

Annexure A

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Development Application No: DA-2021/309

Development: Demolition of 3 existing buildings and construction of a three-storey shop top housing development with basement carparking, landscaping and associated works.

Site: 83-87 Edinburgh Road, Castlecrag (Lots 4, 5 and 6 in Deposited Plan 15437)

The above development application has been determined by the granting of consent subject to the conditions specified in this consent.

Date of determination: 14 October 2022

Date from which consent takes effect: Date the consent is registered on the NSW Planning Portal.

TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the “site”, means the land known as 83-87 Edinburgh Road, Castlecrag (Lots 4, 5 and 6 in Deposited Plan 15437).

The conditions of consent are as follows:

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 plan electronically stamped by Council:

Type	Plan No.	Revision/ Issue No	Plan Date (as Amended)	Prepared by
Roof Plan – Site Plan	A1.00	RFI DA	14/02/2021	Platform Architects
Basement Car Park Plan	A1.01	RFI DA	14/02/2021	
Ground Floor Plan	A1.02	RFI DA	14/02/2021	
First Floor Plan	A1.03	DA	9/08/2021	
Second Floor Plan	A1.04	DA	9/08/2021	
South Elevation	A2.01	DA	9/08/2021	
East Elevation	A2.02	DA	9/08/2021	
North Elevation	A2.03	DA	9/08/2021	
West Elevation	A2.04	DA	9/08/2021	
Section A-A	A3.01	RFI DA	14/02/2021	
Section B-B	A3.02	RFI DA	14/02/2021	
Section C-C	A3.05	DA	10/6/2021	
External Finishes Schedule	-	RFI DA	-	
Landscape Plans	000	A	5/08/2021	Site Image
	101	C	27/08/2021	
	102	A	5/08/2021	

	103	A	5/08/2021	
	104	B	11/08/2021	
	501	A	5/08/2021	
	502	A	5/08/2021	
Engineering Plans	C-DA-0010	D	18/02/2022	BG&E Engineering
	C-DA-0300	E	24/02/2022	
	C-DA-0301	E	24/02/2022	
	C-DA-0302	A	18/02/2022	
	C-DA-0310	A	18/02/2022	
	C-DA-0320	A	18/02/2022	
	C-DA-0340	D	18/02/2022	
	C-DA-0350	E	24/02/2022	
	C-DA-0360	D	18/02/2022	
	C-DA-0400	D	18/02/2022	
	C-DA-0700	D	18/02/2022	
	C-DA-0701	A	18/02/2022	
	C-DA-0710	D	18/02/2022	

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

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

(Reason: Information and ensure compliance)

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

2. Amendments

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

- (a) The entire roof top terrace, associated lift, stair core and storage areas must be entirely deleted and replaced with concrete roof which includes any roof top services (such as solar panels and mechanical ventilation ducting) not exceeding a building height of 11m.
- (b) Despite (a), the lift overrun only is permitted to a maximum height of 11.2m
- (c) 3.5m headroom is provided for the loading bay and all access to the loading bay. The parapet of Level 2 may be raised a maximum of 300mm to facilitate this.
- (d) The edge of the new awnings on Edinburgh Road are set back 600mm minimum from the kerb line.
- (e) The planting within northern planter beds at Levels 1 and 2 must form a dense visual screen to afford adequate privacy to northern neighbours. A notation is to be made on the Construction Certificate plans stating this denseness will be achieved.
- (f) The methodology of demolition and construction of the development to ensure structural stability of 89 Edinburgh Road must adhere to the requirements of the BG & E Report (Ref: Project No: S21133) dated 4 February 2022. This must be notated on the Construction Certificate plans prior to issue of the Construction Certificate.
- (g) Full compliance is required with the Detailed Site investigation (Ref: ES8309/3) by Aargus Pty Ltd, dated 18 February 2022. This must be notated on the Construction Certificate plans prior to issue of the Construction Certificate.

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

(Reason: Fundamental to the proposed building being considered to be acceptable and ensuring that the development is in harmony with the bulk and scale of surrounding buildings and the streetscape is the removal of all elements above 11.0m in height, save for a small 195mm exceedance for the lift overrun only.)

3. S7.11 Contribution

Prior to the issue of the 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 **\$79,713.46** for the purposes of the Local Infrastructure identified in the *Willoughby Local Infrastructure Contributions Plan*.

