

GENERAL CONDITIONS

Conditions from 1 to 13

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
Cover Sheet	DA 1.00	C	05/11/2024	Antoniades Architects
Existing/Demolition Plan	DA 2.01	A	14/12/2023	
Site Plan	DA 3.01	B	05/11/2024	
Club- Ground Level	DA 3.02	C		
Club- Top of Ground Level	DA 3.03	B		
Club- Level 1	DA 3.04	C		
Club- Rood Level	DA 3.05	B		
Club- Sections	DA 3.20		19/07/2024	
Club- South & East Elevations	DA 4.01	C	05/11/2024	
Club- North & West Elevations	DA 4.02	A	14/12/2023	
ILU- Basement Level	DA 4.51	B	19/07/2024	
ILU- Lower Ground Level	DA 4.52	C	05/11/2024	
ILU- Ground Level	DA 4.53			
ILU- Level 01	DA 4.54			
ILU- Level 02	DA 4.55			
ILU- Roof Level	DA 4.56			
ILU- Sections	DA 5.01			
Overall Sections	DA 5.03			
ILU- South & East Elevations	DA 5.20			
ILU- North & South Elevations	DA 5.21			
PLAN OF SUBDIVISION OF LOT 1 IN DP610360	-	C	30/10/2024	LTS
Landscape Plans	L-00 to L-19	M	12/11/2024	SiteDesign + Studio

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

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

2. Local Infrastructure Contributions

For development that involves subdivision and/or building work, any contribution required under Council's Local Infrastructure Plan must be paid to Council prior to the issue of the subdivision certificate or first construction certificate, whichever occurs first.
(Reason: Statutory requirement)

3. Ausgrid

The following conditions from Ausgrid must be complied with:

	<p>Ausgrid has no objection to this development application, however the design submission must comply with relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice for construction works near existing electrical assets.</p> <p>The "as constructed" minimum clearances to Ausgrid's infrastructure must not be encroached by the building development. It also remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite. Ausgrid's Network Standards can be sourced from Ausgrid's website, www.ausgrid.com.au Should you have any enquiries, please contact Ausgrid at Development@ausgrid.com.au</p>
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(Reason: Ensure compliance)

4. NSW Police

The following conditions from NSW Police must be complied with:

A.	The site will need to be clearly identified through a building name or street number and be visible from the street. This will enable all emergency services to locate the premises.
B.	Lighting within the site will need to be positioned in a way to reduce opportunities for offenders to commit crime i.e vandalism and graffiti. The lighting will need to be sufficient to support images obtained from any CCTV footage. Please note that some low- or high-pressure lighting is not compatible with surveillance systems.
C.	An electronic surveillance system should be included to provide maximum surveillance of all areas of the site including entry/exits, car parks, mail areas and common areas. Cameras should also cover public footpath areas around the premises. The system should be capable of recording high- quality images of events. The recording equipment should be locked away to reduce the likelihood of tampering.
D.	All recording made by the CCTV system must be stored for at least a minimum of 30 days. Ensure that the system is accessible by at least one member of staff at all times it is in operation, and provide any recordings made by the system to a police officer or inspector within 24 hours of any request by a police officer or inspector.
E.	Mailboxes and parcel delivery areas should be secure and covered with CCTV cameras. If possible, a secure method for parcel delivery should be set up inside the building i.e., a mail room.
F.	If the site has storage cages, they should be made of solid materials that can't be cut open and should be covered by CCTV cameras. They should have a material encasing them that prevents individuals being able to see into the storage cage from the outside of the cage. Signs should be placed in the area warning residents not to leave valuable items in storage cages.

G.	Any bicycle parking should be in a secure area and covered with CCTV cameras.
H.	Appropriate signage should be erected inside and around the perimeter of the entire property to warn of security treatments in place e.g. "This site is under 24-hour video surveillance".
I.	"Park Smarter" signage should be displayed in the car park to warn/educate motorists to secure their vehicles and not leave valuable items in their cars. The car park will also need to have adequate lighting.
J.	Windows within the site should also be of solid construction. These windows should be fitted with quality window lock sets that comply with the Australian Standards – Lock Sets AS:4145. Glass within doors and windows should be reinforced to restrict unauthorised access. The glass can be either fitted with a shatter-resistant film or laminated to withstand physical attacks.
K.	Doors should be of solid construction and should be fitted with quality deadlock sets that comply with the Building Code of Australia and Australian Standards – Lock Sets AS:4145.
L.	An emergency control and evacuation plan should be implemented within the site and displayed for the information of residents.
M.	Wheelchair access should at no time be blocked nor impede access to anyone with a disability.
N.	The landscaping design around the site needs to be free from potential hiding places and provide sightlines throughout the site and into any surrounding areas such as car parks, and common areas. Trees and shrubs should be maintained regularly to reduce concealment opportunities and increase visibility. Avoid the use of landscaping materials which could, when mature, serve as screens or barriers to impede views.
O.	The boundaries of the site should be clearly identified to deter unauthorised persons from entering the site.

(Reason: Ensure compliance)

5. NSW Rural Fire Services

The following conditions from NSW Rural Fire Services must be complied with:

Asset Protection Zones <i>The intent of measure is to provide sufficient space and maintain reduced fuel loads to ensure radiant heat levels at the buildings are below critical limits and prevent direct flame contact.</i>	
A.	<p>At the commencement of building works or the issue of a subdivision certificate, whichever comes first, the entire site of the proposed lot 1 must be maintained as an inner protection area in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019.</p> <p>When establishing and maintaining an inner protection area, the following requirements apply:</p> <ul style="list-style-type: none"> • tree canopy cover should be less than 15% at maturity; • trees at maturity should not touch or overhang the building; • lower limbs should be removed up to a height of 2 m above the ground; • tree canopies should be separated by 2 to 5 m; • preference should be given to smooth-barked and evergreen trees;

	<ul style="list-style-type: none"> • large discontinuities or gaps in the shrubs layer should be provided to slow down or break the progress of fire towards buildings; • shrubs should not be located under trees; • shrubs should not form more than 10% ground cover; • clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation; • grass should be kept mown (as a guide, grass should be kept to no more than 100mm in height); and • leaves and vegetation debris should be removed regularly.
B.	Landscaping within the required asset protection zone must comply with Appendix 4 and Section 3.7 of Planning for Bush Fire Protection 2019.
Construction Standards <i>The intent of measure is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.</i>	
C.	<p>The proposed clubhouse must be constructed to comply with the National Construction Code (2019), Australian Standard AS 3959:2018 - Construction of buildings in bush fire-prone areas and/or NASH Standard (1.7.14 updated), National Standard Steel Framed Construction in Bushfire Areas – 2014, and Section 7.5 of Planning for Bush Fire Protection 2019 on a prescriptive (deemed to satisfy and/or acceptable solution) basis and/or performance basis to the extent identified in Figure 9 of the Bushfire Assessment Report prepared by Blackash Bushfire Consulting – dated 29 January 2024.</p> <p>NOTE 1: The entire sub-floor and roof of the proposed clubhouse, must comply with the highest bush fire attack level (BAL) rating that impacts any part of that element shown in Figure 9 of the Bushfire Assessment Report prepared by Blackash Bushfire Consulting – dated 29 January 2024. For clarity, if a small section of the proposed roof corner of the proposed clubhouse is shown to be impacted by BAL 29 then the entire sub-floor and entire roof of that element must be constructed to BAL 29.</p> <p>NOTE 2: Where an element (eg window, door or alike) of the proposed clubhouse is shown to have split BAL(s), it must be constructed to the highest BAL assessed for that specific element.</p> <p>NOTE 3: The principle certifying authority shall be provided with a plan clearly identifying the BAL levels for each element of the proposed alterations and additions prior to the release of the construction certificate.</p>
Water and Utility Services <i>The intent of measure is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.</i>	
D.	The provision of water, electricity and gas must comply with Table 6.8c of Planning for Bush Fire Protection 2019.
Emergency and Evacuation Planning Assessment <i>The intent of measure is to provide suitable emergency and evacuation arrangements for occupants of SFPP developments.</i>	
E.	Bush Fire Emergency Management and Evacuation Plan is to be in accordance with Table 6.8d of Planning for Bush Fire Protection 2019 and be consistent with the following:

	<ul style="list-style-type: none"> • The NSW RFS document: A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan; • include planning for the early relocation of occupants. • an Emergency Planning Committee is established to consult with residents in developing and implementing an Emergency Procedures Manual; and • detailed plans of all emergency assembly areas, including on-site and off-site arrangements as stated in AS 3745 'Planning for emergencies in facilities', are clearly displayed, and an annually emergency evacuation is conducted. <p>A copy of the Bush Fire Emergency Management and Evacuation Plan should be provided to the Local Emergency Management Committee for its information prior to the occupation of the development.</p>
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(Reason: Ensure compliance)

6. WaterNSW

The following conditions from WaterNSW must be complied with:

