

Panel Reference	PPSSNH-97
DA Number	DA-2020/117
Title of document	Supplementary Assessment Report
LGA	Willoughby
Proposed Development	Demolition of existing Chatswood golf clubhouse and car parking, re-subdivision and construction of a new 4 storey clubhouse, 106 self-care seniors dwellings, 3 levels basement car parking, associated landscaping and earthworks.
Street Address	128 Beaconsfield Road, CHATSWOOD NSW 2067.
Applicant/Owner	Watermark Chatswood Pty Ltd/ Chatswood Golf Club Limited
Date of DA lodgement	22-May-2020
Number of Submissions	Seventy (70) (59 Objecting, 11 In Support)
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Capital investment value (CIV) over \$30 million
List of all relevant s4.15(1)(a) matters	As per original assessment report dated 24 May 2021
List all documents submitted with this report for the Panel's consideration	Essential documentation on ePlanning – www.planningportal.nsw.gov.au
Report prepared by	Ana Vissarion
Report date	9 July 2021

SNPP NO/ DA NO:	PPSSNH-97 / DA-2020/117
ADDRESS:	128 BEACONSFIELD ROAD, CHATSWOOD NSW 2067.
OWNER:	CHATSWOOD GOLF CLUB LIMITED
APPLICANT:	WATERMARK CHATSWOOD PTY LTD
PROPOSAL:	DEMOLITION OF EXISTING CHATSWOOD GOLF CLUBHOUSE AND CAR PARKING, RE-SUBDIVISION AND CONSTRUCTION OF A NEW 4 STOREY CLUBHOUSE, 106 SELF-CARE SENIORS DWELLINGS, 3 LEVELS BASEMENT CAR PARKING, ASSOCIATED LANDSCAPING AND EARTHWORKS.
RECOMMENDATION:	APPROVAL
ATTACHMENTS:	1. SCHEDULE OF CONDITIONS
DATE:	9-JULY-2021
REPORTING OFFICER:	ANA VISSARION SENIOR DEVELOPMENT ASSESSMENT OFFICER

1. PURPOSE OF REPORT

The development application DA-2020/117 is reported to the Sydney North Planning Panel (SNPP) for determination as it meets the relevant criteria to be considered regionally significant development as outlined under Schedule 7 of the *State Environmental Planning Policy (State and Regional Development) 2011*, noting that it comprises a Capital Investment Value (CIV) that is estimated to exceed \$30 million (\$97,520,000.00).

An assessment report was submitted to SNPP on 24 May 2021 recommending approval of the subject application. This assessment report was based on a number of documents, including a Site Compatibility Certificate (SCC) issued 13 June 2019, valid for 2 years.

However, on 16 June 2021, SNPP issued a new Site Compatibility Certificate (SCC) for 128 Beaconsfield Road for '*Development for the purpose of seniors housing, consisting of 106 seniors serviced self-care dwellings. The development is proposed to be 4-5 storeys in height with two-level basement accommodating a total of 295 car spaces.*' As a consequence of this approval, the previous SCC issued on 13 June 2019 by the SNPP was revoked.

The main purpose of this report is to assess how does the subject application respond to the newly issued Site Compatibility Certificate (SCC).

2. OFFICER'S RECOMMENDATION

THAT the Sydney North Planning Panel (SNPP):

- 2.1 Supports the submitted Clause 4.6 variation request to the Clause 26(2)(b) *Location and Access to Facilities* contained in State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP Seniors) for the following reasons:**
- a) The proposal is consistent with the relevant objectives of the RE2 Private Recreation zone and with the accompanying Site Compatibility Certificate (SCC),**
 - b) The proposal contravention does not hinder the ability of the mixed use development to achieve the underlying implicit objective of the Clause 26(2)(b) *Location and Access to Facilities* contained in the SEPP Seniors - to ensure that the seniors living residents will have reasonable access to facilities and services they may require – onsite and off site,**
 - c) The proposal incorporates sufficient facilities and services (including medical) to further reduce reliance on the public bus and facilitate aging in place, *and***
 - d) The proposal will reduce reliance on the public bus, resulting in an improved planning outcome when compared with what would have been achieved if the development standard was not contravened.**
- 2.2 Approves the development application DA-2020/117 for ‘*Demolition of existing Chatswood golf clubhouse and car parking, re-subdivision and construction of a new 4 storey clubhouse, 106 self-care seniors dwellings, 3 levels basement car parking, associated landscaping and earthworks*’ at 128 Beaconsfield Road, CHATSWOOD NSW 2067 (Lot 1/DP 1124646, Lot 1/DP 651667, Lot 22/DP 626634, Lot 163/DP 752067) subject to conditions in *Attachment 1*, for the following reasons:**
- a) The proposal for the Seniors Village containing 106 serviced self-care housing units and associated facilities and services (including medical), is of a social benefit to the immediate and larger community, allowing seniors to age in place,**
 - b) The proposal satisfactory addressed the requirements in Schedule 2 of the Site Compatibility Certificate (SCC),**
 - c) The proposal is found to be compatible with the surrounding natural and built environment, including with the adjacent E4 zoned residential properties, *and***
 - d) The redevelopment of the Chatswood Golf Club is consistent with the objectives of the RE2 Private Recreation zone as it will ensure the retention of an important recreational outdoor facility and ancillary services that are of considerable value to the local community.**

3. BACKGROUND

The proposed development comprises the construction of 106 Seniors Living Apartments in the form of “serviced self-care seniors housing” (Seniors Living), a new Clubhouse building,

on-site parking for seniors and Clubhouse. The majority of the Golf Club site is zoned RE2 – Private Recreation pursuant to the Willoughby Local Environment Plan 2012 (WLEP 2012). The south corner of the site is zoned E4 Environmental Living, however, no construction works are proposed on the E4 land.

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP Seniors) applies to *'land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes'* but only if the land is *'being used for the purposes of an existing registered club'* (clause 24 (a)(iii)). The subject site contains an existing registered club (operating since 1955).

A Site Compatibility Certificate (SCC) application was lodged with the Department of Planning on 14 July 2017, in order to facilitate permissibility for seniors housing on the site under SEPP Housing for Seniors or People with a Disability 2004 (SEPP Seniors). The site compatibility assessment report with a supporting recommendation was referred to the Sydney North Planning Panel on 7 May 2019.

The Site Compatibility Certificate (SCC) was approved by SNPP on 6 June 2019 and the notice was issued 13 June 2019.

The current development application was lodged on 22 May 2020. As the applicant was concerned that the application will not be determined by the Sydney North Planning Panel (SNPP) prior to expiration of the SCC, the applicant lodged a new application for a new SCC at 128 Beaconsfield Road for *'Development for the purpose of seniors housing, consisting of 106 seniors serviced self-care dwellings. The development is proposed to be 4-5 storeys in height with two-level basement accommodating a total of 295 car spaces. The re-development is to integrate a new clubhouse.'* The SNPP has assessed the application and, on 16 June 2021, issued a new Site Compatibility Certificate (SCC) for the subject site.

Under the provisions of section 1.4(8) of the Environmental Planning and Assessment Act 1979, the previous Site Compatibility Certificate issued on 13 June 2019 by the Sydney North Planning Panel is revoked and is replaced with the more recent certificate.

In accordance with Clause 24(2) and 25(5) of SEPP Seniors, SNPP can only issue a SCC if the panel:

- (a) has taken into account any written comments concerning the consistency of the proposed development with the criteria referred to in clause 25(5)(b) received from the general manager of the council within 21 days after the application for the certificate was made;
- (b) is of the opinion that:
 - (i) the site of the proposed development is suitable for more intensive development; and
 - (ii) the proposed development for the purposes of seniors housing is compatible with the surrounding environment and surrounding land uses having regard to the criteria specified in clause 25(5)(b).

Both matters were clearly stated in the 16 June 2021 SCC as follows:

The panel certifies that in its opinion:

- the site described in Schedule 1 is suitable for more intensive development;
- the development described in Schedule 1 is compatible with the surrounding environment having had regard to the criteria specified in clause 25(5)(b); and
- that development for the purposes of seniors housing of the kind proposed in the development application is compatible with the surrounding land uses only if it satisfies certain requirements specified in Schedule 2 of this certificate.

Satisfaction of the requirements specified in Schedule 2 is addressed in the DISCUSSION section below.

4. DISCUSSION

Requirements under the Site Compatibility Certificate

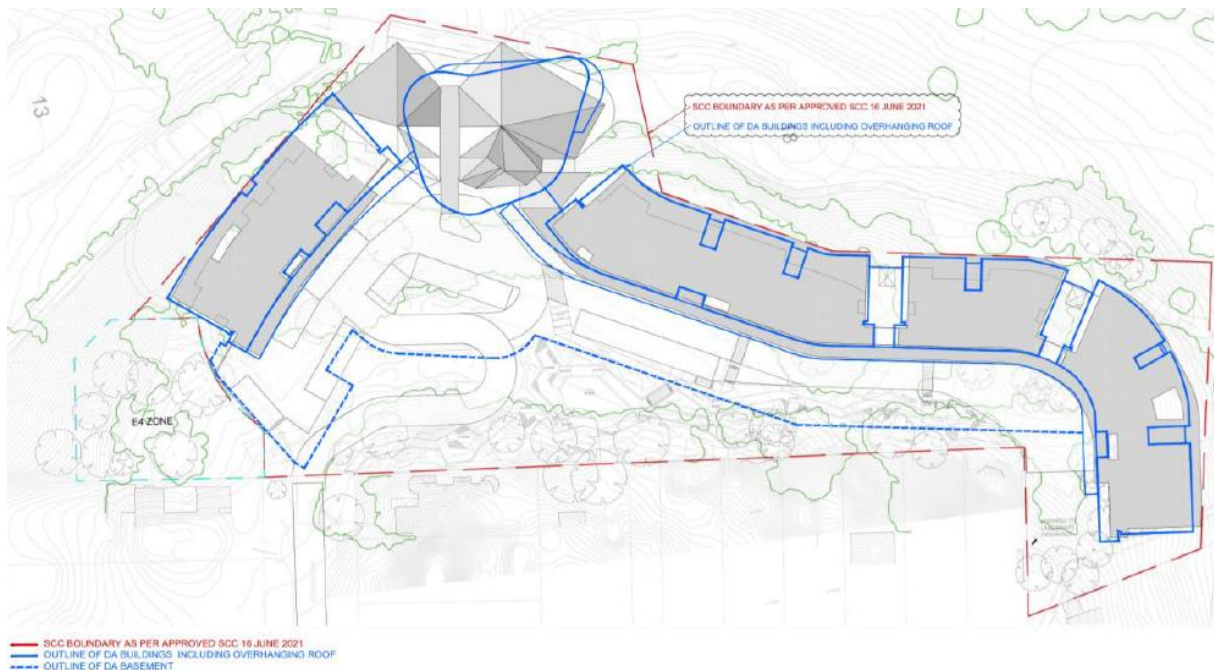
1. The seniors housing development is limited to the development footprint area within the golf course, as nominated on architectural drawing by Marchese Partners in the SCC application, December 2020 (see Figure 1 below).



Figure 1: Site Compatibility Certificate Footprint Plan (Levy Planning SCC application & Marchese Partners, Dec 2020)

A comparison footprint plan by Marchese was submitted to demonstrate the overlay of the development proposed by DA117/2020 (building) on the approved SCC footprint.

The drawing includes the seniors housing development building (basement levels, balconies and roof overhangs, clubhouse) to illustrate compliance with the requirement.



Marchese Partners footprint comparison

On 18 June, Marchese Partners also submitted to Council an accompanying letter which confirms that the development footprint for the seniors housing development and club house are limited to the 16 June 2021 SCC boundary.

**RE: Development Application DA 117/2020 DA03
Chatswood Golf and Leisure**

Dear Sir / Madam,

We are the Architects for the Development Application for Seniors Housing at Chatswood Golf Club at 128 Beaconsfield Road, Chatswood, DA 117/2020 DA03.

We write to confirm that the proposed seniors housing and new club house buildings depicted in this Development Application are limited to the development footprint area within the golf course as nominated on our architectural drawing Figure 1: attached to the Site Compatibility Certificate issued 16 June 2021. (Copy attached to this letter)

Please contact me should you require any further clarification on this matter.

Extract from the Marchese Partners letter

An inspection of the plans submitted with DA 2020/117 confirmed the findings of Marchese Partners.

As a conclusion, the footprint of the seniors housing development is limited to the development footprint area within the golf course as nominated by the SCC on 16 June 2021.

2. Further consideration of the final layout, dwelling numbers and on-site facilities for the development in relation to current bushfire protection requirements, and any associated tree removal and additional tree planting.

Layout and dwelling numbers and on-site facilities

The proposed development is contained within the required footprint area and contains 106 senior living apartments, as nominated by the 16 June 2021 SCC.

An assessment against the requirements of the *State Environmental Planning Policy (Seniors Housing and People with a Disability) 2004* (SEPP Seniors) took place and the proposal was found to generally comply (assessment submitted to SNPP on 24 May 2021).

An assessment against the requirements of the *State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development* (SEPP 65) and *Apartment Design Guide* (ADG) took place and the proposal was found to generally comply (assessment submitted to SNPP on 24 May 2021).

Furthermore, as approved by the SCC and subject to conditions, the proposal is considered to meet the objectives of the RE2 Private Recreation zone as stated by *Willoughby Local Environment Plan 2012* (WLEP 2012).

Bushfire requirements

The seniors housing use is a “*Special Fire Protection Purpose*” under the *Rural Fires Act 1997*. Section 100B of the *Rural Fires Act 1997* requires that the proposal is *Integrated Development* pursuant to section 4.46 EP&A Act 1979. Accordingly, the application was referred to NSW RFS and the resulting conditions issued by RFS relating to APZ maintenance, construction standards, internal access roads, have been incorporated into the recommended conditions.

Travers Bushfire & Ecology prepared a “Bushfire Protection Assessment” and a “Bushfire Emergency Management and Evacuation Plan” which accompanied the application. The Assessment found that bushfire can potentially affect the proposed development from the narrow corridor of Sydney Coastal Dry Sclerophyll Forest located within the golf course to the north-east and south-east, resulting in possible ember and radiant heat attack.

