

10 March 2011

JRPP (Sydney East)  
Panel Secretariat  
Level 13, Thakral House  
301 George Street  
Sydney NSW 2000

Dear Sir/madam

**Re: 164, 166, 170, 172, 176 Sailors Bay Road and 47, 49, 51 Baringa Road,  
NORTHBRIDGE NSW 2063  
DA-2010/575**

Reference is made to minutes of the Sydney East JRPP meeting held at Council on 16 Feb 2011, and Item 7 of the minutes which requires the submission of a revised car parking layout (as per item 4), and make the required changes to the recommendation conditions by Friday 4 March 2011 for the final consideration of the Panel.

1) A further revised car parking layout plan has been prepared by the applicant in accordance with Item 4 of the minutes. Additional staff car parking spaces have been provided in a stacked form adjacent to space numbers 27-33 as shown on the revised basement plan numbered **DA 2-01 Revision E dated 03/03/2011**.

2) Recommended conditions of consent for the development have been revised according to Item 5 and Item 6 of the minutes.

A copy the revised car parking plan and revised recommended conditions of consent is enclosed for the Panel's consideration.

Yours faithfully



Annie Leung  
**Development Officer (Development Planner)**

Reference: DA-2010/575  
Enquiries: Annie Leung  
Phone: 02 9777 7643  
Availability: 8.30am-10.00am, otherwise by appointment

## **SCHEDULE OF CONDITIONS**

### **CONDITIONS OF CONSENT:**

#### **GENERAL CONDITIONS**

##### **1. Hours of Work**

All construction/demolition work relating to this Development Consent within the City 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 under Section 96 of the Environmental Planning and Assessment Act for a variation to these approved hours must be lodged with Council at least 3 working days in advance of the proposed work. The application must include a statement regarding the reasons for the variation sought and must be accompanied by the required fee.

Note: This S96 application may require re-notification in some circumstances. (Reason: Ensure compliance and amenity)

##### **2. Approved Plan/Details**

The development must be in accordance with plans numbered with project number 2595, drawings DA2-01 Revision E, dated 03/03/11, DA2-02, DA2-03, DA2-04, DA2-05, DA3-01, DA3-02, DA4-01, DA4-02, DA4-03, DA4-04, revision B dated 17/01/11, DA6-01 Revision A, dated 11/08/10, prepared by Morrison Design Partnership P/L (Architects), Landscape drawings numbered DA0919-01-B, dated 22 Dec 2010, DA0919-02-H, DA0919-03-E, dated 14 Jan 2011, prepared by Guy Sturt + Associates, Engineering plans numbered HSK 01, HSK 02, & HSK 09, Issue B, HSK 07, Issue C, dated 18.01.11, prepared by Sparks and Partners, the application form and any other supporting documentation submitted as part of the application:

except for:

- a) any modifications which are "Exempt Development" in SEPP (Exempt and Complying Development Codes) 2008.
- b) any modifications which are 'Exempt Development' in Willoughby Development Control Plan Part B.2, or as may be necessary for the purpose of compliance with the Building Code of Australia and any Australian Standards incorporated in the Code:
- c) otherwise provided by the conditions of this consent.  
(Reason: Information and ensure compliance)

#### **PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

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

**3. Detailed Drawings**

Detailed construction drawings, specifications, and other supporting documentation required for a Construction Certificate are to be in accordance with the terms of this Consent and comply with the requirements of the Building Code of Australia.

(Reason: Ensure compliance)

**4. Roof Gardens - Planters**

Selected planting provided in the raised planters on the approved roof gardens must include species with mature height no less than 2m and densely planted to appropriately mitigate any overlooking into adjoining properties.

A privacy screen/lattice of minimum 1600mm in height be provided as shown on the approved landscape plan for the western roof garden facing 45 Baringa Road. Additional privacy screen/lattice of 400mm high must be provided above the top of wall of the approved planters of 1200mm in height (together provide an effective screen of 1600mm in height above the finished floor level of the roof garden) along the western and southern elevation of the roof garden or planter to prevent overlooking into the private open space of the property at No 45 Baringa Road Northbridge.

Plans and details complying with this condition must be shown on the Construction Certificate plans and approved by the certifying authority.

(Reason: Ensure compliance)

**5. Additional Details and Information**

Any requirements outlined by conditions of this consent requiring changes and/or information to be noted on plans are to be incorporated within the Construction Certificate plans and documentation.