Dewatering	
GT0116-00001	Before any construction certificate is issued for any excavation under the development consent, the applicant must: 1. apply to WaterNSW for, and obtain, an approval under the Water Management Act 2000 or Water Act 1912, for any water supply works required by the development; and 2. notify WaterNSW of the programme for the dewatering activity to include the commencement and proposed completion date of the dewatering activity Advisory Note: 3. An approval under the Water Management Act 2000 is required to construct and/or install the water supply works. For the avoidance of doubt, these General Terms of Approval do not represent any authorisation for the take of groundwater, nor do they constitute the grant or the indication of an intention to grant, any required Water Access Licence (WAL). A WAL is required to lawfully take more than 3ML of water per water year as part of the dewatering activity. 4. A water use approval may also be required, unless the use of the water is for a purpose for which a development consent is in force.
GT0117-00001	A water access licence, for the relevant water source, must be obtained prior to extracting more than 3ML per water year of water as part of the construction dewatering activity. Advisory Notes: 1. This approval is not a water access licence. 2. A water year commences on 1 July each year. 3. This approval may contain an extraction limit which may also restrict the ability to take more than 3ML per water year without further information being provided to WaterNSW. 4. Note that certain water sources may be exempted from this requirement - see paragraph17A, Schedule 4 of the Water Management (General) Regulation 2018.
GT0118-00001	If no water access licence is obtained for the first 3ML / year (or less) of water extracted, then, in accordance with clause 21(6), Water Management (General) Regulation 2018, the applicant must: (a) record water taken for which the exemption is claimed, and

	<p>(b) record the take of water not later than 24 hours after water is taken, and (c) make the record on WAL exemption form located on WaterNSW website "Record of groundwater take under exemption", and (d) keep the record for a period of 5 years, and (e) give the record to WaterNSW either via email to Customer.Helpdesk@waterNSW.com.au or post completed forms to - PO Box 398 Parramatta NSW 2124 (i) not later than 28 days after the end of the water year (being 30 June) in which the water was taken, or (ii) if WaterNSW directs the person in writing to give the record to WaterNSW on an earlier date, by that date.</p>
GT0119-00001	<p>All extracted groundwater must be discharged from the site in accordance with Council requirements for stormwater drainage or in accordance with any applicable trade waste agreement.</p>
GT0121-00001	<p>Construction phase monitoring bore requirements GTA: a) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW. b) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW with the water supply work application. c) The monitoring bores must be installed and maintained as required by the water supply work approval. d) The monitoring bores must be protected from construction damage.</p>
GT0122-00001	<p>Construction Phase Monitoring programme and content:</p> <p>a) A monitoring programme must be submitted, for approval, to WaterNSW with the water supply work application. The monitoring programme must, unless agreed otherwise in writing by WaterNSW, include matters set out in any Guide published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no Guide is current or published, the monitoring programme must include the following (unless otherwise agreed in writing by WaterNSW):</p> <ul style="list-style-type: none"> i. Pre-application measurement requirements: The results of groundwater measurements on or around the site, with a minimum of 3 bore locations, over a minimum period of 3 months in the six months prior to the submission of the approval to WaterNSW. ii. Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater; iii. Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW; iv. QA: Include details of quality assurance and control v. Lab assurance: Include a requirement for the testing by National Association of Testing Authorities accredited laboratories.

	b) The applicant must comply with the monitoring programme as approved by WaterNSW for the duration of the water supply work approval (Approved Monitoring Programme)
GT0123-00001	<p>(a) Prior to the issuing of the occupation certificate, and following the completion of the dewatering activity, and any monitoring required under the Approved Monitoring Programme, the applicant must submit a completion report to WaterNSW.</p> <p>(b) The completion report must, unless agreed otherwise in writing by WaterNSW, include matters set out in any guideline published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no guideline is current or published, the completion report must include the following (unless otherwise agreed in writing by WaterNSW):</p> <ol style="list-style-type: none"> 1) All results from the Approved Monitoring Programme; and 2) Any other information required on the WaterNSW completion report form as updated from time to time on the WaterNSW website. <p>c) The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website www.waternsw.com.au/customer-service/water-licensing/dewatering</p>
GT0150-00001	<p>The extraction limit shall be set at a total of 3ML per water year (being from 1 July to 30 June). The applicant may apply to WaterNSW to increase the extraction limit under this condition. Any application to increase the extraction limit must be in writing and provide all information required for a hydrogeological assessment. Advisory note: Any application to increase the extraction limit should include the following: - Groundwater investigation report describing the groundwater conditions beneath and around the site and subsurface conceptualisation - Survey plan showing ground surface elevation across the site - Architectural drawings showing basement dimensions - Environmental site assessment report for any sites containing contaminated soil or groundwater (apart from acid sulphate soils (ASS)) - Laboratory test results for soil sampling testing for ASS - If ASS, details of proposed management and treatment of soil and groundwater. Testing and management should align with the NSW Acid Sulphate Soil Manual</p>
GT0151-00001	<p>Any dewatering activity approved under this approval shall cease after a period of two (2) years from the date of this approval, unless otherwise agreed in writing by WaterNSW (Term of the dewatering approval). Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.</p>
GT0152-00001	<p>This approval must be surrendered after compliance with all conditions of this approval, and prior to the expiry of the Term of the dewatering approval, in condition GT0151-00001. Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.</p>
GT0155-00001	<p>The following construction phase monitoring requirements apply (Works Approval):</p>

	<ul style="list-style-type: none"> a. The monitoring bores must be installed in accordance with the number and location shown, as modified by this approval, unless otherwise agreed in writing with WaterNSW. b. The applicant must comply with the monitoring programme as amended by this approval (Approved Monitoring Programme). c. The applicant must submit all results from the Approved Monitoring Programme, to WaterNSW, as part of the Completion Report
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(Reason: Ensure compliance)

7. 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)

8. 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)

9. Notify Council of Intention to Commence Works

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

(Reason: Information and ensure compliance)

10. 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)

11. Support for Neighbouring Buildings

- (a) If development involves an 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 must, at the person's own expense:
 - (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)

12. Erection Wholly within the Boundaries

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

13. Advertising and Signage

This approval does not grant consent for the installation or erection of any signage or advertising on the site, except where it is carried out in accordance with the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
(Reason: ensure compliance)

PRIOR TO MAKING AN APPLICATION FOR A CONSTRUCTION CERTIFICATE

Condition 14

14. Submit the Following Information to Willoughby City Council

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

- (a) Design details for clubhouse entry 6.5 metre wide and Independent Living Unit (ILU) entry 6.1 metre wide vehicular crossing in Deepwater Road in accordance with Council's specification and Standard Drawings SD105.

Detailed longitudinal sections of the driveway along each side/edge of the driveway to the proposed carpark drawn at 1:20 Scale. The longitudinal sections shall be prepared by a suitably qualified person using B85 Ground Clearance Template from AS2890.1 and shall include the following: -

(i)	Horizontal distance from the centreline of the road and 6m within the property, including provision of a Council's standard layback as per Council's standard drawing SD105 which is available from Council's website.
(ii)	Both existing and proposed levels (in AHD) and gradients represented in percentage of the vehicular crossing and driveway.

(iii)	Crossfall on road pavement represented in percentage (%) shall be shown on long sections.
(iv)	The first 6m of the clubhouse internal driveway shall have a maximum grade of 5%
(v)	The first 6m of the driveway ramp to the ILU from the property boundary is to have maximum grade of 1:8
(vi)	The new crossings to have no splays and designed at right angle to the street kerb in accordance with Council's SD105.

All driveway grades and transitions shall comply with AS 2890.1-2004 and Council's specifications. The finish car-space floor level may require amendment to satisfy the required driveway grades.

(Reason: Ensure compliance)

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

Conditions from 15 to 54

15. S7.12 Contribution

Prior to the issue of the Construction Certificate, a monetary contribution is to be paid in accordance with section 7.12 of *Environmental Planning and Assessment Act, 1979* in the amount of **\$321,471.41** for the purposes of the Local Infrastructure identified in the *Willoughby Local Infrastructure Contributions Plan*.

This contribution is based on 1% of the estimated cost of development, being \$32,147,141 provided on 27/11/2023.

Indexation

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

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

$$\frac{\$C_o \times \text{Current CPI}}{\text{Base CPI}}$$

Where:

$\$C_o$ = the original development contribution determined by the Council based on a percentage of the cost of development as set out in the Contributions Plan

Current CPI = the Consumer Price Index (All Groups Index), Sydney, as published by the ABS at the quarter immediately prior to the date of payment

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

at the quarter ending immediately prior to the date of imposition of the condition requiring payment of a contribution

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)

16. Housing and Productivity Contribution (HPC)

Before the Issue of first Subdivision Certificate for the residential subdivision or first Construction Certificate for the mixed-use development, whichever is earlier, the Housing and Productivity Contribution (HPC) set out in the table below is required to be made.

Housing and Productivity Contribution (HPC)	Amount
Residential - 17 dwellings x \$10,000)	\$170,000
Commercial – rate of \$30/m2 x commercial GFA: 35m2	\$1,044
Total HPC	\$171,044.00

The HPC must be paid using the NSW planning portal: <https://pp.planningportal.nsw.gov.au/>

Note: The Planning Portal will be charging based on an indexed rate upon payment.

At the time of payment, the amount of the HPC is to be adjusted by indexation in accordance with the *Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024 (HPC Order)*.

The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the *Environmental Planning and Assessment Act 1979* agrees.

The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the *Environmental Planning and Assessment Act 1979* to the development, or the HPC Order exempts the development from the contribution.

The amount of the contribution may be reduced under the HPC Order, including if payment is made before 1 July 2025.

