

ATTACHMENT 4: DRAFT CONDITIONS

CONSENT IDENTIFICATION

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

1. Approved Plan/Details

The development must be in accordance with the following consent plans electronically stamped by Council:

Type	Plan No.	Revision/ Issue No	Plan Date (as Amended)	Prepared by
Architectural	DA-ST2-1000	C	02.06.2021	Chrofi
	DA-ST2-1001			
	DA-ST2-1003			
	DA-ST2-1004			
	DA-ST2-1005			
	DA-ST2-1006			
	DA-ST2-1007			
	DA-ST2-1008			
	DA-ST2-1009			
	DA-ST2-1010			
	DA-ST2-1011			
	DA-ST2-1012			
	DA-ST2-1013			
	DA-ST2-1014			
	DA-ST2-1020			
	DA-ST2-1021			
	DA-ST2-1022			
	DA-ST2-1023			
	DA-ST2-1024			
	DA-ST2-1025			
Landscape	LD-SK-MP-8400-00a	G	02/06/2021	MGregor and Coxall
	LD-SK-MP-8400-00b			
	LD-SK-MP-8400-00c			
	LD-SK-MP-8400-00d			
	LD-SK-MP-8400-00e			
	LD-SK-MP-8400-01a	E		
	LD-SK-MP-8400-01b			
	LD-SK-MP-8400-01c			
	LD-SK-MP-8400-01d			
	LD-SK-MP-8400-01e	F		
	LD-SK-MP-8400-01f			
	LD-SK-MP-8400-01g			

Type	Plan No.	Revision/ Issue No	Plan Date (as Amended)	Prepared by
	LD-SK-MP-8400-02a	E		
	LD-SK-MP-8400-02b			
	LD-SK-MP-8400-03a	G		
	LD-SK-MP-8400-03b	E		
	LD-SK-MP-8400-03c			
	LD-SK-MP-8400-03d			
	LD-SK-MP-8400-04a	F		
	LD-SK-MP-8400-04b			
	LD-SK-MP-8400-04c			
	LD-SK-MP-8400-04d	E		
	LD-SK-MP-8400-05a			
	LD-SK-MP-8400-06a	F		
	LD-SK-MP-8400-06b	E		
	LD-SK-MP-8400-07	F		
	LD-SK-MP-8400-010a	F		
	LD-SK-MP-8400-010b	G		
	LD-SK-MP-8400-010c	E		
	LD-SK-MP-8400-010d	D		

the application form and any other supporting documentation submitted as part of the application, except for:

- (a) any modifications which are “Exempt Development” as defined under S.4.1(1) of the *Environmental Planning and Assessment Act 1979*;
- (b) otherwise provided by the conditions of this consent.
(Reason: Information and ensure compliance)

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

The Construction Certificates for this consent are to be staged within the following structure:

- CC1 – Basement structure and in-ground services
- CC2 - Building structure and services
- CC3 – Facades and fitout
- CC4 – Public domain

Each of the following conditions of consent must be complied with prior to the issue of the construction certificate referred to in the relevant condition.

2. Development Contribution

s7.11 Contribution subject to the following requirement:

A monetary contribution that is required to be paid under this consent must be paid before the issue of the **first** Occupation Certificate in respect of any building to which this consent relates, except as provided by the following circumstance:

If no construction certificate in respect of the erection of any building to which the consent relates has been issued before or on 25 September 2022, the monetary contribution referred in section 'PRIOR TO OCCUPATION OF THE DEVELOPMENT' must be paid before the issue of the **first** Construction Certificate after that date (25 Sept 2022) for any such building.
(Reason: Statutory requirement)

3. Amendments

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

- (a) Floor to ceiling heights of habitable rooms are to have a minimum floor to ceiling height of 2.7m and non-habitable rooms are to have a minimum floor to ceiling height of 2.4m.
- (b) A commemorative feature/s to be sited within the open space area which acknowledges Channel Nine's contribution to the locality and to telecommunications in general. Where feasible or appropriate, this should include adaptive reuse of elements of the transmission tower.
- (c) Visitor parking is to be provided at the rates prescribed by the Concept Approval (MP 10 0198 MOD 4).
- (d) Fifty percent of all dwellings are to be adaptable consistent with Clause C6 Willoughby DCP.
- (e) The Gorge (including the Gateway), The Plaza, the Leisure Lawn and the Dish Playground are to be clearly sign posted with signs that state the relevant areas are open to the general public. The signage at the Gateway will be located at the Artarmon Road frontage adjacent to the boundary fence.
- (f) Mailboxes are to be located in building lobbies.
- (g) Electronic access and audio/video intercom to all dwellings is to be provided to manage access.
- (h) Way finding maps are to be provided in public areas on the site to assist visitors and residents.
- (i) A low fence (maximum 1m high) is to be installed to separate the Playground from the Walter Street Reserve.
- (j) The publicly accessible open space is to be delivered in accordance with the Staging indicated on the approved architectural plans.

4. Sydney Water 'Tap In'

Prior to the issue of the Construction Certificate for building structure and services, 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)

5. Agreement to Transfer Affordable Housing Dwellings

The applicant must enter into a Deed with the Council providing for the transfer of title to the Council, free of charge, of eight (8) Affordable Housing dwellings comprising a mix of 1-bedroom, 2-bedroom and 3-bedroom units totalling an area of min. 832.5m². The Deed is to be generally in accordance with the Housing Transfer Deed template available at Council and is to be submitted to the Council and executed prior to the issue of the staged Construction Certificate for the works on facades or fit-out.

The terms of this agreement must be to the satisfaction of the Council and must include a provision to the effect that the transfer of the dwellings is to be completed within two months of the registration of the strata subdivision of the development for the dwelling units to be dedicated and within 6 months of the issue of the final Occupation Certificate.

The applicant must agree to pay the Council's reasonable legal costs in satisfying itself that the agreement is appropriate, and a provision to this effect is to be included in the agreement.

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

(Reason: Ensure compliance)

6. Affordable Housing Fittings and Finishes

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

(Reason: Amenity)

7. Damage Deposit

Prior to the issue of the Construction Certificate, the applicant shall lodge a Damage Deposit of **\$260,000** (GST Exempt) to Council against possible damage to Council's assets and any infrastructure within the road reserve/footway 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 **\$173** (GST Exempt) is payable to Council. Any damages identified by Council shall be restored by the applicant prior to release of the Damage Deposit.

Total Payable = \$260,000 + \$173 = \$260,173

(Reason: Protection of public asset)

8. Easement for Support

A retaining wall is to be constructed along and within the front boundary to retain the adjacent public road. The applicant is required to create an Easement for Support over Lot 10 DP 1162507 in favour of Council, at no cost to Council, over the retaining wall adjacent to the boundary, including the associated footings, along the full length of the wall. The easement shall be of sufficient width to enable maintenance works and reconstruction of the wall and footings. Unless agreed otherwise with Council, the terms of the easement shall be:

Terms of Easement for Support

1. The Prescribed Authority having the benefit of this easement may retain on the lot burdened the retaining wall within the site of this easement, together with any associated footing that provide support of the surface and/or subsurface of # Street and associated footpath
2. The owner of the lot burdened must not:
 - a. Interfere with the retaining wall or footing or the support it offers, or
 - b. Use the site of this easement, or any other part of the lot burdened, or any other land, in a way which may detract from the stability of the support provided by the retaining wall including its footings.
3. If the owner of the lot burdened does or allows anything to be done which damages the retaining wall or its footings or impairs its effectiveness, the Prescribed Authority having the benefit of this easement may serve notice on the owner of the lot burdened requiring the damage to be repaired or the impairment removed.
4. If the owner of the lot burdened does not comply with the notice, the body having the benefit of this easement may, after expiration of the notice period, repair the damage or remove the impairment and may recover any reasonable costs from the owner of the lot burdened. In order to carry out the repairs, the Prescribed Authority having the benefit of this easement may do anything reasonably necessary for that purpose, including:
 - a. entering the lot burdened; and
 - b. taking anything on to the lot burdened; and
 - c. Carrying out the work.
5. The owner of the burdened lot must at its own cost repair and maintain the retaining wall to ensure the stability and support provided by the retaining wall.

