

ATTACHMENT 1 – SCHEDULE OF CONDITIONS

SCHEDULE 1 DEFERRED COMMENCEMENT CONDITIONS

In accordance with Section 4.16(3) (previously S80(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. The Applicant shall prepare and provide to Sydney Trains for approval/certification the following final version items:

1. Structural report/drawings that meet Sydney Trains requirements.
2. Construction methodology including construction details pertaining to structural support during any ground penetration or excavation. The Applicant is to be aware that Sydney Trains will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.
3. Cross sectional drawings showing the rail corridor, sub soil profile, proposed supporting ground anchors and structural design of sub ground support. All measurements are to be verified by a Registered Surveyor.
4. Detailed Survey Plan showing the relationship of the proposed development with respect to Sydney Trains easements and rail corridor land.

A letter from Sydney Trains states the above points 1 to 4 shall be compiled, together with any conditions, documentations and drawings issued as part of Sydney Trains approval/certification and be submitted to Willoughby Council and shall form part of the consent conditions that the Applicant is required to comply with.

(Reason: Statutory)

SCHEDULE 2

CONDITIONS OF CONSENT

Development Application 2017/157 as follows:

CONSENT IDENTIFICATION

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

1. Approved Plan/Details

The development must be in accordance with the following plans:

Type	Plan No.	Revision / Issue No	Plan Date (Amended)	Prepared by
Architectural – Site Location Plan	DA-001	3	02/03/2018	Fitzpatrick + Partners
Architectural – Site Analysis Sheet 01 Council DCP	DA-002	3	02/03/2018	Fitzpatrick + Partners
Architectural – Site Analysis Sheet 02	DA-003	3	02/03/2018	Fitzpatrick + Partners
Architectural – Site Analysis Sheet 03 Existing Conditions	DA-004	3	02/03/2018	Fitzpatrick + Partners
Architectural – Demolition Plans	DA-009	3	02/03/2018	Fitzpatrick + Partners
Architectural – Master Plan Proposed	DA-010	3	02/03/2018	Fitzpatrick + Partners
Architectural – Basement 02 Plan	DA-011	3	02/03/2018	Fitzpatrick + Partners
Architectural – Basement 01 Plan	DA-012	3	02/03/2018	Fitzpatrick + Partners
Architectural – Ground Plan at Albert Avenue	DA-013	3	02/03/2018	Fitzpatrick + Partners
Architectural – Upper Ground Plan at Entry Lobby	DA-014	3	02/03/2018	Fitzpatrick + Partners
Architectural – Mezzanine Plant	DA-015	3	02/03/2018	Fitzpatrick + Partners
Architectural – Level 01-11 Typical Office Floor Plan	DA-016	3	02/03/2018	Fitzpatrick + Partners
Architectural – Level 12 Floor Plan	DA-017	3	02/03/2018	Fitzpatrick + Partners
Architectural – Level 13 Floor Plan	DA-018	3	02/03/2018	Fitzpatrick + Partners
Architectural – Level 14 Floor Plan	DA-019	3	02/03/2018	Fitzpatrick + Partners
Architectural – Level 15 Floor Plan	DA-020	3	02/03/2018	Fitzpatrick + Partners
Architectural – 16 Plant	DA-021	3	02/03/2018	Fitzpatrick + Partners
Architectural – Roof Plan	DA-022	3	02/03/2018	Fitzpatrick + Partners
Architectural – Section Sheet 01	DA-023	3	02/03/2018	Fitzpatrick + Partners
Architectural – Elevation Sheet 01	DA-024	3	02/03/2018	Fitzpatrick + Partners
Architectural – Elevation Sheet 02	DA-025	3	02/03/2018	Fitzpatrick + Partners
Architectural – Area Schedule	DA-027	3	02/03/2018	Fitzpatrick + Partners
Architectural – Master Selection Sheet 01	DA-031	2	02/03/2018	Fitzpatrick + Partners
Architectural – Existing Bridge Structure Junction	RFI-025	3	05/04/2018	Fitzpatrick + Partners

Type	Plan No.	Revision / Issue No	Plan Date (Amended)	Prepared by
Architectural – Existing Bridge Sections	RFI-026	2	05/04/2018	Fitzpatrick + Partners
Architectural – Existing Bridge Reference	RFI-027	2	05/04/2018	Fitzpatrick + Partners
Landscape Plan – Master Plan	DA-1704-01	B	08/05/2017	Stuart Noble Associates
Landscape Plan	DA-1704-02	B	08/05/2017	Stuart Noble Associates
Landscape Plan	DA-1704-03	B	08/05/2017	Stuart Noble Associates
Landscape Plan – Section	DA-1704-04	B	08/05/2017	Stuart Noble Associates
Stormwater Services – Site Plan	H02 [P3]	3	13/12/2017	AJ Whipps Consulting Group
Stormwater Services	H03[P3]	3	13/12/2017	AJ Whipps Consulting Group
Stormwater Services	H04 [P3]	3	13/12/2017	AJ Whipps Consulting Group
Stormwater Services – Detail Sheet 2	H14 [P3]	3	13/12/2017	AJ Whipps Consulting Group

The application form and any other supporting documentation submitted as part of the application and as amended to satisfy SCHEDULE 1 Conditions, except for:

- a) Any modifications which are “Exempt Development” as defined under S1.6 of the Environmental Planning and Assessment Act 1979 (previously S76(2));
- 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. Submit the following Information to Willoughby City Council

Prior to the lodgement of an application for a construction certificate, the applicant shall submit documentation satisfying the following requirements to Willoughby City Council for approval.

A. Car parking

A total of 131 car parking spaces are to be provided for the exclusive use by tenants of the commercial developments on the site.