(Reason: Statutory requirement for contributions towards the provision of regional infrastructure)

17. Amended Plans

Prior to the issue of a Construction Certificate, all relevant plans are to be amended as required in co-ordination with an Arborist with AQF minimum Level 5 qualifications in arboriculture, to facilitate retention of Tree 26 *Eucalyptus scoparia* as identified in the Arboricultural Impact Assessment Report V 3.0 prepared by Rennie Brothers Tree Surgeons.

Plans are to specifically address the following amendments:

- i) Design the driveway, crossover and entrance pathway on the existing grade or supported on piers to provide a minimum clearance of 100mm above the roots, creating a void between the ground and roots. Excavation levels for the basement

carpark falling within the TPZ of T26 may also need to be amended to reduce impacts on the tree roots.

- ii) A suitable material to cover the roots is polyethylene expandable joint and space filler (for example AbelFlex). Roots shall be protected prior to the construction of the driveway and crossover.
- iii) Pruning will be required to remove two (2) lower secondary branches extending to the north-west to provide clearance for vehicles using the driveway. Pruning shall provide minimal clearances only, be completed by an AQF Level 3 qualified Arborist (minimum requirement) and be in accordance with AS 4373-2007 Pruning of amenity trees (Standards Australia, 2007).

The amended plans are to be reviewed and authorised by a qualified Arborist with minimum qualifications AQF Level 5 prior to submission to the Certifying Authority for approval

(Reason: Protection of existing trees)

18. Submit the Following Information to Willoughby City Council

Prior to the issue of any construction certificate, the applicant shall submit the following information to Council's Traffic Section for its review, comment, and written approval, including approval from Traffic Committee. Documentation confirming approval by Willoughby City Council shall then be submitted to the Certifier for the application of a construction certificate.

Due to the increased pedestrian demand associated with the development, the following infrastructure improvements are required within the adjoining streets:

a) Kerb Extensions:

Construct kerb extensions on both sides of Deepwater Road, with a minimum width of **2.5 metres**, at a location that aligns with pedestrian desire lines and provides safe crossing opportunities. The kerb extensions are to:

- Narrow the carriageway to calm traffic.
- Improve pedestrian safety by shortening crossing distances.
- Be designed and constructed in accordance with relevant Austroads, Australian Standards, and Transport for NSW guidelines.
- Include tactile ground surface indicators and be compliant with DDA accessibility requirements.
- The associated 'No Stopping' zone for the proposed kerb extension shall be limited to the minimum length required to comply with relevant Australian Standards, Transport for NSW guidelines, and ensure safe sight distances.

b) Speed Cushions:

Install speed cushions on both approaches to the kerb extensions, designed to reduce vehicle approach speeds. Devices are to be:

- Designed in accordance with relevant Australian Standards, and Transport for NSW traffic calming guidelines.
- Spaced and dimensioned to ensure safe deceleration and minimal disruption to emergency and public transport vehicles.

c) Kerb Ramps:

Construct compliant kerb ramps on both sides of Deepwater Road in conjunction with the kerb extensions. Ramps are to:

- Be aligned with the crossing point.
- Be fully DDA-compliant, including gradients, landings, and tactile indicators.

- Conform to AS 1428.1 and Council's standard detail drawings.
- d) **Associated Line Marking and Signage:**
Install all required line marking, regulatory signage, and advance warning signs to support the kerb extensions and traffic calming measures. All signage and markings must:
- Comply with relevant standards and guidelines.
 - Be reflective and clearly visible in day and night conditions.
 - Be coordinated with any existing traffic control devices in the vicinity.

Note:

Design Submission and Approval Process:

- Submit detailed designs of all proposed infrastructure improvements to Council's Traffic Section for initial review. During the review, stormwater feasibility comments will be obtained.
- Following Council's review submit the designs to the Local Traffic Committee for final approval. Obtain written approval from both Council and the Local Traffic Committee before commencing any construction work.
- Undertake community notification of the proposed infrastructure improvements via letter drop. Notification letters are to be distributed to residents within a 50-metre radius of each project site at least two (2) weeks prior to the commencement of the relevant works.

(Reason: Public Safety and amenity)

19. **Schedule 4 – SEPP (Housing) 2021 Requirements**

Prior to the issue of a Construction Certificate, amended plans / accessibility report detailing that the development for Independent Living Units complies with relevant Standards (including Part 1 and Part 2) concerning accessibility and usability for hostels and independent living units in Schedule 4 of the SEPP (Housing) 2021 must be submitted to PCA for approval.

(Reason: Ensure compliance)

20. **Amended Subdivision Plan**

Prior to the issue of any Construction Certificate, an amended subdivision plan shall be submitted to and approved by the Certifying Authority. The amended plan must clearly identify any required easements or reciprocal rights of access, waste collection, or servicing arrangements to ensure the ongoing functionality and legal access to all shared facilities between proposed Lot 1 (Clubhouse) and Lot 2 (ILU site).

The amended plan must address, but not be limited to, the following:

- The location and use of the temporary bin holding bay within Lot 1 for the benefit of Lot 2; and
- The location of car parking spaces and waste storage room within Lot 2 for the benefit of Lot 1.

The amended subdivision plan is to be prepared by a registered surveyor and must be consistent with the approved development layout.

(Reason: to avoid future conflict)

21. **Tree Protection Plan**

- a) Submit to the registered certifier a Tree Protection Plan for approval prior to issue of a construction certificate.
 - b) The Tree Protection Plan is to be prepared by a qualified Arborist with minimum qualification AQF Level 5.
 - c) Tree Protection Plan shall address tree protection, pruning and management of all trees to be retained and shall specifically address Tree 26 *Eucalyptus scoparia* as identified in the Arboricultural Impact Assessment Report V 3.0 prepared by Rennie Brothers Tree
 - d) Surgeons in accordance with AS 4970-2009 'Protection of trees on development sites' and clearly mark tree protection zones as well as tree protection measures and fencing.
- (Reason: Tree protection)

22. Test Excavations

- a) Archaeological test excavations, in accordance with the Code of Practice for the Investigation of Aboriginal Objects in NSW and the Research Design and in accordance with the methodology as outlined at Appendix E – Design Research of the Aboriginal Cultural Heritage Assessment Report dated December 2023 prepared by Unearthed Archaeology and Heritage, are to be undertaken prior to the issue of a Construction Certificate;
 - b) The results of the test excavations shall be used to inform the layout and design of the Construction Certificate Plans including the retention, conservation and/or interpretation of any areas of high archaeological significance where suitable;
 - c) Discussion shall be held with the Registered Aboriginal Parties during and at the completion of the archaeological test excavations to determine appropriate long-term artefact management based on the results of the excavations.
- Reason: Protection of potential sites of Aboriginal significance

(Reason: Protection of potential sites of Aboriginal significance)

23. Hazardous Building Material Assessment

A hazardous building material assessment shall be undertaken by an appropriate qualified person and is to be submitted to the Certifier for approval prior to the issue of the Construction Certificate. The assessment shall identify any likely hazardous materials within any structure to be demolished and provide procedures on how to handle and dispose of such materials.

(Reason: Environmental protection/public health and safety)

24. Contamination – Investigation, Remediation and Validation

After demolition of the structures on the site but prior to the lodgement of an application for a Construction Certificate:

- (a) A Stage 2 Detailed Site Investigation (DSI) shall be conducted by a suitably qualified and experienced environmental consultant report and a report provided to Council for approval in writing. The DSI shall include, but not be limited to, the following:
 - Sampling, testing and validation of fill material;

- Sampling, testing and validation of soil contaminants within the small areas outside the basement footprint;
 - Consideration of whether remediation and the preparation of a Stage 3 Remedial Action Plan (RAP) is required; and
 - Variation of the Conceptual Site Model (CSM) if necessary; and
 - A statement on the suitability of the site for the proposed use and any necessary recommendations for further action.
- (a) Any required RAP must be approved in writing by Council prior to the commencement of any remediation work.
- (b) The site must be remediated in accordance with the Council-approved RAP;
- (c) Prior notice of remediation work must be given to Council at least 30 days before the commencement of the work in accordance with Clause 16 of State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55);
- (d) If a Stage 4 Validation Report and a clearance certificate issued by an appropriately qualified occupational hygienist is required, these must be submitted to Council for approval in writing. The Validation Report must clearly state that the objectives stated in the approved RAP (if one is required) have been achieved and the land is suitable for the proposed use. In addition, notice of completion of remediation pursuant to clause 18 of SEPP 55 shall be provided.
- (e) Recommendations made in Section 6 of the Preliminary Site Investigation prepared by EI Australia, Report No E25678.E01_Rev3, dated 22 July 2024, are to be fully implemented.

Notes: (i) Contaminated land reports submitted to Council must be prepared, or reviewed and approved by, a certified contaminated land consultant certified under the Environment Institute of Australia and New Zealand – Certified Environmental Practitioner (Site Contamination) (CEnvP (SC)) or the Soil Science Australia – Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) schemes.

