

Panel Reference	PPSSNH-609
DA Number	DA-2019/247/G
LGA	Willoughby
Proposed Development	Various modifications of the consent including reduction in hours of operation for the first-level rear and front outdoor terraces to 6pm, provision of winter gardens on levels 1 and 2 (Plan 5 and Plan 6) of the Penshurst Street facing balconies, provision of a dormer window to the southern elevation of unit C304, deletion of condition 89 (duplicated in condition 93), modified wording to condition 139 (Plan of Management), minor changes to materials and colours on western and southern façade of Building A
Street Address	26 Crabbes Avenue, 243 & 247-255 Penshurst Street & 15 Horsley Avenue North Willoughby
Applicant/Owner	ZIAD ZEINO, HYECORP
Date of DA lodgement	27/07/2024
Number of Submissions	1
Recommendation	Approval with conditions
Regional Development Criteria - Schedule 6 of the SEPP (Planning Systems) 2021 or other	s275 (2) Environmental Planning and Assessment Regulation 2021 – s4.55(2) Instruction on Functions Exercisable by Council on Behalf of Sydney District or Regional Planning Panels—Applications to Modify Development Consents published on the NSW planning portal on 30 June 2020 – s4.55(2) where development standard exceeded by more than 10%.
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • Site Compatibility Certificate 24 September 2020 • State Environmental Planning Policy (Biodiversity and Conservation) 2021 • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy (Transport and Infrastructure) 2021 • State Environmental Planning Policy (Planning Systems) 2021 • State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 • Apartment Design Guide (ADG) • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • Willoughby Local Environmental Plan 2012 • Willoughby Development Control Plan
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Assessment Report • Site Description and Aerial Photo • Notification, Controls, Developer Contributions and Referrals • Submissions Table • Schedule of Conditions • Section 4.15 (79c) Assessment
Report prepared by	Peter Wells – Consultant Planner
Report date	19 March 2025

Summary of s4.15 matters

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

Yes

Legislative clauses requiring consent authority satisfaction

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

Yes

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

Clause 4.6 Exceptions to development standards

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

**Not
Applicable**

Special Infrastructure Contributions

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

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

**Not
Applicable**

Conditions

Have draft conditions been provided to the applicant for comment?

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

Yes

SNPP NO: PPSSNH-609

COUNCIL WILLOUGHBY CITY COUNCIL

ADDRESS: 26 CRABBES AVENUE, 243 & 247-255 PENSHURST
STREET & 15 HORSLEY AVENUE NORTH
WILLOUGHBY

DA NO: DA-2019/247/G

PROPOSAL: VARIOUS MODIFICATIONS OF THE CONSENT INCLUDING
REDUCTION IN HOURS OF OPERATION FOR THE FIRST-
LEVEL REAR AND FRONT OUTDOOR TERRACES TO 6PM,
PROVISION OF WINTER GARDENS ON LEVELS 1 AND 2
(PLAN 5 AND PLAN 6) OF THE PENSHURST STREET
FACING BALCONIES (KNOWN AS BLOCK E), PROVISION
OF A DORMER WINDOW TO THE SOUTHERN ELEVATION
OF UNIT C304, DELETION OF CONDITION 89 (DUPLICATED
IN CONDITION 93), MODIFIED WORDING TO CONDITION
139 (PLAN OF MANAGEMENT), MINOR CHANGES TO
MATERIALS AND COLOURS ON WESTERN AND
SOUTHERN FAÇADE OF BUILDING A

RECOMMENDATION: APPROVAL SUBJECT TO CONDITIONS

ATTACHMENTS:

1. SITE DESCRIPTION AND AERIAL PHOTO
2. NOTIFICATION, DEVELOPMENT CONTROLS,
DEVELOPER CONTRIBUTION & REFERRALS
3. APARTMENT DESIGN GUIDE
4. SITE COMPATIBILITY CERTIFICATE
5. ASSESSMENT UNDER OTHER SEPPs, WLEP, WDCP
6. SUBMISSIONS TABLE
7. SECTION 4.15 & 4.55 ASSESSMENT
8. SCHEDULE OF CONDITIONS
9. ARCHITECTURAL AND LANDSCAPE PLANS

RESPONSIBLE OFFICER: RITU SHANKAR - TEAM LEADER

AUTHOR: PETER WELLS - CONSULTANT PLANNER

DATE: 19-MAR-2025

1.0 PURPOSE OF REPORT

The proposal is a modification application made under s4.55(2) of the Environmental Planning and Assessment Act 1979 where, as captured in s275(2) Environmental Planning and Assessment Regulation 2021, it is of a kind specified in the “Instruction on Functions Exercisable by Council on Behalf of Sydney District or Regional Planning Panels—Applications to Modify Development Consents published on the NSW planning portal on 30 June 2020”. More specifically, it meets the criteria relating to departure from development standards (exceeds by more than 10%) set out in Schedule 1 of the instruction – Departure from development standards.

As part of this proposal the R3 zoned parcel of land (which comprises a mixed use development) seeks winter gardens, adding 102m² to an already numerically non-compliant FSR, greater than 10%.

2.0 OFFICER’S RECOMMENDATION

2.1 THAT the Sydney North Planning Panel (SNPP) issue consent to the development subject to the attached conditions for the application DA-2019/247/G for:

- a) Various modifications of the consent including reduction in hours of operation for the first-level rear and front outdoor terraces to 6pm,**
- b) Provision of winter gardens on levels 1 and 2 (Plan 5 and Plan 6) of the Penshurst Street facing balconies (known as Block E),**
- c) Provision of a dormer window to the southern elevation of unit C304,**
- d) Deletion of condition 89 (duplicated in condition 93),**
- e) Modified wording to condition 139 (Plan of Management),**
- f) Minor changes to materials and colours on western and southern façade of building A.**

at 26 Crabbes Avenue CHATSWOOD NSW 2067, for the following reasons:

- a) Subject to compliance with the conditions of consent the development satisfies all relevant SEPP, LEP and DCP objectives**
- b) The impacts to surrounding residences, open space and the surrounding locality are acceptable**
- c) The proposal constitutes reasonable development of the site.**

3.0 DESCRIPTION OF PROPOSAL

The proposed modifications seek the extension the trading hours in the rear (east) alfresco terrace area on the ground floor of the club from 8pm to 10:30pm, with retractable acoustic glazing enclosing the alfresco zone from 8pm to maintain noise levels as per that approved. Further changes include:

- Reduction in hours of operation for the first-level rear and front outdoor terraces to 6pm,
- Clarification in the hours of operation for the second-level front and rear external terraces,
- Provision of winter gardens on Levels 1 and 2 (Plan 5 and Plan 6) of the Penshurst Street facing balconies (known as Block E),
- The provision of a dormer window to the southern elevation of Unit C304,
- Deletion of condition 89 (as it is duplicated in condition 93),
- Modified wording to condition 139 (Plan of Management),
- Minor changes to materials and colours on western and southern façade of Building A, and
- Minor amendments to overall landscaping whilst retaining approved deep soil. List of changes includes:
 - o Minor amendments to pathways near Blocks B/C to achieve 1 in 20 incline and removes the need for handrails.
 - o The roof top gardens in Block A and B now include built-in seating.
 - o The pathway around the lone pine – towards Legions way – is slightly amended.
 - o Planterbox locations rationalised and coordinated with Construction joints now that structural design is complete.
 - o Built in seating against the Club planterbox on the eastern side
 - o Built in seating into Block A
 - o Bronze statue for Unknown Soldier
 - o Planting (groundcovers, shrubs, trees) have changed in response to the adjusted layout relating to better resolution of internal paths, rationalised raised planter walls and layouts, and refinement relating to fine detailed planting design.

- Key landscape treatments, such as those to boundaries and, and those relating to providing screening or separation have been retained as per the Approved drawings.
- The applicant provides a table (Table 3: Development Statistics, page 8 of Statement) of comparison which shows the following:

Statistic	Approved Development (DA-2019/247E & DA2023/263)	Proposed Development
Site Area	14,953m ² (total site)	Unchanged
Gross Floor Area	20,241 (total site)	Additional 102m ² due to winter gardens
FSR	1.35:1 (total development)	Additional 102m ² due to winter gardens maintains 1.35:1
Maximum Height	Part five (5) part (6) storeys.	Unchanged
Landscaped Area	6,919m ²	Unchanged
Deep Soil Area	2,500m ²	Unchanged
Total ILUs	91 ILUs	Unchanged
Statistic	Approved Development (DA-2019/247E & DA2023/263)	Proposed Development
Total RACF Beds	47 Beds	Unchanged
Total RFB	12 x 2 bedrooms & 8 x 3 bedrooms	Unchanged
Parking	456	Unchanged

Changes to conditions

Condition 1 – to update plans accompanying DA-2019/247/G.

Condition 89 - sought for deletion on the basis that it is duplicated in condition 93.

Condition 139 Plan of Management – Registered Club – change in wording

139A – Operating Hours of Registered Club – change in wording

The subject sites are known as 26 Crabbes Avenue, 243 Penshurst Street and 247-255 Penshurst Street, North Willoughby, NSW 2068. The proposed development is located within the allotments as shown in **Table 1** below and **Image 1** above:

	Legal Description	Zoning	Total Lot Size
26 Crabbes Avenue	Lots 4 to 10 Section C DP 6291 Lot 11 Section C DP 6291 Lots B DP 438684 Lot 1 DP 950651 Lots 1 and 2 DP 950652	RE1 R2 RE1 RE1 RE1	The total size of the lots combined which contain the Seniors Living and Club is 13788m ² . This was initially assessed under the SCC and does not change as a result of this application.
243 Penshurst Street	Lot A DP 438684 Lot B DP 364487	RE1 RE1	
247-255 Penshurst Street	Lot 100 DP 858335 Lots A and B DP 23465	R3 R3	The total size of the lots combined is 1164m ² . For clarity, these lots did not form part of the assessment of the SCC.
Easement to drain stormwater			
15 Horsley Avenue	Lot 12 DP 14241	R2	N/A

Table 1: The lots of the subject sites, their Lot and DP numbers and the respective zoning of each lot

The site is currently under construction.

