

Attachment 1 A – Recommended Conditions of Consent

SCHEDULE 1

CONDITIONS OF CONSENT DEFERRED COMMENCEMENT

In accordance with Section 80(3) of the Act this consent will not operate until the applicant has provided information to the satisfaction of the Council that the following conditions can be complied with. Upon receipt of written information from the applicant in relation to the conditions in this schedule the Council will advise in writing whether the information is satisfactory and, if so, will nominate the effective date for the commencement of this consent.

In accordance with Clause 95(3) of the Regulation, a twelve (12) month period is given from the date of the 'deferred commencement' notice to lodge plans and evidence that satisfactorily address the required amendments/detail. If not, then the 'deferred commencement' will lapse and a new development application will be required.

(Reason: Ensure compliance)

A. Revised development plans must be submitted to Council incorporating the following amendments/details:

- a) Any awning fronting the Pacific Highway and Oliver Road are to be setback a minimum of 1.5 metres from the future kerb (post road widening).
- b) The width of any awning along the Freeman Road frontage of the site shall be setback at least 600 mm from the future kerb line (post road widening).
- c) Four (4) Motorcycle bays are to be provided. Design and access to these bays must comply with the requirements of Part C.4 of the WDCP and AS2890.1.
- d) Ten (10) adaptable car spaces are required to be provided. Design and access to these bays must comply with the requirements of Part C.6 of the WDCP and AS2890.6. This can be achieved by the extension of the area of Basement 3 subject to the basement area remain within the footprint of the building above.
- e) Service access must be provided from the lower commercial space at the corner of Freeman Road and Pacific Highway (RL99.60) to the car parking, loading and garage room on the Lower Ground Floor. This can be achieved by changes to the internal layout of the services area on the Lower Ground Floor.

(Reasons: Access, services and loading, car parking, WDCP requirements)

B. Traffic /Manoeuvring Matters

- a) Submit longitudinal sections along each side/edge of both of the proposed vehicular access driveway paths including the crossings drawn at 1:20 Scale. Access driveways shall be designed for the B99 vehicle and service/delivery vehicles as relevant. The existing surface levels of the footway including the footpath shall be included in the sections. The rate of change of grade for the MRV especially at the bottom end of the ramp shall also comply with the requirements in AS 2890.2. The longitudinal sections shall include the following: -
 - I. Horizontal distance from the centreline of the road to a minimum of 6 metres inside the property, 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.

- II. Both existing and proposed levels (in AHD) and gradients represented in percentage of the vehicular crossing and driveway.

The design shall be prepared by a suitably qualified and experienced civil engineer. The footpath which forms part of the proposed crossing shall have a maximum crossfall of 2.5%. All driveway grades and transitions shall comply with the requirements and templates in AS 2890.1 and 2890.2 and Council's specifications.

- b) Submit an Autoturn simulation at a scale of 1:100 including clearances for MR vehicles showing the ingress and egress from Freeman Rd to the loading dock. The Autoturn must demonstrate that there are sufficient turning areas and required clearances for MR vehicles to ingress and egress from Freeman Rd to the loading dock.
- c) Submit revised architectural plans to demonstrate that the overhead clearance at the vehicular entry from Freeman Road and above the MRV manoeuvring area is a minimum of 4.5 metres to the underside of overhead structures and services and complies with AS 2890.2.
- d) Submit revised plans with dimensioned width of the vehicular crossing to demonstrate that the vehicular crossing width for an MRV leading to the loading area complies with AS 2890.2.
- e) Submit revised plans to demonstrate that an overhead clearance height (to the underside of structures/services) of 2.5m minimum is available over the access path from the public road to the disabled car spaces.
- f) Submit revised plans to demonstrate that swept paths including clearances of the simultaneous movements of the B99 and B85 vehicles at ramps and ramp ends are available and clear of any adjacent obstructions. The clearance lines required in AS 2890.1 shall also be observed.
- g) Dimension ramp widths, radius and typical car space widths.
- h) Show dimensions of bicycle and motorbike parking spaces and demonstrate that the adjacent ramp grades providing access to these spaces is suitable.
- i) Submit traffic signal plans prepared by a qualified and experienced traffic consultant relating to any adjustments to traffic signals associated with the road widening of Oliver Road. The plans shall be of sufficient detail to enable lodgement with RMS and Council's Traffic Committee for consideration.

C. Road Widening – Concept engineering plans

- a) Submit concept engineering plans including layout and longitudinal and cross sections showing relevant existing and design levels information prepared by a qualified and experienced civil engineer relating to the road widening in Oliver Road and Freeman Road. The plans shall include necessary relocation / adjustments to utility services. Documentary evidence of approval from the

affected utility authorities' and their requirements shall be submitted with plans.

SCHEDULE 2

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 consent plans electronically stamped by Council:

| Type | Plan No. | Revision/ Issue No | Plan Date (as Amended) | Prepared by |
|---|--|-----------------------|---------------------------|---|
| Architectural Plans | DA2.00 DA2.01 DA2.02 DA2.03 DA2.04 DA2.05 DA2.06 DA2.07 DA2.08 DA2.09 DA2.10 DA2.11 DA2.12 DA2.13 DA2.14 DA2.15 | B | 26.04.16 | Marchese Partners |
| Landscaped plan (project number 15686) | LP01 LP02 LP03 LP04 LP05 | B | 06.05.16 | Matthew Higginson Landscape Architecture P/L |
| Stormwater Plans | C2970-01 C2970-02 C2970-03 | 4 | 13/06/16 | Kozarovski & Partners |

As amended by the **Deferred Commencement Conditions in Schedule 1**, 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)

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. 4m Road Widening – Roads and Maritime Services (“RMS”)

Prior to the lodgement of an application for a Construction Certificate, a 4m Wide Land along the Pacific Highway frontage of the site together with any splay corners must be identified on a survey plan for future road widening by the RMS. The applicant is to dedicate the land to the RMS at no cost to the RMS.