Active transport and public domain facilities	\$3,399.58
Open space and recreation facilities	\$62,480.79
Plan administration	\$1,178.06
Recoupment - community facilities	\$12,016.16
Recoupment - open space and recreation	\$638.87
Total	\$79,713.46

Indexation

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

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

Where:

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

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

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

Deferred payments of contributions will not be accepted.

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

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

(Reason: Statutory requirement)

4. Roof top terrace

The roof top terrace is not approved and does not form part of this consent.

(Reason: Building height, desired future character)

5. Local Infrastructure Contributions

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

(Reason: Statutory requirement)

6. Sydney Water 'Tap In'

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

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

(Reason: Ensure compliance)

7. Adaptable Units

Adaptable residential units for disabled persons are to be provided at a rate of 40% of units (Total 2). Each adaptable unit is to be nominated on the Construction Certificate drawings and is to be provided with disabled car spaces where required under the Willoughby Development Control Plan Part C.6 – Access, Mobility and Adaptability.

(Reason: Amenity)

8. Fibre-Ready Facilities and Telecoms Infrastructure

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

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

development project demonstrated through an agreement with a carrier.

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

(Reason: Compliance)

9. Damage Deposit

Prior to the issue of the Construction Certificate, the applicant shall lodge a Damage Deposit of **\$120,000** (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 **\$182** (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 = \$120,000 + \$182 = \$120,182

(Reason: Protection of public asset)

10. Stormwater to Street Drainage System

Stormwater runoff from the site shall be collected and conveyed to the TfNSW underground drainage system in Eastern Valley Way via a 375mm Class 4 RCP in accordance with Council's and TfNSW specifications and requirements. A grated drainage pit (min. 600mm x 600mm) shall be provided within the property and adjacent to the boundary prior to discharging to the Council's drainage system. In this regard, full design and construction details showing the method of disposal of surface and roof water from the site are to be submitted to Council and TfNSW for approval prior to the issue of the Construction Certificate.

(Reason: Prevent nuisance flooding)

11. Analysis of Outlet Condition

A hydraulic grade line analysis of the new pipe from the connection to the TfNSW pit in Eastern Valley Way to the OSD system shall be undertaken. The analysis shall adopt the grate level of the TfNSW pit as the downstream water level and the analysis shall be undertaken for the 1%AEP storm event. The analysis shall demonstrate that the outlet of the OSD tank is above the 1%AEP water level at the tank. 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)

12. Detailed Stormwater Management Plan (SWMP)

Prior to the issue of the Construction Certificate, submit to the Certifier for approval, detailed stormwater management plans in relation to the on-site stormwater

management and disposal system for the development. The construction drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer and in accordance with BG&E drawings C-DA-0010/D, C-DA-0300/E, C-DA-0301/E, C-DA-0302/A, C-DA-0310/A, C-DA-0340/D, C-DA-0350/E and C-DA-0360/D, with the following amendments:

- The orifice level shall be above the 1% AEP water level at the site boundary.
- Access points shall be provided at the outlet, at opposite corners of the main tank and the water quality improvement section of the tank.
- The overflow path shall be clearly shown on the plans and the path is to be via the access grates. Piped overflows are not to be provided.

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)

13. Basement Pumpout Drainage System

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

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

All drawings shall be prepared by a suitably qualified and experienced civil engineer and shall comply with Part C.5 of Council's Development Control Plan, AS/NZS 3500.3 – *Plumbing and Drainage Code* and the National Construction Code.

(Reason: Prevent nuisance flooding)

14. Construction Management Plan (CMP)

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

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

(Reason: Compliance)

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

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

- (a) Construction of width footpath (max. 2.5% crossfall) towards the kerb for the full frontage of the development site in Edinburgh Road in accordance with Council's specification and Standard Drawings. Cut outs are to be provided for trees in accordance with Council's requirements. The path shall be a paver finish to match the exiting pavers. All adjustments to public utility services and associated construction works in the nature strip are to be at the full cost to the applicant. Detailed long section and cross sections at 5 metres interval shall be provided.
- (b) Reconstruction of existing kerb and gutter for the full frontage of the development site in Edinburgh Road and for any sections of the Chandler Road frontage that do not have vehicle access. The kerb and gutter shall be in accordance with Council's specifications and Standard Drawing SD105.
- (c) Reconstruction of the existing road pavement 4m wide for the full frontage of the development site in Chandler Lane in accordance with Council's specifications