The site is located within an established urban residential area comprising of detached dwellings and higher density residential buildings and commercial premises fronting Penshurst Street. A summary of the surrounding context is outlined as follows:

- Adjoining the site to the north-west is a two (2) storey commercial premise currently occupied by the Armenian Cultural Centre.
- To the north of the site is Crabbes Avenue which contains a number of detached dwellings ranging from one (1) to two (2) storey.
- To the east of the site is a low density residential area consisting of one (1) to two (2) storey detached dwellings. The dwellings within Summerville Crescent are located within the Horsley Avenue Conservation Area.
- To the south of the site are low density residential dwellings within Horsley Avenue and Forsyth Street consisting of one (1) to two (2) storey detached dwellings. The dwellings within Horsley Avenue are located within the Horsley Avenue Conservation Area. The dwellings within Forsyth Street are not located within a heritage conservation area.
- To the west, north-west and south-west of the site is Penshurst Street which contains a mixture of higher density residential buildings such as Residential Flat

Buildings which range up to four (4) storeys in height. The zoning along Penshurst Street in close proximity to the site is R3 Medium Residential

- f) Further to the north-west of the site is an established local commercial centre in North Willoughby – zoned B2 Local Centre – which has a range of residential, commercial and community uses.
- g) Further to the south is an established local commercial centre (Penshurst Street centre) – zoned B2 Local Centre and B5 Business Development – which has a range of residential, commercial and community uses.
- h) Further to the east of the site is an established local commercial centre (High Street Centre) – zoned B1 Neighbourhood Centre – which has a range of residential, commercial and community uses.
- i) Bales Park is a publicly accessible park situated approximately 400m to the west of the site

4.0 BACKGROUND

The entire subject site is shown in image 1, which comprises parcels zoned RE2, R2 and R3. The parcels zoned RE2 and R2 are the subject of a Site Compatibility Certificate. These lots (zoned RE2 and R2) are owned and operated by a Registered Club (see image 2). The Department issued the Site Compatibility Certificate (SCC) to the applicant on 30 August 2018. The SCC was updated on 24 September 2020 and again on 27 October 2020, where the latter Certificate confirmed that previous reference to cl 45 Seniors SEPP was made in error and that vertical villages does not apply. This SCC relates to all the parcels within the site except for the R3 Medium Density Residential (243-255 Penshurst Street).

The SCC concluded the subject site is suitable for more intensive development and development for the purpose of seniors living is compatible with the surrounding land uses. Schedule 2 of the SCC provides the particular requirements imposed on the proposed development. It specifies an maximum FSR of 1.35:1. It also requires “a transition of buildings heights from five storeys at the centre of the site, graduating to three storeys at the northern boundary and two storeys at the eastern and southern boundaries”.



Image 1: Aerial view of all relevant lots (Council's mapping system)



Image 2: The zoning of the site, being R3, RE2 and R2.

The development is arranged into six different buildings, described as Building A, Building B, Building C, Residential Aged Care Facility (RACF), Registered Club and Residential Flat Building above non-residential (described as shop top housing in Image 3).



Image 3: Description of buildings throughout the development (Source: Plan 4 by Amglen)

On 18 February 2021 deferred commencement consent (DA-2019/247) was issued by Sydney North Planning Panel for “demolition of existing structures and construction of a new registered club, seniors living containing self contained dwellings, a residential aged care facility, new shop top housing, basement carparking and ancillary uses including a new publicly accessible park”. The deferred commencement conditions were stormwater related. In making its determination the SNPP amended condition 2 to include, inter alia, conditions 2(f) which reads as follows:

On 6 June 2022 the deferred commencement conditions were satisfied and the consent was activated.

On 13 July 2022 Modification Application DA-2019/247/A was approved by Sydney North Planning Panel for Modification of approved for demolition of existing structures and construction of a new registered club, seniors living containing self-contained dwellings, a residential aged care facility, new shop top housing, basement carparking and ancillary uses including a new publicly accessible park.

On 20 September 2022 modification application DA-2019/247/B was approved for the removal of four (4) trees and associated works. Conditions 2, 46 and 67 were modified.

On 19 August 2022 DA 2019/247/C submitted however subsequently withdrawn on 4 October 2022.

On 11 August 2023 modification application DA-2019/247/D was approved to modify original proposal to include various alterations and additions, change to unit mix, building height increase, club roof modified, changes to car parking and associated works.

On 1 September 2023 Development Application DA-2023/221 was lodged with Council, and seeks the stratum subdivision of the entire site to create six (6) separate stratum lots for the future uses in the building. The proposed subdivision separates the retail, commercial, residential, club and recreational components of the site. This matter is in its final stages of assessment.

On 14 June 2024,, Development Application DA-2023/263 was approved for the addition of three (3) balconies to the independent living units (B401, B402 and B403) on Level 4, of Building B. The balconies are located within the northern elevation of the roof plane of Block B facing Crabbes Ave.

On 22 December 2023, DA-2019/247/E, was approved for various modifications to the consent including modification of the unit mix, ancillary services for the Residential Aged Care Facility use, various internal and external changes.

DA-2019/247/F relates to the correction of a typing error in condition 2(c), specifically as it relates to a balcony to unit B307, which has since been removed and should relate to B305. This application was approved on 19 March 2025.

5.0 DISCUSSION

The proposal generally satisfies the objectives of the Site Compatibility Certificate, WLEP and WDCP. The proposal is considered satisfactory subject to conditions.

The site description and aerial photo are in **Attachment 1**.

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

The assessment of the proposal under the ADG is in **Attachment 3**.

The Site Compatibility Certificate assessment is in **Attachment 4**.

The assessment of the proposal under other SEPPs, WLEP, WDCP is in **Attachment 5**.

A table of the issues raised in the submissions to the proposal and the assessing officer's response is contained in **Attachment 6**.

The assessment of the proposal under Section 4.15 and 4.55 EPAA is in **Attachment 7**.

The Schedule of draft conditions is in **Attachment 8**. These have been reviewed and found to be satisfactory by the applicant.

The architectural and landscape plans are in a separate **Attachment 9** in the portal.

6.0 CONCLUSION

The Development Application DA-2019/247/G has been assessed in accordance with Section 4.15 (79C) of the Environmental Planning and Assessment Act 1979, SCC, WLEP 2012, WDCP, and other relevant codes and policies. It is considered that the proposal is acceptable in the particular location, subject to the consent conditions included in **Attachment 7**.

ATTACHMENT 1: SITE DESCRIPTION AND AERIAL PHOTO

The subject sites are known as 26 Crabbes Avenue, 243 Penshurst Street and 247-255 Penshurst Street, North Willoughby, NSW 2068. The proposed development is located within the allotments as shown in **Table 1** below and **Image 1** above:

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Easement to drain stormwater			
15 Horsley Avenue	Lot 12 DP 14241	R2	N/A

Table 1: The lots of the subject sites, their Lot and DP numbers and the respective zoning of each lot

The site is currently under construction.

The site is located within an established urban residential area comprising of detached dwellings and higher density residential buildings and commercial premises fronting Penshurst Street. A summary of the surrounding context is outlined as follows:

- Adjoining the site to the north-west is a two (2) storey commercial premise currently occupied by the Armenian Cultural Centre.
- To the north of the site is Crabbes Avenue which contains a number of detached dwellings ranging from one (1) to two (2) storey.

- c) To the east of the site is a low density residential area consisting of one (1) to two (2) storey detached dwellings. The dwellings within Summerville Crescent are located within the Horsley Avenue Conservation Area.
- d) To the south of the site are low density residential dwellings within Horsley Avenue and Forsyth Street consisting of one (1) to two (2) storey detached dwellings. The dwellings within Horsley Avenue are located within the Horsley Avenue Conservation Area. The dwellings within Forsyth Street are not located within a heritage conservation area.
- e) To the west, north-west and south-west of the site is Penshurst Street which contains a mixture of higher density residential buildings such as Residential Flat Buildings which range up to four (4) storeys in height. The zoning along Penshurst Street in close proximity to the site is R3 Medium Residential
- f) Further to the north-west of the site is an established local commercial centre in North Willoughby – zoned B2 Local Centre – which has a range of residential, commercial and community uses.
- g) Further to the south is an established local commercial centre (Penshurst Street centre) – zoned B2 Local Centre and B5 Business Development – which has a range of residential, commercial and community uses.
- h) Further to the east of the site is an established local commercial centre (High Street Centre) – zoned B1 Neighbourhood Centre – which has a range of residential, commercial and community uses.
- i) Bales Park is a publicly accessible park situated approximately 400m to the west of the site



Image 4: Aerial view of all relevant lots (Council's mapping system)

ATTACHMENT 2: NOTIFICATION, EPAA 1979, DEVELOPER CONTRIBUTION & REFERRALS

Neighbour Notification

The development application was notified in accordance with the Willoughby Community Participation Plan for a period of twenty-one (21) days from 21 August to 11 September 2024.

Submissions were received from 1 submitter in total.

The issues detailed within the submissions are addressed in **Attachment 6** of this report.

Assessment Comments from Referral Bodies

Internal Referrals	
Heritage	<p>Heritage Context</p> <p>The subject site is not a Heritage Item and is not located within a Heritage Conservation Area, however it is located adjacent to the Horsley Avenue Heritage Conservation Area and within the general vicinity of several Heritage Items identified as being of Local Significance in the Willoughby Local Environment Plan 2012.</p> <p>The site has previously been approved for demolition and the proposed works are of a very minor nature.</p> <p>Statement of Significance for the Horsley Avenue Heritage Conservation Area:</p> <p><i>Summerville Crescent is a rare example of a street speculatively developed in the 1930s that has a strong sense of unity and aesthetic harmony due to the close stylistic relationships of the cottages. Collectively the houses are important as a group of modest bungalows reflecting popular taste of the late Interwar period with a high degree of consistency in form and fabric, and displaying fine brick detailing. The Crescent is an example of a cul-de-sac subdivision, a popular form of subdivision for capitalising on larger remnant allotments during the later Interwar period.</i></p> <p><i>Horsley Avenue is an intact example of a late 1920s residential development in near original condition. Few additions or irreversible alterations have occurred to the original housing stock, and its coherent character is retained. The area has a uniformity of housing style and setting including form, materials, detailing, fencing and setbacks that gives the area a harmonious appearance. The predominance of the 1920s bungalow type illustrates the important influence of American</i></p>

	<p><i>housing ideals and styles on Australia.</i></p> <p>Proposal</p> <ul style="list-style-type: none"> Modify existing consent by extending trading hours in eastern ground terrace of club to 10:30pm by amending the Club's Plan of Management. Provision of winter gardens for L1 and L2 & retractable fabric awning at top level. Dormer window to Unit C304. Deletion of condition 89. Minor changes to materials & colours on western and southern façade of Building A. Minor amendments to overall landscaping whilst retaining approved deep soil. <p>Heritage assessment</p> <p>The proposed amendment to DA-2019/247 will have no impact on the significance of the Horsley Avenue Heritage Conservation Area or of the Heritage Items within the general vicinity.</p>																
Landscape	<table border="1"> <tr> <td>Date:▯</td><td>26 February 2025▯</td></tr> <tr> <td>Address:▯</td><td>26 Crabbes Ave, 247-255 Penshurst St and 15 Horsley Ave NORTH WILLOUGHBY▯</td></tr> <tr> <td>Ref/File No.:▯</td><td>DA-2019/247/G▯</td></tr> <tr> <td>Subject:▯</td><td>Open Space/Landscaping DA Referral▯</td></tr> </table> <p style="text-align: center;">▯</p> <p>¶</p> <table border="1"> <tr> <th colspan="2">Compulsory Details Required for Tree Removal response to Planning Portal▯</th></tr> <tr> <td>Number of trees to be impacted:▯</td><td>0▯</td></tr> <tr> <td>Approximate area of canopy to be removed (square metres):▯</td><td>0▯</td></tr> <tr> <td>Number of replacement trees (if required):▯</td><td>0▯</td></tr> </table> <p>¶</p> <p>¶</p> <p>The Modification Plans and SEE indicate that no significant landscape modifications are proposed.¶</p> <p>¶</p> <p>No objections are raised to the modification.¶</p> <p>¶</p> <p>Existing conditions are considered still adequate and relevant.¶</p> <p>¶</p>	Date:▯	26 February 2025▯	Address:▯	26 Crabbes Ave, 247-255 Penshurst St and 15 Horsley Ave NORTH WILLOUGHBY▯	Ref/File No.:▯	DA-2019/247/G▯	Subject:▯	Open Space/Landscaping DA Referral▯	Compulsory Details Required for Tree Removal response to Planning Portal▯		Number of trees to be impacted:▯	0▯	Approximate area of canopy to be removed (square metres):▯	0▯	Number of replacement trees (if required):▯	0▯
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Environmental Health

"

In reference to the above application to modify a consent, the following comments are provided:"

"

A submission from a nearby resident has been received detailing concern about the extension of time to the operating hours from 10pm to 10:30pm."