Details of the agreement between the lease holder, CorVal, and sub-lease holder, Secure Parking, shall be provided to ensure that the required number of car parking spaces can be provided to comply with the WDCP, as per above.

B. Treatment of excluded stratum lot

Details of acceptable treatment to the areas adjacent to Lot 105 DP 1094273 (existing pedestrian bridge) shall be provided, including proposed landscaping treatment and paving.

The change of level from the pedestrian bridge link to the site shall be addressed to ensure demonstrated compliance with BCA, DDA and relevant accessibility standards.

C. Wind assessment

Details of acceptable wind impacts and wind velocity changes across the Garden of Remembrance shall be provided to ensure that the amenity post construction of the Garden is retained.

D. Accessibility

The proposed accessible path of travel from the north of the site (Willoughby Council office building / Sebel building and Woolworths building) to the podium level of the proposed new building shall be clearly defined on a scalable plan and demonstrated to comply with BCA, DDA and relevant accessibility standards. In addition, the plans shall demonstrate compliance with the recommendations provided in the Access Review report dated 9 May 2017 and prepared by Morris Goding Accessibility Consulting (MGAC).

E. Consolidation of stairs

The stairs at the podium level of the proposed new building shall be consolidated and rationalised wherever possible to reduce the number of level changes from the southern corner to the northern corner of the site. In particular, the level change in front of the existing entry to the 'Sage' building should be consolidated (between RL 98.98 and RL99.67).

F. Vehicle circulation and access

The arrangement of the subject site's ground level vehicle circulation and loading (including Orchard Road) should be constructed in such a way so that future ground level access to adjacent sites for loading is not precluded.

Written documentation confirming approval by Willoughby City Council of the above shall be submitted to the Certifying Authority for the application of a Construction Certificate.
(Reason: Public amenity, Ensure compliance)

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

3. Section 94A Contributions

Prior to the issue of the Construction Certificate, a monetary contribution of **\$1,708,778** (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 **\$56,959,275** at 9 May 2017 and the adopted Chatswood Central Business District Section 94A Development Contributions Plan 2011.

To calculate the monetary contribution that is payable, the proposed cost of development is to be indexed to reflect quarterly variations in the Consumer Price Index, All Groups, Sydney, as published by the Australian Bureau of Statistics (ABS) 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.

$$\text{IDC} = \text{ODC} \times \text{CP2/CP1}$$

Where:

IDC = the indexed development contribution payable

ODC = the original development contribution determined by the Council as a percentage of the cost as set down in this contributions plan

CP2 = the quarterly Consumer Price Index, All Groups, Sydney, as published by the Australian Bureau of Statistics (ABS) immediately prior to the date of payment

CP1 = the quarterly Consumer Price Index, All Groups, Sydney as published by the ABS immediately prior to the date of imposition of the condition requiring payment of the contribution.

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. Sydney Trains

Prior to the issue of a Construction Certificate, the following actions and amendments are required by Sydney Trains:

- a) The Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
- b) The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of Sydney Trains. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- c) If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan in relation to any potential risk to, or from, the rail corridor and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- d) Copies of any certificates, drawings, approvals/certification or documents endorsed by, given to or issued by Sydney Trains must be submitted to Council for its records prior to the issuing of a Construction Certificate.
- e) If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Engineering Management Interfaces to determine the need for public liability insurance cover. If insurance cover is deemed necessary this insurance be for sum as determined by Sydney Trains and shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The Applicant is to contact Sydney Trains Engineering Management Interfaces to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.
- f) If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Engineering Management Interfaces to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.
- g) Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.

Sydney Trains or Transport for NSW (TfNSW), and persons authorised by those entities for the purpose of this condition, are entitled to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and these conditions of consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.

Any conditions issued as part of Sydney Trains approval/certification of any documentation for compliance with the Sydney Trains conditions of consent, those approval certification conditions will also form part of the consent conditions. The amendments resulting from the implementation of this condition are required to be shown on the Construction Certificate plans. Copies of any certificates, drawings, approvals/certification or documents endorsed by, given to or issued by Sydney Trains must be submitted to Council for its

records prior to the issuing of a Construction Certificate.

The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

(Reason: Ensure compliance)

5. Additional Details and/or Information for Construction Certificate

Prior to the issue of the Construction Certificate, any requirements outlined by conditions of this consent requiring changes to be noted on plans and/or information to be submitted including compliance with the National Construction Code are to be incorporated within the Construction Certificate plans and/or documentation.

(Reason: Ensure compliance)

6. Easements and right of ways

A registered surveyor is to certify prior to any Construction Certificate the extent the drainage lines, services or rights-of carriageway will be affected by the development. All owners and beneficiaries of existing drainage easements, service easements and/or rights-of carriageway present on the subject site must provide consent in writing.

The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from all affected interested parties.

(Reason: Ensure compliance)

7. Amendments – landscaping adjacent to pedestrian bridge

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

- a) In order to preserve pedestrian amenity in the event the existing eastern wall of the pedestrian bridge (adjacent to the proposed new building lobby) is removed in the future, the proposed landscaping between the existing pedestrian bridge and the proposed building (as shown at Section 1, Drawing no. RFI-026, dated 05/04/18) shall have the soil level provided to a level that is equal to or above the existing pedestrian bridge.
- b) In order to allow a line of sight from existing pedestrian bridge to the Garden of Remembrance, the proposed terraced landscaping to the west of the existing pedestrian bridge (as shown at Section 1, Drawing no. RFI-026, dated 05/04/18) shall be lowered to a maximum height of RL 102.250.

Details of these amendments are required to be submitted to the Principal Certifying Authority for approval and incorporated into the Construction Certificate plans.

