

Addendum (1) To JRPP Report – amended conditions schedule to reflect changes as agreed with applicant (changes shown in red)

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 – Stage 1

The development of Stage 1 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	DA115	B	31.07.2013	05.08.2013	PopovBass Achitects
Architectural	DA116	C	06.09.2013	09.09.2013	PopovBass Achitects
Architectural	DA116A	B	06.09.2013	09.09.2013	PopovBass Achitects
Architectural	DA117	C	06.09.2013	09.09.2013	PopovBass Achitects
Architectural	DA118	C	06.09.2013	09.09.2013	PopovBass Achitects
Architectural	DA119	C	05.09.2013	09.09.2013	PopovBass Achitects
Architectural	DA120	B	31.07.2013	05.08.2013	PopovBass Achitects
Architectural	DA121	B	31.07.2013	05.08.2013	PopovBass Achitects
Architectural	DA122	B	31.07.2013	05.08.2013	PopovBass Achitects
Architectural	DA123	B	31.07.2013	05.08.2013	PopovBass Achitects
Architectural	DA124	B	31.07.2013	05.08.2013	PopovBass Achitects
Architectural	DA125	B	31.07.2013	05.08.2013	PopovBass Achitects
Architectural	DA126	B	31.07.2013	05.08.2013	PopovBass Achitects
Architectural	DA127	B	31.07.2013	05.08.2013	PopovBass Achitects
Architectural	DA128	B	31.07.2013	05.08.2013	PopovBass Achitects
Architectural	DA129	B	31.07.2013	05.08.2013	PopovBass Achitects
Architectural	DA130	B	31.07.2013	05.08.2013	PopovBass Achitects
Architectural	DA131	B	31.07.2013	05.08.2013	PopovBass Achitects
Architectural	DA132	B	31.07.2013	05.08.2013	PopovBass Achitects
Architectural	DA133	B	31.07.2013	05.08.2013	PopovBass Achitects
Architectural	DA134	B	31.07.2013	05.08.2013	PopovBass Achitects

Architectural	DA135	B	31.07.2013	05.08.2013	PopovBass Achitects
Architectural	DA136	B	31.07.2013	05.08.2013	PopovBass Achitects
Architectural	DA137	B	31.07.2013	05.08.2013	PopovBass Achitects
Architectural	DA141	B	31.07.2013	05.08.2013	PopovBass Achitects
Landscape	LPDA13-286/1	E	29.07.2013	05.08.2013	Conzept
Landscape	LPDA13-286/2	E	29.07.2013	05.08.2013	Conzept
Landscape	LPDA13-286/3	D	29.07.2013	05.08.2013	Conzept
Drainage	SW-000	D	01.08.2013	05.08.2013	Insync Services
Drainage	SW-001	D	01.08.2013	05.08.2013	Insync Services
Drainage	SW-100	B	01.08.2013	05.08.2013	Insync Services
Drainage	SW-101	B	01.08.2013	05.08.2013	Insync Services
Drainage	SW-102	E	01.08.2013	05.08.2013	Insync Services
Drainage	SW-103	E	01.08.2013	05.08.2013	Insync Services
Drainage	SW-104	E	01.08.2013	05.08.2013	Insync Services
Drainage	SW-105	E	01.08.2013	05.08.2013	Insync Services
Drainage	SW-106	D	01.08.2013	05.08.2013	Insync Services
Drainage	SW-107	D	01.08.2013	05.08.2013	Insync Services
Drainage	SW-108	D	01.08.2013	05.08.2013	Insync Services
Drainage	SW-109	D	01.08.2013	05.08.2013	Insync Services
Drainage	SW-110	D	01.08.2013	05.08.2013	Insync Services
Drainage	SW-111	D	01.08.2013	05.08.2013	Insync Services
Drainage	SW-112	D	01.08.2013	05.08.2013	Insync Services
Drainage	SW-113	D	01.08.2013	05.08.2013	Insync Services
Drainage	SW-114	B	01.08.2013	05.08.2013	Insync Services

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) otherwise provided by the conditions of this consent.
(Reason: Information and ensure compliance)

2. Approved Plan/Details – Stage 2

The Stage 2 development approval is limited to the building envelope and general arrangement of uses within the Stage 2 development, being basement level carparking, commercial uses on Level 03 and Level 04 (but no approval is given for the specific commercial uses including the child care centre) and residential development, in accordance with the following plans:

Type	Plan No.	Revision / Issue No	Plan Date (as Amended)	Date Stamped by Council	Prepared by
Architectural	DA100	B	31.07.2013	05.08.2013	PopovBass Architects
Architectural	DA102	B	31.07.2013	05.08.2013	PopovBass Architects
Architectural	DA102A	B	31.07.2013	05.08.2013	PopovBass Architects
Architectural	DA103	B	31.07.2013	05.08.2013	PopovBass Architects
Architectural	DA104	B	31.07.2013	05.08.2013	PopovBass Architects
Architectural	DA105	B	31.07.2013	05.08.2013	PopovBass Architects
Architectural	DA106	B	31.07.2013	05.08.2013	PopovBass Architects
Architectural	DA107	B	31.07.2013	05.08.2013	PopovBass Architects
Architectural	DA108	B	31.07.2013	05.08.2013	PopovBass Architects
Architectural	DA109	B	31.07.2013	05.08.2013	PopovBass Architects
Architectural	DA110	B	31.07.2013	05.08.2013	PopovBass Architects
Architectural	DA111	B	31.07.2013	05.08.2013	PopovBass Architects
Architectural	DA112	B	31.07.2013	05.08.2013	PopovBass Architects
Landscape	LPDA13-286/4	A	29.07.2013	05.08.2013	Conzept

and as amended by the conditions of this consent.

