

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSNH - 198
DA Number	2021/22
LGA	Willoughby City Council
Proposed Development	Alterations and additions to existing pool hall of Willoughby Leisure Centre including alterations to existing parking provision
Street Address	2 & 2A Small Street Willoughby
Applicant/Owner	Willoughby City Council
Date of DA lodgement	25 January 2021
Number of Submissions	20
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Council is the applicant and owner, the CIV of the proposal exceeds \$5m.
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • Willoughby Local Environmental Plan 2012 • Willoughby Development Control Plan • SEPP (Infrastructure) 2007 • SREP (Sydney Harbour Catchment) 2005 • SEPP 55 Remediation of Land • SEPP 19 Bushland in Urban Areas
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Accessibility assessment report • Acoustic assessment report • Arboricultural development assessment report • Architectural design statement (amended) • Architectural plans (amended) • BCA assessment report • Bush fire hazard assessment (amended) • Chemical audit - clarification • Civil and stormwater plans (amended) • Construction management plan • Construction noise and vibration management plan • Construction traffic management plan • Environmental and ground gas risk assessment • Environmental site assessment • ESD Report • Geotechnical crib-wall investigation report • Green travel plan • Hazardous building materials survey • Landscape architecture report • Preliminary construction management plan • Statement of environmental effects (amended) • Survey plan • Traffic and parking impact assessment (amended) • Undercroft soil assessment report • Waste management strategy (amended)
Report prepared by	Jim Davies, Development Consultant
Report date	28 July 2021

<p>Summary of s4.15 matters Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?</p>	Yes
<p>Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?</p>	Yes
<p>Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?</p>	Not Applicable
<p>Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S7.24)</p>	No
<p>Conditions Have draft conditions been provided to the applicant for comment? <i>Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report</i></p>	Yes

SNPP NO: PPSSNH-198
COUNCIL: WILLOUGHBY CITY COUNCIL
ADDRESS: LEISURE CENTRE, 2 SMALL STREET,
WILLOUGHBY NSW 2068
DA NO: DA-2021/22
PROPOSAL: ALTERATIONS AND ADDITIONS TO EXISTING POOL HALL
OF WILLOUGHBY LEISURE CENTRE INCLUDING
ALTERATIONS TO EXISTING PARKING PROVISIONS.
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: JIM DAVIES - DEVELOPMENT CONSULTANT
DATE: 28-JUL-2021

1. PURPOSE OF REPORT

The proposal is regionally significant development as identified in Schedule 7 of *State Environmental Planning Policy* (State and Regional Development) 2011. It is Council related development and has a capital investment value (CIV) of over \$5 million. Consequently, the Sydney North Planning Panel is the determination authority.

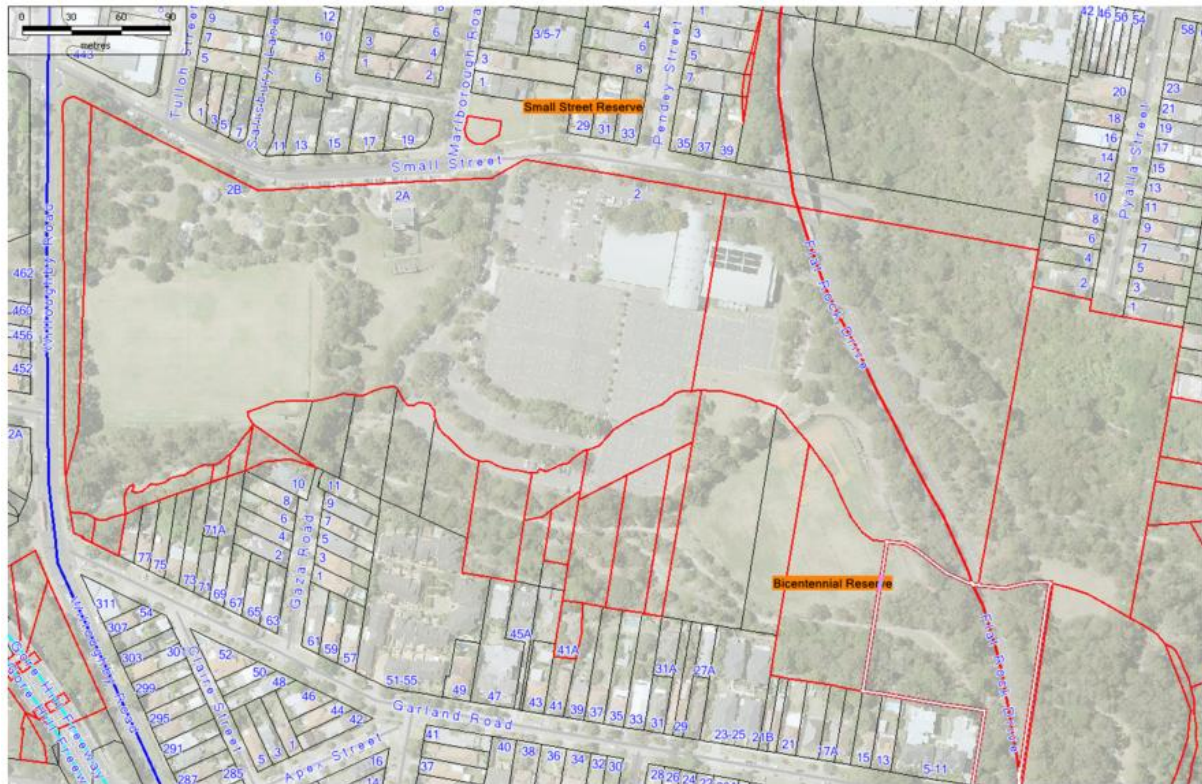
2. OFFICER'S RECOMMENDATION

THAT the Sydney North Planning Panel (SNPP) approve the development subject to the attached conditions and issue consent for the application DA-2021/22 for alterations and additions to the existing pool hall of the Willoughby Leisure Centre including alterations to existing parking provision at 2 & 2A Small Street, Willoughby NSW 2068.

3. BACKGROUND

The site is located at 2 & 2A Small Street Willoughby. The site is lot 2 DP 57588 and lot 1 DP 81035, and has an area of about 1.2ha. Also included in the application is the Small Street Reserve, which is partly a road reserve and partly a Council-owned lot, on the corner of Marlborough Road and Small Street.

Figure 1: Council owned land outlined in red, including Bicentennial Reserve and the Small Street Reserve. The Willoughby Leisure Centre is in the centre of the image, with large paved areas (parking and netball courts) flanking its western and southern sides (Willoughby City Council).



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

4. PROPOSED DEVELOPMENT

The development

An upgrade of the existing Willoughby Leisure Centre is proposed. Key elements are summarised below.

Proposed demolition

Partial demolition of the existing pool hall, except for structural columns and rafters. Demolition involves removal of:

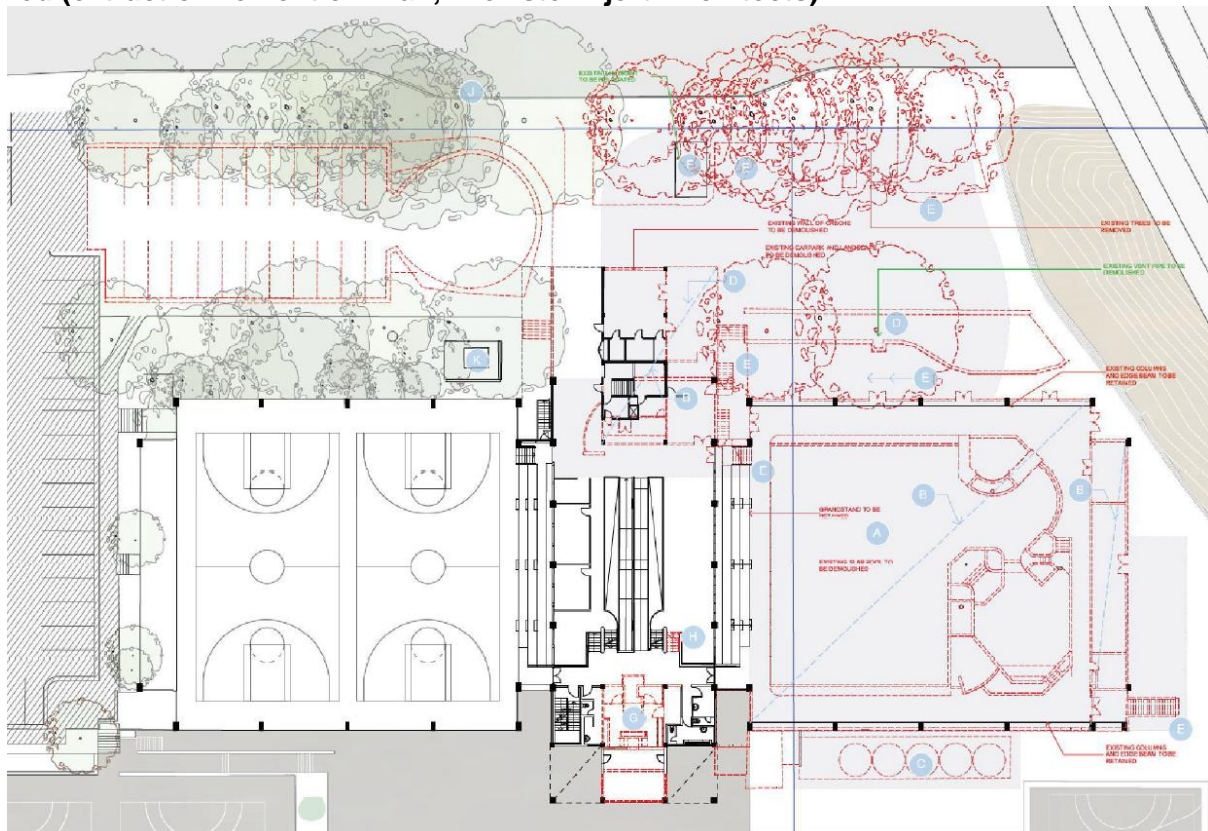
- External walls on the northern, southern and eastern side of the existing building, and a number of internal walls.
- Five outdoor rainwater tanks located immediately south of the pool hall.
- The services/hydrant block located near the Small Street site frontage.
- The fire hydrant booster valve, also located near the frontage.
- The bin-storage structure located at the north-eastern corner of the site, within the existing secondary car park area.
- 25 trees affected by the pool hall extension.
- The existing kerb, car parking area and turning circle north of the WLC building.

Proposed works

The development application proposes the following works:

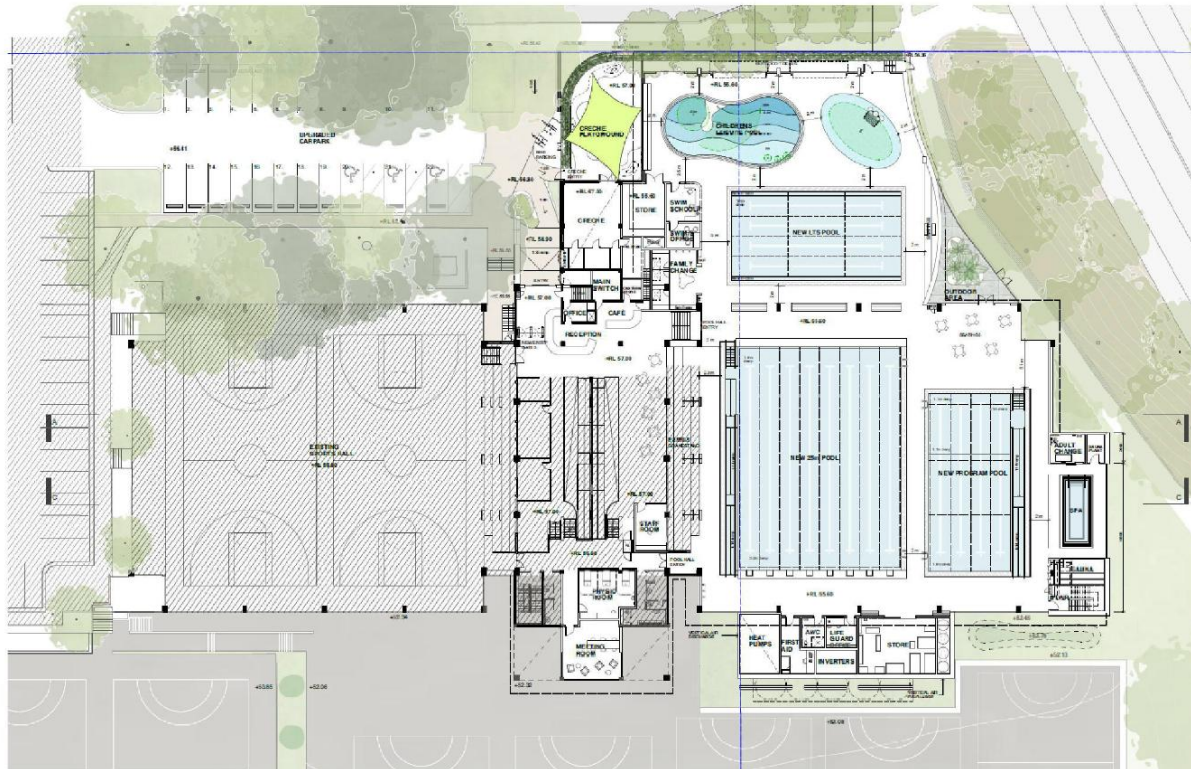
- Extension to the Pool Hall further northwards, into the existing secondary carpark.
- Replacement of the existing 25m lap pool and leisure pool with:
 - a) an 8 lane, 25m pool,
 - b) a 4 lane, 20m program pool,
 - c) a 4 lane, 20m learn to swim pool,
 - d) A children's leisure pool and a 'bucket splash area', and
 - e) A new spa and sauna.
- New outdoor playground area for the existing creche.
- Provision of a 2.8m high, green wall at the northern frontage and the western side of a new outdoor play area, surrounding the northern extension.
- A new family change room near the north western corner of the pool hall, immediately adjacent to the new swim school counter and office, and a new storeroom.
- A new first aid room, lifeguard office and storeroom at the southern end of the pool hall.
- A new skillion roof across the eastern portion of the WLC, to cover the extended pool hall and the creche.
- Continued use of the Small Street Reserve and a small car park in the Flat Rock Reserve just east of the site, for overflow parking on match-days during the netball season. It is also proposed to 'formalise' the Small Street Reserve as a car park, by installing wheel stops and markers to delineate parking spaces.
- Alterations to gas, hydrant, electricity, stormwater and waste management infrastructure.
- Alterations to existing site parking.
- Implementation of an overall traffic and parking management plan (and a Green Travel Plan), to accommodate anticipated impacts of concurrent operation of the WLC and outdoor facilities, namely the netball courts and baseball diamond.

Figure 2: Proposed Demolition – building, works and trees to be removed shown in red (extract of Demolition Plan, Brewster Hjorth Architects)



The proposed works to the pool hall are illustrated in the plan (Figure 3) below.

Figure 3: Proposed development unhatched – extract of pool concourse plan (Brewster Hjorth Architects)



5. ASSESSMENT SUMMARY

The development application has been assessed in accordance with Section 4.15 (1) of the *Environmental Planning and Assessment Act 1979*, *WLEP 2012*, *WDCP*, and other relevant policies. Details of this assessment are in **Attachment 2**.

