

## AMENDED SCHEDULE (29<sup>TH</sup> JANUARY 2013 REFLECTING JRPP RECOMMENDATIONS)

**Conditions of Consent:** (including reasons for such conditions)

### CONSENT IDENTIFICATION

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

#### 1. **Approved Plan/Details**

The development must be in accordance with the following plans:

Type	Plan No.	Revision / Issue No	Plan Date (as Amended)	Date Stamped by Council	Prepared by
Architectural	B100	B	30.10.2012	01.11.2012	Giles Tribe Architects
Architectural	B101	B	30.10.2012	01.11.2012	Giles Tribe Architects
Architectural	B102	B	30.10.2012	01.11.2012	Giles Tribe Architects
Architectural	B103	B	30.10.2012	01.11.2012	Giles Tribe Architects
Architectural	B104	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	B200	B	30.10.2012	01.11.2012	Giles Tribe Architects
Architectural	B201	B	30.10.2012	01.11.2012	Giles Tribe Architects
Architectural	B202	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	B203	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	B400	A	13.08.2012	24.08.20120	Giles Tribe Architects
Architectural	B401	A	13.08.2012	24.08.20120	Giles Tribe Architects
Architectural	B402	A	13.08.2012	24.08.20120	Giles Tribe Architects
Architectural	B403	A	13.08.2012	24.08.20120	Giles Tribe Architects
Architectural	B404	A	13.08.2012	24.08.20120	Giles Tribe Architects
Architectural	B500	B	30.10.2012	01.11.2012	Giles Tribe Architects
Architectural	B501	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	B502	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	B503	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	B504	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	B505	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	B506	A	13.08.2012	22.08.2012	Giles Tribe Architects

Architectural	B507	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	B508	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	B509	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	B510	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	C100	B	30.10.2012	01.11.2012	Giles Tribe Architects
Architectural	C101	B	30.10.2012	01.11.2012	Giles Tribe Architects
Architectural	C102	B	30.10.2012	01.11.2012	Giles Tribe Architects
Architectural	C103	B	30.10.2012	01.11.2012	Giles Tribe Architects
Architectural	C104	B	30.10.2012	01.11.2012	Giles Tribe Architects
Architectural	C105	B	30.10.2012	01.11.2012	Giles Tribe Architects
Architectural	C106	B	30.10.2012	01.11.2012	Giles Tribe Architects
Architectural	C107	A	30.10.2012	01.11.2012	Giles Tribe Architects
Architectural	C200	B	30.10.2012	01.11.2012	Giles Tribe Architects
Architectural	C201	A	13.08.2012	24.08.2012	Giles Tribe Architects
Architectural	C202	A	13.08.2012	24.08.2012	Giles Tribe Architects
Architectural	C203	A	13.08.2012	24.08.2012	Giles Tribe Architects
Architectural	C204	B	30.10.2012	01.11.2012	Giles Tribe Architects
Architectural	C205	A	13.08.2012	24.08.2012	Giles Tribe Architects
Architectural	C206	A	13.08.2012	24.08.2012	Giles Tribe Architects
Architectural	C207	B	30.10.2012	01.11.2012	Giles Tribe Architects
Architectural	C201	A	13.08.2012	24.08.2012	Giles Tribe Architects
Architectural	C400	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	C401	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	C402	B	30.10.2012	01.11.2012	Giles Tribe Architects
Architectural	C500	B	30.10.2012	01.11.2012	Giles Tribe Architects
Architectural	C501	B	30.10.2012	01.11.2012	Giles Tribe Architects
Architectural	C502	B	30.10.2012	01.11.2012	Giles Tribe Architects
Architectural	C503	B	30.10.2012	01.11.2012	Giles Tribe Architects
Architectural	C504	B	30.10.2012	01.11.2012	Giles Tribe Architects
Architectural	C505	B	30.10.2012	01.11.2012	Giles Tribe Architects
Architectural	C506	B	30.10.2012	01.11.2012	Giles Tribe Architects

Architectural	C507	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	C508	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	C509	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	C510	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	C511	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	C512	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	C513	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	C514	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	C515	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	C516	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	C517	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	C518	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	C519	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	C520	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	C521	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	C522	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	C523	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	C524	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	C525	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	C526	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	C527	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	C528	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	C529	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	C530	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	C531	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	C532	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	C533	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	C543	B	30.10.2012	01.11.2012	Giles Tribe Architects
Landscape	LP01	E	29.10.2012	01.11.2012	Spirit Level
Landscape	LP02	E	29.10.2012	01.11.2012	Spirit Level
Landscape	LP03	D	26.10.2012	01.11.2012	Spirit Level

Landscape	LP04	E	09.11.2012	09.11.2012	Spirit Level
Landscape	LP05	D	09.11.2012	09.11.2012	Spirit Level
Landscape	LP06	D	09.11.2012	09.11.2012	Spirit Level
Landscape	LP07	E	09.11.2012	09.11.2012	Spirit Level
Landscape	LP08	D	09.11.2012	09.11.2012	Spirit Level
Landscape	LP09	D	09.11.2012	09.11.2012	Spirit Level
Landscape	LP10	E	09.11.2012	09.11.2012	Spirit Level
Landscape	LP11	A	25.05.2012	01.11.2012	Spirit Level
Subdivision	6003/65B	-	14.08.2012	22.08.2012	YSCO Geomatics
Stormwater	6003/66C – Sheet 1	-	08.11.2012	09.11.2012	YSCO Geomatics
Stormwater	6003/66C – Sheet 2	-	08.11.2012	09.11.2012	YSCO Geomatics
Stormwater	6003/66C – Sheet 3	-	08.11.2012	09.11.2012	YSCO Geomatics
Stormwater	6003/66C – Sheet 4	-	08.11.2012	09.11.2012	YSCO Geomatics
Stormwater	6003/66C – Sheet 5	-	08.11.2012	09.11.2012	YSCO Geomatics
Stormwater	6003/66C – Sheet 6	-	08.11.2012	09.11.2012	YSCO Geomatics
Road	6003/67B – Sheet 1	-	14.08.2012	22.08.2012	YSCO Geomatics
Road	6003/67B – Sheet 2	-	14.08.2012	22.08.2012	YSCO Geomatics
Road	6003/67B – Sheet 3	-	14.08.2012	22.08.2012	YSCO Geomatics
Stormwater	6003/68 – Sheet 1	-	July 2012	22.08.2012	YSCO Geomatics
Stormwater	6003/68 – Sheet 2	-	July 2012	22.08.2012	YSCO Geomatics
Stormwater	6003/68 – Sheet 3	-	July 2012	22.08.2012	YSCO Geomatics
Stormwater	6003/68 – Sheet 4	-	July 2012	22.08.2012	YSCO Geomatics

Subdivision	6003/69	-	09.07.2012	22.08.2012	YSCO Geomatics
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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 S76(2) of the Environmental Planning and Assessment Act 1979.
- b) any modifications which are 'Exempt Development' in Willoughby Development Control Plan Part B.2, or as may be necessary for the purpose of compliance with the Building Code of Australia and any Australian Standards incorporated in the Code:
- c) otherwise provided by the conditions of this consent.  
(Reason: Information and ensure compliance)

## **PRIOR TO MAKING AN APPLICATION FOR A CONSTRUCTION CERTIFICATE**

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

### **2. Submit the Following Information to Willoughby City Council**

Prior to the lodgement of an application for a construction certificate, the applicant shall submit plans and specifications satisfying the following requirements to Willoughby City Council for approval. A letter confirming the documentation is approved by Willoughby City Council, shall then be submitted to the certifying authority for the application of a construction certificate which incorporates the changes outlined below.

The following issues shall be submitted to Council for approval:

- a) The private pathways of Lots 43 to 46 located within the Windsor Road public reserve are to be deleted. **In addition, the Windsor Road public reserve nominated as Superlot 11 on DA-2004/521 is to be redesigned to the satisfaction of Council to limit and control vehicular access to and from the reserve. The design and construction shall be at the cost of the applicant.**
- b) Supporting calculations showing the method of disposal of all surface water from the proposed Road No. 5 shall be submitted to Council demonstrating that the proposed bio retention areas do not exceed the capacities and depth of the WSUD areas as approved on the landscape concept plan LC02/03 and LC03/03, alternative disposable methods are to be designed which ensures that any additional surface water from Road No. 5, beyond the capacity of the bio-retention areas shown on Drainage Plan 6003/66C, Sheet 1 of 6, is not disposed of into the public reserve. In the event that another approved WSUD area within the public reserve has sufficient capacity to support any additional run-off, these may be used.
- c) The proposed bio-retention areas BR1 to BR7 in Council nature strip are not supported due to the ongoing maintenance reasons which will become Council's responsibility. The stormwater runoff from the proposed Lot 49 to Lot 58 shall either be discharged to the proposed underground drainage system on Road

No.5 or an interallotment drainage easement shall be created within the respective allotments.

