. 2.

Repeat attestation if necessary.

If the Transferor or Transferee signs by a mark, the attestation must state that the instrument was read over and explained to him, and that he appeared fully to understand the same.

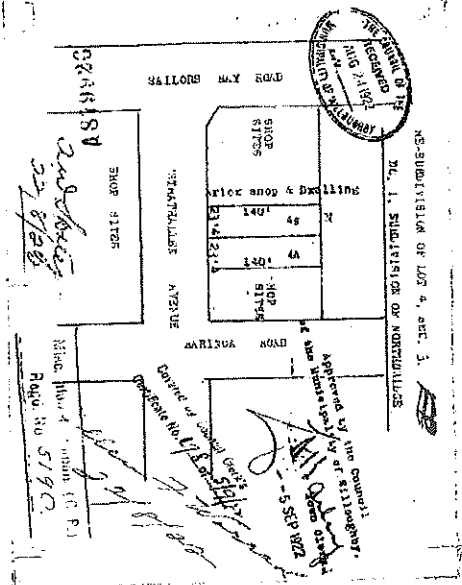
I Accepted, and I hereby certify this Transfer to be correct for the purposes of the Real Property Act.

* If signed by virtue of any power of attorney, the original must be registered, and an attested copy deposited, and the memorandum of non-revocation on page 2 of the instrument must be signed by the attorney before a witness.

† N.B.—Section 117 requires that the above Certificate be signed by Transferor or his Solicitor, and renders any person likely or negligent certifying liable to a penalty of £50; also to damages recoverable by parties injured. If the Solicitor signs he must sign his own name and not that of his firm.

A879926 F.P. 305190

M. Wiloughby
Co. Cumberland



CONVERSION TABLE	
FEET	METERS
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700	213.36
800	243.84
900	274.32
1000	304.80

NOT RECORDED IN REGISTRATION OFFICE.

I, Bruce Richard Davis, Registrar General, for the South Wales, certify that this map, plan or document is a true and correct copy of the original as submitted to me on the 15th day of February, 1978.

[Signature]



A920177

Transfer

Endorsement
Certificate

MEMORANDUM OF TRANSFER

(REAL PROPERTY ACT, 1900.)

E SIMPLE.

Name, residence,
occupation, or other
designation, in full,
of transferor.

L^{dy} Edith Jolly wife of Frank Joseph Daniel Jolly of Wroble
Bay Taxi Cab Proprietor



A920177

A920177

F.P. 1740/10 A920177

If a less estate, strike
out "in fee simple,"
and interline the
required alteration.All subsisting encum-
brances must be noted
hereon. (See page 2.)If the consideration be
not pecuniary, state
nature concisely.

being registered as the proprietor of an Estate in fee simple in the land hereina
described, subject, however, to such encumbrances, liens, and interests, as are not
by memorandum underwritten or endorsed hereon, in consideration of *three hundred*
and ninety six pounds thirteen shillings and four pence (£396:13:4)
paid to me by Alexander Wilfred Storey and
Ellen Florence Worrad of Northbridge, Wroble and in
further consideration of the sum of Two hundred and ninety one pounds
thirteen shillings and four pence £291:13:4 paid to the said Ellen Florence

Name, residence,
occupation, or other
designation, in full,
of transferee.

paid to me by Jessie Anneman wife of Gerhard Anneman of
Broome West Radio Sailor

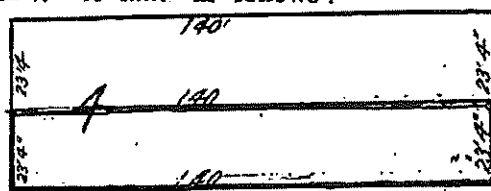
If a minor, state of
what age, and forward
certificate or declara-
tion as to date of birth.
If a married woman,
state name, residence,
and occupation of
husband.the receipts whereof ^{are} hereby acknowledged

at the request and by the direction of the said Ellen Florence Worrad
as testified by her execution hereof
 do hereby transfer to the said *Jessie Anneman*

If to two or more,
state whether as joint
tenants or tenants in
common.Area in acres, rods,
or perches.ALL my Estate and Interest, as such registered proprietor, in ALL THAT piece of 1
containingParish or town and
county.situate in the *Parish of Wolloughby County of Cumberland*"The whole" or "part,"
as the case may be.being *Part* of the land comprised in *Certificate of Title*"Crown grant," or
"Certificate of Title."Strike out if not
appropriate.

dated *2nd September 1918* registered volume No. *2873* folio *4*
and being Part of Lot four (4) R.P. 7122 as edged red on the sketch hereon
and also in the plan of land as follows:

These references will
suffice if the whole
land in the grant or
certificate be
transferred.
But if a part only
(unless a plan has been
deposited, in which
case a reference to
the No. of allotment
and No. of plan will
be sufficient), a
description of plan
will be required and
may be either



PLAN REFILE
PLAN ROOM A
1740

p Sec note "c," page 1.
A very short note of
the particulars will
suffice.

JA. 21.8.23
And the Transferee doth hereby for herself her heirs, executors administrators on
periods of twenty years from the 12 day of March 1913 with the Transferee or her execu-
tors that she or they will not erect or cause or allow to be erected on the land compris-
ing or other similar structure And that she or they will not erect or cause a
land comprised herein any main building of any material (unless first approved
Investment and Tramway Company Limited or its agents) other than brick and
roof of any such main building shall not be of other materials than slate or tiles
building shall be of a value of not less than four hundred pounds Provided a
shall on a transfer of the land comprised herein or any portion thereof obtain from
similar covenants to the above covenants these covenants by the Transferee -
JA. 21.8.23 far as the land hereby transferred (except as to any piece thereof) be null and
effect Provided Lastly that the said New North Sydney Tramway and En-
shall have the right to vary or amend the above covenants or any of them
And for the purpose of section 89 of the Conveyancing Act 1919 it is hereby
declared that

- (a) The land to which the benefit of the above covenants is
is the whole of the land comprised in Deposited Plan
land hereby transferred
- (b) The land which is to be subject to the burden of the above co-
covenants herein
- (c) The above covenants or any of them may be released via
the consent of the said New North Sydney Tramway and En-
Company Limited its successors or assigns

Memorandum of Encumbrances re Referred
Covenants contained in Memorandum of Transfer A 404,34 and
Certificate of Title

[Rule up all blanks before signing.]

m If this instrument be
signed or acknowledged
before the Registrar-
General or Deputy
Registrar-General, or
a Notary Public, a
J.P., or Commissioner
for Affidavits, to whom
the Transferee is
known, no further
authentication is
required. Otherwise
the ATTESTING WITNESS
must appear before
one of the above
functionaries to make
a declaration in the
annexed form.
This applies only to
instruments signed
within the State.
If the parties be
resident without the
State, but in any
British Possession, the
instrument must be
signed or acknowledged
before the Registrar-
General or Recorder of
Titles of such
Possession, or before
any Judge, Notary
Public, Governor,
Government Resident,
or Chief Secretary of

In witness whereof, I have hereunto subscribed my name, at
the thirteenth day of November
of our Lord one thousand nine hundred and twenty two

Signed in my presence by the said

Edith Jolly
WHO IS PERSONALLY KNOWN TO ME

Signed

J. Ellen Florence Woodard

Edith

Edith

For the signature of the Transferee hereto an ordinary attestation is sufficient. Unless the instrument contains some special covenant by the Transferee, his signature will be dispensed with in cases where it is established that it cannot be procured without difficulty. It is, however, always desirable to afford a clue for detecting forgery or personation, and for this reason it is essential that the signature should, if possible, be obtained.

Signed in my presence by the said

Jessie Arman
WHO IS PERSONALLY KNOWN TO ME

J. G. Nash
Solicitor
Sydney

Jessie Arman
Transferee.

(*The above may be signed by the Solicitor, if signature of Transferee cannot be procured note "o" in margin.)
N.B.—Section 117 requires that the above Certificate signed by Transferee or his Solicitor, and liable any person falsely or negligently certifying a penalty of £50; also, to damages recoverable by parties injured.

FORM OF DECLARATION BY ATTESTING WITNESS.^a

Appeared before me, at

, the

day of

, one thousand nine hundred and

^a May be made before either Registrar-General or Registrar.

Part lot 4 Sec. 3 D.P. 7122
at Northbridge
Mun. Milloughby
Ph. Milloughby

Lodged by

(Name) *J. G. Mack*
Solicitor
(Address) *25th March*

A 9201

Subject to covenant, agreement & declaration

Transferor.

Jessie Anemay

Transferee.

Particulars entered in the Register Book, Vol. 2873

Folio 44

the *28th* day of *March*, 19*33*
at *minutes* *10* o'clock
in the *fore* noon.

Registrar General



	DATE	INITIALS
SENT TO SURVEY BRANCH	<i>16/3/33</i>	<i>MC</i>
RECEIVED FROM RECORDS	<i>21/3/33</i>	<i>MC</i>
DRAFT WRITTEN	<i>22/3/33</i>	<i>MC</i>
DRAFT EXAMINED	<i>24/3/33</i>	<i>MC</i>
DIAGRAM COMPLETE	<i>24/3/33</i>	<i>MC</i>
DIAGRAM EXAMINED	<i>24/3/33</i>	<i>MC</i>
DRAFT FORWARDED	<i>24/3/33</i>	<i>MC</i>
RETD. TO RECORDS (REQUISITION)		
RETD. TO RECORDS (REGISTRAR)		
REMOVED FROM RECORDS		

urgent
leave
26/3/33

23/3/33

A
752953 (



7528-33
this estate, strike out "in fee simple," and insert the word alteration.
MILTON & Wife
as the proprietors of an estate in fee simple in the last hereinafter described, subject, however, to such encumbrances, liens and interests as are notified hereunder in consideration of TWO HUNDRED AND TWELVE POUNDS (\$212) (the receipt whereof is hereby acknowledged) paid to us by

(herein called transferee)

do hereby transfer to the transferee^s
ALL such our Estate and Interest in ALL THE land mentioned in the schedule following:—

County.	Parish.	State of Whole or Part.	Vol.	Fol.
Cumberland	Willcoughby	Part	2978	91

171354

St. Young Lett. 171354

ENCUMBRANCES, &c., REFERRED TO.

Subject to the covenants and conditions contained in Instrument of Transfer No. A4750B.

Signed at Idaho the 26th day of October 1921
Signed in my presence by the transferor(s)
W. L. C. Middleton
R. B. Middleton
WHO IS PERSONALLY KNOWN TO ME

Transferor(s)

Signed W. B. Braden
 Solicitor
 General

Accepted, and I hereby certify this Transfer to be correct
for the purposes of the Real Property Act.

Signed in my presence by the transferee
WHO IS PERSONALLY KNOWN TO ME.

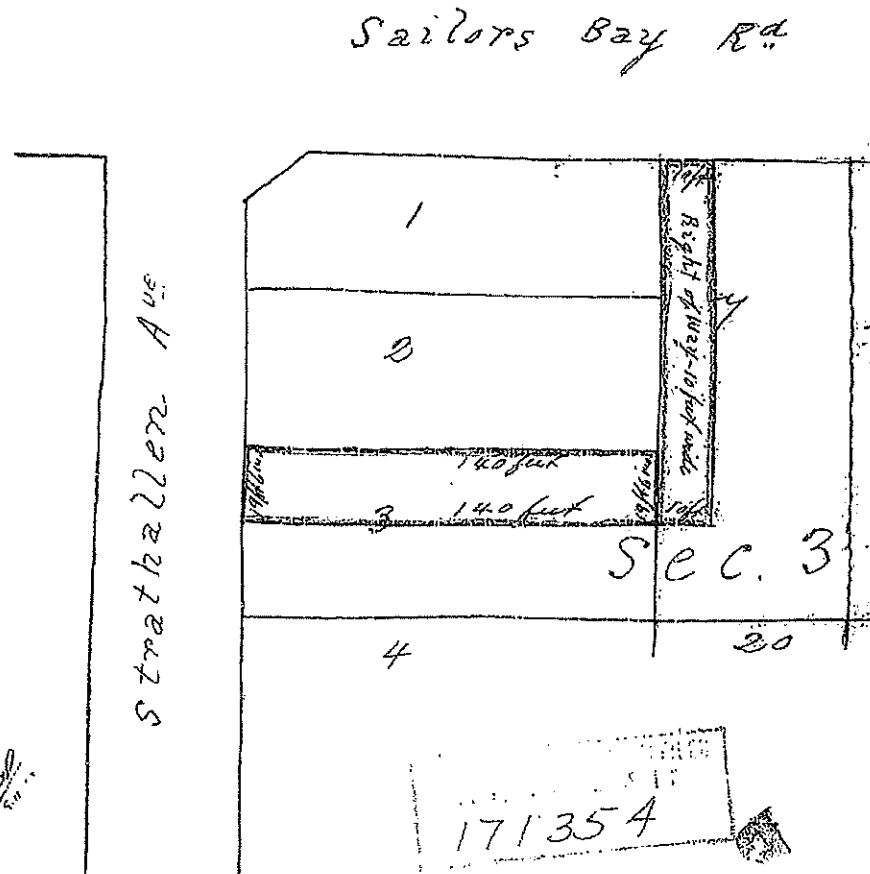
J. Forward Hughes
Edw. J. Jagger & Co.

*d within the State
 *ent should be
 *d acknowledged before
 *gistrar-General, or
 *y Registrar-General, or
 * Public, a J.P., or
 *ones for Affidavits,
 *m the Transferrer is
 *n, otherwise the Attest-
 *ion must appear
 *one of the above func-
 *s to make a declara-
 *n the annexed form.
 *struments executed
 *here, see p. 2.
 *e-attestation if
 *ary.

"Transfers or Trans-
fers by a mark. The
"tion must state" that
"strument was read over
"stained to him, and
"appeared fully to
"stand the test."

14. Section 172 requires that the above Certificate be signed by the transferor and the transferee, and renders any person guilty of perjury who, by signing the same, swears falsely to the truth of the contents of the same. It also renders recoverable by parties injured. If the transferee signs he must sign his own name and name of his firm.

Sketch A



This is the sketch marked "A" and referred to in the annexed Transfer dated 26th November 1921 from Walter William Wheeler Middleton and Alice Beatrice Middleton to Cyril Hugh Davis - W. W. C. Middleton
witness to signature B. B. Middleton
of Transferee

Edmund Bladden Transferee
witness to signature C. H. Davis
of Transferee
J. Ford Hughes
Edmund Bladden
Transferee

"3"

Schedule of Payments

The Transferee for himself and his assigns for the benefit of the residue of the land comprised in the said Certificate of Title registered Volume 2978 Folio 91 but only during the ownership thereof by us (the Transferror) our executors administrators and assigns other than purchasers on sale covenants with us (the Transferror) our executors administrators and assigns that no fence shall be erected on the land hereby transferred to divide it from the adjoining land (being the residue of the land in the said Certificate of Title) without our consent or the consent of our executors administrators or assigns but such consent shall not be with held if such fence is erected without expense to us our executors administrators or assigns and in favor of any person dealing with the Transferee or his assigns such consent shall be deemed to have been given in respect of every such fence for the time being erected and this restriction may be released void or modified by the owner or owners for the time being of said adjoining land. And the Transferee for himself and his assigns further covenants with us our executors administrators and assigns that he the Transferee shall not use the said right of way (shown on the sketch marked "A" and annexed to the Transfer herein) more than twice daily and that the Transferee shall be liable for any damage done to buildings, fences and pits and any other damage caused by the use of the said right of way by the Transferee or by any person or persons in his behalf or in delivery of goods to the said land Transferror and that the Transferee shall not prevent any building on the said right of way by any person or persons having dealings with him and that the Transferee shall pay to the Transferror one fourth of the net proceeds from him to him upon the land comprised in the said right of way and lastly that the Transferee shall not use the said land hereby transferred for the purpose of erecting a hotel or shops thereon nor shall the Transferee carry on the business of a butcher on such land. The validity of the foregoing covenants is dependent on the validity of the said Certificate of Title and the land hereby transferred is subject to the provisions of such covenants and restrictions and shall be released varied or modified by us the Transferrors.

This is the Schedule of Donations received "B" and reported to in Transfer received there to and dated 21st Dec 1921 from Walter William Charles Middleton and Eliza Elizabeth Middleton to Cyril Hugh Jones - witnesses to signature W. W. C. Middleton of Transfers and D. B. Middleton

Witness to signature
of Grace
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Clark Stephen Rogers Stephen

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No. **A 752853**

CONSENT OF MORTGAGEE

I, Mortgagee under Mortgage No.
release and discharge the land comprised in the within transfer from such mortgage and all claims thereon but without prejudice to my rights and remedies as regards the balance of the land comprised in such mortgage.

Dated at this } Mortgagee.
day of 192 }
Signed in my presence by }
who is personally known to me. }

MEMORANDUM AS TO NON-REVOCATION OF POWER OF ATTORNEY.

(To be signed at the time of executing the within instrument.)

Memorandum whereby the undersigned states that he has no notice of the revocation of the Power of Attorney registered No. Miscellaneous Register under the authority of which he has just executed the within transfer.

Signed at the day of 192
Signed at the place and on the date above-mentioned, in the presence of—

FORM OF DECLARATION BY ATTESTING WITNESS.

Appeared before me at the day of one thousand nine
hundred and twenty the attesting witness to this instrument,
and declared that he personally knew the person
signing the same, and whose signature thereto he has attested, and that the name purporting to be such
signature of the said is own handwriting, and
that he was of sound mind and freely and voluntarily signed the same.

5. Strike out unnecessary words. And not matter necessary to show that the power is effective.

May be made before other Registrar-General, Deputy Registrar-General, Notary Public, or Commissioner for Affidavits. Not required if the instrument is signed, made or attested before official parties.

MEMORANDUM OF TRANSFER OF

Acres roads perches
Park Lot 3 & 3 DP 7122
at Northbridge
Shire Willoughby
Municipality Willoughby
Parish Willoughby County, New South Wales
Subject to coverture
jointly with R. G. DAVIS
by Paul Hugh Davis Transferee.

LODGED BY

Stephen Jameson

Particulars entered in Register Book, Vol. 2978 Fol. 91

DOCUMENTS LODGED HERewith

To be filled in by person lodging dealing.

Nature.	No.	Rec'd Prop. M'gon.
<u>2/1/1921</u>		

the 16th day of November 1921,
at minutes 11 o'clock at noon.

Paul Hugh Davis
Registrar-General.

PROGRESS RECORD.

	Date	Time
Sent to Survey Branch	<u>10/11/21</u>	<u>8/11/21</u>
Received from Records	<u>10/11/21</u>	<u>3</u>
Draft written	<u>10/11/21</u>	<u>12</u>
Draft examined	<u>10/11/21</u>	<u>12</u>
Diagram prepared	<u>10/11/21</u>	<u>12</u>
Diagram examined	<u>10/11/21</u>	<u>12</u>
Draft forwarded	<u>10/11/21</u>	<u>12</u>
Supt. of Engravers	<u>10/11/21</u>	<u>12</u>
Cancellation Clerk	<u>10/11/21</u>	<u>12</u>
Vol. <u>3253</u>	Fol. <u>78</u>	
Diagram Fees		
Additional Folios		

If the parties be resident without the State, but in any other part of the British Dominions the instrument must be signed or acknowledged before the Registrar-General or Recorder of the State of such Province, or before any Judge, Notary Public, Justice of the Peace for New South Wales, or Commissioner for taking affidavits for New South Wales, or the Mayor or Chief Officer of a Municipal or local government corporation of such part, or the Governor, Government Secretary, or Chief Secretary of such part or such other person as the Chief Justice of New South Wales may appoint.

If resident in the United Kingdom then before the Mayor or Chief Officer of any corporation or a Notary Public.

If resident at any foreign place, then the parties should sign or acknowledge before a British Minister, Ambassador, Envoy, Minister Charge d'Affaires, Secretary of the Embassy or Legation, Consul-General, Consul, Vice-Consul, Acting Consul, Pro-consul or Consular Agent, who shall affix his official seal, or the attesting witness may make a declaration of the due execution thereof before one of such persons (who should sign and affix his seal to such declaration), or such other person as the said Chief Justice may appoint.

The fees are—Registration fee 12/6 for endorsement on first certificate, and 2/6 for each additional certificate included in the Transfer, and 1/6 for every new Certificate of Title Issue. Additional Certificate fees, however, may be necessary in cases involving more than a 2/6 diagram or more than six folios of engrossing.

Transfers in common must receive separate Certificates.

If part only of the land is transferred a new Certificate must issue, but the old Certificate may remain in the Office or the Transferee may take out a new Certificate for the residue.



**PLANNING CERTIFICATE ISSUED UNDER SECTION 10.7(2&5)
ENVIRONMENT PLANNING AND ASSESSMENT ACT, 1979**

Certificate No: 53278
Receipt No: 2496154
Issue date: 05-Apr-2023
Customer Ref: PM:PV14036:49627

McGirr Lawyers
Suite 29, Level 7
58 Pitt Street
SYDNEY NSW 2000

Property Location: 57 Strathallen Avenue, NORTHBRIDGE NSW 2063.
Legal Description: LOT 6 Section 3 DP 7122

Disclaimer

1. *The information provided in this certificate has been obtained from Council's records. The Council advises that:*
 - (a) *other authorities may hold information in respect of the property not contained in the Council's records;*
 - and*
 - (b) *the Council's records themselves may not be complete or accurate in respect of the property.*
2. *The instrument(s) referred to in this certificate may contain other important information in respect to the property. In order to understand the effects of the instrument(s) on the property, the Council advises that the whole of each instrument(s) should be read and considered. This certificate cannot be used as a substitute for reading the whole of the instrument(s) referred to in the certificate.*
3. *It may be appropriate or necessary to obtain legal or other expert advice in respect of the matters contained in the certificate or the instruments referred to in the certificate.*
4. *The Council cannot and will not accept any liability in respect of any error, inaccuracy, or omission in this certificate.*

Debra Just
CHIEF EXECUTIVE OFFICER

(Computer printed copy – No signature required)

**PLANNING CERTIFICATE ISSUED UNDER SECTION 10.7(2&5)
ENVIRONMENT PLANNING AND ASSESSMENT ACT, 1979**

**WILLOUGHBY
CITY COUNCIL**

Certificate No: 53278
Receipt No: 2496154
Issue date: 05-Apr-2023
Customer Ref: PM:PV14036:49627

1. RELEVANT PLANNING INSTRUMENTS AND DEVELOPMENT CONTROL PLANS

(1) Environmental Planning Instruments

As at the date of this certificate the above mentioned land is affected by the following environmental planning instruments:

Willoughby Local Environmental Plan 2012

State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
State Environmental Planning Policy (Housing) 2021
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
State Environmental Planning Policy (Planning Systems) 2021
State Environmental Planning Policy (Biodiversity and Conservation) 2021
State Environmental Planning Policy (Resilience and Hazards) 2021
State Environmental Planning Policy (Transport and Infrastructure) 2021
State Environmental Planning Policy (Industry and Employment) 2021
State Environmental Planning Policy (Resources and Energy) 2021
State Environmental Planning Policy (Primary Production) 2021
State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021

(2) Proposed Environmental Planning Instruments

As at the date of this certificate the above mentioned land is affected by the following proposed environmental planning instruments:

Draft Environment State Environmental Planning Policy
Planning Proposal 2021-6242 Comprehensive review of Willoughby Local Environmental Plan 2012 applying to all properties in the local government area

(3) Development Control Plans

As at the date of this certificate the above mentioned land is affected by the following development control plans:

Development Control Plan 2005 - Sydney Foreshore and Waterways Area

The plan applies to all development proposals within the foreshores and waterways area identified in SREP (Sydney Harbour Catchment) 2005 - (Refer to the Foreshores and Waterways Area Map).

