

**Addendum B - Conditions in contention**

Reasons/Discussion	Condition
<p>Council's Engineers advise that required damage deposit is calculated as follows:</p> <p>The site's frontage on Albert Ave: 44m</p> <p>Half Road construction: 6m Road Pavement Cost/m<sup>2</sup>: \$420 = 44x6 x 420 = \$110,880</p> <p>Kerb &amp; Gutter Cost/m: \$220 = 44 x 220 = \$9680.</p> <p>Total: \$120,560</p>	<p><b>22      Damage Deposit</b></p> <p>The applicant shall lodge a Damage Deposit of \$120,000 (GST Exempt) as cash, cheque or an unconditional bank guarantee, to Council against possible damage to Council's asset 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 \$62.00 (GST inclusive) is payable to Council. Any damages identified by Council shall be restored by the applicant prior to release of the Damage Deposit. (Reason: Protection of public asset)</p>
<p>With respect to a), Council's disagree that the condition of the footpath on Albert Ave is "good".</p> <p>The recommended condition has the purpose of providing acceptable pedestrian access to and from the site (planning purpose) and along the frontage of the site.</p> <p>There is no visitor parking at the site or motorcycle parking at the site. Good pedestrian access to and from the site is considered important for the proposed development.</p> <p>The pavement of the existing footpath is of reasonable condition. However, the gradient</p>	<p><b>28      Design of Works in Public Road (Roads Act Approval)</b></p> <p>Prior to issue of any Construction Certificate, the Applicant must submit, for approval by Council and the relevant the road authority, if not Council, full design engineering plans and specifications prepared by a suitably qualified and experienced civil engineer for the following infrastructure works:</p> <ul style="list-style-type: none"> <li>a) Construction of 1.5 metres footpath (max. 2.5% crossfall) for the full frontage of the site in Albert Avenue. 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.</li> <li><del>b) Construction of new kerb and gutter for the full frontage of the development site in Albert Avenue with half road restoration. Detailed long sections and cross-section at 5m interval shall be provided.</del></li> </ul>

<p>of the existing footpath has an uneven/steep section near the existing pedestrian crossing on Albert Ave. The reconstruction of the footpath will allow the gradient of the footpath to be adjusted to an acceptable level.</p> <p>The extent of required works is not disproportional to the proposed development.</p>	<p>e) <del>The reconstruction of the existing kerb inlet pit with a 2.4m lintel within the frontage of the site in Albert Avenue to suit the new designed alignment of the kerb and gutter. All details shall comply with Council's AUS-SPEC.</del></p> <p>d) Construction of new kerb and gutter for the full frontage of the development site in Fleet Lane. Detailed long sections and cross-section at 5m interval shall be provided.</p> <p>e) Construction of a new kerb inlet pit with a 2.4m lintel within the frontage of the site in Fleet Lane and the extension of 375mm reinforced concrete pipe (RCP) from the existing kerb-inlet pit in Thomas <del>Street</del> Lane. All details shall comply with Council's AUS-SPEC and AS3725.</p> <p>f) Construction of a new kerb inlet pit with a 2.4m lintel within the frontage of the site in Thomas Lane and the extension of 375mm reinforced concrete pipe (RCP) from the existing kerb-inlet pit in Thomas Lane. All details shall comply with Council's AUS-SPEC and AS3725.</p> <p>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 <i>Roads Act</i> 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 <i>Fees and Charges Schedule</i> are payable to Council prior to issue of the approved plans. Approval must be obtained from Willoughby City Council as the road authority under the Roads Act 1993 for any proposed works in the public road prior to the issue of any Construction Certificate. (Reason: Ensure compliance)</p>
<p>Council recommends that subclause b) and c) of Condition 28 be replaced with new condition 78 to restore and repair road pavement and kerb and gutter on Albert Ave frontage of the site.</p>	
<p>Subclause d), e) and f) refers to works within Council's land/public road, and the requirements reflect Council's standard specifications.</p> <p>Added wordings with respect to performance bond that will be required through the Roads Act Approval process.</p>	
<p>A typographic error is noted in subclause e), and should be rectified. (strikethrough and shown in italics)</p>	
<p>The design of a 10km/h Shared Zone is yet to be developed. There is insufficient information from both the applicant/Council with respect to the extent of works that is required to convert the existing laneway,</p>	<p><b>47 Design Works in Thomas Lane and Fleet Lane</b></p> <p>Submit, for approval by Council and/or the relevant Road Authority through the Willoughby Local Traffic Committee prior to commencement of any of the following works. Detailed plans prepared by a qualified and experienced</p>