The RMS requires any buildings and structures, together with any improvements integral to the future use of the site are to be erected clear of the land required for road (unlimited in height or depth), along the Pacific Highway boundary. In this regard, a plan identifying the building and structures demonstrating clearance from the land required for road widening must be submitted to Council and to the RMS.

Written approval / confirmation from the RMS must be obtained demonstrating compliance with this condition to the satisfaction of the RMS.
(Reasons: Ensure Compliance - Road Widening by RMS)

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

3. Section 94A Contributions

Prior to the issue of the Construction Certificate, a monetary contribution of \$921,447.57 (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 3% of the estimated development cost of \$30,714,919 at 28 January 2016 and the adopted Section 94A Contributions Plan.

To calculate the monetary 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 Public Works 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 Public Works 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).

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

Copies of the S94A Contributions Plan are available for inspection online at www.willoughby.nsw.gov.au
(Reason: Statutory requirement)

4. Damage Deposit

The applicant shall lodge a Damage Deposit of \$140,000 (GST Exempt) as cash, cheque or an unconditional bank guarantee, to Council against possible damage to Council's asset during the course of the building works. The deposit will be refundable subject to inspection by Council after the completion of all works relating to the proposed development. For the purpose of inspections carried out by Council Engineers, an inspection fee of \$264 (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)

5. Dedication of Land – Road Widening

The applicant is required to dedicate, at no cost to Council:

- a) A strip of land 4.0 metres wide along the full frontage of the property to Oliver Street.
- b) A strip of land 1.0 metres wide along the full frontage of the property to Freeman Avenue.
- c) Splay corners are to be provided at the intersection of Pacific Highway and Freeman Road and at the intersection of Pacific Highway and Oliver Street, for the purpose of road widening to the satisfaction of the relevant road authorities.

(Reasons: Required road widening)

6. 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)

7. Stormwater to Street Drainage via Reinforced Concrete Pipe (RCP)

Stormwater runoff from the site shall be collected and conveyed to the underground drainage system in Freeman Road via a 375 mm diameter RCP in accordance with Council's specifications. A grated drainage pit (min. 900mm x 900mm) shall be provided within the property and adjacent to the boundary prior to discharging to the proposed drainage system in Freeman Road and 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)

8. 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. The roof drainage system and drainage system from the development conveying runoff to the OSD facility shall be designed to cater for the 100 year ARI storm events. A spillway from the OSD tank shall discharge into a 900mm x 900mm drainage pit located within the property. 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)

9. 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 to comply with AS 3500 and Council's policies with a minimum storage capacity equivalent to the runoff volume generated from 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)

10. 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)

11. 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)

12. 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)

13. 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 fully comply with AS 2890.1 and 2890.2 and will not result in the scraping of the underside of cars/vehicles.

- b) That the proposed vehicular path and parking arrangements comply in full with AS2890.1 – 2004 in terms of minimum dimensions provided,
- c) All parking spaces for people with disabilities shall comply with Section 2.4 of AS2890.6.

(Reason: Ensure Compliance)

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

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

- a) Construction of full width concrete shared footpath (max. 2.5% crossfall) with line marking for the full frontage of the development site to Pacific Highway in accordance with Council's specifications and Standard Drawings. 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 metre intervals shall be provided.
- b) Construction of 1.5 metres wide footpath (max. 2.5% crossfall) and perambulator ramp for the full frontage of the development site in Freeman Avenue and Oliver Street in accordance with Council's specification and Standard Drawings SD105 and SD100. 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.
- c) Reconstruction of existing kerb and gutter for the full frontage of the development site in Freeman Road and Oliver Road including transitions, incorporating the required road widening as documented in the Voluntary Planning Agreement registered on the title of land in accordance with Council's specifications and Standard Drawing SD105. Detailed longitudinal and cross sections at 5 metre intervals shall be provided.
- d) Reconstruction of minimum half width road pavement and construction of sufficient width of road pavement to effect the road widening for the full frontage of the development site in Oliver Road and Freeman Road relating to the road widening as documented in the Voluntary Planning Agreement registered on the title of land in accordance with Council's specifications (AUS-SPEC). The applicant shall contact Council for standard design traffic for these pavements. Detailed longitudinal and cross sections at 5 metre intervals shall be provided. The plans shall include details for the relocation and adjustments to public utilities required with the road widening. Documentary evidence of the affected utility authorities' approval and conditions for the proposed relocation shall be submitted with the plans.
- e) Construction of vehicular crossings in Freeman Road in accordance with Council's specification and Standard Drawings SD105.
- f) Construction of Perambulator Ramps at all corners of the development site to Willoughby Councils Specification. Pram Ramps shall be designed in accordance with Council's standard drawing SD100.
- g) Construction of the proposed 375 mm diameter RC stormwater pipe system in Freeman Road with longitudinal section and details suitable for construction to Willoughby City Councils Specification.

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.

Design and documentation in relation to Points i) must be submitted to the Local Traffic Committee for approval prior to the issue of any Construction Certificate.

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)

15. Stormwater Drainage System in Freeman Road

Prior to the issue of any construction certificate, the Applicant shall submit for approval by Council as a road authority full engineering plans and details with specifications details suitable for construction for the stormwater drainage system proposed in Freeman Avenue. The plans shall be prepared by a qualified and experienced civil engineer. Approval must be obtained from Willoughby City Council as the road authority under the Roads Act 1993 for any proposed works in the public road prior to the issue of any Construction Certificate.