Willoughby Development Control Plan

**PLANNING CERTIFICATE ISSUED UNDER SECTION 10.7(2&5)
ENVIRONMENT PLANNING AND ASSESSMENT ACT, 1979**

**WILLOUGHBY
CITY COUNCIL**

Certificate No: 53278
Receipt No: 2496154
Issue date: 05-Apr-2023
Customer Ref: PM:PV14036:49627

2. ZONING AND LAND USE

**(a) Zone Identity
B2 Local Centre**

**(b) (Permissibility of Development)
Zone B2 Local Centre - under Willoughby Local Environmental Plan 2012**

Objectives of zone

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To enhance the viability, vitality and amenity of local centres.

Permitted without consent

Nil

Permitted with consent

Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Service stations; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Any other development not specified in item 2 or 4

Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Mortuaries; Open cut mining; Pond-based aquaculture; Port facilities; Recreation facilities (major); Research stations; Residential accommodation; Resource recovery facilities; Rural industries; Sewage treatment plants; Signage; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste disposal facilities; Water recycling facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies

NOTE: You are advised that in addition to the matters set out above, the instrument may make further provisions with respect to the purposes for which development may be carried out on the land without consent and with consent and the purposes for which development of the land is prohibited. Applicants are advised that they should

**PLANNING CERTIFICATE ISSUED UNDER SECTION 10.7(2&5)
ENVIRONMENT PLANNING AND ASSESSMENT ACT, 1979**

**WILLOUGHBY
CITY COUNCIL**

Certificate No: 53278
Receipt No: 2496154
Issue date: 05-Apr-2023
Customer Ref: PM:PV14036:49627

read the whole of the instrument(s) in order to determine whether that instrument prohibits, restricts or otherwise relates to the development of the land.

(c) Additional Permitted Uses

No additional permitted uses recorded against this parcel

(d) Development Standards applying to the land fixing minimum dimensions for the erection of a dwelling house?

No

(NB: the erection of a dwelling house on the land requires consent to be obtained which will require assessment of the particular application under provisions of the Act. The Council makes no representation that consent will be granted to any application.)

(e) Outstanding Biodiversity

--

(f) Conservation Area

--

(g) Heritage Item

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3. CONTRIBUTION PLANS

Willoughby Local Infrastructure Contributions Plan 2019.

4. COMPLYING DEVELOPMENT

NOTE: This certificate only addresses matters raised in Clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. It is your responsibility to ensure that the development is permissible with consent in the land use zone and that you comply with any other requirements of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 including Clauses 1.18 and 1.20 of that Policy, the Complying Development Codes in Parts 3 to 8 of that Policy, and the Willoughby Local Environmental Plan 2012. Failure to comply with these provisions may mean that a Complying Development Certificate issued under the provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 is invalid.

**PLANNING CERTIFICATE ISSUED UNDER SECTION 10.7(2&5)
ENVIRONMENT PLANNING AND ASSESSMENT ACT, 1979**

WILLOUGHBY
CITY COUNCIL

Certificate No: 53278
Receipt No: 2496154
Issue date: 05-Apr-2023
Customer Ref: PM:PV14036:49627

(a) General Housing Code, Rural Housing Code and Low Rise Housing Diversity Code

The land is land on which complying development may be carried out under these Codes.

(b) Housing Alterations Code and General Development Code

The land is land on which complying development may be carried out under these Codes.

(c) Commercial and Industrial Alterations Code

The land is land on which complying development may be carried out under this Code.

(d) Commercial and Industrial (New Buildings and Additions) Code

The land is land on which complying development may be carried out under this Code.

(e) Subdivisions Code

The land is land on which complying development may be carried out under this Code.

(f) Demolition Code

The land is land on which complying development may be carried out under this Code.

(g) Fire Safety Code

The land is land on which complying development may be carried out under this Code.

(h) Container Recycling Facilities Code

The land is land on which complying development may be carried out under this Code.

5. EXEMPT DEVELOPMENT

Exempt development may be permissible in accordance with the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 under the follow exempt development codes:

- Division 1 General Code
- Division 2 Advertising and Signage Code
- Division 3 Temporary Uses and Structures

6. AFFECTED BUILDING NOTICES AND BUILDING PRODUCT RECTIFICATION ORDERS

--

**PLANNING CERTIFICATE ISSUED UNDER SECTION 10.7(2&5)
ENVIRONMENT PLANNING AND ASSESSMENT ACT, 1979**

**WILLOUGHBY
CITY COUNCIL**

Certificate No: 53278
Receipt No: 2496154
Issue date: 05-Apr-2023
Customer Ref: PM:PV14036:49627

7. LAND RESERVED FOR ACQUISITION

The land is not affected by any environmental planning instrument, deemed environmental planning instrument or draft environmental planning instruments which provides for the acquisition of the land by a public authority, as referred to in section 3.15 of the Act.

8. ROAD WIDENING AND REALIGNMENT

The land is not affected by road widening or road realignment under:-

- 1) Division 2 of Part 3 of the Roads Act 1993; or
- 2) An Environmental Planning Instrument; or
- 3) A resolution of Council.

9. FLOOD RELATED DEVELOPMENT CONTROLS INFORMATION

(1) The land or part of the land is not within the flood planning area and is not subject to flood related development controls.

(2) the land or part of the land is not between the flood planning area and the probable maximum flood and is not subject to flood related development controls.

(3) In this clause—

flood planning area has the same meaning as in the Floodplain Development Manual. Floodplain Development Manual means the Floodplain Development Manual (ISBN 0 7347 5476 0) published by the NSW Government in April 2005.

probable maximum flood has the same meaning as in the Floodplain Development Manual.

10. COUNCIL AND OTHER PUBLIC AUTHORITY POLICIES ON HAZARD RISK

The land is not affected by a policy adopted by any other public authority and notified to the Council for the express purpose of its adoption by that authority being referred to in planning certificates issued by the Council, that restricts the development of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding).

It is the Council's practice to consider previous land uses to determine whether land may be affected by contamination which restricts or prohibits the carrying out of development on the land. Depending on the previous uses of the land, the applicant may be required to investigate possible site contamination and/or carry out remediation as part of any proposed development and the development potential of the site may be restricted or prohibited. This is assessed by the Council on a case-by-case basis.

The Council will have regard to Clause 6.1 Acid Sulfate Soils of Willoughby Local Environmental Plan 2012 and the Acid Sulfate Soils Map in assessing any development applications relating to the land.

**PLANNING CERTIFICATE ISSUED UNDER SECTION 10.7(2&5)
ENVIRONMENT PLANNING AND ASSESSMENT ACT, 1979**

**WILLOUGHBY
CITY COUNCIL**

Certificate No: 53278
Receipt No: 2496154
Issue date: 05-Apr-2023
Customer Ref: PM:PV14036;49627

11. BUSH FIRE PRONE LAND

The land has not been identified as bush fire prone under the Rural Fires and Environmental Legislation Amendment Act 2002.

12. LOOSE-FILL ASBESTOS INSULATION

--

13. MINE SUBSIDENCE

The land is not within a declared mine subsidence district within the meaning of the Coal Mine Subsidence Act 2017

14. PAPER SUBDIVISION INFORMATION

--

15. PROPERTY VEGETATION PLANS

--

16. BIODIVERSITY STEWARDSHIP SITES

--

17. BIODIVERSITY CERTIFIED LAND

--

18. ORDERS UNDER TREES (DISPUTES BETWEEN NEIGHBOURS) ACT 2006

--

19. ANNUAL CHARGES UNDER LOCAL GOVERNMENT ACT 1993 FOR COASTAL PROTECTION SERVICES THAT RELATE TO EXISTING COASTAL PROTECTION WORKS.

--

**PLANNING CERTIFICATE ISSUED UNDER SECTION 10.7(2&5)
ENVIRONMENT PLANNING AND ASSESSMENT ACT, 1979**

**WILLOUGHBY
CITY COUNCIL**

Certificate No: 53278
Receipt No: 2496154
Issue date: 05-Apr-2023
Customer Ref: PM:PV14036:49627

20. WESTERN SYDNEY AEROTROPOLIS

--

21. DEVELOPMENT CONSENT CONDITIONS FOR SENIORS HOUSING

--

**22. SITE COMPATIBILITY CERTIFICATES AND DEVELOPMENT CONSENT CONDITIONS FOR
AFFORDABLE RENTAL HOUSING**

--

**In addition to the information provided above, the following information is provided in respect of the
abovementioned land.**

--

NOTES:

Hand written or typed items appearing on this certificate at the time of issue are to be read as forming part of this
certificate.



**PLANNING CERTIFICATE ISSUED UNDER SECTION 10.7(2&5)
ENVIRONMENT PLANNING AND ASSESSMENT ACT, 1979**

Certificate No: 53279
Receipt No: 2496154
Issue date: 05-Apr-2023
Customer Ref: PM:PV14036:49627

McGirr Lawyers
Suite 29, Level 7
58 Pitt Street
SYDNEY NSW 2000

Property Location: 59-67 Strathallen Avenue, NORTHBRIDGE NSW 2063.

Legal Description: LOT 1 DP 172561

Disclaimer

1. *The information provided in this certificate has been obtained from Council's records. The Council advises that:*
 - (a) *other authorities may hold information in respect of the property not contained in the Council's records;*
 - and*
 - (b) *the Council's records themselves may not be complete or accurate in respect of the property.*
2. *The instrument(s) referred to in this certificate may contain other important information in respect to the property. In order to understand the effects of the instrument(s) on the property, the Council advises that the whole of each instrument(s) should be read and considered. This certificate cannot be used as a substitute for reading the whole of the instrument(s) referred to in the certificate.*
3. *It may be appropriate or necessary to obtain legal or other expert advice in respect of the matters contained in the certificate or the instruments referred to in the certificate.*
4. *The Council cannot and will not accept any liability in respect of any error, inaccuracy, or omission in this certificate.*

Debra Just
CHIEF EXECUTIVE OFFICER

(Computer printed copy – No signature required)

**PLANNING CERTIFICATE ISSUED UNDER SECTION 10.7(2&5)
ENVIRONMENT PLANNING AND ASSESSMENT ACT, 1979**

**WILLOUGHBY
CITY COUNCIL**

Certificate No: 53279
Receipt No: 2496154
Issue date: 05-Apr-2023
Customer Ref: PM:PV14036:49627

1. RELEVANT PLANNING INSTRUMENTS AND DEVELOPMENT CONTROL PLANS

(1) Environmental Planning Instruments

As at the date of this certificate the above mentioned land is affected by the following environmental planning instruments:

Willoughby Local Environmental Plan 2012

State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
State Environmental Planning Policy (Housing) 2021
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
State Environmental Planning Policy (Planning Systems) 2021
State Environmental Planning Policy (Biodiversity and Conservation) 2021
State Environmental Planning Policy (Resilience and Hazards) 2021
State Environmental Planning Policy (Transport and Infrastructure) 2021
State Environmental Planning Policy (Industry and Employment) 2021
State Environmental Planning Policy (Resources and Energy) 2021
State Environmental Planning Policy (Primary Production) 2021
State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021

(2) Proposed Environmental Planning Instruments

As at the date of this certificate the above mentioned land is affected by the following proposed environmental planning instruments:

Draft Environment State Environmental Planning Policy
Planning Proposal 2021-6242 Comprehensive review of Willoughby Local Environmental Plan 2012 applying to all properties in the local government area

(3) Development Control Plans

As at the date of this certificate the above mentioned land is affected by the following development control plans:

Development Control Plan 2005 - Sydney Foreshore and Waterways Area

The plan applies to all development proposals within the foreshores and waterways area identified in SREP (Sydney Harbour Catchment) 2005 - (Refer to the Foreshores and Waterways Area Map).

Willoughby Development Control Plan

**PLANNING CERTIFICATE ISSUED UNDER SECTION 10.7(2&5)
ENVIRONMENT PLANNING AND ASSESSMENT ACT, 1979**

**WILLOUGHBY
CITY COUNCIL**

Certificate No: 53279
Receipt No: 2496154
Issue date: 05-Apr-2023
Customer Ref: PM:PV14036:49627

2. ZONING AND LAND USE

**(a) Zone Identity
B2 Local Centre**

**(b) (Permissibility of Development)
Zone B2 Local Centre - under Willoughby Local Environmental Plan 2012**

Objectives of zone

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To enhance the viability, vitality and amenity of local centres.

Permitted without consent

Nil

Permitted with consent

Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Service stations; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Any other development not specified in item 2 or 4

Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Mortuaries; Open cut mining; Pond-based aquaculture; Port facilities; Recreation facilities (major); Research stations; Residential accommodation; Resource recovery facilities; Rural industries; Sewage treatment plants; Signage; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste disposal facilities; Water recycling facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies

NOTE: You are advised that in addition to the matters set out above, the instrument may make further provisions with respect to the purposes for which development may be carried out on the land without consent and with consent and the purposes for which development of the land is prohibited. Applicants are advised that they should

**PLANNING CERTIFICATE ISSUED UNDER SECTION 10.7(2&5)
ENVIRONMENT PLANNING AND ASSESSMENT ACT, 1979**

**WILLOUGHBY
CITY COUNCIL**

Certificate No: 53279
Receipt No: 2496154
Issue date: 05-Apr-2023
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read the whole of the instrument(s) in order to determine whether that instrument prohibits, restricts or otherwise relates to the development of the land.

(c) Additional Permitted Uses

No additional permitted uses recorded against this parcel

(d) Development Standards applying to the land fixing minimum dimensions for the erection of a dwelling house?

No

(NB: the erection of a dwelling house on the land requires consent to be obtained which will require assessment of the particular application under provisions of the Act. The Council makes no representation that consent will be granted to any application.)

(e) Outstanding Biodiversity

--

(f) Conservation Area

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(g) Heritage Item

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3. CONTRIBUTION PLANS

Willoughby Local Infrastructure Contributions Plan 2019.

4. COMPLYING DEVELOPMENT

NOTE: This certificate only addresses matters raised in Clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. It is your responsibility to ensure that the development is permissible with consent in the land use zone and that you comply with any other requirements of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 including Clauses 1.18 and 1.20 of that Policy, the Complying Development Codes in Parts 3 to 8 of that Policy, and the Willoughby Local Environmental Plan 2012. Failure to comply with these provisions may mean that a Complying Development Certificate issued under the provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 is invalid.

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WILLOUGHBY
CITY COUNCIL

Certificate No: 53279
Receipt No: 2496154
Issue date: 05-Apr-2023
Customer Ref: PM:PV14036:49627

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5. EXEMPT DEVELOPMENT

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6. AFFECTED BUILDING NOTICES AND BUILDING PRODUCT RECTIFICATION ORDERS

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**PLANNING CERTIFICATE ISSUED UNDER SECTION 10.7(2&5)
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**WILLOUGHBY
CITY COUNCIL**

Certificate No: 53279
Receipt No: 2496154
Issue date: 05-Apr-2023
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- 3) A resolution of Council.

9. FLOOD RELATED DEVELOPMENT CONTROLS INFORMATION

(1) The land or part of the land is not within the flood planning area and is not subject to flood related development controls.

(2) the land or part of the land is not between the flood planning area and the probable maximum flood and is not subject to flood related development controls.

(3) In this clause—

flood planning area has the same meaning as in the Floodplain Development Manual. Floodplain Development Manual means the Floodplain Development Manual (ISBN 0 7347 5476 0) published by the NSW Government in April 2005.

probable maximum flood has the same meaning as in the Floodplain Development Manual.

10. COUNCIL AND OTHER PUBLIC AUTHORITY POLICIES ON HAZARD RISK

The land is not affected by a policy adopted by any other public authority and notified to the Council for the express purpose of its adoption by that authority being referred to in planning certificates issued by the Council, that restricts the development of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding).

It is the Council's practice to consider previous land uses to determine whether land may be affected by contamination which restricts or prohibits the carrying out of development on the land. Depending on the previous uses of the land, the applicant may be required to investigate possible site contamination and/or carry out remediation as part of any proposed development and the development potential of the site may be restricted or prohibited. This is assessed by the Council on a case-by-case basis.

The Council will have regard to Clause 6.1 Acid Sulfate Soils of Willoughby Local Environmental Plan 2012 and the Acid Sulfate Soils Map in assessing any development applications relating to the land.

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WILLOUGHBY
CITY COUNCIL

Certificate No: 53279
Receipt No: 2496154
Issue date: 05-Apr-2023
Customer Ref: PM:PV14036:49627

11. BUSH FIRE PRONE LAND

The land has not been identified as bush fire prone under the Rural Fires and Environmental Legislation Amendment Act 2002.

12. LOOSE-FILL ASBESTOS INSULATION

--

13. MINE SUBSIDENCE

The land is not within a declared mine subsidence district within the meaning of the Coal Mine Subsidence Act 2017

14. PAPER SUBDIVISION INFORMATION

--

15. PROPERTY VEGETATION PLANS

--

16. BIODIVERSITY STEWARDSHIP SITES

--

17. BIODIVERSITY CERTIFIED LAND

--

18. ORDERS UNDER TREES (DISPUTES BETWEEN NEIGHBOURS) ACT 2006

--

19. ANNUAL CHARGES UNDER LOCAL GOVERNMENT ACT 1993 FOR COASTAL PROTECTION SERVICES THAT RELATE TO EXISTING COASTAL PROTECTION WORKS.

--

**PLANNING CERTIFICATE ISSUED UNDER SECTION 10.7(2&5)
ENVIRONMENT PLANNING AND ASSESSMENT ACT, 1979**

**WILLOUGHBY
CITY COUNCIL**

Certificate No: 53279
Receipt No: 2496154
Issue date: 05-Apr-2023
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20. WESTERN SYDNEY AEROTROPOLIS

--

21. DEVELOPMENT CONSENT CONDITIONS FOR SENIORS HOUSING

--

**22. SITE COMPATIBILITY CERTIFICATES AND DEVELOPMENT CONSENT CONDITIONS FOR
AFFORDABLE RENTAL HOUSING**

--

**In addition to the information provided above, the following information is provided in respect of the
abovementioned land.**

--

NOTES:

Hand written or typed items appearing on this certificate at the time of issue are to be read as forming part of this
certificate.



**PLANNING CERTIFICATE ISSUED UNDER SECTION 10.7(2&5)
ENVIRONMENT PLANNING AND ASSESSMENT ACT, 1979**

Certificate No: 53612
Receipt No: 2506389
Issue date: 22-May-2023
Customer Ref: 116572222:50248

InfoTrack Pty Ltd
GPO Box 4029
SYDNEY NSW 2001

Property Location: 59-67 Strathallen Avenue, NORTHBRIDGE NSW 2063.
Legal Description: LOT 4A DP 305190

Disclaimer

1. *The information provided in this certificate has been obtained from Council's records. The Council advises that:*
 - (a) *other authorities may hold information in respect of the property not contained in the Council's records;*
 - and*
 - (b) *the Council's records themselves may not be complete or accurate in respect of the property.*
2. *The instrument(s) referred to in this certificate may contain other important information in respect to the property. In order to understand the effects of the instrument(s) on the property, the Council advises that the whole of each instrument(s) should be read and considered. This certificate cannot be used as a substitute for reading the whole of the instrument(s) referred to in the certificate.*
3. *It may be appropriate or necessary to obtain legal or other expert advice in respect of the matters contained in the certificate or the instruments referred to in the certificate.*
4. *The Council cannot and will not accept any liability in respect of any error, inaccuracy, or omission in this certificate.*

Debra Just
CHIEF EXECUTIVE OFFICER

(Computer printed copy – No signature required)

**PLANNING CERTIFICATE ISSUED UNDER SECTION 10.7(2&5)
ENVIRONMENT PLANNING AND ASSESSMENT ACT, 1979**

**WILLOUGHBY
CITY COUNCIL**

Certificate No: 53612
Receipt No: 2506389
Issue date: 22-May-2023
Customer Ref: 116572222:50248

1. RELEVANT PLANNING INSTRUMENTS AND DEVELOPMENT CONTROL PLANS

(1) Environmental Planning Instruments

As at the date of this certificate the above mentioned land is affected by the following environmental planning instruments:

Willoughby Local Environmental Plan 2012

State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
State Environmental Planning Policy (Housing) 2021
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
State Environmental Planning Policy (Planning Systems) 2021
State Environmental Planning Policy (Biodiversity and Conservation) 2021
State Environmental Planning Policy (Resilience and Hazards) 2021
State Environmental Planning Policy (Transport and Infrastructure) 2021
State Environmental Planning Policy (Industry and Employment) 2021
State Environmental Planning Policy (Resources and Energy) 2021
State Environmental Planning Policy (Primary Production) 2021
State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021

(2) Proposed Environmental Planning Instruments

As at the date of this certificate the above mentioned land is affected by the following proposed environmental planning instruments:

Draft Environment State Environmental Planning Policy
Planning Proposal 2021-6242 Comprehensive review of Willoughby Local Environmental Plan 2012 applying to all properties in the local government area

(3) Development Control Plans

As at the date of this certificate the above mentioned land is affected by the following development control plans:

Development Control Plan 2005 - Sydney Foreshore and Waterways Area

The plan applies to all development proposals within the foreshores and waterways area identified in SREP (Sydney Harbour Catchment) 2005 - (Refer to the Foreshores and Waterways Area Map).

Willoughby Development Control Plan

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CITY COUNCIL**

Certificate No: 53612
Receipt No: 2506389
Issue date: 22-May-2023
Customer Ref: 116572222:50248

2. ZONING AND LAND USE

**(a) Zone Identity
B2 Local Centre**

**(b) (Permissibility of Development)
Zone B2 Local Centre - under Willoughby Local Environmental Plan 2012**

Objectives of zone

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To enhance the viability, vitality and amenity of local centres.

Permitted without consent

Nil

Permitted with consent

Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Service stations; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Any other development not specified in item 2 or 4

Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Mortuaries; Open cut mining; Pond-based aquaculture; Port facilities; Recreation facilities (major); Research stations; Residential accommodation; Resource recovery facilities; Rural industries; Sewage treatment plants; Signage; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste disposal facilities; Water recycling facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies

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WILLOUGHBY
CITY COUNCIL

Certificate No: 53612
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NOTE: You are advised that in addition to the matters set out above, the instrument may make further provisions with respect to the purposes for which development may be carried out on the land without consent and with consent and the purposes for which development of the land is prohibited. Applicants are advised that they should read the whole of the instrument(s) in order to determine whether that instrument prohibits, restricts or otherwise relates to the development of the land.

