

**SNPP – PPSSNH-310 – DRAFT CONDITIONS – DA-2022/166 – 753 PACIFIC HIGHWAY
& 15 ELLIS STREET, CHATSWOOD**

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
Demolition Plan	AR-DA-0103	1	05.04.2022	SJB Architects
Floor Plan B5	AR-DA-1001	7	05.04.2022	SJB Architects
Floor Plan B4	AR-DA-1002	10	05.04.2022	SJB Architects
Floor Plan B3	AR-DA-1003	10	05.04.2022	SJB Architects
Floor Plan B2	AR-DA-1004	10	05.04.2022	SJB Architects
Floor Plan B1	AR-DA-1005	10	05.04.2022	SJB Architects
Floor Plan Ground	AR-DA-1006	15	19.10.2022	SJB Architects
Floor Plan L1	AR-DA-1007	13	19.10.2022	SJB Architects
Floor Plan L2	AR-DA-1008	16	19.10.2022	SJB Architects
Floor Plan L3	AR-DA-1009	13	29.07.2022	SJB Architects
Floor Plan L4	AR-DA-1010	14	29.07.2022	SJB Architects
Floor Plan L5-8	AR-DA-1011	13	29.07.2022	SJB Architects
Floor Plan L9	AR-DA-1015	13	19.10.2022	SJB Architects
Floor Plan L10-13	AR-DA-1016	13	29.07.2022	SJB Architects
Floor Plan L14	AR-DA-1020	15	29.07.2022	SJB Architects
Floor Plan L15	AR-DA-1021	16	29.07.2022	SJB Architects
Floor Plan L16	AR-DA-1022	15	29.07.2022	SJB Architects
Floor Plan L1023	AR-DA-1023	10	29.07.2022	SJB Architects
North Elevation	AR-DA-1401	8	29.07.2022	SJB Architects
East Elevation	AR-DA-1402	8	29.07.2022	SJB Architects
South Elevation	AR-DA-1403	8	29.07.2022	SJB Architects
West Elevation	AR-DA-1404	8	29.07.2022	SJB Architects
Section Sheet 01	AR-DA-1501	8	29.07.2022	SJB Architects
Section Sheet 02	AR-DA-1502	8	29.07.2022	SJB Architects
Privacy screen details	AR-DA-6051	1	29.07.2022	SJB Architects
Podium Sections	AR-DA-6052	1	29.07.2022	SJB Architects
Adaptable Layouts	AR-DA-4401	6	05.04.2022	SJB Architects
Adaptable Layouts	AR-DA-4402	6	05.04.2022	SJB Architects
Adaptable Layouts	AR-DA-4403	6	05.04.2022	SJB Architects
Adaptable Layouts	AR-DA-4404	5	05.04.2022	SJB Architects
Adaptable Layouts	AR-DA-4405	5	05.04.2022	SJB Architects
Adaptable Layouts	AR-DA-4406	5	05.04.2022	SJB Architects
Adaptable Layouts	AR-DA-4407	4	05.04.2022	SJB Architects
Adaptable Layouts	AR-DA-4408	1	05.04.2022	SJB Architects
Adaptable Layouts	AR-DA-4409	1	05.04.2022	SJB Architects

Adaptable Layouts	AR-DA-4410	1	05.04.2022	SJB Architects
Adaptable Layouts	AR-DA-4411	1	05.04.2022	SJB Architects
Cover Sheet and Drawing Index	C-00-0001	C	24.06.2022	SCP Engineers and development consultants
Specification Notes and Legend Sheet	C-00-0101	C	24.06.2022	SCP Engineers and development consultants
Siteworks Plan	C-02-1001	D	24.06.2022	SCP Engineers and development consultants
Siteworks Details	C-02-6001	C	24.06.2022	SCP Engineers and development consultants
Catchment Plan	C-03-2001	C	24.06.2022	SCP Engineers and development consultants
OSD Tank Plan and Sections	C-03-7001	D	24.06.2022	SCP Engineers and development consultants
OSD Tank Details	C-03-7051	C	24.06.2022	SCP Engineers and development consultants
Erosion and Sediment Control Plan and Details	C-06-0001	C	24.06.2022	SCP Engineers and development consultants
Landscape Plan Set	DA-L001	C	April 2022	Oculus

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)

2. Transport for NSW requirements

The following conditions from TfNSW requirements must be complied with:

A.	All buildings and structures other than pedestrian footpath awnings, together with any improvements integral to the future use of the site are wholly within the freehold property unlimited in height or depth along the Pacific Highway boundary.
B.	All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Pacific Highway.
C.	A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Pacific Highway during construction activities. A ROL can be obtained through https://myrta.com/oplinc2/pages/security/oplincLogin.jsf

(Reason: Ensure compliance)

3. Ausgrid requirements

The following conditions from Ausgrid must be complied with:

A.	<p>Overhead Powerlines</p> <p>Safe work NSW Document – Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding.</p> <p>The “as constructed” minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid’s website, www.ausgrid.com.au</p> <p>It remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite.</p> <p>"Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost.</p> <p>It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site."</p>
B.	<p>Underground Cables</p> <p>Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.</p> <p>Safework Australia – Excavation Code of Practice, and Ausgrid’s Network Standard NS156 outlines the minimum requirements for working around Ausgrid’s underground cables.</p> <p>Should ground anchors be required in the vicinity of the underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.</p>

(Reason: Ensure compliance)

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

4. S7.11 Contribution

Prior to the issue of the Construction Certificate, a monetary contribution is to be paid to in accordance with section 7.11 of Environmental Planning and Assessment Act, 1979 in the amount of **\$642,090.72** for the purposes of the Local Infrastructure identified in the Willoughby Local Infrastructure Contributions Plan.

Active transport and public domain facilities	\$27,383.57
Open space and recreation facilities	\$503,281.95
Plan administration	\$9,489.13
Recoupment - community facilities	\$96,790.04
Recoupment - open space and recreation	\$5,146.03
Total	\$642,090.72

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:

$$\frac{\$C_o \times CPI_P}{CPI_C}$$

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)

5. External Finishes – Solar Absorptance

The external roofing, glazing and walls of the proposed dwelling are to be of minimal reflectance so as to avoid nuisance in the form of glare or reflections to the occupants of nearby buildings, pedestrians and/or motorists. Details demonstrating compliance are to be submitted with the Construction Certificate application.

(Reason: Visual amenity)

6. Certification of Gross Floor Area

Prior to the issue of a Construction Certificate, a Registered Surveyor shall submit to the Certifier for approval, a floor space ratio (FSR) calculation plan demonstrating that the proposed gross floor area of all buildings on the site does not exceed 7,278m². The calculation must be undertaken in accordance with the definition for gross floor area under Willoughby Local Environmental Plan.

(Reason: Bulk and scale control/compliance)

7. BASIX

Where required, the BASIX certificate shall be updated to reflect any changes resulting from this consent. The updated BASIX certificate shall be submitted with the construction certificate application.

(Reason: Environmental Sustainability)

8. Local Infrastructure Contributions

For development that involves subdivision and/or building work, any contribution required under Council's Local Infrastructure Plan must be paid to Council prior to the issue of the subdivision certificate or first construction certificate, whichever occurs first.

(Reason: Statutory requirement)

9. Building Sustainability – Green star

Prior to the issue of a Construction Certificate, a compliance statement, prepared by a suitably qualified person, must be submitted to Council to verify a Green Star rating of minimum 4 stars but preferably 5 (to achieve 'Australian Excellence') can be achieved.

(Reason: Sustainability)

10. Building Sustainability – NABERS

Prior to the issue of a Construction Certificate, a NABERS Energy Commitment Agreement to achieve a minimum five-star rating must be submitted to the Department of Planning Industry and Environment (DPI&E), and a copy provided to Council.

(Reason: Sustainability)

11. Access, Mobility and Adaptable Housing

Prior to the issue of a Construction Certificate, to provide suitable access for people with disabilities, the development shall comply with Disability (Access to Premises – Buildings) Standards 2010. Details demonstrating compliance must be submitted with the Construction Certificate application.