(Reason: Ensure Compliance)

**6. Section 94 Contributions**

A cash contribution is to be paid in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979, in relation to the following items specified below:

<b>A</b>	<b>Open Space and Recreational Facilities</b>	<b>\$425,218.90</b>
	<u>Calculation</u>	
	\$4,592.93 per resident (116)	
	Less credit for existing dwellings	
	\$12,538.24 per 3 bedroom dwelling (6)	
	\$16,165.77 per 4 bedroom dwelling (2)	
<b>B</b>	<b>Roads and Traffic Transport/Management</b>	<b>\$110,597.88</b>
	<u>Calculation</u>	
	\$953.43 per unit (116)	
<b>Total</b>		<b>\$535,816.78</b>
<i>Office Use – Calculation Checked</i>		

This contribution is based on needs generated by the development as identified in the relevant adopted Section 94 Contributions Plan. The contribution rate and calculation is current until 30 June 2011, if payment is made after this date the rate/contribution will be increased in accordance with the CPI adjusted rates current at the time of payment.

Please note that payment will only be accepted by way of a bank cheque or cash.

Copies of the Contributions Plans and revised rates are available for inspection at the Councils Administration Building, 31 Victor Street, Chatswood or online at [www.willoughby.nsw.gov.au](http://www.willoughby.nsw.gov.au)

;(Reason: Statutory requirement)

## 7. Services - Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to occupation. Application must be made through an authorised Water Servicing Coordinator, for details see Customer Service, Urban Development at [www.sydneywater.com.au](http://www.sydneywater.com.au) or telephone 13 20 92.

Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Water Servicing Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and the building, driveway or landscape design and therefore require further approvals of Council.

The "Notice of Requirements" relating to the approved development in accordance with this consent is to be submitted to Council.  
(Reason: Ensure Statutory Compliance)

## 8. 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. All required electrical enclosure within the front setback areas of the site must be setback at least 1m away from the respective front property boundary, and screened by suitable planting. The applicant is responsible for creation of any necessary easements as required by Energy Australia at no cost to Council.  
(Reason: Compliance)

#### **9. Damage Deposit**

The applicant shall lodge a Damage Deposit of \$66,200.00 (GST Exempt) as cash, cheque or an unconditional bank guarantee, with Council against possible damage to Council's asset 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. Any damages identified by Council shall be restored by the applicant prior to release of the Damage Deposit.  
(Reason: Protection of public asset)

#### **10. Traffic Management Plan**

A detailed 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 RTA accredited consultant.
- b) 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.
- c) 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.
- d) Temporary road closures shall be confined to weekends and off-peak hour times and are subject to the approval of 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)

#### **11. Road Pavement – Engineering Details**

The applicant shall submit, for approval by Council as the road authority, full engineering design plans and specifications prepared by a suitably qualified and experienced civil engineer for the pavement reconstruction of half of **Sailors Bay Road** including kerb, gutter, footpath all associated works fronting the subject site.

The required plans must be designed in accordance with Council's Specifications (AUS-SPEC). 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.

(Reason: Protection of public asset)

## **12. Stormwater Conveyed to Street Drainage**

Stormwater runoff from the site shall be collected and conveyed to the street drainage system in accordance with Council's specifications. A grated drainage pit (min. 600mm x 600mm) shall be provided within the property and adjacent to the boundary prior to discharging to the Council's drainage system. Any new drainage pipe connections to the underground system shall be approved by Willoughby Council and comply with the requirements described in Part C.5 of Council's DCP and Technical Standards. In this regard, full design and construction details showing the location and method of connection shall be submitted to Council for approval.

(Reason: Stormwater control)

## **13. Locate and Expose Existing Pipeline**

Prior to commencement of any drainage connection works, the applicant shall locate and expose the existing Council's drainage line for assessment of the condition of such pipeline by the design engineer and Council. Inspection by Council's Engineers is required prior to any backfilling. 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.

(Reason: Protection of public asset)

## **14. Basement Pumpout Drainage System**

The applicant shall submit, for approval by the Principal Certifying Authority, detailed stormwater management plans in relation to the pump-out drainage system. The construction drawings and specifications, shall be generally in accordance with the approved stormwater management plans with the following requirements:

- The pumpout drainage system shall comprise with two (2) submersible type pumps. The two pumps shall be designed to work on an alternative basis to ensure both pumps receive equal use and neither remains continuously idle.
- Each pump shall have a minimum capacity of 10L/s or shall be based on the flow rate generated from the 1 in 100 year ARI 5-minutes duration storm event of the area draining into the system, whichever is greater.
- An alarm warning device (including signage and flashing strobe light) shall be provided for the pump-out system to advise the occupant of pump failure. The location of the signage and flashing strobe light shall be shown on the stormwater management plans.