In this Easement for Support, unless inconsistent with the context:

Lot Burdened means the whole of the land in folio identifier Lot 10 DP 1162507

Prescribed Authority means Willoughby City Council and its assigns and successors.

To fully comply with this condition, the following stages are to be complied with:

Prior to the issue of a Construction Certificate

The following shall be submitted to Council:

- (a) Details for the retaining wall, prepared by a Structural Engineer, on stand alone set of drawings that relate to the wall only.
- (b) Certification from a suitably qualified Structural Engineer, typically CPEng, that the design complies with the relevant standards.
- (c) Geotechnical Engineer's report regarding the stability of the proposed retaining wall.

Prior to the issue of any Occupation Certificate for works relating to the retaining wall

The following shall be submitted to Council:

- (a) Certification from a suitably qualified Structural Engineer, typically CPEng, that the as-constructed wall is in accordance with the approved structural plans and details.
- (b) A survey by a Registered Surveyor certifying that the retaining wall including the associated footings is wholly within the subject easement.
- (c) The final easement documents for execution by Council.

(Reason: Protection of road reserves)

9. Temporary Ground Anchors

Obtain written permission from all private property owners affected by any encroachment either below ground or the air space above as a result of any proposed temporary ground anchors prior to issue of the Construction Certificate. Copies of the permission shall be sent to Council. All works associated with the drilling and stressing of the ground anchors shall be installed in accordance with approved drawings. Council will not support permanent ground anchors extending into Council owned land or the road reserve. Temporary anchors may be permitted provided they are at a minimum depth of 1.5m below the ground surface in the road reserve / Council land.

(Reason: Encroachment of works)

10. Stormwater to Reserve

Stormwater runoff from the site shall be collected and conveyed to the reserve in accordance with the approved drawings and Council's specification. A grated drainage pit (min. 600mm x 600mm) shall be provided within the property and adjacent to the boundary prior to discharging to the Council's drainage system. All drainage works shall comply with the requirements described in Part C.5 of Council's DCP, Technical Standards and AS 3500.3. In this regard, full design and construction details showing the method of disposal of surface and roof water from the site shall be shown on the Construction Certificate plans.

(Reason: Prevent nuisance flooding)

11. Analysis of Outlet Condition

The capacity of the existing Council stormwater drainage system at the proposed connection of the outlet shall be hydraulically evaluated using the Hydraulic Grade Line method to ensure that the outlet from the OSD tank is above the 1%AEP water level and will not be affected by the downstream water level. Full engineering details of the hydraulic evaluations prepared and signed by a practising Civil Engineer shall be submitted to the certifying authority for approval prior to the issue of the Construction Certificate.

(Reason: Prevent property damage)

12. Detailed Stormwater Management Plan (SWMP)

Prior to the issue of the Construction Certificate, submit to the Certifier for approval, 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 generally be in accordance with the following concept stormwater management plans, prepared by SMEC.

Plan No.	Revision No	Plan Date
SMEC –CV-SW-DA8214	P4	23/10/2020
SMEC –CV-SW-DA8215	P3	23/10/2020
SMEC –CV-SW-DA8231	P10	23/10/2020
SMEC –CV-SW-DA8237	P3	23/10/2020
SMEC –CV-SW-DA8238	P2	23/10/2020
SMEC –CV-SW-DA8239	P2	23/10/2020
SMEC –CV-SW-DA8240	P2	23/10/2020
SMEC –CV-SW-DA8251	P5	23/10/2020
SMEC –CV-SW-DA8252	P8	23/10/2020
SMEC –CV-SW-DA8261	P5	23/10/2020
SMEC –CV-SW-DA8262	P5	23/10/2020
SMEC –CV-SW-DA8271	P4	23/10/2020
SMEC –CV-SW-DA8272	P4	23/10/2020
SMEC –CV-SW-DA8273	P4	23/10/2020
SMEC –CV-SW-DA8274	P4	23/10/2020
SMEC –CV-SW-DA8275	P4	23/10/2020
SMEC –CV-SW-DA8297	P3	23/10/2020

All drawings shall comply with Part C.5 of Council's Development Control Plan and Technical Standards, AS/NSZ3500.3 – *Plumbing and Drainage Code* and National Construction Code.

The plans are to include the following:

- a) OSD system in accordance with Council's requirements
- b) The overflow level for the OSD tank to be a minimum of 300mm below adjacent floor levels.
- c) Stormwater quality improvement measures in accordance with Technical Standard 1, including devices to target hydrocarbons for all locations with runoff from all access roadways and parking areas.
- d) Flood warning signage to playground area.
- e) 600x600mm pit adjacent to the boundary prior to discharge to the Council system

(Reason: Ensure compliance)

13. Basement Pumpout Drainage System

Prior to the issue of the Construction Certificate for the basement, the applicant shall submit, for approval by the Certifier, detailed stormwater management plans in relation to any pump-out drainage system. The construction drawings and

specifications shall be generally in accordance with the approved stormwater management plans with the following requirements:

- (a) The pumpout drainage system shall comprise with two (2) submersible type pumps. The two pumps shall be designed to work on an alternative basis to ensure both pumps receive equal use and neither remains continuously idle.
- (b) Each pump shall have a minimum capacity of 10L/s or shall be based on the flow rate generated from the 1% Annual Exceedance Probability storm event 5-minutes duration of the area draining into the system, whichever is greater.
- (c) An alarm warning device (including signage and flashing strobe light) shall be provided for the pump-out system to advise the occupant of pump failure. The location of the signage and flashing strobe light shall be shown on the stormwater management plans.
- (d) The volume of the pump-out tank shall be designed with a minimum storage capacity as required by AS/NZS 3500.1.

All drawings shall be prepared by a suitably qualified and experienced civil engineer and shall comply with Part C.5 of Council's Development Control Plan, AS/NZS 3500.3 – *Plumbing and Drainage Code* and the National Construction Code.

(Reason: Prevent nuisance flooding)

14. Construction Management Plan (CMP)

Prior to the issue of the Construction Certificate, submit, for approval by the Certifier, detailed Construction Management Plan (CMP). The CMP shall address:

- (a) Construction vehicles access to and egress from the site
- (b) Parking for construction vehicles
- (c) Locations of site office, accommodation and the storage of major materials related to the project
- (d) Protection of adjoining properties, pedestrians, vehicles and public assets
- (e) Location and extent of proposed builder's hoarding and Work Zones
- (f) Tree protection management measures for all protected and retained trees.