(Reason: Access and Compliance)

12. Shared Path and Right-of-Way

Prior to the issue of the Construction Certificate the Architectural and Landscape Plans are to be amended to show a 3m wide shared path along the Pacific Highway frontage, commencing at a point 1.5m from the kerb, in accordance with Council's Shared Path Policy. Planting within the verge setback (from the kerb to a point 1.5m from the kerb) must be planting that achieves approximately 1m in height at maturity, so as to preserve sightlines for vehicles. The plans shall also notate that a right-of-way is to be registered over all that part of the site within 4m of the front boundary (fronting Pacific Highway) including the shared path, and that this right-of-way will be registered prior to the issue of the Occupation Certificate. **The wording of the right-of-way must be provided to Council and written approval obtained from Council prior to the issue of the Construction Certificate.**

(Reason: Compliance and Public Amenity)

13. Planning Agreement

Prior to the issue of any Construction Certificate, the obligations under the Planning Agreement executed on 20 January 2022 relating to this development are to be satisfied at the timing required under Schedule 2 of the Planning Agreement.

(Reason: Ensure compliance)

14. Sydney Water 'Tap In'

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

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

(Reason: Ensure compliance)

15. Adaptable Units

Adaptable residential units for disabled persons are to be provided at a rate of 51% of units (total 25 units). Each adaptable unit is to be nominated on the Construction Certificate drawings and each adaptable unit is to be provided with a disabled car space.

(Reason: Compliance, universal design)

16. Agreement to Transfer Affordable Housing Dwellings

The applicant must enter into a Deed with the Council providing for the transfer of title of the affordable housing dwellings identified as units 2.03 and 2.04 at Level 2 to the Council, free of charge. The Deed is to be generally in accordance with the Housing Transfer Deed template available at Council and is to be submitted to the Council and executed prior to the issue of the Construction Certificate.

The terms of this agreement must be to the satisfaction of the Council and must include a provision to the effect that the transfer of the dwellings is to be completed within two months of the registration of any subdivision of the development creating the areas to be dedicated and within 6 months of the issue of an Occupation

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

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

(Reason: Ensure compliance)

17. Affordable Housing Fittings and Finishes

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

(Reason: Amenity)

18. Fibre-Ready Facilities and Telecoms Infrastructure

Prior to the issue of a Construction Certificate, the developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Certifier that arrangements have been made for:

- (a) The installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose.

and

- (b) The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots/or premises in a real estate development project demonstrated through an agreement with a carrier.

(Note: Real estate development project has the meanings given in section 372Q of the Telecommunications Act).

(Reason: Compliance)

19. Damage Deposit

Prior to the issue of the Construction Certificate, the applicant shall lodge a Damage Deposit of **\$75,000** (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 **\$182** (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 = \$75,000 + \$182 = \$75,182

(Reason: Protection of public asset)

20. 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.

(Reason: Encroachment of works)

21. Stormwater Conveyed to Street Drainage

Stormwater runoff from the site shall be collected and conveyed to the street drainage system in accordance with Council's specifications. Any new drainage pipe connections to street kerb shall be made using a 125mm wide x 75mm high x 4mm thick hot dip galvanised Rectangular Hollow Section (RHS) with a grated drainage pit of minimum 600mm x 600mm 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: Stormwater control)

22. 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 system shall include an OSD tank to limit peak flow from the site to 20L/s in the 1%AEP storm event and water quality improvement measures in accordance with Technical Standard 1. Modelling shall be undertaken with Drains or equivalent model to confirm the OSD volume provided. The construction drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer and generally by in accordance with SCP drawings C-02-1001/D, C-02-6001/C, C-03-2001/C, C-03-7001/D and C-03-7051/C. The plans shall include the following:

- An access grate shall be provided directly over the outlet.
- An access grate shall be provided at the diagonally opposite corner of the tank.
- Access is to be provided over the filter devices.
- A 600 x 600 pit is to be provided adjacent to the boundary, prior to discharge to the kerb and gutter.
- As per the requirements of Technical Standard 1, a device targeting hydrocarbons shall be provided to treat any runoff from access ramps and parking areas.

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.

(Reason: Ensure compliance)

23. Basement Pump out Drainage System

Prior to the issue of the Construction Certificate, the applicant shall submit, for approval by the Certifier, detailed stormwater management plans in relation to the pump-out drainage system. The construction drawings and specifications shall be generally in accordance with the approved stormwater management plans with the following requirements:

- (a) The pump out 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 equivalent to the runoff volume generated from of the area draining into the tank for the 1% Annual Exceedance Probability storm event for 2-hours duration.

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)

24. 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)

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

Prior to issue of any Construction Certificate **for the building structure**, 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 1.5 metres wide footpath (max. 2.5% crossfall) towards the kerb for the full frontage of the development site in Ellis Street in accordance with Council's specification and Standard Drawings SD105 and SD100. All adjustments to public utility services and associated construction works in the nature strip are to be at the full cost to the applicant. Detailed long section and cross sections at 5 metres interval shall be provided.
- (b) Construction of 3.0 metres wide shared path (max. 2.5% crossfall) towards the kerb for the full frontage of the development site in Pacific Highway in accordance with Council's specification and Standard Drawings SD105 and SD100. All adjustments to public utility services and associated construction works in the nature strip are to be at the full cost to the applicant. Detailed long section and cross sections at 5 metres interval shall be provided.

- (c) Reconstruction of existing kerb and gutter for the full frontage of the development site in Ellis Street in accordance with Council's specifications and Standard Drawing SD105. Any existing pram ramps are to be reconstructed, in positions and width compliant with current standards.
- (d) Reconstruction of existing kerb and gutter for the full frontage of the development site in Crispe Lane in accordance with Council's specifications and Standard Drawing SD105. A new pram ramp is to be provided at the intersection of Crispe Lane and Ellis Street, in line with the ramp on the opposite (east) side of Crispe Lane.
- (e) Reconstruction of the existing road pavement 3.5m wide for the full frontage of the development site in Crispe Lane in accordance with Council's specifications
- (f) Mill and resheet the existing road pavement with 50mm asphalt 3.5m wide for the full frontage of the development site in Ellis Street in accordance with Council's specifications
- (g) Construction of a 6.0 metres wide vehicular crossing in Crispe Lane in accordance with Council's specification and Standard Drawings 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 any Construction Certificate.

(Reason: Ensure compliance)

26. Driveway Longsection

Prior to issue of the Construction Certificate and in order to assess the susceptibility of vehicles to scraping as they pass over the proposed access driveway the applicant shall submit longitudinal sections for approval by the certifying authority along each side of the proposed vehicular access path drawn at 1:20 Scale. The longitudinal sections shall include the following: -

- (a) Horizontal distance from the centreline of the road to the proposed parking slab, including provision of Council's standard layback as per Council's standard drawing SD105 which is available from Council's website. Council's standard layback is 500mm wide and back of layback is 100mm above the gutter invert.
- (b) Both existing and proposed levels (in AHD) and gradients represented in percentage (%) of the vehicular crossing and driveway.
- (c) Crossfall on road pavement shall be shown on long sections.

The design shall be prepared by a suitably qualified civil engineer using Council's standard vehicle profile (SD100). All driveway grades and transitions shall comply with AS/NZS 2890.1 -2004 and Council's specifications.

The new crossing is to be 6.0 metres wide with no splays and be constructed at right angle to street kerb. The footpath which forms part of the proposed crossing shall have a maximum crossfall of 2.5% towards the kerb. For the design levels of the

vehicular crossing at the property boundary, the following shall be complied with, unless written approval is gained from Council for alternate levels:

- (a) At back of layback – 100 mm above and parallel to the gutter invert.
- (b) At property boundary – 110mm above and parallel to the gutter invert.
- (c) At 6m inside the property boundary – 1:20 maximum grade from the level at the property boundary.

