



PLANNING & INFRASTRUCTURE Planning Unit

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application number	DA-2023/328 PAN-389570
Applicant	Coronation Property Co. Pty Ltd Level 2, 66 Wentworth Ave SURRY HILLS NSW 2010
Description of development	Demolition of existing non-significant buildings and retention of Heritage Item.
Property	57-61 ARCHER STREET, 34 ALBERT AVENUE, 34A & 34B BERTRAM STREET CHATSWOOD NSW 2067 COMMON PROPERTY ON SP 81015, LOT 1 SP 101358, LOT 2 SP 101358, LOT 3 SP 101358
Determination	Approved Consent Authority: Willoughby City Council
Date of determination	5 August 2024
Date from which the consent operates	5 August 2024
Date on which the consent lapses	6 August 2029

Under section 4.18(1) of the EP&A Act, notice is given that the above development application has been determined by the granting of consent using the power in section 4.16(1)(a) of the EP&A Act, subject to the conditions specified in this notice.

Reasons for approval

1. The proposed works are permissible with consent.
2. Potential impacts are able to be managed in accordance with the conditions of consent.

Right of appeal / request a review of the determination

If you are dissatisfied with this determination:

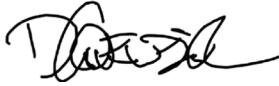
Request a review

You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 6 months from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

Rights to appeal

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 month after the date on which the determination appealed against is notified or registered on the NSW planning portal.

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.



on behalf of,
Hugh Phemister
GENERAL MANAGER

For further information, please contact Anthony Blue at Anthony.Blue@willoughby.nsw.gov.au.

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

Condition

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
Site Details	11910	-	11/07/2017	Sturt De Nett
Sediment and Erosion Control Drawing Sheet 1 of 2	ER010	A	16/10/2023	Mance Arraj
Sediment and Erosion Control Drawing Sheet 1 of 2	ER020			
Sediment and Erosion Control Details and Notes	ER030			

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. Approved Documents

The development must be carried out in accordance with the following documents submitted with the application, except where varied by conditions of this consent:

Title	Prepared by	Date	Version
Waste Management Plan	MRA Consulting Group	09/11/2023	1
Construction Management Plan	Coronation MNBuilders	04/10/2023	01
Heritage Impact Statement	NBRS	12/10/2023	-
Arboricultural Assessment	Elke	20/10/2023	A
Demolition, Excavation and Construction Noise and Vibration Management Plan	Acoustic Logic	03/05/2024	1

(Reason: To ensure the demolition is carried out in accordance with the supporting documents forming the basis of assessment)

3. Trees on Adjoining Properties

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

(Reason: Environmental protection)

BEFORE DEMOLITION WORK COMMENCES

Condition

4. S7.12 Contribution

Prior to the commencement of works, a monetary contribution is to be paid in accordance with section 7.12 of *Environmental Planning and Assessment Act, 1979* in the amount of \$21,037.34 for the purposes of the Local Infrastructure identified in the *Willoughby Local Infrastructure Contributions Plan*.

This contribution is based on 3% of the Estimated Development Cost, being \$701,244.50 at 17/10/2023 and the adopted *Willoughby Local Infrastructure Contributions Plan*.

Indexation

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

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

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

Where:

$\$C_o$ = the original development contribution determined by the Council based on a percentage of the Estimated Development Cost, set out in the Contributions Plan

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

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

Please note that the dollar value stated applies to a payment made within the current calendar month. Any payment made in following months would have the relevant indexation (CPI Index) applied in the first instance to determine the actual amount due in the current month.

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

When you are ready to pay, please contact Council's Customer Service Centre on 9777 1000 to organise your payment.

(Reason: Statutory requirement)

5. Protection of Heritage Item

Prior to commencement of works, installation of protective fencing and hoardings around the curtilage of the heritage item in accordance with the details in the approved Construction Management Plan and approved Heritage Impact Statement.

(Reason: To ensure protection of the heritage item)

6. Damage Deposit

Prior to the commencement of works, the applicant shall lodge a Damage Deposit of **\$6,500** (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 **\$260** (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 = \$6,500 + \$260 = \$6,760

(Reason: Protection of public asset)

7. Demolition Management Plan (CMP)

Prior to the commencement of works, submit, for approval by the Council, a detailed Demolition Management Plan (DMP). The DMP shall address:

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

(Reason: Compliance)

8. Dewatering of Development Site

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

A Construction Site Dewatering Plan (CSDP) shall be prepared by a suitably qualified environmental consultant and submitted to Council for approval prior to the commencement of any work. The CSDP can be incorporated into any Demolition Management Plan covering the entirety of siteworks to be carried out on the site, or can be a stand-alone document. It shall contain details on the water treatment

method, equipment to be used, water testing regime and a written statement that the water to be discharged will meet the Council-approved design water quality criteria below.