(ii) Contaminated land reports shall be prepared in accordance with:

- State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55)
- *Managing Land Contamination Planning Guidelines SEPP 55 - Remediation of Land* (Department of Urban Affairs and Planning and EPA 1998) (Planning Guidelines) (or updates)
- *Consultants reporting on contaminated land – Contaminated Land Guidelines* (NSW EPA 2020)

(Reason: Protection of environment and public health)

25. Sydney Water ‘Tap In’

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

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

(Reason: Ensure compliance)

26. Bushfire Protection

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

(Reason: Safety and protection of property)

27. Damage Deposit

Prior to the issue of the Construction Certificate, the applicant shall lodge a Damage Deposit of **\$125,000** (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 as per Council's current fees and charges is payable to Council. Any damages identified by Council shall be restored by the applicant prior to release of the Damage Deposit.

Total Payable = \$125,000 + inspection fee

(Reason: Protection of public asset)

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

Stormwater runoff from the site shall be collected and conveyed to the underground drainage system in Deepwater Road via Class 4 minimum 375mm steel reinforced concrete pipes (RCP) in accordance with Council's specifications. A grated drainage pit of minimum 900mm x 900mm shall be provided within the property and adjacent to the boundary prior to discharging to the Council's drainage system. All drainage works shall comply with the requirements described in Part I of Council's DCP, Technical Standards and AS 3500.3. In this regard, full design and construction details showing the method of disposal of surface and roof water from the site shall be shown on the Construction Certificate plans.

(Reason: Stormwater control)

29. Analysis of Outlet Condition

The capacity of the outlet pipe to the Council system shall be hydraulically evaluated using the Hydraulic Grade Line method to ensure that the outlet from the OSD system is above the downstream water level for the 1%AEP storm event. Full engineering details of the hydraulic evaluations prepared and signed by a practising Civil Engineer shall be submitted to PCA prior to the issue of the Construction Certificate.

(Reason: Prevent property damage)

30. Detailed Stormwater Management Plan (SWMP)

Prior to the issue of the Construction Certificate, submit to the Certifier for approval, detailed stormwater management plans in relation to the onsite stormwater management and disposal system for the development. The construction drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer and in accordance with Intrax Drawings C4401/04, C4301/05, C4302/05, C4303/01, C4101/05, C4001/05. OSD system with a minimum volume of 156m³ that limits the peak discharge from the site to

152L/s in the 1% AEP storm event. All drawings shall comply with Part I of Council's Development Control Plan and Technical Standard 1, AS/NZS 3500.3 – *Plumbing and Drainage Code* and National Construction Code.
(Reason: Ensure compliance)

31. Overland Flow/Flood Level

A suitably qualified and experienced civil engineer must certify that:

- (a) The finished floor levels of the proposed building and Deepwater Road carpark entrance area have a minimum freeboard of 500mm and 300mm respectively above the 1% AEP flood event, which is conveyed through the site.
- (b) The proposed works comply with the requirements of Technical Standard 2 Floodplain Management.

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

(Reason: Prevent property damage)

32. Construction Management Plan (CMP)

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

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

(Reason: Compliance)

33. 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)	The construction of new 1.5m wide footpath (max 2.5% crossfall towards the kerb), pedestrian traffic measures and footpath ramps to link the site to the existing bus stop in Allambie Road, near intersection with Deepwater Road. The path and all associated works shall be in accordance with the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, Council's specification and Council's Standard Drawings. Detailed long sections and cross sections at 5 metres intervals shall be provided.
(b)	Construction of new 1.5m wide footpath (max 2.5% crossfall towards the kerb), pedestrian traffic measures and kerb ramps to link the site to the existing bus stop in Allambie Road, near the intersection with Deepwater Road. The path and all associated works shall be in accordance with the State Environmental Planning Policy

	(Housing for Seniors or People with a Disability) 2004, Council's specification and Council's standard drawings. 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 Deepwater Road in accordance with Council's specifications and Standard Drawing SD105.
(d)	Reconstruction of half width of the existing road pavement for the full frontage of the development site in Deepwater Road in accordance with Council's specifications
(e)	Construction of a 6.5 metres wide vehicular crossing in Deepwater Road for the clubhouse in accordance with Council's specification and Standard Drawings SD105.
(f)	Construction of a 6.1 metres wide vehicular crossing in Deepwater Road for the Independent Living Units in accordance with Council's specification and Standard Drawings SD105. The construction of new Class 4, 375mm diameter steel reinforced concrete pipes from KIP 01 to existing Council kerb inlet pit on southern side of Deepwater Road.
(g)	Construction of a new 375mm Class 4 RCP stormwater pipe from the site to the connection point in Deepwater Road, including a new kerb inlet pit with 1.8m lintel immediately in front of the site.
(h)	Any other works in the road reserve required for the development or as required to satisfy the conditions of consent.

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

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

(Reason: Ensure compliance)

34. Driveway Longsection

Prior to issue of the 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 Certifying Authority along each side of the proposed vehicular access path drawn at 1:20 Scale. The longitudinal sections shall include the following: -

- 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.
- Both existing and proposed levels (in AHD) and gradients represented in percentage (%) of the vehicular crossing and driveway.
- 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/NZS 2890.1 - 2004 and Council's specifications.

The new crossings is to be 6.5 metres wide for clubhouse entry and 6.1 metre wide for ILU entry with no splays and be constructed at right angle to street kerb. The footpath/footpath zone which forms part of the proposed crossing shall have a maximum crossfall of 2.5% towards the kerb. 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 – 100mm 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)

35. Flood Affected Development

Based on the flood information obtained from Council, a Flood Risk Management Report prepared by a qualified civil engineer experienced in flood analysis and management and complying with the requirements in Part I of the Willoughby DCP and Technical Standard No. 2, "Floodplain Management" and the NSW Government's Floodplain Development Manual 2005, shall be submitted with the application for Construction Certificate. All measures contained in the report shall form part of any Construction Certificate issued.

(Reason: Managing Flood Risk)

36. OSD/Rainwater Tank Design

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

(Reason: Safe access to tanks)

37. Vehicle Access and Manoeuvring – Engineer's Certification

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

- (a) That finished driveway gradients and transitions comply with AS/NZS 2890.1 and AS 2890.2 and will not result in scraping to the underside of cars.
- (b) That a maximum gradient of 5% is provided for the first 6 metres from the property's front boundary into the site. All driveway grades shall comply AS/NZS 2890.1 and AS 2890.2.
- (c) That the proposed vehicular path and parking arrangements comply in full with AS/NZS 2890.1, AS 2890.2 and AS 2890.6 in terms of minimum dimensions provided and grades on parking spaces.

- (d) That the headroom clearance of minimum 2.2 metres between the basement floor and any overhead obstruction (including overhead services) is provided for compliance with Section 5.3.1 of AS/NZS 2890.1 and Section 2.7 of AS 2890.6.
- (e) That the headroom clearance of minimum 2.5 metres is provided to all parking spaces for people with disabilities for compliance with Section 2.7 of AS 2890.6.
- (f) That a shared area with minimum dimensions of 2.4 x 5.4m is provided adjacent to all disabled parking spaces and a shared area with minimum dimensions of 2.4m x 2.4m is provided at the end of all disabled parking spaces to comply with AS 2890.6. A bollard shall be located in the shared zone in accordance with Section 2.4 of AS 2890.6.
- (g) That the headroom clearance required in AS 2890.2 for the largest vehicle using the site (minimum 3.5m) has been provided for the loading area and the path to and from the loading area.
- (h) Simultaneous manoeuvring of B99 and B85 vehicles at all ramps and ramp ends including the clearance lines for each vehicle, in accordance with AS2890.1, is complied with.
- (i) Simultaneous manoeuvrability of the largest vehicle using the site (minimum B99) and a passenger vehicle including clearance in accordance with AS2890.1 and AS2890.2, is provided.

(Reason: Ensure compliance)

38. Internal Noise Levels Residential

To minimise the noise intrusion from any external noise source, all new building work shall be designed and constructed to comply with the following criteria with windows and doors closed:

Internal Space	Time Period	Criteria <i>L_{Aeq}</i> (period)
Living Areas	Any time	40 dB(A)
Sleeping Areas	Day (7am – 10pm)	40 dB(A)
	Night (10pm – 7am)	35 dB(A)

Note:

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

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

(Reason: Amenity, environmental compliance and health)

39. Building Ventilation

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

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

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

(Reason: Health and compliance)

40. Construction and Fitout of Food Premises

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

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

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

Note:

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

(Reason: Public health, safety and compliance)

41. Noise Mechanical Services

To minimise the impact of noise onto receivers on surrounding land, all mechanical services shall be designed to comply with the noise emission criteria contained in the EPA's Noise Policy for Industry 2017. 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)

42. Dewatering of Development Site

Appropriate pollution control methods shall be adopted to ensure any water discharged into Council's stormwater system from dewatering or pumping activity on the development site complies with relevant environmental criteria.

A Construction Site Dewatering Plan (CSDP) shall be prepared by a suitably qualified environmental consultant and submitted to Council for approval prior to the commencement of any work. The CSDP can be incorporated into any Construction Management Plan covering the entirety of siteworks to be carried out on the site, or can be a stand-alone document. It shall contain details on the water treatment method, equipment to be used, water testing regime and a written statement that the water to be discharged will meet the Council-approved design water quality criteria below.

Where a discrepancy exists between Council's criteria and that from the Australian and New Zealand Environment and Conservation Council: 2000: *Guidelines for Fresh and Marine Water Quality, National Water Quality Management Strategy*, the lower value shall prevail.

