DA NO: DA-2023/217

ADDRESS: 3 ELLIS STREET, CHATSWOOD NSW 2067.

PROPOSAL: DEMOLITION OF THE EXISTING RESIDENTIAL FLAT

**BUILDING AND ALL STRUCTURES. EXISTING FOOTINGS** 

AND SITE CLEARING.

RECOMMENDATION: APPROVAL

ATTACHMENTS: 1. SITE DESCRIPTION AND AERIAL PHOTO

2. DEVELOPMENT CONTROLS, STATISTICS, DEVELOPER CONTRIBUTION & REFERRALS

3. SUBMISSIONS TABLE

4. SECTION 4.15 (79C) ASSESSMENT

5. SCHEDULE OF CONDITIONS

6. NOTIFICATION MAP

RESPONSIBLE OFFICER: RITU SHANKAR - TEAM LEADER

AUTHOR: AKSHAY BISHNOI - SENIOR ASSESSMENT PLANNER /

**ANDRE VAHLDIECK - STUDENT PLANNER** 

REPORT DATE: 2 JULY 2024
MEETING DATE FOR 16 JULY 2024

PUBLIC MEETING

#### 1. PURPOSE OF REPORT

The purpose of this report is to seek determination by Willoughby Local Planning Panel (WLPP) of Development Application DA-2023/217 for demolition of the existing residential flat building and all structures, existing footings and site clearing at 3 Ellis Street, Chatswood. This proposal seeks consent for early demolition works that precede the commencement of the construction of a 14 storey shop top housing development comprising 3 storeys of retail/commercial use, communal facilities and 4 levels of basement car parking – which was approved as DA-2022/393 by the WLPP on 30 April 2024.

The application is required to be referred to the WLPP for determination because the proposal is the subject of 15 unique submissions by way of objection during public exhibition on 5 September 2023 to 19 September 2023, making this a Contentious Development under Schedule 1 of the Local Planning Panels Direction – Development Applications and Applications to Modify Development Consents by the Minister for Planning and Public Spaces dated 30 June 2020.

## 2. OFFICER'S RECOMMENDATION

## **THAT the Willoughby Local Planning Panel:**

- 2.1 Approve Development Application DA-2023/217 for demolition of the existing residential flat building and all structures, existing footings and site clearing at 3 Ellis Street, Chatswood NSW 2067., subject to conditions contained in Attachment 5, for the following reasons:
  - 2.1.1 The proposal does not contravene development controls contained in the *Willoughby Local Environmental Plan 2012 (WLEP)*.

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- 2.1.2 The proposal is consistent with the objectives of the development controls contained in *WDCP 2023.*
- 2.1.3 The development satisfies the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.
- 2.1.4 The development satisfies the matters of contention raised in the 14 unique submissions by way of objection and assessment has shown that the likely adverse effects to the present and future amenity of the locality are not of such extent as to warrant refusal.

## 3. BACKGROUND

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

A planning proposal to rezone the site for uplift in accordance with the Chatswood CBD Strategy 2036 was approved and gazetted on 21 June 2022. The planning proposal included the following key amendments to the *Willoughby Local Environmental Plan 2012 (WLEP 2012):* 

- Rezone the site from r4 High Density residential to B4 Mixed Use
- Maximum FSR of 4.5:1
- Height of Buildings 44m
- Minimum lot size of 800m<sup>2</sup> for Shop top housing or mixed used development
- 17% of the building's GFA to be used for non-residential purpose.
- Active Street Frontage to include Ellis Street Frontage
- 4% of the residential floor space as affordable housing units

On 11 May 2022, a VPA was executed, involving a \$1,162,929 monetary contribution towards Council's Community Infrastructure Contributions Scheme.

A pre-lodgement meeting was held on 19 October 2022.

On 21 December 2022, Development Application DA-2022/393 for 'demolition of existing residential unit building, construction of a 14 storey shop top housing development comprising 3 storeys of retail/commercial use, communal facilities and 4 levels of basement car parking, landscaping and associated works' was lodged, and it was required to be referred to the *WLPP* for determination as the development was categorised as Sensitive Development in which *State Environmental Planning Policy* No. 65 – Design Quality of Residential Apartment Development applied. A voluntary planning agreement was undertaken and received more than 10 unique submissions by way of objection.

On 14 June 2023, Council issued consent TVPA-R2023/104 for the removal of a mature tree on the adjoining property known as 9-100 Albert Avenue.

On 18 August 2023, the Development Application being assessed in this report, DA-2023/217 for early demolition works to precede commencement of the works proposed in DA-2022/393, was lodged.

This application was notified from 5 September 2023 to 19 September 2023.

On 9 November 2023, Council issued consent TVPA-R2023/104/A for the removal of a second tree on the adjoining property known as 9-100 Albert Avenue.