The Asset Protection Zones (APZ) necessitates an appropriate balance of tree retention/removal and new tree plantings of suitable species/mature heights to ensure fire protection requirements are fully met. The application has been accompanied by a “Vegetation Management Plan” and Evacuation Plan prepared by Travers Bushfire & Ecology. The purpose of vegetation management is to assist in the ongoing management of APZs as required by the NSW Rural Fire Service (RFS), the protection of natural bushland elements and further, to ensure that adequate measures are undertaken to minimise the spread of weeds into adjoining areas of high quality bushland.

Tree Removal and additional tree planting

The majority of the tree loss is driven by Rural Fire Service (RFS) bushfire management requirements for Special Fire Protection Purpose (SFPP) due to the use as a seniors living development.

The Arborist’s Report submitted with the application indicates that 238 trees are proposed to be removed from the subject site in order to accommodate the works and the Asset Protection Zones for bushfire purposes and 71 trees are to be retained. A total of 17 trees are retained along the eastern boundary abutting Colwell Crescent properties. These are supplemented by 16 new tree plantings comprising 12 x angophoras and 4 native frangipanis.

Taking into account the exempt species being removed (51) and the proposed tree planting on the landscape plans (20), the proposal results in a net loss of non-exempt trees of 167 trees.

The applicant offered to replant 650 trees on the Golf Course, at a safe distance to maintain bushfire compliance, to compensate for the tree removal (**a net gain of 400+ trees**). Council's Landscape Architect noted that replanting of the 650 locally native trees is above the minimum requirement and supports the proposal.

Given the constraints, including the ones arising from the bushfire requirements, the proposal is found to be acceptable in regard to tree removal/ planting, height, bulk and scale, layout and on-site facilities, and generally in accordance with the scheme approved by the SCC.

3. Further consideration of potential site contamination by the implementation or preparation of:

- an additional ESA to address any data gaps identified by Council
- a Remediation Action Plan,
- a Validation Assessment report on completion of remediation,
- a Hazardous Materials Assessment for the existing buildings prior to demolition.

In regard to potential contamination, the application was accompanied by:

- A Stage 1 - Preliminary Environmental Assessment (prepared by EIS dated 30 August 2016)
- A Stage 2 - Preliminary Environmental Assessment - equivalent to a Detailed Site Investigation (prepared by EIS dated 15 October 2019)
The report stated that the site can be made suitable for the proposed development provided that the data gaps are addressed, a Remedial Action Plan (RAP) is prepared, and a Validation Assessment Report (VAR) is prepared following remediation.
Preliminary waste classification was established in the Stage 2 ESA but additional waste classification screening was carried out by JK Environments in October 2020.
- A Stage 3 Remedial Action Plan (RAP) (prepared by JK Environments in March 2020)
The proposed strategy for remediation involves an excavation and off-site disposal approach for designated areas within the site.
- Additional Environmental Site Audit (prepared by EIS dated 24 January 2020)
The additional ESA concluded that an Asbestos Management Plan (AMP) should be prepared to manage potential risks from asbestos during the construction phase of the project in conjunction with the preparation of a Remediation Action Plan (RAP) to remediate the shallow impacted soils.
- Remediation Action Plan (prepared by EIS dated 12 March 2020)
- Targeted Contamination Assessment (TCA) (prepared by *iEnvironmental Australia* dated 15 April 2021, prepared to determine potential impacts of previous site use to construction workers and future site users as a result of historical activities onsite).
It was the consultant's opinion that the presence of designated landfill cells or use of landfill material to form the current golf course topography was unlikely, and the risk to human health and ecology during the redevelopment and continued recreational

use of the site is considered low. In addition, further management and remediation of the soils originating from the former landfill and incinerator is not considered necessary.

Council's Environmental Health Officer reviewed the site investigations and advised that the documentation provided by the applicant is appropriate, and that the level of investigation that has been carried out is sufficient. Subject to recommended conditions, Council's Environmental Health Officer finds the proposal acceptable and does not raise any issues in regards to potential impact of excavation and construction on the health and safety of future residents of the village or on the adjoining residents in the vicinity.

4. Consideration of the provision for access to relevant off-site facilities in accordance with the provisions of cl.26 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability)* 2004, including any necessary modifications to existing footpath gradients in Beaconsfield Road;

Access from site boundary to public transport services (bus stop) is required by Clause 26 of the SEPP Seniors in subclauses (3) and (4).

While the public domain plans showed back-to-back steep longitudinal grades that are in excess to the 1:14 grade, Clause 26 (3) of the SEPP Seniors requires the footpath from *the public transport services to the bus stop* to be *to be no more than 1:14*. The public domain plans submitted and assessed prior to the report submitted on 25 May 2021 complied with this requirement. Moreover, the applicant submitted written statements from two (2) qualified and registered Access Consultants stating that the proposed footpath provides gradients for distances that comply with Clause 26 (3) of the SEPP Seniors, and that the pedestrian design and gradients of the new pedestrian pathway are suitable for an electric wheelchair, motorized cart or the like, as required by Clause 26 (4) of the SEPP Seniors.

Nonetheless, the applicant lately continued discussions with Council's engineers and re-submitted the footpath revisions to ensure the footpath upgrades are not only compliant with the SEPP Seniors, but also to the satisfaction of the Council's engineers. Council's engineers advised lately that the proposal complies with the SEPP Senior requirements in terms of grades and that they are confident that the pedestrian footpath on public land can be designed to Council's satisfaction. Details of the design can be turned prior to the Construction Certificate, as already stated in the recommended conditions.

As such, taking into account latest advice from Council's engineers and the statements from the registered Access Consultants, the proposed footpath is assessed to comply with the requirements of the SEPP Seniors.

5. Consideration of the provision of accessible paths of travel for pedestrians or other arrangements to ensure safe and convenient access for residents from the proposed self-care dwellings to the site boundary at Beaconsfield Road.

The proposed development has external and internal connections that meet the requirements set out in the SEPP Seniors:

- safe pedestrian links from the site boundary that provides access to public transport services or local facilities, and
- attractive yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.

In regard to the configuration within the site, the applicant's Access consultant (Jen Barling - *Funktion*) has reviewed the current landscape plan and civil drawings and has provided an addendum letter (dated 24 June 2021) to the original Access Report (dated 19 May 2020). The letter confirms the pathway design within the village site provides an accessible link to Beaconsfield Road which is compliant with AS1428 and other relevant legislation.

In addition to the accessible pathways within the site, the applicant is proposing the provision of (on-call) golf buggies, including one wheelchair accessible buggy, to transfer residents or visitors to the bus stop. A communication system to call for pickup will be established.

In addition, as highlighted in the assessment submitted to SNPP on 24 May 2021, a 10 seat min bus will provide convenient daily access from the club house meeting point to shops/ Chatswood station, as required. Furthermore, two (2) x communal electric cars and parking spaces are available to share via a booking system. The electric car space on Level 2 (space R20) has been conveniently placed next to a wide walkway, which is beneficial to people with limited mobility.

As such, sufficient arrangements were made to ensure safe and convenient access for residents from the proposed self-care dwellings to the site boundary at Beaconsfield Road.

Amendments to the S7.11 Contribution conditions

On 18 June 2021, following the 24 May 2021 Council's recommendation report to SNPP, Council's Contributions Officer made the following additional comments to the initial recommendation:

"The subject development with an estimated cost of works over \$10 million (i.e. \$109,133,200 – Construction cost + GST), being eligible for the deferral of development contributions payment before the issue of first Occupation Certificate (OC).

This deferral is permitted as a result of a Ministerial direction gazetted on 8 July 2020 with a new legislative clause 154F under the EP&A Regulation 2000, made to temporarily defer the payment of contribution levy until the issuing of an OC for certain types of development.

The subject DA meets the criteria of this deferred payment Direction. As such, please amend conditions to reflect the above."

The updated comments from the Council's Contributions Officer are provided separately to the SNPP.

As a consequence of these additional comments it is appropriate to amend Condition 6 to read:

6. Development Contribution

Monetary Contributions - S7.11 Contribution subject to the following requirement:

A monetary contribution that is required to be paid under this consent must be paid before the issue of the **first** Occupation Certificate in respect of any

building to which this consent relates, except as provided by the following circumstance:

If no construction certificate in respect of the erection of any building to which the consent relates has been issued before or on 25 September 2022, the monetary contribution referred in section 'PRIOR TO OCCUPATION OF THE DEVELOPMENT' must be paid before the issue of the **first** Construction Certificate after that date (25 Sept 2022) for any such building.
(Reason: Statutory requirement)

Additionally, Condition 89A is added as follows:

89A. S7.11 Contribution

Prior to the issue of the **first** Occupation Certificate in respect to any building to which this consent relates (except for the circumstance under condition "Development Contribution" located in the section 'PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE'), a monetary contribution is to be paid to in accordance with section 7.11 of *Environmental Planning and Assessment Act, 1979* in the amount of **\$ 1,170,808.16** for the purposes of the Local Infrastructure identified in the *Willoughby Local Infrastructure Contributions Plan*.

S7.11 Contributions Calculation		
Dwellings / Residents Proposed (\$ rate / dwelling)	QTY	Contributions (\$)
Senior Living Self-contained dwelling (\$11,045.36)	106	\$ 1,170,808.16
Proposed structures not inclusive in s7.11 calc (ref. section 2.8.1 of <i>WLIC Plan</i>)		
construction of a 4-storey golf course club house	Not inclusive in s7.11 calculation	
S7.11 yielding amount based on above statistics:	Total	\$ 1,170,808.16

Note: s7.11 contribution credits for demolishing existing structures are not given as the existing golf club is being replaced by the construction of a new club which is not inclusive for the purpose of calculating s7.11 contributions as demonstrated above. Therefore, s7.11 contribution as follow:

Active transport and public domain facilities	\$ 49,932.36
Open space and recreation facilities	\$917,700.30
Plan administration	\$ 17,302.38
Recoupment - community facilities	\$ 176,490.00
Recoupment - open space and recreation	\$ 9,383.1

Total	\$ 1,170,808.16
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Indexation

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

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

Where:

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

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

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

Deferred payments of contributions will not be accepted.

Prior to payment Council can provide the value of the indexed levy.
Copies of the *Willoughby Local Infrastructure Contributions Plan* are available for inspection online at www.willoughby.nsw.gov.au
(Reason: Statutory requirement)

5. CONCLUSION

This assessment took into consideration the previous assessment dated 24 May 2021, the plans and documentation submitted with the development application, the latest Site Compatibility Certificate (SCC) issued on 16 June 2021 for the subject site, the relevant legislative context and the additional submissions from Council officers and from the applicant.

It concludes that the seniors housing development is limited to the footprint area nominated by the newly issued SCC. The proposed layout, dwelling numbers and on-site facilities for the development in relation to current bushfire protection requirements, tree removal and additional tree planting are matters that were previously assessed in the report dated 24 May 2021 and found acceptable. This supplementary report finds that these matters remain adequately addressed and acceptable when taking the new SCC into consideration.

Similarly, the potential contamination of the site was thoroughly investigated in accordance with current legislation and to the satisfaction of Council's Environmental Health Officer. The latest SCC does not change these matters.

In regard to the necessary modifications to existing footpath gradients in Beaconsfield Road, the proposed footpath is assessed to comply with the requirements of the SEPP Seniors. The pathway design, internal to the site, provides an accessible link to Beaconsfield Road which is compliant with AS1428 and other relevant legislation.

As such, Schedule 2 matters listed in the 16 June 2021 SCC were reviewed and found to be satisfactory. Taking into account the latest updated comments received from Council's Contributions Officer and the conclusions of this assessment, the application continues to be recommended for approval, subject to the amended schedule of conditions included in **Attachment 1**.

ATTACHMENT 1: SCHEDULE OF CONDITIONS

SCHEDULE OF CONDITIONS

Conditions of Consent: (Including reasons for such conditions)

CONSENT IDENTIFICATION

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

1. Approved Plan/Details

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

Type	Plan No.	Revision /Issue No	Plan Date (as Amended)	Prepared by
Architectural				
Cover Sheet	DA0.01	F	22/12/2020	Marchese Partners
Data Sheet	DA0.02	D	12/12/2020	Marchese Partners
Location Plan	DA1.02	A	15/05/2020	Marchese Partners
Demolition Plan	DA1.06	A	15/05/2020	Marchese Partners
Golf Course Lot Plan	DA1.07	A	15/05/2020	Marchese Partners
Subdivision Plan (Stage 1)	DA1.08	A	15/05/2020	Marchese Partners
Setbacks & Roof Height Plan	DA1.19	B	12/11/2020	Marchese Partners
Level Lower Ground – Masterplan	DA2.01	B	12/11/2020	Marchese Partners
Level Ground – Masterplan	DA2.02	B	12/11/2020	Marchese Partners
Level 1 – Masterplan	DA2.03	C	12/11/2020	Marchese Partners
Level 2 – Masterplan	DA2.04	C	12/11/2020	Marchese Partners
Level 3 – Masterplan	DA2.05	E	22/12/2020	Marchese Partners
Level 4 – Masterplan	DA2.06	D	12/11/2020	Marchese Partners
Level Roof – Masterplan	DA2.07	D	12/11/2020	Marchese Partners
Building South Level Ground	DA2.21	A	15/05/2020	Marchese Partners
Building South Level 1	DA2.22	B	12/11/2020	Marchese Partners
Building South Level 2	DA2.23	B	12/11/2020	Marchese Partners
Building South Level 3	DA2.24	B	12/11/2020	Marchese Partners
Building South Level 4	DA2.25	C	12/11/2020	Marchese Partners
Building South Level Roof	DA2.26	B	12/11/2020	Marchese Partners
Building North Lower Ground	DA2.41	B	12/11/2020	Marchese Partners
Building North Level Ground	DA2.42	B	12/11/2020	Marchese Partners
Building North Level 1	DA2.43	C	12/11/2020	Marchese Partners
Building North Level 2	DA2.44	C	12/11/2020	Marchese Partners
Building North Level 3	DA2.45	D	12/11/2020	Marchese Partners
Building North Level 4	DA2.46	D	12/11/2020	Marchese Partners
Building North Level Roof	DA2.47	D	12/11/2020	Marchese Partners
Clubhouse Ground Level	DA2.61	A	15/05/2020	Marchese Partners
Clubhouse Level 1 Plan	DA2.62	B	12/11/2020	Marchese Partners
Clubhouse Level 2 Plan	DA2.63	B	12/11/2020	Marchese Partners
Clubhouse Level 3 Plan	DA2.64	A	15/05/2020	Marchese Partners
Clubhouse Roof Plan	DA2.65	B	03/08/2020	Marchese Partners
Building South Elevations	DA3.01	A	15/05/2020	Marchese Partners
Building South Elevations	DA3.02	A	15/05/2020	Marchese Partners
Building North Elevations	DA3.03	C	12/11/2020	Marchese Partners
Building North Elevations	DA3.04	B	12/11/2020	Marchese Partners
Clubhouse Elevations	DA3.05	A	15/05/2020	Marchese Partners
Building North South Elevations	DA3.06	B	12/11/2020	Marchese Partners
Building South & Building North East Elevations	DA3.07	B	12/11/2020	Marchese Partners
Section – AA & BB	DA4.01	A	15/05/2020	Marchese Partners