(Reason: Compliance)

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

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

- (a) Construction of new vehicle access roadways to connect the extension of Scott Street to Richmond Avenue
- (b) Construction of 1.5 metres wide footpath (max. 2.5% crossfall) for the full frontage of the development site in Artarmon Road and Richmond Avenue in accordance with Council's specification and Standard Drawings SD105 and SD100. All adjustments to public utility services and associated construction works in the nature strip are to be at the full cost to the applicant. Detailed long section and cross sections at 5 metres interval shall

be provided. The plans are to include the reinstatement of the existing heritage plaque adjacent to the pedestrian entry on Artarmon Road.

- (c) Reconstruction of half road pavement in Richmond Avenue and Artarmon Road for the full frontage of the development site.
- (d) Reconstruction of existing kerb and gutter for the full frontage of the development site in Artarmon Road and Richmond Avenue in accordance with Council's specifications and Standard Drawing SD105.

The required plans must be designed in accordance with Council's specifications (AUS-SPEC). A minimum of three (3) weeks will be required for Council to assess the *Roads Act* submissions. Early submission is recommended to avoid delays in obtaining a Construction Certificate. For the purpose of inspections carried out by Council Engineers, the corresponding fees set out in Council's current Fees and Charges Schedule are payable to Council prior to issue of the approved plans.

Approval must be obtained from Willoughby City Council as the road authority under the *Roads Act 1993* for any proposed works in the public road prior to the issue of the first Construction Certificate for the building structure and services.

(Reason: Ensure compliance)

16. OSD/Rainwater Tank Design

The design of all rainwater/OSD tanks shall comply with the requirements of the NSW Work Health and Safety Regulation 2017, to minimise risks associated with confined spaces. The design shall also consider "Safety in Design" requirements. Prior to issue of a Construction Certificate, a suitably qualified person shall certify that the design meets these requirements.

(Reason: Safe access to tanks)

17. Vehicle Access and Manoeuvring – Engineer's Certification

Prior to the issue of the Construction Certificate for the building structure, the Applicant shall submit, for approval by the Principal Certifier, certification from a suitably qualified and experienced Traffic Engineer relating to the design of vehicular access and manoeuvring for the development. This certification must be based on the architectural drawings and the structural drawings, and must make specific reference to the following:

- (a) That finished driveway gradients and transitions comply with AS/NZS 2890.1 and AS 2890.2 and will not result in scraping to the underside of cars.
- (b) That a maximum gradient of 5% is provided for the first 6 metres from the property's front boundary into the site. All driveway grades shall comply AS/NZS 2890.1 and AS 2890.2.
- (c) That the proposed vehicular path and parking arrangements comply in full with AS/NZS 2890.1, AS 890.2 and AS/NZS 2890.6 in terms of minimum dimensions provided and grades on parking spaces and that visitor parking spaces are provided in accordance with the requirements for Class 2 spaces.
- (d) That the headroom clearance of minimum 2.2 metres between the basement floor and any overhead obstruction (including overhead services) is provided for compliance with Section 5.3.1 of AS/NZS 2890.1 and

Section 2.4 of AS/NZS 2890.6.

- (e) That the headroom clearance of minimum 2.5 metres is provided to all parking spaces for people with disabilities for compliance with Section 2.4 of AS/NZS 2890.6.
- (f) That a shared area with minimum dimensions of 2.4 x 5.4m is provided adjacent to all disabled parking spaces and a shared area with minimum dimensions of 2.4m x 2.4m is provided at the end of all disabled parking spaces to comply with AS/NZS 2890.6. A bollard shall be located in the shared zone in accordance with AS/NZS 2890.6.
- (g) That the headroom clearance required in AS 2890.2 for the largest vehicle using the site has been provided for the loading area and the path to and from the loading area.
- (h) Simultaneous manoeuvring of B99 and B85 vehicles at all ramps and ramp ends including the clearance lines for each vehicle, in accordance with AS2890.1, is complied with.
- (i) Simultaneous manoeuvrability of the largest vehicle using the site and a passenger vehicle including clearance in accordance with AS2890.1 and AS2890.2, is provided.

(Reason: Ensure compliance)

18. Finish Surface Levels Along the Street Boundary

Prior to the issue of a Construction Certificate for the building structure, finished surface levels for all internal works along the street boundary, including finish floor levels, driveways, car spaces, landscaping, drainage structures etc., must be shown on the plans issued for construction. The development's internal surface levels along the street boundary must be consistent with the public domain civil works plans approved by Council under the *Roads Act (1993)*. Any changes required to the finish floor levels approved under this development consent may require an application under S4.55 of the EP&A Act.

(Reason: Ensure compliance)

19. Internal Noise Levels Residential

To minimise the noise intrusion from any external noise source, all new building work shall be designed and constructed to comply with the criteria contained in State Environment Planning Policy (Infrastructure) 2007 and Dept. of Planning's *Development Near Rail Corridors & Busy Roads Interim Guideline 2008* and Section 4 of the acoustic report by Renzo Tonin & Associates, Ref. TL162-02F04 Stage 2 – Acoustic Assessment (r4), dated 29 May 2020.

Certification from an appropriately qualified acoustic consultant that the building has been designed to meet these criteria shall be submitted to the Certifying Authority prior to issue of the relevant Construction Certificate for building structure and services.

(Reason: Amenity, environmental compliance and health)

20. 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 Certifier prior to the issue of the relevant Construction Certificate for building structure and services.
(Reason: Health and compliance)

21. Noise Mechanical Services

To minimise the impact of noise onto receivers on surrounding land, all mechanical services shall be designed to comply with the noise emission criteria contained in the EPA's *Noise Policy for Industry* (2017). Details of the proposed equipment, siting, appropriate noise criteria, any attenuation required and recommendations shall be prepared by an appropriately qualified acoustic consultant and presented in an acoustic report. This report shall be provided to the Certifying Authority prior to the issue of the relevant Construction Certificate for building structure and services.

(Reason: Amenity, environmental compliance and health)

22. Traffic Management Plan

Prior to issue of the Construction Certificate, a detailed Traffic Management Plan shall be prepared for pedestrian and traffic management consistent with the Construction Traffic Management Plan (Ref: 1192r05v4 dated 2 July 2020) and be submitted to the relevant road authority for approval. The plan shall: -

- (a) Be prepared by a Transport for NSW (TfNSW) accredited consultant.
- (b) Be in accordance with the current version of AS1742.3 and its associated handbook; and the RMS's Traffic Control at work site 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.

(Reason: Public safety and amenity)

23. Traffic Work

Prior to issue of the first Construction Certificate for building certificate and services, 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)

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.

24. Waste Management Plan

A 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 Certifier prior to commencement of work.
(Reason: Environment protection/waste reduction)

25. Licensee Details

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

26. 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)

27. Site Management

A site Management Plan shall be submitted to and approved by the Certifier prior to commencement of work. The site management plan shall include the following measures as applicable.

- (a) Details and contact telephone numbers of the owner, builder and developer;
- (b) Location and construction details of protective fencing to the perimeter of the site;
- (c) Location of site storage areas, sheds and equipment;
- (d) Location of stored building materials for construction;
- (e) Provisions for public safety;
- (f) Dust control measures;

- (g) Site access location and construction;
- (h) Details of methods of disposal of demolition materials;
- (i) Protective measures for tree preservation;
- (j) Provisions for temporary sanitary facilities;
- (k) Location and size of waste containers and bulk bins;
- (l) 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;
- (m) 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 Certifier/Council officers upon request.