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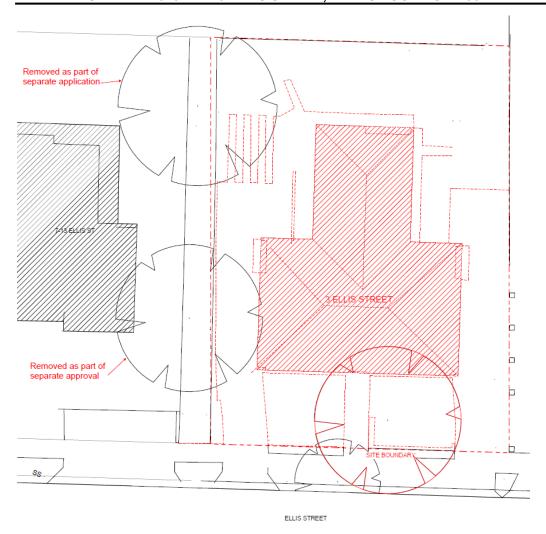
On 30 April 2024, the *WLPP* determined to approve the DA-2022/393 pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*. The proposal was approved for the following reasons:

- 1. The proposed development achieves the desired outcomes and objectives of Chapter 4 of State Environmental Planning Policy (Housing) 2021.
- 2. The proposed development does not conflict with the desired outcomes and objectives of the development standards contained in the *Willoughby Local Environmental Plan 2012 (WLEP*), to the extent that the provisions apply.
- 3. The proposal is consistent with the objectives of the development controls contained in *WDCP 2006*.
- 4. In relation to the overshadowing, the majority Panel agrees with the Council assessment that the site has been rezoned for an uplift to support the Chatswood city centre, with a significant height and floor space ratio (FSR) increase. Considering the uplift envisaged in the Chatswood city centre, the overshadowing impacts from the development are considered minor and do not unreasonably affect the adjoining properties.
- 5. Due to the constraints of the development site, the majority Panel agrees that the proposed waste management system is the best outcome in the circumstances.

On 21 June 2024, the Applicant for DA-2023/217 advised Council they were excluding tree removal from the proposal as two of the three trees labelled in the Demolition Plan prepared by Make dated 26/04/2023 were already removed upon prior consent from Council.

See **Attachment 1** and the Internal Landscape Referral in **Attachment 2** in regarding the third tree shown at the front of the site.

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Demolition Plan prepared by Make dated 26/04/2023.

#### 4. DISCUSSION

The controls and development statistics that apply to the subject land are provided in **Attachment 2.** 

A table of the issues raised in the submissions objecting to the proposal and the assessing officer's response is contained in **Attachment 3**.

The **plans** used for this assessment can be found in a file named **WLPP Plans** under the DA tracking functionality for this application on Council's website: https://eplanning.willoughby.nsw.gov.au/Pages/XC.Track/SearchApplication.aspx?id=531919

## 5. CONCLUSION

The Development Application DA-2023/217 has been assessed in accordance with Section 4.15 (79C) of the *Environmental Planning and Assessment Act 1979*, *WLEP 2012*, *WDCP*, and other relevant codes and policies. It is considered that the proposal is acceptable in the particular location, subject to the consent conditions included in Attachment 5.

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## ATTACHMENT 1: SITE DESCRIPTION AND AERIAL PHOTO



The site is described as SP2715, known as No 3 Ellis, Chatswood. The site has an existing three-storey residential flat building comprising 9 units. The site comprises of one individual lot located on the northern side of Ellis Street and has an area of approximately  $808m^2$ . The topography of the site is relatively flat, with no significant natural features affecting development potential.

The locality consists of a mix of medium to high density residential buildings, commercial and retail spaces. The site is in close proximity to Chatswood train station and major arterial roads such as the Pacific Highway and Mowbray Road. The site is also surrounded by a number of recreational facilities in the area, with Chatswood oval being to the east, across the railway tracks, and Chatswood Croquet Club and Chatswood Bowls Club approximately 200m to the south.

There are no significant trees on the subject site, as shown on a Survey Plan prepared by JRK Surveys dated 14 July 2022. Investigations show that a tree near the front of the property was removed on or just prior to 1/8/2020 (see Internal Landscape Referral in **Attachment 2**). This is reflected in Nearmap imagery and in the Demolition Plan as it was likely based on older survey plan.

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Subject site dated 1 June 2020 (Nearmap)



Subject site dated 18 June 2024 (Nearmap)

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Survey Plan prepared by JRK Surveys dated 14 July 2022

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## ATTACHMENT 2: CONTROLS & DEVELOPMENT STATISTICS AND REFERRALS

Willoughby Local E	Environment Plan	MU1 - Mixed Use		
Existing Use Rights		No		
Additional Permitted Use		No		
Conservation area		No		
Aboriginal Heritage		No		
Heritage Item		No		
Vicinity of Heritage I	tem	No		
Natural Heritage Re	gister	No		
Bushfire Prone Area		No		
Flood related planning	ng control	No		
Foreshore Building L	ine	No		
Adjacent to classified	d road	No		
Road/lane widening		No		
Acid Sulphate Soil C	ategory	Class 5		
Land Issues - Expon	are	No		
Development near L	ane Cove Tunnel	No		
Adjacent / above Me	etro	No		
Sustainable Building (BASIX)	s SEPP 2022	No		
Transport and	Road	Yes – Pacific Highway 100m west of subject site.		
Infrastructure SEPP 2021	Rail	Yes		
Resilience and Hazards SEPP	Coastal Management	No		
2021	Contaminated Land	Yes		
Applicable policies, a resolutions	SEPPs, DCP's and	<ul> <li>Environmental Planning and Assessment Act 1979</li> <li>Environmental Planning and Assessment Regulation 2021</li> <li>State Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 2, Vegetation</li> <li>State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 5</li> <li>State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>Willoughby Local Environmental Plan 2012</li> <li>Willoughby Development Control Plan 2023</li> </ul>		

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## **Strategic Plans**

Assessment of this application needs to be considered in conjunction with the strategic visions and strategic plans of Willoughby Council to ensure the development is consistent with the desired future outcomes.

