

SNPP REPORT - ADDENDUM

26 Crabbes Avenue & 243, 247 - 255 Penshurst Street NORTH WILLOUGHBY NSW 2068.

SNPP NO: PPSSNH-26
COUNCIL: WILLOUGHBY CITY COUNCIL
ADDRESS: 26 CRABBES AVENUE & 243, 247 - 255 PENS HurST STREET NORTH WILLOUGHBY NSW 2068.
DA NO: DA-2019/247
PROPOSAL: DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A NEW REGISTERED CLUB, SENIORS LIVING CONTAINING SELF CONTAINED DWELLINGS, A RESIDENTIAL AGED CARE FACILITY, NEW SHOP TOP HOUSING, BASEMENT CARPARKING AND ANCILLARY USES INCLUDING A NEW PUBLICLY ACCESSIBLE PARK.
RECOMMENDATION: APPROVAL
ATTACHMENTS: 1. REVIEW OF ADDITIONAL INFORMATION REQUESTED BY THE SNPP
2. AMENDMENT TO CONSENT CONDITIONS
3. SCHEDULE OF CONSENT CONDITIONS
RESPONSIBLE OFFICER: IAN ARNOTT (PLANNING MANAGER)
AUTHOR: CHRISTOPHER NGUYEN - DEVELOPMENT ASSESSMENT OFFICER
DATE: 28 JANUARY 2020

1. ADDENDUM TO ASSESSMENT REPORT

On 19 January 2021, the Sydney North Planning Panel requested Council to address the following issues:

1. To request the applicant provide new Clause 4.6 Statements in order to reflect the most recent amended proposal;
2. To provide clarification of the proposed FSR within the Site Compatibility Certificate allotments;
3. To amend Condition 3 to portray the accurate contribution fees the applicant would be required to provide to Council considering the reduction in apartments;
4. To amend Condition 153 to include the 37 ILU visitor car spaces.

2. NOTIFICATION

In accordance with the Willoughby Community Participation Plan, a revised proposal is not required to be re-notified if the amendments will have a lesser or similar effect as the original notified proposal. The revised plans and additional information were reviewed by Council. The amendments are considered to have a lesser impact than the original proposal and therefore is not required to be re-notified.

SNPP REPORT - ADDENDUM

26 Crabbes Avenue & 243, 247 - 255 Penshurst Street NORTH WILLOUGHBY NSW 2068.

ATTACHMENT 1: REVIEW OF ADDITIONAL INFORMATION REQUESTED BY THE SNPP

1.0 New Clause 4.6 Statements

The applicant was requested to provide new Clause 4.6 Statements to coincide with the most recent amended proposal for each relevant development standard requested to be varied by the applicant. The applicant provided the following new Clause 4.6 Statements to Council:

1. Clause 4.6 Variation Request – Floor Space Ratio (Clause 4.4) – prepared by City Plan Services to address the variation to the FSR development standard in the R2 zone;
2. Clause 4.6 Variation Request – Floor Space Ratio (Clause 4.4) – prepared by City Plan Services to address the variation to the FSR development standard in the R3 zone;
3. Clause 4.6 Variation Request – Height of Buildings (Clause 4.3) – prepared by City Plan Services to address the variation to the height development standard in the R3 zone;
4. Clause 4.6 Variation Request – Height of Buildings Development Standard - SEPP (Housing for Seniors or People with a Disability) 2004 – Clause 40(4)(a) – prepared by City Plan Services to address the variation to the applicable development standard in the R2 zone;
5. Clause 4.6 Variation Request – Height of Buildings Development Standard - SEPP (Housing for Seniors or People with a Disability) 2004 – Clause 40(4)(b) – prepared by City Plan Services to address the variation to the applicable development standard in the R2 zone;
6. Clause 4.6 Variation Request – Height of Buildings Development Standard - SEPP (Housing for Seniors or People with a Disability) 2004 – Clause 40(4)(c) – prepared by City Plan Services to address the variation to the applicable development standard in the R2 zone;

The Assessment Officer has provided a table on the next page which shows the relevant development standards to be varied by the amended proposal:

SNPP REPORT - ADDENDUM

26 Crabbes Avenue & 243, 247 - 255 Penshurst Street NORTH WILLOUGHBY NSW 2068.

No	Development Standard /site location	Instrument	Max Permissible	Proposed in Original DA	Proposed in Amended DA	Increase or Reduction
1	FSR in R2 Zone (eastern boundary - 1 lot; Blocks B & C)	WLEP 2012 (CI 4.4)	0.4:1	1.21:1	1.16:1	Reduction
2	FSR in R3 zone (western boundary – RFB)	WLEP 2012 (CI 4.4)	0.9:1	2.49:1	2.48:1	Reduction
4	Height of buildings in R3 zone (western boundary – RFB)	WLEP 2012 (CI 4.3)	12m	14.22m at lift overrun 13.4m to the top of roof	14.22m at lift overrun 13.4m to the top of roof	No change
3	Height of buildings in R2 zone (eastern boundary - 1 lot; Blocks B & C))	Seniors SEPP (CI 40(4)(a))	8m - where RFBs not permitted	9.28m (Block B) & 8.81m (Block C)	9.28m (Block B) & 8.81m (Block C)	No change
5	Height of buildings in R2 zone (eastern boundary - 1 lot; Blocks B & C))	Seniors SEPP (CI 40(4)(b))	2 storeys at the boundary	2 and 3 storeys	2 and 3 storeys	No change
6	Height of buildings in R2 zone (eastern boundary - 1 lot; Blocks B & C))	Seniors SEPP (CI 40(4)(c))	Rear 25% of block shall not exceed 1 storey	2 & 3 storeys (Block C)	2 & 3 storeys (Block C)	No change

Table 1: Variation to Development Standards

SNPP REPORT - ADDENDUM

26 Crabbes Avenue & 243, 247 - 255 Penshurst Street NORTH WILLOUGHBY NSW 2068.

The results in Table 1 show the amended proposal results in either no change or a reduction in variation to any applicable development standard. The justification provided within each new Clause 4.6 Statement has adequately justified why it is appropriate or unnecessary to comply with the relevant development standards.

As the amended proposal results in either no change or a reduction in variation to any applicable development standard, the findings and justification provided by the Assessment Officer in the original assessment report dated 19 October 2020 to support each variation are still applicable to the assessment of this development application and do not change as a result of the amended proposal.

2.0 Clarification of Proposed FSR

Control 1(a) of the Site Compatibility Certificate (SCC) imposes a maximum FSR on the sites zoned RE2 Private Recreation and R2 Low Density Residential. The table below indicates the proposed FSR of the amended proposal within the applicable lots:

	Proposed
Land Size (SCC Area)	13,789m
FSR Permissible by SCC	1.35:1
GFA Permissible by SCC	18,615m
Proposed FSR	1.17:1
Proposed GFA	16,110m

Table 2: Proposed FSR of amended proposal

As can be seen from the results in Table 2, the proposal complies with the control.

3.0 Amendment to Condition 3

Condition 3 addresses the section 7.11 contribution fees the applicant is required to provide to Council. This condition is required to be amended as there is a reduction of the total number of apartments from 127 to 126. This condition has been amended and is reflected in **Attachment 2** of this report.

4.0 Amendment to Condition 153

Condition 153 which addresses the required number of parking spaces needed to be provided is required to be amended to include Independent Living Unit visitor spaces to be added to the condition as a requirement. This condition has been amended and is reflected in **Attachment 2** of this report.

SNPP REPORT - ADDENDUM

26 Crabbes Avenue & 243, 247 - 255 Penshurst Street NORTH WILLOUGHBY NSW 2068.

ATTACHMENT 2: AMENDMENT TO CONSENT CONDITIONS

During the panel determination hearing on 3 November 2020, several conditions were required to be amended. Council has provided a list of conditions that are amended based on the advice of the Panel.

Conditions Amended within Schedule 1 – Deferred Commencement	Reason for Amendment
<p>Deferred Commencement Condition 1 is amended to the following:</p> <p>1. Acquisition of Interallotment Drainage Easement</p> <p>Submit documentary evidence by way of title documents and the associated instruments demonstrating that the subject property benefits from an interallotment drainage easement over the downstream property(s) to Horsley Avenue or Summerville Crescent, either Lot 12 DP 14241 (15 Horsley Avenue) or Lot 2 DP 18210 (6 Summerville Crescent). The size of the easement is to be in accordance with the widths detailed in Technical Standard 1 or as required to allow construction of the pipe, but shall not be less than 2.5m unless otherwise agreed by Council. (Reason: Legal requirement)</p>	<p>The applicant requested this condition be modified in accordance with the letter produced by Mills Oakley, titled “<i>Drainage line over adjacent private property, DA-2019/247, 26 Crabbes Avenue and 247-255 Penshurst Street, Willoughby NSW</i>”, dated 8 December 2020</p> <p>The Council views this condition is acceptable. The Council may legally grant development consent with this deferred commencement condition.</p>
<p>Deferred Commencement Condition 2 is amended to the following:</p> <p>2. Design of Interallotment Drainage Easement</p> <p>Submit, as part of a separate development application, full hydraulic design documentation for the required interallotment drainage system from the subject property to the approved point of discharge to the public drainage system by gravity in Horsley Avenue or Summerville Crescent. The design is to be generally consistent with either options 1, 2 or 3 in the letter from IDC to Hycorp Property Group dated 1 December 2020.</p> <p>Plans are to be prepared by a suitably qualified and experienced consulting civil engineer in accordance with the Willoughby DCP, Council’s Technical Standard 1 and AS/NZS 3500.3. The new drainage pipe within the downstream easement drainage system shall be sized to have adequate capacity to carry uncontrolled runoff (1% AEP) from the subject property. The following engineering</p>	<p>The applicant requested this condition be modified in accordance with the letter produced by Mills Oakley, titled “<i>Drainage line over adjacent private property, DA-2019/247, 26 Crabbes Avenue and 247-255 Penshurst Street, Willoughby NSW</i>”, dated 8 December 2020</p> <p>The Council views this condition is acceptable. The Council may legally grant development</p>

SNPP REPORT - ADDENDUM

26 Crabbes Avenue & 243, 247 - 255 Penshurst Street NORTH WILLOUGHBY NSW 2068.

<p>details must be included:</p> <ol style="list-style-type: none"> i. Plan view of interallotment system to scale showing dimensions, location and reduced levels of all pits, grates, pipe inverts, flushing facilities and exact point of discharge, ii. The contributing catchment calculations and supporting pipe sizing information, iii. Longitudinal section showing existing ground levels and proposed pipe invert levels, grades and flow capacities, iv. Surrounding survey detail including buildings within 10m and all trees within seven (7) metres of the proposed interallotment drainage system, v. The proposed interallotment drainage pipeline shall be designed so that it has adequate capacity to carry uncontrolled runoff (up to 1% AEP) from each proposed allotment. <p>A development consent that is generally consistent with the selection option must be obtained. (Reason: Prevent nuisance flooding and ensure the appropriate planning approval is in place)</p>	<p>consent with this deferred commencement condition.</p>
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Conditions Amended within Schedule 2	Reason for Amendment
<p>Condition 1 is required to be amended to reference the revised proposal. This can be viewed in the list of consent conditions in Attachment 3 of this report.</p>	<p>N/A</p>
<p>Condition 2 has been amended to the following:</p> <p>2. Amendments to Development</p> <p>Prior to the issue of any relevant Construction Certificate, the proposal is to be amended in the following manner:</p> <p>(a) The glazing to the western side of the Gaming Room and Multi-Purpose/Commercial Room shall be treated either with tinting or frosted glass so that one cannot view within inside the Club from Penshurst Street from outside and also so that one who is inside the Club cannot view outside towards the neighbouring properties. A Schedule of Finishes is to be provided to the Principal Certifying Authority indicating these changes;</p> <p>(b) The glazing to the eastern side of the Multi-Purpose/Commercial Room shall be treated either with tinting or frosted glass so that one cannot view within inside the Club from Building A and the Residential Aged Care Facility from outside and also so that one who is inside the Club cannot view outside towards the neighbouring</p>	<p>The panel requested this condition be amended so that one cannot view inside the Club and also so that one who is inside the Club cannot view outside towards the neighbouring properties for privacy reasons.</p>