- The volume of the pump-out tank shall be designed with a minimum storage capacity equivalent to the runoff volume generated from of the area draining into the tank for the 1 in 100 year ARI 2-hours duration storm event.

All drawings shall be prepared by a suitably qualified and experienced civil engineer and shall comply with Part C.5 of Council's Development Control Plan, AS3500.3 – *Plumbing and Drainage Code* and the BCA.  
(Reason: Prevent nuisance flooding)

#### 15. Stormwater to Street Drainage via Reinforced Concrete Pipe (RCP)

Stormwater runoff from the site shall be collected and conveyed to the underground drainage system in **Euroka Street** via the proposed 450 mm RCP in accordance with Council's specification. The system shall be analysed by the hydraulic grade line to ensure that backwater effect to the OSD tank is avoided for the critical 1 in100 year ARI rainfall event. A grated drainage pit (min. 600 mm x 600mm) shall be provided adjacent to the property boundary prior to discharging to the Council's drainage system. In this regard, full design and construction details including longitudinal section showing the positions of underground services on the footpath/street are to be submitted to Council for approval.

(Reason: Prevent nuisance flooding to OSD tank)

#### 16. Stormwater on Sailors Bay Road

The stormwater system on Sailors Bay Road for the full frontage of the site shall be collected and drained into the low point of the existing gully pit via two additional kerb inlet pits approximately 20 m east and 10 west of the existing gully pit on **Sailors Bay Road**. The new pits shall be connected to the low point on the existing gully pit by 375 mm dia RCP. The proposed driveway shall be profiled to prevent stormwater entering the car park. All pits and pipes shall be designed in accordance with Willoughby Council's standard (AUSPEC).

Construction of the drainage system shall be satisfactory completed **prior to the release of the Occupation Certificate**. (Reason: Prevent nuisance flooding of car park)

#### 17. Temporary Ground Anchors

Obtain written permission from all private property owners affected by any encroachment either below ground or the air space above as a result of the above works. Copies of the permission shall be sent to Council. All works associated with the drilling and stressing of the ground anchors shall be installed in accordance with approved drawings.

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

(Reason: Encroachment of works)

#### **18. Traffic signs & marking**

Plans and details prepared by a suitably qualified traffic engineer showing design of any signage and traffic line marking required for the approved driveway access off the Euroka Street and Sailors Bay Road roundabouts. These must include, but not limited to the provision of a 'Stop – Proceed with caution' near the exit from the approved basement car parking area, and line marking to clearly delineate the entry and exit lane of the driveway. The installation of additional regulatory signs and road sign outside the site may be subject to statutory public notification/advertising, and requires reviews and recommendations by Council's Local Traffic Committee to be approved by Council.

(Reasons: Safety and Ensure Compliance)

#### **19. Food preparation, handling and storage areas**

The fitout of all food preparation, handling and storage areas must comply with Australian Standard AS4674-2004 Design, Construction and Fitout of Food Premises and with the requirements of the Food Safety Standards. Details are to be submitted to the Principal Certifying Authority together with certification from a suitably qualified person that the fitout complies with the standards prior to a Construction Certificate being issued.

(Reason: Ensure Compliance)

#### **20. Noise Mechanical Services**

To minimise the impact of noise onto residential receivers, all mechanical services shall be designed and installed to ensure ambient noise levels are maintained. Details of the proposed equipment, siting and any attenuation required shall accompany the application for construction certificate.

(Reason: Amenity)

#### **21. External Finishes**

The external building material shall be consistent with the submitted schedule of colour and finishes shown on the approved plans. The roofing and cladding of the proposed building are to be of minimal reflectance (maximum of 20%) so as to avoid nuisance in the form of glare or reflections to the occupants of nearby buildings, pedestrians and/or motorists. Detailed specifications complying with this condition of consent must be submitted to the certifying authority and endorsed with the Construction Certificate.

(Reason: Avoid nuisance and ensure compliance)

### **PRIOR TO THE COMMENCEMENT OF ANY WORKS**

**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, including demolition.**

**22. Building Site Hoarding**

Provision of a hoarding, complying with WorkCover NSW requirements which is to be erected to restrict public access to the site (including demolition and/or excavation site) and building works, materials or equipment. A separate application is to be made to Council's Infrastructure Services Division for this purpose should the hoarding be located on Council property. (Reason: Safety)

**23. Provide Erosion and Sediment Control**

Erosion and sediment control devices shall be provided 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, trees 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)

**24. Demolition Work AS 2601**

Demolition works being carried out in accordance with the requirements of AS 2601 "The demolition of structures".