Section – CC & DD	DA4.02	B	09/10/2020	Marchese Partners
Section - EE	DA4.03	A	15/05/2020	Marchese Partners
Section - FF	DA4.04	B	12/11/2020	Marchese Partners
Level Lower Ground GFA	DA5.21	A	15/05/2020	Marchese Partners
Level Ground GFA	DA5.22	A	15/05/2020	Marchese Partners
Level 1 GFA	DA5.23	B	01/10/2020	Marchese Partners
Level 2 GFA	DA5.24	B	01/10/2020	Marchese Partners
Level 3 GFA	DA5.25	B	01/10/2020	Marchese Partners
Level 4 GFA	DA5.27	A	15/05/2020	Marchese Partners
Lower Ground Storage & Waste Diagram	DA5.31	A	15/05/2020	Marchese Partners
Level Ground Storage & Waste Diagram	DA5.32	D5	01/10/2020	Marchese Partners
Level 1 Storage & Waste Diagram	DA5.33	B	01/10/2020	Marchese Partners
Level 2 Storage & Waste Diagram	DA5.34	B	01/10/2020	Marchese Partners
Level 3 Storage & Waste Diagram	DA5.35	B	01/10/2020	Marchese Partners
Level 4 Storage & Waste Diagram	DA5.36	A	15/05/2020	Marchese Partners
Adaptable Unit Layout Type A	DA6.01	A	15/05/2020	Marchese Partners
Adaptable Unit Layout Type B	DA6.02	A	15/05/2020	Marchese Partners
Adaptable Unit Layout Type C	DA6.03	A	14/02/2020	Marchese Partners
Adaptable Unit Layout Type D	DA6.04	A	14/02/2020	Marchese Partners
Adaptable Unit Layout Type E	DA6.05	A	15/05/2020	Marchese Partners
Adaptable Unit Layout Type EAA	DA6.05A	A	01/10/2020	Marchese Partners
Adaptable Unit Layout Type G	DA6.06	A	14/02/2020	Marchese Partners
Adaptable Unit Layout Type J	DA6.07	A	15/05/2020	Marchese Partners
Adaptable Unit Layout Type L	DA6.08	A	15/05/2020	Marchese Partners
Adaptable Unit Layout Type M	DA6.09	A	14/02/2020	Marchese Partners
Adaptable Unit Layout Type N	DA6.10	A	14/02/2020	Marchese Partners
Adaptable Unit Layout Type O	DA6.11	A	14/02/2020	Marchese Partners
Adaptable Unit Layout Type P	DA6.12	A	14/02/2020	Marchese Partners
Adaptable Unit Layout Type Q	DA6.13	A	14/02/2020	Marchese Partners
Adaptable Unit Layout Type R	DA6.14	A	14/02/2020	Marchese Partners
Adaptable Unit Layout Type V	DA6.15	A	14/02/2020	Marchese Partners
Adaptable Unit Layout Type X	DA6.16	A	15/05/2020	Marchese Partners
Adaptable Unit Layout Type Y	DA6.17	A	14/02/2020	Marchese Partners
Adaptable Unit Layout Type Z	DA6.18	A	14/02/2020	Marchese Partners
Adaptable Unit Layout Type AA	DA6.19	A	14/02/2020	Marchese Partners
Adaptable Unit Layout Type AB	DA6.20	A	15/05/2020	Marchese Partners
Adaptable Unit Layout Type AC	DA6.21	A	14/02/2020	Marchese Partners
Adaptable Unit Layout Type AD	DA6.22	A	15/05/2020	Marchese Partners
Adaptable Unit Layout Type AF	DA6.23	A	14/02/2020	Marchese Partners
Adaptable Unit Layout Type AG	DA6.24	A	14/02/2020	Marchese Partners
Adaptable Unit Layout Type AH	DA6.25	A	14/02/2020	Marchese Partners
Adaptable Unit Layout Type AJ	DA6.26	A	14/02/2020	Marchese Partners
Adaptable Unit Layout Type AK	DA6.27	A	14/02/2020	Marchese Partners
Adaptable Unit Layout Type AL	DA6.28	A	15/05/2020	Marchese Partners
Adaptable Unit Layout Type AM	DA6.29	A	14/02/2020	Marchese Partners
Adaptable Unit Layout Type AN	DA6.30	A	14/02/2020	Marchese Partners
Adaptable Unit Layout Type AO	DA6.31	A	14/02/2020	Marchese Partners
Adaptable Unit Layout Type AP	DA6.32	A	14/02/2020	Marchese Partners
Adaptable Unit Layout Type AQ	DA6.33	A	14/02/2020	Marchese Partners
Adaptable Unit Layout Type AS	DA6.34	A	14/02/2020	Marchese Partners
Adaptable Unit Layout Type AT	DA6.35	A	14/02/2020	Marchese Partners
Adaptable Unit Layout Type AU	DA6.36	A	14/02/2020	Marchese Partners
Adaptable Unit Layout Type AV	DA6.37	A	14/02/2020	Marchese Partners
Adaptable Unit Layout Type AW	DA6.38	A	14/02/2020	Marchese Partners
Adaptable Unit Layout Type AY	DA6.39	A	14/02/2020	Marchese Partners
Adaptable Unit Layout Type LA	DA6.40	A	14/02/2020	Marchese Partners
Adaptable Unit Layout Type MA	DA6.41	A	15/05/2020	Marchese Partners

Unit Layout Sheet 1	DA6.101	A	15/05/2020	Marchese Partners
Unit Layout Sheet 2	DA6.102	B	01/10/2020	Marchese Partners
Unit Layout Sheet 3	DA6.103	A	15/05/2020	Marchese Partners
Unit Layout Sheet 4	DA6.104	B	01/10/2020	Marchese Partners
Unit Layout Sheet 5	DA6.105	A	15/05/2020	Marchese Partners
Unit Layout Sheet 6	DA6.106	A	01/10/2020	Marchese Partners
Finishes Board	DA7.01	B	12/11/2020	Marchese Partners
Entry Signage Detail	DA7.02	B	12/11/2020	Marchese Partners
Ramp Detail	DA7.08	B	12/11/2020	Marchese Partners
Access Driveway Sections	DA7.09	C	22/12/2020	Marchese Partners
Landscape Plans				
Landscape Masterplan	LO1	D	26/01/2021	Somewhere Landscape Architects
Landscape Areas	LO2	D	26/01/2021	Somewhere Landscape Architects
Landscape Areas	LO3	D	26/01/2021	Somewhere Landscape Architects
Sections	LO4	D	26/01/2021	Somewhere Landscape Architects
Landscape Management & Tree Removal	LO5	D	26/01/2021	Somewhere Landscape Architects
Planters (various floors)	LO6	B	04/05/2020	Somewhere Landscape Architects
Site Planting	LO7	A	04/05/2020	Somewhere Landscape Architects
Materials	LO8	A	04/05/2020	Somewhere Landscape Architects
Planting palette Western & South West Planters	LO9	A	04/05/2020	Somewhere Landscape Architects
Planting palette North, South & East facing planters	L10	A	04/05/2020	Somewhere Landscape Architects
Planting palette Low light levels/internal planting areas	L11	A	04/05/2020	Somewhere Landscape Architects
Stormwater Drainage				
Stormwater Drainage Title Sheet & Locality Plan	DA-STW-001	J	03/02/2021	LP Consulting
Stormwater Drainage Legend, Abbreviations & Drawing List	DA-STW-002	L	22/04/2021	LP Consulting
Stormwater Drainage General Notes	DA-STW-003	J	03/02/2021	LP Consulting
Stormwater Drainage Survey Plan	DA-STW-004	J	03/02/2021	LP Consulting
Stormwater Drainage Erosion & Sediment Control Plan	DA-STW-005	J	03/02/2021	LP Consulting
Stormwater Drainage Erosion & Sediment Control Details	DA-STW-006	J	03/02/2021	LP Consulting
Stormwater Drainage Site Plan	DA-STW-101	J	03/02/2021	LP Consulting
Stormwater Drainage Building South Level Ground	DA-STW-102	J	03/02/2021	LP Consulting
Stormwater Drainage Building South Level 1	DA-STW-103	J	03/02/2021	LP Consulting

Stormwater Drainage Building South Level 2	DA-STW-104	J	03/02/2021	LP Consulting
Stormwater Drainage Building South Level 3	DA-STW-105	J	03/02/2021	LP Consulting
Stormwater Drainage Building South Level 4	DA-STW-106	J	03/02/2021	LP Consulting
Stormwater Drainage Building South Roof	DA-STW-107	J	03/02/2021	LP Consulting
Stormwater Drainage Building North Lower Ground	DA-STW-108	J	03/02/2021	LP Consulting
Stormwater Drainage Building North Level Ground	DA-STW-109	J	03/02/2021	LP Consulting
Stormwater Drainage Building North Level 1	DA-STW-110	J	03/02/2021	LP Consulting
Stormwater Drainage Building North Level 2	DA-STW-111	J	03/02/2021	LP Consulting
Stormwater Drainage Building North Level 3	DA-STW-112	J	03/02/2021	LP Consulting
Stormwater Drainage Building North Level 4	DA-STW-113	J	03/02/2021	LP Consulting
Stormwater Drainage Erosion & Sediment Building North Roof	DA-STW-114	J	03/02/2021	LP Consulting
Stormwater Drainage Detail Sheet No.1 Connection to Lake	DA-STW-201	J	03/02/2021	LP Consulting
Stormwater Drainage Detail Sheet No.2	DA-STW-202	J	03/02/2021	LP Consulting
Stormwater Drainage Detail Sheet No.3	DA-STW-203	J	03/02/2021	LP Consulting
Stormwater Drainage Longitudinal Sections Sheet 1	DA-STW-301	J	22/01/2021	LP Consulting
Subdivision Plans – Stage 1				
Stage1	124981/ ST G1- SUBD		30/04/2020	JBW Surveyors
Stratum Subdivision - Stage 2				
Lower Ground Level & Below	Sheet 1 – 124981/DA -Stratum Subd		30/04/2020	JBW Surveyors
Ground Level	Sheet 2– 124981/DA -Stratum Subd		30/04/2020	JBW Surveyors
Level 1	Sheet 3– 124981/DA -Stratum Subd		30/04/2020	JBW Surveyors
Level 2	Sheet 4– 124981/DA -Stratum Subd		30/04/2020	JBW Surveyors
Level 3	Sheet 5– 124981/DA -Stratum Subd		30/04/2020	JBW Surveyors
Level 4	Sheet 6 – 124981/DA -Stratum Subd		30/04/2020	JBW Surveyors
Roof Level & Above	Sheet 7 – 124981/DA -Stratum Subd		30/04/2020	JBW Surveyors

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. Rural Fire Services Requirements

The following conditions from RFS must be complied with:

A. Asset Protection Zones

From the start of building works and in perpetuity, to ensure ongoing protection from the impact of bush fires, the entire site must be managed as an Inner Protection Area (IPA) in accordance with the requirements of Appendix 4 of ‘*Planning for Bush Fire Protection 2019*’ as depicted in Schedule 1 of the bushfire protection assessment prepared by Travers Bushfire and Ecology dated 6 May 2020 with reference 19WRL02. When establishing and maintaining an IPA the following requirements apply:

- (a) Tree canopy cover should be less than 15% at maturity;
- (b) Trees at maturity should not touch or overhang the building;
- (c) Lower limbs should be removed up to a height of 2m above the ground; tree canopies should be separated by 2 to 5m;
- (d) Preference should be given to smooth barked and evergreen trees;
- (e) Large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;
- (f) Shrubs should not be located under trees;
- (g) Shrubs should not form more than 10% ground cover; and
- (h) Clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.
- (i) Grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and
- (j) Leaves and vegetation debris should be removed

B. Construction Standards

New construction must comply with Section 3 and 5 (BAL 12.5) of Australian Standard AS3959-2018 *Construction of buildings in bushfire-prone areas* or NASH Standard (1.7.14 updated) *National Standard Steel Framed Construction in Bushfire Areas – 2014* as appropriate Section 7.5 of *Planning for Bush Fire Protection 2019*.

C. Access – Internal Roads

Access roads for special fire protection purpose (SFPP) developments must comply with general requirements of Table 6.8b of *Planning for Bush Fire Protection 2019*:

- (a) SFPP access roads are two-wheel drive, all-weather roads;
- (b) Access is provided to all structures;
- (c) Traffic management devices are constructed to not prohibit access by emergency services vehicles;

- (d) Access roads must provide suitable turning areas in accordance with Appendix 3; and
- (e) One way only public access roads are no less than 3.5 metres wide and have designated parking bays with hydrants located outside of these areas to ensure accessibility to reticulated water for fire suppression.

D. Water and Utility Services

The provision of water, electricity and gas must comply with Table 6.8c of *Planning for Bush Fire Protection 2019*.