(Reason: Ensure compliance)

16. 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 finished access driveway gradients and transitions comply with AS 2890.1 and 2890.2 and will not result in the scraping of the underside of vehicles.
- c) That the as-constructed vehicular path and parking arrangements comply in full with AS2890.1 – 2004 in terms of minimum dimensions provided,
- d) All parking spaces including overhead clearances over the car spaces and vehicular paths for people with disabilities comply with Section 2.4 of AS2890.6.

(Reason: Ensure Compliance)

17. 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 prior to issue of the Construction Certificate and registered at the Department of Lands prior to issue of the Occupation Certificate.
(Reason: Compliance)

18. Material – Reflectivity

The external colour and finishes of the development shall be painted or treated to minimise the effects of glare to neighbouring properties. Details demonstrating compliance with this condition must be submitted with the construction certificate application for approval by the certifying authority.
(Reason: Amenity)

19. Redundant Vehicular Crossings – Pacific Highway

The redundant vehicular crossing on Pacific Highway shall be removed and replaced with kerb and gutter to match existing prior to the issue of any occupation certificate.

The design and construction of the kerb and gutter on Pacific Highway shall be in accordance with Roads and Maritime requirements. Details of these requirements should be obtained from Roads and Maritime Services, Manager Developer Works, Statewide Delivery, Parramatta (telephone 8849 2138).

Detailed design plans of the proposed kerb and gutter are to be submitted to Roads and Maritime for approval prior to the issue of a Construction Certificate and commencement of any road works.

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by Roads and Maritime Services.

(Reasons: RMS requirement)

20. RMS Excavation and Site support

Prior to the issue of a Construction Certificate, the developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime Services for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to the commencement of construction and is to meet the full cost of the assessment by Roads and Maritime Services.

The report and any enquiries should be forwarded to:

Project Engineer External Works
Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124

Telephone 8849 2114
Fax 8849 2766

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s

of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.
(Reason: RMS requirements)

21. RMS – Stormwater

Prior to the issue of a Construction Certificate, detailed design plans and hydraulic calculations of any changes to the Roads and Maritime Services' stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.

Details should be forwarded to:
The Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works. Ph: 8849 2114 or Fax: 8849 2766.

(Reason: RMS requirements)

22. Adaptable Units

Forty (4) adaptable residential units are to be provided by the development in accordance with the requirements of Part C.6 of the Willoughby Development Control Plan and as nominated on submitted *Development Data sheet prepared by Marchese Partners Issue 161107, supporting plans and letter prepared by marchese Partners dated 23.11.2016*. Each adaptable unit is to be nominated on the Construction Certificate drawings and is to be provided with a car space or a disabled car spaces where required under the Willoughby Development Control Plan Part C.6 – Access, Mobility and Adaptability.

(Reason: Access, Mobility and Adaptability)

23. Services - Installation of Kiosk Type Electricity Substation

Provision being made on the site for the installation of a "kiosk" - type electricity substation, in the event that Energy Australia are desirous of installing same, and any such "kiosk" is to be positioned in accordance with Energy Australia's requirements and to the satisfaction of Willoughby City Council. Should the installation of a "kiosk" be required, such is to be allowed for on the required landscape plan and is to be set back from the street frontage and screened by the provision of appropriate planting.

Details of compliance are to be shown on the Construction Certificate plans.

(Reason: Visual amenity)

24. Agreement to Transfer Affordable Housing Dwellings

The applicant must enter into a Deed with the Council providing for the transfer of title of the affordable housing dwellings identified as Unit B1.01, Unit B1.03 and Unit B2.02 (with a total gross floor area of 205m²) to the Council, free of charge. The Deed is to be generally in accordance with the Housing Transfer Deed template available at Council and is to be submitted to the Council and executed prior to the issue of the Construction Certificate.

The terms of this agreement must be to the satisfaction of the Council and must include a provision to the effect that the transfer of the dwellings is to be completed within two months of the registration of any subdivision of the development creating the areas to be dedicated and within 6 months of the issue of an Occupation Certificate. The applicant must agree to pay the Council's reasonable legal costs in satisfying itself that the agreement is appropriate, and a provision to this effect is to be included in the agreement.

The construction certificate plans should demonstrate that the physical requirements specified in the Housing Transfer Deed are satisfied.

(Reason: Ensure compliance)

25. Affordable Housing Fittings and Finishes

Prior to the issue of the Construction Certificate, the applicant is to submit to the Council details of all internal fittings and finishes of the affordable housing dwellings. The applicant is responsible for obtaining written confirmation from Council that it is satisfied that the internal fittings and finishes are at the same standard as other dwellings within the development.

(Reason: Amenity)

26. Affordable Housing Monetary Contribution

The applicant shall make a monetary contribution for the purpose of providing Affordable Housing that is calculated at 4% of the accountable total floor area of the development 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 published by Housing NSW or, if another document has been approved for that purpose by the Director – General, that document.

In this case, in addition to the affordable housing dwellings nominated, a monetary contribution for **24.44m²** of floor space is required.

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)

27. 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.

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

(Reason: Amenity, environmental compliance and health)

28. 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 TH737-01F02 by Renzo Tonin & Associates dated 23/11/2015.

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

(Reason: Amenity)

29. 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 National Construction Code:
 - i) AS1668.1, AS1668.2 and AS3666.1 as applicable; and/or
 - ii) Alternative solution using an appropriate assessment method

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 Certifying Authority prior to the issue of the Construction Certificate.