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.

(Reason: Safe vehicular access)

27. Vehicle Access and Manoeuvring – Engineer's Certification

Prior to the issue of the Construction Certificate, 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 to the basement. 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 2890.2 and AS/NZS 2890.6 in terms of minimum dimensions provided and grades on parking spaces, with visitor parking spaces complying with the requirements for Class 2 – Medium term parking.
- (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. The headroom is to be measured between the floor and any overhead obstruction, including services.
- (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 Figures 2.2 and 2.3 AS/NZS 2890.6.
- (g) That the headroom clearance of 3.5m required in AS 2890.2 for an SRV is provided for the loading area and the path to and from the loading area, including any manoeuvring areas. The headroom is to be measured between the floor and any overhead obstruction, including services. **There are to be no changes to the floor levels and podium height shown on the approved plans.**
- (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 an SRV and a passenger vehicle including clearance in accordance with AS2890.1 and AS2890.2, is provided for all

- areas between the entry and the loading dock in the basement.
- (j) Sight distance triangles are provided at the access driveway as per Clause 3.2.4 of AS/NZS 2890.1
 - (k) For single lane ramps a traffic control system is documented, with priority given to incoming vehicles.
- (Reason: Ensure compliance)

28. Finish Surface Levels Along the Street Boundary

Prior to the issue of a Construction Certificate, 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)

29. Detailed Landscape Design

Prior to the issue of the Construction Certificate, submit to the accredited certifier detailed landscape design prepared by a qualified landscape design professional. This information is to include the following information:

- (a) A minimum of 4 x local native canopy trees capable of attaining a minimum height of 20m in the front landscape setback to Pacific Highway, minimum pot size 200 litre;
- (b) Not include environmental weed species and trees listed as undesirable in the Willoughby Development Control Plan;
- (c) Use locally occurring native shrub and groundcover species in the front setback to Pacific Highway;
- (d) Provide 3 new street trees in Ellis Street in accordance with Council's Street Tree Masterplan; Minimum pot size 200 litre
- (e) Comply with ecologically sustainable development landscape principles;

(Reason: Landscape amenity)

30. Internal Noise Levels

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

Internal Space	Criteria L_{Aeq} (period)
Common areas (e.g. foyer, lift lobby)	55 dB(A) L _{Aeq} 24 hour
Residential Living Areas	40 dB(A) L _{Aeq} 24 hour
Residential Sleeping Areas (night time)	35 dB(A) L _{Aeq} 9 hour
Retail/Commercial Areas	45 dB(A) L _{Aeq} 24 hour

Note:

1. The above criteria do not apply to garages, kitchens, bathrooms or hallways.
2. The above criteria define the minimum acceptable levels. Buildings may be built to a better than average standard by applying more stringent criteria.
3. Fresh air ventilation that meets the requirements of the National Code of Construction (NCC) shall be provided to those occupancies that can only achieve the above criteria with windows and doors closed.

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

(Reason: Amenity, environmental compliance and health)

31. 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 Construction Certificate.

(Reason: Health and compliance)

32. Hazardous Building Material Assessment

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

(Reason: Environmental protection/public health and safety)

33. Noise From Mechanical Plant Equipment

To minimise the impact of noise onto receivers on surrounding land, all mechanical plant equipment 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 a Construction Certificate.

(Reason: Amenity, environmental compliance)

34. Acoustic Treatment

In order to achieve the internal noise levels specified above, the proposed development shall be designed and constructed to incorporate the recommended

acoustic treatments for glazing and other building elements from Section 5 of the acoustic report prepared by Pulse White Noise Acoustics Pty Ltd, Ref. 210333, dated 12 October 2021 as a minimum.

The required acoustic rating of the glazing assembly refers to the acoustic performance of the glazing once installed on site (including the frame).

In addition, any recommendations from the required acoustic assessment report considering noise from proposed mechanical plant equipment shall also be incorporated into the development. These plans and specifications showing the details of the proposed acoustic treatment shall be submitted to the Certifier prior to the issue of the Construction Certificate.

(Reason: Amenity, environmental compliance and health)

35. Mechanical Ventilation – Provisions for Future Use of Commercial/Retail Tenancy

The base building design shall include provisions for the installation of mechanical ventilation to any commercial/retail tenancy where it may be approved to be used as a food premises or any other use which requires mechanical ventilation. The provisions shall allow any mechanical ventilation system installed to discharge vertically and comply with the requirements of the National Construction Code and any relevant Australian Standard.

Details of these mechanical ventilation provisions shall be included in the construction plans and be provided to the Principal Certifying Authority prior to the issue of the Construction Certificate for the building structure.

(Reason: Amenity/Ensure compliance)

36. Walls – Solid Construction – Food Premises

All tenancy perimeter walls and internal walls including partition walls shall be solid construction. The walls are to be constructed in masonry, brickwork or other approved method with all voids filled with a suitable material. Details of the construction of any food premises tenancy shall be included in the construction plans and specifications provided to the Principal Certifying Authority prior to the issue of the Construction Certificate for the building structure.

(Reason: Health & Compliance)

37. Construction Safety and Transport Management Plan

Prior to issue of the Construction Certificate, a detailed **Construction Safety and Transport Management Plan** (CSTMP) shall be prepared to ensure safe and efficient movement of construction related workers, goods and vehicles; and all other transport users including pedestrians, bicyclists and motor vehicles (emergency vehicles, buses, heavy vehicles, cars, motor bikes), at the construction site (site) and on the public road and pathway networks to/ from the site.

A primary aim of a CSTMP is to maximise safety, amenity and mobility to site users; those moving past the site as well as those interacting with vehicles travelling to/ from the site on the adjacent public road and pathways.

The road and pathway network should include all public roads, bicycle paths/ lanes, shared paths and pedestrian facilities. The area of consideration of CSTMP extends from the site to the State Road network and public transport interchanges.

The CSTMP will address the whole construction process including, but not limited to, demolition, construction and commissioning.

The CSTMP shall:

- (a) Be prepared by a suitably qualified and experienced road safety and traffic engineering consultancy or traffic control company. The traffic consultancy and traffic control company must hold a valid Prepare Work Zone Traffic Management Plans (PWZTMP) traffic control qualification in TfNSW's Traffic Control at Work Site Technical Manual. The personnel used must have undertaken refresher training in PWZTMP competency in the two years from the date of qualification.
- (b) Be prepared in accordance with the current version of Austroads Guide to Temporary Traffic Management, Austroads Guide to Traffic Management, Austroads Guide to Road Safety, Australian Standard AS1742 Manual of Uniform Traffic Control Devices, Transport for NSW (TfNSW) Supplement to Australian Standard, TfNSW's Traffic Control at Work Site Technical Manual and relevant Council policies and guidelines.
- (c) Detail and explain the site including motor vehicle, pedestrian and bicycle access points and directions of movement.
- (d) Detail, explain and include all permanent safety and transport management works including road widening, traffic management, public transport, pedestrian and bicycle works on the public road and pathway networks required as conditions of consent.
- (e) Demonstrate that the pedestrian, bicycle and motor vehicle ingress and egress points at the site are designed, managed and operated in accordance with relevant standards, policies and guidelines. Demonstrate that all risks and hazards to safety, amenity and mobility to site users and those moving past the site on the adjacent road and pathways are identified and eliminated or, if not eliminated, minimised to an acceptable level.
- (f) Detail and explain infrastructure provided at the site, across, above and along all public roads and pathways adjacent to the site. Demonstrate that the infrastructure is designed, managed and operated in accordance with relevant standards, policies and guidelines to maximise safety, amenity and mobility to site users and those moving past the site on the adjacent public road and pathways. Demonstrate that all risks and hazards are identified and eliminated or, if not eliminated, minimised to an acceptable level.
- (e) Identify and describe the Council and TfNSW managed road and pathway networks to be used by motor vehicles, pedestrians and bicycles generated by the site. Document and explain the administrative and functional classifications, transport system devices and their operation, public transport interchanges (i.e. bus stops, rail stations etc), existing and site generated users, and any other relevant safety and transport management and operation features on the existing road and pathway networks.
- (h) Identify and explain all construction related motor vehicle generation, type, number and times of movement to/ from the site. Motor vehicle generation information must be provided for all anticipated vehicle types in each construction phase including, but not limited to, spoil removal, construction materials delivery and suppliers/ workers visiting and working on the site.
- (i) Identify and explain all construction related motor vehicle routes to/ from the site. Advise forecast construction site demands on each route. Demonstrate that the route chosen for heavy vehicle movement between the site and the State Road network is the safest, least impact on the amenity of residents and most direct to the nearest intersection with a State Road. Demonstrate

that all heavy vehicles generated by the site will travel on the road network safely and in compliance with the NSW road rules.