E. Landscaping Assessment

Landscaping within the site must comply with the following principles:

- (a) Suitable impervious areas are provided immediately surrounding the building such as courtyards, paths and driveways.
- (b) Grassed areas, mowed lawns or ground cover plantings are provided in close proximity to the buildings.
- (c) Planting is limited in the immediate vicinity of the building.
- (d) Planting does not provide a continuous canopy to the building (i.e. trees or shrubs should be isolated or located in small clusters).
- (e) Landscape species are chosen in consideration needs of the estimated size of the plant at maturity.
- (f) Species are avoided that have rough fibrous bark, or which keep/shed bark in long strips or retain dead material in their canopies.
- (g) Smooth bark species of tree are chosen which generally do not carry a fire up the bark into the crown.
- (h) Planting of deciduous species is avoided which may increase fuel at surface/ground level (i.e. leaf litter).
- (i) Climbing species are avoided to walls and pergolas.
- (j) Combustible materials such as woodchips/mulch and flammable fuel are stored away from the building.
- (k) Combustible structures such as garden sheds, pergolas and materials such as timber garden furniture are located way from the building.
- (l) Low flammability vegetation species are used.

F. Emergency and Evacuation Planning Assessment

A Bush Fire Emergency Management and Evacuation Plan must be prepared and be consistent with the NSW RFS document: A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan.

The Bush Fire Emergency Management and Evacuation Plan should include planning for the early relocation of occupants.

Note: 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.

(Reason: Ensure Compliance and NSW RFS Requirements)

PRIOR TO MAKING AN APPLICATION FOR A CONSTRUCTION CERTIFICATE

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

3. 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. Revised Architectural Plans

The Applicant shall submit to Council revised architectural plans and swept path analysis, demonstrating provision for simultaneous passing movements over the access driveway and adequately located passing bays within the internal driveway, of the largest vehicle using the site and a passenger vehicle including clearances in accordance with AS2890.1 and AS2890.2.

B. Design of Works within Public Road Reserve

Submit to Council design plans and specifications prepared by a suitably qualified and experienced civil engineer with CPEng qualification for the following infrastructure works:

- a) Design details for a 6.5 metre wide vehicular crossing in Beaconsfield Road in accordance with Council's specification and Standard Drawings SD105. The 1 metre wide grated drain at the new crossing as shown on drawing DA-STW-105 Rev J, dated 3/2/21, prepared by LP Consulting shall be deleted. All stormwater runoff shall be directed to the adjacent stormwater pit.

Detailed longitudinal sections of the vehicular access path along each side of the vehicular driveway access to the proposed carpark drawn at 1:20 Scale shall be submitted to Council. The sections shall be prepared by a suitably qualified civil engineer using the B99 Ground Clearance Template from AS2890.1 and include the following: -

- i. Horizontal distance from 6m into the road and 6m within the property, including provision of 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 driveway access;
- iii. Crossfall on road pavement represented in percentage (%) shall be shown on longsections;
- iv. The first 6 m of the internal driveway shall have a maximum grade of 5%.
- v. The crossing shall include a 1.5m wide concrete footpath section at a maximum grade of 2.5% towards the street kerb;
- vi. The new crossing is to be 6.5 metres wide with no splays and be 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 internal levels may require amendment to satisfy the required crossing levels.

C. Design of Council Stormwater Systems

Submit to Council full engineering plans and details prepared by a suitably qualified and experienced civil engineer for the proposed works to Council's stormwater systems:

I. Beaconsfield Road Stormwater System (adjacent to Southern building)

- a) Details for the proposed 750mm Council pipe conveying stormwater runoff from Beaconsfield Road towards the point of discharge within the site. The overland flow path, designed to cater for 1% AEP flows in accordance with the major-minor principle, shall be shown on the plans. Detailed longitudinal and cross sections at 5 metre intervals with full engineering and hydraulic calculations and details suitable for construction shall be provided.
- b) Details for the rock armoured channel as part of the Beaconsfield Road stormwater system, conveying runoff from the proposed 750mm Council pipe to the downstream pipe, constructed in accordance with Council's specifications. The design shall be certified by a suitably qualified civil engineer and include:
 - i. Suitable outlet control measures to prevent the incidence of scour and erosion;
 - ii. Inlet control and safety protection screens/measures in accordance with the Queensland Urban Drainage Manual (QUDM).
 - iii. The open channel embankment is stabilised and able to cater for the 1% AEP flows, including allowance for blockages to the pipe system.
- c) The 1-metre-wide grated trench drain shown on the submitted plans at the new crossing shall be deleted, all stormwater runoff from the road reserve shall be directed towards the adjacent Council pit.
- d) The proposed GPT shall be relocated to be wholly within the site. The ownership and ongoing maintenance of this system is the responsibility of the Applicant. The current 'in line' design shall be modified to an 'off line' arrangement in order to account for any obstructions to the system when a blockage is present.
- e) An easement shall be established over the full length of this stormwater system, from the Council pit on Beaconsfield Road to the point of discharge at the pond within the site. No structure(s) shall be located within the stormwater easement. The easement shall be created centrally over the pipe system and overland flow path and shall comply with the minimum width required under Technical Standard No. 1 of the WDCP.

II. Colwell Crescent Stormwater System (adjacent to Northern building)

- a) Details for diversion of the 375mm diameter Council pipe conveying stormwater runoff from Colwell Crescent towards Swaines Creek. The overland flow path associated with this system shall be designed to cater for 1% AEP flows in accordance with the major-minor principle and be shown on the plans. Detailed longitudinal and cross sections at 5 metre

intervals with full engineering and hydraulic details suitable for construction shall be provided. The plans shall demonstrate that the easement associated with the pipe system and overland flow path is clear of all structures/retaining walls including footings.

- b) Details for the open channel as part of the Colwell Crescent stormwater system, conveying runoff from the existing 375mm Council pipe to the 300mm downstream pipe towards Swaines Creek, constructed in accordance with Council's specifications. The design shall be certified by a suitably qualified civil engineer and include:
 - i. Suitable outlet control measures to prevent the incidence of scour and erosion;
 - ii. Inlet control and safety protection screens/measures in accordance with the Queensland Urban Drainage Manual.
 - iii. Channel embankment is stabilised and able to cater for the 1% AEP flows, including allowance for blockages to the pipe system.
 - iv. Details of adjacent structures including buildings/retaining walls and footings shall be clearly shown on the plans.
- c) The proposed GPT shall be located wholly within the site. The ownership and ongoing maintenance of this system is the responsibility of the Applicant. The current 'in line' design shall be modified to an 'off line' arrangement in order to account for any obstructions to the system when a blockage is present.
- d) An easement shall be established over the full length of this stormwater system, from the Council pit collecting stormwater runoff from Colwell Crescent to the point of discharge at Swaines Creek. No structure(s) shall be located within the stormwater easement. The easement shall be created centrally over the pipe system and overland flow path, complying with the minimum width required under Technical Standard No. 1 of the WDCP.

(Reason: Ensure Compliance)

D. Design of Site Stormwater Management (collecting direct runoff from the development)

Submit to Council detailed stormwater management plans in relation to the on-site stormwater management and disposal system for the development. The drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer generally in accordance with the concept stormwater management plans prepared by LP Consulting Engineers Rev J Dated 3/2/2021 with the following amendments:

- a) The spillway from the on-site detention system shall be conveyed via an overland flow route and not be piped, designed for the 1% AEP undetained flows as specified under the WDCP Technical Standard No. 1. The spillway level must be below the overflow level from the rainwater tank to the OSD. Cross sections at maximum 5m internals and finished ground levels of the emergency overflow route must be shown on the plans with freeboard to any adjacent floor levels clearly shown on the plans.

All drawings shall comply with Part C.5 of Council's Development Control Plan and Technical Standards, AS/NSZ3500.3 – *Plumbing and Drainage Code* and National Construction Code.
(Reason: Ensure compliance)

4. Contaminated Land – Remediation and Validation

After demolition of structures not being retained on the site and prior to the lodgement of an application for a Construction Certificate, the following actions shall be undertaken:

- (a) Any detected asbestos, or other hazardous material, shall be removed by a suitably licensed contractor in accordance with the HAZMAT assessment and Asbestos Management Plan. After the hazardous material has been removed, a licensed asbestos assessor shall inspect the site and, if appropriate, issue a clearance certificate;
- (b) A Data Gap Investigation (DGI) shall be conducted to address the data gaps identified in Table 3-1 of the Remedial Action Plan (RAP) prepared by JKEnvironments, Ref. E27168Krpt4 RAP Rev.1, dated 12 March 2020, and a report prepared. The DGI report shall include any recommendations regarding whether the RAP needs to be amended or not, and be submitted to Council for concurrence;
- (c) The Remedial Action Plan (RAP) shall be reviewed and amended (if necessary) once the DGI has been completed. Any variations to the RAP must be approved in writing by Council prior to the commencement of any remedial action work;
- (d) The site must be remediated in accordance with the RAP prepared by JKEnvironments, Ref. E27168Krpt4 RAP Rev.1, dated 12 March 2020 (or any amended and approved RAP);
- (e) 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 SEPP 55;
- (f) A Stage 4 Site Validation Report (SVR), prepared by a suitably qualified contaminated land consultant, must be submitted to Council for its review and concurrence. The site validation report shall provide a notice of completion of remediation works pursuant to clause 18 of SEPP 55, whether there are any ongoing site management requirements, whether the objectives stated in the approved RAP have been achieved, and a clear statement on the suitability of the continued and new residential use of the site.

(Reason: Environmental protection, public health and safety)

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

5. Amendments

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

- (a) Landscape plans are to be reviewed by a qualified ecologist and amended as required to ensure that species selected in open garden areas surrounding the buildings (excluding internal or balcony planters) comprise species selected from the Coastal Sandstone Foreshores Community only
- (b) Documentation shall include details on the re-location/accommodation of the ANZAC monument (plaque and other associated features) on site – including safe storage of the monument during the construction works.
- (c) In order to enhance safety for motorists and cyclists within the site, a dividing line shall be marked on the driveway access ramp, for the entire length of the ramp, to address separate ingress and egress movements in a shared path arrangement.

Details of the amendments above are required to be shown on the Construction Certificate plans and documentation.

(Reason: Local environmental amenity, Ensure compliance)

6. **Development Contribution**

Monetary Contributions - S7.11 Contribution subject to the following requirement:

A monetary contribution that is required to be paid under this consent must be paid before the issue of the **first** Occupation Certificate in respect of any building to which this consent relates, except as provided by the following circumstance:

If no construction certificate in respect of the erection of any building to which the consent relates has been issued before or on 25 September 2022, the monetary contribution referred in section 'PRIOR TO OCCUPATION OF THE DEVELOPMENT' must be paid before the issue of the **first** Construction Certificate after that date (25 Sept 2022) for any such building.

(Reason: Statutory requirement)

7. **Services - Energy Australia**

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

(Reason: Compliance)

8. **External Finishes – Solar Absorptance**

The external roofing, glazing and walls are to be of minimal reflectance so as to avoid nuisance in the form of glare or reflections to the occupants of nearby residential buildings, pedestrians and/or motorists.

Details demonstrating compliance are to be submitted with the Construction Certificate application.

(Reason: Visual amenity)

9. Access - Internal Roads - RMS

Intent of measures: to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area.

Access roads for special fire protection purpose (SFPP) developments must comply with general requirements of Table 6.8b of Planning for Bush Fire Protection 2019:

- SFPP access roads are two-wheel drive, all-weather roads;
- access is provided to all structures;
- traffic management devices are constructed to not prohibit access by emergency services vehicles;
- access roads must provide suitable turning areas in accordance with Appendix 3; and
- one way only public access roads are no less than 3.5 metres wide and have designated parking bays with hydrants located outside of these areas to ensure accessibility to reticulated water for fire suppression.

(Reason: New South Wales Rural Fire Service)

10. Construction Standards – RFS

Intent of measures: to provide suitable building design, construction and sufficient space to ensure that radiant heat levels do not exceed critical limits for firefighters and other emergency services personnel undertaking operations, including supporting or evacuating occupants.

New construction must comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2018 Construction of buildings in bush fire-prone areas or NASH Standard (1.7.14 updated) National Standard Steel Framed Construction in Bushfire Areas - 2014 as appropriate and Section 7.5 of Planning for Bush Fire Protection 2019.

The Construction Certificate plans and documentation must reflect the above.
(Reason: New South Wales Rural Fire Service)

11. Water and Utility Services - RMS

Intent of measures: 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.

The provision of water, electricity and gas must comply with Table 6.8c of Planning for Bush Fire Protection 2019.

(Reason: New South Wales Rural Fire Service)

12. Roof Material – Glare

The external finish to the roof shall have a BASIX classified roof colour in the medium or dark range to minimise the effects of glare to neighbouring properties. Roof colour details being submitted with the construction certificate application for approval.

(Reason: Amenity)

13. 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)

14. 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)

15. Damage Deposit

Prior to the issue of the Construction Certificate, the applicant shall lodge a Damage Deposit of **\$95,000** (GST Exempt) to Council against possible damage to Council's assets and any infrastructure within the road reserve/footway during the course of the building works. The deposit will be refundable subject to inspection by Council after the completion of all works relating to the proposed development. For the purpose of inspections carried out by Council Engineers, an inspection fee of **\$173** (GST Exempt) is payable to Council. Any damages identified by Council shall be restored by the applicant prior to release of the Damage Deposit.

Total Payable = \$95,000 + \$173 = \$95,173

(Reason: Protection of public asset)

16. Dedication of Drainage Easement

The Applicant shall dedicate, at no cost to Council, the following drainage easements over the allotment in favour of Council:

- a) A drainage easement of minimum 3.5 metres wide and of sufficient width to contain the overland flow path, over the full stormwater system from Beaconsfield Road to the point of discharge at the pond within the site.
- b) A drainage easement of minimum 2.5 metres wide and of sufficient width to contain the overland flow path, over the full stormwater system from Colwell Crescent to the point of discharge at Swaines Creek.

The terms of the easement shall specifically state that responsibility for maintenance of the water quality GPTs associated with the Council stormwater systems are of the development site. The Plan of Dedication shall be lodged to Council prior to issue of the Construction Certificate and registered with the NSW Land Registry Services prior to the release of the Occupation Certificate.

(Reason: Drainage maintenance)

17. Creation of Interallotment Drainage Easement

The Applicant shall create a drainage easement over the interallotment drainage system in favour of all adjacent upstream properties fronting Colwell Crescent.

The terms of the easement shall specifically state that responsibility for the ongoing maintenance of the full length open pipe/channel is borne by the development site. The stormwater connections made between the upstream properties to this interallotment system shall be maintained by the registered proprietor in favour of the connection. The Plan of Dedication shall be lodged to Council prior to issue of the Construction Certificate and registered with the NSW Land Registry Services prior to the release of the Occupation Certificate.