Analyte	Unit	Measurement	Criteria
Total nitrogen	µg/L	< than	900
Total phosphorous	µg/L	< than	63.5
Dissolved oxygen	%sat	Btn 80 - 120%	
pH	pH units	Btn 6.5 - 8.5	
Conductivity	µS/cm	< than	778
Suspended solids	Mg/L	< than	2
Turbidity	NTU	< than	2
Zinc	µg/L	< than	43
Lead	µg/L	< than	0.6
Copper (& other heavy metals)	µg/L	< than	6.5

(Reason: Environmental protection, compliance)

43. Acoustic Treatment for the Development

In order to achieve the internal noise levels specified above in Condition 38, the proposed development shall be designed and constructed to incorporate the recommended acoustic treatments for glazing and other building elements from Section 6 of the Environmental Noise Assessment prepared by Day Design Pty Ltd, Report No 7817-1.1R , dated 17 November 2023, as a minimum.

The required acoustic rating of the glazing assembly refers to the acoustic performance of the glazing once installed on site (including the frame).

Plans and specifications showing the details of the proposed acoustic treatment shall be submitted to the Certifier prior to the issue of the Construction Certificate.

(Reason: Amenity, environmental compliance and health)

44. Construction Staff and Contractors Parking Plan

To ensure that construction activities, including demolition and modification works, are carried out with minimal disruption to local traffic, parking, and pedestrian safety, the applicant must submit a Construction Staff and Contractors Parking Plan to Council for review and approval. The Parking Plan can form part of the Construction Traffic Management Plan, or can be submitted as a standalone document. It must address the following key aspects:

- **Parking Arrangements:**
 - A staff and contractors parking plan that minimises impact on the surrounding area.
 - Number of parking spaces to be provided on-site for staff and contractors.
 - If on-site parking is insufficient, provide a detailed plan for off-site parking arrangements.
 - Estimated number of on-street parking spaces required for construction activities, if any.
 - Strategies to manage and monitor adherence to the parking plan throughout all construction stages.
 - Contact details for the site manager or liaison officer responsible for addressing community concerns.
- **Monitoring and Compliance:**
 - Proposed methods for monitoring compliance with the Parking Plan.
 - Procedure for addressing non-compliance and complaints.

The applicant must demonstrate that all reasonable efforts have been made to contain staff and contractor parking within the site boundaries. Where this is not feasible, the Parking Plan must provide a clear justification and detail measures to minimize the impact on local parking availability.

Council reserves the right to request amendments to the CTMP based on local traffic conditions and community feedback. The approved CTMP must be strictly adhered to throughout all stages of construction, including modification and demolition activities. Any proposed changes to the approved CTMP must be submitted to Council for review and approval prior to implementation.

(Reason: Public safety and amenity)

45. Construction Traffic Management Plan

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

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

(Reason: Public safety and amenity)

46. Traffic Work

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

(Reason: Public safety and amenity)

47. Electric Vehicle Charging Bays

Prior to the issue of the Construction Certificate, all parking bays for motor vehicles and bicycles should be able to have an electric vehicle charger provided as part of the bay. A charger shall be provided for at least 50% motor vehicles and bicycles parking bays at the commissioning of the building.

The design and provision of electric vehicle charging infrastructure must satisfy the relevant NCC requirements.

(Reason: Support sustainable transport)

48. Construction and Demolition Waste Management Plan

Before the issue of a construction certificate, an updated Construction & Demolition Waste Management Plan (C&D WMP) should be submitted to Council. The plan must be prepared in accordance with Willoughby Development Control Plan 2023, that provides for waste management that applies to the land on which the work is carried out.

The plan must include the following details:

- (a) An estimate of the types, volumes and weights of waste and recyclables generated during demolition and construction, with evidence of the method of calculation such as an excavation plan;
- (b) The percentage (by weight) of demolition and construction waste that will be reused or recycled;
- (c) Proposed facilities for the lawful disposal and recycling of demolition and construction waste.
- (d) A site plan showing sorting and storage areas for demolition and construction waste and vehicle access to those areas; and
- (e) Hazardous materials (including but not limited to asbestos) disposal quantities, management and disposal details (including an asbestos clearance certificate if asbestos is present).

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

49. Updated Operational Waste Management Plan

Before the issue of a construction certificate, an updated Operational Waste Management Plan (WMP) should be submitted to Council. The plan must be prepared in accordance with Willoughby Development Control Plan 2023, specifically the Northern Sydney Regional Organisation of Councils (NSROC) Waste Management Technical Guide (2018) Section 3 and particularly Section 3.13.3 Collect and Return service.

50. Waste Storage Room Construction

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

- (a) The floor is to be constructed of concrete at least 75mm thick and adequately graded to drain to a Sydney Water approved drainage fitting;
- (b) The floor must be finished so that it is non-slip and has a smooth and even surface covered at all intersections;
- (c) The ceilings and walls must be finished with smooth faced non-absorbent material capable of being cleaned;
- (d) The room is to be provided with artificial light controllable within the room and adequate ventilation;
- (e) The room is to be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock; and
- (f) Doorways must be at least 2.5m wide there must be an aisle space of at least 1.5m between rows of bins.

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

51. Fibre-Ready Facilities and Telecoms Infrastructure

Prior to the issue of a Construction Certificate, the developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Certifier that arrangements have been made for:

- (a) The installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose.
and
- (b) The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots/or premises in a real estate development project demonstrated through an agreement with a carrier.

(Note: *Real estate development project* has the meanings given in section 372Q of the *Telecommunications Act*).

(Reason: Compliance)

52. External Finishes – Solar Absorptance

The external glazing and walls of the proposed dwelling 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 the Construction Certificate application.

(Reason: Visual amenity)

53. Services and Fire Hydrant Enclosure

Prior to the issue of the relevant Construction Certificate for works above ground slab level, the Certifying Authority is to be provided with plans demonstrating that all Services (Gas meter, water meter & fire hydrant and sprinkler booster valves and the like) are enclosed in a manner that complements the building and in accordance with the requirements of the BCA.

(Reason: To ensure essential services are appropriately screened)

54. BASIX

Where required, the BASIX certificate shall be updated to reflect any changes resulting from this consent. The updated BASIX certificate shall be submitted with the construction certificate application.

(Reason: Environmental Sustainability)

BEFORE WORKS COMMENCE

Conditions from 55 to 68

55. Property/Reserve Boundary

Prior to commencement of work, the property/reserve boundary is to be surveyed by a registered surveyor and such boundary is to be clearly marked on site.

(Reason: Property/reserve management)

56. Removal of Trees in Public Areas

Prior to the commencement of work,

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

(Reason: Management of Public Land)

57. Project Arborist

- (a) A Project Arborist is to be appointed prior to commencement of works on site;
- (b) The Project Arborist is to have a minimum qualification AQF Level 5;
- (c) The Project Arborist is to oversee and authorise all tree protection works detailed in the approved Tree Protection Plan, the Arboricultural Impact Assessment Report V 3.0 prepared by Rennie Brothers Tree Surgeons and AS4970-2009 *Protection of trees on development sites* 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)

58. 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 and 20m beyond the new footpath linking the site to the existing bus stop, detailing the physical condition of items such as, but not exclusively to, the footpath, roadway, nature strip, and any retaining walls.

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

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

(Reason: Protection of Council's infrastructure)

59. Dilapidation Report of Adjoining Properties

Prior to commencement of work, submit a photographic survey and report of the adjoining properties 76 Deepwater Road, 12 Amaroo Avenue and 15 Amaroo Avenue to the Certifier and all owners of these adjoining properties. Such photographic survey and report shall be prepared by a suitably qualified person, detailing the physical condition of these properties, both internal and external including items as walls, ceilings, roof, structural members and other items as necessary.

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

(Reason: Protection of adjoining owners)

60. Site Management

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

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

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

(Reason: Environment protection, public health and safety)

61. 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 registered certifier prior to commencement of work. The report should indicate how the work is to be undertaken safely and with maximum protection for neighbouring amenity, with particular regard paid to acoustic and vibration impacts. The report should identify the stages at which the engineers' personal supervision is to occur during the works. The report should recommend when and where further study and investigation are to take place during construction.

All construction plans and excavation works are to be based on the conclusions of the geotechnical report and all recommendations of the report, including for further investigation, are to be followed during the works. The report shall be submitted to Council for record purposes.

In the event of the geotechnical conditions of the site resulting in instability during the excavation phase and more area than approved being excavated, all excavation work is to cease and Council to be contacted to allow the matter to be reviewed.

(Reason: Protection of adjoining properties and ensure compliance)

62. 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. A separate written application to work outside normal hours must be submitted for approval.
It should also be noted that, in some cases, the above Permits may be refused and temporary road closures required instead which may lead to longer delays due to statutory advertisement requirements.
- (c) Permit to open public roads, including footpaths, nature strip, vehicular crossing or for any purpose whatsoever. All applications are to include current fees. (Minimum one (1) weeks' notice required.)
- (d) Permit to place skip/waste bin on footpath and/or nature strip. (Maximum three (3) days).
- (e) Permit to work and/or place building materials on footpath and/or nature strip. (Maximum two (2) weeks).
- (f) Permit to establish Works Zone on Public Roads adjacent to the Development including use of footpath area. Applications must be received by Council at least twenty-one days prior to the zone being required. The application will then be referred to the Council's Local Traffic Committee for approval, which may include special conditions.
- (g) Permit to construct vehicular crossings over Council's footpath, road or nature strip.