(Reason: Health and compliance)

30. Contamination Detailed investigation

A Stage 2 – 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 and the risks of the contaminants to health and the environment. The report shall be submitted to Certifying Authority and a copy to Council for its records for review and concurrence.

(Reason: Environment and health protection)

31. Contaminated Land – Remedial Action Plan

A Stage 3 – Remedial Action Plan (RAP) 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 RAP shall incorporate any findings in any Preliminary or Detailed Site Investigations for the site, it shall clearly state proposed cleanup objectives, and demonstrate how the site can be made suitable for the proposed use.

The RAP shall be submitted to Certifying Authority prior to the issue of the Construction Certificate and a copy to Council for its records for review and concurrence prior to commencement of any remedial action works or any excavation, demolition or other building works undertaken that are not associated with the preparation of the RAP.

(Reason: Environmental protection, public health and safety)

32. Hazardous Building Material Assessment

A hazardous building material assessment shall be undertaken by an appropriate qualified person and is to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate. 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)

33. Internal Noise Levels Commercial

To minimise noise intrusion from any external noise source on the commercial component of the development, the building shall be designed and constructed to comply with the requirements of Australian Standard AS2107-2000 – Acoustics – Recommended design sound levels and reverberation times for building interiors.

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

(Reason: Amenity, environmental compliance and health)

34. 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, environmental compliance and health)

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.

35. 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 Certifying Authority prior to commencement of work.

(Reason: Environment protection/waste reduction)

36. Building Site Hoarding

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

(Reason: Safety)

37. Site Management

A site Management Plan shall be submitted to and approved by the Certifying Authority prior to commencement of work. 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 Certifying Authority/Council officers upon request.

(Reason: Environment protection, public health and safety)

38. Project arborist

- i) A project Arborist with minimum qualification AQF Level 5 is to be appointed prior to commencement of works.
- ii) The Project Arborist is to oversee all tree protection measures as outlined in the Arboricultural Impact Assessment dated 18 November 2015 prepared by Redgum Horticultural

39. Garbage Compactor Vehicles

To ensure garbage compactor vehicles can service the premises entrances, exits, driveways, vehicle ramps, loading dock way and garages, shall be designed with the sufficient clearance height, manoeuvring space and suitable gradient. Clearance must take account of roller shutters, service ducts, pipe work etc. A statement prepared by a suitably qualified and experience traffic engineer together with section drawings and swept path detailing compliance with this condition must be submitted to the certifying authority prior to the issue of the relevant construction certificate.

(Reason: Ensure compliance)

40. Garbage Rooms

Garbage rooms must be large enough to store the generated waste from the approved development and allowance should be made for separation of putrescible waste from waste suitable for recycling. The garbage room is not to be smaller than 5000mm x 4000mm, have a 2400mm ceiling height, with a door entry width not less than 2200mm.

(Reason: Ensure compliance)

41. 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)

42. 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)

43. Application for Vehicle crossings

Submit an application with fees to Council for the construction of plain concrete vehicular crossings.

(Reason: Protection of public asset)

44. 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)

45. Adjustment to Street Lighting

Prior to commencement of work, consult with utility authorities to determine the requirements of relocation/adjustment of electricity supply and street lighting services fronting the property. Such street lighting shall also conform to Council's standard specifications.

(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.

46. 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)

47. 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)

48. 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)

49. Loading and Unloading During Construction

The following requirements apply:

- All loading and unloading associated with construction must be accommodated on site.
- The structural design of the building must permit the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.
- If, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- In addition to any approved Works Zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
- If a Works Zone is warranted an application must be made to Council prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need of the site for such facility at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- Application for a Works Zone must be submitted to Council a minimum 8 weeks prior to being required. Works application form is available on the City's Website.

(Reason: Public safety and amenity)

50. Hours of Work

All construction/demolition work relating to this Development Consent within the City, unless varied by an Out of Hours Work Permit, must be carried out only between the hours of 7 am to 5 pm Mondays to Fridays and 7 am to 12 noon on Saturdays. No work is permitted on Sundays or Public Holidays.

An application for an Out of Hours Work Permit to allow variation to these approved hours must be lodged with Council at least 48 hours prior to the proposed commencement of the work. The application must include a statement regarding the reasons for the variation sought, the type of work/s to be carried out, the additional time required, the anticipated impact upon the local amenity and how this will be minimized, and must be accompanied by the required fee. One (1) permit is required for each variation to the approved working hours within any 24 hour period.

If a variation to these approved hours for multiple or extended periods is sought, an application under Section 96 of the Environmental Planning and Assessment Act 1979 must be lodged with Council at least twenty-one (21) days in advance of the proposed changes to the hours of work. The application must include a statement regarding the reasons for the variation sought, the type of work/s to be carried out, the additional time required, the anticipated impact upon the local amenity and how this will be minimized, and be accompanied by the required fee. Note: This 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 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. All parts of the fence, including the fencing blocks shall be located wholly within the property boundaries.

The public safety provisions and temporary fences must be in place and be maintained throughout construction.
(Reason: Safety)

53. Provide Erosion and Sediment Control

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

54. Demolition Work AS 2601-2001

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

55. Asbestos Sign to be Erected

On sites involving demolition or alterations and additions to building where asbestos cement is being repaired, removed or disposed of a standard commercially manufactured sign not less than 400mm x 300mm containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" is to be erected in a prominent visible position on the site. The sign is to be erected prior to the commencement of works and is to remain in place until such time as all asbestos cement has been removed from the site to an approved waste facility.
(Reason: Public Health and safety/Ensure compliance)

56. Neighbour Notification of Asbestos Removal

The applicant/builder is to notify the adjoining residents five working days prior to demolition works involving removal of asbestos. Such notification is to be clearly written, giving the date work will commence, Work Cover NSW phone number 131 050, Councils phone number 9777 1000.