(c) Additional Permitted Uses

No additional permitted uses recorded against this parcel

(d) Development Standards applying to the land fixing minimum dimensions for the erection of a dwelling house?

No

(NB: the erection of a dwelling house on the land requires consent to be obtained which will require assessment of the particular application under provisions of the Act. The Council makes no representation that consent will be granted to any application.)

(e) Outstanding Biodiversity

--

(f) Conservation Area

--

(g) Heritage Item

--

3. CONTRIBUTION PLANS

Willoughby Local Infrastructure Contributions Plan 2019.

4. COMPLYING DEVELOPMENT

NOTE: This certificate only addresses matters raised in Clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. It is your responsibility to ensure that the development is permissible with consent in the land use zone and that you comply with any other requirements of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 including Clauses 1.18 and 1.20 of that Policy, the Complying Development Codes in Parts 3 to 8 of

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CITY COUNCIL

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that Policy, and the Willoughby Local Environmental Plan 2012. Failure to comply with these provisions may mean that a Complying Development Certificate issued under the provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 is invalid.

(a) General Housing Code, Rural Housing Code and Low Rise Housing Diversity Code

The land is land on which complying development may be carried out under these Codes.

(b) Housing Alterations Code and General Development Code

The land is land on which complying development may be carried out under these Codes.

(c) Commercial and Industrial Alterations Code

The land is land on which complying development may be carried out under this Code.

(d) Commercial and Industrial (New Buildings and Additions) Code

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The land is land on which complying development may be carried out under this Code.

(g) Fire Safety Code

The land is land on which complying development may be carried out under this Code.

(h) Container Recycling Facilities Code

The land is land on which complying development may be carried out under this Code.

5. EXEMPT DEVELOPMENT

Exempt development may be permissible in accordance with the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 under the follow exempt development codes:

- Division 1 General Code
- Division 2 Advertising and Signage Code
- Division 3 Temporary Uses and Structures

**PLANNING CERTIFICATE ISSUED UNDER SECTION 10.7(2&5)
ENVIRONMENT PLANNING AND ASSESSMENT ACT, 1979**

WILLOUGHBY
CITY COUNCIL

Certificate No: 53612
Receipt No: 2506389
Issue date: 22-May-2023
Customer Ref: 116572222:50248

6. AFFECTED BUILDING NOTICES AND BUILDING PRODUCT RECTIFICATION ORDERS

--

7. LAND RESERVED FOR ACQUISITION

The land is not affected by any environmental planning instrument, deemed environmental planning instrument or draft environmental planning instruments which provides for the acquisition of the land by a public authority, as referred to in section 3.15 of the Act.

8. ROAD WIDENING AND REALIGNMENT

The land is not affected by road widening or road realignment under:-

- 1) Division 2 of Part 3 of the Roads Act 1993; or
- 2) An Environmental Planning Instrument; or
- 3) A resolution of Council.

9. FLOOD RELATED DEVELOPMENT CONTROLS INFORMATION

(1) The land or part of the land is not within the flood planning area and is not subject to flood related development controls.

(2) the land or part of the land is not between the flood planning area and the probable maximum flood and is not subject to flood related development controls.

(3) In this clause—

flood planning area has the same meaning as in the Floodplain Development Manual. Floodplain Development Manual means the Floodplain Development Manual (ISBN 0 7347 5476 0) published by the NSW Government in April 2005.

probable maximum flood has the same meaning as in the Floodplain Development Manual.

10. COUNCIL AND OTHER PUBLIC AUTHORITY POLICIES ON HAZARD RISK

The land is not affected by a policy adopted by any other public authority and notified to the Council for the express purpose of its adoption by that authority being referred to in planning certificates issued by the Council, that restricts the development of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding).

It is the Council's practice to consider previous land uses to determine whether land may be affected by contamination which restricts or prohibits the carrying out of development on the land. Depending on the previous uses of the land, the applicant may be required to investigate possible site contamination and/or carry out

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ENVIRONMENT PLANNING AND ASSESSMENT ACT, 1979**

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CITY COUNCIL

Certificate No: 53612
Receipt No: 2506389
Issue date: 22-May-2023
Customer Ref: 116572222:50248

remediation as part of any proposed development and the development potential of the site may be restricted or prohibited. This is assessed by the Council on a case-by-case basis.

The Council will have regard to Clause 6.1 Acid Sulfate Soils of Willoughby Local Environmental Plan 2012 and the Acid Sulfate Soils Map in assessing any development applications relating to the land.

11. BUSH FIRE PRONE LAND

The land has not been identified as bush fire prone under the Rural Fires and Environmental Legislation Amendment Act 2002.

12. LOOSE-FILL ASBESTOS INSULATION

--

13. MINE SUBSIDENCE

The land is not within a declared mine subsidence district within the meaning of the Coal Mine Subsidence Act 2017

14. PAPER SUBDIVISION INFORMATION

--

15. PROPERTY VEGETATION PLANS

--

16. BIODIVERSITY STEWARDSHIP SITES

--

17. BIODIVERSITY CERTIFIED LAND

--

18. ORDERS UNDER TREES (DISPUTES BETWEEN NEIGHBOURS) ACT 2006

--

**PLANNING CERTIFICATE ISSUED UNDER SECTION 10.7(2&5)
ENVIRONMENT PLANNING AND ASSESSMENT ACT, 1979**

WILLOUGHBY
CITY COUNCIL

Certificate No: 53612
Receipt No: 2506389
Issue date: 22-May-2023
Customer Ref: 116572222:50248

**19. ANNUAL CHARGES UNDER LOCAL GOVERNMENT ACT 1993 FOR COASTAL PROTECTION
SERVICES THAT RELATE TO EXISTING COASTAL PROTECTION WORKS.**

--

20. WESTERN SYDNEY AEROTROPOLIS

--

21. DEVELOPMENT CONSENT CONDITIONS FOR SENIORS HOUSING

--

**22. SITE COMPATIBILITY CERTIFICATES AND DEVELOPMENT CONSENT CONDITIONS FOR
AFFORDABLE RENTAL HOUSING**

--

**In addition to the information provided above, the following information is provided in respect of the
abovementioned land.**

--

NOTES:

Hand written or typed items appearing on this certificate at the time of issue are to be read as forming part of this
certificate.

**PLANNING CERTIFICATE ISSUED UNDER SECTION 10.7(2&5)
ENVIRONMENT PLANNING AND ASSESSMENT ACT, 1979**

**WILLOUGHBY
CITY COUNCIL**

Certificate No: 53612
Receipt No: 2506389
Issue date: 22-May-2023
Customer Ref: 116572222:50248

In accordance with Section 10.7(5) and subject to Section 10.7(6) of the Environmental Planning and Assessment Act 1979, the following additional information is provided in respect of the abovementioned land:

Under Clause 5.10 of Willoughby Local Environmental Plan 2012 the Council, before granting consent to development on land in the vicinity of a heritage item or a heritage conservation area, may require the assessment of the effect the proposed development has on the heritage significance of the heritage item or heritage conservation area concerned.

Information on the preservation of trees and vegetation can be obtained from Council and on Council's website.

Council is unaware of whether the current use is in accordance with an approval which may have been issued. You are advised to rely on your own enquiries.

Registers of Planning Consents and Subdivision Approvals may be inspected at the Council offices for particulars relating to Development Consents / Subdivision Approvals which may have been issued for use or development of the land.

Council has not received notification from the Heritage Council of New South Wales that the property is subject to a Conservation Order or notice under the Heritage Act, 1977.



**PLANNING CERTIFICATE ISSUED UNDER SECTION 10.7(2&5)
ENVIRONMENT PLANNING AND ASSESSMENT ACT, 1979**

Certificate No: 53613
Receipt No: 2506388
Issue date: 22-May-2023
Customer Ref: 116572223:50247

InfoTrack Pty Ltd
GPO Box 4029
SYDNEY NSW 2001

Property Location: 59-67 Strathallen Avenue, NORTHBRIDGE NSW 2063.

Legal Description: LOT 4B DP 305190

Disclaimer

1. *The information provided in this certificate has been obtained from Council's records. The Council advises that:*
 - (a) *other authorities may hold information in respect of the property not contained in the Council's records;*
 - and*
 - (b) *the Council's records themselves may not be complete or accurate in respect of the property.*
2. *The instrument(s) referred to in this certificate may contain other important information in respect to the property. In order to understand the effects of the instrument(s) on the property, the Council advises that the whole of each instrument(s) should be read and considered. This certificate cannot be used as a substitute for reading the whole of the instrument(s) referred to in the certificate.*
3. *It may be appropriate or necessary to obtain legal or other expert advice in respect of the matters contained in the certificate or the instruments referred to in the certificate.*
4. *The Council cannot and will not accept any liability in respect of any error, inaccuracy, or omission in this certificate.*

Debra Just
CHIEF EXECUTIVE OFFICER

(Computer printed copy – No signature required)

**PLANNING CERTIFICATE ISSUED UNDER SECTION 10.7(2&5)
ENVIRONMENT PLANNING AND ASSESSMENT ACT, 1979**

**WILLOUGHBY
CITY COUNCIL**

Certificate No: 53613
Receipt No: 2506388
Issue date: 22-May-2023
Customer Ref: 116572223:50247

1. RELEVANT PLANNING INSTRUMENTS AND DEVELOPMENT CONTROL PLANS

(1) Environmental Planning Instruments

As at the date of this certificate the above mentioned land is affected by the following environmental planning instruments:

Willoughby Local Environmental Plan 2012

State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
State Environmental Planning Policy (Housing) 2021
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
State Environmental Planning Policy (Planning Systems) 2021
State Environmental Planning Policy (Biodiversity and Conservation) 2021
State Environmental Planning Policy (Resilience and Hazards) 2021
State Environmental Planning Policy (Transport and Infrastructure) 2021
State Environmental Planning Policy (Industry and Employment) 2021
State Environmental Planning Policy (Resources and Energy) 2021
State Environmental Planning Policy (Primary Production) 2021
State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021

(2) Proposed Environmental Planning Instruments

As at the date of this certificate the above mentioned land is affected by the following proposed environmental planning instruments:

Draft Environment State Environmental Planning Policy
Planning Proposal 2021-6242 Comprehensive review of Willoughby Local Environmental Plan 2012 applying to all properties in the local government area

(3) Development Control Plans

As at the date of this certificate the above mentioned land is affected by the following development control plans:

Development Control Plan 2005 - Sydney Foreshore and Waterways Area

The plan applies to all development proposals within the foreshores and waterways area identified in SREP (Sydney Harbour Catchment) 2005 - (Refer to the Foreshores and Waterways Area Map).

Willoughby Development Control Plan

**PLANNING CERTIFICATE ISSUED UNDER SECTION 10.7(2&5)
ENVIRONMENT PLANNING AND ASSESSMENT ACT, 1979**

WILLOUGHBY
CITY COUNCIL

Certificate No: 53613
Receipt No: 2506388
Issue date: 22-May-2023
Customer Ref: 116572223:50247

2. ZONING AND LAND USE

(a) Zone Identity
B2 Local Centre

(b) (Permissibility of Development)
Zone B2 Local Centre - under Willoughby Local Environmental Plan 2012

Objectives of zone

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To enhance the viability, vitality and amenity of local centres.

Permitted without consent

Nil

Permitted with consent

Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Service stations; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Any other development not specified in item 2 or 4

Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Mortuaries; Open cut mining; Pond-based aquaculture; Port facilities; Recreation facilities (major); Research stations; Residential accommodation; Resource recovery facilities; Rural industries; Sewage treatment plants; Signage; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste disposal facilities; Water recycling facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies

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ENVIRONMENT PLANNING AND ASSESSMENT ACT, 1979**

**WILLOUGHBY
CITY COUNCIL**

Certificate No: 53613
Receipt No: 2506388
Issue date: 22-May-2023
Customer Ref: 116572223:50247

NOTE: You are advised that in addition to the matters set out above, the instrument may make further provisions with respect to the purposes for which development may be carried out on the land without consent and with consent and the purposes for which development of the land is prohibited. Applicants are advised that they should read the whole of the instrument(s) in order to determine whether that instrument prohibits, restricts or otherwise relates to the development of the land.

(c) Additional Permitted Uses

No additional permitted uses recorded against this parcel

(d) Development Standards applying to the land fixing minimum dimensions for the erection of a dwelling house?

No

(NB: the erection of a dwelling house on the land requires consent to be obtained which will require assessment of the particular application under provisions of the Act. The Council makes no representation that consent will be granted to any application.)

(e) Outstanding Biodiversity

--

(f) Conservation Area

--

(g) Heritage Item

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3. CONTRIBUTION PLANS

Willoughby Local Infrastructure Contributions Plan 2019.

4. COMPLYING DEVELOPMENT

NOTE: This certificate only addresses matters raised in Clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. It is your responsibility to ensure that the development is permissible with consent in the land use zone and that you comply with any other requirements of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 including Clauses 1.18 and 1.20 of that Policy, the Complying Development Codes in Parts 3 to 8 of

**PLANNING CERTIFICATE ISSUED UNDER SECTION 10.7(2&5)
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**WILLOUGHBY
CITY COUNCIL**

Certificate No: 53613
Receipt No: 2506388
Issue date: 22-May-2023
Customer Ref: 116572223:50247

that Policy, and the Willoughby Local Environmental Plan 2012. Failure to comply with these provisions may mean that a Complying Development Certificate issued under the provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 is invalid.

(a) General Housing Code, Rural Housing Code and Low Rise Housing Diversity Code

The land is land on which complying development may be carried out under these Codes.

(b) Housing Alterations Code and General Development Code

The land is land on which complying development may be carried out under these Codes.

(c) Commercial and Industrial Alterations Code

The land is land on which complying development may be carried out under this Code.

(d) Commercial and Industrial (New Buildings and Additions) Code

The land is land on which complying development may be carried out under this Code.

(e) Subdivisions Code

The land is land on which complying development may be carried out under this Code.

(f) Demolition Code

The land is land on which complying development may be carried out under this Code.

(g) Fire Safety Code

The land is land on which complying development may be carried out under this Code.

(h) Container Recycling Facilities Code

The land is land on which complying development may be carried out under this Code.

5. EXEMPT DEVELOPMENT

Exempt development may be permissible in accordance with the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 under the follow exempt development codes:

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- Division 2 Advertising and Signage Code
- Division 3 Temporary Uses and Structures

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Certificate No: 53613
Receipt No: 2506388
Issue date: 22-May-2023
Customer Ref: 116572223:50247

6. AFFECTED BUILDING NOTICES AND BUILDING PRODUCT RECTIFICATION ORDERS

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7. LAND RESERVED FOR ACQUISITION

The land is not affected by any environmental planning instrument, deemed environmental planning instrument or draft environmental planning instruments which provides for the acquisition of the land by a public authority, as referred to in section 3.15 of the Act.

8. ROAD WIDENING AND REALIGNMENT

The land is not affected by road widening or road realignment under:-

- 1) Division 2 of Part 3 of the Roads Act 1993; or
- 2) An Environmental Planning Instrument; or
- 3) A resolution of Council.

9. FLOOD RELATED DEVELOPMENT CONTROLS INFORMATION

(1) The land or part of the land is not within the flood planning area and is not subject to flood related development controls.

(2) the land or part of the land is not between the flood planning area and the probable maximum flood and is not subject to flood related development controls.

(3) In this clause—

flood planning area has the same meaning as in the Floodplain Development Manual. Floodplain Development Manual means the Floodplain Development Manual (ISBN 0 7347 5476 0) published by the NSW Government in April 2005.

probable maximum flood has the same meaning as in the Floodplain Development Manual.

10. COUNCIL AND OTHER PUBLIC AUTHORITY POLICIES ON HAZARD RISK

The land is not affected by a policy adopted by any other public authority and notified to the Council for the express purpose of its adoption by that authority being referred to in planning certificates issued by the Council, that restricts the development of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding).

It is the Council's practice to consider previous land uses to determine whether land may be affected by contamination which restricts or prohibits the carrying out of development on the land. Depending on the previous uses of the land, the applicant may be required to investigate possible site contamination and/or carry out

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CITY COUNCIL

Certificate No: 53613
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Customer Ref: 116572223:50247

remediation as part of any proposed development and the development potential of the site may be restricted or prohibited. This is assessed by the Council on a case-by-case basis.

The Council will have regard to Clause 6.1 Acid Sulfate Soils of Willoughby Local Environmental Plan 2012 and the Acid Sulfate Soils Map in assessing any development applications relating to the land.

11. BUSH FIRE PRONE LAND

The land has not been identified as bush fire prone under the Rural Fires and Environmental Legislation Amendment Act 2002.

12. LOOSE-FILL ASBESTOS INSULATION

--

13. MINE SUBSIDENCE

The land is not within a declared mine subsidence district within the meaning of the Coal Mine Subsidence Act 2017

14. PAPER SUBDIVISION INFORMATION

--

15. PROPERTY VEGETATION PLANS

--

16. BIODIVERSITY STEWARDSHIP SITES

--

17. BIODIVERSITY CERTIFIED LAND

--

18. ORDERS UNDER TREES (DISPUTES BETWEEN NEIGHBOURS) ACT 2006

--

**PLANNING CERTIFICATE ISSUED UNDER SECTION 10.7(2&5)
ENVIRONMENT PLANNING AND ASSESSMENT ACT, 1979**

WILLOUGHBY
CITY COUNCIL

Certificate No: 53613
Receipt No: 2506388
Issue date: 22-May-2023
Customer Ref: 116572223:50247

**19. ANNUAL CHARGES UNDER LOCAL GOVERNMENT ACT 1993 FOR COASTAL PROTECTION
SERVICES THAT RELATE TO EXISTING COASTAL PROTECTION WORKS.**

--

20. WESTERN SYDNEY AEROTROPOLIS

--

21. DEVELOPMENT CONSENT CONDITIONS FOR SENIORS HOUSING

--

**22. SITE COMPATIBILITY CERTIFICATES AND DEVELOPMENT CONSENT CONDITIONS FOR
AFFORDABLE RENTAL HOUSING**

--

**In addition to the information provided above, the following information is provided in respect of the
abovementioned land.**

--

NOTES:

Hand written or typed items appearing on this certificate at the time of issue are to be read as forming part of this
certificate.

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WILLOUGHBY
CITY COUNCIL

Certificate No: 53613
Receipt No: 2506388
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Customer Ref: 116572223:50247

In accordance with Section 10.7(5) and subject to Section 10.7(6) of the Environmental Planning and Assessment Act 1979, the following additional information is provided in respect of the abovementioned land:

Under Clause 5.10 of Willoughby Local Environmental Plan 2012 the Council, before granting consent to development on land in the vicinity of a heritage item or a heritage conservation area, may require the assessment of the effect the proposed development has on the heritage significance of the heritage item or heritage conservation area concerned.

Information on the preservation of trees and vegetation can be obtained from Council and on Council's website.

Council is unaware of whether the current use is in accordance with an approval which may have been issued. You are advised to rely on your own enquiries.

Registers of Planning Consents and Subdivision Approvals may be inspected at the Council offices for particulars relating to Development Consents / Subdivision Approvals which may have been issued for use or development of the land.

Council has not received notification from the Heritage Council of New South Wales that the property is subject to a Conservation Order or notice under the Heritage Act, 1977.



**PLANNING CERTIFICATE ISSUED UNDER SECTION 10.7(2&5)
ENVIRONMENT PLANNING AND ASSESSMENT ACT, 1979**

Certificate No: 53280
Receipt No: 2496154
Issue date: 05-Apr-2023
Customer Ref: PM:PV14036:49627

McGirr Lawyers
Suite 29, Level 7
58 Pitt Street
SYDNEY NSW 2000

Property Location: 69 Strathallen Avenue, NORTHBRIDGE NSW 2063.

Legal Description: LOT 1 DP 726736

Disclaimer

1. *The information provided in this certificate has been obtained from Council's records. The Council advises that:*
 - (a) *other authorities may hold information in respect of the property not contained in the Council's records;*
 - and*
 - (b) *the Council's records themselves may not be complete or accurate in respect of the property.*
2. *The instrument(s) referred to in this certificate may contain other important information in respect to the property. In order to understand the effects of the instrument(s) on the property, the Council advises that the whole of each instrument(s) should be read and considered. This certificate cannot be used as a substitute for reading the whole of the instrument(s) referred to in the certificate.*
3. *It may be appropriate or necessary to obtain legal or other expert advice in respect of the matters contained in the certificate or the instruments referred to in the certificate.*
4. *The Council cannot and will not accept any liability in respect of any error, inaccuracy, or omission in this certificate.*

Debra Just
CHIEF EXECUTIVE OFFICER

(Computer printed copy – No signature required)

**PLANNING CERTIFICATE ISSUED UNDER SECTION 10.7(2&5)
ENVIRONMENT PLANNING AND ASSESSMENT ACT, 1979**

**WILLOUGHBY
CITY COUNCIL**

Certificate No: 53280
Receipt No: 2496154
Issue date: 05-Apr-2023
Customer Ref: PM:PV14036:49627

1. RELEVANT PLANNING INSTRUMENTS AND DEVELOPMENT CONTROL PLANS

(1) Environmental Planning Instruments

As at the date of this certificate the above mentioned land is affected by the following environmental planning instruments:

Willoughby Local Environmental Plan 2012

State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
State Environmental Planning Policy (Housing) 2021
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
State Environmental Planning Policy (Planning Systems) 2021
State Environmental Planning Policy (Biodiversity and Conservation) 2021
State Environmental Planning Policy (Resilience and Hazards) 2021
State Environmental Planning Policy (Transport and Infrastructure) 2021
State Environmental Planning Policy (Industry and Employment) 2021
State Environmental Planning Policy (Resources and Energy) 2021
State Environmental Planning Policy (Primary Production) 2021
State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021

(2) Proposed Environmental Planning Instruments

As at the date of this certificate the above mentioned land is affected by the following proposed environmental planning instruments:

Draft Environment State Environmental Planning Policy
Planning Proposal 2021-6242 Comprehensive review of Willoughby Local Environmental Plan 2012 applying to all properties in the local government area

(3) Development Control Plans

As at the date of this certificate the above mentioned land is affected by the following development control plans:

Development Control Plan 2005 - Sydney Foreshore and Waterways Area

The plan applies to all development proposals within the foreshores and waterways area identified in SREP (Sydney Harbour Catchment) 2005 - (Refer to the Foreshores and Waterways Area Map).