- d) The proposed 225mm RCP from the proposed access way No.31 to the proposed bio-retention area in Council's park reserve is not supported. A minimum 375mm diameter Reinforced Concrete Pipe shall be discharged to pit 30.

(Reason: 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.**

### **3. Amendments**

The proposal is to be amended in the following manner:

- (a) The internal depth of the lower ground floor level of all dwellings is not to exceed 9.5 metres. Plans detailing these amendments are to be submitted to Council for approval.
- (b) The southern upper level building line (exclusive of balcony) of lots 42, 47, 48 and 49 are to be setback 1 metres from the building line (exclusive of balcony) of the level below. The eastern upper level building line of Lot 49 is to be setback 0.75 metres from the building line of the level below.
- (c) The setback of the eastern-most wall (shown as the wall of bedroom 3 on approved architectural plans) on the upper levels of the dwellings on Lots 67 to 70 is to be increased by 1 metre so that it aligns with the eastern wall of the ground level below.
- (d) The architectural plans are to be amended to accurately depict the dimensions of the rainwater tanks on the lower ground floor levels, **generally** consistent with that of the BlueScope Waterpoint Slimline 3000 litre rainwater tanks **or other tanks that are appropriate for the purpose and can be accommodated within the allocated space** as shown on the drainage plans.
- (e) Landscape plans are to be amended to include a 1.5 metre wide landscape strip on public land, along the southern boundary of Lot 31, which is to be planted with native shrubs with a mature height of 3 to 5 metres.
- (f) Plans are to be amended which shows/notates that any fence which adjoins the public reserves are to be open metal palisade fencing to a maximum height of 1.2 metres above finished ground level **(as measured from the top of the retained area)**.
- (g) The rainwater tanks proposed on Lots 40 and 41 are to be relocated to the side setback area between the southern elevation and the southern boundary or be located within the building footprint.
- (h) The clothes drying area on Lot 40 is to be relocated to the southern boundary fence in the rear yard and setback at least 1 metre from the western boundary to ensure the provision of sufficient landscape screening for No. 54 Mowbray Place.
- (i) The proposed crepe myrtle along the southern boundary in the rear yard of Lot 40 is to be relocated to the south-western corner on the western boundary.

- (j) Landscape plans are to be amended to include landscape screening to a minimum mature height of 3-5 metres in the current location of the proposed rainwater tank on Lots 40 and 41 and the proposed clothes drying area on Lot 40 along the western boundaries.
- (k) The retaining wall on boundaries facing the public reserves and Eastern Valley Way are to be of a natural/unpainted finish e.g. facebrick or sandstone to minimise the likelihood of graffiti attack.
- (l) The eastern boundary of Accessway No. 53 between the dwellings on Lots 66 to 74 and Eastern Valley Way is to be fenced with an open palisade style fencing to a maximum height of 1.6 metres to provide delineation between public and private land and promote safety.
- (m) Accessway No. 53 is to be modified to be a one way system running south to north with the ingress point being between Lots 74 and Lot 75 and egress being adjacent to Lot 66.
- (n) The stepping stones in the front setback area of Lot 75 are to be deleted except as needed to provide access from the front gate to the front entrance portico and replaced with landscaping. The stepping stones in the front setback (except as needed to provide access from the front gate to the front entrance portico) and eastern side setback area (from front to rear) of Lot 76 are to be deleted and replaced with landscaping. Landscaping in the eastern side setback area is to be native shrubs to a minimum mature height of 3 to 5 metres.
- (o) The clothes drying area on Lot 76 is to be moved from the eastern side setback to the rear yard.
- (p) Landscape Plan LP07E is to be amended to be appropriately scaled at 1:100. Further, the dwelling as indicated on Lot 76 is to be amended to reflect the building footprint as shown in the architectural drawings.
- (q) The landscape plans are to be amended to include a notation which states that the "groundcovers" are to be vegetated groundcovers and are not to be mulch areas.
- (r) The upper level windows with a sill height of less than 1.5 metres above the finished floor level on the western elevation of the dwellings on Lots 40, 41 and 59 are to be of opaque glazing. The operable windows to the upper level of the western elevation of buildings on Lots 40 to 41 are to be of a hopper design.
- (s) Plans are to be amended to show no upper level balconies are permitted on the western elevations of Lots 40 and 41 and Lots 54 to 58. Further, no upper level balconies are permitted on the northern elevations of Lots 59 to 65.
- (t) The front setback of lots 42, 47, 48 and 49 are to be increased to be no less than 3 metres as measured from the front boundary to the front building façade (being the balcony).
- (u) Retaining walls on the southern boundaries of Lot 42, 47, 48, 49, 75 and 76 are to be no higher than 1.5 metres in height as measured from natural ground level of the nature strip. Where the retaining walls exceed this height, planter boxes to a height of no greater than 1.5 metres and with a width of 1 metre are to be used to create a stepping effect and break up the bulk of the walls. The planter boxes are to be located within the subject allotments and landscaped with native shrubs with a minimum mature height of 1 metre.

- (v) Front fences can only be used on sites where the fall of the land is greater than 1 metre. In this respect, the fences are to be setback a minimum of 1 metre from the front boundary and the 1 metre setback is to be landscaped with shrubs with a minimum height of 1 metre.

The fences along the eastern boundary of Lots 31 to 35 and the western boundaries of Lots 34 to 46 and Lots 66 to 74 are not subject to the above requirements.

Plans are to be modified to address the above.

- (w) The stepping stone pavers on Lots 50, 51, 52 and 58 along the northern boundaries between the front entry stairway and the mid-point of the front entry landing are to be deleted and replaced with soft landscaping.
- (x) Detailed design with supporting calculations, prepared by a Chartered Civil Engineer, showing the method of disposal of all sub-surface and surface water from the proposed Road No.5 shall be submitted. The proposed size, location, extent and gradients of all drainage components, stormwater pipes size, kerb inlet pits, overland flow paths and discharge points shall be shown on the plans. Note that Council will not support the proposed bio-retention areas in the Council's reserve.

A design certificate by a qualified civil engineer certifying compliance with condition and relevant standards and Willoughby Development Control Plan shall accompany the design drawings and be submitted to the Accredited Certifier for approval.

- (y) The underground drainage system for the proposed Road No.5 shall be designed to cater for all storm events up to and including 1 in 20yr ARI with an overland flow path to convey for storm events up to 1 in 100yr ARI.

A design certificate by a qualified civil engineer certifying compliance with condition and relevant standards and Willoughby Development Control Plan shall accompany the design drawings and be submitted to the Accredited Certifier for approval.

- (z) The underground drainage system for the proposed Road No.52 shall be designed to cater for all storm events up to and including 1 in 20yr ARI with an overland flow path to convey for storm events up to 1 in 100yr ARI.

A design certificate by a qualified civil engineer certifying compliance with condition and relevant standards and Willoughby Development Control Plan shall accompany the design drawings and be submitted to the Accredited Certifier for approval.



- (aa) Detailed analysis with supporting calculations shall be submitted demonstrating that the existing stormwater system fronting proposed Lot 68 has sufficient capacity to convey the additional runoff from the proposed Road No.52 and all private interallotment drainage easements at the rear between proposed Lot 61 and 65.

A design certificate by a qualified civil engineer certifying compliance with condition and relevant standards and Willoughby Development Control Plan shall accompany the design drawings and be submitted to the Accredited Certifier for approval.

- (ab) All proposed interallotment drainage pipelines shall be designed so that it has adequate capacity to carry the uncontrolled runoff (up to 1 in 100yr ARI) from each proposed allotment. Full supporting calculations and design documentation shall be submitted.

A design certificate by a qualified civil engineer certifying compliance with condition and relevant standards and Willoughby Development Control Plan shall accompany the design drawings and be submitted to the Accredited Certifier for approval.

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

(Reason: Ensure compliance)

#### **4. Services - Notification to Sydney Water**

Suitable documentation is to be submitted to Council which indicates that Sydney Water has been informed of this development and that satisfactory arrangements have been made to adequately service the proposal.

