

Panel Reference	PPSSNH-97
DA Number	DA-2020/117
LGA	Willoughby
Proposed Development	Demolition of existing Chatswood golf clubhouse and car parking, re-subdivision and construction of a new 4 storey clubhouse, 106 self-care seniors dwellings, 3 levels basement car parking, associated landscaping and earthworks.
Street Address	128 Beaconsfield Road, CHATSWOOD NSW 2067.
Applicant/Owner	Watermark Chatswood Pty Ltd/ Chatswood Golf Club Limited
Date of DA lodgement	22-May-2020
Number of Submissions	Seventy (70) (59 Objecting, 11 In Support)
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Capital investment value (CIV) over \$30 million
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • <i>SEPP (Housing for Seniors or People with a Disability) 2004</i> • <i>SEPP No 65 - Design Quality of Residential Apartment Development</i> • <i>Sydney Regional Environmental Plan (Sydney Harbour Sydney Harbour Catchment Regional Environmental Plan 2005 (REP)</i> • <i>SEPP No 55 – Remediation of Land</i> • <i>SEPP (Infrastructure) 2007</i> • <i>SEPP BASIX</i> • <i>SEPP (Vegetation in Non-Rural Areas) 2017</i> • <i>SEPP (Koala Habitat Protection) 2019</i> • <i>SEPP 64 – Advertising and Signage</i> • <i>Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005 (DCP)</i> • <i>Apartment Design Guide (ADG)</i> • <i>Willoughby Local Environmental Plan 2012</i> • <i>Willoughby Development Control Plan</i>
List all documents submitted with this report for the Panel's consideration	Essential documentation on ePlanning – www.planningportal.nsw.gov.au
Report prepared by	Ana Vissarion
Report date	24 May 2021

Summary of s4.15 matters	Yes
Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	
Legislative clauses requiring consent authority satisfaction	Yes
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? <i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i>	
Clause 4.6 Exceptions to development standards	Yes
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?	
Special Infrastructure Contributions	Not Applicable
Does the DA require Special Infrastructure Contributions conditions (S7.24)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	
Conditions	Yes
Have draft conditions been provided to the applicant for comment? <i>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</i>	

SNPP NO: PPSSNH-97
COUNCIL WILLOUGHBY CITY COUNCIL
ADDRESS: 128 BEACONSFIELD ROAD, CHATSWOOD NSW 2067.
DA NO: DA-2020/117
PROPOSAL: DEMOLITION OF EXISTING CHATSWOOD GOLF CLUBHOUSE AND CAR PARKING, RE-SUBDIVISION AND CONSTRUCTION OF A NEW 4 STOREY CLUBHOUSE, 106 SELF-CARE SENIORS DWELLINGS, 3 LEVELS BASEMENT CAR PARKING, ASSOCIATED LANDSCAPING AND EARTHWORKS.
RECOMMENDATION: APPROVAL
ATTACHMENTS:
1 SITE DESCRIPTION AND AERIAL PHOTO
2 THE PROPOSAL
3 ASSESSMENT UNDER SITE COMPATIBILITY CERTIFICATE CONTROLS
4 CONTROLS, DEVELOPMENT STATISTICS & REFERRALS
5 ASSESSMENT UNDER SEPP SENIORS, HARBOUR REP , WLEP 2012 & WDCP
6 ASSESSMENT UNDER SEPP 65/ ADG
7 CLAUSE 4.6 ASSESSMENT –
8 SECTION 4.15 (79C) ASSESSMENT
9 SELECTIVE MATTERS IN SECTION 4.15 (79C) ASSESSMENT
10 COMMUNITY CONSULTATION & SUBMISSIONS TABLE
11 NOTIFICATION MAP
12 SCHEDULE OF CONDITIONS

AUTHOR: ANA VISSARION - DEVELOPMENT ASSESSMENT OFFICER
DATE: 24-MAY-2021

1. PURPOSE OF REPORT

The development application DA-2020/117 is reported to the Sydney North Planning Panel (SNPP) for determination as it meets the relevant criteria to be considered regionally significant development as outlined under Schedule 7 of the *State Environmental Planning Policy (State and Regional Development) 2011*, noting that it comprises a Capital Investment Value (CIV) that is estimated to exceed \$30 million (\$97,520,000.00).

2. OFFICER'S RECOMMENDATION

THAT the Sydney North Planning Panel (SNPP):

- 2.1 Supports the submitted Clause 4.6 variation request to the Clause 26(2)(b) *Location and Access to Facilities* contained in State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP Seniors) for the following reasons:**
- a) The proposal is consistent with the relevant objectives of the RE2 Private Recreation zone and with the accompanying Site Compatibility Certificate (SCC),**
 - b) The proposal contravention does not hinder the ability of the mixed use development to achieve the underlying implicit objective of the Clause 26(2)(b) *Location and Access to Facilities* contained in the SEPP Seniors - to ensure that the seniors living residents will have reasonable access to facilities and services they may require – onsite and off site,**
 - c) The proposal incorporates sufficient facilities and services (including medical) to further reduce reliance on the public bus and facilitate aging in place, and**
 - d) The proposal will reduce reliance on the public bus, resulting in an improved planning outcome when compared with what would have been achieved if the development standard was not contravened.**
- 2.2 Approves the development application DA-2020/117 for ‘*Demolition of existing Chatswood golf clubhouse and car parking, re-subdivision and construction of a new 4 storey clubhouse, 106 self-care seniors dwellings, 3 levels basement car parking, associated landscaping and earthworks*’ at 128 Beaconsfield Road, CHATSWOOD NSW 2067 (Lot 1/DP 1124646, Lot 1/DP 651667, Lot 22/DP 626634, Lot 163/DP 752067) for the following reasons:**
- a) The proposal for the Seniors Village containing 106 serviced self-care housing units and associated facilities and services, is of a social benefit to the immediate and larger community, allowing seniors to age in place,**
 - b) The proposal is generally limited to the footprint area within the golf course site, acceptable in regard to height, bulk and scale, and generally in accordance with the scheme approved by the Site Compatibility Certificate (SCC), with no additional incursions of the built form into the open space of the golf course,**
 - c) The proposal is found to be compatible with the surrounding natural and built environment, including with the adjacent E4 zoned residential properties, and**
 - d) The redevelopment of the Chatswood Golf Club is consistent with the objectives of the RE2 Private Recreation zone as it will ensure the retention of an important recreational outdoor facility and ancillary services that are of considerable value to the local community.**

3. BACKGROUND

The proposed development comprises the construction of 106 Seniors Living Apartments in the form of “serviced self-care seniors housing” (Seniors Living), a new Clubhouse building, on-site parking for seniors and Clubhouse. A range of facilities and services will be made available to the seniors, club members and visitors, including bistro and bar, café, multi-purpose function room, golf club shop, golf preparation area, hydrotherapy pool, gymnasium, cinema and meeting rooms.

The subject site is particularly well located in terms of proximity to a range of services of interest, including medical and health related services and general shopping facilities, being approximately 1.6km from Chatswood CBD.

The proposal involves the construction of a seniors living village consisting of one hundred and six (106) Independent Living Units, construction of a new clubhouse facility and associated parking to replace the existing clubhouse and parking facilities. The proposal relies on a Site Compatibility Certificate (SCC) issued on 13 June 2019, as the majority of the site is zoned RE2 Private Recreation and 1104m² of land is zoned E4 Environmental Living. No construction works are proposed on the E4 parcel. A more detailed description of the proposal is included in **Attachment 2**.

The site is conveniently located in relation to public transport services. There is an existing bus stop in Beaconsfield Road between Colwell Crescent and Cramer Crescent, which is located at approx. 100m to the east of the entrance to the site. An Access Review report dated 19 May 2020 by Funktion accompanied the application and states that the proposal can comply with the accessibility requirements of Disability (Access to Premises - Buildings) Standards 2010, relevant sections of the Building Code of Australia (BCA), Australian Standards on Access and Mobility and State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Amendment No 2) 12 October 2007 - Standards concerning access and useability.

The subject sites are not flood prone, but classified as flood fringe. Development in flood fringe areas have no significant effect on the pattern of flood flows and/or flood levels.

Section 100B of the Rural Fire Service Act 1997 triggers the need for the proposal to be an *Integrated Development* pursuant to section 4.46 EP&A Act 1979. The application was referred to the New South Wales Rural Fire Service (NSW RFS) and received general terms of approval on 12 July 2020.

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

4. DISCUSSION

The subject site is located near Chatswood CBD, which provides a range of established services and infrastructure including retail, community and medical services and transport services. North Shore Private Hospital and Royal North Shore Hospital are approximately 5km south-east of the subject site.

The proposal generally complies with Clause 26 of the Seniors SEPP, as a regular public bus service route/ bus stop is located within 400m of the site (approx. 100m away) and this service provides direct links to local facilities and services. This bus service operates Monday to Saturday. Clause 26(2)(b) of SEPP Seniors requires access to public transport at

least once between 8am and 12pm every day of the week (i.e. Monday to Sunday) and then once between 12pm and 6pm on Monday to Friday. With no public bus service available for seniors on Sundays, the proposal fails to comply with Clause 26(2)(b).

A Clause 4.6 written request objecting to Clause 26(2)(b) *Location and Access to Facilities* contained in State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP Seniors) has been submitted with the application.

Based on the particular circumstances of the development, the proposed variation to the development standard is found to be in the public interest. Assessment of the Clause 4.6 written objection is provided in **Attachment 7**. The footpath from the boundary of the site to the bus stop will be rebuilt as part of the proposal, to comply with the required functional gradients.

The proposal maintains the open space by retaining the 18-hole golf course for private recreational use, in accordance with the requirements of the SCC. This open space remains zoned RE2 Private Recreation. While the footprint is generally limited to the footprint indicated in the SCC, with no incursions of the built form into the open space of the golf course, the proposal provides additional private open space to the east of the subject site, for the use of senior residents and visitors.

As the main priority, the design of the proposed buildings seeks to maintain views/outlook from the adjacent properties to the east, over the golf course site. The buildings have been positioned to step down in alignment with the escarpment to allow for a building form that follows the natural topography of the site. While the buildings allocated to the seniors' village are five (5) storeys high and the Clubhouse is four (4) storeys high, these buildings are perceived as one (1) to maximum two (2) storeys when seen from the adjoining properties to the east. Horizontal views over the golf course site, as seen from eastern adjoining residential properties, are satisfactory maintained.

The mass of the built form is sufficiently separated between the clubhouse and the northern and southern buildings, in order to reduce bulk and scale. The general western orientation and building separation allows for sufficient solar access and open views to the golf course and Lane Cove National Park. The facilities provided in the Clubhouse, while designed for the use of the seniors living on site, will also be open to use by Golf Club members and visitors to the golf course.

The traffic report submitted by the applicant, Council Traffic section and RFS reviewed the proposal and the post development traffic conditions along Beaconsfield Road and associated intersections, including the potential for a significant bottleneck in emergency situations, and concluded that the proposal has sufficient onsite car parking and will generate satisfactory operating conditions. Referrals, including comments from Council's Traffic Engineer are included in **Attachment 4**.

Council's Urban Design Specialist reviewed compliance of the latest proposal in regard to *State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development* (SEPP 65) and the *Apartment Design Guide* (ADG) and raised no objection. Further details on compliance are found in **Attachment 6**.

The Arborist's Report submitted with the application indicates that 238 trees are proposed to be removed from the subject site in order to accommodate the works and the Asset Protection Zones for bushfire purposes and 71 trees are to be retained. Council's Landscape Architect advised that, taking into consideration the exempt species being removed (51) and the proposed tree planting on the landscape plans (20), the proposal results in a net loss of non-exempt trees of 167 trees. Council's development controls and guidelines provide a mechanism to address replacement of trees removed for development (C9.6 and C9.7 of

WDCP). Under C.9.6 Replacement Trees 3:1 replacement requirement, a total of 501 trees are required to be replanted (3 x 167 trees) in the immediate vicinity to provide an improved environmental outcome to the locality following completion of the development. Following discussions with Council, the applicant offered to replant 650 trees on the Golf Course to compensate for the tree removal. Council's Landscape Architect noted that replanting of 650 locally native trees is above the minimum requirement and supports the proposal. Referrals, including comments from Council's Landscape Architect are included in **Attachment 4**.

A Biodiversity Development Assessment report prepared by Travers Bushfire and Ecology has been submitted with the application as required under the Biodiversity Conservation Act 2016. The applicant will need to purchase credits to offset impacts to allow the proposed subdivision to proceed. Conditions relating to the biodiversity offsets have been included in recommended conditions.

The proposal also includes

- a Stage 1 re-subdivision of the four Torrens Title lots and
- a further Stage 2 stratum subdivision of the seniors housing village and clubhouse.

Both Stage 1 and Stage 2 subdivisions are necessary components in order to separate ownership, operation and required easements.

The SNPP Integrated Development Application was under public notification between 9 June and 20 June 2020. All requests for extension of the notification period were granted. Following discussions with the applicant, Council officers organised site visits on a number of properties adjoining the development on the eastern side of the subject site, on Conwell Crescent and Beaconsfield Road, on 26 August 2020. Various concerns were discussed and photos taken.

Following the submission of amended plans, Council again gave opportunity to directly adjoining neighbours to comment on the amended documentation, between 3 March and 24 March 2021. Matters raised in the 59 submissions objecting to the development (including the 2 petitions) and comments on those matters are contained in **Attachment 10**.

SEPP 65 applies to the Seniors Village component of the proposal. Assessment against SEPP 65/ADG is further detailed in **Attachment 6**.

5. CONCLUSION

The proposed application is an "Integrated Development" which seeks approval for a mixed-use development comprising a retirement village (serviced self-care seniors housing) to operate in conjunction with a new Clubhouse. The Development Application DA-2020/117 has been assessed in accordance with Section 4.15 (79C) of the *Environmental Planning and Assessment Act 1979*, *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP Seniors)*, *SEPP 65 and ADG*, *SEPP 64*, *WLEP 2012*, *WDCP* and other relevant codes and policies.

This assessment took into consideration the latest plans and documentation submitted with the development application, the relevant legislative context, submissions received from various individuals and adjoining neighbours, submissions from public authorities, the social, economic and environmental impacts and the potential impacts of the development on the local and on the larger context.

It concludes that the seniors housing development is **generally limited to the footprint area** within the golf course site, as nominated by the SCC. Similar to the findings of the SCC

assessment, this assessment concludes that **the development retains open space** on site, with no incursions of the built form into the golf course. As such, the proposal is considered to have '*no detrimental impacts on the provision of land for public open space or special uses given the availability of recreational areas/facilities on-site and in the vicinity*'. The proposal will not compromise the use of the site as a golf course and facilitates the provision of a new clubhouse and additional facilities for the benefit the future senior residents, club members and the local community.

The proposed development takes advantage of the given topography, locating the main part of the buildings below the ground level of adjacent dwellings. The proposal maintains the main distant views (vistas) over the golf course site obtained from eastern adjoining residential properties. The setback of the proposed buildings and landscape treatment ensures minimal and acceptable impacts on the amenity of these residential properties. The proposal **is found acceptable in regard to height, bulk and scale** and generally in accordance with the scheme approved by the SCC.

Moreover, while the proposal temporarily disturbs the natural environment, at completion it will result in an improved environmental outcome in regard to tree canopy, due to **a net gain of an additional 412 trees** (minimum) to be planted in the immediate vicinity of the proposed development.

Overall, taking into account the natural and built environment, the development is found to be **compatible with the surrounding environment**, including the E4 zoned residential properties located to the east, and the chosen site is found to be suitable for the proposed use. Matters recommended to be addressed at development application stage by the issued SCC were assessed and found to be satisfactory, subject to recommended conditions.

Consequently, the application is recommended for approval, subject to the schedule of conditions included in **Attachment 12**.



Photomontage provided by the applicant – view from southern entry to the site

ATTACHMENT 1: SITE DESCRIPTION AND AERIAL PHOTO

Chatswood Golf Leisure Resort is located at 128 Beaconsfield Road, Chatswood. The overall site has an area of approximately 27,000m².

The Chatswood Golf Club (CGC) is an *Existing Registered Club* that consists of fourteen (14) separate lots comprising 11 owned lots, and 3 leased lots.

Chatswood Golf Course in its entirety comprises eleven (11) separate lots owned by the Chatswood Golf Club plus three (3) leased lots from the Crown/Council. No works are proposed on or near the leased golf course lands under the subject development application.

The subject site, where the development for the Seniors Housing and the new Clubhouse are proposed, consist of **four (4) lots** out of the 14 lots, located on the eastern side of the Chatswood Golf Club and comprise of:

Lot 163 in DP 752067,
Lot 1 in DP 651667,
Lot 1 in DP 1124646 and
Lot 22 in DP 626634.

Lot	Lot Area	WLEP 2012 Zoning
Lot 163 DP752067	44,515m ²	RE2 & E4 No construction on the E4 zoned parcel (1,104m ²)
Lot 1 DP651667	6,931m ²	RE2
Lot 1 DP1124646	38,380m ²	RE2
Lot 22 DP626634	51,350m ²	RE2
Total	141,176m ²	

The majority of the Golf Club site is zoned **RE2 – Private Recreation** pursuant to the Willoughby Local Environment Plan 2012 (WLEP 2012).

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP Seniors) applies to *'land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes'* but only if the land is *'being used for the purposes of an existing registered club'*. The subject site contains an existing Registered Club (operating since 1955).

In accordance with Clause 24 of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, a Site Compatibility Certificate is required to be obtained from the NSW Department of Planning for the purpose of seniors housing development if the land is used for the purposes of an existing registered club.

Sydney North Planning Panel (SNPP) issued a Site Compatibility Certificate (SCC) for a senior's housing development on the subject land on 13 June 2019.



Aerial view - ★ indicates the site

The current development application for the seniors village and new clubhouse is proposed to be constructed on the elevated portion of the golf course generally within the building footprint approved under the Site Compatibility Certificate (SCC).



The eastern part of Lot 163 in DP 752067 is zoned E4 Environmental Living and falls outside of the approved SCC footprint area. DA 2013/316 (consent 23 November 2013) and Construction Certificate (CC) 2014/386 were previously approved for driveway, turf and swale works which have been physically commenced in 2014. DA 2013/316 approved the Torrens Title subdivision of Lot 163 DP 752067 into two (2) allotments, with an E4 lot (Lot 10) having a site area of 1104m² and the residual Golf Course land (Lot 11) retaining a site area of 4.337 hectares. To date, the approved subdivision was not completed or registered with Land Titles Office.

The development does not propose any construction on the E4 land, however, recommended conditions include re-subdivision of the bigger Lot 163 in DP 752067 to identify the E4 land and ensure no building works.

Surrounding Development

The development site is bounded by residential housing to the east and the Golf Course to the north, south and west. Adjoining lands to the eastern boundary of the site are zoned E4 Environmental Living Zone pursuant to WLEP 2012. Development on these lands is 1-2 storey dwelling housing fronting Colwell Crescent and/or Beaconsfield Road. Land in close proximity fronting Colwell Crescent is zoned R2 Low Density Residential.

The subject site accommodates the existing club house building, a lower carpark in the proximity of the club and an upper carpark. The properties at 17 to 29 Colwell Crescent and 125 Beaconsfield Road are located approximately 1.5m to 2m above the level of the existing upper carpark. 126 Beaconsfield Road adjoins the eastern boundary of the E4 parcel.

The residential areas to the north, west and south of the development site are separated by the golf course fairway, some over Swaines Creek, with the nearest residential property over 200m away. On the southern side of the golf course fairway, 5-9 Hart Street is Lane Cove Gardens retirement village. On the western side of the golf course fairway are houses fronting Mooney Street which are 260-330metres distance from the development site.

The development site is located approximately 1km from Chatswood CBD. The site is conveniently located in relation to public transport services. There is an existing bus stop in Beaconsfield Road, approx. 100m to the east of the entrance to the subject site.



Location of bus stop for Route 255, in relation to the subject development

The bus service Route 255 connects Beaconsfield/Colwell St bus stop with Chatswood CBD (approx. 10min bus travel to train station), where all the services to meet the relevant requirements of SEPP Seniors are located.

The Route 255 public bus does a three point turn on the intersection Beaconsfield Road with Colwell Crescent; passengers can get on/off on both sides of the street. Currently, the Route 255 public bus does not provide a service on Sundays. The Beaconsfield Road/Colwell Crescent bus stop is also serviced by the "On Demand" (app bookings) bus service for the Macquarie Park region, which commenced 26 March 2018 (on a trial basis) and is privately operated. Currently the service operates weekdays from 6am-10am and 3pm-7pm.

Topography of the development site

The northern end of the Chatswood Golf Course is traversed by Swaines Creek flowing in a westerly direction towards the Lane Cove River. The eastern part of the Golf Club site proposed for redevelopment is on a west facing hillside adjacent to the existing urban area. The site falls approximately 20 metres from east to west across the site with the highest point being in the eastern side near Beaconsfield Road and the lowest point being on the

western side below the existing clubhouse. The site has been historically excavated to build the existing clubhouse, the lower level carpark and the upper level carpark.

The vehicle access to the Golf Club is currently via Beaconsfield Road, from the east. The road is subject to a 50km/hr speed limit, with a single lane of traffic in each direction and unrestricted kerbside parking. Colwell Crescent intersects Beaconsfield Road near the cul-de-sac, in a loop.

A secondary (maintenance) vehicle access to the golf course fairways is located off Mooney Street, on the western side. This 3 - 3.5m wide vehicle access is accessible to golf course maintenance vehicles.



Photos from Mooney Street

Geotechnical and Contamination

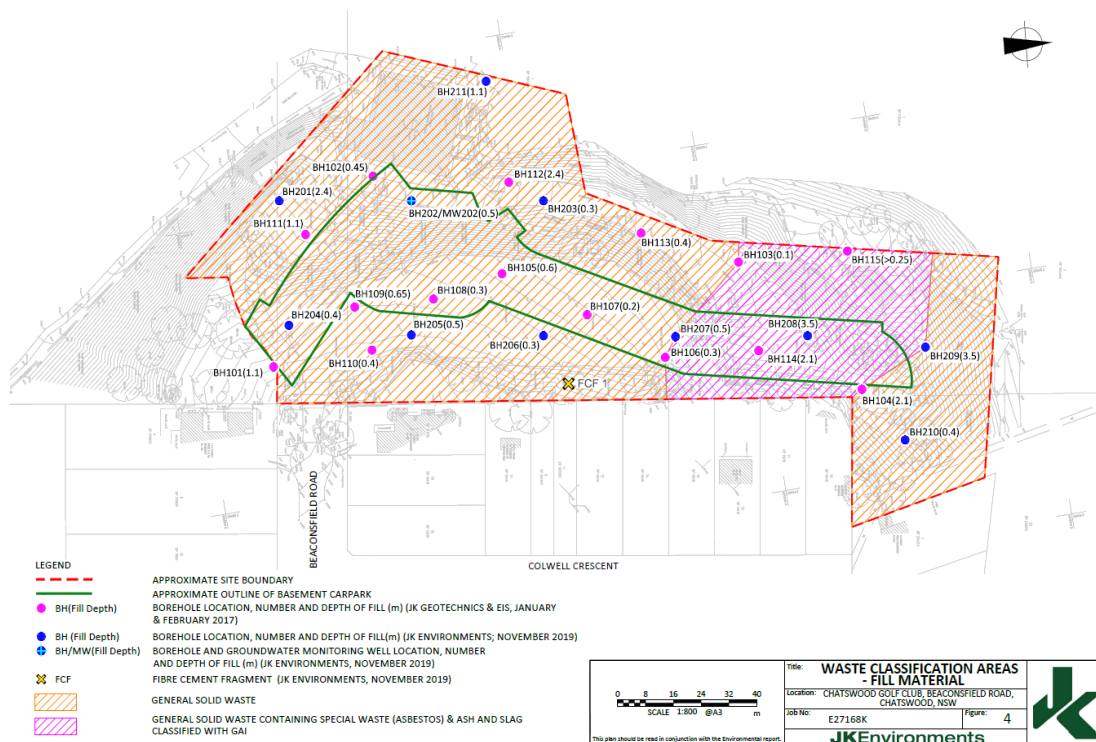
A *Geotechnical Investigation* prepared by JK Geotechnics and dated 14 October 2019 was submitted with the application, assessing the sub-surface conditions of the redevelopment area and advices relating to the APZ works and maintaining site stability on the E4 parcel. Environmental Investigation Services (EIS) / JK Environments, have completed environmental assessments, included sampling concurrently with the geotechnical investigation.

A Stage 2 Environmental Site Assessment dated 16 March 2017 included 5 boreholes. 11 additional boreholes were added in November 2019 for sampling of the soil and groundwater within the site. Asbestos was encountered in fill, however on the most of the site the concentration was acceptable, except on the eastern site boundary. Potential risks from asbestos will need to be managed during the construction phase. An Asbestos Management Plan (AMP) and a Remediation Action Plan (RAP) is required to be prepared.

Elevated concentrations of nickel and zinc were identified in groundwater. The heavy metal elevations in the groundwater was not considered to pose a risk.

A Stage 2 Report dated 24 January 2020 concluded that the site can be made suitable for the proposed development, subject to implementing a number of recommendations, including preparation of a Hazardous Buildings material (HAZMAT) assessment for the buildings and/or structures on the site.

A Remediation Action Plan (RAP) has been prepared by JK Environments, aiming to reduce the potential for exposure to the contaminants of potential concern. The preferred option for remediation includes excavation and off-site disposal of fill within designated areas.



The Golf Club site was used in the past as a landfill. The former landfill use was not in the area where the proposed buildings are to be constructed. Council's Environmental Health Officer (EHO) advised the Applicant to investigate the historic use of the adjoining golf course land as landfill and its potential impact on the development site. The Targeted Contamination Assessment (TCA) by iEnvironmental Australia Pty Ltd (iEnvi) concluded that, while elevated concentration of metals were detected across the soil samples analysed, the results remain below the screening criteria for a recreational/public open space use. The risk to human health and ecology is considered low. Subsequent emails between Council and iEnvi concluded that the risk to human health and ecology from the former landfill use is considered low and the land can be made suitable for the proposed development subject to the Remedial Action Plan being implemented.

Trees

A detailed *Arboricultural Impact Assessment Report* prepared by Travers Bushfire & Ecology, assessed the existing trees within/adjacent to the proposed development site. An assessment of all trees equal to or greater than 15cm diameter at breast height (DBH) was undertaken. Three-hundred and nine (309) trees were assessed within the site. The trees within the study area were found to be in a generally fair to good condition. Fifty-three (53) trees were found to be visually prominent trees, primarily due to their size and being 'larger than most' of the trees observed within the locality.

The native trees present within the proposed impact area are not commensurate with any endangered ecological community (EEC) under the NSW *Biodiversity Conservation Act 2016 (BC Act)*.

Schedule 5 (Register of Environmental Heritage) of the Willoughby Local Environmental Plan (LEP) 2012 does not list any trees of heritage conservation significance within the vicinity of the subject area.

A Biodiversity Development Assessment Report prepared by Travers Bushfire and Ecology has also been submitted with the application due to requirements of the Biodiversity Conservation Act 2016.

Bushfire

The southern tip of the proposed development site is identified on Willoughby Council Bushfire Prone Land Map as containing Category 2 Vegetation (Low Risk).

The proposed re-subdivision and construction of seniors housing and club house (Class 9b assembly building) is categorized by the NSW Rural Fire Service (NSW RFS) as being a *special fire protection purpose* (SFPP) and this requires the NSW RFS to issue a bushfire safety authority (BSA) in accordance with Planning for Bush Fire Protection 2019.

Accordingly, Section 100B of the Rural Fires Act 1997 requires that the proposal is Integrated Development pursuant to section 4.46 EP&A Act 1979.

A Bushfire Protection Assessment, Vegetation Management Plan (VMP) and Evacuation Plan were prepared by Travers Bushfire & Ecology and submitted with the application.

The application was referred to NSW Rural Fire Service for comments.

Stormwater and Flooding

A Stormwater Management & Flood Management Report has been prepared by *LP Consulting*.

The report discusses internal site stormwater drainage system for the proposed development and the management of external overland flows generated by land and roadways towards the Golf Club property from the east. The northern end of the golf course is traversed by Swaines Creek flowing in a westerly direction towards the Lane Cove River. There are also overland flow corridors including the Beaconsfield Road and the Colwell Crescent overland flow paths and the Northern flow path upstream of Fullers Road together with a wider gully traversing the golf course.

The existing topography in and around the subject property generally directs stormwater runoff in a north-westerly direction. This is accounted for in the proposal.

The subject sites are not flood prone, but classify as flood fringe. Development in flood fringe areas have no significant effect on the pattern of flood flows and/or flood levels. Reference is made to the Willoughby City Council Swains Creek Flood Study prepared by Lyall & Associates dated March 2014. The proposed development is not anticipated to reduce existing floodway or flood storage volumes, but some relocation of flood fringe areas may occur as a result of earthworks cut-and-fill operations. However, no significant effect is anticipated on the pattern of flood flows and/or flood levels.



Photomontage provided by the applicant – distant western view from the Golf Course

ATTACHMENT 2: THE PROPOSAL

The development proposal consists of:

- Stage 1 re-subdivision of **Lot 163 DP 752067, Lot 1 DP 651667, Lot 1 DP 1124646 & Lot 22 DP 626634** (total area **14ha**) retaining four (4) separate Torrens Title allotments comprising:
 - Watermark Retirement Village lot (area 1.202ha)
 - Clubhouse lot (area 2823m²)
 - E4 zoned lot (area 1104m² - no construction works proposed on this lot)
 - Golf course fairway lot (area 12.4ha).
- Demolition of existing golf clubhouse, adjacent carpark.
- Site preparation works including, excavation, temporary stockpiling on proposed Lot 13 (golf course fairway) and removal of trees to facilitate the development & Asset Protection Zones.
- Services and utilities to service the development.
- Construction of two (2) x 5 storey buildings for the purpose of “*serviced self-care*” seniors housing comprising a total of 106 apartments & resident library which will be operated as a retirement village within the meaning of the Retirement Villages Act 1999.
- Construction of a 4-storey building containing a new Clubhouse comprising
 - a seniors residents’ private lounge/mail room,
 - specialist consulting rooms,
 - salon,
 - club admin rooms,
 - kitchen, servery, bistro dining area with outdoor terrace, bar, café/bar, lounge, bathroom facilities,
 - storage,
 - cinema,
 - function rooms,
 - Hydrotherapy pool & loading area (shared between retirement village residents, Chatswood Golf Club members and general public).
- 3 levels of basement car parking accessed via a two-way driveway from Beaconsfield Road.
- Stage 2 Stratum subdivision of the retirement village and Clubhouse, to facilitate separate ownership and required easements.
- Associated landscaping works and associated signage.

Following feedback from adjoining neighbours to the original plans submitted and the request for more information from Council, amended drawings and documentation have been received by Council end of February 2021, incorporating:

- Amendments to the design/colours to increase sunlight penetrations at upper levels, vertical building elements, landscaping and a complete overhaul of building materials and colours using colours that integrate with the existing natural palette of the environment.
- Detailing the height of the development to be 1-2 storeys when viewed from the adjacent residential properties to the east and is well below the ridge heights of the neighbouring houses.

- Use of vertical elements and separation in the buildings and a revised colour palette, in order to mitigate bulk and to improve the presentation of the development from the golf course and from Mooney Street properties located across the golf course.
- Balcony planters were added to Level 1 Clubhouse. Additional balcony plantings are provided to further soften the built form when viewed from the golf course.
- Increased planting and retention of an additional 8 trees along the eastern boundary.
- Details on the drainage system - provided in the revised hydraulic scheme prepared by LP Consulting. The system is now designed to be wholly within the site and is able to incorporate required easements for the proposed inter-allotment drainage channel.
- Car spaces considered to be in too close proximity to lifts / pedestrian access areas have been deleted.
- The internal footpath has been designed to facilitate compliance with AS1428/ SEPP Seniors to ensure safe. The pathway within the road reserve has been amended so that it does not terminate at the roadway.
- Level 3 has been amended to incorporate at the southern end a temporary loading bay (expected 1-2 entry/exits per year). The village would co-ordinate with the club to keep the spaces vacant on early mornings, ahead of Club opening hours, so that this area can safely be used by delivery trucks.

Following a request from Council officers, the applicant reviewed several times the photomontage/view analysis from 17 Colwell Crescent, with the latest on submitted end of March 2021.

A Targeted Contamination Assessment (TCA) was completed by iEnvironmental Australia Pty Ltd (iEnvi) in April 2021 on behalf of the applicant, in response to Council's request for further information and investigation into the historic land use as a landfill and associated incinerator and shed in the 1920s and 30s.

Legal advice on the Site Compatibility Certificate footprint was received by Council in April 2021.

On 19 May 2021, in response to Council's engineers request for further amendments to the proposed footpath, the applicant submitted amended drawing (rev M) for the footpath upgrades.

This assessment refers to the set of plans and documentation that incorporates the latest comments and amendments.

Proposed	
Site Area (SCC footprint)	2823 m ² (club) + 1.2ha (Seniors Village) = total 1.48ha
Site Frontage	20.115m (to Beaconsfield Road)
Landscaped Area	5317m² (includes 4794m ² deep soil planting)
Number of units	106 units 80 x 2 bedroom units 26 x 3 bedroom units
Gross Floor Area - Club House	2,484m ²
Gross Floor Area – Seniors Village	16,772m ²
Floor Space Ratio (SCC site)	Senior Village = 16,772m ² Clubhouse = 2498m ² Total = 19, 270m ² / GFA on 1.48ha FSR = 1.29:1
Clubhouse	4 storeys
Building Height (Clubhouse)	Proposed max roof = RL 45.2 (Existing Club = RL40.69). 18.45m max roof ridge height
Seniors Village	5 storeys
Building Height (Seniors Village)	Building Nth: ceiling RL43.5 -RL23.5 (EGL) = 20m height Building Sth: Ceiling RL44.4 –RL32.8 (EGL) = 11.6m height (per SEPP Seniors definition)
Total Car Parking Spaces	287 spaces over three (3) levels of parking
Car Parking Spaces – Golf Club	140 spaces (includes 5 disabled spaces)
Golf Cart spaces (suitable also for motor bikes & mobility scooters – with charger)	Total 38 spaces 28 (G)+ 2 (L1) + 8 (L3)
Car Parking Spaces – Seniors Living	147 spaces (includes 10 disabled spaces plus 2 dedicated car spaces within the basement carpark for communal share (electric) - vehicles owned & maintained by the Seniors Village)
Bicycle Parking	48 spaces 24 (L1) + 24 (L2)
Village mini-bus space	1 (L2)
Mini garbage truck space	2 (L2)
Ambulance	1 (L3)
Removalist trucks	2 (L3 - 1 in the North Building, 1 in the South building)



Photomontage provided by the applicant – western view from the Golf Course

ATTACHMENT 3: ASSESSMENT UNDER SITE COMPATIBILITY CERTIFICATE CONTROLS

Site Compatibility Certificate required under SEPP Seniors

The majority of the Golf Club site is zoned **RE2 – Private Recreation** pursuant to the Willoughby Local Environment Plan 2012 (WLEP 2012). The south corner of the site is zoned E4 Environmental Living, however, no construction works are proposed on the E4 land.

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP Seniors) applies to *'land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes'* but only if the land is *'being used for the purposes of an existing registered club'* (clause 24 (a)(iii)). The subject site contains an existing registered club (operating since 1955).

A Site Compatibility Certificate (SCC) application was lodged with the Department of Planning on 14 July 2017, in order to facilitate permissibility for seniors housing on the site under SEPP Housing for Seniors or People with a Disability 2004 (SEPP Seniors). The site compatibility assessment report with a supporting recommendation was referred to the Sydney North Planning Panel on 7 May 2019.

In accordance with Clause 24(2) and 25(5) of SEPP Seniors, the SNPP can only issue a certificate if the panel:

- (a) has taken into account any written comments concerning the consistency of the proposed development with the criteria referred to in clause 25(5)(b) received from the general manager of the council within 21 days after the application for the certificate was made;
- (b) is of the opinion that:
 - (i) the site of the proposed development *is suitable for more intensive development*; and
 - (ii) the proposed development for the purposes of seniors housing *is compatible with the surrounding environment and surrounding land uses* having regard to the criteria specified in clause 25(5)(b).

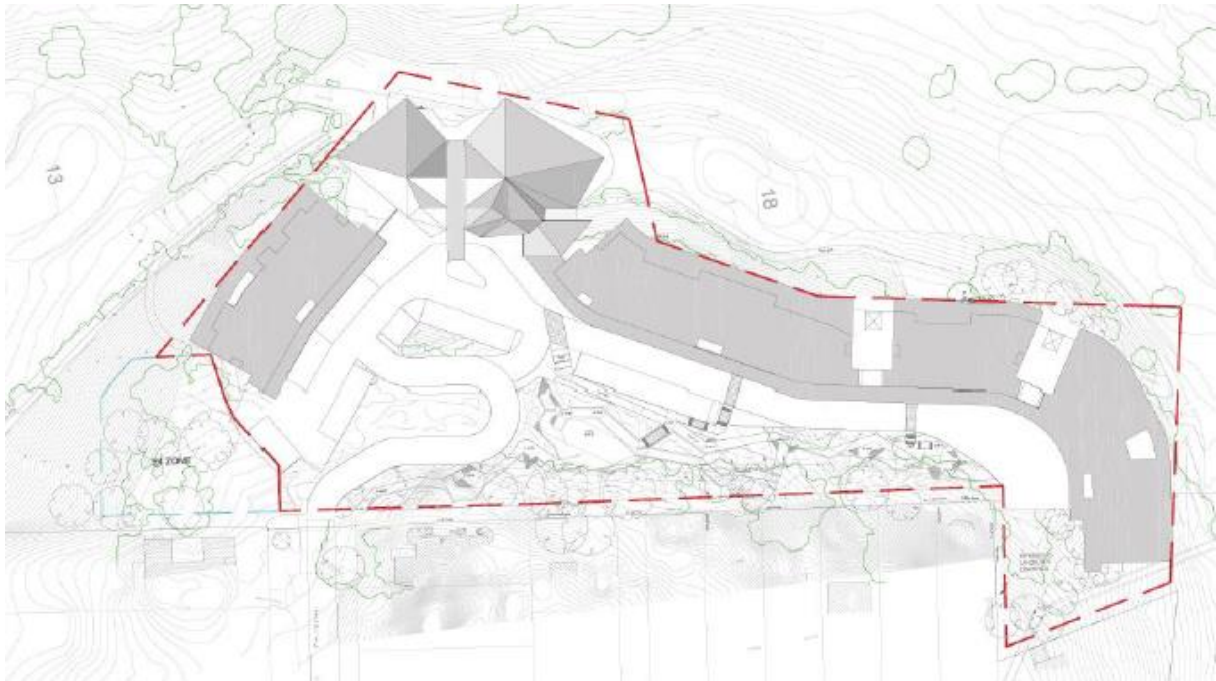
The Site Compatibility Certificate (SCC) was approved by SNPP on 6 June 2019 and the notice was issued 13 June 2019.

As such, in accordance with SEPP Seniors, by issuing the certificate, the SNPP was of the opinion at that time that the site of the proposed development *is suitable for more intensive development* and that the proposed development for the purposes of seniors housing *is compatible with the surrounding environment and surrounding land uses*, subject to the requirements imposed on the determination.

These requirements are addressed below.

Requirements under the Site Compatibility Certificate

1. The seniors housing development is to be generally limited to the development footprint area within the golf course site, as nominated under architectural drawing Site Compatibility Certificate Footprint Plan, prepared by Marchese Partners and dated April 2019 (see Figure 1 below).



The SCC assessment report to the SNPP application states that:

“The proposal is largely located on land that comprises the existing clubhouse and parking area and will not compromise the use of the golf course. Therefore, the proposal is considered to minimise the potential loss of green open space by largely containing development to existing developed areas of the site and using basement parking and multi-storey buildings.”

While the current development application refers to the same nominated lots as per the SCC document and consists of 106 serviced self-care housing units as per the SCC, the footprint plan differs from the footprint plan included on the SCC document - noting that the DA footprint is the one consistently present in the documentation assessed by the SNPP that formed the bases of the SCC.

Following a research of the documentation, the conclusion reached by the assessment planner is that the footprint of the development in the SCC document is the result of a drafting error. In support of this conclusion is the fact that the error appears only on the certificate issued by the SNPP. Moreover, while the sketch of the footprint drawing on this document slipped in error, the subject lots are nominated correctly as Lot 163 DP752067, Lot 1 DP651667, Lot 1 DP1124646 and Lot 22, DP626634.

A Statutory Declaration by Marchese Partners confirms that the footprint sits within the intended area of approval and was depicted in error on the SCC document:

This drawing was titled Footprint Plan and numbered 36. On this plan, there was an electronic pdf printing error which shifted the site area footprint and proposed buildings approximately 2 metres to the east and 1.2 metres to the north. This error can clearly be seen as the eastern boundary of the proposed site footprint drawn in red does not align with the existing adjoining boundary lines shown in grey. Clearly this was an error, and I can confirm that the intent was that the site footprint boundary and building should be aligned with the existing boundaries.

In a potentially relevant Court case, *Waterbrook Bayview Pty Ltd v Northern Beaches Council* [2019] NSWLEC 1112, Commissioner Gray concluded that ‘The existing SCC is not

adequate for the present development application'. Specifically, in that case, 'the terms of the certificate do not satisfy the requirements of subcl (2)(b) [of SEPP Seniors]. To satisfy subcl (2)(b), the terms of the SCC either need to explicitly refer to "development for the purposes of seniors housing of the kind proposed in the development application", or implicitly refer to such development, by reference to the definitional elements or requirements of the seniors housing "of the kind proposed". The existing SCC does neither.' Moreover, Schedule 2 does not appear to be expressly referenced as a condition of the substantive certification in the SCC of *Waterbrook Bayview Pty Ltd v Northern Beaches Council* [2019] NSWLEC 1112.

This is not the case of the subject Chatswood Golf Club SCC issued 13 June 2019, as the terms of the certificate specifically mentions that the site and the development satisfy the requirements of Cl 24 subcl (2)(a) and 2(b) and Cl 25(5)(b) of SEPP Seniors.



**State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
Site Compatibility Certificate**

The Sydney North Planning Panel has determined the application made by Watermark Chatswood Pty Ltd on 17 July 2017 by issuing this certificate under clause 25(4) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

The panel certifies that in its opinion:

- the site described in Schedule 1 is suitable for more intensive development;
- the development described in Schedule 1 is compatible with the surrounding environment having had regard to the criteria specified in clause 25(5)(b); and
- that development for the purposes of seniors housing of the kind proposed in the development application is compatible with the surrounding land uses only if it satisfies certain requirements specified in Schedule 2 of this certificate.

A handwritten signature in black ink, appearing to read "Peter Debnam".

Peter Debnam
Chair

/, 13 June 2019

In this specific case, assessment can rely on the SCC determination in regard to permissibility and is assessing the requirements imposed in Schedule 2, along with compliance against in-force relevant legislation.

Furthermore, a Memorandum of Advice by Mark Seymour / Mills Oakley and dated 26 April 2021 (*in confidence*) has been submitted by the applicant advising that 'a consent authority should be able to be satisfied of the matters in clause 24(2) of SEPP HSPD'. Noting that 'there is a portion of the southern building that, as a consequence of the slip error, is outside the area shown in the footprint plan reproduced in the Certificate', 'the Panel had certified the development footprint generally', 'in the circumstances, "generally limited" to that area shown in the Certificate.

Having regard to the above, the proposal is regarded as generally limited to the development footprint area within the golf course as nominated by the SCC documentation.

2. The final layout, building construction, dwelling numbers and on-site facilities for the seniors housing development will be subject to the resolution of issues and impacts relating to:

- height, bulk and scale of development;
- loss of vegetation; and
- retention of open space.

Height, bulk and scale of development

The built form under the DA is consistent with the approved SCC application and comprises similar heights/setbacks/unit numbers as the SCC. The Clubhouse is proposed on 4 levels and the Seniors Village is proposed on 5 levels. Although the development is up to 5 levels, it will be seen as 1 to 2 levels from public and private places in the vicinity of Beaconsfield Road and Colwell Crescent.

The three connected buildings have been designed to have regard to height and bulk when viewed from the adjoining eastern residences. The design mitigates overshadowing of adjoining residential properties to the east, with only a minor shadow impact to No 15G pool in mid-winter.

Compared with the architectural solution approved by SCC, amended drawings include more articulation and a detailed schedule of colours, for a better presentation and integration into the natural environment. Colours, materials and landscaping have been selected to ensure the building sits comfortably within the context.

Subject to recommended conditions, matters relating to height, bulk and scale are assessed as acceptable.

Loss of vegetation

The proposal has a bigger impact on trees than initially estimated. The majority of the tree loss is driven by Rural Fire Service (RFS) bushfire management requirements for Special Fire Protection Purpose (SFPP) due to the use as a seniors living development.

Under the revised proposal, 238 trees are removed and 71 trees are retained (previously, 54 trees were retained). Eight (8) additional significant trees are retained along the neighbours' eastern boundary.

The proposal places greatest value on minimising loss of vistas from adjoining eastern residential properties. An alternative development that would value trees as the highest priority would place the proposed buildings on-top of the paved carpark areas. This would result in considerably more bulk being visible and would block current outlook obtained from adjoining eastern residential properties.

Of the 238 trees to be removed, 7 trees have high STARS landscape value. Nearly half of the total 238 trees proposed for removal have low landscape value. Council's Landscape Architect confirmed that it would be unreasonable to prevent development due to tree loss having low landscape significance. Tree loss is mitigated by conditioning *an additional minimum 650 new tree plantings on the golf course lands*, in the vicinity (C.9.6 Replacement

Trees of WDCP/ 3:1 replacement requirement and offer by applicant). This is a substantial increase in tree canopy when compared to existing.

The proposal is also accompanied by a Biodiversity Development Assessment Report prepared by Travers Bushland & Ecology, as required under the Biodiversity Conservation Act 2016. The ecological survey and assessment has been undertaken in accordance with the *Biodiversity Assessment Methodology* as well as relevant legislation including the *Environmental Planning and Assessment Act 1979*, the *Biodiversity Conservation Act 2016*, the *Environment Protection and Biodiversity Conservation Act 1999* and the *Fisheries Management Act 1994*.

One (1) threatened fauna species Grey-headed Flying-fox (*Pteropus poliocephalus*), a total of three (3) threatened flora species, (*Macadamia integrifolia*, *Eucalyptus scoparia* and *Syzygium paniculatum*), and no threatened ecological communities were recorded within the study area. No protected migratory bird species were identified. The Report concludes under the required assessment that the proposal will not cause any serious and irreversible impacts on threatened biodiversity. Biodiversity offsets are required under the Biodiversity Offsets Scheme due to the extent of clearing proposed.