This notification is to be placed in the letterbox of every property (including every residential flat or unit) either side and immediately at the rear of the site.
(Reason: Public health)

57. 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 Commission 2012 (1994).

Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS 2601 – The Demolition of Structures.
(Reason: Public health and safety/Ensure compliance)

58. 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 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)

59. Survey Certificate

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

- a) Prior to the construction of footings or first completed floor slab (i.e. prior to pouring of concrete) showing the area of the land, building under construction and boundary setbacks;
- b) At each level indicating the level of that floor to Australian Height Datum;
- c) Upon completion of the roof framing, before the roofing is laid, indicating the ridge height to Australian Height Datum;
- d) At roof slab level indicating the level of that slab to Australian Height Datum;
- e) At completion indicating the relation of the building and any projections to the boundaries, and that the building has been erected to the levels approved in the Development Application.

(Reason: Ensure compliance)

60. Survey Certificate

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

- a) Prior to the construction of footings or first completed floor slab (i.e. prior to pouring of concrete) showing the area of the land, building under construction and boundary setbacks;
- b) At 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)

61. Temporary Toilet Facilities

Temporary toilet facilities shall be provided to the satisfaction of the 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)

62. Tree Protection

- i) Retain and protect the following trees and vegetation throughout the demolition and construction period: All trees indicated for retention in the Arboricultural Impact Assessment dated 18 November 2015 prepared by Redgum Horticultural
- 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 recommendations within the Arboricultural Impact Assessment dated 18 November 2015 prepared by Redgum Horticultural and AS 4970-2009 Protection of trees on development sites.

(Reason: Tree management)

63. Public Tree Protection

Unless identified by the development consent, no tree roots over 50mm diameter are to be damaged or cut and all structures are to be bridged over such roots.

Should any problems arise with regard to the existing or proposed trees on public land during the construction or bond period, the applicant is to immediately Contact Council's Open Space section and resolve the matter to Council's satisfaction.

(Reason: Tree management)

64. 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.

(Reason: Safety, environmental protection)

65. 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)

66. Hazardous Materials – Clearance Certificate

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

(Reason: Health and safety)

67. 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)

68. 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)

69. 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)

70. 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)

PRIOR TO OCCUPATION OF THE DEVELOPMENT

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

71. Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to the issue of a Final Occupation Certificate. 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 Certifying Authority.
(Reason: Ensure statutory compliance)

72. Street Number Display

The street number at least 100mm high shall be clearly displayed prior to the issue of any Occupation Certificate.
(Reason: Information)

73. Gates Adjoining Public Footways

Prior to the issue of any Occupation Certificate, any gate openings shall be constructed so that the gates, when hung will be fitted in such a manner that they will not open over the footway or public place.
(Reason: Ensure compliance)

74. Commercial – Shop Number Display

Prior to the issue of any Occupation Certificate, the shop number (with lettering at least 50mm in height) for each commercial tenancy being clearly displayed adjacent to the head of the entry door to the shop.
(Reason: Information)

75. BASIX Certificate

Prior to the issue of the relevant Occupation Certificate, a completion certificate is to be submitted to the Certifying Authority demonstrating the manner in which the measures committed to in the latest BASIX Certificate have been satisfied.
(Reason: Environmental sustainability)

76. 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)

77. Fire Safety Certificate Forwarded to NSW Fire and Rescue

Prior to the issue of the Final Occupation Certificate and upon completion of the building work, a Fire Safety Certificate shall be furnished by the owner to Council,

and the owner must cause a copy of the certificate (together with a copy of the current fire safety schedule) to be forwarded to the Commissioner of New South Wales Fire and Rescue, and must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building in accordance with Clause 172 of the Environmental Planning and Assessment Regulation 2000 in respect to each essential fire safety measure included in the Schedule attached to the Construction Certificate.

(Reason: Safety)

78. Marked Parking Bays

Prior to the issue of any Occupation Certificate, all parking bays and/or truck docks and the direction of traffic movement shall be permanently marked on the pavement surface in accordance with the approved parking and driveway layout to the satisfaction of the Certifying Authority. Where it is proposed that a building or site be used for multiple occupation, all parking bays being identified by corresponding consecutive numbers for residential units, visitors car spaces and commercial tenancies.

(Reason: Ensure compliance)

79. Registration of Plan of Consolidation

Prior to the issue of any Occupation Certificate, all individual allotments (with the exception of land/s required for road widening) involved in the development site shall be consolidated into a single allotment and evidence of the registration of the plan of consolidation to be submitted to Council.

All land required for road widening required by Council and by the RMS are to be as separate lots on the subdivision plan.

(Reason: Ensure compliance)

80. Safer by Design

Prior to the issue of any Occupation Certificate and 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 ceiling and vertical structures of the basement parking area shall be painted white (or equivalent) in order to ensure good visibility, surveillance and less reliance on artificial lighting lux levels.
- iii. 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.

- iv. The means to isolate the residential and commercial components of the building shall be incorporated into the development, including the security keying of lifts and doors and other measures for access control.
- v. 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.
- vi. Adequate signage within the development to identify facilities, entry/exit points and direct movement within the development.
- vii. A small portion of each storage area shall be of solid construction (i.e. Cupboard).