- (d) Construction of a 5.5 metres wide vehicular crossing in Chandler Lane in accordance with Council's specification and Standard Drawings SD105
- (e) Construction of layaback and gutter for the width of the parking spaces accessed off Chandler Lane in accordance with Council's specification and Standard Drawings SD105
- (f) Construction of a new stormwater pipe and pit system from the site to the TfNSW pit in Eastern Valley Way in accordance with Council and TfNSW requirements. New pits in Chandler Lane shall be kerb inlet pits with a 1.8m lintel. Pits in Eastern Valley Way shall be kerb inlet pits in accordance with TfNSW requirements.
- (g) Construction of new kerb and gutter in Chandler Lane from the new pit opposite the site to the existing kerb in Eastern Valley Way in accordance with Council's specifications and Standard Drawing SD105.
- (h) Reconstruction of all kerbs and pram ramps impacted by the installation of the new stormwater system in accordance with TfNSW specifications and standard drawings.
- (i) Reconstruction of a minimum 2m width of road pavement in Chandler Lane to rectify pavement following trenching for installation of stormwater
- (j) Reconstruction of road pavement as required by TfNSW to rectify pavement following trenching for installation of stormwater in Eastern Valley Way.
- (k) Traffic calming devices, such as speed humps or speed cushions, as required by Council's Traffic Engineers in Chandler Lane at each end of the development site.

The required plans must be designed in accordance with Council's specifications (AUS-SPEC). A minimum of three (3) weeks will be required for Council to assess the *Roads Act* submissions. Early submission is recommended to avoid delays in obtaining a Construction Certificate. For the purpose of inspections carried out by Council Engineers, the corresponding fees set out in Council's current Fees and Charges Schedule are payable to Council prior to issue of the approved plans. Concurrence / approval must be obtained from TfNSW for any works located in Eastern Valley Way before any approval under the *Roads Act* will be issued by Council. Design of traffic calming devices will need to be approved by Traffic Committee prior to any *Roads Act* approval.

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)

16. Driveway Longsection

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

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

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

The new crossing to the basement parking area is to be 5.5 metres wide with no splays and be constructed at right angle to street kerb. For the design levels of the vehicular crossing at the property boundary, the following shall be complied with, unless written approval is gained from Council for alternate levels:

- (a) At back of layback – 100 mm above and parallel to the gutter invert.
- (b) At property boundary – 105mm above and parallel to the gutter invert.

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

(Reason: Safe vehicular access)

17. 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)

18. 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 basement. All driveway grades shall comply AS/NZS 2890.1 and AS 2890.2.
- (c) That the proposed vehicular path and parking arrangements comply in full with AS/NZS 2890.1, AS 2890.2 and AS/NZS 2890.6 in terms of minimum dimensions provided and grades on parking spaces.
- (d) That the headroom clearance of minimum 2.2 metres between the basement floor and any overhead obstruction (including overhead services) is provided for compliance with Section 5.3.1 of AS/NZS 2890.1 and Section 2.4 of AS/NZS 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/NZS 2890.6.
- (f) That a shared area with minimum dimensions of 2.4 x 5.4m is provided adjacent to all disabled parking spaces and a shared area with minimum dimensions of 2.4m x 2.4m is provided at the end of all disabled parking spaces to comply with AS/NZS 2890.6. A bollard shall be located in the shared zone in accordance with AS/NZS 2890.6.
- (g) That the headroom clearance of 3.5m required by AS 2890.2 for an SRV has been provided for the loading area and the path to and from the loading area.
- (h) Simultaneous manoeuvring of B99 and B85 vehicles at all ramps and ramp ends including the clearance lines for each vehicle, in accordance with AS2890.1, is complied with.
- (i) That all parking spaces accessed off the laneway comply with the requirements of AS 2890.5 On-street parking with regards space and roadway widths as they are accessed off a public roadway.
- (j) That access to the visitor parking space is freely available to visitors at all times.

(Reason: Ensure compliance)

19. Finish Surface Levels Along the Street Boundary

Prior to the issue of a Construction Certificate, finished surface levels for all internal works along the street boundary, including finish floor levels, driveways, car spaces, landscaping, drainage structures etc., must be shown on the plans issued for construction. The development's internal surface levels along the street boundary must be consistent with the public domain civil works plans approved by Council under the *Roads Act (1993)*. Any changes required to the finish floor levels approved under this development consent may require an application under S4.55 of the EP&A Act.