In summary, the key issues addressed in the application's evaluation are as follows:

Environmental impacts

- Loss of vegetation, caused by the Northern Beaches Link project, east of the site in Flat Rock Reserve. The EIS for this State Significant Infrastructure project details measures to manage, reduce or eliminate potential impacts of the proposal.
- Tree removal required by the proposed WLC upgrade. 24 DCP protected trees are proposed to be removed. A condition is recommended to ensure 72 locally endemic trees are planted to replace them.

Cumulative impacts

- The EIS for the proposed Northern Beaches Link was exhibited from late 2020 until early 2021. The project includes construction of a 'dive' site in Flat Rock Reserve south-east of the site, opposite the Flat Rock Baseball Diamond.
- In addition to the subject project and the Northern Beaches Link there are two major residential redevelopments involving over 650 dwellings nearby, at the former TCN 9 Television Studios site and on the adjacent Walter Street site. These sites are over 500m west of the subject development. Concerns were mainly expressed by public submissions, regarding compounded traffic-related congestion, and noise and dust from construction. A condition is recommended to ensure ongoing communication during construction of these projects to minimise disruption to traffic and resident

amenity. Respective consents of each application would require suitable environmental management of dust, noise and other possible impacts.

- Another concern raised by members of the public was the overlap of the construction periods for both the WLC and the North Sydney Olympic Pool. The latter was closed earlier this year for upgrading. Willoughby and North Sydney Councils have been and will continue to collaborate to minimise disruption due to closure of these two regionally significant recreational resources.

Ongoing collaboration and consultation is the key to ensuring impacts of simultaneously occurring projects are minimised, a condition to this effect is recommended.

Strategic planning

- Local progress associations suggested projects for the WLC and the Bicentennial Reserve, which would be more appropriately addressed in the context of the Reserve's Plan of Management, which was reviewed in 2020 and adopted by Council in February 2021.

Minor design and operational issues

- A number of operational and detailed design issues, such as PA speaker placement and pool access arrangements, are best-addressed at later stages of the assessment process, or in the day-to-day management and operation of the new pools once they are open for community use.

Impacts on netball operations

- A key community concern related to the proposed reduction of the number of netball courts available during and following construction. It is proposed to temporarily reduce the number of outdoor courts available from 17 to 16, enabling one court to be used to locate a crane during construction for a period of 18 months. The court will be returned to netball competition use when the upgraded aquatic facility is complete. Two indoor courts are also available for competition use, which are unaffected by the development.
- Before and during assessment of the application, Council met with Netball NSW and the Northern Suburbs Netball Association, the latter being the organisation that arranges, manages and runs the competitions that use the courts. The principal purpose of these meetings was further collaboration amongst stakeholders, to discuss improvements to drop-off parking facilities for netball, to explore alternative competition programming, minimise disruption to local residents, and to resolve certain misunderstandings (it is understood) regarding the effects of the proposed works.
- As mentioned, a condition is recommended, which requires continued collaboration to ensure minimising of disruption to the netball season and impacts on local residents during and after the construction period, which is planned to commence no later than September 2022 and conclude around March 2024.

Transport, traffic and parking

- Recent closure of a local bus route and adequacy of parking management are key transport-related issues. To address public transport including recent changes to bus services, a condition requires review of the submitted Green Travel Plan.
- Parking is assessed in detail in **Attachment 2**, noting that a potential parking deficit may occur post-development, only during the netball season. This scenario needs to be managed by promoting alternatives to travelling to netball, parking on-site during matches and going home after netball by private car. Regarding parking, a range of conditions is recommended, to optimise use of available space for parking, while encouraging stakeholders to plan for and promote alternatives to travel by car and parking at the venue.

- Measures have been and will be continue to be examined for future introduction by the applicant and peak netball organisations, to manage parking on match days during the netball season.

Construction and contamination management

- Appropriate environmental investigations have been undertaken and reports submitted with the development application.
- Environmental management and construction management plans have also been submitted with the application and are recommended to be included in the consent, as are the key environmental reports, which contain detailed recommendations for future environmental management of the site, during and after construction.
- These reports have been reviewed Council's Environmental Management Team and were found to be satisfactory. Conditions are recommended to ensure appropriate implementation of environmental management measures, in accordance with Council and NSW Government requirements.

Heritage

- Initial assessment of the proposal indicated the proposed development was in the same precinct as the Burley-Griffin designed, State Heritage-listed 'Incinerator'. The matter was referred to NSW Heritage, who advised the application did not require Heritage Act approval and nor was any objection raised regarding the application.

6. PUBLIC CONSULTATION

Exhibition & submissions

The application was notified by letter and Council's website from 4 February 2021 until 31 March 2021. A total of 20 submissions was received. 13 submissions were from residents of the area and the remaining 7 from these organisations:

- Naremburn Progress Association
- Northbridge Progress Association
- Federation of Willoughby Progress Associations
- Willoughby Public School Netball Club
- Netball NSW
- Northern Suburbs Netball Association
- North Sydney Netball Club

Key issues raised

A number of themes emerged from an analysis of the submissions, which are reflected in the key topics addressed in the application's assessment, summarised above. These themes have been grouped accordingly:

- Environmental impacts
- Cumulative impacts (with other projects in the local area and district)
- Strategic planning (sporting and land use/infrastructure)
- Minor design and operational issues (pool upgrade).
- Impacts on netball operations
- Transport, traffic and parking
- Construction and contamination management

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

An evaluation of the application with regard to matters specified for consideration by Section 4.15 (1) of the *Environmental Planning and Assessment Act 1979*, is in **Attachment 4**.

7. CONCLUSION

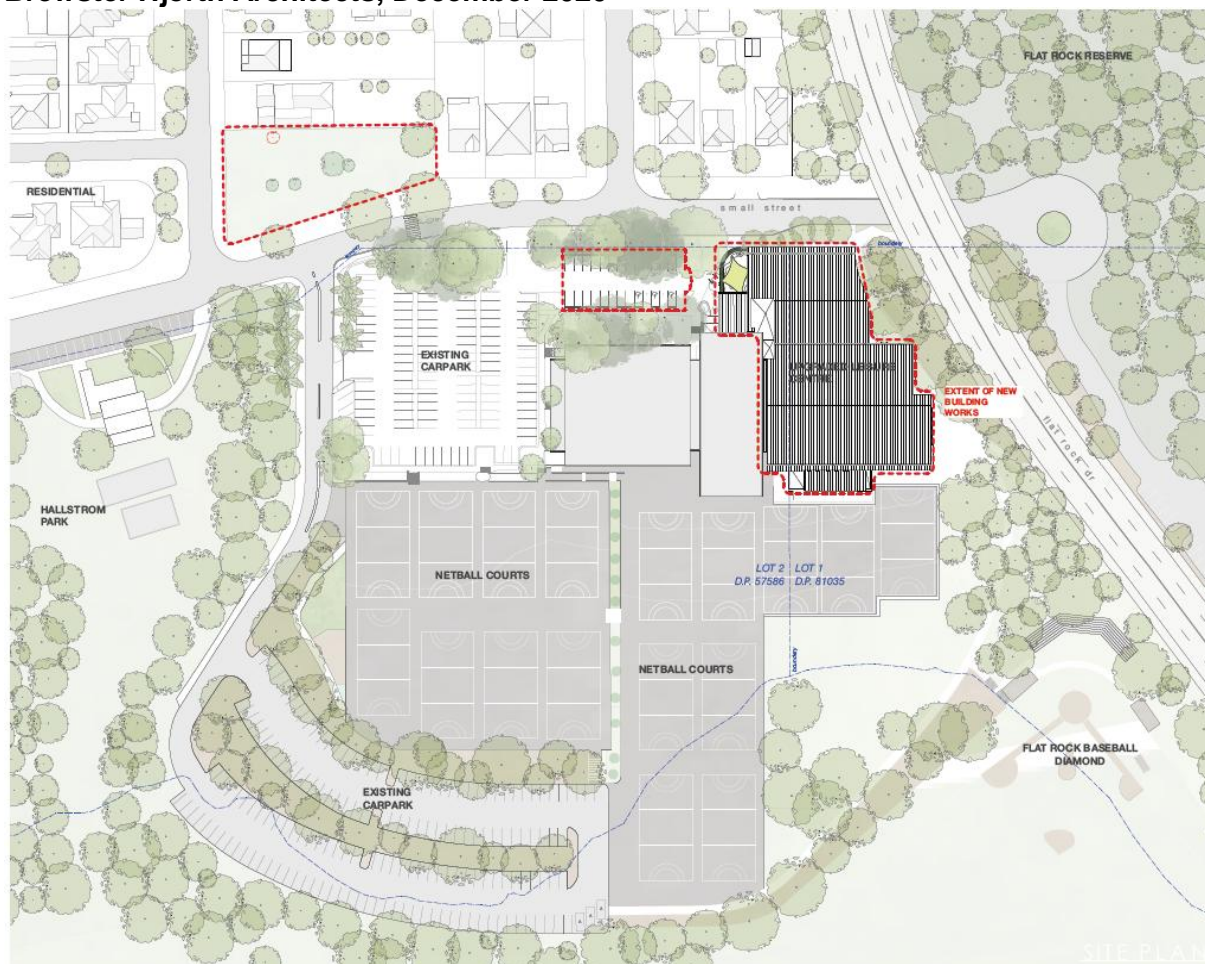
The Development Application DA-2021/22 has been assessed in accordance with Section 4.15 (1) of the *Environmental Planning and Assessment Act 1979*, *WLEP 2012*, *WDCP*, and other relevant policies. The proposal is acceptable in the particular location, subject to the consent conditions included in **Attachment 5**.

ATTACHMENT 1: SITE DESCRIPTION AND AERIAL PHOTO

The site is located on the southern side of Small Street Willoughby, just west of Flat Rock Drive, an arterial road and part of a route that connects parts of Sydney's North Shore with the Sydney CBD. The application encompasses the eastern side or 'wing' of the existing Willoughby Leisure Centre (WLC), the Small Street Reserve, a grassed, vacant lot on the northern of side Small Street and a small, sealed car park accessible under Flat Rock Drive. This car park is partly shown in the drawing below, in the centre-right of the image, below the roundabout, to the right (east) of the 4 lane road (Figure 4). These parcels of land are already respectively used for parking of officials' vehicles and overflow parking, during the netball season on match-days only.

The 'pool hall' proposed to be extended, is the 'eastern wing' of the existing building, which currently contains a 25m lap pool and a children's pool, which is serviced by an ancillary crèche, provided for the children of people using the main pool or parents/carers and their children. The western wing accommodates 2 indoor multi-sports courts. The central 'spine' of the WLC contains spectator seating, a café, administrative areas, reception, the crèche and other auxiliary rooms and spaces. On the lower level are plant rooms, change rooms and other amenities.

Figure 4: Land affected by the application (red outline), extract of Site Plan (DA 02) Brewster Hjorth Architects, December 2020



The WLC is part of a larger sporting and leisure precinct known as Bicentennial Reserve. Due to the type and scale of facilities located there, the reserve is a recreational and sporting resource of significance to the lower North Shore. As the name suggests, the reserve and its amenities were developed from 1988 onwards.

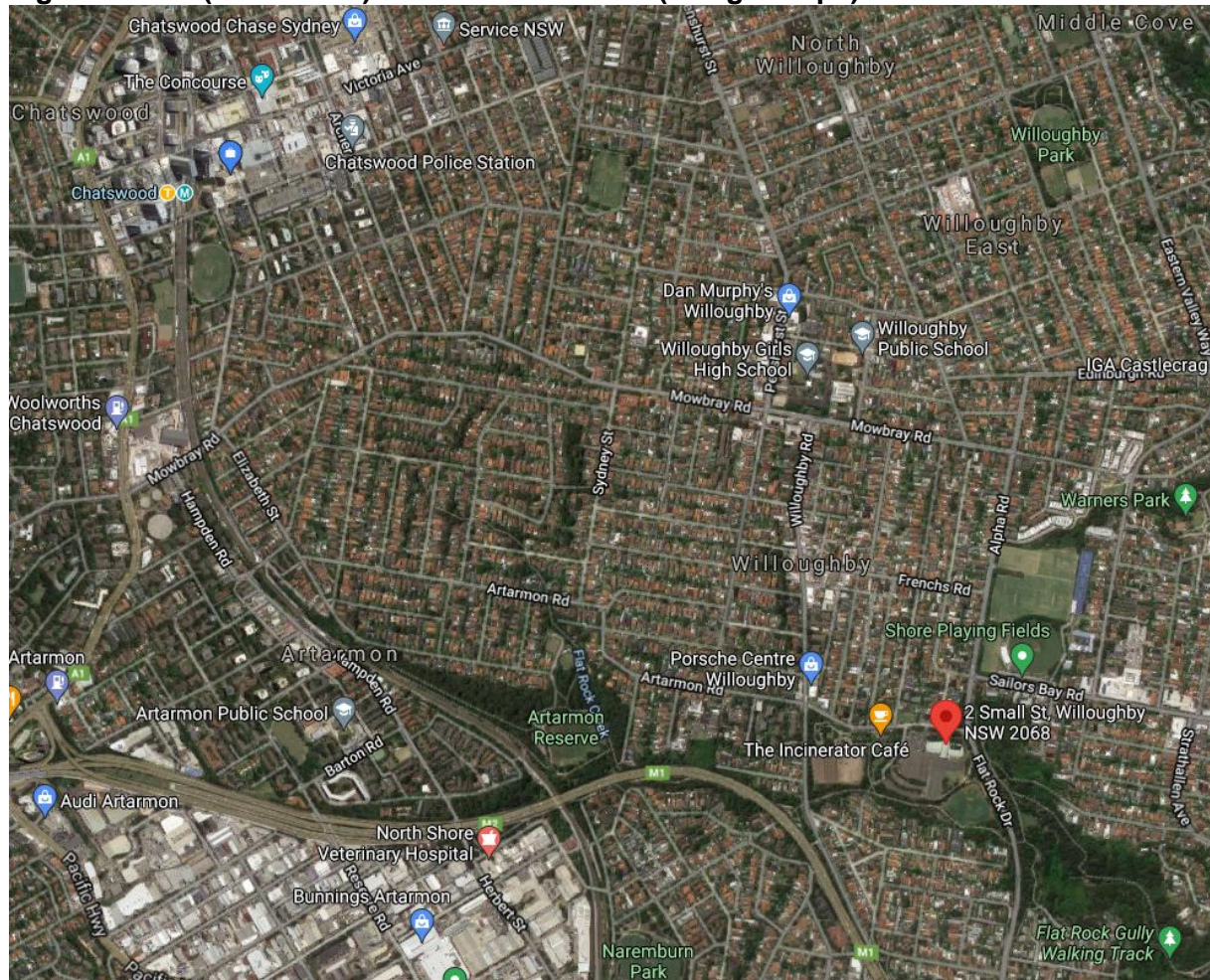
The reserve includes 17 outdoor netball courts, a sportsground named Bicentennial Oval and “The Incinerator”, a Burley-Griffin designed building once used to incinerate refuse when the site was a waste management facility. The building is now used as a café/art space and is an item of State heritage significance.

Vehicular access to the WLC is off Small Street to large car parking areas north and south of the netball courts, west of the WLC. Several of these features are shown in Figure 4 above.

To place the site in a broader context, the WLC is 2.5km south east of Chatswood, about 1.6 east of Artarmon, and 1km south of the commercial centre at the corner Mowbray Road and Penshurst Street, Willoughby.

The site is well-served via local active transport routes. Two bus services run along Willoughby Road between Chatswood and the City, with a stop near Small Street. It is understood these services have been partly re-routed in response to closure in January 2021, of the cross-suburban route 257 between Balmoral and Chatswood. This route also operated along Willoughby Road and was anecdotally well-used by visitors to and sportspeople using Bicentennial Reserve facilities.