Willoughby Development Control Plan

**PLANNING CERTIFICATE ISSUED UNDER SECTION 10.7(2&5)
ENVIRONMENT PLANNING AND ASSESSMENT ACT, 1979**

**WILLOUGHBY
CITY COUNCIL**

Certificate No: 53280
Receipt No: 2496154
Issue date: 05-Apr-2023
Customer Ref: PM:PV14036:49627

2. ZONING AND LAND USE

(a) Zone Identity

B2 Local Centre

(b) (Permissibility of Development)

Zone B2 Local Centre - under Willoughby Local Environmental Plan 2012

Objectives of zone

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To enhance the viability, vitality and amenity of local centres.

Permitted without consent

Nil

Permitted with consent

Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Service stations; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Any other development not specified in item 2 or 4

Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Mortuaries; Open cut mining; Pond-based aquaculture; Port facilities; Recreation facilities (major); Research stations; Residential accommodation; Resource recovery facilities; Rural industries; Sewage treatment plants; Signage; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste disposal facilities; Water recycling facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies

NOTE: You are advised that in addition to the matters set out above, the instrument may make further provisions with respect to the purposes for which development may be carried out on the land without consent and with consent and the purposes for which development of the land is prohibited. Applicants are advised that they should

**PLANNING CERTIFICATE ISSUED UNDER SECTION 10.7(2&5)
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**WILLOUGHBY
CITY COUNCIL**

Certificate No: 53280
Receipt No: 2496154
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Customer Ref: PM:PV14036:49627

read the whole of the instrument(s) in order to determine whether that instrument prohibits, restricts or otherwise relates to the development of the land.

(c) Additional Permitted Uses

No additional permitted uses recorded against this parcel

(d) Development Standards applying to the land fixing minimum dimensions for the erection of a dwelling house?

No

(NB: the erection of a dwelling house on the land requires consent to be obtained which will require assessment of the particular application under provisions of the Act. The Council makes no representation that consent will be granted to any application.)

(e) Outstanding Biodiversity

--

(f) Conservation Area

--

(g) Heritage Item

--

3. CONTRIBUTION PLANS

Willoughby Local Infrastructure Contributions Plan 2019.

4. COMPLYING DEVELOPMENT

NOTE: This certificate only addresses matters raised in Clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. It is your responsibility to ensure that the development is permissible with consent in the land use zone and that you comply with any other requirements of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 including Clauses 1.18 and 1.20 of that Policy, the Complying Development Codes in Parts 3 to 8 of that Policy, and the Willoughby Local Environmental Plan 2012. Failure to comply with these provisions may mean that a Complying Development Certificate issued under the provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 is invalid.

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ENVIRONMENT PLANNING AND ASSESSMENT ACT, 1979**

WILLOUGHBY
CITY COUNCIL

Certificate No: 53280
Receipt No: 2496154
Issue date: 05-Apr-2023
Customer Ref: PM:PV14036:49627

(a) General Housing Code, Rural Housing Code and Low Rise Housing Diversity Code

The land is land on which complying development may be carried out under these Codes.

(b) Housing Alterations Code and General Development Code

The land is land on which complying development may be carried out under these Codes.

(c) Commercial and Industrial Alterations Code

The land is land on which complying development may be carried out under this Code.

(d) Commercial and Industrial (New Buildings and Additions) Code

The land is land on which complying development may be carried out under this Code.

(e) Subdivisions Code

The land is land on which complying development may be carried out under this Code.

(f) Demolition Code

The land is land on which complying development may be carried out under this Code.

(g) Fire Safety Code

The land is land on which complying development may be carried out under this Code.

(h) Container Recycling Facilities Code

The land is land on which complying development may be carried out under this Code.

5. EXEMPT DEVELOPMENT

Exempt development may be permissible in accordance with the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 under the follow exempt development codes:

- Division 1 General Code
- Division 2 Advertising and Signage Code
- Division 3 Temporary Uses and Structures

6. AFFECTED BUILDING NOTICES AND BUILDING PRODUCT RECTIFICATION ORDERS

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**PLANNING CERTIFICATE ISSUED UNDER SECTION 10.7(2&5)
ENVIRONMENT PLANNING AND ASSESSMENT ACT, 1979**

**WILLOUGHBY
CITY COUNCIL**

Certificate No: 53280
Receipt No: 2496154
Issue date: 05-Apr-2023
Customer Ref: PM:PV14036:49627

7. LAND RESERVED FOR ACQUISITION

The land is not affected by any environmental planning instrument, deemed environmental planning instrument or draft environmental planning instruments which provides for the acquisition of the land by a public authority, as referred to in section 3.15 of the Act.

8. ROAD WIDENING AND REALIGNMENT

The land is not affected by road widening or road realignment under:-

- 1) Division 2 of Part 3 of the Roads Act 1993; or
- 2) An Environmental Planning Instrument; or
- 3) A resolution of Council.

9. FLOOD RELATED DEVELOPMENT CONTROLS INFORMATION

(1) The land or part of the land is not within the flood planning area and is not subject to flood related development controls.

(2) the land or part of the land is not between the flood planning area and the probable maximum flood and is not subject to flood related development controls.

(3) In this clause—

flood planning area has the same meaning as in the Floodplain Development Manual. Floodplain Development Manual means the Floodplain Development Manual (ISBN 0 7347 5476 0) published by the NSW Government in April 2005.
probable maximum flood has the same meaning as in the Floodplain Development Manual.

10. COUNCIL AND OTHER PUBLIC AUTHORITY POLICIES ON HAZARD RISK

The land is not affected by a policy adopted by any other public authority and notified to the Council for the express purpose of its adoption by that authority being referred to in planning certificates issued by the Council, that restricts the development of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding).

It is the Council's practice to consider previous land uses to determine whether land may be affected by contamination which restricts or prohibits the carrying out of development on the land. Depending on the previous uses of the land, the applicant may be required to investigate possible site contamination and/or carry out remediation as part of any proposed development and the development potential of the site may be restricted or prohibited. This is assessed by the Council on a case-by-case basis.

The Council will have regard to Clause 6.1 Acid Sulfate Soils of Willoughby Local Environmental Plan 2012 and the Acid Sulfate Soils Map in assessing any development applications relating to the land.

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11. BUSH FIRE PRONE LAND

The land has not been identified as bush fire prone under the Rural Fires and Environmental Legislation Amendment Act 2002.

12. LOOSE-FILL ASBESTOS INSULATION

--

13. MINE SUBSIDENCE

The land is not within a declared mine subsidence district within the meaning of the Coal Mine Subsidence Act 2017

14. PAPER SUBDIVISION INFORMATION

--

15. PROPERTY VEGETATION PLANS

--

16. BIODIVERSITY STEWARDSHIP SITES

--

17. BIODIVERSITY CERTIFIED LAND

--

18. ORDERS UNDER TREES (DISPUTES BETWEEN NEIGHBOURS) ACT 2006

--

19. ANNUAL CHARGES UNDER LOCAL GOVERNMENT ACT 1993 FOR COASTAL PROTECTION SERVICES THAT RELATE TO EXISTING COASTAL PROTECTION WORKS.

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20. WESTERN SYDNEY AEROTROPOLIS

--

21. DEVELOPMENT CONSENT CONDITIONS FOR SENIORS HOUSING

--

**22. SITE COMPATIBILITY CERTIFICATES AND DEVELOPMENT CONSENT CONDITIONS FOR
AFFORDABLE RENTAL HOUSING**

--

**In addition to the information provided above, the following information is provided in respect of the
abovementioned land.**

--

NOTES:

Hand written or typed items appearing on this certificate at the time of issue are to be read as forming part of this
certificate.



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Certificate No: 53940
Receipt No: 2523632
Issue date: 29-Jun-2023
Customer Ref: PM:PV14036-STUARTO:50824

InfoTrack Pty Ltd
GPO Box 4029
SYDNEY NSW 2001

Property Location: 59-67 Strathallen Avenue, NORTHBRIDGE NSW 2063.

Legal Description: LOT 5 Section 3 DP 7122

Disclaimer

1. *The information provided in this certificate has been obtained from Council's records. The Council advises that:*
 - (a) *other authorities may hold information in respect of the property not contained in the Council's records;*
 - and*
 - (b) *the Council's records themselves may not be complete or accurate in respect of the property.*
2. *The instrument(s) referred to in this certificate may contain other important information in respect to the property. In order to understand the effects of the instrument(s) on the property, the Council advises that the whole of each instrument(s) should be read and considered. This certificate cannot be used as a substitute for reading the whole of the instrument(s) referred to in the certificate.*
3. *It may be appropriate or necessary to obtain legal or other expert advice in respect of the matters contained in the certificate or the instruments referred to in the certificate.*
4. *The Council cannot and will not accept any liability in respect of any error, inaccuracy, or omission in this certificate.*

Debra Just
CHIEF EXECUTIVE OFFICER

(Computer printed copy – No signature required)

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1. RELEVANT PLANNING INSTRUMENTS AND DEVELOPMENT CONTROL PLANS

(1) Environmental Planning Instruments

As at the date of this certificate the above mentioned land is affected by the following environmental planning instruments:

Willoughby Local Environmental Plan 2012

State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
State Environmental Planning Policy (Housing) 2021
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
State Environmental Planning Policy (Planning Systems) 2021
State Environmental Planning Policy (Biodiversity and Conservation) 2021
State Environmental Planning Policy (Resilience and Hazards) 2021
State Environmental Planning Policy (Transport and Infrastructure) 2021
State Environmental Planning Policy (Industry and Employment) 2021
State Environmental Planning Policy (Resources and Energy) 2021
State Environmental Planning Policy (Primary Production) 2021
State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021

(2) Proposed Environmental Planning Instruments

As at the date of this certificate the above mentioned land is affected by the following proposed environmental planning instruments:

Draft Environment State Environmental Planning Policy
Planning Proposal 2021-6242 Comprehensive review of Willoughby Local Environmental Plan 2012 applying to all properties in the local government area

(3) Development Control Plans

As at the date of this certificate the above mentioned land is affected by the following development control plans:

Development Control Plan 2005 - Sydney Foreshore and Waterways Area

The plan applies to all development proposals within the foreshores and waterways area identified in SREP (Sydney Harbour Catchment) 2005 - (Refer to the Foreshores and Waterways Area Map).

Willoughby Development Control Plan

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2. ZONING AND LAND USE

**(a) Zone Identity
B2 Local Centre**

**(b) (Permissibility of Development)
Zone B2 Local Centre - under Willoughby Local Environmental Plan 2012**

Objectives of zone

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To enhance the viability, vitality and amenity of local centres.

Permitted without consent

Nil

Permitted with consent

Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Service stations; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Any other development not specified in item 2 or 4

Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Mortuaries; Open cut mining; Pond-based aquaculture; Port facilities; Recreation facilities (major); Research stations; Residential accommodation; Resource recovery facilities; Rural industries; Sewage treatment plants; Signage; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste disposal facilities; Water recycling facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies

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CITY COUNCIL

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NOTE: You are advised that in addition to the matters set out above, the instrument may make further provisions with respect to the purposes for which development may be carried out on the land without consent and with consent and the purposes for which development of the land is prohibited. Applicants are advised that they should read the whole of the instrument(s) in order to determine whether that instrument prohibits, restricts or otherwise relates to the development of the land.

(c) Additional Permitted Uses

No additional permitted uses recorded against this parcel

(d) Development Standards applying to the land fixing minimum dimensions for the erection of a dwelling house?

No

(NB: the erection of a dwelling house on the land requires consent to be obtained which will require assessment of the particular application under provisions of the Act. The Council makes no representation that consent will be granted to any application.)

(e) Outstanding Biodiversity

--

(f) Conservation Area

--

(g) Heritage Item

--

3. CONTRIBUTION PLANS

Willoughby Local Infrastructure Contributions Plan 2019.

4. COMPLYING DEVELOPMENT

NOTE: This certificate only addresses matters raised in Clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. It is your responsibility to ensure that the development is permissible with consent in the land use zone and that you comply with any other requirements of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 including Clauses 1.18 and 1.20 of that Policy, the Complying Development Codes in Parts 3 to 8 of that Policy, and the Willoughby Local Environmental Plan 2012. Failure to comply with these provisions may mean

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that a Complying Development Certificate issued under the provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 is invalid.

(a) General Housing Code, Rural Housing Code and Low Rise Housing Diversity Code

The land is land on which complying development may be carried out under these Codes.

(b) Housing Alterations Code and General Development Code

The land is land on which complying development may be carried out under these Codes.

(c) Commercial and Industrial Alterations Code

The land is land on which complying development may be carried out under this Code.

(d) Commercial and Industrial (New Buildings and Additions) Code

The land is land on which complying development may be carried out under this Code.

(e) Subdivisions Code

The land is land on which complying development may be carried out under this Code.

(f) Demolition Code

The land is land on which complying development may be carried out under this Code.

(g) Fire Safety Code

The land is land on which complying development may be carried out under this Code.

(h) Container Recycling Facilities Code

The land is land on which complying development may be carried out under this Code.

5. EXEMPT DEVELOPMENT

Exempt development may be permissible in accordance with the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 under the follow exempt development codes:

- Division 1 General Code
- Division 2 Advertising and Signage Code
- Division 3 Temporary Uses and Structures

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probable maximum flood has the same meaning as in the Floodplain Development Manual.

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remediation as part of any proposed development and the development potential of the site may be restricted or prohibited. This is assessed by the Council on a case-by-case basis.

The Council will have regard to Clause 6.1 Acid Sulfate Soils of Willoughby Local Environmental Plan 2012 and the Acid Sulfate Soils Map in assessing any development applications relating to the land.

11. BUSH FIRE PRONE LAND

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12. LOOSE-FILL ASBESTOS INSULATION

--

13. MINE SUBSIDENCE

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14. PAPER SUBDIVISION INFORMATION

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15. PROPERTY VEGETATION PLANS

--

16. BIODIVERSITY STEWARDSHIP SITES

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17. BIODIVERSITY CERTIFIED LAND

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18. ORDERS UNDER TREES (DISPUTES BETWEEN NEIGHBOURS) ACT 2006

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**19. ANNUAL CHARGES UNDER LOCAL GOVERNMENT ACT 1993 FOR COASTAL PROTECTION
SERVICES THAT RELATE TO EXISTING COASTAL PROTECTION WORKS.**

--

20. WESTERN SYDNEY AEROTROPOLIS

--

21. DEVELOPMENT CONSENT CONDITIONS FOR SENIORS HOUSING

--

**22. SITE COMPATIBILITY CERTIFICATES AND DEVELOPMENT CONSENT CONDITIONS FOR
AFFORDABLE RENTAL HOUSING**

--

**In addition to the information provided above, the following information is provided in respect of the
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NOTES:

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In accordance with Section 10.7(5) and subject to Section 10.7(6) of the Environmental Planning and Assessment Act 1979, the following additional information is provided in respect of the abovementioned land:

Under Clause 5.10 of Willoughby Local Environmental Plan 2012 the Council, before granting consent to development on land in the vicinity of a heritage item or a heritage conservation area, may require the assessment of the effect the proposed development has on the heritage significance of the heritage item or heritage conservation area concerned.

Information on the preservation of trees and vegetation can be obtained from Council and on Council's website.

Council is unaware of whether the current use is in accordance with an approval which may have been issued. You are advised to rely on your own enquiries.

Registers of Planning Consents and Subdivision Approvals may be inspected at the Council offices for particulars relating to Development Consents / Subdivision Approvals which may have been issued for use or development of the land.

Council has not received notification from the Heritage Council of New South Wales that the property is subject to a Conservation Order or notice under the Heritage Act, 1977.

Appendix D

Willoughby Development Control Plan 2023 Compliance Table

Prepared by Gyde Consulting

GYDE

Appendix 4. Willoughby Development Control Plan 2023 – Compliance Table – updated post lodgement 04/07/24

1.1 Part L: Place Based Plans – Chapter 10: Northbridge Local Centre

CLAUSE	PROVISION	ASSESSMENT
PART L: PLACE BASED PLANS		
10 Northbridge local centre		
10. 2 Performance criteria	<p>Proposed development in Northbridge local centre should:</p> <ul style="list-style-type: none"> a) retain the fine grain built form along Sailors Bay Road, east of Strathallen Avenue. b) maintain and increase opportunities for active street frontages. c) encourage restaurants and cafes to provide outdoor dining areas east of Strathallen Avenue d) create high quality design elements for buildings on prominent corner sites to identify the gateways entrances to the town centre. e) make provision for public open space and underground car parking at the rear of Northbridge Plaza. f) encourage green roofs, and roof top gardens in appropriate locations. g) 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. 	<ul style="list-style-type: none"> a) Complies – Proposed development provides 6 retail frontages with direct access of Strathallen Avenue which reflects and is a sympathetic transition to that of the retail spaces of Sailors Bay Road. b) Complies – Proposed development provides active street frontages consistent with the controls under the WLEP 2012. c) Complies – Retail tenancy fit out is subject to separate future DA. Tenancy G.01 includes the provision of a kitchen riser from ground level to roof to enable potential future application by a café or restaurant. d) Complies – The proposed application is accompanied by an Architectural Design Report, prepared by Bates Smart in Attachment 6. The proposed design includes a number of design features including curved corners of the building to address important areas; main building entry, prominent street corner & junctions with neighbours. The proposed building form responds the existing context, including level changes across the site, low density residential neighbours and council's desire for a 'marker' on the prominent corner site. Refer to the Architectural Plans and Design Report for detailed information and discussion.

		<p>e) Complies – Applies to Northbridge Plaza. Noted that proposed application also provides underground carparking and public open space consistent with that envisaged for the Northbridge Plaza.</p> <p>f) Complies – The proposed development incorporates landscaping throughout the entire development. Private open spaces include planters and greening elements on all levels including Level 4.</p> <p>g) Complies – The proposal integrates 357sqm (14.7%) deep soil planting on site at ground level. Refer to the Landscape Plans, prepared by Sturt Noble Associates in Attachment 12.</p>
10.3 Master plan for the Northbridge local area	<p>Any future development in Northbridge local centre must have regard to the following key features of the adopted master plan. The numbers below refer to actions to be carried out by Willoughby City Council and/or developers to achieve the outcomes of the adopted master plan.</p> <ol style="list-style-type: none"> 1. Only commercial floor space allowed for any new development on the northern side of Sailors Bay Road between Eastern Valley Way and Harden Avenue. 2. Provide new public open space above basement public car parking area. 3. Create a pedestrian laneway link. 4. Provide a range and mix of dwelling typologies, including opportunities for affordable housing and build-to-rent housing. 5. New residential development to provide basement car parking areas with vehicular access from Baringa Road only. 6. Provide streetscape improvements to Sailors Bay Road and Strathallen Avenue. 7. Provide a public domain with pedestrian access at the southern end of Bellambi Street. 8. Roof top gardens and communal open space to be provided for shop top housing. 9. Maintain and improve laneway network for servicing and deliveries. 10. Investigate opportunities for additional pedestrian crossing at existing intersections. 11. Provide blisters or central refuge for safer pedestrian crossing. 	<p>1) Not applicable</p> <p>2) Complies - Proposal integrates public open space in form of centralised landscaped courtyard and ensures parking is located in basement (excluding loading dock).</p> <p>3) Complies – Proposed development provides future provision for a connection to the through-site link up to Sailors Bay Road. It's noted that the development does not (and cannot given no consent) provide legal access through the northern portion (134 Sailors Bay Road). Council have acknowledged and noted this in the Pre-Lodgement Meeting minutes (Appendix A to the SEE). Refer below:</p> <p><i>Note: Council acknowledged that this proposed development does not (and cannot as no owners' consent has been obtained) provide legal access through the northern portion (134 Sailors Bay Road , legally referred to as Lot A in DP404929). The development does not have owners' consent for 134 Sailors Bay Road and access over that site does not form part of this application. Any treatment of the future "through-site link" is proposed within the site boundary of 57-69 Strathallen Avenue only, and to clarify, this DA does not and cannot provide any physical link through to 134 Sailors Bay Road at present.</i></p> <p>4) Complies – Proposal includes 4% affordable housing consistent with the WLEP2012 and includes a range of 2,3</p>


Figure 10: Master plan for Northbridge from Willoughby Local Centres Strategy 2036



and 4 bedroom apartment configurations. Able to comply – Access from Baringa Road is proposed.

- 5) **Complies** - Basement car parking and loading dock access is only provided off Baringa Road via driveway.
- 6) **Complies** – The development does not front Sailors Bay Road; therefore, streetscape improvements cannot be provided. Streetscape improvements to Strathallen Avenue include the provision of street tree planting in accordance with Council's specifications, retail units providing active street frontages, awning providing weather protection, all improving the public domain and overall streetscape and character of Strathallen Avenue.
- 7) **Not applicable**
- 8) **Complies on merit** – The proposal does not provide communal rooftop open space. However, 629sqm (25.9%) of communal open space is provided at ground level. This provision ensures that the ground level future through site link is not isolated and creates a usable and inviting landscaped courtyard that residents can use. The development also includes private open space in the form of balconies to each residential apartment that exceed the ADG minimum requirements on levels 1-4.
- 9) **Complies** – The proposed development provides provision for a future connection to a through site link with intent to connect Strathallen Avenue to Sailors Bay Road (subject to future agreement and not part of this DA). The development provides a driveway off Baringa Road for servicing and deliveries. This driveway is accessible to the communal open space and through site link via a gate. A gate is proposed to control and manage vehicular and pedestrian interface in the driveway.