<p>Fleet Lane to a 10km/h Shared Zone.</p> <p>The recommended wordings (shown in italics) are to ensure that the proposed Shared Zone will be implemented to standard requirements of Council and RMS, but does not specify the reconstruction of Fleet Lane, if such work is not necessary to implement the Shared Zone.</p>	<p>civil engineer for the following infrastructure works as required by this development consent and the Voluntary Planning Agreement related to this development consent:</p> <ol style="list-style-type: none"> <li>1. The reconstruction of Thomas Lane (in accordance with requirements of the Voluntary Planning Agreement).</li> <li>2. <del>and the reconstruction of</del> <i>Implement a 10km/h Shared Zone on Fleet Lane as a 10km/h Shared Zone</i>, noting that final approval of the Shared Zone and the introduction of a 10km/h speed limit will be by the RMS. <del>The plans to include details of all signage and line-marking adjustments.</del></li> <li>3. The provision of a drop off/pick-up area and associated signage in association ed with the Thomas Lane Embellishment works contained in the Voluntary Planning Agreement associated with this development consent.</li> <li>4. Details of all signage changes for the reconstruction of the path on the west side of Thomas Lane as a Shared Bicycle and Pedestrian Path.</li> <li>5. Any other regulatory signs along the street frontages of the site.</li> </ol> <p><i>The required plans and details must include all necessary works including details of all signage and line-marking adjustments. The design must comply with RMS's requirements, and Council's specifications.</i></p> <p>The abovementioned civil works must be completed to the satisfaction of the relevant road authority and Willoughby City Council prior to occupation of the development.</p> <p>(Reason: Ensure compliance)</p>
<p>Strikethrough wording reflects deletion of subclause b) and c) of Condition 28 and replacement of Condition 78.</p>	<p><b>77 Construction of Kerb &amp; Gutter</b></p> <p>Construct 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 Fleet Lane <del>and Albert Avenue with</del></p>

	<p><del>associated half road pavement reconstruction.</del> (Reason: Public amenity)</p>
<p>It is recommended that this condition replaces, subclause b) and c) of Condition 28, and Condition 78.</p>	<p><b>78 Road Restoration</b></p> <p><i>The applicant is to restore/repair the road pavement, kerb and gutter for the full frontage of the site along the Albert Ave for any damage caused during the construction period.</i></p> <p><i>Engineering plans and details of any restoration/repair works must be approved by the relevant road authority, Willoughby City Council for approval for any proposed works in the public road. This must include but not limited to detailed long sections and cross-section at 5m interval. All details shall comply with Council's AUS-SPEC. 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.</i></p> <p><i>A completion certification must be obtained from Council confirming compliance with this condition prior to the issue of any occupation certificate.</i> (Reason: Road Restoration/Repair)</p>
<p>Deletion of Condition 87 – performance bond. Performance bond is for civil works that requires Roads Act Approval from Council. As such, the relevant performance bond is to be sought in the approval/certification process of the relevant permit application</p>	<p><b>82 Inspection of Civil Works on Road Reserves</b></p> <p>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 approved drawings, conditions and specification (AUS-SPEC), and any other requirements of the relevant road authority and Council.</p> <p>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, and/or the relevant road authority. Upon completion, Work-as-Executed drawings</p>

	<p>prepared by a registered surveyor shall be submitted to Council for record purposes. <i>A performance bond is required to be lodged with Council for the subject civil works prior to the issues of the completion certificate by the relevant road authority, including Willoughby City Council.</i></p> <p>A completion certificate shall be obtained from <i>the relevant road authority, including Willoughby City Council</i> Council (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority <i>prior to the issue of any occupation certificate.</i> (Reason: Ensure compliance)</p>
<p>The performance bond is for civil works that requires Roads Act Approval from Council. As such, the relevant performance bond is to be sought in the approval/certification process of the relevant permit application (see addition to Condition 82), and Condition 83 is to be deleted. (Shown as strikethrough)</p>	<p><b>83 — Performance Bond</b></p> <p><del>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 twenty four (24) 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.</del> (Reason: Ensure compliance and specification)</p>