SNPP REPORT - ADDENDUM

26 Crabbes Avenue & 243, 247 - 255 Penshurst Street NORTH WILLOUGHBY NSW 2068.

<p>properties. A Schedule of Finishes is to be provided to the Principal Certifying Authority indicating these changes;</p> <p>(c) The balcony to Apartment B307 within Building B shall be modified as follows:</p> <p style="padding-left: 40px;">i. The portion of the balcony eastwards of the eastern façade of the apartment is to be deleted i.e. the balcony should not extend beyond the eastern façade of the apartment.</p> <p>(d) A suitable gate is to be provided at the entrance from Legions Way to obstruct pedestrian access yet allow the entrance for emergency vehicles.</p> <p>Plans detailing these amendments are required to be shown on the relevant Construction Certificate plans. (Reason: To maintain amenity)</p>																						
<p>The contributions table in Condition 3 has been amended to the following:</p> <p>3. S7.11 Contribution</p> <p>Prior to the issue of any Construction Certificate, a monetary contribution is to be paid to in accordance with section 7.11 of <i>Environmental Planning and Assessment Act, 1979</i> in the amount of \$1,510,473.32 for the purposes of the Local Infrastructure identified in the <i>Willoughby Local Infrastructure Contributions Plan</i>.</p> <table border="1" data-bbox="264 1267 995 2002"> <thead> <tr> <th colspan="3" style="text-align: center;">S7.11 Contributions Calculation</th> </tr> <tr> <th style="text-align: center;">Dwellings / Residents Proposed (\$ rate / dwelling)</th> <th style="text-align: center;">QTY</th> <th style="text-align: center;">Contribution (\$)</th> </tr> </thead> <tbody> <tr> <td>bedsit / studio or 1-bed dwelling (\$11,045.36)</td> <td style="text-align: center;">6</td> <td style="text-align: right;">\$ 66,272.16</td> </tr> <tr> <td>2-bed dwelling (\$15,544.09)</td> <td style="text-align: center;">12</td> <td style="text-align: right;">\$ 186,529.08</td> </tr> <tr> <td>3 or more-bed dwelling (\$20,000)</td> <td style="text-align: center;">6</td> <td style="text-align: right;">\$ 120,000</td> </tr> <tr> <td>Senior Living Self-contained dwelling (\$11,045.36)</td> <td style="text-align: center;">403 102</td> <td style="text-align: right;">\$ 1,137,672.08 1,126,626.72</td> </tr> <tr> <td>S7.11 yielding amount based on above statistics:</td> <td style="text-align: center;">Total</td> <td style="text-align: right;">\$ 1,510,473.32 \$1,499,427.96</td> </tr> </tbody> </table>	S7.11 Contributions Calculation			Dwellings / Residents Proposed (\$ rate / dwelling)	QTY	Contribution (\$)	bedsit / studio or 1-bed dwelling (\$11,045.36)	6	\$ 66,272.16	2-bed dwelling (\$15,544.09)	12	\$ 186,529.08	3 or more-bed dwelling (\$20,000)	6	\$ 120,000	Senior Living Self-contained dwelling (\$11,045.36)	403 102	\$ 1,137,672.08 1,126,626.72	S7.11 yielding amount based on above statistics:	Total	\$ 1,510,473.32 \$1,499,427.96	<p>The Panel raised concerns to Council that this condition should be amended considering the decrease in apartment numbers to accurately reflect what contribution fees would be applicable if granted consent.</p>
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SNPP REPORT - ADDENDUM

26 Crabbes Avenue & 243, 247 - 255 Penshurst Street NORTH WILLOUGHBY NSW 2068.

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construction of a 3-storey registered club	Not inclusive in s7.11 calculation						
seniors living residential aged care facility containing 49 beds	Not inclusive in s7.11 calculation						
<p>Condition 76 has been amended to the following:</p> <p>76. Traffic Calming Measures within Crabbes Avenue</p> <p>Prior to the issue of the Whole Occupation Certificate, the applicant and/or owners of the relevant sites shall be responsible for the construction of the traffic calming measures that are provided consent by the Willoughby Local Traffic Committee. The applicant and/or owners of the site shall be responsible for all construction costs associated with providing the traffic calming measures within Crabbes Avenue.</p> <p>Written confirmation is to be obtained by Willoughby Council confirming the traffic calming measures are adequately constructed and completed. (Reason: Manage traffic flow)</p>	<p>This condition has been modified to ensure Council provides confirmation that the required traffic calming measures within Crabbes Avenue are completed satisfactorily.</p>						
<p>The following condition is added:</p> <p>139A. Operating Hours of Registered Club</p> <p>Trading hours for the registered club building are limited as follows:</p> <p>a. Indoor areas:</p> <ol style="list-style-type: none"> 1. Monday to Saturday – 7.00am to 12.00am 2. Sunday and Public Holidays – 7.00am to 10.00pm <p>b. Outdoor areas are restricted as follows:</p> <ol style="list-style-type: none"> 1. Front external terrace at ground floor level is to be closed at 9pm; 2. Alfresco area at ground floor level to the rear is to be closed at 8pm; 3. Outdoor terrace on the first floor level to the rear is to be closed at 9pm; 4. Rear external terrace on the first floor level to the 	<p>The Panel requested a condition to provide certainty regarding the operating hours of the Registered Club.</p>						

SNPP REPORT - ADDENDUM

26 Crabbes Avenue & 243, 247 - 255 Penshurst Street NORTH WILLOUGHBY NSW 2068.

<p>front is to be closed at 9pm; and 5. Rear external terrace on the first floor level to the rear is to be closed at 8pm.</p> <p>c. These hours may vary in the circumstances of special events, but only with the prior approval of Council.</p> <p>This condition has been imposed to mitigate amenity impacts upon the neighbourhood by commercial or retail trading including, but not limited to, external impacts associated with clients attending the site for business or otherwise.</p> <p>Note: This condition does not apply to deliveries to, or dispatches from, the site of wholesale goods or internal activities that occur under the approved hours of use. General use and deliveries or dispatches may be restricted by hours of use conditions. This condition does not restrict the operation of noise pollution laws.</p>	
<p>Condition 145 has been amended to the following:</p> <p>145. No Public Access to Private Communal Open Spaces</p> <p>Private communal open spaces shall be restricted to the public and patrons of the Club by appropriate access controls.</p> <p>The general public and patrons of the Club shall not have access to private communal open spaces allocated to the residents of the Seniors Living and Residential Aged Care Facility. Appropriate access controls are to be installed to ensure this condition is fulfilled. (Reason: Maintain security and amenity)</p>	<p>The Panel requested this condition be amended to provide clarity that the private communal open spaces should not be publicly accessible to the public and patrons of the Club.</p>
<p>Condition 149 has been amended to the following:</p> <p>149. Entertainment Venue (Club) – Patron Capacities</p> <p>The following authorised patron capacities for the Registered Club are not to be exceeded. The maximum patron allowance in accordance with the relevant issued liquor and gaming licences are not to be exceeded at any time. In this regard the staff are to monitor and control the following approved maximum numbers of persons as permitted under the relevant liquor and gaming licences issued in accordance with the <i>Liquor Act 2007</i> (Reason: Occupant egress/Fire Safety)</p>	<p>The Panel requested this condition to provide clarity regarding maximum patron allowances.</p> <p>Council has determined that the maximum allocation is determined by the Liquor and Gaming Licences for the Club.</p>

SNPP REPORT - ADDENDUM

26 Crabbes Avenue & 243, 247 - 255 Penshurst Street NORTH WILLOUGHBY NSW 2068.

Condition 153 has been amended to the following:

153. On-site Car Parking

The following on-site car parking provision wholly within the basement levels shall permanently be made available for the life of the development:

Seniors Living Development

- a) 1 Bedroom Seniors Living units – 21 parking spaces;
- b) 2 Bedroom Seniors Living units – 36 parking spaces;
- c) 3 Bedroom Seniors Living units – 63 parking spaces;

Residential Aged Care Facility (RACF)

- a) RACF – 5 parking spaces;
- b) RACF Staff spaces – 12 parking spaces;

Registered Club

- a) Visitor parking – 180 parking spaces;
- b) Staff parking – 35 parking spaces;

Residential Flat Building (RFB) and Shops

- a) RFB resident parking – 24 parking spaces;
- b) RFB visitor parking – 6 parking spaces;
- c) RFB Shops parking spaces for tenants – 23 parking spaces;

Other Required Parking Spaces

- a) 106 parking spaces out of the 120 parking spaces for the Seniors Living residents is to be accessible parking spaces;
- b) 18 Accessible visitor parking spaces;
- c) 1 carwash bay;
- d) 1 ambulance bay;
- e) 19 motorcycle spaces;
- f) 15 bicycle racks;
- g) 37 visitor spaces for the Independent Living Units.

All spaces must be clearly and visibly marked on site for their intended use as parking for residents, visitors, staff, disabled persons, office and retail or loading bay. The basement levels of the development must be accessible to residents, visitors and retail/business staff and clients, and emergency vehicles at all times. The basement level/level car parking comprising of residential car parking spaces must only be accessible to residents at all times.

(Reason: Ensure Compliance)

The Panel indicated to Council that the condition should also ensure the ILU visitor car spaces be input into this condition.

SCHEDULE 1

DEFERRED COMMENCEMENT

In accordance with Section 4.16(3) of the Act this consent will not operate until the applicant has provided information to the satisfaction of the Council that the following conditions can be complied with. Upon receipt of written information from the applicant in relation to the conditions in this schedule the Council will advise in writing whether the information is satisfactory and, if so, will nominate the effective date for the commencement of this consent.

In accordance with Clause 95(3) of the Regulation, a twelve (12) month period is given from the date of the 'deferred commencement' notice to lodge plans and evidence that satisfactorily address the required amendments/detail, unless overridden by special provisions as detailed within Clause 4.53 of the Act. If not, then the 'deferred commencement' will lapse and a new development application will be required.
(Reason: Ensure compliance).

1. Acquisition of Interallotment Drainage Easement

Submit documentary evidence by way of title documents and the associated instruments demonstrating that the subject property benefits from an interallotment drainage easement over either Lot 12 DP 14241 (15 Horsley Avenue) or Lot 2 DP 18210 (6 Summerville Crescent). The size of the easement is to be in accordance with the widths detailed in Technical Standard 1 or as required to allow construction of the pipe, but shall not be less than 2.5m unless otherwise agreed by Council.
(Reason: Legal requirement)

2. Design of Interallotment Drainage Easement

Submit, as part of a separate development application, full hydraulic design documentation for the required interallotment drainage system from the subject property to the approved point of discharge to the public drainage system by gravity in Horsley Avenue or Summerville Crescent. The design is to be generally consistent with either options 1, 2 or 3 in the letter from IDC to Hyecorp Property Group dated 1 December 2020.

Plans are to be prepared by a suitably qualified and experienced consulting civil engineer in accordance with the Willoughby DCP, Council's Technical Standard 1 and AS/NZS 3500.3. The new drainage pipe within the downstream easement drainage system shall be sized to have adequate capacity to carry uncontrolled runoff (1% AEP) from the subject property. The following engineering details must be included:

- i. Plan view of interallotment system to scale showing dimensions, location and reduced levels of all pits, grates, pipe inverts, flushing facilities and exact point of discharge,
- ii. The contributing catchment calculations and supporting pipe sizing information,
- iii. Longitudinal section showing existing ground levels and proposed pipe invert levels, grades and flow capacities,
- iv. Surrounding survey detail including buildings within 10m and all trees within seven (7) metres of the proposed interallotment drainage system,

SNPP REPORT - ADDENDUM

26 Crabbes Avenue & 243, 247 - 255 Penshurst Street NORTH WILLOUGHBY NSW 2068.

- v. The proposed interallotment drainage pipeline shall be designed so that it has adequate capacity to carry uncontrolled runoff (up to 1% AEP) from each proposed allotment.

A development consent that is generally consistent with the selection option must be obtained.

(Reason: Prevent nuisance flooding and ensure the appropriate planning approval is in place)

SNPP REPORT - ADDENDUM

26 Crabbes Avenue & 243, 247 - 255 Penshurst Street NORTH WILLOUGHBY NSW 2068.

SCHEDULE 2

Conditions of Consent: (Including reasons for such conditions)

CONSENT IDENTIFICATION

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

1. Approved Plan/Details

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

Type	Plan No.	Revision/ Issue No	Plan Date (as Amended)	Prepared by
Architectural Drawings	DA 2.01	C	06/08/2020	Hyecorp Property Group
	DA 2.02	C	06/08/2020	
	DA 2.03	C	06/08/2020	
	DA 2.04	C	06/08/2020	
	DA 2.05	D	08/12/2020	
	DA 2.06	C	08/12/2020	
	DA 2.07	C	08/12/2020	
	DA 2.08	C	08/12/2020	
	DA 2.09	C	08/12/2020	
	DA 3.01	A	14/06/2019	
	DA 3.02	B	06/08/2020	
	DA 3.03	B	08/12/2020	
	DA 3.04	C	08/12/2020	
	DA 3.05	D	08/12/2020	
	DA 3.06	B	08/12/2020	
	DA 4.01	C	08/12/2020	
	DA 4.02	D	08/12/2020	
	DA 4.03	C	08/12/2020	
	DA 4.04	C	08/12/2020	
	Landscape Master Plan	C100	D	
Landscape Plans	100	All plans are Issue D	All plans are dated 07/10/2020	Site Image (NSW) Pty Ltd
	101			
	102			
	103			
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SNPP REPORT - ADDENDUM

26 Crabbes Avenue & 243, 247 - 255 Penshurst Street NORTH WILLOUGHBY NSW 2068.

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	304			
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	306			
	401			
	402			
	403			
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	405			
	406			
	501			
	502			
	503			
Stormwater Plans	19013-DA-C01	G	06/10/2020	IDC
	19013-DA-C02	H	06/10/2020	IDC
	19013-DA-C04	I	06/10/2020	IDC
	19013-DA-C05	E	06/10/2020	IDC

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)

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

2. Amendments to Development

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

- (a) The glazing to the western side of the Gaming Room and Multi-Purpose/Commercial Room shall be treated either with tinting or frosted glass so that one cannot view inside the Club from outside and also so that one who is inside the Club cannot view outside towards the neighbouring properties. A Schedule of Finishes is to be provided to the Principal Certifying Authority indicating these changes;
- (b) The glazing to the eastern side of the Multi-Purpose/Commercial Room shall be treated either with tinting or frosted glass so that one cannot view inside the Club from outside and also so that one who is inside the Club cannot view outside towards the neighbouring properties. A Schedule of Finishes is to be provided to the Principal Certifying Authority indicating these changes;

SNPP REPORT - ADDENDUM

26 Crabbes Avenue & 243, 247 - 255 Penshurst Street NORTH WILLOUGHBY NSW 2068.

(c) The balcony to Apartment B307 within Building B shall be modified as follows:

i. The portion of the balcony eastwards of the eastern façade of the apartment is to be deleted i.e. the balcony should not extend beyond the eastern façade of the apartment.