Note: Council acknowledged that this proposed development does not (and cannot as no owners' consent has been obtained) provide legal access through the northern portion (134 Sailors Bay Road, legally referred to as Lot A in DP404929). The development does not have owners' consent for 134 Sailors Bay Road and access over that site does not form part of this application. Any treatment of the future "through-site link" is proposed within the site boundary

		<p>of 57-69 Strathallen Avenue only, and to clarify, this DA does not and cannot provide any physical link through to 134 Sailors Bay Road at present.</p> <p>10) Complies on merit – The development does not provide additional opportunities for pedestrian crossings at existing intersections; however, it is noted that there is an existing pedestrian crossing and island on Strathallen Avenue close to the Baringa Road intersection. The relocation of the vehicular access to the site from Strathallen Avenue to Baringa Road will support safer pedestrian movement along Strathallen Avenue to this pedestrian crossing.</p> <p>11) Not applicable</p>
<p>10.4 Controls for Northbridge local centre</p>	<p>5. Ensure a maximum of 5 storeys for amalgamated lots in the E1 zone with a 1m setback on east and western side of Strathallen Avenue and a 3m setback on Baringa Road above the third level.</p> <p>6. Ensure a maximum 4 storeys; or a maximum of 5 storeys if a second storey of commercial floor space is provided.</p> <p>9. Provide a minimum 6m deep soil landscaped setback area along the southern side of Sailors Bay Road, west of Strathallen Avenue.</p> <p>Figure 11: Scale of development for Northbridge local centre</p> 	<p>5) Complies – Preliminary plans provide 1m setback to glazing on Strathallen Avenue at Level 1 and 3m setback on Baringa Rd above third level (Level 4). Refer to Architectural Plans, prepared by Bates Smart, in Attachment 4.</p> <p>6) Not applicable – Control 5 applies to the subject site and envisages a maximum of 5 storeys on amalgamated lots in the E1 zone. The proposed development does not propose a second storey of commercial use. Development proposes retail tenancies at ground level only. Proposed development is five storeys in height.</p> <p>9) Not applicable – The subject site is located east of Strathallen Avenue.</p>

1.2 Other relevant sections of the Development Control Plan

CLAUSE	PROVISION	ASSESSMENT
PART B: RESIDENTIAL DEVELOPMENT		
1 Introduction		
1.2 Objectives	<p>This part:</p> <ul style="list-style-type: none"> a) Provides numerical controls and performance criteria to ensure the assessment of development applications is consistent, including considerations of any variation to the adopted controls. b) Encourages development that is compatible with the urban scale and character of the locality. c) Ensures new development does not unduly impact on the residential amenity of adjoining and nearby properties. d) Ensures a high standard of development that provides for good residential amenity in respect to solar access, privacy, views, tree retention and open space. e) Ensures residential development maximises thermal comfort and minimises urban heat impacts in the interest of health and well being, and local ecology. f) Provides guidelines to enhance walkability through greening and improvements to the streetscape characters of individual localities. 	<ul style="list-style-type: none"> a) Complies on merit – The proposed development largely complies with the applicable controls. Where noncompliance is proposed to the WLEP building height (Clause 4.3) and FSR (Clause 4.4), a Clause 4.6 Variation has been provided in Attachment 1 and Attachment 2. b) Complies – The development is compatible with the urban scale of the locality. The proposal has considered the streetscape and existing character of Northbridge, and has provided streetscape and public domain improvements to ensure consistency with the locality. c) Complies – The proposed development provides adequate building separation, landscaping buffers and balustrades to private open spaces, all ensuring minimal impact to residential amenity of adjoining and nearby properties. The shadow diagrams prepared by Bates Smart in Attachment 4 show that adjoining properties receive sufficient solar access. d) Complies – The proposal meets requirements to provide residential amenity including solar access (75% of apartments received 2 hours of solar access), privacy is provided with adequate setbacks and separation distances, and landscaping and balustrades to private open space, views to e) Complies – Sustainability has been addressed within Section 6.1.15 of the SEE and the Embodied Carbon Assessment and the Green Star Rating Report, prepared by Thermal Environmental (Attachment 11 and Attachment 9, respectively). Furthermore, BASIX Certificate and Assessment Report and NatHERS Certificates have been provided to support the proposed development and confirm sustainability measures. f) Complies – Proposed development provides provision for connection via future through-site link up to Sailors Bay Road. It's noted that the development does not (and cannot

CLAUSE	PROVISION	ASSESSMENT
		<p>given no consent) provide legal access through the northern portion (134 Sailors Bay Road). Council have acknowledged and noted this in the Pre-Lodgement Meeting minutes (Appendix A to the SEE).</p> <p>Note: Council acknowledged that this proposed development does not (and cannot as no owners' consent has been obtained) provide legal access through the northern portion (134 Sailors Bay Road , legally referred to as Lot A in DP404929). The development does not have owners' consent for 134 Sailors Bay Road and access over that site does not form part of this application. Any treatment of the future "through-site link" is proposed within the site boundary of 57-69 Strathallen Avenue only, and to clarify, this DA does not and cannot provide any physical link through to 134 Sailors Bay Road at present.</p>
2 Performance criteria		
2.1 General performance criteria		
2.1.2 Site area and lot dimensions	<p>The objective is to ensure allotments have sufficient area to allow the effective siting of developments with a good relationship to adjoining development.</p> <p>The site area and lot dimensions should:</p> <ul style="list-style-type: none"> a) Ensure adequate provision is made for usable open space and sufficient area for landscaping, including deep soil zones that can support tree planting. b) Allow convenient vehicle access and parking. c) Enable erection of buildings that do not unduly overshadow adjoining properties. d) Have regard to topographical constraints and retention of trees. e) Enable effective onsite control of stormwater. f) Reduce the instances of isolated properties being left with reduced development potential on land that permits medium and high-density residential development. 	<ul style="list-style-type: none"> a) Complies – The proposed development provides open space, landscaping, and deep soil zones compliant with Chapter 4 of the SEPP (Sustainable Building) 2021 and the Apartment Design Guide. Refer to Section 5.5.4 of the SEE and Design Report in Attachment 6. The proposed development complies with the minimum requirements for communal open space (629 sqm – 25.9%) and deep soil zones (357 sqm – 14.7). A landscaping plan has been prepared by Sturt Noble Associates (Attachment 12). b) Complies – Access is provided off Baringa Road and parking rates provided consistent with the WDCP. c) Complies on merit - Minor overshadowing falls to adjacent dual occupancy to the west from 3pm, however, an acceptable level of solar access is achieved from 9am to 2pm and any overshadowing is minor. It is also noted that this adjacent property does not have windows along its western facade, therefore no impact to the living amenity of these properties

CLAUSE	PROVISION	ASSESSMENT
		<p>due to this minor overshadowing is proposed. The extent of the variation caused by the portion of the development above the height building control causes negligible additional overshadowing. Refer to Section 6.1.3 in the SEE and Shadow Diagrams in the Architectural Plans and Design Report in Attachment 4 and Attachment 6.</p> <p>d) Complies – The DA is accompanied by an Arboricultural Impact Appraisal and Method Statement in Attachment 13. Refer to Section 3.7.2 and Section 6.2.2 of the SEE for detailed discussion.</p> <p>g) Complies – The DA is accompanied by a Stormwater and Drainage Plan, Erosion and Sediment Control Plan (Attachment 17) which demonstrates that the DA enables effective onsite control of stormwater. Permeable paving has been included within the development and OSD stormwater measures have been designed into the development.</p> <p>e) Complies on merit – The proposed development integrates setbacks, envelope and amalgamation of lots that prevents instances of isolated properties being left with reduced development potential on land that permits medium and high-density residential development. The minor exceedances to the GFA and FSR are minor in nature and will result in minimal and manageable impacts to surrounding developments. These exceedances will not impact the development potential of neighbouring properties.</p>
2.1.3 Setbacks	<p>The objective is to ensure the siting of buildings provide adequate separation for the amenity of residents, provide adequate space for landscaping (including deep soil zones) and solar access, and minimise overshadowing.</p> <p>Setbacks should:</p> <ol style="list-style-type: none"> Progressively increase as the height of the external wall increases to reduce bulk and overshadowing. Reinforce the streetscape character of the locality. Ensure new buildings and alterations and additions on corner lots provide a transition along the secondary street frontage between the proposed development and existing adjoining development. Ensure that garages and carports, or access to underground parking, do not dominate the streetscape. 	<p>a) Complies on merit – Section 5.5.2.2 of the SEE outlines in detail the setbacks proposed within the development. The setbacks largely comply with WDCP controls; however, setbacks fully comply and adhere to ADG requirements, and as the statutory document, compliance with the SEPP Housing 2021 takes precedence. The setbacks do progressively increase to reduce bulk and overshadowing.</p> <p>b) Complies – The proposed development reinforces the character of the locality by maintaining and improving the active street frontages along Strathallen Avenue and Baringa Road, providing materials and finishes consistent with the</p>

CLAUSE	PROVISION	ASSESSMENT
		<p>character of the locality, and proposing a bulk and scale that is consistent with developments in the area.</p> <p>c) Complies – The development is located at the corner of Baringa Road and Strathallen Avenue. The materials and finishes proposed, and curved design of the building allow for a transitional flow between streets and avoids any harsh disparity between the two. Furthermore, treatment of the ground level and active street frontages, which is consistent with the treatment of adjoining development, ensures that the ground level experience of the pedestrian in not obstructed and ease of movement and flow along streets is provided.</p> <p>d) Complies – The inclusion of the driveway and its setback into the eastern boundary ensures the access to the underground parking does not dominate the streetscape.</p>
2.1.4 Design	<p>The objective is to encourage good environmental outcomes and a high standard of architectural design.</p> <p>The design of buildings should:</p> <ul style="list-style-type: none"> a) Provide durability, resilience and environmental sustainability over the long term. b) Minimise overshadowing, overlooking and visual impacts on the streetscape and adjoining and adjacent properties. c) Minimise carbon emissions with the sustainable choice of materials. d) Use materials with a low solar reflective index (SRI) and incorporate shade structures to reduce urban heat island effects. e) Ensure that residential buildings address the street and incorporate a visible and readily identifiable entry point. f) Address both streets on corner lots using windows, landscaping, awnings, and other architectural elements to create visual interest. g) Avoid open under-croft spaces, particularly when viewed from the street and other public places. h) Ensure the orientation promotes, as far as possible, passive heating and cooling for thermal comfort and reduced carbon emissions due to mechanical heating and cooling. i) Ensure the orientation, siting and height provides for reasonable sharing of views from surrounding properties and the public domain. j) Provide articulation to break up the length of walls to reduce the bulk and visual impacts. k) Respect the visual and aural privacy of adjoining properties by effective siting, layout and location of windows and balconies to avoid direct overlooking. 	<p>Complies The proposed development has good environmental outcomes and a high standard of architectural design. Section 6 of the SEE assesses the environmental impact of the proposal against the relevant considerations under Section 4.15 of the EP&A Act. The Architectural Design Statement prepared by Bates Smart (Attachment 5) confirms compliance of the design with Clause 6.23 of the WLEP (Design Excellence) and Chapter 4 of the SEPP (Housing) 2021) Apartment Design Guide.</p> <p>a) Complies - Sustainability has been addressed within Section 6.1.15 of the SEE and the Embodied Carbon Assessment and the Green Star Rating Report, prepared by Thermal Environmental (Attachment 11 and Attachment 9, respectively). Furthermore, BASIX Certificate and Assessment Report and NatHERS Certificates have been provided to support the proposed development and confirm sustainability measures.</p> <p>b) Complies on merit – Minor overshadowing falls to adjacent dual occupancy to the west from 3pm, however, an acceptable level of solar access is achieved from 9am to 2pm and any overshadowing is minor. It is also noted that this adjacent property does not have windows along its western facade, therefore no impact to the living amenity of these properties due to this minor overshadowing is</p>

CLAUSE	PROVISION	ASSESSMENT
	<p>l) Maintain a reasonable level of solar access to adjoining properties by careful siting, height, and orientation of building.</p> <p>m) Locate noise sensitive rooms and private open spaces away from noise sources such as busy roads and railways.</p>	<p>proposed. Overlooking and visual impacts to the streetscape are minimised with the inclusion of setbacks, separation distances, private open spaces, balustrades to the balconies, and landscaping buffers.</p> <p>c) Complies – The Embodied Carbon Assessment prepared by Thermal Environmental (Attachment 8) addresses carbon emissions; the materials selected as the design develops will be chosen sustainably.</p> <p>d) Complies – Shade structures in the forms of awnings along the street frontage ensure weather protection is provided.</p> <p>e) Complies – The development addresses the street, provides active street frontages to the ground level, and has a central entry point to for access to the lobbies to access residential apartments from levels 1 to 4.</p> <p>f) Complies – The proposed development is on a corner lot and addresses both Baringa Road and Strathallen Avenue, windows, landscaping, awnings are all proposed.</p> <p>g) Complies – The proposal does not include open under-croft spaces.</p> <p>h) Complies – The orientation of the development, residential apartments and layout of apartment ensures solar access to 18 of the 24 apartments (75%).</p>
2.1.5 Landscaping	<p>The objective is to achieve good environmental outcomes and enhance the visual quality of the locality.</p> <p>Landscaped areas should:</p> <p>a) Retain significant trees and be sensitive to site attributes such as land capability (soil type and slope), microclimate (especially access to sunlight), views and natural features.</p> <p>b) Include deep soil zones located primarily along the street frontage, and side and rear boundaries of individual lots – these are areas of soil unimpeded by buildings or structure above or below ground.</p> <p>c) Retain and plant trees with wide canopies within the deep soil zones to reduce the impacts of urban heat island effects and support local ecology.</p> <p>d) Provide greening and enhancement to the street frontage to encourage the benefits of local walkability.</p> <p>e) Consider the location and scale of buildings in the selection of species.</p>	<p>Landscape plans have been prepared by Sturt Noble Associates and full detail of compliance and landscape strategy is detailed within Attachment 12. An Arboricultural Impact Appraisal and Method Statement has been prepared by Naturally Trees and is provided in Attachment 13.</p> <p>a) Complies – To accommodate the development, the removal of 8 trees is required, of which 6 are exempt from Willoughby Council's <i>Tree and Preservation Order 2012</i>. The development has been designed to limit impacts to adjacent trees, notably Tree 7 which is significant and classified as a Category A tree.</p> <p>b) Complies – Due to the 0 setbacks at ground level to Baringa Road and Strathallen Avenue, deep soil zones cannot be provided along the street frontage. They are provided to the</p>

CLAUSE	PROVISION	ASSESSMENT
	<p>f) Be designed to minimise the impact of overlooking, maintain privacy between dwelling and minimise the dominance of buildings from adjoining properties.</p> <p>g) Predominately use species which are native/endemic to the locality, and ensure the vegetation types decrease surface runoff, reduce maintenance, and minimise water use.</p> <p>h) Provide irrigation and non-potable water supply and maximise absorption for onsite infiltration of stormwater.</p> <p>i) Relate well to the indoor living areas and contribute to useable outdoor recreation space.</p> <p>j) Contribute to the solar efficiency of buildings by selection and positioning trees for shade in summer and solar access in winter.</p> <p>k) Consider maintaining significant views from adjoining properties and the public domain.</p> <p>l) Consider potential bushfire hazard in the selection of species and reduce any potential for soil erosion or weed establishment.</p> <p>m) Be located to protect solar access to roof mounted solar energy systems on adjoining buildings.</p> <p>n) Be provided on walls and roofs of larger developments at various levels of the buildings.</p>	<p>rear within the public open space. 357 sqm (14.7%) deep soil is proposed which exceeds the minimum requirement of 7%.</p> <p>c) Complies – Refer to the landscape plans prepared by Sturt Noble Associates (Attachment 12) for details of the planting schedule and tree species selected.</p> <p>d) Complies – 4 street trees are proposed along Strathallen Avenue and 1 along Baringa Road to provide greening and enhancement to the street frontage.</p> <p>e) Complies – The planting schedule outlines the plant species and spacing of the planting proposed.</p> <p>f) Complies – Landscaping has been utilised along the site boundary to the east, and on private open space boundaries to minimise the impact of overlooking and maintain privacy between dwellings.</p> <p>g) Complies – 80% of species selected are native.</p> <p>h) Complies – OSD stormwater and permeable paving are proposed within the development and the landscaped areas.</p> <p>i) Complies – A portion of the landscaped communal open space provides open turf for seating and passive recreation.</p> <p>j) Complies – The proposed trees will provide shade to the seating areas in the communal open space. The positioning of trees will not impact the development's access to solar during the winter months.</p> <p>k) Complies – The landscaping proposed will not be of a certain size and will be managed to ensure no views from the adjoining properties and public domain are maintained.</p> <p>l) Not applicable – It is not proposed that any bushfire hazard will be raised in this urban location.</p> <p>m) Complies – The proposed planting along the eastern boundary will be managed and will not be overgrown or grow to heights that will impact the adjacent dual occupancy's roof mounted solar panels.</p> <p>n) Complies – Featured landscaped on all levels to level 4 is provided.</p>
2.1.9 Solar access	The objective is to protect residential amenity and maximise energy efficiency of buildings.	Complies on merit – The DA is accompanied by Shadow diagrams (Attachment 4) illustrating the shadow impacts of the

CLAUSE	PROVISION	ASSESSMENT
	<p>Developments should maintain and provide a reasonable level of solar access to both residents of the development and adjoining properties by:</p> <ol style="list-style-type: none"> Avoiding overshadowing to living areas and private open spaces. Planting deciduous trees in appropriate locations to maximise winter sun. Exploring alternative design options. <p><i>Note:</i> Shadow diagrams may need to be submitted to show that an acceptable level of solar access can be achieved for both residents of the development and adjoining properties.</p>	<p>proposed development at 9am, midday, and 3pm on the mid-winter solstice (21 June). Minor overshadowing falls to adjacent dual occupancy to the west from 3pm, however, an acceptable level of solar access is achieved from 9am to 2pm and any overshadowing is minor. It is also noted that this adjacent property does not have windows along its western facade, therefore no impact to the living amenity of these properties due to this minor overshadowing is proposed. Refer to Section 6.1.3 of the SEE for detailed discussion.</p> <p>The development achieves 75% solar access with 18 of 24 apartments receiving at least 2 hours solar access to habitable rooms.</p> <p>The landscape plans prepared by Sturt Noble Associates (Attachment 12) outline the planting types proposed for the development.</p>
2.1.10 Service facilities and structures	<p>The objective is to protect the residential amenity and integrate the provision of services and facilities with the design of the development. Service facilities should be located and designed to:</p> <ol style="list-style-type: none"> Ensure safe and convenient access to garbage and clothes drying areas by residents. Ensure garbage areas do not have an adverse effect on the amenity of adjoining neighbours. Contain garbage bins in an enclosed area and in the basement area for larger developments where possible. Ensure clothes drying areas do not have an adverse visual impact on the amenity of adjoining properties. Visually integrate within the development and not impact on the streetscape, Ensure satellite dishes and similar structures are out of sight from the public domain and not visually intrusive on adjoining neighbours. Ensure air conditioning units and other noise generation plant and equipment are designed to minimise noise impacts and meet relevant environmental standards. 	<ol style="list-style-type: none"> Complies – Garbage chutes for general waste and bins for recycling are provided on each floor near each core. Refer to Operational Waste Management Plan in Attachment 23. Complies – Garbage areas are provided internally and within dedicated waste rooms, external waste will not cause any visual unsightliness. Furthermore, as the Operational Waste Management Plan prepared by EcCell states in Section 9 (Attachment 23), there will be ongoing management and appointed staff and management responsibilities to ensure that the waste areas are maintained, and that odours or clutter does not occur. Complies on merit – Residential waste rooms are located within an enclosed area within the basement. A retail waste room is provided at ground level for ease of access for future retail tenancies. Refer to Section 3.10.1 and Section 6.1.16 of the SEE and the Operational Waste Management Plan in Attachment 23. Complies – Apartments are provided with adequate laundry rooms, and clothes drying areas are proposed on the private open space balconies. Balconies provided exceed the minimum requirements and allow additional space for clothes drying. Balconies have solid balustrades and planting to ensure no negative visual impact on the amenity of adjoining properties is caused.

CLAUSE	PROVISION	ASSESSMENT
		<p>e) Complies – The proposed service facilities and structures have been carefully designed to be visually integrated within the development and to not impact on the streetscape. Refer to the Architectural Design Report in Attachment 6.</p> <p>f) Complies – Any satellite dishes and similar structures are capable of being setback on the roof to ensure they are out of sight from the public domain and not visually intrusive on adjoining neighbours.</p> <p>g) Complies – All air conditioning units and other noise generation plant and equipment have been designed to minimise noise impacts and meet relevant environmental standards. Refer to Section 6.1.18 of the SEE for detailed discussion and the Noise Impact Assessment prepared by PWNA in Attachment 16.</p>
2.1.11 Urban heat	<p>The objective is to reduce temperatures and create a resilient framework to mitigate the extreme impacts of urban heat by including appropriate measures to improve the health, comfort, and wellbeing of residents. To reduce the impacts of urban heat island effects the development should:</p> <p>a) Use external materials, façade elements and glazing to limit solar reflectivity (this may include retractable shade structures, 'green' walls, and roofs, and/or rooftop solar panels).</p> <p>b) Apply best practice water sensitive urban design (WSUD) principles.</p> <p>c) Reduce the extent of hard surfaces.</p> <p>d) Irrigate landscaped areas using non-potable water.</p> <p>e) Ensure landscaped areas include large trees with wide canopies.</p>	<p>Complies All consideration of creating a resilient development that can improve the health, comfort, and wellbeing of residents has been incorporated into the design of the proposed development. This has been addressed within Section 6.1.15 of the SEE and the Embodied Carbon Assessment and the Green Star Rating Report, prepared by Thermal Environmental (Attachment 10 and Attachment 8, respectively). Furthermore, BASIX Certificate and Assessment Report and NatHERS Certificates have been provided to support the proposed development and confirm sustainability measures.</p> <p>a) Complies – Refer to the materials and finishes outlined in the Architectural Design Report prepared by Bates Smart (Attachment 6). Future provision for solar panels has been included at roof level, subject to future application and approval.</p> <p>b) Complies – Water sensitive urban design (WSUD) and best practice principles have been incorporated into the development. On-site detention (OSD), rainwater harvesting, mechanical pump out and a WSUD stormwater treatment approach serve the development. Refer to the Stormwater Concept Plans prepared by Telford Civil (Attachment 17) for further details.</p>

CLAUSE	PROVISION	ASSESSMENT
		<p>c) Complies – Hard surfacing has been reduced where possible across the development.</p> <p>d) Complies – Recycled rainwater harvesting will irrigate the landscaped areas of the development.</p> <p>e) Complies – Landscaped areas include large trees with wide canopies in deep soil zones where appropriate to the development and to not obstruct public domain or impact adversely on the vehicular access.</p>
2.1.12 View sharing	<p>The objective is to limit the extent and impact on existing views. Developments should, as far as reasonably possible:</p> <p>a) Maintain existing views from adjoining and neighbouring properties.</p> <p>b) Have particular regard to water views which are more highly regarded than land views.</p> <p>c) Prioritise consideration of potential view loss from living areas.</p> <p>d) Consider alternative design options to maintain significant and iconic views.</p>	<p>a) Complies – By complying with the setbacks, separation distances, and largely complying with building heights, the proposal will not impact on view sharing, and existing views from adjoining properties will be maintained. There are not considered to be any significant views in the locality from the public and private domain. Nonetheless, the proposal is not visually dominant from surrounding properties as it responds to topography, has well-articulated facades and presents to the street an appropriate scale.</p> <p>b) Complies – There are no water views that will be impacted, the upper levels of the proposed development will have views of St. Leonards to the southwest and North Sydney and the Sydney CBD to the south.</p> <p>c) Complies – As above, no potential view loss is proposed from any area including living areas.</p> <p>d) Not applicable – Alternative design options were not considered in the context of views as no significant and iconic views were proposed to be impacted.</p>
4. Major developments		
<p><i>This includes for boarding houses that exceed 300m² or 12 persons, manor houses, multi dwelling housing, attached dwellings, residential flat buildings, seniors housing, 'build-to-rent' housing, and <u>the residential component of shop top housing</u> and mixed use developments. Apartments in a 'shop top housing' development must be above the ground floor level comprising retail or business premises.</i></p>		
4.4 Further controls for residential flat buildings, and the residential components of shop top housing and mixed use developments		