## Chatswood CBD Planning and Urban Design Strategy 2036

The Chatswood CBD Strategy aims to establish a strong framework to guide future private and public development as the CBD grows over the next 20 years. It aims to provide capacity for future growth, achieve exceptional design and a distinctive, resilient and vibrant CBD. The Strategy will inform changes to *WLEP* and *WDCP*.

The proposal would be consistent with the principles, concepts and objectives of the Urban Design Strategy as the proposed demolition and site preparation works facilitate the approved DA for shop top housing which promotes a mix of residential and non-residential uses within the CBD.

## State Environment Planning Policy (Resilience and Hazards) 2021

Chapter 5 of *Resilience and Hazards SEPP 2021* aims to 'provide a State-wide planning approach to the remediation of contaminated land'. Clause 4.6 requires a consent authority to consider whether the land is contaminated and if it is suitable or can be remediated to be made suitable for the proposed development, prior to the granting of development consent.

Matters relating to contamination and site suitability has been considered under the main works DA-2022/393 and conditioned accordingly. The subject application is for demolition and site preparation works to facilitate the approved development. Therefore no further consideration under Clause 4.6 is required as part of this application.

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

## State Environment Planning Policy (Biodiversity and Conservation) 2021

The aims of Chapter 2 – Vegetation In Non-Rural Areas, are:

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

The site does not contain any significant vegetation. The proposed demolition of the building is not considered to adversely impact the health of the tree on the adjoining property. The proposal can be considered acceptable with regards to the Vegetation Chapter 2 of SEPP (Biodiversity and Conservation) 2021.

## State Environment Planning Policy (Transport and Infrastructure) 2021

The SEPP (Transport and Infrastructure) 2021 aims to facilitate the effective delivery of infrastructure across the State and mandates consultation with public authorities during the assessment where relevant. The subject site is located within a mapped railway corridor and the following SEPP Transport and Infrastructure provisions apply;

- Clause 2.98 Development adjacent to rail corridors
- Clause 2.99 Excavation in, above, below or adjacent to rail corridors

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Referral not required for Transport for NSW (TfNSW) due to no significant bulk excavation or construction in this proposal.

Developr	ment Statistics (N	<u> 1</u> U1 – Demolition f	or shop top housi	ing development)		
Site Area	(m²)	808.6m <sup>2</sup>				
Willough	by Local Environ	mental Plan 2012	(WLEP 2012)			
Zone Objectives:		To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.			<b>✓</b>	
MU1 – Mi	xed Use	To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.			<b>√</b>	
		To minimise confl		ses within this zone and	<b>✓</b>	
			siness, retail, comm	nunity and other non- loor of buildings.	<b>√</b>	
		Chatswood, which and the use of bu	h encourages publi sinesses and recre	of the city centre of c transport use, shopping ational services that ithout undermining its	✓	
		Comment:  The proposal for early site preparation works largely centred around demolishing all existing structures to prepare the site for a subsequent shop top housing development would enable this new development to occur, subject to compliance and is therefore consistent with encouraging employment and residential development.				
Permissibility: Shop top housing		flat building with shop top housing MU1 zone under	associated works t g (DA-2022/393) a	r the demolition of an exis o facilitate an approved dend shop top housing is p whereby the proposal is a ment.	evelopment for ermitted in the	
WLEP Co	ontrol	Existing calc. by Council	Proposed calc. by Council	Standard	Numerical Compliance	
CI.4.3	Height (m)	-	Nil, demolition of all structures is proposed	90m	Yes	
CI.4.4 & CI. 4.4A	GFA (m²)	-	Nil, demolition of all structures is proposed	-	Yes	
	FSR	-	Nil	4.5:1		
CI.6.1	Acid Sulfate Soils	-	Class 5 – works not proposed below 5m.	Within 500m of Class 1,2, 3 or 4 below 5m and where water table is lowered by 1m on adjacent Class 1, 2, 3 or 4 land.	Yes	
CI.6.2	Earthworks	-	The proposal does not involve any major excavation works. Minor	Earthworks shall not impact surrounding land	Yes	

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T		a and a construction of the		
		earthworks will occur to accommodate the removal of the existing footings		
Willoughby Development	Control Plan 2023	(WDCP 2023)		
WDCP Control	Existing	Proposed	Standard	Considered / Complies
Part D.4 – Pei	rformance Criteria	and Controls for	Commercial Developme	nt
4.7.1 Loading/Unloading Facilities – Performance		ınloading of goods ehicular traffic.	onsite without impacting	<b>✓</b>
Criteria	Comment: Consid	dered.		
4.7.2 Loading/Unloading Facilities – Controls			reas and method of onsite facilities are not	<b>√</b>
	must be provided	unloading facilities for new commercia ion, alterations or a		<b>√</b>
	Comment: Referr		ffic/Transport Engineers a	and conditions
4.8.1 Waste and Recycling –	Reduce waste materials.	and increase sour	ce separation of	<b>✓</b>
Performance Criteria	Storage and a	<b>✓</b>		
	Safe and hygical handling and contact the same contact to the same contact the same co	<b>✓</b>		
	liquid waste re	equiring special lice	hazardous, medical or nses and/or storage and government agencies.	<b>✓</b>
	Comment: Consid	dered.		
4.8.2 Waste and Recycling – Controls		ent facilities must co and relevant Austra	omply with the Building alian Standards.	<b>✓</b>
, ,	'	echanical devices n h and safety requir		<b>✓</b>
		n public areas and as to reduce the im	adjoining properties pacts of visual amenity,	<b>√</b>
	<ul><li>Waste genera volume of sea</li><li>50 litres or mo</li></ul>	food, poultry or me	or more by weight or at; or try or meat is generated	<b>√</b>
		ooint must enable g in a forward direction		<b>√</b>
	4.5m height cleara recycling storage a		pasement waste and	✓