Figure 5: Site (red marker) in its urban context (Google Maps)



ATTACHMENT 2: CONTROLS, REFERRALS & DEVELOPMENT STATISTICS

DESCRIPTION OF PROPOSAL

The main report describes the proposal. The statement of environmental effects and supporting documents, including architectural plans, fully describe and illustrate the development. These are referred to in the assessment below and in the responses to public submissions in **Attachment 3**.

Existing Building, Relevant History and Site Context

These were described in **Attachment 1**.

Controls and Classification

Willoughby Local Environmental Plan 2012 Zoning	RE1 Public Recreation – The development is permitted with consent.
Conservation area	No.
Heritage Item	Yes, see below table.
Bush Fire Prone Land	Yes, addressed in the DCP assessment.
Flood related planning control	Yes, see below table, assessed against the Willoughby DCP.
Willoughby DCP	Yes, assessed below.
Applicable SEPPs	SEPP (Infrastructure) 2007 – addressed in Referrals section. SEPP 55 – Remediation of Land Sydney REP (Sydney Harbour Catchment) 2005 SEPP 19 – Bushland in Urban Areas See below.
Relevant policies and resolutions	Bicentennial Reserve Plan of Management, February 2021.

SEPP 55 – Remediation of Land

The proposed development is on a former waste management facility and involves disturbing the surface of the former landfill, which is capped with an impervious surface. A number of reports addressing various aspects of potential risks associated with the past use of the site and the subject proposal, were submitted with the application:

- Environmental Site Assessment (Environmental Earth Sciences, December 2020)
- Environmental and Ground Gas Risk Assessment (Environmental Earth Sciences, October 2019)
- Hazardous Building Materials Survey (Hibbs & Associates, September 2019)
- Undercroft Soil Assessment – Willoughby Leisure Centre (Hibbs & Associates, September 2019)

These reports have been reviewed by Council's Environmental Health Team and were found to be satisfactory, with conditions recommended regarding management of potential environmental risks associated with the site.

The key findings and recommendations of the studies submitted with the application are outlined below. To gain a complete understanding of the reports summarised here, the reader is recommended to read these reports in full. These documents are recommended to be included in the consent.

Environmental site assessment

Key findings:

- Historic investigations indicated presence of poor quality fill beneath the site, from the site's use as an incinerator and landfill between the 1930s and 1980.
- The depth of fill material increases further to the south from Small Street, the site having been a gully.
- There is potential for asbestos to be encountered during site works. This is not considered to affect the site's suitability for sealing with hardstand material.
- The extant (aged) landfill gas extraction system continues to be effective in managing low concentrations of landfill gas. The ongoing risk posed by this gas is low.
- Full characterisation of waste prior to disposal may require sampling. The developer must give at least 2 days' notice to the EPA before excavation of landfill material.
- The overall risk to human health is assessed as low, as the development will result in capping of landfill materials being restored.
- Groundwater assessment was considered a data gap, as monitoring and sampling have been limited and not provided data on potential groundwater contamination. 'Filling' this data gap is recommended.

Key recommendations:

- Preparation of a construction environmental management plan, which will:
 - Document risk management procedures,
 - Provide information of amelioration of landfill cap,
 - Document unexpected HAZMAT finds procedures,
 - Specify Personal Protective Equipment (PPE) requirements for site workers, and
 - Document procedures for notifying the EPA regarding excavation and removal of landfill.
- For recapping the landfill to complete the project, which is fundamental to minimising risks to future users of the centre.
- Preparation of a long-term environmental management plan, to address:
 - Areas of known contamination,
 - Location of capping, specifications and record of thickness,
 - Final site conditions following development,
 - PPE requirements for maintenance workers,
 - Procedures for routine checking of landfill cap-integrity,
 - Procedures for amelioration of landfill cap should it be disturbed, and
 - Gas monitoring and contingency plans for exposure or escape of landfill gas.

Environmental and Ground Gas Risk Assessment

Key findings

- Monitoring and testing indicated there is a low risk to human health from remaining ground gases from (waste) fill material beneath the site.
- Recent monitoring of the existing methane gas ventilation system indicated it is functional. Very low concentrations of methane were recorded.

Key recommendations

- Should existing vents be removed, then indoor gas monitoring and quarterly gas inspections will be required and are recommended.

- During the carrying out of works, the condition of the landfill cap beneath the existing infrastructure is recommended to be assessed, to determine if any rectification of the capping layer is necessary.
- Workers are likely to encounter contaminants and suitable PPE is to be applied or worn. The site is identified as a potential risk to construction workers, especially when required to work in confined spaces.
- Should works be required in confined spaces, air quality must be closely monitored and forced (mechanical) ventilation introduced if required, with suitable alarms and other systems being planned for and implemented.

Hazardous Building Materials Survey

Key findings

- Asbestos was found in small quantities, "...likely a legacy from the prior use of the site as a landfill". The report also noted "minor quantities of flat asbestos" were found, which are "...non friable (bonded) and are in a stable condition."
- "Significant quantities of bonded synthetic mineral fibre (SMF) containing materials are present throughout the building."
- Lead based paints were in good condition (with exceptions detailed in the report).

Key recommendations

- Asbestos should be safely removed prior to works that may cause their disturbance, in accordance with Safework NSW requirements.
- SMF material should be removed with renovation works.
- No remedial works were recommended regarding lead based paints.
- Further investigation of non-accessible areas and materials are recommended during proposed works. It is noted the recommended Construction Environmental Management Plan is to include an Unexpected Finds Protocol to manage finds of potentially hazardous materials.

Undercroft Soil Assessment

Key findings

- No exceedance of applicable guidelines was recorded, when soil samples and areas under the eastern wing (the pool hall) of the leisure centre were inspected for asbestos.
- Investigations revealed the presence of asbestos (<2mm) cannot be "...completely ruled out."

Key recommendations

- Removal of asbestos cement sheeting in accordance with Safework Australia's Code of Practice,
- Provide asbestos awareness training to workers accessing undercroft, if removal of asbestos is unfeasible.
- Use of appropriate PPE and hygiene procedures,
- Air monitoring for asbestos during work being carried out under the western side of the undercroft,
- Generation of excessive dust should be accompanied by a program of lead dust exposure monitoring,
- Provision of temporary lighting in the undercroft, and
- Isolation of any services running through the sub-floor area.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

Before granting development consent, clause 20 requires Council to consider applicable provisions of:

- Part 2 Planning Principles (cll. 13, the Harbour Catchment, 14, the Foreshores and Waterways Area, and 15, Heritage Conservation), and
- Part 3 Division 2 (cll. 21 - 27B).

The proposed development will either not impact or not significantly impact matters listed for consideration by these provisions of the plan. When pertinent, certain matters are addressed elsewhere in this report.

Investigations undertaken to inform the Environmental Site Assessment concluded the potential risk of direct infiltration of potentially contaminated material into Flat Rock Creek (and hence downstream to Middle Harbour) is low.

SEPP 19 Bushland in Urban Areas

Clause 6 of the policy requires Council consent to disturb bushland on land reserved or zoned for public open space. As noted below, the subject land is zoned for this purpose.

The policy defines bushland as follows:

Bushland means land on which there is vegetation which is either a remainder of the natural vegetation of the land or, if altered, is still representative of the structure and floristics of the natural vegetation.

As the trees proposed to be removed are understood to have been planted as part of the original development in the 1980s, these specimens do not meet this definition. Consequently, the SEPP does not apply.

Willoughby Local Environmental Plan 2012

Zoning and permissibility

The site is zoned RE1 Public Recreation. The proposed development is defined as "recreation facilities" (indoor):

recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

The proposed development is permitted with development consent and is consistent with the objectives of the zone as follows:

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To protect and enhance areas of ecological, scientific, cultural or aesthetic value.
- To maintain and provide visual open space links to a diversity of public and private spaces and facilities as an integral part of the open space system.
- To provide adequate open space areas to meet the existing and future needs of the residents of Willoughby.

Consistency with objectives

The proposal replaces the existing pools and associated utilities with new pools and amenities suited to contemporary families and other people who use the centre.

This assessment concludes, subject to implementation of recommended conditions, that the development will be undertaken in an environmentally responsible manner. Trees to be removed are required to be replaced by three times as many trees, while using more appropriate species. Flooding and stormwater have been carefully assessed and modifications made to the design, to properly manage flood and storm waters.

The architecture proposed to upgrade the aquatic facilities is considered to improve the building's appearance, while promoting child care, improved and access for all members of the community.

Neighbourhood amenity has been considered in the design, including screening by a 'green wall' to protect acoustic and visual amenity of nearby residents. Parking management as proposed, together with the recommended review of the submitted parking plans and Green Travel Plan, seek to further minimise impact on local amenity.

The proposed development will serve the future needs of the community, for at least another 30 years.

Other LEP Provisions

Heritage

The proposed development is adjacent 'The Incinerator' which was built and used in association with the site's former use as waste management facility. The Incinerator was designed by Walter Burley-Griffin. Since closure, the waste facility has been converted for use as an art gallery and later a café, and is included in Schedule 5 of the *Willoughby LEP 2012* as an Item of State Heritage Significance.

As the proposed development is located in the same recreational precinct as the heritage item, the subject application was referred to NSW Heritage, as it was considered to require approval as integrated development under the Heritage Act 1977. Results of this consultation are outlined in the Referrals section below.

The application was also assessed by Council's Heritage Planner, who concluded the proposed development has negligible or no impact on the 'The Incinerator' or its setting.

Willoughby Development Control Plan

Applicable provisions of the DCP are addressed below, as required.

C.1 Demolition

Applicable requirements are addressed in recommended conditions of consent.

C.3 Sustainability

The target sustainability score for the proposed development, being a "large retail and other uses over 1,000m² gross floor area" is 20. The sustainability scorecard submitted indicates the development achieves a score of 28, thereby satisfying the DCP requirement.

C.4 Transport

Traffic management

A traffic and parking impact statement was submitted with the application, together with a construction traffic management plan and a green travel plan.

These documents have been assessed by Council's transport engineer, with conditions recommended to require:

- referral to the local traffic committee if necessary
- ensuring the traffic management plan addresses specific matters, including relevant RMS guidelines,
- a public awareness campaign regarding any proposed changes to traffic control and management
- detailing of changes to traffic control measures, as necessary,
- detailing of a spoil route plan, and
- observation of requirements for loading and unloading during construction.

Parking

There are two aspects to assessing parking as proposed by the development application, and each are assessed in turn:

- additional parking required for the extension of the pool hall, and
- parking arrangements and management for the winter netball season.

Additional parking for the pool hall extension

The DCP does not specify a parking rate for swimming pools, being the principal use affected by the alterations and additions proposed. Accordingly, the parking assessment made in the submitted traffic and parking impact assessment report was based on surveys of demand at the centre and concluded the amount provided is sufficient to accommodate the development.

In the absence of parking rates in the Willoughby DCP for the proposed aquatic embellishments, rates were obtained from other Councils (North Sydney, Bayside and Randwick) and used for analysis of parking demand and supply, in addition to survey data collected. This approach is generally consistent with (former) Roads and Maritime Services 2012 guidelines, which also do not recommend rates of parking for public aquatic facilities.

The extension for the new pools and crèche propose to partly occupy an area currently used as a 13 space car park (called 'Car Park B' in the SEE). In the traffic impact assessment, the additions to the pool hall have been estimated to generate demand for 42 parking spaces (new pools - 27 spaces, expanded children's facilities - 15 spaces). In total, peak summer parking demand for the pool and the other facilities provided by the WLC is estimated to be 231 spaces.

Parking management during the winter netball season

Peak demand for parking at the WLC and the netball courts occurs during the winter netball season. Accounting for removal of one netball court during the construction period, to locate a construction crane on-site, winter demand was estimated to be 433 spaces. Based on figures supplied in Table 4.1 (page 22 traffic and parking impact assessment) outdoor netball courts generate an average demand of 15 spaces per court. This means the estimated peak demand after construction of the subject development will be 448 spaces, for the Leisure Centre and use of the netball courts, at full capacity.

Within the totals, 9 spaces are required for people with disability, 6 of these are accommodated in the main parking area near the WLC entrance. The location of the other is not identified.

According to Figure 9 and Table 5.1 from the traffic report, reproduced below, existing supply is 495 spaces and proposed (new) supply is 449 spaces (for 16 outdoor netball courts, during construction, and the two indoor courts will also be available). This exceeds the

number required, by a single parking space. Table 5.2 (reproduced below) shows parking demand and supply scenarios including and excluding netball, indicating a surplus for each.

The parking assessment has not considered the supply after construction, when the 17th outdoor court will be again available for netball (assuming the two indoor courts remain available, this total will be 19). As a result, the supply will reduce by 24 spaces, to 425. As mentioned above, demand for the WLC and 17 outdoor courts during the netball season is 448 spaces, leaving a parking deficit of 23 spaces. Use of one court for additional overflow parking may occur on days of high demand, if available. If all courts were to be used, then alternative measures, such as on-street parking or requiring drop-off and pick up of players, would be necessary.

The submitted assessment is based on the number of spaces proposed to be supplied per Table 5.1 below, which assumes Area D, the netball season overflow parking area in the Small Street Reserve, will supply 51 spaces, whereas it currently provides 42 spaces. This increase in parking spaces would result from this area being 'formalised' as a car park, as proposed, by including wheel stoppers and 'bumps' to delineate parking spaces.

This should not occur, as these works would diminish the open grassed area's potential use as an informal recreation area, which is and would be most of the time. Furthermore, the space would look more like a car park and less like public open space. As the land is zoned Public Recreation, it should remain appealing and available to the community for this purpose, when not in use as an informal overflow parking area.

As a result of the overflow car park not being 'formalised' as proposed, the netball season deficit increases by 9 spaces, to 33 parking spaces.

Further reducing parking supply is the number of spaces estimated to be available in the Flat Rock Reserve Car Park. The traffic report estimated this area could accommodate 27 spaces (Table 5.1 below), whereas a more realistic estimate is 14 spaces. The total number of available spaces is accordingly reduced by another 13, to 402 spaces, to service a peak demand of 448 spaces. The deficit therefore is estimated to be 46 spaces.

Regarding parking, a condition is recommended as follows:

- a) Locating all 9 car parking spaces required for people with disability in the main car park directly off Small Street, as close as possible to the main entrance of the Willoughby Leisure Centre.
- b) No works are to be carried out, to 'formalise' parking on the RE1 zoned land on the corner of Small Street and Marlborough Road, and
- c) The submitted Green Travel Plan shall be reviewed, in consultation with stakeholders, to:
 - i. Assist in addressing the deficit of 46 parking spaces following construction of the development, by promoting a reduction in travel demand by car, use of active transport, increased carpooling amongst parents/carers and only permitting drop-off and pick-up of junior players on match days when car parks approach or reach capacity.
 - ii. Periodically monitor and review parking demand and management during peak summer (swimming) and (winter) netball seasons, to seek more responsive and innovative means of managing travel demand and reducing parking demand.
 - iii. Take into consideration changes made to bus services routed near the Bicentennial Reserve, since the Green Travel Plan was prepared.

In accordance with the above data and analysis, and subject to this condition, proposed parking supply is satisfactory, also taking into consideration the need for ongoing monitoring and responsive management of parking.

Figure 6: Parking location and supply/demand tables - reproduced from the “Traffic and Parking Impact Assessment” report for Willoughby Leisure Centre (TEF Consulting, 2 July 2021).