(Reason: Safety)

**25. Silencing Devices**

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

(Reason: Maintain amenity to adjoining properties)

**26. Site & Construction Management**

A Site and Construction Management Plan shall be submitted to and approved by the Principal Certifying Authority prior to the commencement of any work, including demolition. The site and construction management plan shall include the following measures as applicable.

- Details and contact telephone numbers of the owner, builder and developer;
- Location and construction details of protective fencing to the perimeter of the site;
- Location of site storage areas, sheds and equipment;

- Location of stored building materials for construction;
- Provisions for public safety;
- Dust control measures;
- Site access location and construction;
- Details of methods of disposal of demolition materials;
- Protective measures for tree preservation;
- Provisions for temporary sanitary facilities;
- Location and size of waste containers and bulk bins;
- 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;
- Construction noise and vibration management.
- Construction vehicles access to and egress from the site. No construction vehicle is to access the site from Baringa Road.
- All construction vehicles shall access the site via Sailors Bay Road and not from surrounding streets.
- Parking for construction vehicles. No construction vehicle is to park on Baringa Road.
- Locations of site office, accommodation and the storage of major materials related to the project
- Protection of adjoining properties, pedestrians, vehicles and public assets
- Location and extent of proposed builder's hoarding and Work Zones
- Tree protection management measures for all protected and retained trees.

The site and construction 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 and Construction Management Plan shall be conspicuously displayed, maintained on site and be made available to the PCA/Council officers upon request.  
(Reason: Environment protection, public health and safety)

## **27. Dilapidation Report of Council's Property**

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

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

This dilapidation report shall be submitted to Council and the Principal Certifying Authority.  
(Reason: Protection of Council's infrastructure)

**28. Dilapidation Report of Adjoining Properties**

Submit a photographic survey and report of the adjoining properties at No 182 Sailors Bay Road (Lot 18 Section 3 DP7122/ SP 10737), No. 160 Sailors Bay Road (Lot 13 Section 3 DP7122 & Lot 2 SP321), No 45 Baringa Road (Lot 27 Section 3 DP7122), & No 53 Baringa Road (Lot 31 & 32 Section 3 DP 7122).

to the PCA 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 walls, ceilings, roof, structural members and other items as necessary. Copies of all report must be submitted to Council if Council is not the PCA.

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 PCA, 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)

**29. 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 & Safety/Ensure Compliance)

**30. Tree Protection**

Retain and protect the following trees and vegetation throughout the demolition and construction period:

All trees not indicated for removal on Tree retention /Removal Plan numbered DA0919- 01B dated 22 Dec 2010 prepared by Guy Sturt & Assoc.

The protective measures must comply with the following specifications:

i. AS 4970-2009 Protection of trees on development sites.

(Reason: Tree Management)

**31. Public Tree Protection**

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.

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 Open Space section and resolve the matter to Council's satisfaction.

(Reason: Tree management)

### **32. 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)

### **33. Neighbour Notification of Asbestos Removal**

The applicant/builder is to notify the adjoining residents five working days prior to demolition works involving removal of asbestos. Such notification is to be clearly written, giving the date work will commence, Work Cover NSW phone number 131 050, Councils phone number 9777 1000.

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)

### **34. 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 & Safety/Ensure Compliance)

### **35. Permits and Approvals Required**

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

- a) Permit to erect Builder's hoarding where buildings are to be erected or demolished within 3.50m of the street alignment. Applications are to include current fees and are to be received at least 21 days before commencement of the construction.

- b) Permit to stand mobile cranes and/or other major plant on public roads. Applications are to include current fees and security deposits and are to be received at least seven days before the proposed use. It should be noted that the issue of such permits may also involve approval from the NSW Police Force and the RTA. 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.
- 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.  
(Reason: Legal requirements)

### **36. 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)

### **37. Report Existing Damages on Council's Property**

Prior to commencement of any works on site, the applicant shall notify Council in writing 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)

### **38. Property Boundary Levels**

The applicant must obtain the levels for the vehicle crossing at the property boundary from Council under a separate application. These levels shall be incorporated into the design of the internal driveway. The suitability of the grade of driveway *inside* the property is the sole responsibility of the Applicant and the required levels fixed by Council may impact upon these levels.

The crossing at the property boundary is to be 5.50 metres wide and is to be constructed of right angle to the street kerb. The proposed waiting area beside the driveway is not approved and shall be deleted.