(Reason: Ensure compliance)

#### **5. Services - Energy Australia**

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

(Reason: Compliance)

#### **6. Roof Material – Reflectivity**

The external finish to the roof shall be painted or treated in a neutral, recessive non reflective colour range to minimise the effects of glare to neighbouring properties. Roof colour details being submitted with the construction certificate application for approval.

(Reason: Amenity)

**7. RMS Condition**

Prior to the issue of the Construction Certificate, plans are to be prepared in accordance with AS 2890.1- 2004 and AS 2890.2 – 2002 showing the layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions).

(Reason: Traffic and safety)

**8. “No Parking” signage**

In order to ensure that adequate access is maintained to angle parking bays, to driveways and along Road No.5, No.4, No.3 and Accessway 52 it will be necessary to install “No Parking” signage across driveways, at the end of roads and along the length of the access roads. Plans indicating the proposed locations of such signage are required to be submitted to Council for approval prior to the issue of the Construction Certificate.

(Reason: Traffic and Parking)

**9. One Way Signage**

The One Way accessway between Road 52 and Road 5 requires the installation of No Entry and One Way signage and markings to ensure vehicles do not travel contrary to the intended direction of travel. Plans indicating the proposed locations of such signage are to be submitted to Council for approval prior to the issue of the Construction Certificate.

(Reason: Traffic and Safety)

**10. Accessway No. 31**

The section of accessway 31 between Road 3 and the southern boundary of lot 43 shall be constructed to sustain heavy vehicle traffic. Plans designed and certified by a qualified practicing engineer are to be submitted to the Principal Certifying Authority (PCA) prior to the issue of the construction certificate which demonstrates compliance with this condition.

(Reason: Ensure compliance and waste collection)

**11. NSW Office of Water – Controlled Activity Approval**

A construction certificate is not to be issued for any part of the site which requires a controlled activity approval until a copy of the Controlled Activity Approval has been provided to Council.

(Reason: Ensure compliance)

**12. NSW Office of Water – Controlled Activity Approval**

Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CM) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.

(Reason: Ensure Compliance)

### 13. NSW Office of Water – General Terms of Approval

The consent holder must prepare or commission the preparation of:

- (i) Erosion and Sediment Control Plan
- (ii) Soil and Water Management Plan

All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water's guidelines located at [www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx](http://www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx)

- (i) Outlet structures  
(Reason: Ensure compliance)

### 14. Willoughby Local Housing Program

A monetary contribution for the purpose of providing Willoughby Local Housing, in accordance with the Willoughby Local Housing Program that is calculated at 4% of the accountable total floor area of the development is to be paid to Council. In calculating the monetary contribution reference is to be made to the market value of dwellings of a similar size and taken from the most recent median sales price of such dwellings for the Willoughby local government area as documented in the Rent and Sales Report NSW (Non Strata) published by the Department of Housing or, if another document has been approved for that purpose by the Director – General, that document.

Prior to payment of the contribution evidence shall be submitted to Council's Director of Environmental Services demonstrating how the contribution has been calculated in accordance with the above requirement. The contribution is to be paid **prior to release of the construction certificate**.  
(Reason: Ensure compliance)

### 15. External Finishes – Colours and Textures

All external building materials shall be in neutral, recessive, non-reflective colours and textures, which harmonise with the colours of the natural landscape. In this regard the Schedule of Colours and Finishes submitted with the application satisfy this requirement.  
(Reason: Visual amenity)

### 16. Damage Deposit

The applicant shall lodge a Damage Deposit of **\$70,000** (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 issue of a final Occupation Certificate for all dwellings and the completion of all civil works relating to the proposed development. For the purpose of inspections carried out by Council Engineers, an inspection fee of \$980 (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)

## **17. Temporary Ground Anchors**

Obtain written permission from all private property owners affected by any encroachment either below ground or the air space above as a result of the above works prior to issue of the Construction Certificate. Copies of the permission shall be sent to Council. All works associated with the drilling and stressing of the ground anchors shall be installed in accordance with approved drawings.

(Reason: Encroachment of works)

## **18. Stormwater Conveyed to Street Drainage**

Stormwater runoff from the site shall be collected and conveyed to the street drainage system in accordance with Council's specifications. Any new drainage pipe connections to street kerb shall be made using a 125mm x 75mm x 4mm thick galvanised Rectangular Hollow Section (RHS) with a grated drainage pit (min. 450mm x 450mm) provided within the property and adjacent to the boundary prior to discharging to the Council's drainage system. All drainage works shall comply with the requirements described in Part C.5 of Council's DCP and Technical Standards. In this regard, full design and construction details showing the method of disposal of surface and roof water from the site shall be shown on the Construction Certificate plans.

(Reason: Stormwater control)

## **19. Detailed Stormwater Management Plan (SWMP)**

Submit for approval by the Accredited Certifier, 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 civic engineer. All drawings shall comply with Part C.5 of Council's Development Control Plan and Technical Standards, AS3500.3 – *Plumbing and Drainage Code* and BCA.

(Reason: Ensure Compliance)

## **20. Construction Management Plan (CMP)**

Submit, for approval by the Accredited 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)

## **21. Traffic Management Plan**

A detailed Traffic Management Plan shall be prepared for pedestrian and traffic management and be submitted to the relevant road authority for approval. The plan shall: -

- a) Be prepared by a RTA accredited consultant.
- b) Implement a public information campaign to inform any road changes well in advance of each change. The campaign shall be approved by the Traffic

- Committee.
- c) Nominate a contact person who is to have authority without reference to other persons to comply with instructions issued by Council's Traffic Engineer or the Police.
  - d) Temporary road closures shall be confined to weekends and off-peak hour times and are subject to the approval of Council. Prior to implementation of any road closure during construction, Council shall be advised of these changes and a Traffic Control Plan shall be submitted to Council for approval. This Plan shall include times and dates of changes, measures, signage, road markings and any temporary traffic control measures.
- (Reason: Public safety and amenity)

## **22. Design of Interallotment Drainage System**

All inter-allotment drainage system at the development site shall be provided, at the applicant's expense, to cater all upstream properties that fall towards the site. All proposed interallotment drainage pipelines shall be designed so that the pipelines have adequate capacity to carry the uncontrolled runoff (up to 1 in 100yr ARI) in accordance with Part C5 of Council's Development Control Plan.

Detailed design drawings prepared by a suitably qualified and experienced civil engineer of the required interallotment drainage system shall be submitted to the Accredited Certifier for approval prior to issue of any Construction Certificate.

(Reason: Prevent nuisance flooding)

## **23. Design of Retaining walls**

All proposed retaining wall with an overall height of 900 mm or over shall be designed by a competent Structural Engineer. Design drawings prepared by a suitably qualified and experienced Structural Engineer shall be submitted to the Accredited Certifier for approval prior to issue of any Construction Certificate.

(Reason: Ensure compliance)

## **24. Vehicular Driveway Profile & Gradients**

The applicant shall ensure that all vehicular access driveway profiles are designed and constructed in accordance with Council's standard specification and drawings. In particular, the maximum gradient of all access driveways across the property line shall be 5% and adequate ground and side clearances for B85 vehicles shall also be provided. All driveways profile where the algebraic sum of change in grade is greater than 12% shall be checked for ground clearance.

Prior to issue of any Construction Certificate, the applicant shall submit, for approval by the Accredited Certifier, certification from a suitably qualified and experienced traffic engineer that all proposed vehicular access path and parking arrangements comply in full with AS2890.1 – 2004 in terms of gradients, adequate ground and side clearances for B83 vehicles and minimum dimensions.

(Reason: Ensure compliance)

## **25. Steep Vehicular Access - Provide Longitudinal Sections**

The applicant shall submit revised longitudinal sections along each side/edge of the proposed vehicular access path drawn at 1:20 Scale for the proposed dwellings of Lot 31 to 75. The longitudinal sections shall be prepared by a suitably

qualified civil engineer using a B85 Ground Clearance template and shall include the following: -

- Horizontal distance from the centreline of the proposed road pavement 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 deep and the back of layback is 100mm above the gutter invert.
- Proposed levels (in AHD) and gradients represented in percentage of the vehicular crossing and driveway.
- Crossfall on the proposed road pavement or right-of-carriageway shall be shown on long sections and proposed levels shall be shown on site plan.

The vehicular crossings shall be 3.5 metres wide with no splays for dwellings with a double garage and 3 metres wide with no splays for dwellings with a single garage. All vehicular crossings shall be constructed at right angle to street kerb in plain concrete. The centreline of the new crossing shall be in-line with the centreline of the driveway.