"

The proposed changes to the operating hours are actually as below:"

"

Condition	Existing Condition	Proposed Condition
	Trading hours for the registered club building are limited as follows: b. Outdoor areas are restricted as follows: 1. Front external terrace at ground floor level is to be closed at 9pm; 2. Alfresco area at ground floor level to the rear is to be closed at 8pm; 3. Outdoor terrace on the first-floor level to the rear is to be closed at 9pm; 4. Rear external terrace on the first-floor level to the front is to be closed at 9pm; and 5. Rear external terrace on the first-floor level to the rear is to be closed at 8pm. c. These hours may vary in the circumstances of special events, but only with the prior approval of Council.	Trading hours for the registered club building are limited as follows: b. Outdoor areas are restricted as follows: 1. Front (west) external terrace at ground floor level is to be closed at 9pm; 2. Alfresco area at ground floor level to the rear (east) is to be closed at 10:30pm; with retractable acoustic glazing bifold or tiltup panels to enclose the terrace from 8pm; 3. Outdoor terrace on the first-floor level to the rear (east) is to be closed at 6pm; 4. External terrace on the first-floor level to the front (west) is to be closed at 6pm; 5. Front (west) external terrace at second-level is to close at 10pm; and 6. Rear (east) external terrace on the second-level is to close at 8pm. c. These hours may vary in the circumstances of special events, but only with the prior approval of Council.

"

An acoustic assessment by PKA Acoustic Consulting (Ref. PKA11532-R02v1 and dated 14 May 2024) of the proposed changes to the operating hours of different outdoor areas of the club has been submitted. This report recommends amended glazing to the acoustic report submitted with the original DA and is based on restrictions made to the number of patrons permitted in each area. A new condition is provided below to ensure the recommendations from the acoustic reports are implemented into the development."

"

An acoustic assessment by PKA Acoustic Consulting (Ref. PKA11532-R03v1 and dated 14 May 2024) of the proposed winter gardens on the balconies has been submitted. The report found that the winter gardens improve the sound attenuation of traffic noise entering residential habitable areas and therefore reduce the thickness of acoustic glazing required to achieve the design criteria in addition to possibly allowing natural ventilation openings."

	<p>¶ A revised Plan of Management (Rev-01) prepared by Glyde Consulting has been submitted. ¶ Whilst the Plan of Management (POM) refers to restricted numbers of patrons and states that club staff will frequent these areas every 30 minutes, it does not state how the number of patrons will be enforced. The POM should be amended to include details on how this and corrective action will occur. ¶</p> <p>¶ It is recommended that Condition 24 be amended with a change to the heading and the text to more accurately reflect the changes to the development. ¶</p> <p>¶</p> <p>24. - Noise Attenuation Construction ¶</p> <p>¶</p> <p>To minimise the impact of noise from any external noise source on the amenity of the ¶ residents and occupants, the development shall be constructed in accordance with the recommendations and specifications contained in the acoustic report by PKA Acoustic Consulting, Ref. PKA11532-R01v1, dated 2 July 2019, except where the acoustic report, Ref. PKA11532-R02v1, dated 14 May 2024, <u>supercedes</u> it. ¶</p> <p>¶ Attention should be given to the acoustic mark-ups of each floor area provided in Appendix A of the report PKA11532-R02v1. ¶</p> <p>¶ Details of the proposed acoustic treatment shall be submitted to the Certifying ¶ Authority prior to the issue of any Construction Certificate. ¶ (Reason: Amenity, environmental compliance and health) ¶</p> <p>¶</p> <p>¶ It is recommended that Condition 139 (and 139A) be amended to reflect the proposed changes to the operational details as follows: ¶</p> <p>¶</p> <p>139. - Plan of Management - Registered Club ¶</p> <p>¶</p> <p>All operational details, objectives and management measures stipulated within the ¶ Plan of Management for the Registered Club (titled 'Plan of Management Club ¶ Willoughby', prepared by City Plan Services, dated July 2019) are to be conducted ¶ and fulfilled by the operator of the Registered Club in perpetuity. The Plan of ¶ Management is also to be modified to include the following additional operational ¶ requirements and amendments: ¶</p> <p>¶</p> <p>a) - The Registered Club is to operate in accordance with the requirements of a valid liquor licence and all requirements within the <i>Liquor Act 2007</i>; ¶</p> <p>b) - The location of the War Memorial is to be completed. All next of kin are to be ¶ notified of the location of the War Memorial; ¶</p> <p>c) - The following outdoor terrace areas are to be closed to patrons as stipulated with the Plan of Management: ¶</p> <p>¶</p> <p>1. - Front (west) external terrace at ground floor level is to be closed at 9pm; ¶</p> <p>2. - Alfresco area at the ground floor level to the rear (east) is to be closed at 10:30pm; with retractable acoustic glazing bi-fold or tilt-up panels to enclose the terrace from 8pm; ¶</p> <p>3. - External terrace on the first floor level to the rear (east) is to be closed at 6pm; ¶</p>
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	<p>4. - External terrace on the first-floor level to the front (west) is to be closed at 6pm.¶</p> <p>5. - Front (west) external terrace at second level is to be closed at 10pm.¶</p> <p>6. - Rear (east) external terrace at second level is to be closed at 8pm.¶</p> <p>d) - Provide details regarding the amount of bookings and management of functions.¶</p> <p>e) - Provide details regarding hiring procedures.¶</p> <p>f) - Provide details on how the number of patrons at any one time in external terraces will be monitored and enforced in accordance with the capacity numbers specified in Section 2.4 of the approved Plan of Management for Club Willoughby (Rev01 dated June 2024).¶</p> <p>g) - Provide warning and instructional signs on patron behaviour.¶</p> <p>h) - Demonstrate compliance with smoke-free legislation.¶</p> <p>i) - Address how ingress and egress from Legions Way is to be restricted, however, access for emergency vehicles from Legions Way is to be facilitated.¶</p> <p>j) - Provide details regarding the ongoing review of the Plan of Management at a regular interval.¶</p> <p>¶</p> <p>The Plan of Management shall be complied with at all times. A hardcopy of it and the complaint register shall be kept on the premises at all times and produced when required to do so by an authorised officer of Council, Licensing and Gaming NSW or NSW Police. If complaints arise that are found to be justified, the Plan of Management may be required to be amended.¶</p> <p>¶</p> <p>Any further modifications cannot be made to the Plan of Management unless¶</p> <p>conducted through a S4.55 Modification Application.¶</p> <p>¶</p> <p>(Reason: Amenity, compliance)¶</p> <p>¶</p> <p>139A. - Operating Hours of Registered Club¶</p> <p>¶</p> <p>Trading hours for the registered club building are limited as follows.¶</p> <p>¶</p> <p>a. - Indoor areas.¶</p> <p>¶</p> <p>1. Monday to Saturday -- 7.00am to 12.00am¶</p> <p>2. Sunday and Public Holidays -- 7.00am to 10.00pm¶</p> <p>¶</p> <p>b. - Outdoor areas are restricted as follows.¶</p> <p>¶</p> <p>1. - Front (west) external terrace at ground floor level is to be closed at 9pm.¶</p> <p>2. - Alfresco area at the ground floor level to the rear (east) is to be closed at 10:30pm; with retractable acoustic glazing bi-fold or tilt-up panels to enclose the terrace from 8pm.¶</p> <p>3. - External terrace on the first-floor level to the rear (east) is to be closed at 6pm.¶</p> <p>4. - External terrace on the first-floor level to the front (west) is to be closed at 6pm.¶</p> <p>5. - Front (west) external terrace at second level is to be closed at 10pm.¶</p> <p>6. - Rear (east) external terrace at second level is to be closed at 8pm.¶</p> <p>¶</p> <p>c. These hours may vary in the circumstances of special events, but only with the¶</p> <p>prior approval of Council.¶</p> <p>¶</p> <p>This condition has been imposed to mitigate amenity impacts upon the¶</p> <p>neighbourhood by commercial or retail trading including, but not limited to, external¶</p> <p>impacts associated with clients attending the site for business or otherwise.¶</p> <p>¶</p> <p>Note: This condition does not apply to deliveries to, or dispatches from, the site of¶</p> <p>wholesale goods or internal activities that occur under the approved hours of use.¶</p> <p>General use and deliveries or dispatches may be restricted by hours of use¶</p> <p>conditions. This condition does not restrict the operation of noise pollution laws.¶</p> <p>(Reason: Compliance with trading hours)¶</p> <p>¶</p> <p>It is recommended that Condition 150 be amended to better reflect the landuse and bring it into conformity with Liquor & Gaming NSW's noise criteria.¶</p> <p>¶</p> <p>150. - Entertainment Venue -- Noise Control¶</p> <p>¶</p> <p>The LA10* noise level emitted from the licensed premises shall not exceed the background noise level (LA90) in any Octave Band Centre Frequency (31.5Hz -- 8kHz inclusive) by more than 5dB between 07:00am and 12:00 midnight at the boundary of any affected residence.¶</p> <p>¶</p> <p>The LA10* noise level emitted from the licensed premises shall not exceed the background noise level (LA90) in any Octave Band Centre Frequency (31.5Hz -- 8kHz inclusive) by more than 5dB between 12:00 midnight and 07:00am at the boundary of any affected residence.¶</p> <p>¶</p> <p>* Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any residential premises between the hours of 12:00 midnight and 07:00am.¶</p> <p>¶</p> <p>(Reason: Ensure compliance/Amenity)¶</p> <p>¶</p>
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External Referrals	
NSW Police	<p>1. Introduction</p> <p>In line with section 4.15 of the New South Wales Planning & Assessment Act 1979 and the New South Wales Planning Guidelines, the below report has been conducted on Development Application 2019/247/G.</p> <p>2.1 Current environment</p> <p>The subject site, 26 Crabbes Avenue (also known as Club Willoughby) and 247-255 Penshurst Street, is located within the suburb of North Willoughby and is in the Local Government Area of Willoughby City Council. The site has an area of 14,593m² and consists of seventeen (17) allotments.</p> <p>The rear (east) external alfresco area at the ground floor of the registered club is located facing the main pathway and entry to the village from Crabbes Avenue and park.</p> <p>The site is an irregularly shaped allotment and is bounded to the north by Crabbes Avenue, North Willoughby, to the south by low to medium density residential development fronting Horsely Avenue, North Willoughby, to the west by Penshurst Street, North Willoughby and to the east by low density residential development fronting Summerville Crescent, North Willoughby.</p> <p>2.2 Proposed development/modifications</p> <p>The proposed modifications involve extending the trading hours in the rear (east) alfresco terrace area on the ground floor of the club from 8pm to 10:30pm, with retractable acoustic glazing enclosing the alfresco zone from 8pm to maintain noise levels as per that approved.</p> <p>Further changes include:</p> <ul style="list-style-type: none"> • Reduction in hours of operation for the first-level rear and front outdoor terraces to 6pm, and • Clarification in the hours of operation for the second-level front and rear external terraces; • Provision of winter gardens on Levels 1 and 2 (Plan 5 and Plan 6) of the Penshurst Street facing balconies (known as Block E), • The provision of a dormer window to the southern elevation of Unit C304, • Deletion of condition 89, (as it is duplicated in condition 93), • Minor changes to materials and colours on western and