Council's Landscape Architect advised that the applicant will need to purchase credits to offset impacts to allow the proposed subdivision to proceed. Conditions relating to the biodiversity offsets have been included in the recommendation, including replanting of local native species around the development. In order to ensure that environmental requirements are met, a Project Ecologist is recommended in Conditions to oversee environmental works and to review landscape plans to ensure that local native species are used. Similarly, a Project Arborist is recommended in conditions to oversee tree protection, removal and maintenance during works.

Subject to recommended conditions, matters relating to loss of vegetation are assessed as acceptable.

Retention of open space

The proposal is generally limited to the development footprint area within the golf course site, as nominated by the SCC plan (as intended, but also considering the slippage). The SCC requirement relating to – retention of open space refers to: *not create additional built form incursions for the seniors housing development into the green open space of the golf club site*. The proposal is found not to compromise the use of the site as a golf course.

The temporary clubhouse facility denoted in the SCC application on the western side of the golf course (off Mooney Street) has been deleted from the current proposal. Chatswood Golf Club intends to cease operations during the construction period and plans to lodge a separate development application for the golf course upgrades, to be upgraded at the same time as the works subject to the current application (a formal pre-development meeting between applicants and Council's planners occurred in April 2021).

Subject to recommended conditions, matters relating to retention of open space are assessed to be satisfactory.

Conclusion

The applicant has investigated different locations, heights and designs to accommodate their own interests as well as the interests expressed by the directly adjoining residential properties during public consultations, while ensuring minimal impacts on the environment.

The latest information provided with the development application demonstrates that the proposal is broadly compatible with the subject land and surrounds, including the adjoining E4 zoned sites. With the current development application, subject to recommended conditions, matters relating to height, bulk and scale of development, loss of vegetation and retention of open space have been resolved to an acceptable level.



Photomontage submitted by the applicant – view towards the entry of the Clubhouse

ATTACHMENT 4: CONTROLS, DEVELOPMENT STATISTICS & REFERRALS

Controls and Classification	
Willoughby Local Environmental Plan 2012 Zoning:	<p>The majority of the subject site is zoned RE2 – Private Recreation, which permits development for the purpose of a ‘Registered club’ with consent.</p> <p>The subject site contains an Existing Registered Club (operating since 1955) on RE2 zoned lands.</p> <p>The subject site also contains land zoned E4 Environmental Living Zone pursuant to WLEP 2012. No building works are proposed with this application on E4 land, noting that the E4 parcel was previously approved on 20 November 2013 for subdivision from the remainder of the land by Council under DA2013/316. However, the subdivision was never registered.</p>
Valid Site Compatibility Certificate	<p>Yes, a Site Compatibility Certificate (SCC) was issued <u>13 June 2019</u>, valid for 2years.</p> <p>The SCC excludes E4 zoned land from development and no building works are proposed with this application on the E4 land</p>
Heritage Item/ Conservation area/ Vicinity of Heritage Item	No
Aboriginal Heritage	No - the Aboriginal Heritage Officer (AHO) advised that no relevant sites are recorded in the subject development area
Natural Heritage Register	No
Bushfire Prone Area	<p>Yes, Integrated Development Application.</p> <p>The New South Wales Rural Fire Service (NSW RFS) recommended General Terms of Approval, under Division 4.8 of the Environmental Planning and Assessment Act 1979, as the Bush Fire Safety Authority, under section 100B of the Rural Fires Act 1997</p>
Foreshore Protection Area	No
Flood related planning control	Yes, but advised by Council engineers that it does not affect development in a material way
Adjacent to classified road	No
Road/lane widening	No
BASIX SEPP	Yes, applicable for the proposed Seniors Living Village component
Infrastructure SEPP - Rail	No
Infrastructure SEPP – Road	No
Contaminated Land	<p>Yes</p> <p>A Stage 1 Preliminary Environmental Site Assessment (a PESA is equivalent to a</p>

	<p>Preliminary Site Investigation) was completed August 2016</p> <p>A Stage 2 Preliminary Environmental Site Assessment was completed in October 2019</p> <p>A Stage 3 Remedial Action Plan (RAP) was prepared in March 2020</p>
Other relevant REPS and SEPPS	Sydney Harbour Catchment Regional Environmental Plan 2005 (REP), SEPP Seniors, SEPP 19, SEPP 55, SEPP 65 and ADG, SEPP64.
Relevant local policies and resolutions	WDGP, Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005 (DCP)

Referrals - External	
TfNSW/ RMS	TfNSW reviewed the proposal/Traffic Impact Study and has no objections to the proposal.
NSW RFS	<p>The application is an Integrated Development under Section 4.46 of the EP&A Act 1979.</p> <p>The New South Wales Rural Fire Service (NSW RFS) reviewed the proposal and had no objections to the proposal, subject to conditions recommended.</p>
Aboriginal Heritage Office	<p>Aboriginal Heritage Officer reviewed the proposal and, following the site visit, had no objections to the proposal, subject to conditions recommended, and made the following comments:</p> <p><i>No sites are recorded in the current development area and the area has been subject to previous disturbance reducing the likelihood of surviving unrecorded Aboriginal sites.</i></p> <p><i>Given the above, the Aboriginal Heritage Office considers that there are no Aboriginal heritage issues for the proposed development.</i></p> <p><i>Under the National Parks and Wildlife Act 1974 (NPW Act) all Aboriginal objects are protected. Should any Aboriginal Cultural Heritage items be uncovered during earthworks, works should cease in the area and the Aboriginal Heritage Office assess the finds. Under Section 89a of the NPW Act should the objects be found to be Aboriginal, NSW Biodiversity and Conservation Division, Heritage NSW and the Metropolitan Local Aboriginal Land Council (MLALC) should be contacted.</i></p>
Referrals - Internal	
Building	No objection raised by Council's Accredited Building Surveyor subject to standard conditions.
Dev Engineering	<p>Council's Development Engineer provided conditions and following comments summarised below:</p> <p><u>Nature of Site</u></p> <p><i>This site is affected by mainstream flooding from Swaines Creek. The development area is identified as a flood fringe area, as per the Swaines Creek Council Flood Study and as documented on the DA Stormwater Report. Given the development will not have</i></p>

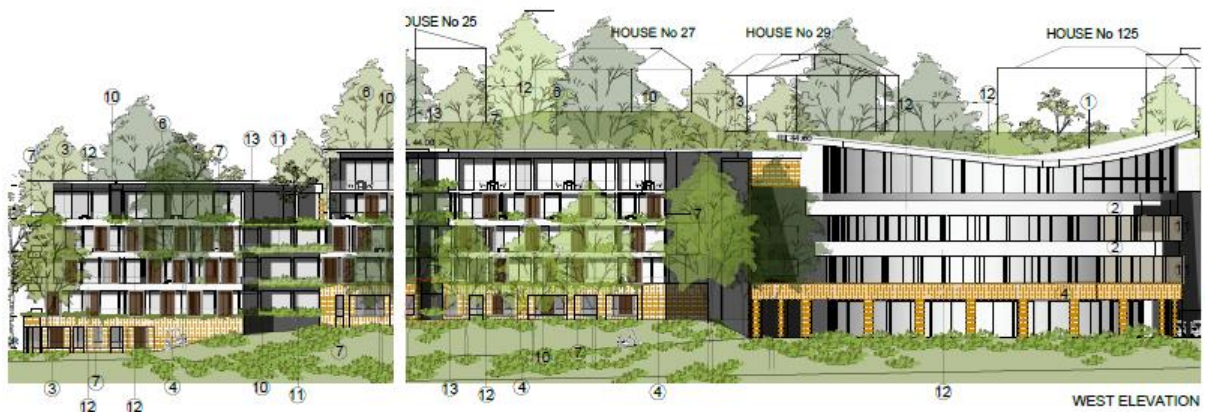
	<p>any significant effect on flood flow patterns or flood levels, no flood related conditions have been imposed.</p> <p><u>Proposed Works within Council Road Reserve</u></p> <p>The existing cul-de-sac at the end of Beaconsfield Road is undersized with a radius of 6.1m to the face of kerb. This matter has been an ongoing requirement from Council, to the Applicant is noted in all previous Development Engineering memos. The Applicant's submission "Summary Response Table" dated 4/2/21, also states that "The existing 12.2m diameter (6.1m radius)" cul-de-sac allows a car to <u>almost</u> complete the turn with a small reverse manoeuvre within the carriageway to complete the turn." As part of the Public Domain Upgrade Works under this DA, Council engineers require upgrade to the cul-de-sac to a workable radius to avoid the need for 3-point turns by passenger vehicles in the cul-de-sac. In order to minimise the extent of upgrade works, advice was sought from our Design Team. Council's Design Team advised the minimum workable radius for the cul-de-sac to be 7m to the face of kerb. Given the direction to provide conditions to this DA, this matter has been included as a deferred commencement condition.</p> <p>With regards to provision for a suitable access pathway, the Applicant has not demonstrated to Council's satisfaction that this can be achieved. The submitted plans show back-to-back steep longitudinal grades that are in excess to the 1:14 grade, without the provision of compliant sections of less than 1 in 14 grade located between these steeper sections. The applicant has therefore failed to demonstrate that an acceptable accessible path compliant with the SEPP is achievable along the northern side of Beaconsfield Road. However, given the direction to provide conditions to this DA, this matter cannot be conditioned at this stage and conditions regarding this matter <u>have not been included</u>.</p> <p>Conditions with regards to the remaining matters have been provided. Other stormwater matters that have not been adequately addressed and are considered suitable for conditioning have been included in the Deferred Commencement Consent conditions.</p> <p>Council's Development Engineer agreed to relocate Schedule 1 conditions into Schedule 2, however, matters relating to increasing the radius of the cul-de-sac and matters relating to the suitability of the access pathway are discussed below, in Attachment 9 of this report.</p>
Landscaping	No objection subject to conditions.
Traffic	<p>Council's Senior Transport Engineer reviewed the proposal and the Traffic Impact Study - had no objections to the proposal, subject to conditions recommended, and made the following comments:</p> <ol style="list-style-type: none"> 1. <u>Traffic generation</u> <ul style="list-style-type: none"> • The maximum traffic generation for the entire site (Golf and Independent Living Units/ILU) vehicle trips per hour (in & out) <ul style="list-style-type: none"> ➤ 25 (existing golf club) + 38 (additional golf club + ILU) AM peak = 63 ➤ 19 (existing golf club) + 65 (additional golf club + ILU)

	<p><i>PM peak = 84</i></p> <ul style="list-style-type: none"> <i>Traffic distributions at Beaconsfield Rd/Dalrymple Ave roundabout each direction are well distributed both in AM & PM peaks</i> <i>The development traffic generations will not significantly impact the road network</i> <p><i>2. <u>Cul-de-sac design</u></i></p> <ul style="list-style-type: none"> <i>The cul-de-sac designs have been reviewed.</i> <i>Council waste truck (vehicle size of 9.9m) service/collection time for Beaconsfield Road is around 6am-7am on Thursdays. There are 6 properties located at and adjacent to the cul-de-sac (between Colwell St and cul-de-sac; 3 properties on each north & south side). Currently the truck drivers use the Golf Club car park to turn around to service/pick up Beaconsfield Rd north side properties.</i> <i>The duration of truck movements/ 3-point turn or reverse will be limited to 2-3 mins maximum. The projected maximum traffic generation for the development site is 63 vehicles per hour (in & out) in the AM peak. The truck movements at this location traffic impacts and delays have been assessed and it is found that there would be no significant impacts - queue length/delay is considered reasonable and acceptable.</i> <i>A local resident has raised emergency vehicle/traffic access concerns and line of sight issues at the cul-de-sac area. However, these traffic access and line of sight issues are existing situations and have been addressed by on-street parking restrictions/control and management i.e. No Parking & No Parking 6am -7pm Mon – Sat. If these concerns continue in the future, these parking controls can be reviewed to limit time of day parking including introduction of No Stopping zone if required to further improve access and safety concerns.</i> <i>Additional signage can be installed in the future at Beaconsfield Rd/Colwell Crescent intersection to warn motorists that it is a no through road such as 'No Through Road' sign or 'Road Ends' sign.</i> <i>No crashes were reported in the latest 10 years available crash data (Oct 2009 and Dec 2019) at Beaconsfield Rd (from cul-de-sac to Colwell St intersection). The crash data shows the section road is performing in good/ satisfactory conditions.</i> <i>Based on the existing road configuration/parking controls and its safety performance with the development projected</i>
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	<p><i>traffic movements and traffic generation, no changes to the cul-de-sac designs are required.</i></p> <p>3. <u>Footpath designs</u></p> <ul style="list-style-type: none"> • <i>All footpaths designs will be aligned with Council specifications and Australian Standards to ensure public safety.</i>
Environmental Health	<p>In relation to contamination, Council's Environmental Health Officer is satisfied with the level of investigation that has been carried out and considers that the site can be made suitable for the proposed and continuing use subject to appropriate conditions of consent.</p> <p>Subject to conditions, the proposal does not raise concerns (prior, during or after construction) about unacceptable potential health and safety impacts on the residents adjoining the subject site.</p> <p>Environmental Health Conditions recommended include:</p> <p><u>Contamination</u> -</p> <ul style="list-style-type: none"> • A hazardous material (HAZMAT) assessment prior to the undertaking of any demolition work on the site, to identify any likely hazardous materials; • Completion of further site investigation after demolition of certain structures to address the data gaps identified in the Preliminary Stage 2 Environmental Site Assessment and the Stage 3 – Remedial Action Plan (RAP); and • A Stage 4 Site Validation Report (SVR) shall be submitted to Council once the remediation is complete and prior to the application for a construction certificate. <p><u>Noise and Vibration</u> -</p> <ul style="list-style-type: none"> • Address the need for further acoustic assessments in relation to mechanical plant and compliance with NCC requirements for noise transmission; • Establish acceptable internal noise levels within the ILUs; • Mitigate construction noise and vibration; • Develop a communications/stakeholder engagement plan; and • Provide an acoustic compliance report. <p><u>Dust Control/Stockpiling of Excavated Material</u> -</p> <ul style="list-style-type: none"> • Address stockpiling of excavated materials in an environmentally sound and safe manner for the limited time needed. • Address dust control, including dust suppression measures. • Conditioning location of car park exhaust vents to maintain amenity of the neighbouring E4 properties.
Waste	<p>Council's Resource Recovery Team Leader had no objections to the proposal subject to conditions recommended, and made the following comments:</p> <p><i>After reviewing the waste management arrangements and facilities detailed in this application, I raise no objections to the proposal subject to the following points that will be incorporated into the recommended conditions:</i></p> <ul style="list-style-type: none"> • <i>Due to the steep topography, this development is not suitable for Councils waste services.</i>

	<ul style="list-style-type: none"> • <i>Have verified with Rates Department that Private Waste Collection services can be used at this 'village' development based on previous cases and the fact the development will not be a strata plan and won't be rated as a residential development.</i> • <i>Waste collection services should be provided so as not to cause nuisance (noise, odour etc) to the surrounding residential properties (see condition below)</i> • <i>Private waste collections must be provided in perpetuity – at no time in the future will Council provide waste service to this development.</i>
Urban Design	<p>Council's Urban Design Specialist reviewed compliance of the amended proposal in regard to SEPP 65 and ADG and raised no objection: <u>SEPP 65 and ADG consideration</u> <i>Noted in previous comments the proponent has addressed solar access requirements</i></p> <p><u>Building bulk and visual mass</u> <i>The proponent has made earnest effort to address building bulk and mass by introducing vertical elements in the building facade, changes to building elevation and setbacks to the golf course, the integration of additional planting to the golf course elevation and changes to the building materials and colour palette.</i></p> <p>In regard to solar access for proposed seniors village, the following comments were made: <i>The current development comprises two distinct (interconnected) buildings comprising the North Building and South Building (Chatswood Golf and Leisure 128 Beaconsfield Rd Chatswood, NSW 2067 DATA SHEET, Compliance Table 16075-DA0.02 – C (Solar Access compliance with the requirements of the SEPP 65/ Apartment Design Guide (ADG). Support is based on review of the documentation provided.</i> <i>North Building - Fully compliant with the ADG requirements.</i> <i>South Building - Not compliant in delivering to the ADG requirements.</i> <i>The South Building will deliver immediate and direct south facing orientation comprising significant extensive and expansive outlook to open space (golf course) from living and private open space areas. This outlook is unimpeded and does not contain other elements of built form.</i> <i>In this regard it is appropriate that discretion is applied as per 4A Solar and Daylight Access - Objective 4A-1 Design Guidance of the ADG</i> <i>"Achieving the design criteria may not be possible on some sites. This includes:</i> <ul style="list-style-type: none"> • <i>where greater residential amenity can be achieved along a busy road or rail line by orientating the living rooms away from the noise source</i> • <i>on south facing sloping sites</i> • <i>where significant views are oriented away from the desired aspect for direct sunlight</i> <i>Design drawings need to demonstrate how site</i> </p>

	<p><i>constraints and orientation preclude meeting the design criteria and how the development meets the objective”.</i></p> <p><i>South Building non-compliance with the ADG is supported.</i></p>
Contribution Calculation	<p>The contributions was reviewed on 16/04/2021 by Council’s Contribution Officer and, in accordance with the <i>Willoughby Local Infrastructure Contributions Plan (WLIC Plan)</i>, s7.11 contribution applies to this development, as it yields a greater amount compared to s7.12 contributions.</p> <p>The monetary s7.11 contributions is \$1,170,808.16.</p> <p>A condition of consent is imposed in this regard.</p>



ATTACHMENT 5: ASSESSMENT UNDER SEPP SENIORS, HARBOUR REP, WLEP 2012 & WDCP

Assessment under SEPP Seniors

The proposal is subject to the provisions of SEPP (Seniors Housing and People with a Disability) 2004 (SEPP Seniors) and relies on the approved Site Compatibility Certificate (SCC) issued on 13th June 2019 and valid for 24 months.

While recommended conditions ensure that the dwellings in the proposed 'village' are housing seniors or people with a disability, assessment against SEPP Seniors took place and comments on most relevant Clauses are provided below:

SEPP Seniors Clause	Proposal/ comments from applicant	Comments on compliance
Clause 24	The site is zoned Zone RE2 Private Recreation under the Willoughby WLEP 2012. The application relies on a Site Compatibility Certificate (SCC) to facilitate lodgement of the application.	Yes. The application relies on a valid Site Compatibility Certificate.
Clause 26 Location and access to facilities	<p>Chatswood Golf Club is proposed to include on-site appropriate services and facilities for aging in place. Notwithstanding this, a bus stop is located approximately 100m from the entrance to the site on Beaconsfield Road near Colwell Crescent intersection which provides direct access to Chatswood CBD. The existing pedestrian concrete pathway on the northern side of Colwell Crescent is proposed to be re-built to meet the requirements of the SEPP Seniors. The bus stop on this side of the street can operate both as in/out of the bus for seniors and disabled people.</p> <p>The bus operates as per SEPP Seniors requirements, except for Sundays. For the Sunday bus, a Clause 4.6 written request objecting to <i>Clause 26(2)(b) Location and Access to Facilities</i> contained in SEPP Seniors has been submitted with the application.</p>	<p>Yes, acceptable</p> <p>The underlying objective of this development standard is to ensure that residents of seniors living housing will have reasonable access to facilities and services they may require. In May 2021, the applicant submitted documents (Funktion) from access consultant stating that <i>'The Civil Works drawings – footpath longitudinal sections – prepared by LP Consulting show that the gradients of the proposed upgrades to the footpath are within the allowable gradients set out in SEPP Seniors, part 2 clause 26'</i>. The contravention of not having a public bus on Sundays does not hinder the ability of the mixed use development to achieve the objectives. Assessment of Clause 4.6 concludes that the proposal remains consistent with the objectives of the development standard and</p>

		of the zone, and that strict compliance with the development standard is unreasonable and/or unnecessary in this case.
Clause 27 Bushfire prone land	The southern-most part of the site is identified as Bushfire Prone land – Vegetation Buffer. A bushfire protection assessment has been undertaken by Travers Bushfire & Ecology. A Bushfire Evacuation Plan and Vegetation Management Plan have also been prepared.	Yes The application was referred to RFS and general terms of approval have been incorporated into recommended conditions.
Clause 28 Water and sewer	The subject site has access to adequate facilities. Building Services Engineers have undertaken a review of the site service requirements. Connections might require amplification to serve the proposed development, subject to Sydney Water application and approval.	Yes The application was reviewed by Council Building team and found to be acceptable. Specific conditions relating to water/sewer are incorporated into the recommended conditions.
Clause 32 Design of residential development	Proposed development demonstrates adequate regard to the principles set out in Division 2 of the SEPP Seniors.	Yes Design principles were considered and found to be acceptable.
Clause 33 Neighbourhood amenity and streetscape	Housing in the vicinity is typically 1-2 storey brick / masonry with pitched tile roof. The design wraps around the elevated portion of the golf course so that the building form minimises overshadowing and the bulk and height when viewed from the nearest residential properties and Beaconsfield Road.	Yes The proposal recognises the current character of the locality, maintains reasonable neighbourhood amenity, proposes planting in sympathy with other planting in the locality and replaces and adds sufficient native trees to enhance the site canopy.
Clause 34 Visual and acoustic privacy	The design adopts generous building setbacks and units are oriented away from neighbouring eastern residential properties, in order to maintain amenity. Buildings are seen as 1-2 storey high from adjoining neighbours. Distances to residential properties to the north/ south/ west are 200-300m and largely screened by established vegetation on the golf course. A 'Construction Noise & Vibration Management Plan and Club Noise Emissions' Acoustic report and an Operational Plan of Management have been submitted.	Yes Subject to conditions, noise and outlook is maintained to a reasonable level for the adjoining eastern residential properties.
Clause 35 Solar access and	Site planning and dwelling design adopts environmental principles and is acceptable	Yes The shadow diagrams

design for climate	in regard to ADG.	submitted demonstrate that overshadowing by the proposal generally falls away from the nearby residential properties, including their main living areas and private open space.
Clause 36 Stormwater	Civil plans and Stormwater Management report prepared by LP Consulting	Yes Council's engineers recommended conditions included into the recommendation
Clause 37 Crime prevention	All internal and external areas of the residential buildings have been designed to promote safety and security for residents. Carpark areas accessed via security doors. Driveways, pathways, building entries and the resident car parking areas will be suitably illuminated.	Yes Resident entries are separate from Club entry. Design allows observation of the entries and common areas. To minimise the opportunity for crime and in accordance with CPTED principles, the condition Safer by Design is recommended.
Clause 38 Accessibility	An Access Report prepared by <i>Funktion</i> is provided. The development has been designed to achieve wheelchair accessibility within the seniors development, to/from the common areas and the shared facilities of the Club. Appropriate access to public transport services and local facilities via a suitable pathway along the main entrance at Beaconsfield Road is also provided.	Proposal includes reconstruction of the pedestrian links from the site to public transport services. Proposal provides sufficient on-site parking for residents and visitors.
Clause 39 Waste management	The proposal provides separate waste bin collection rooms on Level 2 which can be accessed by private contractors. A Waste Management Statement and completed <i>Elephant Foot</i> as per requirements of WDCP C.8 - Waste Management.	Yes Conditions of consent ensure that development is provided with waste facilities that maximise recycling.
Clause 40 Development standards—minimum sizes and building height	(1) <i>A consent authority must not consent to a development application made pursuant to this Chapter unless the proposed development complies with the standards specified in this clause.</i> (2) <i>The size of the site must be at least 1,000 square metres.</i> The subject site (comprising 4 x lots) has a total area of 14ha. Proposed Lot 12 (retirement village lot) has a site area of 1.202ha .	Yes Certain SEPP subclauses only apply to a " residential zone where residential flat buildings are not permitted" clauses subject site is <u>not</u> a "residential zone". Moreover, the scale of the proposal is generally similar to the one approved by the SCC.

	<p>(3) The site frontage must be at least 20 metres wide measured at the building line. Beaconsfield Road frontage is 20.115m width.</p> <p>(4) <i>If the development is proposed in a residential zone where residential flat buildings are not permitted</i> – does not apply to proposal. The proposed buildings have the following <u>max</u> ceiling heights:</p> <ul style="list-style-type: none"> -Building North = Ceiling RL 43.5 (height 20m) -Building South = Ceiling RL 43.5 (height 11.6m) 	
Clause 42 Serviced self-care housing	Personal care and nursing services will be provided by the village contractors (Hospital in the home, clinic, discharged support and chronic disease management service, home care). Provision for on-site administration for these resident services is provided in the admin area adjacent to the resident lounge on Level 3 of the clubhouse. On site consulting rooms & waiting area lounge are provided at Clubhouse Level 1, near the lobby lift.	Yes
Clause 43 Transport services to local centres	The proposal includes provision for a village mini-bus for minimum 10 people. The service will be provided a minimum once daily to and from Chatswood CBD, in a regular loop. The private transport timetable will be adapted if needed so as to provide a convenient door to door transport service. The village mini-bus will be parked in a designated space on Level 2.	Yes
Clause 44 Availability of facilities and services	The proposal incorporates a clubhouse which contains a wide range of shared services facilities including consulting rooms, salon, gym, cinema, pool, bistro and private facilities including a communal lounge, mail room and a library in the northern building. All services and facilities will be constructed and operational prior to occupation by residents.	Yes
Schedule 3 - Siting standards	All units have <i>wheelchair access</i> / accessible path to the street via the communal pathway which incorporates stepped shortcuts and seats for rest stops. A detailed <i>Access Analysis</i> Report prepared by <i>Funktion</i> is provided.	Yes
Schedule 3 -	Illuminated pathways are provided to the	Yes

Security	points of internal pedestrian and vehicular access.	A condition of consent that ensures no glare towards pedestrians and adjacent buildings is recommended.
Schedule 3 - Letterboxes	Letterboxes are provided in the communal residents' mailbox area located on level 3 of the clubhouse building	Yes
Schedule 3 - Private Car Accommodation	Designed to comply - A detailed assessment of resident parking is provided in the <i>Access Report</i> submitted	Yes
Schedule 3 - Accessible entry	All entrances are wheelchair accessible. A detailed <i>Access Analysis</i> Report prepared by <i>Funktion</i> is provided.	Yes
Schedule 3 – remainder points in Part 1 and Part 2	<p>Designed to comply.</p> <p>All doorways, corridors and circulation spaces designed to comply. All units have sufficient space to accommodate a queen-size bed, internal storage and sufficient illumination. Appropriate power outlets area will be provided. All dwellings are single level with bathrooms/ toilets designed in accordance with AS1428 and AS4299. All balconies and external paved areas will have slip-resistant surfaces. All habitable spaces are designed with sufficient circulation space. Kitchens are equipped with the prescribed fittings. Units have suitable laundry and storage facilities. Resident garbage storage areas are provided on each residential building level.</p>	

Sydney Regional Environmental Plan (Sydney Harbour Sydney Harbour Catchment Regional Environmental Plan 2005 (REP) & Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005 (DCP)

The Sydney Harbour Catchment Regional Environmental Plan 2005 (REP) (Harbour REP) applies to the developments within the foreshores and waterways areas within Willoughby City Council LGA, as identified on the Sydney Harbour Catchment Map.

The principal aim of the plan is to ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected and maintained as an outstanding natural asset and public asset of national and heritage significance for existing and future generations. The Harbour REP includes a range of matters for consideration by consent authorities assessing development within the Foreshores and Waterways Area of the Plan. These are aimed at ensuring better and consistent development decisions and include such issues as ecological and scenic quality, built form and design, maintenance of views, public access and recreation and working harbour uses.

The Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005 (DCP) applies to the Foreshores and Waterways Area as identified in the Harbour REP. The DCP includes design guidelines for development and criteria for natural resource protection.

The proposal as amended and subject to conditions will not impact on the scenic qualities of the immediate locality or on the natural attributes of the harbour foreshores in an unacceptable way. The proposal is consistent with the objectives of the Harbour REP and related DCP.

Willoughby Local Environment Plan 2012 (WLEP 2012)

The development application is lodged under the SEPP Seniors and approved Site Compatibility Certificate. WLEP 2012 does not provide controls for development on the land zoned RE2, however the application is not against the general controls and intent of the WLEP 2012, Assessment of the proposal against relevant parts of the WLEP2012 is provided below.

WLEP 2012 controls	Proposal	Comments on compliance
WLEP 2012 zoning	E4 – Environmental Living Zone RE2 – Private Recreation Zone	Yes Development for the purposes of a ‘ <i>Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes</i> ’ which includes golf courses and the like are permissible with consent. Seniors Housing is a prohibited use. The application relies upon SEPP Seniors and associated Site Compatibility Certificate (SCC) for permissibility. Notwithstanding this, the proposal is found to meet the relevant objectives of the zone (broadly compatible with the subject land and surrounds, enhancing the tree canopy on site, with no significant incursions of the proposed built form outside the SCC or within the golf course lands, maintaining adequate recreational open space areas to meet the existing and future needs of the residents of Willoughby).

		The subject site also includes E4 zoned land, where no construction works are proposed.
CI 4.1 – Minimum subdivision lot size	Min lot size for E4 land is 650m ² No minimum lot size for RE2 Private Recreation zone	Yes The proposed Stage 1 subdivision will result in an E4 lot of 1104m ² . A further Stage 2 stratum subdivision of the RE2 land is proposed following completion of the development, prior to occupation.
CI 4.3 Height of Buildings	No height of building controls for RE2 – Private Recreation Zone	n/a The proposed development has been designed to respond to the sloping topography. The proposal relies upon the Site Compatibility Certificate (SCC), approved in terms of height, to same maximum RL as current application. The proposed Clubhouse has a max roof height of RL 45.2 (max height of 18.45m). Building South has a max. roof height of RL44.90 (max height of 11.6m) and Building North has a max roof height of RL 44.00 and RL40.90 (max height of 20m height measured to top of ceiling).
CI 4.4 Floor Space Ratio	No FSR controls for RE2 Private Recreation zone	n/a Application relies on SEPP Seniors and approved SCC. No FSR is mentioned in the SCC, however a maximum of 106 dwellings are noted and the proposal is consistent with the SCC. 106 serviced self-care dwellings 80 x 2-bedroom units 26 x 3-bedroom units FSR for the proposal is 1.29:1 The Clubhouse will provide facilities including pool, gym, function rooms, café/restaurants, cinema, meeting and consultation rooms Clubhouse = 2,498m ² ; Seniors Village = 16,772m ²
CI 5.10 Heritage Conservation	n/a	n/a No heritage item, no HCA, no heritage item in close proximity. No Aboriginal Heritage significance found to date.
CI 6.1 Acid Sulfate Soils	Class 5	Yes Subject site is shown to be affected by acid sulfate soils and contains Class 5 acid sulfate soils. A Geotechnical Investigation report was prepared by JK Geotechnics. Soil sample taken for acid sulfate soil analysis – no issues found at this stage.
CI 6.3 Flood Planning	The subject sites are not flood prone, but classify as flood fringe.	Yes Development in flood fringe areas have no significant effect on the pattern of flood flows and/or flood levels. A Stormwater Management and Flood Management Report prepared by LP Consulting was provided with the application.

Willoughby Development Control Plan (WDCP) - Part C

WDCP controls	Proposal	Comments
C.5 Water Management	Stormwater Management and disposal in accordance with the Technical Standards contained in the WDCP	Yes Council's Engineers reviewed the proposed stormwater system and OSD tanks and found that, subject to conditions, the proposed development can adequately drain the stormwater.
C.4 Transport requirements	<p>WDCP for Registered Clubs - 1 space per 20m² & 1 space per 2 employees (total 2,498m², 1389m² of functional areas => 85 car spaces) No specific parking requirements are provided for a golf course.</p> <p>The seniors housing (16,772m²):</p> <ul style="list-style-type: none"> 80 x 2-bed units = 160 bedrooms 26 x 3-bed units = 78 bedrooms <p>Total Bedrooms = 238 bedrooms</p> <p>SEPP Seniors requires min. 119 car spaces for residents and visitors</p> <p>(and WDCP requires 1 space per 4 units for visitor parking = 27 visitor spaces)</p>	<p>Yes, acceptable</p> <p><u>Clubhouse</u> Total 140 spaces (includes 70 car spaces for visitor, 15 car spaces for staff, 57 car spaces for members utilising the golf course fairways, 5 disabled spaces)</p> <p><u>Golf cart spaces</u> Total 38 spaces (to be shared with motorcycles)</p> <p><u>Bicycle spaces</u> Total 48 spaces</p> <p><u>Seniors Village</u> Total 147 spaces (incl. 2 communal electric car spaces and 10 x 3.8m wide disabled spaces)</p> <p>+Village Minibus space + ambulance space + 2 removalist truck spaces + 2 mini garbage truck spaces</p>
C.6 Access, Mobility and Adaptability	An Access Report prepared by <i>Funktion</i> is provided.	Yes The development is appropriately accessible for seniors and the disabled.
C.8 Waste Management	Waste management has been properly considered and plan submitted	Yes Council's Waste Services Team has considered the adequacy of waste facilities and operation of the waste management and support of the proposal, subject to conditions of consent, including collection of waste by private contractors for the life of the development.
C.9 Preservation of Trees or Vegetation		Yes The proposal results in a temporary net loss of non-exempt trees of 167 trees and is proposing to replant minimum 650 trees on the Golf Course to compensate for the loss. Council's Landscape Architect noted that this is above the 3:1

		replacement requirement as per C9.6 and C9.7 of WDCP and supports the proposal.
C.11 Safety by Design	Methods are employed in order to increase surveillance, access and space management	Yes Condition of consent are recommended.
C.12 Fencing	Maximum height of 1.8m if boundary fence proposed	Yes Details not provided with the application.
C.13 Contaminated Land	Contaminated land is remediated to be made suitable for the purpose of the development	Yes Council's Health Officer finds the proposed remediation works and action plan to be satisfactory subject to the conditions of consent recommended.



Photomontage provided by the applicant – western view from the Golf Course

ATTACHMENT 6: ASSESSMENT UNDER SEPP 65/ADG

The proposal for the mixed-use development incorporates independent living units as part of a seniors village. A consistent approach to the design and assessment of apartments across NSW is achieved through the *State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development* (SEPP 65).

The *Apartment Design Guide* (ADG) provides design criteria and general guidance about how development proposals can achieve the nine design quality principles identified in SEPP 65. The ADG provides consistent planning and design standards for apartment development across the State. Assessment of the proposal against relevant parts of the ADG is provided below.

Part 3 - Siting the development
3A Site analysis <i>3A-1 - Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context</i>
<u>Comments</u> The design responds to the site's topography with 4-5 storeys buildings overlooking the golf course, while maintaining a 1-2 storey height when viewed from the Colwell Crescent/ Beaconsfield Road adjoining properties to the east. The development avoids further encroachment into the greenspace areas of the golf course fairway and replaces part of the existing carpark with landscaping. The setbacks, landscape screening and proposed fencing along the common boundary will mitigate privacy impacts and bulk as seen from the Colwell Crescent/ Beaconsfield Road properties. The existing northern outlook over the golf course is minimally impacted by the proposed development. The E4 parcel to the south of the development site retains established most vegetation and is excluded from all construction. The golf course fairway provides a minimum 200m buffer to neighbouring houses to the north and west. The site is located about 80m from the bus stop in Beaconsfield Road. Access from the site street frontage to the bus stop is proposed to be via a pedestrian pathway along Colwell Crescent. The site has an existing vehicular driveway off Beaconsfield Road. While due to the driveway grades the maximum sized truck that can access the development site is an 8.8m MRV, the access and delivery requirements are regarded as acceptable by Council's engineers, subject to recommended conditions. The site has existing services including water, sewer, gas and electricity. Beaconsfield Road and adjacent properties to the east currently drain across the subject site. The proposal includes provision of piped easements and On-site-Detention system, as per recommended conditions.
3B Orientation <i>3B-1 - Building types and layouts respond to the streetscape and site while optimising solar access within the development</i> <i>3B-2 - Overshadowing of neighbouring properties is minimised during mid-winter</i> <i>3B-2 Overshadowing of neighbouring properties is minimised during mid-winter</i>
<u>Comments</u>

Proposed building types and layouts respond to the site topography, respect outlook across the golf course fairway and maximise solar access, noting that preservation of view takes priority.

Due to the fact that the development is designed to wrap around the hillside, it mitigates overshadowing during mid-winter of neighbouring properties to the east.

3C Public domain interface

3C-1 - Transition between private and public domain is achieved without compromising safety and security
3C-2 - Amenity of the public domain is retained and enhanced

3C-2 Amenity of the public domain is retained and enhanced

Comments

The site has only a narrow frontage with the public domain on Beaconsfield Road (approx. 20m wide). Within this, a centrally located 6m wide vehicular driveway and a pedestrian footpath connects to the existing footpath on the north side of Beaconsfield Road. The existing footpath on the northern side of Beaconsfield Road has been extended to the site boundary to connect to the proposed accessible pathways within the site to provide safe pedestrian access to the proposed seniors village, leading to the bus stop on Beaconsfield Road. Two existing trees on the nature strip are proposed to be retained. A secondary footpath provides egress from fire stairs.

3D Communal and public open space

3D-1 - An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping

3D-2 - Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting

3D-3 - Communal open space is designed to maximise safety

3D-4 - Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood

Comments

A large outdoor communal space, wheelchairs accessible, is provided and includes shaded space, seating and BBQ facilities. Additional area, attractive and inviting, is provided in the Clubhouse for the exclusive use of the seniors village residents. Village residents will also have full access to Clubhouse facilities including to the golf course fairway and walking trails near the Lane Cove River.

3E Deep soil zones

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

Comments

Proposed landscape area = 5317m² (**35.8%** of the SCC site).

Proposed deep soil landscape area = 4794m² (**32%** of the SCC site)

The majority of deep soil areas are located on the eastern side (rear) of the development. Additional bushland open space is located on the E4 zoned parcel to the south.

No building works are proposed on the E4 zoned parcel.

The on-site landscape provision is further supplemented by the site's location adjacent to the golf course which provides green outlook and convenient access to active and passive recreational green space. The consolidation of buildings on the eastern part of

the Chatswood Golf Course within the existing developed portion/SCC footprint and Torrens Title subdivision to be completed prior to works commencing, ensures the remainder golf course fairway is retained as “green space”. The proposal to develop the “brown fill” portion of the site abutting an existing residential area will generate a long-term source of income, which mitigates future pressure for an alternative financial solution for the Chatswood Golf Club, such as construction of a golf driving range (2-storey structure) within the fairways.

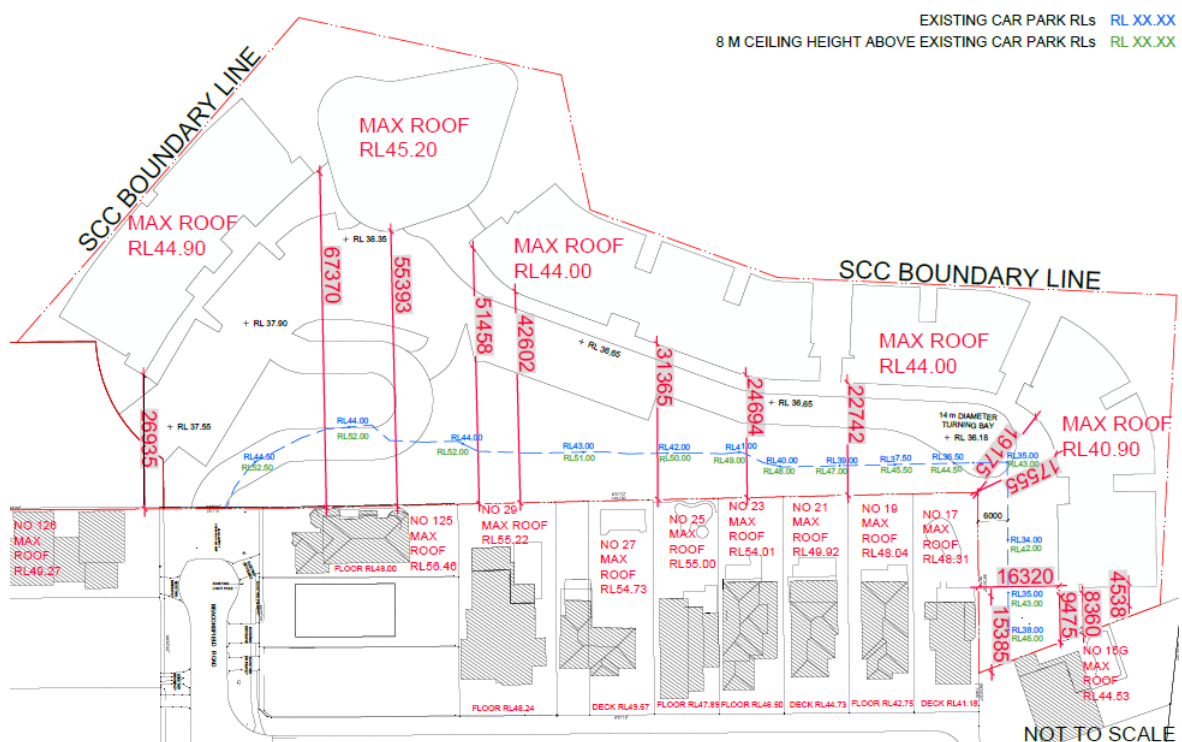
3F Visual privacy

3F-1 Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy

3F-2 Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space

Comments

The proposal provides sufficient setbacks to nearest residential properties to the east, especially noting that the ground level of the proposal is lower than the ground level of adjoining neighbours.



3G Pedestrian access and entries

3G-1 Building entries and pedestrian access connects to and addresses the public domain

3G-2 Access, entries and pathways are accessible and easy to identify

3G-3 Large sites provide pedestrian links for access to streets and connection to destinations

Comments

Secure, easy to identify resident entries to the seniors village and individual units are provided. Most are visible from the residents' car parking areas.

A separate resident entry is provided to the Clubhouse building.