- (h) Permit to install ground anchors beneath the road reserve.

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

(Reason: Legal requirements)

63. Application for Vehicle Crossing

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

(Reason: Protection of public asset)

64. 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 Deepwater Road Castle Cove. Such street lighting shall also conform to Council's standard specifications.

(Reason: Public amenity)

65. 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)

66. Spoil Route Plan

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

(Reason: Public amenity)

67. 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)

68. Neighbour Notification of Asbestos Removal

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

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

(Reason: Public health)

DURING DEMOLITION AND BUILDING WORK

Conditions from 69 to 94

69. Aboriginal Cultural Heritage Items

Under the National Parks and Wildlife Act 1974 (NPW Act) all Aboriginal objects are protected. Should any Aboriginal Cultural Heritage items be uncovered during earthworks, works should cease in the area and the Aboriginal Heritage Office assess the finds. Under Section 89a of the NPW Act should the objects be found to be Aboriginal, Heritage NSW and the Metropolitan Local Aboriginal Land Council (MLALC) should be contacted.

(Reason: Protection of Aboriginal Heritage)

70. 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)

71. 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)

72. Silencing Devices

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

(Reason: Maintain amenity to adjoining properties)

73. Demolition Work AS 2601-2001

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

(Reason: Safety)

74. Asbestos Removal and Disposal

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

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

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

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

(Reason: Environmental protection/Public health and safety)

75. Temporary Toilet Facilities

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

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

(Reason: Health and amenity)

76. 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)

77. 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)

78. Maintenance of Nature Strip

Where a nature strip and/or footpath is located directly adjacent to the property, the nature strip must be maintained during the construction period to ensure the turf/ vegetation is no higher than 75mm in height and the public footpath is kept free of all rubbish, weeds and debris to ensure safe public access.

(Reason: Public amenity and safety)

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

The connection of the site stormwater drainage system to the existing Council pit shall be inspected by Council's Engineer when the pipes are exposed, prior to backfill, and it is possible to confirm that the connection complies with Council's requirements. The inspection must be booked via Council's website with Council's Engineer and a minimum of 2 working days' notice provided. For the purpose of inspections carried out by Council Engineer, the corresponding fees set out in Council's current Fees and Charges Schedule are payable to Council.

(Reason: Ensure compliance)

80. Waste Classification – Excavation Materials

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

(Reason: Environment & Health Protection)

81. Hazardous Materials – Clearance Certificate

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

(Reason: Health and safety)

82. 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)

83. Importation of Fill

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

(Reason: Environment & Health Protection)

84. Construction Noise

Construction noise shall be controlled to comply with the requirements as set out in the EPA Interim Construction Noise Guideline (ICNG). Noise levels shall not exceed the following noise criteria:

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

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

(Reason: Amenity)

85. Dust Control

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

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

(Reason: Amenity and environmental protection)

86. Excavation Noise

Construction noise shall be controlled to comply with the requirements as set out in the EPA Interim Construction Noise Guideline (ICNG). Noise levels shall not exceed the following noise criteria:

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

If noise complaint investigation or monthly monitoring reveal that the highly affected criteria is exceeded, appropriate measures to control excessive noise shall be implemented immediately. Advice should be sought from the suitably qualified acoustic expert to provide recommended noise amelioration measures and the Principal Certifying Authority advised in writing.

(Reason: Amenity)

87. Tree Removal

Approval is given for the removal of the following trees:

24 Trees as indicated on the Tree Retention and Removal Plan located in Appendix G of the Arboricultural Impact Assessment Report V 3.0 prepared by Rennie Brothers Tree Surgeons.

Tree 26 is not approved for removal and must be retained and protected for the duration of the works.

(Reason: Tree Protection)

88. Public Tree Protection

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

(Reason: Tree management)

89. Protection of Rock and Sites of Significance

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

(Reason: Protection of significant environmental features)

90. Tree Trunk, Branch and Root Protection

- (a) Retain and protect the following trees and vegetation throughout the demolition and construction period: All trees indicated for retention on the Tree Retention and Removal Plan located in Appendix G of the Arboricultural Impact Assessment Report V 3.0 prepared by Rennie Brothers Tree Surgeons, unless exempt under relevant planning instruments or legislation.
- (b) The above retained 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 approved Tree Protection Plan, the Arboricultural Impact Assessment Report V 3.0 prepared by Rennie Brothers Tree Surgeons 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 (c) above are to be certified by the Project Arborist prior to commencement of works.
- (e) Tree roots greater than 25mm diameter are not to be removed unless approved by The Project Arborist on site.
- (f) All structures are to bridge roots unless directed by The Project Arborist on site.

(Reason: Tree management)

91. Loading and Unloading During Construction

The following requirements apply:

All loading and unloading associated with construction must be accommodated on site.

The structural design of the building must permit the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.

If, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.

In addition to any approved Works Zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.

If a Works Zone is warranted an application must be made to Council prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need of the site for such facility at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

Application for a Works Zone must be submitted to Council a minimum 8 weeks prior to being required. Works application form is available on the City's Website.

(Reason: Public safety and amenity)

92. Waste Management Plan during Construction and Demolition

Requirements of the approved Construction & Demolition Waste Management Plan (C&D WMP) shall be complied with during all site preparation works, demolition (if proposed) and throughout all construction works.

When implementing the WMP the developer is to ensure:

- (a) The disposal of any demolition and construction waste must be undertaken in accordance with the requirements of the *Protection of Environment Operations Act (NSW) 1997*.
- (b) All waste on site is to be stored, handled and disposed of in such a manner as to not create air pollution, offensive noise or pollution of land and water as defined by the Protection of Environment Operations Act 1997.
- (c) Generation, storage, treatment and disposal of hazardous waste is conducted in accordance with the relevant waste legislation administered by the EPA and relevant Occupational Health and Safety legislation administered by WorkCover NSW.
- (d) All waste generated (including excavated materials) which cannot be reused or recycled must be transported to a facility which can lawfully accept it.
- (e) Records are retained regarding the details and location of the disposal of all demolition and construction waste (including excavated material) and are to be kept on site as evidences of lawful disposal. Records are to include receipts and weighbridge dockets which verify material types and volumes, time and date of disposal and confirmation of the waste disposal facility.
- (f) All materials and resources that are to be stored on site during construction works are contained on the site, The provisions of the Protection of Environment Operations Act (NSW) 1997 must be complied with when placing/stock piling loose material, disposal of concrete waste or activities which have potential to pollute drains and water courses.
- (g) 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: Environmental protection/waste reduction/public health and safety)

93. Skips and Bins

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

(Reason: Safety)

94. Excavation Works around Tree 26

Excavation works around Tree 26 are to be supervised by an arborist with AQF minimum Level 5 qualifications in arboriculture.

(Reason: Tree Protection)

SUBDIVISION WORK

BEFORE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

Conditions from 95 to 97

95. 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)

96. Section 73 Compliance Certificate

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

The Section 73 Certificate must be submitted in conjunction with the application for Subdivision Certificate/Strata Approval.

(Reason: Statutory requirement)

97. Land Subdivision

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

(Reason: Information)

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

Conditions from 98 to 149

98. Residential Waste Collection and Access arrangement

Lot 1 (Clubhouse) must provide unimpeded access via an easement in favour of Lot 2 (ILU site) to allow the use of the Ground Floor kerbside collection holding room for waste collection purposes. This includes the collection of general waste and bulky waste by Council, as identified on the plan Club – Ground Level DA3.02, Rev C, dated 05.11.2024, labelled "ILU waste holding zone."

Formal evidence of the registered easement must be submitted to Council's Waste Section prior to the issue of an Occupation Certificate.

(Reason: Compliance, environmental protection/ waste reduction)

99. Seniors Living – Restriction

Prior to the issue of a Whole Occupation Certificate, a restriction as to user shall be registered against the title of the property on which the approved development for Independent Living Units 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 88(1) of *State Environmental Planning Policy (Housing) 2021*. 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)

100. 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)

101. Tree Planting

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

No. Required	Species	Location	Min Pot Size
All trees	As indicated on Landscape Plans Rev M dated 12/11/2024 prepared by Site Design + Studios	As indicated on the Landscape Plans	As indicated on the Landscape Plans

(Reason: Landscape amenity)

102. 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)

103. Sustainable Development - Multi-unit Dwellings

Prior to the issue of the Whole Occupation Certificate for the multi occupancy, a Sustainability manual is to be prepared which details all the environmental incentives outlined in the

scorecard and ongoing provision and maintenance of these measures. The manual shall be provided to each unit in the development.

(Reason: Environmental sustainability)

104. Bushfire Construction

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

(Reason: Bushfire safety)

105. On-site Water Management System

Prior to the issue of any Occupation Certificate, the stormwater runoff from the site shall be collected and disposed of via an approved OSD system with a minimum volume of 156m³ that limits the peak outflow from the site to 152L/s in the 1%AEP event and water quality improvement system. The system will be in accordance with Sydney Water's requirements AS/NZS3500.3, Part I of Council's DCP and Technical Standards 1 and 2. The construction of the stormwater drainage system of the proposed development shall be in accordance with the approved detailed stormwater drawings required under this development consent and Council's specification (AUS-SPEC).