	<p>southern façade of Building A, and</p> <ul style="list-style-type: none"> Minor amendments to overall landscaping whilst retaining approved deep soil. List of changes includes: <ul style="list-style-type: none"> Minor amendments to pathways near Blocks B/C to achieve 1 in 20 incline and removes the need for handrails. The roof top gardens in Block A and B now include built-in seating. The pathway around the lone pine – towards Legions way – is slightly amended. Planter box locations rationalised and coordinated with Construction joints now that structural design is complete. Built in seating against the Club planter box on the eastern side Built in seating into Block A Bronze statue for Unknown Soldier Planting (groundcovers, shrubs, trees) have changed in response to the adjusted layout relating to better resolution of internal paths, rationalised raised planter walls and layouts, and refinement relating to fine detailed planting design. Key landscape treatments, such as those to boundaries and, and those relating to providing screening or separation have been retained as per the Approved drawings. <p>3. Crime risks and identified issues</p> <p><u>3.1.</u> Current/trending crimes that impact the local area that should be considered within the design and building process: Break Enter and Steal (residential and commercial), Steal Motor Vehicle, Steal From Motor Vehicle.</p> <p><u>3.2.</u> Crimes that the current proposed development application will introduce or facilitate within this space: The site may introduce or facilitate anti-social behaviour, drug use, intoxication and sexual offences.</p> <p><u>3.3.</u> Developments can introduce or facilitate certain issues that are not necessarily a crime, but impact on the ability to police a space. Nil</p> <p>4. Recommendations</p> <p>Due to the nature of the development, identified crime risks and issues, we recommend the following:</p> <ol style="list-style-type: none"> The “Crime Scene Preservation Guidelines – Licensed Premises” be implemented into the current Plan of Management.
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	<ol style="list-style-type: none">2. A review be undertaken with North Shore PAC Licensing Team within 6 – 12 months of opening regarding Noise Management.3. The site will need to be clearly identified through a building name or street number and be visible from both Penshurst Street and Stirling Lane. This will enable all emergency services to locate the premises with ease.4. Lighting within the site will need to be positioned in a way to reduce opportunities for offenders to commit crime during the hours of darkness i.e vandalism and graffiti. The lighting will need to be sufficient to enable people to identify criminal behaviour, signs of intoxication and anti-social behaviour. The lighting will also need to be sufficient to support images obtained from any CCTV footage. Please note that some low- or high-pressure lighting is not compatible with surveillance systems.5. All external lighting should be designed to comply with, where applicable, AS/NZ1158.3:1999 Pedestrian Area (Category P) Lighting and Australian Standard 4282-1997 'Control of the obtrusive effects of outdoor lighting'.6. An electronic surveillance system should be included to provide maximum surveillance of all areas of the licensed area including entry/exits, bar and service areas, corridors, and areas where cash is either kept or handled. Cameras should also cover the car park area and public footpath areas around the premises. The system should be capable of recording high-quality digital images of events. The recording equipment should be locked away to reduce the likelihood of tampering.7. All recording made by the CCTV system must be stored for at least a minimum of 30 days. Ensure that the system is accessible by at least one member of staff at all times it is in operation, and provide any recordings made by the system to a police officer or inspector within 24 hours of any request by a police officer or inspector. The CCTV cameras will need to be placed in suitable locations to enhance the physical security and assist in positively identifying any individual, who may be involved in criminal behaviour.8. Appropriate signage should be erected inside and around the perimeter of the entire property to warn of security treatments in place e.g. "This site is under 24-hour video surveillance".9. "Park Smarter" signage should be displayed in the car park to warn/educate motorists to secure their vehicles and not
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	<p>leave valuable items in their cars. The car park will also need to have adequate lighting.</p> <p>10. Windows within the site should also be of solid construction. These windows should be fitted with quality window lock sets that comply with the Australian Standards – Lock Sets AS:4145. Glass within doors and windows should be reinforced to restrict unauthorised access. The glass can be either fitted with a shatter-resistant film or laminated to withstand physical attacks.</p> <p>11. Doors should be of solid construction and should be fitted with quality deadlock sets that comply with the Building Code of Australia and Australian Standards – Lock Sets AS:4145.</p> <p>12. An emergency control and evacuation plan should be implemented within the site and displayed for the information of residents.</p> <p>13. Wheelchair access should at no time be blocked nor impede access to anyone with a disability.</p> <p>14. The landscaping design around the site needs to be free from potential hiding places and provide sightlines throughout the site and into any surrounding areas. Trees and shrubs should be maintained regularly to reduce concealment opportunities and increase visibility. Avoid the use of landscaping materials which could, when mature, serve as screens or barriers to impede views.</p> <p>15. The boundaries of the site should be clearly identified to deter unauthorised persons from entering the site.</p>
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ATTACHMENT 3: APARTMENT DESIGN GUIDE

Development consent must not be granted to residential apartment development, and a development consent for residential apartment development must not be modified, unless the consent authority has considered the following—

- (a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9
- (b) the Apartment Design Guide
- (c) any advice received from a design review panel within 14 days after the consent authority referred the development application or modification application to the panel.

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

ADG Objective	Proposal	Satisfied
Objective 3D-1 An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping.	Satisfied	Yes
Design criteria <i>1. Communal open space has a minimum area equal to 25% of the site.</i> <i>2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter).</i>		
Objective 3E-1 Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.	Satisfied	Yes
Design criteria <i>Minimum 6m wide</i> <i>Deep soil zones minimum 7% or 10% if possible.</i>		

ADG Objective	Proposal	Satisfied
7% x 565m ² = 39.55m ²		
Objective 3F-1 <i>Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.</i> Objective 3F-2 <i>Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.</i>	Remains unchanged	Yes
Objective 3J-1 <i>Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas.</i>	Remains unchanged	Yes
Objective 4A-1 Solar Access <i>To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.</i>	Satisfied	Yes
Objective 4B-3 Natural Cross Ventilation <i>The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents.</i>	Satisfied	Yes
Objective 4C-1 Floor to Ceiling Heights <i>Ceiling height achieves sufficient natural ventilation and daylight access.</i> Design criteria <i>The minimum ceiling heights proposed are:</i> 2.7 m for habitable rooms; and 2.4 m for non-habitable rooms.	Satisfied	Yes
Objective 4D-1 Minimum Apartment Sizes <i>The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity.</i>	The proposal is consistent with ADG requirements for the minimum size of rooms.	Yes
4E Private open space and balconies <i>Minimum area Minimum depth</i> 1 bedroom apartments 8m ² (2m depth) 2 bedroom apartments 10m ² (2m depth) 3+ bedroom apartments 12m ² (2.4m depth)	The proposal is consistent with ADG requirements for the size and depth of balconies.	Yes
4F Common circulation and spaces	Satisfied	Yes

ADG Objective	Proposal	Satisfied
<p>1. The maximum number of apartments off a circulation core on a single level is eight</p> <p>2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40</p>		
<p>Objective 4G-1</p> <p>1 bedroom apartments 6m3 2 1 bedroom apartments 8m3 3+ 2 3 bedroom apartments 10m3</p>	Satisfied	Yes
<p>4H Acoustic privacy</p> <p>Objective 4H-1 Noise transfer is minimised through the siting of buildings and building layout</p> <p>Objective 4H-2 Noise impacts are mitigated within apartments through layout and acoustic treatments</p>	Satisfied	Yes
<p>4J Noise and Pollution</p> <p>Objective 4J-1 In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings</p> <p>Objective 4J-2 Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission</p>	Satisfied	Yes
<p>4K Apartment mix</p> <p>Objective 4K-1 A range of apartment types and sizes is provided to cater for different household types now and into the future</p> <p>Objective 4K-2 The apartment mix is distributed to suitable locations within the building</p>	Satisfied	Yes
<p>4M Facades</p> <p>Objective 4M-1 Building facades provide visual interest along the street while respecting the character of the local area</p> <p>Objective 4M-2 Building functions are expressed by the facade</p>	Satisfied	Yes
<p>4N Roof Design</p> <p>Objective 4N-1 Roof treatments are integrated into the building design and positively respond to the street</p> <p>Objective 4N-2 Opportunities to use roof space for residential accommodation and open space are maximised</p> <p>Objective 4N-3</p>	Satisfied	Yes

ADG Objective	Proposal	Satisfied
<i>Roof design incorporates sustainability features</i>		
4O Landscape Design <i>Objective 4O-1 Landscape design is viable and sustainable</i> <i>Objective 4O-2 Landscape design contributes to the streetscape and amenity</i>	Satisfied	Yes
4P Planting on Structures <i>Objective 4P-1 Appropriate soil profiles are provided</i> <i>Objective 4P-2 Plant growth is optimised with appropriate selection and maintenance</i> <i>Objective 4P-3 Planting on structures contributes to the quality and amenity of communal and public open spaces</i>	Satisfied	Yes
4Q Universal design <i>Objective 4Q-1 Universal design features are included in apartment design to promote flexible housing for all community members</i> <i>Objective 4Q-2 A variety of apartments with adaptable designs are provided</i>	Condition 86 of the consent ensures that the developments satisfies access criteria	Yes

ATTACHMENT 4: SITE COMPATIBILITY CERTIFICATE CONTROLS

4.1 Requirements under the Site Compatibility Certificate

The Site Compatibility Certificate (SCC) issued by the Department provides a list of requirements imposed on the proposal within Schedule 2. This section of the report addresses each of the requirements within Schedule 2.