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

81. Services - Electricity Supply and Telecommunication Mains

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

(Reason: Compliance)

82. Services - Mailboxes

Prior to the issue of any Occupation Certificate, all mail boxes provided on site shall comply with the requirements of 'Australia Post' in terms of size, location, numbering and clearing. Details of the requirements can be obtained from Australia Post or from their web site. Letter boxes for adaptable dwellings shall comply with AS 4299 Cl 3.8.

(Reason: Legal)

83. Clothes to be Dried in the Open Air

Prior to the issue of any Occupation Certificate, where provision is made to enable clothes to be dried in the open air, this clothes drying area shall be screened by a fence or landscaping on the sides visible from the streets/public domain.

(Reason: Amenity)

84. Facilities

Prior to the issue of any Occupation Certificate, 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 residential 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)

85. Screening of Rooftop Plant/Structures

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

(Reason: Visual amenity)

86. Affordable Housing – Bank Guarantee

(Note: If a Section 96 is lodged to request the payment to be made by bank guarantee, the following condition is to be imposed on the Section 96):

The monetary contribution for affordable housing is to be paid prior to the issue of the Occupation Certificate or two years after the issue of the Construction Certificate, whichever comes first. A bank guarantee is to be lodged and this bank guarantee is to:

- Be issued by an Australian bank;
- Require the bank to pay the guaranteed amount unconditionally to Council where it so demands in writing, after which Council is able to grant the first Occupation Certificate or where no occupation certificate is required, the occupation of the development;
- Prohibit the bank from having recourse to the applicant or other person entitled to act upon the consent before paying the guaranteed amount;
- Provide that the bank's obligations will be discharged only when payment is made according to the terms of the bank guarantee, if the consent lapses, or, if Council notifies the bank in writing, that the bank guarantee is no longer required. The bank guarantee will otherwise have no date of termination;
- Require the bank to pay the guaranteed amount, notwithstanding any notice to the contrary by the applicant or other persons entitled to act upon the consent; and
- Provide that the maximum payable, if not paid in the same financial year as the development consent to which it relates, shall be indexed annually on March 1 on the basis of the Established House Price Index for Sydney for the preceding year (December to December- using arithmetic averages of the quarterly index numbers) as published by the Australian Bureau of Statistics (Cat. No. 6416.0).

(Reason: Ensure compliance)

87. Affordable Housing – Fittings and Finishes

Prior to the issue of any Occupation Certificate, the Certifying Authority must be satisfied that the affordable housing dwellings have the internal fittings and finishes at the same standard as the other dwellings within the development and in accordance with the schedule endorsed by Council.

Any costs associated with bringing the affordable housing dwellings to the standards required are to be borne by the applicant.

(Reason: Amenity)

88. Car spaces allocation

The approved car spaces must be allocated as follows:

- a) A total of 75 car spaces to be allocated to the residential component of the approved development. One car space is to be allocated for each residential unit/shop top housing unit.
- b) A total of 20 car spaces to be allocated to the commercial tenancies at a minimum one commercial car space be allocated per 110m² of commercial floor space (part thereof rounded down).
- c) A total of 18 car spaces must be allocated as residential visitor car spaces.

The allocation of car spaces in accordance with this development consent must be reflected in any subsequent subdivision of the approved development and associated building management plan or strata management plan. The car parking spaces must not be separate allotments, but part allotments in any strata subdivision of the approved development. All residential visitor car spaces must be held in common properties under any strata subdivision of the approved development.
(Reason: Car parking management)

89. Landscaping/ Fencing

Any landscaping and/or fencing at the site must not restrict sight distance to pedestrians and cyclist travelling along the footpath of Pacific Highway.
(Reasons: Safety/Sight Distance)

90. Public Tree Maintenance

Prior to the issue of any Occupation Certificate, the applicants arborist or landscape designer is to certify that:

- i All trees on public land have been adequately maintained, that there has been no net deterioration in health and condition, and that any remedial work complies with AS 4970-2009 "Protection of trees on development sites" and AS 4373 - 2007 "Pruning of Amenity Trees".
- ii All new and replacement public trees are of the required species, container size, planting locations, planting standards, and have been grown and supplied from a recognised nursery complying to NATSPEC 2 Guide, "Specifying Trees", 2003.

(Reason: Tree management, public asset management)

91. Tree Planting

Trees are to be planted in accordance with the following table:

| No. Required | Species | Location | Min Pot Size |
|--------------|--|-------------------------------|--------------|
| All trees | As indicated on the approved Landscape Plans | As indicated on the Landscape | 75 litre |

| | | | |
|---|----------------------------|-------------------------------|----------|
| | | Plan | |
| 5 | <i>Livistona australis</i> | Oliver Road landscape setback | 75 litre |

(Reason: Landscape Amenity)

92. Completion of Landscape Works

Prior to the issue of any Occupation Certificate, the approved landscape works shall be consistent with the approved design, completed to a professional standard, consistent with industry best practice and published standards.

(Reason: Landscape amenity)

93. Public Tree Planting

Plant the following trees on nature strip forward of the property:

- a) 2 x *Eucalyptus microcorys* on the Pacific Highway frontage road reserve

The trees shall:

- Have a minimum container size of 75 litres and grown to NATSPEC 2 "Guide Specifying Trees", (2003).
- Be planted in prepared soil area measuring a minimum of 3m x 1.5m and underplanted with *Dianella* sp. at 400mm centres.
- Be planted as indicated on the approved Landscape Plan and generally in alignment with other street trees.

- b) 2 x *Lagerstroemia indica* x *L. fauriei* 'Sioux' on the Freeman Road frontage road reserve

The trees shall:

- Have a minimum container size of 75 litres and grown to NATSPEC 2 "Guide Specifying Trees", (2003).
- Be planted clear of driveway sightlines and generally in alignment with other street trees.