(Reason: Environment protection, public health and safety)

28. 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 Certifier advised of the submission prior to commencement of work.

(Reason: Protection of Council's infrastructure)

29. 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 TfNSW (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)

30. Application for Vehicle Crossing

Submit an application with fees to Council for the construction of a new vehicular crossing / access point from Richmond Avenue.

(Reason: Protection of public asset)

31. 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 at Artarmon Road and Richmond Avenue due to the proposed new works in Richmond Avenue, Artarmon Road and Edward Street, including new site access roads, pedestrian refuges and traffic calming devices. Such street lighting shall also conform to Council's standard specifications and the appropriate Australian Standards.

(Reason: Public amenity)

32. Underground Utility Services

Where excavation is proposed, 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)

33. Property/Reserve Boundary

Prior to commencement of work, the property/reserve boundary is to be surveyed by a registered surveyor and such boundary is to be clearly marked on site.
(Reason: Property/reserve management)

34. 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, bushland, rock outcrops and physical improvements such as paths, furniture and play equipment.

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 Certifier prior to commencement of works.
(Reason: Protection of Council's infrastructure)

35. Project Arborist

- (a) A Project Arborist is to be appointed prior to commencement of works on site;
- (b) The Project Arborist is to have a minimum qualification AQF Level 5;
- (c) The Project Arborist is to oversee and authorise all tree protection works detailed in the approved Tree Protection Plan and relevant conditions of consent;
- (d) The Project Arborist is to certify that all tree protection measures have been installed prior to commencement of works.

(Reason: Safety, environmental protection, landscape amenity)

36. Community Liaison Officer

The Applicant shall appoint a Community Liaison Officer for the duration of the project works to communicate with the local community and be their main point of contact. The name and contact details of the Community Liaison Officer shall be included on signage around the project site and any notification letter or written information material distributed to the local community.
(Reason: Amenity)

37. Dewatering of Development Site

Appropriate pollution control methods shall be adopted to ensure any water discharged into Council's stormwater system from dewatering activity on the development site complies with relevant environmental criteria. The following details shall be submitted to Council for approval prior to the commencement of any work:

- (a) Details of proposed pollution control methods
- (b) Certification from an appropriately qualified environmental consultant verifying the adequacy of the proposed pollution control methods to ensure discharged

water complies with the following water quality criteria:

Analyte	Unit	Measurement	Criteria
Total nitrogen	µg/L	< than	2650
Total phosphorous	µg/L	< than	39.5
Dissolved oxygen	%sat	Btn 80 - 120%	
pH	pH units	Btn 6.5 - 8.5	
Conductivity	µS/cm	< than	437
Suspended solids	Mg/L	< than	2
Turbidity	NTU	< than	3.2
Zinc	µg/L	< than	19.3
Lead	µg/L	< than	0.5
Copper (& other heavy metals)	µg/L	< than	4.9

(Reason: Environmental protection, compliance)

38. Direct waste collection from basement

A design certificate and detailed plans are to accompany the Construction Certificate application that confirms that the waste can be directly collected from the basement as detailed in the Operational Waste Management Plan dated 05/06/2020 Report No S0487 Rev D prepared by Elephants Foot. The design certificate is to be in accordance with the Waste Management Guide and specifically confirm that the:

- (a) Waste collection vehicle is able to access the basement, adequately manoeuvre into position, load bins and exit the basement
- (b) Adequate vertical clearance is provided along the route of travel to/from external entry/exit points to collection area
- (c) The collection vehicle must be able to manoeuvre in the basement with limited need for reversing
- (d) The grades of entry/exit must not exceed the capabilities waste collection vehicle
- (e) The floor of the basement has been designed to carry the load of the vehicle.

(Reason: Environmental protection/waste reduction/public health and safety)

DURING DEMOLITION, EXCAVATION AND CONSTRUCTION

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

39. Hours of Work

All construction/demolition work relating to this Development Consent within the City, unless varied by an Out of Hours Work Permit, must be carried out only between the hours of 7 am to 5 pm Mondays to Fridays and 7 am to 3pm 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 4.55 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 Section 4.55 application may require re-notification in some circumstances.
(Reason: Ensure compliance and amenity)

40. 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)

41. Provide Erosion and Sediment Control

Where work involves excavation or stockpiling of raw or loose materials, 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)

42. Demolition Work AS 2601-2001

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

(Reason: Safety)

43. 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)

44. Neighbour Notification of Asbestos Removal

The applicant/builder is to notify anyone occupying premises in the immediate vicinity of the site, 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.

As a minimum, 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)

45. Asbestos Removal and Disposal

Works involving the removal of asbestos must comply with Councils Policy on handling and disposal of asbestos, and must also comply with the Code of Practice for "How to Safely Remove Asbestos" approved under section 274 of the NSW Work Health and Safety Act 2011.

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

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 Certifier with a copy of all receipts issued by the waste disposal site as evidence of proper disposal.

(Reason: Environmental protection/Public health and safety)

46. Survey Certificate

Certification of the following shall be submitted to the Certifier 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;
- (d) At roof slab level indicating the level of that slab to Australian Height Datum;
- (e) At completion indicating the relation of the building and any projections to the boundaries, and that the building has been erected to the levels approved in the Development Application.

(Reason: Ensure compliance)

47. Temporary Toilet Facilities

Temporary toilet facilities shall be provided to the satisfaction of the Certifier.

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)

48. Temporary Ground Anchors – Supervision

A professional Geotechnical Engineer shall be on site to supervise the piling, excavation and finally the installation and stressing of any 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)

49. 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)

50. 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)

51. Maintenance of Nature Strip

Where a nature strip and/or footpath is located directly adjacent to the property, the nature strip must be maintained during the construction period to ensure the turf/vegetation is no higher than 75mm in height and the public footpath is kept free of all rubbish, weeds and debris to ensure safe public access.

(Reason: Public amenity and safety)

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

The connection of the site stormwater drainage system to the existing Council pipeline or discharge point shall be inspected by Council's Engineer when the pipes are exposed, prior to backfill, and it is possible to confirm that the connection complies with Council's requirements and the new connection pipe does not protrude into the Council pipe system. The inspection must be booked via telephone with Council's Engineer and a minimum of 48hours notice provided. For the purpose of inspections carried out by Council Engineer, the corresponding fees set out in Council's current Fees and Charges Schedule are payable to Council.

(Reason: Ensure compliance)

53. Heritage Plaque

The existing heritage plaque located in the footpath on Artarmon Road shall be protected during construction. If the plaque is damaged or lost, it shall be replaced at the applicant's expense.

(Reason: Protect Council's asset)

54. Public Tree Protection

Unless identified by the development consent, no tree roots over 25mm 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 Project Arborist is to immediately Contact Council's Public Trees section and resolve the matter to Council's satisfaction.

(Reason: Tree management)

55. 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)

56. Storage of Materials on Council Land Prohibited

The dumping or storage of building materials, spoil, vegetation, green waste, or any other material in the Council reserve is prohibited.

(Reason: Safety, environmental protection)

57. Protection of Rock and Sites of Significance

(a) All existing rock outcrops outside and below the approved construction footprint are to be maintained and preserved during the works;

(b) Should any Aboriginal sites be uncovered during works, works are to cease and the Council, the NSW Office of Environment and Heritage and the Metropolitan Local Aboriginal Land Council are to be contacted.