For the design levels of the vehicular crossing at the property boundaries, the following levels are to be adopted:

- At back of layback-100mm above and parallel to the gutter invert.
- At the property boundary for Road Number 2 – 150mm above and parallel to the gutter invert.
- At the property boundary for Road Number 3 – 200mm above and parallel to the gutter invert.
- At the property boundary for Road Number 4 – 200mm above and parallel to the gutter invert.
- At the property boundary for Road Number 5 – 150mm above and parallel to the gutter invert.
- At the property boundary for Road Number 52 – 150mm above and parallel to the gutter invert.

All footpath which forms part of the proposed vehicular crossing shall have a crossfall of 3%. All driveway grades and transitions shall comply with AS 2890.1 - 2004 and Council's specifications.

## **26. Certificate Issued by Willoughby City Council**

Prior to issue of any Construction Certificate, the applicant shall submit, for approval by the Accredited Certifier, a letter issued by Willoughby City Council confirming that the documentation listed in Section 2 of this consent has been approved by Council. (Reason: Ensure compliance)

## **27. Design of Works in Public Road in front of Lot 47 & 48**

Prior to issue of any Construction Certificate, the Applicant shall 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:-

a. An Autoturn simulation must be provided on the driveway layout for Lot43 to 46 demonstrating that there are sufficient turning areas for MR vehicles to ingress and egress from Road No.3 to the right –of-carriageway.

b. In light of point a above, the layout of the new kerb and gutter alignment with all required dimensions and radius in front of lot 47 and 48 shall be provided.

The required plans shall be designed in accordance with Austroad, Council's specifications (AUS-SPEC) and AS2890.1. Approval must be obtained from Willoughby City Council as the road authority under the Roads Act 1993 prior to issue of any Construction Certificate.

(Reason: Ensure compliance)

## **28. Detailed Landscape Design**

Submit to the accredited certifier detailed landscape design prepared by a qualified landscape design professional. This information is to include the following information in addition to that shown on the approved Landscape Plans:

- I. Installation of root control barriers to all street trees to deflect tree roots from services and pavements

(Reason: Landscape amenity)

## **29. Internal Noise Levels Residential**

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

All habitable rooms other than sleeping rooms: 45 dB(A)<sub>Leq(15hr)</sub> and 40 dB(A)<sub>Leq(9hr)</sub>  
and Sleeping Rooms: 35 dB(A)<sub>Leq(9hr)</sub>

Note:

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

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

(Reason: Amenity)

## **30. Noise from Transport Corridor**

To minimise the impact of noise from any external noise source on the amenity of the occupants, the building shall be constructed in accordance with the recommendations and specifications of the acoustic report no:4834 prepared by Day Design Pty Ltd dated 21 August 2012.

Details of the proposed acoustic treatment shall be submitted to the Principal Certifying Authority.

(Reason: Amenity)

### **31. Soil and Water Management Plan**

A Soil and Water Management Plan (SWMP) shall be prepared and submitted to the Principal Certifying Authority (PCA), for consideration. The PCA must approve the SWMP, prior to the issue of the Construction Certificate. The SWMP shall incorporate but not be limited to the following:

- 1) An Erosion and Sediment Control Plan (ESCP) with the following information presented on the drawing as a minimum;
  - a) Site boundaries, adjoining roads and grades with an indication of fall direction,
  - b) Location of trees, and all vegetation showing items for removal or retention,
  - c) Location of site access, proposed roads and other impervious areas,
  - d) Existing and proposed drainage patterns together with stormwater discharge points.
- 2) The SWMP shall explain how the various soil conservation measures will be carried out and shall include as a minimum the following:
  - a) Timing of works,
  - b) Locations of lands where a protective ground cover will be maintained,
  - c) Access protection measures,
  - d) Stormwater discharge water quality targets (to include water treatment measures if necessary and water testing program),
  - e) Nature and extent of earthworks,
  - f) Diversion of runoff from upslope land around the disturbed area (designed to carry the peak 10 year ARI catchment runoff),
  - g) Location of all soil and other material stockpiles,
  - h) Location and type of proposed erosion and sediment control measures,
  - i) Engineering details with supporting design calculations for sediment basins and other such controls (design storm event as the 10 year ARI time of concentration of storm event),
  - j) Frequency and nature of any maintenance/inspection program,
  - k) Outline the reporting and reviewing requirements (to include incident management procedure),
  - l) Site rehabilitation.

The ESCP and SWMP shall meet the requirements of 'Managing Urban Stormwater – Soils and Construction Volume 1 published by Landcom 2004' commonly known as the 'Blue Book'.

Certification prepared by a qualified and practising engineer, experienced in soil and water management and registered with the National Engineering Registration Board, that the ESCP and SWMP meets these requirements shall be submitted to the Principal Certifying Authority, prior to issue of the Construction Certificate.  
(Reason: Environmental Protection)

### **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, including demolition.**



**32. NSW Office of Water – General Terms of Approval**

The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.  
(Reason: Ensure compliance)

**33. Dilapidation Report of Adjoining Properties**

Submit a photographic survey and report of the adjoining properties to the PCA 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 PCA, 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)

**34. Licensee Details**

The name, address and contractor licence number of the licensee who has contracted to carry out the work or the name and permit number of the owner-builder who intends to carry out the work shall be furnished in writing to the Principal Certifying Authority.  
NB: Should changes be made for the carrying out of the work the Principal Certifying Authority must be immediately informed.  
(Reason: Information)

**35. Building Site Hoarding**

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

**36. Soil and Water Management – Implementation**

Prior to the commencement of any earthworks or removal of vegetation, all soil and water management measures shall be implemented in accordance with the approved Soil and Water Management Plan (SWMP) and Erosion and Sediment Control Plan (ESCP). Certification that all controls have been implemented in accordance with the approved SWMP & ESCP shall be prepared by a qualified and practising engineer experienced in soil and water management and registered with the National Engineering Registration Board. The certification shall be lodged with the Principal Certifying Authority, prior to commencement of any earthworks or removal of vegetation.  
(Reason: Environmental Protection)

### **37. 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 Principal Certifying Authority.

(Reason: Protection of Council's infrastructure)

### **38. 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 the RTA. 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.

(Reason: Legal requirements)

**39. 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)

**40. Spoil Route Plan**

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

(Reason: Public amenity)

**41. Adjustment to Street Lighting**

Consult with utility authorities to determine the requirements of relocation/adjustment of electricity supply and street lighting services fronting the development site. Such street lighting shall also conform to Council’s standard specifications.

(Reason: Public amenity)

**42. Underground Utility Services**

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)

**DURING DEMOLITION, EXCAVATION AND CONSTRUCTION**

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

**43. NSW Office of Water – General Terms of Approval**

The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.

(Reason: Ensure compliance)

**44. NSW Office of Water - General Terms of Approval**

The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.

(Reason: Ensure compliance)

**45. NSW Office of Water - General Terms of Approval**

The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.  
(Reason: Ensure Compliance)

**46. NSW Office of Water – General Terms of Approval**

The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.  
(Reason: Ensure compliance)

**47. NSW Office of Water – General Terms of Approval**

The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.  
(Reason: Ensure compliance)

**48. NSW Office of Water – General Terms of Approval**

The consent holder must comply with any requirements relating to the implementation of the approved Vegetation Management Plan (VMP) - **Kiah - Proposed Residential Subdivision - Alpha Road, Willoughby - Project No.1 0120, dated May 2011, Rev no E stamped by the NSW Office of Water on 7 June 2011** for the Controlled Activity Approval Number 10-0678.  
(Reason: Ensure compliance)

**49. NSW Office of Water – General Terms of Approval**

The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.  
(Reason: Ensure compliance)

**50. Hours of Work**

All construction/demolition work relating to this Development Consent within the City 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 under Section 96 of the Environmental Planning and Assessment Act for a variation to these approved hours must be lodged with Council at least 3 working days in advance of the proposed work. The application must include a statement regarding the reasons for the variation sought and must be accompanied by the required fee.

Note: This S96 application may require re-notification in some circumstances.  
(Reason: Ensure compliance and amenity)

## **51. Construction Information Sign**

A clearly visible all weather sign is required to be erected in a prominent position on the site detailing:

- (a) that unauthorised entry to the work site is prohibited;
- (b) the excavator's and / or the demolisher's and / or the builder's name;
- (c) contact phone number/after hours emergency number;
- (d) licence number;
- (e) approved hours of site work; and
- (f) name, address and contact phone number of the Principal Certifying Authority (if other than Council)

ANY SUCH SIGN IS TO BE REMOVED WHEN THE WORK HAS BEEN COMPLETED.