(Reason: Ensure compliance)

20. Construction Traffic and Transport Management Plan

Prior to issue of the Construction Certificate, a detailed Construction Traffic Management Plan (CTTMP) shall be prepared to ensure safe and efficient movement to/ from the construction site (site) and the closest State Road by motor vehicles including buses, cars, motor bikes, emergency vehicles, trucks and heavy vehicles; and for pedestrians and bicycles moving to/ from and past the site. The CTTMP must be submitted to and accepted by Council. The CTTMP shall: -

- (a) Be prepared by a suitably qualified and experienced traffic engineering consultancy. The traffic consultancy should hold, or contract a traffic control company with, a valid *Prepare Work Zone Traffic Management Plans* (PWZTMP) traffic control qualification in TfNSW's Traffic Control at Work Site Technical Manual. The personnel used must have undertaken refresher training in PWZTMP competency in the preceding two years from the date of qualification.
- (b) Be prepared in accordance with the current version of Austroads Guide to Traffic Management, Austroads Guide to Road Safety, Austroads Guide to Temporary Traffic Management, Australian Standard AS1742 Manual of Uniform Traffic Control Devices, TfNSW's Supplement to Australian Standard and TfNSW's Traffic Control at Work Site Technical Manual.
- (c) Identify and demonstrate that the pedestrian, bicycle and motor vehicle ingress and egress locations at the site are designed / managed/ operated in accordance with relevant standards, policies and guidelines and eliminate and minimise hazards and risks to maximise safety, amenity and mobility to site users and those moving past the site on the adjacent road and pathways.
- (d) Detail and explain all construction on the public road network including pedestrian footpaths and bicycle facilities such as bicycle lanes and shared paths. Identify and explain design measures to comply with regulatory standards and policy/ guideline requirements. All regulatory parking, traffic control and traffic management changes to the road and pathways will require Council approval

- (e) Identify and describe the Council and TfNSW managed road network (road network) to be used by motor vehicles and pathway network to be used by pedestrians and bicycles generated by the site. Document and explain the administrative and functional classifications, interchanges (i.e. bus stops, rail stations etc), types of users, management and operation (qualitative description only - no traffic modelling is required) of the existing road and pathway networks.
- (f) Identify and explain all construction related motor vehicle generation, type, times of movement and routes to/ from the site for all construction phases including spoil removal, materials delivery and suppliers/ workers visiting and working on the site. The route chosen for heavy vehicle movement between the site and the State Road network should be the safest, least impact on the amenity of residents and most direct to the nearest intersection with a State Road.
- (g) Demonstrate that all heavy vehicles generated by the site will travel on the road network safely and in compliance with the NSW road rules.
- (h) Identify and explain management arrangements so that all construction related motor vehicles park on the site or in designated approved locations on the public roads adjacent to the site i.e. approved Work Zone. Identify and explain operational and mitigation measures to be implemented so that no or minimal construction related vehicles such as worker motor cars park or queue on the public road network.
- (i) Detail and explain all proposed changes to the public road network that will be in place for the duration, or for a significant period of time during the construction period to support the construction methodology including, if desired, Work Zone provision, and to maintain a safe road and pathway network with an acceptable operational performance. Short term changes involving implementation and removal of a temporary change for one day only are addressed elsewhere in the CTTMP. All regulatory parking, traffic control and traffic management changes to the road and pathways will require Council approval.
- (j) Detail and explain all construction traffic management related to works on the public road network including pedestrian footpaths and bicycle facilities such as bicycle lanes and shared paths. Identify and explain mitigation measures to maintain a safe and continuous connection for these vulnerable road users.
- (k) Provide a schedule of short term temporary traffic changes (changes typically implemented and removed in one day only), relevant

Council permit, times and dates of changes and accompanying *Work Zone Traffic Management Plan*. Road closures shall be the subject of approval from Council.

- (l) Public information and campaigns to be used to inform road users, residents, businesses, emergency services, public transport operators of any long term changes or temporary full road closures on the local road network well in advance of each change.
- (m) Nominate a contact person who is the owner of the CTTMP and has authority without reference to other persons to change the CTTMP to comply with instructions issued by Council's Rangers Unit or the NSW Police.

(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.

21. State Road Requirements

Prior to commencement of work, comply with the following:

- a) If this development involves any public utility adjustment/relocation works on the state road network, detailed civil design plans for road opening/underboring are to be submitted to TfNSW for review and acceptance prior to the commencement of any works. Please specifically provide the following:
 - Please provide pre development discharge to Eastern Valley Way in litres a second for a 1 in 5 year and 1 in 100 year storm event
 - Identify existing utilities and confirm that proposed pipes are clear of these.