(d) A suitable gate is to be provided at the entrance from Legions Way to obstruct pedestrian access yet allow the entrance for emergency vehicles.

Plans detailing these amendments are required to be shown on the relevant Construction Certificate plans.

(Reason: To maintain amenity)

3. S7.11 Contribution

Prior to the issue of any Construction Certificate, a monetary contribution is to be paid to in accordance with section 7.11 of *Environmental Planning and Assessment Act, 1979* in the amount of \$1,510,473.32 for the purposes of the Local Infrastructure identified in the *Willoughby Local Infrastructure Contributions Plan*.

S7.11 Contributions Calculation		
Dwellings / Residents Proposed (\$ rate / dwelling)	QTY	Contributions (\$)
bedsit / studio or 1-bed dwelling (\$11,045.36)	6	\$ 66,272.16
2-bed dwelling (\$15,544.09)	12	\$ 186,529.08
3 or more-bed dwelling (\$20,000)	6	\$ 120,000
Senior Living Self-contained dwelling (\$11,045.36)	102	\$ 1,126,626.72
S7.11 yielding amount based on above statistics:	Total	\$ 1,499,427.96
Proposed structures not inclusive in s7.11 calculation (ref. section 2.8.1 of <i>WLIC Plan</i>)		
construction of a 3-storey registered club	Not inclusive in s7.11 calculation	
seniors living residential aged care facility containing 49 beds	Not inclusive in s7.11 calculation	

It should be noted that s7.11 contribution credits for demolishing existing structures are not given as the registered club is being replaced by the construction of a new club which is not to be inclusive for the purpose of calculating s7.11 contributions as demonstrated above.

SNPP REPORT - ADDENDUM

26 Crabbes Avenue & 243, 247 - 255 Penshurst Street NORTH WILLOUGHBY NSW 2068.

Indexation

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

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

Where:

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

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

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

Deferred payments of contributions will not be accepted.

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

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

(Reason: Statutory requirement)

4. Services - Energy Australia

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

(Reason: Compliance)

5. External Finishes – Solar Absorptance

The external roofing, glazing and walls of each building are to be of minimal reflectance so as to avoid nuisance in the form of glare or reflections to the occupants of nearby buildings, pedestrians and/or motorists. Details demonstrating compliance are to be submitted with any relevant Construction Certificate application.

(Reason: Visual amenity)

6. Break Through Panel

- (a) Prior to the issue of any relevant Construction Certificate, provision shall be made for connection into the adjoining property at 259 Penshurst Street being Lot 1 Section C DP 6291 to allow for possible future access between the two sites. The break through panel is to be provided to the north-western corner of Basement Level 1 at a width of 7.0m;

SNPP REPORT - ADDENDUM

26 Crabbes Avenue & 243, 247 - 255 Penshurst Street NORTH WILLOUGHBY NSW 2068.

- (b) The break through panel must be shown on the construction drawings and related by accurate dimensions to the building grids. The building grids must be accurately dimensioned in two directions to at least two boundary corners of the site. The upper and lower limits of the break through panel must be clearly annotated on the construction drawings with levels related to Australian Height Datum (AHD), and a benchmark with an AHD value shown on the plan;
- (c) Building services are not to be located in the location of the break through panel;
- (d) The dimensions and location of the break through panel shall be submitted and approved by Council prior to the issue of any relevant Construction Certificate.

(Reason: Ensure compliance)

7. Sydney Water 'Tap In'

Prior to the issue of any relevant 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 relevant Construction Certificate.

(Reason: Ensure compliance)

8. Damage Deposit

Prior to the issue of the any Construction Certificate, the applicant shall lodge a Damage Deposit of **\$250,000** (GST Exempt) to Council against possible damage to Council's assets and any infrastructure within the road reserve/footway during the course of the building works. The deposit will be refundable subject to inspection by Council after the completion of all works relating to the proposed development. For the purpose of inspections carried out by Council Engineers, an inspection fee of **\$173** (GST Exempt) is payable to Council. Any damages identified by Council shall be restored by the applicant prior to release of the Damage Deposit.

Total Payable = \$250,000 + \$173 = \$250,173

(Reason: Protection of public asset)

9. Temporary Ground Anchors

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

(Reason: Encroachment of works)

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

Stormwater runoff from the site shall be collected and conveyed to the underground drainage system at the corner of Horsley Avenue and High Street via a suitably sized reinforced concrete pipe (RCP) in accordance with Council's specification. A grated drainage pit (min. 600mm x 600mm) shall be provided within the property and adjacent to the boundary prior to discharging to the Council's drainage system. In this regard, full design and construction details showing the method of disposal of surface

SNPP REPORT - ADDENDUM

26 Crabbes Avenue & 243, 247 - 255 Penshurst Street NORTH WILLOUGHBY NSW 2068.

and roof water from the site are to be submitted to Council for approval prior to the issue of any Construction Certificate.
(Reason: Prevent nuisance flooding)

11. 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 from the OSD tank is above the 1%AEP flood 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 any Construction Certificate.
(Reason: Prevent property damage)

12. Detailed Stormwater Management Plan (SWMP)

Prior to the issue any Construction Certificate, submit to the Certifying Authority for approval, detailed stormwater management plans in relation to the on-site stormwater management and disposal system for the development. The plans shall include an OSD system, with a minimum storage volume of 500m³, and a water quality improvement system that meets the parameters detailed in Part C.5 of the Willoughby DCP and Technical Standard 1. The water quality improvement measures shall include but not be limited to:

- A bio-retention basin with an area of 225m² and a water ponding depth of 300mm. Should trees be planted in the basin, the area of the basin is to be increased by 10%.
- Enviropod pit inserts, or similar, in all grated inlet pits
- A 10kL rainwater tank, plumbed to non potable uses including flushing of toilets to a minimum of 25 apartments and landscape irrigation. A minimum roof area of 1,000m² shall drain to the tank.
- A device that target removal of oils for runoff from internal roadways and parking areas.

The construction drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer and be in accordance with the IDC stormwater management plans 19013-DA C01/G, C02/H, C04/I, C05/E. All drawings shall comply with Part C.5 of Council's Development Control Plan and Technical Standards, AS3500.3 – *Plumbing and Drainage Code* and National Construction Code.

A suitably qualified civil engineer, typically CPEng, shall certify that:

- The stormwater plans have been co-ordinated with the architectural, landscape and structural plans
 - The OSD system complies with the requirements of Part C.5 of the Willoughby DCP and Technical Standard 1.
 - The water quality improvement system complies with the requirements of Part C.5 of the Willoughby DCP and Technical Standard 1 and the required treatment rates are achieved.
 - The overall stormwater system complies with AS/NZS 3500.3
- (Reason: Ensure compliance)

SNPP REPORT - ADDENDUM

26 Crabbes Avenue & 243, 247 - 255 Penshurst Street NORTH WILLOUGHBY NSW 2068.

13. Basement Pumpout Drainage System

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

- (a) The pumpout drainage system shall comprise with two (2) submersible type pumps. The two pumps shall be designed to work on an alternative basis to ensure both pumps receive equal use and neither remains continuously idle.
- (b) Each pump shall have a minimum capacity of 10L/s or shall be based on the flow rate generated from the 1 in 100 year ARI 5-minutes duration storm event of the area draining into the system, whichever is greater.
- (c) An alarm warning device (including signage and flashing strobe light) shall be provided for the pump-out system to advise the occupant of pump failure. The location of the signage and flashing strobe light shall be shown on the stormwater management plans.
- (d) The volume of the pump-out tank shall be designed with a minimum storage capacity as required by AS/NZS 3500.3.

All drawings shall be prepared by a suitably qualified and experienced civil engineer and shall comply with Part C.5 of Council's Development Control Plan, AS3500.3 – *Plumbing and Drainage Code* and the National Construction Code.

(Reason: Prevent nuisance flooding)

14. Construction Management Plan (CMP)

Prior to the issue of any relevant Construction Certificate, submit, for approval by the Certifying Authority, 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)

15. Road Pavement – Engineering Details

The applicant shall submit, for approval by Council as the road authority, prior to issue of any Construction Certificate, full engineering design plans and specifications prepared by a suitably qualified and experienced civil engineer for the reconstruction of half of the road pavement and any associated works fronting the subject site in Crabbes Avenue.

The required plans must be designed in accordance with Council's Specifications (AUS-SPEC). Approval must be obtained from Willoughby City Council as the road authority under the *Roads Act 1993* for any proposed works in the public road.

SNPP REPORT - ADDENDUM

26 Crabbes Avenue & 243, 247 - 255 Penshurst Street NORTH WILLOUGHBY NSW 2068.

(Reason: Protection of public asset)

16. 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) Construction of 1.5 metres wide concrete footpath (max. 2.5% crossfall) for the full frontage of the development site in Crabbes Avenue 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.
- (b) Construction of a full width paver with asphalt infill footpath (max. 2.5% crossfall) for the full frontage of the development site in Penshurst Street in accordance with Council's specification and Standard Drawings SD112 and SD100, or other details as advised by Council. 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
- (c) Reconstruction of existing kerb and gutter for the full frontage of the development site in Crabbes Avenue and Penshurst Street in accordance with Council's specifications and Standard Drawing SD105.
- (d) Reconstruction of half road pavement for the full frontage of the development site in Crabbes Avenue.
- (e) Construction of two vehicle crossings in Crabbes Avenue in accordance with Council's specification and Standard Drawings SD105
- (f) Construction of a new stormwater system in Horsley Avenue, to connect the stormwater drainage system from the site to the existing Council system at the corner of Horsley Avenue and High Street. The new pipe shall be a minimum 450mm diameter reinforced concrete pipe with a minimum grade of 1%. Kerb inlet pits with 3.0m lintels shall be provided at intervals not exceeding 40m and at any change of direction. If the easement from the site results in drainage to Summerville Crescent, then the system shall extend from Summerville Street to the corner of Horsley Avenue and High Street.
- (g) Replacement of kerb and gutter and pavement associated with the construction of the new stormwater system in Horsley Avenue and Summerville Crescent.

The required plans must be designed in accordance with Council's specifications (AUS-SPEC). Longitudinal and cross-sections (at 5m intervals) shall be provided for all pavement works (road and footpath) and stormwater pipes. The location of existing services shall be shown on the stormwater cross-sections. Any doorway locations adjacent to the boundary shall be detailed on the plans and internal floor levels shown, to ensure that proposed public domain levels provide the required access into the site and building. 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 any Construction Certificate. For the purpose of inspections

SNPP REPORT - ADDENDUM

26 Crabbes Avenue & 243, 247 - 255 Penshurst Street NORTH WILLOUGHBY NSW 2068.

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)

17. Driveway Longsection

Prior to issue of any Construction Certificate and in order to assess the susceptibility of vehicles to scraping as they pass over the proposed access driveway the applicant shall submit longitudinal sections for approval by the certifying authority along each side of the proposed vehicular access paths drawn at 1:20 Scale. The longitudinal sections shall include the following: -

- (a) Horizontal distance from the centreline of the road to the proposed parking slab, including provision of Council's standard layback as per Council's standard drawing SD105 which is available from Council's website. Council's standard layback is 500mm wide and back of layback is 100mm above the gutter invert.
- (b) Both existing and proposed levels (in AHD) and gradients represented in percentage(%) of the vehicular crossing and driveway.
- (c) Crossfall on road pavement shall be shown on long sections.

The design shall be prepared by a suitably qualified civil engineer using Council's standard vehicle profile (SD100). All driveway grades and transitions shall comply with AS 2890.1 -2004 and Council's specifications.

The eastern crossing is to be 6.2m wide and the western crossing is to be 6.0m wide, with 1.6m separation between the two crossings. Both crossings are to have no splays and be constructed at right angle to street kerb. The footpath which forms part of the proposed crossing shall have a maximum crossfall of 2.5%. For the design levels of the vehicular crossing at the property boundary, the following shall be complied with, unless written approval is gained from Council for alternate levels:

- (a) At back of layback – 100 mm above and parallel to the gutter invert.
- (b) At property boundary – 150mm above and parallel to the gutter invert.

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

(Reason: Safe vehicular access)

18. 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 any Construction Certificate, a suitably qualified person shall certify that the design meets these requirements.