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

Analyte	Unit	Measurement	Criteria
Total nitrogen	µg/L	< than	900
Total phosphorous	µg/L	< than	63.5
Dissolved oxygen	%sat	Btn 80 - 120%	
pH	pH units	Btn 6.5 - 8.5	
Conductivity	µS/cm	< than	468
Suspended solids	Mg/L	< than	50
Turbidity	NTU	< than	50
Zinc	µg/L	< than	43
Lead	µg/L	< than	0.6
Copper (& other heavy metals)	µg/L	< than	6.5

(Reason: Environmental protection, compliance)

9. Hazardous Building Material Assessment

Prior to commencement of work, a hazardous building material assessment shall be undertaken by an appropriate qualified person and is to be submitted to the Certifier for approval. 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)

10. Demolition Noise and Vibration Management

Prior to commencement of work, the Demolition Noise and Vibration Management Plan (DNVMP) (Acoustic Logic, Document 20240431.1/2604A/R0/BJ, 26/04/2024), is to be fully implemented including recommendations.

- The DNVMP (as revised from time to time) must be implemented by the Applicant and kept at the development site for the duration of the demolition works. The

- DNVMP, accompanying noise and vibration monitoring reports and complaints register must be produced at the request of a Council authorised officer.

(Reason: Amenity and environmental compliance)

11. 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)

12. Building Site Hoarding

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

(Reason: Safety)

13. Neighbour Notification of Asbestos Removal

The applicant/demolition contractor 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)

14. Dilapidation Report of Council's Property

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

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

This dilapidation report shall be submitted to Council prior to commencement of work.

(Reason: Protection of Council's infrastructure)

15. Permits and Approvals Required

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

- (a) Permit to erect Builder's hoarding where buildings are to be erected or demolished within 3.50m of the street alignment. Applications are to include current fees and are to be received at least 21 days before commencement of the construction.
- (b) Permit to stand mobile cranes and/or other major plant on public roads. Applications are to include current fees and security deposits and are to be received at least seven days before the proposed use. It should be noted that the issue of such permits may also involve approval from the NSW Police Force and TfNSW. A separate written application to work outside normal hours must be submitted for approval.
It should also be noted that, in some cases, the above Permits may be refused and temporary road closures required instead which may lead to longer delays due to statutory advertisement requirements.
- (c) Permit to open public roads, including footpaths, nature strip, vehicular crossing or for any purpose whatsoever. All applications are to include current fees. (Minimum one (1) weeks' notice required.)
- (d) Permit to place skip/waste bin on footpath and/or nature strip. (Maximum three (3) days).
- (e) Permit to work and/or place building materials on footpath and/or nature strip. (Maximum two (2) weeks).
- (f) Permit to establish Works Zone on Public Roads adjacent to the Development including use of footpath area. Applications must be received by Council at least twenty-one days prior to the zone being required. The application will then be referred to the Council's Local Traffic Committee for approval, which may include special conditions.
- (g) Permit to construct vehicular crossings over Council's footpath, road or nature strip.
- (h) Permit to install ground anchors beneath the road reserve.

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

(Reason: Legal requirements)

16. 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 demolition works shall be at the full cost to the applicant.

(Reason: Protection of utilities)

17. Spoil Route Plan

Submit a “to and from” spoil removal route plan to Council prior to the commencement of demolition. Such a route plan should show entry and exit locations of all truck movements.

(Reason: Public amenity)

18. Project Arborist

- (a) A Project Arborist is to be appointed prior to commencement of works on site;
- (b) The Project Arborist is to have a minimum qualification AQF Level 5;
- (c) The Project Arborist is to oversee and authorise all tree protection works detailed in the Arboricultural Development Impact Assessment dated 20/10/2023 prepared by Elke Haege Thorvaldson, and AS4970-2009 *Protection of trees on development sites* and relevant conditions of consent;
- (d) The Project Arborist is to certify that all tree protection measures have been installed prior to commencement of works.