Council may allow exceptions where normal use of the building/s concerned will continue with ongoing occupation, or the works approved are contained wholly within the building.

(Reason: Ensure compliance)

## **52. 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.

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

(Reason: Safety)

## **53. Survey Certificate**

Certification of the following shall be submitted to the Principal Certifying Authority by a registered surveyor 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)

## **54. Road and Footpath**

Council's footpath, nature strip or roadway not being damaged and shall be kept clear at all times.

(Reason: Maintain public safety)

**55. No storage on Foot/Roadway**

Building materials, plant and equipment and builder's waste, are not to be placed or stored at any time on Council's footpath, nature strip or roadway adjacent to building sites unless prior written approval has been granted by Council.

(Reason: Safety)

**56. Skips and Bins**

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

(Reason: Safety)

**57. Excavations and Backfilling**

All excavations and backfilling associated with the erection or demolition of a building must be executed safely, and must be properly guarded and protected to prevent them from being dangerous to life or property.

(Reason: Safety)

**58. Temporary Toilet Facilities**

Temporary toilet facilities shall be provided to the satisfaction of the Principal Certifying Authority.

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

(Reason: Health and amenity)

**59. Swimming Pool Safety During Construction**

Swimming pools are to be made safe during the construction of the dwellings, by the erection of a temporary safety fence to the satisfaction of the accredited certifier. A pool is not to be filled with water until the dwelling is completed and occupied and a child resistant barrier erected in accordance with the regulations prescribed in the Swimming Pool Act 1992.

(Reason: Safety)

**60. Retaining Walls and Drainage**

If the soil conditions require it:

- a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and
- b) adequate provision must be made for drainage.

(Reason: Safety)

**61. Temporary Ground Anchors – Supervision**

A professional Geotechnical Engineer shall be on site to supervise the piling, excavation and finally the installation and stressing of the ground anchors. On completion of these works, a report from the Geotechnical Engineer shall be submitted to Council for record purposes.

A Chartered Professional Engineer shall monitor adjoining public infrastructures to detect any ground heaving or settlement during and after the installation of the piling and ground anchors. A rectification report shall be submitted to Council should unacceptable displacements occur within the zone of influence.

(Reason: Protection of public assets)

**62. 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)

**63. 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)

**64. Stormwater Kerb Outlet**

New stormwater connection outlets at street kerb shall be made using 125x75x4 galvanised Rectangular Hollow Section (RHS). Where there are multiple outlets required, a minimum distance of 100mm shall separate these outlets. A grated drainage pit (min. 600mm x 600mm) shall be provided within and adjacent to the property boundary prior to discharging to the Council's drainage system.

(Reason: Protection of Public Asset)

**65. Vehicular Access and Garaging**

Driveways and vehicular access ramps shall be designed to provide adequate ground clearance to the underside of B85 vehicles. In all respects, the proposed vehicle access and/or parking spaces shall be designed and constructed to comply with the minimum requirements of AS/NZS 2890.1 and Council's standard specification.

(Reason: Vehicular access)

**66. Soil and Water Management Controls – Inspection**

During site works, the person responsible for on site soil and water management shall undertake regular inspections and keep records regarding maintenance of measures detailed in the approved Soil and Water Management Plan (SWMP). The inspections and records shall meet the following:

1. Inspections undertaken after each rain event,
2. Information recorded shall include:
  - a. Weather measurements including rainfall, temperature and wind,
  - b. Condition of controls as documented in the approved SWMP including,
    - i. Condition of sedimentation control devices,
    - ii. Condition of sedimentation basins including water level, water quality, any activities relating to water treatment, water quality sampling results and the release of water.

Where site conditions have changed due to weather or need to change due to progression of site works, a new Erosion and Sediment Control Plan (ESCP) shall be prepared and submitted to the Principal Certifying Authority (PCA), for consideration. The ESCP shall be approved by the PCA and implemented prior to the carrying out of the new site works.

The recorded data shall be made available to Council upon request.  
(Reason: Environmental Protection)

**67. Soil and Water Management Controls – Certification**

During site works, an inspection of the site shall be conducted every 60 days by a qualified and practising engineer, experienced in soil and water management and registered with the National Engineering Registration Board. As a result of this inspection, the engineer shall certify that all soil and Water Management Controls conform with the approved Soil and Water Management Plan (SWMP), Erosion and Sediment Control Plan (ESCP) and the requirements of 'Managing Urban Stormwater – Soils and Construction Volume 1 published by Landcom 2004' commonly known as the 'Blue Book'.  
(Reason: Environmental Protection)

**68. Cessation of Site Works**

During site works, if any works or rain events cause a water pollution incident as defined under the Protection of the Environment Operations Act 1997, all site works shall cease immediately and the person responsible for soil and water management shall immediately inform Council by phone 9777 7624 and in writing. The breach shall be addressed and the affected area rehabilitated, as directed by Council, prior to the continuation of any further site works.  
(Reason: Environmental Protection)

**PRIOR TO OCCUPATION OF THE DEVELOPMENT**

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

**69. Section 73 Compliance Certificate**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 for subdivision must be obtained prior to occupation. Application must be made through an authorised Water Servicing Coordinator, for details see Customer Service, Urban Development at [www.sydneywater.com.au](http://www.sydneywater.com.au) or telephone 13 20 92.

The Section 73 Certificate must be submitted to the Principal Certifying Authority.  
(Reason: Ensure Statutory Compliance)

**70. Street Number Display**

The street number at least 100mm high shall be clearly displayed.  
(Reason: Information)

**71. Automatic Fire Detection**

Provision of an automatic fire detection and alarm system complying with Part 3.7.2 of the Housing Provisions or smoke alarms complying with AS 3786 or listed in the



SSL Register of Accredited Products, connected to the mains electricity and having a stand by power supply. Smoke alarms must be installed in a class 1 building on or near the ceiling in:

- a) any storey containing bedrooms
  - i) between each part of the dwelling containing bedrooms and the remainder of the dwelling.
  - ii) where the bedrooms are served by a hallway, in the hallway.
- b) any other storey not containing bedrooms.

(Reason: Safety)

## **72. Swimming Pool - Access**

Access to swimming pools shall be restricted by a child resistant barrier in accordance with the regulations prescribed in the Swimming Pools Act 1992.

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

(Reason: Safety)

## **73. Swimming Pool Notice**

The owner of the pool shall display a notice showing:

- (a) Appropriate instructions of artificial resuscitation methods.
- (b) A warning stating "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS POOL"

NB: This notice shall be kept in a legible condition and at the pool side.

(Reason: Safety)

## **74. Emitted Noise**

The noise emitted by swimming pool pumps and filter equipment shall be not more than 5dBA above the ambient background noise level measured at the boundaries in accordance with the current Environment Protection Authority (EPA) guidelines for noise assessment. The equipment is not to operate between 8pm to 7am weekdays and 8pm to 8am on weekends and public holidays. A time switch is to be installed on the power source for the above equipment to ensure that the non-permitted hours are observed.

(Reason: Amenity)

## **75. Swimming Pool Backwash and/or Overflow**

Swimming pool backwash and/or overflow are to be discharged to the sewer by permanent piping and the works shall be in accordance with the requirements of Sydney Water.

(Reason: Health and amenity)

**76. BASIX Certificate**

A completion certificate is to be submitted to the Principal Certifying Authority demonstrating the manner in which the measures committed to in the latest BASIX Certificate have been satisfied.

(Reason: Environmental Sustainability)

**77. Services - Electricity Supply and Telecommunication Mains**

All existing and proposed electricity supply and telecommunication mains and services around the perimeter of the site are to be underground to the satisfaction of Energy Australia and Telstra at the full cost of the applicant.

(Reason: Compliance)

**78. Services - Mailboxes**

All mail boxes provided on site are to 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)

**79. NSW Office of Water – General Terms of Approval**

The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.

(Reason: Ensure Compliance)

**80. Temporary Ground Anchors – Destressing**

All damages to Council's infrastructures due to the works associated with the piling and installation of the ground anchors shall be restored to the requirements of Willoughby City Council at no cost to Council. All ground anchors shall be de-stressed by the removal of the anchor heads and protruding tendons on completion of the works. A certificate issued by a professional Geotechnical Engineer verifying that all ground anchors have been decommissioned shall be submitted to Council.