In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.
(Reason: Information and ensure compliance)

3. Matters not approved within the Stage 2 Development

The following items within Stage 2 are not approved and do not form part of this consent:

- (a) The layout and number of residential units, car parking spaces, the arrangement of the basement levels.
- (b) The commercial and child care uses.
- (c) The detailed design including services.

(Reason: Ensure compliance)

4. Stage 2 to be contained within approved envelope

The detailed design including the location of services developed under any future Stage 2 development application shall be contained within the building footprint and envelope approved as part of this consent. The stage 2 design must meet the following requirements in any development application lodged:

- (a) The GFA of Stage 2 is not to exceed 5296m².
- (b) The design of Stage 2 must be integrated and harmonious with the Stage 1 design.
- (c) The building footprint is to be modified so that the north-western edge of the balconies which directly adjoin Stage 1 as shown in the masterplan design of Stage 2 are to be setback an additional 2.5 metres to provide a more emphasised break in the built form.
- (d) The corner of Northcote Street and Evans Lane is to act as a gateway identifier.
- (e) The treatment of the Evans Lane frontage is to promote passive surveillance.
- (f) Separate lift access is to be provided for any child care use which may be approved within Stage 2.
- (g) Separate residential and commercial (including child care, in the event of its approval) secure entrances are to be provided and clearly identified.
- (h) Vehicular ingress/egress shall be provided from Evans Lane.
- (i) A shared Stage 1 and Stage 2 loading bay is to be provided in the location shown on Plan DA103 dated 31.07.2013, date stamped by Council 05.08.2013, prepared by PopovBass Architects.
- (j) Provision is to be made to rationalise garbage and loading/unloading areas with Stage 1 to minimise potential pedestrian and vehicle conflict.
- (k) The landscaping of Level 02 shall be in accordance with Plan LPDA13-286/4 dated 29.07.2013, date stamped by Council 05.08.2013, prepared by Concept as amended by conditions above.
- (l) **A restriction on the use of the land placed over the 100 year ARI flood path identified in the CPM Engineering Report dated July 2013.**

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of a construction certificate for Stage 1.

5. Amendments

The proposal is to be amended in the following manner:

- (a) The 7 commercial car parking spaces located on Level 00 are to be relocated to Level 03.
- (b) 12 car parking spaces located on Level 03 are to be publicly accessible during the operating hours of the commercial units. In this respect 4 of these spaces are to be made available to commercial and residential visitors to the site. The remaining 8 spaces are to be made available for the use of both the commercial visitors and staff to the premises. Plans are to be amended to reflect this.
- (c) Plans are to be amended to show secure access being provided to the

residential car parking area.

- (d) Those storage areas shown on Level 03 which are publicly accessible are to be relocated to a secured area which is not publicly accessible.

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

(Reason: Ensure compliance)

6. Section 94A Contributions

A cash contribution of \$179,378.70 (subject to indexing as outlined below) is to be paid in accordance with Section 94A of the Environmental Planning and Assessment Act, 1979.

This contribution is based on 1% of the estimated development cost of Stage 1 works being \$17,937,870 at 23.04.2013 and the adopted Section 94A Contributions Plan.

To calculate the cash contribution that is payable, the proposed cost of development is to be indexed to reflect quantity variations in the Building Price Index (Enterprise Bargaining Agreement) [BPI(EBA)] between the date the proposed cost of development was agreed by the Council and the date the levy is to be paid as required by this Plan.

To calculate the indexed levy, the formula used to determine the cash contribution is set out below.

$$NL = \$Lo + \$Lo \times \frac{[\text{current index} - \text{base index}]}{\text{base index}}$$

Where:

NL is the new section 94A levy

Lo is the original levy

Current index [BPI(EBA)] is the Building Price Index (Enterprise Bargaining Agreement) as published by the NSW Department of Commerce available at the time of review of the contribution rate

Base index [BPI(EBA)] is the Building Price Index (Enterprise Bargaining Agreement) as published by the NSW Department of Commerce at the date of the proposed cost of development as above

In the event that the current BPI(EBA) is less than the previous BPI(EBA), the current BPI(EBA) shall be taken as not less than the previous BPI(EBA).

Copies of the S94A Contributions Plan and applicable BPI(EBA) are available for inspection online at www.willoughby.nsw.gov.au
(Reason: Statutory Requirement)

7. 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)

8. External Materials and Cladding – Reflectivity

The roofing and cladding of the proposed building are to be of minimal reflectance so as to avoid nuisance in the form of glare or reflections to the occupants of nearby buildings, pedestrians and/or motorists. Detailed specifications complying with this condition of consent must be submitted to the certifying authority and endorsed with the Construction Certificate.

(Reason: Avoid nuisance and ensure compliance)

9. Disabled car parking spaces

Prior to the issue of the Construction Certificate, plans are to be amended to show all disabled parking spaces with a width of 2.4m and a 2.4m wide unloading area adjacent. Further, the plans are to show the disabled parking unloading areas fitted with a bollard sited 800m from the aisle end of the shared unloading bay as indicated on fig 2.2 of AS 2890.6:2009.

(Ensure Compliance)

10. Additional Details and/or Information for Construction Certificate

Any requirements outlined by conditions of this consent requiring changes to be noted on plans and/or information to be submitted including compliance with the Building Code of Australia are to be incorporated within the Construction Certificate plans and/or documentation.

(Reason: Ensure Compliance)

11. Damage Deposit (Stage 1)

The applicant shall lodge a Damage Deposit for Stage 1 of \$60000 (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 for Stage 1. The deposit will be refundable subject to inspection by Council after the completion of all works relating to the proposed development for Stage 1. For the purpose of inspections carried out by Council Engineers, an inspection fee of \$660 (GST Exempt) 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)

12. 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)

13. CCTV Report of Existing 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 existing condition of the Council drainage pipeline. 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. A written acknowledgment shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority.