(Reason: Drainage maintenance)

18. CCTV Report of Existing Council Pipe System

A qualified practitioner, with qualifications/training in accordance with Water Services Association of Australia WSA05-2013 Conduit Inspection Reporting Code of Australia Version 3.1, shall undertake a closed circuit television (CCTV) inspection and then report on the existing condition of the following Council drainage systems:

- i. Colwell Crescent system commencing at the road through to the existing 300mm downstream pipe on site.
- ii. Beaconsfield Road system commencing at the northern bus stop opposite to Cramer Crescent and through the site, to the point of connection to the pond.

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

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

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

(Reason: Protection of public asset)

19. Analysis of Outlet Condition

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

(Reason: Prevent property damage)

20. 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 stormwater management and disposal system for the development. The construction drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer. All drawings shall generally be in accordance with the submitted DA plans and that required under Schedule 1. The plans shall comply with Part C.5 of Council's Development Control Plan and Technical Standards, AS/NZS 3500.3 – *Plumbing and Drainage Code* and National Construction Code.

(Reason: Ensure compliance)

21. Design of Interallotment Drainage System

Prior to the issue of a Construction Certificate, submit to the Certifier for approval, details of the interallotment drainage system receiving stormwater from all the upstream Colwell Crescent properties. The interallotment system shall be adequately sized for 1% AEP storm events and not encroach onto neighbouring properties. Individual connections from all the adjacent Colwell Crescent properties shall be provided from the property boundaries to this interallotment drainage system. Interallotment drainage easements, up to the point of connection to the Council's drainage system, shall be created over the full length of this stormwater system, benefitting all the upstream Colwell properties at the northern end of the site. The ownership and ongoing maintenance of this pipe/channel system shall be borne by the Applicant. Structures adjacent to the pipeline must be sufficiently clear of the easement to avoid any loads within the zone of influence of the pipe. Footings of any adjacent retaining walls shall be extended to a minimum 100mm below the invert of the pipe or to solid rock.

(Reason: Ensure Compliance)

22. 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 suitable for construction, prepared by a suitably qualified and experienced civil engineer for the following infrastructure works:

- a) Construction of 1.5 metres wide concrete footpath with 2.5% maximum crossfall towards the kerb from the site of the subject development to the nearest bus stop along the northern side of Beaconsfield Road, generally in accordance with the extent of works shown on plans, Council's specification, *the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, Council's Standard Drawing SD105 Vehicular Footpath Crossing and Kerb & Gutter Details and Council's Standard Drawing SD100 Kerb Access Ramp. Detailed long section and cross sections at 5 metres interval shall be provided.
- b) Construction of a 6.5-metre-wide vehicular crossing in Beaconsfield Road in accordance with Council's specification and Standard Drawings SD105.
- c) Construction details for the proposed 750mm Council pipe conveying stormwater runoff from Beaconsfield Road towards the point of discharge within the site. The overland flow path, designed to cater for 1% AEP flows in accordance with the major-minor principle, shall be shown on the plans. Detailed longitudinal and cross sections

at 5 metre intervals with full engineering and hydraulic details suitable for construction shall be provided.

- d) The rock armoured channel as part of the Beaconsfield Road stormwater system, conveying runoff from the proposed 750mm Council pipe to the 375mm downstream pipe shall be reconstructed in accordance with Council's specifications. The channel embankment must be stabilised and include the installation of inlet and outlet safety control measures where appropriate, as per the Queensland Urban Drainage Manual (QUDM). The design shall be certified by a suitably qualified civil engineer.
- e) Construction details for diversion of the 375mm Council pipe conveying stormwater runoff from Colwell Crescent towards Swaines Creek. The overland flow path, designed to cater for 1% AEP flows in accordance with the major-minor principle, shall be shown on the plans. Detailed longitudinal and cross sections at 5 metre intervals with full engineering and hydraulic details suitable for construction shall be provided.
- f) The open channel as part of the Colwell Crescent stormwater system, conveying runoff from the existing 375mm Council pipe to the 300mm downstream pipe towards Swaines Creek shall be reconstructed in accordance with Council's specifications. The channel embankment must be stabilised and include the installation of inlet and outlet safety control measures where appropriate, as per the Queensland Urban Drainage Manual (QUDM). The design shall be certified by a suitably qualified civil engineer.

The design plans shall be prepared and certified by a qualified and experienced Civil Engineer with CPEng status. The plans shall be in accordance with Council's specifications (AUS-SPEC) and be submitted to Council for approval. 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)

23. Splay Corner for Fence

In order to ensure adequate sight distances for pedestrians and traffic in the frontage road, if applicable, the boundary fence shall be designed and constructed with a minimum clear splay of 2m x 2.5m on both sides of the driveway exit. Details demonstrating compliance are to be submitted with the construction certificate application.

(Reason: Pedestrian safety)

24. 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)

25. 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 to the carpark. All driveway grades shall comply AS 2890.1 and AS 2890.2.
- (c) That the proposed vehicular path and parking arrangements comply in full with AS 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 2890.1.
- (e) That the headroom clearance of minimum 2.5 metres is provided to all parking spaces for people with disabilities for compliance with Section 2.4 of AS 2890.6.
- (f) That the headroom clearance of minimum 4.5 metres is provided to all commercial or specialist vehicle parking spaces and the associated vehicular access path for compliance with Section 2.2 of AS 2890.2.
- (g) 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 5.4m 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 AS 2890.6.
- (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) Sufficient passing bays within the driveway to allow simultaneous entry/exit movements for the largest vehicle using the site and a passenger vehicle including clearance in accordance with AS2890.1 and AS2890.2, is provided.
- (j) The maximum gradient within the parking modules measured parallel to the angle of parking is no greater than 5% and no greater than 6.25% in any other direction.
- (k) All visitor carparking spaces within the site to have minimum dimensions of 2.5m x 5.4m and be freely accessible at all times for the use of visitors.
- (l) Segregated route(s) for pedestrian and wheelchair movements shall be provided within the basement carpark with appropriate line marking and signage in accordance with the AS2890.1 and AS2890.6.
- (m) The club parking spaces are open to mixed use without facility marking to allow for flexible and shared use.

(Reason: Ensure compliance)

26. Tree Planting

a) Prior to the issue of a Construction Certificate for the Independent Living Units or Clubhouse Building, the applicant must submit to The Certifying Authority a Tree Planting Scheme prepared by a suitably qualified Arborist or Environmental Consultant detailing the replanting strategy which delivers **a minimum of 650 new trees** within the Chatswood Golf Course (Lot 13 - remainder golf course fairway lot, approx. area 12.4ha) - in addition to the trees nominated on the approved landscape plans.

b) The tree planting scheme is to comprise

- i) Local native tree species only,
- ii) A minimum 50% of trees capable of growing to a minimum height of 15 metres,
- iii) Tree planting locations,
- iv) Required ground preparation and mulching, and
- v) An ongoing maintenance program including watering, protection measures and replacement of failed trees.

c) The Tree Planting Scheme is to be provided to the Certifying Authority for approval prior to issue of a Construction Certificate

(Reason: Maintain local environmental amenity)

27. On slab landscape works

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

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

c) The following soil depths are required to support landscaping as proposed:

- 1. 300mm for lawn
- 2. 600mm for shrubs
- 3. 1m for small trees

Design certification shall be submitted to the Certifying Authority by a qualified Structural Engineer, that the planters are designed structurally to support the 'wet' weight of landscaping (soil, materials and established planting).

(Reason: To ensure appropriate soil depth for planting and secure waterproofing and drainage is installed)

28. 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 and management of all trees (including those on adjoining properties) in accordance with the

recommendations of the Arboricultural Impact Assessment Report dated November 2020 prepared by Travers Bushfire and Ecology and AS 4970-2009 'Protection of trees on development sites' and clearly mark tree protection zones as well as tree protection measures, fencing and inspection hold points.

(Reason: Tree protection)

29. Amended Landscape Plans

Prior to issue of a Construction Certificate, landscape plans are to be reviewed by a qualified ecologist and amended as required to ensure that species selected in open garden areas surrounding the buildings (excluding internal or balcony planters) comprise species selected from the Coastal Sandstone Foreshores Community only.

(Reason: Local environmental amenity)

30. Internal Noise Levels Independent Living Units

To minimise the noise intrusion from any external noise source, the independent living units (ILUs) shall be designed and constructed to comply with the following criteria with windows and doors closed:

Internal Space	Time Period	Criteria L_{Aeq} (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 does 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.

In addition, all façades of the ILUs facing directly towards the golf club shall have an acoustic rating of Rw 33.

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

(Reason: Amenity, environmental compliance and health)

31. Noise Transmission – Independent Living Units

To ensure that adequate provision is made to limiting noise transmission between adjoining sole-occupancy units and from common spaces into sole-occupancy units, the development's construction shall comply with the sound insulation requirements contained in the National Construction Code (NCC) and Section 5 of the NCC and Mechanical Plant Noise Assessment prepared by Rodney Stevens Acoustics, Ref. No. 170406R1 Rev. 2, dated 18 December 2019.

Once the final architectural/construction certificate plans are complete and details on wall, flooring and door construction are finalised, a suitably qualified acoustic consultant shall carry out a NCC compliance assessment and produce a report. This

report shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate. Any noise attenuation measures in the report shall be implemented in the development.

(Reason: Amenity and environmental compliance)

32. 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)

33. Location of Car Park Exhaust Vents

To ensure that discharged air from any mechanically ventilated car park does not adversely impact adjacent Zone E4 Environmental Living properties with special ecological, scientific or aesthetic values, exhaust vents shall be located a minimum distance of 10m from any property boundary.

Details clearly showing the location of car park exhaust vents and their distance to adjoining property boundaries shall be included in the mechanical ventilation plans for the development to be provided to the Certifier prior to the issue of a Construction Certificate.

(Reason: Amenity and environmental protection)

34. Mechanical Ventilation – Food Premises

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

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

- (a) *AS/NZS 1668.1:1998 – The use of ventilation and air conditioning in buildings – Fire and smoke control in multi-compartment buildings;*
- (b) *AS/NZS 1668.2:2002 – The use of ventilation and air conditioning in buildings – ventilation design for indoor air contaminant control; and*

- (c) *AS/NZS 2918:2001 – Domestic solid fuel burning appliances – Installation.*

(Reason: Amenity, environmental compliance and health)

35. 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)

36. Mechanical Plant Noise Assessment

To minimise the impact of noise onto receivers on surrounding land, all mechanical services shall be designed to comply with the EPA’s Noise Policy for Industry (NPfI). Once final selection of mechanical plant for the clubhouse and independent living units has been made, a suitably qualified acoustic consultant shall assess the predicted noise impact on both nearby residential receivers and residents of the independent living units. Particular attention shall be paid to air-conditioning and carpark exhaust systems and include an assessment of cumulative impact from various sources operating at the same time (i.e. a worst-case scenario).

Details of the proposed equipment, siting, appropriate noise criteria and any attenuation required shall be included in a mechanical plant noise assessment report and be submitted to the Certifying Authority prior to the issue of a Construction Certificate. Any noise attenuation measures or equipment recommended in the report shall be implemented into the design of the development.

(Reason: Amenity and environmental protection)

37. Traffic Management Plan

Prior to issue of the Construction Certificate, a detailed Traffic Management Plan shall be prepared for pedestrian and traffic management during demolition, excavation and construction works, and be submitted to Council for approval. The plan shall include but not be limited to, the following: -

- (a) Be prepared by a Transport for NSW (TfNSW) accredited consultant.
- (b) Be in accordance with the current version of AS1742.3 and its associated handbook; and the TfNSW/ RMS's Traffic Control at work site manual.
- (c) Implement a public information campaign to inform any road changes well in advance of each change. The campaign shall be approved by the Traffic Committee.
- (d) The Traffic and Pedestrian Management Plan at minimum shall ensure the following are implemented:
 - Detail the measures that are to be implemented to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists and pedestrians and bus services.
 - Include times and dates of changes, signage, road markings and any temporary traffic control measures.
 - Detail heavy vehicle routes, access and parking arrangements.
 - Maintain full operations and access to adjoining residents throughout construction.
 - Maintain continuous operation and full access to utility services.
 - Provide designated vehicle access routes.
 - Create and maintain materials handling zones within the site.
 - Control, manage and clean all construction traffic to and from the materials handling zones.
 - Ensure suitable traffic control personnel is in places at all times / as required.
- (e) If necessary, the Traffic Management Plan shall include measures for road safety, network efficiency and amenity of local residents, in the case where the stockpiling material temporarily stored on site has to be removed via Council's road network.
- (f) Prior to implementation of any road closure during construction, Council must be advised of these changes and a Traffic Control Plan must be submitted to Council for approval.
- (g) 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.
- (h) Confine temporary road closures to weekends and off-peak hour times and shall be the subject of approval from Council. Prior to implementation of any road closure during construction, Council shall be advised of these changes and a Traffic Control Plan shall be submitted to Council for approval. This Plan shall include times and dates of changes, measures, signage, road markings and any temporary traffic control measures.

(Reason: Public safety and amenity)

38. Traffic Work – cul-de-sac/driveway

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 Transport for NSW (TfNSW) / RMS Technical Directives and Guidelines.

(Reason: Public safety and amenity)

39. Public Domain Works – Beaconsfield Road (from development site to Mowbray Road West)

Prior to the issue of the Construction Certificate, the Applicant must demonstrate to Council that the streetscape design and treatment meets the requirements of Council including:

- a) to ensure minimum noise, dust, traffic congestion and delays on Beaconsfield Road (from the development site to Mowbray Road West) due to the truck movements, nominate for temporary or permanent removal (and rebuilding) the speed humps/ or squeeze points/ traffic islands and any necessary works to the footpath, nature strip, kerb and gutter, as required;
- b) prepare new designs/ concept plans as required;
- c) consult affected residents (provide written evidence to Council Local Traffic Committee about consultation process); and
- d) any changes to traffic calming devices should be referred to the Council Local Traffic Committee for review and Council approval.

Details of compliance with the above, including endorsement from the Council Local Traffic Committee, must be shown on the Construction Certificate plans and documentation.