(Reason: Destressing of ground anchors)

**81. Stormwater Runoff from Upstream Lots**

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

(Reason: Prevent nuisance flooding)

**82. Grated Box Drain**

For stormwater control a 225 mm wide grated trench drain with a heavy duty removable galvanised grate is to be provided in front of the garage door/basement parking slab to collect driveway runoff. The trench drain shall be connected to the

main drainage system and must have an outlet of minimum diameter 150mm to prevent blockage by silt and debris.

(Reason: Proper disposal of stormwater)

**83. On-site Water Management System**

The stormwater runoff from the site shall be collected and disposed of via an approved rainwater retention and reuse system in accordance with Sydney Water's requirements, the NSW Code of Practice – Plumbing and Drainage, Council's DCP and Technical Standards. The construction of the stormwater drainage system of the proposed development shall be generally in accordance with the approved design stormwater management plans and Council's specification (AUS-SPEC).

(Reason: Prevent nuisance flooding)

**84. Rainwater Re-use – Major**

The applicant shall supply and install rainwater re-use tanks with a minimum storage volume of 2.5 m<sup>3</sup> in accordance with the approved stormwater management plans, Sydney Water's requirements and Council's DCP and Technical Standards. The rainwater reuse system shall be connected to supply non-potable use including, but not limited to laundry, toilet flushing and landscape irrigation. The rainwater tank shall be located behind the front alignment of the building to which the tank is connected.

(Reason: Ensure compliance and conserve natural resources)

**85. Sign for Rainwater Reuse system**

An aluminium plaque measuring no less than 400mm x 200mm is to be permanently attached and displayed within the immediate vicinity of the rainwater tank for each dwelling.

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

(Reason: Prevent unlawful alteration)

**86. Certification of Rainwater Reuse System**

Upon completion of the Rainwater Retention and Reuse System, a licensed plumber shall certify on Council's standard certification form that the rainwater retention and reuse system has been constructed in accordance with the approved stormwater management plans and that the as-built system has been fitted with proprietary first flush device and connected to non-potable use including toilet flushings, laundry and landscape irrigations. All plumbing/drainage works shall be carried out which comply with the current plumbing requirements of Sydney Water and Committee on Uniformity of Plumbing and Drainage Regulations of NSW". Council's Standard Certification form is available in the appendix of Council's Technical Standard No. 2.

(Reason: Record or works)

**87. Works-As-Executed Plans – Rainwater Reuse**

Upon completion of the Rainwater Re-use System, the following shall be submitted to the Principal Certifying Authority:

- Work-as-executed plans based on the approved stormwater plans from a

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

- Plumber's certification that the Rainwater Re-use system has been fitted with proprietary first flush device and connected to non-potable use including toilet flushings, laundry and landscape irrigations. All works completed shall comply with the current plumbing requirements of Sydney Water and Committee on Uniformity of Plumbing and Drainage Regulations of NSW.

(Reason: Record of works)

## **88. S88B 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 rainwater retention and reuse 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. The relative location of the rainwater retention and reuse system, in relation to the building footprint, must be shown on the final plan of subdivision/strata plan. The S88B instrument 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 Land and Property Information shall be submitted to the Principal Certifying Authority and Council prior to issue of **the final** Occupation Certificate.

(Reason: Maintenance requirement)

## **89. Documentary Evidence of Positive Covenant, Engineers Certificate**

The following documentary evidence of the completed drainage works shall be submitted to Principal Certifying Authority and Council: -

- Registered Positive Covenant and Restriction on the Use of Land by way of the Title Deed.
- Certification from a suitably qualified and experienced civil engineer (generally CP Eng. Qualification) for the as-built OSD system and/or plumber's certification of the as-built rainwater reuse system.
- Work-as-Executed plans highlighting in red based on the approved stormwater management plans from a registered surveyor for the as-built OSD system and/or rainwater reuse system.

(Reason: Public record)

## **90. Vehicular Crossing**

A separate application for a new vehicular crossing for each dwelling including current fees and charges is to be submitted for approval by Council.

New vehicular crossings including reconstruction of the existing layback and/or gutter and any associated road restoration is to be constructed 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.

The vehicular crossing shall be 3.5 metres wide with no splays for dwellings with a double garage and 3 metres wide with no splays for dwellings with a single garage. The new crossing shall be constructed at right angle to street kerb in plain concrete. The centreline of the new crossing shall be in-line with the centreline of the driveway.

For the design levels of the vehicular crossing at the property boundaries, the following levels are required:

- At back of layback -100mm above and parallel to the gutter invert.
- At the property boundary for Road Number 2 – 150mm above and parallel to the gutter invert.
- At the property boundary for Road Number 3 – 200mm above and parallel to the gutter invert.
- At the property boundary for Road Number 4 – 200mm above and parallel to the gutter invert.
- At the property boundary for Road Number 5 – 150mm above and parallel to the gutter invert.
- At the property boundary for Road Number 52 – 150mm above and parallel to the gutter invert.

The footpath which forms part of the proposed crossing shall have a maximum crossfall of 3%. 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 submit to the Principal Certifying Authority prior to issue of any Occupation Certificate.  
(Reason: Public amenity)

#### **91. Turfing of Nature Strip**

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

#### **92. Construction of Retaining Walls**

All proposed retaining wall with an overall height of 900 mm or over shall be designed by a competent Structural Engineer. Construction of these walls shall be inspected and approved by the Structural Engineer.

Upon completion, certification from the Structural Engineer shall be submitted to the Principal Certifying Authority with a copy to Council prior to the issue of any Occupation Certificate.

(Reason: Ensure compliance)

**93. Engineer's Certification - Vehicular Driveway Profile & Gradients**

Prior to issue of any Occupation Certificate, the applicant shall submit, for approval by the Principal Certifying Authority, certification from a suitably qualified and experienced traffic engineer that all proposed vehicular access path and parking arrangements have been constructed in accordance with AS2890.1 – 2004 in terms of gradients, adequate ground and side clearances for B85 vehicles and minimum dimensions.

(Reason: Ensure Compliance)

**94. Construction of Interallotment Drainage Pipelines**

All required interallotment drainage system within the development site shall be installed, surveyed and certified. The designing engineer or equivalent professional engineer shall supervise the works.

Prior to issue of any Occupation Certificate, the applicant shall submit to the Principal Certifying Authority for approval of the following:

- i. Certification from the supervising engineer that the as-constructed drainage works comply with the approved interallotment design drawings, and
- ii. A full works-as-executed drawing of the as-built interallotment drainage line (dimensions, grades, materials, invert levels) prepared by a registered surveyor, and
- iii. Certification from the surveyor that all drainage structures are wholly contained within the drainage easement to be registered.

(Reason: Ensure Compliance)

**95. Completion of Landscape Works**

The approved landscape works are to be consistent with the approved design, completed to a professional standard, consistent with industry best practice and published standards. All planted trees cannot be pruned unless such pruning complies with Council's Tree Preservation order or removed without a permit issued under Council's Tree Preservation Order.

All trees indicated on the approved landscape plan are to be planted in accordance with the landscape plans. Documented evidence of compliance is to be provided to the principal Certifying Authority prior to issue of Occupation Certificate.

(Reason: Landscape amenity)

**96. Weed Removal**

All noxious and environmental weeds shall be removed from the property prior to completion of building works. Documentary evidence of compliance with this condition shall be submitted to the Principal Certifying Authority prior to the release of the final Occupation Certificate.

(Reason: Environmental Protection; landscape Amenity)

**97. Acoustic Treatment – Certification**

Certification shall be provided from a suitably qualified acoustic engineer certifying that the acoustic treatment of the building complies with the internal noise criteria and the attenuation recommendations made in acoustic report no:4834 prepared by Day Design Pty Ltd dated 21 August 2012.

(Reason: Amenity)

**98. Waste collection signage**

No waste collection vehicles or any other heavy vehicles shall travel beyond the southern boundary of lot 43 on accessway 31. Signage to this effect shall be erected at this point prior to the issue of the occupation certificate.

(Reason: Traffic and safety)

**PRIOR TO THE RELEASE OF LINEN PLANS/SUBDIVISION  
CERTIFICATE/STRATA APPROVAL**

**The following are to be complied with prior to the issue of the Subdivision Certificate / Strata Approval and the release of the Linen Plans for registration at the Land and Property Information Office.**

**99. “No parking” signage**

“No Parking” signage is to be installed across driveways, at the end of roads and along the length of the access roads in accordance with plans approved by Council prior to the release of Linen Plans/Subdivision Certificate.