(Reason: Protection of public asset)

14. Stormwater to Council's Drainage System

Stormwater runoff from the site shall be collected and conveyed to the underground drainage system in accordance with Council's specification. A grated drainage pit (min. 600mm x 600mm) shall be provided within the property and adjacent to the boundary prior to discharging to the Council's drainage system. In this regard, full design and construction details showing the method of disposal of surface and roof water from the site are to be submitted to Council for approval.

(Reason: Prevent nuisance flooding)

15. Detailed Stormwater Management Plan (SWMP)

Submit for approval by the Principal Certifying Authority, detailed stormwater management plans in relation to the on-site stormwater management and disposal system for the development. The construction drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer. 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)

16. Basement Pumpout Drainage System

The applicant shall submit, for approval by the Principal Certifying Authority, detailed stormwater management plans in relation to the pump-out drainage system. The construction drawings and specifications, shall be generally in accordance with the approved stormwater management plans with the following requirements:

- The pumpout drainage system shall comprise with two (2) submersible type pumps. The two pumps shall be designed to work on an alternative basis to ensure both pumps receive equal use and neither remains continuously idle.

- Each pump shall have a minimum capacity of 10L/s or shall be based on the flow rate generated from the 1 in 100 year ARI 5-minutes duration storm event of the area draining into the system, whichever is greater.
- An alarm warning device (including signage and flashing strobe light) shall be provided for the pump-out system to advise the occupant of pump failure. The location of the signage and flashing strobe light shall be shown on the stormwater management plans.
- The volume of the pump-out tank shall be designed with a minimum storage capacity equivalent to the runoff volume generated from of the area draining into the tank for the 1 in 100 year ARI 2-hours duration storm event.

All drawings shall be prepared by a suitably qualified and experienced civil engineer and shall comply with Part C.5 of Council's Development Control Plan, AS3500.3 – *Plumbing and Drainage Code* and the BCA.

(Reason: Prevent nuisance flooding)

17. Overland Flow/Flood Level

A suitably qualified and experienced civil engineer must certify that the finished floor levels of the proposed building and carparking area have a minimum freeboard of 500mm and 300mm respectively above the 1:100 year ARI flood event, which is conveyed through the site.

The engineer must undertake an assessment of the critical flows as determined necessary to satisfy this condition. Where floor levels need to be raised or other flood protection measures are deemed necessary, details must be submitted and approved by the Principal Certifying Authority.

(Reason: Prevent property damage)

18. Construction Management Plan (CMP)

Submit, for approval by the Principal Certifying Authority, 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)

19. 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 RMS 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.
- e) Detail the location, sizes and duration of any Work Zones, truck access routes, parking arrangements for site workers and arrangements for scheduling of deliveries particularly during excavation and concrete pour stages.

(Reason: Public safety and amenity)

20. Vehicle Access – Engineer’s Certification

The Applicant shall submit, for approval by the Principal Certifying Authority, certification from a suitably qualified and experienced traffic engineer. This certification must be based on the architectural drawings and the structural drawings, and must make specific reference to the following:

- a) That finished driveway gradients and transitions will not result in the scraping of the underside of cars.
- b) That a maximum gradient of 5% is provided for the first 6 metres from the property boundary to the basement.
- c) That the proposed vehicular path and parking arrangements comply in full with AS2890.1 – 2004 in terms of minimum dimensions provided,
- d) That the headroom clearance of minimum 2.2 metres between the basement floor and any overhead obstruction is provided which complies with Section 5.3.1 of AS 2890.1 and Section 2.4 of AS2890.6.
- e) That the headroom clearance of minimum 2.5 metres is provided to all parking spaces for people with disabilities which complies with Section 2.4 of AS2890.6.
- f) Minimum dimensions of 2.4m x 5.4m shared area shall be provided adjacent all disabled parking spaces to comply with AS2890.6. Bollards shall be provided at the location on each shared area specified in AS2890.6 which shall be clearly labelled and shown on plans.
- g) That the headroom clearance of minimum 4.5 metres has been provided for the loading area for medium rigid vehicles which complies with AS2890.2.

(Reason: Ensure Compliance)

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

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

- Construction of 1.2 metres footpath (max. 2.5% crossfall) for the full frontage of the site in Northcote Street (Stage 1 and Stage 2). All Adjustments to public utility services and associated construction works in the nature strip are to be at the full cost to the applicant. Detailed long section and cross sections at 5 metres interval shall be provided.
- Construction of new kerb and gutter for the full frontage of the development site (Stage 1 and Stage 2) in Northcote Street and Evans Lane with 5 metres wide road restoration. Detailed long sections and cross-section at 5m interval shall be provided.

- Construction of a 2 x new vehicular crossings in Northcote Street and Evans Lane entries (Stage 1 and Stage 2). The design levels at the property boundary shall be in accordance with the revised long sections.
- The existing pedestrian bridge over Council's stormwater channel shall be removed.

The required plans must be designed in accordance with Council's specifications (AUS-SPEC). A minimum of three (3) weeks will be required for Council to assess the *Roads Act* submissions. Early submission is recommended to avoid delays in obtaining a Construction Certificate. For the purpose of inspections carried out by Council Engineers, the corresponding fees set out in Council's current *Fees and Charges Schedule* are payable to Council prior to issue of the approved plans. Approval must be obtained from Willoughby City Council as the road authority under the Roads Act 1993 for any proposed works in the public road prior to the issue of any Construction Certificate.
(Reason: Ensure compliance)

22. Steep Vehicular Access – Provide Longitudinal Sections

Prior to issue of any Construction Certificate, The applicant shall submit longitudinal sections along each side/edge of each proposed vehicular accesses path drawn at 1:20 Scale **for the Stage 1 DA**. The driveway is to be designed using Council's standard vehicle profile attached (SD100) and for MR vehicles. The longitudinal sections shall be prepared by a suitably qualified person and shall include the following: -

- Horizontal distance from the centreline of the road to the proposed parking slab, including provision of Council's standard layback as per Council's standard drawing SD105 which is available from Council's website. Council's standard layback is 500mm deep and the back of layback is 100mm above the gutter invert.
- Both existing and proposed levels (in AHD) and gradients represented in percentage of the vehicular crossing and driveway.