Figure 9. Proposed car parking supply (source: Brewster Hjorth Architects).

Table.5.1 Existing and proposed parking provision.

		LOCATION	MAIN USE	SUPPLY	REMOVED	NEW SUPPLY
						OPTION 2B
Formal parking	A	MAIN CAR PARK	LEISURE CENTRE	136	1	135
				6		6
	B	SECONDARY CAR PARK		13	13	0
Informal parking	C	THIRD CAR PARK	NETBALL/OUTDOOR RECREATION	169		169
				9		9
	D	RESTRICTED GRASS PARKING AREA	LEISURE CENTRE	42	-9	51
	E	ON COURT PARKING	NETBALL/OUTDOOR RECREATION	55	31	24
	F	FLAT ROCK RESERVE PARKING	NETBALL/OUTDOOR RECREATION	27		27
	G	ON STREET (SMALL STREET)	MIXED	28		28
	TOTAL			485	36	449

Table.5.2 Estimated parking demand, DCP requirements and proposed parking provision.

		Based on surveys and analysis		DCP (ave)		DCP (high median)	
		without netball	with netball	without netball	with netball	without netball	with netball
Existing	main uses	189	189				
	netball (391 - 189)		202				
Additional	main uses	42	42				
	netball		0				
Total		231	433	120	360	143	423
Parking supply							
Option 2b		304	449	304	449	304	449
Surplus/ deficit		-73	-16	-184	-89	-161	-26

Option 2b (with netball) all possible parking (areas A to G, both formal and informal, turning circle converted to parking)

Option 2b (without netball) parking areas A, C and G, formal only, turning circle converted to parking)

High median - median value between "DCP average" and "DCP maximum" from Table 4.6

C.5 Water Management

The site is subject to flooding and overland flow. Submitted reports indicate the proposed development will not adversely affect adjoining properties.

In accordance with part C.5 of the DCP, on-site detention is required, above the 1% Annual Exceedance Probability (AEP) Flood. To achieve this, the detention tank is to be installed underneath the existing car park.

Stormwater drainage between Small Street and Flat Rock Creek will be diverted around the new works and water quality measures are proposed in compliance with the DCP.

In consultation with Council's Infrastructure Engineer, the water management system has been fine-tuned to ensure stormwater detention is designed in accordance with applicable DCP provisions, to accommodate the 1% AEP Flood and the size of the new roof.

Conditions are recommended to ensure compliance during and following construction.

C.6 Access, Mobility and Adaptability

A report prepared by Blackett Maguire and Goldsmith addresses accessibility compliance with the Disability Discrimination Act. Another report addresses compliance with the Building Code of Australia, prepared by BCA Logic. These reports are recommended for inclusion in condition 1 of the consent. This will ensure their recommendations are suitably addressed at construction certificate and later stages of the development, as it proceeds.

C.7 Bushland and Bushfire Hazard Management

The land the subject of the DA is partly bush fire prone. A bush fire hazard assessment report (Harris Environmental Consulting, May 2021) was submitted with the application.

Referral to the Rural Fire Service (RFS) was not required, as Council's policy regarding referral to the RFS only applies to development applications when BAL – Flame Zone, is required.

According to the report, the bush fire risk is low, requiring construction to BAL 12.5, associated maintenance of Asset Protection Zones, and compliance with other applicable RFS guidelines.

Accordingly, the report's inclusion in the consent is recommended, together with Council's standard conditions for development on bush fire prone land.

As noted in relation to SEPP 19, the proposed development does not impact any bushland, although it does require removal of a number of trees (25). This issue is addressed below relating to Vegetation Management and in **Attachment 3**, in response to public submissions.

C.8 Waste Management

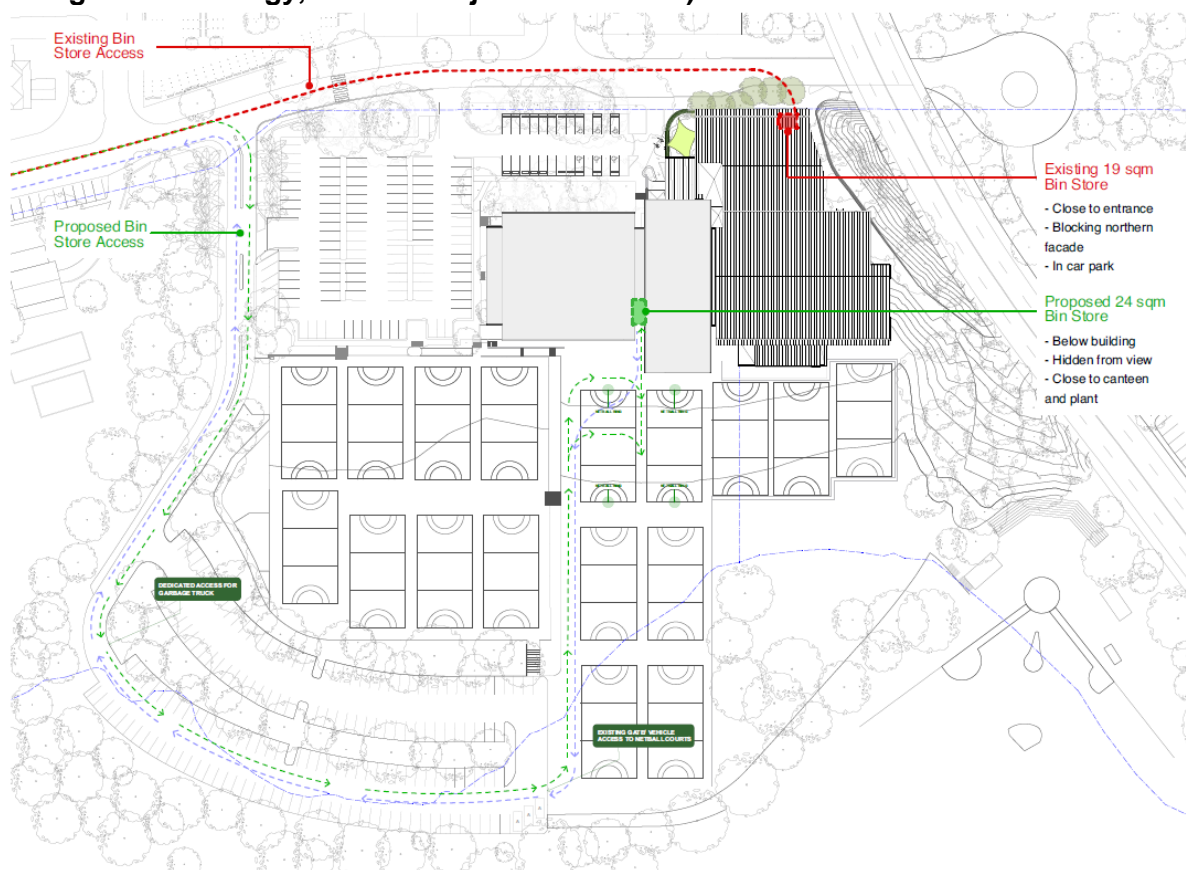
As the development requires removal of the waste storage structure at the front of the existing building, waste storage has been located at the lower ground level (undercroft), with access via the internal access road and between the netball courts from the eastern end of the lower car park.

According to the submitted traffic and parking report, garbage trucks will continue to access the waste storage area via the access driveways off Small Street and the lower car park, and over the netball courts next to the building. The route taken is shown in the waste management strategy submitted with the application and is reproduced below.

A condition is recommended to require certification that pavement providing access to the waste storage facility is suited to for use by waste collection vehicles, for a minimum period of 20 years. If required, the pavement will have to be upgraded.

The submitted waste management strategy is recommended to be included in the consent, by inclusion in condition 1. Other conditions are recommended regarding the truck route and waste management operations.

Figure 7: Route used to collect waste from the Willoughby Leisure Centre (Waste Management Strategy, Brewster Hjorth Architects).



C.9 Vegetation Management

The application has been assessed by Council's Landscape Officer and was found to be satisfactory. Conditions are included in the recommendation, which address:

- Submission of landscape plans with the Construction Certificate, to show:
 - At least 72 trees to be planted on the site, adjoining public land or road reserves around the site,
 - That these trees are to be locally occurring native species, and
 - Compliance with ecologically sustainable landscape principles
- Preparation of a dilapidation report with a photographic record of Public Open Space adjoining the development, the applicant being liable to repair any public infrastructure on Council's property.
- Provision of seven days' notice of intention to remove trees approved for removal.
- Appointment of a project arborist to oversee and certify all tree protection works are installed prior to works commencing.
- Approval being granted to remove all trees proposed to be removed as shown in the report by Moore Trees, December 2020.
- Protection of public-tree-root-systems and issues being resolved should they arise, with Council's Public Trees Section.
- Certification by the project arborist that trees have been adequately protected and that all new trees have been planted according to Council's requirements.
- Certification by a suitably qualified person that all approved landscape works have been carried out to specified standards before a Whole Occupation Certificate is issued.

One tree, identified as Tree 98, is identified as requiring pruning, to be clear of the proposed building. The submitted arborist's report states the tree is located on an embankment behind the leisure centre and above the pathway (on the eastern side, see the diagram in the table in **Attachment 3**).

The tree has a significant lean causing the canopy to partly overhang the building. Pruning is recommended by the arborist, to lighten the canopy load, which should enable the tree to grow with more balance.

Council's landscape officer has advised that this pruning is acceptable and will allow the tree to grow safely without regular maintenance.

Vegetation management is further discussed in **Attachment 3**, in relation to specific matters raised by public submissions.

C.11 Safety by Design

The proposed development has been designed to be consistent with the four core principles of Safety by Design, as detailed in section 7.8 Statement of Environmental Effects. Commentary is also provided regarding crime risk in the area, which is low for the Willoughby Leisure Centre, with some anti-social or criminal activity occurring in the Flat Rock Reserve car park, due to inadequate lighting.

While not strictly relevant to the proposal, this situation and other safety and security issues are most appropriately addressed via the Urban Bushland and Bicentennial Reserve Plans of Management, administered by Council. No conditions regarding this matter are necessary.

C.13 Contaminated Land

This matter was addressed in relation to SEPP 55.

Referrals

Heritage Act 1977

The application was referred to NSW Heritage, as potentially requiring approval under the Heritage Act, as the proposed works were considered to be within the same precinct as “The Incinerator”, an item of State Heritage Significance. The application was duly notified as integrated development. However, NSW Heritage advised that no such approval was required and raised no objection to the proposed development.

SEPP (Infrastructure) 2007

Ausgrid was consulted regarding existing power-lines traversing the site, as required by clause 45 (2) of this policy. This agency raised no objection to the proposal and required no conditions to be applied to any approval.

Internal referrals

The following referrals have been made to the following sections and officers of Council:

- Community Life
- Infrastructure Development
- Transport and Traffic
- Environmental Management
- Waste Management
- Heritage Planner
- Landscape Officer
- Urban Design

None raised any objections to the development being approved, subject to recommended conditions being included in the consent. These conditions have been included.

As Council’s Urban Designer had provided advice during the subject application’s preparation, no comments were provided, no objection was raised or conditions recommended.

Infrastructure Contribution Plans: Not applicable

ATTACHMENT 3: SUBMISSIONS TABLE

The application was notified by letter and Council's website from 4 February 2021 until 31 March 2021. 20 submissions were received, 13 from residents of the area listed below, and 7 from the following organisations:

- Federation of Willoughby Progress Associations
- Northern Suburbs Netball Association
- North Sydney Netball Club
- Naremburn Progress Association
- Netball NSW
- Northbridge Progress Association
- Willoughby Public School Netball Club

Names and addresses of individual submitters follow:

Name	Address
K Dodds	28 Calbina Road Northbridge
L Penn	Address not provided
D Cleave	12 Pyalla Street Northbridge
L Fraser	26 Calbina Road Northbridge
R Gyzen	29 Strathallen Avenue Northbridge
M Kramer	29A Garland Road Naremburn
D Hardwich	33 Garland Road Naremburn
C Tynan	98 Sydney Street North Willoughby
I Novak	Address not provided
O Cortes	22 Olympia Road Naremburn
J Christie	Address not provided
C Lewis	12 Pyalla Street Northbridge
J Harrison	Address not provided


The issues raised and responses to them are in the table below.

A number of themes emerged from an analysis of the submissions and issues have been grouped accordingly:

- Environmental impacts
- Cumulative impacts (with other projects)
- Strategic planning (sporting and land use/infrastructure)
- Minor design and operational issues (pool upgrade)
- Impacts on netball operations
- Transport, traffic and parking
- Construction and contamination management
- Other matters

Issues	Responses
Environmental impacts	
Rather than damage the Flat Rock Gully, the Northern Beaches Tunnel dive site should be temporarily relocated to the baseball diamond and the parking placed there after the tunnelling is	<p>Noted, this solution is beyond the scope of this assessment.</p> <p>The proposed "Beaches Link" is State Significant Infrastructure and subject to another assessment regime of the Environmental Planning & Assessment Act.</p>

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Issues	Responses
completed.	
<p>Further loss of 80/29 trees in addition to removal of 390 trees for the Northern Beaches Tunnel dive site will impact local fauna, including threatened species, such as the Powerful Owl, which breeds in the area.</p> <p>The design should be amended so all trees will be retained.</p>	<p>According to the arborist's report submitted with the development application, trees numbered 81 to 98 are affected by the development. It is noted that 'Tree No. 81' is a row of 9 conifers of low significance (and good health). Taking this row into account, 25 trees require removal. These trees have a limited life expectancy due to restricted root zones or are of limited ecological value as they are imported species.</p> <p>Tree 98 requires pruning, so its foliage remains clear of the proposed building. The pruning will allow the tree to safely grow clear of the building with more balance, as the pruning will correct the lean of the tree from growing on an embankment.</p> <p>The SEE states 11 spotted gums are to be planted to replace the trees growing along the Small Street boundary (on the site) and another 5 spotted gums will be planted in the south-east courtyard. As detailed in Attachment 2, a total of 72 trees are to be planted on the site or adjacent public land, to compensate for the removal of 24 trees protected by the DCP.</p> 
Use of the biodiversity policy to offset loss of habitat is "...a recipe for local extinction."	<p>This matter has been cross-referenced with the Beaches Link EIS. The forest community, the "Smooth-barked Apple – Turpentine – Blackbutt tall open forest" grows on the eastern edge of the 'dive' site (Figure 19-2, Chapter 19 Beaches Link and Gore Hill Freeway Connection EIS). This forest type is not an Endangered Ecological Community and is not mapped as having Biodiversity Values, although the Flat Rock Creek 'corridor' downstream of Flat Rock Drive is mapped as having Biodiversity value, per https://www.lmbc.nsw.gov.au/Maps/index.html?viewer=BOSETMap.</p>
Current plans involve a loss of bushland and a loss of playing space.	The architect has confirmed that only the car park north of the existing building is affected and that no bushland or playing space require removal.
The bushland east of Flat	The area referred to has an ephemeral stream running through it into Flat