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		-	and waste managem development applicati	•	<b>✓</b>
		Comment: Refer to been provided.	o Council's Waste Offi	cer comments and co	nditions have
4.9.1 Pollu	tion Control –	Not cause air p	ollution, odour or una	cceptable noise.	✓
Performan		·	otect the environment	•	✓
			ered and appropriate on tial pollution impacts	conditions have been i would be minimised.	recommended
4.9.2 Pollution Control – Controls		Depending on the type, scale, and location of development,  - Acoustic Report and/or other report may be required to address pollution control measures; and  - Site Management Plan may be required to address erosion and sediment control measures.			<b>✓</b>
			olid, liquid, or gaseous otection of the <i>Environ</i>		<b>✓</b>
		1	e contacted in relation posal of liquid waste i		<b>✓</b>
		Adequate vertical discharge of exhaust from lower floor levels required for new commercial buildings which include retail premises that allow cafés, restaurants or similar.			<b>✓</b>
		Hours of operation may be restricted where a particular use may interfere with residential amenity.			<b>✓</b>
		Comment: Conditions provided to ensure no significant impact on the amenity of neighbouring properties, during demolition works			
		amenity of neighbo	uring properties, durir		
WDCP Cor	ntrol	amenity of neighbo  Existing	uring properties, during Proposed		Complies
WDCP Cor	ntrol	Existing		ng demolition works  Standard	
WDCP Cor	Tree preservation	Existing	Proposed	ng demolition works  Standard	
	Tree	Existing  Part G – Ve  No significant trees on site.	Proposed getation Managemer  No tree removal is proposed in this	Standard  Trees exceeding 4m, trunk girth 0.6m or crown exceeding 3 m subject to preservation	Complies
2.1	Tree	Part G - Ve	Proposed getation Managemer  No tree removal is proposed in this application.	Standard  Trees exceeding 4m, trunk girth 0.6m or crown exceeding 3 m subject to preservation	Complies
2.1	Tree preservation  - 3 Ellis Street	Existing Part G - Ve No significant trees on site.  Part L -	Proposed getation Managemer  No tree removal is proposed in this application.	Standard  Trees exceeding 4m, trunk girth 0.6m or crown exceeding 3 m subject to preservation controls	Complies
• 13.1.9 -	Tree preservation  - 3 Ellis Street (	Existing Part G - Ve No significant trees on site.  Part L - Chatswood  ide guidelines for a next trees.	Proposed getation Managemer  No tree removal is proposed in this application.  Place Based Plans  nixed use developmentat ensures the viability	Standard  Trees exceeding 4m, trunk girth 0.6m or crown exceeding 3 m subject to preservation controls	Yes
• 13.1.9 -	Tree preservation  - 3 Ellis Street  - Prov - Prov - Surro	Existing Part G - Ve No significant trees on site.  Part L - Chatswood  ide guidelines for a not ide a development the bunding sites for future.	Proposed getation Managemer  No tree removal is proposed in this application.  Place Based Plans  nixed use developmentat ensures the viability	Standard  Trees exceeding 4m, trunk girth 0.6m or crown exceeding 3 m subject to preservation controls  at on the site.  Trees exceeding 4m, trunk girth 0.6m or crown exceeding 3 m subject to preservation and	Yes
• 13.1.9 -	Tree preservation  - 3 Ellis Street ( - Prov   - Prov   - Minir   - Ensu	Part G - Very No significant trees on site.  Part L - Chatswood  ide guidelines for a not ide a development thounding sites for future mise traffic impacts of the company	Proposed getation Managemer  No tree removal is proposed in this application.  Place Based Plans  nixed use development at ensures the viabilities development.  In the surrounding roache site minimises imp	Standard  Trees exceeding 4m, trunk girth 0.6m or crown exceeding 3 m subject to preservation controls  at on the site.  by of adjoining and d network	Yes
• 13.1.9 -	Tree preservation  - 3 Ellis Street ( - Prov   - Prov   - Minir   - Ensu   - Of ne   - Prov	Part G – Verence No significant trees on site.  Part L –  Chatswood  ide guidelines for a name of the punding sites for future mise traffic impacts of the punding residential ide landscaping in an ide landscaping in an idea.	Proposed getation Managemer  No tree removal is proposed in this application.  Place Based Plans  nixed use development at ensures the viabilities development.  In the surrounding roache site minimises imp	Standard  Trees exceeding 4m, trunk girth 0.6m or crown exceeding 3 m subject to preservation controls  at on the site.  y of adjoining and d network acts to the amenity e that enhances the	Yes
• 13.1.9 -	Tree preservation  - 3 Ellis Street  - Prov - Prov - Minir - Ensu of ne - Prov - Prov	Part G - Very No significant trees on site.  Part L - Chatswood  ide guidelines for a naide a development thounding sites for future mise traffic impacts of the site as ide landscaping in an entation of the site as incompleted in the sit	Proposed getation Managemer  No tree removal is proposed in this application.  Place Based Plans  nixed use development at ensures the viabilities development.  In the surrounding roa the site minimises impail properties  and surrounding the site and surrounding the site minimises in the surroundi	Standard  Trees exceeding 4m, trunk girth 0.6m or crown exceeding 3 m subject to preservation controls  at on the site. by of adjoining and d network acts to the amenity  that enhances the of the development	Yes