Note: the SCC was issued for the allotments within 26 Crabbes Avenue and 243 Penshurst Street (Lots 4 to 11 Section C DP 6291; Lot B DP 364487; Lots A and B DP 438684; Lot 1 DP 950651; and Lots 1 and 2 DP 950652) in accordance with the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

THE REQUIREMENTS WITHIN SCHEDULE 2 DO NOT APPLY TO THE PROPOSED DEVELOPMENT WITHIN THE ALLOTMENTS OF 243-255 PENSHURST STREET (ZONED R3 MEDIUM DENSITY RESIDENTIAL).

4.2 Site Compatibility Certificate Conditions

Condition 1

This condition requires the seniors housing development to be limited to the land as indicated within the SCC application. There are changes to the RFB (which sits outside the SCC) as well as changes to the Seniors Living development (as modified). These changes relate to internal alterations and also a west-facing pergola structure at the uppermost level, which are satisfactory as described throughout this report.

Condition 2(a) - Floor Space Ratio

The maximum floor space ratio (FSR) of the modified proposal for the entire site (being the allotments within 26 Crabbes Avenue and 243 Penshurst Street) is 1.35:1. Below is a table which provides the proposed FSR and Gross Floor Area (GFA), noting that it necessarily excludes the R3 zone:

	Lot zoned R3	Lots zoned RE2	Lot zoned R2	Total (SCC land)
Total Land Size	1,164m ²	13,231m ²	558m ²	13,789m ²
Permissible Gross Floor Area (GFA)	1,048m ²	17,861.85m ²	753.3m ²	18,615.15m ²
Approved GFA	2,985m ²	17,090m ²	413m ²	17,503m ²

	Lot zoned R3	Lots zoned RE2	Lot zoned R2	Total (SCC land)
Proposed Gross Floor Area (GFA)	2,985m ² + 102m ² (winter gardens) = 3,087m ²	No change	No change	No change
Permissible Floor Space Ratio (FSR)	0.9:1	1.30:1	1.35:1	1.35:1
Proposed Floor Space Ratio (FSR)	2.65:1 (+195%)	1.29:1 (unchanged)	0.74:1 (unchanged)	1.27:1

Table 1 indicates the proposed FSR and GFA across the entire site.

Condition 2(b) - Transition of building levels

Condition 1(b) states the following requirement:

A transition of building heights from five storeys at the centre of the site, graduating down to three storeys and two storeys at the north, east and south boundaries.

The development application proposes the following building heights for each relevant building.

Proposed Building	Location	Proposed Storeys	Maximum Storeys stated in Condition 1(b)	Compliance
Building A	Centre of site	5 storeys with a part 6 storey element	5	Yes (no change)
Building B	Northern End	4 storeys	3	Yes (no change)
Building C	Eastern End	3 storeys	3	Yes (no change)
Residential Aged Care Facility	Southern End	3 storeys	3	Yes (no change)

Table 2 indicates the proposed FSR and GFA across the site the entire site.

The number of storeys was the subject of through consideration for the original application. There is no change to the number of storeys and the modified proposal is satisfactory with respect to this aspect of the Site Compatibility Certificate.

The proposal satisfies the Seniors Living Policy: Urban Design Guideline for Infill Development.

Condition 2(c) – Metre notations for building height

Based on the metre notations provided in the architectural drawings, this condition is satisfied.

ATTACHMENT 5: ASSESSMENT UNDER OTHER SEPPs, WLEP, WDCP

5.1 State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

The applicant established in the previous modification application DA-2019/247/E that the on the current state of the law, the Housing SEPP should not be taken into consideration in considering modification applications for this development.

The savings provision prevents the Housing SEPP from applying to an application to modify a consent granted before the commencement date. Accordingly, the Seniors SEPP is used for this assessment.

The SCC was issued 24.09.2020. The subject modification application was lodged around 09.12.2022. The Planning Statement that accompanies this application uses the Seniors SEPP, which is the correct Environmental Planning Instrument to use.

Aside from the requirement for a Site Compatibility Certificate (SCC), which was issued on 24 September 2020, the *State Environmental Planning Policy* (Housing for Seniors or People with a Disability) 2004 (Seniors Housing SEPP) requires that all development standards and design principles within the Seniors Housing SEPP are fulfilled.

Nothing arises of any consequence with regards to the assessment of this application under the Seniors Housing SEPP, including neighbourhood amenity and streetscape, visual and acoustic privacy and solar access and design for climate, stormwater, crime prevention, accessibility and waste management.

Height of Building - Seniors SEPP

The dormer window located in Building C is satisfactory pursuant to the development standard.

The pergola located at "Plan 7" (Drawing DA 2.07 Rev L) is located at a height of around 13m, which exceeds the standard. A clause 4.6 required is not required as this relates to a modification application. The height of the pergola does not result in amenity impacts to surrounding land, and satisfies the objectives of clause 4.3 WLEP.



Image 6: The pergola as shown on Drawing DA 2.07 Rev L titled "Plan 7".



Image 7: The pergola as shown on Drawing DA 3.02 Rev L titled "RFB Elevations", identified in this image with black arrows.

The pergola relates appropriately to the uppermost levels of the shop top housing development, and increases the amenity of that unit by providing shading from the hot western sun.

Landscaped Area

The Seniors SEPP requires that 15% (2149.83m²) of the site area be deep soil. The modification application confirms that this is achieved with 2500m².

5.2 Design Verification Statement

Pursuant to clause 50(1A) of the EPAR 2000, a Design Verification Statement has been provided. It deals with the 9 Design Quality Principles satisfactorily.

The proposal has been assessed and satisfies the objects of the SEPP and the 9 design quality principles.

Context and Neighbourhood Character

The applicant confirms that “convenient barrier free and accessible pedestrian access is available throughout, including direct lift access to all residential and facilities levels and landscaped areas. In addition, a Porte-cochere has been designated within the basement that services the Registered Club, RACF and ILU Buildings, providing a centralized drop off and pick up point for residents and visitors, which is open to natural ventilation and sunlight via an exposed void above”.

Assessment Planner response

It is agreed that the Context and Neighbourhood Character is satisfactory. The character of the proposal, in particular the winter gardens facing Penshurst Street, is not detrimentally affected by the proposed changes.

Built Form and Scale

The applicant reiterates that “the bulk of the development has been positioned towards the centre of the site, minimizing any shadowing on the existing properties to the south and east. The total number of residential dwellings is 111 and 47 residential age care beds over a substantial site area, making the proposal a relatively boutique development”.

Assessment Planner response

It is agreed that the Built Form and Scale is satisfactory. The character of the proposal, in particular the winter gardens facing Penshurst Street, is not detrimentally affected by the proposed changes.

Sustainability

The applicant reiterates that the proposal complies with BASIX and NATHERS.

Assessment Planner response

The proposal is acceptable with regards to sustainability.

Landscaping

The applicant reiterates that the proposal comprises both deep soil to 16.72% of the site area which can support significant trees, as well as generous planter boxes spread throughout the building to enhance the privacy and enjoyment of occupants.

Assessment Planner response

The proposal is acceptable with regards to landscaping.

Amenity

The applicant reiterates that the proposal has acceptable amenity.

Assessment Planner response

The proposal is acceptable with regards to amenity which is improved by the winter gardens and the pergola at the uppermost level.

Safety

The applicant reiterates the levels of safety provided throughout the development.

Assessment Planner response

The proposal is acceptable with regards to safety which is not reduced by the modifications.

Housing Diversity and Social Interaction

The applicant reiterates the diversity of the development and opportunities for interaction.

Assessment Planner response

The proposal is acceptable with regards to Housing Diversity and Social Interaction which is not reduced by the modifications.

Aesthetics

The applicant reiterates the aesthetics of the proposal and adds that "... this application enhances the amenity of apartments fronting Penshurst St by adding a layer of glazing that can be closed to enhance the acoustics of the apartment".

Assessment Planner response

The proposal is acceptable with regards to aesthetics and it is agreed that the design elements fuse into a stylish composition of complementary form and successfully integrates into the established neighbourhood.

5.3 Assessment under Seniors Living Policy: Urban Design Guideline for Infill Development

Clause 31 of the Seniors Housing SEPP requires an assessment of the proposed development in accordance with the *Seniors Living Policy: Urban Design Guidelines for Infill Development*.

Below is a table which addresses the key guidelines within this document. The Assessment Officer has addressed each of the objectives for each of the five key guidelines:

Part 1 – Responding to Context
<p>Existing context:</p> <p>The character of the surrounding locality is characterised by low to medium density residential development.</p> <p>Crabbes Avenue comprises lots with single detached dwellings that are one to two storey in height.</p> <p>Summerville Crescent (to the east) and Horsley Avenue (to the south) are located within the Horsley Avenue Heritage Conservation Area and contain Interwar bungalows built of dark red/brown brick with roof forms predominantly hipped with vertically battened gables.</p> <p>Penshurst Street (south/west of the site) contains a mixture of three to four storey residential flat buildings and single detached dwellings. Further to the north-west of the site is a commercial centre for North Willoughby.</p> <p>Street layout and hierarchy:</p> <p>The location of Building B presents a natural transition from the one to two storey dwellings within Crabbes Avenue towards the three and four storey RFBs within Penshurst Street. The built form (including a 500mm increase in height of Building B) is not out of character or incongruous in the context of the existing and future built form of the surrounding locality.</p> <p>Blocks and lots:</p> <p>The site contains 17 individual lots which are required to be amalgamated by condition 75 of the consent (excluding 15 Horsley Avenue).</p> <p>Built environment:</p> <p>The proposed massing and distribution of bulk of the proposal is compatible with the surrounding locality, the arrangement of the development being informed by the SCC, height and FSR standards.</p> <p>Trees:</p>

Satisfactory.

Policy environment:

The SCC indicates that the site is suitable for more intensive development and that development for the purposes of Seniors Living is appropriate. The proposed development is considered acceptable considering the intended future character of the locality. The built form satisfies the controls set by the SCC and the Seniors SEPP.

Part 2 – Site Planning and Design

To minimise the impact of new development on neighbourhood character:

The built form is found to be compatible with the existing and desired future character of the surrounding locality.

To retain existing natural features of the site that contribute to neighbourhood character:

The modification application does not impact on this objective.