- (j) Identify and explain management arrangements for construction related motor vehicles parked on the site throughout the construction period and process.
- (k) Identify and explain operational and mitigation measures to be implemented so that no or minimal construction related vehicles such as worker motor cars, park or queue on the public road network.
- (l) Detail and explain all proposed safety and transport management measures including infrastructure and operations to the public road and footpath network planned to be in place for the full, or for a significant period of, the construction period to support the construction process. The changes may include Work Zone parking restrictions, regulatory parking restrictions, traffic control, safety and transport management changes to the public road and pathways. Demonstrate why the changes are necessary and support the construction methodology. Demonstrate that the works will maintain a safe road and pathway network with an acceptable operational performance. Identify and explain mitigation measures to maintain a safe and continuous access for pedestrians, bicyclists and public transport.
- (m) Detail and explain all changes on the public road and footpath networks that are a condition of consent including utilities, landscaping and safety and transport management works. Identify and explain the construction safety and transport management methodology to complete these works.
- (n) Detail and explain short term temporary safety and transport management changes (changes typically implemented and removed between one and five days in duration only) to be implemented. Outline a schedule of relevant Council permit (s), times and dates of changes and accompanying Work Zone Traffic Management Plan. Road closures shall be the subject of approval from Council. Confine temporary road closures to low traffic periods.
- (o) Detail and explain public information to be released and campaigns to be used to inform Council, road users, residents, businesses, emergency services, public transport operators of any long term changes or temporary full road closures on the local road network well in advance of each change. The temporary road closure plan shall include times and dates of changes, measures, signage, road markings and any temporary traffic control measures
- (p) Nominate a contact person who is the owner of the CSTMP and has authority without reference to other persons to change the CSTMP to comply with instructions issued by Council's Safe City Unit or the NSW Police.
- (q) The CSTMP must be submitted to, and approved by, the relevant road authority.

Notes

The CSTMP may be referred to the Traffic Committee for consideration and Council for approval. Temporary changes to the road and pathway network may require consideration by the Traffic Committee and Council approval.
(Reason: Ensure Safety)

38. Approval of design plans, road safety audits and environmental assessment of Safety and Transport Works

Prior to issue of the Construction Certificate, the design, road safety assessment and environmental assessment for all road safety, traffic management, intelligent transport system and road infrastructure changes to the carriageway and footways on a public road and footway such as a roundabout, pedestrian refuge, shared paths shall be referred to the Traffic Committee for consideration and Council for approval.

Traffic control signal design and construction is a responsibility of Transport for New South Wales (TfNSW). A copy of the TfNSW approved detailed design plan for new and modified traffic control signals will be forwarded to the Traffic Committee and Council for information.

(Reason: Public safety and amenity)

39. Design Standards for Safety and Transport Management Works

The following design, road safety assessment and environmental assessment standards will be applied to safety and transport management works:

- (a) All works shall be designed to the satisfaction of Willoughby City Council and in accordance with and meet the appropriate Australian Standards, Austroads guidelines, Transport for NSW (TfNSW) Technical Directions and Council policies and practices.
- (b) All road safety audits shall be undertaken to the satisfaction of Willoughby City Council and in accordance with and meet the appropriate Australian Standards, Austroads guidelines, TfNSW Technical Directions and Council policies and practices.
- (c) All environmental investigations, assessments and audits for works shall be undertaken to the satisfaction of Willoughby City Council and in accordance with and meet the appropriate Australian Standards, Austroads guidelines, TfNSW Technical Directions and Council policies

All design, road safety assessment and environmental assessment will be provided at no cost to Willoughby City Council.

(Reason: Public safety and amenity)

40. Safety and Transport Management Works

Prior to an application for a Construction Certificate, detailed design plans, road safety audits and environmental factors (REF) must be submitted to Council to carry out the following works:

Two way Shared Path – Pacific Highway between Ellis Street and the northern property boundary of 753 Pacific Highway.

- Provision of a 3.0 metre minimum shared path in Pacific Highway Street on the eastern side of the highway.
- Line marking, pavement marking and signposting to support the new arrangements.
- Provision of separate pedestrian and bicycle kerb ramps in Ellis Street, north side of road, at its intersection with Pacific Highway.
- The design satisfactorily addresses the interaction of the shared path and the pedestrian ingress / egress points of the DA and ensures effective sight distance and separation to maximise safety to DA users and shared path users.

- The shared path must be clear of any obstructions such as trees, street furniture, utilities, landscaping etc
- Should the shared path be constructed prior to Council's shared path along the Pacific Highway to the north of the DA then the design and construction should integrate with the existing footpath along the frontage of 757 – 759 Pacific Highway.

Pedestrian and Bicycle Refuge (New) OR KERB Extensions – Ellis Street at its intersection with Pacific Highway

Either of the following measures to be implemented to maximise safety of pedestrians and bicyclists using Pacific Highway, to reduce the speed of motor vehicles entering Ellis Street and reducing the distance for pedestrians and bicyclists to cross Ellis Street:

- One 2.0 metre-wide minimum bicycle/ pedestrian refuge in Ellis Street at the intersection with Pacific Highway.
- All necessary line marking, pavement marking and signposting to support the new traffic and parking arrangements

OR

- KERB Extensions in Ellis Street, both sides of road (north and south side) at the intersection with Pacific Highway
- Provision of separate pedestrian and bicycle kerb ramps in Pacific Highway, east side of road, on the north side of Ellis Street.

Albert Avenue and Crispe Lane Intersection - Traffic Management

- Implement No Right Turn 7 am – 7 pm Monday to Sunday in Albert Avenue, eastbound, into Crispe Lane
(Reason: Public safety and amenity)

41. Management plan for delivery and service vehicles entering and exiting the Development

The maximum length of all delivery and service vehicles is 12.5m.

Prior to issue of the Construction Certificate, the applicant must submit a management plan to ensure all delivery and service vehicles use Albert Avenue and Crisp Lane to approach the subject site. The plan shall include details of the following traffic movement for all delivery and service vehicles:

- (a) Entry into the loading dock area shall be from Albert Avenue, left turn into Crispe Lane and right into the driveway to the loading dock.
- (b) Exit from the loading dock area shall be right into Crisp Lane, right into Ellis Street and left into Pacific Highway
- (c) All vehicle movements generated by the DA are parked and operated within the DA at the B1 basement level
- (d) No delivery or service vehicles are permitted to enter or exit the car parking areas.
- (e) Use of Crispe Lane for parking of MRT and LRT is not permitted.

(Reason: Public safety and amenity)

42. Disabled parking spaces

Prior to the issue of the Construction Certificate, Disabled parking spaces compliant with Australian Standards should be provided within the car park.

The design of the disabled parking spaces must be to the satisfaction of Council and meet Australian Standards, Austroads guidelines and TfNSW technical directions and guidelines.

(Reason: Access for mobility impaired users)

43. Electric Vehicle Charging Bays

Prior to the issue of the Construction Certificate, all parking bays for motor vehicles and bicycles should be able to have an electric vehicle charger provided as part of the bay. A charger shall be provided for at least 50% motor vehicles and bicycles parking bays at the commissioning of the building.