(Reason: Public Amenity)

8. Sydney Water ‘Tap In’

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

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

(Reason: Ensure compliance)

9. Damage Deposit

Prior to the issue of the Construction Certificate, the applicant shall lodge a Damage Deposit of **\$180,000** (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 **\$200** (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)

10. Temporary Ground Anchors

Prior to the issue of any Occupation Certificate, all damages to Council's / public infrastructure due to the works associated with any 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: Encroachment of works)

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

Stormwater runoff from the site shall be collected and conveyed via an OSD system to the underground drainage system in Albert Avenue 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 drainage system. In this regard, full design and construction details showing the method of disposal of surface and roof water from the site are to be submitted to Council for approval.

(Reason: Prevent nuisance flooding)

12. Analysis of Stormwater Outlet Condition

The capacity of the existing stormwater drainage system at the proposed connection of the outlet to the Albert Avenue stormwater system shall be hydraulically evaluated using the Hydraulic Grade Line method to ensure that no stormwater will be able to surcharge from Council's system to the proposed drainage system. Full engineering details of the hydraulic evaluations prepared and signed by a practising Civil Engineer shall be submitted with the detailed stormwater management plans.

(Reason: Maintain design stormwater discharge)

13. Detailed Stormwater Management Plan (SWMP)

Submit for approval by the 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 and be in accordance with Drawing Nos. H01, H02, H05 – H14, Revision P3, dated 13/12/2017, prepared by AJ Whipps Consulting Group. All drawings shall comply with Part C.5 of Council's Development Control Plan and Technical Standards, AS3500.3 – Plumbing and Drainage Code and National Construction Code. The detailed stormwater management plans shall in particular provide the following:

- 1) The on-site detention (OSD) system must be provided to cover all the impervious areas from the development. The OSD system must be designed to capture and detain runoff from all impervious areas under development including the building and podium areas. Runoff for all storm events in accordance with the minor/major design principles shall be directed to the OSD tank(s). The OSD system shall be located in a common area and be readily visible and accessible for maintenance.
- 2) Storage volume and the Permissible Site Discharge rates (PSD) shall be calculated from Table 1 and Table 2 of Council's Technical Standard No.1 – On-Site Detention.
- 3) Demonstrate that the all impervious areas from the development including the building and podium areas drain through the detention tank(s) through pipe flows and surface flow path routes up to the 100 year ARI storm events in accordance with the minor/major design principles.
- 4) The OSD tank shall be located in a common area. Freeboard to floor levels adjacent to the OSD storage and the spillway shall be observed.
- 5) The OSD tanks must be readily accessible for maintenance purposes, with the access pit as near to the outlet as possible. All below ground OSD tanks are to have an additional access grate diagonally opposite the outlet for ventilation purposes. The minimum size of any access grate is to be 600mm x 900mm. Attention is drawn to the provisions of AS 2865-“Safe Working in Confined Spaces”.
- 6) Step irons are required at the outlet access grate of below ground storage tanks with a depth of 900mm or greater.
- 7) OSD storage outlet discharge of 20 l/s or more shall be connected directly to Council's underground drainage system or an extension of the system.
- 8) The below ground tanks and pits are required to drain completely dry at the cessation of any storm and therefore do not require sediment traps at the outlet point.

- 9) Minimum of two (2) sections / elevations showing the OSD structure including invert, finished surface levels and top water level, the trash rack, step irons if deeper than 0.9m and orifice plates. All levels shall be to AHD.
- 10) The orifice of the OSD system shall be set at least 200mm above the 100 year ARI water surface level at the point of connection to Council's system. Otherwise, a full Hydraulic Grade Line (HGL) analysis shall be carried out.
- 11) Details of an overflow spillway with an overland flow path. Calculations are required demonstrating that the overflow elements can cope with the uncontrolled 100 year ARI storm event.
- 12) The minimum diameter of any orifice shall be 65mm. Where the calculated orifice is less than 65mm, the OSD system shall be redesigned by reducing the water depths in the storage facility.
- 13) Details of a hot dipped galvanised debris mesh screen made of Lysaght's Maximesh RH3030 or similarly approved product shall be provided at the outlet discharge control to protect against blockage.
- 14) Freeboard from the top water level and spillway level as per Council's policy.

Details of the proposed stormwater connection including reduced levels of the invert and top of the existing stormwater pipe at the point of connection, 100 year water surface levels etc.

(Reason: Ensure compliance)

14. Design of Civil 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 including longitudinal sections and cross sections at 5 metre intervals and specifications prepared by a suitably qualified and experienced civil engineer for the following infrastructure works:

- Reconstruction of full width footpath with approved pebblecrete pavers (max. 2.5% crossfall) for the full frontage of the development site in Albert Avenue. Detailed long section and cross section at 5 metres interval shall be provided.
- Construction of kerb and gutter for the full frontage of the development site in Albert Avenue.
- Reconstruction of the vehicular access driveway within the road reserve to Council specifications.
- Construction of half width road pavement and any associated works for the full frontage of the development site in Albert Avenue.
- Construction of the Reinforced Concrete stormwater pipe system connecting to the Council's stormwater system in Albert Avenue and associated works with details suitable for construction to Willoughby City Council's Specification.
- The required plans must be designed in accordance with Council's specifications (AUS-SPEC). A minimum of two (2) weeks will be required for Council to assess the Roads Act submissions. Early submission is recommended to avoid delays in obtaining a Construction Certificate. For the purpose of inspections carried out by Council Engineers, the corresponding fees set out in Council's current Fees and Charges Schedule are payable to Council prior to issue of the approved plans. Approval must be obtained from Willoughby City Council as the road authority under the Roads Act 1993 for any proposed works in the public road prior to the issue of any Construction Certificate

(Reason: Ensure compliance)

15. Vehicle Access and Manoeuvring – 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:

- 1) 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.
- 2) Demonstrate that swept paths including clearances of the simultaneous movements of the B99 and B85 vehicles at ramps and at ramp ends are available and clear of any adjacent obstructions. The clearance lines required in AS 2890.1 shall also be observed.
- 3) Dimensioned ramp widths, radius and typical car space widths are included in the certified plans.
- 4) 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.