The developer must also obtain necessary approvals from the various public utility authorities and/or their agents.

Please send all documentation to development.sydney@transport.nsw.gov.au

A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.

- b) A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre (TMC) for any works that may impact on traffic flows on Eastern Valley Way during construction activities. A ROL can

be obtained through

<https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.

Note – the ROL is not an approval to commence civil works on Eastern Valley Way

- c) The developer shall not commence any civil works associated with this development on Eastern Valley Way prior to the signing of TfNSW 's Deed.

(Reason: TfNSW Compliance)

22. Dilapidation Report of Adjoining Properties

Prior to commencement of work, submit a photographic survey and report of the adjoining properties 81 Edinburgh Road & 89 Edinburgh Road to the Certifier and all owners of these adjoining properties. Such photographic survey and report shall be prepared by a suitably qualified person, detailing the physical condition of these properties, both internal and external including items as walls, ceilings, roof, structural members and other items as necessary.

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

(Reason: Protection of adjoining owners)

23. Dilapidation Report of Council's Property

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

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

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

(Reason: Protection of Council's infrastructure)

24. Permits and Approvals Required

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

- (a) Permit to erect Builder's hoarding where buildings are to be erected or demolished within 3.50m of the street alignment. Applications are to include current fees and are to be received at least 21 days before commencement of the construction.
- (b) Permit to stand mobile cranes and/or other major plant on public roads. Applications are to include current fees and security deposits and are to be received at least seven days before the proposed use. It should be noted that the issue of such permits may also involve approval from the NSW Police Force and TfNSW (RMS). A separate written application to work outside normal hours must be submitted for approval.

It should also be noted that, in some cases, the above Permits may be refused and temporary road closures required instead which may lead to longer delays due to statutory advertisement requirements.

- (c) Permit to open public roads, including footpaths, nature strip, vehicular crossing or for any purpose whatsoever. All applications are to include current fees.
- (d) Permit to place skip/waste bin on footpath and/or nature strip. (Maximum three (3) days).
- (e) Permit to work and/or place building materials on footpath and/or nature strip. (Maximum two (2) weeks).
- (f) Permit to establish Works Zone on Public Roads adjacent to the Development including use of footpath area. Applications must be received by Council at least twenty-one days prior to the zone being required. The application will then be referred to the Council's Local Traffic Committee for approval, which may include special conditions.
- (g) Permit to construct vehicular crossings over Council's footpath, road or nature strip.

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

(Reason: Legal requirements)

25. 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)

26. Adjustment to Street Lighting

Prior to commencement of work, consult with utility authorities to determine the requirements of relocation/adjustment of electricity supply and street lighting services

fronting the property in Edinburgh Road and Chandler Lane. Such street lighting shall also conform to Council's standard specifications.

(Reason: Public amenity)

27. 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)

28. Detailed Site Investigation

Prior to commencement of work, full compliance is required with the Detailed Site investigation (Ref: Ref: ES8309/3) by Aargus Pty Ltd, dated 18 February 2022, which includes the following:

- (a) An appropriate remedial / management strategy is developed, culminating in
preparation of a Remedial Action Plan (RAP) in accordance with EPA guidelines, in regard to address the aforementioned data gaps.
- (b) A hazardous materials survey is undertaken prior to the demolition of the existing buildings for the proposed development and asbestos that is likely to present is removed by the licensed contractors.
- (c) Any soils requiring removal from the site, as part of future site works, should be
classified in accordance with the "Waste Classification Guidelines, Part 1: Classifying Waste" NSW EPA (2014).

(Reason: Public health)

29. 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)

DURING DEMOLITION, EXCAVATION AND CONSTRUCTION

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

30. 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)

31. 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)

32. 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)

33. Demolition Work AS 2601-2001

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

(Reason: Safety)

34. 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) At each level indicating the level of that floor to Australian Height Datum;
- (c) Upon completion of the roof framing, before the roofing is laid, indicating the ridge height to Australian Height Datum;
- (d) At roof slab level indicating the level of that slab to Australian Height Datum;

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

(Reason: Ensure compliance)

35. 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)

36. 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)

37. Inspection of Drainage Connection to TfNSW's Drainage Line

The connection of the site stormwater drainage system to the existing TfNSW pit and any stormwater works in Eastern Valley Way shall be inspected by TfNSW as per TfNSW requirements.

(Reason: Ensure compliance)

38. 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)

39. Noise Monitoring Plan

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

(Reason: Amenity)

40. Geotechnical Report

Implement the recommendations of the Geotechnical Report prepared by Aargus Pty Ltd, Report Number: GS8319-2A, dated 18th August 2021.