(Reason: Safe access to tanks)

SNPP REPORT - ADDENDUM

26 Crabbes Avenue & 243, 247 - 255 Penshurst Street NORTH WILLOUGHBY NSW 2068.

19. Vehicle Access and Manoeuvring – Engineer’s Certification

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

- (a) That finished driveway gradients and transitions comply with AS 2890.1 and 2890.2 and will not result in scraping to the underside of cars.
- (b) That a maximum gradient of 5% is provided for the first 6 metres from the property’s front boundary into the site. All driveway grades shall comply AS2890.1, AS2890.2 and AS2890.6.
- (c) That the proposed vehicular path and parking arrangements comply in full with AS2890.1, AS2890.2 and AS2890.6 in terms of minimum dimensions provided.
- (d) That the headroom clearance of minimum 2.2 metres between the basement floor and any overhead obstruction (including overhead services) is provided for compliance with Section 5.3.1 of AS2890.1 and Section 2.4 of AS2890.6.
- (e) That the headroom clearance of minimum 2.5 metres is provided to all parking spaces for people with disabilities for compliance with Section 2.4 of AS2890.6.
- (f) That the headroom clearance of minimum 3.5meters is provided from the access and egress of the site to the ambulance bay and the loading bay for the SRV at Level 2 in accordance with AS2890.2..
- (g) That the headroom clearance required in AS2890.2 for the largest vehicle using the site has been provided for the loading area and the path to and from the loading area.
- (h) Minimum dimensions of 2.4m x 5.4m shared area is provided adjacent to all disabled parking spaces to comply with AS2890.6. Bollards shall be provided at the location on each shared area specified in AS2890.6 which shall be clearly labelled and shown on plans.
- (i) Simultaneous manoeuvring of B99 and B85 vehicles at all ramps and ramp ends including the clearance lines for each vehicle, in accordance with AS2890.1, is complied with.
- (i) 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.
- (k) That access to visitor parking spaces, club allocated parking spaces and the drop off area is not restricted by boomgates or doors.

(Reason: Ensure compliance)

20. Co-ordinated Plans

Prior to the issue of any Construction Certificate, a set of co-ordinated architectural, landscape and civil drawings shall be submitted to the certifying authority for approval. The architectural plans shall show the following items:

- The outline of the OSD tank and all access grates into the tank
- The location of the bio-retention basin and all grates and pits associated with the basin
- The location of the rainwater tank

The bio-retention basin, access grates to the OSD tank and rainwater tank are to be located in common areas.

(Reason: Ensure stormwater management measures comply)

SNPP REPORT - ADDENDUM

26 Crabbes Avenue & 243, 247 - 255 Penshurst Street NORTH WILLOUGHBY NSW 2068.

21. Finished Surface Levels Along the Street Boundary

Prior to the issue of any Construction Certificate, finished surface levels for all internal and external works along the street boundary, including finished floor levels, driveway levels, paving levels and landscape levels, shall be detailed on construction drawings. The development's internal surface levels must be consistent with the public domain civil works plans approved by Council under the Roads Act (1993). Any changes required to finished floor levels approved under this development consent may require an application under S4.55 of the EP&A Act.
(Reason: Ensure internal levels complement street levels)

22. On Slab Landscape Planting and Associated Works

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

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

c) The following soil depths are required in order to be counted as landscaping:

- a) 300mm for lawn;
- b) 600mm for shrubs;
- c) 1metre for trees.

(Reason: To ensure appropriate and secure waterproofing and drainage is installed to direct water flow into the drainage system, and away from habitable areas and that adequate soil volume is provided for planting.)

23. Internal Noise Levels for Independent Living Residential Aged Care

To minimise noise intrusion into residential units and the aged care facility from any external noise source, the development shall be designed and constructed to comply with the following noise criteria with windows and doors closed:

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

Note:

1. The above "other" criterion does not apply to garages, kitchens, bathrooms or hallways.
2. The above criteria define the minimum acceptable levels. Buildings may be built to a better than average standard by applying more stringent criteria.
3. If internal noise levels with windows or doors open exceed the criteria by more than 10dB(A), the design of the ventilation for these rooms should be such that occupants can leave windows closed, if they so desire, and also to

SNPP REPORT - ADDENDUM

26 Crabbes Avenue & 243, 247 - 255 Penshurst Street NORTH WILLOUGHBY NSW 2068.

meet the fresh air ventilation requirements of the *National Code of Construction (NCC)*.

Certification from an appropriately qualified acoustic consultant that the building has been designed to meet these criteria shall be submitted to the Certifying Authority prior to issue of any relevant Construction Certificate for the residential units, seniors living units and the residential aged care facility.

(Reason: Amenity, environmental compliance and health)

24. Noise from Transport Corridor

To minimise the impact of noise from any external noise source on the amenity of the occupants, the buildings shall be constructed in accordance with the recommendations and specifications contained in Section 7.0 of the acoustic report by PKA Acoustic Consulting, Ref. No. 11532, dated 2 July 2019.

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

(Reason: Amenity, environmental compliance and health)

25. Building Ventilation

To ensure that adequate provision is made for ventilation of the buildings, mechanical and/or natural ventilation shall be provided. Particular attention shall be paid to any food preparation areas that require mechanical exhaust to serve cooking appliances, and any residential units that require a supply of fresh air to meet the internal noise level criteria with windows closed. Ventilation 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 Certifying Authority prior to the issue of any Construction Certificate.

(Reason: Health and compliance)

26. Mechanical Ventilation – Food Premises

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

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

SNPP REPORT - ADDENDUM

26 Crabbes Avenue & 243, 247 - 255 Penshurst Street NORTH WILLOUGHBY NSW 2068.

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

(Reason: Amenity, environmental compliance and health)

27. Internal Noise Levels Commercial

To minimise noise intrusion from any external noise source on the commercial component of the development, the building shall be designed and constructed to comply with the requirements of Australian Standard AS2107-2016 – Acoustics – Recommended design sound levels and reverberation times for building interiors.

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

(Reason: Amenity, environmental compliance and health)

28. Construction and Fitout of Food Premises

All works associated with the construction and fit out of food premises 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 food premises operations, including sectional elevations, drawn to scale, and specifications of the equipment, finishes and operations, shall be submitted to the Certifying Authority for approval, prior to a Construction Certificate being issued for the relevant premises containing a food premises.

Note:

- (i) A “*Food Premises Design, Construction and Fit-out Guide*” (based on compliance with the above standards) is available on Council website;

SNPP REPORT - ADDENDUM

26 Crabbes Avenue & 243, 247 - 255 Penshurst Street NORTH WILLOUGHBY NSW 2068.

- (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)

29. 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)

30. Dewatering of Construction Site

To ensure any water discharged into Councils stormwater system from the excavated portions of the site complies with relevant environmental criteria, appropriate pollution control methods shall be adopted. The following details shall be submitted to the Certifying Authority prior to the issue of any Construction Certificate:

- (a) Details of proposed pollution control methods
- (b) Certification from an appropriately qualified person verifying the adequacy of the proposed pollution control methods to ensure discharged water complies water/sediment quality guideline values contained within the current Australia & New Zealand Guidelines for Fresh & Marine Water Quality.

(Reason: Pollution control and Environmental Health)

31. Acoustic Assessment – Detailed Design Stage

An acoustic assessment by an appropriately qualified acoustic consultant shall be carried out to assess the impact of noise from the following sources:

- (a) the proposed club;
- (b) mechanical services including, but not limited to, ventilation equipment, swimming pool equipment, lift machinery and roller shutter doors; and
- (c) construction noise and vibration,

on receivers occupying the surrounding area, residential units, independent living units and the residential aged care facility, where applicable. Details of the identified receivers, appropriate noise criteria, proposed equipment, siting, any attenuation required and operation recommendations shall be compiled in an additional acoustic report and be submitted with an application for a Construction Certificate for the development.

(Reason: Amenity, environmental compliance and health)

SNPP REPORT - ADDENDUM

26 Crabbes Avenue & 243, 247 - 255 Penshurst Street NORTH WILLOUGHBY NSW 2068.

32. Contaminated Land – Remediation and Validation

Prior to the lodgement of any application for a Construction Certificate:

- (a) The site must be remediated in accordance with the approved Remedial Action Plan (RAP) prepared by Construction Sciences Pty Ltd, Ref. No. 5046190085, dated 29/11/2019, and the following:
 - i.Environment Protection Authority (EPA) – ‘Consultants reporting on contaminated land – Contaminated land guidelines’ (2020), and
 - ii.State Environmental Planning Policy No 55 – Remediation of Land
 - iii.Managing Land Contamination Planning Guidelines SEPP55 – Remediation of Land (1998)

Any necessary variations to the RAP must obtain the concurrence of Council prior to the commencement of any further work.
- (b) Council shall be notified 30 days before any category 2 remediation work under SEPP 55 commences. This notification shall provide Council with the information needed to verify that the work is not category 1 by reference to the criteria in clause 14 and 15 of SEPP 55, and contain the minimum detail in accordance with clause 16 of SEPP 55.
- (c) A Stage 4 Validation Report, clearly stating that the objectives stated in the approved RAP have been achieved and the land is suitable for the continued use, must be submitted to, and approved by Council in writing, together with notice of completion of remediation pursuant to clause 18 of SEPP 55.
- (d) The Validation Report and notice of completion of remediation must be submitted to Council prior to any excavation, demolition, or other building works, undertaken that are not associated with the remediation.
(Reason: Environmental compliance, public health)

33. Hazardous Building Material Assessment

A hazardous building material assessment shall be undertaken by an appropriately qualified person prior to any demolition work commencing. The assessment shall identify any likely hazardous materials within any structure to be demolished and provide procedures on how to handle and dispose of such materials. Any hazardous materials found shall be removed in accordance with the assessment report and/or the Remedial Action Plan, whichever is appropriate. The assessment report is to be submitted to the Certifying Authority prior to the issue of any Construction Certificate.
(Reason: Environmental protection, public health and safety)

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.

SNPP REPORT - ADDENDUM

26 Crabbes Avenue & 243, 247 - 255 Penshurst Street NORTH WILLOUGHBY NSW 2068.

34. External Finishes - Compatibility

All external building material shall be in colours and textures, which are compatible with the character of the locality. In this regard:

- (a) The Schedule of Colours and Finishes submitted with the application (DA 1.06, sheets 1 through to 6, Issue A, dated 14/06/2019, prepared by Hyecorp Property Group) satisfies this requirement;
- (b) The Schedule of Colours and Finishes shall be amended to comply with all requirements stipulated within Condition 2;
- (c) The Schedule of Colours and Finishes shall be submitted to the Certifying Authority prior to commencement of work.

(Reason: Visual amenity)

35. Waste Management Plan

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

(Reason: Environment protection/waste reduction)

36. Building Site Hoarding

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

(Reason: Safety)

37. Site Management

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

- (a) Details and contact telephone numbers of the owner, builder and developer;
- (b) Location and construction details of protective fencing to the perimeter of the site;
- (c) Location of site storage areas, sheds and equipment;
- (d) Location of stored building materials for construction;
- (e) Provisions for public safety;
- (f) Dust control measures;
- (g) Site access location and construction;
- (h) Details of methods of disposal of demolition materials;
- (i) Protective measures for tree preservation;

SNPP REPORT - ADDENDUM

26 Crabbes Avenue & 243, 247 - 255 Penshurst Street NORTH WILLOUGHBY NSW 2068.

- (j) Provisions for temporary sanitary facilities;
- (k) Location and size of waste containers and bulk bins;
- (l) Soil and Water Management Plans (SWMP); comprising a site plan indicating the slope of land, access controls, location and type of sediment controls and storage/control methods for material stockpiles;
- (m) Construction noise and vibration management.

The site management measures shall be implemented prior to the commencement of any site works and maintained during the construction period. A copy of the approved Site Management Plan shall be conspicuously displayed, maintained on site and be made available to the Certifying Authority/Council officers upon request. (Reason: Environment protection, public health and safety)

38. Dilapidation Report of Adjoining Properties

Prior to commencement of work, submit a photographic survey and report of the following properties to the Certifying Authority and all owners of these adjoining properties:

1.	18 Crabbes Avenue, North Willoughby NSW 2068
2.	18A Crabbes Avenue, North Willoughby NSW 2068
3.	13 Horsley Avenue, North Willoughby NSW 2068
4.	15 Horsley Avenue, North Willoughby NSW 2068
5.	17 Horsley Avenue, North Willoughby NSW 2068
6.	19 Horsley Avenue, North Willoughby NSW 2068
7.	21 Horsley Avenue, North Willoughby NSW 2068
8.	23 Horsley Avenue, North Willoughby NSW 2068
9.	25 Horsley Avenue, North Willoughby NSW 2068
10.	223 Penshurst Street, North Willoughby NSW 2068
11.	2 Summerville Crescent, North Willoughby NSW 20684
12.	4 Summerville Crescent, North Willoughby NSW 20684
13.	6 Summerville Crescent, North Willoughby NSW 20684
14.	8A Summerville Crescent, North Willoughby NSW 20684

Such photographic survey and report shall be prepared by a suitably qualified person, detailing the physical condition of these properties, both internal and external including items as walls, ceilings, roof, structural members and other items as necessary.

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

(Reason: Protection of adjoining owners)

39. Public Risk Insurance Policy

The Public Risk Insurance Policy held by an excavator contractor must not be less than \$10 million and must contain a clause indemnifying Council against any claims in respect of the excavation works. A copy of this policy is to be submitted to Council.

(Reason: Limit liability)

SNPP REPORT - ADDENDUM

26 Crabbes Avenue & 243, 247 - 255 Penshurst Street NORTH WILLOUGHBY NSW 2068.

40. Geotechnical Report

The site and adjoining sites (including the road reserve or other public space) are to be inspected by an independent Geotechnical Engineer and a comprehensive report shall be submitted to the accredited certifier prior to commencement of work indicating how the work is to be undertaken with safety, and identifying the stages at which the engineers' personal supervision is to occur during the works.

(Reason: Protection of adjoining properties)

41. 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 Certifying Authority prior to commencement of work.

(Reason: Protection of Council's infrastructure)

42. 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

SNPP REPORT - ADDENDUM

26 Crabbes Avenue & 243, 247 - 255 Penshurst Street NORTH WILLOUGHBY NSW 2068.

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)

43. Application for Vehicle Crossing

Submit an application with fees to Council for the construction of two plain concrete vehicular crossings.