(Reason: Public safety and amenity)

PRIOR TO COMMENCEMENT

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

40. External Finishes - Compatibility

All external building material shall be in colours and textures, which are compatible with the character of the locality and the natural environment. In this regard, the Schedule of Colours and Finishes submitted with the application satisfies this requirement.

(Reason: Visual amenity)

41. Stage 1 - Land Subdivision

Prior to commencement of construction of the buildings, the four lots subject of this application (Lot 163 in DP 752067, Lot 1 in DP 651667, Lot 1 in DP 1124646 and Lot 22 in DP 626634) shall be registered as a Torrens Title subdivision comprising Lot 10, Lot 11, Lot 12 and Lot 13, generally in accordance with plan ref 124981\STG1-SUBD prepared by JBW Surveyors Pty Ltd, dated 30/04/2020.

(Reason: Information)

42. Stage 1 - Land Subdivision - Section 88B Instrument

Appropriate access & services easements are to be created through the southern end of Lot 12 directly connecting Lots 10 & Lot 11 to the western end of Beaconsfield Road. The easements are to be created pursuant to Section 88B Instrument of the Conveyancing Act 1919 to Council's satisfaction burdening Lot 12 and benefitting Lots 10 & 11.

(Reason: Information and compliance)

43. Stage 1 - Land Subdivision – Linen Plan

Land subdivision in Stage 1 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 Torrens Title land subdivision with the NSW Land Registry Services.

(Reason: Information)

44. Waste Management Plan

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

(Reason: Environment protection/waste reduction)

45. 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)

46. Dilapidation Report of Adjoining Properties

Prior to commencement of work, submit a photographic survey and report of the adjoining properties 123, 124, 125 and 126 Beaconsfield Road and 15G, 15F, 17, 19, 21, 23, 25, 27, 29 and 31 Colwell Crescent 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 site details, fences, swimming pools, 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)

47. 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)

48. 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)

49. Dilapidation Report of Council's Property

Submit a dilapidation report including photographic record of Council's property extending to a distance of 150m from the development, detailing the physical condition of items such as, but not exclusively to, the footpath, roadway, nature strip, and any retaining walls.

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

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

(Reason: Protection of Council's infrastructure)

50. Locate and Expose Existing Council's Drainage Line

Prior to commencement of any works, the applicant shall locate the existing Council drainage pipe through the site. The location shall be shown on the "For Construction" drawings and a copy of the drawings submitted to Council.

(Reason: Protection of public asset)

51. 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)

52. 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)

53. Asset Protection Zones – NSW RFS

Intent of measures: to provide suitable building design, construction and sufficient space to ensure that radiant heat levels do not exceed critical limits for firefighters and other emergency services personnel undertaking operations, including supporting or evaluating occupants.

From the start of building works, and in perpetuity to ensure ongoing protection from the impact of bush fires, the property must be managed as an asset protection zone Inner Protection Area (IPA) in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019 as depicted in Schedule 1 of the bushfire protection assessment prepared by Travers Bushfire and Ecology dated 6 May 2020 with reference 19WRL02.

When establishing and maintaining an IPA the following requirements apply:

- 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 2m above the ground; tree canopies should be separated by 2 to 5m;
- preference should be given to smooth barked and evergreen trees;

- large discontinuities or gaps in vegetation 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.
- (Reason: New South Wales Rural Fire Service)

54. Landscaping – RFS

Landscaping of the site should comply with the following:

- Suitable impervious areas are provided immediately surrounding the building such as courtyards, paths and driveways.
 - Grassed areas, mowed lawns or ground cover plantings are provided in close proximity to the building.
 - Planting is limited in the immediate vicinity of the building.
 - Planting does not provide a continuous canopy to the building (i.e. trees or shrubs should be isolated or located in small clusters).
 - Landscape species are chosen in consideration needs of the estimated size of the plant at maturity.
 - Species are avoided that have rough fibrous bark, or which keep/shed bark in long strips or retain dead material in their canopies.
 - Smooth bark species of tree are chosen which generally do not carry a fire up the bark into the crown.
 - Planting of deciduous species is avoided which may increase fuel at surface ground level (i.e. leaf litter).
 - Climbing species are avoided to walls and pergolas.
 - Combustible materials such as woodchips/mulch and flammable fuel are stored away from the building.
 - Combustible structures such as garden sheds, pergolas and materials such timber garden furniture are located way from the building.
 - Low flammability vegetation species are used.
- (Reason: New South Wales Rural Fire Service)

55. Offset Requirements- NSW Biodiversity Conservation Act

Prior to commencement of work, ecosystem credit obligations as detailed in the Biodiversity Development Assessment Report dated April 2020 prepared by Travers Bushfire and Ecology are to be met as follows:

- Prior to operational commencement, the class and number of ecosystem credits as calculated in the Biodiversity Development Assessment Report dated April 2020 prepared by Travers Bushfire and Ecology must be retired to offset the residual biodiversity impacts of the development.
- The requirement to retire credits may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the Biodiversity Offsets Payment Calculator.

- Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of this condition must be provided to the Council and consent authority prior to operational commencement.
(Reason: Compliance with environmental legislation)

56. 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 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)

57. Project Ecologist

- a) A Project Ecologist is to be appointed prior to commencement of works
- b) The Project Ecologist is to have tertiary qualifications in ecology/environment and have a minimum 5 years experience.
- c) The Project Ecologist to oversee all environmental works as outlined in the Vegetation Management plan dated April 2020 prepared by Travers Bushfire and Ecology, in the Biodiversity Development Assessment Report dated April 2020 prepared by Travers Bushfire and Ecology and in the Arboricultural Impact Assessment Report dated November 2020 prepared by Travers Bushfire and Ecology.

(Reason: Environmental protection)

58. Communications/Stakeholder Engagement Plan

A Communications/Stakeholder Engagement Plan shall be developed prior to commencement of any works to establish and maintain good relations with the local community. Matters to be included shall include, but not be limited to, a means to inform the local community of activities occurring on the development site, updates on progress and consultation on relevant issues such as construction noise, vibration, dust control and traffic management. A Community Liaison Officer shall be appointed be a point of contact for stakeholders.

(Reason: Amenity and community consultation)

59. Water Pump-out Plan for Construction Site

Appropriate pollution control methods shall be adopted to ensure any water discharged into Council's stormwater system from pumping-out of accumulated rainwater on the development site complies with relevant environmental criteria.

A Construction Site Water Pump-out Plan (CSWPP) shall be prepared by a suitably qualified environmental consultant and submitted to Council for approval prior to the commencement of any work. The CSWPP 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 as follows:

Analyte	Unit	Measurement	Criteria
Total nitrogen	µg/L	< than	880
Total phosphorous	µg/L	< than	48.5
Dissolved oxygen	%sat	Btn 80 - 120%	
pH	pH units	Btn 6.5 - 8.5	
Conductivity	µS/cm	< than	468
Suspended solids	mg/L	< than	50
Turbidity	NTU	< than	50
Zinc	µg/L	< than	12.5
Lead	µg/L	< than	0.4
Copper (& any other heavy metals)	µg/L	< than	3.4

(Reason: Environmental protection, compliance)

60. Hazardous Material Assessment

Prior to the undertaking of any demolition work on the site, a hazardous material (HAZMAT) assessment shall be undertaken by an appropriately qualified person. 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)

61. Unexpected Finds Protocol

Prior to commencement of work, an unexpected finds contingency plan shall 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)

62. Waste Classification – Excavation Materials

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

(Reason: Environment and health protection)

63. Waste Storage Room Construction

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

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

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

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

64. 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)

65. Public Domain Works – Beaconsfield Road (from development site to Mowbray Road West)

Prior to commencement of work/ prior to any movement of trucks, the Applicant shall remove the speed humps/ slow points/ traffic calming devices on Beaconsfield Road in order to ensure minimum noise, dust and traffic congestion and delays - as indicated in the approved documentation by the Council Local Traffic Committee.

(Reason: Public safety and amenity)

66. STA Bus Terminus and safe routes

To optimise public safety, prior to commencement of work, the Applicant must consult with STA Bus and Council to determine and provide safer bus routes/movements at the bus terminus on Beaconsfield Road.

Affected residents shall be consulted and feedback/ concerns shall be documented and addressed. A formal road safety audit to be completed and corrective actions addressed.

Details as per above shall be submitted to Council Local Traffic Committee for approval.

The preferred bus routes be fully implemented prior to commencement of construction.
(Reason: Public safety and amenity)

DURING DEMOLITION, EXCAVATION AND CONSTRUCTION

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

67. 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.

In order to mitigate noise disturbance to immediately adjoining properties, a detailed Excavation Management Plan shall be prepared and submitted to the Certifying Authority for approval. The plan shall observe and expand on the 'Preliminary Excavation Management Plan' by PARKVIEW dated 19 May 2021 and shall be coordinated with the adopted Traffic Management Plan.

(Reason: Maintain amenity to adjoining properties)

68. Building Site Fencing

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

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

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

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

(Reason: Safety)

69. Survey Certificate

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

- (a) Prior to the construction of footings or first completed floor slab (i.e. prior to pouring of concrete) showing the area of the land, building under construction and boundary setbacks;
- (b) Upon completion of the roof framing, before the roofing is laid, indicating the ridge height to Australian Height Datum;
- (c) At roof slab level indicating the level of that slab to Australian Height Datum;

- (d) At completion indicating the relation of the building and any projections to the boundaries, and that the building has been erected to the levels approved in the Development Application.

(Reason: Ensure compliance)

70. 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)

71. 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)

72. 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)

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. Rock Hammering/Sawing

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

(Reason: Amenity)

75. Asbestos Removal and Disposal

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

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

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

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

(Reason: Environmental protection/Public health and safety)

76. 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)

77. 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)

78. Structures to Clear of Council's Drainage Infrastructure

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

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

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

79. 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)

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

The connection of the site stormwater drainage system to the existing Council pipeline shall be inspected by Council's Engineer when the pipes are exposed, prior to backfill, and it is possible to confirm that the connection complies with Council's requirements and the new connection pipe does not protrude into the Council pipe system. The inspection must be booked via telephone with Council's Engineer and a minimum of 48 hours 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)

81. 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;
- (b) Should any Aboriginal sites be uncovered during works, works are to cease and the Council, the Aboriginal Heritage Office, the NSW Office of Environment and Heritage and the Metropolitan Local Aboriginal Land Council are to be contacted.
Under Section 89a of the NPW Act should the objects be found to be Aboriginal, NSW Biodiversity and Conservation Division, Heritage NSW and the Metropolitan Local Aboriginal Land Council (MLALC) should be contacted.
(Reason: Protection of significant environmental features)

82. Tree Trunk, Branch and Root Protection

- (a) Retain and protect the following trees and vegetation throughout the demolition and construction period: All trees not indicated for removal in the Arboricultural Impact Assessment Report dated November 2020 prepared by Travers Bushfire and Ecology.
- (b) The above trees must be clearly marked and protection devices in place to prevent soil compaction and machinery damage.
- (c) Tree protection measures must comply with 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)

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. 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)

85. Minimising Construction Noise - Residential Receivers

- a) Construction noise shall be controlled to comply with the requirements as set out in the EPA Interim Construction Noise Guideline (ICNG). The following table sets out management levels for noise levels at residential property and what actions should be taken:

Time of day	Management Level $L_{Aeq(15min)}$ *	How to apply
Monday to Friday	Noise affected	The noise affected level represents the

7am to 6pm Saturday 8am to 1pm No work on Sundays or public holidays	RBL + 10 dB	point above which there may be some community reaction to noise. <ul style="list-style-type: none"> Where the predicted or measured $L_{Aeq(15min)}$ is greater than the noise affected level, the proponent should apply all feasible and reasonable work practices to meet the noise affected level. The proponent should also inform all potentially impacted residents of the nature of works to be carried out, the expected noise levels and duration, as well as contact details.
	Highly noise affected 75 dB(A)	The highly noise affected level represents the point above which there may be strong community reaction to noise. <ul style="list-style-type: none"> Where noise is above this level, Council requires respite periods to be provided by restricting the hours that the very noisy activities can occur, taking into account: <ol style="list-style-type: none"> times identified by the community when they are less sensitive to noise (mid-morning or mid-afternoon for works near residences); if the community is prepared to accept a longer period of construction in exchange for restrictions on construction times.**

* Noise levels apply at the property boundary that is most exposed to construction noise, and at a height of 1.5 m above ground level. If the property boundary is more than 30 m from the residence, the location for measuring or predicting noise levels is at the most noise-affected point within 30 m of the residence. Noise levels may be higher at upper floors of the noise affected residence.

** For guidance on negotiating agreements with the community, see section 7.2.2 of the EPA's Interim Construction Guideline

b) Noise and vibration mitigation measures contained in the following shall be implemented:

- i) Construction Noise & Vibration Management Plan & Club Noise Emissions report, prepared by Rodney Stevens Acoustics, Report No. R170406R1 Rev. 1 dated 13 February 2020; and
- ii) Section 8.27 of the Construction Management Plan prepared by Parkview, Ref. No. PARKVIEW-151187416-186 Ver. 5.0, dated 28 February 2020.

c) 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. A report of the findings and action taken to mitigate any exceedances shall be submitted to Council within seven (7) days of its completion. Where noise criteria are exceeded, appropriate measures to control excessive noise shall be implemented immediately.

(Reason: Amenity and environmental compliance)

86. Water Testing Prior to Pumping Out Stormwater

- (a) On the occasion that any rainfall or other event necessitates pumping out of the site, ongoing water quality sampling, analysis and collation of results shall be conducted prior to each discharge to Council's stormwater system (or other receiving watercourse). Should test results exceed the water quality criteria, pumping out is not permitted and adjustments to the pollution control methodology will need to be made by the suitably qualified environmental consultant. Any changes to the methodology require the written notification of Council.
- (b) A copy of the up-to-date Council-approved Construction Site Water Pump-out Plan or other document detailing the water pollution control method, the written approval from Council to discharge, and the ongoing water quality test results shall be kept on the site at all times, for the duration of the site works that may require the pumping out of accumulated rainwater, and produced to an authorised officer of the Council when requested.