All adjustments to the nature strip, footpath and /or public utilities' mains and services as a consequence of the development and associated construction works are to be carried out at the full cost to the Applicant.  
(Reason: Public amenity)

### **39. Excavation – Geotechnical Assessment**

Prior to any excavation commencing a report is to be obtained from a Geotechnical Engineer outlining how the excavation is to be undertaken with safety. The report is to address excavation methods, support for adjoining properties, vibration control and monitoring, the need for dilapidation surveys of adjoining premises in addition to any requirements specified by conditions of this development consent, site stability and the level of geotechnical supervision required during site works. All recommendations of the engineer are to be complied with. The report together with copies of any dilapidation surveys are to be submitted to the PCA, Council if Council is not the PCA, and relevant adjoining property owners prior to works commencing.  
(Reason: Protection of property)

## **PRIOR TO OCCUPATION OF THE DEVELOPMENT**

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

### **40. Occupation Certificate**

The building/structure or part thereof shall not be occupied or used until an interim occupation / final occupation certificate has been issued in respect of the building or part.  
(Reason: Safety)

### **41. Section 73 Compliance Certificate**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to occupation. Application must be made through an authorised Water Servicing Coordinator, for details see Customer Service, Urban Development at [www.sydneywater.com.au](http://www.sydneywater.com.au) or telephone 13 20 92.

The Section 73 Certificate must be submitted to the Principal Certifying Authority.

(Reason: Ensure Statutory Compliance)

#### **42. Marked parking bays**

All approved parking bays including 21 staff and 13 visitors car spaces, ambulance bay, loading bay and the direction of traffic movement being permanently marked on the pavement surface in accordance with the approved car parking and driveway layout to the satisfaction of the Principal Certifying Authority.

(Reason: Ensure compliance)

#### **43. Motorcycle parking and bicycle rack**

a) One motorcycle parking must space must be provided within the approved basement car parking area. The space is to have an area of 1.2 metres x 3 metres.

b) 3 bicycle parking rail/racks must be provided by the development.

The required motorcycle and bicycle racks by this condition must be marked by suitably signage.

(Reasons: Sustainable Transport)

#### **44. Registration of Plan of Consolidation**

All individual allotments involved in the development site being consolidated into a single allotment and evidence of the registration of the plan of consolidation to be submitted to Council.

(Reason: Ensure compliance)

#### **45. Seniors Living - Documentation**

The documentation relating to the constitution and operation of the development is to be submitted for Council's approval including:

a) 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.

A restriction as to user be registered against the title of the property on which the approved development is carried out, 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.

b) A minimum of 10% of the approved 116 beds must be provided as affordable places with on-site support services. Affordable places and on-site support services are defined by Clause 45 (12) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. The creation of a restrictive or positive covenant on the land to which this development consent relates concerning the continued

provision of a minimum of 10% affordable places with on-site support services is required. The positive covenant is to be in favour of Willoughby City Council with Council being the only authority to vary, modify or extinguish the covenant.

(Reason: Ensure compliance)

#### **46. Safer by Design**

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, 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 roof of the basement parking area shall be painted a light colour (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) Appropriate level of lighting must be provided within the approved internal courtyard area suitable for residents to freely move between indoor and outdoor areas.
- e) The means to isolate visitors and residents/staff components of the building shall be incorporated into the development, including the security keying of lifts and doors and other measures for access control.
- f) Adequate signage within the development to identify facilities, entry/exit points and direct movement within the development.
- g) All medical stores must be locked and alarmed.
- h) All doors that give external access to the streets are to be locked.
- i) CCTV is to be installed to monitor the approved courtyards, and car parking areas.



- j) Access from Baringa Road frontage of the site is limited to emergency exits only. Appropriate signs must be permanently affixed to all pedestrian gates/entries on the Baringa Road frontage of the site, stating "Emergency exit only. Entrance on Sailors Bay Road".

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

**47. Street number**

The street number at least 100mm high shall be clearly displayed on the street frontages of the site.

(Reason: Information)

**48. Sustainable Development - Final Occupation**

The measures proposed to be undertaken in the submitted Sustainability Scorecard as part of the Development Application are to be implemented as part of the development. Should any variation to these measures be proposed, a revised scorecard with the amendments highlighted is to be submitted for the Principal Certifiers approval, and is required to continue to achieve the relevant mandatory measures and same

(Reason: Environmental Sustainability)

**49. Food Premises Registration**

Prior to occupation and use of the kitchen facilities in connection with the approved residential care facility, Council and the NSW Food Authority must be notified that the premises are being used for the preparation or manufacture of food for sale and registered on the food notification database.