- 5) That the proposed vehicular paths and parking arrangements comply with AS2890.1 and 2890.2 in terms of minimum dimensions provided,
- 6) All parking spaces for people with disabilities comply with Section 2.4 of AS2890.6.
- 7) That finished driveway gradients and transitions will not result in the scraping of the underside of cars.
(Reason: Ensure Compliance)

16. 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)

17. 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)

18. 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)

19. Fire Safety Schedule

Submission of the anticipated schedule of current and proposed fire safety measures to be implemented in the building, such fire safety schedule shall specify the minimum standard of performance for each fire safety measure.

(Reason: Ensure compliance)

20. Fire Egress

A full 6 metre fire egress, or two pathways of 3 metres each as split, being maintained throughout the construction and operation of the site, is to be detailed prior to issue of the Construction Certificate.

(Reason: Ensure compliance)

21. Additional Details and/or Information for Construction Certificate

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

(Reason: Ensure compliance)

22. Structural Engineer's Report

A detailed Structural Engineer's report shall be submitted to the accredited certifier prior to the issue

of the Construction Certificate separately qualifying the structural stability of, and the means of supporting the structure during construction. This report shall reference all components to be retained and/or altered, having regard to the overall development proposed.

(Reason: Ensure compliance)

23. Construction Management Plan (CMP)

Prior to the issue of the Construction Certificate, submit, for approval by the 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; and
- f) Tree protection management measures for all protected and retained trees.

(Reason: Ensure compliance)

24. Traffic Management Plan

Prior to issue of the Construction Certificate, a detailed Construction Traffic Management Plan shall be prepared for pedestrian and traffic management and be submitted to Council for approval. The plan shall:

- a) Be prepared by a RMS accredited consultant
- b) Be in accordance with the current version of AS1742.3 and its associated handbook, and the RMS's Traffic Control at Worksites Manual.
- c) 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.
- d) 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.
- e) Confine temporary road closures to weekends and off-peak hour times and shall be the subject of approval from 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.
- f) All traffic management plans are to be audited by an accredited auditor prior to implementation. The road safety audit report should be submitted to Council for review and approval.

(Reason: Public safety and amenity)

25. Traffic Work

Prior to issue of the Construction Certificate, any proposals for changes to the carriageway of a public road including shared paths, involving traffic arrangements shall be referred to the Local Traffic Committee for approval. All work shall be designed in accordance with RMS Technical Directives and Guidelines.

(Reason: Public safety and amenity)

26. 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.

Technical details to this extent shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

(Reason: Vehicular access)

27. Details of Traffic Movements

Prior to the issue of the Construction Certificate, the applicant shall submit, for approval by the Local Traffic Committee, detailed of traffic movements and swept paths for all truck movements at the building entry/exit ramps. The construction drawings and specifications (including signing and pavement markings), shall be in accordance with the Australian Standard and Roads and Maritimes Services Guidelines. A road safety audit and corrective actions be carried out for the building entry and exit ramps to maximise accessibility whilst prioritising safety for all road users (motorists; trucks; cyclists; and pedestrians).

(Reason: Ensure compliance and Maintain public safety)

28. Construction Staging

Minimal impacts are to be demonstrated on the function of easements through the Preliminary Construction Management Plan. This is to include a staging plan to ensure through-site access and easement access requirements are maintained to the Sebel Hotel, the 'Sage' building, the Chatswood Railway Interchange.

(Reason: Ensure compliance)

29. 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 by Acoustic Logic – Environmental Noise & Vibration Impact Assessment, report no. 20161789.1/0805A/R2/GC dated 8/5/2017.

Details of the proposed acoustic treatment shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

(Reason: Amenity, environmental compliance and health)

30. Plant rooms

The acoustic treatments to the plant rooms shall be determined to meet the required standards set out in the Environmental Noise Assessment prepared by Day Design Consulting Acoustical Engineers (6184-1.1R Rev B) dated 11/05/2017 prior to Construction Certificate to ensure acoustic amenity to adjacent residential buildings.

(Reason: Amenity)

31. Ausgrid

- a) Ausgrid chamber substation S.6668 and associated electricity cables are located at the ground level within the proposed development site. The development shall comply with the requirements of Network Standard NS113 Site Selection and Construction Design Requirements for Chamber Substation (available at www.ausgrid.com.au).
- b) Ausgrid require unimpeded access to the substation and its cables, 24 hours per day, 7 days per week. This access is to be kept clear at all times including the duration of the proposed construction works, so that work trucks can access the substation and cables, cable routes are clear for excavation for repair work, all substation doors are fully open-able and not blocked off by construction fencing / hoarding, construction materials or any other items. Following the completion of construction, the area around the substation and the cable routes shall remain clear on a permanent and ongoing basis and is not to be subject to vegetation plantings, fencing installations around the assets, or the placement of any other obstructions, without the written approval of Ausgrid.
- c) Ausgrid have underground cables at the 67 Albert Avenue frontage of the development. The same access requirements stated above also apply to these cables.
- d) The finished surface levels over existing underground cables within 67 Albert Avenue, and at the Albert Avenue frontage, must not be altered without permission from Ausgrid.
- e) All proposed excavation works in proximity to the existing electricity supply cables, and to the substation must be in accordance with Ausgrid's Network Standard NS156 Working Near or Around Underground Cables.