(Reason: Protection of significant environmental features)

58. Tree Trunk, Branch and Root Protection

(a) Retain and protect the following trees and vegetation throughout the demolition and construction period: All trees 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 the Project Arborist prior to commencement of works.

(e) Tree roots greater than 25mm diameter are not to be removed unless approved by The Project Arborist on site.

(f) All structures are to bridge roots unless directed by The Project Arborist on site.

(Reason: Tree management)

59. 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)

60. 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)

61. Importation of Fill

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

(Reason: Environment & Health Protection)

62. 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 and activities 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. Activities could include, but are not limited to, rock-breaking, excavation, earth moving, drilling, and angle grinding, cutting, jack hammering and chiselling of concrete or masonry.
- (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 and environmental protection)

63. Noise and Vibration from Excavation, Siteworks and Construction

- a) Noise and vibration mitigation measures shall be carried out in accordance with the recommendations contained within Sections 4 and 5 of the Construction Noise & Vibration Management Plan prepared by Renzo Tonin & Associates, Ref. TL162-02D02 CNVMP (r1), dated 07/04/20.
- b) Noise shall be controlled to comply with the requirements as set out in the EPA Interim Construction Noise Guideline (ICNG). Noise levels shall not exceed the following noise criteria:
 - Affected residential properties (during ICNG recommended standard hours) – Noise affected level of RBL + 10dB; and
 - Highly noise affected level (i.e. noise level above which there may be strong community reaction) $\leq 75\text{dB(A)}_{\text{Leq}(15\text{mins})}$.

- c) Noise and vibration measurements shall be carried out by a suitably qualified acoustic consultant on receipt of a legitimate complaint lodged by a member of the public to the nominated Community Liaison Officer or Council. A report of the findings and action taken to mitigate any exceedances shall be submitted to Council **within 7 days** of its completion. Where Project Noise Levels are exceeded, appropriate measures to control excessive noise shall be implemented immediately.
- d) Noise and vibration mitigation measures shall be implemented whenever possible to minimise potential impact on surrounding properties including:
- Screening noise through the use of acoustic barriers;
 - Utilisation of acoustic enclosures, engine silencers and mufflers;
 - Maintaining plant and equipment properly so that they are in good working condition;
 - Locating equipment away from sensitive noise receivers where feasible;
 - Avoiding the simultaneous operation of equipment;
 - Ensuring contractors and site workers are inducted and trained about noise reduction and management; and
 - Implementing a noise and vibration complaint register and process to log, investigate and resolve unnecessary disturbance.

(Reason: Amenity)

64. Testing to Verify Water Quality Prior to Dewatering Activity

- (a) No dewatering of the development site is permitted to be discharged to Council's stormwater system without sampling of the potential effluent being carried out by a suitably qualified environmental consultant, analysis being conducted by an appropriate NATA-registered water laboratory, and written approval from Council being obtained. The test results shall be collated in a report submitted to Council written by the environmental consultant with a statement provided that the water to be discharged meets the Council-approved design water quality criteria.
- (b) On the occasion that any rainfall or other event necessitates dewatering of the site, ongoing water quality sampling, analysis and collation of results shall be conducted prior to each discharge to Council's stormwater system (or other receiving watercourse). Should test results exceed the water quality criteria, dewatering is not permitted and adjustments to the pollution control methodology will need to be made by the suitably qualified environmental consultant. Any changes to the methodology require the written notification of Council.
- (c) A copy of the water pollution control method (and any modification required), the written approval from Council to discharge, and the ongoing water quality test results shall be kept on the site at all times, for the duration of the site works that will require dewatering activity, and produced to an authorised officer of the Council when requested.

(Reason: Environmental protection, compliance)

65. Loading and Unloading During Construction

The following requirements apply:

- (a) All loading and unloading associated with construction must be accommodated on site.
- (b) 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.
- (c) 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.
- (d) 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.
- (e) If a Works Zone is warranted an application must be made to Council prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need of the site for such facility at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (f) Application for a Works Zone must be submitted to Council a minimum 8 weeks prior to being required. Works application form is available on the City's Website.

(Reason: Public safety and amenity)

PRIOR TO OCCUPATION OF THE DEVELOPMENT

The Occupation Certificates for this consent are to be staged.

Each of the following conditions of consent must be complied with prior to the issue of the occupation certificate referred to in the relevant condition.

66. Payment of Monetary Contributions - S7.11 Contribution

Prior to the issue of the **first** Occupation Certificate in respect to any building to which this consent relates (except for the circumstance under condition "Development Contribution" referred in the section 'PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE'), a monetary contribution is to be paid to Council in accordance with section 7.11 of *Environmental Planning and Assessment Act, 1979* in the amount of **\$2,000,010.05** for the purposes of the Local Infrastructure identified in the *Willoughby Local Infrastructure Contributions Plan*.

Active transport and public domain facilities	\$85,295.50
Open space and recreation facilities	\$1,567,642.27
Plan administration	\$29,558.21
Recoupment community facilities	\$301,485.26
Recoupment open space and recreation	\$16,028.82
TOTAL	\$2,000,010.05

Indexation

The monetary contribution must be indexed between the date of this Development Consent and the date of payment in accordance with the following formula:

$$\$C_o \times CPI_p$$

$$\text{CPI}_c$$

Where:

$\$C_o$ = the contribution amount shown in this Development Consent expressed in dollars

CPI_p = the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Bureau of Statistics (ABS) at the quarter immediately prior to the date of payment

CPI_c = the Consumer Price Index (All Groups Index) for Sydney as published by the ABS at the quarter ending immediately prior to the date of imposition of the condition requiring payment of a contribution

Deferred payments of contributions will not be accepted.

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

Copies of the *Willoughby Local Infrastructure Contributions Plan* are available for inspection online at www.willoughby.nsw.gov.au

(Reason: Statutory requirement)

67. Planning Agreement

The obligations under the Planning Agreement executed on 10 March 2021 relating to this development are to be satisfied at the timing required under Schedule 2 of the Planning Agreement.

(Reason: Ensure compliance)

68. 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 Certifier.

(Reason: Ensure statutory compliance)

69. BASIX Certificate

Prior to the issue of the relevant Occupation Certificate, a completion certificate is to be submitted to the Certifier demonstrating the manner in which the measures committed to in the latest BASIX Certificate have been satisfied.

(Reason: Environmental sustainability)

70. Public Right of way

The applicant is to provide a Public Right of Way on the Title in favour of Council. The purpose is to allow Scott Street (and adjacent footpaths), The Gateway, The Gorge, The Leisure Lawn, the Dish Playground and The Plaza areas to be accessible to the public and available for public use at all times. Draft terms for the instrument are to be discussed with Council. Documentary evidence of registration

of these instruments with the NSW Department of Lands is to be submitted to Council prior to the issue of the first Occupation Certificate for the building structure and services.

The above instruments can be created under Section 88B of the Conveyancing Act 1919 for newly created lots. For an existing lot, a Positive Covenant and Restriction on the Use of Land can be created under Section 88E(3) of the Conveyancing Act 1919 using Form 13PC and 13RPA respectively.
(Reason: Public amenity)

71. 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)

72. Fire Safety Certificate Forwarded to NSW Fire and Rescue

Prior to the issue of any 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)

73. Safer by Design

Prior to the issue of any relevant 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)

74. Temporary Ground Anchors – Destressing and removal

Prior to the issue of an Occupation Certificate for building structure and services, all damages to Council's infrastructures due to the works associated with the piling and installation of the ground anchors shall be restored to the requirements of Willoughby City Council at no cost to Council. All ground anchors shall be de-stressed and removed on completion of the works. A certificate issued by a professional Geotechnical Engineer verifying that all ground anchors have been de-stressed and decommissioned shall be submitted to Council. Permanent ground anchors are not permitted.