(Reason: Traffic and Parking)

**100. One Way Signage**

Prior to the release of Linen Plans/Subdivision Certificate for **Stage 4**, the One Way accessway between Road 52 and Road 5 is to be installed with “No Entry” and “One Way” signage and markings to ensure vehicles do not travel contrary to the intended direction of travel in accordance with Plans approved by Council.

(Reason: Traffic and Safety)

**101. Subdivision – Substantial commencement of dwellings – Stage 3**

The linen plans/subdivision certificates for **Stage 3** are not to be released prior to the laying of the slabs and the erection of the framework and roofs of all the dwellings within Stage 3, being within Superlots 5 and 6.

(Reason: Ensure compliance)

**102. Subdivision – Substantial commencement of dwellings – Stage 4**

The linen plans/subdivision certificates for **Stage 4** are not to be released prior to the laying of the slabs and the erection of the framework and roofs of all the dwellings within Stage 4, being within Superlots 7, 8 and 9.

(Reason: Ensure compliance)

### **103. Completion of Landscape Works within Public Land**

The approved landscape works to be dedicated as public land including the nature strip adjoining Eastern Valley Way are to be consistent with the approved design, completed to a professional standard, consistent with industry best practice and published standards. All planted trees cannot be pruned unless such pruning complies with Council's Tree Preservation order or removed without a permit issued under Council's Tree Preservation Order.

All trees indicated on the approved landscape plan for works to be dedicated as public land are to be planted in accordance with the landscape plans. Documented evidence of compliance is to be provided to Council prior to the release of the linen plans/subdivision certificate.  
(Reason: Landscape amenity)

### **104. 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. Application must be made through an authorised Water Servicing Coordinator, for details see Customer Service, Urban Development at [www.sydneywater.com.au](http://www.sydneywater.com.au) or telephone 13 20 92.

The Section 73 Certificate must be submitted in conjunction with the application for Subdivision Certificate/Strata Approval.  
(Reason: Statutory requirement)

### **105. Land Subdivision**

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

### **106. Subdivision – Stage 3**

All conditions of Development Consent 2004/521 relating to **Stage 3** works are to be completed and complied with to the satisfaction of Council prior to the issue of the Subdivision Certificate for **Stage 3**.  
(Reason: Ensure compliance)

### **107. Subdivision – Stage 4**

All conditions of Development Consent 2004/521 relating to **Stage 3 and 4** works are to be completed and complied with to the satisfaction of Council prior to the issue of the Subdivision Certificate for **Stage 4**.  
(Reason: Ensure compliance)

### **108. Subdivision - Surveyors Report**

Where a dwelling/building exists on land to be subdivided, a surveyor's report is to be submitted prior to issue of the Subdivision Certificate to Council confirming that no currently connected services straddle the proposed boundary.  
(Reason: Ensure compliance)



**109. S88B 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 rainwater retention and reuse system for each dwelling. 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. The request forms shall be lodged together with Council's Standard Lodgement Form which is available from Council upon request. The relative location of the rainwater tank, in relation to the building footprint of each allotment, must be shown on final plan of subdivision.  
(Reason: Maintenance requirement)

**110. Dedication of Public Works – Stage 3**

Prior to the issue of the Subdivision Certificate/Linen Plans for **Stage 3**, the Applicant shall without compensation dedicate to the Council **all** land identified for dedication in the Deed of Covenant within **Stage 3** as identified in DA-2004/521 (including the proposed road reserves, drainage reserves, public open space related to the district park (as pertains to Stage 3 work).

The plan of subdivision shall be submitted to Willoughby City Council for approval prior to the registration with the Land and Property Information and a copy of the registered plan shall be submitted to Council for record purposes. Furthermore, all works associated with the roads, footpaths, park, landscaping and civil works that are to be transferred to Council as part of Stage 3 of DA-2004/521 are to be completed to the satisfaction to Council prior to the release of the linen plan/subdivision certificate.  
(Reason: Public amenities)

**111. Dedication of Public Works – Stage 4**

Prior to the issue of the Subdivision Certificate/Linen Plans for **Stage 4**, the Applicant shall without compensation dedicate to the Council **all** land identified for dedication in the Deed of Covenant within **Stages 3 and 4** as identified in DA-2004/521 (including the proposed road reserves, drainage reserves, public open space related to the district park (as pertains to Stage 3 and 4 work).

The plan of subdivision shall be submitted to Willoughby City Council for approval prior to the registration with the Land and Property Information and a copy of the registered plan shall be submitted to Council for record purposes. Furthermore, all works associated with the roads, footpaths, park, landscaping and civil works that are to be transferred to Council as part of Stage 3 and 4 of DA-2004/521 are to be completed to the satisfaction to Council prior to the release of the linen plan/subdivision certificate.  
(Reason: Public amenities)

**112. Completion of Civil Works – Stage 3**

Prior to release of any linen plan/subdivision certificate for **Stage 3**, the Applicant shall satisfactorily complete all required road works, kerb and gutter, footpaths and associated drainage works for stage 3 development site of DA 2004/521 in accordance with Council's AUSPEC specifications and to the satisfaction of Council.

Upon completion, all engineering certification, geotechnical testing result/report, photographs and Work-as-Executed drawings prepared by a registered surveyor shall be submitted for approval by Council for record purposes.  
(Reason: Ensure compliance)

**113. Completion of Civil Works – Stage 4**

Prior to release of any linen plan/subdivision certificate for **Stage 4**, the Applicant shall satisfactorily complete all required road works, kerb and gutter, footpaths and associated drainage works for stage 3 and 4 development site of DA 2004/521 in accordance with Council's AUSPEC specifications and to the satisfaction of Council.

Upon completion, all engineering certification, geotechnical testing result/report, photographs and Work-as-Executed drawings prepared by a registered surveyor shall be submitted for approval by Council for record purposes.  
(Reason: Ensure compliance)

**114. Construction of Footpath – Stage 3**

Prior to the issue of the linen plans/subdivision certificate for **Stage 3**, a 1200mm wide concrete footpaths on one side of Road No. 2, 3 and 4 shall be constructed for the full frontage of the development lots, in accordance with Council's standard specifications (AUSPEC).

**115. Construction of Footpath – Stage 4**

Prior to the issue of the linen plans/subdivision certificate for **Stage 4**, a 1200mm wide concrete footpaths on one side of Road No. 5 and 52 shall be constructed for the full frontage of the development lots, in accordance with Council's standard specifications (AUSPEC).

**116. Inspection of Civil Works – Stage 3**

All required road pavement, footpath, kerb and gutter, drainage works and/or any necessary associated works on Road No. 2, 3 and 4 shall be completed in accordance with the approved drawings, conditions and specification (AUS-SPEC).

All civil works carried out shall be inspected and approved by a Chartered Civil Engineer. Upon completion, all engineering certification, geotechnical testing result/report, photographs and Work-as-Executed drawings prepared by a registered surveyor shall be submitted for approval by Council prior to issue of the subdivision plan/release of a linen plan for **Stage 3**.  
(Reason: Ensure compliance)

**117. Inspection of Civil Works – Stage 4**

All required road pavement, footpath, kerb and gutter, drainage works and/or any necessary associated works on Road No. 5 and 52 shall be completed in accordance with the approved drawings, conditions and specification (AUS-SPEC).

All civil works carried out shall be inspected and approved by a Chartered Civil Engineer. Upon completion, all engineering certification, geotechnical testing result/report, photographs and Work-as-Executed drawings prepared by a registered

surveyor shall be submitted for approval by Council prior to issue of the subdivision plan/release of a linen plan for **Stage 4**.  
(Reason: Ensure compliance)

#### **118. CCTV Report of Council Pipe System**

A qualified practitioner, with a certificate of attainment in NWP331A Perform Conduit Evaluation, shall undertake a closed circuit television (CCTV) inspection and then report on the condition of the Council drainage pipeline 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: -

- The internal surface of the drainage pipe shall be viewed and recorded in a clear and concise manner.
- 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.
- Distance from the manholes shall be accurately measured and displayed on the video.
- All pipe joints and defects are to be inspected by stopping movement and panning the camera to fully inspect the joint and/or defect.
- 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 Principal Certifying Authority.  
(Reason: Ensure compliance and protection of public asset)

#### **119. Restoration of Council's Assets**

Prior to issue of the Subdivision Certificate, the applicant shall restore all damages caused to Council's assets in the vicinity of the subject site as a result of construction works to the satisfaction of Council's Director of Infrastructure Services Division.  
(Reason: Protection of public asset)

#### **120. Performance Bond**

Prior to issue of any Occupation Certificate or the issue of a Subdivision Certificate for **Stages 3 or 4**, the Applicant shall lodge with the Council a performance bond of **\$40,000** against defective public civil works undertaken by the main Contractor for a period of twelve (12) months from the date of the issue of all occupation certificates for all dwellings. The bond shall be lodged in the form of a cash deposit, cheque or unconditional bank guarantee which will be refundable subject to the approval of Council's Engineers at the end of the maintenance period. In this period, the Applicant is liable for any part of the work which fails to achieve the design specifications. Council shall be given full authority to make use of the bond for such restoration works within the maintenance period as deemed necessary.  
(Reason: Ensure compliance and specification)

**121. S88B Instrument for Council Pipe**

Prior to issue of the Subdivision Certificate for **Stage 4**, the applicant shall dedicate, at no cost to Council, a drainage easement of 2 metres wide over the proposed allotment No. 66, 67 and 68 in favour of Council for the as-built stormwater drainage pipe on Road No. 5. The standard wording of the terms of the Drainage Easement shall be in accordance with Part 3 of Schedule 4A of the Conveyancing Act 1919.