CLAUSE	PROVISION	ASSESSMENT
4.4.1 Site coverage	<p>To ensure adequate open space and reasonable privacy levels, the site coverage for residential flat buildings should progressively decrease as the height of the building increases.</p> <p>The site coverage for residential flat buildings should not exceed:</p> <ol style="list-style-type: none"> 30% of the site area for three storey building 28% of the site area for four storey building 26% of the site area for five storey building 24% of the site area for six storey building 22% of the site area for seven storey building 20% of the site area for a building with eight storeys or more 	<p>Complies on merit – The site coverage for the residential component of the building exceeds the 26% maximum as stated in the WDCP. Due to the site constraints, and to adhere to the bulk, scale, and form permissible, the site coverage exceeds that permissible.</p> <p>The total site coverage for the site is 58%. It is stated within the WDCP that variation to the maximum site coverage requirements can be considered provided communal open space proposed exceeds 25% of the site area, and a minimum 15% of the site is to be deep soil landscaping across the site. The development achieves these by providing 14.7% deep soil which is in accordance with the ADG requirements, and 25.9% communal open space.</p>
4.4.2 Building height	<p>Section 2C of the Apartment Design Guide details matters to consider when setting the height of buildings. It includes guidelines to ensure floor to ceiling heights provide adequate daylight and solar access. It also includes guidelines to allow for articulated roof planes and building services, and/or architectural roof features within the overall height of the proposed building.</p> <p><i>Notes:</i></p> <ul style="list-style-type: none"> <i>Clause 4.3 and 4.3A of Willoughby LEP provide the maximum height of buildings and exceptions to this.</i> <p><i>Generally, a 9m building height equates to 3 storeys; 12m equates to 4 storeys; 15m equates to 5 storeys; and 18m equates to 6 storeys.</i></p>	<p>Complies on merit – The development complies with the ADG provisions for floor to ceiling heights, daylight, and solar access. Refer to Appendix A of the Architectural Design Report prepared by Bates Smart (Attachment 6)</p> <p>The development presents as five storeys to Strathallen Avenue and Baringa Road. The maximum height permissible on the site is 17m. Refer to Section 3.4 and Section 5.6.2 of the SEE which refers to Clause 4.3 of the WLEP.</p> <p>Furthermore, to support the minor noncompliance to the building height control, a Clause 4.6 Variation Request has been prepared (Attachment 2).</p>
4.4.3 Floor space ratio	<p>Section 2D of the Apartment Design Guide details matters to consider when setting the floor space ratio (FSR) for buildings. The floor space ratio of a building is the theoretical maximum capacity that can be achieved. It may not always be possible to achieve the maximum floor area due to other controls or site-specific constraints.</p> <p><i>Note:</i></p> <p><i>Clause 4.4 and 4.4A of Willoughby LEP provide the maximum floor space ratio and exceptions to this.</i></p>	<p>Complies on merit – The overall development complies with FSR and maximum GFA permissible across both sites. Refer to the Clause 4.6 Variation Request prepared by Gyde Consulting Pty Ltd (Attachment 1) that outlines the justification for the FSR exceedance over 57 Strathallen Avenue and balancing the FSR over the entire site.</p>
4.4.4 Setbacks	<p>Section 2G (Street setbacks) and 2H (Side and rear setbacks) of the Apartment Design Guide detail matters to consider for the setback for buildings.</p> <p>To achieve the aims in the ADG, these controls apply to residential flat buildings:</p>	<p>Complies</p> <p>Section 5.5.2.2 of the SEE outlines in detail the setbacks proposed within the development. The setbacks largely comply with WDCP controls; however, setbacks fully comply and adhere to ADG requirements, and as the statutory document, compliance with the SEPP Housing 2021 takes precedence. The setbacks do progressively increase to reduce bulk and overshadowing.</p>

CLAUSE	PROVISION	ASSESSMENT
	<p>a) Side and rear setbacks: 3m plus 1.2m per storey above the ground floor level.</p> <p><i>Note:</i></p> <ul style="list-style-type: none"> Car parking structures are not permitted within the front setback area. The total required setback applies to all floors above the third floor for side and rear setbacks. Balconies and verandahs not more than 1m above the finished ground level are permitted within the side and rear setback areas. <p><i>Unroofed terraces, landings, steps, or ramps not more than 1m in height are permitted within the side and rear setback areas.</i></p>	<p>Car parking structures are not proposed within the front setback areas.</p> <p>Refer to the architectural plans (Attachment 4) and Architectural Design Report (Attachment 6) prepared by Bates Smart.</p>
4.4.5 Open space	<p>Section 3D (Communal and public open space), 3E (Deep soil zones) and 4O (Landscape design) of the Apartment Design Guide provide guidelines for the provision of open space that can support healthy plant and tree growth and that is environmentally sustainable. These sections also have guidelines to ensure adequate communal and private open space is provided. To achieve these outcomes, the controls below apply to residential accommodation of three or more storeys and four or more dwellings:</p> <p>a) <u>Soft landscaped area/deep soil zone and tree planting.</u></p> <p>The site should:</p> <ol style="list-style-type: none"> Comprise at least 35% of soft landscaped areas and deep soil zones at ground level excluding planter boxes). Provide deep soil zones primarily in the front setback areas and around the perimeter of the site. Include species with a wide tree canopy which can cover hard stand areas to reduce the impacts of heat island effects. Include new trees within deep soil zones that are semi mature when planted to be compatible with any existing predominant street trees. <p><i>Notes:</i></p> <ul style="list-style-type: none"> Except for deep soil zones, all other landscaped areas, which are considered to be soft landscaping, must have a minimum soil depth of 600mm. All communal landscaped areas must provide an irrigation system using non-potable water. Advanced trees are generally a species that has been grown in a plant nursery for 2 to 5 years. Semi mature trees are generally a species that is transplanted with an overall height greater than 4m. 	<p>a) Complies</p> <ol style="list-style-type: none"> Complies on merit – The development exceeds the ADG requirements for landscaping of 25% providing 883 sqm (31%) of soft landscaped areas. This falls short of the 35% WDCP control however, the ADG under the SEPP Housing 2021 is the statutory control applicable. Furthermore, additional planting has been included across the development along the ground floor street and along private open spaces at all levels. Complies on merit – Due to the 0 setbacks at ground level to Baringa Road and Strathallen Avenue, deep soil zones cannot be provided along the street frontage. They are provided to the rear within the public open space. 357 sqm (14.7%) deep soil is proposed which exceeds the minimum requirement of 7%. Complies – Tree species with a wide tree canopy cover have been selected, refer to the landscape plans prepared by Sturt Noble Associates for further details (Attachment 12). Complies on merit – The deep soil zones are not located along the streetscape, however 5 street trees are provided along Strathallen Avenue and Baringa Road and will be compatible with the existing character of landscaping and street trees in the area. <p>b) Complies</p>

CLAUSE	PROVISION	ASSESSMENT
	<ul style="list-style-type: none"> <i>It may not always be possible to satisfy all the controls where there is limited space for deep soil zones. Examples include shop top housing and mixed use developments in non-residential areas.</i> <p>b) <u>Private open space</u></p> <p>The minimum area and depth of balconies and ground level private open spaces apply as detailed in Section 4E of the Apartment Design Guide.</p> <p>c) <u>For developments with 15 or more apartments, communal open space should:</u></p> <ol style="list-style-type: none"> Provide 25 sqm of communal open space per each dwelling where balconies are the only form of open space. Have a minimum dimension of 5m and minimum area of 50 sqm. Include a children's play area that has a minimum area of 30 sqm, a minimum dimension of 5m and be no steeper than 1 in 20. 	<p>The private open space is provided in the form of balconies across level 01 to level 04. Refer to the ADG Compliance Table prepared by Bates Smart in the Architectural Design Report (Attachment 6) for confirmation. Areas and dimensions are outlined on the architectural plans (Attachment 4).</p> <p>c) Complies on merit</p> <ol style="list-style-type: none"> Complies – As per the controls, and for 24 apartments proposed, 600 sqm of communal open space is required. The development provides 629 sqm of communal open space therefore complies. Private open spaces in the form of balconies are also proposed. Complies – The communal open spaces extend to 629 sqm and exceeds 5m dimensions. Noncompliance – A children's playground is not proposed due to the sites constraints and the requirement to provide a through site link (future provision and subject to future agreement, not part of this DA) central to the development. Communal open space provisions are met, and this includes open turf area that can be used as passive recreation by children.
PART D: COMMERCIAL DEVELOPMENT		
1 Introduction		
1.2 Objectives	<p>The objectives of this part are to:</p> <ol style="list-style-type: none"> ensure controls do not inhibit economic development. ensure a high standard of urban design that makes a positive contribution to the streetscape and reinforces the importance of pedestrian areas. achieve energy efficient and sustainable buildings and developments that promote sustainable transport initiatives. ensure commercial development maximises thermal comfort and minimises urban heat impacts in the interests of health and wellbeing. provide a satisfactory transition and minimises any adverse effects between commercial uses and adjacent residential areas. ensure development is carried out in line with planning strategies for local centres, and the strategic centres of Chatswood CBD and St Leonards ensure development is carried out in line with state plans, policies and guidelines. 	<p>a) Complies – The development adheres to commercial controls and the provision of 6 retail units will ensure operational economic development for Northbridge following from the construction of the development.</p> <p>b) Complies – The development contributes to the streetscape along Strathallen Avenue and Baringa Road by providing active street frontages, the importance of pedestrian areas are reinforced with provisions allowed to provide a future connection to the through site link from Strathallen Avenue to Sailors Bay Road and a public courtyard that is publicly accessible.</p> <p>Note: Council acknowledged that this proposed development does not (and cannot as no owners'</p>

CLAUSE	PROVISION	ASSESSMENT
		<p><i>consent has been obtained) provide legal access through the northern portion (134 Sailors Bay Road , legally referred to as Lot A in DP404929). The development does not have owners' consent for 134 Sailors Bay Road and access over that site does not form part of this application. Any treatment of the future "through-site link" is proposed within the site boundary of 57-69 Strathallen Avenue only, and to clarify, this DA does not and cannot provide any physical link through to 134 Sailors Bay Road at present.</i></p> <p>c) Complies – The proposal achieves energy efficiency and sustainable buildings and complies with State Environmental Planning Policy (Sustainable Buildings) 2022. The development promotes sustainable transport initiatives as it is located in proximity to public bus routes, adjacent to a bus stop, and is pedestrian and cyclist friendly.</p> <p>d) Complies – Thermal comfort and the minimisation of urban heat has been addressed in the Ecological Sustainable Development – Green Star Rating Report (Attachment 8) and the Section J – DTS Report (Attachment 9), prepared by Thermal Environmental Pty Ltd.</p> <p>e) Complies – Commercial and residential uses are provided in transition and form as per the permissible controls and requirements for shop top developments. Certain measures have been implemented to ensure no adverse effects occur between the two uses, including noise mitigation, safety measures, separate waste strategies, and also separate access points.</p> <p>f) Complies – The development complies with the objectives and strategies of the Northbridge local centre.</p> <p>g) Complies – Refer to Section 5 of the SEE for further details of compliance with plans and policies.</p>

CLAUSE	PROVISION	ASSESSMENT
4 Performance criteria and controls		
4.1 Building design		
4.1.2 Controls	<ul style="list-style-type: none"> a) use of roller shutters in lieu of glazed facades is not permissible unless a minimum 70% of the roller shutter is transparent. b) any kind of internal security shutter, mesh gate or similar must be located a minimum of 1m behind the facade of the premises facing a public space or at the rear of any display window. c) any plant, equipment or machinery should be suitably screened from the general public. d) the above awning facades of 2-storey shop frontages should have a solid to void ratio of around 60:40. e) developments should use materials with a low solar reflectance index (SRI) and incorporate shade structures to reduce urban heat island effects. f) the entire ground floor level of a shop top housing development must be used for retail/commercial purposes; this may include loading/unloading facilities but does not include car parking 	<ul style="list-style-type: none"> a) Not applicable – Roller shutters are not proposed. Glazed windows are proposed on certain windows to certain boundaries to maintain privacy to residents and adjacent development's. b) Not applicable – Details of internal security shutters to retail units facing the street will be subject to future applications. c) Complies – All plant, equipment and machinery have been appropriately screened and integrated into the design of the development at Basement Levels. The substation proposed to Baringa Road cannot be screened as it is required to be easily accessed to servicing. It will feature the same high standard of materials and finishes as the overall development and will be seamlessly incorporated into the overall finish. d) Complies – The proposed awning above the ground level of the development will be 100% solid and will not feature any glass or transparent materiality. e) Complies – The materials and finishes are sustainably selected and awnings are incorporated into the development to provide adequate shade structure to the street. f) Complies – The proposed development only includes retail and back of house uses at ground level. No residential uses are included at ground level apart from residential lobby access and mail-boxes which are unavoidable and deemed

CLAUSE	PROVISION	ASSESSMENT
		acceptable. All residential waste areas and parking is located within the basement levels.
4.3 Awnings		
4.3.2 Controls	<p>a) if the existing awning is a traditional suspended steel box section type, it should be retained; if a new awning is needed it should match adjoining awnings and maintain the same alignment.</p> <p>b) new awnings should:</p> <ul style="list-style-type: none"> • be of opaque materials with glass inserts to allow light penetration to the footpath. • be continuous for the entire site frontage, including any vehicle entrance. • be set back 600mm from the footpath edge. • have a recess or opening to accommodate the growth of street trees. • have a height clearance above the footpath between 3m and 4.2m • maintain the horizontal alignment, stepping down at regular intervals to follow the topography of the site where the footpath is sloping. <p>c) entrances to large frontage developments can incorporate raised or arched canopy elements to highlight the entrance; these should be in scale with the building and compatible with the prevailing street awning character</p>	<p>a) Complies – The proposed awning matches and maintains the same alignment of existing and adjacent awnings. The solid</p> <p>b) Complies on merit – In order to maintain the streetscape character and be consistent with the adjoining awnings and maintain the same alignment, some minor noncompliance with awning details is required. The proposed awning is solid, is continuous for the entire site frontage, the vehicle entrance is not located to the front of the site onto Strathallen Avenue and Baringa Road. The awnings will not impede on the accommodation of the street trees proposed. The awnings have a height clearance of 3.15m and step down along Strathallen Avenue to follow the site topography.</p> <p>c) Not applicable – Due to the site's setback of 0m to Strathallen Avenue and Baringa Road it is not possible to provide canopy to the site entrance. The pedestrian entrance is clearly open and central to the development and maintains compatibility with the street awning character.</p>
4.4 Frontages		

CLAUSE	PROVISION	ASSESSMENT
4.4.2 Controls	<ul style="list-style-type: none"> a) a minimum width of 27m is required for developments that exceed 11m in height or where vehicular access is only available from the primary street frontage. b) no more than 30% of the street frontage is to be used for vehicle and pedestrian access to lower and upper levels. c) the bulk of new facades should be divided into equal units of around 6m each to reflect traditional small retail shopping frontages 	<ul style="list-style-type: none"> a) Complies – The development exceeds 11m in height and does not exceed a width of 27m along the southern boundary where the vehicular access is provided from Baringa Road. b) Complies – The pedestrian access to via the through site link is 3.5m and the vehicular access to Baringa Road is 6.5m. This total of 10m does not comprise of more than 30% street frontage. The majority of the street frontage has been provided with retail units along the street. c) Complies – The retail units along the street fronting Strathallen Avenue are largely of similar sizing and represent traditional small retail shopping frontages that are consistent with the surrounding retail of the Northbridge area.
4.5 Streetscape		
4.5.2 Controls	<ul style="list-style-type: none"> a) new developments or significant alterations and additions may be required to provide improvements to the quality of the public pedestrian domain, such as adding suitable paving, street trees and landscaping. b) if shop frontages are predominantly built along the street alignment, new developments or significant alterations and additions may be required to improve the pedestrian amenity at street level with transparent interactive frontages, including outdoor seating and/or dining areas. 	<ul style="list-style-type: none"> a) Complies – The development provides improvements to the streetscape of Strathallen Avenue and Baringa Road. The proposal will add street trees, provisions of the future through site link, public domain and landscaping that is publicly accessible, and suitable paving and materials that will enhance the character of the street. b) Complies – Shop frontages are built along the street alignment. The pedestrian amenity is improved with the provision of the through site link (future provision to connect to Sailors Bay Road, subject to future agreement), street tree planting, awnings for weather protection, and outdoor dining areas provided to the rear in the public open space. <i>Note:</i> Council acknowledged that this proposed development does not (and cannot as no owners' consent has been obtained) provide legal access through the northern portion (134 Sailors Bay Road , legally referred to as Lot A in DP404929). The development does not have owners' consent for 134 Sailors Bay Road and access over that site does not form part of this application. Any treatment of the future "through-site link" is proposed within the site boundary of 57-69 Strathallen Avenue only, and to clarify, this DA does not and cannot provide any

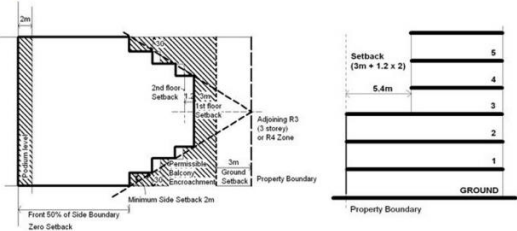
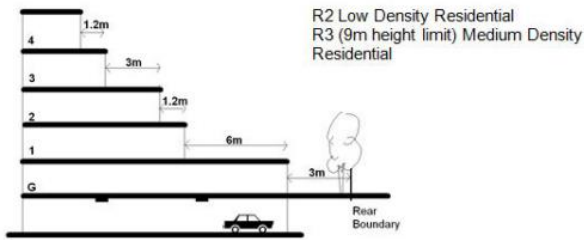
CLAUSE	PROVISION	ASSESSMENT
		<i>physical link through to 134 Sailors Bay Road at present.</i>
4.6 Car parking and vehicular access		
4.6.2 Controls	<ul style="list-style-type: none"> a) the width of the entry portal for a driveway providing access to a car parking area should not exceed 5m and the head clearance should not be more than 2.4m. If the access is also the entry to a loading dock, a head clearance of 3.6m may be allowed. b) the layout of car parking spaces must comply with AS/NZS 2890.1 and AS/NZS 2890.6 and details are to be shown on the architectural plans. c) the location, siting and grades of driveways, and driveway width must be in line with Australian Standard AS/NZS 2890.1 d) all new developments and significant alterations and additions must provide accessible car parking spaces for people with disability in line with Section D3.5 of the Building Code of Australia under the National Construction Code. e) details of swept paths may be required to demonstrate all vehicles can enter and leave the site in a forward direction. f) compliance with the provisions in Part F (Transport and Parking Management) of this plan. 	<p>The Traffic and Parking Assessment prepared by MLA Transport Planning (Attachment 20) confirms that the proposal:</p> <ul style="list-style-type: none"> a) Complies – Refer to Section 4.8 of the Traffic and Parking Assessment. b) Complies – Refer to Section 4.8 of the Traffic and Parking Assessment. c) Complies – Refer to Section 3.2 and 4.8 of the Traffic and Parking Assessment. d) Complies – Refer to Section 4.3 of the Traffic and Parking Assessment. e) Complies – Refer to Appendix B of the Traffic and Parking Assessment. f) Complies – Refer to Part F of this DCP
4.7 Loading / unloading facilities		
4.7.2 Controls	<ul style="list-style-type: none"> a) each commercial premises must have a separate loading facility provided off a secondary road or laneway. c) all new commercial developments, and developments that involve significant demolition, alterations or additions with a floor area in excess of 1,000m² must make adequate provision for off-street loading and unloading facilities in line with Part F of this plan. 	<ul style="list-style-type: none"> a) Noncompliance – Due to the site's constraints it is physically unviable for each commercial premises to have separate loading facility off a secondary road or laneway. Retail units on the ground level will have access to the loading and unloading dock at ground level which allows access to the rear of the units for loading. b) Complies – Refer to Section 4.7 of the Traffic and Parking Assessment.
4.8 Waste and recycling		
4.8.2 Controls	<ul style="list-style-type: none"> a) all waste management facilities must comply with the Building Code of Australia and relevant Australian Standards. b) any compactors or mechanical devices must comply with occupational health and safety requirements. c) bin storages areas must: <ul style="list-style-type: none"> • be suitably screened from public areas and adjoining properties. • located in areas to reduce the impacts of visual amenity, noise, and odour. 	<ul style="list-style-type: none"> a) Complies – All waste management facilities have been designed to comply with the Building Code of Australia and relevant Australian Standards. Refer to the Operational Waste Management Plan and BCA Report in Attachment 23 and Attachment 11, respectively.