(Reason: Protection of public asset)

44. Adjustment to Street Lighting

Prior to commencement of work, consult with utility authorities to determine the requirements of relocation/adjustment of electricity supply and street lighting services fronting the property at Crabbes Avenue and High Street. Such street lighting shall also conform to Council's standard specifications.

(Reason: Public amenity)

45. 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)

46. 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 and inspection hold points detailed in the Arboricultural Impact Assessment Report dated 28 June 2019 prepared by Glenyss Laws Consulting Arborist 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)

SNPP REPORT - ADDENDUM

26 Crabbes Avenue & 243, 247 - 255 Penshurst Street NORTH WILLOUGHBY NSW 2068.

DURING DEMOLITION, EXCAVATION AND CONSTRUCTION

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

47. Removal of Material

Remove all excess excavation and construction material from the site at the completion of works to the satisfaction of the Certifying Authority. Under no circumstances should any material be dumped or allowed to spill –

- (a) on to the adjoining public reserve
- (b) on to the land within a Foreshore Area
- (c) outside the primary or secondary building areas.

(Reason: Environmental protection)

48. Excavation and/or Fill Containment

The excavation and/or fill is to be contained wholly within the subject allotment and the created banks are to be retained to the satisfaction of the Certifying Authority. If retaining walls are found to be necessary, a further Development Consent is to be obtained unless it is exempt development.

(Reason: Safety)

49. 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)

50. 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.

SNPP REPORT - ADDENDUM

26 Crabbes Avenue & 243, 247 - 255 Penshurst Street NORTH WILLOUGHBY NSW 2068.

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)

51. 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)

52. Demolition Work AS 2601-2001

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

(Reason: Safety)

53. 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)

54. 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, Work Cover NSW phone number 131 050, Councils phone number 9777 1000. 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)

SNPP REPORT - ADDENDUM

26 Crabbes Avenue & 243, 247 - 255 Penshurst Street NORTH WILLOUGHBY NSW 2068.

55. 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 Safe Removal of Asbestos (*National Occupational Health and Safety Commission 2012 (1994)*).

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

(Reason: Environmental protection/Public health and safety)

56. Survey Certificate

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

- (a) Prior to the construction of footings or first completed floor slab (i.e. prior to pouring of concrete) showing the area of the land, building under construction and boundary setbacks;
- (b) At each level indicating the level of that floor to Australian Height Datum;
- (c) Upon completion of the roof framing, before the roofing is laid, indicating the ridge height to Australian Height Datum;
- (d) At roof slab level indicating the level of that slab to Australian Height Datum;
- (e) At completion indicating the relation of the building and any projections to the boundaries, and that the building has been erected to the levels approved in the Development Application.

(Reason: Ensure compliance)

57. Excavations and Backfilling

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

(Reason: Safety)

58. Excess or Waste Concrete

Excess or waste concrete from mobile concrete agitators or concrete pumping equipment shall not be washed down, spilled or disposed of onto the road reserve, Council's stormwater system, road, pavement, reserves or Council land.

(Reason: Environmental protection)

SNPP REPORT - ADDENDUM

26 Crabbes Avenue & 243, 247 - 255 Penshurst Street NORTH WILLOUGHBY NSW 2068.

59. Temporary Toilet Facilities

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

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

60. Swimming Pool Notice

During construction and in perpetuity following completion, a notice shall be displayed showing:

- (a) Appropriate instructions of artificial resuscitation methods.
- (b) A warning stating
 - (i) "YOUNG CHILDREN SHOULD BE ACTIVELY SUPERVISED WHEN USING THIS SWIMMING POOL",
 - (ii) "POOL GATES MUST BE KEPT CLOSED AT ALL TIMES", and
 - (iii) "KEEP ARTICLES, OBJECTS AND STRUCTURES CLEAR OF THE POOL FENCE AT ALL TIMES"

NB: This notice shall be kept in a legible condition and at the pool side.

(Reason: Safety)

61. Protection of Neighbouring Buildings and Public Assets

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

(Reason: Safety)

SNPP REPORT - ADDENDUM

26 Crabbes Avenue & 243, 247 - 255 Penshurst Street NORTH WILLOUGHBY NSW 2068.

62. Temporary Ground Anchors – Supervision

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

A Chartered Professional Engineer shall monitor adjoining public infrastructures to detect any ground heaving or settlement during and after the installation of the piling and ground anchors. A rectification report shall be submitted to Council should unacceptable displacements occur within the zone of influence.

(Reason: Protection of public assets)

63. 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)

64. 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)

65. Public Tree Protection

a) Unless identified by the development consent, no tree roots over 25mm diameter are to be damaged or cut without authorisation of the Project Arborist and all structures are to be bridged over such roots where possible.

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 Open Space section and resolve the matter to Council's satisfaction, including the cost of any authorised removal and replacement being borne by the applicant/owner.

(Reason: Tree management)

66. Storage of Materials on Council Land Prohibited

The dumping or storage of building materials, spoil, vegetation, green waste, or any other material in the Council reserve is prohibited.

(Reason: Safety, environmental protection)

67. Tree Trunk, Branch and Root Protection

(a) Retain and protect the following trees and vegetation throughout the demolition and construction period: Trees numbered 20, 25, 27, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, and 44 in the Arboricultural Impact Assessment Report dated 28 June 2019 prepared by Glenyss Laws Consulting Arborist.

SNPP REPORT - ADDENDUM

26 Crabbes Avenue & 243, 247 - 255 Penshurst Street NORTH WILLOUGHBY NSW 2068.

- (b) The above trees must be clearly marked and protection devices in place to prevent soil compaction and machinery damage.
- (c) Tree protection measures must comply with the recommendations of the Arboricultural Impact Assessment Report dated 28 June 2019 prepared by Glenyss Laws Consulting Arborist and AS 4970-2009 Protection of trees on development sites with particular reference to Section 4 Tree Protection Measures.
- (d) Tree protection measures in accordance with iii) above are to be certified by the Project Arborist prior to commencement of works.
- (e) Tree roots greater than 25mm diameter are not to be removed unless approved by The Project Arborist on site.
- (f) All structures are to bridge roots unless directed by The Project Arborist on site.

(Reason: Tree management)

68. 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)

69. 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)

70. 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)

71. 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

SNPP REPORT - ADDENDUM

26 Crabbes Avenue & 243, 247 - 255 Penshurst Street NORTH WILLOUGHBY NSW 2068.

particulate air (HEPA) filter.

- (c) All dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be allowed to enter the street or stormwater system.
- (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)

72. Construction Noise and Vibration

Construction noise shall be controlled to comply with the recommendations contained in the accepted detailed design stage acoustic report and the requirements set out in the EPA Interim Construction Noise Guideline. Noise levels shall not exceed the rated background level by more than 10dB(A) at the most sensitive receiver during the standard construction hours. A noise monitoring plan shall be implemented during construction. Where noise levels may be exceeded appropriate measures to control excessive noise shall be implemented immediately.

Should complaints arise about noise and/or vibration, Council may require an acoustic assessment be carried out of construction activities and a report with recommendations to ameliorate any non-compliances be submitted to Council.

(Reason: Amenity)

PRIOR TO OCCUPATION OF THE DEVELOPMENT

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

73. Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained prior to the issue of a Final Occupation Certificate. An application must be made either directly to Sydney Water or through a Sydney Water accredited Water Service Coordinator. For details go to www.sydneypwater.com.au/section73 or call 1300 082 746.

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

(Reason: Ensure statutory compliance)

74. Commercial – Shop Number Display

Prior to the issue of any relevant Occupation Certificate for the ground floor Shops, the shop number is to be clearly displayed to any relevant entrance.

(Reason: Information)

75. Amalgamation of Sites and Street Numbering

Prior to the issue of the Whole Occupation Certificate, the allotments of the development are to be amalgamated into two single groups of allotments:

SNPP REPORT - ADDENDUM

26 Crabbes Avenue & 243, 247 - 255 Penshurst Street NORTH WILLOUGHBY NSW 2068.

The following lots are to be amalgamated into one lot:

	Legal Description
26 Crabbes Avenue	Lots 4 to 10 Section C DP 6291 Lot 11 Section C DP 6291 Lots B DP 438684 Lot 1 DP 950651 Lots 1 and 2 DP 950652
243 Penshurst Street	Lot A DP 438684 Lot B DP 364487

The remaining lots are to be amalgamated into one lot:

247-255 Penshurst Street	Lot 100 DP 858335 Lots A and B DP 23465
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Written application shall be made to the Geospatial Services Section of Council for the allocation of street numbering for each of the newly created strata lots and/or allotments. Documentary evidence of the allocated numbering issued by Council is to be lodged with the Subdivision Certificate Application and Linen Plans.

(Reason: To create an orderly subdivision pattern and ensure compliance with Council's House-Property Numbering Policy)

76. Traffic Calming Measures within Crabbes Avenue

Prior to the issue of the Whole Occupation Certificate, the applicant and/or owners of the relevant sites shall be responsible for the construction of the traffic calming measures that are provided consent by the Willoughby Local Traffic Committee. The applicant and/or owners of the site shall be responsible for all construction costs associated with providing the traffic calming measures within Crabbes Avenue.

Written confirmation is to be obtained by Willoughby Council confirming the traffic calming measures are adequately constructed and completed.

(Reason: Manage traffic flow)

77. Traffic Management Plan for Club Operations

Prior to the issue of any Occupation Certificate, a Traffic Management Plan is to be prepared for pedestrian and traffic management. The plan shall include the following details:

- a) All attempts are to be made for development generated vehicles to park on-site and not in the surrounding road network;
- b) All heavy vehicles associated with the development shall enter and leave via Penshurst Street via the following method:
 1. Enter via a left turn from Penshurst Street into Crabbes Avenue and then turn right into the development;

SNPP REPORT - ADDENDUM

26 Crabbes Avenue & 243, 247 - 255 Penshurst Street NORTH WILLOUGHBY NSW 2068.

2. Exit via a left turn into Crabbes Avenue and a left turn into Penshurst Street.
 - c) Details regarding on-site parking area to accommodate a 12.5m bus/coach to facilitate patrons attending the Club;
 - d) The provision of Local Traffic Calming Measures as determined by the Willoughby Local Traffic Committee;
 - e) Provide, maintain and operate a Vehicle Access, Movement and Parking Management Plan for the development to ensure adequate provision and safe parking of car, mini-bus, service vehicle and goods delivery vehicles at all times;
 - f) The Traffic Management Plan shall be owned and operated by the owner of the whole site and is to be made available on the premises.
- (Reason: Control traffic within surrounding streets)

78. Dilapidation Report Post Construction

Prior to the issue of a Whole Occupation Certificate, a post-construction dilapidation report shall be prepared for the following adjoining properties:

1.	18 Crabbes Avenue, North Willoughby NSW 2068
2.	18A Crabbes Avenue, North Willoughby NSW 2068
3.	13 Horsley Avenue, North Willoughby NSW 2068
4.	15 Horsley Avenue, North Willoughby NSW 2068
5.	17 Horsley Avenue, North Willoughby NSW 2068
6.	19 Horsley Avenue, North Willoughby NSW 2068
7.	21 Horsley Avenue, North Willoughby NSW 2068
8.	23 Horsley Avenue, North Willoughby NSW 2068
9.	25 Horsley Avenue, North Willoughby NSW 2068
10.	223 Penshurst Street, North Willoughby NSW 2068
11.	2 Summerville Crescent, North Willoughby NSW 20684
12.	4 Summerville Crescent, North Willoughby NSW 20684
13.	6 Summerville Crescent, North Willoughby NSW 20684
14.	8A Summerville Crescent, North Willoughby NSW 20684

Such photographic survey and report shall be prepared by a suitably qualified person, detailing the physical condition of these properties, both internal and external including items as walls, ceilings, roof, structural members and other items as necessary.

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

(Reason: Protection of adjoining owners)

79. Easement for 259 Penshurst Street, NSW 2068

- (a) Subject to agreement, an easement shall be created on reasonable grounds with the adjoining owners of 259 Penshurst Street (at no cost to the owners) to use the driveway access, ramp and circulation aisle of the proposal;

SNPP REPORT - ADDENDUM

26 Crabbes Avenue & 243, 247 - 255 Penshurst Street NORTH WILLOUGHBY NSW 2068.

- (b) Provision is to be made for 259 Penshurst Street to have shared use of the vehicular access driveway to and within the basement parking levels. The development is to be structurally designed to allow for future vehicular access from Crabbes Avenue and future opening on Basement Level 1. The Creation of a Positive Covenant and Restriction on Use of Land on the Title in respect to these vehicular access and parking provisions is to be made and documentary evidence of the registered Positive Covenant, the Restriction on the Use of Land shall be submitted to the Principal Certifying Authority Prior to the release of the Occupation Certificate. Any future subdivision plan is to provide for the maintenance of such an easement in favour of 259 Penshurst Street no cost to Council and registered at the Land Titles Office prior to the release of the Occupation Certificate

(Reason: To address vehicle access arrangements for any future development of 259 Penshurst Street)

80. Ausgrid Requirements

The Principal Certifying Authority is to ensure the following requirements by Ausgrid are fulfilled before the issue of any relevant Occupation Certificate:

The substation ventilation openings, including substation duct openings and louvered panels, must be separated from building air intake and exhaust openings, natural ventilation openings and boundaries of adjacent allotments, by separation distances which meet the requirements of all relevant authorities, building regulations, BCA and Australian Standards including AS 1668.2: The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings.