(Reason: Environment & Health Protection)

41. Preliminary Site Investigation

Implement the recommendations of the Preliminary Site Investigation prepared by Aargus Pty Ltd, Ref:ES8309, dated 10 August 2021.

(Reason: Environment & Health Protection)

42. 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.

43. 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)

44. Access for the Disabled - Disability Discrimination Act

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

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

(Reason: Access and egress)

45. 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)

46. 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 Unit numbers.

(Reason: Ensure compliance)

47. Registration of Plan of Consolidation

Prior to the issue of any Occupation Certificate, all individual allotments involved in the development site shall be consolidated into a single allotment and evidence of the registration of the plan of consolidation to be submitted to Council.

(Reason: Ensure compliance)

48. 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)

49. Services - Electricity Supply and Telecommunication Mains

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

(Reason: Compliance)

50. 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)

51. Service Facilities

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

- (a) Electricity and telephone lines must be placed underground from the street to the building.
- (b) One storage area shall be allocated to each unit.
- (c) A master TV antenna or satellite dish is to be provided for the building. This shall be suitably screened from view from the street.
- (d) All plumbing pipes and installations must be concealed in ducts and not exposed on the external walls of the building and must be adequately soundproofed.
- (e) Secure bicycle parking facilities shall be provided in accordance with *Willoughby Development Control Plan Part C. 4* and designed in accordance with AS2890.3.

(Reason: Ensure compliance, streetscape and amenity)

52. Screening of Rooftop Plant/Structures

Prior to the issue of a Whole Occupation Certificate, any rooftop or exposed structures including lift motor rooms, plant rooms etc., together with air conditioning, ventilation and exhaust systems, shall be suitably screened and integrated with the building in order to ensure a properly integrated overall appearance.

(Reason: Visual amenity)

53. Final dilapidation inspection

Prior to the issue of an Occupation Certificate, a (second) dilapidation inspection and report is to be undertaken for 89 Edinburgh Road, in accordance with the requirements of the BG & E Report (Ref: Project No: S21133) dated 4 February 2022.

(Reason: Structural adequacy of adjoining buildings)

54. State Survey Marks

Prior to the issue of a Whole Occupation Certificate, the Applicant shall reinstate any State/Permanent Survey Mark damaged by the works, including construction of the stormwater pipe, 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)

55. 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 new drainage pipeline in Chandler Lane and Eastern Valley Way constructed as part of the works after the completion of all works. No person is to enter any Council stormwater conduit without written approval from Council. The camera and its operation shall comply with the following: -

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

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)

56. 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 21m³ OSD 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)

57. Sign for OSD System

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

The wording for the plaque shall state *"This is the on-site stormwater detention system required by Willoughby City Council. It is an offence to alter any part of the system without written consent from Council. The registered proprietor shall keep the system in good working order by regular maintenance including removal of debris"*.

(Reason: Prevent unlawful alteration)

58. 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)

59. 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)

60. Certification of the Basement Pumpout Drainage System

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

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

(Reason: Ensure compliance)

61. Works-As-Executed Plans - OSD

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

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

(Reason: Record of works)

62. S88B/S88E(3) Instrument

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

The above instruments shall be created under Section 88B of the *Conveyancing Act 1919* for newly created lots. For an existing lot, the instruments can be created under Section 88E(3) of the *Conveyancing Act 1919* using Form 13PC and 13RPA respectively. The size and relative location of the OSD system and stormwater treatment system, in relation to the building footprint and property boundary, must be shown on the 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)

63. 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)

64. Construction of Kerb & Gutter

Prior to the issue of any Occupation Certificate, construct a new kerb and gutter together with any necessary associated pavement restoration in accordance with Council's specification for the full frontage of the development site in Edinburgh Road and in Chandler Lane from the new stormwater pit to Eastern Valley Way.

(Reason: Public amenity)

65. Reconstruct Pavement

Prior to the issue of any Occupation Certificate, reconstruct the road pavement in Chandler Lane 4m wide for the full width of the development site and 2m wide for the length of the pipe trenching. The works shall be in accordance with Council's approved drawings, conditions and specification (AUS-SPEC). Council's standard design traffic for this pavement is 3×10^5 ESA. Pavement reconstruction in Eastern Valley Way following the construction of the stormwater system shall be in accordance with TfNSW requirements and shall be completed prior to the issue of any Occupation Certificate.