<p>3H Vehicle access</p> <p><i>3H-1 Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes</i></p>
<p><u>Comments</u></p> <p>Separate pedestrian pathway and driveway links the village to Beaconsfield Road cul-de-sac. The site frontage incorporates landscape areas to the extent possible for a 20m wide frontage with 6m wide driveway, separate pathway and substation.</p>
<p>3J Bicycle and car parking</p> <p><i>3J-1 Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas</i></p> <p><i>3J-2 Parking and facilities are provided for other modes of transport</i></p> <p><i>3J-3 Car park design and access is safe and secure</i></p> <p><i>3J-4 Visual and environmental impacts of underground car parking are minimised</i></p> <p><i>3J-5 Visual and environmental impacts of on-grade car parking are minimised</i></p> <p><i>3J-6 Visual and environmental impacts of above ground enclosed car parking are minimised</i></p>
<p><u>Comments</u></p> <p>Resident basement parking is provided with safe and secure entry to the resident carpark.</p> <p>Car parking is provided to meet requirements of SEPP Seniors and visitor parking required by WDCP. Additional parking is provided for private village minibus, 2 x communal electric cars, 38 golf carts /motor bikes, 48 bicycles.</p> <p>Club parking is set down below the level of the road and neighbour houses so that there is no undesirable visual impact to parking.</p>
<p>4A Solar and daylight access</p> <p><i>4A-1 To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space</i></p> <p><i>4A-2 Daylight access is maximised where sunlight is limited</i></p> <p><i>4A-3 Design incorporates shading and glare control, particularly for warmer months</i></p>
<p><u>Comments</u></p> <p>Taken into account the specificity of the subject site with a clear western orientation, the proposal is designed to optimise the access to sunlight. The living rooms have large windows to increase sun access in mid-winter, while balcony projections in front of the glazing offer shading in the summer months.</p>
<p>4B Natural ventilation</p> <p><i>4B-1 All habitable rooms are naturally ventilated</i></p> <p><i>4B-2 The layout and design of single aspect apartments maximises natural ventilation</i></p> <p><i>4B-3 The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents</i></p>
<p><u>Comments</u></p> <p>The proposal follows the natural escapement line so to minimise bulk and scale and avoid view impacts from neighbouring residential dwellings to the east. This opens views to the golf course for proposed apartments. The building has also been broken up into a series</p>

<p>of blocks with deep recesses and recessed areas of glazing creating numerous corner apartments and also incorporates a number of light and ventilation wells in the floor plans, for good natural ventilation. Cross ventilated apartments have been designed to maximise internal amenity.</p>
<p>4C Ceiling heights</p> <p><i>4C-1 Ceiling height achieves sufficient natural ventilation and daylight access</i></p> <p><i>4C-2 Ceiling height increases the sense of space in apartments and provides for well proportioned rooms</i></p> <p><i>4C-3 Ceiling heights contribute to the flexibility of building use over the life of the building</i></p>
<p><u>Comments</u></p> <p>Generally, 2.7m ceiling heights are proposed to living/habitable areas for for well-proportioned rooms with natural ventilation and daylight access.</p>
<p>4D Apartment size and layout</p> <p><i>4D-1 The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity</i></p> <p><i>4D-2 Environmental performance of the apartment is maximised</i></p> <p><i>4D-3 Apartment layouts are designed to accommodate a variety of household activities and needs</i></p>
<p><u>Comments</u></p> <p>The apartments benefit of uninterrupted outlook to the golf course fairway. Room sizes and layout can accommodate a variety of household activities and needs, with living rooms with direct access to outdoor balconies for enhancing amenity.</p>
<p>4E Private open space and balconies</p> <p><i>4E-1 Apartments provide appropriately sized private open space and balconies to enhance residential amenity</i></p> <p><i>4E-2 Primary private open space and balconies are appropriately located to enhance liveability for residents</i></p> <p><i>4E-3 Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building</i></p> <p><i>4E-4 Private open space and balcony design maximises safety</i></p>
<p><u>Comments</u></p> <p>Units provide safe, generous balconies to enhance residential amenity, appropriate for the location, enhancing the future amenity of the residents and the achieving relieves for the façade.</p>
<p>4F Common circulation and spaces</p> <p><i>4F-1 Common circulation spaces achieve good amenity and properly service the number of apartments</i></p> <p><i>4F-2 Common circulation spaces promote safety and provide for social interaction between residents</i></p>
<p><u>Comments</u></p> <p>The corridors are well articulated and have been designed to promote safety, social interaction and wellbeing for residents. They incorporate light wells, seating areas and planter boxes, when appropriate.</p>

<p>4G Storage</p> <p><i>4G-1 Adequate, well designed storage is provided in each apartment</i></p> <p><i>4G-2 Additional storage is conveniently located, accessible and nominated for individual apartments</i></p>
<p><u>Comments</u></p> <p>Units have internal storage areas and additional storage spaces outside the apartments.</p>
<p>4H Acoustic privacy</p> <p><i>4H-1 Noise transfer is minimised through the siting of buildings and building layout</i></p> <p><i>4H-2 Noise impacts are mitigated within apartments through layout and acoustic treatments</i></p>
<p><u>Comments</u></p> <p>Typical layout of units has bedrooms adjoining bedrooms in neighbouring unit, living areas adjoining living rooms, and bathrooms sharing walls with other bathrooms in the neighbouring unit - in order to mitigate noise intrusion between apartments.</p>
<p>4J Noise and pollution</p> <p><i>4J-1 In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings</i></p> <p><i>4J-2 Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission</i></p>
<p><u>Comments</u></p> <p>The units are away from busy roads, away from external noise and pollution.</p>
<p>4K Apartment mix</p> <p><i>4K-1 A range of apartment types and sizes is provided to cater for different household types now and into the future</i></p> <p><i>4K-2 The apartment mix is distributed to suitable locations within the building</i></p>
<p><u>Comments</u></p> <p>Units consist of a range of 2-beds & 3-beds with study/media rooms, to provide flexibility for seniors in the village.</p>
<p>4L Ground floor apartments</p> <p><i>4L-1 Street frontage activity is maximised where ground floor apartments are located</i></p> <p><i>4L-2 Design of ground floor apartments delivers amenity and safety for residents</i></p>
<p><u>Comments</u></p> <p>The development does not have traditional ground floor apartments.</p>
<p>4M Facades</p> <p><i>4M-1 Building facades provide visual interest along the street while respecting the character of the local area</i></p> <p><i>4M-2 Building functions are expressed by the façade</i></p>
<p><u>Comments</u></p> <p>The facades have been designed to appear playful and incorporate a variety of materials and colours (e.g. sandstone base) to achieve visual interest whilst fitting within the golf course and green spaces.</p>
<p>4N Roof design</p> <p><i>4N-1 Roof treatments are integrated into the building design and positively respond to the street</i></p>

<p><i>4N-2 Opportunities to use roof space for residential accommodation and open space are maximised</i></p> <p><i>4N-3 Roof design incorporates sustainability features</i></p>
<p><u>Comments</u></p> <p>The roof forms are not visible from the street. Roof design incorporates sustainability features like solar panels in order to minimise electricity bills for seniors.</p>
<p>4O Landscape design</p> <p><i>4O-1 Landscape design is viable and sustainable</i></p> <p><i>4O-2 Landscape design contributes to the streetscape and amenity</i></p>
<p><u>Comments</u></p> <p>Landscape design is acceptable, enriching the built areas, and contribute to the amenity of occupants and neighbours.</p>
<p>4P Planting on structures</p> <p><i>4P-1 Appropriate soil profiles are provided</i></p> <p><i>4P-2 Plant growth is optimised with appropriate selection and maintenance</i></p> <p><i>4P-3 Planting on structures contributes to the quality and amenity of communal and public open spaces</i></p>
<p><u>Comments</u></p> <p>Proposed plants were reviewed and conditions recommended to ensure appropriate selection and maintenance.</p>
<p>4Q Universal design</p> <p><i>4Q-1 Universal design features are included in apartment design to promote flexible housing for all community members</i></p> <p><i>4Q-2 A variety of apartments with adaptable designs are provided</i></p> <p><i>4Q-3 Apartment layouts are flexible and accommodate a range of lifestyle needs</i></p>
<p><u>Comments</u></p> <p>The proposal incorporates 2 and 3 bedroom apartments with various designs and orientation, adapted for a range of lifestyle for seniors.</p>
<p>4S Mixed use</p> <p><i>4S-1 Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement</i></p> <p><i>4S-2 Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents</i></p>
<p><u>Comments</u></p> <p>The proposal comprises serviced self-care seniors housing village integrated with a new Clubhouse. The design provides suitable separation of entries and safe access.</p>
<p>4T Awnings and signage</p> <p><i>4T-1 Awnings are well located and complement and integrate with the building design</i></p> <p><i>4T-2 Signage responds to the context and desired streetscape character</i></p>
<p><u>Comment</u></p> <p>Signage at the site entry is setback from the road frontage but visible from Beaconsfield Road cul-de-sac.</p>
<p>4U Energy efficiency</p>

<p><i>4U-1 Development incorporates passive environmental design</i></p> <p><i>4U-2 Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer</i></p> <p><i>4U-3 Adequate natural ventilation minimises the need for mechanical ventilation</i></p>
<p>Comments</p> <p>The proposal meets BASIX requirements and features solar panels on the roofs. The proposal includes provision of 2 (two) communal electric cars. Solar access and cross ventilation marginally exceeds standard requirements.</p>
<p>4V Water management and conservation</p> <p><i>4V-1 Potable water use is minimised</i></p> <p><i>4V-2 Urban stormwater is treated on site before being discharged to receiving waters</i></p> <p><i>4V-3 Flood management systems are integrated into site design</i></p>
<p>Comments</p> <p>Urban stormwater currently traverses the site, on designated and non-designated easements. The proposal will amend the overland stormwater flows from neighbour properties and Beaconsfield Road. The civil design incorporates a drainage scheme to manage stormwater flows and will formalise the existing overland flows from Colwell Crescent and Beaconsfield Road. The applicant states that a rainwater storage volume of 30m³ (for garden irrigation) will meet BASIX assessment requirement of 12m³.</p> <p>Council's Engineers recommended specific stormwater conditions.</p>
<p>4W Waste management</p> <p><i>4W-1 Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents</i></p> <p><i>4W-2 Domestic waste is minimised by providing safe and convenient source separation and recycling</i></p>
<p>Comments</p> <p>The site has a narrow frontage on a cul-de-sac Beaconsfield Road.</p> <p>The proposed development provides separate residential and commercial 240L bin storerooms on Level 2. The bin rooms can be accessed by private mini garbage collection vehicles.</p> <p>Seniors have access to waste collection rooms in convenient locations near their units.</p> <p>The proposal for smaller, private vehicles, to collect waste from the residential component of the development, is regarded as acceptable by Council's Waste Officer.</p>
<p>4X Building maintenance</p> <p><i>4X-1 Building design detail provides protection from weathering</i></p> <p><i>4X-2 Systems and access enable ease of maintenance</i></p> <p><i>4X-3 Material selection reduces ongoing maintenance costs</i></p>
<p>Comments</p> <p>The design of the building incorporates sandstone facing and painted off form concrete to ensure the building will maintain an attractive appearance but it is easily maintained. The Colourbond roof and aluminium-frame windows also ensure reliability and low maintenance costs.</p>

ATTACHMENT 7: ASSESSMENT OF CLAUSE 4.6 OBJECTION

The proposal fails to fully comply with Clause 26 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP Seniors) addresses location and access to facilities.

Clause 26 is partly reproduced below:

26 Location and access to facilities

(...)

(2) Access complies with this clause if—

(...)

(b) in the case of a proposed development on land in a local government area within the Greater Sydney (Greater Capital City Statistical Area)—there is a public transport service available to the residents who will occupy the proposed development—

(i) that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and

(ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and

(iii) that is available both to and from the proposed development at least once between 8am and 12pm per day and at least once between 12pm and 6pm each day from Monday to Friday (both days inclusive), and the gradient along the pathway from the site to the public transport services (and from the public transport services to the facilities and services referred to in subclause (1)) complies with subclause (3),

(3) For the purposes of subclause (2) (b) and (c), the overall average gradient along a pathway from the site of the proposed development to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) is to be no more than 1:14, although the following gradients along the pathway are also acceptable—

(i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,

(ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,

(iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time.

While the applicant provided written statements from two (2) different registered Access Consultants stating that the proposed footpath provides for gradients for distances that comply with Clause 26 (3) of the SEPP Seniors, and that the pedestrian design and gradients of the pathway is a suitable for an electric wheelchair, motorized cart or the like, as required by Clause 26 (4) of the SEPP Seniors, compliance with Clause 26(2)(b) of SEPP Seniors is under discussion below.

Clause 26(2)(b) of SEPP Seniors requires access to public transport at least once between 8am and 12pm every day of the week (i.e. Monday to Sunday) and then once between 12pm and 6pm on Monday to Friday. With no public bus service available for seniors on Sunday, the proposal fails to fully comply with Clause 26(2)(b).

Reliance is placed upon the decision in **Principal Healthcare Finance Pty Ltd v Council of Ryde** [2016] NSWLEC 153, where Commissioner of the Court concluded that Clause 26 of

the SEPP Seniors is not a prohibition, but is rather a development standard, and is therefore amenable to Clause 4.6 of the Standard LEP.

Subsequent to *Principal Healthcare* case, the issue was further considered in ***Australian Nursing Home Foundation Limited v Ku-ring-gai Council*** [2017] NSWLEC 1300 in which Senior Commissioner Dixon found no reason to depart from the law and at paragraph 163 states:

“Clause 26 is plainly a development standard and this view is supported by the reasoning in Georgakis at [40]-[46] which dealt with an identical provision under an older version of the SEPP as accepted by the Court in Principal Healthcare”.

While the applicant considers that the proposal fully meets Clause 26 in SEPP Seniors, a Without Prejudice Clause 4.6 written request has been submitted with the application, objecting to Clause 26(2)(b) *Location and Access to Facilities* contained in SEPP Seniors.

Clause 4.6 of the Willoughby Local Environmental Plan 2012 (WLEP 2012) provides the consent authority with the power to flexibly apply development standards in a particular case where they can achieve better outcomes in particular circumstances, where it is satisfied it is in the public interest to do so. Court cases consulted for this assessment:

Australian Nursing Home Foundation Limited v Ku-ring-gai Council [2019] NSWLEC 1205

<https://www.caselaw.nsw.gov.au/decision/5cd111c3e4b0196eea406bf6>

EZRA 1 Pty Ltd v Georges River Council [2019] NSWLEC 1275

<https://www.caselaw.nsw.gov.au/decision/5d06e4a9e4b02a5a800c19cb>

Younes v Ku-ring-gai Council [2020] NSWLEC 1093

<https://www.caselaw.nsw.gov.au/decision/5e5c6657e4b0c8604babc701>

Extent of variation

A Site Compatibility Certificate (SCC) to facilitate lodgement of the mixed-use application was issued by Sydney North Planning Panel on 13 June 2019. The Chatswood Golf Club (CGC) site is conveniently located in relation to public transport services. There is an existing bus stop in Beaconsfield Road between Colwell Crescent and Cramer Crescent, which is located 100m to the east of the entrance to the Golf Club site. A sealed & level pathway on the northern side of Beaconsfield Road links the CGC site entry to the bus stop. Public bus service Route 255 connects Beaconsfield Road with Chatswood Train Station (approx. 10min trip), where services to meet the relevant requirements of SEPP Seniors are located.

The public bus Route 255 operates Monday to Saturday from 6am-10am & 3pm-7pm, with no service on Sunday, contrary to the requirements of Clause 26(2)(b)(iii) of SEPP Seniors.

Applicant's reasons in support of the variation

Clause 4.6 Exceptions to development standards of WLEP 2012 Subclause (3) reads:

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

The applicant argues that the objective of SEPP Seniors is to create opportunities for the development of housing that is located and designed in a manner particularly suited to both

those seniors who are independent, mobile and active, as well as those who are frail, and other people with a disability regardless of their age. Moreover, it is argued that:

- The variation request does not raise any significance for state or regional planning.
- The seniors' housing development is for “**serviced self-care housing**” adjoining land zoned primarily for urban purposes.
- Given the provision of the private mini-van, buggies and shared electrical vehicles, residents of seniors living housing will have access to facilities and services they may require.
- The proposed mixed-use development proposal will facilitate the on-going financial viability of the Chatswood Golf Club (CGC). The retention of the CGC is consistent with the objectives of the RE2 Private Recreation zone, notably will ensure the retention of an important recreational outdoor facility and ancillary services that are of considerable value to the local community, and is in the interest of the public.
- Requiring strict compliance would not result in a better outcome and would in fact prevent the site from being re-developed as a new and improved facility for Chatswood Golf Club, and would result in a poor planning outcome with no tangible social benefit to the locality due to the loss of 106 serviced self-care housing units which allow seniors/disabled people to age in place.

In regard to access to facilities and services, the applicant proposes to supplement the public buses with the following:

- Provision of a regular village mini-van (minimum 10 persons) service as required by Clause 43 of SEPP Seniors. The mini-van provides a daily resident pickup/drop off service to selected nearby locations e.g. Chatswood Shopping Centre, Chatswood Station. The service will be available both to and from the proposed development to Chatswood CBD at least once between 8am and 12pm each day and at least once between 12pm and 6pm each day.
- Provision of golf buggies to transfer residents or visitors, including one wheelchair accessible buggy from the Clubhouse to Beaconsfield Road. Whilst not replacing the public bus services, this will promote easier access for residents who may not wish to walk up from the apartments to the street frontage. A communication system to call for pickup would be required. This could be operated by staff during daylight hours.
- Provision of two (2) x dedicated car spaces within the basement carpark for communal share (electric) vehicles owned/maintained by the village, to promote reduced reliance on private car ownership and/or second car ownership.

Considerations of the variation to the standard

The site is zoned Zone RE2 Private Recreation under the Willoughby Local Environment Plan 2012 (WLEP 2012). **The proposed development is found to meet the objectives of the RE2 Private Recreation zoning:**

- It allows for the main use as private open space and recreational purposes (golf course).
- Integrates a range of recreational settings and activities.
- While temporarily impacting on the immediate natural environment, once completed, it is expected to enhance the natural environment, including the natural environment for recreational purposes.
- Enables compatible activities like on-site health consultation services, indoor & outdoor recreation facilities, indoor communal spaces, spaces for larger social gatherings and dining services available for village residents and visitors. This

reduces reliance on off-site services for the Seniors Village and provides greater suitability for aging in place.

- minimises the potential for adverse effects on adjoining residential sites and on the amenity of the locality.

The application relies on a Site Compatibility Certificate (SCC) to facilitate lodgement of the application, pursuant to Clause 24 of the SEPP Seniors. The underlying objective of SEPP Seniors Clause 26 development standard is *'to ensure that residents of seniors living housing will have reasonable access to facilities and services they may require'*.

The contravention does not hinder the ability of the mixed use development to achieve the underlying objective of the Clause 26.

The site is particularly well located in terms of proximity to a range of services of interest, including medical and health related services and general shopping facilities, approximately 1.6km from Chatswood CBD. **Transport from the site will be supplemented by a mini-van service on Sundays.** The mini-van will provide transport to Chatswood facilities and services for the residents of the development, as reflected in the Operational Plan of Management. **Car-share vehicles located within the basement car parking and managed by the village will also provide residents with the convenience of a door to door transport service, to further reduce reliance on the public bus.** Conditions of consent are recommended in this regard.

Moreover, the proposal incorporates sufficient facilities and services (including medical) within the Clubhouse to further reduce reliance on the public bus and facilitate aging in place.

In reference to the discussion paper on proposed amendments to clause 4.6 of the *Standard Instrument – Principal Local Environment Plan* (Standard Instrument LEP), as recently released by Department of Planning, Industry and Environment (DPIE), by using the mini-van and consequently reducing reliance on the public bus, **the proposal will result in an improved planning outcome (public interest) when compared with what would have been achieved if the development standard was not contravened.**

It is concluded that the proposal remains consistent with the objective of the development standard and that strict compliance with the development standard is unreasonable or unnecessary in the circumstances of this case.

Based on the above considerations and in view of the particular circumstances of the development, the proposed variation to the development standard is acceptable, as there are sufficient environmental planning grounds to vary the standard. Variation of the standard is considered to be in the interests of the public given that the relevant objectives of the standard and of the zone/SCC are met. The variation is not considered to raise any matter of regional and state significance, and concurrence of the Minister in approving this variation can be assumed.

ATTACHMENT 8: SECTION 4.15 ASSESSMENT

Matters for Consideration under S.4.15 (79C) *EP&A Act*

Considered and Satisfactory ✓ Considered and Unsatisfactory ✗ and Not Relevant

N/A

(a)(i)	The provisions of any environmental planning instrument (EPI)	
	<ul style="list-style-type: none"> State Environmental Planning Policies (SEPP) 	✓
	<ul style="list-style-type: none"> Regional Environmental Plans (REP) 	✓
	<ul style="list-style-type: none"> Local Environmental Plans (LEP) 	✓
	<p>The application is an Integrated Development (RFS) under Section 4.46 of the EP&A Act 1979.</p> <p>The development application is subject to the provisions of SEPP (Seniors Housing and People with a Disability) 2004 (SEPP Seniors) and relies on the approved Site Compatibility Certificate (SCC) issued on 13th June 2019, valid for 24 months.</p> <p>SEPP (Seniors Housing and People with a Disability) 2004 (SEPP Seniors)</p> <p>The SEPP Seniors requires a Site Compatibility Certificate (SCC) to be obtained for the purposes of Seniors Housing development. A SCC was issued on 13 June 2019. Further to this requirement, the consent authority must ensure applicable development standards and design principles within the SEPP Seniors are fulfilled at the development application stage. With current application, the proposal is found to meet controls in the SEPP Seniors and to be a good fit to the immediate context.</p> <p>Sydney Regional Environmental Plan (Sydney Harbour Sydney Harbour Catchment Regional Environmental Plan 2005 (REP) & Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005 (DCP)</p> <p>The Sydney Harbour Catchment Regional Environmental Plan 2005 (REP) (Harbour REP) applies to the developments within the foreshores and waterways areas within Willoughby City Council LGA, as identified on the Sydney Harbour Catchment Map. The Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005 (DCP) applies to the Foreshores and Waterways Area as identified in the Harbour REP. The DCP includes design guidelines for development and criteria for natural resource protection.</p> <p>The proposal will not impact on the scenic qualities of the immediate locality or on the natural attributes of the harbour foreshores in an unacceptable way. The proposal, as amended and subject to conditions, is consistent with the objectives of the Harbour REP and related DCP.</p>	

State Environmental Planning Policy No 55 – Remediation of Land

- A Stage 1 Preliminary Environmental Site Assessment was completed by EIS in August 2016.
- A Stage 2 Preliminary Environmental Site Assessment (equivalent to a Detailed Site Investigation) was completed by EIS in October 2019.
- An additional ESA was completed by JK Environments (previously EIS) in January 2020.
- A Stage 3 Remedial Action Plan (RAP) was prepared in March 2020 by JK Environments based on previous contamination reports.
- A Targeted Contamination Assessment (TCA) was completed by iEnvironmental Australia Pty Ltd (iEnvi) in April 2021 in response to Council's request for further information and investigation into the historic land use as a landfill and associated incinerator and shed in the 1920s and 30s. The TCA concentrated on an area across the central and eastern parts of the golf course and 28 soil samples were collected.

In relation to contamination generally, Council's Environmental Health Officer is satisfied with the level of investigation that has been carried out and considers that the site can be made suitable for the proposed use, subject to appropriate conditions of consent.

State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development (SEPP 65) / Apartment Design Guide (ADG)

SEPP 65 applies to part of mixed-use development as it incorporates independent living units for seniors. The ADG provides design criteria and general guidance about how the development proposal can achieve the nine design quality principles identified in SEPP 65. Assessment of the proposal against relevant parts of the SEPP65/ADG was undertaken and the proposal generally complies with the requirements.

State Environmental Planning Policy No 64—Advertising and Signage (SEPP 64)

The application is proposing signage adjacent to the village entry, on a stone entry wall and signage at the top of the driveway, visible from the cul-de-sac of the public Beaconsfield Road and other minor signage not readily visible from public roads/places. Subject to conditions, the signage satisfactorily meets the Assessment criteria specified in Schedule 1 of the SEPP 64.

	<p>State Environmental Planning Policy – (Building Sustainability Index: BASIX) 2004</p> <p>A BASIX Certificate pursuant to the provisions of the <i>State Environmental Planning Policy – (Building Sustainability Index: BASIX) 2004</i> has been submitted in accordance with the SEPP and considered satisfactory.</p> <p>Willoughby Local Environment Plan 2012 (WLEP 2012)</p> <p>The majority of the subject site is zoned RE2 – Private Recreation, which permits with consent a development for the purpose of a ‘Registered club’. The subject site contains an Existing Registered Club (operating since 1955) on RE2 zoned lands.</p> <p>The subject site also contains land zoned E4 Environmental Living Zone pursuant to WLEP 2012. No building works are proposed with this application on the E4 zoned land.</p> <p>The proposed development, as approved by the SCC and subject to conditions, is considered to meet the objectives of the RE2 Private Recreation zone.</p>	
(a)(ii)	The provision of any draft environmental planning instrument (EPI)	
	<ul style="list-style-type: none"> • Draft State Environmental Planning Policies (SEPP) 	N/A
	<ul style="list-style-type: none"> • Draft Regional Environmental Plans (REP) 	N/A
	<ul style="list-style-type: none"> • Draft Local Environmental Plans (LEP) 	N/A
(a)(iii)	Any development control plans	
	<ul style="list-style-type: none"> • Development control plans (DCPs) 	✓
	<p>Willoughby Development Control Plan (WDCP)</p> <p>Relevant points in <i>A.3 Aims of the Plan</i> and in <i>Part C General Development Guidelines</i> of the WDCP were considered in the assessment. While not directly applicable, guidance from Part D1 of WDCP was acknowledged when assessing amenity impacts on the adjoining E4 residential properties.</p> <p>The proposed development has been assessed against the relevant requirements of the <i>WDCP</i> and is considered satisfactory.</p>	
(a)(iv)	Any matters prescribed by the regulations	
	<ul style="list-style-type: none"> • Clause 92 EP&A Regulation-Demolition 	✓
	<ul style="list-style-type: none"> • Clause 93 EP&A Regulation-Fire Safety Considerations 	✓
	<ul style="list-style-type: none"> • Clause 94 EP&A Regulation-Fire Upgrade of Existing Buildings 	N/A
	<p>Comment: The matters were considered and relevant parts incorporated into the documentation.</p> <p>The application is an integrated development and was referred to RFS and general terms of approval have also been incorporated into recommended conditions</p>	
(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 	✓

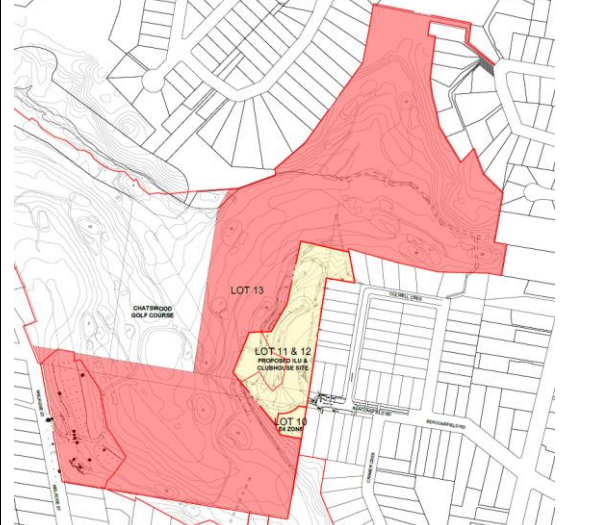
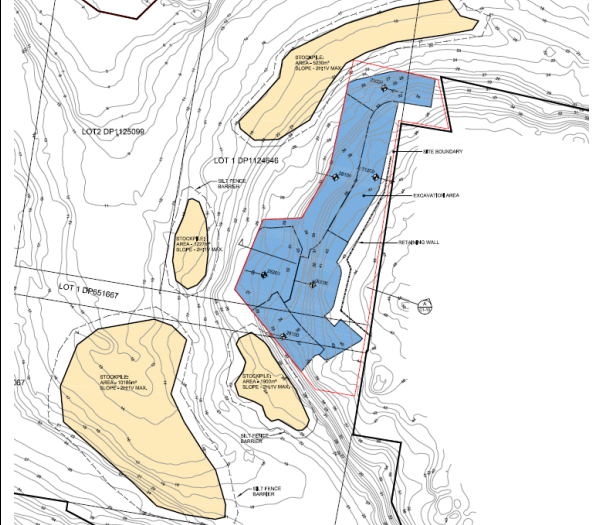
• Servicing, loading/unloading	✓
• Public domain	✓
• Utilities	✓
• Heritage	N/A
• Privacy	✓
• Views	✓
• Solar Access	✓
• Water and draining	✓
• Soils	✓
• Air & microclimate	✓
• Flora & fauna	✓
• Waste	✓
• Energy	✓
• Noise & vibration	✓
• Natural hazards	✓
• Safety, security crime prevention	✓
• Social impact in the locality	✓
• Economic impact in the locality	✓
• Site design and internal design	✓
• Construction	✓
• Cumulative impacts	✓
<p>Comment:</p> <p>The assessment of the latest submitted plans and documentation took into account matters in the Environmental Planning and Assessment Act 1979 and in the Environmental Planning and Assessment Regulation 2000.</p> <p>In regard to cumulative impacts on landscaping, flora and fauna, the in-force legislation was considered, including Council's Natural Heritage Register, Vegetation Management Guidelines, Biodiversity Conservation Act 2016, Biodiversity Assessment Methodology, Environment Protection and Biodiversity Conservation Act 1999 (and offset requirements), Fisheries Management Act 1994, National Parks and Wildlife Act 1974, Environment Protection Authority (EPA) Waste Classification Guidelines...</p> <p>In regard to public health, assessment also took into account Public Health Act 2010, Public Health Regulation 2012, NSW Work Health and Safety Regulation 2017, Food Act 2003 and Food Regulation 2015.</p> <p>In regard to noise, assessment also took into account a number of regulations and guidelines, including EPA's Noise Policy for Industry, EPA Interim Construction Noise Guideline, Protection of the Environment Operations (Noise Control) Regulation 2017...</p>	

	<p>Other in-force legislation considered in this assessment included, but not limited to The Roads Act 1993, Sydney Water Act 1994, Swimming Pools Act 1992, Conveyancing Act 1919, Retirement Villages Act 1999.</p> <p>In addition to WDCP, Australian Standards/ NZ Standards (AS/NZS), Plumbing Code of Australia and Council's Standard Drawings were also considered.</p> <p>Subject to conditions, including planting an additional 650 trees on site to enhance the tree canopy, the proposed development is not considered to have unacceptable impacts on the environment or on the residential amenity of adjoining properties.</p>	
(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? 	✓
	<p>Comment:</p> <p>The proposal is broadly compatible with the natural environment of the Chatswood Golf Club land and surrounds, including the adjoining E4 zoned sites. Subject to recommended conditions, matters relating to height, bulk and scale as well as matters relating to loss of vegetation and matters relating to retention of open space have been resolved to an acceptable level.</p>	
(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 	✓
	<p>Comment:</p> <p>Seventy (70) submissions were received, 11 in support and 59 objecting to the development. Issues raised in the objections are addressed in Attachment 10 of this report.</p>	
(e)	The public interest	
	<ul style="list-style-type: none"> Federal, State and Local Government interests and Community interests 	✓
	<p>Comment: The proposed development is considered to generally comply with the SCC terms of approval, to generally comply with the relevant Clauses of the SEPP Seniors, to provide sufficient amenity for future residents, Club members and visitors, and to have acceptable impacts on the natural and built environment; and therefore the proposal is found to be in the public interest.</p>	

ATTACHMENT 9: SELECTIVE MATTERS IN SECTION 4.15 (79C) ASSESSMENT

Excavation

The proposal requires excavation of 70,000m³ from the site to accommodate the basement carpark and buildings on the approved footprint. Approximately 10,000m³ of fill not deemed to be VENM will be transported from the site to an appropriate waste disposal facility. The remainder 60,000m³ will be temporarily stored in stockpiles within the development site as per the stockpile locations in the cut and fill drawing.

<p>The lots subject to this application are subdivided in stage 1 in the following lots that constitute the subject property:</p>	<p>The proposed areas for temporary stockpiling nominated by the architect are as follows:</p>
	

The Chatswood Golf Club are in the process of preparing a separate Development Application for the golf course upgrades which will utilise the stored fill into the new golf course fairways. In this regard, a pre-development application took place at Council on 4 March 2021. Council representatives as well as representatives from the applicant met and discussed potential issues that need addressing prior to lodging the golf course upgrade development application. The intention of the applicant is to use the fill on site to mitigate the need to for truck movements during the construction period and promotes on-site recycling of material to achieve course improvements.

A condition of consent is imposed in regard to excavation/stockpiling within the Golf Course. All excavation works are expected to comply with:

- The Department of Land and Water Conservation's Erosion and Sediment Control Manual and the Department of Housing Manual Managing Urban Stormwater – Soils and Construction (August 1998)
- NSW Protection of the Environmental Operations Act 1997.

Conditions are recommended to ensure no nuisance is caused by the stockpiles and that the subsequent golf course upgrades utilise the clean fill in the stockpiles within the next 5 years.

Construction Management Plan

A Construction Management Plan (CMP) for the proposed Chatswood Golf Leisure Resort project was prepared by Parkview on 28 February 2021 and submitted with the application.



Bulk excavation will be undertaken by machine using rock hammers and rock saws. Most excavated material will remain on site to be used in the re-shaping of the new Golf Course. Prior to commencing demolition, a Hazardous Materials Survey will be conducted. Following the removal of any hazardous materials, a Clearance Certificate will be provided by an occupational hygienist prior to any further demolition works proceeding.

Waste bins will be stored on site, within the site boundaries. General construction waste will be separated between recyclable and non-recyclable off site. All contaminated and non-recyclable materials to be loaded and transported to an EPA approved landfill site. All recycled materials will be disposed of at the closest and relevant recycling depot, as per the Waste Management Plan.

The site office, site personnel accommodation, amenities and change rooms will be accessed through the Golf Course, via Mooney Street and the Golf Course Maintenance Trail. Deliveries to site will be lifted from the proposed Materials Handling Zone. Deliveries will be managed to ensure drivers are aware of the materials handling zone for their respective load.

A Traffic Management Plan will be developed for the project prior to issue of a Construction Certificate and commencement. A full consultative approach will be undertaken when finalising the Traffic and Pedestrian Management Plan. The Traffic and Pedestrian Management Plan will ensure measures are implemented during the construction period, including:

- Maintain full operations and access for adjoining residents throughout construction.
- Maintain continuous operation and full access to utility services.
- Provide designated vehicle access routes.
- Create and maintain materials handling zones within the site.

- Control, manage and clean all construction traffic to and from the materials handling zones.
- Ensure suitable traffic control personnel is in places at all times / as required.

While work takes place, a dedicated traffic controller will be located at the Beaconsfield Road entry to the site. While efforts are made to undertake works with minimal impact on neighbours, potential complaints or concerns that neighbouring residents have with the site or any construction related activity are to be addressed to the Project Manager or Site Manager (contact details will be posted on the main site entry gate) and noted into the complaints register proposed by the applicant to be kept on site.

While the applicant asked for Saturday construction hours to be until 5pm, in order to preserve the amenity of the adjoining residential properties on Beaconsfield Road, the recommended condition of consent (Hours of work) requires that work is carried out between:

Monday to Friday: 7am to 5pm

Saturdays: 7am to 12 noon

Sundays or Public Holidays: No works to be carried out.

Site Contamination

- A Stage 1 Preliminary Environmental Site Assessment was completed by EIS in August 2016 to review the site history, identify potential Areas of Environmental Concern (AECs), prepare a conceptual site model (CSM) and establish whether a Stage 2 investigation is required.
Based on the findings of the PESA, additional intrusive investigation was recommended to assess the current site conditions and identify potential sources of contamination resulting from past and current land uses.
- A Stage 2 Preliminary Environmental Site Assessment (equivalent to a Detailed Site Investigation) was completed by EIS in October 2019. This study included soil sampling from 15 points across the building footprint at a sampling density of approx. 60% of that required by the EPA. Results indicated elevated lead in one sample and a fragment of chrysotile asbestos was found on the ground surface in the SE corner of the site. The report stated that the site can be made suitable for the proposed development provided that the data gaps are addressed, a Remedial Action Plan (RAP) is prepared, and a Validation Assessment Report (VAR) is prepared following remediation.
- An additional ESA was completed by JK Environments (previously EIS) in January 2020 to carry out further soil and groundwater sampling at the site to further characterise the contamination conditions and address data gaps identified during the previous investigation and review the developed CSM for the site.
The results indicated elevated levels of certain contaminants, however following statistical analysis concentrations of lead, copper and benzo(a)pyrene remained below the adopted screening criteria for the site.
Additionally, fibre cement fragments found to contain asbestos were encountered in fill material. Therefore, it was concluded that there is a risk associated with zinc and asbestos in fill soils to human health and/or the environmental receptors identified at the site.
The additional ESA concluded that an Asbestos Management Plan (AMP) should be prepared to manage potential risks from asbestos during the construction phase of the project in conjunction with the preparation of a Remediation Action Plan (RAP) to remediate the shallow impacted soils.

- A Stage 3 Remedial Action Plan (RAP) was prepared in March 2020 by JK Environments based on previous contamination reports. The proposed strategy for remediation involves an excavation and off-site disposal approach for designated areas within the site.
- Preliminary waste classification was established in the Stage 2 ESA but additional waste classification screening was carried out by JK Environments in October 2020. An estimated volume of about 2,500m³ of fill material in the basement footprint is to be disposed off-site.
- A Targeted Contamination Assessment (TCA) was completed by iEnvironmental Australia Pty Ltd (iEnvi) in April 2021 in response to Council's request for further information and investigation into the historic land use as a landfill and associated incinerator and shed in the 1920s and 30s (historical information). The TCA was submitted to Council on 21 April 2021. The TCA concentrated on an area across the central and eastern parts of the golf course and 28 soil samples were collected.

Results showed that elevated concentrations of benzo(a)pyrene in one soil sample were above generic ecological screening levels, however they were below higher reliability criteria. Elevated levels of metals were also detected, however the results were below adopted criteria for recreational/public open space. No asbestos was detected in any soil samples.

It was the consultant's opinion that the presence of designated landfill cells or use of landfill material to form the current golf course topography was unlikely, and the risk to human health and ecology during the redevelopment and continued recreational use of the site is considered low. In addition, further management and remediation of the soils originating from the former landfill and incinerator is not considered necessary.

The area of investigation for this TCA report was within the proposed golf course area and not the land that will be used for the proposed independent living units. The consultant advised that the levels were under the Residential B criteria threshold and do not pose a risk.

Council's Environmental Health Officer reviewed the site investigations and advised that the documentation provided by the applicant is sufficient and that is satisfied with the level of investigation that has been carried out. Council's Environmental Health Officer also advised that it is not the intention of the NSW EPA that every site investigation undergo review by an accredited Site Auditor. There are specific cases when Council may request a site audit, for example if it does not have staff with the required expertise, if the contamination/remediation is complex, or there are questions about the proposed remediation strategy and an independent opinion is required. However, in most cases, including this case, remediation is a standard process that does not justify the added expense of a site audit.

Subject to recommended conditions, including conditions to mitigate noise and vibration during excavation and construction and mitigate noise from mechanical plants, Council's Environmental Health Officer supports the development proposal.

Aboriginal Heritage

Under the National Parks and Wildlife Act 1974, all Aboriginal objects are protected. In order to investigate if any Aboriginal objects were located on the subject site, the application was referred externally to the Aboriginal Heritage Office (AHO) for comments.

The Aboriginal Heritage Officer advised that no sites are recorded in the current development area and the area has been subject to previous disturbance reducing the likelihood of surviving unrecorded Aboriginal sites.

Given the above, the Aboriginal Heritage Office considers that there are no Aboriginal heritage issues for the proposed development.

Correspondence from 2004 also reveal that Marry Douglas Consulting, via Giles Tribe Architects, prepared an Aboriginal Archaeological Assessment in regard to specific areas in Chatswood Golf Course, including subject lots. The report concluded:

No Aboriginal site or evidence of Aboriginal occupation was identified by the survey. Existing disturbances to the site have been sufficient to remove or damage original land surfaces which might have contained such evidence. There is no Aboriginal archaeological constraints.

As a note, a representative of the Metropolitan Local Aboriginal Land Council and the Cadigal Native Title Corporation were consulted on the 2004 assessment.

Notwithstanding the above, a recommended condition is imposed - should any Aboriginal Cultural Heritage items be uncovered during earthworks, works should cease in the area and the Aboriginal Heritage Office must be contacted to assess the finds. Under Section 89a of the NPW Act should the objects be found to be Aboriginal, NSW Biodiversity and Conservation Division, Heritage NSW and the Metropolitan Local Aboriginal Land Council (MLALC) should be contacted.

Traffic

Council's Senior Transport Engineer reviewed the documentation provided, had no objection to the generated traffic and advised that:-

- The development traffic generations will not significantly impact the road network,
- The proposed development two different uses that have different traffic peak periods than the normal traffic peak periods,
- Onsite parking meet Council DCP parking requirements without reliance on on-street parking,
- Senior Living traffic generation and directional splits (20:80) are almost the opposite of the normal traffic generation peak periods,
- Golf course parking and the ancillary facilities parking spaces should be mixed-use without facility marking/labelled - to enable flexible & shared use between the facilities parking demands,
- Golf Course facilities are predominantly booked by residents live within the residence. A conservative golf course booking ratio shows low traffic generation/parking demands - Independent Living Units (35% or higher) and members of public tend drive (< 35%) and car share/car pool (30%) to the site

All spaces are found to be 2.5 x 5.4m, except disabled spaces. Pursuant to SEPP Seniors Schedule 3 (5) (b) minimum 5% spaces are dedicated disabled spaces. Amended plans provide each space 2.4m x 5.4m with 2.4m share space and bollard) for both seniors disabled spaces and Club disabled spaces.

No-through-road on Beaconsfield Road

With an existing radius of 6.1m to the face of kerb, the end of Beaconsfield Road is considered to be undersized by Council's Engineer.

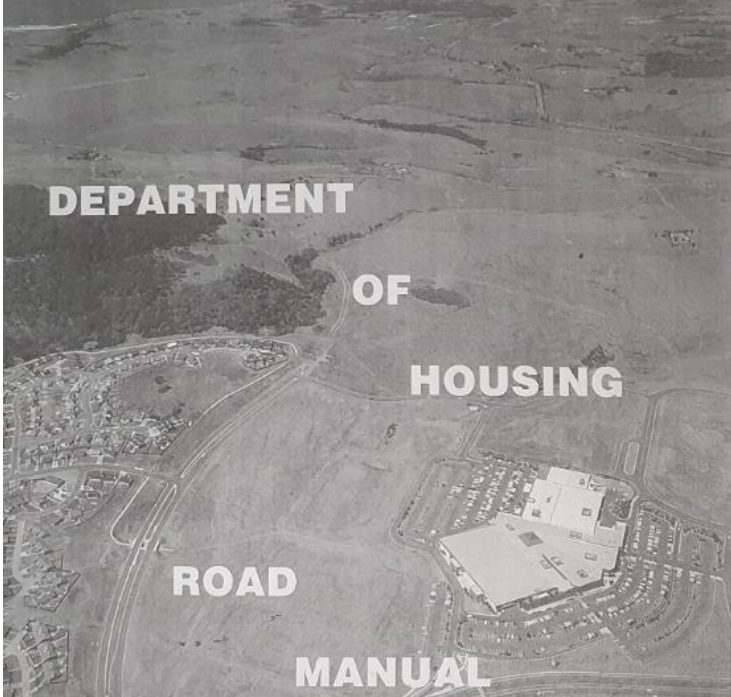
This matter was raised in the past both by Council Engineer and by the Traffic/Transport Engineer, which are in separate departments within Council.

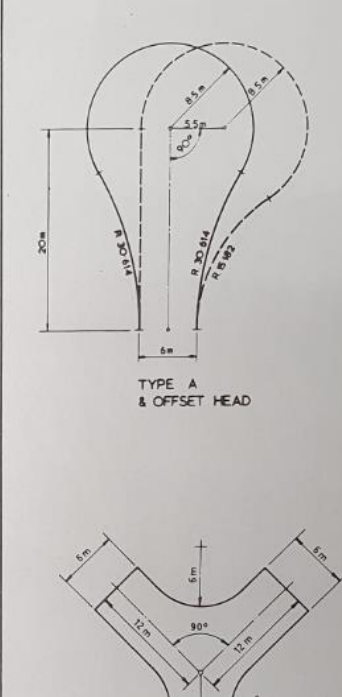
The Applicant's submission 'Summary Response Table' provided justification for maintaining the existing radius, rather than increasing the radius.

Council's Traffic/Transport Engineer specifically reviewed the cul-de-sac design of Beaconsfield Road, the traffic documentation provided and the 'Summary Response Table' and made the following comments in regard to the cul-de-sac:

- Council waste truck (vehicle size of 9.9m) service/collection time for Beaconsfield Road is around 6am-7am on Thursdays. There are 6 properties located at and adjacent to the cul-de-sac (between Colwell St and cul-de-sac; 3 properties on each north & south side). Currently the truck drivers use the Golf Club car park to turn around to service/pick up Beaconsfield Rd north side properties.
- The duration of truck movements/ 3-point turn or reverse will be limited to 2-3 mins maximum. The projected maximum traffic generation for the development site is 63 vehicles per hour (in & out) in the AM peak. The truck movements at this location traffic impacts and delays have been assessed and it is found that there would be no significant impacts - queue length/delay is considered reasonable and acceptable.
- Additional signage can be installed in the future at Beaconsfield Rd/Colwell Crescent intersection to warn motorists that it is a no through road such as 'No Through Road' sign or 'Road Ends' sign.
- No crashes were reported in the latest 10 years available crash data (Oct 2009 and Dec 2019) at Beaconsfield Rd (from cul-de-sac to Colwell St intersection). The crash data shows the section road is performing in good/ satisfactory conditions.
- Based on the existing road configuration/parking controls and its safety performance with the development projected traffic movements and traffic generation, no changes to the cul-de-sac designs are required.

Despite Applicant's submission and Council's Traffic/Transport Engineer recommendation on the matter, Council's Engineer continued to require an upgrade to the Beaconsfield Road cul-de-sac to a 7m radius to the face of kerb. Council's Engineer indicated that the justification of the 7m upgrade is coming from an old 'Road Manual' by Department of Housing which shows a 8.5m radius for design of a new cul-de-sac, and from a manual entitled 'Specification D1 of GEOMETRIC ROAD DESIGN / Willoughby Council' which requires a 7.5m radius.





11. All vehicle turning movements are accommodated utilising AUSTROADS Design Vehicles and Turning Templates, as follows:

- For turning movements involving local distributor roads, the "design semi-trailer" with turning path radius 15.0 m.
- For turning movements involving local streets or collector streets, but not sub arterial roads, the "design single unit" bus with turning path radius 13m.
- For turning movements on access streets but not involving sub arterial roads, collector streets or local streets, the garbage collection vehicle used by the local authority.
- For turning movements at the head of cul-de-sac streets sufficient area is provided for the "design single unit" truck to make a three-point turn or where the length of the cul-de-sac is less than 60 m for the "design car" to make a three-point turn. Where driveway enhances are to be used for turning movements, the required area is constructed and design to withstand the relevant loads.

**Turning
Movements**

Extract from Specification D1 of GEOMETRIC ROAD DESIGN - AUS-SPEC-1NSW-D1 Apr 99

The recommended conditions attached to this report do not include this upgrade from the existing radius to the 7m radius. The following were taken into account prior to arriving at the recommendation to maintain the existing radius of the Beaconsfield Road cul-de-sac:

- Redesign of the Beaconsfield Road 'cul-de-sac', to enlarge its radius will not achieve a complying cul-de-sac. The used standard for the cul-de-sac appears to be either 7.5m or 8.5m in specifications. This means that the new radius of the cul-de-sac of 7m will continue to be non-compliant, only to a lesser degree.
- An existing large street tree, located on the street verge, is likely to be affected.
- A number of existing vehicular driveways to existing residential dwellings, including 125 Beaconsfield Road and 126 Beaconsfield Road (and possibly 123 Beaconsfield Road) will need adjustments and crossovers might need partially or total re-construction.
- Council's Traffic Engineer is expected to have a comprehensive/over-all understanding of the traffic generated by the development (compared with other

development/ specialised engineers) and formed his opinion that changes to the design of the existing cul-de-sac are not justified and not required.

- Redesign of the Beaconsfield Road cul-de-sac, to enlarge its radius, will further disturb adjoining neighbours located at the end of Beaconsfield Road, and will add to the duration of the overall construction works.

Access Pathway from site boundary to bus stop

Access from site boundary to public transport services (bus stop) is required by Clause 26 of the SEPP Seniors in subclauses (3) and (4). Subclause (3) is reproduced below:

(3) For the purposes of subclause (2)(b) and (c), the overall average gradient along a pathway from the site of the proposed development to the public transport services (and from the public transport services to the facilities and services referred to in subclause (1)) is to be no more than 1:14, although the following gradients along the distance are also acceptable:

- (i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time;*
- (ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time;*
- (iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time.*



Extracts from footpath drawings on Beaconsfield Road prepared by LP Consulting

The overall average gradient along the proposed pathway, from the site of the proposed development to the public transport services achieves an overall grade of no more than 1:14 and in this regard, it complies with the SEPP Seniors.

However, discussions were around compliance with the interpretation of exceptions (i), (ii) and (iii). Council Engineer states that '*submitted plans show back-to-back steep longitudinal grades that are in excess to the 1:14 grade, without the provision of compliant sections of less than 1 in 14 grade located between these steeper sections*'. While the plans do show back-to-back steep longitudinal grades that are in excess to the 1:14 grade, Clause 26 (3) of the SEPP Seniors does not require provision of compliant sections to be located between steeper sections.

On 19 May 2021, in response to Council's engineers request for further amendments to the gradient, the applicant submitted amended drawing for the footpath upgrades. The applicant also submitted written statements from two (2) qualified and registered Access Consultants stating that the proposed footpath provides gradients for distances that comply with Clause 26 (3) of the SEPP Seniors, and that the pedestrian design and gradients of the new pedestrian pathway are suitable for an electric wheelchair, motorized cart or the like, as required by Clause 26 (4) of the SEPP Seniors.

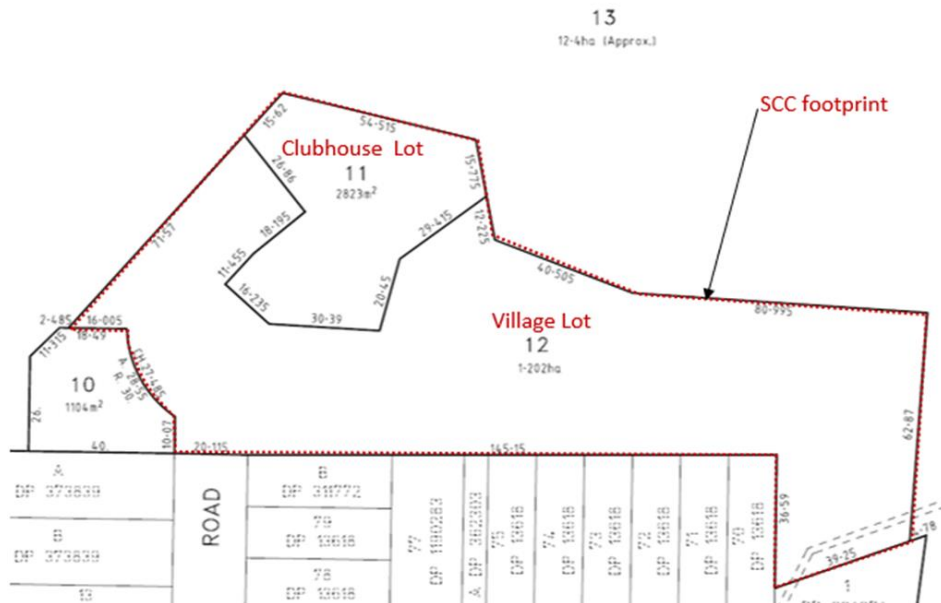
As Clause 26 (3) of the SEPP Seniors is regarded as an accessibility issue rather than an engineering issue, the statements from the registered Access Consultants, stating that the proposed footpath complies with the requirements of the SEPP Seniors, are supported.