In addition to the above, Ausgrid requires the substation ventilation openings, including duct openings and louvered panels, to be separated from building ventilation system air intake and exhaust openings, including those on buildings on adjacent allotments, by not less than 6 metres.

Any portion of a building other than a BCA class 10a structure constructed from non-combustible materials, which is not sheltered by a non-ignitable blast-resisting barrier and is within 3 metres in any direction from the housing of a kiosk substation, is required to have a Fire Resistance Level (FRL) of not less than 120/120/120. Openable or fixed windows or glass blockwork or similar, irrespective of their fire rating, are not permitted within 3 metres in any direction from the housing of a kiosk substation, unless they are sheltered by a non-ignitable blast resisting barrier.

The development must comply with both the Reference Levels and the precautionary requirements of the ICNIRP Guidelines for Limiting Exposure to Time-varying Electric and Magnetic Fields (1 HZ – 100 kHz) (ICNIRP 2010). For further details on fire segregation requirements refer to Ausgrid's Network Standard 141.

Existing Ausgrid easements, leases and/or right of ways must be maintained at all times to ensure 24 hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid. For further details refer to Ausgrid's Network Standard 143.

(Reason: Requirements by Ausgrid)

SNPP REPORT - ADDENDUM

26 Crabbes Avenue & 243, 247 - 255 Penshurst Street NORTH WILLOUGHBY NSW 2068.

81. Swimming Pool – Heating and Cover

Prior to the issue of any relevant Occupation Certificate associated with the completion and use of the swimming pool, the swimming pool is to be fitted with a cover to maintain temperatures and minimise evaporation of water. Any heating shall be of energy efficient means.

(Reason: Ensure compliance/ sustainable development)

82. Swimming Pool - Access

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

(a) The pool shall not be filled with water, or be allowed to collect stormwater, until the installation of the child resistant barrier is completed to the Certifying Authority's satisfaction.

(b) The barrier is to conform to the requirements of AS 1926 –
Part 1 – “Safety Barriers for Swimming Pools”
Part 2 – “Location of Safety Barriers for Swimming Pools”

(Reason: Safety)

83. Emitted Noise – Swimming Pool/Spa

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

(Reason: Amenity)

84. BASIX Certificate

Prior to the issue of the relevant Occupation Certificate, a completion certificate is to be submitted to the Certifying Authority demonstrating the manner in which the measures committed to in the latest BASIX Certificate have been satisfied.

(Reason: Environmental sustainability)

85. Sustainable Development - Final Occupation

Prior to the issue of the Whole Occupation Certificate, the measures proposed to be undertaken in the Ecological Sustainable Development Report (also known as the 'Sustainability Scorecard') submitted as part of the Development Application are to be implemented as part of the development. Should any variation to these measures be proposed, a new report with the amendments highlighted is to be submitted for

SNPP REPORT - ADDENDUM

26 Crabbes Avenue & 243, 247 - 255 Penshurst Street NORTH WILLOUGHBY NSW 2068.

the Principal Certifying Authority's approval and is required to continue to achieve the relevant mandatory measures and other sustainability measures.

(Reason: Environmental sustainability)

86. 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)

87. Fire Safety Certificate Forwarded to NSW Fire and Rescue

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

(Reason: Safety)

88. Swimming Pool Registration

The Swimming Pool must be registered on the NSW Swimming Pool Register when it is capable of holding water and before the issue of an Occupation Certificate. The swimming pool is to be registered at

www.swimmingpoolregister.nsw.gov.au or in person at Willoughby City Council

(Fee applies when registering at Council)

(Reason: Statutory Compliance)

89. Seniors Living - Documentation

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

(Reason: Ensure compliance)

90. Safer by Design

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

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

SNPP REPORT - ADDENDUM

26 Crabbes Avenue & 243, 247 - 255 Penshurst Street NORTH WILLOUGHBY NSW 2068.

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

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

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

91. Services - Mailboxes

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

(Reason: Legal Requirement)

92. Residential Flat Building - Service Facilities

Prior to the issue of any relevant Occupation Certificate, the following shall apply to the development:

- (a) Electricity and telephone lines must be placed underground from the street to the building.
- (b) One storage area shall be allocated to each unit.
- (c) A master TV antenna or satellite dish is to be provided for the building. This shall be suitably screened from view from the street.
- (d) All plumbing pipes and installations must be concealed in ducts and not exposed on the external walls of the building and must be adequately soundproofed.

SNPP REPORT - ADDENDUM

26 Crabbes Avenue & 243, 247 - 255 Penshurst Street NORTH WILLOUGHBY NSW 2068.

- (e) Secure bicycle parking facilities shall be provided in accordance with *Willoughby Development Control Plan Part C. 4* and designed in accordance with AS2890.3.

(Reason: Ensure compliance, streetscape and amenity)

93. Seniors Living – Restriction

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

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

(Reason: Ensure compliance)

94. Temporary Ground Anchors – Destressing

Prior to the issue of any Occupation Certificate, all damages to Council's infrastructures due to the works associated with the piling and installation of the ground anchors shall be restored to the requirements of Willoughby City Council at no cost to Council. All ground anchors shall be de-stressed by the removal of the anchor heads and protruding tendons on completion of the works. A certificate issued by a professional Geotechnical Engineer verifying that all ground anchors have been decommissioned shall be submitted to Council.

(Reason: Destressing of ground anchors)

95. 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. A completion certificate shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Certifying Authority. 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)

96. On-site Water Management System

Prior to the issue of any Occupation Certificate, the stormwater runoff from the site shall be collected and disposed of via a 500m³ OSD system and the approved water quality improvement system in accordance with Sydney Water's requirements AS/NZS3500.3, Council's DCP and Technical Standards. The construction of the stormwater drainage system of the proposed development shall be generally in accordance with the approved design stormwater management plans (IDC plans 19013-DA C01/G, C02/H, C04/I, C05/E) and Council's specification (AUS-SPEC).

(Reason: Prevent nuisance flooding)

97. Sign for On-site Stormwater Detention (OSD) System

Prior to the issue of any Occupation Certificate, an aluminium plaque measuring no less than 400mm x 200mm is to be permanently attached and displayed within the immediate vicinity of the OSD tanks.

SNPP REPORT - ADDENDUM

26 Crabbes Avenue & 243, 247 - 255 Penshurst Street NORTH WILLOUGHBY NSW 2068.

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)

98. 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)

99. 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)

100. Certification of the Basement Pumpout Drainage System

Prior to the issue of any Occupation Certificate and upon completion of the pump-out system, the following shall be submitted to the Certifying Authority.

- (a) A suitably qualified and experienced civil engineer (generally CP Eng. Qualification) shall certify that the as-built pumpout system complies with Part C5 of Council’s DCP, all relevant codes and standards and the approved stormwater management plans.
- (b) Work-as-executed plans based on the approved pump-out system plans from a registered surveyor to verify that the volume of storage and pump capacity are in accordance with design requirements. Any minor changes or variations to the approved plans should be highlighted in red on the approved pump-out system plans.
- (c) Certification from a licensed plumber to ensure that the constructed pump-out system complies with the current plumbing requirements of Sydney Water and AS/NZS3500.3.

(Reason: Ensure compliance)

101. 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 Certifying Authority:

- (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

SNPP REPORT - ADDENDUM

26 Crabbes Avenue & 243, 247 - 255 Penshurst Street NORTH WILLOUGHBY NSW 2068.

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)

102. 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 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 tank/s, 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 Certifying Authority and Council prior to issue of any Occupation Certificate.

(Reason: Maintenance requirement)

103. 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 Certifying Authority 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 based on the approved stormwater management plans from a registered surveyor for the as-built OSD system.

(Reason: Public record)

104. Sight Triangles

Prior to the issue of any Occupation Certificate and in order to ensure adequate sight distances for pedestrians and traffic in the frontage road, sight triangles of 2m by 2.5m in accordance with AS/NZS 2890.1 shall be provided on each side of the vehicle crossings.

(Reason: Pedestrian safety)

SNPP REPORT - ADDENDUM

26 Crabbes Avenue & 243, 247 - 255 Penshurst Street NORTH WILLOUGHBY NSW 2068.

105. Construction of Kerb & Gutter

Prior to the issue of any Occupation Certificate, construct a new kerb and gutter together with any necessary associated pavement restoration in accordance with Council's specification for the full frontage of the development site in Crabbes Avenue and Penshurst Street.

(Reason: Public amenity)

106. Reconstruct Pavement

Prior to the issue of any Occupation Certificate, half the road pavement including any necessary associated works adjoining to the full frontage of the development site in Crabbes Avenue shall be reconstructed in accordance with Council's approved drawings, conditions and specification (AUS-SPEC). Council's standard design traffic for this pavement is 3×10^5 ESA.

(Reason: Ensure compliance)

107. Paving Bricks with Asphalt Infill

Prior to the issue of any Occupation Certificate, construct a full width footpath in approved paving bricks with asphalt infill for the full frontage of the site in Penshurst Street in accordance with Council Standard Drawing SD112, or other detail as supplied by Council.

(Reason: Public amenity)

108. Concrete Footpath

Prior to the issue of any Occupation Certificate, construct a 1.5m wide concrete footpath for the full frontage of the development site in Crabbes Avenue. All works shall be carried out in accordance with Council's standard specifications and drawings.

(Reason: Public amenity)

109. Vehicular Crossing

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

The eastern crossing is to be 6.2m wide and the western crossing is to be 6.0m wide, with 1.6m separation between the two crossings. Both crossings are to have no splays and be constructed at right angle to street kerb in plain concrete. The new crossings shall be located no closer than 1 metre from any power pole and 2 metres from any street tree unless otherwise approved by Council.

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

SNPP REPORT - ADDENDUM

26 Crabbes Avenue & 243, 247 - 255 Penshurst Street NORTH WILLOUGHBY NSW 2068.

- (a) At back of layback – 100 mm above and parallel to the gutter invert.
- (b) At property boundary – 150mm above and parallel to the gutter invert.

The footpath which forms part of the proposed crossing shall have a maximum crossfall of 2.5%. The nature strip and footpath is to be adjusted for a minimum distance of 3.0 metres on both sides of the crossing to suit the new levels.

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

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

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

110. 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 Certifying Authority prior to issue of any Occupation Certificate.
(Reason: Public amenity)

111. 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 Certifying Authority prior to the issue of any Occupation Certificate.
(Reason: Ensure compliance)

112. Performance Bond

Prior to the issue of any Occupation Certificate, the Applicant shall lodge with the Council a performance bond of \$150,000 against defective public civil works undertaken by the main Contractor for a period of twelve (12) months from the date of the completion certificate issued by Council as the road authority under the *Roads Act 1993*. The bond shall be lodged in the form of a cash deposit, cheque or unconditional bank guarantee which will be refundable subject to the approval of

SNPP REPORT - ADDENDUM

26 Crabbes Avenue & 243, 247 - 255 Penshurst Street NORTH WILLOUGHBY NSW 2068.

Council's Engineers at the end of the maintenance period. In this period, the Applicant is liable for any part of the work which fails to achieve the design specifications. Council shall be given full authority to make use of the bond for such restoration works within the maintenance period as deemed necessary.

(Reason: Ensure compliance and specification)

113. 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)

114. Public Infrastructure Restoration

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

(Reason: Protection of public assets)

115. Vehicle Access and Manoeuvring – Construction & Certification

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

- (a) That the as-constructed carpark complies with the approved Construction Certificate plans.
- (b) That finished driveway gradients and transitions comply with AS 2890.1 and 2890.2 and will not result in scraping to the underside of cars.
- (c) That a maximum gradient of 5% has been provided for the first 6 metres from the property boundary into the site.
- (d) All parking spaces are open type with no partitions.
- (e) That the as-constructed vehicular path and parking arrangements comply in full with AS/NZS 2890.1, AS 2890.2 and AS/NZS 2890.6 in terms of minimum dimensions provided.
- (f) That the headroom clearance of minimum 2.2 metres has been provided between the basement floor and any overhead obstruction to comply with Section 5.3.1 of AS2890.1 and Section 2.4 of AS2890.6.
- (g) That the headroom clearance of minimum 2.5 metres has been provided to all parking spaces for people with disabilities to comply with Section 2.4 of AS2890.6.
- (h) That the headroom clearance of minimum 3.5metres is provided from the access and egress of the site to the ambulance bay and the loading bay for the SRV at Level 2 in accordance with AS2890.2..
- (i) That the headroom clearance required in AS2890.2 for the largest vehicle using the site has been provided for the loading area and the path to and

SNPP REPORT - ADDENDUM

26 Crabbes Avenue & 243, 247 - 255 Penshurst Street NORTH WILLOUGHBY NSW 2068.

- from the loading area.
- (j) Aisle widths throughout basements comply with AS2890.1.
 - (k) Minimum dimensions of 2.4m x 5.4m shared area, has been provided adjacent to all disabled parking spaces to comply with AS2890.6. Bollards are provided at the location on each shared area specified in AS2890.6 which is clearly labelled and shown on plans.
 - (l) Simultaneous manoeuvring of B99 and B85 vehicles at all ramps and ramp ends including clearances for each vehicle as per AS2890 is achieved.
 - (m) 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.
 - (n) That access to visitor parking spaces and club allocated parking spaces is not restricted by boomgates or doors.
(Reason: Ensure compliance)

116. Construct Stormwater Drainage Works

Prior to the issue of any Occupation Certificate, construct the following stormwater drainage works in the public domain:

- New kerb inlet pit with a 3.0m lintel at the kerb and gutter in line with where the site drainage system leaves the easement.
- New 450mm dia reinforced concrete pipe located at the kerb line, to connect the new pit with the existing Council pit at the intersection of High Street and Horsley Avenue. The pipes shall have a minimum grade of 1%, unless a flatter grade is approved by Council prior to construction.
- New kerb inlet pits with 3.0m lintel along the new pipe at intervals not exceeding 40m and at any change in direction.