If a Private Certifier is to be used for the development, a final inspection may be conducted by Council's Food Surveillance Officer to ensure that food standards required by this development consent are met, at a fee of \$154 per inspection paid beforehand.

(Reason: Information & Ensure Compliance)

**50. 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 Principal Certifying Authority.

(Reason: Ensure compliance)

**51. S88B/88E(iii) 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 OSR & OSD systems. 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 request forms shall be lodged together with Council's Standard Lodgement Form which is available from Council upon request. The relative location of the OSR & OSD systems, in relation to the building footprint, must be shown on a scale A\$ sized sketch, attached as an annexure to the request forms.

Documentary evidence of registration of these instruments with the Department of Property Information shall be submitted to Council.  
(Reason: Maintenance requirement)

**52. Sign for On site Retention & Detention (OSR & OSD) system**

An aluminium plaque measuring no less than 400mm x 200mm is to be permanently attached and displayed within the immediate vicinity of the OSR & OSD system.

The wording for the plaque shall state "*This is the OSR & OSD 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)

**53. Confined Space Sign**

Securely install an approved standard confined space danger sign in a prominent location within the immediate vicinity of access grate of the OSR & OSD systems.

(Reason: Safe access to tank)

**54. Certification of OSR & OSD systems**

A suitably qualified and experienced civil engineer (generally CP Eng. Qualification) shall certify on Council's standard certification form that the as-built OSR & 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)

**55. Documentary Evidence of Positive Covenant, Engineers Certificate**

The following documentary evidence of the completed drainage works shall be submitted to Principal Certifying Authority and Council: -

- Registered Positive Covenant and Restriction on the Use of Land by way of the Title Deed.
- Certification from a suitably qualified and experienced civil engineer (generally CP Eng. Qualification) for the as-built OSR & OSD systems and/or plumber's certification of the as-built rainwater reuse system.
- Work-as-Executed plans highlighting in red based on the approved stormwater management plans from a registered surveyor for the as-built OSR & OSD systems.

(Reason: Public record)

**56. Works As Executed Plans – OSR & OSD**

Upon completion of the OSR & OSD System, the following shall be submitted to the Principal Certifying Authority:

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

(Reason: Record of works)

**57. Works As Executed Plans – Rainwater Reuse**

Upon completion of the Rainwater Re-use System, the following shall be submitted to the Principal Certifying Authority:

- 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.
- Plumber's certification that the Rainwater Re-use system has been fitted with proprietary first flush device and connected to non-potable use including toilet flushing, laundry and landscape irrigations. All works completed shall comply with the current

plumbing requirements of Sydney Water and Committee on Uniformity of Plumbing and Drainage Regulations of NSW.

(Reason: Record of works)

**58. Rainwater Retention & Re-use – Major**

The applicant shall supply and install rainwater re-use tanks with a minimum storage volume of 129 m<sup>3</sup> in accordance with the approved stormwater management plans, Sydney Water's requirements and Council's DCP and Technical Standards.

All roof water from the development shall be connected to this system prior to overflow into the OSD tank. The rainwater reuse system shall be sufficiently filtered before usage and be connected to supply non-potable uses including, but not limited to laundry, toilet flushing and landscape irrigation. The system must be periodically inspected and maintained to ensure proper function.

(Reason: Ensure compliance and conserve natural resources)

**59. Grated Box Drain**

For stormwater control a 250 mm wide grated trench drain with a heavy duty removable galvanised grate is to be provided in front of the garage door/basement parking slab to collect driveway runoff. The trench drain shall be connected to the basement pump out drainage system and must have an outlet of minimum diameter 150 mm to prevent blockage by silt and debris.

(Reason: Proper disposal of stormwater)

**60. Construction of Kerb & Gutter**

Construct new kerb and gutter for the full frontage to **Sailors Bay Road** together with any necessary associated pavement restoration in accordance with Council's specification for the full frontage of the development site with associated half road pavement restoration.

(Reason: Public amenity)

**61. Concrete Footpath**

Construct a 1.2m wide concrete footpath 600mm off the alignment of the property boundary for the full frontage of the development site in **Sailors Bay Road**. All works shall be carried out in accordance with Council's standard specifications and drawings.