CLAUSE	PROVISION	ASSESSMENT
	<p>d) refrigerated garbage rooms are required in either of these cases:</p> <ul style="list-style-type: none"> the waste generated contains 20% or more by weight or volume of seafood, poultry or meat. 50 litres or more of seafood, poultry or meat is generated in total per day, unless the waste is collected daily. <p>e) the onsite collection point must provide adequate space for garbage vehicles to enter and leave the site in a forward direction.</p> <p>f) basement waste and recycling storage areas and access to these areas must have a minimum clearance height of 4.5m to accommodate waste and recycling collection vehicles.</p> <p>g) a resource recovery and waste management plan must be submitted with the development application (see Attachment 1 in this part)</p>	<p>b) Complies – Any mechanical devices (if required in future) will be able to comply with occupational health and safety requirements.</p> <p>c) Complies – All bin storage areas are located within a designated room, are suitably screened from public areas and adjoining properties and located in areas to reduce the impacts of visual amenity, noise, and odour.</p> <p>d) Not applicable</p> <p>e) Complies - The loading facility has been designed to accommodate service vehicles up to 10.5m long rigid vehicle (or one MRV or two SRV) with a headroom of 4.5m above the loading bay and any required truck manoeuvring area. Swept path diagrams are included in the Traffic and Parking Assessment (Attachment 20) and demonstrate that the truck can enter and exit in a forward direction.</p> <p>f) Complies – The loading facility to accommodate waste and recycling collection vehicles has a headroom of 4.5m above the loading bay.</p> <p>g) Complies – An Operational Waste Management Plan has been prepared for the proposed development (Attachment 23). The OWMP has been prepared in accordance with the Waste Avoidance and Resource Recovery Act 2001.</p>
4.9 Pollution control		
4.9.2 Controls	<p>a) depending on the type, scale, and location of development, the development application may need to include an acoustic report and/or other reports to address pollution control measures.</p> <p>b) depending on the type, scale, and location of construction works, the application may need to include a site management plan to address sediment and erosion control measures.</p> <p>c) the discharge of any solid, liquid, or gaseous materials must comply with the <i>Protection of the Environment Operations Act 1997</i></p> <p>d) if there is likely to be a need for the disposal of liquid waste to the sewer, Sydney Water should be contacted for its requirements on installing grease arrestors.</p> <p>e) new commercial buildings which include retail premises that allow cafés, restaurants or similar, must make adequate provision for the vertical discharge of exhaust from the lower floor levels.</p> <p>f) the hours of operation may be restricted if a particular use is likely to interfere with the residential amenity of adjoining and nearby dwellings.</p>	<p>a) Complies – An Noise Impact Assessment has been prepared and is provided for Council's consideration in Attachment 16.</p> <p>b) Complies – Refer to the Sediment and Erosion Control Plan prepared by Telford Civil (Attachment 17).</p> <p>c) Noted</p> <p>d) Noted</p> <p>e) Complies – Provision for a kitchen exhaust riser has been made in one retail unit (G01) to provide for the future use of a restaurant or café. Details of this unit are subject to a future application and approval.</p> <p>f) Noted for future approval of retail units.</p>

CLAUSE	PROVISION	ASSESSMENT
4.10 Stormwater disposal and flooding		
4.10.2 Controls	<ul style="list-style-type: none"> a) depending on the type, scale, and location of development, the development application may need to include a stormwater management plan. b) if the development is on flood prone land, the development application may need to include a flood risk assessment report and/or a flood study. c) new commercial developments on land exceeding 2,000m² must implement appropriate water sensitive urban design measures d) the application must show the proposal satisfies the objectives and controls in Part I (Stormwater Management) in this plan. 	<ul style="list-style-type: none"> a) Complies – A stormwater management plan has been prepared (Attachment 17) b) Not applicable – The development is not on flood prone land. Refer to the Section 10.7 Planning Certificate provided in Appendix 3 of the SEE. c) Complies – The site area is 2,428 sqm, and therefore WSUD principles have been incorporated into the development design. Refer to the stormwater management plans prepared by Telford Civil (Attachment 17). d) Complies – As above.
4.11 Sustainable development		
4.11.2 Controls	<ul style="list-style-type: none"> a) depending on the type, scale and cost of development, the development application must include a Sustainable Performance Statement, a Green Star rating report, and/or a National Australian Built Environment Rating Scheme (NABERS). b) the application must show the proposal satisfies the objectives and controls under Part J (Building Sustainability) in this plan. c) applications for large developments exceeding 2,000m² must include a travel demand management plan (green travel plan); this should detail how the operation intends to modify travel decisions to and from the building so that more desirable modes of transport are used, such as bicycles, car-pooling, mini-bus pick-up/drop off, and provision of car share spaces (see Part F in this plan for details). 	<ul style="list-style-type: none"> a) Complies – Refer to the Green Star Rating report prepared by Thermal Environmental Pty Ltd (Attachment 8). b) Complies – Refer to the Section J Report DTS Assessment prepared by Environmental Pty Ltd (Attachment 9). c) Complies – Refer to the Green Travel Plan prepared by MLA Transport Planning (Attachment 22).
4.12 Signage		
4.12.2 Controls	<ul style="list-style-type: none"> a) the content must relate to the building and/or business on the site. b) the size of signs must be in proportion with the building. c) there must be an integrated and coordinated scheme for business identification signs for multi-tenanted buildings. d) there must be no glare or light spill from any signs onto adjoining properties. 	Signage is not proposed as part of this DA. Any future signage will be subject to planning approval under a separate DA or as complying development, whichever applies.

CLAUSE	PROVISION	ASSESSMENT
4.13 Safety by design		
4.13.2 Controls	a) the design should include high visibility to front entries, lighting of pathways or hidden spaces and where applicable, careful siting of shrubs and landscape elements	a) Able to comply – The proposed development has been carefully designed to ensure all entries (both retail and residential) are visible, all pathways are well lit, and landscaping has been carefully designed to ensure CPTED principles are integrated. Refer to Section 6.3.1 of the SEE for detailed discussion.
4.14 Utility features		
4.14.2 Controls	a) the application must include written advice from the energy provider and Sydney Water that states if these utility facilities must be provided for the development. b) all facilities that are visible from the street or public domain must be suitably screened by landscaping. c) substations should preferably be located below ground level or at the rear of the property if rear lane access is available.	a) Additional information required. b) Complies on merit – Where utilities are proposed at ground level and visible from the street, the substation on Baringa Road, this has to be easily accessible for servicing and service vehicles and cannot be blocked off, therefore landscaping to screen this is not possible. c) Complies on merit – The substation is located at ground level on Baringa Road. Rear lane access to the property is not available. As per the above justification, due to sites constraints, the substation is proposed at ground level to the street. Furthermore, it needs to be located to easily connect to the high voltage connection points on the street.
4.15 Undergrounding of services		
4.15.2 Controls	a) all services, including overhead electricity wires, for major developments exceeding 2,000m ² are to be located underground (this includes publicly owned land immediately outside the development site).	Complies Refer to the Civil Plans prepared by Telford Civil (Attachment 19) for details of the civil works required to service the development.
4.16 Access and mobility		
4.16.2 Controls	b) Details are to be submitted with the development application to demonstrate the development will comply with the <i>Disability (Access to Premises – Building) Standards 2010 under Disability Discrimination Act 1992</i> .	Complies – The DA is accompanied by an Access Report prepared by Accessibility Solutions Pty Ltd in Attachment 15 which confirms that the development is capable of complying with <i>Disability (Access to Premises – Building) Standards 2010 under Disability Discrimination Act 1992</i> .
6 Shop top housing and mixed-use developments		
6.1 Setbacks		

CLAUSE	PROVISION	ASSESSMENT
6.1.1 Front setback	<p>a) the front (street) setback of the ground floor level may be set at the property boundary defining the street corridor with a continuous edge.</p> <p>b) the first floor level is required to be setback a minimum 2m from the street frontage.</p> <p>c) balconies are not to encroach into the required setback of the level below.</p> <p>d) the first floor level may have a zero setback if it comprises commercial uses and/or it is in keeping with established adjoining developments.</p> <p>e) the third floor level and above is required to be setback 5m plus 1.2m for each level above the third level.</p> <p>f) the total required setback applies to all floors above the third floor.</p> <p>Figure 1 Front setbacks</p>	<p>a) Complies – Proposed plans comprise a nil setback at ground level on Strathallen Avenue, consistent with the adjoining properties.</p> <p>b) Not applicable - Site specific controls under Part L of DCP require 1m setback and prevail.</p> <p>c) Complies – Balconies do not encroach into the required setbacks of the levels below.</p> <p>d) Not applicable – Proposed plans include residential at first level and therefore provision is not applicable. Refer to the assessment of the Northbridge Local Centre site specific controls in Part L of the WDCP.</p> <p>e) Not applicable – Northbridge Local Centre site specific controls are listed under Part L provision a maximum of 5 storeys for amalgamated lots in the E1 zone with a 1m setback on east and western side of Strathallen Avenue. Refer to the assessment of the Northbridge Local Centre site specific controls in Part L of the WDCP.</p> <p>f) Not applicable - Refer to the assessment of the Northbridge Local Centre site specific controls in Part L of the WDCP.</p>
6.1.2 Side setbacks	<p>a) the ground floor level may have a zero setback.</p> <p>b) the first and second floor level are required to have zero setback for a maximum of 50% of the length of the side boundary located within the front half of the site.</p> <p>c) the side boundary setbacks for the first and second floors for the remainder of the building are to comply with the building envelop determined by a line projected horizontally at 30° from the side boundary from halfway along the boundary towards the rear of the site.</p> <p>d) the third floor and above is required to have a setback of 3m plus 1.2m for each level above the third level.</p> <p>e) the total required setback applies to all floors above the third floor.</p>	<p>Complies Setbacks are compliant with the ADG requirements and Part L of the WDCP. Refer to previous justifications and Section 5.5.2 of the SEE.</p>

CLAUSE	PROVISION	ASSESSMENT
<p>6.1.4 Rear setbacks adjoining low and medium density zone land</p>	<p>Figure 2 Side setbacks</p>  <p>The rear setbacks below apply to developments adjoining low density (R2 zone) or medium density (R3 zone with a height limit of 9m). These setbacks apply whether or not the land is separated by a laneway:</p> <ol style="list-style-type: none"> 3m from the ground floor level plus 6m for the first floor level plus 1.2m for the second floor level plus 3m for the third floor level plus 1.2m for the fourth floor level plus 3m for the fifth and each additional floor level <p>Figure 4 Rear setbacks for R2 and R3 (9m height limit) zones</p> 	<p>Complies Setbacks are compliant with the ADG requirements and Part L of the WDCP. Refer to previous justifications and Section 5.5.2 of the SEE.</p>
<p>6.2 Landscaping</p>	<p>Controls</p> <ol style="list-style-type: none"> a 3m wide deep soil zone must be provided along the rear boundary adjoining residential zoned land the deep soil zones must be landscaped with trees that when mature, reach a minimum height of 15m and a minimum 3m wide tree canopy. a planter box with a minimum internal width of 1m must be provided along the edge of a balcony or terrace on the first floor level that faces low or medium density zoned land. a planter box with a minimum internal width of 400mm must be provided along the edge of a balcony or terrace on all other floors facing low or medium density zoned land (other than the street frontage). 	<ol style="list-style-type: none"> Complies – A 3m wide deep soil landscaped buffer zone is provided along the rear eastern boundary of the site. Complies – A planter box is provided along the edge of the balcony level 01 that faces the adjacent site. No balcony at level 01 is provided to level 01 along the eastern boundary. Complies – A planter box is provided along the edge of the balconies along levels 02-04.

CLAUSE	PROVISION	ASSESSMENT
	<ul style="list-style-type: none"> d) all planter boxes must not exceed 1m in height, have a minimum soil depth of 600mm, and be landscaped with dense screen planting. e) a minimum of 20% of any podium and a minimum 20% of any rooftop open space must be landscaped. f) details of the type and height of shrubs and trees within the deep soil zones, planter boxes, podium and/or rooftop open space must be shown on the landscaped plans. 	<ul style="list-style-type: none"> d) Complies – Planter boxes will not exceed 1m in height and will be landscaped with a mix of planting as outlined on the landscape plans (Attachment 12). e) Not applicable – A podium or rooftop open space is not proposed. f) Complies – Refer to the landscape plans and planting schedule prepared by Sturt Noble Associates for full details (Attachment 12).
6.3 Car parking and access		
Controls	<ul style="list-style-type: none"> a) access to the residential car parking area must be separated from the commercial car parking and loading areas. b) shared car spaces may be provided for residential visitors and customers if unimpeded access is available at all times. c) vehicle movements for loading and unloading must be separated from all car parking areas. 	<ul style="list-style-type: none"> a) Complies on merit – Both the loading dock and basement carparking are accessed off a driveway from Baringa Road due to site constraints separate access cannot be provided. However, loading and unloading areas are provided on ground level separate to the driveway ramp. Retail parking is provided on Basement Level 01 and Residential parking is provided on Basement Level 02. b) Not applicable – Retail and residential car parking spaces remain compliant with the controls, and sharing of spaces is not required. c) Complies – Loading and unloading is provided on ground level, which is separate from the car parking areas on Basement Level 01 and Level 02.
6.4 Signage		
Controls	<ul style="list-style-type: none"> a) signs are restricted to shop fronts, awnings and under awning signs. b) any signs must consider the visual impact on residential occupants, particularly in terms of illumination and light spill. 	Signage is not proposed as part of this DA. Any future signage will be undertaken as Complying Development or as part of a separate DA.

CLAUSETh	PROVISION	ASSESSMENT
7 Specific land uses		

CLAUSE	PROVISION	ASSESSMENT
7.2 Outdoor dining areas	<p>Outdoor dining areas can provide vitality to the streetscape in commercial precincts. Willoughby City Council encourages the use of footpaths and public space for outdoor dining areas in conjunction with a café or restaurant, providing they are established in appropriate locations.</p> <p>Any application to lease a public footway from Willoughby City Council for an outdoor dining area must be associated with a food and drinks premises, café or restaurant.</p> <p>These conditions apply:</p> <ol style="list-style-type: none"> the minimum area for an outdoor dining area is 2m². the public footway space must have a minimum width of 3.5m to the curb-line. an outdoor dining area should not be next to a bus stop, taxi rank, Australian Post mailbox, or automatic teller machine (ATM) the outdoor area must not interfere with or prevent access to existing street elements such as street furniture, pedestrian crossings, traffic lights, street trees, planter boxes, and street or directional signs; a clear width of 2m should be maintained from these structures. the layout is consistent with other outdoor dining areas in the vicinity so that pedestrian circulation and flow is not obstructed. a minimum 900mm must be maintained between the curb-line and the outdoor dining area. the outdoor dining area must be immediately in front of the 'food and drinks premises', café or restaurant and not encroach on footpath space in front of adjoining premises unless written approval is provided by the owner or tenant of the adjoining premises; this approval must be provided if there is a change of tenant/owner or annually, whichever comes first. if the premises is on a corner, the outdoor dining area may occupy both street frontages subject to the same restrictions for a single fronted premises. <p>An application for an outdoor dining area must include the information below:</p> <ol style="list-style-type: none"> details of furniture demonstrating that it is of high standard, safe and strong, wind resistant, and able to maintain a quality presentation. details of the type and height of barriers (barriers must not be used to completely enclose the outdoor dining area). details of any business identification signs on the furniture and barriers; no third party advertising is permitted unless it is associated with the operation of the premises, such as the brand of coffee used. 	<p>Complies on merit – Outdoor spaces and dining areas are not able to be accommodated onto Baringa Road or Strathallen Avenue as there is a 0m setback control.</p> <p>However, outdoor dining has been provided in conjunction with a future café/restaurant (subject to a future application), centrally in the development in the courtyard public open space area.</p> <ol style="list-style-type: none"> Complies – The outdoor dining area exceeds 2 sqm. Complies – The through site link is 3.5m. Complies – The outdoor dining is not next to any of these items. Complies – The outdoor dining does not interfere with access to any existing street elements. Complies on merit – The development is consistent with the immediate vicinity of Strathallen Avenue, Sailors Bay Road, Baringa Road, in that on street to the front of development is not provided. This ensures pedestrian flow of the street is uninterrupted. It is not possible to confirm if the proposal is inconsistent alternative provision of outdoor dining in other adjacent developments within central courtyards or rear garden areas. Not applicable Complies on merit – The development as per the above justification cannot provide an outdoor dining area to the front of a food or drinks premises. The retail uses at ground level will be subject to future applications, however, the G.01 retail unit has the inclusion of a kitchen riser to allow for a future use of a café or restaurant. Outdoor public seating is provided to the rear in the public open space. Not applicable <p>1-3 Not applicable – Outdoor dining details will be subject to a future application in accordance with the adjacent retail (café/restaurant) use</p>

Part F: Transport and Parking Management

1 Introduction

CLAUSE	PROVISION	ASSESSMENT
1.2 Objectives	<p>The objectives of this part are to:</p> <ul style="list-style-type: none"> a) ensure developments make adequate provision for a reasonable number of off-street car parking spaces, including accessible (disabled) parking spaces. b) ensure developments make adequate provision for parking and end-of-trip facilities for bicycles. c) ensure developments make adequate provision for electric and autonomous vehicles, car share spaces, and other alternative modes of transport. d) provide controls for the safe, convenient, and efficient movement of pedestrians, bicycles and vehicles for developments. e) ensure the access and design of car parking areas contribute positively to the public domain. f) reduce the demand for private car use and off-street car parking by employing the principles of travel demand management. 	<ul style="list-style-type: none"> a) Complies – The development meets the parking requirements for all components of use provided, including accessible parking. b) Complies – Bicycle parking is provided in accordance with the controls. End of trip facilities are not required as the bicycle parking required for retail uses does not meet the threshold for the requirement of these facilities. c) Complies on merit – EV charging spaces are provided, with future provision of all spaces to be made to EV spaces in the future. Car sharing spaces are not provided, refer to the justification in Section 5.7. The development has made suitable provisions for the parking and access of bicycles and is centrally located adjacent to a bus stop on Strathallen Avenue. d) Complies – Vehicular access is separated from pedestrian and bicycle access to ensure safety measures, measures such as sightlines and signals/sound alarms to ensure safety to the driveway and vehicle access area will be implemented. e) Complies – The access driveway contributes to the public domain as it is located to the southeast corner of the site, allows uninterrupted active street frontages along Strathallen Avenue and Baringa Road, and does not visually or physically impede on the future through site link or the landscaping strategy for the site. f) Complies – Refer to the Green Travel Plan prepared by MLA Transport Planning (Attachment 22).
4 Car parking and driveway design		
4.1 Car parking	<p>These controls apply to all car parking and access arrangements:</p> <ul style="list-style-type: none"> a) the layout of car parking spaces must comply with AS/NZS 2890.1 and AS/NZS 2890.6. b) column locations must comply with AS/NZS 2890.1 (columns shall not be located within circulation aisles). c) the headroom for an accessible (disabled) car space must comply with the requirements of AS 2890.6. d) car parking space accessed from a rear lane must provide a minimum setback of 1m with a 1m splay to the rear boundary. 	<p>Refer to the Transport and Parking Assessment prepared by MLA Transport Planning for confirmation of compliance (Attachment 20). This confirms that:</p> <ul style="list-style-type: none"> a) Complies – Refer to Section 4.8 of the Transport and Parking Assessment. b) Complies – Refer to Section 4.8 of the Transport and Parking Assessment. c) Complies – Refer to Section 4.8 of the Transport and Parking Assessment.

CLAUSE	PROVISION	ASSESSMENT
	e) except for assigned residential parking spaces, the length of any blind aisle shall not exceed the width of six 90° parking spaces plus 1m.	<p>d) Not applicable</p> <p>e) Complies – Refer to Section 4.8 of the Transport and Parking Assessment.</p>
4.2 Vehicle crossing / driveways	<p>A new vehicle crossing is required if the proposal involves a change to the vehicle access arrangements or the number or location of car parking spaces and the existing vehicle crossing has any of these features:</p> <ul style="list-style-type: none"> a) is in a dilapidated condition with multiple cracks. b) is a trip hazard to pedestrians along the footpath alignment. c) there is evidence of significant damage from scraping on the road/laneway. d) is incomplete or has been constructed with non-approved materials. e) the crossing is unsafe due to its alignment with the proposed driveway or car parking space(s) f) <u>is in an unsafe location and there is a better alternative location for a new driveway.</u> g) <u>is proposed to be replaced as part of the development application.</u> <p>This requirement for a new crossing does not apply to proposed structures such as pergolas or open carports over an existing hard stand area.</p> <p>Before construction, the applicant must obtain a separate vehicle crossing permit (construction of crossover on council property) from Willoughby City Council. A new driveway crossing must comply with these controls:</p> <ul style="list-style-type: none"> h) the location, siting and grades of driveways, and driveway width must be in line with Australian Standard AS/NZS 2890.1 i) crossings must be separated from each other at the kerb and must be a minimum of 600mm from the side boundary for residential properties and 1.2m for other developments. j) the distance between adjacent crossings must be less than 1.5m or greater than 6m to deter vehicles from attempting to park between driveways. k) driveways must not be located closer than: <ul style="list-style-type: none"> • 2m from a street tree or 1.5m from any other tree or as otherwise directed by Willoughby City Council • 1m from a power pole • 1m from a council stormwater pit l) if there is parking onsite for more than 6 vehicles, the driveway width must be sufficient to allow two vehicles to pass within the site. m) sight distance requirements at the property boundary must be provided in line with AS/NZS 2890.1. 	<p>Complies Proposal seeks to provide access to parking off Baringa Road. A new vehicle crossing will be required, in accordance with</p> <ul style="list-style-type: none"> f) is in an unsafe location and there is a better alternative location for a new driveway. g) is proposed to be replaced as part of the development application. <p>The vehicular access to parking is proposed to the southeastern corner from Baringa Road as the WLEP and WDCP controls require active street frontages, a future through site link, and vehicular access has been identified to be located in this area. This location is safer and is a better alternative to the existing access from Strathallen Avenue.</p> <p>It is noted that before construction the applicant must obtain a separate vehicle crossing permit from Council. Further details can be provided as design development proceeds to construction. The proposed development, as per confirmation from MLA Transport Planning in the Traffic and Parking Assessment (Attachment 20) has the potential to comply:</p> <ul style="list-style-type: none"> h) Complies – Refer to Section 4.8 of the Transport and Parking Assessment. i) Not applicable j) Complies – Refer to Section 4.8 of the Transport and Parking Assessment. k) Complies – Refer to Section 4.8 of the Transport and Parking Assessment. l) Complies – Refer to Section 4.8 of the Transport and Parking Assessment. m) Complies – Refer to Section 4.8 of the Transport and Parking Assessment. n) Not applicable o) Not applicable p) Complies – Refer to Section 4.8 of the Transport and Parking Assessment.