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Comment: Considered. Of note, the controls of this part have been considered and	ĺ
have been addressed in the main works approval DA-2022/393.	

## **Developer's Contribution Plans:**

S7	.11/7.12 Section 94A contribution:	Yes - 7.12 COW<250,000 (within Chatswood CBD)
a.	Applicable rate (%):	1%
b.	The cost of development (Part A Cl 25J) (\$)	\$240,350.00
C.	Date of accepted cost of development:	14/08/2023
d.	The total contribution payable (\$)	\$2,403.50

## Referrals

Building  Traffic	No objection, subject to conditions.      Construction vehicle size  The Construction Traffic Management Plan is to document the
Duilding	No objections are raised with regard to landscape issues subject to the following conditions.
	A street tree, Lagerstroemia sp. (Crepe Myrtle), is located on the verge of Ellis Street directly in front of the property and is to be retained and protected during the works. Tree protection will be required.
	There is a tree located on the neighbouring property to the east, 84-86 Albert Avenue. The tree is located near the boundary. The tree is not a constraint to the works as its root growth will have been restricted by existing structures on the site, however it will need to be considered in the tree protection plan.
	There are 2 established trees on the neighbouring property, 96-100 Albert Avenue. These trees have been approved for removal under a separate tree removal application. TVPA-R 2023/104 & TVPA-R 2023/104/A. Therefore, they will not be a constraint to the demolition works. The tree removal approvals require replacement trees be planted on the property where the trees are being removed.
	Nearmap imagery, and a site photograph included in the <i>SEE</i> submitted with the application, indicate the tree was in extremely poor health. It was therefore likely removed as a dead tree that had become a risk. Under <i>WDCP</i> Part G – Vegetation Management, the tree would likely have not required a permit for removal, however evidence of the trees condition should have been provided to Council. No evidence could be found through ECM search.
Landscape	The demolition plans dated 26/4/2023 shows a single tree located on the property, however investigations show the tree was removed on or just prior to 1/8/2020. No record of approval for its removal was found in ECM.

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## 2. Project impacts

Construction Traffic and Pedestrian Management Plan (CTPMP) is to document the potential impacts to pedestrians, cyclists at specific locations i.e. site access, with mitigation measures (i.e. TGS) to be proposed and submit to Council for review.

Accessing the site during peak hours should be avoided to minimize traffic queue along eastbound Albert Avenue. Traffic controllers should be provided if trucks are to access during peak hours. This is to minimize traffic being held up along Albert Avenue.

## 3. Traffic Guidance Scheme (TGS)

A TGS is to be established to set out a suite of site traffic management principles in accordance with the latest TfNSW Traffic Control at Work Sites Technical Manual. The control of traffic at work sites must be undertaken with reference to Workcover requirements and the contractor's Constructions Workplace Health and Safety Manuals. The TGS is to be prepared by a Certified Traffic Controller under RMS regulations in accordance with Australian Standards 1742.3.

## 4. Construction vehicles Swept Path assessment

Construction vehicles swept path diagrams are to be prepared to indicate whether the site entry, exit and internal area provide adequate manoeuvre space. Swept path diagram at Pacific Highway/ Ellis St is to be submitted as well.

No objection, subject to conditions.

## Waste

The construction and demolition WMP, demolition report and demolition plan provided appear to sufficiently address waste management practices for the demolition only application at this site.

The following details are provided in the assessed documentation and understood to be satisfactory:

- An estimate of the types and volumes of waste and recyclables generated during demolition and construction;
- The percentage (by weight) of demolition and construction waste that will be reused or recycled;
- How excavation, demolition and construction materials will be reused or recycled, and the disposal location(s) for residual waste:
- A site plan showing sorting and storage areas for demolition and construction waste and vehicle access to those areas; and
- Asbestos disposal quantities, management and disposal details (or asbestos clearance certificate, if not applicable).

No objection, subject to conditions.

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## **ATTACHMENT 3: SUBMISSIONS TABLE**

The Development Application was notified to adjoining and nearby property owners in accordance with the *Willoughby Community Participation Plan* for a period of 21 days, from 5 September 2023 to 19 September 2023. During this period, 26 submissions were received, including 11 letters of support. Most submissions with given addresses were sent by residents of 7-13 Ellis Street, which shares the westerly boundary line with the subject site.