(Reason: Safety, environmental protection, landscape amenity)

19. Tree Offset Planting Scheme

Prior to commencement of work, Prior to the commencement of any works and **before** any trees are removed, the Applicant is required to enter a Deed of Agreement with Council and pay a fee for the off-site planting of 39 trees in accordance with Willoughby Development Control Plan Part G Vegetation Management clause 6 Replacement Trees and Part 7.3 Tree Offset Scheme of the Vegetation Management Guidelines.

The applicable fee shall be based on the 'Offset fee for replacement planting' schedule as published in the Willoughby Council Fees and Charges at the time of execution of the deed of agreement.

'Offset Planting Deed of Agreement' attached. Please contact Council's Customer Service Centre on 9777 1000 to organise your payment prior to commencement of any works.

(Reason: Canopy Cover and landscaping)

DURING DEMOLITION WORK

Condition

20. 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)

21. 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)

22. Suitable Screens or Measures

In the event of likely emission of dust, noise, waste water or other matter, suitable screens or measures shall be erected or installed during demolition and building work to prevent their emission from the site.
(Reason: Maintain amenity to adjoining properties)

23. Suitable Barricades

Suitable barricades shall be erected during demolition works beside Councils footpath and where directed by Council to protect pedestrians using the footpath.
(Reason: Public safety)

24. Demolition Work AS 2601-2001

Any demolition must be carried out in accordance with AS 2601 – 2001, *The demolition of structures*.
(Reason: Safety)

25. Silencing Devices

Sound attenuating devices shall be provided and maintained in respect of all power-operated plant used during demolition in accordance with the approved Demolition Noise and Vibration Management Plan (DNVMP) listed in Condition 2.

(Reason: Maintain amenity to adjoining properties)

26. Suitable Footpath Crossing Provided

Adequate provision is to be made to ensure that a suitable footpath crossing is provided to the site so as to allow safe pedestrian access along the footpath area at all times.

(Reason: Protection of public safety)

27. Access to Site

During Demolition, Excavation and Construction, access to the site is to be available in all weather conditions, and stabilised to prevent vehicles tracking soil materials onto public roads.

(Reason: Environmental protection)

28. Asbestos Removal and Disposal

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

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

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

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

(Reason: Environmental protection/Public health and safety)

29. Stormwater Conveyed to Street Drainage

Stormwater runoff from the site shall be collected and conveyed to the street drainage system in accordance with Council's specifications. Any new drainage pipe connections to street kerb shall be made using a 125mm wide x 75mm high x 4mm thick hot dip galvanised Rectangular Hollow Section (RHS) with a grated drainage pit of minimum 600mm x 600mm provided within the property and adjacent to the boundary prior to discharging to the Council's drainage system. All drainage works shall comply with the requirements described in Part I of Council's DCP, Technical Standards and AS 3500.3.

(Reason: Stormwater control)

30. 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)

31. 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 demolition works are to be replaced at full cost to the applicant.

(Reason: Protection of public assets)

32. Maintenance of Nature Strip

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

(Reason: Public amenity and safety)

33. Hazardous Materials – Clearance Certificate

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

(Reason: Health and safety)

34. Unexpected Finds Protocol

An unexpected finds contingency plan should be incorporated into site redevelopment works. In the event that previously unidentified contaminated soils or materials are identified during site redevelopment, works should cease in the immediate vicinity and the affected area isolated to minimise disturbance. A suitably qualified contaminated site consultant should be engaged to assess the degree, type and extent of contamination and establish a suitable remediation plan. The Site Manager/landowner shall notify Council in writing when they become aware of any contamination.

(Reason: Environment & Health Protection)

35. 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)

36. 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)

37. Waste Classification – Excavation Materials

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

(Reason: Environment & Health Protection)

38. Demolition and Excavation Noise

Demolition noise shall be controlled to comply with the requirements as set out in the EPA Interim Construction Noise Guideline (ICNG) and implemented in accordance with Demolition Noise and Vibration Management Plan (DNVMP) (Acoustic Logic, Document 20240431.1/2604A/R0/BJ, 26/04/2024). Noise levels shall not exceed the following noise criteria:

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

If noise complaint investigation or monthly monitoring reveal that the highly affected criteria is exceeded, the DNVMP shall be revised and appropriate measures to control excessive noise shall be implemented immediately. DNVMP should be

revised by a suitably qualified acoustic expert to provide recommended noise amelioration measures and the Principal Certifying Authority advised in writing.
(Reason: Amenity)

39. Water Quality Testing Prior to Dewatering

- (a) On the occasion that any rainfall or other event necessitates dewatering 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, dewatering is not permitted and adjustments to the pollution control methodology will need to be made by the suitably qualified environmental consultant.
- (a) A copy of the up-to-date Demolition Site Dewatering Plan (or other document detailing the water pollution control method) and the ongoing water quality test results shall be kept on the site at all times, for the duration of the site works that will require dewatering activity, and produced to an authorised officer of the Council when requested.