- c) Any replacement trees as required by Council for trees removed consequential to the required road widening for the development.

(Reason: Landscape amenity, tree canopy recruitment)

94. Contamination/Remediation – Site Validation Report

Prior to the issue of any Occupation Certificate, a Stage 4 – Site Validation Report (SVR) shall be prepared by a suitably qualified contaminated land consultant and shall be in accordance with:

- Environment Protection Authority (EPA) 'Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites'; and
- State Environmental Planning Policy 55 (SEPP55) – Remediation of Land.

The site validation report shall provide a notice of completion of remediation works, whether there are any ongoing site management requirements and a clear statement on the suitability of the likely proposed site use. The report shall be submitted to the Certifying Authority and a copy to Council for its records for review and concurrence

after the completion of all remediation works.
(Reason: Environmental protection, public health and safety)

95. Sound Level Output Certification

The sound level output from the 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 Certifying Authority prior to issue of the Final Occupation Certificate.
(Reason: Amenity)

96. Acoustic Treatment – Certification

Prior to the issue of any Occupation Certificate, 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, environmental compliance and health)

97. Acoustic Works – Report

To ensure all acoustic work has been completed, certification shall be provided upon completion of the works, accompanied with evidence from suitably qualified and practising acoustic engineer, to the effect that the acoustic attenuation has been carried out in accordance with the acoustic report TH737-01F02 by Renzo Tonin & Associates dated 23/11/2015.
(Reason: Amenity)

98. Noise Emission – Equipment

Prior to the issue of any Occupation Certificate, certification shall be provided from a suitably qualified acoustic engineer certifying that the noise from all sound producing plant, equipment, machinery and/or mechanical ventilation system complies with the relevant noise criteria.
(Reason: Amenity, environmental compliance and health)

99. Certification – Ventilation

Prior to the issue of any Occupation Certificate, 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: Amenity, environmental compliance and health)

100. Waste & Recycling Room

Prior to the issue of any Occupation Certificate, the waste and recycling container room shall be constructed to comply with all the relevant provisions of Willoughby Development Control Plan and in particular :-

- a) The floor being graded and drained to an approved drainage outlet connected to the sewer and having a smooth, even surface, coved at all intersections with walls.

- b) The walls being cement rendered to a smooth, even surface and coved at all intersections.
- c) Cold water being provided in the room with the outlet located in a position so that it cannot be damaged and a hose fitted with a nozzle being connected to the outlet.
- d) An overhead type door being provided to the room having a clear opening of not less than 1.8m.
- e) A galvanised steel bump rail at least 50 mm clear of the wall being provided at the height of the most prominent part of the garbage containers.
- f) Mobile containers having a capacity no less than that described in the waste management plan submitted to Council with DA2016/18 and suitable for connection to the garbage collection vehicle being provided in the room. In addition suitable recycling containers must also be provided in the room.

(Reason: Health and amenity)

101. Registration of Dedication of Road Widening

Prior to the issue of a Final Occupation Certificate, submit documentary evidence to Council that the Plan of Dedication has been registered with the Land and Property Management Authority.

(Reason: Ensure Compliance)

102. State Survey Marks

Prior to the issue of a Final Occupation Certificate, the Applicant shall reinstate State/Permanent Survey Mark (SSM) on the Street to the specification of the Land and Property Management Authority. A copy of the Location Sketch Plan of PM/SSM including reduced level (AHD) shall be submitted by a registered Surveyor. The degree of horizontal and vertical accuracy shall be acceptable to the Land and Property Management Authority.

(Reason: Public amenity)

103. 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)

104. CCTV Report of Council Pipe System After Work

Prior to the issue of any Occupation Certificate, 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 Certifying Authority. (Reason: Ensure compliance and protection of public asset)

105. On-site Water Management System

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

106. Sign for OSD 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)

107. 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)

108. 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)

109. 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)

110. 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)

111. 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)

112. Splay Corner for Fence

In order to ensure adequate sight distances for pedestrians and traffic in the frontage road, any boundary fence shall be designed and constructed by a 2mx 2.5m splay on both sides of the driveway exit.
(Reason: Pedestrian safety)

113. Construction of Kerb & Gutter and Road Pavement

Construct new kerb and gutter together and road pavement of width as per the plans approved under the Roads Act xxx in accordance with Council's specification for the full frontage of the development site.
(Reason: Public amenity)

114. Construct / Reconstruct Pavement

Prior to the issue of any Occupation Certificate, a minimum of half the road pavements and sufficient widths of pavement to effect the required road widening including any necessary associated works adjoining to the full frontages of the development site to Freeman Road and Oliver Road shall be reconstructed in accordance with Council's approved drawings, conditions and specification (AUS-SPEC).
(Reason: Ensure compliance)

115. Concrete Footpath

Construct / reconstruct full width shared footpath with line marking for the full frontage of the development site in Pacific Highway and 1.5 metres wide concrete footpath in Oliver Road and Freeman Road for the full frontage of the development.
All works shall be carried out in accordance with Council's standard specifications and drawings.

(Reason: Public amenity)

116. Street lighting and Furniture

Provide approved street lighting and furniture in accordance with Willoughby City Council's street furniture manual and Australian Standard AS/NZ 1158.(2005).

(Reason: Public Amenity)

117. Vehicular Crossings

Construct new vehicular crossings 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 crossings including current fees and charges is to be submitted for approval by Council.