(Reason: Manage stormwater)

117. Certification – Stormwater Quality System

Prior to the issue of any Occupation Certificate, a suitably qualified civil engineer, typically CPEng, shall certify that the constructed stormwater quality improvement system meets the requirements of Part C.5 of the Willoughby DCP and Technical Standard 1 for stormwater quality improvement and is in accordance with the approved stormwater plans.

(Reason: Protect the environment)

118. OSD Tank

Prior to the issue of any Occupation Certificate, the section of the OSD tank located beneath the building shall be water-proofed to prevent moisture impacting the building above and sound proofed / acoustically treated as required to prevent noise from the tank from impacting residents above. The works shall be in accordance with the reports provided to Council as part of the development application. All access grates shall be located in common areas. Grates are to be provided to the tanks to provide suitable ventilation.

(Reason: Amenity in units above the OSD tank and access to tank)

119. Stormwater Maintenance Manual

Prior to the issue of any Occupation Certificate, a Stormwater Maintenance Manual shall be prepared for the site. The manual shall detail all stormwater management systems provided on the site, including stormwater quality improvement measures. It is to be in accordance with the recommendations of "Guidelines for the Maintenance

SNPP REPORT - ADDENDUM

26 Crabbes Avenue & 243, 247 - 255 Penshurst Street NORTH WILLOUGHBY NSW 2068.

of Stormwater Treatment Measures” published by Stormwater NSW or other relevant guidelines and manufacturer’s recommendations for proprietary devices.

(Reason: Ensure required measures are maintained)

120. 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)

121. Completion of Landscape Works

Prior to the issue of a Whole Occupation Certificate, landscape works including trees, shrubs and groundcovers shall be consistent with the approved Landscape Plans, completed to a professional standard, consistent with industry best practice and published standards.

(Reason: Landscape amenity)

122. Public Tree Planting

Prior to the issue of a Whole Occupation Certificate, plant the following trees on Council land forward of the commercial premises located north of the registered club in Penshurst Street:

2 x *Ulmus glabra* “Lutescens”

The trees shall:

- (a) Have a minimum container size of 100 litres and grown to NATSPEC 2 “Guide Specifying Trees”, (2003).
- (b) Be planted in accordance with WCC Landscape Specification 08/2007 “Street Tree Planting”.
- (c) Be planted generally in alignment with other street trees.

(Reason: Landscape amenity, tree canopy recruitment)

SNPP REPORT - ADDENDUM

26 Crabbes Avenue & 243, 247 - 255 Penshurst Street NORTH WILLOUGHBY NSW 2068.

123. Tree Planting

a) 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 in Condition 1 and any other conditions of consent that modify the Landscape Plans.	As indicated on the approved Landscape Plans in Condition 1	As indicated on the approved Landscape Plans in Condition 1

b) Certification of a) above is to be provided by a qualified landscape designer of landscape architect to the Principal Certifying Authority prior to issue of a Whole Occupation Certificate
(Reason: Landscape amenity)

124. 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)

125. Acoustic Works – Report

Prior to the issue of any relevant Occupation Certificate, certification shall be provided upon completion of the works, accompanied with evidence from a suitably qualified and practising acoustic engineer, to the effect that the acoustic attenuation has been carried out in accordance with the acoustic report by PKA Acoustic Consulting, Ref. No. 11532, dated 2 July 2019, and any other subsequent reports, and meets the design criteria contained in those reports.
(Reason: Amenity, environmental compliance and health)

126. Noise Emission – Equipment

Prior to the issue of any relevant Occupation Certificate, certification shall be provided from a suitably qualified acoustic engineer certifying that the noise from all sound producing plant, equipment, machinery and/or mechanical ventilation system complies with the relevant noise criteria.
(Reason: Amenity, environmental compliance and health)

127. 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)

SNPP REPORT - ADDENDUM

26 Crabbes Avenue & 243, 247 - 255 Penshurst Street NORTH WILLOUGHBY NSW 2068.

128. 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 Certifying Authority. 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)

129. Food Premises

Prior to the issue of any Occupation Certificate for a building containing a food premises, the fitout of all 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 Certifying Authority certifying compliance with all relevant requirements.

Council's Environmental Health Officer may be engaged to carry out this required inspection of the food premises. An inspection fee shall be charged in accordance with Council's current *Food Premises Fitout Inspection Fee*, as per the *Willoughby Council Management Plan – Fees and Charges Schedule*. This fee must be paid prior to the inspection.

(Reason: Public health, safety and compliance)

130. Food Premises Registration

Prior to any relevant Occupation Certificate being issued for a food premise, 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)

PRIOR TO THE RELEASE OF LINEN PLANS/SUBDIVISION CERTIFICATE/STRATA APPROVAL

The following are to be complied with prior to the issue of the Subdivision Certificate / Strata Approval and the release of the Linen Plans for registration at the Land and Property Information Office.

131. General Easement/ROW Provision and Certification

The creation of drainage easements, service easements and/or rights-of carriageway shall be carried out as required. A registered surveyor is to certify prior to the release of the subdivision certificate that all interallotment drainage lines, services or driveways are fully contained within the proposed allotment and/or that future provisions of such are fully covered by the proposed burdens. Alternatively if the surveyor is of the opinion that no easements and/or rights-of-carriageway are required then certification to this effect from the surveyor is to be submitted.

(Reason: Ensure compliance)

SNPP REPORT - ADDENDUM

26 Crabbes Avenue & 243, 247 - 255 Penshurst Street NORTH WILLOUGHBY NSW 2068.

132. Location of On-Site Detention System

The locations of the as-built on-site stormwater detention system(s) shall be shown on the final plan of subdivision/strata plan. Access to the OSD tank shall be located in common property.

(Reason: Ensure compliance)

133. Documentary Evidence of Registered Positive Covenant and Restriction on the Use of Land

Prior to issue of the Subdivision Certificate, the following documentary evidence of the completed on-site detention (OSD) system shall be submitted to Council:-

- (a) Title Deed of the as-built OSD systems. Alternatively, the applicant shall create a Positive Covenant and Restriction on the use of Land with this application.

(Reason: Public record)

134. Section 88B Instrument

A Section 88B Instrument is to be submitted with the Linen Plan for subdivision in respect to any proposed easements, rights-of-way and positive covenants.

(Reason: Ensure compliance)

ONGOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

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

135. Domestic Air Conditioning Units Noise Level

All air conditioning units installed shall not be heard in a habitable room in another residential premises between the hours of 10.00pm and 7.00am weekdays and 10.00pm and 8.00am weekends and public holidays.

(Reason: Compliance and amenity)

136. Daily Garbage Disposal

Garbage including putrescibles shall be disposed of daily in accordance with Willoughby Development Control Plan.

(Reason: Health and amenity)

137. Aboriginal Heritage

To ensure that any possible Aboriginal Heritage sites and/or objects are protected during site works, all disturbance shall stop immediately if potential Aboriginal sites or objects are identified and Council, the NSW Office of Environment and Heritage, and the Metropolitan Local Aboriginal Land Council are to be contacted in order to investigate the matter and establish steps to be taken prior to further disturbance.

(Reason: Aboriginal heritage conservation)

SNPP REPORT - ADDENDUM

26 Crabbes Avenue & 243, 247 - 255 Penshurst Street NORTH WILLOUGHBY NSW 2068.

138. Plan of Management – Memorial Park

All operational details, objectives and management measures stipulated within the Plan of Management for the Memorial Park (titled '*Plan of Management Memorial Park*', prepared by City Plan Services, dated July 2019) are to be conducted and fulfilled by the operator of the Registered Club in perpetuity. The Plan of Management is also to be modified to include the following additional operational requirements and amendments:

- a) The Memorial Park is to be publicly accessible to the general public every day;
- b) The operator of the Registered Club is wholly responsible for the management and maintenance of the Memorial Park. The Memorial Park is to be maintained in accordance with the approved Landscape Plans;
- c) The operator of the Registered Club shall provide security patrols for the Memorial Park at hourly intervals during the approved operating hours of the Club;
- d) Signage is to be installed by the operator of the Registered Club for the following:
 1. Signage to clearly indicate entry and exits to Crabbes Avenue and Penshurst Street.
 2. Signage to indicate to patrons to leave in an orderly manner to not disturb surrounding residents;
 3. Signage within the Memorial Park to indicate the prohibited activities as outlined within the Plan of Management;
- e) Events held in the Memorial Park are to be restricted to once per month, across a 12-month period, as stated in the Plan of Management;
- f) Any request made by Willoughby City Council or the NSW Police for CCTV security footage to the Memorial Park shall be provided as soon as possible;
- g) Any trees that pose a serious risk to the health and life of the general public will be pruned or removed at the request of Willoughby City Council;
- h) Pedestrian ingress and egress from Legions Way is to be restricted, however access for emergency vehicles from Legions Way shall be facilitated;
- i) All other measures stipulated within the Plan of Management for the Memorial Park is to be conducted in perpetuity.

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

(Reason: Maintain amenity)

139. Plan of Management – Registered Club

All operational details, objectives and management measures stipulated within the Plan of Management for the Registered Club (titled '*Plan of Management Club Willoughby*', prepared by City Plan Services, dated July 2019) are to be conducted and fulfilled by the operator of the Registered Club in perpetuity. The Plan of Management is also to be modified to include the following additional operational requirements and amendments:

- a) The Registered Club is to operate in accordance with the requirements of a valid liquor licence and all requirements within the *Liquor Act 2007*;
- b) The location of the War Memorial is to be completed. All next of kin are to be notified of the location of the War Memorial;

SNPP REPORT - ADDENDUM

26 Crabbes Avenue & 243, 247 - 255 Penshurst Street NORTH WILLOUGHBY NSW 2068.

- c) The following outdoor terrace areas are to be closed to patrons as stipulated within the Plan of Management:
 - 1. Front external terrace at ground floor level is to be closed at 9pm;
 - 2. Alfresco area at the ground floor level to the rear is to be closed at 8pm;
 - 3. Outdoor terrace on the first floor level to the rear is to be closed at 9pm;
 - 4. Rear external terrace on the first floor level to the front is to be closed at 9pm;
 - 5. Rear external terrace on the first floor level to the rear is to be closed at 8pm.

- d) Provide details regarding the amount of bookings and management of functions;
- e) Provide details regarding hiring procedures;
- f) Provide warning and instructional signs on patron behaviour;
- g) Comply with smoking and compliance with smoke-free legislation;
- h) Customer ingress and egress from Legions Way is to be restricted, however access for emergency vehicles from Legions Way shall be facilitated;
- i) Details regarding the ongoing review of the Plan of Management at a regular interval.

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

Any further modifications cannot be made to the Plan of Management unless conducted through a S4.55 Modification Application.
(Reason: Maintain amenity)

139A. Operating Hours of Registered Club

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

a. Indoor areas:

- 1. Monday to Saturday – 7.00am to 12.00am
- 2. Sunday and Public Holidays – 7.00am to 10.00pm

b. Outdoor areas are restricted as follows:

- 1. Front external terrace at ground floor level is to be closed at 9pm;
- 2. Alfresco area at ground floor level to the rear is to be closed at 8pm;
- 3. Outdoor terrace on the first floor level to the rear is to be closed at 9pm;
- 4. Rear external terrace on the first floor level to the front is to be closed at 9pm; and
- 5. Rear external terrace on the first floor level to the rear is to be closed at 8pm.

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

SNPP REPORT - ADDENDUM

26 Crabbes Avenue & 243, 247 - 255 Penshurst Street NORTH WILLOUGHBY NSW 2068.

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

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

140. Plan of Management – Residential Aged Care Facility

All operational details, objectives and management measures stipulated within the Plan of Management for the Memorial Park (titled '*Plan of Management – Residential Aged Care Facility (RACF) inclusive of Emergency Response and Evacuation Plan*', prepared by City Plan Services, dated July 2019) are to be conducted and fulfilled by the operator of the Registered Club in perpetuity.

Any further modifications cannot be made to the Plan of Management unless conducted through a S4.55 Modification Application.
(Reason: Maintain amenity)

141. Communal Rooftop Gardens – No Sale of Food or Drinks

No food or drinks are to be sold or made available in the communal rooftop gardens by the operator of the Seniors Living Housing, Residential Aged Care Facility and Registered Club. The restaurant within Building A is to not provide food and drinks services to any communal rooftop area.
(Reason: Compliance and maintain amenity)

142. Operation of Restaurant in Building A

The restaurant on ground floor of Building A is to be operated by the Seniors Living operator. The restaurant is not to be leased to an external party.
(Reason: Maintain seniors living amenity)

143. Patron Egress from Club

The Club is to restrict patrons from exiting the Club via the rear pathway that adjoins the park after 10pm. Patrons are to either exit the Club via the basement car park or via walking to the exit to Penshurst Street.
(Reason: Maintain amenity)

144. Loading and Unloading of Goods

All delivery vehicles associated with the operations and maintenance of the Registered Club, Seniors Living, Residential Aged Care Facility, Shops and Residential Flat Building shall load and unload goods within the Basement Carpark.
(Reason: Maintain traffic and amenity)

145. No Public Access to Private Communal Open Spaces

The general public and patrons of the Club shall not have access to private communal open spaces allocated to the residents of the Seniors Living and

SNPP REPORT - ADDENDUM

26 Crabbes Avenue & 243, 247 - 255 Penshurst Street NORTH WILLOUGHBY NSW 2068.

Residential Aged Care Facility. Appropriate access controls are to be installed to ensure this condition is fulfilled.