Subdivision

The application is proposing subdivision of Lot 163 DP 752067, Lot 1 DP 651667, Lot 1 DP 1124646 & Lot 22 DP 626634) (total area 14ha) retaining four (4) separate Torrens Title allotments as follows:

- Lot 10 - E4 zoned lot (area 1104m²)
- Lot 11 - Clubhouse lot (area 2823m²)
- Lot 12 - Watermark Retirement Village lot (area 1.202ha)
- Lot 13 - Remainder golf course fairway lot (area 12.4ha).

The subdivided E4 zoned lot will remain free from buildings. The combined areas of proposed Lot 11 & Lot 12 represent the area covered by the approved SCC footprint. Cross easements are proposed to facilitate pedestrian and vehicular access from Beaconsfield Road and any drainage/Asset Protection Zone requirements.



Stage 2 subdivision will facilitate operation and ownership of the two components of the proposal, the clubhouse and the Seniors village. The clubhouse will comprise of the recreational facilities and will also be the operational and administrative centre for both Watermark Chatswood and Chatswood Golf Club. The subdivisions are necessary for ownership and administrative purposes. The residents of the Seniors village will have long term access rights to the facilities and this will be reflected in the future building management statement.

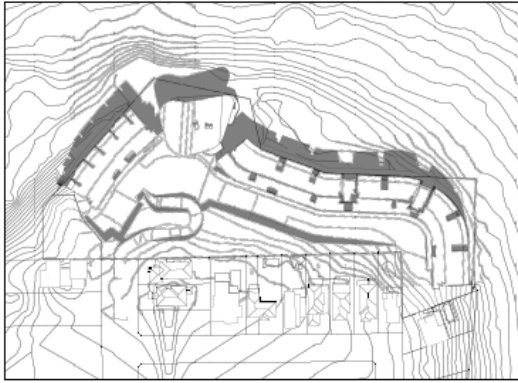
Conditions for Stage 1 subdivision (Torrens) and Stage 2 subdivision (Stratum) are recommended.

Overshadowing

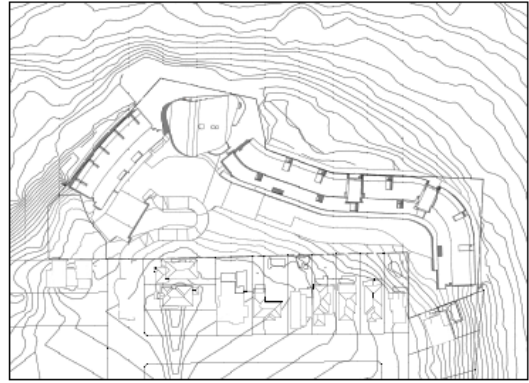
The proposed development has been located so to be significantly set back from the neighbouring properties in Colwell Crescent. The proposed buildings have been significantly set back from the Colwell Crescent neighbouring boundaries (17m at its closest point to up to 68m at its greatest setback).

The shadow diagrams submitted demonstrate that overshadowing by the proposal generally falls away from the nearby residential properties and is therefore acceptable. The June shadow is encroaching the swimming pool of 15G Colwell Crescent, however the amount of shadow is limited in area and is limited to less than 1h in the afternoon, when considering the time between 9am and 3pm. In the summer, when the pool is likely to be intensely used, no shadow is casted on the swimming pool of 15G Colwell Crescent.

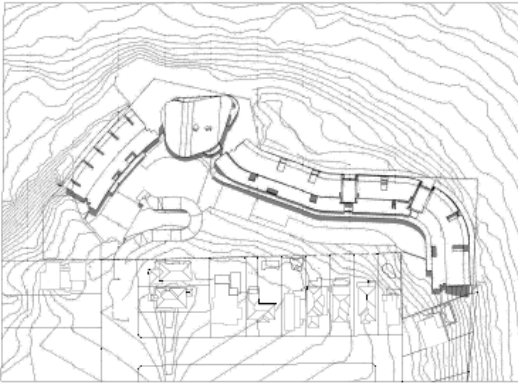
DECEMBER 21st - 9AM



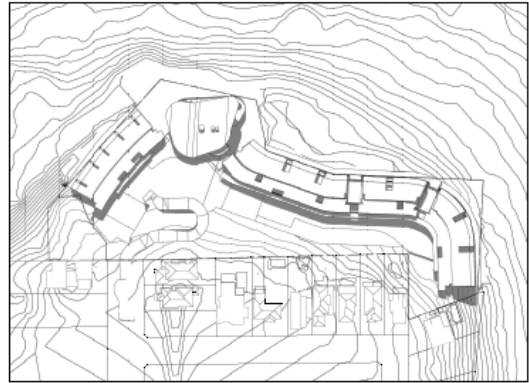
DECEMBER 21st - 12PM



DECEMBER 21st - 2PM

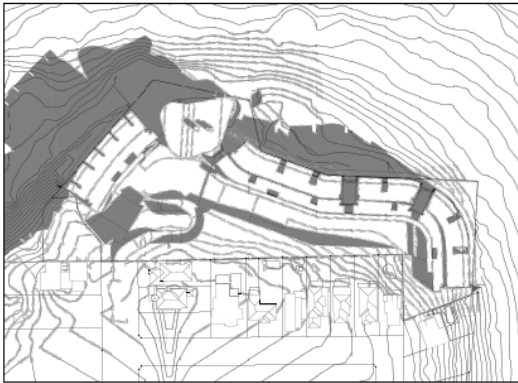


DECEMBER 21st - 3PM

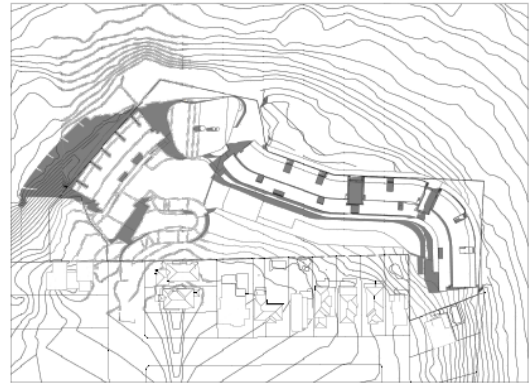


Overshadowing diagrams (December 21) by Marchese Partners

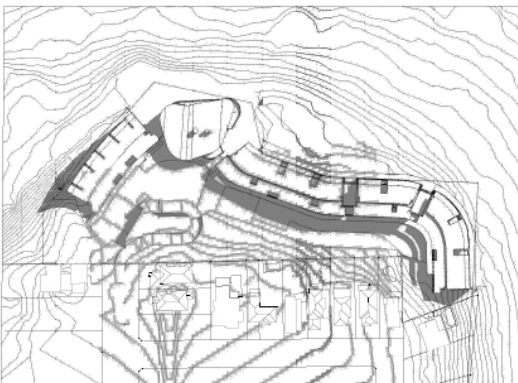
JUNE 21st - 9AM



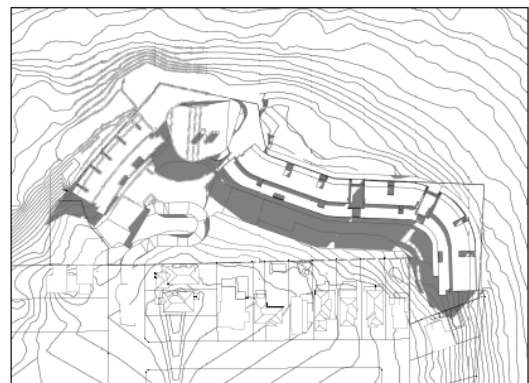
JUNE 21st - 12PM



JUNE 21st - 2PM



JUNE 21st - 3PM



Overshadowing diagrams (June 21) by Marchese Partners

Assessment of Potential Impacts on Views/ Outlook/ Vistas & Amenity Impacts

The proposal is inconspicuous when perceived from the access street – Beaconsfield Road. The photomontage below shows dotted the 8m height plane. When viewed from the streetscape, structures sit well below this plane.



Photomontage - View from Beaconsfield Road

While the 8m height is a development standard in Clause 40(4) of the SEPP Seniors, the proposal is not bound by the clause, as it is not located in 'a residential zone'. The Site Compatibility Certificate (SCC) is also formulated in such a way that the height is not restricted to 8m, but rather is bound by the bulk and scale of the generally approved form.

While Clause 40(4) of the SEPP Seniors does not apply for this development, the challenge to have all structures below the 8m plane, when seen from adjoining residential properties and streetscape, was an auto-imposed decision by the applicant, to ensure outlook and sense of 'openness' is maintained to an acceptable level for the directly adjoining residential neighbours.

Views from across the Golf Course continue to be defined by the green vegetation. More planting and increased canopy is imposed by recommended conditions.

The amended plans revised several times the schedule of colours, to ensure the buildings blend into the green, natural environment and do not reflect sun light. No view loss takes place from streetscape or from across the Golf Course.

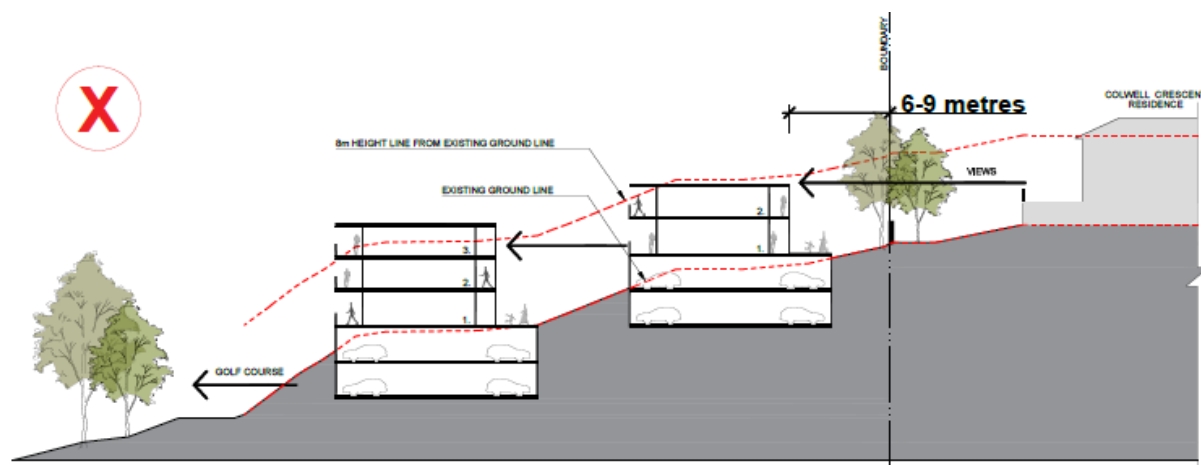


Photomontage - View from corner of Mooney Street and Melrose Street, across the Golf Course

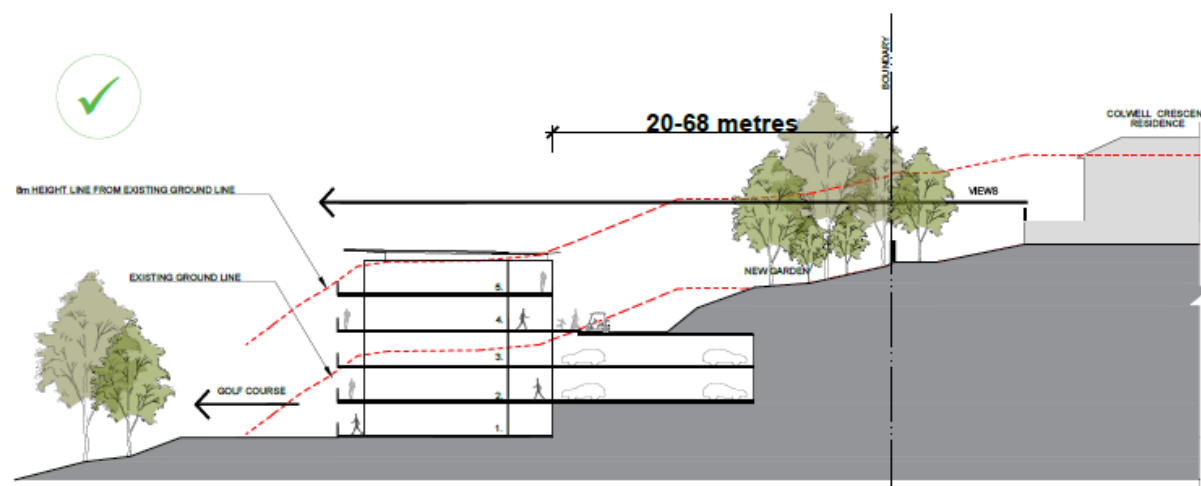


Photomontage - View from 13 Hart Street, across the Golf Course to the south

On the eastern side, the Golf Course site is adjoined by 1-2 storey residential dwellings located in an Environmental Living E4 zone.



CONVENTIONAL SECTION THROUGH DEVELOPMENT
2 Storey block on existing car park and 3 storey block at edge of golf course



PROPOSED SECTION THROUGH DEVELOPMENT
Building at edge of golf course minimising footprint and maximising setbacks, views and open space

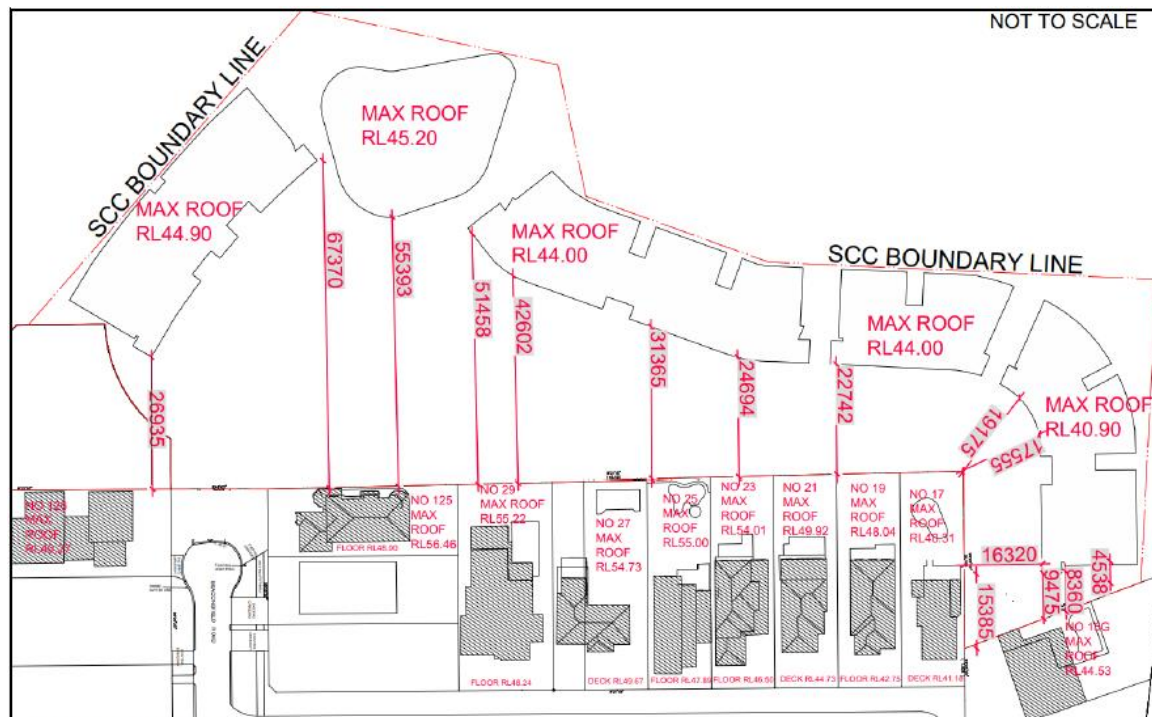
Sections showing why the current scheme was chosen

The chosen location and design is a result of prioritization of the outlook currently obtained from the adjacent dwellings to the east (Colwell Crescent and Beaconsfield Road properties). As previously noted, in order to maintain amenity and minimise the sense of enclosure, a 8m height plane over the level of the carpark was self-imposed by the applicant, along with sufficient setback to the eastern boundary.

The proposal presents as a 1-2 storey development to the adjoining neighbours. The adjoining dwellings, sitting along the ridge are illustrated in the below elevation.



West elevation showing the location of the neighbouring dwellings behind and above the proposed development



Extract DA1.19 Rev B Setbacks and Heights Diagram

The development has been designed to sit below the 2 storey houses on adjoining E4 zoned lands, with a higher built form facing the golf course. With respect to comparative building height, the proposed Clubhouse roof is RL45.20, Building South roof RL44.90 & Building North RL44.00 & RL40.90 at north end adjacent to No 15G Colwell).

A summary of the heights of the proposed development and the roof level of the immediately adjoining neighbours are provided by the applicant in the tables below:

Proposed Development

"Clubhouse" roof – **RL 45.20**

"Building South" roof - **RL 44.90**

"Building North" roof - **RL 44.00** (southern portion) & **RL 40.90** (northern end)

Neighbour house RLs (SEE pg 108);

-No 125 Beaconsfield Rd roof **RL 56.46** (overlooks building south & Clubhouse)

-No 126 Beaconsfield Rd roof **RL 49.27** (overlooks E4 parcel & Building south beyond)

-No 17 Colwell Cres roof **RL 48.31** (overlooks building north RL44 & RL40.90)

-No 19 Colwell Cres roof **RL 48.04** (overlooks building north RL 44)

-No 21 Colwell Cres roof **RL 49.92** (overlooks building north RL 44)

-No 23 Colwell Cres roof **RL 54.01** (overlooks building north RL 44)

-No 25 Colwell Cres roof **RL 55.00** (overlooks building north RL 44)

-No 27 Colwell Cres roof **RL 54.73** (overlooks building north RL 44)

-No 29 Colwell Cres roof **RL 55.22** (overlooks building north RL 44 & clubhouse RL 45.2)

-No 15G Colwell Cres roof **RL 44.53** (primary views to north unaffected / & Building North RL44)

The submissions highlighted that the green vistas/outlook towards the Golf Course are highly appreciated by the adjoining residential dwellings. Notwithstanding this, these green vistas are gained over a privately-owned property, on the green, landscaped areas of this private property.

Generally speaking, the proposal maintains straight, horizontal vistas obtained from the residential dwellings.

However, the views/outlook from adjoining residential dwellings will be affected when looking down. Downward views from residential houses will be towards the roof of the new buildings and part of the buildings (1 to max 2 storeys). These downward views towards the new buildings will be filtered through existing and proposed vegetation.

Taking into account the the direction of views to be affected (looking down), the fact that the green spaces enjoyed are mostly on the subject private property, the fact that the vistas are distant and currently filtered (partial rather than complete), the partial loss of vistas is assessed as generally acceptable.

Moreover, setback is provided in order to ensure that the adjoining residential neighbours do not have a sense of enclosure, as depicted below:

Address	Proposed building setback / House Roof RL versus Club roof RL
No 125 Beaconsfield Rd	55.26m distance to Clubhouse / house roof is 11.26m above
No 126 Beaconsfield Rd	26.9m distance to Building South / house roof is 4.37m above
No 17 Colwell Cres	16.3m distance to Building North / house roof is 7.41m above 22.0m distance to Building North / house roof is 4.31m above
No 19 Colwell Cres	22.5m distance to Building North / house roof is 4.4m above
No 21 Colwell Cres	22.5m distance to Building North / house roof is 5.92m above
No 23 Colwell Cres	24.2m distance to Building North / house roof is 10.0m above
No 25 Colwell Cres	30.0m distance to Building North / house roof is 11.0m above
No 27 Colwell Cres	30.0m distance to Building North / house roof is 10.7m above
No 29 Colwell Cres	41.8m distance to Building North /house roof is 11.22m above
No 15G Colwell Cres	*4.5m-9.4m dist. to Building North/house roof is 0.53m above (*Note: No 15G has northern orientation of living areas to golf course which are not affected. The proposed Building North is sited along the side/western boundary of No 15G so primarily visible from side windows).

Subject to recommended conditions, the provided separation of the new development to the E4 residential dwellings is assessed as sufficient to ensure that a reasonable level of amenity is maintained in regard to overshadowing, overlooking, noise, smells, vapours and alike.

While the above generally applies to directly adjoining neighbours, two properties should receive further attention, as these appear to be in a unique position, closer to where the new buildings wrap around the northern end: 15G Colwell Crescent and 17 Colwell Crescent.

15G Colwell Crescent - wrote to Council in support of the proposal.

17 Colwell Crescent - made a number of submissions, objecting to various aspects of the proposal, including: *"the visual impact on No 17 Colwell Cres is devastating"*.

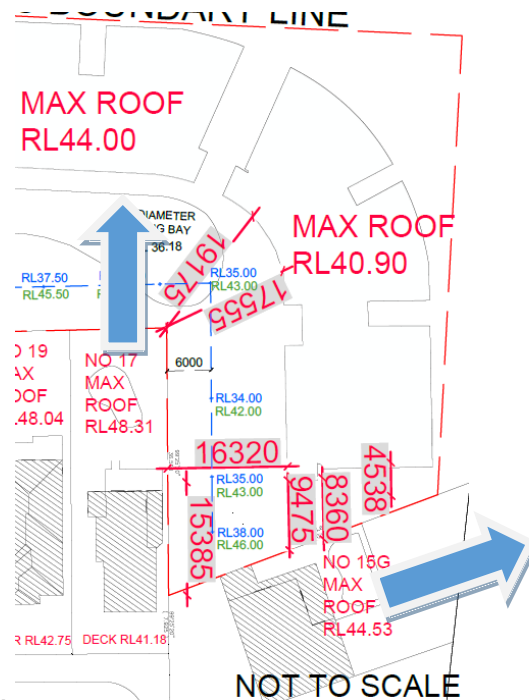
The judgment of *Tenacity Consulting v Warringah Council* provides us with a four step assessment process to be used when making planning decisions with respect to view sharing. This four step process is used to assess view loss for 15G Colwell Crescent and 17 Colwell Crescent.

The concept of view sharing is when a property enjoys existing views/vistas and a proposed development would share that view by taking some of it away for its own enjoyment. The concept of view sharing in **Tenacity Consulting v Warringah Council** [2004] NSWLEC 140 was considered in the current assessment.

The four step assessment - Tenacity

In *Tenacity Consulting v Warringah Council*, Senior Commissioner Dr John Roseth, on behalf of the Court, provided a four step criteria to be applied in the assessment process in order to guide whether or not view sharing is reasonable. In doing so, the Court also gave some helpful guidance as to what should be considered as part of each step of an assessment.

Step One – Assessment of the views to be affected. *“Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.”*



Direction of primary outlook/ vista obtained from 15G Colwell Crescent & 17 Colwell Crescent

15G Colwell Crescent

No iconic views and no water views are currently obtained from any part of the property. Views towards the green Golf Course would rather qualify as 'outlook'. However, for the purpose of this assessment, 'view', 'outlook', 'vista' will be used interchangeably. The primary outlook is open and obtained towards north/ north-east. Secondary outlook is towards west, filtered through trees.

17 Colwell Crescent

No iconic views and no water views are currently obtained from any part of the property. The primary outlook is obtained towards west. Secondary outlook is towards north. Due to the tree canopy that surrounds this property, currently there is minimal distant view to the green Golf Course, heavily filtered through existing vegetation.



Primary existing view (towards west) obtained from ground floor rear deck

Step Two – Consideration from what part of the property the views are obtained. *“For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.”*

15G Colwell Crescent

Views towards the green Golf Course are obtained from rear of the property, including rear deck.



North elevation showing relationship with 15G Colwell Crescent

17 Colwell Crescent

Views towards the subject property are obtained from rear of the property, from the rear deck and upper bedroom windows. Vista to green outlook is obtained from various other side and rear windows (e.g. living area and kitchen at ground floor), over the common boundaries.

Due to the orientation of the dwelling, main view is gained over the swimming pool. Secondary views, over the side boundary shared with the subject property, are gained from ground floor deck, ground floor living area, a second bedroom window at the upper floor and, although not readily visible, through the ground floor kitchen window.

Due to surrounding vegetation there are minimal distant views obtained from this property.

17 Colwell Crescent – current views/outlook from ground floor:



Existing western view obtained from rear deck



Existing northern view obtained from the kitchen window



Existing northern view obtained from living area window



Existing northern view obtained from rear deck (similar to the photo used in the photomontages shown in Step 3 below)

17 Colwell Crescent – current views/outlook from first floor:



Existing western outlook obtained from a bedroom window/balcony

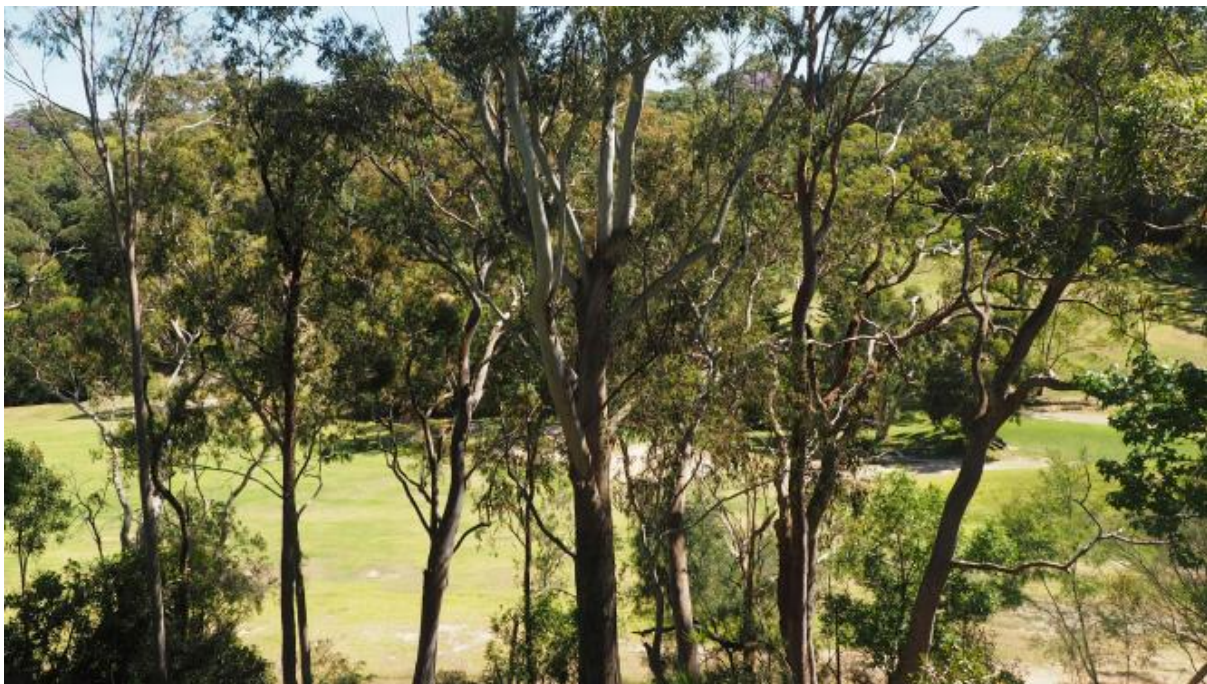


Existing northern outlook obtained from a bedroom window

Step Three – Assessment of the extent of the impact. *“This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.”*

15G Colwell Crescent

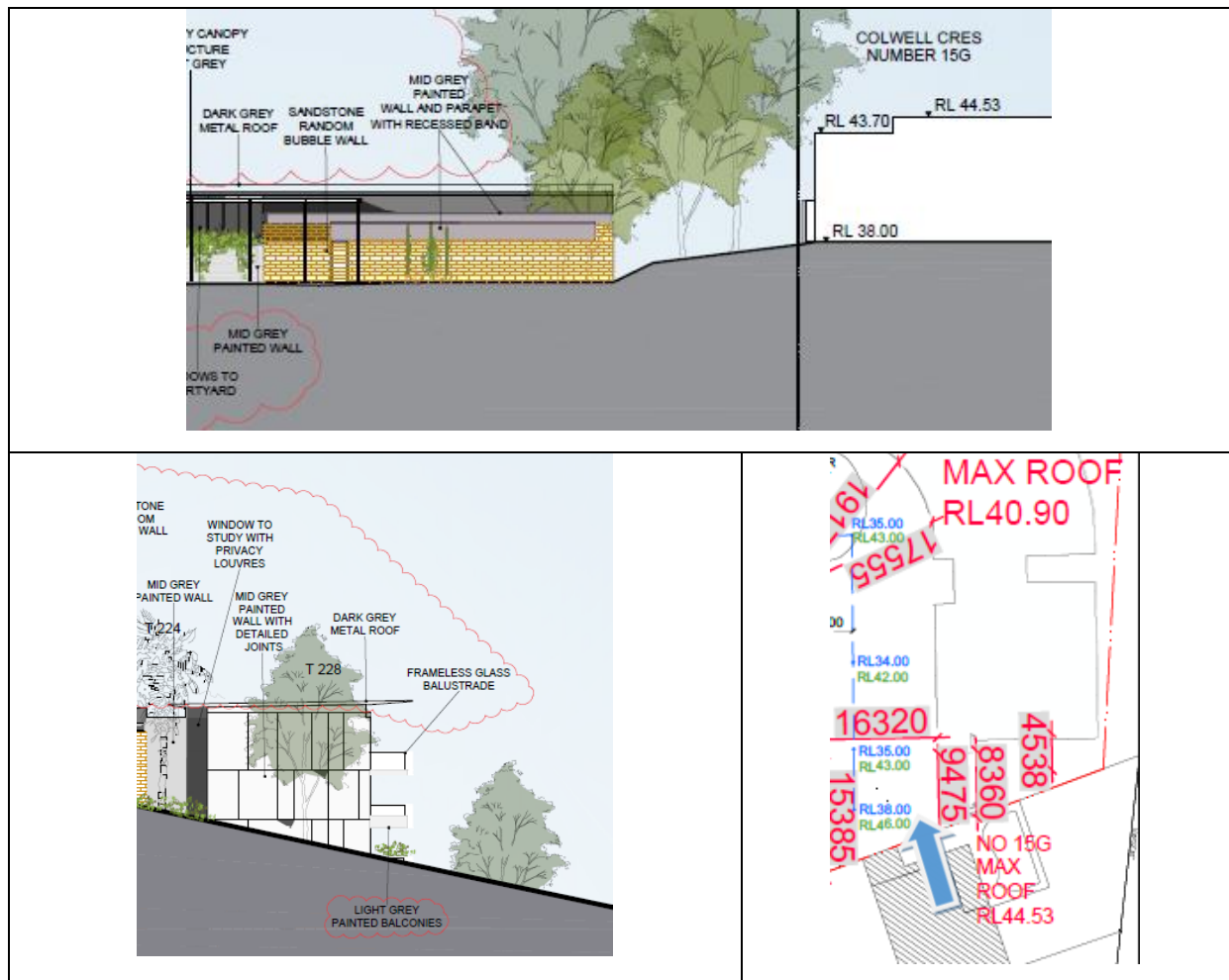
Primary views towards north (towards the green Golf Course) will remain unaffected by the proposal.



Primary, unaffected view from 15G Colwell Crescent

Secondary view (side view) towards west, obtained from rear balcony over the side boundary, will be affected when looking downwards.





The setback of about 10m between buildings ensures that privacy of 15G Colwell Crescent is retained and that the downward view towards the new building will be filtered through trees and bushes. The side wall of the new building was designed to ensure no breach of privacy for 15G Colwell Crescent. The colour palette is mindful of the surrounding natural environment.

Taking into account the proposed setback, existing and proposed vegetation, direction of views, the impact on the primary outlook is considered to be minor.

Overall, taking into account the primary and secondary outlook, the impact on views/outlook obtained from 15G Colwell Crescent is considered to be minor.

17 Colwell Crescent

Primary views towards west (towards the green Golf Course) are obtained from rear balcony and upper bedroom. The rear deck is elevated above ground at RL41.18. The ridge of the house is at RL48.31. Western views/outlook from rear deck are obtained over the rear yard swimming pool and filtered through dense vegetation. The northern building, on the western side of 17 Colwell Crescent, is proposed to be about 20m away, with a roof at RL 44. The proposed northern building will hardly be visible from the rear deck, especially in a sitting position.

As the proposed building has a roof at RL 44, views towards the horizon obtained from upper bedroom window looking west will be retained. From this upper bedroom window, 17 Colwell Crescent is overlooking the proposal, however, due to the vegetation on 17 Colwell Crescent, from the upper western bedroom window, the proposal will be hardly visible.

Taking into account the setback and the existing onsite vegetation, the impact on the primary outlook is considered to be minor.

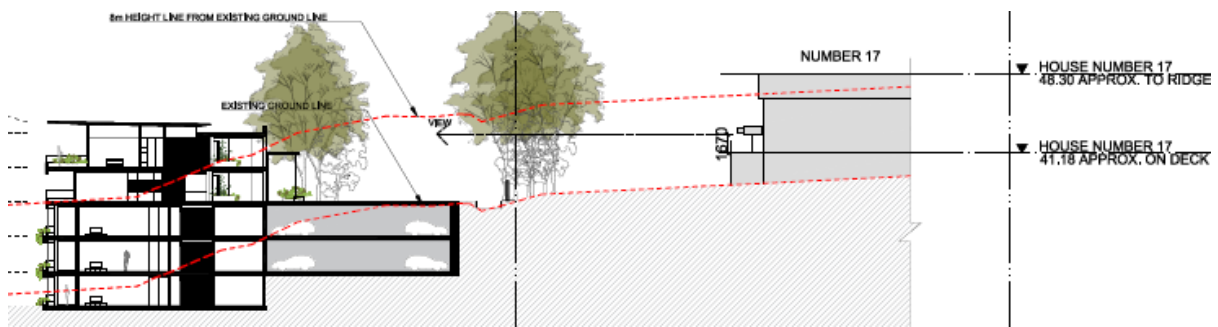


01 EXISTING WEST VIEW



02 PROPOSED WEST VIEW - 3D MONTAGE

Note: Photo taken b

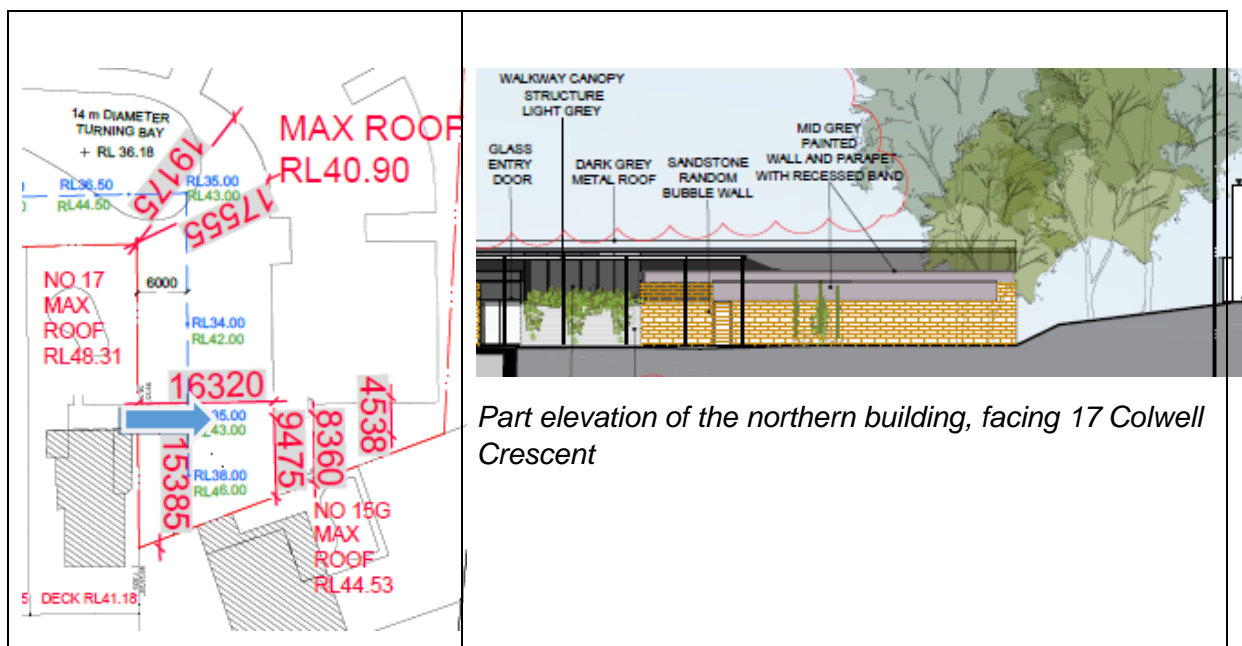


Section through the northern building showing primary vista from rear deck of 17 Colwell Crescent towards west

Secondary outlook towards north is obtained from the same rear deck located at ground floor, only to the side, rather than straight ahead. As previously mentioned, the rear deck of 17 Colwell Crescent is elevated above ground at RL41.18 and the northern building will have the roof at RL40.90. As such, 17 Colwell Crescent will overlook the new building. Side views towards the horizon obtained from 17 Colwell Crescent, when standing, will not be impacted, however, downward views will be.

The new northern building is proposed to be 16.32m away. Overshadowing diagrams (June 21) by Marchese Partners demonstrate that, despite being to the north, the new building does not cast any shadow between 9am and 3pm on the 17 Colwell Crescent property. The wall facing 17 Colwell Crescent is designed with minimum openings (emergency fire exit unlikely to be used often) to maintain privacy and in colours that fit well within the natural environment.

While horizontal views are preserved and other aspects of amenity are not unacceptably impacted, taking into account the setback, the impact on the secondary vista is considered to be minor to moderate.



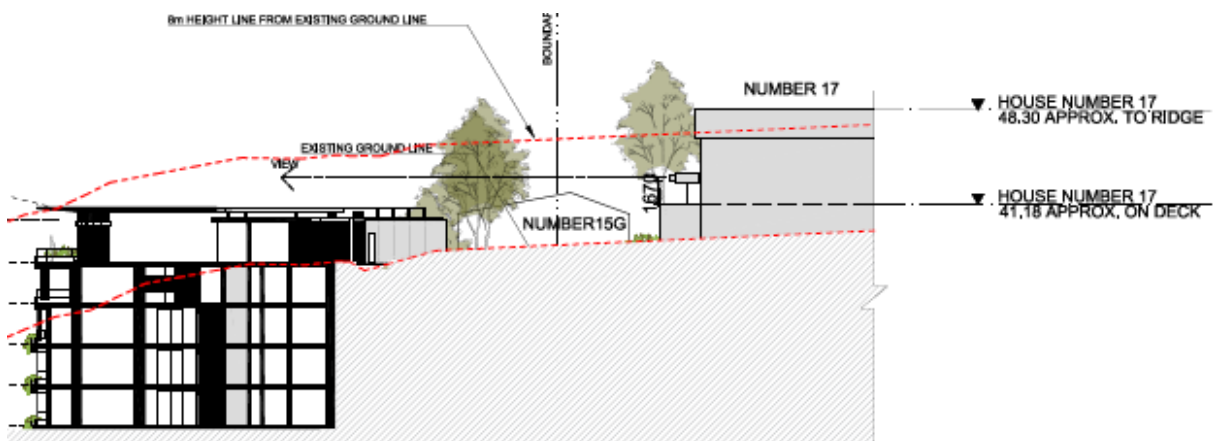
Part elevation of the northern building, facing 17 Colwell Crescent



01 PROPOSED VIEW TO THE NORTH - 3D MONTAGE WITH LANDSCAPE

Note: Photo taken on 3

Photomontage provided by the applicant (without landscape above; with landscape below)



Sections through the northern building showing secondary vista from side of rear deck of 17 Colwell Crescent, towards north (boundary line depicted in error)

Step Four – Assessment of the reasonableness of the proposal that is causing the impact. *“A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable”*

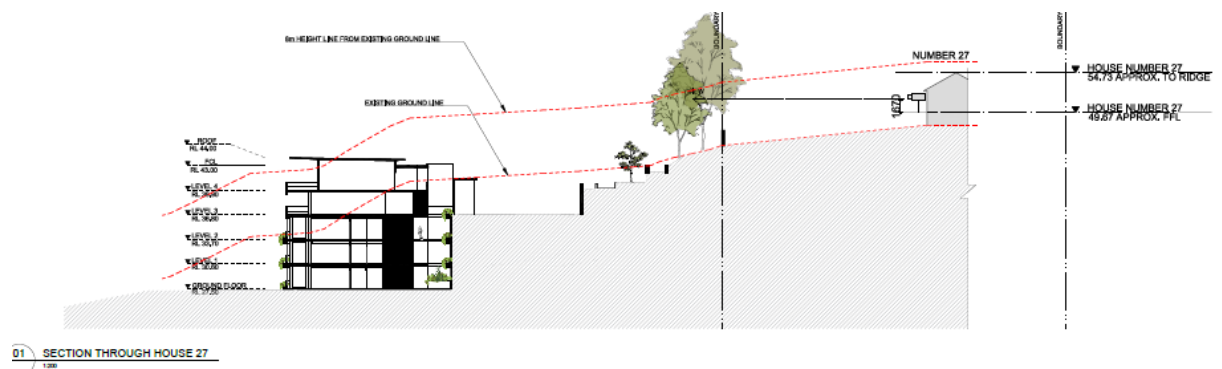
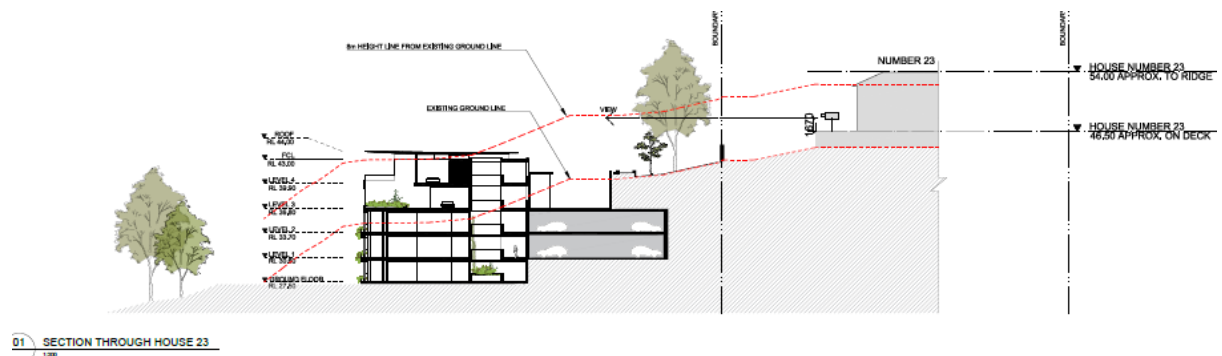
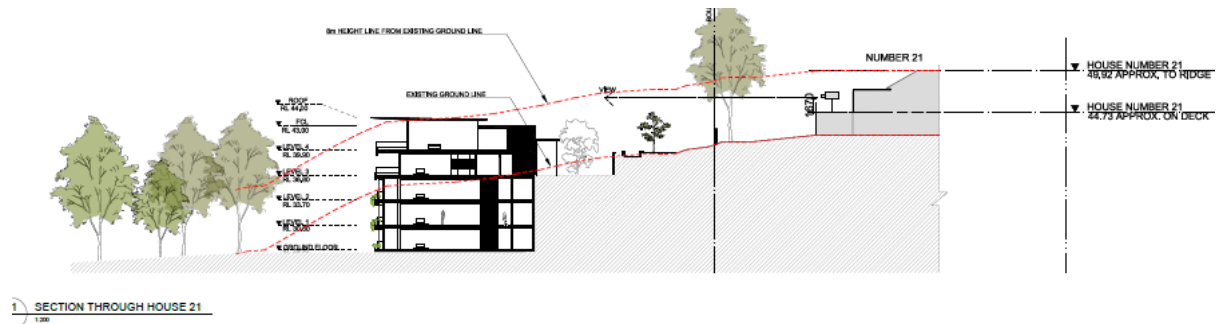
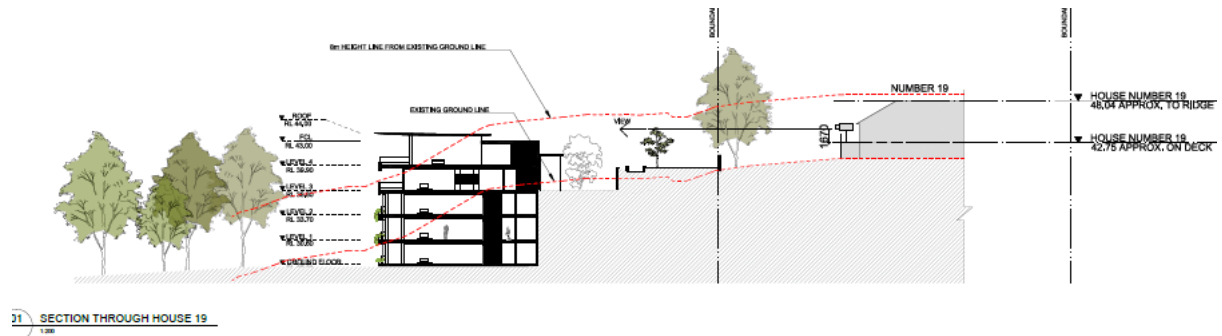
The proposal is 1-2 storey height as seen from adjoining residential properties, so that it maintains the existing distant outlook to the golf course, obtained from the rear of the adjoining existing dwellings, over the proposed buildings. As seen from these properties, the proposal generally sits well below an 8m height plane (dashed in red on architectural drawings). The development generally complies with the main planning controls applicable to the proposal and, in this regard, it is considered reasonable.

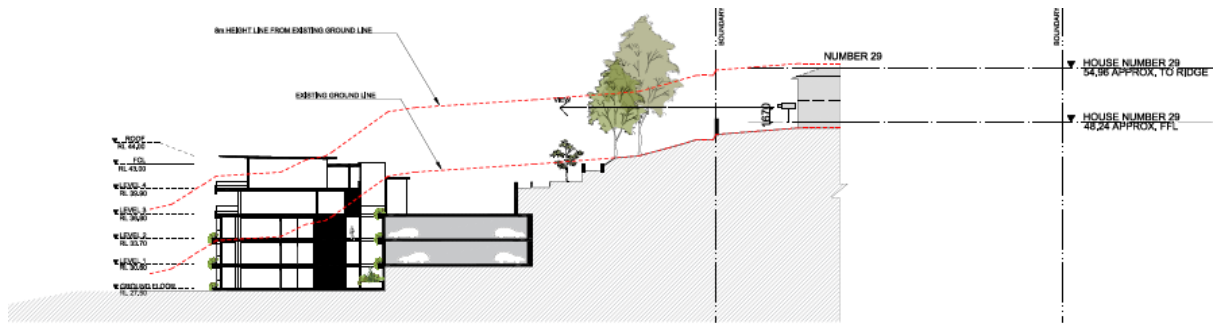
While part of the green landscaped area on the subject site will be replaced by the new buildings, the 2 storey scale and the colour palette chosen will fit well with the scale and character of the adjoining established residential dwellings. The setback is sufficient to maintain privacy (e.g. noise, overlooking). Noting that the green outlook currently enjoyed and valued by these dwellings is located on the subject property, some of this outlook will be impacted, however, views towards the horizon will be generally maintained.