- f) Given the scale of the proposed development, there will be significant increase in electricity demand at 67 Albert Avenue. The developer should not assume there will be electricity available to meet this demand increase. The developer is advised to submit a Connection Application for the development as soon as their maximum demand has been determined.

(Reason: Protection of assets)

32. Tree Management Plan

- i. Submit to the Certifying Authority a Tree Management Plan.
- ii. The Plan shall address tree protection and management on the site, and must comply with the requirements detailed in AS 4970-2009 Protection of trees on development sites, with particular reference to Chapter 4 – Tree Protection Measures.

(Reason: Tree protection)

PRIOR TO COMMENCEMENT

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

33. Sydney Trains – Certification Required

Prior to the commencement of works, the Applicant shall provide certification from a qualified Geotechnical and Structural Engineers stating that the proposed works are to have no negative impact on the rail corridor and associated rail infrastructure.

(Reason: Protection of assets)

34. Sydney Trains – Dilapidation

If required by Sydney Trains, prior to the commencement of works, prior to the issue of the Occupation Certificate, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.

(Reason: Protection of assets)

35. 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 Certifying Authority prior to commencement of work.

(Reason: Protection of Council's infrastructure)

36. Dilapidation Report of Adjoining Properties

Prior to commencement of work, submit a photographic survey and report of the immediate adjoining properties to the Certifying Authority and all owners of these adjoining properties. The photographic survey and report should include (but not limited to) the existing building on 67 Albert Avenue, easements that cross the site and immediately adjacent to the site, the Garden of Remembrance, 65 Albert Avenue, 37 Victor Street, 436 Victoria Avenue and any adjoining Interchange assets. Such photographic survey and report shall be prepared by a suitably qualified person, detailing the physical condition of these properties, both internal and external including items as walls, ceilings, roof, structural members and other items as necessary.

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

(Reason: Protection of adjoining owners)

37. Dilapidation Report of Public Open Space

Submit a dilapidation report including photographic record of the Public Open Space adjoining the development, detailing the physical condition of items such as, but not exclusively to trees, grass and garden beds and physical improvements such as paths, furniture and memorials.

The applicant may be held liable to any damage to public infrastructures 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 Certifying Authority prior to commencement of works.

(Reason: Protection of Council's infrastructure)

38. Geotechnical Report

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

(Reason: Protection of adjoining properties)

39. 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)

40. Garbage Compactor Vehicles

In order that garbage compactor vehicles can service the premises entrances, exits, driveways, vehicle ramps, loading dock way and garages, shall be designed with the following minimum dimensions:

- a) 3700mm width, 3600mm clear height;
- b) 10500mm radius turning circle;
- c) ramp gradients should be 1 in 15 m for the first 4 m from street or colonnade alignment then 1 in 8 or 1 in 6 with a transition of 1 in 12 for 4 m at the lower end.

Note: Clearance must take account of roller shutters, service ducts, pipe work etc.

(Reason: Ensure compliance)

41. Licensee Details

The name, address and contractor licence number of the licensee who has contracted to carry out the work shall be furnished in writing to the Certifying Authority prior to commencement of work. N.B. Should changes be made for the carrying out of the work the Certifying Authority must be immediately informed.

(Reason: Information)

42. 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)

43. 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)

44. Ventilation Plans and Details

Plans and specifications of mechanical ventilation, air conditioning systems and any associated pollution control equipment are to be prepared in accordance with current standards and submitted for approval by the Principal Certifying Authority.

(Reason: Ensure compliance)

45. 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 RMS. A separate written application to work outside normal hours must be submitted for approval. It should also be noted that, in some cases, the above Permits may be refused and temporary road closures required instead which may lead to longer delays due to statutory advertisement requirements.
- c) Permit to open public roads, including footpaths, nature strip, vehicular crossing or for any purpose whatsoever. All applications are to include current fees.
- d) Permit to place skip/waste bin on footpath and/or nature strip. (Maximum three (3) days).
- e) Permit to work and/or place building materials on footpath and/or nature strip (Maximum two (2) weeks).
- f) Permit to establish Works Zone on Public Roads adjacent to the Development including use of footpath area. Applications must be received by Council at least twenty-one days prior to the zone

being required. The application will then be referred to the Council's Local Traffic Committee for approval, which may include special conditions.

- g) Permit to construct vehicular crossings over Council's footpath, road or nature strip.

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

(Reason: Legal requirements)

46. Application for Reconstruction of Vehicle Access Driveway

Submit an application with fees to Council for the reconstruction of a vehicle crossing driveway.

(Reason: Protection of Public Assets)

47. 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)

48. Removal of Trees

Removal of approved trees is to be undertaken by a qualified Arborist (Minimum qualification AQF Level 3) with suitable public liability insurance.

(Reason: Tree management)

49. Garbage Rooms

Garbage rooms must be large enough to store the generated waste from the proposed uses 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)

50. Spoil Route Plan

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

(Reason: Public amenity)

DURING DEMOLITION, EXCAVATION AND CONSTRUCTION

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

51. Sydney Trains

Unless advised by Sydney Trains in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects.

No rock anchors/bolts are to be installed into Sydney Trains property or easements.

During all stages of the development, environmental legislation and regulations will be complied with.

During all stages of the development extreme care shall be taken to prevent environmental harm within the railway corridor. Any form of environmental harm to areas within the railway corridor or legislative non-compliance that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.

During all stages of the development, extreme care shall be taken to prevent any form of pollution entering the railway corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.

The developer shall make provision for easy and ongoing access by rail vehicles, plant and equipment to support maintenance and emergency activities.