Prior to issue of the Subdivision Certificate, a registered surveyor is to provide certification that the Council's drainage system pipe are wholly contained within the proposed drainage easement.  
(Reason: Maintenance requirement)

**122. General Easement/ROW Provision and Certification**

Prior to issue of a Subdivision Certificate, a registered surveyor is to provide certification that all driveways, drainage structures and services are fully contained within the proposed allotment or will be fully covered by the proposed burdens upon registration of the final plan of subdivision.  
(Reason: Ensure Compliance)

**123. Creation of Reciprocal Right-of-Carriageway**

Prior to issue of the Subdivision Certificate for **Stage 4**, the applicant shall create, at its expense, reciprocal right-of-carriageway of variable width for the following allotments:

- a. Lots No. 43 to 46 as per plan No. 6003/65B dated 14/8/12.
- b. Lots No. 59 to 61 as per plan No. 6003/65B dated 14/8/12.
- c. Lots No. 66 to 76 as per plan No. 6003/65B dated 14/8/12.

The Plan of Subdivision, showing the creation of these rights of carriageway shall be submitted to Council for approval.  
(Reason: Provide Access)

**124. Creation of Interallotment Drainage Easements – Stage 3**

Prior to issue of the Subdivision Certificate for Stage 3, the applicant shall create, at no cost to Council, interallotment drainage easements over the following allotments:

- a. 1 metre wide in favour of Lot No. 34, 33 and 32 over the affected downstream development lots.
- b. 1 metre wide in favour of Lot No. 34, 33 and 32 over the affected downstream development lots.

The Plan of Subdivision, showing these interallotment drainage easements shall be submitted to Council for approval  
(Reason: Legal requirement)

**125. Creation of Interallotment Drainage Easements – Stage 4**

Prior to issue of the Subdivision Certificate for **Stage 4**, the applicant shall create, at no cost to Council, interallotment drainage easements over the following allotments:

- c. 2 metres wide in favour of the existing properties on the eastern side of Windsor Road over the affected downstream development lots.

- d. 2 metres wide in favour of the existing properties in the Warners Avenue catchment area over the affected downstream development lots.
- e. 1 metre wide in favour of Lot No. 59 and 60 over the affected downstream development lots.
- f. 1 metre wide in favour of Lot No. 58 over the affected downstream development lots.
- g. 1 metre wide in favour of Lot No. 53 over the affected downstream development lots.
- h. 1 metre wide in favour of Lot No. 50 over the affected downstream development lots.
- i. 1 metre wide in favour of Lot No. 46, 45, 44 and 43 over the affected development lots.
- j. 1 metre wide in favour of Lot No. 66 and 67 over the affected downstream development lots.
- k. 1 metre wide in favour of Lot No. 69, 70, 71, 72 and 73 over the affected downstream development lots.
- l. 1 metre wide in favour of Lot No. 74 over the affected downstream development lots.
- m. 1 metre wide in favour of Lot No. 76 over the affected downstream development lots.

The Plan of Subdivision, showing these interallotment drainage easements shall be submitted to Council for approval

(Reason: Legal requirement)

## **ADDITIONAL CONDITIONS**

**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.**

### **126. Domestic Air Conditioning Units Noise Level**

All air conditioning units installed shall not be heard in a habitable room in another residential premises between the hours of 10.00pm and 7.00am weekdays and 10.00pm and 8.00am weekends and public holidays.

(Reason: Compliance and amenity)

### **127. Compliance with Original DA**

Development is to be compliant with the relevant terms and conditions of Development Consent 2004/521 as applicable to Stage 3 and 4 development.

(Reason: Ensure Compliance)

### **128. RMS Condition**

All work associated with the proposed development is to be at no cost to the RMS.

(Reason: RMS condition)

### **129. RMS Condition**

Vegetation and proposed landscaping/fencing must not hinder sight lines to and from the proposed access driveways to motorists, pedestrians and cyclists.

(Reason: Traffic and Safety)

**130. Windsor Road Public Reserve**

The Windsor Road Public Reserve being identified as Superlot 11 on DA-2004/521 is to be developed **in accordance the approved landscape design plan as part of DA-2004/521 as modified by Condition 2a.**

(Reason: Ensure Compliance)

**131. Erection Wholly within the Boundaries**

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

(Reason: Ensure compliance)

**132. NSW Office of Water – General Terms of Approval**

The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.

(Reason: Ensure compliance)

**133. NSW Office of Water – General Terms of Approval**

The consent holder must not locate ramps, stairs, access ways, cycle paths, pedestrian paths or any other non-vehicular form of access way in a riparian corridor other than in accordance with a plan approved by the NSW Office of Water.

(Reason: Ensure compliance)

**134. Road Closure**

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

(Reason: Public protection)

**135. Public Infrastructure Restoration**

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

(Reason: Protection of Public Assets)

**136. Road Reserve Planting**

Replacement planting proposed within the road reserve **is to** be undertaken subject to the following conditions:

- i) The cost of all works being borne by the applicant.
- ii) All service location checks and liability being the responsibility of the applicant.
- iii) The applicant is to maintain the planting in the road reserve for a period of 52 weeks following planting

Plants are to be maintained in a healthy condition, weeds suppressed and any dead plant material replaced.

Following the 52 week maintenance period, the applicant is to contact Council's Open Space Section to arrange a site inspection prior to handover to Council.

- iv) Council retains the right to prune or remove the planting as may be required for road or service maintenance and safety.

(Reason: Management of public assets)

### **137. Trees on Adjoining Properties**

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

(Reason: Environmental protection)

## **PRESCRIBED CONDITIONS**

**The following conditions are prescribed by S80A of the Environmental Planning & Assessment Act for developments involving building work.**

### **138. Compliance with Building Code of Australia**

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

(Reason: Compliance)

### **139. Support for Neighbouring Buildings**

- (1) If development involves an excavation that extends below the level of the base of the footings of a building on an adjoining property, the person having the benefit of the development consent must, at the person's own expense:
  - a) protect and support the adjoining premises from possible damage from the excavation, and
  - b) if necessary, underpin and support the adjoining premises to prevent any such damage, and
  - c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (2) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
- (3) In this clause, "allotment of land" includes a public road and any other public place.

(Reason: Safety)

## **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**

### **140. Detailed Drawings**

Detailed construction drawings, specifications, and other supporting documentation required for a Construction Certificate are to be in accordance with the terms of this Consent and comply with the requirements of the Building Code of Australia.  
(Reason: Ensure compliance)

### **141. Construction Certificate Required**

This consent IS NOT an approval to carry out any building works (with the exception of demolition work). A Construction Certificate is required PRIOR TO ANY BUILDING 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)

### **142. Notify Council of Intention to Commence Works**

In accordance with the provisions of Clause 81A(2) of the Environmental Planning and Assessment Act 1979 the person having the benefit of the development consent shall appoint a Principal Certifying Authority and give at least 2 days' notice to Council, in writing, of the persons intention to commence the erection of the building.  
(Reason: Information and ensure compliance)

### **143. Occupation Certificate**

The buildings/structure or part thereof shall not be occupied or used until an interim occupation / final occupation certificate has been issued in respect of the buildings or part.

An occupation certificate shall not be issued in respect of the buildings or part until the proposed lots have been created and registration of the appropriate survey plan by Land Titles Office.  
(Reason: Safety)