In this specific case, the impacts on views are acceptable and the view sharing assessed to be reasonable.

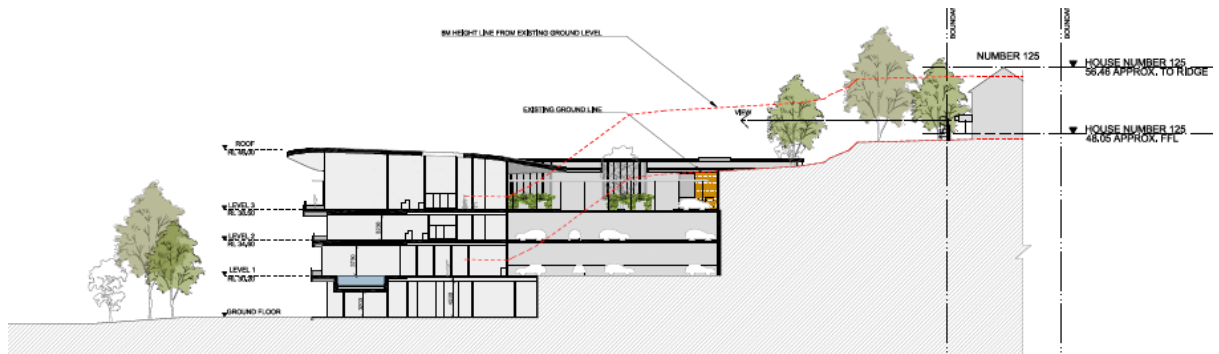


The following sections through different adjoining residential properties were provided by the applicant and were taken into consideration in this assessment:

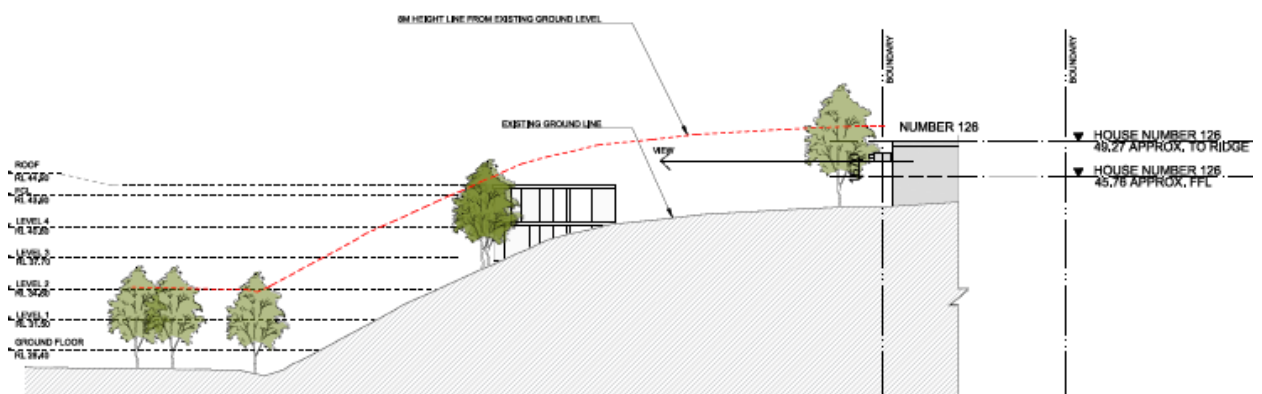




01 SECTION THROUGH HOUSE 29
1:200



01 SECTION THROUGH HOUSE 125
1:200



01 SECTION THROUGH HOUSE 126
1:200

Waste Management

The seniors village is a loan lease arrangement under the Retirement Villages Act, not strata title. The site subject to the seniors village will remain a single allotment receiving a single rates notice and not multiple lots owned by individual owners.

The applicant states that the residents of each apartment will pay a combined monthly “recurring fee” which covers waste, maintenance, electricity (if any), water, insurances and the like. This scenario is in contrast to Torrens and strata subdivided developments elsewhere, whereby each apartment owner receives an individual rates notice with waste collection charges clearly denoted. The village operators acknowledge that the council waste collection fees are levied regardless under the Local Government Act so that both private and Council waste collection charges will apply.

The followings were considered in the assessment:

- The subject site has a steep topography (commencing at RL 46 at the site entry to RL 27 at the base of the Clubhouse - a fall of 19m).
- The seniors’ village is a loan lease arrangement under the Retirement Villages Act, not strata title. The seniors’ site will remain a single allotment receiving a single rates notice and not multiple lots owned by individual owners. The residents of each apartment will pay a combined monthly “recurring fee” which covers waste, maintenance, electricity (if any), water, insurances... This scenario is in contrast to Torrens and strata subdivided developments. The village operators acknowledge that the council waste collection fees are nonetheless levied under the Local Government Act, so that both private and Council waste collection charges will apply.
- Seniors housing developments typically generate lower waste volumes than ordinary residential units.
- The proposal has been designed to be accessible by mini waste contractor vehicles, down the driveway ramp to Level 3, which can accommodate a 2.4m height clearance.
- There are examples of other developments being serviced by smaller private waste contractor vehicles. The underlying objective is to reduce building height of apartment buildings and to facilitate waste collection from a basement level, rather than from on street, which could have more impact on neighbours.
- The alternative approach to locate the resident bins near the street frontage is not practical in a cul-de-sac location, taking into account the size of the development / no of senior living units.
- A different scheme would result in significant view/vistas loss and a large built form closer to the eastern boundary.

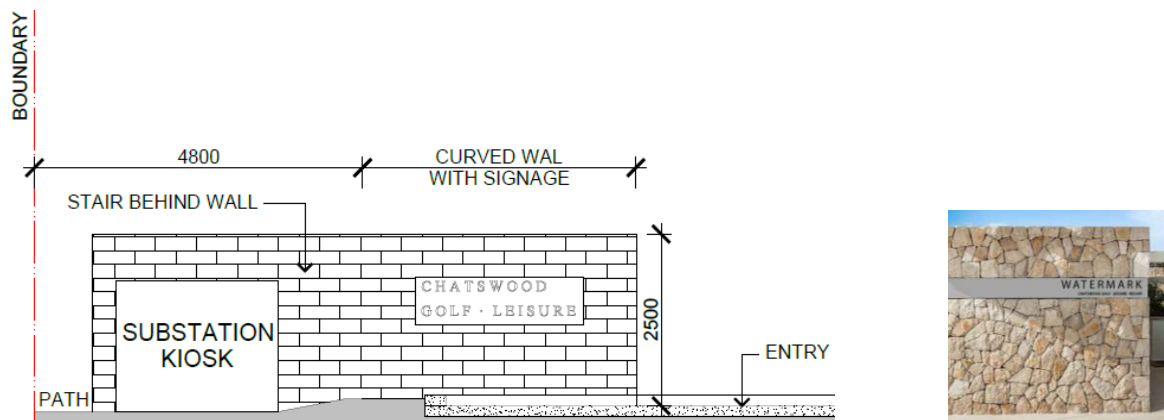
In this particular instance, a private contractor servicing both the club and the seniors housing is considered appropriate by Council’s Waste Officer and conditions were included to ensure development is serviced by private contractors (waste) in perpetuity.

Signage

Location of signage: adjacent to the village entry, over the entry to the Clubhouse, directional signage within the development. Signage over the entry to the Clubhouse and directional signage are acceptable and not able to be readily seen from public places.

The application proposes a stone entry wall and signage at the top of the driveway, visible from the cul-de-sac of the public Beaconsfield Road.

The low wall signage will be externally illuminated by up-lighting. Signage location and dimension details are incorporated on the Entry Sign Detail drawing and entirely within the subject site.



East Elevation showing the proposed substation Kiosk and wall with stairs, located behind the kiosk, both visible from site entry

Below is an assessment demonstrating that, subject to conditions, the signage satisfactory meets the Assessment criteria specified in Schedule 1 of the *State Environmental Planning Policy No 64—Advertising and Signage* (SEPP 64).

Schedule 1 Assessment criteria SEPP 64	Comments
1 Character of the Area	
<ul style="list-style-type: none">Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signs are consistent with the character of the development and compatible with adjoining land uses.
<ul style="list-style-type: none">Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	
2 Special Areas	
<ul style="list-style-type: none">Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	Subject to condition for illumination (entitled 'Lighting'), the proposed business identification signs should not detract from the local amenity.
3 Views and vistas	
<ul style="list-style-type: none">Does the proposal obscure or compromise important views?	The proposal will not impact on any existing views or vistas. The position of the proposed signs will not affect views from adjoining residential properties.
<ul style="list-style-type: none">Does the proposal dominate the skyline and reduce the quality of vistas?	
<ul style="list-style-type: none">Does the proposal respect the viewing rights of other advertisers?	
4 Streetscape, setting or landscape	
<ul style="list-style-type: none">Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale, proportion and form of the proposed signage are appropriate for the development.
<ul style="list-style-type: none">Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	While the signs indicate location, the views from the public domain remain unaffected.
<ul style="list-style-type: none">Does the proposal reduce clutter by rationalizing and simplifying existing	The proposed design and location of the signs is considered to be simple.

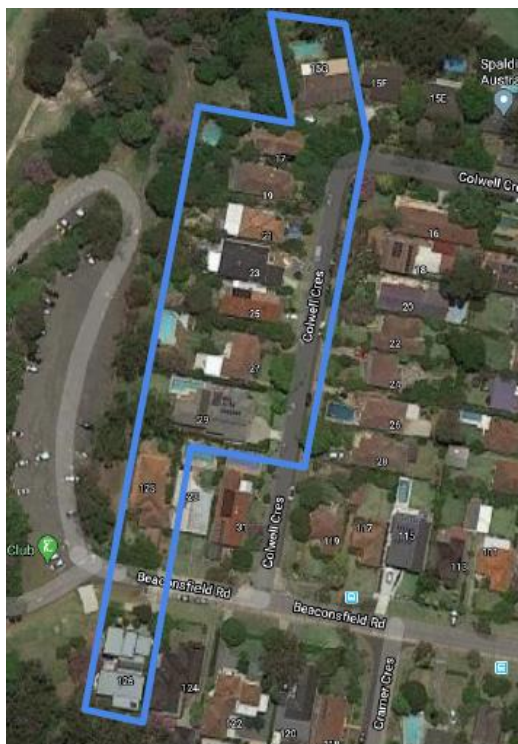
advertising?	
<ul style="list-style-type: none">Does the proposal screen unsightliness?	The proposed signs are not considered to result in unsightliness.
<ul style="list-style-type: none">Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signs do not protrude above the building.
<ul style="list-style-type: none">Does the proposal require ongoing vegetation management?	The proposed signs do not require any ongoing vegetation management.
5 Site and building	
<ul style="list-style-type: none">Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposed signage is compatible with the scale, proportion and character of the proposed development.
<ul style="list-style-type: none">Does the proposal respect important features of the site or building, or both?	
<ul style="list-style-type: none">Does the proposal show innovation and imagination in its relationship to the site or building, or both?	
6 Associated devices and logos with advertisements and advertising structures	
<ul style="list-style-type: none">Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	n/a
7 Illumination	
<ul style="list-style-type: none">Would illumination result in unacceptable glare?	The proposed signage is illuminated. No curfew is considered to be required, as signage sits well within the site. A condition of consent is imposed, requiring that the illuminated signage shall ensure no nuisance is created to directly adjoining residential properties and traffic on Beaconsfield Road.
<ul style="list-style-type: none">Would illumination affect safety for pedestrians, vehicles or aircraft?	
<ul style="list-style-type: none">Would illumination detract from the amenity of any residence or other form of accommodation?	
<ul style="list-style-type: none">Can the intensity of the illumination be adjusted, if necessary?	
<ul style="list-style-type: none">Is the illumination subject to a curfew?	
8 Safety	
<ul style="list-style-type: none">Would the proposal reduce the safety for any public road?	The location of the proposed signage is entirely within the subject site and it is considered that it will not reduce the safety of vehicles and pedestrians.
<ul style="list-style-type: none">Would the proposal reduce the safety for pedestrians or bicyclists?	
<ul style="list-style-type: none">Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	

While the proposed signage is assessed as acceptable, the substation kiosk located in front would benefit of an improved appearance. The applicant was verbally advised to consult with the energy authority, and, if kiosk needed in the proposed location, to improve the design or finish, as for example to paint in colours/theme that replicate the natural features of the site.

ATTACHMENT 10: COMMUNITY CONSULTATION & SUBMISSIONS TABLE

Chatswood Golf Club – Applicant’s Advice on Community Consultation Process Prior to Current Application

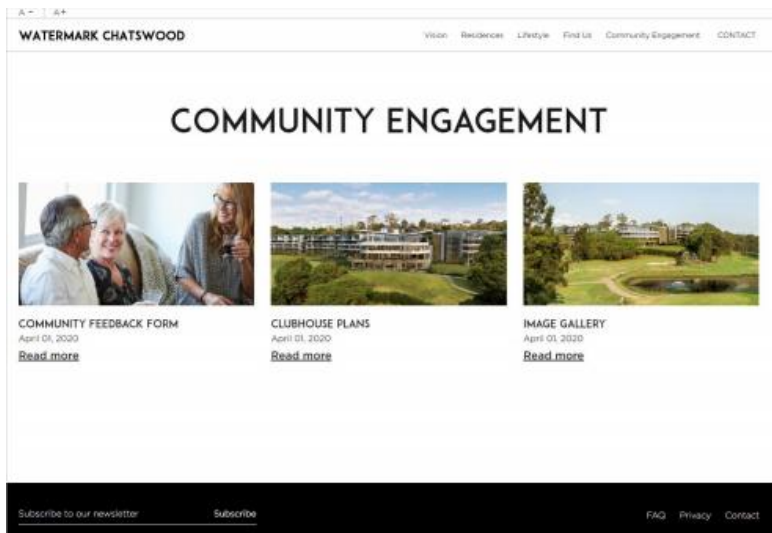
- Colwell Crescent resident’s consultation - Residents immediately adjacent to the proposed development were consulted via dedicated information sessions, the first of which **commenced 30 July 2017**. Consultation continued until DA submission in May 2020. Further meetings and email correspondence has continued to date. Subsequent information sessions were undertaken in **July, Nov & Dec 2019** at Chatswood Golf Club (CGC).



The Colwell Crescent homes which initially participated in the consultation

- Original CGC Member involvement commenced back in 2016 with unanimous support (voted 111 – 0) for the proposal to sell the CGC carpark land to Watermark. CGC Member consultation sessions – took place over four weeks (8 sessions) in **February 2020**. Club Members were invited to these sessions via the CGC website, club newsletters and social media platforms.
- Community invitation to Information Sessions through letter box delivery. Broader community engagement notification undertaken through direct delivery of 5,000 brochures inviting local residents to Community Information Sessions facilitated by CGC and Watermark Chatswood. In instances where a recipient was not able to attend during the proposed session times, CGC offered to facilitate alternative arrangements.
- Community Information Sessions - Scheduled **for four weeks in March and April 2020** at the CGC Clubhouse. These sessions comprised Watermark Chatswood representatives discussing the proposed development in an informal and face to face setting. **Four (4)** Community Information sessions were conducted prior to the government isolation restrictions due to COVID-19. The letterbox drop was undertaken on the weekend of 7th and 8th March 2020.

- Covid-19 revised community engagement - Notification and revised consultation measures were developed in light of 'social distancing' orders from the Government. Notification of changes included social media and the existing CGC website. The revised community engagement was adapted to allow engagement through a dedicated landing page on the Watermark Chatswood website.



Screenshot Watermark Chatswood website

- Watermark Chatswood Community Engagement page - on the Watermark Chatswood website that provided brochures, architectural plans, 3D renderings of development, FAQs and a community feedback form. This page was open from 2 April 2020

<https://chatswoodgolf.com.au/community-engagement/>

<https://watermarkchatswood.com.au/community-feedback-form/>

- Press coverage - The proposed development has been covered by several media outlets since 2016, with the most recent articles occurring in 2019 following the submission of a Site Compatibility Certificate. The coverage includes articles from: The Daily Telegraph, North Shore Times, ASX announcements, Nine Finance,

The collage consists of three distinct parts. On the left is a photograph of a severe traffic jam on a multi-lane road, with cars packed closely together. In the center is a newspaper clipping with a red header that reads 'Development to secure golf club's future'. The text below the header discusses a proposed development at the Chatswood Golf Club, mentioning the NSW Golf Club and the need for a new clubhouse and facilities. On the right is a yellow advertisement for 'Creighton's Retirement Services'. It features the company logo and text stating 'A community of care', '100% Australian owned and operated', and provides a phone number '9488 9265' and a website 'www.creightonsretirement.com.au'.

This block contains a newspaper article. The headline is 'Chatswood Approves Residential Development Proposal'. Below the headline is a sub-headline 'POSTED ON SEPTEMBER 21, 2016 @ 10:06 AM' and social media sharing icons for LinkedIn, Facebook, and Twitter. The main image is a photograph of a lush green golf course with a clubhouse in the background. The article text, which is partially obscured, discusses the approval of a residential development proposal for the Chatswood Golf Club. It mentions that the club has agreed to sell off a portion of its land to a senior residential developer, Watermark, to secure the club's long-term financial position. The article also notes that the development will include a new clubhouse and other facilities, and that the club's members have approved the proposal.

Conclusions drawn by the applicant from community consultation:

- The number of responses throughout the community engagement is considered relatively low when compared to the audiences targeted for community consultation undertaken by CGC and Watermark Chatswood - 28 responses were received in contrast to the 5,000 invitations to information sessions and 700 CGC members.
- The feedback received from the community consultation has identified broad support for the proposed development. The level of support varied, as follows:
 - Wider, strong level community support for the development, largely attributed to the extensive consultation that has taken place over multiple years.
 - Low participation responses from CGC members. Previous support given through the two relevant Club resolutions; being the reclassification of 'core' to 'non-core land' and sale of 'non-core land' to Watermark for the proposed development.
 - Mixed support for the 'range of facilities being offered':
 - strong support of the facilities offered and commented on the desire for local residents to be able to enjoy the proposed facilities - bistro, pool, gym and cinema;
 - low support from members for golf course upgrade DA for reduction in golf playing holes from 18 to 12;

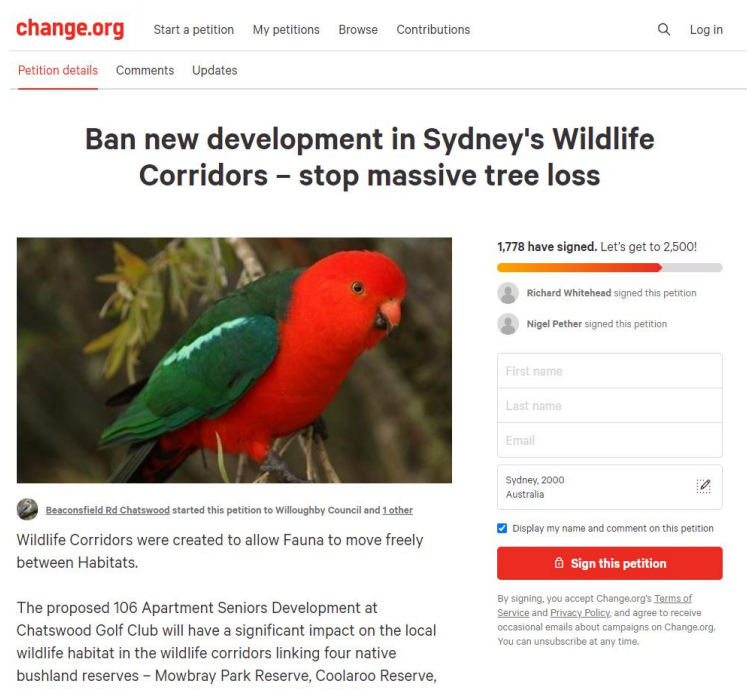
Willoughby Council - Community consultation during current development application

In accordance with the Willoughby Community Participation Plan, notification of current DA-2020/117 for '*Demolition of existing Chatswood golf clubhouse and car parking, re-subdivision and construction of a new 4 storey clubhouse, 106 self-care seniors' dwellings, 3 levels basement car parking, associated landscaping and earthworks*' took place between 9 June 2020 and 30 June 2020.

A number of households requested extension of notification. All requests for extension were granted. Objections from 59 different households were received, including 2 petitions and an on-going online petition on *Change.org* entitled '*Ban new development in Sydney's Wildlife Corridors – stop massive tree loss*' that gathered to date 1775 signatures.

<https://www.change.org/p/ban-new-development-in-sydney-s-wildlife-corridors-stop-massive-tree-loss>

A list of the people that endorsed online the petition on Change.org was not provided by the author of the petition to date and there is no indication that the gathered electronic signatures are unique and/or confined to a specific area (e.g. Willoughby).



The screenshot shows the Change.org website interface for a petition. At the top, the Change.org logo and navigation links are visible. The petition title is 'Ban new development in Sydney's Wildlife Corridors – stop massive tree loss'. Below the title is a photo of a red and green parrot. To the right of the photo, it says '1,778 have signed. Let's get to 2,500!' with a progress bar. Below this, there are two user avatars and names: 'Richard Whitehead signed this petition' and 'Nigel Pether signed this petition'. A sign form is present with fields for 'First name', 'Last name', 'Email', and 'Location' (pre-filled with 'Sydney, 2000 Australia'). There is a checkbox for 'Display my name and comment on this petition' and a red 'Sign this petition' button. At the bottom, there is a disclaimer about accepting Change.org's Terms of Service and Privacy Policy.

Following discussions with the applicant, Council officers organised site visits on a number of properties adjoining the development on the eastern side of the subject site, on Colwell Crescent and Beaconsfield Road, on 26 August 2020. Various concerns were discussed with each household and photos towards the proposed development were taken.

Following the submission of amended plans, Council decided not to re-notify, in line with Willoughby Community Participation Plan. Notwithstanding this, Council gave the opportunity to all directly adjoining neighbours to comment on the amended documentation between 3 March and 24 March 2021. An additional 6 (six) submissions objecting to various aspects of the proposal were received.




Map of households in proximity of the subject site that made submissions



Overall, counting the individual households only once, 11 are in support of the proposal and 59 are objecting to the development. Matters raised by the objectors and comments on those matters are addressed below:

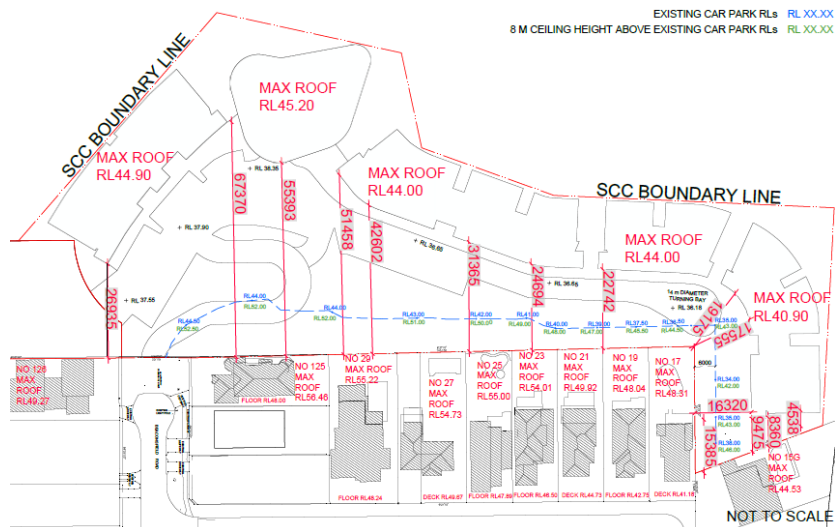
Issue	Response
<p>Concern with scale of the development Increase from 60-80 units to 106 units</p>	<p>The pre-DA nominates 106 independent living units. The Site Compatibility Certificate (SCC) issued by Sydney North Planning Panel (SNPP) on 13 June 2019 nominates that the proposal is for <i>'Development for up to 106 seniors serviced self-care housing units, ancillary facilities and associated landscaping'</i>.</p> <p>This assessment had taken into account the terms of the Site Compatibility Certificate and the detailed plans and documentation provided, with respect to current legislation.</p> <p>The current application comprises of 106 seniors serviced self-care housing units, consistent with the pre-DA and the approved SCC.</p> <p>The application is recommended for determination based on the merit of the latest plans and documentation.</p>
<p>As the natural attributes of this site have not changed and Council's assessment officers have not changed in the past four years, only the scale and bulk of this development changed...</p> <p>What has influenced Council staff to ignore the environmental issues previously identified by the same staff members 4 years earlier?</p>	<p>The question relates to the advice given by Willoughby Council to the SCC, rather than to the application under assessment.</p> <p>The current development application and the SCC are separate matters, assessed by separate panels.</p> <p>The valid SCC expires on 13 June 2021. The applicant applied for a second SCC in order to receive an extension within the same terms as the currently valid SCC, in the event that determination could not occur by 13 June 2021. The only change envisioned in the second SCC, in addition to the existing terms of the current SCC, is to correct a drafting error.</p> <p>Willoughby Council Planning Manager (author of the letter to the SCC assessment Panel) advised that that the intent of the letter is not to assess scale, bulk or environmental issues, but rather to allow for correction of the drafting error and <i>"enable completion of the development application currently with Council"</i>.</p>
<p>Due to Covid19 measures, access to plans is difficult and notification should be longer to allow sufficient time to review hundreds of plans and documents</p>	<p>Current DA 2020/117 was notified between 9 June and 30 June 2020. Notification was formally extended on individual bases, for anyone that wanted a longer period. Furthermore, all submissions received after 30 June 2020 to date were accepted.</p> <p>Council officers organised site visits on a number of properties adjoining the development on the eastern side of the subject site in order to provide clarification and give an opportunity to the applicant to understand and address issues.</p> <p>Following the submission of amended plans, Council again gave the opportunity to all directly adjoining neighbours to comment on the amended documentation. Additional submissions objecting to various aspects of the proposal were</p>

	<p>received and relevant matters addressed in this table.</p> <p>This application benefited from the comments received, as many were translated in conditions of consent recommended with this report.</p>
Inadequate consultation process – residents were aware of 60-80 units development, not 106 units	<p>While the current assessment must focus on the application as it is presented today, the proposal and changes over time were made public prior to lodgement of the application. The applicant provided documentation showing resident consultation via letters, club newsletters, meetings/ Information Sessions, website and other social media platforms, newspapers... Council officers also participated in a number of pre-development applications that proceeded the current application.</p>
Extent of site coverage	<p>The SCC generally limits the development to the approved footprint area. The word “generally” allows for minor variations, subject to planning assessment in regard to height, bulk, scale, loss of vegetation and retention of open space.</p> <p style="text-align: center;">SCHEDULE 2</p> <p>Requirements imposed on determination:</p> <ol style="list-style-type: none"> 1. The seniors housing development is to be generally limited to the development footprint area within the golf course site, as nominated under architectural drawing Site Compatibility Certificate Footprint Plan, prepared by Marchese Partners and dated April 2019 (see Figure 1 below). 2. The final layout, building construction, dwelling numbers and on-site facilities for the seniors housing development will be subject to the resolution of issues and impacts relating to: <ul style="list-style-type: none"> • height, bulk and scale of development; • loss of vegetation; and • retention of open space. <p>The current application generally limits the development to the SCC approved footprint area contained in the documentation submitted to SNPP.</p>
<p>There is a significant footprint error with substantial implications in respect to the current SCC and DA. The footprint of the current application is different to the SCC approved footprint - which makes the DA invalid or should be refused.</p> <p>The SCC footprint is different to the DA footprint – previous court case <i>Waterbrook Bayview Pty Ltd v Northern Beaches Council</i> [2019] NSWLEC 1112 refused a similar case</p>	<p>The footprint of the development has not changed between SCC and DA. The ‘slip’ of the footprint on the SCC approval document appears to be the result of a drafting error. The footprint in the SNPP assessed documentation is similar to the footprint of the DA 2020/117.</p> <p>A Statutory Declaration by Marchese Partners confirms that the footprint sits within the area as intended, depicted in error on the SCC. The fact that the footprint is in fact marked in error is also demonstrated by the documentation submitted to the SCC for assessment. The error appears only on the certificate issued by the SNPP.</p> <p>Moreover, while the sketch of the footprint drawing on this document slipped in error, the subject lots are nominated correctly as Lot 163 DP752067, Lot 1 DP651667, Lot 1 DP1124646 and Lot 22, DP626634.</p> <p>In the Court case mentioned, <i>Waterbrook Bayview Pty Ltd v Northern Beaches Council</i> [2019] NSWLEC 1112,</p>

	<p>Commissioner Gray concluded that ‘the terms of the certificate do not satisfy the requirements of subcl (2)(b). To satisfy subcl (2)(b), the terms of the SCC either need to explicitly refer to “development for the purposes of seniors housing of the kind proposed in the development application”, or implicitly refer to such development, by reference to the definitional elements or requirements of the seniors housing “of the kind proposed”. The existing SCC does neither.’</p> <p>The subject case is not a similar case, as the terms of the certificate specifically mention that the site and the development satisfy the requirements of CI 24 subcl (2)(a) and 2(b) of SEPP Seniors.</p> <p>Furthermore, the subject SCC contains specific wording that requires the subsequent development application to be ‘generally limited’ rather than explicitly limited to the footprint. This means that the SCC has a degree of flexibility that allows the development application to be determined.</p>
<p>The development site is adjacent to, and shares a common boundary with E4 Environmental Living Zone properties and the proposal is of a height, bulk, scale and setback that are incompatible with E4 zone.</p>	 <p>The E4 zone directly adjoins the golf course to the east and comprises 1-2 storey single dwelling houses. Dwelling houses to the north-west, south, south-east are scattered around the golf course and are generally located 200m+ distance from the subject site. A seniors housing medium density development is located along Hart Street to the south/south-west. Most adjoining dwellings have tree-filtered outlook/views to the Golf Course or enjoy distant outlook/views above the Golf Course.</p> <p>The proposed buildings are setback a minimum of 16m to the E4 zone boundary, except for No 15G Colwell Crescent at the northern end of the site which is 4.5m – 9.4m setback from boundary.</p> <p>The development has regard to the adjacent E4 zone housing proposing a 1 storey and a 2-storey built for, as seen from properties to the east.</p> <p>The elevation below demonstrates that most dwellings located on adjoining E4 land are located at an RL above the max roof level of the proposal and outlook/views over the development will be maintained.</p>

	 <p>For further assessment of potential view losses, please consult the relevant section in this report.</p>
<p>Excessive Bulk, Scale, Height</p>	<p>The built form under the DA is consistent with the approved SCC application and comprises similar heights/setbacks/unit numbers as the SCC approved application. Compared with the architectural solution approved by SCC, amended drawings include more articulation and a detailed schedule of colours, for a better presentation and integration into the natural environment.</p> <p>The design mitigates overshadowing of adjoining residential properties to the east, with only a minor shadow impact to No 15G pool in mid-winter.</p> <div data-bbox="564 1140 1394 1451">  </div> <p>Pre-DA montage 2019</p> <div data-bbox="564 1473 1394 1805">  </div> <p>Proposed DA montage 2020</p> <p>Green areas within the building indicate areas where <i>'the mass of the built form is broken to reduce its visual mass'</i>:</p>

	 <p><i>Proposed Roof level – DA2.07, revision D</i></p>
<p>Height poles must assist assessment</p>	<p>Following a request from Council, the applicant, with assistance from a registered surveyor, marked on trees (and where required) the height of proposed structures, and connected various points by tape. The applicant also marked/indicated the trees that are proposed to be removed from site, in order to facilitate accurate understanding of height and bulk of the proposal and assessment.</p>
<p>Height - The development appears to be 2 storeys above carpark level (which is too much).</p> <p>The development has 5 storeys next to single and 2 stories houses at the northern end.</p>	<p>The Clubhouse is proposed on 4 levels, to max RL 45.20, while the existing upper carpark adjoining residential E4 sites is currently at approx RL44.05 – 1.15m above paved upper carpark.</p> <p>The south-west side of the Seniors Village is proposed on 5 levels, to a max RL44.90, while the existing upper carpark adjoining residential E4 sites is currently at approx RL44.00 – 0.9m above paved upper carpark.</p> <p>The north-west side of the Seniors Village is proposed on 5 levels, to a max RL44.00, while the existing upper carpark adjoining residential E4 sites is currently at approx RL41.27 – 2.73m above paved upper carpark.</p> <p>The northern side of the Seniors Village is proposed on 5 levels, to a max RL40.90, while the existing upper carpark adjoining residential E4 sites is currently further away to the south and less relevant, but at approx RL40.00 – 0.9m above paved upper carpark. Due to irregular fall in natural land at this location, the northern side reads as a 2 storey building when seen from this side of development.</p>  <p><i>Extract from survey</i></p>



Extract from DA1.19 version B showing comparative RLs between the adjacent residential dwellings and the proposed buildings


The proposed buildings follow the slope of the land. Horizontal vistas towards the golf course are maintained for the adjoining residential neighbours. Consequently, although the development is up to 5 levels, it will be seen as 1 to 2 levels from public and private places in the vicinity of Beaconsfield Road and Colwell Crescent, which is assessed as an acceptable outcome.

The DA is silent to what appears to be a zero setback on our boundary (17 Colwell Crescent). The proposed turning circle with the multi-level underground carpark below and stormwater infrastructure appear to be hard up against our rear boundary fence at 17 Colwell Crescent.

The latest assessed plans amended the turn head (level 3 driveway) to achieve minimum 3m landscape setbacks to 17 Colwell Crescent boundary.



Except from proposed North Building - Level 3

	 <p><i>Except from proposed North Building - Level 2</i></p> <p>Taking into consideration the distance to the dwelling and the difference in levels from the dwelling to the turn-head, the amendments are regarded as satisfactory.</p> <p>Similarly, sufficient setback to the eastern boundary is provided for the underground carpark.</p>				
<p>The pathway should be relocated further away from eastern boundary, away from adjoining residential properties</p>	<p>Following discussions with neighbours, the amended plans relocated the pedestrian pathway further away from eastern boundary. Further treatments were incorporated to better separate the E4 properties in order to ameliorate potential visual and noise impacts. The pathway is sufficiently setback and at located at lower level to minimise amenity impacts on residential properties in proximity. The proposal is regarded as acceptable.</p>				
<p>The roof of the Clubhouse incorporates an upward sweep</p>	<p>The unusual form of the roof is an architectural choice made by the applicant. Notwithstanding the shape, the highest point of the roof at RL 45.2 is significantly lower than the directly opposing neighbouring roofs, as noted by the applicant:</p> <table border="1" data-bbox="564 1525 1401 1585"> <tr> <td>125 Beaconsfield Rd</td><td>55.26m distance to Clubhouse / max roof ridge is 11.26m above</td></tr> <tr> <td>29 Colwell Crescent</td><td>55+m distance to Clubhouse / max roof ridge is 10.02m above</td></tr> </table> <p>The lower RL of the Clubhouse roof, combined with the separation of min 55m from eastern boundary ensure that the shape is irrelevant in terms of views/outlook obtained from these residential properties.</p>	125 Beaconsfield Rd	55.26m distance to Clubhouse / max roof ridge is 11.26m above	29 Colwell Crescent	55+m distance to Clubhouse / max roof ridge is 10.02m above
125 Beaconsfield Rd	55.26m distance to Clubhouse / max roof ridge is 11.26m above				
29 Colwell Crescent	55+m distance to Clubhouse / max roof ridge is 10.02m above				
<p>When the SCC was obtained, 28 trees were to be removed; the DA has requested the removal of 255 trees; lately 238 trees are removed.</p> <p>'The disappointing token</p>	<p>If the proposed buildings would be located on-top of the paved carpark areas, where no trees are located, this would result in considerably greater bulk being visible from neighbours to the east and would severely impact outlook. However, the proposal is designed to minimise view loss for residential neighbours as the highest priority.</p> <p>The development footprint has not changed between the SCC</p>				

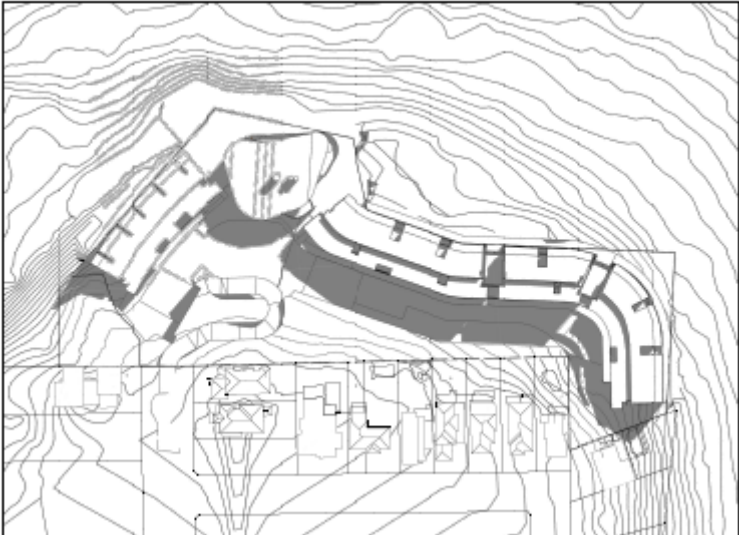
<p>reduction by the Applicant from 255 x trees back to 238 x trees was noted. Council advised they did not have a Natural Heritage Officer alternatives were suggested for the assessment process'</p>	<p>and the DA. The impact on trees is not a result of such change but arise following detailed assessment of what was contemplated by the SCC.</p> <p>The tree loss in areas outside of building footprint and ancillaries is driven by Rural Fire Service (RFS) bushfire management requirements for Special Fire Protection Purpose (SFPP) due to the seniors housing use.</p> <p>Under the revised proposal, 238 trees are removed and 71 trees are retained (previously, 54 trees were retained). Eight (8) additional significant trees are retained along the neighbour eastern boundary.</p> <p>Of the 238 trees to be removed, 7 trees have high STARS landscape value.</p> <p>Nearly half of the total 238 trees proposed for removal have low landscape value. Council's Landscape Architect confirmed that it would be unreasonable to prevent development due to tree loss having low landscape significance, subject to adequate replanting of native species. To mitigate impacts from tree loss, a minimum of 650 new tree are conditioned to be planted on land adjacent to the development, in addition to the trees proposed for planting on the landscape plans.</p> <p>Council does not have a position 'Natural Heritage Officer'. Assessment of development on sites containing trees listed on the NHR is undertaken part of the Landscape referral. Based on the Arborist's Report and the NHR (which only identifies trees via description rather than geo-location), the following listed trees are to be removed:</p> <ul style="list-style-type: none"> ▪ Between the carpark and the rear of No. 125 Beaconsfield Ave: T201 <i>Corymbia gummifera</i>; T202 <i>Corymbia gummifera</i>; T203 <i>Allocasuarina littoralis</i>; T204 <i>Allocasuarina littoralis</i>. ▪ Between the carpark and the rear of 17-29 Colwell Cres.: Nil ▪ Embankment adjacent to the mid-level carpark: T162 <i>Eucalyptus piperita</i> ▪ E4 area: Several small/poor trees for APZ purposes. The majority of native species are to be retained. <p>Council's Landscape Architect did not object to proposal and advised that the majority of the trees listed in the NHR are located in the E4 area and are retained.</p>
<p>Trees within the E4 parcel are unacceptably proposed for removal.</p>	<p>No construction works are proposed on the E4 parcel. However, a total of 8 x trees are proposed to be removed from the E4 zoned parcel. Half of these trees have low STARS rating.</p> <p>Council's Landscape Architect did not object to proposal and advised that the majority of the trees listed in the NHR are located in the E4 area and are retained.</p>

<p>In general, in accordance with State recommendations, tree canopy should be increased by 40%</p>	<p>A total of 238 existing trees will be removed. The FSR requirements limit canopy to be retained in the immediate proximity of the development to 15%. However, on the larger subject site, a minimum of 650 new tree plantings are conditioned, in addition to the trees indicated to be planted on the landscape plans. This is a min. 173% increase in trees, compared to existing. (Formula: (650-238):238 in percentage)</p>
<p>‘There is absolutely no excuse for any new builds or infrastructure projects to destroy what’s left of our bushlands. Renewable and sustainable projects are the only logical way forward.’</p> <p>From <i>Change.org</i> entitled ‘Ban new development in Sydney’s Wildlife Corridors – stop massive tree loss’</p>	<p>It is agreed that urban green spaces provide key ecosystem services and promote engagement with nature that is critical to our health, social and civic opportunities in cities. Furthermore, older people need to engage with urban green spaces and nature – as green spaces contribute to their enhanced experience of the environment, leading to best health outcomes. Many urban green spaces are under increasing pressure from urbanisation and urban development. However, the applicant will compensate for the loss of canopy and enhance the natural features of the site. Under the revised proposal, 238 trees are removed. A minimum of 650 new tree plantings are conditioned, in addition to the trees indicated to be planted on the landscape plans, benefiting wildlife and people, alike.</p> <p>The proposal also relies on solar panels for electricity production during day-time. In the current view of what is sustainable within the framework of climate change, photovoltaic cells qualify as a renewable energy, more sustainable than fossil fuel energy sources used by old-fashioned households.</p> <p>Overall, the proposal builds, greens and renews at satisfactory levels.</p>
<p>The threatened species ‘test of significance’ in the Biodiversity Offsets Scheme is used to determine if a development or activity is likely to significantly affect threatened species or ecological communities, or their habitats. Chatswood Golf Club development footprint include the Sydney Blue Gum (<i>Eucalyptus saligna</i>) and Smooth-Barked Apple (<i>Angophora costata</i>).</p> <p>Council should investigate the obligations the applicant will have under this scheme in</p>	<p>The footprint of the proposal and surrounds represent approx. 6% of the Chatswood Golf Club total land. This area is the most disturbed in time and is currently partially built and paved. Noting that approx. 94% (20.5ha) of the entire Golf Course site are not subject to this application and remain in the natural state, this land is also available for off-set planting.</p> <p>The proposal is accompanied by a Biodiversity Development Assessment Report prepared by Travers Bushland & Ecology, as required under the Biodiversity Conservation Act 2016. The ecological survey and assessment has been undertaken in accordance with the <i>Biodiversity Assessment Methodology</i> (BAM) as well as relevant legislation including the <i>Environmental Planning and Assessment Act 1979</i> (EP&A Act), the <i>Biodiversity Conservation Act 2016</i> (BC Act), the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act) and the <i>Fisheries Management Act 1994</i> (FM Act). One (1) threatened fauna species Grey-headed Flying-fox (<i>Pteropus poliocephalus</i>), a total of three (3) threatened flora species, (<i>Macadamia integrifolia</i>, <i>Eucalyptus scoparia</i> and <i>Syzygium paniculatum</i>), and no threatened ecological</p>

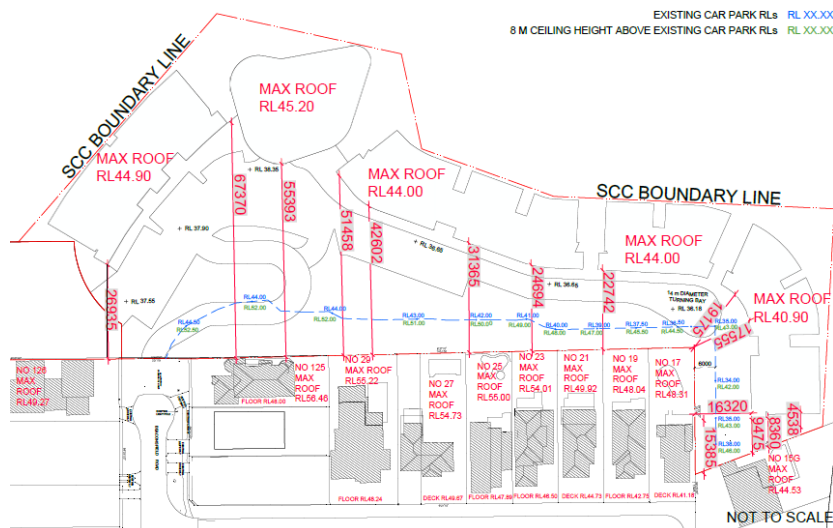
respect to the proposed clearing of 238 x trees on the development site and the impact on threatened species and their habitat (wildlife corridor).	<p>communities were recorded within the study area. No protected migratory bird species were identified. The Report concludes under the required assessment that the proposal will not cause any serious and irreversible impacts on threatened biodiversity, biodiversity offsets are required under the Biodiversity Offsets Scheme due to the extent of clearing proposed.</p> <p>The applicant's BAM indicates that the applicant is required to purchase credits to offset impacts to allow the proposed subdivision to proceed. Conditions relating to the biodiversity offsets have been included in the recommendation. Replanting of local native species around the development has been included in the conditions. In order to ensure that environmental requirements are met, a Project Ecologist is recommended in Conditions to oversee environmental works and to review landscape plans to ensure that local native species are used. Similarly, a Project Arborist is recommended in conditions to oversee tree protection, removal and maintenance during works.</p>
The development is likely to impact on local wildlife habitat – e.g. powerful owl	Any development impacts on local habitats, at least temporary; however, the Biodiversity Report did not identify significant impacts. Notwithstanding this, the min. 173% increase in trees compared to existing, will ensure the habitat is enhanced, once proposed development completed.
The request to reduce the development footprint has been ignored. We also drew attention to the Applicant's earlier commitment in writing regarding preserving the site "Green Space".	<p>The proposal is generally limited to the development footprint area within the golf course site, as nominated by the SCC plan (as intended, but also considering the slippage). The SCC requirement relating to – retention of open space refers to: not create additional built form incursions for the seniors housing development into the green open space of the golf club site. The proposal is found not to compromise the use of the site as a golf course.</p> <p>In regard to trees, there will be a minimum of 173% increase in trees compared to existing.</p> <p>While allowing for the development subject to recommended landscaping conditions, the proposal preserves the green open space and improves the tree canopy on site.</p>
Amount of excavation raises concern, storage of excavated material unclear.	The proposal is estimated to require 70,000m ³ of excavation from the site to accommodate the basement carpark and the buildings. Approximately 10,000m ³ of fill will be transported from the site to an appropriate waste disposal facility. The remainder of 60,000m ³ will be temporarily stored in stockpiles within the nominated development site, with the intention for re-use for the upgrade of the golf course. Conditions of consent have been drafted to ensure that this is done in an environmentally sound and safe manner for the limited time needed.
Chatswood Golf Club was a former Garbage Dump site back in the 1920's. In 1923 there appears to have been an iron	<p>Contamination investigation reports have been submitted which address the condition of the land and its suitability for the continued and proposed use.</p> <p>Council's Environmental Health Officer requested the Applicant</p>