No scaffolding or hoarding is to be used facing the rail corridor unless prior written approval has been obtained from Sydney Trains. To obtain approval the proponent will be required to submit details of the scaffolding and hoarding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor. Unless agreed to by Sydney Trains in writing, scaffolding shall not be erected without isolation and protection panels.

52. 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 7am to 5pm Mondays to Fridays and 7am to 12noon 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)

53. Heritage – Garden of Remembrance

Should any portion of the existing original garden memorials or pathways be damaged by the proposed works, all works on-site are to cease and written notification given to Council. No work is to resume until the consent to continue the works is obtained in writing from Council.

(Reason: Heritage Conservation and Ensure compliance).

54. 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)

55. 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)

56. 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)

57. Suitable Screens

Suitable screens and/or barricades shall be erected during demolition and building work and where required by the Certifying Authority to reduce the emission of noise, dust, water effluent or other matter from the site.

(Reason: Maintain amenity to adjoining properties)

58. Suitable Barricades

Suitable barricades shall be erected during building works on Councils footpath and where directed by the Certifying Authority and/or Council to protect pedestrians using the footpath.

(Reason: Public safety)

59. Demolition Work AS 2601-2001

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

(Reason: Safety)

60. Silencing Devices

Sound attenuating devices shall be provided and maintained in respect of all power-operated plant used during demolition, excavation, earth works and the erection of the structure.

(Reason: Maintain amenity to adjoining properties)

61. Suitable Footpath Crossing Provided

Adequate provision is to be made to ensure that a suitable footpath crossing is provided to the site so as to allow safe pedestrian access along the footpath area at all times.

(Reason: Protection of public safety)

62. Access to Site

During Demolition, Excavation and Construction, access to the site is to be available in all weather conditions, and stabilised to prevent vehicles tracking soil materials onto public roads.

(Reason: Environmental protection)

63. Wash Down and Shaker Areas

During Demolition, Excavation and Construction, wash down and shaker areas are to be provided with facilities for the collection and treatment of waste water.

(Reason: Environmental protection)

64. Rock Hammering/Sawing

Having regard to the residential nature of surrounding area rock sawing is to be used in preference to rock hammering during the excavation/construction phase of the development.

(Reason: Amenity)

65. 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)

66. 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)

67. Asbestos Removal

Works involving the removal of asbestos must comply with Council's 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)

68. Asbestos Disposal

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

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

(Reason: Environmental protection/Public health and safety)

69. 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) 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)

70. Road and Footpath

Council's footpath, nature strip or roadway shall not be damaged and shall be kept clear at all times. The public footway must not be obstructed at any time unless written approval has been granted by Council and the footway including any footpath shall be maintained in a safe condition for pedestrians and the general public at all times.

(Reason: Maintain public safety)

71. No Storage on Foot/Roadway

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

(Reason: Safety)

72. Skips and Bins

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

(Reason: Safety)

73. Excavations and Backfilling

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

(Reason: Safety)

74. Excess or Waste Concrete

Excess or waste concrete from mobile concrete agitators or concrete pumping equipment shall not be washed down, spilled or disposed of onto the road reserve, Council's stormwater system, road, pavement, reserves or Council land.

(Reason: Environmental protection)

75. 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)

76. 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)

77. 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)

78. 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)

79. 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)

80. Tree Protection

- a) Retain and protect the following trees and vegetation throughout the demolition and construction period: All trees not indicated for removal on the approved plans unless exempt under relevant planning instruments or legislation.
- b) The above trees must be clearly marked and protection devices in place to prevent soil compaction and machinery damage.
- c) Tree roots greater than 50mm diameter are not to be removed unless approved by a qualified arborist on site.
- d) All structures are to bridge roots unless directed by a qualified arborist on site.
- e) Tree protection measures must comply with the AS 4970-2009 Protection of trees on development sites with particular reference to Section 4 Tree Protection Measures

(Reason: Tree management)

81. Control of Wind Movements

Where control of wind movements in and around the site relies on the proposed landscaping, the Landscaping Plan is to be endorsed by the wind expert confirming that the proposed landscaping will achieve an acceptable wind environment in and around the building.

(Reason: Amenity)

82. No Access through Public Open Space

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

(Reason: Safety, landscape amenity, tree protection)

83. 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)

84. 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)

85. 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)

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

(Reason: Environment & Health Protection)

87. 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)

88. 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)

89. Footings Near Easement

All footings for buildings and/or other structures located adjacent to easements and/or Council/public drainage pipes shall be constructed outside of Council's easement. Footings must extend to at least 100mm below the invert of the Council's /public pipe system unless the footings are to be placed on competent bedrock.

(Reason: Protection of public asset)

90. Structures to Clear of Council's Drainage Infrastructure

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

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

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

(Reason: Protection of public assets)

91. Relocation of Power Pole, Utility Services and Road Signs

Relocation of the power pole, any utility mains and pits and road signs in the vicinity of the vehicular access crossings shall be carried out in accordance with approvals from and to the requirements of the relevant utility authorities and the RMS. All work shall be carried out at the developer's expense.

(Reason: Ensure Compliance)

92. 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)

93. Tree Trunk, Branch and Root Protection

- a) Retain and protect the following trees and vegetation throughout the demolition and construction period:
 - i. All trees not indicated for removal on the approved plans unless exempt under relevant planning instruments or legislation.
- b) The above trees must be clearly marked and protection devices in place to prevent soil compaction and machinery damage.
- c) Tree protection measures must comply with AS 4970-2009 Protection of trees on development sites with particular reference to Section 4 Tree Protection Measures.
- d) Tree protection measures in accordance with c) above are to be certified by a qualified Arborist prior to commencement of works.
- e) Tree roots greater than 50mm diameter are not to be removed unless approved by a qualified Arborist on site.
- f) All structures are to bridge roots unless directed by a qualified Arborist on site.