Each of the proposed crossings shall be 6 metres wide with no splays and to be constructed at right angle to street kerb. The centreline of each new crossing shall be in-line with the centreline of the driveway. For the design levels of each vehicular crossing at the property boundary, the following shall be complied with:

- The crossfall on road pavement – 4.5% over 2.5m wide from the back of the gutter lip
- The gutter invert level – remain as the existing gutter invert level
- At back of layback – 100 mm above and parallel to the gutter invert
- At property boundary (Northcote Street) – 150 mm above and parallel to the gutter invert

Any footpath which forms part of the proposed crossing shall have a maximum crossfall of 2.5%. All driveway grades and transitions shall comply with AS 2890.1 - 2004 and Council's specifications. 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.

The longitudinal section must demonstrate that a maximum gradient of 5% has been provided for the first 6 metres from the property boundary into the basement and a

minimum clearance of 2.5 metres (clear from any proposed roller shutter or building above) at the basement entrance can be achieved to comply with AS2890.1.
(Reason: Ensure compliance)

23. Geotechnical Report

Submit to the accredited certifier a geotechnical engineer's report of the proposed geotechnical works including excavation, piling, and shoring. The report shall specifically address safety issues. A report from the Geotechnical Engineer shall be submitted to Council for record purposes.
(Reason: Safety & Amenity)

24. Design of Retaining walls

All proposed retaining wall with an overall height of 600 mm or over within the private properties 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)

25. 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:

Internal Space	Time Period	Criteria $L_{Aeq(period)}$
Living Areas	Any time	40 dB(A)
Sleeping Areas	Day (7am – 10pm)	40 dB(A)
	Night (10pm – 7am)	35 dB(A)

Note:

1. The above criteria does not apply to kitchens, bathrooms, laundries, foyers, hallways, balconies or outdoor areas.
2. The above criteria define the minimum acceptable levels. Buildings may be built to a better than average standard by applying more stringent criteria.
3. Noise that is required to be considered in applying the above criteria shall include noise from road, rail, local air traffic, retail/commercial uses operating within the building and nearby noise sources from existing plant and equipment.

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)

26. Building Ventilation

To ensure that adequate provision is made for ventilation of the building, mechanical and/or natural ventilation shall be provided. These shall be designed in accordance with the provisions of:

- a) The Building Code of Australia
- b) AS1668.1-1998 – The use of ventilation and air conditioning in Buildings
- c) AS1668.2-2012 – The use of ventilation and air conditioning in Buildings

Details of all mechanical ventilation and exhaust systems, and certification provided by an appropriately qualified person verifying compliance with these requirements, shall be submitted to the Principal Certifying Authority.

(Reason: Health protection)

27. Contamination Detailed investigation

A Detailed Site Investigation shall be prepared by a suitably qualified contaminated land consultant and shall be in accordance with:

- a) Environment Protection Authority (EPA) 'Contaminated Sites - 'Guidelines for Consultants Reporting on Contaminated Sites'; and
- b) Managing Land Contamination Planning Guidelines SEPP55 - Remediation of Land

The detailed site investigation shall provide information about the extent of contamination if any and the risks of the contaminants to health and the environment. The investigations shall also address all recommendations in the Preliminary Site Assessment prepared by **Environmental Investigation Services (EIS) Ref. No: E26251Krpt dated February 2013**. The report shall be submitted to the Principal Certifying Authority and a copy to Council. **Any recommendations in the detailed site investigation report shall be implemented and where necessary any remediation of the site shall be completed prior to the release of any construction certificate for building works.**

(Reason: Environment and Health Protection)

28. Hazardous Building Material Assessment

A hazardous building material assessment shall be undertaken by an appropriate qualified person and is to be submitted to the Principal Certifying Authority for approval. The assessment shall identify any likely hazardous materials within any structure to be demolished and provide procedures on how to handle and dispose of such materials.

(Reason: Environmental protection/public health and safety)

29. Noise Mechanical Services

To minimise the impact of noise onto residential receivers, all mechanical services shall be designed and installed to ensure ambient noise levels are maintained.

Details of the proposed equipment, siting and any attenuation required shall accompany the application for Construction Certificate.

(Reason: Amenity)

30. Garbage Bin Storage Room

The garbage bin storage room shall be constructed in accordance with the requirements of Council's DCP and therefore as a condition of consent the following must be provided:

- a) Adequate ventilation being provided by an exhaust ventilation system or by unobstructed natural ventilation openings direct to external air. Mechanical

exhaust systems shall comply with AS1668 and not cause inconvenience, noise or odour problems.

- b) A cold water supply being provided.
 - c) Floors of the bin storage room must be graded to an approved Sydney Water basket trap drainage fitting connected to the sewer. Storm water must not be permitted to enter this floor waste trap.
 - d) Cement floors must have smooth, even surface, coved at all intersections with walls.
 - e) Artificial lighting must be provided controlled by a motion sensor located both outside and inside the room.
 - f) A galvanized bump rail shall be installed at least 50mm clear of the walls at the height of the most prominent part of the garbage bins to protect the walls from damage.
 - g) The room must be fitted with an electronic overhead roller door.
 - h) Metal bollards must be installed to protect the entry door frames from impacts but must not obstruct access to the bin storage room.
- (Reasons: Waste Storage, Amenity)

PRIOR TO COMMENCEMENT

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development (Stage 1) comply with all relevant requirements. All of these conditions are to be complied with prior to the commencement of any works on the site.