The design of the electric vehicle charger spaces must be to the satisfaction of Council and meet Australian Standards, Austroads guidelines and TfNSW technical directions and guidelines.

(Reason: Support sustainable transport)

44. Bicycle and Scooter Storage and End-of-Trip facilities

Electric Bicycle, bicycle and electric scooter storage and end-of-trip facilities are to be provided on the first level of car parking for residents, workers and visitors. The type, design and number of storage facilities for bicycles and scooters is to comply with Council's DCP, or if not provided in the DCP, to be consistent with contemporary best practice provision for mixed use developments similar to this development.

(Reason: Compliance, amenity, sustainability)

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.

45. Dilapidation Report of Adjoining Properties

Prior to commencement of work, submit a photographic survey and report of the adjoining property at 755-759 Pacific Highway Chatswood to the Certifier and all owners of these adjoining properties. Such photographic survey and report shall be prepared by a suitably qualified person, detailing the physical condition of these properties, both internal and external including items as walls, ceilings, roof, structural members and other items as necessary.

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

(Reason: Protection of adjoining owners)

46. Public Risk Insurance Policy

The Public Risk Insurance Policy held by excavator contractor must not be less than \$10 million and must contain a clause indemnifying Council against any claims in respect of the excavation works. A copy of this policy is to be submitted to Council.
(Reason: Limit liability)

47. 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)

48. 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.

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)

49. 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)

50. 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. (Minimum one (1) weeks' notice required.)
- (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)

51. Permits and Approvals Required

Application is to be made to Council via its website for the following approvals and permits as appropriate: -

- (a) CRANE, HEAVY PLANT AND ROAD OCCUPANCY PERMITS to stand mobile cranes and/or other major plant on public roads.

A permit to stand mobile cranes and/or other major plant on public roads. Applications are to include current fees and security deposits and are to be received at least seven days before the proposed use. It should be noted that the issue of such permits may also involve approval from the NSW Police Force and the Transport NSW (Transport Management Centre).

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.

Permit applications are to be aligned with the approved Construction Safety and Transport Management Plan, where applicable.

A separate written application to work outside normal hours must be submitted for approval.

- (b) ROAD OPENING PERMIT to open public roads, including footpaths, nature strip, vehicular crossing or for any purpose whatsoever.

Permit to open public roads, including footpaths, nature strip, vehicular crossing or for any purpose whatsoever. All applications are to include current fees. It should be noted that the issue of such permits may also involve approval from the NSW Police Force and the Transport NSW (Transport Management Centre).

Permit applications are to be aligned with the approved Construction Safety and Transport Management Plan, where applicable.

A separate written application to work outside normal hours must be submitted for approval.

- (c) SKIP BIN PERMIT to place skip/waste bin on footpath and/or nature strip. (Maximum three (3) days).

Permit applications are to be aligned with the approved Construction Safety and Transport Management Plan, where applicable.

- (d) FOOTPATH LEASE PERMIT to work and/or place building materials on footpath and/or nature strip. (Maximum two (2) weeks).

Permit applications are to be aligned with the approved Construction Safety and Transport Management Plan, where applicable.

The permit application forms and application criteria and requirements can be found on Council's website.

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)

52. Application for Vehicle Crossing

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

(Reason: Protection of public asset)

53. 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 Pacific Highway, Ellis Street and Crispe Lane. Such street lighting shall also conform to Council's standard specifications.

(Reason: Public amenity)

54. 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)

55. Removal of Trees in Public Areas

Prior to the commencement of work,

- (a) Written notification is to be provided to Council giving a minimum of 7 days

warning prior to undertaking the removal of any trees approved for removal in public areas

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

(Reason: Management of Public Land)

56. Dewatering of Development Site

Appropriate pollution control methods shall be adopted to ensure any water discharged into Council's stormwater system from dewatering activity (either the pumping of accumulated rainwater or excavation intercepting groundwater) on the development site complies with relevant environmental criteria.

A Construction Site Dewatering Plan (CSDP) shall be prepared by a suitably qualified environmental consultant and submitted to Council for approval prior to the commencement of any work. The CSDP can be incorporated into any Construction Management Plan covering the entirety of siteworks to be carried out on the site, or can be a stand-alone document. It shall contain details on the water treatment method, equipment to be used, water testing regime and a written statement that the water to be discharged will meet the Council-approved design water quality criteria as follows:

Analyte	Unit	Measurement	Criteria
Total nitrogen	µg/L	< than	900
Total phosphorous	µg/L	< than	63.5
Dissolved oxygen	%sat	Btn 80 - 120%	
pH	pH units	Btn 6.5 - 8.5	
Conductivity	µS/cm	< than	778
Suspended solids	mg/L	< than	50
Turbidity	NTU	< than	50
Zinc	µg/L	< than	43
Lead	µg/L	< than	0.6
Copper (& any other heavy metals)	µg/L	< than	6.5

(Reason: Environmental protection, compliance)

57. Waste Storage Room Construction

A design certificate and detailed plans are to accompany the Construction Certificate application for the building structure which demonstrates that the waste storage has

been designed to be constructed in accordance with the Waste Management Guide and including the following requirements:

- (a) The floor is to be constructed of concrete at least 75mm thick and adequately graded to drain to a Sydney Water approved drainage fitting;
 - (b) The floor must be finished so that it is non-slip and has a smooth and even surface covered at all intersections;
 - (c) The ceilings and walls must be finished with smooth faced non-absorbent material capable of being cleaned;
 - (d) The room is to be provided with artificial light controllable within the room and adequate ventilation;
- The room is to be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock.
(Reason: Environmental protection/waste reduction/public health and safety)

58. Access for ~~Non-Residential~~ Waste Collection Vehicles

A design certificate and detailed plans are to accompany the Construction Certificate application that confirms that the development can be accessed and serviced by the nominated waste collection vehicle in accordance with the Waste Management Guide. The plans are to specifically demonstrate that the path of travel for the waste collection vehicle to the nominated collection area (which includes all entrance/exit, internal driveways, vehicle ramps, loading docks and basement) has been designed in accordance with AS2890.2- 2004.

The design certificate is also to confirm that the internal driveway, cross over, entry/egress points have been designed to meet the ~~following~~ loading requirements ~~of the designated non-residential waste collection vehicle~~.

- ~~(a) 25-tonne waste collection vehicles~~
- ~~(b) Turning circle of 23 metres~~
- ~~(c) Length of 12 metres~~

~~Clearance height of 4.5 metres (6m if using hook lift bins).~~

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

59. Waste Chute Design

Where the development incorporates a Waste Chute as part of the waste management system, a design certificate and detailed plans are to accompany ~~the~~ Construction Certificate application ~~for the building structure~~ which confirms that the waste chute can be constructed to satisfy the Waste Management Guide and specifically the following requirements:

- (a) Chutes, service openings and charging devices are constructed of metal or a smooth faced surface which is fire resistant and of impervious material
- (b) Chute is cylindrical in section, vertical and without bends as it passes through the floors
- (c) Chutes must terminate in the waste storage room and discharge into a waste bin
- (d) manufactures technical specifications and operational limitations.

(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.

60. Hours of Work

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

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

If a variation to these approved hours for multiple or extended periods is sought, an application under Section 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)

61. 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)

62. 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)

63. Suitable Barricades

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

(Reason: Public safety)

64. Demolition Work AS 2601-2001

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

(Reason: Safety)

65. Silencing Devices

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

(Reason: Maintain amenity to adjoining properties)

66. 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)

67. 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;
- (c) Upon completion of the roof framing, before the roofing is laid, indicating the ridge height to Australian Height Datum;
- (d) At roof slab level indicating the level of that slab to Australian Height Datum;
- (e) At completion indicating the relation of the building and any projections to the boundaries, and that the building has been erected to the levels approved in the Development Application.