(Reason: Tree management)

94. Loading and Unloading during Demolition, Excavation and 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 Work Zone is required an application must be made to Council prior to commencement of work on-site. An approval for a Works Zone may be given for a specific period and certain hours of the day to meet the particular need of the site for such facility at various stages of demolition, excavation and construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the demolition, excavation and construction activities.
- Application for a Works Zone must be submitted to Council a minimum of 8 weeks prior to being required. Works Zone permit application form is available on the Willoughby City Council's Website.
- Relevant Council permits are to be obtained to support activities associated with the site works including demolition, excavation and construction as necessary.

(Reason: Public safety and amenity)

PRIOR TO OCCUPATION OF THE DEVELOPMENT

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

95. Sydney Trains

Prior to the issuing of an Occupation Certificate the Applicant is to submit as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into Sydney Trains property or easements, unless agreed to be these authorities. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
(Reason: Protection of assets)

96. Signage and Wayfinding Strategy

The preparation of the wayfinding strategy, detailing all pedestrian entry points to the site, is to be completed and approved by the Certifying Authority. The strategy must be implemented through appropriate signage prior to the issue of any Occupation Certificate.
(Reason: Information)

97. 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. An application must be made either directly to Sydney Water or through a Sydney Water accredited Water Service Coordinator. For details go to www.sydneywater.com.au/section73 or call 1300 082 746.

The Section 73 Certificate must be submitted to the Certifying Authority.
(Reason: Ensure statutory compliance)

98. Street Number Display

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

99. Surface Water Runoff

Surface water runoff from paved areas shall be directed away from neighbouring properties and disposed of to the satisfaction of the Certifying Authority.
(Reason: Health and amenity)

100. 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)

101. 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)

102. 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)

103. Marked Parking Bays

Prior to the issue of any Occupation Certificate, all parking bays 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.
(Reason: Ensure compliance)

104. Access/Parking – Multiple Occupation of a Building

Prior to the issue of any Occupation Certificate and where multiple occupation of a building or site is proposed, the appropriate number of parking spaces under Willoughby Development Control Plan Part C.4 shall be allocated in respect of each individual use and the spaces so allocated shall be identified numerically on a sketch plan of the parking area which is to be submitted with any future application for consent to use any particular portion of the building or site.

N.B. The issue of an interim occupation / final occupation certificate to use particular portion of a building or site will be contingent, in part, upon the availability of car parking in accordance with DCP requirements.
(Reason: Ensure compliance)

105. Car spaces allocation

A total of 131 car parking spaces shall be allocated for the exclusive use of the commercial tenancies as per the minimum rate required by the Willoughby DCP of one car parking space per 200m² of commercial floor space (part thereof rounded down).
(Reason: Car parking management)

106. 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:

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

This lighting shall ensure consistency to avoid contrasts between areas of shadow/illumination and preferably be solar powered and with an automatic/timed switching mechanism, motion sensor or equivalent for energy efficiency. Such lighting shall be installed and directed in such a manner so as to ensure that no nuisance is created for surrounding properties or to drivers on surrounding streets. Car parking lighting system is to be controlled by sensors to save energy during periods of no occupant usage.
 - b) The ceiling and vertical structures of the basement parking area shall be painted white (or equivalent) in order to ensure good visibility, surveillance and less reliance on artificial lighting lux levels.
 - c) The design, installation and maintenance of landscaping (and associated works) within pedestrian routes around the site (and adjacent to mailboxes) shall not impede visibility and clear sight lines along the pedestrian footway from one end to the other.
 - d) The means to isolate the residential and commercial components of the building shall be incorporated into the development, including the security keying of lifts and doors and other measures for access control.
 - e) Walls/screens between balconies shall be designed to avoid foot holes or natural ladders so as to prevent access between balconies/terraces within the development.
 - f) Adequate signage within the development to identify facilities, entry/exit points and direct movement within the development.
 - g) A small portion of each storage area shall be of solid construction (i.e. Cupboard).
- (Reason: Safety and surveillance, energy efficiency, amenity)

107. Temporary Ground Anchors – Destressing

Prior to the issue of any Occupation Certificate, all damages to Council's/public 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)

108. Sign for OSD System

Prior to the issue of any Occupation Certificate, 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)

109. Certification of OSD

Prior to the issue of any Occupation Certificate, a suitably qualified and experienced civil engineer (generally CP Eng. Qualification) shall certify on Council's standard certification form that the as-built OSD system is in accordance with the approved plans and complies with Council's DCP and Technical Standards. Council's standard certification form is available in the appendix of Council's Technical Standard No.2.

(Reason: Legal requirement)

110. Works-As-Executed Plans – OSD

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

111. 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 Certifying Authority and Council prior to issue of any Occupation Certificate.

(Reason: Maintenance requirement)

112. Construction of Kerb & Gutter

Prior to the issue of any Occupation Certificate, construct a new kerb and gutter together with any necessary associated pavement restoration in accordance with Council's specification for the full frontage of the development site with associated pavement restoration and half road width in Albert Avenue.
(Reason: Public amenity)

113. Reconstruct Pavement

Prior to the issue of any Occupation Certificate, half the road pavement including any necessary associated works adjoining to the full frontage of the development site to Albert Avenue shall be reconstructed in accordance with Council's approved drawings, conditions and specification (AUS-SPEC).
(Reason: Ensure compliance)

114. Pebblecrete/Approved Tiling

Prior to the issue of any Occupation Certificate, construct a full width footpath in approved pebblecrete/approved tiling for the full frontage of the streets adjoining to the site all in accordance with Willoughby City Council's CBD Pavement Policy. Permission must be obtained from Council's Infrastructure Services Division and the Police Department prior to the opening and closure of the footpath and road pavement for construction works.
(Reason: Public amenity)