To provide high levels of amenity for new dwellings:

The dwellings achieve a satisfactorily high level of amenity.

To maximise deep soil and open space for mature tree planting, water percolation and residential amenity:

This modification application does not alter the acceptability of the deep soil provision.

To minimise the physical and visual dominance of car parking, garaging and vehicular circulation:

The proposed car spaces the development is underground which provides a positive outcome to the amenity of the site and surrounding locality.

To provide housing choice through a range of dwelling sizes:

The proposal continues to provide a diverse range of seniors living housing that will positively contribute to the housing supply of the Willoughby Local Government Area.

Part 3 – Impacts on Streetscape

To ensure new development, including the built form, front and side setbacks, trees, planting and front fences, is designed and scaled appropriately in relation to the existing streetscape:

The modified proposal does not alter the setbacks from surrounding properties.

To minimise dominance of driveways and carpark entries in the streetscape:

The modified proposal does not alter the proposal's acceptability with respect to driveways.

To provide a high level activation and passive surveillance to the street:

No change, the proposal continues to offer a high level activation and passive surveillance to the street.

The proposal is satisfactory regards to streetscape, including the increase in height of the shop top housing development with the pergola element. Streetscape is not detrimentally impacted.

Part 4 – Impacts on Neighbours

To minimise impacts on the privacy and amenity of existing neighbouring dwellings:

The residents closest to the RACF are located within Horsley Avenue. The RACF complies with the setback requirement to the southern boundary and does not contain any balconies facing the neighbours, which enhances privacy for residents within Horsley Avenue to an acceptable level.

To minimise overshadowing of existing dwellings and private open spaces by new dwellings:

The proposed development does not detrimentally impact solar access currently enjoyed by surrounding residents.

To retain neighbours' views and outlook to existing mature planting and tree canopy:

The proposed development does not detrimentally impact views currently enjoyed by surrounding residents.

To reduce the apparent bulk of development and its impact on neighbouring properties:

The proposal satisfies the desired future character and development provided by the SCC and the existing RFBs within Penshurst Street.

To provide adequate building separation:

The proposed complies with the setback distances to each relevant boundary as stipulated in the SCC. The proposed development also provides adequate building separation to maintain the amenity between the different uses.

Part 5 – Internal Site Amenity

To provide quality useable private and communal open spaces for all residents:

The proposed modifications increases amenity to the shop top housing units with the provision of a west-facing pergola.

To provide dwellings that have distinct identity and safe entries:

The residential component of the entire development continues to have clear distinctive entry points and provide an adequate level of safety.

To provide safe and distinct pedestrian routes to all dwellings and communal facilities:

The proposal provides adequate pedestrian routes to the development and internally.

To ensure adequate solar access to living areas and private open spaces:

Adequate solar access is afforded to the living areas and private open spaces.

To reduce the dominance of parking, garaging and vehicular circulation space on the internal character of new development:

The development contains one single entry and exit driveway in Crabbes Avenue which is desirable. The carpark is wholly underground. The additional parking does not impact on the site with regards to visual dominance or deep soil.

5.4 ASSESSMENT UNDER WLEP AND WDCP

Assessment under Willoughby Local Environmental Plan 2012 (WLEP)

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

Land Use Table – R3 and RE2	The modified proposal does not compete against the original approval's satisfaction of the zone objectives.
CI 4.3 Height	12m standard for the R3 portion. West-facing pergola is 13m, however the objectives of the standard are satisfied.
CI 4.4 FSR	FSR is shown in Table 1 of this report.
CI 5.4 Controls relating to miscellaneous permissible uses	This application does not propose any change to this component of the development.
CI 5.10 Heritage conservation	The site adjoins the Horsley Avenue Heritage Conservation Areas which comprises of Horsley Avenue and Summerville Crescent. Council's Heritage Advisor has assessed the modified proposal as satisfactory.
CI 6.10 Minimum lot sizes for residential flat buildings	This clause has no work to do in this case.

Assessment under Willoughby Development Control Plan (WDCP)

The relevant controls within the WDCP applicable to the site and proposed development are below, and includes Council's assessment of each.

The applicant submitted in its statement that the modified proposal remains consistent with the relevant objectives, assessment criteria and provisions of the DCP.

It is agreed in the circumstances of this case that the proposal is satisfactory with regards to the DCP.

ATTACHMENT 6: SUBMISSIONS TABLE

One submission was received from 13A Crabbes Avenue, North Willoughby, raising concerns about:

1. Landscaping and tree removal, stating "... I would like to know that there is not going to be less or smaller trees put in the original development application established..."

Assessment Officer Response: Council's landscape architect has assessed the proposal and found that the existing conditions are still "adequate and relevant".

2. Extended opening time till 10.30pm, concerned about cars leaving at this later time.

Assessment Officer Response: Council's environmental health officer has assessed the proposal and found that the extension of the trading hours, subject to conditions, to be satisfactory. From a planning perspective there are not considered to be detrimental impacts arising from the extension of trading hours, due primarily to the provision of basement parking to cater for the facility.

3. No parking from construction work on Crabbes Avenue from construction work.

Assessment Officer Response: This is a compliance issue, and is also subject to the Construction Management Plan. Such impacts are not tantamount to refusal of this modification application.

ATTACHMENT 7: SECTION 4.15 & 4.55 ASSESSMENT, EPAR

**7.1 Environmental Planning and Assessment Act 1979 - s4.55(2) EP&A Act -
Modifications involving minimal environmental impact**

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

Satisfactory ✓ Unsatisfactory ✗ Not Relevant N/A

(a)	it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and	✓
	Comments: The application modifies the floor plate all within the approved building envelope. In a qualitative and quantitative sense the application is substantially the same.	
(b)	it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and	✓
	Comments: There are no conditions affected that were imposed as a requirement of a concurrence to the consent or general terms of an approval by an approval body.	
(c)	it has notified the application in accordance with— (i) the regulations, if the regulations so require, or (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and	✓
	Comments: The modified application was notified in accordance with Part D and E of Willoughby Community Participation Plan (WCPP) as Category C for 21 days. One (1) submission was received.	
(d)	it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.	✓
	Comments: A submission was received about landscaping and tree removal. Council's landscape architect has assessed the proposal and found that the existing conditions are still "adequate and relevant". Extended opening time till 10.30pm, concerned about cars leaving at this later time. Council's environmental health officer has assessed the proposal and found that the extension of the trading hours, subject to conditions, to be satisfactory. From a planning perspective there are not considered to be detrimental impacts arising from the extension of trading hours, due primarily to the provision of basement parking to cater for the facility. No parking from construction work on Crabbes Avenue from construction work. This is a compliance issue, and is also subject to the Construction	

	Management Plan. Such impacts are not tantamount to refusal of this modification application.	
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7.2 Environmental Planning and Assessment Act 1979 - s4.15 EP&A Act – Evaluation

Matters for Consideration Under S4.15 EP&A Act Considered ✓ Not Relevant N/A

(a)(i)	The provisions of any environmental planning instrument (EPI)	
	<ul style="list-style-type: none"> State Environmental Planning Policies (SEPP) 	✓
	<ul style="list-style-type: none"> Local Environmental Plans (LEP) 	✓
	<ul style="list-style-type: none"> Comment: The modified proposal does not contravene any relevant matters for consideration under the provisions of any SEPPs, REPs or development standards under WLEP 2012. 	
(a)(ii)	The provision of any draft environmental planning instrument (EPI)	
	<ul style="list-style-type: none"> Draft State Environmental Planning Policies (SEPP) 	N/A
	<ul style="list-style-type: none"> Draft Local Environmental Plans (LEP) 	N/A
	Comment: N/A	
(a)(iii)	Any development control plans	
	<ul style="list-style-type: none"> Development control plans (DCPs) 	✓
	Comment: The proposal satisfies the requirements of the DCP, which is discussed earlier in this report.	
(a)(iv)	Any matters prescribed by the regulations	
	<ul style="list-style-type: none"> Clause 61 EP&A Regulation-Demolition 	✓
	<ul style="list-style-type: none"> Clause 63 EP&A Regulation-Fire Safety Considerations 	✓
	<ul style="list-style-type: none"> Clause 64 EP&A Regulation-Fire Upgrade of Existing Buildings 	N/A
	Comment: Any conditions relating to the above have been incorporated into the consent already.	
(b)	The likely impacts of the development	
	<ul style="list-style-type: none"> Context & setting 	✓
	<ul style="list-style-type: none"> Access, transport & traffic, parking 	✓
	<ul style="list-style-type: none"> Servicing, loading/unloading 	✓
	<ul style="list-style-type: none"> Public domain 	✓
	<ul style="list-style-type: none"> Utilities 	✓
	<ul style="list-style-type: none"> Heritage 	✓
	<ul style="list-style-type: none"> Privacy 	✓
	<ul style="list-style-type: none"> Views 	✓
	<ul style="list-style-type: none"> Solar Access 	✓
	<ul style="list-style-type: none"> Water and draining 	✓
	<ul style="list-style-type: none"> Soils 	✓
	<ul style="list-style-type: none"> Air & microclimate 	✓
	<ul style="list-style-type: none"> Flora & fauna 	✓
	<ul style="list-style-type: none"> Waste 	✓
	<ul style="list-style-type: none"> Energy 	✓
	<ul style="list-style-type: none"> Noise & vibration 	✓

**Matters for Consideration Under S4.15 EP&A Act
Considered ✓ Not Relevant N/A**

	<ul style="list-style-type: none"> Natural hazards 	✓
	<ul style="list-style-type: none"> Safety, security crime prevention 	✓
	<ul style="list-style-type: none"> Social impact in the locality 	✓
	<ul style="list-style-type: none"> Economic impact in the locality 	✓
	<ul style="list-style-type: none"> Site design and internal design 	✓
	<ul style="list-style-type: none"> Construction 	✓
	<ul style="list-style-type: none"> Cumulative impacts 	✓
	Comment: The proposed modifications do not cause detrimental impacts on surrounding properties and satisfies the objectives of the controls that inform the overall building envelope.	
(c)	The suitability of the site for the development	
	<ul style="list-style-type: none"> Does the proposal fit in the locality? 	✓
	<ul style="list-style-type: none"> Are the site attributes conducive to this development? 	✓
	Comment: The modified proposal will not adversely alter the character of the locality. The site's attributes are conducive and the modifications relate to a small section of the approved floor plate at Level 9.	
(d)	Any submissions made in accordance with this Act or the regulations	
	<ul style="list-style-type: none"> Public submissions 	✓
	<ul style="list-style-type: none"> Submissions from public authorities 	✓
	Comment: No referrals were required to public authorities and one submissions were received (See Section 5.0 of this report).	
(e)	The public interest	
	<ul style="list-style-type: none"> Federal, State and Local Government interests and Community interests 	✓
	Comment: The proposed changes will not compromise the character of the locality and therefore approval of the modification application is in the public interest.	