(Reason: Ensure compliance)

68. 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)

69. 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)

70. 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)

71. 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)

72. 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)

73. Tree Protection

- (a) Retain and protect the following trees and vegetation throughout the demolition and construction period: All trees not indicated for removal on the approved plans unless exempt under relevant planning instruments or legislation.
- (b) The above trees must be clearly marked and protection devices in place to prevent soil compaction and machinery damage.
- (c) Tree roots greater than 25mm diameter are not to be removed unless approved by a qualified Arborist on site.
- (d) All structures are to bridge roots unless directed by a qualified Arborist on site.
- (e) Tree protection measures must comply with the AS 4970-2009 Protection of trees on development sites with particular reference to Section 4 Tree Protection Measures

(Reason: Tree management)

74. Tree Removal

Approval is given for the removal of the following trees:

Tree Species	Location
(a) 2 x Taxodium distichum	Located in the Ellis St road reserve as identified in the Arborist's Report

(Reason: Site development)

75. 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)

76. 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)

77. Hazardous Materials – Clearance Certificate

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

(Reason: Health and safety)

78. 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)

79. 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)

80. 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)

81. Minimising Construction Noise

Construction noise shall be controlled to comply with the requirements as set out in the EPA Draft Construction Noise Guideline 2020 (CNG).

A noise and/or vibration monitoring plan shall be implemented during construction in the event of a complaint being received by Council or the construction contractor. A report of the findings and action taken to mitigate any exceedances shall be submitted to Council within seven (7) days of its completion. Where noise criteria are exceeded, appropriate measures to control excessive noise shall be implemented immediately.

(Reason: Amenity and environmental compliance)

82. Testing to Verify Water Quality Prior to Pump-out

(a) On the occasion that any rainfall or other situation necessitates dewatering or pumping-out of accumulated water on 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.

(b) A copy of the up-to-date Council-approved Construction Site Dewatering Plan (or other document detailing the water pollution control method), the written approval from Council for the method, 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)

83. 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)

84. Permits and Approvals Required

Application is to be made to Council via its website for the following approvals and permits as appropriate: -

- (a) CRANE, HEAVY PLANT AND ROAD OCCUPANCY PERMITS to stand mobile cranes and/or other major plant on public roads.

A permit to stand mobile cranes and/or other major plant on public roads. Applications are to include current fees and security deposits and are to be received at least seven days before the proposed use. It should be noted that the issue of such permits may also involve approval from the NSW Police Force and the Transport NSW (Transport Management Centre).

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.

Permit applications are to be aligned with the approved Construction Safety and Transport Management Plan, where applicable.

A separate written application to work outside normal hours must be submitted for approval.

- (b) ROAD OPENING PERMIT to open public roads, including footpaths, nature strip, vehicular crossing or for any purpose whatsoever.

Permit to open public roads, including footpaths, nature strip, vehicular crossing or for any purpose whatsoever. All applications are to include current fees. It should be noted that the issue of such permits may also involve approval from the NSW Police Force and the Transport NSW (Transport Management Centre).

Permit applications are to be aligned with the approved Construction Safety and Transport Management Plan, where applicable.

A separate written application to work outside normal hours must be submitted for approval.

- (c) SKIP BIN PERMIT to place skip/waste bin on footpath and/or nature strip. (Maximum three (3) days).

Permit applications are to be aligned with the approved Construction Safety and Transport Management Plan, where applicable.

- (d) FOOTPATH LEASE PERMIT to work and/or place building materials on footpath and/or nature strip. (Maximum two (2) weeks).

Permit applications are to be aligned with the approved Construction Safety and Transport Management Plan, where applicable.

The permit application forms and application criteria and requirements can be found on Council's website.

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)

85. Design Standards for Safety and Transport Management Works

The following design, road safety assessment and environmental assessment standards will be applied to safety and transport management works:

- a) All works shall be designed to the satisfaction of Willoughby City Council and in accordance with and meet the appropriate Australian Standards, Austroads guidelines, Transport for NSW (TfNSW) Technical Directions and Council policies and practices.
- b) All road safety audits shall be undertaken to the satisfaction of Willoughby City Council and in accordance with and meet the appropriate Australian Standards, Austroads guidelines, TfNSW Technical Directions and Council policies and practices.
- c) All environmental investigations, assessments and audits for works shall be undertaken to the satisfaction of Willoughby City Council and in accordance with and meet the appropriate Australian Standards, Austroads guidelines, TfNSW Technical Directions and Council policies

All design, road safety assessment and environmental assessment will be provided at no cost to Willoughby City Council.

(Reason: Public safety and amenity)

PRIOR TO OCCUPATION OF THE DEVELOPMENT

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

86. 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)

87. Street Numbering

Prior to the issue of any Occupation Certificate, written application shall be made to the Geospatial Services Section of Council for the allocation of street numbering for each of the newly created strata lots and/or allotments. Documentary evidence of the allocated numbering issued by Council is to be lodged with the Subdivision Certificate Application and Linen Plans.

(Reason: Ensure compliance with Council's House-Property Numbering Policy)

88. State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development

Prior to the issue of any Occupation Certificate, a certifying authority must not issue an Occupation Certificate to authorise a person to commence occupation or use of residential apartment development unless the certifying authority has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the residential apartment development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles set out in Schedule 1 of State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development.

(Reason: Compliance)

89. Planning Agreement

Prior to the issue of any Occupation Certificate or prior to the registration of any Strata plan for the Land (whichever is earlier), the obligations under the Planning Agreement executed on 20 January 2022 relating to this development are to be satisfied at the timing required under Schedule 2 of the Planning Agreement.

(Reason: Ensure compliance)

90. Right of Way Registration

Prior to the issue of any Occupation Certificate, a right-of-way must be registered with Land Registry Services over all that part of the land located within 4 metres of the boundary fronting the Pacific Highway. This space also incorporates a 3 metre wide public path. The right-of-way is to allow public use of this portion of the land.

(Reason: Compliance, urban design)

91. 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)

92. 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)

93. 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)

94. Marked Parking Bays

Prior to the issue of any relevant Occupation Certificate, all parking bays and/or truck docks and the direction of traffic movement shall be permanently marked on the pavement surface in accordance with the approved parking and driveway layout to the satisfaction of the Certifier. Where it is proposed that a building or site be used for multiple occupations, all parking bays shall be identified by corresponding consecutive numbers.

(Reason: Ensure compliance)

95. Registration of Plan of Consolidation

Prior to the issue of any Occupation Certificate, all individual allotments involved in the development site shall be consolidated into a single allotment and evidence of the registration of the plan of consolidation to be submitted to Council.

(Reason: Ensure compliance)

96. 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)

97. Visitor Parking Spaces

Prior to the issue of a Whole Occupation Certificate, the 5 visitor car parking spaces shall be physically identified on site, and maintained free of obstruction for the exclusive use of visitors to the premises at all times.

(Reason: Amenity)

98. Services - Mailboxes

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

(Reason: Legal)

99. Affordable Housing – Fittings and Finishes

Prior to the issue of any Occupation Certificate, 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)

100. Affordable Housing Dwellings

The affordable housing units 2.03 and 2.04 shown on Level Drawing AR-DA-1008 Rev 16, plot dated 19.10.2022 prepared by SJB Architects, and providing a total gross floor area of a minimum of 238m², are to be dedicated to Willoughby City Council within two months of the registration of any subdivision of the development creating the areas to be dedicated and within 6 months of the issue of an Occupation Certificate for the purpose of affordable housing in accordance with Clause 6.8 of Willoughby Local Environmental Plan 2012. Each affordable dwelling must have an appurtenant car space.

(Reason: Ensure compliance)

101. State Survey Marks

Prior to the issue of a Whole Occupation Certificate, the Applicant shall reinstate any existing State/Permanent Survey Marks damaged by the works to the specification of the Land and Property Management Authority. A copy of the Location Sketch Plan of PM/SSM including reduced level (AHD) shall be submitted by a registered Surveyor. The degree of horizontal and vertical accuracy shall be acceptable to the NSW Land Registry Services.