115. 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 Certifying Authority prior to the issue of any Occupation Certificate.
(Reason: Ensure compliance)

116. Performance Bond

Prior to the issue of any Occupation Certificate, the Applicant shall lodge with the Council a performance bond of \$90,000 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)

117. Reconstruct Vehicular Access Driveway

Prior to the issue of any Occupation Certificate, the vehicular access driveway in Albert Avenue at Orchard Road including any necessary associated works shall be reconstructed in accordance with Council's approved drawings, conditions and specification (AUS-SPEC).
(Reason: Ensure compliance)

118. Vehicle Access – Construction & Certification

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

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

- c) That finished driveway gradients and transitions will not result in the scraping of the underside of cars.
- d) That the as-constructed vehicular path and parking arrangements comply in full with AS2890.1 – 2004 in terms of minimum dimensions provided,
- e) That the headroom clearance of minimum 2.2 metres has been provided between the basement floor and any overhead obstruction to comply with Section 5.3.1 of AS 2890.1 and Section 2.4 of AS2890.6.
- f) That the headroom clearance of minimum 2.5 metres has been provided to all parking spaces for people with disabilities to comply with Section 2.4 of AS2890.6.

(Reason: Ensure Compliance)

119. Lighting and Furniture

Prior to the issue of any Occupation Certificate, provide approved street lighting and furniture in accordance with Willoughby City Council's street furniture manual and Australian Standard AS/NZ 1158(2005). In this regard, a letter from Willoughby Council stating that the lighting and furniture is completed in a satisfactory manner is to be provided to the Certifying Authority.

(Reason: Public amenity)

120. 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)

121. Tree Planting

Prior to the issue of any Occupation Certificate, 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 approved Landscape Plan	As indicated on the approved Landscape Plan

(Reason: Landscape amenity)

122. 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)

123. Acoustic Works – Report

Prior to the issue of any Occupation Certificate, 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 Environmental Noise Assessment prepared by Day Design Consulting Acoustical Engineers (6184-1.1R Rev B) dated 11/05/2017.

This shall include but not be limited to:

- Locating noisier items of plant equipment as far away from adjoining residences as practicable,
- Plant room to be constructed out of masonry with ventilation opening limited to the western and southern wall and acoustically treated, and
- Installation of circular duct attenuators following detailed recommendations contained in the environmental noise assessment.

(Reason: Amenity, environmental compliance and health)

124. 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)

125. 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)

126. 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 50mm clear of the wall being provided at the height of the most prominent part of the garbage containers.
- f) Mobile containers having a capacity of not less than 120 litre 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)

127. Registration with NSW LRS

Documentary evidence of registration with Land Registry Services of any changes to easements and/or rights-of carriageway present on the subject site shall be submitted to the Certifying Authority prior to the issue of any Occupation Certificate.(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.

128. Sydney Trains

During all stages of the development, the proposal shall comply with the following:

- During all stages of the development, environmental legislation and regulations will be complied with.
- During all stages of the development extreme care shall be taken to prevent environmental harm within the railway corridor. Any form of environmental harm to areas within the railway corridor or legislative non-compliance that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.
- During all stages of the development, extreme care shall be taken to prevent any form of pollution entering the railway corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.
- The developer shall make provision for easy and ongoing access by rail vehicles, plant and equipment

to support maintenance and emergency activities. No rock anchors/bolts are to be installed into Sydney Trains property or easements.

- No scaffolding or hoarding is to be used facing the rail corridor unless prior written approval has been obtained from Sydney Trains. To obtain approval the proponent will be required to submit details of the scaffolding and hoarding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor. Unless agreed to by Sydney Trains in writing, scaffolding shall not be erected without isolation and protection panels.

Sydney Trains or Transport for NSW (TfNSW), and persons authorised by those entities for the purpose of this condition, are entitled to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and these conditions of consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.

Any conditions issued as part of Sydney Trains approval/certification of any documentation for compliance with the Sydney Trains conditions of consent, those approval/certification conditions will also form part of the consent conditions that the Applicant is required to comply with.

(Reason: Protection of assets)

129. Retaining Walls and Drainage

If the soil conditions require it:

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

(Reason: Safety)

130. Erection Wholly within the Boundaries

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

(Reason: Ensure compliance)

131. 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)

132. Road Closure

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

(Reason: Public protection)

133. 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, subcontractors, 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)

134. 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)

135. 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)

136. 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)

137. Mechanical Ventilation Systems Comprising Water Cooling

Mechanical ventilation systems comprising water cooling, and/or evaporative cooling systems shall be registered with Council on completion of the installation in accordance with the requirements of the Public Health Act 2010 and Public Health Regulation 2012.

(Reason: Health protection)

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)

PRESCRIBED CONDITIONS

The following conditions are prescribed by S4.17 of the Environmental Planning & Assessment Act 1979 (previous S80A) for developments involving building work.

139. 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)

140. Support for Neighbouring Buildings

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

(Reason: Safety)

STATUTORY REQUIREMENTS

The following advisory notes are statutory requirements of the Environmental Planning & Assessment Act 1979 and the Environmental Planning & Assessment Regulations and are provided to assist applicants.

141. Construction Certificate Required

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

Enquiries regarding the issue of a construction certificate can be made to Council's Customer Service Centre on 9777 1000.

(Reason: Ensure compliance and statutory requirement)

142. Notify Council of Intention to Commence Works

In accordance with the provisions of Section 4.19 of the Environmental Planning and Assessment Act 1979 (previous S81A) 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)

143. 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)