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Issues	Responses
Rock Drive is in a riparian zone regulated by the Natural Resource Access Regulator (NRAR). This area should remain bushland.	Rock Creek. The latter watercourse is a prescribed stream and is subject to an (NRAR) approval process under the Water Management Act 2000. The gully east of the site does not have a prescribed stream running through it, and NRAR approval is not required. The subject application does not affect this area. It merely cites use of an existing public car park. No work is proposed in Flat Rock Reserve.
Council is urged to protect the Flat Rock Gully and seek alternative solutions for structured activities.	The Flat Rock Gully Reserve is zoned E2 Environmental Management and is subject to care and management of Council in accordance with the Urban Bushland Plan of Management. Zoning and management frameworks ensure conservation of the gully's values. State Significant Infrastructure projects must consider these values, when preparing an environmental impact statement, under Part 5 of the <i>EP&A Act</i> .
Trees should not be removed as they help reduce the urban heat island effect. Tree canopy should be replaced, or increased (DCP requires 3:1 tree replacement ratio).	24 non-exempt trees require removal for the upgrade to proceed. Amongst the conditions recommended, one requires replacement with 72 specimens of species endemic to the area. This is a better outcome from both landscape and ecological perspectives, compared with preserving the trees. Indeed, as the correspondent suggests, tree canopy will increase, possibly threefold.
Trees 85 to 97 (next to the footpath on Small Street) should be retained.	The trees require removal for the development to proceed. Further to the point made above, and taking into account the arborist's report mentioning these trees have inter-twined root systems, planting trees in suitable locations on the site or adjoining public land is a clear public and environmental benefit, in addition to the enhanced public amenity provided by the proposed aquatic facility upgrade.
Cumulative impacts	
Willoughby Leisure Centre (WLC) should not be closed for redevelopment until North Sydney Pool has reopened.	North Sydney Olympic Pool was closed in February 2021 for 2 years. WLC is planned to close in September 2022 and reopen in March 2024. Under current scheduling, both pools will be closed for 6 months between September 2022 and February 2023. Other pools are available in the area, although they would not be expected to accommodate all users while facilities at Willoughby and North Sydney are closed. Communication amongst project managers and flexible programming will be essential to avoid or minimise impacts.
Cumulative impacts from this proposal and the Beaches Link require consideration, including noise, vibration and traffic (e.g. congestion, noise, air quality). Access to other facilities may be affected (with increased heavy vehicle traffic), such as Northbridge Baths and Sailing Club.	The Beaches Link project is planned to commence early in 2023 and conclude at the end of 2027. The Flat Rock Drive 'dive' site will be operational over the same period, including initial construction, site testing and rehabilitation (Chapter 6 p.53, Beaches Link and Gore Hill Freeway Connection EIS). To amplify the previous comment, pro-active and planned communications between all participants, project managers, contractors, Council and government agencies, for instance, in the construction of both projects, will be vital. Construction of any project, large or small, is a dynamic process with many variables. It will be important to establish limits in which each project will operate (to be detailed and implemented by various plans and reports included in Condition 1 and as required by other conditions, for the subject proposal). Management and communication should then seek to eliminate or minimise the risks associated with conflicting or compounding impacts of the developments, such as scheduling transport on different days, or time of day, or via taking different routes.

Issues	Responses
	<p>For instance, the Beaches Link and WLC projects have separate transport routes nominated in their respective planning documents. The former project is planned to be serviced from the south, directly from a proposed set of traffic lights on Flat Rock Drive. The latter proposal will use a route from the north, including the Pacific Highway, Mowbray Road, Willoughby Road and Small Street.</p> <p>An acoustic assessment and a construction noise and vibration management plan have been submitted with the application. The former assesses operational noise of the expanded aquatic centre and recommends a range of measures to ensure acceptable sonic impacts in the locality.</p> <p>The latter addresses construction-related noise and vibration and similarly recommends a range of measures to achieve acceptable impacts. In the case of managing construction impacts, monitoring is also recommended for various activities.</p> <p>These reports are recommended to form part of the consent (Condition 1). Safeguards and risk management strategies are included in the EIS for the Beaches Link.</p>
Strategic planning	
Longer-term, more efficient use of space (more intense use and taller buildings – multi-level courts), can improve outcomes for the community.	Noted.
2012 plans showed indoor courts and a two level car park, which was a better use of available space, these options should be considered in the longer term.	<p>Noted.</p> <p>Council adopted a Plan of Management for Bicentennial Reserve, in which the leisure centre is situated, in February 2021. The strategic context of the plan is Council's Community Strategic Plan – Our Future Willoughby 2028. Planning for the reserve revolves around achieving outcomes of the Strategic Plan.</p> <p>The Plan of Management is available at: https://www.willoughby.nsw.gov.au/Council/Policies-and-publications/Publications/Bicentennial-Reserve-Plan-of-Management</p>
Has increased demand been considered on the WLC and other amenities, from approved (e.g. TCN redevelopment) future development (St Leonards - Crows Nest precinct).	<p>Approved developments contribute to new and upgraded community facilities and open space.</p> <p>Planning for major urban rejuvenation linked to new infrastructure like the St Leonards - Crows Nest precinct will consider future demand and formulate plans to capture a part of the value uplift from revised planning controls, to contribute towards state and local facilities and open space.</p>
Longer-term strategic planning for the WLC could consider – <ul style="list-style-type: none"> - Use as training facilities by 'smaller' Olympic Sports, in low usage periods, potentially attracting Federal funding. 	<p>As above, relating to the Plan of Management. In response to these suggestions, the plan advocates:</p> <ul style="list-style-type: none"> - Improving universal access, - Improving transport links, including for bicycles, for recreational and commuting uses, - Improving environmental performance, by preparing a Green City Report Card, to records performance in water use and recycling and energy use, for example, - Providing sporting facilities for all members of the community, and - Protecting environmental and recreational values of the reserve,

Issues	Responses
<ul style="list-style-type: none"> - Offering greater flexibility from developing indoor courts. - Developing facilities to be as inclusive as possible, for children and elderly people and people with disabilities. 	<p>including minimising impacts for the Northern Beaches Link.</p>
Pool: minor design and operational issues	
<p>For aqua exercise classes, the shallow-end depth of all pools should be 1.2m. Deeper parts of pools to be used for "Aqua" classes should be up to 1.8m deep. Other submissions contend 1.2m is too deep. The water temperature should be around 26-28 degrees.</p>	<p>The Program Pool's depth will vary from 1.1m to 1.8m. Water temperature will be maintained between 28 and 30 degrees.</p>
<p>Will an universally accessible pool, with a wheelchair hoist, be dedicated to hydrotherapy?</p>	<p>The program pool has ramps to provide for wheelchair access.</p>
<p>The design detail of the main hall, particularly the spaces around the pools, should be reviewed, to ensure:</p> <ul style="list-style-type: none"> - Spaces within view of the pools, for class participants to place their bags securely. - There is insufficient space, at 2m wide, between the 25m Pool and the Program Pool, for instructors. - Speaker placement for PA, for instructors' microphones and class-music. 	<p>In response, the centre manager has advised:</p> <ul style="list-style-type: none"> - WLC already has lockers, which are located outside the change rooms. - The instructors will teach from the deep end of the pool. - Placement of speakers for instructors is a matter that will be addressed operationally.
<p>Pool walls and decks (internally) should have hand-holds for stretching, against the wall.</p>	<p>Noted.</p>
<p>Location of a storeroom and other rooms on the</p>	<p>Following the extension of the pool hall into the existing northern carpark, areas are limited areas for further extension due to the constraints of the</p>

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Issues	Responses
southern side of the pool hall reduce outlook and reduce potential ventilation. Plant could be under the main pool level and other rooms relocated near the entrance.	<p>site.</p> <p>The First Aid room is required to be located closest to the ramp in the case of an emergency, and the Lifeguard Room has to be centrally located so that all the bodies of water are visible.</p> <p>The Architect has incorporated windows to the western side of the southern elevation (in addition to the eastern side) to maximize views to the bushland.</p>
Handrails up the grandstand stairs would be a benefit.	No changes to the grandstand west of the 25m pool are proposed.
How is access provided to the Learn To Swim pool?	The Learn to Swim pool is a shallow pool (1m) with seating ledges on the sides, 0.5m from the pool deck. The common procedure for a child in a wheelchair is that they are lowered onto the seating ledge with the swim instructor in the pool.
There should be a toilet in the family change space.	The toilets provided are adequate for the proposed facility, and satisfy the National Construction Code for the expected number of people using the facility.
Access from the crèche/play area to the pools should be safe and convenient.	These areas are separately access-controlled to maintain safety. No direct access is allowed between the crèche play area and the children's pools, with a fence/barrier between them.
Can some openable windows be provided for ventilation?	<p>The pool environment needs to be sealed to ensure that the pool temperatures are maintained at the higher levels that are required for Learn to Swim, Lap Swimming and Warmer Water Activities. Openable windows unless motorised are difficult to manage and costly when the building needs to be sealed to optimise the operation of the mechanical system.</p> <p>A mechanical air conditioning system is used to heat the space to maintain a constant temperature to reduce the heat loss from the pools however the proposal includes panel lift doors to the north that can be opened when the outside temperatures are similar to the internal pool hall temperatures and there is less risk of heat loss.</p>
Netball operations	
<p>Netball courts cannot be lost to parking, the application proposes loss 2 courts during construction and 1 court following construction. Losing one netball court would lead to 160 players no longer being able to play, based on current arrangements for netball matches at WLC. Netball associations and clubs cannot afford to lose any courts. No new courts have been built in the Northern Suburbs since 1988. No new courts have been built at Gore Hill, which has been under consideration since 2012. The netball associations</p>	<p>The proposed development affects the netball courts as follows:</p> <ul style="list-style-type: none"> - One netball court will be made unavailable for 18 months, during the construction period, - 18 courts will be available for competition (2 indoor and 16 outdoor) - One court may be used occasionally for overflow parking when demand is high, following construction. This court will not be rebuilt as a carpark. <p>Regarding new netball facilities being available at Gore Hill, they are planned to be open and available in early 2026.</p> <p>Following completion of the development, parking and traffic will be monitored during winter and summer peak periods, to establish accurate benchmarks for future planning and management of the facilities.</p> <p>Future netball seasons will continue to encourage use of drop-off and pick-up locations to reduce parking demand.</p> <p>NSW Netball and the Northern Suburbs Netball Association have agreed to review programming over weekends to spread the games and hence parking demand. That these organisations have also offered to</p>

Issues	Responses
and clubs are prepared to encourage members to use alternative forms of transport, to help reduce traffic and parking congestion.	encourage alternative methods of transport should be noted. Improved management of parking and increasing travel to netball using non-car-dependent travel modes may eliminate the need for temporarily using any courts for parking, and address the potential parking deficit on especially busy days, such as towards and during the finals phase at the end of each season.
Netball NSW propose building 2 new courts and using 1 or 2 courts for overflow parking. The Northern Suburbs Netball Association, with support from Netball NSW is prepared to support funding the 2 new courts.	The above matters and the offer from the two netball peak bodies were discussed at a meeting between them and senior council officers. The issues at hand are understood to have been resolved.
Transport, traffic and parking	
The proposal includes a car park at the end of a driveway off the end of Small Street, east of Flat Rock Drive. Extension of structured sporting facilities in this area is objected to.	This car park exists and the application states there is sufficient space for 27 car parking spaces. Noting this is an estimate, no works are proposed in this car park and it use is intended for netball officials only.
The car park east of Flat Rock Drive only has enough space for about 12 – 16 cars.	As above.
Bus services to and from Bicentennial Reserve have been reduced, with route 257 being discontinued in January 2021. This route ran between Chatswood and Balmoral, via Crows Nest. Submissions have requested Council to (or inferred it should) lobby for reinstatement of this service.	Individuals and community organisations are of course able to lobby government agencies including Transport for NSW. Council has not made a decision to approach the NSW Government on this matter.
Active transport links should be provided to other centres, from Gore Hill to North Sydney, Cammeray to Northbridge. The Gore Hill to Naremburn route has 'high priority' in Council's Bike Plan 2017 update.	The site is accessible via an extensive and well-established active transport network.
Strategies for improving transport and congestion have been suggested: <ul style="list-style-type: none"> - Shuttle buses (for netball) - Restoration of Willoughby Road 	With regard to these suggestions: <ul style="list-style-type: none"> - The netball peak bodies could consider providing shuttle buses. - Bus services run along Willoughby Road. - Providing buses between schools and the netball courts would be logistically impractical. - Netball courts could be provided in other locations and suburbs,

Issues	Responses
<p>bus services</p> <ul style="list-style-type: none"> - Providing local buses between schools, local centres and open space - Timed and priority parking - More netball courts in other suburbs - Indoor courts, - Underground or multi-level parking - Optimise use of Small Street overflow parking area. 	<p>reducing the demand at Willoughby. Councils and peak sporting organisations could collaborate to facilitate common objectives in strategic planning.</p> <ul style="list-style-type: none"> - The Small Street Reserve being used for overflow parking will continue to be managed by Council. This area will only be made available when necessary. It has been used for this purpose during past netball seasons.
<p>The green travel plan (lodged with the DA) is inadequate, it needs to be supplemented by bus services.</p>	<p>As outlined in Attachment 2 a condition is recommended for the green travel plan to be reviewed, including stakeholder consultation and having regard to changes made to bus services along Willoughby Road earlier in 2021.</p>
Construction and contamination	
<p>As the Bicentennial Park is a rehabilitated landfill safeguards against contamination are necessary.</p> <p>Further gas and groundwater testing is recommended.</p>	<p>The Gas Assessment and Risk Report submitted with the DA found there is a low risk to human health from ground-gases emanating from the site.</p> <p>Removal of landfill material requires separate approval from the EPA.</p> <p>Monitoring and testing is also required to ensure a safe working environment during site works.</p> <p>Regarding chemical contaminants found on the site, with the proposal involving partial removal and replacement of a hardstand cap over the landfill, the site will remain suitable for the development proposed, provided the cap is properly reinstated.</p> <p>The submitted construction management plan (p20) states an environmental management plan will be prepared.</p> <p>Groundwater modelling for the site indicates a low risk of contaminants being transferred by groundwater to Flat Rock Creek (and into Middle Harbour) – although no groundwater was encountered during recent investigations.</p> <p>According to the submitted Environmental Site Assessment, previous studies on groundwater were “extremely limited” and did not provide data on potential groundwater contamination.</p> <p>This was considered by the authors to be a data gap, even though any contamination is considered a low risk to site users. A recommended condition of this report requires this data ‘gap’ to be ‘filled’.</p> <p>Presence of leachate and potential for transfer to the environment should be confirmed and further testing is conditioned, as recommended by the Environmental Site Assessment.</p> <p>This assessment also recommends a Construction Environmental Management Plan be prepared, to address:</p> <ul style="list-style-type: none"> - Procedures for managing identified risks, including asbestos,

Issues	Responses
	<ul style="list-style-type: none"> - Informing amelioration of the landfill cap, when disturbed, - Managing unexpected finds of gross contamination or hazardous materials, - Procedures for informing the EPA regarding potential exhumation of buried landfill, and - PPE for workers and contractors. <p>The Environmental Site Assessment is recommended for inclusion in the consent, thus ensuring the Construction Environmental Management Plan will be prepared.</p>
<p>A number of questions remain regarding the site's environmental management:</p> <ul style="list-style-type: none"> - Stop work procedures - Stakeholder notification - Air quality monitoring (including for asbestos) - Management, (is stockpiling permitted?) and removal of contaminated material <p>Additionally, is it safe to continue sport during construction?</p>	<p>These matters will be addressed in the construction and environmental management plan, as recommended. Stakeholder communication is commented on below.</p>
<p>A stage 2 environmental site assessment is requested, to better-understand site mitigation requirements and costs.</p>	<p>This would have been recommended by the stage 1 study, if it were deemed necessary. Environmental management plans will be prepared, for construction and ongoing management of the site.</p>
<p>Further consultation is requested by the Naremburn Progress Association and the Bicentennial Reserve and Flat Rock Gully Advisory Committee.</p>	<p>Community liaison is recommended in the noise and vibration construction management plan. The construction management plan details the activities to be used to keep stakeholders informed, including local community members and neighbours of the site. Again, recommendations of this plan will be implemented via its inclusion in the consent.</p>
Other issues	
<p>The application could have been publicised via various media and at the WLC over the Christmas New Year period.</p>	<p>Due to referral to NSW Heritage, the exhibition was extended by one month, which afforded more time for people to review the application and make submissions, well after the Christmas/New Year period.</p> <p>A number of submissions had requested document or site inspections due to the number of major projects inviting public comment being released during late 2020 and early 2021.</p>
<p>A monetary contribution was made for the TCN 9 Studio site. Quoting a document on the Department's Major Projects website, a correspondent noted that this contribution would be used in relation to the</p>	<p>Council's development contributions officer advised:</p> <ul style="list-style-type: none"> - The Planning Agreement with Walter Projects for development in Walter Street and Willoughby Road requires the developer to contribute \$1,000,000.00 towards upgrading of the WLC. - The Planning Agreement with Mirvac regarding redevelopment of the Channel 9 studio site requires the developer to contribute \$500,000.00 towards upgrading the Willoughby Road/Artarmon Road/Small Street intersection, and \$1,000,000.00 towards

Issues	Responses
WLC redevelopment. Whether this is being achieved is unclear.	public access and regeneration works at the Walter Street Reserve.
The sporting facilities often service “out of area players rather than the local community”.	The netball courts are predominantly used for district level competition. This is a reflection of the way that netball competitions are organised across the state. It is understood that NSNA have not been able to secure facilities in other LGAs served by their district competition. The district or regional function of sporting facilities should be recognised.