(Reason: Ensure compliance)

66. Footpath construction

Prior to the issue of any Occupation Certificate, construct a full width footpath in approved pavers (to match existing Castlecrag pavers) for the full frontage of Edinburgh Road adjoining to the site. Cut outs shall be provided for trees in accordance with Council's requirements.

(Reason: Public amenity)

67. 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 5.5 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. New layback and gutter shall also be provided for all parking spaces accessed off Chandler Lane, as per the approved public domain drawings.

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

- (a) At back of layback – 100 mm above and parallel to the gutter invert.
- (b) At property boundary – 105 mm above and parallel to the gutter invert.

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

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)

68. 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)

69. 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)

70. Performance Bond

Prior to the issue of any Occupation Certificate, the Applicant shall lodge with the Council a performance bond of \$60,000 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)

71. 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)

72. Vehicle Access and Manoeuvring – Construction & Certification

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

- (a) That the as-constructed carpark complies with the approved Construction Certificate plans.
- (b) That finished driveway gradients and transitions comply with AS/NZS 2890.1 and AS 890.2 and will not result in scraping to the underside of cars.
- (c) That a maximum gradient of 5% is provided for the first 6 metres from the property's front boundary to the basement. All driveway grades shall comply AS/NZS 2890.1 and AS 2890.2.
- (d) Aisle widths throughout basements comply with AS/NZS 2890.1.
- (e) That the constructed vehicular path and parking arrangements comply in full with AS/NZS 2890.1, AS 890.2 and AS/NZS 2890.6 in terms of minimum dimensions provided and grades on parking spaces.

- (f) That headroom clearance of minimum 2.2 metres between the basement floor and any overhead obstruction (including overhead services) is provided for compliance with Section 5.3.1 of AS/NZS 2890.1 and Section 2.4 of AS/NZS 2890.6.
- (g) That headroom clearance of minimum 2.5 metres is provided to all parking spaces for people with disabilities for compliance with Section 2.4 of AS/NZS 2890.6.
- (h) That the headroom clearance of 3.5m required in AS 2890.2 for a SRV has been provided for the loading area and the path to and from the loading area.
- (i) That a shared area with minimum dimensions of 2.4 x 5.4m is provided adjacent to all disabled parking spaces and a shared area with minimum dimensions of 2.4m x 2.4m is provided at the end of all disabled parking spaces to comply with AS/NZS 2890.6, and that a bollard is located in the shared zone in accordance with AS/NZS 2890.6.
- (j) Simultaneous manoeuvring of B99 and B85 at all ramps and ramp ends including clearances for each vehicle as per AS/NZS 2890.1 is achieved.
- (k) That all parking spaces accessed off the laneway comply with the requirements of AS 2890.5 On-street parking with regards space and roadway widths as they are accessed off a public roadway.

(Reason: Ensure compliance)

73. Stormwater Maintenance Plan

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

(Reason: Ensure operation of system complies)

74. Certification of Water Quality Improvement System

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

(Reason: Legal requirement)

75. Construct Stormwater

Prior to the issue of any Occupation Certificate, construct the new stormwater system from the site to the TfNSW pit in Eastern Valley Way. The works shall be in accordance with the approved public domain drawings.

(Reason: Stormwater management and prevent nuisance flooding)

76. Traffic calming devices

Prior to the issue of any Occupation Certificate, traffic calming devices shall be installed in Chandler Lane at each side of the development site. The devices shall be in accordance with the requirements of Council's Traffic Engineer

(Reason: Traffic calming)

77. Contamination – Site Validation

Prior to the issue of any Occupation Certificate, a Certificate/Report is required from a suitably qualified contaminated land consultant to confirm that any remedial/management strategy and/or Remedial Action Plan (RAP) has been finalised and successfully executed.

(Reason: Environmental protection, public health and safety)

78. Domestic Waste Collection Agreement with Council

Prior to the issue of any Occupation Certificate, the developer is to enter into a formal agreement with Council for the utilisation of Council's Domestic Waste Collection Service. This is to include Council being provided an easement for unimpeded access to and from the waste collection locations for council and its servants/ contractors to enter and exit for the purpose of waste recycling collection. The development is also required to indemnify Council and its servants/contractors against claims for loss or damage or wear and tear of access roads or to other parts of the building.

Note: By entering into an agreement with Council for waste collection, the development will be required to operate in full compliance with Council's Waste Management collection requirements.

The provision of Council's waste collection service will not commence until formalisation of the agreement.