CLAUSE	PROVISION	ASSESSMENT
	<p>n) for single dwellings, only one crossing is permitted per property to improve streetscape, maximise on-street parking and reduce the number of conflict points between vehicles and pedestrians.</p> <p>o) dual occupancy developments may be permitted to have two vehicle crossings, providing the overall width of the two crossings does not exceed 30% of the property frontage.</p> <p>p) to maximise pedestrian safety, vehicles are to be at 90° to the boundary when leaving the site (where parking spaces are not in-line with the vehicle crossing, swept path diagrams are to show this requirement).</p>	
4.4 Mechanical car parking systems and turntables	Willoughby City Council does not generally support mechanical car parking systems or turntables, and under no circumstances will they be allowed for accessible or visitor car parking.	<p>Not applicable</p> <p>Mechanical car parking systems and turntables are not proposed.</p>
5 Major development		
5.2 Off-street loading / unloading facilities	<p>All new major commercial, retail and industrial developments, and developments that involve substantial redevelopment with a floor area in excess of 500m² for commercial/retail developments and 1,000m² for industrial developments, must make adequate provision for off-street loading and unloading facilities.</p> <p>A loading/unloading bay/dock for these types of developments must comply with these controls:</p> <ul style="list-style-type: none"> a) loading bay dimensions must conform with AS 2890.2 b) onsite turning areas must be provided to ensure service and delivery vehicles can enter and leave the site in a forward direction (the swept path design templates shown in AS 2890.2 must be used to determine the layout of service areas) c) the minimum headroom must be in line with AS 2890.2 d) adequate provision must be made for garbage compactor units. e) internal waste collection areas must have a headroom clearance of at least 6.6m f) splays must be provided to the loading bay areas and at the driveway to ensure adequate sight distances for pedestrians. <p>For other existing or smaller commercial, retail, and industrial developments, including change of use, the size and number of loading bays/docks will depend on the type, size and scale of the proposed development. This includes the frequency of deliveries, size and bulk of goods, size of trucks, availability of on-street loading zones; and intended use of the commercial, retail or industrial premises.</p>	<p>Refer to the Transport and Parking Assessment prepared by MLA Transport Planning (Attachment 20).</p> <p>Off street loading and unloading facilities are provided.</p> <ul style="list-style-type: none"> a) Complies – Refer to Section 3.3 and Section 4.7 of the Transport and Parking Assessment. b) Complies – Refer to Section 3.3 and Section 4.7 of the Transport and Parking Assessment. c) Complies – Refer to Section 3.3 and Section 4.7 of the Transport and Parking Assessment. d) Complies – Refer to Section 3.3 and Section 4.7 of the Transport and Parking Assessment. e) Complies on merit – The on-site loading area has been designed with a headroom of 4.5m above the loading bay and along travel paths to and from the loading area including any truck manoeuvring areas. Due to the site constraints this is considered acceptable, and the waste collection strategy has been confirmed by Council and the DERP. f) Complies – Refer to Section 3.3 and Section 4.8 of the Transport and Parking Assessment. <p>Complies – The proposal allows for the access of a 10.5m waste vehicle truck that can service the site. This is defined as a Medium Rigid Vehicle. This meets the WDCP minimum</p>

CLAUSE	PROVISION	ASSESSMENT
	<p>As a minimum, provision should be made for a small rigid vehicle to access the site.</p> <p><i>Note:</i></p> <ul style="list-style-type: none"> <i>The statement of environmental effects (SEE) or the parking and traffic impact assessment report must include details of the anticipated volume and frequency of deliveries, and the size of vehicles necessary to service the proposed development.</i> 	<p>requirement of the development being able to accommodate an SRV at minimum. Loading and unloading to the site can also accommodate 2 SRVs at any one given time.</p> <p>Refer to the Transport and Parking Assessment prepared by MLA Transport Planning (Attachment 20) for further details outlining how the development can be serviced adequately. Refer to Section 6.1.7 and Section 6.1.8 of the SEE for an impact assessment of the traffic and parking.</p>
<p>5.3 Visitor car parking</p> <p>(TARGET RATES)</p>	<p>The visitor car parking rates in Chatswood CBD, St Leonards precinct and the Artarmon railway precinct are maximum rates – this does not apply to the Site.</p> <p>Visitor car parking spaces outside these areas, including major public transport routes, are target rates.</p> <p>All visitor car parking spaces must be grouped together, sign posted and provided in a convenient and readily accessible location.</p>	<p>Complies – Visitor car parking spaces are provided in accordance with Table 1 of the DCP, which is detailed below. It is noted that the parking rates are target rates, and therefore the proposed development meets these target rates and the minimum car parking spaces required for the site.</p> <p>Visitor parking spaces are grouped together and located in a readily accessible location in accordance with DCP requirements. The car park will include adequate signage once operational to ensure that visitor spaces are clearly identifiable.</p> <p>Refer to Section 4.1 of the Traffic Impact Assessment prepared by MLA Transport Planning for a breakdown of the car parking calculations. The location of visitor parking spaces is clearly identified on Drawing No. A03.002 Basement Level 02 prepared by Bates Smart.</p>
<p>5.4 Accessible car parking for people with disability</p>	<p>All new developments and significant alterations and additions to major developments must, as a minimum, provide accessible car parking spaces for people with disability in line with Section D3.5 of the AS2890.6 Building Code of Australia under the National Construction Code.</p> <p>Accessible spaces must be clearly marked and provided in a communal car parking area. These spaces are not to be allocated to any individual unit or tenant.</p> <p>There must be a continuous accessible path of travel from all accessible parking spaces to the entrance of the premises. In basement car parking areas, lifts must provide access to all levels.</p> <p><i>Notes:</i></p> <ul style="list-style-type: none"> <i>Accessible car parking spaces must comply with the design requirements of AS/NZS 2890.6.</i> 	<p>Complies – Accessible car parking spaces have been provided within the development, at a surplus to the minimum requirements of the WDCP (6 x spaces provided, the DCP requires 5 x spaces).</p> <p>The project transport consultants MLA Transport Planning confirm in their Traffic Impact Assessment that:</p> <p><i>“The design of the car park and the loading area complies with and/or meets the design intents stipulated in the relevant Australian Standard for car parking facilities, namely AS2890.1:2004, AS2890.2:2018, AS2890.3:2015 and AS2890.6:2022”.</i></p> <p>The accessible parking spaces are provided in the basement levels, and their location does allow for a clear path of travel to lifts which provide access to all levels as per the DCP requirements.</p>

CLAUSE	PROVISION	ASSESSMENT
	<ul style="list-style-type: none"> Where the total number of accessible spaces is not a whole number, the number of spaces required is to be rounded up. The required number of accessible car spaces for unspecified developments will be assessed on the individual merits of the proposal, with regard to the nature and scale of the proposed development. Where practicable, accessible car parking spaces should be provided for all developments, including a change of use. 	Table 5 below outlines in details the calculation of the proposed accessible parking spaces.
5.5 Stack car parking	<p>Stack or tandem car parking is where one or more vehicles need to be moved to allow another vehicle to enter or exit a car space.</p> <p>This type of car parking is only permitted if the affected vehicles are allocated to the same owner or tenant of residential, commercial, retail or industrial premises. It is also only permitted if there are no safety issues and not more than 25% of vehicles are in a stacked parking arrangement.</p>	<p>Not applicable</p> <p>Car stacking or tandem parking is not proposed, therefore this clause of the DCP does not apply.</p>
5.6 Electric vehicle charging	<p>1. The following controls apply to new residential flat buildings, multi dwelling housing, shop top housing and mixed use developments:</p> <p>b) All communal car parking areas within a new major residential development must make provision for:</p> <ul style="list-style-type: none"> A minimum 5A per phase electrical capacity must be provided per space e.g.: <ul style="list-style-type: none"> If there are 4-9 spaces per level, provide one dedicated 63A three-phase EV charging switchboard per level. If there are 10-19 spaces per level, provide one dedicated 100A three-phase EV charging switchboard per level. If there are 20-39 spaces per level, provide one dedicated 200A three-phase EV charging switchboard per level. If there are 40-80 spaces per level, provide one dedicated 400A three-phase EV charging switchboard per level. <p>2. The following controls apply to all new commercial, industrial and other major developments:</p> <p>a) All communal car parking areas for new commercial, industrial and all other major developments must make provision for:</p> <ul style="list-style-type: none"> A minimum 5A per phase electrical capacity must be provided per space e.g.: <ul style="list-style-type: none"> If there are 4-9 spaces per level, provide one dedicated 63A three-phase EV charging switchboard per level. If there are 10-19 spaces per level, provide one dedicated 100A three phase EV charging switchboard per level. 	<p>Complies</p> <p>The proposed development will include the provision of 2 EV car charging spaces. In accordance with the DCP, as there are between 20-39 spaces per level for the development which includes both commercial and residential uses, there is 1 EV charging switchboard per level.</p> <p>Furthermore, all car parking spaces in the basement levels of the proposed development have been fitted with cabling to allow for future EV spaces to be fitted into the development.</p> <p>Section 4.4 of the Traffic Impact Assessment prepared by MLA Transport Planning outlines further details relating to EV car charging (Attachment 20).</p>

CLAUSE	PROVISION	ASSESSMENT
	<ul style="list-style-type: none"> If there are 20-39 spaces per level, provide one dedicated 200A three-phase EV charging switchboard per level. If there are 40-80 spaces per level, provide one dedicated 400A three-phase EV charging switchboard per level 	
5.7 Car share spaces	<p>The Provision of car share spaces must satisfy the following controls:</p> <ol style="list-style-type: none"> one car share space may be substituted for 10 car parking spaces, whether they are maximum or 'target' rates in accordance with Table 1 (Parking Requirements). car share spaces must be nominated on the plans submitted with the development application. all car share spaces are to be: <ul style="list-style-type: none"> publicly accessible 24 hours a day, seven days a week located together in a communal area with safe pedestrian access. located in an accessible area with access from a public road. located in a mobile phone signal area to ensure connectivity to the car share scheme. located adjacent to appropriate electrical infrastructure to allow for EV charging points. integrated with the streetscape and suitably screened with appropriate landscaping where the space is external. clearly designated as a car share space by signage and line marked. on-site car share spaces are to be retained as common property by the owner or the Owners Corporation of the site and not sold or leased to an individual owner, occupier or any external entity at any time. submission of documentary evidence that the owner or Owners Corporation has entered into a legally binding agreement for a car share scheme with a suitable car share operator (details to be submitted to Council prior to the issue of an Occupation Certificate). the use and operation of the car share spaces must be managed by the owner or the Owners Corporation or contracted to a care share operator (details to be submitted to Council prior to the issue of an Occupation Certificate). the car share spaces must be included in the land title to allow public access via covenants, building or strata management statements, by-laws or any other necessary instrument (details to be submitted to Council prior to the issue of an Occupation Certificate). the owner or Owners Corporation must have appropriate insurance, including public liability (details to be submitted to Council prior to the issue of an Occupation Certificate). 	<p>Noncompliance</p> <p>The proposed development does not provide car share spaces and therefore is non-compliant. In this instance, it is considered acceptable to not provided car share spaces for the development based on the following reasons:</p> <ul style="list-style-type: none"> The retail uses within the development will be small scale and offering local uses, the majority of retail users will access the site on foot or via public transport, of which there is a bus stop located directly outside the development. It is not proposed that car share spaces will be required for the retail uses for this reason. Also, as the retail uses will not offer the sale of bulky goods, this would eliminate a large need for access to car sharing for this purpose. The residential apartments offer adequate car parking spaces that comply with the target rates of the DCP, including offering sufficient visitor spaces. It is not proposed that residential users will require access to car sharing due to the site's accessible location to public transport and a wide variety of servicing and amenities in the area. Furthermore, the development site is small, and therefore constrained, the requirements for car sharing spaces including public access, location in a mobile signal area, and including direct access from a public road would be unfeasible. To provide a car share space that would be agreed to in operation by a car share scheme such as Go Get, would not be possible in this location. The requirements of such car share scheme would not be able to be facilitated and therefore the space would be unusable.

CLAUSE	PROVISION	ASSESSMENT
5.9 Further controls for medium and high density residential accommodation	<p>These further controls apply to attached dwellings, multi dwelling housing, residential flat buildings, seniors housing, boarding houses and hostels exceeding 300m² and 12 persons, shop top housing, and mixed use developments comprising residential units:</p> <ul style="list-style-type: none"> a) visitor parking must be suitably grouped, clearly marked and conveniently located. b) visitor parking is to be designed to comply with Class 2 Medium Term parking in line with AS/NZS2890.1. c) any security for residents' vehicles must be installed to ensure that it does not impede access to visitor spaces. d) visitor car parking may be located forward of the building line providing it does not detrimentally impact the streetscape. e) all above ground car parking areas must be well landscaped and include the use of absorptive surfaces such as pavers or 'grasscrete' to soften the appearance of these areas. f) resident visitor car parking spaces must be available at all times for shop top housing and mixed use developments. g) the provision of car wash bays is not encouraged; if a car wash bay is proposed, the space must be connected to the sewer and serviced by recycled or tank stored water, and the development application must include the hydraulic details. h) provision must be made for removalist vans to park, load and unload onsite for all developments of more than 12 units or where no kerbside parking is available in front of the site on a classified road. i) pedestrian access to dwellings should be separate from vehicular access to the site. j) for residential accommodation of between 6 and 18 units, bulk waste storage bins must be provided on the site and adequate provision must be made for garbage vehicles to enter and leave the site in a forward direction. k) for residential accommodation of 4 or more storeys or 18 or more units with basement car parking, bulk waste storage bins must be provided in the basement with adequate height and provision for garbage vehicles to enter and leave the site in a forward direction. 	<ul style="list-style-type: none"> a) Complies – Visitor parking is grouped together and will signage and floor markings will clearly identify these spaces. They are conveniently located closest to the lifts access. b) Complies – MLA Transport Planning confirm in Section 4.8 of their Traffic and Parking Assessment that the development complies with Class 2 Medium Term parking in accordance with AS/NZS2890.1. c) Complies – A roller door for security between Basement Level 02 and Basement Level 01 has been provided in a location that does not impede on access or the provision to visitor spaces. d) Not applicable e) Not applicable f) Complies – Residential visitor car parking spaces are available at all times on the basis that visitors are gained access by residents through a security call system where residents can control allowing visitors into the capark. g) Complies – Car wash bays are not provided. h) Complies – The development allows for loading and unloading in the loading dock on ground level. i) Complies – The main pedestrian access to dwellings is via the central entry point from Strathallen Avenue. Vehicular access is separately provided from Baringa Road. j) Not applicable k) Complies – Bulky waste is provided for at Basement Level 01, the location of the bulky waste room does not impact the access of waste vehicles in the site.

CLAUSE	PROVISION	ASSESSMENT																					
Table 1 Car parking rates (TARGET RATES)	<table><tr><th>Land use category</th><th>Development type</th><th>All other areas, including major public transport route (target rates)</th></tr><tr><td>Residential</td><td>f. dwellings in shop top housing and mixed-use developments (further car parking for the commercial component is to be provided in line with the requirements for commercial and retail premises)</td><td>0.5 space per studio and 1 bedroom unit; 1 space per 2 and 3 or more bedroom units; 1 visitor space per 7 dwellings</td></tr></table> <table><tr><th>Land use category</th><th>Development type</th><th>All other areas, including major public transport route (target rates)</th></tr><tr><td>Bed and breakfast accommodation</td><td>h. bed and breakfast accommodation</td><td>The minimum number of car parking spaces must comply with Codes SEPP 2008</td></tr><tr><td>Office/business/retail</td><td>i. office and business premises</td><td>1 space/60m²</td></tr><tr><td>Office/business/retail</td><td>j. retail premises (excluding supermarkets)</td><td>1 space/33m²</td></tr><tr><td>Office/business/retail</td><td>k. retail premises (supermarkets)</td><td>1 space/33m²</td></tr></table>	Land use category	Development type	All other areas, including major public transport route (target rates)	Residential	f. dwellings in shop top housing and mixed-use developments (further car parking for the commercial component is to be provided in line with the requirements for commercial and retail premises)	0.5 space per studio and 1 bedroom unit; 1 space per 2 and 3 or more bedroom units; 1 visitor space per 7 dwellings	Land use category	Development type	All other areas, including major public transport route (target rates)	Bed and breakfast accommodation	h. bed and breakfast accommodation	The minimum number of car parking spaces must comply with Codes SEPP 2008	Office/business/retail	i. office and business premises	1 space/60m ²	Office/business/retail	j. retail premises (excluding supermarkets)	1 space/33m ²	Office/business/retail	k. retail premises (supermarkets)	1 space/33m ²	<p>Complies The following parking rates apply to the development:</p> <ul style="list-style-type: none">Residential (Shop top housing (f)) - 0.5 space per studio and 1 bedroom unit; 1 space per 2 and 3 or more bedroom units; 1 visitor space per 7 dwellingsOffice/business/retail (retail premises (excluding supermarkets) (j)) - 1 space/33m2 <p>The development proposes the following parking breakdown:</p> <ul style="list-style-type: none">1 space for the 1 x 2-bed apartment15 spaces for the 15 x 3-bed apartments8 spaces for the 8 x 4-bed apartments3.4 visitor spaces24.1 retail spacesTotal of <u>51 spaces</u> <p>The WDCP parking requirements are target rates, therefore, the proposed development complies with the WDCP rates.</p>
Land use category	Development type	All other areas, including major public transport route (target rates)																					
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Table 2 Motorcycle parking rates	<table><tr><th>Zone type and usage</th><th>All other areas, including major public transport routes</th></tr><tr><td>Business zones</td><td>1 space per 30 car parking spaces;1 visitor space per 15 motorcycle spaces</td></tr><tr><td>Industrial zones</td><td>1 space per 30 car parking spaces;1 visitor space per 15 motorcycle spaces</td></tr><tr><td>Residential zones and the residential components of shop top and mixed-use developments</td><td>1 space per 20 car parking spaces;1 visitor space per 10 motorcycle spaces</td></tr></table>	Zone type and usage	All other areas, including major public transport routes	Business zones	1 space per 30 car parking spaces;1 visitor space per 15 motorcycle spaces	Industrial zones	1 space per 30 car parking spaces;1 visitor space per 15 motorcycle spaces	Residential zones and the residential components of shop top and mixed-use developments	1 space per 20 car parking spaces;1 visitor space per 10 motorcycle spaces	<p>Complies The proposed development provides motorcycle parking in accordance with the DCP rates, which requires 4 x motorcycle spaces. The following spaces are proposed:</p> <ul style="list-style-type: none">1 x space for residents1 x space for employees of the retail units2 x visitor spaces (one residential visitor and one retail visitor) <p>The residential spaces are provided on basement 02 and the retail spaces are provided on basement 01.</p> <p>Refer to the Traffic Impact Assessment prepared by MLA Transport Planning and the architectural plans prepared by Bates Smart for further details (Drawing No. A03.001 and A03.002).</p>													
Zone type and usage	All other areas, including major public transport routes																						
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CLAUSE	PROVISION	ASSESSMENT																		
Table 3 Requirements for bicycle parking and end-of-trip facilities	<table><tr><td>Zone type and usage</td><td>All other areas, including major public transport routes</td></tr><tr><td>Business</td><td>1 Class A or B bicycle space per 20 car parking spaces Minimum 1 Class C bicycle space or 1 space per 20 Class A or B bicycle spaces, whichever is the greater</td></tr><tr><td>Industrial</td><td>Minimum 1 Class A or B bicycle space or 1 space per 20 car parking spaces, whichever is the greater Minimum 1 Class C bicycle space or 1 space per 20 Class A or B bicycle spaces, whichever is the greater</td></tr><tr><td>Residential and residential components of shop top and mixed-use developments</td><td>1 Class A or B parking spaces per 20 units 1 Class C (rails/racks) per 20 apartments for visitors</td></tr></table>	Zone type and usage	All other areas, including major public transport routes	Business	1 Class A or B bicycle space per 20 car parking spaces Minimum 1 Class C bicycle space or 1 space per 20 Class A or B bicycle spaces, whichever is the greater	Industrial	Minimum 1 Class A or B bicycle space or 1 space per 20 car parking spaces, whichever is the greater Minimum 1 Class C bicycle space or 1 space per 20 Class A or B bicycle spaces, whichever is the greater	Residential and residential components of shop top and mixed-use developments	1 Class A or B parking spaces per 20 units 1 Class C (rails/racks) per 20 apartments for visitors	Complies The proposed development provides bicycle parking in accordance with DCP rates, which requires 4 x bicycle parking spaces. The following spaces are required: <ul style="list-style-type: none">1 x space for residents1 x space for employees of the retail units2 x visitor spaces (one residential visitor and one retail visitor) The proposed development provides 6 x bicycle parking spaces. There are 3 x spaces provided at ground level which are easily accessible to the retail units. Residents and visitors to residents can utilise the bicycle parking at basement level 02. Furthermore, adequate storage is also provided to all residents at basement level 02 which can be used for bicycle storage if required.										
Zone type and usage	All other areas, including major public transport routes																			
Business	1 Class A or B bicycle space per 20 car parking spaces Minimum 1 Class C bicycle space or 1 space per 20 Class A or B bicycle spaces, whichever is the greater																			
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Residential and residential components of shop top and mixed-use developments	1 Class A or B parking spaces per 20 units 1 Class C (rails/racks) per 20 apartments for visitors																			
Table 4 End-of-trip facilities for non-residential developments	<table><tr><td>Showers</td><td>Change rooms</td><td>Lockers</td></tr><tr><td>One shower per 5 bicycle parking spaces (Class A or B)</td><td>One change room per shower</td><td>Two personal lockers per bicycle space</td></tr></table>	Showers	Change rooms	Lockers	One shower per 5 bicycle parking spaces (Class A or B)	One change room per shower	Two personal lockers per bicycle space	Not applicable End of trip facilities are not required as the proposal is only required to provide 3 bicycle spaces for retail uses.												
Showers	Change rooms	Lockers																		
One shower per 5 bicycle parking spaces (Class A or B)	One change room per shower	Two personal lockers per bicycle space																		
Table 5 Accessible car parking requirements	<table><tr><td>Class of building</td><td>Number of accessible spaces</td></tr><tr><td>Class 1a</td><td>Nil</td></tr><tr><td>Class 1b</td><td>1 space for each accessible or adaptable unit</td></tr><tr><td>Class 2</td><td>Whichever is the greater:<ul style="list-style-type: none">Minimum 1 resident and 1 visitor space for developments comprising 10 or more units1 space/4 accessible or adaptable units + 1 visitor space for developments comprising 50 or more car parking spaces</td></tr><tr><td>Class 3</td><td>Whichever is the greater:<ul style="list-style-type: none">Minimum 1 resident and 1 visitor space for developments exceeding 300m² and 12 persons1 space for each accessible or adaptable unit (10% of spaces must be provided as a visitor space)3% of the total car parking spaces (10% of spaces must be provided as a visitor space)</td></tr><tr><td>Class 4</td><td>1 accessible space</td></tr><tr><td>Class 5, 6, and 8</td><td>In parking areas with 5 or more spaces, whichever is the greater:<ul style="list-style-type: none">1 employee and 1 visitor space3% of the total car parking spaces (10% of spaces must be provided as a visitor space)</td></tr><tr><td>Class 7 and 9b</td><td>In parking areas with 5 or more spaces, whichever is the greater:<ul style="list-style-type: none">1 space3% of the total car parking spaces</td></tr><tr><td>Class 9a</td><td>Whichever is the greater:<ul style="list-style-type: none">1 employee and 1 visitor space4% of the total car parking spaces (10% of spaces must be provided as a visitor space)</td></tr></table>	Class of building	Number of accessible spaces	Class 1a	Nil	Class 1b	1 space for each accessible or adaptable unit	Class 2	Whichever is the greater: <ul style="list-style-type: none">Minimum 1 resident and 1 visitor space for developments comprising 10 or more units1 space/4 accessible or adaptable units + 1 visitor space for developments comprising 50 or more car parking spaces	Class 3	Whichever is the greater: <ul style="list-style-type: none">Minimum 1 resident and 1 visitor space for developments exceeding 300m² and 12 persons1 space for each accessible or adaptable unit (10% of spaces must be provided as a visitor space)3% of the total car parking spaces (10% of spaces must be provided as a visitor space)	Class 4	1 accessible space	Class 5, 6, and 8	In parking areas with 5 or more spaces, whichever is the greater: <ul style="list-style-type: none">1 employee and 1 visitor space3% of the total car parking spaces (10% of spaces must be provided as a visitor space)	Class 7 and 9b	In parking areas with 5 or more spaces, whichever is the greater: <ul style="list-style-type: none">1 space3% of the total car parking spaces	Class 9a	Whichever is the greater: <ul style="list-style-type: none">1 employee and 1 visitor space4% of the total car parking spaces (10% of spaces must be provided as a visitor space)	Complies The development meets the definition of Class 2 for the residential development, and Class 6 for the proposed retail units. On this basis, the following accessible parking spaces are required: <ul style="list-style-type: none">3 x accessible car parking spaces for residents1 x accessible car parking space for residential visitors1 x accessible car parking space for retail The development proposes a surplus of this requirement, offering an additional accessible car parking space for retail. The accessible parking spaces have been included in locations proximate to the lifts. All accessible spaces are provided in line with Section D3.5 of the BCA. Refer to Section 4.3 of the Traffic Impact Assessment prepared by MLA Transport Planning for further details.
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