(Reason: Public amenity)

102. Temporary Ground Anchors – Destressing

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

(Reason: Destressing of ground anchors)

103. On-site Water Management System

Prior to the issue of any Occupation Certificate, the stormwater runoff from the site shall be collected and disposed of to the kerb and gutter via an approved OSD system with a minimum volume of 51m³ (or as required to limit peak flow from the site to 20L/s in the 1%AEP storm event) and a water quality improvement 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) and shall include the required stormwater quality improvement devices.

(Reason: Prevent nuisance flooding)

104. Sign for On-site Stormwater Detention System

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

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)

105. 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 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)

106. Certification of OSD

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

107. Certification of the Basement Pump out Drainage System

Prior to the issue of any Occupation Certificate and upon completion of the 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 pump out 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)

108. Works-As-Executed Plans - OSD

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

109. 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 and stormwater treatment 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 and stormwater treatment 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. Council's costs, including legal fees associated with reviewing, approving and executing the Positive Covenant and Restriction of Use together with associated PEXA fees must be paid by the Applicant. The Applicant is responsible for any stamp duty payable in respect of the dealing.

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 any Occupation Certificate.

(Reason: Maintenance requirement)

110. Documentary Evidence of Positive Covenant, Engineers Certificate

Prior to the issue of any Occupation Certificate, 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.

The Certification and Work-as-Executed plans are to be submitted to Council prior to execution by Council of the Positive Covenant and Restriction on the Use of the Land.

(Reason: Public record)

111. Construction of Kerb & Gutter

Prior to the issue of any Occupation Certificate, construct a new kerb and gutter together with any necessary associated pavement restoration in accordance with Council's specification for the full frontage of the development site in Ellis Street and Cripse Lane. Pram ramps shall be provided at:

- The western end of Ellis St, adjacent to the Pacific Highway.
- The southern end of Crispe Lane, adjacent to Ellis Street, generally in line with the existing pram ramp on the opposite (east) side of Crispe Lane.

The final location and width of the pram ramps are to comply with Council's current requirements and the width of the adjacent path.

(Reason: Public amenity)

112. Reconstruct Pavement

Prior to the issue of any Occupation Certificate, reconstruct 3.5m wide road pavement for the full frontage of the development site in Crispe Lane. The works shall be in accordance with Council's approved drawings, conditions and

specification (AUS-SPEC). Council's standard design traffic for this pavement is 3x10⁵ ESA.

(Reason: Ensure compliance)

113. Mill and Re-sheet Pavement

Prior to the issue of any Occupation Certificate, mill and resheet 3.5m width of pavement for the full frontage of the development site in Ellis Street. Asphalt shall be a minimum of 50mm thick. The works shall be in accordance with Council's approved drawings, conditions and specification (AUS-SPEC).

(Reason: Ensure compliance)

114. Concrete Footpath

Prior to the issue of any Occupation Certificate, construct a 1.5m wide concrete footpath for the full frontage of the development site in Ellis Street. All works shall be carried out in accordance with Council's standard specifications and drawings.

(Reason: Public amenity)

115. Shared Path

Prior to the issue of any Occupation Certificate, construct a 3m wide concrete shared path for the full frontage of the development site in Pacific Highway. The shared path shall commence at a point 1.5 metres from the Pacific Highway kerb.

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

(Reason: Public amenity)

116. Street Lighting

Prior to the issue of any Occupation Certificate, provide approved amendments / upgrades to street lighting as required for the development in accordance with Australian Standard AS/NZ 1158.

(Reason: Public amenity)

117. Vehicular Crossing

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

The crossing is to be 6.0 metres wide with no splays and is to be constructed at right angles to the street kerb in plain concrete. The new crossing shall be located no closer than 1 metre from any power pole and 2 metres from any street tree unless otherwise approved by Council.

For the design levels of the vehicular crossing at the property boundary, the following shall be complied with unless written approval is gained from Council for alternate levels:

- (a) At back of layback – 100 mm above and parallel to the gutter invert.
- (b) At property boundary – 110 mm above and parallel to the gutter invert.
- (c) At 6m inside the property boundary – Max 1:20 grade from level at property boundary.

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)

118. Removal of Redundant Crossings

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

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

119. Inspection of Civil Works on Road Reserves

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

Pursuant to Section 138 of the Roads Act 1993, all works carried out on the road reserve shall be inspected and approved by Council's Engineer. Upon completion, Work-as-Executed drawings prepared by a registered surveyor shall be submitted to Council for record purposes. A completion certificate shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Certifier prior to the issue of any Occupation Certificate. Concurrence form TfNSW is required for any works on the kerb and gutter or pavement on the Pacific Highway.
(Reason: Ensure compliance)

120. Performance Bond

Prior to the issue of any Occupation Certificate, the Applicant shall lodge with the Council a performance bond of \$40,000 against defective public civil works undertaken by the main Contractor for a period of twelve (12) months from the date of the completion certificate issued by Council as the road authority under the Roads Act 1993. The bond shall be lodged in the form of a cash deposit, cheque or unconditional bank guarantee which will be refundable subject to the approval of Council's Engineers at the end of the maintenance period. In this period, the

Applicant is liable for any part of the work which fails to achieve the design specifications. Council shall be given full authority to make use of the bond for such restoration works within the maintenance period as deemed necessary.
(Reason: Ensure compliance and specification)

121. 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)

122. 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)

123. Vehicle Access and Manoeuvring – Construction & Certification

Prior to the issue of any Occupation Certificate, 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 2890.2 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) Aisle widths throughout basements comply with AS/NZS 2890.1, including an additional 300mm width in aisles adjacent to walls or other structures.
- (e) 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 and that visitor parking spaces comply with the requirements for Class 2 Medium term parking.
- (f) 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.
- (g) 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, with the headroom measured between the floor and any overhead obstruction, including services.

- (h) That the headroom clearance of 3.5m required in AS 2890.2 for an SRV is provided for the loading area and the path to and from the loading area, including any manoeuvring area, with the headroom measured between the floor and any overhead obstruction, including services. **There are to be no changes to the floor levels and podium height shown on the approved plans.**
- (i) 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 the requirements of Figures 2.2 and 2.3 of AS/NZS 2890.6.
- (j) 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.
- (k) Simultaneous manoeuvrability of an SRV and a passenger vehicle, including clearances in accordance with AS/NZS 2890.1 and AS 2890.2, between the site entry and the loading bay is achieved.
- (l) Site distance triangles are provided in accordance with the requirements of Clause 3.2.4 of AS/NZS 2890.1.
- (m) For single lane ramps, a traffic control system is provided, with priority given to incoming vehicles.

(Reason: Ensure compliance)

124. Stormwater Maintenance Plan

Prior to the issue of an Occupation Certificate, submit to the certifying authority approval a Maintenance Plan for the stormwater management system. The plan is to be in accordance with recommendations of "Guidelines for the Maintenance of Stormwater Treatment Measures" published by Stormwater NSW or other relevant guidelines or publications.

(Reason: Ensure operation of system complies)

125. Certification of Water Quality Improvement System

Prior to the issue of an Occupation Certificate, a suitably qualified and experienced civil engineer (generally CP Eng. Qualification) shall certify that the as built water quality improvement system is in accordance with the approved plans and complies with the requirements of Technical Standard 1.

(Reason: Legal requirement)

126. Vehicle Management Plan

Prior to the issue of an Occupation Certificate for the basement parking area, submit a Vehicle Management Plan for the site to the Certifying Authority. The plan is to detail the maximum size vehicle that can be accommodated on the site (which must be a minimum of a SRV as per AS 2890.2), provide examples of vehicle types that comply with this size vehicle and detail where loading and unloading is to occur. The plan is also to detail management of single lane ramps, ensuring that incoming vehicles have priority, to prevent congestion in the loading area. Manufacturers details and maintenance requirements are to be provided for any proprietary system, such as signals.