ATTACHMENT 4: SECTION 4.15 ASSESSMENT

Matters for Consideration Under S.79C (1) EP&A Act
Considered ✓ Not Relevant N/A

(a)(i)	The provisions of any environmental planning instrument (EPI)	
	<ul style="list-style-type: none"> State Environmental Planning Policies (SEPP) 	✓
	<ul style="list-style-type: none"> Regional Environmental Plans (REP) 	✓
	<ul style="list-style-type: none"> Local Environmental Plans (LEP) 	✓
	<ul style="list-style-type: none"> Comment: The application is consistent with the applicable planning legislation and subordinate policies and plans. 	
(a)(ii)	The provision of any draft environmental planning instrument (EPI)	
	<ul style="list-style-type: none"> Draft State Environmental Planning Policies (SEPP) 	N/A
	<ul style="list-style-type: none"> Draft Regional Environmental Plans (REP) 	N/A
	<ul style="list-style-type: none"> Draft Local Environmental Plans (LEP) 	N/A
	Comment: No draft EPIs apply to the land or the application.	
(a)(iii)	Any development control plans	
	<ul style="list-style-type: none"> Development control plans (DCPs) 	✓
	Comment: The proposal is consistent with applicable provisions of the Willoughby DCP.	
(a)(iv)	Any matters prescribed by the regulations	
	<ul style="list-style-type: none"> Clause 92 EP&A Regulation-Demolition 	✓
	<ul style="list-style-type: none"> Clause 93 EP&A Regulation-Fire Safety Considerations 	✓
	<ul style="list-style-type: none"> Clause 94 EP&A Regulation-Fire Upgrade of Existing Buildings 	✓
	Comment: Conditions require compliance with applicable regulations. Fire regulations are addressed in a BCA compliance report, also recommended for inclusion in the consent.	
(b)	The likely impacts of the development	
	<ul style="list-style-type: none"> Context & setting 	✓
	<ul style="list-style-type: none"> Access, transport & traffic, parking 	✓
	<ul style="list-style-type: none"> Servicing, loading/unloading 	✓
	<ul style="list-style-type: none"> Public domain 	✓
	<ul style="list-style-type: none"> Utilities 	✓
	<ul style="list-style-type: none"> Heritage 	✓
	<ul style="list-style-type: none"> Privacy 	✓
	<ul style="list-style-type: none"> Views 	N/A
	<ul style="list-style-type: none"> Solar Access 	✓
	<ul style="list-style-type: none"> Water and draining 	✓
	<ul style="list-style-type: none"> Soils 	✓
	<ul style="list-style-type: none"> Air & microclimate 	✓
	<ul style="list-style-type: none"> Flora & fauna 	✓
	<ul style="list-style-type: none"> Waste 	✓
	<ul style="list-style-type: none"> Energy 	✓
	<ul style="list-style-type: none"> Noise & vibration 	✓
	<ul style="list-style-type: none"> Natural hazards 	✓
	<ul style="list-style-type: none"> Safety, security crime prevention 	✓
	<ul style="list-style-type: none"> Social impact in the locality 	✓
	<ul style="list-style-type: none"> Economic impact in the locality 	✓
	<ul style="list-style-type: none"> Site design and internal design 	✓
	<ul style="list-style-type: none"> Construction 	✓
	<ul style="list-style-type: none"> Cumulative impacts 	✓

Matters for Consideration Under S.79C (1) EP&A Act
Considered ✓ Not Relevant N/A

	Comment: As examined in the body and other attachments of this report, the environmental impacts of the proposal, provided requirements of recommended conditions and those included in specialist reports, will be effectively managed, minimised or eliminated.	
(c)	The suitability of the site for the development	
	<ul style="list-style-type: none"> Does the proposal fit in the locality? 	✓
	<ul style="list-style-type: none"> Are the site attributes conducive to this development? 	✓
	Comment: Being a compatible extension and upgrading of an existing facility and no use proposed to be changed or new use added, the development is suitable for the site. The size and nature of the development do not exceed the site's capacity and maintains the character of the facility and does not unduly effect the character of the neighbourhood.	
(d)	Any submissions made in accordance with this Act or the regulations	
	<ul style="list-style-type: none"> Public submissions 	✓
	<ul style="list-style-type: none"> Submissions from public authorities 	✓
	Comment: Public and statutory agency submissions have been considered.	
(e)	The public interest	
	<ul style="list-style-type: none"> Federal, State and Local Government interests and Community interests 	✓
	Comment: The application is consistent with applicable planning requirements and is therefore in the public interest, while particularly acknowledging the improvement it makes to the health and well-being of local communities.	

CONCLUSION

The Development Application has been assessed in accordance with Section 79C of the Environmental Planning and Assessment Act 1979, WLEP 2012, WDCP and other relevant codes and policies. Based on this assessment, the proposed development is acceptable and approval is recommended, subject to the conditions in **Attachment 5**.

OFFICER'S RECOMMENDATION

THAT the Sydney North Planning Panel approve the development subject to the attached conditions and issue consent for the application DA-2021/22 for alterations and additions to the existing pool hall of the Willoughby Leisure Centre including alterations to existing parking provision at 2 & 2A Small Street, WILLOUGHBY NSW 2068.

ATTACHMENT 5: SCHEDULE OF CONDITIONS

SCHEDULE 1

Conditions of Consent: (Including reasons for such conditions)

CONSENT IDENTIFICATION

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

1. Approved Plan/Details

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

Type	Plan/Report No.	Revision/ Issue No	Plan/Report Date	Prepared by
Site Plan	DA02	1	22/12/2020	Brewster Hjorth Architects
Site Plan Demolition Works	DA08	1	22/12/2020	
Demolition Works Existing Pool Plan	DA09	1	22/12/2020	
Lower Plan Room Plan	DA10	1	18/12/2020	
L3-Pool Concourse Plan	DA11	1	18/12/2020	
Upper Plan Room Plan	DA12	1	18/12/2020	
Roof Plan	DA13	2	14/01/2021	
Elevations – Sheet 1	DA20	1	18/12/2020	
Elevations – Sheet 2	DA21	1	18/12/2020	
Sections – Sheet 1	DA22	1	18/12/2020	
Sections – Sheet 2	DA23	1	18/12/2020	
External Finishes	DA40	1	18/12/2020	
Waste Management Strategy	-	3	21/05/2021	
Drawing Register & construction Notes – Civil & Stormwater	C001	P2	25/06/2021	Meinhardt Bonacci
Soil and Water Management Plan	C005	P2	21/12/2020	
Soil and Water Management Details & Notes	C006	P1	18/12/2020	
Bulk Earthworks Plan	C011	P6	26/07/2021	
Bulk Earthworks Longitudinal Sections Sheet 1	C021	P3	18/12/2020	
Bulk Earthworks Longitudinal Sections Sheet 2	C022	P3	18/12/2020	
Bulk Earthworks Longitudinal Sections Sheet 3	C023	P2	26/07/2021	
Bulk Earthworks Longitudinal Sections Sheet 4	C024	P1	18/12/2020	
Siteworks & Stormwater Drainage Plan	C030	P4	26/07/2021	
Stormwater Drainage Details	C035	P1	18/12/2020	
On-Site Detention Details	C036	P4	26/07/2021	
Overall Pavement Plan	C040	P3	26/07/2021	
Site Works & Pavement Details	C041	P1	18/12/2020	
Music & Overall Catchment Area	C050	P2	24/07/2021	Urbis
Landscape Architecture Report	-	-	23/12/2020	
Statement of Environmental Effects	Final	V3	04/2021	

Type	Plan/Report No.	Revision/ Issue No	Plan/Report Date	Prepared by
Accessibility Assessment Report	200156	0	22/12/2020	Blackett Maguire and Goldsmith
BCA Assessment Report	-	111803-BCA-r2	10/12/2020	BCA Logic
Arboricultural Development Assessment Report	-	Final	22/12/2020	Moore Trees Arboricultural Services
Bushfire Hazard Assessment	-	2.0	12/05/2021	Harris Environmental Consulting
Development Application Acoustic Assessment	RWDI No. 2190052	A	22/12/2020	RWDI Australia
Construction Noise & Vibration Management Plan	RWDI No. 2190052	A	22/12/2020	
Construction Management Plan		3	18/12/2020	Kane Constructions
Construction Traffic Management Plan	20025B	A	21/12/2020	TEF Consulting
Environmental Site Assessment	120122	1	14/12/2020	Environmental Earth Sciences
Environmental & Ground Gas Risk Assessment	119093	1	14/12/2020	
Hazardous Building Materials Survey	S11003-R01	-	09/09/2019	Hibbs & Associates
Undercroft Soil Assessment	S11011-ENV-L01-A1	-	09/09/2019	
Geotechnical Crib Wall Investigation	86220.01	R.001.Rev0	22/12/2020	Douglas Partners

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

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

2. Cumulative impact management

During phases of planning and design following issue of this consent and throughout the construction phase, the applicant shall undertake ongoing and regular consultation and liaison with developers/managers of other projects in the locality or the district, which may have cumulative impacts during construction of the proposed development.

The aim of this condition is to eliminate, minimise or ameliorate potential environmental impacts and potential impacts on the community from cumulative and inter-related impacts of the proposal and other projects under construction at the same time as the proposed development.

These other projects are as follows (and are not limited to):

- (a) Beaches Link and Gore Hill Freeway Connection
- (b) Redevelopment of the former TCN 9 Studios site,
for the purpose of residential apartments

- (c) Redevelopment of certain land at Walter Street, for the purpose of residential apartments
- (d) Redevelopment of the North Sydney Olympic Pool
(Reason: Minimise impacts on the environment and community amenity)

PRIOR TO MAKING AN APPLICATION FOR A CONSTRUCTION CERTIFICATE

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

3. Parking and Travel Management

- a) Locate all 9 required car parking spaces for people with disability in the main car park directly off Small Street, as close as possible to the main entrance of the Willoughby Leisure Centre.
- b) No works are to be carried out, to 'formalise' parking on the RE1 zoned land on the corner of Small Street and Marlborough Road, and
- c) The submitted Green Travel Plan shall be reviewed, in consultation with stakeholders, to:
 - i. Assist in addressing the deficit of 46 parking spaces following construction of the development, by promoting a reduction in travel demand by car, use of active transport, increased carpooling amongst parents/carers, and only permitting drop-off and pick-up of players on match days when car parks approach or reach capacity.
 - ii. Periodically monitor and review parking demand and management during peak summer (swimming) and winter (netball) seasons, to seek more responsive and innovative means of managing travel demand and reducing parking demand.
 - iii. Take into consideration changes made to bus services routed near the Bicentennial Reserve, including removal of the 257 Chatswood-Balmoral service, since the Green Travel Plan was prepared.

(Reasons: Compliance, amenity and sustainability)

4. Submit the Following Information to Willoughby City Council

Prior to the lodgement of an application for a Construction Certificate, the Applicant shall satisfy the following:

- (a) A Data Gap Investigation (DGI) shall be carried out following demolition of existing site structures (such as the swimming pool) to identify possible contaminants in the soil that may affect worker health and safety, and to further investigate the potential risk posed by landfill gas on the development.
- (b) The Conceptual Site Model shall be reviewed after the DGI is completed and modified if necessary.
- (c) Submit the above information in the form of a report to Council's Compliance Unit for review and concurrence. Documentation confirming approval by Willoughby City Council shall then be submitted to the Certifier with the application for a Construction Certificate.

(Reason: Ensure environmental compliance)

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

5. Relocation of Fire Hydrant

Prior to the issue of a Construction Certificate, the new location and details of the fire hydrant, proposed to be relocated from its current position, shall be submitted for approval. The location shall be suitably screened from view from Small Street or in a location not visible from Small Street.
(Reason: visual amenity)

6. Sydney Water 'Tap In'

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

An approval receipt will need to be obtained prior to release of the Construction Certificate.
(Reason: Ensure compliance)

7. Bushfire Protection

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

8. CCTV Report of Existing Council Pipe System

A qualified practitioner, with qualifications/training in accordance with Water Services Association of Australia WSA05-2013 Conduit Inspection Reporting Code of Australia Version 3.1, shall undertake a closed circuit television (CCTV) inspection and then report on the existing condition of the Council drainage pipelines to be retained located within the area if the proposed construction works, including the connection location of the new stormwater to the existing system. The exact extent of CCTV is to be confirmed by Council's Engineers. No person is to enter any Council stormwater conduit without written approval from Council. The camera and its operation shall comply with the following: -

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

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

(Reason: Protection of public asset)

9. Stormwater Conveyed to Council 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 of minimum 600mm x 600mm shall be provided within the property and adjacent to the connection point prior to discharging to the Council's drainage system. All drainage works shall comply with the requirements described in Part C.5 of Council's DCP, Technical Standards and AS 3500.3. In this regard, full design and construction details showing the method of disposal of surface and roof water from the site shall be shown on the Construction Certificate plans.

(Reason: Stormwater control)

10. Analysis of Outlet Condition

The capacity of the existing Council stormwater drainage system at the proposed connection of the outlet shall be hydraulically evaluated using the Hydraulic Grade Line method to ensure that no stormwater will be able to surcharge from Council's system to the proposed drainage system and that the outlet for the OSD system is above the 1%AEP water level. Full engineering details of the hydraulic evaluations prepared and signed by a practising Civil Engineer shall be submitted to Council for consideration prior to the issue of the Construction Certificate.

(Reason: Prevent property damage)

11. Detailed Stormwater Management Plan (SWMP)

Prior to the issue of the Construction Certificate, submit to the Certifier for approval, detailed stormwater management plans in relation to the on-site stormwater management and disposal system for the development. The construction drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer and in accordance with Meinhardt Bonacci Drawings 1243701C C001/P2, C030/P4, C035/P1, C036/P4 and C050/P2, with the following amendments:

- In accordance with Technical Standard 1, the sump at the OSD tank outlet shall be deleted.
- Additional inlets shall be provided as required, to capture the runoff from the undetained 1%AEP storm event.