(Reason: Legal Requirement)

79. Council Inspection – Waste Vehicle Access and Manoeuvring

Prior to the issue of any Occupation Certificate, Council's waste officer is to inspect and approve all waste vehicle access and manoeuvring/turning movements to ensure they comply with the development approval and design certificate, and that the development can be accessed and serviced by the nominated waste collection vehicle in accordance with the Waste Management Guide. Specifically, the path of travel for the waste collection vehicle to the nominated collection area (which includes all entrance/exit, internal driveways, vehicle ramps, loading docks and basement) has been designed in accordance with AS2890.2-2004.

(Reason: Ensure compliance)

80. Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained prior to the issue of the subdivision certification. An application must be made either directly to Sydney Water or through a Sydney Water accredited Water Service Coordinator. For details go to www.sydneypwater.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)

81. Allocation of Car Parking Spaces

The car parking spaces shall be allocated on the following basis:

Residential = 5 spaces

Visitor (residential) = 1 space

Commercial = 3 spaces

All visitor spaces must be part of the common property of the strata scheme.

(Reason: Amenity)

82. General Easement/ROW Provision and Certification

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

(Reason: Ensure compliance)

83. Location of On-Site Detention System

The locations of the as-built on-site stormwater detention system(s) shall be shown on the final plan of subdivision/strata plan. All access points to the tank must be located in common areas.

(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.

84. Adjustment to Electricity

All existing and proposed overhead electricity supply mains and other overhead services around the street frontage of the site are to be relocated underground to the specification of Energy Australia and Willoughby City Council at full cost to the applicant.

(Reason: Public amenity)

85. 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)

86. Loading and Unloading

In perpetuity, loading and unloading of goods is to be conducted wholly within the site and especially in any loading facility, internal dock or goods handling area. These areas are to be maintained free of obstruction for the sole use of delivery vehicles. Under no circumstances are loading/unloading activities to be conducted from vehicles standing kerbside in Chandler Lane, Edinburgh Road or from any appurtenant right of way.

(Reason: Access and amenity)

87. Illumination of Building or Car Park

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

(Reason: Amenity)

88. Landscaping Maintenance

Landscaping must be kept in optimum condition at all times, ensuring the health and vigour of all planting on the site, and its aesthetic contribution to the building and privacy for neighbours is effective in perpetuity.

(Reason: Amenity)

89. Analysis of Outlet Condition

All storage outlet pipes from the OSD tank shall be above the 1% Annual Exceedance Probability event level.

(Reason: Maintain designed discharge)

90. Road Closure

Any closure (full or partial) of a public road is strictly prohibited without the approval of Council.

(Reason: Public protection)

91. 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)

92. 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)

93. Acoustic Works – Report

Prior to the issue of any relevant Occupation Certificate, certification shall be provided upon completion of the works, accompanied with evidence from a suitably qualified and practising acoustic engineer, to the effect that the acoustic attenuation has been carried out in accordance with the Acoustic Report prepared by PWMA, Report Number: 210270, dated 25th August 2021.

(Reason: Amenity)

94. Waste Management Plan (WMP) Implementation

The approved WMP is to be implemented throughout the ongoing use of the development.

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

95. Kerbside Collection Point

The nominated kerbside collection point is to be utilised to facilitate the collection of waste and recycling bins for the development. All mobile garbage bins that are left kerbside for collection must be taken back within the property boundary on the same day of service.

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

96. Management

Contracts (or agreements) with cleaners, building managers and tenants must clearly outline the waste management and collection system and must clearly identify everyone’s role and responsibility. This is to include:

- (a) Responsibility for cleaning and maintaining waste storage bins and containers.
- (b) Responsibility for cleaning and maintaining waste storage room.
- (c) Responsibility for the transfer of bins to the nominated collection point.
- (d) Method of communication to new tenants and residents concerning the developments waste management system.
- (e) Cleaning up and management of bulky waste.
- (f) Responsibility for maintaining the compost bin or worm farm.

Where the development incorporates strata title subdivision, the by-laws are to clearly set out the management responsibilities for the developments waste and recycling system.

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

97. Signage

Adequate signage is to be provided and maintained on how to use the waste management system and what materials are acceptable for recycling within all waste storage areas of the development. Signage is also to be provided and maintained which clearly identifies which bins (and containers) are to be used for general waste and recycling and what materials can be placed in each bin.

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

PRESCRIBED CONDITIONS

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

98. 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.

99. 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)

100. 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)

101. 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)