(Reason: Vehicle management)

127. Public Tree Maintenance

Prior to the issue of any relevant Occupation Certificate, the Project Arborist is to certify in writing that:

All new and replacement public trees are of the required species, container size, planting locations, planting standards, and have been grown and supplied from a recognised nursery complying to NATSPEC 2 Guide, "Specifying Trees", 2003.

(Reason: Tree management, public asset management)

128. Completion of Landscape Works

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

b) All trees indicated on the approved landscape plans (as amended by Conditions of Consent) are to be of the required species, container size, planting locations, planting standards, and have been grown and supplied from a recognised nursery complying to NATSPEC 2 Guide, "Specifying Trees", 2003. This is to be certified in writing by the Project Arborist.

(Reason: Landscape amenity)

129. Acoustic Works – Report

Prior to the issue of any relevant Occupation Certificate, certification shall be provided upon completion of the works, accompanied with written evidence from a suitably qualified and practising acoustic engineer, to the effect that the construction of the development and any acoustic treatment has been carried out in accordance with the acoustic report written by Pulse White Noise Acoustics Pty Ltd, Ref. 210333, dated 12 October 2021, and the mechanical plant equipment acoustic report referred to earlier in this consent.

(Reason: Amenity, environmental compliance and health)

130. 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)

131. Domestic Waste Collection Agreement with Council

Prior to the issue of any Occupation Certificate, the developer is to enter into a formal agreement with Council for the utilisation of Council's Domestic Waste Collection Service. This is to include Council being provided an easement for unimpeded access to and from the waste collection locations for council and its servants/ contractors to enter and exit for the purpose of waste recycling collection. The development is also required to indemnify Council and its servants/contractors against claims for loss or damage or wear and tear of access roads or to other parts

of the building.

Note: By entering into an agreement with Council for waste collection, the development will be required to operate in full compliance with Council's Waste Management collection requirements.

The provision of Council's waste collection service will not commence until formalisation of the agreement.
(Reason: Legal Requirement)

132. Private Waste Collection Service

Prior to the issue of any Occupation Certificate, the developer is to enter into a formal agreement with a licenced private waste contractor to service the development. The contract is to ensure the removal of all waste from the development site. Prior to entering into an agreement for a private waste collection service, the developer is to ensure that:

- (a) The service is functional and meets the operational needs of the development
- (b) The service minimises environmental nuisances including noise and other adverse impacts on the safety and amenity of residents and the public.
- (c) Council has been provided with indemnity against claims for loss or damage, should they take over the service at some point in the future.

A copy of the contract is to be forwarded to Council prior to the issue of any Occupation Certificate.
(Reason: Ensure compliance)

133. 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)

134. 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. Access to the system, including to all access points to any underground tank, shall be located in common areas.
(Reason: Ensure compliance)

135. 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. The instrument shall include the Positive Covenant and Restriction of Use of Land required for the OSD system.
(Reason: Ensure compliance)

135A. Public Art

(a) Detailed Public Art Plan

The detailed public art plan must be developed and implemented in accordance with Council's Public Art Policy and Procedures and Guidelines.

The Detailed Public Art Plan should include the public art concept/s illustrated in such a way that the form, dimensions, materials and location of the proposed artwork are clearly communicated. It should include a brief statement explaining the rationale behind the artwork and should demonstrate how the proposed work will relate to the proposed development and site.

It should provide a program for documentation, fabrication and installation and integration with the construction program for the development. It should also provide engineer's drawings, expected maintenance requirements and deaccessioning agreements.

The Public Art Plan will be reviewed by the Public Art Advisory Panel for comment and any recommendations will be recorded and passed on to the developer.

(b) Final Public Art Report to be submitted at Occupation Certificate Stage

Prior to the release of the Occupation Certificate, the written consent of Council's Planning and Infrastructure Director must be obtained that confirms the public art has been delivered in accordance with the Public Art Plan.

The Final Public Art Report should provide information about the artworks and artist, the fabrication and installation of the work, the documentation and engineers' drawings, the maintenance requirements, any additional relevant information regarding ownership, and copyright of the work.

(Reason: Ensure compliance with Council's Public Art Policy)

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.

136. Public Art

For the purposes of contributing to the social, cultural and economic vitality of the Willoughby LGA, the **public art will be maintained and managed** in accordance with Council's Public Art Policy.

(Reason: Ensure compliance with Council's Public Art Policy)

137. 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)

138. On-site Car Parking

The on-site car parking provision of 65 car parking spaces and 3 motorbike spaces are to be permanently available for the life of the development.

The car parking spaces shall be distributed as follows:

49 residential car spaces (of which 25 are adaptable car spaces)

5 residential visitor car spaces

10 commercial car spaces

1 retail car space

Plus 1 loading / delivery bay accessible from Crispe Lane as shown on the approved drawings

All spaces must be clearly and visibly marked on site for their intended use as parking for residents, visitors, disabled, office and retail or loading bay.

The basement levels comprising of retail, loading bay, visitors and residential car spaces must be accessible to residents, visitors and retail/business staff and clients at all times.

The basement level/level car parking comprising of residential car parking spaces must only be accessible to residents at all times.

(Reason: Ensure Compliance)

139. Stormwater Kerb Outlet

New stormwater connection outlets at the street kerb shall be made using 125mm wide x 75mm high x 4mm thick hot dip galvanised Rectangular Hollow Section (RHS). Where there are multiple outlets required, a minimum distance of 100mm shall separate these outlets. A grated drainage pit (min. 600mm x 600mm) shall be provided within and adjacent to the property boundary prior to discharging to the Council's drainage system.

(Reason: Protection of public asset)

140. 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)

141. Vehicle Access

Servicing of the site by vehicles is to occur in the basement parking area, with the maximum size vehicle to service the site is to be as per the Vehicle Management Plan prepared for the site, with the vehicle to be at least an SRV as per AS 2890.2. Waste collected by Council vehicles may be collected from ground level in Crispe Lane.

(Reason: Management of vehicles)

142. 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)

143. 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)

144. 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)

145. Waste Management Plan (WMP) Implementation

The approved WMP is to be implemented throughout the ongoing use of the development.

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

146. Waste Management Collection Policy

The development must operate in full compliance with Council's Waste Management collection requirements

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

147. On-Site Collection Point

The nominated on-site collection point is to be utilised to facilitate the collection of waste and recycling bins for the development. The on-site collection point is to be kept clear of obstructions at all times so not to restrict the collection of waste and recycling bins.

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

148. Licensed Waste Collection

All businesses must have written evidence on site of a valid and current contract with a licenced waste collector for waste and recycling collection disposal.

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

149. Management

Contracts (or agreements) with cleaners, building managers and tenants must clearly outline the waste management and collection system and must clearly

identify everyone's role and responsibility. This is to include:

- (a) Responsibility for cleaning and maintaining waste storage bins and containers.
- (b) Responsibility for cleaning and maintaining waste storage room.
- (c) Responsibility for the transfer of bins to the nominated collection point.
- (d) Method of communication to new tenants and residents concerning the developments waste management system.
- (e) Cleaning up and management of bulky waste.
- (f) Responsibility for maintaining the compost bin or worm farm.

Where the development incorporates strata title subdivision, the by-laws are to clearly set out the management responsibilities for the developments waste and recycling system.

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

150. Waste Storage Containers

No waste storage containers are to be located or placed outside the approved waste storage area at any time except for collection purposes.

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

151. Signage

Adequate signage is to be provided and maintained on how to use the waste management system and what materials are acceptable for recycling within all waste storage areas of the development. Signage is also to be provided and maintained which clearly identifies which bins (and containers) are to be used for general waste and recycling and what materials can be placed in each bin.

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

152. Waste Chute Contingency

Where the waste management system incorporates the use of a waste chute system, a contingency plan should be in place for the development to allow for the continual disposal and collection of waste if the chute cannot be operated.

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

PRESCRIBED CONDITIONS

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

153. 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

154. 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)

155. 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)

156. 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)