31. External Finishes - Compatibility

All external building material shall be in colours and textures, which are compatible with the character of the locality. In this regard the Schedule of Colours and Finishes submitted with the application satisfy this requirement.
(Reason: Visual amenity)

32. Waste Management Plan

A Construction and Demolition Waste Management Plan which provides details of specific strategies to salvage and recycle a minimum of 85% of used and unused demolition and construction materials shall be submitted to the Principal Certifying Authority.
(Reason: Environment Protection/Waste Reduction)

33. 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)

34. Site Management

A site Management Plan shall be submitted to and approved by the Principal Certifying Authority. The site management plan shall include the following measures as applicable.

- Details and contact telephone numbers of the owner, builder and developer;
- Location and construction details of protective fencing to the perimeter of the site;
- Location of site storage areas, sheds and equipment;
- Location of stored building materials for construction;
- Provisions for public safety;
- Dust control measures;
- Site access location and construction;
- Details of methods of disposal of demolition materials;
- Protective measures for tree preservation;
- Provisions for temporary sanitary facilities;
- Location and size of waste containers and bulk bins;
- Soil and Water Management Plans (SWMP); comprising a site plan indicating the slope of land, access controls, location and type of sediment controls and storage/control methods for material stockpiles;
- Construction noise and vibration management.

The site management measures shall be implemented prior to the commencement of any site works and maintained during the construction period. A copy of the approved Site Management Plan shall be conspicuously displayed, maintained on site and be made available to the PCA/Council officers upon request.
(Reason: Environment protection, public health and safety)

35. 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)

36. Geotechnical Report

The site and adjoining sites (including the road reserve or other public space) are to be inspected by an independent Geotechnical Engineer and a comprehensive report shall be submitted to the accredited certifier indicating how the work is to be undertaken with safety, and identifying the stages at which the engineers' personal supervision is to occur during the works.
(Reason: Protection of adjoining properties)

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. Report Existing Damages on Council's Property

Prior to commencement of any works on site, the applicant shall notify Council in writing with digital photographs of any existing damages to Council's assets fronting the property and the immediate adjoining properties. Failure to do so will result in the applicant being liable for any construction related damages to these assets. In this respect, the damage deposit lodged by the applicant may be used by Council to repair such damages.

(Reasons: Protection of Council's Infrastructure)

39. 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)

40. 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)

41. 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)

DURING DEMOLITION, EXCAVATION AND CONSTRUCTION

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

42. 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)

43. 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)

44. 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)

45. Provide Erosion and Sediment Control

Erosion and sediment control devices shall be provided whilst work is being carried out in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into Council's stormwater system natural watercourses, bushland, trees and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the requirements of the Protection of Environment Operations Act 1997 and the Department of Environment, Climate Change and Water guidelines. The control devices are to be maintained in a serviceable condition AT ALL TIMES.

(Reason: Environmental protection)

46. Demolition Work AS 2601

Demolition works being carried out in accordance with the requirements of AS 2601 "The demolition of structures".

(Reason: Safety)

47. Asbestos Removal

Works involving the removal of asbestos must comply with Councils Policy on handling and disposal of asbestos, and must also comply with the Code of Practice for Safe Removal of Asbestos (National Occupational Health and Safety Committee 2002).

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

(Reason: Public Health & Safety/Ensure Compliance)

48. Asbestos Disposal

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

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

(Reason: Environmental Protection/Public Health and Safety)

49. 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)

50. 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)

51. Footings Near Easement

All footings for buildings and/or other structures located adjacent to easements and/or Council drainage pipes shall be constructed outside of Council's easement. Footings must extend to at least 100mm below the invert of the Council's pipe unless the footings are to be placed on competent bedrock. If there is no pipe within the easement, a 1.8 metres depth is to be assumed for the future pipe.

(Reason: Protection of public asset)

52. Structures to Clear of Council's Drainage Infrastructure

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

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

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

(Reason: Protection of public assets)

53. 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)

54. Tree Protection

- i) Retain and protect the following trees and vegetation throughout the demolition and construction period:
All trees not indicated for removal on Landscape Plan Drawing Number 1 E dated 29/07/13 by Concept.
- ii) The above trees must be clearly marked and protection devices in place to prevent soil compaction and machinery damage.
- iii) Tree roots greater than 50mm diameter are not to be removed unless approved by a qualified Arborist on site. All structures are to bridge roots unless directed by a qualified Arborist on site.
- iv) Tree protection measures must comply with the AS 4970-2009 Protection of trees on development sites.

(Reason: Tree Management)

55. No Access through Public Open Space

Site access is not approved for construction of the development, through adjacent public land other than for approved landscape works.

(Reason: Safety, landscape amenity, tree protection)

56. Storage of Materials on Council Land Prohibited

The dumping or storage of building materials, spoil, vegetation, green waste, or any other material in the Council reserve is prohibited other than for approved landscape works within the reserve.

(Reason: Safety, environmental protection)

57. Waste Classification – Excavation Materials

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

(Reason: Environment and Health Protection)

58. Importation of Fill

Any material to be imported onto the site for levelling, construction or engineering purposes must satisfy the Office of Environment & Heritage (OEH) requirements for *virgin excavated natural material* (VENM), or *excavated natural material* (ENM). The determination of VENM or ENM must be made by suitable qualified consultant. Pre-

certification of the imported material shall be made and details made available to Council upon request.

(Reason: Environment & Health Protection)

59. Unexpected Finds Protocol

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

(Reason: Environment & Health Protection)

PRIOR TO OCCUPATION OF THE DEVELOPMENT

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

60. Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 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 or telephone 13 20 92.

The Section 73 Certificate must be submitted to the Principal Certifying Authority.

(Reason: Ensure Statutory Compliance)

61. Disabled car parking spaces

Prior to the issues of the Occupation Certificate, all disabled parking spaces shall be 2.4m in width with a 2.4m wide unloading area adjacent. The unloading areas shall be hatched, marked with a painted disabled parking logo and fitted with a bollard sited 800m from the aisle end of the shared unloading bay as indicated on Fig 2.2 of AS 2890.6:2009.