(Reason: Destressing / removal of ground anchors)

75. Stormwater to Adjacent Reserve

Prior to the issue of an Occupation Certificate for the building structure, stormwater from Catchment A is to be controlled and conveyed to the reserve adjacent to the property in accordance with Council's specification, including the use of water pollution control measures and stilling basin, as per SMEC drawings SMEC-CV SW-DA8237/P2, SMEC-CV SW-DA8271/P3 and SMEC-CV SW-DA8297/P2.

(Reason: Prevent nuisance flooding)

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

Prior to the issue of an Occupation Certificate for the building structure, inspection of drainage connection works to the existing Council's pipeline/pit/ drainage channel shall be carried out by Council's Engineer. Written confirmation shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Certifier. For the purpose of inspections carried out by Council Engineer, the corresponding fees set out in Council's current Fees and Charges Schedule are payable to Council.

(Reason: Ensure compliance)

77. On-site Water Management System

Prior to the issue of the first Occupation Certificate for building structure and services, the stormwater runoff from the site shall be collected and disposed of via an

approved OSD system in accordance with Sydney Water's requirements AS/NZS3500.3, Council's DCP and Technical Standards. The construction of the stormwater drainage system of the proposed development shall be in accordance with the approved detailed stormwater drawings required under this development consent and Council's specification (AUS-SPEC).

The following OSD tanks and associated water quality improvement devices shall be constructed prior to the issue of any Occupation Certificate:

- Tank 02-5

(Reason: Prevent nuisance flooding)

78. Sign for On-site Stormwater Detention (OSD) System

Prior to the issue of any Occupation Certificate pertaining to any works requiring Rainwater Reuse system or On-Site Detention System, an aluminium plaque measuring no less than 400mm x 200mm is to be permanently attached and displayed within the immediate vicinity of the OSD tanks.

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

(Reason: Prevent unlawful alteration)

79. Confined Space Sign

Prior to the issue of any Occupation Certificate, securely install standard confined space danger signs in a prominent location within the immediate vicinity of access points to any on site stormwater detention systems, rainwater tanks and confined spaces in accordance with the requirements of NSW Work Health and Safety Regulation 2017.

(Reason: Safe access to tank)

80. Certification of OSD

Prior to the issue of an Occupation Certificate for the building structure, a suitably qualified and experienced civil engineer (generally CP Eng. Qualification) shall certify on Council's standard certification form that the as-built OSD system is in accordance with the approved plans and complies with Council's DCP and Technical Standards. Council's standard certification form is available in the appendix of Council's Technical Standard No. 1.

(Reason: Legal requirement)

81. Certification of the Basement Pumpout Drainage System

Prior to the issue of an Occupation Certificate for the building structure and upon completion of any pump-out system, the following shall be submitted to the Certifier.

- (a) A suitably qualified and experienced civil engineer (generally CP Eng. Qualification) shall certify that the as-built pumpout system complies with Part C5 of Council's DCP, all relevant codes and standards and the approved stormwater management plans.
- (b) Work-as-executed plans based on the approved pump-out system plans from a registered surveyor to verify that the volume of storage and pump capacity are in accordance with design requirements. Any minor changes or variations

to the approved plans should be highlighted in red on the approved pump-out system plans.

- (c) Certification from a licensed plumber to ensure that the constructed pump-out system complies with the current plumbing requirements of Sydney Water and AS/NZS3500.3.

(Reason: Ensure compliance)

82. Works-As-Executed Plans - OSD

Prior to the issue of an Occupation Certificate for the building structure and upon completion of the OSD System, the following shall be submitted to the Certifier:

- (a) 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.
- (b) Engineer's certification of the OSD system together with the completed Council's standard form for On-Site Detention Record of Installation.

(Reason: Record of works)

83. S88B/S88E(3) Instrument

Create Positive Covenant and Restriction on the Use of Land on the Title in favour of Council as the benefiting authority for the as-built on-site stormwater detention (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 size and relative location of the OSD system, in relation to the building footprint and property boundary, 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 NSW Land Registry Services shall be submitted to the Certifier and Council prior to issue of the relevant Occupation Certificate for the building structure.

(Reason: Maintenance requirement)

84. Documentary Evidence of Positive Covenant, Engineers Certificate

Prior to the issue of an Occupation Certificate for the building structure, the following documentary evidence of the completed drainage works shall be submitted to Certifier and Council: -

- (a) Registered Positive Covenant and Restriction on the Use of Land by way of the Title Deed.
- (b) Certification from a suitably qualified and experienced civil engineer (generally

CP Eng. Qualification) for the as-built OSD system.

- (c) Work-as-Executed plans highlighting in red any variations based on the approved stormwater management plans from a registered surveyor for the as-built OSD system.

(Reason: Public record)

85. Construction of Kerb & Gutter

Prior to the issue of the first Occupation Certificate for facades and fitout, 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 in Artarmon Road and Richmond Avenue.

(Reason: Public amenity)

86. Reconstruct Pavement

Prior to the issue of the first Occupation Certificate for facades and fitout, half the road pavement including any necessary associated works adjoining to the full frontage of the development site in Richmond Avenue and Artarmon Road shall be reconstructed in accordance with Council's approved drawings, conditions and specification (AUS-SPEC). Council's standard design traffic for this pavement is 1 x 10⁶ ESA.

(Reason: Ensure compliance)

87. Concrete Footpath

Prior to the issue of the first Occupation Certificate for facades and fitout, construct a 1.5m concrete footpath for the full frontage of the development site in Artarmon Road and Richmond Avenue. The Heritage Plaque installed as part of works associated with DA 2020/136 shall be protected during construction of the footpath.

All works shall be carried out in accordance with Council's standard specifications and drawings.

(Reason: Public amenity)

88. Street Lighting

Prior to the issue of an Occupation Certificate for the works in the road reserve, provide amendments to the existing street lighting system as required to serve new works, including the new site entry and roundabout. The lighting shall be in accordance with Australian Standard AS/NZ 1158.

Reason: Public amenity)

89. Vehicular Crossing

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

The crossing is to be as per the approved drawings. The new crossing shall be located no closer than 1 metre from any power pole and 2 metres from any street tree unless otherwise approved by Council.

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

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

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

90. Removal of Redundant Crossings

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

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

91. 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 Certifier prior to the issue of an Occupation Certificate for works in the road reserve.
(Reason: Ensure compliance)

92. Performance Bond

Prior to the issue of an Occupation Certificate for works in the road reserve, the Applicant shall lodge with the Council a performance bond of \$200,000 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)

93. Turfing of Nature Strip

Prior to the issue of a Whole Occupation Certificate and in the event of damages to the grass verge during works, trim the strip of land between the property boundary and the road, spread topsoil on top of the trimmed surface and lay approved turfing on the prepared surfaces. The turf shall be protected from vehicular traffic and kept watered until established.