(Reason: Prevent nuisance flooding)

106. Sign for On-site Stormwater Detention System

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

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)

107. 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)

108. 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 Appendix 2 of Council's Technical Standard No. 1.

(Reason: Legal requirement)

109. Works-As-Executed Plans - OSD

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

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

(Reason: Record of works)

110. State Survey Marks

Prior to the issue of a Whole Occupation Certificate, the Applicant shall reinstate any existing State/Permanent Survey Marks damaged by the works to the specification of the Land and Property Management Authority. A copy of the Location Sketch Plan of PM/SSM including reduced level (AHD) shall be submitted by a registered Surveyor. The degree of horizontal and vertical accuracy shall be acceptable to the NSW Land Registry Services.

(Reason: Public amenity)

111. S88B/S88E(3) Instrument

Create Positive Covenant and Restriction on the Use of Land on the Title in favour of Council as the benefiting authority for the as-built on-site stormwater detention (OSD) system and stormwater treatment 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 approved plan of subdivision is to be updated prior to any Occupation Certificate showing the size and relative location of the OSD system and stormwater treatment system, in relation to the building footprint and property boundary, 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. Council's costs, including legal fees associated with reviewing, approving and executing the Positive Covenant and Restriction of Use together with associated PEXA fees must be paid by the Applicant. The Applicant is responsible for any stamp duty payable in respect of the dealing.

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

(Reason: Maintenance requirement)

112. Documentary Evidence of Positive Covenant, Engineers Certificate

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

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

(Reason: Public record)

113. 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 with associated pavement restoration.

(Reason: Public amenity)

114. Concrete Footpath

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

- a) 1.5m wide concrete footpath with 2.5% maximum crossfall towards the kerb, pedestrian traffic measures, new kerb ramps to link site to existing bus stop in Allambie Road, near intersection with Deepwater Road. kerb and gutter together with any necessary associated pavement restoration.

All works shall be carried out in accordance with Council's specification for the full frontage of the development site with associated pavement restoration 1.5 metre wide in Deepwater Road to Allambie Road bus stop.

(Reason: Public amenity)

115. 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 shall be reconstructed in accordance with Council's approved drawings, conditions and specification (AUS-SPEC). Council's standard design traffic for this pavement is 3x10⁵ ESA.

(Reason: Ensure compliance)

116. Street Lighting

Prior to the issue of any Occupation Certificate, provide approved street in accordance with Australian Standard AS/NZ 1158.(2005). The street lighting shall be as required for the development, including any increased lighting requirements for pedestrian refuges.

Reason: Public amenity)

117. Vehicular Crossing

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

The crossing at club car park is to be 6.5 metres wide and crossing at ILU is to be 6.1 metres with no splays and is to be constructed at right angles to the 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. The centreline of the new crossing shall be "in-line" with the centreline of the parking space(s).

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

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

The footpath which forms part of the proposed crossing shall have a maximum crossfall of 2.5% towards the kerb. The nature strip and footpath is to be adjusted for a minimum distance of 2 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 Certifier prior to issue of any Occupation Certificate.

(Reason: Public amenity)

118. Removal of Redundant Crossings

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

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

(Reason: Public amenity)

119. 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. The Work-as-Executed drawings shall be based on the Council approved drawings with all changes marked in red. A completion certificate shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Certifier prior to the issue of any Occupation Certificate.

(Reason: Ensure compliance)

120. Performance Bond

Prior to the issue of any Occupation Certificate, the Applicant shall lodge with the Council a performance bond of \$31,250 against defective public civil works undertaken by the main Contractor for a period of twelve (12) months from the date of the completion certificate issued by Council as the road authority under the *Roads Act 1993*. The bond shall be lodged in the form of a cash deposit, cheque or unconditional bank guarantee which will be refundable subject to the approval of Council's Engineers at the end of the maintenance period. In this period, the Applicant is liable for any part of the work which fails to achieve the design specifications. Council shall be given full authority to make use of the bond for such restoration works within the maintenance period as deemed necessary.

(Reason: Ensure compliance and specification)

121. 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)

122. Vehicular Access and Garaging

Driveways and vehicular access ramps shall be designed to provide adequate ground clearance to the underside of B85 vehicles. In all respects, prior to the issue of any Occupation Certificate, the proposed vehicle access, including any parking spaces, shall be designed and constructed to comply with the minimum requirements of AS/NZS 2890.1 and Council's standard specification. Any columns, walls or fences shall be located in positions that comply with Figure 5.2 AS/NZS 2890.1.

(Reason: Vehicular access)

123. Public Infrastructure Restoration

Prior to the release of the Damage Deposit, any damaged public infrastructure caused as a result of the construction and development works on the subject site (including damage

caused by, but not limited to, delivery vehicles, waste collection, contractors, 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)

124. Vehicle Access and Manoeuvring – Construction & Certification

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

- (a) That the as-constructed carpark complies with the approved Construction Certificate plans.
- (b) That finished driveway gradients and transitions comply with AS/NZS 2890.1 and AS 2890.2 and will not result in scraping to the underside of cars.
- (c) That a maximum gradient of 5% is provided for the first 6 metres from the property's front boundary to the basement. All driveway grades shall comply AS/NZS 2890.1 and AS 2890.2.
- (d) Aisle widths throughout basements comply with AS/NZS 2890.1.
- (e) That the constructed vehicular path and parking arrangements comply in full with AS/NZS 2890.1, AS 2890.2 and AS 2890.6 in terms of minimum dimensions provided and grades on parking spaces.
- (f) That headroom clearance of minimum 2.2 metres between the basement floor and any overhead obstruction (including overhead services) is provided for compliance with Section 5.3.1 of AS/NZS 2890.1 and Section 2.7 of AS 2890.6.
- (g) That headroom clearance of minimum 2.5 metres is provided to all parking spaces for people with disabilities for compliance with Section 2.7 of AS 2890.6.
- (h) That the headroom clearance required in AS 2890.2 for the largest vehicle using the site (minimum 3.5m) has been provided for the loading area and the path to and from the loading area.
- (i) That a shared area with minimum dimensions of 2.4 x 5.4m is provided adjacent to all disabled parking spaces and a shared area with minimum dimensions of 2.4m x 2.4m is provided at the end of all disabled parking spaces to comply with AS 2890.6, and that a bollard is located in the shared zone in accordance with the requirements of Section 2.4 of AS 2890.6.
- (j) Simultaneous manoeuvring of B99 and B85 at all ramps and ramp ends including clearances for each vehicle as per AS/NZS 2890.1 is achieved.
- (k) Access and manoeuvrability of the largest vehicle accessing the site and simultaneous manoeuvrability of the largest vehicle using the site (minimum B99) and a passenger vehicle including clearances in accordance with AS/NZS 2890.1 and AS 2890.2 is achieved.

(Reason: Ensure compliance)

125. Stormwater Maintenance Plan

Prior to the issue of an Occupation Certificate, submit to the certifying authority approval a Maintenance Plan for the stormwater management system. The plan is to be in accordance with recommendations of "Guidelines for the Maintenance of Stormwater Treatment Measures" published by Stormwater NSW or other relevant guidelines or publications.
(Reason: Ensure operation of system complies)

126. Certification of Water Quality Improvement System

Prior to the issue of an Occupation Certificate, a suitably qualified and experienced civil engineer (generally CP Eng. Qualification) shall certify that the as built water quality improvement system is in accordance with the approved plans and complies with the requirements of Technical Standard 1.
(Reason: Legal requirement)

127. Overland Flow Path – Engineers Certification

Prior to the issue of any Occupation Certificate, submit to Council written certification, prepared by a suitably qualified and experienced civil engineer (generally CPEng), that:

- (a) The finished floor levels of the proposed dwelling and garage have a minimum freeboard of 500mm and 300mm respectively above the 1% AEP flood event, which is conveyed through the site.
 - (a) The as-constructed works comply with the requirements of Technical Standard 2.
- (Reason: Ensure compliance)

128. Overland Flow Path – Work As Executed Plans

Upon completion of the development, work-as-executed (WAE) plans, based on the approved plans, shall be prepared by a registered surveyor and submitted to Council. The plans shall show the extent of works and finished ground levels within the overland flow path. Any minor changes or variations to the approved plans shall be highlighted in red.
(Reason: Record of works)

129. CCTV Report of Council Pipe System After Work

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

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

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

- (d) All pipe joints and defects are to be inspected by stopping movement and panning the camera to fully inspect the joint and/or defect.
- (e) The inspection survey shall be conducted from manhole to manhole.
- (f) Recorded CCTV footage & reports are to use Council asset pit numbers to identify the start and finish location of the CCTV. A plan can be obtained from Council with these asset numbers at request.

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

(Reason: Ensure compliance and protection of public asset)

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

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

(Reason: Ensure compliance)

131. Food Premises

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

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

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

(Reason: Public health, safety and compliance)

132. Residential Waste Collection Agreement with Council

Prior to the issue of any Occupation Certificate, the developer is to enter into a formal agreement with Council for the utilisation of Council's Residential Waste Collection Service. The development is required to indemnify Council and its servant/contractors against claims for loss or damage or wear and tear of access roads, pathways and other parts of the building.