(Reason: Ensure Compliance)

62. 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)

63. Access for the Disabled - Disability Discrimination Act

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

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

(Reason: Access and egress)

64. Marked Parking Bays

All parking bays and/or truck docks and the direction of traffic movement being permanently marked on the pavement surface in accordance with the approved parking and driveway layout to the satisfaction of the Principal Certifying Authority. All parking spaces shall be denoted on site with their specified use eg “Resident”, “Commercial”, “Visitor” etc.

(Reason: Ensure compliance)

65. Registration of Plan of Consolidation

All individual allotments involved in the Stage 1 development site being consolidated into a single allotment and evidence of the registration of the plan of consolidation to be submitted to Council.

(Reason: Ensure compliance)

66. Visitor Parking Spaces

The residential visitor car parking spaces are to be physically identified on site, and maintained free of obstruction for the exclusive use of visitors to the premises at all times.

(Reason: Amenity)

67. Adjustment to overhead services

Prior to issue of an occupation certificate, all existing electricity supply mains and other overhead services along the full frontages of Northcote Street must be bundled to reduce the visual clutter and improve the visual amenity of the streetscape. The bundling is to be carried out in accordance with the requirements and specifications of the relevant utility service provider at the full cost to the developer. All new services and electricity connections to the new development shall be underground.

(Reason: Streetscape amenity)

68. 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)

69. Residential Flat Building - Service Facilities

The following shall apply to the development:

- i. Electricity and telephone lines must be placed underground from the street to the building.
- ii. One storage area shall be allocated to each unit.
- iii. A master TV antenna or satellite dish is to be provided for the building. This shall suitably screened from view from the street.
- iv. All plumbing pipes and installations must be concealed in ducts and not exposed on the external walls of the building and must be adequately

soundproofed.

- v. Secure bicycle parking facilities shall be provided in accordance with Willoughby Development Control Plan Part C.4 and designed in accordance with AS2890.3.

(Reason: Ensure compliance, streetscape and amenity)

70. Safer by Design

To minimise the opportunity for crime and in accordance with CPTED principles, the development shall incorporate the following:

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

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

- ii. The design, installation and maintenance of landscaping (and associated works) within pedestrian routes around the site (and adjacent to mailboxes) shall not impede visibility and clear sight lines along the pedestrian footway from one end to the other.
- iii. Security keying of lifts and doors and other measures must be implemented for access control to the building entries, and car parking areas.
- iv. Walls/screens between balconies shall be designed to avoid foot holes or natural ladders so as to prevent access between balconies/terraces within the development.
- v. Adequate signage within the development to identify facilities, entry/exit points and direct movement within the development.
- vi. A small portion of each storage area shall be of solid construction (i.e. cupboard.)
- vii. Access to fire egress stairs must be armed with alarm system with suitable warning signs, and shall only be used during an emergency.

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

71. Commercial Parking Spaces

All commercial car spaces must be physically identified on site, and maintained free of obstruction for the use of both visitors and staff to the premises at all times.

(Reason: Amenity)

72. Residential Flat Building - Screening of Rooftop Plant/Structures

Any rooftop or exposed structures including lift motor rooms, plant rooms etc., together with air conditioning, ventilation and exhaust systems, are to be suitably screened and integrated with the building in order to ensure a properly integrated overall appearance.

(Reason: Visual amenity)

73. 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)

74. CCTV Report of Council Pipe System After Work

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)

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

Inspection of drainage connection works to the existing Council's pipeline/pit shall be carried out by Council's Engineer. A completion certificate shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority. For the purpose of inspections carried out by Council Engineer, the corresponding fees set out in Council's current Fees and Charges Schedule are payable to Council.

(Reason: Ensure compliance)

76. On-site Water Management System

The stormwater runoff from the site shall be collected and disposed of via an approved stormwater 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)

77. OSD System

The applicant shall supply and install OSD tank with a minimum storage volume of 61.5 m³ in accordance with the approved stormwater plans, Sydney Water's requirements and 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.
(Reason: Prevent nuisance flooding)

78. Sign for On Site Detention System

An aluminium plaque measuring no less than 400mm x 200mm is to be permanently attached and displayed within the immediate vicinity of the OSD system.

The wording for the plaque shall state *"This is the OSD 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)

79. Confined Space Sign

Securely install a standard confined space danger sign in a prominent location within the immediate vicinity of access grate of the OSD system.
(Reason: Safe access to tank)

80. Certification of OSD

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

81. Certification of the Basement Pumpout Drainage System

Upon completion of the pump-out system, the following shall be submitted to the Principal Certifying Authority.

- A suitably qualified and experienced civil engineer (generally CP Eng. Qualification) shall certify that the as-built pumpout system complies with Part C5 of Council's DCP, all relevant codes and standards and the approved stormwater management plans.
- Work-as-executed plans based on the approved pump-out system plans from a

registered surveyor to verify that the volume of storage and pump capacity are in accordance with design requirements. Any minor changes or variations to the approved plans should be highlighted in red on the approved pump-out system plans.

- Certification from a licensed plumber to ensure that the constructed pump-out system complies with the current plumbing requirements of Sydney Water and Committee on Uniformity of Plumbing and Drainage Regulations of NSW.

(Reason: Ensure Compliance)

82. Works-As-Executed Plans - OSD

Upon completion of the OSD System, the following shall be submitted to the Principal Certifying Authority:

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

(Reason: Record of works)

83. S88B/S88E(3) Instrument

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

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

Documentary evidence of registration of these instruments with the Land and Property Information shall be submitted to the Principal Certifying Authority and Council prior to issue of any Occupation Certificate.