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

No.	Submission(s) Date	Name	Respondent Address	Suburb
1	20-Aug-23	Mary Ann Irvin	3/1 Palmer St	Artarmon
2	05-Sep-23	Edward Lung	40/7-13 Ellis Street	Chatswood
3	14-Sep-23	Anonymous	No Given Address	
4	14-Sep-23	Steve Wang	No Given Address	
5	14-Sep-23	Feifei Jiang	No Given Address	
6	14-Sep-23	Rong Li	No Given Address	
7	15-Sep-23	Hanxia Li	No Given Address	
8	15-Sep-23	Sushila Madan	No Given Address	
9	16-Sep-23	Nitya Shah	No Given Address	
10	16-Sep-23	Tina Liu	No Given Address	
11	18-Sep-23	Nicolaas Zou	No Given Address	
12	18-Sep-23	Stella Li	No Given Address	
13	18-Sep-23	Simon Yu	No Given Address	
14	19-Sep-23	Carol M Pollard	36/7-13 Ellis Street	Chatswood
15	19-Sep-23	Samuel Tang	57/7-13 Ellis Street	Chatswood

Issues raised from notification period	Response
Air pollution (dust & asbestos) impacts on neighbouring properties.	Conditions provided to ensure appropriate measures are implemented prior to the commencement of any works.
Acoustic and vibration impacts on neighbouring properties.	Conditions provided to ensure any potential amenity impacts on the adjoining properties
Increased traffic congestion on Ellis Street and Crispe Lane from heavy vehicles associated with demolition works.	Conditions provided to ensure a Traffic Management Plan is prepared and approved prior to the commencement any works.
Ensure demolition works be conducted within appropriate work hours.	Conditions provided to address this matter.
Ensure the footpath in front of the site remains clear.	
Potential structural damage to the foundation of the existing apartment building on 7-13 Ellis Street due to demolition works.	Any potential impacts of the development on the adjoining properties have been considered. Given that the proposal does not involve any major excavation works, it is unlikely that the demolition works would result in any structural damage to the foundations of the adjoining properties. It is noted that a condition requiring a Dilapidation Report requirement has been included in the main

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Issues raised from notification period	Response
	works DA approval (DA-2022/393) which involves
	major excavation works and construction of a
	shop top housing development.

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## ATTACHMENT 4 - SECTION 4.15 (79C) ASSESSMENT

The application has been assessed under the provisions of S.4.15 (79C) of the Environmental Planning and Assessment Act.

The most relevant matters for consideration are assessed under the following headings:

# Matters for Consideration Under S.4.15 (79C) *EP&A Act* Considered and Satisfactory ✓ and Not Relevant N/A

(a)(i)	The provisions of any environmental planning instrument (EPI)	
	State Environmental Planning Policies (SEPP)	✓
	Local Environmental Plans (LEP)	✓
	<b>Comment:</b> The proposal satisfies the requirements of the relevant <i>SEPPs</i> and <i>WLEP 2012</i> .	
(a)(ii)	The provision of any draft environmental planning instrument (EPI)	
	Draft State Environmental Planning Policies (SEPP)	N/A
	Draft Local Environmental Plans (LEP)	N/A
	<b>Comment:</b> There are no draft <i>SEPPs</i> or <i>LEPs</i> that apply to the subject land.	
(a)(iii)	Any development control plans	
	Development control plans (DCPs)	<b>✓</b>
	Comment: The proposal satisfies the objectives of the WDCP 2023.	
(a)(iv)	Any matters prescribed by the regulations	
	Clause 92 EP&A Regulation-Demolition	<b>√</b>
	Clause 93 EP&A Regulation-Fire Safety Considerations	<b>√</b>
	Clause 94 EP&A Regulation-Fire Upgrade of Existing Buildings	N/A
	<b>Comment:</b> Conditions of consent will ensure the proposal satisfies the requirements of the relevant regulations.	
(b)	The likely impacts of the development	
	Context & setting	✓
	Access, transport & traffic, parking	✓
	Servicing, loading/unloading	✓
	Public domain	✓
	Utilities	✓
	Heritage	✓
	Privacy	✓
	• Views	✓
	Solar Access	✓
	Water and draining	✓
	Soils	✓
	Air & microclimate	✓
	Flora & fauna	✓
	Waste	<b>✓</b>
	Energy	<b>√</b>
	Noise & vibration	<b>✓</b>
	Natural hazards: Overland flowpath	<b>√</b>
	Safety, security crime prevention	<b>✓</b>
	Social impact in the locality	<b>✓</b>
	Economic impact in the locality	<b>✓</b>
	Site design and internal design	<b>✓</b>
	Construction	✓

Reference: DA-2023/217 Page 17 of 30

# Matters for Consideration Under S.4.15 (79C) *EP&A Act* Considered and Satisfactory ✓ and Not Relevant N/A

	Cumulative impacts	✓
	<b>Comment:</b> Conditions of consent will ensure the proposal does not cause	
	detrimental impacts on the surrounding properties.	
(c)	The suitability of the site for the development	
	Does the proposal fit in the locality?	✓
	Are the site attributes conducive to this development?	✓
	Comment: The site is suitable for the development, which was assessed in	
( 1)	the approved main works proposal DA-2022/393.	
(d)	Any submissions made in accordance with this Act or the regulations	
	Public submissions	✓
	Submissions from public authorities	N/A
	Comment: Public submissions have been considered as part of the overall	
	assessment of this application.	
(e)	The public interest	
	Federal, State and Local Government interests and Community	✓
	interests	
	<b>Comment:</b> The proposal will not compromise the character of the locality and therefore approval of the application is in the public interest.	