The plans shall include an on-site stormwater detention system catering for a minimum impervious area of 2,900m². Inlets and inflow pipes to the system shall be designed to capture the 1%AEP flow from the design catchment area. All drawings shall comply with Part C.5 of Council's Development Control Plan and Technical Standards, AS/NSZ3500.3 – *Plumbing and Drainage Code* and National Construction Code.

(Reason: Ensure compliance)

12. Overland Flow/Flood Level

A suitably qualified and experienced civil engineer must certify that for the 1%AEP flood event that is conveyed through the site:

- the proposed works, including flood mitigation measures, are in accordance with the Meinhardt Bonacci Report dated 21/12/2020 and the additional flooding

information provided in the Response to Infrastructure Comments dated 29/6/2021

- the required 300mm freeboard has been provided to the new works
- the freeboard to existing openings in the building have not been reduced.
- The recommendations of the Flood Risk Management Report have been documented in the construction certificate plans.

The engineer must undertake an assessment of the critical flows as determined necessary to satisfy this condition. Where floor levels need to be raised or other flood protection measures are deemed necessary, details must be submitted and approved by the Certifier prior to the issue of the Construction Certificate.
(Reason: Prevent property damage)

13. Construction Management Plan (CMP)

Prior to the issue of the Construction Certificate, submit, for approval by the Certifier, detailed Construction Management Plan (CMP). The CMP shall address:

- (a) Construction vehicles access to and egress from the site
- (b) Parking for construction vehicles
- (c) Locations of site office, accommodation and the storage of major materials related to the project
- (d) Protection of adjoining properties, pedestrians, vehicles and public assets
- (e) Location and extent of proposed builder's hoarding and Work Zones
- (f) Tree protection management measures for all protected and retained trees.

(Reason: Compliance)

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

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

- (a) Removal of the redundant crossing to the eastern carpark and construction of new kerb and gutter and footpath in accordance with Council's specification and Standard Drawings SD105 and SD100.
- (b) Construction of a 1.2-1.5m wide footpath (max. 2.5% crossfall) towards the kerb from the pedestrian entry to the site to 1m beyond the redundant crossing in accordance with Council's specification and Standard Drawings SD105 and SD100. All adjustments to public utility services and associated construction works in the nature strip are to be at the full cost to the applicant. Detailed long section and cross sections at 5 metres interval shall be provided. The final width of the footpath is to be agreed with Council's Engineer, depending on site constraints.

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

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

15. Flood Affected Development

The development site subject of this consent is affected by overland flooding.

A Flood Risk Management Report prepared by a qualified civil engineer experienced in flood analysis and management and complying with the requirements in Part C.5 of the Willoughby DCP and Technical Standard No. 3, "Floodplain Management" and the NSW Government's Floodplain Development Manual 2005, shall be submitted with the application for Construction Certificate. All measures contained in the report shall form part of any Construction Certificate issued.
(Reason: Managing Flood Risk)

16. OSD/Rainwater Tank Design

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

17. Vehicle Access and Manoeuvring – Engineer's Certification

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

- (a) That finished driveway gradients and transitions comply with AS/NZS 2890.1 and AS 2890.2 and will not result in scraping to the underside of cars.
- (b) That the proposed vehicular path and parking arrangements comply in full with AS/NZS 2890.1, AS 890.2 and AS/NZS 2890.6 in terms of minimum dimensions provided and grades on parking spaces.
- (c) That a shared area with minimum dimensions of 2.4 x 5.4m is provided adjacent to all disabled parking spaces and a shared area with minimum dimensions of 2.4m x 2.4m is provided at the end of all disabled parking spaces to comply with AS/NZS 2890.6. A bollard shall be located in the shared zone in accordance with AS/NZS 2890.6.
- (d) Simultaneous manoeuvring of B99 and B85 vehicles at all circulation areas including the clearance lines for each vehicle, in accordance with AS2890.1, is complied with.
- (e) Simultaneous manoeuvrability of the largest vehicle using the site and a passenger vehicle including clearance in accordance with AS2890.1 and AS2890.2, is provided.

(Reason: Ensure compliance)

18. Design of Stormwater Diversion Works

Prior to the issue of a Construction Certificate, the applicant must submit, for approval by Council as owner of the drainage system, full design engineering plans and specifications prepared by a suitably qualified and experienced civil engineer for the following:

- a) Diversion of the existing stormwater drainage system from Small Street around the east side of the building, to relocate the pipe clear of the new works and to replace damaged or missing sections of the pipe clear of the building. The extent of the relocation and replacement shall be in accordance with the requirements of Council's Drainage and Assets Engineers. Pipes shall be Class 4 RCP and a minimum 375mm, unless otherwise approved by Council.

The required plans must be designed in accordance with Council's specifications (AUS-SPEC). A minimum of three (3) weeks will be required for Council to assess submissions.

(Reason: Protect Council's infrastructure)

19. Amended Landscape Plans

Prior to the issue of the Construction Certificate, submit to the registered certifier amended landscape plans prepared by a qualified landscape design professional. This information is to include the following information:

- (a) Include a minimum of 72 trees on the property or adjoining public land or road reserves around the site;
 - (b) Use locally occurring native tree species. Selected tree species are to comprise a minimum 50% trees capable of attaining a minimum height of 5m at maturity and a minimum 50% trees capable of attaining a minimum height of 15m at maturity;
 - (c) Comply with ecologically sustainable development landscape principles;
- (Reason: Landscape amenity)

20. Building Ventilation

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

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

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

(Reason: Health and compliance)

21. Construction and Fitout of Food Premises

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

- (a) Australian Standard *AS 4674:2004 – Design, Construction and Fitout of*

Food Premises;

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

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

Note:

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

(Reason: Public health, safety and compliance)

22. Noise Mechanical Services

To minimise the impact of noise onto receivers on surrounding land, all mechanical services shall be designed to ensure “offensive noise”, as defined under the provisions of the *Protection of the Environment Operations Act 1997*, is not emitted from the development. Details of the proposed equipment, siting, appropriate noise criteria and any attenuation required shall be prepared by an appropriately qualified acoustic consultant and accompany the application for a Construction Certificate.
(Reason: Amenity, environmental compliance and health)

23. Acoustic Treatment

To minimise the impact of noise on surrounding development, the ceiling above the swimming pool, pool deck and overflow area (indicated in blue in Figure 5-2 of the acoustic report by RWDI Australia Pty Ltd, Ref. RWDI#2190052, dated 12 November 2020) shall be faced with sound absorptive material with a minimum NRC of 0.95 with sound absorption performance equal to or greater than CSR Martini HD50 Absorb.

Details of the proposed acoustic treatment including a floor plan drawn to scale showing the type and extent of the materials shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate.
(Reason: Amenity and environmental compliance)

24. Construction Environmental Management Plan

A Construction Environmental Management Plan (CEMP) shall be developed prior to the issue of a Construction Certificate to provide guidance on how to work safely on

the site, demolish structures or building elements, appropriately manage uncovered/excavated landfill material and to control the identified associated risks to construction workers.

The CEMP could include, but not be limited to:

- a) The identification of hazardous materials and procedures for the safe demolition of structures and building elements;
- b) Information on the amelioration of landfill capping in areas that are disturbed;
- c) Formalise a procedure for managing any unexpected findings of gross contamination and/or hazardous materials (HAZMAT);
- d) PPE requirements for construction workers and subcontractors; and
- e) Procedures for notification to the NSW EPA regarding potential exhumation of landfill waste in accordance with requirement of the POEO (Waste) Regulation 2014.

(Reason: Environmental protection, public health and safety)

25. Traffic Management Plan

Prior to issue of the Construction Certificate, 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 Transport for NSW (TfNSW) accredited consultant.
- (b) Be in accordance with the current version of AS1742.3 and its associated handbook; and the RMS's Traffic Control at work site manual.
- (c) Implement a public information campaign to inform any road changes well in advance of each change. The campaign shall be approved by the Traffic Committee.
- (d) 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 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)

26. Traffic Work

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

(Reason: Public safety and amenity)

PRIOR TO COMMENCEMENT

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

27. 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)

28. 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)

29. 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 Certifier advised of the submission prior to commencement of work.

(Reason: Protection of Council's infrastructure)

30. Locate Existing Council's Drainage Line

Prior to commencement of any works, the applicant shall locate the existing main Council drainage pipes through the site, carrying stormwater from Small Street. The location shall be shown on the "For Construction" drawings and a copy of the drawings submitted to Council.

(Reason: Protection of public asset)

31. 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 TfNSW (RMS). 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.

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)

32. 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)

33. Bushfire Protection

All required Asset Protection Zone (APZ) requirements are to be located within the subject property. All tree removals for fuel reduction purposes are subject to an application made under the provisions of the *Willoughby Development Control Plan* (development application).

(Reason: Landscape amenity)

34. Dilapidation Report of Public Open Space

Submit a dilapidation report including photographic record of the Public Open Space adjoining the development, detailing the physical condition of items such as, but not exclusively to, trees, bushland, rock outcrops and physical improvements such as paths, furniture and play equipment.

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

This dilapidation report shall be submitted to Council and the Certifier prior to commencement of works.

(Reason: Protection of Council's infrastructure)

35. Removal of Trees in Public Areas

Prior to the commencement of work,

- (a) Written notification is to be provided to Council giving a minimum of 7 days warning prior to undertaking the removal of any trees approved for removal in public areas
- (b) Removal of approved trees is to be undertaken by a qualified Arborist (Minimum qualification AQF Level 3) with suitable public liability insurance.

(Reason: Management of Public Land)

36. Project Arborist

- (a) A Project Arborist is to be appointed prior to commencement of works on site;
- (b) The Project Arborist is to have a minimum qualification AQF Level 5;
- (c) The Project Arborist is to oversee and authorise all tree protection works detailed in the Arboricultural Development Assessment Report dated December 2020 prepared by Moore Trees and relevant conditions of consent;
- (d) The Project Arborist is to certify that all tree protection measures have been installed prior to commencement of works.

(Reason: Safety, environmental protection, landscape amenity)

37. Waste Storage Room Construction

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

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

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

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

38. 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)

DURING DEMOLITION, EXCAVATION AND CONSTRUCTION

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

39. Hours of Work

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

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

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

(Reason: Ensure compliance and amenity)

40. Building Site Fencing

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

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

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

The public safety provisions and temporary fences must be in place and be maintained throughout construction.

(Reason: Safety)

41. 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)

42. Demolition Work AS 2601-2001

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

(Reason: Safety)

43. Asbestos Removal and Disposal

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

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

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

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

(Reason: Environmental protection/Public health and safety)

44. 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)

45. Structures to Clear of Council's Drainage Infrastructure

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

- (a) Ascertain the exact location of the Council drainage infrastructure traversing the site in the vicinity of the works; and
- (b) Take full measures to protect the in-ground Council drainage system, and
- (c) Ensure dedicated overland flow paths are satisfactorily maintained through the site.

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

(Reason: Protection of public assets)

46. 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)

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

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

(Reason: Ensure compliance)

48. Tree Removal

Approval is given for the removal of the following trees:

All trees as indicated in the Arboricultural Development Assessment Report dated December 2020 prepared by Moore Trees
(Reason: Site development)

49. 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 Project Arborist is to immediately Contact Council's Public Trees section and resolve the matter to Council's satisfaction.

(Reason: Tree management)

50. Waste Classification – Excavation Materials

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

(Reason: Environment and health protection)

51. 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 the Certifier. The clearance certificate shall verify that the worksite is free from any hazardous materials from the demolished structures.

(Reason: Health and safety)

52. 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)

53. 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)

54. 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)

55. Construction Noise and Vibration

Construction noise and vibration shall be controlled to comply with the requirements as set out in the EPA Interim Construction Noise Guideline (ICNG) and the measures contained in Sections 8, 9 and 10 of the Construction Noise and Vibration Management Plan by Wilkinson Murray, Ref. No. 2190052, dated 22 November 2020.

Noise levels shall not exceed the following noise criteria:

- (a) Affected residential properties (during ICNG recommended standard hours) – Noise affected level of $RBL + 10dB$ and Highly noise affected level (i.e. noise level above which there may be strong community reaction) $\leq 75dB(A)_{Leq(15mins)}$.
- (b) Affected commercial premises (i.e. office, retail outlets etc.) – $70dB(A)_{Leq(15mins)}$.

A noise and/or vibration monitoring plan shall be implemented during construction in the event of a complaint being received by Council or the construction contractor. Where noise criteria are exceeded, appropriate measures to control excessive noise shall be implemented immediately.

(Reason: Amenity)

56. Loading and Unloading During Construction

The following requirements apply:

- (a) All loading and unloading associated with construction must be accommodated on site.
- (b) The structural design of the building must permit the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.
- (c) If, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- (d) In addition to any approved Works Zone, provision must be made for loading

and unloading to be accommodated on site once the development has reached ground level.

- (e) If a Works Zone is warranted an application must be made to Council prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need of the site for such facility at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (f) Application for a Works Zone must be submitted to Council a minimum 8 weeks prior to being required. Works application form is available on the City's Website.

(Reason: Public safety and amenity)

PRIOR TO OCCUPATION OF THE DEVELOPMENT

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

57. Access for the Disabled - Disability Discrimination Act

The building/development must comply with the requirements of the Disability Discrimination Act.

It should be noted that this approval does not guarantee compliance with this Act and the applicant/owner should investigate their liability under this Act.

(Reason: Access and egress)

58. Bushfire Construction

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

(Reason: Bushfire safety)

59. CCTV Report of Council Pipe System After Work

Prior to the issue of any Occupation Certificate, a qualified practitioner, with qualifications/training in accordance with Water Services Association of Australia WSA05-2013 Conduit Inspection Reporting Code of Australia Version 3.1, shall undertake a closed circuit television (CCTV) inspection and then report on the condition of the Council drainage pipelines located within the construction area, including any new or diverted pipes, after the completion of all works. The exact extent of CCTV required is to be confirmed by Council's Drainage and Assets Engineers. No person is to enter any Council stormwater conduit without written approval from Council. The camera and its operation shall comply with the following: -

- (a) The internal surface of the drainage pipe shall be viewed and recorded in a clear and concise manner.
- (b) The CCTV camera used shall be capable to pan, tilt and turning at right angles to the pipe axis over an entire vertical circle to view the conduit joints.
- (c) Distance from the manholes shall be accurately measured and displayed on the video.

- (d) All pipe joints and defects are to be inspected by stopping movement and panning the camera to fully inspect the joint and/or defect.
- (e) The inspection survey shall be conducted from manhole to manhole.

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

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

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

61. On-site Water Management System

Prior to the issue of any Occupation Certificate, the stormwater runoff from the site shall be collected and disposed of to Council's trunk drainage system accordance with Sydney Water's requirements AS/NZS3500.3, Council's DCP and Technical Standards. The construction of the stormwater drainage system of the proposed development shall be in accordance with the approved detailed stormwater drawings required under this development consent and Council's specification (AUS-SPEC). The stormwater management system shall include an on-site stormwater detention system with a minimum catchment area of 2,900m² of impervious area and water quality improvement measures in accordance with Technical Standard 1.
(Reason: Prevent nuisance flooding)

62. Sign for On-Site Stormwater Detention System

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

The wording for the plaque shall state "*This is the on-site stormwater detention 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)

63. Confined Space Sign

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

(Reason: Safe access to tank)

64. Certification of OSD

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

(Reason: Legal requirement)

65. Works-As-Executed Plans - OSD

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

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

(Reason: Record of works)

66. S88B/S88E(3) Instrument

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

The above instruments shall be created under Section 88B of the *Conveyancing Act 1919* for newly created lots. For an existing lot, the instruments can be created under Section 88E(3) of the *Conveyancing Act 1919* using Form 13PC and 13RPA respectively. The size and relative location of the OSD system, in relation to the building footprint and property boundary, must be shown on the final plan of subdivision/strata plan or must be shown on the scale sketch, attached as an annexure to the request 13PC and 13RPA forms. The S88B instrument or 13PC/13RPA forms shall be lodged with Council's Standard S88B/S88E Lodgement Form with all supporting documentations listed in the Form. Council's Standard Form is available from Council upon requested.