(Reason: Environmental protection, compliance)

87. Stockpiling Excavation Material on Subject Site

In order to minimise the number of truck movements on Beaconsfield Road (and subsequently minimise noise disturbance) and for reasons of environmental sustainability, Virgin Excavated Natural Material (VENM) may be temporarily stored in an appropriate manner on the Golf Course site (on the newly created Lot 13 – the remainder of the golf course fairway lot that is the residual left over from the original land that consisted of Lot 163 DP 752067, Lot 1 DP 651667, Lot 1 DP 1124646 & Lot 22 DP 626634), as approximately indicated on the drawing titled 'Excavation and Fill Plan' prepared by MYD Consulting Engineers C01-01 and dated 02 April 2020.

Stored material is to be located a minimum radial distance of 5m away from trees that are to be retained. Stockpiles shall be made under the guidance of an environmental engineer (or equivalent) and have an appropriate grade and be treated in such a way so that they are safe and have no detrimental environmental impact. The stockpiled excavation material shall be bound/stabilised and/or kept moist with water to minimise dust and be surrounded by sediment control devices to prevent erosion and sediment runoff polluting waterways.

A Stockpile Design and Management Plan shall be developed by an environmental engineer (or equivalent) prior to excavation commencing on the site and a copy kept onsite for the lifetime of the stockpiles whilst they remain.

While the intention is to use the excavated material stored on site for future golf course upgrades, these stockpiles shall not be permitted to remain on the site for a period longer than five (5) years from the date of the Construction Certificate.

(Reason: Amenity and environmental protection)

88. Loading and Unloading During Construction

The following requirements apply:

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

- (b) The structural design of the building must permit the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.
- (c) If, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- (d) In addition to any approved Works Zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
- (e) If a Works Zone is warranted an application must be made to Council prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need of the site for such facility at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (f) Application for a Works Zone must be submitted to Council a minimum 8 weeks prior to being required. Works application form is available on the City's Website.

(Reason: Public safety and amenity)

PRIOR TO OCCUPATION OF THE DEVELOPMENT

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

89. Emergency and Evacuation Planning Assessment - RFS

Intent of measures: to provide suitable emergency and evacuation arrangements for occupants of SFPP developments.

Prior to the issue of any Occupation Certificate, A Bush Fire Emergency Management and Evacuation Plan must be prepared and be consistent with the NSW RFS document: A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan.

The Bush Fire Emergency Management and Evacuation Plan should include planning for the early relocation of occupants.

Note: 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 occupation of the development.

(Reason: New South Wales Rural Fire Service)

89A. S7.11 Contribution

Prior to the issue of the **first** Occupation Certificate in respect to any building to which this consent relates (except for the circumstance under condition "Development Contribution" located in the section 'PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE'), a monetary contribution is to be paid to in accordance with section 7.11 of *Environmental Planning and Assessment Act, 1979* in the amount of **\$1,170,808.16** for the purposes of the Local Infrastructure identified in the *Willoughby Local Infrastructure Contributions Plan*.

S7.11 Contributions Calculation		
Dwellings / Residents Proposed (\$ rate / dwelling)	QTY	Contributions (\$)
Senior Living Self-contained dwelling (\$11,045.36)	106	\$ 1,170,808.16
Proposed structures not inclusive in s7.11 calc (ref. section 2.8.1 of <i>WLIC Plan</i>)		
construction of a 4-storey golf course club house	Not inclusive in s7.11 calculation	
S7.11 yielding amount based on above statistics:	Total	\$ 1,170,808.16

Note:

S7.11 contribution credits for demolishing existing structures are not given as the existing golf club is being replaced by the construction of a new club which is not inclusive for the purpose of calculating s7.11 contributions as demonstrated above. Therefore, s7.11 contribution as follow:

Active transport and public domain facilities	\$ 49,932.36
Open space and recreation facilities	\$917,700.30
Plan administration	\$ 17,302.38
Recoupment - community facilities	\$ 176,490.00
Recoupment - open space and recreation	\$ 9,383.1
Total	\$ 1,170,808.16

Indexation

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

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

Where:

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

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

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

Deferred payments of contributions will not be accepted.

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

Copies of the *Willoughby Local Infrastructure Contributions Plan* are available for inspection online at www.willoughby.nsw.gov.au
(Reason: Statutory requirement)

90. 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)

91. External Finishes – Minimal Reflectivity

Prior to the issue of a Final Occupation Certificate and in perpetuity, the external roofing of the proposed building is to have a BASIX classified roof colour in the medium or dark range to ensure minimal reflectivity so as to avoid nuisance in the form of glare or reflections to the occupants of nearby buildings.
(Reason: Visual amenity)

92. Static Water Supply Symbol

Prior to the issue of the Occupation Certificate for the swimming pool and in perpetuity, a SWS (static water supply) symbol shall be placed in a conspicuous position at the front of the property.
(Reason: Safety)

93. Swimming Pool – Heating and Cover

Prior to the issue of the Occupation Certificate and in perpetuity, the swimming pool is to be fitted with a cover to maintain temperatures and minimise evaporation of water. Any heating shall be of energy efficient means.
(Reason: Ensure compliance/ sustainable development)

94. Swimming Pool - Access

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

- (a) The pool shall not be filled with water, or be allowed to collect stormwater, until the installation of the child resistant barrier is completed to the Certifier's satisfaction.
- (b) The barrier is to conform to the requirements of AS 1926 –
Part 1 – “Safety Barriers for Swimming Pools”
Part 2 – “Location of Safety Barriers for Swimming Pools”

(Reason: Safety)

95. Emitted Noise – Swimming Pool/Spa

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

(Reason: Amenity)

96. 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)

97. Fire Safety Certificate Forwarded to NSW Fire and Rescue

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

(Reason: Safety)

98. 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)

99. Swimming Pool Registration

The Swimming Pool must be registered on the NSW Swimming Pool Register when it is capable of holding water and before the issue of an Occupation Certificate. The swimming pool is to be registered at www.swimmingpoolregister.nsw.gov.au or in person at Willoughby City Council (Fee applies when registering at Council)

(Reason: Statutory Compliance)

100. Identification of Car Parking Spaces

Prior to the issue of any Occupation Certificate, the 287 car parking spaces over three (3) levels of parking shall be physically identified on site and maintained free of obstruction for the life of the development.

- 140 x clubhouse visitor car spaces (including five (5) accessible spaces);
- 147 x Independent Living Units car spaces for village residents and their visitors (including ten (10) accessible spaces & minimum two (2) dedicated car spaces for communal shared electric vehicles - owned/maintained by the village, to reduce reliance on private car ownership and/or second car ownership);
- 1 x ambulance bay on Level 3 (ground floor);
- 1 x mini-van parking bay on Level 2;
- 1 x temporary removalist space on Level 3 for Building North (ground floor);
- 1 x temporary removalist space on Level 3 for Building South, managed within Club parking area (ground floor); and
- 2 x temporary mini garbage truck spaces on Level 2.

Under no circumstances are these spaces to be used for the storage of goods or waste products.

(Reason: Amenity)

101. Seniors Living – Restriction

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

In accordance with Section 18 in Part 1 of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, only the following people may occupy a unit in this development:

- (a) seniors or people who have a disability,
- (b) people who live within the same household with seniors or people who have a disability,
- (c) staff employed to assist in the administration of and provision of services to housing provided under the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

The site subject to the seniors village (where the dwellings locate) will remain a single allotment under one single title) receiving a single rates notice (and not multiple lots owned by individual owners).

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)

102. Marked Parking Bays

Prior to the issue of any relevant Occupation Certificate, all parking bays and/or truck docks and the direction of traffic movement shall be permanently marked on the pavement surface in accordance with the approved parking and driveway layout to the satisfaction of the Certifier. Where it is proposed that a building or site be used for multiple occupations, all parking bays shall be identified by corresponding consecutive numbers.

(Reason: Ensure compliance)

103. Seniors Living - Documentation

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

(Reason: Ensure compliance)

104. Safer by Design

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

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

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

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

- (g) A small portion of each storage area shall be of solid construction (i.e. Cupboard.

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

105. Visitor & Staff Parking Spaces

Prior to the issue of a Whole Occupation Certificate,

- the 140 club car parking spaces,
- 48 bicycle spaces (allocated to the Seniors Village),
- the Village mini-van space (L2),
- the garbage truck spaces (L2),
- the removalist truck space (Building North) and
- the ambulance space,

shall be physically identified on site, and maintained free of obstruction for the exclusive use of visitors/bus/removalists/ambulance to the premises at all times.

(Reason: Amenity)

106. Services - Mailboxes

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

(Reason: Legal)

107. Public Domain Works – Beaconsfield Road (from development site to Mowbray Road West)

Prior to the issue of any Occupation Certificate and prior to the release of the Damage Deposit, the Applicant shall rebuild the speed humps/ slow points/ traffic calming devices affected, together with any necessary reinstatement of the footpath, nature strip, kerb and gutter as required to meet the requirements of Council.

(Reason: Protection of public assets)

108. OPM and Club/Village Management

Prior to the issue of any Occupation Certificate, the applicant shall detail and expand the Operational Plan of Management (OPM) dated 14 May 2020, and prepare a detailed Club/Village management document which will set out the management of the Club facilities, in accordance with the OPM and the terms of this approval. The document shall be submitted to the Certifying Authority for approval, emailed to Council and made available to the Village residents.

(Reason: Amenity)

109. Stormwater Runoff from Upstream Lots

Prior to the issue of any Occupation Certificate, provide an interceptor drainage system to capture and convey all stormwater runoff from the upstream neighbouring property to the Council or public drainage system. The drainage system is to comprise suitable inlet pits, grated drains, pipes and channels and is to be designed in accordance with Part C.5 of the Council's WDCP. This drainage system is to be designed for storm events up to and including the 100-year ARI.

(Reason: Prevent nuisance flooding)

110. 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 following Council drainage pipeline(s) after the completion of all works:

- i. Colwell Crescent system commencing at the road through to the existing 300mm downstream pipe on site.
- ii. Beaconsfield Road system commencing at the northern bus stop opposite to Cramer Crescent and through the site, to the point of connection to the pond.

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

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

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

(Reason: Ensure compliance and protection of public asset)

111. 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)

112. 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 on-site detention system (with a minimum storage volume of 331m³), water quality system and rainwater retention and reuse system in accordance with Sydney Water's requirements AS/NZS3500.3, Council's DCP and Technical Standards. The construction of the stormwater drainage system of the proposed development shall be in accordance with the

approved detailed stormwater drawings required under this development consent and Council's specification (AUS-SPEC).
(Reason: Prevent nuisance flooding)

113. Sign for On-Site Detention System and Rainwater Retention and Reuse System

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

The wording for the plaque shall state "*This is the On-site Detention System and Rainwater Retention Reuse 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)

114. 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)

115. Certification of Public Stormwater Systems

Prior to the issue of any Occupation Certificate, a suitably qualified and experienced civil engineer (generally CP Eng. Qualification) shall certify that the as-built stormwater systems from Beaconsfield Road and Colwell Crescent are in accordance with the approved plans and comply with the Council approved plans, Council's DCP and Technical Standards.
(Reason: Ensure Compliance)

116. Certification of Interallotment Drainage System

Prior to the issue of any Occupation Certificate, a suitably qualified and experienced civil engineer (generally CP Eng. Qualification) shall certify that the as-built interallotment drainage system conveying stormwater from all the adjacent properties fronting Colwell Crescent is in accordance with the approved plans and complies with Council's DCP and Technical Standards and conditions of this consent.
(Reason: Ensure Compliance)

117. Certification of OSD

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

118. Certification of Rainwater Reuse System

Prior to the issue of any Occupation Certificate pertaining to any works requiring a Rainwater Reuse system and upon completion of the Rainwater Retention and Reuse System, a licensed plumber shall certify that the rainwater retention and reuse system has been constructed in accordance with the approved stormwater management plans and that the as-built system has been fitted with proprietary first flush device and connected to non-potable use including landscape irrigation and, where practical, toilet flushing, laundry etc. All plumbing/drainage works shall be carried out which comply with the current plumbing requirements of Sydney Water and the National Construction Code Volume 3.
(Reason: Record of works)

119. Works-As-Executed Plans - Public Stormwater Drainage Systems

Prior to the issue of any Occupation Certificate and upon completion of the Council stormwater systems conveying runoff from Beaconsfield Road and Colwell Crescent respectively, the following shall be submitted to the Principal Certifying Authority with a copy to Council's Engineers:

- (a) Work-as-Executed plans based on the approved stormwater plans from a registered surveyor to verify that all as-built alignment and 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 constructed Council stormwater systems.

(Reason: Record of works)

120. 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, spillway, 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)

121. Works-As-Executed Plans – Rainwater Reuse

Prior to the issue of any Occupation Certificate pertaining to any works requiring a Rainwater Reuse system and upon completion of the Rainwater Reuse System, the following shall be submitted to the Certifier:

- (a) Work-as-executed plans based on the approved stormwater plans from a registered surveyor to verify that the volume of storage, invert levels of inlet, overflow pipes and discharge outlet are constructed in accordance with design requirements. Any minor changes or variations to the approved plans should be highlighted in red on the approved stormwater plans.

- (b) Plumber's certification that the Rainwater Reuse system has been fitted with proprietary first flush device and connected to non-potable use including landscape irrigation and, where practical, toilet flushing, laundry etc. The Certificate shall detail the number and type of fixtures connected to the tank. All works completed shall comply with the current plumbing requirements of Sydney Water and the National Construction Code Volume 3.

(Reason: Record of works)

122. S88B/S88E(3) Instrument

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

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

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

(Reason: Maintenance requirement)

123. 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)

124. Registration of Easements Benefitting Council

Prior to the issue of any Occupation Certificate, an Easement for drainage shall be created centrally over full stormwater system from Beaconsfield Road and Colwell Crescent through the site, in favour of Council. The water quality treatment device shall not be included as part of this easement and shall be noted as being under the ownership and ongoing maintenance of the Applicant.

(Reason: Ensure Compliance)

125. Registration of Easement Benefitting Upstream Properties

Prior to the issue of any Occupation Certificate, an Easement for drainage shall be created centrally over the interallotment drainage system, in favour of all adjacent upstream properties fronting Colwell Crescent. The easement terms shall specifically state that the ownership and ongoing maintenance of the open channel and system falls under the responsibility of the Applicant.