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#### **ATTACHMENT 5: SCHEDULE OF CONDITIONS**

## GENERAL CONDITIONS

#### Condition

## 1. Approved Plan/Details

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

Туре	Plan No.	Revision/ Issue No	Plan Date (as Amended)	Prepared by
DEMOLITION PLAN	1977-MAK-DA1600	01	26/04/2023	Make

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)

## **BEFORE WORKS COMMENCE**

## Condition

#### 2. S7.12 Contribution

Prior to the commencement of any works, a monetary contribution is to be paid in accordance with section 7.12 of *Environmental Planning and Assessment Act, 1979* in the amount of **\$2,403.50** for the purposes of the Local Infrastructure identified in the *Willoughby Local Infrastructure Contributions Plan*.

This contribution is based on **1**% of the Estimated Development Cost, being **\$240,350.00** at **14/08/2023** and the adopted *Willoughby Local Infrastructure Contributions Plan*.

## **Indexation**

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

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

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\$C <sub>o</sub> X Current CPI
Base CPI

Where:

\$Co = the original development contribution determined by the Council based on a

percentage of the Estimated Development Cost, set out in the Contributions

Plan

Current CPI = the Consumer Price Index (All Groups Index), Sydney, as published by the ABS at

the quarter immediately prior to the date of payment

Base CPI = the Consumer Price Index (All Groups Index), Sydney, as published by the ABS

at the quarter ending immediately prior to the date of imposition of the

condition requiring payment of a contribution

Please note that the dollar value stated applies to a payment made within the current calendar month. Any payment made in following months would have the relevant indexation (CPI Index) applied in the first instance to determine the actual amount due in the current month.

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

When you are ready to pay, please contact Council's Customer Service Centre on 9777 1000 to organise your payment.

(Reason: Statutory requirement)

## 3. Damage Deposit

Prior to the commencement of work, the applicant shall lodge a Damage Deposit of \$4500 (GST Exempt) to Council against possible damage to Council's assets and any infrastructure within the road reserve/footway during the course of the building works. The deposit will be refundable subject to inspection by Council after the completion of all works relating to the proposed development. For the purpose of inspections carried out by Council Engineers, an inspection fee of \$260 (GST Exempt) is payable to Council. Any damages identified by Council shall be restored by the applicant prior to release of the Damage Deposit.

Total Payable = \$4500 + \$260 = \$4250

(Reason: Protection of public asset)

## 4. Tree Protection Plan

Prior to the commencement of any works on site:

- (a) Submit to Council a Tree Protection Plan for approval.
- (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 to be

Reference: DA-2023/217 Page 20 of 30

retained (including those on adjoining properties) in accordance with AS 4970-2009 'Protection of trees on development sites' and clearly mark tree protection zones as well as tree protection measures and fencing.

(Reason: Tree protection)

#### 5. Licensee Details

The name, address and contractor licence number of the licensee who has contracted to carry out the work or the name and permit number of the owner-builder who intends to carry out the work shall be furnished in writing to the Certifier prior to commencement of work. N.B. Should changes be made for the carrying out of the work the Certifier must be immediately informed.

(Reason: Information)

## 6. 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)

## 7. 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)

## 8. Report Existing Damages on Council's Property

Prior to commencement of any works on site, submit to Council and the Principal Certifier a report with digital photographs of any existing damages to Council's assets fronting the property and the immediate adjoining properties. Failure to do so will result in the applicant being liable for any construction related damages to these assets. In this respect, the damage deposit lodged by the applicant may be used by Council to repair such damages. (Reasons: Protection of Council's Infrastructure)

## 9. Permits and Approvals Required

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

- (a) Permit to erect Builder's hoarding where buildings are to be erected or demolished within 3.50m of the street alignment. Applications are to include current fees and are to be received at least 21 days before commencement of the construction.
- (b) Permit to stand mobile cranes and/or other major plant on public roads. Applications are to include current fees and security deposits and are to be received

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at least seven days before the proposed use. It should be noted that the issue of such permits may also involve approval from the NSW Police Force and TfNSW. A separate written application to work outside normal hours must be submitted for approval.

It should also be noted that, in some cases, the above Permits may be refused and temporary road closures required instead which may lead to longer delays due to statutory advertisement requirements.

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

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

(Reason: Legal requirements)

## 10. Construction Traffic Management Plan

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

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

(Reason: Public safety and amenity)

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#### 11. Traffic Work

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

(Reason: Public safety and amenity)

## 12. 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)

## 13. Spoil Route Plan

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

(Reason: Public amenity)

## 14. Hazardous Building Material Assessment

A hazardous building material assessment shall be undertaken by an appropriate qualified person and is to be submitted to Council for approval prior to the commencement of any works on site. 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)

## **DURING DEMOLITION AND BUILDING WORK**

Condition

## 15. Waste Management

The development should maintain compliance with the Construction & Demolition Waste Management Plan (WMP) submitted (Elephants Foot, Rev B, 4/11/2022). A copy of the WMP must be kept on-site at all times while work approved under development consent is being carried out.

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

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### 16. Waste Management – During Demolition Work

While site work is carried out, all waste management must be undertaken in accordance with the WMP. Storage of materials/resources and waste/recycling containers should be within the boundaries of the development site at all times.