(Reason: Public amenity)

**62. Performance Bond**

The Applicant shall lodge with the Council a performance bond of \$31,000 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)

**63. 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.  
(Reason: Public amenity)

**64. 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)

**65. Turfing of Nature Strip**

Trim the naturestrip of land between the property boundary and the kerb, spread topsoil on top of the trimmed surface and lay approved turfing on the prepared surfaces for the full frontage of the site along **Sailors Bay Road**. The turf shall be protected from vehicular traffic and kept watered until established.  
(Reason: Public amenity)

**66. Adjustment to Electricity supply**

All existing and proposed overhead electricity supply mains and other overhead services around the street frontage of the site shall be relocated underground to the specification of Energy Australia and Willoughby City Council at full cost to the applicant. The Applicant shall consult with Energy Australia for the removal of two power poles in front of the site along Sailors Bay Road.  
(Reason: Public amenity)

**67. Noise Emission – Equipment**

Certification from a suitably qualified Acoustic Engineer certifying that the noise from all sound producing plant, equipment, machinery, mechanical ventilation and/or the refrigeration system complies with the terms of the development consent.  
(Reason: Amenity)

**68. Internal Noise Criteria**

To minimise noise intrusion from any external noise source onto the occupants of the development, the building shall be designed and constructed to comply with the requirements of Australian Standard AS2107-2000 – Acoustics – Recommended design sound levels and reverberation times for building interiors.

Certification from an appropriately qualified acoustic consultant that the building has been designed to meet this criteria shall be submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.  
(Reason: Amenity)

#### **69. Certification – Ventilation**

Submit a Certificate 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 conditions of the development consent.  
(Reason: Compliance)

#### **70. Garbage Rooms**

Garbage rooms must be large enough to store the generated waste from the proposed uses and allowance should be made for separation of putrescible waste from waste suitable for recycling, to the satisfaction of Council.  
(Reason: Ensure compliance)

#### **71. Waste/Garbage storage and removal**

Arrangements being made to the satisfaction of Council for the storage on the site and regular removal of garbage, recycling and trade wastes.  
(Reason: Health and amenity)

#### **72. Garbage container room**

The garbage container room shall be constructed to comply with all the relevant provisions of Council's "Waste Minimisation Policy" and in particular :-

- a) The floor being graded and drained to an approved drainage outlet connected to the sewer and having a smooth, even surface, coved at all intersections with walls.
- b) The walls being cement rendered to a smooth, even surface and coved at all intersections.
- c) Hot and cold water through a mixer being provided in the room with the outlet located in a position so that it cannot be damaged and a hose fitted with a nozzle being connected to the outlet.
- d) An overhead type door being provided to the room having a clear opening of not less than 1.8m.
- e) A galvanised steel bump rail at least 50 mm clear of the wall being provided at the height of the most prominent part of the garbage containers.

- f) Mobile containers having a capacity suitable for connection to the garbage collection vehicle being provided in the room. In addition suitable recycling containers must also be provided in the room.  
(Reason: Health and amenity)

**73. Medical/Health – Storage and disposal of special waste**

Contaminated, clinical or pathological waste shall be stored within the premises, handled, transported, stored and disposed of in accordance with the Department of Environment and Climate Change - DECC and the NSW Department of Health requirements.  
(Reason: Compliance)

**74. Medical/Health – Storage of all waste**

All waste including medical waste and sharps containers shall be stored in a secure area which is not accessible to the general public.  
(Reason: Compliance and Safety)

**75. Public Tree Maintenance**

The applicants arborist or landscape designer is to certify that:

- i. All trees on public land have been adequately maintained, that there has been no net deterioration in health and condition, and that any remedial work complies with the industry standards AS 4970-2009 Protection of trees on development sites. and AS 4373 -1996 "Pruning of Amenity Trees".  
(Reason: Tree management, Public Asset Management)

**76. Completion of Landscape Works**

The approved landscape works are to be consistent with the approved design, completed to a professional standard, consistent with industry best practice and published standards. All planted trees cannot be pruned unless such pruning complies with Council's Tree Preservation order or removed without a permit issued under Council's Tree Preservation Order.  
(Reason: Landscape amenity)

**77. Weed Removal**

All noxious and environmental weeds shall be removed from the property prior to completion of building works. Documentary evidence of compliance with this condition shall be submitted to the Principal Certifying Authority prior to the release of the final Occupation Certificate.  
(Reason: Environmental Protection; landscape Amenity)

**78. Screening of rooftop plant/structures**

Any rooftop or exposed structures including lift motor rooms, plant rooms etc., together with air conditioning, ventilation and exhaust systems, are to be suitably screened and integrated with the building in order to ensure a

properly integrated overall appearance.  
(Reason: Visual amenity)

#### **79. Emergency Evacuation Plan**

An Emergency Evacuation Plan is to be prepared prior to occupation of the facility. The Plan shall comply with any and all relevant legislative requirements and shall ensure the safe evacuation of all residents of the facility in an emergency.