<p>incinerator. The presence of the former garbage dump is not mentioned in the EIS (Environmental Investigation Services) reports.</p>	<p>to investigate the historic use and its potential impact on the proposed development. The former landfill use was not in the area where the proposed buildings are to be constructed.</p> <p>The Applicant was requested to provide further information as follows:</p> <ul style="list-style-type: none"> • address the gap in the Environmental Site Assessment (ESA) report in site ownership/use between 1918 and 1945; • address delineation of the former garbage/nightsoil tip; • provide Council with more certainty whether the subject site could be affected by the presence of the former garbage/nightsoil tip; and • address if groundwater from beneath the former garbage/nightsoil tip could migrate to affect the subject site. <p>A document entitled Targeted Contamination Assessment (TGCA) for Golf Course Development prepared by iEnvironmental Australia Pty Ltd (iEnvi) and dated 14 April 2021 was submitted to Council on 21 April 2021. The assessment focussed on the former golf course potential historical landfill and incineration use around 1923 to early 1930. A review of historical information has been conducted.</p> <p>In march 2021 a total of 28 boreholes were drilled and a total of 28 soil samples were collected and submitted to NATA accredited laboratories for analysis of potential contaminants of concern. The assessment concluded that, while elevated concentration of metals were detected across the soil samples analysed, that the concentrations of contaminants were below the criteria for recreational/public open space and the risk to human health and ecology is low. The results were also below the Residential criteria - which is the appropriate criteria for the seniors village.</p> <p>Subject to recommended conditions, Council's Environmental Health Officer did not raise objections to the proposal.</p>
<p>Has an investigation been carried out by an accredited site auditor in respect to the presence of a garbage dump on the proposed site between 1923 and 1931? The 3rd Environmental Site Assessment from JKEvironments, dated 24 January 2020 is silent in respect to the garbage dump presence.</p>	<p>Council's Environmental Health Officer advised in writing that an accredited site auditor has not been required to be engaged by the Applicant to review the contamination investigation, as it was considered to be an unnecessary expense for a relatively simple matter.</p> <p>Based on the results of the completed Targeted Contamination Assessment dated 15 April 2021, iEnvironmental Australia (iEnvi) concluded that the site likely existed as a landfill with associated incineration activities from about 1923 to the early 1930s, however, concentrations of contaminants were below the adopted screening criteria for human health and ecology and the risk is considered low. In addition, they concluded that further management and remediation of soils across the site, potentially originating from the previous use, is not considered necessary.</p>

<p>Council should put their assessment of this development on hold and formally appoint an independent company to prepare an Environmental Site Assessment report. If Council is not carrying out this assessment, and to eliminate any conflict of interest, I believe this investigation should be performed by an independent Accredited Site Auditor as appointed by the EPA as documented below under the Contaminated Land Management Act 1997.</p> <p>Issues are raised in respect to the proposed car park excavation (SCC boundary issue, exclusion zone, noise, vibration, silica dust, etc). Crystalline silica (sandstone dust) will be created during excavation. Respirable crystalline silica (RCS). The Site Contamination Review states that asbestos has been discovered, and there are elevated concentrations of lead, copper, zinc, benzo(a)pyrene and TRH F3 in the development site. Disturbance of this site will present a significant health and safety risk.</p>	<p>The application was referred to Council's Environmental Health Officer in order to provide a recommendation regarding potential site contamination and further actions. Council's Environmental Health Officer advised that <i>"it is not the intention of the NSW EPA that every site investigation undergo review by an accredited Site Auditor. There are specific cases when Council may request a site audit, for example if it does not have staff with the required expertise, if the contamination/remediation is complex, or there are questions about the proposed remediation strategy and an independent opinion is required. However, in most cases, remediation is a standard process that does not justify the added expense of a site audit."</i></p> <p><i>With development applications, it is normal practice for Council to ask for this type of investigation to be carried out at the Applicant's expense. The Applicant wishes to carry out development on the site, therefore they carry out the investigation and submit reports to Council for review."</i></p> <p>Council's EHO recommended conditions to complete further site investigation to address the data gaps identified in the Preliminary Stage 2 Environmental Site Assessment and the Stage 3 – Remedial Action Plan (RAP). This will be conducted after demolition of certain structures. A Stage 4 Site Validation Report (SVR) shall be submitted to Council for review and concurrence once the remediation is complete and prior to a construction certificate being applied for.</p> <p>Soil material that has asbestos or elevated levels of contaminants that exceed the appropriate human health and ecology criteria will be removed and disposed off-site in accordance with the approved RAP.</p> <p>The RAP concluded that the site can be made suitable for the proposed development subject to the RAP being implemented accordingly.</p> <p>The standard condition regarding dust control was amended to include dust suppression measures be implemented for activities such as excavation, rock-breaking etc. Crystalline silica is most dangerous to health when dust is generated and is best controlled and managed under existing work health and safety regulations. Managing risks on the worksite should be addressed by a Site Management Plan which is required by a condition of consent.</p> <p>Subject to conditions, Council's Environmental Health Officer finds the proposal acceptable and did not raise any issues in regards to potential impact of excavation and construction on the health and safety of the residents adjoining the subject site.</p>
<p>The proposed development site was a former "Garbage Dump". This was not mentioned in the two Environmental Investigation Services (EIS) reports. Hence there are serious concerns regarding site contamination (asbestos,</p>	<p>The former landfill use was not in the area where the proposed buildings are to be constructed. Council's Environmental Health Officer (EHO) advised the Applicant to investigate the historic use of the adjoining golf course land that was used as a Council landfill and its potential impact on the development site. The Targeted Contamination Assessment (TCA) by iEnvironmental Australia Pty Ltd (iEnvi) concluded that, while elevated concentration of metals were detected across the soil samples analysed, the results remain below the screening criteria for a recreational/public open space use. The risk to human health</p>

lead, copper, zinc, etc).	<p>and ecology is considered low.</p> <p>Subsequent emails between Council and iEnvi concluded that the risk to human health and ecology from the former landfill use is considered low and the land can be made suitable for the proposed development subject to the Remedial Action Plan being implemented.</p>
Excessive Clubhouse replicates facilities at Lane Cove Pool and Willoughby Leisure Centre	<p>Clause 42 of SEPP Seniors 2004 requires provision of services and facilities for residents as the proposal has been approved under the SCC as “<i>serviced self-care</i>” seniors housing.</p> <p><i>residents of the proposed development will have reasonable access to—</i></p> <ul style="list-style-type: none"> <i>(a) home delivered meals, and</i> <i>(b) personal care and home nursing, and</i> <i>(c) assistance with housework.</i> <p>The clubhouse footprint is marginally reduced when compared with the indicative footprint approved by SCC, but remains adequate in providing on-site facilities for club members and “serviced self-care” seniors. The applicant argues that the provision of shared services such as two-lane hydrotherapy pool, theatrette, hair salon, bistro/dining & 2 x consulting rooms provide important services in a readily accessible location to residents so they can more easily “age in place” and achieve social networks, active lifestyle, reducing car reliance and trips.</p>
Excessive height	<p>The development appears to be 1-2 storey height when seen from the adjoining properties located on Beaconsfield Road or Colwell Crescent.</p> <p>Sufficient building setback is provided to eastern properties in order to achieve:</p> <ul style="list-style-type: none"> • minimal bulk when viewed from nearest neighbouring properties; and • no overshadowing of adjacent residential properties in mid-winter except on 15G Colwell Cres yard at 2-3pm in mid-winter (and similarly, in mid-summer): <p>JUNE 21st - 3PM</p> 

The proposed building heights relative to these residences are illustrated below



Extract from DA1.19 version B showing separation and comparative RLs between the adjacent dwellings and the proposed buildings



Extract from DA1.20 version A showing the 8m height plane in red

The adjoining Colwell Crescent/ Beaconsfield Road dwellings are generally elevated above the proposed development. An alternative development with consistent ceiling height 8m above existing carpark would have a greater impact on views obtained from rear yards and rear deck of adjoining dwellings on Colwell Crescent/ Beaconsfield Road. As such, the proposed height is considered adequate in the context.

Cats/dogs should be prohibited


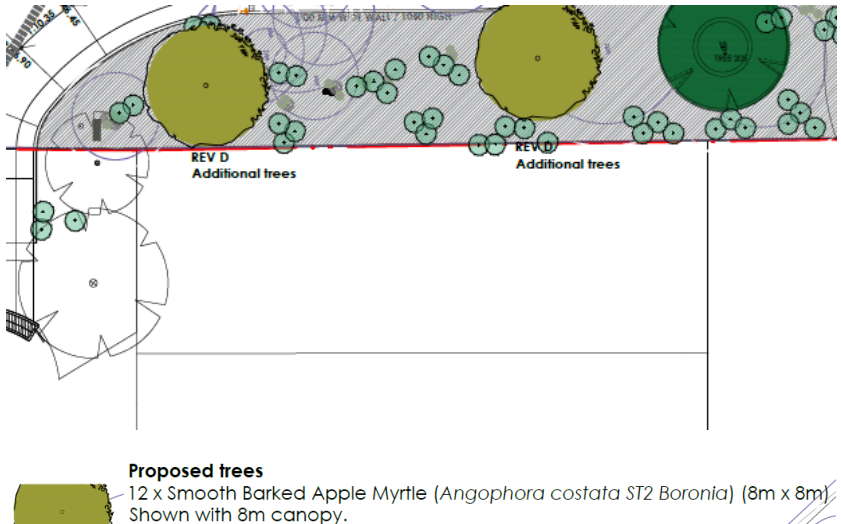
The applicant is of opinion that small companion animals provide important benefits to elderly/retired residents. Notwithstanding, this is not a matter that Council can impose conditions on, at DA stage.

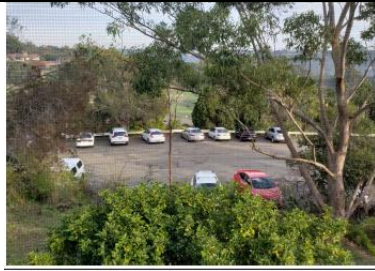
Increase in traffic.
Access by emergency

Council's Senior Transport Engineer reviewed the documentation provided and advised that:-

<p>vehicles will be obstructed. In case of fire, fire engines will be obstructed due to the characteristics of the Beaconsfield Road.</p> <p>Bushfire risk, access by fire trucks along Beaconsfield Road (7.5m wide) insufficient width, Bushfire report not submitted, question rationale for on-site shelter, increased bushfire risk due to increased residents.</p>	<ul style="list-style-type: none"> • The development traffic generations will not impact the road network above capacity. • The proposed development, with two different uses that have different traffic peak periods than the normal traffic peak periods. • Onsite parking meets Council DCP parking requirements without reliance on on-street parking. Traffic generation and directional splits (20:80) from the Senior Living Village are almost the opposite of the normal traffic generation peak periods. <p>While Council's Senior Transport Engineer does not object to the proposal, he advised that <i>"A local resident has raised emergency vehicle/traffic access concerns and line of sight issues at the cul-de-sac area. However, these traffic access and line of sight issues are existing situations and have been addressed by on-street parking restrictions/control and management i.e. No Parking & No Parking 6am -7pm Mon – Sat. If these concerns continue in the future, these parking controls can be reviewed to limit time of day parking including introduction of No Stopping zone if required to further improve access and safety concerns. Additional signage can be installed in the future at Beaconsfield Rd/Colwell Crescent intersection to warn motorists that it is a no through road such as 'No Through Road' sign or 'Road Ends' sign."</i></p> <p>The development and adjacent bushland at the northern and southern ends is treated as an APZ to minimise bushfire risk. A Bushfire Assessment Report, a Bushfire Emergency Evacuation Plan and a Vegetation Management Plan were prepared by Travers Bushfire & Ecology and submitted with the application.</p> <p>As the application is integrated development due to proposed use, the application was referred to RFS. RFS did not object to the proposal and supported the application subject to the Terms of Approval included in the recommended conditions</p>
<p>Potential damage and ongoing land movements to residential houses and ancillaries during excavation and construction.</p>	<p>A dilapidation report condition is recommended for all adjoining properties 123, 124, 125 and 126 Beaconsfield Road and 15G, 15F, 17, 19, 21, 23, 25, 27, 29 and 31 Colwell Crescent. The report is recommended to take place prior to commencement of work.</p>
<p>New uphill road and new footpath with limited screening is only 5m to all our main windows/ doors at 125 Beaconsfield Road.</p> <p>The road is now RL 45.45,</p>	<p>The distance to the new footpath within the subject site varies, with a minimum of 5m to the south west corner of the 125 Beaconsfield Road. The floor level of the dwelling at 125 Beaconsfield Road is at RL48.05.</p> <p>The proposed footpath adjacent to 125 Beaconsfield Road is at RL 45.315 and the bike path (even further away) at RL 45.6. As such, the new footpath is proposed to be 2.735m lower than the level of the residential dwelling and 5m+ away. The seating</p>

Moreover, headlight issues from cars turning on the ramp will cast light into our house directly.	In regard to direct light from cars when turning, location of ramp is lower and there are landscaping and fence between the ramp and the dwellings. Nonetheless, a condition of consent is imposed requesting that - Headlights from cars turning on the ramp shall not cast direct light into the living spaces of adjoining residential dwellings.																		
Ongoing security and privacy issues from increased club and apartment activities; there should be no light directly facing 125 Beaconsfield Road, especially on the adjacent footpath and the road leading to the club.	<p>While the Chatswood Golf Course will continue to be owned and operated by CGC under its existing Plan of Management (current operational hours are 6.00am – 6.00pm Mondays to Sundays), an Operational Plan of Management (OPM) dated 14 May 2020 was submitted with the application.</p> <p>The proposed hours of operation for the new Clubhouse are considered reasonable and are unlikely to impact amenity for adjoining residential dwellings:</p> <p>Table 1. CGC Clubhouse Hours of Operation</p> <table border="1"> <thead> <tr> <th>CGC Clubhouse Facilities</th><th>Hours of Operation</th></tr> </thead> <tbody> <tr> <td>Seniors Living Admin</td><td>9.00am – 5.00pm Monday to Friday</td></tr> <tr> <td>Bistro and Bar</td><td>11.00am – 9.30pm Monday to Sunday</td></tr> <tr> <td>Café</td><td>7.00am – 5.00pm Monday to Sunday</td></tr> <tr> <td>Multi Purpose Function Meeting Room</td><td>8.00am – 7.00pm Monday to Sunday</td></tr> <tr> <td>Golf Club Pro Shop</td><td>6.00am – 6.00pm</td></tr> <tr> <td>Golf Preparation Area</td><td>6.00am – 6.00pm</td></tr> <tr> <td>Gymnasium & Pool</td><td>6.00am – 7.00pm Monday to Sunday*</td></tr> <tr> <td>Cinema</td><td>9.00am – 9.00pm Monday to Sunday*</td></tr> </tbody> </table> <p>* Seniors Living Residents' access to gymnasium and pool will be available outside of staffed hours using electronic swipe cards</p> <p>On site security is the responsibility of the operator.</p> <p>In case the application is approved by SNPP, a condition of consent is recommended, requiring a revised OPM (a detailed Club/Village management) which will set out the management of the Club facilities, in accordance with the OPM and the terms of the approval.</p> <p>A further condition of consent is imposed requiring that any lighting on the site to be directed in such a manner so that no nuisance is caused to adjoining residential properties or to drivers on Beaconsfield Road.</p>	CGC Clubhouse Facilities	Hours of Operation	Seniors Living Admin	9.00am – 5.00pm Monday to Friday	Bistro and Bar	11.00am – 9.30pm Monday to Sunday	Café	7.00am – 5.00pm Monday to Sunday	Multi Purpose Function Meeting Room	8.00am – 7.00pm Monday to Sunday	Golf Club Pro Shop	6.00am – 6.00pm	Golf Preparation Area	6.00am – 6.00pm	Gymnasium & Pool	6.00am – 7.00pm Monday to Sunday*	Cinema	9.00am – 9.00pm Monday to Sunday*
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We (125 Beaconsfield Road) would like to request a boundary fence to be included to avoid future confusion, as per below:	<p>In accordance with current legislation, replacing side and rear fences are exempt development and, when on boundary, should be done in agreement by both parties.</p> <p>On this matter, the applicant indicated in writing that: <i>'As referred to in the landscape plans it is our intention to consult with each neighbour along the sites eastern boundary ie</i> </p>																		

	<p>15G Colwell Crescent, 17 to 29 Colwell Crescent and 125 and 126 Beaconsfield Road in relation to fencing requirements for our common eastern dividing fences. This relates to standard timber paling or colourbond fencing to standard 1.8m in height, or lower if agreed to by both parties. It is further agreed that gates from the completed site to 21 Colwell Crescent and 23 Colwell Crescent will still be provided if the owners of those properties wish them to be."</p>
<p>Dramatically reduced greenspace especially in front of the western boundary of 125 Beaconsfield Road - In the new landscape plan, two new replacement trees are proposed that are close to us. Unfortunately, the northern new tree will be 8m+ height while its location is only 4 metres away from our house. This new tree is going to be a hazard to our roof and upstairs bedroom. If new big trees to be planted, should be planted away from our house to avoid further risks and damage to roof/gutter.</p>	<p>The subject site as seen from 125 Beaconsfield Road currently contains the upper carpark. The reduction in greenspace is likely due to tree removal proposed by the application. However, new trees and bushes will be planted by the proposal, in order to maintain the greenspace.</p> <p>The selected tree shown forward of 125 Beaconsfield Road is indicated on the landscape management drawing L05. The tree is Angophora Costata, a hybrid bred to grow to a size of 8m x 8m. Drawing L05 indicates the location of the tree with an 8m (mature) canopy, that will not encroach beyond site boundary.</p>  <p>Proposed trees 12 x Smooth Barked Apple Myrtle (<i>Angophora costata</i> ST2 Boronia) (8m x 8m) Shown with 8m canopy.</p> <p><i>Extracts from L05-Rev D - Landscape Management</i></p>
<p>Our current view from 125 Beaconsfield Road onto golf course will be blocked. Current tree and bush view will be replaced with road and brick-walls.</p>	<p>125 Beaconsfield Road benefits from distant vistas over the golf course. The vistas are obtained over a private property and benefit from the features of that private land.</p> <p>While the horizontal, distant vistas will be preserved, the closer, downward views towards the current carpark and vegetation will be replaced mainly by views over the roof of the new buildings and over the main entry areas. This is considered a reasonable outcome, where views are shared between properties, without precluding re-development.</p>



Kid Bedroom (upstairs)



3D Model

Photomontage provided by the objector

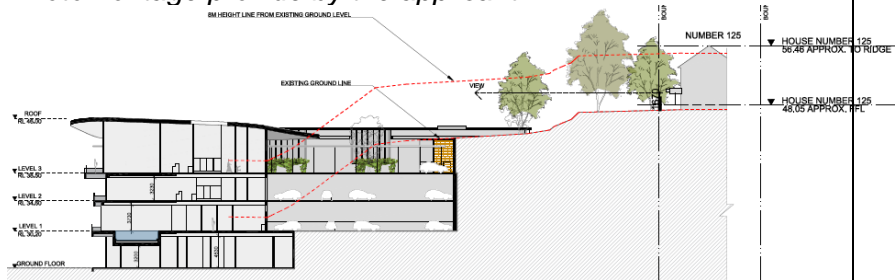
The max RL of the clubhouse roof is RL 45.2, while the floor level of the dwelling at 125 Beaconsfield Road is at RL48.05, 2.85m above the maximum height of the roof. Given the setback distance of over 56m to the clubhouse building and the fact that the current vistas are obtained over a private property, the proposal is considered to maintain amenity for 125 Beaconsfield Road and to apply the principles of view/vistas sharing.



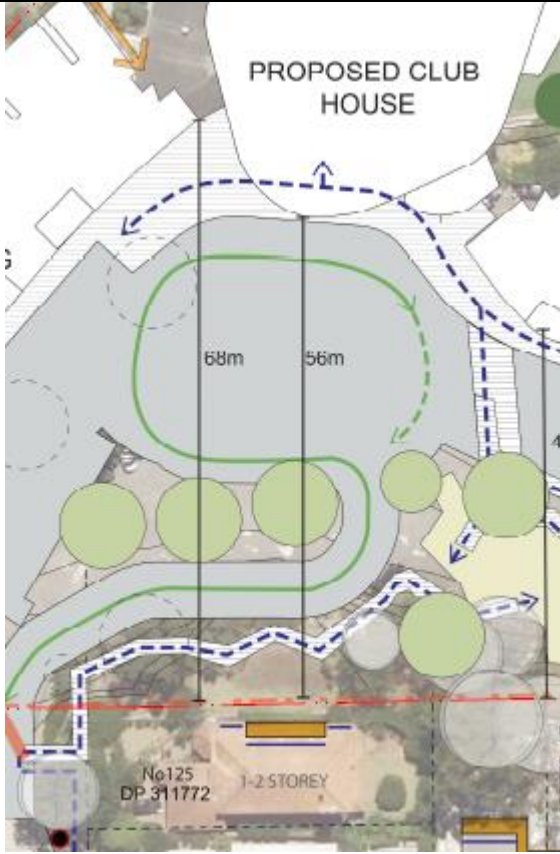
Existing view




Photomontage provide by the applicant



Section

	 <p><i>Distances to proposed buildings</i></p>
The development blocks 'green views' significantly	This assessment concludes that downward green views will be impacted by the proposal and the straight, horizontal views are maintained. Taking into account view sharing principles, the proposal is assessed as acceptable.
Ongoing noise early morning and at night (after 7pm) due to traffic noise, people's chatter, late events from the club house and A/C vent humming to 125 Beaconsfield Road and all adjoining properties	A limited number of the facilities in the Clubhouse are proposed to start early morning. Use of all facilities ends at 9.30pm, many of them much earlier. Due to setback and use proposed and subject to conditions, noise from vehicles and people is assessed as reasonable.
Infrastructure support (water, power, footpath, traffic & Internet)	The site currently benefits from all necessary services. Details on these matters and future use are within this report and within the documentation submitted by the applicant – and assessed as satisfactory, subject to conditions.
The turning bay adjoins the boundary of 17 Colwell Crescent and will impact amenity of this property	<p>The turning bay will be used occasionally by delivery and emergency vehicles.</p> <p>The amended plans re-located the turning bay 3m away from the boundary with 17 Colwell Crescent.</p> <p>The turning bay is 5m lower, at an RL36.18, while the rear deck is at RL41.18, and over 19m setback to this rear deck.</p> <p>The amended location is unlikely to impact amenity of 17 Colwell Crescent in an unacceptable way and is seen to be an</p>

	acceptable planning outcome.
<p>On 11 March 2021 corrected accurate 3D montage view analysis were uploaded onto Council's website. The visual impact on 17 Colwell Crescent is devastating - on views, aural and visual privacy and amenity.</p>	<p>Views/vistas obtained from 17 Colwell Crescent are filtered by vegetation, over the Golf Course. The main view/vista from 17 Colwell Crescent is towards west.</p>  <p><i>Main view obtained from 17 Colwell Crescent is towards west.</i></p> <p>While 17 Colwell Crescent has the roof at RL 48.31, the proposed building directly west of this property has proposed the roof at RL44. This is 4.31m lower and allows horizontal views to be maintained.</p> <p>The applicant had a number of unsuccessful attempts to provide an accurate 3D photomontage showing the impact of the development on the outlook/views obtained from 17 Colwell Cres. These attempts were, understandably, unwelcomed by the resident.</p> <p>The latest drawing DA9.05E - dated 11.03.21 - 17 Colwell Crescent under assessment shows that downwards views obtained from 17 Colwell Crescent towards the side of the property will be affected. Ground vegetation and part trees will be replaced by the proposed building.</p>



The proposed building will be overlooked by 17 Colwell Crescent.

The proposed building is lower than 8m in height, has no windows on this elevation to give opportunities for overlooking towards existing adjoining residential properties, is finished in materials that will blend with the environment and, unlike in the photomontage above, will be surrounded by vegetation, including native bushes.

The building is setback over 16m to the boundary of 17 Colwell Crescent.

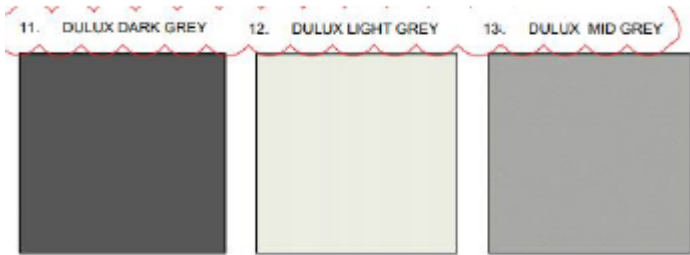
The proposed building has the roof at max RL40.9 compared with the deck at RL41.18. Taking into account sitting and standing positions on the deck, the level of the eyes of someone on the deck will be minimum 1.28m to 1.78m above the roof level of the new building.

Secondary (to the side) views obtained from 17 Colwell Crescent over the proposed building will be maintained. While considering the distance to the rear deck, the orientation of the deck and the fact that the vistas are obtained over a private property, the proposal is assessed as respecting view sharing principles and is regarded as acceptable.

<p>An "Aboriginal Place Proposal Form" was submitted to the NSW Government Office of Environment & Heritage by 17 Colwell Cres</p>	<p>The application is under assessment with Willoughby Council and recommended for determination to SNPP. Involvement of objectors in the process, beyond submissions to Council within the submission period, is not necessary beneficial to a timely and unbiased assessment.</p> <p>In this specific case, Council is satisfied that all necessarily investigations in regard to Aboriginal significance of the subject site were undertaken (including referral to AHO) and no further investigation is needed. No significance from the Aboriginal viewpoint was identified and a standard condition is recommended, in case of unexpected finds during the works.</p>
<p>A Petition in respect to the significant tree loss and the impact on the wildlife corridor has been posted online, gathering to date of submission 'in excess of 1,750 signatures'.</p>	<p>The Petition is noted.</p> <p>Council was not informed of the names or addresses of the people that endorsed the Petition and there is no indication that the people that endorsed it are real people or are located locally.</p> <p>Nevertheless, the issues regarding tree removal and 'impact on the wildlife corridor' are addressed in the Landscape Referral.</p> <p>In summary, the Biodiversity Assessment completed by Travers finds that the proposal will not cause any serious and irreversible impacts on threatened biodiversity. Council's Landscape Architect is supporting the proposal and recommends conditions to offset the loss of trees, in accordance with current Council policies, as well as replanting of local native shrubs and ground covers. Conditions relating to the biodiversity offsets have been included in recommended conditions.</p>
<p>Disturbance due to people entering and leaving the development</p>	<p>Council's Senior Transport Engineer reviewed the proposal, the Traffic Impact Study and the proposed hours of operation and advised that traffic generation by the development will not impact the road network above capacity, as the proposed uses have different traffic peak periods. Traffic generation from the Senior Living Village is almost the opposite of the normal traffic generation peak periods.</p> <p>The acoustic report assessed the expected noise emissions from patrons and used a scenario where 15 cars enter or leave the carpark (200 space capacity) in a 15min period. The report found that a minor exceedance of the criteria of 1 dB(A) at the residential receivers in Beaconsfield Rd was insignificant. Noise mitigation measures have been included in the recommended conditions.</p>
<p>Disturbance due to air-conditioning</p>	<p>The setback of the ILUs from the boundary shared by 15G Colwell Cres is less than 5m at its closest point. A condition of consent (Mechanical Plant Noise Assessment) requires that an acoustic assessment be carried out of all mechanical plant including air-conditioning and a report containing any necessary noise attenuation measures to be implemented in the design of the development be submitted to the Certifying Authority.</p> <p>The aim of the condition is to ensure that noise (including cumulative impacts from various noise sources operating at the</p>

	same time), is accounted for, and amenity of neighbours is not impacted in an unacceptable way.
Disturbance due to exhaust/ventilation of car-parking	A condition of consent is recommended to address this issue (Location of Car Park Exhaust Vents). The condition requires that any car park exhaust be located a minimum of 10m away from any property boundary so that discharged air does not adversely impact on neighbouring E4 properties.
During construction – amenity impacts due to hours of construction work	<p>Residential amenity will be impacted in the area due to construction works, however, recommended conditions aim to ensure a balance between ameliorating inevitable amenity impacts and allowing works to proceed in a timely manner.</p> <p>While applicant asks for Saturday hours to be until 5pm, the recommended condition of consent (Hours of work) requires that work is carried out only between the hours of 7 am to 5 pm Mondays to Fridays, and 7 am to 12 noon on Saturdays. No work is permitted on Sundays or Public Holidays.</p> <p>Limiting hours of work further would lengthen the time for work completion and also unacceptably lengthen time of amenity disturbance.</p>
During construction – noise impacts	<p>A condition of consent requires use of sound attenuating devices (Silencing Devices) to be used during demolition, excavation and earth works.</p> <p>Another condition requires rock sawing to be used where practical in preference to rock hammering.</p> <p>A condition of consent requires that noise and vibration be controlled to comply with the EPA's Interim Construction Noise Guideline (ICNG), the acoustic report by Rodney Stevens dated 13 February 2020 and the Applicant's Construction Management Plan.</p> <p>These conditions should maintain a reasonable amenity for neighbours during construction works, while allowing for the construction works to remain time effective.</p>
During construction – site management	<p>The Golf Club will be closed to public during the works. Access/truck access to the construction site is planned to be via Beaconsfield Road. The site office, site personnel accommodation, amenities and change rooms will be accessed through the Golf Course, via Mooney Street and the Golf Course Maintenance Trail.</p> <p>A Construction Management Plan (CMP) for the proposed project was prepared by PARKVIEW on 28 February 2021 and submitted with the application.</p> <p>Prior to commencing demolition, a Hazardous Materials Survey will be conducted to identify any hazardous materials used in the construction of the existing Clubhouse Building.</p> <p>As per recommended condition, the site working hours are: Monday to Friday: 7am to 5pm</p>

	<p>Saturdays: 7am to 12 noon Sundays or Public Holidays: No works to be carried out.</p> <p>A consultative approach will be undertaken when finalising the Traffic and Pedestrian Management Plan, project prior to issue a Construction Certificate and prior to commencement.</p> <p>While work takes place, a dedicated traffic controller will be located at the Beaconsfield Road entry to the site. While efforts are made to undertake works with minimal impact on neighbours, potential complaints or concerns that neighbouring residents have with construction related activity are to be addressed to the Project Manager or Site Manager (contact details will be posted on the main site entry gate) and noted into the complaints register to be kept on site.</p>
After construction – site management	<p>A Draft Operational Plan of Management (OPoM) has been prepared by Chatswood Golf Club and Watermark Chatswood (Watermark) in support of the application.</p> <p>The maximum number of patrons in the Clubhouse at any time is in the order of 150 people. Hours of operation, access and parking, security, fire safety, deliveries etc are all acceptably addressed. A formal complaints system will be implemented, which will involve reporting to the complainant and staff.</p>
There is no obligation to bail-out businesses that are not viable	<p>The matter is outside the scope of the assessment of this development application.</p>
The business case seems questionable and Chatswood Golf Club may be absorbed into the Watermark Seniors Living project and potentially become a more private business	<p>Chatswood Golf Club is currently a private business. Nonetheless, Chatswood Golf Club argues that the proposal will help with the viability of their business and as such, the Golf Club will become more inclusive to a larger community.</p> <p>Notwithstanding the argumentation above, this application is assessing submitted planning and construction documentation. Future financial/business arrangements are outside the scope of this application.</p>
An alternate location for the development is on the other side of the Golf course, off Mooney Street, with views to the city and easier access to Chatswood CBD	<p>While other locations may be a better, theoretical fit for the project, the assessment of this development application must consider the location proposed by the applicant and subject to the Site Compatibility Certificate (as permissibility of the village on the golf course is permitted by the SCC only).</p>
The proposed buildings are mainly white and they will shine and reflect sun from masonry and windows	<p>The schedule of colours was amended to provide for more muted colours that integrate with the natural site colour palette as follows:</p>

	<p><u>Amended</u> colours/materials Nov 2020 (<i>darker paint colour and additional landscaping</i>)</p>  <p>DA7.01B – Rev B Finishes Board (<u>amended</u> darker tones)</p> <p>Furthermore, a condition of consent is included in the recommendation to ensure external roofing, glazing and walls are to be of minimal reflectance so as to avoid nuisance in the form of glare or reflections to the occupants of nearby residential buildings, pedestrians and/or motorists.</p>
Proposal is too expensive	<p>The cost and finance necessary for the proposal is the responsibility of the applicant and does not form part of this assessment; cost is required as an estimate in order to establish the DA fees, the contributions payable and the determining authority for the application, as per the in-force legislation.</p>
<p>'Demolishing the existing clubhouse is a great waste and will result in unnecessary rubbish from the demolition, adding to our already great expanses of landfill. Instead of approving this DA, I would instead like Willoughby Council to consider buying all of the golf course land itself (perhaps with the assistance of private partners), to then convert the whole golf course into a public green space' 'for the benefit of many more people than just golfers.'</p>	<p>Demolishing the existing clubhouse will result in waste and the application acknowledged this fact in the documentation. Conditions of consent are recommended to deal with the waste created as appropriate under current legislation.</p> <p>While buying the golf course by Willoughby Council (and private partners) might look like a desirable action, the matter is outside the scope of this planning assessment.</p>



ATTACHMENT 11: NOTIFICATION MAP



Record of Neighbour Notifications sent relating to:

DA: 2020/117

At: Beaconsfield Road CHATSWOOD NSW 2067



Comments:

Created on : Friday, 22 May 2020

Created by : VB

ATTACHMENT 12: SCHEDULE OF CONDITIONS

SCHEDULE OF CONDITIONS

Conditions of Consent: (Including reasons for such conditions)

CONSENT IDENTIFICATION

The following condition provides information on what forms part of the Consent.

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				
Cover Sheet	DA0.01	F	22/12/2020	Marchese Partners
Data Sheet	DA0.02	D	12/12/2020	Marchese Partners
Location Plan	DA1.02	A	15/05/2020	Marchese Partners
Demolition Plan	DA1.06	A	15/05/2020	Marchese Partners
Golf Course Lot Plan	DA1.07	A	15/05/2020	Marchese Partners
Subdivision Plan (Stage 1)	DA1.08	A	15/05/2020	Marchese Partners
Setbacks & Roof Height Plan	DA1.19	B	12/11/2020	Marchese Partners
Level Lower Ground – Masterplan	DA2.01	B	12/11/2020	Marchese Partners
Level Ground – Masterplan	DA2.02	B	12/11/2020	Marchese Partners
Level 1 – Masterplan	DA2.03	C	12/11/2020	Marchese Partners
Level 2 – Masterplan	DA2.04	C	12/11/2020	Marchese Partners
Level 3 – Masterplan	DA2.05	E	22/12/2020	Marchese Partners
Level 4 – Masterplan	DA2.06	D	12/11/2020	Marchese Partners
Level Roof – Masterplan	DA2.07	D	12/11/2020	Marchese Partners
Building South Level Ground	DA2.21	A	15/05/2020	Marchese Partners
Building South Level 1	DA2.22	B	12/11/2020	Marchese Partners
Building South Level 2	DA2.23	B	12/11/2020	Marchese Partners
Building South Level 3	DA2.24	B	12/11/2020	Marchese Partners
Building South Level 4	DA2.25	C	12/11/2020	Marchese Partners
Building South Level Roof	DA2.26	B	12/11/2020	Marchese Partners
Building North Lower Ground	DA2.41	B	12/11/2020	Marchese Partners
Building North Level Ground	DA2.42	B	12/11/2020	Marchese Partners
Building North Level 1	DA2.43	C	12/11/2020	Marchese Partners
Building North Level 2	DA2.44	C	12/11/2020	Marchese Partners
Building North Level 3	DA2.45	D	12/11/2020	Marchese Partners
Building North Level 4	DA2.46	D	12/11/2020	Marchese Partners
Building North Level Roof	DA2.47	D	12/11/2020	Marchese Partners
Clubhouse Ground Level	DA2.61	A	15/05/2020	Marchese Partners
Clubhouse Level 1 Plan	DA2.62	B	12/11/2020	Marchese Partners
Clubhouse Level 2 Plan	DA2.63	B	12/11/2020	Marchese Partners
Clubhouse Level 3 Plan	DA2.64	A	15/05/2020	Marchese Partners
Clubhouse Roof Plan	DA2.65	B	03/08/2020	Marchese Partners
Building South Elevations	DA3.01	A	15/05/2020	Marchese Partners
Building South Elevations	DA3.02	A	15/05/2020	Marchese Partners
Building North Elevations	DA3.03	C	12/11/2020	Marchese Partners
Building North Elevations	DA3.04	B	12/11/2020	Marchese Partners
Clubhouse Elevations	DA3.05	A	15/05/2020	Marchese Partners
Building North South Elevations	DA3.06	B	12/11/2020	Marchese Partners
Building South & Building North East Elevations	DA3.07	B	12/11/2020	Marchese Partners
Section – AA & BB	DA4.01	A	15/05/2020	Marchese Partners

Section – CC & DD	DA4.02	B	09/10/2020	Marchese Partners
Section - EE	DA4.03	A	15/05/2020	Marchese Partners
Section - FF	DA4.04	B	12/11/2020	Marchese Partners
Level Lower Ground GFA	DA5.21	A	15/05/2020	Marchese Partners
Level Ground GFA	DA5.22	A	15/05/2020	Marchese Partners
Level 1 GFA	DA5.23	B	01/10/2020	Marchese Partners
Level 2 GFA	DA5.24	B	01/10/2020	Marchese Partners
Level 3 GFA	DA5.25	B	01/10/2020	Marchese Partners
Level 4 GFA	DA5.27	A	15/05/2020	Marchese Partners
Lower Ground Storage & Waste Diagram	DA5.31	A	15/05/2020	Marchese Partners
Level Ground Storage & Waste Diagram	DA5.32	D5	01/10/2020	Marchese Partners
Level 1 Storage & Waste Diagram	DA5.33	B	01/10/2020	Marchese Partners
Level 2 Storage & Waste Diagram	DA5.34	B	01/10/2020	Marchese Partners
Level 3 Storage & Waste Diagram	DA5.35	B	01/10/2020	Marchese Partners
Level 4 Storage & Waste Diagram	DA5.36	A	15/05/2020	Marchese Partners
Adaptable Unit Layout Type A	DA6.01	A	15/05/2020	Marchese Partners
Adaptable Unit Layout Type B	DA6.02	A	15/05/2020	Marchese Partners
Adaptable Unit Layout Type C	DA6.03	A	14/02/2020	Marchese Partners
Adaptable Unit Layout Type D	DA6.04	A	14/02/2020	Marchese Partners
Adaptable Unit Layout Type E	DA6.05	A	15/05/2020	Marchese Partners
Adaptable Unit Layout Type EAA	DA6.05A	A	01/10/2020	Marchese Partners
Adaptable Unit Layout Type G	DA6.06	A	14/02/2020	Marchese Partners
Adaptable Unit Layout Type J	DA6.07	A	15/05/2020	Marchese Partners
Adaptable Unit Layout Type L	DA6.08	A	15/05/2020	Marchese Partners
Adaptable Unit Layout Type M	DA6.09	A	14/02/2020	Marchese Partners
Adaptable Unit Layout Type N	DA6.10	A	14/02/2020	Marchese Partners
Adaptable Unit Layout Type O	DA6.11	A	14/02/2020	Marchese Partners
Adaptable Unit Layout Type P	DA6.12	A	14/02/2020	Marchese Partners
Adaptable Unit Layout Type Q	DA6.13	A	14/02/2020	Marchese Partners
Adaptable Unit Layout Type R	DA6.14	A	14/02/2020	Marchese Partners
Adaptable Unit Layout Type V	DA6.15	A	14/02/2020	Marchese Partners
Adaptable Unit Layout Type X	DA6.16	A	15/05/2020	Marchese Partners
Adaptable Unit Layout Type Y	DA6.17	A	14/02/2020	Marchese Partners
Adaptable Unit Layout Type Z	DA6.18	A	14/02/2020	Marchese Partners
Adaptable Unit Layout Type AA	DA6.19	A	14/02/2020	Marchese Partners
Adaptable Unit Layout Type AB	DA6.20	A	15/05/2020	Marchese Partners
Adaptable Unit Layout Type AC	DA6.21	A	14/02/2020	Marchese Partners
Adaptable Unit Layout Type AD	DA6.22	A	15/05/2020	Marchese Partners
Adaptable Unit Layout Type AF	DA6.23	A	14/02/2020	Marchese Partners
Adaptable Unit Layout Type AG	DA6.24	A	14/02/2020	Marchese Partners
Adaptable Unit Layout Type AH	DA6.25	A	14/02/2020	Marchese Partners
Adaptable Unit Layout Type AJ	DA6.26	A	14/02/2020	Marchese Partners
Adaptable Unit Layout Type AK	DA6.27	A	14/02/2020	Marchese Partners
Adaptable Unit Layout Type AL	DA6.28	A	15/05/2020	Marchese Partners
Adaptable Unit Layout Type AM	DA6.29	A	14/02/2020	Marchese Partners
Adaptable Unit Layout Type AN	DA6.30	A	14/02/2020	Marchese Partners
Adaptable Unit Layout Type AO	DA6.31	A	14/02/2020	Marchese Partners
Adaptable Unit Layout Type AP	DA6.32	A	14/02/2020	Marchese Partners
Adaptable Unit Layout Type AQ	DA6.33	A	14/02/2020	Marchese Partners
Adaptable Unit Layout Type AS	DA6.34	A	14/02/2020	Marchese Partners
Adaptable Unit Layout Type AT	DA6.35	A	14/02/2020	Marchese Partners
Adaptable Unit Layout Type AU	DA6.36	A	14/02/2020	Marchese Partners
Adaptable Unit Layout Type AV	DA6.37	A	14/02/2020	Marchese Partners
Adaptable Unit Layout Type AW	DA6.38	A	14/02/2020	Marchese Partners
Adaptable Unit Layout Type AY	DA6.39	A	14/02/2020	Marchese Partners
Adaptable Unit Layout Type LA	DA6.40	A	14/02/2020	Marchese Partners
Adaptable Unit Layout Type MA	DA6.41	A	15/05/2020	Marchese Partners

Unit Layout Sheet 1	DA6.101	A	15/05/2020	Marchese Partners
Unit Layout Sheet 2	DA6.102	B	01/10/2020	Marchese Partners
Unit Layout Sheet 3	DA6.103	A	15/05/2020	Marchese Partners
Unit Layout Sheet 4	DA6.104	B	01/10/2020	Marchese Partners
Unit Layout Sheet 5	DA6.105	A	15/05/2020	Marchese Partners
Unit Layout Sheet 6	DA6.106	A	01/10/2020	Marchese Partners
Finishes Board	DA7.01	B	12/11/2020	Marchese Partners
Entry Signage Detail	DA7.02	B	12/11/2020	Marchese Partners
Ramp Detail	DA7.08	B	12/11/2020	Marchese Partners
Access Driveway Sections	DA7.09	C	22/12/2020	Marchese Partners
Landscape Plans				
Landscape Masterplan	LO1	D	26/01/2021	Somewhere Landscape Architects
Landscape Areas	LO2	D	26/01/2021	Somewhere Landscape Architects
Landscape Areas	LO3	D	26/01/2021	Somewhere Landscape Architects
Sections	LO4	D	26/01/2021	Somewhere Landscape Architects
Landscape Management & Tree Removal	LO5	D	26/01/2021	Somewhere Landscape Architects
Planters (various floors)	LO6	B	04/05/2020	Somewhere Landscape Architects
Site Planting	LO7	A	04/05/2020	Somewhere Landscape Architects
Materials	LO8	A	04/05/2020	Somewhere Landscape Architects
Planting palette Western & South West Planters	LO9	A	04/05/2020	Somewhere Landscape Architects
Planting palette North, South & East facing planters	L10	A	04/05/2020	Somewhere Landscape Architects
Planting palette Low light levels/internal planting areas	L11	A	04/05/2020	Somewhere Landscape Architects
Stormwater Drainage				
Stormwater Drainage Title Sheet & Locality Plan	DA-STW-001	J	03/02/2021	LP Consulting
Stormwater Drainage Legend, Abbreviations & Drawing List	DA-STW-002	L	22/04/2021	LP Consulting
Stormwater Drainage General Notes	DA-STW-003	J	03/02/2021	LP Consulting
Stormwater Drainage Survey Plan	DA-STW-004	J	03/02/2021	LP Consulting
Stormwater Drainage Erosion & Sediment Control Plan	DA-STW-005	J	03/02/2021	LP Consulting
Stormwater Drainage Erosion & Sediment Control Details	DA-STW-006	J	03/02/2021	LP Consulting
Stormwater Drainage Site Plan	DA-STW-101	J	03/02/2021	LP Consulting
Stormwater Drainage Building South Level Ground	DA-STW-102	J	03/02/2021	LP Consulting
Stormwater Drainage Building South Level 1	DA-STW-103	J	03/02/2021	LP Consulting

Stormwater Drainage Building South Level 2	DA-STW-104	J	03/02/2021	LP Consulting
Stormwater Drainage Building South Level 3	DA-STW-105	J	03/02/2021	LP Consulting
Stormwater Drainage Building South Level 4	DA-STW-106	J	03/02/2021	LP Consulting
Stormwater Drainage Building South Roof	DA-STW-107	J	03/02/2021	LP Consulting
Stormwater Drainage Building North Lower Ground	DA-STW-108	J	03/02/2021	LP Consulting
Stormwater Drainage Building North Level Ground	DA-STW-109	J	03/02/2021	LP Consulting
Stormwater Drainage Building North Level 1	DA-STW-110	J	03/02/2021	LP Consulting
Stormwater Drainage Building North Level 2	DA-STW-111	J	03/02/2021	LP Consulting
Stormwater Drainage Building North Level 3	DA-STW-112	J	03/02/2021	LP Consulting
Stormwater Drainage Building North Level 4	DA-STW-113	J	03/02/2021	LP Consulting
Stormwater Drainage Erosion & Sediment Building North Roof	DA-STW-114	J	03/02/2021	LP Consulting
Stormwater Drainage Detail Sheet No.1 Connection to Lake	DA-STW-201	J	03/02/2021	LP Consulting
Stormwater Drainage Detail Sheet No.2	DA-STW-202	J	03/02/2021	LP Consulting
Stormwater Drainage Detail Sheet No.3	DA-STW-203	J	03/02/2021	LP Consulting
Stormwater Drainage Longitudinal Sections Sheet 1	DA-STW-301	J	22/01/2021	LP Consulting
Subdivision Plans – Stage 1				
Stage1	124981/ ST G1- SUBD		30/04/2020	JBW Surveyors
Stratum Subdivision - Stage 2				
Lower Ground Level & Below	Sheet 1 – 124981/DA -Stratum Subd		30/04/2020	JBW Surveyors
Ground Level	Sheet 2– 124981/DA -Stratum Subd		30/04/2020	JBW Surveyors
Level 1	Sheet 3– 124981/DA -Stratum Subd		30/04/2020	JBW Surveyors
Level 2	Sheet 4– 124981/DA -Stratum Subd		30/04/2020	JBW Surveyors
Level 3	Sheet 5– 124981/DA -Stratum Subd		30/04/2020	JBW Surveyors
Level 4	Sheet 6 – 124981/DA -Stratum Subd		30/04/2020	JBW Surveyors
Roof Level & Above	Sheet 7 – 124981/DA -Stratum Subd		30/04/2020	JBW Surveyors

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

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

2. Rural Fire Services Requirements

The following conditions from RFS must be complied with:

A. Asset Protection Zones

From the start of building works and in perpetuity, to ensure ongoing protection from the impact of bush fires, the entire site must be managed as an Inner Protection Area (IPA) in accordance with the requirements of Appendix 4 of ‘*Planning for Bush Fire Protection 2019*’ as depicted in Schedule 1 of the bushfire protection assessment prepared by Travers Bushfire and Ecology dated 6 May 2020 with reference 19WRL02. When establishing and maintaining an IPA the following requirements apply:

- (a) Tree canopy cover should be less than 15% at maturity;
- (b) Trees at maturity should not touch or overhang the building;
- (c) Lower limbs should be removed up to a height of 2m above the ground; tree canopies should be separated by 2 to 5m;
- (d) Preference should be given to smooth barked and evergreen trees;
- (e) Large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;
- (f) Shrubs should not be located under trees;
- (g) Shrubs should not form more than 10% ground cover; and
- (h) Clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.
- (i) Grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and
- (j) Leaves and vegetation debris should be removed

B. Construction Standards

New construction must comply with Section 3 and 5 (BAL 12.5) of Australian Standard AS3959-2018 *Construction of buildings in bushfire-prone areas* or NASH Standard (1.7.14 updated) *National Standard Steel Framed Construction in Bushfire Areas – 2014* as appropriate Section 7.5 of *Planning for Bush Fire Protection 2019*.