(Reason: Public amenity)

94. Easement for Support

Prior to issue of the relevant Occupation Certificate for the building structure and services:

- (a) The Easement for support required under Condition 72 of DA 2020/128 is to be registered with the NSW Land Registry Services.
- (b) Submit a certificate from a Structural Engineer certifying the retaining wall has been constructed in accordance with the Structural Engineer's details.
- (c) Submit a survey by a Registered Surveyor certifying that the retaining wall is wholly within the subject easement.
- (d) An approved balustrade may be required to be erected along the top of the wall in the interests of public safety.

(Reason: Protection of road reserves)

95. Public Infrastructure Restoration

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

(Reason: Protection of public assets)

96. Vehicle Access and Manoeuvring – Construction & Certification

Prior to the issue of an Occupation Certificate for any works associated with parking and access, the Applicant shall submit, for approval by the Principal Certifier, certification from a suitably qualified and experienced Traffic Engineer relating to the construction of vehicular access and manoeuvring for the development. This certification must be based on a site inspection of the constructed vehicle access, manoeuvring and vehicle accommodation areas, with dimensions and measurements as necessary, and must make specific reference to the following:

- (a) That the as-constructed carpark complies with the approved Construction Certificate plans.
- (b) That finished driveway gradients and transitions comply with AS/NZS 2890.1 and AS 890.2 and will not result in scraping to the underside of cars.
- (c) That a maximum gradient of 5% is provided for the first 6 metres from the property's front boundary to the basement. All driveway grades shall comply AS/NZS 2890.1 and AS 2890.2.

- (d) That all visitor parking spaces have a minimum width of 2.5m and meet the requirements of Class 2 parking in AS/NZS 2890.1.
- (e) Aisle widths throughout basements comply with AS/NZS 2890.1.
- (g) That the constructed vehicular path and parking arrangements comply in full with AS/NZS 2890.1, AS 890.2 and AS/NZS 2890.6 in terms of minimum dimensions provided and grades on parking spaces.
- (h) That headroom clearance of minimum 2.2 metres between the basement floor and any overhead obstruction (including overhead services) is provided for compliance with Section 5.3.1 of AS/NZS 2890.1 and Section 2.4 of AS/NZS 2890.6.
- (i) That headroom clearance of minimum 2.5 metres is provided to all parking spaces for people with disabilities for compliance with Section 2.4 of AS/NZS 2890.6.
- (j) That the headroom clearance required in AS 2890.2 for the largest vehicle using the site has been provided for the loading area and the path to and from the loading area.
- (k) That a shared area with minimum dimensions of 2.4 x 5.4m is provided adjacent to all disabled parking spaces and a shared area with minimum dimensions of 2.4m x 2.4m is provided at the end of all disabled parking spaces to comply with AS/NZS 2890.6, and that a bollard is located in the shared zone in accordance with AS/NZS 2890.6.
- (l) Simultaneous manoeuvring of B99 and B85 at all ramps and ramp ends including clearances for each vehicle as per AS/NZS 2890.1 is achieved.
- (m) Access and manoeuvrability of the largest vehicle accessing the site and simultaneous manoeuvrability of the largest vehicle using the site and a passenger vehicle including clearances in accordance with AS/NZS 2890.1 and AS 2890.2 is achieved.

(Reason: Ensure compliance)

97. Stormwater Maintenance Plan

Prior to the issue of the relevant Occupation Certificate for facades and fitout, a Stormwater Maintenance Plan shall be submitted to the Certifying Authority for approval. The plan shall include details of the maintenance tasks required and the timeframe for each task, required to ensure that the system operates as designed.

(Reason: Ensure stormwater system operates)

98. Certification of Water Quality Improvement System

Prior to the issue of the relevant Occupation Certificate for facades and fitout, a suitably qualified civil engineer shall submit certification that the as constructed stormwater quality improvement system complies with the requirements of Part C.5 of the Willoughby DCP and Technical Standard 1.

(Reason: Protect the environment and ensure compliance)

99. Bicycle Racks

Prior to the issue of a Whole Occupation Certificate, install bicycle racks required by Part C.4 of the Willoughby DCP in locations throughout the site near the pedestrian entries to the buildings. The locations shall generally be in accordance with the positions shown on Chrofi drawing DA-ST2-1005/B

(Reason: Ensure compliance)

100. Loading Area

Prior to the issue of a relevant Occupation Certificate, provision is to be made for loading / unloading of a Small Rigid Vehicle within the site in the vicinity of the western end of the Scott Street extension or within the basement parking area associated with the Stage 2 works.

(Reason: Provide loading / delivery area in western part of site)

101. Construct Roundabout

Prior to the issue of an Occupation Certificate, construct the new roundabout at the intersection of Artarmon Road and Richmond Avenue

(Reason: Traffic management and safety)

102. Completion of Landscape Works

Prior to the issue of a Whole Occupation Certificate, any 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)

103. Weed Removal

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

(Reason: Environmental protection; landscape amenity)

104. Tree Planting

Prior to the issue of a Whole Occupation Certificate, trees are to be planted in accordance with the following table:

No. Required	Species	Location	Min Pot Size
All trees within the approved stage of works	As indicated on Planting Plan Dwg No. LD-SK-MP 8400-10a Rev F dated 02/06/21 prepared by McGregor+Coxall	As indicated on the Landscape Plan	As indicated on the Landscape Plan

(Reason: Landscape amenity)

105. Project Arborist Certification

Prior to the issue of the whole Occupation Certificate, the Project Arborist is to certify in writing that all tree protection measures and remediation works have been complied with as per conditions of consent.

(Reason: Protection of trees required to be retained)

106. Contamination/Remediation – Site Validation Report

A Stage 4 – Site Validation Report (SVR) shall be prepared by a suitably qualified contaminated land consultant in accordance with:

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

The SVR shall clearly state that the objectives in the approved Remedial Action Plan have been achieved, whether there are any ongoing site management requirements, and that the land is suitable for the proposed use. The SVR and notice of completion of remediation works, in accordance with clause 18 of SEPP 55, must be submitted to Council for its review and concurrence prior to the issue of an Occupation Certificate.

(Reason: Environmental protection, public health and safety)

107. Contamination – Site Audit Statement and EMP

A final Site Audit Report (SAR) and Section A Site Audit Statement (SAS) from the Accredited Site Auditor shall be submitted to Council for review and concurrence in writing prior to the issue of any Occupation Certificate for the site.

- a) The final SAS should clearly state that the portion of land, to which the SAS relates, is suitable for the proposed use/s. The SAS should refer to an attached site survey that clearly identifies the area to which the Statement relates for easy identification.
- b) Where compliance with a condition on a SAS can only be ensured with the involvement of Council, the Accredited Site Auditor must seek written agreement from Council first before the SAS is issued.
- c) Inclusion of an Environmental Management Plan (EMP) in a SAS condition requires the prior discussion with Council and should be done in accordance with Section 3.4.6 of the EPA's *Contaminated Sites Guidelines for the NSW Site Auditor Scheme (3rd Edition 2017)*. The approval of Council must be obtained in writing prior to the issue of the final Site Audit Statement.

(Reason: Environmental protection, public health and safety)

108. Environmental Management Plan – Positive Covenant

If an Environmental Management Plan is required, a positive covenant (88E instrument) shall be registered on the title of the portion/lot of land binding the owners and future owners to be responsible for ongoing maintenance and any future rehabilitation works required in terms of the encapsulated/remaining contaminated materials.