(Reason: Maintain security and amenity)

146. Relocation of War Memorial

Within ninety (90) days after the date of the issue of any relevant Occupation Certificate for the Registered Club, the proprietors of the Club must appropriately relocate the War Memorial either within the Park or Registered Club. All next of kin for those who are interned within the War Memorial are to be given thirty (30) days notification of the relocation of the War Memorial. All reasonable attempts are to be made regarding identification of the next of kin and notification of the relocation of the War Memorial. The War Memorial is to be maintained for the life of the development.

(Reason: Requirement for Club)

147. 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)

148. Entertainment Venue - Display of Approval

A copy of this development consent including conditions for the use of the premises as an entertainment venue, together with a current copy of the buildings Annual Fire Safety Statement are to be permanently displayed in a prominent, visible position within the main entry lobby to the entertainment area of the premises.

(Reason: Ensure compliance/Fire safety)

149. Entertainment Venue (Club) - Patron Capacities

The maximum patron allowance In accordance with the relevant issued liquor and gaming licences are not to be exceeded at any time. In this regard the staff are to monitor and control the following approved maximum numbers of persons as permitted under the Club Licence and the *Liquor Act 2007*

(Reason: Occupant egress/Fire Safety)

150. Entertainment Venue - Noise Control

Noise levels emitted from the premises are not to exceed the background noise levels by more than 5dB(A) at anytime. Measurement is taken at the boundary of any affected property.

(Reason: Ensure compliance/Amenity)

151. Entertainment Venue - Occupant Egress

Exit doorway and paths of travel to exits are to be kept clear and unobstructed at all times.

(Reason: Occupant egress/Fire safety)

SNPP REPORT - ADDENDUM

26 Crabbes Avenue & 243, 247 - 255 Penshurst Street NORTH WILLOUGHBY NSW 2068.

152. Entertainment Venue - Inspection of Premises

The premises are to be inspected by Council on an annual basis to ensure that adequate levels of public safety are provided. In this regard, a copy of the Annual Fire Safety Statement for the building is to be forwarded to Council together with the payment of an inspection fee in accordance with Council's Schedule of Fees applicable at the date of payment.

(Reason: Ensure compliance/Public Safety/Fire safety)

153. On-site Car Parking

The following on-site car parking provision wholly within the basement levels shall permanently be made available for the life of the development:

Seniors Living Development

- a) 1 Bedroom Seniors Living units – 21 parking spaces;
- b) 2 Bedroom Seniors Living units – 36 parking spaces;
- c) 3 Bedroom Seniors Living units – 63 parking spaces;

Residential Aged Care Facility (RACF)

- a) RACF – 5 parking spaces;
- b) RACF Staff spaces – 12 parking spaces;

Registered Club

- a) Visitor parking – 180 parking spaces;
- b) Staff parking – 35 parking spaces;

Residential Flat Building (RFB) and Shops

- a) RFB resident parking – 24 parking spaces;
- b) RFB visitor parking – 6 parking spaces;
- c) RFB Shops parking spaces for tenants – 23 parking spaces;

Other Required Parking Spaces

- a) 106 parking spaces out of the 120 parking spaces for the Seniors Living residents is to be accessible parking spaces;
- b) 18 Accessible visitor parking spaces;
- c) 1 carwash bay;
- d) 1 ambulance bay;
- e) 19 motorcycle spaces;
- f) 15 bicycle racks;
- g) 37 visitor spaces for the Independent Living Units.

All spaces must be clearly and visibly marked on site for their intended use as parking for residents, visitors, staff, disabled persons, office and retail or loading bay. The basement levels of the development must be accessible to residents, visitors and retail/business staff and clients, and emergency vehicles at all times. The basement level/level car parking comprising of residential car parking spaces must only be accessible to residents at all times.

(Reason: Ensure Compliance)

SNPP REPORT - ADDENDUM

26 Crabbes Avenue & 243, 247 - 255 Penshurst Street NORTH WILLOUGHBY NSW 2068.

154. Illumination of Building or Car Park

Illumination of any part of the building or car parking areas is to be designed so as to avoid glare adversely affecting nearby residents.

(Reason: Amenity)

155. Signs

A separate Development Application shall be submitted to Council for approval in respect of any proposed advertising sign which will be visible from a public place to be designed to comply with Willoughby Development Control Plan. Please note that a separate DA is not required for signs which are "Exempt Development" as defined under S4.1(1) of the *Environmental Planning and Assessment Act 1979*.

(Reason: Ensure compliance)

156. 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)

157. Loading and Unloading

All loading and unloading of goods is to be conducted wholly within the site. Loading areas are to be maintained free of obstructions for the sole use of delivery vehicles. Under no circumstances are loading/unloading activities to be conducted from vehicles standing kerbside in Crabbes Avenue or High Street.

(Reason: Access and amenity)

158. Access to Parking

Access to visitor parking, club parking and the drop off zone is to be freely available and not restricted by boom gates or doors.

(Reason: Access)

159. Enter and Leave in Forward Direction

All vehicles shall enter and leave the site in a forward direction. No vehicle shall reverse out of the site.

(Reason: Vehicle and pedestrian safety)

160. Trees on Adjoining Properties

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

(Reason: Environmental protection)

SNPP REPORT - ADDENDUM

26 Crabbes Avenue & 243, 247 - 255 Penshurst Street NORTH WILLOUGHBY NSW 2068.

161. 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)

162. Collection/Delivery Services

To minimise the noise impact of the development on the surrounding environment, the collection and delivery of goods and materials (including garbage and recycling waste) from and to the premises shall not take place outside the hours of 7am to 7pm Monday to Friday.

(Reason: Amenity)

163. 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)

164. Stormwater Drainage Management

Upon commencement of the use and in perpetuity, 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.

Ensure that stormwater drains in or near the property carry clean rainwater only. Any other liquids or solids are considered a pollutant. Do not allow any wash water, food stuffs, grease, litter or other pollutants from business operations to get into the stormwater drains. Drains must be free of litter, leaves or any other foreign matter at all times.

(Reason: Environmental protection)

165. Mechanical Ventilation – Provisions for Future Use of Commercial/Retail Tenancy

The base building design shall include provisions for the installation of mechanical ventilation to any commercial/retail tenancy where it may be approved to be used as a food premises or any other use which requires mechanical ventilation. The provisions shall allow any mechanical ventilation system installed to discharge vertically and comply with the requirements of the National Construction Code and any relevant Australian Standard.

(Reason: Amenity/Ensure compliance)

SNPP REPORT - ADDENDUM

26 Crabbes Avenue & 243, 247 - 255 Penshurst Street NORTH WILLOUGHBY NSW 2068.

166. Waste Storage Area – Food Premises

The waste storage area shall be fitted out to comply with the following:

- (a) The floor of the garbage room shall be impervious, coved at the intersection with the walls, graded to a floor waste connected to the sewer;
- (b) The walls shall be finished with a smooth, impervious surface;
- (c) The garbage area shall be ventilated, proofed against pests, have self-closing doors; and
- (d) Provided with a hose tap connected to the water supply.

These provisions are to be in place prior to the occupation of the food premises.

(Reason: Health & Amenity)

167. Odour Emissions

Upon commencement of the use and in perpetuity, odour control and roasting equipment installed at the premises shall be maintained and operated in a proper and efficient manner to ensure that there is no noticeable odour outside the boundary of the property.

(Reason: Compliance)

168. Regulated Air Handling and Water Systems

All regulated air handling and water systems shall be maintained and operated in accordance with:

- (a) Australian/New Zealand Standard AS/NZS 3666.2:2011 – Air handling and water systems of buildings - Microbial Control - Operation and maintenance;
- (b) Australian/New Zealand Standard AS/NZS 3666.3:2011 – Air handling and water systems of buildings - Microbial Control – Performance based maintenance of cooling water systems;
- (c) Australian/New Zealand Standard AS/NZS 3666.4:2011 – Air handling and water systems of buildings - Microbial Control – Performance based maintenance of air-handling systems (ducts and components);
- (d) the *Public Health Act 2010*; and
- (e) the *Public Health Regulation 2012*.

(Reason: Compliance and health)

169. Acoustic Compliance Report

During the first 90 day period after the date any Occupation Certificate is issued for the club facility, a suitably qualified acoustic engineer must be appointed and the following acoustic measures must be undertaken:

- a) The acoustic consultant must:
 - i) measure and verify that the noise emanating from the premises, including vehicles movements and patrons leaving the premises, complies with the noise criteria adopted in the acoustic report by PKA Acoustic Consulting, Ref.

SNPP REPORT - ADDENDUM

26 Crabbes Avenue & 243, 247 - 255 Penshurst Street NORTH WILLOUGHBY NSW 2068.

PKA11532 R01v1, dated 2 July 2019, and any subsequent acoustic report;
and

- ii) if necessary, make recommendations to ensure that the noise emanating from the use of the club complies with the noise criteria referred to above.
- b) The noise measurements must be:
- i) taken from 10pm until 1am (after close of business) on at least three different nights of the week from Thursday to Sunday when the playing of live music is occurring; and
 - ii) submitted to Council's Compliance Unit for endorsement within 7 days of taking the measurements.
- c) If the acoustic consultant recommends that additional treatment or works be undertaken under part a) ii) above, those recommendations must be:
- i) submitted to Council with the noise measurements as required in b) ii) above; and
 - ii) implemented to the acoustic consultant's satisfaction before the end of the 90 day period after the date of any Occupation Certificate being issued.
- d) If the acoustic consultant's recommendations are not able to be implemented in accordance with this condition, the playing of live music must not occur until such time as the recommendations are implemented and verified.
- e) If the acoustic consultant's report is not accepted by Council or the outcome is not satisfactory, Council reserves the right to take regulatory action to remedy the acoustic impact on noise receivers, require further acoustic assessment by a suitably qualified acoustic consultant, or require changes to the Plan of Management.
- (Reason: acoustic compliance, amenity and health)

170. Food Premises – Markets and Temporary Events

Any temporary food stall shall comply with:

- (a) Food Safety Standards
 - (i) Standard 3.2.2 Food Safety Practices and General Requirements,
 - (ii) Standard 3.2.3 Food Premises and Equipment,
 - (iii) Part 1.2 – labelling and other information requirements,
 - (iv) the '*Guidelines for Food Businesses at Temporary Event*' from the Food Authority website
http://www.foodauthority.nsw.gov.au/_Documents/retail/temp_events_guideline.pdf
This guide is based on the above standards and sets out minimum requirements to achieve compliance.

SNPP REPORT - ADDENDUM

26 Crabbes Avenue & 243, 247 - 255 Penshurst Street NORTH WILLOUGHBY NSW 2068.

- (b) Ensure that each stall is:
 - (i) Located in a dust free area,
 - (ii) Away from toilets and garbage bins,
 - (iii) Supplied with sufficient potable water,
 - (iv) Suitably constructed,
 - (v) Fitted with food handling facilities for storage, cooking, hot/cold holding, preparation serving, including hand washing,
 - (vi) Registered with Council for the preparation or manufacture of food.
- (c) For the sale of food prepared offsite, the stall shall be in possession of a Food Inspection Report from the respective local council that is no more than 12 months old.
- (d) A Food Safety Supervisor is required if the food being prepared and sold is:
 - (i) Ready to Eat,
 - (ii) Potentially hazardous,
 - (iii) Not sold and served in the suppliers' original package.
 - (iv) Food Safety Supervisors shall have their FSS certificate available for inspection and kept onsite.
- (e) Willoughby City Council is notified 1 week prior to the market or event

Note: Copies of the Food Standards Code may be obtained from Food Standards Australia and New Zealand.

(Reason: Health and compliance)

PRESCRIBED CONDITIONS

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

171. 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)

172. Entertainment Venue - Compliance with Regulations

The premises operating as an Entertainment Venue shall comply with the requirements of the National Construction Code and clause 98D and Schedule 3A of the *Environmental Planning and Assessment Regulation 2000*, where applicable.

(Reason: Fire safety/ensure compliance)

SNPP REPORT - ADDENDUM

26 Crabbes Avenue & 243, 247 - 255 Penshurst Street NORTH WILLOUGHBY NSW 2068.

173. Maximum Capacity Signage

As required by Clause 98D of the *Environmental Planning and Assessment Regulation 2000*, a sign must be displayed in a prominent position in the building that specifies the following:

- (a) the maximum number of persons, as specified in the development consent, that are permitted in any part of the building use,
- (b) the name, address and telephone number of the Council of the area in which the building is located,
- (c) the name and business telephone number of an owner or manager of the part of the building permitted to be used under this consent.

Note: Premises with more than one (1) entrance will require signs containing the abovementioned information in those locations.

(Reason: Information/Ensure compliance)

Note to Applicant:

Section 4.17 (10B) of the *Environmental Planning & Assessment Act 1979* confers the right for the Consent Authority to review a condition that permits extended hours of operation and increases in the maximum number of persons permitted within a building.

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

174. 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)

175. 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 Certifying Authority 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)

176. 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)