C. Access – Internal Roads

Access roads for special fire protection purpose (SFPP) developments must comply with general requirements of Table 6.8b of *Planning for Bush Fire Protection 2019*:

- (a) SFPP access roads are two-wheel drive, all-weather roads;
- (b) Access is provided to all structures;
- (c) Traffic management devices are constructed to not prohibit access by emergency services vehicles;

- (d) Access roads must provide suitable turning areas in accordance with Appendix 3; and
- (e) One way only public access roads are no less than 3.5 metres wide and have designated parking bays with hydrants located outside of these areas to ensure accessibility to reticulated water for fire suppression.

D. Water and Utility Services

The provision of water, electricity and gas must comply with Table 6.8c of *Planning for Bush Fire Protection 2019*.

E. Landscaping Assessment

Landscaping within the site must comply with the following principles:

- (a) Suitable impervious areas are provided immediately surrounding the building such as courtyards, paths and driveways.
- (b) Grassed areas, mowed lawns or ground cover plantings are provided in close proximity to the buildings.
- (c) Planting is limited in the immediate vicinity of the building.
- (d) Planting does not provide a continuous canopy to the building (i.e. trees or shrubs should be isolated or located in small clusters).
- (e) Landscape species are chosen in consideration needs of the estimated size of the plant at maturity.
- (f) Species are avoided that have rough fibrous bark, or which keep/shed bark in long strips or retain dead material in their canopies.
- (g) Smooth bark species of tree are chosen which generally do not carry a fire up the bark into the crown.
- (h) Planting of deciduous species is avoided which may increase fuel at surface/ground level (i.e. leaf litter).
- (i) Climbing species are avoided to walls and pergolas.
- (j) Combustible materials such as woodchips/mulch and flammable fuel are stored away from the building.
- (k) Combustible structures such as garden sheds, pergolas and materials such as timber garden furniture are located way from the building.
- (l) Low flammability vegetation species are used.

F. Emergency and Evacuation Planning Assessment

A Bush Fire Emergency Management and Evacuation Plan must be prepared and be consistent with the NSW RFS document: A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan.

The Bush Fire Emergency Management and Evacuation Plan should include planning for the early relocation of occupants.

Note: A copy of the Bush Fire Emergency Management and Evacuation Plan should be provided to the Local Emergency Management Committee for its information prior to the occupation of the development.

(Reason: Ensure Compliance and NSW RFS Requirements)

PRIOR TO MAKING AN APPLICATION FOR A CONSTRUCTION CERTIFICATE

The following conditions are to be complied with before any Construction Certificate Application is made to the Certifying Authority.

3. Submit the Following Information to Willoughby City Council

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

A. Revised Architectural Plans

The Applicant shall submit to Council revised architectural plans and swept path analysis, demonstrating provision for simultaneous passing movements over the access driveway and adequately located passing bays within the internal driveway, of the largest vehicle using the site and a passenger vehicle including clearances in accordance with AS2890.1 and AS2890.2.

B. Design of Works within Public Road Reserve

Submit to Council design plans and specifications prepared by a suitably qualified and experienced civil engineer with CPEng qualification for the following infrastructure works:

- a) Design details for a 6.5 metre wide vehicular crossing in Beaconsfield Road in accordance with Council's specification and Standard Drawings SD105. The 1 metre wide grated drain at the new crossing as shown on drawing DA-STW-105 Rev J, dated 3/2/21, prepared by LP Consulting shall be deleted. All stormwater runoff shall be directed to the adjacent stormwater pit.

Detailed longitudinal sections of the vehicular access path along each side of the vehicular driveway access to the proposed carpark drawn at 1:20 Scale shall be submitted to Council. The sections shall be prepared by a suitably qualified civil engineer using the B99 Ground Clearance Template from AS2890.1 and include the following: -

- i. Horizontal distance from 6m into the road and 6m within the property, including provision of Council's standard layback as per Council's standard drawing SD105 which is available from Council's website;
- ii. Both existing and proposed levels (in AHD) and gradients represented in percentage (%) of the vehicular driveway access;
- iii. Crossfall on road pavement represented in percentage (%) shall be shown on longsections;
- iv. The first 6 m of the internal driveway shall have a maximum grade of 5%.
- v. The crossing shall include a 1.5m wide concrete footpath section at a maximum grade of 2.5% towards the street kerb;
- vi. The new crossing is to be 6.5 metres wide with no splays and be designed at right angle to the street kerb in accordance with Council's SD105.

All driveway grades and transitions shall comply with AS 2890.1-2004 and Council's specifications. The internal levels may require amendment to satisfy the required crossing levels.

C. Design of Council Stormwater Systems

Submit to Council full engineering plans and details prepared by a suitably qualified and experienced civil engineer for the proposed works to Council's stormwater systems:

I. Beaconsfield Road Stormwater System (adjacent to Southern building)

- a) Details for the proposed 750mm Council pipe conveying stormwater runoff from Beaconsfield Road towards the point of discharge within the site. The overland flow path, designed to cater for 1% AEP flows in accordance with the major-minor principle, shall be shown on the plans. Detailed longitudinal and cross sections at 5 metre intervals with full engineering and hydraulic calculations and details suitable for construction shall be provided.
- b) Details for the rock armoured channel as part of the Beaconsfield Road stormwater system, conveying runoff from the proposed 750mm Council pipe to the downstream pipe, constructed in accordance with Council's specifications. The design shall be certified by a suitably qualified civil engineer and include:
 - i. Suitable outlet control measures to prevent the incidence of scour and erosion;
 - i. Inlet control and safety protection screens/measures in accordance with the Queensland Urban Drainage Manual (QUDM).
 - ii. The open channel embankment is stabilised and able to cater for the 1% AEP flows, including allowance for blockages to the pipe system.
- c) The 1-metre-wide grated trench drain shown on the submitted plans at the new crossing shall be deleted, all stormwater runoff from the road reserve shall be directed towards the adjacent Council pit.
- d) The proposed GPT shall be relocated to be wholly within the site. The ownership and ongoing maintenance of this system is the responsibility of the Applicant. The current 'in line' design shall be modified to an 'off line' arrangement in order to account for any obstructions to the system when a blockage is present.
- e) An easement shall be established over the full length of this stormwater system, from the Council pit on Beaconsfield Road to the point of discharge at the pond within the site. No structure(s) shall be located within the stormwater easement. The easement shall be created centrally over the pipe system and overland flow path and shall comply with the minimum width required under Technical Standard No. 1 of the WDCP.

II. Colwell Crescent Stormwater System (adjacent to Northern building)

- a) Details for diversion of the 375mm diameter Council pipe conveying stormwater runoff from Colwell Crescent towards Swaines Creek. The

overland flow path associated with this system shall be designed to cater for 1% AEP flows in accordance with the major-minor principle and be shown on the plans. Detailed longitudinal and cross sections at 5 metre intervals with full engineering and hydraulic details suitable for construction shall be provided. The plans shall demonstrate that the easement associated with the pipe system and overland flow path is clear of all structures/retaining walls including footings.

- a) Details for the open channel as part of the Colwell Crescent stormwater system, conveying runoff from the existing 375mm Council pipe to the 300mm downstream pipe towards Swaines Creek, constructed in accordance with Council's specifications. The design shall be certified by a suitably qualified civil engineer and include:
 - i. Suitable outlet control measures to prevent the incidence of scour and erosion;
 - i. Inlet control and safety protection screens/measures in accordance with the Queensland Urban Drainage Manual.
 - ii. Channel embankment is stabilised and able to cater for the 1% AEP flows, including allowance for blockages to the pipe system.
 - iii. Details of adjacent structures including buildings/retaining walls and footings shall be clearly shown on the plans.
- b) The proposed GPT shall be located wholly within the site. The ownership and ongoing maintenance of this system is the responsibility of the Applicant. The current 'in line' design shall be modified to an 'off line' arrangement in order to account for any obstructions to the system when a blockage is present.
- c) An easement shall be established over the full length of this stormwater system, from the Council pit collecting stormwater runoff from Colwell Crescent to the point of discharge at Swaines Creek. No structure(s) shall be located within the stormwater easement. The easement shall be created centrally over the pipe system and overland flow path, complying with the minimum width required under Technical Standard No. 1 of the WDCP.
(Reason: Ensure Compliance)

D. Design of Site Stormwater Management (collecting direct runoff from the development)

Submit to Council detailed stormwater management plans in relation to the on-site stormwater management and disposal system for the development. The drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer generally in accordance with the concept stormwater management plans prepared by LP Consulting Engineers Rev J Dated 3/2/2021 with the following amendments:

- a) The spillway from the on-site detention system shall be conveyed via an overland flow route and not be piped, designed for the 1% AEP undetained flows as specified under the WDCP Technical Standard No. 1. The spillway level must be below the overflow level from the rainwater tank to the OSD. Cross sections at maximum 5m internals and finished ground levels of the emergency overflow route must be shown on the plans with freeboard to any adjacent floor levels clearly shown on the plans.

All drawings shall comply with Part C.5 of Council's Development Control Plan and Technical Standards, AS/NSZ3500.3 – *Plumbing and Drainage Code* and National Construction Code.

(Reason: Ensure compliance)

4. Contaminated Land – Remediation and Validation

After demolition of structures not being retained on the site and prior to the lodgement of an application for a Construction Certificate, the following actions shall be undertaken:

- (a) Any detected asbestos, or other hazardous material, shall be removed by a suitably licensed contractor in accordance with the HAZMAT assessment and Asbestos Management Plan. After the hazardous material has been removed, a licensed asbestos assessor shall inspect the site and, if appropriate, issue a clearance certificate;
- (a) A Data Gap Investigation (DGI) shall be conducted to address the data gaps identified in Table 3-1 of the Remedial Action Plan (RAP) prepared by JKEnvironments, Ref. E27168Krpt4 RAP Rev.1, dated 12 March 2020, and a report prepared. The DGI report shall include any recommendations regarding whether the RAP needs to be amended or not, and be submitted to Council for concurrence;
- (b) The Remedial Action Plan (RAP) shall be reviewed and amended (if necessary) once the DGI has been completed. Any variations to the RAP must be approved in writing by Council prior to the commencement of any remedial action work;
- (c) The site must be remediated in accordance with the RAP prepared by JKEnvironments, Ref. E27168Krpt4 RAP Rev.1, dated 12 March 2020 (or any amended and approved RAP);
- (d) Prior notice of remediation work must be given to Council at least 30 days before the commencement of the work in accordance with Clause 16 of SEPP 55;
- (e) A Stage 4 Site Validation Report (SVR), prepared by a suitably qualified contaminated land consultant, must be submitted to Council for its review and concurrence. The site validation report shall provide a notice of completion of remediation works pursuant to clause 18 of SEPP 55, whether there are any ongoing site management requirements, whether the objectives stated in the approved RAP have been achieved, and a clear statement on the suitability of the continued and new residential use of the site.

(Reason: Environmental protection, public health and safety)

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of a construction certificate.

5. Amendments

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

- (a) Landscape plans are to be reviewed by a qualified ecologist and amended as required to ensure that species selected in open garden areas surrounding the buildings (excluding internal or balcony planters) comprise species selected from the Coastal Sandstone Foreshores Community only
- (b) Documentation shall include details on the re-location/accommodation of the ANZAC monument (plaque and other associated features) on site – including safe storage of the monument during the construction works.
- (c) In order to enhance safety for motorists and cyclists within the site, a dividing line shall be marked on the driveway access ramp, for the entire length of the ramp, to address separate ingress and egress movements in a shared path arrangement.

Details of the amendments above are required to be shown on the Construction Certificate plans and documentation.

(Reason: Local environmental amenity, Ensure compliance)

6. S7.11 Contribution

Prior to the issue of the Construction Certificate, a monetary contribution is to be paid to in accordance with section 7.11 of *Environmental Planning and Assessment Act, 1979* in the amount of **\$ 1,170,808.16** for the purposes of the Local Infrastructure identified in the *Willoughby Local Infrastructure Contributions Plan*.

S7.11 Contributions Calculation		
Dwellings / Residents Proposed (\$ rate / dwelling)	QTY	Contributions (\$)
Senior Living Self-contained dwelling (\$11,045.36)	106	\$ 1,170,808.16
Proposed structures not inclusive in s7.11 calc (ref. section 2.8.1 of <i>WLIC Plan</i>)		
construction of a 4-storey golf course club house	Not inclusive in s7.11 calculation	
S7.11 yielding amount based on above statistics:	Total	\$ 1,170,808.16

Note: s7.11 contribution credits for demolishing existing structures are not given as the existing golf club is being replaced by the construction of a new club which is not inclusive for the purpose of calculating s7.11 contributions as demonstrated above. Therefore, s7.11 contribution as follow:

Active transport and public domain facilities	\$ 49,932.36
Open space and recreation facilities	\$917,700.30

Plan administration	\$ 17,302.38
Recoupment - community facilities	\$ 176,490.00
Recoupment - open space and recreation	\$ 9,383.1
Total	\$ 1,170,808.16

Indexation

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

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

Where:

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

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

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

Deferred payments of contributions will not be accepted.

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

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

(Reason: Statutory requirement)

7. Services - Energy Australia

The applicant should consult with Energy Australia to determine the need and location of any electrical enclosure for the development. Should such an electrical enclosure be required, the location and dimensions of the structure are to be detailed on all the plans issued with the Construction Certificate. In the event of Energy Australia requiring such a structure e.g. a substation, the applicant is required to dedicate the land for the substation as public roadway. The Plan of Dedication shall be lodged to Council prior to issue of the Construction Certificate and registered at the Department of Lands prior to issue of the Occupation Certificate.

(Reason: Compliance)

8. External Finishes – Solar Absorptance

The external roofing, glazing and walls are to be of minimal reflectance so as to avoid nuisance in the form of glare or reflections to the occupants of nearby residential buildings, pedestrians and/or motorists.

Details demonstrating compliance are to be submitted with the Construction Certificate application.

(Reason: Visual amenity)

9. Access - Internal Roads - RMS

Intent of measures: to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area.

Access roads for special fire protection purpose (SFPP) developments must comply with general requirements of Table 6.8b of Planning for Bush Fire Protection 2019:

- SFPP access roads are two-wheel drive, all-weather roads;
- access is provided to all structures;
- traffic management devices are constructed to not prohibit access by emergency services vehicles;
- access roads must provide suitable turning areas in accordance with Appendix 3; and
- one way only public access roads are no less than 3.5 metres wide and have designated parking bays with hydrants located outside of these areas to ensure accessibility to reticulated water for fire suppression.

(Reason: New South Wales Rural Fire Service)

10. Construction Standards – RFS

Intent of measures: to provide suitable building design, construction and sufficient space to ensure that radiant heat levels do not exceed critical limits for firefighters and other emergency services personnel undertaking operations, including supporting or evacuating occupants.

New construction must comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2018 Construction of buildings in bush fire-prone areas or NASH Standard (1.7.14 updated) National Standard Steel Framed Construction in Bushfire Areas - 2014 as appropriate and Section 7.5 of Planning for Bush Fire Protection 2019.

The Construction Certificate plans and documentation must reflect the above.
(Reason: New South Wales Rural Fire Service)

11. Water and Utility Services - RMS

Intent of measures: to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.

The provision of water, electricity and gas must comply with Table 6.8c of Planning for Bush Fire Protection 2019.
(Reason: New South Wales Rural Fire Service)

12. Roof Material – Glare

The external finish to the roof shall have a BASIX classified roof colour in the medium or dark range to minimise the effects of glare to neighbouring properties. Roof colour details being submitted with the construction certificate application for approval.
(Reason: Amenity)

13. Sydney Water 'Tap In'

Prior to the issue of the Construction Certificate, the approved plans must be submitted online to "Sydney Water Tap In" to determine whether the development will affect Sydney Water's sewer and water mains and to see if further requirements need to be met.

An approval receipt will need to be obtained prior to release of the Construction Certificate.

(Reason: Ensure compliance)

14. Bushfire Protection

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

(Reason: Safety and protection of property)

15. Damage Deposit

Prior to the issue of the Construction Certificate, the applicant shall lodge a Damage Deposit of **\$95,000** (GST Exempt) to Council against possible damage to Council's assets and any infrastructure within the road reserve/footway during the course of the building works. The deposit will be refundable subject to inspection by Council after the completion of all works relating to the proposed development. For the purpose of inspections carried out by Council Engineers, an inspection fee of **\$173** (GST Exempt) is payable to Council. Any damages identified by Council shall be restored by the applicant prior to release of the Damage Deposit.

Total Payable = \$95,000 + \$173 = \$95,173

(Reason: Protection of public asset)

16. Dedication of Drainage Easement

The Applicant shall dedicate, at no cost to Council, the following drainage easements over the allotment in favour of Council:

- a) A drainage easement of minimum 3.5 metres wide and of sufficient width to contain the overland flow path, over the full stormwater system from Beaconsfield Road to the point of discharge at the pond within the site.
- a) A drainage easement of minimum 2.5 metres wide and of sufficient width to contain the overland flow path, over the full stormwater system from Colwell Crescent to the point of discharge at Swaines Creek.

The terms of the easement shall specifically state that responsibility for maintenance of the water quality GPTs associated with the Council stormwater systems are of the development site. The Plan of Dedication shall be lodged to Council prior to issue of the Construction Certificate and registered with the NSW Land Registry Services prior to the release of the Occupation Certificate.

(Reason: Drainage maintenance)

17. Creation of Interallotment Drainage Easement

The Applicant shall create a drainage easement over the interallotment drainage system in favour of all adjacent upstream properties fronting Colwell Crescent.

The terms of the easement shall specifically state that responsibility for the ongoing maintenance of the full length open pipe/channel is borne by the development site. The stormwater connections made between the upstream properties to this interallotment system shall be maintained by the registered proprietor in favour of the connection. The Plan of Dedication shall be lodged to Council prior to issue of the Construction Certificate and registered with the NSW Land Registry Services prior to the release of the Occupation Certificate.

(Reason: Drainage maintenance)

18. CCTV Report of Existing Council Pipe System

A qualified practitioner, with qualifications/training in accordance with Water Services Association of Australia WSA05-2013 Conduit Inspection Reporting Code of Australia Version 3.1, shall undertake a closed circuit television (CCTV) inspection and then report on the existing condition of the following Council drainage systems:

- i. Colwell Crescent system commencing at the road through to the existing 300mm downstream pipe on site.
- i. Beaconsfield Road system commencing at the northern bus stop opposite to Cramer Crescent and through the site, to the point of connection to the pond.

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

- (a) The internal surface of the drainage pipe shall be viewed and recorded in a clear and concise manner.
- (b) The CCTV camera used shall be capable to pan, tilt and turning at right angles to the pipe axis over an entire vertical circle to view the conduit joints.
- (c) Distance from the manholes shall be accurately measured and displayed on the video.
- (d) All pipe joints and defects are to be inspected by stopping movement and panning the camera to fully inspect the joint and/or defect.
- (e) The inspection survey shall be conducted from manhole to manhole.

The written report, together with a copy of the digital video footage of the pipeline shall be submitted to Council. A written acknowledgment shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Certifier prior to the issue of the Construction Certificate.

(Reason: Protection of public asset)

19. Analysis of Outlet Condition

The capacity of the existing Council stormwater drainage system at the proposed connection of the outlet shall be hydraulically evaluated using the Hydraulic Grade Line method to ensure that no stormwater will be able to surcharge from Council's system to the proposed drainage system. Full engineering details of the hydraulic evaluations prepared and signed by a practising Civil Engineer shall be submitted to Council for consideration prior to the issue of the Construction Certificate.

(Reason: Prevent property damage)

20. Detailed Stormwater Management Plan (SWMP)

Prior to the issue of the Construction Certificate, submit to the Certifier for approval, detailed stormwater management plans in relation to the stormwater management and disposal system for the development. The construction drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer. All drawings shall generally be in accordance with the submitted DA plans and that required under Schedule 1. The plans shall comply with Part C.5 of Council's Development Control Plan and Technical Standards, AS/NZS 3500.3 – *Plumbing and Drainage Code* and National Construction Code.
(Reason: Ensure compliance)

21. Design of Interallotment Drainage System

Prior to the issue of a Construction Certificate, submit to the Certifier for approval, details of the interallotment drainage system receiving stormwater from all the upstream Colwell Crescent properties. The interallotment system shall be adequately sized for 1% AEP storm events and not encroach onto neighbouring properties. Individual connections from all the adjacent Colwell Crescent properties shall be provided from the property boundaries to this interallotment drainage system. Interallotment drainage easements, up to the point of connection to the Council's drainage system, shall be created over the full length of this stormwater system, benefitting all the upstream Colwell properties at the northern end of the site. The ownership and ongoing maintenance of this pipe/channel system shall be borne by the Applicant. Structures adjacent to the pipeline must be sufficiently clear of the easement to avoid any loads within the zone of influence of the pipe. Footings of any adjacent retaining walls shall be extended to a minimum 100mm below the invert of the pipe or to solid rock.
(Reason: Ensure Compliance)

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

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

- a) Construction of 1.5 metres wide concrete footpath with 2.5% maximum crossfall towards the kerb from the site of the subject development to the nearest bus stop along the northern side of Beaconsfield Road, generally in accordance with the extent of works shown on plans, Council's specification, *the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, Council's Standard Drawing SD105 Vehicular Footpath Crossing and Kerb & Gutter Details* and *Council's Standard Drawing SD100 Kerb Access Ramp*. Detailed long section and cross sections at 5 metres interval shall be provided.
- b) Construction of a 6.5-metre-wide vehicular crossing in Beaconsfield Road in accordance with Council's specification and Standard Drawings SD105.
- c) Construction details for the proposed 750mm Council pipe conveying stormwater runoff from Beaconsfield Road towards the point of discharge within the site. The overland flow path, designed to cater for 1% AEP flows in accordance with the major-minor principle, shall be shown on the plans. Detailed longitudinal and cross sections at 5 metre intervals with full engineering and hydraulic details suitable for construction shall be provided.

- d) The rock armoured channel as part of the Beaconsfield Road stormwater system, conveying runoff from the proposed 750mm Council pipe to the 375mm downstream pipe shall be reconstructed in accordance with Council's specifications. The channel embankment must be stabilised and include the installation of inlet and outlet safety control measures where appropriate, as per the Queensland Urban Drainage Manual (QUDM). The design shall be certified by a suitably qualified civil engineer.
- e) Construction details for diversion of the 375mm Council pipe conveying stormwater runoff from Colwell Crescent towards Swaines Creek. The overland flow path, designed to cater for 1% AEP flows in accordance with the major-minor principle, shall be shown on the plans. Detailed longitudinal and cross sections at 5 metre intervals with full engineering and hydraulic details suitable for construction shall be provided.
- f) The open channel as part of the Colwell Crescent stormwater system, conveying runoff from the existing 375mm Council pipe to the 300mm downstream pipe towards Swaines Creek shall be reconstructed in accordance with Council's specifications. The channel embankment must be stabilised and include the installation of inlet and outlet safety control measures where appropriate, as per the Queensland Urban Drainage Manual (QUDM). The design shall be certified by a suitably qualified civil engineer.

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

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

23. Splay Corner for Fence

In order to ensure adequate sight distances for pedestrians and traffic in the frontage road, if applicable, the boundary fence shall be designed and constructed with a minimum clear splay of 2m x 2.5m on both sides of the driveway exit. Details demonstrating compliance are to be submitted with the construction certificate application.
(Reason: Pedestrian safety)

24. OSD/Rainwater Tank Design

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

25. Vehicle Access and Manoeuvring – Engineer's Certification

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

- (a) That finished driveway gradients and transitions comply with AS/NZS 2890.1 and AS 2890.2 and will not result in scraping to the underside of cars.
- (b) That a maximum gradient of 5% is provided for the first 6 metres from the property's front boundary to the carpark. All driveway grades shall comply AS 2890.1 and AS 2890.2.
- (c) That the proposed vehicular path and parking arrangements comply in full with AS 2890.1, AS 2890.2 and AS 2890.6 in terms of minimum dimensions provided and grades on parking spaces.
- (d) That the headroom clearance of minimum 2.2 metres between the basement floor and any overhead obstruction (including overhead services) is provided for compliance with Section 5.3.1 of AS 2890.1.
- (e) That the headroom clearance of minimum 2.5 metres is provided to all parking spaces for people with disabilities for compliance with Section 2.4 of AS 2890.6.
- (f) That the headroom clearance of minimum 4.5 metres is provided to all commercial or specialist vehicle parking spaces and the associated vehicular access path for compliance with Section 2.2 of AS 2890.2.
- (g) That a shared area with minimum dimensions of 2.4 x 5.4m is provided adjacent to all disabled parking spaces and a shared area with minimum dimensions of 2.4m x 5.4m is provided at the end of all disabled parking spaces to comply with AS 2890.6. A bollard shall be located in the shared zone in accordance with AS 2890.6.
- (h) Simultaneous manoeuvring of B99 and B85 vehicles at all ramps and ramp ends including the clearance lines for each vehicle, in accordance with AS2890.1, is complied with.
- (i) Sufficient passing bays within the driveway to allow simultaneous entry/exit movements for the largest vehicle using the site and a passenger vehicle including clearance in accordance with AS2890.1 and AS2890.2, is provided.
- (j) The maximum gradient within the parking modules measured parallel to the angle of parking is no greater than 5% and no greater than 6.25% in any other direction.
- (k) All visitor carparking spaces within the site to have minimum dimensions of 2.5m x 5.4m and be freely accessible at all times for the use of visitors.
- (l) Segregated route(s) for pedestrian and wheelchair movements shall be provided within the basement carpark with appropriate line marking and signage in accordance with the AS2890.1 and AS2890.6.
- (m) The club parking spaces are open to mixed use without facility marking to allow for flexible and shared use.

(Reason: Ensure compliance)

26. Tree Planting

a) Prior to the issue of a Construction Certificate for the Independent Living Units or Clubhouse Building, the applicant must submit to The Certifying Authority a Tree Planting Scheme prepared by a suitably qualified Arborist or Environmental Consultant detailing the replanting strategy which delivers **a minimum of 650 new trees** within the Chatswood Golf Course (Lot 13 - remainder golf course fairway lot, approx. area 12.4ha) - in addition to the trees nominated on the approved landscape plans.

b) The tree planting scheme is to comprise

- i) Local native tree species only,
- ii) A minimum 50% of trees capable of growing to a minimum height of 15 metres,
- iii) Tree planting locations,
- iv) Required ground preparation and mulching, and
- v) An ongoing maintenance program including watering, protection measures and replacement of failed trees.

c) The Tree Planting Scheme is to be provided to the Certifying Authority for approval prior to issue of a Construction Certificate

(Reason: Maintain local environmental amenity)

27. On slab landscape works

a) Details shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate indicating the proposed method of waterproofing and drainage to all planters over slab, over which soil and planting is being provided.

b) Landscape treatment details shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate indicating the proposed soil type, planting, automatic irrigation, services connections, and maintenance activity schedule.

c) The following soil depths are required to support landscaping as proposed:

- 1. 300mm for lawn
- 1. 600mm for shrubs
- 2. 1m for small trees

Design certification shall be submitted to the Certifying Authority by a qualified Structural Engineer, that the planters are designed structurally to support the 'wet' weight of landscaping (soil, materials and established planting).

(Reason: To ensure appropriate soil depth for planting and secure waterproofing and drainage is installed)

28. Tree Protection Plan

(a) Submit to the registered certifier a Tree Protection Plan for approval prior to issue of a construction certificate.

(b) The Tree Protection Plan is to be prepared by a qualified Arborist with minimum qualification AQF Level 5.

(c) Tree Protection Plan shall address tree protection and management of all trees (including those on adjoining properties) in accordance with the recommendations of the Arboricultural Impact Assessment Report dated

November 2020 prepared by Travers Bushfire and Ecology and AS 4970-2009 'Protection of trees on development sites' and clearly mark tree protection zones as well as tree protection measures, fencing and inspection hold points.

(Reason: Tree protection)

29. Amended Landscape Plans

Prior to issue of a Construction Certificate, landscape plans are to be reviewed by a qualified ecologist and amended as required to ensure that species selected in open garden areas surrounding the buildings (excluding internal or balcony planters) comprise species selected from the Coastal Sandstone Foreshores Community only.
(Reason: Local environmental amenity)

30. Internal Noise Levels Independent Living Units

To minimise the noise intrusion from any external noise source, the independent living units (ILUs) shall be designed and constructed to comply with the following criteria with windows and doors closed:

Internal Space	Time Period	Criteria L _{Aeq} (period)
Living Areas	Any time	40 dB(A)
Sleeping Areas	Day (7am – 10pm)	40 dB(A)
	Night (10pm – 7am)	35 dB(A)

Note:

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

In addition, all façades of the ILUs facing directly towards the golf club shall have an acoustic rating of Rw 33.

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

(Reason: Amenity, environmental compliance and health)

31. Noise Transmission – Independent Living Units

To ensure that adequate provision is made to limiting noise transmission between adjoining sole-occupancy units and from common spaces into sole-occupancy units, the development's construction shall comply with the sound insulation requirements contained in the National Construction Code (NCC) and Section 5 of the NCC and Mechanical Plant Noise Assessment prepared by Rodney Stevens Acoustics, Ref. No. 170406R1 Rev. 2, dated 18 December 2019.

Once the final architectural/construction certificate plans are complete and details on wall, flooring and door construction are finalised, a suitably qualified acoustic consultant shall carry out a NCC compliance assessment and produce a report. This report shall be submitted to the Certifying Authority prior to the issue of a

Construction Certificate. Any noise attenuation measures in the report shall be implemented in the development.

(Reason: Amenity and environmental compliance)

32. Building Ventilation

To ensure that adequate provision is made for ventilation of the building, mechanical and/or natural ventilation shall be provided. These shall be designed in accordance with the provisions of:

- (a) The National Construction Code:
 - (i) AS1668.1, AS1668.2 and AS3666.1 as applicable; and/or
 - (ii) Alternative solution using an appropriate assessment method

Details of all mechanical ventilation and exhaust systems, and certification provided by an appropriately qualified person verifying compliance with these requirements, shall be submitted to the Certifier prior to the issue of the Construction Certificate.

(Reason: Health and compliance)

33. Location of Car Park Exhaust Vents

To ensure that discharged air from any mechanically ventilated car park does not adversely impact adjacent Zone E4 Environmental Living properties with special ecological, scientific or aesthetic values, exhaust vents shall be located a minimum distance of 10m from any property boundary.

Details clearly showing the location of car park exhaust vents and their distance to adjoining property boundaries shall be included in the mechanical ventilation plans for the development to be provided to the Certifier prior to the issue of a Construction Certificate.

(Reason: Amenity and environmental protection)

34. Mechanical Ventilation – Food Premises

Emission control equipment shall be provided in the mechanical exhaust system serving cooking appliances at the food premises to effectively minimise the emission of odours, vapours and oils. Solid fuel cooking equipment must have a separate exhaust ventilation system/s. Exhaust hoods must be of stainless steel construction with an internal 50mm x 50mm gutter, an unscrewable drainage plug at one corner and have removable grease filters for effective cleaning.

Prior to the issue of a Construction Certificate, detailed design plans, to scale, and specifications and operational information of the proposed emission control equipment shall be submitted to the Certifier demonstrating that the ventilation system has been designed in accordance with the following Australian Standard/New Zealand Standards:

- (a) *AS/NZS 1668.1:1998 – The use of ventilation and air conditioning in buildings – Fire and smoke control in multi-compartment buildings;*
- (b) *AS/NZS 1668.2:2002 – The use of ventilation and air conditioning in buildings – ventilation design for indoor air contaminant control; and*
- (c) *AS/NZS 2918:2001 – Domestic solid fuel burning appliances –*

Installation.

(Reason: Amenity, environmental compliance and health)

35. Construction and Fitout of Food Premises

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

- (a) Australian Standard *AS 4674:2004 – Design, Construction and Fitout of Food Premises*;
- (b) *Food Standards Code* (Australia) and *Food Safety Standard 3.2.3 – Food Premises and Equipment*;
- (c) *Food Act 2003* and *Food Regulation 2015*;
- (d) *National Construction Code – Building Code of Australia* and any relevant *Australian Standards*;
- (e) *Plumbing Code of Australia* and Australian Standard/New Zealand Standard *AS/NZS 3500* series on *Plumbing and Drainage*; and
- (f) Sydney Water commercial trade wastewater requirements for food premises and the most recent editions of any relevant *Water Services Association of Australia* codes of practice, guidelines, policies and requirements.

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

Note:

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

(Reason: Public health, safety and compliance)

36. Mechanical Plant Noise Assessment

To minimise the impact of noise onto receivers on surrounding land, all mechanical services shall be designed to comply with the EPA's Noise Policy for Industry (NPfI). Once final selection of mechanical plant for the clubhouse and independent living units has been made, a suitably qualified acoustic consultant shall assess the predicted noise impact on both nearby residential receivers and residents of the independent living units. Particular attention shall be paid to air-conditioning and carpark exhaust systems and include an assessment of cumulative impact from various sources operating at the same time (i.e. a worst-case scenario).

Details of the proposed equipment, siting, appropriate noise criteria and any attenuation required shall be included in a mechanical plant noise assessment report and be submitted to the Certifying Authority prior to the issue of a Construction Certificate. Any noise attenuation measures or equipment recommended in the report shall be implemented into the design of the development.

(Reason: Amenity and environmental protection)

37. Traffic Management Plan

Prior to issue of the Construction Certificate, a detailed Traffic Management Plan shall be prepared for pedestrian and traffic management during demolition, excavation and construction works, and be submitted to Council for approval. The plan shall include but not be limited to, the following: -

- (a) Be prepared by a Transport for NSW (TfNSW) accredited consultant.
- (b) Be in accordance with the current version of AS1742.3 and its associated handbook; and the TfNSW/ RMS's Traffic Control at work site manual.
- (c) Implement a public information campaign to inform any road changes well in advance of each change. The campaign shall be approved by the Traffic Committee.
- (d) The Traffic and Pedestrian Management Plan at minimum shall ensure the following are implemented:
 - Detail the measures that are to be implemented to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists and pedestrians and bus services.
 - Include times and dates of changes, signage, road markings and any temporary traffic control measures.
 - Detail heavy vehicle routes, access and parking arrangements.
 - Maintain full operations and access to adjoining residents throughout construction.
 - Maintain continuous operation and full access to utility services.
 - Provide designated vehicle access routes.
 - Create and maintain materials handling zones within the site.
 - Control, manage and clean all construction traffic to and from the materials handling zones.
 - Ensure suitable traffic control personnel is in places at all times / as required.
- (e) If necessary, the Traffic Management Plan shall include measures for road safety, network efficiency and amenity of local residents, in the case where the stockpiling material temporarily stored on site has to be removed via Council's road network.
- (f) Prior to implementation of any road closure during construction, Council must be advised of these changes and a Traffic Control Plan must be submitted to Council for approval.
- (g) Nominate a contact person who is to have authority without reference to other persons to comply with instructions issued by Council's Traffic Engineer or the Police.
- (h) Confine temporary road closures to weekends and off-peak hour times and shall be the subject of approval from Council. Prior to implementation of any road closure during construction, Council shall be advised of these changes and a Traffic Control Plan shall be submitted to Council for approval. This Plan shall include times and dates of changes, measures, signage, road markings and any temporary traffic control measures.

(Reason: Public safety and amenity)

38. Traffic Work – cul-de-sac/driveway

Prior to issue of the Construction Certificate, any proposals for changes to the carriageway of a public road including shared paths, involving traffic arrangements

shall be referred to the Local Traffic Committee for approval. All work shall be designed in accordance with Transport for NSW (TfNSW) / RMS Technical Directives and Guidelines.

(Reason: Public safety and amenity)

39. Public Domain Works – Beaconsfield Road (from development site to Mowbray Road West)

Prior to the issue of the Construction Certificate, the Applicant must demonstrate to Council that the streetscape design and treatment meets the requirements of Council including:

- a) to ensure minimum noise, dust, traffic congestion and delays on Beaconsfield Road (from the development site to Mowbray Road West) due to the truck movements, nominate for temporary or permanent removal (and rebuilding) the speed humps/ or squeeze points/ traffic islands and any necessary works to the footpath, nature strip, kerb and gutter, as required;
- a) prepare new designs/ concept plans as required;
- b) consult affected residents (provide written evidence to Council Local Traffic Committee about consultation process); and
- c) any changes to traffic calming devices should be referred to the Council Local Traffic Committee for review and Council approval.

Details of compliance with the above, including endorsement from the Council Local Traffic Committee, must be shown on the Construction Certificate plans and documentation.

(Reason: Public safety and amenity)

PRIOR TO COMMENCEMENT

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. All of these conditions are to be complied with prior to the commencement of any works on site.

40. External Finishes - Compatibility

All external building material shall be in colours and textures, which are compatible with the character of the locality and the natural environment. In this regard, the Schedule of Colours and Finishes submitted with the application satisfies this requirement.

(Reason: Visual amenity)

41. Stage 1 - Land Subdivision

Prior to commencement of construction of the buildings, the four lots subject of this application (Lot 163 in DP 752067, Lot 1 in DP 651667, Lot 1 in DP 1124646 and Lot 22 in DP 626634) shall be registered as a Torrens Title subdivision comprising Lot 10, Lot 11, Lot 12 and Lot 13, generally in accordance with plan ref 124981\STG1-SUBD prepared by JBW Surveyors Pty Ltd, dated 30/04/2020.

(Reason: Information)

42. Stage 1 - Land Subdivision - Section 88B Instrument

Appropriate access & services easements are to be created through the southern end of Lot 12 directly connecting Lots 10 & Lot 11 to the western end of Beaconsfield Road. The easements are to be created pursuant to Section 88B Instrument of the Conveyancing Act 1919 to Council's satisfaction burdening Lot 12 and benefitting Lots 10 & 11.

(Reason: Information and compliance)

43. Stage 1 - Land Subdivision – Linen Plan

Land subdivision in Stage 1 requires Linen Plan plus eight copies to be prepared by a Registered Surveyor. In this regard the applicant's attention is drawn to the requirement for a Subdivision Certificate, which is to be obtained from Council by separate application, to allow registration of the Torrens Title land subdivision with the NSW Land Registry Services.

(Reason: Information)

44. Waste Management Plan

A Waste Management Plan which provides details of specific strategies to salvage and recycle a minimum of 85% of used and unused demolition and construction materials shall be submitted to the Certifier prior to commencement of work.

(Reason: Environment protection/waste reduction)

45. Site Management

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

- (a) Details and contact telephone numbers of the owner, builder and developer;
- (b) Location and construction details of protective fencing to the perimeter of the site;
- (c) Location of site storage areas, sheds and equipment;
- (d) Location of stored building materials for construction;
- (e) Provisions for public safety;
- (f) Dust control measures;
- (g) Site access location and construction;
- (h) Details of methods of disposal of demolition materials;
- (i) Protective measures for tree preservation;
- (j) Provisions for temporary sanitary facilities;
- (k) Location and size of waste containers and bulk bins;
- (l) Soil and Water Management Plans (SWMP); comprising a site plan indicating the slope of land, access controls, location and type of sediment controls and storage/control methods for material stockpiles;

- (m) Construction noise and vibration management.

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

(Reason: Environment protection, public health and safety)

46. Dilapidation Report of Adjoining Properties

Prior to commencement of work, submit a photographic survey and report of the adjoining properties 123, 124, 125 and 126 Beaconsfield Road and 15G, 15F, 17, 19, 21, 23, 25, 27, 29 and 31 Colwell Crescent to the Certifier and all owners of these adjoining properties. Such photographic survey and report shall be prepared by a suitably qualified person, detailing the physical condition of these properties, both internal and external including items as site details, fences, swimming pools, walls, ceilings, roof, structural members and other items as necessary.

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

(Reason: Protection of adjoining owners)

47. Asbestos Sign to be Erected

On sites involving demolition or alterations and additions to building where asbestos cement is being repaired, removed or disposed of a standard commercially manufactured sign not less than 400mm x 300mm containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" is to be erected in a prominent visible position on the site. The sign is to be erected prior to the commencement of works and is to remain in place until such time as all asbestos cement has been removed from the site to an approved waste facility.

(Reason: Public Health and safety/Ensure compliance)

48. Neighbour Notification of Asbestos Removal

The applicant/builder is to notify anyone occupying premises in the immediate vicinity of the site, five working days prior to demolition works involving removal of asbestos. Such notification is to be clearly written, giving the date work will commence.

As a minimum, this notification is to be placed in the letterbox of every property (including every residential flat or unit) either side and immediately at the rear of the site.

(Reason: Public health)

49. Dilapidation Report of Council's Property

Submit a dilapidation report including photographic record of Council's property extending to a distance of 150m from the development, detailing the physical condition of items such as, but not exclusively to, the footpath, roadway, nature strip, and any retaining walls.

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

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

(Reason: Protection of Council's infrastructure)

50. Locate and Expose Existing Council's Drainage Line

Prior to commencement of any works, the applicant shall locate the existing Council drainage pipe through the site. The location shall be shown on the "For Construction" drawings and a copy of the drawings submitted to Council.

(Reason: Protection of public asset)

51. Application for Vehicle Crossing

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

(Reason: Protection of public asset)

52. Underground Utility Services

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

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

(Reason: Protection of utilities)

53. Asset Protection Zones – NSW RFS

Intent of measures: to provide suitable building design, construction and sufficient space to ensure that radiant heat levels do not exceed critical limits for firefighters and other emergency services personnel undertaking operations, including supporting or evaluating occupants.

From the start of building works, and in perpetuity to ensure ongoing protection from the impact of bush fires, the property must be managed as an asset protection zone Inner Protection Area (IPA) in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019 as depicted in Schedule 1 of the bushfire protection assessment prepared by Travers Bushfire and Ecology dated 6 May 2020 with reference 19WRL02.

When establishing and maintaining an IPA the following requirements apply:

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2m above the ground; tree canopies should be separated by 2 to 5m;
- preference should be given to smooth barked and evergreen trees;

- large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;
 - shrubs should not be located under trees;
 - shrubs should not form more than 10% ground cover;
 - clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;
 - grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and
 - leaves and vegetation debris should be removed.
- (Reason: New South Wales Rural Fire Service)

54. Landscaping – RFS

Landscaping of the site should comply with the following:

- Suitable impervious areas are provided immediately surrounding the building such as courtyards, paths and driveways.
 - Grassed areas, mowed lawns or ground cover plantings are provided in close proximity to the building.
 - Planting is limited in the immediate vicinity of the building.
 - Planting does not provide a continuous canopy to the building (i.e. trees or shrubs should be isolated or located in small clusters).
 - Landscape species are chosen in consideration needs of the estimated size of the plant at maturity.
 - Species are avoided that have rough fibrous bark, or which keep/shed bark in long strips or retain dead material in their canopies.
 - Smooth bark species of tree are chosen which generally do not carry a fire up the bark into the crown.
 - Planting of deciduous species is avoided which may increase fuel at surface ground level (i.e. leaf litter).
 - Climbing species are avoided to walls and pergolas.
 - Combustible materials such as woodchips/mulch and flammable fuel are stored away from the building.
 - Combustible structures such as garden sheds, pergolas and materials such timber garden furniture are located way from the building.
 - Low flammability vegetation species are used.
- (Reason: New South Wales Rural Fire Service)

55. Offset Requirements- NSW Biodiversity Conservation Act

Prior to commencement of work, ecosystem credit obligations as detailed in the Biodiversity Development Assessment Report dated April 2020 prepared by Travers Bushfire and Ecology are to be met as follows:

- Prior to operational commencement, the class and number of ecosystem credits as calculated in the Biodiversity Development Assessment Report dated April 2020 prepared by Travers Bushfire and Ecology must be retired to offset the residual biodiversity impacts of the development.
- The requirement to retire credits may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the Biodiversity Offsets Payment Calculator.

- Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of this condition must be provided to the Council and consent authority prior to operational commencement.
(Reason: Compliance with environmental legislation)

56. Project Arborist

- (a) A Project Arborist is to be appointed prior to commencement of works on site;
- (b) The Project Arborist is to have a minimum qualification AQF Level 5;
- (c) The Project Arborist is to oversee and authorise all tree protection works detailed in the approved Tree Protection Plan and relevant conditions of consent;
- (d) The Project Arborist is to certify that all tree protection measures have been installed prior to commencement of works.

(Reason: Safety, environmental protection, landscape amenity)

57. Project Ecologist

- a) A Project Ecologist is to be appointed prior to commencement of works
- b) The Project Ecologist is to have tertiary qualifications in ecology/environment and have a minimum 5 years experience.
- c) The Project Ecologist to oversee all environmental works as outlined in the Vegetation Management plan dated April 2020 prepared by Travers Bushfire and Ecology, in the Biodiversity Development Assessment Report dated April 2020 prepared by Travers Bushfire and Ecology and in the Arboricultural Impact Assessment Report dated November 2020 prepared by Travers Bushfire and Ecology.

(Reason: Environmental protection)

58. Communications/Stakeholder Engagement Plan

A Communications/Stakeholder Engagement Plan shall be developed prior to commencement of any works to establish and maintain good relations with the local community. Matters to be included shall include, but not be limited to, a means to inform the local community of activities occurring on the development site, updates on progress and consultation on relevant issues such as construction noise, vibration, dust control and traffic management. A Community Liaison Officer shall be appointed be a point of contact for stakeholders.

(Reason: Amenity and community consultation)

59. Water Pump-out Plan for Construction Site

Appropriate pollution control methods shall be adopted to ensure any water discharged into Council's stormwater system from pumping-out of accumulated rainwater on the development site complies with relevant environmental criteria.