The Plan shall be submitted to Council and the NSW Fire Brigade and input shall be sought from the Fire Brigade during the Plan's preparation. A copy of the plan must be readily available on site at all times during the facility's operation.

(Reason: Emergency Evacuation)

### **ADDITIONAL CONDITIONS**

**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.**

#### **80. Road and Footpath**

Council's footpath, nature strip or roadway not being damaged and shall be kept clear at all times.

(Reason: Maintain public safety)

#### **81. No storage on foot/roadway**

Building materials, plant and equipment and builder's waste, are not to be placed or stored at any time on Council's footpath, nature strip or roadway adjacent to building sites unless prior written approval has been granted by Council.

(Reason: Safety)

#### **82. Skips and Bins**

Rubbish skips or bins are not to be placed on Council's footpath, nature strip or roadway unless prior written approval has been granted by Council.

(Reason: Safety)

#### **83. Removal of Material**

Remove all excess excavation and construction material from the site at the completion of works to the satisfaction of the Principal Certifying Authority.

(Reason: Environmental protection)

### **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)

#### **84. Support for Neighbouring Buildings**

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

#### **85. Temporary Toilet Facilities**

Temporary toilet facilities shall be provided to the satisfaction of the Principal Certifying Authority.

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)

#### **86. Erection Wholly within the Boundaries**

All works including footings, shall be erected wholly within the boundaries of the property.

(Reason: Ensure compliance)

#### **87. Asbestos Removal**

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 Safe Removal of Asbestos (National Occupational Health and Safety Committee 2002).

Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS 2601 – The Demolition of Structures.  
(Reason: Public Health & Safety/Ensure Compliance)

#### **88. Asbestos Disposal**

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 Principal Certifying Authority with a copy of all receipts issued by the waste disposal site as evidence of proper disposal.

(Reason: Environmental Protection/Public Health and Safety)

#### **89. 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)

#### **90. Noise Control – Offensive Noise**

To minimise the noise 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)

#### **91. Mechanical Ventilation Systems Comprising Water Cooling**

Mechanical ventilation systems comprising water cooling, and/or evaporative cooling systems shall be registered with Council on completion of the installation in accordance with the requirements of the Public Health Act.

(Reason: Health Protection)

#### **92. Ventilation – Operation**

To ensure adequate ventilation within the building all mechanical and/or natural ventilation systems shall be operated and maintained in accordance with the provisions of:

- a) the Building Code of Australia

- b) AS1668.1 – 1998 – Use of Ventilation and Air Conditioning in Buildings
- c) AS1668.2 – 1991 – Use of Ventilation and Air Conditioning in Buildings
- d) The Public Health Act 1991
- e) The Public Health Act (Microbial Control) Regulation 2000
- f) AS3666.1 – 2002 – Air Handling and Water Systems in Buildings
- g) AS3666.2 – 2002 – Air Handling and Water Systems in Buildings

(Reason: Health Protection)

### **93. Dust Control**

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

- dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work
- any existing accumulation of dust (eg. in ceiling voids and wall cavities) must be removed using an industrial vacuum cleaner fitted with a high efficiency particulate air (HEPA) filter.
- all dusty surfaces 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.
- all stockpiles of materials that are likely to generate dust must be kept damp or covered.
- demolition work must not be carried out during high winds, which may cause dust to spread beyond the boundaries of the site.

(Reason: Amenity)

### **94. Waste Classification**

All materials excavated from the site (fill or natural) shall be classified in accordance with the NSW Department of Environment, Climate Change & Water, Waste Classification Guidelines (2008) prior to the material being disposed to an approved landfill or to a recipient site.

(Reason: Environmental Protection)

### **95. Likely Land Contamination**

Notification of any likely contamination shall be immediately made to Council, in the circumstance that any person becomes aware during the construction stage that the subject land is likely to be contaminated.

(Reason: Environmental Protection)

### **96. Trees on Adjoining Properties**

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

(Reason: Environmental protection)

### **97. Allocation - Car spaces**

All cars spaces must be allocated in accordance with the approved plans of the development. No car spaces are to provided to residents of the approved residential care facility.

(Reason: Parking & Ensure Compliance)

**98. Staff car spaces**

On site staff parking spaces shall be freely available for use by all staff within the facility.

(Reasons: parking)

**99. Cafeteria**

The cafeteria within the approved development is to service the residential care facility only. No direct entry to the Cafeteria is permitted from the street.

(Reason: Ensure compliance)