On disposal of waste, records of the disposal must be complied, detailing the following:

- (a) The contact details of the person removing the waste;
- (b) The waste vehicle registration;
- (c) The date and time of waste collection;
- (d) A description of the waste (type and quantity) and whether the waste is to be reused, recycled or go to landfill;
- (e) The address of the disposal location(s); and
- (f) The corresponding docket from the disposal location(s), noting the date and time of delivery, and a description of the waste (type and quantity).

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

#### 17. 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 renotification in some circumstances.

(Reason: Ensure compliance and amenity)

## 18. 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.

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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)

#### 19. Suitable Screens

In the event of likely emission of dust, noise, waste water or other matter, suitable screens shall be erected during demolition and building work to prevent their emission from the site. (Reason: Maintain amenity to adjoining properties)

#### 20. 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)

## 21. Demolition Work AS 2601-2001

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

(Reason: Safety)

## 22. Silencing Devices

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

(Reason: Maintain amenity to adjoining properties)

## 23. 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)

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#### 24. Access to Site

During Demolition, Excavation and Construction, access to the site is to be available in all weather conditions, and stabilised to prevent vehicles tracking soil materials onto public roads.

(Reason: Environmental protection)

## 25. Rock Hammering/Sawing

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

(Reason: Amenity)

## 26. Asbestos Removal and Disposal

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

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

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

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

(Reason: Environmental protection/Public health and safety)

## 27. Road and Footpath

Council's footpath, nature strip or roadway shall not be damaged and shall be kept clear at all times. The public footway must not be obstructed at any time unless written approval has been granted by Council and the footway including any footpath shall be maintained in a safe condition for pedestrians and the general public at all times.

(Reason: Maintain public safety)

## 28. Excavations and Backfilling

All excavations and backfilling associated with the erection or demolition of a building must be executed safely, and must be properly guarded and protected to prevent them from being dangerous to life or property.

(Reason: Safety)

## 29. 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)

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### 30. 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)

### 31. Tree Protection

- (a) Retain and protect the following trees and vegetation throughout the demolition and construction period: All trees not indicated for removal on the approved plans unless exempt under relevant planning instruments or legislation.
- (b) The above trees must be clearly marked and protection devices in place to prevent soil compaction and machinery damage.
- (c) Tree roots greater than 25mm diameter are not to be removed unless approved by a qualified Arborist on site.
- (d) All structures are to bridge roots unless directed by a qualified Arborist on site.
- (e) Tree protection measures must comply with the AS 4970-2009 Protection of trees on development sites with particular reference to Section 4 Tree Protection Measures

(Reason: Tree management)

#### 32. Public Tree Protection

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

(Reason: Tree management)

#### 33. Waste Classification – Excavation Materials

All materials excavated and removed from the site (fill or natural) shall be classified as complying with a Resource Recovery Order and associated exemptions made under the Protection of the Environment Waste Regulation 2014, or as waste classified in accordance with the Environment Protection Authority (EPA) Waste Classification Guidelines prior to being removed to a recipient site or to a suitable EPA approved waste disposal facility.

(Reason: Environment and health protection)

## 34. Hazardous Materials – Clearance Certificate

Following completion of the removal of any identified hazardous material associated with demolition works, a clearance certificate shall be issued by an appropriately qualified occupational hygienist and submitted to Council. The clearance certificate shall verify that the site is free from any hazardous materials from the demolished buildings.

(Reason: Health and safety)

Reference: DA-2023/217 Page 27 of 30

### 35. 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)

#### 36. 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)

## 37. Loading and Unloading During Demolition

The following requirements apply:

- (a) All loading and unloading associated with demolition must be accommodated on site.
- (b) 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.
- (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)

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## 38. Unexpected Finds Protocol

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

(Reason: Environment & Health Protection)

#### 39. Public Infrastructure Restoration

Prior to the release of the Damage Deposit, any damaged public infrastructure caused as a result of the construction and development works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, subcontractors, 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)

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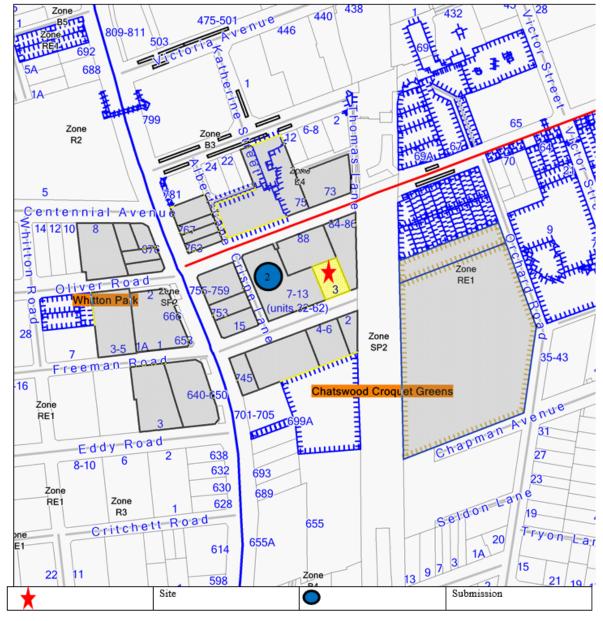
## **ATTACHMENT 6: NOTIFICATION MAP**



## Record of Neighbour Notifications sent relating to:

DA: 2023/217

At: 3 Ellis Street, CHATSWOOD NSW 2067.



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