Note: By entering into an agreement with Council for waste collection, the development will be required to operate in full compliance with Council's Waste Management collection requirements. The provision of Council's waste collection service will not commence until formalisation of the agreement.
(Reason: legal requirement/compliance)

133. Non-residential Waste Collection Service

Prior to the issue of any Occupation Certificate, the developer is required to enter into a formal agreement with a licenced private waste contractor to service the non-residential component of the development. A copy of the contract is to be forwarded to Council prior to the issue of any Occupation Certificate.
(Reason: legal requirement/compliance)

134. Waste Bin Storage

The development must provide for waste bin storage capacity of at least:

- Residential 13.3m², replicated in both in the Ground Floor kerbside collection holding room and on the Lower Ground Floor residential waste rooms:
 - General waste: 2 x 660L bins collected twice per week.
 - Recycling: 4 x 660L bins collected once per week.
 - Organics: 9 x 240L bins collected once per week.
- Non-residential 18.4m², bins equivalent to a minimum of:
 - General waste: 7x1,100L bins collected three times per week; and
 - Recycling: 2x1,100L bins collected twice per week; or
 - A higher ratio of recycling compared to general waste and/or consideration of organics recycling.

(Reason: Compliance, environmental protection/ waste reduction)

135. Bulky Waste and Charity Waste Storage

The residential development must provide:

- A minimum 10m² bulky waste storage room within the basement for residents in accordance with Willoughby Development Control Plan 2023 (NSROC Waste Management Technical Guide 2018, Table 2) and a minimum of 10m² for collection in the Ground Floor kerbside collection holding room.
- A minimum 2m² charity waste / other recycling storage room must be provided within the basement for residents in accordance with Willoughby Development Control Plan 2023 (NSROC Waste Management Technical Guide 2018, Section 3.12.1).

(Reason: Compliance, environmental protection/ waste reduction)

136. Internal Waste Storage Areas within Independent Living Units (ILUs)

The developer is required to provide an internal waste storage area, a space internally within the kitchens for residents to store a minimum of 2-days of internal waste volume with source separation capacity. This is in accordance with Willoughby Development Control Plan 2023 (NSROC 2018 Section 3.8).

The internal waste storage area should include a minimum capacity of:

- General waste: 40L within a cupboard.
- Recycling: 35L within a cupboard.
- Kitchen organics (estimate 15L, which may be storage space on the benchtop or within a cupboard). This is to future proof the development for a future Food Organics (FO) or Food and Garden Organics (FOGO) collection service.

(Reason: compliance/ environmental health/ waste reduction)

137. Council Inspection – Waste Management Facilities

At completion of basement level, an authorised Council waste officer is to inspect and approve all waste management facilities to ensure they comply with the development approval, Waste Management Plan. Specifically, the path of travel for all waste, from unit to point of waste collection, waste storage room sizing, access to water and sewer connections, finished materials, access and door way dimensions, and that all waste facilities are fit for purpose.

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

138. Section 73 Compliance Certificate

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

The Section 73 Certificate must be submitted to the Certifier.

(Reason: Ensure statutory compliance)

139. Registration of Subdivision

Prior to the issue of a Whole Occupation Certificate, submit documentary evidence to Council that the subdivision of the site, as approved under this consent, has been registered with the NSW Land Registry Services.

(Reason: Ensure Compliance)

140. Seniors Living - Strata Subdivision

In the event that strata subdivision of the site is undertaken, a restriction as to user is to be registered which shall note on title to each strata lot to the terms of the agreements referred to in **Condition 99** hereof and which shall provide that the terms of the restriction as to user shall not be modified or extinguished unless the Council's written consent is first obtained.

(Reason: Ensure compliance)

141. Street Numbering

Prior to the issue of any Occupation Certificate, 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: Ensure compliance with Council's House-Property Numbering Policy)

142. BASIX Certificate

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

(Reason: Environmental sustainability)

143. Services - Electricity Supply and Telecommunication Mains

Prior to the issue of a Whole Occupation Certificate, all existing and proposed electricity supplies and telecommunication mains and services around the perimeter of the site shall be relocated underground to the satisfaction of the relevant utility provider and Willoughby City Council at the full cost of the applicant.

(Reason: Compliance)

144. 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)

145. Disabled parking spaces

Prior to the issue of the Occupation Certificate, Disabled parking spaces compliant with Australian Standards should be provided within the car park.

The design of the disabled parking spaces must be to the satisfaction of Council and meet Australian Standards, Austroads guidelines and TfNSW technical directions and guidelines.

(Reason: Access for mobility impaired users)

146. Acoustic Treatment – Certification

Prior to the issue of any relevant Occupation Certificate, certification shall be provided from a suitably qualified acoustic engineer certifying that the acoustic treatment of the buildings complies with the approved construction details and the relevant design noise criteria contained in Section 6 of the Environmental Noise Assessment prepared by Day Design Pty Ltd, Report No 7817-1.1R, dated 17 November 2023.

(Reason: Amenity, environmental compliance and health)

147. 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 contained in the Mechanical Plant Noise Assessment Report required elsewhere in this consent.

(Reason: Amenity, environmental compliance and health)

148. 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 or concessions.

(Reason: Amenity, environmental compliance and health)

149. Kerb Extension and Relevant Works

Prior to the issue of any Occupation Certificate, the construction of kerb extension and relevant works, as required under **Condition 18** of this consent must be completed.

(Reason: ensure compliance)

ONGOING USE

Conditions from 150 to 166

150. 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)

151. Bushfire Control

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

(Reason: Bushfire safety)

152. 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)

153. Collection/Delivery Services

To minimise the noise impact of the development on the surrounding environment, the collection and delivery of goods and materials (including garbage and recycling waste) from and to the premises shall not take place between the hours of 10:00pm and 7:00am on any day.

(Reason: Amenity)

154. Stormwater Kerb Outlet

New stormwater connection outlets at the street kerb shall be made using 125mm wide x 75mm high x 4mm thick hot dip galvanised Rectangular Hollow Section (RHS). Where there are multiple outlets required, a minimum distance of 100mm shall separate these outlets. A grated drainage pit (min. 450mm x 450mm) shall be provided within and adjacent to the property boundary prior to discharging to the Council's drainage system.

(Reason: Protection of public asset)

155. 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)

156. Trees on Adjoining Properties

No approval is given for the removal of trees on neighbouring private land.

(Reason: Protection of Trees)

157. 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)

158. 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)

159. Waste Management Collection Policy

The development must operate in full compliance with Council's Waste Management collection requirements. This is to include:

- (a) Council's Collect and Return collection service for residential waste (bins and bulky waste) collected from kerbside collection holding rooms

- located no more than 10m from the truck stopping location at the kerbside on the road; and
- (b) Private waste contractor collection of non-residential waste collected onsite from a loading bay adjacent to non-residential bin room with a suitable SRV (or larger) truck parking space compliant with AS2890.2 and with 2m rear clearance for rear loading of the bins.

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

160. Waste Storage Containers

No waste storage containers are to be located or placed outside the approved waste storage area at any time except during transfer for collection purposes.

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

161. Bin Tug

The development must provide and utilise a bin tug to transfer residential bins and bulky waste to and from the kerbside collection holding room that can accommodate the required bin sizes and with a manufacturer's specification, that meets the designed gradient.

(Reason: Work Health and Safety (WHS)/ compliance)

162. Hours of Operation

The hours of operation of the approved non-residential use is to be restricted to those times listed below, i.e.:

- 6:00am to 12:00am, all days

Any extension to these hours is to be subject to the prior consent of Council.

(Reason: Amenity)

163. Plan of Management

The Plan of Management prepared for Castlecove Golf Club and submitted with the application must be implemented throughout the ongoing use of the development. If this Plan of Management conflicts with any conditions of this consent, the requirement of the condition/s will prevail. The Plan shall be reviewed and amended (if necessary) every 2 years or when a justified complaint warrants it. A copy of the Plan shall be kept on the premises and made available to an authorised officer of the Council when requested.

(Reason: Public safety and amenity)

164. Lighting

In order to maintain the amenity of adjoining residential properties the followings shall be complied with:

- Any lighting on the site is to be directed in such a manner so that no nuisance is caused to adjoining residential properties or to drivers on Beaconsfield Road.
- Headlights from cars turning on and off the ramps shall not cast direct light into the living spaces of adjoining residential dwellings.

(Reason: Amenity)

165. Operation of Golf Club – Noise Control

To mitigate noise emissions and their impact on surrounding buildings, the use of the club shall comply with the following at all times:

- The playing of live music is not permitted;
- Signs placed in the outdoor areas advising patrons to minimise noise shall be maintained;
- The outdoor terrace must not be used after 10pm. Before 10pm, staff/security are to direct patrons inside and the access door to outdoor terrace closed and locked.
- The playing of background music in outdoor areas is not permitted; and
- Recommendation of Section 6 of the Environmental Noise Assessment prepared by Day Design Pty Ltd, Report No 7817-1.1R , dated 17 November 2023

(Reason: Amenity and environmental compliance)

166. Residential Waste

Residential waste from the ILU building is to be transferred from the Lower Ground Floor residential waste rooms to the Ground Floor kerbside collection holding room on Lot 1 by a building manager or caretaker. Following Council's waste collection, all bins must be returned to the respective Lower Ground Floor waste rooms by the building manager or caretaker within 24 hours of collection.

(Reason: compliance/waste management)