(Reason: Maintenance requirement)

84. 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)

85. Creation of a Floodway Restriction

Create a Restriction on the Use of the Land on the title of the subject property under Section 88E(3) of the Conveyance Act 1919 by using Form 13RPA obtainable from the NSW Department of Lands. The restriction is to be placed over the 100 year ARI flood path identified in the flood report by CPM Engineering, dated July 2013 for Stage 1. The extent of the identified overland floodpath within the subject site, shall be shown on a scale sketch, attached as an annexure to the request forms.

The wording for the restriction shall state *"No placement of any structures, walls, fences, fill or other items which may impede the 100 year ARI flood path within the identified flood zone shall be permitted"*.

Willoughby City Council shall be the authority empowered to release, carry or modify the restriction. Documentary evidence of registration of the instrument with the Land and Property Information shall be submitted to Council and the Principal Certifying Authority.

(Reason: Ensure unimpeded floodwater conveyance)

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

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

Certification is to be provided to the Principal Certifying Authority, and a copy provided to Council, prior to issue of the an Occupation Certificate.

(Reason: Protection of public asset)

87. Splay Corner for Fence

In order to ensure adequate sight distances for pedestrians and traffic in the frontage road, the vehicular exit in Northcote Street shall be designed and constructed by a 2m x 2.5m splay on both sides of the driveway exit.

(Reason: Pedestrian safety)

88. Construction of Kerb & Gutter

Construct new kerb and gutter together with any necessary associated pavement restoration in accordance with Council's specification for the full frontage of the development site for stage 1 with associated pavement restoration 5 metre wide in Northcote Street.

(Reason: Public amenity)

89. Reconstruct Pavement

Half the road pavement including any necessary associated works adjoining to the full frontage of the development site for stage 1 shall be reconstructed in accordance

with Council's approved drawings, conditions and specification (AUS-SPEC).
Council's standard design traffic for this pavement is ESA (5x10⁶).
(Reason: Ensure compliance)

90. Concrete Footpath

Construct a 1.2 m wide concrete footpath for the full frontage/stage 1 of the development site in Northcote Street. All works shall be carried out in accordance with Council's standard specification and drawings.
(Reason: Public amenity)

91. Vehicular Crossing

Construct a new vehicular crossing including the replacement of the existing layback and/or gutter and any associated road restoration as directed by Council's Engineers. All works shall be carried out in accordance with Council's specification AUS-SPEC C271 and Council's Standard Drawing SD105 - Council Vehicular Footpath Crossing and Kerb and Gutter details and any approved longitudinal sections. A separate application for the crossing including current fees and charges is to be submitted for approval by Council.

The crossing is to be 6 metres wide with no splays and is to be constructed at right angles to the street kerb in plain concrete. The new crossing shall be located no closer than 1 metre from any power pole and 2 metres from any street tree unless otherwise approved by Council. The centreline of the new crossing shall be "in-line" with the centreline of the parking space(s).

For the design levels of the vehicular crossing at the property boundary, the following shall be complied with:

- *At back of layback – 100 mm above and parallel to the gutter invert.*
- *At property boundary – 150mm above and parallel to the gutter invert.*

The footpath which forms part of the proposed crossing shall have a maximum crossfall of 2.5%. The nature strip and footpath is to be adjusted for a minimum distance of 10 metres on both sides of the crossing to suit the new levels.

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

All adjustments to the nature strip, footpath and/or public utilities' mains and services as a consequence of the development and any associated construction works shall be carried out at the full cost to the Applicant. All driveway grades and transitions must comply with AS/NZS 2890.1.

Vehicular Crossing Formwork Inspection Sheet shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to issue of any Occupation Certificate.
(Reason: Public amenity)

92. Removal of Redundant Crossings

Remove all redundant crossings together with any necessary works and reinstate the footpath, nature strip and kerb and gutter accordingly. Such work shall be carried out in accordance with Council's specification.

Vehicular Crossing Formwork Inspection Sheet shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to issue of any Occupation Certificate.
(Reason: Public amenity)

93. Inspection of Civil Works on Road Reserves

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

Pursuant to Section 138 of the Roads Act 1993, all works carried out on the road reserve shall be inspected and approved by Council's Engineer. Upon completion, Work-as-Executed drawings prepared by a registered surveyor shall be submitted to Council for record purposes. A completion certificate shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority.
(Reason: Ensure compliance)

94. Performance Bond (Stage 1)

The Applicant shall lodge with the Council a performance bond for Stage 1 of \$30000 against defective public civil works undertaken by the main Contractor for a period of twelve (24) months from the date of the completion certificate for Stage 1 issued by Council as the road authority under the Roads Act 1993. The bond shall be lodged in the form of a cash deposit, cheque or unconditional bank guarantee which will be refundable subject to the approval of Council's Engineers at the end of the maintenance period. In this period, the Applicant is liable for any part of the work which fails to achieve the design specifications. Council shall be given full authority to make use of the bond for such restoration works within the maintenance period as deemed necessary.
(Reason: Ensure compliance and specification)

95. 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)

96. Vehicle Access - Construction & Certification

The Applicant shall submit, for approval by the Principal Certifying Authority, certification from a suitably qualified and experienced traffic engineer. This certification must be based on a site inspection of the constructed vehicle access and accommodation areas, with dimensions measurements as necessary, and must make specific reference to the following:

- a) That the as-constructed carpark complies with the approved Construction Certificate plans,
- b) That a maximum gradient of 5% has been provided for the first 6 metres from the property boundary to the basement.

- c) That finished driveway gradients and transitions will not result in the scraping of the underside of cars.
- d) All parking spaces are open type with no partitions.
- e) That the as-constructed vehicular path and parking arrangements comply in full with AS2890.1 – 2004 in terms of minimum dimensions provided,
- f) That the headroom clearance of minimum 2.2 metres has been provided between the basement floor and any overhead obstruction to comply with Section 5.3.1 of AS 2890.1 and Section 2.4 of AS2890.6.
- h) That the headroom clearance of minimum 2.5 metres has been provided to all parking spaces for people with disabilities to comply with Section 2.4 of AS2890.6.
- i) That the headroom clearance of minimum 4.5 metres has been provided for the loading area for medium rigid vehicles which complies with AS2890.2.
- j) Minimum dimensions of 2.4m x 5.4m shared area shall be provided adjacent all disabled parking spaces to comply with AS2890.6. Bollards shall be provided at the location on each shared area specified in AS2890.6 which shall be clearly labelled and shown on plans.