7.3 ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2021

CI 100 BASIX

Clause 100 deals with the content of modification applications and requires [at 3]:

- (3) If a modification application under the Act, section 4.55(1A) or (2) relates to BASIX development, or BASIX optional development if the development application was accompanied by a BASIX certificate, the application must be accompanied by—
- the BASIX certificate, or
 - a new BASIX certificate if the current BASIX certificate is no longer consistent with the development.

A letter from the applicant's sustainability consultant dated 19 July 2024 confirms that the BASIX Certificate (Ref: 1404012M_07, dated 29 May 2024) accompanies the application and "...reflects the Mod 7 changes to winter balconies on Block E". The reference to "Mod 7" is a reference to DA-2019/247/G.

ATTACHMENT 8: SCHEDULE OF CONDITIONS

Development Consent DA-2019/247 is modified by DA-2019/247/G as follows:

A. Condition No. 1 is amended to read as follows:

1. Approved Plan/Details

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

Type	Plan No.	Revision/ Issue No	Plan Date (as Amended)	Prepared by
Architectural Drawings	DA 2.01	C	06/08/2020	Hyecorp Property Group
	DA 2.02	C	06/08/2020	
	DA 2.03	C	06/08/2020	
	DA 2.04	C	06/08/2020	
	DA 2.05	D	08/12/2020	
	DA 2.06	C	08/12/2020	
	DA 2.07	C	08/12/2020	
	DA 2.08	C	08/12/2020	
	DA 2.09	C	08/12/2020	
	DA 3.01	A	14/06/2019	
	DA 3.02	B	06/08/2020	
	DA 3.03	B	08/12/2020	
	DA 3.04	C	08/12/2020	
	DA 3.05	D	08/12/2020	
	DA 3.06	B	08/12/2020	
	DA 4.01	C	08/12/2020	
	DA 4.02	D	08/12/2020	
	DA 4.03	C	08/12/2020	
	DA 4.04	C	08/12/2020	
	Landscape Master Plan	C100	D	
Landscape Plans	-	All plans are Issue D	All plans are dated 07/10/2020	
	101			
	102			
	103			
	104			
	105			
	106			
	107			
	108			
	109			
	110			
	301			
	302			

Type	Plan No.	Revision/ Issue No	Plan Date (as Amended)	Prepared by
Landscape Plans	303	All plans are Issue D	All plans are dated 07/10/2020	Site Image (NSW) Pty Ltd
	304			
	305			
	306			
	401			
	-			
	403			
	-			
	405			
	406			
	-			
	502			
	503			
	402	D	21/06/2019	
	404	C	21/06/2019	
	501	C	07/10/2020	
Stormwater Plans	19013-DA-C01	G	06/10/2020	IDC
	19013-DA-C02	H		
	19013-DA-C04	I		
	19013-DA-C05	E		
Drainage Plans (Discharge via easement through 15 Horsley Avenue & Upgrade Drainage in Horsley Avenue)	D1	D	04/03/2022	Acor Consultants
	D2			
	D3			
	D4			
	D5			

As modified by DA-2019/247/A:

Type	Plan No.	Revision/ Issue No	Plan Date (as Amended)	Prepared by
Architectural Drawings	DA106A to DA106D inclusive	1	23/05/2022	Hyecorp Design
	DA 2.01	F	22/04/2022	
	DA 2.02			
	DA 2.02A	B	17/12/2021	
	DA 2.03	F	22/04/2022	
	DA 2.04	E	17/12/2021	
	DA 2.05	F		
	DA 2.06	E		
	DA 2.07			
	DA 2.08			
	DA 2.09			
	DA 3.01	A	14/06/2019	

Type	Plan No.	Revision/ Issue No	Plan Date (as Amended)	Prepared by
Architectural Drawings	DA 3.02	B	06/08/2020	Hyecorp Design
	DA 3.03	D	17/12/2021	
	DA 3.04	E		
	DA 3.05	F		
	DA 3.06	D		
	DA 4.01	E		
	DA 4.02	F		
	DA 4.03	E		
	DA 4.04			
	DA 4.05	D		
Landscape Master Plan	C100	G	17/01/2022	Site Image (NSW) Pty Ltd
Landscape Plans	101	F	24/11/2021	
	102			
	104			
	105			
	107		24/11/2020	
	108		24/11/2020	
	109		24/11/2021	
	110	G	17/01/2022	
	301	F	24/11/2021	
	302			
	304			
	305			
	401			
	402			
	404			
	405			
	501			
	502			
	503			
Stormwater Management Plan Level 1	C3	E	13.05.2022	Acor
Stormwater Management Details	C11			
Driveway & Internal Ramp Section	DA 4.05	D	17/12/2021	Hyecorp
Stormwater Quality Report Sheet 1 of 2	C12		24/1/2022	Acor
Stormwater Quality Report Sheet 2 of 2	C13			
Site Catchment Plan	C2			
Stormwater Management Plan- Basement 2 (Part 1)	C8			
Stormwater Management Plan- Basement 2 (Part 2)	C9			

Type	Plan No.	Revision/ Issue No	Plan Date (as Amended)	Prepared by
Stormwater Management Plan- Basement 1 (Part 2)	C7	D	24/1/2022	Acor
Stormwater Management Plan- Basement 1 (Part 1)	C6			
Stormwater Management Plan- Level 2	C5			
Stormwater Management Plan- Level 1 (Part 2)	C4			
Stormwater Management Detail Sheet (No 1)	C10			

the application form and any other supporting documentation submitted as part of the application,

As modified by DA 2019/247/B only where shown clouded in red:

Type	Plan No.	Revision/ Issue No	Plan Date (as Amended)	Prepared by
Landscape Master Plan	C100	H	20/04/2022	Site Image (NSW) Pty Ltd
Landscape Plans	100	I	28/04/2022	
	101	H		
	104			
	301			
	304			
	401			
	404			

As modified by DA 2019/247/D only where shown clouded in red:

Type	Plan No.	Revision/ Issue No	Plan Date (as Amended)	Prepared by
Architectural Plans	DA 2.01	G	10/02/2023	Hyecorp Design
	DA 2.02	H		
	DA 2.02A	C	12/07/2022	
	DA 2.03	G		
	DA 2.04		19/05/2023	
	DA 2.05	H		

Type	Plan No.	Revision/ Issue No	Plan Date (as Amended)	Prepared by
Architectural Plans	DA 2.06	G	19/05/2023	Hyecorp Design
	DA 2.07	G		
	DA 2.08	F	12/07/2022	
	DA 2.09			
	DA 3.01	B		
	DA 3.02	C		
	DA 3.03	E		
	DA 4.01	G	19/05/2023	
	DA 4.03	F	12/07/2022	
	DA 4.04			
Landscape Master Plan	100	K	19/10/2022	Site Image (NSW) Pty Ltd
Landscape Plans	101	L	19/10/2022	
	102	I	19/10/2022	
	104	K	19/10/2022	
	105	J	19/10/2022	
	107	G	19/10/2022	
	108	G	19/10/2022	
	109	G	19/10/2022	
	110	H	19/10/2022	
	301	K		
	302	H		
	304	J		
	305	H		
	401	K		
	402	H		
	404	J		
	405	H		
	501			
	502	G		
	503			

As modified by (DA-2019/247/E) only where shown clouded in red:

Type	Plan No.	Revision/ Issue No	Plan Date (as Amended)	Prepared by
Project Summary	DA 1.01	F	12/05/2023	Hycorp Property Group
Architectural Drawings – Plan 1	DA 2.01	H		
Architectural Drawings – Plan 2	DA 2.02	J		

Type	Plan No.	Revision/ Issue No	Plan Date (as Amended)	Prepared by
Architectural Drawings – Plan 2A	DA 2.02A	D		
Architectural Drawings – Plan 3	DA 2.03	H		
Architectural Drawings – Plan 4	DA 2.04	G	12/05/2023	Hyecorp Property Group
Architectural Drawings – Plan 5	DA 2.05	H		
Architectural Drawings – Plan 6	DA 2.06	G		
Architectural Drawings – Plan 7	DA 2.07			
Architectural Drawings – Plan 8	DA 2.08			
Architectural Drawings – Plan 9	DA 2.09			
Architectural Drawings – ILU Block A Elevations	DA 3.03	F	19/05/2023	
Architectural Drawings – ILU Block C Elevations	DA 3.05	H	19/05/2023	
Architectural Drawings – Sections A & B	DA 4.01		12/05/2023	
Architectural Drawings – Sections C & D	DA 4.02	G		
Architectural Drawings – Sections E & F	DA 403			
Architectural Drawings – Sections H & J	DA 4.04			
Architectural Drawings – Driveway & Internal Ramp Section	DA 4.05	E		
Coversheet	000	I	28/08/2023	Site Image (NSW) Pty Ltd
Landscape Masterplan	100	M		
Landscape Plan – Level 1 (East)	101	M		
Landscape Plan – Level 1 (West)	102	J		
Landscape Plan – Level 2 (East)	104	L		
Landscape Plan – Level 2 (West)	105	L		
Landscape Plan – Level 3	107	H		
Landscape Plan – Level 4	108	I		
Landscape Plan – Level 5	109	H		
Landscape Plan – Level 6	110	I		
Landscape Hardscape Plan – Level 1 (East)	301	M		
Landscape Hardscape Plan – Level 1 (West)	302	J		
Landscape Hardscape Plan – Level 2 (East)	304	L		
Landscape Hardscape Plan – Level 2 (West)	305	K	29/09/2023	
Landscape Planting Plan - Level 1 (East)	401	L	28/08/2023	
Landscape Planting Plan - Level 1 (West)	402	I		
Landscape Planting Plan - Level 2 (East)	404	K		
Landscape Planting Plan - Level 1 (East)	401	L		
Landscape Planting Plan - Level 1 (West)	402	I		
Landscape Planting Plan - Level 2 (East)	404	K		
Landscape Planting Plan - Level 2 (West)	405	J	29/09/2023	
Landscape Details	501	I	28/08/2023	
Landscape Specification	502	H		
Indicative Tree & Plant Schedule	503			

As modified by (DA-2019/247/F) with respect to condition 2(c) [no plan changes]

As modified by (DA-2019/247/G) only where shown clouded in red:

Type	Plan No.	Revision/ Issue No	Plan Date (as Amended)	Prepared by
Project Summary	DA 1.01	K	14/01/2025	Hyecorp Property Group
Architectural Drawings – Plan 4	DA 2.04	K	10/01/2025	
Architectural Drawings – Plan 5	DA 2.05	K	09/04/2024	
Architectural Drawings – Plan 6	DA 2.06	L		
Architectural Drawings – Plan 7	DA 2.07			
Architectural Drawings – Plan 8	DA 2.08	H		
Architectural Club Elevations	DA 3.01	C		
Architectural RFB Elevations	DA 3.02	D		
Architectural Drawings – ILU Block A Elevations	DA 3.03	F		
Architectural Drawings – ILU Block C Elevations	DA 3.05	I		
Architectural Section G, H & J	DA 4.04	H	09/04/2024	
Coversheet	SS19- 4081_000	J	24/06/2024	Site Image
Landscape Masterplan	SS19- 4081_100	O		
Landscape Plan - Level 1 (East)	SS19- 4081_101	Q	16/12/2024	
Landscape Plan - Level 1 (West)	SS19- 4081_102	L	28/06/2024	
Landscape Plan - Level 2 (East)	SS19- 4081_104	O	12/12/2024	
Landscape Plan - Level 2 (West)	SS19- 4081_105	P	16/12/2024	
Landscape Plan Level 3	SS19- 4081_107	I	24/06/2024	
Landscape Plan Level 4	SS19- 4081_108	J		
Landscape Plan Level 5	SS19- 4081_109	I		
Landscape Plan Level 6	SS19- 4081_110	J		
Landscape Hardscape Plan - Level 1 (East)	SS19- 4081_301	N		
Landscape Hardscape Plan - Level 1 (West)	SS19- 4081_302	L	26/06/2024	
Landscape Hardscape Plan - Level 2 (East)	SS19- 4081_304	N		
Landscape Hardscape Plan - Level 2 (West)	SS19- 4081_305	M		

Type	Plan No.	Revision/ Issue No	Plan Date (as Amended)	Prepared by
Landscape Planting Plan - Level 1 (East)	SS19- 4081_401	O	16/12/2024	Site Image
Landscape Planting Plan - Level 1 (West)	SS19- 4081_402	J	24/06/2024	
Landscape Planting Plan - Level 2 (East)	SS19- 4081_404	M	12/12/2024	
Landscape Planting Plan - Level 2 (West)	SS19- 4081_405	N	16/12/2024	
Indicative Plant Schedule	SS19- 4081_500	I	24/06/2024	
Landscape Details	SS19- 4081_501	J		
Landscape Specification	SS19- 4081_502	I		

the application form and any other supporting documentation submitted as part of the application, except for:

- (a) any modifications which are “Exempt Development” as defined under S.4.1(1) of the *Environmental Planning and Assessment Act 1979*;
 - (b) otherwise provided by the conditions of this consent.
- (Reason: Information and ensure compliance)

B. Condition 24 is modified to read as follows:

24. Noise Attenuation Construction

To minimise the impact of noise from any external noise source on the amenity of the residents and occupants, the development shall be constructed in accordance with the recommendations and specifications contained in the acoustic report by PKA Acoustic Consulting, Ref. PKA11532 R01v1, dated 2 July 2019, except where the acoustic report, Ref. PKA11532 R02v1, dated 14 May 2024, supercedes it. Attention should be given to the acoustic mark-ups of each floor area provided in Appendix A of the report PKA11532 R02v1.

Details of the proposed acoustic treatment shall be submitted to the Certifying Authority prior to the issue of any Construction Certificate.

(Reason: Amenity, environmental compliance and health)

C. Condition 89 is deleted.

D. Condition 139 is modified to read as follows:

139. Plan of Management – Registered Club

All operational details, objectives and management measures stipulated within the

Plan of Management for the Registered Club (titled ‘*Plan of Management Club*

Willoughby’, prepared by City Plan Services, dated July 2019) are to be conducted

and fulfilled by the operator of the Registered Club in perpetuity. The Plan of

Management is also to be modified to include the following additional operational

requirements and amendments:

- a) The Registered Club is to operate in accordance with the requirements of a valid liquor licence and all requirements within the *Liquor Act 2007*;
- b) The location of the War Memorial is to be completed. All next of kin are to be notified of the location of the War Memorial;
- c) The following outdoor terrace areas are to be closed to patrons as stipulated with the Plan of Management:
 1. Front (west) external terrace at ground floor level is to be closed at 9pm;
 2. Alfresco area at the ground floor level to the rear (east) is to be closed at 10:30pm; with retractable acoustic glazing bi-fold or tilt-up panels to enclose the terrace from 8pm;
 3. Outdoor External terrace on the first-floor level to the rear (east) is to be closed at 6pm;
 4. Rear External terrace on the first-floor level to the front (west) is to be closed at 6pm;
 5. Front (west) external terrace at second-level is to be closed at 10pm;
 6. Rear (east) external terrace at second-level is to be closed at 8pm.
- d) Provide details regarding the amount of bookings and management of functions;
- e) Provide details regarding hiring procedures;
- f) Provide details on how the number of patrons at any one time in external terraces will be monitored and enforced in accordance with the capacity numbers specified in Section 2.4 of the approved Plan of Management for Club Willoughby (Rev01 dated June 2024);
- g) Provide warning and instructional signs on patron behaviour;
- h) Demonstrate compliance with smoke-free legislation;
- i) Address how ingress and egress from Legions Way is to be restricted, however, access for emergency vehicles from Legions Way is to be facilitated;
- j) Provide details regarding the ongoing review of the Plan of Management at a regular interval.

The Plan of Management shall be complied with at all times. A hardcopy of it and the complaint register shall be kept on the premises at all times and produced when required to do so by an authorised officer of Council, Licensing and Gaming NSW or NSW Police. If complaints arise that are found to be justified, the Plan of Management may be required to be amended.

Any further modifications cannot be made to the Plan of Management unless conducted through a S4.55 Modification Application.

(Reason: Amenity, compliance)

E. Condition 139A is modified to read as follows:

139A. Operating Hours of Registered Club

Trading hours for the registered club building are limited as follows:

- a. Indoor areas:
 1. Monday to Saturday – 7.00am to 12.00am
 2. Sunday and Public Holidays – 7.00am to 10.00pm
- b. Outdoor areas are restricted as follows:
 1. Front (west) external terrace at ground floor level is to be closed at 9pm;

2. Alfresco area at the ground floor level to the rear (east) is to be closed at 10:30pm; with retractable acoustic glazing bi-fold or tilt-up panels to enclose the terrace from 8pm;
3. ~~Outdoor~~ External terrace on the first-floor level to the rear (east) is to be closed at 6pm;
4. ~~Rear~~ External terrace on the first-floor level to the front (west) is to be closed at 6pm;
5. ~~Rear~~ Front (west) external terrace at second-level is to be closed at 10pm;
6. Rear (east) external terrace at second-level is to be closed at 8pm.

c. These hours may vary in the circumstances of special events, but only with the prior approval of Council.

This condition has been imposed to mitigate amenity impacts upon the neighbourhood by commercial or retail trading including, but not limited to, external impacts associated with clients attending the site for business or otherwise.

Note: This condition does not apply to deliveries to, or dispatches from, the site of wholesale goods or internal activities that occur under the approved hours of use. General use and deliveries or dispatches may be restricted by hours of use conditions. This condition does not restrict the operation of noise pollution laws. (Reason: Compliance with trading hours)

F. Condition 150 is modified to read as follows:

150. Entertainment Venue - Noise Control

The LA10* noise level emitted from the licensed premises shall not exceed the background noise level (LA90) in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) by more than 5dB between 07:00am and 12:00 midnight at the boundary of any affected residence.

The LA10* noise level emitted from the licensed premises shall not exceed the background noise level (LA90) in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) by more than 5dB between 12:00 midnight and 07:00am at the boundary of any affected residence.

* Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any residential premises between the hours of 12:00 midnight and 07:00am.

(Reason: Ensure compliance/Amenity)

G. Condition 150A is added to read as follows:

150A. The following requirements from the NSW Police are to be complied with at all times:

1. The “Crime Scene Preservation Guidelines – Licensed Premises” be implemented into the current Plan of Management.
2. A review be undertaken with North Shore PAC Licensing Team within 6 – 12 months of opening regarding Noise Management.
3. The site will need to be clearly identified through a building name or street number and be visible from both Penshurst Street and Stirling Lane. This will enable all emergency services to locate the premises with ease.

4. Lighting within the site will need to be positioned in a way to reduce opportunities for offenders to commit crime during the hours of darkness i.e vandalism and graffiti. The lighting will need to be sufficient to enable people to identify criminal behaviour, signs of intoxication and anti-social behaviour. The lighting will also need to be sufficient to support images obtained from any CCTV footage. Please note that some low- or high-pressure lighting is not compatible with surveillance systems.
5. All external lighting should be designed to comply with, where applicable, AS/NZ1158.3:1999 Pedestrian Area (Category P) Lighting and Australian Standard 4282-1997 'Control of the obtrusive effects of outdoor lighting'.
6. An electronic surveillance system should be included to provide maximum surveillance of all areas of the licensed area including entry/exits, bar and service areas, corridors, and areas where cash is either kept or handled. Cameras should also cover the car park area and public footpath areas around the premises. The system should be capable of recording high-quality digital images of events. The recording equipment should be locked away to reduce the likelihood of tampering.
7. All recording made by the CCTV system must be stored for at least a minimum of 30 days. Ensure that the system is accessible by at least one member of staff at all times it is in operation, and provide any recordings made by the system to a police officer or inspector within 24 hours of any request by a police officer or inspector. The CCTV cameras will need to be placed in suitable locations to enhance the physical security and assist in positively identifying any individual, who may be involved in criminal behaviour.
8. Appropriate signage should be erected inside and around the perimeter of the entire property to warn of security treatments in place e.g. "This site is under 24-hour video surveillance".
9. "Park Smarter" signage should be displayed in the car park to warn/educate motorists to secure their vehicles and not leave valuable items in their cars. The car park will also need to have adequate lighting.
10. Windows within the site should also be of solid construction. These windows should be fitted with quality window lock sets that comply with the Australian Standards – Lock Sets AS:4145. Glass within doors and windows should be reinforced to restrict unauthorised access. The glass can be either fitted with a shatter-resistant film or laminated to withstand physical attacks.
11. Doors should be of solid construction and should be fitted with quality deadlock sets that comply with the Building Code of Australia and Australian Standards – Lock Sets AS:4145.
12. An emergency control and evacuation plan should be implemented within the site and displayed for the information of residents.
13. Wheelchair access should at no time be blocked nor impede access to anyone with a disability.

14. The landscaping design around the site needs to be free from potential hiding places and provide sightlines throughout the site and into any surrounding areas. Trees and shrubs should be maintained regularly to reduce concealment opportunities and increase visibility. Avoid the use of landscaping materials which could, when mature, serve as screens or barriers to impede views.
15. The boundaries of the site should be clearly identified to deter unauthorised persons from entering the site.

H. Comply with all other conditions of the original development consent.

**ATTACHMENT 9: ARCHITECTURAL AND LANDSCAPE PLANS (UPLOADED
SEPARATELY TO PORTAL 19 MARCH 2025)**