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

(Reason: Maintenance requirement)

67. Documentary Evidence of Positive Covenant, Engineers Certificate

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

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

(Reason: Public record)

68. Creation of a Floodway Restriction

Prior to the issue of any Occupation Certificate, create a Restriction on the Use of the Land on the title of the subject property under Section 88E(3) of the *Conveyancing Act 1919* by using Form 13RPA obtainable from the NSW Department of Lands. The restriction is to be placed over the 1%AEP flood path identified in the flood report by Meinhardt Bonnaci. The extent of the identified overland floodpath within the subject site, shall be shown on a scale sketch, attached as an annexure to the request forms.

The wording for the restriction shall state *"No placement of any structures, walls, fences, fill or other items which may impede the 1% Annual Exceedance Probability flood path within the identified flood zone shall be permitted"*.

Willoughby City Council shall be the authority empowered to release, carry or modify the restriction. Documentary evidence of registration of the instrument with the NSW Land Registry Services shall be submitted to Council and the Certifier.

(Reason: Ensure unimpeded floodwater conveyance)

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

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

Certification is to be provided to the Certifier, and a copy provided to Council, prior to issue of any Occupation Certificate.

(Reason: Protection of public asset)

70. Concrete Footpath

Prior to the issue of any Occupation Certificate, construct a 1.2 – 1.5m wide footpath from the pedestrian entry to the Leisure Centre to 1m beyond the redundant vehicle crossing at the eastern end of the site. The footpath width is to be agreed with Council's Engineer and to be generally 1.5m, unless site constraints restrict its width.

All works shall be carried out in accordance with Council's standard specifications and drawings.

(Reason: Public amenity)

71. Removal of Redundant Crossings

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

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

(Reason: Public amenity)

72. Inspection of Civil Works on Road Reserves

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

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

(Reason: Ensure compliance)

73. Turfing of Nature Strip

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

(Reason: Public amenity)

74. Public Infrastructure Restoration

Prior to the issue of the Occupation Certificate any damaged public infrastructure caused as a result of the construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) must be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council. On completion of all works associated with the development and prior to issue of the Occupation Certificate, Council's Engineer shall undertake an inspection of the road reserve / footway to confirm that no damage has occurred. Any damages identified by Council shall be restored by the applicant prior to the issued of the Occupation Certificate. Written confirmation shall be provided to the certifying authority to confirm that the requirements of this condition have been met. 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 assets)

75. Vehicle Access and Manoeuvring – Construction & Certification

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

- (a) That the as-constructed carpark complies with the approved Construction Certificate plans.
- (b) That finished driveway gradients and transitions comply with AS/NZS 2890.1 and AS 2890.2 and will not result in scraping to the underside of cars.
- (c) That the proposed vehicular path and parking arrangements comply in full with AS/NZS 2890.1, AS 890.2 and AS/NZS 2890.6 in terms of minimum dimensions provided and grades on parking spaces.
- (d) That a shared area with minimum dimensions of 2.4 x 5.4m is provided adjacent to all disabled parking spaces and a shared area with minimum dimensions of 2.4m x 2.4m is provided at the end of all disabled parking spaces to comply with AS/NZS 2890.6, and that a bollard is located in the shared zone in accordance with AS/NZS 2890.6.
- (e) Aisle widths throughout comply with AS/NZS 2890.1.
- (g) Simultaneous manoeuvring of B99 and B85 at all ramps and ramp ends including clearances for each vehicle as per AS/NZS 2890.1 is achieved.
- (h) Access and manoeuvrability of the largest vehicle accessing the site and simultaneous manoeuvrability of the largest vehicle using the site and a passenger vehicle including clearances in accordance with AS/NZS 2890.1 and AS 2890.2 is achieved.

(Reason: Ensure compliance)

76. Pavement Certification

Prior to the issue of any Occupation Certificate, a suitably qualified civil engineer shall certify that the pavements used by Council's waste vehicle to collect waste from the development is suitable to carry the load of a 22t heavy rigid vehicle and will have a life of 20 years. If required to meet this requirement, the existing pavement is to be reconstructed as required. As a minimum, the area to be reviewed and reconstructed as required, shall consist of the swept path of the heavy rigid vehicle plus an additional 1m to allow for variations in the travel path.

(Reason: Prevent future damage to Council assets)

77. Overland Flow Path – Engineers Certification

Prior to the issue of any Occupation Certificate, submit to Council written certification, prepared by a suitably qualified and experienced civil engineer (generally CPEng), that for the 1%AEP flood event that is conveyed through the site:

- the proposed works, including flood mitigation measures, are in accordance with the Meinhardt Bonacci Report dated 21/12/2020 and the additional flooding information provided in the Response to Infrastructure Comments dated 29/6/2021
- the required 300mm freeboard has been provided to the new works
- the freeboard to existing openings in the building have not been reduced.

- the recommendations of the Flood Risk Management Report have been documented in the construction certificate plans.
 - no structures, walls, fill or other items have been constructed to impede the 1% AEP overland flow path within the identified flood zone, other than works detailed in the approved flood report
- (Reason: Ensure compliance and prevent property damage)

78. Public Tree Maintenance

Prior to the issue of any relevant Occupation Certificate, the Project Arborist is to certify that:

- (a) 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 AS 4970-2009 "Protection of trees on development sites" and AS 4373 - 2007 "Pruning of Amenity Trees".
- (b) All new and replacement public trees are of the required species, container size, planting locations, planting standards, and have been grown and supplied from a recognised nursery complying to NATSPEC 2 Guide, "Specifying Trees", 2003.

(Reason: Tree management, public asset management)

79. Completion of Landscape Works

Prior to the issue of a Whole Occupation Certificate, any approved landscape works shall be consistent with the approved design, completed to a professional standard, consistent with industry best practice and published standards and certified by a qualified horticulturalist, landscape architect or landscape designer.

(Reason: Landscape amenity)

80. Tree Planting

Prior to the issue of a Whole Occupation Certificate, trees are to be planted in accordance with the following table:

No. Required	Species	Location	Min Pot Size
All trees	As indicated on the approved Landscape Plans, as amended by conditions of consent.	As indicated on the Landscape Plans	As indicated on the Landscape Plans

(Reason: Landscape amenity)

81. Project Arborist Certification

Prior to the issue of any Occupation Certificate, the Project Arborist is to certify in writing that all tree protection measures and remediation works have been complied with as per conditions of consent.

(Reason: Protection of trees required to be retained)

82. Acoustic Certification

Prior to the issue of any relevant Occupation Certificate, certification shall be provided upon completion of the works, accompanied with evidence from suitably qualified and practising acoustic engineer, to the effect that the acoustic attenuation has been carried out in accordance with the acoustic report by RWDI Australia Pty Ltd, Ref.

RWDI#2190052, dated 12 November 2020 and the mechanical services acoustic report referred to elsewhere in this consent.

(Reason: Amenity and environmental compliance)

83. Certification – Ventilation

Prior to the issue of any relevant Occupation Certificate, certification shall be provided from a suitably qualified mechanical engineer certifying that all work associated with the installation of the mechanical and/or natural ventilation systems has been carried out in accordance with the relevant Australian Standards and or alternative solution.

(Reason: Amenity, environmental compliance and health)

84. Trade Waste Permit / Consent

Prior to the issue of any relevant Occupation Certificate, evidence of a Sydney Water permit or consent for the discharge of wastewater to the sewer shall be submitted to the Certifier. Where a permit or consent may not be required from Sydney Water, certification shall be provided verifying that any discharges to the sewer will meet specific standards imposed by Sydney Water.

(Reason: Environmental compliance and health)

85. Food Premises

Prior to the issue of any Occupation Certificate the fitout of the food premises shall comply with Australian Standard *AS 4674:2004 – Design, Construction and Fitout of Food Premises*, the provisions of the Food Standards Code (Australia) and the *Food Act 2003*. No approval is granted for any remote storage area.

If a Private Certifier is to be used, the final inspection of the food premises fit out shall be carried out by a suitably qualified person. Documentation is to be submitted to the Certifier certifying compliance with all relevant requirements.

Council's Environmental Health Officer may be engaged to carry out this required inspection of the food premises.

(Reason: Public health, safety and compliance)

86. Food Premises Registration

Prior to an Occupation Certificate being issued, the food premises shall be registered with Willoughby City Council by completing and submitting the Food Business Registration Form available on Council's website.

(Reason: Public health, safety and compliance)

87. Public Swimming Pools - Update Registration

Prior to the issue of any Occupation Certificate, the registration of the public swimming pools shall be updated with Willoughby City Council's Compliance Unit.

Note: The Public Swimming Pools and Spas Registration Form is available on Council's website.

(Reason: Public Health, safety and compliance)

88. Waste Documentation and Long-term Environmental Management Plan

Documentation of offsite waste categorisation and disposal, and a Long-term Environmental Management Plan (LTEMP) shall be submitted to Council's Compliance Unit for review and concurrence in writing prior to the issue of any Occupation Certificate.

The LTEMP shall also include, but not be limited to, the following:

- Areas of known contamination and HAZMAT in the subsurface;
- Current CSM for contamination and envisaged risk linkages should the landfill cap be disturbed in the future;
- Details on the reinstatement of a physical barrier/capping (photos, specification including material, depth, and thickness, and where it is located on a site survey plan);
- Final site conditions following development and potential risk(s) into the future;
- PPE requirements for maintenance workers;
- Procedures, frequency and a checklist for the routine checking of the integrity of the landfill cap;
- Procedures for amelioration of the landfill cap should it be accidentally / purposefully modified; and
- Contingency plans should landfill gas be discovered within any future excavations and/or within enclosed spaces onsite (e.g. additional gas monitoring).

(Reason: Environmental compliance and public health)

ONGOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land, and relevant legislation.

89. Annual Fire Safety Statement

Attention is directed to Clause 177 of the *Environmental Planning and Assessment Regulation 2000* regarding the submission of an Annual Fire Safety Statement in relation to each essential fire safety measure implemented in the building or on the land on which the building is situated.

(Reason: Safety)

90. Bushfire Control

The Asset Protection zones (APZ) being maintained in accordance with the principles contained in the NSW Rural Fire Service's '*Planning for Bushfire Protection*'.

(Reason: Bushfire safety)

91. Overland Flow

The applicant's attention is drawn to potential overland flow from the upstream catchment. Appropriate measures where required shall be implemented to ensure overland flow does not enter the building and no additional flow is directed onto

adjoining property. Information regarding overland flows from upstream catchments may be obtained by contacting Councils Design/Flood Engineer.
(Reason: Protection of building)

92. Stormwater Treatment System – Ongoing Maintenance

The registered proprietor of the land shall take full responsibility for the ongoing maintenance of the Stormwater Treatment System constructed on the land. The maintenance of the system is to be undertaken in accordance with the recommendations of “Guidelines for the Maintenance of Stormwater Treatment Measures” published by Stormwater NSW or other relevant guidelines or publications.

(Reason: Ensure compliance)

93. Trees on Adjoining Properties

Unless identified in the Arboricultural Development Assessment Report dated December 2020 prepared by Moore Trees, no approval is given for the removal or pruning of trees on the nature strip, adjoining reserves, or neighbouring private land.

(Reason: Environmental protection)

94. Noise Control – Offensive Noise and Vibration

To minimise the noise and vibration impact on the surrounding environment, the use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to an “offensive noise” as defined under the provisions of the *Protection of the Environment Operations Act 1997*.

(Reason: Amenity)

95. Noise Control – Operation

To minimise the impact of noise and vibration of the development on the amenity of the adjoining properties, the business shall be operated in accordance with the recommendations of the acoustic report Development Application Acoustic Assessment dated 21 December 2020 by RWDI Australia.

(Reason: Amenity)

96. Pollution Prevention – Water

The site shall be operated and maintained to ensure all environmental risks are minimised and managed to prevent pollution of the stormwater system in accordance with the *Protection of the Environment Operations Act 1997* and any current Environment Protection Authority (EPA) requirements or guidelines.

(Reason: Environment Protection)

97. Mechanical Ventilation Systems with Regulated Air Handling and Water Systems

Mechanical ventilation systems comprising regulated air handling and water systems (cooling towers, warm-water systems and the like) shall be registered with Council on completion of the installation in accordance with the requirements of the *Public Health Act 2010* and *Public Health Regulation 2012*.

(Reason: Health protection)

98. Storage of Chemicals

All chemicals must be stored in a covered and locked storage area with appropriate warning signage. Liquids in free containers are to be stored in a bunded area. The bund is to be made of any impervious material and be large enough to hold the contents of the largest container plus 10% i.e. 110% the total stored volume. Where applicable storage must comply with the requirements of:

- (a) Australian Standard AS 1940 2004: The storage and Handling of Flammable and Combustible Liquids;
- (b) Australian Standard AS 4452 1997: The storage and Handling of Toxic Substances; &
- (c) Code of Practice for the Storage and Handling of *Dangerous Goods* 2005 Safework NSW

(Reason: Environmental protection)

99. Spill Prevention and Control

In order to ensure spill prevention and control, a ready supply of spill control and clean-up materials must be maintained and easily accessible at all times at the premise.

(Reason: Environmental protection)

100. Public Swimming Pools - Operation

The public swimming pools shall be maintained and operated in accordance with the requirements of the Public Health Act, Public Health Regulation and NSW Health Public Swimming Pool Guidelines as amended from time to time.

(Reason: Public health and amenity)

PRESCRIBED CONDITIONS

The following conditions are prescribed by Section 4.17 of the Environmental Planning & Assessment Act for developments involving building work.

101. Compliance with National Construction Code

All building works must be carried out in accordance with the performance requirements of the National Construction Code.

(Reason: Compliance)

STATUTORY REQUIREMENTS

The following advisory notes are statutory requirements of the Environmental Planning & Assessment Act and the Environmental Planning & Assessment Regulations and are provided to assist applicants

102. Construction Certificate

This consent IS NOT an approval to carry out any building works. A Construction Certificate may be required PRIOR TO ANY WORKS BEING COMMENCED.

Enquiries regarding the issue of a construction certificate can be made to Council's Customer Service Centre on 9777 1000.

(Reason: Ensure compliance and statutory requirement)

103. Notify Council of Intention to Commence Works

In accordance with the provisions of Section 6.6 of the *Environmental Planning and Assessment Act 1979* the person having the benefit of the development consent shall appoint a Certifier and give at least 2 days' notice to Council, in writing, of the person's intention to commence the erection of the building.

(Reason: Information and ensure compliance)

104. Occupation Certificate

The building/structure or part thereof shall not be occupied or used until an occupation certificate has been issued in respect of the building or part.

(Reason: Safety)

ATTACHMENT 6: NOTIFICATION MAP



Record of Neighbour Notifications sent relating to:

DA: 2021/22

At: Leisure Centre 2 Small Street WILLOUGHBY NSW 2068