(Reason: Environmental protection, compliance)

40. Loading and Unloading During Demolition

The following requirements apply:

- (a) All loading and unloading associated with demolition must be accommodated on site.
- (b) If, during demolition, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- (c) 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 demolition. The approval will be reviewed periodically for any adjustment necessitated by the progress of the demolition activities.
- (d) 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)

41. Tree Removal

Approval is given for the removal of the following trees as identified on Arboricultural Development Impact Assessment dated 20/10/2023 prepared by Elke Haege Thorvaldson:

Trees T6, T10, T11, T12, T13, T14, T15, T16, T17, T22, T31, & T32.

(Reason: Site development)

42. Tree Trunk, Branch and Root Protection

- (a) Retain and protect the following trees and vegetation throughout the demolition and construction period: All trees not approved for removal unless exempt under relevant planning instruments or legislation.
- (b) The above trees must be clearly marked and protection devices in place to

prevent soil compaction and machinery damage.

- (c) Tree protection measures must comply with the Arboricultural Development Impact Assessment dated 20/10/2023 prepared by Elke Haege Thorvaldson, and AS 4970-2009 Protection of trees on development sites with particular reference to Section 4 Tree Protection Measures.
- (d) The tree protection fencing around trees T27, T28 and T29 shall extend to the east along the southern boundary around the tree protection zone (TPZ) of T30.
- (e) Tree protection measures in accordance with (c) and (d) above are to be certified by the Project Arborist prior to commencement of works.
- (f) Tree roots greater than 25mm diameter are not to be removed unless approved by The Project Arborist on site.
- (g) All structures are to bridge roots unless directed by The Project Arborist on site.

(Reason: Tree management)

43. Public Tree Protection

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

(Reason: Tree management)

44. Project Arborist Certification & Public Tree Maintenance

On completion of the work and prior to the removal of any tree protection measures, written certification from the Project Arborist is to be submitted to Council to certify that:

- (a) All tree protection measures and remediation works have been complied with as per conditions of consent;
- (b) All trees on public land have been adequately maintained, that there has been no net deterioration in health and condition, and that any remedial work complies with AS 4970-2009 "Protection of trees on development sites" and AS 4373 - 2007 "Pruning of Amenity Trees".

(Reason: Protection of trees required to be retained)

ON COMPLETION OF DEMOLITION WORK

Condition

45. State Survey Marks

At the completion of works, the Applicant shall reinstate any existing State/Permanent Survey Marks damaged by the works to the specification of the

Land and Property Management Authority. A copy of the Location Sketch Plan of PM/SSM including reduced level (AHD) shall be submitted by a registered Surveyor. The degree of horizontal and vertical accuracy shall be acceptable to the NSW Land Registry Services.

(Reason: Public amenity)

46. Inspection of Drainage Connection to Council's Drainage System

At the completion of works, inspection of any new connection works to the existing Council stormwater pipeline/pit shall be carried out by Council's Engineer. Written confirmation shall be obtained from Council (attesting to this condition being appropriately satisfied). 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)

47. On-site Water Management System

At the completion of works, the stormwater runoff from the site shall be collected and disposed of to the kerb and gutter or a Council drainage pit in accordance with Sydney Water's requirements AS/NZS3500.3, Part I of Council's DCP and Technical Standard 1.

(Reason: Prevent nuisance flooding)

48. Turfing of Nature Strip

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

(Reason: Public amenity)

49. Public Infrastructure Restoration

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

(Reason: Protection of public assets)

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [Conditions of development consent: advisory notes](#). The consent should be read together with the *Conditions of development consent: advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means Willoughby City Council.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means Willoughby Local Planning Panel.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:

- the collection of stormwater,
- the reuse of stormwater,
- the detention of stormwater,
- the controlled release of stormwater, and
- connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

Sydney district or regional planning panel means Sydney North Planning Panel.