(Reason: Ensure Compliance)

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

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

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

(Reason: Protection of public asset)

127. Sight Triangles

Prior to the issue of any Occupation Certificate for any works / structures located forward of the building line including car spaces and in order to ensure adequate sight distances for pedestrians and traffic in the frontage road, the boundary fence shall be constructed with a minimum clear splay of 2m x 2.5m on both sides of the driveway exit.

(Reason: Pedestrian safety)

128. Concrete Footpath

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

- (a) 1.5 metres wide concrete footpath with 2.5% maximum crossfall towards the kerb from the site of the subject development to the nearest bus stop along the northern side of Beaconsfield Road.

All works shall be carried out in accordance with Council's specification, *the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, Council's Standard Drawing SD105 Vehicular Footpath Crossing and Kerb & Gutter Details and Council's Standard Drawing SD100 Kerb Access Ramp.

(Reason: Public amenity)

129. 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 is to be 6.5 metres wide with no splays and is to be constructed at right angles to the street kerb in plain concrete. The new crossing 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 – 100 mm above and parallel to the gutter invert.
- (b) Reduced levels as per approved longitudinal sections under Schedule 1.

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 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)

130. 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)

131. Inspection of Civil Works on Road Reserves

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

Pursuant to Section 138 of the *Roads Act 1993*, all works carried out on the road reserve shall be inspected and approved by Council's Engineer. Upon completion, Work-as-Executed drawings prepared by a registered surveyor shall be submitted to

Council for record purposes. A completion certificate shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Certifier prior to the issue of any Occupation Certificate.
(Reason: Ensure compliance)

132. Performance Bond

Prior to the issue of any Occupation Certificate, the Applicant shall lodge with the Council a performance bond of **\$48,000** against defective public civil works undertaken by the main Contractor for a period of twelve (12) months from the date of the completion certificate issued by Council as the road authority under the *Roads Act 1993*. The bond shall be lodged in the form of a cash deposit, cheque or unconditional bank guarantee which will be refundable subject to the approval of Council's Engineers at the end of the maintenance period. In this period, the Applicant is liable for any part of the work which fails to achieve the design specifications. Council shall be given full authority to make use of the bond for such restoration works within the maintenance period as deemed necessary.
(Reason: Ensure compliance and specification)

133. Turfing of Nature Strip

Prior to the issue of a Whole Occupation Certificate and in the event of damages to any 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)

134. 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.
(Reason: Vehicular access)

135. 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)

136. Repair Damage to Frontage Road

Prior to the issue of any Occupation Certificate, all damage(s) caused to the frontage road infrastructure, including kerb and gutter, pavement etc shall be reconstructed to Council specifications. Documentary evidence attesting to the satisfaction of this condition shall be obtained from Council and submitted to the Certifying Authority.
(Reason: Public Amenity)

137. 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 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 to the carpark. All driveway grades shall comply AS 2890.1 and AS 2890.2.
- (c) That the proposed vehicular path and parking arrangements comply in full with AS 2890.1, AS 890.2 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 2890.1 and Section 2.4 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 2.4 of AS 2890.6.
- (f) That the headroom clearance of minimum 4.5 metres is provided to all commercial or specialist vehicle parking spaces and the associated vehicular access path for compliance with Section 2.2 of AS 2890.2.
- (g) 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 disable parking spaces to comply with AS 2890.6. A bollard shall be located in the shared zone in accordance with AS 2890.6.
- (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) Sufficient passing bays within the driveway to allow simultaneous entry/exit movements for the largest vehicle using the site and a passenger vehicle including clearance in accordance with AS2890.1 and AS2890.2, is provided.
- (j) The maximum gradient within the parking module measured parallel to the angle of parking is no greater than 5% and no greater than 6.25% in any other direction.
- (k) All visitor carparking spaces within the site shall have minimum dimensions of 2.5 x 5.4m and be freely accessilbe at all times for the use of visitors.
- (l) Segregated route(s) for pedestrian and wheelchair movements shall be provided within the basement carpark with appropriate line marking and signage in accordance with the AS2890.1 and AS2890.6.

(Reason: Ensure compliance)

138. Tree Planting

Prior to issue of an Occupation Certificate, the Project Arborist is to provide written certification to the Certifying Authority and Landscape section within Council that tree planting has been undertaken in accordance with the approved Tree Planting Scheme and a maintenance schedule has been established.

(Reason: Environmental amenity)

139. Completion of Landscape Works

a) Prior to the issue of any Occupation Certificate, any approved landscape works shall be consistent with the approved design, completed to a professional standard, consistent with industry best practice and published standards.

b) Prior to the issue of an Occupation Certificate, a landscape report prepared by a qualified horticulturalist, landscape architect or landscape designer shall be submitted to the Principal Certifying Authority certifying that the landscape works have been completed in accordance with the conditions of this consent.

(Reason: Environmental amenity)

140. Landscape - Project Certification

a. 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.

b. Prior to the issue of any Occupation Certificate, the Project Ecologist is to certify in writing that all environmental protection measures and remediation works have been complied with as per conditions of consent and maintenance programs have been established.

(Reason: Protection of trees required to be retained and Environmental protection)

141. Acoustic Works – Compliance Report

Prior to the issue of any relevant Occupation Certificate, certification shall be provided in the form of an acoustic compliance report from a suitably qualified and practising acoustic engineer upon completion of the works. The compliance report shall demonstrate and certify that the development incorporates any necessary recommended mitigation measures and complies with the acoustic criteria adopted in the acoustic report prepared by Rodney Stevens Acoustics Report No. R170406R1 Rev.1 dated 13 February 2020, and any other subsequent acoustic report referred to in the consent conditions.

The compliance report shall also certify the following:

- All external doors have been fitted with self-closing mechanisms
- Signs have been erected in outdoor areas advising that patrons should minimise noise and consider the nearby residential dwellings
- All independent living unit façades facing directly to the golf club building have an acoustic rating of Rw 33

(Reason: Amenity, environmental compliance and health)

142. Certification – Ventilation

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

(Reason: Amenity, environmental compliance and health)

143. Trade Waste Permit / Consent

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

(Reason: Environmental compliance and health)

144. 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)

145. Food Premises Registration

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

(Reason: Public health, safety and compliance)

146. Removal of Stockpiled Material from Lot 13

Prior to the issue of any Occupation Certificate, all excavated material stockpiled on the newly created Lot 13 - Remainder golf course fairway lot (approx. area 12.4ha) shall be removed prior to planting the required trees in accordance with the conditions of this consent.

Note - This requirement does not contradict the Condition titled 'Stockpiling Excavation Material on Site'. The removal works shall be undertaken before planting of new trees is to occur, regardless of the fact that this might take place earlier than 5 years from the date of the Construction Certificate.

(Reason: Amenity and Habitat Protection)

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

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

(Reason: Health protection)

148. Private Waste Collection Service

Prior to the issue of any Occupation Certificate, the developer is to enter into a formal agreement with licenced private waste contractor/s to service the development. The contract/s is/are to ensure the removal of all waste from the development site. Prior to entering into an agreement for private waste collection service/s, the developer is to ensure that:

- (a) The service is functional and meets the operational needs of the development.
- (b) The service minimises environmental nuisances including noise and other adverse impacts on the safety and amenity of all residents in and outside of the development.
- (c) The service encourages waste recycling as a highest priority.

Due to the specific particularities of this development, including access from a cul-de-sac, private waste collection/s must be provided in perpetuity – at no time in the future will Council provide waste service collection to this development.

A copy of the contract/s is/are to be forwarded to Council prior to the issue of any Occupation Certificate.

(Reason: Ensure compliance)

PRIOR TO THE RELEASE OF LINEN PLANS/SUBDIVISION CERTIFICATE

The following conditions are to be complied with prior to the issue of the Subdivision Certificate and the release of the Linen Plans for registration at the Land Registry Services.

149. Stage 2 - Stratum Subdivision - Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained prior to the issue of the Stratum 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)

150. Stage 2 - Stratum Subdivision

Prior to issue of any Occupation Certificate, Lot 11 and Lot 12 (as resulted from Stage 1 Subdivision) shall be Stratum subdivided generally in accordance with the plans ref 124981/DA-StratumSubd sheet 01 to 07 prepared by JBW Surveyors Pty Ltd, dated 30/04/2020.

(Reason: Ensure compliance)

151. Stage 2 - Stratum Subdivision - Linen Plan

Stratum subdivision in Stage 2 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 Stratum subdivision with the NSW Land Registry Services.

(Reason: Information)

152. Stage 2 - Stratum Subdivision - Surveyors Report

A report prepared and signed by a Registered Surveyor is to be submitted to Council prior to issue of the Subdivision Certificate confirming that the stratum subdivision plan and associated Section 88B instrument to be registered at NSWLRS will create suitable easements (including easements that affect the whole of each lot) that benefit and burden Lots 21 & 22 in the case where utility services (water, electricity, gas, telephone, telecommunications, sewerage, drainage, etc) installed for the benefit of one lot are located within the other lot.

(Reason: Ensure compliance)

153. Stage 2 – Easements Relating to Stratum Lots

Documentary reciprocal easements for services, drainage, support and shelter, and emergency egress (and other similar easements as required), affecting the whole of each lot if so desired, must be created over the lots in the subdivision, pursuant to Section 88B of the Conveyancing Act 1919 and to Council's satisfaction.

(Reason: Information and compliance)

154. Stage 2 – Stratum Subdivision - Additional Easements

Any other documentary easements or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision must be created over appropriate lots in the subdivision, pursuant to Section 88B of the Conveyancing Act 1919 and to Council's satisfaction.

(Reason: Information and compliance)

155. Stage 2 - Stratum Subdivision - Section 88B Instrument

A Section 88B Instrument is to be submitted with the Linen Plan for Stratum subdivision in Stage 2, in respect to any proposed easements, rights-of-way and positive covenants.

(Reason: Ensure compliance)

ONGOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

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

156. Provision of a Private Bus

In order to satisfy SEPP Seniors cl 43, the provision of a regular village mini-van (minimum 10 persons) service is required for the life of the development, in order to provide a daily resident pickup/drop off service to selected nearby locations (Chatswood Shopping Centre, Chatswood Station and other key locations chosen by the residents of the development).

The service will be available both to and from the approved development to Chatswood CBD at least once between 8am and 12pm each day and at least once between 12pm and 6pm each day.

The provision of the private bus and terms of operation is to be advertised to the residents of the Seniors Living development on a regular bases and be reflected in the Operational Plan of Management of the development.

(Reason: Compliance, Amenity)

157. No further subdivision of the Seniors Village

The Seniors Village part of the development is to operate under the **Retirement Villages Act 1999** and all relevant subsequent amendment acts. No subdivision to create individual units out of the Seniors Village is permitted without prior Consent from Council.

This approval (including waste collection endorsement) is based on the assumption that the lot subject to the seniors' village will remain a single allotment, on one single title receiving a single rates notice, and not multiple lots owned by individual owners.

This condition does not apply to or in respect of—

- (a) any building or part of the building that is the Golf Club or intended to be used for the provision of services associated with golf activities or with services to a larger community,
- (b) any accommodation provided in the development for employees of the development who are not residents of the Seniors Village.
- (c) areas or works or easements that are associated with the units in the Seniors Village, but outside of the units themselves.

If, at any time during occupation, the lot subject to the seniors' village is to be subject to further Strata subdivision to create individual units, a Modification Application must be submitted to Council to allow for the assessment of the consequences resulting from Strata subdivision of the individual units.

(Reason: Compliance, Amenity)

158. Advertising Signage

The approved signage must not have/use:

- (a) Flashing lights;
- (b) Electronically changeable messages;
- (c) Any large areas of illuminated display in red colour;

- (d) Animated display, moving parts or simulated movement;
- (e) Complex displays that hold a drivers attention beyond 'glance appreciation';
- (f) Displays resembling traffic signs or signals; and
- (g) A method and level of illumination that detracts or dazzles.

All illuminated signage shall ensure no nuisance is created to directly adjoining residential properties.

(Reason: Amenity and Compliance)

159. 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)

160. 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 the ramp shall not cast direct light into the living spaces of adjoining residential dwellings.

(Reason: Amenity)

161. 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)

162. Trees on Adjoining Properties

No approval is given for the removal or pruning of trees on the nature strip, adjoining reserves, adjoining lots not subject to this application or neighbouring private land.

(Reason: Environmental protection)

163. 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)

164. 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:

- Self-closing mechanisms on doors shall be maintained in good working condition;
- The playing of live music is not permitted;
- Signs placed in the outdoor areas advising patrons to minimise noise shall be maintained;
- The playing of background music in outdoor areas is not permitted; and
- All windows and doors in the external façade must remain in a closed position except when doors are being used to enter or exit the premises.

(Reason: Amenity and environmental compliance)

165. Hand Wash Basin/s – Food Premises

A dedicated hand wash basin/s shall be located in each area where contamination of the hands is likely to occur and must be within 5m from any place where food handlers are handling food. The hand wash basin shall be of a suitable size (500mm x 400mm), fixed to the wall at bench height and accessible at all times. The basin shall be supplied with hot and cold water under pressure through an approved hands free mixing device which can be adjusted to enable the hands to be washed under hot water. A supply of liquid soap and paper towels is to be provided adjacent to the hand wash basin.

(Reason: Health & Compliance)

166. Walls – Solid Construction – Food Premises

All tenancy perimeter walls and internal walls including partition walls shall be solid construction. The walls are to be constructed in masonry, brickwork or other approved method with all voids filled with a suitable material.

(Reason: Health & Compliance)

167. Floor, Wall & Ceiling Finishes – Food Premises

All finishes shall comply with AS4674-2004 *Table 3.1, Table 3.2 and Table 3.3*. All finishes must be able to be effectively cleaned, be unable to absorb grease, food particles or water and must be unable to provide harbourage for pests.

(Reason: Health & Compliance)

168. Waste Storage Area – Food Premises

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

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

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

(Reason: Health & Amenity)

169. 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 **6pm and 6am**, every day of the week.

Residential Waste Collection should preferably occur on the same day as the other residential dwellings in Beaconsfield Road, to minimise noise and disturbance.

(Reason: Amenity)

PRESCRIBED CONDITIONS

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

170. Compliance with National Construction Code

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

(Reason: Compliance)

STATUTORY REQUIREMENTS

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

171. 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)

172. 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)

173. 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)