(Reason: Ensure Compliance)

97. Public Works for Stage 1

Prior to the issue of any Occupation Certificate, the Applicant shall complete the construction of the kerb and gutter, footpath, road pavement and all associated civil works for stage 1.

(Reason: Public amenity)

98. Tree Planting

- i) Trees shall be planted in accordance with Landscape Plans Drawing Numbers LPDA13/268/1 Rev E, LPDA13/268/2 Rev E, LPDA13/268/3 Rev D and LPDA13/268/4 Rev A prepared by Conzept.
- ii) Pot sizes and locations are to be in accordance with the above plans.

(Reason: Landscape Amenity)

99. 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.

(Reason: Landscape amenity)

100. Public Tree Planting

- i) Public trees shall be planted in accordance with Landscape Masterplan Drawing No. 1 Issue E prepared by Conzept
- ii) The trees shall:
 - i. Have a minimum container size as shown on the Landscape Masterplan and grown to NATSPEC 2 "Guide Specifying Trees", (2003).
 - ii. Be planted in accordance with WCC Landscape Specification 08/2007 "Street Tree Planting".
 - iii. Be planted generally in alignment with other street trees.

(Reason: Landscape amenity, tree canopy recruitment)

101. Sound Level Output Certification

The sound level output from the use of the premises and from equipment installed for the operation of the building shall not exceed 5dBA above the ambient background noise level measured at the boundaries of the property in accordance with the current Environment Protection Authority (EPA) guidelines for noise assessment. Certification of the level of sound output is to be provided by an appropriately qualified acoustical Consultant to the Principal Certifying Authority.
(Reason: Amenity)

102. Acoustic Treatment – Certification

Certification shall be provided from a suitably qualified acoustic engineer certifying that the acoustic treatment of the building complies with the construction details approved and the relevant design noise criteria.
(Reason: Amenity)

103. Certification – Ventilation

Certification shall be provided from a suitably qualified mechanical engineer certifying that all work associated with the installation of the mechanical and/or natural ventilation systems has been carried out in accordance with the relevant Australian Standards and or alternative solution.
(Reason: Compliance)

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.

104. Commercial Waste Collection Times

Commercial waste collection is to take place between the following hours:

Mon – Friday: 7am – 10pm
Weekends and public holidays 8am – 10pm
(Reason: Protect neighbourhood amenity)

105. On-site Car Parking

The on-site car parking provision shall be arranged as follows:

- 64 residential spaces, including 7 disabled spaces (allocated to adaptable units).
- 8 commercial spaces located on Level 03; only one space shall be dedicated to each commercial tenancy and any additional commercial car spaces shall be made available for customer car parking.
- 4 shared residential and commercial visitor/customer car spaces, including 2 disabled car spaces located on Level 03.
- 12 dedicated residential visitor car spaces.

(Reason: Ensure compliance)

106. Loading and Unloading

All loading and unloading of goods is to be conducted wholly within the site and especially in any loading facility, internal dock or goods handling area. These areas are to be maintained free of obstruction for the sole use of delivery vehicles. Under no circumstances are loading/unloading activities to be conducted from vehicles standing kerbside in Northcote Street or from any appurtenant right of way.
(Reason: Access and amenity)

107. Road Reserve Planting

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. The 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)

108. Maximum Shop FSR

The maximum floor space ratio for all shops at 2–14 Northcote Street, Naremburn, must not exceed 0.2:1.

(Reason: Ensure compliance)

109. Separate Development Consent – Various

No consent is granted or implied for the use of the commercial premises of the approved building or installation of signage as part of this development consent. The use/occupation of any of the approved commercial units/premises, and any signage shall be the subject of a separate development application.

(Reason: Ensure compliance)

110. Active Street Frontage

The commercial uses fronting Northcote Street are only to comprise business or retail premises to maintain an active street frontage.

(Reason: Ensure compliance)

111. 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)

112. 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)

113. 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 except for those trees identified for removal in the nature strip as shown in landscape plan LPDA13-286/1 rev E prepared by Conzept.

(Reason: Environmental protection)

114. Noise Control – Offensive Noise

To minimise the noise impact on the surrounding environment, the use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to an "offensive noise" as defined under the provisions of the Protection of the Environment Operations Act 1997.

(Reason: Amenity)

115. Dust Control

The following measures must be taken to control the emission of dust:

- a) Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work.
- b) Any existing accumulation of dust (e.g. in ceiling voids and wall cavities) must be removed using an industrial vacuum cleaner fitted with a high efficiency particulate air (HEPA) filter.
- c) All dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be allowed to enter the street or stormwater system.
- d) All stockpiles of materials that are likely to generate dust must be kept damp or covered.
- e) Demolition work must not be carried out during high winds, which may cause dust to spread beyond the boundaries of the site.

(Reason: Amenity)

116. Construction Noise

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

during construction. Where noise levels may be exceeded appropriate measures to control excessive noise shall be implemented immediately.
(Reason: Amenity)

117. Bin Maintenance

The garbage and recycling bins shall be cleaned periodically at 3 – 6 month intervals and maintained in working order.
(Reason: Health and Amenity)

118. Temporary bin location

All bins must be moved to a temporary bin location adjacent to the waste vehicle loading area, and bins must be returned to the bin rooms as soon as is practical following serving of the bins.
(Reason: Ensure compliance)

PRESCRIBED CONDITIONS

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

119. 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)

120. 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

121. 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)

122. 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)

123. Occupation Certificate

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

(Reason: Safety)