A Construction Site Water Pump-out Plan (CSWPP) shall be prepared by a suitably qualified environmental consultant and submitted to Council for approval prior to the commencement of any work. The CSWPP can be incorporated into any Construction Management Plan covering the entirety of siteworks to be carried out on the site, or can be a stand-alone document. It shall contain details on the water treatment

method, equipment to be used, water testing regime and a written statement that the water to be discharged will meet the Council-approved design water quality criteria as follows:

Analyte	Unit	Measurement	Criteria
Total nitrogen	µg/L	< than	880
Total phosphorous	µg/L	< than	48.5
Dissolved oxygen	%sat	Btn 80 - 120%	
pH	pH units	Btn 6.5 - 8.5	
Conductivity	µS/cm	< than	468
Suspended solids	mg/L	< than	50
Turbidity	NTU	< than	50
Zinc	µg/L	< than	12.5
Lead	µg/L	< than	0.4
Copper (& any other heavy metals)	µg/L	< than	3.4

(Reason: Environmental protection, compliance)

60. Hazardous Material Assessment

Prior to the undertaking of any demolition work on the site, a hazardous material (HAZMAT) assessment shall be undertaken by an appropriately qualified person. The assessment shall identify any likely hazardous materials within any structure to be demolished and provide procedures on how to handle and dispose of such materials.

(Reason: Environmental protection/public health and safety)

61. Unexpected Finds Protocol

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

(Reason: Environment & Health Protection)

62. Waste Classification – Excavation Materials

All materials excavated and removed from the site (fill or natural) shall be classified in accordance with the *Environment Protection Authority* (EPA) Waste Classification Guidelines prior to being disposed of to a NSW approved landfill or to a recipient site.

(Reason: Environment and health protection)

63. Waste Storage Room Construction

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

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

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

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

64. Spoil Route Plan

Submit a “to and from” spoil removal route plan to Council prior to the commencement of excavation on the site. Such a route plan should show entry and exit locations of all truck movements.

(Reason: Public amenity)

65. Public Domain Works – Beaconsfield Road (from development site to Mowbray Road West)

Prior to commencement of work/ prior to any movement of trucks, the Applicant shall remove the speed humps/ slow points/ traffic calming devices on Beaconsfield Road in order to ensure minimum noise, dust and traffic congestion and delays - as indicated in the approved documentation by the Council Local Traffic Committee.

(Reason: Public safety and amenity)

66. STA Bus Terminus and safe routes

To optimise public safety, prior to commencement of work, the Applicant must consult with STA Bus and Council to determine and provide safer bus routes/movements at the bus terminus on Beaconsfield Road.

Affected residents shall be consulted and feedback/ concerns shall be documented and addressed. A formal road safety audit to be completed and corrective actions addressed.

Details as per above shall be submitted to Council Local Traffic Committee for approval.

The preferred bus routes be fully implemented prior to commencement of construction.
(Reason: Public safety and amenity)

DURING DEMOLITION, EXCAVATION AND CONSTRUCTION

The following conditions are to be complied with throughout the course of site works including demolition, excavation and construction.

67. Silencing Devices

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

In order to mitigate noise disturbance to immediately adjoining properties, a detailed Excavation Management Plan shall be prepared and submitted to the Certifying Authority for approval. The plan shall observe and expand on the 'Preliminary Excavation Management Plan' by PARKVIEW dated 19 May 2021 and shall be coordinated with the adopted Traffic Management Plan.
(Reason: Maintain amenity to adjoining properties)

68. Building Site Fencing

Public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.

A temporary safety fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5m). Temporary fences are to have a minimum height of 1.8m and be constructed of cyclone wire or similar with fabric attached to the inside of the fence to provide dust control.

Fences are to be structurally adequate and be constructed in a good and workmanlike manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible. All parts of the fence, including the fencing blocks shall be located wholly within the property boundaries.

The public safety provisions and temporary fences must be in place and be maintained throughout construction.
(Reason: Safety)

69. Survey Certificate

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

- (a) Prior to the construction of footings or first completed floor slab (i.e. prior to pouring of concrete) showing the area of the land, building under construction and boundary setbacks;
- (b) Upon completion of the roof framing, before the roofing is laid, indicating the ridge height to Australian Height Datum;

- (c) At roof slab level indicating the level of that slab to Australian Height Datum;
- (d) At completion indicating the relation of the building and any projections to the boundaries, and that the building has been erected to the levels approved in the Development Application.

(Reason: Ensure compliance)

70. Erection Wholly within the Boundaries

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

(Reason: Ensure compliance)

71. Hours of Work

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

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

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

(Reason: Ensure compliance and amenity)

72. Provide Erosion and Sediment Control

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

(Reason: Environmental protection)

73. Demolition Work AS 2601-2001

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

(Reason: Safety)

74. Rock Hammering/Sawing

Having regard to the residential nature of surrounding area, rock sawing is to be used, where practical, in preference to rock hammering during the excavation/construction phase of the development.

(Reason: Amenity)

75. Asbestos Removal and Disposal

Works involving the removal of asbestos must comply with Councils Policy on handling and disposal of asbestos, and must also comply with the Code of Practice for “How to Safely Remove Asbestos” approved under section 274 of the NSW Work Health and Safety Act 2011.

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

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

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

(Reason: Environmental protection/Public health and safety)

76. Temporary Toilet Facilities

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

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

(Reason: Health and amenity)

77. Sweep & Clean Pavement

Sweep and clean pavement surface adjacent to the ingress and egress points of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council.

(Reason: Legal requirement)

78. Structures to Clear of Council’s Drainage Infrastructure

It is the full responsibility of the Applicant and their contractors to:

- (a) Ascertain the exact location of the Council drainage infrastructure traversing

the site in the vicinity of the works; and

- (b) Take full measures to protect the in-ground Council drainage system, and
- (c) Ensure dedicated overland flow paths are satisfactorily maintained through the site.

All proposed structures and construction activities shall be located clear of Council drainage pipes, drainage easements, watercourses and/or trunk overland flow paths on the site. Trunk or dedicated overland flow paths shall not be impeded or diverted by fill or structures unless otherwise approved by Council. In the event of a Council drainage pipeline being uncovered during construction, all work in the vicinity of the area shall cease and the Certifier and Council shall be contacted immediately for advice. Any damage caused to a Council drainage system must be immediately repaired in full as directed, and at no cost to Council.

(Reason: Protection of public assets)

79. Street Signs

The applicant is responsible for the protection of all regulatory / parking / street signs fronting the property. Any damaged or missing street signs as a consequence of the development and associated construction works are to be replaced at full cost to the applicant.

(Reason: Protection of public assets)

80. Inspection of Drainage Connection to Council's Drainage Line

The connection of the site stormwater drainage system to the existing Council pipeline shall be inspected by Council's Engineer when the pipes are exposed, prior to backfill, and it is possible to confirm that the connection complies with Council's requirements and the new connection pipe does not protrude into the Council pipe system. The inspection must be booked via telephone with Council's Engineer and a minimum of 48 hours notice provided. For the purpose of inspections carried out by Council Engineer, the corresponding fees set out in Council's current Fees and Charges Schedule are payable to Council.

(Reason: Ensure compliance)

81. Protection of Rock and Sites of Significance

- (a) All existing rock outcrops outside and below the approved construction footprint are to be maintained and preserved during the works;
- (b) Should any Aboriginal sites be uncovered during works, works are to cease and the Council, the Aboriginal Heritage Office, the NSW Office of Environment and Heritage and the Metropolitan Local Aboriginal Land Council are to be contacted.

Under Section 89a of the NPW Act should the objects be found to be Aboriginal, NSW Biodiversity and Conservation Division, Heritage NSW and the Metropolitan Local Aboriginal Land Council (MLALC) should be contacted.

(Reason: Protection of significant environmental features)

82. Tree Trunk, Branch and Root Protection

- (a) Retain and protect the following trees and vegetation throughout the demolition and construction period: All trees not indicated for removal in the Arboricultural Impact Assessment Report dated November 2020 prepared

by Travers Bushfire and Ecology.

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

(Reason: Tree management)

83. Importation of Fill

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

(Reason: Environment & Health Protection)

84. Dust Control

The following measures must be taken to control the emission of dust:

- (a) Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work.
- (b) Any existing accumulation of dust (e.g. in ceiling voids and wall cavities) must be removed using an industrial vacuum cleaner fitted with a high efficiency particulate air (HEPA) filter.
- (c) All dusty surfaces and activities must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be allowed to enter the street or stormwater system. Activities could include, but are not limited to, rock-breaking, excavation, earth moving, drilling, and angle grinding, cutting, jack hammering and chiselling of concrete or masonry.
- (d) All stockpiles of materials that are likely to generate dust must be kept damp or covered.
- (e) Demolition work must not be carried out during high winds, which may cause dust to spread beyond the boundaries of the site.

(Reason: Amenity and environmental protection)

85. Minimising Construction Noise - Residential Receivers

- a) Construction noise shall be controlled to comply with the requirements as set out in the EPA Interim Construction Noise Guideline (ICNG). The following table sets out management levels for noise levels at residential property and what actions should be taken:

Time of day	Management Level $L_{Aeq(15min)}^*$	How to apply
Monday to Friday 7am to 6pm Saturday 8am to 1pm No work on Sundays or public holidays	Noise affected RBL + 10 dB	The noise affected level represents the point above which there may be some community reaction to noise. <ul style="list-style-type: none"> Where the predicted or measured $L_{Aeq(15min)}$ is greater than the noise affected level, the proponent should apply all feasible and reasonable work practices to meet the noise affected level. The proponent should also inform all potentially impacted residents of the nature of works to be carried out, the expected noise levels and duration, as well as contact details.
	Highly noise affected 75 dB(A)	The highly noise affected level represents the point above which there may be strong community reaction to noise. <ul style="list-style-type: none"> Where noise is above this level, Council requires respite periods to be provided by restricting the hours that the very noisy activities can occur, taking into account: <ol style="list-style-type: none"> times identified by the community when they are less sensitive to noise (mid-morning or mid-afternoon for works near residences); if the community is prepared to accept a longer period of construction in exchange for restrictions on construction times.**

* Noise levels apply at the property boundary that is most exposed to construction noise, and at a height of 1.5 m above ground level. If the property boundary is more than 30 m from the residence, the location for measuring or predicting noise levels is at the most noise-affected point within 30 m of the residence. Noise levels may be higher at upper floors of the noise affected residence.

** For guidance on negotiating agreements with the community, see section 7.2.2 of the EPA's Interim Construction Guideline

b) Noise and vibration mitigation measures contained in the following shall be implemented:

- i) Construction Noise & Vibration Management Plan & Club Noise Emissions report, prepared by Rodney Stevens Acoustics, Report No. R170406R1 Rev. 1 dated 13 February 2020; and
- ii) Section 8.27 of the Construction Management Plan prepared by Parkview, Ref. No. PARKVIEW-151187416-186 Ver. 5.0, dated 28 February 2020.

c) A noise and/or vibration monitoring plan shall be implemented during construction in the event of a complaint being received by Council or the construction contractor. A report of the findings and action taken to mitigate any exceedances

shall be submitted to Council within seven (7) days of its completion. Where noise criteria are exceeded, appropriate measures to control excessive noise shall be implemented immediately.

(Reason: Amenity and environmental compliance)

86. Water Testing Prior to Pumping Out Stormwater

- (a) On the occasion that any rainfall or other event necessitates pumping out of the site, ongoing water quality sampling, analysis and collation of results shall be conducted prior to each discharge to Council's stormwater system (or other receiving watercourse). Should test results exceed the water quality criteria, pumping out is not permitted and adjustments to the pollution control methodology will need to be made by the suitably qualified environmental consultant. Any changes to the methodology require the written notification of Council.
- (a) A copy of the up-to-date Council-approved Construction Site Water Pump-out Plan or other document detailing the water pollution control method, the written approval from Council to discharge, and the ongoing water quality test results shall be kept on the site at all times, for the duration of the site works that may require the pumping out of accumulated rainwater, and produced to an authorised officer of the Council when requested.

(Reason: Environmental protection, compliance)

87. Stockpiling Excavation Material on Subject Site

In order to minimise the number of truck movements on Beaconsfield Road (and subsequently minimise noise disturbance) and for reasons of environmental sustainability, Virgin Excavated Natural Material (VENM) may be temporarily stored in an appropriate manner on the Golf Course site (on the newly created Lot 13 – the remainder of the golf course fairway lot that is the residual left over from the original land that consisted of Lot 163 DP 752067, Lot 1 DP 651667, Lot 1 DP 1124646 & Lot 22 DP 626634), as approximately indicated on the drawing titled 'Excavation and Fill Plan' prepared by MYD Consulting Engineers C01-01 and dated 02 April 2020.

Stored material is to be located a minimum radial distance of 5m away from trees that are to be retained. Stockpiles shall be made under the guidance of an environmental engineer (or equivalent) and have an appropriate grade and be treated in such a way so that they are safe and have no detrimental environmental impact. The stockpiled excavation material shall be bound/stabilised and/or kept moist with water to minimise dust and be surrounded by sediment control devices to prevent erosion and sediment runoff polluting waterways.

A Stockpile Design and Management Plan shall be developed by an environmental engineer (or equivalent) prior to excavation commencing on the site and a copy kept onsite for the lifetime of the stockpiles whilst they remain.

While the intention is to use the excavated material stored on site for future golf course upgrades, these stockpiles shall not be permitted to remain on the site for a period longer than five (5) years from the date of the Construction Certificate.

(Reason: Amenity and environmental protection)

88. Loading and Unloading During Construction

The following requirements apply:

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

(Reason: Public safety and amenity)

PRIOR TO OCCUPATION OF THE DEVELOPMENT

The following conditions of consent must be complied with prior to the issue of an occupation certificate.

89. Emergency and Evacuation Planning Assessment - RFS

Intent of measures: to provide suitable emergency and evacuation arrangements for occupants of SFPP developments.

Prior to the issue of any Occupation Certificate, A Bush Fire Emergency Management and Evacuation Plan must be prepared and be consistent with the NSW RFS document: A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan.

The Bush Fire Emergency Management and Evacuation Plan should include planning for the early relocation of occupants.

Note: A copy of the Bush Fire Emergency Management and Evacuation Plan should be provided to the Local Emergency Management Committee for its information prior to occupation of the development.

(Reason: New South Wales Rural Fire Service)

90. Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained prior to the issue of a Final Occupation Certificate. An application must be made either directly to Sydney Water or through a Sydney Water accredited Water

Service Coordinator. For details go to www.sydneywater.com.au/section73 or call 1300 082 746.

The Section 73 Certificate must be submitted to the Certifier.
(Reason: Ensure statutory compliance)

91. External Finishes – Minimal Reflectivity

Prior to the issue of a Final Occupation Certificate and in perpetuity, the external roofing of the proposed building is to have a BASIX classified roof colour in the medium or dark range to ensure minimal reflectivity so as to avoid nuisance in the form of glare or reflections to the occupants of nearby buildings.
(Reason: Visual amenity)

92. Static Water Supply Symbol

Prior to the issue of the Occupation Certificate for the swimming pool and in perpetuity, a SWS (static water supply) symbol shall be placed in a conspicuous position at the front of the property.
(Reason: Safety)

93. Swimming Pool – Heating and Cover

Prior to the issue of the Occupation Certificate and in perpetuity, the swimming pool is to be fitted with a cover to maintain temperatures and minimise evaporation of water. Any heating shall be of energy efficient means.
(Reason: Ensure compliance/ sustainable development)

94. Swimming Pool - Access

Prior to the issue of the Occupation Certificate for the swimming pool, access to the swimming pool shall be restricted by a child resistant barrier in accordance with the regulations prescribed in the *Swimming Pools Act 1992*.

- (a) The pool shall not be filled with water, or be allowed to collect stormwater, until the installation of the child resistant barrier is completed to the Certifier's satisfaction.
- (b) The barrier is to conform to the requirements of AS 1926 –
Part 1 – “Safety Barriers for Swimming Pools”
Part 2 – “Location of Safety Barriers for Swimming Pools”

(Reason: Safety)

95. Emitted Noise – Swimming Pool/Spa

Prior to the issue of the Occupation Certificate and in perpetuity, the noise emitted by the swimming pool/spa pump and filter equipment shall be not more than 5dBA above the background noise level measured at the boundaries in accordance with the current Environment Protection Authority (EPA) guidelines for noise assessment. Further, in accordance with the *Protection of the Environment Operations (Noise Control) Regulation 2017*, the equipment is not to operate between 8pm to 7am weekdays and 8pm to 8am on weekends and public holidays if noise can be heard within any room in any other residential premises (that is not a garage, storage area, bathroom, laundry, toilet or pantry) whether or not any door or window to that room is

open. A time switch is to be installed on the power source for the above equipment to ensure that the non-permitted hours are observed.
(Reason: Amenity)

96. BASIX Certificate

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

97. Fire Safety Certificate Forwarded to NSW Fire and Rescue

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

98. Bushfire Construction

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

99. Swimming Pool Registration

The Swimming Pool must be registered on the NSW Swimming Pool Register when it is capable of holding water and before the issue of an Occupation Certificate. The swimming pool is to be registered at www.swimmingpoolregister.nsw.gov.au or in person at Willoughby City Council
(Fee applies when registering at Council)
(Reason: Statutory Compliance)

100. Identification of Car Parking Spaces

Prior to the issue of any Occupation Certificate, the 287 car parking spaces over three (3) levels of parking shall be physically identified on site and maintained free of obstruction for the life of the development.

- 140 x clubhouse visitor car spaces (including five (5) accessible spaces);
- 147 x Independent Living Units car spaces for village residents and their visitors (including ten (10) accessible spaces & minimum two (2) dedicated car spaces for communal shared electric vehicles - owned/maintained by the village, to reduce reliance on private car ownership and/or second car ownership);
- 1 x ambulance bay on Level 3 (ground floor);
- 1 x mini-van parking bay on Level 2;

- 1 x temporary removalist space on Level 3 for Building North (ground floor);
- 1 x temporary removalist space on Level 3 for Building South, managed within Club parking area (ground floor); and
- 2 x temporary mini garbage truck spaces on Level 2.

Under no circumstances are these spaces to be used for the storage of goods or waste products.

(Reason: Amenity)

101. Seniors Living – Restriction

Prior to the issue of a final Occupation Certificate for the Retirement Village, a restriction is to be registered against the title of the property (and of the Retirement Village), in accordance with Section 88E of the *Conveyancing Act 1919*, limiting the use of any accommodation to which the development consent relates to the kinds of people referred to in Clause 18(1) of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

In accordance with Section 18 in Part 1 of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, only the following people may occupy a unit in this development:

- (a) seniors or people who have a disability,
- (b) people who live within the same household with seniors or people who have a disability,
- (c) staff employed to assist in the administration of and provision of services to housing provided under the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

The site subject to the seniors village (where the dwellings locate) will remain a single allotment under one single title) receiving a single rates notice (and not multiple lots owned by individual owners).

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

(Reason: Ensure compliance)

102. Marked Parking Bays

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

(Reason: Ensure compliance)

103. Seniors Living - Documentation

Prior to the issue of a Whole Occupation Certificate, documentation relating to the constitution and operation of the development shall be submitted for Council's approval including a restriction on the occupation of the development to persons defined under Clause 18(1) of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

(Reason: Ensure compliance)

104. Safer by Design

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

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

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

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

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

105. Visitor & Staff Parking Spaces

Prior to the issue of a Whole Occupation Certificate,

- the 140 club car parking spaces,
- 48 bicycle spaces (allocated to the Seniors Village),
- the Village mini-van space (L2),
- the garbage truck spaces (L2),
- the removalist truck space (Building North) and
- the ambulance space,

shall be physically identified on site, and maintained free of obstruction for the exclusive use of visitors/bus/removalists/ambulance to the premises at all times.

(Reason: Amenity)

106. Services - Mailboxes

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

107. Public Domain Works – Beaconsfield Road (from development site to Mowbray Road West)

Prior to the issue of any Occupation Certificate and prior to the release of the Damage Deposit, the Applicant shall rebuild the speed humps/ slow points/ traffic calming devices affected, together with any necessary reinstatement of the footpath, nature strip, kerb and gutter as required to meet the requirements of Council. (Reason: Protection of public assets)

108. OPM and Club/Village Management

Prior to the issue of any Occupation Certificate, the applicant shall detail and expand the Operational Plan of Management (OPM) dated 14 May 2020, and prepare a detailed Club/Village management document which will set out the management of the Club facilities, in accordance with the OPM and the terms of this approval. The document shall be submitted to the Certifying Authority for approval, emailed to Council and made available to the Village residents. (Reason: Amenity)

109. Stormwater Runoff from Upstream Lots

Prior to the issue of any Occupation Certificate, provide an interceptor drainage system to capture and convey all stormwater runoff from the upstream neighbouring property to the Council or public drainage system. The drainage system is to comprise suitable inlet pits, grated drains, pipes and channels and is to be designed in accordance with Part C.5 of the Council's WDCP. This drainage system is to be designed for storm events up to and including the 100-year ARI. (Reason: Prevent nuisance flooding)

110. CCTV Report of Council Pipe System After Work

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

- i. Colwell Crescent system commencing at the road through to the existing 300mm downstream pipe on site.
- i. Beaconsfield Road system commencing at the northern bus stop opposite to Cramer Crescent and through the site, to the point of connection to the pond.

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

- (a) The internal surface of the drainage pipe shall be viewed and recorded in a

- clear and concise manner.
- (b) The CCTV camera used shall be capable to pan, tilt and turning at right angles to the pipe axis over an entire vertical circle to view the conduit joints.
- (c) Distance from the manholes shall be accurately measured and displayed on the video.
- (d) All pipe joints and defects are to be inspected by stopping movement and panning the camera to fully inspect the joint and/or defect.
- (e) The inspection survey shall be conducted from manhole to manhole.

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

111. Inspection of Drainage Connection to Council's Drainage Line

Prior to the issue of any Occupation Certificate, inspection of drainage connection works to the existing Council's pipeline/pit shall be carried out by Council's Engineer. Written confirmation shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Certifier. For the purpose of inspections carried out by Council Engineer, the corresponding fees set out in Council's current Fees and Charges Schedule are payable to Council.
(Reason: Ensure compliance)

112. On-site Water Management System

Prior to the issue of any Occupation Certificate, the stormwater runoff from the site shall be collected and disposed of via an approved on-site detention system (with a minimum storage volume of 331m³), water quality system and rainwater retention and reuse system in accordance with Sydney Water's requirements AS/NZS3500.3, Council's DCP and Technical Standards. The construction of the stormwater drainage system of the proposed development shall be in accordance with the approved detailed stormwater drawings required under this development consent and Council's specification (AUS-SPEC).
(Reason: Prevent nuisance flooding)

113. Sign for On-Site Detention System and Rainwater Retention and Reuse System

Prior to the issue of any Occupation Certificate pertaining to any works requiring Rainwater Reuse system or On-Site Detention System, an aluminium plaque measuring no less than 400mm x 200mm is to be permanently attached and displayed within the immediate vicinity of the On-site Detention System and Rainwater Retention Reuse System.

The wording for the plaque shall state *"This is the On-site Detention System and Rainwater Retention Reuse System required by Willoughby City Council. It is an offence to alter any part of the system without written consent from Council. The registered proprietor shall keep the system in good working order by regular maintenance including removal of debris"*.

(Reason: Prevent unlawful alteration)

114. Confined Space Sign

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

(Reason: Safe access to tank)

115. Certification of Public Stormwater Systems

Prior to the issue of any Occupation Certificate, a suitably qualified and experienced civil engineer (generally CP Eng. Qualification) shall certify that the as-built stormwater systems from Beaconsfield Road and Colwell Crescent are in accordance with the approved plans and comply with the Council approved plans, Council's DCP and Technical Standards.

(Reason: Ensure Compliance)

116. Certification of Interallotment Drainage System

Prior to the issue of any Occupation Certificate, a suitably qualified and experienced civil engineer (generally CP Eng. Qualification) shall certify that the as-built interallotment drainage system conveying stormwater from all the adjacent properties fronting Colwell Crescent is in accordance with the approved plans and complies with Council's DCP and Technical Standards and conditions of this consent.

(Reason: Ensure Compliance)

117. Certification of OSD

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

(Reason: Legal requirement)

118. Certification of Rainwater Reuse System

Prior to the issue of any Occupation Certificate pertaining to any works requiring a Rainwater Reuse system and upon completion of the Rainwater Retention and Reuse System, a licensed plumber shall certify that the rainwater retention and reuse system has been constructed in accordance with the approved stormwater management plans and that the as-built system has been fitted with proprietary first flush device and connected to non-potable use including landscape irrigation and, where practical, toilet flushing, laundry etc. All plumbing/drainage works shall be carried out which comply with the current plumbing requirements of Sydney Water and the National Construction Code Volume 3.

(Reason: Record of works)

119. Works-As-Executed Plans - Public Stormwater Drainage Systems

Prior to the issue of any Occupation Certificate and upon completion of the Council stormwater systems conveying runoff from Beaconsfield Road and Colwell Crescent respectively, the following shall be submitted to the Principal Certifying Authority with a copy to Council's Engineers:

- (a) Work-as-Executed plans based on the approved stormwater plans from a registered surveyor to verify that all as-built alignment and levels are constructed in accordance with design requirements. Any minor changes or variations to the approved plans should be highlighted in red on the approved stormwater plans.
- (b) Engineer's certification of the constructed Council stormwater systems.
(Reason: Record of works)

120. Works-As-Executed Plans - OSD

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

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

121. Works-As-Executed Plans – Rainwater Reuse

Prior to the issue of any Occupation Certificate pertaining to any works requiring a Rainwater Reuse system and upon completion of the Rainwater Reuse System, the following shall be submitted to the Certifier:

- (a) Work-as-executed plans based on the approved stormwater plans from a registered surveyor to verify that the volume of storage, invert levels of inlet, overflow pipes and discharge outlet are constructed in accordance with design requirements. Any minor changes or variations to the approved plans should be highlighted in red on the approved stormwater plans.
- (b) Plumber's certification that the Rainwater Reuse system has been fitted with proprietary first flush device and connected to non-potable use including landscape irrigation and, where practical, toilet flushing, laundry etc. The Certificate shall detail the number and type of fixtures connected to the tank. All works completed shall comply with the current plumbing requirements of Sydney Water and the National Construction Code Volume 3.
(Reason: Record of works)

122. S88B/S88E(3) Instrument

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

The above instruments shall be created under Section 88B of the *Conveyancing Act 1919* for newly created lots. For an existing lot, the instruments can be created under Section 88E(3) of the *Conveyancing Act 1919* using Form 13PC and 13RPA respectively. The size and relative location of the OSD system, in relation to the

building footprint and property boundary, must be shown on the final plan of subdivision/strata plan or must be shown on the scale sketch, attached as an annexure to the request 13PC and 13RPA forms. The S88B instrument or 13PC/13RPA forms shall be lodged with Council's Standard S88B/S88E Lodgement Form with all supporting documentations listed in the Form. Council's Standard Form is available from Council upon requested.

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

(Reason: Maintenance requirement)

123. Documentary Evidence of Positive Covenant, Engineers Certificate

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

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

(Reason: Public record)

124. Registration of Easements Benefitting Council

Prior to the issue of any Occupation Certificate, an Easement for drainage shall be created centrally over full stormwater system from Beaconsfield Road and Colwell Crescent through the site, in favour of Council. The water quality treatment device shall not be included as part of this easement and shall be noted as being under the ownership and ongoing maintenance of the Applicant.

(Reason: Ensure Compliance)

125. Registration of Easement Benefitting Upstream Properties

Prior to the issue of any Occupation Certificate, an Easement for drainage shall be created centrally over the interallotment drainage system, in favour of all adjacent upstream properties fronting Colwell Crescent. The easement terms shall specifically state that the ownership and ongoing maintenance of the open channel and system falls under the responsibility of the Applicant.

(Reason: Ensure Compliance)

126. Certification – Structures / Excavations near Council's Easements

Prior to the issue of any Occupation Certificate for structures adjacent to the drainage easement or Council's stormwater drainage system within the site, a Structural Engineer with Chartered status shall certify that all footings and structures adjacent to Council's pipeline and/or easement have been constructed at least 100mm below the invert of the Council's pipe unless the footings are placed on competent bedrock. All footings for buildings and/or other structures located adjacent to easements and/or Council drainage pipes shall be constructed outside of Council's easement.

Certification is to be provided to the Certifier, and a copy provided to Council, prior to issue of any Occupation Certificate.
(Reason: Protection of public asset)

127. Sight Triangles

Prior to the issue of any Occupation Certificate for any works / structures located forward of the building line including car spaces and in order to ensure adequate sight distances for pedestrians and traffic in the frontage road, the boundary fence shall be constructed with a minimum clear splay of 2m x 2.5m on both sides of the driveway exit.

(Reason: Pedestrian safety)

128. Concrete Footpath

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

- (a) 1.5 metres wide concrete footpath with 2.5% maximum crossfall towards the kerb from the site of the subject development to the nearest bus stop along the northern side of Beaconsfield Road.

All works shall be carried out in accordance with Council's specification, *the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, Council's Standard Drawing SD105 Vehicular Footpath Crossing and Kerb & Gutter Details and Council's Standard Drawing SD100 Kerb Access Ramp.

(Reason: Public amenity)

129. Vehicular Crossing

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

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

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

- (a) At back of layback – 100 mm above and parallel to the gutter invert.
- (b) Reduced levels as per approved longitudinal sections under Schedule 1.

The footpath which forms part of the proposed crossing shall have a maximum crossfall of 2.5% towards the kerb. The nature strip and footpath is to be adjusted on both sides of the crossing to suit the new levels.

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

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

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

130. Removal of Redundant Crossings

Remove all redundant crossings together with any necessary works and reinstate the footpath, nature strip and kerb and gutter accordingly. Such work shall be carried out in accordance with Council's specification.

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

131. Inspection of Civil Works on Road Reserves

All required road pavement, footpath, kerb and gutter, drainage works and/or any necessary associated works on the road reserve shall be completed in accordance with the Council approved drawings, conditions and specification (AUS-SPEC).

Pursuant to Section 138 of the *Roads Act 1993*, all works carried out on the road reserve shall be inspected and approved by Council's Engineer. Upon completion, Work-as-Executed drawings prepared by a registered surveyor shall be submitted to Council for record purposes. A completion certificate shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Certifier prior to the issue of any Occupation Certificate.
(Reason: Ensure compliance)

132. Performance Bond

Prior to the issue of any Occupation Certificate, the Applicant shall lodge with the Council a performance bond of **\$48,000** against defective public civil works undertaken by the main Contractor for a period of twelve (12) months from the date of the completion certificate issued by Council as the road authority under the *Roads Act 1993*. The bond shall be lodged in the form of a cash deposit, cheque or unconditional bank guarantee which will be refundable subject to the approval of Council's Engineers at the end of the maintenance period. In this period, the Applicant is liable for any part of the work which fails to achieve the design specifications. Council shall be given full authority to make use of the bond for such restoration works within the maintenance period as deemed necessary.

(Reason: Ensure compliance and specification)

133. Turfing of Nature Strip

Prior to the issue of a Whole Occupation Certificate and in the event of damages to any grass verge during works, trim the strip of land between the property boundary and the road, spread topsoil on top of the trimmed surface and lay approved turfing on the prepared surfaces. The turf shall be protected from vehicular traffic and kept watered until established.

(Reason: Public amenity)

134. Vehicular Access and Garaging

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

(Reason: Vehicular access)

135. Public Infrastructure Restoration

Prior to the release of the Damage Deposit, any damaged public infrastructure caused as a result of the construction works on the subject site (including damage caused by, but not limited to , delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) must be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.

(Reason: Protection of public assets)

136. Repair Damage to Frontage Road

Prior to the issue of any Occupation Certificate, all damage(s) caused to the frontage road infrastructure, including kerb and gutter, pavement etc shall be reconstructed to Council specifications. Documentary evidence attesting to the satisfaction of this condition shall be obtained from Council and submitted to the Certifying Authority.

(Reason: Public Amenity)

137. Vehicle Access and Manoeuvring – Construction & Certification

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

- (a) That finished driveway gradients and transitions comply with AS/NZS 2890.1 and AS 2890.2 and will not result in scraping to the underside of cars.
- (b) That a maximum gradient of 5% is provided for the first 6 metres from the property's front boundary to the carpark. All driveway grades shall comply AS 2890.1 and AS 2890.2.
- (c) That the proposed vehicular path and parking arrangements comply in full

with AS 2890.1, AS 890.2 and AS 2890.6 in terms of minimum dimensions provided and grades on parking spaces.

- (d) That the headroom clearance of minimum 2.2 metres between the basement floor and any overhead obstruction (including overhead services) is provided for compliance with Section 5.3.1 of AS 2890.1 and Section 2.4 of AS 2890.6.
- (e) That the headroom clearance of minimum 2.5 metres is provided to all parking spaces for people with disabilities for compliance with Section 2.4 of AS 2890.6.
- (f) That the headroom clearance of minimum 4.5 metres is provided to all commercial or specialist vehicle parking spaces and the associated vehicular access path for compliance with Section 2.2 of AS 2890.2.
- (g) That a shared area with minimum dimensions of 2.4 x 5.4m is provided adjacent to all disabled parking spaces and a shared area with minimum dimensions of 2.4m x 2.4m is provided at the end of all disabled parking spaces to comply with AS 2890.6. A bollard shall be located in the shared zone in accordance with AS 2890.6.
- (h) Simultaneous manoeuvring of B99 and B85 vehicles at all ramps and ramp ends including the clearance lines for each vehicle, in accordance with AS2890.1, is complied with.
- (i) Sufficient passing bays within the driveway to allow simultaneous entry/exit movements for the largest vehicle using the site and a passenger vehicle including clearance in accordance with AS2890.1 and AS2890.2, is provided.
- (j) The maximum gradient within the parking module measured parallel to the angle of parking is no greater than 5% and no greater than 6.25% in any other direction.
- (k) All visitor carparking spaces within the site shall have minimum dimensions of 2.5 x 5.4m and be freely accessible at all times for the use of visitors.
- (l) Segregated route(s) for pedestrian and wheelchair movements shall be provided within the basement carpark with appropriate line marking and signage in accordance with the AS2890.1 and AS2890.6.

(Reason: Ensure compliance)

138. Tree Planting

Prior to issue of an Occupation Certificate, the Project Arborist is to provide written certification to the Certifying Authority and Landscape section within Council that tree planting has been undertaken in accordance with the approved Tree Planting Scheme and a maintenance schedule has been established.

(Reason: Environmental amenity)

139. Completion of Landscape Works

a) Prior to the issue of any Occupation Certificate, any approved landscape works shall be consistent with the approved design, completed to a professional standard, consistent with industry best practice and published standards.

b) Prior to the issue of an Occupation Certificate, a landscape report prepared by a qualified horticulturalist, landscape architect or landscape designer shall be submitted

to the Principal Certifying Authority certifying that the landscape works have been completed in accordance with the conditions of this consent.
(Reason: Environmental amenity)

140. Landscape - Project Certification

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

(Reason: Protection of trees required to be retained and Environmental protection)

141. Acoustic Works – Compliance Report

Prior to the issue of any relevant Occupation Certificate, certification shall be provided in the form of an acoustic compliance report from a suitably qualified and practising acoustic engineer upon completion of the works. The compliance report shall demonstrate and certify that the development incorporates any necessary recommended mitigation measures and complies with the acoustic criteria adopted in the acoustic report prepared by Rodney Stevens Acoustics Report No. R170406R1 Rev.1 dated 13 February 2020, and any other subsequent acoustic report referred to in the consent conditions.

The compliance report shall also certify the following:

- All external doors have been fitted with self-closing mechanisms
- Signs have been erected in outdoor areas advising that patrons should minimise noise and consider the nearby residential dwellings
- All independent living unit façades facing directly to the golf club building have an acoustic rating of Rw 33

(Reason: Amenity, environmental compliance and health)

142. Certification – Ventilation

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

(Reason: Amenity, environmental compliance and health)

143. Trade Waste Permit / Consent

Prior to the issue of any relevant Occupation Certificate, evidence of a Sydney Water permit or consent for the discharge of wastewater to the sewer shall be submitted to the Certifier. Where a permit or consent may not be required from Sydney Water, certification shall be provided verifying that any discharges to the sewer will meet specific standards imposed by Sydney Water.

(Reason: Environmental compliance and health)

144. Food Premises

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

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

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

(Reason: Public health, safety and compliance)

145. Food Premises Registration

Prior to an Occupation Certificate being issued, the food premises shall be registered with Willoughby City Council by completing and submitting the Food Business Registration Form available on Council's website.

(Reason: Public health, safety and compliance)

146. Removal of Stockpiled Material from Lot 13

Prior to the issue of any Occupation Certificate, all excavated material stockpiled on the newly created Lot 13 - Remainder golf course fairway lot (approx. area 12.4ha) shall be removed prior to planting the required trees in accordance with the conditions of this consent.

Note - This requirement does not contradict the Condition titled 'Stockpiling Excavation Material on Site'. The removal works shall be undertaken before planting of new trees is to occur, regardless of the fact that this might take place earlier than 5 years from the date of the Construction Certificate.

(Reason: Amenity and Habitat Protection)

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

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

(Reason: Health protection)

148. Private Waste Collection Service

Prior to the issue of any Occupation Certificate, the developer is to enter into a formal agreement with licenced private waste contractor/s to service the development. The contract/s is/are to ensure the removal of all waste from the development site.

Prior to entering into an agreement for private waste collection service/s, the developer is to ensure that:

- (a) The service is functional and meets the operational needs of the development.
- (b) The service minimises environmental nuisances including noise and other adverse impacts on the safety and amenity of all residents in and outside of the development.
- (c) The service encourages waste recycling as a highest priority.

Due to the specific particularities of this development, including access from a cul-de-sac, private waste collection/s must be provided in perpetuity – at no time in the future will Council provide waste service collection to this development.

A copy of the contract/s is/are to be forwarded to Council prior to the issue of any Occupation Certificate.

(Reason: Ensure compliance)

PRIOR TO THE RELEASE OF LINEN PLANS/SUBDIVISION CERTIFICATE

The following conditions are to be complied with prior to the issue of the Subdivision Certificate and the release of the Linen Plans for registration at the Land Registry Services.

149. Stage 2 - Stratum Subdivision - Section 73 Compliance Certificate

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

The Section 73 Certificate must be submitted in conjunction with the application for Subdivision Certificate/Strata Approval.

(Reason: Statutory requirement)

150. Stage 2 - Stratum Subdivision

Prior to issue of any Occupation Certificate, Lot 11 and Lot 12 (as resulted from Stage 1 Subdivision) shall be Stratum subdivided generally in accordance with the plans ref 124981/DA-StratumSubd sheet 01 to 07 prepared by JBW Surveyors Pty Ltd, dated 30/04/2020.

(Reason: Ensure compliance)

151. Stage 2 - Stratum Subdivision - Linen Plan

Stratum subdivision in Stage 2 requires Linen Plan plus eight copies to be prepared by a Registered Surveyor. In this regard the applicant's attention is drawn to the requirement for a Subdivision Certificate, which is to be obtained from Council by separate application, to allow registration of the Stratum subdivision with the NSW Land Registry Services.

(Reason: Information)

152. Stage 2 - Stratum Subdivision - Surveyors Report

A report prepared and signed by a Registered Surveyor is to be submitted to Council prior to issue of the Subdivision Certificate confirming that the stratum subdivision plan and associated Section 88B instrument to be registered at NSWLRS will create suitable easements (including easements that affect the whole of each lot) that benefit and burden Lots 21 & 22 in the case where utility services (water, electricity, gas, telephone, telecommunications, sewerage, drainage, etc) installed for the benefit of one lot are located within the other lot.
(Reason: Ensure compliance)

153. Stage 2 – Easements Relating to Stratum Lots

Documentary reciprocal easements for services, drainage, support and shelter, and emergency egress (and other similar easements as required), affecting the whole of each lot if so desired, must be created over the lots in the subdivision, pursuant to Section 88B of the Conveyancing Act 1919 and to Council's satisfaction.
(Reason: Information and compliance)

154. Stage 2 – Stratum Subdivision - Additional Easements

Any other documentary easements or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision must be created over appropriate lots in the subdivision, pursuant to Section 88B of the Conveyancing Act 1919 and to Council's satisfaction.
(Reason: Information and compliance)

155. Stage 2 - Stratum Subdivision - Section 88B Instrument

A Section 88B Instrument is to be submitted with the Linen Plan for Stratum subdivision in Stage 2, in respect to any proposed easements, rights-of-way and positive covenants.
(Reason: Ensure compliance)

ONGOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land, and relevant legislation.

156. Provision of a Private Bus

In order to satisfy SEPP Seniors cl 43, the provision of a regular village mini-van (minimum 10 persons) service is required for the life of the development, in order to provide a daily resident pickup/drop off service to selected nearby locations (Chatswood Shopping Centre, Chatswood Station and other key locations chosen by the residents of the development).
The service will be available both to and from the approved development to Chatswood CBD at least once between 8am and 12pm each day and at least once between 12pm and 6pm each day.

The provision of the private bus and terms of operation is to be advertised to the residents of the Seniors Living development on a regular bases and be reflected in the Operational Plan of Management of the development.
(Reason: Compliance, Amenity)

157. No further subdivision of the Seniors Village

The Seniors Village part of the development is to operate under the **Retirement Villages Act 1999** and all relevant subsequent amendment acts. No subdivision to create individual units out of the Seniors Village is permitted without prior Consent from Council.

This approval (including waste collection endorsement) is based on the assumption that the lot subject to the seniors' village will remain a single allotment, on one single title receiving a single rates notice, and not multiple lots owned by individual owners.

This condition does not apply to or in respect of—

- (a) any building or part of the building that is the Golf Club or intended to be used for the provision of services associated with golf activities or with services to a larger community,
- (b) any accommodation provided in the development for employees of the development who are not residents of the Seniors Village.
- (c) areas or works or easements that are associated with the units in the Seniors Village, but outside of the units themselves.

If, at any time during occupation, the lot subject to the seniors' village is to be subject to further Strata subdivision to create individual units, a Modification Application must be submitted to Council to allow for the assessment of the consequences resulting from Strata subdivision of the individual units.

(Reason: Compliance, Amenity)

158. Advertising Signage

The approved signage must not have/use:

- (a) Flashing lights;
- (b) Electronically changeable messages;
- (c) Any large areas of illuminated display in red colour;
- (d) Animated display, moving parts or simulated movement;
- (e) Complex displays that hold a drivers attention beyond 'glance appreciation';
- (f) Displays resembling traffic signs or signals; and
- (g) A method and level of illumination that detracts or dazzles.

All illuminated signage shall ensure no nuisance is created to directly adjoining residential properties.

(Reason: Amenity and Compliance)

159. Annual Fire Safety Statement

Attention is directed to Clause 177 of the *Environmental Planning and Assessment Regulation 2000* regarding the submission of an Annual Fire Safety Statement in

relation to each essential fire safety measure implemented in the building or on the land on which the building is situated.

(Reason: Safety)

160. Lighting

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

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

(Reason: Amenity)

161. Stormwater Treatment System – Ongoing Maintenance

The registered proprietor of the land shall take full responsibility for the ongoing maintenance of the Stormwater Treatment System constructed on the land. The maintenance of the system is to be undertaken in accordance with the recommendations of “Guidelines for the Maintenance of Stormwater Treatment Measures” published by Stormwater NSW or other relevant guidelines or publications.

(Reason: Ensure compliance)

162. Trees on Adjoining Properties

No approval is given for the removal or pruning of trees on the nature strip, adjoining reserves, adjoining lots not subject to this application or neighbouring private land.

(Reason: Environmental protection)

163. Noise Control – Offensive Noise and Vibration

To minimise the noise and vibration impact on the surrounding environment, the use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to an “offensive noise” as defined under the provisions of the *Protection of the Environment Operations Act 1997*.

(Reason: Amenity)

164. Operation of Golf Club – Noise Control

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

- Self-closing mechanisms on doors shall be maintained in good working condition;
- The playing of live music is not permitted;
- Signs placed in the outdoor areas advising patrons to minimise noise shall be maintained;
- The playing of background music in outdoor areas is not permitted; and
- All windows and doors in the external façade must remain in a closed position except when doors are being used to enter or exit the premises.

(Reason: Amenity and environmental compliance)

165. Hand Wash Basin/s – Food Premises

A dedicated hand wash basin/s shall be located in each area where contamination of the hands is likely to occur and must be within 5m from any place where food handlers are handling food. The hand wash basin shall be of a suitable size (500mm x 400mm), fixed to the wall at bench height and accessible at all times. The basin shall be supplied with hot and cold water under pressure through an approved hands free mixing device which can be adjusted to enable the hands to be washed under hot water. A supply of liquid soap and paper towels is to be provided adjacent to the hand wash basin.

(Reason: Health & Compliance)

166. Walls – Solid Construction – Food Premises

All tenancy perimeter walls and internal walls including partition walls shall be solid construction. The walls are to be constructed in masonry, brickwork or other approved method with all voids filled with a suitable material.

(Reason: Health & Compliance)

167. Floor, Wall & Ceiling Finishes – Food Premises

All finishes shall comply with AS4674-2004 *Table 3.1, Table 3.2 and Table 3.3*. All finishes must be able to be effectively cleaned, be unable to absorb grease, food particles or water and must be unable to provide harbourage for pests.

(Reason: Health & Compliance)

168. Waste Storage Area – Food Premises

The waste storage area shall be fitted out to comply with the following:

- (a) The floor of the garbage room shall be impervious, coved at the intersection with the walls, graded to a floor waste connected to the sewer;
- (b) The walls shall be finished with a smooth, impervious surface;
- (c) The garbage area shall be ventilated, proofed against pests, have self-closing doors; and
- (d) Provided with a hose tap connected to the water supply.

These provisions are to be in place prior to the occupation of the food premises.

(Reason: Health & Amenity)

169. Collection/Delivery Services

To minimise the noise impact of the development on the surrounding environment, the collection and delivery of goods and materials (including garbage and recycling waste) from and to the premises shall not take place between the hours of **6pm and 6am**, every day of the week.

Residential Waste Collection should preferably occur on the same day as the other residential dwellings in Beaconsfield Road, to minimise noise and disturbance.

(Reason: Amenity)

PRESCRIBED CONDITIONS

The following conditions are prescribed by Section 4.17 of the Environmental Planning & Assessment Act for developments involving building work.

170. Compliance with National Construction Code

All building works must be carried out in accordance with the performance requirements of the National Construction Code.
(Reason: Compliance)

STATUTORY REQUIREMENTS

The following advisory notes are statutory requirements of the Environmental Planning & Assessment Act and the Environmental Planning & Assessment Regulations and are provided to assist applicants

171. Construction Certificate

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

Enquiries regarding the issue of a construction certificate can be made to Council's Customer Service Centre on 9777 1000.
(Reason: Ensure compliance and statutory requirement)

172. Notify Council of Intention to Commence Works

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

173. Occupation Certificate

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