The required documentation and associated legal paperwork (which notes Council's interest in the positive covenant) shall be forwarded to Council for consideration and endorsement before the positive covenant is registered with NSW Land Registry Services. Evidence that the positive covenant has been placed on the certificate of land shall be submitted to Council and the Principal Certifying Authority prior to the issue of an Occupation Certificate.

(Reason: Environmental protection, public health and safety, compliance)

109. Contamination - Environmental Management Plan

If required, the validation of the site as suitable for the proposed mixed-use redevelopment will be contingent upon the implementation of an Environmental

Management Plan (EMP) to manage residual risks posed by contaminated material to future site users.

Where required, the EMP shall contain the following elements:

- A statement of the objectives of the EMP – i.e. to ensure continued suitability of the site after it has been remediated;
- Identification of residual environmental contamination issues at the site that require ongoing management/monitoring to meet the EMP objectives, the type of contamination and location within the site (including survey plans);
- Documentation of environmental management measures which have been implemented to address the identified environmental issues at within the site;
- Description of management controls to limit the exposure of the site users to known areas of contamination to acceptable levels;
- Description of responsibilities for implementing various elements of the provisions contained in the EMP;
- Timeframes for implementing the various control/monitoring, etc. elements outlined in the EMP;
- Environmental monitoring and reporting requirements (if required) for the future management of environmental impact underlying the site;
- Corrective action procedures to be implemented where EMP assessment criteria are breached.

(Reason: Environmental compliance, public health and safety)

110. Acoustic Treatment – Certification

Prior to the issue of any relevant Occupation Certificate, certification shall be provided from a suitably qualified acoustic engineer certifying that any required acoustic treatment of the development complies with the construction details approved and the relevant design noise criteria.

(Reason: Amenity, environmental compliance and health)

111. Certification – Ventilation

Prior to the issue of any relevant 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)

112. Council Inspection – Waste Management Facilities

Prior to the issue of any Occupation Certificate, an authorised Council waste officer is to inspect and approve all waste management facilities to ensure they comply with the Operational Waste Management Plan dated 05/06/2020 Report No S0487 Rev D. Specifically, the path of travel for all waste, from unit to point of waste collection, waste storage room sizing, access to water and sewer connections, finished materials, access and door way dimensions, and that all waste facilities are fit for purpose.

(Reason: Environmental protection/waste reduction/public health and safety)

113. Acquisition of Drainage Easement

Prior to the issue of the first Occupation Certificate for building structure and services, obtain a drainage easement over the outlet pipe and associated outlet structure to the legal point of discharge in Richmond Avenue Reserve. The easement width shall comply with the requirements in Part C.5 of the Willoughby DCP.

(Reason: Legal requirement)

114. Affordable Housing – Fittings and Finishes

Prior to the issue of any Occupation Certificate for the works on facades or fit-out, the Certifier must be satisfied that the Affordable Housing dwellings have the internal fittings and finishes at the same standard as the other dwellings within the development and in accordance with the schedule endorsed by Council.

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

(Reason: Amenity)

115. Plan of Management

Prior to the issue of any Occupation Certificate for the works on facades or fitout, the Certifier must approve a Plan of Management for the community room at the Gateway (POM). The POM must demonstrate that:

- (a) The community room is to be clearly signposted as a facility available to the public;
- (b) A procedure for making bookings;
- (c) Hours of operation (which shall protect the acoustic amenity of residents);
- (d) Identify the person responsible for maintenance and cleaning of the community room;
- (e) Charges, which shall be confined to that reasonably necessary for the care and upkeep of the community room;

PRIOR TO THE RELEASE OF LINEN PLANS/SUBDIVISION CERTIFICATE

The following conditions are to be complied with prior to the issue of the Subdivision Certificate and the release of the Linen Plans for registration at the Land Registry Services.

116. General Easement/ROW Provision and Certification

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

(Reason: Ensure compliance)

117. Location of On-Site Detention System

The locations of the as-built on-site stormwater detention system(s) shall be shown on the final plan of subdivision/strata plan. All on-site stormwater detention tanks and associated access points are to be located in common property.

(Reason: Ensure compliance)

118. Section 88B Instrument

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

(Reason: Ensure compliance)

ONGOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

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.

119. Public Access

a) The areas indicated on the approval plans as The Gateway (including the community room, which is to be booked by the public), The Gorge and The Leisure Lawn are to be publicly accessible.

b) The abovementioned spaces are to be managed and maintained to a design standard equivalent to that shown on the approved plans.

(Reason: Public Amenity)

120. 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)

121. Stormwater Treatment System – Ongoing Maintenance

The registered proprietor of the land shall take full responsibility for the ongoing maintenance of the Stormwater Treatment System constructed on the land. The maintenance of the system is to be undertaken in accordance with the recommendations of “Guidelines for the Maintenance of Stormwater Treatment Measures” published by Stormwater NSW or other relevant guidelines or publications.

(Reason: Ensure compliance)

122. Loading and Deliveries

All loading and unloading of goods, including deliveries and removalist activities, shall occur within the site and not on the surrounding public roadways.

(Reason: Traffic management and safety)

123. Road Reserve Planting

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

- (a) The cost of all works being borne by the applicant.
- (b) All service location checks and liability being the responsibility of the applicant.
- (c) Ongoing maintenance and replacement planting will not be provided by Council.
- (d) Council retains the right to prune or remove the planting as may be required for road or service maintenance and safety.

(Reason: Management of public assets)

124. 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)

125. Noise Control – Offensive Noise and Vibration

To minimise the noise and vibration 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)

126. Mechanical Ventilation Systems with Regulated Air Handling and Water Systems

Mechanical ventilation systems comprising regulated air handling and water systems (cooling towers, warm-water systems and the like) 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)

127. Waste Management Plan (WMP) Implementation

The Operational Waste Management Plan dated 05/06/2020 Report No S0487 Rev D prepared by Elephants Foot is to be implemented throughout the ongoing use of the development.

(Reason: Environmental protection/waste reduction/public health and safety)

128. Affordable Housing Dwellings

The Affordable Housing dwellings providing a total gross floor area of **min. 832.5m²** are to be dedicated to Willoughby City Council within two (2) months of the registration of any subdivision of the development creating the areas to be dedicated and within six (6) months of the issue of an Occupation Certificate for the purpose of Affordable Housing in accordance with Clause 6.8 of *Willoughby Local Environmental Plan 2012* as outlined below:

- (a) **Eight (8)** units and their respective number of car spaces
(Reason: Ensure compliance)

129. Plan of management

The community room at the Gateway shall be operated in accordance with the approved Plan of Management.

PRESCRIBED CONDITIONS

The following conditions are prescribed by Section 4.17 of the Environmental Planning & Assessment Act for developments involving building work.

130. Compliance with National Construction Code

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

STATUTORY REQUIREMENTS

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

131. Construction Certificate

This consent IS NOT an approval to carry out any building works. A Construction Certificate may be required PRIOR TO ANY 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)

132. Notify Council of Intention to Commence Works

In accordance with the provisions of Section 6.6 of the *Environmental Planning and Assessment Act 1979* the person having the benefit of the development consent shall appoint a Certifier and give at least 2 days' notice to Council, in writing, of the person's intention to commence the erection of the building.
(Reason: Information and ensure compliance)

133. Occupation Certificate

The building/structure or part thereof shall not be occupied or used until an occupation certificate has been issued in respect of the building or part.
(Reason: Safety)