The crossings shall be of widths as required in AS 2890.1 and 2890.2 and shall be constructed at right angles to the street kerb in plain concrete. The new crossings shall be located no closer than 1 metre from any power pole and 2 metres from the existing street tree unless otherwise approved by Council. The centreline of the new crossing shall be "in-line" with the centreline of the internal driveways.

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 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)

118. 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)

119. 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)

120. Performance Bond

The Applicant shall lodge with the Council a performance bond of **\$70,000** against defective public civil works undertaken by the main Contractor for a period of twelve (12) months from the date of the completion certificate issued by Council as the road authority under the Roads Act 1993. The bond shall be lodged in the form of a cash

deposit, cheque or unconditional bank guarantee which will be refundable subject to the approval of Council's Engineers at the end of the maintenance period. In this period, the Applicant is liable for any part of the work which fails to achieve the design specifications. Council shall be given full authority to make use of the bond for such restoration works within the maintenance period as deemed necessary.
(Reason: Ensure compliance and specification)

121. General Easement/ROW Provision and Certification

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

122. Location of On-Site Detention System

The locations of the as-built on-site stormwater detention system(s) shall be shown on the final plan of subdivision/strata plan.
(Reason: Ensure compliance)

123. Documentary Evidence of Registered Positive Covenant and Restriction on the Use of Land

Prior to issue of the Subdivision Certificate, the following documentary evidence of the completed on-site detention (OSD) system shall be submitted to Council:-

- Title Deed of the as-built OSD systems. Alternatively, the applicant shall create a Positive Covenant and Restriction on the use of Land with this application.

(Reason: Public record)

124. Section 88B Instrument

A Section 88B Instrument is to be submitted with the Linen Plan for subdivision in respect to any proposed easements, rights-of-way and positive covenants.
(Reason: Ensure 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.

125. Road Occupancy Permit

A road occupancy license should be obtained from the Transport Management Centre for any works that may impact on traffic flows on Pacific Highway during construction activities.
(Reasons: RMS – Information)

126. No Construction Zone on Pacific Highway

Construction Zone will not be permitted on Pacific Highway.
(Reasons: RMS Requirement)

127. Separate Development Consent - Various

No approval is granted as part of this consent for the use and creation of commercial tenancies, or subdivision of the approved building or any signage.
(Reason: Ensure compliance)

128. Annual Fire Safety Statement

Attention is directed to Clause 177 of the Environmental Planning and Assessment Regulation 2000 regarding the submission of an Annual Fire Safety Statement in relation to each essential fire safety measure implemented in the building or on the land on which the building is situated.
(Reason: Safety)

129. Security Controlled Car Parking

Should any security controlled car parking arrangement be introduced for the residential visitor, commercial car spaces, an intercom or similar system is to be used to enable free access and parking for the tenants/visitors.
(Reason: Amenity)

130. Motor Cycle Parking

One motorcycle parking space per 25 car parking spaces or part thereof must be provided for motor cycle parking. These spaces are to have an area of 1.2 metres x 3 metres.
(Reason: Amenity)

131. Cycle Racks

Eighteen (18) Bicycle lockers for the use of residents/visitors to the premises must be provided. Where more than three bicycle lockers are provided for commercial/industrial/ retail/ restaurant uses, showers and change facilities must be provided.
(Reason: Amenity)

132. Visitor Car Parking Bays

Any visitor parking bays required in accordance with Willoughby Development Control Plan Part C.4, are to be grouped together and physically identified by suitable signs and/or pavement and being permanently accessible and reserved for the exclusive use of visitors to the building. The management of the car spaces in accordance with the conditions of this consent must be reflected in any Building Management Plan and strata management plan for the development.
(Reason: Ensure compliance)

133. Visitor and Commercial Car Parking Spaces

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

To maximise the efficiency of commercial car parking spaces outside normal business hours, meaning 9am-5pm weekdays, and 9am – 4pm weekends are to be made available for use by all visitors to the building including residential visitors.

The approved commercial car spaces must be made freely available to all visitors to the commercial premises during trading hours of the commercial tenancies unless otherwise in use by a staff member of the commercial tenancies.

The use of visitors and commercial car spaces must be reflected in by-law of the strata management plan or building management plan for the approved development.

(Reason: parking management)

134. 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 Freeman Road, Pacific Highway or Oliver Road or from any appurtenant right of way.

(Reason: Access and amenity)

135. Illumination of Building or Car Park

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

(Reason: Amenity)

136. 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)

137. 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)

138. Waste Materials

No waste materials are to be stored outside the approved waste storage area at any time. The garbage receptacles are not to be used for the disposal of any type of liquid waste.

(Reason: Health and amenity)

139. Refuse Collection Point

A suitable refuse collection point, adjacent to the garbage room(s), must be provided within the building envelope. The loading operation, including the movement of garbage receptacle must take place on a level surface away from gradients and vehicle ramps. No waste/recycling is to be placed on the public footpaths, roadways, plazas, reserves or building colonnade areas, at any time. All garbage receptacles must be returned to the garbage storage area within the property after the bins are serviced.

(Reason: Health and amenity)

140. 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)

141. 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)

142. Adjustment to Electricity

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

(Reason: Public amenity – C.11 of WDCP)

143. 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)

PRESCRIBED CONDITIONS

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

144. Compliance with National Construction Code

All building works must be carried out in accordance with the performance requirements of the National Construction Code.
(Reason: Compliance)

STATUTORY REQUIREMENTS

The following advisory notes are statutory requirements of the Environmental Planning & Assessment Act and the Environmental Planning & Assessment Regulations and are provided to assist applicants

145. 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)

146. 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 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)

147. 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)